

## MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfried at 1:30 P.M. on March 22, 2007 in Room 313-S of the Capitol.

All members were present except:

Representative Forrest Knox- excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mike Heim, Revisor of Statutes Office  
Carol Doel, Committee Assistant

Conferees:

John Lewis - Lenexa, Kansas  
Doug Anstaett - Kansas Press Association  
Trent Sebits - Americans for Prosperity  
Harriet Lange - Kansas Association of Broadcasters  
Randall Allen - Association of Counties  
Kim Winn - League of Kansas Municipalities  
Dale Goter - City of Wichita  
Karl Peterjohn - Kansas Taxpayers Network

Others attending:

See attached list

The Chair opened the floor for introduction of bills, hearing none, the meeting was opened for public hearing on **HB 2553** - Governmental entity lobbyists; special reporting requirements.

John Lewis, citizen of Lenexa, Kansas appeared before the Committee to deliver testimony supporting **HB 2553**. Mr. Lewis stated that he can think of no greater misuse of taxpayer dollars than their use by one unit of government to lobby another unit of government. Therefore, he feels that the way this money is used should be available to the tax paying public. (Attachment 1)

Doug Anstaett, Executive Director, Kansas Press Association, supports **HB 2553** voicing the opinion that the Association was arguing about whether it was right or wrong for some units of government to lobby other units of government, but he wished to argue that those expenditures should be more transparent and certainly easier to track when they come from the taxpayers of Kansas. (Attachment 2)

Americans for Prosperity was represented by Trent Sebits, Policy Director, to present their support for **HB 2553**. Mr. Sebits related that this bill will help shine a light on just how much money government entities are funneling to organizations whose mission is to hire a lobbyist, but avoids having that lobbyist be an employee or even under contract by that government entity. (Attachment 3)

Harriet Lange, President, Kansas Association of Broadcasters, provided testimony supporting **HB 2553** stating that if the bill is enacted, it will make it easier for the public to access information about the amount of tax dollars being spent to influence legislation. (Attachment 4)

Karl Peterjohn, Kansas Taxpayers Network, came before the Committee to provide support to **HB 2553**. Mr. Peterjohn opined that the bill would expand reporting requirements for taxpayer funded lobbyists in Kansas which is a reform that is much needed and long overdue. (Attachment 5)

Executive Director, Kansas Association of Counties, Randall Allen, related that they are neutral to **HB 2553**. It is their opinion that because they are already subject to the Kansas Open Records Act, that the additional reporting required by the bill is unnecessary. (Attachment 6)

Kim Winn, Director of Policy Development and Communications, League of Kansas Municipalities, stated that they are not opposed to **HB 2553**, however, they have two specific concerns about the current language.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 22, 2007 in Room 313-S of the Capitol.

They submitted an amendment for a change of language. (Attachment 7)

Dale Goter, City of Wichita, spoke in opposition to **HB 2553** stating that he sees both sides of the situation and with salaries, expenses and such already a matter of public record, he feels that the bill is unnecessary. (No Written Testimony)

With no other person wishing to speak to **HB 2553**, the Chair closed the hearing.

The Chairman opened the floor for consideration of **HB 2367** -Public benefits; illegal aliens denied certain state and local benefits.

Representative Kinzer moved language in lines 34 through 36 of **HB 2367** be stricken and replaced with "lawful presence in the United States as provided in 8 U.S.C.A. 1101 et seq." Representative Olson made a second to the motion.

Representative Mah made a substitute motion to remove the language from **HB 2367** and insert it into **HB 2163** with a second by Representative McCray-Miller. Motion failed.

Returning to the Kinzer amendment on **HB 2367**, vote was taken, motion passed.

The Chair offered an amendment that reflects the employers' requirement of the Federal Law. Representative Huebert made a second to the motion. Motion passed.

Representative Swenson made a motion to strike section (d) from **HB 2367**. Representative McCray-Miller seconded the motion. Motion failed.

Representative Dillmore moved that sections 1 through 5 of **HB 2163** be amended into **HB 2367**. Representative Swenson made a second to the motion. Motion passed.

Representative Kinzer made a motion to move **HB 2367** as amended favorable for passage with a second from Representative Morrison. Motion passed.

The following representatives wished to be recorded as voting no.

Representative Ruiz  
Representative Faust-Goudeau  
Representative Henderson  
Representative Loganbill  
Representative Hawk  
Representative McCray-Miller

Chairman Siegfried opened the floor for consideration of **HB 2412** - Driver's license penalties related to minors' access to alcohol.

