

MINUTES

LEGISLATIVE COORDINATING COUNCIL

November 20, 2003

Members participating:

President Dave Kerr, Chairperson
Speaker Doug Mays, Vice-Chairperson
Senator Lana Oleen, Majority Leader
Senator Anthony Hensley, Minority Leader
Representative Clay Aurand, Majority Leader
Representative John Ballou, Speaker Pro Tem
Representative Dennis McKinney, Minority Leader

The meeting was called to order by President Kerr at 2:10 p.m. in Room 123-S, State Capitol. Senator Oleen participated in the meeting by telephone conference call.

CONSENT AGENDA

Representative Ballou moved that the minutes of the October 28, 2003, meeting be approved. Representative Aurand seconded the motion and the motion carried.

REPORT OF SUBCOMMITTEE ON ADMINISTRATION

Speaker Mays made the report of the Subcommittee on Administration to the Council. The subcommittee recommended that Mr. Furse meet with Mr. Chris Howe of the Department of Administration concerning the format of the Quarterly Reports of the Director of Purchases; that Kansas Statutes Annotated prices be approved as proposed in a memo from the Revisor of Statutes; that the item on funding recommended by the Capitol Restoration Commission be considered by the Legislative Coordinating Council; that the agreement between the Information Network of Kansas and the Legislative Coordinating Council be amended as provided in the First Modification of Agreement relating to hosting websites for legislators and certain legislative officers; that computer policies relating to the legislature be reviewed at the December meeting of the Council; that December 26, 2003, be designated as a holiday for legislative employees; that prices charged for the 2004 edition of the *Summary of Legislation* and *Legislative Highlights* be fixed at the amount of publications pricing recommended by Mr. Russell in a memorandum to the Council; that two members from each house, one from each party, be authorized to attend the National Council of Legislators from Gaming States winter meeting in Las

Vegas, NV, January 9-11, 2004; that delegates or the alternates of delegates unable to attend be authorized to attend the NCSL Standing Committees Spring Forum in Washington, D.C., April 28-May 1, 2004; that Kansas members or their alternates on committees of the National Conference of State Legislatures be authorized to attend the annual meeting of the National Conference of State Legislatures in Salt Lake City, UT, July 19-23, 2004; that committee members and task force members of the Council of State Governments be authorized to attend such meetings during 2004; that designated members of the House of Representatives and the Senate be authorized to participate in the American Legislative Exchange Council (ALEC) during 2004; that the request of the Joint Committee on State-Tribal Relations that a letter be sent from the joint committee to the Kansas Congressional Delegation requesting an inquiry regarding certain actions of the United States Interior Department that resulted in the Wyandotte Tribe of Oklahoma conducting a gaming operation in Kansas City, Kansas, be approved; that a request from the Special Committee on Local Government that a letter be sent from the chairperson, vice-chairperson and ranking minority member of the special committee to selected interest groups and state agencies requesting those groups and agencies meet prior to the 2004 legislature to determine if there is common ground regarding recommendations for changes to the exemptions of the Kansas open records act.

On recommendation of the Subcommittee on Administration the Council considered a motion relating to the funding for Phase 2 of the capitol preservation and restoration project as recommended by the Capitol Restoration Commission. Speaker Mays moved that the Legislative Coordinating Council endorse a funding request of \$19.8 million bond financing and debt retirement and that such funding be proposed as part of the capital improvements appropriations bill for the upcoming legislative session and request the Governor include in the capital improvements appropriations bill the necessary provisions for bond financing and debt service for the capitol preservation and restoration project. Speaker Mays moved for approval the motion endorsing a funding request of \$19.8 million bond financing and debt retirement for Phase 2 of the capitol preservation and restoration project and approval of each of the items of the report of the Subcommittee on Administration which requires action. Representative Aurand seconded the motion and the motion carried unanimously. The chairperson noted for the record that the vote on all items was unanimous.

REPORT OF SUBCOMMITTEE ON FACILITIES AND PLANNING

Representative Aurand presented the report of the Subcommittee on Facilities and Planning to the Council. The subcommittee met on Monday, November 17, 2003, and adopted recommendations for amendments to Policy 38, relating to legislative expenses allowances for correspondence and mailings, and Policy 37, relating to the legislative intern program. Representative Aurand described

the recommended changes to Policy 38. Representative Ballou summarized the recommendations for the legislative intern program. The Council discussed the recommendations.

Representative Aurand moved that the recommendation of the subcommittee be adopted and that the policies be revised to read as follows:

Policy 37. Mileage for legislative interns Kansas Legislative Intern Program. (a) The Kansas Legislative Intern Program shall be administered by the Kansas Legislative Intern Program Coordinator in the office of the Speaker Pro Tem who shall be appointed by the Speaker Pro Tem. A Legislative Intern Caucus Coordinator shall be appointed in the office of the Senate Vice-President by the Senate Vice-President; a Legislative Intern Caucus Coordinator shall be appointed in the office of the House Minority Leader by the House Minority Leader; and a Legislative Intern Caucus Coordinator shall be appointed in the office of the Senate Minority Leader by the Senate Minority Leader. The Kansas Legislative Intern Program shall be administered by the Kansas Legislative Intern Program Coordinator in cooperation with the House and Senate Legislative Intern Caucus Coordinators.

