

MINUTES OF THE SENATE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 9:30 a.m. on March 5, 2009, in Room 446-N of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Ken Wilke, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

John Vratil, Kansas Senator
Carol Williams, Director, Governmental Ethics Commission
Ann Mah, Kansas Representative
Steve Kearney, Kearney & Associates, Inc

Others attending:

See attached list.

The Chair opened the hearing on **SB 297—Eliminating the filing requirement for faculty of state educational institutions**. Staff explained that this bill was intended to delete the requirement of duplicate filing of substantial interest statements for Board of Regents employees.

Senator John Vratil spoke in favor of this legislation (Attachment 1). This law was enacted in 2005 and generates approximately 4,000 Statements of Substantial Interests. These statements are then processed by the Kansas Governmental Ethics Commission. Elimination could generate significant savings and is supported by the Commission. Senator Schmidt noted that faculty are currently required to file a similar statement with their university resulting in what appears to be a duplicate effort.

Carol Williams, Director, Governmental Ethics Commission submitted testimony in favor of **SB 297** (Attachment 2). The provision in the law as it currently stands costs the Commission in man hours and dollars, thus elimination would result in considerable savings in both areas.

The hearing on **SB 297** was closed and chair opened discussion on **HB 2158—Kansas highway patrol; elective and appointed offices allowed**. As outlined by staff, this bill would allow a member of the Kansas Highway Patrol to serve on the governing body of a municipality if the position is appointed or elected on a nonpartisan basis. It would also allow a member to serve on an appointed task force the Patrol superintendent deems necessary as part of the member's duties.

Representative Ann Mah, in endorsing this legislation (Attachment 3), felt that it would allow members of the Patrol to further their involvement in the community on a very positive level.

Speaking on behalf of the Kansas State Troopers Association, Steve Kearney (Attachment 4) reinforced the desire of members of the Patrol to become more involved in their communities by serving in non-partisan roles.

The hearing on **HB 2158** was closed.

Senator Brungardt moved, Senator Reitz seconded that **SB 297** be moved out favorably for passage. Senator Wagle asked the final motion be deferred until hearing from the regent schools regarding their interpretation and level of compliance of the "open records" act. The Chair then deferred final motion until the next meeting of the committee.

Senator Kultala moved, Senator Reitz seconded, to recommend **HB 2158** as amended, favorably for passage. Motion carried.

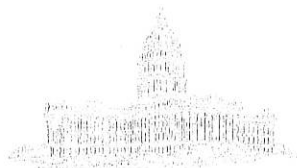
CONTINUATION SHEET

Minutes of the Senate Ethics And Elections Committee at 9:30 a.m. on March 5, 2009, in Room 446-N of the Capitol.

The meeting was adjourned at 10:30 a.m. The next meeting is scheduled for March 11, 2009.

State of Kansas

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Vice President Kansas Senate

COMMITTEE ASSIGNMENTS

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CODE RECODIFICATION
COMMISSION

Testimony Presented to
Senate Committee on Ethics and Elections
By Senator John Vratil
March 5, 2009
Concerning Senate Bill 297

Good morning! Thank you for the opportunity to appear before the Senate Committee on Ethics and Elections in support of Senate Bill (SB) 297. Senate Bill 297 would amend existing law and remove the requirement that faculty members at state education institutions who receive an annual salary of \$50,000 or greater file a Statement of Substantial Interests (SSI).

During the 2005 legislative session, SB 78 was amended on the House floor to require "... any faculty member, other than adjunct faculty member, who is employed by a state education institution as defined by K.S.A. 76-711..." to file an SSI. Later, during conference, the Conference Committee added the salary constraint described previously. The amendment was added because House members were concerned that funding university faculty receive from non-university sources to fund research could influence/affect the research. The amendment generated an additional 3,900 to 4,100 SSI filings each year. These filings are processed by the Kansas Governmental Ethics Commission; however, the Commission does not have the staff resources that would be required to review each SSI and each faculty member's research and determine if influence occurred.

As a result of the budget constraints facing our state during the current fiscal year and for the next two to four fiscal years, agencies are being asked to make significant budget cuts. The Ethics Commission identified the SSI requirement described previously as an area where significant savings could be realized if current law were amended. The Ways and Means Budget Subcommittee charged with reviewing the Governmental Ethics Commission agreed and in its report to the full committee recommended the legislation set forth in SB 297. The Ways and Means Committee agreed by accepting the subcommittee report on February 26, 2009.

Please support SB 297.

A handwritten signature in black ink that reads "John Vratil".

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Senate Ethics and Elections Cmte
Date 3-5-2009
Attachment 1



GOVERNMENTAL ETHICS COMMISSION

www.kansas.gov/ethics

Testimony before Senate Committee on Elections
in Support of Senate Bill 297
by Carol Williams, Executive Director
March 5, 2009

Senate Bill 297 amends K.S.A. 2008 Supp. 46-237 which is a provision of the Kansas Governmental Ethics Laws. Senate Bill 297 strikes subsection (i) which requires any faculty member of a Regent's institution who earns an annual salary of \$50,000 to file a Statement of Substantial Interests (SSI) form annually with the Secretary of State. The Commission expressed support for this legislation at its February 18, 2009 Commission meeting.

