

Approved 1-31-89
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by SENATOR LANA OLEEN at
Chairperson

1:30 ~~PM~~^{XX} p.m. on January 23, 1989 in room 531-N of the Capitol.

All members were present except: Senator John Strick
Senator Frank Gaines

Committee staff present: Julian Efird - Research
Jill Wolters - Revisor
Nancy Jones - Secretary

Conferees appearing before the committee:
Julian Efird - Research
Jill Wolters - Revisor

Chairman Oleen extended a welcome to committee members and introduced the staff. Responsibilities of the Committee during this session were briefly outlined.

As the Department of Revenue is subject to sunset July 1, 1989, a bill has been drafted continuing the existence of the Department and the office of Secretary of Revenue to July 1, 1997. (Attachment 1).

A motion was made by Senator Francisco to introduce a bill extending sunset for the Department of Revenue and office of the Secretary of Revenue to July 1, 1997; seconded by Senator Moran. Motion carried.

At the request of the Chairman, Jill Wolters reviewed the Kansas Sunset Laws with emphasis on the statutes the Committee needs to address and public hearings to be scheduled. (Attachment 2)

Julian Efird presented a review of the Kansas Sunset Law and Agencies subject to abolition. Mr. Efird related the background for enactment of the Sunset Law and extensions since 1978. The results of performance audits through 1988 were briefly outlined. (Attachments 3 & 4)

Discussion was held regarding the Department's delinquent tax collection process and computer operations. Attention was given to the Governor's budget recommendations for FY 1990 for the new Automatic Collection Systems (ACS).

Meeting adjourned. Next meeting to be held January 24, 1989.

SENATE BILL NO. _____

By Committee on Governmental Organization

AN ACT concerning the Kansas sunset law; continuing in existence the office of secretary of revenue and the department of revenue; amending K.S.A. 1988 Supp. 74-7258 and repealing the existing section.

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

Section 1. K.S.A. 1988 Supp. 74-7258 is hereby amended to read as follows: 74-7258. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of secretary of revenue and the department of revenue, created by K.S.A. 75-1501, and amendments thereto, shall be and hereby are abolished on July 1, ~~1989~~ 1997.

Sec. 2. K.S.A. 1988 Supp. 74-7258 is hereby repealed.

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

STATE OF KANSAS

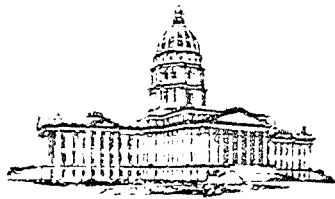
ARDEN K. ENSLEY, ATTORNEY
REVISOR OF STATUTES

NORMAN J. FLURSE, ATTORNEY
FIRST ASSISTANT REVISOR

JAMES A. WILSON III, ATTORNEY
SENIOR ASSISTANT REVISOR

ASSISTANT REVISORS
AVIS A. SWARTZMAN, ATTORNEY
DON S. HAYWARD, ATTORNEY
MARY ANN TORRENCE, ATTORNEY
WILLIAM L. EDDS, ATTORNEY
BRUCE W. KINZIE, ATTORNEY
THERESA M. KIERNAN, ATTORNEY
GORDON L. SELF, ATTORNEY
JILL A. WOLTERS, ATTORNEY

COMPUTER INFORMATION STAFF
MARY O. CHENG, M.S.
RICHARD M. CHAMPNEY, B.S.



OFFICE OF
REVISOR OF STATUTES

STATE HOUSE, THIRD FLOOR
TOPEKA, KANSAS 66612-1592

(913) 296-2321

TO: Senate Governmental Organization Committee
FROM: Jill Wolters, Assistant Revisor of Statutes *law*
DATE: January 23, 1989
RE: Outline of Kansas Sunset Laws -- K.S.A. 74-7245 et seq.

74-7245 -- Citation of act, "Kansas Sunset Law"; expires July 1, 1992

74-7246 -- Each abolished agency has until July 1, of the following year to conclude its duties; sunset law provides an 8-year continuance or establishment.

74-7247 -- Legislative post audit committee may direct a performance audit of each agency subject to sunset. Committee shall review and approve the final report

74-7248 -- Prior to abolition, public committee hearings shall be held in each house. The committee shall consider the post audit report. At the hearings, "the state agency or officer involved shall have the burden of demonstrating a public need for continued existence and the necessity for and extent of any changes in the state agency or office or in its enabling statutes which would increase the efficiency or effectiveness of the administration or operation of the state agency or office."

Factors for the committee to consider are listed in 74-7248(b).

74-7249 -- Rights and claims against abolished agencies

G.G.O.
1-23-89
ATTACH-2

transferred to the governor; rights preserved in legal proceedings; inherent legislative power reserved; personnel transfers in accordance with civil service act; records transferred to secretary of state for 6 years.

- 74-7250 -- Commission on civil rights, July 1, 1990
- 74-7251 -- State corporation commission, July 1, 1991
- 74-7252 -- Department and office of the secretary of social and rehabilitation services, July 1, 1996
- 74-7253 -- Energy office and director, July 1, 1982
- 74-7254 -- Energy advisory council, July 1, 1982
- 74-7255 -- Board of healing arts, July 1, 1992
- 74-7256 -- Board of nursing, July 1, 1995
- 74-7257 -- Department and office of the secretary of transportation, July 1, 1991
- 74-7258-- Department and office of the secretary of revenue, July 1, 1989
- 74-7260 -- Department and office of secretary of corrections, July 1, 1992
- 74-7261 -- Department and office of secretary of human resources, July 1, 1993
- 74-7262 -- Insurance department and office of insurance commissioner, July 1, 1993
- 74-7264 -- Department and office of secretary of commerce, July 1, 1996
- 74-7265 -- State treasurer's office and pooled money investment board, July 1, 1993
- 74-7267 -- Department and office of secretary of health and environment, July 1, 1994
- 74-7268 -- Department on aging and office of secretary of aging, July 1, 1994
- 74-7269 -- Kansas state library, July 1, 1995
- 74-7270 -- State librarian's office, July 1, 1995

a-2-1-89
SGO.
1-22-89

- 74-7271 -- Kansas water authority, July 1, 1989
- 74-7272 -- Kansas water office and office of the director, July 1, 1989
- 74-7273 -- State department of credit unions, state banking board and the savings and loan board are not subject to sunset laws
- 74-7274 -- Kansas commission for the deaf and hearing impaired, July 1, 1992
- 74-7275 -- Public disclosure commission and office of executive director, July 1, 1992

ing in this section shall exempt any corporation from the provisions of any other law applicable thereto.

(e) As used in this section, the term "corporation" shall not include corporations organized under the professional corporation law of Kansas.

History: L. 1980, ch. 244, § 1; July 1.

Article 71.—COMMISSION ON HEALTH CARE COSTS

74-7101 to 74-7108.

History: 1977, ch. 266, §§ 1 to 8; July 1.

Revisor's Note:

The text to these sections has been omitted. The act of which these sections were a part expired on December 31, 1978. see L. 1977, ch. 266, § 8.

KSA

Article 72.—KANSAS SUNSET LAW

Revisor's Note:

The sections constituting the original sunset law were repealed in 1981, and the sections constituting the sunset law contained in this article were enacted in the same year. Certain key provisions of the law were changed, different agencies and offices were selected to be subject to abolition, and many of the agencies and offices to which the original law applied are no longer affected.

74-7201, 74-7202.

History: L. 1978, ch. 308, §§ 1, 2; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7203.

History: L. 1978, ch. 308, § 3; Repealed, L. 1979, ch. 281, § 12; April 13.

74-7204.

History: L. 1978, ch. 308, § 4; L. 1979, ch. 258, § 1; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7205.

History: L. 1978, ch. 308, § 5; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7206.

History: L. 1978, ch. 308, § 6; L. 1979, ch. 259, § 1; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7207.

History: L. 1978, ch. 308, § 7; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7208.

History: L. 1978, ch. 308, § 8; L. 1980, ch. 246, § 1; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7209.

History: L. 1978, ch. 308, § 9; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7210.

History: L. 1978, ch. 308, § 10; L. 1980, ch. 247, § 2; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7211.

History: L. 1978, ch. 308, § 11; L. 1981, ch. 303, § 1; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7212.

History: L. 1978, ch. 308, § 12; L. 1980, ch. 248, § 1; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7213.

History: L. 1978, ch. 308, § 13; L. 1980, ch. 249, § 1; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7214.

History: L. 1978, ch. 308, § 14; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7215.

History: L. 1978, ch. 308, § 15; L. 1980, ch. 250, § 2; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7216.

History: L. 1978, ch. 308, § 16; L. 1980, ch. 251, § 1; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7217, 74-7218.

History: L. 1978, ch. 308, §§ 17, 18; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7219.

History: L. 1978, ch. 308, § 19; Repealed, L. 1981, ch. 248, § 9; July 1.

74-7220.

History: L. 1978, ch. 308, § 20; Repealed, L. 1981, ch. 249, § 5; July 1.

74-7221.

History: L. 1978, ch. 308, § 21; L. 1981, ch. 300, § 3; Repealed, L. 1985, ch. 215, § 24; July 1.

74-7221a.

History: L. 1978, ch. 308, § 21; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7222.

History: L. 1978, ch. 308, § 22; Repealed, L. 1981, ch. 304, § 10; July 1.

74-7223.

