

Approved: 4/29/96
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS, CONGRESSIONAL & LEGISLATIVE
APPORTIONMENT AND GOVERNMENTAL STANDARDS.

The meeting was called to order by Chairperson Janice Hardenburger at 11:00 a.m. on April 3, 1996 in Room 529-S of the Capitol.

All members were present

Committee staff present: Dennis Hodgins, Legislative Research Department
Gordon Self, Revisor of Statutes
Bonnie Fritts, Committee Secretary

Conferees appearing before the committee: Arden Ensley, Revisor of Statutes

Others attending: See attached list

Sub. H.B. 3000 **an act relating to governmental ethics and conduct; concerning public officers and employees; describing certain standards governing ethics and conduct**

Senator Ranson, chairperson of the subcommittee, briefed the full committee on the hearings and recommendations of the subcommittee. Several balloons were submitted to the committee for consideration.

Arden Ensley appeared before the committee and presented explanation of amendments recommended by the sub-committee (Attachment 1) (Attachment 2). He stated that there were many parts of the revision that needed to be resolved.

New Section 1 was deleted from the substitute bill, Section 2 retained. The Senate substitute would expand definitions of "contribution, person and political committee". "Contributions" expanded to include personal services rendered without charge by a political committee. "Person" expanded to include limited partnership and limited liability partnership, an company and a limited liability company, estate, business trust, group, proprietorship, joint venture, and unincorporated associated, a governmental agency unit, and a governmental subdivision. "Political Committee" expanded to individuals or any person who receives contributions and makes contributions or expenditures in support or opposition of a candidate or candidates for state or local office. New Section 2 would prohibit a candidate for state office, a state officer or state officer elect from serving as a chairperson, treasurer, officer, or director of a political committee or, if such committee has ten or fewer members, a member of a political committee. A civil fine would apply to violations. Discussion followed.

Section 3 would require the treasurer of a candidate to file a treasurer's report for campaign contributions given by an "individual" and a report for campaign contributions contributed by all "other persons". All such reports would have to include the name and address of each individual or person who has made any contribution in an aggregate amount of \$50 or more during a reporting period, the date and the amount of each contribution, and the amount received in the form of money and in other forms of contributions. Section 3 would also require the reporting of tickets and admissions to testimonial events which exceed \$50 or more per person.

Section 4 fixes contribution limitations under the State Campaign Finance Act. The Senate Elections Committee proposed changing campaign contribution limitations for the office of Governor and Lieutenant Governor or other state wide elected officers from \$2000 to \$1000 per election cycle; the office of members of the House of Representatives, district judge, magistrate judge, district attorney, member of the State Board of Education, or candidate for local office from \$500 to \$350 per election cycle; and office of State Senator from \$1000 to \$750. These same contribution limitations would apply for contested elections. In addition, a candidate would be prohibited from accepting campaign contributions from political committees in excess of 50% of the total amount of all contributions received by a candidate from all sources for one election cycle. Discussion followed.

Senator Wisdom made a motion to bar all contributions to a candidate in the ten days preceding an election. Senator Martin seconded the motion. Discussion followed. The motion failed.

Senator Parkinson moved that the daily reporting section be deleted. Senator Wisdom seconded the motion. The motion carried.

Section 5 prohibits legislators, state officers, candidates, candidate's committees or Senate or House party PACS from accepting or soliciting campaign contributions from all persons, except individuals, between January 1 and May 15.

Senator Bond made a motion to delete section 'j' from Section 5 of the balloon. Senator Martin seconded the motion. The motion passed.

Senator Parkinson moved to change the amounts in Section 5 from \$1000 to \$500. There was no second.

Section 6 would prohibit a candidate or candidate committee of a candidate from using a contribution to pay interest or any finance charge from any money loaned to the campaign by the candidate or the candidate's spouse.

New Section 7 would prohibit any state officer or employee from soliciting or receiving compensation in addition to the compensation received in that state officer's or employee's official capacity for assistance or advice on lobbying the state Legislature. Hospitality in the form of food and beverages would not be considered compensation as it applies to lobbying the Legislature. Also, the Senate Elections Committee imposed a Class B misdemeanor for violations.

Section 8 says that no state officer or employee shall accept any present, future, or promised or contingent compensation for lobbying nor be hired or employed as a lobbyist. Nothing in this section shall prohibit a state officer or employee from lobbying without compensation other than that which such employee is entitled to receive for performance of such employee's official duties.

New Section 9 provides a reporting requirement for lobbyists to identify the names of legislators for whom entertainment and hospitality in the form of food and beverage, has been provided.

Senator Bond made a motion to remove Section 2 from the bill. Senator Brady seconded the motion. The motion was tabled.

Senator Parkinson moved to amend new Section 9. Senator Ranson seconded the motion. The motion carried.

Section 10 would prohibit a lobbyist from providing a state officer, employee, associated person, or related person for such officer or employee's private gain or benefit, any money, compensation, fund, instrument, property, vehicle, machinery, equipment, and other resources on terms that are not available to the public except for information to be used by the state officer or employee in performing that officer or employee's official duties which is not included in a report or permitted to be made under the Act. Penalty added to impose a class B misdemeanor as a penalty for violations.

Section 11 would expand the definition of "unlawful lobbying" to include the failure to file amended reports and current or required amended registration.

Senator Parkinson moved to reinstate the current definition of "lobbying". There was no second.

Senator Hardenburger stated that there would be a briefing on this subject at the next meeting.

The meeting adjourned at 1:00 p.m.

The next meeting is scheduled for April 4, 1996.

**SENATE ELECTIONS, CONGRESSIONAL &
LEGISLATIVE APPORTIONMENT AND
GOVERNMENTAL STANDARDS COMMITTEE GUEST
LIST**

DATE: 4/3/96

NAME	REPRESENTING
Don Kellogg	United We Stand America
Luis Kellogg	United We Stand America
Pat Morris	K.A.I.A.
James [unclear]	State Farm
Connie Stewart	KS AFL-CIO
Craig Grant	KNEA
Tom Whitaker	Ks Motor Carriers Assn
KOTH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
IDA TRUE TERRY	UNITED WE STAND AMERICA
Frank Neff	Organizing Committee for Independence Party of Kansas
Callie Denton	Kansas Insurance Dept
Aletia Vaughn	KTD
Colleen [unclear]	Senator [unclear]
Mary E. Turkington	Ks Motor Carriers Assn -
Brad Bogant	Sec of state
Charlie Smithson	KUGSC
Carol Williams	KUGSC
Kim Mully	League of KS Municipalities
DAROLD KIEFER	KSAE
TUR [unclear]	KUSA
Joyce Luschen	UWSA

[As Amended by House Committee of the Whole]

Session of 1996

Substitute for HOUSE BILL No. 3000

By Committee on Governmental Organization and Elections

3-15

12 AN ACT relating to governmental ethics and conduct; concerning public
 13 officers and employees; prescribing certain standards governing ethics
 14 and conduct; amending K.S.A. [25-206,] 25-4148, [25-4148a,] 25-
 15 4153, 25-4153a, [46-215,] 46-216, 46-217, 46-222, 46-223, 46-224, 46-
 16 225, 46-227, 46-232, [46-246a,] 46-253, 46-267, 46-269, 46-270, 46-
 17 271, 46-272, 46-274, 46-275 and K.S.A. 1995 Supp. 25-4143,
 18 [25-4157a,] 46-236, 46-237, 46-265 and 46-268[, 46-268, 75-4301a
 19 and 75-4304] and repealing the existing sections; also repealing K.S.A.
 20 72-53,108

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

22 ~~New Section 1. Notwithstanding any other provision of law to the~~
 23 ~~contrary, the aggregate amount contributed by any person or any political~~
 24 ~~committee to any candidate and to such candidate's candidate committee,~~
 25 ~~if any, and to all party committees and political committees and dedicated~~
 26 ~~to such candidate's campaign, by any political committee or any person~~
 27 ~~except a party committee, as defined by subsection (g) of K.S.A. 25-4143~~
 28 ~~and amendments thereto; and except the candidate or the candidate's~~
 29 ~~spouse, shall not exceed \$350 for each primary election cycle (or in lieu~~
 30 ~~thereof a caucus or convention of a political party) and an equal amount~~
 31 ~~for each general election cycle. The provisions of this section shall apply~~
 32 ~~to all elective offices except statewide elective offices [candidates for~~
 33 ~~state office or local office except statewide elective office]. [Words~~
 34 ~~and phrases as used in this section and amendments thereto shall~~
 35 ~~have the same meaning ascribed to such words and phrases in~~
 36 ~~K.S.A. 25-4143 and amendments thereto, except that "local office"~~
 37 ~~shall mean any elective office of a governmental subdivision of this~~
 38 ~~state.]~~

39 Sec. 2. K.S.A. 1995 Supp. 25-4143 is hereby amended to read as
 40 follows: 25-4143. As used in the campaign finance act, unless the context
 41 otherwise requires:

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

SENATE ELECTIONS
 4-3-96
 ATTACHMENT 1

1 a candidate committee;

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

4 (3) makes any expenditure or accepts any contribution for the pur-
5 pose of influencing such person's nomination or election to any state or
6 local office; or

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

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

11 (c) "Commission" means the Kansas commission on governmental
12 standards and conduct created by K.S.A. 25-4119a and amendments
13 thereto.

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

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

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

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

26 (E) a mailing of materials designed to influence the nomination or
27 election of a candidate, which is made and paid for by a party committee
28 with the consent of such candidate.

29 (2) "Contribution" does not include:

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

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

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

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

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

43 (f) (1) "Expenditure" means: (A) Any purchase, payment, distribu-

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1 tion, loan, advance, deposit or gift of money or any other thing of value
2 made for the purpose of influencing the nomination or election of any
3 individual to state or local office;
4 (B) any contract to make an expenditure;
5 (C) a transfer of funds between any two or more candidate commit-
6 tees, party committees or political committees;
7 (D) payment of a candidate's filing fees.
8 (2) "Expenditure" does not include:
9 (A) The value of volunteer services provided without compensation;
10 (B) costs to a volunteer incidental to the rendering of volunteer serv-
11 ices not exceeding a fair market value of \$50 during an allocable election
12 period as provided in K.S.A. 25-4149 and amendments thereto;
13 (C) payment by a candidate or candidate's spouse for personal meals,
14 lodging and travel by personal automobile of the candidate or candidate's
15 spouse while campaigning or payment of such costs by the treasurer of a
16 candidate or candidate committee;
17 (D) the value of goods donated to events such as testimonial events,
18 bake sales, garage sales and auctions by any person not exceeding fair
19 market value of \$50 per event; or
20 (E) any communication by an incumbent elected state or local officer
21 with one or more individuals unless the primary purpose thereof is to
22 influence the nomination or election of a candidate.
23 (g) "Party committee" means the state committee of a political party
24 regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, or
25 the county central committee or the state committee of a political party
26 regulated under article 38 of chapter 25 of the Kansas Statutes Annotated
27 or the bona fide national organization or committee of those political
28 parties regulated by the Kansas Statutes Annotated, or not more than one
29 political committee established by the state committee of any such polit-
30 ical party and designated as a recognized political committee for the sen-
31 ate or not more than one political committee established by the state
32 committee of any such political party and designated as a recognized
33 political committee for the house of representatives.
34 (h) "Person" means any individual, committee, corporation, partner-
35 ship, *limited partnership, limited liability partnership, company, limited*
36 *liability company, estate, business trust, group, proprietorship, trust, joint*
37 *venture, organization or, association or unincorporated association,*
38 *whether or not operated for profit, or a governmental agency unit, or*
39 *subdivision.*
40 (i) "Political committee" means any combination of two or more in-
41 dividuals or any person other than an individual, a major purpose of which
42 is to support or oppose any candidate or candidates for state or local office
43 or which both receives contributions and makes either contributions or

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1 expenditures, but not including any candidate committee or party com-
2 mittee.

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

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

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

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

17 (n) "Local office" means a member of the governing body of a city
18 of the first class, any elected office of a unified school district having
19 35,000 or more pupils regularly enrolled in the preceding school year, a
20 county or the board of public utilities.

21 ~~New Sec. 3. No candidate, state or local officer, no officer elect and~~
22 ~~no individual elected to office which is filled by election by the qualified~~
23 ~~electors thereof shall serve as a chairperson, treasurer, officer or director~~
24 ~~of a political committee or, if such committee has 10 or fewer members,~~
25 ~~as a member of a political committee. [Words and phrases as used in~~
26 ~~this section and amendments thereto shall have the same meaning~~
27 ~~ascribed to such words and phrases in K.S.A. 25-4143 and amend-~~
28 ~~ments thereto.]~~

for state office
or state

29 Sec. 4 K.S.A. 25-4148 is hereby amended to read as follows: 25-
30 4148. (a) Every treasurer shall file a ~~report~~ reports prescribed by this
31 section. Reports filed by treasurers for candidates for state office, other
32 than officers elected on a statewide basis, shall be filed in both the office
33 of the secretary of state and in the office of the county election officer of
34 the county in which the candidate is a resident. Reports filed by treasurers
35 for candidates for statewide office shall be filed only with the secretary
36 of state. Reports filed by treasurers for candidates for local office shall be
37 filed in the office of the county election officer of the county in which
38 the candidate is a resident. Except as otherwise provided by ~~subsection~~
39 ~~subsections (h) and (i), all such reports shall be filed in time to be received~~
40 in the offices required on or before each of the following days:

41 (1) The eighth day preceding the primary election, which report shall
42 be for the period beginning on January 1 of the election year for the office
43 the candidate is seeking and ending 12 days before the primary election.

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1 inclusive;

2 (2) the eighth day preceding a general election, which report shall be
3 for the period beginning 11 days before the primary election and ending
4 12 days before the general election, inclusive;

5 (3) January 10 of the year after an election year, which report shall
6 be for the period beginning 11 days before the general election and end-
7 ing on December 31, inclusive;

8 (4) for any calendar year when no election is held, a report shall be
9 filed on the next January 10 for the preceding calendar year; ~~except that~~
10 ~~the report filed January 10, 1990, shall include in addition to calendar~~
11 ~~year 1989 the month of December 1988;~~

12 (5) a treasurer need only file the annual report required by *subpart*
13 *(4)* of this subsection (4) for those years when the candidate is not par-
14 ticipating in a primary or general election.

15 (b) Each report required by this section ~~subsection (a)~~ shall state:

16 (1) Cash on hand on the first day of the reporting period;

17 (2) the name and address of each ~~person individual~~ who has made
18 one or more contributions ~~in an aggregate amount or value in excess of~~
19 ~~\$50 during the election reporting period together with the amount and~~
20 ~~date of such contributions, specifying amounts received in the form of~~
21 ~~money and amounts in other forms of contributions, and including the~~
22 ~~name and address of every lender, guarantor and endorser when a con-~~
23 ~~tribution is in the form of an advance or loan;~~

in an aggregate amount or value in excess of \$50

24 (3) ~~the name and address of each person, other than individuals re-~~
25 ~~ported under subpart (2) of this subsection, who has made one or more~~
26 ~~contributions in an aggregate amount or value in excess of \$50 during the~~
27 ~~reporting period together with the amount and date of the contributions,~~
28 ~~specifying amounts received in the form of money and amounts in other~~
29 ~~forms of contributions, and including the name and address of every~~
30 ~~lender, guarantor and endorser when a contribution is in the form of an~~
31 ~~advance or loan.~~

32 (4) ~~the aggregate amount of all proceeds from bona fide sales of~~
33 ~~political materials such as, but not limited to, political campaign pins,~~
34 ~~buttons, badges, flags, emblems, hats, banners and literature;~~

35 (5) ~~the aggregate amount of contributions for which the name and~~
36 ~~address of the contributor is not known;~~

37 (6) ~~each contribution, rebate, refund or other receipt not other-~~
38 ~~wise listed;~~

39 (7) the total of all receipts;

40 (8) the name and address of each person to whom expenditures
41 have been made ~~in an aggregate amount or value in excess of \$50 with~~
42 ~~the amount, date, and purpose of each and the names and addresses of~~
43 ~~all persons to whom any loan or advance has been made; when an ex-~~

in an aggregate amount or value in excess of \$50

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1 penditure is made by payment to an advertising agency, public relations
2 firm or political consultants for disbursement to vendors, the report of
3 such expenditure shall show in detail the name of each such vendor and
4 the amount, date and purpose of the payments to each;

5 (8) (9) the name and address of each person from whom an in-kind
6 contribution was received or who has paid for personal services provided
7 without charge to or for any candidate, candidate committee, party com-
8 mittee or political committee, if the contribution is in excess of \$50 and
9 is not otherwise reported under *subpart (8) of this subsection (b)(7)*, and
10 the amount, date and purpose of the contribution;

_____ is in excess of \$50 and

11 (9) (10) the aggregate of all expenditures not otherwise reported un-
12 der this section; and

13 (10) (11) the total of expenditures.

14 (c) Treasurers of candidates and of candidate committees shall be
15 required to itemize, as provided in *subpart (2) of subsection (b)(2)*, only
16 the purchase of tickets or admissions to testimonial events by a person
17 who purchases such tickets or admissions in an aggregate amount or value
18 in excess of \$50 per event, or who purchases such a ticket or admission
19 at a cost exceeding \$25 per ticket or admission. All other purchases of
20 tickets or admissions to testimonial events shall be reported in an aggre-
21 gate amount and shall not be subject to the limitations specified in K.S.A.
22 25-4154 and amendments thereto.

23 (d) If a contribution or other receipt from a political committee is
24 required to be reported under subsection (b), the report shall include the
25 full name of the organization with which the political committee is con-
26 nected or affiliated or, name or description sufficiently describing the
27 affiliation or, if the committee is not connected or affiliated with any one
28 organization, the trade, profession or primary interest of contributors of
29 the political committee.

30 (e) The commission may require any treasurer to file an amended
31 report for any period for which the original report filed by such treasurer
32 contains material errors or omissions, and notice of the errors or omissions
33 shall be part of the public record. The amended report shall be filed
34 within 30 days after notice by the commission.

35 (f) The commission may require any treasurer to file a report for any
36 period for which the required report is not on file, and notice of the failure
37 to file shall be part of the public record. Such report shall be filed within
38 five days after notice by the commission.

39 (g) For the purpose of any report required to be filed pursuant to
40 ~~subsection (a) this section~~ by the treasurer of any candidate seeking nom-
41 ination by convention or caucus or by the treasurer of the candidate's
42 committee or by the treasurer of any party committee or political com-
43 mittee of which the primary purpose is supporting or opposing the nom-

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1 ination of any such candidate, the date of the convention or caucus shall
2 be considered the date of the primary election.

3 (h) If a report is sent by certified or registered mail on or before the
4 day it is due, the mailing shall constitute receipt by that office.

5 (i) ~~In addition to all other reports required by this section the treas-~~
6 ~~urer for each candidate for state office elected on a statewide basis and~~
7 ~~the treasurer for each candidate for election to the Kansas senate and~~
8 ~~house of representatives shall file a report within 24 hours following the~~
9 ~~receipt of any contribution or in-kind contribution or contributions in an~~
10 ~~aggregate amount or value of \$150 or more during the periods beginning~~
11 ~~on the 11th day before the primary and general elections and ending on~~
12 ~~the day preceding each such election. Such report shall state the name~~
13 ~~and address of each person who made any such contribution or in-kind~~
14 ~~contribution or contributions during such period together with the~~
15 ~~amount and date of such contributions, including the name and address~~
16 ~~of every lender, guarantor or endorser when a contribution is in the form~~
17 ~~of an advance or loan. Such report may be filed by telefacsimile com-~~
18 ~~munication.~~

19 Sec. 5. K.S.A. 25-4153 is hereby amended to read as follows: 25-
20 4153. (a) The aggregate amount contributed to a candidate and such
21 candidate's candidate committee and to all party committees and political
22 committees and dedicated to such candidate's campaign, by any political
23 committee or any person except a party committee, the candidate or the
24 candidate's spouse, shall not exceed the following:

25 (1) For the pair of offices of governor and lieutenant governor or for
26 other state officers elected from the state as a whole, ~~\$2,000~~ for each _____ \$1000
27 primary election (or in lieu thereof a caucus or convention of a political
28 party) and an equal amount for each general election.

29 (2) For the office of member of the house of representatives, district
30 judge, district magistrate judge, district attorney, member of the state
31 board of education or a candidate for local office, ~~\$500~~ [~~\$350~~] for each
32 primary election (or in lieu thereof a caucus or convention of a political
33 party) and an equal amount for each general election; and

34 (3) for the office of state senator, ~~\$1,000~~ [~~\$350~~] for each primary _____ \$750
35 election (or in lieu thereof a caucus or convention of a political party) and
36 an equal amount for each general election.

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

[(j) In addition to all other reports required by this section the treas-
urer for each candidate for state office elected on a statewide basis and
the treasurer for each candidate for election to the Kansas senate and
house of representatives shall file a report within 24 hours following the
receipt of any~~contribution or in-kind contribution or contributions in an~~
aggregate amount or value of \$250 or more during the periods beginning
on the 11th day before the primary and general elections and ending on
the day preceding each such election. Such report shall state the name
and address of each person who made any such contribution or in-kind
contribution or contributions if such contribution is in excess of \$50 dur-
ing such period together with the amount and date of such contributions
and the aggregate amount of any contributions not required to be indi-
vidually reported as provided by this subsection, including the name and
address of every lender, guarantor or endorser if such contribution is in
excess of \$50 when a contribution is in the form of an advance or loan.
Such report may be filed by facsimile.] telefacsimile communication

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1 (c) For the purposes of this section, all contributions made by un-
2 mancipated children under 18 years of age shall be considered to be
3 contributions made by the parent or parents of such children. The total
4 amount of such contribution shall be attributed to a single custodial par-
5 ent and 50% of such contribution to each of two parents.

