

Approved: 2/4/97
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Janice Hardenburger at 1:40 p.m. on February 3, 1997 in Room 529-S of the Capitol.

All members were present except: Senator Marge Petty, excused

Committee staff present: Dennis Hodgins, Legislative Research Department
Mike Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Bonnie Fritts, Committee Secretary

Conferees appearing before the committee: Art Griggs, Chief Attorney, Department of Administration
Charlie Smithson, Kansas Commission on Governmental Standards and Conduct
Bruce Dimmitt, Independent Lobbyist

Others attending: See attached list

Chairperson Hardenburger asked for approval of the minutes of January 28 & 29, 1997.

Senator Steineger made a motion to approve the minutes. Senator Becker seconded the motion. The motion carried.

Chairperson Hardenburger asked for introduction of bills.

Senator Harris requested introduction of a bill to amend the act concerning appraisers and the appraisal board, allowing the board to audit office records.

Senator Gooch moved to introduce the bill as requested. Senator Vidricksen seconded the motion. The motion carried.

Senator Lawrence requested introduction of a bill that would allow the Wichita/Sedgwick County Metropolitan Area Planning Commission to streamline the planning and zoning process (Attachment 1). This bill would make it easier for builders and developers to do business in the area.

Senator Becker moved to introduce the bill as requested. Senator Gooch seconded the motion. The motion carried.

Judy Moler, General Counsel and Legislative Services Director for the Kansas Association of Counties requested introduction of a bill that would allow counties to collect a tax on wireless emergency telephone service that is currently exempt from the tax (Attachment 2).

Senator Becker made a motion to introduce the bill as requested. Senator Lawrence seconded the motion. The motion passed.

Senator Becker requested introduction of a bill concerning residential landlord/tenant agreements. This would allow landlords to immediately evict tenants convicted of drug violations rather than through the current 30 day notification process.

Senator Gooch moved to introduce the bill as requested. Senator Becker seconded the motion. The motion carried.

Chairperson Hardenburger opened the hearing on SB 79.

SB 79

An act concerning ethical conduct of state officers and employees

Chairperson Hardenburger stated this bill was initiated by the Joint Committee on Computers and Telecommunications. Staff gave an overview of the bill saying this bill extends the prohibition period from one year to two years for any state officer or employee to accept employment with a company for whom that state employee has made a contract with.

Art Griggs appeared before the committee in support of the bill. He testified that the Governor indicated his interest in strengthening the ethics laws of this state and believes a strong body of ethics law is a key element in maintaining Kansas citizens' faith in government (Attachment3).

Charlie Smithson testified that the Commission does not take an official position on this bill. He discussed the bill's effect on current law stating its' purpose is to create a "cooling off" period for state officers and employees who participate in the making of contracts on behalf of the state (Attachment4).

Bruce Dimmitt appeared before the committee as a proponent of the bill. He stated the prohibition of the bill should apply to sub-contractors as well.

Chairperson Hardenburger closed the hearing on the bill.

The meeting was adjourned at 2:15 p.m.

The next meeting is scheduled for February 4, 1997.

SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE GUEST LIST

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NAME	REPRESENTING
Art Griggs	Dan Stanley - Sec of Adm.
Judy Moler	KAC
Bruce Dimmitt	Independent.
Brad Bryant	Sec. of state
Mike Taylor	City of Wichita



City of Wichita

Memo

To: Senate Elections and Local Government Committee

FR: Mike Taylor, Government Relations Director

RE: Planning and Zoning Changes

This bill proposes changes in state planning statutes which are designed to allow the Wichita/Sedgwick County Metropolitan Area Planning Commission to streamline the planning and zoning process. The goal is to cut red tape, simplify the bureaucracy and make it easier for builders and developers to do business in Wichita and Sedgwick County. The measures have the support of the Wichita Area Builders Association.

-This bill is enabling legislation which will allow the Metropolitan Area Planning Commission, the Wichita City Council and the Sedgwick County Commission to implement the changes only after a vote of approval by each body. This legislation does not force any other community to make these changes.

-The first change allows a majority of those planning commissioners present and voting at a given meeting to be sufficient to take action on most items. Under current statutes, if 10 of the 14 members of the planning commission are present and vote 8-2 to approve a plat, it is not approved. That's because state law requires all 14 members be present. This strict voting requirement causes expensive delays for builders and city staff on even routine items.

-The second change allows more than just two lots to be created from a platted lot by administrative lot split procedures. This change takes less time and paperwork to obtain the same end result. Now such actions require going through more involved re-platting procedures.

-The third series of changes simplifies the processes for handling routine planning and zoning actions by: 1) allowing publication of only one notice for vacation cases 2) clarifies the conditions when consent of an owner is needed to vacate right of way or easement 3) enables governing bodies to delegate the responsibility holding public hearings on vacation cases to the planning commission.

Again, these changes are designed to streamline the planning and zoning process in the City of Wichita and make city government more user-friendly for builders and developers to do business with the City. It has support of the Wichita Area Builders Association.

