

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Carol Dawson, at 9:00 a.m. on January 30, 1996 in Room 521-S of the Capitol.

All members were present except: All Present

Committee staff present: Jim Wilson, Revisor of Statutes
Dennis Hodgins, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Rep. Cindy Empson
Wes Holt, Independence
Joe Scammey, Montgomery County Commission
Sen. Mark Parkinson
Rep. Steve Lloyd
Sen. Bill Brady
Carol Williams, Commission on Governmental Standards and Conduct
Michael Byington
Rebecca Rice
Mary Turkington, KS Motor Carrier Association
George Barbee, Barbee and Associates
Pete McGill, McGill and Associates

Others attending: See attached list

Hearing on:

HB 2648: regarding county commissioners; election of board on at-large basis

Madam Chair Dawson recognized Rep. Cindy Empson, sponsor of the bill. Rep. Empson testified that with passage of this bill, all registered voters in counties with less than a 50,000 person population would be able to vote for all the candidates in the commission race. See Attachment 1 for more information.

Madam Chair Dawson acknowledged receipt of written testimony from W. Lee Cain, Independence, KS, as a proponent of the bill. See Attachment 2.

The Chair recognized Wes Holt to testify as an opponent of the bill. He testified that the process needs to remain consistent throughout the state. Attachment 3.

Joe Scammey was recognized by the Chair as an opponent of the bill. He testified that the current three member board is efficient and has effectively managed the county operations in the past. See Attachment 4.

The hearing on HB 2648 was closed.

The Chair brought the Committee's attention to the minutes of January 24. On motion by Rep. Gilbert and seconded by Rep. Haley, the minutes were approved.

Hearing on:

HB 2601; Reports filed by lobbyists; re: Proposal No. 38.

Madam Chairman Dawson recognized Senator Parkinson. He testified that banning gifts for legislators would be a positive step in the public eye for the legislature. We currently have an outdated system. Senator Parkinson testified that he sponsored the bill and that by making lobbyist report expenditures the public will better know what is going on.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, ROOM 521-S Statehouse at 9:00 a.m. on January 30, 1996.

Rep. Lloyd was recognized by the Chair as a proponent of the bill. He testified that the intent of the bill makes lobbyists report food & beverages, entertainment and recreation expenses for each representative. It does not affect the receptions in which all legislators are invited. Rep. Lloyd testified that lobbying provides important information to representatives and allows more interaction between the representatives. He noted potential problems with the bill could include accuracy in reporting discriminatory in male/female relationships. See Attachment 5.

Madam Chairman Dawson recognized Senator Bill Brady as an proponent of the bill. He testified that this bill allows the public attainment of information which would enable them, the public, to make their own judgments. See Attachment 6.

Chairman Dawson recognized Carol Williams as a proponent of the bill. She testified that the Commission believes passage of the bill would provide more meaningful disclosure of lobbying expenditures. See Attachment 7.

Michael Byington was recognized by the Chair as an opponent of the bill. He testified that this legislation will scare away the small lobbyist for a grassroots organization or a volunteer just beginning to get involved in the process. See Attachment 8.

Rebecca Rice was recognized by the Chair as an opponent of the bill. She testified that there are a variety of reasons for opposing the bill some of which are that it reveals trade secrets, creates a disadvantage for less well funded lobbyists, puts female lobbyists at an extreme disadvantage and does not promote true ethics reform. See Attachment 9 for more information.

Madam Chair Dawson recognized Mary Turkington as an opponent of the bill. She testified that this bill does not solve the problem and creates some problems. She testified at the possibility of additional discrimination such as chairmen of committees versus non-chairmen and party versus party. She opposed the bill.

George Barbee was recognized by Madam Chairman Dawson as an opponent of the bill. He agree with the other opponents of the bill that reporting errors will occur and can cause misconceptions that could get blown out of proportion.

Pete McGill was recognized by the Chair as an opponent of the bill. He testified that his concern, too, was because of flaws. He stated that the problem was never identified by the representatives or senators because the problem does not exist.

Madam Chairman Dawson closed the hearing on HB 2601.

The Chair adjourned the meeting at 10:45 a.m. with the next meeting scheduled for January 31, 1996 in Room 313-S of the Capitol.

GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE GUEST LIST

DATE: January 30, 1996

NAME	REPRESENTING
Charlie Smithson	KCGSC
Rick Pice	KCGSC
Michael Byington	Wichita clergymen + services for the blind.
Wes Holt	Ks Co Commissioners Assoc
Joe Scammy	M.B., Co. Comm
Mike Jensen	Ks Food Council
Ron Smith	Ks Bar Assoc
ALAN STEPPAT	PETE McMillan & Assoc.
Carl Wilken	KCGSC
Ludy Empson	Self
Nick Haines	Ks Public Radio
Tom Tunnell	Kansas Diner's Guild Assn
Frances Kastner	Ks Food Dealers Assn
Brad Bryant	Sec. of state
Bill Braly	Senate
Julius Kovach	KC
Anne Spiess	Ks. Assoc of Counties

CINDY EMPSON
REPRESENTATIVE, TWELFTH DISTRICT
MONTGOMERY COUNTY
HOME ADDRESS: P.O. BOX 648
INDEPENDENCE, KANSAS 67301



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER FEDERAL AND STATE AFFAIRS
EDUCATION
LEGISLATIVE EDUCATIONAL
PLANNING COMMITTEE

TOPEKA OFFICE: STATEHOUSE, RM. 182-W
TOPEKA, KANSAS 66612

January 30, 1996

To: Rep. Carol Dawson
Chairperson, House Governmental Organization and Elections

Re: HB 2648

Madame Chairperson, Members of the Committee, I appreciate the opportunity to appear before you in support of HB 2648. I introduced this bill at the request of several of my constituents. Very simply, the bill allows all the registered voters in counties of less than 50,000 population to vote for all the candidates in the commission race. Currently, you are only allowed to vote for the commissioner in your commission district.

