

Approved

Thomas F. Walker  
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by REPRESENTATIVE THOMAS F. WALKER at  
Chairperson

9:00 a.m. ~~XXXX~~ on TUESDAY, MARCH 28, 1989 in room 522-S of the Capitol.

All members were present except:

Committee staff present:

Avis Swartzman - Revisor  
Julian Efird - Legislative Research  
Carolyn Rampey - Legislative Research  
Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee:

The meeting was called to order by Representative Thomas F. Walker, Chairman

The agenda for the meeting was final action on SB 204, SB 205 and SB 273.

SB 204 - employee suggestion award program

A balloon on the bill was distributed. (Attachment 1)

Representative Wiard made a conceptual motion to delete the immediate supervisor from the bill and to include 75-37,106. Representative Weimer seconded the motion. The motion carried.

Representative Bowden moved the balloon amendments. Representative Brown seconded the motion. The motion carried.

Representative McClure moved that SB 204 be passed favorably as amended. Representative Turnbaugh seconded the motion. The motion carried.

SB 205 - public records; use of optical disk

A balloon of the bill was distributed. (Attachment 2)

Representative Graeber moved adopt the language pursuant to K.S.A. 45-412.

Representative Miller seconded the motion. The motion carried.

Representative Brown moved that SB 205 be passed favorably as amended. Representative Weimer gave a second to the motion. The motion carried.

SB 273 - establish division of collections

Representative Miller distributed an amendment. (Attachment 3) He directed attention to the last page of the bill, line 515 (d) 'when specifically authorized by law, and in accordance with the provisions thereof,'. This would add authority for in-state collection services. Representative Miller said SB 345 is up for final action today. This bill will deal with the issue in question. It will be better dealt with in that bill than this bill. SB 345 amends the law. Currently the Department can do out-of-state collections. This would do better to be addressed in an open forum.

Representative Miller moved his amendment. Representative Graeber seconded the motion. The motion carried.

Representative Brown distributed an attachment. (Attachment 4)

Representative Brown moved to abolish the Dealer Review Board.

Representative Ramirez gave a second to the motion. The motion carried.

Representative Brown directed attention to the organization charts dated 1983, 1984, 1989 1 and 1989 2. (Attachment 5) The charts showed how Planning and Research has moved within the Department. Much discussion centered on the classified and unclassified service and how each works within the purview of the Secretary.

Representative Sughrue moved to amend SB 273 by making the Director of Collections an unclassified position and the Manager of Planning and Research a Classified position.

One of the members asked that the question be divided.

On the Director of Collections being Unclassified the motion carried.

The second part of the motion dealing with the Manager of Planning and Research being classified failed 8-7 with the Chairman casting the deciding vote.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION,

room 522-S, Statehouse, at 9:00 a.m./p.m. on TUESDAY, MARCH 28, 1989

Representative Brown had another attachment which contained an amendment.  
(Attachment 6)

Representative Brown moved to amend SB 273 by statutorily establishing the unclassified position of the Manager of Planning and Research and adding additional language to give definition to the job. The name change would be Revenue Analysis.

Representative Gjerstad gave a second to the motion. The motion carried.

Representative Miller moved to pass out SB 273 favorably as amended.

Representative Weimer gave a second to the motion.

The motion carried.

The Chairman told the Committee two additional bills had been assigned to Committee that had to be worked. SB 336 deals with the lottery and HB 2555 transfers the Records Center from the Department of Administration to the State Historical Society.

Discussion began on when a good time to meet would be that would be most agreeable for committee members. As many committees will be meeting upon adjournment, the time of 7:30 a.m. was agreed upon.

The meeting was adjourned.



SENATE BILL No. 204

By Committee on Governmental Organization

2-8

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3/28/89

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AN ACT concerning the employee suggestion award program; relating to cash awards *and members of the board*, amending K.S.A. 1988 Supp. 75-37,107 and 75-37,110 and repealing the existing ~~section sections~~.

composition

employee award

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

Section 1. K.S.A. 1988 Supp. 75-37,110 is hereby amended to read as follows: 75-37,110. (a) Subject to criteria approved by the board, the payment of cash awards to state employees and immediate supervisors for meritorious suggestions and accomplishments may be made: (1) From appropriations made therefor, or (2) by the state agency employing the employee or by a state agency which has expenditures reduced as a result of the suggestion or accomplishment of the employee, from money appropriated for such state agency and available for operating expenditures or salaries and wages or from money appropriated in any item of appropriation from which expenditures are so reduced.

(b) The maximum *net* cash award made to a state employee for a suggestion shall be limited to 10% of the first year's estimated savings, or \$5,000, whichever is less, except that cash awards approved for suggestions that have a first year's estimated savings of less than \$250 shall be \$25.

(c) On the first day of each regular session of the legislature the secretary of administration shall report to each member of the legislative coordinating council the amount and the purposes for which all awards granted during the preceding calendar year were made.

Sec. 2. K.S.A. 1988 Supp. 75-37,107 is hereby amended to read as follows: 75-37,107. ~~(a)~~ There is hereby established within the department of administration an employee award board which shall

8-1

45 be composed of ~~three~~ persons ~~who are~~ in the classified service under  
 46 the Kansas civil service act ~~named~~ by the secretary of administration  
 47 and two persons ~~named~~ by the chairperson of the legislative coor-  
 48 dinating council.

