

Approved: 2-3-99
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on January 27, 1999 in Room 529-S of the Capitol.

All members were present except: Senator Vidricksen

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

Conferees appearing before the committee: Brad Bryant, Deputy Assistant, Secretary of State Office
Carol Williams, Exec. Dir., Governmental Ethics Comm.
Bruce Dimmitt, Independent Lobbyist

Others attending: See attached list

Chairman Hardenburger asked for introduction of bills.

Brad Bryant, Deputy Assistant Secretary of State Office requested introduction of two bills. The first bill is called election administration bill containing six provisions. The second bill would be identified as precinct committee person appointment bill. (Attachment #1)

Senator Lawrence moved that two bills be introduced, seconded by Senator Becker. Motion carried.

Brad Bryant updated the Committee on the Kansas presidential preference primary which is scheduled to be conducted April 4, 2000. (Attachment #2)

The Committee discussed the cost and advantage of having a presidential preference primary.

Chairman Hardenburger opened hearings on **SB 68—concerning state governmental ethics laws.**

Carol Williams, Executive Director, Governmental Ethics Commission testified that Committee that the Commission recommended this bill. It is strictly a clean up bill for Governmental Ethics Laws. (Attachment #3)

Bruce Dimmitt, independent lobbyist testified as a proponent to the bill. (Attachment #4)

Chairman Hardenburger closed hearing on **SB 68** and advised the Committee that possible action would be considered tomorrow.

Meeting was adjourned at 2:15 p.m. Next meeting scheduled for January 28, 1999.

Ron Thornburgh
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Briefing on the Presidential Preference Primary

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

January 27, 1999

Madam Chairman and Members of the Committee:

Thank you for the opportunity to address the committee and to provide background on the status of the Kansas presidential preference primary.

We are scheduled to conduct a primary on April 4, 2000. There is nothing the Legislature needs to do to have the primary except fund it. The fiscal year 2000 budget for the Secretary of State's office includes a request for \$1.6 million for reimbursement to the counties for the cost of conducting the primary next year.

The two major parties' rules and bylaws will determine how the results of the primary are translated into representation at their respective national conventions. They are required by law to file their delegate selection plans with the Secretary of State's office by January 2, 2000.

Regional Presidential Preference Primary

During the past ten years, many states have formed regional primaries in an attempt to increase their influence on the presidential nomination process. Conducting primaries or party caucuses on the same date in a given region increases those states' media attention, lures major candidates to the area to campaign, and highlights political and demographic characteristics shared by the states in the region. This trend began with the creation of the southern regional primary in 1988 and developed into today's "super Tuesday" concept.

Plans for 2000 include primaries in the northeast and the south, as well as the possibility of a new Rocky Mountain primary, a western primary, and a small group of states forming around the California primary. (See the attached map of the nationwide primary system and list of dates as of November, 1998.)

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In 1995, Secretary of State Ron Thornburgh initiated discussions with Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin, encouraging those states to join in forming a midwest regional primary. As of this date, four states--Kansas, Missouri, Minnesota and Wisconsin--plan to conduct primaries or caucuses on April 4, 2000 (see map attached). Nebraska's Secretary of State is introducing legislation to move their primary to April 4, and South Dakota's Legislature and Secretary of State have expressed interest in the April date. North Dakota will probably be unable to join the April 4 date because they would need a statutory change, and their legislature does not meet in 1999.

We plan to continue to pursue the formation of a midwest regional primary as we prepare for our own Kansas primary in April, 2000. It is essential that we as a state commit ourselves to the April 4, 2000 date for our primary as an example to the other states we are encouraging to join us.

I will stand for questions from members of the committee.

Thank you.

