

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 February 4, 1993 in Room 529-S of the Capitol.

All members were present

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: Gary Reser, Governor's Office
Rogers Brazier, Department of Administration, Legal Staff
Carol Williams, Kansas Commission on Governmental
Standards & Conduct

Others attending: See attached list

Senator Martin made a motion to approve minutes of January 19. Senator Hardenburger seconded. Motion carried.

Gary Reser, Governor's Office, appeared before the committee to request introduction of legislation on behalf of Governor Joan Finney which deals with constitutional amendments as they appear on the ballot. Mr. Reser provided the committee with sample copies of Constitutional Amendment Ballots. (Attachment 1) The new legislation would reverse the order of the ballot putting the "explanatory statement" at the top of the ballot before the question.

Rogers Brazier, Department of Administration-Legal Staff, gave an explanatory statement on this request to the committee. He further stated the Secretary of State's office approved what they were trying to accomplish.

Senator Parkinson moved to introduce this legislation. Senator Brady seconded. Motion carried.

Senator Brady requested legislation be introduced relating to K.S.A. 19-228 which is the statement of expenditures publication. A county clerk in his district requested the legislation which would require a summary be published regularly and an itemized list be available upon request.

Senator Wisdom made a motion to introduce legislation. Senator Sallee seconded. Motion carried.

A request for introduction of legislation regarding voter registration for disabled citizens by Michael Byington, Kansas Association for Blind and Visually Impaired, was presented to the committee. (Attachment 2)

Senator Wisdom made a motion to introduce legislation requested by Mr. Byington. Senator Hardenburger seconded. The motion carried.

Hearings were opened on **SB 50**--applying state governmental ethics laws to the Kansas technology enterprise corporation.

Carol Williams, Kansas Commission on Governmental Standards and Conduct testified before the committee as a proponent of **SB 50**. Ms. Williams stated this bill is a recommendation made by the Kansas Commission on Governmental Standards and Conduct in its 1992 Annual Report and Recommendations. (Attachment 3)

Discussion followed.

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 February 4, 1993.

Hearings were closed on **SB 50**.

Hearings were opened on **SB 51**--applying state governmental ethics laws to Kansas, Inc.

Carol Williams, Kansas Commission on Governmental Standards & Conduct, testified before the committee as a proponent of **SB 51**. Ms. Williams stated the Commission recommends that the board of directors, president and employees of Kansas, Inc. be brought under the provisions of the State Conflict of Interests statutes. (Attachment 4)

Discussion followed.

Hearings were closed on **SB 51**.

Hearings were opened on **SB 52**--applying state governmental ethics laws to Kansas Development Finance Authority. Ms. Williams stated the Commission recommends that the board of directors, president and employees of Kansas Development Finance Authority be brought under the provisions of the State Conflict of Interests statutes. (Attachment 5)

Hearings were closed on **SB 52**.

Hearings were opened on **SB 53**--applying state governmental ethics law to the Information Network of Kansas, Inc.

Carol Williams, Kansas Commission on Governmental Standards and Conduct, appeared before the committee stating that the employees of INK are contractual servants rather than state employees. Due to this contractual situation the State Conflict of Interest statutes would not apply to INK even if K.S.A. 74-9307 were amended. They requested the committee table **SB 53**. (Attachment 6)

Discussion followed.

Hearings were closed on **SB 53**.

Senator Bond made a motion to pass **SB 50, SB 51, and SB 52** and put on Consent Calendar. Seconded by Senator Wisdom. Motion carried.

Senator Sallee made a motion to table **SB 53**. Senator Hardenburger seconded. Motion carried.

Meeting adjourned at 2:04 p.m.

