

Approved 3-4-91
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Tom Sawyer
Chairperson

9:15 a.m./p.m. on Tuesday, February 26, 1991 in room 313-S of the Capitol.

All members were present except: Representative Mary Jane Johnson, excused

Committee staff present:

Pat Mah, Research
Arden Ensley, Revisor
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Dennis Prater, General Counsel, Public Disclosure Commission
Representative Kathleen Sebelius
Carol Williams, Public Disclosure Commission
Michael Wolf, Common Cause
Mike Merriam, Attorney, Kansas Press Association
Mac Eulert, American Civil Liberties Union
Fred Phelps
Jim Edwards, KCCI
Craig Grant, KNEZ
Ron Hein
Representative Joan Adams
Representative Tom Love
Ron Thornburgh
Keith Landis, Christian Scientist Monitor

The House Elections Committee was called to order at 9:15 a.m. in the Old Supreme Court Room on Tuesday, February 26th, 1991 by Chairman Tom Sawyer.

The order of the day were hearings on several bills and the Chair established protocol by allowing each conferee to speak on all bills they were interested in at one time rather than calling for each bill one at a time.

The first conferee was Dennis Prater, General Counsel for the Public Disclosure Commission. He wished to speak only on the subpoena power. He stated the Public Disclosure Commission was unable to handle tips they received because of their inability to get records and also when something looked wrong, and they were unable to get records, it slowed down their investigation. He listed several organizations that do have subpoena power and he felt it was just as necessary for the Public Disclosure Commission to have the same powers.

Next to appear before the committee was Representative Kathleen Sebelius who spoke on HB 2342 and HB 2150. She endorsed the five key positions list in HB 2342, i.e. subpoena power, prohibition on lobbying for one year, limitation on lobbying gifts, honorarium and changing the name of the Commission. She also endorsed HB 2150 which would prohibit a legislator from engaging in lobbying, or be employed by a lobbyist, for one year.

Jim Edwards, KCCI, was the next conferee to appear before the committee. He spoke generally on all proposed bills dealing with lobbying, PAC contributions and the administration of the Public Disclosure Commission. (Attachment 1)

He also presented the written testimony for the KSAE listing their position taken on several issues generated in the Kansas Select Commission on Ethical Conduct. (Attachment 2)

Representative Joan Adam appeared as a sponsor of HB 2150. She stated it seemed appropriate, in a year in which it appeared significant campaign and lobbying reforms may occur, to consider a limitation on the ability of a legislator to leave their public office and immediately begin to lobby their former colleagues. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections

room 313-S, Statehouse, at 9:15 a.m./p.m. on Tuesday, February 26, 1991

The Chair called next on Max Eulert, on behalf of the American Civil Liberties Union. Mr. Eulert spoke in opposition to HB 2150 stating the ACLU had no problem with the intent of the bill but felt the language should be changed to restrict lobbying only for pay. (Attachment 4)

The next conferee to present testimony was Carol Williams from the Public Disclosure Commission. She spoke first on HB 2369, which would require the registered name of a political action committee to clearly reflect the organization or affiliation of its members. The Commission recommends that each PAC adopt a name which reflects the full name of the organization. (Attachment 5)

She next spoke on HB 2382, which would require every newspaper which accepts political advertising from a candidate for state or local office to permit all other candidates for the same office to also purchase advertising space. The Commission feels all candidates should have equal access to advertising in the print media. (Attachment 6)

She next conveyed to the committee the Commission's support of the Select Commission on Ethical Conduct's recommendations as set forth in HB 2454. She spoke on the three sections the Commission had requested. (Attachment 7)

Michael Woolf, Executive Director of Common Cause, presented testimony in support of three bills, HB 2121, HB 2271, and HB 2342. (Attachments 8, 9 and 10)

Mike Merriam, Attorney for Kansas Press Association, rose in opposition to HB 2382. He stated the Supreme Court had already ruled it unconstitutional that a newspaper must print anything which is presented to it. He referred to a ruling in the case of the Miami Herald versus Tornillo, a U.S. Supreme Court case in 1974. (Attachment 10a)

Craig Grant, KNEA, was the next conferee to present testimony. He divided HB 2454 into sections, stating KNEA agreed with the recommendations concerning conflict of interest, and with the administration sections. They do have some concerns in the area of lobbying which he listed in his written testimony. (Attachment 11)

Ron Hein, attorney, appeared on behalf of himself and his law firm regarding HB 2342. He stated he had no position on the bill itself but had some concerns with Section 20 on page 18. (Attachment 12).

Ed Engel of Topeka, speaking as a private citizen, spoke in favor of HB 2121. He told the committee that if properly used lobbying can and does serve a very useful purpose however, too often lobbyists try to persuade government officials by offering them money, gifts and other gratuities. (Attachment 13) He also stated that Dr. Larry Fischer, President of Kansans for Fair Taxation, wished for him to convey to the committee that his group reflects the same sentiments he had expressed and wished to go on record as fully endorsing and supporting passage of HB 2121.

Fred Phelps appeared before the committee in support of HB 2121 and HB 2271. He also presented the testimony he gave before the Kansas Select Commission on Ethical Conduct. (Attachments 14 and 15).

Representative Tom Love, the sponsor of HB 2121 gave testimony as to why he introduced this bill and also his personal belief in regards to accepting gifts. (Attachment 16).

Ron Thornburgh appeared as a member of the Select Commission. He referred to the statement of guiding principles which he felt was the key to the ethics bill:

- 1) government should operate in the open
- 2) should have level playing field
- 3) not make it too hard to get good candidates. (Attachment 17)

During the question period that followed the testimony by all the conferees, a referral was made to Keith Landis and the Christian Science Monitor. Mr. Landis serves on the Committee on Publications and he requested permission to talk. He stated they offer the Christian Science Monitor to all legislators for a 6 month free trial, feeling that an educated legislator was a better legislator and this gift was reported to the Commission. (Attachment 18)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 313-S, Statehouse, at 9:15 a.m./p.m. on Tuesday, February 26, 1991

The Chair adjourned the meeting at 10:40 a.m. with the announcement that there would be continued hearings on Wednesday, February 27th in Room 521-S beginning at 9:00 a.m.

