

## K.S.A. Chapter 46, Article 2

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K.S.A. 214a  
46-214a. Title.

K.S.A. 46-215 through 46-293 and K.S.A. 46-237a, and amendments thereto, shall be known and may be cited as the state governmental ethics law.

**Credits**

Laws 1998, ch. 29, § 3.

K. S. A. 46-214a, KS ST 46-214a

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-215  
46-215. Application of definitions.

As used in K.S.A. 46-215 to 46-280, inclusive, and any amendments thereto, and K.S.A. 46-248a, unless the context otherwise requires, the words and terms defined in K.S.A. 46-216 to 46-231, inclusive, and any amendments thereto, shall have the meanings therein ascribed thereto.

**Credits**

Laws 1974, ch. 353, § 1; Laws 1981, ch. 171, § 42.

K. S. A. 46-215, KS ST 46-215

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-216

46-216. “Compensation” defined.

“Compensation” means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by such person or another.

**Credits**

Laws 1974, ch. 353, § 2.

K. S. A. 46-216, KS ST 46-216

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-217

46-217. “Economic opportunity” defined.

“Economic opportunity” means any purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services wherein a state officer or employee or candidate for state office may gain a personal economic benefit, but not including any gift.

**Credits**

Laws 1974, ch. 353, § 3.

K. S. A. 46-217, KS ST 46-217

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-218

46-218. "Preceding calendar year" defined.

"Preceding calendar year" shall have its usual meaning, except that in the case of candidates and individuals newly appointed to state office or employment, it shall mean the twelve (12 months immediately preceding a required filing date.

**Credits**

Laws 1974, ch. 353, § 4.

K. S. A. 46-218, KS ST 46-218

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-219

46-219. “Legislative matter” defined.

“Legislative matter” means any bill, resolution, nomination, or other issue or proposal pending before the legislature or any committee, subcommittee, or council thereof.

**Credits**

Laws 1974, ch. 353, § 5.

K. S. A. 46-219, KS ST 46-219

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.



K.S.A. 26-220

46-220. “Legislator” defined

“Legislator” means a member or member-elect of the legislature.

**Credits**

Laws 1974, ch. 353, § 6.

K. S. A. 46-220, KS ST 46-220

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-221

46-221. State officer or employee, candidate and state officer elect defined.

(a) “State officer or employee” means (1) any individual who is an elected or appointed state officer, (2) any individual who is in the classified service or unclassified service of the Kansas civil service act, (3) all officers and employees of the legislative branch and of the governor's office, irrespective of how compensated or period of employment, and (4) any individual who receives monthly or semimonthly compensation for services from the state or any state agency. State officer or employee does not include any justice or commissioner of the supreme court or judge of the judicial branch or employee or officer of the judicial branch or any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to exercise duties pertaining to functions of the judicial branch, when such person is engaged in performing a function or duty for the judicial branch. Also, state officer or employee does not include any appointed member of an advisory council, commission or board, who serves without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in subsection (e) of K.S.A. 75-3223 and amendments thereto, when such member is engaged in performing a function or duty for such council, commission or board.

(b) “Candidate” means an individual who: (1) Appoints a treasurer or a candidate committee; (2) makes a public announcement of intention to seek nomination or election to state office; (3) makes any expenditure or accepts any contribution for the purpose of influencing such person's nomination or election to any state office; or (4) files a declaration or petition to become a candidate for state office.

(c) “State officer elect” means an individual who has been elected to state office or appointed to fill a vacancy in a state office but who has not yet taken the oath of office.

**Credits**

Laws 1974, ch. 353, § 7; Laws 1975, ch. 272, § 1; Laws 1978, ch. 332, § 29; Laws 1995, ch. 172, § 1.

K. S. A. 46-221, KS ST 46-221

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

46-222. “Lobbyist” defined; exceptions.

(a) “Lobbyist” means:

- (1) Any person employed in considerable degree for lobbying;
- (2) any person formally appointed as the primary representative of an organization or other person to lobby in person on state-owned or leased property;
- (3) any person who makes expenditures in an aggregate amount of \$1,000 or more, exclusive of personal travel and subsistence expenses, in any calendar year for lobbying; or
- (4) any person hired as an independent contractor and compensated by an executive agency, as defined in K.S.A. 46-225, and amendments thereto, for the purpose of evaluation, management, consulting or acting as a liaison for the executive agency and who engages in lobbying, except an attorney or law firm representing the executive agency in a legal matter.

(b) “Lobbyist” shall not include:

- (1) Any state officer or employee engaged in carrying out the duties of their office;
- (2) the employer of a lobbyist, if such lobbyist has registered the name and address of such employer under K.S.A. 46-265, and amendments thereto;
- (3) any nonprofit organization which has qualified under 501(c)(3) of the internal revenue code of 1986, as amended, which is interstate in its operations and of which a primary purpose is the nonpartisan analysis, study or research of legislative procedures or practices and the dissemination of the results thereof to the public, irrespective of whether such organization may recommend a course of action as a result of such analysis, study or research;
- (4) any justice or commissioner of the supreme court or judge of the judicial branch or employee or officer of the judicial branch or, any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to exercise duties pertaining to functions of the judicial branch, when such person is engaged in performing a function or duty for the judicial branch; or
- (5) any appointed member of an advisory council, commission or board, who serves without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in K.S.A. 75-3223(e), and amendments thereto, when such member is engaged in performing a function or duty for such council, commission or board.

**Credits**

Laws 1974, ch. 353, § 8; Laws 1975, ch. 272, § 2; Laws 1991, ch. 150, § 23; Laws 2015, ch. 85, § 12, eff. July 1, 2015; Laws 2018, ch. 51, § 1, eff. July 1, 2018.

K. S. A. 46-222, KS ST 46-222

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-223

46-223. "Person" defined

"Person" means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, group, or corporation, whether or not operated for profit, or a governmental agency unit, or subdivision.

**Credits**

Laws 1974, ch. 353, § 9.

K. S. A. 46-223, KS ST 46-223

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-224

46-224. “State agency” and “rules and regulations” defined.

(a) “State agency” means the legislature, legislators, legislative committees and councils and all executive departments, institutions, offices, officers, commissions, boards and authorities of the state, but does not include municipalities and other political subdivisions.

(b) “Rules and regulations” means rules and regulations required by law to be filed with the secretary of state, and does not include rules adopted by the judicial branch or any court.

**Credits**

Laws 1974, ch. 353, § 10; Laws 1975, ch. 272, § 24; Laws 1988, ch. 366, § 12.

K. S. A. 46-224, KS ST 46-224

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

46-225. "Lobbying" defined; exceptions, employment of legislator as a lobbyist prohibited.

(a) Except as otherwise provided, "lobbying" means:

(1) Promoting or opposing in any manner action or nonaction by the legislature on any legislative matter;

(2) promoting or opposing in any manner an action or nonaction by any executive agency on any executive administrative matter;

(3) promoting or opposing in any manner an action or nonaction by any judicial agency on any judicial administrative matter; or

(4) entertaining any state officer or employee or giving any gift, honorarium or payment to a state officer or employee in an aggregate value of \$40 or more within any calendar year, if at any time during such year the person supplying the entertainment, gifts, honoraria or payments has a financial interest in any contract with, or action, proceeding or other matter before the state agency in which such state officer or employee serves, or if such person is the representative of a person having such a financial interest.

(c)<sup>1</sup> "Lobbying" does not include any expenditure from amounts appropriated by the legislature for official hospitality.

(d) "Lobbying" does not include representation of a claimant on a claim filed by the claimant under K.S.A. 46-907 and 46-912 through 46-919, and amendments thereto, in proceedings before the joint committee on special claims against the state.

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

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

(g) "Lobbying" does not include:

(1) Written communications by an employee of a private business seeking a contract, agreement or lease with an executive agency or judicial agency solely for the purpose of describing goods or services to be provided or for preparing a bid, proposal or other document relating to a contract, agreement or lease, such as factual information, specifications, terms, conditions, timing or similar technical or commercial information or communications by an employee of a private business awarded a bid or contract for the purpose of carrying out ongoing negotiations following the award of the bid or contract;

(2) communications by an attorney representing a client involving ongoing legal work with respect to an executive administrative matter or judicial administrative matter, or an administrative proceeding or hearing and negotiations conducted by and with attorneys for executive agencies or judicial agencies, or interactions between parties in litigation or other contested matters, and testimony by a witness in an administrative hearing or communications to or by investigators or authorities in the course of any investigation;

(3) communications among and between members of the legislature or executive or judicial officials or employees;

(4) providing written information in response to a written request from an executive agency for technical advice or factual information regarding a standard, rate, rule or regulation, policy or procurement or from a

judicial agency regarding a procurement;

(5) communications regarding a contract, lease or agreement of \$5,000 or less;

(6) communications made by or on behalf of a private business for the purpose of securing a grant, loan or tax benefit pursuant to a Kansas economic development program for the purpose of locating, relocating or expanding a private business within or into Kansas; or

(7) communications made by officers or employees of a certified business or disabled veteran business, as defined in K.S.A. 75-3740, and amendments thereto.

(h) As used in this section, “executive administrative matter” means any rule and regulation, utility ratemaking decision, any agreement, contract, bid or bid process, or any procurement decision, including, but not limited to, any financial services agreement, software licensing, servicing or procurement agreement, any lease, grant, award, loan, bond issue, certificate, license, permit, administrative order or any other matter that is within the official jurisdiction or cognizance of the executive agency.

