

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on February 11, 2002 in Room 521-S of the Capitol.

All members were present except: Representative Steve Huebert, Excused

Committee staff present: Ken Wilke, Revisor
Dennis Hodgins, Research
Shirley Weideman, Secretary

Conferees appearing before the committee: Representative Geraldine Flaharty

Others attending: See attached list.

Chairman Powell brought the committees' attention to the two handouts given to members. One is a memo Representative Ray had brought to the committee from the City of Overland Park regarding the rights of felons under the laws of Kansas. (Attachment 1) The second handout was research by Dennis Hodgins "Categories of Felons Disenfranchised Under State Law" as requested by the committee on February 6 (Attachment 2).

The chair recognized Representative Donald Dahl who proposed a committee bill to require non-government agencies or entities receiving monies from the state to have their financial records open to the public. He said this would ensure that entities receiving loans or grants will be able to pay off their obligations.

Without objection, it will be introduced as a bill.

Chairman Powell opened the hearings on **HB 2378 - Campaign finance; political committees; registration fees.**

He told the committee that they were given a copy of the fiscal note on this bill.

Representative Geraldine Flaharty was recognized by the chair as a proponent for **HB 2378**. She said she hoped this bill would encourage political involvement by small grass roots groups without making substantive changes in public policy. Current law divides registration fees for political committees into two categories: Those anticipating income of less than \$2,500 pay a registration fee of \$35 and those above \$2,500 pay \$240. Representative Flaharty told the committee that this bill would add a third category to the political committee registration fee for those committees anticipating the receipt of more than \$2,500 but less than \$5,001 or more in any calendar year to pay a fee of \$100. She answered questions asked by members of the committee. (Attachment 3)

The hearing was closed on **HB 2378**.

HB 2677 - Public works bond; restrictions on requirements thereof.

Representative Hermes moved to **amend HB 2677** to add on lines 31 and 32 "or any other bond" after 'require that the bond' and adding "a" instead of "any one" before 'specific surety, agent, broker or producer'. The motion was seconded by Representative Huff. Motion passed.

Representative Jim Morrison moved that **HB 2677 as amended** be moved favorably out of committee. The motion was seconded by Representative Huff. Motion passed. Representative Hermes will carry the bill.

HCR 5036 - Constitutional amendment limiting the number of terms to which a person may be elected to the senate and house of representatives.

Representative Wilson proposed a conceptual amendment to the bill that provides the incumbent to file for office if he collects enough signatures for the ballot access petition to overcome the term limit. The

CONTINUATION SHEET

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE at on February 11, 2002 in Room 521-S of the Capitol.

motion was seconded by Representative Barnes. Motion passed.

Following discussion on the bill, Representative Toplikar moved to pass HCR 5036 favorably out of committee. The motion was seconded by Representative Mayans. The motion failed. Chair Powell, Representative Toplikar and Representative Mayans were recorded as voting aye.

Representative Morrison moved to table HCR 5036. The motion was seconded by Representative Barnes. The motion passed and HCR 5036 is tabled.

The meeting was adjourned by Chairman Powell at 4:05 p.m. The next scheduled meeting is February 13 at 3:30 p.m.

CITY OF OVERLAND PARK

INTRACITY COMMUNICATION

LAW DEPARTMENT

December 14, 2001

TO: Robert Watson, City Attorney
FROM: Michele Stackhouse, Law Clerk
RE: Convicted Felons

ISSUE

1. What is a person who has been convicted of a felony prohibited from doing under the laws of Kansas?

DISCUSSION

Essentially in Kansas, a person convicted of a felony cannot obtain a license or employment in the alcoholic beverage industry, racing or gaming industry, or tobacco industry. A convicted felon may not serve as a law enforcement officer. Under the Kansas Constitution a person is also stripped of his voting rights, unless his civil rights have been restored or he has been pardoned. Additionally, while serving his sentence, whether in prison or on parole, a person who has been convicted of a felony is ineligible to vote, hold public office, or serve as a juror.

A person who has been convicted of bribery is ineligible to hold public office or obtain public employment. Additionally, a license in the medical industry may be denied to a person convicted of a felony. However, this is typically discretionary.

