

HOUSE Substitute for SENATE BILL No. 605

AN ACT concerning certain reports by state agencies; amending K.S.A. 44-1408, 46-925, 46-1212c, 66-117b, 75-2566 and 75-3048 and K.S.A. 2001 Supp. 74-5049, 74-50,151, 74-50,152, 74-8004 and 74-8204 and repealing the existing sections.

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

Section 1. K.S.A. 44-1408 is hereby amended to read as follows: 44-1408. The secretary shall annually submit a report to the house ~~economic development~~ *new economy* committee and the senate commerce committee detailing the manner in which funds were spent pursuant to K.S.A. 44-1401, *et seq.*, and amendment thereto. Such report shall include the nature of the work performed by participating youths, the percentage of funds expended for administrative expenses, findings on the educational, criminal and occupational disposition of participating youths and an evaluation of the program as a whole including a recommendation concerning continuation of the program. *The report to the house new economy committee and the senate commerce committee under this section shall be made by the secretary either (a) by publishing such report on the internet and by notifying each member of the committee that the report is available and providing, as part of such notice, the uniform resource locator (URL) at which such report is available, or (b) by submitting copies of such report on CD-ROM or other electronically readable media to such committees.*

Sec. 2. K.S.A. 66-117b is hereby amended to read as follows: 66-117b. The state corporation commission shall report to the legislature *in accordance with this section* on or before February 1 each year in regard to any changed rate, joint rate, toll, charge or classification or schedule of charges, or any rule or regulation or practice pertaining to the service or rates of a public utility or common carrier approved by the state corporation commission during the preceding fiscal year. Such report shall contain statistical and narrative information as the state corporation commission deems appropriate. Such report need not include any information regarding any public utility or common carrier that had less than ~~ten million dollars~~ *\$10,000,000* annual operating revenues in the preceding calendar year. *The report to the legislature under this section shall be made by the state corporation commission either (a) by publishing such report on the internet and by notifying the legislature that the report is available and providing, as part of such notice, the uniform resource locator (URL) at which such report is available, or (b) by submitting copies of such report on CD-ROM or other electronically readable media to the legislature.*

Sec. 3. K.S.A. 46-1212c is hereby amended to read as follows: 46-1212c. (a) Any report, pamphlet, book or other materials required to be submitted by a state agency to the legislature or the members thereof pursuant to K.S.A. ~~8-1201, 8-1760, 16a-6-104,~~ 19-2674, 20-320, 20-2204, 22-3710, 25-4119a, 40-2309, 44-566a, 44-1004, 46-408, 50-628, 65-176, 65-4007, 72-6011, ~~72-6111,~~ 72-6814, 74-5503, ~~74-6203,~~ 74-6706, 75-3048, ~~75-3302c, 75-5020,~~ 75-5326, 75-5375, 79-1404, ~~79-1806~~ and 79-4301, and amendments *thereto* to any of the foregoing sections, *or pursuant to any other statute*, in lieu of such submission, shall be submitted to the director of legislative administrative services *in printed form or in the form of an electronic copy on a CD-ROM or other electronically readable media.*

(b) *Notwithstanding the provisions of the sections enumerated in subsection (a) or the provisions of any other statute, if a state agency which publishes any such report, pamphlet, book or other materials makes such report, pamphlet, book or other materials available to the public on the internet as provided under K.S.A. 75-3048 and amendments thereto, the state agency shall not be required to submit such report, pamphlet, book or other materials to the legislature or members thereof under the sections enumerated in subsection (a) or to the director of legislative administrative services under this section.*

(c) Upon submission of any such report, pamphlet, book or other materials *to the director of legislative administrative services*, the director shall compile and maintain a current listing thereof and shall make such listing available at least monthly to each member of the legislature *and the legislative research department*. The director, upon request made therefor by any member of the legislature, shall make available any such

report, pamphlet, book or other materials enumerated on such listing to such requesting member.

Sec. 4. K.S.A. 2001 Supp. 74-5049 is hereby amended to read as follows: 74-5049. (a) In order to insure that the department of commerce and housing is effectively administering this act, the department shall cooperate with the standing committee on commerce of the senate, the standing committee on ~~economic development~~ *new economy* of the house of representatives and the joint committee on economic development and Kansas, Inc., in the performance of an independent performance review of the activities of the department and the departmental divisions. The review shall include, but not be limited to: (1) An assessment of the impacts of the department's programs corresponding to the strategic plans of the department and the departmental divisions; (2) a comparative assessment of the relative impact of the department's programs with similar programs in other states; and (3) a comparative assessment of the targeting of the department's programs by size and sector of economic activity, and by location in different areas of the state. The review shall be completed or updated at least once every three years.

