

MINUTES OF THE HOUSE ELECTIONS AND GOVERNMENTAL ORGANIZATION COMMITTEE

The meeting was called to order by Chairman Mike Burgess at 3:30 P.M. on February 6, 2007 in Room 231-N of the Capitol.

All members were present except:

Representative Ted Powers- excused
Representative Mike Peterson- excused

Committee staff present:

Martha Dorsey, Legislative Research Department
Matt Spurgin, Legislative Research Department
Mike Heim, Revisor of Statutes Office
Maureen Stinson, Committee Assistant

Conferees appearing before the committee:

Rep. Virginia Beamer	Daniel Harden
Rep. Jene Vickrey	Wayne Flaharty
J. Michael Davis	Don Moler
Alan Cobb	Randall Allen
Rep. Ben Hodge	Mark Disetti
Bill McKean	Jim Edwards
Erik Sartorius	Sue Morgan
Gary George	

Others attending:

See attached list.

Chairman Burgess opened the hearing on:

HB 2081 Recreation commissions, removal of members

Rep. Virginia Beamer testified in support of the bill (Attachment 1). She explained that the bill would allow for petition and election. She explained that the petition would need to have signatures of 5 percent of the number of qualified voters in the taxing district who voted in the last presidential election to bring the removal of a member to a vote of the electorate.

Chairman Burgess closed the hearing on **HB 2081**.

HB 2081 Recreation commissions; removal of members

Rep. Brunk made a motion for the favorable passage of **HB 2081** and asked that it be placed on the Consent Calendar. Rep. Metsker seconded the motion. The motion passed.

Chairman Burgess opened the hearing on:

HB 2217 Counties; adoption of codes by reference

J. Michael Davis, representing Heart of America Chapter, ICC, and Miami County, testified in support of the bill (Attachment 2). He explained that the proposed amendment to KSA 12-3304 reduces the number of model code copies requires to be filed with a city or county clerk to a single copy.

Rep. Jene Vickrey testified in support of the bill. He explained that the bill would change the number of copies from three to one and that expenditures for counties would be decreased.

CONTINUATION SHEET

Minutes of the House Elections and Governmental Organization Committee at 3:30 P.M. on February 6, 2007 in Room 231-N of the Capitol.

Chairman Burgess closed the hearing on **HB 2217**.

Rep. Metsker made a motion for the favorable passage of **HB 2217** and asked that it be placed on the Consent Calendar. Rep. Sawyer seconded the motion. The motion passed.

Chairman Burgess opened the hearing on:

HB 2260 Political subdivision lobbying; use of public funds prohibited

Wayne Flaharty, resident of Overland Park, testified in support of the bill (Attachment 3). He asked for a vote to end taxpayer subsidies for the army of lobbyists who clutter up your committee rooms.

Alan Cobb, State Director, Americans for Prosperity, testified in support of the bill (Attachment 4). He explained that lobbyists and lobbying organizations have no accountability to the taxpayers and are not currently subject to open records.

Rep. Ben Hodge, testified in support of the bill (Attachment 5). He explained that he objects to the idea that Kansas taxpayers should pay the salaries of individuals whose primary job it is to lobby on the behalf of government.

Bill McKean, resident of Wichita, testified in support of the bill (Attachment 6). He testified that he is concerned about senior legislators focusing their energies on the policies of achieving an important leadership position so that they can retire and secure a cushy job with a government agency that needs to hire a lobbyist in Topeka.

G. Daniel Harden, resident of Meriden, KS, testified in support of the bill (Attachment 7). He testified that by its very nature, lobbying in a representative democracy should be the prerogative of the private sector.

Richard Miller, resident of Manhattan, KS, testified in support of the bill (Attachment 8). He testified that he has learned that there are dozens of taxpayer-funded lobbyists roaming the Capitol.

Paul Barkey, resident of Manhattan, KS, testified in support of the bill (Attachment 9). He said that we can now acknowledge a threat and that is for the government to hire their own influence peddlers whose primary goal is to grow the size of the government.

Written testimony in support of the bill was submitted by the following:

- Tessla Barnett (Attachment 10)
- Kim Borchers (Attachment 11)
- John D'Aloia Jr. (Attachment 12)
- John Lewis (Attachment 13)

Don Moler, LKM, testified in opposition to the bill (Attachment 14). He explained that the bill 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.

Randall Allen, KAC, testified in opposition to the bill (Attachment 15). He said that **HB 2260** is an attempt to silent those persons employed by a city or county or unified school district, or by the Kansas Association of Counties of League of Kansas Municipalities, who regularly communicate with legislators about the needs and priorities of local government.

Mark Disetti, KNEA, testified in opposition to the bill (Attachment 16). He explained that the bill is a fundamental stifling of democracy.

Jim Edwards, KASB, testified in opposition to the bill (Attachment 17). He said that it would appear the

CONTINUATION SHEET

Minutes of the House Elections and Governmental Organization Committee at 3:30 P.M. on February 6, 2007 in Room 231-N of the Capitol.

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.

Erik Sartorius, City of Overland Park, testified in opposition to the bill (Attachment 18). He explained that 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.

Sue Morgan, President, USD 497, Lawrence Public Schools, testified in opposition to the bill (Attachment 19). She explained that the language in the bill is so broad that it greatly concerns them.

Gary George, Asst. Superintendent, Olathe School district, testified in opposition to the bill (Attachment 20). He explained that they find it inconsistent that the bill prohibits units of local government from lobbying for their interests by does not prohibit lobbying the United States Congress or federal agencies to meet the interests and concerns of the state.

Written testimony in opposition to the bill was submitted by:

Andy Schlapp, Sedgwick County, (Attachment 21)

Chairman Burgess closed the hearing on **HB 2260**.

