

*{As Amended by Senate Committee of the Whole}*

*Session of 2018*

**SENATE BILL No. 394**

By Senators Wagle and Hensley

2-7

1 AN ACT concerning state and judicial government contracts and other  
2 actions; relating to transparency; amending K.S.A. 46-225, 46-237, 46-  
3 269 and 46-271 and K.S.A. 2017 Supp. 46-222, 46-237a and 46-265  
4 and repealing the existing sections.  
5

relating to lobbying;

46-232,

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

7 Section 1. K.S.A. 2017 Supp. 46-222 is hereby amended to read as  
8 follows: 46-222. (a) "Lobbyist" means:

9 (1) Any person employed in considerable degree for lobbying;

10 (2) any person formally appointed as the primary representative of an  
11 organization or other person to lobby in person on state-owned or leased  
12 property; ~~or~~

13 (3) any person who makes expenditures in an aggregate amount of  
14 \$1,000 or more, exclusive of personal travel and subsistence expenses, in  
15 any calendar year for lobbying; *or*

16 (4) *any person hired as an independent contractor and compensated*  
17 *by an executive agency, as defined in K.S.A. 46-225, and amendments*  
18 *thereto, for the purpose of evaluation, management, consulting or acting*  
19 *as a liason for the executive agency and who engages in lobbying, except*  
20 *an attorney or law firm representing the executive agency in a legal*  
21 *matter.*

22 (b) "Lobbyist" shall not include:

23 (1) Any state officer or employee engaged in carrying out the duties  
24 of their office;

25 (2) the employer of a lobbyist, if such lobbyist has registered the  
26 name and address of such employer under K.S.A. 46-265, and  
27 amendments thereto;

28 (3) any nonprofit organization which has qualified under 501(c)(3) of  
29 the internal revenue code of 1986, as amended, which is interstate in its  
30 operations and of which a primary purpose is the nonpartisan analysis,  
31 study or research of legislative procedures or practices and the  
32 dissemination of the results thereof to the public, irrespective of whether  
33 such organization may recommend a course of action as a result of such  
34 analysis, study or research;

35 (4) any justice or commissioner of the supreme court or judge of the  
36 judicial branch or employee or officer of the judicial branch or, any

1 member of a board, council or commission who is appointed by the  
2 supreme court or who is elected or appointed to exercise duties pertaining  
3 to functions of the judicial branch, when such person is engaged in  
4 performing a function or duty for the judicial branch; or

5 (5) any appointed member of an advisory council, commission or  
6 board, who serves without compensation other than amounts for expense  
7 allowances or reimbursement of expenses as provided for in K.S.A. 75-  
8 3223(e), and amendments thereto, when such member is engaged in  
9 performing a function or duty for such council, commission or board.

10 Sec. 2. K.S.A. 46-225 is hereby amended to read as follows: 46-225.

11 (a) *Except as otherwise provided*, "lobbying" means:

12 (1) Promoting or opposing in any manner action or nonaction by the  
13 legislature on any legislative matter ~~or the adoption or nonadoption of any~~  
14 ~~rule and regulation by any state agency; or~~

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

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

19 (4) entertaining any state officer or employee or giving any gift,  
20 honorarium or payment to a state officer or employee in an aggregate  
21 value of ~~\$40~~ \$100 or more within any calendar year, if at any time during  
22 such year the person supplying the entertainment, gifts, honoraria or  
23 payments has a financial interest in any contract with, or action,  
24 proceeding or other matter before the state agency in which such state  
25 officer or employee serves, or if such person is the representative of a  
26 person having such a financial interest.

27 (c) "Lobbying" does not include any expenditure from amounts  
28 appropriated by the legislature for official hospitality.

29 (d) "Lobbying" does not include representation of a claimant on a  
30 claim filed by the claimant under K.S.A. 46-907 and 46-912 ~~to through~~  
31 46-919, ~~inclusive~~; and amendments thereto, in proceedings before the joint  
32 committee on special claims against the state.

33 (e) "Lobbying" does not include bona fide personal or business  
34 entertaining.

35 (f) No legislator may be hired as a lobbyist to represent anyone  
36 before any state agency.

