

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Carol Dawson, at 9:00 a.m. on January 31, 1995 in Room 521-S of the Capitol.

All members were present except: Rep. Rochelle Chronister, Excused

Committee staff present: Carolyn Rampey, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Arden Ensley, Revisor of Statutes
Donna Lutjohann, Committee Secretary

Conferees appearing before the committee: Carol Williams, KS Comm on Governmental Standards and Conduct

Others attending: See attached list

Chairman Dawson informed the Committee that the leadership requested two bills be introduced. Speaker Shallenburger requested a bill placing a limit of \$350.00 on the amount of contributions that a candidate for senator or representative could receive from a person or organization. Currently a candidate for the Senate can receive \$1,000.00 and a candidate for the House can receive \$500.00.

Minority Leader, Tom Sawyer requested a bill that would allow an office holder to give money to a party. Discussion on both requests took place.

Rep. Dillon made a motion to introduce both bills. It was seconded by Rep. O'Connor. The motion carried.

Chairman Dawson opened the public hearing on HB 2122 defining the term "candidate".

Carol Williams was recognized by the Chair. Ms. Williams testified that currently there is no definition for the word "candidate" in Kansas statutes. See Attachment 1 for suggested written definition.

The Chairman closed the hearing on HB 2122.

Chairman Dawson opened the public hearing on HB 2123 regarding the identification of person or organization responsible for printing information about a candidate for office.

Carol Williams was recognized by Chairman Dawson to testify as a proponent of the bill. She testified that passage of this legislation would allow the public to know who is responsible for publication of brochures reflecting negative or positive facts about a candidate for public office. See Attachment 2 for more information.

The public hearing on HB 2123 was closed by Chairman Dawson.

Chairman Dawson opened the hearing on HB 2124 regarding the penalty assigned to the violation by a state official or employee or former state official or employee of using mailing lists for personal gain.

Carol Williams was recognized by the Chairman. Ms. Williams testified that when the original legislation was passed to make it unlawful to use mailing lists obtained while serving as a state officer or employee, the penalty for this violation was omitted. See Attachment 3.

Chairman Dawson closed the public hearing on HB 2124.

At the request of Chairman Dawson, Carolyn Rampey explained to the Committee that due to the

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on January 31, 1995.

change in procedure by Post-Audit, the K-GOAL review of the KS Department of Health and Environment that was supposed to take place this year by the Governmental Organization and Elections Committee is changed to next year.

Chairman Dawson asked for the Committee's attention to the minutes of January 25 & 26, 1995. Rep. Dillon made a motion to approve the minutes. It was seconded by Rep. O'Connor. The motion carried.

Announcements were made and the Chairman adjourned the meeting at 9:45 a.m.

The next meeting is scheduled for Wednesday, February 1, 1995, at 9:00 a.m. in Room 521-S of the Capitol.

**KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT****Testimony Before House Governmental Organization and Elections****House Bill 2122****By Carol Williams****January 31, 1995**

House Bill 2122 amends K.S.A. 46-221, a provision of the State Governmental Ethics Laws. This bill is a recommendation made by the Kansas Commission on Governmental Standards and Conduct in its 1994 Annual Report and Recommendations.

Currently, reference is made throughout the state conflict of interest statutes to the term "candidate", yet this term is not defined in the conflict of interest statutes. Without a definition for the word "candidate", this term has been subject to many different interpretations by individuals reviewing the conflict of interest statutes.

The Commission recommends the term "candidate" as defined in the Campaign Finance Act be added to the definition section of the State Governmental Ethics Laws. "Candidate" on lines 34-41 of HB 2122 would be defined as "an individual who (a) appoints a treasurer or a candidate committee, (b) makes a public announcement of intention to seek nomination or election to state office, (c) makes any expenditure or accepts any contribution for the purpose of influencing such person's nomination or election to any state office, or (d) files a declaration or petition to become a candidate for state office".

The Commission urges your support of HB 2122.

HOUSE GOVERNMENTAL ORGANIZATION
AND ELECTIONS
January 31, 1995
Attachment 1



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before House Governmental Organization and Elections
 House Bill 2123
 By Carol Williams
 January 31, 1995

House Bill 2123 which is before you this morning would amend K.S.A. 25-4156, a provision of the Campaign Finance Act. This bill is a recommendation made by the Kansas Commission on Governmental Standards and Conduct in its 1994 Annual Report and Recommendations.

K.S.A. 25-4156 currently requires any paid advertisement which is placed in a newspaper or other periodical or aired on radio or television to include a disclaimer which states who has paid for the political advertisement. The Commission recommends that this section be amended to include a similar disclaimer for brochures, flyers or other political fact sheets which are disseminated to the public.

During the 1992 and 1994 election cycles, the Commission received many calls from candidates and other individuals who were wondering who had paid for publications that were mailed or distributed door to door that either supported or opposed specific candidates for state or local office. Since this information is not currently required by K.S.A. 25-4156, we were unable to provide this information. The Commission believes that this information should be available to the public.

Under K.S.A. 25-4150, any person who expends more than \$100 in a calendar year supporting or opposing a candidate for state or local office must file a report with the Secretary of State and/or the county election officer on the same dates that candidates and political committees file reports. It is impossible for the Commission to determine who has actually paid for brochures and flyers which are distributed in an election year. Individuals who expend funds supporting or opposing candidates for state or local office should be disclosing this information just as candidates and political committees are required to do. Requiring a "Paid for by" disclaimer on brochures, flyers and political fact sheets would help the Commission obtain compliance with K.S.A. 25-4150.

The Commission urges your support of HB 2123.

HOUSE GOVERNMENTAL ORGANIZATION
 AND ELECTIONS
 January 31, 1995
 Attachment 2

**KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT**

Testimony Before House Governmental Organization and Elections
House Bill 2124
by Carol Williams
January 31, 1995

House Bill 2124, which is before you this morning, amends a provision of the state conflict of interest statutes, K.S.A. 46-276. This bill is a recommendation made by the Kansas Commission on Governmental Standards and Conduct in its 1994 Annual Report and Recommendations.

Under current law, there is no penalty for a state officer or employee who discloses or uses confidential information acquired in the course of his or her official duties to further his or her own economic interest or those of another person. From 1974 to July of 1983, K.S.A. 46-241, which prohibits the disclosure or use of confidential information by a state officer or employee, was included in the criminal penalty section of K.S.A. 46-276. When this penalty section was amended in 1983, the word "to" was inadvertently deleted from "46-240 to 46-242", thereby deleting the criminal penalty for K.S.A. 46-241 in this penalty provision.

The Commission was conducting an investigation into a possible violation of this confidentiality provision when it was discovered the criminal penalty for violating this section no longer existed. The Commission recommends that once again, K.S.A. 46-241 be included in the criminal penalty provision, K.S.A. 46-276.

The Commission urges your support of House Bill 2124.

HOUSE GOVERNMENTAL ORGANIZATION
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Attachment 3