

5
6 **SENATE BILL No. 32**

7
8 By Legislative Post Audit Committee

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10 1-12

11
12 AN ACT concerning certain state agencies; relating to the Kansas gov-
13 ernmental operations accountability law ~~and qualifications for cer-~~
14 ~~tain offices~~; amending K.S.A. 32-801, 74-2613, 74-5002f, 75-3702a,
15 75-4503, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701 and
16 75-5903 and K.S.A. 2000 Supp. 2-1904 and 74-560 and repealing the
17 existing sections.

18
19 *Be it enacted by the Legislature of the State of Kansas:*

20 Section 1. K.S.A. 2000 Supp. 2-1904 is hereby amended to read as
21 follows: 2-1904. (a) There is hereby established, to serve as an agency of
22 the state and to perform the functions conferred upon it in this act, the
23 state conservation commission. The state conservation commission shall
24 succeed to all the powers, duties and property of the state soil conser-
25 vation committee. The commission shall consist of nine members. ~~The~~
26 ~~following shall serve, ex officio, as members of the commission and shall~~
27 ~~hold office so long as they shall retain the office by virtue of which they~~
28 ~~shall be serving on the commission; as follows:~~

29 (1) The director of the cooperative extension service and the director
30 of the state agricultural experiment station ~~or their designees~~ located at
31 Manhattan, Kansas, *or such persons' designees shall serve, ex officio, as*
32 *members of the commission.*

33 (2) The commission shall ~~invite~~ *request* the secretary of agriculture
34 of United States of America to appoint one person and the ~~Kansas state~~
35 ~~board secretary of the Kansas department of~~ agriculture to appoint one
36 person, each of whom shall be residents of the state of Kansas to serve
37 ~~with the above mentioned members as a member~~ *as members* of the
38 commission. These members shall hold office for four years and until a
39 successor is appointed and qualifies, with terms commencing on the sec-
40 ond Monday in January beginning in 1973.

41 (3) Five members of the state commission shall be elected by the
42 conservation district supervisors at a time and place to be designated by
43 the state conservation commission. The method of electing *such* members

1 to be conducted as follows: The state is to be divided into five ~~(5)~~ separate
2 areas. Area No. I to include the following counties: Cheyenne, Rawlins,
3 Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan,
4 Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area
5 No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee,
6 Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell,
7 Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and
8 Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud, Lin-
9 colon, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey, King-
10 man, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford. Area
11 No. IV to include: Washington, Marshall, Nemaha, Brown, Doniphan,
12 Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth,
13 Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary, Dickinson,
14 Morris, Osage, Franklin and Miami. Area No. V to include: Marion,
15 Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Green-
16 wood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua,
17 Montgomery, Labette and Cherokee. Areas II and IV will elect in even
18 number years and Areas I, III and V shall elect in odd number years for
19 two year terms. The elected commission members from Areas I, III and
20 V shall take office on January 1, of the even number years. The remaining
21 two elected members of the state commission from Areas II and IV shall
22 take office on January 1, of the odd number years. The method of election
23 is to be by area caucus of the district supervisors of each of the five
24 separate areas of Kansas. The commission shall give each district notice
25 of the time and place of such annual election meeting by letter if a mem-
26 ber is to be elected to the commission from that area that year. The
27 selection of a successor to fill an unexpired term shall be by appointment
28 by the commission. The successor who is appointed to fill the unexpired
29 term shall be a resident of the same area as that of the predecessor.

30 (b) The commission shall keep a record of its official actions, shall
31 adopt a seal which seal shall be judicially noticed, and may perform such
32 acts, hold such public hearings and adopt rules and regulations necessary
33 for the execution of its functions under this act.