(i) As used in this section, “judicial administrative matter” means any administrative matter regarding an agreement, contract, bid or bid process, any procurement decision, including, but not limited to, any financial services agreement, software licensing, servicing or procurement agreement, lease, or any other administrative procurement or contractual matter.

(j) As used in this section, “executive agency” means any state agency, state office or state officer, state officer elect, or employee of the executive branch and includes, but is not limited to, the board of regents and state board of education, but does not include local boards of education of school districts or municipalities or other political subdivisions.

(k) As used in this section, “judicial agency” means any department, institution, office, officer, employee, commission, board or bureau, or any agency, division or unit thereof, of the judicial branch of government and includes any justice or commissioner of the supreme court or judge or judge elect of the judicial branch, or any member of a board, council or commission who is appointed by the supreme court or who is elected and is performing a function or duty of the judicial branch that constitutes a judicial administrative matter.

(l) As used in this section, “written communications” or “written information” includes email or other electronic forms of communication that are retained as a record by the executive agency or judicial agency.

### **Credits**

Laws 1974, ch. 353, § 11; Laws 1975, ch. 272, § 3; Laws 1981, ch. 171, § 43; Laws 1991, ch. 150, § 24; Laws 2018, ch. 51, § 2, eff. July 1, 2018.

### **Footnotes**

1 So in enrolled bill; no subsection (b) was enacted.

K. S. A. 46-225, KS ST 46-225

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-226

46-226. “Representation case” defined.

“Representation case” means the representation of any person, client, principal, or third person, with compensation, in any matter before any state agency where the action or non-action of the state agency involves the exercise of substantial discretion; but representation case does not mean or include (a) any communication initiated by a legislator on behalf of a constituent or other member of the public for which no compensation is received or to be received, or (b) preparation and filing of tax returns or other governmental forms, or (c) participation in tax audit negotiations, or (d) any activity of a state officer or employee in carrying out the duties of his or her office or employment, or (e) a preliminary inquiry by any person into a matter before a state agency.

**Credits**

Laws 1974, ch. 353, § 12; Laws 1975, ch. 272, § 4.

K. S. A. 46-226, KS ST 46-226

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.



K.S.A. 46-227

46-227. “Associated person” defined.

“Associated person” means a person associated with a state officer or employee in a partnership, limited partnership, association or professional service corporation as a partner or officer.

**Credits**

Laws 1974, ch. 353, § 13; Laws 1975, ch. 272, § 5.

K. S. A. 46-227, KS ST 46-227

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-228

46-228. "Special interest" defined.

"Special interest" means an interest of any person as herein defined (1 concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a whole, or (2 in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

**Credits**

Laws 1974, ch. 353, § 14.

K. S. A. 46-228, KS ST 46-228

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

46-229. “Substantial interest” and “client or customer” defined.

“Substantial interest” means any of the following:

- (a) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.
- (b) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- (c) If an individual or an individual's spouse, either individually or collectively, has received directly or indirectly in the preceding 12 months, gifts or honoraria having an aggregate value of \$500 or more from any person, the individual has a substantial interest in that person. If a gift is received for which the value is unknown, the individual shall be deemed to have a substantial interest in the donor. A substantial interest does not exist under this subsection by reason of: (1) A gift or bequest received as the result of the death of the donor; (2) a gift from a spouse, parent, grandparent, sibling, aunt or uncle; or (3) acting as a trustee of a trust for the benefit of another.
- (d) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.
- (e) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

As used in this subsection, “client or customer” means a business or combination of businesses.

**Credits**

Laws 1974, ch. 353, § 15; Laws 1983, ch. 172, § 1; Laws 1984, ch. 189, § 1; Laws 1987, ch. 198, § 1.

K. S. A. 46-229, KS ST 46-229

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-230

46-230. "Business" defined.

"Business" means any corporation, association, partnership, proprietorship, trust, joint venture, or a governmental agency unit, or a governmental subdivision and every other business interest, including ownership or use of land for income.

**Credits**

Laws 1974, ch. 353, § 16; Laws 1982, ch. 218, § 1.

K. S. A. 46-230, KS ST 46-230

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-231

46-231. “Contract” defined.

“Contract” means any agreement including but not limited to sales and conveyances of real and personal property and agreements for the performance of services.

**Credits**

Laws 1974, ch. 353, § 17.

K. S. A. 46-231, KS ST 46-231

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-232

46-232. Lobbying by state officer or employee; prohibited acts; exception.

No state officer or employee shall engage in lobbying his own state agency, if he accepts compensation specifically attributable to such lobbying, other than that provided for the performance of his official duties. Nothing in this section shall prohibit a state officer or employee from lobbying without compensation other than that which he is entitled to receive for performance of his official duties.

**Credits**

Laws 1974, ch. 353, § 18.

K. S. A. 46-232, KS ST 46-232

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-233

46-233. Contracts involving state officer or employee or legislator; prohibited acts, exceptions; challenging constitutionality of legislative action or enactment by legislator; prohibited acts.

(a) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest and no such person or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to, has been substantially involved in the preparation of or is a participant in the making of such contract and is employed by such person or business or such officer or employee or any member of such officer's or employee's immediate family has a substantial interest in such person or business.

(2) Except as otherwise provided in this subsection, whenever any individual has participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business as an employee, independent contractor or subcontractor until two years after performance of the contract is completed or until two years after the individual terminates employment as a state officer or employee, whichever is sooner. This prohibition on accepting employment shall not apply in any case where a state officer or employee who participated in making a contract while employed by the state of Kansas is laid off or scheduled to be laid off from any state position on or after July 1, 2002. As used in this subsection (a)(2), "laid off" and "layoff" mean a state officer or employee in the classified service under the Kansas civil service act, being laid off under K.S.A. 75-2948, and amendments thereto.

(b) No individual shall, while a legislator or within one year after the expiration of a term as legislator, be interested pecuniarily, either directly or indirectly, in any contract with the state, which contract is funded in whole or in part by any appropriation or is authorized by any law passed during such term, except that the prohibition of this subsection (b) shall not apply to any contract interest in relation to which a disclosure statement is filed as provided by K.S.A. 46-239, and amendments thereto.

(c) No individual, while a legislator or within one year after the expiration of a term as a legislator, shall represent any person in a court proceeding attacking any legislative action taken or enactment made during any term such individual served as a legislator as being unconstitutional because of error in the legislative process with respect to such action or enactment unless such legislator voted no upon the enactment of the measure and declared on the record, during such term, that such legislation was unconstitutional. The prohibition of this subsection (c) shall not apply to a current or former legislator charged with a violation of such legislative action or enactment.

(d) Subsections (a) and (b) shall not apply to the following:

- (1) Contracts let after competitive bidding has been advertised for by published notice; and
- (2) contracts for property or services for which the price or rate is fixed by law.

(e) When used in this section:

- (1) "Substantial interest" shall have the same meaning ascribed thereto by K.S.A. 46-229, and amendments thereto, and any such interest held within the preceding 12 months of the act or event of participating in the

preparation of making a contract.

(2) “Substantially involved in the preparation or participate in the making of a contract” means having approved or disapproved a contract or having provided significant factual or specific information or advice or recommendations in relation to the negotiated terms of the contract.

**Credits**

Laws 1974, ch. 353, § 19; Laws 1975, ch. 272, § 6; Laws 1983, ch. 172, § 9; Laws 1991, ch. 150, § 25; Laws 1995, ch. 77, § 1; Laws 1996, ch. 255, § 9; Laws 1997, ch. 155, § 2; Laws 2000, ch. 152, § 8; Laws 2003, ch. 149, § 32.

K. S. A. 46-233, KS ST 46-233

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.



K.S.A. 46-234

46-234. Restrictions on appointments of state officers to other state offices.

No elected state officer shall within one year after the expiration of such officer's last term receive any civil appointment to a state office which was created by law during the last term for which such person had been elected, and all such appointments shall be void. Upon resignation by an elected state officer, such person may be appointed to any elective state office to fill a vacancy. As used in this section, the term "civil appointment to a state office" shall not include an additional district judge position created by K.S.A. 20-355, and amendments thereto, or an additional court of appeals judge position created by K.S.A. 20-3002, and amendments thereto.

**Credits**

Laws 1974, ch. 353, § 20; Laws 1995, ch. 91, § 2; Laws 2001, ch. 174, § 4.

K. S. A. 46-234, KS ST 46-234

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-235

46-235. Restrictions on compensation of state officers and employees.

No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. No person shall pay or offer to pay any state officer or employee any compensation for performance of official duties, except a state officer or employee performing official duties in making payments to state officers and employees. The receipt of wages or salary from an individual's non-state employer during a period of service as a state officer or employee shall not be construed as compensation for performance of official duties.

**Credits**

Laws 1974, ch. 353, § 21.

K. S. A. 46-235, KS ST 46-235

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

## K.S.A. 46-236

46-236. Certain solicitations by state officers and employees, candidates for state offices and state officers elect prohibited; exceptions.

(a) No state officer or employee, candidate for state office or state officer elect shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer, employee, candidate or state officer elect knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee, candidate or state officer elect.

(b) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to: (1) Any contribution reported in compliance with the campaign finance act; (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business; (3) any solicitation for the benefit of any charitable organization required to file a registration statement with the attorney general pursuant to K.S.A. 17-1761, and amendments thereto, or exempted from filing such statement pursuant to K.S.A. 17-1762, and amendments thereto, or for the benefit of any educational institution or such institution's endowment association, if such association has qualified as a nonprofit organization under section 501(c)(3) of the internal revenue code of 1986, as amended; (4) any solicitation for the benefit of any national nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation; or (5) any solicitation for the benefit of any national, nonprofit organization established for the purpose of serving, informing and educating elected executive branch officials in all states of the nation.

