

HB 2391—Brief

HB 2391 amends the campaign finance act and procedures before the Governmental Ethics Commission.

1. The provisions of the Kansas administrative procedure act, the Kansas code of civil procedure, the Kansas judicial review act and the Kansas public speech protection act shall apply to actions by the governmental ethics commission or commission staff. Sec 1.
2. A 2-year statute of limitations is established for bringing any action before the Commission. Sec. 1.
3. The executive director shall have the same qualifications as commission members.
4. The qualifications of commission members is relaxed somewhat— See Sec. 3.
5. Several new definitions are added to or definitions expanded in the campaign finance act: Agent, coordination or coordinated, and political committee. Sec 4.
6. An intermediate level for registration fees as for a political committee is established—between \$2,501 and \$10,000. Sec. 5.
7. Civil fines imposed shall be placed in the state general fund. Sec. 8.
8. The bill expands what campaign funds may be used for including:

--expenses, compensation or gifts provided to any volunteer, staff member or contractor of the candidate's campaign or provided to any volunteer or staff of the candidate's political office;
-- payment of any civil penalty imposed by the commission;
-- payment of legal fees related to any matter under this act;
--or expenses incurred for family caregiving services when such expenses are incurred as a result of the candidate's candidacy for office. Sec. 12.

9. The commission shall not have the power to issue any subpoena prior to the filing of a verified complaint before the Commission and a finding that probable cause exists pursuant to K.S.A.25-4161(e). The commission may request the attorney general or a county or district attorney file an application for an inquisition in a district court for the purpose of investigating potential violations of the campaign finance act.

10. Any attorney or staff member representing the complainant before the commission shall not engage in ex parte communications with or otherwise advise, represent or assist the commission regarding any matter before the commission. The commission shall obtain separate independent legal counsel in the event any attorney or staff member employed by the commission represents the complainant in any matter before the commission.

11. All hearings conducted shall be in accordance the Kansas administrative procedure act and the Kansas code of civil procedure. Upon the request of the respondent, any hearing held under this act may be removed for hearing before a presiding officer from the office of administrative hearings. The duties of confidentiality under this section shall apply only to members of the commission, the executive director or any person employed or engaged by the commission Sec. 14.

Prior to the commencement of any hearing before the commission, upon the request of any party, any hearing may be removed for hearing and pre-hearing procedure before a presiding officer from the

office of administrative hearings. Sec. 15.

10. The fine imposed by the commission in any one matter shall not exceed an amount that is double the applicable fine for a single violation in such matter. Nothing shall prevent the imposition of a separate fine by a court in a criminal proceeding.

The commission shall not reduce, waive or otherwise modify any fine previously imposed pursuant to a consent decree or final order.

The commission shall not order community service or any other specific performance in lieu of a civil fine as part of a consent decree or final order.

The commission shall not enter into any agreement with any person that legally binds the commission from enforcing any law against that person in exchange for the person's cooperation with or assistance of commission in any matter. Sec. 18.

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