

## 2018 Kansas Statutes

**46-237a. Gifts or meals solicited or accepted by certain state officers, employees and members of boards and commissions; limitations and prohibitions; penalties.** (a) The provisions of this section shall apply to:

- (1) The governor;
  - (2) the lieutenant governor;
  - (3) the governor's spouse;
  - (4) all officers and employees of the executive branch of state government; and
  - (5) all members of boards, commissions and authorities of the executive branch of state government.
- (b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position, except:
- (1) A gift having an aggregate value of less than \$40 given at a ceremony or public function where the person is accepting the gift in such person's official capacity;
  - (2) gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official position;
  - (3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state; or
  - (4) contributions solicited on behalf of a nonprofit organization which is exempt from taxation under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1986, as amended.
- (c) No person subject to the provisions of this section shall solicit or accept free or special discount meals from a source outside of state government, except:
- (1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is "widely attended" when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;
  - (2) meals provided at public events in which the person is attending in an official capacity;
  - (3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person's official position;
  - (4) food such as soft drinks, coffee or snack foods not offered as part of a meal;
  - (5) any meal, the value of which is \$40 or less, not provided by a lobbyist registered pursuant to K.S.A. 46-265, and amendments thereto;
  - (6) meals provided to a person when the person's presence at the event or meeting at which the meal is provided serves a legitimate state purpose or interest and the agency of which such person is an officer or employee authorizes such person's attendance at such event or meeting;
  - (7) meals provided to the governor's spouse and members of the governor's immediate family at the event or meeting at which the meal is provided serve a legitimate state purpose or interest; and
  - (8) any meal, if provided by a lobbyist registered pursuant to K.S.A. 46-265, and amendments thereto, and the lobbyist reports providing the meal as required pursuant to K.S.A. 46-269, and amendments thereto, except when a particular course of official action is to be followed as a condition of accepting the meal.
- (d) No person subject to the provisions of this section shall solicit or accept free or special discount travel or related expenses from a source outside state government, except:
- (1) When it is obvious to the person accepting the same that the free or special discount travel and related expenses are not being provided because of the person's official position; or
  - (2) when the person's presence at a meeting, seminar or event serves a legitimate state purpose or interest and the person's agency authorizes or would authorize payment for such travel and expenses.
- (e) No person subject to the provisions of this section shall solicit or accept free or special discount tickets or access to entertainment or sporting events or activities such as plays, concerts, games, golf, exclusive swimming, hunting or fishing or other recreational activities when the free or special discount tickets or access are provided because of the person's official position. The provisions of this subsection shall not apply to persons whose official position requires or obliges them to be present at such events or activities.
- (f) (1) Violations of the provisions of this section by any classified employee in the civil service of the state of Kansas shall be considered personal conduct detrimental to the state service and shall be a basis for suspension, demotion or dismissal, subject to applicable state law.
- (2) Violations of the provisions of this section by any unclassified employee shall subject such employee to discipline up to and including termination.
- (3) In addition to the penalty prescribed under paragraphs (1) and (2), the commission may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation of this section, in an amount not to exceed \$5,000 for the first violation, not to exceed \$10,000 for the second violation and not to exceed \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics fee fund established by K.S.A. 25-4119e, and amendments thereto.
- (4) Receiving a meal provided by a lobbyist who is not registered pursuant to K.S.A. 46-265, and amendments thereto, or who fails to report providing the meal as required pursuant to K.S.A. 46-269, and amendments thereto, or as required by subsection (c)(8), shall not be considered a violation of this section, unless the recipient knew the lobbyist was not registered or requested that the lobbyist not report the meal.

**History:** L. 1997, ch. 155, § 4; L. 2000, ch. 124, § 2; L. 2001, ch. 5, § 151; L. 2007, ch. 121, § 1; L. 2018, ch. 51, § 4; July 1.