### **Credits**

Laws 1974, ch. 353, § 22; Laws 1975, ch. 272, § 7; Laws 1995, ch. 172, § 2; Laws 2000, ch. 124, § 1; Laws 2021, ch. 110, § 20, eff. May 27, 2021.

K. S. A. 46-236, KS ST 46-236

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A 46-237

46-237. Gifts to state agencies, state officers and employees, candidates for state office and state officers elect, members, members elect and employees of the judicial branch; limitations and prohibitions; exceptions; hospitality; honoraria; gifts from foreign governments; reimbursement of legislators for travel and subsistence expenses by certain national and international organizations and foreign governments.

(a) Except as provided by this section, no state officer or employee, candidate for state office or state officer elect 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 with a major purpose of influencing such officer or employee, candidate for state office or state officer elect in the performance of official duties or prospective official duties or to a member or member elect or employee of the judicial branch with a major purpose of influencing the member or member elect or employee of the judicial branch in the performance of official duties or prospective official duties pertaining to a judicial administrative matter, as defined in K.S.A. 46-225, and amendments thereto.

(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 or state officer elect in the performance of official duties or prospective official duties, or to influence a member or member elect or employee of the judicial branch in the performance of official duties or prospective official duties pertaining to a judicial administrative matter as defined in K.S.A. 46-225, and amendments thereto, except when a particular course of official action is to be followed as a condition thereon.

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

(1) Any contribution reported in compliance with the campaign finance act; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

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

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

(h) No legislator shall solicit any contribution to be made to any organization for the purpose of paying for travel, subsistence and other expenses incurred by such legislator or other members of the legislature in attending and participating in meetings, programs and activities of such organization or those conducted or sponsored by such organization, but nothing in this act or the act of which this act is amendatory shall be construed to prohibit any legislator from accepting reimbursement for actual expenses for travel, subsistence, hospitality, entertainment and other expenses incurred in attending and participating in meetings, programs and activities sponsored by the government of any foreign nation, or any organization organized under the laws of such foreign nation or any international organization or any national, nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation, when paid from funds of such organization and nothing shall be construed to limit or prohibit the expenditure of funds of and by any such organization for such purposes.

#### **Credits**

Laws 1974, ch. 353, § 23; Laws 1983, ch. 172, § 11; Laws 1990, ch. 122, § 18; Laws 1991, ch. 150, § 26; Laws 1995, ch. 172, § 3; Laws 1998, ch. 117, § 19; Laws 2000, ch. 124, § 4; Laws 2018, ch. 51, § 3, eff. July 1, 2018.

K. S. A. 46-237, KS ST 46-237

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-237a

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.

### **Credits**

Laws 1997, ch. 155, § 4; Laws 2000, ch. 124, § 2; Laws 2001, ch. 5, § 151; Laws 2007, ch. 121, § 1, eff. July 1, 2007; Laws 2018, ch. 51, § 4, eff. July 1, 2018.

K. S. A. 46-237a, KS ST 46-237a

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-238

46-238. Restrictions on sale or lease of property and furnishing services by state officers and employees and candidates for state offices.

No state officer or employee or candidate for state office or associated person shall charge to or accept from a person known to have a special interest a price, fee, compensation or other consideration for the sale or lease of any property or the furnishing of services which is substantially in excess of that which other persons in the same business or profession would charge in the ordinary course of business.

**Credits**

Laws 1974, ch. 353, § 24.

K. S. A. 46-238, KS ST 46-238

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.



K.S.A. 46-239

46-239. Disclosure statements; state officers and employees accepting representation cases; legislators contracting to perform services for state agencies; state agencies contracting with legislators or legislators' firms, reports by; time and procedure for filing statements; information required; termination statement; failure to file true statement, class B misdemeanor.

(a) No state officer or employee shall accept employment in any representation case, unless such officer or employee has properly filed the disclosure statement prescribed by this section.

(b) Any state officer or employee who is employed in any representation case shall, not later than 10 days after the acceptance of employment for such case or on the first appearance before the state agency involved (whichever occurs first), file on a form prescribed and provided by the commission a disclosure statement as provided in this section.

(c) Any individual, within one year after the expiration of a term as a legislator, who contracts to perform any service for a state agency other than the legislature, shall not later than 10 days after the acceptance of such contract, file a disclosure statement as provided in this section. Any agency of the state of Kansas which enters into a contract with any legislator, or any member of a firm of which such legislator is a member, under which the legislator or the member of such firm is to perform services for such agency for compensation shall make a report on a form prescribed and provided by the commission giving the name of the state agency, the purpose of the employment and the method of determining and computing the compensation for such employment. All such forms shall be filed quarterly in the office of the secretary of state.

(d) The disclosure statement required by this section shall be filed with the secretary of state in all cases. Any individual who files a statement may file an amended statement (or, if permitted by the secretary of state, amend the original filing) at any time after the statement is originally filed. Copies of each such statement shall forthwith upon filing be transmitted by the secretary of state to (1) in the case of members of the house of representatives, the chief clerk of the house of representatives, or (2) in the case of senators, the secretary of the senate. In addition to the foregoing, a copy of every disclosure statement shall be transmitted by the secretary of state to the state agency involved, if the state agency is other than a part of the legislative branch.

(e) The disclosure statement provided for by this section shall be signed by the person making the same and shall state (1) the name of the employer, (2) the purpose of the employment and (3) the method of determining and computing the compensation for the employment in the representation case.

(f) Any person who is employed in a representation case and who is required to file a disclosure statement pursuant to this section may file, upon termination of such person's employment in such representation case, a termination statement with the secretary of state. Such statement shall be on a form prescribed and provided by the commission and shall state (1) the name of the employer, (2) the state agency involved in the case, and (3) the date of the termination of employment. The secretary of state shall transmit a copy of such statement to the state agency involved.

(g) Failure to file a true disclosure statement is intentionally (1) failing to file a disclosure statement when and where required by this section, or

(2) filing a disclosure statement under this section which contains any material misrepresentation or false or fraudulent statement.

Failure to file a true disclosure statement is a class B misdemeanor.

**Credits**

Laws 1974, ch. 353, § 25; Laws 1975, ch. 272, § 8; Laws 1991, ch. 150, § 27.

K. S. A. 46-239, KS ST 46-239

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-240

46-240. Same; restrictions on compensation.

No state officer or employee shall accept or agree to accept compensation, or any part thereof, for employment in a representation case of any kind, before a state agency, except workmen's compensation cases, which is contingent upon the result achieved or attained.

**Credits**

Laws 1974, ch. 353, § 26; Laws 1975, ch. 272, § 9.

K. S. A. 46-240, KS ST 46-240

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-241

46-241. Disclosure or use of confidential information by state officer or employee.

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

**Credits**

Laws 1974, ch. 353, § 27.

K. S. A. 46-241, KS ST 46-241

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-242

46-242. Restrictions on acceptance of representation case and conduct therein by state officer or employee.

(a) No state officer or employee shall accept a representation case before a state agency where such officer or employee knows or should know that it is obviously without merit and is being offered with intent to obtain improper influence over a state agency.

(b) No state officer or employee shall use threat or promise of official action in an attempt to influence a state agency in any representation case.

**Credits**

Laws 1974, ch. 353, § 28; Laws 1975, ch. 272, § 10.

K. S. A. 46-242, KS ST 46-242

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

## K.S.A. 46-243

### 46-243. Censure or forfeiture of office or employment for violation.

(a) Any state officer or employee or candidate for state office who violates any provision of this act, and such violation is a misdemeanor, shall be subject to censure or forfeiture of office. Whenever the commission determines that any officer or employee has violated any provisions of this act and such violation is a misdemeanor or has violated any provision of this act, or any rule and regulation of the commission, the violation of which does not constitute a misdemeanor but the act does merit censure, forfeiture or other disciplinary action, the commission shall report such fact and the circumstances involved to the officer or agency authorized to impose censure, forfeiture or other disciplinary measure upon such officer or employee in accordance with this act.

(b) When this section applies to an impeachable officer, whether such censure or forfeiture is to be imposed shall be determined by impeachment proceedings.

(c) When this section applies to a legislator, the house of which the legislator is a member shall determine whether such censure, forfeiture or other disciplinary measure is to be imposed.

(d) When this section applies to any state officer or employee of the legislative branch, except a legislator, the legislative coordinating council shall determine whether such censure, forfeiture or other disciplinary measure is to be imposed.

(e) When this section applies to any state officer or employee of the judicial branch, the supreme court shall determine whether such censure, forfeiture or other disciplinary measure is to be imposed.

(f) When this section applies to any state officer or employee of the executive branch and such state officer or employee is not subject to impeachment, the governor shall determine whether censure, removal of such state officer or employee or other disciplinary measure is to be imposed. Upon a determination by the governor of removal under this subsection, no right of appeal under the Kansas civil service act shall exist, but the determination of removal is subject to review in accordance with the Kansas judicial review act. In lieu of direct removal, the governor may direct the attorney general, district attorney or county attorney to bring appropriate ouster proceedings to determine such forfeiture.

#### **Credits**

Laws 1974, ch. 353, § 29; Laws 1986, ch. 318, § 66; Laws 1991, ch. 150, § 50; Laws 2010, ch. 17, § 82, eff. July 1, 2010.

K. S. A. 46-243, KS ST 46-243

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-244

46-244. Same; commencement and final determination of action.

Action under K.S.A. 46-243 may be commenced and finally determined whether or not criminal prosecution has been commenced, and criminal prosecution under this act may be commenced and finally adjudicated whether or not proceedings have been commenced under K.S.A. 46-243.

