

Approved 4-9-91  
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by SENATOR DON SALLEE at  
Chairperson

12:30 ~~xxx~~ /p.m. on April 4, 1991 in room 519-S of the Capitol.

All members were present ~~except~~ or excused:

Committee staff present:

Pat Mah, Legislative Research Department  
Ardan Ensley, Office of the Revisor of Statutes  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Barbara Meidinger, Prairie Gateway Chapter American Society of Landscape Architects  
Mike Reeht, A T & T  
Pete McGill, Pete McGill Associates  
Garry Stotts, Secretary of Transportation  
Pat Hubbell  
Will Belden, League of Women Voters of Kansas  
Keith Landis, Christian Science Committee on Publication for Kansas  
Janet Stubbs, Home Builders Association  
Anne Smith, Kansas Association of Counties  
Others attending: see attached list

The meeting was called to order shortly after 1:30 p.m by Chairman Sallee.  
Hearings continued on HB-2454.

Barbara Meidinger, Prairie Gateway Chapter, American Society of Landscape Architects, appeared in opposition to the amendments proposed in Section 54 and Section 55, HB-2454, related to competitive bidding in all state contracts and change orders. (Attachment 1)

A member questioned Ms. Meidinger as to whether other states require competitive bidding on change orders. Ms. Meidinger noted most states have a negotiated bid on change orders rather than a competitive bid.

Mike Reeht, A T & T, presented testimony concerning HB-2454. (Attachment 2) Mr. Reeht noted his organization opposed any changes in current law that would eliminate the state's ability to engage in a negotiated procurement process. He noted this process serves the state well in procuring new technology and information and communication systems. It allows the state an opportunity to work with the lowest priced vendors and to ascertain which proposal best meets the needs of the state.

Staff was asked to clarify whether the issue of competitive bidding for all state bids was discussed by the Select Commission deliberations. Staff noted the issue of competitive bidding was not discussed and was not in the recommendations made by the Commission.

Pete McGill, Pet McGill Associates, appeared and noted previous conferees had identified the problems to which he had planned to refer. He noted he did testify before the Select Commission and also before the House Committee, primarily for two reasons. First, he was one of the original architects of the original move for the campaign finance act in ethics and governmental affairs. Secondly, because three subcommittees in the House were constantly referring to McGill and Associates as the lobbying firm as they made reference to the various aspects in order to identify how any of the amendments might impact lobbyists. Mr. McGill noted that many provisions in the bill were not in the bill when people were testifying but were made in the final days when the committee was pulled together. Also, 12 of the amendments were made on the floor and substantially change the entire tenor of the bill.

In answer to questions by a member concerning the fact that recommendations by the Select Committee, in most instances, were more strict and stringent than what is presently in the bill right now, Mr. McGill replied that some were very unrealistic and would pose a real problem for the entire political process and governmental process. He also noted that the farther away from the governmental process the members were the more radical the changes

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 519-S, Statehouse, at 12:30 ~~xxx~~ p.m. on April 4, 1991

suggested. Mr. McGill further noted the new members on the House Committee as well as other new House members have a different perception of what is needed. The member asked Mr. McGill if it would not be better to return to the report of the Select Commission and use it as a bill model. Mr. McGill stated, in his opinion, HB-2454 had some good portions that could and should be addressed.

Garry Stotts, Secretary of Transportation, appeared concerning HB-2454. In his testimony Mr. Stotts noted the impact of changes the bill would make. (Attachment 3) Especially mentioned was the elimination of emergency purchases and the problems which would evolve from such action. Concerns expressed on other areas were the elimination of the sole source acquisitions, delegated authority to make local purchases, non competitive contracts with governmental entities, change orders to capital projects and negotiated procurement. Mr. Stotts noted he questioned whether some of the provisions of the bill would really achieve the economies intended.

During questioning Secretary noted some provisions of the bill were not directed at KDOT but at the Director of Purchasing and emergency purchases go through that department. It was further noted his department was not consulted concerning any of the amendments.

Secretary Stotts noted his understanding was the bill would not impact highway problems but would impact any building projects.

A member questioned whether there was every intent for Section 54 to just apply to legislators. Staff noted it was aimed at the officer who might work in the private sector, thus creating a conflict of interest. Staff noted that prior to the last day before the bill came out of the House Committee the bill was much narrower in scope.