History: L. 1978, ch. 308, § 23; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7224, 74-7225.

History: L. 1978, ch. 308, §§ 24, 25; Repealed, L. 1981, ch. 2, § 16; July 1.

74-7226 to 74-7240.

History: L. 1978, ch. 308, §§ 26 to 40; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7241.

History: L. 1978, ch. 308, § 73; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7242.

History: L. 1978, ch. 308, § 75; L. 1980, ch. 252, § 1; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7243.

History: L. 1980, ch. 242, § 9; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7244.

History: L. 1980, ch. 289, § 5; Repealed, L. 1981, ch. 299, § 64; July 1.

74-7245. Citation of act; expiration date. (a) The provisions of the statutory sections which constitute article 72 of chapter 74 of Kansas Statutes Annotated shall be known and may be cited as the "Kansas sunset law."

(b) The provisions of the Kansas sunset law shall expire on July 1, 1992.

History: L. 1981, ch. 299, § 1; L. 1984, ch. 295, § 1; July 1.

74-7246. Conclusion of affairs of abolished agencies; procedures for continuance and reestablishment of state agencies, period of time. (a) For the purposes of concluding its affairs, each state agency or office abolished under the Kansas sunset law shall continue in existence until the July 1 next succeeding the date of abolition of such state agency or office. During such period of time and notwithstanding the abolition of the state agency or office under the Kansas sunset law, each such state agency and each person holding such state office, or the successor thereof, shall exercise all of the powers, duties and functions of such state agency or office. Upon the expiration of such period on the next succeeding July 1, each such state agency and each person holding such state office, or the

successor thereof, shall cease all activities and shall have no further authority to act unless such state agency or office is continued or reestablished in accordance with the provisions of subsection (b). No state agency or office abolished and not continued or reestablished, shall have less than the period of time provided for in this subsection to conclude its affairs.

(b) Any state agency or office subject to abolition under the Kansas sunset law may be continued in existence or reestablished by act of the legislature, but no such continuance or reestablishment shall be for a period of time in excess of eight years. Except as provided by this act, only one state agency or office shall be continued in existence or reestablished in any one act of the legislature and the name of such state agency or office shall be included in the title of such act. No new state agency or office which has the same or substantially the same jurisdiction as any state agency or office subject to abolition under the Kansas sunset law shall be created, established or organized by act of the legislature or executive reorganization order to exist for a period of time in excess of eight years. Each such state agency or office continued or reestablished and each such new state agency or office created, established or organized, shall be subject to abolition under the Kansas sunset law.

History: L. 1981, ch. 299, § 2; L. 1985, ch. 261, § 1; July 1.

74-7247. Performance audits of agencies to be abolished authorized; final report, review, approval and distribution; subsequent audits. The legislative post audit committee may direct the post auditor to conduct a performance audit of each state agency and office which is subject to abolition under the Kansas sunset law or may direct the post auditor to conduct a performance audit of any of the programs, duties or functions of any such state agency or office. In conducting any such performance audit, the post auditor shall include a determination of such factors as may be directed to be included by the legislative post audit committee. Upon completion of the performance audit, the legislative post audit committee shall review and approve a final report thereon. A copy of the final report of each performance audit conducted

se all activities authority to act office is contin- dence with the (b). No state and not contin- have less than for in this sub- rs.

office subject to sunset law may or reestablished at no such con- t shall be for a eight years. Ex- only one state ntinued in exist- y one act of the of such state ncluded in the state agency or or substantially state agency or nder the Kansas established or lature or execu- to exist for a eight years. Each e continued or uch new state tablished or or- abolition under

9, § 2; L. 1985,

audits of agen- ed; final report, ibution; subse- tive post audit post auditor to lit of each state subject to aboli- set law or may conduct a per- the programs, uch state agency such perform- shall include a rs as may be the legislative n completion of legislative post y and approve a py of the final ddit conducted

pursuant to this section shall be made available to each member of the legislature in accordance with the provisions of K.S.A. 46-1212c. If a state agency, office, program, duty or function has been the subject of a performance audit under the provisions of this section and is again to be the subject of a performance audit within the next succeeding three years, the legislative post audit committee or, subject to the approval of the legislative post audit committee, either committee of reference, or both committees of reference, holding the public hearings required under K.S.A. 74-7239, and any amendments thereto, may fix parameters within which the post auditor shall conduct the performance audit.

History: L. 1981, ch. 299, § 3; July 1.

Revisor's Note:

Section 74-7239 now repealed. Reference should be to 74-7248.

74-7248. Public hearings on abolition, continuation and reestablishment of state agencies; burden of demonstrating need; factors to be considered. (a) Prior to the abolition of a state agency or office under the Kansas sunset law or to the continuation or reestablishment thereof, a committee of reference in each house of the legislature shall hold a public hearing on such abolition, continuation or reestablishment. Each such committee shall receive testimony from the public, the state agency or officer involved and other appropriate state officers. The committee shall also consider any performance audit approved by the legislative post audit committee under K.S.A. 74-7247. In all such hearings, the state agency or officer involved shall have the burden of demonstrating a public need for continued existence and the necessity for and extent of any changes in the state agency or office or in its enabling statutes which would increase the efficiency or effectiveness of the administration or operation of the state agency or office.

(b) In such public hearings, the committee of reference shall take into consideration the following factors, if applicable, among others, in developing its recommendations and determining whether there is a public need for the continued existence of the state agency, office, program, function or duty involved:

(1) Whether the absence of the state

agency or office or of any program, function or duty thereof would significantly harm or endanger the public health, safety or welfare;

(2) whether there is a reasonable relationship between the exercise of the police power of the state by the state agency or office and the protection of the public health, safety or welfare;

(3) whether there is another less restrictive method of regulation available which could adequately protect the public;

(4) whether regulation, administration of the program or performance of the function or duty by the state agency or office has the effect of directly or indirectly increasing the cost of any goods or services involved, and, if so, to what degree;

(5) whether the increase in cost is more harmful to the public than the harm which could result from the absence of regulation, administration of the program or performance of the function or duty by the state agency or office;

(6) whether all facets of the regulatory or administrative process are designed solely for the purpose of the protection of public interests and have such protection as a primary effect; and

(7) whether the purposes of the state agency or office or of any program, function or duty thereof can be accomplished in a more efficient, effective or economical manner.

History: L. 1981, ch. 299, § 4; July 1.

74-7249. Rights of and claims against abolished agencies transferred to governor; rights preserved in legal proceedings; inherent legislative powers reserved; personnel transfers; disposition of property and records. (a) No provision of the Kansas sunset law shall affect any vested right or result in the dismissal of any lawful claim or right of any person against any state agency or office abolished under the Kansas sunset law or of any lawful claim or right of any such state agency or office which is the subject of litigation. All such claims and rights shall be imposed upon and assumed by the governor and are hereby transferred to and devolved upon the governor. As used in this subsection, "person" shall include any individual, partnership, association, or corporation.

(b) No suit, action or other proceeding,

judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or office abolished under the Kansas sunset law or by or against any officer of such state agency or office in relation to the discharge of duties imposed by law, shall abate by reason of the abolition of such state agency or office under the Kansas sunset law. The court may allow any such suit, action or other proceeding to be maintained by or against the governor as the chief executive officer of the state.

(c) No criminal action commenced or which could have been commenced by the state shall abate by the abolition of a state agency or office under the Kansas sunset law.

(d) No provision of the Kansas sunset law shall affect the inherent power of the legislature to enact legislation concerning any state agency or office subject to abolition under said law.

(e) All transfers of personnel and any abolition of personnel positions under the Kansas civil service act resulting from the abolition of any state agency or office under the Kansas sunset law, shall be in accordance with the provisions of the Kansas civil service act and any rules and regulations adopted thereunder.

(f) Upon the conclusion of the affairs of an abolished state agency or office in accordance with K.S.A. 74-7246, the title to all property held by such state agency or office shall be and is hereby transferred to and devolved upon the governor and such property shall be disposed of as directed by the governor. The records of such state agency or office shall be transferred to the secretary of state and shall be kept and maintained in the office of the secretary of state for a period of time of not less than six years. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the abolition of any state agency or office under the Kansas sunset law, shall be determined by the governor and the reconciliation of such conflict pursuant to this section shall be final.

History: L. 1981, ch. 299, § 5; July 1.

74-7250. Commission on civil rights abolished. Except as provided in K.S.A. 74-7246, the commission on civil rights created

by K.S.A. 44-1003, shall be and is hereby abolished on July 1, 1990.

History: L. 1981, ch. 299, § 6; L. 1982, ch. 326, § 1; July 1.

74-7251. State corporation commission abolished. Except as provided in K.S.A. 74-7246, the state corporation commission created by K.S.A. 74-601 and amendments thereto, shall be and is hereby abolished on July 1, 1991.

History: L. 1981, ch. 299, § 7; L. 1982, ch. 327, § 1; L. 1983, ch. 259, § 1; July 1.

74-7252. Department and office of secretary of social and rehabilitation services abolished. Except as provided in K.S.A. 74-7246, the office of secretary of social and rehabilitation services and the department of social and rehabilitation services, created by K.S.A. 75-5301, shall be and are hereby abolished on July 1, 1988.

History: L. 1981, ch. 299, § 8; L. 1982, ch. 328, § 1; July 1.

