

Approved _____
Date 4-26-91

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by SENATOR DON SALLEE at _____
Chairperson

12:30 ~~xxx~~ a.m./p.m. on April 11, 1991 in room 521-S of the Capitol.

All members were present ~~except~~ or excused:

Committee staff present:

Pat Mah, Legislative Research Department
Ardan Ensley, Office of the Revisor of Statutes
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

The meeting was called to order at 12:45 p.m.

Senator Rock called the attention of the committee to page 31 of the balloon of HB-2454, noting Section 35 concerning complaints and subpoena powers. (Attachment 1)

Attachment 2, a balloon concerning changes in HB-2454 was submitted by Senator Rock and Senator Bond was handed to committee members.

The inserted language page 31, line 41, proscribes the method of complaint. Senator Rock noted one problem peculiar to this approach was that documents which were subpoenaed for investigation as well as prosecution.

Due to concern of possibly causing an undue burden the language for reimbursement of costs of production of documents was added.

It was noted the written complaint is signed and notarized; also the staff of the commission files the complaint.

Concern was expressed about protecting the private citizen as well as to whether a time limit was needed.

Senator Bond moved to amend language using January 1, 1990 to begin the time period over which subpoena power would start. Senator Lee seconded the motion and the motion carried. Senator Reilly requested his NO vote be recorded.

Senator Lee moved to insert 30 as the number of days to answer a complaint in the amendment line 41, page 31.

Senator Lee moved that the subsection as amended be inserted into Section 35. Senator Yost seconded the motion. The motion carried.

It was noted during discussion that the accused were able to respond to accusations as well as the need for approval by three-fourthss of the commission to start proceedings.

Senator Kerr moved, with a second from Senator Bond, to amend the provisions of SB-153 with the change to return to the old level of \$1,000 with conflicting language being stricken.

Staff told the committee such language was shown on page 12 of Attachment 1.

Discussion noted Congress is looking at shutting shown PACs across the country. The opinion was expressed that public perception concerning PACs is very poor and it was felt the public will respond positively to PAC prohibition. The bill also prohibits contributions from corporations and unions but allows individuals to accept funds.

Another member noted the general public is concerned about the amount of money in the process, that is, who gives, who receives and the special interest involved.

Senator Brady told the committee his amendment to SB-153 on the floor of the senate was a bi-partisan amendment and noted he felt people were concerned about the amount of money

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 521-S, Statehouse, at 12:30 ~~xxx~~ p.m. on April 11, 1991.

and special interests and in his opinion a major contribution by an individual was the same as a PAC contribution.

The question was called. The motion carried.

Senator Bond moved to amend SB-86 into HB-2454 with the additional inclusion of 501c(6). Senator Reilly seconded the motion. Division was called with 4 Yes and 2 NO votes. The motion carried.

Following a recess at 1:35 p.m. the meeting reconvened at 2:37 p.m.

Senator Rock moved the changes in contributions to candidates on pages 10, 11 and 12, Attachment 2. Senator Lee seconded the motion. The question was called, division called for. The motion failed. Senator Rock asked his NO vote be recorded.

Senator Rock moved, on page 11, line 24, to put back to \$25,000 the \$50,000 aggregate amount contributed by a national party committee to a state party committee. Senator Reilly seconded the motion and the motion carried.

Following discussion concerning entertainment and the definition, Senator Rock moved to insert the word "entertainment", line 18, page 25, following "food". Senator Bond seconded the motion and the motion carried.

Senator Rock moved to amend line 31, page 24, by inserting, following "enactment", unless said legislator declared on the record, during such term, that such legislation was unconstitutional." Senator Bond seconded the motion and the motion carried.

Senator Brady moved retention of lines 1-6, page 29, Attachment 1. Senator Rock seconded the motion and the motion carried. This will be added to current law.

Concerning nepotism, new Section 47, page 40-41, Attachment 1, Senator Bond moved to exclude the governor's staff. Senator Reilly seconded the motion and the motion carried.

Staff called attention to new language starting on page 26, lines 22-25 and concensus noted this had been and should be stricken.

Senator Yost told committee members the Attorney General had advised him that anyone committee people who are raising money to lobby or for other activities are going to have to file under the federal solicitations act because it only exempts political parties and candidates. It was thought the intent was to mean all political parties and activities.

The Attorney General asked that the bill be amended in order that when filing for lobbying they would not have to file under the charitable solicitations act as well.

Senator Yost moved to amend the bill so that those filing to lobby do not have to file under the charitable solicitations act. Senator Martin seconded the motion and the motion carried.

Senator Lee moved to pass HB-2454 out favorable as amended. Senator Bond seconded the motion and the motion carried.

The meeting adjourned at 3:20 p.m. The committee will meet at 12:30 p.m., April 12, 1991, for hearings on SCR-1624 and SCR-1625.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE April 11, 1991 -

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

NAME AND ADDRESS	ORGANIZATION
Michael Woolf Topeka	CC/KS
Harriet Lange Topeka	KAB
DOV GRANT n	KCC
Harland Puddle Topeka	Ka Senate - Office of Pres.
Cindy Kelly Topeka	KASB
Pete McBride Topeka	Pete McBride & Assoc.
Barbara Reinert "	K League of Women Voters
Art Brown KCMS	KS Iron dealer
Jane Atchison Topeka	KPAC
Carol Williams	KPAC
Jean Barber Topeka	Barber & Associates
Thomas Barber Topeka	Barber & Associates
Ron Howell Topeka	SOS
KATHA LUNDERS TOPEKA	CHRISTIAN SCHOOLS COMMITTEE ON PUBLICATION FOR KANSAS
STEVE KEADLEY "	PETER CELIK ASSOCIATES
Jim Edwards Topeka	KCCI
Enike Detwiler Topeka	Antonia En Sen Lee
Nike Reecht Topeka	ATST
Jim Kang Topeka	League of KS Municipalities

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 1991

HOUSE BILL No. 2454

By Committee on Elections

2-25

11 AN ACT relating to public officers and employees; concerning
12 governmental ethics and regulating and prohibiting certain activ-
13 ities and practices; regulating [concerning] the financing of elec-
14 tion campaigns and prohibiting certain activities and practices;
15 [concerning gifts and contributions to political parties;] providing
16 for the administration and enforcement of such regulations and
17 prohibitions; defining certain crimes and imposing penalties;
18 amending K.S.A. 25-4178, 46-215, 46-222, 46-225, [46-232,] 46-
19 233, 46-234, 46-239, 46-243, 46-248, 46-253, 46-260, 46-268, 46-
20 271 and 75-2953, 75-2953, 75-3739, 75-3741a, 75-4706, 75-4713
21 and 76-721 and K.S.A. 1990 Supp. 25-901, 25-4119a, 25-4119d,
22 25-4142, 25-4143, 25-4144, 25-4145, 25-4148a, [25-4148a,] 25-
23 4152, 25-4153, 25-4153a, 25-4157a, 25-4158, 25-4161, 25-4180, 25-
24 4181, 25-4182, 25-4183, 25-4184, 25-4185, 46-237, 46-247, 46-256,
25 46-265, 46-269, 46-280, 46-288, 46-289, 46-290, 46-291, 46-292,
26 74-7275 and 75-4303a and repealing the existing sections; and also
27 repealing 75-3741b, 75-37,102 and 75-4707.

28

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

30 Sec. 1. K.S.A. 1990 Supp. 25-4119a is hereby amended to read
31 as follows: 25-4119a. (a) The governmental ethics commission
32 created by this section prior to the effective date of this act
33 and in existence in March, 1981 is hereby abolished, and There
34 is hereby created the Kansas public disclosure ~~Governmental ethics~~
35 commission which shall be the successor in every respect to
36 the powers, duties and functions of the governmental ethics
37 commission so abolished. The Kansas public disclosure com-
38 mission shall consist of nine members of whom two shall be appointed
39 by the governor, one by the president of the senate, one by the
40 speaker of the house of representatives, one by the minority leader
41 of the house of representatives, one by the minority leader of the
42 senate, one by the chief justice of the supreme court, one by the
43 attorney general and one by the secretary of state. The terms of

on governmental standards and conduct

Senate Elections
April 11, 1991
Attachment 1

1 such members shall be as follows: The member appointed by the
 2 governor serving on the effective date of this act and the members
 3 appointed by the speaker of the house of representatives, and the
 4 president of the senate and the chief justice of the supreme court
 5 shall serve until January 31, 1991; and the additional member ap-
 6 pointed by the governor and the members appointed by the mi-
 7 nority leader of the house of representatives, by the minority
 8 leader of the senate, the attorney general and the secretary of state
 9 shall serve until January 31, 1992; *and the members appointed by*
 10 *the minority leader of the house of representatives and by the mi-*
 11 *nority leader of the senate shall serve until January 31, 1993; and*
 12 the member appointed by the chief justice of the supreme court
 13 shall serve until January 31, 1994. Not more than five members of
 14 the commission shall be members of the same political party and
 15 the two members appointed by the governor shall not be members
 16 of the same political party.

17 (b) The terms of all subsequently appointed members shall be
 18 two years commencing on February 1 of the appropriate years. Va-
 19 cancies occurring on the commission shall be filled for the unexpired
 20 term by the same appointing officer as made the original appoint-
 21 ment. Members shall serve until their successors are appointed and
 22 qualified. The governor shall designate one of the members ap-
 23 pointed by the governor to be the chairperson of the commission.
 24 A majority vote of five members of the commission shall be required
 25 for any action of the commission. The commission may adopt rules
 26 to govern its proceedings and may provide for such officers other
 27 than the chairperson as it may determine. The commission shall
 28 meet at least once each quarter, and also shall meet on call of its
 29 chairperson or any four members of the commission. Members of
 30 the commission attending meetings of such commission, or attending
 31 a subcommittee meeting thereof authorized by such commission,
 32 shall be paid compensation, subsistence allowances, mileage and
 33 other expenses as provided in subsections (a) to (d), inclusive, of
 34 K.S.A. 75-3223 and amendments thereto. The commission shall ap-
 35 point an executive director who shall be in the unclassified service
 36 and receive compensation fixed by the commission, in accordance
 37 with appropriation acts of the legislature, subject to approval by the
 38 governor. The commission may employ such other staff and attorneys
 39 as it determines, within amounts appropriated to the commission,
 40 all of whom shall be in the unclassified service and shall receive
 41 compensation fixed by the commission and not subject to approval
 42 by the governor.

43 (c) The Kansas public disclosure commission may adopt rules

1 and regulations for the administration of the campaign finance act.
 2 Subject to K.S.A. 25-4178, rules and regulations adopted by the
 3 ~~governmental ethics~~ commission created prior to this act shall con-
 4 tinue in force and effect and shall be deemed to be the rules and
 5 regulations of the commission created by this section of this enact-
 6 ment, until revised, amended, repealed or nullified pursuant to law.
 7 All rules and regulations of the commission shall be subject to the
 8 provisions of article 4 of chapter 77 of Kansas Statutes Annotated.
 9 The Kansas public disclosure commission shall continue to ad-
 10 minister all of the acts administered by the ~~governmental ethics~~
 11 commission to which it is successor.

12 *(d) The commission may provide copies of opinions, informational*
 13 *materials compiled and published by the commission and public*
 14 *records filed in the office of the commission to persons requesting*
 15 *the same and may adopt rules and regulations fixing reasonable fees*
 16 *therefor. All fees collected by the commission under the provisions*
 17 *of this subsection shall be paid to the state treasurer who shall*
 18 *deposit the same in the state treasury to the credit of the Kansas*
 19 ~~*governmental ethics commission fee fund.*~~

20 ~~(d)~~ (e) The commission shall submit an annual report and rec-
 21 ommendations in relation to all acts administered by the commission
 22 to the governor and to the legislative coordinating council on or
 23 before December 1 of each year. The legislative coordinating council
 24 shall transmit such report and recommendations to the legislature.

25 ~~(e)~~ (f) The provisions of the Kansas sunset law shall apply to the
 26 Kansas public disclosure commission and to the office of the ex-
 27 ecutive director of the commission.

28 Sec. 2. K.S.A. 1990 Supp. 25-4119d is hereby amended to read
 29 as follows: 25-4119d. (a) From and after the effective date of this
 30 act, no person shall be appointed to membership on the ~~Kansas~~
 31 public disclosure ~~governmental ethics~~ commission who has within
 32 three years preceding the date of such appointment: (1) Held an
 33 elective state office; (2) held the office of secretary of any department
 34 of state government; (3) been a lobbyist as defined by K.S.A. 46-
 35 222 and amendments thereto; or (4) had a substantial interest in or
 36 been employed by an officer of any vendor of goods or services
 37 to the state of Kansas or any agency thereof; or (5) provided services
 38 under contract to any vendor of goods or services to the state of
 39 Kansas or any agency thereof.

40 (b) While serving on the Kansas public disclosure commission
 41 created by K.S.A. 25-4119a, and amendments thereto, no member
 42 shall: (1) Hold an elective state office; (2) serve as a chairperson or
 43 treasurer for any candidate or committee subject to the provisions

on governmental standards and conduct

1 of the campaign finance act; (3) actively solicit contributions subject
 2 to the provisions of the campaign finance act; (4) hold the office of
 3 secretary of any department of state government; (5) be a lobbyist
 4 as defined by K.S.A. 46-222 and amendments thereto; or (6) hold
 5 a substantial interest in or be employed by an officer of any vendor
 6 of goods and services to the state of Kansas or any agency thereof;
 7 ~~or (7) provide services under contract to any vendor of goods or~~
 8 ~~services to the state of Kansas or any agency thereof.~~

9 New Sec. 3. There is hereby established in the state treasury
 10 the Kansas ~~governmental ethics~~ commission fee fund. All moneys
 11 credited to such fund shall be used for the operations of the ~~Kansas~~
 12 ~~governmental ethics~~ commission in the performance of powers, duties
 13 and functions prescribed by law. All expenditures from such fund
 14 shall be made in accordance with the provisions of appropriation acts
 15 and upon warrants of the director of accounts and reports issued
 16 pursuant to vouchers approved by the chairperson of the commission
 17 or the chairperson's designee.

18 New Sec. 4. (a) In addition to any other fee required by law,
 19 every person becoming a candidate for the following offices shall pay
 20 a fee at the time of filing for such office in the amount prescribed
 21 by this section:

- 22 (1) State offices elected by statewide election ~~\$250~~
- 23 (2) state senator, state board of education, district attorney,
 24 board of public utilities of the city of Kansas City and elected
 25 county offices \$20; and
- 26 (3) ~~state representative,~~ elective offices in cities of the first class
 27 and judges of the district court in judicial districts in which
 28 judges are elected..... \$10.

29 (b) The officer receiving such fees shall remit the same to the
 30 state treasurer. Upon receipt of such remittance, the state treasurer
 31 shall deposit the entire amount in the state treasury to the credit
 32 of the Kansas ~~governmental ethics~~ commission fee fund.

33 Sec. 5. K.S.A. 1990 Supp. 25-4142 is hereby amended to read
 34 as follows: 25-4142. K.S.A. 25-4142 to 25-4179, inclusive, and amend-
 35 ments thereto and K.S.A. 1989 1990 Supp. 25-4148a and, 25-4157a,
 36 25-4180 to 25-4185, inclusive, and sections 3, 4, 16 and 24 of this
 37 act and amendments thereto shall constitute and may be cited as
 38 the "campaign finance act."

