

Approved 4-26-91
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by SENATOR DON SALLEE at
Chairperson

12:30 ~~xxx~~ p.m. on April 8, 1991 in room 529-S of the Capitol.

All members were present ~~except~~ or excused:

Committee staff present:

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

Conferees appearing before the committee:

Others attending: See attached sheet

The meeting was called to order shortly after 1:30 p.m. with the Chairman announcing that minutes for meetings held April 1, 2, 3 and 4, had been handed to committee members and would be placed for approval or correction on April 9, 1991.

Staff provided a summary and reference source for H.B. 2454 to help members locate changes and the source from which the changes came. (Attachment 1)

Item 1 concerning the change of name issue was discussed with suggestions made as follows: Commission on Governmental Conduct; Commission on Governmental Standards; Commission on Governmental Conduct and Standards. It was decided to set this issue aside and give it further consideration at the next meeting.

Item 2 concerning terms of appointment was passed over and will be considered when working Section 2. Some difficulty was noted with making appointments and the times at which the changes were made. A member noted they wished to return to the issue concerning background of candidates when discussing Section 2.

Item 3 was approved.

Item 4 will be the subject of further discussion at a later time.

Item 5 concerning the fee fund was discussed. The fund would be supplemental in nature and would be advantageous in developing fees from individuals generating the work. Ms. Williams noted the agency will be doing more things such as producing informational guides and will have more requests for information from individuals. Ms. Williams noted the past two years the Appropriations Committee had requested a fee fund be established. Presently, when a fee is charged it is put into the General Fund which does not replenish agency funds. This measure would allow the fees to reimburse expended agency funds.

Item 7 would place candidates for election to local school boards under the Campaign Finance Act. Discussion noted it was already difficult to get people to run and filing another report would not help the situation.

Senator Lee moved, with a second from Senator Bond, that school board members be removed from the bill. The motion carried.

Item 8 was accepted.

Item 9 was set aside until the fees were discussed at a later time.

Item 10 concerned an amendment which would require accounts of the state committee of each political party be audited "in accordance with generally accepted accounting principles" and striking "by a certified public accountant".

Following discussion as to what was new language Senator Lee, with a second from Senator Bond, moved to strike Section 9. Staff noted there were certain cities exempted out of submitting information on a question in an attempt to exempt them from making more than

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 529-S, Statehouse, at 12:30 ~~xxx~~p.m. on April 8, 19

one campaign report. Staff further noted the exemption from the question issue should not have occurred.

The motion was withdrawn.

Senator Rock moved, with a second from Senator Bond, to amend Section 9 by reinserting "by a certified public account" and striking lines 34-35 "in accordance with generally accepted accounting principles". The motion carried.

Item 11 was discussed with the issue of aggregate contribution amounts and those who could contribute being considered.

Senator Rock moved, with a second by Senator Bond, to strike lines 30-31 "any person candidate committee of any other candidate". The motion carried.

Senator Rock moved, with a second by Senator Lee, to amend line 38 by striking "state senator".

Senator Brady moved, with a second from Senator Reilly, to strike \$500, line 41 to read \$250.

It was noted the Senate had already taken a position on this issue.

The motion failed.

Senator Rock moved, with a second from Senator Lee, to reinstate state lines 1-3 on page 11. The motion carried. Senator Reilly requested his No vote be recorded.

Senator Rock moved, with a second from Senator Bond, to reinstate language in lines 7-9, page 12. The motion carried.

The chairman requested that when motions were made and passed the revisor use discretion to remove any resulting conflicts.

Item 12 was approved.

Item 13 was discussed with concern expressed about the feasibility of bookkeeping requests.

Senator Lee moved to remove the \$100 limit. The motion failed due to lack of a second. Senator Rock, with a second from Senator Lee moved to delete lines 38-42, page 12.