Rep. Steve Huebert made a motion for the favorable approval of the February 5, 2007 minutes. Rep. Menghini seconded the motion.

The meeting was adjourned.

The next meeting is scheduled for Wednesday, February 7, 2007.

**House Elections and
Governmental Organization Committee**

Date 2-6-07

Name	Representing
Ray R. Gray	Olathe School Dist
JOHN M. DAVIS	MIAMI COUNTY
Sue Morgan	USD 497, Lawrence Public School
Erik Sartorius	City of Overland Park
Pat Lehman	KS Rec. + Park Assn
RICHARD L. MILLER	MY SELF
Paul E. Barker	self
Christy Campbell	LITH Govt Relations
Brad Bryant	Sec. of State
Jim Edwards	KASB
Jenni Rose	KACCT
Mark Desetti	KNEA
Andy Schlapp	Sedgwick County
Charlotte Esau	self
Christy Andrews	SELF
Trent Sebts	Americans for Prosperity
BRANDON BOHNING	DAMRON PA
BILL REARDON	USD 500
Bill McKeon	citizen architect
Don Moler	LKM
ALAN COBB	Americans for Prosperity
Carl Williams	CFC
Daniel Harden	Self
Matt Bryant	Center Group
Emily Geier	Hein Law Firm

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
300 S.W. TENTH STREET
ROOM 531-N
TOPEKA, KS 66612
(785) 296-7693
beamer@house.state.ks.us
HOTLINE: 1-800-432-3924



DISTRICT ADDRESS:
PO BOX 85
OAKLEY, KS 67748
(785) 672-4230

VIRGINIA B. BEAMER

118TH DISTRICT

**Testimony in Support of HB 2081
House Elections and Governmental Organization Committee
February 9, 2007**

Chairman Burgess and Members of the Committee:

This bill concerns Recreation Commissions which are established by the city or school district. Members of the board are appointed by the governing body of the city or school board which established the recreation district. In order to fund programs of the recreation district, the recreation board with the approval of the appointing authority, levies taxes for that purpose.

Removal of members currently is by the appointing authority. Because the recreation board has the ability to levy taxes, it only makes sense that citizens should also be able to remove members of the board. This bill would allow for petition and election. The petition would need to have signatures of 5% of the number of qualified voters in the taxing district who voted in the last presidential election to bring the removal of a member to a vote of the electorate.

Thank You for the opportunity to speak to you on this issue and I will be happy to answer questions.

House Elections & Gov. Org.

Date: 2-6-2007

Attachment # 1

Testimony in support of HB2217

J. Michael Davis, M.C.P.
Code Official
Miami County, Kansas
201 S. Pearl St, Ste 201
Paola, Kansas 66071-1777
Phone: 913-294-4145 Fax: 913-294-9545

I am here representing Miami County and the Heart of America Chapter of the International Code Council, which represents 54 cities and 9 counties in Kansas.

KSA 12-3301 through 12-3305 establish authority of cities and counties in the state of Kansas to adopt model codes by reference.

KSA 12-3304 requires an adopting jurisdiction to file three copies of an adopted model code in the jurisdiction's city or county clerk's office.

The proposed amendment to KSA 12-3304 reduces the number of model code copies required to be filed with a city or county clerk to a single copy.

The proposal is not intended to limit access of information to the public. It is one of unnecessary cost to the public. I fully agree that any rule or law, including model codes, adopted by a public entity need to be accessible and open for review. One copy filed in a jurisdiction's clerk's office would fulfill that goal.

In Miami County most individuals that have a question related to a building code bypass the clerks office and come directly to my office. Staff in the Miami County Clerk's office informed me that the codes on file have only been requested to be viewed by the public three or four times over the last several years. In almost every instance the individual after looking at the books for a short period asked technical questions and were referred to my office for additional assistance.

Model building codes are published on a three-year cycle. A basic set of codes adopted by most jurisdictions include:

- International Building Code.....\$73.00
 - International Residential Code.....\$54.50
 - International Fire Code\$59.00
 - International Mechanical Code\$48.00
 - International Plumbing Code\$48.00
 - International Fuel Gas Code\$48.00
 - National Electrical Code68.50
- \$399.00 X 3 = \$1,197.00

Additional codes that may be adopted include:

- International Property Maintenance Code\$20.00
- International Energy Conservation Code.....\$25.00

* Costs shown are taken from the International Code Council, Product Catalog and are the member prices. Non-member prices are typically 25% on average higher.

House Elections & Gov. Org.
Date: 2-6-2007
Attachment # 2

- To comply with current law the cost of providing three sets of model building codes for an individual jurisdiction is between \$1,200 and \$1,350.
- It is my rough estimate the cost for full compliance with this statute to all jurisdictions in Kansas is well over \$100,000 per code cycle.
- Passage of the proposed amendment would reduce this figure by \$800 to \$900 each time codes are updated.
- A single set of model codes filed in the clerk's office satisfies the needs of the public.

I encourage you to consider the proposal before you. The impact on the public will be minimal since a copy of adopted codes will remain open to review, but valuable resources will be saved to provide other essential services needed by the citizens we serve.

Thank you for your time.

J. Michael Davis, M.C.P

Paid Pickpockets

(Taxpayer Funded Lobbyists in Kansas)

I'm here today in support of HB 2260. Over 100 lobbyists, all paid by tax supported government entities, now roam the halls of the Capitol. As a taxpayer, I find it unconscionable that I am forced to see my tax money used to pay people to extract even more tax money from me. Of these hundred state lobbyists, 38 are from cities and counties, 36 from education, and 28 from other government entities.

Tax paid lobbyists do not come here to explain the fine points of the financial needs of the organizations that pay their salaries. Neither do they come here to look out for the interests of the citizens of Kansas. They are here to obtain money for their employer – a tax supported city, county, or school. They are here to magically transform the “want” of their employers into the “need” so skillfully presented to you legislators.