34 ~~(b)~~ (c) The state conservation commission may employ an adminis-
35 trative officer and such technical experts as it may require and shall de-
36 termine their qualifications and duties. Such officer and experts shall be
37 in the unclassified service of the Kansas civil service act and shall receive
38 annual salaries fixed by the commission and approved by the state finance
39 council. All other agents and employees, permanent or temporary, re-
40 quired by the state conservation commission, shall be within the classified
41 service of the Kansas civil service act. The commission may call upon the
42 attorney general of the state for such legal services as it may require. It
43 shall have authority to delegate to its chairperson, to one or more of its

1 members or to one or more agents or employees, such powers and duties
2 as it deems proper. It shall be supplied with suitable office accommo-
3 dations at the state capital, and shall be furnished with the necessary
4 supplies and equipment. Upon request of the commission, for the pur-
5 pose of carrying out any of its functions, the supervising officer of any
6 state agency or of any state institution of learning, insofar as may be
7 possible under available appropriations and having due regard to the
8 needs of the agency to which the request is directed, shall assign or detail
9 to the commission members of the staff or personnel of such agency or
10 institution of learning and make such special reports, surveys or studies
11 as the commission may request.

12 ~~(c)~~ (d) The commission shall designate its chairperson and, from time
13 to time, may change such designation. A majority of the commission shall
14 constitute a quorum, and the concurrence of a majority in any matter
15 within their duties shall be required for its determination. Members of
16 the state conservation commission attending meetings of such commis-
17 sion or attending a subcommittee meeting thereof authorized by such
18 commission shall be paid compensation, subsistence allowances, mileage
19 and other expenses as provided in K.S.A. 75-3223, and amendments
20 thereto. The commission shall provide for keeping of a full and accurate
21 record of all proceedings and of all resolutions, regulations and orders
22 issued or adopted.

23 ~~(d)~~ (e) In addition to the duties and powers hereinafter conferred
24 upon the state conservation commission, it shall have the following duties
25 and powers:

26 (1) To offer such assistance as may be appropriate to the supervisors
27 of conservation districts, organized as provided hereinafter, in the carry-
28 ing out of any of their powers and programs;

29 (2) to keep the supervisors of each of the several districts organized
30 under the provisions of this act informed of the activities and experience
31 of all other districts organized hereunder and to facilitate an interchange
32 of advice and experience between such districts and cooperation between
33 them;

34 (3) to coordinate the programs of the several conservation districts
35 organized hereunder;

36 (4) to secure the cooperation and assistance of the United States and
37 any of its agencies and of agencies of this state, in the work of such districts
38 and to contract with or to accept donations, grants, gifts and contributions
39 in money, services or otherwise from the United States or any of its agen-
40 cies or from the state or any of its agencies in order to carry out the
41 purposes of this act;

42 (5) to disseminate information throughout the state concerning the
43 activities and programs of the conservation districts organized hereunder

1 and to encourage the formation of such districts in areas where their
2 organization is desirable;

3 (6) to cooperate with and give assistance to watershed districts and
4 other special purpose districts in the state of Kansas for the purpose of
5 cooperating with the United States through the secretary of agriculture
6 in the furtherance of conservation pursuant to the provisions of the wa-
7 tershed protection and flood prevention act, as amended;

8 (7) to cooperate in and carry out, in accordance with state policies,
9 activities and programs to conserve and develop the water resources of
10 the state and maintain and improve the quality of such water resources;

11 (8) to enlist the cooperation and collaboration of state, federal, re-
12 gional, interstate, local, public and private agencies with the conservation
13 districts; and

14 (9) to facilitate arrangements under which conservation districts may
15 serve county governing bodies and other agencies as their local operating
16 agencies in the administration of any activity concerned with the conser-
17 vation of natural resources.

18 ~~(e) The provisions of the Kansas governmental operations accounta-~~
19 ~~bility law apply to the state conservation commission and the commission~~
20 ~~is subject to audit, review and evaluation under such law.~~

21 Sec. 2. K.S.A. 32-801 is hereby amended to read as follows: 32-801.

22 (a) In order to reorganize the administration, planning and regulation of
23 the state's parks, wildlife and other natural resources, there is hereby
24 established within the executive branch of government the Kansas de-
25 partment of wildlife and parks, which shall be administered under the
26 direction and supervision of a secretary of wildlife and parks who shall be
27 appointed by the governor, with the consent of the senate as provided in
28 K.S.A. 75-4315b and amendments thereto.

