

Approved: 4-10-97
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 March 24, 1997 in Room 529-S of the Capitol.

All members were present except: Senator 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:

Others attending: See attached list

The minutes of March 18, 1997 were distributed for committee review.

Senator Huelskamp moved to approve the minutes. Senator Becker seconded the motion. The motion passed.

Chairperson Hardenburger opened the discussion on SCR 1611.

SCR 1611

A concurrent resolution establishing a task force to study the accessibility of personal records and information which are held in the public domain and to determine the adequacy of current state law in protecting the privacy of individual citizens.

The Chairperson stated she will either request an interim committee, or a task force to study the issue further, or refer it to a joint committee.

Legislative Research Department staff gave a briefing of the resolution referring to the open records act established in 1984, K.S.A. 45-221a. A task force would study the accessibility of personal records and information held in public domain.

Senator Praeger noted that the issue of confidentiality keeps coming up in a variety of different areas.

Senator Gooch asked who determines what part of the information provided to agencies is considered private.

Staff responded saying according to open records law provides that if some of the information stored is closed and some of it is open. Each public agency has a responsibility to go through all the information it receives, separate it, and black out information that should not be divulged.

Senator Vidricksen stated the "Federal Privacy Act" of 1996, which will go into effect September 1, 1997, contains and "opt in", "opt out" provision. When an individual renews his/her driver's license, or titles a vehicle, that individual will have the power to keep that information from becoming public record. There are some exemptions to that provision.

Senator Becker made a motion to adopt the resolution and recommend it to leadership. Senator Praeger seconded the motion. Discussion. The motion and the second to the motion were withdrawn.

Senator Huelskamp made a motion the change the work "assure" on line 17, to "insure". Senator Becker seconded the motion. The motion carried.

Senator Becker made a motion to adopt the resolution as amended. Senator Praeger seconded the motion. The motion passed.

Action on **SB 339**.

SB 339

Concerning election campaign finance; prohibiting contributions in elections for the office of insurance commissioner from certain entities; and prescribing penalties for the violation thereof.

Discussion on an amendment that was recommended by Senator Lawrence at a previous meeting. The motion to adopt that amendment and the second to the motion were withdrawn. Another amendment was submitted for the committee to review (Attachment 1). This amendment prohibits solicitation of campaign contributions from all regulated entities except individuals. It does not prohibit acceptance of such contributions. The amendment also expands the definition of "regulated entity" in (2)(A).

Senator Huelskamp recommended "non-incumbent" be included. Committee members decided the amendment is too broad, lacks definition, and requested more time to study it. Chairperson Hardenburger announced that further discussion and possible action on the bill would be held until the next meeting.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for March 25, 1997.

**SENATE ELECTIONS AND LOCAL GOVERNMENT
COMMITTEE COMMITTEE GUEST LIST**

DATE: 3-24-97

NAME	REPRESENTING
Pet Morris	K.A.I.A.
John Marshall	Harris News Service
Harriet J. Lange	Ks Assn Broadcasters
Sandra Delaney	Ks Insurance Agent.
Anne Spiess	Peterson Public Affairs Group

SENATE BILL No. 339

By Senators Hensley, Barone, Biggs, Downey, Feleciano, Gilstrap,
Goodwin, Jones, Karr, Petty and Steineger

2-14

AN ACT concerning election campaign finance; prohibiting contributions in elections for the office of insurance commissioner from certain entities; and prescribing penalties for the violation thereof. *solicitation of campaign by the Insurance Commissioner*

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) (1) Except as otherwise provided in this subsection, the definitions set forth in K.S.A. 25-4143, and amendments thereto, shall be applicable to the provisions in this section.

(2) As used in this section: (A) "Regulated entity" means any person who is required by law to be licensed by the insurance commissioner, or any person who engages in a business or profession which is regulated by the insurance commissioner, or any person employed by a company regulated by the insurance commissioner; ~~and~~ (B) "contracting entity" means any person who contracts with the department of insurance to provide legal services for the department ~~in cases in which the workers compensation fund is involved.~~

, or any attorney who has or is currently representing any party in any dispute regarding insurance coverage for one or more parties to the dispute, or any member, employee or officer of an association that sponsors pools, or any member, employee or officer of an association that owns an insurance company, or any member, employee, or officer of a health care provider group, or any member, employee, or officer of a union or association which is regulated through pooling statutes or insurance company laws and regulations, or any corporation carrying on the business of a bank, trust, surety, indemnity, safe deposit, or insurance company, or any trustee or trustees owning or holding the majority of the stock of such corporation, or any employees or officers of such corporation, or any registered lobbyist who represents any party in issues involving the insurance department, or any state employees employed by the insurance department, or any member of a board under the jurisdiction of the insurance commissioner.

(b) ~~No regulated entity or contracting entity and no person or political committee acting on behalf of a regulated entity or contracting entity shall make a contribution to or on behalf of a person holding the office of insurance commissioner, to or on behalf of a candidate for the office of insurance commissioner or, to or on behalf of a candidate committee of any such candidate.~~

(c) ~~No person holding the office of insurance commissioner and no candidate for the office of insurance commissioner and no candidate committee of a candidate for the office of insurance commissioner shall knowingly solicit, or accept a contribution from any regulated entity or contracting entity or any person or political committee acting on behalf of a regulated entity or contracting entity.~~ *person holding the*, *require, or in any way coerce,*

(d) Any person or entity violating the provisions of this act shall be punished in the manner and be subject to the penalties prescribed by K.S.A. 25-4181, and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

SENATE ELECTIONS &
LOCAL GOVERNMENT
3-24-97
ATTACHMENT 1