

Approved 4-5-90
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by Senator Don Sallee at
Chairperson

1:30 ~~am~~ p.m. on March 26, 1990 in room 529-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Pat Mah, Legislative Research Department
Ardan Ensley, Revisor of Statutes Office
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairman Sallee called the meeting to order at 1:35 p.m.

Senator Yost, chairman of the subcommittee on HB-2725 noted it appeared there would be no time for the subcommittee to meet due to meetings of the Judiciary and Ways and Means committees. Therefore it was suggested that HB-2725 be returned to full committee for discussion.

Staff presented a briefing on Substitute HB-3065 going through the outline in (Attachment 1)

Staff noted that many of the changes in the bill had been made due to the name change since the bill called for abolishing the "disclosure commission" and establishes the "ethics commission".

Substitute HB-3065 would eliminate all existing members of the commission and would provide for new members as well as providing for an increase in membership. Additional appointments are provided for and outlined in Attachment 1.

Concern was expressed about those persons who received contributions but did not file and run for office. Such a person would be subject to the same caps as a person who filed and ran. However, it appears to allow a such a person who layed out to collect the maximum amount twice from the same contributors.

Considerable discussion concerning subpoena powers noted that only the Kansas Security Commission has the broad subpoena powers encompassed in Substitute HB-3065, basically powers with no limitations. Concern was expressed that should a public perception develop that the commission was partisan or dealing with retribution it could destroy the commission. Many entities have subpoena powers but such powers may be exercised only for probable cause.

Further discussion centered on the concern that the prohibition of running for one office while serving in another (when a resignation would be needed for the initial position prior to start of a new position) would prevent competition. It would also limit who could run against legislators. It was noted that between provisions limiting who can run because of position held and who could run due to the compensations section it would appear that incumbants were quite protected.

Senator Bond moved, with a second from Senator Lee to approve the minutes of March 19 and March 23 as presented. The motion carried.

The meeting adjourned at 2:28 p.m.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE March 26, 1990

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Wilbur Wolf
 Jim Edwards
 JOHN KEEPLE
 Mike Hehner
 Rebecca Bossemeyer TOPEKA
 Ken Oles Topeka
 Ron Smith "
 Melt Jurell "
 Ellie Luthy
 John T. Marshall
 Paul Shelby Topeka
 Jana Atkinson Topeka
 Paul Williams Topeka
 J. Galter "

Common Cause
 KCCI
 KHEB
 Rep. Klein Staff
 SOS
 K-WEA
 Ks Ben Bsoz
 AP
 Rep. King's office
 Harris News Service
 OJA
 KPDC
 KPDC
 STAR

Substitute for House Bill No. 3065

Section 1. Commission.

(a) Abolishes "disclosure commission" and establishes "ethics commission." (page 1, lines 29 to 31)

(b) Increases membership from 5 to 9 members and fixes terms. (page 1, line 35)

Additional appointments:

Governor (1) additional (page 1, line 35)
Chief justice of supreme court (1) (page 1, line 39)
Attorney general (1) (page 1, line 40)
Secretary of state (1) (page 1, line 40)

(c) Political affiliation - governor's two appointees from different parties and not to exceed 5 members of commission from same party. (page 2, lines 6 to 9)

(d) Chairperson - governor designates one of his appointees. (page 2, lines 15, 16)

(e) Quorum - 5 members. (page 2, line 17)

(f) Executive director - commission shall appoint. (page 2, line 28)

Sec. 2. Transfer of powers and duties from old to new commission. (page 3, lines 15 et seq.)

Sec. 3. Qualification of members of commission. (page 4, lines 3 through 22)

(a) Appointees cannot within 3 years of appointment:

Held elective state office. (page 4, line 5)
Engaged in lobbying. (page 4, line 7)
Held office of secretary of an executive department. (page 4, line 6)
Had a substantial interest in, been employed by or provided services to any vendor of goods and services to state. (page 4, lines 8 through 10)

(b) Members while serving cannot be any of the above or serve as chairperson or treasurer for any candidate or solicit contributions under campaign finance. (page 4, lines 11 through 22)

Sec. 4. Name change only. (page 4, lines 23 et seq.)

Sec. 5. Establishes ethics commission fee fund. (page 6, lines 39 et seq.)

Sec. 6. Political committee registration fee. (page 7, lines

6 et seq.)

(a) Committees expending \$500 or more - fee is \$100.
(page 7, line 35)

(b) Committees expending less than \$500 - fee is \$15.
(page 7, line 38)

(c) Proceeds from fees go to ethics commission fee fund. (page 8, lines 3 to 5)

Sec. 7. Name change only. (page 8, lines 6 et seq.)

Sec. 8. Contribution limitations or caps. (page 8, lines 30 et seq.)

Person who receives contributions but does not run is subject to same limitations as one who files and runs (Carlin). (page 10, lines 28 to 30)

Sec. 9. Personal use of unexpended balance in campaign fund.

Prohibition against personal use. (page 10, lines 36 to 41)

Sec. 10. Grants commission subpoena powers "for purpose of any investigation or proceeding" under campaign finance law. (page 11, lines 10 et seq.)

Sec. 11. Eliminates present subpoena power - authorized upon filing of verified complaint and application to district court. (page 12, lines 9 et seq.)

Sec. 12. Campaign finance hearings by subcommittee.

Requires 5 members instead of 3 (due to increase in size of commission). (page 14, line 7)

Sec. 13. Name change only.