29 ~~(b) The secretary shall be fully qualified by education, training and~~
30 ~~experience in wildlife, parks or natural resources, or a related field, and~~
31 ~~shall have a demonstrated executive and administrative ability to dis-~~
32 ~~charge the duties of the office of secretary. [The secretary shall be fully~~
33 **qualified by education, training and experience in wildlife, parks**
34 **or natural resources, or a related field, and shall have a demon-**
35 **strated executive and administrative ability to discharge the duties**
36 **of the office of secretary.]** The secretary shall serve at the pleasure of
37 the governor. The secretary shall be in the unclassified service under the
38 Kansas civil service act and shall receive an annual salary to be fixed by
39 the governor.

40 (c) The provisions of the Kansas governmental operations accounta-
41 bility law apply to the ~~office of secretary of wildlife and parks and the~~
42 ~~Kansas department of wildlife and parks, and the office and department~~
43 ~~are~~ is subject to audit, review and evaluation under such law.

1 Sec. 3. K.S.A. 2000 Supp. 74-560 is hereby amended to read as fol-
2 lows: 74-560. (a) On and after the effective date of this act, in order to
3 reorganize the administration, planning and regulation of the state's ag-
4 riculture industry there is hereby established within the executive branch
5 of government the Kansas department of agriculture, which shall be ad-
6 ministered under the direction and supervision of a secretary of
7 agriculture.

8 (b) The state board of agriculture, established pursuant to K.S.A.
9 2000 Supp. 74-562, shall nominate three individuals to the governor for
10 the appointment as secretary of agriculture. The governor either shall
11 select and appoint a person nominated to be secretary or shall reject the
12 nominations and request the board to nominate three new individuals for
13 the appointment as secretary. Upon receipt of any such request for the
14 nomination of three new individuals, the board shall nominate three new
15 individuals for the appointment as secretary in the same manner. The
16 nominees shall have a demonstrated executive and administrative ability
17 to discharge the duties of the office of secretary. Every appointed sec-
18 retary of agriculture shall be appointed subject to confirmation by the
19 senate as provided in K.S.A. 75-4315b, and amendments thereto. The
20 secretary shall be a member of the governor's cabinet. The secretary shall
21 serve at the pleasure of the governor. The secretary shall be in the un-
22 classified service under the Kansas civil service act and shall receive an
23 annual salary to be fixed by the governor. The acting secretary of agri-
24 culture who is serving as the secretary on the effective date of this act
25 shall be the secretary of agriculture as established by this act, shall serve
26 at the pleasure of the governor and shall be subject to confirmation by
27 the senate as provided in K.S.A. 75-4315b, and amendments thereto. Any
28 action of the Senate taken prior to the effective date of this act which
29 confirms an individual as the secretary of agriculture is hereby validated
30 and shall constitute confirmation by the Senate of such individual as sec-
31 retary of agriculture under this section.

32 (c) The secretary shall organize an annual public informational meet-
33 ing. The meeting shall take place in each congressional district on a ro-
34 tating basis.

35 (d) The provisions of the Kansas governmental operations accounta-
36 bility law apply to the ~~office of secretary of agriculture and the Kansas~~
37 ~~department of agriculture, and the office and department are~~ *is* subject
38 to audit, review and evaluation under such law.

39 Sec. 4. K.S.A. 74-2613 is hereby amended to read as follows: 74-
40 2613. (a) There is hereby established within the executive branch of gov-
41 ernment the Kansas water office, which shall be administered under the
42 direction and supervision of the director of the Kansas water office. The
43 director of the Kansas water office shall be appointed by the governor,

1 subject to confirmation by the senate as provided in K.S.A. 75-4315b, and
2 amendments thereto. Except as otherwise provided by this section, the
3 director of the Kansas water office shall be in the unclassified service
4 under the Kansas civil service act, shall serve at the pleasure of the gov-
5 ernor and shall receive an annual salary fixed by the governor. The pro-
6 vision of this act shall not affect the term of office of the director of the
7 Kansas water office serving in such office on the day preceding the ef-
8 fective date of this act and such term of office shall expire on June 30,
9 1988, in accordance with the provisions of this section prior to amend-
10 ment by this act.