Subsection (i) of K.S.A. 2008 Supp. 46-237 was not a recommendation made by the Commission to the 2005 Legislature. Once this provision was enacted into law, the Commission saw its population of individuals required to file a SSI grow by approximately 3,700-4,000. In 2008, 9,217 state officers and employees were required to file a SSI of which 3,705 were faculty members required to file due to subsection (i).

Faculty members at Regents institutions are required to file a SSI each year when their contracts are renewed at approximately the same time they are required to file the SSI required by K.S.A. 46-237. The SSI filings that accompany their contracts are forms that are filed with their respective university. As the result, faculty members have been confused with these two filings occurring almost at the same time each year.

This year it has taken over 360 hours of staff work to obtain compliance with faculty members. On May 1, 2008, the day after the filing deadline, there were still 2,130 faculty members who had not filed their SSI. On July 1, 2008, there were still 998 who had not filed. On September 1, 2008, there were still 738 late filers. On November 1, 2008, six months after the filing deadline, there were still 152 faculty members who did not have their SSI on file. The statute requires Failure to File Notices to be sent by certified mail.

Senate Ethics and Elections Cmte
Date 3-5-2009
Attachment 2

Had the Commission sent these notices on May 1, 2008, the Commission would have incurred mailing expenses of \$11,289. Had notices gone out on July 1, 2008, those costs would have been \$5,289. To save agency funds since 2006, staff has sent past due notices by first class mail.

Since faculty members of Regent's institutions are already filing a similar SSI within their respective university, the Commission believes this bill would eliminate duplicative filings as well as saving the Commission agency resources and funds.



TOPEKA

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Committee on Ethics and Elections
HB 2158 Testimony – March 5, 2009

Madam Chair and Committee:

Thank you for hearing our bill today. This bill allows members of the Kansas Highway Patrol to run for elected offices that are nonpartisan and serve on some boards and commissions. Members of the Patrol have much to offer their communities and they want to serve. This bill allows members to serve in limited circumstances, while avoiding conflict with their day jobs.

We have been working on this language for a couple of years and believe this bill brings a balance to the wishes of the members of Patrol to serve and the desire of the Patrol management to avoid conflicts of interest that might impact public safety.

I appreciate your willingness to hear our bill and would stand for questions.

Senate Ethics and Elections Cmte
Date 3-5-2009
Attachment 3

KANSAS STATE TROOPERS ASSOCIATION TESTIMONY
HOUSE BILL 2158

TO: SENATE ELECTIONS COMMITTEE
FROM: STEVE KEARNEY - PROPONENT
SUBJECT: HB 2158
DATE: 3/2/2009

Madam Chair and members of the Committee:

Thank you for taking time today to consider this important matter. I am appearing today in my capacity as Executive Vice President/General Counsel with the Kansas State Troopers Association. Our organization represents over 400 troopers, motor carrier inspectors and capital police officers.

HB 2158 addresses an obscure and unenforced provision that is a hold over from another era. Currently members of the Highway Patrol may not hold any commission or office other than in the National Guard or military reserve pursuant to this statute as it currently exists.

Our members serve in the communities of Kansas across the state and many are active participants in those communities. Their commitment to serving their communities does not stop at the door of their patrol car, but includes active participation with youth and church groups, kids sports etc.

As you might imagine these individuals when called to serve by their communities in non partisan roles on school boards and city councils for example are inclined to respond to those needs. However, the statute before you is an impediment to that service and has come to our attention as a needed change.

The changes before you maintain the right to serve in the National Guard and military reserve where many of our members have and are currently serving with distinction, and adds appointed or non partisan election to a "governing body" of a municipality. This allows our members to serve on local city councils and local school boards for example.

The definition of governing body set out in KSA 12-105a encompasses those local office most commonly considered and are as follows:

"Municipality" means and includes county, township, city, school district of whatever name or nature, community junior college, municipal university, city, county or district hospital, drainage district, cemetery district, fire district, and other political subdivision or taxing unit, and including their boards, bureaus, commissions, committees and other agencies, such as, but not limited to, library board, park board, recreation commission, hospital board of trustees having power to create indebtedness and make payment of the same independently of the parent unit.

Senate Ethics and Elections Cmte
Date 3-5-2009
Attachment 4

"Governing body" means and includes the board of county commissioners, the governing body of a city, the township board (trustee, clerk and treasurer), board of education or other governing body of a school district, board of trustees of a community junior college, board of regents of a municipal university, the body of a special district (such as a drainage, cemetery, fire or other) which has the power to create indebtedness and is charged with the duty of paying the same, and the board, bureau, commission, committee or other body of an independent agency of a parent unit.

Thank you for your attention to this matter and I would be happy to answer any questions you have.