

Approved: 2-4-98  
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairman Janice Hardenburger at 1:30 p.m. on February 2, 1998 in Room 529-S of the Capitol.

All members were present:

Committee staff present: Dennis Hodgins, Legislative Research Department  
Mike Heim, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Graceanna Wood, Committee Secretary

Conferees appearing before the committee: Charles Smithson, Legal Counsel, KCGSC

Others attending: See attached list

Chairman Hardenburger asked for introduction of bills. Senator Vidricksen requested a political truth in advertising bill setting up a formula whereby anyone having grievance can appeal it to the Ethics Commission.

Senator Steineger made motion to have the Committee introduce the bill, seconded by Senator Lawrence. Motion carried.

Senator Steineger requested a bill with the same language as HB 2747, which would allow school districts to refinance old bond issues.

Senator Steineger made motion to have Committee introduce the bill, seconded by Senator Gooch. Motion carried.

Senator Hardenburger requested a bill to be conceptually introduced concerning the appointment of precinct committee persons when there is a vacancy.

Senator Lawrence moved the bill be introduced and Senator Becker seconded. Motion carried.

Chairman Hardenburger requested staff to give briefing on SB 143. Staff informed the Committee that there are certain entities that are regulated as to what they can give and not give to State Officer Employees above the maximum of \$40. What the bill does, is remove the \$40 value and inserts that State Officer Employees cannot accept anything of value if it is in exchange for performance or non performance of official duties by the State Officer or employee.

The Committee discussed at length whether the \$40 should be removed from the bill and by doing so would it be taking away the personal contact with their constituents.

Chairman Hardenburger closed hearings on SB 143 and opened hearings on SB 450. Staff advised Committee that SB 450 was similar to SB 430 except for the exemption.

Chairman informed the Committee that all of the State Offices, Attorney General, State Treasurer, Secretary of State, and Insurance Commissioner have asked to be a part of the Governor's bill which is SB 430.

Charlie Smithson, Legal Counsel for the Kansas Commission on Governmental Standards and Conduct, gave testimony in favor of SB 450. The bill would bring all the executive branch employees under the provisions with the exception of unclassified employees of the regents institutions. (Attachment #1)

The Committee further discussed if 40,000 employees of the State should be aware of the fact that currently if they receive a gift, they have violated an ethics law. Mr. Smithson advised the Committee that the KCGSC was educating employees on this matter.

Meeting was adjourned at 2:30 p.m.

Next meeting will be at 1:30 p.m. February 3, 1998.

# ELECTIONS & LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: FEBRUARY 2, 1998

NAME	REPRESENTING
KEITH R LAUDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Chelsea Weekly	KID
Craig Grant	HWFA
Row Seebert	Dept of Admin
Charlie Smithson	R/GSC
Bruce Dimmitt	Independent
CRIVILLE COLE	SENI. TYSON
Brad Bryant	Sec. of state
John Schwartz	Sen. Minority Leader's Office
John Shoemaker	(Senate Pres. office)
Dan Hermes	GOV'S OFFICE
Natalie Haag	GOV office
Harriet Lange	Ks Assn of B' Castles
Jim Edwards	KACL
Ginda DeLoersey	Ks Insurance Agents
Mr. Kris Kringle	Gift-Giver



## KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

### TESTIMONY BEFORE SENATE ELECTIONS & LOCAL GOVERNMENT IN SUPPORT OF SB 450

By W. Charles Smithson, Legal Counsel

SB 450, which is before you this afternoon, amends K.S.A. 46-237a, a provision of the governmental ethics laws. This bill is a recommendation of the Commission.

Under current law, employees of the executive branch fall under two different laws concerning the receipt of gifts and meals. The following individuals fall under K.S.A. 46-237:

1. Unclassified employees of the executive branch whose salaries are not subject to direct approval by the Governor.
  1. These employees may receive the following items:
    1. gifts under \$40 from anyone with a "special interest";
    2. gifts without limit from anyone without a "special interest";
    2. meals & recreation without limit so long as given and consumed/used in the presence of the donor;
      1. if not consumed/used in the presence of the donor, the \$40 limit applies.

The following individuals fall under the provisions of K.S.A. 46-237a:

1. The Governor & his or her spouse;
2. the Lieutenant Governor;
3. all classified employees;
4. all unclassified employees whose salaries are subject to approval by the Governor;
5. all members of boards, commissions and authorities.
  1. As a general rule, these employees may not receive any gifts, recreation or meals;
    1. there are of course, exceptions.

**Elec. & Local Gov.**

**Date:** 2-2-98

**Attachment:** #1

SB 450 would bring all the executive branch employees under the provisions of K.S.A. 46-237a, with the exception of unclassified employees of the regents institutions (lines 26-28). This exception is in deference to the wishes of the Governor's Office pursuant to Executive Order 96-1 and the original provisions of K.S.A. 46-237a.

The stricken language in section (f) is replaced by the new language in new sections (f) and (g). This is merely cleanup language by removing longer paragraphs with statutory references.