

## SENATE BILL No. 336

By Committee on Ways and Means

2-21

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AN ACT concerning committees of the legislature; relating to the composition and appointment of certain committees; creating certain committees; amending K.S.A. 32-874, 32-966, 46-1604, 46-1801 and 46-2201 and K.S.A. 2000 Supp. 2-3703, 2-3710, 65-1,195, 65-1,198, 65-34,154, 65-6206, 66-2011, 68-2003, 74-9001 and 79-32,204 and repealing the existing sections; also repealing K.S.A. 32-874e, 46-2507, 46-2701 and 46-3001 and K.S.A. 2000 Supp. 74-2623 and 74-9005.

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

Section 1. K.S.A. 46-1604 is hereby amended to read as follows: 46-1604. (a) There is hereby created the joint committee on economic development which shall be composed of five senators and eight members of the house of representatives. The five senate members shall be ~~the chairperson of the standing committee on commerce of the senate, or a member of such committee appointed by the chairperson, two~~ *composed of three* members ~~of such committee~~ appointed by the president and two members ~~of such committee~~ appointed by the minority leader. The eight representative members shall be ~~the chairperson of the standing committee on economic development of the house of representatives, or a member of such committee appointed by the chairperson, four~~ *composed of five* members ~~of such committee~~ appointed by the speaker and three members ~~of such committee~~ appointed by the minority leader.

(b) All members of the joint committee on economic development shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. ~~The chairperson and vice chairperson serving on the effective date of this act will continue to serve in such capacities through June 30, 1998. On and after July 1, 1998, and until the first day of the 1999 regular legislative session, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice chairperson shall be one of the representative members selected by the speaker. Thereafter, On and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president and, on and after the first day of the regular~~

1 legislative session in even-numbered years, the chairperson shall be one  
2 of the senate members of the joint committee selected by the president  
3 and the vice-chairperson shall be one of the representative members of  
4 the joint committee selected by the speaker. The chairperson and vice-  
5 chairperson of the joint committee shall serve in such capacities until the  
6 first day of the regular legislative session in the ensuing year. The vice-  
7 chairperson shall exercise all of the powers of the chairperson in the  
8 absence of the chairperson.

9 (c) The joint committee on economic development may meet at any  
10 time and at any place within the state on the call of the chairperson.

11 (d) The provisions of the acts contained in article 12 of chapter 46 of  
12 the Kansas Statutes Annotated, and amendments thereto, applicable to  
13 special committees shall apply to the joint committee on economic de-  
14 velopment to the extent that the same do not conflict with the specific  
15 provisions of this act applicable to the joint committee.

16 (e) In accordance with K.S.A. 46-1204 and amendments thereto, the  
17 legislative coordinating council may provide for such professional services  
18 as may be requested by the joint committee on economic development.

19 (f) The joint committee on economic development may introduce  
20 such legislation as it deems necessary in performing its functions.

21 Sec. 2. K.S.A. 46-1801 is hereby amended to read as follows: 46-  
22 1801. (a) There is hereby established a joint committee on the arts and  
23 cultural resources which shall consist of five senators and five members  
24 of the house of representatives. The senate members shall be appointed  
25 by the committee on organization, calendar and rules. The house of rep-  
26 resentative members shall be appointed by the speaker of the house of  
27 representatives. ~~Not less than one representative member shall be a~~  
28 ~~member of the house committee on appropriations and not less than one~~  
29 ~~senator member shall be a member of the senate committee on ways and~~  
30 ~~means. In addition, not less than one representative member shall be a~~  
31 ~~member of the house committee on economic development and not less~~  
32 ~~than one senator member shall be a member of the senate committee on~~  
33 ~~commerce.~~ The committee on organization, calendar and rules shall des-  
34 ignate a senator member to be chairperson or vice-chairperson of the  
35 joint committee as provided in this section. The speaker of the house of  
36 representatives shall designate a representative member to be chairper-  
37 son or vice-chairperson of the joint committee as provided in this section.

38 (b) A quorum of the joint committee on the arts and cultural re-  
39 sources shall be six. All actions of the committee may be taken by a  
40 majority of those present when there is a quorum. In odd-numbered years  
41 the chairperson of the joint committee shall be the designated member  
42 of the house of representatives from the convening of the regular session  
43 in that year until the convening of the regular session in the next ensuing

1 year. In even-numbered years the chairperson of the joint committee shall  
2 be the designated member of the senate from the convening of the reg-  
3 ular session of that year until the convening of the regular session of the  
4 next ensuing year. The vice-chairperson shall exercise all of the powers  
5 of the chairperson in the absence of the chairperson.

6 (c) The joint committee on the arts and cultural resources shall study,  
7 investigate and analyze the following matters:

8 (1) The goals appropriate to the future of the arts and cultural life of  
9 Kansas including, but not limited to, the following: Public art; individual  
10 artists; films, video, radio and music; and historic preservation;

11 (2) the role the legislature and state government should play in the  
12 achievement of these goals;

13 (3) arts legislation in other states and at the federal level;

14 (4) the budget and programs of the Kansas arts commission and other  
15 state supported arts and cultural programs and agencies;

16 (5) the present status of arts education in Kansas; and

17 (6) the economic impact of arts and cultural resources in Kansas.

18 (d) The joint committee shall report to the legislature on or before  
19 December 31 each year any finding and recommendations concerning  
20 the arts in Kansas which the joint committee deems appropriate. The  
21 joint committee may introduce such legislation as it deems necessary in  
22 performing its functions.

23 (e) The joint committee on the arts and cultural resources shall meet  
24 on call of the chairperson as authorized by the legislative coordinating  
25 council. All such meetings shall be held in Topeka, unless authorized to  
26 be held in a different place by the legislative coordinating council. Mem-  
27 bers of the joint committee shall receive compensation and travel ex-  
28 penses and subsistence expenses or allowances as provided in K.S.A. 75-  
29 3212, and amendments thereto, when attending meetings of such  
30 committee authorized by the legislative coordinating council.