49 ~~(b) On July 1, 1989, the two persons named by the chairperson~~  
 50 ~~of the legislative coordinating council shall be appointed for terms~~  
 51 ~~of three years and the three persons who are named by the secretary~~  
 52 ~~of administration shall be appointed for terms of four years. Upon~~  
 53 ~~the expiration of the term of office of any member, a successor shall~~  
 54 ~~be appointed for a term of four years. Each person shall hold office~~  
 55 ~~for the term of appointment until the successor is appointed.~~

56 Sec. 2 3. K.S.A. 1988 Supp. 75-37,107 and 75-37,110 is are  
 57 hereby repealed.

58 Sec. 3 4. This act shall take effect and be in force from and after  
 59 its publication in the statute book.  
 60

five

. Three of such persons shall be

and shall be appointed

of such

shall be in the unclassified service under the Kansas civil service act and shall be appointed

Of the persons first appointed by the secretary of administration after the effective date of this act, one person shall serve for a term commencing July 1, 1989, and ending June 30, 1990, one person shall serve for a term commencing July 1, 1989, and ending June 30, 1991, and one person shall serve for a term commencing July 1, 1989, and ending June 30, 1993. The secretary of administration shall designate the term for which each of such persons first appointed shall serve. Of the persons first appointed by the chairperson of the legislative coordinating council after the effective date of this act, one person shall serve for a term commencing July 1, 1989, and ending June 30, 1992, and one person shall serve for a term commencing July 1, 1989, and ending June 30, 1993. The chairperson of the legislative coordinating council shall designate the term for which each of such persons first appointed shall serve. Upon expiration of the term of each person first appointed after the effective date of this act, a successor shall be appointed for a term of four years. Each person shall serve for the term of appointment and until a successor is appointed.

SENATE BILL No. 205

By Committee on Governmental Organization

2-8

Handwritten notes: J. O. # 2 3/28/89

15 AN ACT relating to public records; concerning the reproduction  
16 thereof by optical disc; amending K.S.A. 75-3506 and 75-3507 and  
17 repealing the existing sections.  
18

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

20 Section 1. K.S.A. 75-3506 is hereby amended to read as follows:  
21 75-3506. Any public officer of the state may cause any or all records,  
22 papers or documents kept by ~~him or her~~ *the public officer* to be  
23 photographed, microphotographed ~~or~~, reproduced on film *or optical*  
24 *disc*. ~~Such photographic film shall comply with federal standard No.~~  
25 ~~125a, dated April 24, 1958, or the latest revision thereof, issued~~  
26 ~~pursuant to the federal property and administrative services act of~~  
27 ~~1949, as amended,~~ and the device used to reproduce such records  
28 on such film *or optical disc* shall be one which accurately reproduces  
29 the original thereof in all details.

Such photographic film or optical disc shall comply with standards recommended by the state architect and approved by the state records board pursuant to K.S.A. 45-412, and amendments thereto,

30 Sec. 2. K.S.A. 75-3507 is hereby amended to read as follows:  
31 75-3507. Such photographs, microphotographs ~~or~~, photographic film  
32 *or reprinted images from an optical disc* shall be deemed to be an  
33 original record for all purposes, including introduction in evidence  
34 in all courts or administrative agencies. A transcript, exemplification  
35 or certified copy thereof shall, for all purposes recited herein, be  
36 deemed to be a transcript, exemplification, or certified copy of the  
37 original.

38 Sec. 3. K.S.A. 75-3506 and 75-3507 are hereby repealed.

39 Sec. 4. This act shall take effect and be in force from and after  
40 its publication in the statute book.  
41

**45-409. Local agencies to cooperate.** Each local agency shall: (a) Give careful consideration to the recommended retention and disposition schedules prepared by the state archivist when considering the disposition of government records and comply with all statutes governing the disposition of government records.

(b) Cooperate with efforts by the state archivist or representatives of the state archivist to inspect government records and the conditions in which they are stored, to prepare comprehensive inventories of government records, to microfilm noncurrent government records with enduring value and to improve the arrangement, storage and physical condition of noncurrent government records with enduring value in accordance with appropriate archival techniques. Local agencies shall not be required to provide funds or staff time for these purposes, but they shall give careful consideration to requests and recommendations made by the state archivist.

History: L. 1981, ch. 331, § 9; July 1.

**45-410. Legislative records; legislative coordinating council control.** The state records board shall have no control over the disposition of legislative records. Subject to the approval of the legislative coordinating council, those records with enduring value as determined by the state archivist may be transferred to the state archives. Recommended retention and disposition schedules for legislative records may be prepared by the state archivist. The correspondence and other papers of an individual legislator shall be considered the personal property of the individual legislator.

History: L. 1981, ch. 331, § 10; July 1.

**45-411. Judicial records; supreme court rules.** The state records board shall have no control over the disposition of judicial records. The supreme court shall make appropriate rules regarding the preservation or disposition of state judicial records, including appellate, district and other courts.

History: L. 1981, ch. 331, § 11; July 1.

**45-412. Microphotographic copies of records; original record destruction, when.** (a) The state archivist shall prepare recommendations, to be approved by the state records board, based on the current standards of the federal government and the

American national standards institute, for the quality of film, proper arrangement of materials, suitable filming techniques and equipment, quality of photographic images, film processing results, and film storage conditions which should be achieved or utilized by state and local agencies in making microphotographic copies of government records with enduring value pursuant to K.S.A. 12-122, 19-250 or 75-3506. Whenever microphotographic copies of records with enduring value fail to meet the standards recommended by the state archivist and approved by the state records board, the state archivist shall urge state and local agencies to retain the original records.

(b) Whenever photographs, microphotographs or other reproductions on film have been prepared pursuant to K.S.A. 75-3506 and have been placed in conveniently accessible files and provisions made for preserving, examining and using the same, and when a negative copy of the film has been deposited in a secure place where it will not be subject to use except in making additional positive copies, any state agency, with the approval of the state records board or as authorized by the retention and disposition schedules, may cause the original records from which the photographs, microphotographs or other reproductions on film have been made, or any part thereof, to be destroyed. Such records shall not be destroyed and shall be retained by the agency or transferred to the state archives or temporarily to another suitable place designated by the board, if the board judges such materials to have enduring value in their original form.