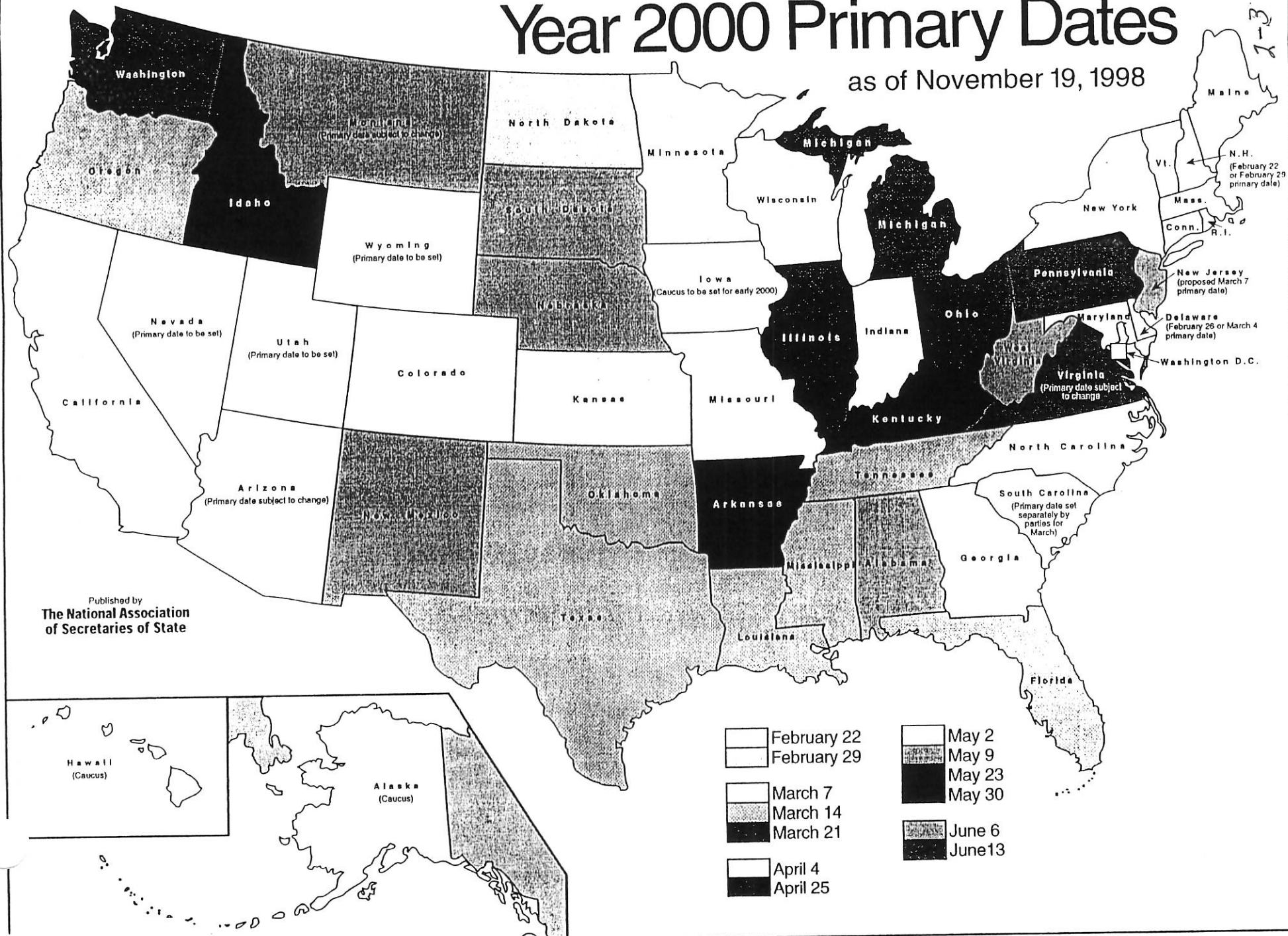
List of States with Primary Dates

Alabama	June 6, 2000
Alaska	Caucus
Arizona	February 22, 2000 (Subject to Change)
Arkansas	May 23, 2000
California	March 7, 2000
Colorado	March 7, 2000
Connecticut	March 7, 2000
Delaware	*February 26, 2000 or March 4, 2000
Florida	March 14, 2000
Georgia	March 7, 2000
Hawaii	Caucus
Idaho	May 23, 2000
Illinois	March 21, 2000
Indiana	May 2, 2000
Iowa	*Caucus (To Be Set for Early 2000)
Kansas	April 4, 2000
Kentucky	May 30, 2000
Louisiana	March 14, 2000
Maine	March 7, 2000
Maryland	March 7, 2000
Massachusetts	March 7, 2000

Vermont	March 7, 2000
Virginia	June 13, 2000 (Subject to Change)
Washington	March 21, 2000
West Virginia	May 9, 2000
Wisconsin	April 4, 2000
Wyoming	*To Be Set
District of Columbia	May 2, 2000

Year 2000 Primary Dates

as of November 19, 1998



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Maine
N.H.
(February 22 or February 29 primary date)
Vt.
Mass.
Conn.
R.I.
New Jersey
(proposed March 7 primary date)
Delaware
(February 26 or March 4 primary date)
Washington D.C.