(b) Kansas Legislative Interns shall receive a mileage expense reimbursement payment as provided by this policy at the end of their participation in the Kansas Legislative Intern Program during a legislative session. Each legislator shall have an intern mileage expense allotment under the program of up to \$400 each regular session for mileage expense reimbursement for interns, except that the intern mileage expense allotment under the program for each of the following legislative leadership offices shall be up to \$800 mileage expense reimbursement for interns: (1) The office of the President, (2) the office of the Vice-President, (3) the office of the Majority Leader of the Senate, (4) the office of the Minority Leader of the Senate, (5) the office of the Speaker, (6) the office of the Speaker Pro Tem, (7) the office of the Majority Leader of the House, and (8) the office of the Minority Leader of the House. Each legislator or legislative officer who is assigned more than one Kansas Legislative Intern during a legislative session shall allocate the intern mileage expense allotment under the program for the mileage expense reimbursements of such Interns.

(c) The director of legislative administrative services is instructed to shall pay mileage expense reimbursement to Kansas Legislative Interns in accordance with the following guidelines, and in no event shall more be paid for mileage than indicated, but a lesser amount is to shall be paid if circumstances warrant in any particular case:

(a) (1) The mileage expense reimbursement rate shall be the rate established under law for state employees;

(b) no (2) a Kansas Legislative Intern shall be paid for more than five round-trips by the most direct, usual route from the place of residence to the state capitol per week, and no turnpike toll fees shall be reimbursed;

(c) (3) no mileage shall be paid unless travel expenses are actually incurred either in privately-owned vehicles or by public

transportation; only one mileage shall be paid for a trip by a single privately-owned vehicle;

~~(d) (4) if public transportation is used, the maximum shall be the actual cost thereof or the rate per mile fixed under (a) subsection (c) (1), whichever is less. Receipt for the ticket is required;~~

~~(e) no mileage shall be allowed to any legislative intern who is a resident of Topeka.~~

~~(f) mileage shall not be paid for more than one intern for any one legislator.~~

~~(g) (5) mileage shall be paid only if incurred during an actual legislative session, and not during any time when the legislature is adjourned for more than two days, Sundays excepted; and~~

~~(6) the maximum amount of mileage expense reimbursement for any Kansas Legislative Intern shall not exceed \$400 per session of the legislature.~~

~~(h) Interns (d) In order to be accepted into Kansas Legislative Intern Program, each applicant (1) must complete and submit the application form obtained through the Kansas Legislative Intern Program Coordinator in the office of the Speaker Pro Tem and (2) (A) must be enrolled in a at an accredited secondary school at the junior or senior level, or an equivalent level, (B) must be engaged in an alternate secondary level educational program at a level substantially equivalent to a junior or senior, or (C) be enrolled at an accredited post-secondary educational institution at any level, and earning credit for their learning experience in order to be reimbursed by Legislative Administrative Services for mileage (3) in any such case, must be making academic progress in their educational course of study. Only those persons who have applied and have been accepted into the Kansas Legislative Intern Program shall be known as Kansas Legislative Interns.~~

~~(e) Each legislator to whom a Kansas Legislative Intern is assigned shall prepare and discuss with the intern the goals, expectations and responsibilities of the Kansas Legislative Intern and of the legislator under the program. After completing the Kansas Legislative Intern Program for a legislative session, each Kansas Legislative Intern and the legislator to whom the intern is assigned, shall complete and submit a Kansas Legislative Intern Program evaluation form to the Kansas Legislative Intern Program Coordinator.~~

~~(f) A daily attendance record shall be maintained for Kansas Legislative Interns during the legislative session by the Kansas Legislative Intern Program Coordinator and the House and Senate Legislative Intern Caucus Coordinators. The Kansas Legislative Intern Program shall require a minimum of 12 days of attendance at the capitol. Each Kansas Legislative Intern shall be issued and shall wear a name badge while in attendance at the capitol and serving as a intern during a legislative session.~~

~~(g) The participation of each Kansas Legislative Intern in the Intern Program for a legislative session shall be completed and the program evaluations and any mileage reimbursement claim for such~~

Intern shall be submitted in accordance with this policy no later than the formal, sine die adjournment of the session.

(h) Except as otherwise provided under this policy, no amount shall be disbursed to a Kansas Legislative Intern by the director of legislative administrative services for mileage expense reimbursement unless the intern program evaluation form has completed and submitted to the Kansas Legislative Intern Program Coordinator by the Kansas Legislative Intern and by the legislator to whom the intern was assigned. If an extenuating situation occurs and either program evaluation form is not completed and submitted to the Kansas Legislative Intern Program Coordinator, this requirement may be waived upon the written request the legislator to whom the intern was assigned and approval by the chairperson or vice-chairperson of the Council. (Adopted June 11, 1976; amended Jan. 27, 1978; amended June 27, 2002; amended November 20, 2003.)

