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**House Elections Committee
Testimony re: SB 102
Submitted by Ronald R. Hein
on behalf
Hein Law Firm, Chartered
March 14, 2012**

Mr. Chairman and Members of the Committee:

I am appearing this morning on behalf of Hein Law Firm, Chartered, and further on behalf of our multiple clients that ultimately are subject to the Lobby Control Act.

I am neutral on SB 102 as it currently exists, although I would like to offer some amendments.

Before addressing my proposed amendments, I do want to address the fact that the fees for lobbying are being increased, presumably because of inflation, but that the reporting thresholds set out in the act are NOT similarly being adjusted. There is no increase in the threshold amount for paying a larger registration fee, nor any adjustment of the gift limit, nor the entertainment limit, nor the threshold for insignificant snacks. It would seem fair to adjust those thresholds for inflation if the fees are to be increased due to inflation.

I also want to bring some possible amendments to the current provisions of the Lobby Control Act:

1) The Act has been interpreted to require reporting of the cost, and identification of all recipients of certain healthcare tests. Blood pressures can be taken and require no reporting, because there is no item consumed. But running blood sugars requires reporting of the cost of the strip, the lancet and the alcohol, and also requires obtaining the name of the recipient of the test, whether they work for the state, and then the reporting of that amount and name as a "gift". This should be changed by either setting a threshold or eliminating any health care tests whatsoever. The threshold would also cover distribution of items like toothbrushes that the Kansas Dental Association distributes as well, so such insignificant items do NOT need to be reported as gifts.

I would recommend that either the gift statute be amended to exclude reporting of gifts of less than \$5 in value, or that language as follows be inserted into the current gift

provisions of the Lobby Control Act:

“Expenditures of less than \$5 for cost of tests for health care services provided by groups with a special interest shall not be reported, whether provided to legislators or legislative employees or to executive branch employees.”

2) Adopt a statement of Legislative Intent by this Committee to clarify that when the statute does NOT include spouse in the statutes, that the Legislative Intent was NOT to include spouse where “spouse” is not designated. Governmental Ethics Commission ruled years ago that spouse is included as the same person as the elected official, even where the statutes did NOT include the word “spouse”, even though other statutes intentionally did include the word “spouse”. Then I challenged that ruling, and the GEC ruled that since the legislature had not specifically overruled the Commission’s earlier ruling, that the legislature thus intended the word “spouse” to be included. For example, a gift to a spouse is deemed to be a gift to the official, and entertainment for a spouse is also entertainment for the official.

I would ask that this committee adopt a statement of legislative intent as part of the committee minutes as follows:

Notwithstanding a prior ruling of the Governmental Ethics Commission to the contrary, it is the stated legislative intent that when the Lobby Control Act refers to the term “official” or “public official” and does not also refer to the term “spouse” for such public official, that the intent of the legislature was and is to refer only to such official, and to include “spouse” of such official. Likewise, when the statutes refer to “public official and spouse”, or similar terms, that the legislative intent was and is to include such spouse in such provisions.”

I would therefore request the adoption of the amendments proposed.

Thank you for permitting me to present this testimony today, and I would be happy to yield for any questions.