

## MINUTES

### HOUSE RULES AND JOURNAL COMMITTEE

October 19, 2010  
Room 142-S—Statehouse

#### Members Present

Representative Clark Shultz, Chairperson  
Representative Janice Pauls, Vice-chairperson  
Representative Lance Kinzer  
Representative Ed Trimmer

#### Member Absent

Representative Jeff Witham

#### Staff Present

Raney Gilliland, Kansas Legislative Research Department  
Athena Andaya, Kansas Legislative Research Department  
Martha Dorsey, Kansas Legislative Research Department  
Lauren Douglass, Kansas Legislative Research Department  
Mary Torrence, Revisor of Statutes  
Norm Furse, Office of the Revisor of Statutes  
Gary Deeter, Committee Secretary

#### Others Attending

See attached sheet.

The Chairperson called the meeting to order at 10:09 a.m. He reminded members of the Committee's charge to study other states' legislative ethics codes, especially the Iowa code. He also referenced the March 30, 2010, report of the House Select Investigative Committee's recommendation that the Kansas House of Representatives consider adopting a legislative code of ethics (Attachments 1 and 2). He noted that an ethics bill was introduced in the House late in the 2010 Session (HB 2749), but received no hearing or action. He further noted that creating an ethics code through the House Rules and Journal Committee would apply only to House members, whereas, amending the statute to include further ethics directives would apply to all legislators.

The Chairperson invited members to discuss issues related to creating a code of ethics.

Representative Kinzer, noting the complexity of other states' ethics codes, commented that the time allotted to the Committee would make developing a code of ethics very difficult; however, a narrow issue identified during the previous meeting (September 14, 2010) needed clarification: the phrase ". . . as being unconstitutional because of error in the legislative process. . . ." [KSA. 46-233(c)]. He suggested introducing legislation in the 2011 Legislative Session striking that language; he further observed that the proposed bill could include a wider ethics code. If such a code were to be developed, he recommended simple, clear language, avoiding complex syntax and multiple exceptions.

Responding to a question, Norm Furse, Office of the Revisor of Statutes, replied that the phrase "declared on the record" [KSA 46-233(c)] would at least require that the legislator's action be printed in the House Journal.

Representative Trimmer agreed that the language of KSA 46-233(c) was vague, but, regarding the phrase "declared on the record," he noted that any legislator who voted "no" in final action would have his vote appear in the House Journal.

Representative Pauls also agreed to amending KSA 46-233(c), adding that creating an ethics committee would provide a means for establishing a definition of misconduct. Referencing the testimony of Carol Williams, Executive Director, Kansas Governmental Ethics Commission, at the previous Committee meeting, Representative Pauls recommended including in any code a clarification of what constitutes a conflict of interest, a frequent point of concern for citizens who call Ms. Williams' office.

Members discussed the possible ramifications of various proposals. The Chairperson commented that including a code of ethics under House Rules will not address the vagueness of the current statute.

*A motion was made by Representative Kinzer and seconded by Representative Trimmer to introduce a bill in the 2011 Kansas Legislature that strikes the phrase ". . . because of error in the legislative process. . . ."*

*The motion further recommended that:*

- *The committee to which the bill is referred consider provisions restructuring current statutes to address issues related to the services of attorney-legislators, particularly disclosure; and*
- *During the 2011 Legislative Session, the House Rules and Journal Committee develop rules related to conflicts of interest.*

Members discussed the motion.

- The proposed legislation, if it becomes law, will take precedence over any House rules; and
- The bill also should include wording related to former legislators becoming lobbyists, or address circumstances where the spouse of a legislator is a lobbyist. Current law prohibits a legislator from serving concurrently as a lobbyist.

The Chairperson invited specific members of the audience to comment. Representative Jerry Henry, who served on the House Select Investigative Committee, commended the Committee for continuing the work of the Select Committee. He recommended that, since legislative leadership

positions provide a greater level of power over decision making, the proposed bill should include caveats concerning legislative leaders. He commented that, rather than rely on unwritten rules, the proposed legislation should offer more details to aid members in determining what is considered proper conduct.

Susan Kannarr, Clerk of the Kansas House of Representatives, commented that the creation of an ethics committee might be helpful for the process of evaluating legislators' conduct.

*The motion passed unanimously.*

*The minutes for the September 14, 2010, meeting were approved as corrected.*

The meeting was adjourned at 11:30 a.m. No further meetings were scheduled.

Submitted by Gary Deeter  
Edited by Athena Andaya

Approved by the Committee on:

November 17, 2010

(Date)