The next meeting is scheduled for February 9, 1993.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE February 4, 1993

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

Rebecca Bossemeyer	TOPEKA
Virginia Stan	TOPEKA
<u>TOM DAY</u>	<u>TOPEKA</u>
Janet Williams	Topeka
Cindy Herman	Topeka
Carol Williams	Topeka
Nyle Stuebel	"
Michael Wolff	"
George Wyatt	Lawrence
Roger Brazier	Topeka
Harry Reser	Topeka
George Wingard	
Kevin Carr	Topeka

SOS
ATET
<u>KCC</u>
CSC
KCGS+C
KCGS+C
Harris News
CC/KS
Intern
DOA-Legal
Governor's Office
<u>Gov Office</u>
KTEC

State of Kansas
Official General
Constitutional Amendment Ballot
County of _____

Notice

If you tear, deface or make a mistake and wrongfully mark any ballot, you must return it to the election board and receive a new ballot or set of ballots.

QUESTION NUMBER ONE

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the left of the word "Yes"; to vote against it, make a cross or check mark in the square to the left of the word "No."

Shall the following be adopted?

Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

§1. System of taxation; classification; exemption. (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 1993, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located11 1/2%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution30%
- (3) Vacant lots 12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law.....12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed33%

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- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use 25%
- (7) All other urban and rural real property not otherwise specifically subclassified 30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes.....11 1/2%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25%30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed.....33%
- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 198530%
- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property.....25%
- (6) All other tangible personal property not otherwise specifically classified30%

(b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation.

Explanatory statement. This amendment would revise the current property tax system providing for the classification and assessment of all property subject to taxation at different percentages of value.

A vote for the proposition would, as of January 1, 1993, continue the requirement that different classes of property are to be assessed for property tax purposes at different percentages of value. However, three new subclassifications of real property would be established, namely: (1) Real property owned and operated by certain not-for-profit organizations the assessment rate for which would be decreased from 30% to 12%; (2) public utility real property the assessment rate for which would be increased from 30% to 33%, except that railroad real property would be assessed at the federally mandated rate; and (3) real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use the assessment rate for which would be decreased from 30% to 25%. Also, the assessment rate for residential property would be decreased from 12% to 11 1/2%. With respect to personal property, the assessment rate for public utility personal property including inventories would be increased from 30% to 33%, except that railroad personal property including inventories would be assessed at the federally mandated rate. Also, the assessment rate for oil leaseholds having an average daily production of five barrels or less and natural gas leasehold interests the average daily produc-

tion from which is 100 mcf or less, would be decreased from 30% to 25%. Also, the assessment rate for commercial and industrial machinery and equipment would be increased from 20% to 25%. Also, the legislature would be provided authority to separately classify and tax recreational vehicles.

A vote against the proposition would continue the current system of property taxation.

☐ YES

☐ NO

State of Kansas
**Official General
Constitutional Amendment Ballot**

_____ County

November 3, 1992

State of Kansas
Official General
Constitutional Amendment Ballot
County of _____

Notice

If you tear, deface or make a mistake and wrongfully mark any ballot, you must return it to the election board and receive a new ballot or set of ballots.

QUESTION NUMBER TWO

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the left of the word "Yes"; to vote against it, make a cross or check mark in the square to the left of the word "No."

Shall the following be adopted?

Section 1. Article 15 of the constitution of the state of Kansas is amended by adding a new section thereto to read as follows:

§ 15. Victims' rights. (a) Victims of crime, as defined by law, shall be entitled to certain basic rights, including the right to be informed of and to be present at public hearings, as defined by law, of the criminal justice process, and to be heard at sentencing or at any other time deemed appropriate by the court, to the extent that these rights do not interfere with the constitutional or statutory rights of the accused.

(b) Nothing in this section shall be construed as creating a cause of action for money damages against the state, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof. The legislature may provide for other remedies to ensure adequate enforcement of this section.

(c) Nothing in this section shall be construed to authorize a court to set aside or to void a finding of guilty or not guilty or an acceptance of a plea of guilty or to set aside any sentence imposed or any other final disposition in any criminal case.

