

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on February 14, 2000, in Room 529-S of the Capitol.

All members were present except: Senator Praeger
 Senator Steineger

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

Conferees appearing before the committee: Vera Gannaway, General Counsel, KGEC
 Bruce Dimmitt, Independent

Others attending: See attached list

Chairman Hardenburger opened the hearing on **SB 558 concerning governmental ethics; relating to contracts involving state officers or employees, and repealing the existing section.**

Vera Gannaway, General Counsel, Kansas Governmental Ethics Commission, presented testimony as a proponent of **SB 558**. She advised the Committee that K.S.A.46-233 (a) and (b) place limitations on who may participate in the making of contracts and who may take jobs with entities that have been awarded state contracts. She further advised the Committee that subsection (d) states that these prohibitions shall not apply to contracts which are let after a competitive bid procedure and which have been advertised for by published notice. She said **SB 558** amends this language to clarify that contracts that contain elements of negotiation do not fall within this exemption and are, therefore, subject to the prohibitions outlined in subsections (a) and (b). (Attachment #1)

The Committee discussed what the problem might be in the negotiation process of making contracts. Ms. Gannaway said that the bill would prevent an employee of the state from leaving state employment to take employment with the company who negotiated and received the contract for two years. She further said that section 1 page 1 of the statute does deal with the letting of contracts. She further stated, the issue being brought before the Committee is that there is a statute that prohibits people who are involved in the negotiation of contracts taking employment with the company receiving the bid. The third matter is, the person negotiating the contract should not take a job with that same company within two years after the negotiations if the employee was involved in negotiating the contract.

Chairman Hardenburger said the bill is applying the same rule to a competitive bid/negotiated contract, a so-called "hybrid" of competitive bidding combined with negotiated qualifications. Kansas Statutes do not apply to those instances.

Bruce Dimmitt, Independent, provided comments to the Committee.

Meeting was adjourned at 2:15 p.m. Next meeting is scheduled for February 15, 2000.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

