

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Rep. Carol Dawson, at approximately 9:00 a.m. on March 5, 1996 in Room 526-S of the Capitol.

All members were present except: Rep. David Haley, Excused
 Rep. Dee Yoh, Excused

Committee staff present: Dennis Hodgins, Legislative Research Department
 Carolyn Rampey, Legislative Research Department
 Jim Wilson, Revisor of Statutes
 Donna Luttjohann, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Continue hearing on:

HB 3000: Prescribing certain standards governing ethics and conduct for public officers and employees

Chair Dawson recognized Jim Wilson and requested he make the written description available to the Committee members. He was asked to take each changed section of the bill separately and explain and discuss them with the Committee. See Attachment 1.

Madam Chairman Dawson told the Committee she was open to suggestions by the Committee on their ideas on how to work the bill, whether it should be acted on section by section or the bill as a whole. She noted that the decision would not be unanimous because it is such a large bill. She would only entertain a motion when she felt the Committee was ready. Madam Chairman Dawson explained what the Committee's schedule would be for the week.

The minutes for February 15 and 21, 1996 were brought to the Committee's attention. Rep. Gilbert made a motion to approve the minutes. Rep. Benlon seconded the motion. The motion carried.

The Madam Chair adjourned the meeting at 10:32 a.m. and announced that the next meeting would be March 6, 1996, at 9:00 a.m. at the Capitol in Room 521-S.

GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE GUEST LIST

DATE: March 5, 1996

NAME	REPRESENTING
Nancy Helen Daniels	K Dept of Transportation
Tom Wilton	State Treasurer's
John Morrison	KANSAS Insurance Dept
Melissa Wagemann	Kansas News Service
Connie Stewart	Ken Ebert & Weer
Frank Neff	KS AFL-CIO
Ron Smith	Organizing Committee for the Independence Party in Kansas
Ed Rowe	KS Bus Assoc
Kim Gulley	League of Women Voters / KS
Tom Brand	League of KS Municipalities
Colleen Hopper	Alumni Assoc - Senate
Keith R Landis	CMO
Craig Grant	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
David B. Schussler	ANFA
David Grant	Pete McGill & Assoc
Jim Yacalley	KCCJ
Don Miller	USD # 512

Kevin Robertson
Oran Burnett

BARBEED Assoc.
USD 501 #

Memorandum

TO: House Committee on Governmental Organization and Elections
FROM: Jim Wilson, First Assistant Revisor
DATE: February 29, 1996
SUBJECT: Section-by-Section Descriptive Outline of 1996 House Bill No. 3000

*House GO + Elections
3-5-96
Attachment #1*

This descriptive outline was prepared by staff of the Office of Revisor of Statutes, with assistance of staff of the Legislative Research Department, to assist the House Committee on Governmental Organization and Elections in its review and consideration of 1996 House Bill No. 3000. It is not intended to be and is not a comprehensive review of all aspects of this bill, but is intended to be used in conjunction with the printed bill and the balloon of proposed technical and other amendments which was distributed to the Committee on February 23, 1996.

Generally, House Bill No. 3000 has provisions relating to State and Local Government Campaign Finance, State and Local Governmental Ethics, and State and Local Governmental Lobbying. The portions of HB 3000 relating to these subject areas are generally described as follows:

STATE CAMPAIGN FINANCE
Sec. 2 through 6
[Pg 1 through 10]

STATE GOVERNMENTAL ETHICS
Sec. 15 through 25
[Pg 18-22]

LOCAL GOVERNMENTAL ETHICS
Sec. 52 through 59
[Pg 47 through 49]

LOCAL CAMPAIGN FINANCE
Sec. 7 through 12
[Pg 10-16]

STATE GOVT LOBBYING
Sec. 26 through 43
[Pg 22 through 39]

STATE GOVERNMENTAL ETHICS
Sec. 60 through 72
[Pg 49 through 56]

KANSAS CRIMINAL LAW
Sec. 13 and 14
[Pg 16 through 18]

LOCAL GOVT LOBBYING
Sec. 45 through 51
[Pg 39 through 47]

Outline of HB 3000

[Brackets refer to Bill Pg numbers]

CURRENT LAW

Sec. 1. AMENDS K.S.A. 215
[Pg 1]
STATE GOVERNMENTAL ETHICS
Specifies application of certain
definitions for State Governmental Ethics
statutes

STATE CAMPAIGN FINANCE

Sec. 2 through 6
[Pg 1 through 10]

