

Approved: 1-21-98
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Janice Hardenburger at 1:30 p.m. on January 14, 1998 in Room 529-S of the Capitol.

All members were present:

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

Conferees appearing before the committee: Willie Martin, Sedgwick County
Judy Moler, Kansas Association of Counties
Carol Williams, Exec. Dir., KCGSC

Others attending: See attached list

Chairman Hardenburger opened the Committee meeting with introduction of bills. The Committee decided to introduce a bill to change the name of Commission on Governmental Standards and Conduct to the Kansas Governmental Ethics Commission.

Senator Praeger moved and Senator Lawrence seconded to introduce a bill to change the name of the Commission on Governmental Standards and Conduct to Kansas Governmental Ethics Commission. The motion carried.

Chairman Hardenburger introduced Carol Williams, Executive Director, Kansas Commission on Governmental Standards and Conduct .

Carol Williams, requested introduction of bills, one of which dealt with reporting alleged violations of ethics and campaign finance laws. Currently the Commission are able to go to the Attorney General to advise them of a potential violation. The Commission would ask that that language be amended to include reporting to federal authorities or county district attorney if a violation has allegedly occurred. (Attachment 1)

Senator Lawrence moved and Senator Praeger seconded that the Committee introduce this bill. Motion carried.

Carol Williams made a request for a second bill concerning the zero gift and hospitality limit for some state employees. Yesterday, in this meeting the Governor's office recommended a prohibition on unclassified employees in state government, except for the Regents Institutes and other specific agencies. The Commission recommendation is slightly different than that of the Governor in that they believe the bill should also include the unclassified employees in the Attorney General's office and the Secretary of State's office, State Treasurer's office and the Insurance Commission's office.

Senator Lawrence asked why the Regents Institutes were excluded. Senator Hardenburger advised that they were not under our conflict of interest laws.

Senator Becker moved and Senator Praeger seconded that the Committee approve the introduction of this bill. Motion Carried.

Charlie Smithson of the Kansas Commission on Governmental Standards and Conduct recommended the introduction of bills that would help the Commission in its ability to enforce its law. The first one would make it a conspiracy to violate Campaign Finance and Governmental Ethics laws.

Moved by Senator Lawrence and seconded by Senator Praeger to approve the introduction of this bill. Motion carried.

CONTINUATION SHEET
Minutes of the Senate Elections and Local Government Committee, January 14, 1998

Charlie Smithson requested introduction of a bill that would make any person who intentionally aides, advises, or counsels another person to violate campaign finance and ethic laws is guilty of a violation of these laws.

Moved by Senator Lawrence and seconded by Senator Praeger to approve the introduction of this bill. Motion carried.

Chairman Hardenburger opened the hearing on **SB 397**.

Mike Heim, staff, gave an explanation of **SB 397**. Chairman Hardenburger advised the last time this bill was amended was 1923 and it is no longer needed.

Willie Martin, Sedgwick County Commission appeared before the Committee and testified in support of repealing on **SB 397**. She said that it would repeal K.S.A.19-319, an archaic statute adopted in 1868 and last amended in 1923 (Attachment2).

Senator Huelskamp wanted to know the reason for repealing this statute and Willie Martin stated that it was outdated and difficult to comply with.

Senator Hardenburger introduced Judy Moler, Legislative Services Director and General Counsel for the Kansas Association of Counties, who also recommended removing K.S.A. 19-319 from the statute books. (Attachment3).

Senator Becker moved and seconded by Senator Lawrence to place **SB 397** on the consent calendar. Motion carried.

Meeting was adjourned at 2:20 p.m.

Next meeting will be at 1:30 p.m., January 15, 1998.

PREFACE

This annual report and recommendations is submitted to the Governor and the Director of Legislative Administrative Services for transmittal to the Legislature pursuant to K.S.A. 25-4119a and K.S.A. 46-1212c. With some exceptions, the report covers the period from July 1, 1996, through June 30, 1997, the end of Fiscal Year 1997. Occasionally, data for the first quarter of Fiscal Year 1998 is used in order to provide a more complete picture of the Commission's operations.

Elec. & Local Gov.
Date: 1-14-98
Attachment: #1

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COMMISSION'S RESPONSIBILITIES

The Kansas Commission on Governmental Standards and Conduct is charged with administering, interpreting and enforcing the Campaign Finance Act (K.S.A. 25-4142 et seq.) and laws relating to conflict of interests, financial disclosure, and the regulation of lobbying (K.S.A. 46-215 et seq.). These laws establish the public's right to information about the financial affairs of Kansas' public officials, lobbyists, and candidates for state and local office. In addition, the Commission renders advisory opinions and can adopt rules and regulations under a less comprehensive conflict of interests law covering local government officials and employees (K.S.A. 75-4301 et seq.).

THE COMMISSION

The Kansas Commission on Governmental Standards and Conduct is a nine member, bipartisan, citizen commission authorized by K.S.A. 25-4119a. Members serve two year terms with the Commission's Chairman being appointed by the Governor. The Vice-Chairman is appointed by the membership.

The Commission usually meets once a month. The Commission's meetings are open to the public and information prepared by the staff for each meeting is available to the public. During FY 1997, the Commission held 11 meetings. Meetings are scheduled to address a variety of matters including the review of complaints filed, investigations undertaken, audits performed, the issuance of advisory opinions to answer questions involving interpretation of a particular section of the law, making policy decisions, amending or adopting new administrative regulations and handling of administrative matters including personnel, budget preparation, office procedures, etc.

COMMISSION MEMBERS

Diane Gaede, Chairwoman
Republican, Manhattan
Term expires, January 31, 1999

Father Vincent Krische, Vice-Chairman
Democrat, Lawrence
Term expires, January 31, 1998

Chris Anne Hartley
Republican, Baxter Springs
Term expires, January 31, 1999

Janice Huston
Democrat, Americus
Term expired, January 31, 1997

Richard (Pete) Loux
Independent, Wichita
Term expires, January 31, 1999

Former Chief Justice Robert Miller
Republican, Topeka
Term expires, January 31, 1998

Michael Norris
Republican, Olathe
Term expires, January 31, 1999

Daniel Severt
Democrat, Wichita
Term expires, January 31, 1998

Elon Torrence
Republican, Topeka
Term expires, January 31, 1998

STAFF

The staff of the Commission assumes all responsibility for the daily operations of the agency which include administration, legal, investigative, and clerical functions.

The Commission welcomed two new full time employees to its staff in FY 1997. Kelly Salsbury and Donna Pflaum are both auditors for the Commission.

FY 1997 COMMISSION STAFF

Executive Director, Carol Williams
Commission & Staff Attorney, Charles Smithson
Investigator, Janet Williams
Local Campaign Finance Supervisor, Jana Atchison
Auditor, Kelly Salsbury
Auditor, Donna Pflaum
Report Examiner, Karina Renna
Office Manager/Secretary, Donna Williams
Lobbyist Coordinator/Secretary, Ruth Pile

BUDGET

In FY 1997, the Commission was appropriated \$334,982 from the State General Fund with a fee fund limitation of \$145,212. The following chart reflects revenue and expenditures for the fiscal year.

Fiscal Year 1997 Budget	Budgeted	Actual
Revenue:		
State General Fund Appropriations	\$334,982	\$334,075
Fee Fund Limitation	145,212	116,628
Total Revenue	480,194	450,703
Expenditures:		
Salaries and Benefits	380,593	365,635
Contractual Services	88,199	70,155
Commodities	5,500	5,494
Capital Outlay	5,902	9,419
Total Expenditures	480,194	450,703

Full-time staff has increased by only five positions in the twenty-three years of the agency's existence. Other operating expenditures have remained relatively constant through this time period.

MAJOR ACCOMPLISHMENTS IN FY 1997

In FY 1997, detailed campaign finance data from the 1996 election cycle for legislative candidates was placed on the Internet via Kansas Information Network of Kansas. The public was able to access and retrieve information on individual donors to Kansas legislative candidates as well as review the names, dates and dollar amounts of all contributions made to each specific candidate by March of 1997. Condensed information on candidates running against each other which compare contributions received by categories (political action committees, corporations, individuals, etc.) and expenditures made by categories were compiled and made available to the public via the Internet four days after reports were filed, which was four days prior to the primary and general elections.

LEGISLATIVE ACTIVITY

Several major pieces of legislation were introduced during the 1997 Legislative session. All of the Commission's recommendations to the 1997 Legislature were introduced in either the Senate or House Election Committees. Unfortunately, a majority of these bills were amended into massive House and Senate ethics bills which were still being debated the last days of the wrap-up session with no action being taken on the bills. The Commission's recommendation to require lobbyists to make available all relevant lobbying records in order for the Commission to perform an audit did become law. In addition, the Governor's bill to prohibit the majority of state employees in the executive branch from accepting gifts, free or discounted meals, travel, and tickets to entertainment or sporting events, under most circumstances, became law.

ORGANIZATION AND OPERATION

The Commission's efforts focus on full compliance with the Kansas campaign finance, conflict of interests, and lobbying statutes. Each year the Commission receives thousands of financial disclosure reports filed by candidates, political and party committees, public officials and lobbyists. Staff time is devoted to assuring the accurate and timely disclosure of required financial information about those in state and local government. The processing and evaluation of filed reports and statements and an analysis of the supporting records, where appropriate, are crucial to the Commission's efforts. It is through the initial and comprehensive review of these reports, and the later audit and investigation when necessary, that the Commission can determine compliance with the laws.

The Commission's work program encompasses six areas: (1) education and public awareness; (2) advisory opinions; (3) reviews and audits; (4) investigations; (5) enforcement (including the filing of complaints, holding public hearings and assessing civil penalties); and (6) general administrative activities.

Education and Public Awareness

The Commission's goal remains to improve communications regarding the reporting requirements of those subject to one or more of the disclosure laws, and to increase public awareness with respect to the impact and importance of information contained in the reports filed.

The Commission utilizes informational brochures, the news media, and speaking engagements to inform the public about the laws and their meaning. Statistical information is summarized and printed in the areas of campaign finance and lobbying. However, most time in this program area is devoted to informing those directly covered by the laws of their duties and responsibilities. To accomplish this task, the Commission conducts informational seminars, prepares and distributes handouts, campaign finance handbooks, lobbying handbooks, and conflict of interests law brochures. In addition, the telephone is used extensively to provide information and advice.

Advisory Opinions

Advisory opinions are issued by the Commission to clarify the application of the statutes in a particular situation. The Commission can issue these opinions on its own initiative or in response to individual inquiries. If an individual requests an opinion and conducts himself or herself according to the guidelines in the opinion, he or she is presumed to be in compliance with the law.

Thirty-five advisory opinions were issued in FY 1997. Three of the opinions were issued by the Commission on its own initiative to provide guidance to candidates and office holders. Thirty-two opinions were issued in response to inquiries by individuals.

FY 1997 ADVISORY OPINIONS
Campaign Finance -- 5
Lobbying -- 3
State Conflict of Interests -- 20
Local Conflict of Interests -- 7

From its inception in 1974 through June 30, 1997, the Commission has issued a total

of 833 advisory opinions.

ADVISORY OPINIONS ISSUED IN FY 1997

OPINION NO. 96-25 -- ISSUED JULY 12, 1996

DEPARTMENT ON AGING EMPLOYEES SELLING INSURANCE AND MUTUAL FUNDS IN PRIVATE SECTOR

FACTUAL STATEMENT

Anyone seeking nursing home care in the state of Kansas must be assessed by the CARE program of the Kansas Department on Aging. The purpose of the CARE program is to help people find appropriate long term care options. There are not any recommendations made about insurance. Certain employees of the program are interested in selling insurance and mutual funds to individuals living in Missouri.

