

MINUTES

SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

November 22-23, 1993
Room 527-S -- Statehouse

Members Present

Senator Lana Oleen, Chair
Senator Ben Vidricksen, Vice-Chair
Senator Sherman Jones, Ranking Minority Member
Senator U. L. "Rip" Gooch
Senator Anthony Hensley
Senator Lillian D. Papay
Senator Sandy Praeger
Senator Alfred Ramirez
Senator Carolyn Tillotson
Senator Doug Walker

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Member Absent

Senator Mark V. Parkinson

Staff Present

Mary Galligan, Kansas Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Theresa Kiernan, Revisor of Statutes Office
Mike Heim, Kansas Legislative Research Department
Randy Tongier, Legislative Division of Post Audit
Jeanne Eudaley, Committee Secretary

Others

See attached list.

November 22, 1993
Morning Session

The meeting was called to order by Chairman Lana Oleen at 10:00 a.m. on November 22, 1993 in Room 527-S of the Statehouse. Senator Oleen reviewed the agenda.

The Chair recognized Clarence E. "Sonny" Scroggins, who presented testimony (Attachment 1) requesting the display of a portrait of Buffalo Soldiers, and a portrait of the Charles Sheldon Kindergarten Class, the first Black kindergarten west of the Mississippi. His testimony also requested that the Legislature establish an African-American Affairs Advisory Committee.

Mr. Scroggins recognized several Buffalo Soldiers who attended the meeting. Mr. Scroggins introduced Shirley Norris, from Topeka, who read a letter from Robert Starling Pritchard, recommending the two portraits be displayed in the Statehouse (copy of letter not available). He also introduced Charles Sheldon Sudduth, who represented the Sheldon family and the Festival Choir of Ft. Wayne and Allen County, Indiana. Mr. Sudduth requested display of the two portraits and gave background information relating to the Buffalo Soldiers and the Charles Sheldon Kindergarten class. Mr. Scroggins also introduced Hattie Norman, of Topeka, the widow of a Buffalo Soldier, who supported the Buffalo Soldier Memorial.

O'Dell Jones, from Topeka, appeared before the Committee to support the memorial for the Buffalo Soldiers and asked the Committee to establish an Advisory Commission on African-American Affairs. Senator Ramirez asked Mr. Jones if he would object to the establishment of an Advisory Commission on Human Affairs (to represent all groups in the state), and Mr. Jones replied he would not object. Ricky Spence, representing the Coalition of Community Organizations, gave testimony supporting the establishment of an Advisory Commission on African-American Affairs. Mr. Scroggins ended the presentation by quoting from Abraham Lincoln.

Senator Gooch made a statement supporting the memorials (portraits) and the Advisory Commission and said he will continue to fight for the Advisory Commission as long as he is in the Senate. Senator Vidricksen stated he has recommended that tourists visit the monument at Ft. Leavenworth depicting a Buffalo Soldier. Senator Vidricksen also stated it would be advantageous to make a decision on the painting after it has been done. Senator Oleen stated she is committed to having the art work in the Statehouse and said there is no policy for displaying art in the Statehouse and that is part of the problem. In regard to the African-American Advisory Committee, Senator Oleen asked Mr. Scroggins if he would support an all-inclusive group, which would represent all ethnic groups in the state. He answered that he would be in favor of that approach, but would not want to take away from the Hispanic Advisory Commission established several years ago.

The Chair asked each Buffalo Soldier to introduce himself. The Buffalo Soldiers, from the 9th and 10th Horse Calvary Association, told a brief history of their service in the army, and Robert McKay made brief remarks supporting a memorial to the Buffalo Soldiers. Senator Jones stated his support for the memorials. The artist, George Mayfield from Kansas City, Kansas, was also recognized.