The meeting adjourned at 2:27 p.m. and will meet April 9 at 12:30 p.m. in room 529-S.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE April 8, 1991

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

NAME AND ADDRESS	ORGANIZATION
Michael Wolf Topeka	CC/KS
Trudy Brown "	Amer Inst of Architects
Gary Anderson "	Amer. Inst. of Architects
Per Thornburgh "	SOS
Rebecca Bossemeyer "	SOS
Chuck Stones "	KBA
Tom Whitaker "	Ks Motor Carriers Assn.
Mark Tallman "	KASB
Mike Reece Rt "	AT+T
Nick Roach "	Division of Purchases
George Barber "	Ks Consulting Engrs
Jim Jones "	KDOT
JANET STUBBS "	HBAK
Ann Heiberger Overland Park	LWVK
Jim Kang Topeka	League of Ks Municipalities
Errol Williams	Dy A (DPS)
Bob Totten	Ks Contractors Association
Graig Grant Topeka	K-NBA
Don Grant "	KCC
Ed Schaub "	KPL
Jim Edwards "	KCCI

SUMMARY AND REFERENCE SOURCE FOR H.B. 2454

<u>Summary</u>	<u>Reference Source</u>
1. Changes the name of the Kansas Public Disclosure Commission to the Kansas Governmental Ethics Commission (Sections 1, 2, 6, 10, 17, 18, 19, 20, 21, 22, 23, 34, 41, 42, 43, 44, 45, 46, 48, and 50).	1. Select Commission recommendation.
2. The terms of appointment for certain members who now serve on the Commission would be changed to allow the terms to coincide with the terms of the legislative appointing authority and to stagger the terms to prevent turnover of more than five Commissioners at any one time (Section 1).	2. Select Commission did not address this item, which was recommended by the House Elections Committee.
3. The Commission would be authorized to adopt rules and regulations fixing reasonable fees for persons who request copies of opinions, informational materials published by the Commission, and any public records filed in the office of the Commission (Section 1). All fees collected would be credited to the Kansas Governmental Ethics Commission Fee Fund that would be established by the bill.	3. Concept from a Select Commission recommendation.
4. The eligibility requirements for being appointed to or serving on the Commission would be changed (Section 2).	4. Concept from a Select Commission recommendation, which was modified by the House Elections Committee to prohibit those who provide services under contract to the State of Kansas from serving as a member of the Commission. (The Select Commission recommendation would have allowed these individuals to serve on the Disclosure Commission. Present law prohibits those who provide services under contract to any vendor of goods and services to the State of Kansas from serving on the Disclosure Commission.)

Senate Elections Committee
April 8, 1991
Attachment 1

Summary	Reference Source
5. A new fund called the Kansas Governmental Ethics Commission Fee Fund would be established by the bill (New Section 3). Expenditures from the Fund would be subject to appropriation acts and any moneys in the Fund would be for the operations of the Commission. The Fund would be credited with revenues collected for existing and additional fees which would be imposed by the bill and for penalties assessed against those who violate provisions of the laws administered by the Commission (New Section 4 and Sections 1, 8, 10, 18, 19, 37, 41, and 42).	5. Concept from a Select Commission recommendation, which was modified by the House Elections Committee to allow the Fund to be credited with revenues from existing fees and penalty assessments that currently are credited to the State General Fund.
6. In addition to payment of fees under current law for filing for elective offices, certain candidates would be required to pay additional fees when filing for offices (New Section 4).	6. House Elections Committee recommendation.
7. Candidates for election to local school boards would be placed under the Campaign Finance Act (Section 6).	7. House Elections Committee recommended that candidates for election to school boards that are within the fifth enrollment category be placed under the Campaign Finance Act, which was amended by the House Committee of the Whole to include all local school boards.
8. A registered lobbyist would be prohibited from serving as treasurer for a candidate or committee under the Campaign Finance Act (Section 7).	8. Select Commission recommendation.
9. Each political action committee (PAC) which anticipates receiving contributions would be required to register annually with the Commission and pay a registration fee (Section 8). Collected receipts would be credited to the Kansas Governmental Ethics Commission Fee Fund.	9. House Elections Committee recommendation.
10. Current law would be amended to provide that accounts of the state committee of each political party must be audited annually in accordance with generally accepted accounting principles rather than by a certified public accountant (Section 9).	10. House Committee of the Whole recommendation.

