



To: Senate Ethics, Elections & Local Government
From: Don Moler, Executive Director
Date: February 11, 2013
Re: SB 109

Thank you for the opportunity to appear today to offer our comments regarding SB 109. We believe that this legislation has far reaching negative implications and, as a result, we stand in strong opposition to SB 109.

First, it is clear that this legislation would prohibit cities, their elected officials, and their staff from participating in the legislative process. Because a city could not pay dues to an association that advocates at the State level, it is most likely that cities would not be informed about bills and hearings in Topeka that would affect their community. Further, if a city did find out about such a hearing, a city official would be required to take vacation time and drive their personal vehicle to Topeka in order for their voice to be heard. The voice of the 626 incorporated cities in Kansas would be effectively eliminated from discussion at the State level.

It is also important to note that SB 109 would impact not only cities and counties, but all entities that receive public funds either directly or indirectly. Local chambers of commerce that are supported in part by their cities would be forced to choose between accepting public money and advocating on behalf of their communities. City employees would no longer be able to participate in various trade associations (e.g., Bar Association, public works association, etc.) because those associations advocate at the State level regarding their area of expertise.

SB 109 also raises serious constitutional concerns including First Amendment Freedom of Speech and Freedom of Association. These constitutional protections are designed to ensure governmental processes that are open and where voices of dissent are not silenced. We know that you as legislators will always want to hear all points of view on any given issue so that you can make an informed decision. SB 109 would take that away from you.

Finally and most importantly, SB 109 would stifle discussion. Cities, counties, and the State all serve the same constituents – the citizens of Kansas. And, Kansans deserve government at all levels that is willing to work together to provide services to the best of our ability. That requires a strong deliberative process where all voices are heard and carefully considered. SB 109 sets up a process that is the opposite of this goal.

Stifling discussion is not the democratic way. Passing laws prohibiting some from petitioning the Legislature is not the democratic way. Deciding in advance who should be allowed to speak, and who will be gagged, is not the way of a democracy. Muzzling the opposition is about as undemocratic as it gets. SB 109 is not the American way, and it certainly is not the Kansas way, where all are not only allowed to speak, but are encouraged to speak.

We urge this Committee to reject SB 109 as a decidedly undemocratic piece of legislation.