

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS

The meeting was called to order by Chairman Pete Brungardt at 10:40 a.m. on Wednesday, January 19, 2005, in Room 231-N of the Capitol.

Committee members absent: Senator John Vratil (E)  
Senator Kay O'Connor (E)  
Senator Mark Gilstrap (E)

Committee staff present: Athena Andaya, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Dee Woodson, Committee Secretary

Conferees appearing before the committee: Carol Williams, Executive Director, Kansas Governmental Ethics Commission

Others attending: See attached list.

Chairman Brungardt announced that today's meeting would be shorter than usual in order to allow Committee members time to attend the Legislator Health Policy Orientation in Room 313-S from 11:00 a.m. until 3:00 p.m.

The Chairman called for bill introductions. Tim Madden, Kansas Department of Corrections, appeared before the Committee and requested a bill be introduced which proposes an amendment of K.S.A. 75-5210. The proposed amendment would eliminate the statutory requirement of providing each inmate with his or her personal copy of the department's disciplinary rules and regulations. The proposed bill would permit the department to disseminate disciplinary rules and regulations by placement of copies in inmate libraries or by other means as long as reasonable access to those materials is provided. He furnished copies of the bill draft to Committee members. (Attachment 1)

Senator Barnett made a motion to introduce the requested bill, seconded by Senator Brownlee, and the motion carried.

Chairman Brungardt called upon Carol Williams, Kansas Governmental Ethics Commission, to give a presentation on proposed campaign finance reform.

Ms. Williams said that following the 2004 election year, the Commission felt an obligation to come before the Legislature and ask that certain bills be changed to provide more disclosure in order to allow the citizens of this state more information relating to campaign finance issues. She explained the five recommendations that were approved unanimously by the Commission. The first recommendation related to political action committees and party committees that, by current law, do not have to report the names of any candidates they make expenditures on behalf of when filing a receipts and expenditures report. The Commission believes that full disclosure of the expenditures made by political committees should be made by detailing which candidates are supported or opposed and the amount of money spent on that effort. (Attachment 1)

In regard to the second and third recommendations, Ms. Williams stated that these two items could be combined. They related to the cut-off time for reporting expenditures and filing receipts which is eight days prior to both the primary and general elections. She said the last minute contributions received after this reporting period deadline go unreported until three months after the primary election and two and one-half months after the general election. The Commission recommends that the law be changed to require any contribution in excess of \$50 that is received the last eleven days before an election be reported within 24 hours of receipt by either e-mail, facsimile transmission, telegram, or express delivery service. The Commission also recommends that any political action committee or party committee that makes independent expenditures of more than \$50 during the last eleven days before the primary or general

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election be required to report the expenditure within twenty-four hours of making the expenditure. This information would then be included on the next report filed by the candidate, political action or party committee.

Ms. Williams said the fourth recommendation pertained to the dramatic increase in the use of recorded phone bank campaign messages used in the past several state elections that either support or oppose specific candidates. She stated that there was no requirement under current law for these messages to include information as to who is sponsoring or paying for the message. The Commission recommends that recorded telephone campaign messages be required to identify who is paying for or sponsoring these mass communication messages at the end of the message.

The fifth recommendation by the Commission relates to issue ads during elections which have become more prevalent. Ms. Williams explained that the Commission believes if expenditures for issue ads are not disclosed, campaign disclosure could be undermined. The recommended revision would be that any person who makes a payment of \$100 or more for a communication that clearly identifies a candidate, but does not expressly advocate the election or defeat of the candidate, be required to file a statement detailing such communication. This would include any communication that is disseminated, broadcast, or otherwise published within thirty days prior to an election. She talked about what the statement should contain for disclosure, and that the report should be filed within twenty-four hours of making the payment or promise to make the payment.

Ms. Williams also shared that in October of 2003, the U.S. Supreme Court ruled that issue advocacy can in fact be claimed when it occurs within 60 days of an election; it truly is being done to influence the election, and can be required to be disclosed. As a result of that ruling, there were several states that enacted this legislation in 2004. She emphasized that the Commission was not asking these groups to register as a political action group, but merely asking them to do the same thing that any source would be required to do as an independent establishment.

Ms. Williams concluded her presentation by stating that she had made a presentation to the Senate Elections Committee, and that the Committee did agree to introduce the above recommendations as Senate bills.

Following general questions and comments, Chairman Brungardt expressed his appreciation to Ms. Williams for her informative presentation.

Minutes for the January 11 and 12 meetings were presented for approval. Senator Reitz moved to approve the minutes as written, seconded by Senator Ostmeyer, and the motion carried.

The meeting was adjourned at 11:00 a.m. The next meeting is scheduled for January 20, 2005, at 10:30 a.m.