

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon at 3:35 p.m. on March 15, 2000 in Room 521-S of the Capitol.

All members were present except: Gwen Welshimer (E)

Committee staff present: Dennis Hodgins, Research  
Mary Galligan, Research  
Theresa Kiernan, Revisor  
Dee Woodson, Committee Secretary

Conferees appearing before the committee: Ramon Murguia, Legal Counsel to the Kansas City Area  
Transportation Authority

Others attending: See attached list.

**SB 642 -K.C. area transportation authority; commissioners; terms**

Chairperson Benlon opened the hearings on **SB 642**, and called Ramon Murguia, Legal Counsel for the Kansas City Area Transportation Authority, as a proponent. Mr. Murguia testified that the KCATA Board of Commissioners undertook a study of its governance structure, and one item brought to their attention repeatedly was the matter of term limits. He said that the commissioners agreed to seek a two term limit to address this issue and authorized the language of SB 642. Furthermore, he stated the KCATA is trying to make the terms of Missouri and Kansas commissioners identical in length, and legislation is pending in Missouri to institute the two term limits and to change the length of term of a Missouri commissioner to four years. Mr. Murguia also said that the Missouri legislation seeks to change the appointment process to a process similar to that of the Kansas commissioners, where local officials actually make the appointment of commissioners to the KCATA. (Attachment 1)

Mr. Murguia also read from the submitted written testimony from Murray L. Nolte, Chairman of KCATA, who was unable to attend today's hearing. Mr. Nolte stated in his written testimony that he believes it may be inappropriate to impose term limits on elective offices where voters already have that prerogative, appointive offices are a different matter, and they have limits on some boards in Johnson County with no adverse effects. (Attachment 2)

The Chair asked Mr. Murguia if the KCATA Commissioners would be open to a clause being added to **SB 642** to basically say the year that Missouri officially changes that Kansas will change then at the same time. Mr. Murguia responded that he did not believe there would be a problem with that suggestion. A Committee member asked him what they were presently doing and how the board was appointed. Mr. Murguia replied that there have been no term limits for either Missouri or Kansas, and he explained how the members from Kansas are appointed. He further stated that new people bring fresh ideas and they could move in the right direction for the Kansas City metropolitan area. He said there are some commissioners that have been on the board for 25 to 30 years. He explained that the Kansas side is made up of five commissioners, and that one is appointed by the Johnson County Commission, one by the Leavenworth County Commission, and three by the Unified Government of Wyandotte County. He said that Missouri has five members on the KCATA and they are also appointed positions. Mr. Murguia further stated the terms would be four year terms, and it would be limited by statute to two consecutive terms or eight years.

There were no opponents, and the Chair closed the hearings on **SB 642**.

Chairperson Benlon called for discussion and final action on **SB 642**. General discussion and questions followed regarding provisions for current members on the board and a suggested amendment for this legislation to become effective simultaneously with Missouri's implementation of this law. The Chair

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asked Mr. Murguia about the time frame for the current board members to vacate their positions. He said the members had agreed to step down upon the expiration of their terms, and if they have had eight years or more they would be vacating their appointed positions.

Representative Hayzlett made a motion to move the bill out favorably with the amendment of becoming effective at the same time Missouri's legislation is effective and concurrently applying it to the present board members. The motion was seconded by Representative Horst, and the motion carried.

The Chair directed the Committee's attention to **SB 515** for discussion and final action. Chairperson Benlon briefly reviewed the substance of this bill involving technical changes requested by the Secretary of State. Representative Storm made a motion to pass SB 515 out favorably and putting it on the Consent Calendar. The motion was seconded by Representative Hayzlett, and the motion carried.

The Chair called for discussion and final action on **SB 517**, and explained the legislation which had been requested by the Chief Clerk of the House with an amendment involving storage of legislative journals.

Representative Shriver made the motion to adopt the Chief Clerk's recommended draft of SB 517, and the motion was seconded by Representative Horst. Motion carried.

