

March 23, 2017 interview with Don Hill, former Kansas House of Representatives member from the 60th District, conducted by Jan Huston.

[This is a continuation of Jan Huston's interview with former state Representative Don Hill of the 60th District.]

JH: In the previous interview, Don, we were talking about Kathleen Sebelius's term in office.

DH: We talked about several items that were of significance in the Sebelius era. Another item was the limited expansion of gaming, the legislation that ended up permitting state-owned casinos. We had the lottery and some pari-mutuel betting permitted by laws passed in the '80s, but this law, as it was proposed and as it was eventually passed, expanded that on a limited basis. There were four gaming centers in Kansas in south-central Kansas, Wichita, and southeast Kansas, one in southwest Kansas, Dodge City, and in northeast Kansas that were something that Governor Sebelius supported. It was a contentious bill as it passed through the legislature after being proposed on the House floor as an amendment to only remotely related legislation. The opponents at that time rushed back, but it was something that was worked on for two or three years and in the end it did have obviously bi-partisan support. It did pass by the narrowest of margins. But there's always an upside as well as there is a downside to any piece of policy. I think that policy has probably worked out reasonably well. There's no doubt we're exposed to some of the downside, being more issues or concerns or exposure to problem gamblers and some of the social ills that have been associated with it, but the reality of those who were proponents is that gambling is pretty pervasive. We do have casino gambling by virtue of what is right across the border in Missouri, and by virtue of our native American casinos. So that passed, and it has aided the state budget.

That money is designated for economic development and economic development in the context of that statute can have a pretty wide-ranging application to include infrastructure. It has no doubt indirectly helped education although it's not specifically intended to be used for education. There's been a bit of a misunderstanding. The money was designated to go to economic development, and

that's after money is set aside to go into efforts to educate the public to mitigate the issues of gaming.

During the first four years of Governor Sebelius's administration, John Moore was the Lt. Governor. When Gov. Sebelius started her plans to run for a second term, John stepped aside, and that's when she asked Mark Parkinson to join her on the ticket as her Lt. Governor. Mark had been a life-long Republican. He had served in the Kansas Senate as a Republican and in fact, he had been the state Republican Party chairman in the '90s at some point, during the administration of Governor Graves. Obviously, a moderate Republican, but he came on for her second term in 2006. John Moore had been a Republican as well. I think she recognized how Republican the state of Kansas is, and she wasn't going to accomplish anything in a partisan perspective. It was going to have to be based on a broad bi-partisan, pragmatic middle-of-the road approach, and so selecting an individual to serve as her Lt. Governor who had some control of the Republican Party was part of that. She also selected Republicans as members of her Cabinet as well. Most notably, Duane Goossen who was her budget director and also served for a time as Secretary of Administration. Duane had been a legislator, a Republican House member, Marion County, west of Emporia, "Goossen from Goessel." Duane continued with Gov. Sebelius as her budget director after serving Gov. Graves as his budget director. Also Mike Hayden, former Republican Governor and Speaker of the House, served as Secretary of Wildlife and Parks. Those two were the most high-profile, but there were other folks who either were Republican or had served in previous Republican administrations.

JH: Tourism?

DH: That came during that Administration. They reorganized Wildlife and Parks and included Tourism. Previously tourism had been in the Department of Commerce. I can't tell you exactly when that happened. That worked out. It probably came during Hayden's time as Secretary. I think you're right. Robin Jennison is now the Secretary of Wildlife and Parks and Tourism. He is also a former Republican Speaker of the House.

Yeah, Mark Parkinson was Lt. Governor and he succeeded to the Governorship when Gov. Sebelius was asked by President Obama to join his administration. That happened during the legislative session of 2009, early on, and it happened pretty quickly. Some of the appointments are announced in the interim before the inauguration. Gov. Sebelius wasn't the first pick of Pres. Obama, so hers was delayed a bit. Pres. Obama's first pick for Health and Human Services was Tom Daschle, Senator from South Dakota. There were some issues with the nomination, and Daschle withdrew from consideration. When Gov. Sebelius was nominated, Mark Parkinson became the Governor, and during the middle of the session in 2009, Troy Finley had been the Governor's Chief of Staff. He was appointed by Gov. Parkinson as Lt. Governor. He continued to serve as Chief of Staff. Finley had been in the Kansas House when Gov. Sebelius was elected in 2002; he left the House to become her Chief of Staff. He was representative from Lawrence.

