

Approved 1-23-91
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Tom Sawyer at
Chairperson

9:06 a.m./p.m. on Thursday, January 17, 1991 in room 521-S of the Capitol

All members were present except:

Committee staff present:

Pat Mah, Research
Arden Ensley, Revisor
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Pat Mah, Research

The Elections Committee was called to order at 9:06 a.m. by Chairman Tom Sawyer on Thursday, January 17th, 1991.

Chairman Sawyer asked each member to introduce him or herself and state which district they represented. The staff was also introduced. The guests were then asked to state their names and the organizations they represented so the new members on the committee might become familiar with them.

The Chair called on Pat Mah, Research Department, to give the final report of the Kansas Select Commission on Ethical Conduct. She first explained to the committee why this Commission was formed, who served on the Commission and who appeared before the Commission. She stated she would be presenting the final report which was a summary of the Commission's recommendations and that a full report of all the recommendations, as well as who made the recommendation, was on file in the Research Department. She then proceeded to go over the report by sections, beginning with the Statement of Guiding Principles. (Attachment 1)

The next portion of the summary concerned Conflict of Interest. She explained the recommendations in this section and how they compared with current law. The Chair called on the committee to feel free to ask any questions on each point as they were presented and discussion was held on several of the recommendations.

Following the report on Conflict of Interest, she moved on to the next section which addressed Campaign Finance. The first two points of this sections were explained. The time for adjournment was near and the Chair asked her to return on Wednesday, January 23rd to finish the report.

Chairman Sawyer made an announcement to the committee, for their information, that Speaker Barkis has appointed a Select Committee to deal with the 59th District House race and that both Representative Shallenburger and himself were on this committee. The committee will be comprised of three Republicans and three Democrats, Representative Bill Roy would chair the committee and Representative Vince Snowbarger would be the Vice-Chairman. He stated also that the Speaker had ordered the committee to not talk with anyone involved in the case.

The next meeting of the Election Committee will meet on Wednesday, January 23rd at 9:00 a.m. in Room 521-S.

The meeting was adjourned at 10:05 a.m.

**FINAL REPORT OF THE
KANSAS SELECT COMMISSION ON ETHICAL CONDUCT
TO THE
1991 LEGISLATURE**

**Kansas Legislative Research Department
Room 545-N – Statehouse
Topeka, Kansas 66612-1586**

January 1, 1991

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INTRODUCTION

The Kansas Select Commission on Ethical Conduct was established pursuant to 1990 Senate Sub. for Substitute H.B. 3065. The Commission was required to complete its work and make a final report with its recommendations to the Legislature on or before January 1, 1991. The duties of the Commission were to study and review existing laws relating to all aspects of governmental ethics, including conflict of interest, public disclosure by public officers and employees, and campaign finance; to consider the need for additional laws pertaining to ethical standards for elective and appointed governmental offices and state boards and commissions established by law; and to study the preservation of the part-time citizen Legislature. The membership of the Commission consisted of 11 appointed members (of whom four were members of the Legislature). The following individuals served on the Commission:

Chairman David Prager, former Chief Justice of the Kansas Supreme Court
Vice-Chairman Ron Thornburgh, Deputy Assistant Secretary of State for Elections
Mr. Robert Bennett, former Governor of Kansas
Representative Martha Jenkins
Mr. John Lechliter, Managing Editor, *Coffeyville Journal*
Dr. Tim Miller, University of Kansas Assistant Professor of Religious Studies
Mrs. Marjorie Robards, former Shawnee County Treasurer
Senator Dick Rock
Senator Don Sallee
Representative Tom Sawyer
Mr. Dave Seaton, Publisher, *Winfield Daily Courier*

ACKNOWLEDGEMENT

The Kansas Select Commission on Ethical Conduct extends a very sincere thank you to each of the conferees who appeared before the Commission and their sponsoring organizations. Without the views and recommendations of these people, the completion of the work of the Select Commission would not have been possible. The Select Commission also deeply appreciates the outstanding work of its staff members. Serving as staff members to the Select Commission were Lenore Olson from Legislative Administrative Services, Arden Ensley from the Revisor of Statutes Office, and Pat Mah from the Legislative Research Department. These staff members provided the members of the Commission with the essential tools that made the completion of this Final Report possible.

