

HOUSE BILL No. 2300

AN ACT concerning certain state agencies; relating to the advisory committee on Hispanic affairs; appointments of members; concerning the Kansas governmental operations accountability law; amending K.S.A. 32-801, 74-2613, 74-5002f, 74-6502, 75-3702a, 75-4503, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701 and 75-5903 and K.S.A. 2000 Supp. 2-1904, 74-560 and 74-5202 and repealing the existing sections.

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

Section 1. K.S.A. 74-6502 is hereby amended to read as follows: 74-6502. (a) The advisory committee shall consist of seven members. No more than four members shall be members of the same political party. Subject to the provisions of K.S.A. ~~1992 Supp. 75-4315c~~, and amendments thereto, each congressional district in the state of Kansas shall be represented on the advisory committee by at least one member who is a resident of the district at the time of appointment and the remainder shall represent the state at large. Advisory committee members shall be appointed by the governor. A person appointed to fill a vacancy which occurs prior to the expiration of a term shall be appointed for the unexpired term. *Except as provided by subsection (b)*, each member of the committee shall be appointed for a three-year term.

(b) *The terms of all members of the committee shall expire on June 30, 2001. Of the members appointed to fill vacancies due to expiration of terms on June 30, 2001, two shall be appointed to terms of one year, two shall be appointed for terms of two years and three shall be appointed for terms of three years. Thereafter members shall be appointed for terms of three years and until successors are appointed and qualified.*

Nothing in this subsection shall be construed as prohibiting the reappointment of members of the committee who had been appointed prior to the effective date of this act.

Sec. 2. K.S.A. 2000 Supp. 74-5202 is hereby amended to read as follows: 74-5202. (a) There is hereby created a Kansas arts commission which shall be composed of twelve members to be appointed by the governor ~~and to serve~~. *Except as provided by subsection (b)*, members shall be appointed for terms of three years. Upon expiration of the term of each member serving on the commission on the effective date of this act, the governor shall appoint a successor for a term of three years. Members serving on the commission on the effective date of this act may be reappointed to a term of three years. Members may not serve more than two terms and are not eligible for reappointment following the end of their second term of office. The commission shall have a chairperson, vice-chairperson, and secretary-treasurer, which officers shall be designated by the governor from the membership of the commission. The commission shall meet upon call of the chairperson, but at least once each quarter. Members of the Kansas arts 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. Employment by the state, or any instrumentality or subdivision of the state, shall not prevent any person from accepting appointment to and serving on the commission.

(b) *The terms of all members of the commission shall expire on June 30, 2001. Of the members appointed due to expiration of terms on June 30, 2001, four members shall be appointed for terms of one year, four members shall be appointed for terms of two years and four members shall be appointed for terms of three years. Thereafter, members shall be appointed for terms of three years and until successors are appointed and qualified.*

Nothing in this subsection shall be construed as prohibiting the reappointment of members of the commission who had been appointed prior to the effective date of this act except no member may be appointed to serve more than seven consecutive years.

Sec. 3. K.S.A. 2000 Supp. 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; as follows:~~

(1) The director of the cooperative extension service and the director of the state agricultural experiment station ~~or their designees~~ located at Manhattan, Kansas, *or such persons' designees shall serve, ex officio, as members of the commission.*

(2) The commission shall ~~invite~~ *request* the secretary of agriculture of United States of America to appoint one person and the ~~Kansas state board secretary of the Kansas department~~ 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~~ *as members* 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.

(3) 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 *such* 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.

(b) 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)~~ (c) 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.

~~(d)~~ (d) 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.

~~(e)~~ (e) 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.

~~(e) 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.~~

Sec. 4. K.S.A. 32-801 is hereby amended to read as follows: 32-801.

(a) In order to reorganize the administration, planning and regulation of the state's parks, wildlife and other natural resources, there is hereby established within the executive branch of government the Kansas department of wildlife and parks, which shall be administered under the direction and supervision of a secretary of wildlife and parks who shall be appointed by the governor, with the consent of the senate as provided in K.S.A. 75-4315b and amendments thereto.

(b) The secretary shall be fully qualified by education, training and experience in wildlife, parks or natural resources, or a related field, and shall have a demonstrated executive and administrative ability to discharge the duties of the office of secretary. The secretary shall serve at the pleasure of the governor. The secretary shall be in the unclassified

service under the Kansas civil service act and shall receive an annual salary to be fixed by the governor.

(c) The provisions of the Kansas governmental operations accountability law apply to the ~~office of secretary of wildlife and parks and the~~ Kansas department of wildlife and parks, and the ~~office and~~ department ~~are~~ *is* subject to audit, review and evaluation under such law.

Sec. 5. K.S.A. 2000 Supp. 74-560 is hereby amended to read as follows: 74-560. (a) On and after the effective date of this act, in order to reorganize the administration, planning and regulation of the state's agriculture industry there is hereby established within the executive branch of government the Kansas department of agriculture, which shall be administered under the direction and supervision of a secretary of agriculture.