By the time the Governor left, and Gov. Parkinson took over, the effects of the 2008 recession began to be felt in terms of revenue. The reserves Kansas statutorily is required to maintain is a 7 ½ % reserve. Of course what's happened more commonly, it was certainly the case in my 14 years, the legislature passed another statute. To have 7 ½ % balance be at least partially spent in the budget, we had reached the point in the last 2 or 3 years of Gov. Sebelius's tenure leading up to the Recession where we did have substantial ending balances that either met or exceeded 7 ½ percent. We were able to meet the requirements of the [Kansas] Supreme Court Montoy decision in the special session of 2005 pretty much with resources that were available. It was school funding with the intention that it would be phased in over 3 years or funded over the 2008-2009 time frame with incremental increases. The school funding increase plan was acceptable under the circumstances to the plaintiffs in the Montoy case and approved by the Kansas Supreme Court.

Eventually we recovered financially from the 2008 recession and that dip in revenues. That recovery, although not robust, was significant enough that when we got to 2011-2012, we were growing reserves again. When the tax cut of 2012 was

made, there were funds clearly sufficient to finish up what had been the promise to fund education, but instead the legislature spent the money for tax cuts, never completing the promise on school funding which in turn led to the subsequent law suit, the Gannon Suit. Because the legislature never fulfilled the promise and again we were out of compliance on providing suitable and adequate funding for education.

When Governor Parkinson walked into the second floor office of the Governor, he was putting out fires and kind of putting a thumb in the dike. We managed to get through 2009 in good shape, and then we came back in 2010 for that session and it was clear that in order to meet our obligations, spending was going to have to be cut or revenue increased or both. In his State of the State message, which was one of the best speeches I had ever heard a Governor give, (and the other was by Governor Parkinson also, actually at the Symphony of the Flint Hills probably that same year), he laid out his budget proposal which did include reductions in spending and an increase in tax to fix the budget.

2010 ended up being a full session. Ultimately the legislature did pass a revenue increase; the 1% sales tax that he proposed was what was finally enacted. There were a lot of other options considered, a lot of discussion. Simplicity was one of the reasons the sales tax ended up passing. Most of the other proposals would have had more of a progressive element, perhaps an income tax surcharge, some combination of ideas were discussed but didn't have the votes to pass.

During that session some really good policy work was done. During 2010 we passed the 10 Year Comprehensive Transportation Plan. We also passed a Clean Indoor Air Act, prohibiting smoking in indoor public places, which was one of the highlights of my legislative career, one of the things I was heavily involved in. The transportation plan and the indoor air act were close votes passed with bipartisan votes. In the House the majority of the Republicans did not support either one of those issues. At that time I was one of the more senior moderate Republicans and I was in the position, not necessarily being a leader, more of a convener or facilitator. Those initiatives passed, and I was pleased by that. Also we passed the primary seat

belt law with a very similar makeup of the coalition of legislators, moderate Republicans and Democrats who came together to support that. The Republican House transportation chairman was opposed to the seat belt law. He was also opposed to the 10 Year Transportation Plan. Philosophically, on the seat belt law he was a libertarian; Big Government shouldn't be a nanny state. He was concerned with the cost of the 10 Year Transportation Plan.

We also had the energy grand compromise. I would characterize it in the last few years of the Sebelius administration, before she left, and when she had in place all her Cabinet and her secretaries, there had been discussion of building a coal plant, an energy production plant in Holcomb. Legislation to allow that had passed and Gov. Sebelius had vetoed that. There ended up not being enough votes in the House to override her veto. The veto was overridden in the Senate to do that and that was a tough vote for me. I ended up supporting the expansion of that energy generating facility, but I certainly had reservations. My constituents in Emporia were probably pretty evenly divided. I supported it because, and I can see that there certainly isn't any such thing as "clean coal", but I was really impressed that that facility. Had it been built, it would have been far, far cleaner than any of the facilities that were currently in operation, whether it was Jeffrey, or Les Cygnes, or any of the coal-fired plants as in Lawrence which are all much much dirtier, in spite of being cleaned up, than this plant in Holcomb would have been. I was also intrigued and interested in the opportunities for this clean edge facility to offer opportunities for the area for leading-edge research into the sequestration of carbon dioxide. There was a lot of work being done at that time at K-State.

There was opportunity for economic development out in the southwest Kansas area. So it was an opportunity for them to stabilize their costs for energy. It would have been less costly for them had that facility been developed. We would also have ended up exporting energy from that facility. The benefit, to the extent we would have created an export, would have derived to the cooperatives and cooperative owners out in that area. Gov. Sebelius vetoed that. Her concern was over the environment. Most of the votes to sustain her override were from folks who had serious issues or concerns over the environment, from eastern Kansas, which was

kind of ironic. A lot of that opposition was in Douglas County, Johnson County. The whole Douglas County delegation with the exception of one House member was opposed to the plant being built in Holcomb, yet the Holcomb plant would have been much cleaner than the facility northwest of Lawrence.

