

Approved: 1-21-97
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on January 15, 1997 in Room 521-S of the Capitol.

All members were present except:

Committee staff present: Mary Galligan, Legislative Research Department
Mike Heim, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Mr. Allan Foster, Senior Auditor, State of Kansas
Ms. Carol E. Williams, Executive Director of Kansas
Commission on Governmental Standards & Conduct
Mr. Meredith Williams, Executive Secretary, KPERS

Others attending: See attached list

Chairperson Glasscock explained to the Committee that the seating arrangement was changed so no Committee members would have their backs to the Chair. He reminded the Subcommittee Chairpersons to post all agendas and to send copies to Janet Jones, Chief Clerk of the House.

Chairperson Glasscock introduced Mr. Allan Foster, Senior Auditor, who reported on the Performance Audit Report which reviews the benefits provided by the Kansas Public Employees Retirement System for state employees. For a copy of this Report, please contact the Legislative Research Department.

During the questioning, Mr. Meredith Williams, Executive Secretary of KPERS, assisted Mr. Foster. Rep. Tomlinson complimented Mr. Williams for his clear definition and requested a written copy.

The Chairperson next introduced Ms. Carol E. Williams, Executive Director of the Kansas Commission on Governmental Standards and Conduct, who gave a review of the 1996 Annual Report. To review the complete report, contact the Legislative Research Department. Since time was running short, Ms. Williams was asked to return Thursday, January 16, to finish her presentation. (Attachment 1.)

The meeting adjourned at 10:25 a.m.

The next meeting will be January 16, 1997.

**GOV'T. ORGANIZATION & ELECTIONS COMMITTEE
GUEST LIST**

DATE: January 15, 1997

NAME	REPRESENTING
Basil Covey	KRTA-
Allan Foster	legislative Post Audit
Don Reynolds	S.E.A.K.
Charlie Smithson	KCGSC
Tom Whitaker	Ks Motor Carriers Assoc
Carol Williams	KCGSC
Brad Bryant	Sec of state
Jack Hawn	KPIERS
Meredith Williams	KPIERS



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

May 22, 1996

Opinion No. 96-16

TO ALL INTERESTED PERSONS:

Pursuant to K.S.A. 25-4159, the Kansas Commission on Governmental Standards and Conduct takes the opportunity to issue its opinion on the permissible use of campaign funds by candidates and elected office holders who are under the purview of the Kansas Campaign Finance Act (K.S.A. 25-4142 et seq.).

OPINION

K.S.A. 25-4157a(a) states:

"No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for legitimate campaign purposes, for expenses of holding political office or for contributions to the party committees of the political party of which such candidate is a member.

For the purpose of this section, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office."

To be a permissible use of campaign funds, an expenditure must be for a legitimate campaign purpose, an expense of holding political office or a contribution to a party committee. In order to be a "legitimate campaign purpose or an expense of holding political office", the expenditure must have a "direct connection with or effect upon the campaign of the candidate or the holding of public office". All other expenditures are for personal use, and thus are prohibited. The Commission has provided the following examples of expenses to be used as a guide for candidates and office holders when making an expenditure from campaign funds.

House Governmental Organization
and Elections

Attachment 1
1-15-97

EXAMPLES OF PERMISSIBLE EXPENDITURES FROM CAMPAIGN FUNDS

Computers, Telefacsimile Machines and Cellular Telephones

While expenditures for these types of items may be necessary for campaign purposes or holding office, they also have the potential to be used for the personal benefit of the candidate. Therefore, the Commission advises all candidates and office holders to refrain from using any items, purchased with campaign funds, for his or her personal use. Items purchased entirely with campaign funds may not be used for personal use.

Advertisements in Publications

The purchase of campaign ads in publications of charitable and civic organizations, yearbooks, school papers, etc., is a permissible expenditure.

Payment of Auto Expenses

One of the following options can be selected for the payment of auto expenses:

1. A candidate or officeholder can be reimbursed from his or her campaign fund for auto expenses up to \$.29 per mile. Any extraordinary maintenance or repairs will be determined on a case-by-case basis.
2. A candidate or officeholder can be reimbursed from his or her campaign fund for gas, oil and normal maintenance for automobiles used on campaign business. Any questions about what constitutes normal maintenance will be decided on a case-by-case basis.