74-7253. Kansas energy office and office of director abolished. Except as provided in K.S.A. 74-7246, the office of director of the Kansas energy office and the Kansas energy office, created by K.S.A. 74-6802, and amendments thereto, shall be and are hereby abolished on July 1, 1982.

History: L. 1981, ch. 299, § 9; July 1.

74-7254. Energy advisory council abolished. Except as provided in K.S.A. 74-7246, the energy advisory council, established by K.S.A. 74-6803, and amendments thereto, shall be and is hereby abolished on July 1, 1982.

History: L. 1981, ch. 299, § 10; July 1.

74-7255. Board of healing arts abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the state board of healing arts appointed pursuant to K.S.A. 65-2812, and amendments thereto, shall be and is hereby abolished on July 1, 1992.

History: L. 1981, ch. 299, § 11; L. 1983, ch. 213, § 1; L. 1984, ch. 296, § 1; July 1.

74-7256. Board of nursing abolished. Except as provided in K.S.A. 74-7246, the board of nursing appointed pursuant to K.S.A. 74-1106, and amendments thereto, shall be and is hereby abolished on July 1, 1987.

History: L. 1981, ch. 260, § 1; July 1.

74-7257. Department of secretary of transportation abolished. Except as provided in K.S.A. 74-7246, the department of secretary of transportation created by K.S.A. 75-5001, shall be and are hereby abolished on July 1, 1991.

History: L. 1981, ch. 261, § 1; July 1.

74-7258. Department of secretary of revenue abolished. Except as provided in K.S.A. 74-7246, the department of secretary of revenue, created by K.S.A. 75-5001, shall be and are hereby abolished on July 1, 1991.

History: L. 1981, ch. 262, § 1; July 1.

74-7259. Department of secretary of transportation abolished. Except as provided in K.S.A. 74-7246, the department of secretary of transportation, created by K.S.A. 75-5001, shall be and are hereby abolished on July 1, 1991.

History: L. 1981, ch. 262, § 1; July 1.

74-7260. Department of secretary of revenue abolished. Except as provided in K.S.A. 74-7246, the department of secretary of revenue, created by K.S.A. 75-5001, shall be and are hereby abolished on July 1, 1991.

History: L. 1981, ch. 262, § 1; July 1.

74-7261. Department of secretary of revenue abolished. Except as provided in K.S.A. 74-7246, the department of secretary of revenue, created by K.S.A. 75-5001, shall be and are hereby abolished on July 1, 1991.

History: L. 1981, ch. 295, § 2; July 1.

74-7262. Department of secretary of revenue abolished. Except as provided in K.S.A. 74-7246, the department of secretary of revenue, created by K.S.A. 75-5001, shall be and are hereby abolished on July 1, 1991.

History: L. 1981, ch. 298, § 1; July 1.

74-7263. Department of secretary of revenue abolished. Except as provided in K.S.A. 74-7246, the department of secretary of revenue, created by K.S.A. 75-5001, shall be and are hereby abolished on July 1, 1991.

History: L. 1981, ch. 299, § 12; L. 1983, ch. 260, § 1; July 1.

74-7257. Department and office of secretary of transportation abolished. Except as provided in K.S.A. 74-7246, the office of secretary of transportation and the department of transportation, established by K.S.A. 75-5001 and amendments thereto, shall be and are hereby abolished on July 1, 1991.

History: L. 1981, ch. 299, § 13; L. 1983, ch. 261, § 1; July 1.

74-7258. Department and office of secretary of revenue abolished. Except as provided in K.S.A. 74-7246, the office of secretary of revenue and the department of revenue, created by K.S.A. 75-1501 and amendments thereto, shall be and are hereby abolished on July 1, 1987.

History: L. 1981, ch. 299, § 14; L. 1983, ch. 262, § 1; July 1.

74-7259.

History: L. 1981, ch. 299, § 15; L. 1984, ch. 297, § 1; Repealed, L. 1984, ch. 323, § 17; July 1.

74-7260. Department and office of secretary of corrections abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of secretary of corrections and the department of corrections, established by K.S.A. 75-5203, and amendments thereto, shall be and are hereby abolished on July 1, 1992.

History: L. 1981, ch. 299, § 16; L. 1984, ch. 295, § 2; July 1.

74-7261. Department and office of secretary of human resources abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of secretary of human resources and the department of human resources, established by K.S.A. 75-5701, and amendments thereto, shall be and are hereby abolished on July 1, 1993.

History: L. 1981, ch. 299, § 17; L. 1984, ch. 298, § 1; L. 1985, ch. 292, § 1; July 1.

74-7262. Insurance department and office of insurance commissioner abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of commissioner of insurance and the insurance department provided for and established by K.S.A. 40-102, and amendments thereto,

shall be and are hereby abolished on July 1, 1993.

History: L. 1981, ch. 299, § 18; L. 1985, ch. 261, § 2; July 1.

74-7263.

History: L. 1981, ch. 299, § 19; Repealed, L. 1985, ch. 261, § 4; July 1.

74-7264. Department and office of secretary of economic development abolished. Except as provided in K.S.A. 74-7246, the office of secretary of economic development and the department of economic development, created by K.S.A. 74-5002a, and amendments thereto, shall be and are hereby abolished on July 1, 1988.

History: L. 1981, ch. 299, § 20; L. 1985, ch. 262, § 1; July 1.

74-7265. State treasurer's office and pooled money investment board abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of the state treasurer, and the pooled money investment board established by K.S.A. 75-4221a, and amendments thereto, shall be and are hereby abolished on July 1, 1993.

History: L. 1981, ch. 299, § 21; L. 1985, ch. 261, § 3; July 1.

74-7266.

History: L. 1981, ch. 299, § 22; Repealed, L. 1985, ch. 261, § 4; July 1.

74-7267. Department and office of secretary of health and environment abolished. Except as provided in K.S.A. 74-7246, the office of secretary of health and environment and the department of health and environment, created by K.S.A. 75-5601, shall be and are hereby abolished on July 1, 1986.

History: L. 1981, ch. 299, § 23; July 1.

74-7268. Department on aging and office of secretary of aging abolished. Except as provided in K.S.A. 74-7246, the office of secretary of aging and the department on aging, created by K.S.A. 75-5903, and amendments thereto, shall be and are hereby abolished on July 1, 1986.

History: L. 1981, ch. 299, § 24; July 1.

74-7269. Kansas state library abolished. Except as provided in K.S.A. 74-7246, the Kansas state library, provided for by K.S.A. 75-2534, and amendments thereto,

shall be and is hereby abolished on July 1, 1987.

History: L. 1981, ch. 299, § 25; July 1.

74-7270. State librarian's office abolished. Except as provided in K.S.A. 74-7246, the office of the state librarian, provided for by K.S.A. 75-2534, and amendments thereto, shall be and is hereby abolished on July 1, 1987.

History: L. 1981, ch. 299, § 26; July 1.

74-7271. Kansas water authority abolished. Except as provided in K.S.A. 74-7246, the Kansas water authority established by K.S.A. 74-2622, shall be and is hereby abolished on July 1, 1987.

History: L. 1981, ch. 299, § 27; July 1.

74-7272. Kansas water office and office of director abolished. Except as provided in K.S.A. 74-7246, the office of director of the Kansas water office and the Kansas water office, established by K.S.A. 74-2613, shall be and are hereby abolished on July 1, 1987.

History: L. 1981, ch. 299, § 28; July 1.

74-7273. Original sunset law; certain state agencies reestablished and continued in existence. Notwithstanding any provision of the Kansas sunset law existing prior to the effective date of this act and repealed by this act, the state department of credit unions established by K.S.A. 17-2234, as amended by this act, the state banking board created by K.S.A. 74-3004, as amended by this act, the savings and loan department created by K.S.A. 74-3104, as amended by this act, and the savings and loan board created by K.S.A. 74-3113 and as amended by this act, are hereby reestablished and continued in existence as state agencies and shall continue to exercise all of the powers, duties and functions of such state agencies as provided by law.

History: L. 1981, ch. 299, § 63; July 1.

Revisor's Note:

The state agencies designated in this section were subject to abolition under the original sunset law but are not affected by the sunset law enacted in 1981.

74-7274. Kansas commission for the deaf and hearing impaired abolished. Except as provided in K.S.A. 74-7246, the Kansas commission for the deaf and hearing impaired established by K.S.A. 75-5391, and amendments thereto, shall be and is hereby abolished on July 1, 1992.

History: L. 1982, ch. 308, § 8; L. 1984, ch. 334, § 1; July 1.

Article 73.—CRIME VICTIMS REPARATIONS BOARD

Law Review and Bar Journal References:

"Reform in Kansas Domestic Violence Legislation," David J. Gottlieb and L. Eric Johnson, 31 K.L.R. 527, 575 (1983).

GENERAL PROVISIONS

74-7301. Definitions. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Allowance expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care. Such term includes a total charge not in excess of seven hundred fifty dollars (\$750) for expenses in any way related to funeral, cremation or burial; but such term shall not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless other accommodations are medically required.

(b) "Board" means the crime victims reparations board established under K.S.A. 74-7303.

(c) "Claimant" means any of the following persons claiming reparations under this act: A victim; a dependent of a deceased victim; a third person other than a collateral source; or an authorized person acting on behalf of any of them.

