

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Gordon at _____
Chairperson

1:30 ~~am~~/p.m. on March 25, 1987 in room 522-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Myrta Anderson, Legislative Research Department
Arden Ensley, Revisor of Statutes
Phil Lowe, Committee Secretary

Conferees appearing before the committee:

Earl Nehring, Common Cause/ Kansas
Jana Acheson, Kansas Public Disclosure Commission
Julene Miller, Attorney General's Office
Carol Williams, Public Disclosure Commission
Representative Henry Helgerson, Jr.
Representative Richard L. Harper

Senator Bond moved and Senator Hoferer seconded the motion that the minutes of March 19, 1987 be approved. Motion carried.

In view of the fact that the committee was considering bills relating to expenditures contributed by lobbyists, Senator Norvell distributed copies of a newspaper article saying lobbyists spend thousands courting favors of state legislators. (Attachment No. 1). The article stated that last year lobbyists spend an average of \$2,895 on each Kansas legislator, primarily for food and beverage and that the total is increasing each year and it was the concern of the committee that something should be done to clear the public opinion concerning this matter. Members expressed concern because it gives an inflated figure to the public and whether it might be possible whether some lobbyists were reporting in duplicate and triplicate.

Sub. 2541 - Earl Nehring speaking for Common Cause/Kansas, testified as an opponent to the bill and said the bill does only one thing - it further weakens what already are ineffective laws regulating lobbying expenditures in Kansas. The bill makes it possible for lobbyists to underwrite the costs of "special events" without having to report anywhere the total amounts spent on the affairs. He said his organization would urge everyone to step back and take a serious look at how the lobby regulation laws in this state can be strengthened; therefore, would urge the committee to kill the bill. (Attachment No. 2).

Representative Harper appeared in support of the bill and told the committee this bill came up due to an opinion by the Kansas Public Disclosure Commission. He said the measure would clarify reporting provisions for lobbyists when they contribute to a special event. It passed out of the House Elections Committee by a voice vote and only eight "no" votes on final action in the Committee of the Whole.

Carol Williams speaking for the Kansas Public Disclosure Commission said the commission has a neutral position on the bill.

Jana Atchison from the Kansas Public Disclosure Commission in answer to a question as to where the news media gets their information said their files are open to the public. She said when one or more lobbyists groups are sponsoring a social event that it should be reported totally by just one of the lobbyists groups instead of having it reported by all groups involved. This could eliminate some of the duplicate and triplicate reporting that might be going on at the present.

It was the consensus of the committee that some thought should be

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,
room 522-S, Statehouse, at 1:30 ~~am~~/p.m. on March 25, 1987

given to a study during the interim to see if statutes should be revised to reflect more accurate reporting by lobbyists.

Senator Hoferer moved and Senator Vidricksen seconded the motion that Sub. 2541 be recommended favorably to the Senate for passage. Motion carried.

HB 2267 . Mr. Helgerson appeared before the committee and explained the bill concerning copies of registration records. He said the bill provides that any person may make a written request for a copy of the registration books at any time except on any election day. He further stated the measure would provide greater access to the registration books.

Senator Reilly moved and Senator Johnston seconded the motion that HB 2267 be reported back to the Senate with a favorable recommendation. Motion carried.

HB 2201. Julene Miller, representing the Attorney General's office appeared before the committee and gave some background in support of the bill. She said during the 1986 election year their office received numerous questions and complaints regarding the financial reports of constitutional campaigns required by K.S.A. 25-4201 and because of the confusion and near inability to comply with the current provisions prompted the introduction of this bill. She said their concerns were addressed to in the House Bill as amended by the House Elections Committee (Attachment No. 3).

Senator Vidricksen moved and Senator Martin seconded the motion that HB 2201 be recommended favorably for passage. Motion carried.

Senator Bond moved and Senator Martin seconded the motion to report favorably HB 2133 for passage. The bill allows the county or district attorney to determine the sufficiency of the grounds for recall. Motion carried.

SB 2071. The bill relates to state officers and employees and candidates for state office and concerns conflict of interest. The committee had hearings on this bill at the March 19 meeting. The Revisor was instructed to draw up amendments to clarify the language in the bill in line 43 by striking the word "has" and inserting "shall be deemed to have"; also in line 46 after the word "gift" by inserting "or bequest".

Senator Norvell moved and Senator Bond seconded the motion for the adoption of the amendments, and that the bill be recommended favorably for passage as amended. Motion carried.

The meeting was adjourned at 2:30 p.m.

Guest list appears as Attachment 4.