Policy 38. Correspondence and mailing. (a)(1) Only correspondence pertaining to constituent services shall be prepared or mailed at state expense. (2) On and after January 1, 2002, each representative will be allowed a maximum of ~~\$787~~ \$860 postage allotment per session calendar year and each senator will be allowed ~~\$2,362~~ \$2,580 postage allotment per calendar year, except that the postage allotment shall not be used by any legislator after the day that the regular session of the legislature adjourns sine die in a calendar year during which a general election is to be held to elect the members of such legislator's house of the legislature. On and after January 1, 2002, a committee chairperson will be allowed an additional ~~\$244~~ \$266 in postage allowance per calendar year in response to committee mail, except that the postage allotment shall not be used after the day that the regular session of the legislature adjourns sine die in a calendar year during which a general election is to be held to elect the members of the chairperson's house of the legislature. The maximum allotment amount established under this paragraph will change in relation to postage rate changes made by the U.S. Postal Service for letter-size, first-class mail.

(3) Allotments not used are not cumulative from calendar year to calendar year and shall not be used in any other calendar year.

(4) Mailings by legislators which exceed this allotment will be charged to the respective legislator at the same amount charged to the legislature by central mail. Failure to pay for any overage in a timely manner will result in loss of legislative mailing privileges.

(b) The use of state postage in the mailing of personal correspondence is a misdemeanor. K.S.A. 21-3911 states in part: It shall be unlawful for any person to use for such person's personal use, or to allow any unauthorized person to use, any form of postage paid for with state funds.

(c) Except as otherwise provided by law, questionnaires may be prepared, answered or mailed at state expense if:

(1) The questionnaire is limited to soliciting opinions or facts relating to legislative issues or studies;

(2) the questionnaire is specifically authorized by a legislator and the identity of the legislator sponsoring the questionnaire is disclosed on the questionnaire;

(3) the questionnaire does not expressly advocate the nomination, election or defeat of a clearly identifiable candidate to state or local office;

(4) the questionnaire has a return address other than an address at the state capitol; and

(5) the questionnaire, including preparation and mailing or other distribution, is in compliance with all other applicable statutes, rules and policies, including postage allotments and other limitations prescribed by the LCC.

(d) Petitions should not be answered at state expense, other than to the individual who submitted it.

(e) The copy-making machines in the revisor's office are to be used primarily for reproduction of bills and other documents used in the legislative process. Copies of other items for individual legislators should be obtained from the division of legislative administrative services, except that the revisor's equipment may be used as backup when not required by such office for use in the legislative process.

(f) Exceptions to the above should be referred to the chairperson or vice-chairperson of the LCC for determination.

(g) Commencing with mailings posted on or after January 1, 2004, and subject to the provisions of this subsection, a legislator may be reimbursed for the postage expense of correspondence and other mailings authorized under this section which are mailed other than through central mail services. The claim for reimbursement shall be submitted to the director of legislative administrative services and shall be accompanied by the receipt or receipts for the postage expense incurred and paid and by a sample of each item included in each mailing for which the claim is being submitted, which shall be kept on file by the director. A claim for reimbursement under this subsection may be submitted for more than one mailing. No claim for reimbursement shall be paid unless the aggregate claim is for reimbursement of the postage expense of mailing 500 pieces or more. No expenses incurred for any handling, sorting, processing or other miscellaneous service or expense shall be reimbursed for any mailing which is mailed other than through central mail services. The amount reimbursed for any such claim for postage expense reimbursement shall not exceed the outstanding balance in the postage allotment of the legislator for the calendar year in which the postage expense was incurred and shall be credited against such balance. A postage expense reimbursement for postage expense incurred during a calendar year, on or before the last day the postage allotment may be used during such calendar year under this section, may be submitted within 30 days after the last day the postage allotment may be used in such calendar year, but shall be credited against the outstanding balance in the postage allotment of the legislator for such calendar year. The provisions of this subsection are intended to facilitate the use of metered postage by legislators at local postal facilities or through mailing service businesses in lieu of using central mail services to mail

correspondence pertaining to constituent services or to mail questionnaires or correspondence pertaining to questionnaires in compliance with all applicable provisions of this or other policies or rules of the Council and applicable statutes and rules and regulations. Reimbursement for the purchase of postage stamps under this section is prohibited. (Adopted June 11, 1976; amended Oct. 3, 1980; amended January 10, 1986; amended Nov. 4, 1991; amended July 24, 2001; amended November 16, 2001; amended November 20, 2003.)

Representative Ballou seconded the motion and the motion carried.

Senator Oleen announced that the next meeting of the Subcommittee on Facilities and Planning would be on Tuesday, December 16, 2003, at 10:00 a.m.

OTHER MATTERS

Prior to the meeting members of the Council received a proposed amendment to Policy 37 by the Subcommittee on Facilities and Planning, a Policy 1 travel authorization by President Kerr and memoranda from Mr. Russell on publication pricing and travel approval.

The next meeting of the Council was scheduled for December 16, 2003, at 2:00 p.m.

On motion the meeting was adjourned.

Prepared by

Norman J. Furse,
Revisor of Statutes,
as Secretary

Approved by



President Dave Kerr, Chairperson