(d) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to the victim or claimant, from:

- (1) The offender;
- (2) the government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality or two (2) or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act;

(3) soc
aid;
(4) sta
occupatio
(5) wo
(6) wa
employe
(7) pr
payable t
victim su
injurious
(8) a c
and other
disability
(e) "C
means co
tempted i
threat or
either is
or death
the fact
conduct
crime un
term sha
the own
motor ve
was inter
death.
(f) "D
wholly or
tim for ca
of the vic
(g) "L
loss after
of things
dent's de
they wo
dent if he
injury, le
avoided
(h) "E
loss" me
depende
taining o
lieu of th
formed fo
not suffer
the depe
dent's de
ing depe
(i) "E
detrimen
pense, w
and, if i
economic
ment ser

such other surveys as necessary to control the quality of surveying in the state of Kansas.

History: L. 1988, ch. 307, § 3; July 1.

1988 Supp.

Article 72.—KANSAS SUNSET LAW

74-7252. Department and office of secretary of social and rehabilitation services abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of secretary of social and rehabilitation services and the department of social and rehabilitation services, created by K.S.A. 75-5301, and amendments thereto, shall be and hereby are abolished on July 1, 1996.

History: L. 1981, ch. 299, § 8; L. 1982, ch. 328, § 1; L. 1988, ch. 308, § 1; July 1.

74-7256. Board of nursing abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the board of nursing, appointed pursuant to K.S.A. 74-1106, and amendments thereto, shall be and hereby is abolished on July 1, 1995.

History: L. 1981, ch. 299, § 12; L. 1983, ch. 260, § 1; L. 1987, ch. 307, § 1; July 1.

74-7258. Department and office of secretary of revenue abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of secretary of revenue and the department of revenue, created by K.S.A. 75-1501, and amendments thereto, shall be and hereby are abolished on July 1, 1989.

History: L. 1981, ch. 299, § 14; L. 1983, ch. 262, § 1; L. 1987, ch. 308, § 1; July 1.

74-7264. Department and office of secretary of commerce abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of secretary of commerce and the department of commerce, created by K.S.A. 74-5002a, and amendments thereto, shall be and hereby are abolished on July 1, 1996.

History: L. 1981, ch. 299, § 20; L. 1985, ch. 262, § 1; L. 1988, ch. 309, § 1; July 1.

74-7267. Department and office of secretary of health and environment abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of secretary of health and environment and the department of health and environment, created by K.S.A. 75-5601, and amendments thereto, shall be and hereby are abolished on July 1, 1994.

History: L. 1981, ch. 299, § 23; L. 1986, ch. 304, § 1; July 1.

74-7268. Department on aging and office of secretary of aging abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of secretary of aging and the department on aging, created by K.S.A. 75-5903, and amendments thereto, shall be and hereby are abolished on July 1, 1994.

History: L. 1981, ch. 299, § 24; L. 1986, ch. 305, § 1; July 1.

74-7269. Kansas state library abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the Kansas state library, provided for by K.S.A. 75-2534, and amendments thereto, shall be and hereby is abolished on July 1, 1995.

History: L. 1981, ch. 299, § 25; L. 1987, ch. 309, § 1; July 1.

74-7270. State librarian's office abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of the state librarian, provided for by K.S.A. 75-2534, and amendments thereto, shall be and hereby is abolished on July 1, 1995.

History: L. 1981, ch. 299, § 26; L. 1987, ch. 310, § 1; July 1.

74-7271. Kansas water authority abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the Kansas water authority established by K.S.A. 74-2622, and amendments thereto, shall be and hereby is abolished on July 1, 1989.

History: L. 1981, ch. 299, § 27; L. 1987, ch. 311, § 1; July 1.

74-7272. Kansas water office and office of director abolished. Except as provided in K.S.A. 74-7246, and amendments thereto, the office of director of the Kansas water office and the Kansas water office, established by K.S.A. 74-2613, and amendments thereto, shall be and hereby are abolished on July 1, 1989.

History: L. 1981, ch. 299, § 28; L. 1987, ch. 312, § 1; July 1.

74-7275. Public disclosure commission and office of executive director abolished. Except as otherwise provided in K.S.A. 74-7246, and amendments thereto, the Kansas public disclosure commission and the office of executive director of the Kansas public disclosure commission, provided for by K.S.A. 25-4119a,

ch. 299, § 23; L. 1986,

ment on aging and of-
ng abolished. Except as
7246, and amendments
cretary of aging and the
created by K.S.A. 75-
s thereto, shall be and
n July 1, 1994.

ch. 299, § 24; L. 1986,

state library abolished.
n K.S.A. 74-7246, and
he Kansas state library,
.. 75-2534, and amend-
and hereby is abolished

ch. 299, § 25; L. 1987,

brarian's office abol-
ded in K.S.A. 74-7246,
to. the office of the state
by K.S.A. 75-2534, and
shall be and hereby is
995.

ch. 299, § 26; L. 1987,

water authority abol-
ded in K.S.A. 74-7246,
to. the Kansas water au-
K.S.A. 74-2622, and
shall be and hereby is
989.

ch. 299, § 27; L. 1987,

water office and office
Except as provided in
mendments thereto, the
Kansas water office and
established by K.S.A.
nts thereto, shall be and
n July 1, 1989.

ch. 299, § 28; L. 1987,

disclosure commission
director abolished. Ex-
ded in K.S.A. 74-7246,
eto, the Kansas public
and the office of exec-
Kansas public disclosure
or by K.S.A. 25-4119a,

and amendments thereto, are hereby abolished
on July 1, 1992.

History: L. 1986, ch. 143, § 2; July 1.

**Article 73.—CRIME VICTIMS
REPARATIONS BOARD**

Attorney General's Opinions:

Crime victims reparations board; reparations and fund-
ing limitations. 88-10.

74-7301. Definitions. As used in this act,
the following words and phrases shall have the
meanings respectively ascribed to them herein:

(a) "Allowance expense" means reasonable
charges incurred for reasonably needed prod-
ucts, services and accommodations, including
those for medical care, rehabilitation, rehabi-
litative occupational training and other reme-
dial treatment and care. Such term includes a
total charge not in excess of \$750 for expenses
in any way related to funeral, cremation or
burial; but such term shall not include that
portion of a charge for a room in a hospital,
clinic, convalescent or nursing home or any
other institution engaged in providing nursing
care and related services, in excess of a rea-
sonable and customary charge for semi-private
accommodations, unless other accommodations
are medically required.

(b) "Board" means the crime victims re-
parations board established under K.S.A. 74-
7303 and amendments thereto.

(c) "Claimant" means any of the following
persons claiming reparations under this act: A
victim; a dependent of a deceased victim; a
third person other than a collateral source; or
an authorized person acting on behalf of any
of them.

(d) "Collateral source" means a source of
benefits or advantages for economic loss oth-
erwise reparable under this act which the vic-
tim or claimant has received, or which is
readily available to the victim or claimant,
from:

- (1) The offender;
- (2) the government of the United States or
any agency thereof, a state or any of its political
subdivisions or an instrumentality or two or
more states, unless the law providing for the
benefits or advantages makes them excess or
secondary to benefits under this act;
- (3) social security, medicare and medicaid;
- (4) state-required temporary non-occupa-
tional disability insurance;
- (5) workers' compensation;

(6) wage continuation programs of any
employer;

(7) proceeds of a contract of insurance pay-
able to the victim for loss which the victim
sustained because of the criminally injurious
conduct; or

(8) a contract providing prepaid hospital
and other health care services or benefits for
disability.

(e) "Criminally injurious conduct" means
conduct that: (1) Occurs or is attempted in this
state; (2) poses a substantial threat or personal
injury or death; and (3) either is punishable by
fine, imprisonment or death or would be so
punishable but for the fact that the person en-
gaging in the conduct lacked capacity to com-
mit the crime under the laws of this state. Such
term shall not include conduct arising out of
the ownership, maintenance or use of a motor
vehicle, except for violations of K.S.A. 8-1567
and amendments thereto, or violations of mu-
nicipal ordinances prohibiting the acts prohib-
ited by that statute, or when such conduct was
intended to cause personal injury or death.

(f) "Dependent" means a natural person
wholly or partially dependent upon the victim
for care or support, and includes a child of the
victim born after the victim's death.

(g) "Dependent's economic loss" means
loss after decedent's death of contributions of
things of economic value to the decedent's de-
pendents, not including services they would
have received from the decedent if the deced-
ent had not suffered the fatal injury, less ex-
penses of the dependents avoided by reason
of decedent's death.

(h) "Dependent's replacement services
loss" means loss reasonably incurred by de-
pendents after decedent's death in obtaining
ordinary and necessary services in lieu of those
the decedent would have performed for their
benefit if the decedent had not suffered the
fatal injury, less expenses of the dependents
avoided by reason of decedent's death and not
subtracted in calculating dependent's economic
loss.

(i) "Economic loss" means economic det-
riment consisting only of allowable expense,
work loss, replacement services loss and, if in-
jury causes death, dependent's economic loss
and dependent's replacement service loss. No-
neconomic detriment is not loss, but economic
detriment is loss although caused by pain and
suffering or physical impairment.

(j) "Noneconomic detriment" means pain,

SUNSET LEGISLATION: DEVELOPMENT IN OTHER STATES AND ACTIVITIES IN KANSAS

Background

In 1976, Colorado became the first state to pass a sunset law. Today, 33 states have legislation that establishes dates for the abolition of programs and agencies unless they are specifically continued by the Legislature. The most recent law was enacted by Pennsylvania in 1981. Kansas, in 1978, became the 26th state to enact a sunset law.

