

Approved: 1-19-93
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS

The meeting was called to order by Chairperson Marvin Smith on January 14, 1993 in Room 521-S of the Capitol.

All members were present:

Committee staff present:

Carolyn Rampey, Legislative Research Department
Dennis Hodgins, Legislation Research Department
Arden Ensley, Revisor of Statutes
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Representative Darlene Cornfield
Representative Kent Glasscock
Senator Mark Parkinson

Others attending: see attached list.

Final action on bills previously heard::

HB 2010 - certification of security police officers employed by SRS.

The Chairman called for consideration of HB 2010. Representative Bowden moved bill be amended as recommended by SRS and as explained by Arden Ensley, to add in line 7 after period to read your would not be awarded your certification until a verification of completion of training by both departments. Representative McKechnie seconded. Motion carried.

Representative Wells moved passage of HB 2010 as amended. Representative Gilbert seconded. Motion carried.

HCR 5001 - relating to the length of legislative sessions.

Dennis Hodgins gave a brief background on HCR 5001, which would amend the constitution of Kansas to reduce the legislative session from 90 days to 75 days. The session could be extended only by a majority vote of 2/3 . Although the session is presently limited to 90 days in even years only, this bill would make it annually.

Representative Cornfield appeared in support of HCR 5001 (Attachment 1).

She stated she believes the same amount of work will be accomplished and accomplished just as well in 75 days as is now completed in 90 days.

Representative Glasscock testified in support of HCR 5001 and provided written testimony (Attachment 2). He stated the session has continued to lengthened and he feels the general public wants the legislature to conduct business in a shorter period of time and he believes it is possible to do so.

Senator Parkinson appeared in support of HCR 5001 (Attachment 3).

There was extensive discussion as to:

1. Quality of legislation if session shortened.
2. Possibility of eliminating the extension.
3. Whether the public will be able to participate in committee hearing if session if shortened.
4. Whether employers would be more inclined to let someone off work for 75 days rather than 90.
5. Whether issues are more complex now.
6. Whether 75 days long enough for new legislators to be fully prepared and adequately educated in some of the complex issues dealt with.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on January 14, 1993

7. What changes might have to be made if session is shortened. For instance, possibly more staff to accomplish the same amount of work in a shorter period of time, serving on fewer committees, or streamlining number of bills introduced on the basis of their significance.

Representative Bradley requested Legislative Research Staff study the relationship between length of time in session and tax rate.

Representative Bowden moved approval of the minutes of January 13, 1993 as presented.
Representative Scott seconded, Motion carried.

The meeting was adjourned at 10:25 a.m. The next meeting is scheduled for Tuesday, January 19, at 9:00 a.m. in 521-S.

GUEST LIST

HR 5001

COMMITTEE: House Governmental Organization
& Elections

DATE: 1-14-93

[illegible]

DARLENE CORNFIELD
REPRESENTATIVE, 90TH DISTRICT
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7 WEATHERLY COURT
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VALLEY CENTER, KANSAS 67147



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: INSURANCE
LABOR AND INDUSTRY
LOCAL GOVERNMENT
PENSIONS, INVESTMENTS AND BENEFITS
STATE CAPITOL 448-N
TOPEKA, KS 66612
(913) 296-6876

Committee

9:00 a.m.

Governmental Organization

TESTIMONY

Good morning, I'm Darlene Cornfield, Representative 90th District. I am here to testify in support of HCR 5001. This bill is designed to shorten the legislative session to 75 days. I support this legislation for primarily two reasons, first, it is apparent to me in the two years that I have served previous that this legislative body will procrastinate until the latest possible time to act upon issues. Secondly, the veto or wrap-up session is getting longer every year.

Therefore, I believe if we statutorily change the length of the session we will prioritize, expedite and be forced to act promptly on all bills before us. Yes, there will be adjustments but I am confident that this change will not impede the process but instead make us more productive and save the taxpayers of this state over one million dollars. I ask you to support this measure and pass it out favorably.

Thank you.

1-14-93
Dana Governmental Organization
& Elections

Attachment 1

KENT GLASSCOCK

REPRESENTATIVE, 62ND DISTRICT

RILEY COUNTY

1921 CRESCENT

MANHATTAN, KANSAS 66502

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STATE CAPITOL, ROOM 155-E

TOPEKA, KS 66612

(913) 296-7646



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: TAXATION
ENERGY & NATURAL RESOURCES
RULES & REGULATIONSTESTIMONY
HCR 5001 SESSION LIMITATION
January 14, 1993

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today in support of HCR 5001, the 75 day legislative session constitutional amendment. I am particularly grateful to you, Chairman Smith, for scheduling hearings on this bill at all, let alone in the first week of the 1993 session. As some may remember, an identical bill was introduced by then Rep. Mark Parkinson on the first day of the 1992 session. That bill was referred to the nearly invisible committee on Calendar and Printing where, of course, it was lost somewhere in the catacombs of the Capitol. Many in the statehouse today would tell you this bill belongs there right now - so thank you, Mr. Chairman.

