

Approved March 16, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Senator Lana Oleen at
Chairperson

1:40 ~~xxx~~ p.m. on March 3, 1992 in room 531-N of the Capitol.

~~All~~ members ~~present~~ present ~~except~~: Senators Oleen, Bogina, Doyen, Francisco, Kanan,
Moran, Strick, Vidricksen.

Members Absent: Senator Gaines.

Committee staff present:

Julian Efird, Kansas Legislative Research Department
Fred Carman, Revisor of Statutes Office
Mary Allen, Committee Secretary

Conferees appearing before the committee:

Gene Yockers, Kansas Real Estate Commission
Dave Charay, Kansas State Employees Health Care Commission

The meeting of the Senate Committee on Governmental Organization was called to order at 1:40 p.m. by the Chairman, Senator Lana Oleen.

Senator Francisco moved that the minutes of the February 17, 1992, February 18, 1992, February 24, 1992, and February 25, 1992, meetings of the Committee be approved. Senator Kanan seconded the motion. The motion carried.

Chairman Oleen opened the hearing on SB 738.

Senate Bill 738 - Membership of the Kansas real estate commission.

Speaking in support of SB 738 was Gene Yockers, Director of the Kansas Real Estate Commission, who noted that this legislation was requested because membership on the Commission is based upon congressional districts and, following reapportionment, Kansas will have only four, instead of the present five, of such districts. He said that SB 738 provides that four members would be appointed to the Commission from each of the congressional districts, one of which could be a public member. Also, one member of the Commission would be required to be a public member appointed from the state at large. (See Attachment I for copy of Mr. Yockers' testimony.) Mr. Yockers pointed out that the successor to the second district member is designated to be from the state at large because the only public member now serving is from that district. He stated that since her term expires April 30, 1992, which is prior to the effective date of SB 738, her successor will have to be a public member from the second district; however, the successor, whose term would expire April 30, 1996, would then be appointed from the state at large. He noted that industry people in the second district want an industry member appointed from that district.

There being no opponents to SB 738 the hearing was declared closed.

Chairman Oleen opened the hearing on SB 749.

Senate Bill 749 - Kansas state employees health care commission; relating to open meetings law.

Dave Charay, Health Benefits Administrator for the Kansas State Employees Health Care Commission, spoke in support of SB 749. Mr. Charay said that this bill would amend K.S.A. 75-6594 to provide that the provisions of the Kansas Open Meetings Act would not apply to the Health Care Commission when the Commission meets solely for the purposes of: (1.) conducting negotiations for health care plans and contracts; (2.) discussing and preparing strategies for negotiations; and (3.) considering health care matters relating to individually identifiable plan participants. (See Attachment II for copy of Mr. Charay's testimony.) Staff

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION,
room 531-N, Statehouse, at 1:40 ~~xxx~~/p.m. on March 3, 1992

provided the Committee with a list of current statutory exemptions from the Open Meetings Act (Attachment III). Mr. Charay answered questions from the Committee including some concerning the steps involved in the Commission's negotiations of contracts with providers.

No opponents to SB 749 appeared so the hearing on the bill was closed.

Chairman Oleen called for the Subcommittee report on SB 471.

Senate Bill 471 - Kansas governmental operations accountability law
(K-GOAL).

The Subcommittee on SB 471 consisted of Senator Moran, Chairman, Senator Francisco and Senator Oleen. Senator Moran presented the Subcommittee's report which includes a number of suggested revisions to the original bill (Attachment IV).

Senator Francisco moved that the report of the Subcommittee on SB 471 be accepted. Senator Moran seconded the motion. The motion carried.

Staff provided a balloon version of SB 471 which illustrates the Subcommittee's suggested amendments to the bill (Attachment V).

Senator Francisco moved that SB 471 be amended according to the Subcommittee's report and that it be further amended to include the Capitol Area Security in the list of agencies to be subject to abolition in 1993. Senator Moran seconded the motion. The motion carried.

Senator Strick moved that SB 471 as amended be reported favorably for passage. Senator Francisco seconded the motion.

The meeting was adjourned at 2:25 p.m. by Chairman Oleen.

GUEST LIST

NAME

REPRESENTING

Gene Yockers
DAVE CHARAY
Paul Shelby

KREC
HCC
DIA

Senate Governmental Organization Committee
March 3, 1992
Senate Bill 738

Madame Chair and members of the committee:

My name is Gene Yockers, and I am the Director of the Kansas Real Estate Commission. We are asking for the amendments contained in Senate Bill 738 because membership on the commission is based upon congressional districts.

The commission consists of five members. At least three must be real estate brokers, and at least one must be a public member. The present makeup is one public member and four real estate broker members.

The amendments proposed by the commission require that a public member be appointed from the state at large. The other four members would be appointed from each of the four congressional districts. One of these four could also be a public member.

May I direct your attention to paragraphs (1) through (5) under subsection (c).

Looking at paragraph (2). The successor to the member appointed from the second congressional district is designated to be from the state at large because the only public member now serving is from this district. Since her term expires April 30, 1992 (prior to the effective date of the act), her successor will of necessity have to be a public member from the second district. The successor (whose term will expire on April 30, 1996) would then be appointed from the state at large.

Paragraphs (1), (3) and (4) provide that the members from the first, third and fourth districts be succeeded by members from those three districts.

This leaves us with paragraph (5), which provides the successor to the fifth district member be appointed from the second district. Interestingly enough, this will be the first appointment after redistricting. For as long as anyone can remember, the second district has had a public member. With the amendment, the Governor will have the option of appointing a real estate broker from the second district.

We respectfully request that you recommend the bill for passing.