This bill does not change the number of commissioners any county has (3, 5 or 7), nor does it change the staggering of terms or the length of terms. The bill also does not change commission districts. Even though all registered voters in a county can vote for their commissioners, the candidates must still come from the specified commission districts to alleviate any concern that all the commissioners would reside in one area of the county.

I chose the 50,000 population number arbitrarily because Montgomery County's population is approximately 40,000. I believe in counties of this size it is easy to know or at least be familiar with all the candidates running for a commission office. Also, the issues the commission deals with are more likely to affect the entire county, as opposed to regional issues in the larger counties.

I again thank you for hearing this bill and would appreciate your favorable consideration. I'll be happy to respond to questions.

HOUSE GOVT ORG & ELECTIONS
January 30, 1996
Attachment 1

JAN-29-96 MON 14:29 TRIBUNE PRINTING CO. 318 331 2428 P.01
W. LEE CAIN
P. O. BOX 303
INDEPENDENCE, KS 67301-0303

January 29, 1996

Rep. Cindy Empson
Representative, Twelfth Dist.
Montgomery County
State House
Topeka, KS 66612

Re: HB # 2648

Dear Rep. Empson:

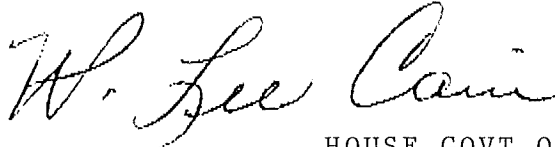
Since I am unable to be present for the hearing on HB 2648, I am submitting the following remarks in support of the bill:

Montgomery County dissolved the Township system a number of years ago and since then all tax monies generated, have gone into the general fund. These funds are dispensed on a county-wide basis yet those monies for certain projects, i.e. Road and Bridge, Road resurfacing, Paving, etc. are acted upon by the commission as a whole. However, the electorate at large does not have the opportunity to vote on those commissioners outside their district. Also, the budget as a whole is acted on by the entire commission, and in some cases affect one part of the county adversely while benefiting another part of the county.

Montgomery County is in an economic growth boom with the building of the new Cessna plant and the American Insulated Wire plant at Coffeyville, along with all the other supporting industry. Therefore we believe it is time for ALL the voters of the county to have the opportunity to vote on all the commissioners, even though they are required to reside in their respective districts.

We believe that the commission is no different than the other elective offices of the county who are required to run on a county wide basis. Because of this, we support this bill and respectfully encourage the committee to pass this out of committee with a favorable recommendation.

Respectfully submitted,



cc: Rep. Carol Dawson

HOUSE GOVT ORG & ELECTIONS
January 30, 1996
Attachment 2



Kansas County Commissioners Association

215 S.E. 8th
Topeka, Kansas 66603-3906
(913) 233-2271

January 30, 1996

To: Committee on Governmental
Organization and Elections

Chairperson: Representative Carol Dawson

The County Commissioners Association wishes to provide testimony opposing HB 2648.

United States Senators and Representatives, Kansas State Senators and Representatives and County Commissioners all have one thing in common when it comes to the election process, we are all elected from districts by the people who reside in those districts. We are elected to represent the feelings, ideals and wishes of those constituents who placed us in office. No one knows better the needs of a community or district than the people who live there, and no one knows better than the residents of that district who they want to represent them as commissioner. This legislation could take away that process. We believe that the election process in place works very well and should not be changed.

Relate how this change would effect your election process if you were to be representing a designated district but elected state wide. It would simply allow for a person to be elected or not elected by people other than those you would be representing.

This legislation takes away the consistency of the election process by providing for two methods of electing Commissioners depending on population of the county. We believe this process must remain consistent through out the state. There is a process in place by statute that allows for more than three commissioners in a county.

This bill appears to be a one county issue and should not be enacted into law by this legislative body. We would suggest that these problems be addressed at the local level through the election process currently in place.

Sincerely,

Wes Holt, President
Kansas County Commissioners Association

HOUSE GOVT ORG & ELECTIONS
January 30, 1996
Attachment 3

NEWS RELEASE

FROM: BOARD OF COUNTY COMMISSIONERS

SUBJECT: ARTICLE IN INDEPENDENCE DIALY REPORTER 1/14/96
MONTGOMERY COUNTY P.A.C. (MCCRG)

WELL, IF YOU READ THE INDEPENDENCE REPORTER A COUPLE OF SUNDAYS AGO YOU WOULD HAVE DISCOVERED THAT THE PEOPLE OF MONTGOMERY COUNTY ARE INCAPABLE OF MAKING THEIR OWN DECISIONS OF WHO THEY WANT TO REPRESENT THEM AT THE COUNTY LEVEL AND ARE ABOUT TO GET SOME BADLY NEEDED HELP FROM THOSE OUTSTANDING PILLARS OF THE COMMUNITY, LEE CAIN AND THE STONECIPHERS, ALIAS THE MONTGOMERY COUNTY POLITICAL ACTION COMMITTEE. (MCCRG)

YOU FOLKS SHOULD BE THANKFUL MR. CAIN WANTS TO BRING ALL THAT SUCCESS OF WASHINGTON D.C. TO OUR POOR COUNTY. WASHINGTON IS 5 TRILLION DOLLARS IN DEBT, MONTGOMERY COUNTY IS VERY SOLVENT. HOW LONG DO YOU THINK MONTGOMERY COUNTY WOULD BE SOLVENT AFTER THEY GET THROUGH WITH THEIR PLANS???