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METHOD OF STUDY

Background

The Kansas Select Commission on Ethical Conduct began its study in August, 1990 by hearing from two members of the Kansas Legislature, Senator Michael Johnston and Representative Tim Shallenburger. These legislators were actively involved in the passage of 1990 Senate Sub. for Substitute H.B. 3065 and were invited to share their views in regard to the Commission and its role.

Senator Michael Johnston told the Commission that he conceived the idea of creating the Commission because of sweeping changes that were made during the 1989 Legislative Session relating to campaign finance and ethics. He said that campaign finance and ethics laws should be nonpartisan and given considerable review and study. In addition, ethics laws should be the root of policies that govern the behavior of members of political parties. He further stated that enacting conflict of interest laws is a difficult task and that every effort should be made to continue a part-time citizen Legislature in Kansas.

Representative Tim Shallenburger stated that 1990 Senate Sub. for Substitute for H.B. 3065 resulted from the study and review of numerous bills introduced on ethics during the 1990 Session. He recommended that the following areas be included in the Commission's review of ethics legislation: conflict of interest, political action committee (PAC) contributions, outside income by state officials doing business with the state, and "open" government. He also recommended that the Commission review the version of 1990 H.B. 3065 recommended by the House Committee of the Whole, the procedure for awarding state contracts, the setting of salaries for legislators, the policy of serving in an elective office while seeking another elective office, the issue of subpoena power for the Kansas Public Disclosure Commission, and ethics and conflict of interest laws in other states. He suggested that the major focus of the Commission be in the area of conflict of interest.

After hearing from Senator Johnston and Representative Shallenburger, the Commission began its review of existing legislation in Kansas and other states. For purposes of study, the Commission divided its assigned topics into the following four categories: conflict of interest (ethics), campaign finance, lobbying regulation, and the administration of laws relating to the other three categories. A memorandum prepared by the staff of the Kansas Legislative Research Department was used for the Commission's review of statutes in Kansas and other states. (The content of the memorandum is included as an appendix to this report.) The Commission then held public hearings on its assigned topics.

Public Hearings

The Kansas Select Commission on Ethical Conduct held five and one-half days of public hearings. All members of the public were invited to share their concerns and ideas with the Commission through the use of the news media to announce the public hearings. Various conferees appeared before the Commission, including representatives from the following organizations: Taylor and Associates, Common Cause of Kansas, Kansas Rural Center, Kansas Bankers Association, League of Women Voters of Kansas, Kansans for Life at Its Best, Pete McGill and Associates, Inc., Kansas Chamber of Commerce and Industry, Kansas Society of Association Executives, Kansas Public Disclosure Commission, and the Secretary of State's Office. Two members of the House of Representatives, one Kansas Senator, two former Kansas Senators, and an interested Kansas resident also appeared before the Commission.

The conferees raised a significant number of issues. Several conferees appeared in support of providing the Kansas Public Disclosure Commission with full investigative subpoena power to allow it to investigate alleged wrong doings. Other major areas of concern raised by conferees were: requirements for reporting on statements of substantial interest; payments of honoraria or receipt of gifts and hospitality by public

officials; appearances by public officials before state agencies as paid representatives of businesses, groups, or individuals; placement of limits on campaign spending by a system of public financing; use of campaign funds for personal purposes; placement of restrictions or limitations on campaign contributions by certain entities; use of state employees during regular work hours or state property for election campaigns; and changes to reporting and registration requirements for lobbyists. In addition, such issues as limitations on the number of terms for service by legislators, administrative duties and staffing of the Kansas Public Disclosure Commission, statutory requirements for serving on the Kansas Public Disclosure Commission, and the participation of public officials in the making of contracts with their own businesses when the contracts are let on the basis of competitive bidding were raised by conferees. A complete list of issues raised by the conferees is available in the Kansas Legislative Research Department.