A member questioned Section 28, line 13, page 24, which would seem to indicate someone from the public could not be brought in. Mr. Stotts noted that apparently in the past the interpretation put on the word "participated" has not been as much of a problem as is the present concern. Therefore, since the issue has been opened and the word is not well defined, he felt this should be looked at.

The issue of nepotism was raised and discussed.

Pat Hubbell, representing himself, presented information concerning contributions made by Kansas Railroads over the past 12 months of which over \$600,000 had stayed in the state of Kansas. (Attachment 4) He noted that the contributions do not equal the total amount spent by all the lobbyists last year for hospitality and beverage. The comparison was made to note much is done in the way of good will. Mr. Hubbell stated he felt the present system works and should be viewed as a group of people trying to do what is right. He did note he was not issued an invitation to appear before the Select Commission.

Will Belden, League of Women Voters of Kansas, presented testimony to the committee noting that organization supports the concept of HB-2454. (Attachment 5) Mr. Belden noted support of subpoena power, reform of conflict of interest deserve support. PAC contribution limits was also suggested.

Keith Landis, Christian Science Committee on Publication for Kansas, presented testimony noting reporting requirements in Section 39 cause serious concern. He noted that if reporting becomes too great a burden, a small group will not be able to send one of its own members to lobby. (Attachment 6)

Janet Stubbs, Home Builders Association, appeared in opposition to Section 55 of HB-2464, noting some members would be adversely affected by the provision on change orders on contracts. Ms. Stubbs, in answer to a question posed earlier, noted it was her opinion this bill was passed in the House due to a misconception of a lobbyist's role by some new members who do not want to become acquainted with lobbyists or take advantage of the wealth of information which is available to them through lobbyists. (Attachment 7) Ms. Stubbs urged extreme caution in hasty action due to pressures concerning this bill. She also requested consideration of an amendment to place further restrictions on lobbying by state agencies should this measure be seriously considered by the committee.

A member questioned what effect this bill would place on KAPE. Staff noted they were a private organization and if they make expenditures they would be treated like regular lobbyists.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 519-S, Statehouse, at 12:30 ~~xxx~~ p.m. on April 4, 1991

Anne Smith, Kansas Association of Counties, appeared noting their attorneys express concern and opposition to Section 6 (b) noting the impact of the language is unclear. Ms. Smith requested this portion be taken out of the bill. Concern was also expressed about the overlap of people running for other offices.

Attachment 8, amendments suggested by Michael Woolf of Common Cause were handed to committee members.

The meeting adjourned at 2:15 p.m. Committee members were alerted to listen for an announcement from the Senate Floor for the next meeting.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE April 4, 1991

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

NAME AND ADDRESS	ORGANIZATION
Mike Reelott Topoka	AT&T
Bill Henry Topoka	KS Engineering Society
Dale M. Sisk Topoka	Chili M. Sisk & Assoc.
Craig Grant Topoka	K-NEA
Jean Barber Topoka	Travel Industry
George Barber Topoka	KS Consulting Engineers
Ken Thornburgh "	SOS
Rebecca Bassemeyer "	SOS
Tom Whitaker Topoka	KS Motor Carriers Assn.
Jim Edwards Topoka	KCCGT
Jeff Wasaman Topoka	Senate Staff
Ed Martin Topoka	D.V. of Arch. Services
Jerry Carter Topoka	"
Nick Roach Topoka	DIVISION OF PURCHASES
Anne Smith Topoka	KS Assoc. of Chambers
JANET STUBBS Topoka	HBAK
ERROL V. Williams Topoka	Dept of Admin (DPS)
Chuck Stones "	KBA



American  
Society of  
Landscape  
Architects  
Prairie  
Gateway  
Chapter

**TESTIMONY ON HOUSE BILL 2454  
TO SENATE ELECTION COMMITTEE  
BY BARBARA MEIDINGER**

**REPRESENTING THE PRAIRIE GATEWAY CHAPTER  
AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS**

April 2, 1991

Mr. Chairman and members of the Committee, I am Barbara Meidinger, and I am appearing before you today on behalf of the Prairie Gateway Chapter of the American Society of Landscape Architects. This organization represents Kansas design professionals involved in the practice of Landscape Architecture.

We oppose the amendments proposed in Section 54 and Section 55 of the bill related to competitive bidding in all state contracts and change orders. We believe that current procedure should be retained.