Representative O'Connor moved that the bill be passed out favorably as amended. The motion was seconded by Representative Gilbert, and the motion carried.

Chairperson Benlon called for discussion and final action on **SB 566** which concerned the change of classification of city to third class. Representative Shriver made a motion to pass this bill out favorably, and it was seconded by Representative O'Connor. Motion carried.

The Chair called for discussion and final action on **SB 462**, and reviewed with the Committee what this legislation covered involving campaign finance and limitations on contributions during legislative session. The Revisor passed out a balloon of this bill with the amendments which were offered, and she clarified the revisions that were discussed in an earlier committee meeting. She also clarified the difference between a political committee, candidate committee, and party committee. Representative Storm asked for a definition of what a party PAC was, and the Revisor offered a technical clarification with reference to the balloon. She recommended striking subsection (c) all together and gave the history of what this bill and the revisions covered.

General discussion and questions followed regarding: when solicitations would be condoned, calling from party offices during the legislative session, soliciting for charity or non-profit causes, and whether there are limits on how much a political party can donate to candidates.

Representative Johnston made a motion to adopt the balloon drafted by the Revisor, and Representative Storm seconded the motion. Vote was taken and division was asked for ending in a five to five tie, and the Chair voted in the affirmative to break the tie. Motion carried.

Representative Shriver made a motion that no legislator be allowed to solicit for any political party or PAC from January 1 to sine die. The motion was seconded by Representative Powers.

Representative Jenkins asked for a clarification on the definition of a party committee like the Republican women's get-together where lobbyists are solicited to bring pies to their fund raiser, and wanted to know if this activity would be legal under the new legislation. Carol Williams said this would be a political action committee and would be an illegal activity. Committee discussion continued with explanations and examples from Representative Shriver on his intent of his motion.

Representative Vining made a substitute motion to table this bill, and the motion was seconded by Representative Palmer. The Chair called for a vote and division was called with the result being five for and seven against. Motion failed.

Discussion continued by the Committee members regarding the possible penalties and criminal prosecution for breaking this law.

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Representative Jenkins made a substitute motion to approve this bill and move it out as amended. Representative Toplikar seconded the motion.

Discussion continued regarding the Governor's intent which was to stop fund raisers during the legislative session, and the concern of making the law too confusing and complicated. The Chair called for a vote on the substitute motion, and the motion failed.

Representative Johnston made a substitute motion to amend the bill so that legislators, candidates for membership to the legislature, state officers elected on a statewide basis, candidates for state officer elected on a statewide basis, and candidate committee of persons not be allowed to raise money for a political party committee or a party committee, and the state democratic and republican parties through January 1 through sine die. The motion was seconded by Representative Storm. Representative Storm then made a clarification that referring to lines 36 and 37 on the first page of the bill reflected what Representative Johnston wanted to be included in his substitute motion. Representative Johnston concurred and said he would leave it up to the Revisor to use the same language throughout the bill.

The Chair called for the vote on Representative Johnston's substitute motion, and it failed. The Chair referred the Committee back to Representative Shriver's original motion and called for a voice vote. Division was called. The vote was five in favor of the bill and seven opposed. The motion failed.

Representative Storm moved to adopt SB 462 as amended and drafted by the Revisor, and it was seconded by Representative Gilbert. The Chair called for a voice vote, and division was called. Seven voted in favor of the bill and five were opposed. The motion passed.

The minutes of the Governmental Organization and Elections Committee for February 16 were presented for additions and corrections. Representative Hayzlett made a motion to approve the minutes as written, seconded by Representative Horst, and the motion carried.

Chairman Benlon adjourned the meeting at 5:00 p.m.