31 (f) Amounts paid under authority of this section shall be paid from  
32 appropriations for legislative expense and vouchers therefor shall be pre-  
33 pared by the director of legislative administrative services and approved  
34 by the chairperson or vice-chairperson of the legislative coordinating  
35 council.

36 Sec. 3. K.S.A. 46-2201 is hereby amended to read as follows: 46-  
37 2201. (a) There is hereby created the joint committee on pensions, in-  
38 vestments and benefits ~~which~~. *On and after July 1, 2001, the joint com-*  
39 *mittee shall be composed of five six senators and eight seven members of*  
40 *the house of representatives. Of the five six senate members shall be the*  
41 *chairperson of the standing committee on ways and means of the senate,*  
42 *or a member of such committee appointed by the chairperson, two mem-*  
43 *bers four shall be appointed by the president and two members shall be*

1 appointed by the minority leader. ~~Of the eight seven~~ representative mem-  
2 bers ~~shall be the chairperson of the standing committee on appropriations~~  
3 ~~of the house of representatives, or a member of such committee ap-~~  
4 ~~pointed by the chairperson, four members~~ *five shall be* appointed by the  
5 speaker and ~~three members~~ *two shall be* appointed by the minority leader.

6 (b) *The terms of all members of the joint committee on pensions, in-*  
7 *vestments and benefits appointed prior to the effective date of this act are*  
8 *hereby terminated on July 1, 2001.* All members of the joint committee  
9 on pensions, investments and benefits *appointed on and after July 1,*  
10 *2001,* shall serve for terms ending on the first day of the regular legislative  
11 session in odd-numbered years. ~~The chairperson and vice chairperson~~  
12 ~~serving on the effective date of this act will continue to serve in such~~  
13 ~~capacities through June 30, 1998. On and after July 1, 1998, and until the~~  
14 ~~first day of the 1999 regular legislative session, the chairperson shall be~~  
15 ~~one of the senate members of the joint committee selected by the pres-~~  
16 ~~ident and the vice chairperson shall be one of the representative members~~  
17 ~~selected by the speaker. Thereafter, on and after the first day of the~~  
18 ~~regular legislative session in odd-numbered years, the chairperson shall~~  
19 ~~be one of the representative members of the joint committee selected by~~  
20 ~~the speaker and the vice chairperson shall be one of the senate members~~  
21 ~~selected by the president and~~ *On and after July 1, 2001, and until the*  
22 *first day of the 2002 legislative session, the chairperson shall be one of*  
23 *the representative members of the joint committee selected by the speaker*  
24 *and the vice-chairperson shall be one of the senate members of the joint*  
25 *committee selected by the president. Thereafter, on and after the first day*  
26 *of the regular legislative session in even-numbered years, the chairperson*  
27 *shall be one of the senate members of the joint committee selected by*  
28 *the president and the vice-chairperson shall be one of the representative*  
29 *members of the joint committee selected by the speaker and on and after*  
30 *the first day of the regular legislative session in odd-numbered years the*  
31 *chairperson shall be one of the representative members of the joint com-*  
32 *mittee selected by the speaker and the vice-chairperson shall be one of the*  
33 *senate members selected by the president.* The chairperson and vice-chair-  
34 person of the joint committee shall serve in such capacities until the first  
35 day of the regular legislative session in the ensuing year. The vice-chair-  
36 person shall exercise all of the powers of the chairperson in the absence  
37 of the chairperson.

38 (c) The joint committee on pensions, investments and benefits shall  
39 meet at any time and at any place within the state on call of the chair-  
40 person. Members of the joint committee shall receive compensation and  
41 travel expenses and subsistence expenses or allowances as provided in  
42 K.S.A. 75-3212 and amendments thereto when attending meetings of  
43 such committee authorized by the legislative coordinating council.

1 (d) In accordance with K.S.A. 46-1204 and amendments thereto, the  
2 legislative coordinating council may provide for such professional services  
3 as may be requested by the joint committee on pensions, investments and  
4 benefits.

5 (e) The joint committee on pensions, investments and benefits may  
6 introduce such legislation as deemed necessary in performing such com-  
7 mittee's functions.

8 (f) The joint committee on pensions, investments and benefits shall:

9 (1) Monitor, review and make recommendations regarding invest-  
10 ment policies and objectives formulated by the board of trustees of the  
11 Kansas public employees retirement system;

12 (2) review and make recommendations relating to benefits for mem-  
13 bers under the Kansas public employees retirement system;

14 (3) consider and make recommendations to the standing committee  
15 of the senate specified by the president of the senate relating to the  
16 confirmation of members of the board of trustees of the Kansas public  
17 employees retirement system appointed pursuant to K.S.A. 74-4905 and  
18 amendments thereto. The information provided by the Kansas bureau of  
19 investigation or other criminal justice agency pursuant to subsection (h)  
20 of K.S.A. 74-4905 and amendments thereto relating to the confirmation  
21 of members of the board to the standing committee of the senate spec-  
22 ified by the president shall be forwarded by the Kansas bureau of inves-  
23 tigation or such other criminal justice agency to such joint committee for  
24 such joint committee's consideration and other than conviction data, shall  
25 be confidential and shall not be disclosed except to members and em-  
26 ployees of the joint committee as necessary to determine qualifications  
27 of such member. The committee, in accordance with K.S.A. 75-4319 and  
28 amendments thereto shall recess for a closed or executive meeting to  
29 receive and discuss information received by the committee pursuant to  
30 this subsection; and

31 (4) review and make recommendations relating to the inclusion of  
32 city and county correctional officers as eligible members of the Kansas  
33 police and firemen's retirement system.

34 New Sec. 4. (a) There is hereby created the joint committee on  
35 health care oversight, hereinafter "committee," to oversee the necessary  
36 changes in state laws and regulations made necessary by federal law and,  
37 to the fullest extent possible, implement health care reform specific to  
38 Kansas needs.