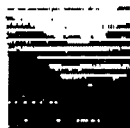
Selection of design professionals should be made on the basis of qualifications. Kansas must be assured that professionals hired to provide design services for a project have the necessary experience and capacity to perform these services properly. It is impossible to evaluate these qualities in a competitive bid situation. Additionally, the scope of services for each project is rarely defined in sufficient detail to allow each firm to submit price proposals based on the actual needs of the project. Fair comparisons can not be made. "Low bid" seldom assures the qualifications of a design professional for a particular project. Short term savings, in almost all cases, will usually result in greater long term costs for the state.

We believe that selection of design professionals on the basis of qualifications gives public clients the best service for the least cost.

Finally, competitive bidding of change orders would create an extremely cumbersome, costly, time consuming and awkward contractual situation, since these orders apply to an already existing contract. The potential lack of continuity of design professionals throughout the life of a project will most assuredly result in higher design cost, incompatibility of study processes and plan documents, increased public administrative time and costs, and greater liability.

In summary, we believe that demonstrated experience, capable and educated professionals, and integrity can never be measured in a competitive bid situation. The health, safety and welfare of the citizens of Kansas deserve a selection process based on qualifications.

Senate Elections  
April 4, 1991  
Attachment 1



ASLA

April 3, 1991

To Whom It May Concern:

The American Society of Landscape Architects is aware of proposals in your state to require competitive bidding on all state contracts, including those let for design services.

ASLA appreciates that various levels of government want to insure that their procurement practices can stand up to public scrutiny and that the best product can be acquired at the best price. Unfortunately, in the case of design services, it is impossible to assure that the best product is acquired if competitive bidding is the prime criterion on which to measure the bids.

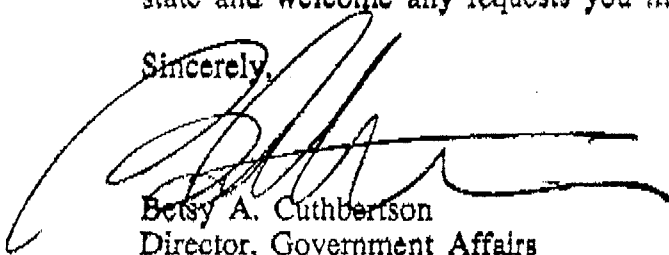
In 1972, the Congress set up a separate system of procurement for design services. As then-Senator McClellan stated at the time, the new system "merely cast the traditional system of selecting architects and engineers -- which has been used more than 30 years -- into statutory form. It would continue the present federal policy of negotiating contracts for A/E services on the basis of demonstrated competence and qualifications for the type of professional service required and, at a fair and reasonable price to the Government."

This so-called Brooks act (PL 92-582) has now been in place nearly 20 years and, according to our contacts throughout the federal government, has worked effectively in the procurement of design service. So effectively that many states have enacted their own mini-Brooks acts.

ASLA firmly believes that public agencies and the public good will be served best by these processes which allow for negotiated procurement, and we hope that your state will see fit to provide procedures of this kind.

We wish you the best in your efforts to reform procurement law in your state and welcome any requests you might have for additional information.

Sincerely,



Betsy A. Cuthbertson  
Director, Government Affairs

AMERICAN  
SOCIETY OF  
LANDSCAPE  
ARCHITECTS  
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Mike Reecht  
State Director  
Government Affairs  
Kansas

Capitol Tower  
400 SW 8th Street, Suite 301  
Topeka, KS 66603  
Phone (913) 232-2128

**TESTIMONY ON BEHALF OF AT&T  
HOUSE BILL 2454  
MIKE REECHT**

My name is Mike Reecht. I am here to testify on behalf of AT&T regarding HB 2454. I would like to limit my comments specifically to Secs. 56 and 57 as those sections appear on pages 48 and 49 of the amended house committee version.

I am here to oppose any changes in current law that would eliminate the state's ability to engage in a negotiated procurement process. I believe you have already heard testimony on the negotiated procurement process and I would like to simply add my comments to that testimony from the prospective of a bidder.

As you have heard, under a negotiated procurement process a request for proposal, a RFP, is issued by the state. The bidders then proceed to develop and submit proposals that they believe meet the needs of the state and would be the winning low cost bid. Under the negotiated procurement process the proposals are opened and the two or three or more lowest bidders then enter into discussion with the state regarding the reasons why their particular bid offers the best value to the state. This negotiated procurement process serves well when the state is procuring new technology and information and communications systems. It allows the state an opportunity to work with the lowest priced vendors and to ascertain which proposal best meets the needs of the state.

