

**HOUSE BILL No. 2617**

By Committee on Elections

Requested by Representative Carlin

1-29

1 AN ACT concerning state governmental ethics; relating to members of the  
2 legislature; prohibiting voting on certain legislative matters in which a  
3 member has a special interest; amending K.S.A. 46-214a and 46-288  
4 and repealing the existing sections.  
5

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

7 New Section 1. No legislator shall vote on or take any other action in  
8 favor of or against a legislative matter if such legislator or such legislator's  
9 immediate family member has a special interest in such legislative matter.  
10 Any legislator who is prohibited from taking action on a legislative matter  
11 under this section shall abstain from any vote on such legislative matter  
12 and shall be excused for any such vote.

13 New Sec. 2. "Immediate family member" means a spouse, child,  
14 parent, sibling, grandchild or grandparent of a person.

15 Sec. 3. K.S.A. 46-214a is hereby amended to read as follows: 46-  
16 214a. K.S.A. 46-215 through 46-293 ~~and K.S.A. 46-237a~~, and  
17 amendments thereto, *and sections 1 and 2, and amendments thereto*, shall  
18 be known and may be cited as the state governmental ethics law.

19 Sec. 4. K.S.A. 46-288 is hereby amended to read as follows: 46-288.  
20 The commission, in addition to any other penalty prescribed under K.S.A.  
21 46-215 through 46-286, and amendments thereto, may assess a civil fine,  
22 after proper notice and an opportunity to be heard, against any person for a  
23 violation pursuant to K.S.A. 46-215 through 46-286, and amendments  
24 thereto, *or section 1, and amendments thereto*, in an amount not to exceed  
25 \$5,000 for the first violation, not to exceed \$10,000 for the second  
26 violation and not to exceed \$15,000 for the third violation and for each  
27 subsequent violation. All fines assessed and collected under this section  
28 shall be remitted to the state treasurer in accordance with the provisions of  
29 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
30 remittance, the state treasurer shall deposit the entire amount in the state  
31 treasury to the credit of the governmental ethics commission fee fund.

32 Sec. 5. K.S.A. 46-214a and 46-288 are hereby repealed.

33 Sec. 6. This act shall take effect and be in force from and after its  
34 publication in the statute book.

## 2023 Kansas Statutes

**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.

**History:** L. 1974, ch. 353, § 29; L. 1986, ch. 318, § 66; L. 1991, ch. 150, § 50; L. 2010, ch. 17, § 82; July 1.