6 (d) The aggregate amount contributed to a state party committee by
7 a person other than a national party committee or a political committee
8 shall not exceed \$15,000 in each calendar year; and the aggregate amount
9 contributed to any other party committee by a person other than a na-
10 tional party committee or a political committee shall not exceed \$5,000
11 in each calendar year.

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

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

18 (e) Any political funds which have been collected and were not sub-
19 ject to the reporting requirements of this act shall be deemed a person
20 subject to these contribution limitations.

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

24 (g) The amount contributed by each individual party committee of
25 the same political party other than a national party committee to any
26 candidate for office, for any primary election at which two or more can-
27 didates are seeking the nomination of such party shall not exceed the
28 following:

29 (1) For the pair of offices of governor and lieutenant governor and
30 for each of the other state officers elected from the state as a whole,
31 ~~\$2,000~~ for each primary election (or in lieu thereof a caucus or convention
32 of a political party); \$1000

33 (2) for the office of member of the house of representatives, district
34 judge, district magistrate judge, district attorney, member of the state
35 board of education or a candidate for local office, ~~\$500~~ **[\$350]** for each
36 primary election (or in lieu thereof a caucus or convention of a political
37 party); and

38 (3) for the office of state senator, ~~\$1,000~~ **[\$350]** for each primary
39 election (or in lieu thereof a caucus or convention of a political party). \$750

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

43 (i) No person shall make any contribution or contributions to any

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1 candidate or the candidate committee of any candidate in the form of
2 money or currency of the United States which in the aggregate exceeds
3 \$100 for any one primary or general election, and no candidate or can-
4 didate committee of any candidate shall accept any contribution or con-
5 tributions in the form of money or currency of the United States which
6 in the aggregate exceeds \$100 from any one person for any one primary
7 or general election.

8 ~~(j) For the purposes of determining whether a person's contributions~~
9 ~~to a donee have complied with the limitations imposed by this section.~~

10 (1) All contributions to the donee by any entity, other than the spouse
11 of such person, which entity has ownership interests that would be at-
12 tributed to such person under section 318 of the federal internal revenue
13 code of 1986 (26 U.S.C.A. 318), shall be considered to be contributions
14 made by such person to the donee.

15 (2) all contributions to the donee by any entity, other than such per-
16 son, which has ownership interests that would be attributed to the spouse
17 of such person under section 318 of the federal internal revenue code of
18 1986 (26 U.S.C.A. 318) shall be considered to be contributions made by
19 such person to the donee; and

20 ~~(3) All contributions to the donee by any political committee, party~~
21 ~~committee or other entity, which has received as contributions any mon-~~
22 ~~eys, goods, services or other things of value, that in the aggregate are~~
23 ~~valued in excess of \$100, from such person or from the spouse of such~~
24 ~~person, shall be considered to be contributions made by such person to~~
25 ~~the donee, but in no case shall the amount required under this paragraph~~
26 ~~(3) to be contributions made by such person exceed the aggregate of all~~
27 ~~contributions given by such person or such person's spouse to such polit-~~
28 ~~ical committee, party committee or other entity.~~

29 ~~{Sec. 6, K.S.A. 25-4153 is hereby amended to read as follows:~~
30 ~~25-4153. (a) The aggregate amount contributed to a candidate and~~
31 ~~such candidate's candidate committee and to all party committees~~
32 ~~and political committees and dedicated to such candidate's cam-~~
33 ~~paign, by any political committee or any person except a party~~
34 ~~committee, the candidate or the candidate's spouse, shall not ex-~~
35 ~~ceed the following:~~

36 [(1) For the pair of offices of governor and lieutenant governor
37 or and for other state officers elected from the state as a whole who
38 have filed a statement of intent to be bound by expenditure limitations
39 prescribed by section 31, \$2,000 for each primary election (or in lieu
40 thereof a caucus or convention of a political party) and an equal
41 amount for each general election; and for the pair of offices of gov-
42 ernor and lieutenant governor and for other officers of the state elected
43 from the state as a whole, who have filed a statement of intent not to be

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[(j) No contributions shall be accepted by any candidate or the can-
didate committee of any candidate except from an individual or a party
committee other than a national committee; and no candidate or the can-
didate committee of any candidate shall accept contributions from all
party committees, other than national committees, which in the aggregate
exceed \$1,000 for any one election cycle.]

[(k) The aggregate amount of all contributions accepted by any can-
didate from political committees shall not exceed an amount equal to 50%
of the total of all contributions received by such candidate from all sources
for such primary or general election cycle.]

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1 bound by expenditure limitations prescribed by section 31, \$400 for each
2 primary election (or in lieu thereof a caucus or convention of a political
3 party) and an equal amount for each general election.

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

9 [(3) for the office of state senator, for any candidate who has filed
10 a statement of intent to be bound by expenditure limitations prescribed
11 by section 31, \$1,000 for each primary election (or in lieu thereof a
12 caucus or convention of a political party) and an equal amount for
13 each general election, and for any candidate for the office of state
14 senator who has filed a statement of intent not to be bound by expenditure
15 limitations prescribed by section 31, \$200 for each primary election (or
16 in lieu thereof a caucus or convention of a political party) and an equal
17 amount for each general election; and

18 [(4) for the office of member of house of representatives, for any can-
19 didate who has filed a statement of intent to be bound by expenditure
20 limitations prescribed by section 31, \$500 for each primary election (or
21 in lieu thereof a caucus or convention of a political party) and an equal
22 amount for each general election; and for any candidate for the office of
23 member of the house of representatives who has filed a statement of intent
24 not to be bound by expenditure limitations prescribed by section 31, \$100
25 for each primary election (or in lieu thereof a caucus or convention of a
26 political party) and an equal amount for each general election.

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

34 [(c) For the purposes of this section, all contributions made by
35 unemancipated children under 18 years of age shall be considered
36 to be contributions made by the parent or parents of such children.
37 The total amount of such contribution shall be attributed to a sin-
38 gle custodial parent and 50% of such contribution to each of two
39 parents.

40 [(d) The aggregate amount contributed to a state party com-
41 mittee by a person other than a national party committee or a
42 political committee shall not exceed \$15,000 in each calendar year;
43 and the aggregate amount contributed to any other party com-

1 mittee by a person other than a national party committee or a
2 political committee shall not exceed \$5,000 in each calendar year.

3 [The aggregate amount contributed by a national party com-
4 mittee to a state party committee shall not exceed \$25,000 in any
5 calendar year, and the aggregate amount contributed to any other
6 party committee by a national party committee shall not exceed
7 \$10,000 in any calendar year.

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

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

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

17 [(g) The amount contributed by each individual party commit-
18 tee of the same political party other than a national party com-
19 mittee to any candidate for office, for any primary election at
20 which two or more candidates are seeking the nomination of such
21 party shall not exceed the following:

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

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

31 [(3) for the office of state senator, \$1,000 for each primary elec-
32 tion (or in lieu thereof a caucus or convention of a political party).

33 [(h) When a candidate for a specific cycle does not run for of-
34 fice, the contribution limitations of this section shall apply as
35 though the individual had sought office.

36 [(i) No person shall make any contribution or contributions to
37 any candidate or the candidate committee of any candidate in the
38 form of money or currency of the United States which in the ag-
39 gregate exceeds \$100 for any one primary or general election, and
40 no candidate or candidate committee of any candidate shall accept
41 any contribution or contributions in the form of money or currency
42 of the United States which in the aggregate exceeds \$100 from any
43 one person for any one primary or general election.]

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[Section 2. K.S.A. 25-4150 is hereby amended to read as follows: 25-4150. (a) Every person, other than a candidate or a candidate committee, party committee or political committee, who makes contributions or expenditures, other than by contribution to a candidate or a candidate committee, party committee or political committee, in an aggregate amount of \$100 or more within a calendar year shall make statements containing the information required by K.S.A. 25-4148 and amendments thereto, and file them in the office or offices required so that each such statement is in such office or offices on the day specified in K.S.A. 25-4148 and amendments thereto. If such contributions or expenditures are made to support or oppose a candidate for state office, other than that of an officer elected on a state-wide basis such statement shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. If such contributions or expenditures are made to support or oppose a candidate for statewide office such statement shall be filed only in the office of the secretary of state. If such contributions or expenditures are made to support or oppose a candidate for local office such statement shall be filed in the office of the county election officer of the county in which the candidate is a resident. Reports made under this section need not be cumulative.

[(b) Every person, other than a candidate, candidate committee or the public media who prints or publishes or causes to be printed or published and distributes any newsletter, brochure, document or other printed matter, after June 1 and prior to November 15 in any year, which contains information or materials designed to promote or oppose the nomination or election of any candidate, shall make a report as required by this subsection. Such report shall contain the name and address of the person printing or publishing or causing to be printed or published such materials, the name of the candidate whose nomination or election is promoted or opposed and the cost or estimated cost of printing, publication and distribution of such newsletter, brochure or document. Such reports shall be filed for the periods and at the times prescribed for the filing of reports of treasurers in accordance with K.S.A. 1995 Supp. 25-4148, and amendments thereto. Such reports shall be filed in the offices prescribed for the filing of reports by the treasurer of the candidate or candidate committee of the candidate whose nomination or election was promoted or opposed by the published information or materials. No report of publications and costs, which are reported as contributions by any candidate, shall be required to be reported under this subsection.]

1 Sec. 6. [7.] K.S.A. 25-4153a is hereby amended to read as follows:
2 25-4153a. No registered lobbyist or political committee, or person other
3 than an individual [any other person] shall make a contribution as
4 defined by subsection (d) of K.S.A. 25-4143 and amendments thereto to
5 any legislator, candidate for membership in the senate or house of rep-
6 resentatives or candidate committee for any such legislator or candidate,
7 the committee established by a state committee of any political
8 party and designated as a recognized political committee for the
9 senate or house of representatives,] state officer elected on a statewide
10 basis, candidate for state office elected on a statewide basis or candidate
11 committee for any such officer or candidate after January 1 and prior to
12 May 15 of any year or at any other time in which the legislature is in
13 session and no such legislator, officer, candidate or committee shall accept
14 any contribution as defined by subsection (d) of K.S.A. 25-4143 and
15 amendments thereto from any registered lobbyist or political committee
16 during such period.

other than an individual

HOUSE BILL No. 2781

SENATE BILL No. 545

17 [Sec. 8. K.S.A. 1995 Supp. 25-4157a is hereby amended to
18 read as follows: 25-4157a. (a) No moneys received by any candi-
19 date or candidate committee of any candidate as a contribution
20 under this act shall be used or be made available for the personal
21 use of the candidate and no such moneys shall be used by such
22 candidate or the candidate committee of such candidate except for
23 legitimate campaign purposes, for expenses of holding political of-
24 fice or for contributions to the party committees of the political
25 party of which such candidate is a member.

26 [For the purpose of this subsection, expenditures for "personal
27 use" shall include expenditures to defray normal living expenses
28 for the candidate or the candidate's family and expenditures for
29 the personal benefit of the candidate having no direct connection
30 with or effect upon the campaign of the candidate or the holding
31 of public office.

32 [(b) No moneys received by any candidate or candidate committee of
33 any candidate as a contribution under this act shall be used to pay interest
34 or any other finance charge upon moneys loaned to the campaign by such
35 candidate or the spouse of such candidate

36 [(c) No candidate or candidate committee shall accept from
37 any other candidate or candidate committee for any candidate for
38 local, state or national office, any moneys received by such candi-
39 date or candidate committee as a campaign contribution. The
40 provisions of this subsection shall not be construed to prohibit a
41 candidate or candidate committee from accepting moneys from
42 another candidate or candidate committee if such moneys consti-
43 tute a reimbursement for one candidate's proportional share of

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1 the cost of any campaign activity participated in by both candidates
 2 involved. Such reimbursement shall not exceed an amount equal
 3 to the proportional share of the cost directly benefiting and attrib-
 4 utable to the personal campaign of the candidate making such re-
 5 imbursement.

6 [(e) (d) At the time of the termination of any campaign and
 7 prior to the filing of a termination report in accordance with K.S.A.
 8 25-4157 and amendments thereto all residual funds not otherwise
 9 obligated for the payment of expenses incurred in such campaign
 10 or the holding of office shall be contributed to a charitable organ-
 11 ization, as defined by the laws of the state, contributed to a party
 12 committee or returned as a refund in whole or in part to any con-
 13 tributor or contributors from whom received or paid into the gen-
 14 eral fund of the state.]

15 New Sec. 7. [9.] Except for expenses incurred or expenditures made
 16 or arranged for by a lobbyist which expenses or expenditures are reported
 17 in compliance with subsection ~~(a)(2)~~ of K.S.A. 46-268 [(a)(2)(A) of K.S.A.
 18 46-269], and amendments thereto, no state officer or employee shall
 19 solicit, accept or receive any compensation in addition to that received
 20 by the officer or employee in such officer's or employee's official capacity
 21 for advice or assistance on lobbying the state legislature.

22 ~~Sec. 8. [10] K.S.A. 1995 Supp. 46-236 is hereby amended to read as~~
 23 ~~follows: 46-236. (a) No state officer or employee, candidate for state office~~
 24 ~~or state officer elect, for the private benefit or gain of such officer or~~
 25 ~~employee, shall solicit any present, future, promised or contingent eco-~~
 26 ~~nomic opportunity, gift, loan, gratuity, special discount, favor, hospitality,~~
 27 ~~employment, or service from any person known to have a special interest,~~
 28 ~~under circumstances where such officer, employee, candidate or state~~
 29 ~~officer elect knows or should know that a major purpose of the donor in~~
 30 ~~granting, providing or arranging for the same is or could be to influence~~
 31 ~~the performance of the official duties or prospective official duties of such~~
 32 ~~officer, employee, candidate or state officer elect, and no contract or~~
 33 ~~agreement proscribed by this section shall be valid or enforceable in a~~
 34 ~~court of law.~~

35 (b) Except when a particular course of official action is to be followed
 36 as a condition thereon, this section shall not apply to: (1) Any contribution
 37 reported in compliance with the campaign finance act (K.S.A. 25-4142 et
 38 seq. and amendments thereto) or K.S.A. 25-901, 25-904 or section 1, and
 39 amendments thereto; (2) a commercially reasonable loan or other com-
 40 mercial transaction entered into in the ordinary course of business; or (3)
 41 any solicitation for the benefit of any charitable organization which is
 42 required to file a registration statement with the secretary of state pur-
 43 suant to K.S.A. 17-1740 17-1761 [17-1763], and amendments thereto,

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1 ~~or~~ which is exempted from filing such statement pursuant to K.S.A. 17-
 2 ~~4744 17-1762~~, and amendments thereto, or for the benefit of any edu-
 3 cational institution or such institution's endowment association, if such
 4 association has qualified as a nonprofit organization under paragraph (3)
 5 of subsection (c) of section 501 of the *federal internal revenue code* of
 6 1986, as amended

7 ~~Sec. 9. [11.] K.S.A. 1995 Supp. 46-237 is hereby amended to read~~
 8 ~~as follows:~~ 46-237. (a) No state officer or employee, candidate for state
 9 office or state officer elect shall, ~~for such officer, candidate or employee's~~
 10 ~~private benefit or gain~~, accept, or agree to accept any ~~present, future,~~
 11 ~~promised or contingent~~ economic opportunity, gift, loan, gratuity, special
 12 discount, favor, hospitality, ~~employment~~, or service having an aggregate
 13 value of \$40 or more in any calendar year from any one person known to
 14 have a special interest, under circumstances where such person knows or
 15 should know that a major purpose of the donor is to influence such person
 16 in the performance of their official duties or prospective official duties.

17 (b) No person with a special interest shall offer, pay, give ~~or~~ make
 18 ~~or otherwise arrange for~~ any ~~present, future, promised or contingent~~ ec-
 19 onomic opportunity, gift, loan, gratuity, special discount, favor, hospital-
 20 ity, ~~employment~~ or service having an aggregate value of \$40 or more in
 21 any calendar year to any state officer or employee, candidate for state
 22 office or state officer elect ~~for such officer, candidate or employee's pri-~~
 23 ~~ate benefit or gain~~ with a major purpose of influencing such officer or
 24 employee, candidate for state office or state officer elect in the perform-
 25 ance of official duties or prospective official duties.

26 (c) No person licensed, inspected or regulated by a state agency shall
 27 offer, pay, give ~~or~~ make ~~or otherwise arrange for~~ any ~~present, future,~~
 28 ~~promised or contingent~~, economic opportunity, gift, loan, gratuity, special
 29 discount, favor, hospitality, ~~employment~~ or service having an aggregate
 30 value of \$40 or more in any calendar year to such agency or, ~~for the private~~
 31 ~~benefit or gain of such officer, candidate or employee~~, to any state officer
 32 or employee, candidate for state office or state officer elect of that agency.

33 (d) Hospitality in the form of recreation, food ~~and~~ beverages ~~and~~
 34 ~~continuing education seminars which are provided by an organization~~
 35 ~~which usually charges a fee for such seminar so long as the seminar dis-~~
 36 ~~cusses legislative matters and for which continuing education credits may~~
 37 ~~be obtained from a licensing agency either in this or other states~~, are
 38 presumed not to be given to influence a state officer or employee, can-
 39 didate for state office or state officer elect in the performance of official
 40 duties or prospective official duties, except when a particular course of
 41 official action is to be followed as a condition thereon. For the purposes
 42 of this subsection, the term recreation shall not include the providing or
 43 the payment of the cost of transportation or lodging. ~~For the purpose of~~

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1 ~~this section, state officers or employees, and candidates for state offices~~
2 ~~and state officers elect shall pay the full fee or charge, if any, which other~~
3 ~~participants at such continuing education seminar pay to receive such~~
4 ~~continuing education credits.~~

5 (e) ~~Except when a particular course of official action is to be followed~~
6 ~~as a condition thereon, this section shall not apply to: (1) Any contribution~~
7 ~~reported in compliance with the campaign finance act (K.S.A. 25-4142 et~~
8 ~~seq., and amendments thereto) or K.S.A. 25-901, 25-904 or section 1, and~~
9 ~~amendments thereto; or (2) a commercially reasonable loan or other com-~~
10 ~~mmercial transaction entered into in the ordinary course of business.~~

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

21 (g) ~~The provisions of this section shall not be applicable to or prohibit~~
22 ~~the acceptance of gifts from governmental agencies of foreign nations~~
23 ~~except that any gift accepted from such foreign governmental agency,~~
24 ~~having an aggregate value of \$100 or more, shall be accepted on behalf~~
25 ~~of the state of Kansas.~~

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

43 ~~See 10. [12.] K.S.A. 46-271 is hereby amended to read as follows:~~

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1 ~~46-271. (a) No lobbyist shall offer, pay, give, arrange for or make any~~
 2 ~~present, future, promised or contingent economic opportunity, gift, loan,~~
 3 ~~gratuity, special discount, favor, hospitality, employment or service having~~
 4 ~~an aggregate value of \$40 or more in any calendar year to any state officer~~
 5 ~~or employee or candidate for state office or state officers elect for the~~
 6 ~~private benefit or gain of such officer or employee with a major purpose~~
 7 ~~of influencing such officer or employee in the performance of official~~
 8 ~~duties or prospective official duties. Hospitality in the form of recreation,~~
 9 ~~food and beverages are presumed not to be given to influence a state~~
 10 ~~officer or employee or candidate for state office in the performance of~~
 11 ~~official duties, except when a particular course of official action is to be~~
 12 ~~followed as a condition thereon.~~

13 ~~(b) Except when a particular course of official action is to be followed~~
 14 ~~as a condition thereon, this section shall not apply to (1) any contribution~~
 15 ~~reported in compliance with the campaign finance act as amended;~~
 16 ~~(K.S.A. 25-4142 et seq., and amendments thereto) or K.S.A. 25-901, 25-~~
 17 ~~904 or section 1, and amendments thereto, or (2) a commercially reason-~~
 18 ~~able loan or other commercial transaction entered into in the ordinary~~
 19 ~~course of business.~~

20 ~~Sec. 11. [13.] K.S.A. 46-272 is hereby amended to read as follows:~~
 21 ~~46-272. No lobbyist shall pay or agree to pay or arrange for a third party~~
 22 ~~to pay or agree to pay to any state officer or employee, or candidate for~~
 23 ~~state office or state officer elect or an associated person or related person~~
 24 ~~thereof a present, future, promised or contingent price, fee, compensation~~
 25 ~~or other consideration for the sale or lease of any property or the fur-~~
 26 ~~nishing of goods or services which is substantially materially in excess of~~
 27 ~~that which other persons in the same business or profession would charge~~
 28 ~~in the ordinary course of business. No contract or agreement proscribed~~
 29 ~~by this section shall be valid or enforceable in a court of law.~~

30 ~~Sec. 12. [14.] K.S.A. 46-216 is hereby amended to read as follows:~~
 31 ~~46-216. "Compensation" means any money, thing of value, right, interest~~
 32 ~~or economic benefit conferred on, or received by, any person in return~~
 33 ~~for services rendered, or to be rendered, by such person or another.~~

34 ~~Sec. 13. [15.] K.S.A. 46-217 is hereby amended to read as follows:~~
 35 ~~46-217. (a) "Economic opportunity" means any purchase, sale, lease, con-~~
 36 ~~tract, option, or other transaction or arrangement involving property,~~
 37 ~~goods or services wherein a state officer or employee or candidate for~~
 38 ~~state office may gain a personal economic private benefit or gain, but not~~
 39 ~~including any gift.~~

40 ~~(b) "Private benefit or gain" exists or arises when a state officer or~~
 41 ~~employee or an associated person or related person of such officer or~~
 42 ~~employee receives, obtains or exerts control over or otherwise converts to~~
 43 ~~personal or business use the object, information or resource constituting~~

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1 such personal gain.