Senate Committee on Governmental Organization

3-3-92

Attachment I



**KANSAS STATE EMPLOYEES
HEALTH CARE COMMISSION**

COMMISSIONERS:
James R. Coble, Chairman
Ron Todd
Robert C. Harder

Dave Charay,
Benefits Administrator

MEMORANDUM

TO: Senator Oleen, Chairperson
Senate Government Organization Committee

FROM: Dave Charay, Health Benefits Administrator

DATE: February 24, 1992

RE: Bill Introduction Request

Your assistance in introducing the attached bill is requested on behalf of the Kansas State Employees Health Care Commission.

This legislation would amend K.S.A. 75-6504 to provide that the provisions of K.S.A. 75-4317 et seq. (the Open Meetings Act) would not apply to the Health Care Commission when the Commission meets solely for the following purposes:

- a. Conducting negotiations for health care plans and contracts;
- b. Discussing and preparing strategies for negotiations; and
- c. Considering health care matters relating to individually identifiable plan participants.

Under K.S.A. 75-37,102, procurement negotiating committees are exempted from the provisions of the Open Meetings Act for the purposes of negotiating a contract. This provision recognizes the difficulty and disadvantages a negotiating committee faces if required to prepare for and conduct negotiations in full view of all parties to the negotiations.

The Health Care Commission is an agency of the state which is subject to the Open Meetings Act. However, in negotiating for health care coverage contracts, it performs the same functions as a procurement negotiations committee. Currently,

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3-3-92

Senator Oleen
February 24, 1992
Page 2

only one member of the Commission can be present during negotiations if the confidentiality of those negotiations is to be preserved without triggering the Open Meetings Act. As a result, it is difficult to keep all members of the Commission fully informed regarding the status and progress of negotiations. The proposed legislation would extend to the full Commission the same exemption now provided for procurement negotiating committees when the Commission is acting in a similar capacity.

An additional exemption would be provided for the Commission for discussions of confidential matters relating to an individual plan participant. Such an exemption would be comparable to exemptions from the Open Records Act for personnel records or individually identifiable records pertaining to employees or applicants and for public records containing information of a personal nature where public disclosure would constitute a clearly unwarranted invasion of personal privacy. (K.S.A. 45-221(a)(4) and (30).)

Your assistance in introducing this bill is appreciated. I would be glad to respond to any questions you may have regarding the proposal.

0661W

cc: John Hennessy
Ron Todd
Robert Harder

PROPOSED BILL NO. _____

By

AN ACT concerning the Kansas state employees health care commission; relating to the open meetings law; amending K.S.A. 75-6504 and repealing the existing section.

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

Section 1. K.S.A. 75-6504 is hereby amended to read as follows: 75-6504. (a) Subject to the provisions of appropriation acts relating thereto, in developing and providing for the implementation of a state health care benefits program the Kansas state employees health care commission may:

(1) Enter into one or more group insurance contracts to provide coverage for all or part of the state health care benefits program;

(2) establish a self-funded program on an actuarially sound basis to provide coverage for all or part of the state health care benefits program and administer the self-funded program or contract for all or part of the administration of the self-funded program;

(3) provide for the self-administration of all or part of the state health care benefits program;

(4) enter into contracts with one or more health care providers for the provision of health care services;

(5) enter into contracts in accordance with the provisions of K.S.A. 75-6505, and amendments thereto, with one or more health maintenance organizations for the provision of health care services; or

(6) any combination of the authority granted under this subsection (a).

(b) The Kansas state employees health care commission is hereby authorized to negotiate and enter into contracts with

qualified insurers, health maintenance organizations and other contracting parties for the purpose of establishing the state health care benefits program, including the acquisition of consulting and other services necessary therefor. The commission shall advertise for proposals, shall negotiate with not less than three firms or other parties submitting proposals, and shall select from among those submitting proposals the firm or other contracting party to contract with for the purpose of entering into contracts for services related to the state health care benefits program.

(c) The provisions of K.S.A. 75-4317 through 75-4320a, and amendments thereto, shall not apply to meetings of the Kansas state employees health care commission when the commission meets solely for the purpose of:

(1) Conducting negotiations for health care plans and contracts;

(2) discussing and preparing strategies for negotiations for such plans and contracts; and

(3) considering health care matters relating to individually identifiable plan participants.

~~(e)~~ (d) Contracts entered into pursuant to this section, K.S.A. 75-6505 or 75-6510, and amendments thereto, shall not be subject to the provisions of K.S.A. 75-3738 to 75-3740, inclusive, and amendments thereto. Such contracts may be for terms of not more than three years and may be renegotiated and renewed. All such contracts shall be subject to the limits of appropriations made or available therefor and subject to the provisions of appropriations acts relating thereto.

Sec. 2. K.S.A. 75-6504 is hereby repealed.

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

MEMORANDUM

Kansas Legislative Research Department

Room 545-N – Statehouse
Topeka, Kansas 66612-1586
(913) 296-3181

March 3, 1992

To: Senator Lana Oleen
From: Julian Efird, Principal Analyst
Re: Exemptions from the Kansas Open Meetings Act

You asked for a list of current statutory exemptions from provisions of the open meetings law. The Revisor of Statutes Office ran a context search of the statutes and the following citations were found when searching for the words "open meeting(s)" in Kansas Statutes Annotated (KSA):

K.S.A. 20-3004 exempts the Supreme Court Nominating Commission from the Open Meetings Act.

K.S.A. 72-5423 exempts meetings related to the Secretary of Human Resources making an impasse determination from the Open Meetings Act.

K.S.A. 74-8705 exempts the Kansas Lottery when using a procurement negotiation committee from the Open Meetings Act.