Senator Oleen recognized Kenneth Francisco, who has been appointed by the Governor to the State Racing Commission (Attachment 2). Mr. Francisco introduced himself and discussed his background with the Committee. He then made a brief statement. Committee members questioned Mr. Francisco. Senator Vidricksen asked about the problem surrounding the Breeders' Cup race and the fact that it could not be simulcast at the Wichita Greyhound track. He stated he represents Abilene, where many dog breeders are located, and that they are very unhappy with the situation. Mr. Francisco stated he is aware of the problem and that it has been discussed at Commission meetings. He explained that

simulcasting at Wichita Greyhound Park was vetoed by the Chairman of the greyhound owners' group, who lives in Boston. Mr. Francisco stated that there is no mechanism in place for another election to replace this person. He also stated this issue will be addressed in the Racing Commission's legislative package this session (see minutes of Joint Committee on Federal and State Affairs, September 16, 1993). Senator Oleen asked Mr. Francisco if he was given an orientation after his appointment to the Racing Commission, and Mr. Francisco stated he studied materials furnished by the Chairman of the Commission and by its Executive Director and had read the Racing Commission International Manual. He stated he has attended several meetings -- he was appointed July 1, 1993 -- and has visited tracks to observe facilities and activities.

Senator Gooch commented on appointees who are serving for some time on boards and commissions without confirmation, and Senator Oleen stated that the Committee will hear a briefing on S.B. 434, regarding confirmation of appointments, later during this meeting. She stated the Committee will vote on Mr. Francisco's confirmation early next session, or, if there is strong support, a vote could be taken today.

Senator Oleen recognized Randy Tongier, Legislative Division of Post Audit, who reviewed the November, 1993 Compliance and Control Audit of the Racing Commission (Attachment 3). He stated that an annual statewide financial audit is conducted by a CPA firm. The Racing Commission Audit presented here is one of the type conducted once every three years for every state agency. Those audits are designed to examine in greater depth elements of agency financial management that might not rise to the level of being noticed as part of the statewide audit.

Mr. Tongier explained that this audit focuses on four major areas: (1) receipts; (2) expenditures; (3) management of state property; and (4) expenditures and purchases exempted from normal state purchasing procedures. Mr. Tongier reviewed the four major areas audited and stated the audit found that the Racing Commission does not have an adequate system of record keeping for parimutuel taxes collected at the tracks and went into detail on how parimutuel taxes are documented, collected, transferred, and reported. He also stated that the law requires the Commission to conduct an annual inventory of state property held by the Commission, and that the inventory has not consistently been done. As part of the audit process, recommendations for improvements have been sent to the Commission. Mr. Tongier stated that the Commission has indicated they have implemented changes or will correct procedures as recommended in the audit.

Committee members questioned Mr. Tongier regarding records that had been lost and management of revenues by the Commission. Ms. Galligan noted that there is a bill in this Committee (1993 H.B. 2519) that would require annual financial audits of the Racing Commission. Mr. Tongier explained what is included in a financial audit. Senator Oleen stated the Post Audit Committee is looking at legislation which would require more accountability by all state agencies, and she asked what type of an audit showed the problem with KPERS. Mr. Tongier answered it is a statutory requirement to audit KPERS and that it was a performance audit of the direct placement funds which identified losses to the fund a few years ago.

Senator Oleen stated there is a statewide audit report coming from the Post Audit Committee which examines financial statements of many state agencies prepared by the Division of Accounts and Reports in the Department of Administration.

Senator Oleen recognized Janet Chubb, Executive Director of the Racing Commission. She stated the Commission was not aware of revenue collection procedure problems until it saw the audit report, nor was she aware of them while serving as the Commission's Attorney, prior to being appointed

to be Executive Director. She also stated that the report has been discussed by the Commission and it realizes that written procedures were not in place and that they are now being established and implemented. Written procedures will be implemented to account for all funds. She has established deadlines for development of those procedures. The Commission is discussing the possibility of having an independent audit of the agency every six months, or quarterly. Ms. Chubb introduced Art Neuheidel, Inspector of Parimutuels and Ken Harjo, Auditor for the Commission.

Senator Gooch asked whether an independent financial audit of the Commission had ever previously been conducted. Mr. Tongier answered there had been only the general statewide audit and the Compliance and Control Audit, which is conducted every three years.

Senator Ramirez stated that he receives complaints on the Commission's operating expenses, and the fact that each Commissioner is paid \$2,000 per month, and asked Ms. Chubb if she believes the pay is justified. Ms. Chubb explained that the Commission holds numerous hearings aside from attending Commission meetings each month. She stated it is a "hands on" Commission as contemplated by the Racing Act. It would take a massive amendment of the Act to take authority away from the Commission. She further stated that Kansas law is different from other states' laws as it relates to the Racing Commission.

