

Approved: Mar. 3, 1999  
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon on February 22, 1999 in Room 521-S of the Capitol.

All House Committee members were present.

Committee staff present: Mary Galligan - Research, Dennis Hodgins - Research, Theresa Kiernan  
Secretary June Constable

Others attending: See Guest List, attached to these Minutes.

Silent roll for the House Committee was taken by the Secretary.

Chair Lisa Benlon opened the hearings:

**HB 2411.**

Proponent Rep. Henry Helgerson appeared before the committee and passed out written testimony, (Attachment #1). Questions were asked by the committee.

Secretary of State's office appeared by Brad Bryant. He advised that the Secretary was basically in favor of the bill, with the exception that Kansas should go slow in implementing the bill and observe other states as this concept unfolds in other areas.

There being no further questions from the legislators, and no further testimony, Chair Lisa Benlon Closed the hearing.

**HB 2227**

Proponent Jody Boeting addressed the committee and provided written testimony. (Attachment #2). Questions followed from the legislators.

Proponent Ellen Piekalkiewicz testified. No written testimony was provided. Proponent expressed reasons why the Community Mental Health Center was in favor of the bill. .

There being no further questions from the legislators, and no further testimony, Chair Lisa Benlon Closed the hearing.

**HB 2429**

Proponent Rep. Gerry Ray spoke to the committee. Written testimony, in the form of a copy of bill with balloon corrections were provided to the committee. (Attachment #3).

Proponent Commissioner George Gross testified and provided written testimony (Attachment #4).

Proponent Eugene Troeler, representing the Overland Park Chamber of Commerce submitted written testimony (Attachment #5). Questions followed from the committee.

Proponent Ed DeSoignie, Johnson County Visionary Committee testified and provided written testimony. (Attachment #6). There were no questions.

Proponent Dana Fenton, Johnson County, spoke and provided written testimony (Attachment #7).

Questions were asked by Rep. Power, Rep. Storm and Rep. O'Connor.

There being no further questions from the legislators, and no further testimony, Chair Lisa Benlon Closed the hearing.

**HB 2080**

Proponent Rocky Nichols testified with written testimony provided (Attachment #8)

Representatives asked questions. There being no further questions from the legislators, and no further testimony, Chair Lisa Benlon Closed the hearing

Minutes for February 10 and February 15 were passed out to the committee to be approved. Rep. Horst moved that the Minutes be approved as written. Rep. O'Connor seconded. The motion carried.

Chair Benlon announced that several bills were before the committee to be worked.

**HB 2080** was worked. Discussion was held and Rep. Welshimer moved that the bill be amended to clarify posting requirements, pursuant to the revisor's recommendations and as discussed during this meeting. The bill should be passed out of the committee favorably with those amendments. Rep. Storm seconded. The bill shall be carried by Rep. Nichols.

**HB 2227** was worked. Discussion was held. Rep. Huff moved that the bill be revised pursuant to those

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENT ORGANIZATION AND ELECTION

discussions and the revisors recommendations. Rep. Jenkins seconded that motion. Motion carried. Rep. Huff moved that the bill be moved out of committee favorably. Rep. O'Connor seconded. Motion carried. Rep. Cox shall carry the bill to the House.

HB 2324 was worked. Discussion was held regarding allowing advance voting to be ceased after Saturday before the election. Rep. O'Connor moved that the bill pass out of committee favorably. Rep. Vining seconded the motion. Vote by show of hands was taken. Motion failed - yes 6, no 7.

HB 2325 was worked. Discussion was held regarding advance voting sites for certain sized cities. Rep. Johnston moved that the bill be allowed to pass out of committee favorably. Rep. Storm seconded. Motion Carried. Rep. Storm is to carry the bill.

HB 2328 was worked.. Discussion was held regarding interference of transferring voting applications to the election office, after voters filled out the applications. Rep. Johnston moved to table the bill. Rep. Jenkins seconded. A vote by show of hands showed Yes - 9, No -7. Motion carried to table the bill.

HB 2429 was worked regarding charter commissions. Discussion was held as to amendments for the bill. Rep. Powers moved that the committee amend the bill as discussed and as per Revisors recommendation, and as ballooned. Rep. Huff seconded. Motion carried.  
Rep. Powers moved that the Bill be moved out of committee favorably as amended. Rep. O'Connor seconded. Motion carried. The bill shall be carried by Rep. Gerry Ray.

HB 2411 was worked. Discussion was held regarding voting by mail, Internet and by means other than appearing in person at the voting polls. In light of the seriousness and ramifications of such a change in policy, the committee discussed an interim committee study. Rep. O'Connor moved that an interim study be suggested to leadership. Rep. Horst seconded. Further discussion was held. Motion carried.

