

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Rep. Carol Dawson, at approximately 12:00 noon on February 23, 1996 in Room 526-S of the Capitol.

All members were present except: Rep. Jonathan Wells, Excused
 Rep. Mary Compton, Excused

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

Conferees appearing before the committee: Don Moler, League of Kansas Municipalities
 Keith Landis, Christian Scientist Coalition
 Jan Kruh, AARP

Others attending:

Hearing on:

HB 3000: Prescribing certain standards governing ethics and conduct for public officers and employees

Madam Chairman Dawson recognized Don Moler to speak to the bill. Mr. Moler testified that this bill would undermine good local government, discourage healthy state-local relations and create unnecessary red tape. See Attachment 1.

Keith Landis was recognized by Chair Dawson. Mr. Landis requested more time to study the bill before it is passed. See Attachment 2.

Madam Chairman Dawson recognized Jan Kruh to speak to the bill. Ms. Kruh testified that 88% of their members asked that effective lobbying reform be worked on for the 1996 legislative year. See Attachment 3.

Chair Dawson requested Jim Wilson explain the balloon and the committee began discussion on it. The Madam Chair adjourned the meeting at 1:30 p.m. and announced that the next meeting would be February 26, 1996, at 12:00 noon at the Capitol in Room 514-S.



**League
of Kansas
Municipalities**

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LEGISLATIVE TESTIMONY

TO: House Governmental Organization and Elections Committee
FROM: Don Moler, General Counsel
RE: HB 3000
DATE: February 23, 1996

Thank you for the opportunity to testify today concerning HB 3000 on behalf of the League's 540 member cities, ranging in population from as small as 8 to as large as 310,000. The League is the 86 year-old instrumentality of its member cities that is responsible for providing direct education, research, intergovernmental relations, technical assistance and other services to the many thousands of city officials in our state. With the exception of intergovernmental relations services, the League provides similar services to many Kansas counties. These are services which, in the absence of the League, would most likely have to be provided by a state agency.

One of the reasons the League exists is to help its member cities exercise their own governmental powers through the adoption and enforcement of local ordinances. League staff increasingly are helping city and county officials comply with the laws enacted by their intergovernmental partners--the state and federal government. As our system of state and federal laws has grown more complex, local officials have become faced with compliance with an ever-increasing list of duties concerning open meetings, open records, conflicts of interest, wages and hours, public works projects, access for the disabled, environmental quality, etc., As a result, the role of the League as technical and legal advisor and as intergovernmental advocate has grown.

During the three month legislative session I may spend 40% of my time (or 10% of my total annual time) reading bills, answering city officials' questions about legislation, analyzing bills, and preparing and presenting legislative testimony. The other 90% of my time during the year is devoted to advising city and county officials on legal questions, writing research publications, and training city officials in their legal duties. Much of our technical assistance and training efforts are directed at helping local officials act in an ethical and legal manner. We receive in excess of 3,000 inquiries each year, and for many smaller cities the League's legal staff serves as their city attorney for many purposes.

I have provided you with this background because it serves as an important foundation for my remaining comments about HB 3000. The League has been a passionate advocate of good, professional government and management practices throughout its 86 year history. We also have endeavored to advocate for a healthy balance between state and local control of public policy, recognizing that both our state constitution and the basic values of Kansans still indicate a preference for home rule when it is at all possible.

HOUSE GOVT ORG & ELECTIONS
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The League respectfully submits that HB 3000 would undermine good local government,

Attachment 1

discourage healthy state-local relations, and create unnecessary red tape in the following ways:

Section 37. This section of the bill would prohibit any public agency, officer or employee from making or authorizing the making of an expenditure for the purpose of lobbying a state officer or employee. Moreover, it would prohibit cities, other governmental units and organizations such as the League from lobbying the state legislature or state agencies. A prohibition against expressing the concerns of elected city officials about a bill which restricts municipal powers may be attractive to some groups and individuals who would prefer those voices be silenced, but it strikes us as undemocratic, contrary to the goal of having informed state policy, and sowing the seeds of serious strain in state-local relations.

Section 52. Kansas is still a state of small cities in which the city officials operate in a fish bowl environment. In many cities the actions taken by the city governing body will typically affect neighbors and friends of the officials. In such an environment, there already is a high degree of sensitivity about potential conflicts of interest. Section 52 would amend the current state conflict of interest law in a way that we believe would prove extremely difficult in smaller cities. This section would extend the scope of those members of the official's household whose financial interests would be considered part of the official's "substantial interests" beyond the official and his or her spouse to include "...any member of such officer or employee's household or family or any associated person or related person thereof." While this may be entirely workable at the state level or in a large city, based on our experience in advising city officials in smaller cities on this law it would act as a strong deterrent to attracting talented individuals to serve on city governing bodies. The reason for this is that it would inhibit their ability (and that of all the other relatives and household members) to run the local bank, insurance company, car dealership or other business which may from time-to-time have dealings with the city.