(b) The state board of agriculture, established pursuant to K.S.A. 2000 Supp. 74-562, shall nominate three individuals to the governor for the appointment as secretary of agriculture. The governor either shall select and appoint a person nominated to be secretary or shall reject the nominations and request the board to nominate three new individuals for the appointment as secretary. Upon receipt of any such request for the nomination of three new individuals, the board shall nominate three new individuals for the appointment as secretary in the same manner. The nominees shall have a demonstrated executive and administrative ability to discharge the duties of the office of secretary. Every appointed secretary of agriculture shall be appointed subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. The secretary shall be a member of the governor's cabinet. The secretary shall serve at the pleasure of the governor. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the governor. The acting secretary of agriculture who is serving as the secretary on the effective date of this act shall be the secretary of agriculture as established by this act, shall serve at the pleasure of the governor and shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Any action of the Senate taken prior to the effective date of this act which confirms an individual as the secretary of agriculture is hereby validated and shall constitute confirmation by the Senate of such individual as secretary of agriculture under this section.

(c) The secretary shall organize an annual public informational meeting. The meeting shall take place in each congressional district on a rotating basis.

(d) The provisions of the Kansas governmental operations accountability law apply to the ~~office of secretary of agriculture and the~~ Kansas department of agriculture, and the ~~office and~~ department ~~are~~ *is* subject to audit, review and evaluation under such law.

Sec. 6. K.S.A. 74-2613 is hereby amended to read as follows: 74-2613. (a) There is hereby established within the executive branch of government the Kansas water office, which shall be administered under the direction and supervision of the director of the Kansas water office. The director of the Kansas water office shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as otherwise provided by this section, the director of the Kansas water office shall be in the unclassified service under the Kansas civil service act, shall serve at the pleasure of the governor and shall receive an annual salary fixed by the governor. The provision of this act shall not affect the term of office of the director of the Kansas water office serving in such office on the day preceding the effective date of this act and such term of office shall expire on June 30, 1988, in accordance with the provisions of this section prior to amendment by this act.

(b) All budgeting, purchasing and related management functions of the Kansas water office shall be administered under the direction and supervision of the director of the Kansas water office.

(c) All vouchers for expenditures from appropriations to or for the Kansas water office shall be approved by the director of the Kansas water office or a person or persons designated by the director for such purpose.

(d) The provisions of the Kansas governmental operations accountability law apply to the ~~office of director of the~~ Kansas water office ~~and~~

~~the Kansas water office, and the offices are~~ *office is* subject to audit, review and evaluation under such law.

Sec. 7. K.S.A. 74-5002f is hereby amended to read as follows: 74-5002f. (a) In order to reorganize the administration and planning of housing related issues within the state, there is hereby established the department of commerce and housing, the head of which shall be the secretary of commerce and housing. The secretary of commerce and housing shall be appointed by the governor. When the governor appoints a secretary of commerce and housing that is an individual other than the individual that was confirmed by the senate in 1990 as secretary of commerce, the secretary of commerce and housing shall be subject to confirmation by the senate pursuant to K.S.A. 75-4315b, and amendments thereto. The secretary shall be in the unclassified service under the Kansas civil service act.

(b) *The provisions of the Kansas governmental operations law apply to the department and the department is subject to audit, review and evaluation under such law.*

Sec. 8. K.S.A. 75-3702a is hereby amended to read as follows: 75-3702a. (a) There is hereby created a department of administration, the head of which shall be the secretary of administration. The governor shall appoint the secretary of administration, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. The secretary of administration shall serve at the pleasure of the governor. The department of administration shall be administered under the direction and supervision of the secretary of administration. The secretary of administration shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the ~~office of secretary of administration and the department of administration, and the office and department are~~ *is* subject to audit, review and evaluation under such law.

Sec. 9. K.S.A. 75-4503 is hereby amended to read as follows: 75-4503. (a) There is hereby created the capitol area security patrol which shall be under the supervision and management of the superintendent of the highway patrol.

(b) Members of the capitol area security patrol shall have the powers and authority of peace, police and law enforcement officers while wearing the prescribed badge of office and while on duty in Shawnee county, Kansas.

(c) All persons arrested by a member of the capitol area security patrol shall be turned over to the Shawnee county department of corrections to be dealt with in the same manner as other persons turned over to such department, except in cases of violation of the ordinances of the city of Topeka, any such person may be turned over to the police department of the city of Topeka to be dealt with by it in the same manner as other persons arrested by police officers of the Topeka police department.

~~(d) The provisions of the Kansas governmental operations accountability law apply to the capitol area security patrol and the patrol is subject to audit, review and evaluation under such law.~~

Sec. 10. K.S.A. 75-5001 is hereby amended to read as follows: 75-5001. (a) In order to coordinate the planning, development and operation of the various modes and systems of transportation within this state, there is hereby established a department of transportation, which shall be administered under the direction and supervision of the secretary of transportation. The secretary of transportation shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall serve at the pleasure of the governor. The secretary shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the ~~office of secretary of transportation and the department of transportation, and the office and department are~~ *is* subject to audit, review and evaluation under such law.

