

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 10, 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 list.

The 1:30 meeting was called to order by Chairman Sallee.

Consideration of HB-2454 continued with the Chairman announcing he would be working from the bill.

The chairman by-passed Section 29(d) concerning hospitality.

In an effort to expedite handling of the bill the chairman announced to the committee that if a section was not worked it was to be considered stricken from the bill. However, by-passed sections could be revisited.

Starting on line 37, Section 37, page 33, it was noted the date change for registering of lobbyists provides for a more orderly and easier process. Registration fees were discussed.

Senator Kerr moved to reduce the fee on line 7, page 34 to \$100 for those spending more than \$1000. Senator Bond seconded the motion and the motion carried.

Staff made clear that a lobbyist registers for each of the principals represented and if that individual spends over the \$1000 limit they pay the \$100 fee and if they spend less than that amount they pay the \$15 fee.

Section 38 - It was noted that the commission agreed that this would be a practical way of filing reports.

Section 49 - This section deals with undue influence and is designed to prevent a supervisor from "leaning" on the employees. It would add the unclassified employees to the statutes.

A consensus of the committee removed Section 53.

Section 61 - Senator Reilly moved to reinsert "if known to the candidate," line 26 page 50. The motion was withdrawn.

Senator Kerr moved to raise to \$200 the amount being contributed by an individual, page 50, line 23. Senator Yost seconded the motion and the motion carried.

The chairman returned to the issue of the name for the commission.

Senator Rock moved to use the name "Commission on Governmental Standards and Conduct. Senator Bond seconded the motion.

Considerable discussion followed concerning the fiscal note related to change of name when, in essence, the name doesn't "do" anything.

The motion carried. Senator Reilly requested his NO vote be recorded.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 529-S, Statehouse, at 12:30 ~~xxx~~/p.m. on April 10, 1991.

Returning to Section 4, page 4, concerning fees for candidates, Senator Yost made a motion to change state representatives fees (3) line 28, page 4 to \$20. Senator Bond seconded the motion and the motion carried.

Senator Kerr moved to change the \$250 fee, line 22, (1) page 4 to \$200. Senator Bond seconded the motion and the motion carried.

Section 2, page 3 concerning who may serve on the Commission on Governmental Standards and Conduct was discussed.

Senator Bond moved prohibition from serving or being appointed to the Commission persons who have been officers or employees of state or county political parties as well as those who have been candidates or previously or currently hold office or who hold a partisan political office. Senator Lee seconded the motion and the motion carried.

A conceptual motion was made by Senator Yost for staff to look at the code of judicial conduct and to apply it to the people on the commission concerning political campaigns and amend this section. Senator Reilly seconded the motion and the motion carried.

The Select Commission made a recommendation to totally prohibit receipt of honorarium but to allow legislators to accept reimbursement for reasonable expenses. It was noted difficulty had been encountered as to how much a person's time was worth. Senator Rock noted the critical element was what the Commission grants.

Senator Rock moved, conceptually, to adopt the Commission language. (actual expenses of meals, lodging and transportation). Senator Bond seconded the motion and the motion carried.

It was noted the name of the fee fund will change with the change in name of the organization.

The Kansas League of Municipalities presented three proposed amendments to committee members. (Attachments 1, 2 & 3)

The meeting adjourned at 2:40 p.m. and will meet April 11, 1991 at 12:30 p.m. in room 521-S.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE April 10, 1991

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

NAME AND ADDRESS	ORGANIZATION
Jana Atchison Topoka	KPBC
KEVIN R LANDIS TOPEKA	CHRISTIAN SILENCE COMMITTEE ON PUBLICATION FOR KANSAS
Craig Grant Topoka	K-NEA
Rebecca Bossemeyer TOPEKA	SOS
Jim Kaup Topoka	League of Ks Municipalities
Cindy Kelly Topoka	KASB
Jim Edwards Topoka	KCCI
Trudy ARON "	AIA KANSAS
Nick Roach Topoka	Division of Purchases
Clare McWhirley "	KDOT
ART Brown KCMO	Ks L&I dealers
Bob Teller Topoka	Ks Contractors Association
Bill ARBOIT WICHITA	BOEING
George Barber Topoka	Ks Consulting Eng'rs.
Ron Smith "	Ks Bar Assoc
Tom Whitaker "	Ks Motor Carriers Assn
Barbara Peimort "	Ks L W Voters
Michael Wolf "	CC/KS
Chuck Stone "	KBA
JANET STUBBS "	HRBAK

**League of Kansas Municipalities
Proposed Amendment to HB 2454, Sec. 19**

HB 2454—Am. by HCW

19

Reason for Amendment:

As drafted, line 35 will create confusion when applied to fact situations where someone has lawfully become a candidate for office, and perhaps already elected to office, then fails to file a campaign finance report or fails to pay a fine. The proposed amendment will clarify that such a situation does not invalidate the election that has been held.