GUEST LIST

COMMITTEE: House Elections DATE: Tuesday, February 26, 1991

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Michael Merriam	Topeka	Goodell, Stratton
Ron Smith	"	KBA
Ron Hein	"	Hein + Ebert, Chtd
Teresa Floerching	Topeka	DOB
David Nuhols	Topeka	SWBT
Ron Tromburgh	"	Sec of state
Ing A. delg Torre	TOPEKA	SECRETARY OF STATE
Gerald Anderson	TOPEKA	USA JKS
KEITH R LANDIS	TOPEKA	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Craig Grant	Topeka	K-NEA
Mark Tallman	Topeka	KASB
Carl Hill	Topeka	Ks Motor Carriers Assn
JIM TURNER	TOPEKA	KNCSE
Rebecca Pien	Topeka	
Michelle Dioster	Topeka	John Peterson + Associates
William Soldier	Topeka	Legis
Max Eulert	Topeka	ACLU
L. M. Bradley	Saratoga, Ca	DuPont
Tom Tunnell	Topeka	Kansas Grain & Feed Assn.
JEFF RUSSELL	TOPEKA	UNITED TELE
Joe Lieber	Topeka	Ks. Co-op Council
Whitney B. Jamison	Topeka	Pete McGill & Associates
W J DEINES	MERIDEN	KFFT
Ed Engel	Topeka	SELF
J. W. Lake	Topeka	
John Ensky	Topeka	Goodell, Stratton
DAVID L. FURNAS	TOPEKA	KANSAS PRESS

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry

500 Bank IV Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321



A consolidation of the
Kansas State Chamber
of Commerce,
Associated Industries
of Kansas,
Kansas Retail Council

February 26, 1991

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the
House Elections Committee

by

Jim Edwards
Director of Chamber and Association Relations

Mr. Chairman and members of the Committee:

I am Jim Edwards, Director of Chamber and Association Relations for KCCI, and I appreciate the opportunity to appear before you today to comment on the proposed bills dealing with lobbying, PAC contributions and the administration of the present Kansas Public Disclosure Commission.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

First, in our system of representative government, the keys to effectiveness center on: 1) a free flow of information between those being governed and those governing; 2) the maximizing of political participation by constituents; and, 3) an efficient method of safeguarding political activities.

KCCI believes that the Legislature should encourage every group and individual to bring information forward that might assist in the deliberations on any certain issue. Those persons representing groups should be required to register and make a reporting of essential and pertinent data. This should not include the salaries of those registered as this information provides no factual account of lobbying, it can be very misleading and also extremely difficult to determine. While there is possible merit to having a different fee based on level of political activity, it should not be onerous. The fact remains that the key to the success of any legislative body is determined by the participation of constituents and organizations and the information provided by both.

KCCI also believes that individuals participating in PAC's do so for the simple reason that they can join efforts with those who have common goals. These efforts should be commended and encouraged rather than discouraged by prohibiting direct contributions to candidates. It is interesting that some will tell you that PAC contributions are good only if someone else can make the decision on who receives a contribution. In this case, the someone else would be either the chair of the state Democratic or Republican party.

Finally, KCCI believes that for the Kansas Public Disclosure Commission to be more effective in carrying out the rules and regulations it is responsible for, it should be provided with the necessary tools. Some will look at the issue of full investigative subpoena powers and say that it provides the agency with too much power. It can be viewed differently though. As a representative of an organization that could be served a subpoena, I can say that we would much rather have an investigation take place with a subpoena and have it be private than be investigated under the current system and be a media sideshow.

We applaud the committee for their deliberations on this issue and would ask that you consider our testimony when you make your decisions. I would stand for questions.

It is recommended that KSAE take the following positions on issues generated in the Kansas Select Commission on Ethical Conduct?

1. **Support** changes which would include in the definition of hospitality such events as golf, tennis or other social events at which the lobbyist is present. (This would address the elimination of gifts, which the above mentioned events are now considered)
2. **Support** provisions which would give the Kansas Public Disclosure Commission full investigative subpoena powers.
3. **Oppose** efforts which would restrict organizations, unions, corporations and PAC's from making direct candidate contributions and allowing only contributions to party or political parties. (Currently, all entities mentioned above can make direct contributions)
4. **Support** the extension of lobbying statutes and rules and regulations to the members of the executive branch and all state officers. (Currently, some individuals who lobby are not required to conform to statutes and rules and regulations)
5. **Support** efforts which would provide meaningful lobbying expenditure reports without requiring duplicative or unnecessary information.

JOAN ADAM
REPRESENTATIVE, FORTY-EIGHTH DISTRICT
305 NORTH TERRACE
ATCHISON, KANSAS 66002-2526



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIRMAN: LEGISLATIVE JUDICIAL AND
CONGRESSIONAL APPORTIONMENT
MEMBER: APPROPRIATIONS
TAXATION
COMMERCIAL & FINANCIAL INSTITUTIONS

Mr. Chairman, and members of the House Elections Committee

Thank you for allowing me to speak here today.

I have just a few brief remarks in support of HB-2150. In a year in which it appears significant campaign and lobbying reform may occur, it seems appropriate to consider a limitation on the ability of a legislator to leave their public office and immediately begin to lobby their former colleagues. Such ability could very well give that lobbyist numerous advantages as a result of their past legislative service. In effect, the legislator obtains on the job training for their job as a lobbyist all at state expense.

Passing HB-2150 will break the connection between service to the public and service to private - and perhaps adverse-interests. Furthermore it will assure the public that Kansas legislators require high ethical standards even when it impacts on themselves. Congress imposes such a limitation and I believe a similar limitation is appropriate for Kansas.

The revolving door

KCS 2.10.71

The quick switch from state legislator to lobbyist adds to the public perception that insiders wield too much influence around the legislature. A recent news story discussed the problem: There are 22 former lawmakers now lobbying at the Kansas Legislature, 10 in Missouri. It is a practice that needs to be regulated.

This is called the revolving door. People serve in government, making contacts and building friendships. Then they either get defeated for re-election or choose to leave office. With their experience and ready access to officials in government, these former officeholders are valuable to special-interest groups.

The danger to the public interest is obvious. These former officials can gain undue advantage in influencing legislation

and other governmental affairs. Decisions should be made on the merits of the issues, not the long-held friendships of the participants in the process. Even if there is no inside dealing, the appearance of it can erode public confidence in the system.

Former members of Congress are prohibited from lobbying there for one year after they leave office. In Kansas, a special committee on ethics in government has recommended a one-year moratorium. No action appears likely in Missouri.

One year, or even more, is not too long a gap between lawmaking and lobbying. It would protect the public. It would help prevent the impression that wheeling and dealing takes precedence over everything else in the political process.

My name is Max Eulert and I am here on behalf of the American Civil Liberties Union.

The ACLU opposes House Bill 2150. While we have no problems with the intent of this bill in limiting former legislators from being paid lobbyists for one year, we feel the language of line 22 that restricts ex-legislators from speaking with elected officials, even without pay, is unconstitutional. All citizens, including former legislators, are guaranteed a right to express their views to their representatives.

Therefore the ACLU respectfully requests that the language of House Bill 2150 be amended to restrict ONLY lobbying FOR PAY. Deleting the words of line 22 "engage in lobbying or" would effectuate this goal. The bill, so amended, would then be supported by the American Civil Liberties Union.

Thank you for your time.

STATE OF KANSAS



KANSAS PUBLIC DISCLOSURE COMMISSION

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

Testimony before House Elections on House Bill 2369

By Carol Williams, Kansas Public Disclosure Commission

House Bill 2369 which is before you this morning would amend K.S.A. 25-4145, a provision of the Campaign Finance Act. This bill is a recommendation made by the Kansas Public Disclosure Commission in its 1990 Annual Report and Recommendations. HB 2369 would require the registered name of a political action committee to clearly reflect the organization or affiliation or primary interest of its members. Current law requires the recipient of a PAC contribution to list both the name the PAC is registered under as well as the full name of the organization the PAC is connected or affiliated with on his or her report. The majority of candidates list only the registered name of a PAC on their reports. They do not list the PAC's affiliation. There are currently 200 PACs registered. Of these 200 PACs, 81 PACs cannot be identified by their registered PAC name.

