

SENATE BILL No. 331

By Committee on Ways and Means

3-25

9 AN ACT concerning state agencies; attaching the athletic commission of
10 the state of Kansas to the Kansas racing and gaming commission;
11 amending K.S.A. 2008 Supp. 74-50,183 and repealing the existing
12 section.
13

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

15 New Section 1. (a) The athletic commission of the state of Kansas is
16 hereby transferred and attached to the Kansas racing and gaming com-
17 mission. The Kansas racing and gaming commission shall provide such
18 technical assistance and advice as necessary to assist the athletic com-
19 mission of the state of Kansas to function as an independent state agency.
20 The Kansas racing and gaming commission shall have no authority over
21 the athletic commission of the state of Kansas with respect to the per-
22 formance of any power, duty or function or the exercise of any other
23 authority over the athletic commission of the state of Kansas.

24 (b) All rules and regulations, orders and directives of the athletic com-
25 mission of the state of Kansas that are in effect on the effective date of
26 this act shall continue to be effective and shall be deemed to be the rules
27 and regulations, orders and directives of the athletic commission of the
28 state of Kansas attached to the Kansas racing and gaming commission
29 until revised, amended, revoked or nullified pursuant to law.

30 (c) The position of boxing commissioner, created by K.S.A. 2008
31 Supp. 74-50,184, and amendments thereto, is hereby continued in exist-
32 tence with respect to the powers, duties and functions of the position of
33 boxing commissioner. Persons who are members of the athletic commis-
34 sion of the state of Kansas on the effective date of this act shall continue
35 to hold such offices under the conditions and limitations provided under
36 K.S.A. 74-50,183, and amendments thereto.

37 (d) On the effective date of this act, the balances of all funds or ac-
38 counts thereof appropriated or reappropriated for the athletic commis-
39 sion of the state of Kansas are hereby transferred within the state treasury
40 to the athletic commission of the state of Kansas attached to the Kansas
41 racing and gaming commission and shall be used only for the purpose for
42 which the appropriation was originally made.

43 (e) Subject to acts of the legislature, all fees and grant funds dedicated

1 to the athletic commission of the state of Kansas prior to the effective
2 date of this act shall remain dedicated to the administration of the powers,
3 duties, functions and operating expenses of the commission and the box-
4 ing commissioner on and after the effective date of this act.

5 (f) (1) All officers and employees of the athletic commission of the
6 state of Kansas who are engaged in the performance of powers, duties
7 and functions for the athletic commission of the state of Kansas shall
8 remain officers and employees of the athletic commission of the state of
9 Kansas under the supervision of the Kansas racing and gaming
10 commission.

11 (2) All classified employees under subsection (1) shall retain their
12 status as classified employees. Officers and employees of the athletic com-
13 mission of the state of Kansas shall retain all retirement benefits and leave
14 balances and rights that had accrued or vested prior to this act. The serv-
15 ice of each such officer and employee so transferred shall be deemed to
16 have been continuous. Any subsequent transfers, layoffs or abolition of
17 classified service positions under the Kansas civil service act shall be made
18 in accordance with the civil service laws and any rules and regulations
19 adopted thereunder. Nothing in this act shall affect the classified status
20 of any transferred person employed by the athletic commission of the
21 state of Kansas.

22 (g) Liability for accrued compensation or salaries of each officer and
23 employee who is employed by the athletic commission of the state of
24 Kansas under this act shall continue to be paid by the athletic commission
25 of the state of Kansas attached to the Kansas racing and gaming com-
26 mission on the effective date of this act.

27 (h) No suit, action, or other proceeding, judicial or administrative,
28 that is lawfully commenced or that could have been lawfully commenced,
29 by or against any state agency or program mentioned in this act, or by or
30 against any officer of the state in such officer's official capacity or in
31 relation to the discharge of such officer's official duties, shall abate by
32 reason of the governmental reorganization effected under the provisions
33 of this act. The court may allow any such suit, action or other proceeding
34 to be maintained by or against the successor of any such state agency or
35 any officer affected.

36 (i) No criminal action that is commenced or that could have been
37 commenced by the state shall abate by the taking effect of this act.

38 (j) When any conflict arises as to the disposition of any power, duty
39 or function or the unexpended balance of any appropriation or any unex-
40 pended moneys received from private persons or organizations as a result
41 of the attachment of the athletic commission of the state of Kansas to the
42 Kansas racing and gaming commission, such conflict shall be resolved by
43 the governor and decision of the governor shall be final.

1 (k) When any conflict arises as to the proper disposition of any prop-
2 erty or records as a result of the attachment of the athletic commission
3 of the state of Kansas to the Kansas racing and gaming commission, such
4 conflict shall be resolved by the governor and decision of the governor
5 shall be final.

6 Sec. 2. K.S.A. 2008 Supp. 74-50,183 is hereby amended to read as
7 follows: 74-50,183. (a) There is hereby established ~~within and as part of~~
8 ~~the department of commerce and attached to the Kansas racing and gam-~~
9 ~~ing commission~~ an athletic commission of the state of Kansas composed
10 of five members appointed by the governor. Members of the commission
11 shall serve at the pleasure of the governor. The members first appointed
12 to the commission shall be appointed within 60 days after the effective
13 date of this act. Of the members first appointed to the commission: One
14 member shall be appointed to serve for one year, one member shall be
15 appointed to serve for two years, two members shall be appointed to serve
16 for three years and one member shall be appointed to serve for four years.
17 Thereafter, members shall be appointed for terms of four years and until
18 their successors are appointed and qualified. Whenever a vacancy occurs
19 in the commission, the governor shall appoint a successor for the re-
20 mainder of the unexpired term.

21 (b) Of the members appointed to the commission: One member shall
22 be a person licensed to practice medicine and surgery and who practices
23 in the field of sports injuries; one member shall be an athletic director at
24 a postsecondary educational institution; and one member shall be a
25 chiropractor.

26 (c) The commission annually shall organize by electing one of its
27 members as chairperson and one as vice-chairperson. Meetings of the
28 commission shall be held upon call of the chairperson, or at the request
29 of a majority of the commission.

30 (d) Members of the commission attending a meeting of the commis-
31 sion, or a subcommittee meeting authorized by such commission, shall
32 be paid amounts provided in subsection (e) of K.S.A. 75-3223, and
33 amendments thereto.

34 Sec. 3. K.S.A. 2008 Supp. 74-50,183 is hereby repealed.

35 Sec. 4. This act shall take effect and be in force from and after its
36 publication in the statute book.