

STATE OF KANSAS

SENATE CHAMBER

MR. PRESIDENT:

I move to amend **SB 291**, As Further Amended by Senate Committee, on page 1, in line 24, by striking "6" and inserting "7";

On page 6, following line 33, by inserting:

"New Sec. 5. (a) A registered investment adviser, as defined in K.S.A. 17-12a102, and amendments thereto, prior to investing any moneys owned by a client, shall disclose to each new client, and at least annually to each existing client, the following notice, in writing:

"NOTICE: Environmental, social and governance (ESG) investing may limit your return on investment compared to investments that do not use such criteria. You should ask your investment adviser for more specific information on whether there are investment alternatives available with entities that do not use such ESG criteria and that instead rely on ordinary business considerations in making investment decisions. The Kansas legislative research department, with content as approved by the legislative coordinating council, maintains a website link, at www.kslegresearch.org/esgdisclosure that contains information about environmental, social and governance investing and how the utilization of ESG standards, including preferential or discriminatory considerations other than financial risk or financial return, may affect the return on your investments."

(b) The legislative research department shall develop and maintain an environmental, social and governance disclosure webpage on the legislative research department's website that contains information about environmental, social and governance investing. Such information shall be approved by the legislative coordinating council.

(c) Conduct prohibited by this section shall be considered an act, practice or course of business that operates or would operate as a fraud or deceit in accordance with K.S.A. 17-12a502, and amendments thereto.

(d) Nothing in this section shall be construed to establish any requirements for registration, capital, custody, margin, financial responsibility, making and keeping of records, bonding or financial or operational reporting for a registered investment adviser that differ from the requirements established under federal law to the extent that such requirements are applicable to the registered investment adviser. The requirements of this section shall not apply to annuities managed by an insurance company.

(e) The provisions of this section, or any contract or practice subject to this section, may be enforced by the attorney general. The attorney general may investigate possible violations of this section in accordance with the provisions of K.S.A. 50-631, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 17, before "providing" by inserting "directing registered investment advisers to provide certain environmental, social and governance criteria notice to clients;"

Senator _____