Under HB 2454, the competitive bid system would replace the negotiated procurement process. This would eliminate the opportunity for the telecommunications negotiating committee to match the best bid with the needs of the state. In view of the substantial dollar values of today's information and communications systems it makes sense for the state's experts to work closely with bidders in order to more closely fill the needs of the state in the services being offered.

In summary, the competitive low cost bid process has merit in certain situations and applications. It affords the state the best opportunity to obtain value for a wide range of products and services; however, it makes more sense when the state is going to purchase technology such as information systems and communications systems to negotiate large procurements. We believe the negotiated procurement process has served the state well relative to the provision on telecommunications services. The innovative technology that exists in today's telecommunications environment requires expert analysis that can best be provided through the negotiated process. New services and equipment that enhance the network should not be subjected to the one-shot low bid process, but rather be accommodated through a negotiated procurement process.

Senate Elections  
April 4, 1991  
Attachment 2



KANSAS DEPARTMENT OF TRANSPORTATION

Docking State Office Building  
Topeka 66612-1568  
(913) 296-3566

Gary Stotts  
Secretary of Transportation

Joan Finney  
Governor of Kansas

APRIL 4, 1991

TO: THE HONORABLE DON SALLEE, CHAIRMAN  
SENATE ELECTIONS COMMITTEE

RE: HOUSE BILL 2454, AS AMENDED BY THE HOUSE COMMITTEE  
OF THE WHOLE

FROM: THE KANSAS DEPARTMENT OF TRANSPORTATION

Thank you Mr. Chairman and members of the committee for this opportunity to appear today. I'd like to take a moment to review portions of HB 2454 as passed by the House of Representatives and bring to light the effects this bill will have on the Kansas Department of Transportation operations.

CHANGE

ELIMINATES SOLE SOURCE  
ACQUISITIONS (Section 54(a),(1),  
p46, lines 14-32)

ELIMINATES EMERGENCY  
PURCHASES (Section 54(a)(3),(p46,  
lines 14-32))

IMPACT

1. This section would eliminate the ability of the Director of Purchases to authorize a sole source acquisition.
2. Examples:
  - Special skill needs
  - When compatibility of components is paramount
  - Proprietary goods
1. This section would eliminate the ability of the Director of Purchases to approve emergency purchases to ensure against loss of property, or threat to public safety.
2. Examples:
  - gas line ruptured on US-75
  - bridge pier hit by barge
  - tanker truck exploded and burned destroying bridge integrity
  - semi-truck eliminated supporting member of suspension bridge.

Senate Elections  
April 4, 1991  
Attachment 3



CHANGE

ELIMINATES DELEGATED  
AUTHORITY TO MAKE LOCAL  
PURCHASES (Section 54(d), p. 47,  
lines 18-28)

ELIMINATES NON COMPETITIVE  
CONTRACTS WITH  
GOVERNMENTAL ENTITIES  
(Section 54(g) (p.48, lines 4-8))

IMPACT

2. con't

- railroad car derailed and struck bridge pier.
- equipment repair, critical to ongoing operations

1. All transactions would require processing by the Division of Purchases including small items that are not realistic to inventory. Response time would be increased from the current one to 14 days to a processing time of 30 to 60 days.

2. Examples:

- carburetor repair kit
- the inability to replace a pin or bolt for a snow plow could create safety and operating problems as well as potential liability.

1. This section would eliminate the the ability of the Director of Purchases to approve contracts with governmental units, including universities. Kansas schools have been instrumental in carrying out transportation research as well as other support services.

2. As an example we have a series of contracts with both Kansas University and Kansas State University to perform various transportation research projects.

- technical assistance for public transportation
- dispensing rate of glass beads in traffic line paint
- impact of shale on structural failure
- sensing of moisture in pavement subgrade
- drilling and grouting of epoxy coated reinforcement, etc.

## CHANGE

ELIMINATES CHANGE ORDERS  
TO CAPITAL PROJECTS (Section 55,  
(p48, lines 16-26))

ELIMINATES NEGOTIATED  
PROCUREMENT (Section 62, (p50,  
line 33 - repeal of K.S.A. 75-37,102))

## IMPACT

1. The bill would require that all changes to the original building plan be competitively bid. A building project is bid against plans that are prepared from needs known at the time. If those needs subsequently change then under this proposal all activity could be frozen until such time as the bidding process to address those changes could be completed. This would considerably delay project completion.

