

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on March 22, 2001 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Mike Heim, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Office of the Revisor of Statutes
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee: Representative Tony Powell
Tim Shallenburger, State Treasurer
Charles "Chip" Wheelen, Kansas Society of Association Executives

Others attending: See attached list.

Chairperson Allen introduced and welcomed Ann Hochsheid of Topeka; Carol Logan, Sam and Jack Logan of Leawood, Kansas to the committee.

Hearing on:

HB 2489 - state governmental ethics; limitations of gifts, food and beverages; substantial interest, defined

Representative Powell explained **HB 2489** to the committee. He stated **HB 2489** brings simplicity and fairness to the ethics law that was passed during the 2000 Legislative Session.

Tim Shallenburger, Treasurer, State of Kansas, submitted written testimony for the committee to consider on Substitute for **HB 2489**, (Attachment 1).

Chip Wheelen, Kansas Society of Association Executives, presented testimony in support of Substitute for **HB 2489** (Attachment 2).

There being no others wishing to testify on **HB 2489** the hearing was closed.

Senator Gooch moved to pass **HB 2489**, seconded by Senator Gilstrap, out of committee favorably.

Senator O'Connor made a substitute motion to amend in **HB 2489** inserting the language of **SB 114** regarding campaign funds being used for official expenditures for spouse. Senator Gooch seconded the substitute motion. The motion carried.

A motion by Senator Clark, seconded by Senator O'Connor, amended from yesterday, to further amend to apply only to lobbyist with multiple clients. Also, on page 4, the language in the bill which says subject to the provisions of paragraph 4, of this subsection, no itemization shall be required pursuant to subsections (c) and (e). The motion carried

Moved by Senator Gooch, seconded by Senator O'Connor to pass Substitute **HB 2489** favorably as amended. The motion carried.

CONTINUATION SHEET

March 22, 2001

Discussion on:

HB 2299 - advisory committees; open meetings

Ken Wilke, Revisor of Statutes, handed out compromise language to **HB 2299** to the committee. Chairperson Allen informed the committee the Governor's office and Representative Pottorff have agreed to the language (Attachment 3).

Senator Clark made a motion, seconded by Senator O'Connor to amend **HB 2299** by striking the language in HB 2299 and replacing the new language of 75-4318, making a substitute bill. The motion carried.

Senator Clark moved to pass Sub for **HB 2299** as amended. Senator Brownlee seconded the motion. The motion carried.

The meeting adjourned at 2:30 p.m.

Chairperson Allen announced there were no additional meetings scheduled at this time.

**SENATE
ELECTIONS AND LOCAL GOVERNMENT
GUEST LIST**

Date March 22

Chip Wheelen	Kansas Society of Association Exec.s
Brent Wick	SRS
Ruth Pice	GEC
Jana Atchison	GEC
Judy Nolan	KAC
Ashley Shevard	Johnson County
Kelly Kuitala	City of Overland Park
Unday de la Torre	KDOA
Sheli Sweeney	KDOA
Vera Gannaway	GEC
Jack Logan	City of Leawood
Sam Logan	Friend of Barbara Allen
Carol Logan	Same as sons
Trinkle Koe	DOA



STATE OF KANSAS

Tim Shallenburger
TREASURER

900 SW JACKSON ST, SUITE 201
TOPEKA, KANSAS 66612-1235

TELEPHONE
(785) 296-3171

March 22, 2001

To: Senate Elections and Local Government Committee

From: Tim Shallenburger, State Treasurer

Re: Sub for HB 2489

Chairwoman Allen and members of the committee:

I would like to thank you for the opportunity to submit written testimony for Sub for HB 2489.

Before I share my thoughts on the topic at hand, I would like to recognize, what I consider to be the commendable efforts of the 2000 Kansas Legislature in seeking an appropriate answer for ethics reform.

However, I feel that the legislation passed last year has unfortunately, led to confusion by all those involved. It has become obvious to me, that state employees are still unsure as to how the legislation directly affects them. This, in no small part, has a lot to do with the Governmental Ethics Commission's difficulty in interpreting the law for state employees. I do not intend to direct criticism towards the Commission's office, instead I empathize with the Commission's attempt to interpret confusing legislation.

