

Approved: 3/25/08
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on February 13, 2008 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Jerry Donaldson, Legislative Assistant
Zoie Kern, Committee Assistant

Conferees appearing before the committee:

Pat Guilforyle-Administrator De Soto, Senator Tim Huelskamp, Allen Cobb-Americans for Prosperity

Others attending:

See attached list.

Ken Wilke of the Revisor of Statues Office gave brief summary of **SB 574**.

Pat Guilforyle, Administrator for De Soto, Kansas gave testimony on behalf of **SB 574** (Attachment 1).

Discussion.

There where no opponents present.

Hearing closed on **SB 574**.

Senator Reitz, Vice Chair, took the chair while Senator Huelskamp testified.

Ken Wilke gave a brief summary on **SB 575**.

Allen Cobb, AFP Kansas State Director presented testimony in favor of **SB 575** (Attachment 2).

Senator Tim Huelskamp presented testimony on behalf of **SB 575** (Attachment 3).

Discussion.

There where no opponents present.

Hearing closed on **SB 575**.

Ken Wilke of the Revisor of Statues Office gave a brief summary of **SB 576**.

Senator Tim Huelskamp testified on behalf of **SB 576** (Attachment 4).

Discussion.

There where no opponents present.

Hearing closed on **SB 576**.

Meeting adjourned.

Respectfully submitted,

Zoie C. Kern, Committee Assistant

Senate Elections and Local Government Committee

Daily, 1:30 - 2:30 p.m. Room 423S

Senator Tim Huelskamp, Chair

Guest List for 2/13/08, 2008

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Name	Representing
PATRICK TREATY	CITY OF DE SOTO
Patrick Guilfoyle	City of De Soto
MAN COBB	AFP
LARRY R BAER	LKM
Mark Billquist	JCFD#3
g g Long	JCFD #3
D. Woth	GEC
D. Williams	GEC
R. Pile	GEC
C. Williams	GEC
Veronica Hodgkinson	Sen. Huelskamp - intern
SEAN MILLEN	CAPITOL STRATEGIES
ERIK SARTORIUS	City of Overland Park
Art Mealy	LITTLE GOVT RELATIONS

①

TESTIMONY IN SUPPORT OF SENATE BILL 574 BY CITY OF DE SOTO

Presented by De Soto City Administrator, Patrick J. Guilfoyle.

The City of De Soto is a town of 5,244 residents located in the Northwest corner of Johnson County, Kansas. Residents within the City are provided fire protection by the City Fire Department and Johnson County Rural Fire District No. 3. About half of the City's area within its City boundaries is provided fire protection by the County Fire District. In practice, both departments jointly respond to fires within the City or within the Fire District pursuant to a mutual aid agreement.

The City and Fire District desire to consolidate departments and establish a governing board that is representative of the City and of the County. To do this, both governmental entities are interested in doing away with both fire departments and creating a new fire district which will be governed by a board comprised of individuals jointly selected by the County and the City. It is important to both entities that the new fire district have a new identity and is governed by a board that is equally representative of the City and of the County.

Although K.S.A. 12-3910 specifically lists City fire departments as candidates for consolidation, the statutes that follow 12-3910 make it clear the legislation was written for consolidation of two or more county or township fire departments. In other words, there is very little guidance in the statutes on how a City fire department can consolidate with a county fire district, and then be governed by a board that is representative of both entities. In fact, all of the statutes presuppose that the County Commissioners will appoint the board who will govern the newly consolidated district. The City of De Soto is not receptive to consolidating its fire department into a new fire district without having a say in the governance of the new district.

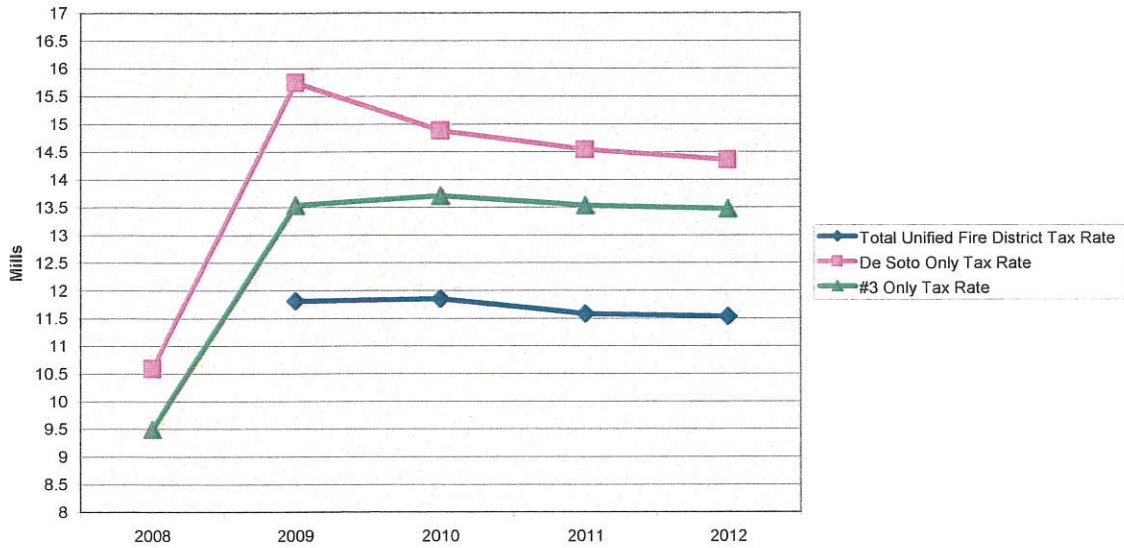
The proposed amendments to K.S.A. 12-3913, 12-3914, and K.S.A. 2007 Supp. 12-3915 expand the existing statutes to allow any political and taxing subdivisions to agree to consolidate fire protection services, and to voluntarily agree to create a governing board whose members are representative of the subdivisions that are consolidating. The amendments also provide for the newly consolidated fire district to levy taxes in an amount not to exceed 15 mills. Finally, the amendments provide for the name of any new consolidated districts formed in Johnson County.

De Soto asks for your support in adopting Senate Bill 574 to provide statutory authority for the City and County fire district to mutually create a newly consolidated district, and to allow both entities to agree to the formation of a governing board that is representative of the City and the County.

