

Approved: Feb. 23, 1993
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS, CONGRESSIONAL & LEGISLATIVE
APPORTIONMENT AND GOVERNMENTAL STANDARDS

The meeting was called to order by Chairperson Barbara Lawrence at 1:30 p.m. on January 28, 1993 in Room
529-S of the Capitol.

All members were present except: Senator Wisdom, excused
Senator Martin, excused

Committee staff present: Dennis Hodgins, Legislative Research Department
~~Mary Galligan, Legislative Research Department~~
~~Raney Gilliland, Legislative Research Department~~
Arden Ensley, Revisor of Statutes
Pat Brunton, Committee Secretary

Conferees appearing before the committee: Carol Williams, Kansas Commission on Governmental
Standards & Conduct

Others attending: See attached list

A motion to approve minutes of January 12 and January 14 was made by Senator Bond. Seconded by Senator
Hardenburger. Motion passed.

Senator Parkinson moved to reconsider **SB 44**--lobbying; exceptions to restrictions on gifts and
contributions. Senator Bond seconded the motion for purpose of clarifying intent to the committee.

Discussion was held.

A motion was made by Senator Parkinson to amend **SB 44** by adding a subsection which states that any state
officers and employees desiring continuing education credits for attending such seminars shall pay the full fee
or charge, if any, which other participants at such seminar pay to receive such credits. This amendment would
be in addition to the balloon previously offered. (Attachment 1) Seconded by Senator Bond. Motion carried.

Senator Parkinson moved to pass **SB 44** as amended. Senator Hardenburger seconded. Motion carried.

Hearings were opened on **SB 45**--elections; filing fees for candidates for certain offices.

Carol Williams, Kansas Commission on Governmental Standards & Conduct, testified in support of **SB 45**
and urged favorable consideration and passage. (Attachment 2)

A motion was made by Senator Brady to pass **SB 45**. Senator Ranson seconded. Motion carried.

Senator Brady moved to pass **SB 45** and put on the Consent Calendar. Seconded by Senator Bond. Motion
carried.

Hearings were opened on **SB 46**--elections; campaign finance for promoting or opposing constitutional
amendment or repeal.

Carol Williams, Kansas Commission on Governmental Standards & Conduct, testified in favor of **SB 46**
stating the Commission recommends that reports filed by persons supporting or opposing constitutional ballot
questions contain the same information and be filed on the same dates as those reports filed by treasurers of
candidates, party and political committees. All reports filed under the Act would then be uniform.
(Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS, CONGRESSIONAL & LEGISLATIVE APPORTIONMENT AND GOVERNMENTAL STANDARDS, Room 529-S Statehouse, at 1:30 p.m. on January 28, 1993.

Senator Bond moved to pass **SB 46** and put on Consent Calendar. Seconded by Senator Parkinson. Motion carried.

Hearings were opened on **SB 47**--lobbying; person failing to pay civil penalties prohibited from registering as lobbyist.

Carol Williams, Kansas Commission on Governmental Standards & Conduct, appeared before the committee in favor of **SB 47**. Ms. Williams stated **SB 47** would prohibit a lobbyist from registering as a lobbyist for a new year if such lobbyist has any outstanding civil penalties assessed against him or her. (Attachment 4)

Discussion followed.

Hearings were closed on **SB 47**.

Senator Brady moved to pass **SB 47**. Seconded by Senator Ranson. Motion carried.

Meeting adjourned at 2:27 p.m.

The next meeting is scheduled for February 4, 1993.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE January 28, 1993

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

Michael Woolf	Topeka	CC/KS
Tom Whitaker	Topeka	KS Motor Carriers Assn
Jana Atchison	Topeka	KCGSC
Carol Williams	Topeka	KCGSC
Irent LeDoux	Holtan	KS Senate
Marvis Gaddie	Howard	Co. Clerks Assoc.
Trisha Champlin	Manhattan	Co. Clerks Assoc.
Steve Gilbert	Manhattan	Riley County Clerk
Laron Hornbostel	Palmer	Washington County Clerk
Maurine Bremer	Medicine	Wilson Co Clerk
Karen Wartenbauer	Emporia	Lyon Co. Clerk
KATH R LANDIS	TOPEKA	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Art Brown	- -	KS Cbridal Assn

Gifts to state agencies, state officers and employees and candidates for state office, institutions of higher learning, excepting: hospitality; honoraria; gifts from foreign governments; reimbursement of legislators for travel and subsistence expenses by certain national and international organizations and foreign governments. (a) No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) No person with a special interest shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year to any state officer or employee or candidate for state office with a major purpose of influencing such officer or employee in the performance of official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee of that agency.

(d) Hospitality in the form of recreation, food and beverages are presumed not to be given to influence a state officer or employee in the performance of such officer's or employee's official duties or prospective official duties, except when a particular course of official action is to be followed as a condition thereon. For the purposes of this subsection, the term recreation shall not include the providing or the payment of the cost of transportation or lodging.

(e) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to (1) any contribution reported in compliance with the campaign finance act; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

(f) No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state

Strike all of Section 1 of SB 44, and insert the following section 46-237:

, official publications published on a regular basis and provided at no charge or a reduced cost by the publisher, or by agents, employees or officers of the publisher, official publications of trade and professional associations, foundations, or other tax-exempt organizations provided at no charge or a reduced cost by the publisher, or agents, employees or officers thereof, or continuing education courses provided by an organization which usually charges a fee for such course so long as the course discusses legislative matters and for which continuing education credits may be obtained from a licensing agency either in this state or other states,

For the purposes of this subsection, state officers and employees desiring continuing education credits for attending such seminars shall pay the full fee or charge, if any, which other participants at such seminar pay to receive such credits.