2 ~~Sec. 14. [16.]~~ K.S.A. 46-225 is hereby amended to read as follows:
3 46-225. (a) "Lobbying" means: ~~(1) influencing, promoting or opposing in~~
4 ~~any manner action or nonaction by the legislature on any legislative matter~~
5 ~~or the adoption or nonadoption of any rule and regulation by any state~~
6 ~~agency; or by or through direct contact or communication or any act or~~
7 ~~action related or pertaining to such contact or communication with an~~
8 ~~officer or employee of such agency for the purpose of influencing such~~
9 ~~officer or employee in the performance of their official duties in relation~~
10 ~~thereto.~~

11 ~~(2) entertaining any state officer or employee or giving any gift, hon-~~
12 ~~orarium or payment to a state officer or employee in an aggregate value~~
13 ~~of \$40 or more within any calendar year, if at any time during such year~~
14 ~~the person supplying the entertainment, gifts, honoraria or payments has~~
15 ~~a financial interest in any contract with, or action, proceeding or other~~
16 ~~matter before the state agency in which such state officer or employee~~
17 ~~serves, or if such person is the representative of a person having such a~~
18 ~~financial interest.~~

19 ~~(e) (b) "Lobbying" does not include any expenditure from amounts~~
20 ~~appropriated by the legislature for official hospitality.~~

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

25 ~~(e) (d) "Lobbying" does not include bona fide personal or business~~
26 ~~entertaining.~~

27 ~~(f) No legislator may be hired as a lobbyist to represent anyone before~~
28 ~~any state agency.~~

29 ~~(e) "Lobbying" does not include any activity of a person licensed to~~
30 ~~practice law in the state of Kansas before an agency of the executive~~
31 ~~branch of state government, the essential characteristics of which is or~~
32 ~~has been determined to be the practice of law by the judicial branch of~~
33 ~~state government.~~

34 ~~Sec. 15. [17.]~~ K.S.A. 46-222 is hereby amended to read as follows:
35 46-222. (a) "Lobbyist" means: ~~(1) Any person employed in considerable~~
36 ~~degree for lobbying; (2) any person formally appointed as the primary~~
37 ~~representative of an organization or other person to lobby in person on~~
38 ~~state owned or leased property; or (3) any person who makes expendi-~~
39 ~~tures in an aggregate amount of \$100 or more, exclusive of personal travel~~
40 ~~and subsistence expenses, in any calendar year for lobbying any person~~
41 ~~engaged in or who engages in lobbying.~~

42 (b) Lobbyist shall not include: (1) Any elected state officer or local
43 officer or any individual elected to office which is filled by election by the

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1 qualified electors thereof or employee engaged in carrying out the duties
 2 of their office; (2) the employer of a lobbyist; if such lobbyist has regis-
 3 tered the name and address of such employer under K.S.A. 46-265 and
 4 amendments thereto; (3) any nonprofit organization which has qualified
 5 under paragraph (3) of subsection (e) of section 501 of the internal rev-
 6 enue code of 1954, as amended, which is interstate in its operations and
 7 of which a primary purpose is the nonpartisan analysis, study or research
 8 of legislative procedures or practices and the dissemination of the results
 9 thereof to the public, irrespective of whether such organization may rec-
 10 ommend a course of action as a result of such analysis, study or research;
 11 (4) (2) any justice or commissioner of the supreme court or judge of the
 12 judicial branch or employee or officer of the judicial branch or, any mem-
 13 ber of a board, council or commission who is appointed by the supreme
 14 court or who is elected or appointed to exercise duties pertaining to func-
 15 tions of the judicial branch, when such person is engaged in performing
 16 a function or duty for the judicial branch; or (5) (3) any appointed member
 17 of an any advisory council, commission or board, who serves any state
 18 agency without compensation other than amounts for expense allowances
 19 or reimbursement of expenses as provided for in subsection (e) of K.S.A.
 20 75-3223 and amendments thereto, when such member is engaged in per-
 21 forming a function or duty for such council, commission or board.

22 ~~Sec. 16 [18.] K.S.A. 46-224 is hereby amended to read as follows:~~
 23 ~~46-224 (a) "State agency" means the state and the legislative branch of~~
 24 ~~state government, including but not limited to, the legislature, legislators,~~
 25 ~~legislative committees and councils and officers and employees thereof,~~
 26 ~~and the executive branch of state government, including but not limited~~
 27 ~~to, all executive departments, institutions, offices, officers, employees,~~
 28 ~~commissions, boards and authorities of the state thereof, but does not~~
 29 ~~include municipalities and other political subdivisions the courts or any~~
 30 ~~officer or office of the judicial branch of state government or the courts~~
 31 ~~or any officer thereof for any municipality, as defined by subsection (d)~~
 32 ~~of K.S.A. 25-901, and amendments thereto.~~

33 ~~(b) "Public agency" means the state, the legislature, legislators, leg-~~
 34 ~~islative committees and councils, all executive departments and officers,~~
 35 ~~institutions, offices, officers, commissions, boards and authorities of the~~
 36 ~~state, any state agency, as defined by K.S.A. 46-224, and amendments~~
 37 ~~thereto, any municipality as defined by subsection (d) of K.S.A. 25-901,~~
 38 ~~and amendments thereto, or any political or taxing subdivision of the state~~
 39 ~~or of any municipality or any other entity whose officers, directors, mem-~~
 40 ~~bers or trustees are determined by public election or by election by the~~
 41 ~~qualified electors thereof to state, local or other public office, or any per-~~
 42 ~~son, office, officer, agency, agent, employee or instrumentality thereof~~
 43 ~~except an individual acting in their individual capacity, receiving, re-~~

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1 ~~pending or supported in whole or in part by public money or funds ap-~~
2 ~~propriated by acts of the state legislature but does not include any person~~
3 ~~solely by reason of payment from public money or funds in exchange for~~
4 ~~such person's property, goods or services.~~

5 ~~(b) "Rules and regulations" means rules and regulations required by~~
6 ~~law to be filed with the secretary of state, and does not include rules~~
7 ~~adopted by the judicial branch or any court.~~

8 ~~Sec. 17 [19.] K.S.A. 1995 Supp. 46-265 is hereby amended to read~~
9 ~~as follows: 46-265. (a) Every lobbyist shall register with the secretary of~~
10 ~~state by completing and signing a registration form prescribed and pro-~~
11 ~~vided by the commission. Such registration shall show the name and ad-~~
12 ~~dress of the lobbyist, the name and address of the person compensating~~
13 ~~the lobbyist for lobbying, the purpose of the employment and the method~~
14 ~~of determining and computing the compensation of the lobbyist. Before~~
15 ~~engaging in lobbying, every person: (1) Who is formally appointed as a~~
16 ~~lobbyist for a represented person, or (2) who incurs expenses or makes or~~
17 ~~arranges for expenditures permitted or required to be reported as a part~~
18 ~~of any report or registration required or permitted by K.S.A. 46-268 and~~
19 ~~46-269, and amendments thereto, in an aggregate amount in excess of~~
20 ~~\$100 or more, exclusive of personal travel and lodging expenses, in any~~
21 ~~calendar year for or related to lobbying, shall register with the secretary~~
22 ~~of state by completing and signing an affirmed registration statement,~~
23 ~~verified in accordance with K.S.A. 53-601, and amendments thereto, on~~
24 ~~a form prescribed and provided by the commission.~~

25 ~~(b) "Registered advocate" means a lobbyist who has completed and~~
26 ~~filed a registration statement as required by subsection (a).~~

27 ~~(c) Each registration required by subsection (a) shall, in addition to~~
28 ~~such additional information and materials required by the commission~~
29 ~~consistent with the purposes and provisions of this act, include:~~

30 ~~(1) If the lobbyist is an individual, a recent black and white photo-~~
31 ~~graph, the size of which shall be prescribed by the secretary of state.~~

32 ~~(2) if the lobbyist is not an individual:~~

33 ~~(A) a list of all lobbyists who are partners, owners, officers, agents or~~
34 ~~employees of such lobbyist, and~~

35 ~~(B) the name and title of a partner, owner or officer of the lobbyist~~
36 ~~who is responsible for filing statements and reports and keeping records~~
37 ~~required by this act on behalf of such lobbyist~~

38 ~~(3) The lobbyist's full name, business address and business telephone~~
39 ~~number.~~

40 ~~(4) the full name and address of each represented person represented~~
41 ~~by such lobbyist;~~

42 ~~(5) if the lobbyist is receiving compensation for lobbying or reim-~~
43 ~~bursement for lobbying expenses, the name and address of each person~~

46-265. Registration of lobbyists; form and contents; lobbying concerning legislative matters, copies of registrations and reports; fees; termination statement; failure to pay civil penalties, registration prohibited. (a)

Before engaging in lobbying, every person: (1) Who is formally appointed as a lobbyist for a represented person, or (2) who incurs expenses or makes or arranges for expenditures permitted or required to be reported as a part of any report or registration required or permitted by K.S.A. 46-268 and 46-269, and amendments thereto, in an aggregate amount in excess of \$100 or more, exclusive of personal travel and lodging expenses, in any calendar year for or related to lobbying.

Every lobbyist shall register with the secretary of state by completing and signing a registration form prescribed and provided by the commission. Such registration shall show the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying, the purpose of the employment and the method of determining and computing the compensation of the lobbyist. If the lobbyist is compensated or to be compensated for lobbying by more than one employer or is to be engaged in more than one employment, the relevant facts listed above shall be separately stated for each employer and each employment. Whenever any new lobbying employment or lobbying position is accepted by a lobbyist already registered as provided in this section, such lobbyist shall report the same on forms prescribed and provided by the commission before engaging in any lobbying activity related to such new employment or position, and such report shall be filed with the secretary of state. When a lobbyist is an employee of a lobbying group or firm which contracts to lobby and not an owner or partner of such entity, the lobbyist shall report each client of the group, firm or entity whose interest the lobbyist represents. Whenever the lobbying of a lobbyist concerns a legislative

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1 compensating or reimbursing such lobbyist for lobbying or lobbying ex-
 2 penses:
 3 (6) the lobbying interests of each represented person;
 4 (7) purpose or purposes for which such lobbyist intends to lobby on
 5 behalf of the represented person;
 6 (8) a list of the entities or agencies whose legislative or administrative
 7 actions the lobbyist will attempt to influence for each represented person;
 8 and
 9 (9) the method of determining and computing the compensation of
 10 the lobbyist.
 11 (d) "Certified lobbyist" means a lobbyist who, in addition to com-
 12 pleting and filing a registration statement as required by subsection (a),
 13 also files a registration statement verified in accordance with K.S.A. 53-
 14 601, and amendments thereto, on a form prescribed and provided by the
 15 commission which registration form shall, in addition to such additional
 16 information and materials required by subsection (c), contain such ad-
 17 ditional information and materials required by the commission which are
 18 consistent with the purposes and provisions of this act, including, but not
 19 limited to, a statement that
 20 (1) The lobbyist has read and is familiar with the laws of Kansas
 21 relating to lobbying;
 22 (2) the lobbyist will obey all laws and regulations governing lobbying
 23 in the state of Kansas;
 24 (3) the lobbyist agrees to present only accurate and truthful infor-
 25 mation to the state officer or employee who is or becomes the subject of
 26 such lobbyist's lobbying efforts and will not participate in nor permit,
 27 with such lobbyist's knowledge, an effort to deceive or attempt to deceive
 28 the state officer or employee who is or becomes the subject of such lob-
 29 byist's lobbying efforts with regard to any material fact pertinent to any
 30 pending or proposed legislative or administrative action;
 31 (4) the lobbyist will not represent, either directly or indirectly, that
 32 the lobbyist can control the official action of the state officer or employee
 33 who is or becomes the subject of such lobbyist's lobbying; and
 34 (5) the lobbyist's verification, under K.S.A. 53-601, and amendments
 35 thereto of the information contained in such lobbyist's registration state-
 36 ment and any amendments thereto.
 37 (c) Before engaging in lobbying on behalf of a represented person,
 38 every lobbyist required to register under this section shall file or cause to
 39 be filed with the secretary of state an authorization signed by the repre-
 40 sented person or an authorized agent of the person compensating such
 41 lobbyist for lobbying on behalf of such represented person.
 42 (f) Except as provided in subsection (g), if any change occurs in any
 43 of the information contained in a registration statement filed pursuant to

matter, the secretary of state shall promptly trans-
mit copies of each registration and each report
filed under this act to the secretary of the senate
and the chief clerk of the house of representatives.

(b) On or after October 1, in any year any per-
son may register as a lobbyist under this section
for the succeeding calendar year. Such registra-
tion shall expire annually on December 31, of the
year for which the lobbyist is registered. In any
calendar year, before engaging in lobbying, per-
sons to whom this section applies shall register or
renew their registration as provided in this sec-
tion. Except for employees of lobbying groups or
firms, every person registering or renewing reg-
istration who anticipates spending \$1,000 or less

for lobbying in such registration year on behalf of
any one employer shall pay to the secretary of
state a fee of \$30 for lobbying for each such em-
ployer. Except for employees of lobbying groups
or firms, every person registering or renewing reg-
istration who anticipates spending more than
\$1,000 for lobbying in such registration year on
behalf of any one employer shall pay to the sec-
retary of state a fee of \$250 for lobbying for such
employer. Any lobbyist who at the time of initial
registration anticipated spending less than \$1,000,
on behalf of any one employer, but at a later date
spends in excess of such amount, shall, within
three days of the date when expenditures exceed
such amount, file an amended registration form
which shall be accompanied by an additional fee
of \$220 for such year. Every person registering or
renewing registration as a lobbyist who is an em-
ployee of a lobbying group or firm and not an
owner or partner of such entity shall pay an annual
fee of \$300. The secretary of state shall remit all
moneys received under this section to the state
treasurer, and the state treasurer shall deposit the
same in the state treasury to the credit of the Kan-
sas commission on governmental standards and
conduct fee fund.

(c) Any person who has registered as a lob-
byist pursuant to this act may file, upon termina-
tion of such person's lobbying activities, a state-
ment terminating such person's registration as a
lobbyist. Such statement shall be on a form pre-

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1 *this section, an appropriate amendment shall be filed with the secretary*
 2 *of state within 10 days after the change.*

3 *(g) If such change includes the name of a person to be represented by*
 4 *the lobbyist, the registration statement or statements of such lobbyist shall*
 5 *be amended and such amendment filed to show such change prior to the*
 6 *lobbyist's engaging in any lobbying on behalf of such represented person.*
 7 *If such change includes a change in the information required by subsec-*
 8 *tion (c)(2)(A), the registration statement or statements of such lobbyist*
 9 *shall be amended and such amendment filed to show such change prior*
 10 *to the lobbyist's engaging in any lobbying.*

11 *(h) If the lobbyist is hired or compensated or to be compensated for*
 12 *lobbying by or for more than one employer represented person or is to*
 13 *be engaged in more than one employment representation, the relevant*
 14 *facts listed above shall be separately stated for each employer represented*
 15 *person and each employment representation. Whenever any new lobby-*
 16 *ing employment or lobbying position is accepted by a lobbyist already*
 17 *registered as provided in this section, such lobbyist shall report the same*
 18 *on forms prescribed and provided by the commission before engaging in*
 19 *any lobbying activity related to such new employment or position, and*
 20 *such report shall be filed with the secretary of state.*

21 *(i) When a lobbyist is an employee of a lobbying group or firm which*
 22 *contracts to lobby and not an owner or partner of such entity, the lobbyist*
 23 *shall report each client represented person of the group, firm or entity*
 24 *whose interest the lobbyist represents.*

25 *(j) Whenever the lobbying of a lobbyist concerns appears to concern*
 26 *a legislative matter, the secretary of state shall promptly transmit copies*
 27 *of each registration and each report filed under this act to the secretary*
 28 *of the senate and the chief clerk of the house of representatives.*

29 *(k) On or after October 1, in any year any person may register as*
 30 *a lobbyist under this section for the succeeding calendar year. Such reg-*
 31 *istration shall expire annually on December 31, of the year for which the*
 32 *lobbyist is registered. In any calendar year, before engaging in lobbying,*
 33 *persons to whom this section applies shall register or renew their regis-*
 34 *tration as provided in this section. Except for employees of lobbying*
 35 *groups or firms, every person Each lobbyist registering or renewing regis-*
 36 *tration who anticipates spending \$1,000 or less for lobbying in such*
 37 *registration year on behalf of any one employer a represented person shall*
 38 *pay to the secretary of state a fee of \$30 for lobbying for each such*
 39 *employer represented person. Except for employees of lobbying groups*
 40 *or firms, every person Each lobbyist registering or renewing registration*
 41 *who anticipates spending more than \$1,000 for lobbying in such registra-*
 42 *tion year on behalf of any one employer a represented person shall pay*
 43 *to the secretary of state a fee of \$250 for lobbying for each such employer*

scribed by the commission and shall state the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying and the date of the termination of the lobbyist's lobbying activities.

(d) No person who has failed or refused to pay any civil penalty imposed pursuant to K.S.A. 46-280, and amendments thereto, shall be authorized or permitted to register as a lobbyist in accordance with this section until such penalty has been paid in full.

History: L. 1974, ch. 353, § 51; L. 1975, ch. 272, § 18; L. 1982, ch. 363, § 15; L. 1989, ch. 93, § 3; L. 1991, ch. 150, § 2; L. 1993, ch. 94, § 1; L. 1994, ch. 144, § 3; July 1.

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1 ~~represented person.~~ Any lobbyist who at the time of initial registration
 2 anticipated spending less than \$1,000, on behalf of any ~~one employer~~
 3 ~~represented person,~~ but at a later date spends in excess of such amount,
 4 shall, within three days of the date when expenditures exceed such
 5 amount, file an amended registration form which shall be accompanied
 6 by an additional fee of \$220 for such year ~~for each such represented~~
 7 ~~person.~~ Every person registering or renewing registration as a lobbyist
 8 who is an employee of a lobbying group or firm and not an owner or
 9 partner of such entity shall pay an annual fee of \$300. The secretary of
 10 state shall remit all moneys received under this section to the state treas-
 11 urer, and the state treasurer shall deposit the same in the state treasury
 12 to the credit of the Kansas commission on governmental standards and
 13 conduct ~~lobbyist registration~~ fee fund.

14 ~~(e) (l)~~ Any person who has registered as a lobbyist ~~on behalf of them-~~
 15 ~~selves or another person~~ pursuant to this act may file, upon termination
 16 of such person's lobbying activities ~~for one or more represented persons,~~
 17 a statement terminating such person's registration as a lobbyist ~~for such~~
 18 ~~one or more represented persons.~~ Such statement shall be on a form pre-
 19 scribed by the commission and shall state the name and address of the
 20 lobbyist, the name and address of the ~~represented person and the person~~
 21 ~~or persons~~ compensating the lobbyist for lobbying ~~on behalf of such rep-~~
 22 ~~resented person~~ and the date of the termination of the lobbyist's lobbying
 23 activities.

24 ~~(f) (m)~~ No person who has failed or refused to pay any civil penalty
 25 imposed pursuant to K.S.A. 46-280, and amendments thereto, shall en-
 26 ~~gage in lobbying nor solicit nor accept any present, future, promised or~~
 27 ~~contingent compensation for lobbying nor be hired nor employed as a~~
 28 ~~lobbyist nor be authorized or permitted to register as a lobbyist in accord-~~
 29 ~~ance with this section until such penalty has been paid in full.~~

30 ~~(n)~~ Every person other than an individual hiring, employing or com-
 31 pensating any lobbyist to engage in lobbying shall register with the sec-
 32 retary of state by completing and signing a registration form prescribed
 33 and provided by the commission. Such registration shall show the name
 34 and address of the represented person and the person hiring, employing
 35 or compensating any lobbyist on behalf of such represented person and
 36 the name and address of every lobbyist hired, employed or compensated
 37 by such person. Such registration shall, unless terminated by an amended
 38 registration form, expire annually on December 31, of the year for which
 39 such employer is registered.

40 ~~(o)~~ No space or facilities in the state capitol shall be assigned to or
 41 utilized by any registered lobbyist other than a certified lobbyist, except
 42 ~~for space or facilities made available for use by the general public.~~

43 Sec. 18. [20.] K.S.A. 46-232 is hereby amended to read as follows:

1 46-232. (a) No state officer or state officer elect shall engage in lobbying
2 nor solicit nor accept any present, future or promised or contingent com-
3 pensation for lobbying nor be hired or employed as a lobbyist.

4 (b) No state officer or employee shall engage in lobbying his own any
5 state agency, if he such employee solicits or accepts compensation spe-
6 cifically attributable to such lobbying, other than that provided for the
7 performance of his such employee's official duties.

