

SENATE BILL No. 378

By Committee on Judiciary

1-27

1 AN ACT concerning employment; relating to prohibiting discrimination or
2 retaliation; victims of domestic violence or sexual assault; complaint
3 procedure; application of Kansas act against discrimination; amending
4 K.S.A. 2015 Supp. 44-1131 and 44-1133 and repealing the existing
5 sections.
6

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

8 Section 1. K.S.A. 2015 Supp. 44-1131 is hereby amended to read as
9 follows: 44-1131. As used in K.S.A. 44-1131 and 44-1132, and
10 amendments thereto:

11 (a) "Domestic violence" ~~means~~ shall have the meaning provided in
12 K.S.A. 2015 Supp. 21-5111, and amendments thereto, and also shall
13 include abuse as defined in K.S.A. 60-3102, and amendments thereto.

14 (b) "Sexual assault" means ~~any crime defined in K.S.A. 21-3502,~~
15 ~~prior to its repeal, or K.S.A. 2015 Supp. 21-5503, and amendments~~
16 ~~thereto, (rape), 21-3503, prior to its repeal, or subsection (a) of K.S.A.~~
17 ~~2015 Supp. 21-5506, and amendments thereto, (indecent liberties with a~~
18 ~~child), 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2015 Supp.~~
19 ~~21-5506, and amendments thereto, (aggravated indecent liberties with a~~
20 ~~child), 21-3505, prior to its repeal, or subsection (a) of K.S.A. 2015 Supp.~~
21 ~~21-5504, and amendments thereto, (criminal sodomy), 21-3506, prior to its~~
22 ~~repeal, or subsection (b) of K.S.A. 2015 Supp. 21-5504, and amendments~~
23 ~~thereto, (aggravated criminal sodomy), 21-3602, prior to its repeal, or~~
24 ~~subsection (a) of K.S.A. 2015 Supp. 21-5604, and amendments thereto,~~
25 ~~(incest) or 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2015~~
26 ~~Supp. 21-5604, and amendments thereto, (aggravated incest) a sex offense~~
27 ~~under article 35 of chapter 21 of the Kansas Statutes Annotated, prior to~~
28 ~~their repeal, article 55 of chapter 21 of the Kansas Statutes Annotated,~~
29 ~~and amendments thereto, or K.S.A. 2015 Supp. 21-5604 or 21-6419~~
30 ~~through 21-6422, and amendments thereto.~~

31 Sec. 2. K.S.A. 2015 Supp. 44-1133 is hereby amended to read as
32 follows: 44-1133. ~~The secretary of labor shall enforce K.S.A. 2015 Supp.~~
33 ~~44-1131 and 44-1132, and amendments thereto, and may adopt rules and~~
34 ~~regulations necessary to implement the provisions of K.S.A. 2015 Supp.~~
35 ~~44-1132, and amendments thereto. (a) Any person aggrieved by any~~
36 ~~alleged unlawful employment practice in violation of K.S.A. 2015 Supp.~~

1 44-1132, and amendments thereto, may file a complaint in the manner
2 provided for processing complaints of unlawful employment practices
3 under the Kansas act against discrimination.

4 (b) Reconsideration and judicial review of the Kansas human rights
5 commission's decision in the case shall be conducted in the manner
6 provided by K.S.A. 44-1010 and 44-1011, and amendments thereto.
7 Complaints filed with the commission on or after July 1, 2016, may be
8 dismissed by the commission on its own initiative, and shall be dismissed
9 by the commission upon the written request of the complainant, if the
10 commission has not issued a finding of probable cause or no probable
11 cause or taken other administrative action dismissing the complaint within
12 300 days of the filing of the complaint. The commission shall mail written
13 notice to all parties of dismissal of a complaint within five days of
14 dismissal. Dismissal of a complaint in accordance with this section shall
15 constitute final action by the commission which shall be deemed to
16 exhaust all administrative remedies under the Kansas act against
17 discrimination for the purpose of allowing subsequent filing of the matter
18 in court by the complainant, without the requirement of filing of a petition
19 for reconsideration pursuant to K.S.A. 44-1010, and amendments thereto.
20 Dismissal of a complaint in accordance with this section shall not be
21 subject to appeal or judicial review by any court under the provisions of
22 K.S.A. 44-1011, and amendments thereto.

23 (c) Contractors subject to the provisions of K.S.A. 44-1030, 44-1031
24 and 44-1032, and amendments thereto, shall be required to agree to the
25 same contract provisions with respect to K.S.A. 44-1132, and amendments
26 thereto.

27 (d) The commission shall have the powers provided by K.S.A. 44-
28 1030, 44-1031 and 44-1032, and amendments thereto, to enforce the
29 provisions of this section.

30 Sec. 3. K.S.A. 2015 Supp. 44-1131 and 44-1133 are hereby repealed.

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