SENATE BILL No. 399

By Committee on Federal and State Affairs

AN ACT concerning state governmental ethics; dealing with lobbyists;
amending K.S.A. 46-237 and repealing the existing section.

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

Section 1. K.S.A. 46-237 is hereby amended to read as follows: 46-

(a) Except as provided by this section, no state officer or employee,
candidate for state office or state officer elect shall accept, or agree to
accept any:

(1) Economic opportunity, gift, loan, gratuity, special discount,
favor, hospitality or service having an aggregate value of $40 or more in
any calendar year;
or (2) hospitality in the form of recreation having an
aggregate value of $100 or more in any calendar year from any one person
known to have a special interest, under circumstances where such person
knows or should know that a major purpose of the donor is to influence
such person in the performance of their official duties or prospective
official duties.

(b) Except as provided by this section, no person with a special
interest shall offer, pay, give or make any:

(1) Economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an
aggregate value of $40 or more in any calendar year;
or (2) hospitality in the form of recreation having an aggregate value of $100 or more in any
calendar year to any state officer or employee, candidate for state office or
state officer elect with a major purpose of influencing such officer or
employee, candidate for state office or state officer elect in the
performance of official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall
offer, pay, give or make any economic opportunity, gift, loan, gratuity,
special discount, favor, hospitality or service having an aggregate value of
$40 or more in any calendar year to such agency or any state officer or
employee, candidate for state office or state officer elect of that agency.

(d) (1) Except as provided in paragraph (2), hospitality in the form of
food and beverages is presumed not to be given to influence a state officer
or employee, candidate for state office or state officer elect in the
performance of official duties or prospective official duties, except when a
particular course of official action is to be followed as a condition thereon.

(2) No lobbyist shall provide to a member of the state legislature any
tickets to an event for which there is a charge for attending such event or
pay for or otherwise furnish any meal unless the meal or the event is part
of an event open to all members of the legislature and no member is
required to pay for attending such event.

(e) Except when a particular course of official action is to be followed
as a condition thereon, this section shall not apply to: (1) Any contribution
reported in compliance with the campaign finance act; or (2) a
commercially reasonable loan or other commercial transaction in the
ordinary course of business.

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

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

(h) No legislator shall solicit any contribution to be made to any
organization for the purpose of paying for travel, subsistence and other
expenses incurred by such legislator or other members of the legislature in
attending and participating in meetings, programs and activities of such
organization or those conducted or sponsored by such organization, but
nothing in this act or the act of which this act is amendatory shall be
construed to prohibit any legislator from accepting reimbursement for
actual expenses for travel, subsistence, hospitality, entertainment and other
expenses incurred in attending and participating in meetings, programs and
activities sponsored by the government of any foreign nation, or any
organization organized under the laws of such foreign nation or any
international organization or any national, nonprofit, nonpartisan
organization established for the purpose of serving, informing, educating
and strengthening state legislatures in all states of the nation, when paid
from funds of such organization and nothing shall be construed to limit or
prohibit the expenditure of funds of and by any such organization for such
purposes.

Sec. 2. K.S.A. 46-237 is hereby repealed.

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