K.S.A. 74-8804 exempts the Kansas Racing Commission when discussing licensure matters.

K.S.A. 75-37, 102 exempts the use of a procurement negotiating committee by any state agency from the Open Meetings Act.

K.S.A. 75-4318 exempts any administrative body that is authorized by law to exercise quasi-judicial functions from the Open Meetings Act when such entity is deliberating matters related to its quasi-judicial functions.

K.S.A. 75-4319 enumerates the subjects which may be discussed in a closed or executive meeting by public entities which are subject to the Open Meetings Act.

92-1138/JE

Senate Committee on Governmental Organization
3-3-92
Attachment III

SUBCOMMITTEE REPORT

March 3, 1992

TO: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
FROM: SUBCOMMITTEE ON S.B. 471 (K-GOAL)--SENATOR JERRY MORAN,
CHAIRPERSON; SENATOR LANA OLEEN; SENATOR KEN FRANCISCO
RE: RECOMMENDATIONS FOR AMENDING S.B. 471

S.B. 471, as amended by the Subcommittee, would modify the proposed **Kansas Governmental Operations Accountability Law (K-GOAL)**, which replaces the present Kansas Sunset Law. Many of the agencies currently subject to sunset are included under provisions of K-GOAL. The new law would provide two separate legislative review procedures, the first process for **evaluation** of one group of state agencies and a second process for **abolition** of another group of state agencies.

1. The Subcommittee concurs with the **evaluation** of one group of designated state agencies and recommends that the review take place at least every **eight** years. Subsequent timing of evaluations would be subject to legislative determination. S.B. 471 as introduced (by the Special Interim Committee on Governmental Organization/Confirmations) had a six year schedule for review. By evaluating fewer agencies each year, the Legislative Division of Post Audit's work load will be made more manageable by extending the time period for review.

a. The Subcommittee concurs with performance audits being required of each state agency scheduled for evaluation and recommends that such audits be **no more than 2 years old**. Nothing would prohibit any other post audit reports from being considered. S.B. 471 as introduced had a one year limit which might exclude some relevant audits.

b. Reviews would be required in each house. The Subcommittee recommends that **audits be available by 30th day of the Session** rather than within the one month period referenced in the bill as introduced.

c. No abolition of agency would be threatened. The Subcommittee concurs with this provision in the bill as introduced.

The Subcommittee recommends that two additional agencies be added to the list of agencies scheduled for evaluations: **the State Board of Agriculture and the State Conservation Commission**. Testimony from conferees suggested these additions.

Senate Committee on Governmental Organization
3-3-92
Attachment IV

Year in which state agencies would be subject to audit, review, and evaluation, as recommended by the Subcommittee (with original S.B. 471 dates in brackets):

- 1993 Department of Social and Rehabilitation Services <was 1996>
- 1994 Department of Human Resources <was 1993>
Department of Commerce <was 1994>
- 1995 Department of Health and Environment <was 1995>
- 1996 Department of Transportation <was 1996>
State Board of Agriculture <add to bill>
- 1997 Department of Revenue <was 1995>
State Conservation Commission <add to bill>
- 1998 State Corporation Commission <was 1998>
- 1999 Department on Aging <was 1994>
Department of Administration <was 1997>
- 2000 Department of Corrections <was 1997>
Department of Wildlife and Parks <was 1995>

In addition, the Subcommittee recommends that three agencies (**the Insurance Department, the State Treasurer's Office, and KPERs**) included in S.B. 471 as introduced be removed from the review list and one other agency (**the Kansas Commission on Governmental Standards and Ethics**) be shifted to the abolition list. The three agencies taken out of the bill are subjected to annual financial compliance audits, and in addition, KPERs will be subjected to an annual performance audit if S.B. 526 is enacted.

2. The Subcommittee concurs with the concept of **abolition** of other designated state agencies on a specified date, unless continued in existence or reestablished by the Legislature. This procedure would be applied to a second group of agencies. The Subcommittee notes that the burden would be placed on the state agencies in this group to justify their continued existence. No one-year wind down of activities would be authorized if agencies are not continued in existence.

a. No performance audits would be required, but audits would be optional. The Subcommittee recommends that these audits, if approved, would be completed no more than two years prior to the abolition date and would be available to the Legislature no later than the 30th of the Session.

b. Reviews would be required in each house prior to abolition. The Subcommittee concurs with this provision in the bill as introduced.

The Subcommittee recommends adding the *Kansas Commission on Governmental Standards and Conduct* to the abolition list. The Subcommittee did not believe a mandatory performance audit would be required.

Year in which state agencies would be subject to abolition:

- 1993 Behavioral Sciences Regulatory Board
Commission on Epilepsy
- 1994 Kansas Water Office and Water Authority
Human Rights Commission
Kansas Film Services Commission
- 1995 Board of Nursing
Ks Cmmsn on Governmental Standards and Conduct <1995>
- 1996 Real Estate Appraisal Board
- 1997 Board of Healing Arts
Kansas Lottery and Lottery Commission

kgoal.sub

SENATE BILL No. 471

By Special Committee on Governmental Organization

Re Proposal No. 10

12-23

10 AN ACT enacting the Kansas governmental operations accountability
 11 law; amending K.S.A. 8-2412, 40-102, 74-601, 75-626, 75-2534,
 12 75-4221a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5391, 75-5601,
 13 75-5701 and 75-5903 and K.S.A. 1991 Supp. 25-4119a, 32-801,
 14 44-1003, 58-4104, 65-2812, 74-1106, 74-2613, 74-2622, 74-5002a,
 15 74-5049, 74-7501, 74-8703, 74-8709, 74-9201, 75-3702a and 75-
 16 5655, and repealing the existing sections; also repealing K.S.A.
 17 74-7245, 74-7246, 74-7247, 74-7248, 74-7249, 74-7253, 74-7254,
 18 74-7255, 74-7260, 74-7261, 74-7262, 74-7265, 74-7273 and 74-7274
 19 and K.S.A. 1991 Supp. 74-7250, 74-7252, 74-7256, 74-7258, 74-
 20 7264, 74-7267, 74-7268, 74-7269, 74-7270, 74-7271, 74-7272, 74-
 21 7275, 74-7277, 74-7278, 74-7279, 74-7280, 74-7281, 74-7282 and
 22 74-8606.

