

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:38 a.m. on Wednesday, March 2, 2005, in Room 231-N of the Capitol.

All members were present.

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:

Representative Pat Colloton  
Representative Kenny Wilk (written only)  
Kimberly A. Baker, Director, Leavenworth Public Library (written only)  
Pauline Graeber (written only)  
Christopher Way, EMS Director, Labette County Emergency Medical Services  
Tuck Duncan, American Medical Response (written only)  
David Lake, Administrator of the Kansas Board of Emergency Medical Services  
Senator Anthony Hensley  
Elias Garcia, Executive Director, Kansas Hispanic & Latino American Affairs Commission  
Carol Williams, Executive Director, Kansas Governmental Ethics Commission

Others attending:

See attached list.

Chairman Brungardt directed the Committee's attention to copies of the February 15 and 16 minutes presented for review and consideration. He also noted that each member had been given a copy of the response to Senator Vratil's questions of Jim Borthwick during his February 22 presentation on behalf of Blackwell Sanders Peper Martin LLP regarding constitutionality of proposed gaming legislation in Kansas. (Attachment 1)

Chairman Brungardt called for bill introductions. Dennis Hill, concerned citizen from Benton, Kansas, requested a bill introduced to define a level of impairment using .08 alcohol as a reference to other drug substances to get a similar level of impairment. He stated that this has been done in eleven other states so far across the U.S.

Senator Barnett moved to recommend a bill be drafted, seconded by Senator Brownlee, and the motion carried.

**HB 2027 - Library boards; reduction of waiting period for reappointment**

Chairman Brungardt opened the hearing on **HB 2027**. Representative Pat Colloton stated that she and Representative Kenny Wilk are sponsoring this bill that would amend the library board statute, Section 1, K.S.A. 12-1222. She testified that they were doing so because of a problem in finding and keeping well informed members of local library boards. There is a two year waiting period before a library board member can be reappointed to the board, and this bill would reduce the waiting period to one year. Representative Colloton said that by reducing the waiting period, it would maintain an opportunity for change on a library board, and also would encourage those with experience and passion for this service to stay involved. (Attachment 2)

Representative Kenny Wilk submitted written testimony in support of **HB 2027** as co-sponsor of the bill. (Attachment 3)

Written testimony in support of **HB 2027** was submitted by Kimberly Baker, Director of The Leavenworth Public Library, and Pauline Graeber, Leavenworth, Kansas. (Attachments 4 and 5)

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There being no other conferees to speak on **HB 2027**, Chairman Brungardt closed the hearing.

**SB 263 - Administrators of ambulance services added to membership of emergency medical services board**

Chairman Brungardt opened the hearing on **SB 263**. Christopher Way, Labette County Emergency Medical Services (EMS), testified in favor of **SB 263** relating to the make up of the Kansas Board of Emergency Medical Services. He explained the current Board of EMS is made up of thirteen members, nine of which are appointed by the Governor and four appointed by the Senate and House leadership.

Mr. Way stated that the current board does not include a representation of certified EMS attendants in Kansas, and the Kansas EMS Association feels that it is important to include two EMS Service Directors or Administrators from licensed ambulance services within the state on the Board of EMS. He explained that Kansas currently has a total of 175 licensed ambulance services, and many of the EMS Kansas Administrative Regulations affect the day-to-day operations of those EMS services and the individuals responsible for seeing that the regulations are followed. Mr. Way said that with the passage of **SB 263**, there would be an assurance that at least two of the Board of EMS members are administrators of ambulance services that must enforce and carry out the state regulations regarding ambulance operations and service. He concluded that he supported having at least one of the two new members come from a rural area for better representation of all the issues facing Kansans. (Attachment 6)

Senator Vratil questioned the fiscal note on **SB 263**, relating to adding two members at \$3,200 each, would add a total of estimated expenditures of \$6,400 from the EMS Fee Fund in FY2006. He asked how many board meetings were held during the year. Mr. Way responded that there are six board meetings or every other month. Mr. Way added that not all of the members show up at every meeting, and the funds cover the expenses in mileage, lodging, and subsistence. Discussion continued regarding the length of meetings and that the estimated figure is on the high end. The Chairman commented that a thirteen member board is a large board and fifteen members was more substantial. (Attachment 7)

Committee discussion continued regarding membership qualifications, challenge of getting a board appointed, and the overall representation ratio of EMS members to the remaining board members. The Chairman suggested that possibly the representation could be achieved by designating one of the EMS representatives to be an administrator. Mr. Way stated that it would be a step in the right direction.