QUESTION

Is it a violation of the state level conflict of interest laws for employees of the Kansas Department on Aging CARE program to sell insurance and mutual funds to individuals living in Missouri?

OPINION

Nothing in the state level conflict of interest laws prohibits a CARE program employee from selling insurance or mutual funds to individuals living in the state of Missouri.

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OPINION NO. 96-26 -- ISSUED JULY 12, 1996

STATE EMPLOYEE SEEKING EMPLOYMENT WITH NEGOTIATED BIDDER OF STATE CONTRACT

FACTUAL STATEMENT

The Department on Aging SHICK program is in the process of being privatized through negotiated bids. The director of the program, who was not involved in the bid process, would like to accept employment with the successful bidder.

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QUESTION

Is it a violation of the state level conflict of interest laws for the director of the SHICK program to be employed by the business that successfully bids for the privatized program?

OPINION

So long as the director did not participate, as a state employee, in the bid process or in the negotiations with the bidder, he could terminate state employment and work for the bidder.

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OPINION NO. 96-27 -- ISSUED SEPTEMBER 10, 1996

USING CAMPAIGN FUNDS TO PAY FOR RECEPTIONS AT KANSAS DAY AND WASHINGTON DAY

FACTUAL STATEMENT

In light of KCGSC Opinion No. 96-14, in which it was opined that campaign funds could not be used to attend a national party convention, the question arises as to whether the costs for receptions at Kansas Day and Washington Day could be paid for with campaign funds.

QUESTION

Is it permissible to use campaign funds to pay for the expenses of hosting a reception at events such as Kansas Day and Washington Day?

OPINION

K.S.A. 25-4157a permits campaign funds to be used for legitimate campaign purposes or expenses of holding political office. So long as the primary purpose of the receptions at Kansas Day and Washington Day is to meet with party officials, constituents and voters from the state of Kansas, the costs of these receptions would be for a legitimate campaign purpose or expense of holding political office. Thus, campaign funds could be used to pay for the costs associated with these types of events.

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OPINION NO. 96-28 -- ISSUED SEPTEMBER 10, 1996

STATE SENATOR ACCEPTING HONORARIUM

FACTUAL STATEMENT

A State Senator has been asked to serve on the Executive Committee of the Forum for State Health Policy Leadership. The Forum is funded by foundations, and is set up to enhance the delivery of health care to low income citizens. The Executive Committee serves a variety of functions for the Forum. The Forum is offering a \$300 honorarium for the Senator to provide this service.

QUESTION

Is it permissible for a State Senator to accept a \$300 honorarium for serving on the Executive Committee of the Forum for State Health Policy Leadership?

OPINION

K.S.A. 46-237(f) allows legislators to accept honoraria for speaking engagements in an amount set by the Kansas Commission on Governmental Standards and Conduct. In KCGSC Opinion No. 91-21, the Commission set a maximum of \$100 for the payment of honoraria. The Commission also set out several factors to be looked at in waiving the \$100 maximum. In this situation, due to the Senator's expertise in health care, the complexity of health care issues and the amount of time required to serve on the Executive Committee, the \$100 maximum should be waived and the Senator could receive the \$300 honorarium.

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OPINION NO. 96-29 -- ISSUED SEPTEMBER 10, 1996

STATE EMPLOYEE PROHIBITED FROM PARTICIPATING IN THE MAKING OF A CONTRACT WITH A BUSINESS IN WHICH A SUBSTANTIAL INTEREST IS HELD

FACTUAL STATEMENT

The Chairman of the Pooled Money Investment Board (PMIB) was also employed as a faculty member by the University of Kansas. In order to help facilitate his duties with the PMIB, the Chairman participated in the making of a contract with the University for a secretary. Prior to the execution of this contract for secretarial services, this opinion was sought.

QUESTION

Does the participation in the making of a contract by the Chairman of the PMIB with the

University preclude the execution of this contract by the Chairman or another member of the PMIB?

OPINION

K.S.A. 46-233 prohibits a state officer or employee from participating in the making of a contract with any "person" or "business" in which a "substantial interest" is held. Here, the Chairman of the PMIB holds a "substantial interest" in the University by virtue of his employment as a faculty member. Thus, since he participated in the making of a contract between the PMIB and the University, the contract could not be executed without there being a violation of the law.

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OPINION NO. 96-30 -- ISSUED SEPTEMBER 10, 1996

STATE EMPLOYEE SEEKING OFF-DUTY EMPLOYMENT

FACTUAL STATEMENT

A secretary with the Commission on Veterans Affairs wants to serve as a secretary for the Kansas Veterans Foundation, Inc., a non-profit corporation.

QUESTION

Is it a violation of the state level conflict of interest laws for a secretary with the Commission on Veterans Affairs to also be employed as a secretary for the Kansas Veterans Foundation, Inc.?

OPINION

So long as the secretary, in the capacity as a state employee, did not participate in the making of any contracts between her agency and the Foundation (K.S.A. 46-233), and did not license, inspect or regulate the Foundation (K.S.A. 46-286), she could accept employment with the Foundation.

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OPINION NO. 96-31 -- ISSUED OCTOBER 17, 1996

STATE OFFICER SERVING ON BOARD OF DIRECTORS OF PRIVATE SECTOR CORPORATION

FACTUAL STATEMENT

A board member of Koch Industries, Inc. also serves on the Kansas Performance Review Board. The purpose of the Review Board is to streamline state agency operations. Some of these agencies purchase Koch supplies.

QUESTION

Would the involvement of the Koch executive on the Performance Review Board restrict Koch's ability to provide supplies to the state of Kansas?

OPINION

So long as the Koch executive did not participate in the making of any contracts between the Performance Review Board and Koch (K.S.A. 46-233), and he did not license, inspect or regulate Koch on behalf of the Review Board (K.S.A. 46-286), Koch Industries, Inc. could continue to contract with the state.

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OPINION NO. 96-32 -- ISSUED OCTOBER 17, 1996

PROVIDING LEGISLATIVE INFORMATION ON-LINE MAY CONSTITUTE LOBBYING

FACTUAL STATEMENT

A private sector company wants to provide legislative information on-line. The content of the material on the site would be to promote or oppose legislation relevant to the company's interests. The company is also considering sending the address of the site to state legislators and officials.

QUESTIONS

1. Is providing legislative information on-line considered lobbying?
2. Is providing the address of the on-line information considered lobbying?

OPINION

K.S.A. 46-225 defines "lobbying" to include promoting or opposing action or nonaction by the legislature. Therefore, providing information on-line that promotes or opposes legislation would constitute "lobbying". Sending the address of the on-line information, without any additional information that would promote or oppose legislation, would not constitute "lobbying".

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OPINION NO. 96-33 -- ISSUED OCTOBER 17, 1996

DISCLOSURE OF CLIENTS ON STATEMENT OF SUBSTANTIAL INTERESTS FORM

FACTUAL STATEMENT

A member of a law firm established as a limited liability company has an ownership in the company of five percent. At the end of the year, the net income of the company is allocated to the members in a predefined sum of the total firm revenue, and then a "bonus" based on the ownership percentage. The member is interested in running for local office and would be required to file a statement of substantial interests form.

QUESTION

What clients of the firm would need to be disclosed on the statement of substantial interests form?

OPINION

K.S.A. 75-4301a(a)(5) requires individuals running for local office to disclose on their statement of substantial interests forms all clients that pay a fee or commission which equals \$2,000 or more in a calendar year. That statute defines "client" to only mean a "business or combination of businesses". In this situation, the member would disclose those businesses that paid the firm fees such that the member's ownership percentage would equal \$2,000 or more.

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OPINION NO. 96-34 -- ISSUED DECEMBER 4, 1996

MEMBERS OF AIRPORT AUTHORITY CONTRACTING TO DO WORK FOR AUTHORITY

FACTUAL STATEMENT

The board members of the Tri-County Public Airport Authority perform services for the Authority such as repairing airport equipment, operating machinery and writing letters.

QUESTION

Is it a violation of the local level conflict of interest laws for the board members of the Tri-County Public Airport Authority to enter into contracts to pay themselves for work done on

behalf of the Authority?

OPINION

K.S.A. 75-4304 prohibits a local governmental official from entering into any contracts between his or her local governmental agency and any "person" or "business" in which a "substantial interest" is held. Therefore, the board members could not vote on entering into contracts with themselves to perform work for the Authority. Each board member would have to abstain from voting on the contract between the Authority and him or herself.

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OPINION NO. 96-35 -- ISSUED DECEMBER 4, 1996

STATE EMPLOYEE MARKETING PRODUCT DURING OFF-DUTY HOURS

FACTUAL STATEMENT

An employee with the Department of Health and Environment, whose employment with the state involves riparian issues, wants to develop and market a portable livestock shelter during off-duty hours.

QUESTION

Is it a violation of the state level conflict of interest laws for an employee of Health and Environment to design and market portable livestock shelters during off-duty hours?

OPINION

Pursuant to K.S.A. 46-236, the employee would be prohibited from soliciting anyone with a "special interest", as defined by K.S.A. 46-228, whose "major purpose" in purchasing the shelter would be to influence the employee in his official state duties. Thus, the employee needs safeguards in place to make sure that such solicitations do not take place.

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OPINION NO. 96-36 -- ISSUED DECEMBER 4, 1996

INDIVIDUAL EMPLOYED BY THE COUNTY AND SERVING ON BOARD THAT VOTES ON ISSUES AFFECTING COUNTY

FACTUAL STATEMENT

The Northeast Kansas Area Agency on Aging has a board of directors that consists of

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members from each of the counties the Agency serves. The director of the Atchison County Project Concern, Inc., which provides services to the county, was appointed to the board of directors. As a board member, he would be in a position to vote on issues affecting the Project and Atchison County.

QUESTION

Is it a violation of the local level conflict of interest laws for a county agency director to serve on the board of directors of the Area Agency on Aging and vote on issues affecting the county agency?

OPINION

K.S.A. 75-4304 prohibits a local governmental official from participating in the making of contracts on behalf of his or her governmental unit and any "person" or "business" in which a "substantial interest" is held. The Commission has consistently held that local subdivisions of government such as the Area Agency on Aging and the County Project are not "persons" or "businesses". Therefore, it would not be a violation of the local level conflict of interest laws for the director of the county agency to serve on the Area Agency and vote on issues affecting the county.

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OPINION NO. 96-37 -- ISSUED DECEMBER 4, 1996

STATE SENATOR SERVING AS PRESIDENT OF LOCAL RACING ASSOCIATION BOARD

FACTUAL STATEMENT

A State Senator serves as President of the Racing Association of Kansas Southeast, a non-profit organization.

QUESTION

Is it a violation of the state level conflict of interest laws for a State Senator to also serve as President of the Racing Association of Kansas Southeast?

OPINION

So long as the Senator, in that capacity, did not participate in the making of a contract between the state and the Association (K.S.A. 46-233), and did not license, inspect or regulate the Association (K.S.A. 46-286), he could serve as both a legislator and as President of the Association.

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OPINION NO. 96-38 -- ISSUED DECEMBER 4, 1996

STATE REPRESENTATIVE SOLICITING ADVERTISERS FOR HIS PRIVATE SECTOR BUSINESS

FACTUAL STATEMENT

A State Representative is employed by a private sector corporation which produces a radio program. The corporation will solicit advertisers to fund the program.

QUESTION

Is there any prohibition on the State Representative soliciting advertising purchasers?

