

*[As Amended by Senate Committee of the Whole]*

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*As Amended by Senate Committee*

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*Session of 2006*

## **SENATE BILL No. 419**

By Senator Huelskamp

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12 AN ACT concerning governmental ethics; requiring certain members  
13 and employees of the judicial branch to file statements of substantial  
14 interest; amending K.S.A. **46-221**, 46-282, 46-283 and 46-285 and  
15 K.S.A. 2005 Supp. 46-247 and repealing the existing sections.  
16

17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. K.S.A. 2005 Supp. 46-247 is hereby amended to read as  
19 follows: 46-247. The following individuals shall file written statements of  
20 substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive,  
21 and amendments thereto:

22 (a) Legislators and candidates for nomination or election to the  
23 legislature.

24 (b) Individuals holding an elected office in the executive branch of  
25 this state, and candidates for nomination or election to any such office.

26 (c) State officers, employees and members of boards, councils and  
27 commissions under the jurisdiction of the head of any state agency who  
28 are listed as designees by the head of a state agency pursuant to K.S.A.  
29 46-285, and amendments thereto.

30 (d) Individuals whose appointment to office is subject to confirmation  
31 by the senate whether or not such individual is a state officer or employee.

32 (e) General counsels for state agencies irrespective of how  
33 compensated.

34 (f) The administrator or executive director of the education commis-  
35 sion of the states, the interstate compact on agricultural grain marketing,  
36 the Mo-Kan metropolitan development district and agency compact, the  
37 Kansas City area transportation district and authority compact, the mid-  
38 west nuclear compact, the central interstate low-level radioactive waste  
39 compact, the multistate tax compact, the Kansas-Oklahoma Arkansas river  
40 basin compact, the Kansas-Nebraska Big Blue river compact, and the  
41 multistate lottery.

42 (g) Private consultants under contract with any agency of the state of  
43 Kansas to evaluate bids for public contracts or to award public contracts.

1 (h) From and after January 1, 2003, any faculty member or other  
2 employee of a postsecondary educational institution as defined by K.S.A.  
3 74-3201b, and amendments thereto, who provides consulting services and  
4 who, on behalf of or for the benefit of the person for which consulting  
5 services are provided:

6 (1) Promotes or opposes action or nonaction by any federal agency,  
7 any state agency as defined by K.S.A. 46-224, and amendments thereto,  
8 or any political subdivision of the state or any agency of such political  
9 subdivision or a representative of such state agency, political subdivision  
10 or agency; or

11 (2) promotes or opposes action or nonaction relating to the expend-  
12 iture of public funds of the federal government, the state or political  
13 subdivision of the state or agency of the federal government, state or  
14 political subdivision of the state.

15 (i) From and after January 1, 2006, any faculty member who receives  
16 an annual salary of \$50,000 or more, other than an adjunct faculty mem-  
17 ber, who is employed by a state education institution as defined by K.S.A.  
18 76-711, and amendments thereto.

19 (j) (1) *Each:*

20 (A) *Judge of the court of appeals;*

21 (B) *justice of the supreme court; and*

22 (C) ***member of the commission on judicial qualifications;***

23 (D) ***member of any supreme court nominating commission;***

24 (E) ***law clerk of a judge of the court of appeals or justice of the***  
25 ***supreme court; and***

26 (F) nonjudicial employee of an appellate court who is listed as a des-  
27 ignee pursuant to K.S.A. 46-285 and amendments thereto.

28 (2) For the purposes of this subsection, the term “appellate court”  
29 shall have the meaning ascribed to it in K.S.A. 22-2202 and amendments  
30 thereto.

31 (k) ***For the purposes of this act, for the persons listed in subsec-***  
32 ***tion (j) term “statement of substantial interests” shall mean the ju-***  
33 ***dicial financial disclosure report required by the supreme court.***

34 Sec. 2. K.S.A. 46-282 is hereby amended to read as follows: 46-282.  
35 “Designee” means:

36 (a) Any state officer, employee or member of any agency, depart-  
37 ment, division, bureau or other unit of state government who holds a  
38 position:

39 (1) Defined as a major policy making position;

40 (2) responsible for contracting, purchasing or procurement, except  
41 persons whose sole responsibility is the purchasing of gasoline or emer-  
42 gency repair for a state vehicle assigned to them for their use or persons  
43 whose sole responsibility relating to purchasing or procurement includes