Please note that this memo only addresses the laws of Kansas and does not address any additional federal restrictions on convicted felons. Attached to this memo is a list of restrictions handed to parolees by the Kansas Department of Corrections. This list has several additional restrictions for persons who have not fully completed their sentence under a conviction for any offense.

Here is a list of KSA's and the Kansas Constitution regarding persons convicted of a felony. Please note that many of these restrictions are discretionary.

1. KS Constitution Art. 5 sec. 2 - Cannot vote if convicted of a felony under the laws of the United States or any state, unless civil rights have been restored or has been pardoned
2. 8-2410 - may be denied a license to sell/manufacture vehicles if convicted of a felony or any crime involving moral turpitude or a conviction related to the sa¹

vehicles

3. 12-3602 - will be denied a water-conditioning contract if convicted of a felony or any crime involving deception, fraud, or moral turpitude within 5 years of the application for a contract
4. 19-4475 - shall not serve as a law enforcement director
5. 21-3901 - if convicted of bribery, a person shall forfeit his public office and forever be barred from obtaining public office or public employment
6. 21-4204 - persons convicted of certain felonies within 5 years, and other felonies within 10 years cannot possess a firearm
7. 21-4209a - cannot possess explosives if convicted of felony within last 5 years
8. 21-4615 if convicted of a felony a person cannot hold public office, cannot vote or register to vote, cannot serve as a juror. These restrictions are released when the person has fully served his sentence under his conviction.
9. 38-1586 - if convicted of a felony involving sexual intercourse and a child is born, the court may terminate parental rights
10. 39-709 - loss of rights to social welfare if convicted of crimes involving theft or welfare fraud
11. 39-931a - may be denied an adult care home license
12. 41-204 - cannot be director or deputy of Division of Alcoholic Beverage Control
13. 41-308a - cannot be employed in a farm winery
14. 41-308b - cannot be employed in a micro brewery
15. 41-311 - cannot hold a liquor license
16. 41-334 - may be denied a permit for sales of alcoholic beverages
17. 41-2703 - cannot obtain a cereal malt beverage license if within the past two years a person has been convicted of a felony involving moral turpitude or any crime involving alcohol
18. 44-1505 - cannot obtain an athlete's agent certification if convicted of a felony or any

misdemeanor involving moral turpitude

19. 47-829 - application for a veterinarian's license must contain a statement that the applicant has not been convicted of a felony
20. 58-4211 - license for manufactured housing may be denied if the person within the past five years has been convicted of a felony, any crime involving moral turpitude, or any crime in connection with the manufactured housing
21. 65-1436 - may be denied a dentist or a dental hygienist license if convicted of a felony or any misdemeanor involving moral turpitude, and the applicant fails to show rehabilitation
22. 65-1517 - may be denied an optometrist's license
23. 65-1627 - may be denied a pharmacist's license if convicted of a felony and fails to show rehabilitation
24. 65-1751 - may be denied an embalmer's license or a funeral directors license if convicted of a felony and fails to show rehabilitation, or any crime involving moral turpitude
25. 65-2006 - may be denied a podiatrist license if convicted of a felony and fails to show rehabilitation
26. 65-2836 - may be denied a license in the healing arts, shall be revoked if convicted of a felony after July 1, 2000, unless 2/3 vote of the board is in favor that an applicant has shown rehabilitation
27. 65-28a05 - may be denied a physician's assistant license
28. 65-4118 - may be denied a license for the sale/manufacture/distribution of a controlled substance
29. 65-4209 - may be denied a mental health technician license if convicted of a felony or a misdemeanor involving an illegal substance, unless the applicant can show rehabilitation; license will be denied if convicted of a felony involving a crime against persons
30. 65-5410 - may be denied an occupational therapist's license if the conviction is found by the board to have a direct bearing on whether such person should be entrusted to serve the public
31. 65-5510 - may be denied a respiratory therapist's license if the conviction is found by the board to have a direct bearing on whether such person should be entrusted to serve the public

