

Approved March 16, 1987  
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at  
Chairperson

1:40 ~~am~~/p.m. on March 9, 1987 in room 531N of the Capitol.

All members were present except:

Committee staff present:

Julian Efird - Research  
Jill Wolters - Revisor

Conferees appearing before the committee:

Arden Ensley - Revisor of Statutes

The Chairman called the meeting to order and called on Arden Ensley to address the Committee on SB 324, concerning the purchase of property insurance by state agencies, SB 327 and SB 328, relating to the assessment of costs of administering statutes.

The Revisor explained that the above mentioned bills were "clean up" bills and distributed copies of the statute. (Exhibit A). He pointed out that SB 324 does not change the law but rather prevents duplications in the laws. Senator Gaines made a motion to recommend SB 324 favorable for passage. This was seconded by Senator Frey. Motion carried.

The Revisor then distributed marked copies of statutes relating to SB 327 and SB 328. (Exhibit B). He explained that these repeal previous legislation. Senator Bogina made a motion to recommend SB. 327 as favorable for passage. A second was made by Senator Gaines. Motion carried. The Revisor pointed out that SB 328 was identical except for sub-section C. Senator Bogina made a motion to recommend SB 328 favorable for passage. This was seconded by Senator Gaines. Motion carried.

Attention was then turned to SB 197 which would establish an efficiency in government hotline. There was considerable discussion on this and Senator Frey made a motion to add the members of the Kansas Corporation Commission, the Board of Tax Appeals, and the Parole Board to Sec. (e) of this bill. Aga there was considerable discussion on this point. Senator Winter made a seco to this motion but the motion failed.

Senator Gaines made a motion to amend SB 197 and add the words "and integrit after the word efficiency in line 17, delete Judges in Section (e), and add the words "elected or appointed" after the word employee in line 24. This was seconded by Senator Bogina. Motion carried.

Senator Winter stated that he would like to amend the bill to specifically provide for improper governmental activities on physical or emotional abuse of residences at State Hospitals. Senator Frey voiced his disapproval of this because it is currently a popular subject and he considered it to be dangerous to single them out. After some discussion Senator Winter stated that he would like to renew his motion to add to line 2 the words "willful physical or mental abuse." This motion was seconded by Senator Bogina and carried.

Senator Winter then made a motion to recommend SB 197 favorable for passage as amended. Senator Gaines seconded this. Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Governmental Organization,  
room 531N, Statehouse, at 1:40 ~~xxx~~ p.m. on March 9, 1987.

The Chairman then asked the Committee to take action on SB 280 and the amendments as were suggested by the Secretary of State. He distributed a balloon version of this bill and the amendments. (Exhibit C) There was brief discussion and Senator Bogina made a motion to approve the amendments in SB 280. This was seconded by Senator Hoferer and the motion carried. Senator Bogina then made a motion to recommend SB 280 as favorable for passage as amended. This was seconded by Senator Strick. Motion carried.

A motion was then made by Senator Winter to approve the minutes of the March 3rd meeting. Senator Bogina seconded this. Motion carried.

The meeting was then adjourned by the Chairman at 2:30 p.m.

GUEST LIST

COMMITTEE: Senate Governmental Organization

DATE: May 9, 1987

NAME	ADDRESS	COMPANY/ORGANIZATION
M. Hawver	Topoka	Cap. Junl
Jan Meyersick	Topoka	observer
Susan Siltson	Topoka	State Treasurer
Harriet Lange	Topoka	KAB

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Sec. 3. K.S.A. 74-4702 is hereby amended to read as follows: 74-4702. No state agency shall purchase or carry insurance on any property owned by the state agency or the state except as expressly and specifically authorized by K.S.A. 74-4703, 74-4705 and 75-2728 and K.S.A. 1985 Supp. 76-391, 76-747 and 76-748 and section 2 and as required by K.S.A. 74-4707 and amendments to these sections.

Sec. 4. K.S.A. 1985 Supp. 75-4109 is hereby amended to read as follows: 75-4109. (a) The committee, at least once every three years, shall approve the property and casualty insurance coverages that shall be purchased by each state agency.

(b) The committee shall require that each state agency purchase the insurance coverages prescribed by K.S.A. 74-4703, 74-4705, 74-4707 and 75-2728 and K.S.A. 1985 Supp. 76-391, 76-747 and 76-748 and section 2, and amendments to these sections, and shall prescribe the terms, conditions and amounts of such coverage giving due regard to the operations and requirements of the agencies involved.

(c) The committee shall, in addition to the coverages specified in subsection (b), designate the insurance coverages to be purchased by each state agency that are deemed by the committee to be necessary to protect the state for property of others that may be in the possession or control of such state agencies.

