

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS, CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT & GOVERNMENTAL STANDARDS .

The meeting was called to order by Chairperson Sen. Janice Hardenburger at 1:30 p.m. on February 7, 1995 in Room 529-S of the Capitol.

All members were present except: Senator Ranson, Excused

Committee staff present: Arden Ensley, Revisor of Statutes
Stacey Soldan, Committee Secretary

Conferees appearing before the committee:

PROPONENTS

Sen. Parkinson
Sen. Brady
Debra Leib, Common Cause
Bill Craven
Richard Rubins
Ida True Terry, State Director, United We Stand America
Chip Wheelen, Kansas Society of Association Executives

OPPONENTS

Mary Turkington, Kansas Motor Carriers Association

Others attending: See attached list

Senator Hardenburger requested any new bills to be introduced; there were none.

SB 116: An act relating to state governmental ethics

Sen. Parkinson appeared before the committee to testify on **SB 116** (attachment 1) Sen. Parkinson is co-sponsor of this bill. He briefly discussed the bill and the importance to keep finances, in the form of gifts, out of the legislative decision making process. There were several questions from committee members and Senator Parkinson stated that influencing decision making by legislators by gift giving was reality and not a perceived problem.

Sen. Brady appeared before the committee to testify on **SB 116** (attachment 2) Sen. Brady is the other co-sponsor of the bill. He stated that he didn't see this as a cure-all, but a step in the right direction.

Debra Leib, Executive Director; Common Cause, appeared before the committee to testify on **SB 116** (attachment 3) She testified that this bill would not restrict or otherwise limit the exchange of information or ideas meant to benefit the legislative process. She stated that the 1994 elections affirmed the importance of citizens desire for reform and change in "business as usual".

Bill Craven, appeared before the committee to testify on **SB 116** (attachment 4) He testified that campaign contributions and the money spent by lobbyist buys access, even though it might not buy votes; in other words providing information, standing alone, is seldom sufficient. He requested passage of this bill on behalf of public interest type organizations.

Richard Rubins, Johnson County resident, appeared before their committee to testify on **SB 116** (attachment 5) He testified that he did not represent any political or special interest group. He does not have any business connections with the State of Kansas. Mr. Rubins stated elimination of the practice of "wining and dining" and business as usual politics would be a simple solution to the problem. He requested passage of this bill on behalf of the person on the street, his neighbors and himself.

Ida True Terry, State Director, United We Stand America of Kansas, appeared before the committee to testify on SB 116. (attachment 6) She testified that the public perception is that legislators can and are bought. She stated that she receives calls from voters and the last election was an angered plea for honest, fair representation. She stated that the election results had more to do with special favors, government waste and irresponsible spending than party ideology. She recommended passage of SB 116.

Chip Wheelen, Kansas Society of Association Executives, appeared before the committee to testify on SB 116. (attachment 7) Chip testified that SB 116 did not go far enough and should be amended that no person may contribute a gift or other economic opportunity to a legislator or other state official for the purpose of influencing governmental activity. He stated the importance of educational materials, meetings, and conferences and requested to have those such items incorporated into the bill.

Mary Turkington, Kansas Motor Carriers Association, (attachment 8) appeared before the committee to testify on SB 116. She testified in opposition to the bill. She discussed the high integrity of the lobbyist and their reporting of information. She hoped the committee would kill SB 116 and not attempt to create a problem where none exists.

The meeting adjourned at 2:28 p.m.

The next meeting is scheduled for February 9, 1995.

SENATE ELECTIONS, CONGRESSIONAL &
LEGISLATIVE APPORTIONMENT AND
GOVERNMENTAL STANDARDS COMMITTEE GUEST
LIST

DATE: February 7, 1995

NAME	REPRESENTING
James E. Pichon	KADU
Jeanne Patterson	Kansas Soc of Assn Exec
Jon Smith	Ks Bar Assoc
Chip Wheelen	Ks Soc. of Assn Execs
Travis Carl	A.P.
Mike Archard	KU Classified Senate
Mary E. Turkington	Ks Motor Carriers Assn -
Carol Williams	KCGSC
Charlie Smithson	KCGSC
Russ King	State Employees Assn. of Ks.
Bio Center	KPRC / Sierra -
Robert A. Rubin	Private citizen
Jordan J. Delaney	KS Insurance Dept.
DEBRA LEIB	COMMON CAUSE
Jennifer Upchar	St. Treasurers office
Kyle Janning	KAPE
John Perry	19 WSA of KS
Daniel King	" " " "

MARK PARKINSON
SENATOR, 23RD DISTRICT
REPRESENTING GARDNER, OLATHE,
OVERLAND PARK, SPRING HILL
15587 S. GREENWOOD
OLATHE, KANSAS 66062
913-829-5044