*Elections and Local
Government 2-13-08
attachment 1*

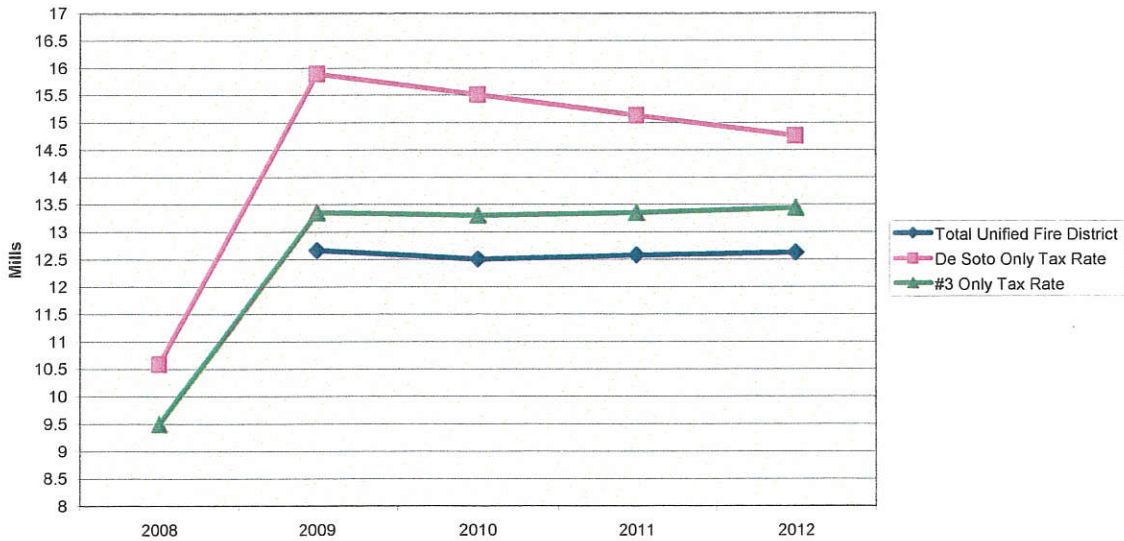
Projected Tax Levies

More Optimistic Revenue/Appropriation Model



Projected Tax Levies

More Pessimistic Revenue/Appropriation Model



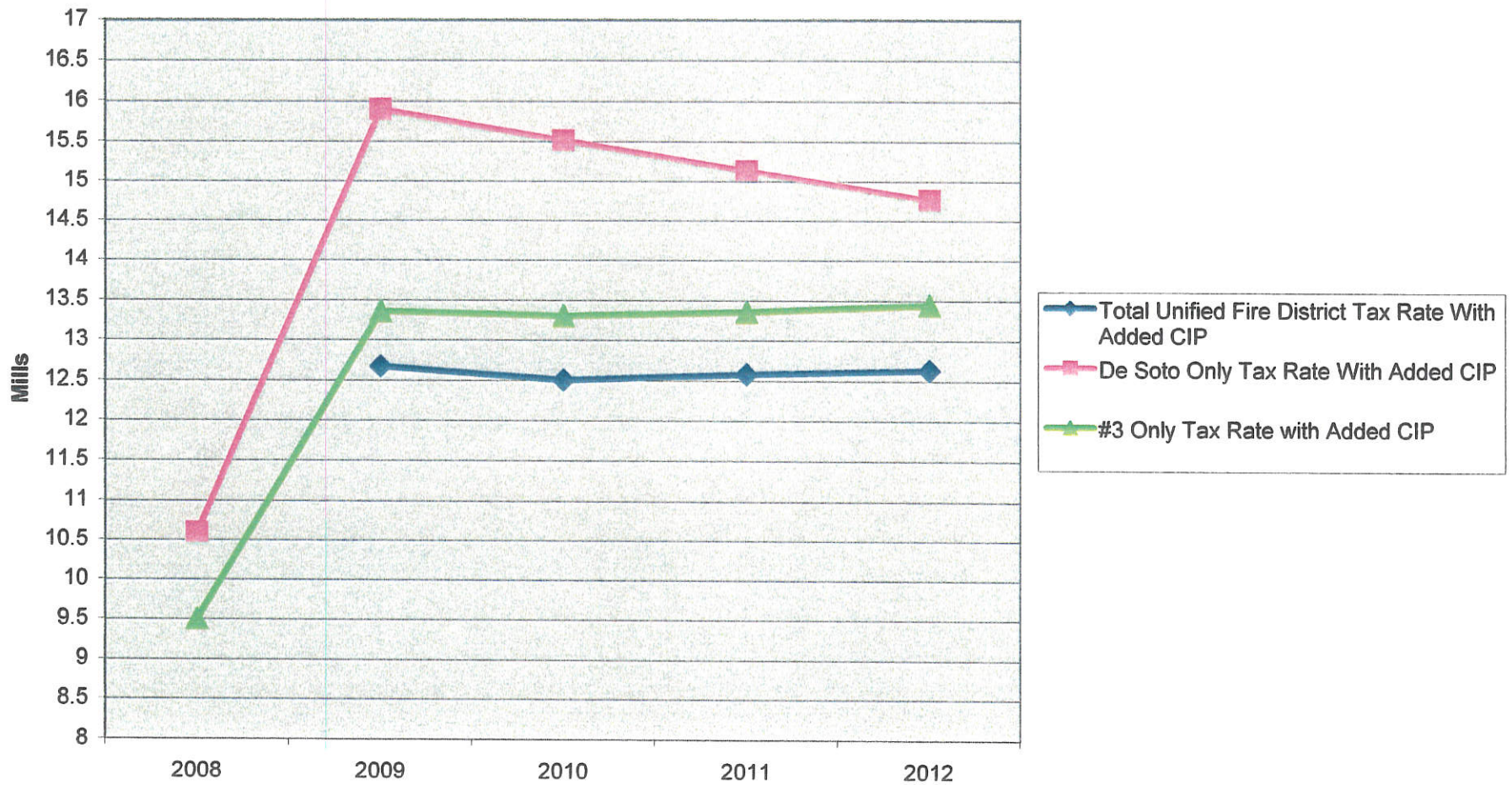
MORE “PESSIMISTIC”