Afternoon Session

Senator Oleen reconvened the Committee meeting and announced that staff would review 1993 S.B. 434, which was introduced during the 1993 Legislative Session. She stated that the Governor's Office has voiced concern about the bill, but assured the Committee that the bill was not politically motivated. The bill proposes changes to the confirmation process so that appointees can be confirmed in a more timely manner. She stated that it appears some changes to the bill will have to be made and asked Committee members to note those changes as the bill is being reviewed.

Senator Oleen recognized Theresa Kiernan, Assistant Revisor of Statutes, to review the bill for the Committee. Committee members discussed the appropriate legislative entity to give "temporary" approval to an appointee until such time as the Senate convenes and a confirmation vote could be held. Senator Hensley questioned whether the bill would conflict with the *Constitution*. Ms. Kiernan stated that the *Constitution* provides that the "Legislature shall approve" Some members object to giving that authority to the Legislative Coordinating Council (LCC), as the bill would do, since it includes House members. Senator Oleen suggested that the Confirmations Oversight Committee could meet during the interim and consider appointments. Senator Gooch stated reluctance to having appointees go through a hearing before the LCC for "temporary" approval, then having them appear before a Senate Committee for confirmation approval, when the appointment is to an unexpired term which may be for a year or less. Senator Tillotson stated she does not want to give up the right to vote on confirmations, but the Committee needs to consider giving that authority during the interim so as not to cripple boards and commissions. Senator Oleen pointed out that S.B. 434 changes expiration dates of appointments so they can be made and considered while the Legislature is in session. She pointed out that the appointments refer to boards and commissions only and are staggered for continuity.

Ms. Kiernan stated that the bill would require that LCC vote to give "temporary" approval to an appointee by a majority vote. Other actions of the LCC require agreement of five of the seven members. Ms. Kiernan continued to review the bill, section by section. Discussion ensued regarding

whether an appointee continues to serve at the end of a term until another appointee is named. Senator Praeger asked whether language in current law means that an appointee is obligated to serve after the term expires. Senator Oleen stated she believes it is general practice to serve on a board or commission until another appointment is made. However, she believes this Committee should make a policy decision in this regard. Senator Oleen referred to a chart of appointees subject to Senate confirmation, and that chart (Attachment 4) was furnished to Committee members.

Committee members also discussed whether the LCC or another entity should be authorized to give "temporary" approval to appointees filling unexpired terms. Senator Walker pointed out that is not common practice. An alternative suggested by Senator Oleen and supported by other members would be to give that authority to the Confirmation Oversight Committee during the interim and expand membership of that committee from three to five. Senator Vidricksen moved that an amendment be drafted for the bill expanding the Confirmation Oversight Committee to five members (appointed by the Organization, Calendar and Rules Committee), and it be given authority to "temporarily" approve appointments in the interim; that it would require a majority vote (3-2) to approve an appointment. That motion was seconded by Senator Ramirez.

Senator Hensley made a substitute motion that membership of the Confirmation Oversight Committee be appointed as follows: three members appointed by the Majority Leader of the Senate and two members appointed by the Minority Leader. That motion was seconded by Senator Vidricksen, and it passed.

Senator Gooch stated his support for having the approval of the Confirmation Oversight Committee to an appointee be permanent, if that appointee will serve less than one-half of the term. After discussion, Senator Gooch moved that staff prepare an amendment for S.B. 434 which includes that provision. Motion was seconded by Senator Jones, and the motion passed.

After further discussion, Senator Papay made a motion staff be authorized to draft necessary clean-up amendments to the bill. Senator Vidricksen seconded the motion, and it passed.

Senator Jones moved that an amendment to the bill include the language that an appointee serve until a successor is appointed and confirmed. That motion was seconded by Senator Vidricksen, and the motion passed.

Senator Vidricksen moved that staff be authorized to make necessary technical corrections to the bill, and it was seconded by Senator Walker. The motion passed. Senator Oleen stated she would like to have these amendments prepared in balloon format and ready to consider during hearings that will be scheduled early during the 1994 Session.