32. 65-5809 - may be denied a professional therapists license if convicted of a felony and does not show rehabilitation
33. 65-6133 - may be denied ability to teach or be in the emergency medical services if convicted of a felony and fails to show rehabilitation
34. 65-6311 - may be denied a social workers license if convicted of a felony and fails to show rehabilitation
35. 65-6911 - may be denied an athletic trainer's license if convicted of a felony and fails to show rehabilitation
36. 72-1397 - shall be denied a teacher's certificate if convicted of a felony listed under this statute
37. 74-1404 - cannot serve on the Kansas Dental Board if convicted of a felony or any crime involving the dental profession
38. 74-5324 - may be denied a psychologist license if convicted of a felony involving moral turpitude or any crime associated with the profession, and list of other offenses
39. 74-5369 - same as above, except for master psychologist license
40. 74-5610 - a law enforcement agency cannot permit auxiliary personnel who have been convicted of a felony access to police records or communications systems
41. 74-8708 - cannot obtain a license to sell lottery tickets if convicted of a felony within the last 10 years
42. 74-8803 - cannot serve on the Kansas Racing and Gaming Commission
43. 74-8805 - cannot be an executive director on the Kansas Racing and Gaming Commission
44. 74-8816 - may be denied a parimutuel occupational license if convicted of a felony or a juvenile offense that would be a felony within past 5 years
45. 74-8817 - may be denied a parimutuel concessionaire license if convicted of a felony or a juvenile offense that would be a felony within past 5 years
46. 74-8837 - may be denied a racing wagering services or equipment license if convicted of a felony or a juvenile offense that would be a felony within past 5 years
47. 74-9804 - may not be appointed executive director of the Kansas Gaming Agency that oversees tribal gaming

48. 75-711 - cannot serve on the KBI :
49. 75-7b04 - may be denied a private investigator's or security operation's license if convicted of a felony or any crime within the last 10 years involving moral turpitude and/or other criteria
50. 75-7b21 - cannot obtain a license to train private investigators regarding firearms if convicted of a felony or a misdemeanor within the past 10 years
51. 76-1908 - cannot be admitted to a veteran's institution or soldiers home if convicted of a felony, unless the applicant can show rehabilitation
52. 79-3304 - may be denied a license to sell tobacco products if convicted of a felony or any crime involving moral turpitude or a crime associated with the sale of tobacco products and the applicant has failed to fulfill his obligations under the conviction
53. 79-3464b - may be denied a license under the motor vehicle fuel tax laws if convicted of a felony involving theft within the past 5 years or has ever been convicted of a felony involving fraud or tax evasion

Conditions of Post Release Supervision

Reporting and Travel: Upon release from the institution, I agree to report as directed to the assigned parole officer and follow his/her instructions in reporting on a regular basis and keep the officer continuously informed of my residence and employment. If it becomes necessary that I travel outside of my assigned parole district (as determined by the parole officer) or the State of Kansas, I will obtain advance permission from my parole officer.

2. **Laws:** I shall obey all federal and state laws, municipal or county ordinances, including the Kansas Violent Offender Registration Act. If the Kansas Offender Registration Act is applicable to me, I will register with the local Sheriff's Office within 10 days of arrival in the county of residence upon moving to any other county in Kansas. Changes in residence within the same county requires written notification to the Sheriff's Office. If I am arrested for any reason, I will notify my parole officer at the earliest allowable opportunity.
3. **Weapons:** I will not own, possess, purchase, receive, sell or transport any firearms, ammunition or explosive device, or any device designed to expel or hurl a projectile capable of causing injury to persons or property, or any weapon prohibited by law.
4. **Personal Conduct:** I will not engage in assaultive activities, violence, or threats of violence of any sort.
5. **Narcotics/Alcohol:** I will not illegally possess, use, or traffic in any controlled substance, narcotics or other drugs as defined by law except as prescribed by a licensed medical practitioner. I will not consume any mind-altering substances. I agree and consent to submit to a blood, Breathalyzer or urine test at the direction of the parole officer. At no time will I consume intoxicating liquor, including beer or wine, without written permission from my parole officer. At no time will I become intoxicated from the consumption of any substance, including, but not limited to, wine, beer, glue, or paint.
6. **Association:** I will not associate with persons engaged in illegal activity and will obtain written permission from the parole officer and institutional director to visit or correspond with inmates of any correctional institution.
7. **Employment:** I agree to secure and maintain reasonable, steady employment within 45 days of my release from prison or residential treatment unless excused for medical reasons or an extension of time is given by my parole officer. I agree to notify my employer of my current and prior (non-expunged) adult felony convictions and status as an offender.
8. **Education:** I agree to make progress toward or successfully complete the equivalent of a secondary education if I have not completed such by the time of my release and I am capable, as determined by my parole officer.
9. **Costs:** I agree to pay restitution, court costs, supervision fees, and other costs as directed by my parole officer.
10. **Treatment/Counseling:** I agree to comply with my relapse prevention plan and the recommendations of any treatment or counseling, or assessment program which I have completed during my incarceration or while under supervision. I agree to follow any directives given to me by my parole officer regarding evaluations, placement and/or referrals. I agree to submit to polygraph examinations as directed by my parole officer and/ or treatment provider.
11. **Victim:** I agree to have no contact with the victim(s) in my case(s) or the victim's family by any means including, but not limited to, in person, by phone, via computer, in writing, or through a third party without the advance permission of my parole officer.
12. **Search:** I agree to subject to a search by parole officer(s) of my person, residence, and any other property under my control.

