

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:45 a.m. on Tuesday, February 16, 2005, in Room 231-N of the Capitol.

All members were present except:
Senator Anthony Hensley (E)

Committee staff present:
Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Dee Woodson, Committee Secretary

Conferees appearing before the committee:
Senator Chris Steineger
Don Moler, Executive Director, League of Kansas Municipalities
Major General Tod Bunting, Adjutant General of Kansas
Kathy Dameron, Prudential Insurance Company

Others attending:
See attached list.

Chairman Brungardt announced that in order to accommodate various schedules this morning, he would conduct the hearing on **SB 172** first and then have bill introductions before having the hearing on **SB 211**.

SB 172 - Legislature; reduction of number of members

Chairman Brungardt opened the hearing on **SB 172**. Senator Chris Steineger testified in support of the proposed bill to downsize the Kansas Legislature by about 25%; taking the Senate from 40 members down to 30, and the House of Representatives from 125 members down to 90. He said that he drafted the bill in order to reduce the overall size of the Legislature. Senator Steineger referred to a handout attached to his written testimony covering the sizes of 14 different state legislatures, including state population, total of Senators and Representatives in each state on the chart, and the Politician-Population Ratio. (Attachment 1)

Senator Steineger pointed out that Kansas is a small population state, but has a large number of counties, cities, unified school districts, etc. due to being founded in the early years of the populist movement, which wanted many, smaller, localized units of government. He said that the proposed bill saves money because of having 25% fewer legislators, the need for fewer Statute Books, state budgets, printed bills, copy paper, printed agency reports, office supplies, session worker payroll, computers, office equipment etc. He included an attachment of legislative costs, with a comparison between 2003 and 2004 Session costs which was developed by Jeff Russell, Director of Legislative Services. He explained that **SB 172** would not go into effect until 2012 which is after the 2010 Census.

Senator Steineger talked about the amount of paper and reports that comes to the Legislature or is generated within the legislative process, and the costs add up year after year. **SB 172** reduces the Legislature by 25% in overall costs, is non-partisan, and applies to everyone. He also advocated, even though **SB 172** is silent on this issue, that savings realized be allocated for an approximate 25% legislative pay raise and a Session Secretary for every legislator.

There being no questions from Committee members or other conferees to testify on **SB 172**, Senator Brungardt closed the hearing on **SB 172**.

Minutes for the meetings of February 1, 2, 3, 8, and 9 were presented for approval. Senator Reitz made a motion to approve the minutes as written, seconded by Senator Barnett, and the motion carried.

Chairman Brungardt called for bill introductions. Norm Jennings, on behalf of the Grape and Wine Advisory Council, Kansas Grape Growers & Winemakers Association, and the Smoky Hill Vineyards &

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:45 a.m. on Wednesday, February 16, 2005, in Room 231-N of the Capitol.

Winery, requested a bill be introduced that would: (1) increase the production limit from the current 50,000 gallons to match the Federal Small Producer level of 250,000 gallons; (2) increase number of outlets from two to five; and (3) contain provisions to allow for off-site sampling and wine sales.

Senator Vratil moved to have the bill introduced, seconded by Senator Barnett, and the motion carried.

Sherry Diel, Kansas Real Estate Commission, requested a cleanup bill concerning real estate brokers and salespersons; relating to licensure and fees, amending K.S.A. 2004 supp. 58-3039, 58-3062, 58-3077 and 58-30,113 and repealing the existing sections.

Senator Brownlee moved to have the bill introduced, seconded by Senator Barnett, and the motion carried.

John Campbell, General Counsel for the Kansas Insurance Department, requested the introduction of the Interstate Insurance Product Regulations Compact. He said the Compact is an agreement among member states to create a streamlined system of regulation for certain insurance products, and the system will allow insurers to quickly market new annuities, life insurance, disability income and long-term care insurance products.

Senator Ostmeyer made a motion to introduce the requested bill, seconded by Senator Reitz, and the motion carried.

Chairman Brungardt called upon Don Moler, League of Kansas Municipalities, to give a presentation on city and county consolidations, and the history of same within Kansas. The Chairman announced that the Committee had both a Senate bill and a House bill covering this subject, and those bills will be taken up after the turnaround.

Mr. Moler explained he was going to review a number of issues to bring into clear focus the consolidation issue in Kansas. He said that portions of today's presentation was taken from a presentation made by former League Executive Director, Chris McKenzie, in 1999, as well as a report of the Kansas Legislative Research Department dated April 28, 1998. (Attachment 2)

Mr. Moler stated that consolidation was an issue today because of pressure for efficiency in government, Kansas has the fourth highest number of local governments, and Kansas has had a consolidation in the Kansas City/Wyandotte County experience. He said there were currently 627 cities and 105 counties in Kansas, which is a huge number for a smaller state. He gave some historical background and defined what is a city and county. In Mr. Moler's detailed handout, he explained Kansas historical tradition of favoring cooperation and functional consolidation. Despite proliferation of governmental entities, there are literally dozens of statutory enactments authorizing intergovernmental cooperation on everything from airports (city-county) to zoning (joint subdivision regulations). Functional consolidation has occurred in a number of areas, including law enforcement (Riley County), building codes (Sedgwick County), ambulance services (Douglas County), health services (Shawnee County), planning (Topeka-Shawnee County), arterial road (Johnson County) etc.

Mr. Moler reviewed the Wyandotte County experience, and talked about lessons for other areas of the state. He stated that Kansans are very passionate about their small governments, but each city and county will have to decide whether the value of efficiency over accessibility and effectiveness will lead to city-county consolidation. He talked extensively about the 1996, SB 464, codified at K.S.A. 12-340 et seq., relating to consolidation law, the consolidation plan, and the Kansas Supreme Court decision. He explained the Consolidation Study Report (the "Plan") dated January 13, 1997, which was prepared and adopted by the Consolidation Study Commission, appointed by the Governor. Mr. Moler thoroughly reviewed the consolidation plan and what it provided for in the new consolidated form of government, to be known as the United Government of Wyandotte county/Kansas City, Kansas.

Mr. Moler did not go over the legislation currently before the Kansas Legislature due to time restraints. Chairman Brungardt expressed the Committee's appreciation for his informative presentation.

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MINUTES OF THE Senate Federal and State Affairs Committee at 10:45 a.m. on Wednesday, February 16, 2005, in Room 231-N of the Capitol.

SB 211 - Life insurance coverage for certain national guard members

Chairman Brungardt opened the hearing on **SB 211**. Major General Tod Bunting, Adjutant General of Kansas, testified in support of the proposed bill which recognizes guardsmen lost in combat, and provides financial assistance in the form of life insurance to their dependents. (Attachment 3)

General Bunting offered several alternatives to consider for **SB 211**: (1) Purchasing private or commercial life insurance for the soldiers or airmen is not a viable option since many if not all private insurers exclude combat fatalities from eligibility to receive insurance proceeds; (2) Guardsmen have the opportunity to purchase Servicemember's Group Life Insurance (SGLI) in \$50,000 increments up to a maximum of \$250,000 for a premium of \$16.25 per month. If the National Guard provided each member while deployed this coverage in the form of a reimbursement of premiums, the cost based on last year's deployment history would be \$390,000 (2,000 soldier X 12 month deployment X \$16.25 monthly premium) and involves 2,000 transactions. Additionally, this would require one full time employee to process payments at \$50,000 per year; and (3) An attractive alternative may be to provide the dependents of a combat fatality resulting in the award of the purple heart a death benefit of \$250,000 from state funds. In other words, self insure. Using the Purple Heart criteria provides the definition for a combat death.