Until the 1990 election cycle, legislative candidate reports were filed only with the Secretary of State's office. If, for example, an individual reviewing a candidate's report wanted to know who the Citizens for Responsible Government are, they could review the Statement of Organization in the PAC's folder to determine that Citizens for Responsible Government is the Kansas Wine and Spirits Wholesalers. Legislative candidates now file copies of their reports with their county election officers. The public, while reviewing reports on the county level, has no way of knowing the primary interest of these PACs since PACs do not file copies of their Statements of Organization at the county level. The Commission recommends that K.S.A. 25-4145 be amended to require that each PAC adopt a name which reflects the full name of the organization with which the committee is connected or affiliated or the trade, profession, or primary interest of the contributors to the PAC. The Commission urges your support of HB 2369.

STATE OF KANSAS



KANSAS PUBLIC DISCLOSURE COMMISSION

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

A Sample of Kansas Registered PACs

ABC Kansas PAC
Agricultural Political Action Council of Kansas
Ambassadors Club
Ark Valley PAC
BAK-PAC
Better Government PAC-State
BMA-PAC Kansas
BUILD-PAC
Campaign Kansas
CarePac of Kansas
Christian Awareness Network
Citizens Alliance for Responsible Education
Citizens for New Commissioner
Club 64
Coalition for Affordable Housing PAC
Committee for Good Government
Committee for Responsible Government
Concerned Educators PAC
Consumer Credit PAC of Kansas
Democratic Action Committee
Democrats Win It Now (WIN)
Dirty Dozen
District #70 MNPL Pol Acct
Dodge City PAC
Emporia PAC
EN Political Action Committee (EN PAC)
ERC Corp Public Affairs Prog
F-SCAN PAC
Friends of the FOP
HALLPAC-Kansas
Haysville Local PAC
House PAC
INPAC
Kansans Dedicated to Progress
Kansans for Economic Opportunity PAC
Kansans for the 90s
Kansas Agents PAC
Kansas Alliance PAC

Kansas American Family PAC
Kansas BeerPAC
Kansas City Life Employees PAC
Kansas CRNA-PAC
Kansas Economic Education Political Club
Kansas Insurance PAC
Kansas Medical PAC
Kansas NOW PAC
Kansas Political Action Committee
Kansas Senate PAC
Kansas State Council PAC
Kansas-Political Action for Candidate Election
Kaw Valley PAC
KS Agri Business Council
Lawrence COPE
Lawrence PAC
Lawyers Encouraging the Advancement of Good Gov (LEAGG)
Leavenworth PAC
Legislative Victory Fund PAC
Lifepax PAC
Local 5-241 State & Local PAC
Local Union 363 PAC (COPE)
Local Union 558 Exec Bd
Manhattan PAC
Marley PAC
MERC PAC
Mid-Am Committee for Sound Government
MLPAC
MO/KAN PAC
Pacesetter PAC
Pegasus Kansas Political Action Committee
People Opposed to the Oppression of People
Political Action Council of Kansas
Political Action Council of Salina
President's Club
Progressive Democratic Quorum
Remington PAC
Security PAC
Team Topeka
Transportation Political Education League
Truck PAC
Westside Democrat Club
Wichita PAC

STATE OF KANSAS



KANSAS PUBLIC DISCLOSURE COMMISSION

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

Testimony before House Elections on House Bill 2382

By Carol Williams, Kansas Public Disclosure Commission

House Bill 2382 which is before you this morning would amend K.S.A. 25-4156, a provision of the Campaign Finance Act. This bill is a recommendation made by the Public Disclosure Commission in its 1990 Annual Report and Recommendations. HB 2382 would require every newspaper which accepts political advertising from a candidate for state or local office to permit all other candidates for the same office to also purchase advertising space. The newspaper would have the right to determine whether the copy was responsible, and could refuse to accept the advertisement if it wasn't.

Currently, a newspaper may accept advertising from one candidate and not his or her opponent. It came to the attention of the Commission during the 1990 election that a candidate for state office was denied the opportunity to place paid advertising in a newspaper. The Commission feels all candidates should have equal access to advertising in the print media. The Commission urges your support of House Bill 2382.

STATE OF KANSAS



KANSAS PUBLIC DISCLOSURE COMMISSION

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

Testimony before House Elections on House Bill 2454

By Carol Williams, Kansas Public Disclosure Commission

Mr. Chairman and members of the committee. The members of the Kansas Public Disclosure Commission ask that I convey to you their support of the Select Commission on Ethical Conduct's recommendations as set forth in HB 2454. Since this bill appeared in bill form only this morning, the Commission's General Counsel and the members of the Commission have not had an opportunity to review the specific sections of the bill to determine the ramifications of the drafted language. As stated in its 1990 Annual Report and Recommendations, the Commission wholeheartedly endorsed conceptually the recommendations of the Select Commission on Ethical Conduct.

I would like to specifically address three sections of HB 2454 since these were also recommendations made by the Kansas Public Disclosure Commission in its 1990 Annual Report and Recommendations. Section 19(b) of this bill would prohibit any candidate from filing for office if he has an outstanding civil penalty or any unfiled campaign finance reports. The Commission, in 1990 and in prior years, has been faced with occasions where an individual files for office who has not filed reports due in prior election years or owes the State money for prior assessed civil penalties. Once an individual files any past due reports or pays the state any past due fines, the Commission feels the individual should be allowed to seek office.

Section 14(d) deals with the issue of investigative subpoena power for the Kansas Public Disclosure Commission. Mr. Dennis Prater, the Commission's General Counsel, has already testified on this section.

The Commission urges support of Section 1(d) which would set up a fee fund for the Kansas Public Disclosure Commission. The Commission would like to publish informational material in the areas of campaign finance and

lobbying. Budgetary constraints prevent the agency from printing sufficient copies to satisfy the needs of the public. If the agency could sell these publications, the agency could print sufficient copies of its publications.

Finally, the Commission supports adoption of Section 13(a). Section 13(a) would prevent a candidate from using campaign funds for personal use. The Commission believes campaign funds should be used only for campaign purposes and not inure to the benefit of the candidate.

ACTUAL REPORTED CAMPAIGN EXPENDITURES
BY KANSAS CANDIDATES

175 meals for birthday party (\$735)
Christmas cards & presents (\$350)
Thanksgiving cards & mailing (\$1,650)
KU basketball season tickets (\$458)
consulting fee for hazardous waste (\$300)
yard service (\$1,527)
press Christmas party & misc. parties (\$498)
purchased peacock at fair (\$100)
photo session for Christmas cards (\$1,982)
paid fee to take bar exam (\$502)
liquor for Christmas party (\$844)
purchased livestock from 4-H for advertising (\$180)
staff & press Christmas parties (\$550)
sponsored basketball team (\$300)
liquor for holiday open house (\$545)
oil change, lube, & repairs to car (\$708)
framing items from national party convention (\$228)
paid hospital bills (\$2,709)
Christmas postage (\$1,000)
reimbursed candidate for mileage expense (\$4,000)
gifts for China trip (\$79)
35mm camera (\$230)
postage for Thanksgiving cards (\$1,255)
gave out-of-state PAC money to charity (\$100)
prints of Maureen Reagan reception (\$260)
hearing aid repair (\$75)
food & flowers for Secretaries Day (\$39)
paid wife as campaign worker (\$300)
Kansas books & cloth sunflower for trip to foreign country (\$120)
repair campaign car & buy tires (\$1,288)
gifts for foreign government (\$23)
purchased 4-H animal (\$851)
make-up, professional fees (\$650)
process 2 hogs (\$116)
flowers for receptions, open house, inaugural & Kansas Day (\$768)
purchased 4-H animal (\$375)
pictures at Christmas party, inaugural & KS Day & reprints (\$430)
turned remaining funds over to candidate (\$359)
The Toy Store (items for fundraiser) (\$848)
fair premiums over three year period (\$2,516)
liquor store over 3 year period (\$5,770)
purchased 1 sheep (\$178)
1 staff member's travel over 3 year period (\$13,156)
paid country club dues and fees (\$4,886)
golf & tournament prizes & fundraiser at country club over 3 year period (\$14,649)
food, lodging and entertainment over two year period (\$8,445)

