

SENATE BILL No. 122

By Senator Steineger

1-18

9 AN ACT concerning certain activities affecting state legislators and the
10 lobbying thereof; pertaining to compensation for legislators; pertaining
11 to lobbyists; amending K.S.A. 46-137a, 46-225, 46-237 and 46-271 and
12 K.S.A. 2006 Supp. 46-247 and 46-265 and repealing the existing
13 sections.
14

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

16 New Section 1. (a) No state officer or employee shall become a reg-
17 istered lobbyist or accept employment with a registered lobbyist as an
18 employee, independent contractor or subcontractor until one year after
19 the individual terminates employment as a state officer or employee.

20 (b) For the purposes of this section, the term “registered lobbyist”
21 means a lobbyist who is registered or required to be registered pursuant
22 to K.S.A. 46-265 and amendments thereto.

23 (c) This section shall be supplemental to and part of the state gov-
24 ernmental ethics law.

25 Sec. 2. K.S.A. 46-137a is hereby amended to read as follows: 46-
26 137a. In addition to the compensation provided for by K.S.A. 46-137b,
27 46-137e and 75-3212 and amendments thereto, each member of the leg-
28 islature shall receive the following amounts:

29 (a) The sum of \$72.06 per calendar day for service at any regular or
30 special session, except as otherwise provided in subsection (e);

31 (b) the sum of ~~\$80~~ \$199 per calendar day for subsistence allowance
32 for any regular or special session of the legislature, except that if the
33 amounts allowable for the capital city of Kansas under applicable federal
34 law and regulations to employees of the executive branch of the federal
35 government for per diem expenses, while away from home but serving in
36 the United States, are amounts which total greater than \$80, then each
37 member of the legislature shall receive such greater total amount per
38 calendar day for subsistence allowance for any regular or special session
39 of the legislature;

40 (c) an allowance of \$270 for the two-week period which coincides
41 with the first biweekly payroll period commencing in April and for each
42 of the 19 ensuing two-week periods thereafter, to defray expenses in-
43 curred between sessions of the legislature for postage, telephone, office

1 and other incidental expenses;

2 (d) an allowance for mileage in an amount equal to the rate per mile
3 prescribed under the provisions of K.S.A. 75-3203a and amendments
4 thereto multiplied by the number of miles traveled by the usual route in
5 going to and returning from the member's place of residence for any
6 regular or special session of the legislature. Such mileage allowances shall
7 be paid for not to exceed the equivalent of one trip for each full week
8 occurring between convening and adjournment sine die in any regular or
9 special session. The mileage allowance provided under the provisions of
10 this subsection shall not be subject to the restrictions relating to the use
11 of vehicles prescribed by K.S.A. 75-3203 and 75-3203a and amendments
12 thereto but shall only be allowed for trips actually made. Compensation
13 and subsistence allowance shall not be allowed under the provisions of
14 subsections (a) and (b) of this section during any period in which the
15 legislature is adjourned for more than two days, Sundays excepted; and

16 (e) whenever the rates of compensation of the pay plan for persons
17 in the classified service under the Kansas civil service act are increased
18 for payroll periods chargeable to fiscal years commencing after June 30,
19 1999, the rate of compensation per calendar day for members of the
20 legislature for service at any regular or special session of the legislature
21 shall be increased on the effective date of any such pay plan increase by
22 an amount computed by multiplying the average of the percentage in-
23 creases in all steps of such pay plan by the rate of compensation per
24 calendar day which is authorized by this section for service at any regular
25 or special session of the legislature for the day upon which such increase
26 is computed.

27 Sec. 3. K.S.A. 46-225 is hereby amended to read as follows: 46-225.

28 (a) "Lobbying" means: (1) Promoting or opposing in any manner action
29 or nonaction by the legislature on any legislative matter or the adoption
30 or nonadoption of any rule and regulation by any state agency; or

31 (2) entertaining any state officer or employee or giving any gift, hon-
32 orarium or payment to a state officer or employee in an aggregate value
33 of ~~\$40 or more~~ *\$5 or more for each occurrence* within any calendar year,
34 if at any time during such year the person supplying the entertainment,
35 gifts, honoraria or payments has a financial interest in any contract with,
36 or action, proceeding or other matter before the state agency in which
37 such state officer or employee serves, or if such person is the represen-
38 tative of a person having such a financial interest.