When I asked people to come and testify before committees, I invariably get the same reply, “I would, but I have to work.” People can't leave work and come here to protect their interests. They depend on you to do that for them – that's why they elected you. Are you looking out for their interests if you continue to allow tax money to be used to pay for lobbyists? I doubt any of your constituents would think so.

Like Charles Dickens' character, Fagin, tax supported entities send their Artful Dodgers off to Topeka to get more money – and more is never enough. Last year, I was talking with a legislator and a school superintendent. The superintendent continually bemoaned his lack of funds. Watching the superintendent, who was still complaining as he walked away, the legislator turned to me, shook his head, and said, “He's a nice guy, but no matter how much money I give him, he still wants more.” He could have been talking about any government entity in Kansas.

Without tax paid lobbyists, schools won't close, crime won't run rampant, cities won't go bankrupt, and the state economy won't collapse. Predictions of dire consequences will never materialize. Maybe some elected officials will have to work a little harder or spend a little more time justifying what they do with my money – but that's not necessarily a bad thing.

As I said, for governments, more is never enough. I urge you to carry out your responsibility to the people who elected you. If you can't level the playing field, at least don't make me pay the other team's salary. Vote to end taxpayer subsidies for the army of lobbyists who clutter up your committee rooms. Vote in favor of HB 2260.

Wayne Flaherty, 6410 Floyd, Overland Park, KS 66202

House Elections & Gov. Div. February 5, 2007

Date: 2-6-2007

Attachment # 3



AMERICANS FOR PROSPERITY

K A N S A S

February 6, 2007

Chairman Burgess and members of the committee,

I am Alan Cobb, Kansas State Director of Americans for Prosperity, a free market grassroots public policy group with more than 6,500 members in Kansas.

We are here in full support of HB ~~2002~~. 2260

When Thomas Jefferson wrote: "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical," he likely had no idea the practice would become common-place. Though the practice of taxpayer-funded lobbying has become common-place, it is nevertheless wrong and needs to be stopped.

Taxpayer-funded lobbying clearly distorts the democratic process. Allowing the government the ability to allocate tax dollars for lobbying transforms government from its appropriate role as a neutral policy-maker into an advocate of certain policies and ideologies.

It also provides a shield for elected officials in cities, counties and schools to hide behind the lobbying activities of organizations.

Most taxpayers – busy earning a living and working to make ends meet – likely have no clue that their tax dollars are being used to fund lawsuits and lobbyists which, in turn, demand more of their hard-earned tax dollars and are being used to lobby against taxpayer protections.

We as taxpayers and voters, elect you to represent our interests, and also elect city council and school board members as well as county commissioners and other officials to represent hospital districts, municipal utility districts and other taxing entities.

We don't elect lobbyists and we should not be required to fund them. Many taxing entities are joining organizations and many are hiring lobbyists to lobby the legislature. These lobbyists and lobbying organizations have no accountability to the taxpayers and are not currently subject to open records.

In a political sleight of hand, public organizations that are supposed to represent and serve citizens' interests are instead dishing up their own desires by means of the very dollars they are entrusted to use wisely.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
300 S.W. TENTH STREET
TOPEKA, KANSAS 66612
(785) 296-7642
Hodge@house.state.ks.us



DISTRICT ADDRESS
12401 W. 119TH PLACE
OVERLAND PARK, KANSAS 66213
(913) 424-5384

BENJAMIN B. HODGE
49TH DISTRICT

House Elections and Governmental Organization Committee
Chairman Mike Burgess
In support of HB 2260

Mr. Chairman, members of the committee:

My name is Benjamin Hodge. I am the state representative from the 49th House district, and I also am a member of the board of trustees of Johnson County Community College. Thank you for holding a hearing on House Bill 2260. I am here today to voice my support of the measure.

I do object to the idea that Kansas taxpayers should pay for the salaries of individuals whose primary job it is to lobby on the behalf of government. I do have a problem with the notion that my money is being used to ask for more of my money.

I acknowledge that government-paid lobbyists speak on a variety of issues – not all of them being controversial. However, some of the taxpayer-funded lobbyists work against the interests of Kansans by petitioning for burdensome levels of taxation or for unconstitutional decisions.

And though I recognize that taxpayer-funded lobbyists may specialize in issues that may be difficult for elected officials to understand, should we not expect all elected officials to have a certain amount of willingness to tackle and to comprehend difficult issues, or to admit when they do not understand certain issues? With part-time legislatures operating throughout most of Kansas government, there will certainly be times when elected officials will not understand a subject.

I will add that I do not object to the idea that local governments may choose pay additional small and reasonable fees to already-hired staff. Let's remember, though, that many government agencies already have well-paid staff members in leadership position, and that it may not be unreasonable to expect many of these agency leaders to perform most of the duties presently done by full-time lobbyists. In Johnson County, to my understanding, we have the highest-paid superintendent in the entire state. And at Johnson County Community College, where we are presently interviewing presidential candidates, the next college president will likely be paid over a quarter of million dollars a year. I certainly do not object to college presidents and K through 12 superintendents performing the duties that are currently contracted out.

Mr. Chairman, I thank you for your time, and thank you, again, for holding a hearing on this matter.

Sincerely,

Representative Benjamin Hodge

House Elections & Gov. Org.
Date: 2-6-2007
Attachment # 5

Testimony of Bill McKean in Support of HB 2260

My name is Bill McKean. I drove up from Wichita to ask you to enact HB2260.

When President Dwight Eisenhower made his farewell address to the nation, he warned about the unbridled power of the military-industrial complex. I am concerned that Kansas taxpayers are being threatened by out of control spending due to the unbridled power of the legal-education-social service agency, press & legislative complex that does not always act in the best interest of the average voter.