OPINION

K.S.A. 46-236 prohibits a state officer or employee from soliciting anyone with a "special interest" as defined by K.S.A. 46-228. However, there is an exception to this general rule in that statute when the solicitation is for a commercial transaction in the ordinary course of business, and the purchases are not done to influence the state officer or employee in his or her state duties. Thus, the State Representative could solicit advertising purchasers so long as the purchases were not done to influence the legislator in his state duties.

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OPINION NO. 96-39 -- ISSUED DECEMBER 4, 1996

ASSOCIATION PROVIDING FUNDS TO STATE AGENCY FOR EMPLOYEE PROGRAMS

FACTUAL STATEMENT

The Kansas Public Health Association, a non-profit corporation, has received funding from a Health Foundation. This funding would be used to help assist the Kansas Department of Health and Environment in fulfilling that agencies' functions when state resources are not available due to budgetary constraints.

QUESTION

Do the state level conflict of interest laws prohibit the Public Health Association from providing funds to officers and employees of the Department of Health and Environment?

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OPINION

If the Public Health Association had a "special interest" as defined by K.S.A. 46-229 in the Department of Health and Environment, the Association could not give any funds in excess of \$40 to any one officer or employee of the agency (K.S.A. 46-237(a) and (b)).

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OPINION NO. 96-40 -- ISSUED DECEMBER 4, 1996

STATE SENATOR ACCEPTING HONORARIUM

FACTUAL STATEMENT

A State Senator has been asked to serve on an advisory committee for the Center for Studying Health Systems Change. The Center is funded by a foundation. The advisory committee members serve a variety of functions for the Center. The Center is offering a \$500 honorarium for the services the Senator would provide on the committee.

QUESTION

Is it permissible for a State Senator to accept a \$500 honorarium for serving on the advisory committee for the Center for Studying Health Systems Change?

OPINION

K.S.A. 46-237(f) allows legislators to accept honoraria for speaking engagements in an amount set by the Kansas Commission on Governmental Standards and Conduct. In KCGSC Opinion No. 91-21, the Commission set a maximum of \$100 for the payment of honoraria. The Commission also set out several factors to be looked at in waiving the \$100 maximum. In this situation, due to the Senator's expertise in health care, the complexity of health care issues and the amount of time required to serve on the advisory committee, the \$100 maximum should be waived and the Senator could receive the \$500 honorarium.

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OPINION NO. 1997-01 -- ISSUED JANUARY 23, 1997

COUNTY COMMISSIONER CONTRACTING AS A PRIVATE BUSINESSPERSON WITH LOCAL AIRPORT AUTHORITY

FACTUAL STATEMENT

A local airport authority that is governed by the city of Wellington, contracts with a Sumner county commissioner to provide services to the airport.

QUESTION

Is it a violation of the local level conflict of interest laws for a county commissioner to contract as a private businessperson with the local airport authority?

OPINION

Since the contract is not between the county and the county commissioner, but rather between the commissioner and the airport authority, this situation would not be a violation of the local level conflict of interest laws.

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OPINION NO. 1997-02 -- ISSUED JANUARY 23, 1997

EMPLOYEE OF WILDLIFE & PARKS REVIEWING STATE PROJECTS WHILE SERVING ON PRIVATE SECTOR BOARD

FACTUAL STATEMENT

An employee of Wildlife & Parks has been asked to serve on the MARSH Committee for Ducks Unlimited. The committee reviews marsh projects submitted by Wildlife & Parks. As part of the employee's official state duties, he would be submitting the state projects to Ducks Unlimited.

QUESTION

Do the state level conflict of interest laws prohibit a state employee from submitting state projects to a private sector organization and then, on behalf of the organization, giving his input and approval of the projects?

OPINION

Nothing in the state level conflict of interest laws prohibits a state employee from submitting state projects to a private sector organization and then, on behalf of the organization, giving his input and approval of the project. However, if Ducks Unlimited were to contract with Wildlife & Parks, or if the employee had other dealings with Ducks Unlimited in his capacity as a state employee, these situations would require a separate opinion concerning their appropriateness.

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OPINION NO. 1997-03 -- ISSUED JANUARY 23, 1997

UNSUCCESSFUL CANDIDATE FOR STATE OFFICE TRANSFERRING EXCESS FUNDS FOR A LOCAL OFFICE RACE NOT UNDER THE CAMPAIGN FINANCE ACT

FACTUAL STATEMENT

An unsuccessful candidate for state senate would now like to run for Olathe School Board, and transfer his excess state senate funds to the local office race. The Olathe School Board is a local elective office not under the purview of the Kansas Campaign Finance Act.

QUESTIONS

1. Is it permissible for an unsuccessful candidate for state office to transfer his excess campaign funds to a race for local elective office not under the purview of the campaign finance act?
2. If permissible, what procedure should be used to transfer the funds?

OPINION

Nothing in the Kansas Campaign Finance Act prohibits an unsuccessful candidate for state office from transferring his excess funds to a campaign account for a local elective office not under the purview of the Act. The candidate must file the appropriate forms to become a candidate for the school board race, then file a receipts and expenditures report terminating the state office account and showing the excess funds being transferred to the local race.

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OPINION NO. 1997-04 -- ISSUED JANUARY 23, 1997

PURCHASING SUBSCRIPTIONS TO PUBLICATIONS WITH CAMPAIGN FUNDS

OPINION

A Kansas State Senator wants to purchase subscriptions to newspapers and other publications with campaign funds.

QUESTIONS

1. May campaign funds be used to purchase all publications within his senate district?

2. May campaign funds be used to purchase major publications within Kansas?
3. May campaign funds be used to purchase publications of national prominence?

OPINION

K.S.A. 25-4157a prohibits the use of campaign funds for any purpose other than for legitimate campaign purposes, expense of holding political office or contributions to party committees. Purchasing subscriptions to newspapers and other publications in an individual's legislative district with campaign funds would be a legitimate expense of holding office. So long as the publications in Kansas and those of national prominence were purchased to keep track of activities, events and news items of particular interest to political office holders or relating to holding political office, they could be purchased with campaign funds.

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OPINION NO. 1997-05 -- ISSUED FEBRUARY 25, 1997

COUNTY COMMISSIONER'S SON EMPLOYED BY THE COUNTY

FACTUAL STATEMENT

A Lyon county commissioner's son is employed as a Noxious Weed Supervisor for Lyon County.

QUESTION

Is it a violation of the local level conflict of interest laws for an individual to serve as a county commissioner while her son is employed by the county?

OPINION

Nothing in the local level conflict of interest laws prohibits an individual from serving as a county commissioner and having a child employed by the county.

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OPINION NO. 1997-06 -- ISSUED FEBRUARY 25, 1997

SPOUSE OF POTENTIAL CITY TREASURER HAS CONTRACT WITH THE CITY

FACTUAL STATEMENT

One of the applicants for the position of city treasurer is the spouse of a certified public accountant whose firm has a contract with the city. The contract calls for the firm to conduct annual audits of the city, including the treasurer's office.

QUESTION

Is it a violation of the local level conflict of interest laws for a local governmental employee to be audited by his or her spouse's accounting firm?

OPINION

Under the local level conflict of interest laws, so long as the city treasurer does not participate in the making of any contracts between the city and the spouse's firm, this situation would not be a violation of the local level conflict of interest laws.

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OPINION NO. 1997-07 -- ISSUED FEBRUARY 25, 1997

STATE EMPLOYEE PARTICIPATING IN CONTRACT AND THEN SEEKING EMPLOYMENT WITH ENTITY CONTRACTED WITH

FACTUAL STATEMENT

The Department of Revenue had a contract with American Management Services. American Management then subcontracted with GC Services. As part of the Department's contract with American Management, an employee with the Department reviewed and made some amendments to the American Management-GC Services subcontract. GC Services has now contacted the employee about going to work for the company upon termination of his state duties.

QUESTION

Does the employee's role in reviewing the terms of the subcontract and adding language to that contract constitute "participating in the making of a contract" and thus bar him from accepting employment with GC Services?

OPINION

K.S.A. 46-233(a) prohibits a state employee from participating in the making of a contract with a person or business within the past two years and then accepting employment with that person or business for one year following termination of state employment. Reviewing and amending a contract constitutes "participation" in the making of the contract. Therefore, the employee could not accept employment with GC Services for one year after terminating state

employment or until two years had passed after the "participation" had taken place.

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OPINION NO. 1997-08 -- ISSUED MARCH 20, 1997

NORTON CORRECTIONAL FACILITY EMPLOYEE RETIRING AND THEN DRIVING INMATE TRANSFER BUS FOR THE STATE

FACTUAL STATEMENT

An employee with the Norton Correctional Facility is planning to retire. Upon retirement, she would like to purchase a shuttle bus and transfer inmates for the state.

QUESTION

Is it a violation of the state level conflict of interest laws for the Norton Correctional Facility employee to retire from state service and then purchase a bus to transfer inmates for the state?

OPINION

Nothing in the state level conflict of interest laws prohibits a Norton Correctional Facility employee from retiring and then purchasing a shuttle bus to transport inmates for the state.

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OPINION NO. 1997-09 -- ISSUED MARCH 20, 1997

MEMBERS OF KS & MO METROPOLITAN CULTURE DISTRICT COMMISSION NOT REQUIRED TO FILE STATEMENTS OF SUBSTANTIAL INTERESTS

FACTUAL STATEMENT

The Kansas & Missouri Metropolitan Culture District Commission is composed of a total of ten members from both states. Members do not receive compensation for serving on the Commission.

QUESTION

Are the members of the Commission who are not already required to file Statements of Substantial Interests required to file such forms due to membership on the Commission?

OPINION

Under the local level conflict of interest laws, only individuals elected or appointed to an elected local office are required to file such Statements. Under the state level conflict of interest laws, only members of boards, authorities or commissions that receive compensation in addition to reimbursement for expenses and mileage are required to file the Statements. Therefore, since the members serve without compensation, they would not be required under the state level conflict of interest laws to file the forms.

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OPINION NO. 1997-10 -- ISSUED APRIL 10, 1997

DEPARTMENT OF REVENUE EMPLOYEE OFFERED FREE SEMINAR REGISTRATION

FACTUAL STATEMENT

The Division of Property Valuation within the Department of Revenue assists and supervises counties through educational programs concerning property tax. An employee of Revenue has been offered a free seminar registration by a county. The value of the registration is \$895.00. The seminar relates to mapping and the appraisal process.

QUESTION

Is it permissible, under the state level conflict of interest laws, for an employee of the Division of Property Valuation to receive a complimentary seminar registration?

OPINION

So long as the employee's agency authorizes and would have been willing to pay for the costs of the seminar as serving a legitimate state service, the employee could receive the complimentary registration from the county.

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OPINION NO. 1997-11 -- ISSUED APRIL 10, 1997

BOARD MEMBER ABSTAINING FROM VOTING ON AWARDING GRANT TO BUSINESS IN WHICH A SUBSTANTIAL INTEREST IS HELD

FACTUAL STATEMENT

When members of the Kansas Arts Commission serve as board members for organizations that

apply for funding from the Commission, the Commissioners abstain from voting.

QUESTION

When a member of the Arts Commission abstains from voting on awarding grants to organizations on which he or she serves as a board member, is the Commissioner complying with the provisions of the state level conflict of interest laws?

OPINION

Under the state level conflict of interest laws, a state officer or employee holds a "substantial interest" in any organization in which he or she holds the position of a board member. Therefore, the Arts Commissioners would be prohibited from voting on awarding grants to any such organization on which they served on the board of directors. Thus, by abstaining from such votes, the Commissioners have complied with the state level conflict of interest laws. In addition to abstaining, the Commissioners must refrain from discussing, in any manner, the awarding of the grant with the other Commissioners.