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ATTACHMENT 1

REQUEST FOR BILL INTRODUCTION

Requested by
The Kansas Association of Counties
February 3, 1997

I am Judy Moler, General Counsel and Legislative Services Director for the Kansas Association of Counties. I am appearing before you today to request legislation of particular importance to our Kansas Counties.

Counties collect a tax on telephone lines, used for financing the operation of emergency telephone service provided through Emergency Communications. This is used for the purchase and maintenance of equipment such as radios, telephones and the computer aided dispatch system. Currently, state statute only allows for the collection of the tax from hard-wired telephone systems. Wireless service users are exempt.

When the current statutes were written, there was no way to anticipate the growth of mobile or cellular telephone industry. Cellular phones are now a very vital part of quick emergency response calls. Calls can be made readily from the scene of an accident or other emergency. However, unlike a business or residential call, the "9-1-1" dispatcher cannot readily tell the caller's location or telephone number. Often, the caller is not familiar with the area and a large amount of time must be spent determining his/her location.

The Kansas Association of Counties is not asking for a new tax. We are requesting that the existing tax be levied equitably, and that all those who use and benefit from the service contribute in a just manner.

The Kansas Association of Counties is requesting K.S.A. 12-5302, Section (e) be amended as follows:

(e) Every billed service user shall be liable for any tax imposed under this act until it has been paid to the service supplier. ~~Wireless service users shall be exempt from the emergency telephone tax.~~

In addition two other issues need to be resolved: 1) the definition of phone customer would need to include wireless phone service users; 2) a method of fund distribution needs to be included. Past suggestions include distribution by the user's billing zip code.

I would answer any questions you might have at this time.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to the KAC by calling (913) 233-2271.

SENATE ELECTIONS + LOCAL GOVERNMENT
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ATTACHMENT 2

**TESTIMONY BEFORE THE
SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE
REGARDING SENATE BILL NO. 79**

**Presented by Art Griggs, Chief Attorney
Department of Administration
February 3, 1997**

Thank you for the opportunity to appear on behalf of the Secretary of Administration in support of Senate Bill No. 79. Secretary Stanley is currently before the House Appropriations Committee and apologizes he cannot attend.

SB 79 amends K.S.A. 1996 Supp. 46-233 to expand the window in which state employees who participate in making a contract are prohibited from accepting employment with the contractor. Currently, K.S.A. 1996 Supp. 46-233 prohibits such employment for one year following termination of the individual's state employment. Under SB 79, any individual who participates in making a contract as a state employee is prohibited from accepting employment with the contractor until two years after the performance of the contract is completed or until two years after the individual terminates employment with the State, whichever occurs first. This is especially important for contracts that involve technology or systems development. This amendment provides a reasonable means to encourage objective decision-making by state officials regarding award and administration of state contracts.

In his Message to the 1997 Legislature, Governor Graves indicated his interest in strengthening the ethics laws of this state. Both the Governor and the Secretary of Administration, Dan Stanley, support a strong body of ethics law as a key element in maintaining Kansas citizens' faith in government. SB 79 is a measure which would provide additional assurance to citizens that the decisions of state officers and employees in awarding contracts are not influenced by considerations of personal gain or ambition. For these reasons,

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the Department of Administration supports SB 79 and requests that the Committee recommend it favorably.

Thank you for your consideration of SB 79. I would be pleased to respond to any questions you may have regarding the bill.

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KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

**Testimony before Senate Committee on Elections and Local Government
Senate Bill 79
By Charlie Smithson, Legal Counsel
February 3, 1997**

Senate Bill 79, which is before you this afternoon, would amend K.S.A. 46-233, a provision of the state level conflict of interest laws (K.S.A. 46-215 et seq.). This bill was recommended by the Joint Committee on Computers and Telecommunications.

The Commission does not take an official position on this bill, but is here to discuss the bill's effect on current law, and act as a resource to answer any questions.

The purpose of the particular provision of the statute being amended is to create a "cooling off" period for state officers and employees who participate in the making of contracts on behalf of the state with entities, and then going to work for those entities. This statute is to help preclude "collusion" and "favoritism" regarding the exchange of state contracts with future employment.

Under current law, state officers or employees that participate in the making of a contract with any "person" or "business" within the past two years, may not except employment with that person or business for one year following termination as a state officer or employee.

For example, if on February 3, 1997, I participated in the making of a contract between the Commission and McGill & Associates, I could not accept employment with McGill & Associates until February 4, 1998. That is assuming that I quit on February 3, 1997.

Under Senate Bill 79, if I participated in the making of a contract on February 3, 1997, between the Commission and McGill & Associates, I could not accept employment with McGill & Associates until two years after the performance of the contract was completed, or until two years after I terminated state employment, whichever came sooner. Thus, the absolute earliest I could work for McGill & Associates would be February 4, 1999.

I am ready to stand for any questions the committee may have.