(d) Such coverages as are specified in subsections (b) and (c) may also include coverages on property of the state that are deemed by the committee to be incidental to the basic coverages herein required, and the committee shall prescribe the terms, conditions and amounts of all insurance coverages purchased pursuant to this section. Property of the state board of regents of any university or college which is referred to in subsection (b) may be self-insured as provided under this act.

Sec. 5. K.S.A. 74-4702 and K.S.A. 1985 Supp. 75-4109 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 22, 1986.

CHAPTER 330

Senate Bill No. 642

AN ACT concerning state educational institutions under the control and supervision of the state board of regents; authorizing the acquisition of insurance required for participation in study abroad programs; amending K.S.A. 74-4702, 75-4101 and 75-6111 and repealing the existing sections.

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

New Section 1. (a) Within the limits of appropriations therefor, a state educational institution may purchase insurance as required under agreements with institutions of higher education located in other countries in order to permit students and faculty to participate in the study abroad program of the state educational institution. Contracts entered into for such insurance shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto and shall not be subject to the provisions of K.S.A. 74-4702, 75-4101, 75-6111 or 75-6501 to 76-6511, inclusive, and amendments thereto.

(b) As used in this section, "state educational institution" has the meaning ascribed thereto by K.S.A. 76-711 and amendments thereto.

Sec. 2. K.S.A. 74-4702 is hereby amended to read as follows: 74-4702. No state agency shall purchase or carry insurance on any property owned by the state agency or the state except as expressly and specifically authorized by K.S.A. 74-4703, 74-4705 and 75-2728 and K.S.A. 1985 Supp. 76-391, 76-747 and 76-748 and section 1 and as required by K.S.A. 74-4707 and amendments to these sections.

Sec. 3. K.S.A. 75-4101 is hereby amended to read as follows: 75-4101. (a) There is hereby created a committee on surety bonds and insurance, which shall consist of the state treasurer, the attorney general and the commissioner of insurance. The commissioner of insurance shall be the chairperson of the committee and the director of purchases shall be ex officio secretary. The committee shall meet on call of the chairperson and at such other times as the committee shall determine but at least once a month on the second Monday in each month. Meetings shall be held in the office of the commissioner of insurance. The members of the committee shall serve without compensation. The secretary shall be the custodian of all property, records and proceedings of the committee. Except as provided in subsection (b) and in K.S.A. 74-4925 and 74-4927, and amendments thereto, and in K.S.A. 75-6501 to 75-6511, inclusive, and amendments thereto and in section 1, no state agency shall purchase any insurance of any kind or nature or any surety bonds upon state officers or em-

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or leases for the exercise of any concession under this subsection shall be published by the authority at least 30 days prior to the bid opening in the Kansas register. Each and every lessee or custodian or anyone authorized to collect such fees, tolls, rentals or charges shall procure a surety bond in an amount fixed by the authority, conditioned upon the performance of their contracts or duties, each such bond to be executed by a surety company authorized to transact business in this state and to be approved by the attorney general and filed in the office of the secretary of state.

(e) To lease park land for development for the use and enjoyment of the public.

(f) To adopt and enforce rules and regulations for the use of state parks and all recreational or cultural facilities under its jurisdiction and control, including regulating the demeanor, actions and activities of persons and the general public while within the park and park facilities which are under the jurisdiction and control of the park and resources authority so as to promote public health, safety and decency; to protect and safeguard the property; to promote the purposes for which the areas were acquired and improved; also, but not limited to, the inspection of boats, the issuance of permits for operation of watercraft of all kinds, the charging and collection of fees for the inspection and operation of such craft, prescribing the type, style, location and equipment of all wharves, docks and anchorages, pavilions, restaurants and other structures or buildings which may be constructed along the shores or upon the water of any body of water or land controlled by the authority, and providing for the licensing, inspection and supervision of the same; and granting and imposing charges for permits and for all commercial uses or purposes to which any of the properties of the authority may be used, subject however, to the provisions of law and the rules and regulations of the Kansas fish and game commission with respect to fishing, hunting and trapping. Willful violation of the rules and regulations of the state park and resources authority adopted pursuant to the authority contained in this section shall constitute a class C misdemeanor. Fishing, hunting, and trapping upon any property under the possession or control of the authority shall be subject to the requirement of licensing by

the Kansas fish and game commission according to law and its regulations and no other license or permit for fishing, hunting or trapping shall be required on such areas, but this provision shall not be construed as preventing the authority or any lessee of the authority from making any charge for a license or permit to use the special facilities provided for fishing. The right to enforce all fish and game laws and regulations on all areas under the authority is reserved to the Kansas fish and game commission.

