

**75-3711c. Division of powers between governor and state finance council; guidelines for exercise of certain powers; matters declared to be legislative delegations or executive functions.** (a) The following matters of business before the state finance council are hereby declared to be matters characterized as legislative delegations:

- (1) Increase of expenditure limitations on special revenue funds imposed by legislative act.
- (2) Grant of approval pursuant to K.S.A. 75-3711a and amendments thereto.
- (3) Exercise of functions specified in K.S.A. 75-3712, 75-3713, 75-3713a or 75-3725a and amendments thereto.
- (4) Exercise of the functions specified in K.S.A. 48-938 and amendments thereto.
- (5) Increase of limitations imposed by legislative act on expenditures from reappropriated balances in state general fund accounts.
- (6) Increase of limitations imposed by legislative act on the number of personnel positions paid from appropriations.

(b) All matters of business provided by this act to be performed by the governor in lieu of the state finance council are hereby declared to be executive functions to be exercised by the executive department subject to subsequent enactment by the legislature.

(c) The matters specified in subsection (a) shall be approved, authorized or directed by the governor and a majority vote of the legislative members of the state finance council. Except for functions specified in K.S.A. 75-3725a and amendments thereto or as otherwise specified by legislative act, such approval, authorization or direction shall be given only when the legislature is not in session, upon findings, in addition to any enhancement or alteration thereof by legislative enactment, that:

(1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested action, and delay until the next legislative session on the requested action would be contrary to paragraph (3) of this subsection.

(2) The requested action is not one that was rejected in the next preceding session of the legislature, and is not contrary to known legislative policy.

(3) In cases where the action is requested for a single state agency, the requested action will assist the state agency in attaining an objective or goal which bears a valid relationship to powers and functions of the state agency.

**History:** L. 1976, ch. 388, § 2; L. 1983, ch. 288, § 2; L. 1986, ch. 325, § 1; July 1.