Tuck Duncan, American Medical Response, submitted written testimony in support of **SB 263**. (Attachment 8)

David Lake, Kansas Board of Emergency Medical Services, testified as a neutral conferee on **SB 263**. He explained the additional cost to the state of adding two new members to the board, and that the cost associated with the meetings is in excess of \$500 per participant, per meeting. He said that as a fee-funded agency, this is not as detrimental to the agency as it would be if it were a State General Fund agency. He added that the meetings are for two days including committee meetings on one day and the board meeting on the second day. Mr. Lake stated that the fiscal note was estimated at the worst case scenario of the members attending that drive the longest distances to the meeting.

Mr. Lake recommended an amendment for consideration for at least one of the two added administrators represent a part-time or volunteer basic life support service. He explained that rural volunteer attendants and services, while not providing a majority of the patient care in the state, are a primary partner in the health-care delivery system in the rural communities of Kansas. (Attachment 9)

Committee discussion followed. Senator Brownlee suggested possible wording on page 1, new paragraph G, lines 36 and 37, state that at least one board member should be an administrator of ambulance services. She explained that by stipulating one of the existing member positions be an administrator, the number of members could be kept the same instead of adding two additional board members. It would keep a large board from getting larger, and also hold the line on expenses.

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Mr. Lake responded that he was “OK” with the way the board was now, and the classifications of attendants.

Senator Brownlee commented in regard to the fiscal note inquiry of the dollars paid for each board member’s expenses to attend the six meetings per year; that typically for boards like this, only the legislators, who are not full time employees, receive subsistence allowances, mileage and other expenses for serving on such boards.

Chairman Brungardt closed the hearing on **SB 263**.

### **SCR 1608 - Honoring Cesar Chavez**

Chairman Brungardt opened the hearing on **SCR 1608**. Senator Hensley explained that he had introduced this resolution three years ago, of which this Committee had approved as well as the Senate, but the House did not consider it. It is a Concurrent Resolution memorializing the Congress of the United States to designate a national holiday in honor of Cesar Chavez. He stated he considered Mr. Chavez to be one of the great citizens of the 20<sup>th</sup> century, who like other noted leaders, dedicated his life to the cause of civil rights, workers’ rights, and human rights. He said that Cesar Chavez’s birthday is on March 31, and copies of this resolution would be sent by the Kansas Secretary of State to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Kansas congressional delegation.

Elias Garcia, Kansas Hispanic and Latino American Affairs Commission, spoke in favor of **SCR 1608**. He stated this initiative would lend support to a national movement to establish a national holiday to be celebrated on march 31, in honor of a man who subscribed to the principals of non-violence and passive resistance to bring about social and cultural change to America’s civil rights, workers rights and human injustices. He related the challenges of his own family and growing up as a migrant worker and the conditions in which they lived and worked. Mr. Garcia talked about Cesar Chavez’s humble beginnings, quitting school after the eight grade to work in the fields to help support his family, and joining the Navy where he served in the Western Pacific in the aftermath of WWII. He told about Mr. Chavez becoming a community organizer with a prominent Latino Civil Rights Organization, and then he became the National Director of the Community Service Organization. Mr. Chavez led successful strikes and boycotts that resulted in the first industry-wide labor contracts in the history of American agriculture. For three decades Mr. Chavez led the first successful farm-workers union, which came to be known as the United Farm Workers Union (UFW). Mr. Chavez was awarded posthumously, in 1993, the highest civilian honor in America, the Presidential Medal of Honor, and in 2003, he was honored with a U.S. postage stamp. He urged the Committee to support **SCR 1608**. (Attachment 10)

Chairman Brungardt closed the hearing on **SCR 1608**.

