

SESSION OF 2013

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2141**

As Recommended by Senate Committee on
Ethics, Elections and Local Government

Brief*

Senate Sub. for HB 2141 would require every municipality to file an annual report to the Secretary of State regarding public funds used to hire or contract for the services of any lobbyist. The report would be required to include the following information:

- An itemized listing of all “public funds” (defined in the bill as money derived from state or local taxes, fees, charges, or assessments) used by any “public entity” (defined broadly as any municipality listed in KSA 75-6102) for the purpose of:
 - Employing or contracting with a lobbyist;
 - Paying membership dues or providing any other financial support to an association employing a lobbyist; or
 - Paying membership dues or providing other financial support to an association that has an affiliated organization that employs a lobbyist; and

- The full name and address of:
 - Each lobbyist who has received direct or indirect compensation or financial support from the municipality during the previous calendar year; and

*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>

- Each individual, association or organization that has received membership dues or other financial support from a municipality for the purposes described above.

The bill would allow any municipality intending to spend no public funds for the above-listed lobbying purposes to file a one-time affidavit with the Secretary of State. However, the municipality would be required to file the report if it later were to spend public funds for the specified lobbying purposes.

Additionally, the bill would prohibit the expenditure of public funds by any municipality as a direct or indirect gift or campaign contribution to any elected official, officer, or state or municipal employee. Finally, in addition to defining “public funds” and “public entity,” the bill would define other terms including “financial support,” meaning any monetary or non-monetary payment, contribution, gift, or in-kind exchange, regardless of whether the municipality receives a benefit in return.

Background

The bill, as it left the House, would have repealed obsolete statutes relating to the unification of school districts and made a related technical amendment to another statute. The Senate Committee on Ethics, Elections and Local Government deleted the original contents of the bill and inserted a significantly modified version of SB 109 on March 18.

As introduced, SB 109 would have prohibited the use of public funds (a term not defined in the bill) for lobbying and other, related activities. Some exceptions were made in the bill. At the hearing on the bill in the Senate Committee, proponents included representatives of the Kansas State Rifle Association and Americans for Prosperity and two private citizens, including one who also serves as a Sedgwick

County Commissioner. Opponents included former Representative Ann Mah, representatives of several associations, and a large number of representatives of municipalities.

On March 21, the Senate Committee substituted the reporting language outlined above.

KSA 75-6102 defines “municipality” as “any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.”

A fiscal note on the substitute language was not available when the Senate Committee took action on the bill.