**History:** L. 1955, ch. 355, § 10; L. 1961, ch. 392, § 1; L. 1963, ch. 409, § 4; L. 1963, ch. 234, § 102; L. 1965, ch. 444, § 1; L. 1967, ch. 424, § 1; L. 1969, ch. 374, § 5; L. 1972, ch. 297, § 1; L. 1977, ch. 270, § 3; L. 1981, ch. 305, § 4; L. 1982, ch. 317, § 1; L. 1983, ch. 274, § 6; L. 1986, ch. 292, § 1; May 15.

#### Article 47.—INSURANCE BY PUBLIC AGENCIES

**74-4702.** Purchase of property insurance by state agencies, when. [See Revisor's Note] No state agency shall purchase or carry insurance on any property owned by the state agency or the state except as expressly and specifically authorized by K.S.A. 74-4703, 74-4705 and 75-2728 and K.S.A. 1985 Supp. 76-391, 76-747 and 76-748 and K.S.A. 1986 Supp. 76-749 and as required by K.S.A. 74-4707 and amendments to these sections.

**History:** L. 1957, ch. 290, § 2; L. 1963, ch. 411, § 1; L. 1979, ch. 186, § 27; L. 1983, ch. 293, § 1; L. 1985, ch. 253, § 4; L. 1986, ch. 293, § 3; July 1.

**Revisor's Note:**

Section was amended twice in 1986 session, see also 74-4702a.

**74-4702a.** Purchase of property insurance by state agencies, when. [See Revisor's Note] No state agency shall purchase or carry insurance on any property owned by the state agency or the state except as expressly and specifically authorized by K.S.A. 74-4703, 74-4705 and 75-2728 and K.S.A. 1985 Supp. 76-391, 76-747 and 76-748 and K.S.A. 1986 Supp. 76-749 and as required by K.S.A. 74-4707 and amendments to these sections.

**History:** L. 1957, ch. 290, § 2; L. 1963, ch. 411, § 1; L. 1979, ch. 186, § 27; L. 1983, ch. 293, § 1; L. 1985, ch. 253, § 4; L. 1986, ch. 330, § 2; July 1.

Revisor's Note  
Section was  
74-4702.

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Sec. 39. K.S.A. 55-609, as amended by section 4 of 1986 House Bill No. 3069, is hereby amended to read as follows: 55-609. (a) Subject to the provisions of K.S.A. 55-143, and amendments thereto, the state corporation commission is hereby authorized and directed to tax and assess against the parties involved in any hearing or application all or any part of the costs incurred therein and also, all or any part of the costs to the state incurred in making necessary investigations and in enforcing its orders under K.S.A. 55-601 to 55-613, inclusive, and ~~acts amendatory thereof or supplemental amendments thereto~~, and divide such costs among the parties in such proportion as is just and equitable.

(b) The state corporation commission shall remit all moneys received by or for it for costs taxed and assessed under this section to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the conservation fee fund created by K.S.A. 55-143, and amendments thereto.

(c) Assessments imposed on the basis of a volume measure of production under the authority of this section shall be reported and remitted in the manner provided in section 3 of 1986 House Bill No. 3069.

Sec. 40. K.S.A. 55-711, as amended by section 5 of 1986 House Bill No. 3069, is hereby amended to read as follows: 55-711. (a) Subject to the provisions of K.S.A. 55-143, and amendments thereto, the state corporation commission is hereby directed to tax and assess against the parties involved in any hearing or application all or any part of the costs incurred therein, also all or any part of the costs to the commission incurred in making the necessary investigations and the enforcement of its orders under K.S.A. 55-701 to 55-713, inclusive, and ~~acts amendatory thereof or supplemental amendments thereto~~, and divide such costs among the interested parties in such proportion as may be just and equitable.

(b) The state corporation commission shall remit all moneys received by or for it for costs under this section to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be

*purposes of determining an appropriate unencumbered balance in the conservation fee fund at the end of the fiscal year ending June 30, 1987, an unencumbered balance of more than \$1,000,000 shall be deemed to be more than necessary.*

Sec. 3. K.S.A. 55-609 is hereby amended to read as follows: 55-609. (a) Subject to the provisions of K.S.A. 55-143 and amendments thereto, the state corporation commission is hereby authorized and directed to tax and assess against the parties involved in any hearing or application, all or any part of the costs incurred therein and also, all or any part of the costs to the state incurred in making necessary investigations and in enforcing its orders under K.S.A. 55-601 to 55-613, inclusive, and acts amendatory thereof or supplemental thereto, and divide such costs among the parties in such proportion as is just and equitable.

