

Approved 3-30-88
Date

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Gordon at
Chairperson

1:30 ~~am~~/p.m. on March 23, 1988 in room 522-S of the Capitol.

All members were present except:

Senator Reilly (excused)

Committee staff present:

Myrta Anderson, Legislative Research Department
Theresa Kiernan, Revisor of Statutes' office

Conferees appearing before the committee:

Representative Carl D. Holmes, House of Representatives
Earl Nehring, Common Cause/Kansas
Carol Williams, Kansas Public Disclosure Commission
Representative Heinemann, House of Representatives
Ron Thornburgh, Secretary of State's office
Jim Kaup, Kansas League of Municipalities
John T. Torbert, Executive Director, Kansas Association of
Counties

The Minutes of March 16 were approved by motion of Senator Bond and second by Senator Norvell.

Substitute HB 2755 - Myrta Anderson of the Research Department gave a brief explanation of the bill which concerns certain political advertisements and provides penalties and remedies for violations and said the bill provides that no person shall publish or cause to be published in any newspaper or other periodical any paid advertisement promoting or opposing action or nonaction by the legislature on any legislative matter unless such advertisement is followed by the word "advertisement" together with the name of the chairperson of the organization or other individual causing the advertisement to be published. The bill also makes similar provisions for advertising by radio or television.

Representative Holmes requested the House Committee on Elections to introduce the bill and distributed copies of his testimony. (Attachment 1) He stated the current statutes have a problem concerning accountability when trying to influence legislation. Mr. Holmes said he is comfortable with the substitute bill and would urge its passage.

Earl Nehring, Common Cause/Kansas, handed out written testimony and urged the committee to endorse the bill and recommend it for passage. (Attachment 2).

Carol Williams, Kansas Public Disclosure Commission, stated their commission does not take any position on the bill.

HB 2831 - relates to methods of becoming a primary election candidate. Representative Heinemann, sponsor of the bill, said he introduced the bill to clarify the statutes relating to candidates' petitions for primary elections. He further stated that if a candidate who has filed by petition and found to be invalid and has been notified by certified mail and if the candidate pays such fee within seven days after the date of mailing of the notice the nomination petition filed shall be treated as a declaration of intent to become a candidate.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,
room 522-S, Statehouse, at 1:30 ~~xxm~~/p.m. on March 23, 1988

Ron Thornburgh, Secretary of State's office, stated that their office supports HB 2831 and that they have worked with Representative Heinemann in drafting the bill and that it is a workable bill with the seven-day deadline.

HB 2886 - concerns state governmental ethics requiring certain persons to file statement of substantial interest. Myrta Anderson explained the bill and said the supporters of the measure state the bill extends the application of existing statutes to administrators and executive directors of certain interstate compact and commissions.

Representative Joan Adam, one of the sponsors of the bill, appeared before the committee to testify on behalf of the bill. Representative Adam's written testimony is herewith attached. (Attachment 3).

Kerry Patrick spoke in support of his amendments to the bill. The amendment states that city officers and county officers and candidates for city or county office would also be required to file a written statement of substantial interest. He further stated that if it is good public policy for legislators, state officers, employees and members of boards, council and commissions under the jurisdiction of the head of any state agency to file such statements of substantial interest the same rationale should also be regarded as good policy for city and county officials to submit such written statement.

Earl Nehring speaking for Common Cause/Kansas distributed copies of his written testimony. (Attachment 4). He stated that before extending governmental ethics statutes to cover local government their organization would like to see them made more effective at the state level.

Jim Kaup, Kansas League of Municipalities, distributed copies of amendments (Attachment 5 and 6). Mr. Kaup stated that the amendments added to the bill on the floor of the House of Representatives by Kerry Patrick should be stricken and the amendments as submitted by the League of Municipalities should be included in the bill.

John Torbert, Executive Director of Counties, said their organization had problems with Section 3 of the bill and would like to see the section deleted from the bill. He stated that the language as it appears requires every county official holding office when this legislation takes effect to file the substantial interest statement for each year that such person held office before January 1, 1989. He further stated this would in many cases be virtually impossible. (Attachment 7).

The Chairman announced the hearings on HB 2886 would continue at the meeting next Wednesday, March 30, 1988.

The meeting was adjourned at 2:30 p.m.