Sec. 2. K.S.A. 25-4153
[Pg 1]
Campaign contributions, limits on
amounts -- [PACs and Persons -- not Party
committees]

State Officer - elected state as a whole
\$2,000 -- primary and general

State Representative, district judge,
District Magistrate Judge, Dist Att'y, State
Bd of Ed, or Local Office Candidates
[Pg 2]
\$500 -- primary and general

State Senator
\$1,000 -- primary and general

Contested Primaries - sub (g)
[Pg 2-3]

Outline of HB 3000

PROPOSED POLICY CHANGES

Sec. 1. K.S.A. 215

STRICKEN BY BALLOON

STATE CAMPAIGN FINANCE

Sec. 2 through 6

Sec. 2. K.S.A. 25-4153
Campaign contributions, limits on
amounts -- Amounts changed, but not for
contested primary
-- Representatives are grouped with
Senators in all cases -- net effect is
increase for Representatives (from \$500 to
\$1,000) in contested primaries

State Officer - elected state as a whole
\$1,000 -- primary and general [down
from \$2,000]

State Representative, district judge,
District Magistrate Judge, Dist Att'y,
State Bd of Ed, or Local Office Candidates
\$250 -- primary and general [down from
\$500]

State Senator and State Representative
\$350 -- primary and general [down from
\$1,000, Representatives down from
\$500]

HOUSE GOVT ORG & ELECTN
March 5, 1996
NO PAC to PAC contributions Attachment 1-2
sub (j)

[Similar local level proposal -- See New
Sec 9 sub(d) -- pg 12-13]

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Sec. 3. K.S.A. 1995 Supp. 25-4143
[Pg 3-6]

Campaign finance definitions

(d) "Contribution" -- pg 3-4

(g) "Party committee" --pg 5

(h) "Person" -- pg 5

(i) "Political committee" -- pg 5

Proposed value of volunteer services
change removed by balloon

"Person" -- broadened to include
additional forms of businesses and other
entities

"Political committee" - broaden to
include entities which both receive
contributions and make either contributions
or expenditures

Sec. 4. K.S.A. 1995 Supp. 25-4145

Statement of organization to also
include names and addresses of officers and
directors

Prohibition on candidate, state or
local officer, officer-elect, etc., being
officer of political committee or to be a
member of a political committee of 10 or
fewer members

Sec. 5. K.S.A. 25-4148

Separate into two forms of reports --
contributions by (1) individuals and (2)
entities other than individuals

Sec. 6. K.S.A. 25-4149

Election cycle for limiting
contributions -- technical

Sec. 3. K.S.A. 1995 Supp. 25-4143
Campaign finance definitions

"Contribution" -- rewording to include
payment of compensation by political
committees to individuals for personal
services -- Balloon pg 4

(n) "Local office" -- pg 6

Sec. 4. K.S.A. 1995 Supp. 25-4145
[Pg 6-7]

Party and political committees,
appointment of chairperson and treasurer,
statement of organization, political
committees annual registration fees

Sec. 5. K.S.A. 25-4148
[Pg 7-9]

Reports required of treasurer, when
filed, contents

Reports -- Contributions by persons (all
entities)

Sec. 6. K.S.A. 25-4149
[Pg 9-10]

Campaign cycles for primary and
general elections; allocation of
contributions and other receipts and
expenditures

HOUSE GOVT ORG & ELECTIONS
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Attachment 1-3

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LOCAL CAMPAIGN FINANCE

Sec. 7 through 12

[Pg 10-16]

Sec. 7. K.S.A. 25-901

[Pg 10-11]

Local election campaign finance; organizations promoting or opposing candidates or propositions to have treasurer, keep accounts and records; annual statements filed by December 31. Reports filed with county election officer

LOCAL CAMPAIGN FINANCE

Sec. 7 through 12

Sec. 7. K.S.A. 25-901

(a) Organization list expanded; In candidate elections, appoint treasurer, keep accounts and records of contributions and expenditures -- three reports as in state elections;

(b) In question-submitted elections, all persons or municipalities shall appoint treasurer, keep accounts and records of contributions and expenditures -- report 8th day prior to election and December 31st
Copy of reports to secretary of state

(c) Defines "person" [Parallels the state level definition -- See Sec. 3. K.S.A. 1995 Supp. 25-4143 sub(h) "Person" -- pg 5]

(d) Defines "municipality"

Sec. 8. K.S.A. 25-904

[Pg 11-12]

Candidate's receiving and expending contributions of

less than \$500, affidavit of intent within nine days before the primary;

more than \$500, report 30 days following primary and general election; report of contributions exceeding \$50 and statement of expenditures and obligations

incurred. Reports filed with county election officer

NEW Sec. 9.