(b) The state corporation commission shall remit all moneys received by or for it for costs taxed and assessed under this section to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent (~~20%~~) of each such deposit shall be credited to the state general fund and the balance shall be credited to the conservation fee fund created by K.S.A. 55-143 and amendments thereto.

Sec. 4. K.S.A. 55-711 is hereby amended to read as follows: 55-711. (a) Subject to the provisions of K.S.A. 55-143 and amendments thereto, the state corporation commission is hereby directed to tax and assess against the parties involved in any hearing or application all or any part of the costs incurred therein, also all or any part of the costs to the commission incurred in making the necessary investigations and the enforcement of its orders under K.S.A. 55-701 to 55-713, inclusive, and acts amendatory thereof or supplemental thereto, and divide such costs among the interested parties in such proportion as may be just and equitable.

(b) The state corporation commission shall remit all moneys received by or for it for costs under this section to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent (~~20%~~) of each such deposit shall be credited to the state general fund and the balance shall be credited to the conservation fee fund created by K.S.A. 55-143 and amendments thereto.

Sec. 5. K.S.A. 55-901 is hereby amended to read as follows: 55-901. (a) The owner or operator of any oil or gas well which

may be producing and containing minerals in or on the land to return ~~said~~ such water waters may have been produced or had previously containing minerals in an application for a permit from the state corporation commission for a well has been granted ~~him~~ an investigation by the state corporation commission.

(b) The state corporation commission shall adopt such rules and regulations as may be necessary to carry out the provisions of this act amendatory thereof or supplemental thereto.

(c) Subject to the provisions of K.S.A. 55-143 and amendments thereto, the state corporation commission is hereby directed to tax and assess against the parties involved in any hearing or application, all or any part of the costs incurred under the provisions of this act amendatory thereof or supplemental thereto, and divide such costs among the parties in such proportion as is just and equitable.

(d) The state corporation commission shall remit all moneys received by or for it for costs taxed and assessed under this section to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent (~~20%~~) of each such deposit shall be credited to the state general fund and the balance shall be credited to the conservation fee fund created by K.S.A. 55-143 and amendments thereto.

Sec. 6. K.S.A. 55-1204. (a) Any natural gas well or oil well on the right of eminent domain for the purpose of underground storage of natural gas or oil shall be subject to the filing of its petition for a permit from the state corporation commission a certificate of public hearing.

(1) That the underground storage of natural gas or oil is suitable for such use and that its use for such purpose is in the public interest.

(2) the amount of such deposit shall be credited to the state general fund and the balance shall be credited to the conservation fee fund created by K.S.A. 55-143 and amendments thereto.

(b) The commission shall hold a public hearing is had on the petition and interested parties. The commission shall issue its order and amendments thereto and is to pay an amount





Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the conservation fee fund created by K.S.A. 55-143 and amendments thereto.

**History:** L. 1931, ch. 226, § 9; L. 1957, ch. 312, § 2; L. 1971, ch. 187, § 5; L. 1978, ch. 211, § 6; L. 1986, ch. 202, § 3; July 1.

**Revisor's Note:**

Section was amended twice in 1986 Session, see also 55-609.

**55-611.**

**Law Review and Bar Journal References:**

"Oil and Gas: The Corporation Commission's Role in Evaluating the Prudence of Operations in Statutory Unitization," Richard A. Forster, 24 W.L.J. 191 (1984).

**55-613. Hearing on minimum price of crude oil.** The corporation commission may fix the minimum price of crude oil under the provisions of this act only after holding hearings thereon in proceedings conducted in the manner provided by K.S.A. 55-605 and amendments thereto. Actions for judicial review of any such order may be brought in the manner provided by K.S.A. 55-606 and amendments thereto.

**History:** L. 1973, ch. 219, § 2; L. 1986, ch. 318, § 76; July 1.

**Article 7.—PRODUCTION AND CONSERVATION OF NATURAL GAS**

**55-703. Regulation of production of natural gas by commission; considerations in determination of production from common sources of supply; exception for certain cities of second class.** (a) Whenever the available production of natural gas from any common source of supply is in excess of the market demands for natural gas from the common source of supply, or whenever the market demands for natural gas from any common source of supply can be fulfilled only by the production of natural gas from the common source of supply under conditions constituting waste, or whenever the commission finds and determines that the orderly development of and production of natural gas from any common source of supply requires the exercise of its jurisdiction, then any person, firm or corporation having the right to produce natural gas from the common source of supply may produce only that portion of all the natural gas that may be currently produced without waste

and to satisfy the market demands, as to permit each developed lease to ultimately produce approximately the amount of gas underlying the developed lease and currently produce proportionately with other developed leases in the common source of supply without uncompensated cognizable drainage between separately-owned, developed leases or parts thereof.