STATE OF KANSAS

CARL D. HOLMES
REPRESENTATIVE, 125TH DISTRICT

P O BOX 578
PLAINS, KANSAS 67869
(316) 563-7361



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN ENERGY AND NATURAL RESOURCES
MEMBER LABOR AND INDUSTRY
LOCAL GOVERNMENT

STATE CAPITOL, RM 156-E
TOPEKA, KANSAS 66612
913, 296 7670

HOUSE COMMITTEE ON ELECTIONS

H. B. 2755--CORRUPT POLITICAL ADVERTISING

February 9, 1988

Mr. Chairman and members of the Elections Committee:

Our current statues have a problem concerning accountability when trying to influence legislation. The problem became real for me this past fall before the special session. My desire is for honest government in Kansas.

Problems with this ad:

1. Designed to mislead public as to legislators position
2. No indication who placed the ad
3. Group listed was not registered with Public Disclosure Commission
4. No indication who paid for the ad
5. Newspaper would not reveal who paid for advertisement
6. Newspaper said if people responsible for ad had to disclose, they would withdraw ad
7. Telephone number was two years old and had been changed
8. Telephone number discontinued during session
9. Caused people to feel I was not accessible
10. Newspaper did change phone number, but still kept source of ad anonymous

Thank you for the opportunity to testify--I stand for questions

*Attachment 1
Senate Elections Committee
March 23, 1988*

Jays Into Nation's Top 10, 3-1

eight batters and hit one as the Dodgers had runners on base in every inning but the fifth.

The Bee Jays came to the aid of Beck with a season-high four double plays. Liberal had two killings the fourth, sixth, seventh and ninth innings.

The win ran Beck's

season record to 10-0. The 10th victory ties him for the most victories in a season with Jim Allen (1968) and Mike Moore (1980).

It was Beck's second tournament victory. He defeated Tucson, Ariz. 9-1 in a first-round game at the Fairgrounds Park.

In the three wins, Beck and Mike Hoog have given up just two earned runs in 23 innings. Liberal's only tournament loss was to

unbeaten Hartselle, Ala. in a 10-8 slugfest.

Liberal scored all three of its runs in the first inning. The Bee Jays had only one hit, a double by Gary Schoonover in the fifth.

What proved to be the winning uprising began when Scot Pose led off the BJ first inning with a walk. Ronnie Ortegón doubled Pose to third. He scored on John Jensen's groundout to first.

Keith Kaub's 69th RBI of the summer came on a single up the middle — plating Ortegón.

After John Valentin was safe on an error, catcher Paul Ellison delivered a key two-out RBI single.

San Fernando got its only run in the third to complete the scoring.

"We're really battling right now," said Bee Jay Manager Doug Clark who is trying to get past the fifth

round. The loser today will finish in a four-way tie for seventh. That's the top Clark's first BJ team played last summer. "Beck got tough with men on base. Those double plays were great. They're a pitcher's best friend."

"They threw a couple of real good pitchers who had command of their breaking ball. Young hitters are used to seeing mostly fast balls. The breaking pitch gave us fits," said Clark.

St. Louis' only tournament loss came at the hands of Clarinda, Iowa 10-4. The Pointers made it into the Nation's top 10 by dropping Waco, Texas 6-1. Madison, Wis. 7-5 and Sunday eliminated seventh-seeded Middletown, Ill. White Sox 10-9.

Clark was expected to start Rodney Brooks (34) against St. Louis. Brooks was the losing pitcher against Hartselle, Ala.

LIBERAL SAN FERNANDO VALLEY, CALIF. 1

California (1)	Ab	R	B	SO
Calvin, cf	2	0	0	0
Rivers, dh	1	0	1	1
R. Allen, ss	2	0	0	0
Bible, c	1	0	0	0
Lashy, 2b	1	0	0	0
Cruz, 3b	2	0	0	0
Scott, 1b	2	0	0	0
R. Allen, rf	2	1	0	0
Brels, lf	1	0	0	0
Talbot	2	1	1	1

Liberal (2)	Ab	R	B	SO
Pose, cf	2	1	0	0
Ortegón, rf	2	1	1	0
Jensen, dh	2	0	0	1
Kaub, 1b	2	1	1	1
Schoonover, 2b	1	0	0	0
Vannaman, lf	2	1	0	0
Valentin, ss	2	0	0	0
Ellison, c	2	1	0	1
Schoonover, 3b	1	0	0	0
Talbot	2	1	1	1

