

*[As Amended by Senate Committee of the Whole]*

*As Amended by Senate Committee*

*Session of 2008*

**SENATE BILL No. 486**

By Confirmation Oversight Committee

1-28

12 AN ACT concerning appointments to certain offices; amending K.S.A.  
13 17-2233, 48-203, 48-208, 65-2878, 65-34a02, 74-2113, 74-2613, 74-  
14 5002a, 74-8703, 74-8805, 74-9804, 75-1510, 75-2535, **75-4315a**, 75-  
15 5105 and 75-5117 and K.S.A. 2007 Supp. 32-801, 45-221, 46-2601, 74-  
16 560, 75-711, 75-712, 75-1304, 75-2701, 75-3702a, 75-5001, 75-5101,  
17 75-5203, 75-5301, 75-5601, 75-5701, 75-5903, 75-6301, 75-7304 and  
18 75-7402 and repealing the existing sections.

19

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

21 New Section 1. (a) As used in this section:

22 (1) "Office" means any state office or board, commission, council,  
23 committee, authority or other governmental body the members of which  
24 are required by law to be appointed by an appointing authority, and which  
25 appointment is subject to confirmation by the senate as provided in K.S.A.  
26 75-4315b, and amendments thereto.

27 (2) "Appointing authority" means a person, other than the governor,  
28 who is required by law to make an appointment to an office.

29 (3) "Chairperson" means the chairperson of the confirmation over-  
30 sight committee.

31 (4) "Committee" means the confirmation oversight committee estab-  
32 lished by K.S.A. 46-2601, and amendments thereto.

33 (5) "Director" means the director of the Kansas legislative research  
34 department or the director's designee.

35 (b) No person may be appointed to an office unless such person has  
36 completed and submitted a nomination form as required by the rules of  
37 the committee. No person may be appointed to an office unless such  
38 person has filed a statement of substantial interest as required by K.S.A.  
39 46-247, and amendments thereto. A copy of the nomination form and the  
40 statement of substantial interest shall be kept on file in the office of the  
41 director and shall be subject to disclosure under the Kansas open records  
42 act.

43 (c) No person may be appointed to an office unless such person has

1 consented to a background investigation conducted by the Kansas bureau  
2 of investigation. No person may be appointed to an office unless such  
3 person consents to the release of tax information by the Kansas depart-  
4 ment of revenue and the federal internal revenue service to determine if  
5 such person is current in the payment of taxes.

6 (d) Any ~~legislator~~ **appointing authority** who desires to appoint a  
7 person to an office shall forward to the chairperson a completed copy of  
8 the nomination form, the statement of substantial interest, the consent  
9 to the release of tax information and a written request that a background  
10 investigation be conducted on the person nominated for appointment to  
11 an office. Upon receipt of such information, the chairperson shall forward  
12 such information and a written direction to the director to request the  
13 Kansas bureau of investigation to conduct a background investigation of  
14 such nominee and to request the Kansas department of revenue to release  
15 tax information which is necessary to determine if such person is current  
16 in the payment of taxes. Upon written request of the director and the  
17 ~~legislator~~ **appointing authority** who nominated the person for appoint-  
18 ment to an office, it shall be the duty of the Kansas bureau of investigation  
19 to conduct a background investigation of any person nominated for ap-  
20 pointment to an office. Any person nominated for appointment to an  
21 office shall submit such person's fingerprints to the Kansas bureau of  
22 investigation for the purposes of verifying the identity of such person and  
23 obtaining records of criminal arrests and convictions. Upon written re-  
24 quest of the director, it shall be the duty of the Kansas department of  
25 revenue to release to the director tax information requested pursuant to  
26 this section.

27 (e) The director may receive from the Kansas bureau of investigation  
28 or other criminal justice agencies, including, but not limited to, the fed-  
29 eral bureau of investigation and the federal internal revenue service, such  
30 criminal history record information (including arrest and nonconviction  
31 data), criminal intelligence information and information relating to crim-  
32 inal and background investigations as necessary for the purpose of deter-  
33 mining qualifications of a person nominated to be appointed to an office.  
34 Upon the written request of the director, the director may receive from  
35 the district courts such information relating to juvenile proceedings as  
36 necessary for the purpose of determining qualifications of a person nom-  
37 inated to be appointed to an office.

38 (f) Any information received by the director pursuant to this section  
39 shall be kept on file in the office of the director or in a secure location  
40 under the control of the director within the Kansas legislative research  
41 department. After receipt of information, the director shall notify the  
42 ~~legislator~~ **appointing authority** who nominated the person for appoint-  
43 ment to an office and the nominee that the information is available for

1 review in the office of the director. Upon the written request of such  
2 ~~legislator~~ **appointing authority** or the nominee, the director shall allow  
3 such ~~legislator~~ **appointing authority** or nominee to review the infor-  
4 mation. Such information shall not be removed from the office of the  
5 director and shall not be duplicated or copied in any manner. If the ~~leg-~~  
6 ~~islator~~ **appointing authority** chooses to proceed with the nomination of  
7 the person for appointment to an office, the director shall notify the chair-  
8 person and the ranking minority member of the committee that such  
9 information is available for review by either legislator, or both, upon the  
10 written request of either legislator, or both.

11 (g) Any information, other than conviction data received by the di-  
12 rector pursuant to subsection (e), shall be confidential. Except as provided  
13 by section 22 of article 2 of the Kansas constitution and subsection (f),  
14 such confidential information shall not be disclosed to any other person.  
15 Any other intentional disclosure of such confidential information is a class  
16 A nonperson misdemeanor. Any person who intentionally or unintention-  
17 ally discloses confidential information in violation of this section may be  
18 removed from office or employment.

19 (h) Any information received by the director pursuant to this section  
20 which relates to a person whose nomination for appointment to an office  
21 is confirmed by the senate as provided by K.S.A. 75-4315b, and amend-  
22 ments thereto, may be disposed of in the manner provided by K.S.A. 75-  
23 3501 et seq., and amendments thereto. Any information received by the  
24 director pursuant to this section which relates to a person whose nomi-  
25 nation is withdrawn or whose appointment is not confirmed by the senate  
26 as provided by K.S.A. 75-4315b, and amendments thereto, shall be de-  
27 stroyed by the director. The destruction of such records shall occur no  
28 sooner than one year, and no later than two years, following the with-  
29 drawal of the nomination of the appointment or the failure of the senate  
30 to confirm the appointment of such person.

31 Sec. 2. K.S.A. 17-2233 is hereby amended to read as follows: 17-  
32 2233. The credit union administrator shall be appointed by the governor,  
33 subject to confirmation by the senate as provided in K.S.A. 75-4315b, and  
34 amendments thereto. *Except as provided by K.S.A. 46-2601, and amend-*  
35 *ments thereto, no person appointed as administrator shall exercise any*  
36 *power, duty or function as administrator until confirmed by the senate.*  
37 Any person appointed as the administrator shall have at least three years'  
38 actual, practical experience in the operation and management of a credit  
39 union. The administrator shall not be a member of the council. The gov-  
40 ernor shall fix the compensation of the administrator. In addition, the  
41 administrator shall be entitled to receive the actual and necessary ex-  
42 penses incurred in the performance of the administrator's duties. The  
43 administrator shall be in the unclassified service under the Kansas civil

1 service act. The term of office of the administrator holding office on the  
2 effective date of this act shall expire on December 31, 2009. Thereafter,  
3 the administrator shall be appointed for a term of four years and until a  
4 successor is appointed and confirmed. If a vacancy occurs, the governor  
5 shall appoint a successor to fill the vacancy for the unexpired term. The  
6 administrator shall attend the meetings of the council and shall have the  
7 general charge of the work of the council and the general supervision of  
8 credit unions. The administrator shall keep a permanent record of all  
9 meetings and proceedings of the council at the office of the administrator.

10 Sec. 3. K.S.A. 2007 Supp. 32-801 is hereby amended to read as fol-  
11 lows: 32-801. (a) In order to reorganize the administration, planning and  
12 regulation of the state's parks, wildlife and other natural resources, there  
13 is hereby established within the executive branch of government the Kan-  
14 sas department of wildlife and parks, which shall be administered under  
15 the direction and supervision of a secretary of wildlife and parks who shall  
16 be appointed by the governor, with the consent of the senate as provided  
17 in K.S.A. 75-4315b, and amendments thereto. *Except as provided by*  
18 *K.S.A. 46-2601, and amendments thereto, no person appointed as secre-*  
19 *tary shall exercise any power, duty or function as secretary until con-*  
20 *firmed by the senate.*

21 (b) The secretary shall be fully qualified by education, training and  
22 experience in wildlife, parks or natural resources, or a related field, and  
23 shall have a demonstrated executive and administrative ability to dis-  
24 charge the duties of the office of secretary. The secretary shall serve at  
25 the pleasure of the governor. The secretary shall be in the unclassified  
26 service under the Kansas civil service act and shall receive an annual salary  
27 to be fixed by the governor.

28 (c) The provisions of the Kansas governmental operations accounta-  
29 bility law apply to the Kansas department of wildlife and parks, and the  
30 department is subject to audit, review and evaluation under such law.

31 Sec. 4. K.S.A. 2007 Supp. 45-221 is hereby amended to read as fol-  
32 lows: 45-221. (a) Except to the extent disclosure is otherwise required by  
33 law, a public agency shall not be required to disclose:

34 (1) Records the disclosure of which is specifically prohibited or re-  
35 stricted by federal law, state statute or rule of the Kansas supreme court  
36 *or rule of the ~~Kansas senate or house of representatives~~ [senate com-*  
37 *mittee on confirmation oversight relating to information submitted*  
38 *to the committee pursuant to section 1, and amendments thereto,]*  
39 or the disclosure of which is prohibited or restricted pursuant to specific  
40 authorization of federal law, state statute or rule of the Kansas supreme  
41 court *or rule of the ~~Kansas senate or house of representatives~~ [senate*  
42 *committee on confirmation oversight relating to information sub-*  
43 *mitted to the committee pursuant to section 1, and amendments*

- 1 *thereto,]* to restrict or prohibit disclosure.
- 2 (2) Records which are privileged under the rules of evidence, unless  
3 the holder of the privilege consents to the disclosure.
- 4 (3) Medical, psychiatric, psychological or alcoholism or drug depend-  
5 ency treatment records which pertain to identifiable patients.
- 6 (4) Personnel records, performance ratings or individually identifi-  
7 ble records pertaining to employees or applicants for employment, except  
8 that this exemption shall not apply to the names, positions, salaries or  
9 actual compensation employment contracts or employment-related con-  
10 tracts or agreements and lengths of service of officers and employees of  
11 public agencies once they are employed as such.
- 12 (5) Information which would reveal the identity of any undercover  
13 agent or any informant reporting a specific violation of law.
- 14 (6) Letters of reference or recommendation pertaining to the char-  
15 acter or qualifications of an identifiable individual, except documents re-  
16 lating to the appointment of persons to fill a vacancy in an elected office.
- 17 (7) Library, archive and museum materials contributed by private  
18 persons, to the extent of any limitations imposed as conditions of the  
19 contribution.
- 20 (8) Information which would reveal the identity of an individual who  
21 lawfully makes a donation to a public agency, if anonymity of the donor  
22 is a condition of the donation, except if the donation is intended for or  
23 restricted to providing remuneration or personal tangible benefit to a  
24 named public officer or employee.
- 25 (9) Testing and examination materials, before the test or examination  
26 is given or if it is to be given again, or records of individual test or ex-  
27 amination scores, other than records which show only passage or failure  
28 and not specific scores.
- 29 (10) Criminal investigation records, except as provided herein. The  
30 district court, in an action brought pursuant to K.S.A. 45-222, and amend-  
31 ments thereto, may order disclosure of such records, subject to such con-  
32 ditions as the court may impose, if the court finds that disclosure:
- 33 (A) Is in the public interest;
- 34 (B) would not interfere with any prospective law enforcement action,  
35 criminal investigation or prosecution;
- 36 (C) would not reveal the identity of any confidential source or un-  
37 dercover agent;
- 38 (D) would not reveal confidential investigative techniques or proce-  
39 dures not known to the general public;
- 40 (E) would not endanger the life or physical safety of any person; and
- 41 (F) would not reveal the name, address, phone number or any other  
42 information which specifically and individually identifies the victim of any  
43 sexual offense in article 35 of chapter 21 of the Kansas Statutes Anno-

1 tated, and amendments thereto.