GUEST LIST

COMMITTEE: Senate Elections

DATE: 3-25-87

NAME	ADDRESS	ORGANIZATION
Jane Atchison	Topeka	KPBC
Carl Williams	"	"
Earl Nehring	Lawrence	Common Cause / KS
Julene Miller	Topeka	A.G.
Mark Stephenson	Topeka	Intern / Sen. Hofner

act 4

Lobbyists spend thousands courting favors of state legislators

This second, of two stories, examines special interest spending.

By DALE GOTER

TOPEKA (HNS) — They mingle quietly outside the House and Senate chambers, leaning against the walls, sitting on benches, chatting about legislation and other topics.

Except for the badges pinned to their suit coats and dresses identifying them as lobbyists, they appear as little more than casual observers of life in the state Capitol.

But their innocuous image in the Statehouse halls and committee rooms belies their growing numbers and influence. Already this year, the number of special interest organizations registered to lobby in Topeka is 50 more than the total for the entire year of 1986.

So far, 820 groups have paid the \$15 registration fee, entitling their lobbyist to an identification badge and the right to linger in the Statehouse and spend more than \$100 a year courting the favors of state legislators.

For many, the \$100 threshold comes in a hurry. Last year, lobbyists spent an average of \$2,895 on each Kansas legislator, primarily for food and beverage. That's nearly four times the average amount spent per legislator in 1975 when state officials began keeping track of such things.

The total is increasing. For example, in 1986, lobbyists spent \$478,000 on food and drink for lawmakers, \$30,000 more than they reported spending in 1985. Since 1976, lobbyists have spent \$3.2 million for

food and entertainment for state legislators.

But these numbers understate the actual financial involvement of special interests, says Carol Williams, administrative assistant to the Public Disclosure Commission, the agency charged with overseeing lobbying, campaign finance and conflict-of-interest laws.

"The largest reported expenditure is for food and beverage," Williams said. "But think about that. That's really not the largest expenditure. In Kansas, the law does not require

reporting salaries, or money required to put together position papers or research — none of that is reportable."

Although blatant influence-peddling is not evident, lobbyists still have a tremendous impact on the state's legislative agenda, according to some critics.

"It's not like they're standing around passing out money," says Rep. R.H. Miller, R-Wellington, sponsor of the most far-reaching campaign finance reform bills in this year's legislative session, "but

they'll come up to you and say, 'When are you going to move my bill?' There's no doubt that they influence the legislative agenda."

Concern about ethics in government — an umbrella covering lobbying, campaign finance and conflict-of-interest — was spurred by the Watergate crisis of the 1970s. Over the years, those concerns have given way to quiet acceptance of a

SPENDING CONCERNS

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Today's weather

Reading at 11:30 a.m.....	57	Record high.....	90 in 1907	FORECAST: Tonight mostly clear and windy with lows in the mid 40s and southerly winds 15 to 25 mph and gusty. Friday mostly sunny and windy with highs in the low to mid 60s and southwest to west winds 15 to 30 mph.
Low this morning.....	30	Record low.....	-2 in 1923	
Wednesday's high.....	48	Year ago today.....	50 and 28	

Water watch

Gallons used Wednesday.....	1,346,200	Gallons used this year.....	100,736,700
Allocation.....	1,578,000	Allocation.....	123,084,000
Percentage used.....	85.3	Percentage used.....	81.8

Attachment No. 1
Senate Elections
3-25-87



March 19, 1987

Statement in opposition to Substitute House Bill 2541
presented to the Senate Committee on Elections
by Earl Nehring for Common Cause/Kansas

Our organization opposes Substitute House Bill 2541. The bill does only one thing--it further weakens what already are ineffective laws regulating lobbying expenditures in Kansas.

The bill would make it possible for lobbyists to underwrite the costs of "special events"--meaning big parties for legislators or other State officers and employees--without having to report anywhere the total amounts spent on the affairs. Thus there is one more way in which special interest money spent to curry favor with state officials is camouflaged from scrutiny by the public.

Bear in mind the history of this bill. On February 18th the Kansas Public Disclosure Commission issued an opinion stating how funds spent on special events should be reported. Two alternatives were noted. Both required a lump sum reporting of the money spent on an event. On February 25th House bill 2541 was introduced. The original bill apparently did not accomplish what was intended. The substitute bill was submitted and expedited through the House committee and the full House without discussion.

Never has spending money on big parties been in question. The only issue is how that spending gets reported. Rather than contributing to the weakening of our regulations by the speedy passage of this bill, which ultimately will do more harm than good for all those affected by it, we would urge you to step back and take a serious look at how the lobby regulation laws in this state can be strengthened.

We urge you to kill the bill.

*Attachment No 2
Senate Elections
3-25-87*



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

March 18, 1987

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

The Honorable Francis E. Gordon
Chairman, Senate Elections Committee
State Capitol, Room 128-S
Topeka, Kansas 66612


Dear Chairman Gordon:

I understand your committee will be hearing testimony regarding House Bill No. 2201 on March 19, 1987. I support this bill and wish to briefly share my thoughts with you.