There being no further business to come before the Chair, meeting was adjourned. The next meeting scheduled is March 3, 1999, at 3:30 in room 521-S



STATE OF KANSAS

HENRY M. HELGERSON, JR.  
REPRESENTATIVE, EIGHTY-SIXTH DISTRICT  
4009 HAMMOND DRIVE  
WICHITA, KANSAS 67213-1221  
WICHITA 316-683-7623  
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785-296-7691  
(WHEN IN SESSION)



TOPEKA  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
RANKING DEMOCRAT: EDUCATION  
MEMBER: ENVIRONMENT  
FINANCIAL INSTITUTION

February 22, 1999

Testimony for H.B. 2411:

Thank you Madam Chair and members of the committee. I would also like to thank Rep. Jim Morrison for his letter which will be passed out along with my testimony.

If enacted, H.B. 2411 would require that in all primary and general elections after Dec. 31, 2000, voters shall vote only by mail ballot, in person at the county election office, by advance vote, or by Internet ballot. The purpose of H.B. 2411 is to increase voter turn out in elections by making it easier and more convenient for people to vote, and to decrease the cost of elections. Currently it costs the state of Kansas a minimum of 1.5 million dollars to run an election. It requires 11,000 paid employees and volunteers to staff an election and it is difficult and costly to raise this large a staff.

The state of Oregon experienced a record-breaking voter turn out when it ran a Senate race with mail-in ballots. In a survey, 79 percent of voters said that voting by mail is more convenient than voting at a polling place. Only 17 percent of the people preferred voting in a booth and 28 percent of people had no preferences as to how they voted. This illustrates that the overwhelming majority of Oregon voters agree that voting by mail is more convenient than traditional methods. As for the cost, election officials estimate that the mail balloting saved the state one million dollars in the primary and general elections.

I am sure that one of your major concerns regarding this bill is safety. I would like to draw attention to H.B. 2156, passed by the Committee on Judiciary. This bill amended the Corporation Code to allow for proxy voting by means of electronic transmissions. This means that the technology to conduct votes via the Internet exists and that multimillion dollar corporations consider it safe enough to use in their businesses.

*Gov. Org + Elec  
Feb. 22 1999  
Attachment #1*

I understand that changing the voting process that has been used for more than a hundred years is a radical step, but this is what the future is. Technology is making our lives easier every day and we should try to advance the use of some of the procedures that Oregon had already embraced. If the committee is not ready to go so far, I would like to ask that you consider amending the bill so that Kansas can be at the forefront of improving election procedures. Perhaps the bill could direct the Secretary of State to design a plan to implement the procedures in years to come. Or, a pilot project could be designed where a county could volunteer to test mail and Internet voting during a general election. A more radical idea would be for Kansas to test the procedure by conducting a presidential primary ballot via the Internet.

Thank you for your time and consideration.



STATE OF KANSAS

**JIM MORRISON**

REPRESENTATIVE, 121ST DISTRICT  
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TOPEKA

HOUSE OF REPRESENTATIVES

COMMITTEE ASSIGNMENTS

**Chairman:**

JOINT COMMITTEE ON  
INFORMATION TECHNOLOGY

**Chairman:**

SELECT COMMITTEE ON  
INFORMATION MANAGEMENT

**Member:**

HEALTH & HUMAN SERVICES

**Member:**

EDUCATION

February 22, 1999

Hearing on HB 2411

Thank you for the opportunity to present my views regarding HB 2411 and the use of Internet balloting. At first most people will be alarmed that security and user authentication will be very problematic to do any voting via Internet. I wish to put any concerns of security and authenticating the user to rest.

Many of you may be surprised to learn that economic transactions via credit card on the Internet are more secure than the exact same transaction being completed via telephone or in person. If the transaction is completed in person the card number is know to someone other than yourself. The PIN number may not be know but is easily discovered by even a beginning hacker. If the transaction is completed by telephone the caller has no way of knowing that the called party has not written the number down for later use or sale.

Internet transactions, however, are fully encrypted from your computer to the destination computer and NEVER available "in the clear." As such they are more secure than in person or telephone or written transactions. Your PIN number may be requested and also remains encrypted and secret. New transaction systems utilizing Microsoft wallet and Netscape commerce server are being used by most companies doing business on the Internet.

One step beyond use of a PIN number is the use of a "passphrase." That is an encrypted phrase consisting of words, numbers and any characters that are know only to the person who creates them. The "passphrase" is used to generate a "public key" that may be used to authenticate that a message, file or communication is generated using YOUR passphrase. The phrase is NEVER made available to anyone. If you wish to have a joint phrase that both you and your spouse share then you and your spouse will generate a key. It would apply to you and your secretary or any other person or group of individuals.

In the case of something like a vote you will be required to use your unique public key as the passphrase is know ONLY to you and the vote is easily authenticated. This type of authentication is not new. It has been use for at least a decade or more for military and high secrecy operations. Now the technology is available to the general public and it is time for us to allow the Internet as a means of voting.