General Bunting stated that the Guard believes the third alternative would be the most viable funding option. He requested that the effective date of the proposed legislation be amended to provide this benefit to the dependents of the state's recently fallen National Guardsmen: SFC Wisdom and SGT Clary.

Kathy Damron, on behalf of Prudential Life Insurance, spoke in favor of **SB 211**, and ask that it be amended to establish a reimbursement program for benefits paid under the federally subsidized SGLI program. She stated that the requested amendment is very close to what General Bunting was describing. She said similar legislation was recently enacted in the State of New Mexico, and is under consideration in other states such as Connecticut and North Carolina. Ms. Damron included with her written testimony a copy of the New Mexico bill which has been signed into law, along with a press clipping describing the bill in detail. She explained that the bill takes an appropriation from the state to reimburse life insurance premiums paid by members of the National Guard. Another feature is to provide for the guaranteed death benefit. (Attachment 4)

Chairman Brungardt inquired if the figures Prudential showed were similar in amounts, and Ms. Damron responded that they were identical. Senator Brownlee asked how much life insurance coverage our servicemen and women have at this time. General Bunting responded that the military members are not specifically provided any insurance, but they are eligible to purchase Servicemen's Group Life Insurance at a very competitive rate. There is a \$12,000 death gratuity that is paid for the military members. Senator Brownlee requested clarification regarding a fund that was proposed to be set up in the state to cover the premiums. Ms. Damron said that she had visited with Senator Derek Schmidt regarding his intent to mirror what was being done in New Mexico, which would be at a cost of \$390,000 per year.

Senator Barnett asked what date would need to be considered making the bill effective in order to include SFC Wisdom and SGT Clary. General Bunting responded the date would have to be November 8, 2004. Discussion continued regarding President Bush and U.S. Representative Moore's desire to increase life insurance for military personnel. Senator Reitz expressed his outrage that \$250,000 was a mere penitence as to what U.S. soldiers and their families were going through.

Chairman Brungardt closed the hearing on **SB 211**.

SB 110 - Kansas commission on veterans affairs, veterans memorials, donations, capital improvement projects, procedures, guidelines, fund

Chairman Brungardt called for discussion and final action on **SB 110**. He explained the bill which was sponsored by Senator Goodwin.

Senator Vratil moved to recommend the bill favorable for passage, and the motion was seconded by Senator Reitz. Discussion followed with the Revisor explaining there had been discussion during the hearing to possibly amend the language within **SB 110** to clarify wording regarding the advisory

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MINUTES OF THE Senate Federal and State Affairs Committee at 10:45 a.m. on Wednesday, February 16, 2005, in Room 231-N of the Capitol.

committee, and she had drafted an amendment to clarify the language. The new language would provide for one advisory committee that would be state-wide, and have at least one legislator representing each area where a memorial may be located on the committee. The amendment would clarify the original intent of the proposed bill. (Attachment 5)

Senator Vratil withdrew his original motion to pass out favorably, and Senator Reitz withdrew his second.

Senator Barnett made a motion to adopt the Revisor's amendment, seconded by Senator Vratil, and the motion carried.

Senator Vratil moved to pass SB 110 out favorably as amended, seconded by Senator Reitz, and the motion carried.

SB 68 - Elections; establishing requirements for daily reporting of campaign contributions

Chairman Brungardt called for discussion and final action on **SB 68**. He reviewed the bill and said there was a balloon amendment requested by the Governmental Ethics Commission. He asked Carol Williams to explain the requested changes in the balloon amendment. Ms. Williams referred to line 18, following the word "made" the phrase "or contracted to be made" should be added. She said this would assure reporting by a committee that has not actually paid a vendor for services that have been rendered or contracted for. On lines 22 and 27, after the word "expenditure" add the phrase "as well as the name of the candidate the independent expenditure expressly advocates the election or defeat of" be added. Ms. Williams said for this new disclosure to have meaning, the candidate who is identified in the independent expenditure must be disclosed. Lines 30-31 should be replaced with the following "Reports required by this section shall be filed by hand delivery, express delivery service, facsimile transmission, or any electronic method authorized by the Commission." (Attachment 6)

Senator Vratil asked for a grammatical correction so there would not be a hanging preposition at the end of a sentence. He proposed in line 23, to change the language to read: "as well as the name of the candidate *for whom* the independent expressly advocates the election or defeat." Chairman Brungardt asked the Revisor to go through the proposed balloon amendment and clean it up before the Committee considers it for adoption.

Senator O'Connor asked that two other items be considered. The first being on line 21, "a state or local officer is to be elected and ending upon the day of such election." She suggested it should say "before such election" because on the day of the election most voters are not interested any more. She stated that this was discussed in another committee and thought it should be consistent.

Senator O'Connor pointed out in line 28, it says "shall be made on or before the close of the next business day," and thought it should be "within 48 hours." She said this would make the two bills consistent.

Following discussion on the two suggested changes, Chairman Brungardt called for the Committee's consensus whether to include the requested changes for consistency.

Senator Vratil moved to include the two suggested changes in the revised balloon amendment for SB 68, seconded by Senator Reitz, and the motion carried.

Senator Brownlee questioned line 18, the requested new language "or contracted to be made." Carol Williams clarified the new language and that it was consistent with the campaign bills.

Senator Brownlee inquired in regard to line 19, that the amount stated of "in excess of \$50" was too low, and should be raised to \$300 in order to be consistent with the other campaign bill.

Following brief discussion, the Committee agreed that the amount should be consistent with the other campaign bill.

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MINUTES OF THE Senate Federal and State Affairs Committee at 10:45 a.m. on Wednesday, February 16, 2005, in Room 231-N of the Capitol.

Senator Brownlee moved to amend the amount from \$50 to \$300, seconded by Senator Reitz, and the motion carried.

Chairman Brungardt stated that after all the requested changes had been made to the balloon amendment, the Committee would be presented with a clean version of the balloon amendment for consideration and possible vote.

Chairman Brungardt reminded the Committee members that Thursday's meeting, February 17, would be held in Room 241-N in order to accommodate a large attendance.

The meeting was adjourned at 11:35 a.m. The next meeting is scheduled for February 17, 2005.

