

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 Tuesday, February 8, 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:

Carol Williams, Executive Director, Kansas Governmental Ethics Commission
Shelby Smith, Ad Hoc Lobbyist Campaign Finance Committee
Roger Werholtz, Secretary, Kansas Department of Corrections

Others attending:

See attached list.

Chairman Brungardt announced that copies of written testimony were distributed from last week's hearing on **SB 77** from the Kansas Association of Chiefs of Police, revised testimony from the League of Kansas Municipalities, and copy of the Fiscal Note on the original draft of **SB 77** as information only. He said that the written testimony from Kyle Smith, on behalf of the Kansas Peace Officers Association, would be forth coming and distributed upon receipt. The Chairman called for bill introductions.

Senator John Vratil presented a bill draft and requested the proposed bill be introduced to authorize a commercial real estate broker to file a lien in order to assist in collection of compensation that the broker is entitled to pursuant to a written agreement. There were no Committee questions.

Senator Vratil moved to introduce the drafted bill, seconded by Senator Ostmeyer, and the motion carried.

Tim Madden, Kansas Department of Corrections, presented a bill draft and requested the proposed legislation be introduced relating to funding for Department of Corrections' offender substance abuse treatment programs, amending K.S.A. 2004 supp. 74-7336 and repealing the existing section.

Chairman Brungardt asked where the funds would come from to fund the proposal. Mr. Madden replied that the unallocated balance of those funds goes to the State General Fund as it is, and when it is all added up it comes out to around 30% being allocated from the District Court costs; thus it would come out of the General Fund.

Senator Gilstrap moved to introduce the requested bill, seconded by Senator Vratil, and the motion carried.

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

Chairman Brungardt opened the hearing on **SB 68**. Carol Williams, Kansas Governmental Ethics Commission, testified in support of the proposed bill. She stated that the Commission believes that independent expenditures made by political and party committees in the final days before an election should be reported and made available to the public prior to an election. (Attachment 1)

Ms. Williams explained that under current law, any independent expenditures made by a political action committee or party committee during the time period from eleven days before the primary election through the date of the primary election go unreported until eight days before the general election. Any independent expenditures made during the time period from eleven days before the general election through the date of the general election are not disclosed until the January 10 Receipts and Expenditures Report is filed. This post election reporting of last minute independent expenditures does not provide the citizens of Kansas with timely information concerning money spent in support of or opposition to

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candidates for state or local office. She added that in the U.S., 21 states require the reporting of last minute independent expenditures.

Ms. Williams said that **SB 68** would require treasurers for political action committees and party committees to file a report of any independent expenditures made by the committee in the amount of \$300 or more before close of the next business day with the Secretary of State and/or county election officer by e-mail, facsimile transmission, telegram, or express delivery service.

Ms. Williams recommended three amendments be made to the bill: (1) on line 18, after the word "made" the phrase "or contracted to be made" should be added. This would assure reporting by a committee that has not actually paid a vendor for services that have been rendered or contracted for; (2) 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. For this new disclosure to have meaning, the candidate who is identified in the independent expenditure must be disclosed; and (3) 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".

Senator Vratil requested Ms. Williams to work with the Revisor to present the Committee with a balloon of the requested revisions. Ms. Williams said she would be glad to.

Committee questions and discussion followed.

Shelby Smith, testified in favor of **SB 68**, on behalf of an Ad Hoc Lobbyist Campaign Finance Committee (John Bottenberg, Dina Fisk, Jim Maag, and John Pinegar), and within the context of supporting the recommendations of the Governmental Ethics Commission. He talked about a big window of opportunity that is now open to protect Kansas' open culture of responsible and responsive government, and to correct a glaring failure in the state's campaign law. He stated that Kansas taxpayers are owed timely and accurate information about the election process, the basic exercise of our country's democracy.

Mr. Smith said that the Ad Hoc's support of the Commission's recommendations arises again and again from the fundamental need for disclosure. He stated that the Ad Hoc additionally recommended mandatory campaign electronic filing. The Secretary of State and the Governmental Ethics Commission are encouraged to come forward with a joint proposal to accept the filings, and to make them accessible with posting on the Secretary of State's web site. He concluded that the Governor has clearly shown her solid support for an overhaul of Kansas' campaign finance laws. Mr. Smith included with his written testimony a copy of an article regarding campaign finance reform from *The Wichita Eagle*, dated December 31, 2004. (Attachment 2)

There being no Committee questions, the Chairman closed the hearing on **SB 68**.