When Gov. Parkinson became governor, there ended up being legislation crafted which would have allowed a smaller capacity facility to be constructed in Holcomb. Then he tied that facility to renewable portfolio standards, which meant that Kansas would make a greater commitment to the development to cleaner alternative energy sources. Primarily wind and but also some solar, and I give Governor Parkinson all the credit. His skill at negotiating and compromise, there was something in it for everyone, and it passed. It may be one of the best examples of pragmatic, compromise type leadership that I saw when I was in office. The law was challenged legally, and here we are about 8 or 9 years later, and just in the past few weeks the lawsuit that was filed on the behalf of the environmental concern has been resolved to my understanding. The plant could be built. Now the question for those folks is it economically viable, is it necessary, but in the meantime in the last 8 years, Kansas has seen a very significant development in wind energy arena. That's a win for the state in my view, for the environment, in long-range dependability, economy.

JH: Don, would you now begin talking about the 2010 election which was pretty pivotal.

DH: 2010 session was eventful and led into the 2010 election cycle which that particular cycle was a gubernatorial cycle. Gov. Parkinson chose not to seek election, and he could have actually run and run again. Governors are term limited in Kansas. 2010 would have been the end of Gov. Sebelius's two terms, but since Parkinson was appointed, he could have run in 2010, and I think there was some hope that he would do that, but his deciding not to, it was already well-known that and this figured into Parkinson's thought process, I don't know, but Senator Brownback had announced his intention to come back and run for Governor. When he ran for Senate in 1998, he'd said at the time that he was going to limit his two

terms in Senate. So his second Senate term was ending, and he indicated his intention was to come back and run for governor in Kansas.

So there was no doubt about who the Republican nominee would be, and there was no doubt about the strength that Senator Brownback had - good name recognition in government, so Gov. Parkinson decided not to run. The Democrats really didn't have much of a bench. Senator Tom Holland was the Democrat who ended up being nominated, but it probably was an overwhelming success for Governor Brownback. His position that we talked about earlier was that taxes had been raised. He intended for taxes to be cut in the days ahead.

The PAC money, I'll call it, Americans for Prosperity, the Club for Growth, they came out in the 2010 House races in full force. They were active in the Republican primary. I was targeted. There were postcards that came to the 60th District constituents talking about how I had voted for an 18% tax increase. The moderate House Republican incumbents, even though there were quite a number in addition to myself who were challenged, came out fine in that primary cycle.

There was one of my Republican colleagues who lost in the primary. That was a Representative from Jackson County who, like myself, had voted for the tax increase. She also happened to be a pro-choice candidate, so that was on her choice selection versus pro-life. She had a primary opponent who was pro-life and was also preferable from the standpoint of those who were seeking to defeat her because she had voted against the power plant coal facility, and that was portrayed by her detractors as an anti-jobs, anti-economic development vote. So she was attacked on her position on choice, she was attacked on her vote on tax increase, and she was attacked as an anti-jobs candidate. And of course this is in a Republican primary. She was defeated. She was the only one among the moderate Republicans.

When we got to November, the Democratic incumbents were attacked in the same way that they gone after moderate Republicans. Abortion was an issue, although a number of the Democrats who were defeated were also pro-life, but it was mainly

the tax increase, and of course, Gov. Brownback who was running at the top of the ticket had coat tails, I would say in that particular year. The first year is an unknown quantity as far as what he might bring to the Kansas governorship. A very conservative agenda. He was running on limited government, personal responsibility, and lower taxes. The upshot of that is that there were 16 Kansas House Democrats that were defeated in that election. Their numbers went from 46 to 30 out of 125. That was a game changer in the Kansas House of Representatives.

We'd been in a position where in the last two years of the Parkinson administration in the 2009-2010 sessions there was a capacity to form a coalition, a bipartisan coalition with 63 votes, but with the loss of 16 Democrats that was nearly impossible or far more difficult. The Republican leadership was still intact in the Kansas Senate. Of course, in the 2012 election cycle when the radical right came after Republicans in primaries, there was a significant number of casualties. I think 8 or 9 moderate Senators were defeated, including at the time Senate president Steve Morris, a number of committee chairs including fed and state committee chair Pete Brungardt, judicial committee chair Tim Owens, Bob Marshall, Roger Reitz, Jean Schodorf, Ruth Teichman, Dwayne Umbarger. There were also a few retirements. Vice President of the Senate at the time, John Vratil retired as did Torrie Huntington.. So politically the landscape really changed in the 2010 and 2012 cycles.

I want to mention some things that were really impactful to me and important to me and to constituents. The importance of any legislator being in a mentor relationship or having mentors is really important. Some of the mentors that meant a lot to me during my career included Kenny Wilk. Kenny was from the Leavenworth/Lansing area. He had been a good friend of Lloyd Stone, my predecessor. He had been the chairman of the appropriations committee, later was chairman of the economic development committee and the tax committee before he retired. Kenny has continued to be very active. He's been on the Kansas Board of Regents, and he's been chair of the Board of Regents. Now he's on the leadership team at KU Hospital.

