

Approved 2 - 22 - 91
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Tom Sawyer at
Chairperson

9:07 a.m./p.m. on Thursday, February 21, 1991 in room _____ of the Capitol.

All members were present except:

Committee staff present:

Pat Mah, Research
Arden Ensley, Revisor
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

The meeting of the House Elections Committee was called to order by Chairman Tom Sawyer at 9:07 a.m. in Room 521-S.

The order of business for the day was to hear the reports of the sub-committees on ethics.

The Chair called on Arden Ensley, Revisor, who presented the committee with copies of the draft of the recommendations of each of the sub-committees.

The first report to be addressed was the Campaign Finance section. He reviewed each section that the sub-committee had discussed and noted the changes that were made. (Attachment 1)

He proceeded to discuss Administration in the same manner, noting any changes that had been made in the report of the Select Commission on Ethics. (Attachment 2)

The Conflicts of Interest section of the Select Commission Report was the next section addressed. (Attachment 3) The time for adjournment was near and the Chair asked that this report be finished at the next meeting of the Election Committee on Friday, February 22nd. Also, at that time, the Lobbying section will be reviewed.

The meeting was adjourned at 10:40 a.m.

The next meeting of the House Elections Committee will be held on Friday, February 22nd, 1991 at 9:00 a.m. in Room 521-S.

Sec. 1. K.S.A. 1990 Supp. 25-4153a is hereby amended to read as follows: 25-4153a. (a) No registered lobbyist or political committee shall make a contribution ~~as defined by subsection (d) of K.S.A. 25-4143 and amendments thereto~~ to any legislator, candidate for membership in the senate or house of representatives or candidate committee for any such legislator or candidate after January 1 and prior to May 15 of any year or at any other time in which the legislature is in session and no such legislator, candidate or committee shall accept any contribution ~~as defined by subsection (d) of K.S.A. 25-4143 and amendments thereto~~ from any registered lobbyist or political committee during such period.

In Kind

(b) No person, other than an individual, shall make a contribution to any candidate or the candidate committee of any candidate for state office and no candidate or candidate committee for any candidate for state office shall accept any contribution from any person other than an individual.

Sec. 2. K.S.A. 1990 Supp. 25-4142 is hereby amended to read as follows: 25-4142. K.S.A. 25-4142 to 25-4179 25-4185, inclusive, and amendments thereto and K.S.A. 1989 1990 Supp. 25-4148a, 25-4153a and 25-4157a and amendments thereto may be cited as the "campaign finance act."

Sec. 3. K.S.A. 1990 Supp. 25-4157a is hereby amended to read as follows: 25-4157a. (a) ~~Any--unexpended--balance---of---any candidate-shall-not~~ No moneys or other thing of value received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate, and no such moneys or thing of value shall be used by such candidate or the candidate committee of such candidate except for legitimate campaign purposes or for expenses of holding political office.

(b) For the purpose of this ~~section~~ subsection, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

(b) No moneys or other thing of value received by any candidate or candidate committee of any candidate as a contribution under this act shall be given or contributed to any other candidate or candidate committee of any other candidate as a contribution for the purposes of this act.

(c) At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157 and amendments thereto all residual funds not otherwise obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or paid into the general fund of the state.

Sec. 4. K.S.A. 1990 Supp. 25-4153 is hereby amended to read as follows: 25-4153. (a) The aggregate amount contributed to a candidate and such candidate's candidate committee and to all party committees and political committees and dedicated to such candidate's campaign, by any person, except a party committee, the candidate or the candidate's spouse, shall not exceed the following:

(1) For the pair of offices of governor and lieutenant governor or for other state officers elected from the state as a whole, \$2,000 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election;

(2) for the office of member of the house of representatives, district judge, district magistrate judge, district attorney, member of the state board of education or a candidate for local office, \$500 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election;

(3) for the office of state senator, \$1,000 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.

(b) For the purposes of this section, the face value of a loan at the end of the period of time allocable to the primary or general election is the amount subject to the limitations of this section. A loan in excess of the limits herein provided may be made during the allocable period if such loan is reduced to the permissible level, when combined with all other contributions from the person making such loan, at the end of such allocable

period.

(c) For the purposes of this section, all contributions made by unemancipated children under 18 years of age shall be considered to be contributions made by the parent or parents of such children. The total amount of such contribution shall be attributed to a single custodial parent and 50% of such contribution to each of two parents.

~~(e)~~ (d) The aggregate amount contributed to a state party committee by a person other than a national party committee or a political committee, shall not exceed \$15,000 in each calendar year; and the aggregate amount contributed to any other party committee by a person other than a national party committee or a political committee, shall not exceed \$5,000 in each calendar year.

The aggregate amount contributed by a national party committee to a state party committee shall not exceed \$25,000 in each calendar year, and the aggregate amount contributed to any other party committee by a national party committee shall not exceed \$10,000 in each calendar year.

The aggregate amount contributed to a party committee by a political committee shall not exceed \$5,000 in any calendar year.

~~(d)~~ (e) Any political funds which have been collected and were not subject to the reporting requirements of this act shall be deemed a person subject to these contribution limitations.

~~(e)~~ (f) Any political funds which have been collected and were subject to the reporting requirements of the campaign finance act shall not be used in or for the campaign of a candidate for a federal elective office.

~~(f)~~ (g) The amount contributed by each individual party committee of the same political party to any candidate for office, for any primary election at which two or more candidates are seeking the nomination of such party shall not exceed the following:

(1) For the pair of offices of governor and lieutenant governor and for each of the other state officers elected from the state as a whole, \$2,000 for each primary election (or in lieu thereof a caucus or convention of a political party);

(2) for the office of member of the house of representatives, district judge, district magistrate judge, district attorney, member of the state board of education or a candidate for local office, \$500 for each primary election (or in lieu thereof a caucus or convention of a political party);

(3) for the office of state senator, \$1,000 for each primary election (or in lieu thereof a caucus or convention of a political party).

~~(g)~~ (h) When a candidate for a specific cycle does not run for office, the contribution limitations of this section shall apply as though the individual had sought office.

(i) No person shall make any contribution or contributions to any candidate or the candidate committee of any candidate in the form of money or currency of the United States which in the aggregate exceeds \$100, and no candidate or candidate committee of any candidate shall accept any contribution or contributions in the form of money or currency of the United States which in the aggregate exceeds \$100.

Sec. 1. K.S.A. 1990 Supp. 25-4181 is hereby amended to read as follows: 25-4181. (a) The public disclosure commission, in addition to any other penalty prescribed under the campaign finance act, may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation of the campaign finance act in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted promptly to the state treasurer. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the state general fund.

(b) No individual who has failed to pay any civil fine assessed, or failed to file any report required to be filed, under the campaign finance act shall be eligible to become a candidate for state office or local office under the laws of the state.

New Sec. 5. (a) A copy of the following statement of fair campaign practices shall be mailed by the public disclosure commission to each candidate at the time of the receipt of notice of appointment of a treasurer or candidate committee by such candidate:

Statement of Fair Campaign Practices

(1) I shall conduct my campaign, and to the extent reasonably possible shall insist that my supporters conduct themselves, in a manner consistent with the best American tradition, discussing the issues and presenting my record and policies with sincerity and candor.

(2) I shall uphold the right of every qualified voter to free and equal participation in the election process.

(3) I shall not participate in, and I shall condemn, personal vilification, defamation, and other attacks on any opposing candidate or party which I do not believe to be truthful, provable, and relevant to my campaign.

(4) I shall not use or authorize, and I shall condemn material relating to my campaign which falsifies, misrepresents, or distorts the facts, including but not limited to malicious or unfounded accusations creating or exploiting doubts as to the morality, patriotism or motivations of any party or candidate.

(5) I shall not appeal to, and I shall condemn appeals to, prejudices based on race, creed, sex or national origin.

(6) I shall not practice, and I shall condemn practices, which tend to corrupt or undermine the system of free election or which hamper or prevent the free expression of

the will of the voters.

