

Substitute for SENATE BILL No. 66

By Committee on Local Government, Transparency and Ethics

3-14

1 AN ACT concerning local governmental ethics; relating to filing
2 requirements of the statement of substantial interests; requiring annual
3 filing by city or county elected or appointed officials; providing that
4 elected or appointed officials of a governmental subdivision other than
5 a city or county file statements of substantial interests if any change in
6 substantial interests occurred; requiring governmental officials with a
7 substantial interest in a real estate development project to verbally
8 disclose such interest prior to first participating in any discussion,
9 review or action on a proposed zoning change or permit; amending
10 K.S.A. 75-4302a and repealing the existing section.

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

13 Section 1. K.S.A. 75-4302a is hereby amended to read as follows: 75-
14 4302a. (a) The statement of substantial interests shall include all
15 substantial interests of the individual making the statement.

16 (b) *Except as provided by subsection (f)*, statements of substantial
17 interests shall be filed by the following individuals at the times specified:

18 (1) By a candidate for local office who becomes a candidate on or
19 before the filing deadline for the office, not later than 10 days after the
20 filing deadline, unless before that time the candidacy is officially declined
21 or rejected.

22 (2) By a candidate for local office who becomes a candidate after the
23 filing deadline for the office, within five days of becoming a candidate,
24 unless within that period the candidacy is officially declined or rejected.

25 (3) By an individual appointed on or before April 30 of any year to
26 fill a vacancy in an elective office of a governmental subdivision, between
27 April 15 and April 30, inclusive, of that year *and each year thereafter, so*
28 *long as the provisions of this section apply to the individual.*

29 (4) By an individual appointed after April 30 of any year to fill a
30 vacancy in an elective office of a governmental subdivision, within 15
31 days after the appointment *and annually thereafter between April 15 and*
32 *April 30, inclusive, so long as the provisions of this section apply to the*
33 *individual.*

34 (5) By any individual holding an elective office of a governmental
35 subdivision, *annually between April 15 and April 30, inclusive, of any*
36 *year if, during the preceding calendar year, any change occurred in the*

1 ~~individual's substantial interests~~ so long as the provisions of this section
2 *apply to the individual.*

3 (c) The statement of substantial interests required to be filed pursuant
4 to this section shall be filed in the office where declarations of candidacy
5 for the local governmental office sought or held by the individual are
6 required to be filed. *Upon receipt of each such statement, the receiving*
7 *office shall submit a copy of such statement to the secretary of state.*

8 (d) The governmental ethics commission shall adopt rules and
9 regulations prescribing the form and the manner for filing the disclosures
10 of substantial interests required by law. The commission shall provide
11 samples of the form of the statement to each county election officer.

12 (e) If an individual or an individual's spouse holds the position of
13 officer, director, associate, partner or proprietor in an organization exempt
14 from federal taxation of corporations under section 501(c)(3), (4), (6), (7),
15 (8), (10) or (19) of chapter 26 of the United States code, the individual
16 shall comply with all disclosure provisions of subsections (a), (b), (c) and
17 ~~(d) of this section~~ notwithstanding the provisions of K.S.A. 75-4301, and
18 amendments thereto, which provide that these individuals may not have a
19 substantial interest in these corporations.

20 (f) *The annual filing requirements of subsections (b)(3), (4) and (5)*
21 *shall only apply to elected or appointed officers of a city or county. Such*
22 *annual filing requirements shall not apply to elected or appointed officers*
23 *of a township, school district, drainage district or any other governmental*
24 *subdivision that is not a city or county. An individual who is an elected or*
25 *appointed officer of a township, school district, drainage district or any*
26 *other governmental subdivision that is not a city or county shall, in*
27 *addition to the initial filing requirements of subsections (b)(3), (4) and (5),*
28 *file a statement of substantial interests between April 15 and April 30,*
29 *inclusive, if, during the preceding calendar year; any change occurred in*
30 *such individual's substantial interests.*

31 (g) *Any local governmental officer that participates in the*
32 *consideration of or decision on a proposed zoning change or permit with*
33 *regard to a real estate development project that may affect any substantial*
34 *interest held by the local governmental officer or a relative of the local*
35 *governmental officer shall verbally disclose such substantial interest*
36 *during the first open meeting at which such officer is present when*
37 *discussion, review or action on the proposed zoning change or permit*
38 *occurs prior to participating in any discussion, review or action on the*
39 *proposed zoning change or permit.*

40 Sec. 2. K.S.A. 75-4302a is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after its
42 publication in the statute book.