

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on February 8, 2006 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Mike Heim, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Karl Peterjohn - Executive Director of Kansas Taxpayers Network
John Lewis - Lenexa, Kansas
Rhonda Humble - Written testimony read by Albert Rukwro
Mark Tallman - Kansas Association of School Boards
Don Moler - LKM
Eric Sartorius - Overland Park, Kansas

Others attending:

See attached list.

Ken Wilke of the Revisors Office summarized **SB 457** -Use of public funds and equipment for lobbying prohibited. Mr. Wilke stated there is a technical glitch in line 10 that needed amending if the committee decides to send out the bill.

Albert Dukwro read Karl PeterJohn's testimony in favor of **SB 457** (Attachment 1).

John G, Lewis of Lenexa, Kansas, testified in favor of **SB 457** (Attachment 2 & 3).

Rhonda K. Humble of Olathe, Kansas, testified in favor of **SB 457** (Attachment 4).

Mark Tallman, Assistant Executive Director, Kansas Association of School Boards, testified as an opponent to **SB 457** (Attachment 5).

Don Moler, Executive Director of Kansas League of Municipalities, testified as an opponent to **SB 457** (Attachment 6).

Eric Sartorius of Overland Park, Kansas, testified as an opponent to **SB 457** (Attachment 7).

Meeting adjourned.

Respectfully submitted,

Zoie C. Kern

Senate Elections & Local Government Committee
Daily, 1:30 - 2:30 p.m. Room 423-S
Senator Tim Huelskamp, Chair

Guest List for February 8, , 2006

Please sign in with BLACK Ink.

Name	Representing
Mark Tallman	Ks. Assoc. of School Boards
Bill Brady	SFFF
Rob May	LGR
Bob Keller	JCSO
Kiel Brunner	intern
Don Moler	LKM
Gay George	Olathe Schools
Ron Harbergh	Topeka Public Schools
Jayner Scioneaux	CSA
Pat Baker	PREFAR - SMITH
Marilyn Nichols	Shawnee Co. Register of Deeds
Erik Santorius	City of Overland Park
Tom Bruno	Bruno & ASSOC'S

KANSAS TAXPAYERS NETWORK

P.O. Box 20050
Wichita, KS 67208
February 8, 2006

web: www.kansastaxpayers.com
316-684-0082
Fax 316-684-7527

Testimony Supporting SB 457 By Karl Peterjohn, Executive Director

Taxpayers pick up the cost of operating all layers of government in Kansas. This is true at the state, county, city, township, school district, and special tax district levels of government across this state. There are expenditures that taxpayers sometimes view with unhappiness, surprise, and often outrage but the idea that tax dollars are being used to lobby for and promote views that are often not shared by taxpayers is a key reason for SB 457. This is my reason for speaking out in support of SB 457 today. Taxpayers should not be forced to fund government paid lobbyists.

227 years ago Thomas Jefferson wrote about forcing people to fund ideas and views that they oppose. In his case, it was his support to disestablish the state funded churches that existed at the colonial level in many of the 13 colonies. Jefferson said, "...that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical;"

What was true in the time of our founding fathers is just as true over 200 years later at the beginning of the 21st century.

During the 13 years I've been advocating on behalf of taxpayers I've seen taxpayer funded local government lobbyists advocate: higher state taxes for local units, higher local revenue authority, were successful in terminating the statutory Kansas property tax lid, approve retroactive retail sales tax authority, expand their authority to borrow tax funds without voter approval, and a variety of legislation that expands governmental authority at the expense of the people.

That sort of legislation is what can happen in a free society. However, there should be a level playing field between the taxpayer funded governmental bodies and private individuals and organizations when it comes to advocacy. Local governments may want to have their lobbyists testifying, advocating, and working for the positions taken by the county, city or other governmental body. However, the taxpayer who does not support these positions should not be expected to pick up the bill for this lobbying.

A mayor or county commissioner or other local official should have no inherent advantage in statehouse advocacy. They do because of their inherent position as well as the authority and power that is derived from their public position. That is a fact of life and cannot be changed. What can and should be changed is removing the tax funds used to lobby by local government in Kansas. SB 457 removes the slanted playing field for this advocacy and should be enacted into law.