- 1 only transactions pursuant to preexisting state contracts;  
2 (3) responsible for writing or drafting specifications for contracts;  
3 (4) responsible for awarding grants, benefits or subsidies; or  
4 (5) responsible for inspecting, licensing or regulating any person or  
5 entity.  
6 (b) (1) *Any judge of the court of appeals, justice of the supreme court*  
7 *or nonjudicial officer or employee of an appellate court who holds a*  
8 *position:*  
9 (A) *Defined as a major policy making position;*  
10 (B) *responsible for contracting, purchasing or procurement, except*  
11 *persons whose sole responsibility is the purchasing of gasoline or emer-*  
12 *gency repair for a state vehicle assigned to them for use or persons whose*  
13 *sole responsibility relating to purchasing or procurement includes only*  
14 *transactions pursuant to preexisting state contracts;*  
15 (C) *responsible for writing or drafting specifications for contracts;*  
16 (D) *responsible for awarding grants, benefits or subsidies; or*  
17 (E) *responsible for inspecting, licensing or regulating any person or*  
18 *entity.*  
19 (2) *For the purposes of this section, the term “appellate court” shall*  
20 *have the meaning ascribed to it in K.S.A. 22-2202 and amendments*  
21 *thereto.*  
22 (c) “Designee” does not include any driver’s license examiner of the  
23 department of revenue or any person performing ministerial functions.  
24 Sec. 3. K.S.A. 46-283 is hereby amended to read as follows: 46-283.  
25 (a) “Major policy making<sup>22</sup> position” means ~~(a)~~:  
26 (1) The administrative head or heads or executive of a state agency  
27 ~~or (b);~~ or  
28 (2) the head of each department, division, bureau or other major  
29 administrative unit within a state agency.  
30 (b) *Except as provided in subsection (c), major policy making position*  
31 *also includes:*  
32 (1) *Any justice of the supreme court;*  
33 (2) *any judge of the court of appeals; or*  
34 (3) *the head of each department, division, bureau or other major ad-*  
35 *ministrative unit within the supreme court.*  
36 (c) *Major policy making position includes any judge or nonjudicial*  
37 *personnel of an appellate court as such term is defined in K.S.A. 22-2202*  
38 *and amendments thereto.*  
39 Sec. 4. K.S.A. 46-285 is hereby amended to read as follows: 46-285.  
40 (a) The head of every state agency shall submit a list of designees under  
41 the agency head’s jurisdiction, identifying the positions, names and home  
42 mailing addresses of all designees of that agency to the commission an-  
43 nually between March 15 and March 31, inclusive. The agency head may

1 prepare and submit a separate list for each department, division, bureau  
2 or other unit within the agency head's jurisdiction. The agency head shall  
3 attach to each list an organizational chart for the agency, department or  
4 division to which that list corresponds and shall certify the list to be cor-  
5 rect. The agency head shall notify the commission of the name, home  
6 address and position of any new designee under the agency head's juris-  
7 diction within 10 days of appointment. The commission may request the  
8 head of a state agency to make additions to or deletions from the list.

9 (b) *The chief justice of the supreme court shall submit a list of des-*  
10 *ignees under the jurisdiction of the supreme court, identifying the posi-*  
11 *tions, names and home mailing addresses of all designees of that agency*  
12 *to the commission annually between March 15 and March 31, inclusive.*  
13 *The chief justice may prepare and submit a separate list for each depart-*  
14 *ment, division, bureau or other unit within the jurisdiction of the supreme*  
15 *court. The chief justice shall attach to each list an organizational chart*  
16 *for the agency, department or division to which that list corresponds and*  
17 *shall certify the list to be correct. The chief justice shall notify the com-*  
18 *mission of the name, home address and position of any new designee*  
19 *under the jurisdiction of the supreme court within 10 days of appoint-*  
20 *ment. The commission may request the chief justice to make additions to*  
21 *or deletions from the list.*

22 (c) The commission shall transmit promptly copies of all lists received  
23 under this section to the secretary of state.

24 **Sec. 5. K.S.A. 46-221 is hereby amended to read as follows: 46-**  
25 **221. (a) "State officer or employee" means (1) any individual who**  
26 **is an elected or appointed state officer, (2) any individual who is in**  
27 **the classified service or unclassified service of the Kansas civil serv-**  
28 **ice act, (3) all officers and employees of the legislative branch and**  
29 **of the governor's office, irrespective of how compensated or period**  
30 **of employment, and (4) any individual who receives monthly or**  
31 **semimonthly compensation for services from the state or any state**  
32 **agency. State officer or employee does not include any justice or**  
33 **commissioner of the supreme court or judge of the judicial branch**  
34 **or employee or officer of the judicial branch or any member of a**  
35 **board, council or commission who is appointed by the supreme**  
36 **court or who is elected or appointed to exercise duties pertaining**  
37 **to functions of the judicial branch, when such person is engaged in**  
38 **performing a function or duty for the judicial branch, except that**  
39 **each person listed in subsection (j) of K.S.A. 46-247, and amendments**  
40 **thereto, shall be considered to be a state employee for the purposes of this**  
41 **act notwithstanding any language in this section to the contrary. Also,**  
42 **state officer or employee does not include any appointed member**  
43 **of an advisory council, commission or board, who serves without**

1 *compensation other than amounts for expense allowances or reim-*  
2 *bursement of expenses as provided for in subsection (e) of K.S.A.*  
3 *75-3223 and amendments thereto, when such member is engaged in*  
4 *performing a function or duty for such council, commission or*  
5 *board.*

6 (b) *“Candidate” means an individual who: (1) Appoints a trea-*  
7 *surer or a candidate committee; (2) makes a public announcement*  
8 *of intention to seek nomination or election to state office; (3) makes*  
9 *any expenditure or accepts any contribution for the purpose of in-*  
10 *fluencing such person’s nomination or election to any state office;*  
11 *or (4) files a declaration or petition to become a candidate for state*  
12 *office.*

13 (c) *“State officer elect” means an individual who has been*  
14 *elected to state office or appointed to fill a vacancy in a state office*  
15 *but who has not yet taken the oath of office.*

16 Sec. ~~5~~ **6**. K.S.A. [~~46-221,~~] 46-282, 46-283 and 46-285 and K.S.A.  
17 2005 Supp. 46-247 are hereby repealed.

18 Sec. ~~6~~ **7**. This act shall take effect and be in force from and after its  
19 publication in the Kansas register.