[Pg 12-13]

There is no current law applicable to those not subject to the state level act.

[Local officials under state level -- See Sec. 3. K.S.A. 1995 Supp. 25-4143 sub(n) "Local office" -- pg 6]

Sec. 8. K.S.A. 25-904

(a) All "non-state act" candidates and candidate committees shall appoint a treasurer (may be candidate), keep accounts and file reports

(b) Each candidate or candidate committee expecting to expend or receive less than \$500 file affidavit with county election officer and with Sec of State 8th day preceding election -- no reports required

(c) Candidates spending over \$500, all file three reports under Sec 10 [Same as under state act]

(d) Exemption - those under State Act [Comparable section in state act see Sec 5 KSA 25-4148 -- pg 7-9]

NEW Sec. 9.

(a) All KSA 25-904 candidates and candidate committees shall appoint treasurer who may be the candidate [Comparable to KSA 25-4144]

(b) Keep records and accounts of contributions and expenditures [Comparable to KSA 25-4147 (e)]

(c) No commingling of funds or property [Comparable to KSA 25-4147 (e)]

(d) No PAC to PAC contributions [Similar state level proposal -- See Sec 2 KSA 25-4153 sub(j) -- pg 3, lines 23-24]

NEW Sec. 10.
[Pg 13-15]

There is no current law applicable to those not subject to the state level act.

NEW Sec. 11.
[Pg 15]

There is no current law applicable to those not subject to the state level act.

Sec. 12. K.S.A. 25-905
[Pg 15-16]

Penalties for violation of KSA 25-904; exemptions; notice to candidates

NEW Sec. 10.

Treasurer's reports; filing schedule same as state level

[Contents similar to state level KSA 21-4144, which is not proposed to be amended in bill]

NEW Sec. 11.

Contribution limits for persons and PAC's -- \$350, election cycle; election cycles established, same as at state level

Sec. 12. K.S.A. 25-905

Penalties for violation of KSA 25-901, 25-904, or sections 9, 10 or 11

Candidate and treasurer failing to file reports ineligible to become candidate

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KANSAS CRIMINAL STATUTES

KANSAS CRIMINAL STATUTES

Sec. 13 and 14
[Pg 16 through 18]

Sec. 13. K.S.A. 21-3902
[Page 16 & 17]

Official misconduct -- lists various acts constituting misconduct and prescribes penalties

Sec. 14. K.S.A. 21-3910
[Page 17 & 18]

Misuse of public funds -- defined misuse of any money or negotiable

instrument

which belongs to:

the state or

any political subdivision

Sec. 13. K.S.A. 21-3902
[Page 16 & 17]

Official misconduct -- Adds entering into or performing any contract in violation of NEW Sections 17, 18, 53 or 54 as official misconduct.

"Private benefit or gain" is defined (Pg 17 -- lines 30 through 34)
[Defined for state ethics -- see Sec 25 KSA 46-216 sub (b) -- pg 22]

Sec. 14. K.S.A. 21-3910
[Page 17 & 18]

Misuse of public funds -- Changed to define the crime of "misuse of public property" which is broadly defined to include any money, instrument, negotiable instrument, property, vehicle, machinery, equipment, supplies, facilities, time, human labor, information, or other resources or property interests
[current law specifies only money or negotiable instruments]

which belong to:

the state or any "state agency"
(defined in KSA 46-224, amended by Sec 28 - pg 23), [current law specifies only the state -- not a big difference] or

any municipality (defined by KSA 35-901, amended by section 7 -- pg 10), [not previously specified in current law] or

any political or taxing subdivision
[current law specifies political subdivisions only -- this is broader]

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STATE GOVERNMENTAL ETHICS

Sec. 15 through 25

[Pg 18-22]

NEW Sec. 15.
[Pg 18]

NEW Sec. 16.
[Pg 18]

NEW Sec. 17.
[Pg 18]

STATE GOVERNMENTAL ETHICS

Sec. 15 through 25

NEW Sec. 15.

Prohibits state agency from publishing and distributing hospitality "social calendar."

NEW Sec. 16.

Requiring state officers and employees to file reports with the secretary of state of all official travel for trips in excess of 50 miles

NEW Sec. 17.

[Page 18 -- balloon pg 18b]

No state officer or employee, or any related person or associated person, shall enter into any contract for property, goods or services payable from state or local funds,

Except: (1) personal services performed solely by the individual

(Any such contract shall be filed with the commission.)

