



TESTIMONY

TO: The Honorable Scott Schwab, Chair
And Members of the House Elections Committee

FROM: Whitney Damron
Whitney B. Damron, P.A.

RE: HB 2314 – Ethics; lobbyist reporting requirements; gifts to public officials.

DATE: February 18, 2013

Good Afternoon Chairman Schwab and Members of the Committee:

By way of introduction, I am Whitney Damron and I am a contract lobbyist representing nearly 30 clients before legislative and administrative branches of state government. I first registered as a lobbyist in 1987, when I worked for the firm of Pete McGill & Associates, at the time the largest contract lobbying firm in the state. In 1995 I left to establish my law firm with an emphasis on government relations. I appear before you today in support of the changes being proposed to the governmental ethics laws contained in HB 2314.

When several of my colleagues began working to draft legislation to revise our lobbying ethics laws, I was asked to provide any suggestions for consideration. My recommendations did not make it into HB 2314, but one is contained in SB 100.

HB 2314 makes provisions for increasing the amount of money an individual can spend before being required to register as a lobbyist (\$100.00 increased to \$500.00). I believe this is consistent with allowing, if not encouraging citizens to be involved in the political and legislative process, but not interfering with their first amendment rights by creating obstacles to participation, such as requiring them to register as a lobbyist when they truly are not a professional legislative representative {Section 1.(a)(2), page 1}.

Allowing for the provision of in-state ground transportation would not seem controversial to me {Section 1.(b)(1), page 1}.

Increases in allowable amounts of expenditures for recreation reflect increased costs of such activities and I have no firm position on that (Section 1.(b)(2)).

Increasing the allowable amount of expenditure for a meal for governmental officials from \$25.00 to \$50.00 reflect the increased cost in providing such meals and would seem reasonable {Section 2.(c)(5), page 3}.

In summary, I am supportive of the changes to lobbying laws proposed in HB 2314, but I would defer to the Legislature to determine if the proposed amounts are appropriate or should be modified.

As indicated earlier in my testimony, I made suggestions to a working group, but the changes I suggested were more procedural in nature than substantive.

Specifically, I suggested consideration of the following points:

1. Current law allows a lobbyist to file an affidavit at the beginning of the year that they will not spend over \$100.00 in any reporting period. They are also required to file another affidavit or statement at the end of the year affirming that they did not exceed \$100.00 in any reporting period. That seems redundant to me. If the lobbyist does not exceed the spending limit in any reporting period, why do they need to affirm at the end of the year what they swore they would do at the beginning of the year?

Another quirk here is if a lobbyist who files an affidavit at the beginning of the year subsequently spends more than \$100.00 in any reporting period, say in April, they have to go back and file reports for January, February and March even if they had no expenditures and they have to file reports for the remainder of the reporting periods even if there are no expenditures.

Furthermore, once a lobbyist files a report (as opposed to an affidavit they will not exceed spending limits in any reporting period), they are required to file a report for each successive reporting period of the year, even if they have no expenditures to report. A lobbyist can file a notice of termination and avoid such filings, but then the lobbyist would no longer be the registered lobbyist for the client.

It would seem logical that a lobbyist should be required to file a report in any reporting period in which they spent more than \$100.00, but perhaps not required to file a report when they did not exceed this amount.

2. Another suggestion I made was to either establish a non-reportable gift limit or otherwise find a way to deal with the parade of calendars, pencils, squeeze toys and related corporate and association gifts they receive each and every year. I am not sure of the merit of filing legislative gift reports for providing legislators with Post-it notes from an electric utility or telephone company. I also suggest minimal food & beverage be non-reportable (i.e., less than \$5.00), as the accounting and allocation would not seem to justify the need for such information.

I believe Kansas has an upstanding lobbying corps and culture. Tell us the rules and we will comply. But as you can see from my comments, sometimes the rules don't necessarily enhance transparency or generate useful information for the Governmental Ethics Commission, the media or other interested parties.

In closing, I leave it to the Legislature to determine what level of reporting you believe is appropriate and what the spending limits should be. Perhaps providing greater flexibility through rule and regulation authority to the Governmental Ethics Commission for accumulating and managing the information we provide would make compliance easier.

I would be happy to stand for questions.

WBD