39 Sec. 6. K.S.A. 1990 Supp. 25-4143 is hereby amended to read
 40 as follows: 25-4143. As used in the campaign finance act, unless the
 41 context otherwise requires:

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

4-1

; (8) have been or is a candidate for or
 have been or is the holder of any partisan
 political office; (9) have been or is an
 officer or employee of any county or state
 political party; (10) directly or indirectly
 make or solicit any contribution to or
 solicit for a political party or organization
 or candidate for political office; or (11)
 endorse any candidate for any partisan
 political office

on governmental standards
and conduct

\$200

state representative,

on governmental standards and conduct

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

3 (3) makes any expenditure or accepts any contribution for the
4 purpose of influencing such person's nomination or election to any
5 state or local office, or

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

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

11 (c) "Commission" means the Kansas public disclosure govern-
12 ~~mental ethics~~ commission created by K.S.A. 25-4119a and amend-
13 ments thereto.

on governmental standards and conduct

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

18 (B) a transfer of funds between any two or more candidate com-
19 mittees, party committees or political committees;

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

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

26 (2) "Contribution" does not include:

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

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

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

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

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

42 (f) (1) "Expenditure" means: (A) Any purchase, payment, distri-
43 bution, loan, advance, deposit or gift of money or any other thing

- 1 of value made for the purpose of influencing the nomination or
2 election of any individual to state or local office;
- 3 (B) any contract to make an expenditure;
- 4 (C) a transfer of funds between any two or more candidate com-
5 mittees, party committees or political committees;
- 6 (D) payment of a candidate's filing fees.
- 7 (2) "Expenditure" does not include:
- 8 (A) The value of volunteer services provided without
9 compensation;
- 10 (B) costs to a volunteer incidental to the rendering of volunteer
11 services not exceeding a fair market value of \$50 during an allocable
12 election period as provided in K.S.A. 25-4149 and amendments
13 thereto;
- 14 (C) payment by a candidate or candidate's spouse for personal
15 meals, lodging and travel by personal automobile of the candidate
16 or candidate's spouse while campaigning or payment of such costs
17 by the treasurer of a candidate or candidate committee;
- 18 (D) the value of goods donated to events such as testimonial
19 events, bake sales, garage sales and auctions by any person not
20 exceeding fair market value of \$50 per event; or
- 21 (E) any communication by an incumbent elected state or local
22 officer with one or more individuals unless the primary purpose
23 thereof is to influence the nomination or election of a candidate.
- 24 (g) "Party committee" means the state committee of a political
25 party regulated by article 3 of chapter 25 of the Kansas Statutes
26 Annotated, or the county central committee or the state committee
27 of a political party regulated under article 38 of chapter 25 of the
28 Kansas Statutes Annotated or the bona fide national organization or
29 committee of those political parties regulated by the Kansas Statutes
30 Annotated, or not more than one political committee established by
31 the state committee of any such political party and designated as a
32 recognized political committee for the senate or not more than one
33 political committee established by the state committee of any such
34 political party and designated as a recognized political committee for
35 the house of representatives.
- 36 (h) "Person" means any individual, committee, corporation, part-
37 nership, trust, organization or association.
- 38 (i) "Political committee" means any combination of two or more
39 individuals or any person other than an individual, a major purpose
40 of which is to support or oppose any candidate for state or local
41 office, but not including any candidate committee or party
42 committee.
- 43 (j) "Receipt" means a contribution or any other money or thing

1 of value, but not including volunteer services provided without com-
2 pensation, received by a treasurer in the treasurer's official capacity.

3 (k) "State office" means any state office as defined in K.S.A. 25-
4 2505 and amendments thereto.

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

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

15 (n) "Local office" means an elective office of a city of the first
16 class, ~~a unified school district within the fifth enrollment category~~
17 ~~established by K.S.A. 72-7046a and amendments thereto~~ or a county
18 or of the board of public utilities.

19 Sec. 7. K.S.A. 1990 Supp. 25-4144 is hereby amended to read
20 as follows: 25-4144. Not later than 10 days after becoming a can-
21 didate, every candidate shall appoint a treasurer or in lieu thereof
22 shall appoint a candidate committee. The treasurer so appointed may
23 be the candidate making such appointment. No candidate shall ap-
24 point more than one candidate committee to exist at the same time.
25 If a candidate appoints a candidate committee, such candidate shall
26 appoint a chairperson and a treasurer thereof, and the treasurer so
27 appointed may be the candidate. *No person who has is registered*
28 *as a lobbyist in accordance with K.S.A. 1990 Supp. 46-265 and*
29 *amendments thereto shall be eligible for appointment as treasurer*
30 *for any candidate or candidate committee.* The name and address
31 of each treasurer and chairperson appointed under this section by
32 a candidate for a state office shall be reported to the secretary of
33 state by the candidate not later than 10 days after such appointment.
34 The name and address of each treasurer and chairperson appointed
35 under this section by a candidate for a local office shall be reported
36 to the county election officer by the candidate not later than 10 days
37 after such appointment. The candidate for governor shall carry out
38 the requirements and responsibilities of the candidate under the
39 campaign finance act, for the pair of candidates for governor and
40 lieutenant governor, unless another specific provision applies.

41 Sec. 8. K.S.A. 1990 Supp. 25-4145 is hereby amended to read
42 as follows: 25-4145. (a) Each party committee and each political
43 committee which anticipates receiving contributions or making ex-

1 penditures shall appoint a chairperson and a treasurer. The chair-
 2 person of each party committee and each political committee which
 3 supports or opposes a candidate for state office shall make a statement
 4 of organization and file it with the secretary of state not later than
 5 10 days after establishment of such committee. The chairperson of
 6 each political committee, the major purpose of which is to support
 7 or oppose any candidate for local office, shall make a statement of
 8 organization and file it with the county election officer not later than
 9 10 days after establishment of such committee.

10 (b) Every statement of organization shall include:

11 (1) The name and address of the committee;

12 (2) the names and addresses of the chairperson and treasurer of
 13 the committee;

14 (3) the names and addresses of affiliated or connected organi-
 15 zations; and

16 (4) in the case of a political committee, the full name of the
 17 organization with which the committee is connected or affiliated or,
 18 name or description sufficiently describing the affiliation or, if the
 19 committee is not connected or affiliated with any one organization,
 20 the trade, profession or primary interest of contributors of the po-
 21 litical committee.

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

25 (d) *Each political committee which anticipates receiving contri-*
 26 *butions shall register annually with the commission on or before*
 27 *July 1, 1991, and on or before July 1 of each year thereafter. Each*
 28 *political committee registration shall be in the form and contain such*
 29 *information as may be required by the commission. Each registration*
 30 *by a political committee anticipating the receipt of \$2,501 or more*
 31 *in any calendar year shall be accompanied by an annual registration*
 32 *fee of ~~\$150.~~ Each registration by a political committee anticipating*

33 *the receipt of \$2,500 or less in any calendar year shall be accom-*
 34 *panied by an annual registration fee of \$10. Any political committee*
 35 *which receives contributions in excess of \$2,500 but which at the*
 36 *time of its initial registration anticipated receiving contributions of*
 37 *less than that amount shall, within three days of the date when*
 38 *contributions exceed such amount, file an amended registration form*
 39 *which shall be accompanied by an additional fee of ~~\$140~~ for such*

40 *year. All such fees received by or for the commission shall be remitted*
 41 *to the state treasurer at least monthly. Upon receipt of each such*
 42 *remittance, the state treasurer shall deposit the entire amount in the*
 43 *state treasury to the credit of the Kansas governmental ethics com-*

\$25

\$15

1 ~~mission/fee fund.~~

2 ~~Sec. 9. K.S.A. 1990 Supp. 25-4148a is hereby amended to~~
3 ~~read as follows: 25-4148a. When a report is made under this~~
4 ~~act and the amount being contributed by an individual is over~~
5 ~~\$50, the report shall list the occupation, if known to the can-~~
6 ~~didate, of the individual contributor, or if the individual con-~~
7 ~~tributor is not employed for compensation then the report shall~~
8 ~~list the occupation, if known to the candidate, of the contrib-~~
9 ~~utor's spouse.~~

10 ~~Sec. 9. K.S.A. 1990 Supp. 25-901 is hereby amended to read~~
11 ~~as follows: 25-901. Every committee, club, organization, munic-~~
12 ~~ipality or association designed to promote or engaged in promoting~~
13 ~~the success or defeat of any party or the election or defeat of any~~
14 ~~candidate or candidates for any city of the second and third class,~~
15 ~~unified school district, *except districts within the fifth enroll-*~~
16 ~~*ment category established by K.S.A. 72-7046a and amendments*~~
17 ~~*thereto, any* community college or township office, or the adoption~~
18 ~~or defeat of any question submitted at any city ~~of the second and~~~~

19 ~~third class, unified school district, community college ~~or~~ township~~
20 ~~election, shall have a treasurer, and shall cause to be kept a detailed~~
21 ~~account of all moneys or property or other thing of value received~~
22 ~~by it, and of the manner in which the same shall be expended;~~
23 ~~and shall file annually with the county election officer of the county~~
24 ~~in which such committee, club, organization or association has its~~
25 ~~headquarters a statement of all its receipts and expenditures, show-~~
26 ~~ing in detail from whom such moneys or property or other thing~~
27 ~~of value were received, to whom such moneys or property or other~~
28 ~~thing of value were paid, for what specific purposes each payment~~
29 ~~was made, and the exact nature of the service rendered in con-~~
30 ~~sideration thereof.~~

31 ~~The annual statement herein required shall be filed on or before~~
32 ~~December 31, such statement shall cover the period ending on~~
33 ~~December 1 immediately preceding. The accounts of the state com-~~
34 ~~mittee of each political party shall be audited annually by a certified~~
35 ~~public accountant ~~[in accordance with generally accepted accounting~~~~
36 ~~~~principles]~~ and a copy of the audit filed with the secretary of state.~~

37 ~~This section and K.S.A. 25-905, and amendments thereto, shall~~
38 ~~not be construed to require any committee, club, organization,~~
39 ~~municipality or association which is subject to the campaign finance~~
40 ~~act (K.S.A. 25-4101 et seq.) to file the report previously required~~
41 ~~to be filed on or before December 31, 1974, covering the period~~
42 ~~ending December 1, 1974 reports required by this act.~~

43 ~~Sec. 10. K.S.A. 1990 Supp. 25-4152 is hereby amended to read~~

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or county

by a certified public accountant

1 as follows: 25-4152. (a) The ~~Kansas~~ public disclosure ~~governmental~~
 2 ~~ethics~~ commission shall send a notice by registered or certified mail
 3 to any person failing to file any report or statement required by
 4 K.S.A. 25-4144, 25-4145 or 25-4148, and amendments thereto, within
 5 the time period prescribed therefor. The notice shall state that the
 6 required report or statement has not been filed with either the office
 7 of secretary of state or county election officer or both. The notice
 8 shall also state that such person shall have 15 days from the date
 9 such notice is deposited in the mail to comply with the registration
 10 and reporting requirements before a civil penalty shall be imposed
 11 for each day that the required documents remain unfiled. If such
 12 person fails to comply within the prescribed period, such person
 13 shall pay to the state a civil penalty of \$10 per day for each day
 14 that such report or statement remains unfiled, except that no such
 15 civil penalty shall exceed \$300. The ~~Kansas public disclosure~~ com-
 16 mission may waive, for good cause, payment of any civil penalty
 17 imposed by this section.

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

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

26 Sec. 11. K.S.A. 1990 Supp. 25-4153 is hereby amended to read
 27 as follows: 25-4153. (a) The aggregate amount contributed to a can-
 28 didate and such candidate's candidate committee and to all party
 29 committees and political committees and dedicated to such candi-
 30 date's campaign, by any person ~~candidate committee of any other~~
 31 ~~candidate~~, any political committee or any individual, except a party
 32 committee, the candidate or the candidate's spouse, shall not exceed
 33 the following:

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

38 (2) for the office of ~~state senator~~, member of the house of rep-
 39 resentatives, district judge, district magistrate judge, district attor-
 40 ney, member of the state board of education or a candidate for local
 41 office, \$500 for each primary election (or in lieu thereof a caucus or
 42 convention of a political party) and an equal amount for each general
 43 election;

on governmental standards and conduct

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

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

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

16 (e) (d) The aggregate amount contributed to a state party com-
17 mittee by a person other than a national party committee or a
18 political committee any person, shall not exceed \$15,000 in each
19 calendar year; and the aggregate amount contributed to any other
20 party committee by a person other than a national party com-
21 mittee or a political committee any person, shall not exceed \$5,000
22 in each calendar year.

an individual or a party committee other
than a national party committee

an individual or a party committee other
than a national party committee

23 The aggregate amount contributed by a national party committee
24 to a state party committee shall not exceed ~~\$25,000~~ in each any
25 calendar year, and the aggregate amount contributed to any other
26 party committee by a national party committee, shall not exceed
27 ~~\$10,000~~ in each any calendar year.

\$50,000

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

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

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

37 (f) (g) The amount contributed by each individual party com-
38 mittee of the same political party/to any candidate for office, for any
39 primary election at which two or more candidates are seeking the
40 nomination of such party shall not exceed the following:

other than a national party committee

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

1 or convention of a political party);

2 (2) for the office of ~~state senator~~, member of the house of rep-
 3 resentatives, district judge, district magistrate judge, district attor-
 4 ney, member of the state board of education or a candidate for local
 5 office, \$500 for each primary election (or in lieu thereof a caucus or
 6 convention of a political party);

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

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

13 (i) No person shall make any contribution or contributions to
 14 any candidate or the candidate committee of any candidate in the
 15 form of money or currency of the United States which in the ag-
 16 gregate exceeds \$100 for any one primary or general election, and
 17 no candidate or candidate committee of any candidate shall accept
 18 any contribution or contributions in the form of money or currency
 19 of the United States which in the aggregate exceeds \$100 from any
 20 one person for any one primary or general election.

21 ~~(j) The aggregate amount of all contributions accepted by a~~
 22 ~~candidate and such candidate's candidate committee from political~~
 23 ~~committees shall not exceed the aggregate amount of all contri-~~
 24 ~~butions accepted by such candidate and such candidates' candidate~~
 25 ~~committee from individuals.~~

26 ~~Sec. 12. K.S.A. 1990 Supp. 25-4153a is hereby amended to read~~
 27 ~~as follows: 25-4153a. (a) No registered lobbyist or political com-~~
 28 ~~mittee or political committee shall make a contribution as defined~~
 29 ~~by subsection (d) of K.S.A. 25-4143 and amendments thereto~~
 30 ~~to any legislator, candidate for membership in the senate or house~~
 31 ~~of representatives or candidate committee for any such legislator or~~
 32 ~~candidate after January 1 and prior to May 15 of any year or at any~~
 33 ~~other time in which the legislature is in session and no such leg-~~
 34 ~~islator, candidate or committee shall accept any contribution as de-~~
 35 ~~finied by subsection (d) of K.S.A. 25-4143 and amendments~~
 36 ~~thereto from any registered lobbyist or political committee or~~
 37 ~~political committee during such period.~~

38 ~~(b) No person, other than an individual, shall make a contri-~~
 39 ~~bution to any candidate or the candidate committee of any candidate~~
 40 ~~for state or local office and no candidate or candidate committee for~~
 41 ~~any candidate for state or local office shall accept any contribution~~
 42 ~~from any person other than an individual.~~

43 Sec. 13. K.S.A. 1990 Supp. 25-4157a is hereby amended to read

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

(j) No contributions shall be accepted
 by any candidate except from an individual
 or a party committee other than a national
 party committee.

(k) No contributions shall be accepted
 by any candidate committee except from an
 individual or a party committee other than
 a national party committee.

(l) No state party committee shall accept
 contributions except from an individual or
 another party committee.

(m) No district or county party committee
 or any political committee established by
 a state party committee and designated as
 a recognized political committee shall
 accept contributions except from an
 individual or a party committee other than
 a national party committee.