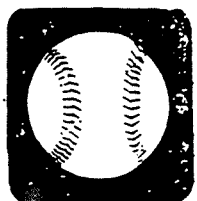
California (1)	Ab	R	B	SO
Calvin, cf	2	1	0	0
Ortegón, rf	2	1	1	0
Jensen, dh	2	0	0	1
Kaub, 1b	2	1	1	1
Schoonover, 2b	1	0	0	0
Vannaman, lf	2	1	0	0
Valentin, ss	2	0	0	0
Ellison, c	2	1	0	1
Schoonover, 3b	1	0	0	0
Talbot	2	1	1	1

San Fernando	Ab	R	B	SO
Beck (L)	4	2	3	2
Quastman	2	0	0	1
Liberal	1	0	0	0
Beck (R) (4)	1	0	0	0

NBP—Cruz (by Beth L. Ellison) by Quastman, 7-4-22.



Joy record to 10-0 by alley, Calif. 3-1 Sunday



BASEBALL

AMERICAN LEAGUE

East Division

	W	L	Pct.	GB
Toronto	66	43	.605	—
New York	66	46	.589	1 1/2
Detroit	63	60	.513	7 1/2
Milwaukee	58	52	.527	12 1/2
Boston	52	58	.473	18 1/2
Baltimore	50	60	.450	19
Cleveland	47	70	.400	25

West Division

	W	L	Pct.	GB
Minnesota	61	52	.540	—
California	57	55	.509	3 1/2
Oakland	56	58	.500	4
Kansas City	54	56	.491	5 1/2
Seattle	54	57	.486	6
Texas	52	57	.477	7
Chicago	44	66	.404	15

Saturday's Games

Boston & Kansas City 3
Cleveland & Toronto 1
New York 7, Detroit 8
Milwaukee & Chicago 1, 1st game
Chicago & Milwaukee 2, 2nd game
Texas 11, Baltimore 9
Minnesota & Oakland 2
Seattle & California 3

Sunday's Games

Kansas City & Boston 3
Detroit 14, New York 4
Toronto & Cleveland 1
Baltimore & Texas 4
Minnesota 7, Oakland 5
Milwaukee & Chicago 4
California 2, San Diego 5

Monday's Games

Cleveland (Veri 14) at Baltimore (Flanagan 14), (m)
Toronto (Clancy 10-4) at Boston (Clemons 11-7), (m)
Detroit (Turrell 9-4) at Chicago (Dotson 8-4), (m)
New York (Armstrong 1-0) at Kansas City (D. Jackson 3-1), (m)
Texas (Guzman 9-11) at Milwaukee (Higuera 11-4), (m)
Oakland (Ryo 2-1) at Seattle (Banshaver 7-4), (m)
Only games scheduled

NATIONAL LEAGUE

East Division

	W	L	Pct.
St. Louis	67	40	.625
New York	67	40	.625
Montreal	61	49	.555
Cincinnati	57	54	.511
Philadelphia	55	55	.500
Pittsburgh	52	61	.458

West Division

	W	L	Pct.	GB
Cincinnati	53	54	.518	—
San Francisco	52	55	.509	1
Houston	48	58	.491	3
Atlanta	49	60	.448	6
Los Angeles	49	60	.448	6
San Diego	44	67	.398	11 1/2

Saturday's Games

Atlanta & Los Angeles 2
San Francisco & Cincinnati 2
Chicago & New York 3
St. Louis & Philadelphia 3
Pittsburgh & Montreal 2
San Diego & Houston 10 (winners)

Sunday's Games

Chicago & New York 3
Philadelphia & St. Louis 7, 11 innings
Pittsburgh & Montreal 3
San Francisco & Cincinnati 2, 1st game
San Francisco & Cincinnati 2, 2nd game

Monday's Games

Los Angeles & Atlanta 2
San Diego & Houston 3

Tuesday's Games

Montreal at New York, (m)
Chicago at Philadelphia, (m)
St. Louis at Pittsburgh, (m)
Cincinnati at Los Angeles, (m)
Atlanta at San Diego, (m)
Houston at San Francisco, (m)

Brooks, BJs Stop St. Louis

WICHITA — Rodney Brooks threw his first shutout of the season Monday morning as the Liberal Bee Jays kept their National championship hopes alive with a 7-0 victory over St. Louis, Mo.

