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MEMORANDUM

To: Chairperson Thompson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: February 12, 2024

Subject: SB 373 – Prohibiting the use of public funds for lobbying activities.

Senate Bill No. 373 (SB 373) would prohibit the use of public funds for any lobbying activities. Any state or municipal agency would be prohibited from using any moneys received or held by such agency for:

- Lobbying activities;
- Paying membership dues to an association that engages in lobbying;
- Employing or contracting for the services of a person whose duties and responsibilities include lobbying; or
- Providing a gift or campaign contribution to any state or municipal officer or employee.

The term “lobbying” is defined by K.S.A. 46-225 to mean:

- Promoting or opposing in any manner action or nonaction by the legislature on any legislative matter;
- Promoting or opposing in any manner an action or nonaction by any executive agency on any executive administrative matter;
- Promoting or opposing in any manner an action or nonaction by any judicial agency on any judicial administrative matter; or
- Entertaining any state officer or employee or giving any gift, honorarium or payment to a state officer or employee in an aggregate value of \$40 or more within any calendar year, if at any time during such year the person supplying the entertainment, gifts, honoraria or payments has a financial interest in any contract with, or action, proceeding or other

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matter before the state agency in which such state officer or employee serves, or if such person is the representative of a person having such a financial interest.

SB 373 would allow governmental agencies to communicate with members of the Legislature to request legislative action or appropriations that are considered necessary for the efficient conduct of public business or that are made in the proper performance of official duties. The bill further clarifies that such requests are necessary when they directly affect the operations of the state, any municipality, or any association representing certain municipalities.

A violation of the act would be grounds for disciplinary action against the governmental officer or employee. The Kansas Governmental Ethics Commission could also fine the offender up to \$1,000 for a first offense, \$3,000 for a second offense, and \$8,000 for a third or subsequent offense.

SB 373 also repeals K.S.A. 46-295 and 72-9935, a copy of each is attached hereto. K.S.A. 46-295 requires registered lobbyists to report the amount of public funds received for lobbying on behalf of a governmental entity or association of governmental entities. K.S.A. 72-9935 authorizes boards of education of school districts to employ lobbyists.

If enacted, SB 373 would become effective on July 1, 2024.

46-295. Lobbying; governmental entities; report required. (a) Every person who is registered as a lobbyist shall file with the secretary of state a detailed report listing the amount of public funds paid to hire or contract for the lobbying services on behalf of: (1) A governmental entity; or (2) any association of governmental entities that receive public funds. The report shall include a listing of the amount of public funds paid to hire or contract for the lobbying services of such lobbyist and which association of governmental entities that receive public funds hired such lobbyist on a form and in the manner prescribed and provided by the governmental ethics commission. Each report required to be filed by this section is a public record and shall be open to public inspection upon request. A report shall be filed on or before January 10, 2017, and on or before January 10 of each subsequent year for the reporting period containing the preceding calendar year.

(b) The reports filed with the secretary of state pursuant to subsection (a) shall be made available on a searchable public website by the secretary of state.

(c) As used in this section:

(1) "Governmental entity" has the meaning as defined in K.S.A. [75-6102](#), and amendments thereto.

(2) "Lobbying" has the meaning as defined in K.S.A. [46-225](#), and amendments thereto.

(3) "Public funds" means moneys appropriated by the state or any of its subdivisions.

History: L. 2015, ch. 85, § 1; July 1.

72-9935. Employment of lobbyists; validation of prior expenditures; definitions. (a) The board of education of any school district is hereby authorized to offer employment to and employ lobbyists and other persons for lobbying and to pay any expenses incurred in connection therewith from the general fund of the school district.

(b) All expenditures heretofore made for the payment of expenses incurred by any school district in connection with or for the purpose of lobbying or the employment of lobbyists are hereby validated and approved in all respects, together with all proceedings authorizing such expenditures, and such expenditures and proceedings shall be valid as though they had been duly and legally authorized originally.

(c) As used in this section, the terms "lobbyist" and "lobbying" shall have the meanings respectively ascribed thereto in article 2 of chapter 46 of Kansas Statutes Annotated.

History: L. 1989, ch. 211, § 1; March 23.