HOUSE BILL 2271

Mr. Chairman, Common Cause rises in support of many of the concepts contained in HB 2271. The bill attempts to reduce the cost of campaigns, reduce the reliance on special interest money and encourage the participation of small, individual, in-district contributions. It also provides clean, untainted funds for a campaign and limits the amount of money a candidate can contribute to his or her own campaign. In addition, Common Cause strongly supports the two provisions in the proposal which would prevent a candidate from building up a large war chest.

One of Common Cause's main concerns, however, is to make certain that campaigns are more competitive so voters will be able to make an informed choice on election day. To run a competitive campaign a candidate needs enough money to get his or her message across to the voters. The system proposed in HB 2271 still requires a candidate to be a good fundraiser before he or she can compete in the election, and that should not be a requirement.

This type of system still favors a candidate that has \$5,000 to put into his or her campaign, has wealthy friends or colleagues who will contribute to the campaign, or who agrees with the positions supported by wealthy individuals.

In addition special interest money will still get into this process. Since these contributions comprised over half of all the money that was available for the 1988 House campaigns, I do not believe that it will simply be abandoned. Instead, candidates will ask leaders of special interest groups to get their members to contribute individually, or the leader of the special interest group will send past PAC contributors a list of influential candidates that they should contribute to instead of to the PAC.

Another strong possibility is that wealthy special interest groups will make "independent expenditures" to benefit or hurt candidates. These "independent expenditures" cannot be limited under current law. Either way, special interest groups will still control large sums of campaign money that they will use to try to help their friends and influence public officials.

In closing, Mr. Chairman, I reiterate that Common Cause supports the concepts in this bill. However we believe that the goals of this bill and Common Cause's goal of more competitive elections would best be achieved by House Bill 2169 which sets up the Campaign Expenditure Limitation and Funding Act.

I encourage the Committee to think about how democratic campaigns should be financed. Should our public elections be financially one sided in many cases and paid for by special interest lobbies that have a huge stake in state government? That is the way our current system operates, and I don't think you will find very many people who believe that that is the best way for our system to work.



COMMON CAUSE / KANSAS

701 Jackson, Room B-6 • Topeka, Kansas 66603 • (913) 235-3022

TESTIMONY TO THE HOUSE ELECTIONS COMMITTEE
HOUSE BILLS 2121, 2271 AND 2342
BY MICHAEL WOOLF, EXECUTIVE DIRECTOR

HOUSE BILL 2121

Mr. Chairman, Common Cause/Kansas rises in support of HB 2121 which would prevent state officers and employees from accepting gifts, favors and hospitality from any individual or group that is known to have a special interest in state government as defined by K.S.A. 46-228.

Common Cause has long held that public officials should not accept things of value from individuals and groups that have a financial stake in Kansas government, nor do we believe that public officials should be wined and dined by lobbyists and special interest groups.

The only possible reason that these expenditures are made is to gain favor with public officials, to buy access to them and to perpetuate a "good old boy" system.

Last year lobbyists reported spending over \$394,000 on food and beverage and over \$28,600 for gifts and honoraria.

Jesse Unruh, who made popular the saying "Money is the mothers milk of politics", also stated that "Money is put there for a purpose. If that money was not wisely and well spent on behalf of the special interests, it would stop in an awful hurry."

I contend that this money is being spent wisely and well, because these individuals and groups aren't stupid--they are not going to give away something for nothing.

Whether this money translates into votes or not isn't for me to say, only the public official knows why he or she voted a certain way. But the public perception is that it makes a difference and for that reason alone it should be stopped.

It is important to keep in mind that nothing in this bill prevents you from having lunch with a lobbyist, nor does it prevent you from playing golf or racket ball. This bill in no way prevents a lobbyist from communicating with you and providing you with necessary information. It does however prohibit them from using money to attempt to buy the special favor of public officials.

HOUSE BILL 2342

Mr. Chairman, Common Cause rises in support of HB 2342 which changes the name of the Public Disclose Commission (PDC) to the Governmental Ethics Commission, gives the Commission full investigative subpoena power, limits gifts to state officers and employees to no more than five dollars and prohibits legislators and unclassified employees from being employed as a lobbyist for one year after leaving public service.

On the first issue of changing the name of the Commission, Common Cause has never had a strong opinion on this concern but we do believe that the new name would better reflect the responsibilities of the Commission.

The Commission does a number of things that go beyond disclosing information to the public. They issue advisory opinions, make recommendations for changes in statutes, investigate possible violations and access civil penalties. For these reasons we support the name change.

The second proposed change in this bill would give the Commission full investigative subpoena power. As I mentioned in the memorandum I delivered to your offices on February 19th, this is an issue that Common Cause strongly supports. In fact, I told the Select Commission this summer that this was our most important recommendation.

I won't take the Committee's time to restate the arguments for subpoena power that I made in the memorandum. I believe that it is sufficient to say that a strong enforcement agency is a necessity if ethics laws are to be more than mere "window dressing", and full investigative subpoena power is essential to a strong enforcement agency.

Common Cause also supports the third proposal in HB 2342 which would limit gifts to public officials to no more than five dollars.

The Coleman Company's cooler full of cosmetics last year should be reason enough to make this change. As I have said before, it is not for me to say whether these things influence your votes. But the fact that Coleman gave these gifts during the debate over whether to put inventory back on the property tax rolls, an issue they were very concerned with, creates a terrible public perception problem.

House Bill 2342 also prohibits legislators and unclassified employees from being employed as a lobbyist for one year after leaving public service. Common Cause has supported this idea as part of an overall anti-revolving door policy such as that recommended by the Select Commission this summer. I would however point out a problem with the phrase "engage in lobbying". Since lobbying is very broadly defined I believe that it probably is unconstitutional to prohibit it. Banning employment as a lobbyist would be constitutional and should be sufficient.