Thank you very much for your time and attention. I would be happy to answer any questions.

  
Jim Morrison

# The University of Michigan

## News and Information Services

### News Release

412 Maynard  
Ann Arbor, Michigan  
48109-1399

June 6, 1996 (3)

### Voting by mail receives high marks

**ANN ARBOR**---A University of Michigan study on voting by mail finds strong support among residents of Oregon, where voters elected Democrat Ron Wyden to the U.S. Senate last January in the nation's first congressional election conducted entirely by mail.

In a survey of nearly 1,500 Oregon citizens, 55 percent prefer the vote-by-mail system, 17 percent favor voting in a booth and 28 percent have no preference. In addition, 79 percent believe that voting by mail is more convenient than voting at a polling place, while another 17 percent say that casting ballots by mail is as equally convenient.



*Traugott*

"Our preliminary analysis shows that there is a substantial level of satisfaction with vote-by-mail procedures and that they do not raise concerns about undue influence or pressures to vote," says Michael Traugott, U-M professor of communication studies and program director at the U-M Center for Political Studies.

According to the study, 99 percent of respondents who reported voting said that they marked the ballot themselves and two-thirds said that they were alone when voting. Although more than 60 percent of those marking ballots when someone else was present said that they discussed their vote with another person, 98 percent of these voters said that they were not uncomfortable in doing so and felt no pressure to vote a certain way.

"While much was made in the pre-election media of the danger of 'ballot parties'---gatherings where people could bring their ballots and vote together---only three respondents indicated that they attended such a meeting, and 15 more said they had been asked to attend one but did not," Traugott says.

#### Other results include:

--Respondents who had postage stamps in their house when they were interviewed (85 percent) were more likely to favor voting by mail, be a registered voter and vote if registered than those who did not have stamps.

--About 15 percent of respondents who said that they voted dropped off their ballots at local election sites, rather than return them by mail (reasons included convenience, running out of time for mailing them in, saving postage and knowing that it arrived safely).

1-54

--About 10 percent of votes were cast the same day ballots were received and 49 percent were cast within the first week of receipt.

Additional results of the study will be presented in San Francisco at the August conference of the American Political Science Association, with final results to be released in October in Washington, D.C.

The study is being funded by the Pew Charitable Trusts, Ford Foundation, Northwest Area Foundation and Ralph L. Smith Foundation. Other research team members include Erik Austin, director of data archives at the U-M Inter-university Consortium for Political and Social Research; Steven Rosenstone, U-M professor of political science and principal investigator for the American National Election Studies; and Robert Mason, professor emeritus of statistics at Oregon State University.

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E-mail: [bernied@umich.edu](mailto:bernied@umich.edu)

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U-M News and Information Services | University of Michigan



**TESTIMONY ON HB 2227**  
**BEFORE THE HOUSE COMMITTEE**  
**ON GOVERNMENTAL ORGANIZATIONS AND ELECTIONS**

**FEBRUARY 22, 1999**

**Jody Boeding**  
**Assistant Counsel**  
**Unified Government of Wyandotte County/Kansas City, Kansas**

The Unified Government is seeking an amendment of state law as it relates to services for the developmentally disabled in Wyandotte County. Representative Ray Cox originally introduced HB 2227, amending K.S.A. 19-4002a. K.S.A. 19-4002a now pertains to Sedgwick County only; HB 2227 would apply 19-4002a to any county in the state.

After HB 2227 was introduced, we learned there was some opposition elsewhere in the state to this proposed legislation. As our original intent was only to seek legislation for Wyandotte County, we are certainly amenable to having the bill amended to only apply to Wyandotte County.

K.S.A. 19-4001 *et seq.* was the original statute governing facilities and services for the mentally retarded. It also governs mental health centers. In 1995, however, the Legislature adopted the Developmental Disabilities Reform Act, K.S.A. 39-1801 *et seq.* The latter statute, although revamping services to the developmentally disabled, refers to and incorporates the organizations created earlier by K.S.A. 19-4001 *et seq.* The DD Reform Act sets up a system of community developmental disabilities organizations (CDDOs) and community service providers (CSPs). In Wyandotte County both of those functions are currently being performed by Wyandotte Developmental Disabilities Services (WDDS).

In K.S.A. 19-4002a and 19-4002b, both Sedgwick and Johnson Counties currently have special legislation allowing the board of county commissioners to serve as the mental retardation governing board in lieu of appointing a governing board as provided by K.S.A. 19-4002. The Unified Government is requesting legislation similar to K.S.A. 19-4002a and 19-4002b for Wyandotte County that would permit the CDDO function under the DD Reform Act to be performed by a department of the Unified Government, similar to the organizational structure in Sedgwick County.