Common Cause, an organization that promotes governmental reform, is generally recognized as having been a major force behind sunset legislation at the state and national levels. That organization considers sunset legislation a means by which government can become more responsive to the public it serves as a result of the periodic review and evaluation of public services, agencies, and programs. According to Common Cause, it is assumed that most agencies subject to a sunset review will be continued. The concept behind sunset legislation, then, is not to abolish agencies and programs but to make them more responsive and accountable.

Because of the impact Common Cause had on the development of sunset legislation, most states incorporated principles endorsed by Common Cause in their sunset laws. These principles include the provision of ample opportunity for public participation, the establishment of general criteria to guide the review process, and the automatic and periodic termination of agencies under the law unless they are specifically continued.

In addition, the initial thrust of sunset legislation involved regulatory agencies. This was because it was thought that regulatory activities are the source of much citizen dissatisfaction with government and should be regularly reviewed; regulatory agencies usually are not as closely scrutinized in the budget review process as are agencies funded by state general revenues; and, usually being small operations with clearly defined functions, regulatory agencies lend themselves to experimentation under sunset laws as legislators seek to determine the value of periodic agency reviews and to evaluate the impact of this particular legislative oversight activity upon their time and staff resources.

Another impetus for sunset activities was the fact that the process is a management tool which helps establish the legislature as a branch of state government equal to the executive. While early proponents of sunset legislation were motivated by citizen disillusionment with government, some legislators view the concept of sunset out of their own frustration with executive agencies and their desire to monitor programs and agencies they have created. Thus, sunset activities became part of a trend toward strengthening state legislatures and the oversight functions they perform.

Other States

Attachment I lists the 36 states that have enacted sunset legislation and notes major features of the process in each state. The list includes North

Carolina, Mississippi, and Nebraska, which are the only states to have repealed their sunset laws.

Of the laws in the 33 states that have sunset provisions, 11 cover regulatory agencies only, 12 (including Kansas) cover regulatory and other selected agencies, and 10 provide for a comprehensive review of all state agencies. The scope of these laws has changed since they were first enacted. The original focus of a majority of the laws was regulatory activity. Today, amendments to the laws in a number of states have added larger state agencies to the sunset review cycle. Accordingly, the criteria by which agencies are reviewed have shifted from factors relating to the necessity and value of state regulation to those relating to an agency's management, organization, and performance in achieving its goals.

Other changes among the states include lengthening the review cycle and streamlining the review process by, for example, eliminating requirements that a performance audit be conducted of each agency under review. Some states, particularly those that conduct comprehensive reviews of all agencies, such as Texas and Tennessee, have established sunset review bodies and have provided for additional staffs to handle the workload.

The way legislatures manage the sunset review process varies from state to state. In a number of states, sunset activities are referred to standing or interim committees in the subject area of the agency being reviewed. In other states, including Kansas, sunset reviews are generally conducted by a committee whose jurisdiction is broad enough to include, but is not confined to, sunset reviews. A few states have established committees that deal exclusively with sunset activities.

Based upon information obtained by Common Cause in a survey of the states in 1982, 1,500 agencies had been reviewed since the enactment of the first sunset law in 1976. Of those agencies, one in five has been terminated, one in three modified, and approximately half recreated with little or no change. These findings lend support to the notion that the value in sunset legislation lies in its utility as a vehicle to periodically evaluate and improve agencies and programs, not to abolish them.

The survey also showed that, when changes were made in an agency, they most commonly fell into the category of (1) requiring public membership on boards and commissions and (2) improving administrative practices and disciplinary procedures.

In assessing the states' experiences with sunset legislation, the Council of State Governments has reached the following conclusions:

1. "Sunset was oversold to the public as a way to reduce the size of government and save money." This finding is particularly relevant when one considers that most of the agencies first reviewed -- regulatory agencies -- did not ordinarily receive state general revenues and usually were not abolished. In fact, a common complaint of legislators among the states is that the sunset process itself is expensive and has required the addition of more staff.

2. "States have found it difficult to assess empirically the costs and benefits of state regulation." This conclusion refers to the difficulties involved in measuring the extent to which an agency's goals and objectives have been met. These difficulties tend to become more apparent when the review focuses upon large state agencies that perform a variety of functions and services.
3. "Sunset staff reports and recommendations have not always been coordinated with other legislative oversight mechanisms."

In addition, Common Cause, the organization which so actively promoted the concept of sunset as a means of public accountability, concedes that public participation in the sunset process has been limited and that regulated professionals have a disproportionate influence on the process. According to the Common Cause survey, 70 percent of the states reported that the average turnout for a public hearing is 25 persons or fewer. One-third of the respondents reported that the only persons who are heard from about sunset issues are licensed professionals.

Nevertheless, the sunset process seems to be working successfully in a number of states. Many states, as noted, have expanded the role of this oversight procedure by broadening the scope of agencies to which it applies. North Carolina, Mississippi, and Nebraska are the only states to have repealed their sunset laws. (Bills to repeal sunset laws have been introduced in other states but have not passed. Kansas appears to be the only state whose sunset law itself has a termination date.)

The benefits of the sunset process most often cited include improvements in government performance, financial savings due to improved agency performance, and increased legislative experience in conducting oversight. While freeing the public from excessive regulation and reducing state budgets are still posited as objectives of the process, the notion that states are able to eliminate significant numbers of unnecessary regulations is generally less touted today than it was in the 1970s. Instead, the sunset process has begun to focus on larger, general areas of state government and continues to develop as a means by which state legislatures are strengthening their oversight functions.

The Kansas Sunset Law

The Kansas Sunset Law (K.S.A. 74-7245 et seq.), as it was enacted in 1978, provided for the abolition of 37 agencies between 1979 and 1984. All but two of the agencies were regulatory in nature. (The exceptions were the Departments and Offices of Secretary of Social and Rehabilitation Services and Health and Environment.) The law itself was set to expire July 1, 1981, unless extended by the Legislature.

The original law required that a performance audit be conducted of each agency due to be abolished. Public hearings had to be held by committees of both houses of the Legislature. The maximum time for which an agency could be extended was six years and an agency that was not continued by the Legislature had one year from its abolition date to conclude its business.

The statutes directed the Legislature to take into account a number of considerations when reviewing the sunset agencies. All of the considerations related to regulatory activities, such as whether there was a less restrictive method of regulation which would adequately protect the public and whether the regulation was for the benefit of the public or for the regulated profession.

The applicability of the factors to be considered, focusing as they did on regulatory activities, was limited when applied to large state agencies. When the Sunset Law was due to be abolished in 1981, legislators considered not only whether to extend it, but also whether changes should be made in the substance of the law itself.

What emerged from the 1981 Session is the current law which shifts the focus of the process from regulatory agencies to broad, general areas of government and streamlines the review process. More than 20 boards, commissions, and agencies -- all regulatory -- were removed from the sunset process entirely. New agencies were added, including major cabinet agencies such as the departments of Revenue, Corrections, Transportation, and Human Resources. Added also were offices of elected officials, such as the State Treasurer and the Office and Department of the Commissioner of Insurance. (See Attachment II for a list of state agencies that have been and are currently subject to the provisions of the Sunset Law.)

The requirement that there be a performance audit of each agency was removed. Instead, the audit was made optional, subject to the direction of the Legislative Post Audit Committee, which may direct that the audit be limited to selected functions or divisions of each agency. A public hearing in both houses on each agency subject to abolition is still required. The maximum number of years for which an agency can be continued is now eight, instead of six, years. The Sunset Law itself was extended until July 1, 1984. (In 1984, it was re-established until July 1, 1992.)

All of these changes in the Kansas law are fairly typical of changes that have been made to sunset laws in other states. They reflect frustrations legislators have had with more cumbersome aspects of the process and the desire to shift the oversight function from the states' regulatory activities to more general areas of state government. It remains to be seen whether the concept of sunset will gradually be abandoned for its failure to live up to expectations or whether it will continue to develop as a tool for legislators to use in the oversight of state government.