(b) On or before October 1, the department shall prepare and publish an annual report, which shall be made widely available, of its activities and expenditures for the information of the governor, the standing committee on commerce of the senate, the standing committee on ~~economic development~~ *new economy* of the house of representatives and the joint committee on economic development, Kansas, Inc., and the public, and shall, from time to time, submit recommendations to the governor concerning legislation found to be necessary or desirable in effecting the purposes of this act. The annual report shall include any information which the department is required to report by law. The annual report shall specifically account for the ways in which the purposes of the department and its divisions as described in this act have been achieved, and the recommendations shall specifically note what changes in the activities of the department and its divisions, and of state government are necessary to better address the purposes described in this act. *The annual report to the standing committee on commerce of the senate, the standing committee on new economy of the house of representatives and the joint committee on economic development shall be made by the department either (1) by publishing such report on the internet and by notifying each member of the committees that the report is available and providing, as part of such notice, the uniform resource locator (URL) at which such report is available, or (2) by submitting copies of such report on CD-ROM or other electronically readable media to such committees.*

Sec. 5. K.S.A. 2001 Supp. 74-50,151 is hereby amended to read as follows: 74-50,151. (a) There is hereby created in the state treasury the Kansas economic opportunity initiatives fund. Subject to acts of the legislature applicable thereto, the moneys in the Kansas economic opportunity initiatives fund shall be used only for the purposes prescribed by this section.

(b) All expenditures made pursuant to this act shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the governor or the governor's designee. The governor may approve a warrant upon certification, by the secretary of commerce and housing, that an economic emergency or unique opportunity exists which warrant funding for a strategic economic intervention by such state agency or agencies to address expenses involved in securing economic benefits or avoiding or remedying economic losses related to:

- (1) A major expansion of an existing Kansas commercial enterprise;
- (2) the potential location in Kansas of the operations of a major employer;
- (3) the award of a significant federal or private sector grant which has a financial matching requirement;
- (4) the departure from Kansas or the substantial reduction of the operations of a major employer; and
- (5) the closure or the substantial reduction of a major federal or state institution or facility.

(c) An intervention strategy may include financial assistance in the form of grants, loans or both. The department of commerce and housing

shall adopt written guidelines concerning the terms and conditions of any such loans. However, all repaid funds shall be credited to the Kansas economic opportunity initiatives fund. No intervention strategy approved pursuant to this act shall facilitate the moving of an existing Kansas firm to another location within the state unless such restriction is waived by the secretary of commerce and housing. Every intervention strategy approved pursuant to this act shall identify the intended outcomes to be realized by the strategy for which funding is sought.

(d) The department of commerce and housing and Kansas, Inc. shall make joint findings concerning the costs and benefits, on both a local and statewide basis, of projects proposed pursuant to this act. Prior to allocation of any funds pursuant to this act, the governor shall review the cost-benefit findings performed on each project.

(e) The director of the budget and the director of the legislative research department shall consult periodically and review the balance credited to and the estimated receipts to be credited to the state economic development initiatives fund during the fiscal year. During any period when the legislature is not in session, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the state economic development initiatives fund during a fiscal year are insufficient to fund the budgeted expenditures and transfers from the state economic development initiatives fund for the fiscal year in accordance with the provisions of appropriation acts, the director of the budget shall make a certification of such finding to the governor. Upon approval by the governor, the director of accounts and reports shall transfer the amount of moneys from the Kansas economic opportunity initiatives fund to the state economic development initiatives fund that is required, in accordance with a certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the state economic development initiatives fund for the fiscal year in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the state economic development initiatives fund interest earnings based on:

- (1) The average daily balance of moneys in the Kansas economic opportunity initiatives fund for the preceding month; and
- (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(g) A five member panel consisting of the secretary of commerce and housing, the president of Kansas, Inc., the president of the Kansas technology enterprise corporation, the private sector chairperson of the board of Kansas, Inc., and the private sector chairperson of the Kansas technology enterprise corporation shall review annually the propriety of projects funded under this section. The panel shall report its findings in writing to the governor, the ~~economic development~~ *new economy* committee of the house of representatives, the senate commerce committee and the joint committee on economic development. *The report to the new economy committee of the house of representatives, the commerce committee of the senate and the joint committee on economic development under this subsection shall be made either (1) by the panel by publishing such report on the internet and by notifying each member of the committees that the report is available and providing, as part of such notice, the uniform resource locator (URL) at which such report is available, or (2) by submitting copies of such report on CD-ROM or other electronically readable media to such committees.*