Summary	Reference Source
11. The campaign contribution limitation established under current law for office to the state Senate would be reduced from \$1,000 to \$500 for each primary or each general election (Section 11).	11. House Elections Committee recommendation.
12. Contributions, under the Campaign Finance Act, by unemancipated children under 18 years of age would be considered contributions by their parents (Section 11).	12. Select Commission recommendation.
13. Contributions by a person that are made in the form of cash would be limited to \$100 or less for any one primary or general election (Section 11).	13. Select Commission recommendation.
14. New language would be added to provide that no "person," other than an individual, could give a campaign contribution to a candidate or candidate committee under the Campaign Finance Act (Section 12).	14. Concept from a Select Commission recommendation, which was modified by the House Elections Committee. (The intent of the House Elections Committee was to prohibit campaign contributions from all entities (corporation, partnership, trust, organization, or association) except individuals, political committees, and party committees. The Select Commission recommended that political committees also be prohibited from making campaign contributions and that only individuals and party committees be allowed to contribute to state election campaigns.)
15. New language would be added to current law to provide that no moneys collected under the Campaign Finance Act may be used for the "personal use" of the candidate (Section 13).	15. Concept from a Select Commission recommendation.
16. Funds that are received by a candidate or the candidate's committee as a contribution under the Campaign Finance Act could not be given or contributed to any other candidate as a contribution (Section 13). In addition, when there is dissolution of funds collected under the Campaign Finance Act, the remaining funds would have to be given to a charitable organization, a party committee, a contributor of the funds as all or part of a refund for the contribution, or paid to the State General Fund of Kansas.	16. Concept from a Select Commission recommendation, which was modified by the House Committee of the Whole to provide that a contributor of campaign funds also could receive the funds as a refund when there is dissolution of the account.

Summary

Reference Source

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| 17. Investigative subpoena power would be established for the Commission (Sections 14 and 36) and language in current law with regard to the issuance of subpoenas for violation of the laws administered by the Commission would be stricken (Sections 15 and 35). Prior to the issuance of a subpoena, the Commission would have to authorize it by not less than three-fourths vote of the Commission's members. | 17. Concept from a Select Commission recommendation, which was modified by the House Committee of the Whole to require that, prior to the issuance of a subpoena, the Commission would have to authorize it by not less than three-fourths instead of two-thirds vote of the Commission's members. |
| 18. Officers or employees of the state, county, city of the first class, or the Board of Public Utilities of Kansas City, Kansas, would be prohibited from using or authorizing the use of public funds or public vehicles, machinery, equipment, or supplies of any such governmental agency for the purpose of influencing the nomination or election of a candidate for state or local election (New Section 16). In addition, these officers or employees would be prohibited from using their time or the time of another officer or employee of any such governmental agency, when compensation is paid by the governmental agency for the time, for the purpose of influencing the nomination or election of a candidate for state or local election. The prohibition on the use of time by officers and employees, however, would not apply to incumbent officers campaigning for nomination or reelection for a succeeding term to their office or to members of their personal staff. | 18. Concept from a Select Commission recommendation, which was modified by the House Elections Committee to address the issue of "time" used by incumbent officers. |
| 19. An individual who has not paid a civil fine or who has failed to file a required report under the Campaign Finance Act would not be eligible to become a candidate for state or local office until the fine has been paid or the report filed or both, if applicable (Section 19). | 19. Select Commission recommendation. |
| 20. A statement of fair campaign practices (voluntary code of conduct) would be established by the bill (New Section 24). The Commission would be responsible for certain administrative duties related to the Code. | 20. Concept from a Select Commission recommendation. |
| 21. A statement of intent and purpose for the state conflict of interest laws would be established by the bill (Section 25). | 21. Select Commission recommendation. |

