

SENATE BILL No. 226

By Committee on Ways and Means

3-13

1 AN ACT concerning the state library; relating to the state librarian; state
2 library of Kansas board; appointment by legislative coordinating
3 council; amending K.S.A. 2016 Supp. 75-2535, 75-2546 and 75-2935
4 and repealing the existing sections; also repealing K.S.A. 75-2537.
5

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

7 Section 1. K.S.A. 2016 Supp. 75-2535 is hereby amended to read as
8 follows: 75-2535. *On and after the effective date of this act, the state*
9 *librarian shall be appointed by the governor, subject to confirmation by the*
10 *senate as provided in K.S.A. 75-4315b, and amendments thereto. Except*
11 *as provided by K.S.A. 46-2601, and amendments thereto, no person*
12 *appointed as state librarian shall exercise any power, duty or function as*
13 *state librarian until confirmed by the senate legislative coordinating*
14 *council to serve under its direction. The state librarian may be removed*
15 *from office by a vote of five members of the legislative coordinating*
16 *council taken at any regular meeting of such council. Any person*
17 *appointed as the state librarian shall hold a graduate degree in library*
18 *science and shall have not less than five years actual experience in library*
19 *administration. The state librarian and all employees of the state library*
20 *shall be in the unclassified service under the Kansas civil service act and*
21 *shall hold office at the pleasure of the governor. The state librarian*
22 *appointed by the legislative coordinating council shall receive such*
23 *compensation as is determined by the legislative coordinating council. The*
24 *state librarian shall appoint such assistants and employees as are*
25 *authorized by the legislative coordinating council and shall set their*
26 *compensation subject to approval of such council. The state librarian, and*
27 *any of the state librarian's assistants specified by the legislative*
28 *coordinating council, shall receive expenses and allowances for in-state*
29 *and out-of-state travel as is provided by K.S.A. 75-3212, and amendments*
30 *thereto. The state librarian shall have complete control of the state library,*
31 *including all extension library services and reader services for the blind*
32 *and other persons with a disability. The state librarian shall employ a*
33 *director of reference to administer laws providing for the state library and*
34 *reference services.*

35 Sec. 2. K.S.A. 2016 Supp. 75-2546 is hereby amended to read as
36 follows: 75-2546. (a) *On the effective date of this act, the state library of*

1 *Kansas board, as such board existed immediately prior to the effective*
2 *date of this act, is hereby abolished. On the effective date of this act, there*
3 *is hereby created the new state library of Kansas board, which that shall*
4 *consist of 14 members as follows:*

5 (1) Seven members shall be professional librarians appointed by the
6 ~~governor~~ *legislative coordinating council*. The professional organizations
7 representing the following types of librarians shall each submit a list of
8 three nominees for appointment to the board and the ~~governor~~ *legislative*
9 *coordinating council* shall appoint one member from each such list: (A)
10 Public librarians; (B) school librarians; (C) regents' librarians; (D)
11 community college librarians; (E) private college librarians; (F) regional
12 library systems librarians; and (G) special librarians. It shall be the
13 responsibility of the state librarian to collect the names of nominees from
14 the professional organizations of the librarians and to transmit them to the
15 ~~governor~~ *legislative coordinating council*.

16 (2) Four members shall be appointed by the ~~governor~~ *legislative*
17 *coordinating council* as follows: (A) One member who is a trustee of a
18 public library; (B) two members representing the general public; and (C)
19 one member who shall be a qualified member of the Kansas federation of
20 women's clubs.

21 (3) Three members shall be members ex officio and shall not be
22 entitled to vote. Such members shall be: (A) The executive officer of the
23 board of regents or the designee of the executive officer; (B) the
24 commissioner of education or the designee of the commissioner; and (C)
25 the state librarian.

26 (b) Each appointed member of the board shall serve for a term of four
27 years and until a successor is appointed and qualifies except members first
28 appointed to the board shall serve the following terms, as designated by
29 the ~~governor~~ *legislative coordinating council*: Three shall serve for terms
30 of four years, three for terms of three years, two for terms of two years and
31 three for terms of one year. The appointed members of the board shall not
32 serve more than two consecutive four-year terms.

33 (c) It shall be the duty of the ~~governor~~ *legislative coordinating*
34 *council* to make appointments in the manner provided by subsection (a) to
35 fill vacancies on the board as they occur. Any person appointed to a
36 vacancy shall serve for the unexpired term until a successor is appointed
37 and qualifies.

38 (d) The board shall organize annually by electing a chairperson and a
39 vice-chairperson. The vice-chairperson shall preside at meetings in the
40 absence of the chairperson. The state librarian shall serve as secretary of
41 the board. The board shall meet at least quarterly and at such other times
42 as meetings are called by the secretary.