39 (1) The committee shall be composed of 14 members of the legisla-  
40 ture appointed as follows: Four members of the house of representa-  
41 tives appointed by the speaker of the house of representatives; three  
42 members of the house of representatives appointed by the minority leader  
43 of the house of representatives; four members of the senate appointed

1 by the president of the senate; and three members of the senate ap-  
2 pointed by the minority leader of the senate. The secretary of health and  
3 environment, the secretary of social and rehabilitation services, the di-  
4 rector of the budget and the commissioner of insurance shall be advisors  
5 to the committee.

6 (2) A quorum of the committee shall be eight. All actions of the com-  
7 mittee may be taken by a majority of those present when there is a quo-  
8 rum. On and after July 1, 2001, and until the first day of the 2002 legis-  
9 lative session, the chairperson shall be one of the representative members  
10 of the committee selected by the speaker and the vice-chairperson shall  
11 be one of the senate members of the committee selected by the president.  
12 Thereafter, in even-numbered years the chairperson of the committee  
13 shall be the member of the senate selected by the president and the vice-  
14 chairperson of the committee shall be the member of the house selected  
15 by the speaker from the convening of the regular session of that year until  
16 the convening of the regular session of the next ensuing year. In odd-  
17 numbered years, the chairperson of the committee shall be the member  
18 of the house of representatives selected by the speaker and the vice-  
19 chairperson of the committee shall be the member of the senate selected  
20 by the president from the convening of the regular session in that year  
21 until the convening of the regular session in the next ensuing year. The  
22 vice-chairperson shall exercise all of the powers of the chairperson in the  
23 absence of the chairperson.

24 (3) The committee shall be designated a standing joint committee of  
25 the legislature and shall have such powers and duties as hereinafter pro-  
26 vided. Funding of operations of the committee shall be made from mon-  
27 eys appropriated to the legislature and expenditures of the committee  
28 shall be approved by the legislative coordinating council. Administrative  
29 support for the committee shall be provided by the division of legislative  
30 administrative services.

31 (4) The health care reform legislative oversight committee shall meet  
32 on call of the chairperson as authorized by the legislative coordinating  
33 council. All such meetings shall be held in Topeka unless authorized to  
34 be held in a different place by the legislative coordinating council. Mem-  
35 bers of the committee shall receive compensation and travel expenses  
36 and subsistence expenses or allowances as provided in K.S.A. 75-3212  
37 and amendments thereto, when attending meetings of such committee  
38 authorized by the legislative coordinating council.

39 (b) The joint committee on health care oversight shall:

40 (1) Examine changes in federal laws affecting Kansas and propose  
41 such changes in Kansas laws and regulations as are necessary to meet the  
42 federal requirements.

43 (2) Cooperate and interact with agencies of the federal government

1 responsible for health care reform.

2 (3) Consider all health care financing and delivery options now in  
3 effect taking into account the actions of other states and the federal  
4 government.

5 (4) Work cooperatively with all relevant state and federal agencies,  
6 health care providers, payors and consumer groups in the development  
7 of an integrated health plan for all Kansans.

8 (5) Receive, analyze and make recommendations related to the state  
9 health care data base developed by the health care data governing board.

10 (6) Develop plans for health care cost containment.

11 (7) Study and make recommendations for legislative action to inte-  
12 grate health care financing and coverage with other states.

13 (8) Recommend legislative actions necessary to assure accessibility of  
14 services to residents of underserved areas.

15 (9) Provide recommendations if federal or state laws require inclu-  
16 sion of the medical care component of workers compensation and auto-  
17 mobile insurance into all inclusive health care coverage.

18 (10) Oversee the implementation and operation of the children's  
19 health insurance plans created under the provisions of K.S.A. 38-2001 *et*  
20 *seq.*, including the assessment of the performance based contracting's  
21 measurable outcomes as set forth in subsection (b)(4) of K.S.A. 38-2001  
22 and amendments thereto and other children's issues as the committee  
23 deems necessary.

24 (11) Make recommendations on tort reform for medical liability and  
25 for state antitrust reform and federal antitrust modifications.

26 (c) The committee may introduce legislation.

27 (d) All officers and employees of the state shall provide such infor-  
28 mation and assistance as may be deemed necessary by the committee.  
29 Staff assistance shall be provided by the office of the revisor of statutes,  
30 the legislative research department and such other legislative offices and  
31 employees as may be directed by the legislative coordinating council.

32 (e) The department of health and environment is hereby designated  
33 the contact agency for the state of Kansas with reference to federal health  
34 care reform measures. The department of health and environment shall  
35 not make any decision with reference to federal health care reform meas-  
36 ures not otherwise authorized by the legislature or which would be in-  
37 consistent with existing law.

38 New Sec. 5. (a) There is hereby created the SRS oversight commit-  
39 tee. On and after July 1, 2001, the oversight committee shall consist of  
40 12 members as follows:

41 (1) Three members who shall be appointed by the chairperson of the  
42 house appropriations committee, from among the members of the house  
43 appropriations committee, of whom two are members of the majority

1 party and one is a member of the minority party;

2 (2) three members who shall be appointed by the chairperson of the  
3 senate ways and means committee, from among the members of the sen-  
4 ate ways and means committee, of whom two are members of the majority  
5 party and one is a member of the minority party;

6 (3) three members who shall be appointed by the speaker of the  
7 house of representatives at least two of whom shall be members of the  
8 house committee on health and human services, one of whom shall be a  
9 member of the majority party and one of whom shall be a member of the  
10 minority party; and

11 (4) three members who shall be appointed by the president of the  
12 senate at least two of whom shall be members of the senate committee  
13 on public health and welfare, one of whom shall be a member of the  
14 majority party and one of whom shall be a member of the minority party.