Special Conditions: I agree to abide by the special conditions(s) set forth below, as well as to comply with instructions which may be given or conditions imposed by my parole officer from time to time as may be governed by the special requirements of my individual situation.

All special conditions previously imposed remain in effect.

I also agree that if I leave the state of Kansas without permission or am ordered to return from Kansas to another state, I will not contest any effort to be returned.

Inmate Signature

Number

WITNESS:

Date

Categories of Felons Disenfranchised Under State Law

STATE	PRISON	PROBATION	PAROLE	EX-FELONS
Alabama	X	X	X	X
Alaska	X	X	X	
Arizona	X	X	X	X (2nd felony)
Arkansas	X	X	X	
California	X		X	
Colorado	X		X	
Connecticut	X		X	
Delaware	X	X	X	X (5 years)
District of Columbia	X			
Florida	X	X	X	X
Georgia	X	X	X	
Hawaii	X			
Idaho	X			
Illinois	X			
Indiana	X			
Iowa	X	X	X	X
Kansas	X		X	
Kentucky	X	X	X	X
Louisiana	X			
Maine				
Maryland	X	X	X	X (2nd felony)
Massachusetts	X			
Michigan	X			
Minnesota	X	X	X	
Mississippi	X	X	X	X
Missouri	X	X	X	
Montana	X			
Nebraska	X	X	X	
Nevada	X	X	X	X
New Hampshire	X			
New Jersey	X	X	X	
New Mexico	X	X	X	
New York	X		X	
North Carolina	X	X	X	
North Dakota	X			
Ohio	X			
Oklahoma	X	X	X	
Oregon	X			
Pennsylvania	X			
Rhode Island	X	X	X	
South Carolina	X	X	X	
South Dakota	X			
Tennessee	X	X	X	X (pre-1986)
Texas	X	X	X	
Utah	X			
Vermont				
Virginia	X	X	X	X
Washington	X	X	X	X (pre-1984)
West Virginia	X	X	X	
Wisconsin	X	X	X	
Wyoming	X	X	X	X
U.S. Total	49	28	32	13

Source: Jamie Fellner and Marc Mauer, *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States*, Human Rights Watch and The Sentencing Project, October 1998, and updated by The Sentencing Project.

GERALDINE FLAHARTY

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HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

EDUCATION
HEALTH AND HUMAN SERVICES
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JOINT COMMITTEE PENSIONS,
INVESTMENTS AND BENEFITS

February 11, 2002
Testimony HB 2378

Thank you for hearing this bill.

This bill would encourage political involvement by small grass roots groups without making substantive changes in public policy. Current law divides registration fees for political committees into two (2) categories: Those anticipating income of less than \$2,500 pay a registration fee of \$35 and those above \$2,500 pay \$240.

There are a number of active political groups that have modest fund raisers such as soup suppers that do have a balance above \$2,500 between elections. They feel penalized for their efforts by having to pay a \$240 fee (which could be nearly 10% of their treasury). Adding the third, middle, category paying a registration of \$100 would relieve this problem. Governmental Ethics indicated about 20 groups in 2001 would fit this middle category.

Last February the fiscal note estimate was \$3,700. With 20 committees, the fiscal note would be \$2,800.

I hope you work this bill and pass it favorably.

Thank you.