IT IS ASTONISHING THAT YOU ALL HAVE WORKED AND RAISED YOUR FAMILIES AND BEEN SUCCESSFUL WITHOUT THE MONTGOMERY COUNTY PAC TELLING YOU WHAT AND WHO TO VOTE FOR. I KNOW YOU DID'NT REALIZE THAT PERSONS SUCH AS BILLIE LEWARK, CHARLOTTE SCOTT, JEANNE BURTON, AND OTHER ELECTED OFFICIALS WERE SO INCOMPETENT AND INEFFICIENT UNTIL MR. CAIN INFORMED THEM AND US. THESE ARE SOME OF THE MOST DEVOTED AND DEDICATED PEOPLE WHO HAVE WORKED TO GIVE YOU THE MOST EFFICIENT AND RESPONSIVE GOVERNMENT IN THIS COUNTY.

MR. CAIN STATES THEY WILL HAVE A BOARD COMPRISED OF THREE REPUBLICANS AND TWO DEMOCRATS. ALL YOU UNINFORMED AND UNINTELLIGENT VOTERS, WHO, FOR YOUR OWN REASONS DECIDED TO REGISTER INDEPENDENT OR UNDECLARED DO NOT EXIST. THEY DON'T LIKE US, WHOM YOU HELPED TO ELECT, WHY WOULD THEY LIKE YOU? WITH A FIVE MEMBER BOARD, HIS GROUP WILL HAVE CONTROL.

ONE OF THEIR STATED AIMS IS TO "PROMOTE RESPONSIBLE CANDIDATES AND THOSE WHO WOULD BE ACCOUNTABLE TO (THE TAXPAYERS)". TRANSLATION: THE PAC WANTS CANDIDATES WHO WILL SELL OUT TO THEM SO THEY CAN HAVE THEIR OWN COUNTY MANAGER AND COMPLETELY CONTROL THE COUNTY. THE TAXPAYERS WILL NOT HAVE TO WORRY ABOUT ANYTHING OTHER THAN TO PAY THE ENORMOUS TAXES WHICH WILL OCCUR. REMEMBER, MR. CAIN AND THE STONECIPHERS WERE PRIMARILY RESPONSIBLE FOR THE \$6,000,000.00 JUDICIAL CENTER (JAIL). ALWAYS THINK ABOUT THEM WHEN YOU WRITE THE CHECK FOR YOUR TAXES.

HOUSE GOVT ORG & ELECTIONS
January 30, 1996
Attachment 4-1

MR.CAIN SAYS: THEY WILL HELP CANDIDATES DETERMINE THE MAIN ISSUES, ANALYZE ISSUES AND EDUCATE THE CANDIDATES;
TRANSLATION: WE WILL NOT SUPPORT ANYONE WE CANNOT BUY, OWN AND CONTROL. WE ONLY WANT MINDLESS TWITS WHO WILL DO WHAT WE TELL THEM, WHEN WE TELL THEM, NO QUESTIONS ASKED!!

FUNDRAISING: THEY WILL NOT SUPPORT A CANDIDATE UNLESS THEY HELP THEM RAISE FUNDS FOR THEIR CAMPAIGN; TRANSLATION: WE WILL ONLY SUPPORT THOSE WHOM WE CAN BUY, OWN AND CONTROL.

THEY HAVE NOT BEEN HAPPY WITH THE QUALITY OF PAST OR PRESENT SERVING COMMISSIONERS; TRANSLATION: IN THE LAST THREE YEARS, THEY HAVEN'T BEEN ABLE TO BUY, OWN OR CONTROL THE COMMISSIONERS. THEY ARE UNHAPPY BECAUSE WE DO NOT LIE TO THE TAXPAYERS, SELL YOU OUT TO VESTED INTERESTS AND SQUANDER YOUR HARD EARNED TAX MONEY ON FRIVILIOUS THINGS SUCH AS UNNECESSARY PERSONNEL, (COUNTY MANAGER). COUNTY OFFICIALS ARE ELECTED BY YOU TO MANAGE AND DO A GREAT JOB.

WE ARE TRULY SORRY THEY DON'T THINK YOUR ELECTED OFFICIALS ARE CONDUCTING YOUR BUSINESS IN A BUSINESS-LIKE MANNER. THE ELECTED OFFICIALS AND EMPLOYEES ARE SOME OF THE HARDEST WORKING, MOST DEDICATED PEOPLE I HAVE PERSONALLY EVER BEEN PRIVILEGED TO WORK WITH. THEY SQUEEZE EVERY PENNY OF YOUR TAX DOLLAR AND ARE COMPLETELY DEVOTED TO FAIR, HONEST AND OPEN GOVERNMENT. THIS IS A CONTRAST TO SOME OF THE PREVIOUS OFFICIALS WHO DID BUSINESS IN THE BARS AND PRIVATE OFFICES OF THOSE WHO OWNED THEM AND TOLD THEM WHAT TO DO.

YOU, THE VOTERS OF THIS COUNTY ELECTED THREE COMMISSIONERS WHO HAVE DEVOTED THEIR LIVES TO REPRESENTING YOU IN AN HONEST MANNER, FREE OF OBLIGATION TO VESTED INTERESTS WHO WOULD RUN THIS COUNTY FOR THEIR BENEFIT, NOT YOURS.

THE COUNTY IS THE ONLY GOVERNMENT UNIT WHICH HAS REDUCED TAXES THREE YEARS IN A ROW. WE HAVE NOT DECREASED OUR SERVICES, JUST BECOME BETTER MANAGERS AND MORE EFFICIENT.