Kenny did run for the Speaker of the House my first year and actually four years later and was defeated at both of those runs at Speaker. If he would have prevailed, my career would have probably looked significantly different. He ran in 2002 and 2006 for Speaker. He retired after 2006 term so we served 6 years together before he retired.

The House had had a moderate Speaker the two years before I was elected, that was Kent Glascock. Then we had a more conservative leader – Doug Mays the first four years I was there. Ward Lloyd was sort of that unofficial leader of the moderate Republicans. There was never anything formally organized; it was more of a very informal, I wouldn't say it was a shadow Speakership, but the reality is that there was a significant number of legislators that in order to have more enfranchisement, in order to have more opportunity to be involved, it was helpful to have communications among that group, to have opportunity to get together. Ward Lloyd was the person who did that. Ward is an attorney from Garden City. He retired after I was there for four years, and he went back into private law practice in Garden City and was appointed by Gov. Parkinson then to be on the Kansas Corporation Commission. After Gov. Brownback was elected, Ward Lloyd was not reappointed to the Kansas Corporation Commission, and at that point he went to work for the Attorney General's office, Derek Schmidt, and has recently retired from that.

Three other individuals who meant a lot to me and were mentors: Bob Bethel was a special friend who represented a district around Sterling and Lyons and Alden. Bob was a Baptist minister and had a career in nursing home administration. Bob had a fatal car accident at the end of the 2013 legislative session. He was driving home, daylight, late afternoon. Bob was a special friend, and his loss was impactful to me and to many of our other friends regardless of their politics.

Tim Owens is another good friend that served in the House and then went to the Senate. He was one of the Senators who was defeated in 2012. Tim also was an attorney. Then Steve Morris was one of those who was instrumental in my interest in seeking to serve in the legislature. He was long time Senator and long-time Senate President before he was defeated in 2012.

Another thing that is worth highlighting or mentioning is that the remodeling and restoration of the Capitol was something that was just starting when I was first elected in 2002. They made the decision to do that and make that investment, but that project went on for 12 years, having just been started in 2002. They were digging the hole for the parking facility, and then as work continued, they did the Capitol and the remodeling and restoration in quadrants. They started with the east wing, and each of those stages was about a two year deal. The way that that was all managed was pretty amazing causing as little disruption as possible. They used the Docking State Office Building a lot during those 10 years. My office was in the Docking Building for four years. They did the east wing first, then the west wing, then the south wing, the Rotunda, and the north wing. In addition to the restoration of the Capitol and the renovation, they also created a significant amount of new space. All the new space was underground: the visitors' center and the public spaces on the north end which is the new main entrance and the only public entrance. And then there's basically a two-story structure under each quadrant or the angle so there's a southeast quadrant, and northeast, a southwest and a northwest. It was a huge investment. The cost was \$350,000,000. That was an investment that was very wisely made. It will last for generations, and it's completely modern, so much more functional in terms of the space, the technology, and it was fun to watch the progress. It wasn't necessarily so much fun to move offices every two years. In 14 years I was in 9 different offices. So I was a nomad. That was also good from the standpoint of knowing more people better than I might have otherwise. I had different office mates, and that was good.

The other thing that was worth noting and that the public doesn't have much appreciation for is the importance of the full-time professional staff that is available to Kansans and to the legislature. It's not a big group of people, but they are professional from any measure, and so we have a full-time Legislative Services office. They manage the building. They manage the maintenance and the custodial, and they manage the security. They run what you'd probably say is a small human

relations or personnel management aspect where they keep track of benefits and insurance and scheduling the building. Jeff Russell was the head of Legislative Services for most of the time I was there, and Tom Day took over after Jeff retired.

But just behind the scenes making everything run smoothly is the legislative staff which has clerical staff only during the legislative session. Typically a legislator shares a secretary with one or sometimes two other legislators. That group for the most part are retired. There are a few that are in transition between jobs and end up coming in and working, but a great group of people. Senators each have their own secretary, and sometimes committee chairs have additional staff to help staff the committee or committees that they chair.

Then we have the Legislative Research Department, about 30 people that are content subject specialists, experts. Some are attorneys or economists. There are master's degree staff. They also have interns, especially during the session that increases their capacity. If a legislator is contemplating supporting or introducing legislation, we have our own staff that is there to go deeply into the background and dig out essential considerations.

Then we have the Revisors of Statute office. Those are all attorneys. They are our lawyers, if you will, when legal matters come up. Most of their job is writing laws, reconciling statutes within our own set of laws but also reconciling with changes at the federal level, and also they are involved in the rules and regulations. Really dedicated individuals.

Finally we have our computer department who keep all of the computers running and coordinated and secure, we hope. Security is one of the growing issues, and there are areas where technology would be the best example where what is happening in the world is way ahead of the capacity to keep up with it from what regulations or laws would be considered.