

Approved 2-25-91
Date

MINUTES OF THE House COMMITTEE ON Elections

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

9:10 a.m./p.m. on Friday, February 22nd, 1991 in room 521-S of the Capitol.

All members were present except: Representative Cates, excused
Representative King, excused

Committee staff present:

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

Conferees appearing before the committee:

The House Elections Committee was called to order by Chairman Tom Sawyer at 9:10 a.m. on Friday, February 22nd, 1991.

The Chair called on Arden Ensley, Revisor, to continue the explanation of the Conflict of Interest report from the Sub-Committee.

Following completion of this report, the Lobbying section was next presented with the Revisor addressing the changes that had been made. (Attachment 1)

Upon completion of the presentation of these four reports from the sub-committees, Representative Shallenburger made a motion that the committee introduce these recommendations as a committee bill, seconded by Representative Stephens and the motion carried.

The minutes of the meetings on February 20th and February 21st were presented for approval. Representative Stephens made a motion to accept these minutes, seconded by Representative Johnson and the motion carried.

The meeting was adjourned at 10:00 a.m. The next meeting of the House Elections Committee will be Monday, February 25th, 1991 at 9:00 a.m. in Room 521-S.

Sec. 1. K.S.A. 46-225 is hereby amended to read as follows:
 46-225. (a) "Lobbying" means: (1) Promoting or opposing in any manner ~~(1)~~ action or nonaction by the legislature on any legislative matter or ~~(2)~~ the adoption or nonadoption of any rule and regulation by any state agency; or

~~(b)--Lobbying-also-means (2) entertaining any state officer or employee except---that---bona---fide---personal---or---business entertaining-does-not-constitute-"lobbying";~~ or giving any gift, honorarium or payment to a state officer or employee in an aggregate value of \$100 or more within any calendar year, if at any time during such year the person supplying the entertainment, gifts, honoraria or payments has a case financial interest in any action or proceeding before the state agency in which such state officer or employee serves, or if such person is the attorney-for ~~or~~ representative of a person having such a case financial interest.

(c) "Lobbying" does not include any expenditure from amounts appropriated by the legislature for official hospitality.

(d) "Lobbying" does not include representation of a claimant on a claim filed by the claimant under K.S.A. 46-907 and 46-912 to 46-919, inclusive, and amendments thereto in proceedings before the joint committee on special claims against the state.

(e) "Lobbying" does not include bona fide personal or business entertaining.

Sec. 2. K.S.A. 46-222 is hereby amended to read as follows:
 46-222. (a) "Lobbyist" means: (1) Any person employed in considerable degree for lobbying; (2) any person formally

appointed as the primary representative of an organization or other person to lobby in person on state-owned or leased property; or (3) any person who makes expenditures in an aggregate amount of ~~one--hundred--dollars--(\$100)~~ \$100 or more, exclusive of personal travel and subsistence expenses, in any calendar year for lobbying.

(b) Lobbyist shall not include: (1) Any state officer or employee engaged in carrying out the duties of ~~his--or--her~~ their office; (2) the ~~employer--of--a--lobbyist,--if--such--lobbyist--has--registered--the--name--and--address--of--such--employer--under--K.S.A. 46-265~~ lobbyist's principal; (3) any nonprofit organization which has qualified under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1954, as amended, which is interstate in its operations and of which a primary purpose is the nonpartisan analysis, study or research of legislative procedures or practices and the dissemination of the results thereof to the public, irrespective of whether such organization may recommend a course of action as a result of such analysis, study or research; (4) any justice or commissioner of the supreme court or judge of the judicial branch or employee or officer of the judicial branch or, any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to exercise duties pertaining to functions of the judicial branch, when such person is engaged in performing a function or duty for the judicial branch; or (5) any appointed member of an advisory council, commission or board, who serves without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in subsection (e) of

K.S.A. 75-3223 and amendments thereto, when such member is engaged in performing a function or duty for such council, commission or board.

(c) "Lobbyist's principal" means the person or entity in whose behalf the lobbyist is lobbying.

Sec. 3. K.S.A. 1990 Supp. 46-265 is hereby amended to read as follows: 46-265. (a) The legislature finds and declares that the operation of open and responsible government requires the fullest opportunity to be afforded to the people to petition their government for the redress of grievances and to express freely their opinions on executive and legislative action but the identity and expenditures of certain persons who attempt to influence executive and legislative actions should be publicly identified to preserve and maintain the integrity of government.

(b) Every lobbyist shall register with the secretary of state by completing and signing 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~~ lobbyist's principal, 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 lobbyist's principal or is to be engaged in more than one employment, the relevant facts listed above shall be separately stated for each employer lobbyist's principal 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.

On or after October 1, in any year any person may register as a lobbyist under this section for the succeeding calendar year. Such registration shall expire annually on December 31, of the year for which the lobbyist is registered. 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 shall pay to the secretary of state a fee of \$15 for each lobbying employment or lobbying position held by such person. 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 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.

