

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Rep. Carol Dawson, at approximately 12:20 on February 26, 1996 in Room 521-S of the Capitol.

All members were present except: Rep. Mary Compton, Excused

Committee staff present: Dennis Hodgins, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Jim Wilson, Revisor of Statutes
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Continue hearing on:

HB 3000: Prescribing certain standards governing ethics and conduct for public officers and employees

Madam Chairman Dawson requested a briefing on the new sections of the bill by Jim Wilson, Revisor of Statutes. See Attachment 1.

Carol Williams, Commission of Governmental Standards and Conduct was present and answered questions of the Committee.

The Chair announced that Mr. Harold Riehm had a written statement in regard to his testimony on the bill that was made available to the Committee. See Attachment 2.

The hearing on HB 3000 was closed.

Madam Chairman Dawson requested the Revisor of Statutes prepare for the Committee, a sheet which would clearly show the difference between the old section of the bill and the new. She announced that the next meeting would be announced at the microphone when the Revisor is finished working on a more clear understanding of the bill.

The Madam Chair adjourned the meeting at 1:15 p.m.

GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE GUEST LIST

DATE: February 26, 1996

NAME	REPRESENTING
Guan Burnett	USD 301 th
Jim McCum	AARP
Mary Daniels	KDOT
Janey Wertz	State
Carl Schmitheuer	Kansas Dental Assn.
Leanne Patterson	KS Soc of Assn Exec
Jim	DFM
Tom Whitaker	Ks Motor Carriers Assn.
KERRY R LAUDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Ron Smith	KBA
BUD GRANT	KCC
Joey Ross, Jr.	State Treasurer's office
Jake Dueker	United We Stand America
Frank Neff	Organizing Committee for Independence Party of Kansas
Edward C. Rome	League of Women Voters of Ks
Sonara Clark	Ks Insurance Dept.
Melissa Wangemann	Hein Ebert & Weir
Jim Youally	USD #512
Cornie Stewart	KS AFL-CIO

Craig Grant HNEA
 Jim Edwards KCCZ
 Norm Wilks KASB
 Carl Williams KCCS
 Jana Atkinson KCS
 Charlie Smithson KCS

Adams RETHM

KS AE

M e m o r a n d u m

TO: House Committee on Governmental Organization and Elections

FROM: Jim Wilson, First Assistant Revisor

DATE: February 26, 1996

SUBJECT: Selected Sections of 1996 HB 3000

KANSAS CRIMINAL STATUTES

Sec. 13. K.S.A. 21-3902 [Page 16 & 17]

Official misconduct -- Specifies that entering into or performing any contract in violation of sections 17, 18, 53 or 54 is defined as official misconduct.

Also "private benefit or gain" is defined (lines

Sec. 14. K.S.A. 21-3910 [Page 17 & 18]

Misuse of public funds -- Broadly changed to define the crime of "misuse of public property" which is broadly defined to include any money, instrument, negotiable instrument, property, vehicle, machinery, equipment, supplies, facilities, time, human labor, information, or other resources or property interests [current law specifies only money or negotiable instruments]

which belong to:

the state or any "state agency (defined in KSA 46-224, amended by section 28 -- pg 23), [current law specifies only the state -- not a big difference] or

any municipality (defined by KSA 35-901, amended by section 7 -- pg 10), [not previously specified in current law] or

any political or taxing subdivision [current law specifies political subdivisions only -- this is broader]

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Attachment 1-1

STATE GOVERNMENTAL ETHICS

NEW Section 17 [Page 18 -- balloon pg 18b]
{see attached page}

No state officer or employee, or any related person or associated person, may enter into any contract for property, goods or services payable from state or local funds.

Except: (1) personal services performed solely by the individual
(2) pursuant to a contract entered into by competitive bids, or
(3) where the compensation is fixed by statutes or regulations of executive branch agency administering the contract.

Any such contract shall be filed with the commission.

No individual who is an officer of legislative or executive branch shall be an officer or employee of other of the other two branches.

No state officer shall be elected or appointed as any local governmental officer (defined by pg 40, line 26).