I'd like to give the Committee a very brief history behind the request. Wyandotte Developmental Disabilities Services (WDDS) is an entity whose legal status is not entirely clear. To the best of our knowledge, it has never been incorporated as a private not-for-profit corporation. It is not a County agency or department, although the County Commissioners appointed its Board of Directors and, prior to consolidation, there was a relationship between the former County government and WDDS. Shortly after consolidation, the Board of Directors of WDDS resigned, and the Unified Government was faced with the question of what to do with WDDS. In order to take the time to learn all the facts about the organization and to make a considered decision, the Board of Commissioners appointed itself as the WDDS Board of Directors on an interim basis.

Although the Unified Government Board of Commissioners is currently acting as the WDDS Board of Directors, it is being done purely as an interim measure. Based on a legal

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Attachment # 2  
2-1

analysis of the statutory scheme, it is my opinion that a change to the statute is necessary in order to authorize that action on a permanent basis. Because Sedgwick and Johnson Counties have separate statutes authorizing their boards of county commissioners to act as their mental retardation governing boards (K.S.A. 19-4002a and 4002b), by implication, no other county is so authorized.

At the time the Board of Commissioners took temporary control of WDDS, it appointed an Advisory Committee consisting of three Commissioners, WDDS staff members, UG staff members, representatives from the families of consumers of WDDS services, and one former Board member to study how to proceed so as not have a lapse of services to our developmentally disabled citizens. The Advisory Committee studied different models from around the state and determined the Sedgwick County model was the best method of providing services to our developmentally disabled population. The Division for the Mentally Retarded and Developmentally Disabled of the State Department of Social and Rehabilitative Services endorsed Wyandotte County's use of the Sedgwick County model. Contingent on the passage of appropriate legislation, the Unified Government Board of Commissioners plans to adopt an organizational structure in which the CDDO function is made a part of the Unified Government and the CSP function is spun off into a separate private entity. The theory behind splitting the two functions is to remove any actual or perceived conflicts of interest between the referral and oversight agency and the service providing agency.

Accordingly, we are here to ask the Committee's endorsement of HB 2227 in either its current form or in an amended form to apply only to Wyandotte County. We believe this bill will allow implementation of a structure which will lead to the best provision of services for the developmentally disabled residents of Wyandotte County.

Gov. Org & Elec  
Feb 22, 1997  
Attachment #3

HOUSE BILL No. 2429

By Committee on Governmental Organization and Elections

2-10

9 AN ACT concerning counties; relating to the establishment of a charter  
10 commission; relating to the preparation and submission of charters;  
11 amending K.S.A. 19-2681, 19-2682, 19-2684 and 19-2685 and repeal-  
12 ing the existing sections.

13  
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 19-2681 is hereby amended to read as follows: 19-  
16 2681. ~~In every~~ (a) *The board of county commissioners of any county which*  
17 *has been declared to be an urban area under the provisions of K.S.A. 19-*  
18 *2654, there shall be established and amendments thereto, may establish*  
19 *a charter commission for such county for the purpose of studying, pro-*  
20 *posing, drafting or amending a charter for the government of such county.*  
21 *The charter commission shall be established by resolution and shall be*  
22 *appointed in the manner and have the powers and duties as hereinafter*  
23 *provided.*

24 (b) *A new charter commission shall not be established until four years*  
25 *after the date of the establishment of a prior commission.*

26 Sec 2. K.S.A. 19-2682 is hereby amended to read as follows: 19-  
27 2682. ~~Members of the charter commissions established under the pro-~~  
28 ~~visions of this act shall be appointed in the following manner: One (1)~~  
29 ~~shall be appointed by each of the county commissioners of the county;~~  
30 ~~one (1) shall be chosen by the central committee of each of the two (2)~~  
31 ~~political parties casting the highest number of votes for nominees for the~~  
32 ~~office of secretary of state at the last preceding primary election; one (1)~~  
33 ~~shall be appointed by the council of mayors of the incorporated cities~~  
34 ~~located in the county; and one (1) shall be appointed by each member of~~  
35 ~~the legislative delegation from such county~~ (a) *A charter commission es-*  
36 *tablished pursuant to K.S.A. 19-2681, and amendments thereto, shall con-*  
37 *sist of 25 members and shall be appointed as follows:*

38 (1) ~~Three members shall be appointed by the members of the senate~~  
39 ~~of the state of Kansas who are residents of Johnson county; and~~

40 (B) ~~three members shall be appointed by the members of the house of~~  
41 ~~representatives of the state of Kansas who are residents of Johnson county;~~

42 (2) ~~two members shall be appointed by the executive committee of the~~  
43 ~~Johnson county republican central committee;~~

Each member appointed pursuant to this subsection (1) shall reside in a different senatorial district;

1 ~~(3)~~ ~~(4)~~ two members shall be appointed by the ~~executive committee of the~~  
2 Johnson county democratic central committee;

3 ~~(4)~~ ~~(5)~~ eight members shall be appointed by the board of county com-  
4 missioners. Of such members, one member shall be appointed from each  
5 county commissioner district and the remaining shall represent the county  
6 at large;