15 (b) (1) On and after July 1, 2001, and until the first day of the 2002  
16 legislative session, the chairperson of the committee shall be one of the  
17 representative members of the committee selected by the speaker and  
18 the vice-chairperson shall be one of the senate members of the committee  
19 selected by the president. Thereafter, on and after the first day of the  
20 regular legislative session in even-numbered years, the chairperson shall  
21 be one of the senate members of the joint committee selected by the  
22 president and the vice-chairperson shall be one of the representative  
23 members of the committee selected by the speaker and on and after the  
24 first day of the regular legislative session in odd-numbered years the chair-  
25 person shall be one of the representative members of the committee  
26 selected by the speaker and the vice-chairperson shall be one of the senate  
27 members selected by the president.

28 (2) If a vacancy occurs in the office of any member of the SRS over-  
29 sight committee, a successor shall be appointed in the same manner as  
30 the original appointment.

31 (c) The oversight committee shall meet on call of the chairperson. All  
32 such meetings shall be held in Topeka unless authorized to be held in a  
33 different place by the legislative coordinating council. Members of the  
34 oversight committee shall receive compensation and travel expenses and  
35 subsistence expenses or allowances as provided in K.S.A. 75-3212 and  
36 amendments thereto, when attending meetings of such committee.

37 (d) (1) The oversight committee shall monitor the long-term care  
38 programs that were transferred from the secretary of social and rehabil-  
39 itation services to the secretary of aging. The oversight committee shall  
40 ensure that the transfer of the long-term care programs does not lead to  
41 a loss of services by consumers.

42 (2) The oversight committee shall monitor, review and make rec-  
43 ommendations relating to privatization efforts at the state hospitals, the



1 closure of hospital beds, the downsizing of staff, the closure of Topeka  
2 state hospital and Winfield state hospital and training center, the funding  
3 of community services and the availability of adequate community  
4 services.

5 (3) The oversight committee shall monitor, review and make rec-  
6 ommendations relating to (A) privatization of children service programs  
7 of the department of social and rehabilitation services including family  
8 preservation, foster care and adoption programs, (B) privatization of child  
9 support collection programs and any other programs of the department  
10 of social and rehabilitation services, and (C) privatization of any programs  
11 of the department on aging.

12 (4) The SRS oversight committee shall monitor, review and make  
13 recommendations relating to federal social welfare reform laws and the  
14 regulations and policies implementing such laws and the activities of the  
15 department of social and rehabilitation services relating to such federal  
16 laws, regulations and policies and the operation of the home and com-  
17 munity based services programs.

18 (5) The oversight committee shall:

19 (A) Prepare an interim report on findings and recommendations  
20 which shall be provided to the legislature on or before the first day of the  
21 legislative session; and

22 (B) annually prepare a report on findings and recommendations  
23 which shall be provided to the legislature on or before the first day of  
24 each legislative session.

25 Sec. 6. K.S.A. 2000 Supp. 65-6206 is hereby amended to read as  
26 follows: 65-6206. (a) A task force on long-term care services is hereby  
27 established to study state and federal laws and rules and regulations which  
28 impact on the services provided by government and the private sector to  
29 citizens who are consumers of long-term care services, the financing of  
30 these services, both public and private, the effectiveness of partnering  
31 activities between state agencies and long-term care providers and such  
32 other matters relating thereto as the task force deems appropriate.

33 (b) The task force shall consist of 20 members appointed as follows:

34 (1) Seven members appointed by the legislative coordinating council,  
35 three of whom shall be consumers of long-term care services, three of  
36 whom shall be providers of long-term care services and one of whom shall  
37 be a trustee or board member of a long-term care facility *and no more*  
38 *than two such members shall reside in any one congressional district;*

39 (2) two members appointed by the president of the senate and the  
40 speaker of the house of representatives, ~~one of whom shall be a member~~  
41 ~~of the senate committee on ways and means and one of whom shall be a~~  
42 ~~member of the house committee on appropriations and both of whom~~  
43 shall be from different political parties;

1 (3) two members appointed by the president of the senate, ~~one of~~  
2 ~~whom shall be a member of the senate committee on public health and~~  
3 ~~welfare and one of whom shall be a member of the senate committee on~~  
4 ~~financial institutions and insurance;~~

5 (4) two members appointed by the minority leader of the senate, ~~one~~  
6 ~~of whom shall be a member of the senate committee on public health~~  
7 ~~and welfare and one of whom shall be a member of the senate committee~~  
8 ~~on financial institutions and insurance;~~

9 (5) two members appointed by the speaker of the house of represen-  
10 ~~tatives, one of whom shall be a member of the house committee on health~~  
11 ~~and human services and one of whom shall be a member of the house~~  
12 ~~committee on insurance;~~

13 (6) two members appointed by the minority leader of the house of  
14 ~~representatives, one of whom shall be a member of the house committee~~  
15 ~~on health and human services and one of whom shall be a member of the~~  
16 ~~house committee on insurance. Of the seven members appointed by the~~  
17 ~~legislative coordinating council, no more than two members shall reside~~  
18 ~~in any one congressional district;~~

19 (7) one member shall be the secretary of social and rehabilitation  
20 ~~services or the secretary's designee;~~

21 (8) one member shall be the secretary of health and environment or  
22 ~~the secretary's designee; and~~

23 (9) one member shall be the secretary of aging or the secretary's  
24 ~~designee.~~

25 (c) The legislative coordinating council shall appoint the chairperson  
26 ~~and vice-chairperson from among the membership of the task force, the~~  
27 ~~chairperson to be appointed from among the legislator members of the~~  
28 ~~task force. Staffing for the task force shall be available from the legislative~~  
29 ~~research department, the revisor of statutes office and the division of~~  
30 ~~legislative administrative services if authorized by the legislative coordi-~~  
31 ~~nating council.~~

32 (d) The members of the task force shall receive reimbursement for  
33 ~~attending meetings of the task force as authorized by the legislative co-~~  
34 ~~ordinating council consistent with the provisions of K.S.A. 46-1209 and~~  
35 ~~amendments thereto.~~

36 (e) The task force shall prepare and submit a report and recommen-  
37 ~~dations to the governor and to the legislature on or before the second~~  
38 ~~Monday of January each year through 2005. In developing such recom-~~  
39 ~~mendations the task force shall give consideration to creative, common~~  
40 ~~sense solutions and approaches to problems which do not necessarily~~  
41 ~~require additional expenditures of money.~~

42 (f) As used in this section, the term "long-term care" includes a broad  
43 ~~spectrum of supports, ranging from skilled nursing services to assistance~~

1 with activities of daily living or help with instrumental activities of daily  
2 living.