2 If a public record is discretionarily closed by a public agency pursuant  
3 to this subsection, the record custodian, upon request, shall provide a  
4 written citation to the specific provisions of paragraphs (A) through (F)  
5 that necessitate closure of that public record.

6 (11) Records of agencies involved in administrative adjudication or  
7 civil litigation, compiled in the process of detecting or investigating vio-  
8 lations of civil law or administrative rules and regulations, if disclosure  
9 would interfere with a prospective administrative adjudication or civil  
10 litigation or reveal the identity of a confidential source or undercover  
11 agent.

12 (12) Records of emergency or security information or procedures of  
13 a public agency, or plans, drawings, specifications or related information  
14 for any building or facility which is used for purposes requiring security  
15 measures in or around the building or facility or which is used for the  
16 generation or transmission of power, water, fuels or communications, if  
17 disclosure would jeopardize security of the public agency, building or  
18 facility.

19 (13) The contents of appraisals or engineering or feasibility estimates  
20 or evaluations made by or for a public agency relative to the acquisition  
21 of property, prior to the award of formal contracts therefor.

22 (14) Correspondence between a public agency and a private individ-  
23 ual, other than correspondence which is intended to give notice of an  
24 action, policy or determination relating to any regulatory, supervisory or  
25 enforcement responsibility of the public agency or which is widely dis-  
26 tributed to the public by a public agency and is not specifically in response  
27 to communications from such a private individual.

28 (15) Records pertaining to employer-employee negotiations, if dis-  
29 closure would reveal information discussed in a lawful executive session  
30 under K.S.A. 75-4319, and amendments thereto.

31 (16) Software programs for electronic data processing and documen-  
32 tation thereof, but each public agency shall maintain a register, open to  
33 the public, that describes:

34 (A) The information which the agency maintains on computer facil-  
35 ities; and

36 (B) the form in which the information can be made available using  
37 existing computer programs.

38 (17) Applications, financial statements and other information sub-  
39 mitted in connection with applications for student financial assistance  
40 where financial need is a consideration for the award.

41 (18) Plans, designs, drawings or specifications which are prepared by  
42 a person other than an employee of a public agency or records which are  
43 the property of a private person.

- 1 (19) Well samples, logs or surveys which the state corporation com-  
2 mission requires to be filed by persons who have drilled or caused to be  
3 drilled, or are drilling or causing to be drilled, holes for the purpose of  
4 discovery or production of oil or gas, to the extent that disclosure is limited  
5 by rules and regulations of the state corporation commission.
- 6 (20) Notes, preliminary drafts, research data in the process of anal-  
7 ysis, unfunded grant proposals, memoranda, recommendations or other  
8 records in which opinions are expressed or policies or actions are pro-  
9 posed, except that this exemption shall not apply when such records are  
10 publicly cited or identified in an open meeting or in an agenda of an open  
11 meeting.
- 12 (21) Records of a public agency having legislative powers, which re-  
13 cords pertain to proposed legislation or amendments to proposed legis-  
14 lation, except that this exemption shall not apply when such records are:
- 15 (A) Publicly cited or identified in an open meeting or in an agenda  
16 of an open meeting; or
- 17 (B) distributed to a majority of a quorum of any body which has au-  
18 thority to take action or make recommendations to the public agency with  
19 regard to the matters to which such records pertain.
- 20 (22) Records of a public agency having legislative powers, which re-  
21 cords pertain to research prepared for one or more members of such  
22 agency, except that this exemption shall not apply when such records are:
- 23 (A) Publicly cited or identified in an open meeting or in an agenda  
24 of an open meeting; or
- 25 (B) distributed to a majority of a quorum of any body which has au-  
26 thority to take action or make recommendations to the public agency with  
27 regard to the matters to which such records pertain.
- 28 (23) Library patron and circulation records which pertain to identi-  
29 fiable individuals.
- 30 (24) Records which are compiled for census or research purposes and  
31 which pertain to identifiable individuals.
- 32 (25) Records which represent and constitute the work product of an  
33 attorney.
- 34 (26) Records of a utility or other public service pertaining to individ-  
35 ually identifiable residential customers of the utility or service, except that  
36 information concerning billings for specific individual customers named  
37 by the requester shall be subject to disclosure as provided by this act.
- 38 (27) Specifications for competitive bidding, until the specifications  
39 are officially approved by the public agency.
- 40 (28) Sealed bids and related documents, until a bid is accepted or all  
41 bids rejected.
- 42 (29) Correctional records pertaining to an identifiable inmate or re-  
43 lease, except that:

1 (A) The name; photograph and other identifying information; sen-  
2 tence data; parole eligibility date; custody or supervision level; disciplinary  
3 record; supervision violations; conditions of supervision, excluding  
4 requirements pertaining to mental health or substance abuse counseling;  
5 location of facility where incarcerated or location of parole office main-  
6 taining supervision and address of a releasee whose crime was committed  
7 after the effective date of this act shall be subject to disclosure to any  
8 person other than another inmate or releasee, except that the disclosure  
9 of the location of an inmate transferred to another state pursuant to the  
10 interstate corrections compact shall be at the discretion of the secretary  
11 of corrections;

12 (B) the ombudsman of corrections, the attorney general, law enforce-  
13 ment agencies, counsel for the inmate to whom the record pertains and  
14 any county or district attorney shall have access to correctional records to  
15 the extent otherwise permitted by law;

16 (C) the information provided to the law enforcement agency pursu-  
17 ant to the sex offender registration act, K.S.A. 22-4901, et seq., and  
18 amendments thereto, shall be subject to disclosure to any person, except  
19 that the name, address, telephone number or any other information which  
20 specifically and individually identifies the victim of any offender required  
21 to register as provided by the Kansas offender registration act, K.S.A. 22-  
22 4901 et seq. and amendments thereto, shall not be disclosed; and

23 (D) records of the department of corrections regarding the financial  
24 assets of an offender in the custody of the secretary of corrections shall  
25 be subject to disclosure to the victim, or such victim's family, of the crime  
26 for which the inmate is in custody as set forth in an order of restitution  
27 by the sentencing court.

28 (30) Public records containing information of a personal nature  
29 where the public disclosure thereof would constitute a clearly unwar-  
30 ranted invasion of personal privacy.

31 (31) Public records pertaining to prospective location of a business  
32 or industry where no previous public disclosure has been made of the  
33 business' or industry's interest in locating in, relocating within or expand-  
34 ing within the state. This exception shall not include those records per-  
35 taining to application of agencies for permits or licenses necessary to do  
36 business or to expand business operations within this state, except as  
37 otherwise provided by law.

38 (32) Engineering and architectural estimates made by or for any pub-  
39 lic agency relative to public improvements.

40 (33) Financial information submitted by contractors in qualification  
41 statements to any public agency.

42 (34) Records involved in the obtaining and processing of intellectual  
43 property rights that are expected to be, wholly or partially vested in or



- 1 owned by a state educational institution, as defined in K.S.A. 76-711, and  
2 amendments thereto, or an assignee of the institution organized and ex-  
3 isting for the benefit of the institution.
- 4 (35) Any report or record which is made pursuant to K.S.A. 65-4922,  
5 65-4923 or 65-4924, and amendments thereto, and which is privileged  
6 pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.
- 7 (36) Information which would reveal the precise location of an ar-  
8 cheological site.
- 9 (37) Any financial data or traffic information from a railroad company,  
10 to a public agency, concerning the sale, lease or rehabilitation of the  
11 railroad's property in Kansas.
- 12 (38) Risk-based capital reports, risk-based capital plans and corrective  
13 orders including the working papers and the results of any analysis filed  
14 with the commissioner of insurance in accordance with K.S.A. 40-2c20  
15 and 40-2d20 and amendments thereto.
- 16 (39) Memoranda and related materials required to be used to support  
17 the annual actuarial opinions submitted pursuant to subsection (b) of  
18 K.S.A. 40-409, and amendments thereto.
- 19 (40) Disclosure reports filed with the commissioner of insurance un-  
20 der subsection (a) of K.S.A. 40-2,156, and amendments thereto.
- 21 (41) All financial analysis ratios and examination synopses concerning  
22 insurance companies that are submitted to the commissioner by the na-  
23 tional association of insurance commissioners' insurance regulatory infor-  
24 mation system.
- 25 (42) Any records the disclosure of which is restricted or prohibited  
26 by a tribal-state gaming compact.
- 27 (43) Market research, market plans, business plans and the terms and  
28 conditions of managed care or other third party contracts, developed or  
29 entered into by the university of Kansas medical center in the operation  
30 and management of the university hospital which the chancellor of the  
31 university of Kansas or the chancellor's designee determines would give  
32 an unfair advantage to competitors of the university of Kansas medical  
33 center.
- 34 (44) The amount of franchise tax paid to the secretary of revenue or  
35 the secretary of state by domestic corporations, foreign corporations, do-  
36 mestic limited liability companies, foreign limited liability companies, do-  
37 mestic limited partnership, foreign limited partnership, domestic limited  
38 liability partnerships and foreign limited liability partnerships.
- 39 (45) Records, other than criminal investigation records, the disclo-  
40 sure of which would pose a substantial likelihood of revealing security  
41 measures that protect: (A) Systems, facilities or equipment used in the  
42 production, transmission or distribution of energy, water or communi-  
43 cations services; (B) transportation and sewer or wastewater treatment

1 systems, facilities or equipment; or (C) private property or persons, if the  
2 records are submitted to the agency. For purposes of this paragraph,  
3 security means measures that protect against criminal acts intended to  
4 intimidate or coerce the civilian population, influence government policy  
5 by intimidation or coercion or to affect the operation of government by  
6 disruption of public services, mass destruction, assassination or kidnap-  
7 ping. Security measures include, but are not limited to, intelligence in-  
8 formation, tactical plans, resource deployment and vulnerability  
9 assessments.

10 (46) Any information or material received by the register of deeds of  
11 a county from military discharge papers (DD Form 214). Such papers  
12 shall be disclosed: To the military dischargee; to such dischargee's im-  
13 mediate family members and lineal descendants; to such dischargee's  
14 heirs, agents or assigns; to the licensed funeral director who has custody  
15 of the body of the deceased dischargee; when required by a department  
16 or agency of the federal or state government or a political subdivision  
17 thereof; when the form is required to perfect the claim of military service  
18 or honorable discharge or a claim of a dependent of the dischargee; and  
19 upon the written approval of the commissioner of veterans affairs, to a  
20 person conducting research.

21 (47) Information that would reveal the location of a shelter or a sa-  
22 fehouse or similar place where persons are provided protection from  
23 abuse.