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*  
40 *judicial agency solely for the purpose of describing goods or services to*  
41 *be provided or for preparing a bid, proposal or other document relating to*  
42 *a contract, agreement or lease, such as factual information, specifications,*  
43 *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 (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) *As used in this section, "executive administrative matter" means*  
28 *any rule and regulation, utility ratemaking decision, any agreement,*  
29 *contract, bid or bid process, or any procurement decision, including, but*  
30 *not limited to, any financial services agreement, software licensing,*  
31 *servicing or procurement agreement, any lease, grant, award, loan, bond*  
32 *issue, certificate, license, permit, administrative order or any other matter*  
33 *that is within the official jurisdiction or cognizance of the executive*  
34 *agency.*

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

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

15 Sec. 3. K.S.A. 46-237 is hereby amended to read as follows: 46-237.

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

19 (1) Economic opportunity, gift, loan, gratuity, special discount, favor,  
20 hospitality or service having an aggregate value of ~~\$40~~ \$100 or more in  
21 any calendar year; or

22 (2) hospitality in the form of recreation having an aggregate value of  
23 \$100 or more in any calendar year from any one person known to have a  
24 special interest, under circumstances where such person knows or should  
25 know that a major purpose of the donor is to influence such person in the  
26 performance of their official duties or prospective official duties.

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

29 (1) Economic opportunity, gift, loan, gratuity, special discount, favor,  
30 hospitality or service having an aggregate value of ~~\$40~~ \$100 or more in  
31 any calendar year; or

32 (2) hospitality in the form of recreation having an aggregate value of  
33 \$100 or more in any calendar year to any state officer or employee,  
34 candidate for state office or state officer elect with a major purpose of  
35 influencing such officer or employee, candidate for state office or state  
36 officer elect in the performance of official duties or prospective official  
37 duties or to a member or member elect or employee of the judicial branch  
38 with a major purpose of influencing the member or member elect or  
39 employee of the judicial branch in the performance of official duties or  
40 prospective official duties pertaining to a judicial administrative matter, as  
41 defined in K.S.A. 46-225, and amendments thereto.

42 (c) No person licensed, inspected or regulated by a state agency shall  
43 offer, pay, give or make any economic opportunity, gift, loan, gratuity,

1 special discount, favor, hospitality or service having an aggregate value of  
2 ~~\$40~~ \$100 or more in any calendar year to such agency or any state officer  
3 or employee, candidate for state office or state officer elect of that agency.

4 (d) Hospitality in the form of food and beverages is presumed not to  
5 be given to influence a state officer or employee, candidate for state office  
6 or state officer elect in the performance of official duties or prospective  
7 official duties, *or to influence a member or member elect or employee of*  
8 *the judicial branch in the performance of official duties or prospective*  
9 *official duties pertaining to a judicial administrative matter as defined in*  
10 *K.S.A. 46-225, and amendments thereto*, except when a particular course  
11 of official action is to be followed as a condition thereon.

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

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

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

32 (h) No legislator shall solicit any contribution to be made to any  
33 organization for the purpose of paying for travel, subsistence and other  
34 expenses incurred by such legislator or other members of the legislature in  
35 attending and participating in meetings, programs and activities of such  
36 organization or those conducted or sponsored by such organization, but  
37 nothing in this act or the act of which this act is amendatory shall be  
38 construed to prohibit any legislator from accepting reimbursement for  
39 actual expenses for travel, subsistence, hospitality, entertainment and other  
40 expenses incurred in attending and participating in meetings, programs and  
41 activities sponsored by the government of any foreign nation, or any  
42 organization organized under the laws of such foreign nation or any  
43 international organization or any national, nonprofit, nonpartisan

1 organization established for the purpose of serving, informing, educating  
2 and strengthening state legislatures in all states of the nation, when paid  
3 from funds of such organization and nothing shall be construed to limit or  
4 prohibit the expenditure of funds of and by any such organization for such  
5 purposes.

6 Sec. 4. K.S.A. 2017 Supp. 46-237a is hereby amended to read as  
7 follows: 46-237a. (a) The provisions of this section shall apply to:

- 8 (1) The governor;
- 9 (2) the lieutenant governor;
- 10 (3) the governor's spouse;
- 11 (4) all officers and employees of the executive branch of state  
12 government; and
- 13 (5) all members of boards, commissions and authorities of the  
14 executive branch of state government.