7 ~~(5)~~ ~~(6)~~ two members shall be appointed by the ~~Johnson county chamber~~  
8 of commerce;

presidents' council of Johnson county

9 ~~(6)~~ ~~(7)~~ three members shall be appointed by the Johnson county members  
10 of the Johnson and Wyandotte counties council of mayors. Such members  
11 shall be mayors of cities located in Johnson county, and

A mayor appointed pursuant to this subsection may  
appoint a designee to attend meetings of the commission

12 ~~(7)~~ ~~(8)~~ two members shall be appointed by the Johnson county planning  
13 commission. Such members shall be residents of the unincorporated area  
14 of Johnson county.

15 Such members shall be appointed within ~~thirty (30)~~ 21 days after the  
16 effective date of this act adoption of the resolution establishing such  
17 commission.

18 No elected governmental official person holding an elective state or  
19 county office shall serve on the charter commission. Any person who holds  
20 the office of precinct committeeman or precinct committeewoman or  
21 who holds any other elective office in any political party shall not be  
22 considered to be an elected governmental official for the purposes of this  
23 act.

24 (b) Any vacancy on the commission shall be filled by the appointing  
25 authority which made the original appointment.

26 Sec. 3. K.S.A. 19-2684 is hereby amended to read as follows: 19-  
27 2684. It shall be the duty of the charter commission to draft a proposed  
28 charter for the government of the county and to submit the same to the  
29 electors of the county for their approval or disapproval in the manner  
30 hereinafter provided. Within ~~thirty (30)~~ 30 days following its organization,  
31 and at any time thereafter that it shall deem the commission deems nec-  
32 essary, the commission shall hold a public hearing one or more public  
33 hearings for the purpose of receiving information and materials which  
34 will aid in the drafting of such charter. Within six ~~(6)~~ months after organ-  
35 ization, the commission shall submit a preliminary report to the board of  
36 county commissioners of the county, which shall include the text of the  
37 proposed charter. Sufficient copies of the report shall be made available  
38 for distribution to each voter who requests one members of the public.  
39 The charter commission shall hold at least one public hearing to obtain  
40 citizen views concerning the preliminary report. Within ~~eighteen (18)~~ 12  
41 months following its organization, the commission shall submit its final  
42 report to the board of county commissioners. The final report shall in-  
43 clude the full text and an explanation of the proposed charter, any com-

HOUSE BILL No. 2429

By Committee on Governmental Organization and Elections

2-10

9 AN ACT concerning counties; relating to the establishment of a charter  
10 commission; relating to the preparation and submission of charters;  
11 amending K.S.A. 19-2681, 19-2682, 19-2684 and 19-2685 and repeal-  
12 ing the existing sections.

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18 *2654, there shall be established and amendments thereto, may establish*  
19 *a charter commission for such county for the purpose of studying, pro-*  
20 *posing, drafting or amending a charter for the government of such county.*  
21 *The charter commission shall be established by resolution and shall be*  
22 *appointed in the manner and have the powers and duties as hereinafter*  
23 *provided.*

24 (b) *A new charter commission shall not be established until four years*  
25 *after the date of the establishment of a prior commission.*

26 Sec. 2. K.S.A. 19-2682 is hereby amended to read as follows: 19-  
27 2682. *Members of the charter commissions established under the pro-*  
28 *visions of this act shall be appointed in the following manner: One (1)*  
29 *shall be appointed by each of the county commissioners of the county;*  
30 *one (1) shall be chosen by the central committee of each of the two (2)*  
31 *political parties casting the highest number of votes for nominees for the*  
32 *office of secretary of state at the last preceding primary election; one (1)*  
33 *shall be appointed by the council of mayors of the incorporated cities*  
34 *located in the county; and one (1) shall be appointed by each member of*  
35 *the legislative delegation from such county (a) A charter commission es-*  
36 *tablished pursuant to K.S.A. 19-2681, and amendments thereto, shall con-*  
37 *sist of 25 members and shall be appointed as follows:*

38 (1) ~~(A)~~ *Three members shall be appointed by the members of the senate*  
39 *of the state of Kansas who are residents of Johnson county; and*

(B) ~~(2)~~ *three members shall be appointed by the members of the house of*  
*representatives of the state of Kansas who are residents of Johnson county;*

42 (2) ~~(B)~~ *two members shall be appointed by the executive committee of the*  
43 *Johnson county republican central committee;*

Each member appointed pursuant to this subsection (1) shall reside in a different senatorial district;





FEBRUARY 22, 1999  
HOUSE GOVERNMENTAL ORGANIZATION & ELECTIONS COMMITTEE  
HEARING ON HOUSE BILL 2429

TESTIMONY OF GEORGE GROSS, CHAIRMAN  
JOHNSON COUNTY BOARD OF COMMISSIONERS

Madame Chair, members of the Committee, my name is George Gross. I am the 1999 Chairman of the Johnson County Board of Commissioners. I am here today to testify in support of House Bill 2429, which would reauthorize the formation of a charter commission and revise its size and composition.