Dennis Hodgins has done an excellent job of giving you an overview of HCR 5001, but let me give you a ten second interpretation of its impact : it will, by constitutional amendment, cut 15 days off the length of the legislative session. In doing so, it will save the taxpayers of the state nearly 1,000,000 a year and help to guarantee the survival of a citizen legislature in Kansas.

During the course of the past three decades there has been an overwhelming trend in America away from the part-time or citizen legislature to a full-time or professional legislature. Even in Kansas this has been true.

From 1877 through 1955, the Kansas Legislature met only every other year. From 1956 through 1966 it met in regular session in odd numbered years and in a 30 day budget session in even numbered years. At the November, 1966 election, the voters approved a constitutional amendment which provided for annual general sessions, with those in even numbered years being limited to 60 days.

Another amendment in 1974 extended the duration of the session held in even numbered years to 90 days, subject to a vote of extension by two-thirds of the elected membership of each house.

As Dennis has pointed out, we have continually lengthened the session since this critical 1974 change. In fact, the last three legislative sessions have been 102, 103, and 102 days in length.

1-14-93
New Governmental Organization
& Effectiveness
Attachment 2

Well, so what? Why does it matter? With the New Federalism the legislature's job has gotten harder, more complex, more difficult, hasn't it?

This is true. But it's also true, in my estimation, that it isn't THAT hard a job, it isn't that complex, it isn't that difficult.

The plain fact of the matter is that we take so much time because no one's stopping us, it's easy to go past the 90 day deadline, and we always have a good excuse of one kind or another.

The plain fact of the matter is that we introduce far too many bills, which have far too little merit, and we hold hearings on far too many bills which have absolutely no chance of passage (I understand the irony here that HCR 5001 may be one of these "no chance" bills). If we are honest with ourselves, we must admit that we frankly legislate too much, talk too much, and listen too little - and we get paid all the time we're doing it.

As I have campaigned door-to-door, I've found that the general public just hates the way we conduct our business - this "on the slow boat to China method" of lawmaking. I believe we can do better. I believe we CAN get our job done in a shorter period of time - in 75 days, in fact. And I believe the people of Kansas want this and deserve it.

House Speaker Miller and Senate President Burke recognize this. Together, they have taken steps to truly meet our current constitutional mandate of 90 days. That's why the 1993 session is off to such a fast start. I applaud their commitment and their plan. As Speaker Miller has said "if we keep going the way we have been, legislators won't be able to have careers - or families for that matter - outside of the Legislature. That's not good and it's not what people want". Putting it even more bluntly, President Burke states that "if we can't come up with something that gets us out in 90 days, we're going to have to do something different.....every time we reach that 91st day I feel we're violating a sacred premise within our constitution".

Obviously, these leaders understand the importance of the citizen legislature and the disturbing decades-long trend. Each are committed, but they will not always be here. Who is to say what the commitment will be of those who will follow? With HCR 5001, we have the opportunity to, in effect, "codify" the Miller/Burke strategy - to force it, to make it happen long term. We can do this by recognizing the Legislature will ALWAYS make its work expand to fit the time allowed AND THEN TAKE SOME EXTRA TIME FOR GOOD MEASURE, so it simply makes good sense to shorten the time allowed. This will reverse the trend and begin to move us away from the specter of a full-time legislature.

Is this professionalization of the Kansas Legislature real or is it simply a politically motivated fabrication? It's a fair question. Fortunately, it's been answered for us through a 1987 study by the

independent Connecticut Public Expenditure Council. They concluded that the following nine states now have full-time legislatures: California, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin. Eleven states were characterized as having more than a part-time legislature. These states are Alaska, Colorado, Connecticut, KANSAS, Maine, Missouri, Oklahoma, Rhode Island, South Carolina, and Tennessee. The remaining 30 states were classified as part-time. This latter group includes 10 states which at the time still had biennial sessions.

As I close, let me be perfectly candid with you: it was hard to get conferees brave enough to come testify for this bill. Everyday citizens don't feel they have the ability to withstand questioning regarding the legislative process and virtually no one in the Legislature will let themselves admit this bill makes sense. We are all naturally reluctant to say that even though we could get our job done faster, we don't.

Even with this reluctance to brave the storm, I'm convinced that the vast majority of legislators and nearly all Kansans believe we can get our work done well and yet not take the proverbial all day in doing it. I share that belief - and I think if you consider it carefully, you will too.

To prove the point, look at the dichotomy of action with regard to HCR 5001 - practically no one will testify, yet most observers think if this bill gets to the floor of the House it will pass. Why? Because legislators really do recognize the increasing professionalization of the Legislature and they know this trend is anathema to Kansans. They know as well that any measures to protect the traditional citizen legislature will be popular at home.