8 (c) Nothing in this section shall prohibit a state officer or employee
9 from lobbying without compensation other than that which he such em-
10 ployee is entitled to receive for performance of his such employee's official
11 duties.

12 (d) No associated person or related person shall be employed as or
13 engage in lobbying during any period or involving any state agency not
14 permitted for the state officer or employee with whom the person is as-
15 sociated or related.

16 [(e) From and after January 10, 1997, no state officer shall en-
17 gage in lobbying nor solicit nor accept present, future, promised
18 or contingent compensation for lobbying nor be hired or employed
19 as a lobbyist within one year following the date of resignation from
20 or the expiration of the term of any such state officer's office.]

21 ~~See 10. [21.] K.S.A. 1995 Supp. 46-268 is hereby amended to read~~
22 ~~as follows: 46-268. (a) Except as otherwise provided in subsection sub-~~
23 ~~sections (b) and (c), every lobbyist shall file with the secretary of state a~~
24 ~~report of employment lobbying expenses incurred and expenditures made~~
25 ~~or arranged for by such lobbyist on a form and in the manner prescribed~~
26 ~~and provided by the commission. A report shall be filed on or before the~~
27 ~~10th day of the months of February, March, April, May, September and~~
28 ~~January. Reports shall include all expenditures lobbying expenses incurred~~
29 ~~and expenditures made or arranged for by such lobbyist which are re-~~
30 ~~quired to be reported under K.S.A. 46-269, and amendments thereto, or~~
31 ~~a statement that no expenses or expenditures in excess of \$100 were made,~~
32 ~~incurred or arranged for by such lobbyist for lobbying purposes, during~~
33 ~~the preceding calendar month or months since the period for which the~~
34 ~~last report was filed.~~

35 (b) For any calendar year in which a lobbyist expects to expend incur
36 lobbying expenses or make or arrange for lobbying expenditures in an
37 aggregate amount of less than \$100 for lobbying in each reporting period,
38 a lobbyist shall file an affidavit of such intent with the secretary of state.
39 Such lobbyist shall not be required to file the reports required under
40 subsection (a) for the year for which such affidavit is filed but shall file a
41 report on or before January 10, which shall include all expenditures made
42 in the preceding calendar year which are required to be reported under
43 K.S.A. 46-269, and amendments thereto. If in during any reporting period

**46-232. Lobbying by state officer or em-
employee; prohibited acts; exception.** (a) ~~[No state of-
ficer or employee shall engage in lobbying hi-
own state agency, if he accepts compensation
specifically attributable to such lobbying, other
than that provided for the performance of his
official duties.~~ Nothing in this section shall prohi-
bit a state officer or employee from lobbying
without compensation other than that which
he is entitled to receive for performance of his
official duties.

History: L. 1974, ch. 353, § 18; March 28.

such employee
such employee's
accept any present, future or promised or contingent com-
pensation for lobbying nor be hired or employed as a lobbyist.

(b)

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1 a lobbyist filing such affidavit expends in excess of \$100 in reportable
2 expenses, a report shall be filed for such period in the manner prescribed
3 by subsection (a).

4 ~~(c) Every report filed pursuant to this section shall be made on forms
5 prescribed by the commission and shall be verified in accordance with
6 K.S.A. 52-601, and amendments thereto.~~

7 ~~Sec. 29. [22.] K.S.A. 46-269 is hereby amended to read as follows:
8 46-269. Each report under K.S.A. 46-268, and amendments thereto, shall
9 disclose the following: (a) The full name and address of each person who
10 has paid compensation for lobbying to the lobbyist or has paid for ex-
11 penses of lobbying by the lobbyist during the period reported.~~

12 ~~(b) The aggregate amount or value of all expenditures made, except
13 for expenses of general office overhead, by the lobbyist or by the lobbyist's
14 employer for or in direct relation to lobbying during the reporting period,
15 if such expenditures exceed \$100. Individual expenditures of less than \$2
16 shall not be required to be reported under this subsection. Such expend-
17 itures shall be reported according to the following categories of expend-
18 itures:~~

- 19 ~~(1) Food and beverages provided as hospitality;~~
- 20 ~~(2) entertainment, gifts, honoraria or payments;~~
- 21 ~~(3) mass media communications;~~
- 22 ~~(4) recreation provided as hospitality;~~
- 23 ~~(5) communications for the purpose of influencing legislative or ex-
24 ecutive action; and~~
- 25 ~~(6) all other reportable expenditures made in the performance of
26 services as a lobbyist.~~

27 ~~With regard to expenditures for entertainment or hospitality which is
28 primarily recreation, food and beverages, only amounts expended on a
29 state officer or employee or on such officer or employee's spouse shall
30 be considered to be for or in direct relation to lobbying. Notwithstanding
31 the requirements of this subsection and subsection (c), no lobbyist shall
32 be responsible to report any expenditure by the lobbyist's employer of
33 which such person has no knowledge.~~

34 ~~(a) Each report under K.S.A. 46-268, and amendments thereto, shall,
35 in addition to the full name and address of the lobbyist filing the report
36 and such additional information and materials required by the commis-
37 sion consistent with the purposes and provisions of this act, include:~~

38 ~~(1) The full name and address of each person who has paid compen-
39 sation for lobbying to the lobbyist or has paid for or otherwise discharged
40 or satisfied expenses or expenditures of lobbying incurred, made or ar-
41 ranged for by the lobbyist during the period reported.~~

42 ~~(2) The aggregate amount or value of all expenses incurred and ex-
43 penditures made or arranged for by the lobbyist or by any of such lob-~~

46-269. Same; content of report; contri-
bution to a single special event; reports by
lobbyists having same employer; maintenance
of records; inspection by commission. Each re-
port under K.S.A. 46-268, and amendments
thereto, shall disclose the following: (a) The
full name and address of each person who has
paid compensation for lobbying to the lobbyist
or has paid for expenses of lobbying by the
lobbyist during the period reported.

(b) The aggregate amount or value of all
expenditures made, except for expenses of gen-
eral office overhead, by the lobbyist or by the
lobbyist's employer for or in direct relation to
lobbying during the reporting period, if such
expenditures exceed \$100. Individual expend-
itures of less than \$2 shall not be required
to be reported under this subsection. Such ex-
penditures shall be reported according to the
following categories of expenditures:

- (1) Food and beverages provided as hos-
pitality;
- (2) entertainment, gifts, honoraria or pay-
ments;
- ~~(3) mass media communications;~~
- (4) recreation provided as hospitality;

(5) communications for the purpose of in-
fluencing legislative or executive action; and

(6) all other reportable expenditures made
in the performance of services as a lobbyist.
With regard to expenditures for entertainment
or hospitality which is primarily recreation,
food and beverages, only amounts expended
on a state officer or employee or on such officer
or employee's spouse shall be considered to be
for or in direct relation to lobbying. Notwith-
standing the requirements of this subsection
and subsection (c), no lobbyist shall be re-
sponsible to report any expenditure by the lob-
byist's employer of which such person has no
knowledge.

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1 lobbyists or represented persons, if such represented person is not a lobbyist
2 required to file a report under this section, for or in direct relation to
3 lobbying the legislature or one or more legislators or the governor, with
4 respect to legislative matters, during the reporting period. Such expenses
5 and expenditures shall be reported according to the following categories:

- 6 (A) Food and beverages provided as hospitality;
7 (B) entertainment, gifts, honoraria or payments;
8 (C) mass media communications;
9 (D) recreation provided as hospitality;
10 (E) communications for the purpose of influencing legislative action;
11 (F) dues, membership payments or assessments or similar payments
12 made to any person who incurs or makes or arranges for lobbying related
13 expenditures or expenses in an amount in excess of 5% of its total ex-
14 penditures or \$10,000 in any calendar year.
15 (G) compensation for the reporting period paid, owed or promised to
16 any of the reporting lobbyist's employees who spend all or a part of two
17 or more days during the reporting period engaged in lobbying.
18 (H) unless the reporting lobbyist has incurred no expenses or has
19 made or arranged for no expenditures reportable pursuant to subparts
20 (A) through (F) and (I) or (J) of this subsection (a)(2) during the reporting
21 period, payments, if any, made to lobbyists other than the reporting lob-
22 bylist:
23 (I) the aggregate amount of expenses incurred or expenditures made
24 or arranged for that, if the lobbyist were otherwise lawfully engaged in
25 the business of lobbying for profit, could be deducted as business expenses
26 pursuant to section 162 of the federal internal revenue code of 1986 (26
27 USCA 162), which are not otherwise included in the amount or values of
28 subparts (A) through (H) of this subsection (a)(2);
29 (J) all other expenses incurred and expenditures made or arranged
30 for and goods, services and resources used or consumed by the reporting
31 lobbyist or used to support or assist the reporting lobbyist in the lobbyist's
32 performance or rendering of services as a lobbyist not reported under
33 subparts (A) through (I) of this subsection (a)(2); and
34 (K) Payments made to a lobbyist who failed to file any report required
35 of them under this section during the immediately preceding reporting
36 period.

37 With regard to expenses or expenditures for entertainment or hospi-
38 tality which is primarily recreation, food or beverage, only amounts in-
39 curred, expended or arranged for on a state officer elect or a state officer
40 or employee or on such officer or employee's immediate family shall be
41 considered to be for or in relation to lobbying. Notwithstanding the
42 requirements of this subsection and subsection (b), no lobbyist shall be
43 responsible to report any expenditure by a represented person or by any

(c) In addition to the information reported in accordance with sub-
section (b), each lobbyist expending an aggregate amount of \$100 or more
for lobbying

entertainment, recreation, food and beverages

in any reporting period shall report the amount of each
individual expenditure made for the purpose of providing entertainment
and hospitality in the form of recreation or food and beverages to members
of the legislature. Such report shall state the name of the member of the
legislature, ~~the amount of each expenditure made for such member or
such member and such member's spouse~~

the total cost of providing such entertainment
or hospitality, the average cost per person,
the number of legislators attending

and the purpose for which the
expenditure was made, whether for entertainment, recreation or food and
beverages. If an expenditure is made for entertainment, the event for
which such expenditure was made shall be reported. The provisions of
this subsection shall not apply to expenditures for entertainment, recre-
ation or food and beverages provided to members of the legislature at-
tending any function to which all members of the legislature, all members
of a standing or joint committee or all members of a legislative del-
egation ~~when all members~~ from a congressional district have been
invited if notice of such invitation and function has been published in the
listing or schedule of such events for such members of the legislature
published and provided by the division of legislative administrative serv-
ices for such purposes.

—(e) Whenever an individual lobbyist con-
tributes to a single special event, such lobbyist
shall report only the aggregate amount or value
of the expenditure contributed by such lob-
byist.

—(d) Whenever more than one lobbyist is
employed by a single employer, the reports
required by this section relating to such em-
ployer shall be made by only one such lobbyist
and that lobbyist shall be the lobbyist who is
most directly connected with the particular ex-
penditure or gift, honoraria or payment. No
expenditure or gift, honoraria or payment re-
quired to be reported by this section shall be
reported by more than one lobbyist.

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1 person compensating such lobbyist on behalf of such represented person
2 of which such lobbyist has no knowledge.

3 Individual expenses or expenditures of less than \$2.00 shall not be re-
4 quired to be reported under this section. For each expense or expenditure
5 required to be reported under subparts (F), (G), (H) and (K) of this sub-
6 section (a)(2), the lobbyist shall report the full name and address of the
7 person to whom the expense is owed or to whom the expenditure was
8 made. For all expenses or expenditures arranged for but not paid for or
9 satisfied or otherwise discharged by the reporting lobbyist, the lobbyist
10 shall report the full name and address of the person with or through whom
11 the lobbyist arranged for each such expense or expenditure.

12 (3) Except as required to be reported pursuant to subsection (a)(2),
13 the aggregate amount or value of all expenses incurred and expenditures
14 made or arranged for by the lobbyist or by any of such lobbyist's repre-
15 sented persons, if such represented person is not a lobbyist required to
16 file a report under this section, for or in relation to lobbying during the
17 reporting period. Such expenses and expenditures shall be reported ac-
18 cording to the following categories:

- 19 (A) Food and beverages provided as hospitality;
- 20 (B) entertainment, gifts, honoraria or payments;
- 21 (C) mass media communications;
- 22 (D) recreation provided as hospitality;
- 23 (E) communications for the purpose of influencing legislative action;
- 24 (F) dues, membership payments, assessments or similar payments
25 made to any person who incurs or makes or arranges for lobbying related
26 expenditures or expenses in an amount in excess of either 5% of its total
27 expenditures or \$10,000 in any calendar year;
- 28 (G) compensation for the reporting period paid, owed or promised to
29 any of the reporting lobbyist's employees who spend all or a part of two
30 or more days during the reporting period engaged in lobbying.
- 31 (H) unless the reporting lobbyist has incurred no expenses or has
32 made or arranged for no expenditures reportable pursuant to subparts
33 (A) through (F) and (I) or (J) of this subsection (a)(3) during the reporting
34 period, payments, if any, made to lobbyists other than the reporting lob-
35 byist;
- 36 (I) the aggregate amount of expenses incurred or expenditures made
37 or arranged for that, if the lobbyist were otherwise lawfully engaged in
38 the business of lobbying for profit, could be deducted as business expenses
39 pursuant to section 162 of the federal internal revenue code of 1986 (26
40 USCA 162), which are not otherwise included in the amount or values of
41 subparts (A) through (H) of this subsection (a)(3);
- 42 (J) all other expenses incurred and expenditures made or arranged
43 for and goods, services and resources used or consumed by the reporting

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

History: L. 1974, ch. 353, § 55; L. 1975, ch. 272, § 20; L. 1981, ch. 171, § 45; L. 1983, ch. 173, § 2; L. 1987, ch. 199, § 1; L. 1990, ch. 306, § 12; L. 1991, ch. 150, § 44; July 1.

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(e) Records in support of every report or statement filed All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported expenditures required to be reported as provided by K.S.A. 46-269 and amendments thereto shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.

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1 lobbyist or used to support or assist the reporting lobbyist in the lobbyist's
2 performance or rendering of services as a lobbyist not otherwise included
3 in subparts (A) through (I) of this subsection (a)(3); and

4 (K) payments made to a lobbyist who failed to file any report required
5 of them under this section during the immediately preceding reporting
6 period.

7 With regard to expenses or expenditures for entertainment or hospi-
8 tality which is primarily recreation, food or beverage, only amounts in-
9 curred, expended or arranged for on a state officer elect or a state officer
10 or employee or on such officer or employee's immediate family shall be
11 considered to be for or in relation to lobbying. Notwithstanding the
12 requirements of this subsection and subsection (b), no lobbyist shall be
13 responsible to report any expenditure by a represented person or by any
14 person compensating such lobbyist on behalf of such represented person
15 of which such lobbyist has no knowledge.

16 Individual expenses or expenditures of less than \$2.00 shall not be re-
17 quired to be reported under this section. For each expense or expenditure
18 required to be reported under subparts (F), (G), (H) and (K) of this sub-
19 section (a)(3), the lobbyist shall report the full name and address of the
20 person to whom the expense is owed or to whom the expenditure was
21 made. For all expenses or expenditures arranged for but not paid for or
22 satisfied or otherwise discharged by the reporting lobbyist, the lobbyist
23 shall report the full name and address of the person with or through whom
24 the lobbyist arranged for each such expense or expenditure.

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

28 (d) Whenever more than one lobbyist is employed by a single em-
29 ployer, the reports required by this section relating to such employer shall
30 be made by only one such lobbyist and that lobbyist shall be the lobbyist
31 who is most directly connected with the particular expenditure or gift,
32 honoraria or payment.

33 (c) No expense or expenditure or gift, honoraria or payment made,
34 incurred or arranged for, required to be reported by this section, shall
35 be reported by more than one lobbyist.

36 (e) (d) Every lobbyist which receives payments, makes payments or
37 incurs expenses or expects to receive payment, make payments or incur
38 expenses in connection with activities which are reportable pursuant to
39 this act shall keep detailed accounts, records, bills, and receipts as shall
40 be required by regulations adopted by the commission to expedite the
41 performance of all obligations imposed by this act. Records in support of
42 every report or statement filed shall be maintained and preserved by the
43 lobbyist for a period of five years from the date of the filing of such report

1 or statement and may be inspected under conditions determined by the
2 commission.

3 (e) ~~In determining the amount or value to be included in any report
4 made pursuant to this section, the amount or value of any expense or
5 expenditure to be included in any such report shall be the cost to the
6 reporting lobbyist of the expense or expenditure or, if the cost cannot be
7 ascertained, the fair market value of the expense incurred or the expend-
8 iture made or arranged for.~~

9 (f) ~~If any change occurs in any of the information contained in a
10 report filed pursuant to this section, an appropriate amendment shall be
11 filed with the secretary of state within 10 days after the change is known
12 or should be known by the lobbyist filing such report.~~

13 New Sec. ~~21~~. [23.] Except as reported as a part of any report re-
14 quired or permitted by K.S.A. 46-269, and amendments thereto, the cam-
15 paign finance act (K.S.A. 25-4142 et seq., and amendments thereto), or
16 K.S.A. 25-901; ~~25-904~~ and section ~~1~~ [and 25-904], and amendments
17 thereto, no person shall, while lobbying or engaged in lobbying, make,
18 arrange for, or otherwise provide for any present, future, promised or
19 contingent voluntary transfer, whether direct or indirect, absolute or condi-
20 tional, of any type or in any manner, whether by sale, exchange, grant,
21 gift, lease or any other conveyance, to any state officer or employee or
22 any associated person or related person thereof for such officer or em-
23 ployee's private benefit or gain, as defined by K.S.A. 46-217, and amend-
24 ments thereto, of any money, ~~property~~; compensation, fund, instrument,
25 property, vehicle, machinery, equipment, supplies, facilities, or other re-
26 source, right or property interest or the use, control or possession thereof,
27 on terms or conditions not available to members of the public except for
28 information to be used by a state officer or employee in performing a
29 function or duty of such person's office or employment.

30 ~~Sec. 22. [24.] K.S.A. 46-267 is hereby amended to read as follows:~~

31 46-267. (a) No person shall pay or accept or agree to pay or accept or
32 arrange for a third party to pay or agree to pay present, future, promised
33 or contingent compensation, or any part thereof, for lobbying which is
34 contingent upon the result achieved or attained.

35 (b) ~~No person shall pay or accept or agree to pay or accept present,
36 future, promised or contingent compensation, or any part thereof, for the
37 referral of a person or persons to a lobbyist for lobbying services.~~

38 (c) ~~No lobbying contract or agreement shall be valid or enforceable
39 in a court of law unless it is in writing, signed by all parties thereto and
40 was executed prior to the lobbyist's commencement of lobbying for the
41 represented person under such contract or agreement. Any such lobbying
42 contract or agreement shall be invalid and unenforceable unless such lob-
43 byist complies with all lobbying laws and lobbyist reporting requirements~~

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1 of this act.

2 ~~New Sec. 23. [25.] No lobbyist shall divide a fee for lobbying services~~
3 ~~with any nonlobbyist or with a lobbyist not properly registered pursuant~~
4 ~~to K.S.A. 46-268, and amendments thereto.~~

5 ~~Sec. 24. [26.] K.S.A. 46-270 is hereby amended to read as follows:~~
6 ~~46-270. The secretary of state shall obtain suitable name tags, in two~~
7 ~~colors, of a size not smaller than two inches by three inches, a color or~~
8 ~~colors distinguishable from name or identification tags or badges issued~~
9 ~~to or to be worn by state officers or employees, to be fastened on the~~
10 ~~outside of the wearer's garment with lettering adequate in size and clarity~~
11 ~~to be readable at a distance of three feet by individuals of normal vision,~~
12 ~~bearing the name of the lobbyist, the names of the persons compensating~~
13 ~~or appointing the lobbyist name of the firm of lobbyists with which the~~
14 ~~lobbyist being provided the tag is associated, if any, and the year. The~~
15 ~~secretary of state shall present provide to each individual registering un-~~
16 ~~der K.S.A. 46-264 and 46-265, and amendments thereto, one such tag,~~
17 ~~and such tag shall be worn by the lobbyist when lobbying in the state~~
18 ~~capitol building.~~

19 ~~Sec. 25. [27.] K.S.A. 46-274 is hereby amended to read as follows:~~
20 ~~46-274. Unlawful lobbying is (1) lobbying without being registered as~~
21 ~~provided by this act, or (2) lobbying when a current or required amended~~
22 ~~report under meeting the requirements of K.S.A. 46-268 and 46-269, and~~
23 ~~amendments thereto, or a current or required amended registration meet-~~
24 ~~ing the requirements of K.S.A. 46-265, and amendments thereto has not~~
25 ~~been filed and is past due. Unlawful lobbying is a class B misdemeanor.~~

26 ~~Sec. 26. [28.] K.S.A. 46-275 is hereby amended to read as follows:~~
27 ~~46-275. (a) Giving false lobbying information is intentionally:~~

- 28 (1) Making a false or incomplete statement on any registration paper
- 29 under K.S.A. 46-265; or
- 30 (2) making a false or incomplete report under K.S.A. 46-268 and 46-
- 31 269; or

32 (3) making any false statement or misrepresentation of the facts or

33 providing a document containing a false statement in violation of section

34 27, and amendments thereto.