15 (b) No person subject to the provisions of this section shall solicit or  
16 accept any gift, economic opportunity, loan, gratuity, special discount or  
17 service provided because of such person's official position, except:

- 18 (1) A gift having an aggregate value of less than ~~\$40~~ \$100 given at a  
19 ceremony or public function where the person is accepting the gift in such  
20 person's official capacity; ~~or~~
- 21 (2) gifts from relatives or gifts from personal friends when it is  
22 obvious to the person that the gift is not being given because of the  
23 person's official position; ~~or~~
- 24 (3) anything of value received by the person on behalf of the state  
25 that inures to the benefit of the state or that becomes the property of the  
26 state; or
- 27 (4) contributions solicited on behalf of a nonprofit organization which  
28 is exempt from taxation under paragraph (3) of subsection (c) of section  
29 501 of the internal revenue code of 1986, as amended.

30 (c) No person subject to the provisions of this section shall solicit or  
31 accept free or special discount meals from a source outside of state  
32 government, except:

- 33 (1) Meals, the provision of which is motivated by a personal or  
34 family relationship or provided at events that are widely attended. An  
35 occasion is "widely attended" when it is obvious to the person accepting  
36 the meal that the reason for providing the meal is not a pretext for  
37 exclusive or nearly exclusive access to the person;
- 38 (2) meals provided at public events in which the person is attending  
39 in an official capacity;
- 40 (3) meals provided to a person subject to this act when it is obvious  
41 such meals are not being provided because of the person's official position;
- 42 (4) food such as soft drinks, coffee or snack foods not offered as part  
43 of a meal;

1 (5) any meal, the value of which is ~~\$25~~ \$100 or less, *not provided by*  
2 *a lobbyist registered pursuant to K.S.A. 46-265, and amendments thereto;*

3 (6) meals provided to a person when the person's presence at the  
4 event or meeting at which the meal is provided serves a legitimate state  
5 purpose or interest and the agency of which such person is an officer or  
6 employee authorizes such person's attendance at such event or meeting;  
7 ~~and~~

8 (7) meals provided to the governor's spouse and members of the  
9 governor's immediate family at the event or meeting at which the meal is  
10 provided serve a legitimate state purpose or interest; *and*

11 (8) *any meal, if provided by a lobbyist registered pursuant to K.S.A.*  
12 *46-265, and amendments thereto, and the lobbyist reports providing the*  
13 *meal as required pursuant to K.S.A. 46-269, and amendments thereto,*  
14 *except when a particular course of official action is to be followed as a*  
15 *condition of accepting the meal.*

16 (d) No person subject to the provisions of this section shall solicit or  
17 accept free or special discount travel or related expenses from a source  
18 outside state government, except:

19 (1) When it is obvious to the person accepting the same that the free  
20 or special discount travel and related expenses are not being provided  
21 because of the person's official position; or

22 (2) when the person's presence at a meeting, seminar or event serves a  
23 legitimate state purpose or interest and the person's agency authorizes or  
24 would authorize payment for such travel and expenses.

25 (e) No person subject to the provisions of this section shall solicit or  
26 accept free or special discount tickets or access to entertainment or  
27 sporting events or activities such as plays, concerts, games, golf, exclusive  
28 swimming, hunting or fishing or other recreational activities when the free  
29 or special discount tickets or access are provided because of the person's  
30 official position. The provisions of this subsection shall not apply to  
31 persons whose official position requires or obliges them to be present at  
32 such events or activities.

33 (f) (1) Violations of the provisions of this section by any classified  
34 employee in the civil service of the state of Kansas shall be considered  
35 personal conduct detrimental to the state service and shall be a basis for  
36 suspension, demotion or dismissal, subject to applicable state law.

37 (2) Violations of the provisions of this section by any unclassified  
38 employee shall subject such employee to discipline up to and including  
39 termination.