11 (b) All budgeting, purchasing and related management functions of
12 the Kansas water office shall be administered under the direction and
13 supervision of the director of the Kansas water office.

14 (c) All vouchers for expenditures from appropriations to or for the
15 Kansas water office shall be approved by the director of the Kansas water
16 office or a person or persons designated by the director for such purpose.

17 (d) The provisions of the Kansas governmental operations accounta-
18 bility law apply to the ~~office of director of the Kansas water office and~~
19 ~~the Kansas water office~~, and the ~~offices are~~ *office is* subject to audit,
20 review and evaluation under such law.

21 Sec. 5. K.S.A. 74-5002f is hereby amended to read as follows: 74-
22 5002f. (a) In order to reorganize the administration and planning of hous-
23 ing related issues within the state, there is hereby established the de-
24 partment of commerce and housing, the head of which shall be the
25 secretary of commerce and housing. The secretary of commerce and
26 housing shall be appointed by the governor. When the governor appoints
27 a secretary of commerce and housing that is an individual other than the
28 individual that was confirmed by the senate in 1990 as secretary of com-
29 merce, the secretary of commerce and housing shall be subject to con-
30 firmation by the senate pursuant to K.S.A. 75-4315b, and amendments
31 thereto. The secretary shall be in the unclassified service under the Kan-
32 sas civil service act.

33 (b) *The provisions of the Kansas governmental operations law apply*
34 *to the department and the department is subject to audit, review and*
35 *evaluation under such law.*

36 Sec. 6. K.S.A. 75-3702a is hereby amended to read as follows: 75-
37 3702a. (a) There is hereby created a department of administration, the
38 head of which shall be the secretary of administration. The governor shall
39 appoint the secretary of administration, subject to confirmation by the
40 senate as provided in K.S.A. 75-4315b, and amendments thereto. The
41 secretary of administration shall serve at the pleasure of the governor.
42 The department of administration shall be administered under the direc-
43 tion and supervision of the secretary of administration. The secretary of

1 administration shall receive an annual salary fixed by the governor.

2 (b) The provisions of the Kansas governmental operations accounta-
3 bility law apply to the ~~office of secretary of administration and the de-~~
4 ~~partment of administration, and the office and department are~~ *is* subject
5 to audit, review and evaluation under such law.

6 Sec. 7. K.S.A. 75-4503 is hereby amended to read as follows: 75-
7 4503. (a) There is hereby created the capitol area security patrol which
8 shall be under the supervision and management of the superintendent of
9 the highway patrol.

10 (b) Members of the capitol area security patrol shall have the powers
11 and authority of peace, police and law enforcement officers while wearing
12 the prescribed badge of office and while on duty in Shawnee county,
13 Kansas.

14 (c) All persons arrested by a member of the capitol area security
15 patrol shall be turned over to the Shawnee county department of correc-
16 tions to be dealt with in the same manner as other persons turned over
17 to such department, except in cases of violation of the ordinances of the
18 city of Topeka, any such person may be turned over to the police de-
19 partment of the city of Topeka to be dealt with by it in the same manner
20 as other persons arrested by police officers of the Topeka police
21 department.

22 ~~(d) The provisions of the Kansas governmental operations accounta-~~
23 ~~bility law apply to the capitol area security patrol and the patrol is subject~~
24 ~~to audit, review and evaluation under such law.~~

25 Sec. 8. K.S.A. 75-5001 is hereby amended to read as follows: 75-
26 5001. (a) In order to coordinate the planning, development and operation
27 of the various modes and systems of transportation within this state, there
28 is hereby established a department of transportation, which shall be ad-
29 ministered under the direction and supervision of the secretary of trans-
30 portation. The secretary of transportation shall be appointed by the gov-
31 ernor, subject to confirmation by the senate as provided in K.S.A.
32 75-4315b, and amendments thereto, and shall serve at the pleasure of the
33 governor. The secretary shall receive an annual salary fixed by the
34 governor.