(2) pursuant to a contract entered into by competitive bids, or

(3) where the compensation is fixed by statutes or regulations of executive branch agency administering the contract.

No individual who is an officer of legislative or executive branch shall be an officer or employee of any of the other two branches.

No state officer shall be elected or appointed as any local governmental officer (defined by pg 40, line 26). HOUSE GOVT ORG & ELECTIONS
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Attachment 1-8

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NEW Sec. 18.
[Pg 18]

NEW Sec. 19.
[Pg 18]

Sec. 20. K.S.A. 1995 Supp. 46-236
[Pg 18-19]

Solicitations of gifts and economic opportunities, etc., by state officers and employees prohibited; exceptions

NEW Sec. 18.
[Page 18 -- balloon pg 18c]

No state officer or employee shall participate in making appropriations for any contract for any property, goods or services provided by the state officer or employee, or any related person or associated person.

Except: (1) a contract entered into by competitive bids, or

(2) legislators and the governor acting on legislation fixing their compensation and expense allowances.

NEW Sec. 19.
Prohibits state officers and employees from "extra" compensation for advise or assistance in lobbying legislature

Sec. 20. K.S.A. 1995 Supp. 46-236
Applies current law to "future, promised or contingent" gifts or economic opportunities

Makes contracts for the same unenforceable at law

Sec. 21. K.S.A. 1995 Supp. 46-237
[Pg 19-22]

Limitations on gifts, etc., accepted by state officers, employees and agencies limited to \$40 in value; exceptions for hospitality

Sec. 22. K.S.A. 46-271
[Pg 21]

Limitation on gifts, etc., by lobbyists to \$40 in value; exception for hospitality

Sec. 23. K.S.A. 46-272
[Pg 21-22]

Payments by lobbyists for property or services, "substantially" in excess of value

Sec. 24. K.S.A. 46-216
[Pg 22]

Defines "compensation"

Sec. 25. K.S.A. 46-217
[Pg 21-22]

Defines "economic opportunity"

Sec. 21. K.S.A. 1995 Supp. 46-237

Applies current law to "future, promised or contingent" gifts or economic opportunities; hospitality to include continuing education seminars that participants pay for credit

Sec. 22. K.S.A. 46-271

Applies current law to "future, promised or contingent" gifts or economic opportunities and to items "arranged for"

Sec. 23. K.S.A. 46-272

Includes payment "arranged for" or to "associated or related persons" and to "present, future, promised or contingent;" where the amount is "materially" in excess of normal price;

Makes contracts for the same unenforceable at law

Sec. 24. K.S.A. 46-216

Adds "rights and interests" to things constituting compensation

Sec. 25. K.S.A. 46-217

Includes "goods" within definition of economic opportunity

"Private benefit or gain" defined
[Defined for Criminal Statute -- see
Sec 13 KSA 21-3902 sub (d) -- pg 17]

HOUSE GOVT ORG AND ELECTIONS
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Attachment 1-10

STATE GOVERNMENTAL LOBBYING

Sec. 26 through 43

[Pg 22 through 39]

Sec. 26. K.S.A. 46-225

[Pg 22-23]

Defines Lobbying as promoting legislative action or adoption of rules and regulations; no legislator may be hired as a lobbyist

Sec. 27. K.S.A. 46-222

[Pg 23]

Defines Lobbyist as:

1. A person employed in lobbying;
2. a person appointed to represent an organization;
3. expending \$100 or more lobbying

Sec. 28. K.S.A. 46-224

[Pg 23-24]

Defines "state agency"

Defines "rules and regulations"

STATE GOVERNMENTAL ETHICS - LOBBYING

Sec. 26 through 43

Sec. 26. K.S.A. 46-225

Expands "lobbying" to include "influencing" any state agency; excludes the practice of law

Sec. 27. K.S.A. 46-222

Any person who engages in "lobbying" is a "lobbyist," excepting elected officers

Sec. 28. K.S.A. 46-224

Deletes definition of "rules and regulations"

Sec. 29. K.S.A. 46-265

[Pg 24-27]

Registration of Lobbyists; forms and content; termination; persons denied registration.