MONTGOMERY COUNTY ACTION COUNCIL WAS ORIGINATED BY THE COUNTY COMMISSIONERS AND IS RESPONSIBLE FOR CESSNA AND THE AMERICAN INSULATED WIRE COMPANY COMING HERE. THE PRESENT COMMISSIONERS ARE RESPONSIBLE FOR BRINGING PROSPERITY BACK TO MONTGOMERY COUNTY AND PROVIDING JOBS FOR YOUR CHILDREN AND GRANDCHILDREN SO THEY CAN REMAIN HERE. THIS WOULD NOT HAVE HAPPENED WITH A COUNTY MANAGER!!

HOUSE GOVT ORG & ELECTIONS
January 30, 1996
Attachment 4-2

WE THREE ARE DIRECTLY RESPONSIBLE TO EVERY PERSON IN THIS COUNTY AND RESENT THOSE SPECIAL INTEREST GROUPS WHO WOULD RUN THIS COUNTY FOR THEIR OWN BENEFIT. WHEN IT FALLS APART, YOU, NOT THEM WILL CLEAN UP THE MESS AND PAY FOR IT.

LOOK AROUND YOU, WHAT DO YOU SEE THAT ENTHUSES YOU ABOUT THE CITY MANAGER FORM OF GOVERNMENT? THEY ARE NOT RESPONSIBLE TO YOU. UNLIKE WE WHO HAVE OUR LIVES HEAVILY INVESTED IN THIS COUNTY, THEY HAVE NO INVESTMENT AND WILL LEAVE AT THE VERY NEXT OPPORTUNITY. LOOK AT THE ONES WHO ARE TRYING TO PERPETRATE THIS FARCE ON YOU. WHAT BUSINESS INVESTMENT DO THEY OR HAVE THEY EVER HAD??

MAYBE A MAYOR, COUNCIL FORM OF GOVERNMENT COMPRISED OF PEOPLE WHO HAVE INVESTED THEIR LIVES AND MONEY IN THIS COMMUNITY, AND WHO HAVE NO MOTIVE OTHER THAN TO BUILD THIS COUNTY WOULD BE BETTER THAN THIS "PROFESSIONAL" NONSENSE. WE BUSINESS PEOPLE WHO HAVE HAD TO MAKE PAYROLL, PAY TAXES, AND PUT OUR LIVES ON THE LINE FOR YOU, DO IT WITH PRIDE AND DEDICATION. WE ACCEPT THE FACT THE JOB HAS ENORMOUS COST TO US PERSONALLY. WE DO IT BECAUSE WE DON'T WANT YOU OR YOUR CHILDREN TO HAVE TO LEAVE IN ORDER TO MAKE A DECENT LIVING.

WHEN PEOPLE SUCH AS MR. CAIN AND HIS GROUP ESPOUSE THEIR RHETORIC ON YOU, THERE IS A REASON. HAVE YOU NOTICED THEY WERE NOWHERE AROUND DURING THE DOWN TIMES? NOW THAT PROSPEROUS TIMES ARE RETURNING TO OUR COUNTY, THEY ARE THERE TO CASH IN. DOES THIS TELL YOU THE STORY??

New group looks for county candidates

By MIKE VORE
Staff Writer

Advocating responsible and progressive county government, the newly-formed bipartisan Montgomery County Citizens for Responsible Government is looking for candidates who are willing to run in this year's election.

Prepared to back candidates with support, publicity and money, the MCCRG hopes the candidates will make certain commitments to introduce what member Lee Cain, Independence, calls "professionalism."

The chief commitment may be a promise to implement a county manager or county administrator and there is the possibility the MCCRG will support candidates who would support a change to a five-member commission.

"Right now, we don't have any candidates for commission but we're working towards that," Cain says. "We are organized under the state law that

governs elections and conduct of candidates."

However, with monthly meetings and an executive committee of five, the new group hopes to attract interested residents from across Montgomery County who would join the group for better, efficient county government.

By-laws have already been approved by the state, according to Cain, who promises that the MCCRG will work actively to recruit candidates and support them.

Based on the voter registration within the county, the MCCRG will have an executive committee of five, three Republicans and two Democrats, Cain explained.

Vicki Stonecipher, Liberty, will serve as chairwoman, who along with Gile Pennick, Coffeyville, will serve as Republican representatives and Cain and Carol Doepke, Cherryvale, will serve as Democrats. A third Republican has yet to be appointed.

"Our objective of the Montgomery

County Citizens for Responsible Government are to promote responsible candidates and those who would be accountable to (the taxpayers.)

The group will supply support in five ways:

- Candidate search. Cain says they want to identify and encourage qualified, responsible candidates.

- Research. Cain says they would help determine the main issues for candidates and help candidates analyze issues and educate candidates and the county at-large about those issues. These issues would likely include juvenile detention and appointing a county manager or county administrator.

- Publicity. The MCCRG plans to publish a bulletin for members and supporters about various pertinent issues.

- Fundraising. Perhaps most important to candidates, the MCCRG will help with fundraising. Cain says they really cannot show their support for a candidate unless they help them raise funds for their election effort.

Cain says they intend to focus on "quality candidates" indicating the members have not been happy with the "quality" of past or presently-serving commissioners.

(See COUNTY on Page 2)

COUNTY manager advocated

(Continued from Page 1)

"It is our opinion we should focus on quality candidates regardless of their political affiliations and those who are interested in good, efficient, professional government," Cain comments.

The members of the committee believe that Montgomery County, which has a valuation of more than \$140 million, should be run professionally because it is so large and continues to grow economically.

The MCCRG advocates a county manager-form of government because the decisions would be based on more professionalism and there would be less politicking. More than anything else, Cain said the people with whom the MCCRG, including businesses and professional service people, have met believe the county needs to be more business-like.