2-1904

74-502

74-7257

23
 24 *Be it enacted by the Legislature of the State of Kansas:*
 25 New Section 1. This act shall be known and may be cited as
 26 the Kansas governmental operations accountability law or K-GOAL.
 27 New Sec. 2. The legislature hereby declares that the purpose of
 28 state government is to keep secure the constitutional rights of Kansas
 29 citizens, to protect their health, safety and welfare, and to otherwise
 30 serve the public need in the most economically beneficial, opera-
 31 tionally efficient, and cost effective manner possible. Therefore, it
 32 is the intention of this act to provide for a governmental operations
 33 accountability system under which the legislature may ensure ac-
 34 complishment of the declared purpose of state government by pe-
 35 riodically reviewing and evaluating the operations of selected state
 36 agencies, determining the necessity, propriety and legality of the
 37 operations reviewed and evaluated, identifying inefficiency and in-
 38 effectiveness, and taking action to retain and maintain appropriate
 39 and effective governmental operations, remediate defective govern-
 40 mental operations, and terminate inappropriate or obsolete govern-
 41 mental operations.
 42 New Sec. 3. (a) The legislative post audit committee shall direct
 43 the post auditor to conduct a performance audit of each state agency

Senate Committee on Governmental Organization

3-3-92

Attchm II

1 New Sec. 6. (a) No vested right of any person shall be affected
2 and no lawful claim of any person against the state shall abate by
3 reason of the abolition of a state agency under the Kansas govern-
4 mental operations accountability law, nor shall any lawful claim or
5 right of any such state agency abate by reason of abolition of the
6 state agency. Responsibility for litigation or other reconciliation of
7 such rights and claims is hereby transferred to and imposed upon
8 the governor and shall be assumed by the governor. As used in this
9 subsection, the word "person" means and includes any individual,
10 partnership, association, organization or corporation.

11 (b) No suit, action or other proceeding, judicial or administrative,
12 lawfully commenced, or which could have been commenced, by or
13 against any state agency abolished under the Kansas governmental
14 operations accountability law or by or against any officer of such
15 state agency in relation to the discharge of duties imposed by law,
16 shall abate by reason of the abolition of such state agency. The court
17 may allow any such suit, action or other proceeding to be maintained
18 by or against the governor as the chief executive officer of the state.

19 (c) No criminal action commenced or which could have been
20 commenced by the state shall abate by the abolition of a state agency
21 under the Kansas governmental operations accountability law.

22 (d) No provision of the Kansas governmental operations account-
23 ability law shall affect the inherent power of the legislature to enact
24 legislation concerning any state agency subject to the provisions of
25 such law.

26 (e) All transfers of personnel, and any abolition of personnel po-
27 sitions under the Kansas civil service act, resulting from the abolition
28 of any state agency under the Kansas governmental operations ac-
29 countability law, shall be in accordance with the provisions of the
30 Kansas civil service act and rules and regulations adopted thereunder.

31 (f) Upon the cessation of the operations of an abolished state
32 agency in accordance with the provisions of the Kansas governmental
33 operations accountability law, the title to all property held by such
34 state agency shall be and is hereby transferred to and devolved upon
35 the governor and such property shall be disposed of as directed by
36 the governor. The records of such state agency shall be transferred
37 to the secretary of state and shall be kept and maintained in the
38 office of the secretary of state for a period of time of not less than
39 six years. Any conflict as to the proper disposition of property or
40 records resulting from the abolition of any state agency under the
41 Kansas governmental operations accountability law shall be deter-
42 mined by the governor and the reconciliation of such conflict pur-
43 suant to this subsection shall be final.

New Sec. 7 The state conservation commission, created by
K.S.A. 2-1904 and amendments thereto, hereby is subjected to
audit under the Kansas governmental operations accountability law,
and to review and evaluation during the 1997 regular session of
the legislature.

8. Except as provided in subsection (b) of section 4 and amendments thereto,

1 New Sec. 7. ~~The Kansas commission on governmental standards
2 and conduct, created by K.S.A. 25-4119a, and amendments thereto,
3 hereby is subjected to audit under the Kansas governmental oper-
4 ations accountability law, and to review and evaluation during the
5 1995 regular session of the legislature.~~

shall be and hereby is abolished on July 1, 1995.

6 New Sec. 8. The Kansas department of wildlife and parks and
7 the office of secretary of wildlife and parks, established by K.S.A.
8 1991 Supp. 32-801, and amendments thereto, hereby are subjected
9 to audit under the Kansas governmental operations accountability
10 law, and to review and evaluation during the 1995 regular session
11 of the legislature.

9

2000

12 ~~New Sec. 9. The insurance department and the office of com-
13 missioner of insurance, established by K.S.A. 40-102, and amend-
14 ments thereto, hereby are subjected to audit under the Kansas
15 governmental operations accountability law, and to review and eval-
16 uation during the 1993 regular session of the legislature.~~

17 New Sec. 10. Except as provided in subsection (b) of section 4,
18 and amendments thereto, the Kansas human rights commission, cre-
19 ated by K.S.A. 44-1003, and amendments thereto, shall be and
20 hereby is abolished on July 1, 1994.