Sec. 6. K.S.A. 2001 Supp. 74-50,152 is hereby amended to read as follows: 74-50,152. As a part of the annual report required pursuant to K.S.A. 2001 Supp. 74-5049, and amendments thereto, the secretary of commerce and housing shall issue a report concerning the use of the fund to the joint committee on economic development. The secretary's report shall include a detailed description of how funds were spent, what, if any, economic benefits were realized from the expenditures and whether the intended outcomes identified pursuant to subsection (c) of K.S.A. 2001 Supp. 74-50,151 and amendments thereto have been realized. *The report to the joint committee on economic development under this section shall*

be made by the secretary either (a) by publishing such report on the internet and by notifying each member of the joint committee that the report is available and providing, as part of such notice, the uniform resource locator (URL) at which such report is available, or (b) by submitting copies of such report on CD-ROM or other electronically readable media to the joint committee.

Sec. 7. K.S.A. 2001 Supp. 74-8004 is hereby amended to read as follows: 74-8004. (a) In order to achieve its purpose as provided in this act, Kansas, Inc. shall:

(1) Serve in an advisory capacity to the governor, the Kansas department of commerce and housing and the standing committee on commerce of the senate, the standing committee on ~~economic development~~ *new economy* of the house of representatives and the joint committee on economic development.

(2) Assume central responsibility to develop, with the guidance of both the private and public sectors, all facets of a comprehensive long term economic development strategy.

(3) Coordinate the strategy development with all other state and local agencies and offices and state educational institutions which do research work, develop materials and programs, gather statistics, or which perform functions related to economic development; and such state and local agencies and offices and state educational institutions shall advise and cooperate with Kansas, Inc. in the planning and accomplishment of the strategy.

(4) Evaluate and analyze the state's economy to guide the direction of future public and private actions, and report and make recommendations to the governor, the department of commerce and housing, and the standing committee on commerce of the senate, the standing committee on ~~economic development~~ *new economy* of the house of representatives and the joint committee on economic development with respect to the state's economy. *The report to the committee on commerce of the senate, the committee on new economy of the house of representatives and the joint committee on economic development under this subsection shall be made by Kansas, Inc., either (A) by publishing such report on the internet and by notifying each member of the committees that the report is available and providing, as part of such notice, the uniform resource locator (URL) at which such report is available, or (B) by submitting copies of such report on CD-ROM or other electronically readable media to such committees.*

(5) Oversee and evaluate the state's economic development activities on an ongoing basis through the establishment of goals, priorities performance standards and the periodic program audit of those goals, priorities and performance standards.

(6) Oversee the implementation of the state's economic development plan and monitor updates of that plan.

(7) Provide appropriate oversight to ensure the successful implementation of Kansas venture capital, Inc.

(8) Oversee the targeting of scarce state resources by size and sector of economic activity and by geographic location within the state in order to enhance the state's potential comparative economic advantages.

(9) Review and evaluate the annual reports of the department of commerce and housing, Kansas technology enterprise corporation and Kansas venture capital, Inc. Kansas, Inc., shall transmit recommendations concerning the agencies' activities to the governor and the legislature no later than September 1 of each year.

(b) Kansas, Inc., shall seek advice from the general public and from professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of economic development and planning.

(c) The department of commerce and housing and all other interested state agencies shall cooperate with Kansas, Inc., in providing information and other assistance as may be requested for the performance of its duties with respect to the state's economic development plan.

Sec. 8. K.S.A. 2001 Supp. 74-8204 is hereby amended to read as follows: 74-8204. (a) Kansas Venture Capital, Inc., shall prepare and publish an annual report of its activities for the information of the governor, the standing committee on commerce of the senate, the standing com-

mittee on ~~economic development~~ *new economy* of the house of representatives and the joint committee on economic development, *securities commissioner of Kansas, attorney general, Kansas, Inc.*, and the public which shall be made widely available and shall specifically account for:

- ~~(a)~~ (1) The manner in which the purpose as described in this act has been carried out by Kansas Venture Capital, Inc.;
- ~~(b)~~ (2) the total investments made annually by Kansas Venture Capital, Inc., in Kansas businesses; ;
- ~~(c)~~ (3) an estimate of jobs created and jobs preserved by investments by Kansas Venture Capital, Inc., in Kansas businesses; ;
- ~~(d)~~ (4) an estimate of the multiplier effect on the Kansas economy of investments by Kansas Venture Capital, Inc., in Kansas businesses; ; *and*
- ~~(e)~~ (5) an analysis of the targeting of scarce resources by Kansas Venture Capital, Inc., by size, sector and location to enterprises of particular need and opportunity.