2. Example

- A reroof project encountered rotted sub-decking. Without being able to correct this problem through a change order we would have had our building exposed to the elements until a solution could be bid.

1. This section would prevent the Director of Purchases from determining the best interests of the state would be served by competitive negotiation.

2. Examples:

- high technology acquisitions would potentially be restricted to "outdated" technology.

- the ability to select the most qualified firm would be replaced with anyone meeting minimum qualifications because of the inability to interact with proposers, exchange ideas, or modify solutions.

Contributions made by Kansas Railroads over 12 Months

Friends University	Wichita	3,810.00
Hesston College	Hesston	300.00
Ks. 4-H Foundation, Inc.	Manhattan	1,000.00
Ks. City Chamber Orchestra	Prairie Village	2,500.00
Ks. Independent College Fund	Topeka	8,000.00
Ks. State Assoc. of Future Farmers of America	Manhattan	500.00
Ks. State University KSU Foundation	Manhattan	300.00
Mental Health Association of Johnson County	Lenexa	5,000.00
Mid America Nazarene College	Olathe	200.00
Pittsburgh State University	Pittsburgh	100.00
Southeast Kansas Education Service Center	Girard	5,000.00
United Fund of Augusta, Inc.	Augusta	100.00
United Fund of Augusta, Inc.	Augusta	100.00
United Way of the Plains	Wichita	100.00
United Way of the Plains	Wichita	100.00
University of Kansas	Lawrence	10,000.00
Young Men's Christian Assoc.	Kansas City	3,500.00
Bethany College	Lindsborg	9,000.00
Fourth installment of a grant of \$45,000.00.		
Donnelly College	Kansas City	5,000.00
Final installment of a grant of \$10,000, payable in two equal installments in 1989 and 1990, to assist in upgrading the college's IBM Systems 36 computer.		
Kansas Independent College Fund	Topeka	27,500.00
Kansas State University Foundation	Manhattan	10,000.00
University of Kansas	Lawrence	10,000.00
Menninger Foundation	Topeka	12,500.00
St. John Hospital	Leavenworth	8,000.00
Second installment of a grant of \$24,000.		
Abilene Area United Way	Abilene	1,000.00
Atchison Area United Way	Atchison	3,000.00
Coffeyville United Way	Coffeyville	4,000.00
Ellis County United Fund	Hays	1,000.00
United Fund of Hoisington	Hoisington	2,000.00
United Way of Reno County, Inc.	Hutchinson	1,000.00
United Way of Junction City-Geary County	Junction City	1,000.00
United Way of Douglas County	Lawrence	1,100.00
United Way of Riley County	Manhattan	1,000.00

Senate Elections  
April 4, 1991  
Attachment 4

Osawatomie Community Fund, Inc.	Osawatomie	4,000.00
United Way of Salina	Salina	7,000.00
United Way of Greater Topeka	Topeka	6,000.00
United Way of the Plains	Wichita	3,500.00
The Arts Center of Topeka, Inc. - Second installment of a grant of \$45,000.00	Topeka	15,000.00
Frontier Army Museum Association - Third installment of a grant of \$100,000.00.	Fort Leavenworth	20,000.00
Kaw Valley Arts Council	Kansas City	1,000.00
Wamego Historical Society, Inc. - To assist with the restoration of six large oil paintings on the wall of the Columbian Theatre.	Wamego	1,500.00
Boy Scouts of America, Heart of America Council	Kansas City	10,000.00
Capper Foundation for Crippled Children - A grant of \$10,000/2, to provide services to handicapped children throughout Kansas	Topeka	5,000.00
Dickinson County Child Care Center, Inc.	Abilene	5,000.00
Hays Art Council, Inc.	Hays	1,000.00
Kansas University Endowment Association - A grant of \$200,000/5, to establish an endowed chair in the Department of Geology.	Lawrence	40,000.00
Martin Luther King Urban Center	Kansas City	1,000.00
Smoky Hills Public Television	Bunker Hill	5,000.00
United Way of Greater Topeka	Topeka	45,000.00
United Way of the Greater Kansas City	Kansas City	22,950.00
Harvey County United Way	Newton	9,560.00
United Way	Emporia	4,000.00
United Way	Arkansas City	3,060.00
Future Farmers of America		39,500.00
National 4-H Educational Awards Program		57,000.00
National Hispanic Scholarship Fund		5,000.00
National Merit Scholarship Corporation		90,530.00

