

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon at 3:40 p.m. on February 2, 2000 in Room 521-S of the Capitol.

All Committee members were present.

Committee staff present: Dennis Hodgins, Research
Mary Galligan, Research
Theresa Kiernan, Revisor
Dee Woodson, Committee Secretary

Conferees appearing before the committee: Senator Sherman Jones
Roger Aeschliman, Human Resources Department

Others attending: See attached list.

SB 375 - Terms of member of advisory committee on African-American affairs

Chairperson Benlon opened hearings on **SB 375** concerning terms of members of Advisory Commission on African-American Affairs.

Senator Sherman Jones testified that **SB 375** was requested by the Advisory Commission on African-American Affairs this year because SB 56 left the Senate last year, went to the House and it dealt with the Hospital Authority Board of the University of Kansas Medical Center. It got tied up because of a huge amendment and did not go anywhere as it was buried in a bill that had nothing to do with it. The purpose of doing this is as of June 30 of this year, the members of the African-American Affairs Board will be out of work. Their tenure will finish because all of them were appointed for three (3) years. The Chairman of the Board, Mrs. Williams of Wichita, contacted us and asked if we would look into this situation. Rather than tack this onto another bill in the Appropriations Committee, we introduced another bill. What this bill does, of the seven (7) member board, three (3) are appointed by the Governor. The three appointees under this **SB 375** would be staggered for one year, two years, and 3 years terms. The leadership of the Senate has two appointees, the President and Minority Leader. The leadership of the House has two appointees; the President and Minority Leader. This calls for the House to have two year tenure on this first round and the Senate three years. The purpose for that is obviously that the House elects every two years so there is the issue of change. After this first round all of the terms will be three years; therefore, the Commission would be staggered and continuity would take place. On the Senate side we introduced it and asked that this bill be placed on the Consent Calendar because it was not controversial. We were accommodated there, and we respectfully request this committee to receive it and place on the Consent Calendar. The reason for this being needed is the Governor and the leadership of both houses need to start their appointments immediately after the session is over. He stood for questions.

Question was asked how long the African-American Advisory Commission had been in existence, and to also give the Committee a little background on this group.

Senator Jones stated that June 30 of this year would complete the first three years of the Commission's existence, and there are three ethnic commissions which are appointed by the Governor and the Legislature. They are Indian Affairs Commission, Hispanic Affairs Commission, and after eight years of trying the African-American Advisory Commission.

Inquiry was made as to what the Commission has accomplished during its existence. Senator Jones responded that it would matter as to what you would consider accomplishments. He said during their first annual forum they had a full two-day meeting in which they brought in national speakers, and their speaker for the banquet was well known, Johnny Cochran. This past year he went to the meeting at KU, and the speaker was Elaine Jones, who is the Lead Counsel for the NAACP. That was a culmination at their annual meeting of functions that they have done year round, they put out a newsletter quarterly, they

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advise the Governor on state-wide employments for various commissions and committees on persons the Governor may not know about and they do, and advise the legislative leadership as well.

Senator Jones was asked if the Commission had an Executive Director, and he responded that at present they do not have one. He said they have had two, and one was a Methodist minister out of Kansas City. He resigned because his bishop sent him to California. The most recent one was a fellow out of Topeka who I think they fired. At the present they do not have one, and there is a request to hire and are accepting applications to fill the position.

Representative Vining noted that there was no fiscal impact, and asked if all members of this Commission were volunteers. Senator Jones responded in the affirmative, and stated they do get their expenses paid for traveling, and it comes out of the Department of Human Resources.

Representative Welshimer recounted that actually this was an oversight when the Commission was originally established, and this bill is correcting the oversight of not staggering the terms of service at the time of formation.

Senator Jones agreed and explained that in the haste to set up this Commission, it was set up wrong.

Roger Aeschliman, Deputy Secretary of the Kansas Department of Human Resources, said the African-American Advisory Commission is one of the commissions within the Department of Human Resources. It is advisory to both the Governor and the Secretary of Human Resources and also the Legislature. This is a correction bill from the very beginning. It is a very simple thing, and it does not increase or decrease the cost of the existing operations. It just staggers the terms. If you don't do this, what you do is drive the current seven members off the board because they have all done three years and not one of them wants to do three more years. Six years is an enormous commitment; however, there are board members that will do one more year and a couple that would consider doing two more years. If we do this now we have the chance to recapture four or five of the existing board members, stagger them in, and get some new people coming right behind them. He commented in regard to the question of what the Commission has accomplished during its existence. He said they have run three very successful annual expositions in their three year existence. In types they have done youth development bringing children from inter-city areas with pride backgrounds giving them some high level leadership training, guidance and monitoring programs. Those things along with their having a web site established and working on data bases of various kinds. He stated the leadership right now is in a high level strategic planning process, and his department is very proud of it. He stood for questions, and there were none.

Chairperson Benlon asked the Committee if they were comfortable with working this bill today. There were no objections.

