

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

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*As Amended by Senate Committee*

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*Session of 2009*

## **SENATE BILL No. 297**

By Committee on Ways and Means

3-3

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12 AN ACT concerning governmental ethics; eliminating the filing require-  
13 ment for certain faculty of state education institutions; *[pertaining to*  
14 *reporting of certain expenditures by lobbyists;] [requiring cer-*  
15 *tain members of the judicial branch to file disclosure statements;]*  
16 amending K.S.A. *[46-269 and K.S.A. 2008 Supp. 46-247 and repeal-*  
17 *ing the existing section [sections].*

18

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

20 Section 1. K.S.A. 2008 Supp. 46-247 is hereby amended to read as  
21 follows: 46-247. The following individuals shall file written statements of  
22 substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive,  
23 and amendments thereto:

24 (a) Legislators and candidates for nomination or election to the  
25 legislature.

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

28 (c) State officers, employees and members of boards, councils and  
29 commissions under the jurisdiction of the head of any state agency who  
30 are listed as designees by the head of a state agency pursuant to K.S.A.  
31 46-285, and amendments thereto.

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

34 (e) General counsels for state agencies irrespective of how  
35 compensated.

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

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

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

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

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

17 ~~(i) From and after January 1, 2006, any faculty member who receives  
18 an annual salary of \$50,000 or more, other than an adjunct faculty mem-  
19 ber, who is employed by a state education institution as defined by K.S.A.  
20 76-711, and amendments thereto.~~

21 ***[(i) Notwithstanding the provisions of K.S.A. 46-221, and  
22 amendments thereto, each of the following persons shall file with  
23 the supreme court the judicial financial disclosure report developed  
24 by the supreme court:***

25 ***[(1) Judge of the court of appeals;***

26 ***[(2) justice of the supreme court;***

27 ***[(3) member of the commission on judicial qualifications; and***

28 ***[(4) member of any supreme court nominating commission.]***

29 ***New Sec. 2. (a) Any faculty member who receives an annual  
30 salary of \$50,000 or more, other than an adjunct faculty member,  
31 who is employed by a state educational institution as defined by  
32 K.S.A. 76-711, and amendments thereto, shall file a written state-  
33 ment of substantial interests with the employing state educational  
34 institution.***

35 ***(b) The written statement of substantial interests filed with a  
36 state educational institution pursuant to this section shall, at a min-  
37 imum, include the information required by K.S.A. 46-229, and  
38 amendments thereto, and shall be an open public record. Any con-  
39 flict of interests information required by the state board of regents  
40 or state educational institution that is in addition to that which is  
41 required by K.S.A. 46-229, and amendments thereto, may be placed  
42 in the faculty member's personnel records file and discretionarily  
43 closed in accordance with K.S.A. 45-221, and amendments thereto.***

1       (c) *The written statement of substantial interests required by*  
2 *this section shall be in such form as required by the state board of*  
3 *regents and shall be filed annually as part of the state educational*  
4 *institution's appointment or salary notification process, and sup-*  
5 *plemented as required by the state board of regents.*

6       [Sec. 3. K.S.A. 46-269 is hereby amended to read as follows: 46-  
7 269. Each report required to be filed by K.S.A. 46-268, and amend-  
8 ments thereto, is a public record and shall be open to public in-  
9 spection upon request. Such report shall disclose the following:

10       [(a) *The full name and address of each person who has paid*  
11 *compensation for lobbying to the lobbyist or has paid for expenses*  
12 *of lobbying by the lobbyist during the period reported.*

13       [(b) *The aggregate amount or value of all expenditures made,*  
14 *except for expenses of general office overhead, by the lobbyist or*  
15 *by the lobbyist's employer for or in direct relation to lobbying dur-*  
16 *ing the reporting period, if such expenditures exceed \$100. Individ-*  
17 *ual expenditures of less than \$2 shall not be required to be reported*  
18 *under this subsection. Every lobbyist shall keep detailed accounts*  
19 *of all expenditures required to be reported pursuant to K.S.A. 46-*  
20 *268, and amendments thereto. Such expenditures shall be reported*  
21 *according to the following categories of expenditures:*