24 (b) Except to the extent disclosure is otherwise required by law or as  
25 appropriate during the course of an administrative proceeding or on ap-  
26 peal from agency action, a public agency or officer shall not disclose fi-  
27 nancial information of a taxpayer which may be required or requested by  
28 a county appraiser or the director of property valuation to assist in the  
29 determination of the value of the taxpayer's property for ad valorem tax-  
30 ation purposes; or any financial information of a personal nature required  
31 or requested by a public agency or officer, including a name, job descrip-  
32 tion or title revealing the salary or other compensation of officers, em-  
33 ployees or applicants for employment with a firm, corporation or agency,  
34 except a public agency. Nothing contained herein shall be construed to  
35 prohibit the publication of statistics, so classified as to prevent identifi-  
36 cation of particular reports or returns and the items thereof.

37 (c) As used in this section, the term "cited or identified" shall not  
38 include a request to an employee of a public agency that a document be  
39 prepared.

40 (d) If a public record contains material which is not subject to dis-  
41 closure pursuant to this act, the public agency shall separate or delete  
42 such material and make available to the requester that material in the  
43 public record which is subject to disclosure pursuant to this act. If a public

1 record is not subject to disclosure because it pertains to an identifiable  
2 individual, the public agency shall delete the identifying portions of the  
3 record and make available to the requester any remaining portions which  
4 are subject to disclosure pursuant to this act, unless the request is for a  
5 record pertaining to a specific individual or to such a limited group of  
6 individuals that the individuals' identities are reasonably ascertainable, the  
7 public agency shall not be required to disclose those portions of the record  
8 which pertain to such individual or individuals.

9 (e) The provisions of this section shall not be construed to exempt  
10 from public disclosure statistical information not descriptive of any iden-  
11 tifiable person.

12 (f) Notwithstanding the provisions of subsection (a), any public rec-  
13 ord which has been in existence more than 70 years shall be open for  
14 inspection by any person unless disclosure of the record is specifically  
15 prohibited or restricted by federal law, state statute or rule of the Kansas  
16 supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and  
17 amendments thereto.

18 (g) Any confidential records or information relating to security meas-  
19 ures provided or received under the provisions of subsection (a)(45) shall  
20 not be subject to subpoena, discovery or other demand in any adminis-  
21 trative, criminal or civil action.

22 Sec. 5. K.S.A. 2007 Supp. 46-2601 is hereby amended to read as  
23 follows: 46-2601. (a) There is hereby established the confirmation over-  
24 sight committee which shall have six members. Except as provided by  
25 this subsection, members of the confirmation oversight committee shall  
26 be appointed in the manner provided by senate rule for the appointment  
27 of members of standing committees of the senate. The two major political  
28 parties shall have proportional representation on such committee. In the  
29 event application of the preceding sentence results in a fraction, the party  
30 having a fraction exceeding .5 shall receive representation as though such  
31 fraction were a whole number. One of the members of the committee  
32 shall be the majority leader, or the majority leader's designee, who shall  
33 be the chairperson. One of the members of the committee shall be the  
34 minority leader, or the minority leader's designee, who shall be the vice-  
35 chairperson. The committee shall meet on the call of the chairperson or  
36 any three members of the committee.

37 (b) If a vacancy occurs in *an office or in* the membership of a board,  
38 commission, council, committee, authority or other governmental body  
39 ~~or in the position of inspector general created under K.S.A. 2007 Supp.~~  
40 ~~75-7427, and amendments thereto,~~ and the appointment to fill such va-  
41 cancy is subject to confirmation by the senate as provided in K.S.A. 75-  
42 4315b, and amendments thereto, the confirmation oversight committee  
43 may authorize, by a majority vote thereof, the person appointed to fill

1 such vacancy to exercise the powers, duties and functions of the office  
2 until such appointment is confirmed by the senate in the manner provided  
3 by K.S.A. 75-4315b, and amendments thereto, at the next regular or spe-  
4 cial session of the legislature.

5 Prior to authorizing any person to exercise the powers, duties and func-  
6 tions of an office pursuant to this section, the confirmation oversight com-  
7 mittee ~~may require such person to appear before the committee.~~ **shall**  
8 **require such person to appear before the committee unless such**  
9 **person is being re-appointed to the same position.**

10 (c) (1) If the confirmation oversight committee authorizes a person  
11 appointed to fill a vacancy to exercise the powers, duties and functions of  
12 an office as provided by this section, such person shall not be subject to  
13 confirmation by the senate if at the time of such person's appointment  
14 there is less than six months in the unexpired term of such.

15 (2) The provisions of this subsection shall not apply to appointments  
16 to the state board of regents.

17 Sec. 6. K.S.A. 48-203 is hereby amended to read as follows: 48-203.  
18 The governor shall be commander in chief of the militia and shall have  
19 supreme command of the military forces of the state while in the service  
20 of the state or until they are ordered or accepted into the services of the  
21 United States. While the military forces are in the service of the state,  
22 the governor, subject to the provisions of federal law, may muster out any  
23 national guard organization of the state, discharge any enlisted person  
24 who is a member of the state national guard organization or cause any  
25 commissioned officer to be summoned and discharged if the officer per-  
26 sists in willfully neglecting the duties of the officer's office or fails to  
27 properly account for public property or money in the officer's possession  
28 as an officer. The resignation of officers of the national guard shall be  
29 accepted by the governor's order before they are discharged from military  
30 service of the state.

31 No armed military force from another state or territory shall be per-  
32 mitted to enter the state without the governor's permission unless the  
33 military force is part of the United States army or is acting under the  
34 authority of the United States. No independent military organization, ex-  
35 cept a corps of cadets at an educational institution, shall be permitted to  
36 bear arms without first securing permission from the commander in chief.  
37 The governor shall appoint, subject to confirmation by the senate as pro-  
38 vided in K.S.A. 75-4315b, one adjutant general with the rank of major  
39 general, who shall be chief of staff. *Except as provided by K.S.A. 46-2601,*  
40 *and amendments thereto, no person appointed as adjutant general shall*  
41 *exercise any power, duty or function as adjutant general until confirmed*  
42 *by the senate.* The person appointed shall have served at least five years  
43 as a commissioned officer in the Kansas national guard and shall have

1 been an officer in the armed forces of the United States. The adjutant  
2 general shall receive an annual salary fixed by the governor. The governor  
3 may promote, subject to confirmation by the senate as provided in K.S.A.  
4 75-4315b, any adjutant general who has served at least 15 consecutive  
5 years as adjutant general in Kansas to the rank of lieutenant general.

6 The governor may also detail 12 aides-de-camp from among the officers  
7 of the Kansas national guard or the Kansas state guard, or appoint such  
8 aides-de-camp from among Kansas ex-service personnel, or reserve per-  
9 sonnel of the United States army, air force, navy or marine corps, each  
10 with the simulated rank of lieutenant colonel in the Kansas national guard.  
11 While serving as aides-de-camp, such personnel may wear either the uni-  
12 form and insignia of any military service to which they are entitled or the  
13 uniform and insignia of lieutenant colonel of the Kansas national guard.

14 The term of office of officers appointed pursuant to this section shall  
15 be during the pleasure of the governor appointing them and until their  
16 successors are appointed and ~~qualified~~ confirmed.

17 Sec. 7. K.S.A. 48-208 is hereby amended to read as follows: 48-208.  
18 Officers shall be appointed and commissioned by the governor alone,  
19 except that appointment of general officers shall be subject to confir-  
20 mation by the senate as provided in K.S.A. 75-4315b, *and amendments*  
21 *thereto. Except as provided by K.S.A. 46-2601, and amendments thereto,*  
22 *no person appointed as a general officer shall exercise any power, duty*  
23 *or function as a general officer until confirmed by the senate.* The com-  
24 missions of all officers shall be signed by the governor and secretary of  
25 state and attested by the adjutant general under the seal of state.

26 Sec. 8. K.S.A. 65-2878 is hereby amended to read as follows: 65-  
27 2878. (a) The board shall appoint an executive director, subject to con-  
28 firmation by the senate as provided in K.S.A. 75-4315b, and amendments  
29 thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto,*  
30 *no person appointed as executive director shall exercise any power, duty*  
31 *or function as executive director until confirmed by the senate.* The ex-  
32 ecutive director shall be in the unclassified service under the Kansas civil  
33 service act and shall receive a salary fixed by the board and approved by  
34 the governor. The executive director shall not be a member of the board.  
35 Under the supervision of the board, the executive director shall be the  
36 chief administrative officer of the board and shall perform such duties as  
37 may be specified by the board and as may be required by law. The ex-  
38 ecutive director shall be the custodian of the common seal of the board,  
39 the books and records of the board and shall keep minutes of all board  
40 proceedings.

41 (b) The board may employ an administrative assistant. The adminis-  
42 trative assistant shall be in the unclassified service under the Kansas civil  
43 service act and shall receive a salary fixed by the board and approved by

1 the governor. Under the supervision of the executive director, the ad-  
2 ministrative assistant shall assist the executive director in the performance  
3 of the duties of the executive director.

4 (c) The board may employ such clerical and other employees, who  
5 shall be in the classified service under the Kansas civil service act, as it  
6 considers necessary in order to administer and execute, under the super-  
7 vision of the executive director, the provisions of this act or other statutes  
8 delegating duties and responsibilities to the board, except that any attor-  
9 ney employed by the board shall be in the unclassified service under the  
10 Kansas civil service act and shall receive a salary fixed by the board and  
11 approved by the governor.

12 (d) As necessary, the board shall be represented by an attorney ap-  
13 pointed by the attorney general as provided by law, whose compensation  
14 shall be determined and paid by the board with the approval of the  
15 governor.

16 Sec. 9. K.S.A. 65-34a02 is hereby amended to read as follows: 65-  
17 34a02. (a) The member of the central interstate low-level radioactive  
18 waste commission representing the state of Kansas and the alternate to  
19 such member shall be appointed by the governor, subject to confirmation  
20 by the senate as provided in K.S.A. 75-4315b, and amendments thereto.  
21 *Except as provided by K.S.A. 46-2601, and amendments thereto, no per-*  
22 *son appointed as a member or alternate member shall exercise any power,*  
23 *duty or function as a member or alternate member until confirmed by the*  
24 *senate.* The member and alternate shall serve at the pleasure of the  
25 governor.

26 (b) Subject to the limitations of appropriations, the Kansas commis-  
27 sion member and alternate, if not state employees, shall receive compen-  
28 sation in amounts established by the governor. In addition, when attend-  
29 ing meetings of the commission or a subcommittee of the commission  
30 approved by the commission, the member and alternate shall be paid  
31 subsistence allowances, mileage and other expenses as provided in K.S.A.  
32 75-3223, and amendments thereto.

33 (c) The department of health and environment and the attorney gen-  
34 eral shall provide clerical, technical and legal staff assistance as requested  
35 by the Kansas commission member or the member's alternate.

36 Sec. 10. K.S.A. 2007 Supp. 74-560 is hereby amended to read as  
37 follows: 74-560. (a) On and after the effective date of this act, in order to  
38 reorganize the administration, planning and regulation of the state's ag-  
39 riculture industry there is hereby established within the executive branch  
40 of government the Kansas department of agriculture, which shall be ad-  
41 ministered under the direction and supervision of a secretary of  
42 agriculture.