Senate Elections and Local
Government Committee
Attachment 1
2-08-06

John G. Lewis
20605 W. 96th St.
Lenexa, KS 66220
913-709-2961

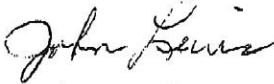
2/7/06

TO: SEN. TIM HUELSKAMP'S OFFICE

No. of Pages (including this cover sheet): 3

Herewith is my written testimony on S.B. 457.

Sincerely,



John Lewis

Senate Elections and Local
Government Committee
Attachment 2
2-08-06

Testimony of John Lewis
20605 W. 96th St., Lenexa, KS 66220

S.B. 457

"To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical." – Thomas Jefferson.

I support S.B. 457. I can think of no greater misuse of taxpayer dollars than their use by one unit of government to lobby another unit of government.

The members of the Kansas Legislature are elected by individuals, not by local governments. They are elected to respond to the will of individual citizens, not local governments. After all, citizens, including individuals and commercial enterprises, are the ones who pay taxes in order to be represented by their elected officials in the Legislature. They don't need, or want, to pay taxes to local units of government in order to be "represented" in the Legislature, because they elected their legislators to represent them.

Local units of government, including cities, counties and school districts, do not pay taxes and thus should not appropriate citizens' tax money to lobby on behalf on non-taxpayers. If these local entities want to lobby the legislature, the mayor, county commission chairman or school board president are free to call their local legislators.

Over the past several years, I have testified on numerous bills, with the city, county and school board lobbyists taken the opposing view. When I have made such trips to Topeka, I have had to take time away from my business and incur travel expenses. This is true of any citizen who wishes to testify in person. But most times when I have made these trips, I have been confronted with an army of taxpayer-funded government lobbyists, whose taxpayer-funded job is to do the same thing that I am having to do on my own time and at my own expense. And the taxpayer-funded lobbyists are actually *paid* to testify against the will of the citizens in many cases. That, remarkably, is their 9-to-5 job!

The power of their sheer numbers makes them almost impossible for individual taxpaying citizens to defeat. And it adds insult to injury when a citizen looks across the hearing room and remembers that he is paying the salary of his opponent. And usually the taxpayer-funded lobbyists are advocating precisely what taxpaying citizens do not want.

- For example, taxpayer-funded lobbyists are almost always against measures to make government more open. Most citizens want a transparent government with very few exemptions from that ideal. But the taxpayer-funded lobbyists in Kansas are on record for opposing efforts to make government meetings and records more open.
- Most Kansas citizens want to pay less in taxes, but government lobbyists, who are paid by those taxes, oppose lowering taxes. They always want more and more.

- All Kansas citizens cherish their property rights. But the taxpayer-funded lobbyists clamor for fewer individual property rights by advocating that local governments have as much power as possible. We see this currently in their efforts to maximize, as much as possible, local government's eminent domain powers.

The government lobbyists are funded by taxpayers, but they do not represent taxpayers. Instead, they simply represent government, which has already been funded by taxpayers. Our forefathers had a motto for this activity: "Taxation without representation is tyranny." Those tax dollars that are funneled through city, county and school board budgets in order to pay the taxpayer-funded lobbyists is, indeed, taxation without representation for the person who paid the taxes.

Cities, counties and school boards simply do not have standing to be represented in the legislature by tax dollars. These local units of government might respond that they are representing individuals by representing their local governments, but this is simply not true, because the taxpayer-funded lobbyists are usually opposing what individual citizens want: open government, lower taxes and individual liberty.

In other words, taxpayers are almost always paying government lobbyists to advocate positions that they oppose.

A study by the Heritage Foundation concluded, "It is every bit as unjust to force liberal taxpayers to fund organizations on the right as it is to force conservative taxpayers to finance organizations on the left. Taxpayer-subsidized political advocacy represents pure fiscal folly and moral injustice. No hard-working American should be compelled to finance lobbying activities with which he disagrees."