Registration information:

- (1) Name and address of lobbyist,
- (2) Name and address of person compensating the lobbyist,
- (3) the purpose of the employment
- (4) the method of determining compensation

Sec. 29. K.S.A. 46-265

Persons required to register as "lobbyists" include any person who is "appointed as a lobbyist" or who incurs expenses of \$100 or more, ~~exclusive of personal travel and subsistence expenses,~~ in a calendar year for lobbying (similar to

current law definition of lobbyist under KSA 46-227)

Includes lobbyist "principal" which would be referred to as the "represented person"

Expands information and items to be included in registration statement:

- (1) A recent black and white photograph of a size prescribed by secretary of state,
- (2) if not an individual, list all lobbyists who are officers, agents or employees of the registrant, and the name of the responsible individual (for filing statements and reports and keeping records),
- (3) statement that the responsible individual has read and is familiar with lobbying laws and the Code adopted by the commission,
- (4) list the entities or agencies whose legislative or administrative actions the lobbyist will attempt to influence for each represented person

Two classes of lobbyists:

- (1) "registered associates" with basic registration requirements; and
- (2) "certified lobbyists" (a voluntary category) with additional requirements including a statement
 - (a) familiarity with the lobbying laws, rules and regulations, and

(b) presentation of only accurate and truthful information; won't participate in any effort to deceive while lobbying,

(c) not represent ability to control official action, and

(d) compliance "at all times" with a code of conduct to be adopted by the commission

Space or facilities in the capitol can be assigned only for use by certified lobbyists

NEW Sec. 30.
[Pg 27-30]

NEW Sec. 30.

Stricken by Balloon -- could be used to specify additional guidelines for the lobbyists' code of professional responsibility to be adopted by commission

Sec. 31. K.S.A. 46-232
[Pg 30-31]

State officers and employees lobbying own agency for compensation prohibited

Sec. 31. K.S.A. 46-232

No state officer or state officer elect may engage in lobbying [current law prohibits legislators from lobbying, see KSA 46-225 (f) amended by Sec 26 -- pg 23]

nor solicit or accept any present, future or promised or contingent compensation therefor

nor be employed as a lobbyist

No associated or related person may lobby when the state officer or employee to whom such person is associated or related may not lobby

No state officer or employee can engage in lobbying or be employed as a lobbyist within one year of termination from the state office or employment

Sec. 32. K.S.A. 1995 Supp. 46-268
[Pg 30-31]

Lobbyist reports; time of filing;
affidavits filed if expending less than \$100

Sec. 33. K.S.A. 46-269
[Pg 32-36]

Lobbyist reports; information and
contents

Sec. 32. K.S.A. 1995 Supp. 46-268
Report of lobbying expenses to include
expenditures "arranged for" by the lobbyist
in addition to those incurred

Each report to be verified in
accordance with KSA 53-601 [see attached]

Sec. 33. K.S.A. 46-269
Separate reports for legislative and
non-legislative lobbying.

List of types and extent of
information required expanded to reveal
"all lobbying expenses except for profits
and margins"

Specific additional categories
include:

- (1) Dues and memberships above the
prescribed minimum;
- (2) compensation paid to both
lobbyists reporting expenses and those not
reporting expenses;
- (3) all other expenses deductible as a
business expense under the federal internal
revenue code.

Detailed accounts and records as
required by rules and regulations of the

commission

Amounts and values of expenses is to
be determined on the basis of the cost to
the lobbyist or the fair market value.

Amended reports are to be filed within
10 days of changes requiring the amended
filing.

NEW Sec. 34.

Prohibits the transfer or arranging for the transfer of anything of value in any fashion by a person while lobbying, to any state officer or employee, or any associated or related person, for the officer or employee's private benefit or gain on terms not available to the public

(Prohibits lobbying expenditures which are not reported or which are not required to be reported.)

Sec. 35. K.S.A. 46-267

Expands prohibition relating to contingent fees; prohibits payment of fees for referral to lobbyist; requires lobbying agreements to be in writing to be enforceable.

NEW Sec. 36.

Prohibits division of lobbying fee with person not registered as lobbyist

NEW Sec. 37.

Prohibits use of funds, property, equipment, time, labor, resources, etc., of a public agency for the purpose of lobbying any state officer or employee. [Similar to Sec 14 -- misuse of public property]

Making unlawful disposition of assets for political purpose would be a class B misdemeanor

Defines "public agency" for purposes of this section

Sec. 38. K.S.A. 46-270

Clarifies that badge must identify the person whose interests are being promoted by the lobbyist.