This committee's decision - your action - is just a first step toward that protection. It's just a step, but it's the most important step.

I urge the committee to pass HCR 5001 favorable for action. Get it out on the floor. Let us vote it up or down. Only then will we know if Kansas will remain content to allow the trend toward a full-time professional legislature to go unchecked, or if we will take a stand in behalf of the traditional part-time citizen legislature. Whether or not we will have that opportunity is the committee's decision and by extension it is an individual decision for each one of you.

Decide wisely, decide well - give us the chance to choose what kind of government our children will inherit in Kansas and who among those children when they are grown will have the time in that time to serve their state and make its laws.

Mr. Chairman, I will be happy to stand for questions.

MARK PARKINSON
SENATOR, 23RD DISTRICT
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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
CHAIRMAN: LOCAL GOVERNMENT
MEMBER: JUDICIARY
FEDERAL AND STATE AFFAIRS
ELECTIONS

TESTIMONY IN FAVOR OF HOUSE CONCURRENT RESOLUTION 5001

TO: HONORABLE MARVIN SMITH, CHAIRMAN, AND MEMBERS
OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION
AND ELECTIONS.

BY: SENATOR MARK PARKINSON

DATE: JANUARY 14, 1993

At the outset, I would like to thank Chairman Smith, the Ranking Minority member, and the committee for scheduling hearings on House Concurrent Resolution 5001. I had suggested the idea of limiting the legislative session last year but was unable to receive a hearing. I appreciate the willingness of this committee to approach this issue with an open mind and consider its merits.

I support limiting our legislative session for a variety of reasons. I would like to highlight two of those in my testimony today. The first that I will discuss is my concern that we are gradually losing our citizen legislature. Second, I will talk about the benefits of a shorter session.

*1-14-93
House Governmental Organization & Elections
attachment 3*

WE ARE SLOWING BECOMING A FULL TIME LEGISLATURE

Kansas, like many states, has made the policy decision that we should be a citizen legislature. That is, unlike some of the larger states, we do not have a full time legislative branch. I strongly support that policy decision and believe that it provides Kansas with a great mix of representatives and interesting input from around the state.

Unfortunately, we are gradually losing our citizen legislature. I believe that if we do not get a grasp on this situation, we will become a full time legislature on a de facto basis.

To understand the magnitude of the problem, it is important to look at the history of our legislative sessions. When Kansas was founded in 1861, the constitution did not address the issue of how often or how long we would meet. That was changed in 1877 when we made the policy decision that the legislature would meet only every other year. Interestingly, there was no deadline for the session that would meet in the odd years, but there was no session in even numbered years.

We successfully continued for 80 years with no sessions during the even numbered years. That was changed in 1956 when we adopted a budget session in even years. There was a limit placed on the budget session of only 30 days.

Predictably, the budget session grew in length. In 1967 we made a change to lengthen the budget session to 60 days, and then in the odd years we met for 90 days. The next change took place in 1974 when we increased to our current level of two 90 day sessions.

All of you know that our commitment is actually much longer than 90 days. We also meet for a "veto session" which has become nothing like a veto session at all. Instead a majority of the substantive work is performed during the veto session. This has resulted in record sessions since 1974 with the last several meeting for over 100 days.

I firmly believe that we do not need this much time. There is often cited principle that a person will complete a task in the time allotted to them to perform it. If they are allotted more time, they will take the time. If they are placed under strict limits, then they will make the accommodations needed to get the work done within those limits. I believe the legislature is no different and that if we would stop or reverse this trend of longer sessions, we would still complete our work.

Indeed, there are a number of states whose problems are just as complex as ours but who, nevertheless, complete their sessions in shorter time. The most notable are the states of Florida, Georgia, South Dakota, Virginia, West Virginia and Wyoming. All of those states have sessions that run for only 60 days. Kentucky somehow manages to perform its work

and yet meets only every other year.

A SHORTENED SESSION WOULD HAVE A VARIETY OF BENEFITS

The primary advantage of shortening the session would be to open up our process to more people. The longer the session runs, the more difficult it is for working people with children, financial commitments, or pressing jobs to serve. We are all aware of the accommodations that we have had to make in our lives to serve in the legislature. As the sessions continue in the length, it will become increasingly difficult for many in our state to serve.

There are other benefits that are important. Obviously, there would be a small cost savings for the time that we are not in session. In addition, school districts currently face problems because of the resolution of the school finance issue in their budgeting session.

Ultimately, we must decide whether we want to continue to be a citizen legislature or whether we want to go full time. I strongly believe that we should retain our status as a citizen legislature. An important component of doing that is to stop this continual lengthening of our sessions and make a commitment to the people of this state that we will get our work done in a reasonable and definable time period. House Concurrent Resolution 5001 would give the people an opportunity to decide

if 75 days is a sufficient time, and I believe that we should give them that opportunity.