In addition, the Commission heard from two out-of-state conferees, Roth Judd who is the Executive Director of the Wisconsin Ethics Board and Edward Feigenbaum who serves as a consultant to the Council of State Governments and the Federal Election Commission and who is from Noblesville, Indiana. These conferees helped develop a "Model Law" by the Council on Governmental Ethics Laws, which was used for study by the Commission and is discussed later in this report. Specifically, Mr. Judd contributed to the personal financial disclosure and conflict of interest section of the "Model Law." Mr. Feigenbaum was the editor of the campaign finance section and overall coordinator for the "Model Law."

Comparison of Kansas to the "Model Law"

The Commission reviewed a July, 1990 proposed draft called "A Model Law for Campaign Finance, Ethics, and Lobbying Regulation," which was adopted, with revisions, by the Council on Governmental Ethics Laws in September. The Council on Governmental Ethics Laws is a professional organization for agencies and individuals with responsibilities in governmental ethics, elections, campaign finance, and lobby law regulation. Membership of the Council is drawn from federal, state, provincial, regional, and local governments.

For the review, each citation of the "Model Law" was compared to current Kansas statutes and regulations. Copies of these comparisons are available in the Kansas Legislative Research Department.

The Commission used the "Model Law" as a guide and resource for such items as basic principles and purposes that are not set in current Kansas Law. Members of the Commission were impressed with the intent and purpose statements contained in the following components of the "Model Law": Ethics, Conflict of Interest, and Personal Financial Disclosure Act; Campaign Finance Act; and Lobby Regulation Act. Such intent and purpose statements which help to clarify the law are not found in Kansas statutes. In addition, laws for the regulation of lobbyists are integrated into the Kansas governmental ethics statutes rather than being a separate act.

There are many significant differences between the "Model Law" and current Kansas statutes. Although the "Model Law" contains many of the existing provisions of the Kansas statutes and additional provisions as well, the approach and focus of the "Model Law" provided the Commission members with alternative options. For example, the "Model Law" requires information not required for statements of substantial interest by Kansas statutes and, unlike Kansas, consultants and members of the judiciary must file such statements. Also, the "Model Law" requires reports of contributions and expenditures from employers of lobbyists. Under Kansas law, lobbyists rather than employers of lobbyists are responsible for reporting any required information. In addition, the "Model Law" contains provisions for restrictions on the use of public funds, property, time, and personnel to influence elections. In regard to this issue, Kansas statutes prohibit the misuse of public funds and the use of postage paid in any form by state funds for personal purposes.

Other Resources and Letters

During the course of the Commission's existence, the Commission members reviewed a significant number of articles relating to its assigned topics. These articles were from various published sources and included information about existing laws and activities of other states. In addition, the Commission received three letters from interested citizens, who either raised specific concerns on issues such as nepotism in state government, or offered suggestions that were general in nature.

COMMISSION CONCLUSIONS AND RECOMMENDATIONS

The Kansas Select Commission's conclusions and recommendations address the following four categories: conflict of interest (ethics), campaign finance, lobbying regulation, and the administrative oversight of these three categories. The Commission concludes that these four categories deal with laws that are very complex and difficult in nature. This complexity is of specific concern to the Commission because of its statutory charge to complete its work and make its final recommendations by January 1, 1991. This restraint leaves the Commission with inadequate time to deal with its assigned task as thoroughly and completely as it would chose. However, the Commission believes that its task, though difficult and complex, is a very important one given the climate and attitude of people in Kansas and across the nation with regard to whether those in government are functioning within appropriate standards of conduct.