NEW Sec. 34.
[Pg 36]

Sec. 35. K.S.A. 46-267
[Pg 36]
Lobbying; prohibiting contingent fees

NEW Sec. 36.
[Pg 36-37]

NEW Sec. 37.
[Pg 37]

Sec. 38. K.S.A. 46-270
[Pg 37-38]
Lobbyist badge or name tag, description

Sec. 39. K.S.A. 46-266

[Pg 38]

Secretary of state maintains list of registered lobbyists; publication and distribution

Sec. 40. K.S.A. 46-274

[Pg 38]

Defines "unlawful lobbying;" failure to register or file reports; class B misdemeanor

Sec. 41. K.S.A. 46-275

[Pg 38]

Giving false lobbying information; false or incomplete registration or report; class B misdemeanor

NEW Sec. 42.

[Pg 38-39]

Sec. 43. K.S.A. 46-227

[Pg 39]

Defines "associated person"

NEW Sec. 44.

[Pg 39]

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Sec. 39. K.S.A. 46-266

Secretary of state to publish list of only those lobbyists who are certified lobbyists.

Sec. 40. K.S.A. 46-274

Adds amended reports and registrations

Sec. 41. K.S.A. 46-275

Expands giving false lobbying information to include making false statements or misrepresenting facts under New Sec. 42

NEW Sec. 42.

Prohibits knowingly and willingly making false statements or misrepresentations or misrepresenting facts or knowingly providing documents containing false statements while lobbying.

Sec. 43. K.S.A. 46-227

Expands definition of "associated person"

Adds definition of "related person" and "represented person"

NEW Sec. 44.

[New fee fund -- stricken by balloon]

LOCAL GOVERNMENTAL LOBBYING

Sec. 45 through 51

[Pg 39 through 47]

Sec. 45. K.S.A. 1995 Supp. 75-4301a

[Pg 39-42]

Definitions

"Substantial interest"

"Business"

"Local governmental employee"

"Local governmental officer"

"Candidate for local office"

"Governmental subdivision"

"Contracts"

"Acts"

"Compensation"

"Preceding calendar year"

NEW Sec. 46.

[Pg 42]

NEW Sec. 47.

[Pg 42-44]

LOCAL GOVERNMENTAL ETHICS - LOBBYING

Sec. 45 through 51

Sec. 45. K.S.A. 1995 Supp. 75-4301a

"Compensation" to also include any "right, interest" conferred on or "promised to"

New definitions:

"Lobbyist" as in Sec 27 KSA 46-222 [pg 23]

"Lobbying" as in Sec 26 KSA 46-225 [pg 22-23]

"Associated person" as in Sec 43 KSA 46-227 [pg 39]

"Related person" as in Sec 43 KSA 46-227 [pg 39]

NEW Sec. 46.

Local governmental officers or employees and associated and related persons prohibited from lobbying the officer or employee's governmental subdivision and receiving compensation specifically therefor; Local governmental officers or employees prohibited from lobbying within one year after termination from the governmental subdivision office or employment

[Comparable state provisions in Sec 31 KSA 46-232 -- pg 30-31]

NEW Sec. 47.

Lobbyist registration

(1) Filed with county clerk on form prescribed by secretary of state

(2) Registration statement must be affirmed

(3) Information required is comparable to requirements for state registration of lobbyists under Sec 29 -- KSA 46-265 [pg 24-27]

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NEW Sec. 48.
[Pg 44]

NEW Sec. 48.

Report of lobbying expenses, if expenses exceed \$100

- (1) Filed with county clerk on form prescribed by secretary of state
- (2) verified as provided in KSA 53-601 [see attached]
- (3) filed on or before the 10th of January and July
- (4) affidavit filed if expenditures expected are less than \$100

NEW Sec. 49.
[Pg 44-47]

[Comparable to state requirements in Sec 32 -- KSA 1995 Supp 46-268 -- pg 31-32]

NEW Sec. 50.
[Pg 47]

NEW Sec. 49.

Lobbyist expenses; reporting

NEW Sec. 51.
[Pg 47]

requirements -- both the information required and the categories for reporting are comparable to those required under the state reporting provisions for lobbyists in Sec 33 -- KSA 46-269 [pg 32-36]

NEW Sec. 50.

Prohibits transfers of anything of value by lobbyist to local governmental officers or employees on terms not available to the general public; exceptions

[Comparable to New Sec 34 -- pg 36]

NEW Sec. 51.

Prohibits lobbyists from paying or arranging for payment of compensation for property, goods or services materially in excess of price in ordinary course of business; any such contract made unenforceable at law.