(7) I shall promptly and publicly repudiate the support of any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent(s) to methods in violation of the letter or spirit of this code.

(name of candidate)

(office for which individual is candidate)

(b) No candidate shall be required to file a statement of fair campaign practices, but any candidate may make such statement in the office of the public disclosure commission. Written and signed complaints alleging a violation of one or more specific provisions of the statement of fair campaign practices for candidates may be submitted to the public disclosure commission by any person. Upon receipt of a complaint, the executive director shall forward a copy of the complaint to the complainees within 24 hours, accompanied by a request for a response to the complaint returned within 5 days from the date of mailing. Upon receipt of the complainees's response, the executive director shall forward a copy to the complainant. A copy of the complaint and the response shall be sent to news media. The complaint and the response shall be available at the commission office for public inspection and copying. If the complainees does not respond within five days, the complaint shall be made public without a response. The commission will make no attempt to secure a reply to and will make no public release of complaints received within eight days of an election. The commission will not issue comments or opinions about complaints or responses. In the absence of any contrary intention as expressed by the

complainant, the filing of a complaint with the commission constitutes implied consent to have the complainant's identity disclosed.

New Sec. 6. (a) No officer or employee of the state of Kansas, any county, any city of the first class or the board of public utilities of the city of Kansas City, Kansas, shall use or authorize the use of public funds or public vehicles, machinery, equipment or supplies of any such governmental agency or the time of any officer or employee of any such governmental agency, for which the officer or employee is compensated by such governmental agency, for the purpose of influencing the nomination or election of any candidate to state office or local office. The provisions of this section prohibiting the use of time of any officer for such purposes shall not apply to an incumbent officer campaigning for nomination or reelection to a succeeding term to such office.

(b) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

Sec. 7. K.S.A. 75-2953 is hereby amended to read as follows:
75-2953. ~~(1)~~ (a) No officer, agent, clerk or employee of this state shall directly or indirectly use their authority or official influence to compel any officer or employee in the unclassified and the classified service services to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription or contribution, or to take part in any political activity. Any person who violates any provisions of this section shall be guilty of a class C misdemeanor, and, upon conviction, shall be punished accordingly. If any officer or employee in the classified service is found guilty of violating any provision of this section, such officer or employee shall be automatically separated from the service.

~~(2)~~ (b) Any officer or employee in the state classified service shall resign from the service upon filing as a candidate for an elective office, unless the elective office filed for is a township elective office, a county elective office, an elective office in the judicial branch of government or is elected on a nonpartisan basis. "Elective office" shall not mean or include the office of precinct committeeman or precinct committeewoman.

Sec. 1. K.S.A. 1990 Supp. 25-4158 is hereby amended to read as follows: 25-4158. (a) The secretary of state shall: (1) Furnish forms prescribed and provided by the commission for making reports and statements required to be filed in the office of the secretary of state by the campaign finance act; and

(2) make such reports and statements available for public inspection and copying during regular office hours.

(b) The county election officer shall: (1) Furnish forms prescribed and provided by the commission for making reports and statements required to be filed in the office of the county election officer by the campaign finance act; and

(2) make such reports and statements available for public inspection and copying during regular office hours.

(c) The commission may investigate, or cause to be investigated, any matter required to be reported upon by any person under the provisions of the campaign finance act, or any matter to which the campaign finance act applies irrespective of whether a complaint has been filed in relation thereto.

(d) (1) For the purpose of any investigation or proceeding under this act, the commission or any officer designated by the commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the commission deems relevant or material to the inquiry. All subpoenas issued under this section shall be authorized by the affirmative vote of not less than 2/3 of the members of the commission.

(2) In case of contumacy by, or refusal to obey a subpoena issued to any person, the district court of Shawnee county, upon application by the commission, or any officer designated by the commission, may issue to that person an order requiring the person to appear before the commission or any officer designated by the commission, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Any failure to obey the order of the court may be punished by the court as a contempt of court.

(3) No person is excused from attending or testifying or from producing any document or record before the commission, or obedience to the subpoena of the commission or any officer designated by the commission, or in any proceeding instituted by the commission, on the ground that the testimony or evidence (documentary or otherwise) required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture. No individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which such person is compelled, after claiming privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 2. K.S.A. 1990 Supp. 25-4161 is hereby amended to read as follows: 25-4161. (a) ~~Prior-to-the-filing-of-a-complaint, if the--commission--determines,--by--a--two-thirds---vote---of---its membership,--upon--information-and-belief-that-a-violation-of-the provisions--of--the--campaign--finance--act--has--occurred,---the~~

~~commission shall promptly investigate the alleged violation and may make written application, verified under oath, setting forth the alleged violation of the law, to the administrative judge of the district court of Shawnee county for issuance of a subpoena, a subpoena duces tecum, or both, as provided herein.~~

(b) If a complaint is filed and the commission determines that such verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any provision of the campaign finance act, it shall dismiss the complaint and notify the complainant and respondent thereof.

(c) Whenever a complaint is filed with the commission alleging a violation of a provision of the campaign finance act, such filing and the allegations therein shall be confidential and shall not be disclosed except as provided in the campaign finance act.

(d) (c) If a complaint is filed and the commission determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of the campaign finance act, the commission shall promptly investigate the alleged violation. ~~Upon filing of a verified complaint with the commission and a decision to conduct an investigation of the complaint, the commission may apply to the administrative judge of the district court of Shawnee county for issuance of a subpoena, a subpoena duces tecum, or both, for the witness named in such praecipe commanding such witness to appear or produce documents and testify concerning matters relating to campaign finance. Such subpoenas shall be served and returned as subpoenas for witnesses~~

in-criminal-cases-in-the-district-court.

(e) No subpoena shall be issued pursuant to this section without the administrative judge making a finding: (1) That the subpoena is being issued as a lawful exercise of the authority of the commission granted by this act; (2) that the commission has made written application in accordance with subsection (a) or that the verified complaint filed with the commission alleges sufficient facts directly or upon information and belief sufficient to constitute a violation of any of the provisions of this act; (3) that the application or any supporting affidavits allege sufficient facts to show that the subject of the subpoena has information which is relevant or necessary to the investigation; and (4) with regard to a subpoena duces tecum issued to an individual who is the subject of the investigation and which concerns documents or things owned by such individual or in such individual's possession, except those documents or records required to be kept by this act, that the application or complaint states sufficient facts to show probable cause that a violation of this act has been or is being committed and that the application or complaint particularly describes the documents or things subject to the subpoena which constitute evidence of the violation. Any statement which is made orally in support of the application for subpoena shall be either taken down by a certified shorthand reporter or reduced to writing and sworn to under oath and made a part of the application for the issuance of the subpoena. The application for subpoena, affidavits or sworn testimony in support of the application or the subpoena itself shall not be public information or made available for examination

without a written order of the court, except that such affidavits or testimony when requested shall be made available to the subject of the subpoena, the alleged violator or such alleged violator's counsel. Any motion to quash a subpoena issued pursuant to this section shall be filed in the district court of Shawnee county, Kansas. Each witness shall be sworn to make true answers to all questions propounded to such witness touching the matters under investigation. The testimony of each witness shall be reduced to writing and signed by the witness. Any person who disobeys a subpoena issued for such appearance or refuses to be sworn as a witness or answer any proper question propounded during the investigation by the commission may be adjudged in contempt of court and punished by fine and imprisonment.

(f) No person called as a witness before the commission shall be required to make any statement which will incriminate such witness. The attorney general or assistant attorney general may, on behalf of the state, grant any person called as a witness immunity from prosecution or punishment on account of any transaction or matter about which such person shall be compelled to testify and such testimony shall not be used against such person in any prosecution for a crime under the laws of Kansas or any municipal ordinance. After being granted immunity from prosecution or punishment, as herein provided, no person shall be excused from testifying on the ground that such person's testimony may incriminate such person.

(g) (d) The commission shall notify the attorney general of any apparent violation of criminal law or other laws not administered by the commission, which is discovered during the

course of any such investigation.