35 ~~(b) Giving false lobbying information is a class B misdemeanor.~~

36 ~~New Sec. 27. [29.] No person, while lobbying, may:~~

37 (a) Knowingly make any false statement or misrepresentation of the

38 facts to a state officer or employee; or

39 (b) knowing a document to contain a false statement, cause a copy of

40 the document to be received by a state officer or employee without no-

41 tifying such member, in writing, of the truth.

42 ~~Sec. 28. [30.] K.S.A. 46-227 is hereby amended to read as follows:~~
43 ~~46-227. (a) "Associated person" means a person associated with a state~~

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1 officer or employee in a partnership, limited partnership, association or,
2 professional service corporation as a partner or officer, limited liability
3 company or limited liability partnership or a person in which such state
4 officer or employee has a substantial interest.

5 ~~(b) "Related person" means a person which has any ownership inter-~~
6 ~~est that would be attributable to another person under section 318 of the~~
7 ~~federal internal revenue code of 1986 (26 USCA 318).~~

8 ~~(c) "Represented person" means the person or persons on whose be-~~
9 ~~half or in whose interest a lobbyist lobbys.~~

10 ~~Sec. 20 [31.] K.S.A. 46-253 is hereby amended to read as follows:~~
11 ~~46-253. "Commission" as used in K.S.A. 46-215 to 46-280, inclusive, and~~
12 ~~any amendments thereto, and K.S.A. 46-248a, and amendments thereto,~~
13 ~~means the Kansas commission on governmental standards and conduct~~
14 ~~created by K.S.A. 25-4119a, and amendments thereto. The commission~~
15 ~~may adopt rules and regulations for the administration of the provisions~~
16 ~~of K.S.A. 46-215 to 46-280, and amendments thereto, and K.S.A. 46-248a,~~
17 ~~and amendments thereto. Any such rules and regulations adopted by the~~
18 ~~Kansas public disclosure commission shall continue in force and effect~~
19 ~~and shall be deemed to be the rules and regulations of the commission~~
20 ~~created by K.S.A. 25-4119a, and amendments thereto, until revised,~~
21 ~~amended, repealed or nullified pursuant to law. All rules and regulations~~
22 ~~of the commission shall be subject to the provisions of article 4 of chapter~~
23 ~~77 of Kansas Statutes Annotated rules and regulations filing act.~~

24 ~~Sec. 30 [32.] K.S.A. 46-223 is hereby amended to read as follows:~~
25 ~~46-223. "Person" means an individual, proprietorship, partnership, limited~~
26 ~~partnership, limited liability partnership, limited liability company,~~
27 ~~company, association, unincorporated association, committee, organiza-~~
28 ~~tion, trust, joint venture, estate, business trust, group, or corporation,~~
29 ~~whether or not operated for profit, or a governmental agency unit, or~~
30 ~~subdivision.~~

31 ~~[New Sec. 33. The provisions of this section, and amendments~~
32 ~~thereto, shall constitute and may be cited as the "Lobbyist's Code~~
33 ~~of Professional Responsibility."~~

34 ~~[(a) (1) Except as otherwise provided, a lobbyist may lobby on~~
35 ~~behalf of more than one person.~~

36 ~~[(2) A lobbyist shall not lobby on behalf of a person if the rep-~~
37 ~~resentation of that person will be directly adverse to another rep-~~
38 ~~resented person on whose behalf such lobbyist is lobbying or, as~~
39 ~~proscribed by subsection (b), has lobbied or has been retained to~~
40 ~~lobby during the immediately preceding 12 months unless the lob-~~
41 ~~byist reasonably believes that such representation will not ad-~~
42 ~~versely affect the interests of such other person and the lobbyist's~~
43 ~~lobbying relationship with the other person and such lobbyist has~~

1 advised, in writing, each represented person about the other rep-
2 resentation.

3 (3) A lobbyist shall not lobby on behalf of a person if the rep-
4 resentation of that person may be substantially limited by the lob-
5 byist's responsibilities to another represented person or to a third
6 person or by the lobbyist's own interests unless the lobbyist rea-
7 sonably believes the representation will not be adversely affected
8 and such lobbyist has advised, in writing, the person represented
9 about the lobbyist's potentially conflicting interests or responsi-
10 bilities.

11 [(4) When representation of multiple represented persons in a
12 single matter is undertaken by a lobbyist, any written advice re-
13 quired by this section shall include explanation of the conflict of
14 interest implications of the common representation of the several
15 represented persons and the advantages and risks that may be in-
16 volved.

17 [(b) (1) A lobbyist who has formerly lobbied on behalf of a rep-
18 resented person in a matter shall not thereafter lobby on behalf
19 of another represented person in the same or a substantially re-
20 lated matter in which that person's interests are materially adverse
21 to the interest of the first such person unless either:

22 [(A) Each represented person consents in writing after being
23 advised in writing of the previous representation; or

24 [(B) the lobbyist filed a termination of lobbying statement as
25 permitted by K.S.A. 46-265, and amendments thereto, terminating
26 such lobbyist's lobbying relationship with the first such repre-
27 sented person more than 12 months prior to commencing lobbying
28 on behalf of the second such represented person.

29 [(2) A lobbyist shall not use information obtained by such lob-
30 byist through the course of lobbying on behalf of a represented
31 person to the disadvantage of such person when such information
32 is not generally known or otherwise disclosed unless such person
33 consents in writing to such use.

34 [(c) A lobbyist shall not knowingly acquire an ownership, pos-
35 sessory, security or other pecuniary interest adverse to a repre-
36 sented person on whose behalf such lobbyist is engaged to lobby
37 unless the transaction and terms on which the lobbyist acquires
38 the interest are fair and reasonable to such person and are fully
39 disclosed and transmitted in writing to such person in a manner
40 which can be reasonably understood by such person and such per-
41 son is given a reasonable opportunity to terminate the lobbyist's
42 representation of such person.

43 [(d) A lobbyist shall not accept compensation for lobbying on

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1 behalf of a person from a person other than the represented per-
2 son unless the represented person consents in writing thereto.

3 [(e) (1) Except as otherwise provided, lobbyists may associate
4 in lobbying firms with other lobbyists.

5 [(2) Any lobbyist who is associated or becomes associated with
6 another lobbyist or lobbyists in a lobbying firm shall not knowingly
7 represent any person as a lobbyist if any other member or associate
8 of such lobbying firm would be prohibited from doing so.

9 [(3) When a lobbyist has terminated an association with a lob-
10 bying firm, the lobbying firm is not prohibited from thereafter
11 representing a person with interests materially adverse to those of
12 a person represented by the formerly associated lobbyist unless
13 the matter is the same or substantially related to that in which the
14 formerly associated lobbyist represented the person and any lob-
15 byist remaining in the lobbying firm has information which is ma-
16 terial to the matter and which was obtained by such lobbyist
17 through the course of lobbying on behalf of such person and such
18 information is not generally known or otherwise disclosed unless
19 such formerly represented person consents in writing.

20 [(f) A lobbyist shall not enter into an agreement for, charge, or
21 collect and illegal or clearly excessive fee for lobbying. A fee for
22 lobbying is clearly excessive when, after a review of the facts, a
23 lobbyist of ordinary prudence would be left with a definite and
24 firm conviction that the fee is in excess of a reasonable fee.

25 [(g) A lobbyist shall not enter into or offer to enter into an
26 arrangement for, charge or collect a contingent fee for lobbying.

27 [(h) A lobbyist shall not enter into or offer to enter into an
28 arrangement for, charge, collect or pay a referral or finder's fee
29 for the referral of a person to a lobbyist.

30 [(i) Except for expenses incurred or expenditures made or ar-
31 ranged for which are reported under subparts (C) through (J) of
32 subsection (a) (2) of K.S.A. 46-269, and amendments thereto, or
33 subparts (C) through (J) of subsection (a)(3) of K.S.A. 46-269, and
34 amendments thereto, a lobbyist or lobbying firm shall not share
35 lobbying fees with nonlobbyists. A lobbyist shall not form a part-
36 nership with a nonlobbyist if any of the activities of the partnership
37 consist of lobbying.

38 [(j) (1) A lobbyist shall not divide a fee for lobbying with an-
39 other lobbyist who is not a partner in or associate of a lobbying
40 firm unless:

41 [(A) The person on whose behalf the lobbyist is lobbying con-
42 sents to the employment of the other lobbyist after a full disclosure
43 that a division of fees will be made;

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1 (B) the division is made in proportion to the services per-
2 formed and responsibility assumed by each lobbyist; and

3 [(C) the total fee of all of the lobbyists does not clearly exceed
4 reasonable compensation for all lobbying services rendered to the
5 represented person.

6 [(2) This rule does not prohibit payments to a former partner
7 or associate pursuant to a separation or retirement agreement.

8 [(k) A lobbyist shall not withdraw from employment until such
9 lobbyist has taken reasonable steps to avoid foreseeable prejudice
10 to the lobbying interests of a person represented by such lobbyist
11 including, but not limited to:

12 [(1) Giving due notice to such person;

13 [(2) delivering to such person all papers and property to which
14 such person is entitled; and

15 [(3) otherwise complying with applicable laws and rules.

16 [(l) Any written consent of a person represented by a lobbyist
17 required by the Lobbyist's Code of Professional Responsibility
18 shall be filed by the lobbyist with the secretary of state prior to the
19 commencement of any lobbying activity which caused the consent
20 to be required.

21 [(m) No lobbyist shall:

22 [(1) Do anything with the purpose of placing any state officer
23 or employee under personal obligation to the lobbyist;

24 [(2) deceive or attempt to deceive any state officer or employee
25 with regard to any material fact pertinent to any pending or pro-
26 posed legislative or administrative action;

27 [(3) cause or influence the introduction of any bill or amend-
28 ment thereto for the purpose of thereafter being employed to se-
29 cure its passage or defeat; or

30 [(4) represent falsely, either directly or indirectly, that such
31 lobbyist can control the official action of any state officer or em-
32 ployee.

33 [(n) A lobbyist shall not make contributions, as defined by
34 K.S.A. 25-4143, and amendments thereto, to a political committee,
35 as defined by K.S.A. 25-4143, and amendments thereto.

36 [(o) A lobbyist having knowledge that another lobbyist has
37 committed a violation of this code of professional responsibility
38 that raises a substantial question as to that lobbyist's honesty, trust-
39 worthiness or fitness as a lobbyist in other respects shall report
40 such knowledge to the Kansas commission on governmental stan-
41 dards and conduct.

42 [(p) Words and phrases as used in this section shall have the
43 same meaning ascribed to such words and phrases in K.S.A. 46-

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1 ~~216 through 46-231, and amendments thereto.]~~

2 [Sec. 34. K.S.A. 46-215 is hereby amended to read as follows:
3 46-215. As used in K.S.A. 46-215 to 46-280, inclusive, and any
4 amendments thereto, and K.S.A. 46-248a, section 7, section 21, sec-
5 tion 23 and section 27 and amendments thereto, unless the context oth-
6 erwise requires, the words and terms defined in K.S.A. 46-216 to
7 46-231, inclusive, and any amendments thereto, shall have the
8 meanings therein ascribed thereto.]

9 ~~[New Sec. 35. No state officer or employee, candidate for state
10 office or state officer elect shall accept any gift or hospitality in
11 the form of alcoholic beverages from any person known to have a
12 special interest.]~~

13 [Sec. 36. K.S.A. 46-246a is hereby amended to read as follows:
14 46-246a. (a) From and after the effective date of this act, no state
15 officer or employee shall advocate or cause the employment, ap-
16 pointment, promotion, transfer or advancement to any office or
17 position of the state, of a member of such officer's or employee's
18 household or a family member.

19 [(b) No state officer or employee shall participate in an action
20 relating to the employment or discipline of a member of the offi-
21 cer's or employee's household or a family member.

22 [(c) The provisions of this section shall not apply to appoint-
23 ments of members of the governor's staff, nor shall it apply to any action
24 involving the employment, appointment, promotion, transfer or
25 advancement of any officer or employee occurring prior to the
26 effective date of this act.

27 [(d) The provisions of this section shall be subject to interpre-
28 tation and enforcement by the Kansas commission on govern-
29 mental standards and conduct in the manner provided by K.S.A.
30 46-253 through 46-263, and amendments thereto.]

31 ~~[New Sec. 37. (a) (1) Except as otherwise provided in this sub-
32 section (a), the definitions set forth in K.S.A. 25-4143, and amend-
33 ments thereto, shall be applicable to the provisions in this section.~~

34 ~~[(2) As used in this section "regulated entity" means any person
35 who is required by law to be licensed by the insurance commis-
36 sioner, or any person who engages in a business or profession
37 which is regulated by the insurance commissioner, or any person
38 employed by a company regulated by the insurance commissioner.~~

39 ~~[(b) No regulated entity and no person or political committee
40 acting on behalf of a regulated entity shall make a contribution to
41 or on behalf of a person holding the office of insurance commis-
42 sioner to or on behalf of a candidate for the office of insurance
43 commissioner or to or on behalf of a candidate committee of any~~

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1 such candidate.

2 [(c) No person holding the office of insurance commissioner
3 and no candidate for the office of insurance commissioner and no
4 candidate committee of a candidate for the office of insurance
5 commissioner shall knowingly solicit or accept a contribution from
6 any regulated entity or any person or political committee acting
7 on behalf of a regulated entity.

8 [(d) Any person or entity violating the provisions of this section
9 shall be punished in the manner and be subject to the penalties
10 prescribed by K.S.A. 25-4181, and amendments thereto.]

11 [~~New Sec. 38. Prior to presenting testimony, written or oral,
12 or evidence during hearings of any legislative committee accepting
13 testimony or evidence on a bill or bills before the legislative com-
14 mittee, any person submitting testimony, written or oral, or evi-
15 dence may provide voluntarily to such legislative committee a writ-
16 ten affirmation in substantial compliance with the following form:~~

17 [AFFIRMATION OF TESTIMONY

18 [I hereby affirm that the testimony that I present to the _____ legislative
19 committee holding hearings on _____ on the _____ day of 19____ is true
20 and correct.

21]
22 [~~Sec. 30. K.S.A. 1995 Supp. 75-4301a is hereby amended to
23 read as follows: 75-4301a. As used in K.S.A. 75-4302a, 75-4303a,
24 75-4304, 75-4305 and 75-4306, and amendments thereto and sec-
25 tions 30 to 35, inclusive and 37 to 40, inclusive, of this act:~~

26 [(a) "Substantial interest" means any of the following: (1) If an
27 individual or an individual's spouse, either individually or collec-
28 tively, has owned within the preceding 12 months a legal or eq-
29 uitable interest exceeding \$5,000 or 5% of any business, whichever
30 is less, the individual has a substantial interest in that business.

31 [(2) If an individual or an individual's spouse, either individu-
32 ally or collectively, has received during the preceding calendar
33 year compensation which is or will be required to be included as
34 taxable income on federal income tax returns of the individual and
35 spouse in an aggregate amount of \$2,000 from any business or
36 combination of businesses, the individual has a substantial interest
37 in that business or combination of businesses.

38 [(3) If an individual or an individual's spouse, either individu-
39 ally or collectively, has received in the preceding 12 months, with-
40 out reasonable and valuable consideration, goods or services hav-
41 ing an aggregate value of \$500 or more from a business or
42 combination of businesses, the individual has a substantial interest
43 in that business or combination of businesses.

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1 [(4) If an individual or an individual's spouse holds the position
2 of officer, director, associate, partner or proprietor of any busi-
3 ness, other than an organization exempt from federal taxation of
4 corporations under section 501(c)(3), (4), (6), (7), (8), (10) or (19)
5 of chapter 26 of the United States code, the individual has a sub-
6 stantial interest in that business, irrespective of the amount of com-
7 pensation received by the individual or individual's spouse.

8 [(5) If an individual or an individual's spouse receives compen-
9 sation which is a portion or percentage of each separate fee or
10 commission paid to a business or combination of businesses, the
11 individual has a substantial interest in any client or customer who
12 pays fees or commissions to the business or combination of busi-
13 nesses from which fees or commissions the individual or the indi-
14 vidual's spouse, either individually or collectively, received an ag-
15 gregate of \$2,000 or more in the preceding calendar year.

16 [As used in this subsection, "client or customer" means a busi-
17 ness or combination of businesses.

18 [(b) "Business" means any corporation, association, partner-
19 ship, proprietorship, trust, joint venture, and every other business
20 interest, including ownership or use of land for income.

21 [(c) "Local governmental employee" means any employee of
22 any governmental subdivision or any of its agencies.

23 [(d) "Local governmental officer" means any elected or ap-
24 pointed officer of any governmental subdivision or any of its agen-
25 cies.

26 [(e) "Candidate for local office" means any candidate for nom-
27 ination or election to any elective office of a governmental subdivi-
28 sion.

29 [(f) "Governmental subdivision" means any city, county, town-
30 ship, unified school district, drainage district or other govern-
31 mental political or taxing subdivision of the state having authority
32 to receive or hold public moneys or funds.

33 [(g) "Contracts" means agreements including but not limited
34 to sales and conveyances of real and personal property and agree-
35 ments for the performance of services.

36 [(h) "Acts" means the exercise of power or authority or per-
37 formance of any duty incident to public office or employment.

38 [(i) "Compensation" means any money, thing of value, right,
39 interest or economic benefit conferred on, or promised to or received
40 by, any person in return for services rendered, or to be rendered,
41 by that person or another, but shall not mean nor include reim-
42 bursement of reasonable expenses if the reimbursement does not
43 exceed the amount actually expended for the expenses and it is

1 substantiated by an itemization of expenses.

2 (j) "Preceding calendar year" has its usual meaning, except
3 that in the case of candidates and individuals newly appointed to
4 office or employment, it means the 12 months immediately pre-
5 ceding a required filing date.

6 (k) "Lobbyist" means any person engaged in or who engages in lob-
7 bying. Lobbyist shall not include:

8 (1) Any elected local governmental officer or any individual elected
9 to office which is filled by election by the qualified electors thereof engaged
10 in carrying out the duties of their office;

11 (2) any judge, officer or employee of district, magistrate or municipal
12 courts, engaged in carrying out the duties of their office or any member
13 of a board, council or commission who is appointed by a district, magis-
14 trate or municipal court, or who is elected or appointed to exercise duties
15 pertaining to functions of the district, magistrate or municipal court, when
16 such person is engaged in performing a function or duty for such court;
17 or

18 (3) any appointed member of an advisory council, commission or
19 board of any governmental subdivision, who serves a council, commission
20 or board of a local government without compensation other than reim-
21 bursement for expenses incurred in performing a duty or function of such
22 council, commission or board engaged in carrying out the duties of their
23 office.

24 (l) "Lobbying" means:

25 (1) Influencing, promoting or opposing in any manner, action or
26 nonaction by any local government subdivision by or through direct con-
27 tact or communication or any act or action related or pertaining to such
28 contact or communication with an officer or employee of such subdivision
29 for the purpose of influencing such officer or employee in the performance
30 of their official duties in relation thereto.

31 (2) "Lobbying" does not include any expenditure from amounts ap-
32 propriated by the local government agency for official hospitality.

33 (3) "Lobbying" does not include bona fide personal or business en-
34 tertaining

35 (4) "Lobbying" does not include any activity of a person licensed to
36 practice law in the state of Kansas before a local government agency, the
37 essential characteristics of which is or has been determined to be the
38 practice of law by the judicial branch of state government.

39 (m) "Associated person" means a person associated with a local gov-
40 ernmental officer or employee in a partnership, limited partnership, lim-
41 ited liability partnership, association, limited liability company or profes-
42 sional service corporation or a person in which such local governmental
43 officer or employee has a substantial interest.

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1 ~~[(n) "Related person" means a person which has any ownership in-~~
2 ~~terest that would be attributable to another person under section 318 of~~
3 ~~the federal internal revenue code of 1956 (26 U.S.C.A. 318).~~

4 ~~[(o) "Public agency" means the state, the legislature, legislators, leg-~~
5 ~~islative committers and councils, all executive departments and officers,~~
6 ~~institutions, offices, officers, commissions, boards and authorities of the~~
7 ~~state, any state agency, as defined by K.S.A. 46-224, and amendments~~
8 ~~thereto, any municipality as defined by subsection (d) of K.S.A. 25-901,~~
9 ~~and amendments thereto, or any political or taxing subdivision of the state~~
10 ~~or of any municipality or any other entity whose officers, directors, mem-~~
11 ~~bers or trustees are determined by public election or by election by the~~
12 ~~qualified electors thereof to state, local or other public office, or any per-~~
13 ~~son, office, officer, agency, agent, employee or instrumentality thereof~~
14 ~~except an individual acting in their individual capacity, receiving, ex-~~
15 ~~pending or supported in whole or in part by public money or funds ap-~~
16 ~~propriated by acts of the state legislature but does not include any person~~
17 ~~solely by reason of payment from public money or funds in exchange for~~
18 ~~such person's property, goods or services.~~

19 ~~[(p) "Person" means any individual, committee, corporation, part-~~
20 ~~nership, limited partnership, limited liability partnership, company, lim-~~
21 ~~ited liability company, proprietorship, trust, joint venture, organization,~~
22 ~~estate, business trust, group, association or unincorporated association,~~
23 ~~whether or not operated for profit, or a governmental agency, unit or~~
24 ~~subdivision.~~

25 ~~[(q) "Represented person" means the person on whose behalf or in~~
26 ~~whose interest a lobbyist lobbies.~~

27 ~~[New Sec. 40. (a) No local governmental officer or employee~~
28 ~~shall engage in lobbying the governmental subdivision of which~~
29 ~~such officer or employee is an officer or employee if such officer~~
30 ~~or employee accepts compensation specifically attributable to such~~
31 ~~lobbying other than compensation provided for the performance~~
32 ~~of such officer's or employee's official duties.~~

33 ~~[(b) No associated person or related person shall be employed~~
34 ~~as a lobbyist or engage in lobbying during any period or involving~~
35 ~~any governmental subdivision not permitted for the local govern-~~
36 ~~mental officer or employee with whom the person is associated or~~
37 ~~related.~~

38 ~~[(c) From and after January 1, 1997, no local governmental of-~~
39 ~~ficer or employee shall engage in lobbying, or solicit, or accept~~
40 ~~present, future, promised or contingent compensation for lobby-~~
41 ~~ing or be hired or employed as a lobbyist to lobby the govern-~~
42 ~~mental subdivision of which such officer or employee is an officer~~
43 ~~or employee within one year following the date of resignation from~~

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1 or the expiration of the term of any such local governmental offi-
2 ceer's or employee's office or employment.