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
CHAIRMAN: LOCAL GOVERNMENT
VICE CHAIRMAN: JUDICIARY
VICE CHAIRMAN: JOINT COMMITTEE ON
SPECIAL CLAIMS
AGAINST THE STATE
MEMBER: FEDERAL AND STATE AFFAIRS
ELECTIONS

SENATE ELECTIONS, CONGR. & LEG.
APPORTIONMENT & GOVERNMENTAL STANDARDS COMMITTEE

Chairperson: Senator Janice Hardenburger
Vice Chair: Senator Stan Clark
Ranking Member: Senator Bill Wisdom

TESTIMONY ON SB 116

At the outset, I want to thank the Chairperson for agreeing to hold a hearing on SB 116. I realize that this is a bill that has substantial opposition in this body, and I appreciate your willingness to hold these hearings despite that opposition.

I am a strong supporter of SB 116. Senator Brady and I have worked on this bill for the last couple of months in an attempt to change practices that are not conducive to good government.

There are two major components in SB 116. The first would ban gifts from those who are attempting to influence legislators. As you are aware, under current law a person who is attempting to influence us may do so with a gift, provided that the gift has a value of \$40.00 or less. I can see absolutely no justification for gifts from those who are attempting to influence us. I have never heard a justification for this. The bill is very simple in this regard and simply abolishes these gifts.

The second portion of the bill is perhaps more controversial. It would essentially eliminate hospitality and entertainment, again, from those who are attempting to influence us. Under current law, there is no limit to hospitality. As a result of the lack of limit, considerable spending currently takes place. Attached you will find a document from

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the Kansas Commission on Governmental Standards and Conduct. It indicates that in 1993 there was a total of \$694,932.64 that was reported as spent on entertainment, gifts, hospitality, and communications. Through November of 1994, that figure amounted to almost \$600,000.00.

My view on this is quite simple. I believe that decision makers should not receive gifts or meals from those who are attempting to influence their decision. I do not believe that these gifts and meals actually "buy" votes. I do believe that they create relationships that influence votes and that ultimately this is bad for the process.

Senate Bill 116 does provide for a \$3.00 exception. My intent was to completely abolish hospitality, but I realize that this will create some difficulties for meetings at which legislators are present simply to inform the public about what is happening in Topeka. Frequently, coffee or donuts are served at these meetings and, hence, the "cup of coffee" exception.

This bill is no way intended to denigrate the Legislature or the members who serve in this body. I have the utmost respect for both. Instead, it is an attempt to codify a belief that we should not accept gifts from those who are attempting to influence us.

Again, I appreciate this hearing and would be willing to attempt to answer any questions that the committee may have.

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KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

**Summary of Expenditures Reported by Registered Lobbyists
September, October, November 1994 with Comparison to
September, October, November 1993**

Kansas law provides for the registration of lobbyists and the periodic reporting of lobbying expenditures. (K.S.A. 46-215 et seq.) Due to the changes made in the lobbying statutes by the 1991 Session of the Kansas Legislature, all lobbyists are now required to file expenditure reports six times during the calendar year. This memorandum reflects registrations and expenditures through November 30, 1994.

Total Registrations and Expenditures

To date, expenditures reported by registered lobbyists through November 1994 are \$599,821.56. This is lower than the same period in 1993. The number of registered lobbyists is higher than in 1993.

TABLE I
Lobbyist Registrations and Reported Expenditures
January-November 1993 & 1994

Month & Year	No. Registered Lobbyists*	No. of Registrations*	No. of Lobbyists Reporting Expenditures	Expenditures Reported
Jan 1993	533	838	105	\$146,083.07
Jan 1994	539	849	102	\$103,718.88
Feb 1993	51	69	125	\$159,930.84
Feb 1994	38	64	106	\$172,137.76
Mar 1993	11	35	108	\$108,952.46
Mar 1994	31	53	119	\$130,272.47
Apr 1993	3	6	88	\$110,001.38
Apr 1994	3	17	86	\$ 64,239.50
May/June/July/ August 1993	7	13	97	\$107,679.92
May/June/July/ August 1994	5	23	94	\$ 86,734.26
Sep/Oct/ Nov 1993	8	15	116	\$ 62,284.97
Sep/Oct/ Nov 1994	0	5	85	\$ 42,718.69
TOTAL:				
Thru Nov 1993	613	976		\$694,932.64
Thru Nov 1994	616	1011		\$599,821.56

For September, October, November 1994, \$28,899.68 of the total was spent for food and beverage. In addition, \$531.26 was spent for entertainment, gifts, honoraria or payments; \$2,940.83 for mass media communications; \$607.30 for recreation provided as hospitality; \$8,751.59 for communications for the purpose of influencing legislative or executive action; and \$988.03 for other reportable expenditures.

