

SENATE BILL No. 217

By Senator Allen

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AN ACT concerning elections; relating to gifts to legislators and employees of the legislative branch; amending K.S.A. 46-237 and 46-271 and repealing the existing sections.

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

Section 1. K.S.A. 46-237 is hereby amended to read as follows: 46-237. (a) Except as provided by this section, no state officer or employee, ~~candidate for state office or state officer elect of the legislative branch of state government, legislator or candidate for the legislature~~ shall accept, or agree to accept any (1) economic opportunity, gift, loan, gratuity, special discount, favor, ~~hospitality~~ or service having an aggregate value of \$40 ~~or more in any calendar year~~ or (2) hospitality in the form of recreation having an aggregate value of \$100 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) Except as provided by this section, no person with a special interest shall offer, pay, give or make any (1) economic opportunity, gift, loan, gratuity, special discount, favor, ~~hospitality~~ or service having an aggregate value of \$40 ~~or more in any calendar year~~ or (2) hospitality in the form of recreation having an aggregate value of \$100 or more in any calendar year to any state officer or employee, ~~candidate for state office or state officer elect of the legislative branch of state government, legislator or candidate for the legislature~~ with a major purpose of influencing such officer or employee, ~~legislator or candidate for state office or state officer elect the legislature~~ in the performance of official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year to such agency ~~or any state officer or employee, candidate for state office or state officer elect of that agency.~~

(d) Hospitality in the form of food and beverages ~~is presumed not to be given to influence a state officer or employee, candidate for state office~~

1 ~~or state officer elect in the performance of official duties or prospective~~
2 ~~official duties, may be accepted by a state officer or employee of the leg-~~
3 ~~islative branch of state government, legislator or candidate for the legis-~~
4 ~~lature except when a particular course of official action is to be followed~~
5 ~~as a condition thereon.~~

6 (e) Except when a particular course of official action is to be followed
7 as a condition thereon, this section shall not apply to: (1) Any *official*
8 *publication published on a regular basis by a trade association, profes-*
9 *sional association, foundation or tax exempt organization;* (2) any contri-
10 bution reported in compliance with the campaign finance act; or ~~(2)~~ (3)
11 any commercially reasonable loan or other commercial transaction in the
12 ordinary course of business.

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

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

27 (h) No legislator shall solicit any contribution to be made to any or-
28 ganization for the purpose of paying for travel, subsistence and other
29 expenses incurred by such legislator or other members of the legislature
30 in attending and participating in meetings, programs and activities of such
31 organization or those conducted or sponsored by such organization, but
32 nothing in this act or the act of which this act is amendatory shall be
33 construed to prohibit any legislator from accepting reimbursement for
34 actual expenses for travel, subsistence, hospitality, entertainment and
35 other expenses incurred in attending and participating in meetings, pro-
36 grams and activities sponsored by the government of any foreign nation,
37 or any organization organized under the laws of such foreign nation or
38 any international organization or any national, nonprofit, nonpartisan or-
39 ganization established for the purpose of serving, informing, educating
40 and strengthening state legislatures in all states of the nation, when paid
41 from funds of such organization and nothing shall be construed to limit
42 or prohibit the expenditure of funds of and by any such organization for
43 such purposes.

1 Sec. 2. K.S.A. 46-271 is hereby amended to read as follows: 46-271.

2 (a) No lobbyist shall offer, pay, give or make any economic opportunity,
3 gift, loan, gratuity, special discount, favor, hospitality, or service having
4 an aggregate value of \$40 or more in any calendar year to any state officer
5 or employee or candidate for state office with a major purpose of influ-
6 encing such officer or employee in the performance of official duties or
7 prospective official duties. ~~Hospitality in the form of recreation, food and~~
8 ~~beverages are presumed not to be given to influence a state officer or~~
9 ~~employee or candidate for state office in the performance of official~~
10 ~~duties;~~

11 (b) Except when a particular course of official action is to be followed
12 as a condition thereon, *hospitality is presumed not to be given to influence*
13 *a state officer or employee or candidate for state office in the performance*
14 *of official duties. This subsection shall apply only to hospitality in the*
15 *form of:*

16 (1) *Recreation;*
17 (2) *food;*
18 (3) *beverages; and*
19 (4) *publications published on a regular basis by trade associations,*
20 *professional associations, foundations and tax exempt organizations, when*
21 *provided by the lobbyist therefor.*

22 (c) Except when a particular course of official action is to be followed
23 as a condition thereon, this section shall not apply to:

24 (1) Any contribution reported in compliance with the campaign fi-
25 nance act as amended, ~~or;~~ *or*

26 (2) a commercially reasonable loan or other commercial transaction in
27 the ordinary course of business.

28 Sec. 3. K.S.A. 46-237 and 46-271 are hereby repealed.

29 Sec. 4. This act shall take effect and be in force from and after its
30 publication in the statute book.

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