

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR  
SENATE BILL NO. 343**

As Recommended by Senate Committee on  
Ethics and Elections

**Brief\***

Sub. for SB 343 would address the use of public funds for lobbying, gifts, or campaign contributions. The bill would require every lobbyist to file a report with the Secretary of State of all public funds received from a governmental entity. Mandatory for inclusion in the report would be a listing of the amount of public funds paid to hire or contract for the services of the lobbyist. Each such report would be an open public record, and the Secretary of State would be required to make these reports available on a publicly searchable website.

The bill also would prohibit the expenditure of public funds by any public entity as a direct or indirect gift or campaign contribution to any elected official, officer or employee of the state or any municipality.

The bill would define the following terms:

- “Public funds” – money appropriated by the State or any subdivision having authority to levy and collect taxes.
- “Governmental entity” – any such entity covered under the Kansas Tort Claims Act, including the state or any of its agencies, or any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- “Lobbying” – the same meaning as in the State Governmental Ethics Law: promoting or opposing any action or nonaction by the Legislature on a legislative matter or adoption or nonadoption of any rule and regulation by a state agency, or providing entertainment, gift, or other payment to a state officer or employee under specified limits, if during the year the person supplying the entertainment, gift, or payment has a financial interest in a contract or action before the state agency in which the officer or employee serves, or if the person is representative of a person having such an interest.

## **Background**

The original bill would have required every governmental entity to file a comprehensive report of public funds used for lobbying, including the entity’s use of public funds for paying membership dues or other type of support to an association that employs a lobbyist, and paying a share of compensation to public officials and employees who spend part of their time engaged in lobbying. The Senate Committee adopted a substitute bill that removed reporting of dues or other payments to an association, defined “public funds,” and placed the reporting responsibility on the lobbyist instead of on the governmental entity.

A representative of Americans for Prosperity testified in favor of the original bill at the hearing before the Senate Committee on Ethics and Elections. No other proponents provided testimony. Representatives of 14 cities and counties and 5 organizations representing municipalities provided testimony in opposition to the bill.

The Division of the Budget fiscal note on the bill, as introduced, indicated the League of Kansas Municipalities anticipated increased costs for cities with passage of the original bill. Offices of the Secretary of State and the Kansas Governmental Ethics Commission reported the additional

workload could be handled with existing resources. The Kansas Association of Counties anticipated no fiscal effect on Kansas counties. No fiscal note was available on the substitute bill at the time of Committee action.