In comparison, for September, October, November, 1993 \$40,364.41 of the total was spent for food and beverage; \$4,071.33 for entertainment, gifts, honoraria or payments; \$424.22 for mass media communications; \$3,170.15 for recreation provided as hospitality; \$10,752.15 for communications for the purpose of influencing legislative or executive action; and \$3,502.71 for other reportable expenditures.

Type of Organization and Areas of Interest

Table II shows the organizations or businesses which reported making lobbying expenditures in September, October, November 1993 and 1994 by type or area of interests. The cumulative totals are also listed. The expenditures are shown in categories established by the Secretary of State.

*The number of registered lobbyists and the number of registrations differ because some individuals lobby for more than one employer.

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State of Kansas
Senate Chamber

BILL BRADY
SENATOR, FOURTEENTH DISTRICT
LABETTE & NEOSHO COUNTIES AND
PARTS OF CHEROKEE AND MONTGOMERY COUNTIES
319 CRESTVIEW
PARSONS, KANSAS 67357-3513
(316) 421-6281



COMMITTEES:
ELECTIONS
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JOINT COMMITTEE ON SPECIAL CLAIMS
AGAINST THE STATE
JUDICIARY
TRANSPORTATION & UTILITIES
WAYS AND MEANS

STATE CAPITOL
TOPEKA, KANSAS 66612-1504
913-296-7389

FEBRUARY 7, 1995

TESTIMONY IN SUPPORT OF SB116
BILL BRADY, STATE SENATOR
14TH DISTRICT

I APPRECIATE THE OPPORTUNITY TO HAVE A FAIR HEARING ON SB116.
I DO NOT VIEW THE ELIMINATION OF GIFTS AND A SEVERE REDUCTION IN
FOOD AND DRINK GIVEN TO LEGISLATORS A CURE ALL FOR OUR PROCESS OF
MAKING LAWS. I AM MORE INCLINED TO VIEW IT AS AN IMPROVEMENT OF
THE PROCESS. IMPROVEMENT BECAUSE IT SHOULD ALLOW US MORE TIME TO
FOCUS ON OUR PRIMARY RESPONSIBILITY WHICH IS TO UNDERSTAND FULLY
THE RAMIFICATIONS OF THE LEGAL CHANGES WE ARE ASKED TO REVIEW.

IN MY FIFTEEN YEARS OF SERVICE HERE, I HAVE WITNESSED A
TREMENDOUS GROWTH IN THE AMOUNT OF PRIVATE MONEY SPENT ON LEGIS-
LATORS AND OTHER ELECTED OFFICIALS. ON ANY GIVEN DAY THERE ARE 5 TO
10 PREARRANGED SOCIAL EVENTS AVAILABLE TO LEGISLATORS AND
COUNTLESS OTHER "SPUR OF THE MOMENT" EVENTS. AT TIMES THE LEGIS-

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LATIVE PROCESS IS SCHEDULED AROUND SOCIAL EVENTS. THERE IS AN ATTEMPT BY THE SPECIAL INTERESTS TO MAKE THE SESSION INTO A COLLEGIAL ATMOSPHERE.

THERE ARE THOSE WHO SAY SB116 IS NOT PRACTICAL AND WILL NOT WORK. IT IS, HOWEVER, WORKING IN OTHER STATES, WISCONSIN AND IOWA, TO NAME A COUPLE AND IT WILL WORK IN KANSAS. PASSAGE OF SB116 WILL CHANGE THE WAY WE DO BUSINESS IN TOPEKA. LEGISLATOR'S, LOBBYISTS AND CERTAINLY THE GENERAL PUBLIC SHOULD WELCOME SUCH CHANGE.

BILL BRADY

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Senate Committee on Elections, Congressional & Legislative Apportionment,
and Governmental Standards