I am also concerned about the lack of transparency and accountability in local, county, school district and state government agencies due to the cronyism with in the Kansas legal establishment (Supreme Court, Kansas Judicial Council, Office of Judicial Administration & Commission on Judicial Qualifications), the lack of coordination in the Kansas education industry (school boards & their law firms and the school districts), the overwhelmed state social service agencies and non-profit organizations that are charged to protect our children and most importantly the revolving door of former lawmakers using their legislative experience to gain cushy jobs with state agencies and commissions

At the risk of being overly simplistic, I would like to offer 3 arguments for you to consider why municipal governments and school districts should not spend my local tax dollars to hire lobbyists like Dale Goter and Diane Gerstadt.

#1 Like the other committees in the House & Senate, this committee has a wealth of professional experience as accountants, attorneys, business owners, county commissioner, educators, engineers, non-profit agency leaders and realtors. With out trying to pick on individual lobbyists, the individual committee members are much more educated and experienced on the issues than the paid lobbyists. Ideally you can share your collective expertise on a bi-partisan basis to educate each other.

#2 The school superintendents, school board members, mayor, city council members, county manager and commissioners in Sedgwick County were hired or elected to represent my interests in Topeka by picking up a telephone and communicating with you either during the session or after the session. If cities and school districts are allowed to hire paid lobbyists to communicate with you, I am afraid that the city, county and school district leaders will development even greater delusions of grandeur.

I expect my local lawmakers and school officials to roll up their sleeves and communicated with the Sedgwick county delegation. I expect the members in the Sedgwick County delegation to coordinate efforts with each other. I believe that paid lobbyists like Goter and Gerstadt could be counter-productive to the partnering between local and state elected officials and the development of team-work between the county delegation.

#3 I am especially concerned about senior legislators focusing their energies on the politics of achieving an important leadership position so that they can retire and secure a cushy job with a government agency that needs to hire a lobbyist in Topeka. I have enclosed press releases for former Speaker Kent Glasscock who retired and went to work for the research arm of Kansas State University and former Appropriations & Taxation Committee Chairman David Adkins who accepted a vice chancellor position with the University of Kansas Medical Center. I think that any legislator's objectivity regarding state funding would be affected if he was seeking a lobbyist job with a city or county or with a school district or university. HB2260 will help reduce the revolving door policy. so that lobbyists like Dale Goter & Diane Gerstadt can return to more productive jobs.

Thank you for allowing me to testify today.

Bill McKean
825 N. Bay County Cir.
Wichita, Ks 67235

(District 100)



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KU HISTORY

[This week in KU History](#)

KU Medical Center names David Adkins Vice chancellor for external affairs

The University of Kansas Medical Center has named David Adkins to a new position as vice chancellor for external affairs.



Adkins will report to Executive Vice Chancellor Donald F. Hagen, and will oversee alumni and community relations, the staff of KU Med magazine, health and technology outreach, and continuing education at the Med Center. He will also work closely with other KU staff in the areas of government relations and University marketing.

"David is very knowledgeable of the university from his nearly 12 years in the Legislature and his tremendous involvement as an alumnus," said Hagen. "He's also a very gifted communicator who can help represent the Medical Center before a wide variety of audiences statewide. I'm pleased that he has accepted this challenge as we prepare to celebrate the centennials of the School of Medicine and the School of Nursing."

Adkins, c'83, l'86, was elected to the Kansas Senate in 2000, following four terms as a Kansas state representative. He announced earlier this month that he would not seek re-election to the Senate in November. He will serve the remainder of his term, which ends in January 2005. Most recently, Adkins was vice chair of the Senate Ways and Means Committee and chair of the Senate Reapportionment Committee. During his eight years in the House, he was chair of the Appropriations Committee, chair of the Select Committee on Higher Education, and chair of the Taxation Committee.

"I've enjoyed my service as an elected official but am eager for a new direction in my career," said Adkins. "I've been close to KU since my student days, and I feel honored to have this opportunity to work on behalf of the Medical Center. KUMC is a great asset to the state, one that has an impact on health care and people's lives throughout Kansas. It will have an even greater impact in the future as we develop the Kansas Masonic Cancer Research Institute and utilize the Biomedical Research Center that's now under construction."

Adkins, 43, is a native of Manhattan and a resident of Leawood. From 1986 to 1998 he practiced law in Prairie Village with Bennett, Lytle, Wetzler, Winn & Martin. From 1998 to 2001 he was special counsel to the Greater Kansas City Community Foundation and was the founding executive director of the Community Foundation of Johnson County (1999-01). Since 2001 he has been of counsel with Lathrop & Gage in Overland Park.

In a voluntary role on behalf of KU, Adkins was co-founder and past co-chair of the Rock Chalk Ball, a popular annual KU event sponsored by the Kansas Alumni Association's Greater Kansas City



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**President and Chief Operating
Officer**

**National Institute for
Commercialization of
Intellectual Property**

1500 Hayes Dr

Manhattan, KS 66502

Telephone: 785-532-3900

Fax: 785-532-3909

E-mail: kentglas@ksu.edu

Engineering Advisory Council

Kent Glasscock

Kent Glasscock is president and chief operating officer of the National Institute for the Commercialization of Intellectual Property. This entity is sponsored by the Mid-America Commercialization Corporation, Kansas State University, the K-State Research Foundation, and the Kansas Technology Enterprise Corporation, which supports basic research through a variety of programs including Centers of Excellence at state universities.

Glasscock had represented Manhattan's 62nd House District since 1991. First elected to the House in 1990, he served the state legislature in many capacities including Speaker of the House, House Majority Leader, chair of the Government Organization and Elections Committee, chair of the Local Government Committee, and vice-chair of the Taxation Committee. He also served as a member of several committees: Appropriations, Energy and Natural Resources, Economic Development, the Joint Committee on Pensions and Investments, and the Joint Committee on Administrative Rules and Regulations.