39 (c) "Lobbying" does not include any expenditure from amounts ap-
40 propriated by the legislature for official hospitality.

41 (d) "Lobbying" does not include representation of a claimant on a
42 claim filed by the claimant under K.S.A. 46-907 and 46-912 to 46-919,
43 inclusive, and amendments thereto in proceedings before the joint com-

1 mittee on special claims against the state.

2 (e) "Lobbying" does not include bona fide personal or business
3 entertaining.

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

6 Sec. 4. K.S.A. 46-237 is hereby amended to read as follows: 46-237.

7 (a) Except as provided by this section, no state officer or employee, can-
8 didate for state office or state officer elect shall accept, or agree to accept
9 any (1) economic opportunity, gift, loan, gratuity, special discount, favor,
10 hospitality or service having an aggregate value of ~~\$40 or more~~ *\$5 or more*
11 *for each occurrence* in any calendar year or (2) hospitality in the form of
12 recreation having an aggregate value of ~~\$100 or more~~ *\$5 or more for each*
13 *occurrence* in any calendar year from any one person known to have a
14 special interest, under circumstances where such person knows or should
15 know that a major purpose of the donor is to influence such person in
16 the performance of their official duties or prospective official duties.

17 (b) Except as provided by this section, no person with a special in-
18 terest shall offer, pay, give or make any (1) economic opportunity, gift,
19 loan, gratuity, special discount, favor, hospitality or service having an ag-
20 gregate value of ~~\$40 or more~~ *\$5 or more for each occurrence* in any
21 calendar year or (2) hospitality in the form of recreation having an aggre-
22 gate value of ~~\$100 or more~~ *\$5 or more for each occurrence* in any calendar
23 year to any state officer or employee, candidate for state office or state
24 officer elect with a major purpose of influencing such officer or employee,
25 candidate for state office or state officer elect in the performance of of-
26 ficial duties or prospective official duties.

27 (c) No person licensed, inspected or regulated by a state agency shall
28 offer, pay, give or make any economic opportunity, gift, loan, gratuity,
29 special discount, favor, hospitality or service having an aggregate value of
30 ~~\$40 or more~~ *\$5 or more for each occurrence* in any calendar year to such
31 agency or any state officer or employee, candidate for state office or state
32 officer elect of that agency.

33 (d) Hospitality in the form of food and beverages *having an aggregate*
34 *value of \$5 or more* is presumed not to be given to influence a state officer
35 or employee, candidate for state office or state officer elect in the per-
36 formance of official duties or prospective official duties, except when a
37 particular course of official action is to be followed as a condition thereon.

38 (e) Except when a particular course of official action is to be followed
39 as a condition thereon, this section shall not apply to: (1) Any contribution
40 reported in compliance with the campaign finance act; or (2) a commer-
41 cially reasonable loan or other commercial transaction in the ordinary
42 course of business.

43 (f) No state officer or employee shall accept any payment of honoraria

1 for any speaking engagement except that a member of the state legislature
2 or a part-time officer or employee of the executive branch of government
3 shall be allowed to receive reimbursement in the preparation for and the
4 making of a presentation at a speaking engagement in an amount fixed
5 by the commission prior to the acceptance of the speaking engagement.
6 Nothing in this section shall be construed to prohibit the reimbursement
7 of state officers and employees for reasonable expenses incurred in at-
8 tending seminars, conferences and other speaking engagements.

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

14 (h) No legislator shall solicit any contribution to be made to any or-
15 ganization for the purpose of paying for travel, subsistence and other
16 expenses incurred by such legislator or other members of the legislature
17 in attending and participating in meetings, programs and activities of such
18 organization or those conducted or sponsored by such organization, but
19 nothing in this act or the act of which this act is amendatory shall be
20 construed to prohibit any legislator from accepting reimbursement for
21 actual expenses for travel, subsistence, hospitality, entertainment and
22 other expenses incurred in attending and participating in meetings, pro-
23 grams and activities sponsored by the government of any foreign nation,
24 or any organization organized under the laws of such foreign nation or
25 any international organization or any national, nonprofit, nonpartisan or-
26 ganization established for the purpose of serving, informing, educating
27 and strengthening state legislatures in all states of the nation, when paid
28 from funds of such organization and nothing shall be construed to limit
29 or prohibit the expenditure of funds of and by any such organization for
30 such purposes.