Representative Kinzer presented a balloon for **HB 2412** which would change the 180 days throughout the bill to 30 days and add (3) *The provisions of subsections (1) and (2) shall not apply to a business or entity licensed pursuant to chapter 41, of the Kansas Statutes Annotated, the licensee or an employee or agent of the business or entity acting within the normal course and scope of such person's duties and employment* after line 38 page 5. The same language would be added to page 6 after line 39. On page 7, after line 16 would be added the language (d) *When a person under age 18 is cited or arrested for a violation of this section, the law enforcement agency employing the arresting officer shall make a reasonable attempt to notify such person's custodial parent or guardian of the citation or arrest.* Page 8 would have a new section 6. (Attachment 8)

Representative Dillmore moved that **HB 2412** be moved as amended favorable for passage. Representative Ruiz seconded the bill. Motion passed.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 22, 2007 in Room 313-S of the Capitol.

Chairman Siegfroid opened the floor for consideration on **SB 152**.

*Representative Brown offered an amendment to **SB 152** that all darkened language in the bill be deleted which will return the bill to where it is handled like a vacancy of a U.S. Representative.*

*( Attachment 9) Representative Huebert made a second to the motion. Motion passed.*

*Representative Carlson moved an amendment to **SB 152** to remove line 28 page 2 and add "the ballot shall indicate that the person elected at such election shall serve until a successor is elected and qualified at the next primary and general election for United States Representative" with a second by Representative Brown. Motion passed.*

*Representative Brown moved **SB 152** be moved favorable for passage as amended with a second by Representative Morrison. Motion passed.*

The Chairman opened the floor for consideration of **HB 2299**.

*Representative Kinzer made a motion to pass **HB 2299** favorable for passage. Representative Olson made a second.*

*Representative Loganbill made a substitute motion to **HB 2299** to establish a state wide domestic registry to be known as the Kansas Domestic Partnership Registry. All domestic partnerships occurring with the state shall be registered under the supervision of the Secretary of Health and Environment as provided in K.S.A. 65-102. Representative Swenson seconded the motion. Motion failed.*

*Returning to the bill and the motion by Representative Kinzer to pass **HB 2299** favorable for passage and with a second by Representative Olson a vote was taken and motion passed.*

Chairman Siegfroid entertained a motion to approve the minutes from March 19<sup>th</sup>.

*Representative Ruiz moved the minutes with a second by Representative Olson. Motion passed.*

With no further business before the Committee, the meeting was adjourned.

# FEDERAL AND STATE AFFAIRS

## GUEST LIST

Date 3-22-07

Tim Yonally	KEC
Phil Bradley	KLBA
Randall Allen	Ks. Asso. of Counties
Tom Day	KCC
David Shuman	KASB
White, Simon	DISCUS
Chip Wheeler	KSAE
Theresa Banzet	Kansas Cath. Conf.
Beatrice Anson	Ks. Catholic Conf.
Paul Johnson	" " "
Chie Reeves	K. Liedtke Assoc.
Walter Korman	
Jeff Bohly	KSA
Cynthia Treadwell	KDHC
Karen Borne	JHA LLC
Kathleen G.	KCAAC & RBWA
Phyllis Gray	KABR
Garden City Upward Bound	25 people
Garden City Educational Talent Search	
Wendy Sue Smith	KMNA
Chris Wilson	KBIA
Eric Stafford	AGC of KS

Testimony of John Lewis  
20605 W. 96<sup>th</sup> St., Lenexa, KS 66220

H.B. 2553

*"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. Therefore, at the very least, how this money is used should be information that is available to the taxpaying public.

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 of 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. Using tax dollars to advocate for local government entities is, remarkably, 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 many times 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.
- 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.

FEDERAL AND STATE AFFAIRS

Date 3-22-07

Attachment 1

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 are, indeed, taxation without representation for the person who paid the taxes. And it's representation without taxation for the local governments, because local governments do not, themselves, pay 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."

At the very least, the amount of tax money that is being used to increase the power and influence of government in Kansas should be a matter of public record.



## **Kansas Press Association, Inc.**

*Dedicated to serving and advancing the interests of Kansas newspapers*

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

March 22, 2007

To: Rep. Arlen Siegfried, chairman of the Senate Federal and State Affairs Committee, and committee members

From: Doug Anstaett, executive director, Kansas Press Association

Re: Transparency and taxpayer-funded lobbying

Thank you, Mr. Chairman, and members of the committee, for allowing the Kansas Press Association to address the issue of taxpayer-funded lobbying in Kansas.

Earlier this year, the Topeka Capital-Journal and the organization called Schools for Fair Funding came to an out-of-court settlement in the newspaper's lawsuit. In that settlement, SFFF agreed to abide by both the Kansas Open Records Act and the Kansas Open Meetings Act.

Had SFFF gotten its way, however, the records of \$3.2 million in taxpayer-funded expenditures would have remained locked away from public scrutiny — as they had for seven years — and the public might never have known how much money was spent on attorneys' fees, lobbying efforts and other activities to influence the way we fund our public schools in Kansas. SFFF is a prime example of why there should be more transparency in how taxpayers' money is spent.