In 1992, the National Council on State Governments selected Glasscock as one of 32 members of the annual Henry Toll Fellowship Program, the premier leadership development program for state government officials.

Glasscock is a 47-year resident of Manhattan, where he has served as mayor and city commissioner. He graduated from Manhattan High School and Kansas State University. He and his wife, Joyce, former Secretary of the Kansas Department of Administration, have two sons, Creighton and Chase.

He also is president of his family business, the Kansas Lumber Homestore.

Testimony of
G. Daniel Harden, Ph.D.
House Elections and Government Organization Committee
Feb. 6, 2007

For purposes of identification only, I am the President of the Board of Education of U.S.D. 340, Jefferson West, and a Professor of Education at Washburn University.

I speak on behalf of HB 2260 in the belief that there is a structural inequity when full time, or even part-time, professional lobbyists ply their trade on the public dime. I do not oppose lobbying or lobbyists, I believe that they fill an important role in government decision making. My issue is that these particular lobbyists, understandably, can be counted on to lobby for increased funding for whatever jurisdiction or governmental entity that they represent. Congruent with this, they can be counted on to consistently and predictably oppose any reduction of funding for these entities or any tax relief that might conceivably result in more restrictive funding. Those who might hold a more limited view of the proper functions of government, or a more economically frugal approach to their funding, are required to actually pay for their own lobbying efforts. Thus there is a structural inequity imbedded in the current lobbying system.

What has whetted my interest in the current session of the legislature is watching various tax supported lobbyists work in opposition to tax relief, especially the current franchise tax discussion or that relating to a cap on property tax appraisals. As President of a local school board, I disagree that maintaining every tax now existing and perhaps adding a few, is the healthiest approach to school funding. It seems to me that for long-term adequate funding a superior approach is to have a growing and vibrant state economy and healthy local business environments. Prosperous small businesses based on sound free market entrepreneurial principles throughout the state is the key to increasing tax revenues. An environment that is business friendly is more likely to achieve this goal than any other. This is not the approach usually employed by the tax funded lobbyists.

It stands to reason that lobbyists for counties and municipalities are going to want their taxing authority and eminent domain options extended *ad infinitum*. My only point is that I don't want them to lobby on my dime against what I see as my economic interests and those of Kansas. By its very nature lobbying in a representative democracy should be the prerogative of the private sector.

House Elections & Gov. Org.
Date: 2-6-2007
Attachment # 7

February 6, 2007

Chairman Burgess and members of the committee,

I am Richard Miller, a resident of Manhattan here to offer my support of House Bill ²²⁶⁰~~2602~~.

You may know that I also ran for the Kansas House from District 67 last year. During one of the training sessions, we were invited to visit with lobbyist for potential PAC funding. I did not feel comfortable interacting with those groups, especially when I learned many of them were prior legislators. I determined then not to seek PAC funding other than Kansas Farm Bureau and Manhattan Home Builders who had already endorsed me.

When I found out that our local governments actually hire lobbyists to do their work in the Capitol, I was very disappointed.

Surely, my tax dollars are not being used to lobby for things I may not believe in.

But, as you know, it is true. I have learned there are dozens of taxpayer-funded lobbyists roaming the Capitol as we speak.

I have no objection to groups petitioning our representatives, but that should be done at the lobbyist expense.

Regardless, the practice of government funding needs to be stopped.

For starters, we don't know what is really being spent by taxpayer funds to lobbying our legislature. It would be more than interesting to find out.

I urge you to support stopping my taxes to pay to lobbying for more spending, more taxes and pay to lobby against taxpayer protections that I support.

Richard Miller
4300 Cedar Ridge Drive
Manhattan, KS 66503
785-770-8598

House Elections & Gov. Org.
Date: 2-6-2007
Attachment # 8

SUBJECT: Statement by Dr. Paul E. Barkey

6 February 2006

TO: Kansas House Subcommittee on Elections and Government Organization

House Bill 2260 State-Funded Lobbyists

My name is Paul E. Barkey, and I am from Manhattan, Kansas. I am a retired Army Chaplain, and have been senior pastor of Ashland Community Church for the past twelve years. My comments are addressing House Bill 2260 which would authorize the use of tax dollars for State-Funded Lobbyists.

I believe that one of the problems with our current way of operating in this state is that it is based on a distortion of the Golden Rule. That distortion is that those who have the Gold Rule. Lobbyists become the collectors of the Gold, and the purveyors of influence with a price tag, in order to rule.

Jack Abramoff has become the poster child for all that is wrong with the system of influence peddling that we refer to as lobbying. The most egregious of his multiple violations was that he collected money from Native American tribes and used that money to buy influence. He even used it against the desires of the very people who were forking over the money.

Nearly two centuries ago, the Frenchman, Alexis de Tocqueville assessed with amazement the wondrous experiment of the Representative Republic which is America. He warned that there are two great threats to a democracy. The first is that people would discover that their vote was worth money, and inherently there is the potential for bribery, graft and political corruption, which is built into any system which courts votes as a stepping stone to power. The second great threat is that people might vote themselves largesse. Once people discover they could use the government to enrich themselves, the seed of democratic destruction would be sown.

We can now acknowledge a third threat and that is for the government to hire their own influence peddlers whose primary goal is to grow the size of the government. If those in the executive branch can hire (with taxpayers dollars) lobbyists to influence the legislature, who will speak for those who have no voice, or have no gold to buy influence?

