

K.S.A. Chapter 25, Article 41

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K.S.A. 25-4119a

25-4119a. Governmental ethics commission; membership; terms; meetings; compensation and allowance, staff; fees; rules and regulations; annual report.

(a) There is hereby created the Kansas commission on governmental standards and conduct.

(b) On July 1, 1998, the Kansas commission on governmental standards and conduct is hereby redesignated as the governmental ethics commission. On and after July 1, 1998, whenever the Kansas commission on governmental standards and conduct, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the governmental ethics commission. Nothing in this act shall be construed as abolishing and reestablishing the Kansas commission on governmental standards and conduct. The commission shall consist of nine members of whom two shall be appointed by the governor, one by the president of the senate, one by the speaker of the house of representatives, one by the minority leader of the house of representatives, one by the minority leader of the senate, one by the chief justice of the supreme court, one by the attorney general and one by the secretary of state. Nothing in this act shall be construed as affecting the terms of members serving on July 1, 1998. Not more than five members of the commission shall be members of the same political party and the two members appointed by the governor shall not be members of the same political party.

(c) The terms of all subsequently appointed members shall be two years commencing on February 1 of the appropriate years. Vacancies occurring on the commission shall be filled for the unexpired term by the same appointing officer as made the original appointment. Members shall serve until their successors are appointed and qualified. The governor shall designate one of the members appointed by the governor to be the chairperson of the commission. A majority vote of five members of the commission shall be required for any action of the commission. The commission may adopt rules to govern its proceedings and may provide for such officers other than the chairperson as it may determine. The commission shall meet at least once each quarter, and also shall meet on call of its chairperson or any four members of the commission. Members of the commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in subsections (a) to (d), inclusive, of K.S.A. 75-3223, and amendments thereto. The commission shall appoint an executive director who shall be in the unclassified service and receive compensation fixed by the commission, in accordance with appropriation acts of the legislature, subject to approval by the governor. The commission may employ such other staff and attorneys as it determines, within amounts appropriated to the commission, all of whom shall be in the unclassified service and shall receive compensation fixed by the commission and not subject to approval by the governor.

(d) The commission may adopt rules and regulations for the administration of the campaign finance act. Subject to K.S.A. 25-4178, and amendments thereto, rules and regulations adopted by the commission created prior to this act shall continue in force and effect and shall be deemed to be the rules and regulations of the commission created by this section of this enactment, 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. The commission shall continue to administer all of the acts administered by the commission to which it is successor.

(e) The commission may provide copies of opinions, informational materials compiled and published by the

commission and public records filed in the office of the commission to persons requesting the same and may adopt rules and regulations fixing reasonable fees therefor. All fees collected by the commission under the provisions of this subsection 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.

(f) The commission shall submit an annual report and recommendations in relation to all acts administered by the commission to the governor and to the legislative coordinating council on or before December 1 of each year. The legislative coordinating council shall transmit such report and recommendations to the legislature.

(g) Whenever the Kansas commission on governmental standards and conduct, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the governmental ethics commission.

Credits

Laws 1975, ch. 272, § 14; Laws 1979, ch. 112, § 1; Laws 1981, ch. 171, § 39; Laws 1986, ch. 143, § 1; Laws 1990, ch. 306, § 6; Laws 1991, ch. 150, § 1; Laws 1992, ch. 116, § 25; Laws 1998, ch. 117, § 1; Laws 2001, ch. 5, § 87.

K. S. A. 25-4119a, KS ST 25-4119a

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

K.S.A. 25-4119b

25-4119b. Same; transfer of powers, duties and functions; former opinions and rules and regulations.

(a) All of the powers, duties and functions of the existing governmental ethics commission are hereby transferred to and conferred and imposed upon the Kansas public disclosure commission created by K.S.A. 25-4119a, as amended.

(b) The Kansas public disclosure commission created by K.S.A. 25-4119a, as amended, shall be the successor in every way to the powers, duties and functions of the governmental ethics commission in which the same were vested prior to the effective date of this act.

(c) Whenever the governmental ethics commission, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas public disclosure commission created by K.S.A. 25-4119a, as amended.

(d) Subject to K.S.A. 25-4178, all opinions rendered pursuant to K.S.A. 25-4120 and 46-254 by the governmental ethics commission before the effective date of this act shall continue to be in force and effect and shall be deemed to be opinions of the Kansas public disclosure commission created by K.S.A. 25-4119a, as amended, until revised, amended or nullified pursuant to law.

(e) The Kansas public disclosure commission created by K.S.A. 25-4119a, as amended, shall be a continuation of the governmental ethics commission.

Credits

Laws 1975, ch. 272, § 15; Laws 1981, ch. 171, § 40.

K. S. A. 25-4119b, KS ST 25-4119b

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

K.S.A. 25-4119d

25-4119d. Membership on commission; qualifications for.

(a) From and after the effective date of this act, no person shall be appointed to membership on the commission who has held the office of chairperson, vice chairperson or treasurer of any county, district or state political party committee, or who within five years preceding the date of such appointment has been a candidate for or the holder of any partisan political office or who has within three years preceding the date of such appointment: (1) Held an elective state office; (2) held the office of secretary of any department of state government; (3) been a lobbyist as defined by K.S.A. 46-222, and amendments thereto; (4) been an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof; or (5) provided services under contract to the state of Kansas or any agency thereof.