5-YEAR FINANCIAL MODEL

Tax Levies Without Any New Capital Expenditures More Pessimistic Chart 1



Tax Levies With New \$2 Million Capital Expenditures More Pessimistic Chart 2



DE SOTO ONLY--MORE PESSIMISTIC

REVENUES	2008	2009	2010	2011	2012
--Beginning Cash Balance, Jan 1--					
De Soto	\$ 14,496	\$ 39,495	\$ 13,011	\$ 18,950	\$ 27,541
--Property Taxes--					
De Soto	\$ 279,236	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000
--Motor Vehicles--					
De Soto	\$ 21,278	\$ 22,342	\$ 22,677	\$ 23,017	\$ 23,362
--Other Revenues--					
De Soto Fire Station Study Bonds	\$ 30,000				
Total Cash Balance and Revenues	\$ 345,010	\$ 361,837	\$ 335,688	\$ 341,967	\$ 350,904

APPROPRIATIONS	2008	2009	2010	2011	2012
--Operating Budget--					
De Soto	\$ 284,345	\$ 271,656	\$ 286,738	\$ 302,426	\$ 318,998
--Debt Service/Capital Budget--					
De Soto	\$ 21,170	\$ 77,170	\$ 30,000	\$ 12,000	\$ 12,000
Combined De Soto and #3 Operating/Debt/Capital	\$ 305,515	\$ 348,826	\$ 316,738	\$ 314,426	\$ 330,998
Ending Cash Balance	\$ 39,495	\$ 13,011	\$ 18,950	\$ 27,541	\$ 19,906

DE SOTO ONLY TAX RATE	2008	2009	2010	2011	2012
De Soto Tax Rate	10.6	10.4	10.1	9.9	9.6

DE SOTO ONLY ASSESSED VALUATION	2008	2009	2010	2011	2012
De Soto	\$ 28,213,399	\$ 28,918,734	\$ 29,641,702	\$ 30,382,745	\$ 31,142,314

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#3 ONLY--MORE PESSIMISTIC

#3 REVENUES	2008	2009	2010	2011	2012
--Beginning Cash Balance, Jan 1--					
#3	\$ 427,089	\$ 272,077	\$ 272,176	\$ 270,409	\$ 269,914
--Property Taxes--					
#3 Operating Budget Taxes	\$ 546,950	\$ 705,000	\$ 740,000	\$ 780,000	\$ 825,000
#3 Debt Service Budget	\$ 82,274	\$ 95,985	\$ 93,785	\$ 96,585	\$ 99,035
--Motor Vehicles--					
#3	\$ 34,579	\$ 36,308	\$ 36,853	\$ 37,405	\$ 37,966
--Other Revenues--					
#3 Interest	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000
#3 Sunflower	\$ 60,000	\$ 63,000	\$ 66,150	\$ 69,458	\$ 72,930
Total Cash Balance and Revenues	\$ 1,157,892	\$ 1,179,370	\$ 1,215,964	\$ 1,260,857	\$ 1,311,846

#3 APPROPRIATIONS	2008	2009	2010	2011	2012
--Operating Budget--					
#3	\$ 772,580	\$ 811,209	\$ 851,769	\$ 894,358	\$ 939,076
--Debt Service/Capital Budget--					
#3	\$ 113,235	\$ 95,985	\$ 93,785	\$ 96,585	\$ 99,035
Combined #3 Operating/Debt/Capital	\$ 885,815	\$ 907,194	\$ 945,554	\$ 990,943	\$ 1,038,111
Ending Cash Balance	\$ 272,077	\$ 272,176	\$ 270,409	\$ 269,914	\$ 273,735

#3 TAX RATE	2008	2009	2010	2011	2012
#3 Operating Tax Rate		10.6	10.7	10.9	11.0
#3 Debt Tax Rate		1.0	1.0	0.9	0.9
Total #3 Tax Rate	9.5	11.6	11.7	11.8	12.0

#3 ASSESSED VALUATION	2008	2009	2010	2011	2012
#3 Operating	\$ 63,840,063	\$ 66,393,666	\$ 69,049,412	\$ 71,811,389	\$ 74,683,844
#3 Debt	\$ 88,914,507	\$ 93,360,232	\$ 98,028,244	\$ 102,929,656	\$ 108,076,139

UNIFIED FIRE DISTRICT--MORE PESSIMISTIC

REVENUES	2008	2009	2010	2011	2012
--Beginning Cash Balance, Jan 1--					
<i>Unified Fire District</i>	\$ -	\$ 297,076	\$ 267,631	\$ 249,369	\$ 250,989
De Soto	\$ -				
#3	\$ 427,089				
--Property Taxes--					
<i>Unified Fire District</i>	\$ 950,000	\$ 980,000	\$ 1,030,000	\$ 1,080,000	
De Soto	\$ 279,236				
#3 Operating Budget Taxes	\$ 546,950				
#3 Debt Service Budget	\$ 82,274	\$ 95,985	\$ 93,785	\$ 96,585	\$ 99,035
--Motor Vehicles--					
<i>Unified Fire District</i>	\$ 58,650	\$ 59,530	\$ 60,423	\$ 61,329	
De Soto	\$ 21,278				
#3	\$ 34,579				
--Other Revenues--					
<i>Unified Fire District</i>	\$ 70,000	\$ 73,150	\$ 76,458	\$ 79,930	
De Soto Fire Station Study Bonds	\$ 30,000				
#3 Interest	\$ 7,000				
#3 Sunflower	\$ 60,000				
Total Cash Balance and Revenues	\$ 1,488,406	\$ 1,471,711	\$ 1,474,095	\$ 1,512,834	\$ 1,571,284