Rhonda Humble
13811 S Lakeshore
Olathe, KS 66061

(913) 244 6446

RE: SB 457

Chairman Huelskamp and members of the Committee:

Thank you for hearing SB 457 which would eliminate the use of public funds for lobbying. Although I would like to testify in person, I am unable to take time away from my business, which puts me at a disadvantage to those with the ability to pay lobbyists.

Although I do not have an aversion to lobbying when it is used to provide information on specific industries or concerns, I believe the use of public funds to facilitate lobbying unfairly tilts the balance of influence to those with deep pockets - often government entities who use tax monies to put their interests ahead of the individual. Specific interests I could cite might include enhanced powers of eminent domain, which I believe cities and counties support although individuals often do not; non-support for the proposed tax credit on machinery, which I believe most businesses would support, although cities do not; and other programs which would "grow government."

Government entities can afford to send lobbyists to Topeka to further their interests, while individuals most often can not. At the very least, there should be a requirement for disclosure of the amount of time and money government agencies, associations and staff spend lobbying.

I urge you to consider SB457 because it is a "good government" bill. Government entities do not have rights, individuals do.

As the elected representatives of your constituents, I applaud you for hearing this bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rhonda K. Humble". The signature is fluid and cursive, with the first name being the most prominent.

Rhonda K. Humble

**KANSAS
ASSOCIATION**



**OF
SCHOOL
BOARDS**

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on **SB 457**
before the
Senate Elections and Local Government Committee

by

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

February 8, 2006

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to comment on **SB 457**. This bill would prohibit school districts and other political subdivisions of the state from expending any funds to pay the cost of employing or contracting with any person for services whose duties include lobbying on behalf of that subdivision. We appear in opposition to this proposal.

Lobbying, as defined by the bill, includes: "Promoting or opposing in any manner action or non-action by the legislature on any legislative matter or the adoption or non-adoption of any rule and regulation by any state agency." (K.S.A. 46-225) It would appear that the intent of the bill is to prohibit any person from expressing support or opposition to any state action on behalf of one or more school districts if they receive any compensation from the district. This would apply not only to "full-time" or "contract" lobbyists, but also the superintendent or any other employees who express an opinion in support of or opposition to legislative or agency action.

As someone who has spent my entire adult life working as a lobbyist, I certainly do not believe there is anything wrong or inappropriate about lobbying. On the contrary, I believe that Legislators and state agencies desire and depend on both information and opinions from not only the public at large, but also from their fellow elected and appointed public officials. Passage of this bill would not only impose a "gag rule" on public school leaders regarding state action; it would limit the flow of information to the Legislature. How is our democratic process improved by reducing information and expression of opinion?

School board members are elected by the same citizens that vote for the Legislature, the Governor and the State Board of Education. Local schools boards are constitutional offices set forth in Article Six of the Kansas Constitution. Public schools are strongly affected by the action or inaction of the state. We believe school board members have a duty to inform their legislators on how their actions will affect their district, their students and families, and their communities.

Senate Elections and Local
Government Committee
Attachment 5
02-08-06

As unpaid volunteers, school board members naturally depend on paid, professional staff to assist them in carrying out their duties, including representation on issues before the state. Prohibiting public employees from engaging in lobbying limits the voice of your fellow elected officials on matters affecting their constitutional and statutory duties. Of course, it will not limit the voice of other interest groups concerning education and other issues.

School boards are accountable to the voters, just like legislators. The positions they adopt are therefore accountable to the voters. Legislators may disagree with positions adopted by local boards, but if those positions are not consistent with what the public wants, both local board members and the positions they take can also be changed. School board elections are held every two years.

Thank you for your consideration.



League of Kansas Municipalities

300 SW 8th Avenue, Suite 100
Topeka, Kansas 66603-3951
Phone: (785) 354-9565
Fax: (785) 354-4186

To: Senate Elections and Local Government Committee
From: Don Moler, Executive Director
Re: Opposition to SB 457
Date: February 8, 2006

First I would like to thank the Committee for allowing the League to testify today in opposition to SB 457. While the bill does not apply to the League itself, it does apply to a number of our member cities and as a result I felt it was incumbent upon the League to appear today in opposition to it. Specifically it would prohibit any officer or employee of any city, county, unified school district or other political or taxing subdivision of the State to make or authorize the expenditure of funds or monies of such political subdivision to pay the cost of employing or contracting for the services of any person whose duty and responsibility is lobbying on behalf of the political or taxing subdivision.