ATTACHMENT I

Summary of Sunset Legislation -- 1987

<u>State</u>	<u>Year of Enactment</u>	<u>Scope of Law</u>	<u>Cycle</u>	<u>Committee With Jurisdiction</u>
Alabama	1976 (amended in 1979 and 1981)	Regulatory and Other Selected Agencies	4 years	Joint Legislative Committee
Alaska	1978	Regulatory Agencies	4 years	Standing Committee
Arizona	1978 (amended in 1982 and 1984)	Comprehensive	10 years	Joint Legislative Oversight Commission
Arkansas	1977	Comprehensive	Indefinite	Joint Legislative Committee
Colorado	1976 (amended in 1977, 1978, 1981, 1985, and 1986)	Regulatory and Other Selected Agencies	10 years	Sunset Committee
Connecticut	1977 (amended in 1983)	Regulatory and Other Selected Agencies	5 years	Sunset Committee
Delaware	1980	Regulatory and Other Selected Agencies	5 years	Sunset Committee
Florida	1976 (amended in 1977 and 1981)	Regulatory Agencies	10 years	Standing Committee
Georgia	1977 (amended in 1978 and 1982)	Regulatory Agencies	6 years	Joint Legislative Committee
Hawaii	1977 (amended in 1979, 1982, and 1983)	Regulatory Agencies	6 years	Standing Committee
Illinois	1979	Regulatory Agencies	10 years	Select Joint Committee on Regulatory Agency Reform

2-24-88

<u>State</u>	<u>Year of Enactment</u>	<u>Scope of Law</u>	<u>Cycle</u>	<u>Committee With Jurisdiction</u>
Indiana	1978	Comprehensive	--	Legislative Council
Kansas	1978 (amended in 1981)	Regulatory and Other Selected Agencies	8 years	Standing Committee
Louisiana	1976 (amended in 1978 and 1979)	Comprehensive	9 years	Standing Committee
Maine	1977 (amended in 1978, 1979, and 1981)	Comprehensive	10 years	Sunset Committee
Maryland	1978 (amended in 1980, 1982, 1984, and 1985)	Regulatory and Other Selected Agencies	10 years	Standing Committee
Mississippi	1979 (law repealed)	Regulatory and Other Selected Agencies	8 years	Standing Committee
Montana	1977	Regulatory Agencies	6 years	Standing Committee
Nebraska	1977 (amended in 1979 and 1980; law repealed)	Regulatory and Other Selected Agencies	Indefinite	Performance Review and Audit Committee
Nevada	1979 (amended in 1981)	Regulatory and Other Selected Agencies	Indefinite	Legislative Council
New Hampshire	1977 (amended in 1979, 1983, and 1985)	Comprehensive	6 years (with some exceptions)	Sunset Committee
New Mexico	1977 (amended in 1981)	Regulatory Agencies	Varies	Joint Legislative Committee
North Carolina	1977 (repealed 1981)	--	--	--
Oklahoma	1977	Regulatory and Other Selected Agencies	6 years (with some exceptions)	Joint Legislative Committee

2-2-16-89

<u>State</u>	<u>Year of Enactment</u>	<u>Scope of Law</u>	<u>Cycle</u>	<u>Committee With Jurisdiction</u>
Oregon	1977 (amended in 1979 and 1983)	Regulatory Agencies	8 years	Sunset Committee
Pennsylvania	1981 (amended in 1982)	Regulatory and Other Selected Agencies	10 years	Legislative Leadership Committee
Rhode Island	1977 (amended in 1978, 1979, and 1981)	Regulatory Agencies	Indefinite	Legislative Oversight Committee
South Carolina	1978	Regulatory Agencies	6 years	Legislative Audit Council
South Dakota	1977 (amended in 1978)	Regulatory and Other Selected Agencies	Only one cycle	Joint Legislative Committee
Tennessee	1977 (amended in 1979, 1980, 1981, 1985, and 1986)	Regulatory Agencies	8 years	Joint Legislative Committee
Texas	1977 (amended in 1981 and 1985)	Comprehensive	12 years	Sunset Advisory Commission
Utah	1977 (amended in 1979, 1981, 1983, and 1985)	Comprehensive	10 years	Legislative Study Committee
Vermont	1978 (amended in 1980 and 1986)	Regulatory Agencies	Indefinite	Legislative Council
Washington	1977 (amended in 1979 and 1983)	Comprehensive	Specific/Indefinite	Standing Committee
West Virginia	1979	Comprehensive	6 years	Joint Legislative Committee
Wyoming	1979 (amended in 1981 and 1984)	Regulatory and Other Selected Agencies	Indefinite	Joint Legislative Committee

Sources: The Status of Sunset in the States: A Common Cause Report; March, 1982.
Ten Years of Sunset; compiled by the State Reorganization Commission of the State of South Carolina, September, 1986.

68-11-8-89

ATTACHMENT II

Activities Related to
Kansas Sunset

<u>Agency</u>	<u>Date To Be Abolished</u>	<u>Legislative Action</u>
Athletic Commission	1979	1. Athletic Commission not reestablished. 2. All-Sports Hall of Fame continued under new Board of Trustees, with administrative functions performed by State Historical Society.
Mobile Home and Recreational Vehicle Commission	1979	Abolished July 1, 1979.
Abstracters' Board of Examiners	1979	Reestablished until 1985; removed from provisions of Sunset Law in 1981.
Board of Hearing Aid Examiners	1979	Reestablished until 1985; removed from provisions of Sunset Law in 1981.
Board of Social Work Examiners	1979	Not reestablished. Behavioral Sciences Regulatory Board created basically to perform existing functions of Board of Social Work Examiners and Board of Examiners of Psychologists.
Board of Examiners of Psychologists	1979	See action taken regarding Board of Social Work Examiners.
Department and Office of Secretary of Health and Environment	1980 1986 1994	Reestablished until 1986. Reestablished until 1994.
State Bank Commissioner's Office	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.

<u>Agency</u>	<u>Date To Be Abolished</u>	<u>Legislative Action</u>
State Banking Board	1980	Removed from provisions of Sunset Law in 1981. (Board was in one-year windup period.)
Savings and Loan Commissioner's Office	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.
Savings and Loan Department	1980	Removed from provisions of Sunset Law in 1981. (Department was in one-year windup period.)
Savings and Loan Board	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.
Office of the Administrator of the State Department of Credit Unions	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.
Department of Credit Unions	1980	Removed from provisions of Sunset Law in 1981. (Department was in one-year windup period.)
Credit Union Council	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.
Consumer Credit Commissioner's Office	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.
Council of Advisors on Consumer Credit	1980	Abolished July 1, 1980.
Commission on Civil Rights	1981 1982 1990	Reestablished until 1982. Reestablished until 1990.
Board of Barber Examiners	1981	Removed from provisions of Sunset Law in 1981.
Board of Cosmetology	1981	Removed from provisions of Sunset Law in 1981.

<u>Agency</u>	<u>Date To Be Abolished</u>	<u>Legislative Action</u>
Board of Embalming	1981	Removed from provisions of Sunset Law in 1981.
Real Estate Commission	1981	Removed from provisions of Sunset Law in 1981.
Board of Technical Professions	1981	Removed from provisions of Sunset Law in 1981.
Board of Accountancy	1981	Removed from provisions of Sunset Law in 1981.
Accountancy Advisory Council	1981	Abolished July 1, 1981.
Office and Office of Director of Kansas Energy Office	1982	Abolished July 1, 1982.
Energy Advisory Council	1982	Abolished July 1, 1982.
State Corporation Commission	1982 1983 1991	Reestablished until 1983. Reestablished until 1991.
Securities Commissioner's Office	1982	Removed from provisions of Sunset Law in 1981.
Department and Office of Secretary of Social and Rehabilitation Services	1982 1988 1996	Reestablished until 1988. Reestablished until 1996
Department and Office of Secretary of Revenue	1983 1987 1989	Reestablished until 1987. Reestablished until 1989.
Department and Office of Secretary of Transportation	1983 1991	Reestablished until 1991.
Dental Board	1983	Removed from provisions of Sunset Law in 1981.
Board of Healing Arts	1983 1992	Reestablished until 1992.
Board of Nursing	1983 1987 1995	Reestablished until 1987. Reestablished until 1995

<u>Agency</u>	<u>Date To Be Abolished</u>	<u>Legislative Action</u>
Examining Committee for Physical Therapy	1983	Removed from provisions of Sunset Law in 1981.
Board of Examiners in Optometry	1983	Removed from provisions of Sunset Law in 1981.
Board of Pharmacy	1983	Removed from provisions of Sunset Law in 1981.
Board of Veterinary Medical Examiners	1983	Removed from provisions of Sunset Law in 1981.
Department and Office of Secretary of Corrections	1984 1992	Reestablished until 1992.
Division and Director of Information Systems and Computing	1984	Removed from provisions of Sunset Law in 1984.
Department and Office of Secretary of Human Resources	1984 1985 1993	Reestablished until 1985. Reestablished until 1993.
Commission for the Hearing Impaired	1984 1992	Reestablished until 1992.
Department and Office of Commissioner of Insurance	1985 1993	Reestablished until 1993.
Department and Office of Secretary of Commerce	1985 1988 1996	Reestablished until 1988. Reestablished until 1996.
Office of the State Treasurer	1985 1993	Reestablished until 1993.
Pooled Money Investment Board	1985 1993	Reestablished until 1993.

<u>Agency</u>	<u>Date To Be Abolished</u>	<u>Legislative Action</u>
Department and Office of Secretary on Aging	1986 1994	Reestablished until 1994.
Behavioral Sciences Regulatory Board	1986	Removed from provisions of Sunset Law in 1981.
Children and Youth Advisory Committee	1986	Removed from provisions of Sunset Law in 1981.
Kansas Water Authority	1987 1989	Reestablished until 1989.
Kansas Water Office and Office of Director	1987 1989	Reestablished until 1989.
Kansas State Library and Office of State Librarian	1987 1995	Reestablished until 1995.
Kansas Public Disclosure Commission and Office of Executive Director	1992	

MEMORANDUM

January 23, 1988

TO: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
FROM: KANSAS LEGISLATIVE RESEARCH DEPARTMENT
RE: SUNSET REVIEW FOR THE DEPARTMENT OF REVENUE
AND OFFICE OF SECRETARY OF REVENUE

The Kansas Sunset Law provides for the abolition of the Office of Secretary and the Department of Revenue on July 1, 1989, unless continued in existence by an act of the Legislature. If no bill passes the 1989 Session to continue the entities in existence, both would enter a statutorily authorized one-year phaseout period before ceasing to exist on June 30, 1990. The Sunset Law requires that public hearings be held on the proposed abolition, continuation or reestablishment of agencies and offices scheduled for sunset. Traditionally, the Senate Committee on Governmental Organization has conducted most of those hearings since 1978.