Statement of Guiding Principles

The Kansas Select Commission on Ethical Conduct believes that any ethics legislation should be built on basic underlying premises and that public officials should not only seek to abide by the specific rules embodied in Kansas statutes pertaining to ethics, but also should understand the underlying philosophical rationale of those rules, and should harmonize their actions to that rationale. Therefore, the Commission adopts the following guiding principles:

1. Government must be open and responsible and, so far as is reasonably possible, operate in a "fish bowl."
2. Those seeking office should run their campaigns in a manner that elevates public discourse and promotes the fair and free interchange of ideas.
3. The financial strength of certain individuals or organizations should not permit them to exercise a disproportionate controlling influence on the election of candidates. Legislation should help to ensure that individuals and interest groups have a fair and equal opportunity to participate in the elective and governmental processes.
4. The public should have access to information concerning the activities of those individuals who attempt to influence executive and legislative actions in order to preserve and maintain the integrity of government.
5. Public officials should work impartially, not use public office to obtain private benefits, and avoid actions which give the appearance of impropriety.
6. Public officials must act to protect the integrity of the processes of government in all its branches and to promote full, open, and rational discussion.

7. Public officials must observe standards of conduct that are more stringent than those that apply to other citizens because they are the protectors of the public trust, without which democratic institutions cannot endure.
8. The Kansas Legislature is composed of many people who must work in various jobs and professions while serving in the Legislature. These persons must balance their private interests with their public duties. Ethical requirements applicable to such people must not be so strict that they discourage capable and honorable persons from entering service, but should be sufficient so that public confidence in these elected officials is maintained.
9. Like all citizens, public officials must be guided by conscience and by general moral principles. The purpose of laws governing ethics is to provide public officials with specific standards to guide them in their efforts to remain faithful to the public trust. Officials will face difficult choices and conflicting moral demands. Adherence to the dictates of conscience and to publicly approved standards assures citizens that officials remain faithful to the pursuit of the common good.

Recommendations

Kansans have made a conscientious effort to develop rules and regulations to improve ethics in government. Our rules compare favorably with those adopted in other states. Still, some important improvements will make a good system even better. To improve the existing system, this Commission has specific recommendations which it believes will make Kansas one of the national leaders in the improvement of ethics in government. The recommendations of the Commission for each of the four designated categories are summarized below. These recommendations apply to state rather than local officials, unless specifically stated otherwise.

Conflict of Interest

1. Amend current law to provide that an individual, who must disclose under the state governmental ethics laws, must disclose the approximate percentage of ownership when a statement of substantial interest is filed in regard to the holding of legal or equitable interest which exceeds 5 percent of any business. By clarifying the percentage of substantial interest being held, the disclosure will be more meaningful to those members of the public for whom it is provided. (Under current law, an individual who must file a statement of substantial interest because of the holding of legal or equitable interest which exceeds 5 percent of any business is not required to disclose the percentage of that ownership.)
2. Amend current law to require that when a person, who under the state governmental ethics laws, files a statement of substantial interest, the filer must indicate on the statement, by a mark, those sources of income that exceed 10 percent of the filer's total income. (Under current law, there is no way to determine what percentage a disclosed amount is of the filer's total income.)
3. Amend current law to provide that consultants be required to file statements of substantial interest under the state governmental ethics laws. A consultant means any individual, other than a state officer or employee, who contracts to evaluate bids for public contracts or who awards public contracts for the state. (Under current law, such individuals are not required to disclose any information in regard to their holdings of substantial interest.)
4. Prohibit the payment of honoraria to state officers or employees except for reimbursement of reasonable expenses to attend seminars, conferences, and other public speaking engagements and, in the case of legislators or part-time executive branch state officers or employees, allow these individuals to seek preapproval from the Kansas Public Disclosure Commission with regard to reimbursement for their time. (There is no direct provision under current law which prohibits the

payment of honoraria. Current law does require that payments for honoraria having an aggregate value of \$500 or more during a 12-month period be disclosed by those individuals who are required to file statements of substantial interest.)

