

HOUSE BILL No. 2051

By Representative Sloan

1-11

9 AN ACT concerning governmental ethics; relating to gifts provided to
10 certain state officers and employees; amending K.S.A. 2006 Supp. 46-
11 237a and repealing the existing section.
12

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

14 Section 1. K.S.A. 2006 Supp. 46-237a is hereby amended to read as
15 follows: 46-237a. (a) The provisions of this section shall apply to:

- 16 (1) The governor;
- 17 (2) the lieutenant governor;
- 18 (3) the governor's spouse;
- 19 (4) all officers and employees of the executive branch of state gov-
20 ernment; and
- 21 (5) all members of boards, commissions and authorities of the exec-
22 utive branch of state government.

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

- 26 (1) A gift having an aggregate value of less than \$40 given at a cere-
27 mony or public function where the person is accepting the gift in such
28 person's official capacity; or
- 29 (2) gifts from relatives or gifts from personal friends when it is ob-
30 vious to the person that the gift is not being given because of the person's
31 official position; or
- 32 (3) anything of value received by the person on behalf of the state
33 that inures to the benefit of the state or that becomes the property of the
34 state; or
- 35 (4) contributions solicited on behalf of a nonprofit organization which
36 is exempt from taxation under paragraph (3) of subsection (c) of section
37 501 of the internal revenue code of 1986, as amended.

38 (c) No person subject to the provisions of this section shall solicit or
39 accept free or special discount meals from a source outside of state gov-
40 ernment, except:

- 41 (1) Meals, the provision of which is motivated by a personal or family
42 relationship or provided at events that are widely attended. An occasion
43 is "widely attended" when it is obvious to the person accepting the meal

1 that the reason for providing the meal is not a pretext for exclusive or
2 nearly exclusive access to the person;

3 (2) meals provided at public events in which the person is attending
4 in an official capacity;

5 (3) meals provided to a person subject to this act when it is obvious
6 such meals are not being provided because of the person's official posi-
7 tion; ~~and~~

8 (4) *meals provided to the governor's spouse when the presence of the*
9 *governor's spouse at the event or meeting at which the meal is provided*
10 *serves a legitimate state purpose or interest;*

11 (5) *meals provided to a person when the person's presence at the event*
12 *or meeting at which the meal is provided serves a legitimate state purpose*
13 *or interest and the agency of which such person is an officer or employee*
14 *authorizes such person's attendance at such event or meeting; and*

15 (6) food such as soft drinks, coffee or snack foods not offered as part
16 of a meal.

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

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

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

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

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

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

41 (3) In addition to the penalty prescribed under paragraphs (1) and
42 (2), the commission may assess a civil fine, after proper notice and an
43 opportunity to be heard, against any person for a violation of this section,

1 in an amount not to exceed \$5,000 for the first violation, not to exceed
2 \$10,000 for the second violation and not to exceed \$15,000 for the third
3 violation and for each subsequent violation. All fines assessed and col-
4 lected under this section shall be remitted to the state treasurer in ac-
5 cordance with the provisions of K.S.A. 75-4215, and amendments thereto.
6 Upon receipt of each such remittance, the state treasurer shall deposit
7 the entire amount in the state treasury to the credit of the governmental
8 ethics fee fund established by K.S.A. 25-4119e, and amendments thereto.
9 Sec. 2. K.S.A. 2006 Supp. 46-237a is hereby repealed.
10 Sec. 3. This act shall take effect and be in force from and after its
11 publication in the statute book.