21 New Sec. 11. Except as provided in subsection (b) of section 4,
22 and amendments thereto, the real estate appraisal board, established
23 by K.S.A. 1991 Supp. 58-4104, and amendments thereto, shall be
24 and hereby is abolished on July 1, 1996.

New Sec. 13. The state board of agriculture, created by K.S.A. 74-502 and amendments thereto, hereby is subjected to audit under the Kansas governmental operations accountability law, and to review and evaluation during the 1996 regular session of the legislature.

25 New Sec. 12. Except as provided in subsection (b) of section 4,
26 and amendments thereto, the state board of healing arts, appointed
27 pursuant to K.S.A. 65-2812, and amendments thereto, shall be and
28 hereby is abolished on July 1, 1997.

29 ~~New Sec. 13. The state corporation commission, created by
30 K.S.A. 74-601, and amendments thereto, hereby is subjected to audit
31 under the Kansas governmental operations accountability law, and
32 to review and evaluation during the 1997 regular session of the
33 legislature.~~

14

1998

34 New Sec. 14. Except as provided in subsection (b) of section 4,
35 and amendments thereto, the board of nursing, appointed pursuant
36 to K.S.A. 74-1106, and amendments thereto, shall be and hereby
37 is abolished on July 1, 1995.

15

38 New Sec. 15. Except as provided in subsection (b) of section 4,
39 and amendments thereto, the office of director of the Kansas water
40 office and the Kansas water office, established by K.S.A. 74-2613,
41 and amendments thereto, shall be and hereby are abolished on July
42 1, 1994.

16

43 New Sec. 16. Except as provided in subsection (b) of section 4,

17

1 and amendments thereto, the Kansas water authority established by
2 K.S.A. 74-2622, and amendments thereto, shall be and hereby is
3 abolished on July 1, 1994.

18

4 New Sec. 17. The department of commerce and the office of
5 secretary of commerce, created by K.S.A. 74-5002a, and amendments
6 thereto, hereby are subjected to audit under the Kansas govern-
7 mental operations accountability law, and to review and evaluation
8 during the 1994 regular session of the legislature.

19

9 New Sec. 18. Except as provided in subsection (b) of section 4,
10 and amendments thereto, the behavioral sciences regulatory board,
11 created by K.S.A. 74-7501, and amendments thereto, shall be and
12 hereby is abolished on July 1, 1993.

20

13 New Sec. 19. Except as provided in subsection (b) of section 4,
14 and amendments thereto, the Kansas lottery, established by K.S.A.
15 1991 Supp. 74-8703, and amendments thereto, shall be and hereby
16 is abolished on July 1, 1997.

21

17 New Sec. 20. Except as provided in subsection (b) of section 4,
18 and amendments thereto, the Kansas lottery commission, created by
19 K.S.A. 1991 Supp. 74-8709, and amendments thereto, shall be and
20 hereby is abolished on July 1, 1997.

22

21 New Sec. 21. Except as provided in subsection (b) of section 4,
22 and amendments thereto, the Kansas film services commission, es-
23 tablished by K.S.A. 1991 Supp. 74-9201, and amendments thereto,
24 shall be and hereby is abolished on July 1, 1994.

25 ~~New Sec. 22. The office of state treasurer hereby is subjected~~
26 ~~to audit under the Kansas governmental operations accountability~~
27 ~~law, and to review and evaluation during the 1993 regular session~~
28 ~~of the legislature.~~

29 New Sec. 23. The department of administration and the office
30 of secretary of administration, created by K.S.A. 75-3702a, and
31 amendments thereto, hereby are subjected to audit under the Kansas
32 governmental operations accountability law, and to review and eval-
33 uation during the 1997 regular session of the legislature.

34 ~~New Sec. 24. The pooled money investment board, established~~
35 ~~by K.S.A. 75-4221a, and amendments thereto, hereby is subjected~~
36 ~~to audit under the Kansas governmental operations accountability~~
37 ~~law, and to review and evaluation during the 1993 regular session~~
38 ~~of the legislature.~~

24

39 New Sec. 25. The department of transportation and the office of
40 secretary of transportation, established by K.S.A. 75-5001, and
41 amendments thereto, hereby are subjected to audit under the Kansas
42 governmental operations accountability law, and to review and eval-
43 uation during the 1996 regular session of the legislature.

