

HOUSE BILL No. 2015

By Representative Esau

1-6

1 AN ACT concerning the governmental ethics commission; dealing with
2 certain investigations and procedures; amending K.S.A. 25-4161 and
3 46-256 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 25-4161 is hereby amended to read as follows: 25-
7 4161. (a) If a complaint is filed and the commission determines that ~~such~~
8 *the* verified complaint does not allege facts, directly or upon information
9 and belief, sufficient to constitute a violation of any provision of the
10 campaign finance act, it shall dismiss the complaint and notify the
11 complainant and respondent ~~thereof, in writing, of the reasons for such~~
12 *determination.*

13 (b) Whenever a complaint is filed with the commission alleging a
14 violation of a provision of the campaign finance act, ~~such the~~ filing and the
15 allegations therein shall be confidential and shall not be disclosed except
16 as provided in the campaign finance act.

17 (c) If a complaint is filed and the commission determines that ~~such~~
18 *the* verified complaint does allege facts, directly or upon information and
19 belief, sufficient to constitute a violation of any of the provisions of the
20 campaign finance act, the commission shall promptly investigate the
21 alleged violation.

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

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

36 (f) The remedies and protections provided by K.S.A. 75-2973, and

1 amendments thereto, shall be available to any state employee against
2 whom disciplinary action has been taken for filing a complaint pursuant to
3 this act.

4 Sec. 2. K.S.A. 46-256 is hereby amended to read as follows: 46-256.

5 (a) If the commission determines that a verified complaint does not allege
6 facts, directly or upon information and belief, sufficient to constitute a
7 violation of any provision of this act, it shall dismiss the complaint and
8 notify the complainant and respondent ~~thereof~~, *in writing, of the reasons*
9 *for such determination.*

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

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

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

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

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

36 Sec. 3. K.S.A. 25-4161 and 46-256 are hereby repealed.

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