**Credits**

Laws 1974, ch. 353, § 30.

K. S. A. 46-244, KS ST 46-244

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-246a

46-246a. Nepotism; exceptions.

(a) From and after the effective date of this act, no state officer or employee shall advocate or cause the employment, appointment, promotion, transfer or advancement to any office or position of the state, of a member of such officer's or employee's household or a family member.

(b) No state officer or employee shall participate in an action relating to the employment or discipline of a member of the officer's or employee's household or a family member.

(c) The provisions of this section shall not apply to appointments of members of the governor's staff, nor to any action involving the employment, appointment, promotion, transfer or advancement of any officer or employee occurring prior to the effective date of this act.

(d) The provisions of this section shall be subject to interpretation and enforcement by the governmental ethics commission in the manner provided by K.S.A. 46-253 through 46-263, and amendments thereto.

**Credits**

Laws 1991, ch. 150, § 39; Laws 1992, ch. 246, § 1; Laws 1998, ch. 117, § 20.

K. S. A. 46-246a, KS ST 46-246a

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.



## K.S.A. 46-247

### 46-247. Individuals required to file written statements of substantial interests; exception.

The following individuals shall file written statements of substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive, and amendments thereto:

- (a) Legislators and candidates for nomination or election to the legislature.
- (b) Individuals holding an elected office in the executive branch of this state, and candidates for nomination or election to any such office.
- (c) State officers, employees and members of boards, councils and commissions under the jurisdiction of the head of any state agency who are listed as designees by the head of a state agency pursuant to K.S.A. 46-285, and amendments thereto.
- (d) Individuals whose appointment to office is subject to confirmation by the senate whether or not such individual is a state officer or employee.
- (e) General counsels for state agencies irrespective of how compensated.
- (f) The administrator or executive director of the education commission of the states, the interstate compact on agricultural grain marketing, the Mo-Kan metropolitan development district and agency compact, the Kansas City area transportation district and authority compact, the midwest nuclear compact, the central interstate low-level radioactive waste compact, the multistate tax compact, the Kansas-Oklahoma Arkansas river basin compact, the Kansas-Nebraska Big Blue river compact, and the multistate lottery.
- (g) Private consultants under contract with any agency of the state of Kansas to evaluate bids for public contracts or to award public contracts.
- (h) Any faculty member or other employee of a postsecondary educational institution as defined by K.S.A. 74-3201b, and amendments thereto, who provides consulting services and who, on behalf of or for the benefit of the person for which consulting services are provided:
  - (1) Promotes or opposes action or nonaction by any federal agency, any state agency as defined by K.S.A. 46-224, and amendments thereto, or any political subdivision of the state or any agency of such political subdivision or a representative of such state agency, political subdivision or agency; or
  - (2) promotes or opposes action or nonaction relating to the expenditure of public funds of the federal government, the state or political subdivision of the state or agency of the federal government, state or political subdivision of the state.
- (i) Except as provided by K.S.A. 46-247a, and amendments thereto, any faculty member who receives an annual salary of \$150,000 or more, other than an adjunct faculty member, who is employed by a state education institution as defined by K.S.A. 76-711, and amendments thereto.

### **Credits**

Laws 1974, ch. 353, § 33; Laws 1979, ch. 164, § 1; Laws 1982, ch. 218, § 2; Laws 1983, ch. 172, § 2; Laws 1988, ch. 180, §1; Laws 1991, ch. 150, § 47; Laws 2002, ch. 188, § 10; Laws 2005, ch. 126, § 6; Laws 2009, ch. 134, § 10, eff. July 1, 2009; Laws 2010, ch. 150, § 11, eff. July 1, 2010.

K. S. A. 46-247, KS ST 46-247

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-248

46-248. Statements of substantial interests; information required; time for filing; filed with secretary of state.

The statement of substantial interests required by K.S.A. 46-247 through 46-252, and amendments thereto, shall include the substantial interests of the individual making the statement. Campaign contributions reported in compliance with the campaign finance act shall not be included in this statement. The statement shall include the information required by K.S.A. 46-229 and amendments thereto in such detail and form as required by the commission. In reporting a substantial interest in the ownership of any business in accordance with subsection (a) of K.S.A. 46-229, and amendments thereto, the individual making the statement shall disclose the approximate percentage of ownership which the individual or individuals's spouse owns.

(a) The statement of substantial interests shall be filed at the following times by the individuals specified in K.S.A. 46-247 and amendments thereto:

(1) For an individual, other than a candidate, who was appointed or took office on or before April 30, 1984, between April 15 and June 1, 1984, and for an individual or other candidate who is appointed or takes office on or before April 30 in any year thereafter, annually between April 15 and April 30, inclusive, so long as the act applies to the individual;

(2) for an individual, other than a candidate, who is appointed after April 30 in any year, within 15 days after the appointment and annually thereafter between April 15 and April 30, inclusive, so long as the act applies to the individual;

(3) for an individual who becomes a candidate on or before the date prescribed by K.S.A. 25-205 and amendments thereto, on the date prescribed by K.S.A. 25-205 and amendments thereto or within 10 days thereafter, unless within that period the candidacy is officially declined or rejected; or

(4) for an individual who becomes a candidate after the date prescribed by K.S.A. 25-205 and amendments thereto, within five days of becoming a candidate, unless within that period the candidacy is officially declined or rejected.

(b) Individuals who become subject to subsection (a) and who have on file a statement of substantial interests pursuant to this act for the current year shall not be required to file any additional statement of substantial interests for that period.

(c) If an individual serves in more than one capacity for which a statement of substantial interests is required to be filed pursuant to this act, the individual shall be required to file only a single statement of substantial interests for all capacities for which a statement is required to be filed.

(d) The statements required by this section shall be filed with the secretary of state in all cases.

**Credits**

Laws 1974, ch. 353, § 34; Laws 1975, ch. 272, § 11; Laws 1979, ch. 164, § 2; Laws 1980, ch. 152, § 1; Laws 1983, ch. 172, § 8; Laws 1984, ch. 189, § 2; Laws 1991, ch. 150, § 28.

K. S. A. 46-248, KS ST 46-248

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-248a

46-248a. Same; failure to file on time; notice.

When a person fails to file any statement specified in K.S.A. 46-247 within the time specified by K.S.A. 46-248, the commission may send a notice of such failure to such person. Such notices are a part of the public record. This section is supplemental to K.S.A. 46-215 to 46-280, inclusive, and any amendments thereto.

**Credits**

Laws 1981, ch. 208, § 1; Laws 1981, ch. 171, § 48.

K. S. A. 46-248a, KS ST 46-248a

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-249

46-249. Same; content of statement.

The statement of substantial interests required by K.S.A. 46-247 through 46-252 shall be dated and signed by the individual making the statement and shall contain substantially the following:

**STATEMENT OF SUBSTANTIAL INTERESTS**

(name)

(office or position of employment for which this  
statement is filed) (address)

(body of statement in form prescribed by commission)

“I declare that this statement of substantial interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.”

(date of filing)

(signature of person making the statement)

**Credits**

Laws 1974, ch. 353, § 35; Laws 1984, ch. 189, § 3.

K. S. A. 46-249, KS ST 46-249

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-250

46-250. Same; forms; amendments.

The commission shall prescribe and provide the forms provided for by K.S.A. 46-249. Any person required to file a statement of substantial interests, may file an amended statement of substantial interests (or if permitted by the secretary of state, amend the statement originally filed) at any time after the date when such statement is required to be filed.

**Credits**

Laws 1974, ch. 353, § 36; Laws 1975, ch. 272, § 12.

K. S. A. 46-250, KS ST 46-250

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-251

46-251. Failure to file true statement of substantial interests defined and classified as crime.

Failure to file true statement of substantial interests is intentionally (a) failing to file a statement of substantial interests as required by this act, or

(b) filing a statement of substantial interests that contains any false statement.

Failure to file a true statement of substantial interests is a class B misdemeanor.

**Credits**

Laws 1974, ch. 353, § 37; Laws 1975, ch. 272, § 13.

K. S. A. 46-251, KS ST 46-251

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-252

46-252. Same; availability for public examination and copying; procedure.

All statements of substantial interests filed under this act shall be available for examination and copying by the public at all reasonable times. Each individual examining a statement must first fill out a form or sign a register prepared and publicly maintained by the secretary of state identifying the examiner by name, occupation, address and telephone number, and listing the date of examination.

**Credits**

Laws 1974, ch. 353, § 38.

K. S. A. 46-252, KS ST 46-252

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.



K.S.A. 46-253

46-253. “Commission” defined; rules and regulations.

“Commission” as used in K.S.A. 46-215 to 46-280, inclusive, 46-248a and K.S.A. 46-237a, and amendments thereto, means the governmental ethics commission. The commission may adopt rules and regulations for the administration of the provisions of K.S.A. 46-215 to 46-280, 46-248a and K.S.A. 46-237a, and amendments thereto. Any rules and regulations adopted by the Kansas commission on governmental standards and conduct shall continue in force and effect and shall be deemed to be the rules and regulations of the commission until revised, amended, repealed or nullified pursuant to law. All rules and regulations of the commission shall be subject to the provisions of article 4 of chapter 77 of Kansas Statutes Annotated.

**Credits**

Laws 1974, ch. 353, § 39; Laws 1974, ch. 354, § 1; Laws 1975, ch. 272, § 16; Laws 1981, ch. 171, § 44; Laws 1991, ch. 150, § 29; Laws 1998, ch. 117, § 21.

