

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 March 9, 1995 in Room 521-S of the Capitol.

All members were present:

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

Conferees appearing before the committee: Raymond Powers, Kansas Historical Society
Carol Williams, KS Commission on Governmental Standards and Conduct

Others attending: See attached list

Chairman Dawson opened the hearing on SB 18 regarding artwork in the capitol. She requested Julian Efird summarize the bill. Mr. Efird stated the intent of the bill is to enable certain personnel to approve artwork that is to be permanently fixed to the walls in the capitol.

The Chairman noted testimony from Sen. Tillotson, who was unable to testify before the committee due to a schedule conflict. See Attachment 1. Chairman Dawson offered some history for the bill as she was Chairman of the Joint Committee on Arts and Cultural Resources. She stated the bill passed out of the Committee but was not passed in the House. The Chairman explained that the bill would place the authority in writing, which already exists, in order to be able to enforce the approval or disapproval of artwork to be displayed on a permanent basis in the capitol.

Chairman Dawson recognized Raymond Powers who spoke to the bill. He testified that he is not advocating for the bill, just speaking as a resource person. He spoke of various uses of the capitol in addition to the legislative sessions and the management of the spaces involved. He testified that the capitol is a people's house and what is displayed in it should be a part of the people. He also noted its historical meaning and that care to preserve it should be taken.

The Chairman closed the public hearing on SB 18.

The public hearing on SB 92 regarding reimbursement for legislators serving on The Kansas Information Resources Council was opened.

Chairman Dawson recognized Carol Williams to testify as a proponent of the bill. She testified that the intent of the bill is to make soliciting by elected officials, who have not yet taken an oath, illegal. See Attachment 2.

The public hearing on SB 92 was closed.

Chairman Dawson called the Committee's attention to SB 19 regarding the compensation and expenses of legislative members of Kansas information resources council. She asked Legislative Research staff, Julian Efird, to summarize the bill. He stated that the senate amended the bill to the extent that the original intent of the bill is moot. The bill as sponsored by Sen. Morris and Sen. Morrison was to reimburse legislators for expenses incurred while serving on the Joint Information Resources Council. The Senate Committee of the Whole amended the bill to exclude legislators from the Council.

Rep. Chronister made a motion to amend the bill including the Kansas Bureau of Investigation as a permanent member of the Council, clean up punctuation errors and reduce the Council by one member named by the governor. It was seconded by Rep. Nichols. The motion carried.

CONTINUATION SHEET

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

Rep. Tanner made a motion to replace the two legislators on the Council with reimbursement or compensation. Rep. Benlon seconded the motion.

Rep. Toplikar made a substitute motion to accept Rep. Tanner's motion and add that the speaker of the house appoint one legislator and the president of the senate appoint the other. It was seconded by Rep. Cox. The motion carried.

Rep. Gilbert made a motion that the two appointed legislators be from each party. It was seconded by Rep. Haley. The motion carried.

Discussion by the Committee took place in which the Chairman requested the Revisor of Statutes draw up a Substitute Senate Bill 19 for the Committee to review at the next meeting.

Chairman Dawson called the Committee's attention to the minutes of March 8, 1995. Rep. Chronister made a motion to accept the minutes as written. It was seconded by Rep. Benlon. The motion carried.

The Chairman adjourned the meeting at 10:20 a.m.

The next meeting is scheduled for Friday, March 10, 1995, at 9:00 a.m. in Room 521-S of the Capitol.

GOVERNMENTAL ORGANIZATION AND ELECTIONS
COMMITTEE GUEST LIST

DATE: March 9, 1995

NAME	REPRESENTING
BRYAN A. CASSELL	SEC OF STATE
Ric Silber	DFM/DOFA
Ramon Powers	Kansas State Historical Society
Jennifer Johnson	State Treasurer
D. Williams	KCGSC
Charke Smithson	KCGSC

CAROLYN TILLOTSON

SENATOR, 3RD DISTRICT
LEAVENWORTH & JEFFERSON COUNTIES

TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

CHAIR: JOINT COMMITTEE ON CHILDREN &
FAMILIES

VICE-CHAIR: FEDERAL & STATE AFFAIRS

MEMBER: AGRICULTURE
ENERGY & NATURAL RESOURCES
LOCAL GOVERNMENTLEGISLATIVE HOTLINE
1-800-432-3924

HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE
PRESENTED BY SENATOR CAROLYN TILLOTSON
RE: SB 18
MARCH 9, 1995

Chairman Dawson and Members of the Committee:

Thank you for this hearing on SB 18. The original bill was identical to HB 2594 which was introduced in the 1994 session, amended slightly, and recommended favorably for passage by the House Committee on Governmental Organization and Elections.

SB 18 principally would put in place a method of selecting artworks for the capital. For years there has been an informal policy of asking Ramon Powers, Executive Director of the Kansas Historical Society; Emil Lutz, in charge of Legislative Administrative Services, and Orion Jordan, Director of Facilities Maintenance, Department of Administration, to make these judgments.

Because this policy is something of a gentlemen's agreement, and not in statute, it has meant pressure on whomever is serving as governor to yield to demands of particular interest groups for permanent statehouse placement of works of art.

The Joint Committee on Arts and Cultural Resources during the interim of 1993 drafted a bill in the interest of being more sensitive to multicultural diversity of our state. The committee added two persons to the original three now making the decisions. These two new persons would have been required to have museum curator experience.

HOUSE GOVERNMENTAL ORGANIZATION
AND ELECTIONS
March 9, 1995
Attachment 1

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Senator Tillotson
March 9, 1995
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The current form of the bill is as it was amended by the senate governmental organization committee to include a committee of three persons, again representing Kansas Historical Society, Department of Administration and Department of Legislative Services.

There should be no fiscal note because all three persons are in Topeka, requiring no travel.

We believe this commission will be able to choose art and or historical displays and presentations which are appropriate to our statehouse, which is on the register of National Historic Places.

Thank you.



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before House Governmental Organization and Elections
 Senate Bill 92
 by Carol Williams
 March 9, 1995

Senate Bill 92, which is before you this morning, would amend K.S.A. 46-221, 464-236, and 46-237, provisions 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.

Under current law, no state officer or employee or candidate for state office can accept any economic opportunity, gift, loan, gratuity, special discount, favor, or service having an aggregate value of \$40 or more in any calendar year from any person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties. The conflict of interests statutes do not define "state officer elect", nor do they prohibit a "state office elect" from soliciting or accepting gifts, etc.

The Commission believes that once an individual is voted into office on election day, the individual is no longer considered a candidate. An individual does not become a state officer until he or she is sworn into office in January approximately two months after winning the election. During this transitional period, the state conflict of interest statutes do not apply to this "state officer elect". Therefore, the Commission believes "state officer elect" should be defined in K.S.A. 46-221, the definition section of the statutes. "State officer elect" should also be amended into K.S.A. 46-236, the provision dealing with solicitation of gifts, etc., and into K.S.A. 46-237, the provision dealing with acceptance of gifts, etc. Like state officers and candidates for state office, "state officers elect" should be prohibited from soliciting and/or accepting anything of value from any person known to have a special interest.

The Senate Elections Committee amended this bill to also include individuals who are appointed to fill a vacancy in a state office who have not yet taken the oath of office.

The Commission urges your support of SB 92.