SENATE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE Wednes, Feb. 16, 2005

| | |
|--------------------------|-------------------------------|
| Mayor James A. McClinton | City of Topeka |
| Donna Free | City of Topeka |
| Don Moler | LKM |
| Norm Jennings | KCCWA |
| Janna Dunbar | Commerce |
| Carole Jordan | Agriculture |
| Jeff Bottomley | American Investors Life Ins |
| David Thurbon | Topeka Planning Director |
| Rita Hamman | Sen Steineger's Sec. |
| ALYN O LOCKNER | MYSELF |
| Amy A. Campbell | KS Assoc. of Bev. Retailers |
| John Campbell | ITID |
| Jenny Davis | Conlee Consulting |
| Dawn Klepper | KC STAR |
| Michael George | SNCO |
| Jerry Diehl | KS Real Estate Comm |
| Chris Fretscher | DOB |
| BRYAN CASKEY | SEC. OF STATE |
| Dallas Bauer | Topeka Citizen |
| Pat Weeks | Waukegan Co. Ins., KETA, KCOA |
| Nancy Weeks | Waukegan Co. Ins., KETA, KCOA |
| Michael White | KCOA |
| Danielle Noe | Johnson County Government |
| COLR) Mark R. Douse | NGAKS |
| Kath Mars | City of Topeka |

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TOPEKA

SENATE CHAMBER

MEMBER: WAYS & MEANS
 EDUCATION
 FINANCIAL INSTITUTIONS AND
 INSURANCE
 ARTS AND CULTURAL RESOURCES
 LEGISLATIVE POST AUDIT
 INFORMATION AND TECHNOLOGY
 RULES AND REGULATIONS

Senate Bill No. 172

1. SB 172 downsizes Kansas Government at the point where most big government and big tax ideas come from: The Legislature.
2. Kansas is a small population state; we need a smaller sized Legislature to match. Other western oriented, small population states, such as Colorado, Nebraska, Idaho, Arizona, Oregon, and Wyoming, have smaller Legislatures.
3. Kansas was founded in the early years of the Populist movement, which wanted many, smaller, localized units of government. That's why we have a large number of counties, cities, unified school districts, etc. and a large Legislature to match.
4. SB 172 accomplishes this goal in the least painful manner, by waiting until after the 2010 redistricting goes into effect.
5. SB 172 saves money because with 25 percent fewer Legislators, we would need fewer statute books, state budgets, printed bills, copy paper, printed Agency reports, and office supplies.
6. Although SB 172 is silent on this issue, I would suggest that savings realized be allocated for an approximate 25 percent Legislative pay raise and a Session Secretary for every Legislator.

Senate Federal & State Affairs
 Committee

2-16-05

Attachment 1

By Senator Steineger

AN ACT pertaining to the legislature; relating to the size thereof; amending K.S.A. 4-101 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 4-101 is hereby amended to read as follows: 4-101. From and after January 14, 2013, the senate shall consist of ~~forty~~ 30 members, and the house of representatives of ~~one-hundred-and-twenty-five~~ 90 members.

Sec. 2. K.S.A. 4-101 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

03-12 Session Cost Comparisons

(For 12-May 8, 2004)

From Jeff Russell

| | 2004 Costs | 2003 Costs | Compari |
|---|--------------------|--------------------|----------------|
| Legislators & Employees Salary & Subsistence: | \$2,703,482 | \$2,686,256 | +172 |
| Veto Session: | 279,198 | 277,889 | +1309 |
| Printing - State Printer: | 592,340 | 520,425 | +71915 |
| Session Mileage: | 197,638 | 181,173 | +16465 |
| Postage: (February - June) | 143,566 | 83,455 | +60111 |
| Copier Machines: (Lease & usage incl ldrship during session) | 67,740 | 69,704 | -1964 |
| Telephone: | | | |
| Kans-an | 13,584 | 16,274 | -2690 |
| Telecommunications | 47,558 | 64,039 | -16481 |
| FX lines | 0 | 4,554 | -4554 |
| Intern Mileage: | 22,647 | 43,332 | -20685 |
| Page Payroll: | 6,102 | 5,925 | +177 |
| Page Buttons: | 732 | 711 | +21 |
| Water coolers: | 4,464 | 5,444 | -980 |
| Paging Service: | 561 | 688 | -127 |
| Ks. Register Fees: (Jan - June 2003; Jan -) | 35,210 | 24,060 | +11150 |
| Session copier rentals & usage: | 7,431 | 8,180 | -749 |
| Supplies from various vendors: | 28,440 | 34,648 | -6208 |
| Supplies from Xerox: | 24,140 | 28,506 | -4366 |
| Risograph (Duplicators): | 5,670 | 7,019 | -1349 |
| Computers & Software: | 173,331 | 125,924 | +47407 |
| Senate & House Voting Board Maintenance | 6,000 | 5,730 | +270 |
| Office Moves | 2,312 | 6,630 | -4318 |
| Interpretor Services | 0 | 282 | -282 |
| Office Furnishings (i.e., Herman Miller panels, furniture): | 7,275 | 1,675 | +5600 |
| Parking | 6,900 | 11,255 | -4355 |
| TOTAL COST | \$4,376,321 | \$4,213,778 | +162543 |

While legislators were actually paid for 89 days in 2004, their salary & subsistence days were decreased to coincide with session employees. (Legislators were actually paid for 78 days session, 11 days veto, and 116 (+1 expenses only) were paid for Sine Die.

From: Jeff Russell

2004 SESSION COSTS

(For January 12, 2004-May 8, 2004)

Legislators:

| | |
|---|-----------|
| Subsistence - TOTAL | \$908,160 |
| Regular Session - (58 @ \$86 x 165) \$823,020 | |
| Veto Session - (6 @ \$86 x 165) \$85,140 | |
| Per Diem - TOTAL | 831,128 |
| Regular Session - (58 @ \$78.75 x 165) \$753,638; | |
| Veto Session(6 @ \$78.75 x 164) \$77,490 | |

Employees:

| | |
|---|-----------|
| TOTAL: (Avg \$19,428/day) (64 days) | 1,243,392 |
| Regular Session (58 days) - \$1,126,824 | |
| Veto Session (6 days) - \$116,568 | |

Session Mileage:

| | |
|---|---------|
| 39,141 miles/155 members = 253x.36 = \$91.08/trip | |
| \$91.08 x 155 members = \$14,117 | |
| \$14,117 x 14 weeks (12 wks of session, 2 wks veto) | 197,638 |

Printing - State Printer:

| | |
|-----------------|---------|
| | 592,340 |
| Postage: | |
| February - June | 143,566 |

Copier Machines:

| | |
|---|--------|
| (Usage & Lease - 115, 120, 143, 170, 280, Clippers, 514, 528, 4th FI S) | 11,245 |
| (Leases & Usage for Revisor, Research & 511) | 50,398 |
| (Ldrship, Chief Clerk, Sec. of Senate Usage & Lease) | 6,097 |

Telephone:

| | |
|--------------------|--------|
| Kans-an | 13,584 |
| Telecommunications | 47,558 |

