

SENATE BILL No. 104

By Committee on Federal and State Affairs

1-31

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

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 46-237 is hereby amended to read as follows: 46-
6 237. (a) Except as provided by this section, no state officer or employee,
7 candidate for state office or state officer elect shall accept, or agree to
8 accept any: (1) Economic opportunity, gift, loan, gratuity, special discount,
9 favor, hospitality or service having an aggregate value of \$40 or more in
10 any calendar year; or (2) hospitality in the form of recreation having an
11 aggregate value of \$100 or more in any calendar year from any one person
12 known to have a special interest, under circumstances where ~~such the~~
13 person knows or should know that a major purpose of the donor is to
14 influence ~~such the~~ person in the performance of their official duties or
15 prospective official duties.

16 (b) Except as provided by this section, no person with a special
17 interest shall offer, pay, give or make any: (1) Economic opportunity, gift,
18 loan, gratuity, special discount, favor, hospitality or service having an
19 aggregate value of \$40 or more in any calendar year; or (2) hospitality in
20 the form of recreation having an aggregate value of \$100 or more in any
21 calendar year to any state officer or employee, candidate for state office or
22 state officer elect with a major purpose of influencing ~~such the~~ officer or
23 employee, candidate for state office or state officer elect in the
24 performance of official duties or prospective official duties.

25 (c) No person licensed, inspected or regulated by a state agency shall
26 offer, pay, give or make any economic opportunity, gift, loan, gratuity,
27 special discount, favor, hospitality or service having an aggregate value of
28 \$40 or more in any calendar year to ~~such the~~ agency or any state officer or
29 employee, candidate for state office or state officer elect of that agency.

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

35 (2) *No lobbyist shall provide to a member of the state legislature any*
36 *tickets to an event for which there is a charge for attending the event or*

1 *pay for or otherwise furnish any meal, unless the meal or the event is part*
2 *of an event open to all members of the legislature and no member is*
3 *required to pay for attending the event.*

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

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

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

24 (h) No legislator shall solicit any contribution to be made to any
25 organization for the purpose of paying for travel, subsistence and other
26 expenses incurred by ~~such~~ *the* legislator or other members of the
27 legislature in attending and participating in meetings, programs and
28 activities of ~~such~~ *the* organization or those conducted or sponsored by ~~such~~
29 *the* organization, ~~but~~. Nothing in this act or the act of which this act is
30 amendatory shall be construed to prohibit any legislator from accepting
31 reimbursement for actual expenses for travel, subsistence, hospitality,
32 entertainment and other expenses incurred in attending and participating in
33 meetings, programs and activities sponsored by the government of any
34 foreign nation, or any organization organized under the laws of ~~such~~ *the*
35 foreign nation or any international organization or any national, nonprofit,
36 nonpartisan organization established for the purpose of serving, informing,
37 educating and strengthening state legislatures in all states of the nation,
38 when paid from funds of ~~such~~ *the* organization ~~and~~. Nothing shall be
39 construed to limit or prohibit the expenditure of funds of and by any ~~such~~
40 *the* organization for such purposes.

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

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