31 (i) *For the purposes of this section, the term "person with a special*
32 *interest" includes any lobbyist or client thereof.*

33 Sec. 5. K.S.A. 2006 Supp. 46-247 is hereby amended to read as fol-
34 lows: 46-247. The following individuals shall file written statements of
35 substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive,
36 and amendments thereto:

37 (a) Legislators and candidates for nomination or election to the
38 legislature.

39 (b) Individuals holding an elected office in the executive branch of
40 this state, and candidates for nomination or election to any such office.

41 (c) State officers, employees and members of boards, councils and
42 commissions under the jurisdiction of the head of any state agency who
43 are listed as designees by the head of a state agency pursuant to K.S.A.

1 46-285, and amendments thereto.

2 (d) Individuals whose appointment to office is subject to confirmation
3 by the senate whether or not such individual is a state officer or employee.

4 (e) General counsels for state agencies irrespective of how
5 compensated.

6 (f) The administrator or executive director of the education commis-
7 sion of the states, the interstate compact on agricultural grain marketing,
8 the Mo-Kan metropolitan development district and agency compact, the
9 Kansas City area transportation district and authority compact, the mid-
10 west nuclear compact, the central interstate low-level radioactive waste
11 compact, the multistate tax compact, the Kansas-Oklahoma Arkansas river
12 basin compact, the Kansas-Nebraska Big Blue river compact, and the
13 multistate lottery.

14 (g) Private consultants under contract with any agency of the state of
15 Kansas to evaluate bids for public contracts or to award public contracts.

16 (h) *Lobbyists registered pursuant to K.S.A. 46-265 and amendments*
17 *thereto.*

18 (i) From and after January 1, 2003, any faculty member or other
19 employee of a postsecondary educational institution as defined by K.S.A.
20 74-3201b, and amendments thereto, who provides consulting services and
21 who, on behalf of or for the benefit of the person for which consulting
22 services are provided:

23 (1) Promotes or opposes action or nonaction by any federal agency,
24 any state agency as defined by K.S.A. 46-224, and amendments thereto,
25 or any political subdivision of the state or any agency of such political
26 subdivision or a representative of such state agency, political subdivision
27 or agency; or

28 (2) promotes or opposes action or nonaction relating to the expend-
29 iture of public funds of the federal government, the state or political
30 subdivision of the state or agency of the federal government, state or
31 political subdivision of the state.

32 ~~(j)~~ (j) From and after January 1, 2006, any faculty member who re-
33 ceives an annual salary of \$50,000 or more, other than an adjunct faculty
34 member, who is employed by a state education institution as defined by
35 K.S.A. 76-711, and amendments thereto.

36 (k) *Any employee of a state agency who lobbies or performs any func-*
37 *tion of a lobbyist.*

38 Sec. 6. K.S.A. 2006 Supp. 46-265 is hereby amended to read as fol-
39 lows: 46-265. (a) Every lobbyist shall register with the secretary of state
40 by completing and signing a registration form prescribed and provided
41 by the commission. Such registration shall show the name and address of
42 the lobbyist, the name and address of the person compensating the lob-
43 byist for lobbying, the purpose of the employment and the method of

1 determining and computing the compensation of the lobbyist. If the lob-
2 byist is compensated or to be compensated for lobbying by more than
3 one employer or is to be engaged in more than one employment, the
4 relevant facts listed above shall be stated separately for each employer
5 and each employment. Whenever any new lobbying employment or lob-
6 bying position is accepted by a lobbyist already registered as provided in
7 this section, such lobbyist shall report the same on forms prescribed and
8 provided by the commission before engaging in any lobbying activity re-
9 lated to such new employment or position, and such report shall be filed
10 with the secretary of state. When a lobbyist is an employee of a lobbying
11 group or firm which contracts to lobby and not an owner or partner of
12 such entity, the lobbyist shall report each client of the group, firm or
13 entity whose interest the lobbyist represents. Whenever the lobbying of
14 a lobbyist concerns a legislative matter, the secretary of state promptly
15 shall transmit copies of each registration and each report filed under this
16 act to the secretary of the senate and the chief clerk of the house of
17 representatives.

