Kansas Administrative Regulations

Kansas Public Disclosure Commission

Article 41.—Statement of Substantial Interests

19-41-1. Definitions.

For the purposes of this article, the following words and phrases are defined below.
(a) "Blind trust" means a trust established by a state officer or state employee or the individual's spouse for the purpose of divestiture of all control and knowledge of assets.

(b) "Combination of businesses" means any two or more businesses owned or controlled directly by the same interests.

(c) "Description of interests" means the type of ownership interest held, including common stock, preferred stock, stock option and limited partnership.

(d) "Equitable interest" means an actual beneficial ownership, though legal title may not be shown on public, partnership or corporate records.

(e) "General counsel" means any attorney for a state agency to whom the agency turns for legal advice concerning the general operation of the agency. This definition shall include any private attorney hired on a contract basis to give legal advice, as well as any in-house counsel for the state agency who is the chief legal counsel for the agency. The definition shall not include any attorney assigned to an agency by the attorney general from the attorney general's staff to serve as the the agency's primary legal advisor, unless the attorney is budgeted for by a separate agency or division, has permanent offices within the agency or division, or unless the individual falls under any other provision of K.S.A. 1991 Supp. 46-247. The definition shall not apply to any private attorney who is retained solely to handle specific litigation for an agency. Any in-house counsel other than the head of the legal division of a specific agency shall not be required to file unless the individual falls under any other provision of K.S.A. 1991 Supp. 46-247.

(f) "Members of state councils, commissions and boards" means members of state authorities, compacts and committees or similar state agencies who receive compensation from the state when such member is engaged in performing a function or duty for such council, commission, board, authority, compact or committee or similar state agency. Excluded from this definition are entities of the judicial branch or any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to exercise duties pertaining to functions of the judicial branch, when such person is engaged in performing a function or duty for the judicial branch.

(g) "Other business interest" means any endeavor which produces income, including appraisals, consulting, authorships, inventing or the sale of goods and services. It is unnecessary, for the purposes of this definition, that the interest have a formal business name or formal business structure.

(h) "Ownership interest" means a legal or equitable interest in any business or combination of businesses.

(i) "Trust" means a trust in which any state officer or employee or the individual's spouse has a present or future interest which exceeds five percent of the value of the trust or exceeds five thousand dollars, whichever is less, but does not include blind trusts.

(j) "Type of business" means the nature of the business activity in which the entity engages, including construction, retailing and manufacturing.

(Authorized by K.S.A. 1991 Supp. 46-253; implementing K.S.A. 1991 Supp. 46-229, 46-247; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1983; amended May 1, 1984; amended June 22, 1992.)

***** Authenticated Kansas Administrative Regulation *****