35 (b) The provisions of the Kansas governmental operations accounta-
36 bility law apply to the ~~office of secretary of transportation and the de-~~
37 ~~partment of transportation, and the office and department are~~ *is* subject
38 to audit, review and evaluation under such law.

39 Sec. 9. K.S.A. 75-5101 is hereby amended to read as follows: 75-
40 5101. (a) There is hereby created a department of revenue, the head of
41 which shall be the secretary of revenue. The governor shall appoint the
42 secretary of revenue, subject to confirmation by the senate as provided
43 in K.S.A. 75-4315b, and amendments thereto, and the secretary shall

1 serve at the pleasure of the governor. The department of revenue created
2 by this act shall be administered under the direction and supervision of
3 the secretary of revenue. The secretary of revenue shall receive an annual
4 salary fixed by the governor.

5 (b) The provisions of the Kansas governmental operations accounta-
6 bility law apply to the ~~office of secretary of revenue and the department~~
7 of revenue, and the ~~office and department are~~ is subject to audit, review
8 and evaluation under such law.

9 Sec. 10. K.S.A. 75-5203 is hereby amended to read as follows: 75-
10 5203. (a) There is hereby established the department of corrections, the
11 chief executive officer of which shall be the secretary of corrections. The
12 secretary shall be appointed by the governor, subject to confirmation by
13 the senate as provided in K.S.A. 75-4315b, and amendments thereto, and
14 shall serve at the pleasure of the governor. In case of a vacancy in the
15 office of secretary, the governor shall appoint a successor in the manner
16 that the original appointment was made. The secretary shall receive an
17 annual salary fixed by the governor, which shall be payable in equal
18 monthly installments. In addition, the secretary shall be entitled to receive
19 actual and necessary traveling and subsistence expenses incurred in the
20 performance of the secretary's official duties.

21 (b) Except as provided by subsection (c), no person shall be eligible
22 for appointment to, or hold the position of, secretary of corrections unless
23 such person:

24 (1) Has had at least five years' experience in the field of corrections
25 or as an executive officer in the administration of federal or state penal
26 or correctional institutions; or

27 (2) (A) has had at least three years' experience in the field of correc-
28 tions or as an executive officer in the administration of federal or state
29 penal or correctional institutions; and (B) has a degree from an accredited
30 college or university, which degree is based on penology or a related field
31 as a major of study; or

32 (3) (A) has had at least five years' experience as a federal, appellate
33 or district judge or federal, district or county prosecutor, five years' ex-
34 perience in military administration or administration of a criminal justice
35 agency or five years' administrative experience treating criminal offenders
36 through programs involving penal custody, parole, probation and sen-
37 tencing; (B) has a degree from an accredited college or university, which
38 degree is in a social or behavioral science, penology, corrections, criminal
39 justice, police science, criminology, public administration, local correc-
40 tions programs or a related field; and (C) has demonstrated administrative
41 ability and leadership.

42 (c) If the governor is unable to appoint a person as secretary who
43 possesses the qualifications required by subsection (b), the governor may

1 appoint a person without such qualifications as acting secretary, who shall
2 be subject to confirmation by the senate as provided in K.S.A. 75-4315b,
3 and amendments thereto, and shall serve at the pleasure of the governor.

4 (d) Before entering upon the duties of the office, the secretary shall
5 take and subscribe an oath to faithfully and honestly discharge the duties
6 of the office to the best of the secretary's knowledge and ability.

7 (e) The provisions of the Kansas governmental operations accounta-
8 bility law apply to the ~~office of secretary of corrections and the depart-~~
9 ~~ment of corrections, and the office and department are~~ *is* subject to audit,
10 review and evaluation under such law.