Senator Oleen recognized Mary Torrence, who distributed two bill drafts, 3 RS 1428 and 3 RS 1440. She explained that these bills were drafted as a result of the Committee's action at its September meeting. She also stated that 3 RS 1428 relates to state legal holidays, and 3 RS 1440 would make the discretionary holiday statutorily available for all state employees each year. Committee discussion centered around the confusion between paid days off which state employees are entitled to each year and those that are legal public commemorative days.

Senator Oleen stated that the issue came before the Committee as a result of the discrepancy between holidays observed by the Executive Branch and those observed by the Judicial Branch. Senator Oleen recognized Paul Shelby, who appeared before the Committee in September. Mr. Shelby stated that the Chief Justice's desire was to establish a holiday schedule so that the Judicial Branch and Executive

Branch would observe the same days off. He also stated that Kansas statutory holidays are not the same as federal holidays.

Ms. Torrence stated the holiday schedule, promulgated by the Governor for the Executive Branch and adopted by the LCC for the Legislative Branch, includes eight paid holidays in 1994, not including New Year's Day, which will be observed as a paid holiday in 1993 (Attachment 5). 3 RS 1428 would designate nine statutory holidays. Senator Ramirez stated he had no intention of adding an additional day when this was discussed in September, and Senator Vidricksen stated he will not vote for more days than are being observed now. Senator Tillotson recalled requesting information on the cost of an observed day off and asked staff if those figures were available. Staff responded that the Department of Administration had not provided those figures. Staff explained that statutory holidays are not necessarily paid holidays for state employees. The Governor, LCC, and the Supreme Court have discretion to designate paid holidays for the Executive, Legislative, and Judicial branches of state government, respectively.

Senator Oleen referred to the Committee minutes of September 15, 1993, page 2, to recall Committee discussion of this matter. She said that the reason for considering this legislation was to bring about equity among the branches of state government. After considerable discussion, the Committee concluded that state employees currently get ten paid holidays, including the discretionary day. Under the bill, nine days would be designated as state holidays. Senator Tillotson moved that 3 RS 1428 be introduced as a Committee bill. The motion was seconded by Senator Papay. The motion passed.

The Committee decided it would not consider 3 RS 1440.

Senator Oleen called the Committee's attention to the Committee minutes for September 15 and 16, 1993. Senator Jones moved that the minutes be approved. The motion was seconded by Senator Tillotson. The motion passed.

Senator Oleen referred to the confirmation hearing held this morning for Kenneth Francisco for Racing Commissioner and explained that since standing committees were meeting this interim, the Committee may take action on the confirmation prior to the 1994 Legislative Session. Senator Gooch referred to Mr. Francisco's confirmation questionnaire, No. 9, and asked when the Committee receives a confirmation to consider, if it has been determined that appointee meets statutory requirements and if, as in this case, the KBI check has been completed and is satisfactory. Senator Oleen stated that when the Committee receives an appointment to consider, the appointee has met all requirements, including the KBI clearance. Senator Gooch made, and Senator Papay seconded, a motion that Mr. Francisco be recommended to the Senate for confirmation as a Racing Commissioner.

Senator Oleen asked that bills in the Committee be reviewed by staff tomorrow. She also announced that Mike Heim, Legislative Research, will review gun control laws, and the Committee report will be discussed as well as bills which the Committee members may want to have introduced by this Committee. She also will set aside some time for an open discussion.

Senator Papay stated she has been approached by the Sheriffs' Association for a bill outlining qualifications for sheriffs. Senator Oleen requested she bring that to the meeting tomorrow for discussion.

The Committee adjourned at 4:30 p.m. until 9:30 a.m. November 23.

November 23, 1993

The meeting was called to order by Chairman Lana Oleen at 9:30 a.m. in Room 527-S of the Statehouse.

Senators Tillotson and Walker were excused.

Senator Oleen reviewed the agenda and recognized Mike Heim, who reviewed current law (Attachment 6) relating to juveniles and guns and the Wichita City ordinance and Colorado law. Mr. Heim believes there will be several bills introduced in the 1994 Legislative Session dealing with this issue and the juvenile code, since the present law leaves sentencing for juvenile crimes to the discretion of the judge.

