



Associations Advance Kansas

To: Senate Ethics and Elections Committee

Date: January 26, 2012

Subject: **SB 102**: Opposition to Current Language Drastically Increasing Certain Fees Charged by the Kansas Governmental Ethics Commission

Chairperson Huntington and members of the Senate Ethics and Elections Committee, thank you for the opportunity to provide testimony today as a member of the Board of Directors of the Kansas Society of Association Executives (KSAE) in opposition to the current language in **SB 102** increasing certain fees charged by the Kansas Governmental Ethics Commission.

KSAE is a professional society whose mission is to promote professional excellence in association management. KSAE members represent a vast array of professions and industries in Kansas. Members' organizations range from large, cutting edge operations to small one and two staff operations. One of the most important roles for KSAE members is to provide information and resources to state legislators on behalf of their trade associations, professional societies, corporate entities, charitable organizations and causes they represent. KSAE members provide a voice so their members are heard when legislation is developed that would impact them.

As currently drafted, **SB 102** would drastically increase the registration fees paid by political committees and registered lobbyists to the Kansas Governmental Ethics Commission. These fees are deposited into the Commission's fee fund and the funds are used to administer the various statutes and regulations enforced by the Commission.

As a starting point for this discussion, KSAE would like to emphasize its strong and unqualified support for the primary mission of the Kansas Governmental Ethics Commission - enforcing the state's statutes and regulations and protecting and promoting the public trust in state and local governmental entities in Kansas. Faced with continually declining appropriations from the state general fund over the last few years, KSAE certainly recognizes and appreciates the tremendous fiscal strain this has placed on the Commission in executing its responsibilities.

KSAE is extremely concerned with the current language in **SB 102** that seeks to solve this funding problem through drastic and exponential increases in the registration fees charged by the Commission to political committees and registered lobbyists. When the proposed fees under **SB 102** are compared to the lobbyist registration fees in surrounding states, it becomes increasingly clear that the proposed fees are excessive and unreasonable.

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| ▪ Kansas (Proposed Fee under SB 102): | \$900 annual fee (300% proposed increase) |
| ▪ Kansas (Current Fee): | \$300 annual fee |
| ▪ Nebraska (Current Fee): | \$200 annual fee |
| ▪ Oklahoma (Current Fee): | \$100 annual fee |
| ▪ Colorado (Current Fee): | \$40 annual fee |
| ▪ Missouri (Current Fee): | \$10 annual fee |

If fully implemented in future fiscal years by the Commission, KSAE strongly believes that the increased fees could serve as a barrier for many constituencies and organizations participating in the legislative and political process and exercising their First Amendment rights to "petition government for a redress of grievances." The right to "petition government for a redress of grievances" is a fundamental building block of a democratic society and has been enshrined in the governing documents of various governments since the time of the Magna Carta in the 17th century.

Kansas Society of Association Executives

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Simply put, the fee increases proposed under the current language of **SB 102** could have the practical effect of “pricing out” many associations, constituencies and organizations from participating in the legislative process. In our opinion, this would be a great disservice to the state of Kansas as many voices could be absent from the legislative process and citizen input into governmental affairs would be limited.

In moving forward with this discussion, KSAE strongly believes that there is a reasonable, commonsense solution that would allow the Commission to incrementally increase fees over time to address the funding problems caused by declining appropriations from the state general fund. In doing so, KSAE would point out that various alternatives have been floated in the legislative process over the last year that provided the Commission with adequate revenue and mitigated the negative and harmful impact of the increased fees on associations, constituencies and organizations registered with the Commission.

In addition, KSAE took the opportunity to survey our membership on other issues relating to the statutes and regulations enforced by the Commission while this legislation was pending in the Senate Ethics and Elections Committee. The following suggestions were provided by KSAE members as reasonable, commonsense modifications to the statutes and regulations enforced by the Commission:

- (1) If an entire legislative committee is invited to a lunch/dinner event, the lobbyist should only be required to report the cost of the event in the aggregate under **K.S.A. 46-269(c)(2)(E)**.
- (2) Increase the maximum entertainment/hospitality limit to \$250 from \$100 per individual legislator or legislator’s spouse and decouple a legislator’s spouse from the calculation of the maximum limit for individual legislators.
- (3) Change the monthly lobbyist reporting deadline to the 15th from the 10th of each month under **K.S.A. 46-268(a)**.
- (4) Change the minimum annual aggregate contribution from \$50 to \$100 that would require a candidate or political committee to itemize and provide the name and address for the contributor under **K.S.A. 25-4148(b) (2)**.
- (5) Change the statute to allow the primary sponsors of dinner events sponsored by multiple registered lobbyists to itemize the event in their respective lobbyist expenditure and employment report and to allow secondary sponsors to report in the aggregate how much was contributed to the primary sponsor for partial sponsorship of the event.

KSAE strongly believes that there is a reasonable, commonsense solution that would allow the Commission to incrementally increase fees over time to address the funding problems caused by declining appropriations from the state general fund. In addition, KSAE believes it is an appropriate time to consider the suggested reasonable and commonsense modifications to streamline the reporting process for registered lobbyists in Kansas.

In closing, KSAE stands ready, willing and able to work with the Kansas Legislature to find a solution to these issues. Thank you again for the opportunity to testify and we would be more than happy to stand for any questions from the Senate Ethics and Elections Committee at the appropriate time.