(h) (e) If after the preliminary investigation, the commission finds that probable cause does not exist for believing the allegations of the complaint, the commission shall dismiss the complaint. If after such preliminary investigation, the commission finds that probable cause exists for believing the allegations of the complaint, such complaint shall no longer be confidential and may be disclosed. Upon making any such finding, the commission shall fix a time for a hearing of the matter, which shall be not more than 30 days after such finding. In either event the commission shall notify the complainant and respondent of its determination.

Sec. 3. K.S.A. 1990 Supp. 46-256 is hereby amended to read as follows: 46-256. (a) If the commission determines that a verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any provision of this act, it shall dismiss the complaint and notify the complainant and respondent thereof.

(b) Whenever a complaint is filed with the commission alleging a violation of any provision of this act, such filing and the allegations therein shall be confidential and shall not be disclosed except as provided in this act.

(c) If the commission determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of this act, the commission promptly shall investigate the alleged violation. ~~Upon-filing-of-a-verified-complaint-with-the-commission-and-a-decision-to-conduct-an-investigation-of-the~~

complaint, the commission may apply to the administrative judge of the district court of Shawnee county for issuance of a subpoena, a subpoena duces tecum, or both, for the witness named in such praecipe commanding such witness to appear or produce documents and testify concerning matters under investigation. Such subpoenas shall be served and returned as subpoenas for witnesses in criminal cases in the district court. No subpoena shall be issued pursuant to this section without the administrative judge making a finding: (a) That the subpoena is being issued as a lawful exercise of the authority of the commission granted by this act; (b) that the verified complaint filed with the commission alleges sufficient facts directly or upon information and belief sufficient to constitute a violation of any of the provisions of this act; (c) that the application or any supporting affidavits allege sufficient facts to show that the subject of the subpoena has information which is relevant or necessary to the investigation; and (d) with regard to a subpoena duces tecum issued to an individual who is the subject of the investigation, and which concerns documents or things owned by such individual or in such individual's possession, except those documents or records required to be kept by this act, that the application or complaint states sufficient facts to show probable cause that a violation of this act has been or is being committed and particularly describes the documents or things subject to the subpoena which constitute evidence of the violation. Any statement which is made orally in support of the application for subpoena shall be either taken down by a certified shorthand reporter or reduced to writing and sworn to under oath and made a

part-of-the-application-for-the-issuance--of--the--subpoena.--The application--for--subpoena,--affidavits--or--sworn--testimony--in support--of--the--application-or-the-subpoena-itself-shall-not-be public-information-or-made-available-for--examination--without--a written--order--of--the--court,--except--that--such-affidavits-or testimony-when-requested-shall-be-made-available-to--the--subject of--the-subpoena,--the-alleged-violator-or-such-alleged-violator's counsel.--Any-motion-to-quash-a-subpoena-issued-pursuant--to--this section--shall--be-filed-in-the-district-court-of-Shawnee-county, Kansas.--Each-witness-shall-be-sworn-to-make-true-answers--to--all questions--propounded--to-such-witness-touching-the-matters-under investigation.--The-testimony-of-each-witness-shall-be-reduced--to writing--and--signed--by--the--witness.--Any-person-who-disobeys-a subpoena-issued-for-such-appearance-or-refuses-to-be-sworn--as--a witness--or--answer--any--proper--question--propounded-during-the investigation-by-the-commission-may-be-adjudged--in--contempt--of court--and-punished-by-fine-and-imprisonment.--No-person-called-as a-witness-before-the-commission-shall-be--required--to--make--any statement--which--will--incriminate--such--witness.--The-attorney general-or-assistant-attorney--general--may,--on--behalf--of--the state,--grant--any--person--called--as--a--witness--immunity-from prosecution-or-punishment-on-account-of-any-transaction-or-matter about-which-such-person-shall-be-compelled-to--testify--and--such testimony--shall--not--be--used--against--such--person--in--any prosecution-for-a-crime-under-the-laws-of-Kansas-or-any-municipal ordinance.--After--being--granted--immunity--from--prosecution--or punishment,--as--herein-provided,--no-person-shall-be-excused-from testifying--on--the--ground--that--such--person's--testimony--may

~~inerminate-such-person:~~

(d) The commission shall notify the attorney general of any apparent violation of criminal law or other laws not administered by the commission, which is discovered during the course of any such investigation.

(e) If, after the preliminary investigation, the commission finds that probable cause does not exist for believing the allegations of the complaint, the commission shall dismiss the complaint. If after such preliminary investigation, the commission finds that probable cause exists for believing the allegations of the complaint, such complaint shall no longer be confidential and may be disclosed. Upon making any such finding, the commission shall fix a time for a hearing in the matter, which shall be not more than 30 days after such finding. In either event the commission shall notify the complainant and respondent of its determination.

Sec. 4. K.S.A. 46-260 is hereby amended to read as follows:
46-260. (a) The commission may investigate, or cause to be investigated, any matter required to be reported upon by any person under the provisions of this act, or any matter to which this act applies, irrespective of whether a complaint has been filed in relation thereto.

(b) (1) For the purpose of any investigation or proceeding under this act, the commission or any officer designated by the commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the commission

deems relevant or material to the inquiry. All subpoenas issued under this section shall be authorized by the affirmative vote of not less than 2/3 of the members of the commission.

(2) In case of contumacy by, or refusal to obey a subpoena issued to any person, the district court of Shawnee county, upon application by the commission, or any officer designated by the commission, may issue to that person an order requiring the person to appear before the commission or any officer designated by the commission, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Any failure to obey the order of the court may be punished by the court as a contempt of court.

(3) No person is excused from attending or testifying or from producing any document or record before the commission, or obedience to the subpoena of the commission or any officer designated by the commission, or in any proceeding instituted by the commission, on the ground that the testimony or evidence (documentary or otherwise) required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture. No individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which such person is compelled, after claiming privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 5. K.S.A. 1990 Supp. 46-265 is hereby amended to read as follows: 46-265. Every lobbyist shall register with the

secretary of state by completing a registration form prescribed and provided by the commission and by signing such registration form. Such registration shall show the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying, the purpose of the employment and the method of determining and computing the compensation of the lobbyist. If the lobbyist is compensated or to be compensated for lobbying by more than one employer or is to be engaged in more than one employment, the relevant facts listed above shall be separately stated for each employer and each employment. Whenever any new lobbying employment or lobbying position is accepted by a lobbyist already registered as provided in this section, such lobbyist shall report the same on forms prescribed and provided by the commission before engaging in any lobbying activity related to such new employment or position, and such report shall be filed, when made, with the secretary of state. Whenever the lobbying of a lobbyist concerns a legislative matter, the secretary of state shall promptly transmit copies of each registration and each report filed under this act to the secretary of the senate and the chief clerk of the house of representatives.

Any person may register as a lobbyist under this section. Such registration shall expire annually on December 31. In any calendar year, before engaging in lobbying, persons to whom this section applies shall register or renew their registration as provided in this section. Every person registering or renewing registration who anticipates spending \$1,000 or less for lobbying in such registration year for any lobbying employment or position

shall pay to the secretary of state a fee of \$15 for each such lobbying employment or lobbying position held by such person. Every person registering or renewing registration who anticipates spending more than \$1,000 for lobbying in such registration year for any lobbying employment or position shall pay to the secretary of state a fee of \$150 for each such lobbying employment or position held by such person. Any lobbyist who at the time of initial registration anticipated spending less than \$1,000, but at a later date spends in excess of such amount shall, within three days of the date when expenditures exceed such amount, file an amended registration form which shall be accompanied by an additional fee of \$~~140~~^{X135} for such year. All such fees shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas governmental ethics commission fee fund. The secretary of state shall remit all moneys received under this section to the state treasurer, and the state treasurer shall deposit the same in the state treasury to the credit of the state--general Kansas governmental ethics commission fee fund.