Summary	Reference Source
22. The term "lobbyist's principal" would be defined in the bill as the person or entity on whose behalf the lobbyist is lobbying (Section 26). "Lobbyist's principal" then would be substituted for the term "employer" throughout the lobbying regulation statutes (Sections 26, 37, and 39). In addition, a lobbyist's principal would be required to register with the Secretary of State's Office (Section 37).	22. Concept from a Select Commission recommendation.
23. Technical amendments would be made to clarify the meaning of the term "lobbying," as defined under current law (Section 27).	23. Concept from a Select Commission recommendation.
24. A legislator would be prohibited from being hired as a lobbyist to represent anyone before a state agency (Section 27).	24. House Committee of the Whole recommendation.
25. Current law would be amended to prohibit state officers or employees from not only participating in the making of certain state contracts, but also from having substantial involvement in the preparation of such contracts (Section 28).	25. Select Commission recommendation.
26. Current law would be amended to prohibit state officers or employees from activities in regard to making and participating in state contracts (other than contracts made on the basis of competitive bid or subject to a price or rate fixed by law) with businesses in which members of their immediate families hold substantial interest (Section 28).	26. Select Commission recommendation.
27. The aggregate limitation on gifts or other items of value that may be accepted by a state officer, candidate for state office, or state employee from a person known to have a special interest (including lobbyists) would be reduced from \$100 to \$20 per calendar year (Sections 29 and 40).	27. Concept from a Select Commission recommendation, which was modified by the House Elections Committee to allow for an aggregate limitation of \$20 per calendar year. (The Select Commission recommended prohibiting all gifts except for gifts that have no intrinsic value as defined by the Disclosure Commission.)
28. The aggregate limitation of \$100 per calendar year on gifts or other items of value to a state agency by a person who is licensed, inspected, or regulated by the state agency would be removed (Section 29).	28. Part of the bill as recommended by the House Elections Committee.

Summary	Reference Source
29. A legislator would be prohibited from contracting to perform any service for or representing any state agency, other than the Legislature, for compensation in a nonjudicial process unless the contract would be obtained upon the basis of competitive bids (Section 30).	29. Concept from a Select Commission recommendation, which was modified by the House Elections Committee to allow for contracts obtained on a competitive bid basis.
30. New language would be added to current law to provide that, whenever the Commission determines that any officer or employee has violated any provision of the state governmental ethics laws or any rule and regulation of the Commission, whether the violation does or does not constitute a misdemeanor, and the act does merit censure, the Commission would be required to report such fact and the circumstances involved to the officer or agency authorized to impose censure upon such officer or employee in accordance with the law (Section 31).	30. Concept from a Select Commission recommendation.
31. Private consultants who have a contract with a state agency to evaluate bids for public contracts or to award public contracts would be required to file statements of substantial interest (Section 32).	31. Select Commission recommendation.
32. An individual who must file a statement of substantial interest under the state governmental ethics laws would be required to also disclose the approximate percentage of ownership of the business which the individual or individual's spouse owns (Section 33).	32. Select Commission recommendation.
33. A statement of intent and purpose for the lobbying regulation laws would be established (Section 37).	33. Select Commission recommendation.
34. A lobbyist would be able to register on or after October 1 for the upcoming calendar year (Section 37).	34. Select Commission recommendation.
35. Every person registering or renewing registration and who anticipates spending funds for lobbying during the calendar year on behalf of any lobbyist's principal would be required to pay to the state a fee (Section 37).	35. House Elections Committee recommendation.

Summary

36. A lobbyist would be required to not only file a report of employment and expenditures on a form prescribed and provided by the Commission, but also in a manner prescribed and provided by the Commission (Section 38). Reports would be required on or before the 10th day of the months of February, March, April, May, September, and December. The reports would include all expenditures as required to be reported under current law or a statement that no expenditures were made for lobbying purposes. In regard to the content of the reports, lobbyists would be required to report all lobbying expenditures made during each reporting period except for salaries, fees, retainers, and any other compensation received for the performance of services as a lobbyist or for those occasions when individual expenditures are less than \$2 (Section 39).
37. New language would be added to current law to provide that, whenever the Commission would determine that any report filed by a lobbyist is incorrect, incomplete, or fails to provide the information required by law, the Commission would notify the lobbyist in regard to the specific deficiency by registered or certified mail (Section 41). The lobbyist would have 30 days from the date of the receipt of the notice to file an amended report to correct the deficiency before a civil penalty of \$10 per day (not to exceed \$300) would be imposed. On the 31st day following the receipt of the notice, the registration of the lobbyist would be revoked. The lobbyist also would be required to return his or her name badge to the Secretary of State's Office.

