

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 102**

As Amended by House Committee on Elections

**Brief\***

SB 102 would make a number of changes related to the reporting of contributions and gifts and would add a gift prohibition for cities.

***Reporting (Sections 1, 2, 3, and 4)***

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,

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\*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>

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.
- The bill would require the primary sponsor or sponsors of an event to itemize event expenditures.
- The bill would exempt from the lobbyist reporting requirement entertainment or hospitality provided at an event for all members of the Legislature attending a recognized regional or national legislative meeting when the event is sponsored by five or more individual lobbyists.
- The bill would exempt from lobbyist reporting requirements, related to specific executive branch and all judicial and legislative branch individuals, health-related services or materials if the aggregate value spent per recipient does not exceed \$10 and these services or materials are permitted or not prohibited by law or regulation.

***Prohibition Related to City Contractors (Section 5)***

The bill would prohibit any person who enters or has proposed to enter into a contract with a city to provide any gift, other item, or recreational hospitality having an aggregate value of \$100 or more in any calendar year to a member of the governing body or mayor of any city. Likewise, these city officials would be prohibited from receiving any such item or recreational hospitality from any contractor. The bill states this prohibition would not apply to a commercially reasonable loan or other commercial transaction in the ordinary course of business.

## **Background**

As introduced, SB 102 would have increased certain fees credited to the Governmental Ethics Fee Fund. 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 House Committee on Elections eliminated the fee increases (*i.e.*, the contents of the original bill). The Committee also added the following:

- The reporting requirements related to events for all legislators at a recognized regional or national legislative meeting, and health-related expenditures not exceeding \$10 per recipient.
- The prohibition against gifts at the city level.

The fiscal note prepared by the Division of the Budget on the original bill does not reflect changes proposed in reporting requirements or the prohibition against gifts at the city level.