1 as follows: 25-4157a. (a) Any unexpended balance of any can-
 2 didate shall not ~~No moneys or other thing of value~~ received by
 3 any candidate or candidate committee of any candidate as a con-
 4 tribution under this act shall be used or be made available for the
 5 personal use of the candidate, and no such moneys or thing of
 6 value shall be used by such candidate or the candidate committee
 7 of such candidate except for legitimate campaign purposes or for
 8 expenses of holding political office.

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

15 ~~(b) No moneys or other thing of value received by any can-~~
 16 ~~didate or candidate committee of any candidate as a contribution~~
 17 ~~under this act shall be given or contributed to any other candidate~~
 18 ~~or candidate committee of any other candidate as a contribution for~~
 19 ~~the purposes of this act.~~

20 (c) At the time of the termination of any campaign and prior to
 21 the filing of a termination report in accordance with K.S.A. 25-4157
 22 and amendments thereto all residual funds not otherwise obligated
 23 for the payment of expenses incurred in such campaign or the holding
 24 of office shall be contributed to a charitable organization, as defined
 25 by the laws of the state, contributed to a party committee [or re-
 26 turned as a refund in whole or in part to any contributor or con-
 27 tributors from whom received] or paid into the general fund of the
 28 state.

29 Sec. 14. K.S.A. 1990 Supp. 25-4158 is hereby amended to read
 30 as follows: 25-4158. (a) The secretary of state shall: (1) Furnish forms
 31 prescribed and provided by the commission for making reports and
 32 statements required to be filed in the office of the secretary of state
 33 by the campaign finance act; and

34 (2) make such reports and statements available for public in-
 35 spection and copying during regular office hours.

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

40 (2) make such reports and statements available for public in-
 41 spection and copying during regular office hours.

42 (c) The commission may investigate, or cause to be investigated,
 43 any matter required to be reported upon by any person under the

No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution.

1 provisions of the campaign finance act, or any matter to which the
2 campaign finance act applies irrespective of whether a complaint has
3 been filed in relation thereto.

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

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

22 (3) No person is excused from attending or testifying or from
23 producing any document or record before the commission, or obe-
24 dience to the subpoena of the commission or any officer designated
25 by the commission, or in any proceeding instituted by the commis-
26 sion, on the ground that the testimony or evidence (documentary or
27 otherwise) required of the person may tend to incriminate the person
28 or subject the person to a penalty or forfeiture. No individual may
29 be prosecuted or subjected to any penalty or forfeiture for or on
30 account of any transaction, matter or thing concerning which such
31 person is compelled, after claiming privilege against self-incrimina-
32 tion, to testify or produce evidence (documentary or otherwise),
33 except that the individual so testifying shall not be exempt from
34 prosecution and punishment for perjury committed in so testifying.

35 Sec. 15. K.S.A. 1990 Supp. 25-4161 is hereby amended to read
36 as follows: 25-4161. (a) Prior to the filing of a complaint, if the
37 commission determines, by a two-thirds vote of its membership,
38 upon information and belief that a violation of the provisions
39 of the campaign finance act has occurred, the commission shall
40 promptly investigate the alleged violation and may make writ-
41 ten application, verified under oath setting forth the alleged
42 violation of the law, to the administrative judge of the district
43 court of Shawnee county for issuance of a subpoena, a subpoena

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; , after having complied with the
requirements of subsection (c) of K.S.A.
1990 Supp. 25-4161 and amendments thereto,

The commission shall reimburse the
reasonable costs of production of documents
subject to subpoena.

1 *duces tecum*, or both, as provided herein.

2 (b) If a complaint is filed and the commission determines that
 3 such verified complaint does not allege facts, directly or upon in-
 4 formation and belief, sufficient to constitute a violation of any pro-
 5 vision of the campaign finance act, it shall dismiss the complaint
 6 and notify the complainant and respondent thereof.

7 (e) (b) Whenever a complaint is filed with the commission al-
 8 leging a violation of a provision of the campaign finance act, such
 9 filing and the allegations therein shall be confidential and shall not
 10 be disclosed except as provided in the campaign finance act.

11 (d) (c) If a complaint is filed and the commission determines
 12 that such verified complaint ~~does~~ allege facts, directly or upon in- → may
 13 formation and belief, sufficient to constitute a violation of any of the
 14 provisions of the campaign finance act, the commission shall promptly attempt to
 15 investigate the alleged violation. Upon filing of a verified com-
 16 plaint with the commission and a decision to conduct an in-
 17 vestigation of the complaint, the commission may apply to the
 18 administrative judge of the district court of Shawnee county
 19 for issuance of a subpoena, a subpoena *duces tecum*, or both,
 20 for the witness named in such precept commanding such wit-
 21 ness to appear or produce documents and testify concerning
 22 matters relating to campaign finance. Such subpoenas shall be
 23 served and returned as subpoenas for witnesses in criminal
 24 cases in the district court.

25 (e) No subpoena shall be issued pursuant to this section
 26 without the administrative judge making a finding: (1) That the
 27 subpoena is being issued as a lawful exercise of the authority
 28 of the commission granted by this act; (2) that the commission
 29 has made written application in accordance with subsection (a)
 30 or that the verified complaint filed with the commission alleges
 31 sufficient facts directly or upon information and belief sufficient
 32 to constitute a violation of any of the provisions of this act; (3)
 33 that the application or any supporting affidavits allege sufficient
 34 facts to show that the subject of the subpoena has information
 35 which is relevant or necessary to the investigation; and (4) with
 36 regard to a subpoena *duces tecum* issued to an individual who
 37 is the subject of the investigation, and which concerns docu-
 38 ments or things owned by such individual or in such individ-
 39 ual's possession, except those documents or records required
 40 to be kept by this act, that the application or complaint states
 41 sufficient facts to show probable cause that a violation of this
 42 act has been or is being committed and that the application or
 43 complaint particularly describes the documents or things sub-

1 ject to the subpoena which constitute evidence of the violation.
 2 Any statement which is made orally in support of the appli-
 3 cation for subpoena shall be either taken down by a certified
 4 shorthand reporter or reduced to writing and sworn to under
 5 oath and made a part of the application for the issuance of the
 6 subpoena. The application for subpoena, affidavits or sworn
 7 testimony in support of the application or the subpoena itself
 8 shall not be public information or made available for exami-
 9 nation without a written order of the court, except that such
 10 affidavits or testimony when requested shall be made available
 11 to the subject of the subpoena, the alleged violator or such
 12 alleged violator's counsel. Any motion to quash a subpoena
 13 issued pursuant to this section shall be filed in the district
 14 court of Shawnee county, Kansas. Each witness shall be sworn
 15 to make true answers to all questions propounded to such wit-
 16 ness touching the matters under investigation. The testimony
 17 of each witness shall be reduced to writing and signed by the
 18 witness. Any person who disobeys a subpoena issued for such
 19 appearance or refuses to be sworn as a witness or answer any
 20 proper question propounded during the investigation by the
 21 commission may be adjudged in contempt of court and pun-
 22 ished by fine and imprisonment.

23 (f) No person called as a witness before the commission
 24 shall be required to make any statement which will incriminate
 25 such witness. The attorney general or assistant attorney general
 26 may, on behalf of the state, grant any person called as a witness
 27 immunity from prosecution or punishment on account of any
 28 transaction or matter about which such person shall be com-
 29 pelled to testify and such testimony shall not be used against
 30 such person in any prosecution for a crime under the laws of
 31 Kansas or any municipal ordinance. After being granted im-
 32 munity from prosecution or punishment, as herein provided,
 33 no person shall be excused from testifying on the ground that
 34 such person's testimony may incriminate such person.

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

39 (h) (e) If after the preliminary investigation, the commission
 40 finds that probable cause does not exist for believing the allegations
 41 of the complaint, the commission shall dismiss the complaint. If after
 42 such preliminary investigation, the commission finds that probable
 43 cause exists for believing the allegations of the complaint, such com-

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If such complaint, or the attempted investigation of such complaint, gives the commission reason to believe that a violation of this act has been or is being committed, the commission shall forward to the person or persons, the subject of such complaint, a copy thereof by certified mail. The alleged violator or violators shall have _____ days to answer such complaint.

1 plaint shall no longer be confidential and may be disclosed. Upon
2 making any such finding, the commission shall fix a time for a hearing
3 of the matter, which shall be not more than 30 days after such
4 finding. In either event the commission shall notify the complainant
5 and respondent of its determination.

6 New Sec. 16. (a) No officer or employee of the state of Kansas,
7 any county, any city of the first class or the board of public utilities
8 of the city of Kansas City, Kansas, shall use or authorize the use of
9 public funds or public vehicles, machinery, equipment or supplies
10 of any such governmental agency or the time of any officer or em-
11 ployee of any such governmental agency, for which the officer of
12 employee is compensated by such governmental agency, for the
13 purpose of influencing the nomination or election of any candidate
14 to state office or local office. The provisions of this section prohibiting
15 the use of time of any officer or employee for such purposes shall
16 not apply to an incumbent officer campaigning for nomination or
17 reelection to a succeeding term to such office or to members of the
18 personal staff of any elected officer.

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

21 Sec. 17. K.S.A. 25-4178 is hereby amended to read as follows:
22 25-4178. (a) All advisory opinions of the governmental ethics com-
23 mission created by K.S.A. 25-4119a and amendments thereto and
24 which opinions were rendered prior to the effective date of this act
25 and concerned campaign finance shall continue to be in force and
26 effect respecting the provisions of law contained in the campaign
27 finance act and shall be deemed advisory opinions of the Kansas
28 public disclosure commission concerning the provisions of the cam-
29 paign finance act until revised, amended or nullified pursuant to
30 law.

31 (b) All rules and regulations of the governmental ethics com-
32 mission which were adopted prior to the effective date of this act
33 as modified or changed by such commission shall continue to be in
34 force and effect respecting the provisions of law contained in the
35 campaign finance act and shall be deemed rules and regulations of
36 the Kansas public disclosure commission concerning the provisions
37 of the campaign finance act until revised, amended or nullified pur-
38 suant to law.

39 Sec. 18. K.S.A. 1990 Supp. 25-4180 is hereby amended to read
40 as follows: 25-4180. (a) Every person who engages in any activity
41 promoting or opposing the adoption or repeal of any provision of
42 the Kansas constitution and who accepts moneys or property for the
43 purpose of engaging in such activity shall make an annual report to

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1 the secretary of state of individual contributions or contributions in
2 kind in an aggregate amount or value in excess of \$50 received
3 during the preceding calendar year for such purposes. The report
4 shall show the name and address of each contributor for the activity
5 and the amount or value of the individual contribution made, to-
6 gether with a total value of all contributions received, and shall also
7 account for expenditures in an aggregate amount or value in excess
8 of \$50 from such contributions by showing the amount or value
9 expended to each payee and the purpose of each such expenditure,
10 together with a total value of all expenditures made. The annual
11 report shall be filed on or before February 15 of each year for the
12 preceding calendar year.

13 In addition to the annual report, a person engaging in an activity
14 promoting the adoption or repeal of a provision of the Kansas con-
15 stitution who accepts any contributed moneys for such activity shall
16 make a preliminary report to the secretary of state 15 days prior to
17 each election at which a proposed constitutional amendment is sub-
18 mitted. Such report shall show the name and address of each in-
19 dividual contributor, together with the amount contributed or
20 contributed in kind in an aggregate amount or value in excess of
21 \$50, and the expenditures in an aggregate amount or value in excess
22 of \$50 from such contributions by showing the amount paid to each
23 payee and the purpose of the expenditure. A supplemental report
24 in the same format as the preliminary report shall be filed with the
25 secretary of state within 15 days after any election on a constitutional
26 proposition where contributed funds are received and expended in
27 opposing or promoting such proposition.

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

35 The word "person" as used herein means an individual, corpo-
36 ration, partnership, association, organization or other legal entity.

37 (b) (1) The ~~Kansas public disclosure governmental ethics~~ com-
38 mission shall send a notice by registered or certified mail to any
39 person failing to file any report required by subsection (a) within
40 the time period prescribed therefor. The notice shall state that the
41 required report has not been filed with the office of the secretary
42 of state. The notice shall also state that such person shall have 15
43 days from the date such notice is deposited in the mail to comply

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1 with the reporting requirements before a civil penalty shall be im-
 2 posed for each day that the required documents remain unfiled. If
 3 such person fails to comply within the prescribed period, such person
 4 shall pay to the state a civil penalty of \$10 per day for each day
 5 that such report remains unfiled, except that no such civil penalty
 6 shall exceed \$300. The Kansas public disclosure commission may
 7 waive, for good cause, payment of any civil penalty imposed by this
 8 section.

9 (2) Civil penalties provided for by this section shall be paid to
 10 the state treasurer, who shall deposit the same in the state treasury
 11 to the credit of the state general ~~Kansas governmental ethics com-~~
 12 ~~mission/fee~~ fund.

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

17 (c) The intentional failure to file any report required by subsec-
 18 tion (a) is a class A misdemeanor.

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

21 Sec. 19. K.S.A. 1990 Supp. 25-4181 is hereby amended to read
 22 as follows: 25-4181. (a) The public disclosure ~~Kansas governmental~~
 23 ~~ethics~~ commission, in addition to any other penalty prescribed under
 24 the campaign finance act, may assess a civil fine, after proper notice
 25 and an opportunity to be heard, against any person for a violation
 26 of the campaign finance act in an amount not to exceed \$5,000 for
 27 the first violation, \$10,000 for the second violation and \$15,000 for
 28 the third violation and for each subsequent violation. All fines as-
 29 sessed and collected under this section shall be remitted promptly
 30 to the state treasurer. Upon receipt thereof, the state treasurer shall
 31 deposit the entire amount in the state treasury and credit it to the
 32 state general ~~Kansas governmental ethics commission/fee~~ fund.

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33 (b) ~~No individual who has failed to pay any civil fine assessed,~~
 34 ~~or failed to file any report required to be filed, under the campaign~~
 35 ~~finance act/shall be eligible to become a candidate for state office~~
 36 ~~or local office under the laws of the state until such fine has been~~
 37 ~~paid or such report has been filed or both such fine has been paid~~
 38 ~~and such report filed.~~

, unless such fine has been waived
 or is under appeal,

39 Sec. 20. K.S.A. 1990 Supp. 25-4182 is hereby amended to read
 40 as follows: 25-4182. (a) If the public disclosure ~~Kansas governmental~~
 41 ~~ethics~~ commission determines after notice and opportunity for a hear-
 42 ing that any person has engaged or is engaging in any act or practice
 43 constituting a violation of any provision of the campaign finance act

1 or any rule and regulation or order hereunder, the commission by
2 order may require that such person cease and desist from the un-
3 lawful act or practice and take such affirmative action as in the
4 judgment of the commission will carry out the purposes of such act.

5 (b) If the commission makes written findings of fact that the
6 public interest will be irreparably harmed by delay in issuing an
7 order under subsection (a), the commission may issue an emergency
8 temporary cease and desist order. Such order, even when not an
9 order within the meaning of K.S.A. 77-502 and amendments thereto,
10 shall be subject to the same procedures as an emergency order issued
11 under K.S.A. 77-536 and amendments thereto. Upon the entry of
12 such an order, the commission shall promptly notify the person
13 subject to the order that it has been entered, of the reasons therefor
14 and that upon written request the matter will be set for a hearing
15 which shall be conducted in accordance with the provisions of the
16 Kansas administrative procedure act. If no hearing is requested and
17 none is ordered by the commission, the order will remain in effect
18 until it is modified or vacated by the commission. If a hearing is
19 requested or ordered, the commission, after notice of and oppor-
20 tunity for hearing to the person subject to the order, shall by written
21 findings of fact and conclusions of law vacate, modify or make per-
22 manent the order. Any such order shall be enforceable in any court
23 of competent jurisdiction.