1 with the reporting requirements before a civil penalty shall be im-
2 posed for each day that the required documents remain unfiled. If
3 such person fails to comply within the prescribed period, such person
4 shall pay to the state a civil penalty of \$10 per day for each day
5 that such report remains unfiled, except that no such civil penalty
6 shall exceed \$300. The ~~Kansas public disclosure~~ *Kansas governmental ethics com-*
7 *mission* may waive, for good cause, payment of any civil penalty imposed by this
8 section.

9 (2) Civil penalties provided for by this section shall be paid to
10 the state treasurer, who shall deposit the same in the state treasury
11 to the credit of the ~~state general~~ *Kansas governmental ethics com-*
12 *mission fee* fund.

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

17 (c) The intentional failure to file any report required by subsec-
18 tion (a) is a class A misdemeanor.

19 (d) This section shall be part of and supplemental to the campaign
20 finance act.

21 Sec. 19. K.S.A. 1990 Supp. 25-4181 is hereby amended to read
22 as follows: 25-4181. (a) The ~~public disclosure~~ *Kansas governmental*
23 *ethics* commission, in addition to any other penalty prescribed under
24 the campaign finance act, may assess a civil fine, after proper notice
25 and an opportunity to be heard, against any person for a violation
26 of the campaign finance act in an amount not to exceed \$5,000 for
27 the first violation, \$10,000 for the second violation and \$15,000 for
28 the third violation and for each subsequent violation. All fines as-
29 sessed and collected under this section shall be remitted promptly
30 to the state treasurer. Upon receipt thereof, the state treasurer shall
31 deposit the entire amount in the state treasury and credit it to the
32 ~~state general~~ *Kansas governmental ethics commission fee* fund.

33 (b) *No individual who has failed to pay any civil fine assessed,*
34 *or failed to file any report required to be filed, under the campaign*
35 *finance act shall be ~~eligible to become a candidate for state office~~*
36 *or local office under the laws of the state until such fine has been*
37 *paid or such report has been filed or both such fine has been paid*
38 *and such report filed.*

39 Sec. 20. K.S.A. 1990 Supp. 25-4182 is hereby amended to read
40 as follows: 25-4182. (a) If the ~~public disclosure~~ *Kansas governmental*
41 *ethics* commission determines after notice and opportunity for a hear-
42 ing that any person has engaged or is engaging in any act or practice
43 constituting a violation of any provision of the campaign finance act

permitted to take or subscribe
to the oath or affirmation of
any elective

Senate Elections Committee
April 10, 1991
Attachment 1

**League of Kansas Municipalities
Proposed Amendment to HB 2454, Sec. 52**

HB 2454—Am. by HCW

42

Reason for Amendment:

No identifiable public policy objective furthered by this House amendment; throws out considerable caselaw regarding which dual officeholding is lawful and which is not; House language does not take into account write-in elections; phrase "campaign for" is ambiguous.

1 inspection. All requests for advisory opinions shall be directed to
2 the secretary of state who shall notify the commission thereof.

3 (b) The Kansas ~~public disclosure~~ *governmental ethics* commission
4 shall administer K.S.A. 75-4301a, 75-4302a, 75-4303a, 75-4304, 75-
5 4305 and 75-4306 *and amendments thereto* and may adopt rules and
6 regulations therefor.

7 New Sec. 51. The chief executive officer of every newspaper,
8 radio station and television station which publishes or broadcasts
9 any editorial supporting or opposing any candidate for state or local
10 office shall make a report at the times prescribed and in the offices
11 required by K.S.A. 25-4148 and amendments thereto. Such reports
12 shall be filed upon forms prescribed and provided by the Kansas
13 governmental ethics commission. Such report shall state the amount
14 which would have been charged for comparable time or space to
15 a candidate for the publication or broadcast of political advertising.

16 Sec. 52. K.S.A. 46-234 is hereby amended to read as follows:
17 46-234. (a) No elected state officer shall within one (1) year after
18 the expiration of ~~his~~ *such officer's* last term receive any civil ap-
19 pointment to a state office which was created by law during the
20 last term for which such person had been elected, and all such
21 appointments shall be void. Upon resignation by an elected state
22 officer, such person may be appointed to any elective state office
23 to fill a vacancy.

