

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on February 14, 2001 in Room 521-S of the Capitol.

All members were present except: Representative Carlos Mayans, Excused
Representative Steve Huebert, Excused
Representative John Toplikar, Excused

Committee staff present: Dennis Hodgins, Research
Shirley Weideman, Secretary

Conferees appearing before the committee: Kathy Greenlee, Kansas Insurance Department
Tim Shallenburger, State Treasurer
Representative Jene Vickrey

Others attending: See attached list

Dennis Hodgins, Legislative Research Department, briefed the staff on **HB 2489** and **HB 2490**. On HB 2489 he said there would be a change in compensation from \$270 to \$450 per two-week pay period between sessions starting in 2002. He indicated that no gifts would be allowed in the form of loans, gratuity, special discounts, favors, hospitality, service or any economic opportunity. He also said there are exceptions on page 4, lines 34-42 and page 5, lines 2-12 (gifts from personal friends, nonprofit organizations, etc.). He indicated that HB 2490 would prohibit hospitality in the form of food and beverages being accepted by state officers and employees having an aggregate value of \$40 or more and for entertainment having an aggregate value of \$100 or more. Mr. Hodgins said there are similar exceptions as are in HB 2489. He said meals and gifts under \$10 value would be excluded from having to be itemized and items over that amount are reported in the aggregate.

Hearings were opened on **HB 2489** and **HB 2490**.

Kathy Greenlee, General Counsel, Kansas Insurance Department, spoke as being neutral regarding **HB 2489** and **HB 2490**. She said she does many presentations, which are mainly informational in nature, to a wide range of groups. Ms. Greenlee said that she has two problems with the proposed legislation. She indicated that the first problem is with "speaker's gifts", especially the definition of speaking at a "public function" as it does not describe what they do on a regular basis, since the event may be held for a membership organization or for invited guests only and not for the entire general public. Ms. Greenlee said her second problem with the legislation involves meals. She indicated that there has been confusion about attending and speaking at a luncheon where they cannot eat the meal because that is prohibited by law unless it is a "widely attended event" or "public event" and whether the meal is a pretext for "exclusive access to the person" receiving the meal. Also Ms. Greenlee said there are "dual rules" for legislators versus the Governor, state officers and others in the executive branch of the government as amended in K.S.A.46-269 in 2000. (attachment #1) Ms. Greenlee answered committee questions.

Chair Powell directed the committee's attention to the written testimony of Natalie Haag, Legal Counsel, Office of the Governor, as a proponent for **HB 2489** and **HB 2490**. He reviewed the Governor's recommendations of: 1) allowing state employees to receive a gift valued at \$10 or less, 2) allowing lobbyists to provide a gift to legislators valued at \$10 or less without reporting the same under the lobbyist-reporting bill, 3) clarifying the meal provision for state officials attending an event as an official spokesperson or presenter and 4) providing a "due process" procedure for ethics violations and complaints by providing authority for the probable cause hearing on a complaint to be held before a hearing officer(s). (attachment #2)

Chairman Powell also called the committee's attention to information received from Chip Wheelen, Kansas Society of Association Executives. (attachment #3)

CONTINUATION SHEET

Members of the committee were encouraged by Chairman Powell to review an article from the Manhattan Mercury regarding Representative Alldritt.. (attachment #4)

Tim Shallenburger, State Treasurer, testified as a proponent for **HB 2489** and **HB 2490**. He gave his recommendations for removing the requirement to itemize gifts or food valued at \$10 or less and directing that those covered under K.S.A. 46-237a should fall under the same reporting requirements as the legislative branch, allowing each elected official to establish directives to his or her own staff that would restrict acceptance of any item covered under the year 2000 legislation. He also suggested that elected officials should be able to allocate campaign funds for the expenses incurred by the official's spouse. Treasurer Shallenburger said that there needs to be one set of rules for all, excluding the Governor. (attachment #5) The Treasurer answered questions asked by the committee.

Representative Jene Vickrey gave the committee testimony on a recommendation for a pay raise for legislators. He said that it is hard to raise a family and pay bills when you are away from your family and job for approximately 4 months of the year. Rep. Vickrey replied to a question by Rep. Alldritt by saying that he may make \$16,000 per session if he counts mileage reimbursement. He suggested an increase in the pay rate for legislators and disallowing any other compensation, such as lobbyist's gifts.

Chairman Powell closed the hearings on **HB 2489** and **HB 2490**.

The minutes were approved for January 24 and January 29 by unanimous consent, without objection.

Meeting was adjourned at 4:45 p.m. The next scheduled meeting is February 19 at 3:30 p.m.