I would urge the committee to consider the following items:

- Remove the requirement to itemize gifts valued at \$10 or less.
- Remove the requirement to itemize food valued at \$10 or less.
- Direct those covered under K.S.A. 46-237a to fall under the same reporting requirements as the legislative branch.
- Allow each elected official to establish directives to his or her own staff, that would restrict acceptance of any item covered under the year 2000 legislation.
- Allow elected officials to allocate campaign funds for the expenses incurred by the official's spouse.

Again, thank you for your time.

Senate Elec & Loc. Gov
03-22-01
Attachment 1

Kansas Society of Association Executives

Testimony
Senate Committee on Elections and Local Government
Regarding
Substitute for House Bill 2489
By Charles L. Wheelen
March 22, 2001

The Kansas Society of Association Executives supports Substitute for House Bill 2489.

You may recall that the principal focus of 2000 Senate Substitute for HB2627 was the Professional Services Sunshine Act. In addition, that bill contained significant amendments to laws governing campaign contributions. It has been suggested that there were unintended consequences as a result of the new lobbyist reporting requirements that were also included in the final version of that bill.

We believe the amendments contained in Substitute for HB2489 address the problems created by last year's legislation pertaining to reports by lobbyists. We are particularly supportive of relief from itemized reporting when expenditures are modest, or when hospitality was provided for a meeting of a bona fide legislative delegation. In addition, this bill adds new language that allows us to provide professional publications to legislators without invoking the gift reporting rules and limitations. This is an important feature that we have brought to your attention previously.

It is important to stress that Substitute for HB2489 does not repeal the reporting rules enacted last year. It simply clarifies and improves those rules by making them more reasonable.

Thank you for considering our testimony in your deliberations. We urge you to take favorable action.

Senate Elec & Loc. Gov
03-22-01
Attachment 2

75-4318. Meetings of state and subdivisions open to public; exceptions; secret ballots; notice; agenda, cameras, photographic lights, recording devices. (a) Except as otherwise provided by state or federal law or by rules of the house or senate, and except with respect to any impeachment inquiry or other impeachment matter referred to any committee of the house of representatives prior to the report of such committee to the full house of representatives, all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such bodies shall be by secret ballot, but any administrative body that is authorized by law to exercise quasi-judicial functions shall not be required to have open meetings when such body is deliberating matters relating to a decision involving such quasi-judicial functions.

(b) Notice of the date, time and place of any regular or special meeting of a public body designated hereinabove shall be furnished to any person requesting such notice, except that:

(1) If notice is requested by petition, the petition shall designate one person to receive notice on behalf of all persons named in the petition, and notice to such person shall constitute notice to all persons named in the petition;

(2) if notice is furnished to an executive officer of an employees' organization or trade association, such notice shall be deemed to have been furnished to the entire membership of such organization or association; and

(3) the public body may require that a request to receive notice must be submitted again to the body prior to the commencement of any subsequent fiscal year of the body during which the person wishes to continue receiving notice, but, prior to discontinuing notice to any person, the public body must notify the person that notice will

Meetings of task forces, advisory committees or subcommittees of advisory committees created pursuant to a Governor's Executive Order shall be open to the public in accordance with this act.

be discontinued unless the person resubmits a request to receive notice.

(c) It shall be the duty of the presiding officer or other person calling the meeting, if the meeting is not called by the presiding officer, to furnish the notice required by subsection (b).

(d) Prior to any meeting hereinabove mentioned, any agenda relating to the business to be transacted at such meeting shall be made available to any person requesting said agenda.

(e) The use of cameras, photographic lights and recording devices shall not be prohibited at any meeting mentioned by subsection (a), but such use shall be subject to reasonable rules designed to insure the orderly conduct of the proceedings at such meeting.

History: L. 1972, ch. 319, § 2; L. 1975, ch. 455, § 2; L. 1977, ch. 301, § 2; L. 1978, ch. 361, § 1; L. 1985, ch. 284, § 1; July 1.

Senate Elec & Loc. Gov
03-22-01
Attachment 3