K. S. A. 46-253, KS ST 46-253

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-254

46-254. Opinions; effect of compliance with opinion; filing, publication and disposition.

The commission upon its own initiative may, and upon the request of any individual to which this act applies shall, render an opinion in writing on questions concerning the interpretation of this act. Any person who acts in accordance with the provisions of such an opinion, shall be presumed to have complied with the provisions of this act. A copy of every opinion rendered by the commission shall be filed with the secretary of state, and any opinion so filed shall be open to public inspection. The secretary of state shall publish all opinions rendered under this section monthly and each such publication shall be cumulative. Copies of each opinion shall be filed with the secretary of the senate and the chief clerk of the house on the same date as the same are filed with the secretary of state. The secretary of state shall cause adequate copies of all filings under this section to be supplied to the state library.

**Credits**

Laws 1974, ch. 353, § 40.

K. S. A. 46-254, KS ST 46-254

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

## K.S.A. 46-255

46-255. Verified complaints; filing with commission; conditions; transmittal of copy to respondent.

Any individual, including any member of the commission, may file with the commission a verified complaint in writing stating the name of any person to whom or which this act applies alleged to have violated any provision of this act, and which shall set forth the particulars thereof. If a member of the commission files a complaint, he must disqualify himself from the commission consideration of that complaint. Whenever a complaint is filed with the commission, the commission shall promptly send a copy thereof to the person complained of, who shall thereafter be designated as the respondent. No complaint alleging a violation of K.S.A. 46-245<sup>1</sup> may be filed with the commission after the expiration of thirty (30) days from the date upon which the alleged violation occurred.

### **Credits**

Laws 1974, ch. 353, § 41.

### **Footnotes**

1 Repealed.

K. S. A. 46-255, KS ST 46-255

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-256

46-256. Same; confidentiality and determination of sufficiency; investigation; notification of attorney general of violation of other laws; dismissal or hearing on complaint; remedies and protections for state employees filing complaints.

(a) If the commission determines that a verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any provision of this act, it shall dismiss the complaint and notify the complainant and respondent thereof.

(b) Whenever a complaint is filed with the commission alleging a violation of any provision of this act, such filing and the allegations therein shall be confidential and shall not be disclosed except as provided in this act.

(c) If the commission determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of this act, the commission promptly shall investigate the alleged violation.

(d) The commission shall notify the attorney general of any apparent violation of criminal law or other laws not administered by the commission, which is discovered during the course of any such investigation.

(e) If, after the investigation, the commission finds that probable cause does not exist for believing the allegations of the complaint, the commission shall dismiss the complaint. If after such preliminary investigation, the commission finds that probable cause exists for believing the allegations of the complaint, such complaint shall no longer be confidential and may be disclosed. Upon making any such finding, the commission shall fix a time for a hearing in the matter, which shall be not more than 30 days after such finding. In either event the commission shall notify the complainant and respondent of its determination.

(f) The remedies and protections provided by K.S.A. 75-2973 and amendments thereto shall be available to any state employee against whom disciplinary action has been taken for filing a complaint pursuant to this act.

**Credits**

Laws 1974, ch. 353, § 42; Laws 1988, ch. 181, § 1; Laws 1991, ch. 150, § 30.

K. S. A. 46-256, KS ST 46-256

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

## K.S.A 46-257

46-257. Same; examination and copying of evidence and hearing transcript by respondent; subpoenas; hearing before subcommittee of commission; powers of presiding officer; witness fees and mileage; depositions; contempt.

After a verified complaint alleging violation of any provision of this act has been filed with the commission, the respondent shall be entitled to examine and make copies of all evidence in the possession of the commission relating to the complaint, including the transcript of the hearing, if any. If a hearing is to be held pursuant to K.S.A. 46-256, the commission, before the hearing has commenced, shall issue subpoenas and subpoenas *duces tecum* at the request of any party. Any hearing held under K.S.A. 46-256 may be conducted and held by a subcommittee of not less than five members of the commission, of whom not more than a majority shall be of the same political party. Final determination of all complaints shall be made by the commission as a whole. The chairperson of the commission or other member presiding over the commission or the presiding officer of any subcommittee of the commission shall have the power to: (a) Administer oaths and affirmations; and (b) compel, by subpoena, the attendance of witnesses and the production of pertinent books, papers and documents. Witnesses shall be entitled to receive fees and mileage as provided by law for witnesses in civil actions, which shall be paid out of appropriations to the commission. Depositions may be taken and used in the same manner as in civil actions. Any person subpoenaed to appear and give testimony or to produce books, papers or documents, who fails or refuses to appear or to produce such books, papers or documents, or any person, having been sworn to testify, who refuses to answer any proper question, may be cited for contempt of the district court of Shawnee county, Kansas. The commission shall report to such court the facts relating to any such contempt. Thereupon proceedings before such court shall be had as in cases of other civil contempt.

### **Credits**

Laws 1974, ch. 353, § 43; Laws 1990, ch. 306, § 11.

K. S. A. 46-257, KS ST 46-257

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-258

46-258. Hearings by commission; limitations on oral evidence; rights of parties; open to public.

At any hearing held by the commission: (a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: To be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to cross-examine opposing witnesses.

(c) The hearing shall be open to the public.

**Credits**

Laws 1974, ch. 353, § 44.

K. S. A. 46-258, KS ST 46-258

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

## K.S.A. 46-259

46-259. Record of commission's investigations, inquiries and proceedings; confidentiality of records, complaints, documents and reports; release of information or material to prosecutor; report of criminal law violations; public records; classification of certain violations as crimes.

The commission shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, reports filed with or submitted to or made by the commission, and all records and transcripts of any investigations, inquiries or hearings of the commission under this act shall be confidential and shall not be open to inspection by any individual other than a member of the commission, an employee of the commission, or a state officer or employee designated to assist the commission, except as otherwise specifically provided in this act. The commission may, by adoption of a resolution, authorize the release to the attorney general of any information, records, complaints, documents, reports, and transcripts in its possession material to any matter pending before the attorney general. In addition the commission shall notify the attorney general of any apparent violation of criminal law, other than laws administered by the commission, discovered during the course of any investigation conducted by the commission. All matters presented at a public hearing of the commission and all reports of the commission stating a final finding of fact pursuant to K.S.A. 46-262 shall be public records and open to public inspection.

Violation of any provision of this section or the confidentiality provision of K.S.A. 46-256 is a class B misdemeanor.

### **Credits**

Laws 1974, ch. 353, § 45; Laws 1975, ch. 272, § 17; Laws 1982, ch. 219, § 1.

K. S. A. 46-259, KS ST 46-259

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-260

46-260. Investigations by commission; administration of oaths and subpoena of witnesses, documents and records.

(a) The commission may investigate, or cause to be investigated, any matter required to be reported upon by any person under the provisions of the state governmental ethics law, or any matter to which the state governmental ethics law applies, irrespective of whether a complaint has been filed in relation thereto.

(b)(1) After a preliminary investigation of any matter reported to the commission pursuant to subsection (a), and upon specific written findings of fact and conclusions of law by the commission that there is a reasonable suspicion that a violation of the state governmental ethics law has occurred, the commission or any officer designated by the commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the commission deems relevant or material to the investigation. The commission shall reimburse the reasonable costs of production of documents subject to subpoena. All subpoenas and subpoenas duces tecum issued under this section shall be authorized by the affirmative vote of not less than  $\frac{3}{4}$  of the members of the commission. Any vote authorizing the issuance of a subpoena or subpoena duces tecum shall be taken at a meeting where the commissioners are in physical presence. Subpoenas duces tecum shall be limited to items reasonably relevant to such alleged violations. Upon the request of any person subpoenaed to appear and give testimony or to produce books, papers or documents, the commission shall provide a copy of the written findings of facts and conclusions of laws relating to the alleged violation committed by such person.

(2) In case of contumacy by, or refusal to obey a subpoena issued to any person, the district court of Shawnee county, upon application by the commission, or any officer designated by the commission, may issue to that person an order requiring the person to appear before the commission or any officer designated by the commission, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Any failure to obey the order of the court may be punished by the court as a contempt of court.

**Credits**

Laws 1974, ch. 353, § 46; Laws 1991, ch. 150, § 31; Laws 1998, ch. 29, § 2.

K. S. A. 46-260, KS ST 46-260

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.



## K.S.A. 46-261

46-261. Withdrawal of complaint by complainant; civil action, when; admissibility of certain evidence.

The commission may permit a complainant to withdraw his or her complaint at any time. The respondent may bring a civil action in the district court against the complainant for malicious prosecution for the filing or prosecution of any complaint with the commission under this act, whenever under like circumstances an action for malicious prosecution would arise for filing or prosecution of an action or complaint in a court. All papers in the possession of the commission relating thereto shall be admissible.

### **Credits**

Laws 1974, ch. 353, § 47.

K. S. A. 46-261, KS ST 46-261

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

## K.S.A. 46-262

### 46-262. Statement of commission's findings of facts after hearing; disposition.

After a hearing of an alleged violation of this act, the commission shall state its findings of fact. If the commission finds that the respondent has not violated any provisions of this act, it shall order the action dismissed, and shall notify the respondent and complainant thereof. If the commission finds that the respondent has violated any provisions of this act, it shall state its findings of fact and submit a report thereon to the house in which the respondent serves if he or she is a legislator, to the legislative coordinating council if he or she is a state officer or employee of the legislative branch other than a legislator, to the supreme court if he or she is a state officer or employee of the judicial branch, and to the governor in other cases, send a copy of such findings and report to the complainant and respondent, and the commission shall also report thereon, except any act which is a violation of K.S.A. 46-245 only to the attorney general and to the county or district attorney of the appropriate county.