Background

The original Kansas Sunset Law was enacted by the 1978 Legislature for a three year period, with the law itself subject to sunset in 1981 unless reestablished by the Legislature. Numerous fee boards and regulatory entities were scheduled for periodic sunset review over a six year cycle from 1979 to 1984. Also included among the 37 agencies to be reviewed were the Department of Social and Rehabilitation Services and the Department of Health and Environment, two major cabinet agencies.

The 1981 Legislature extended the Sunset Law for three years. Most fee boards and regulatory entities were removed from the list of agencies to be reviewed. Additional executive agencies, including other cabinet departments, were added to a schedule of sunset reviews to be conducted over a six year period through 1987. It was at this time that the Department of Revenue was scheduled for its first sunset review during the 1983 Legislature. The Sunset Law was extended by the 1984 Session until July 1, 1992, with no changes in its scope.

1983 Sunset Review

Three performance audits were available to guide legislators during the 1983 sunset review of the Department of Revenue. These audits focused on certain aspects of the agency's operations: taxation, alcoholic beverage control, and dealer licensing and titles. A fourth audit of the driver control regulatory program was received too late in the 1983 Session to be considered and was recommended for interim study.

Several recommendations which were made during the 1983 sunset review either were enacted through legislation or were implemented by the agency with financing approved by the Legislature: eliminated in S.B. 309 licensing of vehicle salesmen (but was reestablished in S.B. 618 by the 1984 Legislature); endorsed the development of the Vehicle Information Processing System (VIPS) with funding provided in H.B.

1986; established in 1985 S.B. 340 (first introduced as 1983 H.B. 2086) three classified attorney positions; and recommended three additional positions within the Internal Audit unit with funding provided in H.B. 2086.

The 1983 Legislature enacted H.B. 43 which reestablished the Department of Revenue until July 1, 1987, at which time the agency would be subject to another sunset review. The four year extension, rather than an eight year maximum extension allowed by the Sunset Law, was recommended because of several legislative concerns about the collection of taxes and monies owed to the state. Many of the proposed solutions to problems identified by the performance audit report concerning the tax collection system were supposed to be solved with implementation of Kansas Business Integrated Tax System (K-BITS). In a March 1983 status report about K-BITS, the agency indicated that the sales tax modules and transient guest tax modules would be completed in FY 1984, while the modules for other taxes would be completed in FY 1985.

It was requested that the Department of Revenue make a report to the 1984 Legislature concerning changes and improvements in departmental tax collection procedures as the result of the implementing K-BITS. The Department's 1984 report to the Legislature about K-BITS indicated that implementation had been delayed. Another report to the 1985 Legislature was requested. The 1985 report from the Department of Revenue indicated that K-BITS had been further delayed.

In 1985, an audit concerning taxes owned to the state was requested. The resulting audit, "Improving Collections on Closed Sales Tax Accounts," found that the Department of Revenue's procedures were generally ineffective for collecting outstanding accounts from retailers who had gone out of business.

In 1986, an audit was requested concerning the Department of Revenue's K-BITS project. The resulting audit, "Problems Implementing the Kansas Business Integrated Tax System," recommended that the Department continue to implement the transient guest tax but halt work on the rest of K-BITS and to reassess its business tax processing objectives and the ability of K-BITS to meet those objectives.

1987 Sunset Review

Two audit reports were available for review during the 1987 Session, one focusing on taxes owned to the state and one on K-BITS. The House Committee on Governmental Organization concluded that there were ongoing and unresolved issues and concerns relating to data processing and the collection of taxes. The 1982 and 1986 performance audits had revealed a number of problem areas which the agency indicated would be remedied when a new computer program, K-BITS, was brought on-line. The 1987 audit had raised questions about whether K-BITS could meet the Department's business tax processing objectives.

The House Committee felt that additional legislative oversight and review was necessary in light of several developments, including the audit recommendations relative to K-BITS, a proposed new departmental reorganization, and implementation of new computer systems (VIPS and CAMA). To facilitate such review, a two-year extension of the Department of Revenue was recommended, with the next sunset scheduled for July 1, 1989. The House Committee was concerned primarily with several areas, including a proposed new Division of Collections, the

handling of business taxes, and the agency's failure to implement K-BITS. The 1987 Legislature enacted H.B. 2060 which extended the Department of Revenue for two years.

1989 Sunset Review

The Department stopped all work on K-BITS in June 1987 and in its FY 1989 budget submitted to the 1988 Legislature requested funding to undertake the Business Tax Information Management System (BTIMS). The Governor recommended BTIMS funding and the 1988 Legislature concurred. The Secretary of Revenue under statutory authority reorganized the Department in Fall 1987 and established a Division of Collections. The Governor's recommendations include funding for the new division in the FY 1989 budget and the Legislature concurred with funding a Division of Collections.

Available within next 2 weeks.
In 1988, two audits were requested, one dealing with Department of Revenue computer operations and another with collection of taxes. The first audit reviews two of the Department's major computer applications, the Computer Assisted Mass Appraisal System (CAMA) and the Vehicle Information Processing System (VIPS). The second audit reviews the Department's delinquent tax collection process and whether recent changes within the agency would be sufficient to address its tax collection problems.

The Governor's budget recommendations for FY 1990 include funding for new Automated Collections Systems (ACS) for the Division of Collections to use in collecting delinquent taxes owed to the state. Multiyear costs are estimated at \$1.5 million for the hardware and software. Also included in the Governor's recommendations for FY 1990 is funding to continue development of BTIMS, with implementation scheduled for the end of FY 1990. *focuses on sales tax*

During the 1989 Session, a bill to continue the Office of Secretary and Department of Revenue should be introduced to start the sunset review process. Committees to which the bill is referred will conduct the sunset review and hold public hearings as required by the Sunset Law. Traditionally, the Senate and House have referred most sunset bills to their respective standing committees on governmental organization.

Legislative

VIPS in into Topex.

2 performance audits will be available

CAMA - reappraisal computer system

MEMORANDUM

December 17, 1982

TO: Senate Committee on Governmental Organization

FROM: Kansas Legislative Research Department

RE: Review of Kansas Sunset Law and Agencies Subject to Abolition
Prior to July 1, 1984

The Kansas Sunset Law provides for abolition of the following agencies and boards on the dates noted, but also allows one year thereafter for the entities to conclude their affairs. Currently, the Kansas Energy Office and Energy Advisory Council are in the one-year phase-out period and will cease to exist on July 1, 1983, unless action to continue them is taken by the 1983 Legislature. Agencies subject to review by the 1983 Legislature include: Kansas Energy Office and Office of the Director, July 1, 1982; Energy Advisory Council, July 1, 1982; Board of Healing Arts, July 1, 1983; Board of Nursing, July 1, 1983; Department and Office of Secretary of Revenue, July 1, 1983; Department and Office of Secretary of Transportation, July 1, 1983; and State Corporation Commission, July 1, 1983.

The Kansas Sunset Law provides that any state agency or office subject to abolition may be continued in existence or re-established by act of the Legislature for a period not to exceed eight years. Performance audits of agencies scheduled for abolition are not required, but the Legislative Post Audit Committee may direct the Post Auditor to review any of the programs, duties or functions of any agency or office. After such audits are completed and subsequent to their approval by the Legislative Post Audit Committee, copies are made available to other legislators. The Legislative Post Audit Committee may introduce bills relative to the post audit recommendations and the President of the Senate and Speaker of the House may refer the performance audits to specific committees for further study.

During the Session, a committee of reference in each house (historically, the Committee on Governmental Organization) must hold a public hearing on the proposed abolition, continuation or re-establishment of agencies and offices scheduled for sunset. The committees of reference hear testimony from the public, the state agency or officers involved, and other appropriate state officers. Such committees of reference may consider performance audits if available.

The state agency and officers involved are charged with the burden of demonstrating a public need for continued existence and for identifying any needed changes in the agency or office or the applicable enabling statutes which would increase the efficiency and effectiveness of program administration or operation. Other factors to be considered by the committees of reference include whether the absence of an agency or program would significantly harm or endanger the public; whether the exercise of police powers and protection of the public is reasonable; whether less restrictive regulation could adequately protect the public; whether the regulation or operation of an agency or program increases the cost of goods and services; whether the increased cost is more harmful to the public than harm which would result from no regulation; whether the regulatory or administrative process solely protects the public interests; and whether the purposes of the agency or program can be accomplished more efficiently, effectively and economically.