HOUSE GOVT ORG
& ELECTIONS
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Attachment 1-18

[Comparable to New Sec 18 -- pg 18 or 18c in balloon]

LOCAL GOVERNMENTAL ETHICS
Sec. 52 through 59

LOCAL GOVERNMENTAL ETHICS
Sec. 52 through 59
[Pg 47 through 49]

Sec. 52. K.S.A. 1995 Supp. 75-4304
[Pg 47-48]

Local governmental officers and employees are prohibited from making or participating in making contracts between the local governmental entity and the local governmental officer or employee's private employer, or an entity in which the officer or employee has a substantial interest; exceptions and penalties

NEW Sec. 53.
[Pg 48]

Sec. 52. K.S.A. 1995 Supp. 75-4304

Prohibition against making or participating in making contracts is extended to members of family or household and associated and related persons;

Within one year after termination of service as a local governmental officer or employee, no individual may be interested, directly or indirectly, in any contract with the governmental subdivision for which the individual was an officer or employee.

[Comparable to Sec 61 -- KSA 1995 Supp 46-233 -- now stricken from the balloon]

NEW Sec. 53.
[Page 48]

Prohibits local governmental officer from participating in making appropriation to fund contracts under which the officer would provide goods, services, etc., to the governmental subdivision; except for contracts entered into by competitive bids and for fixing the officers' own salaries.

[Comparable to New Sec 18 for state governmental ethics -- pg 18 or 18c in balloon]

NEW Sec. 54.
[Pg 48]

NEW Sec. 55.
[Pg 48]

NEW Sec. 56.
[Pg 48-49]

NEW Section 54.

[Page 48]

Prohibits local governmental officers and employees or related or associated persons from entering into contracts under which the officer or employee, or related or associated persons, would provide goods or services to be paid for from funds appropriated by the state or any municipality [defined Sec 7 -- KSA 25-901(d) -- pg 11]; exception for competitively bid contracts or contracts for personal services provided solely by the officer or employee which are filed with the commission

[Comparable to New Sec 17 for state governmental ethics -- pg 18 - 18b in balloon]

NEW Sec. 55.

Prohibits payment of contingent fee for lobbying governmental subdivisions; prohibits payment of fee for referral of persons to a lobbyist.

[Comparable to Sec 35 -- KSA 46-267 for state governmental ethics -- pg 36]

NEW Sec. 56.

Unlawful lobbying of a governmental subdivision is lobbying without being registered or being past due to file a required report; penalty is a class B misdemeanor

[Comparable to Sec 40 -- KSA 46-274 for state governmental ethics -- pg 38]

NEW Sec. 57.
[Pg 49]

NEW Sec. 58.
[Pg 49]

NEW Sec. 59.
[Pg 49]

STATE GOVERNMENTAL ETHICS
Sec. 60 through 72
[Pg 49 through 56]

Sec. 60. K.S.A. 46-246a
[Pg 49-50]

Nepotism prohibited; prohibiting state officers and employees from causing or advocating the employment, promotion, etc., of the members of such officer or employee's household or family.

Exemption for members of governor's staff.

NEW Sec. 57.

Prohibits knowingly or willfully making false statements or misrepresenting facts or presenting documents containing false statements while lobbying local government officers or employees.

[Comparable to New Sec 42 for state governmental ethics -- pg 38-39]

NEW Sec. 58.

Defines "public agency"[intended to apply to state governmental ethics]

Comparable to subsection (o) of Sec 45 -- KSA 1995 Supp 75-4301a -- pg 41-42]

NEW Sec. 59.

Requiring local governmental officers and employees to file reports with the county clerk of all official travel for trips in excess of 50 miles.

[Comparable to New Sec 16 -- pg 18]

STATE GOVERNMENTAL ETHICS
Sec. 60 through 72

Sec. 60. K.S.A. 46-246a

Adds the employment, promotion, etc., of "associated persons" and "related persons" to prohibition

Removes the exemption for members of governor's staff

Sec. 61. K.S.A. 46-233
[Pg 50]

Prohibition against state officers and employees being involved in preparation of contracts between the state agency and persons having a relationship with such officers or employees

NEW Sec. 62.
[Pg 51]

Sec. 63. K.S.A. 46-226
[Pg 51-52]

Sec. 64. K.S.A. 46-228
[Pg 52]

Sec. 65. K.S.A. 46-240
[Pg 52]

Sec. 66. K.S.A. 46-242
[Pg 52]

Sec. 67. K.S.A. 46-239
[Pg 52-53]

Sec. 61. K.S.A. 46-233
[stricken by balloon]

NEW Sec. 62.
[stricken by balloon]

Sec. 63. K.S.A. 46-226
[stricken by balloon]

Sec. 64. K.S.A. 46-228
[stricken by balloon]