Intern Mileage:

| | |
|--|--------|
| | 22,647 |
|--|--------|

Page Payroll:

| | |
|--|-------|
| | 6,102 |
|--|-------|

Page Buttons: (2034 pages x .36)

| | |
|--|-----|
| | 732 |
|--|-----|

Parking:

| | |
|--|-------|
| | 6,900 |
|--|-------|

Water Coolers:

| | |
|--|-------|
| | 4,464 |
|--|-------|

Paging Service:

| | |
|--|-----|
| | 561 |
|--|-----|

Ks Register Fees: (Jan thru June)

| | |
|--|--------|
| | 35,210 |
|--|--------|

Session copier rentals:

| | |
|--|-------|
| | 7,431 |
|--|-------|

Duplicators:

| | |
|--|-------|
| | 5,670 |
|--|-------|

Office & computer supplies from various vendors

| | |
|--|--------|
| | 28,440 |
|--|--------|

Supplies from Xerox:

| | |
|--|--------|
| | 24,140 |
|--|--------|

Computers & Software

| | |
|--|---------|
| | 173,331 |
|--|---------|

Senate & House Voting Board Maintenance

| | |
|--|-------|
| | 6,000 |
|--|-------|

Office Moves

| | |
|--|-------|
| | 2,312 |
|--|-------|

Interpreting Services

| | |
|--|---|
| | 0 |
|--|---|

Office Furnishings

| | |
|--|------|
| | 7275 |
|--|------|

TOTAL COST

| | |
|--|--------------------|
| | \$4,376,321 |
|--|--------------------|

Per session day (64)

| | |
|--|-----------------|
| | \$68,380 |
|--|-----------------|

While legislators were actually paid for 89 days in 2004, their salary & subsistence days were decreased to coincide with session employees. The above daily cost reflects fully staffed days of session. (Legislators were actually paid for 78 days session, 11 days veto, and 116(+1 expenses only) were paid for Sine Die.)

Sizes of State Legislatures

February 2005

1-5

| State | State Population | Legislature Sen. + Rep = Total | Politician-Population Ratio |
|--------------|---------------------|-----------------------------------|--------------------------------|
| California | 35,484,453 | $80 + 40 = \mathbf{120}$ | 1:295,704 |
| Arizona | 5,580,811 | $30 + 60 = \mathbf{90}$ | 1:62,009 |
| Colorado | 4,550,688 | $35 + 65 = \mathbf{100}$ | 1:45,507 |
| Washington | 6,131,445 | $48 + 98 = \mathbf{146}$ | 1:41,996 |
| Oregon | 3,559,596 | $30 + 60 = \mathbf{90}$ | 1:39,551 |
| Nebraska | 1,739,291 | 49 | 1:35,496 |
| Missouri | 5,704,484 | $34 + 163 = \mathbf{163}$ | 1:28,957 |
| Oklahoma | 3,511,532 | $48 + 101 = \mathbf{149}$ | 1:23,567 |
| Iowa | 2,944,062 | $50 + 100 = \mathbf{150}$ | 1:19,627 |
| Kansas | 2,723,507 | $40 + 125 = \mathbf{165}$ | 1:16,506 |
| Idaho | 1,366,332 | $35 + 70 = \mathbf{105}$ | 1:13,013 |
| Montana | 917,621 | $50 + 99 = \mathbf{149}$ | 1:6,159 |
| Wyoming | 501,242 | $30 + 60 = \mathbf{90}$ | 1:5,569 |
| South Dakota | 764,309 | $35 + 70 = \mathbf{105}$ | 1:728 |



League of Kansas Municipalities

300 SW 8th Street
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
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TO: Senate Federal and State Affairs Committee
FROM: Don Moler, Executive Director
RE: City-County Consolidation in Kansas
DATE: February 16, 2005

I. Why Is Consolidation An Issue Today?

- A. Pressure for Efficiency in Government
- B. Kansas has 4th highest number local governments—we believe in government
- C. KC/Wyandotte County experience

II. Historical Perspective

A. What is a city? (627 in Kansas today)

- 1. Natural settlement of persons providing a safe haven for economic activity and family life; a community of persons with common interests and needs.
- 2. Created as a result of the will of the inhabitants.
- 3. A political and corporate subdivision of the state with the power to provide services, tax and protect the public health, safety and welfare.

B. What is a county? (105 in Kansas today)

- 1. A political and corporate subdivision of the state, carrying out certain mandated functions on behalf of the state (jails, courts, prop. Tax adm., public records, elections, etc.).
- 2. Created as a result of the will of the state, and each county's boundaries described in state law.
- 3. Also a local government entity with the power to control land use, plan and carry out public works, etc. particular importance to rural residents who otherwise have no local governments (other than townships, cemetery corporations, hospital districts, library districts, drainage districts, irrigation districts, etc.)
- 4. Counties represent the merging of two basic philosophies of government:
 - (a) local functions should be conceived and controlled locally; and
 - (b) that state functions will be performed best if their administration is delegated to the local level.

III. Kansas Historical Tradition Favoring Cooperation and Functional Consolidation

- A. Despite proliferation of governmental entities, there are literally dozens of statutory enactments authorizing intergovernmental cooperation on everything from airports (city-county) to zoning (joint subdivision regulations). Kansas shines in this area.

- B. Functional consolidation has occurred in a number of areas, including law enforcement (Riley County), building codes (Sedgwick County), ambulance services (Douglas County), health services (Shawnee County), planning (Topeka-Shawnee County), arterial roads (Johnson County), etc.

IV. National Experiences With City-County Consolidation

- A. Since 1805 there are records of 32 successful city-county consolidations. Vast majority of consolidations (72%) have occurred through popular vote, but some have been legislatively mandated (9, or 28%). The most commonly known legislatively mandated consolidations were Denver/Denver County (1904), Indianapolis/Marion County (1969).
- B. Since 1921, there have been 134 popular referenda on consolidation of cities and counties, and only 23 have been successful (17%), including the recent experience in Kansas City/Wyandotte County. It took until 1947 for the first to be approved in Baton Rouge/East Baton Rouge Parish, Louisiana. The vast majority have simply failed.

V. The Wyandotte County Experience

- A. Smallest county in Kansas. Area: 155.7 square miles—only 2.7 miles (1.7%) rural.
- B. 4 incorporated cities. Kansas City is largest city in state in land area (127.85 sq. miles). Kansas City comprises 82% of the geographic area of the County.
- C. In 1991, City annexed 17 square miles of unincorporated land in County, resulting in mergers of organizations and consolidation of functions. E.g., elimination of county sheriff's deputy patrol, county road and bridge repair program, and county zoning program. Joint city-county board of health eliminated and transferred to County (like Shawnee). City transferred all jail responsibilities to the County, and city took responsibility for solid waste planning, all remaining water districts and a county sewer district.
- D. Since the 1960s there were discussions of consolidation which did not bear fruit. In 1994, a Community Task Force on Consolidation was formed, which subsequently recommended merger of the city and county. There was some local opposition, but a bill was introduced in 1995 which provided for the merger, but no action occurred until 1996. Strong local opposition from the small cities and the county was emerging.

VI. Lessons for Other Areas of the State

- A. Pressure for consolidation typically builds only after long-standing voter dissatisfaction with the current state of affairs.
- B. The public must desire something better, more than they fear a loss of their "home-town" government.
- C. Economic challenges facing the community also provide fuel to the fire.
- D. It many times takes multiple efforts. National track record: **17%** success rate.
- E. Enabling legislation is needed. In all counties but Wyandotte, consolidation is prohibited by state law.

