

[As Amended by House Committee of the Whole]

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; amending
2 K.S.A. 25-4186 and repealing the existing section; and also repealing
3 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: 25-
7 4186. (a) Not later than 10 days after receiving any contribution or making any
8 expenditure for a gubernatorial inauguration, the governor-elect shall appoint
9 an inaugural treasurer. The name and address of such treasurer shall be
10 reported to the secretary of state by the governor-elect not later than 10 days
11 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 inauguration
14 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 treasurer
18 may be inspected under conditions determined by the commission and shall be
19 preserved for a period to be designated by the commission. Every person who
20 receives a contribution or other receipt, in kind or otherwise, for an inaugural
21 treasurer more than five days before the ending date of any period for which a
22 report is required under this section, on demand of the treasurer, or in any
23 event on or before the ending date of the reporting period, shall remit the same
24 and render to the treasurer an account thereof, including the name and address
25 of the person, if known, making the contribution or other receipt and the date
26 received. No contribution or other receipt received by the inaugural treasurer
27 shall be commingled with personal funds of the governor-elect or inaugural
28 treasurer.

29 (d) The inaugural treasurer shall file with the secretary of state a report on
30 March 10 and July 10 following the inauguration. The report filed on March
31 10 shall be for the period ending on February 28 and the report filed on July 10
32 shall be for the period beginning on March 1 and ending on June 30. Each
33 report shall contain the information required to be stated in a report pursuant to
34 K.S.A. 25-4148 and 25-4148a, and amendments thereto, and a declaration as

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

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

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

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

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

28 For the purpose of this subsection, expenditures for "personal use" shall
29 include expenditures to defray normal living expenses and expenditures
30 for personal benefit having no direct connection with or effect upon the
31 inauguration.

32 (i)~~(1)~~ Before the filing of a termination report in accordance with
33 this section, all residual funds not otherwise obligated for the payment of
34 expenses incurred for the gubernatorial inauguration ~~either shall be~~
35 ~~donated to any charitable organization which qualifies as a 501(c)(3) not-~~
36 ~~for-profit corporation under the federal internal revenue code or shall be~~
37 remitted to the state treasurer who shall deposit the entire amount in the
38 state treasury and credit

39 ~~(1)~~ to the inaugural expense fund created by K.S.A. 25-4187, and
40 amendments thereto ~~(A)~~ **[,in]** an amount equal to the amount certified to
41 the director of accounts and reports by the adjutant general as the amount
42 expended by the adjutant general for expenses incurred in connection with
43 the gubernatorial inauguration ~~or (B)~~ **[, or]** if the amount of residual funds

1 is less than the amount certified, the entire amount of the ~~deposit, and or~~
2 **[deposit.]**

3 ~~(2) to the governmental ethics commission fee fund created by K.S.A.~~
4 ~~25-4119c, and amendments thereto, any remaining balance.~~

5 **(2) [Any residual funds not otherwise obligated shall either be:]**

6 **[(A) Donated to any charitable organization which qualifies as a**
7 **501(c)(3) not-for-profit corporation under the federal internal revenue**
8 **code; or]**

9 **[(B) shall be remitted to the state treasurer who shall deposit the**
10 **entire amount in the state treasury and credit such money] to the**
11 *executive mansion gifts fund for the purpose of funding expenditures*
12 *relating to the governor's residence, historic properties or both. Such*
13 *expenditures shall be subject to approval of the governor's residence*
14 *advisory commission.*

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

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

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

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

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

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

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

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