

HOUSE BILL No. 2363

By Committee on Appropriations

2-23

1 AN ACT concerning gubernatorial inauguration contributions; amending
2 K.S.A. 25-4186 and repealing the existing section; and also repealing
3 K.S.A. 25-4188.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 25-4186 is hereby amended to read as follows: 25-
7 4186. (a) Not later than 10 days after receiving any contribution or
8 making any expenditure for a gubernatorial inauguration, the governor-
9 elect shall appoint an inaugural treasurer. The name and address of such
10 treasurer shall be reported to the secretary of state by the governor-elect
11 not later than 10 days after the appointment.

12 (b) No person shall make any expenditure or make or receive any
13 contribution or receipt, in kind or otherwise, for a gubernatorial
14 inauguration except by or through the inaugural treasurer.

15 (c) The inaugural treasurer shall keep detailed accounts of all
16 contributions and other receipts received, in kind or otherwise, and all
17 expenditures made for a gubernatorial inauguration. Accounts of the
18 treasurer may be inspected under conditions determined by the
19 commission and shall be preserved for a period to be designated by the
20 commission. Every person who receives a contribution or other receipt, in
21 kind or otherwise, for an inaugural treasurer more than five days before
22 the ending date of any period for which a report is required under this
23 section, on demand of the treasurer, or in any event on or before the
24 ending date of the reporting period, shall remit the same and render to the
25 treasurer an account thereof, including the name and address of the
26 person, if known, making the contribution or other receipt and the date
27 received. No contribution or other receipt received by the inaugural
28 treasurer shall be commingled with personal funds of the governor-elect
29 or inaugural treasurer.

30 (d) The inaugural treasurer shall file with the secretary of state a
31 report on March 10 and July 10 following the inauguration. The report
32 filed on March 10 shall be for the period ending on February 28 and the
33 report filed on July 10 shall be for the period beginning on March 1 and
34 ending on June 30. Each report shall contain the information required to
35 be stated in a report pursuant to K.S.A. 25-4148 and 25-4148a, and
36 amendments thereto, and a declaration as to the correctness of the report

1 in the form prescribed by K.S.A. 25-4151, and amendments thereto. The
2 July 10 report shall be a termination report which shall include full
3 information as to the disposition of residual funds. If a report is sent by
4 certified mail on or before the day it is due, the mailing shall constitute
5 receipt by the secretary of state.

6 (e) The aggregate amount contributed, in kind or otherwise, by any
7 person for a gubernatorial inauguration shall not exceed \$2,000. No
8 person shall make a contribution in the name of another person, and no
9 person knowingly shall accept a contribution made by one person in the
10 name of another. No person shall give or accept any contribution in
11 excess of \$10 unless the name and address of the contributor is made
12 known to the individual receiving the contribution. The aggregate of
13 contributions for which the name and address of the contributor is not
14 known shall not exceed 50% of the amount one person may contribute.

15 (f) No person shall copy any name of a contributor from any report
16 filed under this section and use such name for any commercial purpose,
17 and no person shall use any name for a commercial purpose with
18 knowledge that such name was obtained solely by copying information
19 relating to contributions contained in any report filed under this section.

20 (g) In addition to other reports required by this section, the inaugural
21 treasurer shall report the amount and nature of debts and obligations
22 owed for the gubernatorial inauguration, at times prescribed by the
23 commission, continuing until such debts and obligations are fully paid or
24 discharged.

25 (h) No moneys received by any inaugural treasurer shall be used or
26 be made available for the personal use of the governor-elect or governor
27 and no such moneys shall be used by such governor-elect or governor
28 except for legitimate gubernatorial inauguration expenses.

29 For the purpose of this subsection, expenditures for "personal use"
30 shall include expenditures to defray normal living expenses and
31 expenditures for personal benefit having no direct connection with or
32 effect upon the inauguration.

33 (i) Before the filing of a termination report in accordance with this
34 section, all residual funds not otherwise obligated for the payment of
35 expenses incurred for the gubernatorial inauguration *either shall be*
36 *donated to any charitable organization, which qualifies as a 501(c)(3)*
37 *not-for-profit corporation under the federal internal revenue code, or*
38 shall be remitted to the state treasurer who shall deposit the entire amount
39 in the state treasury and credit:

40 (1) To the inaugural expense fund created by K.S.A. 25-4187, and
41 amendments thereto: (A) An amount equal to the amount certified to the
42 director of accounts and reports by the adjutant general as the amount
43 expended by the adjutant general for expenses incurred in connection

1 with the gubernatorial inauguration; or (B) if the amount of residual funds
2 is less than the amount certified, the entire amount of the deposit; and or

3 ~~(2) to the governmental ethics commission fee fund created by~~
4 ~~K.S.A. 25-4119c, and amendments thereto, any remaining balance.~~

5 *(2) to the executive mansion gifts fund for the purpose of funding*
6 *expenditures relating to the governor's residence, historic properties or*
7 *both. Such expenditures shall be subject to approval of the governor's*
8 *residence advisory commission.*

9 (j) (1) The commission shall send a notice by registered or certified
10 mail to any inaugural treasurer who fails to file any report required by
11 this section within the time period prescribed therefor. The notice shall
12 state that the required report has not been filed with the office of the
13 secretary of state. The notice also shall state that the treasurer shall have
14 15 days from the date such notice is deposited in the mail to comply with
15 the reporting requirements before a civil penalty shall be imposed for
16 each day that the required documents remain unfiled. If the treasurer fails
17 to comply within the prescribed period, the treasurer shall pay to the state
18 a civil penalty of \$10 per day for each day that the report remains unfiled,
19 except that no such civil penalty shall exceed \$300. The commission may
20 waive, for good cause, payment of any civil penalty imposed by this
21 subsection.

22 (2) Civil penalties provided for by this subsection shall be paid to
23 the state treasurer, who shall deposit the entire amount in the state
24 treasury and credit it to the governmental ethics commission fee fund.

25 (3) If a person fails to pay a civil penalty provided for by this
26 section, it shall be the duty of the commission to bring an action to
27 recover such civil penalty in the district court of Shawnee county.

28 (k) Any violation of subsection (e), (f) or (h) or any intentional
29 failure to file any report required by this section is a class A
30 misdemeanor.

31 (l) Nothing in this section shall be construed to apply to
32 expenditures of state moneys related to any inaugural activity.

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

35 Sec. 2. K.S.A. 25-4186 and 25-4188 are hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its
37 publication in the statute book.