

## HOUSE BILL No. 2184

By Committee on Elections

1-29

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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.  
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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 or more  
11 in any calendar year; or (2) hospitality in the form of recreation having an  
12 aggregate value of \$100 or more in any calendar year from any one person  
13 known to have a special interest, under circumstances where such person  
14 knows or should know that a major purpose of the donor is to influence  
15 such person in the performance of their official duties or prospective  
16 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 or more in any calendar year; or (2) hospitality  
21 in the form of recreation having an aggregate value of \$100 or more in any  
22 calendar year to any state officer or employee, candidate for state office or  
23 state officer elect with a major purpose of influencing such officer or  
24 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 or more in any calendar year to such agency or any state officer or  
30 employee, candidate for state office or state officer elect of that agency.

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

36 (e) Except when a particular course of official action is to be followed

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

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

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

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

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

41 (a) Except as otherwise provided in subsection (b), every lobbyist shall file  
42 with the secretary of state a report of employment and expenditures on a  
43 form and in the manner prescribed and provided by the commission. A

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

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

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

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