Under state law, residents in Montgomery county cannot vote to put in a county manager without the help of the county commission. Efforts to change the state law to allow voters to petition for an election were lobbied against by Commissioners Ray Caldwell and Harold Butler. Both have said there is no need for a county manager, and unless they change their tune, they likely will not receive any support from the MCCRG.

Both are up for re-election, for which Butler filed last week. Caldwell has not filed yet, but it is believed he will run for another term.

While Commission Chairman Joe Scamney has not taken a specific stand on a county manager, he had said during his election campaign he favored trying a five-member commission to reduce the effect of one commissioner dominating the others. Scamney is not up for re-election.

A five-member commission is another idea the MCCRG would likely support, said Cain, citing the same reason Scamney had in 1994. There also may be some thought to electing commissioners countywide or electing three commissioners by district and two more countywide.

At any rate, the MCCRG has by its very push for "quality candidates" indicated it is unhappy with the present situation and believes many county residents are equally unhappy.

Candidates who want to contact the MCCRG or people who would like to join the special interest group are asked to contact Stonecipher at Coffeyville Insurance Associates, 251-9200, or at home at 485-3395.

WEATHER

Forecast for Montgomery County: Today, not as warm, Sunny with the high around 60. North wind 5 to 15 mph. Tonight and Monday, partly cloudy. Low Tonight 25 to 30. High Monday 55 to 60.

Saturday extremes 72 and 30
Friday extremes 65 and 31
A year ago 51 and 83
Records 72 (1952), -8 (1905)
Sunrise Monday 7:41 sets 5:25

HOUSE GOVT ORG & ELECTIONS
January 30, 1996
Attachment 4-4

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

STEVE LLOYD
REPRESENTATIVE, SIXTY-FOURTH DISTRICT
CLAY, DICKINSON, GEARY,
RILEY COUNTIES
2421 7TH ST
CLAY CENTER, KANSAS 67432
(913) 632-5989

STATE CAPITOL, ROOM 181-W
TOPEKA 66614-1504
(913) 296-7649

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN: AGRICULTURE
MEMBER: ENERGY & NATURAL RESOURCES
FEDERAL & STATE AFFAIRS
JOINT COMMITTEE
CHILDREN AND FAMILIES

GREETINGS

BACKGROUND:

WHAT HB2601 DOES:

WHAT HB2601 DOES NOT DO:

PHILOSOPHY:

POTENTIAL PROBLEMS:

CONCLUSIONS:

TESTIMONY BEFORE HOUSE GOV. ORG. & ELECTIONS COMMITTEE
Carol Dawson, Chairperson

I am pleased to have an opportunity to speak in support of HB2601. Is HB2601 a cure all bill? I would answer by saying it is not. HB2601 is a step in the right direction. It seeks to identify special interests activity during each legislative session. It does not attempt to determine what is right or wrong, but rather allows the public to obtain information and make their own judgments.

I would like to take a few minutes and address some of the major arguments against this proposal.

1) IT IGNORES THE BIGGER PROBLEM WHICH IS CAMPAIGN SPENDING.

Yes, campaign spending is a problem too. Efforts in the past to address ethics reform have centered around a wide range of problems involving several bills, and because of the size and complexity of the package they have not been seriously dealt with by the legislature. The public understand this issue of free food, entertainment and hospitality to legislators. Legislators who want to show their constituents they are sincere regarding

ethics reform should understand this to be a first step; one easily recognized and supported by the public.

2) REPORTING THESE COSTS UNFAIRLY PENALIZES FEMALE LOBBYISTS.

This argument is ridiculous to me. To say female lobbyists would not get access because male legislators would be fearful of reports indicating private dinners with female lobbyists is almost laughable to me. What about female legislators having dinner with male lobbyists, no one talks about that being a problem.

3) PASSAGE OF THIS BILL WOULD MAKE FOR TOO MUCH PAPERWORK

FOR LOBBYISTS. My response is yes it would involve more record keeping, yet the information being accumulated is of interest to the public.

In summary, I encourage you to support the free flow of information to your constituents. HB2601 does not prevent anything, it simply shines more light on the process here in Topeka. A more open process is a priority for the people of Kansas.

Bill Brady,
State Senator, Fourteenth District

HOUSE GOVT ORG & ELECTIONS
January 30, 1996
Attachment 6-2



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before House Governmental Organization and Elections House Bill 2601 January 30, 1996 by Carol Williams

House Bill 2601, which is before you this morning, would amend K.S.A. 46-269, a lobbying provision in the Kansas Governmental Ethics Laws. This bill was recommended by the interim Special Committee on Governmental Standards.

The Commission supports House Bill 2601 and endorsed this concept in its 1995 Annual Report and Recommendations.

Under current law, lobbyists report the aggregate amount or value of all expenditures if the expenditures exceed \$100. These expenditures are reported according to the following categories: food and beverage provided as hospitality; entertainment, gifts, honoraria or payments; mass media communications; recreation; communications for the purposes of influencing legislative or executive action; and all other reportable expenditures. When a lobbyist expends more than \$100 in a reporting period, he or she discloses only the aggregate amounts expended in the above listed categories.

For example, \$15,100 was reported being spent by lobbyists for recreation provided as hospitality. The type of recreation, who participated in the recreation and the value or cost of the recreation in each instance is not known.

HB 2601 would amend K.S.A. 46-269 and would require a lobbyist to report the amount of each individual expenditure made for the purpose of providing entertainment and hospitality in the form of recreation or food and beverages to members of the legislature. The name of the legislator, the amount of each expenditure made for the legislator and or his or her spouse, and the purpose of each expenditure would be required to be reported. An exception to the provision would be the exclusion of expenditures for entertainment, recreation or food and beverages provided to members of the legislature attending any function to which all members of the legislature have been invited. Gifts would not require such itemization. This itemization would apply only to legislators, not to other elected state officials or other state officers and employees.