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OPINION NO. 1997-12 -- ISSUED APRIL 10, 1997

STATE EMPLOYEE ESTABLISHING PRIVATE CONSULTING BUSINESS

FACTUAL STATEMENT

A state employee with the Department of Health and Environment whose job responsibilities include reviewing solid waste landfills wants to set up a private sector consulting business to assist such facilities on the statistical methodology used in monitoring groundwater.

QUESTION

Is it permissible under the state level conflict of interest laws for a state employee to oversee a facility that contracts with the employee's private business?

OPINION

Under K.S.A. 46-235, the state employee would be prohibited from receiving any compensation from the private sector for doing his official state duties. Thus, if it is part of his state duties to teach the statistical methodology to waste landfills, he could not receive compensation from the landfills for doing this service in the private sector. If teaching statistical methodology was not part of his official duties, then he could be compensated by the landfills. In addition, under K.S.A. 46-286, he could not as a state employee license, inspect or regulate any of the landfills he worked for as a consultant.

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OPINION NO. 1997-13 -- ISSUED APRIL 10, 1997

EMPLOYEES PROHIBITED FROM RECEIVING COMPENSATION FROM PRIVATE SECTOR FOR DOING STATE DUTIES

FACTUAL STATEMENT

Some employees of the Division of Property Valuation within the Department of Revenue are responsible for teaching appraisal and property tax courses as part of their official state duties. These employees want to teach these courses to organizations after state hours and be compensated by the organizations.

QUESTION

Is it permissible for a state employee, who as part of his or her official state duties teaches certain courses, to be compensated for teaching these courses during off-duty hours by private sector organizations?

OPINION

K.S.A. 46-235 prohibits a state officer or employee from being compensated by anyone other than his or her state agency for the performance of official state duties. Therefore, since teaching the courses is part of the employees' official state duties, they may not accept compensation from the private sector for teaching these classes even during off-duty hours.

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OPINION NO. 1997-14 -- ISSUED APRIL 10, 1997

AGENCY CONTRACTING WITH OWN EMPLOYEE'S PRIVATE BUSINESS

FACTUAL STATEMENT

The Employment Preparation Services Division of Social and Rehabilitation Services has a program for cash assistance recipients to receive work experience by being assigned to various public and private work sites. An employee of the division is also a private business owner and would like to make his business available as a work site.

QUESTION

Is it permissible for an agency to contract with an employee's private sector business?

OPINION

The agency would be permitted to develop a work site at the employee's private business. However, the employee could not participate on behalf of the state in making a contract with his private business or in developing the site. In addition, he could not license, inspect or regulate the site or refer SRS clients to the site.

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**OPINION NO. 1997-15 -- ISSUED APRIL 10, 1997
CITY ATTORNEY IS PARTNER IN LAW FIRM WITH CITY COUNCIL
MEMBER**

FACTUAL STATEMENT

The Atwood City Attorney is in a private sector law partnership with a member of the Atwood City Council. The city attorney is paid directly and the money goes into his personal account rather than the partnership account.

QUESTION

Is it permissible for a member of the city council, who is a partner in a law firm with the city attorney, to discuss and vote on matters affecting the city attorney position?

OPINION

Under the local level conflict of interest laws, the city council member would be prohibited from participating in the making of contracts between the city and the law partnership. However, in this situation the contract is between the city and the city attorney as a private individual. Therefore, this situation is permissible under the local level conflict of interest laws.

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OPINION NO. 1997-16 -- ISSUED APRIL 24, 1997

**WYANDOTTE COUNTY UNIFIED GOVERNMENT POSITIONS ARE
LOCAL OFFICES SUBJECT TO THE KANSAS CAMPAIGN FINANCE
ACT**

FACTUAL STATEMENT

Due to consolidation of certain elective county and city offices in Wyandotte County, there has been created the Unified Government with eleven positions.

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QUESTION

What contribution limitations, if any, are there for the Unified Government races?

OPINION

K.S.A. 25-4143(n) defines "local office" to include county races. Because of the setup of the Unified Government, those positions will be considered county races for purposes of the campaign finance act. Therefore, all of the laws that apply to candidates and committees under that act will apply to Unified Government races. Thus, candidates for those positions may accept up to \$500 from each contributor in the primary election period and \$500 from each contributor in the general election period.

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OPINION NO. 1997-17 -- ISSUED ON MAY 6, 1997

LEGISLATOR MAY TRANSFER FUNDS INTO UNIFIED GOVERNMENT RACE

FACTUAL STATEMENT

A current legislator is interested in running for the Chief Executive/Mayor position in the Wyandotte County Unified Government. The legislator would like to use existing legislative funds, and transfer this money into the Unified Government race.

QUESTION

Is it permissible under the campaign finance act for a state legislator to use his or her own legislative campaign funds to run for a county office?

OPINION

Nothing in the campaign finance act prohibits a state legislator from using campaign funds to run for a county office. The candidate would need to file the necessary receipts and expenditure reports that show the excess campaign funds being transferred to the new campaign.

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OPINION NO. 1997-18 -- ISSUED ON MAY 29, 1997

RECORDS THAT MUST BE MAINTAINED BY LOBBYISTS

FACTUAL STATEMENT

Section 1 of HB 2064 amends K.S.A. 46-269 by requiring lobbyists to keep detailed accounts of reportable lobbying expenditures, and provide that such records must be maintained and preserved by the lobbyist.

QUESTION

What constitutes "detailed accounts"?

OPINION

Pursuant to K.A.R. 19-63-6, a detailed account of all lobbying expenditures would include the names and addresses of persons payments were made to in relation to lobbying, the purpose of the expenditure, the date of the expenditure, the amount of the expenditure, the bill or other documentation of the expenditure and the check or other instrument by which payment was made.

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OPINION NO. 1997-19 -- ISSUED MAY 29, 1997

ENFORCEABILITY OF ORAL LOBBYING CONTRACTS IS A MATTER FOR THE COURTS

FACTUAL STATEMENT

Section 3 of HB 2064 amends K.S.A. 46-267 to state that oral lobbying contracts are unenforceable in court.

QUESTION

How does this amendment affect future oral lobbying contracts, and who will enforce this section?

OPINION

Since HB 2064 states that oral lobbying contracts are unenforceable in court, the Kansas Commission on Governmental Standards and Conduct will defer enforcement of this section to the courts under the laws relating to contracts. The KCGSC will continue to enforce the section of K.S.A. 46-267 that applies to the prohibition on contingency fee lobbying contracts, which does not mention enforceability in court.

Review and Audit Program

Complete, accurate and timely disclosure of certain kinds of financial information by

candidates, elected officials, state employees and lobbyists is the key requirement of the legislation. It has been and is the Commission's position that active review and auditing of reports is essential for the proper administration of the law.

CAMPAIGN FINANCE

In the area of campaign finance, the Commission's procedures include a preliminary review and post-election comprehensive desk review of all receipts and expenditures reports filed under the Campaign Finance Act. In addition, a certain number of campaigns and committees are selected for field audits.

1997 Campaign Finance Statistics

Candidates for State Senate --	102
Candidates for House of Representatives --	262
Candidates for Judge --	132
Candidates for Retention Judge --	60
Candidates for District Attorney --	8
Candidates for State Board of Education --	16
Candidates for County Office --	1380
1997 First Class City Candidates --	216
Political Action Committees --	273
Party Committees --	195
Campaign Finance Reports filed --	4151
Failure to File Notices Issued --	205
Errors & Omissions Notifications Issued --	396

Audits of the records of candidates and political committees are conducted using generally accepted auditing standards and are conducted on a priority basis. Accorded first priority are situations involving formal complaints. The next priority is assigned to situations in which it is necessary to clarify problems identified during the desk reviews. A general investigation may also be authorized at this point. Finally, a random sample of candidates and committees is audited. If a candidate is selected for a random audit, his or her opponent is also examined. In FY 1997, 31 audits were conducted. In FY 1996 44 audits were conducted. This compares to twelve audits completed in FY 1995 and 10 audits completed in FY 1994. The increased number of audits conducted in FY 1996 and FY 1997 is due to the increase in the size of the Commission's staff. For the number of candidates and political committees filing reports in the 1996 election cycle, the Commission believes that a minimum of 10%, or 217 candidates and 46 political committees, should have been audited.

The most prevalent discrepancies discovered during these audits were: 1) failure to disclose all monetary contributions received by the campaign or political committee; 2) failure to disclose all expenditures made by the campaign or political committee; 3) the mismanagement of cash; 4) failure to maintain adequate campaign records; 5) failure to report in-kind contributions; 6) failure to open a campaign bank account.

Candidates and political committees filed a total of 4,151 receipts and expenditures reports during the 1996 election cycle. Each of these reports were reviewed in detail. Staff completed the review of these reports in July 1997.

The Commission has compiled statistical summaries of the 1996 election contributions and expenditures for legislative candidates. Charts and graphs of campaign finance activity can be found at the conclusion of this report.

CANDIDATES FOR STATE SENATE

There were 47 contested and 3 uncontested races for the Kansas Senate. An analysis of the 1996 campaign contributions indicates candidates for the Kansas Senate received contributions totalling \$2,807,000.

State Senate candidates received their largest percentage of itemized contributions from political action committees (35%), with individuals (24%) making up the second largest source of campaign funds.

During the 1996 election cycle, \$369,893 was contributed to Senate candidates by out-of-state organizations; i.e., corporations, unions, and non-registered political action committees. This is a 135% increase over out-of-state contributions in 1992. The number of out-of-state organizations making contributions to Kansas candidates has increased significantly since 1984. Out-of-state contributions to Senate candidates in this twelve year period have risen from \$80,482 in 1984 to \$369,873, a 460% increase.

Five senatorial candidates did not receive or expend any money on their campaigns. Of the Senate candidates who filed campaign finance reports showing financial activity, the average candidate received an average of \$28,938 in monetary contributions and spent an average of \$24,756 on their campaigns.

An analysis of the expenditures made by Senate candidates in the 1996 election reflects that a total of \$2,401,594 was spent on their races. As in past election years, Senate candidates expended the largest amount of their funds on the printing and distribution of campaign literature (45%).

CANDIDATES FOR HOUSE OF REPRESENTATIVES

There were 100 contested and 25 uncontested races for the House of Representatives.

House candidates received a total of \$2,600,418 in monetary contributions.

State House candidates received their largest percentage of itemized contributions from political action committees (37%), with individuals (25%) making up the second largest source of campaign funds. Out-of-state organizations contributed \$354,228 (13%) to House candidates.

An analysis of the expenditures made by House candidates in the 1996 election reflects that a total of \$2,330,780 was spent on their races. As in past election years, House candidates expended the largest amount of their funds on the printing and distribution of campaign literature (42%).

Twenty-four House of Representatives candidates either filed Affidavits of Exemption or did not receive or expend any money on their campaigns. Of the House candidates who filed campaign finance reports showing financial activity, the average candidate received an average of \$10,360 in monetary contributions and spent an average of \$9,286 on their campaigns.

CONFLICT OF INTERESTS

The Kansas conflict of interests statutes provide for (1) the filing of statements of substantial interests; (2) a code of conduct making it illegal for state officials and employees to be involved in certain conflicts; and (3) the issuance of advisory opinions.