APPROPRIATIONS	2008	2009	2010	2011	2012
--Operating Budget--					
<i>Unified Fire District</i>	\$ 1,056,925	\$ 1,109,771	\$ 1,165,260	\$ 1,223,523	
De Soto	\$ 284,345				
#3	\$ 772,580				
Combined De Soto and #3	\$ 1,056,925				
--Debt Service/Capital Budget--					
<i>Unified Fire District</i>	\$ 147,155	\$ 114,955	\$ 96,585	\$ 99,035	
De Soto	\$ 21,170	\$ 51,170	\$ 21,170	\$ -	
#3	\$ 113,235	\$ 95,985	\$ 93,785	\$ 96,585	\$ 99,035
Combined De Soto and #3 Debt/Capital	\$ 134,405				
Combined De Soto and #3 Operating/Debt/Capital	\$ 1,191,330				
Unified Fire District Operating/Debt/Capital	\$ 1,204,080	\$ 1,224,726	\$ 1,261,845	\$ 1,322,558	
Ending Cash Balance	\$ 297,076	\$ 267,631	\$ 249,369	\$ 250,989	\$ 248,726

UNIFIED FIRE DISTRICT--MORE PESSIMISTIC

UNIFIED FIRE DISTRICT TAX RATE	2008	2009	2010	2011	2012
Unified Fire District Operating Tax Rate		10.0	9.9	10.1	10.2
Unified Fire District Existing Debt Tax Rate		1.0	1.0	0.9	0.9
Total Unified Fire District		11.0	10.9	11.0	11.1
De Soto Only	10.6	10.4	10.1	9.9	9.6
#3 Only	9.5	11.6	11.7	11.8	12.0

UNIFIED FIRE DISTRICT ASSESSED VALUATION	2008	2009	2010	2011	2012
<i>Unified Fire District Operating</i>	\$ 95,312,399	\$ 98,691,114	\$ 102,194,134	\$ 105,826,158	
De Soto	\$ 28,213,399	\$ 28,918,734	\$ 29,641,702	\$ 30,382,745	\$ 31,142,314
#3 Operating	\$ 63,840,063	\$ 66,393,666	\$ 69,049,412	\$ 71,811,389	\$ 74,683,844
#3 Debt	\$ 88,914,507	\$ 93,360,232	\$ 98,028,244	\$ 102,929,656	\$ 108,076,139
Unified Fire District Existing Debt	\$ 93,360,232	\$ 98,028,244	\$ 102,929,656	\$ 108,076,139	
Unified Fire District New Debt	\$ 95,312,399	\$ 98,691,114	\$ 102,194,134	\$ 105,826,158	

UNIFIED FIRE DISTRICT--MORE PESSIMISTIC

	2008	2009	2010	2011	2012
Added Tax Levy for New Capital Improvements	\$ -	\$ 160,000	\$ 160,000	\$ 160,000	\$ 160,000
Ending Cash Balance	\$ 297,076	\$ 267,631	\$ 249,369	\$ 250,989	\$ 248,726

Tax Levies With New \$2 million Capital Expenditures

	2008	2009	2010	2011	2012
Total Unified Fire District Tax Rate With Added CIP		12.7	12.5	12.6	12.6
De Soto Only Tax Rate With Added CIP	10.6	15.9	15.5	15.1	14.8
#3 Only Tax Rate with Added CIP	9.5	13.4	13.3	13.4	13.4

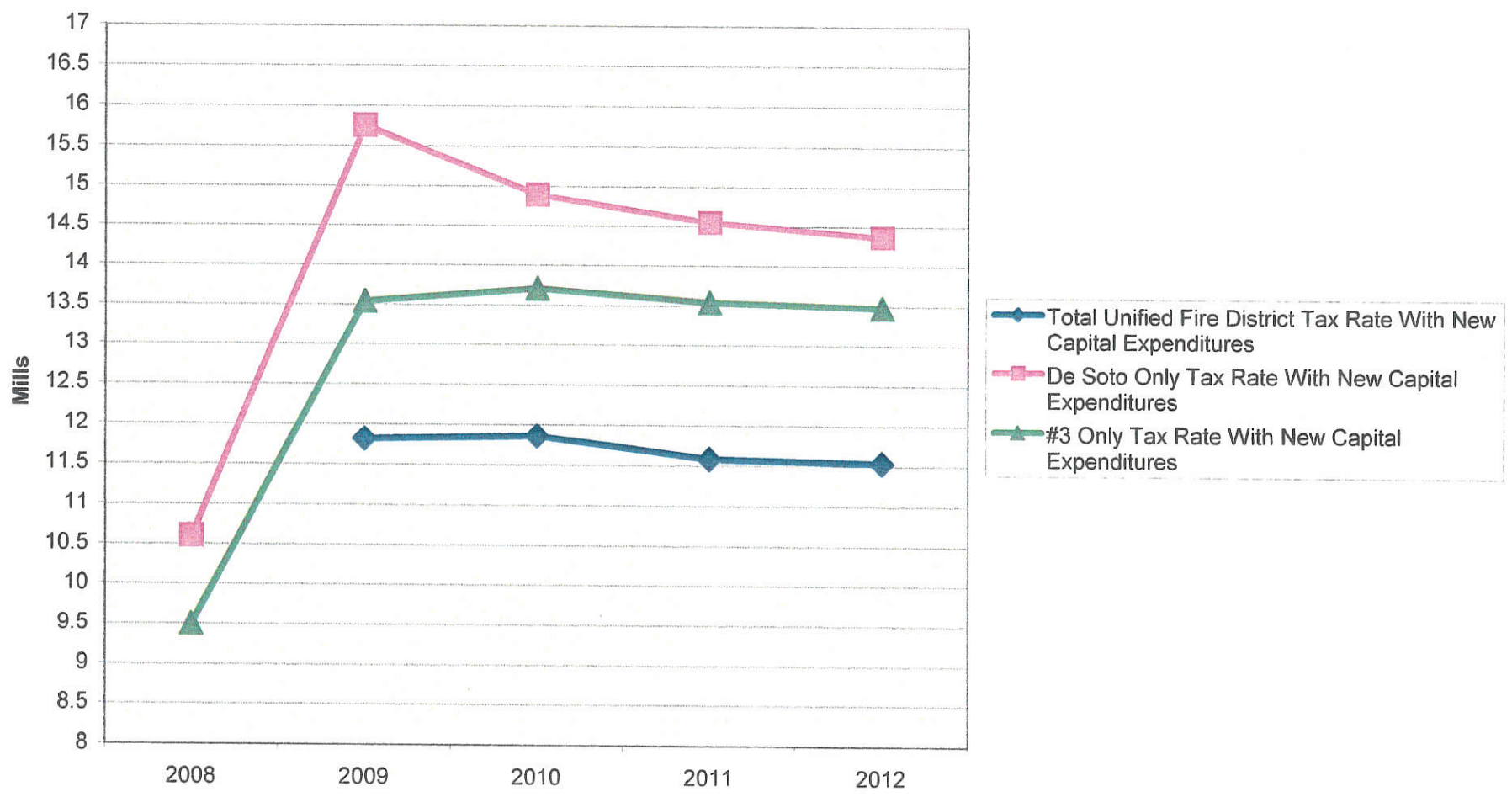
Tax Levies Without Any New Capital Expenditures