5. Prohibit the receipt of all gifts by a state officer, candidate for state office, or state employee from a person known to have a special interest, except for gifts that have no intrinsic value as defined by the Kansas Public Disclosure Commission. (Under current law, a state officer, candidate for state office, or state employee may accept gifts with an aggregate value of less than \$100 in any calendar year from a person known to have a special interest.)
6. Provide, as an exception to the prohibition on gifts, that hospitality dispensed in the form of food and beverage to those individuals within the legislative and executive branches of government may be provided by someone having a special interest if the donor of the hospitality is present when the food and beverage are consumed and there is disclosure of the hospitality as designated by law. (This recommendation would maintain current law. "Hospitality in the form of food and beverage" means the provision and consummation of food and beverage in the company of the donor or the donor's agent. There is no designated limit on the dollar value of hospitality, so defined, that an individual with a special interest may provide a person. The providing of food and beverage in any other manner constitutes a gift. Current law also provides that registered lobbyists must report expenditures for hospitality provided in the form of food and beverage for each month when the aggregate amount or value of all expenditures by the lobbyist or lobbyist's employer for or in direct relation to lobbying exceeds certain thresholds designated by law.)
7. Prohibit a legislator from personally participating directly or indirectly, as a paid representative, in a representation case as defined by law, before a state agency in a nonjudicial process, or permitting his or her name to be used as a participant in the case. Other members of a legislator's professional firm may participate for compensation or for hire. (Current law only provides that a state officer or employee properly file a disclosure statement as specified by law before the acceptance of employment in a representation case before a state agency.)
8. Establish the following provisions in regard to representation of clients by former state officers or employees:
 - a. A former nonlegislative state officer or employee may not represent a person in a matter before a state government entity in which the former state officer or employee participated personally and substantially while a state officer or employee.
 - b. A former nonlegislative state officer or employee may not represent, for two years after the officer's or employee's service in the public position has ceased, a person in a matter before a state government entity which was pending under the former state officer's or employee's official responsibility within one year before the termination of that responsibility.
 - c. A former nonlegislative state officer or employee may not represent a person in a matter before the state government entity which the former state officer or employee served for a period of one year after the former state officer's or employee's employment has ceased.
 - d. A former state officer may not register as a lobbyist for a period of one year after the date of leaving office or the date of the term of office to which the state officer was elected expires, whichever is the latter date.

(Current Kansas law does not prohibit former state officers or employees from registering as lobbyists or taking representation cases before state entities immediately after they leave public service.)

9. Provide that a legislator cannot represent a state agency for compensation in a nonjudicial process while a member of the Legislature. (Current law only requires that legislators file disclosure statements, while in office or within one year after the expiration of their term, when they contract to perform any service for a state agency other than the Legislature.)
10. Amend the governmental ethics law to prohibit state officers and employees from substantial involvement in the preparation of certain public contracts. In addition, prohibit state officers or employees from activities in regard to making and participating in certain public contracts in which members of their families hold substantial interest. With these recommended changes, a state officer or employee would be prohibited from substantial involvement in the preparation of or participation in the making of state contracts (other than contracts when made on the basis of competitive bids or when the property or services are subject to a price or rate fixed by law) with persons or businesses by which the officer or employee is employed or with businesses in which the officer or employee or member of the officer's or employee's family has a substantial interest. (Current law only prohibits state officers or employees from participation in the making of such contracts. It does not prohibit state officers or employees from having substantial involvement in the preparation of such contracts. In addition, current law does not prohibit state officers or employees from substantial involvement in the preparation of or participation in the making of certain contracts with businesses in which members of their families hold substantial interest.)
11. Adopt a statement of intent and purpose for the state conflict of interest laws. The statement should say that the proper operation of democratic government requires that a state officer or employee be independent and impartial; that government policy and decisions be made through the established processes of government; that a state officer or employee not use public office to obtain private benefits; that a state officer or employee avoid action which creates the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its government and state officers and employees. (A statement of intent and purpose is not included in current state governmental ethics (conflict of interest) statutes.)
12. Enact legislation in regard to nepotism. The legislation should say that a state officer or employee is prohibited from advocating or causing the employment, appointment, promotion, transfer, or advancement of a member of the individual's household or family to an office or position with the state. State officers or employees also would be prohibited from supervising, managing, or participating in action that relates to the employment or discipline of a member of the individual's household or family. (Current Kansas statutes do not address this issue. Kansas administrative regulations prohibit, unless approved by an appointing authority, the employment, appointment, promotion, or transfer of a person within the classified service when such person would be supervised by an immediate family member.)