Hawaii
(Caucus)

Alaska
(Caucus)

Washington

Oregon

Idaho

Montana
(Primary date subject to change)

North Dakota

Minnesota

Michigan

Wisconsin

Michigan

New York

Wyoming
(Primary date to be set)

South Dakota

Iowa
(Caucus to be set for early 2000)

Pennsylvania

Nevada
(Primary date to be set)

Utah
(Primary date to be set)

Colorado

Nebraska

Kansas

Missouri

Illinois

Indiana

Ohio

Maryland

Virginia
(Primary date subject to change)

California

Arizona
(Primary date subject to change)

New Mexico

Oklahoma

Arkansas

Kentucky

North Carolina

Tennessee

South Carolina
(Primary date set separately by parties for March)

Texas

Louisiana

Mississippi

Alabama

Georgia

Florida



GOVERNMENTAL ETHICS COMMISSION

**Testimony before Senate Elections and Local Government
in Support of Senate Bill 68
by Carol Williams
January 27, 1999**

Senate Bill 68 amends K.S.A. 1998 Supp. 46-236 which is a provision of the Governmental Ethics Laws. The Commission recommended this bill in its 1998 Annual Report and Recommendations.

The Commission believes this bill to be a technical clean-up bill. Currently, K.S.A. 1998 Supp. 46-236 references K.S.A. 17-1749 on line 28, and K.S.A. 17-1741 on line 30. Both of these provisions have been repealed. The necessary references are now included in K.S.A. 17-1761 and K.S.A. 17-1762. Therefore, the Commission requests 46-236 be amended to refer to the current statutory citations for charitable organizations.

The Commission urges passage of SB 68.

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mental agency or other source, unless such contributions are received in conjunction with a solicitation drive.

History: L. 1988, ch. 96, § 2; L. 1990, ch. 84, § 1; July 1.

17-1761. Same; registration of charitable organizations. Except for charitable organizations which are exempted under K.S.A. 17-1762, no charitable organization shall solicit funds in this state, nor employ a professional fund raiser or professional solicitor to solicit funds in this state, for any charitable purpose unless such charitable organization, and each professional fund raiser or professional solicitor employed by such charitable organization have filed all registrations and reports required by K.S.A. 17-1763, 17-1764 and 17-1765.

History: L. 1988, ch. 96, § 3; Jan. 1, 1989.

17-1762. Same; exemptions from registration. The following persons shall not be required to register with the secretary of state:

(a) State educational institutions under the control and supervision of the state board of regents, unified school districts, educational interlocals, educational cooperatives, area vocational-technical schools, all educational institutions that are accredited by a regional accrediting association or by an organization affiliated with the national commission of accrediting, any foundation having an established identity with any of the aforementioned educational institutions, any other educational institution confining its solicitation of contributions to the student body, alumni, faculty and trustees of such institution, and their families, or a library established under the laws of this state, provided that the annual financial report of such institution or library shall be filed with the attorney general;

(b) fraternal, patriotic, social, educational, alumni organizations and historical societies when solicitation of contributions is confined to their membership. This exemption shall be extended to any subsidiary of a parent or superior organization exempted by this subsection where such solicitation is confined to the membership of the subsidiary, parent or superior organization;

(c) persons requesting any contributions for the relief or benefit of any individual, specified by name at the time of the solicitation, if the contributions collected are turned over to the named beneficiary, first deducting reasonable expenses for costs of banquets, or social gatherings, if any,

provided all fund raising functions are carried on by persons who are unpaid, directly or indirectly, for such services;

(d) any charitable organization which does not intend to solicit and receive and does not actually receive contributions in excess of \$10,000 during such organization's tax period, as defined by K.S.A. 17-7501 and amendments thereto, if all of such organization's fund-raising functions are carried on by persons who are unpaid for such services. However, if the gross contributions received by such charitable organization during any such tax period is in excess of \$10,000, such organization, within 30 days after the end of such tax period, shall register with the secretary of state as provided in K.S.A. 17-1763 and amendments thereto;

(e) any incorporated community chest, united fund, united way or any charitable organization receiving an allocation from an incorporated community chest, united fund or united way;

(f) a bona fide organization of volunteer firemen, or a bona fide auxiliary or affiliate of such organization, if all fund-raising activities are carried on by members of such organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(g) any charitable organization operating a nursery for infants awaiting adoption if all fund-raising activities are carried on by members of such an organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(h) any corporation established by the federal congress that is required by federal law to submit annual reports of such corporation's activities to congress containing itemized accounts of all receipts and expenditures after being duly audited by the department of defense or other federal department;

(i) any girls' club which is affiliated with the girls' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the girls' club of America and that the girls' club of America files with the government of the United States the reports required by such federal charter;

(j) any boys' club which is affiliated with the boys' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the boys' club of America and that the boys' club of America files with the gov-

ernment of the United States the reports required by such federal charter;

(k) any corporation, trust or organization incorporated or established for religious purposes, or established for charitable, hospital or educational purposes and engaged in effectuating one or more of such purposes, that is affiliated with, operated by or supervised or controlled by a corporation, trust or organization incorporated or established for religious purposes, or to any other religious agency or organization which serves religion by the preservation of religious rights and freedom from persecution or prejudice or by fostering religion, including the moral and ethical aspects of a particular religious faith;