Sec. 11. K.S.A. 75-5101 is hereby amended to read as follows: 75-5101. (a) There is hereby created a department of revenue, the head of which shall be the secretary of revenue. The governor shall appoint the secretary of revenue, subject to confirmation by the senate as provided

in K.S.A. 75-4315b, and amendments thereto, and the secretary shall serve at the pleasure of the governor. The department of revenue created by this act shall be administered under the direction and supervision of the secretary of revenue. The secretary of revenue shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the ~~office of secretary of revenue and the department of revenue, and the office and department are~~ is subject to audit, review and evaluation under such law.

Sec. 12. K.S.A. 75-5203 is hereby amended to read as follows: 75-5203. (a) There is hereby established the department of corrections, the chief executive officer of which shall be the secretary of corrections. The secretary shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall serve at the pleasure of the governor. In case of a vacancy in the office of secretary, the governor shall appoint a successor in the manner that the original appointment was made. The secretary shall receive an annual salary fixed by the governor, which shall be payable in equal monthly installments. In addition, the secretary shall be entitled to receive actual and necessary traveling and subsistence expenses incurred in the performance of the secretary's official duties.

(b) Except as provided by subsection (c), no person shall be eligible for appointment to, or hold the position of, secretary of corrections unless such person:

(1) Has had at least five years' experience in the field of corrections or as an executive officer in the administration of federal or state penal or correctional institutions; or

(2) (A) has had at least three years' experience in the field of corrections or as an executive officer in the administration of federal or state penal or correctional institutions; and (B) has a degree from an accredited college or university, which degree is based on penology or a related field as a major of study; or

(3) (A) has had at least five years' experience as a federal, appellate or district judge or federal, district or county prosecutor, five years' experience in military administration or administration of a criminal justice agency or five years' administrative experience treating criminal offenders through programs involving penal custody, parole, probation and sentencing; (B) has a degree from an accredited college or university, which degree is in a social or behavioral science, penology, corrections, criminal justice, police science, criminology, public administration, local corrections programs or a related field; and (C) has demonstrated administrative ability and leadership.

(c) If the governor is unable to appoint a person as secretary who possesses the qualifications required by subsection (b), the governor may appoint a person without such qualifications as acting secretary, who shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall serve at the pleasure of the governor.

(d) Before entering upon the duties of the office, the secretary shall take and subscribe an oath to faithfully and honestly discharge the duties of the office to the best of the secretary's knowledge and ability.

(e) The provisions of the Kansas governmental operations accountability law apply to the ~~office of secretary of corrections and the department of corrections, and the office and department are~~ is subject to audit, review and evaluation under such law.

Sec. 13. K.S.A. 75-5301 is hereby amended to read as follows: 75-5301. (a) There is hereby created a department of social and rehabilitation services, the head of which shall be the secretary of social and rehabilitation services. The governor shall appoint the secretary of social and rehabilitation services, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and the secretary shall serve at the pleasure of the governor. The department of social and rehabilitation services created by this order shall be administered under the direction and supervision of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the ~~office of the secretary of social and rehabilitation~~

~~services and the department of social and rehabilitation services, and the office and department are~~ is subject to audit, review and evaluation under such law.

Sec. 14. K.S.A. 75-5601 is hereby amended to read as follows: 75-5601. (a) There is hereby created a department of health and environment, the head of which shall be the secretary of health and environment, which office is hereby created. The governor shall appoint the secretary of health and environment, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and the secretary shall serve at the pleasure of the governor. The department of health and environment shall consist of the division of health and the division of environment. The secretary of health and environment shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the ~~office of secretary of health and environment and the department of health and environment, and the office and department are~~ is subject to audit, review and evaluation under such law.

Sec. 15. K.S.A. 75-5701 is hereby amended to read as follows: 75-5701. (a) There is hereby established a department of human resources. The department shall be administered under the direction and supervision of the secretary of human resources who shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and who shall serve at the pleasure of the governor. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the ~~office of secretary of human resources and the department of human resources, and the office and department are~~ is subject to audit, review and evaluation under such law.

Sec. 16. K.S.A. 75-5903 is hereby amended to read as follows: 75-5903. (a) There is hereby created a department on aging. The department on aging shall be administered under the direction and supervision of the secretary of aging. The secretary shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall serve at the pleasure of the governor. In appointing the secretary, the governor shall consider, but is not limited to, persons suggested by the council and persons with responsible administrative experience in the field of gerontology. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the governor.

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

(b) The provisions of the Kansas governmental operations accountability law apply to the ~~office of secretary of aging and the department on aging, and the office and department are~~ is subject to audit, review and evaluation under such law.

Sec. 17. K.S.A. 32-801, 74-2613, 74-5002f, 74-6502, 75-3702a, 75-4503, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701 and 75-5903 and K.S.A. 2000 Supp. 2-1904, 74-560 and 74-5202 are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.