#### **Credits**

Laws 1974, ch. 353, § 48.

K. S. A. 46-262, KS ST 46-262

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

## K.S.A. 46-263

### 46-263. Action upon commission's findings.

When a report is submitted under K.S.A. 46-262, and amendments thereto:

(a) If the respondent is a legislator, the house to which such a report is made shall consider the report and impose censure or disqualification as a legislator, or the house may determine that neither censure nor disqualification is justified.

(b) If the respondent is a state officer or employee of the legislative branch, other than a legislator, the legislative coordinating council shall consider the report and impose censure or remove the state officer or employee from state service, or such council may determine that neither censure nor removal from office is justified. Such a determination by the legislative coordinating council shall be final.

(c) If the respondent is a state officer or employee of the judicial branch, the supreme court shall consider the report and impose censure or remove the state officer or employee from state service, or such court may determine that neither censure nor removal from office is justified. Such a determination by the supreme court shall be final.

(d) If the respondent is not a legislator and is not a state officer or employee of the legislative branch and is not subject to impeachment or of the judicial branch, the governor shall consider the report and impose censure or remove the state officer or employee from state service, or the governor may determine that neither censure nor removal from office is justified. Upon a determination by the governor of removal under this subsection, no right of appeal under the Kansas civil service act shall exist, but the determination of removal is subject to review in accordance with the Kansas judicial review act. In lieu of direct removal, the governor may direct the attorney general to bring ouster proceedings against the respondent.

(e) In the event the respondent is subject to impeachment, the commission shall refer the report to the house of representatives, in lieu of other procedures under this section.

#### **Credits**

Laws 1974, ch. 353, § 49; Laws 1986, ch. 318, § 67; Laws 2010, ch. 17, § 83, eff. July 1, 2010.

K. S. A. 46-263, KS ST 46-263

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

46-265. Registration of lobbyists; form and contents; lobbying concerning legislative matters, copies of registrations and reports; fees; termination statement; failure to pay civil penalties, registration prohibited.

(a) Every lobbyist shall register with the secretary of state by completing and signing a registration form prescribed and provided by the commission. The registration shall show the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying, the purpose of the employment, the name of each state agency or state office and any agency, division or unit thereof and each judicial department, institution, office, commission, board or bureau and any agency, division or unit thereof and whether the lobbyist will lobby the legislative branch and the method of determining and computing the compensation of the lobbyist. If the lobbyist is compensated or to be compensated for lobbying by more than one employer or is to be engaged in more than one employment, the relevant facts listed above shall be stated separately for each employer and each employment. Whenever any new lobbying employment or lobbying position is accepted by a lobbyist already registered as provided in this section, the lobbyist shall report the same on forms prescribed and provided by the commission before engaging in any lobbying activity related to the new employment or position, and the report shall be filed with the secretary of state. When a lobbyist is an employee of a lobbying group or firm which contracts to lobby and not an owner or partner of the lobbying group or firm, the lobbyist shall report each client of the group, firm or entity whose interest the lobbyist represents. Whenever the lobbying of a lobbyist concerns a legislative matter, the secretary of state promptly shall transmit copies of each registration and each report filed under this act to the secretary of the senate and the chief clerk of the house of representatives.

(b) On or after October 1, in any year any person may register as a lobbyist under this section for the succeeding calendar year. The registration shall expire annually on December 31 of the year for which the lobbyist is registered. In any calendar year, before engaging in lobbying, persons to whom this section applies shall register or renew their registration as provided in this section. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending \$1,000 or less for lobbying in the registration year on behalf of any one employer shall pay to the secretary of state a fee of \$50 for lobbying for each employer. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending more than \$1,000 for lobbying in the registration year on behalf of any one employer shall pay to the secretary of state a fee of \$350 for lobbying for the employer. Any lobbyist who at the time of initial registration anticipated spending less than \$1,000, on behalf of any one employer, but at a later date spends in excess of that amount, within three days of the date when expenditures exceed that amount, shall file an amended registration form which shall be accompanied by an additional fee of \$300 for the year. Every person registering or renewing registration as a lobbyist who is an employee of a lobbying group or firm and not an owner or partner of the lobbying group or firm shall pay an annual fee of \$450. The secretary of state shall remit all moneys received under this section 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 commission fee fund.

(c) Any person who has registered as a lobbyist pursuant to this act may file, upon termination of the person's lobbying activities, a statement terminating the person's registration as a lobbyist. The statement shall be on a form prescribed by the commission and shall state the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying and the date of the termination of the lobbyist's lobbying activities.

(d) No person who has failed or refused to pay any civil penalty imposed pursuant to K.S.A. 46-280, and amendments thereto, shall be authorized or permitted to register as a lobbyist in accordance with this section until the penalty has been paid in full.

**Credits**

Laws 1974, ch. 353, § 51; Laws 1975, ch. 272, § 18; Laws 1982, ch. 363, § 15; Laws 1989, ch. 93, § 3; Laws 1991, ch. 150, § 32; Laws 1993, ch. 94, § 1; Laws 1994, ch. 144, § 3; Laws 1998, ch. 117, § 22; Laws 2000, ch. 168, § 3; Laws 2001, ch. 5, § 152; Laws 2015, ch. 85, § 13, eff. July 1, 2015; Laws 2018, ch. 51, § 5, eff. July 1, 2018.

K. S. A. 46-265, KS ST 46-265

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-266

46-266. Alphabetical listing of lobbyists by secretary of state; supplemental indices; public inspection of registration papers and reports; printing, publication and distribution of lists and indices.

The secretary of state shall maintain alphabetical listings of all lobbyists showing their employers and appointing authorities and the purpose of their employment or position. Such listing shall be supplemented by indices showing employers and the appointing authorities and relevant information as to each. All registration papers and reports made under K.S.A. 46-265 shall be open to public inspection at all reasonable times. The listings and supplemental indices provided for by this section shall be maintained current at all times and from time to time each year shall be printed, published and distributed by the secretary of state.

**Credits**

Laws 1974, ch. 353, § 52.

K. S. A. 46-266, KS ST 46-266

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-267

46-267. Lobbyists; contingent fees and referral fees prohibited; lobbying contracts.

(a) No person shall pay or accept or agree to pay or accept or arrange for a third party to pay or agree to pay present, future, promised or contingent compensation, or any part thereof, for lobbying which is contingent upon the result achieved or attained.

(b) No person shall pay or accept or agree to pay or accept present, future, promised or contingent compensation, or any part thereof, for the referral of a person or persons to a lobbyist for lobbying services.

(c) No lobbying contract or agreement shall be valid or enforceable in a court of law unless it is in writing, signed by all parties thereto and was executed prior to the lobbyist's commencement of lobbying for the represented person under such contract or agreement. Any such lobbying contract or agreement shall be invalid and unenforceable unless such lobbyist complies with all lobbying laws and lobbyist reporting requirements of this act.

**Credits**

Laws 1974, ch. 353, § 53; Laws 1997, ch. 155, § 3.

K. S. A. 46-267, KS ST 46-267

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-268

46-268. Reports filed electronically by lobbyists; form, time of filing and contents; filed with secretary of state.

(a) Except as otherwise provided in subsection (b), every lobbyist shall file electronically with the secretary of state a report of employment and expenditures on a form and in the manner prescribed and provided by the commission. A report shall be filed on or before the 10th day of the months of February, March, April, May, September and January. Reports shall include all expenditures which are required to be reported under K.S.A. 46-269, and amendments thereto, or a statement that no expenditures in excess of \$100 were made for such purposes, during the preceding calendar month or months since the period for which the last report was filed.

(b) For any calendar year in which a lobbyist expects to expend an aggregate amount of less than \$100 for lobbying in each reporting period, a lobbyist shall file electronically an affidavit of such intent with the secretary of state. Such lobbyist shall not be required to file the reports required under subsection (a) for the year for which such affidavit is filed. If in any reporting period a lobbyist filing such affidavit expends in excess of \$100 in reportable expenses, a report shall be filed for such period in the manner prescribed by subsection (a).

**Credits**

Laws 1974, ch. 353, § 54; Laws 1975, ch. 272, § 19; Laws 1983, ch. 173, § 1; Laws 1991, ch. 150, § 33; Laws 1995, ch. 172, § 4; Laws 2015, ch. 85, § 14, eff. July 1, 2015; Laws 2018, ch. 88, § 3, eff. July 1, 2018.

K. S. A. 46-268, KS ST 46-268

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.



K.S.A. 46-269

46-269. Same; public record; content of report; contribution to a single special legislative event; reports by lobbyists; requirements; maintenance of records; inspection by commission.

Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. The expenditures shall be reported according to the following categories of expenditures:

- (1) Food and beverages provided as hospitality;
- (2) entertainment, gifts, honoraria or payments;
- (3) mass media communications;
- (4) recreation provided as hospitality;
- (5) communications for the purpose of influencing legislative or executive action; and
- (6) all other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality that is primarily recreation, food and beverages, only amounts expended on a state officer or employee or state officer elect or on an employee or officer or officer elect of the judicial branch or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c)(1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to state officers or employees or state officers elect or to members, members elect or employees of the judicial branch of government. Such report shall disclose the full name of the legislator or legislator elect, member, member elect or employee of the judicial branch or the state officer or employee or state officer elect who received such gift, entertainment or hospitality, the amount expended on such gift, entertainment or hospitality and the date the gift, entertainment or hospitality was provided.