24 Sec. 21. K.S.A. 1990 Supp. 25-4183 is hereby amended to read
25 as follows: 25-4183. Whenever it appears to the public disclosure
26 ~~Kansas governmental ethics~~ commission that any person has engaged
27 in any act or practice constituting a violation of any provision of the
28 campaign finance act or any rule and regulation or order hereunder,
29 the commission may bring an action in any court of competent
30 jurisdiction to enjoin the acts or practices and to enforce compliance
31 with such act or any rule and regulation or order hereunder. Upon
32 a proper showing, a permanent or temporary injunction, restraining
33 order, restitution, writ of mandamus or other equitable relief shall
34 be granted.

35 Sec. 22. K.S.A. 1990 Supp. 25-4184 is hereby amended to read
36 as follows: 25-4184. The public disclosure ~~Kansas governmental~~
37 ~~ethics~~ commission may enter into a consent decree with any person
38 who has violated the campaign finance act.

39 Sec. 23. K.S.A. 1990 Supp. 25-4185 is hereby amended to read
40 as follows: 25-4185. Any person aggrieved by any order of the public
41 disclosure ~~Kansas governmental ethics~~ commission pursuant to this
42 act may appeal such order in accordance with the provisions of the
43 act for judicial review and civil enforcement of agency actions.

1-21

~~1 New Sec. 24. (a) A copy of the following statement of fair campaign practices shall be mailed by the public disclosure Kansas governmental ethics commission to each candidate at the time of the receipt of notice of appointment of a treasurer or candidate committee by such candidate:~~

~~2 Statement of Fair Campaign Practices~~

~~3 (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.~~

~~4 (2) I shall uphold the right of every qualified voter to free and equal participation in the election process.~~

~~5 (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.~~

~~6 (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.~~

~~7 (5) I shall not appeal to, and I shall condemn appeals to, prejudices based on race, creed, sex or national origin.~~

~~8 (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.~~

~~9 (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.~~

~~10 _____
(name of candidate)~~

~~11 _____
(office for which individual is candidate)~~

~~12 (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 complaine 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 complaine'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.~~

1 ~~The complaint and the response shall be available at the commission~~
2 ~~office for public inspection and copying. If the complainee does not~~
3 ~~respond within five days, the complaint shall be made public without~~
4 ~~a response. The commission will make no attempt to secure a reply~~
5 ~~to and will make no public release of complaints received within~~
6 ~~eight days of an election. The commission will not issue comments~~
7 ~~or opinions about complaints or responses. In the absence of any~~
8 ~~contrary intention as expressed by the complainant, the filing of a~~
9 ~~complaint with the commission constitutes implied consent to have~~
10 ~~the complainant's identity disclosed.~~

11 ~~Sec. 25. K.S.A. 46-215 is hereby amended to read as follows:~~
12 ~~46-215. (a) The proper operation of democratic government re-~~
13 ~~quires that a public official or employee be independent and im-~~
14 ~~partial; that government policy and decisions be made through the~~
15 ~~established processes of government; that a public official or em-~~
16 ~~ployee not use public office to obtain private benefits; that a public~~
17 ~~official or employee avoid action which creates the appearance of~~
18 ~~using public office to obtain a benefit; and that the public have~~
19 ~~confidence in the integrity of its government and public officials and~~
20 ~~employees.~~

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

26 ~~Sec. 26. K.S.A. 46-222 is hereby amended to read as follows:~~
27 ~~46-222. (a) "Lobbyist" means: (1) Any person employed in consid-~~
28 ~~erable degree for lobbying; (2) any person formally appointed as the~~
29 ~~primary representative of an organization or other person to lobby~~
30 ~~in person on state-owned or leased property; or (3) any person who~~
31 ~~makes expenditures in an aggregate amount of one hundred dollars~~
32 ~~(\$100) \$100 or more, exclusive of personal travel and subsistence~~
33 ~~expenses, in any calendar year for lobbying.~~

34 ~~(b) Lobbyist shall not include: (1) Any state officer or employee~~
35 ~~engaged in carrying out the duties of his or her their office; (2) the~~
36 ~~employer of a lobbyist, if such lobbyist has registered the name~~
37 ~~and address of such employer under K.S.A. 46-265 lobbyist's~~
38 ~~principal; (3) any nonprofit organization which has qualified under~~
39 ~~paragraph (3) of subsection (c) of section 501 of the internal revenue~~
40 ~~code of 1954, as amended, which is interstate in its operations and~~
41 ~~of which a primary purpose is the nonpartisan analysis, study or~~
42 ~~research of legislative procedures or practices and the dissemination~~
43 ~~of the results thereof to the public, irrespective of whether such~~

1 organization may recommend a course of action as a result of such
 2 analysis, study or research; (4) any justice or commissioner of the
 3 supreme court or judge of the judicial branch or employee or officer
 4 of the judicial branch or, any member of a board, council or com-
 5 mission who is appointed by the supreme court or who is elected
 6 or appointed to exercise duties pertaining to functions of the judicial
 7 branch, when such person is engaged in performing a function or
 8 duty for the judicial branch; or (5) any appointed member of an
 9 advisory council, commission or board, who serves without com-
 10 pensation other than amounts for expense allowances or reimburse-
 11 ment of expenses as provided for in subsection (e) of K.S.A. 75-3223
 12 and amendments thereto, when such member is engaged in per-
 13 forming a function or duty for such council, commission or board.

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

16 Sec. 27. K.S.A. 46-225 is hereby amended to read as follows:
 17 46-225. (a) "Lobbying" means: (1) Promoting or opposing in any
 18 manner ~~(1)~~ action or nonaction by the legislature on any legislative
 19 matter or ~~(2)~~ the adoption or nonadoption of any rule and regulation
 20 by any state agency; or

21 (b) Lobbying also means (2) entertaining any state officer or
 22 employee except that bona fide personal or business entertain-
 23 ing does not constitute "lobbying"; or giving any gift, honorarium
 24 or payment to a state officer or employee in an aggregate value of
 25 ~~\$100~~ ~~\$20~~ or more within any calendar year, if at any time during
 26 such year the person supplying the entertainment, gifts, honoraria
 27 or payments has a *case financial interest in any contract with, or*
 28 *action, proceeding or other matter* before the state agency in which
 29 such state officer or employee serves, or if such person is the at-
 30 torney for or representative of a person having such a *case financial*
 31 *interest.*

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

34 (d) "Lobbying" does not include representation of a claimant on
 35 a claim filed by the claimant under K.S.A. 46-907 and 46-912 to 46-
 36 919, inclusive, and amendments thereto in proceedings before the
 37 joint committee on special claims against the state.

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

40 ~~[(f) No legislator may be hired as a lobbyist to represent anyone~~
 41 ~~before any state agency.]~~

42 Sec. 28. K.S.A. 46-233 is hereby amended to read as follows:
 43 46-233. (a) No state officer or employee shall in the capacity as such

\$100

1 officer or employee *be substantially involved in the preparation of*
 2 *or participate in the making of a contract with any person or business*
 3 *by which such officer or employee is employed or in whose business*
 4 *such officer or employee ~~or any member of such officer's or em-~~*
 5 *~~ployee's immediate family~~ has a substantial interest and no such*
 6 *person or business shall enter into any contract where any state*
 7 *officer or employee, acting in such capacity, is a signatory to, ~~has~~*
 8 *~~been substantially involved in the preparation of~~ or is a participant*
 9 *in the making of such contract and is employed by ~~such person or~~*
 10 *~~business or such officer or employee or any member of such officer's~~*
 11 *~~or employee's immediate family~~ has a substantial interest in such*
 12 *person or business.*

13 Whenever any individual has, within the preceding two years
 14 participated as a state officer or employee in the making of any
 15 contract with any person or business, such individual shall not accept
 16 employment with such person or business for one year following
 17 termination of employment as a state officer or employee.

18 (b) No individual shall, while a legislator or within one year after
 19 the expiration of a term as legislator, be interested pecuniarily, either
 20 directly or indirectly, in any contract with the state, which contract
 21 is funded in whole or in part by any appropriation or is authorized
 22 by any law passed during such term, except that the prohibition of
 23 this subsection (b) shall not apply to any contract interest in relation
 24 to which a disclosure statement is filed as provided by K.S.A. 46-
 25 239, *and amendments thereto.*

26 (c) No individual, while a legislator or within one year after the
 27 expiration of a term as a legislator, shall as a litigant or by repre-
 28 senting any person in a court proceeding attack any legislative action
 29 taken or enactment made during any term such individual served
 30 as a legislator as being unconstitutional because of error in the leg-
 31 islative process with respect to such action or enactment. The pro-
 32 hibition of this subsection (c) shall not apply to a current or former
 33 legislator charged with a violation of such legislative action or
 34 enactment.

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

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

38 (2) Contracts for property or services for which the price or rate
 39 is fixed by law.

40 Sec. 29. K.S.A. 1990 Supp. 46-237 is hereby amended to read
 41 as follows: 46-237. (a) No state officer or employee or candidate for
 42 state office shall accept, or agree to accept any economic opportunity,
 43 gift, loan, gratuity, special discount, favor, hospitality, or service

without first having reported such
 fact upon a form, prescribed and provided
 by the commission, and filed in the manner
 prescribed by law for the filing of a
 disclosure statement

1 having an aggregate value of ~~\$100-\$20~~ or more in any calendar year
2 from any one person known to have a special interest, under cir-
3 cumstances where such person knows or should know that a major
4 purpose of the donor is to influence such person in the performance
5 of their official duties or prospective official duties.

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

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

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

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

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

43 Sec. 30. K.S.A. 46-239 is hereby amended to read as follows:

\$100

\$100

\$100

such agency or

(f) No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the Kansas commission on governmental standards and conduct prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

(g) The provisions of this section shall not be applicable to or prohibit the acceptance of gifts from governmental agencies of foreign nations.

1 46-239. (a) No state officer or employee *other than a legislator*
2 shall accept employment in any representation case, unless such
3 officer or employee has properly filed the disclosure statement pre-
4 scribed by this section. *No state legislator shall participate di-*
5 *rectly or indirectly, as a paid representative, in any*
6 *representation case for which such legislator receives compensa-*
7 *tion in excess of \$1,000, or permit such member's name to be*
8 *used as a participant in any such case. Such prohibition shall*
9 *not be construed to prohibit other members of a legislator's*
10 *professional firm from accepting or participating in any such*
11 *case.*

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

18 (c) Any individual, ~~while a legislator or~~ within one ~~(1)~~ year
19 after the expiration of a term as a legislator, who contracts to perform
20 any service for a state agency other than the legislature, shall not
21 later than ~~ten (10)~~ 10 days after the acceptance of such contract,
22 file a disclosure statement as provided in this section. *No legislator*
23 *shall contract to perform any service for or represent any agency*
24 *of the state, other than the legislature, for compensation in a non-*
25 *judicial process unless obtained upon the basis of competitive bids.*

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

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

43 (e) (f) Any person who is employed in a representation case and

1 who is required to file a disclosure statement pursuant to this section
2 may file, upon termination of such person's employment in such
3 representation case, a termination statement with the secretary of
4 state. Such statement shall be on a form prescribed and provided
5 by the commission and shall state (1) the name of the employer, (2)
6 the state agency involved in the case, and (3) the date of the ter-
7 mination of employment. The secretary of state shall transmit a copy
8 of such statement to the state agency involved.

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

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

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

15 ~~Sec. 31. K.S.A. 46-243 is hereby amended to read as follows:~~

16 46-243. (a) Any state officer or employee or candidate for state office
17 who violates any provision of this act, and such violation is a mis-
18 demeanor, shall be subject to censure or forfeiture of office. *When-*
19 *ever the commission determines that any officer or employee has*
20 *violated any provisions of this act and such violation is a misde-*
21 *memeanor or has violated any provision of this act, or any rule and*
22 *regulation of the commission, the violation of which does not con-*
23 *stitute a misdemeanor but the act does merit censure, the commission*
24 *shall report such fact and the circumstances involved to the officer*
25 *or agency authorized to impose censure upon such officer or em-*
26 *ployee in accordance with this act.*

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

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

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

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

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

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

8 ~~Sec. 32. K.S.A. 1990 Supp. 46-247 is hereby amended to read~~
9 ~~as follows: 46-247. The following individuals shall file written state-~~
10 ~~ments of substantial interests, as provided in K.S.A. 46-248 to 46-~~
11 ~~252, inclusive, and amendments thereto:~~

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

14 (b) individuals holding an elected office in the executive branch
15 of this state, and candidates for nomination or election to any such
16 office;

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

21 (d) individuals whose appointment to office is subject to confir-
22 mation by the senate whether or not such individual is a state officer
23 or employee;

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

26 (f) the administrator or executive director of the education com-
27 mission of the states, the interstate compact on agricultural grain
28 marketing, the Mo-Kan metropolitan development district and
29 agency compact, the Kansas City area transportation district and
30 authority compact, the midwest nuclear compact, the central inter-
31 state low-level radioactive waste compact, the multistate tax compact,
32 the Kansas-Oklahoma Arkansas river basin compact, the Kansas-Ne-
33 braska Big Blue river compact, and the multistate lottery;

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

37 ~~Sec. 33. K.S.A. 46-248 is hereby amended to read as follows:~~
38 ~~46-248. The statement of substantial interests required by K.S.A.~~
39 ~~46-247 through 46-252, and amendments thereto, shall include the~~
40 ~~substantial interests of the individual making the statement. Cam-~~
41 ~~paign contributions reported in compliance with the campaign finance~~
42 ~~act shall not be included in this statement. The statement shall~~
43 ~~include the information required by K.S.A. 46-229 and amendments~~

1 thereto in such detail and form as required by the commission. In
2 reporting a substantial interest in the ownership of any business in
3 accordance with subsection (a) of K.S.A. 46-229, and amendments
4 thereto, the individual making the statement shall disclose the ap-
5 proximate percentage of ownership which the individual or individ-
6 uals's spouse owns.

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

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

16 (2) for an individual, other than a candidate, who is appointed
17 after April 30 in any year, within 15 days after the appointment and
18 annually thereafter between April 15 and April 30, inclusive, so long
19 as the act applies to the individual;

20 (3) for an individual who becomes a candidate on or before the
21 date prescribed by K.S.A. 25-205 and amendments thereto, on the
22 date prescribed by K.S.A. 25-205 and amendments thereto or within
23 10 days thereafter, unless within that period the candidacy is officially
24 declined or rejected; or

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

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

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

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

40 Sec. 34. K.S.A. 46-253 is hereby amended to read as follows:
41 46-253. "Commission" as used in K.S.A. 46-215 to 46-280, inclusive,
42 and any amendments thereto, and K.S.A. 46-248a means the Kansas
43 public disclosure [governmental ethics] commission created by

on governmental standards and
conduct

1 K.S.A. 25-4119a, as amended *and amendments thereto*. The com-
2 mission may adopt rules and regulations for the administration of
3 the provisions of K.S.A. 46-215 to 46-280, and amendments thereto,
4 and K.S.A. 46-248a, *and amendments thereto*. Any such rules and
5 regulations adopted by the governmental ethics commission shall
6 continue in force and effect and shall be deemed to be the rules
7 and regulations of the commission created by K.S.A. 25-4119a, as
8 amended *and amendments thereto*, until revised, amended, re-
9 pealed or nullified pursuant to law. All rules and regulations of the
10 commission shall be subject to the provisions of article 4 of chapter
11 77 of Kansas Statutes Annotated.