The Kansas Press Association is not here to argue whether it is right or wrong for some units of government to lobby other units of government, although there is considerable room for debate on that subject. We are here to argue that those expenditures should be more transparent and certainly easier to track when they come from the taxpayers of Kansas.

How big is the bill that is paid by the cities, counties, school districts, Regents' institutions, county hospitals, townships, state agencies — the list goes on and on — on efforts to influence the Kansas Legislature? We don't know.

If we are to get a handle on how much is being spent by those units of government, the way we report such expenditures has got to change. It is simply too difficult for the average citizen, the average newspaper or the typical broadcast station in Kansas to separate the wheat from the chaff as they sift through the records of various governmental entities. There are just too many of them, or they are simply too difficult to extrapolate from most financial records. These units of government most likely will argue that the information is there already; all citizens or the press have to do is ask for it. I wish it were that simple.

The Kansas Press Association thinks the people of Kansas have a right to this information in a form that is easily attainable and understandable. It should be a public record that is required to be produced each and every year.

FEDERAL AND STATE AFFAIRS

Date 3-22-07

Attachment 2



**Testimony for HB 2553  
Government Lobbyist Reporting**

Americans for Prosperity stands in support of HB 2553.

Kansas citizens should know how much their employees are making. A public employee or a firm or individual employed by public dollars is just that, an employee of our citizens since it is they who are paying their salary. This is especially true when it comes to lobbying. Lobbyists are in the business of steering public policy and their efforts affect each of our citizen's lives on a daily basis. From the amount of taxes they pay to whether they can gamble to health care and education issues, lobbyists are constantly advocating changes to public policy.

Having an open system where media, taxpayers and taxpayer watchdog groups have access to what government agencies are paying for lobbying serves the public's good and its right to know. Shareholders of a company would expect to know what they are paying their government affairs lobbyist and therefore citizen shareholders should expect nothing less.

There are those who believe there exists a vicious cycle, a link between government lobbying that begets more government spending and more government spending that begets more government lobbying. Bringing as much public exposure to the amount governments are paying for lobbying should aid the media and others in better understanding this possible link. Is it a system that ends up feeding itself for the sake of feeding itself or is the true public interest being served by employing large numbers of government lobbyist? I believe this bill is a first start in beginning to better understand this possible connection.

While it is true that the salary of an employee of a government entity is publicly available, accessing this information requires inquiry into each government entity separately. This bill, by putting the requirement on the government entity that employs the lobbying, enables the Secretary of States office to be the central gathering point for this information within a system that already has a lobbyist reporting function.

However, the larger benefit to this bill is when multiple government entities pool their money to create a stand-alone organization that then hires a lobbyist. Following the money, in this case is difficult or next to impossible, especially for your average citizen. This bill will help shine a light on just how much money government entities are funneling to organizations whose mission is to hire a lobbyist, but avoids having that lobbyist be an employee or even under contract by that government entity.

Trent Sebitts  
Policy Director  
Americans for Prosperity -Kansas

FEDERAL AND STATE AFFAIRS

Date 3-22-07

Attachment 3





2709 SW 29<sup>th</sup> St, Topeka KS 66614  
TEL (785) 235-1307 FAX (785) 233-3052  
e-mail: [harriet@kab.net](mailto:harriet@kab.net) web site: [www.kab.net](http://www.kab.net)

March 22, 2007  
Testimony - HB 2553  
House Committee on Federal and State Affairs  
By Harriet Lange, President, Kansas Association of Broadcasters

Mr. Chairman, Members of the Committee, I am Harriet Lange with the Kansas Association of Broadcasters. KAB serves a membership of radio and television broadcast stations which serve Kansas. We appreciate the opportunity to appear before you today in support of HB 2553.

If enacted, HB 2553 will make it easier for the public to access information about the amount of tax dollars being spent to influence legislation. Although much of the information sought in the bill is available to the public, it currently is not available in one central location and is sometimes difficult to access.

Many times influence by government lobbyists will result in tax increases, failure to enact tax cuts, or in limiting the public's access to information. I'm not here to argue their right to have their views heard, but to urge you to make more transparent the amount of tax money government entities are spending to influence legislation.

A recent example of government lobbyists attempt to influence tax policy is the opposition to the repeal or phase out of the franchise tax. Conferees appearing before the House Taxation Committee in opposition to this important initiative for Kansas business were government, tax-supported lobbyists.

In regard to limiting access to public records and public meetings, Kansas statutes provide for more than 250 exceptions to public records held by government entities. There are 14 exceptions to Kansas Open Meetings Act (KOMA) – 14 different instances in which a public body may meet in secret. We agree that many of these exceptions to Kansas open records and open meetings are appropriate. But attempts to make public officials more accountable, for example, through taping of executive sessions, or required training of public officials in the application of KORA and KOMA, are consistently met with opposition by tax-supported lobbyists.