43 (b) The secretary shall be appointed by the governor. The secretary

1 shall have a demonstrated executive and administrative ability to dis-  
2 charge the duties of the office of secretary. Every appointed secretary of  
3 agriculture shall be appointed subject to confirmation by the senate as  
4 provided in K.S.A. 75-4315b, and amendments thereto. *Except as pro-*  
5 *vided by K.S.A. 46-2601, and amendments thereto, no person appointed*  
6 *as secretary shall exercise any power, duty or function as secretary until*  
7 *confirmed by the senate.* The secretary shall be a member of the gover-  
8 nor's cabinet. The secretary shall serve at the pleasure of the governor.  
9 The secretary shall be in the unclassified service under the Kansas civil  
10 service act and shall receive an annual salary to be fixed by the governor.  
11 ~~The acting secretary of agriculture who is serving as the secretary on the~~  
12 ~~effective date of this act shall be the secretary of agriculture as established~~  
13 ~~by this act, shall serve at the pleasure of the governor and shall be subject~~  
14 ~~to confirmation by the senate as provided in K.S.A. 75-4315b, and amend-~~  
15 ~~ments thereto. Any action of the senate taken prior to the effective date~~  
16 ~~of this act which confirms an individual as the secretary of agriculture is~~  
17 ~~hereby validated and shall constitute confirmation by the senate of such~~  
18 ~~individual as secretary of agriculture under this section.~~

19 (c) The secretary shall organize an annual public informational meet-  
20 ing. The meeting shall take place in each congressional district on a ro-  
21 tating basis.

22 (d) The provisions of the Kansas governmental operations accounta-  
23 bility law apply to the Kansas department of agriculture, and the depart-  
24 ment is subject to audit, review and evaluation under such law.

25 Sec. 11. K.S.A. 74-2113 is hereby amended to read as follows: 74-  
26 2113. (a) There is hereby created a Kansas highway patrol. The patrol  
27 shall consist of: (1) A superintendent, who shall have the rank of colonel  
28 and who shall have special training and qualifications for such position;  
29 (2) an assistant superintendent, who shall have the rank of lieutenant  
30 colonel; and (3) officers and troopers who are appointed in accordance  
31 with appropriation acts and as provided in this section. The superinten-  
32 dent and assistant superintendent shall be within the unclassified service  
33 under the Kansas civil service act. The assistant superintendent serving  
34 on the effective date of this act shall be appointed to such position by the  
35 superintendent. Thereafter, the assistant superintendent shall be ap-  
36 pointed by the superintendent from among the members of the patrol,  
37 and shall serve at the pleasure of the superintendent. If a person ap-  
38 pointed as superintendent or assistant superintendent is a member of the  
39 patrol when appointed, such person in each case, upon termination of the  
40 term as superintendent or assistant superintendent, respectively, shall be  
41 returned to a rank not lower than the rank such person held when ap-  
42 pointed as superintendent or assistant superintendent. If such rank is  
43 filled at that time, a temporary additional position shall be created in such

1 rank until a vacancy occurs in such rank. All other officers, troopers and  
2 employees shall be within the classified service under the Kansas civil  
3 service act.

4 (b) The superintendent of the patrol shall be appointed by the gov-  
5 ernor, subject to confirmation by the senate as provided in K.S.A. 75-  
6 4315b, and amendments thereto, and shall receive an annual salary fixed  
7 by the governor. *Except as provided by K.S.A. 46-2601, and amendments*  
8 *thereto, no person appointed as superintendent shall exercise any power,*  
9 *duty or function as superintendent until confirmed by the senate.* The  
10 assistant superintendent shall receive an annual salary fixed by the su-  
11 perintendent and approved by the governor.

12 (c) All other members of the patrol shall be appointed by the super-  
13 intendent in accordance with appropriation acts and with the Kansas civil  
14 service act. No person shall be appointed as an officer of the patrol, other  
15 than superintendent, unless the person has had at least five years of serv-  
16 ice in the patrol as an officer or trooper. No person shall be appointed as  
17 a trooper unless the person meets the following requirements:

- 18 (1) Is a citizen of the United States;
- 19 (2) is at least 21 years of age at the time of appointment;
- 20 (3) has not been convicted by any state or the federal government of  
21 a crime which is a felony or its equivalent under the uniform code of  
22 military justice;
- 23 (4) has been fingerprinted and a search of local, state and national  
24 fingerprint files has been made to determine whether the applicant has  
25 a criminal record;
- 26 (5) is the holder of a high school diploma or furnishes evidence of  
27 successful completion of an examination indicating an equivalent achieve-  
28 ment; and
- 29 (6) is free of any physical or mental condition which might adversely  
30 affect the applicant's performance of duties as a trooper and whose phys-  
31 ical health has been certified by an examining physician appointed by the  
32 superintendent.

33 (d) No member of the patrol shall hold any other elective or appoint-  
34 ive commission or office, except in the Kansas national guard or in the  
35 organized reserve of the United States army, air force or navy. No mem-  
36 ber of the patrol shall accept any employment or compensation from any  
37 licensee of the director of alcoholic beverage control of the department  
38 of revenue or from any licensee of the Kansas racing commission or from  
39 any officer, director, member or employee of any such licensee, nor shall  
40 any member of the patrol accept any employment or compensation for  
41 services which require the use of any state-owned equipment provided  
42 by the Kansas highway patrol or the wearing of the patrol uniform. No  
43 member of the patrol shall accept any reward or gift except with the



1 written permission of the superintendent.

2 Sec. 12. K.S.A. 74-2613 is hereby amended to read as follows: 74-  
3 2613. (a) There is hereby established within the executive branch of gov-  
4 ernment the Kansas water office, which shall be administered under the  
5 direction and supervision of the director of the Kansas water office. The  
6 director of the Kansas water office shall be appointed by the governor,  
7 subject to confirmation by the senate as provided in K.S.A. 75-4315b, and  
8 amendments thereto. *Except as provided by K.S.A. 46-2601, and amend-*  
9 *ments thereto, no person appointed as director shall exercise any power,*  
10 *duty or function as director until confirmed by the senate.* Except as  
11 otherwise provided by this section, the director of the Kansas water office  
12 shall be in the unclassified service under the Kansas civil service act, shall  
13 serve at the pleasure of the governor and shall receive an annual salary  
14 fixed by the governor. ~~The provision of this act shall not affect the term~~  
15 ~~of office of the director of the Kansas water office serving in such office~~  
16 ~~on the day preceding the effective date of this act and such term of office~~  
17 ~~shall expire on June 30, 1988, in accordance with the provisions of this~~  
18 ~~section prior to amendment by this act.~~

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

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

25 (d) The provisions of the Kansas governmental operations accounta-  
26 bility law apply to the Kansas water office, and the office is subject to  
27 audit, review and evaluation under such law.

28 Sec. 13. K.S.A. 74-5002a is hereby amended to read as follows: 74-  
29 5002a. (a) There is hereby created a department of commerce, the head  
30 of which shall be the secretary of commerce. The governor shall appoint  
31 the secretary of commerce, subject to confirmation by the senate as pro-  
32 vided in K.S.A. 75-4315b, and amendments thereto, and the secretary  
33 shall serve at the pleasure of the governor. *Except as provided by K.S.A.*  
34 *46-2601, and amendments thereto, no person appointed as secretary shall*  
35 *exercise any power, duty or function as secretary until confirmed by the*  
36 *senate.* The department of commerce shall be administered under the  
37 direction and supervision of the secretary of commerce. The secretary of  
38 commerce shall receive an annual salary fixed by the governor.

39 (b) The secretary shall employ division directors and such other pro-  
40 fessional staff and employees as may be deemed necessary to effectively  
41 administer this act. The secretary may appoint one public information  
42 officer, one chief attorney, one personal secretary and one special assis-  
43 tant who shall be in the unclassified service under the Kansas civil service

1 act and shall receive compensation fixed by the secretary and approved  
2 by the governor.

3 (c) The offices of the department of commerce shall be located in  
4 Topeka.

5 (d) The provisions of the Kansas governmental operations accounta-  
6 bility law apply to the department of commerce and the office of secretary  
7 of commerce, and the department and office are subject to audit, review  
8 and evaluation under such law.

9 Sec. 14. K.S.A. 74-8703 is hereby amended to read as follows: 74-  
10 8703. (a) There is hereby established an independent state agency to be  
11 called the Kansas lottery, the head of which shall be the executive director  
12 of the Kansas lottery. Under the supervision of the executive director, the  
13 Kansas lottery shall administer the state lottery as provided in this act.  
14 The overall management of the state lottery and control over the opera-  
15 tion of its games shall rest solely with the Kansas lottery.

16 (b) The executive director shall be appointed by the governor, subject  
17 to confirmation by the senate as provided by K.S.A. 75-4315b, and  
18 amendments thereto. *Except as provided by K.S.A. 46-2601, and amend-*  
19 *ments thereto, no person appointed as executive director shall exercise*  
20 *any power, duty or function as executive director until confirmed by the*  
21 *senate.* The executive director shall be in the unclassified service and shall  
22 receive an annual salary fixed by the governor, subject to the limitations  
23 of appropriations therefor.

24 (c) The executive director shall appoint persons to the following po-  
25 sitions to serve as full-time employees of the state in the unclassified  
26 service with compensation fixed by the executive director and approved  
27 by the governor, subject to the limitations of appropriations therefor:

- 28 (1) A deputy executive director;
- 29 (2) a director of security;
- 30 (3) a director of administration;
- 31 (4) a director of sales and such professional sales related positions as  
32 may be necessary within the sales division;
- 33 (5) a director of marketing and such professional marketing related  
34 positions as may be necessary within the marketing division; and
- 35 (6) one personal secretary and one special assistant to the executive  
36 director.

37 (d) Until such time as the Kansas lottery begins the operation of its  
38 games, temporary staffing, budgeting, purchasing and related manage-  
39 ment functions shall be provided by the Kansas department of revenue  
40 and other state agencies as directed by the governor to achieve maximum  
41 coordination in the planning and implementation of the Kansas lottery.

42 (e) For a period of 18 months after the effective date of this act, the  
43 state director of purchases, upon request of the executive director, shall

1 make emergency purchases, other than purchases of major procurements,  
2 on behalf of the Kansas lottery pursuant to subsection (a)(5) of K.S.A.  
3 75-3739, and amendments thereto, when the timely implementation of  
4 the Kansas lottery requires the immediate delivery of supplies, materials  
5 or equipment or the immediate performance of services. The award of  
6 any contract for any such purchase shall be subject to the approval of the  
7 executive director.

8 Sec. 15. K.S.A. 74-8805 is hereby amended to read as follows: 74-  
9 8805. (a) (1) The governor shall appoint, subject to confirmation by the  
10 senate as provided by K.S.A. 75-4315b, and amendments thereto, an ex-  
11 ecutive director of the commission, to serve at the pleasure of the gov-  
12 ernor and under the direction and supervision of the commission. *Except*  
13 *as provided by K.S.A. 46-2601, and amendments thereto, no person ap-*  
14 *pointed as executive director shall exercise any power, duty or function*  
15 *as executive director until confirmed by the senate.* Before appointing any  
16 person as executive director, the governor shall cause the Kansas bureau  
17 of investigation to conduct a criminal history record check and back-  
18 ground investigation of the person.

19 (2) The executive director shall: (A) Be in the unclassified service  
20 under the Kansas civil service act; (B) devote full time to the executive  
21 director's assigned duties; (C) receive such compensation as determined  
22 by the governor, subject to the limitations of appropriations therefor; (D)  
23 be a citizen of the United States and an actual resident of Kansas during  
24 employment by the commission; (E) not have been convicted of a felony  
25 under the laws of any state or of the United States prior to or during  
26 employment by the commission; and (F) have familiarity with the horse  
27 and dog racing industries sufficient to fulfill the duties of the office of  
28 executive director.