Detailed records of these expenditures must be kept to substantiate any legitimate auto expenses.

Meals for Campaign Workers

Meal expenses may be permissible as a legitimate expense. However, the simple description of "lunch" or "food" on a candidate's receipts and expenditures report will not be sufficient to justify the expense. It will be necessary for the expenses of the meal to be described as for a campaign meeting, a political planning or strategy session, or for a campaign work session to be allowable.

EXAMPLES OF IMPERMISSIBLE EXPENDITURES FROM CAMPAIGN FUNDS

Donation to Charities and Local Fundraising Endeavors

Donations or contributions to charities and local fundraising endeavors, no matter how worthy the cause, are not permissible. This prohibition includes buying livestock at 4-H fairs.

Memberships to Civic and Fraternal Organizations

Dues to these types of organizations are not allowed. This prohibition includes membership dues paid to Chambers of Commerce, Kiwanis and Rotary.

Memberships and Dues to Country Clubs and Private Dinner Clubs

Expenditures for memberships and dues to country clubs and private dinner clubs are considered to be for the personal benefit of the candidate or office holder and thus are prohibited. The Commission does not believe it is necessary to entertain state clients, constituents or campaign workers at private clubs when there are facilities available to the general public that do not require memberships.

Mailing of Christmas cards and purchase of office decorations

These types of expenditures are considered to be for the personal benefit of the candidate or office holder and thus are prohibited.

Purchasing or Renting Formal Wear for Governmental and Political Functions

Expenditures for buying or renting formal wear are considered to be for the personal benefit of the candidate or office holder and thus are prohibited.

In closing, the Commission suggests that candidates and office holders seek guidance from the Commission's staff prior to using any campaign funds for expenses that may be considered questionable.

Nothing in this opinion precludes a candidate or office holder from using his or her own personal funds for the payment of any of these expenses.

Sincerely,

Diane Gaede

Diane Gaede, Chairwoman
By Direction of the Commission

DG:WCS:dlw



Lobbyist Registration Statement

This registration statement is filed for calendar year _____

Please type or print **Lobbyist**

Name	
Business Address (Street, City, State, Zip Code)	
Home Address (Street, City, State, Zip Code)	
Home Phone () ()	Business Phone () ()

For office use only	
Mail should be sent to:	
<input type="checkbox"/> Home	<input type="checkbox"/> Business

Check One:

- Employed to lobby
- Appointed to lobby
- Spent \$100 for lobbying
- Other

Registration Fee (Check One):

- \$30 fee I anticipate spending \$1000 or less for lobbying in this registration year on behalf of this employer
- \$250 fee I anticipate spending more than \$1000 for lobbying in this registration year on behalf of this employer
- \$300 fee I am an employee of a lobbying group or firm and not an owner or partner (see reverse side for explanation)

If employed or appointed, provide the following information:

Name of Employer or Appointing Authority	Phone () ()
Address (Street, City, State, Zip Code)	

Purpose of lobbying (Check one or more in which you are interested):

- Action or non-action by the legislature on any legislative matter
- Adoption or non-adoption of state agency rules and regulations
- Other

Describe subject matter area(s) in which interested and, if lobbying relates to a specific legislative matter, rule and regulation or end, give the appropriate number or title thereof:

If employed, give method of determining compensation for lobbying:

I declare (or verify, certify or state) under penalty of perjury that the foregoing is true or correct.

Executed on _____

Date

Signature

Instructions

This statement must be completed and filed with the Secretary of State (State House, Topeka, KS 66612) by each person required to do so by K.S.A. 46-265, prior to lobbying in the calendar year the person is registering for. A separate statement must be filed by each lobbyist for each person employing or appointing such lobbyist. Whenever a new lobbying employment or appointment is accepted during a calendar year, a separate statement must be filed. Registrations expire automatically on December 31 of each calendar year. The appropriate registration fee is required with each registration statement.

Who Must Register

The following persons must register as a lobbyist in each year prior to lobbying in that year:

- A. Any person employed in considerable degree for lobbying;
- B. Any person formally appointed as the primary representative of an organization or other person to lobby in person on state-owned or leased property regardless of whether the person received compensation; or
- C. Any person who makes expenditures in an aggregate amount of \$100 in any calendar year for lobbying.

