

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 67

By Committee on Ethics and Elections

1-27

1 AN ACT concerning gubernatorial inauguration contributions;
2 amending K.S.A. 25-4186 and repealing the existing section; and
3 also repealing 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:
7 25-4186. (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,
21 in kind or otherwise, for an inaugural treasurer more than five days
22 before the ending date of any period for which a report is required
23 under this section, on demand of the treasurer, or in any event on or
24 before the ending date of the reporting period, shall remit the same and
25 render to the treasurer an account thereof, including the name and
26 address of the person, if known, making the contribution or other
27 receipt and the date received. No contribution or other receipt received
28 by the inaugural treasurer shall be commingled with personal funds of
29 the governor-elect 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

1 ending on June 30. Each report shall contain the information required
2 to be stated in a report pursuant to K.S.A. 25-4148 and 25-4148a, and
3 amendments thereto, and a declaration as to the correctness of the
4 report in the form prescribed by K.S.A. 25-4151, and amendments
5 thereto. The July 10 report shall be a termination report which shall
6 include full information as to the disposition of residual funds. If a
7 report is sent by certified mail on or before the day it is due, the mailing
8 shall constitute receipt by the secretary of state.

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

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

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

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

33 For the purpose of this subsection, expenditures for "personal use"
34 shall include expenditures to defray normal living expenses and
35 expenditures for personal benefit having no direct connection with or
36 effect upon the inauguration.

37 (i) Before the filing of a termination report in accordance with this
38 section, all residual funds not otherwise obligated for the payment of
39 expenses incurred for the gubernatorial inauguration *either shall be*

1 *donated to any charitable organization which qualifies as a 501(c)(3)*
2 *not-for-profit corporation under the federal internal revenue code or*
3 *shall be remitted to the state treasurer who shall deposit the entire*
4 *amount in the state treasury and credit:*

5 (1) To the inaugural expense fund created by K.S.A. 25-4187, and
6 amendments thereto: (A) An amount equal to the amount certified to
7 the director of accounts and reports by the adjutant general as the
8 amount expended by the adjutant general for expenses incurred in
9 connection with the gubernatorial inauguration; or (B) if the amount of
10 residual funds is less than the amount certified, the entire amount of the
11 deposit; ~~and or~~

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

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

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

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

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

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

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

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

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

6 Sec. 3. This act shall take effect and be in force from and after its
7 publication in the ~~statute book~~ ***Kansas register***.