NEW Section 18 [Page 18 -- balloon pg 18c]

No state officer or employee shall participate in making appropriations for any contract for any property, goods or services provided by the state officer or employee, or any related person or associated person.

Except: (1) a contract entered into by competitive bids, or
(2) legislators and the governor acting on legislation fixing their compensation and expense allowances.

LOCAL GOVERNMENTAL ETHICS

NEW Section 53. [Page 48]

This section applies to local government officers, (as defined by pg 40, line 26) (ie not employees), or any related person or associated person, but otherwise this parallels New Section 18.

NEW Section 54. [Page 48]

This section applies to local government officers, (as defined by pg 40, line 26) an local governmental employees, or any related person or associated person, but otherwise this parallels New Section 17.

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Attachment 1-2


New Sec. 17. Unless otherwise permitted by law, no state officer or employee or related person or associated person thereof shall enter into any contract or agreement for the private benefit or gain of such officer or employee or associated or related person thereof, to provide property, goods or services by such state officer or employee or an associated person or related person thereof, other than for personal services to be performed or rendered solely by such officer or employee, which is to be paid, in whole or in part, out of moneys or funds appropriated by an act of a state agency or budgeted by a municipality as defined in K.S.A. 25-901(d), and amendments thereto, unless: (1) such contract or agreement has been awarded through a process of competitive bidding ~~and;~~ or (2) the compensation for such contract or agreement and the basis upon which such contract or agreement is to be awarded is set by statute or by rules and regulations of an executive branch agency administering such contract or agreement. If such contract or agreement is awarded as the result of competitive bidding, a copy of such contract ~~is shall be~~ filed with the commission. All such contract awards shall be made as a result of original bid takings, and no awards from negotiations after bidding shall be allowed. Any contract or agreement for personal services permitted by this section shall be filed with the commission. No state officer who is an officer of the legislative branch of state government shall be an officer or employee of either the

executive or judicial branches of state government and no state officer who is an officer of the executive branch of state government shall be an officer or employee of either the legislative or judicial branches of state government. No state officer shall be either a local officer or a local governmental officer, as defined by K.S.A. 1995 supp. 75-4301a, and amendments thereto.



February 26, 1996

To: Representative Britt Nichols and Members, House Committee on Government Organizations & Elections

From:  Harold E. Riehm, Executive Director, KAOM

Subject: Clarification - Regarding H.B. 3000

In a conversation with Representative Nichols, following Committee testimony on Friday morning, February 23, Representative Nichols suggested that I had presented an untruth to the Committee and had misled members in the course of my testimony. I testified on behalf of KSAE.

Specifically, it was suggested that I had informed the Committee that all lobbyists would have to be "certified lobbyists" as that term is defined in H.B. 3000. Presumably this would mean only one class of lobbyists. The Bill provides for two.

If I so stated, I misspoke, and I regret any confusion this might have created. It is my clear understanding, as it is of all KSAE members, that the Bill does indeed call for two classes of lobbyists and that not all lobbyists would need be "certified".

I do not recall making such a statement to the Committee as suggested. I do distinctly recall in both my written testimony (Page 2, Item 4) and in my oral testimony noting that KSAE thought it confusing and unnecessary to have two classes of lobbyists, certified and advocates. This is particularly true, I testified, in that a chief point of differentiation was that certified lobbyists must sign a statement of principles pledging, among other things, to present only accurate and truthful information and that they will conform to the Lobbyists' Code of Professional Responsibility.

I further recall stating, verbally and in writing, that we thought this proposed dual standards and that all legislators should expect those standards of truthfulness from all lobbyists, certified or advocates.

I then also recall stating that it was my opinion that all of the lobbyists that are KSAE members would choose to be certified, for reasons of professional integrity. I do not recall suggesting that all lobbyists would be certified, period!

Again I regret if my comments created confusion in understanding the provisions of this complex Bill.

Respectfully stated,

Harold E. Riehm, Board of Directors, KSAE
Representing: KSAE

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Attachment 2

KANSAS SOCIETY OF ASSOCIATION EXECUTIVES

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