Again, we are not here to oppose government entities making their views known to the Legislature, but it is our belief that the public should have easy access to information about the amount of tax money government entities spend to influence legislation. We urge your favorable consideration of HB 2553. Thank you for your attention and consideration.

FEDERAL AND STATE AFFAIRS

Date 3-22-07

Attachment 4

**KANSAS TAXPAYERS NETWORK**

P.O. Box 20050  
Wichita, KS 67208

www.kansastaxpayers.com

Testimony Supporting H.B. 2553  
Karl Peterjohn, Exec. Dir.

H.B. 2553 would expand reporting requirements for taxpayer funded lobbyists in Kansas. This is a reform that is much needed and long overdue. There are a large number of taxpayer funded lobbyists in Kansas.

Some tax funded lobbyists work directly for a governmental body while some are contract lobbyists hired by a local unit. In addition, there are governmental associations and these groups have lobbyists. Most taxpayers do not know about the role and the amount of tax funds used to lobby legislators. Today, I cannot provide an exact figure on the amount of tax funds being spent.

There should be full disclosure so taxpayers can find out how much tax money is being spent and what positions are being taken by these governmental bodies. I have seen tax funded lobbyists play a major role in the legislative process. Let me begin with this significant example during the 14 years I've been lobbying for Kansas taxpayers: The taxpayer funded local government lobby succeeded in eliminating the statutory property tax lid in the late 1990's.

Another example is local government lobbies for cities that have regularly succeeded in adding non uniform provisions in Kansas. Once a non uniform provision is added to Kansas law the cities are able to "opt out" using their home rule powers. Last year this home rule situation had tax funded lobbyists succeed in generating a massive increase in local sales tax authority.

How much tax money was spent for this one effort? I don't believe there is any way that even the most adept expert in governmental spending and budgets could identify the amount of tax funds spent for this successful lobbying campaign. H.B. 2553 would simply provide a reporting provision that would provide disclosure concerning this expenditure of tax funds.

The Kansas taxpayers who help fund KTN are concerned about the growing role of tax funds to finance lobbying, to finance lawsuits, and to use tax funds to leverage power in the political process. This is not an issue limited to the state. Tax funded governmental bodies are not bound by many of the lobbying requirements in Washington. While federal lobbying is outside the scope of state law, it is important for legislators to look at the role of tax funded lobbying.

As a taxpayer I am distressed to see a portion of my hard earned tax dollars spent for lobbying on a variety of issues that are antithetical to my beliefs and values. This is a definition of tyranny. H.B. 2553 would not stop this tax funded lobbying but would at least allow a way to identify the amounts being spent.

FEDERAL AND STATE AFFAIRS

Date 3-22-07

Attachment 5



**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

**Testimony**

concerning House Bill No. 2553

**Re: Governmental entity lobbyists; special reporting requirements**

House Federal and State Affairs Committee

Submitted by Randall Allen, Executive Director

Kansas Association of Counties

March 22, 2007

Chairperson Siegfried and members of the committee, thank you for the opportunity to submit testimony concerning HB 2553 on behalf of the Kansas Association of Counties and its 99 member counties.

Kansas State Statute §19-2690 created the Kansas Association of Counties and designated it an "instrumentality of the member counties of the association." We are subject to the Kansas Open Records Act, and as such the compensation of our two registered lobbyists is already open to the public. For the record, my annual salary is \$88,500 and the salary of our Legislative Services Director/General Counsel is \$68,700. I want to point out, however, that lobbying is only a portion of our duties as two registered lobbyists employed by the Kansas Association of Counties. Therefore, simply looking at the compensation of Ms. Moler and me would not be an accurate reflection of how much is spent on lobbying on behalf of the members of our organization. Because we are already subject to the Kansas Open Records Act, we feel that the additional reporting required by this bill, especially for an organization such as ours which is recognized in Kansas law and subject to the Kansas Open Records Act, is unnecessary.

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 member counties. Inquiries concerning this testimony should be directed to Randall Allen or Judy Moler by calling (785) 272-2585.

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3rd Floor  
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785•272•2585  
Fax 785•272•3585

FEDERAL AND STATE AFFAIRS

Date 3-22-07

Attachment 6

book prepared by the county clerk and enter a record of its findings and sign a certificate of the board's approval with reference thereto in the inventory record book prepared by the county clerk. The board of county commissioners may delegate the performance of the above duties, and the county commissioners or their delegate may perform such duties at any time during the year following the filing of such inventories. Thereafter, there shall be added to such inventory a description of the same kind and character of every article of personal property purchased or sold by said county, which addition shall show the date of the acquisition or sale of all such personal property.

