

MINUTES OF THE HOUSE COMMITTEE ON Federal and State Affairs

The meeting was called to order by Representative Robert H. Miller at _____
Chairperson

1:30 a.m./p.m. on January 24, 1984 in room 526S of the Capitol.

All members were present except:

Representative Barr - E.

Committee staff present:

Russ Mills, Research Department
Mary Torrence, Revisor of Statute's Office

Conferees appearing before the committee:

Representative Robert Frey
Dennis Prater, Public Disclosure Commission
Patty Riley, Kansas Association of Public Employees

The meeting was called to order by Chairman Miller.

Representative Sallee made a motion, seconded by Representative Peterson, that the minutes of the January 23 meeting be approved. The motion carried.

HB2636 - Concerning conflicts of interests; prohibiting certain solicitations and providing penalties for violation

Mary Torrence, Revisor of Statute's Office, explained the bill which would prohibit any state officer or employee to solicit funds on behalf of any private person, business or charity if he is to receive compensation for soliciting such funds.

In a letter from the Attorney General's Office, which was distributed to the committee, the Attorney General expresses his concerns about this bill and also HB2637 and HB2638. See attachment A.

Dennis Prater, Public Disclosure Commission, gave testimony on this bill and told the committee that it paints with a very broad brush.

Representative Robert Frey, who was Chairman of the Interim Committee on Conflict of Interest, explained that occurrences this past summer involving the spouse of the Governor soliciting funds prompted the legislative study committee to review the conflict of interest laws.

There was discussion about how broad this bill was and how many state employees would be involved.

Patty Riley, Kansas Association of Public Employees, gave testimony in opposition to HB2636 stating that the measure is too broad and too many state employees could be involved.

Hearings on HB2636 were concluded.

HB2637 - Concerning conflicts of interests; relating to certain contracts between the state and current or former legislators or their spouses

Representative Frey explained that this bill would extend the existing conflict of interest law to spouses. Existing conflict of interest law prohibits a state legislator from having a financial interest in any contract with the state during their term or within one year after his term expires.

CONTINUATION SHEET

Minutes of the F&SA Committee on January 24, 19 84

Dennis Prater, Public Disclosure Commission, expressed his concerns as to why line 0043 was stricken.

Hearings on HB2637 were concluded.

HB2638 - Prohibiting certain acts with respect to certain state officers and employees, candidates for state office and related persons

Representative Robert Frey explained this bill which would prohibit any relative of a state official, employee or candidate from soliciting gifts, loans, discounts, etc. from a person with a special interest when it might be construed as influencing official duties.

There was discussion about who the penalty would be against - the giver & recipient or the official. The recipient would receive the penalty although there would be the burden of proof that the recipient was receiving the gift as an attempt to influence the official.

When asked if there have been a lot of problems in this area, Representative Frey said there had not been a lot of problems, but felt there was a need to clearly establish what is expected of elected officials.

Hearings on HB2638 were concluded.

Attention was called to the agenda. The Chairman asked that if committee members needed to do research or write amendments on any bills that have been heard this session that might be brought up at the next meeting, they should do so.

The meeting was adjourned.



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January 24, 1984

Honorable Robert H. Miller, Chairman
House Federal and State Affairs Committee
Capitol Building
Topeka, Kansas 66612

Dear Representative Miller:

Thank you for the invitation to testify before your committee regarding House Bills 2636, 2637 and 2638. Because of scheduling conflicts neither I nor my deputy who assisted me in researching these governmental ethics issues is able to attend your scheduled hearing.

I testified before the interim committee or responded to questions involving each of these bills and call your attention to the record of that hearing. I only wish to stress to the committee one point which is addressed in New Section 5 of House Bill 2638. Under the state's current gift law, prosecution of a state officer or employee is only possible when the officer or employee accepts gifts from someone with a special interest of an aggregate annual value over \$100 if he or she knows or should know that a major purpose of the donor is to influence the performance of official duties. (Another subsection enacted last year flatly bans donation of \$100 or more to an agency which regulates the donor.) The underlined language provides for a burden of proof which is difficult or impossible to establish in most instances. If the legislature desires enforcement of a conflict of interest law regarding acceptance of gifts, I recommend it establish a broad, flat ban on accepting or giving gifts over a particular value, with no requirement of proof of such intent.

Each of the bills you are considering contains a number of policy decisions regarding its application and breadth. These are important, serious considerations which you have before you. These considerations impact the faith and trust of the public in its government.

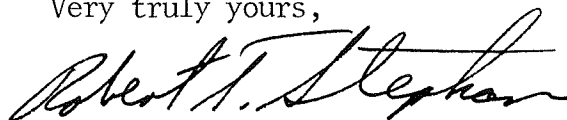
Attch. A

Representative Robert H. Miller

Page Two

If I can be of further assistance in your deliberations, feel free to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Robert T. Stephan". The signature is written in black ink and is positioned above the printed name and title.

ROBERT T. STEPHAN
Attorney General

RTS:naw/m