22       [(1) *Food and beverages provided as hospitality;*

23       [(2) *entertainment, gifts, honoraria or payments;*

24       [(3) *mass media communications;*

25       [(4) *recreation provided as hospitality;*

26       [(5) *communications for the purpose of influencing legislative*  
27 *or executive action; and*

28       [(6) *all other reportable expenditures made in the performance*  
29 *of services as a lobbyist.*

30       [*Whenever a lobbyist provides food or beverage or participates in the*  
31 *provision of food or beverage which is reportable under this subsection,*  
32 *the lobbyist shall include the date upon which such food or beverage is*  
33 *provided.*

34       [*With regard to expenditures for entertainment or hospitality*  
35 *which is primarily recreation, food and beverages, only amounts*  
36 *expended on a state officer or employee or on such officer or em-*  
37 *ployee's spouse shall be considered to be for or in direct relation to*  
38 *lobbying. Notwithstanding the requirements of this subsection and*  
39 *subsection (d), no lobbyist shall be responsible to report any ex-*  
40 *penditure by the lobbyist's employer of which such person has no*  
41 *knowledge.*

42       [(c) (1) *In addition to the information reported pursuant to*  
43 *subsection (b), each lobbyist expending an aggregate amount of*

1 ***\$100 or more for lobbying in any reporting period shall report any***  
2 ***gift, entertainment or hospitality provided to members of the leg-***  
3 ***islature, members of the judicial branch of government and any***  
4 ***employees of the legislature or judicial branch of government. Such***  
5 ***report shall disclose the full name of the legislator, member of the***  
6 ***judicial branch and employee who received such gift, entertainment***  
7 ***or hospitality and the amount expended on such gift, entertainment***  
8 ***or hospitality.***

9 ***[(2) No report shall be required to be filed pursuant to this sub-***  
10 ***section (c) for the following:***

11 ***[(A) Meals, the provision of which is motivated by a personal or***  
12 ***family relationship;***

13 ***[(B) meals provided at public events in which the person is at-***  
14 ***tending in an official capacity;***

15 ***[(C) meals provided to a person subject to this section when it***  
16 ***is obvious such meals are not being provided because of the person's***  
17 ***official position;***

18 ***[(D) food such as soft drinks, coffee or snack foods not offered***  
19 ***as part of a meal; and***

20 ***[(E) entertainment or hospitality in the form of recreation, food***  
21 ***and beverages provided at an event to which the following have***  
22 ***been invited:***

23 ***[(i) All members of the legislature or all members of either***  
24 ***house of the legislature; or***

25 ***[(ii) all members of a political party caucus of the legislature***  
26 ***or all members of a political party caucus of either house of the***  
27 ***legislature.***

28 ***[(d) Except as provided by subsection (c), whenever an individ-***  
29 ***ual lobbyist contributes to a single special event, such lobbyist shall***  
30 ***report only the aggregate amount or value of the expenditure con-***  
31 ***tributed by such lobbyist.***

32 ***[(e) Whenever more than one lobbyist is employed by a single***  
33 ***employer, the reports required by this section relating to such em-***  
34 ***ployer shall be made by only one such lobbyist and that lobbyist***  
35 ***shall be the lobbyist who is most directly connected with the par-***  
36 ***ticular expenditure or gift, honoraria or payment. No expenditure***  
37 ***or gift, honoraria or payment required to be reported by this section***  
38 ***shall be reported by more than one lobbyist.***

39 ***[(f) All accounts, records and documents of the lobbyist which***  
40 ***relate to every expenditure reported or which should have been***  
41 ***reported shall be maintained and preserved by the lobbyist for a***  
42 ***period of five years from the date of the filing of such report or***  
43 ***statement and may be inspected under conditions determined by***

1 ***the commission.]***

2 Sec. ~~2-3~~ [4.] K.S.A. [46-269 and K.S.A.] 2008 Supp. 46-247 is  
3 [are] hereby repealed.

4 Sec. ~~3-4~~ [5.] This act shall take effect and be in force from and  
5 after its publication in the statute book.