Campaign Finance

1. Provide that the Legislature study the problem of rising campaign spending in Kansas for state races, including the search for voluntary means of limiting overall campaign spending.
2. Provide that political campaign contributions from organizations, corporations, unions, and political action committees be prohibited in state races in Kansas. These entities could continue to contribute, using current limitations established by law, to local candidates for office and to party

or political committees. Individuals and national, state, and county political party committees could continue to contribute to candidates for state offices as well as to candidates for local offices and party or political committees using contribution limitations established by the law. (Under current law, contribution limitations are established for organizations, corporations, unions, and political action committees to candidates for state or statewide offices, candidates for local office, and political party committees.)

3. Amend current law to prevent the use of campaign funds for personal purposes at any time. The authority of the Public Disclosure Commission should include the power to determine if an expenditure made from funds collected under the Campaign Finance Act is a legitimate use for such funds. (Current Kansas law prohibits the expenditure of "any unexpended balance of a candidate" for personal purposes. "Personal use" is defined as any expenditure that has no direct connection or effect upon the campaign or the holding of office by the candidate, including expenditures to defray normal living expenses for the candidate or candidate's family. However, a definition of "unexpended balance" is not addressed by Kansas statutes and this issue has been a concern of the Kansas Public Disclosure Commission.)
4. Prohibit funds collected under the Campaign Finance Act from being used for the election of a candidate other than the individual on whose behalf the funds were contributed. When there is dissolution of funds collected under the Campaign Finance Act by a person, the remaining funds not otherwise obligated for payment of appropriate expenses incurred would be given, at the option of the person dissolving the fund, to the State General Fund of Kansas, a charitable organization as defined by Kansas law, or an established political party. (Current Kansas law allows a candidate to collect funds and then contribute the funds for the election of others who are seeking office. In regard to the use of remaining moneys when a campaign fund is dissolved, current law only prohibits the candidate's use of such funds for personal purposes.)
5. Enact legislation in regard to contributions by minors. The legislation would say that contributions, under the Campaign Finance Act, by unemancipated children under 18 years of age are considered contributions by their parents and attributed proportionately to each parent, 50 percent of the contributions to each parent or, in the case of a single custodial parent, the total amount to the custodial parent. (Although it has been the policy of the Public Disclosure Commission to consider contributions by children under 18 years of age as attributable to their parents, this issue is not addressed by Kansas statutes or regulations.)
6. Create a new section of the Campaign Finance Act which would prohibit individuals from filing for state office when the individuals have failed to pay fines assessed against them by the Kansas Public Disclosure Commission or have failed to file all the necessary campaign finance reports. (Current Kansas law does not prevent such individuals from repeatedly filing for office.)
7. Enact legislation in regard to cash contributions under the Campaign Finance Act. The legislation would say that an individual may not make to a candidate and a candidate may not accept a contribution of more than \$100 in cash. (Although Kansas administrative regulations do state that cash contributions in an amount of \$10 or more must be accounted for by a written receipt that is signed by the treasurer or treasurer's agent, restrictions on cash contributions are not addressed by Kansas statutes.)
8. Provide that a fair campaign practices act for Kansas be studied in order to set standards for proper behavior during an election campaign. (Current Kansas law only provides that publishing in any newspaper or other periodical or advertising through public broadcasting to promote or oppose any candidate for nomination or election without the word "advertisement" or "adv." and a "paid for by" disclaimer being contained in the material is corrupt political advertising and is a

class C misdemeanor. The law does not provide for specific standards of behavior during an election campaign by candidates.)