VII. Kansans and Their Government

- A. The passion Kansans have for small government close to the people is perhaps best understood by looking at our history. In 1910 University of Kansas History professor Carl Becker described the Kansas attitude toward government in his famous essay, "Kansas," as follows:

"...the people of Kansas turn naturally to the government because they have a very simple and practical idea of what the government is and what it is for. The government, in Kansas, is no abstract concept. It is nothing German, nothing metaphysical. In this frontier community no one has yet thought of the government as a power not ourselves that makes for evil. Kansans think of government, as they think of everything else, in terms of the concrete. And why, indeed, would they not? Within the memory of man there was no government in Kansas. They, Kansans, made the government themselves for their own purposes. The government is therefore simply certain men employed by themselves to do certain things; it is the sum of the energy, the good judgment, the resourcefulness of the individuals who originally created it, and who periodically renew it. The government is the individual writ large; in it every Kansan sees himself drawn to larger scale. The passion for controlling all things by law is thus not the turning of the hopeless and discouraged individual to some power other an higher than himself for protection; it is only the instinct to use effectively one of the many resources always at this command for achieving desired ends."

- B. There is abundant evidence that Kansans love government. Whether a passion for the value of efficiency over accessibility and effectiveness will lead to city-county consolidation in Kansas remains to be seen. Each city and county will need to decide this on their own.

About the League of Kansas Municipalities

Established by municipal officials in 1910, the League of Kansas Municipalities is a voluntary, nonpartisan federation of over 550 Kansas cities. It operates as a public agency and is defined by state statute as an instrumentality of its member cities. The Mission of the League of Kansas Municipalities (LKM) shall be to unify, strengthen, and advocate for the interests of Kansas Municipalities to advance the general welfare and promote the quality of life of the people who live within our cities. The League advises the Kansas legislature in the development of legislation affecting local governments and delivers a range of technical services to cities and counties. It is the publisher of the monthly magazine, the *Kansas Government Journal*, and numerous handbooks for local officials. LKM also provides training opportunities for local government officials throughout the year.

**Unified Government of
Wyandotte County/Kansas City, Kansas**

The 1996 Legislature enacted SB 464 which required the Governor to appoint a five-member Consolidation Study Commission for Kansas City, Kansas and Wyandotte County. The Commission was appointed, a study was made, and a consolidation plan was submitted to voters on April 1, 1997. Voters approved the consolidation plan and the Kansas Supreme Court upheld the constitutionality of most of the provisions of the 1996 law. Two relatively minor provisions of the law, however, were found to be unconstitutional and were severed by the court. The case represents the first time a Kansas appellate court has interpreted the "urban areas" provision in Article 2, Section 17 of the *Kansas Constitution*. The following is a brief discussion of the consolidation law, the consolidation plan, and the Kansas Supreme Court decision.

1996 City/County Consolidation Legislation

1996 SB 464, codified at K.S.A. 12-340 *et seq.*, provided that the Governor shall appoint a five-member Consolidation Study Commission for Kansas City, Kansas and Wyandotte County. The Governor was to appoint members which include persons with experience in accounting, business, management, municipal finance, law, education, political science, or public administration. No elected official or full-time paid employee of the cities of Bonner Springs, Edwardsville, Lake Quivira, or Kansas City, or Wyandotte County nor any person appointed to fill a vacancy in an elected office of those cities or county could serve on the Commission. No more than three members could be from the same political party. The Commission was to make a determination whether the election for the consolidated city-county shall be partisan or nonpartisan. The Governor also was to appoint an executive director of the Commission who shall receive compensation established by the Governor, within the limits of appropriations.

The Consolidation Study Commission was to prepare and adopt a plan addressing the consolidation of the City of Kansas City, Kansas, and Wyandotte County or certain offices, functions, services, and operations. The Commission was required to conduct studies, hold public hearings, and was given subpoena powers.

The Commission was required to prepare a preliminary plan on or before November 29, 1996, addressing the consolidation of the city and county and to hold at least one public hearing to obtain citizen views concerning the proposed plan. The Commission was required to submit its final plan to the Governor and Legislature on or before January 13, 1997. Unless the Legislature, by concurrent resolution adopted on or before February 12, 1997, rejected the plan, the plan was required to be submitted to the qualified electors of the county at the school district general election on April 1, 1997.

The law provides that if a plan was approved by voters providing for the consolidation of the city and county, Wyandotte County then was to be designated an urban area under Section 17 of Article 2 of the *Kansas Constitution*. See K.S.A. 12-345(b). The consolidated city-county was to be subject to the Kansas cash-basis and budget laws. The limitation on bonded indebtedness was to be set at 30 percent of the assessed value of all tangible taxable property within the county, but certain bonds were to be excluded in the computation of the total bonded indebtedness.

The territory of the consolidated city-county was to include all of the territory of the county, when acting as a county and all territory of the county, except the territory of the cities of Bonner

Spring, Edwardsville, and Lake Quivira, and the unincorporated area of the county when acting as a city. See K.S.A. 12-345(h). The "voting area" for purposes of Section 1 of Article 5 of the *Kansas Constitution* for the election of the governing body of the consolidated city-county was to include all the territory within Wyandotte County. The consolidated city-county is prohibited from annexing territory located outside the county. The governing body of a consolidated city-county may not initiate annexation of land but may annex land upon petition by owners of any land.

The consolidated city-county is designated a county with statutory home rule powers of counties when acting in that capacity and is eligible for the distribution of any state or federal government funds, governed by a body of county commissioners. See K.S.A. 12-345(l). In addition, the city-county is considered a city of the first class when transacting city business and is empowered to exercise constitutional home rule powers of cities. The governing body of the consolidated entity may create special service districts and levy taxes for services provided in these districts. Changes in the form of government are subject to initiative and referendum under K.S.A. 12-3013 *et seq.*, the city initiative law.

A 1991 annexation of the Piper area by Kansas City prompted certain mergers of organizations and consolidation of functions between Kansas City, Kansas, and Wyandotte County. The Sheriff's deputy patrol, the county road and bridge repair program, and the county zoning function were eliminated. The Joint City-County Board of Health was eliminated and all responsibilities and facilities were transferred to the county. The city transferred all jail responsibilities to the county, by interlocal agreement. Solid waste planning vested totally in the city by interlocal agreement for countywide purposes. The city acquired all remaining water districts in the county and the county sewer district was eliminated.

The Kansas City, Kansas/Wyandotte County Consolidation Plan

A Consolidation Study Report (the "Plan") dated January 13, 1997, was prepared and adopted by the Consolidation Study Commission, appointed by the Governor. This consolidation Plan was a result of over 35 public meetings, the development of a preliminary plan, several additional public meetings, and finally, the development of the report. The Plan was submitted to the Kansas Governor and Legislature on January 13, 1997. Neither the Governor nor the Kansas Legislature acted in any manner on the Plan. The Plan was submitted to voters of Wyandotte County (which included city residents) at the April 1, 1997 election and was approved by nearly 60 percent of the electorate.

The Plan provides for a new consolidated form of government, to be known as the Unified Government of Wyandotte County/Kansas City, Kansas. The existing governments of the city and county are replaced by a governing body composed of a mayor/chief executive and a 10 member unified board of commissioners. Eight Commission members are nominated and elected in eight newly created districts. Two countywide Commission members are nominated from two newly created districts comprised of the four northernmost and four southernmost districts; these Commission members then are elected at-large. The mayor/chief executive has veto power which can be overridden by a two-thirds majority of the unified board of commissioners.