**History:** L. 1975, ch. 166, § 1; July 1.

**19-2688. Same; action to recover.** Whenever any personal property referred to in K.S.A. 19-2687 shall be claimed by any person or persons, the county attorney or district attorney of said county shall investigate such claim and, if satisfied that said property is being claimed without legal right, shall commence an action in the proper court for the purpose of obtaining possession of said property in behalf of such county or for the value thereof.

**History:** L. 1975, ch. 166, § 2; July 1.

**19-2689. Kansas association of counties; participating employer in KPERS.** (a) From and after January 1, 1976, the Kansas association of counties shall be a participating employer in the Kansas public employees retirement system for all purposes under said system.

(b) Within thirty-five (35) days after the effective date of this act, the Kansas association of counties shall pay to said system an amount equal to the total of: (1) All employer contributions payable from January 1, 1976, to the date of payment at the applicable rate of contribution fixed pursuant to K.S.A. 74-4920, and any amendments thereto; and (2) all employee contributions payable from January 1, 1976, to the date of payment at the rate of contribution fixed by K.S.A. 74-4919, and any amendments thereto.

(c) Subject to the provisions of K.S.A. 74-4901 *et seq.*, and all acts amendatory thereof and supplemental thereto, all rights and benefits of membership including group insurance and participating service credit shall accrue to each individual who is an employee of the Kansas association of counties from January 1, 1976.

**History:** L. 1976, ch. 328, § 1; April 5.

**Attorney General's Opinions:**

Kansas association of counties; definitions; municipality; cash-basis law; public agency; open records act. 95-67.

**19-2690. Same; instrumentality of member counties; powers; liability of members; disposition of property if dissolved.** From and after January 1, 1976, the Kansas association of counties is hereby constituted an instrumentality of the member counties of the association. The member counties of the Kansas association of counties acting by and through such instrumentality and in its name shall have power to purchase, or to receive by gift, devise or bequest, and to hold real and personal property; to sell and convey any such real or personal property; to make contracts; to have and use a seal for such instrumentality; to sue and be sued in the name of such instrumentality in relation to its property and affairs; and to do all other acts necessary to the exercise of the functions of such instrumentality, except that the payments of the current annual membership dues and subscriptions of each such member county shall be the limit of liability of such member county for the acts and obligations of said instrumentality. In the event the Kansas association of counties is dissolved or otherwise terminated all of its files, records, assets and property whatsoever, shall be delivered to the secretary of state to be held in custody for the counties of this state.

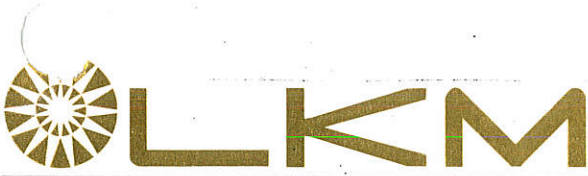
**History:** L. 1976, ch. 328, § 2; April 5.

**Attorney General's Opinions:**

County commissioners; expending public funds for lobbying; public purpose. 81-208.

Kansas association of counties; definitions; municipality; cash-basis law; public agency; open records act. 95-67.

**19-2691. Coliseum events fund in certain counties; payment of expenses of shows or events.** The board of county commissioners of any county having a population of more than three hundred thousand may establish and maintain, in a bank located in such county, not to exceed ten thousand dollars in an imprest fund, known as the coliseum events fund, from which the expenses of operation and promotion of events held in a county coliseum may be paid. The coliseum director of any such county shall have authority to pay moneys from such fund for expenses incidental to shows or events promoted in the coliseum, by check drawn on the fund and signed by the coliseum director. All receipts from events and shows held in the coliseum, after the payment of expenses, shall be deposited in the fund, and the



League of Kansas Municipalities

To: House Committee on Federal and State Affairs  
From: Kimberly Winn, Director of Policy Development & Communications  
Date: March 21, 2007  
Re: Amendments to HB 2553

On behalf of the 576 member cities of the League of Kansas Municipalities (LKM), thank you for the opportunity to offer our comments with regard to HB 2553. LKM is a strong supporter of openness in government and for this reason, we are not opposed to the concept identified in HB 2553. However, we have two specific concerns about the current language of the bill and we are offering amendments to address these concerns.