12 Sec. 35. K.S.A. 1990 Supp. 46-256 is hereby amended to read
13 as follows: 46-256. (a) If the commission determines that a verified
14 complaint does not allege facts, directly or upon information and
15 belief, sufficient to constitute a violation of any provision of this act,
16 it shall dismiss the complaint and notify the complainant and re-
17 spondent thereof.

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

22 (c) If the commission determines that such verified complaint
23 does allege facts, directly or upon information and belief, sufficient
24 to constitute a violation of any of the provisions of this act, the
25 commission promptly shall investigate the alleged violation. Upon
26 filing of a verified complaint with the commission and a de-
27 cision to conduct an investigation of the complaint, the com-
28 mission may apply to the administrative judge of the district
29 court of Shawnee county for issuance of a subpoena; a subpoena
30 *duces tecum*; or both; for the witness named in such praecipe
31 commanding such witness to appear or produce documents and
32 testify concerning matters under investigation. Such subpoenas
33 shall be served and returned as subpoenas for witnesses in
34 criminal cases in the district court. No subpoena shall be issued
35 pursuant to this section without the administrative judge mak-
36 ing a finding: (a) That the subpoena is being issued as a lawful
37 exercise of the authority of the commission granted by this act;
38 (b) that the verified complaint filed with the commission alleges
39 sufficient facts directly or upon information and belief sufficient
40 to constitute a violation of any of the provisions of this act; (c)
41 that the application or any supporting affidavits allege sufficient
42 facts to show that the subject of the subpoena has information
43 which is relevant or necessary to the investigation; and (d) with

1 regard to a subpoena *duces tecum* issued to an individual who
2 is the subject of the investigation, and which concerns docu-
3 ments or things owned by such individual or in such individ-
4 ual's possession, except those documents or records required
5 to be kept by this act, that the application or complaint states
6 sufficient facts to show probable cause that a violation of this
7 act has been or is being committed and particularly describes
8 the documents or things subject to the subpoena which con-
9 stitute evidence of the violation. Any statement which is made
10 orally in support of the application for subpoena shall be either
11 taken down by a certified shorthand reporter or reduced to
12 writing and sworn to under oath and made a part of the ap-
13 plication for the issuance of the subpoena. The application for
14 subpoena, affidavits or sworn testimony in support of the ap-
15 plication or the subpoena itself shall not be public information
16 or made available for examination without a written order of
17 the court, except that such affidavits or testimony when re-
18 quested shall be made available to the subject of the subpoena,
19 the alleged violator or such alleged violator's counsel. Any
20 motion to quash a subpoena issued pursuant to this section
21 shall be filed in the district court of Shawnee county, Kansas.
22 Each witness shall be sworn to make true answers to all ques-
23 tions propounded to such witness touching the matters under
24 investigation. The testimony of each witness shall be reduced
25 to writing and signed by the witness. Any person who disobeys
26 a subpoena issued for such appearance or refuses to be sworn
27 as a witness or answer any proper question propounded during
28 the investigation by the commission may be adjudged in con-
29 tempt of court and punished by fine and imprisonment. No
30 person called as a witness before the commission shall be re-
31 quired to make any statement which will incriminate such wit-
32 ness. The attorney general or assistant attorney general may,
33 on behalf of the state, grant any person called as a witness
34 immunity from prosecution or punishment on account of any
35 transaction or matter about which such person shall be com-
36 pelled to testify and such testimony shall not be used against
37 such person in any prosecution for a crime under the laws of
38 Kansas or any municipal ordinance. After being granted im-
39 munity from prosecution or punishment, as herein provided,
40 no person shall be excused from testifying on the ground that
41 such person's testimony may incriminate such person.

42 (d) The commission shall notify the attorney general of any ap-
43 parent violation of criminal law or other laws not administered by

If such complaint, or the attempted investigation of such complaint, gives the commission reason to believe that a violation of this act has been or is being committed, the commission shall forward to the person or persons, the subject of such complaint, a copy thereof by certified mail. The alleged violator or violators shall have _____ days to answer such complaint.

1 the commission, which is discovered during the course of any such
2 investigation.

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

13 Sec. 36. K.S.A. 46-260 is hereby amended to read as follows:
14 46-260. (a) The commission may investigate, or cause to be inves-
15 tigated, any matter required to be reported upon by any person
16 under the provisions of this act, or any matter to which this act
17 applies, irrespective of whether a complaint has been filed in relation
18 thereto.

19 (b) (1) *For the purpose of any investigation or proceeding under*
20 *this act, the commission or any officer designated by the commission*
21 *may administer oaths and affirmations, subpoena witnesses, compel*
22 *their attendance, take evidence, and require the production of any*
23 *books, papers, correspondence, memoranda, agreements, or other*
24 *documents or records which the commission deems relevant or ma-*
25 *terial to the inquiry. All subpoenas issued under this section shall*
26 *be authorized by the affirmative vote of not less than 2/3 [3/4] of*
27 *the members of the commission.*

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

37 (3) *No person is excused from attending or testifying or from*
38 *producing any document or record before the commission, or obe-*
39 *dience to the subpoena of the commission or any officer designated*
40 *by the commission, or in any proceeding instituted by the commis-*
41 *sion, on the ground that the testimony or evidence (documentary or*
42 *otherwise) required of the person may tend to incriminate the person*
43 *or subject the person to a penalty or forfeiture. No individual may*

, after having complied with the requirements of subsection (c) of K.S.A. 1990 Supp. 46-256 and amendments thereto,

The commission shall reimburse the reasonable costs of production of documents subject to subpoena.

1 be prosecuted or subjected to any penalty or forfeiture for or on
2 account of any transaction, matter or thing concerning which such
3 person is compelled, after claiming privilege against self-incrimina-
4 tion, to testify or produce evidence (documentary or otherwise),
5 except that the individual so testifying shall not be exempt from
6 prosecution and punishment for perjury committed in so testifying.

7 Sec. 37. K.S.A. 1990 Supp. 46-265 is hereby amended to read
8 as follows: 46-265. (a) ~~The legislature finds and declares that the~~
9 ~~operation of open and responsible government requires the fullest~~
10 ~~opportunity to be afforded to the people to petition their government~~
11 ~~for the redress of grievances and to express freely their opinions on~~
12 ~~executive and legislative action but the identity and expenditures of~~
13 ~~certain persons who attempt to influence executive and legislative~~
14 ~~actions should be publicly identified to preserve and maintain the~~
15 ~~integrity of government.~~

16 ~~(b)~~ Every lobbyist shall register with the secretary of state by
17 completing and signing a registration form prescribed and provided
18 by the commission and by signing such registration form. Such
19 registration shall show the name and address of the lobbyist, the
20 name and address of the person compensating the lobbyist for
21 lobbying ~~lobbyist's principal~~, the purpose of the employment and
22 the method of determining and computing the compensation of the
23 lobbyist. If the lobbyist is compensated or to be compensated for
24 lobbying by more than one employer ~~lobbyist's principal~~ or is to
25 be engaged in more than one employment, the relevant facts listed
26 above shall be separately stated for each employer ~~lobbyist's prin-~~
27 ~~icipal~~ and each employment. Whenever any new lobbying employ-
28 ment or lobbying position is accepted by a lobbyist already registered
29 as provided in this section, such lobbyist shall report the same on
30 forms prescribed and provided by the commission before engaging
31 in any lobbying activity related to such new employment or position,
32 and such report shall be filed, when made, with the secretary of
33 state. Whenever the lobbying of a lobbyist concerns a legislative
34 matter, the secretary of state shall promptly transmit copies of each
35 registration and each report filed under this act to the secretary of
36 the senate and the chief clerk of the house of representatives.

person compensating the lobbyist

employer

employer

37 On or after October 1, in any year any person may register as a
38 lobbyist under this section for the succeeding calendar year. Such
39 registration shall expire annually on December 31, of the year for
40 which the lobbyist is registered. In any calendar year, before en-
41 gaging in lobbying, persons to whom this section applies shall register
42 or renew their registration as provided in this section. Every person
43 registering or renewing registration who anticipates spending \$1,000

1 ~~or less for lobbying in such registration year on behalf of any lob-~~
2 ~~byist's principal~~ shall pay to the secretary of state a fee of \$15 for one employer
3 each lobbying employment or lobbying position held for each
4 ~~lobbyist's principal represented by such person.~~ Every person reg- such employer
5 istering or renewing registration who anticipates spending more than
6 \$1,000 for lobbying in such registration year on behalf of any lob- \$100
7 ~~byist's principal shall pay to the secretary of state a fee of \$150 for~~
8 lobbying for each lobbyist's principal represented by such person. one employer
9 Any lobbyist who at the time of initial registration anticipated spend- such employer
10 ing less than \$1,000, but at a later date spends in excess of such
11 amount, shall, within three days of the date when expenditures on behalf of any one employer,
12 exceed such amount, file an amended registration form which shall
13 be accompanied by an additional fee of ~~\$105~~ for such year. The \$85
14 secretary of state shall remit all moneys received under this section
15 to the state treasurer, and the state treasurer shall deposit the same
16 in the state treasury to the credit of the state general Kansas
17 ~~governmental ethics commission~~ fee fund. on governmental standards and conduct

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

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

34 Sec. 38. K.S.A. 46-268 is hereby amended to read as follows:
35 46-268. (a) Every lobbyist shall file with the secretary of state a
36 report of employment and expenditures on a form and in the manner
37 prescribed and provided by the commission. A report shall be filed
38 for each month of the year. Such reports shall be filed by on
39 or before the 10th day of the month immediately following the
40 month for which the report is filed months of February, March,
41 April, May, September and December. Reports shall only be re-
42 quired for months during which include all expenditures are
43 made or gifts, payments or honoraria are given which are re-

1 quired to be reported under K.S.A. 46-269, and amendments
2 thereto, or a statement that no expenditures were made for such
3 purposes, during the preceding calendar month or months since the
4 period for which the last report was filed.

5 See 30. K.S.A. 1990 Supp. 46-269 is hereby amended to
6 read as follows: 46-269. Each report under K.S.A. 46-268, and
7 amendments thereto, shall disclose the following: (a) The full
8 name and address of each person who has paid compensation
9 for lobbying to the lobbyist or has paid for expenses of lobbying
10 by the lobbyist *lobbyist's principal for whom such lobbyist*
11 *has acted during the period reported.*

12 (b) The aggregate amount or value of all expenditures made,
13 except for expenses of general office overhead, by the lobbyist
14 or by the lobbyist's employer *principal* for or in direct relation
15 to lobbying during the reporting period, if such expenditures
16 exceed \$100 for the following purposes:

17 (1) *Food and beverages provided as hospitality;*

18 (2) *entertainment, gifts, honoraria or payments;*

19 (3) *mass media communications;*

20 (4) *salaries, fees, retainers and any other compensation re-*
21 *ceived for the performance of services as a lobbyist;*

22 (5) *preparation of proposals, position papers and similar*
23 *documents;*

24 (6) *travel and lodging;*

25 (7) *communications for the purpose of influencing legi-*
26 *slative or executive action; and*

27 (8) *all other expenditures made in the performance of serv-*
28 *ices as a lobbyist. Individual expenditures of less than \$2 shall*
29 *not be required to be reported under this subsection. Such*
30 *expenditures shall be reported according to categories of ex-*
31 *penditures established by rules and regulations of the Kansas*
32 *public disclosure commission. With regard to expenditures for*
33 *entertainment or hospitality which is primarily food and bev-*
34 *erages, only amounts expended on a state officer or employee*
35 *or on such officer or employee's spouse shall be considered to*
36 *be for or in direct relation to lobbying. Notwithstanding the*
37 *requirements of this subsection and subsection (c), no lobbyist*
38 *shall be responsible to report any expenditure by the lobbyist's*
39 *employer principal of which such person has no knowledge.*

40 (c) All gifts, honoraria or payments, of value in excess of
41 \$20 by the lobbyist to any state officer or employee. *The name*
42 *of each recipient of hospitality, except when such hospitality*
43 *is extended to all members of the legislature as a group.*

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

5 (e) Whenever more than one lobbyist is employed by a
6 single employer *lobbyist's principal*, the reports required by
7 this section relating to such employer *lobbyist's principal* shall
8 be made by only one such lobbyist and that lobbyist shall be
9 the lobbyist who is most directly connected with the particular
10 expenditure or gift, honoraria or payment. No expenditure or
11 gift, honoraria or payment required to be reported by this sec-
12 tion shall be reported by more than one lobbyist.

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

18 ~~Sec. 39. K.S.A. 1990 Supp. 46-269 is hereby amended to read~~
19 ~~as follows: 46-269. Each report under K.S.A. 46-268, and amend-~~
20 ~~ments thereto, shall disclose the following: (a) The full name and~~
21 ~~address of each person who has paid compensation for lobbying~~
22 ~~to the lobbyist or has paid for expenses of lobbying by the~~
23 ~~lobbyist lobbyist's principal for whom such lobbyist has acted during~~
24 ~~the period reported.~~

25 ~~(b) The aggregate amount or value of all expenditures made,~~
26 ~~except for expenses of general office overhead, by the lobbyist or~~
27 ~~by the lobbyist's employer principal for or in direct relation to~~
28 ~~lobbying during the reporting period, if such expenditures exceed~~
29 ~~\$100, [for the following purposes:~~

30 ~~[(1) Food and beverages provided as hospitality;~~
31 ~~[(2) entertainment, gifts, honoraria or payments;~~
32 ~~[(3) mass media communications;~~
33 ~~[(4) preparation of proposals, position papers and similar~~
34 ~~documents;~~

35 ~~[(5) travel, lodging and mileage expenses;~~
36 ~~[(6) communications for the purpose of influencing legislative or~~
37 ~~executive action; and~~

38 ~~[(7) all other expenditures made in the performance of services~~
39 ~~as a lobbyist, except that the provisions of this subdivision shall not~~
40 ~~include salaries, fees, retainers and any other compensation re-~~
41 ~~ceived for the performance of services as a lobbyist.] Individual~~
42 ~~expenditures of less than \$2 shall not be required to be reported~~
43 ~~under this subsection. Such expenditures shall be reported accord-~~

1 ~~ing to categories of expenditures established by rules and regulations~~
 2 ~~of the Kansas public disclosure commission. With regard to ex-~~
 3 ~~penditures for entertainment or hospitality which is primarily food~~
 4 ~~and beverages, only amounts expended on a state officer or em-~~
 5 ~~ployee or on such officer or employee's spouse shall be considered~~
 6 ~~to be for or in direct relation to lobbying. Notwithstanding the~~
 7 ~~requirements of this subsection and subsection (c), no lobbyist shall~~
 8 ~~be responsible to report any expenditure by the lobbyist's employer~~
 9 ~~principal of which such person has no knowledge.~~

(Name change)

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

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

15 ~~(e) [(d)] Whenever more than one lobbyist is employed by a~~
 16 ~~single employer lobbyist's principal, the reports required by this~~
 17 ~~section relating to such employer lobbyist's principal shall be made~~
 18 ~~by only one such lobbyist and that lobbyist shall be the lobbyist~~
 19 ~~who is most directly connected with the particular expenditure or~~
 20 ~~gift, honoraria or payment. No expenditure or gift, honoraria or~~
 21 ~~payment required to be reported by this section shall be reported~~
 22 ~~by more than one lobbyist.~~

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

28 ~~Sec 40 K S A 46-271 is hereby amended to read as follows:~~

29 ~~46-271. (a) No lobbyist shall offer, pay, give or make any economic~~
 30 ~~opportunity, gift, loan, gratuity, special discount, favor, hospitality,~~
 31 ~~or service having an aggregate value of one hundred dollars (\$100)~~
 32 ~~\$20 or more in any calendar year to any state officer or employee~~
 33 ~~or candidate for state office with a major purpose of influencing such~~
 34 ~~officer or employee in the performance of official duties or pro-~~
 35 ~~spective official duties. Hospitality in the form of food and beverages~~
 36 ~~are presumed not to be given to influence a state officer or employee~~
 37 ~~or candidate for state office in the performance of official duties,~~
 38 ~~except when a particular course of official action is to be followed~~
 39 ~~as a condition thereon.~~