40 (3) In addition to the penalty prescribed under paragraphs (1) and (2),  
41 the commission may assess a civil fine, after proper notice and an  
42 opportunity to be heard, against any person for a violation of this section,  
43 in an amount not to exceed \$5,000 for the first violation, not to exceed

1 \$10,000 for the second violation and not to exceed \$15,000 for the third  
2 violation and for each subsequent violation. All fines assessed and  
3 collected under this section shall be remitted to the state treasurer in  
4 accordance with the provisions of K.S.A. 75-4215, and amendments  
5 thereto. Upon receipt of each such remittance, the state treasurer shall  
6 deposit the entire amount in the state treasury to the credit of the  
7 governmental ethics fee fund established by K.S.A. 25-4119e, and  
8 amendments thereto.

9 (4) *Receiving a meal provided by a lobbyist who is not registered*  
10 *pursuant to K.S.A. 46-265, and amendments thereto, or who fails to report*  
11 *providing the meal as required pursuant to K.S.A. 46-269, and*  
12 *amendments thereto, or as required by subsection (c)(8), shall not be*  
13 *considered a violation of this section, unless the recipient knew the*  
14 *lobbyist was not registered or requested that the lobbyist not report the*  
15 *meal.*

16 Sec. 5. K.S.A. 2017 Supp. 46-265 is hereby amended to read as  
17 follows: 46-265. (a) Every lobbyist shall register with the secretary of state  
18 by completing and signing a registration form prescribed and provided by  
19 the commission. ~~Such~~ The registration shall show the name and address of  
20 the lobbyist, the name and address of the person compensating the lobbyist  
21 for lobbying, the purpose of the employment, *the name of each state*  
22 *agency or state office and any agency, division or unit thereof and each*  
23 *judicial department, institution, office, commission, board or bureau and*  
24 *any agency, division or unit thereof and whether the lobbyist will lobby the*  
25 *legislative branch and the method of determining and computing the*  
26 *compensation of the lobbyist. If the lobbyist is compensated or to be*  
27 *compensated for lobbying by more than one employer or is to be engaged*  
28 *in more than one employment, the relevant facts listed above shall be*  
29 *stated separately for each employer and each employment. Whenever any*  
30 *new lobbying employment or lobbying position is accepted by a lobbyist*  
31 *already registered as provided in this section, ~~such~~ the lobbyist shall report*  
32 *the same on forms prescribed and provided by the commission before*  
33 *engaging in any lobbying activity related to ~~such~~ the new employment or*  
34 *position, and ~~such~~ the report shall be filed with the secretary of state.*  
35 *When a lobbyist is an employee of a lobbying group or firm which*  
36 *contracts to lobby and not an owner or partner of ~~such entity~~ the lobbying*  
37 *group or firm, the lobbyist shall report each client of the group, firm or*  
38 *entity whose interest the lobbyist represents. Whenever the lobbying of a*  
39 *lobbyist concerns a legislative matter, the secretary of state promptly shall*  
40 *transmit copies of each registration and each report filed under this act to*  
41 *the secretary of the senate and the chief clerk of the house of*  
42 *representatives.*

43 (b) On or after October 1, in any year any person may register as a



1 lobbyist under this section for the succeeding calendar year.—~~Such~~ *The*  
2 registration shall expire annually on December 31 of the year for which  
3 the lobbyist is registered. In any calendar year, before engaging in  
4 lobbying, persons to whom this section applies shall register or renew their  
5 registration as provided in this section. Except for employees of lobbying  
6 groups or firms, every person registering or renewing registration who  
7 anticipates spending \$1,000 or less for lobbying in—~~such~~ *the* registration  
8 year on behalf of any one employer shall pay to the secretary of state a fee  
9 of \$50 for lobbying for each—~~such~~ employer. Except for employees of  
10 lobbying groups or firms, every person registering or renewing registration  
11 who anticipates spending more than \$1,000 for lobbying in—~~such~~ *the*  
12 registration year on behalf of any one employer shall pay to the secretary  
13 of state a fee of \$350 for lobbying for—~~such~~ *the* employer. Any lobbyist  
14 who at the time of initial registration anticipated spending less than  
15 \$1,000, on behalf of any one employer, but at a later date spends in excess  
16 of—~~such~~ *that* amount, within three days of the date when expenditures  
17 exceed—~~such~~ *that* amount, shall file an amended registration form which  
18 shall be accompanied by an additional fee of \$300 for—~~such~~ *the* year. Every  
19 person registering or renewing registration as a lobbyist who is an  
20 employee of a lobbying group or firm and not an owner or partner of—~~such~~  
21 *entity the lobbying group or firm* shall pay an annual fee of \$450. The  
22 secretary of state shall remit all moneys received under this section to the  
23 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
24 amendments thereto. Upon receipt of each such remittance, the state  
25 treasurer shall deposit the entire amount in the state treasury to the credit  
26 of the governmental ethics commission fee fund.