- **Differential Treatment for Public Interest Lobbyists.** LKM does not oppose the disclosure of information regarding the compensation of lobbyists. However, we believe that it is inappropriate to separate public interest lobbyists from other lobbyists. We are concerned that this distinction will send the message that it is acceptable for private business to come to the Legislature year after year to ask for tax breaks to help them be more profitable, but it is not acceptable for one level of government to communicate with another level of government about how particular policies affect their community. If there is value in knowing how much money is spent on salaries and reimbursements for those who are attempting to influence the Legislature, then there is value in having this information for all lobbyists.
- **Tell the Whole Story.** If we are going to produce such information regarding the salaries of lobbyists, then it is important that we make certain that we do not mislead the public by failing to tell the entire story. "Lobbying" is but one of the many responsibilities of most of us who serve in the public sector. For example, in a work year with 2080 work hours, we estimate that only 10% of the time of lobbyists employed by LKM is dedicated to lobbying duties. Throughout the entire year we answer approximately 6,000 legal questions for cities, conduct trainings for municipal officials, produce numerous publications, and perform a variety of other duties in service to our member cities. We believe that the lobbying reports contemplated by HB 2553 should reflect the portion of the salaries and reimbursements which is attributable to lobbying. Otherwise, the reports would inaccurately inflate amounts spent by entities on lobbying efforts and would, therefore, be misleading to the public.

The attached balloon includes language to address both of these concerns. In conclusion, we support the concept of disclosure that is set out in HB 2553 so long as it is implemented in a fair manner that provides accurate information to the public. We believe that HB 2553 should be amended to apply to all lobbyists and should include only the compensation that is actually attributable to lobbying efforts.

Thank you in advance for consideration of our testimony. I would be happy to stand for questions at the appropriate time.

HOUSE BILL No. 2553

By Committee on Federal and State Affairs

2-22

AN ACT concerning lobbying; amending K.S.A. 46-268 and repealing the existing section.

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

Section 1. K.S.A. 46-268 is hereby amended to read as follows: 46-

268. (a) Except as otherwise provided in subsection (b), every lobbyist shall file with the secretary of state a report of employment and expenditures on a form and in the manner prescribed and provided by the commission.

A report shall be filed on or before the 10th day of the months of February, March, April, May, September and January. Reports shall include all expenditures which are required to be reported under K.S.A. 46-269, and amendments thereto, or a statement that no expenditures in excess of \$100 were made for such purposes, during the preceding calendar month or months since the period for which the last report was filed.

(b) For any calendar year in which a lobbyist expects to expend an aggregate amount of less than \$100 for lobbying in each reporting period, a lobbyist shall file an affidavit of such intent with the secretary of state. Such lobbyist shall not be required to file the reports required under subsection (a) for the year for which such affidavit is filed but shall file a report on or before January 10, which shall include all expenditures made in the preceding calendar year which are required to be reported under K.S.A. 46-269, and amendments thereto. If in any reporting period a lobbyist filing such affidavit expends in excess of \$100 in reportable expenses, a report shall be filed for such period in the manner prescribed by subsection (a).

(c) ~~Every lobbyist employed by or lobbying on behalf of any government entity and every lobbyist employed by or lobbying on behalf of any association of government entities shall file with the secretary of state a report of compensation and reimbursement which states in exact amounts the amount of compensation and reimbursement received by the lobbyist which is attributable to lobbying from the government entity or association of government entities that compensates, reimburses, retains or employs the lobbyist or for whose benefit another entity compensates, reimburses, retains or employs the lobbyist.~~

~~(d) As used in this section, the following terms shall mean:~~

~~(1) "Government entity" means any political subdivision of the state of Kansas, which includes, but is not limited to, any subdivision, agency or other entity with delegated authority under the executive, legislative or judicial branches of the government of the state of Kansas; any municipal or county government; and any school district or junior college district.~~

~~(2) "Association of government entities" means any entity having one or more government entities as a dues paying member or any entity otherwise receiving funds for the purpose of lobbying from one or more government entities.~~

(e) The reports required by subsection (c) shall be in addition to the reports required under subsection (a) and shall be made at the same times required under subsection (a) and shall be made in the manner prescribed and provided by the commission. The secretary of state shall make the reports required under subsection (c) available to the public in the same manner as reports filed under subsection (a).

Sec. 2. K.S.A. 46-268 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

New Sec. 6. (a) Any licensed retailer, club, drinking establishment or caterer or a person who holds a temporary permit may bring a civil action against any person who is 18 years of age or older or emancipated minor, or a person having legal custody of an unemancipated minor who violates provisions of K.S.A. 2006 Supp. 41-727, and amendments thereto. If the person is found to have violated provisions of K.S.A. 2006 Supp. 41-727, and amendments thereto, such person shall be liable for a \$1,000 civil fine and for payment of all costs and attorneys fees of the licensed retailer, club, drinking establishment or caterer or person who holds a temporary permit.

(b) No licensed retailer, club, drinking establishment or caterer or a person who holds a temporary permit may bring a civil action as provided in subsection (a) unless such person used reasonable diligence to comply with the provisions of K.S.A. 2006 Supp. 41-727, and amendments thereto.