Except as otherwise provided in subsection (b), the commission shall regulate the taking of natural gas from any and all common sources of supply within this state in order to prevent the inequitable or unfair taking of natural gas from a common source of supply by any person, firm or corporation and to prevent unreasonable discrimination in favor of any one common source of supply as against another and in favor of or against any producer in any common source of supply. In promulgating rules, regulations and formulas, to attain such results the commission shall give equitable consideration to acreage, pressure, open flow, porosity, permeability and thickness of pay, and such other factors, conditions and circumstances as may exist in the common source of supply under consideration at the time, as may be pertinent.

The commission in determining the market demand for gas from a common source of supply shall consider the reasonable current requirements for current consumption and use within and without the state, and such other factors, conditions, or circumstances that would aid in establishing the market demand.

(b) The provisions of this section shall not apply to that portion of a common source of supply which is within the corporate boundaries of a city of the second class and upon which is located a producing natural gas well which is solely owned by such city and the total production from which is consumed by and for the benefit of such city. Such well shall not be allowed to be produced in an amount which exceeds two times the amount authorized by any rule, regulation or formula promulgated by the commission pursuant to subsection (a).

The provisions of this subsection shall expire on July 1, 1988.

**History:** L. 1935, ch. 213, § 3; L. 1945, ch. 233, § 3; L. 1959, ch. 237, § 1; L. 1981, ch. 222, § 1; L. 1983, ch. 184, § 1; L. 1985, ch. 183, § 1; May 9.

## SENATE BILL No. 280

By Committee on Federal and State Affairs

2-18

0017 AN ACT authorizing publication of official notices by radio or  
0018 television broadcast.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. Any official of the state or any of its political  
0021 subdivisions who is required by law to publish any notice  
0022 required by law may supplement publication thereof by radio or  
0023 television broadcast, or both, when such official determines the  
0024 public interest will be served thereby, except that the time, place  
0025 and nature of such notice only shall be read or shown and no  
0026 reference shall be made to any person by name who is at the time  
0027 of notice a candidate for political office. ~~Such broadcasts shall be~~  
0028 ~~made only by duly employed personnel of the station from which~~  
0029 ~~such broadcasts emanate, and notices by political subdivisions~~  
0030 ~~may be made only by stations situated within the county of origin~~  
0031 ~~of the legal notice.~~

0032 Sec. 2. (a) Each radio or television station broadcasting any  
0033 legal notice or notice of event shall for a period of six months  
0034 subsequent to such broadcast retain at its office a copy or tran-  
0035 scription of the text of the notice as actually broadcast which  
0036 shall be available for public inspection.

0037 (b) Proof of publication of legal notice or notice of event by  
0038 radio or television broadcast shall be by affidavit of the manager,  
0039 an assistant manager or a program director of the station broad-  
0040 casting the same.

0041 Sec. 3. (a) The secretary of state shall supplement publica-  
0042 tion of legal notice of proposed constitutional amendments by  
0043 radio and television broadcast as provided under section 1.

0044 (b) ~~The notice provided for in subsection (a) shall set f~~  
0045 ~~the following information:~~

office, and such person shall not be seen or heard  
in the broadcast.

~~Sec. 3.~~ (b) The charges made for notices provided  
for in subsection (a) shall be the lowest unit  
rate on the station for the same class and amount  
of time and for the same time period.

(c) The lowest unit rate provided for in sub-  
section (b) shall be the rate in effect at the  
station 45 days prior to the primary election  
at which said proposed constitutional amendments  
are voted on; or 60 days prior to the general  
election at which said proposed constitutional  
amendments are voted on.

0046 ~~(1) A legal identification of the constitutional amendment to~~  
0047 ~~be voted upon;~~  
0048 ~~(2) the official ballot title of such constitutional amendment;~~  
0049 ~~(3) a brief statement explaining the constitutional provision~~  
0050 ~~as it presently exists;~~  
0051 ~~(4) a brief statement explaining the effect of the constitu-~~  
0052 ~~tional amendment should it be approved; and~~  
0053 ~~(5) the total number of votes cast for and against the consti-~~  
0054 ~~tutional amendment in both the state senate and house of repre-~~  
0055 ~~sentatives.~~  
0056 Sec. 4. This act shall take effect and be in force from and  
0057 after its publication in the statute book.