(c) Whenever photographs, microphotographs or other reproductions on film have been prepared as provided in K.S.A. 12-122 or 19-250 and have been placed in conveniently accessible files and provisions made for preserving, examining and using the same, and when a negative copy of the film has been deposited in a secure place where it will not be subject to use except in making additional positive copies, a local agency may retain the original records in its custody at any suitable location, may deposit them in collections established pursuant to K.S.A. 12-1658 and 12-1660 or K.S.A. 19-2648 and 19-2649, or may dispose of the original records as provided in the retention and disposition schedules. If there are no

or optical disc

or other image reproduction

or optical disc

or optical disc

or a master copy of the optical disc

or optical disc

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3/28/89

490 Kansas in an amount equal to the fee charged by a debt collection  
491 agency for the collection of such delinquent tax, as provided by  
492 K.S.A. 75-5140 *et seq.*, and any charges required to be paid to any  
493 government agency within or without the state of Kansas for services  
494 rendered in connection with such collection.

495 *New Sec. 19. There is hereby established, within and as a part*  
496 *of the department of revenue, a division of collections, the head of*  
497 *which shall be the director of collections. Under the supervision of*  
498 *the secretary of revenue, the director of collections shall administer*  
499 *the division of collections. The secretary of revenue shall appoint*  
500 *the director of collections, and the director shall serve at the pleasure*  
501 *of the secretary of revenue. The director of collections shall be in*  
502 *the unclassified service under the Kansas civil service act and shall*  
503 *receive an annual salary fixed by the secretary of revenue and ap-*  
504 *proved by the governor.*

505 *New Sec. 20. The director of collections shall:*

506 (a) *Administer the department of revenue's efforts to collect de-*  
507 *linquent and deficient tax accounts through direct contact with th*  
508 *taxpayer.*

509 (b) *manage collection enforcement actions through the collection*  
510 *of bonds, tax warrants, injunctions, bankruptcy representation, lev-*  
511 *ies, garnishments, set off of state payments and other statutory*  
512 *provisions provided the department of revenue;*

513 (c) *review requests for waiver of penalty, settlement requests and*  
514 *payment plans;*

515 (d) *manage in-state and out-of-state collection services rendered*  
516 *by contract through private vendors; and*

517 (e) *perform such other duties as may be prescribed by law.*

518 Sec. 19 21. K.S.A. 75-5119, 75-5122, 79-1009 to 79-1014, inclu-  
519 sive, 79-3233, 79-3294, 79-3294a, 79-3617, 79-3618, 79-3630 and 79-  
520 3705d and K.S.A. 1988 Supp. 79-3615, 79-3706 and 79-41a03a are  
521 hereby repealed.

522 Sec. 20 22. This act shall take effect and be in force from and  
523 after its publication in the ~~statute book~~ *Kansas register.*

when specifically authorized by law, and in accordance with the provisions thereof,



SENATE BILL No. 273

By Committee on Governmental Organization

2-15

H.O.  
Attach 4  
3/28/89

16 AN ACT relating to the department of revenue; concerning the  
17 administration, collection and enforcement of taxation by the sec-  
18 retary of revenue; *establishing a division of collections; placing*  
19 *certain employees in the unclassified service; abolishing the al-*  
20 *coholic beverage control board of review;* amending K.S.A. 75-  
21 5122, 79-1009 to 79-1014, inclusive, 79-3233, 79-3294, 79-3294a,  
22 79-3617, 79-3618, 79-3630 and 79-3705d and K.S.A. 1988 Supp.  
23 79-3615, 79-3706 and 79-41a03a and repealing the existing sections;  
24 also repealing K.S.A. 75-5119.

dealer  
board  
8-2412, 8-2423,  
8-2401, 8-2413,

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

27 Section 1. K.S.A. 75-5122 is hereby amended to read as follows:  
28 75-5122. ~~(a) Except as provided in subsection (b) and this act oth-~~  
29 ~~erwise provided, each division~~ head shall appoint, subject to the  
30 Kansas civil service act, all subordinate officers and employees of  
31 his or her division, ~~such division head's section, division and~~ other  
32 unit of the department of revenue, and all such subordinate officers  
33 and employees shall be within the classified service.

Each administrative  
administrative head's  
, section or

34 ~~(b) The director of collections and the manager of planning~~  
35 ~~and research shall be in the unclassified service under the Kansas~~  
36 ~~civil service act and shall receive an annual salaries salary fixed~~  
37 ~~by the secretary of revenue and approved by the governor.~~

. Except as otherwise specifically provided by  
law,

38 Sec. 2. K.S.A. 79-3233 is hereby amended to read as follows:  
39 79-3233. This act shall be administered by the ~~director~~ secretary of  
40 revenue or the secretary's designee. For the purpose of ascertaining  
41 the correctness of any return or for the purpose of making an estimate  
42 of the taxable income of any taxpayer, the ~~director~~ secretary or the  
43 secretary's designee shall have power to examine, or cause to be  
44 examined by any agent or representative designated by the ~~director~~  
secretary or the secretary's designee for that purpose, any books,

Sec. 21. K.S.A. 1988 Supp. 8-2401 is hereby amended to read as follows: 8-2401. As used in this act, ~~the following words and phrases shall have the meanings:~~

(a) "Vehicle dealer" means any person who: (1) For commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in vehicles; or (2) for commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in vehicles for other persons as an agent, middleman or negotiator; or (3) for commission, money or other thing of value is engaged in the business of bringing buyers and sellers of vehicles together; or (4) for commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in motor vehicles as an auction motor vehicle dealer ~~as defined in~~; but does not include: (A) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court, or any bank, trustee or lending company or institution which is subject to state or federal regulations as such, with regard to its disposition of repossessed vehicles; (B) public officers while performing their official duties; (C) employees of persons enumerated in provisions (A) and (B), when engaged in the specific performance of their duties as such employees; (D) auctioneers conducting auctions for persons enumerated in provisions (A), (B) or (C); or (E) auctioneers who, while engaged in conducting an auction of tangible personal property for others, offer for sale: (i) Vehicles which have been used primarily in a farm or business operation by the owner offering the vehicle for sale, including all vehicles which qualified for a farm vehicle tag at the time of sale except vehicles owned by a business engaged primarily in the business of leasing or renting passenger cars; (ii) vehicles which meet the statutory definition of antique vehicles; or (iii) vehicles for no more than four principals or households per auction. All sales of vehicles exempted pursuant to provision (E), except truck, truck tractors, pole trailers, trailers and semitrailers as defined by K.S.A.