The Plan provides for the appointment of a county administrator by the mayor/chief executive with the consent of the unified board of commissioners. The county administrator is directly responsible for the daily functions of the unified government. The Plan provides for the establishment of an ethics commission, the members to be appointed by the administrative judge of the district

court with consent of the sitting judges of the county and appointment of a legislative auditor also appointed by the district court sitting judges.

On August 4, 1997, the governing body of Kansas City, Kansas passed Charter Ordinance No. 114 repealing provisions of Charter Ordinance Nos. 84 and 90, inconsistent with the recommendations of the Commission and establishing procedures for passage of ordinances by the unified government. Charter Ordinance No. 114 was published August 17, 1997, and thus, was not effective until October 24, 1997, 61 days after the final publication thereof, pursuant to the City Home Rule Amendment in Article 12, §5 of the *Kansas Constitution*.

Under the Plan, the elected offices of county clerk, county treasurer, county surveyor, and the public administrator (an elected position unique to Wyandotte County, dealing with probate matters) became appointed positions. All functions performed by these officials will be retained in the newly appointed positions. The county administrator has established positions of unified clerk and unified treasurer in order to consolidate the duties and responsibilities of the prior county and city clerks and the prior county and city treasurers. The position of county surveyor has been designated as an administrative position to be appointed by the county administrator. The public administrator position and functions were to be transferred to the Judicial Branch under the plan, with the district court judges determining how such functions will be carried out.

The Plan provides that several offices be retained for countrywide elections: sheriff, district attorney, and the register of deeds. The district attorney position is retained as it presently exists. Elections for both the sheriff's position and the register of deeds position are to be nonpartisan and held during the regularly scheduled April election period; prior to consolidation, partisan elections were held for these positions during the regularly scheduled November election period. The terms of office of these two offices will continue to be four years; the terms of office of the present occupants were extended until the election period of April, 2001, pursuant to the Plan. The unified government has merged some city and county departments, including the parks departments, clerks departments, legal departments, and personnel departments, and merged functions of many other departments.

*Portions of this presentation were taken from a presentation made by former League Executive Director Chris McKenzie in 1999 as well as a report of the Kansas Legislative Research Department dated April 28, 1998.

Legislation Currently Before the Kansas Legislature

There are currently four pieces of legislation, of which I am aware, before the Kansas Legislature which deal in some fashion with consolidation. One, HB 2093, deals with mergers of adjoining counties and amends current statutory law. This bill does not deal with the issue before the Committee which involves city and county consolidation. There are three bills currently before the Kansas Legislature which do deal with city-county consolidation. They are: HB 2083; HB 2094; and HB 2111. HB 2094 and HB 2111 are gateway legislation for city-county consolidation. They are both modeled on the KCK/Wyandotte County example but unlike that piece of legislation would not require review of the Kansas legislature for individual consolidations in Kansas. Rather, those two pieces of legislation would allow the electors of cities and counties in Kansas to chart their own course as far as local consolidation without seeking the approval of the Kansas legislature.

The fourth bill, HB 2083, which is before this Committee, involves a specific city/county consolidation. This is the Topeka/Shawnee County consolidation plan and deals exclusively with those two entities. I would like to point out the major differences between the legislation involving Topeka/Shawnee County and the KCK/Wyandotte example. Essentially HB 2083 differs in two major regards that I can discern. The first prohibits the City of Topeka from using its unilateral annexation powers during the time that consolidation is being considered. This is a totally unique provision which is not found in the KCK/Wyandotte case, nor is it found in either HB 2094 or HB 2111.

The second major difference, and the most crucial, is the dual vote requirement. Unlike the KCK/Wyandotte example, or the threshold consolidation legislation found in HB 2094 and HB 2111, HB 2083 provides that a dual majority must vote in the affirmative before the consolidation can be approved. As I read HB 2083 it requires a positive vote of those electors voting within the City of Topeka as well as an affirmative vote from those people living in the unincorporated portions of Shawnee County. Much discussion has been made of this dual majority requirement, with some of it focusing on the Constitutionality of this approach. While we can debate whether or not a dual majority requirement should be allowed, there is U.S. Supreme Court case from 1977 which appears to stand for the proposition that a dual majority may be allowed where "voters in these constituent units are directly and differently affected by the restructuring of county government, which may make the provider of public services more remote and less subject to the voters individual influence, and these differing interests of city and noncity voters in the adoption of a new county charter are sufficient under the Equal Protection Clause to justify the classifications made under the law." *Town of Lockport, New York v. Citizens for Community Action at the Local Level, Inc.* 430 U.S. 259; 97 S.Ct. 1047; 51 L. Ed. 2d 313, 1977)

As a result of this court decision, it appears that dual majority requirement is not impermissible under the Equal Protection Clause. However, what this does mean is that the Committee is left to make a policy choice between requiring a majority of the county electors voting in the city to vote yes for the city but excluding those "city" county voters from participation with the "noncity" county voters in determining whether the merger and consolidation of the City of Topeka and Shawnee County should proceed. This is a significant threshold issue which cannot be understated. The other two pieces of legislation, which are not currently before this committee but which are before the legislature, HB 2094 and HB 2111, do not have the dual majority requirement in them. They are modeled directly on the KCK/Wyandotte County model which provided that all county residents get to vote in the county to determine whether or not the county would participate in a proposed city-county consolidation.

Senate Federal and State Affairs Committee
Testimony supporting Senate Bill 211
Major General Tod Bunting, The Adjutant General
February 16, 2005

Mr. Chairman, thank you for the opportunity to testify today on Senate bill 211.

We applaud the outstanding and continued support of the legislature for our over 7,000 National Guard men and women. Repeatedly they have been called on to serve our state and nation. Today we see large numbers of our personnel proudly serving throughout the world on extended periods of active duty.

Senate bill 211 shows the commitment of the legislature to recognize guardsmen lost in combat and provide financial assistance in the form of life insurance to their dependents. We thank you for this initiative.

There are several alternatives to consider for this bill.

1. Purchasing private or commercial life insurance for the soldiers or airmen is not a viable option since many if not all private insurers exclude combat fatalities from eligibility to receive insurance proceeds.

2. Our guardsmen have the opportunity to purchase Servicemember's Group Life Insurance (SGLI) in \$50,000 increments up to a maximum of \$250,000 for a premium of \$16.25 per month. If we provide each member while deployed this coverage in the form of a reimbursement of premiums, the cost based on last year's deployment history is \$390,000 (2,000 soldiers X 12 month deployment X \$16.25 monthly premium) and involves 2,000 transactions. Additionally, this would require 1 FTE to process payments @ \$50,000 per year

3. An attractive alternative may be to provide the dependents of a combat fatality resulting in the award of the Purple Heart a death benefit of \$250,000 from state funds. In other words, self insure. In the past 30 years this would have resulted in a total disbursement of \$500,000 and 2 transactions. Using the Purple Heart criteria provides the definition for a combat death. We believe this is the most viable funding option.

Finally, Mr. Chairman we request that the effective date of this legislation be amended to provide this benefit to the dependents of our recently fallen National Guardsmen, SFC Wisdom and SGT Clary.