Junior Achievement of Northeast Kansas	Topeka	2,000.00
The Menninger Foundation	Topeka	10,000.00
Services for Alcohol Related Problems	Topeka	1,000.00
Topeka Youth Project, Inc.	Topeka	2,000.00
Agricultural Hall of Fame Assoc. of Community Arts Agencies of Kansas	Bonner Springs	1,000.00
Dickinson County Arts Council	Oberlin	1,000.00
Kansas City Symphony	Abilene	1,000.00
Kansas State Historical Society	Kansas City, MO	3,000.00
Kansas State Historical Society	Topeka	15,000.00
Sunflower Musical Festival Washburn University	Topeka	8,000.00
Topeka Civic Theatre, Inc.	Topeka	3,000.00
Topeka Festival Singers	Topeka	5,000.00
Topeka Symphony Orchestra	Topeka	2,500.00
Benedictine College	Topeka	3,000.00
Berean Academy	Atchison	1,600.00
Bethel College	Elbing	4,750.00
Donnelly College	North Newton	2,000.00
Emporia State University	Kansas City	1,000.00
Kansas Newman College	Emporia	4,600.00
Kansas State University	Wichita	400.00
Kansas State University Foundation	Manhattan	8,000.00
Kansas University	Manhattan	9,600.00
Manhattan Christian College	Lawrence	1,700.00
Maur Hill Prep. School	Manhattan	4,400.00
Mid-America Nazarene College	Atchison	1,000.00
Ottawa University	Olathe	9,700.00
Saint Mary College	Ottawa	500.00
Tabor College	Leavenworth	1,000.00
Washburn University of Topeka	Hillsboro	3,000.00
Association of Community Arts Agencies of Kansas	Topeka	1,600.00
KANU	Salina	500.00
KTWU	Lawrence	1,700.00
Topeka Civic Theatre	Topeka	3,800.00
Topeka Friends of the Zoo	Topeka	1,200.00
Topeka Genealogical Society & Library	Topeka	260.00
The Topeka Performing Arts Center	Topeka	1,450.00
Topeka Symphony Society	Topeka	5,300.00
Menninger Foundation	Topeka	600.00
Prairie View, Inc.	Topeka	1,500.00
	Newton	1,050.00
TOTAL		\$669,020.00

# LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

919½ South Kansas Avenue Topeka, KS 66612 (913) 234-5152

April 4, 1991

## STATEMENT CONCERNING HB 2454

Chairman Sallee and members of the Senate Elections Committee:

My name is Will Belden, and I represent the League of Women Voters of Kansas. The League of Women Voters of Kansas supports the concept of HB 2454: to reaffirm the legislature's responsibility to its constituents.

In particular, the League of Women Voters of Kansas believes that giving an investigative committee subpoena power, and reforming conflict-of-interest deserve support. By giving the investigative committee subpoena power, this bill would ensure that our legislators maintain their fiduciary duty to their constituents. Reforms in conflict-of interest laws would also affirm our government's integrity, as those in power would not be able to abandon their constituents' interests for the sake of personal gain. These measures would bolster the public's confidence in their elected officials, and would create a more positive working environment for our state officials.

In like token, provisions that would limit the amount of PAC contributions to a lesser or equal amount than those received from private citizens, and an overall reduction in the allowable amount of individual contributions need to be placed in the bill. These measures would lower the cost of elections, as candidates would have less to spend on campaigns. The net result would be a "level playing field" in which all citizens could freely participate.

By virtue of the definition of "lobbyist" in Section 26 (b), the League of Women Voters and similar organizations would not be required to submit monthly reports. The League of Women Voters, as a volunteer association, does have a concern about the reporting duty of lobbying organizations. Lobbyist salaries should be included in the monthly reports, as this factor could represent a substantial expenditure for many lobbying groups. Under the current provision, this expenditure would still be missing from the public record. The general public should have access to information pertaining to those who shape public policy.

The League of Women Voters of Kansas urges the committee to report HB 2454, with the above changes, favorably to the Conference Committee.

Thank you for this opportunity to testify.

*Will Belden*

Will Belden  
LWVK Lobbyist

Senate Elections  
April 4, 1991  
Attachment 5

# Christian Science Committee on Publication For Kansas

820 Quincy Suite K  
Topeka, Kansas 66612

Office Phone  
913/233-7483

To: Senate Committee on Elections

Re: House Bill No. 2454

I somewhat reluctantly presented testimony on this bill to the House Committee on Elections. Normally, my lobbying activity is limited to matters concerning the practice of my religion. But this bill affects the ability of Christian Scientists to express their concerns on legislative issues.