There is but one safeguard against this pending destruction, and that is the rule of law. If those with the Gold would follow the true Golden Rule, and "Do unto others as you would have them do to you," we would have little to fear. St. Augustine argued that government is not so much a necessary evil, as it was an institution made necessary by evil. It is because of sin that that human government is necessary. The principal purpose of government is to restrain evil.

As he came to power, King Solomon's mother gave him this advice, "Speak up for those who cannot speak for themselves, for the rights of all who are destitute, speak up and judge fairly; defend the rights of the poor and needy." Proverbs 31:8-9

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BIOGRAPHICAL INFORMATION

Dr. Paul E. Barkey
2514 Nutmeg
Manhattan, KS 66502

Age 60 Birthdate 29 March 1946

Occupation:

Pastor, Ashland Community Church 10 years
Dairy Farmer Riley,KS 12 years
Premier Jersey Breeder 2003 Kansas State Fair
Retired Army Chaplain

• FAMILY

Married 38 years
Wife - Janet Ann Barkey
Bachelor of Music Colorado State University
Piano Teacher and Church Musician
Taught Music at schools in Colorado, Alaska, North Carolina and Kansas
Son - Aaron P. Barkey
34years old Graduated from Manhattan High in 1993
Cerebral Palsy, lives in a Big Lakes Development Center residence
Self Directed State Funded (HCBS) program in home with multiple staff 1990 - 2003

• EDUCATION

Bachelor of Science in Animal Science Colorado State University
Master of Divinity Denver Seminary
Master of Theology Fuller Seminary
Doctor of Theology of Missions Fuller Seminary
Master of Science in Ag Econ. at Kansas State University

• MILITARY

Distinguished Military Graduate ROTC Colorado Sate University
Retired Army Chaplain with 24 years of service Active and Reserve.
Nine years as Chaplain for Airborne, Rangers and Special Forces units
Four years as Instructor and Staff Chaplain at the John F. Kennedy Special Warfare Center
and School
Overseas Service in Korea, Germany, Alaska, Central America, Saudi Arabia, Iraq and Kuwait
Master Parachutist, and Jumpmaster with more than 100 military jumps
Combat Veteran
Disabled Veteran
Outstanding Young Men in America 1972

• LOCAL

Owned home in Northview area of Manhattan for fifteen years
Worked as Hospice Chaplain for Riley, Geary and Pottowatomie Counties for 5 years
Pastor at Ashland Community Church 7 years
Operated a Registered Jersey Dairy in Riley County for 12 years.
Premier Jersey Breeder 2003 Kansas State Fair Dairy Herdsman Award

• ORGANIZATIONS

Disabled American Veterans Riley County Farm Bureau
American Legion Veterans of Foreign Wars
82d Airborne Association Military Officers Association

Written
Only

Tessla Barnett
1001 N. Prospect
Liberal, Kansas 67901

Taxing the hard working self-employed is not smart. If the government will let up on the tax burden especially in this area of tax-payer lobbyists who don't 100% push what the majority want, then the government will regain our loyalty. Our family barely squeaks by with a net income of an average \$14,000 a year. My husband and I and 3 kids work extremely hard to make a nice profitable income for ourselves by retirement age and leave a nice inheritance for our children. If in the near future we still earn the same annually, we would be forced to place our burden on the government in the form of welfare, and a host of other free government programs that, by the way, don't promote hard work for a family income thus negatively affecting the economy.

The point is if the government will help small businesses, then the government will have less responsibility in governmental free programs such as welfare. One of the best ways to cut back is through tax-paying lobbyist. In other words, why should the hard working Kansans have to pay for my personal interests?

Tesla Barnett

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Attachment # 10

HB2260 - Prohibits the use of tax-payer funded lobbyists

1. Dear Chairman Burgess and Committee Members,

My name is Kim Borchers. I am a former corporate business woman now stay-at-home mom and when I have the free time, a citizen that spends a little time at the capitol lobbying legislators. I am submitting this testimony in support of HB2260. I think it is reasonable to look at the opponents of HB2260 to get a clear understanding of why such a piece of legislation is essential to protect the taxpayer.

The biggest opponents to this legislation- local governments, public sector unions and teachers unions - would have taxpayers believe that they only have the best interests of citizens in mind. In a political sleight of hand, public organizations that are supposed to represent and serve citizens' interests are instead dishing up their own desires to expand by means of the very dollars they are entrusted to use wisely. In reality, the organizations are looking out for the best interests of the bureaucracies they represent - bureaucracies that must consume hefty helpings of tax dollars if they hope to expand their reach through more employees, more programs and larger budgets. By spending - or contributing - tax dollars to stake out their point of view, these groups have severely distorted the democratic process that Americans have come to rely on.

The passage of this bill is the best way to ensure a level playing field for the average citizen who has had to battle against the fray of publicly funded lobbyists grasping for tax dollars. I would ask for your support of HB2260

Kim Borchers

5521 NW Timber Edge Dr

Topeka, Kansas

written only

February 2, 2007

The Honorable Mike Burgess
Chairman, House Committee on Elections and Governmental Operations

Mr. Chairman, Members of the Committee,

I submit this testimony in support of HB 2260. Thomas Jefferson counseled: "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical." HB2260 implements this counsel by preventing the use of tax dollars for lobbying.

I am a St. Marys city commissioner. Three of my fellow commissioners and I recently wrote to our state senator and state representative of our opposition to legislative positions taken by the League of Kansas Municipalities. While the League provides useful services to the city, it lobbies for the passage of measures that are an anathema to us and to many of our constituents.

We oppose the use of our tax dollars to lobby for legislation that diminishes the freedom of citizens. It is not proper to force citizens to pay taxes, then use those same tax dollars to advocate for matters that are not in the best interests of the citizens who paid the taxes, for laws that would further increase their tax burden and reduce their freedoms.

