

SENATE BILL No. 576

By Committee on Elections and Local Government

2-7

9 AN ACT concerning governmental ethics; pertaining to the definition of
10 lobbying; amending K.S.A. 46-225 and repealing the existing section.

11

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

13 Section 1. K.S.A. 46-225 is hereby amended to read as follows: 46-
14 225. ~~(a) “Lobbying” means: (1) Promoting or opposing in any manner~~
15 ~~action or nonaction by the legislature on any legislative matter or the~~
16 ~~adoption or nonadoption of any rule and regulation by any state agency;~~
17 ~~or~~

18 ~~—(2)—entertaining any state officer or employee or giving any gift, hono-~~
19 ~~rary or payment to a state officer or employee in an aggregate value~~
20 ~~of \$40 or more within any calendar year, if at any time during such year~~
21 ~~the person supplying the entertainment, gifts, honoraria or payments has~~
22 ~~a financial interest in any contract with, or action, proceeding or other~~
23 ~~matter before the state agency in which such state officer or employee~~
24 ~~serves, or if such person is the representative of a person having such a~~
25 ~~financial interest.~~

26 ~~—(c)—“Lobbying” does not include any expenditure from amounts ap-~~
27 ~~propriated by the legislature for official hospitality.~~

28 ~~—(d)—“Lobbying” does not include representation of a claimant on a~~
29 ~~claim filed by the claimant under K.S.A. 46-907 and 46-912 to 46-919,~~
30 ~~inclusive, and amendments thereto in proceedings before the joint com-~~
31 ~~mittee on special claims against the state.~~

32 ~~—(e)—“Lobbying” does not include bona fide personal or business~~
33 ~~entertaining.~~

34 ~~—(f)—No legislator may be hired as a lobbyist to represent anyone before~~
35 ~~any state agency. (a) “Lobbying” means: (1) Entertaining any state of-~~
36 ~~ficer or employee or giving any gift, honorarium or payment to a state~~
37 ~~officer or employee in an aggregate value of \$40 or more within any~~
38 ~~calendar year, if at any time during such year the person supplying the~~
39 ~~entertainment, gifts, honoraria or payments has a financial interest in any~~
40 ~~contract with, or action, proceeding or other matter before the state~~
41 ~~agency in which such state officer or employee serves, or if such person~~
42 ~~is the representative of a person having such a financial interest.~~

43 (2) *Communicating directly, or soliciting others to communicate, with*

- 1 *the governor, lieutenant governor or any member of the legislature for*
2 *the purpose of aiding in or influencing;*
- 3 (A) *Any bill, resolution, amendment, nomination, appointment, or re-*
4 *port, whether or not in writing, pending or proposed for consideration*
5 *by either house of the Kansas legislature or any committee thereof,*
6 *whether or not the legislature is in session;*
- 7 (B) *any other matter pending or proposed in writing for consideration*
8 *by either house of the Kansas legislature or any committee, subcommittee,*
9 *task force or other body thereof, whether or not the legislature is in*
10 *session;*
- 11 (C) *the convening of a special session of the Kansas legislature or the*
12 *specification of any business to be transacted at such special session; and*
- 13 (D) *the drafting, consideration, amendment, adoption or defeat of any*
14 *rule and regulation, standard or rate of any state agency having authority*
15 *to adopt such rule and regulation, standard or rate.*
- 16 (3) *Communicating directly, or soliciting others to communicate, with*
17 *any official of a state agency for the purpose of aiding in or influencing*
18 *the drafting, consideration, amendment, adoption or defeat of any rule*
19 *and regulation, standard or rate of any state agency having authority to*
20 *adopt such rule and regulation, standard or rate.*
- 21 (b) *“Lobbying” does not include:*
- 22 (1) *Any expenditure from amounts appropriated by the legislature for*
23 *official hospitality.*
- 24 (2) *Any person not registered as a lobbyist who limits such person’s*
25 *activities to:*
- 26 (A) *Giving testimony or providing information to committees of the*
27 *legislature;*
- 28 (B) *giving testimony at public hearings of state agencies; and*
- 29 (C) *giving testimony or providing information at the request of a state*
30 *official or state employee when such individual clearly establishes iden-*
31 *tification and the interest for whom such individual testifies or provides*
32 *information.*
- 33 (3) *Any communications made by an attorney-at-law when such com-*
34 *munications are made on behalf of a client whose name has been identified*
35 *and when such communications constitute the practice of law subject to*
36 *control by the judicial branch of the state of Kansas.*
- 37 (4) *Any elected public official acting in such official’s official capacity.*
- 38 (5) *Any individual who appears as counsel or advisor in an adjudi-*
39 *catory proceeding.*
- 40 (6) *Duties performed by employees of the legislative department.*
- 41 (7) *Communications made by a person in response to a statute, rule,*
42 *regulation or order requiring such a communication.*
- 43 (8) *Communications by a person who appears before a committee of*

- 1 *the legislature or a rule-making state agency solely as a result of an affir-*
2 *mative vote by the committee, board or commission:*
- 3 (A) *Issuing a mandatory order or subpoena commanding that the*
4 *person appear and testify; or*
- 5 (B) *making such a person a respondent in such a proceeding whether*
6 *or not the person is reimbursed by the state agency for expenses incurred*
7 *in making such appearance.*
- 8 (9) *Representation of a claimant on a claim filed by the claimant un-*
9 *der K.S.A. 46-907 and 46-912 to 46-919, inclusive, and amendments*
10 *thereto, in proceedings before the joint committee on special claims*
11 *against the state.*
- 12 (10) *Bona fide personal or business entertaining.*
- 13 (c) *No legislator may be hired as a lobbyist to represent anyone before*
14 *any state agency.*
- 15 Sec. 2. K.S.A. 46-225 is hereby repealed.
- 16 Sec. 3. This act shall take effect and be in force from and after its
17 publication in the statute book.