9. Enact legislation that would prohibit the use of public funds, public property, public time, or public personnel in activities which are primarily and substantially directed toward an election campaign or the defeat of a candidate and which are not part of the official ongoing duties of the individuals involved. (Current Kansas law does not fully address this issue. The law prohibits the misuse of public funds. "Misuse of public funds" is defined as using, lending, or permitting another to use public money in a manner that is not authorized by law. The law also prohibits an individual from using any form of postage paid for by state funds for personal purposes.)
10. Enact legislation to provide that no officer or employee of the state shall directly or indirectly use their authority or official influence to compel any state officer or employee in the unclassified service to apply for membership in or become a member of any organization, or to pay or promise to pay any assessments, subscriptions, or contributions to a political activity. (Current law, K.S.A. 75-2953, only provides for such a provision for classified employees.)

Lobbying Regulation

1. Amend current law to provide that lobbying rules and regulations that now apply to those individuals who lobby the Legislature also apply to those persons who lobby the executive branch of government, unless specifically exempt by statute. (Under current law, individuals whose activities meet certain criteria specified by law must register as lobbyists and comply with relevant statutes when they promote or oppose action or nonaction by the Legislature on any legislative matter. Such registration and compliance with lobbying regulations are not specifically required of an individual who lobbies the executive branch of government, unless it is in regard to the adoption or nonadoption of any rule and regulation by a state agency or when the individual is involved in a case before a state agency and has provided entertainment or gifts and payments with an aggregate value of \$100 or more within the calendar year to state officers or employees of the state agency.)
2. Adopt a statement of intent and purpose for those statutes involving regulation of lobbying. The statement should say that the operation of open and responsible government requires that the fullest opportunity must be afforded to the people to petition their government for the redress of grievances and to express freely their opinions on executive and legislative action. In addition, the identity and expenditures of certain persons who attempt to influence executive and legislative actions should be publicly identified to preserve and maintain the integrity of government. (A statement of intent and purpose for the regulation of lobbying laws is not included in current Kansas statutes.)
3. Provide that a lobbyist may register on or after October 1 for the upcoming year. (Current law does not specify a designated time for lobbyists to register annually with the Secretary of State's Office. All registrations for lobbyists expire on December 31 of each year. Concern has arisen as to whether the Secretary of State's Office can officially issue lobbyist registrations in advance of January 1 of the year for which the person is to be registered.)
4. Amend current law to require that a lobbyist's principal (employer) rather than a lobbyist be required to file expenditure reports for lobbying. Lobbyists' principals who have lobbyists before Kansas government would be required to file reports of all expenditures on the 10th day of the months of February, March, April, May, September, and December. The reports would include all expenditures for the preceding calendar month and for any other months since the last report was filed. Reporting is to be in such reasonable categories as determined by the Kansas Public

Disclosure Commission. The reports of the lobbyists' principals also must include the names of the recipients of the hospitality, except when the hospitality is extended to all members of the Legislature and such events are appropriately reported by the lobbyists' principals. (Under current law, expenditure reports are not required from lobbyists' principals. A lobbyist is responsible for reporting any required information in regard to a lobbyist's principal on his or her reporting form. Reporting categories for lobbyists include expenditures for hospitality in the form of food and beverage; gifts, honoraria, or payments to state officers and employees; mass media communication; and other reportable items such as mailings to members of organizations. Information in regard to the names of the recipients of the lobbyist's hospitality is currently not required.)

5. Enact legislation to prohibit a lobbyist from serving as treasurer for a candidate or committee under the Campaign Finance Act. (Under current law, a lobbyist or any individual may serve as treasurer for a candidate, candidate committee, party committee, or political committee, or for any two or more of these entities.)