In our letter, we mentioned several specific League legislative policies that lead us to write the letter. First and foremost was the League's position on eminent domain. The League believes that cities should have broad powers to take private land based on an expansive definition of "public purposes." That the term "public purpose" itself is used by the League is an unconscionable morphing of the original basis for eminent domain, a taking of land for a "public use." Our freedoms are based on the ability to own and make use of private property, without the specter of government seizure looming over our heads. In the words of John Adams: "The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence." When government uses eminent domain to take land from one private owner to give to another private owner, it is an example of government-sanctioned plunder. It is not a legitimate government purpose to make market decisions. Doing so is a mark of socialism, far from the original intent of The Founders. In situations involving obvious dangers to human health and safety, government does not need eminent domain to rectify the problems. There are sufficient laws on the books to deal with such situations.

There are other League positions of similar import with which we disagree, including giving cities the ability to diminish Second Amendment rights, its opposition to taxing and spending limits, and its opposition to the sun-setting of exceptions to the Kansas Open Records Act. We do not want our tax dollars being used to lobby for positions which we cannot support.

Sincerely,

/s/

John D'Aloia Jr.

311 West Alma Street
St. Marys, Kansas 66536

785-437-3723

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written on

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

H.B. 2260

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

I support H.B. 2260. 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-taxpaying entities. 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 always taking 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 opposed by 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 consistently 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.

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- 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 usually oppose what individual citizens want: open government, lower taxes and individual liberty.

In other words, taxpayers generally pay 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."



League of Kansas Municipalities

To: Senate Elections and Local Government Committee
From: Don Moler, Executive Director
Re: Opposition to HB 2260
Date: February 6, 2007

First I would like to thank the Committee for allowing the League to testify today in opposition to HB 2260. While the bill appears to 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 our 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 HB 2260 outright. I will be happy to respond to any questions the Committee may have.

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KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY

**concerning
HB 2260**

Use of Public Funds for Lobbying

Presented by Randall Allen

**House Elections and Governmental Organization
Committee**

February 6, 2007

Chairman Burgess and members of the committee, my name is Randall Allen, Executive Director of the Kansas Association of Counties (KAC). I appreciate the opportunity to testify on behalf of the Kansas Association of Counties and our 99 member counties ***in opposition to*** HB 2260, forbidding counties from paying the cost of employing or contracting for the services of any person whose duty and responsibility is lobbying on behalf of such political or taxing subdivision.

We believe that HB 2260 is a violation of the First Amendment to the United States Constitution which says: "*Congress shall make no law respecting an establishment of religion or prohibiting the free speech thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*" Certainly, state and local governments are also constrained by the First Amendment of the U.S. Constitution.

HB 2260 is an attempt to silence those persons employed by a city or county or unified school district, or by the Kansas Association of Counties or League of Kansas Municipalities, who regularly communicate with legislators about the needs and priorities of local government. We are partners with the State in providing services to the *same population*. In the interest of maintaining and improving communication between and among various levels and jurisdictions of government, why would we not want to continue to communicate about issues and policies which affect every Kansan? What are we afraid of, except that what we as local government advocates say or write may run contrary to one or more special interest? This proposal is undemocratic and is designed to stifle public discourse on important issues. We urge the committee to kill this bill.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its members. Inquiries concerning this testimony can be directed to Randall Allen or Judy Moler at the KAC by calling (785) 272-2585.

300 SW 8th Avenue
3rd Floor
Topeka, KS 66603-3912
785•272•2585
Fax 785•272•3585

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KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti, Testimony
House Elections & Governmental Organization Committee
February 6, 2007

House Bill 2260

Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you today to share our thoughts on House Bill 2260.

We rise in opposition to this measure, not because we believe it would impact KNEA but rather because it is an unfair stifling of important voices in the legislative process.

Local governments have an important role to play in the lives of citizens. Often proposals come before this Legislature that have a negative impact on the governing ability of city and county commissions and school boards. You can take as an example the multitude of tax proposals that come up every year.

Every decision you make to limit or cap a property tax has an impact on the ability of local units of government to fund services. The business machinery and equipment provision you passed last year had an impact on local governments and you find yourselves this year addressing that impact.

Why would you suggest that those local units of government be stopped from using a portion of the taxes they collect to protect the interests of the citizens paying those taxes? City and County Commissioners, School Board members, all hold day jobs. They can't afford on their own to be in the capitol day after day.

House Bill 2260 is a fundamental stifling of democracy. Local taxpayers depend most directly on the decisions of their local units of government. It's their schools, their roads, their libraries, police and fire departments they have the most interest in and contact with. They expect their commissions and boards to advocate in the Legislature for their city, their county, and their school district.

We urge you to reject HB 2260.

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KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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

Testimony on **HB 2260**
before the
House Elections and Governmental Organization Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

February 6, 2007

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear in opposition to **HB 2260**. 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.

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 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 employee who express an opinion in support of or opposition to legislative or agency action.

Legislators and state agencies need and depend on both information and opinions from not only the public at large, but also from fellow elected and appointed public officials. Passage of this bill would not only impose a "gag rule" on public 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?

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.

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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.

I would stand for questions.



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

Testimony Before The
House Elections & Governmental Organization Committee
Regarding
House Bill 2260
Submitted by Erik Sartorius

February 6, 2007

The City of Overland Park appreciates the opportunity to appear before the committee and present testimony in opposition to House Bill 2260. 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.

House Bill 2260 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 and, in turn, our taxpayers, 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

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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 House Bill 2260.

Testimony on **HB 2260** before the
House Elections and Governmental Organization Committee

by

Sue Morgan, Board of Education President, USD 497
5701 Villa Drive, Lawrence, KS 66047, 785 749-3220; smorgan@usd497.org
February 6, 2007

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to address you today on behalf of USD 497, Lawrence Public Schools, in opposition to HB 2260.

