



## GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

Proponent Testimony for SB 428  
Monday, February 14, 2022  
Senate Committee on Transparency and Ethics

Thank you for the opportunity to provide testimony in favor of SB 428.

This legislation arises directly from a recommendation by the Governmental Ethics Commission. SB 428 contains a number of technical and procedural amendments to the lobbying and ethics laws. These corrections are itemized below in the order they appear in the bill.

### **Extraneous Language – K.S.A. 46-255**

Violations of one particular statute used to have specific requirements for filing a complaint. The underlying statute (K.S.A. 46-245) was repealed, and therefore the corresponding text in 46-255 can similarly be removed.

### **Time Period for Hearings – K.S.A. 46-256**

When a complaint is found to have probable cause to believe a violation of the ethics or lobbying laws has occurred, the Commission is required to set a time for hearing within 30 days. The Commission does not meet every 30 days. The fourth Wednesday of the month is occasionally more than 30 days from the previous fourth Wednesday. Additionally, meetings are sometimes canceled due to holidays, weather, or other issues. SB 428 resolves this issue by extending the time period to 90 days. The Commission nonetheless plans to continue setting hearings for the next meeting unless specific extenuating circumstances prevent that scheduling.

### **Federal Official Expertise – K.S.A. 46-256**

The investigation statute allows the Commission to request assistance from state employees in an investigation. This provision exists largely for when substance of an investigation exceeds Commission expertise. For example, if an investigation involved bank regulation, it would be reasonable for the Commission to require assistance from a state bank regulator. "Federal" was unintentionally omitted from this statute and federal officials are sometimes the best source for specialized knowledge. SB 428 would resolve this oversight.

### **Electronic Lobbyist Registration – K.S.A. 46-265**

All lobbyists have been required to file reports electronically since 2018. When that change was made, the companion statute for lobbyist registration was not updated to similarly require lobbyists to register electronically. This conflict creates an unnecessary procedural defect. SB 428 addresses this issue.

### **Lobbyist Civil Penalties – K.S.A. 46-280**

In 2018, lobbyist civil penalties were increased and the grace period was reduced. Part of the intention of the 2018 change was to ensure that the grace period for civil penalties would begin when the notice is sent rather than when the Commission is able to confirm receipt of the notice. In practice, if the grace period for civil penalties began when the Commission was able to confirm receipt of the notice, no lobbyist civil penalties would ever occur and reporting compliance would be difficult or impossible to enforce. Lobbyists are aware of the deadlines that do not change each year, and they receive many reminder communications. SB 428 clarifies the language from the 2018 legislation and uses the same approach that is utilized under the Campaign Finance Act.

Each of these items are procedural in nature. The Commission views the adjustments made by SB 428 as important corrections by aligning the ethics and lobbying laws with the Commission's day-to-day practice.

Thank you for the opportunity to provide comment.