8-126, and amendments thereto, shall be registered in Kansas prior to the sale.

(b) "New vehicle dealer" means any vehicle dealer who is a party to an agreement, with a first or second stage manufacturer or distributor, which agreement authorizes the vehicle dealer to sell, exchange or transfer new motor vehicles, trucks, motorcycles, mobile homes, or trailers or parts and accessories made or sold by such first or second stage manufacturer or distributor and obligates the vehicle dealer to fulfill the warranty commitments of such first or second stage manufacturer or distributor.

(c) "Used vehicle dealer" means any person actively engaged in the business of buying, selling or exchanging used vehicles.

(d) "Vehicle salesman" means any person who is employed as a salesman by a vehicle dealer to sell vehicles.

(e) "Mobile home dealer" means any person who: (1) For commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in mobile homes; or (2) for commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in mobile homes for other persons as an agent, middleman or negotiator; or (3) for commission, money or other thing of value is engaged in the business of bringing buyers and sellers of mobile homes together.

(f) "New mobile home dealer" means any mobile home dealer who is a party to a mobile home sales agreement, with a mobile home manufacturer, which mobile home sales agreement authorizes the mobile home dealer to sell, exchange or transfer new mobile homes or parts and accessories made or sold by such mobile home manufacturer and obligates the mobile home dealer to fulfill the warranty commitments of such mobile home manufacturer.

(g) "Used mobile home dealer" means any person actively engaged in the business of buying, selling or exchanging used mobile homes.

(h) "Mobile home salesman" means any person who is employed as a salesman by a mobile home dealer to sell mobile homes.

(i) "Board"-means-the-vehicle-dealer-review--board--created

by-this-act:

{j} "Director" means the director of vehicles, or a designee of the director.

{k} (j) "Division" means the division of vehicles of the department of revenue.

{i} (k) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, and is required to be registered under the provisions of article 1 of chapter 8 of Kansas Statutes Annotated except that such term shall not include motorized bicycles or mobile homes.

{m} (l) "Manufactured home" means a structure, transportable in one or more sections which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. When the term mobile home is used in article 24 of chapter 8 of Kansas Statutes Annotated it shall be synonymous with and means the same as manufactured home.

{n} (m) "Motor vehicle" means any vehicle other than a motorized bicycle, which is self-propelled and is required to be registered under the provisions of article 1 of chapter 8 of Kansas Statutes Annotated.

{e} (n) "Licensor" means the director or division or both.

{p} (o) "First stage manufacturer" means any person who manufactures, assembles and sells new vehicles to new vehicle dealers for resale in this state.

{q} (p) "Second stage manufacturer" means any person who assembles, installs or permanently affixes body, cab or special unit equipment to a chassis supplied by a first stage manufacturer, distributor or other supplier and sells the resulting new vehicles to new vehicle dealers for resale in this state.

{r} (q) "Mobile home manufacturer" means any person who manufactures, assembles and sells new mobile homes to new mobile

home dealers for resale in this state.

{s} (r) "First stage converter" means any person who is engaged in the business of affixing to a chassis supplied by a first stage manufacturer, distributor or other supplier, specially constructed body units to result in motor vehicles used as, but not limited to, buses, wreckers, cement trucks and trash compactors.

{t} (s) "Second stage converter" means any person who is engaged in the business of adding to, subtracting from or modifying previously assembled or manufactured vehicles and sells the resulting converted vehicles at retail or wholesale.

{u} (t) "Distributor" means any person who sells or distributes for resale new vehicles to new vehicle dealers in this state or who maintains distributor representatives in this state.

{v} (u) "Wholesaler" means any person who purchases vehicles for the purpose of resale to a vehicle dealer.

{w} (v) "Factory branch" means any branch office maintained in this state by a first or second stage manufacturer for the sale of new vehicles to distributors, or for the sale of new vehicles to new vehicle dealers, or for directing or supervising, in whole or in part, its representatives in this state.

{x} w "Mobile home branch" means any branch office maintained in this state by a mobile home manufacturer for the sale of new mobile homes to new mobile home dealers, or for directing or supervising, in whole or in part, its representatives in this state.

{y} (x) "Distributor branch" means any branch office similar to {w} a factory branch and maintained by a distributor for the same purposes as a factory branch.

{z} (y) "Factory representative" means a representative employed by a first or second stage manufacturer, factory branch, mobile home manufacturer or mobile home branch for the purpose of making or promoting the sale of its new vehicles or new mobile homes to new vehicle dealers or new mobile home dealers, or for supervising or contacting its new vehicle dealers or mobile home dealers or prospective new vehicle dealers or mobile home dealers with respect to the promotion and sale of such vehicles or mobile

homes and parts or accessories for the same.

{aa} (z) "Distributor representative" means any representative similar to {z} a factory representative and employed by a distributor or distributor branch for the same purpose as a factory representative.

{bb} (aa) "Person" means any natural person, partnership, firm, corporation or association.

{ee} (bb) "New motor vehicle" means any motor vehicle which has never been titled or registered and has not been substantially driven or operated.

{dd} (cc) "Franchise agreement" means any contract or franchise or any other terminology, except mobile home sales agreement, used to describe the contractual relationship between first or second stage manufacturers, distributors and vehicle dealers, by which:

(1) A right is granted one party to engage in the business of offering, selling or otherwise distributing goods or services under a marketing plan or system prescribed in substantial part by the other party, and in which there is a community of interest in the marketing of goods or services at wholesale or retail, by lease, agreement or otherwise; and

(2) the operation of the grantee's business pursuant to such agreement is substantially associated with the grantor's trademark, service mark, trade name, logotype, advertising or other commercial symbol designating the grantor or an affiliate of the grantor.

{ee} (dd) "Mobile home sales agreement" means a contract between the manufacturer or distributor of mobile homes and a new mobile home dealer, by which the dealer is entitled to purchase new mobile homes from the manufacturer or distributor for resale within this state.

