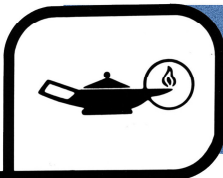


**KANSAS
ASSOCIATION**



**OF
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**1420 Arrowhead Road | Topeka, Kansas | 66604-4024
785-273-3600 | 800-432-2471 | 785-273-7580 FAX
www.kasb.org**

Testimony before the
Senate Committee on Ethnics, Elections and Local Government
on
SB 109 – Lobbying and the Use of Public Funds
By
James Adams, Vice President, USD 345 Seaman Board of Education

Representing the Kansas Association of School Boards
February 11, 2013

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify on **SB 109** on behalf of the Kansas Association of School Boards. KASB opposes this bill because we believe it would impede the ability of public officials elected at the local level to communicate about matters of public concern to public officials elected at the state level. We believe this would harm the effectiveness of both local and state government. We further believe this bill is unclear as to its actual intent and impact. Please consider the following:

KASB's members are locally elected boards of education, established in the state constitution to "maintain, develop and operate" public schools. In other words, they are constitutional bodies elected by the people, just like the Legislature and statewide executive officials.

Just like the Legislature, Governor, and other state agencies, school boards are affected by actions of other levels and agencies of government, and therefore must interact and cooperate with other levels of government and public bodies. That requires both providing information and expressing opinions about the advantages and disadvantages of governmental action. That is what lobbying is.

Just like the Legislature, the Governor and other state agencies, school boards develop positions on potential government actions, based on how those actions would affect the duties of the school board, the operation of the school district, and the interests of their constituents.

Just like state agencies, school boards form associations to more effectively develop and share those positions. KASB and other municipal associations work with our members just as the National Conference of State Legislatures, the National Governor's Association and similar groups represent state entities at the federal level.

Some members of the public may disagree with the actions or positions of their local governments, just as they may disagree with actions and positions of state officials. In both cases, the voters may remove public officials through elections. School board members must face the voters every four years, just like Senators and statewide elected officials.

Limiting the ability of local officials to lobby, (in other words, express positions) at the state level means other groups can seek to influence the operations and costs of local government, but elected officials cannot respond in the same fashion.

SB 109 does create exemptions from the prohibition on lobbying, but only (1) upon request of individual Legislators, or (2) communicating through “proper channels” requests for action “deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties.” None of these terms are defined. We believe everything we do under the concept of lobbying falls under these exceptions.

Today, we are testifying before a committee, under the procedures set up by the committee, to communicate a request for action (to not pass this bill), because we believe passage of this legislation would impede efficient conduct of public business. We have communicated this to our members, and encouraged them to share their concerns with their elected representatives.

Would our actions today be permitted under this bill, or would I have committed a class C misdemeanor? How do we know? Who will decide?

We respectfully ask you to continue to allow the voters to decide if local elected officials are appropriately using public funds to communicate legislative concerns and positions to the state.

Thank you for your consideration.