11 Sec. 11. K.S.A. 75-5301 is hereby amended to read as follows: 75-
12 5301. (a) There is hereby created a department of social and rehabilitation
13 services, the head of which shall be the secretary of social and rehabili-
14 tation services. The governor shall appoint the secretary of social and
15 rehabilitation services, subject to confirmation by the senate as provided
16 in K.S.A. 75-4315b, and amendments thereto, and the secretary shall
17 serve at the pleasure of the governor. The department of social and re-
18 habilitation services created by this order shall be administered under the
19 direction and supervision of the secretary of social and rehabilitation serv-
20 ices. The secretary of social and rehabilitation services shall receive an
21 annual salary fixed by the governor.

22 (b) The provisions of the Kansas governmental operations accounta-
23 bility law apply to the ~~office of the secretary of social and rehabilitation~~
24 ~~services and the department of social and rehabilitation services, and the~~
25 ~~office and department are~~ *is* subject to audit, review and evaluation under
26 such law.

27 Sec. 12. K.S.A. 75-5601 is hereby amended to read as follows: 75-
28 5601. (a) There is hereby created a department of health and environ-
29 ment, the head of which shall be the secretary of health and environment,
30 which office is hereby created. The governor shall appoint the secretary
31 of health and environment, subject to confirmation by the senate as pro-
32 vided in K.S.A. 75-4315b, and amendments thereto, and the secretary
33 shall serve at the pleasure of the governor. The department of health and
34 environment shall consist of the division of health and the division of
35 environment. The secretary of health and environment shall receive an
36 annual salary fixed by the governor.

37 (b) The provisions of the Kansas governmental operations accounta-
38 bility law apply to the ~~office of secretary of health and environment and~~
39 ~~the department of health and environment, and the office and depart-~~
40 ~~ment are~~ *is* subject to audit, review and evaluation under such law.

41 Sec. 13. K.S.A. 75-5701 is hereby amended to read as follows: 75-
42 5701. (a) There is hereby established a department of human resources.
43 The department shall be administered under the direction and supervi-

1 sion of the secretary of human resources who shall be appointed by the
2 governor, subject to confirmation by the senate as provided in K.S.A. 75-
3 4315b, and amendments thereto, and who shall serve at the pleasure of
4 the governor. The secretary shall be in the unclassified service under the
5 Kansas civil service act and shall receive an annual salary fixed by the
6 governor.

7 (b) The provisions of the Kansas governmental operations accounta-
8 bility law apply to the ~~office of secretary of human resources and the~~
9 ~~department of human resources, and the office and department are~~ *is*
10 subject to audit, review and evaluation under such law.

11 Sec. 14. K.S.A. 75-5903 is hereby amended to read as follows: 75-
12 5903. (a) There is hereby created a department on aging. The department
13 on aging shall be administered under the direction and supervision of the
14 secretary of aging. The secretary shall be appointed by the governor,
15 subject to confirmation by the senate as provided in K.S.A. 75-4315b, and
16 amendments thereto, and shall serve at the pleasure of the governor. In
17 appointing the secretary, the governor shall consider, but is not limited
18 to, persons suggested by the council and persons with responsible ad-
19 ministrative experience in the field of gerontology. The secretary shall be
20 in the unclassified service under the Kansas civil service act and shall
21 receive an annual salary fixed by the governor.

22 The department on aging shall be the single state agency for receiving
23 and disbursing federal funds made available under the federal older
24 Americans act (public law 89-73) and any amendments thereto or other
25 federal programs for the aging.

26 (b) The provisions of the Kansas governmental operations accounta-
27 bility law apply to the ~~office of secretary of aging and the~~ department on
28 aging, and the ~~office and~~ department *are is* subject to audit, review and
29 evaluation under such law.

30 Sec. 15. K.S.A. 32-801, 74-2613, 74-5002f, 75-3702a, 75-4503, 75-
31 5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701 and 75-5903 and
32 K.S.A. 2000 Supp. 2-1904 and 74-560 are hereby repealed.

33 Sec. 16. This act shall take effect and be in force from and after its
34 publication in the ~~statute book~~ **[Kansas register]**.

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