Each year, on average, Commission staff process financial disclosure statements for 6000 state officers and employees. Computer systems are used to create and maintain lists of state officers and employees subject to the disclosure requirements. Throughout the year, staff update computer databases as appointments are made, terms end, officials resign, and new positions are created. Financial disclosure forms and instructions are mailed to new appointees and candidates as the Commission receives official notice of their appointment or eligibility. Thereafter, forms and instructions are mailed on an annual basis to all persons subject to filing requirements. All financial disclosure statements are public records and may be reviewed during regular business hours in the Secretary of State's office.

Those required to file Statements of Substantial Interests are elected state officials and candidates for such office, individuals whose appointments are subject to confirmation by the Senate, general counsels for state agencies and state officers, employees, and members of boards, councils or commissions meeting the definition of a "designee" and so listed by the head of their agency. There were 6047 individuals required to file statements in FY 1997.

1997 STATEMENTS OF SUBSTANTIAL INTERESTS FILINGS

Employees listed as Designees -- 5350
Elected officials -- 186
Candidates for State Office -- 0
Appointees subject to Senate Confirmation -- 142
Board members listed as designees -- 320
General Counsels -- 37
Executive Directors of Compacts -- 3
KS High School Activities Association -- 7
Number of Past Due Notices Mailed -- 60
Number of Failure to File Notices Issued -- 11

Many state officials and employees are in a position to make or influence decisions which could directly affect their personal interests. The state conflict of interests laws prohibit such activity. To assist these individuals, the Commission issues advisory opinions upon its own initiative and upon the request of any person to whom the relevant law applies. In FY 1997, the Commission issued 19 opinions to state officers and employees concerning their positions, personal interests and how the conflict laws applied to them.

The Commission has found that the conflict statutes are not widely understood either by state officers, state employees or the public at large, yet these laws are of fundamental importance to the workings of state government. They draw the line between private interests and public trust which must be guarded carefully. Efforts to clarify and enforce the line are increasingly important as public concern mounts over abuses of the public trust.

REPRESENTATION CASE DISCLOSURE

There were 7 Representation Case Disclosure Statements filed in FY 1997. It is possible that other individuals required to file such statements have not done so. However, given the structure of the statutory requirements, there is no way of knowing who should file such statements.

DISCLOSURE OF STATE AGENCY CONTRACTUAL SERVICES WITH LEGISLATORS AND THEIR FIRMS

Any state agency which contracts with a legislator or a legislator's firm to perform services for a state agency for compensation must file a disclosure statement. In FY 1997, there were 32 State Agency Statements of Contractual Services filed with the Secretary of State's office.

LOBBYING PROVISIONS

There are 586 lobbyists registered for 1997 as of November 1, 1997, which figure compares with the total of 579 registered lobbyists in 1996. Of the 586 registered, some are registered on behalf of more than one person or organization. To date, 1228 persons or organizations have been represented this year. The Commission's statistical analysis of the lobbyist employment and expenditures reports shows that at least \$515,731 has been spent on lobbying activities to date during 1997. Registered lobbyists are required to file a lobbyist employment and expenditures report six times a year. These reports show expenditures if the lobbyist spends more than \$100 in a reporting period. To date this calendar year, 4798 Lobbyist Employment and Expenditures Reports have been filed. A lobbyist can file an Affidavit of Exemption from filing a Lobbyist Employment and Expenditures Report if he or she does not expend in excess of \$100 per reporting period.

Lobbyist Registrations and Expenditures to date for Calendar Year 1997

Number of Registered Lobbyists -- 586
Number of Lobbyist Registration Statements Filed -- 1228
Number of Reports Filed by Lobbyists -- 4798
Number of Affidavits of Exemption Filed -- 483
Total Expenditures Reported for the Year -- \$515,736
Number of Past Due Notices Sent -- 203
Number of Failure to File Notices Issued -- 66

Investigations

In FY 1997, the Commission initiated two investigations, with two complaints being filed as a result of the investigations. In addition to investigations conducted prior to complaints being filed, investigations are conducted following the filing of complaints.

Investigations remain confidential until a complaint has been filed and a probable cause determination has been made regarding the complaint. Whenever an investigation does not disclose facts sufficient to warrant further action, the Commission may issue a report concerning the findings of the Commission to the person or persons investigated. This report can be made public by the person or person investigated. Due to the confidentiality provisions set by statute, the Commission cannot publicly discuss the investigation or even confirm or deny that any investigation has taken place.

COMPLAINTS

There were 26 complaints filed in FY 1997. All 26 complaints were filed for campaign finance violations. Nineteen complaints were dismissed on the basis that there was insufficient evidence to support a probable cause determination, in two cases, the Commission entered into consent decrees with the respondents and four complaints were forwarded to the Attorney General and County or District Attorney's Office for prosecution. It should be understood that after an investigation, if the Commission concludes that there is no evidence to establish probable cause that there was an intentional violation, a complaint is dismissed and no public hearing is held. Anyone who suspects that any of the provisions administered by the Commission have been violated may file a complaint in writing with the Commission.

CIVIL PENALTIES AND FINES

The statutes enforced by the Commission provide for the assessment of civil penalties for failure to file certain reports or statements under the campaign finance, lobbying and state conflict of interests statutes. Individuals can be subject to a \$10 per day penalty for each day the report or statement remains unfiled up to a maximum of \$300. The Commission is authorized to waive any imposed civil penalty, upon a finding of good cause.

In addition to any other penalty prescribed under the campaign finance, lobbying or state conflict of interests statutes, the Commission can assess a civil fine not to exceed \$5000 for the first violation, \$10,000 for the second violation and \$15,000 for the third and each subsequent violation. Before a civil fine can be assessed, the person must be given proper notice and an opportunity to be heard.

FY 1997 Civil Penalties and Fines

Civil Penalties Assessed

Campaign Finance -- \$3790

Lobbying Reports -- \$1470

Statements of Substantial

Interests -- \$630

Total Civil Penalties Assessed -- \$5890

Total Civil Penalties Collected -- \$2860

Total Civil Fines Assessed -- \$11,200

Total Civil Fines Collected -- \$11,200

There were \$5,890 in civil penalties assessed in FY 1997 against individuals who failed to file their reports in a timely manner.

CONCLUSION

As the Commission has repeated on a number of occasions, its success or failure will depend on its ability to guarantee the Governor, the Legislature and above all, the people of the State, that individuals subject to the campaign finance, conflict of interests and lobbying provisions are complying with the laws. To a great extent, this means the ability to insure that the financial information reported periodically is timely, accurate and complete. The Commission believes that while the past several years have shown significant improvement in the timeliness of the filings and the quality of the reports submitted, too many still contain errors and/or omissions. Much remains to be done through education and assistance to upgrade the quality of the reports, and at the same time, to identify and proceed against those who intentionally violate the law. In the same vein, much remains to be done to alert the people of their rights and responsibilities under the law. The Commission recognizes that the strongest safeguard against unethical conduct by public officials and employees is an informed and active public.

COMMISSION RECOMMENDATIONS

The Commission is directed by statute to make recommendations to the Governor and Legislature. It recognizes that any major piece of legislation periodically needs revision, modification, and in some cases, major changes. To that end, the Commission makes the following recommendations:

GENERAL

1. Under current law, when the Commission investigates alleged violations of law under its jurisdiction it may not issue subpoenas duces tecum to aid in the investigation until the party being investigated is given 30 days to respond to the alleged violations. The Commission believes that in order to adequately investigate alleged violations of law under its jurisdiction, this 30 day response time should be stricken.
2. In conducting investigations, the Commission has come across possible violations of laws outside its jurisdiction. Current law directs the Commission to notify only the Attorney General of any apparent violation of criminal law not administered by the Commission. We recommend that the Commission be given authority to notify not only the Attorney General, but also any other federal, state or local authorities of any apparent violations of criminal law discovered during any investigation. We suggest the following language to amend K.S.A. 25-4161(d) and K.S.A. 46-256(d): "The commission shall notify the appropriate federal, state and local authorities of any apparent violation of criminal law or other laws not administered by the commission, which is discovered during the course of any such investigation."
3. Under current law, persons are able to assist in committing violations of the campaign finance, lobbying and ethics laws without they, themselves, being liable for assisting in the violation. The Commission recommends that a law be enacted that would make it a "conspiracy" to assist in committing a violation of any law under the Commission's jurisdiction and that it be unlawful for persons to be involved in a "conspiracy" to violate the campaign finance, lobbying and ethics laws.
4. Under current law, persons are able to aid, abet, advise, hire, counsel and/or procure others to commit violations of the campaign finance, lobbying and ethics laws without incurring any liability themselves. The Commission recommends that a law be passed in the ethics area that would make any person who aids, abets, advises, hires, counsels and/or procures another person to commit a violation of any law under the Commission's jurisdiction to be as equally liable as the person committing the actual violation.

CAMPAIGN FINANCE

1. Currently, political action committees may adopt names which are meaningless to disclosure. The public has no idea of the vested interest of many of the PACs since a PAC name does not have to reflect the organization, association or affiliation, of the committee. Although a candidate is required to report the PAC's affiliation or association on his or her report, this is seldom done properly. To assure disclosure, we recommend that all PAC names be identifiable. Since the 1994 election, all contributors to state candidates are on the Internet for viewing by the public. Now, more than ever, the Commission believes that the PACs shown as contributors on the Internet carry the name of its vested interest. We would suggest the following language be amended into K.S.A. 25-4145: "Each political action committee shall adopt a name which reflects the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession, or primary interest of the contributors to the political committee."

2. Currently, political action committees and party committees do not have to report the names of candidates they make expenditures on behalf of when filing a receipts and expenditures report. The committee's responsibility is to list the vendor to whom the expenditure is made, not the candidate on whose behalf the expenditure was made. For example, if political committee A pays the postmaster \$1000 and the XYZ Printers \$4000 for mailings for Candidates B, C, and D, the committee is only required to show the expenditure to the postmaster and the printer. The public has no idea, from viewing committee A's report, which candidate(s) were the recipients of the in-kind or independent mailing. The Commission believes that full disclosure should be made as to which candidates are being assisted by political and party committee in-kind contributions and/or independent expenditures. We would suggest the following language be amended into K.S.A. 25-4148. K.S.A. 25-4148(b)(7) "...the name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution or independent expenditure has been made in an aggregate amount or value in excess of \$50, with the amount, date and purpose of each. The provisions of this subsection apply to political committees and party committees...."

3. The Commission, once again, recommends that political brochures that are mailed or distributed during an election should disclose the name of the person paying to have the information printed and distributed. Staff encountered numerous instances during the 1994 and 1996 election years where it was impossible to determine who has paid for mailings which were intended to aid or defeat candidates for state or local office. When a mailing is not paid from campaign funds of a candidate and the cost of the mailing is in excess of \$100, the person paying for the mailing has a responsibility to file a report under K.S.A. 25-4150. Amending K.S.A. 25-4156 to require the same "paid for by" disclaimer on brochures which would provide the citizens of Kansas with the identity of those who make monetary expenditures for brochures to aid or defeat candidates for office in Kansas. The

added advantage would be that staff time would be dramatically cut conducting inquiries into who has paid for those mailings that are done independently.

4. Under current law, candidates for local office must file their receipts and expenditures reports with the county election officer in the county in which the candidate is on the ballot. However, if the candidate files an affidavit that he or she will not spend more than \$500 in each the primary and general election periods, the affidavit is filed with the county election officer in the county in which the candidate is a resident. The Commission recommends that K.S.A. 25-4173 be amended so that affidavits are filed by local candidates with the county election officer in the county in which the candidate is on the ballot.