Thank you again for the opportunity to testify and will stand for your questions.

Senate Federal & State Affairs
Committee
2-16-05
Attachment 3

February 16, 2005

RE: Proposed Language - Kansas SB 211

Prudential asks that Kansas SB 211, legislation providing life insurance coverage for members of the Kansas National Guard, be amended to establish a reimbursement program for benefits paid under the federally subsidized Servicemember's Group Life Insurance (SGLI) program. Similar legislation was recently enacted in the state of New Mexico and is under consideration in other states such as Connecticut and North Carolina.

The New Mexico program creates a fund to reimburse life insurance premiums paid by members of the National Guard. Currently all members of the National Guard are automatically enrolled in the SGLI which provides a maximum of \$250,000 in life insurance coverage. Servicemembers can decline the coverage or elect lesser amounts in increments of \$10,000. The cost is \$16.25 per month. Various bills are pending at a federal level increasing the \$250,000 coverage to \$400,000.

We at Prudential believe this program has merit. The proposal assists service members in providing financial assistance for needed life insurance coverage. It supports an ongoing federal program that has been established to assist members of the military, their families and beneficiaries and hence, is relatively easy to administer. Finally, the program allows the state to demonstrate support for our National Guard members without having to set up a burdensome and costly state run insurance program.

We ask that SB 211 be amended to establish a reimbursement program for benefits paid under the federal Servicemember's Group Life Insurance Program similar to that program enacted in the state of New Mexico.

Senate Federal & State Affairs

Committee

2-16-05

Attachment 4

George:

Per your request, I am reforwarding a copy of the statute that authorizes payment of SGLI premiums for New Mexico Guard and Reserve members.

Jeanne

-----Original Message-----

From: King, Jeanne VBAPHILINS

Sent: Thursday, February 03, 2005 5:31 PM

To: Poole, George VBAPHILINS

Subject: New Mexico Information

George:

The SGLI reimbursement for National Guard members was passed by the NM legislature and signed on Wed. by the governor (Bill Richardson). Enclosed is a copy of the bill, HB10:

2005 Bill Text NM H.B. 10

THE STATE OF NEW MEXICO
BILL TEXT

[<http://www.statenet.com/>](http://www.statenet.com/) <<...OLE_Obj...>> [<http://www.statenet.com/>](http://www.statenet.com/)

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2005 NM H.B. 10

NEW MEXICO 47TH LEGISLATURE - FIRST REGULAR SESSION

HOUSE BILL 10

HOUSE BILL 10
47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005
INTRODUCED BY
BEN LUJAN

BILL TRACKING REPORT: 2005 Bill Tracking NM H.B. 10

2005 Bill Text NM H.B. 10

4-2

VERSION: Introduced

VERSION-DATE: January 19, 2005

SYNOPSIS:

AN ACT

RELATING TO THE DEPARTMENT OF MILITARY AFFAIRS; CREATING A FUND TO REIMBURSE GROUP LIFE INSURANCE PREMIUMS PAID BY MEMBERS OF THE NATIONAL GUARD; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

TEXT: BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. LEGISLATIVE FINDINGS AND PURPOSE.--

A. The legislature finds that:

- (1) the New Mexico national guard has a proud tradition of military service with thousands of New Mexicans having answered the call of the nation and served in the national guard;
- (2) there have been instances in which the dependents of members of the New Mexico national guard have been left without adequate financial resources when a national guard member has been killed while on active duty;
- (3) members of the New Mexico national guard are now being asked to serve extended periods of active duty in combat areas;
- (4) members of the New Mexico national guard are eligible for life insurance policies with limits up to two hundred fifty thousand dollars (\$ 250,000) through the federal servicemembers' group life insurance program; and
- (5) members of the New Mexico national guard provide New Mexico and its citizens valuable benefits through their service inside this state and through their recently extended periods of active duty in combat areas outside of New Mexico, and in exchange for these extended periods of active duty they should receive assistance with their **premiums** for the federal servicemembers' group life insurance program.

B. The purpose of creating and funding the service members' life insurance **reimbursement** fund is to provide a benefit to members of the New Mexico national guard in exchange for and in recognition of their assumption of extended periods of active duty in combat areas, in addition to their increased contributions to the safety and welfare of the citizens of the state of New Mexico.

Section 2. SERVICE MEMBERS' LIFE INSURANCE **REIMBURSEMENT** FUND
CREATED--PURPOSE--APPROPRIATION.--

A. The "service members' life insurance **reimbursement** fund" is created in the state treasury. The fund shall consist of legislative appropriations to the fund; gifts, grants, donations and bequests to the fund; and income from investment of the fund. Expenditures from the fund shall be made on warrants drawn by the secretary of finance and administration signed by the adjutant general of the department of military affairs or the adjutant general's authorized representative.

4-3

B. The fund shall be administered by the department of military affairs, and money in the fund is appropriated to the department of military affairs for the purpose of reimbursing eligible members of the New Mexico national guard for **premiums** paid for benefits under the servicemembers' group life insurance program pursuant to 38 U.S.C Section 1965 et seq., as amended.

C. The department of military affairs shall adopt rules necessary to determine eligibility for **reimbursement** from the service members' life insurance **reimbursement** fund and to implement a **reimbursement** program.

D. Nothing in this section is intended to alter, amend or change the eligibility or applicability of the servicemembers' group life insurance program pursuant to 38 U.S.C. Section 1965 et seq., as amended, or any rights, responsibilities or benefits thereunder.

Section 3. APPROPRIATION.--One million dollars (\$ 1,000,000) is appropriated from the general fund to the service members' life insurance **reimbursement** fund for expenditure in fiscal years 2005 and 2006 to pay premium reimbursements pursuant to the provisions of this act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

Section 4. APPLICABILITY.--The provisions of this act apply to **premiums** paid on or after the effective date of this act.

Section 5. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

SPONSOR:

Lujan B

SUBJECT: LIFE INSURANCE (94%); GROUP LIFE INSURANCE (90%); ARMED FORCES (90%); APPROPRIATIONS (90%); LEGISLATORS (90%); LEGISLATION (89%);

LOAD-DATE: January 22, 2005

4-4

George:

Also reforwarding the press release regarding the New Mexico legislation, in case you need it.
Jeanne

-----Original Message-----

From: King, Jeanne VBAPHILINS

Sent: Thursday, February 03, 2005 5:37 PM

To: Poole, George VBAPHILINS

Subject: New Mexico Press Release on SGLI Premiums

George:

RE: New Mexico reimbursement for National Guard members' SGLI premiums

An article from a NM newspaper (see attachment below) regarding the legislation makes note that there is concern that the state courts may overturn this new legislation, due to an anti-donation clause in the NM state constitution, which bars the state from making donations to private individuals or entities (although their attorney general disagrees with this viewpoint).

Jeanne

February 2, 2005

Governor Signs Guard Benefits Bill

By Deborah Baker

The Associated Press

SANTA FE - New Mexico is the first state to underwrite the cost of \$250,000 in life insurance for its National Guard members under a measure Gov. Bill Richardson signed Wednesday.

Flanked by National Guard members and legislative leaders, Richardson called it a "historic day." "Our troops need more than speeches and pats on the back . . . They need help for their families," the governor said.