(b) While serving on the commission created by K.S.A. 25-4119a, and amendments thereto, no member shall: (1) Be an individual subject to the provisions of the campaign finance law or the provisions of K.S.A. 46-215 et seq., and amendments thereto, administered or enforced by the commission; (2) serve as a chairperson or treasurer for any candidate or committee subject to the provisions of the campaign finance act; (3) actively solicit contributions subject to the provisions of the campaign finance act; (4) be a lobbyist as defined by K.S.A. 46-222, and amendments thereto; (5) be an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof; (6) provide services under contract to the state of Kansas or any agency thereof; (7) be a candidate for or the holder of any partisan political office; (8) be the chairperson, vice chairperson or treasurer of any county, district or state political party committee; (9) directly or indirectly solicit contributions for any partisan political party or any organization thereof or any candidate for partisan political office; or (10) endorse any candidate for any partisan political office subject to the provisions of this act.

(c) Whenever any member of the commission is ineligible to serve as a member thereof under the provisions of subsections (a) and (b) of this section, the membership of such person shall terminate and such person shall no longer be eligible to participate in any action or proceeding by the commission. Such vacancy shall be filled in the manner prescribed by K.S.A. 25-4119a, and amendments thereto.

Credits

Laws 1979, ch. 110, § 3; Laws 1981, ch. 171, § 41; Laws 1990, ch. 306, § 7; Laws 1991, ch. 150, § 2; Laws 1993, ch. 244, § 1.

K. S. A. 25-4119d, KS ST 25-4119d

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

K.S.A. 25-4119e

25-4119e. Governmental ethics commission fee fund; expenditures.

(a) There is hereby established in the state treasury the governmental ethics commission fee fund. All moneys credited to such fund shall be used for the operations of the commission in the performance of powers, duties and functions prescribed by law. All expenditures from such fund shall be made in accordance with the provisions of appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the commission or the chairperson's designee.

(b) The director of accounts and reports is hereby directed to transfer all moneys in the Kansas commission on governmental standards and conduct fee fund to the governmental ethics commission fee fund established pursuant to subsection (a). All liabilities of the Kansas commission on governmental standards and conduct fee fund existing prior to July 1, 1998, are hereby imposed on the governmental ethics commission fee fund established pursuant to subsection (a). The Kansas commission on governmental standards and conduct fee fund is hereby abolished.

Credits

Laws 1991, ch. 150, § 3; Laws 1998, ch. 117, § 2.

K. S. A. 25-4119e, KS ST 25-4119e

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

K.S.A. 25-4119f

25-4119f. Candidate filing fees for support of commission; credit to commission fee fund.

(a) In addition to any other fee required by law, every person becoming a candidate for the following offices shall pay a fee at the time of filing for such office in the amount prescribed by this section:

- (1) Governor and lieutenant governor..... \$650;
- (2) state offices elected by statewide election, other than the governor and lieutenant governor..... \$650;
- (3) state senator, state representative, state board of education, district attorney, board of public utilities of the city of Kansas City and elected county offices..... \$50;
and
- (4) members of boards of education of unified school districts having 35,000 or more pupils regularly enrolled in the preceding school year, members of governing bodies of cities of the first class and judges of the district court in judicial districts in which judges are elected..... \$50

(b) The secretary of state shall remit all fees received by that office to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. County election officers receiving fees in accordance with this section shall remit such fees to the county treasurer of the county who shall quarterly remit the same to the state treasurer. 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 1991, ch. 150, § 4; Laws 1993, ch. 32, § 1; Laws 1994, ch. 144, § 1; Laws 1995, ch. 192, § 15; Laws 1998, ch. 117, § 3; Laws 2000, ch. 168, § 1; Laws 2001, ch. 5, § 88; Laws 2015, ch. 85, § 4, eff. July 1, 2015.

K. S. A. 25-4119f, KS ST 25-4119f

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

K.S.A. 25-4119g

25-4119g. Statement of fair campaign practices; preparation; mailing to candidates.

The commission shall prepare a statement of fair campaign practices to assist candidates in the proper conduct of election campaigns. A copy of such statement shall be mailed by the commission to each candidate at the time of the receipt of notice of appointment of a treasurer or candidate committee by such candidate.

Credits

Laws 1991, ch. 150, § 49.

K. S. A. 25-4119g, KS ST 25-4119g

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

K.S.A. 25-4119h

25-4119h. Application of the Kansas administrative procedure act, the Kansas code of civil procedure and the Kansas judicial review act to actions of the commission; limitations; waiver of any civil or legal right of respondent prohibited rules and regulations to provide standards of recusal of members and employees.

- (a) The provisions of the Kansas administrative procedure act, the Kansas code of civil procedure and the Kansas judicial review act shall apply to actions by the governmental ethics commission or commission staff, including, but not limited to, applications for judicial relief in district court. All actions filed by the commission in district court pursuant to this act shall constitute a claim for purposes of the Kansas public speech protection act.
- (b) Any action before the commission shall be brought within five years of the act giving rise to the cause of action or complaint.
- (c) No action by the commission, including, but not limited to, the issuance of any consent order, order dismissing a complaint or any other preliminary or final order by the commissions, shall require a respondent to waive any civil or legal rights to judicial recourse in any manner.
- (d) The commission shall provide by rules and regulations the standards by which any member of the commission, the executive director or any other person employed or engaged by the commission shall recuse themselves from any matter before the commission by reason of a conflict of interest, appearance of impropriety or other basis affecting the ability of the commission to neutrally and fairly enforce the campaign finance act.

Credits

2023 Kan. Laws Ch. 23, Sec. 1, eff. April 20, 2023.