LAW OFFICES OF
GOODELL, STRATTON, EDMONDS & PALMER

515 SOUTH KANSAS AVENUE

TOPEKA, KANSAS 66603-3999

913-233-0593

TELECOPIER: 913-233-8870

ABA/NET: 2991

GERALD L. GOODELL
WAYNE T. STRATTON
ROBERT E. EDMONDS
ARTHUR E. PALMER
H. PHILIP ELWOOD
HAROLD S. YOUNGENTOB
GERALD J. LETOURNEAU
CHARLES R. HAY
PATRICK M. SALSBUURY
MICHAEL W. MERRIAM
JOHN H. STAUFFER, JR.
MARLA J. LUCKERT
LES E. DIEHL
MARK V. BESHEARS
DAVID E. BRUNS

JOSEPH E. MCKINNEY
CURTIS J. WAUGH
DANIEL J. GRONNIGER
N. LARRY BORK
JOHN D. ENSLEY
CATHERINE M. WALBERG

OF COUNSEL
ROBERT A. McCLURE

TESTIMONY BEFORE HOUSE COMMITTEE ON ELECTIONS

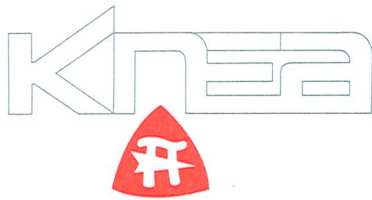
February 26, 1991
on: HB 2382
by: Michael W. Merriam
Representing
Kansas Press Association

We are privileged to represent the Kansas Press Association as well as a number of other broadcast and print media owners. The Kansas Press Association is opposed to House Bill 2382, which purports to grant equal access to political advertising in the print media. Equal opportunities is the rule in the broadcast industry under Section 315 of the Communications Act. If one qualified candidate is permitted the use of a station, opponents must be given an opportunity on the same terms. The rationale for this rule is the limited availability of the frequency spectrum. Not everyone can use any given frequency at the same time. Indeed, the limited spectrum is the entire basis for the FCC's existence and government regulation of the industry in the first place. It has resulted in complex rules in political coverage and advertising.

The rule is not the same for the press. Traditionally, anyone can print what they wish and can start their own newspaper. The editorial privilege is what the First Amendment stands for. Every newspaper has a point of view, and its owners, who are in a private enterprise, may express that point of view as they will. The United States Supreme Court has recognized this and found it absolutely unconstitutional to force the press to print anything based upon its content. In the 1974 decision of Miami Herald v. Tornillo, the United States Supreme Court struck a similar statute finding that:

"A newspaper is more than a passive receptacle or conduit for news, comment, and advertising. The choice of material to go into a newspaper, and the decisions made as to the limitations on the size and content of the paper, and treatment of public issues and public officials - whether fair or unfair - constitute the exercise of editorial control and judgment."

Consequently, while the FCC rule of equal opportunity is familiar to us, it must not be misapplied. Because of its constitutional infirmity, the Kansas Press Association opposes House Bill 2382.



Craig Grant Testimony Before The
House Elections Committee
Tuesday, February 25, 1991

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate the opportunity to visit with this committee about the recommendations of the subcommittees in reaction to the Kansas Select Commission on Ethical Conduct.

I will speak to the general sections of the report rather than the bill introduced, as I believe it will be easier to understand my thoughts. It is certainly more easy to organize my remarks. If I do not cover a recommendation, it probably means we have no opinion on the subject; however, if you wish to ask about a section I do not cover, I will attempt to recollect any possible positions which might relate to the policy.

My background to speak on this is this--I have been the Director of Political Action for Kansas-NEA since the 1983 legislative session; however, I have worked for K-NEA since 1971. I have followed Kansas politics and the legislative process since the middle 1960's when I was taking political science courses at Kansas University. If there is one thing I truly believe, it is that our state runs a clean ship--we have ethical people in our state who act in ethical ways. Scandals just do not happen from one month to another. Maybe that is why we seem always ahead of most states in trying ethics "reform." All the reports and cases of misconduct in other states and at the federal level make us guilty and we want to guarantee that nothing like that happens to us. Sometimes we overreact.

Now to the report. In the section on conflict of interest, we seem to agree with the subcommittee's recommendations. The \$20 limit is not a problem as our \$2.89 calendar that we have given in the past does not seem to come anywhere close to the limit. The statements of substantial

interest in the different sections are good reporting methods so the public really knows what interest a state official has. We also believe that legislators may be suspect if they represent a state agency or a client before a state agency while serving in the legislature.

The next section I want to talk about is the administration section. We have no problem with the subpoena powers or the fee schedule even though it will cost us more money. The subcommittee addressed our concerns when splitting the "major" and "minor" PACs because we have about 35 or 40 local PACs with \$200-\$300 annual receipts and the large fee would have hampered them greatly.

I have some concerns with the lobbying section, but only in two sections. I have some questions about the social calendars because I believe it is meant to assist legislators and, even more importantly, secretaries keep schedules straight. No lobbyist uses that for invitation purposes, but rather a legislator uses that to remind him or herself about upcoming events he or she may have made a commitment to attend. If the will of the legislature is to not have this service, then so be it.

I do have concerns in the section on reporting of salaries. Most of my concerns do not affect my organization. I will, however, have some questions and it will take some real accounting to figure out what to report. For instance, my boss is a registered lobbyist who has thus far been to the State House five times (I think) this session to monitor a 7 a.m. subcommittee. All he has done is sit in and report back to me what happened. What portion of his salary is lobbying? Since he supervises my work, does part of that time count? Since everyone from my organization has many different items in his/her job description, it will take some doing to figure this all out.

My real concern is for the contract lobbyists, maybe because I might

be one someday. Since oftentimes contract lobbyists bid on client's work, it might be unfair for that person to list the retainer fee charged to a client. Next time a competitor may know how to underbid. This may be solved by combining salary with another line to at least hide it somewhat. I really wonder if what I am paid does have a bearing on how I am received by legislators. I do not think so. Since I have worked for K-NEA for 20 years, I make more than someone who has only been with us for three years. I doubt if that salary figure means anything as far as how two different people with different salaries might be received.

The last area is that of campaign finance. The real concern in this area--and my main complaint in the entire report--is the prohibiting of campaign contributions by political action committees and the other entities listed. The limits you seem to be setting are likely to restrict candidates to only ones who are wealthy or know wealthy people. The idea of a PAC is for the "little guy," the one who is not rich, to combine his or her money with others of like interest to compete with the wealthy folks in trying to elect good candidates. Our teachers give \$7 a year to the political action committee. That \$7 individually would not go very far and probably would not even be contributed by that person. So we have found a way to involve 20,000 more people in the process, many of whom would not be involved except through their association.

And they are involved. Representatives from each local area select the issues we seek to address. Local teachers form interview teams to interview candidates. Those recommendations then go to the state for implementation (not ever do we overturn them). We may be unique in the way we involve our membership, but we should not be penalized for that involvement. The legislature has set very strict limits (much more restrictive than most states) and thus limits PACs in that way. I would

even be satisfied with a dollar limit (maybe \$100) on the amount a PAC could accept from any one individual (I do not know if that would even be legal), but believe our limitations are presently restrictive enough on contributions. I would urge you to reject the subcommittee's recommendation on this topic.

I apologize for taking as much time as I have, but this topic is of concern to our membership. I hope you can pass legislation to deal with any real problems, but I hope you do not pass restrictions on valid activities which are done and reported in an ethical manner. Thank you for listening to my thoughts and concerns.

HEIN AND EBERT, CHTD.