- (2) No report shall be required to be filed pursuant to this subsection (c) for the following:
  - (A) Meals, the provision of which is motivated by a personal or family relationship;
  - (B) meals provided at public events in which the person is attending in an official capacity;

(C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person's official position;

(D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and

(E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:

(i) All members of the legislature or all members of either house of the legislature; or

(ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(c) Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(d) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(d) All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.

### **Credits**

Laws 1974, ch. 353, § 55; Laws 1975, ch. 272, § 20; Laws 1981, ch. 171, § 45; Laws 1983, ch. 173, § 2; Laws 1987, ch. 199, § 1; Laws 1990, ch. 306, § 12; Laws 1991, ch. 150, § 44; Laws 1997, ch. 155, § 1; Laws 2000, ch. 124, § 3; Laws 2018, ch. 51, § 6, eff. July 1, 2018.

K. S. A. 46-269, KS ST 46-269

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-270

46-270. Name tags for registered lobbyists; dimensions and specifications; duties of secretary of state; tags to be worn in state capitol.

The secretary of state shall obtain suitable name tags in two colors, of a size not smaller than two inches by three inches, to be fastened on the outside of the wearer's garment with lettering adequate in size and clarity to be readable at a distance of three feet by individuals of normal vision, bearing the name of the lobbyist, the names of the persons compensating or appointing the lobbyist and the year. The secretary of state shall present to each individual registering under K.S.A. 46-264 and 46-265 one such tag, and such tag shall be worn by the lobbyist when lobbying in the state capitol building.

**Credits**

Laws 1974, ch. 353, § 56.

K. S. A. 46-270, KS ST 46-270

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

## K.S.A. 46-271

### 46-271. Lobbying restrictions; gifts or contributions; hospitality; exceptions.

No lobbyist 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 any state officer or employee or candidate for state office or to any officer or candidate for office or employee of the judicial branch with a major purpose of influencing the state officer or employee or candidate for state office in the performance of official duties or prospective official duties or the officer or candidate for office or employee of the judicial branch in the performance of any judicial administrative matter, as defined in K.S.A. 46-225, and amendments thereto. Hospitality in the form of recreation, food and beverages are presumed not to be given to influence a state officer or employee or candidate for state office in the performance of official duties, or an officer or candidate for office or employee of the judicial branch in the performance of any judicial administrative matter, as defined in K.S.A. 46-225, and amendments thereto, except when a particular course of official action is to be followed as a condition thereon.

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

#### **Credits**

Laws 1974, ch. 353, § 57; Laws 1974, ch. 354, § 2; Laws 1991, ch. 150, § 51; Laws 2018, ch. 51, § 7, eff. July 1, 2018.

K. S. A. 46-271, KS ST 46-271

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-272

46-272. Same; purchase or lease of property or acquisition of services from state officer or employee, candidate for state office or associated person.

No lobbyist shall pay or agree to pay to any state officer or employee, candidate for state office or an associated person thereof a price, fee, compensation or other consideration for the sale or lease of any property or the furnishing of services which is substantially in excess of that which other persons in the same business or profession would charge in the ordinary course of business.

**Credits**

Laws 1974, ch. 353, § 58.

K. S. A. 46-272, KS ST 46-272

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-273

46-273. Same; improper influence over state agency in representation case.

(a) No lobbyist shall offer employment or employ any state officer or employee or associated person thereof for a representation case, with intent to obtain improper influence over a state agency.

(b) No lobbyist shall offer employment or employ any state officer or employee or associated person to use or attempt to use threat or promise of official action in an attempt to influence a state agency in any representation case.

**Credits**

Laws 1974, ch. 353, § 59.

K. S. A. 46-273, KS ST 46-273

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-274

46-274. Unlawful lobbying defined and classified as crime.

Unlawful lobbying is (1) lobbying without being registered as provided by this act, or (2) lobbying when a current report under K.S.A. 46-268 and 46-269, has not been filed and is past due. Unlawful lobbying is a class B misdemeanor.

**Credits**

Laws 1974, ch. 353, § 60; Laws 1975, ch. 272, § 21.

K. S. A. 46-274, KS ST 46-274

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-275

46-275. Giving false lobbying information defined and classified as crime.

Giving false lobbying information is intentionally (1) making a false or incomplete statement on any registration paper under K.S.A. 46-265, or

(2) making a false or incomplete report under K.S.A. 46-268 and 46-269.

Giving false lobbying information is a class B misdemeanor.

**Credits**

Laws 1974, ch. 353, § 61; Laws 1975, ch. 272, § 22.

K. S. A. 46-275, KS ST 46-275

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.



K.S.A. 46-276

46-276. Violations of certain sections classified as crimes.

Violation of any provision of K.S.A. 46-232, 46-233, 46-235 to 46-238, 46-240, 46-241, 46-242, 46-267 and 46-271 to 46-273, inclusive, and amendments thereto, and K.S.A. 46-286, and amendments thereto, is a class B misdemeanor.

**Credits**

Laws 1974, ch. 353, § 62; Laws 1975, ch. 272, § 23; Laws 1983, ch. 172, § 12; Laws 1995, ch. 40, § 1.

K. S. A. 46-276, KS ST 46-276

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-277

46-277. Intent required for act, action or conduct to constitute violation.

No act, action or conduct of any person shall constitute a violation of this act which is actionable by complaint before the commission, or by criminal complaint, unless such act, action or conduct is intentionally violative of a provision of this act or intentionally violative of more than one provision of this act.

**Credits**

Laws 1974, ch. 353, § 63.

K. S. A. 46-277, KS ST 46-277

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-278

46-278. Severability.

If any provision of this act or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this act which can be given effect without the invalid application or provision, and to this end the provision of this act are declared to be severable.

**Credits**

Laws 1974, ch. 353, § 64.

K. S. A. 46-278, KS ST 46-278

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-280

46-280. Failure to register or file reports; late filing; civil penalty.

(a) Except as provided in subsection (b), the commission shall send a notice by registered or certified mail to any person failing to register or to file any report or statement as required by K.S.A. 46-247 or 46-265, and amendments thereto, within the time period prescribed therefor. The notice shall state that the required registration, report or statement had not been filed with the office of secretary of state. The notice also shall state that such person shall have five days from the date of receipt of such notice to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within such period, such person shall pay to the state a civil penalty of \$10 per day for each day that such person remains unregistered or that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300. The commission may waive, for good cause, payment of any civil penalty imposed hereunder.

(b) Subject to the notice provisions of subsection (a), reports required for lobbyists under K.S.A. 46-268, and amendments thereto, that are late more than 48 hours shall be subject to civil penalties as provided in subsection (b)(2).

(2)<sup>1</sup> The lobbyist shall be liable for a civil penalty of \$100 for the first day the report is more than 48 hours late and \$50 for each subsequent day the report is late, but in no case shall the civil penalty exceed \$1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(c) Whenever the commission shall determine that any report filed by a lobbyist as required by K.S.A. 46-269, and amendments thereto, is incorrect, incomplete or fails to provide the information required by such section, the commission shall notify such lobbyist by registered or certified mail, specifying the deficiency. Such notice shall state that the lobbyist shall have 30 days from the date of the receipt of such notice to file an amended report correcting such deficiency before a civil penalty will be imposed and the registration of such lobbyist revoked and the badge be required to be returned to the office of the secretary of state. A copy of such notice shall be sent to the office of the secretary of state. If such lobbyist fails to file an amended report within the time specified, such lobbyist shall pay to the commission a civil penalty of \$10 per day for each day that such person fails to file such report except that no such civil penalty shall exceed \$300. On the 31st day following the receipt of such notice, the registration of any lobbyist failing to file such amended report shall be revoked.

(d) Civil penalties provided for by 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 commission fee fund.

(e)(1) Except as provided in paragraph (2), if a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

(2) If a person required to file under K.S.A. 46-247(f), and amendments thereto, fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover the civil penalty in the district court of Shawnee county, Kansas.

**Credits**

Laws 1978, ch. 146, § 1; Laws 1981, ch. 171, § 46; Laws 1988, ch. 180, § 2; Laws 1991, ch. 150, § 48; Laws

1998, ch. 117, § 23; Laws 1998, ch. 168, § 4; Laws 2001, ch. 5, § 153; Laws 2018, ch. 88, § 4, eff. July 1, 2018.

### **Footnotes**

1 So in enrolled bill; no (b)(1) was enacted.

K. S. A. 46-280, KS ST 46-280

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-281

46-281. Application of definitions in 46-282 through 46-285.

As used in this act and article 2 of chapter 46 of Kansas Statutes Annotated, and amendments thereto, the definitions in K.S.A. 46-282 to 46-285, inclusive, shall apply.

**Credits**

Laws 1983, ch. 172, § 3.

K. S. A. 46-281, KS ST 46-281

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-282

46-282. "Designee" defined.

"Designee" means:

(a) Any state officer, employee or member of any agency, department, division, bureau or other unit of state government who holds a position: (1) Defined as a major policy making position; (2) responsible for contracting, purchasing or procurement, except persons whose sole responsibility is the purchasing of gasoline or emergency repair for a state vehicle assigned to them for their use or persons whose sole responsibility relating to purchasing or procurement includes only transactions pursuant to preexisting state contracts; (3) responsible for writing or drafting specifications for contracts; (4) responsible for awarding grants, benefits or subsidies; or (5) responsible for inspecting, licensing or regulating any person or entity.

(b) "Designee" does not include any driver's license examiner of the department of revenue or any person performing ministerial functions.

**Credits**

Laws 1983, ch. 172, § 4; Laws 1984, ch. 189, § 4.