40 ~~Except when a particular course of official action is to be followed~~
 41 ~~as a condition thereon, this section shall not apply to: (1) Any con-~~
 42 ~~tribution reported in compliance with the campaign finance act as~~
 43 ~~amended, or (2) a commercially reasonable loan or other commercial~~

1 ~~transaction in the ordinary course of business:~~

2 ~~(b) No public funds, personnel, equipment or materials~~
 3 ~~shall be used for the purpose of the notification, publication~~
 4 ~~or promotion of any social event or hospitality, the cost of~~
 5 ~~which is paid by any lobbyist.~~

6 ~~Sec. 41. K.S.A. 1990 Supp. 46-280 is hereby amended to read~~
 7 ~~as follows: 46-280. (a) The Kansas public disclosure-governmental-~~
 8 ~~ethics commission shall send a notice by registered or certified mail~~
 9 ~~to any person failing to register or to file any report or statement~~
 10 ~~as required by K.S.A. 46-247, 46-265 or 46-268, and amendments~~
 11 ~~thereto, within the time period prescribed therefor. The notice shall~~
 12 ~~state that the required registration, report or statement had not been~~
 13 ~~filed with the office of secretary of state. The notice shall also state~~
 14 ~~that such person shall have five days from the date of receipt of~~
 15 ~~such notice to comply with the registration and reporting require-~~
 16 ~~ments before a civil penalty shall be imposed for each day that the~~
 17 ~~required documents remain unfiled. If such person fails to comply~~
 18 ~~within the five-day such period, such person shall pay to the state~~
 19 ~~a civil penalty of \$10 per day for each day that such person remains~~
 20 ~~unregistered or that such report or statement remains unfiled, except~~
 21 ~~that no such civil penalty shall exceed \$300. The Kansas public~~
 22 ~~disclosure commission may waive, for good cause, payment of any~~
 23 ~~civil penalty imposed hereunder.~~

24 ~~(b) Whenever the commission shall determine that any report~~
 25 ~~filed by a lobbyist as required by K.S.A. 46-269 and amendments~~
 26 ~~thereto, is incorrect, incomplete or fails to provide the information~~
 27 ~~required by such section, the commission shall notify such lobbyist~~
 28 ~~by registered or certified mail, specifying the deficiency. Such notice~~
 29 ~~shall state that the lobbyist shall have 30 days from the date of the~~
 30 ~~receipt of such notice to file an amended report correcting such~~
 31 ~~deficiency before a civil penalty will be imposed and the registration~~
 32 ~~of such lobbyist revoked and the badge be required to be returned~~
 33 ~~to the office of the secretary of state. A copy of such notice shall~~
 34 ~~be sent to the office of the secretary of state. If such lobbyist fails~~
 35 ~~to file an amended report with the time specified, such lobbyist shall~~
 36 ~~pay to the commission a civil penalty of \$10 per day for each day~~
 37 ~~that such person fails to file such report except that no such civil~~
 38 ~~penalty shall exceed \$300. On the 31st day following the receipt of~~
 39 ~~such notice the registration of any lobbyist failing to file such~~
 40 ~~amended report shall be revoked.~~

41 ~~(b) (c) Civil penalties provided for by this section shall be paid~~
 42 ~~to the state treasurer, who shall deposit the same in the state treasury~~
 43 ~~to the credit of the state general Kansas governmental ethics com-~~

Name change

Name change

1 ~~mission fee fund.~~
 2 ~~(e) (d) (1) Except as provided in subsection (2), if a person fails~~
 3 ~~to pay a civil penalty provided for by this section, it shall be the~~
 4 ~~duty of the attorney general or county or district attorney to bring~~
 5 ~~an action to recover such civil penalty in the district court of the~~
 6 ~~county in which such person resides.~~

7 ~~(2) If a person required to file under subsection (f) of K.S.A.~~
 8 ~~1988 Supp. 46-247 and amendments thereto fails to pay a civil~~
 9 ~~penalty provided for by this section, it shall be the duty of the~~
 10 ~~attorney general to bring an action to recover such civil penalty in~~
 11 ~~the district court of Shawnee County, Kansas.~~

12 Sec. 42. K.S.A. 1990 Supp. 46-288 is hereby amended to read
 13 as follows: 46-288. The public disclosure commission, in addition
 14 to any other penalty prescribed under K.S.A. 46-215 through 46-
 15 286, and amendments thereto, may assess a civil fine, after proper
 16 notice and an opportunity to be heard, against any person for a
 17 violation pursuant to K.S.A. 46-215 through 46-286, and amendments
 18 thereto, in an amount not to exceed \$5,000 for the first violation,
 19 not to exceed \$10,000 for the second violation and not to exceed
 20 \$15,000 for the third violation and for each subsequent violation. All
 21 fines assessed and collected under this section shall be remitted
 22 promptly to the state treasurer. Upon receipt thereof, the state
 23 treasurer shall deposit the entire amount in the state treasury and
 24 credit it to the state general ~~Kansas governmental ethics commission~~
 25 ~~fee fund.~~

26 Sec. 43. K.S.A. 1990 Supp. 46-289 is hereby amended to read
 27 as follows: 46-289. (a) If the public disclosure ~~Kansas governmental~~
 28 ~~ethics~~ commission determines after notice and opportunity for a hear-
 29 ing that any person has engaged or is engaging in any act or practice
 30 constituting a violation of any provision of K.S.A. 46-215 through
 31 46-286, and amendments thereto, or any rule and regulation or order
 32 hereunder, the commission by order may require that such person
 33 cease and desist from the unlawful act or practice and take such
 34 affirmative action as in the judgment of the commission will carry
 35 out the purposes of K.S.A. 46-215 through 46-286, and amendments
 36 thereto.

37 (b) If the commission makes written findings of fact that the
 38 public interest will be irreparably harmed by delay in issuing an
 39 order under subsection (a), the commission may issue an emergency
 40 temporary cease and desist order. Such order, even when not an
 41 order within the meaning of K.S.A. 1987 Supp. 77-502 and amend-
 42 ments thereto, shall be subject to the same procedures as an emer-
 43 gency order issued under K.S.A. 1987 Supp. 77-536 and

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1 amendments thereto. Upon the entry of such an order, the com-
2 mission shall promptly notify the person subject to the order that
3 it has been entered, of the reasons therefor and that upon written
4 request the matter will be set for a hearing which shall be conducted
5 in accordance with the provisions of the Kansas administrative pro-
6 cedure act. If no hearing is requested and none is ordered by the
7 commission, the order will remain in effect until it is modified or
8 vacated by the commission. If a hearing is requested or ordered,
9 the commission, after notice of and opportunity for hearing to the
10 person subject to the order, shall by written findings of fact and
11 conclusions of law vacate, modify or make permanent the order. Any
12 such order shall be enforceable in any court of competent
13 jurisdiction.

14 Sec. 44. K.S.A. 1990 Supp. 46-290 is hereby amended to read
15 as follows: 46-290. Whenever it appears to the public disclosure
16 ~~Kansas governmental ethics~~ commission that any person has engaged
17 in any act or practice constituting a violation of any provision of
18 K.S.A. 46-215 through 46-286, and amendments thereto, or any rule
19 and regulation or order hereunder, the commission may bring an
20 action in any court of competent jurisdiction to enjoin the acts or
21 practices and to enforce compliance with K.S.A. 46-215 through 46-
22 286, and amendments thereto, or any rule and regulation or order
23 hereunder. Upon a proper showing, a permanent or temporary in-
24 junction, restraining order, restitution, writ of mandamus or other
25 equitable relief shall be granted.

26 Sec. 45. K.S.A. 1990 Supp. 46-291 is hereby amended to read
27 as follows: 46-291. The public disclosure ~~Kansas governmental eth-~~
28 ~~ics~~ commission may enter into a consent decree with any person
29 who has violated any provision of K.S.A. 46-215 through 46-286, and
30 amendments thereto.

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

36 New Sec. 47. (a) From and after the effective date of this act,
37 no state officer or employee shall advocate or cause the employment,
38 appointment, promotion, transfer or advancement to any office or
39 position of the state, or supervise or manage a member of such
40 officer's or employee's household or a family member.

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

1 (c) The provisions of this section shall not apply to any action
2 involving the employment, appointment, promotion, transfer or ad-
3 vancement of any officer or employee occurring prior to the effective
4 date of this act.

5 Sec. 48. K.S.A. 1990 Supp. 74-7275 is hereby amended to read
6 as follows: 74-7275. Except as otherwise provided in K.S.A. 74-7246,
7 and amendments thereto, ~~the Kansas public disclosure govern-~~
8 ~~mental ethics~~ commission/and the office of executive director of the
9 Kansas public disclosure ~~governmental ethics~~ commission, provided
10 for by K.S.A. 25-4119a, and amendments thereto, are hereby abol-
11 ished on July 1, 1992 1997.

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1992

12 Sec. 49. K.S.A. 75-2953 is hereby amended to read as follows:
13 75-2953. (1) (a) No officer, agent, clerk or employee of this state
14 shall directly or indirectly use their authority or official influence to
15 compel any officer or employee in *the unclassified and* the classified
16 ~~service services~~ to apply for membership in or become a member
17 of any organization, or to pay or promise to pay any assessment,
18 subscription or contribution, or to take part in any political activity.
19 Any person who violates any provisions of this section shall be guilty
20 of a class C misdemeanor, and, upon conviction, shall be punished
21 accordingly. If any officer or employee in the classified service is
22 found guilty of violating any provision of this section, such officer
23 or employee shall be automatically separated from the service.

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

31 Sec. 50. K.S.A. 1990 Supp. 75-4303a is hereby amended to read
32 as follows: 75-4303a. (a) ~~The Kansas public disclosure governmental~~
33 ~~ethics~~ commission shall render advisory opinions on the interpre-
34 tation or application of K.S.A. 75-4301a, 75-4302a, 75-4303a, 75-
35 4304, 75-4305 and 75-4306 and amendments thereto. The opinions
36 shall be rendered after receipt of a written request therefor by a
37 local governmental officer or employee or by any person who has
38 filed as a candidate for local office. Any person who requests and
39 receives an advisory opinion and who acts in accordance with its
40 provisions shall be presumed to have complied with the provisions
41 of the general conflict of interests law. A copy of any advisory opinion
42 rendered by the commission shall be filed by it in the office of the
43 secretary of state, and any opinion so filed shall be open to public

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1 inspection. All requests for advisory opinions shall be directed to
2 the secretary of state who shall notify the commission thereof.

3 (b) The Kansas public disclosure ~~governmental ethics~~ commission ← on governmental standards and conduct
4 shall administer K.S.A. 75-4301a, 75-4302a, 75-4303a, 75-4304, 75-
5 4305 and 75-4306 and amendments thereto and may adopt rules and
6 regulations therefor.

7 ~~New Sec. 51. The chief executive officer of every newspaper,
8 radio station and television station which publishes or broadcasts
9 any editorial supporting or opposing any candidate for state or local
10 office shall make a report at the times prescribed and in the offices
11 required by K.S.A. 25-4148 and amendments thereto. Such reports
12 shall be filed upon forms prescribed and provided by the Kansas
13 governmental ethics commission. Such report shall state the amount
14 which would have been charged for comparable time or space to
15 a candidate for the publication or broadcast of political advertising.~~

16 ~~Sec. 52. K.S.A. 46-234 is hereby amended to read as follows:~~

17 ~~46-234. (a) No elected state officer shall within one (1) year after
18 the expiration of his such officer's last term receive any civil ap-
19 pointment to a state office which was created by law during the
20 last term for which such person had been elected, and all such
21 appointments shall be void. Upon resignation by an elected state
22 officer, such person may be appointed to any elective state office
23 to fill a vacancy.~~

24 ~~(b) No elected state or local officer shall campaign for or be
25 elected to any state or local office the term for which commences
26 during the term of office to which such officer was elected and is
27 currently serving.~~

28 ~~[(c) No state legislator shall within one year of serving in the
29 legislature be employed as a lobbyist.]~~

30 ~~New Sec. 53. (a) From and after July 1, 1991, all officers elected
31 under the laws of the state of Kansas, except members of the
32 congress of the United States, before entering upon the duties of
33 their respective offices, shall file a Kansas income tax clearance
34 request with the division of taxation of the department of revenue
35 of the state of Kansas and a property tax clearance request with
36 the county treasurer of each county in which such officer owns
37 property. Such requests shall be filed for the purposes and in the
38 manner prescribed in this section. No such officer shall be permitted
39 to take or subscribe to the oath or affirmation of office without
40 first having received the Kansas income tax clearance approval of
41 the director of taxation and the property tax clearance approval of
42 the county treasurer or county treasurers in accordance with this
43 section.~~

1 (b) From and after July 1, 1991, all nonelected officers and
 2 employees of the state of Kansas, before entering upon the duties
 3 of their office or employment, shall file a Kansas income tax clear-
 4 ance request with the division of taxation of the department of
 5 revenue of the state and a property tax clearance request with the
 6 county treasurer of each county in which such officer or employee
 7 owns property. Such requests shall be filed for the purposes and
 8 in the manner prescribed in this section. No such officer or em-
 9 ployee shall be appointed or employed by any agency of the state
 10 of Kansas to any position for which any compensation is paid under
 11 the laws of the state of Kansas, without first having received the
 12 tax clearance approval of the director of taxation and the property
 13 tax clearance approval of the county treasurer or treasurers in
 14 accordance with this section.

15 (c) Forms for the making of Kansas income tax clearance re-
 16 quests shall be prescribed and provided by the secretary of revenue
 17 and shall be in substantially the following form:

18 **KANSAS INCOME TAX CLEARANCE REQUEST**

19 _____

20 (Please Print)

21 NAME: _____ SOC SEC NUMBER: _____

22 (Last) (First) (M.I.)

23 CURRENT

24 ADDRESS: _____ SPOUSES NAME: _____

25 (No. and Street)

26 CURRENT SPOUSES

27 _____ SOC SEC NUMBER: _____

28 (City) (State) (Zip Code)

29 (Furnishing Social Security

30 TELEPHONE: _____ Number is voluntary. However,

31 Where you can be reached providing the number will

32 8:00 a.m. to 5:00 p.m. assure an accurate check.)

33 _____

34 NOTE: If any of the following tax year(s) were filed jointly with someone other
 35 than your current spouse, please list the name, social security number, and
 36 tax year(s) filed with that individual in the space provided.

37 NAME: _____ SOC SEC NUMBER: _____ TAX YEAR(S): _____

38 _____

39 Have you any due and unpaid or delinquent income taxes (under the Kansas income
 40 tax act) for the following years?

41 If "yes," please explain in detail for each year.
 42 Read the instructions on the back of this form.
 43 Yes No Additional space is available on the back.

1 19 _____
 2 _____
 3 19 _____
 4 _____
 5 19 _____
 6 _____
 7 19 _____
 8 _____

9 I certify that the information contained in this tax clearance form is correct to the
10 best of my knowledge.

11 _____
12 Signature of Applicant Date
13 _____

14 **FOR DEPARTMENT OF REVENUE USE ONLY**

15 _____
 16 Approved
 17 Disapproved
 18 _____
 19 Director of Taxation Date

20 **INSTRUCTIONS FOR INCOME TAX CLEARANCE REQUEST**

21 Indicate your name, social security number, spouse's name and social security
22 number (if married) and current address. If your name has changed in the last five
23 years, please list names under which you have filed returns. Your spouse's social
24 security number will be required if you have filed joint returns in any of the last
25 five years. If joint returns were filed with a different spouse indicate the former
26 spouse's name and social security number (if known).