House Governmental Organization  
and Elections  
Guest List

3-15-00

Your Name	Representing
RAMON MURGUIA	K.L. Area Trans. Authority
ED ROWE	LEAGUE OF WOMEN VOTERS/KS
Brad Bryant	Sec. of State
Anne Spiess	Peterson Public Affairs Group
Carol Williams	GOV Ethics Comm
Vera Gannaway	GOV Ethics Comm

RAMON MURGUIA

**Testimony before the Kansas House  
Committee on Governmental Organization and Elections  
March 15, 2000**

Madam Chair and distinguished Representatives.

My name is Ramon Murguia. I am a resident of Kansas City, Kansas and an attorney with a solo practice in Kansas City, Missouri. It is a pleasure for me to address this committee today regarding Senate Bill No. 642.

I provide legal counsel to the Kansas City Area Transportation Authority and I was asked by the KCATA to provide assistance with Senate Bill No. 642.

I will keep my remarks very short. I will comment on the background of the bill and introduce into the record remarks of the Chairman of the KCATA, who is in Washington, D.C. today.

At the behest of the City of Kansas City, Missouri, the KCATA Board of Commissioners undertook a study of its governance structure. As part of this review, comments from local elected officials and community leaders were obtained regarding the KCATA governance structure. One item was raised repeatedly and that is that there should be some limit on the number of terms served by the KCATA Commissioners. The Commissioners agreed to seek a two term limit to address this issue and authorized the language of Senate Bill 642. Furthermore, the KCATA is endeavoring to make other changes to its governance structure in Missouri, including making the terms of Missouri and Kansas commissioners identical in length. Legislation is pending in Missouri to institute the two term limits and to change the length of term of a Missouri commissioner to 4 years. In addition the Missouri legislation seeks to change the appointment process to a process similar to that of the Kansas Commissioners, where local officials actually make the appointment of commissioners to the KCATA.

Finally, I would like to introduce into the record the comments of Mr. Murray Nolte the Chairman of the KCATA Board of Commissioners. Mr. Murray Nolte from Leawood, Johnson County, Kansas could not be present today but asked that I submit his comments for the record.

Thank you. I would be happy to answer any questions you might have regarding this bill.

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**House Governmental  
Organization & Elections  
3-15-00  
Attachment 1**

TESTIMONY FOR THE KANSAS HOUSE  
Committee on Elections and Local Government  
Wednesday, March 15, 2000

Madam Chair and Members, thank you for allowing us to speak before you today. My name is Murray Nolte. I am serving my second term on the Kansas City Area Transportation Authority Board of Commissioners. I am honored to have been elected as Chairman of that Board this year. The KCATA is making a concerted drive to improve transportation opportunities to the citizens in its seven county jurisdiction, to expand cooperative efforts between the transportation entities within the area, to increase public awareness of the advantages of public transportation and to improve the structure of the organization itself to help meet those goals.

In our first step toward revamping the governance of the KCATA, we are answering concerns that lengthy tenures on the Board might mitigate against innovations and fresh ideas for service to our patrons. Having come on the Board just five years ago and having the honor of working with several Commissioners with many years of service, I believe they deserve a great deal of credit for persevering through extremely difficult times of low or no financing and other major problems. We all agree, however, that it is better to involve more people in the organization and thus attempt to avoid even a hint of closed minds or entrenchment. While it may be inappropriate to impose term limits on elective offices where voters already have that prerogative, appointive offices are a different matter and we have limits on some boards in Johnson County with no adverse effects.

We had intended to ask for legislation extending the length of terms to five years to match the commissioners on the Missouri side and to provide a limit of two terms. We found, however, that the Kansas Constitution precludes a term longer than four years and so we have dropped that part of the request. We are asking that you adopt an amendment to the original bill, setting a limit of two terms for those KCATA Commissioners from Kansas with parameters as stated. Missouri legislation will ask for the same limits along with several other conditions to bring their appointment procedures more in line with those in Kansas. Thank you for the opportunity to bring this before you and I know Mr. Murguia will answer any questions you may have.

Murray L. Nolte, Chair, KCATA  
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