K. S. A. 46-282, KS ST 46-282

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-283

46-283. “Major policy making” position defined.

“Major policy making” position means (a) the administrative head or heads or executive of a state agency or (b) the head of each department, division, bureau or other major administrative unit within a state agency.

**Credits**

Laws 1983, ch. 172, § 5; Laws 1984, ch. 189, § 5.

K. S. A. 46-283, KS ST 46-283

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.



K.S.A. 46-284

46-284. “Consultant” defined.

“Consultant” means an individual who is called on for professional or technical advice or opinions.

**Credits**

Laws 1983, ch. 172, § 6; Laws 1984, ch. 189, § 6.

K. S. A. 46-284, KS ST 46-284

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-285

46-285. Heads of state agencies to submit lists of designees; additional information regarding designees required; organizational chart; certification; filing with secretary of state.

(a) The head of every state agency shall submit a list of designees under the agency head's jurisdiction, identifying the positions, names and home mailing addresses of all designees of that agency to the commission annually between March 15 and March 31, inclusive. The agency head may prepare and submit a separate list for each department, division, bureau or other unit within the agency head's jurisdiction. The agency head shall attach to each list an organizational chart for the agency, department or division to which that list corresponds and shall certify the list to be correct. The agency head shall notify the commission of the name, home address and position of any new designee under the agency head's jurisdiction within 10 days of appointment. The commission may request the head of a state agency to make additions to or deletions from the list.

(b) The commission shall transmit promptly copies of all lists received under this section to the secretary of state.

**Credits**

Laws 1983, ch. 172, § 7; Laws 1984, ch. 189, § 7.

K. S. A. 46-285, KS ST 46-285

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-286

46-286. Participation by state officer or employee in licensure, regulation or in any contract with any organization with which such person holds a position prohibited; exceptions.

(a) No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with any outside organization with which the officer or employee holds a position.

(b) This section shall not apply to appointed or elected members of a state board, council or commission, except that no member of such board, council or commission shall participate in any license, inspection or contract on behalf of their state board, council or commission with any outside organization with which such member is associated or the holding of a position as a member of an advisory board, council or commission of an outside organization or of a position of a voluntary or charitable nature if the advisory, voluntary or charitable position is taken without any expectation or acceptance of remuneration other than reimbursement of necessary and actual expenses.

**Credits**

Laws 1983, ch. 172, § 10; Laws 1984, ch. 189, § 8.

K. S. A. 46-286, KS ST 46-286

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-287

46-287. Advertising to influence legislative action; prohibited acts.

(a) No person shall publish or cause to be published in any newspaper or other periodical or cause to be distributed as an insert or flyer in any newspaper or periodical any paid advertisement promoting or opposing action or nonaction by the legislature on any legislative matter unless such advertisement is followed by the word “advertisement” or the abbreviation “adv.” in a separate line, together with the name of the chairperson of the organization or other individual causing the advertisement to be published.

(b) No person shall broadcast or cause to be broadcast by any radio or television station any paid advertisement promoting or opposing action or nonaction by the legislature on any legislative matter unless such advertisement is followed by a statement that the preceding was an advertisement, together with the name of the chairperson of the organization or other individual causing the advertisement to be broadcast.

(c) Violation of this section is a class C misdemeanor.

(d) The provisions of this section shall be subject to interpretation and enforcement in the manner provided by K.S.A. 46-254 through 46-263, and amendments thereto, and the commission shall have the powers and duties provided by such sections with respect to interpretation and enforcement of this section.

(e) Terms used in this section have the meanings provided by K.S.A. 46-216 through 46-231, and amendments thereto.

**Credits**

Laws 1988, ch. 179, § 1; Laws 1990, ch. 306, § 13.

K. S. A. 46-287, KS ST 46-287

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

## K.S.A. 46-288

### 46-288. Violations of state governmental ethics laws; civil fine.

The commission, in addition to any other penalty prescribed under K.S.A. 46-215 through 46-286, and amendments thereto, may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation pursuant to K.S.A. 46-215 through 46-286, and amendments thereto, 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 commission fee fund.

#### **Credits**

Laws 1988, ch. 181, § 2; Laws 1991, ch. 150, § 34; Laws 1998, ch. 117, § 24; Laws 2001, ch. 5, § 154.

K. S. A. 46-288, KS ST 46-288

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-289

46-289. Same; cease and desist order; emergencies.

(a If the commission determines after notice and opportunity for a hearing that any person has engaged or is engaging in any act or practice constituting a violation of any provision of K.S.A. 46-215 through 46-286, and amendments thereto, or any rule and regulation or order hereunder, the commission by order may require that such person cease and desist from the unlawful act or practice and take such affirmative action as in the judgment of the commission will carry out the purposes of K.S.A. 46-215 through 46-286, and amendments thereto.

(b If the commission makes written findings of fact that the public interest will be irreparably harmed by delay in issuing an order under subsection (a), the commission may issue an emergency temporary cease and desist order. Such order, even when not an order within the meaning of K.S.A. 77-502 and amendments thereto, shall be subject to the same procedures as an emergency order issued under K.S.A. 77-536 and amendments thereto. Upon the entry of such an order, the commission shall promptly notify the person subject to the order that it has been entered, of the reasons therefor and that upon written request the matter will be set for a hearing which shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If no hearing is requested and none is ordered by the commission, the order will remain in effect until it is modified or vacated by the commission. If a hearing is requested or ordered, the commission, after notice of and opportunity for hearing to the person subject to the order, shall by written findings of fact and conclusions of law vacate, modify or make permanent the order. Any such order shall be enforceable in any court of competent jurisdiction.

**Credits**

Laws 1988, ch. 181, § 3; Laws 1991, ch. 150, § 35.

K. S. A. 46-289, KS ST 46-289

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-290

46-290. Same; injunction; restraining order; mandamus.

Whenever it appears to the commission that any person has engaged in any act or practice constituting a violation of any provision of K.S.A. 46-215 through 46-286, and amendments thereto, or any rule and regulation or order hereunder, the commission may bring an action in any court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with K.S.A. 46-215 through 46-286, and amendments thereto, or any rule and regulation or order hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, restitution, writ of mandamus or other equitable relief shall be granted.

**Credits**

Laws 1988, ch. 181, § 4; Laws 1991, ch. 150, § 36.

K. S. A. 46-290, KS ST 46-290

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-291

46-291. Same; consent decree.

The commission may enter into a consent decree with any person who has violated any provision of K.S.A. 46-215 through 46-286, and amendments thereto.

**Credits**

Laws 1988, ch. 181, § 5; Laws 1991, ch. 150, § 37.

K. S. A. 46-291, KS ST 46-291

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.



K.S.A. 46-292

46-292. Same; appeal of commission orders.

Any person aggrieved by any order of the commission pursuant to this act may appeal such order in accordance with the provisions of the Kansas judicial review act.

**Credits**

Laws 1988, ch. 181, § 6; Laws 1991, ch. 150, § 38; Laws 2010, ch. 17, § 84, eff. July 1, 2010.

K. S. A. 46-292, KS ST 46-292

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-293

46-293. Severability of chapter 150 of the Laws of 1991.

If any provision of this act or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this act which can be given effect without the invalid application or provision, and to this end the provisions of this act are declared to be severable.

**Credits**

Laws 1991, ch. 150, § 52.

K. S. A. 46-293, KS ST 46-293

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-294

46-294. Contracts involving state universities; state employee; restrictions.

(a) Notwithstanding the provisions of K.S.A. 46-215 through 46-293, and amendments thereto, an employee of a state university may provide significant factual information or advice or recommendations in relation to the negotiated terms of a technology licensing agreement or other research or development agreement between the state university and a company in which the employee has a substantial interest, provided that the employee does not have the authority to negotiate the terms of such agreement, or to approve such agreement on behalf of the state university. Nothing in this section shall allow an employee of a state university, in such employee's capacity as a state university employee, to provide advice or recommendations in relation to the negotiated terms of an agreement, which would directly affect such employee's financial benefit.

(b) For the purposes of this section, the phrase "research or development" means those activities and services relating to the development, transfer or commercialization of technology or other intellectual property.

(c) This section shall be a part of and supplemental to the state governmental ethics law.

**Credits**

Laws 2012, ch. 168, § 7, eff. July 1, 2012.

K. S. A. 46-294, KS ST 46-294

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 46-295

46-295. Lobbying; governmental entities; report required.

(a) Every person who is registered as a lobbyist shall file with the secretary of state a detailed report listing the amount of public funds paid to hire or contract for the lobbying services on behalf of: (1) A governmental entity; or (2) any association of governmental entities that receive public funds. The report shall include a listing of the amount of public funds paid to hire or contract for the lobbying services of such lobbyist and which association of governmental entities that receive public funds hired such lobbyist on a form and in the manner prescribed and provided by the governmental ethics commission. Each report required to be filed by this section is a public record and shall be open to public inspection upon request. A report shall be filed on or before January 10, 2017, and on or before January 10 of each subsequent year for the reporting period containing the preceding calendar year.

(b) The reports filed with the secretary of state pursuant to subsection (a) shall be made available on a searchable public website by the secretary of state.

(c) As used in this section:

(1) "Governmental entity" has the meaning as defined in K.S.A. 75-6102, and amendments thereto.

(2) "Lobbying" has the meaning as defined in K.S.A. 46-225, and amendments thereto.

(3) "Public funds" means moneys appropriated by the state or any of its subdivisions.

**Credits**

Laws 2015, ch. 85, § 1, eff. July 1, 2015.

K. S. A. 46-295, KS ST 46-295

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.