29 (3) The executive director shall: (A) Recommend to the commission  
30 the number and qualifications of employees necessary to implement and  
31 enforce the provisions of this act; (B) employ persons for those positions  
32 approved by the commission, subject to the limitations of appropriations  
33 therefor; and (C) perform such other duties as directed by the  
34 commission.

35 (b) (1) The executive director shall appoint an inspector of parimu-  
36 tuels to serve at the pleasure of the executive director. Before appointing  
37 any person as inspector of parimutuels, the executive director shall cause  
38 the Kansas bureau of investigation to conduct a criminal history record  
39 check and background investigation of the person.

40 (2) The inspector of parimutuels shall: (A) Be in the unclassified serv-  
41 ice under the Kansas civil service act; (B) devote full time to the in-  
42 spector's assigned duties; (C) receive such compensation as determined  
43 by the executive director, subject to the limitations of appropriations

1 therefor; (D) be a citizen of the United States and an actual resident of  
2 Kansas during employment as inspector of parimutuels; (E) not have been  
3 convicted of a felony under the laws of any state or of the United States  
4 prior to or during employment by the commission; and (F) be a certified  
5 public accountant with at least three years of auditing experience.

6 (3) The inspector of parimutuels shall: (A) Inspect and audit the con-  
7 duct of parimutuel wagering by organization licensees, including the  
8 equipment and facilities used and procedures followed; (B) train and su-  
9 pervise such personnel as employed by the executive director to assist  
10 with such duties; and (C) perform such other duties as directed by the  
11 executive director.

12 (c) (1) The executive director shall appoint a director of security to  
13 serve at the pleasure of the executive director. Before appointing any  
14 person as director of security, the executive director shall cause the Kan-  
15 sas bureau of investigation to conduct a criminal history record check and  
16 background investigation of the person.

17 (2) The director of security shall: (A) Be in the unclassified service  
18 under the Kansas civil service act; (B) devote full time to the security  
19 director's assigned duties; (C) receive such compensation as determined  
20 by the executive director, subject to the limitations of appropriations  
21 therefor; (D) be a citizen of the United States and an actual resident of  
22 Kansas during employment as director of security; (E) not have been  
23 convicted of a felony under the laws of any state or of the United States  
24 prior to or during employment by the commission; and (F) be a profes-  
25 sional law enforcement officer with a minimum of five years' experience  
26 in the field of law enforcement and at least a bachelor's degree in law  
27 enforcement administration, law, criminology or a related science or, in  
28 lieu thereof, a minimum of 10 years' experience in the field of law  
29 enforcement.

30 (3) The director of security shall: (A) Conduct investigations relating  
31 to compliance with the provisions of this act and rules and regulations of  
32 the commission; (B) recommend proper security measures to organiza-  
33 tion licensees; (C) train and supervise such personnel as employed by the  
34 executive director to assist with such duties; and (D) perform such other  
35 duties as directed by the executive director.

36 (d) (1) The executive director may appoint a director of racing oper-  
37 ations to serve at the pleasure of the executive director. Before appoint-  
38 ing any person as director of racing operations, the executive director  
39 shall cause the Kansas bureau of investigation to conduct a criminal his-  
40 tory record check and background investigation of the person.

41 (2) The director of racing operations shall: (A) Be in the unclassified  
42 service under the Kansas civil service act; (B) devote full time to the  
43 director's assigned duties; (C) receive such compensation as determined

1 by the executive director, subject to the limitations of appropriations  
2 therefor; (D) be a citizen of the United States and an actual resident of  
3 Kansas during employment as director of racing operations; (E) not have  
4 been convicted of a felony under the laws of any state or of the United  
5 States prior to or during employment by the commission; and (F) have a  
6 minimum of five years' experience in racing operations.

7 (3) The director of racing operations shall: (A) Supervise racing op-  
8 erations, including stewards and racing judges; (B) be responsible for  
9 training and education of stewards and racing judges; (C) advise the com-  
10 mission on necessary or desirable changes in rules and regulations relating  
11 to conduct of races; (D) train and supervise such personnel as employed  
12 by the executive director to assist with such duties; and (E) perform such  
13 other duties as directed by the executive director.

14 (e) The commission may appoint an advisory committee of persons  
15 knowledgeable in the horse and greyhound breeding and racing industries  
16 to provide information and recommendations to the commission regard-  
17 ing the administration of this act. Members of such advisory committee  
18 shall serve without compensation or reimbursement of expenses.

19 (f) Except as otherwise provided by this act, all employees of the  
20 commission shall be in the classified service under the Kansas civil service  
21 act.

22 (g) No employee of the commission shall have been convicted of a  
23 felony under the laws of any state or of the United States prior to or  
24 during employment by the commission. Before employing any person,  
25 the commission shall cause a criminal history record check of the person  
26 to be conducted.

27 (h) The commission shall cause the Kansas bureau of investigation to  
28 conduct a criminal history record check and background investigation of  
29 a person before employing the person in any of the following positions:

- 30 (1) Deputy director;
- 31 (2) accountant;
- 32 (3) computer systems analyst;
- 33 (4) legal assistant;
- 34 (5) auditor;
- 35 (6) racing judge;
- 36 (7) steward;
- 37 (8) enforcement agent;
- 38 (9) office supervisor;
- 39 (10) human resource manager;
- 40 (11) office specialist; or
- 41 (12) any other sensitive position, as determined by the commission.

42 ~~(i) On July 1, 1995, the commission shall cause the Kansas bureau of~~  
43 ~~investigation to conduct a criminal history record check and background~~

1 ~~investigation of persons in the employment of the commission in the~~  
2 ~~following positions on that date:~~

- 3 ~~(1) Animal health officer;~~  
4 ~~(2) inspector of parimutuels;~~  
5 ~~(3) office supervisor;~~  
6 ~~(4) human resource manager; and~~  
7 ~~(5) office specialist.~~

8 Sec. 16. K.S.A. 74-9804 is hereby amended to read as follows: 74-  
9 9804. (a) (1) The governor shall appoint, subject to confirmation by the  
10 senate as provided by K.S.A. 75-4315b, and amendments thereto, an ex-  
11 ecutive director of the state gaming agency, to serve at the pleasure of  
12 the governor. *Except as provided by K.S.A. 46-2601, and amendments*  
13 *thereto, no person appointed as executive director shall exercise any*  
14 *power, duty or function as executive director until confirmed by the sen-*  
15 *ate.* Before appointing any person as executive director, the governor shall  
16 cause the Kansas bureau of investigation to conduct a criminal history  
17 record check and background investigation of the person.

18 (2) The executive director shall: (A) Be in the unclassified service  
19 under the Kansas civil service act; (B) devote full time to the executive  
20 director's assigned duties; (C) be a citizen of the United States and an  
21 actual resident of Kansas during employment as executive director; (D)  
22 not have been convicted of a felony under the laws of any state or of the  
23 United States prior to or during employment; and (E) have familiarity  
24 with gaming industries sufficient to fulfill the duties of the office of ex-  
25 ecutive director.

26 (3) The executive director shall: (A) Determine, subject to the ap-  
27 proval of the Kansas racing and gaming commission, the number and  
28 qualifications of employees necessary to implement and enforce the pro-  
29 visions of tribal-state gaming compacts and the provisions of the tribal  
30 gaming oversight act; (B) employ persons for those positions; and (C)  
31 perform such other duties as required by tribal-state gaming compacts.

32 (b) (1) The executive director may appoint a director of enforcement  
33 and compliance to serve at the pleasure of the executive director. Before  
34 appointing any person as director of enforcement and compliance, the  
35 executive director shall cause the Kansas bureau of investigation to con-  
36 duct a criminal history record check and background investigation of the  
37 person.

38 (2) The director of enforcement and compliance shall: (A) Be in the  
39 unclassified service under the Kansas civil service act; (B) devote full time  
40 to the director's assigned duties; (C) receive such compensation as de-  
41 termined by the executive director, subject to the limitations of appro-  
42 priations therefor; (D) be a citizen of the United States and an actual  
43 resident of Kansas during employment as director of enforcement and

1 compliance; (E) not have been convicted of a felony under the laws of  
2 any state or of the United States prior to and during employment as  
3 director of compliance; and (F) have been a professional law enforcement  
4 officer with a minimum of five years' experience in the field of law en-  
5 forcement and at least a bachelor's degree in law enforcement adminis-  
6 tration, law, criminology or a related science or, in lieu thereof, a mini-  
7 mum of 10 years' experience in the field of law enforcement.

8 (3) The director of enforcement and compliance shall: (A) Be vested  
9 with law enforcement authority;

10 (B) conduct investigations relating to compliance with the provisions  
11 of tribal-state gaming compacts and the provisions of the tribal gaming  
12 oversight act;

13 (C) recommend proper compliance measures to tribal gaming  
14 commissions;

15 (D) train and supervise such personnel as employed by the executive  
16 director to assist with such duties; and

17 (E) perform such other duties as directed by the executive director.

18 (c) (1) The executive director may appoint enforcement agents. Be-  
19 fore appointing any person as a enforcement agent, the executive director  
20 shall cause the Kansas bureau of investigation to conduct a criminal his-  
21 tory record check and background investigation of the person.

22 (2) Each enforcement agent shall: (A) Be vested with law enforce-  
23 ment authority;

24 (B) be in the classified service under the Kansas civil service act;

25 (C) not have been convicted of a felony under the laws of any state  
26 or of the United States prior to or during employment as enforcement  
27 agent; and

28 (D) be a professional law enforcement officer with a minimum of two  
29 years' experience in the field of law enforcement or, in lieu thereof, a  
30 bachelor's degree from an accredited university or college.

31 (3) Enforcement agents shall: (A) Conduct investigations relating to  
32 compliance with the provisions of tribal-state gaming compacts or the  
33 provisions of the tribal gaming oversight act; and (B) perform such other  
34 duties as directed by the executive director or the director of enforcement  
35 and compliance.

36 Sec. 17. K.S.A. 2007 Supp. 75-711 is hereby amended to read as  
37 follows: 75-711. There is hereby established, under the jurisdiction of the  
38 attorney general, a division to be known as the Kansas bureau of inves-  
39 tigation. The director of the bureau shall be appointed by the attorney  
40 general, subject to confirmation by the senate as provided in K.S.A. 75-  
41 4315b, and amendments thereto, and shall have special training and qual-  
42 ifications for such position. *Except as provided by K.S.A. 46-2601, and*  
43 *amendments thereto, no person appointed as director shall exercise any*

1 *power, duty or function as director until confirmed by the senate.* In  
2 accordance with appropriation acts, the director shall appoint agents who  
3 shall be trained in the detection and apprehension of criminals. The di-  
4 rector shall appoint an associate director, and any such assistant directors  
5 from within the agency as are necessary for the efficient operation of the  
6 bureau, who shall have the qualifications and employee benefits, includ-  
7 ing longevity, of an agent. The director also may appoint a deputy director  
8 and, in accordance with appropriation acts, such administrative employ-  
9 ees as are necessary for the efficient operation of the bureau. No person  
10 shall be appointed to a position within the Kansas bureau of investigation  
11 if the person has been convicted of a felony.

12 The director, associate director, deputy director, assistant directors and  
13 any assistant attorneys general assigned to the bureau shall be within the  
14 unclassified service under the Kansas civil service act. All other agents  
15 and employees of the bureau shall be in the classified service under the  
16 Kansas civil service act and their compensation shall be determined as  
17 provided in the Kansas civil service act and shall receive actual and nec-  
18 essary expenses.

