

Approved: 2-17-99
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 February 8, 1999 in Room 529-S of the Capitol.

All members were present except: Senator Becker

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: Janet Williams, Inspector, Governmental Ethics Commission

Others attending: See attached list

Chairman Hardenburger opened the meeting by asking for approval of the minutes of February 2 and 3, 1999.

Senator Lawrence moved that the minutes be approved as written, seconded by Senator Gooch. Motion Carried.

Chairman Hardenburger opened hearing on **SB 111 reporting violations of the state governmental ethics laws**. Janet Williams, Commission Inspector, testified in support of the bill. She reported that the bill requested by the Governmental Ethics Commission requires the agencies to notify the Ethics Commission that the agency has taken action against the employee for violating an Ethics Act. **SB 111** clarifies the situation. Several times in the past few years, employees within various state agencies have been disciplined or terminated for violating a provision of the Governmental Ethics Laws by their own state agencies. These violations are not being reported to the Commission. (Attachment #1)

The Committee discussed if the Whistle Blowers Act only protects someone from reporting to legislators and not the Commission.

Staff advised the Committee that the Whistle Blowers Act deals specifically with communication with members of the legislature.

Senator Huelskamp asked why Section 2 was necessary, as they are already now being reported.

The Commission informed the Committee that these allegations brought before the Commission are reported to them without enough information because of the fear of retribution.

Staff asked for explanation of Section 4 of the bill, as to who would be subjected to a violation. If an employee violates the ethics law and the head of the agency does not report it, is the head of agency subjected to the violation and therefore charged with violation?

The Commission informed the Committee that the head of agency would be subject to a civil fine of \$5,000 from the Ethics Commission. These fines are all negotiable with the Commission.

Chairman Hardenburger closed hearings on **SB 111**.

Meeting was adjourned at 1:50 p.m. Next meeting scheduled for February 9, 1999.

ELECTIONS & LOCAL GOVERNMENT COMMITTEE
GUEST LIST

DATE: FEBRUARY 8, 1999

NAME	REPRESENTING
Don Doesken	KDHR
Carol Williams	GEC
Janet Williams	"
Hera Gunnaway	"
Brad Bryant	Sec. of state



GOVERNMENTAL ETHICS COMMISSION

Testimony before Senate Elections and Local Government in Support of Senate Bill 111 by Janet Williams February 8, 1999

Senate Bill 111 amends K.S.A. 46-253 and 46-288 which are provisions of the Governmental Ethics Laws. The Commission recommended this bill in its 1998 Annual Report and Recommendations.

Under current law, there is no requirement for any state agency head to report potential violations of the state's conflict of interest laws to the Governmental Ethics Commission. Several times in the past few year, employees within various state agencies have been disciplined or terminated for violating a provision of the Governmental Ethics Laws by their own state agencies. Frequently, these violations are not reported to the Commission.

The Commission believes that any agency head who learns of a possible violation of the Governmental Ethics Laws should be required to report such findings to the Commission.

New Section 1 would require the head of every state agency to report to the Commission the name of any state officer or employee who has been disciplined by such state agency for committing any violation of the Governmental Ethics Act. The report the agency head files will be in writing and made within 30 days of the disciplinary action.

New Section 2 would permit any person who honestly and in good faith believes that a state officer or employee has violated any provision of the Act to report such violation to the Commission. Like any other allegation brought before the Commission this information will remain confidential while an inquiry or investigation is conducted.

Section 3 allows the Commission to adopt rules and regulations for the administration of New Section 1 of this bill.

The Commission urges your support and passage of SB 111.