



STATE OF KANSAS

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December 12, 1979

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ATTORNEY GENERAL OPINION NO. 79- 287

Mr. John F. Hayes  
P.O. Box 705  
330 West First Street  
Hutchinson, Kansas 67501

Re: Legislature--State Governmental Ethics--Individuals  
Required to File Written Statements of Substantial  
Interests

Synopsis: Members of the advisory committee to the Kansas  
Commission on Interstate Cooperation, which advisory  
committee is established by K.S.A. 1978 Supp.  
46-407a [as amended by L.1979, ch. 165, § 1], are  
not required to file statements of substantial  
interests under the provisions of K.S.A. 1978  
Supp. 46-247 [as amended by L.1979, ch. 164, § 1 (e)].

\* \* \*

Dear Mr. Hayes:

You have requested our opinion concerning 1979 House Bill  
No. 2592 (L. 1979, ch. 164, § 1). Specifically, you want to  
know if K.S.A. 1978 Supp. 46-247, as amended by L. 1979, ch. 164,  
§ 1(e), applies to the advisory committee to the Kansas Commission  
on Interstate Cooperation. This statute (as amended) provides,  
in pertinent part, as follows:

"The following individuals shall file  
written statements of substantial interests,

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as provided in K.S.A. 1978 Supp. 46-248  
to 46-252, inclusive: . . .

. . . .

"(e) members of state councils, commissions  
and boards; . . ." (Emphasis added.)

Your concern is whether this provision is applicable to members of the advisory committee established by K.S.A. 1978 Supp. 46-407a (as amended by L. 1979, ch. 165, § 1), which statute provides, in part, as follows:

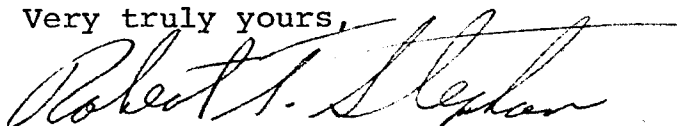
"There is hereby established an advisory committee to the Kansas commission on interstate cooperation. Such committee shall be composed of five (5) members. Three of such members shall be members of the Kansas bar to be appointed by the commission with the advice of the president of the bar association of the state of Kansas and the incumbency of each such member of the committee shall extend until the first day of February of the odd-numbered year following his or her appointment and thereafter until his or her successor is appointed. The other two members shall be the chairpersons of the house and senate standing committees on judiciary, except that each such chairperson may appoint another member of the committee on judiciary of the same house who is an attorney to serve as a member in lieu of such chairperson for such member's then current term as a legislator. The members of such committee shall be the official representatives or delegates of the state of Kansas to the national conference of commissioners on uniform state laws. Such committee shall account to and advise with the Kansas commission on interstate cooperation and it shall be its duty to investigate and consider the advisability or uniformity of the laws of the several states and to make recommendations on all subjects where uniformity may be desirable and practical. Such committee shall report to the Kansas

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commission on interstate cooperation from time to time on its activities and make such recommendations as it deems advisable for appropriate legislation. Members of the committee shall be paid compensation and travel expenses and subsistence expenses or allowances for attendance at meetings of the committee as authorized by K.S.A. 75-3212." (Emphasis added.)

As is apparent from the underscored portion of the above quoted statutory excerpt, members of the committee established by K.S.A. 1978 Supp. 46-407(a) are not members of any state council, commission, or board, but, rather, are members of a committee which is advisory to a state commission. Since, pursuant to K.S.A. 1978 Supp. 46-251, criminal penalties are imposed for failure to file a statement of substantial interests, Section 1 (e) of Chapter 164 of the 1979 Session Laws of Kansas must be construed strictly so as not to extend a criminal statute to embrace acts or conduct not clearly included within the prohibitions set forth therein. State v. Waite, 156 Kan. 143, 145 (1942). In accordance with this rule of statutory construction, it is our opinion that the members of the advisory committee to the Kansas Commission on Interstate Cooperation are not required to file statements of substantial interests under the provisions of K.S.A. 1978 Supp. 46-247, as amended by L. 1979, ch. 164, § 1(e).

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Terrence R. Hearshman  
Assistant Attorney General

RTS:BJS:TRH:jm