

# HEIN LAW FIRM, CHARTERED

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## Senate Ethics and Elections Committee

Testimony re: SB 102

Submitted by Ronald R. Hein

on behalf

Hein Law Firm, Chartered

February 1, 2012

Madame Chairman and Members of the Committee:

I am appearing this morning on behalf of Hein Law Firm, Chartered, and further on behalf of the multiple clients that ultimately pay the lobbying registration fees.

I oppose SB 102 as it currently exists, although some of my concerns may be addressed by revision of the fee schedule discussed already. I still have concerns about the large increase in the individual lobbying client fee and the firm employee fee.

Also, although the fees are being increased, presumably because of inflation, the 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.

2) Clarify that statute does NOT include spouses in those areas 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 their earlier ruling, that the legislature thus intended the word "spouse" to be included. Example is that 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 the legislature, while passing SB 102, specify in the minutes of this committee meeting that this legislature finds that where the statute does NOT include the word "spouse", that the statute is thus not applicable to the spouse, and that where the statutes include the word "spouse", the statute is thus applicable to the spouse, and that the GEC opinion in the past notwithstanding, that the Legislature finds that spouse should NOT be included where the word "spouse" is not included in the statute.

I appreciate the opportunity to present this testimony today, and I would be happy to yield for any questions.