3 (g) The provisions of this section shall expire on July 1, 2005.

4 Sec. 7. K.S.A. 2000 Supp. 2-3703 is hereby amended to read as fol-  
5 lows: 2-3703. (a) There is hereby established the remediation linked de-  
6 posit loan program, which shall be administered by the state treasurer.  
7 The program shall be for the purpose of providing loans to eligible per-  
8 sons to pay the costs of corrective action approved by the department of  
9 health and environment or taken in accordance with requests or orders  
10 issued by the department of health and environment. Such loans shall be  
11 made only for projects approved by the board.

12 (b) The state treasurer may adopt rules and regulations to administer  
13 and implement the remediation linked deposit loan program.

14 (c) On or before February 1 of each year, the state treasurer shall  
15 submit to the governor, the senate standing committee on ~~energy and~~  
16 natural resources and the house of representatives standing committee  
17 on environment an annual report on the activities of the remediation  
18 linked deposit loan program.

19 Sec. 8. K.S.A. 2000 Supp. 2-3710 is hereby amended to read as fol-  
20 lows: 2-3710. The board shall have the following powers, duties and  
21 functions:

22 (a) Administer the fund and the remediation reimbursement  
23 program.

24 (b) Subject to K.S.A. 2000 Supp. 2-3701 through 2-3714, and amend-  
25 ments thereto, adopt rules and regulations concerning the terms and con-  
26 ditions of any reimbursements from the fund.

27 (c) Adopt rules and regulations establishing, for purposes of the re-  
28 medi-ation linked deposit loan program and the remediation reimburse-  
29 ment program, criteria for classification and prioritization of properties  
30 where contamination was caused by a release of agricultural or specialty  
31 chemicals, or both. Classification and prioritization may account for the  
32 criteria contained in Kansas department of health and environment's vol-  
33 untary clean up and property redevelopment program and state cooper-  
34 ator program.

35 (d) Establish operating standards and procedures which shall include,  
36 but not be limited to, the following:

37 (1) With respect to the remediation linked deposit loan program, pro-  
38 visions governing board approval of projects for which applications for  
39 loans may be made;

40 (2) with respect to the remediation reimbursement program, provi-  
41 sions governing application procedures, determination of eligible correc-  
42 tive action costs, determination of ineligible corrective costs and reim-  
43 bursement or payment of eligible corrective action costs; and

1 (3) with respect to both programs, provisions governing conflicts of  
2 interest, appeals procedures, review and priority determinations and en-  
3 forcement of the provisions of K.S.A. 2000 Supp. 2-3701 through 2-3714,  
4 and amendments thereto.

5 (e) Appoint or contract for qualified administrative services subject  
6 to the limitation that expenditures from the fund for the administrative  
7 expenses of the board and the programs established by K.S.A. 2000 Supp.  
8 2-3701 through 2-3714, and amendments thereto, shall not exceed  
9 \$150,000 in any fiscal year.

10 (f) Annually provide an independent audit of the fund.

11 (g) On or before February 1 of each year, submit to the governor,  
12 the senate standing committee on energy and natural resources and the  
13 house standing committee on environment an annual report of the activ-  
14 ities and reimbursements for which money from the fund has been ex-  
15 pended during the previous fiscal year, including a copy of the independ-  
16 ent audit.

17 Sec. 9. K.S.A. 32-874 is hereby amended to read as follows: 32-874.

18 ~~(a)~~ The secretary of the Kansas department of commerce and housing  
19 and the secretary of wildlife and parks, together, shall direct and imple-  
20 ment a feasibility study regarding the potential of developing lake resorts  
21 in Kansas. The study shall consider ready access from nearby interstate  
22 and interstate connected controlled access highways, public transporta-  
23 tion systems, facilities and any other factors that may affect tourism to a  
24 given site. The study shall consider only sites at existing state parks or  
25 lakes.

26 ~~(b) The feasibility study shall be completed by January 1, 1998, with~~  
27 ~~a joint report on the study's results and recommendations derived there-~~  
28 ~~from to be presented to the legislature, house committee on tourism,~~  
29 ~~senate committee on transportation and tourism and to the governor dur-~~  
30 ~~ing the 1998 legislative session.~~

31 Sec. 10. K.S.A. 32-966 is hereby amended to read as follows: 32-966.

32 The secretary of wildlife and parks and the secretary of transportation  
33 shall cooperate in developing a management plan to address reduction of  
34 motor vehicle accidents involving deer in those areas of the state experi-  
35 encing high numbers of such accidents. The management plan shall  
36 include methods to identify those areas and methods to inform and com-  
37 municate with landowners and tenants in those areas regarding measures  
38 to reduce local deer populations. ~~The management plan shall be com-~~  
39 ~~pleted on or before January 1, 2001, and the joint report of the secretary~~  
40 ~~of wildlife and parks and the secretary of transportation shall be submitted~~  
41 ~~to the senate standing committee on energy and natural resources, the~~  
42 ~~house standing committee on environment and the governor on or before~~  
43 ~~February 1, 2001.~~

1 Sec. 11. K.S.A. 2000 Supp. 65-1,195 is hereby amended to read as  
2 follows: 65-1,195. (a) Kansas state university shall cooperate with the de-  
3 partment, other agencies and owners and operators of swine facilities to  
4 determine best available technology and best management practices.