# Substitute for SENATE BILL No. 152

By Senator Pyle

2-19

10 AN ACT concerning elections ~~[filling vacancies in certain elected of~~  
 11 ~~ices]~~ pertaining to vacancy in the position of United States senator;  
 12 ~~[pertaining to the office of commissioner of insurance; pertaining~~  
 13 ~~to the office of state treasurer;]~~ amending K.S.A. 25-318 ~~[25-101b,~~  
 14 ~~25-318 and 40-106]~~ and repealing the existing section ~~[sections]~~ elections  
 15 25-318  
 16 section

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

17 New Section 1. Whenever any vacancy shall occur in the office of  
 18 United States senator from this state, leaving an unexpired term, an elec-  
 19 tion shall be held in accordance with this act. Not later than five days  
 20 after any such vacancy occurs, the governor shall proclaim the date of  
 21 such election in accordance with the provisions of this act.

22 New Sec. 2. Except as is otherwise provided in this act, the governor  
 23 shall proclaim the date of any election held under this act to be a day not  
 24 less than 45 days nor more than 60 days after such proclamation is issued.  
 25 Such proclamation shall be made in writing, signed by the governor and  
 26 delivered to the secretary of state. Thereupon the secretary of state shall  
 27 promptly cause such proclamation to be published in the Kansas register,  
 28 and a copy thereof shall be transmitted by the secretary to the chairperson  
 29 of all state political parties authorized to hold statewide conventions under  
 30 the provisions of section 4 and amendments thereto.

31 New Sec. 3. (a) In the event that any vacancy occurs to which this  
 32 act applies, and such occurrence is not more than 90 days and not less  
 33 than 30 days before any primary election of state officers, the election  
 34 provided for in this act shall be held on the same date as the primary  
 35 election of state officers.

36 (b) In the event that any vacancy occurs to which this act applies, and  
 37 such occurrence is not more than 90 days and not less than 30 days before  
 38 any regular primary or general election of city and school officers occur-  
 39 ring in an odd-numbered year, the election provided for in this act shall  
 40 be held within such 90 days and on the same date as such primary or  
 41 general election.

42 New Sec. 4. Whenever a vacancy has occurred in the office of United  
 43 States senator and is to be filled, a statewide convention of each political

1 party whose candidate for governor received not less than 5% of the votes  
 2 cast at the next preceding election of the governor shall be called by the  
 3 state chairperson of the party, or if there is no state chairperson, by the  
 4 party's candidate for governor at the next preceding general election.  
 5 Such convention shall be called for a date not less than 25 days after the  
 6 proclamation of election is issued by the governor in the cases to which  
 7 section 3, and amendments thereto, does not apply, and within 15 days  
 8 in cases to which subsection (a) or (b) of section 3, and amendments  
 9 thereto, apply. In accordance with the rules of the statewide party and  
 10 the provisions of this act, each such statewide convention shall nominate  
 11 a candidate to fill the vacancy which has occurred and shall file a certifi-  
 12 cate of the nomination so made with the secretary of state immediately.  
 13 Every such certificate shall be signed by the presiding officer and sec-  
 14 retary of the convention making such nomination. Independent candi-  
 15 dates may be nominated by petition of registered voters of the state equal  
 16 in number to 4% of the number of qualified voters of the state. Any such  
 17 petition shall be filed with the secretary of state not later than the time  
 18 for state party convention certificates to be filed. No candidate shall be  
 19 nominated to fill such vacancy by any means other than provided by this  
 20 section.

21 New Sec. 5. The secretary of state shall furnish to each county elec-  
 22 tion officer, the form for the ballot to be used at the election. The ballot  
 23 shall contain the names of the candidates and their political parties or  
 24 designations, and these shall appear upon the ballot in substantially the  
 25 same form as is provided by K.S.A. 25-616, and amendments thereto, and  
 26 the provisions of such statute shall apply to ballots used at such election  
 27 to the extent that the same are consistent with the provisions of this act.

28 ~~The ballot shall indicate that the vote is for the unexpired term.~~ *Strike*  
 29 New Sec. 6. Elections held under the provisions of this act shall be  
 30 conducted by county election officers. Laws relating to registration of  
 31 voters shall apply to such election. ***[The state shall reimburse each***  
 32 ***county for the expenses incurred when conducting any election held***  
 33 ***pursuant to this act.]***

34 New Sec. 7. In all other cases to which this act applies, intermediate  
 35 canvass of the election shall be made by the county boards of canvassers  
 36 at 10 a.m. on the second day following the election, unless such day is a  
 37 Sunday or holiday, in which case such canvass shall be on the next fol-  
 38 lowing day which is not a Sunday or holiday. County election officers shall  
 39 dispatch the abstract of the intermediate canvass to the secretary of state  
 40 immediately upon completion of the canvass by the board of county can-  
 41 vassers. The state board of canvassers shall meet in the office of the  
 42 secretary of state on the fourth day following the election, unless such  
 43 day is a Sunday or holiday, in which case such canvass shall be on the

*Carlson  
 amend.*

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1 next following day which is not a Sunday or holiday. The state board of  
 2 canvassers shall make the final canvass, and the certificate of election of  
 3 the candidate receiving the highest number of votes shall be issued in the  
 4 same manner as is provided for regular elections of national officers.