{ff} (ee) "Broker" means any person who, for commission, money or other thing of value, is engaged in the business of: (1) Selling or buying vehicles or mobile homes for other persons as an agent, middleman or negotiator; or (2) bringing buyers and sellers of vehicles or mobile homes together, but such term shall not include any person engaged in a business in which the acts described in this subsection are only incidentally performed.

{gg} (ff) "Salvage vehicle dealer" means any person engaged in the business of buying, dismantling, disassembling or recycling wrecked, abandoned or repairable vehicles and selling the usable parts thereof, or selling such wrecked, abandoned or repairable vehicles as a unit at wholesale or selling the hull of the vehicle after the salvageable parts have been removed.

{hh} (gg) "Lending agency" means any person, desiring to be licensed under this act and engaged in the business of financing or lending money to any person to be used in the purchase or financing of a vehicle or mobile home.

{ii} (hh) "Established place of business" means a building or structure, other than a building or structure all or part of which is occupied or used as a residence, owned either in fee or leased and designated as an office or place to receive mail and keep records and conduct the routine of business. To qualify as an established place of business, there shall be located therein an operable telephone which shall be listed with the telephone company under the name of the licensed business, except that a vehicle dealer who derives at least 50% of such person's income from operating a farm as a resident thereof, the established place of business may be the farm residence of such vehicle dealer and the operable telephone may be located in such residence when such dealer engages only in vehicles and equipment not required to have vehicle registration to travel on a highway.

{jj} (ii) "Auction motor vehicle dealer" means any person who for commission, money or other thing of value is engaged in an auction of motor vehicles except that the sales of such motor vehicles shall involve only motor vehicles owned by licensed motor vehicle dealers and sold to licensed motor vehicle dealers, except that any auction motor vehicle dealer, registered as such and lawfully operating prior to June 30, 1980, shall be deemed to be and have been properly licensed under this act from and after July 1, 1980. For the purposes of this subsection, an auction is a private sale of motor vehicles where any and all licensed motor vehicle dealers who choose to do so are permitted to attend and offer bids and the private sale of such motor vehicles is to the highest bidder.

{kk} (jj) "Licensee" means any person issued a valid

license pursuant to this act.

~~(ii)~~ (kk) "Dealer" means a mobile home dealer or a vehicle dealer as defined by this act, unless the context otherwise requires.

~~(mm)~~ (ll) "Insurance company" means any person desiring to be licensed under this act and engaged in the business of writing or servicing insurance related to vehicles.

~~(nn)~~ (mm) "Supplemental place of business" means a business location other than that of the established place of business.

Sec. 22. K.S.A. 8-2412 is hereby amended to read as follows: 8-2412. (a) ~~The governor shall appoint eight members to serve on the dealer review board with the individual terms of office for each appointee to run as follows: One new vehicle dealer, one used vehicle dealer and one salvage vehicle dealer, each to serve for three consecutive years; one new vehicle dealer, one used vehicle dealer, and two additional members both of whom shall be appointed from the public at large, each to serve for two consecutive years; and one representative of a first or second stage manufacturer to serve for a period of one year. Upon the expiration of their respective terms, board members shall be appointed by the governor to serve for three consecutive years~~ is hereby abolished.

(b) Whenever the dealer review board shall elect a chairperson from among its members. The chairperson shall serve for a period of one year. The board shall elect successors each subsequent year is referred to or designated by statute, contract or other document, the reference or designation shall be deemed to apply to the director.

(c) ~~Any proceeding conducted by the board shall be construed to be a meeting of the board under this section for each day the proceeding is conducted. To constitute a meeting of the board within the meaning of this section, a quorum of the board must be present and participating. Four members of the board shall constitute a quorum. All final orders shall be in writing and shall be signed by the chairperson and approved by the board.~~

~~(d) Members of the board attending meetings of such board shall be paid compensation, subsistence allowances, mileage and~~



other--expenses--as--provided--in--K.S.A.--75-3223,--and--amendments  
thereto.--In--no--event--shall--any--member--be--paid--compensation--or  
allowances--for--more--than--90--days--in--any--calendar--year.

(e)--Meetings--of--the--board--may--be--called--by--the--director,  
the--chairperson--of--the--board--or--any--three--members--of--the--board,  
after--first--giving--notice,--in--writing,--at--least--10--days--prior--to  
such--meeting.--The--notice--of--any--meeting--of--the--board--shall--state  
the--time--and--place--of--such--meeting--which--special--meeting--may--be  
held--at--any--place--within--the--state--of--Kansas.--Additionally,--such  
notice--of--the--meeting--shall--state--the--purpose--thereof.

(f)--The--director--of--vehicles--may--either--appoint--or  
designate--a--secretary--for--the--board.--The--secretary--shall  
perform,--among--other--things,--the--following--duties:--Prepare--the  
agenda--for--the--meetings--of--the--board;--prepare--notice--of--all  
meetings--and--cause--the--same--to--be--mailed--to--all--board--members;  
take--minutes--of--all--meetings--of--the--board--and--thereafter--cause  
copies--thereof--to--be--distributed--to--all--board--members;--arrange  
for--meeting--places--within--the--state--of--Kansas--at--the--direction--of  
the--chairperson;--prepare--vouchers--for--each--board--member--to--submit  
for--expense--of--attendance--at--meetings;--and,--such--other--duties--as  
requested--by--the--board.

(g) All books, records and other property of the dealer  
review board established by K.S.A. 8-2311 shall be and are hereby  
transferred to the board created by this section director.

(h)--The--board--shall--be--attached--to--the--department--of  
revenue--and--shall--be--within--the--department--of--revenue--as--a--part  
thereof.--All--budgeting,--purchasing--and--related--management  
functions--of--the--board--shall--be--administered--under--the--direction  
and--supervision--of--the--secretary--of--revenue.--The--division--shall  
serve--as--the--administrative--and--enforcement--agency--of--the--board  
in--all--respects--and--shall--perform--such--services--and--duties--as--it  
may--be--legally--called--upon--to--perform.--In--the--event--the--board  
fails--to--perform--any--of--its--official--duties--within--the--time  
prescribed--herein,--the--division--may--perform--such--duties--and  
certify--its--action--to--the--board--for--review.