Brooks, 4-4, blanked St. Louis on a four-hitter, striking out seven.

The game was called after seven innings by the tournament's margin-run rule of 10 after five or six after seven.

Liberal 4-2 in the tournament and 47-16 on the season, backed Brooks' pitching with 11 hits including Keith Kaub's two-run home run in the fourth — his fourth round tripper in the tournament.

The Bee Jays jumped in to a 4-0 lead in the bottom of the first inning. Ron Ortegón, who had three hits in the game, singled home the walking Scot Pose. After John Jensen popped up and Kaub was hit by a pitch, Tim Vannaman delivered a clutch two-run double, collecting his first RBIs of the tournament. John Valentin singled in Vannaman.

Only six teams will remain in the hunt after play is completed today. The tournament will take Tuesday off.

Wednesday's quarter-final schedule will be announced after today's games are completed.

Dils Rallies Rams

WEMBLEY, England (AP) — In the last four years, Steve Dils says, football has come of age in Britain.

Dils quarterbacked Minnesota in 1983 when the Vikings beat the St. Louis Cardinals before less than 30,000 curious spectators in 80,000-seat Wembley Stadium.

On Sunday, Dils was back at Wembley, this time playing for the Los Angeles Rams against the Denver Broncos before a near-capacity crowd of 72,000 screaming gridiron fanatics.

"The big difference between 1983 and tonight is that the people now are very knowledgeable," Dils said after directing three

second-half touchdown drives as the Rams rallied to edge the Broncos 28-27. "They seemed to enjoy the game and they seemed to cheer at the right time."

They had plenty to cheer about and lots to appreciate. There were six lead changes over the final 30 minutes and the outcome wasn't settled until Charles White's four-yard scoring run with 28 seconds to play.

Both teams used their starters for much of the first half.

Eric Dickerson, the NFL's single-season rushing record-holder, scored the game's first touchdown on a four-yard sweep late in the opening quarter to give Los Angeles a 7-0 lead.

Ousted Late

After Manhattan scored the run in the top of the seventh to break a 4-4 tie, Mike a 5-4 lead. Liberal runners on first and second with one out in the bottom of the inning. But, the next two batters failed to plate at least the tying run.

Manhattan led 4-0 after three. Liberal scored four runs in the bottom of the fourth to tie the game. Thomas Hook and Gleason had run-scoring singles in the inning.

"We got behind early because we committed three of our five errors the first three innings," Callahan said. "Then, we had a chance to win in the bottom of the seventh but couldn't get the key hit."

Jerry Wilkens went the distance and suffered the loss. Wilkens struck out four and walked three while giving up just five hits.

Liberal outlast Manhattan 5-3. "We outlast our opponents both games but lost both games which doesn't make any sense," Callahan concluded. "But, it's been a good season. We made our first trip to state in several years."

Is Set Spin

Veteran Turpin High School Coach James Waters has scheduled only single practices rather than the usual two-a-day.

"There's a growing trend toward one practice a day," Waters said. "It's believed you can get more out of your players with just one practice." Waters explained.

SAVE

\$1,000,000,000.00

Did you know as Kansas Tax Payer, you could save \$1 Billion on the New Highway Plan.

(See Item 4)

1. The proposed highway plan will cost \$1.6 Billion now and almost \$3 Billion if paid by 20 year bonds?
2. Fuel taxes will rise 5¢/gallon immediately and be 60¢/gallon by the time the new highways are paid?
3. Fees for the license plates on our small cars will rise 100% immediately and over 700% by the time the new highways are paid?
4. A 1¢ sales tax increase COULD pay for the new highways in 10 years and save over \$1 Billion, yet this method has NOT been proposed?

Call your Legislator Today!
They Can Make A Difference.

Carl D. Holmes
1-913-296-7672

Robert G. Frey
1-913-296-7359

Paid for by Citizens For A Better Way To Pay



COMMON CAUSE / KANSAS

701 Jackson, B-6
Topeka, Kansas 66603
(Phone: 913-235-3022)

March 23, 1988

Statement in support of House Bill 2755
presented to the Senate Committee on Elections
by Earl Nehring for Common Cause/Kansas

Common Cause/Kansas supports House Bill 2755 as a worthwhile addition to our state statutes regulating lobbying activities.