Explanatory statement. This amendment would prescribe that victims of crime would be guaranteed certain basic rights during the criminal justice process as long as they do not interfere with the constitutional or statutory rights of the accused. Such rights include the right to be informed and be present at public hearings and be heard at sentencing or at any other time deemed appropriate by the court. This amendment does not provide or create a cause of action for money damages against the state, a county, a municipality or any agency, instrumentality or employee thereof nor does this amendment authorize a court to set aside or void a finding of guilty or not guilty or an acceptance of a plea of guilty or set aside any sentence imposed or any other final disposition in any criminal case.

A vote for this amendment would guarantee certain basic rights for victims of crime as long as such rights do not interfere with the rights of the accused.

A vote against this amendment would continue the current practice where victims of crime are provided certain statutory rights but are not guaranteed those rights in the constitution.

☐ YES

☐ NO

State of Kansas
**Official General
Constitutional Amendment Ballot**

_____ County

November 3, 1992



Kansas Association for the Blind and Visually Impaired, Inc.

AN AFFILIATE
OF
AMERICAN COUNCIL
OF THE BLIND

TO: Committee on Elections

FROM: Legislative Committee
Bonnie Byington, Chair
Michael Byington, Registered Kansas Lobbyist

SUBJECT: Request for introduction of legislation

DATE OF REQUEST: February 2, 1993

We wish to have introduced legislation amending voter registration statutes, and particularly the Act passed in the 1992 session commonly called the Kansas Motor Voter Act. The proposed legislation would make voter registration easier for persons who are unable to register in person, and who also are print handicapped thereby making it difficult or impossible for them to handle the completing and mailing of print register by mail forms.

The recently adopted statutes tie voter registration to the acquisition of a Kansas Driver's License or to the Non-Driver's Kansas Identification card. Very severely physically or sensory disabled individuals, however, often do not drive and do not find a need for the identification card. If these individuals can not see or write sufficiently to fill out forms by mail, and can not get to registration stations to procure help, they can not register to vote. Indeed, for them, the process of registering to vote is more difficult than the process of voting in and of itself.

We thus request legislation which would require and enable human services providers to provide voter registration to clients. We further request that the legislation require and enable entities which provide in-home services for disabled individuals to include voter registration among those services offered. This is not to suggest a requirement for new employees, but simply that such providers as rehabilitation teacher for the blind, visiting nurses, independent living trainers, etc. would offer voter registration along with the services they already provide.

Similar provisions to those suggested here were contained in the United States Motor Voter Act which was vetoed by the President in 1992. Even if these provisions are again contained in the new federal act now under consideration, Kansas should reinforce the federal provisions.

For more information, please contact (913) 354-9933 or (913) 233-3839. Thank you.



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before Senate Elections, Congressional and Legislative

Apportionment and Governmental Standards on Senate Bill 50

By Carol Williams, Kansas Commission on Governmental Standards & Conduct

Senate Bill 50 which is before you this afternoon would amend K.S.A. 74-8113 relating to the Kansas Technology Enterprise Corporation, K-TEC. This bill is a recommendation made by the Kansas Commission on Governmental Standards and Conduct in its 1992 Annual Report and Recommendations.

The Commission has had advisory opinion requests in the past from members of quasi-governmental organizations like K-TEC asking whether the States' Conflict of Interest provisions pertained to their activities (see attached Advisory Opinion No. 87-16).

The Commission recommends that the board of directors, president and employees of K-TEC be brought under the provisions of the State Conflict of Interests statutes. The board of directors finance basic research, award grants, engage in seed-capital financing and provide technical referral services. Duties of the president and employees of K-TEC include, among other things, the holding and maintenance of trade or business secrets, preparation of business plans and the handling of grant applications.

Currently other than the requirement that its' board members file Statements of Substantial Interests, board members, officers and employees of the Kansas Technology Enterprise Corporation do not fall under the provisions of the Act. Placing board members, officers and employees under this act would prohibit them from: 1) participating in the making of a contract with a business in which they hold a substantial interest; 2) receiving gifts, economic opportunities, etc. from a person with a special interest; 3) prohibit the disclosure or use of confidential information acquired in the course of their official duties; and 4) require certain

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employees designated by the president of K-TEC to file the Statement of Substantial Interests.