Any person who has registered as a lobbyist pursuant to this act may file, upon termination of such person's lobbying activities, a statement terminating such person's registration as a lobbyist. Such statement shall be on a form prescribed by the commission and shall state the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying and the date of the termination of the lobbyist's lobbying activities.

Sec. 6. K.S.A. 1990 Supp. 25-4145 is hereby amended to read as follows: 25-4145. (a) Each party committee and each political committee which anticipates receiving contributions or making expenditures shall appoint a chairperson and a treasurer. The chairperson of each party committee and each political committee which supports or opposes a candidate for state office shall make a statement of organization and file it with the secretary of state not later than 10 days after establishment of such committee. The chairperson of each political committee, the major purpose of which is to support or oppose any candidate for local office, shall make a statement of organization and file it with the county election officer not later than 10 days after establishment of such committee.

(b) Every statement of organization shall include:

- (1) The name and address of the committee;
- (2) the names and addresses of the chairperson and treasurer of the committee;
- (3) the names and addresses of affiliated or connected organizations; and
- (4) in the case of a political committee, the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of contributors of the political committee.

(c) Any change in information previously reported in a statement of organization shall be reported on a supplemental statement of organization and filed not later than 10 days

following the change.

(d) Each political committee which anticipates receiving contributions or making expenditures shall register annually with the commission on or before July 1, 1991, and on or before July 1 of each year thereafter. Each political committee registration shall be in the form and contain such information as may be required by the commission. Each such registration by a political committee intending to receive and expend \$2,501 or more in any calendar year shall be accompanied by an annual registration fee of \$150. Each registration by a political committee intending to receive and expend \$2,500 or less in any calendar year shall be accompanied by an annual registration fee of \$10. Any political committee which receives contributions or incurs expenses in excess of \$2,500 but which at the time of its initial registration anticipated receiving contributions and incurring expenses of less than that amount shall, within three days of the date when contributions or expenditures exceed such amount, file an amended registration form which shall be accompanied by an additional fee of \$140 for such year. All such fees received by or for the commission shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas governmental ethics commission fee fund.

New Sec. 7. In addition to any other fee required by law, every person becoming a candidate for the following offices shall pay a fee at the time of filing for such office in the amount prescribed by this section:

- (a) State offices elected by statewide election.....\$250;
- (b) state senator and elected county offices.....\$20; and
- (c) state representative elective offices in cities of the first class and nonretention judges.....\$10.

upon receipt will be paid to fee fund

Sec. 8. K.S.A. 1990 Supp. 46-280 is hereby amended to read as follows: 46-280. (a) The Kansas public disclosure commission shall send a notice by registered or certified mail to any person failing to register or to file any report or statement as required by K.S.A. 46-247, 46-265 or 46-268, and amendments thereto, within the time period prescribed therefor. The notice shall state that the required registration, report or statement had not been filed with the office of secretary of state. The notice shall also state that such person shall have five days from the date of receipt of such notice to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the five-day period, such person shall pay to the state a civil penalty of \$10 per day for each day that such person remains unregistered or that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300. The Kansas public disclosure commission may waive, for good cause, payment of any civil penalty imposed hereunder.

(b) Civil penalties provided for by this section shall be paid to the state treasurer, who shall deposit the same in the state treasury to the credit of the ~~state--general~~ Kansas governmental ethics commission fee fund.

(c) (1) Except as provided in subsection (2), if a person

fails to pay a civil penalty provided for by this section, it shall be the duty of the attorney general or county or district attorney to bring an action to recover such civil penalty in the district court of the county in which such person resides.

(2) If a person required to file under subsection (f) of K.S.A. ~~1988-Supp.~~ 46-247 and amendments thereto fails to pay a civil penalty provided for by this section, it shall be the duty of the attorney general to bring an action to recover such civil penalty in the district court of Shawnee County, Kansas.

Sec. 9. K.S.A. 1990 Supp. 46-288 is hereby amended to read as follows: 46-288. The ~~public-disclosure~~ commission, in addition to any other penalty prescribed under K.S.A. 46-215 through 46-286, and amendments thereto, may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation pursuant to K.S.A. 46-215 through 46-286, and amendments thereto, in an amount not to exceed \$5,000 for the first violation, not to exceed \$10,000 for the second violation and not to exceed \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted promptly to the state treasurer. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the ~~state general~~ Kansas governmental ethics commission fee fund.

New Sec. 10. There is hereby established in the state treasury the Kansas governmental ethics commission fee fund. All moneys credited to such fund shall be used for the operations of the Kansas governmental ethics commission in the performance of powers, duties and functions prescribed by law. All expenditures

from such fund shall be made in accordance with the provisions of appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the commission or the chairperson's designee.

Sec. 11. K.S.A. 1990 Supp. 25-4119a is hereby amended to read as follows: 25-4119a. (a) ~~The governmental ethics commission created by this section prior to the effective date of this act and in existence in March, 1981 is hereby abolished,~~ and There is hereby created the Kansas public disclosure governmental ethics commission, ~~which shall be the successor in every respect to the powers, duties and functions of the governmental ethics commission so abolished.~~ The Kansas public disclosure governmental ethics commission shall consist of nine members of whom two shall be appointed by the governor, one by the president of the senate, one by the speaker of the house of representatives, one by the minority leader of the house of representatives, one by the minority leader of the senate, one by the chief justice of the supreme court, one by the attorney general and one by the secretary of state. The terms of such members shall be as follows: The member appointed by the governor serving on the effective date of this act and the members appointed by the speaker of the house of representatives, the president of the senate and the chief justice of the supreme court shall serve until January 31, 1991; and the additional member appointed by the governor and the members appointed by the minority leader of the house of representatives, by the minority leader of the senate, the attorney general and the secretary of state shall serve until January 31, 1992. Not more than five

members of the commission shall be members of the same political party and the two members appointed by the governor shall not be members of the same political party.

(b) The terms of all subsequently appointed members shall be two years commencing on February 1 of the appropriate years. Vacancies occurring on the commission shall be filled for the unexpired term by the same appointing officer as made the original appointment. Members shall serve until their successors are appointed and qualified. The governor shall designate one of the members appointed by the governor to be the chairperson of the commission. A majority vote of five members of the commission shall be required for any action of the commission. The commission may adopt rules to govern its proceedings and may provide for such officers other than the chairperson as it may determine. The commission shall meet at least once each quarter, and also shall meet on call of its chairperson or any four members of the commission. Members of the commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in subsections (a) to (d), inclusive, of K.S.A. 75-3223 and amendments thereto. The commission shall appoint an executive director who shall be in the unclassified service and receive compensation fixed by the commission, in accordance with appropriation acts of the legislature, subject to approval by the governor. The commission may employ such other staff and attorneys as it determines, within amounts appropriated to the commission, all of whom shall be in the unclassified service and

shall receive compensation fixed by the commission and not subject to approval by the governor.

(c) The ~~Kansas-public-disclosure~~ commission may adopt rules and regulations for the administration of the campaign finance act. Subject to K.S.A. 25-4178 and amendments thereto, rules and regulations adopted by the governmental ethics commission created prior to this act shall continue in force and effect and shall be deemed to be the rules and regulations of the commission created by this section of this enactment, until revised, amended, repealed or nullified pursuant to law. All rules and regulations of the commission shall be subject to the provisions of article 4 of chapter 77 of Kansas Statutes Annotated. The ~~Kansas-public-disclosure~~ commission shall continue to administer all of the acts administered by the governmental ethics commission to which it is successor.

(d) The commission shall submit an annual report and recommendations in relation to all acts administered by the commission to the governor and to the legislative coordinating council on or before December 1 of each year. The legislative coordinating council shall transmit such report and recommendations to the legislature.

(e) The provisions of the Kansas sunset law shall apply to the Kansas ~~public-disclosure~~ governmental ethics commission and to the office of the executive director of the commission.

