



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

December 12, 1979

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
ANTITRUST: 296-5299

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 com-  
mittee 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 chair-  
person 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