

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 42

As Amended by Senate Committee on Ethics
and Elections

Brief*

SB 42 would address the reporting of public funds used for lobbying. The bill would require every registered lobbyist to provide an itemized listing of the amount of public funds paid to hire or contract for the lobbying services of the lobbyist.

The bill would require the following with respect to this report:

- The report form would be prescribed by the Kansas Governmental Ethics Commission;
- The report would be a public record, open to public inspection upon request;
- The deadline for filing the report would be January 10 for the previous calendar year; and
- All such reports filed with the Secretary of State would be required to be made available on a publicly searchable website by the Secretary of State.

The bill would define the following terms:

- “Governmental entity” would have the same meaning as contained in the Kansas Tort Claims Act: the state or any county, township, city, school

*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>

district, or other political subdivision of the state, or any related agency, authority, institution, or other instrumentality.

- “Lobbying” would have the same meaning as the term has in the Kansas Governmental Ethics Act, as follows: (a) promoting or opposing action or nonaction by the Legislature on any legislative matter or adoption or nonadoption of any rule or regulation; or (b) entertaining any state officer or employee or giving any gift or payment to a state officer or employee which is valued in aggregate at \$40 or more in a calendar year, if the giver has a financial interest in a contract with, or action or other matter before, the state agency in which the state officer or employee serves, or if the giver is the representative of someone have a financial interest.

The Act’s definition also excludes several items, such as any expenditure from amounts appropriated by the Legislature for official hospitality.

- “Public funds” would mean money appropriated by the state or any of its subdivisions.

Background

The bill was introduced by the Senate Committee on Assessment and Taxation. Proponents of the bill before the Senate Committee on Ethics and Elections were representatives of Americans for Prosperity-Kansas and Kansas Policy Institute. The proponents indicated concern about the funding going to governmental entities that engage in lobbying, and concern that information regarding how much public money is spent on lobbying is not readily available for taxpayers to access.

A representative of the Kansas Association of Counties (KAC) testified neutrally, saying this bill was created as a compromise after the KAC strongly opposed the bill from last year, 2014 Sub. for SB 343, and the KAC supports open government. A representative of the League of Kansas Municipalities also testified neutrally, saying the information referred to in the bill already is available *via* open records requests.

The Senate Committee amended the bill to clarify the intent of the bill.

According to the fiscal note prepared by the Division of the Budget, the bill, as introduced, would have no fiscal effect on the Kansas Governmental Ethics Commission. The Secretary of State reported similarly.