

3
4 **HOUSE BILL No. 3013**

5
6 By Committee on Federal and State Affairs

7
8 3-8

9
10 AN ACT concerning ethics; relating to disclosure requirements for cer-
11 tain consulting contracts.

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

14 Section 1. (a) On and after January 1, 2003, no faculty member or
15 other employee of a state educational institution in the unclassified serv-
16 ice under the Kansas civil services act, and amendments thereto, shall
17 serve as a consultant or perform consulting services, either individually
18 or as part of a business, unless such person has filed a disclosure statement
19 as required by this section. The disclosure statement shall contain the
20 following information:

- 21 (1) The names of the contracting parties;
22 (2) whether or not the faculty member has a substantial interest in
23 the consulting business;
24 (3) the date that the contract was approved by the institution as de-
25 termined by the board of regents;
26 (4) the amount of the consideration of the contract;
27 (5) a summary of the basic terms of the contract; and
28 (6) any other information required by rules and regulations promul-
29 gated by the board of regents.

30 The information required by paragraphs (1) through (5) shall be dis-
31 closed pursuant to any request therefor made under the open records
32 act.

33 (b) The disclosure statement required by this section, and amend-
34 ments thereto, shall be filed with the **secretary of state and the** local
35 information officer of the state educational institution and such other
36 locations as designated by the board of regents by rule and regulation no
37 later than 10 business days after the contract has been signed by both
38 parties. Each disclosure statement, and amendments thereto, required by
39 this section shall be available for public inspection, under the provisions
40 of the open records act, during the normal business hours of any office
41 in which it is filed. Disclosure statements required under this section shall
42 be maintained for a period of five years after the faculty member or
43 unclassified employee of a state educational institution ceases to be em-

1 employed by such state educational institution.

2 (c) A separate disclosure statement, or amendment of an existing dis-
3 closure statement, shall be filed for each consulting business owned, op-
4 erated or maintained by such faculty member or other unclassified em-
5 ployee in the unclassified service under the Kansas civil service act, and
6 amendments thereto, of a state educational institution.

7 (d) No contract may be divided for the purpose of evading the
8 requirements of this section. All contracts between the same parties dur-
9 ing a calendar year shall be treated cumulatively as one contract for the
10 purposes of this section.

11 Sec. 2. The statement required by section 1, and amendments
12 thereto, shall be signed and dated by the individual making the statement
13 and shall contain substantially the following:

14 STATEMENT OF CONSULTING INTERESTS

15 (name)

16 (office or position of employment for which this statement is filed)

17 (address) (body of statement, including the information prescribed by
18 section 1 in form prescribed by Kansas board of regents)

19 “I declare that this statement of substantial interests (including any
20 accompanying schedules and statements) has been examined by me and
21 to the best of my knowledge and belief is a true, correct and complete
22 statement of all of my consulting interests and other matters required by
23 law. I understand that intentional failure to file this statement as required
24 by law or intentionally filing a false statement is a class B misdemeanor.”

25 _____
26 (date of filing)

_____ (signature of person making the statement)

27 Sec. 3. As used in this act: (a) “Board of regents shall have the mean-
28 ing ascribed to it in K.S.A. 76-711, and amendments thereto.

29 (b) “Business” shall have the meaning ascribed to it in K.S.A. 46-230
30 and amendments thereto.

31 (c) “Consultant” shall have the meaning ascribed to it in K.S.A. 46-
32 284 and amendments thereto. Consultant also includes any corporation,
33 partnership or other business entity in which the individual has a sub-
34 stantial interest.

35 (d) “Contract” shall have the meaning ascribed to it in K.S.A. 46-231
36 and amendments thereto.

37 (e) “Person” shall have the meaning ascribed to it in K.S.A. 46-223
38 and amendments thereto.

39 (f) “State educational institution” shall have the meaning ascribed to
40 it in K.S.A. 76-711, and amendments thereto.

41 (g) “Substantial interest” shall have the meaning ascribed to it in
42 K.S.A. 46-229 and amendments thereto.

43 Sec. 4. This act shall not apply to any faculty member or other em-

1 ployee of a state educational institution in the unclassified service under
2 the Kansas civil service act, and amendments thereto:

3 (a) Who serves in an adjunct faculty position which is a part-time
4 position which is equivalent to 25% or less of a full-time position;

5 (b) whose consulting contract has an annual value of \$500 or less;

6 (c) who is an attorney if disclosure would require revealing the iden-
7 tity of a client or otherwise violate the lawyer-client privilege set forth in
8 K.S.A. 60-426, and amendments thereto; or

9 (d) who is a physician if disclosure would require revealing the iden-
10 tity of a patient or otherwise violate the physician-patient privilege set
11 forth in K.S.A. 60-427, and amendments thereto.

12 Sec. 5. (a) Failure to file any statement as required by this act or
13 intentionally filing a false statement is a class B misdemeanor.

14 (b) Failure to provide access to or a copy of a disclosure statement
15 as required by this act shall be deemed to be a violation of the open
16 records act and shall be subject to the provisions of K.S.A. 45-222 and
17 45-223 and amendments thereto.

18 Sec. 6. The Kansas board of regents shall adopt rules and regulations
19 necessary to implement this act on or before January 1, 2003.

20 Sec. 7. Sections 1 through 7, and amendments thereto, shall be
21 known and may be cited as the university consulting contract sunshine
22 act.

23 Sec. 8. This act shall take effect and be in force from and after its
24 publication in the statute book.

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