	2008	2009	2010	2011	2012
Total Unified Fire District		11.0	10.9	11.0	11.1
De Soto Only	10.6	10.4	10.1	9.9	9.6
#3 Only	9.5	11.6	11.7	11.8	12.0

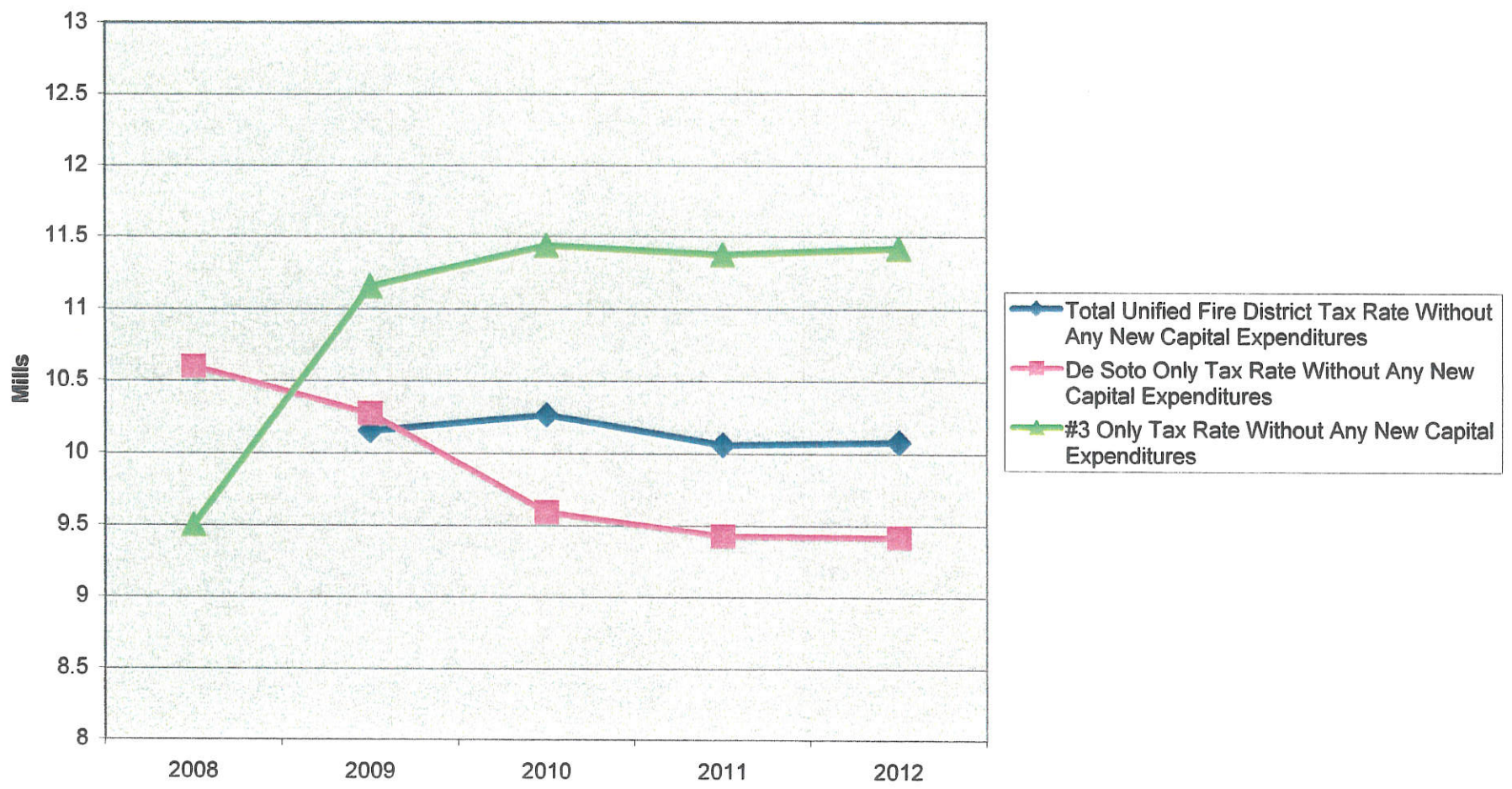
MORE “OPTIMISTIC”

5-YEAR FINANCIAL MODEL

Tax Levies With New \$2 Million Capital Expenditures More Optimistic Chart 4



Tax Levies Without Any New Capital Expenditures More Optimistic Chart 3



DE SOTO ONLY -- MORE OPTIMISTIC

REVENUES	2008	2009	2010	2011	2012
--Beginning Cash Balance, Jan 1--					
De Soto	\$ -	\$ 24,999	\$ 28,515	\$ 24,454	\$ 28,045
--Property Taxes--					
De Soto	\$ 279,236	\$ 300,000	\$ 290,000	\$ 295,000	\$ 305,000
--Motor Vehicles--					
De Soto	\$ 21,278	\$ 22,342	\$ 22,677	\$ 23,017	\$ 23,362
--Other Revenues--					
De Soto Fire Station Study Bonds	\$ 30,000				
Total Cash Balance and Revenues	\$ 330,514	\$ 347,341	\$ 341,192	\$ 342,471	\$ 356,408