Language also is found in this section that would prohibit an individual from having a pecuniary interest in any contract with the governmental subdivision in which the individual is or was an officer or employee while an officer or employee or within two years after the conclusion of their services with the governmental subdivision. In many smaller cities this provision alone could prevent talented persons from serving because the possibility of some day wanting to do business with the city.

These passages represent only a partial list of the parts of this bill that we would urge be given far more scrutiny by this Committee. Participation in the process of government is indeed a privilege and a high calling. Parts of this proposal indicate such a distrust of local elected officials that it is difficult to read them and not wonder why the same people who elected state officials elected such untrustworthy local officials. Intolerance is the breeding ground of conflict and distrust. We strongly urge you to give this bill much more study before sending its troubling message to the city officials of Kansas.

Thank you for your time and your consideration of these views on behalf of the elected and appointed city officials of Kansas.

HOUSE GOVT ORG & ELECTIONS
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Attachment 1-2

Christian Science Committee on Publication For Kansas

820 Quincy Suite K
Topeka, Kansas 66612

Office Phone
913/233-7483

To: House Committee on Governmental Organization and Elections

Re: HB 3000

I am not an attorney and, possibly for that reason, am having difficulty in determining how this bill will affect my lobbying activities.

The only purpose of my lobbying is to ensure that Christian Scientists in Kansas are able to practice freely in accordance with the teachings of our religion, which include reliance on God alone for healing.

The Committee on Publication consists of one member, appointed in compliance with by-laws contained in our Church Manual. The primary duty of this office is to correct misconceptions about Christian Scientists and their religion. It is often because of lack of accurate information about our religion that laws might be passed that would interfere with our practice. For that reason, I try to explain to you why we need certain provisions in our laws or why we would like to be exempt from some requirements.

I am concerned that the effort required to follow the provisions of this bill will reduce the time available to complete more appropriate tasks, such as talks to civic groups or churches of other denominations.

If this bill is to be considered, more time is needed than is available before your deadline. Legislators, staff members, and lobbyists should understand the bill before it is passed.



Keith R. Landis
Committee on Publication
for Kansas

HOUSE GOVT ORG & ELECTIONS
February 23, 1996
Attachment 2



American Association
of Retired Persons

KANSAS STATE LEGISLATIVE COMMITTEE

CHAIR Dr. Arris M. Johnson 2714 Hillcrest Dr Hays, KS 67601 913/625-6680	VICE CHAIR Mrs. Janet Kruh 2155 Blue Hills Rd Manhattan, KS 66502 913/537-4566	SECRETARY Mr. James Haught 537 St Andrews Dr Wichita, KS 67230 316/733-4652	CAPITAL CITY TASK FORCE Mr. Thomas Young, Coord 36 S Shore Dr Vassar, KS 66543 913/828-4868
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Statement to the
House Committee on Governmental Organization & Elections

by
Jan Kruh, Vice-Chair
Kansas AARP State Legislative Committee

February 23, 1996

Representative Dawson, Chair, and members of the House Committee on Governmental Organization and Elections. My name is Jan Kruh, and I am a volunteer for the Kansas American Association of Retired Persons, serving on the State Legislative Committee. This Committee advocates the legislative positions of the large membership of Kansas AARP.

When AARP members across Kansas were canvassed for their 1996 legislative priorities, 88% asked our committee to work for effective lobbying reform. As I am now giving legislative updates to local AARP chapters, their interest in lobbying reform is one of the highest. They are appalled by the hundreds of thousands of dollars they see in newspaper government reports of the annual spending by lobbyists on food, beverage, and entertainment for legislators. Every major paper in the state has printed editorials on the need for lobbying reform to be included in ethics reform legislation.

We do not question the right to petition one's legislators. But, with lobbyist's resources far beyond that of the ordinary citizen, disclosure is necessary to level the playing field and to help restore the public's confidence in our lawmakers.

House Bill 3000 has much to commend it. Its many pages address important issues in governmental ethics, but it is lacking in effective lobbying reform. To be effective, lobbying reform must contain full disclosure, meaning that the lobbyist reports both the funds spent on hospitality and other courtesies, as well as the name of the recipient. It is documented that 24 states have legislated full disclosure. It is then an open record so that each citizen knows what has been spent on the legislator representing him or her.

Hearings have been held by this Committee on three lobbying reform bills that include full disclosure: HB 2601 introduced by the Special Committee on Governmental Standards, HB 2850, and HB 2877. Each bill addresses the topic somewhat differently, but the intent is the same -- full disclosure. AARP asks that you address this issue and amend HB 3000 to include full disclosure.

HOUSE GOVT ORG & ELECTION

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Attachment 3