19 Any person who was a member of the bureau at the time of appoint-  
20 ment as director, associate director or assistant director, upon the expi-  
21 ration of their appointment, shall be returned to an unclassified or regular  
22 classified position under the Kansas civil service act with compensation  
23 comparable to and not lower than compensation being received at the  
24 time of appointment to the unclassified service. If all such possible po-  
25 sitions are filled at that time, a temporary additional position shall be  
26 created for the person until a vacancy exists in the position. While serving  
27 in the temporary additional position, the person shall continue to be a  
28 contributing member of the retirement system for the agents of the Kan-  
29 sas bureau of investigation.

30 Each agent of the bureau shall subscribe to an oath to faithfully dis-  
31 charge the duties of such agent's office, as is required of other public  
32 officials.

33 Sec. 18. K.S.A. 2007 Supp. 75-712 is hereby amended to read as  
34 follows: 75-712. (a) It is the duty of the members of the bureau to make  
35 full and complete investigations at the direction of the attorney general.  
36 Each member of the bureau shall possess all powers and privileges which  
37 are now or may be hereafter given to the sheriffs of Kansas.

38 (b) The bureau shall acquire, collect, classify and preserve criminal  
39 identification and other crime records, and may exchange such criminal  
40 identification records with the duly authorized officials of governmental  
41 agencies, of states, cities and penal institutions.

42 (c) For purposes of carrying out the powers and duties of the bureau,  
43 the director may request and accept grants or donations from any person,



1 firm, association or corporation or from the federal government or any  
2 federal agency and may enter into contracts or other transactions with  
3 any federal agency in connection therewith.

4 (d) The bureau, at the direction of the governor, shall conduct back-  
5 ground investigations of ~~gubernatorial appointees who~~ *appointees to po-*  
6 *sitions which* are subject to confirmation by the senate of the state of  
7 Kansas and all judicial appointments. The bureau shall require the ap-  
8 pointee to be fingerprinted. The fingerprints shall be submitted to the  
9 bureau and to the federal bureau of investigation for the identification of  
10 the appointee and to obtain criminal history record information, including  
11 arrest and nonconviction data. Background reports may include criminal  
12 intelligence information and information relating to criminal and back-  
13 ground investigations. Information received pursuant to this subsection  
14 shall be confidential and shall not be disclosed except to the ~~governor or~~  
15 ~~members of the governor's~~ *appointing authority or members of the ap-*  
16 *pointing authority's* staff as necessary to determine the appointee's qual-  
17 ifications *or as provided by section 1, and amendments thereto.*

18 (e) Reports of all investigations made by the members of the bureau  
19 shall be made to the attorney general of Kansas.

20 Sec. 19. K.S.A. 2007 Supp. 75-1304 is hereby amended to read as  
21 follows: 75-1304. (a) The governor shall appoint, subject to confirmation  
22 by the senate as provided in K.S.A. 75-4315b, *and amendments thereto,*  
23 a state bank commissioner who shall serve at the pleasure of the governor.  
24 *Except as provided by K.S.A. 46-2601, and amendments thereto, no per-*  
25 *son appointed as bank commissioner shall exercise any power, duty or*  
26 *function as bank commissioner until confirmed by the senate.*

27 (b) No person shall be eligible for appointment as commissioner un-  
28 less such person has at least five years actual experience as an executive  
29 officer in a state or national bank located in this state.

30 (c) The commissioner shall devote the commissioner's time and at-  
31 tention to the business and duties of the office on a full-time basis.

32 (d) While serving as bank commissioner, the commissioner shall not  
33 be an officer, voting director, employee or paid consultant of:

34 (1) Any state or national bank or bank holding company;

35 (2) any affiliate of a state or national bank or bank holding company;

36 or

37 (3) any other entity regulated by the commissioner.

38 Sec. 20. K.S.A. 75-1510 is hereby amended to read as follows: 75-  
39 1510. There is hereby established the office of state fire marshal. The  
40 state fire marshal shall be appointed by the governor and shall serve at  
41 the pleasure of the governor. Any person appointed state fire marshal ~~on~~  
42 ~~or after July 1, 1982,~~ shall be appointed subject to confirmation by the  
43 senate as provided in K.S.A. 75-4315b, *and amendments thereto. Except*

1 *as provided by K.S.A. 46-2601, and amendments thereto, no person ap-*  
2 *pointed as state fire marshal shall exercise any power, duty or function*  
3 *as state fire marshal until confirmed by the senate.* Any person appointed  
4 as state fire marshal shall have a knowledge of building construction and,  
5 at the time of appointment, shall have had not less than five years' ex-  
6 perience in fire safety inspection and investigation. The state fire marshal  
7 shall maintain an office in the city of Topeka.

8 Sec. 21. K.S.A. 75-2535 is hereby amended to read as follows: 75-  
9 2535. The state librarian shall be appointed by the governor, subject to  
10 confirmation by the senate as provided in K.S.A. 75-4315b, *and amend-*  
11 *ments thereto. Except as provided by K.S.A. 46-2601, and amendments*  
12 *thereto, no person appointed as state librarian shall exercise any power,*  
13 *duty or function as state librarian until confirmed by the senate.* Any  
14 person appointed as the state librarian shall hold a graduate degree in  
15 library science and shall have not less than five years actual experience in  
16 library administration. The state librarian shall be in the unclassified serv-  
17 ice under the Kansas civil service act and shall hold office at the pleasure  
18 of the governor.

19 Sec. 22. K.S.A. 2007 Supp. 75-2701 is hereby amended to read as  
20 follows: 75-2701. (a) The state historical society, heretofore organized  
21 under the incorporation laws of the state, shall be the trustee of the state.  
22 As such, the society shall faithfully expend and apply all money received  
23 from the state to the uses and purposes directed by law, shall hold all the  
24 society's present and future collections of property for the state and shall  
25 not sell, mortgage, transfer or dispose of in any manner or remove from  
26 the building or buildings occupied for historical interests of the state,  
27 except for temporary purposes, any article of property without authority  
28 of law. This shall not prevent the sale, exchange, donation or other dis-  
29 position by the society of publications, duplicate property in collection  
30 holdings, property outside the scope of collection, hazardous property or  
31 property with insufficient research, educational or exhibit value, but:

32 (1) No such property shall be disposed of except by sale or exchange  
33 until the society adopts rules and regulations establishing procedures for  
34 disposition;

35 (2) no rules and regulations establishing procedures for disposition  
36 of such property shall be adopted until the society first advises and con-  
37 sults with the joint committee on administrative rules and regulations  
38 regarding the proposed rules and regulations;

39 (3) such rules and regulations shall provide, with respect to property  
40 which was donated by an individual, procedures reasonably calculated to  
41 notify and offer such property to such individual or such individual's im-  
42 mediate family prior to disposal, if the property is disposed of within 20  
43 years after the donation; and

- 1 (4) such rules and regulations shall provide, with respect to property  
2 with research, educational or exhibit value, procedures for notifying local  
3 institutions that such property is being disposed of.
- 4 (b) There shall continue to be a board of directors of the Kansas state  
5 historical society, inc., and an executive committee of such board of di-  
6 rectors, each to consist of as many members as the Kansas state historical  
7 society, inc., determines.
- 8 (c) The society may acquire property, real or personal, by gift, be-  
9 quest or otherwise, in any amount, and upon such conditions as the so-  
10 ciety's executive committee deems best for the interests of the society.  
11 Any such property so acquired and any state-owned historic site, structure  
12 or other property which has been placed by law under the jurisdiction  
13 and supervision of the society shall be administered by the society in the  
14 public interest, and the society shall provide for the preservation of such  
15 property and shall adopt rules and regulations as necessary for the proper  
16 use and enjoyment of such property. For this purpose the society may  
17 fix, charge and collect fees for admittance to any state-owned historic site,  
18 structure or property which has been placed under the jurisdiction and  
19 supervision of the society and is further authorized to provide exemptions  
20 from such fees or to fix reduced fees for one or more categories of  
21 persons.
- 22 (d) The society shall remit all moneys received by the society under  
23 the provisions of subsection (c) to the state treasurer in accordance with  
24 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt  
25 of each such remittance, the state treasurer shall deposit the entire  
26 amount in the state treasury to the credit of the historic properties fee  
27 fund which is hereby created. All expenditures from such fund shall be  
28 made in accordance with appropriation acts upon warrants of the director  
29 of accounts and reports issued pursuant to vouchers approved by the  
30 executive director of the state historical society or a person designated by  
31 the executive director.
- 32 (e) The state historical society is a state agency within the executive  
33 branch of state government for all purposes under the statutes and laws  
34 of Kansas. The Kansas state historical society, inc., is a not-for-profit cor-  
35 poration organized under the incorporation laws of Kansas. All real and  
36 personal property under the control and supervision of the state historical  
37 society that is not property owned and maintained by the Kansas state  
38 historical society, inc., as a not-for-profit corporation organized under the  
39 incorporation laws of Kansas, in order to accomplish the purposes of the  
40 corporation as stated in the articles of incorporation and bylaws, including  
41 but not limited to investments, office equipment, property and revenues  
42 of the museum stores and income from membership fees and assess-  
43 ments, belongs to the state of Kansas.

1 (f) (1) The governor shall appoint the executive director of the state  
2 historical society, subject to confirmation by the senate as provided in  
3 K.S.A. 75-4315b, and amendments thereto. *Except as provided by K.S.A.*  
4 *46-2601, and amendments thereto, no person appointed as executive di-*  
5 *rector shall exercise any power, duty or function as executive director*  
6 *until confirmed by the senate.* The governor may appoint the executive  
7 director of the state historical society from a list of three qualified persons  
8 nominated by the executive committee of the Kansas state historical so-  
9 ciety, inc. The governor may reject all nominees submitted on any such  
10 list and may request an additional list of three other qualified persons to  
11 consider for appointment to the office of executive director of the state  
12 historical society. The executive director of the state historical society shall  
13 be in the unclassified service under the Kansas civil service act and shall  
14 be subject to evaluation in accordance with this section. The executive  
15 director of the state historical society shall receive an annual salary fixed  
16 by the governor.

17 (2) The executive director of the state historical society shall be qual-  
18 ified by education or training and experience in the field of history, his-  
19 toric preservation, education, museum administration or a related field  
20 and shall have demonstrated executive and administrative ability to dis-  
21 charge the duties of the office of executive director of the state historical  
22 society.

23 (3) An evaluation of the executive director of the state historical so-  
24 ciety shall be conducted annually by the executive committee of the Kan-  
25 sas state historical society, inc., and the results of such evaluation shall be  
26 submitted to the governor for review. The executive director shall be  
27 subject to removal by the governor.

28 (4) Whenever the office of the executive director of the state histor-  
29 ical society becomes vacant, the executive committee of the Kansas state  
30 historical society, inc., shall be notified of such vacancy and shall prepare  
31 and submit a list of three qualified nominees to the governor for the  
32 appointment of a successor.

33 (g) On and after the effective date of this act, whenever the secretary  
34 of the state historical society or the executive director of the state histor-  
35 ical society, or words of like effect, is referred to or designated by a  
36 statute, contract or other document, such reference or designation shall  
37 be deemed to apply to the executive director of the state historical society.

38 (h) On and after the effective date of this act, whenever the state  
39 historical society or words of like effect is referred to or designated by a  
40 statute, contract or other document, such reference or designation shall  
41 be deemed to apply to the state agency within the executive branch of  
42 state government and shall not be deemed to refer to the Kansas state  
43 historical society, inc., a not-for-profit corporation organized under the

1 corporation laws of Kansas, unless the reference is specifically to that  
2 corporation or within the context of the reference clearly refers to that  
3 corporation.