Sec. 12. K.S.A. 1990 Supp. 25-4119d is hereby amended to read as follows: 25-4119d. (a) From and after the effective date of this act, no person shall be appointed to membership on the Kansas ~~public-disclosure~~ governmental ethics commission who has

within three years preceding the date of such appointment: (1) Held an elective state office; (2) held the office of secretary of any department of state government; (3) been a lobbyist as defined by K.S.A. 46-222 and amendments thereto; or (4) had a substantial interest in or been employed by or provided services under contract to any vendor of goods or services to the state of Kansas or any agency thereof.

(b) While serving on the ~~Kansas-public-disclosure~~ commission created by K.S.A. 25-4119a, and amendments thereto, no member shall: (1) Hold an elective state office; (2) serve as a chairperson or treasurer for any candidate or committee subject to the provisions of the campaign finance act; (3) actively solicit contributions subject to the provisions of the campaign finance act; (4) hold the office of secretary of any department of state government; (5) be a lobbyist as defined by K.S.A. 46-222 and amendments thereto; or (6) hold a substantial interest in or be employed by or provide services under contract to any vendor of goods or services to the state of Kansas or any agency thereof.

Sec. 13. K.S.A. 1990 Supp. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) "Candidate" means an individual who: (1) Appoints a treasurer or a candidate committee,

(2) makes a public announcement of intention to seek nomination or election to state or local office,

(3) makes any expenditure or accepts any contribution for the purpose of influencing such person's nomination or election

to any state or local office, or

(4) files a declaration or petition to become a candidate for state or local office.

(b) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(c) "Commission" means the Kansas ~~public--disclosure~~ governmental ethics commission created by K.S.A. 25-4119a and amendments thereto.

(d) (1) "Contribution" means: (A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state or local office;

(B) a transfer of funds between any two or more candidate committees, party committees or political committees;

(C) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(D) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events.

(2) "Contribution" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50

during an allocable election period as provided in K.S.A. 25-4149 and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event.

(e) "Election" means: (1) A primary or general election for state or local office and (2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(f) (1) "Expenditure" means: (A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state or local office;

(B) any contract to make an expenditure;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149 and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to influence the nomination or election of a candidate.

(g) "Party committee" means the state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, or the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated or the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated, or not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate or not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives.

(h) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(i) "Political committee" means any combination of two or

more individuals or any person other than an individual, a major purpose of which is to support or oppose any candidate for state or local office, but not including any candidate committee or party committee.

(j) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.

(k) "State office" means any state office as defined in K.S.A. 25-2505 and amendments thereto.

(l) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise funds for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

(m) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172 and amendments thereto.

(n) "Local office" means an elective office of a city of the first class, or a county or of the board of public utilities.

Sec. 14. K.S.A. 1990 Supp. 25-4152 is hereby amended to read as follows: 25-4152. (a) The ~~Kansas-public-disclosure~~ commission shall send a notice by registered or certified mail to any person failing to file any report or statement required by K.S.A. 25-4144, 25-4145 or 25-4148, and amendments thereto, within the time period prescribed therefor. The notice shall state that the

required report or statement has not been filed with either the office of secretary of state or county election officer or both. The notice shall also state that such person shall have 15 days from the date such notice is deposited in the mail to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of \$10 per day for each day that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300. The ~~Kansas-public-disclosure~~ commission may waive, for good cause, payment of any civil penalty imposed by this section.

(b) Civil penalties provided for by this section shall be paid to the state treasurer, who shall deposit the same in the state treasury to the credit of the state general fund.

(c) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the attorney general or county or district attorney to bring an action to recover such civil penalty in the district court of the county in which such person resides.

Sec. 15. K.S.A. 25-4178 is hereby amended to read as follows: 25-4178. (a) All advisory opinions of the ~~governmental ethics~~ commission created by K.S.A. 25-4119a and amendments thereto and which opinions were rendered prior to the effective date of this act and concerned campaign finance shall continue to be in force and effect respecting the provisions of law contained in the campaign finance act and shall be deemed advisory opinions of the ~~Kansas--public--disclosure~~ commission concerning the

provisions of the campaign finance act until revised, amended or nullified pursuant to law.

(b) All rules and regulations of the ~~governmental--ethics~~ commission which were adopted prior to the effective date of this act as modified or changed by such commission shall continue to be in force and effect respecting the provisions of law contained in the campaign finance act and shall be deemed rules and regulations of the ~~Kansas-public-disclosure~~ commission concerning the provisions of the campaign finance act until revised, amended or nullified pursuant to law.

Sec. 16. K.S.A. 1990 Supp. 25-4180 is hereby amended to read as follows: 25-4180. (a) Every person who engages in any activity promoting or opposing the adoption or repeal of any provision of the Kansas constitution and who accepts moneys or property for the purpose of engaging in such activity shall make an annual report to the secretary of state of individual contributions or contributions in kind in an aggregate amount or value in excess of \$50 received during the preceding calendar year for such purposes. The report shall show the name and address of each contributor for the activity and the amount or value of the individual contribution made, together with a total value of all contributions received, and shall also account for expenditures in an aggregate amount or value in excess of \$50 from such contributions by showing the amount or value expended to each payee and the purpose of each such expenditure, together with a total value of all expenditures made. The annual report shall be filed on or before February 15 of each year for the preceding calendar year.

In addition to the annual report, a person engaging in an activity promoting the adoption or repeal of a provision of the Kansas constitution who accepts any contributed moneys for such activity shall make a preliminary report to the secretary of state 15 days prior to each election at which a proposed constitutional amendment is submitted. Such report shall show the name and address of each individual contributor, together with the amount contributed or contributed in kind in an aggregate amount or value in excess of \$50, and the expenditures in an aggregate amount or value in excess of \$50 from such contributions by showing the amount paid to each payee and the purpose of the expenditure. A supplemental report in the same format as the preliminary report shall be filed with the secretary of state within 15 days after any election on a constitutional proposition where contributed funds are received and expended in opposing or promoting such proposition.

Any person who engages in any activity promoting or opposing the adoption or repeal of any provision of the Kansas constitution shall be considered engaged in such activity upon the date the concurrent resolution passes the Kansas house of representatives and senate in its final form. Upon such date, if the person has funds in the constitutional amendment campaign treasury, such person shall be required to report such funds as provided by this section.

The word "person" as used herein means an individual, corporation, partnership, association, organization or other legal entity.

(b) (1) The Kansas ~~public--disclosure~~ governmental ethics

commission shall send a notice by registered or certified mail to any person failing to file any report required by subsection (a) within the time period prescribed therefor. The notice shall state that the required report has not been filed with the office of the secretary of state. The notice shall also state that such person shall have 15 days from the date such notice is deposited in the mail to comply with the reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of \$10 per day for each day that such report remains unfiled, except that no such civil penalty shall exceed \$300. The ~~Kansas--public--disclosure~~ commission may waive, for good cause, payment of any civil penalty imposed by this section.

(2) Civil penalties provided for by this section shall be paid to the state treasurer, who shall deposit the same in the state treasury to the credit of the state general fund.

(3) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the attorney general or county or district attorney to bring an action to recover such civil penalty in the district court of the county in which such person resides.

(c) The intentional failure to file any report required by subsection (a) is a class A misdemeanor.

(d) This section shall be part of and supplemental to the campaign finance act.

Sec. 17. K.S.A. 1990 Supp. 25-4181 is hereby amended to read as follows: 25-4181. The ~~public-disclosure~~ Kansas governmental

ethics commission, in addition to any other penalty prescribed under the campaign finance act, may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation of the campaign finance act in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted promptly to the state treasurer. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the state general fund.

Sec. 18. K.S.A. 1990 Supp. 25-4182 is hereby amended to read as follows: 25-4182. (a) If the ~~public--disclosure~~ Kansas governmental ethics commission determines after notice and opportunity for a hearing that any person has engaged or is engaging in any act or practice constituting a violation of any provision of the campaign finance act or any rule and regulation or order hereunder, the commission by order may require that such person cease and desist from the unlawful act or practice and take such affirmative action as in the judgment of the commission will carry out the purposes of such act.