5. Under current law, candidates for cities of the first class, Wichita school board and the Board of Public Utilities in Kansas City, file a pre-primary election report, and a wrap-up report on January 10 of the following year. Since the general election for these races is in the first week of April, the public does not have access to any of the candidate's financial information for nine months after the election. The last twelve days of the general election period are not disclosed until this January 10th report. The Commission believes that the "wrap-up" report for these local candidates should be filed closer to the general election, like reports filed by state and county candidates. State and county candidates file their "wrap-up" report approximately 60 days after the general election.

6. Under current law, party and political committees are allowed to transfer funds to other party committees in order to pay for services or other reimbursements. The committee transferring the funds does not have to report what services or reimbursements the transfer covers. The Commission believes that in order to have full disclosure for the public, that any party committee that transfers funds to another party committee must, on its next receipts and expenditures report, attach a list of services or other reimbursements that the transfer covers.

ETHICS

1. Under current law, state officers and employees are prohibited from disclosing confidential state information for anyone's personal economic gain. However, there is no prohibition on former state officers or employees from disclosing, for personal economic gain, confidential information acquired during employment with the state. The Commission recommends that K.S.A. 46-241 be amended to extend the prohibition on using confidential state information for economic gain to former state officers and employees.

2. Currently, it is a crime for public officials to receive compensation for doing past official acts (K.S.A. 21-3903). However, this section is not part of the ethics laws. In addition, this section does not apply to former public officials. The Commission recommends that a law be enacted in the ethics area that prohibits current and former state officers and employees from receiving gifts and other benefits from any person who received, from the officer or employee, a decision, opinion, recommendation or vote that was favorable to that

person.

3. K.S.A. 46-277 states no action or conduct of any person shall constitute a violation of the ethics laws unless the action or conduct was intentionally violative of those laws. The Commission recommends that this statute be amended so that a violation would exist if the person knew, or reasonably should have known, that his or her action or conduct was in violation of the ethics laws. Thus, it would be necessary to show the actor had a "general intent" rather than a "specific intent" to violate the law.

1996

SENATE

CANDIDATES

SUMMARY OF

CONTRIBUTIONS

AND

EXPENDITURES

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PREFACE

This campaign statistics summary has been prepared with the objective of increasing the utilization of reported campaign finance information and is intended to:

- (1) Meaningfully condense reported campaign finance information into a published form which is more accessible to the citizens of Kansas;
- (2) Chart the candidates' receipts and expenditures in a manner which allows the reader to assess financial influences on the election process; and
- (3) Establish a basis for identifying trends in campaign financing by comparing information from year to year.

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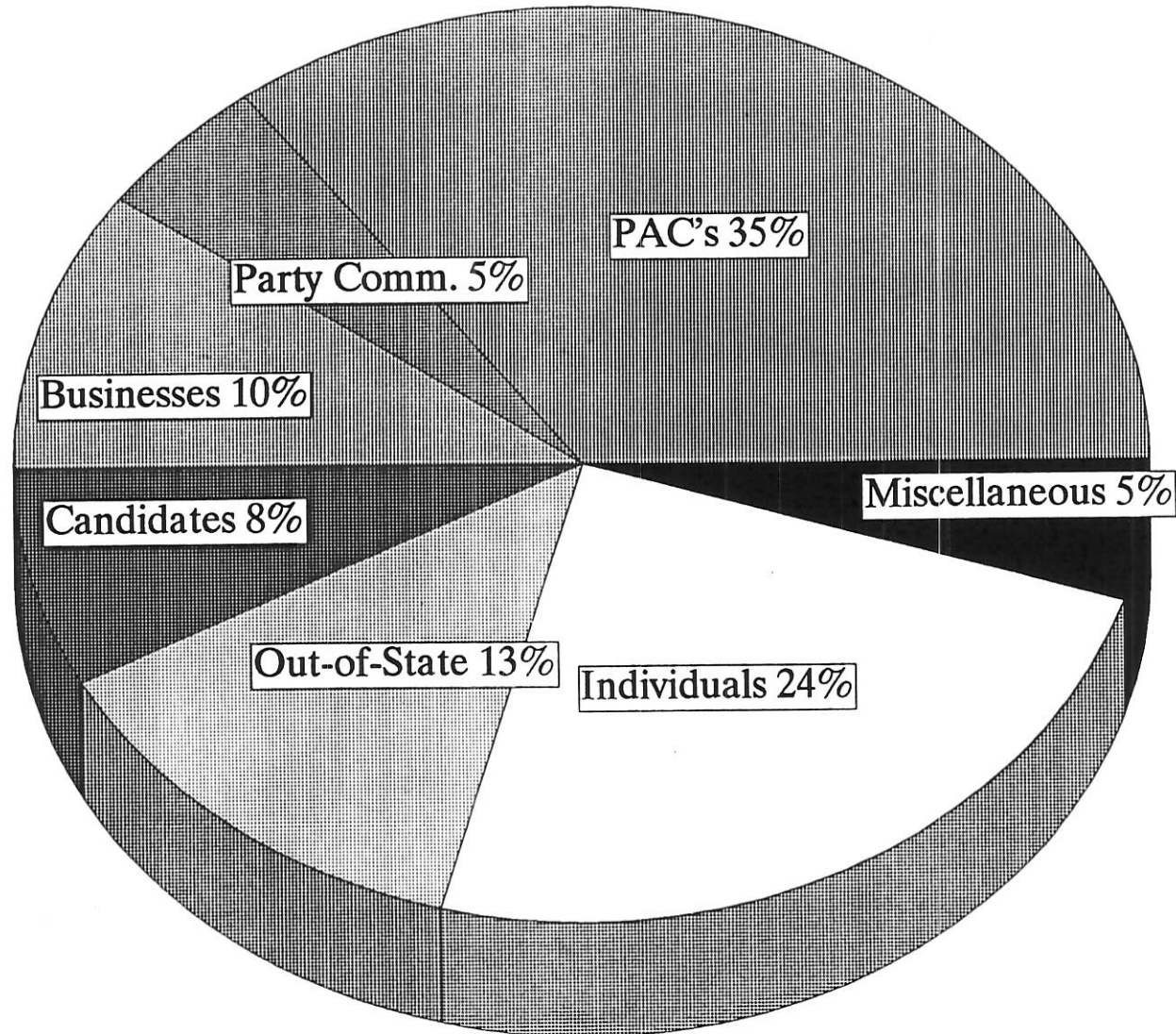
1996 ELECTION CYCLE MONETARY CONTRIBUTIONS TO SENATE CANDIDATES

TYPE OF CONTRIBUTOR	CANDIDATE								
	Total Amount	% of Total Contributions	Incumbent	Non-Incumbent	Democrat Incumbent	Democrat Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Write-in, Libertarian & Independent
Businesses, Corporations, Unions	290,549	10	198,806	91,743	38,737	40,747	160,069	50,845	151
Candidates/Spouse's Personal Funds	229,776	8	78,608	151,168	580	79,263	78,028	71,494	411
Individuals	669,941	24	383,493	286,448	70,219	99,294	313,274	186,914	240
Out-of-State Organizations	369,863	13	271,665	98,198	69,000	49,645	202,665	48,553	-0-
Political Action Committees	922,848	35	630,798	292,050	181,505	151,209	449,293	140,766	75
Party Committees	157,825	5	53,650	104,175	675	12,495	52,975	91,680	-0-
Unitemized & Miscellaneous	166,198	5	70,799	95,399	35,735	45,467	35,064	49,867	65
Total Contributions	2,807,000	100	1,687,819	1,119,181	396,451	478,120	1,291,368	640,119	942

Number of Candidates	Won	40		27	13	8	5	19	8	-0-
	Lost	<u>63</u>		<u>4</u>	<u>59</u>	<u>1</u>	<u>25</u>	<u>3</u>	<u>29</u>	<u>5</u>
	Total	103		31	72	9	30	22	37	5

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MONETARY CONTRIBUTIONS 1996 SENATE ELECTION CYCLE



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1996 ELECTION CYCLE INKIND CONTRIBUTIONS TO SENATE CANDIDATES

TYPE OF CONTRIBUTOR	CANDIDATE								
	Total Amount	% of Total Contributions	Incumbent	Non-Incumbent	Democrat Incumbent	Democrat Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Write-in, Libertarian & Independent
Businesses, Corporations, Unions	25,134	12	12,652	12,482	1,365	7,389	11,287	5,093	-0-
Candidates/Spouse's Personal Funds	39,416	20	6,405	33,011	105	5,946	6,300	26,557	508
Individuals	31,408	16	9,729	21,679	292	4,546	9,437	17,103	30
Out-of-State Organizations	985	.5	-0-	985	-0-	391	-0-	594	-0-
Political Action Committees	17,496	9	8,901	8,595	76	3,627	8,825	4,968	-0-
Party Committees	81,943	41.5	19,114	62,829	6,914	32,591	12,200	30,238	-0-
Unitemized & Miscellaneous	2,339	1	583	1,756	181	443	402	1,291	22
Total Contributions	198,721	100%	57,384	141,337	8,933	54,933	48,451	85,844	560

Number of Candidates	Won	40		27	13	8	5	19	8	-0-
	Lost	<u>63</u>		<u>4</u>	<u>59</u>	<u>1</u>	<u>25</u>	<u>3</u>	<u>29</u>	<u>5</u>
	Total	103		31	72	9	30	22	37	5

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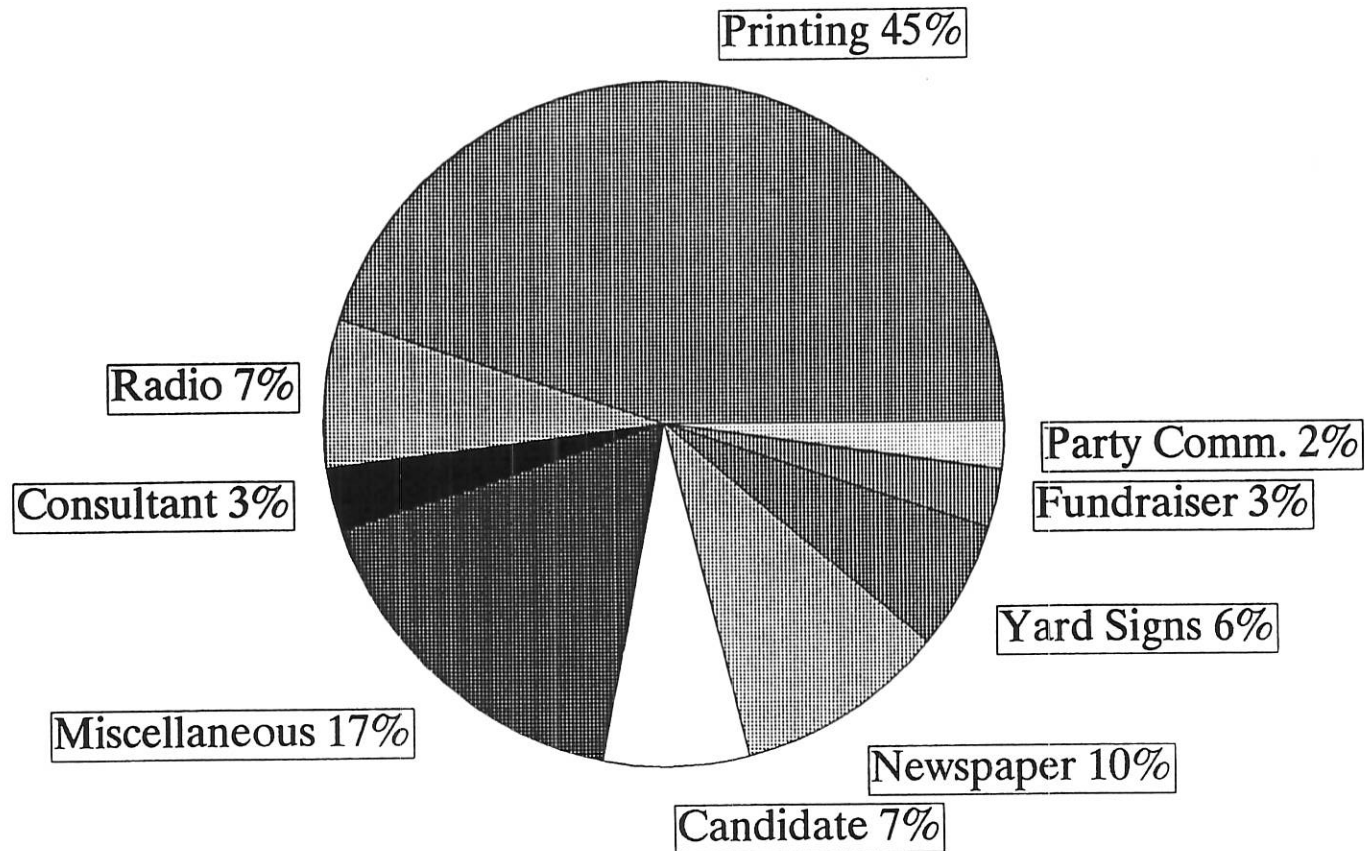
1996 ELECTION CYCLE EXPENDITURES FOR SENATE CANDIDATES