4 Sec. 23. K.S.A. 2007 Supp. 75-3702a is hereby amended to read as  
5 follows: 75-3702a. (a) There is hereby created a department of adminis-  
6 tration, the head of which shall be the secretary of administration. The  
7 governor shall appoint the secretary of administration, subject to confir-  
8 mation by the senate as provided in K.S.A. 75-4315b, and amendments  
9 thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto,*  
10 *no person appointed as secretary shall exercise any power, duty or func-*  
11 *tion as secretary until confirmed by the senate.* The secretary of admin-  
12 istration shall serve at the pleasure of the governor. The department of  
13 administration shall be administered under the direction and supervision  
14 of the secretary of administration. The secretary of administration shall  
15 receive an annual salary fixed by the governor.

16 (b) The provisions of the Kansas governmental operations accounta-  
17 bility law apply to the department of administration, and the department  
18 is subject to audit, review and evaluation under such law.

19 Sec. 24. K.S.A. 2007 Supp. 75-5001 is hereby amended to read as  
20 follows: 75-5001. (a) In order to coordinate the planning, development  
21 and operation of the various modes and systems of transportation within  
22 this state, there is hereby established a department of transportation,  
23 which shall be administered under the direction and supervision of the  
24 secretary of transportation. The secretary of transportation shall be ap-  
25 pointed by the governor, subject to confirmation by the senate as provided  
26 in K.S.A. 75-4315b, and amendments thereto, and shall serve at the plea-  
27 sure of the governor. *Except as provided by K.S.A. 46-2601, and amend-*  
28 *ments thereto, no person appointed as secretary shall exercise any power,*  
29 *duty or function as secretary until confirmed by the senate.* The secretary  
30 shall receive an annual salary fixed by the governor.

31 (b) The provisions of the Kansas governmental operations accounta-  
32 bility law apply to the department of transportation, and the department  
33 is subject to audit, review and evaluation under such law.

34 Sec. 25. K.S.A. 2007 Supp. 75-5101 is hereby amended to read as  
35 follows: 75-5101. (a) There is hereby created a department of revenue,  
36 the head of which shall be the secretary of revenue. The governor shall  
37 appoint the secretary of revenue, subject to confirmation by the senate  
38 as provided in K.S.A. 75-4315b, and amendments thereto, and the sec-  
39 retary shall serve at the pleasure of the governor. *Except as provided by*  
40 *K.S.A. 46-2601, and amendments thereto, no person appointed as secre-*  
41 *tary shall exercise any power, duty or function as secretary until con-*  
42 *firmed by the senate.* The department of revenue created by this act shall  
43 be administered under the direction and supervision of the secretary of

1 revenue. The secretary of revenue shall receive an annual salary fixed by  
2 the governor.

3 (b) The provisions of the Kansas governmental operations accounta-  
4 bility law apply to the department of revenue, and the department is  
5 subject to audit, review and evaluation under such law.

6 Sec. 26. K.S.A. 75-5105 is hereby amended to read as follows: 75-  
7 5105. There is hereby established, within and as a part of the department  
8 of revenue, a division of property valuation, the head of which shall be  
9 the director of property valuation. Under the supervision of the secretary  
10 of revenue, the director of property valuation shall administer the division  
11 of property valuation. The secretary of revenue shall appoint the director  
12 of property valuation, subject to confirmation by the senate as provided  
13 in K.S.A. 75-4315b, and amendments thereto. *Except as provided by*  
14 *K.S.A. 46-2601, and amendments thereto, no person appointed as director*  
15 *shall exercise any power, duty or function as director until confirmed by*  
16 *the senate.* The director shall serve at the pleasure of the secretary of  
17 revenue. The director of property valuation shall be in the unclassified  
18 service and shall receive an annual salary fixed by the secretary of revenue  
19 and approved by the governor.

20 Sec. 27. K.S.A. 75-5117 is hereby amended to read as follows: 75-  
21 5117. There is hereby established, within and as a part of the department  
22 of revenue, a division of alcoholic beverage control, the head of which  
23 shall be the director of alcoholic beverage control. Under the supervision  
24 of the secretary of revenue, the director of alcoholic beverage control  
25 shall administer the division of alcoholic beverage control. The secretary  
26 of revenue shall appoint the director of alcoholic beverage control, subject  
27 to confirmation by the senate as provided in K.S.A. 75-4315b, *and amend-*  
28 *ments thereto,* and the director shall serve at the pleasure of the secretary  
29 of revenue. *Except as provided by K.S.A. 46-2601, and amendments*  
30 *thereto, no person appointed as director shall exercise any power, duty*  
31 *or function as director until confirmed by the senate.* The director of  
32 alcoholic beverage control shall be in the unclassified service and shall  
33 receive an annual salary fixed by the secretary of revenue and approved  
34 by the governor.

35 Sec. 28. K.S.A. 2007 Supp. 75-5203 is hereby amended to read as  
36 follows: 75-5203. (a) There is hereby established the department of cor-  
37 rections, the chief executive officer of which shall be the secretary of  
38 corrections. The secretary shall be appointed by the governor, subject to  
39 confirmation by the senate as provided in K.S.A. 75-4315b, and amend-  
40 ments thereto, and shall serve at the pleasure of the governor. *Except as*  
41 *provided by K.S.A. 46-2601, and amendments thereto, no person ap-*  
42 *pointed as secretary shall exercise any power, duty or function as secre-*  
43 *tary until confirmed by the senate.* In case of a vacancy in the office of

1 secretary, the governor shall appoint a successor in the manner that the  
2 original appointment was made. The secretary shall receive an annual  
3 salary fixed by the governor, which shall be payable in equal monthly  
4 installments. In addition, the secretary shall be entitled to receive actual  
5 and necessary traveling and subsistence expenses incurred in the per-  
6 formance of the secretary's official duties.

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

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

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

18 (3) (A) has had at least five years' experience as a federal, appellate  
19 or district judge or federal, district or county prosecutor, five years' ex-  
20 perience in military administration or administration of a criminal justice  
21 agency or five years' administrative experience treating criminal offenders  
22 through programs involving penal custody, parole, probation and sen-  
23 tencing; (B) has a degree from an accredited college or university, which  
24 degree is in a social or behavioral science, penology, corrections, criminal  
25 justice, police science, criminology, public administration, local correc-  
26 tions programs or a related field; and (C) has demonstrated administrative  
27 ability and leadership.

28 (c) If the governor is unable to appoint a person as secretary who  
29 possesses the qualifications required by subsection (b), the governor may  
30 appoint a person without such qualifications as acting secretary, who shall  
31 be subject to confirmation by the senate as provided in K.S.A. 75-4315b,  
32 and amendments thereto, and shall serve at the pleasure of the governor.  
33 *Except as provided by K.S.A. 46-2601, and amendments thereto, no per-*  
34 *son appointed as acting secretary shall exercise any power, duty or func-*  
35 *tion as acting secretary until confirmed by the senate.*

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

39 (e) The provisions of the Kansas governmental operations accounta-  
40 bility law apply to the department of corrections, and the department is  
41 subject to audit, review and evaluation under such law.

42 Sec. 29. K.S.A. 2007 Supp. 75-5301 is hereby amended to read as  
43 follows: 75-5301. (a) There is hereby created a department of social and

1 rehabilitation services, the head of which shall be the secretary of social  
2 and rehabilitation services. The governor shall appoint the secretary of  
3 social and rehabilitation services, subject to confirmation by the senate as  
4 provided in K.S.A. 75-4315b, and amendments thereto, and the secretary  
5 shall serve at the pleasure of the governor. *Except as provided by K.S.A.*  
6 *46-2601, and amendments thereto, no person appointed as secretary shall*  
7 *exercise any power, duty or function as secretary until confirmed by the*  
8 *senate.* The department of social and rehabilitation services created by  
9 this order shall be administered under the direction and supervision of  
10 the secretary of social and rehabilitation services. The secretary of social  
11 and rehabilitation services shall receive an annual salary fixed by the  
12 governor.

13 (b) The provisions of the Kansas governmental operations accounta-  
14 bility law apply to the department of social and rehabilitation services,  
15 and the department is subject to audit, review and evaluation under such  
16 law.

17 Sec. 30. K.S.A. 2007 Supp. 75-5601 is hereby amended to read as  
18 follows: 75-5601. (a) There is hereby created a department of health and  
19 environment, the head of which shall be the secretary of health and en-  
20 vironment, which office is hereby created. The governor shall appoint the  
21 secretary of health and environment, subject to confirmation by the sen-  
22 ate as provided in K.S.A. 75-4315b, and amendments thereto, and the  
23 secretary shall serve at the pleasure of the governor. *Except as provided*  
24 *by K.S.A. 46-2601, and amendments thereto, no person appointed as sec-*  
25 *retary shall exercise any power, duty or function as secretary until con-*  
26 *firmed by the senate.* The department of health and environment shall  
27 consist of the division of health and the division of environment. The  
28 secretary of health and environment shall receive an annual salary fixed  
29 by the governor.

30 (b) The provisions of the Kansas governmental operations accounta-  
31 bility law apply to the department of health and environment, and the  
32 department is subject to audit, review and evaluation under such law.

33 Sec. 31. K.S.A. 2007 Supp. 75-5701 is hereby amended to read as  
34 follows: 75-5701. (a) There is hereby established a department of labor.  
35 The department shall be administered under the direction and supervi-  
36 sion of the secretary of labor who shall be appointed by the governor,  
37 subject to confirmation by the senate as provided in K.S.A. 75-4315b, and  
38 amendments thereto, and who shall serve at the pleasure of the governor.  
39 *Except as provided by K.S.A. 46-2601, and amendments thereto, no per-*  
40 *son appointed as secretary shall exercise any power, duty or function as*  
41 *secretary until confirmed by the senate.* The secretary shall be in the  
42 unclassified service under the Kansas civil service act and shall receive an  
43 annual salary fixed by the governor.



1 (b) The provisions of the Kansas governmental operations accounta-  
2 bility law apply to the department of labor, and the department is subject  
3 to audit, review and evaluation under such law.

4 Sec. 32. K.S.A. 2007 Supp. 75-5903 is hereby amended to read as  
5 follows: 75-5903. (a) There is hereby created a department on aging. The  
6 department on aging shall be administered under the direction and su-  
7 pervision of the secretary of aging. The secretary shall be appointed by  
8 the governor, subject to confirmation by the senate as provided in K.S.A.  
9 75-4315b, and amendments thereto, and shall serve at the pleasure of the  
10 governor. *Except as provided by K.S.A. 46-2601, and amendments*  
11 *thereto, no person appointed as secretary shall exercise any power, duty*  
12 *or function as secretary until confirmed by the senate.* In appointing the  
13 secretary, the governor shall consider, but is not limited to, persons sug-  
14 gested by the council and persons with responsible administrative expe-  
15 rience in the field of gerontology. The secretary shall be in the unclassified  
16 service under the Kansas civil service act and shall receive an annual salary  
17 fixed by the governor.

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

22 (b) The provisions of the Kansas governmental operations accounta-  
23 bility law apply to the department on aging, and the department is subject  
24 to audit, review and evaluation under such law.