1 New Sec. ~~26~~. The department of revenue and the office of sec- 25
 2 retary of revenue, created by K.S.A. 75-5101, and amendments
 3 thereto, hereby are subjected to audit under the Kansas govern-
 4 mental operations accountability law, and to review and evaluation
 5 during the ~~1995~~ regular session of the legislature. 1997
 6 New Sec. ~~27~~. The department of corrections and the office of 26
 7 secretary of corrections, established by K.S.A. 75-5203, and amend-
 8 ments thereto, hereby are subjected to audit under the Kansas gov-
 9 ernmental operations accountability law, and to review and evaluation
 10 during the ~~1997~~ regular session of the legislature. 2000
 11 New Sec. ~~28~~. The department of social and rehabilitation serv- 27
 12 ices and the office of secretary of social and rehabilitation services,
 13 created by K.S.A. 75-5301, and amendments thereto, hereby are
 14 subjected to audit under the Kansas governmental operations ac- 1998
 15 countability law, and to review and evaluation during the ~~1996~~ reg-
 16 ular session of the legislature.
 17 New Sec. ~~29~~. The department of health and environment and 28
 18 the office of secretary of health and environment, created by K.S.A.
 19 75-5601, and amendments thereto, hereby are subjected to audit
 20 under the Kansas governmental operations accountability law, and 1995
 21 to review and evaluation during the ~~1994~~ regular session of the
 22 legislature.
 23 New Sec. ~~30~~. Except as provided in subsection (b) of section 4, 29
 24 and amendments thereto, the commission on epilepsy, established
 25 by K.S.A. 1991 Supp. 75-5655, and amendments thereto, shall be
 26 and hereby is abolished on July 1, 1993. 30
 27 New Sec. ~~31~~. The department of human resources and the office 30
 28 of secretary of human resources, established by K.S.A. 75-5701, and
 29 amendments thereto, hereby are subjected to audit under the Kansas
 30 governmental operations accountability law, and to review and eval- 1994
 31 uation during the ~~1993~~ regular session of the legislature.
 32 New Sec. ~~32~~. The department on aging and the office of sec- 31
 33 retary of aging, created by K.S.A. 75-5903, and amendments thereto,
 34 hereby are subjected to audit under the Kansas governmental op-
 35 erations accountability law, and to review and evaluation during the 1999
 36 ~~1994~~ regular session of the legislature.
 37 Sec. ~~33~~. K.S.A. 8-2412 is hereby amended to read as follows: 8-
 38 2412. (a) The governor shall appoint eight members to serve on the
 39 dealer review board with the individual terms of office for each 33
 40 appointee to run as follows: One new vehicle dealer, one used vehicle
 41 dealer and one salvage vehicle dealer, each to serve for three con-
 42 secutive years; one new vehicle dealer, one used vehicle dealer, and
 43 two additional members both of whom shall be appointed from the

See attached - Sec. 32. K.S.A. 2-1904

Sec. 32. K.S.A. 2-1904 is hereby amended to read as follows:
2-1904. (a) There is hereby established, to serve as an agency of the state and to perform the functions conferred upon it in this act, the state conservation commission. The state conservation commission shall succeed to all the powers, duties and property of the state soil conservation committee. The commission shall consist of nine members. The following shall serve, ex officio, as members of the commission and shall hold office so long as they shall retain the office by virtue of which they shall be serving on the commission; the director of the cooperative extension service and the director of the state agricultural experiment station or their designees located at Manhattan, Kansas. The commission shall invite the secretary of agriculture of United States of America to appoint one person and the Kansas state board of agriculture to appoint one person, each of whom shall be residents of the state of Kansas to serve with the above-mentioned members as a member of the commission. These members shall hold office for four years and until a successor is appointed and qualifies, with terms commencing on the second Monday in January beginning in 1973. Five members of the state commission shall be elected by the conservation district supervisors at a time and place to be designated by the state conservation commission. The method of electing members to be conducted as follows: The state is to be divided into five (5) separate areas. Area No. I to include the following counties: Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud, Lincoln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey, Kingman, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford. Area No. IV to include: Washington, Marshall, Nemaha, Brown, Doniphan, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee,

Wabaunsee, Geary, Dickinson, Morris, Osage, Franklin and Miami Area No. V to include: Marion, Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Greenwood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua, Montgomery, Labette and Cherokee. Areas II and IV will elect in even number years and Areas I, III and V shall elect in odd number years for two year terms. The elected commission members from Areas I, III and V shall take office on January 1, of the even number years. The remaining two elected members of the state commission from Areas II and IV shall take office on January 1, of the odd number years. The method of election is to be by area caucus of the district supervisors of each of the five separate areas of Kansas. The commission shall give each district notice of the time and place of such annual election meeting by letter if a member is to be elected to the commission from that area that year. The selection of a successor to fill an unexpired term shall be by appointment by the commission. The successor who is appointed to fill the unexpired term shall be a resident of the same area as that of the predecessor. The commission shall keep a record of its official actions, shall adopt a seal which seal shall be judicially noticed, and may perform such acts, hold such public hearings and adopt rules and regulations necessary for the execution of its functions under this act.

(b) The state conservation commission may employ an administrative officer and such technical experts as it may require and shall determine their qualifications and duties. Such officer and experts shall be in the unclassified service of the Kansas civil service act and shall receive annual salaries fixed by the commission and approved by the state finance council. All other agents and employees, permanent or temporary, required by the state conservation commission, shall be within the classified service of the Kansas civil service act. The commission may call upon the attorney general of the state for such legal services as it may require. It shall have authority to delegate to its chairperson, to one or more of its members or to one or more agents or employees, such powers and duties as it deems proper. It shall be supplied with suitable office accommodations at the

state capital, and shall be furnished with the necessary supplies and equipment. Upon request of the commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency or of any state institution of learning, insofar as may be possible under available appropriations and having due regard to the needs of the agency to which the request is directed, shall assign or detail to the commission members of the staff or personnel of such agency or institution of learning and make such special reports, surveys or studies as the commission may request. .

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

(d) In addition to the duties and powers hereinafter conferred upon the state conservation commission, it shall have the following duties and powers: (1) To offer such assistance as may be appropriate to the supervisors of conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs; (2) to keep the supervisors of each of the several districts organized under the provisions of this act informed of the activities and experience of all other districts organized hereunder and to facilitate an interchange of advice and experience between such districts and cooperation between them; (3) to coordinate the programs of the several conservation districts organized hereunder; (4) to secure the cooperation and assistance of the United States and any of its agencies and of agencies of this state, in the work of such districts and to contract with or to accept donations, grants, gifts and

contributions in money, services or otherwise from the United States or any of its agencies or from the state or any of its agencies in order to carry out the purposes of this act; (5) to disseminate information throughout the state concerning the activities and programs of the conservation districts organized hereunder and to encourage the formation of such districts in areas where their organization is desirable; (6) to cooperate with and give assistance to watershed districts and other special purpose districts in the state of Kansas for the purpose of cooperating with the United States through the secretary of agriculture in the furtherance of conservation pursuant to the provisions of the watershed protection and flood prevention act, as amended; (7) to cooperate in and carry out, in accordance with state policies, activities and programs to conserve and develop the water resources of the state and maintain and improve the quality of such water resources; (8) to enlist the cooperation and collaboration of state, federal, regional, interstate, local, public and private agencies with the conservation districts; and (9) to facilitate arrangements under which conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of natural resources.

