

SENATE BILL No. 308

By Senator Corson

1-12

AN ACT concerning the legislature; relating to the state governmental ethics law; prohibiting members of the legislature from lobbying for a period of four years after leaving office; amending K.S.A. 46-225 and repealing the existing section.

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

Section 1. K.S.A. 46-225 is hereby amended to read as follows: 46-225. (a) Except as otherwise provided, "lobbying" means:

(1) Promoting or opposing in any manner action or nonaction by the legislature on any legislative matter;

(2) promoting or opposing in any manner an action or nonaction by any executive agency on any executive administrative matter;

(3) promoting or opposing in any manner an action or nonaction by any judicial agency on any judicial administrative matter; or

(4) 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 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.

~~(e)~~(b) "Lobbying" does not include:

(1) Any expenditure from amounts appropriated by the legislature for official hospitality;

(2) *representation of a claimant on a claim filed by the claimant under K.S.A. 46-907 and 46-912 through 46-919, and amendments thereto, in proceedings before the joint committee on special claims against the state;*

(3) *bona fide personal or business entertaining;*

(4) *written communications by an employee of a private business seeking a contract, agreement or lease with an executive agency or judicial agency solely for the purpose of describing goods or services to be provided or for preparing a bid, proposal or other document relating to a contract, agreement or lease, such as factual information, specifications, terms, conditions, timing or similar technical or commercial information*

1 *or communications by an employee of a private business awarded a bid or*
2 *contract for the purpose of carrying out ongoing negotiations following*
3 *the award of the bid or contract;*

4 *(5) communications by an attorney representing a client involving*
5 *ongoing legal work with respect to an executive administrative matter or*
6 *judicial administrative matter; or an administrative proceeding or hearing*
7 *and negotiations conducted by and with attorneys for executive agencies*
8 *or judicial agencies, or interactions between parties in litigation or other*
9 *contested matters, and testimony by a witness in an administrative hearing*
10 *or communications to or by investigators or authorities in the course of*
11 *any investigation;*

12 *(6) communications among and between members of the legislature*
13 *or executive or judicial officials or employees;*

14 *(7) providing written information in response to a written request*
15 *from an executive agency for technical advice or factual information*
16 *regarding a standard, rate, rule or regulation, policy or procurement or*
17 *from a judicial agency regarding a procurement;*

18 *(8) communications regarding a contract, lease or agreement of*
19 *\$5,000 or less;*

20 *(9) communications made by or on behalf of a private business for*
21 *the purpose of securing a grant, loan or tax benefit pursuant to a Kansas*
22 *economic development program for the purpose of locating, relocating or*
23 *expanding a private business within or into Kansas; or*

24 *(10) communications made by officers or employees of a certified*
25 *business or disabled veteran business, as defined in K.S.A. 75-3740, and*
26 *amendments thereto.*

27 ~~*(d) "Lobbying" does not include representation of a claimant on a*~~
28 ~~*claim filed by the claimant under K.S.A. 46-907 and 46-912 through 46-*~~
29 ~~*919, and amendments thereto, in proceedings before the joint committee*~~
30 ~~*on special claims against the state.*~~

31 ~~*(e) "Lobbying" does not include bona fide personal or business*~~
32 ~~*entertaining.*~~

33 ~~*(f)(c) No legislator individual may be hired as a lobbyist to represent*~~
34 ~~*anyone before any state agency if such individual is a member of the*~~
35 ~~*legislature or has been a member of the legislature at any time during the*~~
36 ~~*immediately preceding four years.*~~

37 ~~*(g) "Lobbying" does not include:*~~

38 ~~*(1) Written communications by an employee of a private business*~~
39 ~~*seeking a contract, agreement or lease with an executive agency or judicial*~~
40 ~~*agency solely for the purpose of describing goods or services to be*~~
41 ~~*provided or for preparing a bid, proposal or other document relating to a*~~
42 ~~*contract, agreement or lease, such as factual information, specifications,*~~
43 ~~*terms, conditions, timing or similar technical or commercial information or*~~

1 communications by an employee of a private business awarded a bid or
2 contract for the purpose of carrying out ongoing negotiations following the
3 award of the bid or contract;

4 ~~(2) communications by an attorney representing a client involving~~
5 ~~ongoing legal work with respect to an executive administrative matter or~~
6 ~~judicial administrative matter, or an administrative proceeding or hearing~~
7 ~~and negotiations conducted by and with attorneys for executive agencies~~
8 ~~or judicial agencies, or interactions between parties in litigation or other~~
9 ~~contested matters, and testimony by a witness in an administrative hearing~~
10 ~~or communications to or by investigators or authorities in the course of~~
11 ~~any investigation;~~

12 ~~(3) communications among and between members of the legislature~~
13 ~~or executive or judicial officials or employees;~~

14 ~~(4) providing written information in response to a written request~~
15 ~~from an executive agency for technical advice or factual information~~
16 ~~regarding a standard, rate, rule or regulation, policy or procurement or~~
17 ~~from a judicial agency regarding a procurement;~~

18 ~~(5) communications regarding a contract, lease or agreement of~~
19 ~~\$5,000 or less;~~

20 ~~(6) communications made by or on behalf of a private business for~~
21 ~~the purpose of securing a grant, loan or tax benefit pursuant to a Kansas~~
22 ~~economic development program for the purpose of locating, relocating or~~
23 ~~expanding a private business within or into Kansas; or~~

24 ~~(7) communications made by officers or employees of a certified~~
25 ~~business or disabled veteran business, as defined in K.S.A. 75-3740, and~~
26 ~~amendments thereto.~~

27 ~~(h)(d)~~ As used in this section,:

28 (1) "Executive administrative matter" means any rule and regulation,
29 utility ratemaking decision, any agreement, contract, bid or bid process, or
30 any procurement decision, including, but not limited to, any financial
31 services agreement, software licensing, servicing or procurement
32 agreement, any lease, grant, award, loan, bond issue, certificate, license,
33 permit, administrative order or any other matter that is within the official
34 jurisdiction or cognizance of the executive agency.

35 ~~(i) As used in this section, (2) "Judicial administrative matter"~~
36 ~~means any administrative matter regarding an agreement, contract, bid or~~
37 ~~bid process, any procurement decision, including, but not limited to, any~~
38 ~~financial services agreement, software licensing, servicing or procurement~~
39 ~~agreement, lease, or any other administrative procurement or contractual~~
40 ~~matter.~~

41 ~~(j) As used in this section, (3) "Executive agency" means any state~~
42 ~~agency, state office or state officer, state officer elect, or employee of the~~
43 ~~executive branch and includes, but is not limited to, the board of regents~~

1 and state board of education, but does not include local boards of
2 education of school districts or municipalities or other political
3 subdivisions.

4 ~~(k) As used in this section,~~ (4) "Judicial agency" means any
5 department, institution, office, officer, employee, commission, board or
6 bureau, or any agency, division or unit thereof, of the judicial branch of
7 government and includes any justice or commissioner of the supreme court
8 or judge or judge elect of the judicial branch, or any member of a board,
9 council or commission who is appointed by the supreme court or who is
10 elected and is performing a function or duty of the judicial branch that
11 constitutes a judicial administrative matter.

12 ~~(l) As used in this section,~~ (5) "Written communications" or
13 "written information" includes email or other electronic forms of
14 communication that are retained as a record by the executive agency or
15 judicial agency.

16 Sec. 2. K.S.A. 46-225 is hereby repealed.

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