The Committee on Publication is a one person committee. A part-time secretary helps with office tasks. In fulfilling our mission to provide to the public accurate information about our religion, we respond to individual and group requests - or, perhaps, write a letter to an editor. And, I register as a lobbyist and present our views to legislative committees on issues affecting the practice of our religion, including spiritual healing.

Although it is not a major concern, I pointed out to the House committee that lowering the limit on gifts will prevent our giving a subscription to The Christian Science Monitor to a government official. We presently give a complimentary six-months' subscriptions to those requesting it, at a cost of \$56 each. A three-months' subscription would cost \$32 at the present time. We have no problem with the reduced limit; it will save our office about \$2,000-\$3,000 per year.

The lobbyist reporting requirements in Section 39 cause serious concern. Originally, the bill required a lobbyist's compensation to be reported. My pay for our Committee year beginning October 1 is set by a finance committee. It would be difficult to establish the portion of that amount devoted to lobbying.

We do not do cost accounting in our office. I have no idea what it costs to prepare "proposals, position papers and similar documents." Subsection (b)(7), which begins on page 36, line 38, is so broad, I probably would have to report the cost to resole or replace the shoes worn out each session by the marble floors of the Statehouse. I also wear these shoes on other occasions, so only a portion of the cost would be reported, I guess. But, I can't guess without subjecting myself to possible penalties.

If reporting becomes too great a burden, a small group will not be able to send one of its own members to lobby. Only professional lobbyists will be able to meet all of the requirements.



Keith R. Landis  
Committee on Publication  
for Kansas

Senate Elections  
April 4, 1991  
Attachment 6

TESTIMONY  
SENATE ELECTIONS COMMITTEE

HB 2454  
April 4, 1991

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Janet Stubbs and I am appearing in opposition to Section 55 of HB 2464. As previously addressed by conferees, some of our members would be adversely affected by the provision on change orders on contracts. I had previously planned to have a contractor appear to explain this to you but the timing was such that this did not happen.

There are many other comments I would like to make about this bill. First, I am guilty of not appearing in the House Committee on this measure because of hearing conflicts etc. Secondly, I could not believe that the Legislature would seriously consider such a measure. The PDC has promoted some type of legislation since I have been working around the Legislature and, in my view, more reasonable heads have always prevailed. Therefore, I was guilty of allowing myself to be lulled into a false sense of security.

I have represented a small, underfunded association for 13 years. Adding additional expense and record keeping requirements is adding to their cost of operation and sending a message to them that you don't care whether you have their input or not. Many organizations are having to look at a different method of operation to cut costs. The Home Builders Association of Kansas is no different. That is one of the reasons for the proliferation of independent contract lobbyists.

Senator Reilly asked yesterday why this bill was passed by the House. In my view, it is a misconception of a lobbyist's role by some new members of the House who do not want to become acquainted with lobbyists or take advantage of the wealth of information which is available to them through lobbyists. The press and some activist groups have promoted the view that "lobbyists" are having undue influence with Legislators and "buying" their votes.

First, lobbyists represent groups of citizens who have formed an organization to express their common interest but who individually do not have the time, expertise or knowledge to achieve their goals as an individual person. These groups are comprised of "real people" and voting taxpayers.

Secondly, in all the years I have been associated with the legislative process, I have not been aware of the abuses and dishonesty which has been hinted at by proponents of this bill. Kansas has a Legislature of which we can and should be proud and we should not be looking at creating additional bureaucracy to create a kingdom for more state employees seeking power.

Senate Elections  
April 4, 1991  
Attachment 7



If this Senate Committee feels there is justification in passage of some form of this legislation due to the pressure placed upon you by the House passage of this bill, I would urge you to use extreme caution. As other conferees have stated, there is time before the next election to put into law more restrictive guidelines for campaigns.

I would like to further request consideration of an amendment to place further restrictions on lobbying by state agencies, if this measure is to be seriously considered by this Committee.

Thank you for the opportunity to appear.