(d) The provisions of the Kansas governmental operations accountability law apply to the state conservation commission and the commission is subject to audit, review and evaluation under such law.

1 (g) A quorum of the board shall be four members.

2 (h) Each member of the board shall be paid compensation, sub-
3 sistence allowances, mileage and other expenses as provided in
4 K.S.A. 75-3223, and amendments thereto for attendance at any meet-
5 ing of the board or any subcommittee meeting authorized by the
6 board.

7 (i) The provisions of the Kansas ~~sunset governmental operations~~
8 *accountability* law apply to the real estate appraisal board estab-
9 lished by ~~this section~~, and the board is subject to abolition under
10 that *such* law.

11 Sec. 39. K.S.A. 1991 Supp. 65-2812 is hereby amended to read
12 as follows: 65-2812. (a) For the purpose of administering the pro-
13 visions of this act, the governor shall appoint a state board of healing
14 arts consisting of 15 members. At least 30 days before the expiration
15 of any term, other than that of the member appointed from the
16 general public and the licensed podiatrist member of the board, the
17 professional society or association shall submit to the governor a list
18 of three or more names of persons of recognized ability who have
19 the qualifications prescribed for board members for each member of
20 the board who will be appointed from its branch of the healing arts.
21 The governor shall consider the list of persons in making the ap-
22 pointment to the board. In case of a vacancy on the board, other
23 than that of the member appointed from the general public and the
24 licensed podiatrist member of the board, prior to the expiration of
25 a term of office, the governor shall appoint a qualified successor to
26 fill the unexpired term, and in making the appointment the governor
27 shall give consideration to the list of persons last submitted to the
28 governor.

29 (b) The provisions of the Kansas ~~sunset governmental operations~~
30 *accountability* law apply to the state board of healing arts appointed
31 pursuant to ~~this section~~, and the board is subject to abolition under
32 that *such* law.

33 Sec. 40. K.S.A. 74-601 is hereby amended to read as follows:
34 74-601. (a) There is hereby created the state corporation commission,
35 which shall consist of three members appointed by the governor,
36 subject to confirmation by the senate as provided in K.S.A. 75-
37 4315b, and amendments thereto. No more than two members of the
38 commission shall belong to the same political party. Each member
39 shall be appointed for a term of four years and until a successor has
40 been appointed and qualified. In case of a vacancy in the office of
41 a member of the commission, the governor shall appoint a successor
42 to fill the vacancy for the unexpired term.

43 (b) The commission shall elect one of its members as chairperson

See attached - Sec. 40. K.S.A. 1991 Supp. 74-502

41

Sec. 40. K.S.A. 1991 Supp. 74-502 is hereby amended to read as follows: 74-502. (a) The farm organizations specified in this subsection, whether now organized or hereafter to be organized under the laws of Kansas, shall be allowed to select delegates for attendance at the annual meeting of the state board of agriculture. The delegates shall be selected in accordance with the following:

(1) One from each county or district agricultural society composed of one or more counties;

(2) one from each state fair or statewide fair;

(3) one from each county farmers' institute;

(4) one from each county farm bureau association with a voting membership of not less than 100;

(5) one from each county farmers' union with a voting membership of not less than 100;

(6) one from each county grange with a voting membership of not less than 100;

(7) one from each of the eight Kansas co-op council districts with member co-ops composed of producer membership of not less than 100;

(8) one member of the Kansas livestock association from each county in which the Kansas livestock association has a voting membership of not less than 100;

(9) one from each county national farmers' organization with a voting membership of not less than 100;

(10) one from each county Kansas association of wheat growers organization with a voting membership of not less than 100;

(11) one from each association of statewide character representing a particular kind or a particular breed of livestock;

(12) one from each association of a statewide character for promotion of a farm crop or crops; and

(13) one from each nonprofit association, with a voting membership of not less than 100, of statewide character for the promotion or representation of a specific industry in agribusiness. For the purposes of this subsection, agribusiness

means suppliers of goods or services used in the farm operation as defined in K.S.A. 1986 Supp. 2-3402, and amendments thereto. Each delegate authorized under this subsection shall be directly involved in the industry of agribusiness represented.

(b) In addition to the delegates provided for in subsection (a) of this section, one individual from each of the counties may attend the annual meeting of the state board of agriculture as a delegate, if a petition is signed by not less than 100 qualified electors of the county who are agricultural producers or landowners and who are not voting members of the farm bureau association, farmers' union, grange, national farmers' organization, Kansas association of wheat growers or Kansas livestock association or who are voting members of any such farm organization which has a voting membership of less than 100. Agricultural producers and landowners shall be those persons who are qualified to vote in the agricultural stabilization and conservation service's county elections. No person shall sign more than one petition. A petition shall not be filed with the county election officer prior to September 1 of each year. The county election officer shall submit to the secretary of the state board of agriculture on or before the first Friday following the second Tuesday of December of each year, the individual named as a delegate on the first petition which is filed. In addition to the foregoing, the county election officer shall certify to the secretary the sufficiency of each signature as to the qualification of the individual as an elector of the county and that the number of signatures on the petition has been determined to be in accordance with the provisions of this subsection.