Sec. 14. Opposing or promoting constitutional amendment.

Increase in civil penalties for failure to file report.
\$10 to \$20 per day and \$300 to \$500 maximum. (page 16, lines 15 + 17)

Sec. 15. Name change only. (page 16, lines 31 et seq.)

Sec. 16. Name change only. (page 16, line 43)

Sec. 17. Name change only. (page 17, lines 29 et seq.)

Sec. 18. Name change only. (page 17, lines 40 et seq.)

Sec. 19. Name change only. (page 18, lines 1 et seq.)

Sec. 20. Legislators - prohibitions on nonlegislative compensation.

(a) Legislator prohibited from receiving compensation not prescribed for duties as legislator. (page 18, lines 6 to 11)
(Exceptions)

Prohibits lobbying for compensation. (page 18, line 11)
Prohibits substantial interest in or employment by business receiving money from state. (page 18, lines 13 to 17)

(b) Exceptions.

(1) Business under contract let on basis of competitive bid. (page 18, lines 21 to 23)

(2) Legislator is only an "associate" of law firm - not partner. (page 18, lines 24 to 27)

(3) Legislator is an attorney appointed by court to perform service. (page 18, lines 28 to 32)

(4) Compensation from national guard. (page 18, lines 33 and 34)

(5) Compensation and allowances for service on board or commission established by law or authorized by Legislative Coordinating Council. (page 18, lines 35 to 40)

(6) Bonds of state or vendor to state if vendor is publicly traded and member has less than 10% of outstanding stock. (page 18, lines 41 et seq.)

(7) Participation in state program applicable to a group or class of individuals or businesses. (page 19, lines 3 and 4)

(c) Penalty is class A misdemeanor. (page 19, lines 8 and 9)

Sec. 21. Legislator prohibited from soliciting or accepting contributions during legislative session. (page 19, lines 10 to 15)

Sec. 22. Elected official campaigning for another office while serving. Prohibition. (page 19, lines 24 to 27)

Sec. 23. Legislator accepting travel expenses, etc. from out-of-state national organization. Legislator prohibited from soliciting for this purpose. (page 20, lines 15 to 30)

Sec. 24. Name change only. (page 20, lines 31 et seq.)

Sec. 25. Ethics investigations; hearings by subcommittee.
Increased from 3 to 5 members (due to increase in size of

commission). (page 21, line 13)

Sec. 26. Eliminates present subpoena power under governmental ethics law - issued upon basis of verified complaint and application to district court. (page 22, lines 2 et seq.)

Sec. 27. Grants commission subpoena powers under governmental ethics law for purposes of "any investigation or proceeding." (page 23, lines 38 et seq.)

Sec. 28. Lobbyist registration. Increase in fees from \$15 to \$25 and credit proceeds in governmental ethics fee fund. (page 25, lines 8 + 12)

Sec. 29. Lobbyists monthly reports. All lobbyists file each month regardless of whether any expenditure made. (page 25, lines 24 et seq.)

Sec. 30. Lobbyists records to be retained. Records to be preserved for 5 years and may be inspected by commission. (page 26, lines 21 to 24)

Sec. 31. Name change only. (page 26, lines 25 et seq.)

Sec. 32. Political advertising in newspapers and periodicals. Amended to include inserts and flyers in such newspapers and periodicals. (page 27, line 16)

Sec. 33. Name change only. (page 27, lines 38 et seq.)

Sec. 34. Name change only. (page 28, lines 8 et seq.)

Sec. 35. Name change only. (page 28, lines 39 et seq.)

Sec. 36. Name change only. (page 29, lines 8 et seq.)

Sec. 37. Name change only. (page 29, lines 13 et seq.)

Sec. 38. Name change only. (page 29, lines 18 et seq.)

Sec. 39. Local Governmental Ethics Law. Definitions conformed to state. (page 29, lines 25 et seq.)

Sec. 40. Local governmental ethics; statements of substantial interest. Conformed to state. (page 30, lines 42 et seq.)

Sec. 41. Local governmental ethics; opinions by commission. (page 31, lines 31 et seq.)

Sec. 42. Local governmental ethics. Clarifies that this law applies only to local offices - present law is misleading. (page

32, lines 9 et seq.)

Sec. 43. Local governmental ethics; disclosure of interest. Local officer who has not filed disclosure of a particular interest must file report before acting upon the matter. (page 32, lines 33 et seq.)

Sec. 44. Local governmental ethics; violations of act; penalties. Corrects cross references to other sections. (page 33, lines 9 et seq.)

Sec. 45. Criminal prosecutions; statute of limitations.

(a) Toll's limitation while commission restrained by court order. (page 34, lines 8 to 11)

(b) Statute of limitations for prosecutions under state campaign finance and governmental ethics laws fixed at two years. (page 34, lines 12 to 16)

Sec. 46. Local campaign finance law; clean up. County offices are now under state act - amendment removes counties from this local act. (page 34, lines 27 et seq.)

Sec. 47. Local campaign finance law; reporting of contributions. Requires itemized statement of contributions in excess of \$50. (page 35, lines 19 and 20)

Sec. 48. Whistleblower. Applies to all state employees (not just classified) provides remedies for unclassified personnel.

Sec. 49. Parimutuel racing. Commission members, employee or appointee prohibited from accepting "hospitality." (page 37, lines 35 and 36)