(d) No suit, action or other proceeding, judicial or  
administrative, lawfully commenced, or which could have been  
commenced, by or against the dealer review board shall abate by

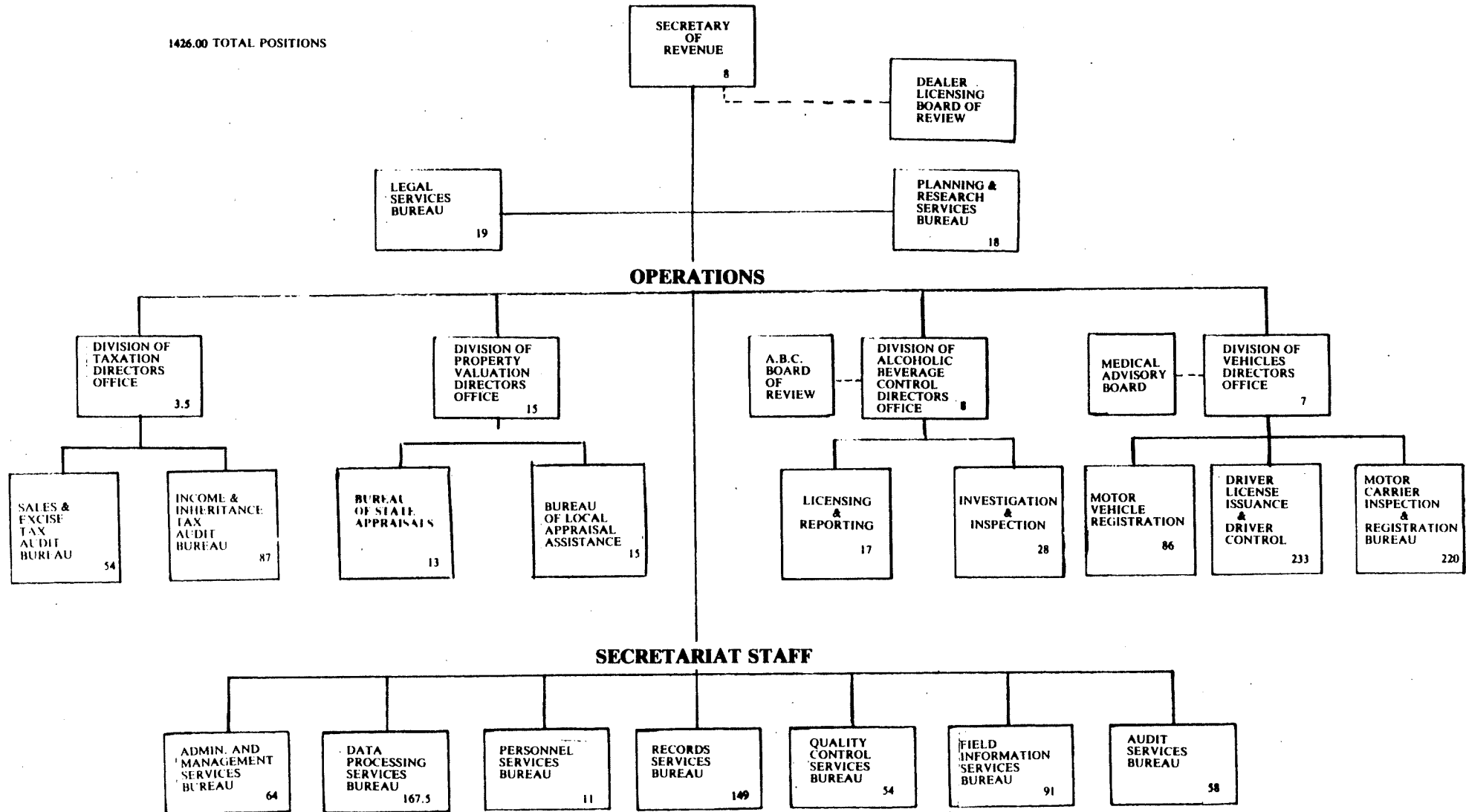
reason of the abolition of such board, and the court may allow any such suit, action or other proceeding to be maintained by or against the director.

Sec. 23. K.S.A. 1988 Supp. 8-2413 is hereby amended to read as follows: 8-2413. Upon application of the board, the director or any person having any interest in the subject matter, the district courts of this state may enjoin any person from violating any of the provisions of this act or any order or rule and regulation issued or adopted pursuant thereto.

Sec. 24. K.S.A. 8-2423 is hereby amended to read as follows: 8-2423. The secretary of revenue may adopt such rules and regulations as are necessary for the administration of this act. ~~Prior to hearing or adoption of rules and regulations under this section the secretary shall submit copies thereof to the dealers review board for its review and comment.~~