(b) *The report to the standing committee on commerce of the senate, the standing committee on new economy of the house of representatives and the joint committee on economic development under this section shall be made by Kansas Venture Capital, Inc., either (1) by publishing such report on the internet and by notifying each member of the committees that the report is available and providing, as part of such notice, the uniform resource locator (URL) at which such report is available, or (2) by submitting copies of such report on CD-ROM or other electronically readable media.*

Sec. 9. K.S.A. 46-925 is hereby amended to read as follows: 46-925. Any payment made pursuant to this act shall be reported to the director of accounts and reports along with appropriate documentation ~~thereof~~ *of the payment* as may be required by such director. *Upon request of any legislator, legislative committee or the legislative research department or other legislative staff agency,* the director of accounts and reports shall compile and ~~maintain a report of all such payments and shall submit the same to the committee on ways and means of the senate and the committee on appropriations of the house of representatives and to the joint committee on special claims against the state at least 10 days prior to the convening of the regular session of the legislature provide to such legislator, committee or agency a report concerning all payments made pursuant to this act.~~

Sec. 10. K.S.A. 75-2566 is hereby amended to read as follows: 75-2566. (a) The state librarian is hereby authorized and directed to establish, operate and maintain a publication collection and depository system as provided in this act.

(b) Each state agency shall deposit with the Kansas state library ~~copies and the state historical society one printed copy~~ *of any publication issued by such state agency in such. If more copies are needed, the state librarian shall request the specified quantity as shall be specified by the state librarian.*

(c) The state librarian shall forward two ~~(2)~~ copies of all such publications to the library of congress, ~~one copy to the state historical society,~~ one copy to the center for research libraries and one ~~copy or more copies~~ shall be retained permanently in the Kansas state library. Additional copies, as may be prescribed by rule and regulation, may be required for the depository system.

Sec. 11. K.S.A. 75-3048 is hereby amended to read as follows: 75-3048. (a) Each state agency may have printed such reports, pamphlets, books and material as pertain to its activity and which are within the terms of a specific legislative authorization or appropriation, *except that a state agency which makes such reports, pamphlets, books or material available to the public on the internet for a period of at least 12 months following the publication of such material is not required to print copies of such reports, pamphlets, books or material so long as the state agency retains an electronic copy of such report, pamphlet, book or material in the archives of the agency for historical purposes. If a state agency is required by law to provide a report, pamphlet, book or other material to another state agency or state official and the state agency makes such report, pamphlet, book or other material available to the public on the internet for a period of at least 12 months following the publication of such material, in lieu of providing such report, pamphlet, book or other material*

the state agency shall notify such other state agency or state official that the report, pamphlet, book or other material is available on the internet or by electronic mail. A state agency may provide any such report, pamphlet, book or other material by submitting printed copies or copies on CD-ROM.

(b) Notwithstanding what the provisions of subsection (a) may provide or the provisions of any other statute, each state agency which produces a report, pamphlet, book or material available to the public on the internet shall notify and provide a printed copy to the Kansas state library and the state historical society.

(c) If copies are printed by the state agency, or the copies are on CD-ROM at least one shall be a printed copy of each publication and it shall be delivered to the governor, state librarian, and the secretary of the state historical society and the secretary of the legislative coordinating council and a copy shall be mailed or delivered to each member of the legislature. Printed copies or copies on CD-ROM of such publication shall be submitted to the legislature or the members thereof in accordance with K.S.A. 46-1212c, and amendments thereto. Printed copies or copies on CD-ROM of such publication shall be sold at approximately the cost of printing the same and the amount received therefrom shall be placed in the state treasury and credited to the fee fund of such agency, if it has a fee fund, and if not, to the general fund of the state except that research, industrial, agricultural and educational matter of general concern to the people of Kansas may be distributed without charge.

Sec. 12. K.S.A. 44-1408, 46-925, 46-1212c, 66-117b, 75-2566 and 75-3048 and K.S.A. 2001 Supp. 74-5049, 74-50,151, 74-50,152, 74-8004 and 74-8204 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.