43 (e) The board shall:

1 (1) Advocate for statewide library services and resources,
2 encouraging cooperation among libraries and promoting and encouraging
3 innovative library services;

4 (2) advise and counsel the state librarian on policies and management
5 and the state library strategic plan;

6 (3) review and approve the annual plans of regional systems of
7 cooperating libraries;

8 (4) perform such other duties and functions as provided by law; and

9 (5) recommend statewide priorities for interlibrary cooperation and
10 resource sharing.

11 (f) Members of the board attending meetings of the board, or
12 attending a subcommittee meeting thereof authorized by the board, shall
13 be paid amounts provided in ~~subsection (e) of K.S.A. 75-3223(e)~~, and
14 amendments thereto. Amounts paid under this section shall be paid from
15 appropriations to the state library upon warrants of the director of accounts
16 and reports issued pursuant to vouchers approved by the state librarian or a
17 person designated by the state librarian.

18 Sec. 3. K.S.A. 2016 Supp. 75-2935 is hereby amended to read as
19 follows: 75-2935. The civil service of the state of Kansas is hereby divided
20 into the unclassified and the classified services.

21 (1) The unclassified service comprises positions held by state officers
22 or employees who are:

23 (a) Chosen by election or appointment to fill an elective office;

24 (b) members of boards and commissions, heads of departments
25 required by law to be appointed by the governor or by other elective
26 officers, and the executive or administrative heads of offices, departments,
27 divisions and institutions specifically established by law;

28 (c) except as otherwise provided under this section, one personal
29 secretary to each elective officer of this state, and in addition thereto, 10
30 deputies, clerks or employees designated by such elective officer;

31 (d) all employees in the office of the governor;

32 (e) officers and employees of the senate and house of representatives
33 of the legislature and of the legislative coordinating council and all officers
34 and employees of the office of revisor of statutes, of the legislative
35 research department, of the division of legislative administrative services,
36 of the division of post audit, *of the state library* and the legislative counsel;

37 (f) chancellor, president, deans, administrative officers, student health
38 service physicians, pharmacists, teaching and research personnel, health
39 care employees and student employees in the institutions under the state
40 board of regents, the executive officer of the board of regents and the
41 executive officer's employees other than clerical employees, and, at the
42 discretion of the state board of regents, directors or administrative officers
43 of departments and divisions of the institution and county extension

1 agents, except that this subsection (1)(f) shall not be construed to include
2 the custodial, clerical or maintenance employees, or any employees
3 performing duties in connection with the business operations of any such
4 institution, except administrative officers and directors; as used in this
5 subsection (1)(f), "health care employees" means employees of the
6 university of Kansas medical center who provide health care services at
7 the university of Kansas medical center and who are medical technicians
8 or technologists or respiratory therapists, who are licensed professional
9 nurses or licensed practical nurses, or who are in job classes which are
10 designated for this purpose by the chancellor of the university of Kansas
11 upon a finding by the chancellor that such designation is required for the
12 university of Kansas medical center to recruit or retain personnel for
13 positions in the designated job classes; and employees of any institution
14 under the state board of regents who are medical technologists;

15 (g) operations, maintenance and security personnel employed to
16 implement agreements entered into by the adjutant general and the federal
17 national guard bureau, and officers and enlisted persons in the national
18 guard and the naval militia;

19 (h) persons engaged in public work for the state but employed by
20 contractors when the performance of such contract is authorized by the
21 legislature or other competent authority;

22 (i) persons temporarily employed or designated by the legislature or
23 by a legislative committee or commission or other competent authority to
24 make or conduct a special inquiry, investigation, examination or
25 installation;

26 (j) officers and employees in the office of the attorney general and
27 special counsel to state departments appointed by the attorney general,
28 except that officers and employees of the division of the Kansas bureau of
29 investigation shall be in the classified or unclassified service as provided
30 in K.S.A. 75-711, and amendments thereto;

31 (k) all employees of courts;

32 (l) client, patient and inmate help in any state facility or institution;

33 (m) all attorneys for boards, commissions and departments;

34 (n) the secretary and assistant secretary of the Kansas state historical
35 society;

36 (o) physician specialists, dentists, dental hygienists, pharmacists,
37 medical technologists and long term care workers employed by the Kansas
38 department for aging and disability services;

39 (p) physician specialists, dentists and medical technologists employed
40 by any board, commission or department or by any institution under the
41 jurisdiction thereof;

42 (q) student employees enrolled in public institutions of higher
43 learning;

1 (r) administrative officers, directors and teaching personnel of the
2 state board of education and the state department of education and of any
3 institution under the supervision and control of the state board of
4 education, except that this subsection (1)(r) shall not be construed to
5 include the custodial, clerical or maintenance employees, or any
6 employees performing duties in connection with the business operations of
7 any such institution, except administrative officers and directors;