TYPE OF EXPENDITURE	CANDIDATE								
	Total Amount	% of Total Contributions	Incumbent	Non-Incumbent	Democrat Incumbent	Democrat Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Write-in, Libertarian & Independent
Consultant	67,094	3	48,988	18,106	300	875	48,688	17,231	-0-
Fundraiser	75,247	3	57,114	18,133	18,295	6,173	38,819	11,960	-0-
Newspaper Advertising	243,398	10	114,282	129,116	31,601	67,573	82,681	61,465	78
Printing, Postage and Distribution	1,071,263	45	557,470	513,793	140,342	213,666	417,128	299,496	631
Radio and Television Advertising	168,581	7	80,923	87,658	14,684	39,390	66,239	48,268	-0-
Yard Signs, Bumper Stickers, etc	150,744	6	66,880	83,864	14,407	33,174	52,473	50,690	-0-
Reimbursement to Candidate	167,959	7	103,387	64,572	14,132	33,471	89,255	31,076	25
Contribution to Party Committee	57,810	2	46,254	11,556	24,900	10,810	21,354	746	-0-
Miscellaneous	399,498	17	287,353	112,145	96,701	34,745	190,652	77,193	207
Total Expenditures	2,401,594	100	1,362,651	1,038,943	355,362	439,877	1,007,289	598,125	941
Number of Candidates	Won Lost Total	40 <u>63</u> 103	27 <u>4</u> 31	13 <u>59</u> 72	8 <u>1</u> 9	5 <u>25</u> 30	19 <u>3</u> 22	8 <u>29</u> 37	-0- <u>5</u> 5

EXPENDITURES

1996 SENATE ELECTION CYCLE

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**TWELVE YEAR COMPARISON OF MONETARY CONTRIBUTIONS REPORTED
BY CANDIDATES FOR THE KANSAS SENATE BY TYPE OF CONTRIBUTOR**

TYPE OF CONTRIBUTOR	1984	1988	1992	1996
Businesses, Corporations, Unions	115,318	196,074	238,002	290,549
Candidate/Spouse's Personal Funds	219,425	137,612	260,893	229,776
Individuals	339,012	550,990	672,452	669,941
Out-of-State Organizations	80,482	143,927	274,410	369,863
Political Action Committees	447,993	608,124	673,881	922,848
Party Committees	33,348	58,065	114,279	157,825
Other Candidates	N/A	33,341	N/A	N/A
Unitemized and Miscellaneous	99,538	163,824	165,458	166,198
TOTAL CONTRIBUTIONS	1,335,116	1,891,957	2,399,375	2,807,000

1996
HOUSE
CANDIDATES
SUMMARY OF
CONTRIBUTIONS
AND
EXPENDITURES

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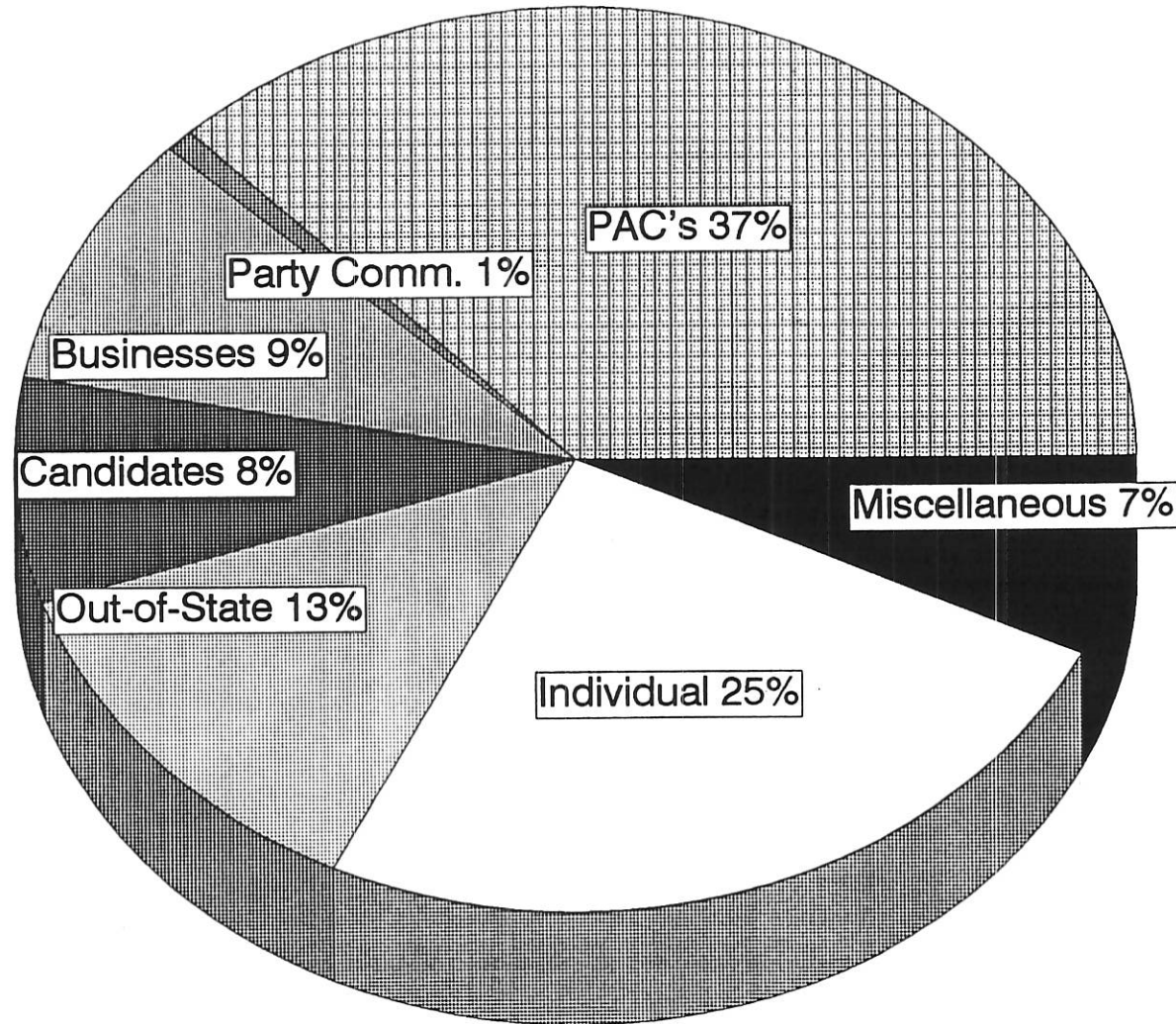
1996 ELECTION CYCLE MONETARY CONTRIBUTIONS TO HOUSE CANDIDATES

TYPE OF CONTRIBUTOR	CANDIDATE								
	Total Amount	% of Total Contributions	Incumbent	Non-Incumbent	Democrat Incumbent	Democrat Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Write-in, Libertarian & Independent
Businesses, Corporations, Unions	233,804	9	184,765	49,039	45,130	21,085	139,635	27,469	485
Candidates/Spouse's Personal Funds	172,377	8	41,635	130,742	5,917	65,056	35,718	62,882	2,804
Individuals	645,497	25	365,338	280,159	94,845	124,362	270,493	147,934	7,863
Out-of-State Organizations	354,228	13	302,930	51,298	100,225	29,125	202,705	22,173	-0-
Political Action Committees	977,398	37	788,381	189,017	273,526	98,225	514,855	90,292	500
Party Committees	37,092	1	10,247	26,845	5,437	20,735	4,810	6,110	-0-
Unitemized & Miscellaneous	180,022	7	86,365	93,657	25,484	53,111	60,881	38,271	2,275
Total Contributions	2,600,418	100	1,779,661	820,757	550,564	411,699	1,229,097	395,131	13,927

Number of Candidates	Won	125	97	27	36	12	61	15	-0-
	Lost	150	8	143	3	64	5	60	19
	Total	275	105	170	39	76	66	75	19

MONETARY CONTRIBUTIONS

1996 HOUSE ELECTION CYCLE



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1996 ELECTION CYCLE INKIND CONTRIBUTIONS TO HOUSE CANDIDATES

TYPE OF CONTRIBUTOR	CANDIDATE								
	Total Amount	% of Total Contributions	Incumbent	Non-Incumbent	Democrat Incumbent	Democrat Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Write-in, Libertarian & Independent
Businesses, Corporations, Unions	12,595	9	6,743	5,852	757	2,741	5,986	3,111	-0-
Candidates/Spouse's Personal Funds	74,235	55	20,552	53,683	1,059	11,692	19,493	41,516	475
Individuals	18,138	13	7,184	10,954	1,792	4,843	5,392	5,913	198
Out-of-State Organizations	778	1	778	-0-	225	-0-	553	-0-	-0-
Political Action Committees	2,434	2	1,004	1,430	-0-	345	1,004	1,085	-0-
Party Committees	22,240	16	7,802	14,438	4,811	12,349	2,991	2,089	-0-
Unitemized & Miscellaneous	5,235	4	449	4,786	89	1,380	360	3,366	40
Total Contributions	135,655	100	44,512	91,143	8,733	33,350	35,779	57,080	713

Number of Candidates	Won	125		97	27	36	12	61	15	-0-
	Lost	<u>150</u>		<u>8</u>	<u>143</u>	<u>3</u>	<u>64</u>	<u>5</u>	<u>60</u>	<u>19</u>
	Total	275		105	170	39	76	76	75	19