APPROPRIATIONS	2008	2009	2010	2011	2012
--Operating Budget--					
De Soto	\$ 284,345	\$ 271,656	\$ 286,738	\$ 302,426	\$ 318,998
--Debt Service/Capital Budget--					
De Soto	\$ 21,170	\$ 47,170	\$ 30,000	\$ 12,000	\$ 12,000
Combined De Soto Operating/Debt/Capital	\$ 305,515	\$ 318,826	\$ 316,738	\$ 314,426	\$ 330,998
Ending Cash Balance	\$ 24,999	\$ 28,515	\$ 24,454	\$ 28,045	\$ 25,410

DE SOTO ONLY TAX RATE	2008	2009	2010	2011	2012
De Soto Tax Rate	10.6	10.3	9.6	9.4	9.4

DE SOTO ASSESSED VALUATION	2008	2009	2010	2011	2012
De Soto	\$ 28,213,399	\$ 29,200,868	\$ 30,222,898	\$ 31,280,700	\$ 32,375,524

#3 ONLY -- MORE OPTIMISTIC

REVENUES	2008	2009	2010	2011	2012
--Beginning Cash Balance, Jan 1--					
#3	\$ 427,089	\$ 272,077	\$ 250,176	\$ 251,559	\$ 249,372
--Property Taxes--					
#3 Operating Budget Taxes	\$ 546,950	\$ 680,000	\$ 740,000	\$ 775,000	\$ 820,000
#3 Debt Service Budget	\$ 82,274	\$ 95,985	\$ 93,785	\$ 96,585	\$ 99,035
--Motor Vehicles--					
#3	\$ 34,579	\$ 36,308	\$ 36,853	\$ 37,405	\$ 37,966
--Other Revenues--					
#3 Interest	\$ 7,000	\$ 73,000	\$ 76,300	\$ 79,765	\$ 83,403
#3 Sunflower	\$ 60,000				
Total Cash Balance and Revenues	\$ 1,157,892	\$ 1,157,370	\$ 1,197,114	\$ 1,240,314	\$ 1,289,776

APPROPRIATIONS	2008	2009	2010	2011	2012
--Operating Budget--					
#3	\$ 772,580	\$ 811,209	\$ 851,769	\$ 894,358	\$ 939,076
--Debt Service/Capital Budget--					
#3	\$ 113,235	\$ 95,985	\$ 93,785	\$ 96,585	\$ 99,035
#3 Operating/Debt/Capital	\$ 885,815	\$ 907,194	\$ 945,554	\$ 990,943	\$ 1,038,111
Ending Cash Balance	\$ 272,077	\$ 250,176	\$ 251,559	\$ 249,372	\$ 251,665

#3 ONLY TAX RATE	2008	2009	2010	2011	2012
#3 Operating Tax Rate		10.1	10.5	10.5	10.6
#3 Existing Debt Tax Rate		1.0	0.9	0.9	0.8
#3 Total Tax Rate	9.5	11.2	11.4	11.4	11.4

#3 ASSESSED VALUATION	2008	2009	2010	2011	2012
#3 Operating	\$ 63,840,063	\$ 67,032,066	\$ 70,383,669	\$ 73,902,853	\$ 77,597,996
#3 Debt	\$ 88,914,507	\$ 95,138,522	\$ 101,798,219	\$ 108,924,094	\$ 116,548,781

UNIFIED FIRE DISTRICT -- MORE OPTIMISTIC

REVENUES	2008	2009	2010	2011	2012
--Beginning Cash Balance, Jan 1--					
<i>Unified Fire District</i>	\$ -	\$ 297,076	\$ 253,477	\$ 253,854	\$ 252,045
De Soto	\$ -				
#3	\$ 427,089				
--Property Taxes--					
<i>Operating Budget Taxes, Unified Fire District</i>		\$ 880,000	\$ 940,000	\$ 965,000	\$ 1,015,000
De Soto	\$ 279,236				
#3 Operating Budget Taxes	\$ 546,950				
#3 Debt Service Budget	\$ 82,274	\$ 95,985	\$ 93,785	\$ 96,585	\$ 99,035
--Motor Vehicles--					
<i>Unified Fire District</i>		\$ 58,650	\$ 59,530	\$ 60,423	\$ 61,329
De Soto	\$ 21,278				
#3	\$ 34,579				
--Other Revenues--					
<i>Unified Fire District</i>		\$ 73,000	\$ 76,300	\$ 79,765	\$ 83,403
De Soto Fire Station Study Bonds	\$ 30,000				
#3 Interest	\$ 7,000				
#3 Sunflower	\$ 60,000				
Total Cash Balance and Revenues	\$ 1,488,406	\$ 1,404,711	\$ 1,423,092	\$ 1,455,627	\$ 1,510,812

APPROPRIATIONS	2008	2009	2010	2011	2012
--Operating Budget--					
<i>Unified Fire District</i>		\$ 1,004,079	\$ 1,054,283	\$ 1,106,997	\$ 1,162,347
De Soto	\$ 284,345				
#3	\$ 772,580				
Combined De Soto and #3	\$ 1,056,925				
--Debt Service/Capital Budget--					
<i>Unified Fire District</i>		\$ 147,155	\$ 114,955	\$ 96,585	\$ 99,035
De Soto	\$ 21,170	\$ 51,170	\$ 21,170	\$ -	\$ -
#3	\$ 113,235	\$ 95,985	\$ 93,785	\$ 96,585	\$ 99,035
Combined De Soto and #3 Debt/Capital	\$ 134,405				
Combined De Soto and #3 Operating/Debt/Capital	\$ 1,191,330				
<i>Unified Fire District Operating/Debt/Capital</i>		\$ 1,151,234	\$ 1,169,238	\$ 1,203,582	\$ 1,261,382
Ending Cash Balance	\$ 297,076	\$ 253,477	\$ 253,854	\$ 252,045	\$ 249,430

UNIFIED FIRE DISTRICT -- MORE OPTIMISTIC

	2008	2009	2010	2011	2012
<i>Unified Fire District Operating Tax Rate</i>		9.1	9.3	9.2	9.2
<i>Unified Fire District Existing Debt Tax Rate</i>		1.0	0.9	0.9	0.8
Total Unified Fire District Tax Rate		10.2	10.3	10.1	10.1
De Soto Only Tax Rate	10.6	10.3	9.6	9.4	9.4
#3 Only Tax Rate	9.5	11.2	11.4	11.4	11.4