The Commission believes passage of HB2601 would provide more meaningful disclosure of lobbying expenditures and urges your support and passage of this bill.

HOUSE GOVT ORG & ELECTIONS
January 30, 1996
Attachment 7-1

STATE OF KANSAS



Administration of
Campaign Finance,
Conflict of Interest
& Lobbying Laws

109 West 9th Street
Suite 504
Topeka, Kansas 66612
(913) 296-4219

HOUSE GOVT ORG & ELECTIONS
January 30, 1996
Attachment 7-2

KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

LOBBYIST REGISTRATIONS
AND EXPENDITURES

Year to Date	No. of Registered Lobbyists	No. of Registrations	No. of Lobbyists Reporting Expenditures	Food & Beverage	Gifts, Hon. or Payments	Mass Media	Recreation	Communication	Other	Total
1990	631	943		394,373.33	33,647.69	234,730.83			80,109.51	742,861.36
1991	640	1039		437,276.93	26,457.50	73,365.81	5,585.75	9,540.73	67,226.73	619,453.45
1992	627	1002		448,365.90	28,411.17	102,149.67	5,700.47	79,976.91	59,273.10	723,877.22
1993	613	978		477,233.73	34,068.88	65,643.65	8,445.31	94,912.96	45,319.20	725,623.73
1994	621	1020		452,521.39	29,366.71	21,325.50	7,139.55	109,441.93	14,695.84	634,490.02
Jan 1995	556	887	134	106,332.33	4,056.52	2,174.23	1,077.92	9,256.94	1,851.53	124,749.47
Feb 1995	27	56	113	122,320.98	2,816.97	3,867.66	1,667.00	12,296.59	1,488.67	144,457.87
Mar 1995	16	32	107	93,713.81	1,803.33	3,372.43	587.90	16,205.22	1,068.16	116,750.85
Apr 1995	5	7	90	42,170.12	458.64	37,004.02	86.17	6,411.05	183.61	86,313.61
May/Jun/Jul/										
Aug 1995	8	15	88	57,123.71	1,752.91	363.28	8,722.28	5,713.21	3,079.54	76,754.93
Sep/Oct/Nov/										
Dec 1995	15	32	90	54,831.50	11,321.42	259.79	2,959.22	8,187.70	2,739.53	80,299.16
TOTAL 1995	627	1029		476,492.45	22,209.79	47,041.41	15,100.49	58,070.71	10,411.04	629,325.89

Kansas Commission on
Governmental Standards
and Conduct



109 West 9th Street, Suite 5
Topeka, KS 66612
(913) 296-4219
(913) 296-2548 (FAX)

Kansas Lobbyist Employment and Expenditures Report

A lobbyist is required to file a separate report for each registration filed with the Secretary of State.

Lobbyist Filing Report

Name of Lobbyist	Date
Address (Street, City, State, Zip Code)	Business Phone ()

Date Report Due and Period Covered, Check One

<input type="checkbox"/>	February 10 (January)	<input type="checkbox"/>	May 10 (April)
<input type="checkbox"/>	March 10 (February)	<input type="checkbox"/>	September 10 (May, June, July, Aug)
<input type="checkbox"/>	April 10 (March)	<input type="checkbox"/>	January 10 (Sept, Oct, Nov, Dec)

Name of Employer or Appointing Authority on Whose Behalf Report is Being Filed

Employer or Appointing Authority	Phone ()
Address (Street, City, State, Zip Code)	

If reportable expenditures for this period were \$100 or less, check here and sign below.

Expenditures (see reverse side for examples)

1. Food and beverage provided as hospitality	\$ _____
2. Entertainment, gifts, honoraria or payments	_____
3. Mass media communications	_____
4. Recreation provided as hospitality	_____
5. Communications for the purpose of influencing legislative or executive action	_____
6. All other reportable expenditures	_____
Total Expenditures	\$ _____

Signature of person filing report:

I understand that there are civil penalties for late filing and that the intentional failure to file this report as required by law or to intentionally make any false material statement herein is a class B misdemeanor.

_____	_____	HOUSE GOVT ORG & ELECTIONS
Date	Signature	January 30, 1996
		Attachment 7-3

Name of Legislator	Check Appropriate Box			Description of Entertainment or Event	Amount
	Food & Beverage	Recreation	Entertainment		
				HOUSE GOVT ORG & ELECTIONS	

COMMISSION STAFF PROPOSAL

KEY: F - Food; R - Recreation; E - Entertainment

Name of Legislator	Description of Entertainment or Event	Key Check One			Check Appropriate Box for Amount Spent on Food				Amount Spent for Recreation or Entertainment
		F	R	E	\$0 - 10	11 - 25	26 - 50	over \$50	

HOUSE GOVT ORG & ELECTIONS
 January 30, 1996
 Attachment 7-5

WICHITA INDUSTRIES & SERVICES FOR THE BLIND, INC.

January 30, 1996

TO: House Committee on Governmental Organization and
Elections

REPLY TO: Michael Byington
WISB Governmental Affairs Office
P. O. Box 1063
Topeka, Kansas 66601
(913) 575-7477 (Topeka office and voice mail)
(913) 233-2539 (FAX)

SUBJECT: House Bill 2601

I have to begin these comments by admitting that I did not follow Proposal 38 in Interim Study very closely. I knew that governmental ethics and lobbying reform were being examined, but I remember thinking that this subject hardly applies to me or the other Lobbyists with whom I work. After all, the others with whom I work are all volunteers for, or are employed by, not for profit organizations and none of us ever spend more than \$100.00 per reporting period on lobbying. I was thus quite surprised to look at this legislation and see that the less than \$100.00 per reporting period lobbyists are exactly the ones who would experience the greatest changes in rules.