The state will reimburse Army and Air National Guard members \$16.25 a month for the life insurance they get through a federal program.

"This is really a pretty modest thank you to the National Guard members . . . but it's a nice gesture," Sen. William Payne, R-Albuquerque, said Tuesday before the Senate voted unanimously for the bill.

The House had passed it, also unanimously, last week.

The measure would provide reimbursement for life insurance for more than 4,000 New Mexico Guard members, about 400 of whom are in Iraq.

The cost to the state annually is estimated at about \$840,000. The bill appropriates \$1 million for the program.

Guard members are automatically enrolled in the federally subsidized Servicemen's Group Life Insurance program, which provides \$250,000 in life insurance. They can decline the coverage if they don't want to pay \$16.25 a month or opt for reduced coverage at a lower monthly cost.

Delano Garcia, legislative liaison with the state Department of Military Affairs, said \$16.25 can be as much as 10 percent of the monthly pay of a Guard member who works one weekend a month, and that some members decline the coverage for that reason.

Under the new plan, "not one penny of this coverage comes out of their pockets," Garcia said.

"I think this is just a small token of appreciation we can give to the National Guard and their families. I hope that other states follow as well," said Senate Majority Leader Michael Sanchez, D-Belen.

Richardson said 21 states had contacted him about the program.

"Many are preparing legislation based on the New Mexico model," the Democratic governor said

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in a statement issued by his office.

Some lawmakers were concerned that courts could conclude the new program violated the anti-donation clause of the state constitution, which prohibits New Mexico from making donations to private individuals or entities.

The attorney general said that was unlikely, given the dual federal and state nature of the National Guard and other factors.

House Speaker Ben Lujan, D-Santa Fe, the bill's sponsor, said it sent a message to Guard members: "Thank you, and we will take care of your families if something should happen to you." Congress is considering a Bush administration proposal that would increase the \$250,000 subsidized coverage offered to all service members to \$400,000, with the government paying the premiums for the additional \$150,000 in coverage for troops in combat zones.

The National Guard life insurance bill is HB10.

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4-6

1 any such private donation, gift, grant or bequest in accordance with the
2 terms or conditions imposed by the donor.

3 (d) The Kansas commission on veterans affairs shall develop and
4 adopt rules and regulations prescribing guidelines, limitations and pro-
5 cedures for the approval of proposed memorials for veterans and for the
6 acceptance of private donations, gifts, grants and bequests made for me-
7 morials for veterans. The rules and regulations prescribing such guide-
8 lines and procedures shall include:

9 (1) ~~Procedures for the appointment of advisory committees by the~~
10 ~~Kansas commission on veterans affairs for each proposed memorial for~~
11 ~~veterans, including one or more members of the legislature representing~~
12 ~~the area where the memorial for veterans is proposed to be located, and~~
13 ~~such other persons selected by the commission:~~

by the commission of an advisory committee to advise the commission regarding memorials for veterans, which committee shall include one or more members of the legislature representing each area where a memorial may be located pursuant to this section

14 (2) guidelines for memorials for veterans to assure that each memo-
15 rial for veterans is an appropriate tribute to Kansas veterans who served
16 in the armed forces of the United States of America, is nonpartisan in
17 nature and is in accord with nondiscrimination principles;

18 (3) guidelines and procedures to provide that the prior, express ap-
19 proval of the Kansas commission on veterans affairs has been obtained
20 before (A) the name of the Kansas commission on veterans affairs or the
21 name of the Kansas soldiers' home, the Kansas veterans' home or any
22 other institution, building or facility under the jurisdiction of the com-
23 mission, or (B) the name of any member of the commission or of any
24 officer or employee of the commission or of any such institution, building
25 or facility, is used in connection with any fund-raising for any memorial
26 for veterans;

27 (4) guidelines for appropriate recognition of donors for memorials
28 for veterans, except that no memorial for veterans shall be named for any
29 donor;

30 (5) procedures to provide that the design, plans and specifications for
31 memorials for veterans are reviewed and approved by the secretary of
32 administration to assure conformance with the requirements and guide-
33 lines applicable to state capital improvement projects; and

34 (6) limitations and other guidelines for the expenditure of moneys in
35 benefit funds established under K.S.A. 75-372Se et seq., and amendments
36 thereto, for the Kansas soldiers' home or the Kansas veterans' home for
37 the establishment or maintenance of memorials for veterans.

38 (e) ~~Members of advisory committees established under this section~~
39 ~~shall receive no compensation or reimbursement for expenses incurred~~
40 ~~for their service on such advisory committees.~~

the advisory committee

41 (f) There is hereby established in the state treasury the Kansas vet-
42 erans memorials fund which shall be administered by the Kansas com-
43 mission on veterans affairs. All moneys received from any private dona-

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23 mission, or (B) the name of any member of the commission or of any
24 officer or employee of the commission or of any such institution, building
25 or facility, is used in connection with any fund-raising for any memorial
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34 (6) limitations and other guidelines for the expenditure of moneys in
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SENATE BILL No. 68

By Committee on Elections and Local Government

1-20

Senate Federal & State Affairs
Committee
2-16-05
Attachment 6

9 AN ACT concerning campaign finance; relating to independent
10 expenditures.

11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. (a) Every treasurer for a party committee or political com-
13 mittee shall file reports of independent expenditures as prescribed by this
14 act. Reports shall be filed with the secretary of state. Reports required
15 by this section shall be in additions to any other reports required by law.

16 (b) The report shall contain the name and address of each party com-
17 mittee or political committee which has made independent expenditures
18 in an aggregate amount or value in excess of \$50 or more during the
19 period commencing 11 days before a primary or general election at which
20 a state or local officer is to be elected and ending upon the day of such
21 election. Such report shall contain the amount, date and purpose of each
22 such independent expenditure. When an independent expenditure is
23 made by payment to an advertising agency, public relations firm or po-
24 litical consultant for disbursement to vendors, the report of such inde-
25 pendent expenditure shall show in detail the name of each such vendor
26 and the amount, date and purpose of the payments to each. The report
27 shall be made on or before the close of the next business day in which
28 any independent expenditure is made.

29 (c) ~~Reports required by this section shall be filed via e-mail, facsimile
30 transmission, telegram or express delivery service.~~

31 (d) (1) "Expenditure" shall have the meaning ascribed to it in K.S.A.
32 25-4143 and amendments thereto.

33 (2) "Independent expenditure" means an expenditure that is not con-
34 trolled by or coordinated with any candidate or agent of such candidate.

35 (3) "Party committee" shall have the meaning ascribed to it in K.S.A.
36 25-4143 and amendments thereto.

37 (4) "Political committee" shall have the meaning ascribed to it in
38 K.S.A. 25-4143 and amendments thereto.

39 Sec. 2. The provisions of this act shall be part of and supplemental
40 to the campaign finance act.

41 Sec. 3. This act shall take effect and be in force from and after its
42 publication in the statute book.
43

[or contracted to be made

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expressly advocates the election or defeat of.

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Reports required by this section shall be filed by hand delivery,
express delivery service, facsimile transmission, or any electronic
method authorized by the commission.