Testimony on S.B. 116

Debra R. Leib, Executive Director
Kansas Common Cause

February 7, 1995

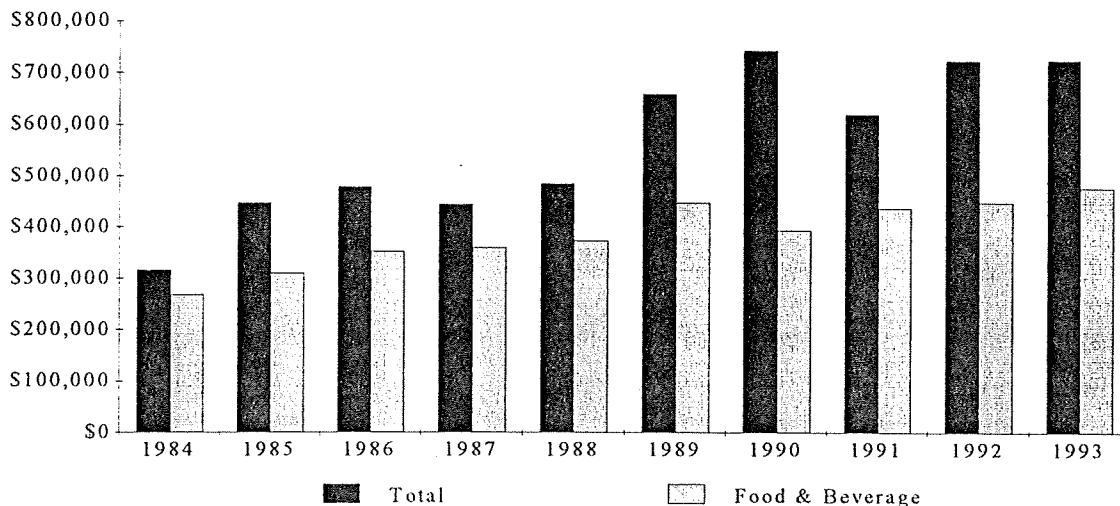
Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 116 which would prohibit lobbyists and other special interests from providing gifts and unlimited food and drink to legislators and other state officers and employees.

Common Cause fully supports the right of citizens to petition their government -- to lobby -- as guaranteed by the U.S. Constitution. Our founders, however, did not envision lobbyists using money as the primary tool of their trade.

The widespread perception that elected officials are obligated to monied special interests - private interests which are placed before the larger public good -- is reinforced by the dramatic increase in the amounts lobbyists spend to influence government decisions. Over the last ten years registered lobbyists in Kansas have reported spending over \$5.6 million -- almost \$4 million (over 70% of the total amount) was spent on food and beverage alone. An additional \$240,000 was spent on sporting events, golf games and similar recreational perks.

Reported Lobbying Expenditures 1984 - 1993



Source: Commission on Governmental Standards & Conduct

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This bill does not in any way restrict or otherwise limit the exchange of information or ideas meant to benefit the legislative process. Nor does it hinder opportunities for legislators to meet with lobbyists and other members of the public. Rather, S.B. 116 applies a basic code of conduct essential for any public official. There is an inherent problem in a system where individuals and groups can spend significant sums of money on elected officials who have the power to make government decisions affecting the interests of those very donors.

Simply put, there is no such thing as a free lunch. Anyone who suggests differently is denying a basic law of human nature. Good will is an enormously valuable commodity; reciprocity is a powerful tool.

As the senator from the 8th district said not long ago in this committee, we must work to ensure a level playing field for all Kansans. Lobbyists who use the power of the purse buy access not available to the general public. The result is that public policy decisions become based more on who has money and access to government officials than on whether the policy is in the public's best interest.

Kansans have every reason to question whose interests are being served when millions of special-interest dollars are flowing to public officials to influence the outcomes of policy decisions. The 1994 elections affirmed the importance of citizens' desire for reform and change in "business as usual." Passage of S.B. 116 will eliminate the unnecessary wining and dining of legislators which increasingly undermines the integrity of the political process and of the Kansas Legislature.

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WILLIAM J. CRAVEN

ATTORNEY AT LAW
701 JACKSON, SUITE 220
TOPEKA, KANSAS 66603

913-232-1555
913-232-2232 FAX

Testimony of William Craven
S.B. 116
Senate Elections, Congressional and Legislative
Apportionment and Governmental Standards Committee
Feb. 7, 1995

I appreciate the opportunity to testify today in favor of this bill which represents a modest step forward in restoring equal access to the legislative process. This bill is not a panacea. No bill can completely end the influence of special interest groups in crafting legislation. Before I get asked the question, I want to define my terms. Special interest groups represent the economic interests of their membership. Public interest groups represent consumers or advocate public policies which are intended broadly to represent the interests of society. There is nothing per se wrong about trade associations and other special interest groups advocating their members' interests. What is wrong is that under existing law, because of much greater resources, they have more access to legislators than do public interest groups or indeed members of the public.

This bill eliminates special interest gifts to lobbyists and eliminates all special interest recreation subsidies to legislators. It also reduces to \$3 the maximum available for special interest groups to purchase food and beverages. To be candid, I'd support eliminating that \$3 threshold as well.

Even Bob Dole, who I think we all agree is something of an expert on this topic, some time ago remarked that campaign contributions and the money spent by lobbyists buys access, even if it can't be said that it buys votes. In other words, providing information, standing alone, is seldom sufficient.

This bill can't completely "level the playing field," to use one of the most overworked cliches of the 1990's. Special interest groups will always be able to make more PAC contributions. They will always have swankier offices, more staff, more full-time paid lobbyists, and more resources. Most of these expenses aren't even required to be reported.