I want to tell about my history registering as a Kansas Lobbyist, and I want to tell about some of the other small, not for profits who represent persons with disabilities, and who also register Lobbyists. I will then ask the Committee to consider whether these are the people who really need to experience the changes in rules and the additional reporting requirements.

I have registered as a Lobbyist representing at least one private, not for profit organization each session for the past 15 years. As I have low vision and my wife is totally blind, most of my lobbying work has been with issues relating to visual impairment. I did, however, for a couple of years, also assist Epilepsy - Kansas Inc. as their volunteer Lobbyist, and I have done some volunteer lobbying work for more generic disability related organizations.

This is the first year in fact that communicating with Legislators has been a part of the job description which allows me to earn a living. All of my other lobbying work

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A not-for-profit
agency providing
employment &
services to people
who are blind.

801 East Lincoln
Wichita, Kansas 67211
(316) 267.2244
Fax (316) 267.4312

925 Sunshine Road
Kansas City, Kansas 66115
(913) 281.0710
Fax (913) 281.2450

1600 North Walnut
Pittsburg, Kansas 66762
(316) 231.8600
Fax (316) 231.8620

has been completely on a volunteer basis. I have in fact often declined to turn in expenses for which I could have been reimbursed to the organizations I have represented because lobbying for them has been my form of philanthropy.

The Kansas Association for the Blind and Visually Impaired Inc. (KABVI) is the organization for which I have lobbied the most consistently over the years. This all volunteer organization has appointed at least one lobbyist to represent it in legislative matters since the early 1960s. Its first lobbyist was L. A. Dubbs, a former legislator who had lost his vision, and who was a retired businessperson.

When I first started lobbying for KABVI in 1981, I was working for a local community based human services agency. I had to see a lot of my clients at night, so I had some flexibility to visit legislative activities during the day. I continued my lobbying activities on this basis through 1988. In 1988, I accepted employment with the Kansas Deaf-Blind Program, a human services project which required State-wide travel. KABVI did not want me to resign as a lobbyist even though my required professional travel gave me very little time to spend at the Capitol. Instead, they had me register to lobby, but also registered one to three other people to lobby as well. These other Lobbyists were without exception retired, widowed, blind women who had a lot of desire to help and the time to do so. Although some of them worked professionally at times in their lives, none of them had ever done anything with the Legislature before. I thus helped them with understanding issues, writing testimony, etc. They did all of the telephoning, leg work, and often the presentations which my job kept me from doing. This was the degree of lobbying presence KABVI had from 1989 through 1995.

It was also during this period that Kansas got a lot more serious about governmental ethics and reporting. Lobbying fees for even the lowest level of lobbyist doubled, and there were those reports which had to be sent in to the Commission on Governmental Standards.

Because I would sometimes be working out of town for two to three weeks at a time, and because my mail for my volunteer lobbying efforts came to a P. O. Box, I often had to seek help or forgiveness from the Governmental Standards folks because I would have to run my reports in at the last minute to meet deadlines. They were always

most understanding and willing to work with me. They new I usually spent nothing at all as a lobbyist, and always less than \$100.00 per month, so I would run in at the last minute with my forms; they would help me make sure I had put the zeros in all of the right places, and would accept my signed reports.

The retired, widowed, blind ladies who lobbied for us also had their share of problems with the forms and the reporting. These ladies all live alone and often do not have readers for mail frequently available. When the Americans With Disabilities Act (ADA) became law, at least one of the ladies asked the Governmental Standards Commission if they would send the forms to her in Braille as a reasonable accommodation as guaranteed by the ADA. The Governmental Standards Commission declined to make this accommodation, but as is their right under the ADA, they came up with another accommodation which was also acceptable to all parties involved. As our blind volunteer lobbyists all spent well less than \$100.00 per month, they allowed them to visit the Governmental Standards office once a year where an employee assisted them in completing all of the forms required for the entire year in one sitting. Lots of zeros were written and the law was fulfilled.

In 1995, however, a representatives of a number of all volunteer consumer organizations of the blind and low vision populations, including KABVI, the Council of Citizens with Low Vision of Kansas, and Guide Dog Users of Kansas Inc., met with administration of Wichita Industries and Services for the Blind, Inc., (WISB). WISB is a private, not for profit organization which provides employment opportunities for persons who are blind in Wichita, Pittsburg, and Kansas City, Kansas, and provides other rehabilitation related services to blind and low vision people on a State-wide basis. The consumer organizations pointed out that most other disability groups in Kansas now have at least one, Lobbyist available pretty much full time during the Legislative session. They pointed out that blind persons were thus also going to need to step up their presence in legislative matters, and that as the State of Kansas is privatizing many services which have traditionally been State operated for the past 100 years or so, WISB as an organization really needed to have more of a presence and awareness concerning the happenings at State and Federal Governmental levels. This resulted in the creation of a position to provide systems advocacy for WISB and to support blind and low vision consumer advocacy groups as

requested. I applied for this position and this is how I happen to stand before you today.

Now, in my 16th year of lobbying, I am finally going to get to put something besides zeros on those lobbying reports next month. We are going to host a legislative breakfast reception next month on February 23rd. It will be a fairly modest affair open to all legislators where any and all House and Senate members will be able to stop by on the third floor of the Capitol, get a breakfast pastry and a piece of sausage, and learn about employment opportunities and rehabilitation needs of persons who are blind. We are not going to make it a lavish event because we spend most of our money on direct services to blind and low vision persons, but it will cost us more than \$100.00 so I will be glad to appropriately report it on my forms.