KANSAS PUBLIC DISCLOSURE COMMISSION

109 W. NINTH
TOPEKA, KANSAS 66612
PHONE: (913) 296-4219

June 9, 1987

Opinion No. 87-16

TO ALL INTERESTED PERSONS:

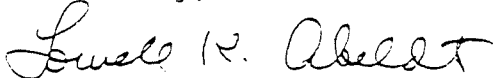
Pursuant to K.S.A. 46-254, the Kansas Public Disclosure Commission takes this opportunity to issue its opinion on the applicability to K.S.A. 46-215 et seq. to members of Kansas, Inc., and Kansas Technology Enterprise Corporation and the president and employees of those organizations.

Under House Bill 2582, New Section 2(a), it is our opinion that the president of Kansas, Inc., and its employees are not covered by the provisions of K.S.A. 46-215 et seq. since that subsection describes such individuals as State employees only under very limited circumstances and specifically precludes the definition of State employee applying to such individuals in all other settings. Similarly, under House Bill 2582, New Section 5(a), it is our opinion that the president and employees of Kansas Technology Enterprise Corporation do not fall under the provisions of K.S.A. 46-215 et seq.

Members of the corporations are treated differently since there is no specific exemption relating to them. Thus, since the members of Kansas Technology Enterprise Corporation receive compensation under K.S.A. 75-3223, they are State officers and employees by definition of K.S.A. 46-221 and the conflict of interest law applies to them. In addition, substantial interest statements will need to be filed under K.S.A. 46-247(d) by those members to whom the provision applies.

Members of the Kansas, Inc., are not subject to the conflict of interest laws contained in K.S.A. 46-215 et seq. since they receive only expenses as provided in K.S.A. 75-3223(e) and are, therefore, exempt from the definition of State officer or employee under K.S.A. 46-221(a)(4). Those individuals who are members of Kansas, Inc., who are appointed subject to confirmation are, however, required to file the substantial interest statement under 46-247(d).

Sincerely,



Lowell Abeldt, Chairman

By Direction of the Commission

LA:DDP:dlw

**KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT****Testimony before Senate Elections, Congressional and Legislative****Apportionment and Governmental Standards on Senate Bill 51**

By Carol Williams, Kansas Commission on Governmental Standards & Conduct

Senate Bill 51 which is before you this afternoon would amend K.S.A. 74-8012 relating to Kansas, Inc. This bill is a recommendation made by the Kansas Commission on Governmental Standards and Conduct in its 1992 Annual Report and Recommendations.

The Commission has had advisory opinion requests in the past from members of quasi-governmental organizations like Kansas, Inc. asking whether the States' Conflict of Interest provisions pertained to their activities (see attached Advisory Opinion No. 87-16).

The Commission recommends that the board of directors, president and employees of Kansas, Inc. be brought under the provisions of the State Conflict of Interests statutes. Kansas, Inc. members negotiate and enter into contracts for professional consulting and research services in collaboration with the Department of Commerce. The president of Kansas, Inc. appoints and employs additional staff analysts to perform research for Kansas, Inc.

Currently, other than the requirement that its board members whose positions are subject to senate confirmation file statements of substantial interests as required by K.S.A. 46-247, members and employees are excluded from the conflict of interest statutes. Placing board members, officers and employees under this act would prohibit them from: 1) participating in the making of a contract with a business in which they hold a substantial interest; 2) receiving gifts, economic opportunities, etc. from a person with a special interest; 3) prohibit the disclosure or use of confidential information acquired in the course of their official duties; and 4) require certain employees designated by the president of Kansas, Inc. to file the Statement of Substantial Interests.