For what is reported, here's an example. For the 1993 and most of the 1994 sessions, I calculated the reported expenditures of the trade associations who opposed the environmental initiatives supported by the groups I represented. These groups outspent me by a total of \$70,000 to nothing. Not all of these expenditures were devoted to opposing the bills I worked on. But a huge proportion of this money was for hospitality. I leave it to you to judge whether these expenditures influenced the outcome of the votes on such issues as corporate farming, the lack of pesticide reform legislation, the passage of the mis-named "private property rights" bill, and the senate's passage of a feedlot de-regulation bill last year. There are certainly other examples. All I can say is that each was passed over strong objection from the public interest environmental community as well as the dozens of citizens who came to Topeka also to express their views.

Similar numbers exist statewide. The commission reports that food and beverage expenses by special interests for the last 10 years were about \$3.9 million. The total reported lobbying expense was about \$5.6 million. In other words, hospitality is about 70 percent of the total. Whether real or not, the perception is that this money buys a lot of access.

This bill represents a small step in the right direction. I urge you to consider it favorably for passage.

February 7, 1995

Testimony of Richard A. Rubins
Resident of Johnson Co, Kansas

Madam Chairperson and Senators:

I appreciate the opportunity to address you regarding Senate Bill 116. I do not appear before you in any status other than as a private citizen. I do not represent any political group or any special interest group. I don't have any business connections with the State of Kansas nor will I benefit by my testimony today, other than doing something about a subject that has bothered me and yet up to now, I have remained silent. And for that, I share equal blame with many of my fellow citizens.

The mood of this Country has been changing and it has nothing to do with political parties. Whether you are Republican or Democrat, the mounting stories of greed, corruption and special influence exerted by some to the exclusion of others taints governing bodies everywhere in this country. The abuse and misuse of influence is detrimental to the trust of the electorate in their governmental officials and erodes the respect that you should enjoy. Each day you can open your newspaper or listen to tv and find another government official or member of some legislature has succumbed to the lure of influence and money.

This situation should not continue. The people want to believe in the people that they elect to office. They do not elect new faces, new thoughts and new ideals to this legislature and then find later that it is business as usual. The average citizen is no longer tolerant of behavior that condones special influence practices and he or she is sophisticated enough to understand the concept that there is no free lunch.

Would you want to explain why the lobby group spends to wine and dine an amount annually equal to approximately \$2800 per legislator in their lobbying efforts. Does that perception to the voters present a level playing field when they can compete within the rules you have created.

Ask any person on the street and you will find that their

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answer to the question of whether lobbyists should be providing food, drink and gifts to the representatives of government is a resounding "NO". In the legislative process, lobbyists who are hired by specific clients for the purpose of persuading the passage of certain legislation should not be spending approximately one-half million dollars annually on food and drink for the people who ultimately will be voting on such bills. This action and expenditure smacks of impropriety, whether deserved or not.

Senate bill 116 needs to be voted favorably in this committee and passed into final legislation. It is fundamentally wrong to continue a practice that emulates "the good old boy" and "business as usual" politics. It is detrimental to the many hardworking, devoted and dedicated members of this legislature to have this image presented to the voters and the simple solution is to eliminate this practice by the passage of this bill. The person on the street, my neighbors and I urge your support in favor of this bill.

Thank you for your time and attention.

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United We Stand America of Kansas, Inc.

15604 COLLEGE BLVD. / LENEXA, KS 66219 / PHONE: (913) 599-5454 / FAX: (913) 599-5272

I appreciate this opportunity to speak to you about an issue that is of great concern to the public and UWSA members.

For years, many American companies have banned all gifts from suppliers because they recognize that their employees are human and that gifts can influence an employees choice of supplier. The American public feels the same way about the people they have hired to represent them. They believe gifts, hospitality and campaign contributions do effect legislation.

The same businesses that have high ethical standards for their employees find that they must make large contributions to campaigns, gifts and hospitality to be heard in the halls of Congress and the Kansas Legislature. Many businesses like this arrangement but too often special favors for one group hurts another -- and too many times it's the average taxpayer who pays the bill.

The public knows that special-Interests expect something in return for every dollar they spend -- and they don't keep spending if they don't get what they want. In an AP release last Saturday, Josh Goldstein, a political analysts at "The Center for Responsive Politics" said, "I think what you see is that many political contributions aren't just contributions, they are investments. People make a contribution and expect a good, healthy return on that investment".

Last year when a gift ban bill was introduced in the Kansas House we heard legislators protesting that they cannot be bought for a cup of coffee. Maybe you can't, but it is the public's perception that you can be, and are. It is a perception you must deal with in order to regain their respect. The gaping hole in the *Contract With America* is campaign and lobbying reform. The voters are waiting to see if this hole gets plugged. The angry voters of 1994 did not go away, they are ready to vote again and their numbers are growing. Every level of government must respond.