18 (b) On or after October 1, in any year any person may register as a
19 lobbyist under this section for the succeeding calendar year. Such regis-
20 tration shall expire annually on December 31, of the year for which the
21 lobbyist is registered. In any calendar year, before engaging in lobbying,
22 persons to whom this section applies shall register or renew their regis-
23 tration as provided in this section. Except for employees of lobbying
24 groups or firms, every person registering or renewing registration who
25 anticipates spending \$1,000 or less for lobbying in such registration year
26 on behalf of any one employer shall pay to the secretary of state a fee of
27 \$35 for lobbying for each such employer. Except for employees of lob-
28 bying groups or firms, every person registering or renewing registration
29 who anticipates spending more than \$1,000 for lobbying in such registra-
30 tion year on behalf of any one employer shall pay to the secretary of state
31 a fee of \$300 for lobbying for such employer. Any lobbyist who at the
32 time of initial registration anticipated spending less than \$1,000, on behalf
33 of any one employer, but at a later date spends in excess of such amount,
34 within three days of the date when expenditures exceed such amount,
35 shall file an amended registration form which shall be accompanied by
36 an additional fee of \$220 for such year. Every person registering or re-
37 newing registration as a lobbyist who is an employee of a lobbying group
38 or firm and not an owner or partner of such entity shall pay an annual
39 fee of \$360. The secretary of state shall remit all moneys received under
40 this section to the state treasurer in accordance with the provisions of
41 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
42 remittance, the state treasurer shall deposit the entire amount in the state
43 treasury to the credit of the governmental ethics commission fee fund.

1 (c) Any person who has registered as a lobbyist pursuant to this act
2 may file, upon termination of such person's lobbying activities, a state-
3 ment terminating such person's registration as a lobbyist. Such statement
4 shall be on a form prescribed by the commission and shall state the name
5 and address of the lobbyist, the name and address of the person com-
6 pensating the lobbyist for lobbying and the date of the termination of the
7 lobbyist's lobbying activities.

8 (d) *No person who has failed or refused to file a statement of sub-*
9 *stantial interests, as required by K.S.A. 46-247, and amendments thereto,*
10 *shall be authorized or permitted to register as a lobbyist in accordance*
11 *with this section until such statement of substantial interests has been*
12 *filed.*

13 (e) No person who has failed or refused to pay any civil penalty im-
14 posed pursuant to K.S.A. 46-280, and amendments thereto, shall be au-
15 thorized or permitted to register as a lobbyist in accordance with this
16 section until such penalty has been paid in full.

17 Sec. 7. K.S.A. 46-271 is hereby amended to read as follows: 46-271.
18 No lobbyist shall offer, pay, give or make any economic opportunity, gift,
19 loan, gratuity, special discount, favor, hospitality, or service having an
20 aggregate value of ~~\$40 or more~~ *\$5 or more for each occurrence* in any
21 calendar year to any state officer or employee or candidate for state office
22 with a major purpose of influencing such officer or employee in the per-
23 formance of official duties or prospective official duties. Hospitality in the
24 form of recreation, food and beverages are presumed not to be given to
25 influence a state officer or employee or candidate for state office in the
26 performance of official duties, except when a particular course of official
27 action is to be followed as a condition thereon.

28 Except when a particular course of official action is to be followed as
29 a condition thereon, this section shall not apply to (1) any contribution
30 reported in compliance with the campaign finance act as amended, or (2)
31 a commercially reasonable loan or other commercial transaction in the
32 ordinary course of business.

33 Sec. 8. K.S.A. 46-137a, 46-225, 46-237 and 46-271 and K.S.A. 2006
34 Supp. 46-247 and 46-265 are hereby repealed.

35 Sec. 9. This act shall take effect and be in force from and after its
36 publication in the statute book.