Now that you know about the organizations I represent and have represented in the past, I will tie it all together with the problems of House Bill 2601. In short, the bill increases reporting obligations on the wrong people.

There are many little, citizen run, all volunteer organizations which represent the essence of grass roots political advocacy in this State. These entities comply with the letter of the rules concerning advocacy, and this is why they bother to register a lobbyist or lobbyists. If the volunteers registering have to be responsible for reporting even small funding expenditures of between \$2.00 and \$100.00 per month, they may be discouraged from registering a lobbyist at all or participating in the political process. House Bill 2601 actually discourages citizen participation in the legislative process and elevates lobbying above the option of being a grass roots effort.

I have talked about the special problems the blind, retired volunteer lobbyist for KABVI have had with the reporting system. This year, the lady who is supposed to register as their volunteer lobbyist has not done so yet simply because she fears the paperwork responsibilities. How much harder will it be for volunteer organizations such as KABVI to get volunteer lobbyists if the paperwork obligations and legal penalties for non-compliance increase?

Ironically enough, for the first time in 16 years of lobbying, I actually have a small amount of money to hold a little event for all legislators. but now, while our

overworked volunteer lobbyists would have to report every cab fare or ride on the lift bus to do lobbying, if House Bill 2601 were to be the current law of the land, I would not have to report my little event because I am inviting all Legislators and scheduled it through Legislative Services so the event will appear on all the right lists.

I think I should have to report the event. I certainly think that the truly large scale lobbyist who hold lavish events should not be able to get around reporting them by inviting all legislators. At the same time, I think the little volunteer organizations who legitimize their efforts by registering a lobbyist or two should not have to report expenditures of less than \$100.00 per month. Thank you.

**TESTIMONY PRESENTED TO THE
HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS**

HB 2601

January 30, 1996

by: Rebecca Rice

Thank you, Madame Chairman, and members of the committee. My name is Rebecca Rice and I appear before you today in opposition to HB 2601.

Many of the committee members have known me for years and realize I am not new to the business of lobbying. I began lobbying full-time in 1982 after interning with Senate Majority Leader Norman Gaar in 1980 and subsequently being hired by Paul Fleenor at Farm Bureau. I am not new to politics in Topeka.

I am new to testifying on ethics legislation. I have not typically felt a need to testify on any ethics reform legislation being considered. However, the likely result of this legislation, which is being used as a substitute for serious ethics reform, is too harmful for small, independent lobbyists like me to remain silent.

There are a variety of reasons why I do not like this legislation:

- It reveals trade secrets;
- It promotes *hospitality rooms* resulting in a huge disadvantage for less well funded lobbyists or special interest groups;
- It puts female lobbyists at an extreme disadvantage basically requiring male/female lobbying teams (see fictitious campaign ads attached);
- It does not promote any true ethics reform but is another panacea effort to change nothing but require lobbyists to more creatively sidestep the ethics laws;

I did attend the meetings of the interim committee on ethics. I am aware of the intention of the committee members in drafting this legislation. I realize no one intended for the legislation to negatively impact female lobbyists. However, it is naive to believe female lobbyists will not be negatively impacted. It is certainly possible that certain female legislators may believe the reporting requirements could be used against them as well.

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For your entertainment, I had some help from more creative individuals in creating campaign literature from these reporting requirements. It is possible that this information might not be used against anyone for campaign purposes. However, I have been watching campaigns for a long time. I think you can count on it being used in some manner similar to the facetious examples I have presented to you. If it is used one time - whether successful or not - the legislation will have a chilling affect on a legislator's willingness to participate in any hospitality situation with a female lobbyist.

I am unaware of why you would want to promote hospitality rooms. It is true the less well financed lobbyists might pool resources to fund a joint hospitality room. That has been the trend of late. It is my impression legislators are not as fond of hospitality rooms as they once were, so it is easy to tailor your event to have those legislators attend who you want while legitimately inviting all legislators.

Some legislators might recall that in the mid-1970's, hospitality rooms were, in effect, banned because they had become little more than private clubs that were financed by the largest lobbying organizations and frequented by the select legislators who were made most to feel at home in them. Ostensibly they were open to all. But in reality, the Democrats had their favorite few watering holes and so did the Republicans, and it was at the expense of lobbyists.

I realize this language was to allow you to attend an annual banquet where your constituents may attend. However, because you have not limited the number of times a lobbyist function can invite all legislators, the result tempts promotion of very private hospitality rooms that go unreported.

I would be happy to discuss any of these points further. I would ask the committee to enact true ethics reform which will change the way business is done in Topeka or do nothing. *Tinkering* accomplishes nothing and only tends to make the public more angry because they are able to see it for what it is.

Thank you.

Script for television advertisement:

SCENE: A darkened restaurant. At a candlelit table for two, a beautiful woman is laughing with a man over champagne.

TEXT (a voice overlay):

When Rep. Tom Hoolihan talks about the *figures* in Topeka, is he talking business or banquet partners?

During the 1996 Legislative session, Rep. Hoolihan dined with lobbyist Marilyn Bardot on seven occasions at various Topeka clubs.

State law now requires lobbyists to report not only what they spend, but on whom they spend it. But there is no telling *why* .

It's the same as not telling us at all - especially for Mrs. Hoolihan.

Campaign brochure

Front cover text:

During the 1996 Legislative session, Rep. Tom Hoolihan enjoyed nine meals with lobbyist Bridget Monroe.

Insert picture of attractive female lobbyist.

This we know from state records, which now require lobbyists to report not only what they spend for dinner, but with whom they share it

...

Flip side:

What we don't know is what they talked about over all those meals.

If talk is all it was.