24 ~~(b) No elected state or local officer shall campaign for or be~~
25 ~~elected to any state or local office the term for which commences~~
26 ~~during the term of office to which such officer was elected and is~~
27 ~~currently serving.~~

28 [(c) No state legislator shall within one year of serving in the
29 legislature be employed as a lobbyist.]

30 New Sec. 53. (a) From and after July 1, 1991, all officers elected
31 under the laws of the state of Kansas, except members of the
32 congress of the United States, before entering upon the duties of
33 their respective offices, shall file a Kansas income tax clearance
34 request with the division of taxation of the department of revenue
35 of the state of Kansas and a property tax clearance request with
36 the county treasurer of each county in which such officer owns
37 property. Such requests shall be filed for the purposes and in the
38 manner prescribed in this section. No such officer shall be permitted
39 to take or subscribe to the oath or affirmation of office without
40 first having received the Kansas income tax clearance approval of
41 the director of taxation and the property tax clearance approval of
42 the county treasurer or county treasurers in accordance with this
43 section.

Senate Elections Committee
April 10, 1991
Attachment 2

**League of Kansas Municipalities
Proposed Amendment to HB 2454, Sec. 60**

HB 2454—Am. by HCW

50

Reason for Amendment:

No House committee hearing on this provision; an improper intrusion of the state into the operations of local governments; serious questions as to the scope and application of this provision as presently worded.

1 the use of any political party committee as defined by subsection
2 (g) of K.S.A. 25-4143 and amendments thereto, whether an absolute
3 gift, or a gift of a remainder interest, from estates of decedents
4 dying after December 31, 1991, are hereby declared to be exempt
5 from tax under the provisions of the Kansas inheritance tax act.
6 Where the bequest, legacy, devise or gift is of a remainder interest,
7 the present value of such interest shall be determined under rules
8 and regulations to be promulgated by the director of revenue, and
9 the holder of the other beneficial interest in the property (unless
10 otherwise exempt) shall be taxable upon the value of the property
11 reduced by the present value of the remainder interest.]

12 [Sec. 60. K.S.A. 46-232 is hereby amended to read as follows:
13 46-232. (a) No state officer or employee shall engage in lobbying
14 his own state agency, if he accepts compensation specifically at-
15 tributable to such lobbying, other than that provided for the per-
16 formance of his official duties. Nothing in this section shall prohibit
17 a state officer or employee from lobbying without compensation
18 other than that which he is entitled to receive for performance of
19 his official duties.

20 [(b) No agency of the state ~~or political or taxing subdivision~~
21 ~~thereof funded in whole or in part by state funds~~ shall expend any
22 funds for the purpose of employing a lobbyist.]

23 [Sec. 61. K.S.A. 1990 Supp. 25-4148a is hereby amended to
24 read as follows: 25-4148a. When a report is made under this act
25 and the amount being contributed by an individual is over \$50, the
26 report shall list the occupation, if known to the candidate, of the
27 individual contributor, or if the individual contributor is not em-
28 ployed for compensation then the report shall list the occupation,
29 if known to the candidate, of the contributor's spouse.]

30 Sec. ~~51~~ 50 [62]. K.S.A. 25-4178, 46-215, 46-222, 46-225, [46-
31 232,] 46-233, 46-234, 46-239, 46-243, 46-248, 46-253, 46-260, 46-
32 268, 46-271 and ~~75-2953~~, 75-2953, 75-3739, 75-3741a, 75-3741b,
33 75-37,102, 75-4706, 75-4707, 75-4713 and 76-721 and K.S.A. 1990
34 Supp. 25-901, 25-4119a, 25-4119d, 25-4142, 25-4143, 25-4144, 25-
35 4145, ~~25-4148a~~, [25-4148a,] 25-4152, 25-4153, 25-4153a, 25-4157a,
36 25-4158, 25-4161, 25-4180, 25-4181, 25-4182, 25-4183, 25-4184, 25-
37 4185, 46-237, 46-247, 46-256, 46-265, 46-269, 46-280, 46-288, 46-
38 289, 46-290, 46-291, 46-292, 74-7275 and 75-4303a are hereby
39 repealed.

40 Sec. ~~52~~ 60 [63]. This act shall take effect and be in force from
41 and after its publication in the statute book.

Senate Elections Com.
April 10, 1991
Attachment 3