

46-239

Chapter 46.--LEGISLATURE Article 2.--STATE GOVERNMENTAL ETHICS

46-239. Disclosure statements; state officers and employees accepting representation cases; legislators contracting to perform services for state agencies; state agencies contracting with legislators or legislators' firms, reports by; time and procedure for filing statements; information required; termination statement; failure to file true statement, class B misdemeanor. (a) No state officer or employee shall accept employment in any representation case, unless such officer or employee has properly filed the disclosure statement prescribed by this section.

(b) Any state officer or employee who is employed in any representation case shall, not later than 10 days after the acceptance of employment for such case or on the first appearance before the state agency involved (whichever occurs first), file on a form prescribed and provided by the commission a disclosure statement as provided in this section.

(c) Any individual, within one year after the expiration of a term as a legislator, who contracts to perform any service for a state agency other than the legislature, shall not later than 10 days after the acceptance of such contract, file a disclosure statement as provided in this section. Any agency of the state of Kansas which enters into a contract with any legislator, or any member of a firm of which such legislator is a member, under which the legislator or the member of such firm is to perform services for such agency for compensation shall make a report on a form prescribed and provided by the commission giving the name of the state agency, the purpose of the employment and the method of determining and computing the compensation for such employment. All such forms shall be filed quarterly in the office of the secretary of state.

(d) The disclosure statement required by this section shall be filed with the secretary of state in all cases. Any individual who files a statement may file an amended statement (or, if permitted by the secretary of state, amend the original filing) at any time after the statement is originally filed. Copies of each such statement shall forthwith upon filing be transmitted by the secretary of state to (1) in the case of members of the house of representatives, the chief clerk of the house of representatives, or (2) in the case of senators, the secretary of the senate. In addition to the foregoing, a copy of every disclosure statement shall be transmitted by the secretary of state to the state agency involved, if the state agency is other than a part of the legislative branch.

(e) The disclosure statement provided for by this section shall be signed by the person making the same and shall state (1) the name of the employer, (2) the purpose of the employment and (3) the method of determining and computing the compensation for the employment in the representation case.

(f) Any person who is employed in a representation case and who is required to file a disclosure statement pursuant to this section may file, upon termination of such person's employment in such representation case, a termination statement with the secretary of state. Such statement shall be on a form prescribed and provided by the commission and shall state (1) the name of the employer, (2) the state agency involved in the case, and (3) the date of the termination of employment. The secretary of state shall transmit a copy of such statement to the state agency involved.

(g) Failure to file a true disclosure statement is intentionally (1) failing to file a disclosure statement when and where required by this section, or

(2) filing a disclosure statement under this section which contains any material misrepresentation or false or fraudulent statement.

Failure to file a true disclosure statement is a class B misdemeanor.

History: L. 1974, ch. 353, § 25; L. 1975, ch. 272, § 8; L. 1991, ch. 150, § 27; July 1.

Research and Practice Aids:

States (West Key) 77.

C.J.S. States §§ 122, 125.

Law Review and Bar Journal References:

"Ethics and the Government Lawyer," Bruce W. Kent, 62 J.K.B.A. No. 2, 30, 34 (1993).

Governmental Ethics Commission Opinions:

State officer or employee who does not appear before a state agency when state employee also represents outside organization need not file a representation case disclosure statement. 88-29.

Kansas technology enterprise corporation (KTEC) is not a state agency for the purposes of K.S.A. 46-215 et seq. Private law firm members representing KTEC are not state employees. 90-4.

Contracts for services only; the terms "firm" and "business" discussed and defined. 92-33.

Legislator who is employed by organization applying for block grant funds through Kansas department of commerce should file disclosure statement. 93-25.

Legislator serving as board member of Kansas Technology Enterprise Corporation; potential conflict of interest. 93-33.

Legislator's voting on matters affecting an entity for which legislator serves on board of directors without pay. 1999-45.

Attorney General's Opinions:

Conflicts of interest; district court clerk who is spouse of county sheriff; qualifications. 91-32.