(b) If the commission makes written findings of fact that the public interest will be irreparably harmed by delay in issuing an order under subsection (a), the commission may issue an emergency temporary cease and desist order. Such order, even when not an order within the meaning of K.S.A. 77-502 and amendments thereto, shall be subject to the same procedures as an emergency order issued under K.S.A. 77-536 and amendments

thereto. Upon the entry of such an order, the commission shall promptly notify the person subject to the order that it has been entered, of the reasons therefor and that upon written request the matter will be set for a hearing which shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If no hearing is requested and none is ordered by the commission, the order will remain in effect until it is modified or vacated by the commission. If a hearing is requested or ordered, the commission, after notice of and opportunity for hearing to the person subject to the order, shall by written findings of fact and conclusions of law vacate, modify or make permanent the order. Any such order shall be enforceable in any court of competent jurisdiction.

Sec. 19. K.S.A. 1990 Supp. 25-4183 is hereby amended to read as follows: 25-4183. Whenever it appears to the ~~public-disclosure~~ Kansas governmental ethics commission that any person has engaged in any act or practice constituting a violation of any provision of the campaign finance act or any rule and regulation or order hereunder, the commission may bring an action in any court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with such act or any rule and regulation or order hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, restitution, writ of mandamus or other equitable relief shall be granted.

Sec. 20. K.S.A. 1990 Supp. 25-4184 is hereby amended to read as follows: 25-4184. The ~~public-disclosure~~ Kansas governmental ethics commission may enter into a consent decree with any person who has violated the campaign finance act.

Sec. 21. K.S.A. 1990 Supp. 25-4185 is hereby amended to read as follows: 25-4185. Any person aggrieved by any order of the ~~public--disclosure~~ Kansas governmental ethics commission pursuant to this act may appeal such order in accordance with the provisions of the act for judicial review and civil enforcement of agency actions.

Sec. 22. K.S.A. 46-253 is hereby amended to read as follows: 46-253. "Commission" as used in K.S.A. 46-215 to 46-280, inclusive, and any amendments thereto, and K.S.A. 46-248a means the Kansas ~~public--disclosure~~ governmental ethics commission created by K.S.A. 25-4119a, ~~as-amended~~ and amendments thereto. The commission may adopt rules and regulations for the administration of the provisions of K.S.A. 46-215 to 46-280, and amendments thereto, and K.S.A. 46-248a, and amendments thereto. Any such rules and regulations adopted by the governmental ethics commission shall continue in force and effect and shall be deemed to be the rules and regulations of the commission created by K.S.A. 25-4119a, ~~as--amended~~ and amendments thereto, until revised, amended, repealed or nullified pursuant to law. All rules and regulations of the commission shall be subject to the provisions of article 4 of chapter 77 of Kansas Statutes Annotated.

Sec. 23. K.S.A. 1990 Supp. 46-269 is hereby amended to read as follows: 46-269. Each report under K.S.A. 46-268, and amendments thereto, shall disclose the following: (a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Such expenditures shall be reported according to categories of expenditures established by rules and regulations of the Kansas ~~public~~ disclosure governmental ethics commission. With regard to expenditures for entertainment or hospitality which is primarily food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (c), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c) All gifts, ~~honoraria~~ or payments, ~~of value in excess of~~ \$20 by the lobbyist to any state officer or employee.

(d) Whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, ~~honoraria~~ or payment required to be reported

by this section shall be reported by more than one lobbyist.

(f) Records in support of every report or statement filed shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.

Sec. 24. K.S.A. 1990 Supp. 46-288 is hereby amended to read as follows: 46-288. The ~~public-disclosure~~ Kansas governmental ethics commission, in addition to any other penalty prescribed under K.S.A. 46-215 through 46-286, and amendments thereto, may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation pursuant to K.S.A. 46-215 through 46-286, and amendments thereto, in an amount not to exceed \$5,000 for the first violation, not to exceed \$10,000 for the second violation and not to exceed \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted promptly to the state treasurer. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the state general fund.

Sec. 25. K.S.A. 1990 Supp. 46-289 is hereby amended to read as follows: 46-289. (a) If the ~~public--disclosure~~ Kansas governmental ethics commission determines after notice and opportunity for a hearing that any person has engaged or is engaging in any act or practice constituting a violation of any provision of K.S.A. 46-215 through 46-286, and amendments thereto, or any rule and regulation or order hereunder, the commission by order may require that such person cease and desist

from the unlawful act or practice and take such affirmative action as in the judgment of the commission will carry out the purposes of K.S.A. 46-215 through 46-286, and amendments thereto.

(b) If the commission makes written findings of fact that the public interest will be irreparably harmed by delay in issuing an order under subsection (a), the commission may issue an emergency temporary cease and desist order. Such order, even when not an order within the meaning of K.S.A. ~~1987-Supp.~~ 77-502 and amendments thereto, shall be subject to the same procedures as an emergency order issued under K.S.A. ~~1987-Supp.~~ 77-536 and amendments thereto. Upon the entry of such an order, the commission shall promptly notify the person subject to the order that it has been entered, of the reasons therefor and that upon written request the matter will be set for a hearing which shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If no hearing is requested and none is ordered by the commission, the order will remain in effect until it is modified or vacated by the commission. If a hearing is requested or ordered, the commission, after notice of and opportunity for hearing to the person subject to the order, shall by written findings of fact and conclusions of law vacate, modify or make permanent the order. Any such order shall be enforceable in any court of competent jurisdiction.

Sec. 26. K.S.A. 1990 Supp. 46-290 is hereby amended to read as follows: 46-290. Whenever it appears to the ~~public-disclosure~~ Kansas governmental ethics commission that any person has engaged in any act or practice constituting a violation of any provision of K.S.A. 46-215 through 46-286, and amendments thereto, or any

rule and regulation or order hereunder, the commission may bring an action in any court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with K.S.A. 46-215 through 46-286, and amendments thereto, or any rule and regulation or order hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, restitution, writ of mandamus or other equitable relief shall be granted.

Sec. 27. K.S.A. 1990 Supp. 46-291 is hereby amended to read as follows: 46-291. The ~~public--disclosure~~ Kansas governmental ethics commission may enter into a consent decree with any person who has violated any provision of K.S.A. 46-215 through 46-286, and amendments thereto.

Sec. 28. K.S.A. 1990 Supp. 46-292 is hereby amended to read as follows: 46-292. Any person aggrieved by any order of the ~~public-disclosure~~ Kansas governmental ethics commission pursuant to this act may appeal such order in accordance with the provisions of the act for judicial review and civil enforcement of agency actions.

Sec. 29. K.S.A. 1990 Supp. 75-4303a is hereby amended to read as follows: 75-4303a. (a) The Kansas ~~public--disclosure~~ governmental ethics commission shall render advisory opinions on the interpretation or application of K.S.A. 75-4301a, 75-4302a, 75-4303a, 75-4304, 75-4305 and 75-4306 and amendments thereto. The opinions shall be rendered after receipt of a written request therefor by a local governmental officer or employee or by any person who has filed as a candidate for local office. Any person who requests and receives an advisory opinion and who acts in accordance with its provisions shall be presumed to have complied

with the provisions of the general conflict of interests law. A copy of any advisory opinion rendered by the commission shall be filed by it in the office of the secretary of state, and any opinion so filed shall be open to public inspection. All requests for advisory opinions shall be directed to the secretary of state who shall notify the commission thereof.

(b) The Kansas ~~public---disclosure~~ governmental ethics commission shall administer K.S.A. 75-4301a, 75-4302a, 75-4303a, 75-4304, 75-4305 and 75-4306 and amendments thereto and may adopt rules and regulations therefor.

Sec. 30. K.S.A. 1990 Supp. 25-4119d is hereby amended to read as follows: 25-4119d. (a) From and after the effective date of this act, no person shall be appointed to membership on the Kansas public disclosure commission who has within three years preceding the date of such appointment: (1) Held an elective state office; (2) held the office of secretary of any department of state government; (3) been a lobbyist as defined by K.S.A. 46-222 and amendments thereto; or (4) had a substantial interest in or been ~~employed-by~~ an officer of, or provided services under contract to, any vendor of goods or services to the state of Kansas or any agency thereof.