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KANSAS PUBLIC DISCLOSURE COMMISSION

109 W. NINTH
TOPEKA, KANSAS 66612
PHONE: (913) 296-4219

June 9, 1987

Opinion No. 87-16

TO ALL INTERESTED PERSONS:

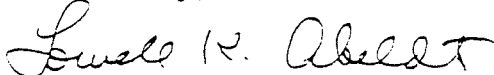
Pursuant to K.S.A. 46-254, the Kansas Public Disclosure Commission takes this opportunity to issue its opinion on the applicability to K.S.A. 46-215 et seq. to members of Kansas, Inc., and Kansas Technology Enterprise Corporation and the president and employees of those organizations.

Under House Bill 2582, New Section 2(a), it is our opinion that the president of Kansas, Inc., and its employees are not covered by the provisions of K.S.A. 46-215 et seq. since that subsection describes such individuals as State employees only under very limited circumstances and specifically precludes the definition of State employee applying to such individuals in all other settings. Similarly, under House Bill 2582, New Section 5(a), it is our opinion that the president and employees of Kansas Technology Enterprise Corporation do not fall under the provisions of K.S.A. 46-215 et seq.

Members of the corporations are treated differently since there is no specific exemption relating to them. Thus, since the members of Kansas Technology Enterprise Corporation receive compensation under K.S.A. 75-3223, they are State officers and employees by definition of K.S.A. 46-221 and the conflict of interest law applies to them. In addition, substantial interest statements will need to be filed under K.S.A. 46-247(d) by those members to whom the provision applies.

Members of the Kansas, Inc., are not subject to the conflict of interest laws contained in K.S.A. 46-215 et seq. since they receive only expenses as provided in K.S.A. 75-3223(e) and are, therefore, exempt from the definition of State officer or employee under K.S.A. 46-221(a)(4). Those individuals who are members of Kansas, Inc., who are appointed subject to confirmation are, however, required to file the substantial interest statement under 46-247(d).

Sincerely,



Lowell Abeltd, Chairman

By Direction of the Commission

LA:DDP:dlw



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before Senate Elections, Congressional and Legislative

Apportionment and Governmental Standards on Senate Bill 52

By Carol Williams, Kansas Commission on Governmental Standards & Conduct

Senate Bill 52 which is before you this afternoon would amend K.S.A. 74-8915 relating to the Kansas Development Finance Authority. This bill is a recommendation made by the Kansas Commission on Governmental Standards and Conduct in its 1992 Annual Report and Recommendations.

The Commission has had an advisory opinion request from a member of the Kansas Development Finance Authority asking if the Conflict of Interest statutes applied to him as a member (see attached Advisory Opinion No. 92-28).

The Commission recommends that the board of directors, president and employees of Kansas Development Finance Authority be brought under the provisions of the State Conflict of Interests statutes. The board of directors among other things acquire, hold and dispose of real and personal property; borrow money and issue notes and bonds; purchase notes; make secured or unsecured loans; sell mortgages and security interests at public or private sale; make and execute contracts for the servicing of mortgages acquired by the authority; and establish accounts in one or more depositories. The president of the authority appoints and employs additional officers, accountants, financial advisors or experts, bond counsel or other attorneys, agents and employees as is required and determines their qualifications, duties and compensation subject to the approval of the board of directors.

Currently other than the requirement that its' board members whose positions are subject to senate confirmation file statements of substantial interests as required by K.S.A. 46-247, members and employees are excluded

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from the conflict of interest statutes. Placing board members, officers and employees under this act would prohibit them from: 1) participating in the making of a contract with a business in which they hold a substantial interest; 2) receiving gifts, economic opportunities, etc. from a person with a special interest; 3) prohibit the disclosure or use of confidential information acquired in the course of their official duties; and 4) require certain employees to file Statements of Substantial Interests as designated by the president of the Authority.