ATTORNEYS AT LAW

5845 S.W. 29th, Topeka, Kansas 66614

Telefax 913/273-9243

913/273-1441

Ronald R. Hein
William F. Ebert
Steven D. Rosel

HOUSE ELECTIONS COMMITTEE
PRESENTED BY RONALD R. HEIN
RE: ETHICS REFORM
February 26, 1991

Mr. Chairman, members of the committee:

My name is Ron Hein, and I am employed by Hein and Ebert, Chtd. I am appearing today on behalf of myself personally and on behalf of my law firm.

With regards to HB 2342, I have no position on the bill itself, but do have a concern about Section 20 at page 18. I am not certain I even disagree with the intent of the change, that being to reduce from \$100 to \$5 the amount of "gifts" and other things that can be given to a state officer or employee during any calendar year where the major purpose is to influence that person in the performance of their official duties. However, the problem is that you have a statute which has criminal ramifications which is extremely vague on its face.

For instance, what is a service having an aggregate value of \$5.00 in any calendar year? There is a presumption that food and beverage is not given to influence a state officer in the performance of their official duties, but there is no such presumption for any service rendered in conjunction with that food and beverage. So if I offer to drive a legislator to lunch, and to bring them back, if the value of that trip exceeds \$5.00, I am subject to possible criminal allegations being brought against me. All that the prosecutor has to do is point out that I am a lobbyist and that the legislator is a legislator, and there is sufficient evidence to establish a finding that the "service" was provided to influence the official. The word "favor" similarly bothers me.

In addition, this is the section that provides that a \$300 meal provided to a legislator, with the finest foods, and the most expensive wines, is presumed to be legal, but paying a round of golf at Topeka Public Golf Course for \$7.00 would subject a lobbyist to possible criminal penalties.

I would recommend that the Legislature look at this section more closely, not draw an arbitrary distinction between entertainment which is consumed in the stomach, and entertainment in the form of healthy exercise, and either draw appropriate limits on both, or at least amend the statute to make more clear the dividing line between legal and illegal conduct. I strongly recommend that entertainment not be a "gift" but be subject to reporting in the same manner as food and beverage.

With regards to HB 2454, I strongly oppose a requirement that lobbyists report their salaries, overhead, and any other related information. I have no way of determining my salary as a result of lobbying, as I am in a professional corporation involving three lawyers, and we take draws based upon the firm's cash flow, profits, and other factors. There is no direct correlation between my salary and my lobbying activity, and especially with regards to any individual client. The same would be true about our overhead.

I would have no way of identifying how much of my salary results from any individual client. Also, being an attorney, I am concerned about the same issue of confidentiality with which legislators who are attorneys are concerned. I would note for the record that the Legislature has never imposed a similar requirement on themselves. I believe that the public would have more interest in knowing that information about the legislators than they would about lobbyists.

I was not at the subcommittee meeting where they recommended prohibiting the state from publishing a social calendar, but I will advise you that the result of that would be simply to require a lot more time and effort for associations desiring to plan legislative receptions so that their members might have an opportunity to meet with their legislators. The net result will also be serious conflicts between major functions that will have the effect of denying the public the opportunity to access their Representatives and Senators.

I also endorse the position statement adopted by the KSAE Board of Directors.

Thank you very much for permitting me to testify today, and I would be happy to yield for any questions.

February 26, 1991

TESTIMONY BEFORE THE ELECTIONS COMMITTEE - HB 2121

I am Ed Engel of Topeka, Kansas, speaking as a private citizen in favor of HB 2121.

I think that if properly used, lobbying can and does serve a very useful purpose. It may be the best way that groups can make their wishes known to legislators.

Too often though, lobbyists try to persuade government officials by offering them money, gifts or other gratuities. The news media is rife with accounts of legislators using the credit cards of lobbyists for personal shopping sprees, to purchase plane tickets for far away vacations, free trips to a nice cabin on the lake or other resort etc. How much of this goes on in Kansas, I do not know, but to me, the point is moot. The man from KNEA doesn't think we have any of these excesses in Kansas---and maybe this is true. I do know this much though---humanity is pretty pervasive with all of its human foibles and frailties, regardless of where you live. We need to plug the loopholes before it does happen in Kansas.

Whenever gratuities of anykind are exchanged with legislators, lobbying ceases to be just a mild form of championing a cause and becomes out and out bribery. No matter what you call it, it is influence peddling; it is a form of crookedness.

I feel that lobbyists already have an unfair advantage over our Kansas citizens---your constituents. They are being well paid to be here during the legislative sessions to watch out for and protect the turf of those paying their tab.

They are here day in and day out, and get to know you legislators on an intimate basis. If we continue to allow them to drop additional gratuities here and there, they gain even more unfair advantage over us taxpaying citizens who are not members of the "power group". There are literally hundreds of lobbying firms here in Kansas, and collectively they spend millions of dollars on salaries and gratuities, trying to influence the legislation that occurs here at the Capitol.

Their sponsors obviously feel that they are getting value for the dollars spent because they keep sending their lobbyists back here each year. And NOTE the people being represented by the lobbyists! They include big names like insurance companies, oil and gas interests, big utilities, agriculture, labor, beverage industries, banking industry, medical profession and so on. All big boys in their own right. They all have lots of money to spread around to get their way.

If you allow them to dangle the carrot of money or other favors and gratuities--- there are just too many otherwise good legislators who can't resist the temptation to accept bribes. Let's remove the temptation!

I am not asking you to ban all lobbying efforts but merely to put some teeth in the law and stop either side from soliciting favors or offering bribes of any kind to our law makers. Right or wrong, it will certainly help restore some citizen confidence in our legislators.

Lobbyists often have more experience and more acquaintance with the legislative processes and problems than the newer Senators and Representatives. Therefore, the field is already tilted in their favor so that most of the marbles roll their direction.

Removing all favors and gratuities from the lobbying efforts, I feel, will help keep some of our lawmakers more honest, and it will provide a more level playing field for all participants in the legislative process.

Dr. Larry Fischer, President of Kansans For Fair Taxation, called to tell me that he could not be here this morning because he was testifying on another bill, but he requested me to inform you that their group reflects the same sentiments as mine, and they want to go on record as fully endorsing and supporting passage of HB 2121.

One final comment on this bill---In my study of law, it was emphasized that a statute without sanctions is no law at all. I fail to see any reference at all to penalties in this proposed statute. There may well be some other statute on the books that deals with this aspect that I am unaware of. However, if there are no special sanctions to enforce HB 2121, it needs to have some teeth put into it for enforcement purposes, or it will have no value.

I want to thank all of the members of this Committee for allowing me to speak this morning.

FRED W. PHELPS

3701 W. 12TH - P. O. BOX 1886 - TOPEKA, KS. 66601

February 26, 1991

913 273-0338

BEFORE THE HOUSE COMMITTEE ON ELECTIONS
OF
THE KANSAS HOUSE OF REPRESENTATIVES

Testimony of Fred Phelps

Mr. Chairman and Members of the Committee:

My name is Fred Phelps, and I appreciate the opportunity to appear before this distinguished Committee, in support of HB 2121 and HB 2271. Last Aug. 27 I appeared before the Kansas Select Commission on Ethical Conduct, and my testimony before them is attached.

From my six-month tour of 105 counties, and speaking now to nearly 5,000 taxpayers about their grievances with state government, only property taxes ranks ahead of lobbyists (ethics/campaign finance), and is usually expressed like a farmer at Staffordville put it: "They know what we think; they just don't care. They only listen to lobbyists at parties."