3 ~~[(New Sec. 41 (a) Before engaging in lobbying any govern-
4 mental subdivision, every person: (1) Who is formally appointed as
5 a lobbyist for a represented person; or (2) who incurs expenses or
6 makes or arranges for expenditures permitted or required to be
7 reported as a part of any report or registration required or per-
8 mitted by sections 34 and 35, and amendments thereto, in an ag-
9 gregate amount in excess of \$250, exclusive of personal travel and
10 lodging expenses, or more in any calendar year for or related to
11 lobbying, shall register with the county clerk of the county in which
12 the governmental subdivision such lobbyist intends to lobby or is
13 lobbying is located by completing and signing an affirmed regis-
14 tration statement form prescribed and provided by the secretary
15 of state.~~

16 ~~[(b) Each registration required by subsection (a) shall include:~~

17 ~~[(1) If the lobbyist is an individual, a recent black and white
18 photograph, the size of which shall be prescribed by the secretary
19 of state;~~

20 ~~[(2) if the lobbyist is not an individual:~~

21 ~~[(A) A list of all lobbyists who are partners, owners, officers,
22 agents or employees of such lobbyist; and~~

23 ~~[(B) the name and title of a partner, owner or officer of the
24 lobbyist who is responsible for filing statements and reports and
25 keeping records required by this act on behalf of such lobbyist and
26 a statement signed by such designated responsible individual that
27 such responsible individual has read and is familiar with the laws
28 of Kansas relating to lobbying governmental subdivisions.~~

29 ~~[(3) The lobbyist's full name, business address and business tel-
30 ephone number;~~

31 ~~[(4) the full name and address of each person represented by
32 such lobbyist;~~

33 ~~[(5) if the lobbyist is receiving compensation for lobbying or
34 reimbursement for lobbying expenses, the name and address of
35 each person compensating or reimbursing such lobbyist for lob-
36 bying or lobbying expenses;~~

37 ~~[(6) the lobbying interests of each represented person;~~

38 ~~[(7) purpose or purposes for which such lobbyist intends to
39 lobby on behalf of the represented person;~~

40 ~~[(8) a list of the agencies of the governmental subdivision
41 whose actions the lobbyist will attempt to influence for each rep-
42 resented person; and~~

43 ~~[(9) the method of determining and computing the compen-~~

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1 sation of the lobbyist.

2 [(c) Before engaging in lobbying any governmental subdivision
3 on behalf of a represented person, every lobbyist required to reg-
4 ister under this section shall file with the county clerk of the county
5 in which the governmental subdivision such lobbyist proposes to
6 lobby is located, an authorization signed by the represented per-
7 son or an authorized agent of the person compensating such lob-
8 byist for lobbying on behalf of such represented person.

9 [(d) Except as provided in subsection (e), if any change occurs
10 in any of the information contained in a registration statement
11 filed pursuant to this section, an appropriate amendment shall be
12 filed with such clerk within 10 days after the change.

13 [(e) If such change includes the name of a person to be rep-
14 resented by the lobbyist, the registration statement or statements
15 of such lobbyist shall be amended and such amendment filed to
16 show such change prior to the lobbyist's engaging in any lobbying
17 on behalf of such represented person. If such change includes a
18 change in the information required by subsection (b)(2)(A), the
19 registration statement or statements of such lobbyist shall be
20 amended and such amendment filed to show such change prior to
21 the lobbyist's engaging in any lobbying.

22 [(f) If the lobbyist is compensated or to be compensated for
23 lobbying by more than one person or is to be engaged in more
24 than one representation, the relevant facts listed above shall be
25 separately stated for each represented person and each represen-
26 tation.

27 [(g) When a lobbyist is an employee of a lobbying group or firm
28 which contracts to lobby and not an owner or partner of such en-
29 tity, the lobbyist shall report each person whose interest the lob-
30 byist represents.

31 [(h) On or after October 1, in any year any person may register
32 as a lobbyist under this section for the succeeding calendar year.
33 Such registration shall expire annually on December 31, of the
34 year for which the lobbyist is registered. In any calendar year,
35 persons to whom this section applies shall register or renew their
36 registration as provided in this section.

37 [(i) Any person who has registered as a lobbyist on behalf of
38 themselves or another person pursuant to this act may file, upon
39 termination of such person's lobbying activities for one or more
40 persons, a statement terminating such person's registration as a
41 lobbyist for such specified person. Such statement shall be on a
42 form prescribed by the secretary of state and shall state the name
43 and address of the lobbyist, the name and address of the repre-

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1 sented person and the person compensating the lobbyist for lob-
2 bying and the date of the termination of the lobbyist's lobbying
3 activities for such represented person.

4 ~~[New Sec. 42 (a) Except as otherwise provided in subsection~~
5 ~~(b), every lobbyist required to register under section 32, and~~
6 ~~amendments thereto, lobbying any governmental subdivision shall~~
7 ~~file with the county clerk of each county in which the governmental~~
8 ~~subdivision that such lobbyist proposes to lobby is located a report~~
9 ~~of lobbying expenses incurred and expenditures expended or ar-~~
10 ~~ranged for by such lobbyist on a form and in the manner pre-~~
11 ~~scribed by the secretary of state. A report shall be filed on or be-~~
12 ~~fore the 10th day of the months of January and July. Reports shall~~
13 ~~include all amounts, items and information which are required to~~
14 ~~be reported under section 35, and amendments thereto, or a state-~~
15 ~~ment that no amounts or items in excess of \$100 were made for~~
16 ~~lobbying purposes during the preceding calendar months since the~~
17 ~~period for which the last report was filed.~~

18 ~~[(b) For any calendar year in which a lobbyist expects to incur~~
19 ~~lobbying expenses and expenditures expended, incurred or ar-~~
20 ~~ranged for by such lobbyist in an aggregate amount of less than~~
21 ~~\$100 for lobbying in each reporting period, a lobbyist shall file an~~
22 ~~affidavit of such intent with the county clerk of the county in which~~
23 ~~the governmental subdivision which such lobbyist proposes to~~
24 ~~lobby is located. Such lobbyist shall not be required to file the~~
25 ~~reports required under subsection (a) for the year for which such~~
26 ~~affidavit is filed but shall file a report on or before January 10,~~
27 ~~which shall include all expenditures made in the preceding cal-~~
28 ~~endar year which are required to be reported under section 35,~~
29 ~~and amendments thereto. If in any reporting period a lobbyist fil-~~
30 ~~ing such affidavit expends in excess of \$100 in reportable expenses,~~
31 ~~a report shall be filed for such period in the manner prescribed~~
32 ~~by subsection (a).~~

33 ~~[(c) Every report filed pursuant to this section shall be made~~
34 ~~on forms prescribed by the secretary of state and shall be verified~~
35 ~~in accordance with K.S.A. 53-601, and amendments thereto.~~

36 ~~[New Sec. 43 Each report under section 33, and amendments~~
37 ~~thereto, shall disclose the following: (a) The full name and address~~
38 ~~of each person who has paid compensation for lobbying any gov-~~
39 ~~ernmental subdivision to the lobbyist or has paid for or otherwise~~
40 ~~discharged or satisfied expenses or expenditures of lobbying in-~~
41 ~~currred, made or arranged for by the lobbyist during the period~~
42 ~~reported.~~

43 ~~[(b) The aggregate amount or value of all expenses incurred~~

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1 and expenditures made or arranged for by the lobbyist or by any
2 of such lobbyist's represented persons, if such represented person
3 is not a lobbyist required to file a report under this section, for or
4 in direct relation to lobbying any governmental subdivision during
5 the reporting period. Such expenses and expenditures shall be re-
6 ported according to the following categories:
7 [(1) Food and beverages provided as hospitality;
8 [(2) entertainment, gifts, honoraria or payments;
9 [(3) travel or lodging;
10 [(4) recreation provided as hospitality;
11 [(5) communications for the purpose of influencing local gov-
12 ernmental action;
13 [(6) mass media communications;
14 [(7) dues, membership payments or assessments or similar pay-
15 ments made to any person who incurs, makes or arranges for lob-
16 bying related expenditures or expenses in an amount in excess of
17 either 5% of its total expenditures or \$10,000 in any calendar year;
18 [(8) compensation for the reporting period paid, owed or
19 promised to any of the reporting lobbyist's employees who spend
20 all or a part of two or more days during the reporting period en-
21 gaged in lobbying;
22 [(9) unless the reporting lobbyist has incurred no expenses or
23 has made or arranged for no expenditures reportable pursuant to
24 subparts (1) through (6) and (9) or (10) of this subsection (b) during
25 the reporting period, payments, if any, made to lobbyists other
26 than the reporting lobbyist;
27 [(10) the aggregate amount of expenses incurred or expendi-
28 tures made or arranged for that, if the lobbyist were otherwise
29 lawfully engaged in the business of lobbying for profit, could be
30 deducted as business expenses pursuant to section 162 of the fed-
31 eral internal revenue code of 1986 (26 USCA 162), which are not
32 otherwise included in the amount or values of subparts (1) through
33 (8) of this subsection (b);
34 [(11) all other expenses incurred and expenditures made or ar-
35 ranged for and goods, services and resources used or consumed
36 by the reporting lobbyist or used to support or assist the reporting
37 lobbyist in the lobbyist's performance or rendering of services as
38 a lobbyist not otherwise included in subparts (1) through (9) of this
39 subsection (b); and
40 [(12) payments made to lobbyists other than the reporting lob-
41 byist who did not timely file any report required of them under
42 this section during the immediately preceding reporting period.
43 [With regard to expenses or expenditures for entertainment or

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1 hospitality which is primarily recreation, food and beverages or
2 for travel or lodging, only amounts incurred, expended or ar-
3 ranged for on a local governmental officer or employee or on such
4 officer or employee's immediate family shall be considered to be
5 for or in direct relation to lobbying. Notwithstanding the require-
6 ments of this subsection and subsection (d), no lobbyist shall be
7 responsible to report any expenditure by the lobbyist's repre-
8 sented person or by any person compensating such lobbyist on
9 behalf of such represented person of which such lobbyist has no
10 knowledge. Individual expenditures of less than \$2.00 shall not be
11 required to be reported under this subsection. For each expense
12 or expenditure required to be reported under subparts (7), (8), (9)
13 and (12) of this subsection (b), the lobbyist shall report the full
14 name and address of the person to whom the expense is owed or
15 to whom the expenditure was made. For all expenses or expendi-
16 tures arranged for but not paid for or satisfied or otherwise dis-
17 charged by the reporting lobbyist, the lobbyist shall report the full
18 name and address of the person with or through whom the lobbyist
19 arranged for each such expense or expenditure.

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

23 [(d) No expense or expenditure made, incurred or arranged
24 for, required to be reported by this section, shall be reported by
25 more than one lobbyist.

26 [(e) Every lobbyist which receives payments, makes payments
27 or incurs expenses or expects to receive payments, make payments
28 or incur expenses in connection with activities which are reportable
29 pursuant to this act shall keep detailed accounts, records, bills,
30 and receipts as shall be required by regulations adopted by the
31 secretary of state to expedite the performance of all obligations
32 imposed by this act. Records in support of every report or state-
33 ment filed shall be maintained and preserved by the lobbyist for a
34 period of five years from the date of the filing of such report or
35 statement and may be inspected under conditions determined by
36 the commission.

37 [(f) The terms used in subparts (1) through (12) of subsection
38 (b) shall have the meanings and interpretations conferred thereon
39 by K.S.A. 46-269, and amendments thereto, and rules and regu-
40 lations issued thereunder.

41 [(g) In determining the amount or value to be included in any
42 report made pursuant to this section, the amount or value of any
43 expense or expenditure to be included in any such report shall be

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1 the cost to the reporting lobbyist of the expense or expenditure or,
2 if the cost cannot be ascertained, the fair market value of the ex-
3 pense incurred or the expenditure made.

4 (h) If any change occurs in any of the information contained
5 in a report filed pursuant to this section, an appropriate amend-
6 ment shall be filed with the secretary of state within 10 days after
7 the change is known or should be known by the lobbyist filing such
8 report.

9 ~~[New Sec. 44. Except as reported as a part of any report re-~~
10 ~~quired or permitted by section 33 and section 34, and amendments~~
11 ~~thereto, the campaign finance act (K.S.A. 25-4142 et seq., and~~
12 ~~amendments thereto), or K.S.A. 25-901, 25-904, and amendments~~
13 ~~thereto, no person shall, while lobbying or engaged in lobbying,~~
14 ~~make, arrange for, or otherwise provide for any present, future,~~
15 ~~promised or contingent voluntary transfer, whether direct or in-~~
16 ~~direct, absolute or conditional, of any type or in any manner,~~
17 ~~whether by sale, exchange, grant, gift, lease or any other convey-~~
18 ~~ance, to any local governmental officer or employee or any asso-~~
19 ~~ciated person or related person thereof for such officer or em-~~
20 ~~ployee's private benefit or gain, as defined by subsection (b) of~~
21 ~~K.S.A. 46-217, and amendments thereto, of any money, property,~~
22 ~~compensation, fund, instrument, property, vehicle, machinery,~~
23 ~~equipment, supplies, facilities, or other resource, right or property~~
24 ~~interest or the use, control or possession thereof, on terms or con-~~
25 ~~ditions not available to members of the public except for infor-~~
26 ~~mation to be used by a local governmental officer or employee in~~
27 ~~performing a function or duty of such person's office or employ-~~
28 ~~ment.~~

29 ~~[New Sec. 45. No lobbyist shall pay or agree to pay or arrange~~
30 ~~for a third party to pay or agree to pay to any local governmental~~
31 ~~officer or employee, candidate for local office or an associated or~~
32 ~~related person thereof a present, future, promised or contingent~~
33 ~~price, fee, compensation or other consideration for the sale or~~
34 ~~lease of any property or the furnishing of goods or services which~~
35 ~~is materially in excess of that which other persons in the same~~
36 ~~business or profession would charge in the ordinary course of busi-~~
37 ~~ness. No contract or agreement proscribed by this section shall be~~
38 ~~valid or enforceable in a court of law.~~

39 ~~[Sec. 46. K.S.A. 1995 Supp. 75-4304 is hereby amended to~~
40 ~~read as follows: 75-4304. (a) No local governmental officer or em-~~
41 ~~ployee shall, in the capacity of such an officer or employee, make~~
42 ~~or participate in the making of a contract with any person or busi-~~
43 ~~ness by which the officer or employee is employed or in whose~~

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1 ~~business the officer or employee or any member of such officer's or~~
2 ~~employee's household or family or any associated person or related person~~
3 ~~thereof has a substantial interest.~~

4 ~~[(b) No person or business shall enter into any contract where~~
5 ~~any local governmental officer or employee, acting in that capac-~~
6 ~~ity, is a signatory to or a participant in the making of the contract~~
7 ~~and is employed by or has a substantial interest in the person or~~
8 ~~business.~~

9 ~~[(c) A local governmental officer or employee does not make~~
10 ~~or participate in the making of a contract if the officer or employee~~
11 ~~abstains from any action in regard to the contract.~~

12 ~~[(d) No individual, while a local governmental officer or employee or~~
13 ~~within one year after the conclusion of service as a local governmental~~
14 ~~officer or employee, shall be interested pecuniarily either directly or in-~~
15 ~~directly in any contract with the governmental subdivision of which, the~~
16 ~~individual is or was an officer or employee.~~

17 ~~[(+) (e) This section shall not apply to the following:~~

18 ~~[(1) Contracts let after competitive bidding has been adver-~~
19 ~~tised for by published notice and for which not less than two bona fide~~
20 ~~bids have been received; and~~

21 ~~[(2) contracts for property or services for which the price or~~
22 ~~rate is fixed by law.~~

23 ~~[(+) (f) Any local governmental officer or employee who is con-~~
24 ~~victed of violating this section shall forfeit the office or employ-~~
25 ~~ment.~~

26 ~~[New Sec. 47. Except for elected local government officers~~
27 ~~acting in their capacity as required or permitted by law in estab-~~
28 ~~lishing salaries, expense reimbursements or allowances, compen-~~
29 ~~sation and other expenditures related to such officers' employment~~
30 ~~by the local government as local elected officers, no local govern-~~
31 ~~ment officer or employee shall participate in making an appropri-~~
32 ~~ation to provide money or funds for any contract or agreement for~~
33 ~~the private benefit or gain of such officer or employee or associ-~~
34 ~~ated or related person thereof to provide property, goods or serv-~~
35 ~~ices by such officer or employee or an associated person or related~~
36 ~~person thereof which is to be paid, in whole or in part, out of funds~~
37 ~~appropriated by such local government unless: (a) Such contract~~
38 ~~or agreement has been awarded through a process of competitive~~
39 ~~bidding; or (b) the compensation for such contract or agreement~~
40 ~~and the basis upon which such contract or agreement is to be~~
41 ~~awarded is set by ordinance or by regulations of a local govern-~~
42 ~~ment agency administering such contract or agreement. If such~~
43 ~~contract or agreement is awarded as the result of competitive bid-~~

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1 ding, a copy of the contract shall be filed with the commission. All
2 such contract awards shall be made as a result of original bid tak-
3 ings, and no awards from negotiations after bidding shall be al-
4 lowed.

5 ~~4 New Sec. 48. (a) Unless otherwise permitted by this section,~~
6 ~~no local governmental officer or local governmental employee,~~
7 ~~and no related person or associated person thereof, shall enter into~~
8 ~~any contract or agreement in which:~~

9 [(1) The contract or agreement is between (A) such local gov-
10 ernmental officer or local governmental employee or related per-
11 son or associated person thereof, and (B) any state agency, any
12 governmental subdivision, or any person which is licensed, in-
13 spected or regulated by any state agency; and

14 [(2) the contract or agreement is for the private benefit or gain
15 of such local governmental officer or local governmental em-
16 ployee, or any related person or associated person thereof; and

17 [(3) the contracting local governmental officer or local govern-
18 mental employee, or the contracting related person or associated
19 person thereof is to provide the property, goods or services which
20 are to be provided under the contract or agreement; and

21 [(4) the property, goods or services to be provided under the
22 contract or agreement are to be paid for, in whole or in part, out
23 of moneys or funds appropriated by an act of a state agency or
24 budgeted by a governmental subdivision.

25 [(b) The provisions of this section prohibiting any contract or
26 agreement shall not apply to any such contract or agreement if:

27 [(1) The contract or agreement is to provide the personal serv-
28 ices of the individual entering into the contract or agreement, the
29 services are to be performed or rendered solely by such individual,
30 and a copy of the contract or agreement is filed with the commis-
31 sion;

32 [(2) such contract or agreement was awarded through a proc-
33 ess of competitive bidding, was awarded as a result of original bid
34 takings and not from any negotiations after bidding, and was filed
35 with the commission; or

36 [(3) the compensation for such contract or agreement and the
37 basis upon which such contract or agreement was awarded is set
38 by statute or rules and regulations of an executive branch state
39 agency administering such contract or agreement.

40 [(c) Except as otherwise provided by this section, words and
41 phrases as used in this section shall have the same meaning as-
42 cribed to such words and phrases in K.S.A. 75-4301a and amend-
43 ments thereto.