This bill, if passed, would enable a charter commission to be established to examine the structure of the Johnson County Government and make recommendations for improvements. Since the last charter commission submitted its report in 1976, an independent group of citizens has not reviewed the structure of the county government. We believe it is now time for another look at the structure of the County Government.

An independent charter commission would be able to examine those areas that the Board cannot by law look at and those areas we should have examined by an independent group. These areas include the number of County Commissioners, the appropriateness of having the voters elect some at-large commissioners and the issue of whether the voters should elect the Chairman for a four-year term. Currently, the commissioners on a one-year basis rotate the chairmanship.

These and other issues were not raised by the County Commissioners. Instead they were raised by a group of citizens formed to examine the direction Johnson County should proceed in the next century. This group, the Citizens' Visioning Committee, recommended a charter commission be reauthorized by the legislature to look at these issues. Mr. Ed DeSoignee of the Citizens' Visioning Committee is here today to talk about this group and its recommendations with regard to a charter commission.

The membership of the charter commission would consist of 25 individuals appointed by our legislative delegation, the major political parties, chambers of commerce, council of mayors and the planning commission, as well as the county commission. Our legislative delegation and the county commission agreed upon this appointment authority. We believe the appointment authority is in keeping with the goal of seeking broad-based representation from all segments of our community.

*Gov. Org. & Elec.  
Feb 22, 1999  
Attachment #4  
4-1*



The charter commission would be required to issue a report outlining its recommendations. The recommendations would be put before the voters at a general election. The county commission prior to its placement on the ballot would not be able to change any of the charter commission's recommendations.

This bill is an important piece of legislation to Johnson County. Its enactment would allow the County to start the 21<sup>st</sup> Century on a fresh note.

After Mr. DeSoignee speaks, Dana Fenton, our Intergovernmental Relations Coordinator will provide testimony on the technical changes requested of the legislature.

Thank you for your time and I will stand for questions.



February 22, 1999

The Honorable Lisa Benlon  
Chairman, House Governmental Organization & Elections  
State House  
Topeka, Kansas 66612

Dear Chairman Benlon and Members of the Committee:

As chairman of the chamber's State/Federal Affairs Task Force, I am writing to express the chamber's strong support for HB 2429, which would allow Johnson County to form a charter commission for the purpose of assessing county government's structure and responsibilities.

Effective governance is critical to the long-term success of any county. For this reason, the chamber supported a charter commission many years ago and ultimately endorsed that commission's recommendations. At that time, significant county growth precipitated the need to reevaluate county government.

Johnson County continues to grow and emerge. More than 190,000 residents, 12,000 businesses, and 114,000 jobs have been added to our county since 1980. County government's structure and responsibilities must also evolve to meet these new dynamics. Accordingly, the chamber endorsed a 1998 citizen visioning committee's recommendation that a charter commission be established to ensure continued efficient and effective county leadership.

The chamber strongly believes it prudent and appropriate at this time for a charter commission to once again examine the future of the county, the role of county government in that future, and the structure that best serves those needs. We respectfully urge the House Governmental Organization & Elections Committee to recommend HB 2429 favorably for passage.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "G. Eugene Troehler". The signature is written in a cursive style.

G. Eugene Troehler  
Chairman, State/Federal Affairs Task Force

*Gov. Org & Elec.  
Feb. 22, 1999  
Attachment # 5*

**TESTIMONY OF EDWARD DESOIGNIE,  
JOHNSON COUNTY VISIONING COMMITTEE  
BEFORE THE HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE  
February 22, 1999**

Madame Chairman, members of the Committee, thank you for the opportunity to appear before you this afternoon to testify in support of House Bill 2429.

My name is Edward DeSoignie. I am a resident of Olathe, Kansas and serve on the Johnson County Citizens Visioning Committee. House Bill 2429 was drafted in response to recommendations developed by the Citizens' Visioning Committee and presented to the Board of County Commissioners of Johnson County.

The Johnson County Citizen's Visioning Committee was appointed in January of 1996 by the county commission to develop a 20-year vision for Johnson County and recommendations for the future role of county government. The Visioning Committee is comprised of 23 members, representing a broad range of constituent groups and geographic areas of the county. A listing of the members is attached to my testimony.

The Visioning Committee met on a biweekly basis from January of 1996 through mid-July of 1997. (The Committee continues to meet periodically to monitor the progress of its recommendations.) The process progressed through three phases:

**Exploration.** In this first phase the Committee learned the history of the county, the current role and functions of county government and prioritized key issues.