I hope the 1995 Kansas Legislature heard the message of November 8th. It was a angry plea for honest, fair representation. Everyone is analyzing the election results, but most still don't get it. The voters are just plain fed up with special favors, government waste and irresponsible spending. The election had more to do with these things than party ideology. It was a desire for honest representative government for all -- not special favors for a few. We hope you will listen to the voters and pass Senate Bill No. 116. It's a good start.

Thank You

Ida True Terry, State Director

TOTAL NATIONAL DEBT JANUARY 31, 1995 : \$4,815,827,000,000 EACH INDIVIDUAL SHARE: \$18,470 - FAMILY (4) SHARE \$73,880
KANSANS SHARE OF TOTAL DEBT: \$46.6 BILLION

TOTAL INCREASE SINCE 1/30/95 = 12 BILLION, 31 MILLION - INCREASE PER INDIVIDUAL SHARE: \$45
INCREASE FOR KANSANS IN JUST ONE DAY: \$115.7 MILLION

Senate Elections
Attachment 6

2-7-95



Testimony on 1995 Senate Bill 116
to the Senate Committee
by Chip Wheelen on behalf of KSAE
February 7, 1995

Thank you for the opportunity to express our concerns about the provisions of SB116. We agree that there is a need to update Kansas' laws governing lobbying activity but believe that SB116 as introduced falls short of the needed changes. We recommend instead the amendments attached to this statement.

First we must strenuously object to any statement or implication that registered Kansas lobbyists engage in any unethical or inappropriate activity. We take great pride in the fact that Kansas is unlike some other states where lobbyists have been known to use unethical methods of obtaining legislation or regulatory objectives. Furthermore, we believe that Kansas legislators are sincere in their role as public servants and would never accept any kind of bribe or other inducement in exchange for a vote or other public policy decision. To our knowledge there is no evidence of unethical conduct by registered lobbyists nor by members of the Legislature in this State. This does not, however rule out the possibility that there may be others who are not registered lobbyists who would attempt to influence public policy by offering gifts or other inappropriate economic opportunities. This is one of the potential problems that our amendments would address.

Our proposed amendments would retain the general principle that any gift or economic opportunity of any value should not be given or even offered to a legislator or state official for the purpose of influencing governmental activity. Furthermore, we believe that all persons should be held to the same ethical standards as registered lobbyists and recommend a simple amendment to achieve this equal treatment under Kansas law. We do, however, disagree with the notion that a meal or recreation can possibly buy a vote; that is ludicrous. Purchasing a meal or paying for recreation is a common practice in the private sector in exchange for the opportunity to spend time with a client or customer. In fact, it is so customary and accepted that only those who are naive about business affairs would consider such activity inappropriate.

Our amendments would allow legislators and other state officials to continue receiving educational publications that are printed for the members of professional associations or trade organizations. Our amendments would also allow legislators and state officials to attend events sponsored by bona fide organizations that offer educational opportunities for their members. The exception to this would be in the event that the legislator would receive continuing education credit for his or her professional licensure.

We respectfully request adoption of our amendments prior to your recommendation for passage of SB116. Thank you for considering our comments and requests.

KANSAS SOCIETY OF ASSOCIATION EXECUTIVES

4301 Huntoon, Suite 9 • Topeka, Kansas 66604 • (913) 272-0083

Senate Elections
Attachment 7
2-7-95

SENATE BILL No. 116

By Committee on Elections, Congressional and Legislative Apportionment and Governmental Standards

1-25

Amendments proposed by the Kansas Society of Association Executives

Drafted and presented by Chip Wheelen on behalf of the KSAE

10 AN ACT relating to state governmental ethics; amending K.S.A. 46-225,
11 46-237 and 46-271 and repealing the existing sections.

12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 46-225 is hereby amended to read as follows: 46-
15 225. (a) "Lobbying" means: (1) Promoting or opposing in any manner
16 action or nonaction by the legislature on any legislative matter or the
17 adoption or nonadoption of any rule and regulation by any state agency;
18 or

19 (2) entertaining any state officer or employee or giving any gift, hon-
20 orarium or payment to a state officer or employee ~~in an aggregate value~~
21 ~~of \$40 or more within any calendar year~~, if at any time during such year
22 the person supplying the entertainment, gifts, honoraria or payments has
23 a financial interest in any contract with, or action, proceeding or other
24 matter before the state agency in which such state officer or employee
25 serves, or if such person is the representative of a person having such a
26 financial interest.

27 (c) "Lobbying" does not include any expenditure from amounts ap-
28 propriated by the legislature for official hospitality.