(c) In order to be eligible to send, or to participate by petition in the sending of, a delegate to the annual meeting of the state board of agriculture, each of the farm organizations shall have: (1) Duly elected officers; (2) held meetings; (3) carried on the work as provided for in the constitution and bylaws adopted by the organization; (4) filed a copy of the constitution and bylaws with the secretary of the state board of agriculture; (5) annually certified the above facts; (6) within

three days after the election furnished, in writing on blank furnished by the secretary of the state board of agriculture, a list of officers so elected to the secretary of the state board of agriculture; and (7) on or before the first Friday following the second Tuesday of December of each year, furnished a list of its voting members to the secretary of the state board of agriculture.

(d) Each delegate entitled to attend the annual meeting of the state board of agriculture shall be duly elected, and authorized in writing by the members of the organization the delegate represents. The written authorization shall be certified to the secretary of the state board of agriculture on or before the first Friday following the second Tuesday of December of each year. Each delegate representing a Kansas co-op council district shall be selected at the fall district meeting of each co-op council district. No such delegate selected shall be an employee of any cooperative, but may be a member of a cooperative board of directors. No delegate representing the Kansas livestock association shall be an employee of the Kansas livestock association. Each delegate, except in the case of the delegates from county and district agricultural societies, shall be a bona fide farmer or breeder of livestock. The state board of agriculture shall recognize not more than one association representing a single kind or a single breed of livestock. The county fair associations and county agricultural societies shall be construed to mean one and the same thing, and there shall be but one such fair association recognized in any county, except in counties that now have more than one fair association affiliated with the state board of agriculture.

(e) County or district agricultural societies shall hold well-balanced agricultural fairs designed to promote education and to encourage the improvement and development of agriculture in a broad and comprehensive way, and when, in the judgment of the state board of agriculture, any such society does not conform to adequate standards in its fairs, the state board of agriculture may, by formal resolution adopted at a regular meeting of the board, declare forfeited the society's

representation with the state board of agriculture, and the place thus vacated may be assigned by the board of agriculture to another society or association that complies with the provisions of this act and holds fairs of acceptable character, and, moreover, any county or district agricultural society that has failed or fails to hold a fair for two consecutive years shall lose its representation with the state board of agriculture, and its place may be taken by another society which shall have fulfilled the requirement of this act. Each county or district agricultural society herein mentioned which shall have held a fair for the current year, offered and awarded premiums for the improvement of stock, tillage, crops, implements, mechanical fabrics and articles of domestic industry, shall make out a statement containing a synopsis of awards, moneys received, assets and liabilities, and an abstract of the treasurer's account, duly signed and certified by its officials. The statement shall be forwarded by mail or otherwise to the secretary of the state board of agriculture on or before the first Friday following the second Tuesday of December of each year.

(f) The provisions of the Kansas governmental operations accountability law apply to the state board of agriculture and the board is subject to audit, review and evaluation under such law.

1 at such law. 62

2 Sec. 61. K.S.A. 75-5701 is hereby amended to read as follows:

3 75-5701. (a) There is hereby established a department of human
4 resources. The department shall be administered under the direction
5 and supervision of the secretary of human resources who shall be
6 appointed by the governor, subject to confirmation by the senate as
7 provided in K.S.A. 75-4315b, and amendments thereto, and who
8 shall serve at the pleasure of the governor. The secretary shall be
9 in the unclassified service under the Kansas civil service act and
10 shall receive an annual salary fixed by the governor.

11 (b) The provisions of the Kansas sunset governmental operations
12 accountability law apply to the office of secretary of human resources
13 and the department of human resources established by this sec-
14 tion, and the office and department are subject to ~~abolition~~ *audit,*
15 *review and evaluation* under ~~that~~ such law.

16 Sec. 62. K.S.A. 75-5903 is hereby amended to read as follows: 63

17 75-5903. (a) There is hereby created a department on aging. The
18 department on aging shall be administered under the direction and
19 supervision of the secretary of aging. The secretary shall be appointed
20 by the governor, subject to confirmation by the senate as provided
21 in K.S.A. 75-4315b, and amendments thereto, and shall serve at the
22 pleasure of the governor. In appointing the secretary, the governor
23 shall consider, but is not limited to, persons suggested by the council
24 and persons with responsible administrative experience in the field
25 of gerontology. The secretary shall be in the unclassified service
26 under the Kansas civil service act and shall receive an annual salary
27 fixed by the governor.

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

32 (b) The provisions of the Kansas sunset governmental operations
33 accountability law apply to the office of secretary of aging and the
34 department on aging created by this section, and the office and
35 department are subject to ~~abolition~~ *audit, review and evaluation*
36 under ~~that~~ such law.

37 Sec. 63. K.S.A. ~~8-2412, 40-102, 74-601, 74-7245, 74-7246, 74-~~ 64

38 ~~7247, 74-7248, 74-7249, 74-7253, 74-7254, 74-7255, 74-7260, 74-7261,~~ 2-1903

39 ~~74-7262, 74-7265, 74-7273, 74-7274, 75-626, 75-2534, 75-4221a, 75-~~

40 ~~5001, 75-5101, 75-5203, 75-5301, 75-5391, 75-5601, 75-5701 and 75-~~

41 ~~903 and K.S.A. 1991 Supp. 25-4119a, 32-801, 44-1003, 58-4104, 58-~~ 74-502

42 ~~4104, 65-2812, 74-1106, 74-2613, 74-2622, 74-5002a, 74-5049, 74-~~

43 ~~7250, 74-7252, 74-7256, 74-7258, 74-7264, 74-7267, 74-7268, 74-7269,~~ 74-7257