This idea, which unfortunately is not a new one, would place local units of government, and their citizens, at a distinct disadvantage. Specifically local governments employ lobbyists, whether they are contracted lobbyists, or in-house employees, to communicate directly with the Kansas Legislature through the hearing process. Without the ability of local units of government to have representatives come before the Kansas Legislature, the partnership between the State, and local governments, would be lost. The ability of cities to have individuals who come before the Legislature to voice thoughts, comments, and concerns on pieces of legislation is a very important one which should not be overlooked.

In many ways, local government lobbyists are exactly the same as individuals who come before the Kansas Legislature from state agencies. They are all representatives of governmental units within this State, and are coming to the Legislature to help advise and provide information to the Kansas Legislature. It has long been my belief that cities and counties, and their representatives, should have the same access to the Kansas Legislature as do representatives of state agencies. We are all in the governmental system together, and as a result should be able to have the same access to the Kansas Legislature to help make Kansas government run as smoothly as possible for the citizens of this great State.

Finally, I would point out, that without public interest lobbyists, who represent local governments and their citizens, the field would be left completely open to monied, private interests who employ numerous lobbyists to advance their private agendas. We believe this would be a very ill advised approach and would urge this Committee to reject SB 457 outright. I will be happy to respond to any questions the Committee may have.

Senate Elections and Local
Government Committee
Attachment 6
2-08-06



8500 Santa Fe Drive
Overland Park, Kansas 66212
• Fax: 913-895-5003
www.opkansas.org

Testimony Before The
Senate Elections & Local Government Committee
Regarding
Senate Bill 457

February 8, 2006

The City of Overland Park appreciates the opportunity to appear before the committee and present testimony in opposition to Senate Bill 457. As a standing policy, the City of Overland Park opposes any restriction on the use of public moneys to provide information and lobby on behalf of the City and our citizens.

Senate Bill 457 would curtail the ability of local governments to communicate effectively with the legislature. Decisions made by the legislature can have multi-million dollar effects on local governments and their citizens, leaving a choice of cutting services or raising taxes at the local level. Legislators deserve a chance to hear, and local governments deserve a chance to present, a balanced view of the effects of legislation on local citizenry.

The perception, apparently, is that cities and other public entities make contact with the legislature solely to ask for money. Certainly, ensuring that the legislature knows about the needs and priorities of our citizens is an important component of our communications. At the same time, there are myriad issues that either do not involve money or involve additional costs that would be incurred by local governments should the legislature pass particular measures.

For instance, the City of Overland Park testified in November of 2003 before the Special Committee on Local Government. This committee was reviewing exceptions to the Kansas Open Records Act, including one allowing engineering and architectural estimates made by or for any public agency relative to public improvements to be closed records. Why did the City testify? Because in a two-year time period, the City had bids for projects come in more than \$11 million below these estimates. Removing the exception to the Kansas Open Records Act obviously would have encouraged bids closer to the engineering estimates, and in turn incurred millions of extra dollars of costs for the projects sought by our citizens.

In 2004, the City came to the legislature seeking a change to both the Kansas Open Records Act and Open Meetings Act. After September 11, 2001, our police department began an in-depth review of our security procedures and an analysis of potential targets in our community. There was some question as to whether such work products and their presentation to the city council were covered under current exceptions to KORA and

KOMA. This had a chilling effect as we worked with companies, churches, and other entities in our community. They were concerned that cooperating with the City of Overland Park could compromise their internal security procedures. We therefore brought forward clarifying legislation. Should our citizens instead been left merely with the hope the legislature would discover this issue on its own?

Communication between all levels of government is critical to the successful delivery of public services to the citizens of Kansas. Without public interest lobbyists, only the views of special interests seeking private benefits will be heard, and many issues of legitimate concern to communities as a whole will be left in the hands of an over-tasked legislature. With this in mind, we respectfully request that you not pass Senate Bill 457.