27 (c) Any person who has registered as a lobbyist pursuant to this act  
28 may file, upon termination of—~~such~~ *the* person's lobbying activities, a  
29 statement terminating—~~such~~ *the* person's registration as a lobbyist.—~~Such~~  
30 *The* statement shall be on a form prescribed by the commission and shall  
31 state the name and address of the lobbyist, the name and address of the  
32 person compensating the lobbyist for lobbying and the date of the  
33 termination of the lobbyist's lobbying activities.

34 (d) No person who has failed or refused to pay any civil penalty  
35 imposed pursuant to K.S.A. 46-280, and amendments thereto, shall be  
36 authorized or permitted to register as a lobbyist in accordance with this  
37 section until—~~such~~ *the* penalty has been paid in full.

38 Sec. 6. K.S.A. 46-269 is hereby amended to read as follows: 46-269.  
39 Each report required to be filed by K.S.A. 46-268, and amendments  
40 thereto, is a public record and shall be open to public inspection upon  
41 request. Such report shall disclose the following:

42 (a) The full name and address of each person who has paid  
43 compensation for lobbying to the lobbyist or has paid for expenses of

1 lobbying by the lobbyist during the period reported.

2 (b) The aggregate amount or value of all expenditures made, except  
3 for expenses of general office overhead, by the lobbyist or by the lobbyist's  
4 employer for or in direct relation to lobbying during the reporting period,  
5 if such expenditures exceed \$100. Individual expenditures of less than \$2  
6 shall not be required to be reported under this subsection. Every lobbyist  
7 shall keep detailed accounts of all expenditures required to be reported  
8 pursuant to K.S.A. 46-268, and amendments thereto.—~~Such~~ *The*  
9 expenditures shall be reported according to the following categories of  
10 expenditures:

- 11 (1) Food and beverages provided as hospitality;
- 12 (2) entertainment, gifts, honoraria or payments;
- 13 (3) mass media communications;
- 14 (4) recreation provided as hospitality;
- 15 (5) communications for the purpose of influencing legislative or  
16 executive action; and
- 17 (6) all other reportable expenditures made in the performance of  
18 services as a lobbyist.

19 With regard to expenditures for entertainment or hospitality ~~which that~~  
20 is primarily recreation, food and beverages, only amounts expended on a  
21 state officer or employee *or state officer elect or on an employee or officer*  
22 *or officer elect of the judicial branch* or on such officer or employee's  
23 spouse shall be considered to be for or in direct relation to lobbying.  
24 Notwithstanding the requirements of this subsection and subsection (d), no  
25 lobbyist shall be responsible to report any expenditure by the lobbyist's  
26 employer of which such person has no knowledge.

27 (c) (1) In addition to the information reported pursuant to subsection  
28 (b), each lobbyist expending an aggregate amount of \$100 or more for  
29 lobbying in any reporting period shall report any gift, entertainment or  
30 hospitality provided to ~~members of the legislature, state officers or~~  
31 *employees or state officers elect or to members, members elect or*  
32 *employees of the judicial branch of government and any employees of the*  
33 ~~legislature or judicial branch of government~~. Such report shall disclose the  
34 full name of the legislator *or legislator elect, member, member elect or*  
35 *employee of the judicial branch and or the state officer or employee or*  
36 *state officer elect* who received such gift, entertainment or hospitality  
37 ~~and,~~ *the amount expended on such gift, entertainment or hospitality {and*  
38 *the date the gift, entertainment or hospitality was provided}.*

39 (2) No report shall be required to be filed pursuant to this subsection  
40 (c) for the following:

- 41 (A) Meals, the provision of which is motivated by a personal or  
42 family relationship;
- 43 (B) meals provided at public events in which the person is attending

1 in an official capacity;

2 (C) meals provided to a person subject to this section when it is  
3 obvious such meals are not being provided because of the person's official  
4 position;

5 (D) food such as soft drinks, coffee or snack foods not offered as part  
6 of a meal; and

7 (E) entertainment or hospitality in the form of recreation, food and  
8 beverages provided at an event to which the following have been invited:

9 (i) All members of the legislature or all members of either house of  
10 the legislature; or

11 (ii) all members of a political party caucus of the legislature or all  
12 members of a political party caucus of either house of the legislature.

