

HOUSE BILL No. 2055

By Committee on Elections

1-13

1 AN ACT concerning late filing of lobbyist reports and statements of
2 financial interest reports; amending K.S.A. 2020 Supp. 46-280 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2020 Supp. 46-280 is hereby amended to read as
7 follows: 46-280. (a) Except as provided in subsection (b), the commission
8 shall send a notice by registered or certified mail to any person failing to
9 register or to file any report or statement as required by K.S.A. 46-247 or
10 46-265, and amendments thereto, within the time period prescribed
11 therefor. The notice shall state that the required registration, report or
12 statement had not been filed with the office of secretary of state. The
13 notice ~~also~~ shall *also* state that such person shall have five days from the
14 ~~date of receipt of~~ such notice *is deposited in the mail* to comply with the
15 registration and reporting requirements before a civil penalty shall be
16 imposed for each day that the required documents remain unfiled. If such
17 person fails to comply within such period, such person shall pay to the
18 state a civil penalty of \$10 per day for each day that such person remains
19 unregistered or that such report or statement remains unfiled, except that
20 no such civil penalty shall exceed \$300. The commission may waive, for
21 good cause, payment of any civil penalty imposed hereunder.

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

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

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

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

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

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

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

24 Sec. 2. K.S.A. 2020 Supp. 46-280 is hereby repealed.

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