8 (s) all officers and employees in the office of the secretary of state;

9 (t) one personal secretary and one special assistant to the following:
10 The secretary of administration, the secretary for aging and disability
11 services, the secretary of agriculture, the secretary of commerce, the
12 secretary of corrections, the secretary of health and environment, the
13 superintendent of the Kansas highway patrol, the secretary of labor, the
14 secretary of revenue, the secretary for children and families, the secretary
15 of transportation, the secretary of wildlife, parks and tourism and the
16 commissioner of juvenile justice;

17 (u) one personal secretary and one special assistant to the chancellor
18 and presidents of institutions under the state board of regents;

19 (v) one personal secretary and one special assistant to the executive
20 vice chancellor of the university of Kansas medical center;

21 (w) one public information officer and one chief attorney for the
22 following: The department of administration, the Kansas department for
23 aging and disability services, the department of agriculture, the department
24 of commerce, the department of corrections, the department of health and
25 environment, the department of labor, the department of revenue, the
26 Kansas department for children and families, the department of
27 transportation, the Kansas department of wildlife, parks and tourism and
28 the commissioner of juvenile justice;

29 (x) if designated by the appointing authority, persons in newly hired
30 positions, including any employee who is rehired into such position and
31 any current state employee who voluntarily transfers into, or is voluntarily
32 promoted or demoted into such position, on and after July 1, 2015, in any
33 state agency;

34 (y) one executive director, one general counsel and one director of
35 public affairs and consumer protection in the office of the state corporation
36 commission;

37 (z) specifically designated by law as being in the unclassified service;

38 (aa) any position that is classified as a position in the information
39 resource manager job class series, that is the chief position responsible for
40 all information resources management for a state agency, and that becomes
41 vacant on or after the effective date of this act. Nothing in this section shall
42 affect the classified status of any employee in the classified service who is
43 employed on the date immediately preceding the effective date of this act

1 in any position that is a classified position in the information resource
2 manager job class series and the unclassified status as prescribed by this
3 subsection shall apply only to a person appointed to any such position on
4 or after the effective date of this act that is the chief position responsible
5 for all information resources management for a state agency;

6 (bb) positions at state institutions of higher education that have been
7 converted to unclassified positions pursuant to K.S.A. 2016 Supp. 76-
8 715a, and amendments thereto; and

9 (cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-
10 510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-
11 2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-
12 1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014,
13 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-
14 8805, 74-9804, 75-118, 75-1202d, ~~75-2537~~, 75-2944, 75-3148, 75-3702c,
15 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-
16 5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028,
17 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-
18 12a16, 76-3202 and 82a-1205 and K.S.A. 2016 Supp. 39-1911, and
19 amendments thereto, any vacant position within the classified service may
20 be converted by the appointing authority to an unclassified position.

21 (2) The classified service comprises all positions now existing or
22 hereafter created which are not included in the unclassified service.
23 Appointments in the classified service shall be made according to merit
24 and fitness from eligible pools which so far as practicable shall be
25 competitive. No person shall be appointed, promoted, reduced or
26 discharged as an officer, clerk, employee or laborer in the classified
27 service in any manner or by any means other than those prescribed in the
28 Kansas civil service act and the rules adopted in accordance therewith.

29 (3) For positions involving unskilled, or semiskilled duties, the
30 secretary of administration, as provided by law, shall establish rules and
31 regulations concerning certifications, appointments, layoffs and
32 reemployment which may be different from the rules and regulations
33 established concerning these processes for other positions in the classified
34 service.

35 (4) Officers authorized by law to make appointments to positions in
36 the unclassified service, and appointing officers of departments or
37 institutions whose employees are exempt from the provisions of the
38 Kansas civil service act because of the constitutional status of such
39 departments or institutions shall be permitted to make appointments from
40 appropriate pools of eligibles maintained by the division of personnel
41 services.

42 (5) On and after the effective date of this act, any state agency that
43 has positions in the classified service within the Kansas civil service act to

1 satisfy any requirement of maintaining personnel standards on a merit
2 basis pursuant to federal law or the rules and regulations promulgated
3 thereunder by the federal government or any agency thereof, shall adopt a
4 binding statement of agency policy pursuant to K.S.A. 77-415, and
5 amendments thereto, to satisfy such requirements if the appointing
6 authority has made any such position unclassified.

7 Sec. 4. K.S.A. 75-2537 and K.S.A. 2016 Supp. 75-2535, 75-2546 and
8 75-2935 are hereby repealed.

9 Sec. 5. This act shall take effect and be in force from and after its
10 publication in the Kansas register.