The bill would require that any paid advertisement, published or broadcast through the media and intended to influence members of the Legislature, be labeled an advertisement and show the name of the person causing it to be published. This same requirement already is in the statutes with regard to such advertisements seeking to influence the outcome of elections. The proposed extension of this regulation is consistent with the existing statutes.

Common Cause/Kansas works for an open, accountable political system, which for us includes full disclosure of lobbying activities seeking to influence legislative decisions. This bill would move Kansas a bit further toward that goal.

We ask your endorsement and a recommendation for passage.

*Attachment 2
Senate Elections Committee
March 23, 1988*

JOAN ADAM
 REPRESENTATIVE, FORTY-EIGHTH DISTRICT
 305 NORTH TERRACE
 ATCHISON, KANSAS 66002-2526



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: ASSESSMENT AND TAXATION
 JUDICIARY
 TRANSPORTATION
 RANKING MINORITY MEMBER: LEGISLATIVE, JUDICIAL,
 AND CONGRESSIONAL APPORTIONMENT

Chairman Gordon and Members
 of the Senate Elections Committee

Thank you for the opportunity to speak to you today regarding
 HB 2886.

HB 2886 will make administrators or executive directors of certain multi-state compacts subject to the requirement to file a statement of substantial interest with the Public Disclosure Commission. The affected compacts are those which, under the statute are authorized to hire staff and those of which Kansas is a member. The penalty provision contained in lines 62-68 is the same penalty to which legislators and certain state employees and others are subject - namely \$10.00 a day for each day the statement remains unfiled - but not to exceed a maximum of \$300. Lines 77-81 authorizes the Attorney General to bring an action to recover this penalty in Shawnee County District Court.

The purpose of this change is to make an additional few people with policy development responsibilities subject to substantial interest reporting requirements. The Executive Director of the Multistate Tax Compact for instance heads a group whose purpose is to facilitate proper determination of tax liability of multistate tax payers, and to promote uniformity in major aspects of the tax system.

Within the past year we have been made aware of the important part the Executive Director of the Low Level Radioactive Waste Compact has played in decisions affecting Kansas; likewise, the Executive Director of the Lottery Commission will play an important part in making decisions which affect Kansans.

HB 2886 offers a small but beneficial change which will continue the Kansas tradition of open government.

I would be happy to answer any questions you may have.

*Attachment 3
 Senat Elections
 March 23, 1988*



701 Jackson, B-6
Topeka, Kansas 66603
(Phone: 913-235-3022)

March 23, 1988

Statement in support of House Bill 2886
presented to the Senate Committee on Elections
by Earl Nehring for Common Cause/Kansas

Common Cause/Kansas endorsed House Bill 2886 in the House Elections Committee as a reasonable extension of our state governmental ethics laws. At that time the proposed extension applied only to administrators or executive directors of certain named interstate compact organizations. We continue to support that portion of the bill. Interstate agreements have become widely used for carrying out public policy and the potential for serious conflicts of interest exists. We believe this proposal will serve the public interest.

Sec. 1(g) and Sec. 3 of the bill were added by the House Committee of the Whole. We oppose these provisions as they are presently written. They would put a huge paperwork burden and enforcement problem on the Kansas Public Disclosure Commission. That agency already is understaffed for carrying out its present responsibilities.

Also, we are not convinced that all city and county officers and candidates for such offices should be covered by this particular statute. Conflicts of interest certainly are possible in all cities and counties, but we have no real knowledge about them. We wonder if citizens in small cities and in small population counties need such protection.

We do see merit in requiring statements of substantial interest from officers and candidates in the larger cities and in large population counties.

The problem of huge paperwork and enforcement burdens could be alleviated, of course, if statements were filed locally and enforcement was localized. The Public Disclosure Commission should not be expected to assume any increased responsibilities unless the Commission is given sufficient support to do its job properly.

However, before extending governmental ethics statutes to cover local government we would like to see them made more effective at the state level.

*Attachment 4
Senate Elections
March 23, 1988*

History: L. 1974, ch. 353, § 62; L. 1975, ch. 272, § 23; L. 1983, ch. 172, § 12; July 1.

46-277. Intent required for act, action or conduct to constitute violation. No act, action or conduct of any person shall constitute a violation of this act which is actionable by complaint before the commission, or by criminal complaint, unless such act, action or conduct is intentionally violative of a provision of this act or intentionally violative of more than one provision of this act.

