

## HOUSE BILL No. 2559

By Committee on Elections

2-4

1 AN ACT concerning late filing of lobbyist reports; amending K.S.A. 2019  
2 Supp. 46-280 and repealing the existing section.

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

5 Section 1. K.S.A. 2019 Supp. 46-280 is hereby amended to read as  
6 follows: 46-280. (a) Except as provided in subsection (b), the commission  
7 shall send a notice by registered or certified mail to any person failing to  
8 register or to file any report or statement as required by K.S.A. 46-247 or  
9 46-265, and amendments thereto, within the time period prescribed  
10 therefor. The notice shall state that the required registration, report or  
11 statement had not been filed with the office of secretary of state. The  
12 notice also shall state that such person shall have five days from the date  
13 ~~of receipt of~~ such notice *is deposited in the mail* to comply with the  
14 registration and reporting requirements before a civil penalty shall be  
15 imposed for each day that the required documents remain unfiled. If such  
16 person fails to comply within such period, such person shall pay to the  
17 state a civil penalty of \$10 per day for each day that such person remains  
18 unregistered or that such report or statement remains unfiled, except that  
19 no such civil penalty shall exceed \$300. The commission may waive, for  
20 good cause, payment of any civil penalty imposed hereunder.

21 (b) Subject to the notice provisions of subsection (a), reports required  
22 for lobbyists under K.S.A. 46-268, and amendments thereto, that are late  
23 more than 48 hours shall be subject to civil penalties as provided in  
24 subsection (b)(2).

25 (2) The lobbyist shall be liable for a civil penalty of \$100 for the first  
26 day the report is more than 48 hours late and \$50 for each subsequent day  
27 the report is late, but in no case shall the civil penalty exceed \$1,000. The  
28 commission may waive, for good cause, payment of any civil penalty  
29 imposed by this section.

30 (c) Whenever the commission shall determine that any report filed by  
31 a lobbyist as required by K.S.A. 46-269, and amendments thereto, is  
32 incorrect, incomplete or fails to provide the information required by such  
33 section, the commission shall notify such lobbyist by registered or certified  
34 mail, specifying the deficiency. Such notice shall state that the lobbyist  
35 shall have 30 days from the date ~~of the receipt of~~ such notice *is deposited*  
36 *in the mail* to file an amended report correcting such deficiency before a

1 civil penalty will be imposed and the registration of such lobbyist revoked  
2 and the badge be required to be returned to the office of the secretary of  
3 state. A copy of such notice shall be sent to the office of the secretary of  
4 state. If such lobbyist fails to file an amended report within the time  
5 specified, such lobbyist shall pay to the commission a civil penalty of \$10  
6 per day for each day that such person fails to file such report except that no  
7 such civil penalty shall exceed \$300. On the 31<sup>st</sup> day following the ~~receipt~~  
8 ~~of date~~ such notice *is deposited in the mail*, the registration of any lobbyist  
9 failing to file such amended report shall be revoked.

10 (d) Civil penalties provided for by this section shall be remitted to the  
11 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
12 amendments thereto. Upon receipt of each such remittance, the state  
13 treasurer shall deposit the entire amount in the state treasury to the credit  
14 of the governmental ethics commission fee fund.

15 (e) (1) Except as provided in paragraph (2), if a person fails to pay a  
16 civil penalty provided for by this section, it shall be the duty of the  
17 commission to bring an action to recover such civil penalty in the district  
18 court of the county in which such person resides.

19 (2) If a person required to file under K.S.A. 46-247(f), and  
20 amendments thereto, fails to pay a civil penalty provided for by this  
21 section, it shall be the duty of the commission to bring an action to recover  
22 the civil penalty in the district court of Shawnee county, Kansas.

23 Sec. 2. K.S.A. 2019 Supp. 46-280 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its  
25 publication in the statute book.