(b) While serving on the Kansas public disclosure commission created by K.S.A. 25-4119a, and amendments thereto, no member shall: (1) Hold an elective state office; (2) serve as a chairperson or treasurer for any candidate or committee subject to the provisions of the campaign finance act; (3) actively solicit contributions subject to the provisions of the campaign finance act; (4) hold the office of secretary of any department

of state government; (5) be a lobbyist as defined by K.S.A. 46-222 and amendments thereto; or (6) hold a substantial interest in or be ~~employed--by~~ an officer of, or provide services under contract to, any vendor of goods or services to the state of Kansas or any agency thereof.

Sec. 31. K.S.A. 46-243 is hereby amended to read as follows: 46-243. (a) Any state officer or employee or candidate for state office who violates any provision of this act, and such violation is a misdemeanor, shall be subject to censure or forfeiture of office.

(b) When this section applies to an impeachable officer, whether such censure or forfeiture is to be imposed shall be determined by impeachment proceedings.

(c) When this section applies to a legislator, the house of which the legislator is a member shall determine whether such censure or forfeiture is to be imposed.

(d) When this section applies to any state officer or employee of the legislative branch, except a legislator, the legislative coordinating council shall determine whether such censure or forfeiture is to be imposed.

(e) When this section applies to any state officer or employee of the judicial branch, the supreme court shall determine whether such censure or forfeiture is to be imposed.

(f) When this section applies to any state officer or employee of the executive branch and such state officer or employee is not subject to impeachment, the governor shall determine whether censure or removal of such state officer or employee is to be imposed. Upon a determination by the governor

of removal under this subsection, no right of appeal under the Kansas civil service act shall exist, but the determination of removal is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. In lieu of direct removal, the governor may direct the attorney general, district attorney or county attorney to bring appropriate ouster proceedings to determine such forfeiture.

Sec. 32. K.S.A. 1990 Supp. 25-4148a is hereby amended to read as follows: 25-4148a. When a report is made under this act and the amount being contributed by an individual is over \$50, the report shall list the occupation~~, if known to the candidate,~~ of the individual contributor, or if the individual contributor is not employed for compensation then the report shall list the occupation~~, if known to the candidate,~~ of the contributor's spouse.

Sec. 33. K.S.A. 1990 Supp. 74-7275 is hereby amended to read as follows: 74-7275. Except as otherwise provided in K.S.A. 74-7246, and amendments thereto, the Kansas ~~public disclosure~~ governmental ethics commission and the office of executive director of the Kansas ~~public disclosure~~ governmental ethics commission, provided for by K.S.A. 25-4119a, and amendments thereto, are hereby abolished on July 1, ~~1992~~ 1997.

Sec. 34. K.S.A. 1990 Supp. 25-4119a is hereby amended to read as follows: 25-4119a. (a) The governmental ethics commission created by this section prior to the effective date of this act and in existence in March, 1981 is hereby abolished, and there is hereby created the Kansas public disclosure commission, which shall be the successor in every respect to the powers, duties and

functions of the governmental ethics commission so abolished. The Kansas public disclosure commission shall consist of nine members of whom two shall be appointed by the governor, one by the president of the senate, one by the speaker of the house of representatives, one by the minority leader of the house of representatives, one by the minority leader of the senate, one by the chief justice of the supreme court, one by the attorney general and one by the secretary of state. The terms of such members shall be as follows: The member appointed by the governor serving on the effective date of this act and the members appointed by the speaker of the house of representatives, the president of the senate and the chief justice of the supreme court shall serve until January 31, 1991; ~~and the additional member appointed by the governor and the members appointed by the minority leader of the house of representatives, by the minority leader of the senate,~~ the attorney general and the secretary of state shall serve until January 31, 1992; and the members appointed by the minority leader of the house of representatives and by the minority leader of the senate shall serve until January 31, 1993. Not more than five members of the commission shall be members of the same political party and the two members appointed by the governor shall not be members of the same political party.

(b) The terms of all subsequently appointed members shall be two years commencing on February 1 of the appropriate years. Vacancies occurring on the commission shall be filled for the unexpired term by the same appointing officer as made the original appointment. Members shall serve until their successors

are appointed and qualified. The governor shall designate one of the members appointed by the governor to be the chairperson of the commission. A majority vote of five members of the commission shall be required for any action of the commission. The commission may adopt rules to govern its proceedings and may provide for such officers other than the chairperson as it may determine. The commission shall meet at least once each quarter, and also shall meet on call of its chairperson or any four members of the commission. Members of the commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in subsections (a) to (d), inclusive, of K.S.A. 75-3223 and amendments thereto. The commission shall appoint an executive director who shall be in the unclassified service and receive compensation fixed by the commission, in accordance with appropriation acts of the legislature, subject to approval by the governor. The commission may employ such other staff and attorneys as it determines, within amounts appropriated to the commission, all of whom shall be in the unclassified service and shall receive compensation fixed by the commission and not subject to approval by the governor.

(c) The Kansas public disclosure commission may adopt rules and regulations for the administration of the campaign finance act. Subject to K.S.A. 25-4178, rules and regulations adopted by the governmental ethics commission created prior to this act shall continue in force and effect and shall be deemed to be the rules and regulations of the commission created by this section

of this enactment, until revised, amended, repealed or nullified pursuant to law. All rules and regulations of the commission shall be subject to the provisions of article 4 of chapter 77 of Kansas Statutes Annotated. The Kansas public disclosure commission shall continue to administer all of the acts administered by the governmental ethics commission to which it is successor.

(d) The commission shall submit an annual report and recommendations in relation to all acts administered by the commission to the governor and to the legislative coordinating council on or before December 1 of each year. The legislative coordinating council shall transmit such report and recommendations to the legislature.

(e) The provisions of the Kansas sunset law shall apply to the Kansas public disclosure commission and to the office of the executive director of the commission.

Sec. 1. K.S.A. 46-248 is hereby amended to read as follows:
46-248. The statement of substantial interests required by K.S.A. 46-247 through 46-252, and amendments thereto, shall include the substantial interests of the individual making the statement. Campaign contributions reported in compliance with the campaign finance act shall not be included in this statement. The statement shall include the information required by K.S.A. 46-229 and amendments thereto in such detail and form as required by the commission. In reporting a substantial interest in the ownership of any business in accordance with subsection (a) of K.S.A. 46-229, and amendments thereto, the individual making the statement shall disclose the approximate percentage of ownership which the individual or individuals's spouse owns.

(a) The statement of substantial interests shall be filed at the following times by the individuals specified in K.S.A. 46-247 and amendments thereto:

(1) For an individual, other than a candidate, who was appointed or took office on or before April 30, 1984, between April 15 and June 1, 1984, and for an individual or other candidate who is appointed or takes office on or before April 30 in any year thereafter, annually between April 15 and April 30, inclusive, so long as the act applies to the individual;

(2) for an individual, other than a candidate, who is appointed after April 30 in any year, within 15 days after the appointment and annually thereafter between April 15 and April

30, inclusive, so long as the act applies to the individual;

(3) for an individual who becomes a candidate on or before the date prescribed by K.S.A. 25-205 and amendments thereto, on the date prescribed by K.S.A. 25-205 and amendments thereto or within 10 days thereafter, unless within that period the candidacy is officially declined or rejected; or

(4) for an individual who becomes a candidate after the date prescribed by K.S.A. 25-205 and amendments thereto, within five days of becoming a candidate, unless within that period the candidacy is officially declined or rejected.

(b) Individuals who become subject to subsection (a) and who have on file a statement of substantial interests pursuant to this act for the current year shall not be required to file any additional statement of substantial interests for that period.