History: L. 1974, ch. 353, § 63; March 28.

46-278. Severability. If any provision of this act or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this act which can be given effect without the invalid application or provision, and to this end the provision of this act are declared to be severable.

History: L. 1974, ch. 353, § 64; March 28.

46-279. Certain statutes inapplicable. The provisions of K.S.A. 75-4301 to 75-4307, inclusive, and amendments thereto, shall not apply to persons to whom this act applies.

History: L. 1974, ch. 353, § 65; L. 1975, ch. 273, § 1; July 1.

46-280. Failure to register or file reports; civil penalty. (a) The Kansas public disclosure commission shall send a notice by registered or certified mail to any person failing to register or to file any report or statement as required by K.S.A. 46-247, 46-265 or 46-268 within the time period prescribed therefor. The notice shall state that the required registration, report or statement had not been filed with the office of secretary of state. The notice shall also state that such person shall have five days from the date of receipt of such notice to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the five-day period, such person shall pay to the state a civil penalty of \$10 per day for each day that such person remains unregistered or that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300.

The Kansas public disclosure commission may waive, for good cause, payment of any civil penalty imposed hereunder.

(b) Civil penalties provided for by this section shall be paid to the state treasurer who shall deposit the same in the state treasury to the credit of the state general fund.

(c) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the attorney general or county or district attorney to bring an action to recover such civil penalty in the district court of the county in which such person resides.

History: L. 1978, ch. 146, § 1; L. 1981, ch. 171, § 46; July 1.

46-281. Application of definitions in 46-282 to 46-285. As used in this act and article 2 of chapter 46 of Kansas Statutes Annotated, and amendments thereto, the definitions in K.S.A. 46-282 to 46-285, inclusive, shall apply.

History: L. 1983, ch. 172, § 3; July 1.

46-282. "Designee" defined. "Designee" means:

(a) Any state officer, employee or member of any agency, department, division, bureau or other unit of state government who holds a position: (1) Defined as a major policy making position; (2) responsible for contracting, purchasing or procurement, except persons whose sole responsibility is the purchasing of gasoline or emergency repair for a state vehicle assigned to them for their use or persons whose sole responsibility relating to purchasing or procurement includes only transactions pursuant to preexisting state contracts; (3) responsible for writing or drafting specifications for contracts; (4) responsible for awarding grants, benefits or subsidies; or (5) responsible for inspecting, licensing or regulating any person or entity.

(b) "Designee" does not include any driver's license examiner of the department of revenue or any person performing ministerial functions.

History: L. 1983, ch. 172, § 4; L. 1984, ch. 189, § 4; April 19.

46-283. "Major policy making" position defined. "Major policy making" position means (a) the administrative head or heads or executive of a state agency or (b) the head of each department, division,

*Attachment 5
Senate Elections
March 23, 1988*

6

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 1988

HOUSE BILL No. 2886

By Representatives Adam, Brady, K. Campbell, Charlton, Gjerstad, Gross, Grotewiel, Harder, Hensley, Kennard, Larkin and Sebelius

2-10

0023 AN ACT concerning state governmental ethics; ~~relating to the~~
0024 ~~administrators and executive directors of certain interstate~~
0025 ~~compacts filing [requiring certain persons to file] statements~~
0026 of substantial interest; amending K.S.A. 46-247 and 46-280
0027 and repealing the existing sections.

0028 *Be it enacted by the Legislature of the State of Kansas:*

0029 Section 1. K.S.A. 46-247 is hereby amended to read as fol-
0030 lows: 46-247. The following individuals shall file written state-
0031 ments of substantial interests, as provided in K.S.A. 46-248 to
0032 46-252, inclusive, and amendments thereto:

0033 (a) Legislators and candidates for nomination or election to
0034 the legislature;

0035 (b) individuals holding an elected office in the executive
0036 branch of this state, and candidates for nomination or election to
0037 any such office;

0038 (c) state officers, employees and members of boards, councils
0039 and commissions under the jurisdiction of the head of any state
0040 agency who are listed as designees by the head of a state agency
0041 pursuant to K.S.A. 46-285, *and amendments thereto*;

0042 (d) individuals whose appointment to office is subject to
0043 confirmation by the senate whether or not such individual is a
0044 state officer or employee;