5 (b) Within the limitations of appropriations therefor and for the pur-  
6 pose of identifying potential risk of groundwater contamination by swine  
7 waste retention lagoons or ponds or land application of swine waste, Kan-  
8 sas state university, as a part of its current evaluation of lagoons and ponds  
9 for containment of animal waste, shall conduct nutrient management test-  
10 ing of land where swine waste is applied, including deep soil sampling in  
11 areas where land application of swine waste is conducted and in adjacent  
12 areas where such waste is not applied. Kansas state university, until com-  
13 pletion of the evaluation, shall submit preliminary reports regarding such  
14 evaluation on or before the first day of each regular legislative session  
15 and, upon completion of the evaluation, shall submit a final report of the  
16 evaluation on or before the final day of the next regular legislative session.  
17 Each such report shall be submitted to the governor, the senate and house  
18 standing committees on agriculture, the senate standing committee on  
19 energy and natural resources and the house standing committee on  
20 environment.

21 Sec. 12. K.S.A. 2000 Supp. 65-1,198 is hereby amended to read as  
22 follows: 65-1,198. ~~(a) Before January 1, 1999,~~ The secretary shall adopt  
23 such rules and regulations as necessary to implement, administer and  
24 enforce the provisions of this act.

25 ~~(b) On or before the first day of the 1999 and 2000 regular legislative~~  
26 ~~sessions, the secretary shall submit a report regarding implementation of~~  
27 ~~the provisions of K.S.A. 65-171d and K.S.A. 2000 Supp. 65-1,178 through~~  
28 ~~65-1,196, and amendments thereto, to the house and senate standing~~  
29 ~~committees on agriculture, the senate standing committee on energy and~~  
30 ~~natural resources and the house standing committee on environment.~~

31 Sec. 13. K.S.A. 2000 Supp. 65-34,154 is hereby amended to read as  
32 follows: 65-34,154. On or before the first day of the regular legislative  
33 session each year, the secretary shall submit to the members of the stand-  
34 ing committee on energy and natural resources of the senate and to the  
35 members of the standing committee on environment of the house of  
36 representatives a report regarding:

37 (a) Receipts of the fund during the preceding calendar year and the  
38 sources of the receipts;

39 (b) disbursements from the fund during the preceding calendar year  
40 and the purposes of the disbursements;

41 (c) the extent of corrective action taken under this act during the  
42 preceding calendar year; and

43 (d) the prioritization of sites for expenditures from the fund.

1 Sec. 14. K.S.A. 2000 Supp. 66-2011 is hereby amended to read as  
2 follows: 66-2011. (a) As used in this section, “the internet” means the  
3 international network of interconnected government, educational, and  
4 commercial computer networks. An “internet service provider” means an  
5 entity that provides end user access to the internet. Nothing in this section  
6 shall be construed to mean that the commission has any regulatory juris-  
7 diction over internet service providers. The provisions of this section ap-  
8 ply only to those locations of the state where local (7-digit) internet access,  
9 which supports at least 14.4 kilobits per second service with no more than  
10 5% blockage during the busiest hour of the service, is not available on or  
11 after October 1, 1996.

12 (b) On or after July 1, 1996 and prior to October 1, 1996, rural tel-  
13 ephone companies shall file concurring tariffs to offer internet access in  
14 locations identified in subsection (a) to an intraLATA internet service  
15 provider of the customer’s choice. All rural telephone companies, includ-  
16 ing local exchange carriers pursuant to subsection (c), shall provide dial-  
17 up access to support at least 14.4 kilobit per second service ubiquitously  
18 throughout the exchange service area, with 19.2 kilobit per second service  
19 on and after July 1, 1999. The commission shall increase the 19.2 kilobit  
20 per second requirement when the commission determines that more ad-  
21 vanced technology is both technically and economically feasible.

22 (c) On or after July 1, 1996 and prior to October 1, 1996, all local  
23 exchange carriers, other than rural telephone companies, shall file tariffs  
24 with the commission for two flat-rate dial-up plans, which would provide  
25 internet access in locations identified in subsection (a) to an intraLATA  
26 internet service provider of the customer’s choice. All such plans shall be  
27 approved by the commission if they meet the criteria established in this  
28 section. The first plan includes: (1) For off-peak users, a monthly rate of  
29 not more than \$15 per line for the hours of 5 p.m. through 7:59 a.m.  
30 weekdays and all hours on weekends and federal holidays. Calls placed  
31 outside this specified off-peak period shall be billed at prevailing toll rates.  
32 (2) For unlimited usage, the rate shall not exceed \$30 per line per month.  
33 The commission shall waive imputation considerations in reviewing and  
34 approving these service offerings.

35 (d) If a location was previously eligible for the plans provided in sub-  
36 section (c) and a new internet service provider establishes a local presence  
37 in that location, the local exchange carrier serving the location shall:

38 (1) Notify all subscribers of the discounted internet access service  
39 that a local internet service provider is now available;

40 (2) continue to make the discounted internet access service available  
41 to existing subscribers of such service with no deterioration of such serv-  
42 ice; and

43 (3) allow no new subscribers of the discounted internet access

1 service.

2 (e) Nothing in this section shall be construed to imply that the com-  
3 mission has any regulatory jurisdiction over the internet or internet serv-  
4 ice providers with respect to quality of service, rates, billing and collection  
5 practices, end-to-end bandwidth, technical support or any other aspects  
6 of the business of providing internet access service. However, the com-  
7 mission shall monitor the adequacy of connectivity to internet service  
8 providers. Upon complaints of inadequate access, commission staff shall  
9 request a seven-day traffic busy line study from the local exchange carrier  
10 serving the internet service provider. Commission staff shall analyze the  
11 study results to determine whether there is more than 5% access blockage  
12 and shall provide the analysis to the internet service provider for consid-  
13 eration and possible action. If the analysis indicates a need for additional  
14 capacity and the internet service provider fails to take a corrective action  
15 within 45 days after the analysis is provided to such provider by the com-  
16 mission staff, the internet service provider shall be removed from the  
17 commission's internet service provider registry and subscribers of such  
18 internet service subscriber shall be eligible for the plans provided in sub-  
19 section (c) if there is no other local internet service provider serving the  
20 location.