Enclosed please find a letter drafted to Representative Harper as Chairman of the House Elections Committee. This letter was written prior to the introduction of House Bill No. 2201. It sets forth some of the problems faced in attempts to comply with K.S.A. 25-4201 during previous election years. Also enclosed is a copy of our testimony to the House Elections Committee regarding the original draft of House Bill No. 2201. The concerns raised in both the letter and the testimony have been addressed in House Bill No. 2201 as amended by the House Elections Committee. I therefore am in support of this most recent draft.

Thank you for your consideration.

Very truly yours,


ROBERT T. STEPHAN
Attorney General

RTS:JLM:jm
Enclosures

*Attachment 3
Senate Elections
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STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

January 16, 1987

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

The Honorable Richard Harper
Chairman, Elections Committee
Room 175-W, State Capitol
Topeka, Kansas 66612

Dear Chairman Harper:

During the 1986 election year, this office received several questions and complaints regarding the financial reports of constitutional campaigns required by K.S.A. 25-4201. I ask that your committee consider revising K.S.A. 25-4201, making it less cumbersome and more easily regulated.

In comparing K.S.A. 25-4201 to the pertinent provisions of the campaign finance act, K.S.A. 25-4119a et seq., it becomes apparent that the reporting requirements of the former are much stricter than those of the latter. K.S.A. 25-4201 requires the name, address and occupation be reported on every contributor, whereas K.S.A. 25-4148 requires only the name and address and only for persons who contribute an aggregate amount in excess of fifty dollars during the election period. Additionally, K.S.A. 25-4201 provides that violation of its reporting requirements shall constitute a class C misdemeanor. K.S.A. 25-4152 provides for the payment of civil penalties for failure to file certain reports and K.S.A. 25-4167 makes it a class A misdemeanor for intentional failure to file a required report under the campaign finance act. Reports required under the campaign finance act are monitored by the public disclosure commission. Reports required pursuant to K.S.A. 25-4201 are to be filed with the Secretary of State, but there is no provision for monitoring those reports.

Bringing the provisions of K.S.A. 25-4201 in line with the provisions of the campaign finance act would appear to be appropriate and desirable. In considering introduction of such a bill, should you desire the appearance of a member of my staff before your committee, we will be happy to provide such assistance.

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Richard Harper
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Thank you for your cooperation in this matter of mutual concern.

Very truly yours,

Robert T. Stephan
Attorney General of Kansas

RTS:JLM:jm

cc: Carol Williams, Public Disclosure Commission

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3-25-87*



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

Testimony of Deputy Attorney General
Julene L. Miller
to Committee on Elections
February 19, 1987

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to comment on 1987 House Bill No. 2201.

During the 1986 election year, the office of the Attorney General received numerous questions and complaints regarding the financial reports of constitutional campaigns required by K.S.A. 25-4201. Because of the confusion and near inability to comply with the current provisions of K.S.A. 25-4201, we urge you to revise the requirements of that statute, making it less cumbersome and more easily regulated.

Many of the problems faced in reporting constitutional campaign finances appear to be resolved by House Bill No. 2201. However, a few questions remain unanswered. For instance, when does one become "engaged" in an activity promoting or opposing the adoption or repeal of a constitutional provision? Will the provisions of the bill

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kick in before a resolution is actually passed? Many organizations conduct ongoing operations in which money is received and expended continuously, even in non-election years. Will these organizations be required to report simply because there is a possibility they will be promoting or opposing adoption or repeal of a constitutional provision in the future? What about organizations lobbying for the status quo of a constitutional provision? Would this be considered "engaging" in an activity promoting or opposing the adoption or repeal of a constitutional amendment? The bill does not appear to address this situation.

K.S.A. 25-4148 of the Campaign Finance Act requires reporting of "the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50. . . ." It is unclear whether 1987 House Bill No. 2201 requires reporting of individual contributions in excess of \$50, or aggregate contributions in excess of \$50. It would not take many contributions to put an organization over the \$50 limit, when they would again be placed in a position of having to show the name and address of each and every one or two dollar contributor.

Finally, House Bill No. 2201, Section 1(c) provides that an intentional failure to report as required by Section 1(a) is a class A misdemeanor. Section 1(c) does not reference Section 1(b) notice provisions. It is not clear whether the penalty of Section 1(c) is coincident with the civil penalty

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provided in Section 1(b), or would apply only after Section 1(b) notice and failure to comply. It is suggested that Section 1(c) be amended to clearly provide that only intentional violations will be classified as class A misdemeanors, and that mere failure to file will be treated under Section 1(b) of the act.

Thank you for your consideration of these matters.

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