29 (d) "Lobbying" does not include representation of a claimant on a
30 claim filed by the claimant under K.S.A. 46-907 and 46-912 to 46-919,
31 inclusive, and amendments thereto in proceedings before the joint com-
32 mittee on special claims against the state.

33 (e) "Lobbying" does not include bona fide personal or business en-
34 tertaining.

35 (f) No legislator may be hired as a lobbyist to represent anyone before
36 any state agency.

37 Sec. 2. K.S.A. 46-237 is hereby amended to read as follows: 46-237.

38 (a) *Except as otherwise provided in subsection (d)*, no state officer or
39 employee or candidate for state office shall accept, or agree to accept any
40 economic opportunity, gift, loan, gratuity, special discount, favor, hospi-
41 tality, or service ~~having an aggregate value of \$40 or more in any calendar~~
42 ~~year~~ from any one person known to have a special interest, under circum-
43 stances where such person knows or should know that a ~~major~~ purpose

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1 of the donor is to influence such person in the performance of their
2 official duties or prospective official duties.

3 (b) *Except as otherwise provided in subsection (d), no person with a*
4 *special interest shall offer, pay, give or make any economic opportunity,*
5 *gift, loan, gratuity, special discount, favor, hospitality or service having an*
6 *aggregate value of \$40 or more in any calendar year to any state officer*
7 *or employee or candidate for state office with a major purpose of influ-*
8 *encing such officer or employee in the performance of official duties or*
9 *prospective official duties.*

10 (c) No person licensed, inspected or regulated by a state agency shall
11 offer, pay, give or make any economic opportunity, gift, loan, gratuity,
12 special discount, favor, hospitality, or service having an aggregate value
13 of \$40 or more in any calendar year to such agency or any state officer
14 or employee of that agency.

15 (d) Hospitality in the form of recreation, food and beverages are pre-
16 sumed not to be given to influence a state officer or employee in the
17 performance of such officer's or employee's official duties or prospective
18 official duties, except when a particular course of official action is to be
19 followed as a condition thereon. For the purposes of this subsection, the
20 term recreation shall not include the providing or the payment of the cost
21 of transportation or lodging. ~~The provisions of subsections (a), (b) and (c)~~
22 ~~shall not be construed to prohibit any person from providing and any~~
23 ~~state officer or employee or candidate for state office from accepting hos-~~
24 ~~pitality in the form of food and beverages having an aggregate value of~~
25 ~~not more than \$3.~~

26 (e) Except when a particular course of official action is to be followed
27 as a condition thereon, this section shall not apply to (1) any contribution
28 reported in compliance with the campaign finance act; or (2) a commer-
29 cially reasonable loan or other commercial transaction in the ordinary
30 course of business.

31 (f) No state officer or employee shall accept any payment of honoraria
32 for any speaking engagement except that a member of the state legislature
33 or a part-time officer or employee of the executive branch of government
34 shall be allowed to receive reimbursement in the preparation for and the
35 making of a presentation at a speaking engagement in an amount fixed
36 by the Kansas commission on governmental standards and conduct prior
37 to the acceptance of the speaking engagement. Nothing in this section
38 shall be construed to prohibit the reimbursement of state officers and
39 employees for reasonable expenses incurred in attending seminars, con-
40 ferences and other speaking engagements.

41 (g) The provisions of this section shall not be applicable to or prohibit
42 the acceptance of gifts from governmental agencies of foreign nations
43 except that any gift accepted from such foreign governmental agency,

The following are presumed not to be given to influence a state officer or employee or candidate for state office in the performance of official duties, except when a particular course of official action is to be followed as a condition thereon: (1) Hospitality in the form of (A) food or beverages, (B) recreation, or (C) registration or tuition for attendance at a meeting, conference, seminar or other educational program conducted by a trade association, professional association, foundation or tax exempt organization, provided at no charge or at a reduced charge, unless continuing education credits are awarded to the state officer or employee or candidate for state office for purposes of professional licensure or registration; or (2) gifts in the form of subscriptions or other publications published by trade associations, professional associations, foundations or tax exempt organizations, provided at no charge or at a reduced charge, when such publications are published primarily for the benefit of members or subscribers. For the purposes of this subsection, the term recreation shall not include the providing or the payment of the cost of transportation or lodging.

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1 having an aggregate value of \$100 or more, shall be accepted on behalf
2 of the state of Kansas.