Representative Welshimer made a motion to pass SB 375 out favorably and have placed on the Consent Calendar. The motion was seconded by Representative Gilbert, and the motion carried.

HB 2627 - Governmental ethics; establishing requirements regarding gifts and hospitality

Chairperson Benlon directed the Committee's attention to **HB 2627**. The balloon of this bill was passed out to all Committee members, and the Revisor was asked to go over the changes and amendments to the bill.

Representative Storm made a motion to strike Insert 1 of the balloon. The motion was seconded by Representative Gilbert, but no vote taken due to Committee questions and discussion.

Representative Topliker asked Representative Palmer if she was comfortable with this new language in the bill and do what her motion was intended to do. He then asked the Revisor if she was comfortable with this language that it is workable. The Revisor stated the only reservation she had was regarding the last sentence of Insert 1, and what if the officer or employee refused to sign the sheet that there would be no inference to relieve the lobbyist's responsibility to report the expenditure. That is why she added the last sentence. As far as how it would work, she said the longer it was in effect the easier it would get, and it would probably mean a lot of paper. Questions continued about the refusal to sign and what if any penalty is involved for the officer or employee. The Revisor stated there is no penalty written into the bill,

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but the lobbyist would still have to report. The burden is on the lobbyists, and if they do not make the proper report of a gift over \$10, then they are subject to the penalties under the Ethics Law. The penalty is a Class B misdemeanor and a fine up to \$5,000.

The Chair expressed to her the concern of putting the burden on the lobbyists to track the legislators down when they have committee meetings and are on the floor a lot in order to get them to sign the receipt or acknowledgment. If you don't accept it, you didn't put your name on the list and you still won't know unless you actually go over and check out the list.

Representative Powers expressed his desire to get this bill to the floor of the House since it is the Governor's bill.

Representative Storm said she would like to withdraw her motion regarding Insert 1. She explained her reasoning and sincerity in wanting to get an ethics bill passed out of the House and in to the Senate.

Representative O'Connor contributed that she felt that Insert 1 was not going to make or break the bill. She thought Insert 1 was a good amendment, and would be voting against Representative Storms' motion to strike Insert 1. She just did not feel it was going to be that problematic to get signatures or have gifts acknowledged, and would be voting in favor of this ethics bill.

Discussion continued regarding the complications of accomplishing accurate reporting, and apprehension was expressed by several Committee members in making this bill very confusing not only for legislators, lobbyists, but to the Kansas taxpayers. A Committee member suggested that since there was not a room full of lobbyists, that apparently the lobbying entity did not object to disclosure of spending or increased reporting, and by so reporting would probably eliminate the small gifts because of the additional reporting involved with such gifts.

The Chair asked Representative Storm to restate her motion. Representative Storm stated her motion was to strike Insert 1 of the balloon. Voice vote was taken with a tie resulting. The Chair voted aye, and the motion carried.

Representative O'Connor moved to pass **HB 2627** out favorably, seconded by Representative Topliker. Motion carried.

The Committee decided to ask Representative Johnston, who was absent from the meeting at the time of final vote, to carry the bill in the House.

HB 2323 - Governmental ethics; establishing requirements regarding gifts and hospitality

Chairperson Benlon directed the Committee's attention to **HB 2323** which covers the requirement for all state agencies to accept personal checks for fees for licensure, registration or certification.

General discussion and questions followed regarding additional fees to recover any cost incurred by the state agency and also the state-wide credit card program that is being worked on by the State Treasurer's Office. The Revisor clarified that the additional fees charged related specifically to the method of payment.

Representative O'Connor made a motion to add the date of June 30, 2001 for implementation of the credit card, and state agencies are required to accept credit cards after that date. Motion was seconded by Representative Storm. Motion carried.

There was further debate and questions regarding whether to leave out the payment for tuition. It was decided it should be left in, and that currently credit cards should be allowed and then required state-wide usage after June 30, 2001.

Representative O'Connor moved to adopt the balloon as written on **HB 2323**. Representative Horst seconded the motion, and the motion carried.

Representative Powers made the motion to move **HB 2323** favorably out of Committee, and the motion

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was seconded by Representative Horst. Motion carried.

Chairman Benlon opened the floor for bill introductions. Seeing no others, Chairman Benlon asked to introduce a bill in this Committee to expand the definition of utility facilities to cover all fiber optic cable, private gas lines, and all water lines that cross property lines. These facilities are required to report on the KS One Call system. She stated that this bill would be moved to Utilities, and it was requested to be introduced in this Committee because of the deadline today on bill introductions in House committees. Representative O'Connor moved to introduce the bill, and Representative Powers seconded the motion. Motion carried.

The minutes of the Governmental Organization and Elections Committee for January 24 were presented for additions or corrections. Representative Welshimer made a motion to approve the minutes as written, seconded by Representative O'Connor, and the motion carried. The minutes will be placed on the Internet after approval.

Chairperson Benlon adjourned the meeting at 4:55 p.m. The next meeting is scheduled for Monday, February 7, 2000, 3:30 p.m. in Room 521-S.