

**Substitute for SENATE BILL No. 416**

By Committee on Ethics and Elections

2-11

10 AN ACT concerning governmental ethics; ~~eliminating the filing require-~~  
11 ~~ments for certain faculty of state education institutions~~; amending  
12 **[K.S.A. 46-269 and]** K.S.A. 2009 Supp. 46-247 and repealing the  
13 existing section **[sections]**; also repealing K.S.A. 2009 Supp. 46-247a.  
14

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

16 Section 1. K.S.A. 2009 Supp. 46-247 is hereby amended to read as  
17 follows: 46-247. The following individuals shall file written statements of  
18 substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive,  
19 and amendments thereto:

20 (a) Legislators and candidates for nomination or election to the  
21 legislature.

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

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

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

30 (e) General counsels for state agencies irrespective of how  
31 compensated.

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

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

42 (h) From and after January 1, 2003, any faculty member or other  
43 employee of a postsecondary educational institution as defined by K.S.A.

1 74-3201b, and amendments thereto, who provides consulting services and  
2 who, on behalf of or for the benefit of the person for which consulting  
3 services are provided:

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

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

13 ~~(i) Except as provided by K.S.A. 2009 Supp. 46-247a, and amend-~~  
14 ~~ments thereto, any faculty member who receives an annual salary of~~  
15 ~~\$50,000 or more, other than an adjunct faculty member, who is employed~~  
16 ~~by a state education institution as defined by K.S.A. 76-711, and amend-~~  
17 ~~ments thereto.~~

18 ***[Sec. 2. K.S.A. 46-269 is hereby amended to read as follows: 46-***  
19 ***269. Each report required to be filed by K.S.A. 46-268, and amend-***  
20 ***ments thereto, is a public record and shall be open to public in-***  
21 ***spection upon request. Such report shall disclose the following:***

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

25 ***[(b) The aggregate amount or value of all expenditures made,***  
26 ***except for expenses of general office overhead, by the lobbyist or***  
27 ***by the lobbyist's employer for or in direct relation to lobbying dur-***  
28 ***ing the reporting period, if such expenditures exceed \$100. Individ-***  
29 ***ual expenditures of less than \$2 shall not be required to be reported***  
30 ***under this subsection. Every lobbyist shall keep detailed accounts***  
31 ***of all expenditures required to be reported pursuant to K.S.A. 46-***  
32 ***268, and amendments thereto. Such expenditures shall be reported***  
33 ***according to the following categories of expenditures:***

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

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

36 ***[(3) mass media communications;***

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

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

40 ***[(6) all other reportable expenditures made in the performance***  
41 ***of services as a lobbyist. With regard to expenditures for entertain-***  
42 ***ment or hospitality which is primarily recreation, food and bever-***  
43 ***ages, only amounts expended on a state officer or employee or on***

1 *such officer or employee's spouse shall be considered to be for or*  
2 *in direct relation to lobbying. Notwithstanding the requirements of*  
3 *this subsection and subsection (d), no lobbyist shall be responsible*  
4 *to report any expenditure by the lobbyist's employer of which such*  
5 *person has no knowledge.*

6 *[(c) (1) In addition to the information reported pursuant to*  
7 *subsection (b), each lobbyist expending an aggregate amount of*  
8 *\$100 or more for lobbying in any reporting period shall report any*  
9 *gift, entertainment or hospitality provided to members of the leg-*  
10 *islature, members of the judicial branch of government and any*  
11 *employees of the legislature or judicial branch of government. Such*  
12 *report shall disclose the full name of the legislator, member of the*  
13 *judicial branch and employee who received such gift, entertainment*  
14 *or hospitality and the date and the amount expended on such gift,*  
15 *entertainment or hospitality.*

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

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

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

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

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

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

30 *[(i) All members of the legislature or all members of either*  
31 *house of the legislature; or*

32 *[(ii) all members of a political party caucus of the legislature*  
33 *or all members of a political party caucus of either house of the*  
34 *legislature.*

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

39 *[(e) Whenever more than one lobbyist is employed by a single*  
40 *employer, the reports required by this section relating to such em-*  
41 *ployer shall be made by only one such lobbyist and that lobbyist*  
42 *shall be the lobbyist who is most directly connected with the par-*  
43 *ticular expenditure or gift, honoraria or payment. No expenditure*

1 *or gift, honoraria or payment required to be reported by this section*  
2 *shall be reported by more than one lobbyist.*

3 *[(f) All accounts, records and documents of the lobbyist which*  
4 *relate to every expenditure reported or which should have been*  
5 *reported shall be maintained and preserved by the lobbyist for a*  
6 *period of five years from the date of the filing of such report or*  
7 *statement and may be inspected under conditions determined by*  
8 *the commission.]*

9 Sec. ~~2~~ *[3.] [K.S.A. 46-269 and]* K.S.A. 2009 Supp. 46-247 and 46-  
10 247a are hereby repealed.

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