UNIFIED FIRE DISTRICT ASSESSED VALUATION	2008	2009	2010	2011	2012
<i>Unified Fire District Operating</i>		\$ 96,232,934	\$ 100,606,568	\$ 105,183,553	\$ 109,973,520
De Soto	\$ 28,213,399	\$ 29,200,868	\$ 30,222,898	\$ 31,280,700	\$ 32,375,524
#3 Operating	\$ 63,840,063	\$ 67,032,066	\$ 70,383,669	\$ 73,902,853	\$ 77,597,996
#3 Debt	\$ 88,914,507	\$ 95,138,522	\$ 101,798,219	\$ 108,924,094	\$ 116,548,781
<i>Unified Fire District Existing Debt</i>		\$ 95,138,522	\$ 101,798,219	\$ 108,924,094	\$ 116,548,781
<i>Unified Fire District New Debt</i>		\$ 96,232,934	\$ 100,606,568	\$ 105,183,553	\$ 109,973,520

UNIFIED FIRE DISTRICT -- MORE OPTIMISTIC

	2008	2009	2010	2011	2012
Added Tax Levy for New Capital Expenditures		\$ 160,000	\$ 160,000	\$ 160,000	\$ 160,000
Unified Fire District -- More Optimistic Ending Cash Balance	\$ 297,076	\$ 253,477	\$ 253,854	\$ 252,045	\$ 249,430

Tax Levies With New \$2 Million Capital Expenditures

	2008	2009	2010	2011	2012
Total Unified Fire District Tax Rate With New Capital Expenditures		11.8	11.9	11.6	11.5
De Soto Only Tax Rate With New Capital Expenditures	10.6	15.8	14.9	14.5	14.4
#3 Only Tax Rate With New Capital Expenditures	9.5	13.5	13.7	13.5	13.5

Tax Levies Without Any New Capital Expenditures

	2008	2009	2010	2011	2012
Total Unified Fire District Tax Rate Without Any New Capital Expenditures		10.2	10.3	10.1	10.1
De Soto Only Tax Rate Without Any New Capital Expenditures	10.6	10.3	9.6	9.4	9.4
#3 Only Tax Rate Without Any New Capital Expenditures	9.5	11.2	11.4	11.4	11.4

Capitol Office
State Capitol, Room 262-E
Topeka, KS 66612
785-296-7359

Home Address
P.O. Box 379
Fowler, Kansas 67844
(620) 646-5413 FAX (810) 821-2712

thuelska@ink.org



STATE OF KANSAS

Senator Tim Huelskamp, Ph.D.

Committee Assignments

Elections & Local Government,
Chairman
Information Technology, Co-Chairman
Kansas Legislative Education &
Research, Past President
Agriculture
Medicaid Reform Task Force
Natural Resources

Testimony by Senator Tim Huelskamp
Senate Elections & Local Government Committee – SB 575
Wednesday, February 13, 2008

A handwritten signature in black ink, appearing to read "Tim Huelskamp". The signature is written in a cursive, somewhat stylized script.

Dear Fellow committee members:

Thank you for the opportunity to testify on SB 575, a much-needed clean-up of our statute prohibiting the use of taxpayer funds for campaign purposes.

I am certain we can all agree – taxpayer dollars should not be used for political campaigns. However, in reviewing the reports of various political committees, I recently found a particular example where taxpayer-funded entities were contributing funds for the use in political campaigns. Calls to Legislative Research and the Kansas Governmental Ethics Commission confirmed a surprising fact – there are no law prohibiting such politicking with taxpayer dollars.

Current state law clearly prohibits taxpayer-funded direct campaigning by state agencies, large school districts and counties. However, the multiplicity of other governments in Kansas – from cities, to townships, to smaller school districts – are currently under no state restriction per the use of public funds or equipment to campaign for or against candidates.

As a matter of fairness, I urge your favorable consideration of SB 574. I would be happy to stand for questions.

55. Timely filing of statement is essential element of section; not unconstitutional when applied to incompetent person; compliance herewith is condition precedent to bringing damage action against city. *Workman v. City of Emporia*, 200 K. 112, 113, 114, 115, 116, 118, 434 P.2d 846.

56. Section has no application to actions on contracts. *Stauffer v. City of Topeka*, 200 K. 287, 289, 436 P.2d 980.

57. Compliance herewith a condition precedent to claim against city for injuries to person or property; performance must be pleaded to show pleader "entitled to relief" pursuant to 60-208. *James v. City of Wichita*, 202 K. 222, 224, 447 P.2d 817.

58. Timely filing of statement condition precedent to action. *Powell v. City of Haysville*, 203 K. 543, 546, 549, 550, 455 P.2d 528.

59. Compliance is a condition precedent to a claim for relief; merely stating a claim has been made against the defendant is not sufficient. *Frankhauser v. City of El Dorado*, 203 K. 757, 758, 759, 760, 761, 457 P.2d 146.

60. Three-month filing period inapplicable to actions based on implied contract. *Lux v. City of Topeka*, 204 K. 179, 180, 182, 183, 460 P.2d 541.

61. Section establishes procedure for maintaining action against city, regardless of the basis for asserted liability, but it makes no pretense of creating a liability. *Welch v. City of Kansas City*, 204 K. 765, 766, 767, 768, 769, 771, 465 P.2d 951.

62. Action against city for damages resulting from overflow or surface waters occasioned by city is in nature of nuisance or trespass; filing of claim hereunder is condition precedent to bringing action, but cause of action doesn't accrue or originate thereby. *Welch v. City of Kansas City*, 204 K. 765, 766, 767, 768, 769, 771, 465 P.2d 951.

63. Petition may be amended to include omitted allegation of compliance with section; amendment relates back to toll statute. *Welch v. City of Kansas City*, 204 K. 765, 771, 465 P.2d 951.

64. Notice properly filed hereunder in case concerning damage to property by flow of surface water. *Baldwin v. City of Overland Park*, 205 K. 1, 3, 468 P.2d 168.

65. Cited; conditions precedent to recovery of judgment against a corporation considered. *Kilpatrick Bros., Inc. v. Poynter*, 205 K. 787, 793, 473 P.2d 33.