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

August 21, 1992

Opinion No. 92-28

Curtis A. Krizek, Chairman of the
Kansas Development Finance Authority
Lathrop & Norquist
1050/40 Corporate Woods
9401 Indian Creek Parkway
Overland Park, KS 66210-2007

Dear Mr. Krizek:

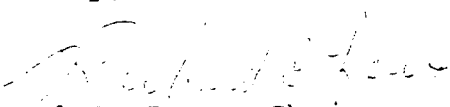
This opinion is in response to your letter of July 27, 1992, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interest law (K.S.A. 46-215 et seq.).

We understand you request this opinion in your capacity as Chairman of the Kansas Development Finance Authority. In this capacity you do not receive compensation except as provided for by K.S.A. 75-3223(e) for expense allowances and reimbursement.

You ask whether K.S.A. 46-215 et seq. applies to you as a result of your position.

You have correctly noted that K.S.A. 46-221 defines "state officer or employee" and subsection (a)(4) specifically excludes from the definition of "state officer and employee" persons who receive only the expense allowances and reimbursement provided to you. Thus, you do not meet the definition of "state officer or employee". As a general rule the Act does not apply to you due to your position with the Kansas Development Finance Authority. One exception to this rule is, as you have recognized, that you are required to file a Statement of Substantial Interest under K.S.A. 46-247. If you have any questions concerning the requirements of full disclosure in relationship to your firms clients, please contact our staff for guidance.

Sincerely,


Richard C. Loux, Chairman

By Direction of the Commission

RCL:DDP:dlw



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before Senate Elections, Congressional and Legislative

Apportionment and Governmental Standards on Senate Bill 53

By Carol Williams, Kansas Commission on Governmental Standards & Conduct

Senate Bill 53 which is before you this afternoon would amend K.S.A. 74-9307 relating to the Information Network of Kansas (INK). This bill is a recommendation made by the Kansas Commission on Governmental Standards and Conduct in its 1992 Annual Report and Recommendations.

The Commission recommended that the board members, network manager, and employees of INK be brought under the provisions of the State Conflict of Interest statutes. INK is authorized to negotiate and enter into contracts for professional consulting, research and other services. INK contracted with its network manager and employees. They are contractual servants rather than state employees. Due to this contractual situation the State Conflict of Interest statutes would not apply to INK even if K.S.A. 74-9307 were amended. Therefore we request the committee to table SB 53.

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STATE OF KANSAS



KANSAS PUBLIC DISCLOSURE COMMISSION

109 W. NINTH
TOPEKA, KANSAS 66612
PHONE: (913) 296-4219

March 20, 1991

Opinion No. 91-11

William F. Bradley, Jr., Chairman
Information Network of Kansas, Inc.
2000 Epic Center
301 North Main Street
Wichita, Kansas 67202-4820

Dear Mr. Bradley:

This opinion is in response to your letter of February 6, 1991 in which you request an opinion from the Kansas Public Disclosure Commission concerning the conflict of interest law (K.S.A. 46-215 et seq.).

We understand you request this opinion in your capacity as Chairman of Information Network of Kansas, Inc. (INK, Inc.).

You ask whether members of the Board of INK, Inc., and its future employees are subject to K.S.A. 46-215 et seq.

INK, Inc., was established by K.S.A. 74-9301 et seq. Pursuant to those statutes it does not appear that members of the board receive compensation from the state for services on the board and therefore under K.S.A. 46-221(a)(4), they are exempted from the definition of "state officer and employee" such that the conflicts act does not apply to them in their capacity on this board.

Turning to the employees of INK, Inc., K.S.A. 74-9307(a) sets out several basis on which employees of INK, Inc., are considered state employees. The statute then states "... all employees of INK, Inc., shall be considered to be state employees and INK, Inc., shall be considered a state agency only for the purposes specified in this subsection". Since application of the conflict laws is not included in K.S.A. 74-9307(a) we are constrained to hold that the conflict laws contained in K.S.A. 46-215 et seq. do not apply to employees of INK, Inc.

Sincerely,

A handwritten signature in cursive script that reads "Ruth A. Schrum".

Ruth A. Schrum, Chairwoman

By Direction of the Commission

RAS:DDP:dlw