### **Final Actions:**

#### **SB 211 - Life insurance coverage for certain national guard members**

Chairman Brungardt called for discussion and final action on **SB 211**. He explained the bill as it related to death benefits for guardsmen serving overseas. The Chairman referred to the Adjutant General’s testimony during the hearing on this bill where he suggested that it might make better sense rather than indemnify through an insurance policy that the state self-insure at an amount of \$250,000 in the event of a guardsman being killed in the line of duty. The Revisor handed out a draft of the proposed Substitute for **SB 211**. (Attachment 11)

The Revisor explained that the substitute bill establishes a death benefit for a surviving spouse or any dependent children of a member of the Kansas National Guard that suffers a combat death after November 1, 2004, resulting in the award of the purple heart. The benefits would be paid from the State Emergency Fund, which is where current benefits are paid from. The bill also allows the Adjutant General to develop guidelines for carrying out the provisions of the subsection. The Revisor said she had cleared this revised draft with the Adjutant General, and he agreed to it.

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Chairman Brungardt stated that he also had a communication from the Adjutant General in which he had responded positively. He said that by doing the insurance in this form, it is less complex. The Chairman acknowledged that Col. Adam King, representing the Adjutant General, was in attendance and asked for any comments. Col. King stated that they had gone over the substitute bill with the Revisor on the

changes, and agreed with them completely. He expressed his appreciation for the Committee's consideration.

Senator Vratil made a motion to recommend Substitute SB 211 favorably for passage, 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**. The Revisor distributed copies of the revised draft of the bill. (Attachment 12)

The Chairman asked Carol Williams to refresh the Committee on where it stood with regards to **SB 68**, and to also possibly cover two other campaign finance bills that did not survive turnaround that the Committee might want to take under consideration.

Carol Williams explained that **SB 68** would require party committees or registered political action committees to report those last eleven days before the primary and general election information within 48 hours of receipt of the contribution. She said on February 9, Senate Elections and Local Government held hearings on **SB 64** and **SB 66**. At those hearings, she stated that she testified on both bills, and that Robert Stern and Shelby Smith testified on **SB 64** only. Ms. Williams furnished copies of all the conferees' testimony in support of the two bills. She stated there were no conferees who testified in opposition to the two bills in that committee. The bills remained in committee at turnaround last week. (Attachment 13)

Ms. Williams stated that **SB 66** would require a party committee or a registered political action committee to report the name and address of each candidate for state or local office that either receives an in-kind contribution or is identified in an independent expenditure made by the committee which expressly advocates for or against the named candidate. The amount, date, and a detailed description of the service would also be required to be disclosed. She said the Ethics Commission believes that political action and party committees should be required to provide more detailed information concerning the in-kind contributions and independent expenditures made on behalf of or in opposition to Kansas candidates.

In regard to **SB 64**, Ms. Williams explained the bill requires, and the Ethics Commission recommended, the reporting of funding sources and the amounts expended by any individual, committee, corporation, or association that expends money on any issue ad (electioneering communication) that clearly identifies a candidate. She said an issue ad does not directly urge a voter to vote for or against a candidate, but the ad usually discusses an issue and provides a candidate's support or opposition on that issue. **SB 64** would require any individual, committee, corporation, organization, association, or partnership that spends \$300 or more per calendar year for any issue ads to file a report with the Secretary of State on the same date candidates, party committees, and political committees are required to file receipts and expenditures reports. Any issue ads that occur during the eleven days preceding the primary or general election will be required to be reported within 24 hours of making or contracting to make an expenditure for such communication. Ms. Williams gave examples of issue ads that occurred during the last election. She also stated that former Governor Bill Graves had recommended that issue ads become a part of the Campaign Finance Act. She talked about the 2003 case in which the U.S. Supreme Court, in the case of *McConnell v. FEC*, 124 S.Ct.619, upheld the constitutionality of disclosure of issue ads made right before an election.