Sec. 65. K.S.A. 46-240
[stricken by balloon]

Sec. 66. K.S.A. 46-242
[stricken by balloon]

Sec. 67. K.S.A. 46-239
[stricken by balloon]

Sec. 68. K.S.A. 46-253

[Pg 53-54]

Defines "commission"

Authorizes rules and regulations

Sec. 69. K.S.A. 46-255

[Pg 54]

Sec. 70. K.S.A. 46-256

[Pg 54-55]

Sec. 71. K.S.A. 46-257

[Pg 55]

Sec. 72. K.S.A. 46-258

[Pg 56]

Sec. 73. REPEALER (amended sections)

Sec. 74. EFFECTIVE DATE

NOVEMBER 6, 1996

Sec. 68. K.S.A. 46-253

No policy change -- technical only

Sec. 69. K.S.A. 46-255

[stricken by balloon]

Sec. 70. K.S.A. 46-256

[stricken by balloon]

Sec. 71. K.S.A. 46-257

[stricken by balloon]

Sec. 72. K.S.A. 46-258

[stricken by balloon]

Sec. 73. REPEALER (amended sections)

Also repeals K.S.A. 72-53,108

[See attached]

Sec. 74. EFFECTIVE DATE

NOVEMBER 6, 1996

Article 6.—UNSWORN DECLARATIONS

53-601. Unsworn declarations; written declaration sufficient, form; exceptions; relationship to notarial acts. (a) Except as provided by subsection (b), whenever a law of this state or any rules and regulations, order or requirement adopted or issued thereunder requires or permits a matter to be supported, evidenced, established or proved by the sworn written declaration, verification, certificate, statement, oath or affidavit of a person, such matter may be supported, evidenced, established or proved with the same force and effect by the unsworn written declaration, verification, certificate or statement dated and subscribed by the person as true, under penalty of perjury, in substantially the following form:

(1) If executed outside this state: "I declare (or verify, certify or state) under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct. Executed on (date).

(Signature)"

(2) If executed in this state: "I declare (or verify, certify or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).

(Signature)"

(b) The provisions of subsection (a) do not apply to the following oaths:

- (1) An oath of office.
- (2) An oath required to be taken before a specified official other than a notary public.
- (3) An oath of a testator or witnesses as required for wills, codicils, revocations of wills and codicils and republications of wills and codicils.

(c) A notarial act performed prior to the effective date of this act is not affected by this act. Nothing in this act diminishes or invalidates the recognition accorded to notarial acts by other laws of this state or rules and regulations adopted thereunder.

(d) On or after July 1, 1989, whenever an officer or partner listed in subsection (b) of K.S.A. 17-2718, subsection (c) of K.S.A. 17-7503, subsection (c) of K.S.A. 17-7504, subsection (c) of K.S.A. 17-7505, subsection (d) of K.S.A. 56-1a606 or subsection (d) of K.S.A. 56-1a607 and amendments thereto is required to execute a report before a notary or swear an oath before an officer authorized to administer oaths, in lieu thereof, such person may execute an unsworn declaration if such declaration is in substantial conformity with subsections (a), (b) and (c) of this section.

(e) On or after July 1, 1990, subsections (a), (b) and (c) of this section shall have general application.

History: L. 1989, ch. 93, § 1; July 1.

NEW SEC -- BALLOON ADDITION

Amends KSA 46-223 -- Defines "person" for State Governmental Ethics -- Conforms with the expanded definitions of "person" in

- Sec 3 KSA 1995 Supp 25-4143
[State Campaign Finance]
- Sec 7 KSA 25-901
[Local Campaign Finance]
- Sec 45 KSA 1995 Supp 75-4301a
[Local Governmental Lobbying]

72-53,108. Employment of lobbyists; validation of prior expenditures; definitions.

(a) The board of education of any school district is hereby authorized to offer employment to and employ lobbyists and other persons for lobbying and to pay any expenses incurred in connection therewith from the general fund of the school district.

(b) All expenditures heretofore made for the payment of expenses incurred by any school district in connection with or for the purpose of lobbying or the employment of lobbyists are hereby validated and approved in all respects, together with all proceedings authorizing such expenditures, and such expenditures and proceedings shall be valid as though they had been duly and legally authorized originally.

(c) As used in this section, the terms "lobbyist" and "lobbying" shall have the meanings respectively ascribed thereto in article 2 of chapter 46 of Kansas Statutes Annotated.

History: L. 1989, ch. 211, § 1; March 23.

} Repealed