(l) the boy scouts of America and the girl scouts of America, including any regional or local organization affiliated therewith;

(m) the young men's christian association and the young women's christian association, including any regional or local organization affiliated therewith;

(n) any licensed medical care facility which is organized as a nonprofit corporation under the laws of this state;

(o) any licensed community mental health center or licensed mental health clinic;

(p) any licensed community mental retardation center and its affiliates as determined by the department of social and rehabilitation services;

(q) any charitable organization of employees of a corporation whose principal gifts are made to an incorporated community chest, united fund or united way, and whose solicitation is limited to such employees;

(r) any community foundation or community trust to which deductible contributions can be made by individuals, corporations, public charities and private foundations, as well as other charitable organizations and governmental agencies for the overall purposes of the foundation or to particular charitable and endowment funds established under agreement with the foundation or trust for the charitable benefit of the people of a specific geographic area and which is a nonprofit organization exempt from federal income taxation pursuant to section 501(a) of the internal revenue code of 1986, as in effect on the effective date of this act, by reason of qualification under section 501(c)(3) of the internal revenue code of 1986, as in effect on the effective date of this act, and which is deemed a publicly supported organization and not a private foundation within the mean-

ing of section 509(a)(1) of the internal revenue code of 1986, as in effect on the effective date of this act;

(s) any charitable organization which does not intend to or does not actually solicit or receive contributions from more than 100 persons;

(t) any charitable organization the funds of which are used to support an activity of a municipality of this state; and

(u) the junior league, including any local community organization affiliated therewith.

History: L. 1988, ch. 96, § 4; L. 1989, ch. 76, § 1; July 1.

17-1763. Same; registration statement; audited financial statement; issuance of license and identification number; fee; rules and regulations. (a) Except for charitable organizations exempt under K.S.A. 17-1762 and amendments thereto, no charitable organization shall solicit funds in this state, nor employ a professional fund raiser to solicit funds in this state, for any charitable purpose, unless such organization has filed with the office of the secretary of state of the state of Kansas, a registered statement prior to solicitation.

(b) The secretary of state shall prescribe registration forms which shall be signed and sworn to by two authorized officers of the organization, including the chief fiscal officer, and which shall include the following information about such organization's activities in this state:

(1) The name of the organization and the name or names under which it intends to solicit;

(2) the purpose for which such organization was organized;

(3) the principal mailing address and street address of the organization and the mailing addresses and street addresses of any offices in this state;

(4) the names and mailing addresses and street addresses of any subsidiary or subordinate chapters, branches or affiliates in this state;

(5) the place where and the date when the organization was legally established, the form in which such organization is organized and a reference to any determination of such organization's tax-exempt status, if any, under the federal internal revenue code of 1986;

(6) the names and mailing addresses and street addresses of the officers, directors, trustees and principal salaried employees of the organization;

**STATEMENT BY BRUCE DIMMITT
ON SB NO. 68
BEFORE SENATE COMMITTEE
ON ELECTIONS AND LOCAL
GOVERNMENT
January 27, 1999**

Madam Chairman and members of the Committee, I commend the Committee on consideration of SB 68 and appreciate the opportunity to comment on the bill.

Prior to retirement from the Federal Government in 1994, I served for 15 years as an ethics officer at the Office of the Secretary, US Department of the Interior, Washington, DC, where I counseled hundreds of employees, managers and executives (including a number that reported to the Secretary) concerning their responsibilities and obligations under Federal ethics laws and regulations applicable to them. Thus you can see I have had significant experience and interest in government ethics.

My comments on the bill are as follows:

1. On line 15, after the word "solicit", should be added the words "or accept". However, if this is accomplished by another section of the law, I withdraw this comment.

2. On lines 17 through 19, delete the following: "---under circumstances where such officer, employee, candidate or state officer elect knows or should know that a major purpose of the donor in granting the same could be to influence---" and substitute therefore the word "in". The words would then read "---person known to have a special interest in the performance of ---".

The currently proposed language is subjective and would be difficult to interpret, comply with or administer. For example, how do you define "major purpose"?

Also, currently proposed language "could be to influence" could be interpreted to mean identification or assumption of intent on the part of the donor or person solicited. I believe, the language I propose would be more objective.

3. However, acceptance of a gift etc., from a member of the person's immediate family should not be illegal. Nor should a long-time close friend be prevented from making a gift, etc., if it is clear that it is the friendship that is the basis of the gift, not the employee's performance of official duties. For example, it should not be illegal for a friend to make an annual Christmas gift to a person known well before he or she became an elected official or employee.