3 (h) No legislator shall solicit any contribution to be made to any or-
4 ganization for the purpose of paying for travel, subsistence and other
5 expenses incurred by such legislator or other members of the legislature
6 in attending and participating in meetings, programs and activities of such
7 organization or those conducted or sponsored by such organization, but
8 nothing in this act or the act of which this act is amendatory shall be
9 construed to prohibit any legislator from accepting reimbursement for
10 actual expenses for travel, subsistence, hospitality, entertainment and
11 other expenses incurred in attending and participating in meetings, pro-
12 grams and activities sponsored by the government of any foreign nation,
13 or any organization organized under the laws of such foreign nation or
14 any international organization or any national, nonprofit, nonpartisan or-
15 ganization established for the purpose of serving, informing, educating
16 and strengthening state legislatures in all states of the nation, when paid
17 from funds of such organization and nothing shall be construed to limit
18 or prohibit the expenditure of funds of and by any such organization for
19 such purposes.

person

20 Sec. 3. K.S.A. 46-271 is hereby amended to read as follows: 46-271.

21 No lobbyist shall offer, pay, give or make any economic opportunity, gift,
22 loan, gratuity, special discount, favor, hospitality, or service having an
23 aggregate value of \$40 or more in any calendar year to any state officer
24 or employee or candidate for state office with a major purpose of influ-
25 encing such officer or employee in the performance of official duties or
26 prospective official duties. Hospitality in the form of recreation, food and
27 beverages are presumed not to be given to influence a state officer or
28 employee or candidate for state office in the performance of official du-
29 ties, except when a particular course of official action is to be followed as
30 a condition thereon. ~~Such prohibition shall not be construed to prohibit~~
31 ~~any lobbyist from providing and any state officer or employee or candi-~~
32 ~~date for state office from accepting hospitality in the form of food and~~
33 ~~beverages having an aggregate value of not more than \$3.~~

The following are presumed not to be given to influence a state officer or employee or candidate for state office in the performance of official duties, except when a particular course of official action is to be followed as a condition thereon: (1) Hospitality in the form of (A) food or beverages, (B) recreation, or (C) registration or tuition for attendance at a meeting, conference, seminar or other educational program conducted by a trade association, professional association, foundation or tax exempt organization, provided at no charge or at a reduced charge, unless continuing education credits are awarded to the state officer or employee or candidate for state office for purposes of professional licensure or registration; or (2) gifts in the form of subscriptions or other publications published by trade associations, professional associations, foundations or tax exempt organizations, provided at no charge or at a reduced charge, when such publications are published primarily for the benefit of members or subscribers. For the purposes of this subsection, the term recreation shall not include the providing or the payment of the cost of transportation or lodging.

34 Except when a particular course of official action is to be followed as
35 a condition thereon, this section shall not apply to (1) any contribution
36 reported in compliance with the campaign finance act as amended, or (2)
37 a commercially reasonable loan or other commercial transaction in the
38 ordinary course of business.

39 Sec. 4. K.S.A. 46-225, 46-237 and 46-271 are hereby repealed.

40 Sec. 5. This act shall take effect and be in force from and after its
41 publication in the statute book.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Opposing Senate Bill 116 which creates a farce in hospitality guidelines for public officials.

Presented to the Committee on Elections, Congressional and Legislative Apportionment and Governmental Standards, Senator Janice Hardenburger, Chairman; Statehouse, Topeka, Tuesday, February 7, 1995.

MADAM CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I am here today representing our member-firms and the highway transportation industry.

We strongly oppose Senate Bill 116.

I have spent a substantial part of my adult life working to provide legislative committees such as this committee with information which our industry has believed is important for you to have to reach sound public policy decisions.

I have done so as a professional Association manager with careful attention to the integrity of the information offered and with a high regard for the responsibilities incumbent upon ALL those who work within this legislative process.

I have accepted the workable provisions of our state's laws, rules and regulations relating to governmental ethics. I have registered, reported,

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complied and supported the ethics provisions currently in place. I believe that others governed by these same laws, rules and regulations do likewise in our state.

The provisions proposed in Senate Bill 116, as introduced for whatever reason by this committee, simply make a mockery of the guidelines which have governed relationships between legislators and those who properly register as lobbyists to participate in this legislative process.

I cannot believe that anyone would believe that the \$3 aggregate value limit imposed by this bill on hospitality serves any useful purpose or public need. It does mock the guidelines which have been imposed to prevent abuse of the system of communication in our representative government.

I can tell you that this state government functioned extremely well BEFORE there were any contrived ethics laws that attempted to prevent the ability of citizens to participate fully in communicating their ideas and their concerns to their elected representatives.

I have no idea what Senate Bill 116 attempts to correct. I do believe that the amendments offered to you by the Kansas Society of Association Executives are helpful changes to make our system fair and more workable. I would hope that you could turn a lemon into lemonade by considering those changes favorably. If it is not possible for you to accommodate those changes, I sincerely hope you will kill this bill and not attempt to create a problem where none exists.

I would be pleased to respond to your questions.

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