## COMMON CAUSE / KANSAS

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

### Suggested Amendments to House Bill 2454

1. Page 12, Section 11, lines 21-25:  
Reinsert stricken subsection (j) which reads:  
  
(j) The aggregate amount of all contributions accepted by a candidate and such candidate's candidate committee from political committees shall not exceed the aggregate amount of all contributions accepted by such candidate and such candidate's candidate committee from individuals.
2. Page 12, Section 12, Subsection (b), lines 38-42:  
Insert language underlined:  
  
(b) No person, other than an individual, a party committee or a political committee, shall make a contribution to any candidate or the candidate committee of any candidate for state or local office, and no candidate or candidate committee for any candidate for state or local office shall accept any contribution from an individual, a party committee or a political committee.
3. Page 13, Section 13, Subsection (a), lines 1-8:  
Delete stricken language:  
  
(a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for legitimate campaign purposes ~~or for expenses of holding political office.~~
4. Page 14, Section 14, Subsection (d)(1), lines 10-12:  
  
All subpoenas issued under this section shall be authorized by the affirmative vote of not less than ~~3/4~~ 1/2 of the members of the commission.
5. Page 26, Section 30, Subsection (a), by inserting at the end of line 4:  
  
No state legislator shall participate directly or indirectly, as a paid representative, in any representation case, or permit such member's name to

Senate Elections  
April 4, 1991  
Attachment 8

be used as a participant in any case. Such prohibition shall not be construed to prohibit other members of a legislator's professional firm from accepting or participating in any such case.

6. Page 29, Section 33, by inserting at the end of line 6:

In reporting a substantial interest providing income to the individual in accordance with K.S.A. 46-229, and amendments thereto, the individual shall indicate each interest which produces income in an amount which exceeds 10% of such individual's total income.

7. Page 32, Section 36, Subsection (b)(1), lines 25-27:

All subpoenas issued under this section shall be authorized by the affirmative vote of not less than ~~3/4~~ 1/2 of the members of the commission.

8. See balloon on next page.

1 (d) Whenever an individual lobbyist contributes to a single  
 2 special event, such lobbyist shall report only the aggregate  
 3 amount or value of the expenditure contributed by such  
 4 lobbyist.

5 (e) Whenever more than one lobbyist is employed by a  
 6 single employer *lobbyist's principal*, the reports required by  
 7 this section relating to such employer *lobbyist's principal* shall  
 8 be made by only one such lobbyist and that lobbyist shall be  
 9 the lobbyist who is most directly connected with the particular  
 10 expenditure or gift, honoraria or payment. No expenditure or  
 11 gift, honoraria or payment required to be reported by this sec-  
 12 tion shall be reported by more than one lobbyist.

13 (f) Records in support of every report or statement filed shall  
 14 be maintained and preserved by the lobbyist for a period of  
 15 five years from the date of the filing of such report or statement  
 16 and may be inspected under conditions determined by the  
 17 commission.

18 Sec. 39. K.S.A. 1990 Supp. 46-269 is hereby amended to read  
 19 as follows: 46-269. Each report under K.S.A. 46-268, and amend-  
 20 ments thereto, shall disclose the following: (a) The full name and  
 21 address of each person who has paid compensation for lobbying  
 22 to the lobbyist or has paid for expenses of lobbying by the  
 23 lobbyist *lobbyist's principal for whom such lobbyist has acted during*  
 24 *the period reported.*

25 (b) The aggregate amount or value of all expenditures made,  
 26 ~~except for expenses of general office overhead,~~ by the lobbyist or  
 27 by the lobbyist's employer *principal* for or in direct relation to  
 28 lobbying during the reporting period, ~~if such expenditures exceed~~  
 29 ~~\$100.~~ [for the following purposes:

- 30 [(1) Food and beverages provided as hospitality;
- 31 [(2) entertainment, gifts, honoraria or payments;
- 32 [(3) mass media communications;
- 33 [(4) preparation of proposals, position papers and similar
- 34 documents;
- 35 [(5) travel, lodging and mileage expenses;
- 36 [(6) communications for the purpose of influencing legislative or
- 37 executive action; and

38 ~~[(7) all other expenditures made in the performance of services~~  
 39 ~~as a lobbyist, except that the provisions of this subdivision shall not~~  
 40 ~~include salaries, fees, retainers and any other compensation re-~~  
 41 ~~ceived for the performance of services as a lobbyist.] Individual~~  
 42 expenditures of less than \$2 shall not be required to be reported  
 43 under this subsection. Such expenditures shall be reported accord-

(7) salaries, fees, retainers and any other compensation  
 received for the performance of services as a lobbyist;

(8) \_\_\_\_\_