25 Sec. 33. K.S.A. 2007 Supp. 75-6301 is hereby amended to read as  
26 follows: 75-6301. (a) There is hereby established the office of the secu-  
27 rities commissioner of Kansas. The office shall be administered by the  
28 securities commissioner of Kansas who shall be in the unclassified service  
29 under the Kansas civil service act and shall serve at the pleasure of the  
30 governor. The securities commissioner shall be appointed by the gover-  
31 nor, subject to confirmation by the senate as provided in K.S.A. 75-4315b,  
32 and amendments thereto, shall have special training and qualifications for  
33 such position and shall receive such compensation as may be fixed by the  
34 governor. *Except as provided by K.S.A. 46-2601, and amendments*  
35 *thereto, no person appointed as securities commissioner shall exercise any*  
36 *power, duty or function as securities commissioner until confirmed by the*  
37 *senate.*

38 (b) The securities commissioner may appoint directors within the of-  
39 fice of the securities commissioner as determined necessary by the se-  
40 curities commissioner to effectively carry out the mission of the office.  
41 All directors appointed after the effective date of this act shall be in the  
42 unclassified service under the Kansas civil service act, shall have special  
43 training and qualifications for such positions, shall serve at the pleasure

1 of the securities commissioner and shall receive compensation fixed by  
2 the securities commissioner and approved by the governor.

3 (c) Nothing in subsection (b) shall affect the classified status of any  
4 person employed in the office of the securities commissioner on the day  
5 immediately preceding the effective date of this act. The provisions of  
6 this subsection shall not be construed to limit the powers of the securities  
7 commissioner pursuant to K.S.A. 75-2948, and amendments thereto.

8 Sec. 34. K.S.A. 2007 Supp. 75-7304 is hereby amended to read as  
9 follows: 75-7304. (a) On the effective date of this act, the office of the  
10 state long-term care ombudsman in existence on the day preceding such  
11 effective date is hereby abolished and there is hereby established the  
12 office of the state long-term care ombudsman, the head of which shall be  
13 the state long-term care ombudsman. In performance of the powers, du-  
14 ties and functions prescribed by law, the office shall be an independent  
15 state agency. The state long-term care ombudsman shall be appointed by  
16 the governor, subject to confirmation by the senate as provided in K.S.A.  
17 75-4315b, and amendments thereto. The term of office of the first person  
18 appointed as the state long-term care ombudsman on or after the effective  
19 date of this act shall expire on January 15, 2000, and such state long-term  
20 care ombudsman shall serve until a successor is appointed and confirmed.  
21 Thereafter, each person appointed as the state long-term care ombuds-  
22 man shall have a term of office of four years and shall serve until a suc-  
23 cessor is appointed and confirmed. *Except as provided by K.S.A. 46-2601,*  
24 *and amendments thereto, no person appointed as state long-term care*  
25 *ombudsman shall exercise any power, duty or function as state long-term*  
26 *care ombudsman until confirmed by the senate.*

27 (b) The *state* long-term care ombudsman shall appoint each regional  
28 long-term care ombudsman and all officers and employees of the office  
29 of state long-term care ombudsman. Each regional long-term care om-  
30 budsman and all such officers and employees shall be within the classified  
31 service under the Kansas civil service act.

32 (c) In accordance with the provisions of this act, the state long-term  
33 care ombudsman shall administer the office of the state long-term care  
34 ombudsman.

35 (d) No person shall be eligible to be appointed to, or to hold, the  
36 office of state long-term care ombudsman if such person is subject to a  
37 conflict of interest. No person shall be eligible for appointment as the  
38 state long-term care ombudsman unless such person has:

39 (1) A baccalaureate or higher degree from an accredited college or  
40 university;

41 (2) demonstrated abilities to analyze problems of law, administration  
42 and public policy; and

43 (3) experience in investigation and conflict resolution procedures.

1 (e) (1) On the effective date of this act, all of the powers, duties,  
2 functions, records and property of the office of the state long-term care  
3 ombudsman abolished by this section, which are prescribed for the office  
4 of the state long-term care ombudsman by this act, are hereby transferred  
5 to and conferred and imposed upon the office of the state long-term care  
6 ombudsman that is established by this section, except as is otherwise  
7 specifically provided by this act. On the effective date of this act, all of  
8 the powers, duties, functions, records and property of the secretary of  
9 aging or the department on aging, which relate to or are required for the  
10 performance of powers, duties or functions which are prescribed for the  
11 office of the state long-term care ombudsman or the state long-term care  
12 ombudsman by this act, including the power to expend funds now or  
13 hereafter made available in accordance with appropriation acts, are  
14 hereby transferred to and conferred and imposed upon the office of the  
15 state long-term care ombudsman and the state long-term care ombuds-  
16 man that are established by this section, except as is otherwise specifically  
17 provided by this act.

18 (2) The office of the state long-term care ombudsman established by  
19 this section shall be the successor in every way to the powers, duties and  
20 functions of the office of the state long-term care ombudsman, the sec-  
21 retary of aging, or the department on aging in which such powers, duties  
22 and functions were vested prior to the effective date of this act, except  
23 as otherwise specifically provided by this act. Every act performed under  
24 the authority of the office of the state long-term care ombudsman estab-  
25 lished by this act shall be deemed to have the same force and effect as if  
26 performed by the office of the state long-term care ombudsman, the  
27 secretary of aging or the department on aging in which such powers,  
28 duties and functions were vested prior to the effective date of this act.

29 (3) Subject to the provisions of this act, whenever the office of the  
30 state long-term care ombudsman that is abolished by this act or the sec-  
31 retary on aging or the department on aging, or words of like effect, is  
32 referred to or designated by a statute, contract, or other document, and  
33 such reference or designation relates to a power, duty or function which  
34 is transferred to and conferred and imposed upon the office of the state  
35 long-term care ombudsman that is established by this act, such reference  
36 or designation shall be deemed to apply to the office of the state long-  
37 term care ombudsman established by this act.

38 (4) All policies, orders or directives of the office of the state long-  
39 term care ombudsman that is abolished by this act and all policies, orders  
40 or directives of the secretary of aging, which are in existence on the ef-  
41 fective date of this act and which relate to powers, duties and functions  
42 that were vested in such office of the state long-term care ombudsman  
43 or the secretary of aging prior to such date, shall continue to be effective

1 and shall be deemed to be the policies, orders or directives of the state  
2 long-term care ombudsman established by this act, until revised,  
3 amended or revoked or nullified pursuant to law. The office of the state  
4 long-term care ombudsman established by this act shall be deemed to be  
5 a continuation of the office of the state long-term care ombudsman abol-  
6 ished by this act.

7 (5) (A) The state long-term care ombudsman and the secretary of  
8 administration shall provide that all officers and employees of the de-  
9 partment on aging, who are engaged in the exercise and performance of  
10 the powers, duties and functions of the programs of the office of the state  
11 long-term care ombudsman that are transferred by this act, are trans-  
12 ferred to the office of the state long-term care ombudsman established  
13 by this section.

14 (B) Officers and employees of the department on aging transferred  
15 under this act shall retain all retirement benefits and leave rights which  
16 had accrued or vested prior to each date of transfer. The service of each  
17 officer or employee so transferred shall be deemed to be continuous. All  
18 transfers, layoffs and abolition of classified service positions under the  
19 Kansas civil service act which may result from program transfers under  
20 this act shall be made in accordance with the civil service laws and any  
21 rules and regulations adopted thereunder. Nothing in this act shall affect  
22 the classified status of any transferred person employed by the depart-  
23 ment on aging prior to the date of transfer.

24 (C) If the state long-term care ombudsman and the secretary of aging  
25 cannot agree as to how any transfer of an officer or employee is to take  
26 place under this section, the state long-term care ombudsman and the  
27 secretary of administration shall be responsible for administering any lay-  
28 off that is part of the transfer in accordance with this act.

29 (D) Notwithstanding the effective date of this act, the provisions of  
30 this act prescribing the transfer of officers and employees between the  
31 office of the state long-term care ombudsman established by this section  
32 and the department on aging, the date of transfer of each such officer or  
33 employee shall commence at the start of a payroll period.

34 Sec. 35. K.S.A. 2007 Supp. 75-7402 is hereby amended to read as  
35 follows: 75-7402. (a) The Kansas health policy authority shall appoint the  
36 executive director of the authority subject to confirmation by the senate  
37 as provided in K.S.A. 75-4315b, and amendments thereto. ~~The Kansas~~  
38 ~~health policy authority may appoint a temporary director to serve and to~~  
39 ~~administer and oversee the operations of the authority until such time as~~  
40 ~~an executive director can be appointed and commences employment.~~  
41 *Except as provided by K.S.A. 46-2601, and amendments thereto, no per-*  
42 *son appointed as executive director shall exercise any power, duty or*  
43 *function as executive director until confirmed by the senate.*

1 (b) The executive director of the Kansas health policy authority shall  
2 be in the unclassified service under the Kansas civil service act and shall  
3 serve at the pleasure of the Kansas health policy authority. The executive  
4 director of the Kansas health policy authority shall receive a salary fixed  
5 by the Kansas health policy authority, subject to approval by the governor.

6 (c) The executive director shall have the authority to hire and super-  
7 vise the other personnel of the Kansas health policy authority. Except as  
8 provided in K.S.A. 2007 Supp. 75-7416, and amendments thereto, and as  
9 otherwise provided by this act, all officers and employees of the Kansas  
10 health policy authority shall be in the unclassified service under the Kan-  
11 sas civil service act and shall serve at the pleasure of the executive director  
12 of the Kansas health policy authority.

13 **Sec. 36. K.S.A. 75-4315a is hereby amended to read as follows:**  
14 **75-4315a. Whenever it is provided by law that the governor shall**  
15 **appoint the secretary of any department of state government or the**  
16 **chief administrative or executive officer of any other agency of state**  
17 **government or that the secretary of any department of state gov-**  
18 **ernment shall appoint the director of a division, whether any of the**  
19 **positions designated herein are in the classified or unclassified serv-**  
20 **ice of the Kansas civil service act, and whether such department,**  
21 **agency or division has been specified by statute or authorized by**  
22 **statute to be established, the governor or departmental secretary**  
23 **may appoint an acting secretary, chief administrative or executive**  
24 **officer or director to serve for a period not greater than twelve (12)**  
25 **six months. Any acting state officer appointed under authority of**  
26 **this section shall have and exercise all of the powers, duties and**  
27 **functions of the office in which he or she is acting. Subject to the**  
28 **approval of the state finance council, the governor or the secretary**  
29 **appointing an acting state officer shall fix the salary of the acting**  
30 **state officer if the position is in the unclassified service, and in no**  
31 **event shall the salary of the acting state officer be less than the**  
32 **amount the person appointed is receiving in such person's perma-**  
33 **nent state employment. If the person appointed serves as an acting state**  
34 **officer for more than six (6) months, such person shall be paid the min-**  
35 **imum rate of compensation established for the position in which such**  
36 **person is acting if such minimum rate of compensation is more than the**  
37 **compensation such person is receiving immediately prior to the expiration**  
38 **of such six (6) month period. In the event the person appointed as an**  
39 **acting state officer is in the classified service prior to such appoint-**  
40 **ment, such person shall retain the right to return to his or her per-**  
41 **manent classified status without loss of any civil service right and**  
42 **his or her service shall be deemed to be continuous.**

43 ~~Sec. 36.~~ **37. K.S.A. 17-2233, 48-203, 48-208, 65-2878, 65-34a02, 74-**

1 2113, 74-2613, 74-5002a, 74-8703, 74-8805, 74-9804, 75-1510, 75-2535,  
2 75-5105 and 75-5117 and K.S.A. 2007 Supp. 32-801, 45-221, 46-2601,  
3 74-560, 75-711, 75-712, 75-1304, 75-2701, 75-3702a, **75-4315a**, 75-5001,  
4 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5903, 75-6301, 75-7304  
5 and 75-7402 are hereby repealed.

6 Sec. ~~37~~ **38**. This act shall take effect and be in force from and after  
7 its publication in the statute book.