Passage of these bills will be a powerful signal to the voters that a new day is dawning, and will be an effective antidote to the cynicism and apathy that now keeps 3 out of 4 Kansas voters home on election day. William Lloyd Garrison said, "The apathy of the people is enough to make every statue leap from its pedestal, and hasten the resurrection of the dead." I say it's worse than that, it's fatal to representative democracy.

No meaningful cutting of waste can occur until the insidious, systemic, and pervasive grip of special interests is broken. Passage of these bills will help dismantle this state's special interest MONEY MACHINE, to borrow a metaphor from Common Cause.

Attached also is my 23rd Open Letter to Joan Finney, who preached this same sermon in my ears for nine months, but who now appears to have backslidden from the faith.

FRED W. PHELPS

3701 W. 12TH - P. O. BOX 1886 - TOPEKA, KS. 66601

February 20, 1991

913 273-0338

23rd OPEN LETTER TO JOAN FINNEY

**"YOU'RE RUNNING A SHAMELESS MONEY MACHINE,
SELLING LICENSES TO STEAL FROM THE TAXPAYERS!"**

Dear Joan:

In my hearing you repeatedly promised to stanch the hemorrhage of millions of tax dollars to outside lawyers, excessive pensions, and a myriad other gaping wounds of bureaucratic waste. Yet the first bill you endorsed and signed into law was \$3.4 million more waste for greedy lawyers. Evidence is mounting that yours will be the most corrupt and wasteful administration in Kansas history.

FOR \$1,000 YOU'RE SELLING "BREAKFAST WITH THE GOVERNOR' AT CEDAR CREST ON FEBRUARY 24TH AT 8:30 A.M.," according to a Feb. 13 letter to contributors. The same letter "urges" inquiry as to a "new 'Governor's Club,'" where members get at least \$50,000 of tax money for every \$1,000 contributed to your 1994 war chest.

THE "GOVERNOR'S CLUB" ORGANIZATIONAL MEETING LAST WEEK FEATURED PAT HURLEY, MARY HOLLADAY, JIM PARRISH, AND DAN LYKINS. Explaining the club's rules was Parrish: "Give Larry Tenopir a \$50,000 state job (minimum), and he'll contribute \$1,000 per year for four years." The goal is a \$500,000 nest egg for Finney's re-election campaign. Cost to taxpayers: \$100s of millions, in make-work state jobs and contracts (highway construction, bond issues, legal work, etc.).

YOU'RE RUNNING A SHAMELESS MONEY MACHINE, SELLING LICENSES TO STEAL FROM THE TAXPAYERS! That's why you can't cut waste to reduce property taxes. You're bartering public tax dollars for personal political contributions, in likely violation of federal law.

State legal work finding its way to those with connections

February 3, 1991

The big winners

PATRONAGE

By Jim Cross
The Wichita Eagle

More than 100 Kansas law firms shared \$12.5 million in fiscal 1990 doing legal work for the state. The work was not advertised or put out for bids. Here are the dozen well-connected firms that collected the most in legal fees from the state last year.

Kansas elected officials dodged the state's competitive-bid laws to hand out more than \$12 million worth of legal work to private law firms last year.

"There is a vast pattern of economic benefits that can be handed out by the state. It's a money machine."

Lynn Hellebust, Common Cause

"All those state offices have been able to assign out big cases, particularly the attorney general. That's just been a license to steal for attorneys for as long as I can remember."

Rep. Kerry Patrick, R-Leawood

14-2



ORGANIZED MAY 20, 1956
Fred W. Phelps, Pastor

Westboro Baptist Church and Library

3701 West 12th • P.O. Box 1886 • TO, EKA, KANSAS 66604
Office: 913/273-0325 Library: 913/273-0338

August 27, 1990

BEFORE THE KANSAS SELECT COMMISSION ON ETHICAL CONDUCT

TESTIMONY OF FRED PHELPS

Mr. Chairman and members of the commission:

I appreciate the opportunity to appear before this distinguished commission. I've recently spoken with more than 4,300 Kansans in 470 towns and 105 counties, and ethics in state government was second only to the property tax mess on their minds. For example when I told a little group in a grain elevator at Saffordville I wished those running things in Topeka would go with me to hear what the people were saying, one farmer said, "They know what we think; they just don't care. They only listen to lobbyists at parties."

Cynicism kept 3 out of 4 voters home Aug. 7 in Kansas, The Washington Post says, because citizens "have concluded that politics and politicians are 'full of baloney' and largely irrelevant and our political system is in a state of decay." I hope this commission can help fix this problem. I suggest:

1. Impose a code of conduct on members of the Public Disclosure Commission. It looks bad for Gov. Bennett's law firm to get \$455,000 in fees from the state while he's a member (attached).
2. Prohibit by criminal sanctions unelected unaccountable judges from lobbying the Legislature for more pay. The *in terrorem* factor on lawyer-legislators is tantamount to extortion. (Attached)
3. Beef up lobbyist reporting requirements to include the names of all legislators, judges and other officials they wine and dine, and mandate publication of same in 30 daily newspapers (attached).
4. Pass a Little Hobbs Act with teeth banning acceptance by all public officials of all gifts for favors, and creating a special prosecutorial team for enforcement. (Attached)

House Elections Committee

Attachment 15

When thou comest bring with thee the books, especially the parchments, wherein may be discerned
the path of the just, the way of peace, and the footsteps of the flock.

11 Tim. 4:13; Prov. 4:18; Rom. 3:17; Canticles 1:8

To many political cynics

By **Howard Harwood**
The Washington Post

Johnny's off to war, dispatched once more to a distant land in defense of an international principle he may not comprehend and almost certainly cannot define in lawyerly terms.

But in the comfort and safety of

The Kansas City Star, Sunday, October 8, 1989 Page 19A

In Kansas, non-voters outnumbered voters nearly three to one in a recent primary election.

Kansas fees to lawyers double in four-year period

Political patronage blamed

By **Rich Hood**
and **Jim Sullinger**

TOP 10

These are the 10 private attorneys or legal firms that received the most money in fiscal 1989 under contracts with the state of Kansas.

2. Bennett, Lytle, Wetzler, Winn, Martin & Wolfe \$455,030

The firm, headed by former Republican Gov. Robert Bennett and which includes 3rd District GOP Chairman Larry Winn III, collects bad debts at the University of Kansas Medical Center and handles work for state agencies.

The Topeka Capital-Journal, Saturday, February 10, 1990

By **ROGER MYERS**

Capital-Journal Statehouse writer

A dinner Thursday evening at Topeka Country Club sponsored by Wichita Greyhound Park and Pete McGill of Topeka, whose lobbying firm represents the Wichita track.

McGill said: "It wasn't a violation of anything in the racing statutes. It was a normal reception for the Legislature, and not a reception for the racing commission. We invited members of the governor's staff and his Cabinet. And, we had a Supreme Court justice there."

All members of the Legislature were invited to the buffet dinner sponsored by Wichita Greyhound

Park and McGill and Associates. Such affairs are commonplace while the Legislature is in session and are sponsored by most of the special interest groups that have bills pending before the lawmakers.

