

## SENATE BILL No. 570

By Committee on Elections and Local Government

2-12

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AN ACT concerning ethics; relating to disclosure requirements for certain consulting contracts.

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

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

- (1) The names of the contracting parties;
- (2) whether or not the faculty member has a substantial interest in the consulting business;
- (3) the date that the contract was approved by the institution as determined by the board of regents;
- (4) the amount of the consideration of the contract;
- (5) a summary of the basic terms of the contract; and
- (6) any other information required by rules and regulations promulgated by the board of regents.

The information required by paragraphs (1) through (5) shall be disclosed pursuant to any request therefor made under the open records act.

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

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

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

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

13 STATEMENT OF CONSULTING INTERESTS

14 (name)

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

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

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

24 \_\_\_\_\_  
 25 (date of filing)

\_\_\_\_\_ (signature of person making the statement)

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

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

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

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

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

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

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

42 Sec. 4. (a) This act shall not apply to any faculty member or other  
 43 employee of a state educational institution in the unclassified service un-

1 der the Kansas civil service act, and amendments thereto:

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

4 (2) whose consulting contract has an annual value of \$500 or less.

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

7 (b) Failure to provide access to or a copy of a disclosure statement  
8 as required by this act shall be deemed to be a violation of the open  
9 records act and shall be subject to the provisions of K.S.A. 45-222 and  
10 45-223 and amendments thereto.

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

13 Sec. 7. Sections 1 through 7, and amendments thereto, shall be  
14 known and may be cited as the university consulting contract sunshine  
15 act.

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

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