

STATE AFFAIRS COMMITTEE

March 16, 1967

The meeting was called to order by the Chairma, with all members present except Mr. Jelinek, a Mr. MRogers and Mr. Woodworth who were excused. Rep. VanCleave appeared to discuss H.B. 1290 and 1291. He stated that these are "disclosure" bills; that an ethics committee would be set up to determine conflicts of interest on the various legislative matters ; and handed out copies of an editorial that appeared in the Kansas City Times on the subject. Mr. Fribley inquired if Mr. VanCleave would describe this as a "real strong" conflict of interest proposal, and Mr. VanCleave stated that he did; however, that the rules and principles and standards would be set up by a committee; that it would be the legislators themselves controlling it. Mr. Fribley inquired if members would have to reveal clients at the beginning of the session, and Mr. VanCleave stated that lawyers are subject to the supervision of the Supreme Court in all matters; that the purpose of HB 1290 was to disclose special interests. Mr. Fribley inquired if that would include lawyer-client relationships and Mr. VanCleave replied that it would.

Mr. Turner expressed the opinion that the House rules already govern conflicts of interest. Mr. Fribley pointed out on page one (b) that the term officer or employee of the state, which would appear to include everybody. Mr. Bunten stated that there is a tremendous number of bills and each one would have to be examined in the light of each member and that so much time would be taken up on this that no business would ever be done. Mr. Unruh inquired if retainers would infer conflict of interest and Mr. VanCleave felt it probably would. Mr. Bunten inquired about Sec. 7, paragraph (b) concerning the exemption from formal rules of evidence, and expressed the opinion that this is probably not good; that he sees no place where the individual would have recourse.

Mr. Turner inquired about section (d) dealing with impeachment of constitutional officers and Mr. Griffith stated that Committee is defined in Section (c) of the first page; that Section 6 is the only one dealing with the legislature. Mr. Turner stated that the bill says "any officer, employee, etc" and that he thought he was a state officer. Mr. Griffith pointed out that the definition section clarifies it.

Mr. Fribley inquired if the proposal would affect the members after the session was over, during the term of his office or what; pointing out there might be a do now and pay later arrangement. Mr. VanCleave stated that he would welcome such an amendment. Mr. Bunten stated that he could visualize

for example in the Labor Committee, they might not have a single member eligible to vote. Mr. McGill inquired how many more employees this would require, and Mr. VanCleave stated that he believed "very few"; that the committee would be comprised of legislators themselves; that it might take more work but no more employees. Mr. Brown stated that it would stop the emergencying of bills because the committee would have to determine if there were any conflicts first.

Mr. VanCleave proceeded then to explain H.B. 1291, stating that it makes accepting bribes a felony. Mr. Turner inquired how this differed from the general bribery statute? Mr. VanCleave stated it also makes the person who accepts the bribe liable.

Rep. Jack Euler appeared to discuss H.B. 1363, stating that when it appeared there was to be this type of legislation introduced that he prepared this bill; that he personally feels that the present statutes and rules are adequate, but if the Committee feels the need for this kind of legislation, 1363 is more palatable than 1290 and 1291. He stated that he has been unable to find a single incident where conflict of interest has been involved with a legislator; that he believes everyone should be able to know where they stand under rules and law, but that if this is in the hands of a committee, you cannot know this; that if this type of legislation is enacted it should be something that gives definite guidelines and not something subject to the whims of someone who might be "out to get" some particular individual. Mr. Buchele inquired who he proposed to have enforce this proposal, and Mr. Euler stated, all the enforcement officers who enforce the present statutes.

Mr. McCray inquired if Mr. Euler was really for this bill which he introduced, and Mr. Euler replied that he saw no pressing need for it but that he had simply prepared a bill that he felt would be better than 1290 and 1291. Mr. Boyer inquired if a member removed himself from voting, if that would change the voting of the Legislature, and Mr. Turner advised him that the constitutional majority in the house would still be 63. Mr. Unruh stated that he had voluntarily supplied a list of his interests which were published in the legislative book, and that he had a scathing editorial written about him; that he prepared this for the information of the Legislature and felt it was unfair of the press to use this information to criticize him. Mr. Euler stated that he didn't offer this bill as an ideal piece of legislation but it is better than 1290 or 91; and that the basic problem is with the ethics of the individual anyway. Mr. Fribley again inquired about the limitation of time, and Mr. Euler stated that some states have a two-year period. Mr. Fribley inquired if we have this type of legislation, if he would think it a good idea to have this amended in, and Mr. Euler was of the opinion that it probably would be. Mr. Doyen expressed the opinion that things could get so restrictive as to discourage anyone from running for the legislature.