66. Where more than one defendant, additional jury challenges optional with trial court. *Lehar v. Rogers*, 208 K. 831, 837, 494 P.2d 1124.

67. Lower court's decision that plaintiff did not comply with provisions of section upheld. *Fox v. City of Overland Park*, 210 K. 16, 499 P.2d 524.

68. Claim filed hereunder for alleged unlawful razing of structure; section 12-1750 et seq. complied with; jury verdict for city upheld. *Tingle v. City of Wichita*, 211 K. 119, 122, 505 P.2d 717.

69. Notice properly given hereunder in negligence action. *Hubbard v. Havlik*, 213 K. 594, 607, 518 P.2d 352.

70. Notice requirements applicable to actions against city only; inapplicable to actions against police officer. *Bradford v. Mahan*, 219 K. 450, 452, 453, 457, 458, 548 P.2d 1223.

71. Written statements requirements inapplicable to claim against city for expungement or correction of record. *Bradford v. Mahan*, 219 K. 450, 452, 453, 457, 458, 548 P.2d 1223.

72. Mentioned; under facts action against city on common law theories dismissed; governmental immunity. *Briebesca v. City of Wichita*, 221 K. 571, 572, 561 P.2d 816.

73. Allegations of failure to comply with section rejected; liability of municipalities for acts of employees determined; abolition of certain governmental immunity. *Correll v. City of Parsons*, 223 K. 645, 646, 576 P.2d 616.

74. Notice of claim statute does not apply to federal securities law claim based on Section 12(2) of the 1933 Act. *Woods v. Homes & Structures of Pittsburg, Kansas*, 489 F.Supp. 1270, 1295.

75. Action by employee-at-will for retaliatory discharge sounds in tort not in contract. *Murphy v. City of Topeka*, 6 K.A.2d 488, 490, 491, 492, 493, 494, 630 P.2d 186 (1981).

76. Notice to sue by plaintiff did not serve as notice for later claim of condemnation. *Martel v. City of Newton, Kan.*, 72 F.Supp.2d 1256, 1264 (1999).

12-105a. Uniform procedure for payment of claims and other indebtedness by municipalities; definitions. As used in this act and the act of which this section is amendatory, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the context shall otherwise require:

(a) "Municipality" means and includes county, township, city, school district of whatever name or nature, community junior college, municipal university, drainage district, cemetery district, fire district, and other political subdivision or taxing unit, and including their boards, bureaus, commissions, committees and other agencies, such as, but not limited to, library board, park board, recreation commission, hospital board of trustees having power to create indebtedness and make payment of the same independently of the parent unit.

(b) "Governing body" means and includes the board of county commissioners, the governing body of a city, the township board (trustee, clerk and treasurer), board of education or other governing body of a school district, board of trustees of a community junior college, board of regents of a municipal university, the body of a special district (such as a drainage, cemetery, fire or other) which has the power to create indebtedness and is charged with the duty of paying the same, and the board, bureau, commission, committee or other body of an independent agency of a parent unit.

(c) "Claim" means the document relating to and stating an amount owing to the claimant by a municipality for material or service furnished to the municipality, or some action taken by or for the municipality and for which the municipality may or may not be responsible in a liquidated or an unliquidated amount. A claim is liquidated when the amount due or to become due is made



AMERICANS FOR PROSPERITY
K A N S A S

February 13, 2008

Mr. Chairman, members of the committee,

On behalf of the more than 13,000 Kansas members of Americans for Prosperity, we fully support SB 575.

Frankly it is astonishing to see that it is currently legal for every school district but one to use public funds and resources for election purposes.

It appears the reference to K.S.A. 12-105b should be 12-105a.

Thank you for you time.

Alan Cobb
AFP Kansas State Director

Capitol Office
State Capitol, Room 262-E
Topeka, KS 66612
785-296-7359

Home Address
P.O. Box 379
Fowler, Kansas 67844
(620) 646-5413 FAX (810) 821-2712

thuelska@ink.org



Senator Tim Huelskamp, Ph.D.

Committee Assignments

Elections & Local Government,
Chairman
Information Technology, Co-Chairman
Kansas Legislative Education &
Research, Past President
Agriculture
Medicaid Reform Task Force
Natural Resources

Testimony by Senator Tim Huelskamp
Senate Elections & Local Government Committee – SB 576
Wednesday, February 13, 2008

Dear Fellow committee members:

Thank you for the opportunity to testify on SB 576 the Lobbying Disclosure proposal.

Under current state law, lobbying is defined nearly exclusively around the legislative process. And yes, we can all agree that is important. But an entire realm of lobbying does occur outside the legislative process does occur – and that would be lobbying of roughly 100 state agencies.

Perhaps when the state lobbyist disclosure legislation was passed in 1974, policy development activities within state agencies were not as prevalent as they are today. Yet we all know and understand that the Legislature process is only a part of the public process. For in many ways, the public process continues throughout the entire rule and regulation process in the various agencies.

Patterned after the federal Lobbying Disclosure Act of 1995 and other states' law, SB 576 is based on a simple concept – we should have disclosure of the lobbying of the entirety of state government, not just the legislative process. As a committee member, you may or may not agree with the definitions proposed in this bill. But I am hopeful you can be supportive of the concept of full disclosure of lobbying of Kansas state government.

I encourage your support of SB 576. I would be happy to stand for questions.

*Elections and Local
Government 2-13-08
Attachment 3*

Public Law 104-65
104th Congress

An Act

To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

Dec. 19, 1995
[S. 1060]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lobbying Disclosure Act of 1995".

Lobbying
Disclosure Act of
1995.
Public
information.
2 USC 1601 note.

SEC. 2. FINDINGS.

2 USC 1601.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 3. DEFINITIONS.

2 USC 1602.

As used in this Act:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

- (A) the President;
- (B) the Vice President;



(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term “covered legislative branch official” means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term “employee” means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term “foreign entity” means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b))).

(7) LOBBYING ACTIVITIES.—The term “lobbying activities” means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(8) LOBBYING CONTACT.—

(A) DEFINITION.—The term “lobbying contact” means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term “lobbying contact” does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

*Elections and Local
Government 2-13-08
attachment 4*