My professional career areas have been public administration and church administration. In conjunction with my employment in these areas, and in my service as a local elected official for 8 years, I have participated in a number of leadership programs and training sessions that included introductions to the legislative process. The role of lobbying is usually discussed in such programs. I have heard from both legislators and lobbyists during these programs that legislators can't possibly be experts in all the areas in which they are called to legislate. For that reason, they depend on others, including lobbyists, to assist them in understanding all of the perspectives and appreciating all of the potential impacts that bills may have before they determine their vote. I believe most of us would agree that having complete information and varied opinions generally has a positive influence on the quality of decision-making. It is therefore difficult to see the value in restricting that flow of information in the way that this bill proposes.

Our district does not have a position designated as "Lobbyist" nor have we ever seriously considered such. However, the language in this bill is so broad that it greatly concerns us. We, like almost all school districts in Kansas, spend district funds for membership in the Kansas Association of School Boards. Services provided by that Association include advocacy and lobbying. Since paying our membership dues involves "expending ... funds to pay the cost of employing... person for services whose duties include lobbying on behalf of that subdivision" it would appear that such membership could be prohibited by this bill. In the job description for our Superintendent of Schools, we include advocacy as one of the assigned tasks and we expect this to encompass local advocacy with our constituents as well as advocacy with legislators on pending actions that would impact our ability to deliver educational and support services to our students. HB 2260 would preclude anyone paid by the district from "promoting or opposing in any manner action or non-action by the legislature on any legislative matter..." (language from 46-225 defining lobbying).

As an example, on our district payroll we are fortunate to have one of the most recognized experts in the state on special education. If the legislature were considering special education legislative changes, this bill would prohibit that individual from "promoting or opposing in any manner" proposed legislative changes. We fail to see how restricting the individuals who are arguably the most knowledgeable about education and schools, from promoting or opposing legislation that effects education, serves the interests of the public or the students of our state. It would seem to deny equal representation for one perspective on an issue while allowing unlimited input from all other perspectives. The argument could be made that these individuals would still be free to "inform and educate," just not "promote or oppose." We would submit that this is a very slippery slope! If the information given is perceived to be at all one-sided or biased in any way, it is sure to be construed by some to constitute promotion or opposition. And why, when all other parties are permitted to promote or oppose, should school districts or other municipalities be denied this opportunity?

The broad provisions of this bill appear to include some elected officials as well. As a school board member I receive no compensation and, therefore, would not be covered by the bill. However, our

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city and county commissioners are paid a modest salary for serving. Since their political subdivisions are expending funds to pay them, it would appear that their ability to promote or oppose legislative actions could also be prohibited by this bill. Surely the perspectives and experiences of local officials deserve to be heard by state legislators, especially those in their local delegations.

An open flow of information is a basic tenet of democracy. If the real matter at issue here is controlling how local public funds are expended, we respectfully submit that HB 2260 is not an appropriate means to this end. We believe that accountability for local expenditures already exists with local constituents who can hold their school board members and other elected officials responsible when voters go to the polls. In any case, the provisions of HB 2260 silence too many voices that need to be heard as the legislative process unfolds and legislators form their opinions and make their decisions on our behalf.

I appreciate the opportunity to speak to you today and thank you for your consideration.



Olathe School District
Testimony provided by Dr. Gary George
February 6, 2007

Regarding House Bill 2260

My name is Gary George and I am an assistant superintendent in the Olathe School District. Thank you for allowing me to testify on House Bill 2260, a bill that prevents the use of public funds for lobbying by school districts and local units of government.

The Olathe School District is opposed to this bill. Our board of education is concerned about the ongoing erosion of local control and has adopted a position on this issue. This bill would restrict our board's right to employ an individual, or assign a staff member, to communicate district needs and/or concerns about pending legislation with our legislators.

The Olathe School District has not abused its right to lobby. We make periodic trips to Topeka to address legislative issues and speak with legislators when they are in their home communities. If there were widespread abuse of lobbying by local units of government, we might be more understanding of House Bill 2260. However, such abuse is not the case.

Further, we find it inconsistent that this bill prohibits units of local government from lobbying for their interests but does not prohibit lobbying the United States Congress or federal agencies to meet the interests and concerns of the state.

In summary, we believe House Bill 2260 amounts to further erosion of local control by restricting our ability to communicate with the Legislature. We would recommend that this bill not be advanced.



COUNTY MANAGER'S OFFICE

Sedgwick County Courthouse
525 N. Main, Suite 343
Wichita, KS 67203
Phone (316) 660-9393
Fax (316) 383-7946
aschlapp@sedgwick.gov

Andrew J. Schlapp
Director, Government Relations

TESTIMONY HB 2260

Elections and Governmental Organizations
February 6, 2007

Chairman Burgess and members of the committee. Thank you for the opportunity to offer written testimony in opposition to HB 2260.

This bill would make it a crime for a county to employ someone to lobby for or against legislation in Topeka. Sedgwick County believes that we offer a valuable service to legislators seeking information on the impact of legislation on the citizens of our county. These citizens are the same voters that elected you to office and would want you to have all of the pertinent information that you need at your fingertips to make sound and proper decisions. Most government lobbyists do not have the resources or ability to influence legislators in the same manner as private lobbyists—nor probably should they. But we feel that we offer a valuable service in helping you do your jobs in a more efficient and educated manner. Sedgwick County prides itself in offering accurate and timely information to assist you in making informed decisions. We also value the input we receive from you, our state elected officials, regarding issues of local governance. We hope that this vital relationship will continue to the benefit of both of our constituencies.

For the above reasons I do not believe that the intention of HB 2260 serves a worthy goal and that this committee should oppose this legislation and allow us to continue working together for the benefit of the citizens of Sedgwick County.

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