

SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 102

As Amended by Senate Committee of the Whole

Brief*

SB 102, as amended, would increase certain fees credited to the Governmental Ethics Commission Fee Fund and make changes to reporting required under elections law.

Fees (Sections 1, 2, and 3)

Filing fees for candidates for these offices would be increased:

<u>Candidates Affected</u>	<u>Current Amount</u>	<u>Proposed Amount</u>
Governor and Lieutenant Governor	\$ 480	\$ 1,000
Other statewide offices	480	1,000
State senator, state representative, State Board of Education, district attorney, Board of Public Utilities of the City of Kansas City, and elected county offices	35	75
Members of boards of education of unified school districts having 35,000 or more pupils, members of governing bodies of cities of the first class, elected district court judges	35	75

Fees for political committees that have these amounts of receipts in any calendar year would be increased:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Political Committees Affected	Current Amount	Proposed Amount
Anticipated receipts of \$2,501 or more	\$ 240	\$ 400
Anticipated receipts of more than \$500 but less than \$2,501	35	70
Anticipated receipts of \$500 or less	20	40
Anticipated receipts of less than \$2,500 but receipts exceed \$2,500	240	400
Anticipated receipts of less than \$500, but receipts exceed \$500 and are less than \$2,501	20	30

Fees paid by registered lobbyists would increase:

Lobbyists Affected	Current Amount	Proposed Amount
Anticipated spending of \$1,000 or less on behalf of any one employer (per employer)	\$ 35	\$ 50
Anticipated spending of more than \$1,000 on behalf of any one employer (per employer)	300	400
Additional fee if anticipated spending on behalf of any one employer is less than \$1,000, but actual spending exceeds \$1,000	220	350
Employee of a lobbying group or firm (not an owner or partner)	360	450

Reporting (Sections 4, 5, and 6)

The bill would make these changes to reporting requirements:

- The bill would change from \$50 to \$100 the aggregate maximum contribution amount or value for which a candidate's treasurer would not need to report the name and address of the contributor;

- The bill would change the deadline of reports required to be filed by lobbyists from the 10th to the 15th of the months in which those reports are required;
- The bill would remove a requirement for an annual report from a lobbyist who filed an affidavit of intent to spend an aggregate amount of less than \$100 in each reporting period and who did not exceed that amount;
- Each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period would report the date of any gift, entertainment, or hospitality provided to members of the Legislature, members of the judicial branch of government, and any employees of the Legislature or judicial branch of government in addition to reporting the gift itself;
- If all members of a legislative committee are invited to an event where a meal is provided, the bill would require lobbyist reporting of the aggregate amount of the event; and
- The bill would require the primary sponsor or sponsors of an event to itemize event expenditures.

Background

The Executive Director of the Governmental Ethics Commission testified in support of the bill and, in the 2012 Legislative Session, also offered amendments to it, including reductions in most of the proposed increases and changing a reporting requirement. No neutral or opposition testimony was offered in 2011. In 2012, a representative of the Kansas Society of Association Executives spoke in opposition to the fee increases proposed in the original bill and requested certain modifications to statutes related to lobbyist reporting and the minimum contribution that would require a candidate or political committee to itemize.

In the 2012 Legislative Session, the Senate Committee on Ethics and Elections amended the bill to change the proposed fee increases to the amounts proposed by the Governmental Ethics Commission and to add the bill's additional provisions.

The Senate Committee of the Whole amended the bill to adjust fees for political committees that exceed anticipated receipts.

The fees that would be increased in the bill are deposited into the Governmental Ethics Commission Fee Fund, and the balance of moneys needed to run the agency has come from the State General Fund. Other moneys that are deposited into the Governmental Ethics Commission Fee Fund are civil penalties for failing to file reports properly and civil fines imposed for violations of the Campaign Finance Act and the State Governmental Ethics Law. All but one of the fees that would be increased in the bill were increased most recently in 2000; the remaining fee was increased most recently in 1994.

The term "political committee" in Section 2 of the bill is defined in KSA 2011 Supp. 25-4143(k) as "any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office."

The fiscal note prepared by the Division of the Budget on the original bill does not reflect the increases proposed in the amended bill. According to testimony from the Governmental Ethics Commission, the amended fee increases would increase revenues to the Governmental Ethics Commission Fee Fund by approximately these amounts:

Group	FY 2013	FY 2014
Candidates	\$ 6,640	\$ 28,360
Political committees	20,525	23,075
Lobbyists	<u>31,425</u>	<u>31,425</u>
Totals	\$ 58,590	\$ 82,860