27 Check either the "yes" or the "no" box to indicate whether Kansas income taxes
28 remain due and unpaid or delinquent for any of the five tax years specified on the
29 front of this form. If you have Kansas income taxes which are due but remain
30 unpaid for any of these years, check the "yes" box for the applicable year(s) and
31 fully explain the reasons for such unpaid taxes. Failure to explain the reason for
32 due and unpaid or delinquent taxes will result in disapproval of the tax clearance.

33 Sign and date the tax clearance form. Your signature is authorizing the Depart-
34 ment of Revenue to examine your prior filing history, all information provided will
35 be confidential.

36 Additional space is provided below to explain due and unpaid or delinquent taxes:
37 (d) Forms for the making of property tax clearance requests shall be prescribed
38 and provided by the secretary of revenue and shall be in substantially the following
39 form:

PROPERTY TAX CLEARANCE REQUEST

(Please Print)

NAME:

(Last) (First) (M.I.)

List real and personal property taxable in county

ADDRESS:

(No. and Street)

(City) (State) (Zip Code)

TELEPHONE:

Where you can be reached

8:00 a.m. to 5:00 p.m.

NOTE: If property taxes on any of the real estate listed above are paid to the county treasurer by a mortgagee of such property, please list the name and address of such mortgagee following such property.

I certify that the information contained in this tax clearance form is correct to the best of my knowledge.

Signature of Applicant

Date

FOR COUNTY TREASURER USE ONLY

Approved

Disapproved

County Treasurer

Date

County, Kansas

INSTRUCTIONS FOR TAX CLEARANCE REQUEST

Indicate your name, social security number, spouse's name and social security number (if married) and current address. If your name has changed in the last five years, please list names under which you have paid property taxes. If property was owned jointly with a different spouse indicate the former spouse's name and social security number (if known).

Check either the "yes" or the "no" box to indicate whether taxes were, or were not, paid in the five tax years specified on the front of this form. If you have not paid property taxes for any of these years, check the "no" box for the missing year(s) and fully explain the reasons taxes were not paid. Failure to explain the absence of tax payments will result in disapproval of the tax clearance.

Sign and date the tax clearance form. Your signature is authorizing the county

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1 ~~treasurer of the county to notify the appropriate authority of unpaid and delinquent~~
2 ~~property taxes.~~

3 ~~(e) After approval or disapproval of tax clearance forms, the director of taxation~~
4 ~~and county treasurers of the several counties shall file such forms with the officer~~
5 ~~administering the oath or affirmation to the elective officer filing such request and~~
6 ~~to the officer appointing or employing the nonelected officer or employee filing such~~
7 ~~request.~~

8 ~~Sed. 54. K.S.A. 75-3739 is hereby amended to read as follows:~~
9 ~~75-3739. In the manner as provided in this act and rules and~~
10 ~~regulations established thereunder:~~

11 ~~(a) All contracts for construction and repairs, and all purchases~~
12 ~~of and contracts for supplies, materials, equipment and contractual~~
13 ~~services to be acquired for state agencies shall be based on com-~~
14 ~~petitive bids, except that competitive bids need not be required:~~
15 ~~(1) For contractual services when, in the judgment of the di-~~
16 ~~rector of purchases, no competition exists; or (2) when, in the~~
17 ~~judgment of the director of purchases, chemicals and other~~
18 ~~material or equipment for use in laboratories or experimental~~
19 ~~studies by state agencies are best purchased without compe-~~
20 ~~tion, or where rates are fixed by law or ordinance; or (3) when,~~
21 ~~in the judgment of the director of purchases, an agency emer-~~
22 ~~gency requires immediate delivery of supplies, materials or~~
23 ~~equipment, or immediate performance of services; or (4) when~~
24 ~~any statute authorizes another procedure or provides an ex-~~
25 ~~emption from the provisions of this section.~~

26 ~~The director of purchases shall make a detailed report at~~
27 ~~least once in each calendar quarter to the legislative coordi-~~
28 ~~nating council and the chairpersons of the senate committee~~
29 ~~on ways and means and the house of representatives committee~~
30 ~~on appropriations of all contracts for goods, supplies, materials,~~
31 ~~equipment or contractual services entered into without com-~~
32 ~~petitive bids under subsections (a)(1), (a)(2), (a)(3) or (g).~~

33 ~~(b) If the amount of the purchase is estimated to exceed ap-~~
34 ~~proximately \$10,000, sealed bids shall be solicited by notice pub-~~
35 ~~lished once in the Kansas register not less than 10 days before the~~
36 ~~date stated therein for the opening of such bids. The director of~~
37 ~~purchases may waive this publication of notice requirement when~~
38 ~~the director determines that a more timely procurement is in the~~
39 ~~best interest of the state. The director of purchases also may des-~~
40 ~~ignate a trade journal for such publication. The director of pur-~~
41 ~~chases also shall solicit such bids by sending notices by mail to~~
42 ~~prospective bidders. All bids shall be sealed when received and~~
43 ~~shall be opened in public at the hour stated in the notice. The~~

1 director of purchases shall make a detailed report at least once in
2 each calendar quarter to the legislative coordinating council and
3 the chairpersons of the senate committee on ways and means and
4 the house of representatives committee on appropriations of all
5 cases when the publication of notice of bid solicitations in the Kansas
6 register have been waived under this subsection.

7 (c) All purchases estimated to exceed approximately \$5,000 but
8 not more than \$10,000, shall be made after receipt of sealed bids
9 following at least three days' notice posted on a public bulletin
10 board in the office of the director of purchases. The director of
11 purchases also may solicit sealed bids by mail in such cases in like
12 manner as provided in subsection (b).

13 (d) All purchases estimated to be less than \$5,000 may be made
14 after the receipt of three or more bid solicitations by telephone
15 and after receipt of sealed bids following at least three days' notice
16 posted on a public bulletin board in the office of the director of
17 purchases. Such bids shall be recorded as provided in subsection
18 (e) of K.S.A. 75-3740 and amendments thereto. With the approval
19 of the secretary of administration, the director of purchases may
20 delegate authority to any state agency to make purchases of
21 less than \$10,000 either on the open market or under certain
22 prescribed conditions and procedures. The director of pur-
23 chases shall make a report at least once in each calendar quarter
24 to the legislative coordinating council and the chairpersons of
25 the senate committee on ways and means and the house of
26 representatives committee on appropriations of all current and
27 existing delegations of authority under this subsection to state
28 agencies.

29 (e) Subject to the provisions of subsection (d), contracts and
30 purchases shall be based on specifications approved by the director
31 of purchases. When deemed applicable and feasible by the director
32 of purchases, such specifications shall include either energy effi-
33 ciency standards or appropriate life cycle cost formulas, or both,
34 for all supplies, materials, equipment and contractual services to
35 be purchased by the state. The director of purchases may reject
36 a contract or purchase on the basis that a product is manufactured
37 or assembled outside the United States. No such specifications shall
38 be fixed in a manner to effectively exclude any responsible bidder
39 offering comparable supplies, materials, equipment or contractual
40 services.

41 (f) Notwithstanding anything herein to the contrary, all contracts
42 with independent construction concerns for the construction, im-
43 provement, reconstruction and maintenance of the state highway

1 ~~system and the acquisition of rights-of-way for state highway pur-~~
2 ~~poses shall be advertised and let as now or hereafter provided by~~
3 ~~law.~~

4 (g) ~~The director of purchases may authorize state agencies~~
5 ~~to contract for services and materials with other state agencies,~~
6 ~~or with federal agencies, political subdivisions of Kansas, agen-~~
7 ~~cies of other states or subdivisions thereof, or private nonprofit~~
8 ~~educational institutions, without competitive bids.~~

9 (h) ~~Except as otherwise specifically provided by law, no state~~
10 ~~agency shall enter into any lease of real property without the prior~~
11 ~~approval of the secretary of administration. Such state agency shall~~
12 ~~submit to the secretary of administration such information relating~~
13 ~~to any such proposed lease as the secretary may require. The~~
14 ~~secretary of administration shall either approve, modify and ap-~~
15 ~~prove or reject any such proposed lease.~~

16 ~~Sec. 55. K.S.A. 75-3741a is hereby amended to read as follows:~~
17 ~~75-3741a. Each change order to a contract entered into under~~
18 ~~K.S.A. 75-3741, and amendments thereto, shall be related to an~~
19 ~~item or a matter that was included within the original program~~
20 ~~statement which was prepared and submitted with the capital im-~~
21 ~~provement budget estimate for the project under K.S.A. 75-3717b~~
22 ~~and amendments thereto. Each such change order may be nego-~~
23 ~~tiated with a contractor performing work under the original~~
24 ~~contract for the project unless the secretary of administration~~
25 ~~requires such change order to shall be let by competitive bids as~~
26 ~~a separate contract under K.S.A. 75-3739, and amendments thereto.~~

27 ~~Sec. 56. K.S.A. 75-4706 is hereby amended to read as follows:~~
28 ~~75-4706. (a) No state agency, as defined in K.S.A. 75-3701 and~~
29 ~~amendments thereto, shall lease, cause to be leased, purchase,~~
30 ~~contract for, issue a letter of intent to contract for or cause to be~~
31 ~~installed, any data processing equipment, including auxiliary equip-~~
32 ~~ment or any data processing programs or systems, without the prior~~
33 ~~approval of the secretary of administration or specific legislative~~
34 ~~authorization. The director of accounts and reports shall not issue~~
35 ~~any warrant in payment for any lease or purchase contract for any~~
36 ~~data processing equipment, programs and systems acquired without~~
37 ~~such prior approval or authorization. All such contracts shall be~~
38 ~~subject to the provisions of K.S.A. 75-3738 to 75-3740a, inclusive,~~
39 ~~and amendments thereto.~~

40 (b) ~~All specifications for bids for acquisition of the data pro-~~
41 ~~cessing equipment, including auxiliary equipment and data pro-~~
42 ~~cessing programs and systems, shall be prepared by the director~~
43 ~~of information systems and communications, under the supervision~~

1 ~~of the secretary of administration. This subsection shall not apply~~
2 ~~to universities under the jurisdiction and control of the state board~~
3 ~~of regents or to the Kansas lottery.~~

4 ~~Sec. 57. K.S.A. 75-4713 is hereby amended to read as follows:~~

5 75-4713. (a) The telecommunications negotiating committee
6 is a three-person committee composed of (1) the secretary of
7 administration, or a person designated by the secretary of
8 administration; (2) the director of purchases, or a person des-
9 ignated by the director of purchases; and (3) the director of
10 the division of information systems and communications, or a
11 person appointed by the director of information systems and
12 communications. The telecommunications negotiating commit-
13 tee may negotiate contracts for telecommunications services to
14 be entered into by the secretary of administration for state
15 agencies and other entities as provided in K.S.A. 75-4709 and
16 amendments thereto.

17 (b) Prior to negotiating for telecommunications services, the
18 committee shall advertise for sealed proposals. The committee
19 then may negotiate with one or more firms submitting proposals
20 and select from among those submitting such proposals the
21 party to contract with for the purpose of providing telecom-
22 munications services.

23 (c) Contracts entered into pursuant to this section act for te-
24 lecommunications services shall not be subject to the provisions of
25 ~~K.S.A. 75-3738 to 75-3740a, inclusive, and amendments thereto.~~

26 ~~Sec. 58. K.S.A. 76-721 is hereby amended to read as follows:~~

27 76-721. The board of regents, or any state educational institution
28 with the approval of the board of regents, may enter into contracts
29 with any party or parties including any agency of the United States
30 or any state or any subdivision of any state or with any person,
31 partnership or corporation if the purpose of such contract is related
32 to the operation or function of such board or institution. *All such*
33 *contracts shall be based on competitive bids.* If such contract is with
34 a corporation whose operations are substantially controlled by the
35 board or any state educational institution, such contract shall pro-
36 vide that the books and records of such corporation shall be public
37 records and shall require an annual audit by an independent cer-
38 tified public accountant to be furnished to the board of regents and
39 filed with the state agency in charge of post auditing state ex-
40 penditures. All contracts of state educational institutions shall be
41 subject to the provisions of K.S.A. 75-3711b and 75-3711d and
42 ~~amendments thereto.~~

43 ~~{New Sec. 59. All bequests, legacies, devises or gifts to or for~~

1 ~~the use of any political party committee as defined by subsection~~
 2 ~~(g) of K.S.A. 25-4143 and amendments thereto, whether an absolute~~
 3 ~~gift, or a gift of a remainder interest, from estates of decedents~~
 4 ~~dying after December 31, 1991, are hereby declared to be exempt~~
 5 ~~from tax under the provisions of the Kansas inheritance tax act.~~
 6 ~~Where the bequest, legacy, devise or gift is of a remainder interest,~~
 7 ~~the present value of such interest shall be determined under rules~~
 8 ~~and regulations to be promulgated by the director of revenue, and~~
 9 ~~the holder of the other beneficial interest in the property (unless~~
 10 ~~otherwise exempt) shall be taxable upon the value of the property~~
 11 ~~reduced by the present value of the remainder interest.]~~

12 ~~[Sec. 60. K.S.A. 46-232 is hereby amended to read as follows:~~
 13 ~~46-232. (a) No state officer or employee shall engage in lobbying~~
 14 ~~his own state agency, if he accepts compensation specifically at-~~
 15 ~~tributable to such lobbying, other than that provided for the per-~~
 16 ~~formance of his official duties. Nothing in this section shall prohibit~~
 17 ~~a state officer or employee from lobbying without compensation~~
 18 ~~other than that which he is entitled to receive for performance of~~
 19 ~~his official duties.~~

20 ~~[(b) No agency of the state or political or taxing subdivision~~
 21 ~~thereof funded in whole or in part by state funds shall expend any~~
 22 ~~funds for the purpose of employing a lobbyist.]~~

23 ~~[Sec. 61. K.S.A. 1990 Supp. 25-4148a is hereby amended to~~
 24 ~~read as follows: 25-4148a. When a report is made under this act~~
 25 ~~and the amount being contributed by an individual is over \$50, the~~
 26 ~~report shall list the occupation, if known to the candidate, of the~~
 27 ~~individual contributor, or if the individual contributor is not em-~~
 28 ~~ployed for compensation then the report shall list the occupation,~~
 29 ~~if known to the candidate, of the contributor's spouse.]~~

30 ~~Sec. 51 59 [62]. K.S.A. 25-4178, 46-215, 46-222, 46-225, [46-~~
 31 ~~232,] 46-233, 46-234, 46-239, 46-243, 46-248, 46-253, 46-260, 46-~~
 32 ~~268, 46-271 and 75-2953, 75-2953, 75-3739, 75-3741a, 75-3741b,~~
 33 ~~75-37,102, 75-4706, 75-4707, 75-4713 and 76-721 and K.S.A. 1990~~
 34 ~~Supp. 25-901, 25-4119a, 25-4119d, 25-4142, 25-4143, 25-4144, 25-~~
 35 ~~4145, 25-4148a, [25-4148a,] 25-4152, 25-4153, 25-4153a, 25-4157a,~~
 36 ~~25-4158, 25-4161, 25-4180, 25-4181, 25-4182, 25-4183, 25-4184, 25-~~
 37 ~~4185, 46-237, 46-247, 46-256, 46-265, 46-269, 46-280, 46-288, 46-~~
 38 ~~289, 46-290, 46-291, 46-292, 74-7275 and 75-4303a are hereby~~
 39 ~~repealed.~~

40 ~~Sec. 52 60 [63]. This act shall take effect and be in force from~~
 41 ~~and after its publication in the statute book.~~

\$200

1 as follows: 25-4152. (a) The Kansas ~~public disclosure~~ *governmental*
 2 *ethics* commission shall send a notice by registered or certified mail
 3 to any person failing to file any report or statement required by
 4 K.S.A. 25-4144, 25-4145 or 25-4148, and amendments thereto, within
 5 the time period prescribed therefor. The notice shall state that the
 6 required report or statement has not been filed with either the office
 7 of secretary of state or county election officer or both. The notice
 8 shall also state that such person shall have 15 days from the date
 9 such notice is deposited in the mail to comply with the registration
 10 and reporting requirements before a civil penalty shall be imposed
 11 for each day that the required documents remain unfiled. If such
 12 person fails to comply within the prescribed period, such person
 13 shall pay to the state a civil penalty of \$10 per day for each day
 14 that such report or statement remains unfiled, except that no such
 15 civil penalty shall exceed \$300. The ~~Kansas public disclosure~~ com-
 16 mission may waive, for good cause, payment of any civil penalty
 17 imposed by this section.