**Analysis.** In this phase the Committee invited panels of experts with different perspectives on issues to present information and engage in dialogue. An "issue analysis model" was used to ensure uniformity in the approach to each issue. Preliminary recommendations on each issue were developed in this phase.

**Synthesis.** In this final phase, the Committee conducted a citizen survey of over 1,000 households on the preliminary recommendations as well as on the overall vision for the county and its government. Two community forums were held to maximize citizen input. Finally the Committee spent several months synthesizing the work of all three phases into a final report.

Speaking to the issue before you today namely, statutory authority to appoint a charter commission to study and recommend possible changes to Johnson County's governmental structure, the Visioning Committee asks for your favorable of the enabling

*Gov. Org. & Etc.  
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TESTIMONY OF EDWARD DESOIGNIE  
HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE  
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legislation. In its report to the County Commission, the Committee stated its guiding principles to be, "The county must continue to evaluate the form of its government to assure that its governance provides the leadership necessary to achieve its vision, both within the county and throughout the region." The Committee's recommended action was to, "Restructure the BOCC to enhance the opportunities for county leadership that will be necessary to achieve this vision for the future. Among changes that must be considered are the at-large selection of at least one county commissioner; selection of the chairperson (possibly by direct election of the voters) who will serve a full term as chair; and the abandonment of the annual rotation of the chair among the members of the BOCC."

In closing, I would compliment County Chairman George Gross and the members of the Board of County Commissioners for their commitment to the Visioning Committee's recommendations. They have undertaken to follow up on and implement the recommendations to the best of their ability. I ask for your favorable consideration of the legislation to authorize a charter commission. Thank you for this opportunity to address this important issue with you. I am available to answer questions you may have.

Dwight Arn  
*Fourth District*

Chuck Battey  
*First District*

Clay Blair  
*Commercial Development*

Pete Bunn  
*Homes Associations*

Steve Byram  
*Fifth District*

Dave Davis  
*Persons with Disabilities*

Ed DeSoignie  
*Heavy Constructors*

Katie Hoffman  
*Planning Commission*

Barbara Neufeld  
*Older Adults*

Dr. Marilyn Layman  
*Education*

Carl McCaffree  
*Arts and Humanities*

Ed Peterson  
*Council of Mayors*

Gail Redmond  
*Chambers of Commerce*

Gus Ramirez  
*Johnson County Community College*

Rod Richardson  
*Third District*

Paul Robben  
*Homebuilders Association*

Fred Schmidt  
*Second District*

Doug Smith  
*County Management Team*

Diane Stewart  
*Sierra Club*

Myrna Stringer  
*League of Women Voters*

Paul Styers  
*Taxpayers Association*

Joan Wendel  
*Northeast Development & Retention Council*

Karen Wulfkuhle  
*Social Services*



FEBRUARY 22, 1999  
HOUSE GOVERNMENTAL ORGANIZATION & ELECTIONS COMMITTEE  
HEARING ON HOUSE BILL 2429

TESTIMONY OF DANA FENTON *Dana Fenton*  
JOHNSON COUNTY INTERGOVERNMENTAL RELATIONS COORDINATOR

Madame Chair, members of the Committee, my name is Dana Fenton. I am the Intergovernmental Relations Coordinator for the Johnson County Board of Commissioners. I am here today to provide technical testimony in support of House Bill 2429.

The current law authorizing a charter commission for Johnson County was established in 1975. It was a one-time law in that a charter commission could only be established during a thirty-day window in July of 1975. Therefore, the first change we are seeking is to allow the reauthorization of a charter commission without returning to the legislature. A clause has also been added to restrict the number of charter commissions allowed within any four-year period to one.

The second change addresses the size and composition of a charter commission. As Commissioner Gross stated, the size and composition was agreed upon by the county delegation and Johnson County.

There are further amendments to the bill we request of the committee. The first pertains to Section 2, subsection (1) and subsection (2). The Delegation wanted in statute form that each of the six members appointed by the delegation would reside in separate senatorial districts.

Another change is in subsection (3) and subsection (4). The phrase "executive committee of the" should be omitted.

In subsection (6), the phrase should read "two members shall be appointed by the chamber of commerce presidents' council of Johnson county".

In subsection (7), we request the phrase "A mayor appointed pursuant to this subsection may appoint a designee to attend meetings of the commission" to be included.

In section 3, we are requesting the phrase "and any minority reports" to be added back into Section 3, lines 90 and 91.

The only change recommended for section 4 is to allow any questions pertaining to the number of commissioners and/or the method of their election to be bundled as one question and all other changes proposed would be bundled in other questions.

*G.O.E  
Feb 22, 1999  
Attachment #7*



What would not change is that this legislation would apply to one county: Johnson. The county commission may not change charter commission recommendations prior to placement on the general election ballot. Also, any changes have to be approved by a vote of the people at a general election.

Thank you for your time and I will stand for questions.