SB 17 - Meetings of party caucuses of the house of representatives and the senate

Chairman Brungardt called for discussion and possible final action on **SB 17**. Senator Hensley suggested that the Committee confine his balloon amendment, offered at the time of the January 20th hearing, to only the task forces, advisory committee or subcommittees of advisory committees created by an incoming Governor as opposed to getting into local units of government. Senator Hensley said that following the discussion held after the hearing, he felt this would eliminate some of the confusion regarding this bill. He suggested that only the first paragraph of the balloon amendment be adopted, and felt political party caucuses should be open to the public, but not the Committee on Organization, Calendar, and Rules. Committee discussion followed Senator Hensley's comments and suggestions.

Following considerable discussion, Chairman Brungardt announced **SB 17** would be rescheduled for further discussion and final action at a later meeting date in order to give Senator Hensley time to rework his balloon amendment. (Attachment 3)

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SB 47 - Dissemination of department of corrections rules and regulations to inmates

Chairman Brungardt called for discussion and final action on **SB 47**. The Revisor reviewed the proposed bill. She explained that it simply removes the requirement in current law that a copy of the rules and regulations adopted by the Secretary of the Kansas Department of Corrections for discipline and good order be provided to every inmate. The Department told the Committee that those copies are available in the institutional library or by other means.

Chairman Brungardt noted that there was a small Fiscal Note which the Director of the Budget stated the expenditure savings would be negligible. (Attachment 4) There were no questions on the proposed legislation.

Senator Vratil moved to recommend SB 47 favorably for passage, seconded by Senator Brownlee, and the motion carried.

Chairman Brungardt called upon Roger Werholtz, Secretary of the Kansas Department of Corrections (KDOC), to give a presentation on the department's Facility Staff Levels Compared to Inmate Population and the employee pay scale. Mr. Werholtz's written handout contained charts and information regarding KDOC's staff at the various facilities through the state. On page 3 of his handout, a detailed table of KDOC's Staff Salary Comparison as of the Fall of 2004, with other states and local entities, was included. Compared to other states, Kansas ranked at mid-point, but in comparison with local units of government in Kansas, KDOC ranked next to last. (Attachment 5)

Secretary Werholtz referred the Committee to page 4, which contained data describing salaries for uniformed line level supervisors, or first level supervisory personnel. He said when compared with other states in this example, Kansas ranks at the top; however, KDOC's position doesn't change too much when it is compared again with units of local government. Regarding page 5 of the handout titled "Corrections Counselor I's", Secretary Werholtz explained was a description of the line level, non-uniform personnel. These employees have the responsibility for seeing that inmates are properly programmed, that the inmates go to their jobs, manage the inmates' progress throughout the facility, and become involved with preparing the inmates for release from the facility. He stated there are no comparable positions in local government entities to which they can compare these jobs to.

Secretary Werholtz talked about the other two issues he hears most frequently about from his staff have to do with benefits and turnover. He referred the Committee to the very last page of the handout which was a spreadsheet reporting "Staff Turnover for FY 2005 - YTD". He gave the example of the "LCF" column representing the "Lansing Correctional Facility", which is the facility KDOC most often talks about in regard to turnover, difficulty in recruiting and retaining staff. He thoroughly explained the turnover rate. Secretary Werholtz stated the significance from an operational point of view for KDOC, was that this often means particularly on second and third shifts, the majority of KDOC's staff has less than two years experience. He added that this situation can be problematic in the sense of trying to manage large correctional institutions with volatile and unpredictable populations when the department does not have enough experienced personnel at that location.

Secretary Werholtz said the issues his staff frequently talks about relating to the subject of benefits is either the cost of health insurance or retirement. He stated that from time to time KDOC has requested that their employees be included in the Kansas Police and Fire (KP&F) retirement, but it has a huge fiscal note of \$5.9 million. He explained what the cost would be if it was shared among all of the participants of KP&F: KDOC's share would be \$4.8 million, other state agencies would be about \$200,000, and local units of government would pick up an additional \$1.4 million. He also included in his handout a chart of the staff employees injured in the line of duty and incidents resulting in missed work during 2004.

Chairman Brungardt asked what the current retirement situation was for Corrections' employees. Secretary Werholtz responded that the uniform personnel are under the Corrections' KPERS umbrella. Senator Reitz expressed his concern regarding the huge turnover rate, and said it shows employee job dissatisfaction. Secretary Werholtz stated that it indicated that KDOC has too many inexperienced staff on duty at certain times of the day, at certain facilities. He explained that often times KDOC structures the

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facilities on the basis of who lives in them, rather than who works in the facilities.

Chairman Brungardt expressed the Committee's appreciation to Secretary Werholtz for his informative presentation.

The meeting was adjourned at 11:35 a.m. The next meeting is scheduled for Wednesday, February 9, at 10:30 a.m.