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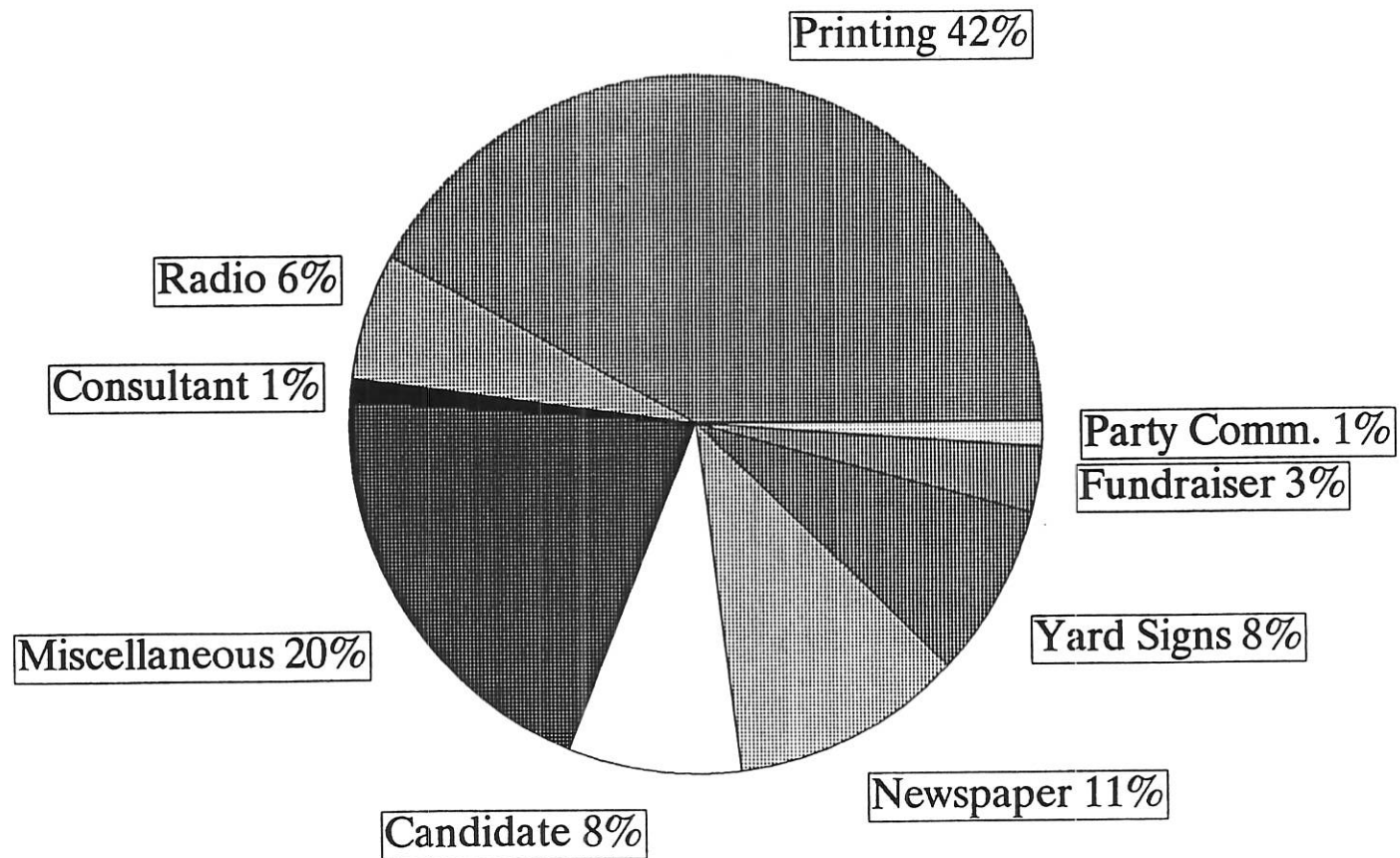
1996 ELECTION CYCLE EXPENDITURES FOR HOUSE CANDIDATES

TYPE OF EXPENDITURE	CANDIDATE								
	Total Amount	% of Total Contributions	Incumbent	Non-Incumbent	Democrat Incumbent	Democrat Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Non-Incumbent Libertarian & Independent
Consultant	20,030	1	17,959	2,071	1,200	140	16,759	1,700	231
Fundraiser	67,206	3	54,459	12,747	12,071	3,940	42,388	8,807	-0-
Newspaper Advertising	260,309	11	150,130	110,179	63,301	52,360	86,829	55,717	2,102
Printing, Postage and Distribution	972,950	42	619,879	353,071	225,311	203,715	394,568	143,545	5,811
Radio and Television Advertising	144,433	6	81,872	62,561	24,824	27,369	57,048	35,023	169
Yard Signs, Bumper Stickers, etc	198,301	8	84,142	114,159	28,533	49,450	55,609	60,843	3,866
Reimbursement to Candidate	181,381	8	141,047	40,334	29,734	14,867	111,313	25,202	265
Contribution to Party Committee	29,792	1	23,465	6,327	15,165	4,094	8,300	2,074	159
Miscellaneous	456,378	20	395,421	60,957	111,752	32,953	283,669	26,922	1,082
Total Expenditures	2,330,780	100	1,568,374	762,406	511,891	388,888	1,056,483	359,833	13,685

Number of Candidates	Won	125		97	27	36	12	61	15	-0-
	Lost	<u>150</u>		<u>8</u>	<u>143</u>	<u>3</u>	<u>64</u>	<u>5</u>	<u>60</u>	<u>19</u>
	Total	275		105	170	39	76	76	75	19

EXPENDITURES

1996 HOUSE ELECTION CYCLE



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**TWELVE YEAR COMPARISON OF MONETARY CONTRIBUTIONS REPORTED
BY CANDIDATES FOR THE KANSAS HOUSE BY TYPE OF CONTRIBUTOR**

TYPE OF CONTRIBUTOR	1984	1986	1988	1990	1992	1994	1996
Businesses, Corporations, Unions	75,328	95,389	150,674	191,850	220,222	230,945	233,804
Candidate/Spouse's Personal Funds	96,264	134,718	173,412	213,862	266,611	251,714	172,377
Individuals	310,126	288,420	498,558	702,393	616,816	702,531	645,497
Out-of-State Organizations	58,800	147,725	150,936	234,200	306,180	369,400	354,228
Political Action Committees	658,639	873,416	946,104	1,079,455	905,575	1,095,686	977,398
Party Committees	41,060	38,369	58,843	31,683	50,540	57,116	37,092
Unitemized and Miscellaneous	106,065	144,613	224,755	302,848	242,892	230,244	180,022
TOTAL CONTRIBUTIONS	1,346,282	1,722,650	2,203,282	2,756,291	2,608,836	2,937,636	2,600,418

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SEDGWICK COUNTY, KANSAS

INTERGOVERNMENTAL RELATIONS

WILLIE MARTIN

COUNTY COURTHOUSE • 525 N. MAIN • SUITE 315 • WICHITA, KANSAS 67203 • TELEPHONE (316)383-7552

To: Elections and Local Government
From: Willie Martin
Re: Senate Bill 397
Date: January 14, 1998

Madam Chair and members of the Committee, thank you for the opportunity to address the committee. I am Willie Martin, representing the Sedgwick County Commission.

Senate Bill 397 would repeal K.S.A.19-319, an archaic statute adopted in 1868 and last amended in 1923. It requires the County Clerk to produce a hand written spread sheet or report at the close of the term of office of a County Treasurer. The required report covers unpaid taxes only and is available in digital format.

In addition it also requires that during compilation of the report . . ."said tax role shall be delivered to the county clerk for one week, and no taxes shall be received in the meantime." It is very difficult, if not impossible, to comply with this requirement. If a taxpayer comes into make payment on a delinquent tax, it seems unacceptable to refuse that payment. It is also in conflict with other statutes requiring elected officials such as the Clerk and Treasurer to assist in the collection of these very same taxes.

We respectfully request your support for the repeal of K.S.A. 19-319.

Elec. & Local Gov.
Date: 1-14-98
Attachment: #2



"Service to County Government"

**TESTIMONY
Before the Senate Elections and Local Government Committee
January 14, 1998**

Madam Chair, Members of the Committee, thank you for allowing me to appear before you today. I am Judy Moler, Legislative Services Director and General Counsel for the Kansas Association of Counties.

The Kansas Association of Counties is here today to speak in support of the passage of SB 397. This repealing legislation was introduced at the request of the Kansas Association of Counties and Sedgwick County. The bill would remove from the statute books the language of K.S.A. 19-319. This statute calls for the cessation of the collection of taxes in the County Treasurer's office for one week upon the change in County Treasurer. This statute was enacted in 1868 and was last amended in 1923. This statute is obviously antiquated and did not anticipate the payment of motor vehicle taxes which is a daily business in County Treasurers' offices. In addition, the statute did not envision the use of modern technology which allows for a prompt transfer from an outgoing county treasurer to the incoming county treasurer. I have attached a letter from Eileen King, Riley County Treasurer and President of the County Treasurer's Association in support of this issue. The Kansas Association of Counties respectfully requests the repeal of this statute.

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 (785) 233-2271

**Elec. & Local Gov.
Date: 1-14-98
Attachment: # 3**

Jayhawk Tower Office
700 SW Jackson, Suite 805 Topeka, KS 66603
785/233-2271 FAX 785/233-4830



KANSAS COUNTY TREASURERS' ASSOCIATION

1998
OFFICERS:

EILEEN KING
RILEY COUNTY
President

LARRY TUCKER
RENO COUNTY
Vice President

KATHY TREMONT
GEARY COUNTY
Secretary

DENA McDANIEL
ANDERSON COUNTY
Treasurer

To: The Honorable Janice Hardenburger Chairperson,
Senate Elections and Local Government Committee

From: Eileen King, ^{JK} President Kansas County Treasurer's Association

Date: January 12, 1998

Re: Senate Bill 397

As President of the Kansas County Treasurer's Association, Judy Moler has asked me to review SB397. K.S.A. 19-319 is an obsolete statute. Not collecting taxes for one week, is not good customer relations, good cash management practices nor good business practices. With today's technology, there are many ways for an auditor to come in and prove the amount of taxes, paid and unpaid, at any point in time without shutting down the collection system. This is a statute that very few treasurers and clerks realized was on the books.

Our association is in full support of SB397 which repeals K.S.A. 19-319. If you have any questions, please feel free to call.

Post-It™ brand fax transmittal memo 7671	
# of pages	1
To	Judy Moler
From	Eileen King
Co.	RAC
Dept.	City of Topeka
Phone #	785-837-6324
Fax #	785-837-6326

3-2



Law Department

Robert J. Watson, City Attorney

City Hall • 8500 Santa Fe Drive
Overland Park, Kansas 66212-2899
TEL 913.895.6080/6083 • FAX 913.895.5095
E-MAIL watson@opkansas.org

TO: JANICE HARDENBURGER, CHAIR, AND MEMBERS
SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

FROM: Robert J. Watson, City Attorney of Overland Park *RJW*

RE: Cleanup of local government statutes: SB 398.

DATE: January 12, 1998

I wish to express general support for repealing as much of Chapter 13, as well as Chapters 14 and 15, as possible, in the interest of empowering cities to use their home rule powers to their fullest, but without jeopardizing authorities available only from state legislative grants.

There are twenty-four cities of the first class in Kansas. Chapter 13 applies only to those cities, and then not all of its provisions apply to all of the twenty-four cities. The chapter is a hodgepodge of special legislative provisions, much of it dating from 1903 and 1907 and prescribing forms of government for cities of the first class. Since 1961 cities can tailor-make their own forms of government by charter ordinance and ordinary ordinance. In some cities, there is confusion over whether some of the provisions of Chapter 13 apply to them or not. But it is certain that all of Chapter 13 is subject to charter ordinance by any city to which any of its provisions do apply.

Generally, cities should not need any of the statutory authority now given them in chapter thirteen since in the absence of Chapter 13 cities could exercise the authorities given in Chapter 13 anyway using an ordinary ordinance. However, there is at least one caveat to this generality: for example, extraterritorial powers may require specific statutory authority, as may exemption of certain bond issuances from bonded debt limitations.

All of that having been said, I specifically support passage of the above-referenced bill.