21 (f) All internet service providers operating in the state shall register  
22 with the commission. Such registration shall include the name of the  
23 internet service provider and the provider's address, contact name, phone  
24 number, and access line numbers. This information shall be maintained  
25 by the commission at the commission's internet home page ([http://](http://www.kcc.state.ks.us)  
26 [www.kcc.state.ks.us](http://www.kcc.state.ks.us)). This information shall be used to determine a re-  
27 questing customer's eligibility for the plans provided in subsection (c) and  
28 to provide a single authoritative listing of internet service provider access  
29 numbers for local exchange carriers to use in processing service orders.  
30 Absent complaints to commission staff, internet service providers shall be  
31 assumed to provide service with 5% or less access blockage upon regis-  
32 tration. If, upon complaint and subsequent investigation, access blockage  
33 is determined to exceed 5%, the provider shall be removed from the  
34 commission's registry.

35 ~~(g) During the 1999 session of the Kansas legislature, the commission~~  
36 ~~shall transmit a report to the chairperson, vice chairperson and ranking~~  
37 ~~minority member of the house standing committee on energy and natural~~  
38 ~~resources, the senate standing committee on transportation and utilities~~  
39 ~~and the joint committee on computers and telecommunications concern-~~  
40 ~~ing implementation of this section. The report shall include recommen-~~  
41 ~~dations for revisions in this section necessitated by technological inno-~~  
42 ~~vation or market changes in the telecommunications industry. The report~~  
43 ~~also may include an expiration date for this section.~~

1 Sec. 15. K.S.A. 2000 Supp. 68-2003 is hereby amended to read as  
2 follows: 68-2003. There is hereby created a body politic and corporate to  
3 be known as the Kansas turnpike authority. The authority is hereby con-  
4 stituted a public instrumentality and the exercise by the authority of the  
5 powers conferred by this act in the construction, operation and mainte-  
6 nance of turnpike projects shall be deemed and held to be the perform-  
7 ance of an essential governmental function.

8 The Kansas turnpike authority shall consist of five members. Two  
9 members shall be appointed by the governor for terms of four years. The  
10 members appointed by the governor shall be residents of the state and  
11 shall each year be owners of revenue bonds issued by the Kansas turnpike  
12 authority. One member of the authority shall be the secretary of trans-  
13 portation. One member shall be the chairperson of the committee on  
14 transportation ~~and tourism~~ of the senate, and one member shall be a  
15 member of the committee on transportation of the house of representa-  
16 tives and shall be appointed by the speaker of the house of representa-  
17 tives. Any person appointed by the governor to fill a vacancy on the au-  
18 thority shall be appointed to serve only for the unexpired term, and a  
19 member of the authority shall be eligible for reappointment. A member  
20 of the authority may be removed by the governor for misfeasance, mal-  
21 feasance or willful neglect of duty, but only after reasonable notice and a  
22 public hearing conducted in accordance with the provisions of the Kansas  
23 administrative procedure act. Each member of the authority, before en-  
24 tering upon the member's duties, shall take and subscribe an oath or  
25 affirmation as required by law.

26 The authority shall elect one member as chairperson of the authority  
27 and another as vice-chairperson. The authority shall also elect a secretary-  
28 treasurer who need not be a member of the authority. The chairperson,  
29 vice-chairperson and secretary-treasurer shall serve as officers at the plea-  
30 sure of the authority. Three members of the authority shall constitute a  
31 quorum and the affirmative vote of three members shall be necessary for  
32 any action taken by the authority. No vacancy in the membership of the  
33 authority shall impair the right of a quorum to exercise all the rights and  
34 perform all the duties of the authority.

35 Members of the Kansas turnpike authority attending meetings of such  
36 authority, or attending a subcommittee meeting thereof authorized by  
37 such authority, shall be paid compensation, subsistence allowances, mile-  
38 age and other expenses as provided in K.S.A. 75-3223 and amendments  
39 thereto.

40 Sec. 16. K.S.A. 2000 Supp. 74-9001 is hereby amended to read as  
41 follows: 74-9001. (a) There is hereby established the council on travel and  
42 tourism. The council shall consist of 17 voting members as follows: (1)  
43 The chairperson of the standing committee on ~~transportation and tourism~~



1 *commerce* of the senate, or a member of the senate appointed by the  
2 president of the senate; (2) the vice-chairperson of the standing commit-  
3 tee on ~~transportation and tourism~~ *commerce* of the senate, or a member  
4 of the senate appointed by the president of the senate; (3) the ranking  
5 minority member of the standing committee on ~~transportation and tour-  
6 ism~~ *commerce* of the senate, or a member of the senate appointed by the  
7 minority leader of the senate; (4) the chairperson of the standing com-  
8 mittee on tourism of the house of representatives, or a member of the  
9 house of representatives appointed by the speaker of the house of rep-  
10 resentatives; (5) the vice-chairperson of the standing committee on tour-  
11 ism of the house of representatives, or a member of the house of repre-  
12 sentatives appointed by the speaker of the house of representatives; (6)  
13 the ranking minority member of the standing committee on tourism, or  
14 a member of the house of representatives appointed by the minority  
15 leader of the house of representatives; and (7) eleven members appointed  
16 by the governor. Of the 11 members appointed by the governor, one shall  
17 be appointed from a list of three nominations made by the travel industry  
18 association of Kansas, one shall be appointed from a list of three nomi-  
19 nations made by the Kansas lodging association, one shall be appointed  
20 from a list of three nominations made by the Kansas restaurant associa-  
21 tion, one shall be appointed from a list of three nominations made by the  
22 Kansas oil marketers and convenience store association and seven shall  
23 be appointed to represent the general public. In addition to the voting  
24 members of the council, four members of the council shall serve ex of-  
25 ficio: The secretary of commerce, the secretary of transportation, the  
26 secretary of wildlife and parks and the secretary of the state historical  
27 society. Each ex officio member of the council may designate an officer  
28 or employee of the state agency of the ex officio member to serve on the  
29 council in place of the ex officio member. The ex officio members of the  
30 council, or their designees, shall be nonvoting members of the council  
31 and shall provide information and advice to the council.