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

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

26 Sec. 11. K.S.A. 1990 Supp. 25-4153 is hereby amended to read
 27 as follows: 25-4153. (a) The aggregate amount contributed to a candi-
 28 date and such candidate's candidate committee and to all party
 29 committees and political committees and dedicated to such candi-
 30 date's campaign, by any ~~person~~ candidate committee of any other
 31 candidate, any political committee or any individual, except a party
 32 committee, the candidate or the candidate's spouse, shall not exceed
 33 the following:

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

38 (2) for the office of ~~state senator~~, member of the house of rep-
 39 resentatives, district judge, district magistrate judge, district attor-
 40 ney, member of the state board of education or a candidate for local
 41 office, ~~\$500~~ for each primary election (or in lieu thereof a caucus or
 42 convention of a political party) and an equal amount for each general
 43 election.

\$300

Senate Elections
 April 11, 1991
 Attachment 2

1 (3) for the office of state senator, ~~\$1,000~~ for each primary
 2 election (or in lieu thereof a caucus or convention of a political
 3 party) and an equal amount for each general election. \$600

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

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

16 (e) (d) The aggregate amount contributed to a state party com-
 17 mittee by a person other than a national party committee or a
 18 political committee any person, shall not exceed \$15,000 in each
 19 calendar year; and the aggregate amount contributed to any other
 20 party committee by a person other than a national party com-
 21 mittee or a political committee any person, shall not exceed \$5,000
 22 in each calendar year.

23 The aggregate amount contributed by a national party committee
 24 to a state party committee shall not exceed \$25,000 in each any
 25 calendar year, and the aggregate amount contributed to any other
 26 party committee by a national party committee, shall not exceed
 27 \$10,000 in each any calendar year.

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

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

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

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

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

- 1 or convention of a political party);
- 2 (2) for the office of state senator, member of the house of rep-
- 3 resentatives, district judge, district magistrate judge, district attor-
- 4 ney, member of the state board of education or a candidate for local
- 5 office, ~~\$500~~ for each primary election (or in lieu thereof a caucus or
- 6 convention of a political party); \$ 300
- 7 (3) for the office of state senator, ~~\$1,000~~ for each primary
- 8 election (or in lieu thereof a caucus or convention of a political
- 9 party); \$ 600

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

13 (i) No person shall make any contribution or contributions to
 14 any candidate or the candidate committee of any candidate in the
 15 form of money or currency of the United States which in the ag-
 16 gregate exceeds \$100 for any one primary or general election, and
 17 no candidate or candidate committee of any candidate shall accept
 18 any contribution or contributions in the form of money or currency
 19 of the United States which in the aggregate exceeds \$100 from any
 20 one person for any one primary or general election.

21 ~~(j) The aggregate amount of all contributions accepted by a~~
 22 ~~candidate and such candidate's candidate committee from political~~
 23 ~~committees shall not exceed the aggregate amount of all contri-~~
 24 ~~butions accepted by such candidate and such candidates' candidate~~
 25 ~~committee from individuals.~~

26 Sec. 12. K.S.A. 1990 Supp. 25-4153a is hereby amended to read
 27 as follows: 25-4153a. (a) No registered lobbyist or political com-
 28 mittee or political committee shall make a contribution as defined
 29 by subsection (d) of K.S.A. 25-4143 and amendments thereto
 30 to any legislator, candidate for membership in the senate or house
 31 of representatives or candidate committee for any such legislator or
 32 candidate after January 1 and prior to May 15 of any year or at any
 33 other time in which the legislature is in session and no such leg-
 34 islator, candidate or committee shall accept any contribution as de-
 35 fined by subsection (d) of K.S.A. 25-4143 and amendments
 36 thereto from any registered lobbyist or political committee or
 37 political committee during such period.

38 (b) No person, other than an individual, shall make a contri-
 39 bution to any candidate or the candidate committee of any candidate
 40 for state or local office and no candidate or candidate committee for
 41 any candidate for state or local office shall accept any contribution
 42 from any person other than an individual.

43 Sec. 13. K.S.A. 1990 Supp. 25-4157a is hereby amended to read

1 plaint shall no longer be confidential and may be disclosed. Upon
2 making any such finding, the commission shall fix a time for a hearing
3 of the matter, which shall be not more than 30 days after such
4 finding. In either event the commission shall notify the complainant
5 and respondent of its determination.

6 New Sec. 16. ~~(a) No officer or employee of the state of Kansas,~~
7 ~~any county, any city of the first class or the board of public utilities~~ or
8 ~~of the city of Kansas City, Kansas,~~ shall use or authorize the use of
9 public funds or public vehicles, machinery, equipment or supplies
10 of any such governmental agency or the time of any officer or em-
11 ployee of any such governmental agency, for which the officer of
12 employee is compensated by such governmental agency, for the
13 purpose of influencing the nomination or election of any candidate
14 to state office or local office. The provisions of this section prohibiting
15 the use of time of any officer or employee for such purposes shall
16 not apply to an incumbent officer campaigning for nomination or
17 reelection to a succeeding term to such office or to members of the
18 personal staff of any elected officer.

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

21 Sec. 17. K.S.A. 25-4178 is hereby amended to read as follows:
22 25-4178. (a) All advisory opinions of the ~~governmental ethics~~ com-
23 mission created by K.S.A. 25-4119a *and amendments thereto* and
24 which opinions were rendered prior to the effective date of this act
25 and concerned campaign finance shall continue to be in force and
26 effect respecting the provisions of law contained in the campaign
27 finance act and shall be deemed advisory opinions of the ~~Kansas~~
28 ~~public disclosure~~ commission concerning the provisions of the cam-
29 paign finance act until revised, amended or nullified pursuant to
30 law.

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

39 Sec. 18. K.S.A. 1990 Supp. 25-4180 is hereby amended to read
40 as follows: 25-4180. (a) Every person who engages in any activity
41 promoting or opposing the adoption or repeal of any provision of
42 the Kansas constitution and who accepts moneys or property for the
43 purpose of engaging in such activity shall make an annual report to

1 with the reporting requirements before a civil penalty shall be im-
 2 posed for each day that the required documents remain unfiled. If
 3 such person fails to comply within the prescribed period, such person
 4 shall pay to the state a civil penalty of \$10 per day for each day
 5 that such report remains unfiled, except that no such civil penalty
 6 shall exceed \$300. The ~~Kansas public disclosure~~ commission may
 7 waive, for good cause, payment of any civil penalty imposed by this
 8 section.

9 (2) Civil penalties provided for by this section shall be paid to
 10 the state treasurer, who shall deposit the same in the state treasury
 11 to the credit of the ~~state general~~ *Kansas governmental ethics com-*
 12 *mission fee* fund.

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

17 (c) The intentional failure to file any report required by subsec-
 18 tion (a) is a class A misdemeanor.

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

21 Sec. 19. K.S.A. 1990 Supp. 25-4181 is hereby amended to read
 22 as follows: 25-4181. (a) The ~~public disclosure~~ *Kansas governmental*
 23 *ethics* commission, in addition to any other penalty prescribed under
 24 the campaign finance act, may assess a civil fine, after proper notice
 25 and an opportunity to be heard, against any person for a violation
 26 of the campaign finance act in an amount not to exceed \$5,000 for
 27 the first violation, \$10,000 for the second violation and \$15,000 for
 28 the third violation and for each subsequent violation. All fines as-
 29 sessed and collected under this section shall be remitted promptly
 30 to the state treasurer. Upon receipt thereof, the state treasurer shall
 31 deposit the entire amount in the state treasury and credit it to the
 32 ~~state general~~ *Kansas governmental ethics commission fee* fund.

33 (b) *No individual who has failed to pay any civil fine assessed,*
 34 *or failed to file any report required to be filed, under the campaign*
 35 *finance act shall be ~~eligible to become a candidate for state office~~*
 36 *or local office under the laws of the state until such fine has been*
 37 *paid or such report has been filed or both such fine has been paid*
 38 *and such report filed.*

39 Sec. 20. K.S.A. 1990 Supp. 25-4182 is hereby amended to read
 40 as follows: 25-4182. (a) If the ~~public disclosure~~ *Kansas governmental*
 41 *ethics* commission determines after notice and opportunity for a hear-
 42 ing that any person has engaged or is engaging in any act or practice
 43 constituting a violation of any provision of the campaign finance act

permitted to take or subscribe to the
 oath or affirmation of any elective

1 officer or employee *be substantially involved in the preparation of*
 2 *or participate in the making of a contract with any person or business*
 3 *by which such officer or employee is employed or in whose business*
 4 *such officer or employee or any member of such officer's or em-*
 5 *ployee's immediate family has a substantial interest and no such*
 6 *person or business shall enter into any contract where any state*
 7 *officer or employee, acting in such capacity, is a signatory to, has*
 8 *been substantially involved in the preparation of or is a participant*
 9 *in the making of such contract and is employed by such person or*
 10 *business or such officer or employee or any member of such officer's*
 11 *or employee's immediate family has a substantial interest in such*
 12 *person or business.*

13 Whenever any individual has, within the preceding two years
 14 participated as a state officer or employee in the making of any
 15 contract with any person or business, such individual shall not accept
 16 employment with such person or business for one year following
 17 termination of employment as a state officer or employee.

18 (b) No individual shall, while a legislator or within one year after
 19 the expiration of a term as legislator, be interested pecuniarily, either
 20 directly or indirectly, in any contract with the state, which contract
 21 is funded in whole or in part by any appropriation or is authorized
 22 by any law passed during such term, except that the prohibition of
 23 this subsection (b) shall not apply to any contract interest in relation
 24 to which a disclosure statement is filed as provided by K.S.A. 46-
 25 239, *and amendments thereto.*

26 (c) No individual, while a legislator or within one year after the
 27 expiration of a term as a legislator, shall as a litigant or by repre-
 28 senting any person in a court proceeding attack any legislative action
 29 taken or enactment made during any term such individual served
 30 as a legislator as being unconstitutional because of error in the leg-
 31 islative process with respect to such action or enactment. The pro-
 32 hibition of this subsection (c) shall not apply to a current or former
 33 legislator charged with a violation of such legislative action or
 34 enactment.

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

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

38 (2) Contracts for property or services for which the price or rate
 39 is fixed by law.

40 Sec. 29. K.S.A. 1990 Supp. 46-237 is hereby amended to read
 41 as follows: 46-237. (a) No state officer or employee or candidate for
 42 state office shall accept, or agree to accept any economic opportunity,
 43 gift, loan, gratuity, special discount, favor, hospitality, or service

unless said legislator declared on
 the record, during such term, that
 such legislation was unconstitutional

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

5 (e) Whenever more than one lobbyist is employed by a
 6 single employer *lobbyist's principal*, the reports required by
 7 this section relating to such employer *lobbyist's principal* shall
 8 be made by only one such lobbyist and that lobbyist shall be
 9 the lobbyist who is most directly connected with the particular
 10 expenditure or gift, honoraria or payment. No expenditure or
 11 gift, honoraria or payment required to be reported by this sec-
 12 tion shall be reported by more than one lobbyist.

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

18 Sec. 39. K.S.A. 1990 Supp. 46-269 is hereby amended to read
 19 as follows: 46-269. Each report under K.S.A. 46-268, and amend-
 20 ments thereto, shall disclose the following: (a) The full name and
 21 address of each person who has paid compensation for lobbying
 22 to the lobbyist or has paid for expenses of lobbying by the
 23 lobbyist *lobbyist's principal for whom such lobbyist has acted during*
 24 *the period reported.*

25 (b) The aggregate amount or value of all expenditures made,
 26 ~~except for expenses of general office overhead,~~ by the lobbyist or
 27 by the lobbyist's employer *principal* for or in direct relation to
 28 lobbying during the reporting period, ~~if such expenditures exceed~~
 29 ~~\$100.~~ [for the following purposes:

- 30 ~~[(1) Food and beverages provided as hospitality;~~ → entertainment
 31 ~~[(2) entertainment, gifts, honoraria or payments;~~
 32 ~~[(3) mass media communications;~~
 33 ~~[(4) preparation of proposals, position papers and similar~~
 34 ~~documents;~~
 35 ~~[(5) travel, lodging and mileage expenses;~~
 36 ~~[(6) communications for the purpose of influencing legislative or~~
 37 ~~executive action; and~~

38 [(7) all other expenditures made in the performance of services
 39 as a lobbyist, except that the provisions of this subdivision shall not
 40 include salaries, fees, retainers and any other compensation re-
 41 ceived for the performance of services as a lobbyist.] Individual
 42 expenditures of less than \$2 shall not be required to be reported
 43 under this subsection. Such expenditures shall be reported accord-

1 ing to categories of expenditures established by rules and regulations
 2 of the Kansas public disclosure commission. With regard to ex-
 3 penditures for entertainment or hospitality which is primarily food _____, entertainment
 4 and beverages, only amounts expended on a state officer or em-
 5 ployee or on such officer or employee's spouse shall be considered
 6 to be for or in direct relation to lobbying. Notwithstanding the
 7 requirements of this subsection and subsection (c), no lobbyist shall
 8 be responsible to report any expenditure by the lobbyist's employer
 9 principal of which such person has no knowledge.

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

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

15 (e) [(d)] Whenever more than one lobbyist is employed by a
 16 single employer lobbyist's principal, the reports required by this
 17 section relating to such employer lobbyist's principal shall be made
 18 by only one such lobbyist and that lobbyist shall be the lobbyist
 19 who is most directly connected with the particular expenditure or
 20 gift, honoraria or payment. No expenditure or gift, honoraria or
 21 payment required to be reported by this section shall be reported
 22 by more than one lobbyist.

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

28 Sec. 40. K.S.A. 46-271 is hereby amended to read as follows:
 29 46-271. (a) No lobbyist shall offer, pay, give or make any economic
 30 opportunity, gift, loan, gratuity, special discount, favor, hospitality,
 31 or service having an aggregate value of one hundred dollars (\$100)
 32 \$20 or more in any calendar year to any state officer or employee
 33 or candidate for state office with a major purpose of influencing such
 34 officer or employee in the performance of official duties or pro-
 35 spective official duties. Hospitality in the form of food and beverages _____, entertainment
 36 are presumed not to be given to influence a state officer or employee
 37 or candidate for state office in the performance of official duties,
 38 except when a particular course of official action is to be followed
 39 as a condition thereon.

40 Except when a particular course of official action is to be followed
 41 as a condition thereon, this section shall not apply to: (1) Any con-
 42 tribution reported in compliance with the campaign finance act as
 43 amended; or (2) a commercially reasonable loan or other commercial