

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2184

By Committee on Elections

1-29

1 AN ACT concerning governmental ethics; relating to benefits for state
2 officers and employees; filings by lobbyists; amending K.S.A. 46-237
3 and 46-268 and repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 46-237 is hereby amended to read as follows: 46-
7 237. (a) Except as provided by this section, no state officer or employee,
8 candidate for state office or state officer elect shall accept, or agree to
9 accept any: (1) Economic opportunity, gift, loan, gratuity, special discount,
10 favor, hospitality or service having an aggregate value of ~~\$40-\$80~~ **\$100** or
11 more in any calendar year; or (2) hospitality in the form of recreation
12 having an aggregate value of \$100 or more in any calendar year from any
13 one person known to have a special interest, under circumstances where
14 such person knows or should know that a major purpose of the donor is to
15 influence such person in the performance of their official duties or
16 prospective official duties.

17 (b) Except as provided by this section, no person with a special
18 interest shall offer, pay, give or make any: (1) Economic opportunity, gift,
19 loan, gratuity, special discount, favor, hospitality or service having an
20 aggregate value of ~~\$40-\$80~~ **\$100** or more in any calendar year; or (2)
21 hospitality in the form of recreation having an aggregate value of \$100 or
22 more in any calendar year to any state officer or employee, candidate for
23 state office or state officer elect with a major purpose of influencing such
24 officer or employee, candidate for state office or state officer elect in the
25 performance of official duties or prospective official duties.

26 (c) No person licensed, inspected or regulated by a state agency shall
27 offer, pay, give or make any economic opportunity, gift, loan, gratuity,
28 special discount, favor, hospitality or service having an aggregate value of
29 ~~\$40-\$80~~ **\$100** or more in any calendar year to such agency or any state
30 officer or employee, candidate for state office or state officer elect of that
31 agency.

32 (d) Hospitality in the form of food and beverages is presumed not to
33 be given to influence a state officer or employee, candidate for state office
34 or state officer elect in the performance of official duties or prospective
35 official duties, except when a particular course of official action is to be
36 followed as a condition thereon.

1 (e) Except when a particular course of official action is to be followed
2 as a condition thereon, this section shall not apply to: (1) Any contribution
3 reported in compliance with the campaign finance act; or (2) a
4 commercially reasonable loan or other commercial transaction in the
5 ordinary course of business.

6 (f) No state officer or employee shall accept any payment of
7 honoraria for any speaking engagement except that a member of the state
8 legislature or a part-time officer or employee of the executive branch of
9 government shall be allowed to receive reimbursement in the preparation
10 for and the making of a presentation at a speaking engagement in an
11 amount fixed by the commission prior to the acceptance of the speaking
12 engagement. Nothing in this section shall be construed to prohibit the
13 reimbursement of state officers and employees for reasonable expenses
14 incurred in attending seminars, conferences and other speaking
15 engagements.

16 (g) The provisions of this section shall not be applicable to or prohibit
17 the acceptance of gifts from governmental agencies of foreign nations
18 except that any gift accepted from such foreign governmental agency,
19 having an aggregate value of \$100 or more, shall be accepted on behalf of
20 the state of Kansas.

21 (h) No legislator shall solicit any contribution to be made to any
22 organization for the purpose of paying for travel, subsistence and other
23 expenses incurred by such legislator or other members of the legislature in
24 attending and participating in meetings, programs and activities of such
25 organization or those conducted or sponsored by such organization, but
26 nothing in this act or the act of which this act is amendatory shall be
27 construed to prohibit any legislator from accepting reimbursement for
28 actual expenses for travel, subsistence, hospitality, entertainment and other
29 expenses incurred in attending and participating in meetings, programs and
30 activities sponsored by the government of any foreign nation, or any
31 organization organized under the laws of such foreign nation or any
32 international organization or any national, nonprofit, nonpartisan
33 organization established for the purpose of serving, informing, educating
34 and strengthening state legislatures in all states of the nation, when paid
35 from funds of such organization and nothing shall be construed to limit or
36 prohibit the expenditure of funds of and by any such organization for such
37 purposes. *The provisions of this subsection shall not apply to any*
38 *organization or legislator, when in-state ground transportation is provided*
39 *for a legislator to attend any meeting, program or activity of such*
40 *sponsoring organization.*

41 Sec. 2. K.S.A. 46-268 is hereby amended to read as follows: 46-268.

42 (a) Except as otherwise provided in subsection (b), every lobbyist shall file
43 with the secretary of state a report of employment and expenditures on a

1 form and in the manner prescribed and provided by the commission. A
2 report shall be filed on or before the 10th day of the months of February,
3 March, April, May, September and January. Reports shall include all
4 expenditures which are required to be reported under K.S.A. 46-269, and
5 amendments thereto, or a statement that no expenditures in excess of \$100
6 were made for such purposes, during the preceding calendar month or
7 months since the period for which the last report was filed.

8 (b) For any calendar year in which a lobbyist expects to expend an
9 aggregate amount of less than \$100 for lobbying in each reporting period,
10 a lobbyist shall file an affidavit of such intent with the secretary of state.
11 Such lobbyist shall not be required to file the reports required under
12 subsection (a) for the year for which such affidavit is filed ~~but shall file a~~
13 ~~report on or before January 10, which shall include all expenditures made~~
14 ~~in the preceding calendar year which are required to be reported under~~
15 ~~K.S.A. 46-269, and amendments thereto.~~ If in any reporting period a
16 lobbyist filing such affidavit expends in excess of \$100 in reportable
17 expenses, a report shall be filed for such period in the manner prescribed
18 by subsection (a).

19 Sec. 3. K.S.A. 46-237 and 46-268 are hereby repealed.

20 Sec. 4. This act shall take effect and be in force from and after its
21 publication in the statute book.