32 (b) Legislator members shall be appointed for terms coinciding with  
33 the terms for which such members are elected, except that on July 1,  
34 1997, the four legislator members serving on the commission immediately  
35 prior to such date shall cease to be members of the council and the  
36 legislator members specified in paragraphs (1) and (2) of subsection (a)  
37 shall serve on the council. Of the 11 members first appointed by the  
38 governor, six shall be appointed for terms of three years and five shall be  
39 appointed for terms of two years as determined by the governor. There-  
40 after, all members appointed by the governor shall be appointed for terms  
41 of three years. All members appointed to fill vacancies in the membership  
42 of the council and all members appointed to succeed members appointed  
43 to membership on the council shall be appointed in like manner as that

1 provided for the original appointment of the member succeeded.

2 (c) As soon as possible after the effective date of this act and on July  
3 1, thereafter, the council shall elect a chairperson and vice-chairperson  
4 from among its members. The council shall meet at least four times each  
5 year at the call of the chairperson of the council. Nine voting members  
6 of the council shall constitute a quorum.

7 (d) Members of the council attending meetings of such council, or  
8 attending a subcommittee meeting thereof authorized by such council,  
9 shall be paid amounts for mileage as provided in subsection (c) of K.S.A.  
10 75-3223 and amendments thereto, or a lesser amount as determined by  
11 the secretary of commerce. Amounts paid under this subsection (d) to ex  
12 officio members of the council, or their designees, shall be from appro-  
13 priations to the state agencies of which such members are officers or  
14 employees upon warrants of the director of accounts and reports issued  
15 pursuant to vouchers approved by the chief administrative officers of such  
16 agencies. Amounts paid under this subsection (d) to voting members of  
17 the council shall be from moneys available for the payment of such  
18 amounts upon warrants of the director of accounts and reports issued  
19 pursuant to vouchers approved by the chairperson of the council.

20 Sec. 17. K.S.A. 2000 Supp. 79-32,204 is hereby amended to read as  
21 follows: 79-32,204. (a) As used in this section:

22 (1) Terms have the meanings provided by K.S.A. 2000 Supp. 65-1,178  
23 and amendments thereto.

24 (2) "Qualified swine facility" means a swine facility that: (A) Is owned  
25 and operated by a sole proprietorship or partnership or by a family farm  
26 corporation, authorized farm corporation, limited liability agricultural  
27 company, family farm limited liability agricultural company, limited ag-  
28 ricultural partnership, family trust, authorized trust or testamentary trust,  
29 as defined by K.S.A. 17-5903 and amendments thereto; and (B) is utilizing  
30 its swine waste management system on January 1, 1998.

31 (3) "Required improvements to a qualified swine facility" means cap-  
32 ital improvements that the secretary of health and environment certifies  
33 to the director of taxation: (A) Are required for a qualified swine facility  
34 to comply with the standards and requirements established pursuant to  
35 K.S.A. 2000 Supp. 65-1,178 through 65-1,198 or pursuant to the amend-  
36 ments made by this act to K.S.A. 65-171d; and (B) are not required be-  
37 cause of expansion for which a permit has not been issued or applied for  
38 before the effective date of this act.

39 (b) There shall be allowed as a credit against the tax liability of a  
40 taxpayer imposed under the Kansas income tax act an amount equal to  
41 not more than 50% of the costs incurred by the taxpayer for required  
42 improvements to a qualified swine facility. The tax credit allowed by this  
43 subsection shall be deducted from the taxpayer's income tax liability for

1 the taxable year in which the expenditures are made by the taxpayer. If  
2 the amount of such tax credit exceeds the taxpayer's income tax liability  
3 for such taxable year, the taxpayer may carry over the amount thereof  
4 that exceeds such tax liability for deduction from the taxpayer's income  
5 tax liability in the next succeeding taxable year or years until the total  
6 amount of the tax credit has been deducted from tax liability, except that  
7 no such tax credit shall be carried over for deduction after the fourth  
8 taxable year succeeding the year in which the costs are incurred.

9 (c) The provisions of this section shall be applicable to all taxable  
10 years commencing after December 31, 1997.

11 ~~(d) On or before the first day of the 1999, 2000 and 2001 regular~~  
12 ~~legislative sessions, the secretary of revenue shall submit to the senate~~  
13 ~~standing committee on energy and natural resources, the house standing~~  
14 ~~committee on environment, the senate standing committee on assessment~~  
15 ~~and taxation and the house standing committee on taxation a report of~~  
16 ~~the number of taxpayers claiming the credit allowed by this section and~~  
17 ~~the total amount of such credits claimed by all taxpayers.~~

18 Sec. 18. K.S.A. 32-874, 32-874e, 32-966, 46-1604, 46-1801, 46-2201,  
19 46-2507, 46-2701 and 46-3001 and K.S.A. 2000 Supp. 2-3703, 2-3710,  
20 65-1,195, 65-1,198, 65-34,154, 65-6206, 66-2011, 68-2003, 74-2623, 74-  
21 9001, 74-9005 and 79-32,204 are hereby repealed.

22 Sec. 19. This act shall take effect and be in force from and after its  
23 publication in the statute book.

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