(c) If an individual serves in more than one capacity for which a statement of substantial interests is required to be filed pursuant to this act, the individual shall be required to file only a single statement of substantial interests for all capacities for which a statement is required to be filed.

(d) The statements required by this section shall be filed with the secretary of state in all cases.

Sec. 2. K.S.A. 1990 Supp. 46-247 is hereby amended to read as follows: 46-247. The following individuals shall file written statements of substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive, and amendments thereto:

(a) Legislators and candidates for nomination or election to the legislature;

(b) individuals holding an elected office in the executive

branch of this state, and candidates for nomination or election to any such office;

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

(d) individuals whose appointment to office is subject to confirmation by the senate whether or not such individual is a state officer or employee;

(e) general counsels for state agencies irrespective of how compensated;

(f) the administrator or executive director of the education commission of the states, the interstate compact on agricultural grain marketing, the Mo-Kan metropolitan development district and agency compact, the Kansas City area transportation district and authority compact, the midwest nuclear compact, the central interstate low-level radioactive waste compact, the multistate tax compact, the Kansas-Oklahoma Arkansas river basin compact, the Kansas-Nebraska Big Blue river compact, and the multistate lottery;

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

Sec. 3. K.S.A. 1990 Supp. 46-237 is hereby amended to read as follows: 46-237. (a) No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of ~~\$100~~ \$20 or

more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) No person with a special interest shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of ~~\$100~~ \$20 or more in any calendar year to any state officer or employee or candidate for state office with a major purpose of influencing such officer or employee in the performance of official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of ~~\$100~~ \$20 or more in any calendar year to any state officer or employee of that agency.

(d) Hospitality in the form of food and beverages are presumed not to be given to influence a state officer or employee in the performance of such officer's or employee's official duties or prospective official duties, except when a particular course of official action is to be followed as a condition thereon.

(e) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to (1) any contribution reported in compliance with the campaign finance act; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

(f) No legislator shall solicit any contribution to be made to any organization for the purpose of paying for travel, subsistence and other expenses incurred by such legislator or other members of the legislature in attending and participating in meetings, programs and activities of such organization or those conducted or sponsored by such organization, but nothing in this act or the act of which this act is amendatory shall be construed to prohibit any legislator from accepting reimbursement for actual expenses for travel, subsistence, hospitality, entertainment and other expenses incurred in attending and participating in meetings, programs and activities of any national, nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation when paid from funds of such organization and nothing shall be construed to limit or prohibit the expenditure of funds of and by any such organization for such purposes.

Sec. 4. K.S.A. 46-271 is hereby amended to read as follows: 46-271. No lobbyist shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of ~~one--hundred dollars--(\$100)~~ \$20 or more in any calendar year to any state officer or employee or candidate for state office with a major purpose of influencing such officer or employee in the performance of official duties or prospective official duties. Hospitality in the form of food and beverages are presumed not to be given to influence a state officer or employee or candidate for state office in the performance of official duties, except

when a particular course of official action is to be followed as a condition thereon.

Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to: (1) Any contribution reported in compliance with the campaign finance act as amended; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

Sec. 5. K.S.A. 46-239 is hereby amended to read as follows: 46-239. (a) No state officer or employee other than a legislator shall accept employment in any representation case, unless such officer or employee has properly filed the disclosure statement prescribed by this section. No state legislator shall accept employment or participate directly or indirectly in any representation case or permit such member's name to be used as a participant in any such case. Such prohibition shall not be construed to prohibit other members of a legislator's professional firm from accepting or participating in any such case.

(b) Any state officer or employee who is employed in any representation case shall, not later than ~~ten-(10)~~ 10 days after the acceptance of employment for such case or on the first appearance before the state agency involved (whichever occurs first), file on a form prescribed and provided by the commission a disclosure statement as provided in this section.

(c) Any individual, ~~while--a--legislator--or~~ within one ~~(1)~~ year after the expiration of a term as a legislator, who contracts to perform any service for a state agency other than the legislature, shall not later than ~~ten-(10)~~ 10 days after the

acceptance of such contract, file a disclosure statement as provided in this section. No legislator shall contract to perform any service for or represent any agency of the state, other than the legislature, for compensation in a nonjudicial process.

~~(e)~~ (d) The disclosure statement required by this section shall be filed with the secretary of state in all cases. Any individual who files a statement may file an amended statement (or, if permitted by the secretary of state, amend the original filing) at any time after the statement is originally filed. Copies of each such statement shall forthwith upon filing be transmitted by the secretary of state to (1) in the case of members of the house of representatives, the chief clerk of the house of representatives, or (2) in the case of senators, the secretary of the senate. In addition to the foregoing, a copy of every disclosure statement shall be transmitted by the secretary of state to the state agency involved, if the state agency is other than a part of the legislative branch.

~~(d)~~ (e) The disclosure statement provided for by this section shall be signed by the person making the same and shall state (1) the name of the employer, (2) the purpose of the employment and (3) the method of determining and computing the compensation for the employment in the representation case.

~~(e)~~ (f) Any person who is employed in a representation case and who is required to file a disclosure statement pursuant to this section may file, upon termination of such person's employment in such representation case, a termination statement with the secretary of state. Such statement shall be on a form prescribed and provided by the commission and shall state (1) the

name of the employer, (2) the state agency involved in the case, and (3) the date of the termination of employment. The secretary of state shall transmit a copy of such statement to the state agency involved.

~~(f)~~ (g) Failure to file a true disclosure statement is intentionally (1) failing to file a disclosure statement when and where required by this section, or

(2) filing a disclosure statement under this section which contains any material misrepresentation or false or fraudulent statement.

Failure to file a true disclosure statement is a class B misdemeanor.

Sec. 6. K.S.A. 46-233 is hereby amended to read as follows: 46-233. (a) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest and no such person or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to, has been substantially involved in the preparation of or is a participant in the making of such contract and is employed by such person or business or such officer or employee or any member of such officer's or employee's immediate family has a substantial interest in such person or business.

Whenever any individual has, within the preceding two years

participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one year following termination of employment as a state officer or employee.

(b) No individual shall, while a legislator or within one year after the expiration of a term as legislator, be interested pecuniarily, either directly or indirectly, in any contract with the state, which contract is funded in whole or in part by any appropriation or is authorized by any law passed during such term, except that the prohibition of this subsection (b) shall not apply to any contract interest in relation to which a disclosure statement is filed as provided by K.S.A. 46-239, and amendments thereto.

(c) No individual, while a legislator or within one year after the expiration of a term as a legislator, shall as a litigant or by representing any person in a court proceeding attack any legislative action taken or enactment made during any term such individual served as a legislator as being unconstitutional because of error in the legislative process with respect to such action or enactment. The prohibition of this subsection (c) shall not apply to a current or former legislator charged with a violation of such legislative action or enactment.

(d) Subsections (a) and (b) shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for by published notice; and

(2) Contracts for property or services for which the price

or rate is fixed by law.

Sec. 7. K.S.A. 46-215 is hereby amended to read as follows:
46-215. (a) The proper operation of democratic government requires that a public official or employee be independent and impartial; that government policy and decisions be made through the established processes of government; that a public official or employee not use public office to obtain private benefits; that a public official or employee avoid action which creates the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its government and public officials and employees.

(b) As used in K.S.A. 46-215 to 46-280, inclusive, and any amendments thereto, and K.S.A. 46-248a and amendments thereto, unless the context otherwise requires, the words and terms defined in K.S.A. 46-216 to 46-231, inclusive, and any amendments thereto, shall have the meanings therein ascribed thereto.

(c) New Sec. 8. (a) From and after the effective date of this act, no state officer or employee shall advocate or cause the employment, appointment, promotion, transfer or advancement to any office or position of the state, or supervise or manage a member of such officer's or employee's household or a family member.

(b) No state officer or employee shall participate in an action relating to the employment or discipline of a member of the officer's or employee's household or a family member.

(c) The provisions of this section shall not apply to any action involving the employment, appointment, promotion, transfer or advancement of any officer or employee occurring prior to the effective date of this act.