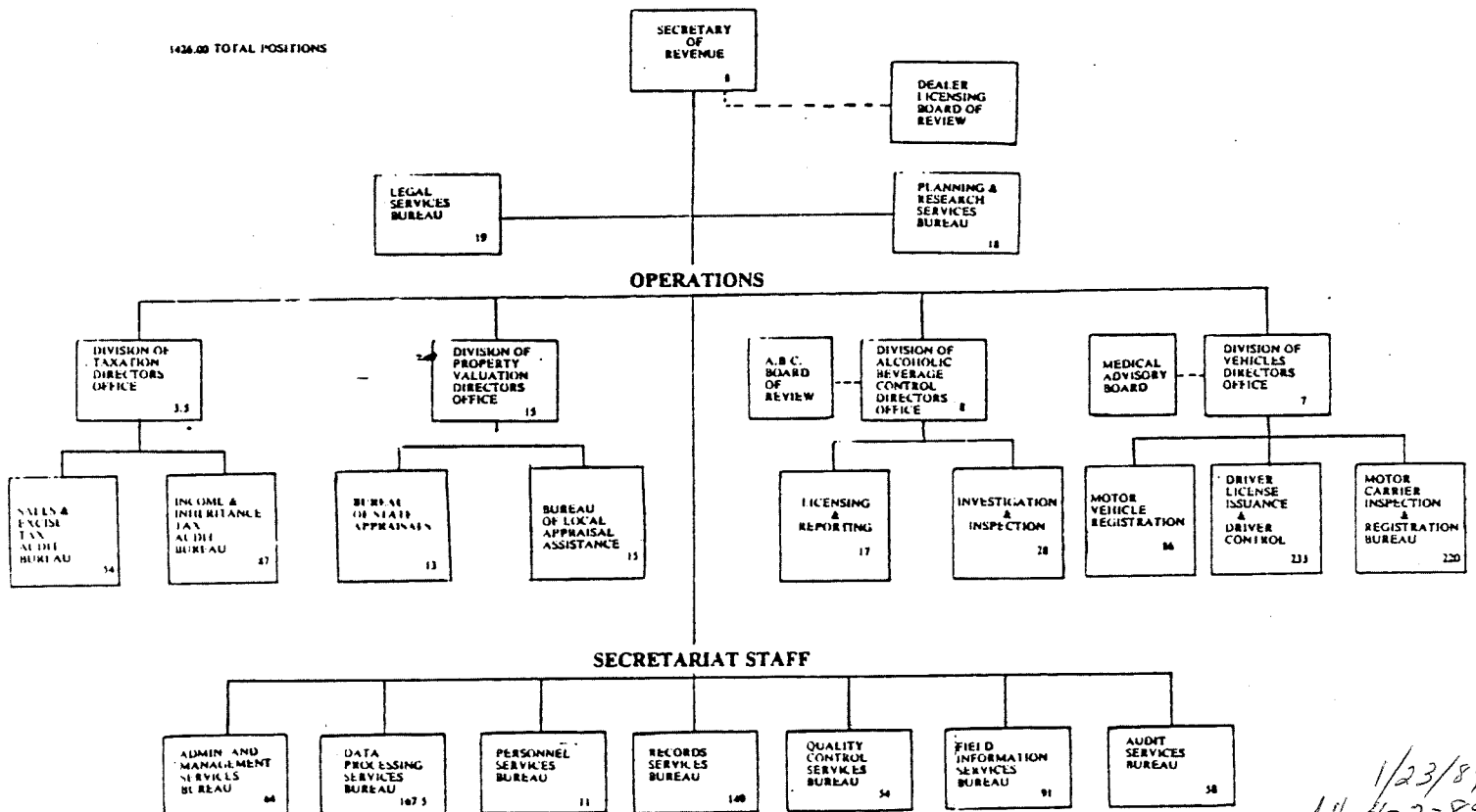
S.G.D.
ATTACH 4
1-23-89

Department of Revenue (DOR)

The Department is directed by the Secretary of Revenue who is appointed by the Governor. DOR is charged with administration and enforcement of the major state tax laws, appraising certain types of property and assisting local appraisers, titling and registering motor vehicles, licensing drivers, regulating the sale and distribution of alcoholic beverages, and administration of the school district income tax aid, homestead property tax refund and several other assistance programs. Three statutory boards operate within DOR: the Alcoholic Beverage Control Board of Review which regulates the liquor industry and consists of three members appointed by the Governor; the Medical Advisory Board which consists of five members appointed by the Secretary to give opinions about the condition of persons with suspended or revoked licenses; and the Dealer Review Board which consists of eight members appointed by the Governor to consider violations of the Vehicle Dealers and Salesmen Licensing Act.

The Alcoholic Beverage Control Board of Review members must be selected from members of the two political parties which cast the highest and second highest number of votes in the 1948 general election for Secretary of State. In addition, each member must be from a different congressional district and not more than two of the members may be from one political party. The Medical Advisory Board membership must include at least one licensed practitioner from each of the following medical specialties: ophthalmology, optometry, psychiatry and internal medicine. The Dealer Review Board members must include two new vehicle dealers, two used vehicle dealers, one salvage vehicle dealer, one representative of a first or second stage manufacturer, and two representatives of the general public.

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



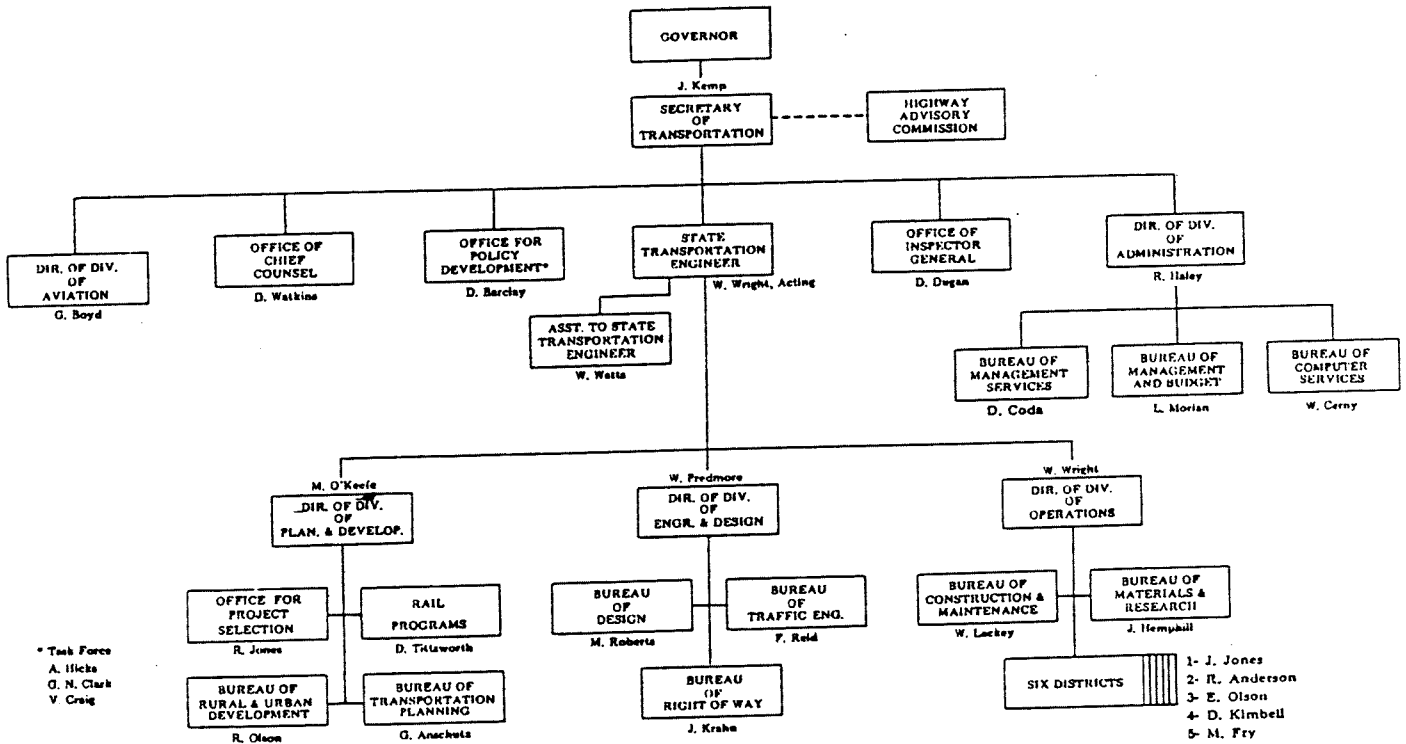
1/23/89
AH 4-2-89

DOR is requesting 1,426.0 F.T.E. positions and \$37,706,551 for operating expenditures in its revised FY 1983 budget, with most financing from the State General Fund (\$22,452,149) and the Division of Vehicles Operating Fund (\$14,650,420). The latter fund receives its financing by a transfer from the State Highway Fund. Of the total operating expenditures requested, \$15,153,902 is for motor vehicle and driver license regulation, \$12,827,528 is for administrative and support services, \$4,909,000 is for the taxation program, \$1,346,034 is for the property valuation program, \$1,309,678 is for alcohol beverage control, and \$2,160,409 is for aid and assistance programs. The Homestead Property Tax Refund and School District Income Tax Aid programs are considered as separate budgets and in FY 1983 the requests are \$8,900,000 for the former and \$83,241,000 for the latter.

Department of Transportation (KDOT)

The Department is directed by the Secretary of Transportation who is appointed by the Governor. KDOT is charged with highway planning, design, maintenance, construction and reconstruction. It also has planning and administrative authority related to railroads, aviation, waterways and utility systems. In addition, KDOT administers federal aid funds for local streets and roads. A 12-member Highway Advisory Commission, with two members appointed by the Governor from each of six highway districts, advises the Secretary.

KANSAS DEPARTMENT OF TRANSPORTATION



1/23/89
AH 4-3-89