Administration

1. Provide full investigative subpoena power for the Public Disclosure Commission and require that approval by a two-thirds vote of the members of the Disclosure Commission is necessary prior to the issuance of such a subpoena. (Under current law, the Public Disclosure Commission has three options for the issuance of subpoenas. Only one of these options allows for the issuance of a subpoena during an investigative stage (prior to the filing of a complaint). The option provides that, in regard to a possible violation of the Campaign Finance Act, the Public Disclosure Commission may make a written application for the issuance of a subpoena to the administrative judge of the District Court of Shawnee County if the Disclosure Commission determines by a two-thirds vote of its membership that a violation of the law did occur.)
2. Make available adequate funding and staff for the Public Disclosure Commission to provide for the reform of laws and rules for ethical conduct recommended by the Kansas Select Commission on Ethical Conduct. Adequate funding is essential to allow the Disclosure Commission to properly carry out the recommended reforms of laws and rules if the level of public trust is to be increased for public officials. The Disclosure Commission now has added responsibilities from passage of 1989 legislation which placed certain local officials under the Campaign Finance Act. Such legislation alone requires that the Disclosure Commission take on the responsibility of educating these local officials who must now file campaign finance reports. In addition, demands for the education of the general public by the Disclosure Commission are increasing because of recent issues concerning the proper ethical conduct of and applicable laws for those individuals who serve in government.
3. Establish a Kansas Public Disclosure Commission Fee Fund to provide the Public Disclosure Commission with a vehicle for the collection of moneys for some of its published materials or to allow it to publish educational materials and recoup the printing and distribution costs. (Total funding for the Public Disclosure Commission has historically been from the State General Fund.)
4. Change the name of the Kansas Public Disclosure Commission to the Kansas Governmental Ethics Commission in order to more adequately reflect its statutory authority and duties.
5. Amend current Kansas statutes, which presently prohibit an individual who has been or is employed by a state vendor from being appointed to or serving on the Disclosure Commission. Amend the statute to provide that only an officer of any vendor of goods and services to the State of Kansas is prohibited from being appointed to or serving on the Disclosure Commission. In addition, amend the law to remove the restriction that an individual may not be appointed to or

serve as a member of the Disclosure Commission when the individual has provided or provides services under contract to any vendor of goods or services to the State of Kansas. The amended law would provide that an individual cannot be appointed to or serve as a member of the Disclosure Commission who has within three years preceding the date of the appointment held or holds a substantial interest in or has been or is an officer of any vendor of goods or services to the State of Kansas. (Under current law, individuals cannot be appointed to or serve as a member of the Disclosure Commission if they have held or hold a substantial interest in, have been employed or are employed by, or have provided or provide services under contract to any vendor of goods or services to the State of Kansas or any agency thereof within three years preceding the date of the appointment.)

6. Grant to the Kansas Public Disclosure Commission, under appropriate circumstances and following a hearing as required by law, the power to publicly or privately censure, as well as to fine or submit evidence of criminal violations to the appropriate authorities. (Under current law, the enforcement powers of the Kansas Public Disclosure Commission are limited to imposing civil penalties for failure to file any required reports or civil fines for violation of state governmental ethics and campaign finance legislation. In addition, the Disclosure Commission may only publicly state a finding of fact after it concludes that a person has violated provisions of Kansas law. The Disclosure Commission then submits a copy of its report to the Attorney General and the county or district attorney of the county in which the violation occurred. If the person is a legislator, the Disclosure Commission also must submit a copy of the report to the house in which the member serves. The house to which the report is made is required to consider the report and impose censure or disqualification as a legislator, or determine that neither censure nor disqualification is justified. For state officials who are not legislators, other officials designated by statute may impose censure or removal from state service.)
7. Repeal existing sunset provisions in the law with regard to the Kansas Public Disclosure Commission and allow the state agency to continue to carry out its functions for an indefinite period. (Under the Kansas Sunset Law, K.S.A. 74-7275, the Kansas Public Disclosure Commission will be abolished on July 1, 1992, unless continued by an act of the Legislature. During the 1992 Session, the agency will be reviewed under provisions of the Sunset Law.)