0045 (e) general counsels for state agencies irrespective of how
0046 compensated;

0047 (f) *the administrator or executive director of the education*
0048 *commission of the states, the interstate compact on agricultural*
0049 *grain marketing, the Mo-Kan metropolitan development district*
0050 *and agency compact, the Kansas City area transportation dis-*
0051 *trict and authority compact, the midwest nuclear compact, the*
0052 *central interstate low-level radioactive waste compact, the*
0053 *multistate tax compact, the Kansas-Oklahoma Arkansas river*
0054 *basin compact, the Kansas-Nebraska Big Blue river compact,*

*Attachment 6,
Senate Elections
March 23, 1988*

0055 *and the multistate lottery board of directors*, and _____ [.
0056 ~~(g) city officers and county officers, and candidates for city or~~
0057 ~~county office, as defined by K.S.A. 25-2505 and amendments~~
0058 ~~thereto~~].

0059 Sec. 2. K.S.A. 46-280 is hereby amended to read as follows:
0060 46-280. (a) The Kansas public disclosure commission shall send a
0061 notice by registered or certified mail to any person failing to
0062 register or to file any report or statement as required by K.S.A.
0063 46-247, 46-265 or 46-268, *and amendments thereto*, within the
0064 time period prescribed therefor. The notice shall state that the
0065 required registration, report or statement had not been filed with
0066 the office of secretary of state. The notice shall also state that
0067 such person shall have five days from the **date of receipt of such**
0068 notice to comply with the registration and reporting require-
0069 ments before a civil penalty shall be imposed for each day that
0070 the required documents remain unfiled. If such person fails to
0071 comply within the five-day period, such person shall pay to the
0072 state a civil penalty of \$10 per day for each day that such person
0073 remains unregistered or that such report or statement remains
0074 unfiled, except that no such civil penalty shall exceed \$300. The
0075 Kansas public disclosure commission may waive, for good cause,
0076 payment of any civil penalty imposed hereunder.

0077 (b) Civil penalties provided for by this section shall be paid
0078 to the state treasurer, who shall deposit the same in the state
0079 treasury to the credit of the state general fund.

0080 (c) (1) *Except as provided in subsection (2)*, if a person fails
0081 to pay a civil penalty provided for by this section, it shall be the
0082 duty of the attorney general or county or district attorney to bring
0083 an action to recover such civil penalty in the district court of the
0084 county in which such person resides.

0085 (2) *If a person required to file under subsection (f) of section*
0086 *1 fails to pay a civil penalty provided for by this section, it shall*
0087 *be the duty of the attorney general to bring an action to recover*
0088 *such civil penalty in the district court of Shawnee County,*
0089 *Kansas.*

0090 ~~[New Sec. 3. Persons holding a city office or county office, as~~
0091 ~~defined by K.S.A. 25-2505 and amendments thereto, on the~~
0092 ~~effective date of this act shall file, on or before January 1, 1989, a~~
0093 ~~statement of substantial interest for each year that such person~~
0094 ~~held such office before January 1, 1989.]~~

0095 Sec. 3 [4]. K.S.A. 46-247 and 46-280 are hereby repealed.

0096 Sec. 4 [5]. This act shall take effect and be in force from and
0097 after its publication in the statute book.

Kansas Association of Counties

Serving Kansas Counties

212 S.W. Seventh Street, Topeka, Kansas 66603

Phone (913) 233-2271

March 23, 1988

Testimony

To - Senate Elections Committee

From - John T. Torbert, Executive Director
Kansas Association of Counties

Subject - HB 2886

Generally speaking, we can accept requirements for the filing of substantial interest statements. However, new section 3 of the bill (lines 90-94) does give us a great deal of concern. The new language appears to require every county official holding office when this legislation takes effect to file the substantial interest statement for each year that such person held office before January 1, 1989.

This is an unworkable requirement. Compliance would, in many cases, be virtually impossible. We have many county officials that have been in office for at least two terms and we have one that recently started his fiftieth year as a county commissioner. Is it really your desire that these individuals file this statement for each of those years? What is the benefit to the public of such a requirement? What public good is served by requiring a person to file a statement of what their substantial interests were 10, 15, 20 or 40 years ago?

If you do see fit to favorably advance HB 2886 to the calendar, I would urge that new section three be deleted from the bill.

*Attachment 7
Senate Elections
March 23, 1988*