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1 ~~[New Sec. 49. (a) No person shall pay or accept or agree to pay~~
2 ~~or accept present, future, promised or contingent compensation,~~
3 ~~or any part thereof, for lobbying any governmental subdivision~~
4 ~~which is contingent upon the result achieved or attained.~~

5 ~~[(b) No person shall pay or accept or agree to pay or accept~~
6 ~~compensation, or any part thereof, for the referral of persons to a~~
7 ~~lobbyist for lobbying services.~~

8 ~~[New Sec. 50. Unlawful lobbying of governmental subdivision~~
9 ~~is (a) lobbying a governmental subdivision without being regis-~~
10 ~~tered as provided by this act, or (b) lobbying when a current or~~
11 ~~required amended registration or report under sections 33, 34 and~~
12 ~~35, and amendments thereto, has not been filed and is past due.~~
13 ~~Unlawful lobbying is a class B misdemeanor.~~

14 ~~[New Sec. 51. No person, while lobbying, may-~~

15 ~~[(a) Knowingly or willfully make any false statement or misrep-~~
16 ~~resentation of the facts to a local governmental officer or em-~~
17 ~~ployee; or~~

18 ~~[(b) knowing a document to contain a false statement, cause a~~
19 ~~copy of the document to be received by a local governmental of-~~
20 ~~ficer or employee without notifying such person, in writing, of the~~
21 ~~truth.~~

22 ~~[New Sec. 52 (a) On or before each June 1, every govern-~~
23 ~~mental subdivision, which makes expenditures of funds of the gov-~~
24 ~~ernmental subdivision for the official travel outside of the state of~~
25 ~~Kansas by one or more local governmental officers or local gov-~~
26 ~~ernmental employees, shall file a report, with the county clerk of~~
27 ~~each county in which all or part of the governmental subdivision~~
28 ~~is located, of all official travel outside of the state of Kansas by~~
29 ~~each such local governmental officer or local governmental em-~~
30 ~~ployee during the most recently completed calendar year. Such~~
31 ~~report shall state the name and position of the local governmental~~
32 ~~officer or local governmental employee, the date, destination and~~
33 ~~purpose of such travel and total expenses paid for travel, subsis-~~
34 ~~tence or other expenses paid from funds of the governmental sub-~~
35 ~~division.~~

36 ~~[(b) Words and phrases as used in this section shall have the~~
37 ~~same meaning ascribed to such words and phrases in K.S.A. 75-~~
38 ~~4301a and amendments thereto.~~

39 ~~[New Sec. 53. Local government units may exempt themselves~~
40 ~~by resolution or ordinance, as appropriate, from the provisions of~~
41 ~~sections 32, 33, 34, 35, 37, 39, 40, 41, 42, 43 and 44, and amend-~~
42 ~~ments to such sections. Any exemption under this section shall ex-~~
43 ~~pire four years after the effective date of the exemption and may~~

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1 ~~be renewed for an additional period of four years, and each four~~
 2 ~~years thereafter, by the local governmental unit in the manner~~
 3 ~~provided for an original exemption under this section. An ordi-~~
 4 ~~nance or resolution adopted under this section shall not take effect~~
 5 ~~until 30 days after it is published in a newspaper of general cir-~~
 6 ~~culation within the governmental unit. If within 30 days after it is~~
 7 ~~published in such newspaper a petition signed by a number of~~
 8 ~~electors of the governmental unit equal to not less than 5% of the~~
 9 ~~number of electors who voted at the last preceding regular elec-~~
 10 ~~tion held in the governmental unit shall be filed in the office of~~
 11 ~~the clerk of such governmental unit demanding that such ordi-~~
 12 ~~nance or resolution be submitted to a vote of the electors it shall~~
 13 ~~not take effect until submitted to a referendum and approved by~~
 14 ~~a majority of the electors voting thereon. In the event such petition~~
 15 ~~is filed the governing body of the governmental unit shall submit~~
 16 ~~the question to the voters at an election called for such purpose~~
 17 ~~or at the next general election, and the ordinance or resolution, if~~
 18 ~~approved by the electors shall take effect the day following the day~~
 19 ~~such ordinance or resolution is approved by the electors. Any or-~~
 20 ~~dinance or resolution approved under this section by a vote of the~~
 21 ~~electors shall expire four years after the effective date of such or-~~
 22 ~~dinance or resolution and may be renewed for an additional period~~
 23 ~~of four years and each four years thereafter, by the local govern-~~
 24 ~~mental unit in the manner provided for an original exemption un-~~
 25 ~~der this section.]~~

26 ~~[Sec. 54. K.S.A. 1995 Supp. 25-4148a is hereby amended to~~
 27 ~~read as follows: 25-4148a. When a report is made under this act~~
 28 ~~and the amount being contributed by an individual is over \$150~~
 29 ~~\$50, the report shall list the occupation of the individual contrib-~~
 30 ~~utor, or if the individual contributor is not employed for compen-~~
 31 ~~sation then the report shall list the occupation of the contributor's~~
 32 ~~spouse.]~~

33 ~~[New Sec. 55. The provisions of sections 30 to 33, inclusive,~~
 34 ~~shall apply to:~~

35 ~~[(a) Candidates for election to membership in the house of rep-~~
 36 ~~resentatives and the senate of the state of Kansas from and after~~
 37 ~~January 1, 1997; and~~

38 ~~[(b) candidates for election to state offices elected on a state-~~
 39 ~~wide basis from and after January 1, 1999.]~~

40 ~~[New Sec. 56. The commission shall establish campaign ex-~~
 41 ~~penditure limitations in accordance with this section and shall pro-~~
 42 ~~vide copies of such schedule to persons requesting the same and~~
 43 ~~to all candidates for offices specified in section 30, at the time of~~

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1 filing for office. Such expenditure limitations shall apply to pri-
2 mary and general election cycles prescribed for the allocation of
3 contributions and expenditures prescribed by K.S.A. 25-4149, and
4 amendments thereto. Campaign expenditures shall not exceed:

5 [(a) For offices elected on a statewide basis:

6 [(1) (A) For uncontested election cycles for the pair of offices
7 of governor and lieutenant governor, \$200,000; and

8 [(B) for contested election cycles, for the pair of offices of gov-
9 ernor and lieutenant governor, \$1,000,000;

10 [(2) (A) for uncontested election cycles for the office of sec-
11 retary of state, \$100,000; and

12 [(B) for contested election cycles for the office of secretary of
13 state, \$400,000;

14 [(3) (A) for uncontested election cycles for the office of attor-
15 ney general, \$100,000; and

16 [(B) for contested election cycles for the office of attorney gen-
17 eral, \$400,000;

18 [(4) (A) for uncontested election cycles for the office of state
19 treasurer, \$100,000; and

20 [(B) for contested election cycles for the office of state treas-
21 urer, \$400,000; and

22 [(5) (A) for uncontested election cycles for the office of insur-
23 ance commissioner, \$100,000; and

24 [(B) for contested election cycles, for the office of insurance
25 commissioner, \$400,000; and

26 [(b) for the office of state senator:

27 [(1) For uncontested election cycles for the office of state sen-
28 ator, \$10,000; and

29 [(2) for contested election cycles for the office of state senator,
30 \$40,000; and

31 [(c) for the office of state representative:

32 [(1) For uncontested election cycles for the office of state rep-
33 resentative, \$5,000; and

34 [(2) for contested election cycles for the office of state repre-
35 sentative, \$15,000;

36 [An uncontested election is an election in which only one can-
37 didate has filed to appear on the ballot for an election cycle.

38 [A contested election is an election in which more than one can-
39 didate will appear on the same ballot for an election cycle.

40 [(d) For any candidate who is running against another candi-
41 date, who is also currently holding the office, for which such can-
42 didates are running, expenditures shall not exceed an amount
43 equal to 110% of the amounts prescribed under subsections (a),

1-50

1 ~~(b) and (c) for candidates for such offices.~~

2 ~~[Expenditure limitations hereinbefore prescribed shall be ad-~~
3 ~~justed by the legislature to become effective January 1, 1999, and~~
4 ~~each two years thereafter, to reflect changes in costs of financing~~
5 ~~election campaigns.~~

6 ~~[New Sec. 57. Any candidate who has filed a statement of in-~~
7 ~~tent to be bound by the campaign expenditure limitations pre-~~
8 ~~scribed by section 31, who makes any expenditures in excess of~~
9 ~~such amounts shall pay a civil penalty in an amount equal to 100%~~
10 ~~of all expenditures made in excess of such limitation. All civil pen-~~
11 ~~alties collected pursuant to this section shall be remitted to the~~
12 ~~state treasurer and upon receipt thereof the state treasurer shall~~
13 ~~deposit the same in the state treasury and credit it to the Kansas~~
14 ~~commission on governmental standards and conduct fee fund.~~

15 ~~[New Sec. 58. Within five days following the filing of reports~~
16 ~~of expenditures in accordance with K.S.A. 25-4148, and amend-~~
17 ~~ments thereto, the commission shall compile and produce a list of~~
18 ~~the accumulated expenditures of all candidates for offices for~~
19 ~~which expenditure limitations are prescribed under section 31.~~
20 ~~Copies of such lists shall be filed in the office of the secretary of~~
21 ~~state and in addition, in the case of members of the legislature, in~~
22 ~~the office of the county election officer of the counties from which~~
23 ~~members of the legislature are elected.~~

24 ~~[Sec. 59. K.S.A. 25-206 is hereby amended to read as follows:~~
25 ~~25-206. (a) Except as provided in subsection (b) subsections (b) and~~
26 ~~(c), when a candidate in lieu of nomination petitions files a decla-~~
27 ~~ration of intention to become a candidate for any national, state,~~
28 ~~county or township office, the accompanying fee shall be in an~~
29 ~~amount as follows: For the office of United States senator, United~~
30 ~~States representative from any district or at large, all state offices,~~
31 ~~and all county offices, where the salary is over \$1,000 per year, a~~
32 ~~sum equal to 1% of one year's salary as determined by the secre-~~
33 ~~tary of state for state and national offices, and as determined by~~
34 ~~the county election officer for county offices. For all county offices~~
35 ~~where the salary is \$1,000 or less, a fee of \$5; for a state senator,~~
36 ~~\$75; for representatives, \$50; for all township offices, \$1. Nothing~~
37 ~~in this act shall be construed as requiring any fee of a candidate~~
38 ~~filing a declaration of intention to become a candidate for precinct~~
39 ~~committeeman or precinct committeewoman. The officer receiv-~~
40 ~~ing the funds shall turn them over to the state treasurer, if depos-~~
41 ~~ited with the secretary of state, or to the county treasurer, if de-~~
42 ~~posited with the county election officer, and the funds shall~~
43 ~~become a part of the general fund of the respective government.~~

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1 ~~[Such declaration shall be prescribed by the secretary of state
2 and shall be attested before a county election officer or deputy
3 county election officer in the case of county and township offices,
4 and before a county election officer, the secretary of state or a
5 deputy of one of such officers in the case of state and national
6 offices, and a notary public in the case of precinct committeemen
7 and committeewomen.~~

8 ~~[(b) When a candidate for the office of district magistrate
9 judge, in lieu of nomination petitions, files a declaration of inten-
10 tion to become a candidate for such office, the declaration shall
11 be in the same form and subject to the same method of attestation
12 as provided for other state officers in subsection (a) and the re-
13 quired fee to accompany the declaration shall be \$100.~~

14 ~~[(c) Any candidate for election to membership in the Kansas senate
15 or house of representatives and any candidate for election to state office
16 elected on a statewide basis, after January 1, 1997, who files a statement
17 of intent to be bound by expenditure limitations prescribed by section 31,
18 may file a declaration of intention to become a candidate for such office
19 without the payment of the fee required by subsection (a), and no fee shall
20 be required therefor.]~~

21 ~~Sec. 31. [60.] K.S.A. [25-206,] 25-4148, [25-4148a,] 25-4153, 25-
22 4153a, [46-215,] 46-216, 46-217, 46-222, 46-223, 46-224, 46-225, 46-227,
23 46-232, [46-216a,] 46-253, 46-267, 46-269, 46-270, 46-271, 46-272, 46-
24 274, 46-275 and 72-53, 108 [and 46-275] and K.S.A. 1995 Supp. 25-4143,
25 [25-4157a,] 46-236, 46-237, 46-265 and 46-268, 46-268, 75-4301a and
26 75-4304] are hereby repealed.~~

27 ~~Sec. 32. [61.] This act shall take effect and be in force from and after
28 November 6 [August 7], 1996, and its publication in the statute book.~~

January 1, 1997

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Supplemental Note as Amended by House Committee of the Whole

Amendments by Senate Subcommittee on Elections, Congressional and Legislative Apportionment, and Governmental Standards

State Campaign Finance Act

New Section 1 would restrict aggregate campaign contributions by any person or political committee to any candidate, any candidate's candidate committee, party committee, and political committee dedicated to a candidate's campaign to \$350 in each election cycle. Party committees as defined by K.S.A. 25-4143(g), a candidate, and a candidate's spouse would be exempt from these campaign contribution limitations. These restrictions would apply to candidates for state and local offices and exclude statewide elective offices. *Local office* would be defined as any elective office of a governmental subdivision of the state.

New Section 1 deleted from the substitute bill.

Section 2 would expand the definition of *person* as used in the State Campaign Finance Act to include a limited partnership and limited liability partnership, a company and a limited liability company, estate, business trust, group, proprietorship, joint venture, an unincorporated association, a governmental agency unit, and a governmental subdivision. The definition of *political committee* as used in the State Campaign Finance Act would be expanded to individuals or any person who receives contributions and makes contributions or expenditures in support or opposition of a candidate or candidates for state or local office. *Contribution* would be expanded to include personal services rendered without charge by a political committee.

Section 2 retained.

New Section 3 would prohibit a candidate, a state or local officer, and any elected individual from serving as a chairperson, treasurer, officer, or director of a political committee or, if such committee has ten or fewer members, a member of a political committee.

New Section 3 retained except for *or local officer* would be deleted.

Section 4 would require the treasurer of a candidate to file a treasurer's report for campaign contributions given by an individual and a report for campaign contributions filed by all other persons. All such reports would have to include the name and address of each individual or person who has made any contribution during a reporting period, the date and the amount of each contribution, and the amount received in the form of money and in other forms of contributions. Also, the substitute bill would require the report to list the name and address of every lender, guarantor, and endorser if the contribution is made in the form of an advance or loan.

Section 4 retained and *an aggregate amount or value in excess of \$50* would be reinserted as it applies to any contribution and in-kind contribution by persons and individuals. \$50 excess would now apply to treasurer's report of the purchase of tickets or admissions to testimonial events.

The Subcommittee inserted S.B. 545, as amended, that would require the treasurer for each candidate for state office elected on a statewide basis or a candidate for a state Senate office or state House of Representatives office to file a report within 24 hr

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ATTACHMENT 2

Section 5 would fix contribution limitations under the State Campaign Finance Act. The changes would make certain limitations conform with Section 1. Sub. for H.B. 3000 would attribute a campaign contribution by a person or that person's spouse in excess of \$100 to any political committee, party committee, or other entity that contributes to a candidate would be considered a contribution made by that person to the candidate but not in excess of the aggregate amount actually given to the political committee by the person or that person's spouse.

Section 6 would fix campaign contribution limitations under the State Campaign Finance Act. The substitute bill is amended to provide different contribution limitations for candidates for offices elected on a statewide basis and legislators who agree to be bound by expenditure limitations fixed under New Section 56 and for candidates who do not agree to be bound by such limitations.

following the receipt of any *individual* contribution or in-kind contribution aggregate contributions of \$250 or greater. The 24-hour reporting requirement would be in effect from the 11th day before the primary or general election to the day before the election. The reports would have to list the name and address of the person making such contributions if the contributions were in excess of \$50 and the amount and date of such contribution. Also under the bill, the aggregate amount that is not required to be individually reported would have to be reported, along with the name of every lender, guarantor, or endorser if applicable. Reports would be allowed to be filed by facsimile. The Senate Subcommittee inserted *individual* as it applies to contributions.

Section 5 retained except for deleting the section that applies to attributing a campaign contribution by a person or the person's spouse in excess of \$100 to any political committee or party committee which cannot be in excess of the aggregate amount actually given to the political committee by the person or the person's spouse.

In Section 5 the Subcommittee changed campaign contribution limitations for the office of Governor and Lieutenant Governor or other state officers elected from the state on the whole from \$2,000 to \$1,000; the office of members of the House of Representatives, district judge, magistrate judge, district attorney, member of the State Board of Education, or candidate for local office from \$500 to \$350 for each election cycle; and office of State Senator from \$1,000 to \$750. These same contribution limitations would apply for contested elections. Section 1 of S.B. 545, as amended, would be inserted into Section 5 and would prohibit any candidate or candidate's committee from accepting any campaign contribution except from an individual or a party committee other than a national committee. In addition, the contributions given by all party committees, other than national committees, would be limited to no more than an aggregate amount of \$1,000 for one election cycle. Current law does not limit party committee contributions to candidates unless it is a contested primary election. Also, a candidate would be prohibited from accepting campaign contributions from political committees in excess of 50 percent of the total amount of all contributions received by a candidate from all sources for one election cycle.

Section 6 is deleted to reinstate current law. The contribution limitation for candidates who have signed a statement of expenditure limitation was proposed new law.

Section 6 deleted to reinstate current law.

Office	Contribution Limitation for Candidates per Election Cycle Who Have/Have Not Signed a Statement of Intent	
	Have Signed	Have Not Signed
Governor and Lt. Governor and other officers elected on a statewide basis	\$2,000 (current law)	\$400
State Senator	\$1,000 (current law)	\$200
House of Representatives	\$500 (current law)	\$100

The Subcommittee inserted S.B. 545, as amended, that would require any person other than the candidate, the candidate's committee, or the public media who prints or causes to be printed any newsletter, document, or printed matter between June 1 and November 15 which promotes or opposes the nomination of a candidate, to submit a report to the office of the Secretary of State and to the office of the county commissioner, if appropriate. Each report would have to contain the name and address of the person responsible for printing or publishing the information, the name of the candidate, and the estimated cost of printing, publishing, or distributing the information.

Section 7 would extend the prohibition on making contributions to any other person (current prohibition applies to lobbyists and political committees making a contribution) who makes a campaign contribution after January 1 and May 15 or any other time the Legislature is in session to the committee established by a state committee of any political party and designated as a recognized political committee for the Senate or House of Representatives, a state officer elected on a statewide basis, candidate for state office elected on a statewide basis, or candidate committee for such officer or candidate (current prohibition includes giving to a legislator, candidate for membership in the Senate or House of Representatives, or candidate committee for such legislator or candidate).

Section 7 retained and amended by inserting *other than any individual after any other person*. Similar to language in Section 3 in S.B. 545 and Section 1 of H.B. 2781.

Section 8 would prohibit a candidate or candidate committee of a candidate from using a contribution to pay interest or any finance charge from any money loaned to the campaign by the candidate or the candidate's spouse.

Section 8 retained.

2
3

State Lobbying Laws

New Section 9 would prohibit any state officer or employee from soliciting or receiving compensation in addition to the compensation received in that state officer or employee's official capacity for assistance or advice on lobbying the state Legislature.

Section 10 would prohibit any state officer, state employee, candidate for state officer, or state officer elect, to solicit for private gain or benefit any present, future, promised, or contingent economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, employment, or services from any person known to have a special interest if the purpose of the gift is to influence such officer, employee, candidate, or state officer elect. Under the substitute bill, no contract or agreement between the above entities and a person with a special interest would be enforceable in a court of law.

Sections 11 and 12 would prohibit a state officer, employee, candidate, or state officer elect from accepting from persons with special interests and any person with special interests or persons licensed, inspected, or regulated by a state agency, or lobbyist from giving any economic opportunities, gifts, favors, hospitality, and employment for his or her private gain or benefit in an aggregate value of \$40 or more in any calendar year. Sub. for H.B. 3000 would exempt continuing education seminars from the prohibition, provided that the seminars discuss legislative matters and continuing education credits may be obtained from a licensing agency in Kansas or other states. Under this substitute bill, state officers, employees, candidates for state officer, and state officers elect would be required to pay the full fee which other participants pay to receive credit.

Under Section 15 *private benefit or gain* would exist when a state officer, employee, an associated person or related person of such officer or employee receives, obtains, or exerts control or converts to personal or business use the object, information, or resource that constitutes such personal gain.

Section 30 would expand the definition of *associated person* under the state lobbying laws to mean a person associated with a state officer or employee in a limited liability company, limited liability partnership, or a person in which that state officer or employee has a substantial interest. A *related person* would be defined as a person who has any ownership interest that would be attributable to another person as defined by Section 318 of the federal Internal Revenue Code. A *represented person* would mean a person on whose behalf or in whose interests a lobbyist lobbies.

New Section 9 retained.

Section 10 deleted to reinstate current law.

Sections 11 and 12 deleted to reinstate current law.

Section 13 would prohibit a lobbyist from arranging for a third party to pay or agree to pay to any state officer, employee, candidate for state office, state officer elect, or related person a present, future, or contingent price, fee, compensation, or the furnishing of goods which are in excess of that which other persons in the same business or profession would charge in the ordinary course of business. Under the substitute bill, no contract or agreement between the above entities would be valid or enforceable in a court of law.

Sections 14 and 15 would expand the definition of *compensation* to include any *right* and *interest* received by or conferred on any person in return for services rendered. The definition of *economic opportunity* would be expanded to include purchase, lease, contract, or other arrangement involving goods for private benefit or gain. Under **Section 13** *private benefit or gain* would exist when a state officer, employee, an associated person, or related person of such officer or employee receives, obtains, or exerts control or converts to personal or business use the object, information, or resource that constitutes such personal gain.

Section 16 would define *lobbying* as influencing, promoting, or opposing any action or nonaction by any state agency through direct contact or communication with an officer or employee of such agency for the purpose of influencing that officer or employee in the performance of his or her official duties. The substitute bill would exclude from the definition of lobbying any activity by a lawyer before an agency of the Executive Branch of state government in relation to the practice of law.

Section 17 would define a *lobbyist* as any person engaged in lobbying but would exclude from the definition of lobbyist an elected state officer or local official or any individual elected to an office engaged in carrying out the duties of his or her office.