13 (d) Except as provided by subsection (c), whenever an individual  
14 lobbyist contributes to a single special event, such lobbyist shall report  
15 only the aggregate amount or value of the expenditure contributed by such  
16 lobbyist.

17 (e) Whenever more than one lobbyist is employed by a single  
18 employer, the reports required by this section relating to such employer  
19 shall be made by only one such lobbyist and that lobbyist shall be the  
20 lobbyist who is most directly connected with the particular expenditure or  
21 gift, honoraria or payment. No expenditure or gift, honoraria or payment  
22 required to be reported by this section shall be reported by more than one  
23 lobbyist.

24 (f) All accounts, records and documents of the lobbyist which relate  
25 to every expenditure reported or which should have been reported shall be  
26 maintained and preserved by the lobbyist for a period of five years from  
27 the date of the filing of such report or statement and may be inspected  
28 under conditions determined by the commission.

29 Sec. 7. K.S.A. 46-271 is hereby amended to read as follows: 46-271.  
30 No lobbyist shall offer, pay, give or make any economic opportunity, gift,  
31 loan, gratuity, special discount, favor, hospitality, or service having an  
32 aggregate value of ~~\$40~~ \$100 or more in any calendar year to any state  
33 officer or employee or candidate for state office *or to any officer or*  
34 *candidate for office or employee of the judicial branch* with a major  
35 purpose of influencing ~~such~~ *the state officer or employee or candidate for*  
36 *state office* in the performance of official duties or prospective official  
37 *duties or the officer or candidate for office or employee of the judicial*  
38 *branch in the performance of any judicial administrative matter; as*  
39 *defined in K.S.A. 46-225, and amendments thereto.* Hospitality in the form  
40 of recreation, food and beverages are presumed not to be given to  
41 influence a state officer or employee or candidate for state office in the  
42 performance of official duties, *or an officer or candidate for office or*  
43 *employee of the judicial branch in the performance of any judicial*

1 *administrative matter, as defined in K.S.A. 46-225, and amendments*  
2 *thereto, except when a particular course of official action is to be followed*  
3 *as a condition thereon.*

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

9 ✓Sec. 8. ~~K.S.A. 46-225, 46-237, 46-269 and 46-271 and K.S.A. 2017~~  
10 ~~Supp. 46-222, 46-237a and 46-265 are hereby repealed.~~

11 Sec. 9. This act shall take effect and be in force from and after its  
12 publication in the Kansas register.

Insert Attachment A

46-232,

And by redesignating sections accordingly

Attachment A

Sec. 8. K.S.A. 46-232 is hereby amended to read as follows: 46-232. Except as provided in section 9, and amendments thereto, no state officer or employee shall engage in lobbying-~~his~~ the individual's own state agency, if ~~he~~ the individual accepts compensation specifically attributable to ~~such~~ the lobbying, other than that provided for the performance of ~~his~~ the individual's official duties. Nothing in this section shall prohibit a state officer or employee from lobbying without compensation other than that which ~~he~~ the individual is entitled to receive for performance of ~~his~~ the individual's official duties.

New Sec. 9. On and after January 1, 2019, no individual shall engage in lobbying or be employed as a lobbyist within one year following:

- (a) (1) The date of resignation from or the expiration of a term of any state elected office to which the individual was elected or appointed; or
- (2) the date of resignation from or the expiration of a term of an office or employment in an executive capacity as an agency or department head or a senior level staff person to which the individual was appointed by a state elected official.
- (b) As used in this section, "elected state office or elected state official" means the governor, the lieutenant governor, the attorney general, the state treasurer, the secretary of state, the commissioner of insurance and members of the legislature.
- (c) This section shall be known as and may be cited as the Kansas integrity in government act.
- (d) The governmental ethics commission shall adopt rules and regulations to implement this act.