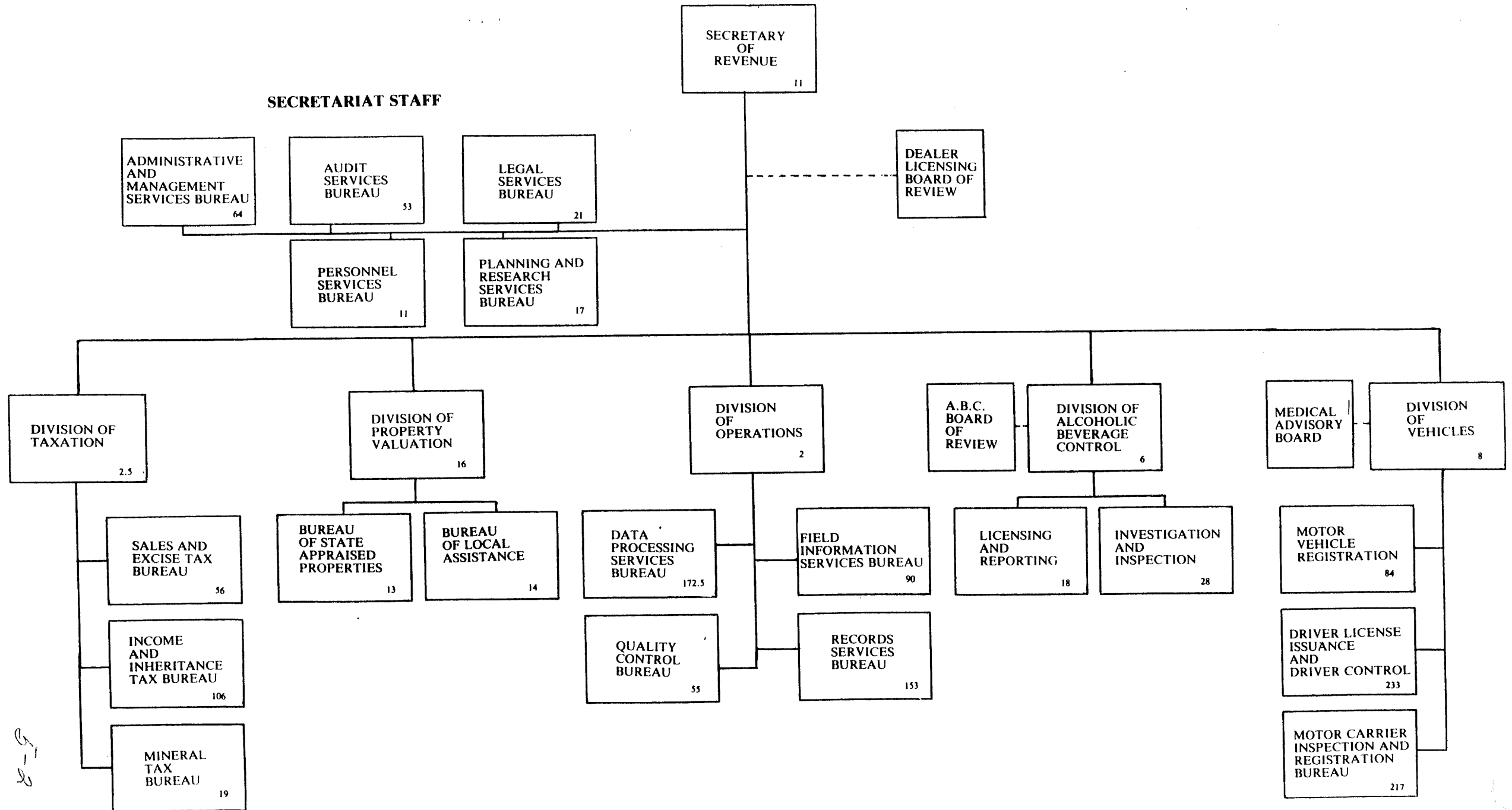
**ORGANIZATION CHART  
KANSAS DEPARTMENT OF REVENUE  
Fiscal Year 1983 Authorized**

1426.00 TOTAL POSITIONS



*Handwritten notes:*  
3/29/88  
# 25  
A.O.