Section 18 would expand the definition of *state agency* to include the state and the Legislative and Executive branches of state government but would not include the courts, the judicial branch of state government, or any officer of any municipality. *Public agency* would be defined as the state, the Legislature, legislators, legislative committees and councils, all executive departments and officers, institutions, offices, officers, commissions, boards, and authorities of the state, any state agency, any municipality, or any political taxing subdivision of the state or municipality or any other elected entity to a state, local, or public office. Individuals acting in their own capacity who receive or expend or who are supported by public funding would be exempt from the definition of public agency.

Section 19 would require any person who is appointed as a lobbyist or incurs expenses or arranges for expenditures associated with lobbying in an aggregate amount in excess of \$100, excluding personal travel and lodging expenses, in a calendar year to register

Section 13 deleted to reinstate current law.

Sections 14 and 15 deleted to reinstate current law.

Section 16 retained.

Section 17 retained.

Section 18 deleted to reinstate current law.

Section 19 deleted and in its place reinstates K.S.A. 46-265 with the following insert from Section 19 in Substitute for H.B. 3000: (a) *Before engaging in lobbying every person: (1) who is formally appointed as a lobbyist for a represented person, or*

with, provide authorization from a represented person, and provide any changes in lobbying information to the Secretary of State's Office. Any lobbyist who has registered with the Secretary of State's Office would be defined as a *registered advocate* or *certified lobbyist*. The lobbyist who is defined as a registered advocate would be required to provide the following information to the Kansas Commission on Governmental Standards and Conduct: if the lobbyist is an individual, a recent black and white photograph; if the lobbyist is not an individual, a list of all lobbyists who are partners, owners, officers, agents, or employees of such lobbyist, and the name and title of a partner, owner, or officer of the lobbyist who is responsible for filing statements and reports and keeping records required by the lobbyist. Individual and nonindividual lobbyists would be required to provide the lobbyist's full name, business address and telephone number, the full name and address of each represented person, the lobbyist's interest of each represented person, the purpose for which the lobbyist intends to lobby on behalf of the represented person, a list of entities or agencies the lobbyist intends to influence on behalf of the represented person, the method of determining and computing the compensation of the lobbyist, and if the lobbyist is receiving compensation or reimbursement, the name and address of each person compensating or reimbursing such lobbyist. A *certified lobbyist* would be defined as a lobbyist who would be required to register with the Secretary of State's Office and provide the following additional information on a statement that the lobbyist: is familiar with the laws of Kansas relating to lobbying; will obey all laws and regulations pertaining to lobbying; agrees to present only accurate and truthful information to any state officer or employee in the course of lobbying; will not represent that he or she can control the official action of the state officer or employee the lobbyist is lobbying; and verify the information contained in the lobbyist's registration statement. In addition, only certified lobbyists would be allowed use of space and facilities in the Capitol.

Section 20 would prohibit any state officer or state officer elect from lobbying or soliciting or accepting any present, future, promised, or contingent compensation for lobbying. In addition, a state employee would be prohibited from lobbying any state agency except in that employee's official duties. The employee may lobby without compensation and only could receive lobbying compensation in carrying out that employee's official duties. Also, an associated person or related person would be prohibited from lobbying if that person is related to a state officer or employee not permitted to lobby a state agency.

Also, Section 20 would prohibit a state officer from engaging, soliciting, or accepting present, future, promised, or contingent compensation for lobbying. Also, a state officer would be prohibited from being hired or employed as a lobbyist within one year from the date of resignation or expiration of term of office. These provision would be effective after January 10, 1997.

who incurs expenses or makes or arranges for expenditures permitted or require. be repeated as a part of any report or registration or permitted by K.S.A. 46-268 and 46-269 and amendments thereto; in an aggregate amount in excess of \$100 or more, exclusive of personal travel and lodging expenses, in any calendar year for or related to lobbying

Section 20 deleted to reinstate current law in (b) and (c).

2-6

Section 21 would require a lobbyist to file a report with the Secretary of State's Office of lobbying expenses incurred and expenditures made or arranged for by such lobbyists. Filing requirements for expenses or expenditures incurred or arranged would be subject to a \$100 limitation. Reports would have to be verified under K.S.A. 53-601.

Section 22 would require lobbyists to report expenditures made in lobbying the Legislature, legislators, and the Governor on legislative matters and expenditures for other lobbying activities during a reporting period separately; to file a disclosure report of the aggregate amount of value of all expenses over \$2 incurred, and expenditures made, by a lobbyist to the Kansas Commission on Governmental Standards and Conduct. The report must include, in addition to current disclosure information, information on dues, membership payments, or assessments made to any person who incurs lobbying expenditures in an amount in excess of 5 percent of the total expenditures for dues and membership payments, or \$10,000 in any calendar year; compensation for the reporting period paid, owed, or promised to any of the reporting lobbyist's employees who spend two or more days engaged in lobbying during the reporting period; and any other expenses or payments to lobbyists other than those required to be reported under current law and this section. Current law requires a lobbyist to report aggregate expenditures over \$2 relating to the following categories: food and beverage provided as hospitality; entertainment, gifts, honoraria, or payments; mass media communications; recreation provided as hospitality; communication for the purpose of influencing legislative or executive action; and all other reportable expenditures associated with lobbying.

Lobbyists would be required to keep detailed records, accounts, bills, and receipts of expenditures in relation to lobbying and they would have to subscribe to regulations adopted by the Kansas Commission on Governmental Standards and Conduct concerning these records of expenditures. A lobbyist would have to report the fair market value of any expense pertaining to lobbying if the exact cost cannot be ascertained.

New Section 23 would prohibit a lobbyist from providing a state officer, employee, associated person, or related person for such officer or employee's private gain or benefit, any money, compensation, fund, instrument, property, vehicle, machinery, equipment, and other resources on terms that are not available to the public except for information to be used by the state officer or employee in performing that officer or employee's official duties which is not included in a report or permitted to be made under the Act.

Section 21 deleted to reinstate current law.

Section 22 deleted to reinstate current law in K.S.A. 46-269 (lobbyists reports of aggregate expenditures except for mass media communications). Section 4 of S.B. 545 would be inserted into Section 22 as follows: *S.B. 545, as amended, would require a lobbyist to report, in addition to the aggregate amount, each individual expenditure for entertainment and hospitality, in the form of recreation, food, and beverage, made to members of the Legislature. Under the bill, individual expenditures would have to be reported if each lobbyist expended an aggregate of \$100 or more during a reporting period. S.B. 545, as amended, would require reports of individual expenditures for legislators to include the name of the legislator receiving entertainment or hospitality, the total cost of providing such entertainment or hospitality, the average cost per person, and the number of legislators attending, and the purpose of each expenditure, i.e., entertainment, recreation, food, or beverage. If the expenditure was made for entertainment, then the event for which the expenditure was made must be reported. S.B. 545, as amended, would not require lobbyists to report expenditures for entertainment, recreation, or food and beverage if the entire Legislature, or all members of a standing or joint committee, or all members of a legislative delegation from a Congressional district are invited and if the schedule of events is published and provided by the Division of Legislative Administrative Services. The Senate substitute Committee deleted language in S.B. 545 that required lobbyists' reports to include the amount of each expenditures for a legislator and his or her spouse and be replaced with the total cost of providing such entertainment or hospitality, the average cost per person, and the number of legislators attending.*

Section 23 deleted.

Section 24 would prohibit any person from paying or agreeing to pay a lobbyist compensation which is contingent upon the results of the lobbying achieved by the lobbyist. A person would be prohibited from accepting pay or agreeing to pay for the referral of a person to a lobbyist for lobbying services. A lobbyist contract would not be valid or enforceable in a court of law unless the contract was in writing, signed by the lobbyist and the person the lobbyist represents, and if the lobbyist complies with all the lobbying laws and lobbying reporting requirements.

New Section 25 would prohibit a lobbyist from dividing his or her fee with any nonlobbyist or a lobbyist who is not properly registered.

Section 26 would require the Secretary of State's Office to obtain name tags for lobbyists of a color distinguishable from name tags issued or worn by state officers or employees. The name tags would have to have the name of the lobbyist (current law) and the name of the firm the lobbyist is associated with listed on such tags.

Section 27 would expand the definition of *unlawful lobbying* to include the failure to file amended reports and current or required amended registration.

Sections 28 and 29 would expand the definition of *giving false information* to mean making any false statement or misrepresentation of the facts. Also, any person, while lobbying, would be prohibited from knowingly making or presenting a false document to a state officer or employee. Giving false information and presenting false documents would be a Class B misdemeanor.

Section 30 would expand the definition of *associated person* under the state lobbying laws to mean a person associated with a state officer or employee in a limited liability company, limited liability partnership, or a person in which that state officer or employee has a substantial interest. A *related person* would be defined as a person who has any ownership interest that would be attributable to another person as defined by Section 318 of the federal Internal Revenue Code. A *represented person* would mean a person on whose behalf or in whose interests a lobbyist lobbies.

Section 31 would require rules and regulations of the Kansas Commission on Governmental Standards and Conduct be subject to the Rules and Regulations Filing Act.

Section 32 would expand the definition of *person* to include a limited liability partnership, limited liability company, company, unincorporated association, committee, organization, and joint venture.

Section 24 deleted to reinstate current law.

New Section 25 deleted.

Section 26 deleted to reinstate current law.

Section 27 retained.

Sections 28 and 29 deleted to reinstate current law in Section 28 and delete New Section 29.

Section 30 deleted to reinstate current law (subsection "a" which defines *associated person*).

Section 31 deleted to reinstate current law.

Section 32 retained.

New Section 33 would create the Lobbyist's Code of Professional Responsibility. A lobbyist may lobby on behalf of more than one person. However, a lobbyist would be prohibited from lobbying on behalf of a person if:

- the representation of that person adversely affects another represented person on whose behalf the lobbyist is lobbying or has lobbied within the preceding 12 months;
- the representation of that person may be substantially limited by the lobbyist's responsibility to another represented person;
- the interests of the persons represented by a lobbyist are on substantially related matters and are materially adverse interests of the persons represented by the lobbyist;
- a lobbyist uses information for the disadvantage of a represented person when such information is not known or disclosed to that person;
- a lobbyist knowingly acquires pecuniary interests adverse to a represented person on whose behalf a lobbyist lobbies; and
- a lobbyist accepts compensation for lobbying on someone's behalf from a person other than the represented person.

Certain prohibitions would not apply if the lobbyist reasonably believes that such representation would not affect the interests of another person and the lobbyist communicates, in writing, his or her beliefs to the affected person. Also, certain prohibitions would not apply if the lobbyist files a notice of termination of representation of the first person prior to representing another person or if the lobbyist has consent of a represented person for certain actions.

Under the Lobbyist's Code of Professional Responsibility, lobbyists may associate in lobbying firms with other lobbyists. A lobbyist shall not knowingly represent a person if another lobbyist of the same lobbying firm is prohibited from representing that person. In addition, a lobbying firm would be prohibited from representing a person with interests adverse to persons formerly represented by lobbyists who terminated employment with that lobbying firm unless certain conditions are met.

Other prohibitions concerning lobbying would include:

- charging an illegal or excessive fee;

New Section 33 deleted (applies to Lobbyist's Code of Professional Responsibility)

New Section 33 deleted.

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- charging, collecting, or entering into an arrangement to collect a contingent fee for lobbying or paying a finder's fee for referral of a person to a lobbyist;
- dividing a fee with another lobbyist who is not an associate unless consent by the represented person is given, the division is in proportion to the lobbying work performed, and the total fee of all lobbyists does not exceed reasonable compensation for lobbying services;
- withdrawing from employment prior to the lobbyist trying to prevent foreseeable prejudice to the lobbying interests of the person represented;
- placing any state officer or employee under obligation to the lobbyist;
- deceiving or attempting to deceive any state officer or employee concerning facts pertinent to any pending or proposed legislation or administrative action;
- causing or influencing the introduction of any bill or amendments for the purpose of being hired to cause defeat or passage of that bill;
- falsely representing that a lobbyist can control official action of any state officer or employee; and
- contributing to a political committee.

A lobbyist having knowledge of violations of the Lobbyist's Code of Professional Responsibility by another lobbyist would be required to report such knowledge to the Kansas Commission on Governmental Standards and Conduct.

Section 34 would make technical changes and would make certain new sections subject to definition sections under the Act.

New Section 35 would prohibit a state officer, or employee, candidate for state office or state officer elect from accepting any gift or hospitality in the form of alcoholic beverage from any person with a special interest.

Section 36 would expand the provisions of the statute concerning nepotism to appointments of the Governor's staff. Current law prohibits any state officer or employee from employing, appointing, promoting, transferring, or advancing to any state office or position a member of the officer's or employee's household or a family member. This prohibition also would apply to disciplining of a member of such officer's or employee's household or a family member.

New Section 33 deleted.

Section 34 retained.

New Section 35 deleted.

Section 36 retained.

New Section 37 would prohibit a regulated entity, person, or political committee acting on behalf of a regulated entity from making a campaign contribution to or on behalf of the Insurance Commissioner, or a candidate for the Office of Insurance Commissioner, or a candidate committee of a candidate for the Office of Insurance Commissioner. These entities would be prohibited from soliciting or accepting contributions from a regulated entity, person, or political committee. A regulated entity would be defined as any person who is licensed by the Insurance Commissioner, or any person who engages in a business or profession regulated by the Insurance Commissioner, or any person employed by a company regulated by the Insurance Commissioner. Violations would be subject to fines administered under the Campaign Finance Act (fines not to exceed \$5,000 for the first violation, \$10,000 for the second, and \$15,000 for the third).

New Section 37 deleted.

New Section 38 would allow any person submitting testimony, written or oral, or evidence to a legislative committee to voluntarily provide a written affirmation that such testimony or evidence is true and correct.

New Section 38 deleted.

Local Lobbying Laws

Section 39 to Section 45, inclusive, would create local governmental lobbying laws. These local governmental lobbying laws would be modeled after current state lobbying laws and proposed new state lobbying laws contained in Sub. for H.B. 3000.

Sections 39 to 45 deleted, as they apply to local lobbying laws.

Section 39 would add to the current definition section as applied to local government subdivisions by including the definition of *lobbyist* and exemptions to that definition and the definition of *lobbying* and exemptions to that definition. (The definitions are the same as those in Section 17, which pertains to state lobbying laws.) In addition, the definition of *associated person*, *related person*, (Section 30 of Sub. for H.B. 3000 as it applies to state governmental lobbying laws), *public agency* (Section 18), *person* (Section 2), and *represented person* (Section 30) would be included in the definition section and applied to local governmental lobbying laws.

Section 40 is comparable to Section 20 of the substitute bill and would prohibit any local officer or employee from accepting or soliciting compensation, or lobbying and accepting employment as a lobbyist, within one year from serving as an officer or employee.

Section 41 is comparable to Section 19 of the substitute bill that involves lobbying disclosure requirements at the state level. Section 41 would require lobbying expenses

in the aggregate amount in excess of \$250 in a calendar year to be reported by lobbyists lobbying any local governmental subdivision. State lobbying expenses in an aggregate amount in excess of \$100 would have to be reported under Section 19 of the substitute bill.

Section 42 is comparable to Section 21 of the substitute bill that concerns certain filing requirements, dates of filing reports, and exceptions to filing requirements.

Section 43 is comparable to Section 22 that requires lobbyists to report an aggregate amount of expenses and itemize individual expenditures.

Section 44 is comparable to Section 23 of the substitute bill that prohibits lobbyists from providing a state officer, employee, associated person, or related person any money, compensation, property, and other resources for private gain or benefit which is not reported and not on terms available to the public.

Section 45 is comparable to Section 13 that prohibits a lobbyist from providing compensation or goods which are in excess of what other persons in the same business would charge.

Local Governmental Ethics Laws

Section 46 would prohibit a local governmental officer or employee from making or participating in making or entering into a contract with a person or business by which the officer or employee is employed or in whose business the officer or employee or any member of the officer's or employee's household, family, or associated or related person has a substantial interest. Current law only prohibits a local governmental officer or employee from entering into a contract if that officer or employee has a substantial interest in any person or business. Also, a local governmental officer or employee would be prohibited for one year after termination of service to be interested pecuniarily in any contract with the governmental subdivision in which the officer or employee was employed. The exception to the prohibition would be contracts let after competitive bidding for which at least two bona fide bids had been received.

Section 46 deleted to reinstate current law.

New Section 47 would prohibit a local governmental officer or employee from making any appropriations for any contract that would be for the private benefit or gain of that officer, employee, or any associated or related person. The exceptions to the prohibition would be if the contract has been awarded through competitive bidding, if the compensation for the contract is set by ordinance or by local governmental regulations, and if expenditures are related, by law, to the local governmental officer's official duties.

New Section 47 deleted.

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New Section 48 would prohibit any local governmental officer or employee and any related or associated person from entering into a contract or agreement under the following conditions:

- if the contract or agreement is between a local governmental officer, employee, or associated or related person and any state agency, any governmental subdivision, or any person that is licensed, inspected, or regulated by any state agency;
- the contract or agreement is for the private benefit or gain of any local governmental officer, employee, or related or associated person;
- the contracting local governmental officer, employee, or associated or related person is providing property, goods, and services which are to be provided under the contract; and
- the property, goods, and services to be provided under the contract are to be paid for out of appropriated funds by an act of a state agency or budgeted by a governmental subdivision.

Exemptions to the prohibition would include: if the contract provides personal services for the individual entering into the contract and the contract is filed with the Kansas Commission on Governmental Standards and Conduct; the contract was awarded through competitive bidding and the contract is filed with the Kansas Commission on Governmental Standards and Conduct; and compensation and awarding of the contract is set by rules and regulations of an executive branch state agency.

New Section 49 would be comparable to Section 24 of the substitute bill as it applies to prohibitions at the state government level. This section would prohibit any person to pay, agree to pay, or accept present, future, promised, or contingent compensation for lobbying any governmental subdivision which is contingent on the results of the lobbying effort.

New Section 50 would be comparable to New Section 27 as it applies to the definition of, and penalty for, *unlawful lobbying* at the state government level. This section would create a new crime for unlawful lobbying.

New Section 51 is comparable to Section 29 which prohibits lobbyists from knowingly or willingly giving false information to a government officer or employee.

New Section 48 deleted.

New Section 49 deleted.

New Section 50 deleted.

New Section 51 deleted.

New Section 52 would require any governmental subdivision which incurs expenditures of funds for official travel outside of the state by local governmental officers and employees, to file a report with the appropriate county clerk of the subdivision. The report would be required to contain the name and position of the local governmental officer or employee, the date, destination, the purpose of travel, and the total expenses for travel, subsistence, and other expenses.

New Section 52 deleted.

New Section 53 would allow local governmental units to exempt themselves by ordinance or resolution from the local governmental lobbying provisions contained in this Act every four years from the effective date of the exemption. The qualified electors of the governmental unit may submit a petition of not less than 5 percent of electors who voted in the last preceding regular general election to demand the resolution or ordinance question be placed on the election ballot.

New Section 53 deleted.

State Campaign Finance Laws

Section 54 would require a report of a campaign contribution made under the State Campaign Finance Act in excess of \$50 to list the occupation of the individual contributor or the contributor's spouse under certain circumstances.

Section 54 deleted to reinstate current law.

New Section 55 would provide that campaign expenditure limitations established in Section 57 would go into effect January 1, 1997 for candidates for the state Legislature and January 1, 1999, for candidates for statewide elected offices.

New Section 55 deleted.

New Section 56 would authorize the Kansas Commission on Governmental Standards and Conduct to establish campaign expenditure limitations for primary and general election cycles. These campaign expenditure limitations could not exceed the following:

New Section 56 deleted.

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New Section 56 deleted.

Voluntary Campaign Expenditure Limitations	
For offices elected on a statewide basis (effective January 1, 1999):	
Governor and Lieutenant Governor (uncontested election cycles)	\$ 200,000
Governor and Lieutenant Governor (contested election cycles)	1,000,000
Secretary of State (uncontested election cycle)	100,000
Secretary of State (contested election cycle)	400,000
Attorney General (uncontested election)	100,000
Attorney General (contested election)	400,000
State Treasurer (uncontested)	100,000
State Treasurer (contested)	400,000
Insurance Commissioner (uncontested)	100,000
Insurance Commissioner (contested)	400,000
For offices of State Senator (effective January 1, 1997):	
uncontested election cycle	10,000
contested election cycle	40,000
For offices of State Representative (effective January 1, 1997):	
uncontested election cycle	5,000
contested election cycle	15,000

Any candidate challenging an incumbent candidate for any of the listed offices would be limited to spending an amount not to exceed 110 percent of the listed amounts.

New Section 57 would require any candidate who files a statement of intent to abide by campaign expenditure limitations and makes expenditures in excess of those limitations to pay a civil penalty in an amount equal to 100 percent of all expenditures made in excess of those limitations. Monies would be credited to the Kansas Commission on Governmental Standards and Conduct Fee Fund.

New Section 57 deleted.

New Section 58 would require the Kansas Commission on Governmental Standards and Conduct to compile and produce a list of the accumulated expenditures of all candidates for offices to which campaign expenditure limitations apply. Copies would be filed in the Office of the Secretary of State and the county election officer if appropriate.

Section 59 would waive the payment of a state filing fee for any candidate for the Kansas Legislature or for an elected statewide office who abides by the campaign expenditure limitations and runs for any office which is subject to these limitations.

Section 60 would repeal amended statutes.

Section 61 would make the Act effective on August 7, 1996.

New Section 58 deleted.

Section 59 deleted to reinstate current law.

Section 60 amended.

Section 61 changed date to January 1, 1997.

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