

SENATE BILL No. 373

By Committee on Federal and State Affairs

1-22

1 AN ACT concerning lobbying; prohibiting the use of public moneys for
2 lobbying activities; exceptions; repealing K.S.A. 46-295 and 72-9935.

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

5 Section 1. (a) No public funds received, held or expended by any
6 governmental entity shall be used:

7 (1) Directly or indirectly for lobbying;

8 (2) to pay membership dues to an association that is engaged in
9 lobbying;

10 (3) for the purpose of employing or contracting for the service of any
11 person whose duty and responsibility includes lobbying; or

12 (4) for a direct or indirect gift or campaign contribution to any elected
13 official, officer or employee of any governmental entity.

14 (b) Nothing in this section shall prevent an officer or employee of the
15 state or a municipality or an association representing certain municipalities
16 from communicating with a member of the legislature on the request of
17 such member or communicating to the legislature, through the proper
18 official channels, requests for legislative action or appropriations that are
19 deemed necessary for the efficient conduct of the public business or
20 actually made in the proper performance of such officer's or employee's
21 official duties. For purposes of this subsection, such requests are deemed
22 necessary for the efficient conduct of the public business or actually made
23 in the proper performance of such officer's or employee's official duties
24 when such legislative action directly affects the operations of the state, any
25 municipality or any association representing certain municipalities.

26 (c) (1) Violations of the provisions of this section by any classified
27 employee in the civil service of the state of Kansas shall be considered
28 personal conduct detrimental to the state service and shall be a basis for
29 suspension, demotion or dismissal, subject to applicable state law.

30 (2) Violations of the provisions of this section by any employee not
31 described in paragraph (1) shall subject such employee to discipline up to
32 and including termination.

33 (3) In addition to the penalty prescribed under paragraphs (1) and (2),
34 the commission may assess a civil fine against any person for a violation
35 of this section, after proper notice and an opportunity to be heard, in an
36 amount not to exceed \$1,000 for a first violation, not to exceed \$3,000 for

1 a second violation and not to exceed \$8,000 for a third or subsequent
2 violation. All fines assessed and collected under this section shall be
3 remitted to the state treasurer in accordance with the provisions of K.S.A.
4 75-4215, and amendments thereto. Upon receipt of each such remittance,
5 the state treasurer shall deposit the entire amount in the state treasury to
6 the credit of the governmental ethics fee fund established by K.S.A. 25-
7 4119e, and amendments thereto.

8 (d) As used in this section:

9 (1) "Gift" means a voluntary transfer of any thing of value without
10 consideration of the actual value of such gift. "Gift" does not include
11 informational material transferred for the sole purpose of informing the
12 recipient about matters pertaining to official state agency business;

13 (2) "governmental entity" means the state or a municipality;

14 (3) "municipality" means any county, township, city, school district or
15 other political or taxing subdivision of the state, or any agency, authority,
16 institution or other instrumentality thereof; and

17 (4) "state" means the state of Kansas and any department or branch of
18 state government, or any agency, authority, institution or other
19 instrumentality thereof.

20 (e) The provisions of this section shall be a part of and supplemental
21 to the state governmental ethics laws.

22 Sec. 2. K.S.A. 46-295 and 72-9935 are hereby repealed.

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