Reference Source

36. Concept from a Select Commission recommendation, which was modified by the House Elections Committee and then by the House Committee of the Whole. (The Select Commission recommended reporting of all expenditures for lobbying by the lobbyist's principal, rather than by the lobbyist. The House Committee recommended reporting of the same expenditures that are required under current law and reporting by the lobbyist. The House provided for reporting of all expenditures (except salaries, fees, retainers, and other compensation for performance of services) and reporting by the lobbyist.)
37. House Elections Committee recommendation.

Summary

Reference Source

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| 38. A state officer or employee would be prohibited from advocating or causing the employment, appointment, promotion, transfer, or advancement of any office or position of the state, or from supervising or managing a member of such officer's or employee's household or family (New Section 47). State officers or employees also would be prohibited from participating in an action relating to the employment or discipline of a member of the officer's or employee's household or family. The bill would not apply to any action involving the employment, appointment, promotion, transfer, or advancement of a officer or employee that occurred prior to the effective date of the bill, which is publication in the statute book. | 38. Concept from a Select Commission recommendation, which was modified by the House Elections Committee to allow for a "grandfathering" clause. |
| 39. Current law would be expanded to apply to unclassified employees in regard to protection from being compelled by an officer or employee of the state to participate in political activities (Section 49). | 39. Select Commission recommendation. |
| 40. A chief executive officer of every newspaper, radio station, and television station which publishes or broadcasts any editorial supporting or opposing any candidate for state or local office would be required to file a report (New Section 51). The report would have to state the amount which would have been charged for comparable time or space to a candidate for the publication or broadcast of the political advertising. | 40. House Elections Committee recommendation. |
| 41. A legislator would be prohibited from being employed as a lobbyist for one year after serving in the Legislature (Section 52). | 41. Concept from a Select Commission recommendation that was recommended by the House Committee of the Whole. |
| 42. An elected state or local officer would be prohibited from campaigning for or being elected to a state or local office that begins prior to the end of the elected official's current office term (Section 52). | 42. House Elections Committee recommendation. |

Summary

Reference Source

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| 43. From and after July 1, 1991, all officers elected under the laws of Kansas (except for members of the United States Congress) and nonelected officers and employees of the State of Kansas would be required to file a tax clearance request with the Division of Taxation of the Department of Revenue and a property tax clearance request with the county treasurer of each county in which such officer or employee owns property (New Section 53). Elected officers would not be permitted to take or subscribe to the oath or affirmation of office without first having received the Kansas income tax clearance approval of the Director of Taxation and the property tax clearance approval of each of the appropriate county treasurers. Other officers or employees could not be appointed or employed by a state agency to any position for which any compensation is paid under the laws of Kansas without first having received the Kansas income tax clearance approval of the Director of Taxation and the property tax clearance approval of each of the appropriate county treasurers. | 43. House Elections Committee recommendation. |
| 44. Certain provisions of Kansas statute which pertain to state contracting would be amended to delete language in current law which excludes certain contracts from the competitive bid process (Sections 54, 55, 56, 57, 58, and 62). | 44. House Elections Committee recommendation. |
| 45. New language would be added to provide that all bequests, legacies, devises, or gifts to or for the use of a political party committee from estates of decedents dying after December 31, 1991 would be exempt from tax under the provisions of the Kansas Inheritance Tax (New Section 59). | 45. House Committee of the Whole recommendation. |
| 46. An agency of the state or political taxing subdivision that is funded in whole or in part by state funds would be prohibited from expending any of the funds for the purpose of employing a lobbyist (Section 60). | 46. House Committee of the Whole recommendation. |

Summary

47. Current law would be amended to require that, when a candidate's report is filed under the Campaign Finance Act and the amount being contributed to the candidate by an individual is over \$50, the occupation of the contributor or the contributor's spouse would have to be listed on the report (Section 61).

Reference Source

47. House Committee of the Whole recommendation.