(c) Every lobbyist's principal shall register with the secretary of state on forms prescribed and provided by the commission. Such registration shall show the name and address of the lobbyist's principal and the name or names and address or addresses of all lobbyists employed by such lobbyist's principal. Such registration shall be filed by the chief executive officer of the lobbyist's principal on or before the second Monday in January of each year and supplemental registrations shall be filed within 10 days following the employment or termination of any lobbyist or lobbyists employed.

Sec. 4. K.S.A. 46-268 is hereby amended to read as follows: 46-268. (a) Every lobbyist shall file with the secretary of state a report of employment and expenditures on a form and in the manner prescribed and provided by the commission. A report shall be filed for each month of the year. Such reports shall be filed by on or before the 10th day of the month--immediately--following the--month--for--which--the--report--is--filed months of February, March, April, May, September and December. Reports shall only--be required--for--months--during--which include all expenditures are made--or for gifts, payments or honoraria are--given which are required to be reported under K.S.A. 46-269, and amendments thereto, or a statement that no expenditures were made for such purposes, during the preceding calendar month or months since the period for which the last report was filed.

Sec. 5. 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~~ lobbyist's principal for whom such lobbyist has acted during the period reported.

(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~~ principal for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100, for the following purposes:

- (1) Food and beverages provided as hospitality;
- (2) entertainment, gifts, honoraria or payments;
- (3) mass media communications;
- (4) salaries, fees, retainers and any other compensation received for the performance of services as a lobbyist;
- (5) preparation of proposals, position papers and similar documents;
- (6) travel and lodging;
- (7) communications for the purpose of influencing legislative or executive action; and

(8) all other expenditures made in the performance of services as a lobbyist. 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 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 principal 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 lobbyist's principal, the reports required by this section relating to such employer lobbyist's principal 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. 6. K.S.A. 1990 Supp. 25-4144 is hereby amended to read as follows: 25-4144. Not later than 10 days after becoming a candidate, every candidate shall appoint a treasurer or in lieu thereof shall appoint a candidate committee. The treasurer so appointed may be the candidate making such appointment. No

candidate shall appoint more than one candidate committee to exist at the same time. If a candidate appoints a candidate committee, such candidate shall appoint a chairperson and a treasurer thereof, and the treasurer so appointed may be the candidate. No person who has registered as a lobbyist in accordance with K.S.A. 1990 Supp. 46-265 and amendments thereto shall be eligible for appointment as treasurer for any candidate or candidate committee. The name and address of each treasurer and chairperson appointed under this section by a candidate for a state office shall be reported to the secretary of state by the candidate not later than 10 days after such appointment. The name and address of each treasurer and chairperson appointed under this section by a candidate for a local office shall be reported to the county election officer by the candidate not later than 10 days after such appointment. The candidate for governor shall carry out the requirements and responsibilities of the candidate under the campaign finance act, for the pair of candidates for governor and lieutenant governor, unless another specific provision applies.

Sec. 1. 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~~ such 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) Whenever the commission shall determine that any report filed by a lobbyist as required by K.S.A. 46-269 and amendments thereto, is incorrect, incomplete or fails to provide the information required by such section, the commission shall notify such lobbyist by registered or certified mail, specifying the deficiency. Such notice shall state that the lobbyist shall have 30 days from the date of the receipt of such notice to file an amended report correcting such deficiency before a civil penalty

will be imposed and the registration of such lobbyist revoked and the badge be required to be returned to the office of the secretary of state. A copy of such notice shall be sent to the office of the secretary of state. If such lobbyist fails to file an amended report with the time specified, such lobbyist shall pay to the commission a civil penalty of \$10 per day for each day that such person fails to file such report except that no such civil penalty shall exceed \$300. On the 60th day following the receipt of such notice the registration of any lobbyist failing to file such amended report shall be revoked.

(b) (c) 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.

(e) (d) (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.

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Sec. 2. 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~~ such 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) Whenever the commission shall determine that any report filed by a lobbyist as required by K.S.A. 46-269 and amendments thereto, is incorrect, incomplete or fails to provide the information required by such section, the commission shall notify such lobbyist by registered or certified mail, specifying the deficiency. Such notice shall state that the lobbyist shall have 30 days from the date of the receipt of such notice to file an amended report correcting such deficiency before a civil penalty will be imposed and the registration of such lobbyist revoked and the badge be required to be returned to the office of the

secretary of state. A copy of such notice shall be sent to the office of the secretary of state. If such lobbyist fails to file an amended report with the time specified, such lobbyist shall pay to the commission a civil penalty of \$10 per day for each day that such person fails to file such report except that no such civil penalty shall exceed \$300. On the 60th day following the receipt of such notice the registration of any lobbyist failing to file such amended report shall be revoked.

(b) (c) 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.

(e) (d) (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.