Senator O'Connor asked if the Ethics Commission intended to include the electioneering that occurs in regard to public school bonds, that doesn't say vote for the bond, but it does say if the bond doesn't pass then the school won't have this, or that, or the other. Is the Ethics Commission intending to require the public schools to do reporting of their activities, where schools get their money from, and how much the schools are spending.

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Ms. Williams responded that the Commission and the Campaign Finance Act do not have anything to do with ballot questions. She stated that is about school bond issues which is out of the Commission's jurisdiction, and the Commission would not ask that it be brought under their jurisdiction. School bond issues do not have candidates, and the Commission only deals with issues that identify candidates. The Commission would have jurisdiction over issues identifying candidates that involve state-wide, State School Board, legislative races, first class city and county elections.

Senator O'Connor asked in regard to local school board members why those candidates are not included under the same regulations as the other candidates. Ms. Williams replied that the Commission cannot regulate them as they are not under the Campaign Finance Act. She added that if the school board candidates were brought under the Act, then it would absolutely impact that, but they are not currently under the Campaign Finance Act; therefore, this bill would not regulate them.

Senator O'Connor inquired why the Commission would not want to bring them under this Act. Ms. Williams said there would have to be an increase of about ten staff positions, and the Legislature would not want the fiscal note that would accompany that change for 650 school districts and the multiple school board candidates that would be involved.

Senator Reitz asked in regard to the postage issue whether that would include personal correspondence. Ms. Williams replied that **SB 66** doesn't address candidate campaigns, and the bill was addressing political action committees and party committees that do in fact do mailings.

Senator Brownlee asked Senator O'Connor, who is Vice Chair of the Elections and Local Government Committee, how that committee viewed **SB 66** and **SB 64**. Senator O'Connor said she thought the Chairman was not particularly satisfied with what the Committee was seeing, and it was his choice not to have it blessed and to allow it to sit in the committee until a later time.

Senator Brownlee asked about the four campaign finance bills on the floor last week, and asked what those bills were. Chairman Brungardt stated that there were a total of five campaign finance bills. One bill was assigned to this committee, Senate Federal and State Affairs. Four bills were assigned to Senate Elections and Local Government, two of which came out of that committee last week, and the remaining two, **SB 64** and **SB 66**, the committee is considering today.

Senator Brownlee expressed her concern as to why those bills are coming to this committee as she felt they should be in Elections and Local Government. Chairman Brungardt pointed out that those decisions are made by the Senate President.

Chairman Brungardt stated that his intent was to have the bill redrafted including the amendment as made by the Committee previously for **SB 68** changing the required reporting be within 24 hours to 48 hours, and consider the redrafted combined bills for final action at a later meeting.

Senator Vratil made a motion to amend **SB 68** by amending into it **SB 64** and **SB 66**, and seconded by Senator Reitz.

Senator O'Connor stated she wanted to formally oppose what this committee was doing in an effort to circumvent what the Elections and Local Government wanted to do regarding **SB 64** and **SB 66**. She said she would be voting no on the motion and requested her vote be recorded. The Chairman responded that if Senator O'Connor wished to submit her comments in writing to the Committee Secretary, that they would be entered into the minutes.

Chairman Brungardt called for a voice vote on the motion to amend **SB 64** and **SB 66** in to the amended **SB 68**. Chairman Brungardt announced that the affirmative votes carried. Division was requested, and the vote was five (5) for the motion, and four (4) against. The motion carried.

Those committee members requesting their "No" votes be recorded were: Senators O'Connor, Gilstrap, Brownlee, and Ostmeyer.

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Senator Hensley requested that the testimony from the public hearing in Elections and Local Government on **SB 64** and **SB 66** be furnished the Committee members since this committee did not have a public hearing on these two bills. The Chairman stated that copies of the testimony would be furnished the members.

Chairman Brungardt said the redraft would be in the form of a substitute bill.

Minutes for February 15 and 16, 2005, meetings were presented for approval. Senator Barnett made a motion to approve the minutes as written, seconded by Senator Reitz, and the motion carried.

The meeting was adjourned at 11:33 a.m. The next meeting scheduled is Thursday, March 3, 2005.