5 New Sec. 8. Election laws of the state not inconsistent with the pro-  
 6 visions of this act shall apply to elections held under this act.

7 New Sec. 9. Sections 1 through 9, and amendments thereto, shall be  
 8 known and may be cited as the vacancy in the United States senate act  
 9 for Kansas.

10 Sec. 10. K.S.A. 25-318 is hereby amended to read as follows: 25-318.  
 11 When a vacancy shall occur in the office of United States senator from  
 12 this state, the governor shall make a temporary appointment to fill such  
 13 vacancy until the next election of representatives in congress, at which  
 14 time such vacancy shall be filled by election, and the senator so elected  
 15 shall take office as soon thereafter as he shall receive his certificate of  
 16 election *there shall be an election to fill such vacancy. The election shall*  
 17 *be held in accordance with the vacancy in the United States senate act*  
 18 *for Kansas.*

19 **[Sec. 11. K.S.A. 25-101b is hereby amended to read as follows:**  
 20 **25-101b. At the general election held in 1978 and each four (4) years**  
 21 **thereafter, there shall be elected a treasurer for the state of Kansas,**  
 22 **whose term of office shall be four (4) years beginning on the second**  
 23 **Monday in January next succeeding such treasurer's election. In**  
 24 **case of a vacancy in such office, the governor shall appoint some suit-**  
 25 **able person to serve for the unexpired term and until a successor is**  
 26 **elected and qualified a successor shall be elected in accordance with sec-**  
 27 **tion 13 and amendments thereto.**

28 **[Sec. 12. K.S.A. 40-106 is hereby amended to read as follows:**  
 29 **40-106. At the general election held in 1978 and each four (4) years**  
 30 **thereafter, there shall be elected a commissioner of insurance for**  
 31 **the state of Kansas, whose term of office shall be four (4) years**  
 32 **beginning on the second Monday in January next succeeding such**  
 33 **commissioner's election. In case of a vacancy in such office the gov-**  
 34 **ernor shall appoint some suitable person to serve for the unexpired term**  
 35 **and until a successor is elected and qualified, a successor shall be elected**  
 36 **in accordance with section 13 and amendments thereto.**

37 **[New Sec. 13. Whenever any vacancy shall occur in the office**  
 38 **of commissioner of insurance or state treasurer, a successor shall**  
 39 **be elected in accordance with this section. The election shall be held**  
 40 **in substantial compliance with the procedures established in the act**  
 41 **except as provided in this section.**

42 **[(a) The governor shall issue a proclamation in accordance with**  
 43 **section 1 of the act and amendments thereto.**

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1 (b) The governor shall set the date for the election of the suc-  
2 cessor state official in accordance with sections 2 and 3 of the act  
3 and amendments thereto. The secretary of state shall publish the  
4 proclamation in the state register as required in section 2 of the act,  
5 and amendments thereto, except that a copy of the proclamation  
6 shall be sent to the chairperson of the state political party which  
7 elected the state official whose office is vacant and such vacancy is  
8 being filled in accordance with this section and amendments  
9 thereto.

10 (c) The state chairperson of the state political party that  
11 elected the state official whose office is vacant shall notify the party  
12 members of the need for one or more candidates for the purpose of  
13 electing a successor state official. Each person seeking nomination  
14 for the vacant office shall file a certificate of nomination in sub-  
15 stantial compliance with the manner specified in article 3 of chapter  
16 25 of the Kansas Statutes Annotated and amendments thereto and  
17 acts supplemental thereto. At the election, the name of the person  
18 receiving the most votes shall be sent to the governor for appoint-  
19 ment to fill the unexpired term of the official whose office is vacant.

20 (d) The secretary of state shall conduct an election for the suc-  
21 cessor to the state official whose office is vacant. The election shall  
22 be conducted in substantial compliance with sections 5, 6, 7 and 8,  
23 of the act and amendments thereto.

24 (e) For the purposes of this section, the following terms shall  
25 have the meanings ascribed to them unless the context requires  
26 otherwise:

27 (1) "Act" means the vacancy in the United States senate act for  
28 Kansas.

29 (2) "State official" means the commissioner of insurance or  
30 state treasurer as the context requires.

31 (f) The secretary of state shall adopt rules and regulations nec-  
32 essary to implement the provisions of this section. Such rules and  
33 regulations shall include any filing deadlines or other details nec-  
34 essary to establish the election procedure required by this section.]

35 Sec. 11. [14.] K.S.A. 25-318 is [25-101b, 25-318 and 40-106 are]  
36 hereby repealed.

37 Sec. 12. [15.] This act shall take effect and be in force from and  
38 after its publication in the statute book.

25-318 is

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