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ATTACHMENT 1

**KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT****Testimony before Senate Elections, Congressional and Legislative****Apportionment and Governmental Standards on Senate Bill 45****By Carol Williams, Kansas Commission on Governmental Standards & Conduct**

Senate Bill 45 amends a portion of K.S.A. 1992 Supp 25-4119f which is the section dealing with Commission fees. This recommendation was made by the Kansas Commission on Governmental Standards and Conduct in its 1992 Annual Report and Recommendations.

The Commission became a fee agency on July 1, 1991. Commission staff worked with the State Treasurer's office in setting up the procedure for collecting and remitting local candidate registration fees to the State Treasurer's office. Since the county election officers collect candidate filing fees and remit them to their county treasurer, it was felt that the candidate registration fees collected for the Commission's fee fund should also be remitted to county treasurers. In addition, it was felt that the county treasurer's offices could deposit the fees received and issue just one check to the State Treasurer quarterly. The county clerk's offices would not have a means to deposit the fees and would have been responsible for keeping and mailing the candidates fees, many of which come in cash. County treasurers throughout the state received remittance forms and instructions from the State Treasurer's office in early 1992 on how to process and when to remit the Commission's fees. County treasurers remitted fees to the State Treasurer quarterly throughout 1992.

Considering that this was the first election year that fees were collected from county candidates and remitted by county treasurers, the operation went smoothly. Only a couple of county treasurers argued that it was not their responsibility to collect and remit these fees.

Currently, subsection (b) of K.S.A. 1992 Supp. 25-4119f states "the

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officer receiving such fees shall remit the same to the state treasurer". Technically, the county election officer receives the candidate registration fees, not the county treasurer, therefore, the Commission recommends that this section be amended to read "county election officers receiving fees in accordance with this section shall remit such fees to the county treasurer of the county who shall quarterly remit the same to the state treasurer." This sets in statute the policy the Commission and State Treasurer's office has been operating under for the past year.

The State Treasurer's office recommends that this section also be amended to require that county treasurers remit by issuing a county warrant. A few county treasurers sent the actual checks received by candidates. When any of these checks are found to be insufficient, it becomes difficult for the State Treasurer's office to collect, therefore, the treasurer's office, debits the Commission's fee fund for those checks. The State Treasurer's office feels that it is easier for the county treasurers to deal with insufficient fund checks locally.

The Commission urges your favorable consideration and passage of Senate Bill 45.



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before Senate Elections, Congressional and Legislative

Apportionment and Governmental Standards on Senate Bill 46

By Carol Williams, Kansas Commission Governmental Standards & Conduct

Senate Bill 46 which is before you this afternoon would amend a provision of the Campaign Finance Act, K.S.A. 1992 Supp. 25-4180.

In 1987, the reporting provisions for those persons promoting or opposing the adoption or repeal of any provision of the Kansas Constitution were brought under the Campaign Finance Act. The current language of K.S.A. 25-4180 requires the name and address of every contributor who donates more than \$50 (monetary or in-kind) together with a total value of all contributions received, to be itemized. In addition, the name and address of each vendor and purpose of each expenditure together with the total of all expenditures must be itemized. These reports are filed 15 days prior to the election at which the proposed constitutional amendment is submitted and 15 days after the election. In addition, a report is due on or before February 15 of each year for all activity from the preceding calendar year.

Currently, these reports are not required to disclose outstanding debts and obligations. Dates contributions or expenditures are made are also not required, nor are the occupations of contributors required.

The Commission recommends that reports filed by persons supporting or opposing constitutional ballot questions contain the same information and be filed on the same dates as those reports filed by treasurers of candidates, party and political committees. All reports filed under the Act would then be uniform.

The Commission urges your support of Senate Bill 46.

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ATTACHMENT 3

**KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT****Testimony before Senate Elections, Congressional and Legislative****Apportionment and Governmental Standards on Senate Bill 47****By Carol Williams, Kansas Commission on Governmental Standards & Conduct**

Senate Bill 47 which is before you this afternoon amends a provision of the lobbying statutes, K.S.A. 1992 Supp. 46-265. The Commission recommends that a new subsection be added to this section to prohibit a lobbyist from registering as a lobbyist for a new year if such lobbyist has any outstanding civil penalties assessed against him or her.

With the passage of lobbying legislation in July of 1991, lobbyists, for the first time, were required to file periodic reports. Until this time a lobbyist filed a report only if he or she expended more than \$100 in reportable lobbying expenditures per calendar month. Lobbyists are now required to file six reports during the year, whether they expend \$100 in a reporting period or not.

Since reports are now due from all registered lobbyists, the Commission sends certified failure to file notices, as required by law, to those lobbyist who have failed to file their reports in a timely manner. When the certified card has been signed for by the lobbyist or his or her agent, the lobbyist has five days from that date to file the report before a civil penalty is assessed. The civil penalty is \$10 per day for each day the report remains unfiled to a maximum \$300 civil penalty. In 1992, 51 lobbyists had civil penalties assessed against them from their failure to file a lobbyist report in a timely manner. Of those 51, six lobbyist have not paid the civil penalties assessed against them. The total penalties assessed against these six lobbyists is \$1,140. Many of these penalties were assessed in February, March and April of 1992. This office has asked the Attorney General to bring an action to recover these civil penalties.

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To date, these penalties have yet to be paid.

There is a similar provision in the Campaign Finance Act, K.S.A. 25-4181, which prohibits an individual from being eligible to become a candidate for state or local office if he or she has failed to pay any civil fines or failed to file any report required by the Act. The Commission feels that a similar provision should be enacted in the area of lobbying.

The Commission urges your support of Senate Bill 47.