**ORGANIZATION CHART**  
**KANSAS DEPARTMENT OF REVENUE**  
Fiscal Year 1984 Authorized

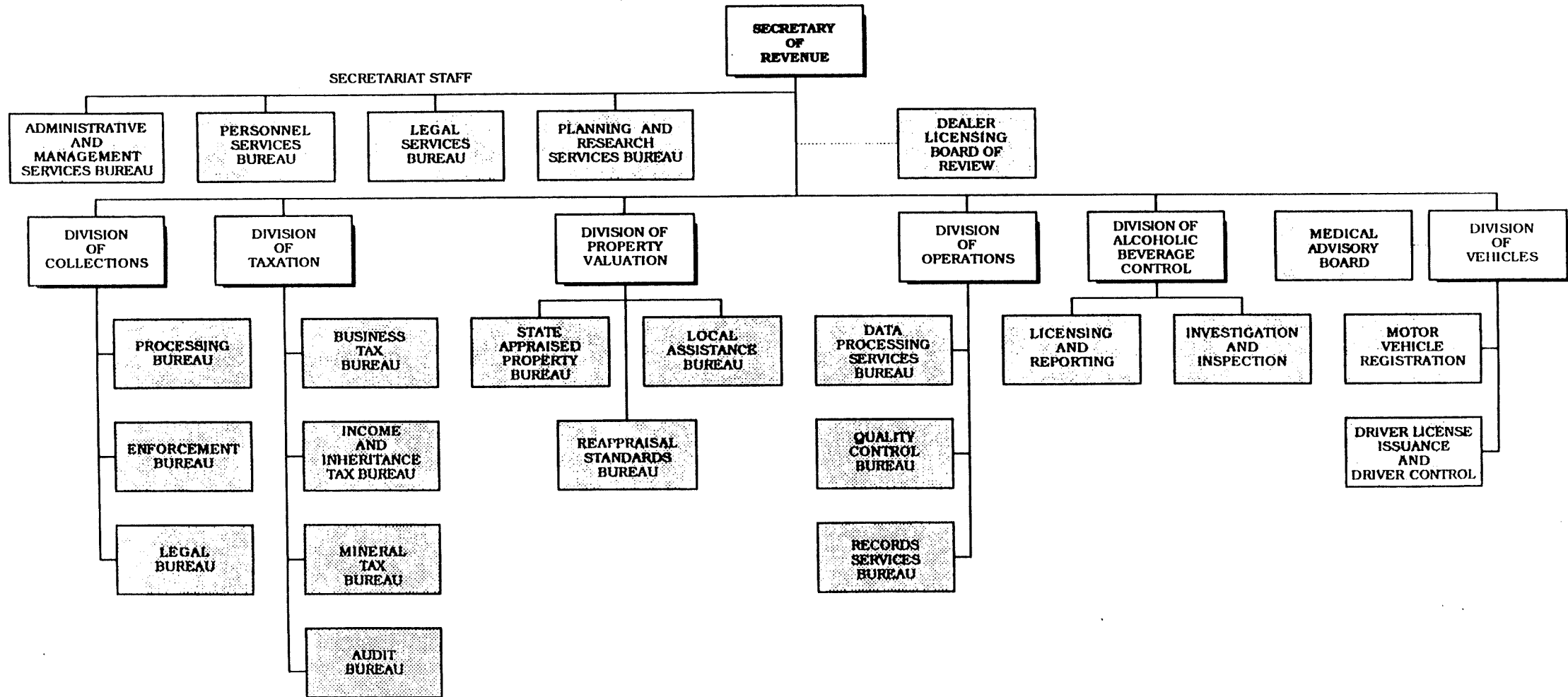


5-8

①  
**ORGANIZATION CHART**  
**KANSAS DEPARTMENT OF REVENUE**

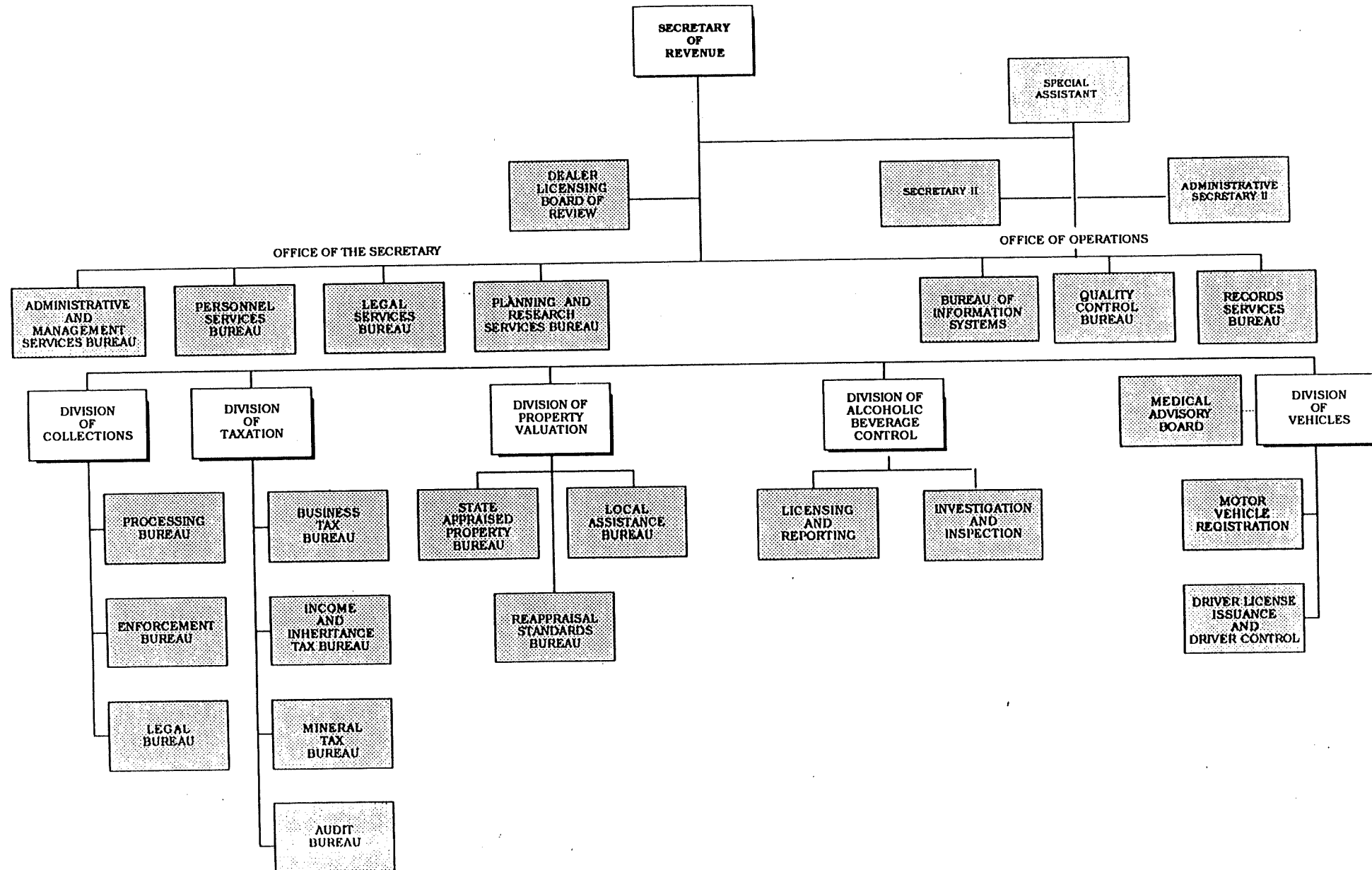
Fiscal Year 1989 Authorized

1,333.5 TOTAL POSITIONS



②  
**ORGANIZATION CHART**  
**KANSAS DEPARTMENT OF REVENUE**

Fiscal Year 1989 Authorized  
 1,333.5 TOTAL POSITIONS



4-5

Proposed Amendment to Senate Bill No. 273  
(As Amended by Senate Committee)

On page 14, following line 517, by inserting a new section as follows:

"New Sec. 21. There is hereby established, within and as a part of the department of revenue, a bureau of research and revenue analysis, the head of which shall be the manager of revenue analysis. Under the supervision of the secretary of revenue, the manager of revenue analysis shall administer the bureau of research and revenue analysis. The secretary of revenue shall appoint the manager of revenue analysis, and the manager shall serve at the pleasure of the secretary of revenue. The manager of revenue analysis shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of revenue and approved by the governor. The manager of revenue analysis shall exercise the powers and perform the duties and functions assigned or delegated by the secretary of revenue or prescribed by law.";

By renumbering sections 21 and 22 as sections 22 and 23, respectively;

In the title, in line 19, after "collections", by inserting "and a bureau of research and revenue analysis"

*G.O.*  
*#6*  
*3/28/89*