Mr. Euler further discussed H.B. 1405, which deals with the age for the purchase of cereal malt beverage. He introduced several gentlemen from Wathena: Rev. Floyd Nolan, the Mayor, Rev. John Parker and Mr. Blunt, the high school principal.

Rev. Nolan explained that the community of Wathena is being invaded by young people from Missouri, Nebraska and Iowa because in those states the people must be 21 in order to buy beer, whereas in Kansas they need be only 18; that Wathena is a small community and they will have an influx of from 500 to 700 youngsters on a given evening--Friday and Saturday nights; that there are three taverns in the town and they cannot begin to accommodate this many people and that they spill out into the streets and it becomes a real problem for a town of some 1200 people. He stated that last fall on one occasion there was 233 out of state cars there; that incidents occur which makes the small law enforcement compliment very busy indeed. The mayor stated that one of the big problems is that it is difficult to tell how old these kids are and they will have all kinds of falsified identification so it is impossible to check.

Mr. Blunt explained that it poses a problem so far as the attitude toward school is concerned. Mr. Mikesic inquired if they have passed a city ordinance to control this, and the Mayor said the County Attorney and Attorney General said they couldn't do it. Mr. Brown expressed the opinion that they could control it by setting a closing hour. Mr. Boyer stated that he didn't know quite how he felt about it, but that if they are old enough to be drafted at 18, he felt that they should probably be able to buy beer. Mr. Turner stated that he enlisted in the Navy at 18 and then in the Marines at 20; that California had a 21 year age limit and that he managed to survive. Mr. Ford stated that he believed it could be handled by the law enforcement officers; that licenses wouldn't have to be issued. The Mayor explained that if the applicants meet the requirements they have no course but to issue them.

The meeting was adjourned.

MARGARET GENTRY, Secretary

MARCH 19, 1967

KANSAS NEEDS CONFLICT-OF-INTEREST LAWS

THE new Democratic governor of Kansas is not having a predictable amount of trouble getting the Republican-controlled Legislature to go along with his program. The Legislature gave him an income tax withholding tax reduction he didn't want, and it has been vetoed. His proposal for a new state highway authority to build more turnpikes is being bypassed in favor of letting the existing Kansas Turnpike authority do the job. But we certainly see no reason why Gov. Robert Docking should be similarly balked on one item in his legislative portfolio: The conflict-of-interest bills.

A vote against this kind of measure would be a hard one for any legislator to explain. Particularly in Topeka at the moment where the attorney general's office is looking into possible questionable links between some of the members and sales of insurance or insurance stock. As if to encourage the Legislature to move along with his two conflict-of-interest bills, the governor this week will get an interim progress report on this investigation.

The conflict-of-interest bills—one covering legislators and state officials and the other political party groups—were not hastily drawn reactions to the insurance investigation. The governor's staff and Democratic House members spent many hours checking with Missouri and three other states which have such laws, investigating the pitfalls to be avoided and how the laws are working. The measures seek to provide clear definitions of conflict in terms of financial gain and forbidden activities in influencing legislation. They set guidelines which require legislators to reveal when they are directly and personally affected by some pending action.

The impropriety is not in being involved, for after all every legislator, as a businessman or lawyer, sooner or later has before him a bill closely involving those interests. The impropriety lies in working behind the scenes for such legislation with motives of personal gain rather than of the welfare of the people of the state.

The great value of such laws is in their setting of clear, thou-shalt-not guidelines for legislators, state employees and party workers. An earnest effort at Topeka to get the conflict-of-interest bills out is sure to create a favorable impression with the people of Kansas.