

**SENATE BILL No. 460**

By Committee on Ways and Means

2-16

1 AN ACT concerning social and rehabilitative institutions; relating to  
2 appointment of superintendents, physicians, employees and staff;  
3 classification under the Kansas civil service act; amending K.S.A. 76-  
4 12a02, 76-12a03, 76-12a04 and 76-12a05 and K.S.A. 2015 Supp. 76-  
5 12a01 and repealing the existing sections.

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

8 Section 1. K.S.A. 2015 Supp. 76-12a01 is hereby amended to read as  
9 follows: 76-12a01. As used in this act, unless the context otherwise  
10 requires:

11 (a) "Secretary" means the secretary for aging and disability services.

12 (b) "Institution" means the following institutions: Osawatomie state  
13 hospital, ~~Rainbow mental health facility~~, Larned state hospital, Parsons  
14 state hospital and training center, and Kansas neurological institute.

15 (c) "Director" or "commissioner" means the commissioner of  
16 community services and programs *or the commissioner of mental health*  
17 *and developmental disabilities*.

18 Sec. 2. K.S.A. 76-12a02 is hereby amended to read as follows: 76-  
19 12a02. ~~(a) The commissioner shall~~ *secretary may* appoint the  
20 superintendent of each institution. Such superintendents *appointed by the*  
21 *secretary* shall be in the unclassified service of the Kansas civil service  
22 act. Any such superintendent may be removed at any time by the  
23 ~~commissioner~~ *secretary*. Each superintendent shall receive an annual  
24 salary fixed by the commissioner, with the approval of the secretary and  
25 the state finance council. ~~The commissioner~~ *secretary* may appoint an  
26 acting superintendent for any institution to serve temporarily until a  
27 vacancy is filled. Acting superintendents shall have the same powers,  
28 duties and functions as superintendents.

29 (b) *On and after July 1, 2016, any superintendent appointed by a*  
30 *person, entity or organization under contract with the secretary shall not*  
31 *receive a classification of service under the Kansas civil service act.*

32 Sec. 3. K.S.A. 76-12a03 is hereby amended to read as follows: 76-  
33 12a03. ~~(a) The secretary, director shall or the director's authorized~~  
34 *designee may* appoint all of the physicians of ~~all of~~ the institutions. All  
35 such physicians *appointed by the secretary, director or the director's*  
36 *authorized designee*, shall be in the unclassified service of the Kansas civil

1 service act, and shall receive annual salaries fixed by the director with the  
2 approval of the state finance council. The *institution's* director, or the  
3 *director's authorized designee*, shall make all assignments and  
4 reassignments of physicians ~~to institutions~~. Any such physician may be  
5 removed at any time by the *institution's* director, or the *director's*  
6 *authorized designee*.

7 (b) *On and after July 1, 2016, any physician appointed by a person,*  
8 *entity or organization under contract with the secretary shall not receive a*  
9 *classification of service under the Kansas civil service act.*

10 Sec. 4. K.S.A. 76-12a04 is hereby amended to read as follows: 76-  
11 12a04. (a) The *secretary, director or the director's authorized designee*  
12 shall appoint all staff and other *institution and commission* personnel ~~of~~  
13 ~~the division of mental health and developmental disabilities~~ who are not  
14 assigned to a particular institution. *Prior to July 1, 2016, all such staff and*  
15 *other personnel so appointed shall be in the classified service of the*  
16 *Kansas civil service act, and on and after July 1, 2016, any staff and other*  
17 *personnel newly appointed shall be in the unclassified service of the*  
18 *Kansas civil service act, except as is otherwise provided by law for certain*  
19 ~~special project personnel and as provided in K.S.A. 75-2935 and~~  
20 ~~amendments thereto or any other statute.~~ *Nothing in this section shall*  
21 *affect the classification of service under the Kansas civil service act for*  
22 *any staff and other personnel appointed prior to July 1, 2016.*

23 (b) *On and after July 1, 2016, any staff and other personnel*  
24 *appointed by a person, entity or organization under contract with the*  
25 *secretary shall not receive a classification of service under the Kansas*  
26 *civil service act.*

27 Sec. 5. K.S.A. 76-12a05 is hereby amended to read as follows: 76-  
28 12a05. (a) Employees of each institution, except physicians, ~~shall~~ *may* be  
29 appointed by the superintendent of the institution. *Prior to July 1, 2016, all*  
30 *employees so appointed by the superintendent shall be in the classified*  
31 *service of the Kansas civil service act, and on and after July 1, 2016, all*  
32 *employees newly appointed by the superintendent shall be in the*  
33 *unclassified service of the Kansas civil service act, except patient help*  
34 *who shall be in the unclassified service of Kansas civil service act and as*  
35 *provided in K.S.A. 75-2935, and amendments thereto, or any other statute.*  
36 *Special project employees shall be appointed and serve as provided in*  
37 *K.S.A. 76-12a08, and amendments thereto. Nothing in this section shall*  
38 *affect the classification of service under the Kansas civil service act for*  
39 *any staff and other personnel appointed prior to July 1, 2016.*

40 (b) *On and after July 1, 2016, any employees appointed by a person,*  
41 *entity or organization under contract with the secretary shall not receive a*  
42 *classification of service under the Kansas civil service act.*

43 Sec. 6. K.S.A. 76-12a02, 76-12a03, 76-12a04 and 76-12a05 and

- 1 K.S.A. 2015 Supp. 76-12a01 are hereby repealed.
- 2     Sec. 7. This act shall take effect and be in force from and after its
- 3 publication in the statute book.