

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Don Myers at 3:30 p.m. on February 17, 2003 in Room 521-S of the Capitol.

All members were present except: Representative Tom Sawyer, Excused
Representative Roger Toelkes, Excused

Committee staff present: Ken Wilke, Revisor
Dennis Hodgins, Research
Kathie Sparks, Research
Shirley Weideman, Secretary

Conferees appearing before the committee:

HB 2249 Proponents: Representative Brenda Landwehr
Representative Tom Klein
David Uhrh, Sedgwick County Commissioner
Ben Sciortino, Sedgwick County Commissioner (written testimony only)
Opponent: Alan Alderson, Kansas County Treasurers' Association

HB 2213 Opponent: Mark Tomb, Kansas League of Municipalities

Others attending: See attached list.

Chairman Myers opened the hearing on **HB 2249 - Motor vehicle registration and title fees; county treasurer's special fund; expenditures, procedure.**

The chairman asked Ken Wilke, Revisor, to explain the bill. Ken said that **HB 2249** concerns the expenditure of the special funds collected by the county treasurer from fees for licenses (\$.75), transfer of license plates (\$.75), and applications for certificate of title (\$2). In section 1, paragraph (2) is added to provide guidelines for the expenditure of the fees collected.

Representative Brenda Landwehr appeared before the committee as a proponent for **HB 2249**. She said there is no oversight by anyone outside of the county treasurer's office for these funds that come from fees for license plate application, license plate transfer and applications for certificate of title. In Sedgwick County, she indicated this amounts to around \$2 million a year. Representative Landwehr gave an example in Sedgwick County where \$2,000 was misappropriated by the county treasurer and the incident was not discovered until the statute of limitations had run out. She said the main purpose of this bill is to protect and guard the people's money. (Attachment 1)

Also appearing as a proponent of **HB 2249** was Representative Tom Klein. He said he agreed with the purpose of the bill as outlined by Representative Landwehr. Representative Klein also said that the State Treasurer must go through the budgeting process and has no off-budget funds. He questioned whether these fees should be held in a separate account by the county treasurer.

Dave Uhrh, Sedgwick County Commissioner, appeared before the committee as a proponent of

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HB 2249. He said this bill makes three important changes to the current law involving the Treasurer's Special Auto Fund created by K.S.A. 8-145. First, it requires that a treasurer must follow a county's purchasing policies and procedures when expending these funds. Second, it provides for statutory bid procedures in counties that have not adopted purchasing policies and procedures. Last, it would provide much-needed oversight by requiring a county treasurer to file a quarterly report with the county clerk detailing spending from this account, which can then be easily accessed by the public, the media or other elected officials. (Attachment 2)

Written testimony was received from Ben Sciortino, Sedgwick County Commissioner, in support of **HB 2249**. He writes that since there is already a general mistrust of government and elected officials, this mistrust is intensified when money is misused or there is a perception of wrongdoing. Mr. Sciortino believes that this situation can be remedied by using a system that prevents special deals, tokens of appreciation and plain fraud by using policies and procedures that ensure monies are spent wisely. He indicates that the public can exercise their responsibility of removing a treasurer from office, if necessary, but that opportunity comes only once every 4 years. (Attachment 3)

Appearing before the committee as an opponent of **HB 2249** was Alan Alderson, Legislative Counsel for the Kansas County Treasurers' Association. He said that, within the last three years, the Kansas County Treasurers' Association has adopted a vehicle accounting manual which is to be followed by all county treasurers regarding the use of the special auto fund. Mr. Alderson said that he believes virtually all of the county treasurers are following appropriate accounting and other procedures regarding the use of the fund. He indicated that he is appearing before the committee asking only that this bill either be tabled or allowed to sit in the committee, in order to provide an opportunity for the County Treasurers' Association to work with the sponsors of the bill to provide the appropriate modifications to the current procedures to insure the proper use of these funds. (Attachment 4)

The conferees answered questions asked by committee members.

Chairman Myers closed the hearing on **HB 2249**.

With not many meetings left, Chairman Myers said the committee would work **HB 2249**.

Representative McLeland moved and Representative Betts seconded the motion to move **HB 2249** favorably from committee. Motion passed.

The hearing on **HB 2213 - Elections; placing special questions on ballot, timing of** was opened by Chairman Myers.

The chairman asked Ken Wilke, Revisor, to explain the bill. Ken said that **HB 2213** deals with special elections and is a procedural bill. The county clerks asked the Secretary of State's Office to request that a bill be drafted to set deadlines for a "question submitted election", so that there will be sufficient time for them to prepare ballots.

Mark Tomb, Kansas League of Municipalities, appeared before the committee as an opponent of

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HB 2213. Mr. Tomb said that this bill sets unnecessary requirements that could adversely impact local units of government. He said this bill would create gaps of just under two months between the June 10th filing deadline and the August primary, and nearly 3 months between the primary canvass and November general election, possibly delaying important policies and resulting in additional costs of separate special elections. (Attachment 5) Mr. Tomb responded to questions asked by committee members.

Brad Bryant, Deputy Assistant Secretary of State, was a guest and answered questions from the committee about the bill.

Chair Myers closed the hearing on **HB 2213**.

Committee Chairman Myers said he would work **HB 2213**.

Representative Yonally moved that **HB 2213 be amended** by striking “of” on line 18. Representative Huebert seconded the motion. Motion passed.

Representative Yonally moved and the motion was seconded by Representative Huebert that **HB 2213 as amended** be moved favorably from committee.

Representative McLeland moved a **substitute motion to table HB 2213**. Representative Huebert seconded the motion. The motion passed.

The meeting was adjourned at 5:10 p.m. The next scheduled meeting is February 19.