Schauf and Baker, both of whom have criticized the racing commission in the past for some of its decisions, described the buffet as "opulent," with plenty of crab meat, oysters, ham, turkey, beef and alcoholic beverages.

Baker said there were massive ice sculptures of greyhounds and a pari-mutuel betting window at the buffet.

The Topeka Capital-Journal, Wednesday, May 30, 1990

Justices lament cuts in budget for courts

By **ROGER MYERS**
Capital-Journal Statehouse writer

The incoming chief justice of the Kansas Supreme Court said Tuesday that an across-the-board budget cut by the 1990 Legislature will cause serious problems for the state's judi-

quality of justice will not deteriorate, but certainly the time it takes to obtain justice will."

Shawnee County Administrative Judge William R. Carpenter said in a telephone interview after the Holmes-Miller news conference that he is especially apprehensive about

Justices reject plan for judicial pay cuts

Fri, Jan 9, 1987

By **ROGER MYERS**
Capital Journal Statehouse writer

of Kansas judges. "I do not have authority to reduce their salaries," Hayden said. "I'm going to reduce my own pay, and other state officials are going to reduce theirs. We're doing that as a

Top officials of the state Supreme Court on Thursday rejected a pro-



—Staff/Bein Ketchum

Supreme Court Justice David Frazer told reporters Thursday that Kansas judges will not voluntarily cut their salaries. Retiring Chief Justice Alfred Schroeder, foreground, also appeared at the news conference.

THE WICHITA EAGLE Saturday, August 25, 1990

Lawmakers accused of selling their votes

COLUMBIA, S.C. — A 16-month corruption investigation of the entire South Carolina Statehouse netted its first indictments: five lawmakers accused by the FBI Friday of selling their votes.

State Reps. Robert Kohn, Luther Taylor, Robert Brown, Danny Winstead and state Sen. Rick Lee were indicted under the Hobbs Act, a federal law banning acceptance of money or gifts in return for votes or favors. Winstead also was indicted on a second charge of obstruction of justice.

Prosecutors expect a federal grand jury to issue more charges against other state lawmakers in what has been code-named "Operation Lost Trust."

STATE OF KANSAS • HOUSE OF REPRESENTATIVES

Representative TOM LOVE

Wyandotte County

Topeka Address
State Capitol Building
Topeka, Kansas 66612
1-800-432-3924



Home Address
7037 Haskell
Kansas City, Kansas 66109
(913) 334-4288

Proverbs 17:23

A wicked man taketh a gift out of the bosom to pervert the ways of judgement.

Exodus 23:8

And thou shalt take no gift for the gift ~~thou shalt take no gift for the gift~~ and perverteth the words of the righteous.

Deuteronomy 16:18,19

18. Judges and officers shalt thou make thee in all thy gates, which the LORD thy God giveth thee, throughout thy tribes, and thy shall judge the people with just judgement. 19. Thou shalt not wrest judgement. Thou shalt not respect persons, neither take a gift; for a gift doth ~~blind the eyes of the wise~~ and pervert the words of the righteous.

FROM THE DESK OF TOM LOVE

TESTIMONY OF RON THORNBURGH, VICE CHAIRMAN
SELECTION COMMISSION ON ETHICAL CONDUCT
FEBRUARY 26, 1991

Thank you, Mr. Chairman and members of the committee for the opportunity to appear before you today. Please allow me to re-introduce myself. I appear before you today, not as a representative of the Secretary of State's office, but as the Vice Chairman of the Kansas Select Commission on Ethical Conduct.

I will not address specific issues today, but prefer to discuss the general principles used by the commission in its deliberations. As with members of this committee, I have some concerns with some of the recommendations of the commission; however, I do firmly believe that the commission was on the right track with many of the recommendations.

The single most important issue addressed by the commission was that of public perception. If the voters of Kansas believe government is operating in a cesspool, then we have a real problem. When the citizens lose faith and trust in those who govern them, our system of democracy will not operate to capacity.

I ask that you consider the following guiding principles in your deliberations:

- 1) Government must operate in the open. This simply means that we should have full disclosure of all necessary reports. However, we should also take care to provide meaningful reporting. If we simply overload the office of the Secretary of State and the Kansas Public Disclosure Commission with data that no one will have the opportunity to review, we have not done our job.

- 2) Provide a level playing field for all participants in the process. Steps should be taken to insure that an incumbent does not have an inherent advantage in the process, nor that a wealthy individual has the upper hand.

- 3) Uphold the system of the part-time legislature. We must insure that we do not put such limitations on candidates and parties to raise money and campaign that it is not worth the effort. Candidates must have the ability to earn a living while drastically impairing their ability to make a living while serving their constituents. However, we must also insure that public officials do not become wealthy the public's expense.

Again, thank you Mr. Chairman. I ask that when the committee considers these proposals, they take into account the principles established by the Select Commission on Ethical Conduct.

Christian Science Committee on Publication For Kansas

820 Quincy Suite K
Topeka, Kansas 66612

Office Phone
913/233-7483

To: House Committee on Elections

Re: Ethics legislation

Every year, I offer a complimentary six-months' subscription to The Christian Science Monitor to each legislator. The present cost of a subscription is \$56. Depending on the number who accept, I sometimes find that I'm one of the reported "big spender" lobbyists.

I have never considered this a gift connected to my lobbying duties. The offer is made through this office because it is the only statewide office in our church organization. Because of state reporting requirements, I have always reported this expenditure on the appropriate Lobbyist Employment and Expenditure reports.

Passage of HB 2121, or similar legislation limiting gifts to legislators, will end these subscriptions. But that won't be all bad; it will save my office about \$3,000 per year.

I also am concerned about proposed legislation such as HB 2454, which would require detailed reporting of lobbyists' pay and total costs of lobbying, including preparation and distribution of testimony given to legislators.

The Christian Science Committee on Publication for Kansas is a one-member committee, appointed by Kansas church members from Kansas church membership, and supported financially by the contributions of Christian Scientists. The work of the Committee includes many tasks, only one of which is lobbying.

Our lobbying is narrowly directed. We seek only accommodation for the free practice of our religion, which includes spiritual healing. We do not lobby on other issues, even though they may be of concern to us.

The value of gifts, services, etc., provided to government officials may logically be of interest to the public or to regulatory agencies. It is difficult, however, to see why the pay of a lobbyist or the costs of preparing and presenting testimony should be of interest to anyone other than those who financially support the activity. These expenses have no relationship to the effectiveness of a lobbyist.

I work full-time as Committee on Publication and have a part-time secretary. We are the total office staff. Detailed cost reporting, like that required in HB 2454, will require a great deal of work on our part. To date, we have had no need for cost

House Elections Committee
Attachment 18
2-26-91

accounting in the office. The preparation of these reports and maintenance of supporting data may well take more time than we presently devote to lobbying. In fact, the services of an accountant and an attorney may be needed to insure that we do not inadvertently submit erroneous reports.

It is sincerely hoped that your efforts to correct perceived deficiencies in lobbyist oversight will not result in procedures so cumbersome that segments of society cannot communicate effectively with you.

A handwritten signature in black ink, reading "Keith R. Landis". The signature is written in a cursive style with a large, sweeping initial "K".

Keith R. Landis
Committee on Publication
for Kansas