In addition, any other person may register if they wish.

Penalty Provisions

There are civil penalties for late filing. The intentional failure to file this statement as required by law, or to intentionally make any false material statement herein, is a class B misdemeanor.

Guide to Items on Form

Purpose of Lobbying: These three provisions relate to the definition of lobbying, see K.S.A. 46-225.

Method of Determining Compensation: Indicate whether paid a monthly salary (all or a portion of which is for lobbying), an hourly rate, a fixed amount, or by another method. If space provided is insufficient, use extra sheet of paper. Note that K.S.A. 46-267 prohibits the paying or accepting of compensation for lobbying which is contingent upon the result.

Employee of Lobbying Group or Firm

When a lobbyist is an employee of a lobbying group or firm which contracts to lobby and not an owner or partner of such entity, the lobbyist will pay an annual registration fee of \$300.

Kansas Commission on
Governmental Standards
and Conduct



109 West 9th Street, Suite 200+
Topeka, KS 66612
(913) 296-4219
(913) 296-2548 (FAX)

Kansas Lobbyist Employment and Expenditures Report

A lobbyist is required to file a separate report for each registration filed with the Secretary of State.

Lobbyist Filing Report

Name of Lobbyist	Date
Address (Street, City, State, Zip Code)	Business Phone ()

Date Report Due and Period Covered, Check One

<input type="checkbox"/>	February 10 (January)	<input type="checkbox"/>	May 10 (April)
<input type="checkbox"/>	March 10 (February)	<input type="checkbox"/>	September 10 (May, June, July, Aug)
<input type="checkbox"/>	April 10 (March)	<input type="checkbox"/>	January 10 (Sept, Oct, Nov, Dec)

Name of Employer or Appointing Authority on Whose Behalf Report is Being Filed

Employer or Appointing Authority	Phone ()
Address (Street, City, State, Zip Code)	

If reportable expenditures for this period were \$100 or less, check here and sign below.

Expenditures (see reverse side for examples)

1. Food and beverage provided as hospitality	\$ _____
2. Entertainment, gifts, honoraria or payments	_____
3. Mass media communications	_____
4. Recreation provided as hospitality	_____
5. Communications for the purpose of influencing legislative or executive action	_____
6. All other reportable expenditures	_____
Total Expenditures	\$ _____

Signature of person filing report:

I understand that there are civil penalties for late filing and that the intentional failure to file this report as required by law or to intentionally make any false material statement herein is a class B misdemeanor.

Date

Signature

WHERE TO REPORT

A lobbyist must file a report with the Secretary of State, State House, Topeka, Kansas 66612.

WHAT TO REPORT

If the aggregate of all reportable expenditures is in excess of \$100, only expenditures of two dollars (\$2) and over made by the lobbyist and by the lobbyist's employer, organization, or other person on whose behalf the lobbyist is registered, must be reported. If the employer, organization or other person has more than one lobbyist, only the portion of expenditures with which each lobbyist is most directly connected shall be attributable to each specific lobbyist.

EXAMPLES OF REPORTABLE EXPENDITURES

Food and beverage provided as hospitality -- This category is used to report all expenditures for food and beverage when the state officer or employee being entertained is in the presence of the lobbyist.

Entertainment, gifts, honoraria or payments -- Examples of the items to be reported in this category are tickets to events when the lobbyist does not accompany the state officer or employee (\$40 limit per state officer or employee); gifts given to state officers and employees; and honoraria paid to state officers or employees for services rendered.

Mass media communications -- Expenditures made for radio, television and newspaper advertising are examples of expenses to be reported in this category.

Recreation provided as hospitality -- This category is to be used when the lobbyist accompanies the state officer or employee to an event. The \$40 limit does not apply in this instance.

Communications for the purpose of influencing legislative or executive action -- An example of an expense to be reported in this category is a mailing which explicitly promotes or opposes a clearly identified legislative matter, or agency rule and regulation, and which urges or requests the recipient to communicate with state officers or employees regarding that matter.

All other reportable expenditures -- Any reportable lobbying expenditure which has not been reported in the above categories may be reported in this category. Examples of the items to be reported here are the printing and mailing of invitations to legislative functions hosted by organizations, flowers purchased for those functions, entertainment provided at a function, etc.