STATE OF KANSAS

**ROCKY NICHOLS**  
STATE REPRESENTATIVE  
58TH DISTRICT  
SHAWNEE COUNTY

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TOPEKA  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER APPROPRIATIONS COMMITTEE  
TAX, JUDICIAL AND TRANSPORTATION  
BUDGET COMMITTEE  
KANSAS FILM COMMISSION

OFFICE  
STATEHOUSE—284 WEST  
TOPEKA, KANSAS 66612-1504  
(785) 296-7651

February 22, 1999

Chairperson Berlon and members of the Committee:

I appreciate the opportunity to testify in support of HB 2080, and in light of this committee's workload I promise to be as brief as possible.

HB 2080 would simply extend the whistleblower act to employees of organizations that provide contracted government services.

As we continue to move services away from the appropriations process to the contract for services process, we as policy makers will become more frustrated with our lack of good, quality information. When you contract out a former government service, a buffer zone is created between legislators and those providing the service. Although there can be some positive aspects of creating that "buffer zone," it also makes it harder to pinpoint accountability and receive trustworthy information. A perfect example is foster care. Before legislators had absolute accountability on foster care problems, namely with the Secretary of SRS. Now, that is not the case. More importantly, I have had numerous employees of privatized foster care contractors contact me anonymously, because they feared retribution for talking about how children were being negatively impacted by the new system. Real or not, this fear was very real to them.

The bill allows employees to express concerns or raise issues for the public good about the privatized contract services their employer provides. It does NOT allow employees to lie. Currently law prohibits "whistleblowers" from fabricating evidence or telling lies. This bill sends the clear message to employees of privatized contractors that we want them to not fear retribution when they tell the truth and "blow the whistle" on problems with the services Kansans receive.

One final note, please do not misinterpret my introduction of this bill as being critical privatized contractors. That is not the purpose of this bill. HB 2080 simply attempts to open up the lines of communication so that as policy makers we can get information from those employees who know the issues and challenges first-hand, namely front-line staff.

My grandmother once gave me some very sound advice: "if you listen, you just might learn something." In a nutshell, that is all this bill seeks to do. It gives us as policy makers the ability to listen to questions raised by employees of privatized contractors, by giving them protection from retribution when they bring problems to light. And, most importantly, we just might learn something.

*Gov. Orq. Etc.  
Feb 22, 1999  
Attachment 8*

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Rocky Davis

Date:       June      1-19-99      

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| <input type="checkbox"/> Wichita Eagle                     | <input type="checkbox"/> | Hutchinson News        | <input type="checkbox"/> | Ottawa Herald          |
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| <input type="checkbox"/> Dodge City Daily Globe            | <input type="checkbox"/> | Kansas City Kansan     | <input type="checkbox"/> | Salina Journal         |
| <input type="checkbox"/> Emporia Gazette                   | <input type="checkbox"/> | Lawrence Journal World | <input type="checkbox"/> | Winfield Daily Courier |

# Bill would protect whistle blowers from contractors

Nichols expected to introduce legislation today.

By JIM McLEAN  
The Capital-Journal

**A** Topeka lawmaker is expected to introduce legislation today that would give employees of private contractors the same "whistle blower" protections enjoyed by state workers.

Rep. Rocky Nichols, D-Topeka, said he had the bill drafted after some employees of private foster-care contractors told him they were afraid to bring their concerns about the system to the attention of supervisors and legislators.

"I don't want it to seem like I'm bashing the contractors, but as we continue privatization it is going to become more and more important that we as policymakers get accurate information," Nichols said. "I believe that this legislation will help to restore a level of accountability, because it will allow front-line employees to contact legislators, policymakers or the media without fear."

The whistle-blower law already on the books says that no supervisor or appointing authority can prohibit any state employee from reporting potential violations of rules and regulations, or state and federal law. Nichols' bill would extend the same protections to the employees of organizations or companies that contract with the state to provide services.

However, because many of the cir-

cumstances that lead to a child being placed in foster care are required by law to be kept confidential, employees who divulge privileged information might not be afforded whistle-blower protections.

Gov. Bill Graves, during a chance encounter with reporters at the Statehouse late last week, indicated he could support Nichols' bill.

"Sounds great. The more information, the better," Graves said.

In the spring of 1997, the Kansas Department of Social and Rehabilitation Services turned management of the foster care system over to three not-for-profit organizations. Since, there have been persis-

tent questions about whether children in the state's care were being placed in appropriate settings and were receiving needed services in a timely fashion.

Melissa Ness, general counsel for the Kansas Children's Service League, the foster care provider for Topeka and the north-central Kansas, said her organization would welcome Nichols' bill.

"This is the kind of legislation that none of us should be afraid of because it is aimed at making the system better," Ness said.

To improve the issue's chances of getting a full hearing in the Legislature, Senate Minority Leader Anthony Hensley, D-Topeka, said he would introduce similar legislation in the Senate.

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