Senator Oleen stated that the Judiciary Committee will hold an additional meeting in December to discuss these subjects. Also to be discussed is a package of bills being prepared by Senator Parkinson. An additional problem which needs to be addressed, she believes, is the overcrowding of juvenile facilities, such as YCAT, where youth serving sentences for property crimes are incarcerated with those who have committed violent crimes.

Mr. Heim continued by reviewing the Wichita City ordinance and Colorado law and answering questions from the Committee. He pointed out that parts of the Colorado law are now being challenged in court. Senator Hensley stated that the Shawnee County delegation held a news conference recently to announce a package of 12 bills, some relating to juveniles and the weapons problem, parents' responsibility, and educational issues. He stated that YCAT is at capacity and there is a need to establish a maximum security juvenile prison system to separate the violent from the nonviolent juveniles.

Senator Papay explained a bill draft (Attachment 7), which sets out requirements for sheriffs. She stated it has been requested by the Sheriffs' Association. Senator Jones stated the bill will limit the number of people who could run for the office of sheriff, and he suggested training be substituted for the five years' experience as set out in the draft. Senator Papay anticipates that members of the Sheriffs' Association will come forward to testify on the bill after it is introduced and referred to a committee. Senator Jones moved and Senator Papay seconded a motion that the bill be introduced as a Committee bill. The motion passed. Senator Oleen requested that this bill and the one voted on yesterday (regarding state holidays) be prefiled.

Senator Hensley furnished copies of a news release, dated October 27, 1993, regarding the Shawnee County delegation juvenile crime package which was discussed yesterday (Attachment 8). Senator Jones stated his strong support for prosecuting adults who are selling guns to juveniles, and he asked whether the Shawnee County delegation package includes such a provision. Senator Hensley answered that it was included in the package.

Senator Oleen referred to a listing of bills (Attachment 9) in this Committee at the end of the 1993 Session. She then asked Mary Galligan to review 1993 H.B. 2519. Ms. Galligan stated that the bill would require an annual financial audit of the Racing Commission. Existing law requires such an audit of the State Lottery. This bill would give authority to the Legislative Post Audit Committee to determine whether the required audit would be conducted by the Division of Legislative Post Audit or by an outside firm. She commented that the Post Audit staff is not structured for financial audits at this time, so the audit would probably be conducted by an outside firm.

Senator Jones questioned whether the audit would include auditing licensees of the Commission, and he pointed out that in Wyandotte County, the organization licensee is a nonprofit organization. Ms. Galligan stated the bill would include language authorizing the Post Audit Committee to include as part of the annual audit a review of the financial status of organization, facility owner, and facility manager licensees. Kansas law and federal tax code regulate the relationship between the organization licensees and the other two primary licensees. She pointed out that it is required by statute that the Racing Commission will oversee the tracks, and that would involve the financial condition of its licensees. Senator Oleen stated that the Committee needs to know what areas will be reviewed and the scope of the audit. She also stated she is aware that Post Audit has numerous audits to complete, without adding another one to its list. Senator Vidricksen stated that one of the only areas an audit of this type could be concerned with is if the licensee is paying sales tax to the state, and he stated he would not support the bill in its present form, as he does not see a reason to audit the facility owner licensee. Ms. Galligan stated the bill requires an audit of the Racing Commission to see if it is doing its job and if it is in compliance with the statute. That would include accurate record keeping and an assessment of its financial condition, but that under the bill, licensees would not be audited *per se*.

Senator Oleen stated the Committee will hold hearings on the bill during the 1994 Session and requested drafting of an amendment to the bill that would require the Post Audit Committee to contract for an outside firm to conduct the financial audit of the Racing Commission.

Senator Oleen asked Committee members whether they have drafts of bills for the Committee to discuss for introduction. Senator Gooch stated he is having a bill drafted which would amend the Federal Re-Investment Act to include a Community Re-Investment Group dedicated to keeping money in the community and not allow large conglomerates to take money out of the state, but rather, invest it in the community where the business is located. Another proposal for Committee consideration is also being drafted that would give authority to landlords to force tenants to move off the property, after being charged with the third criminal action. He explained this is a result of numerous arrests in a neighborhood, most of them rental properties, some owned by absentee landlords, which has disrupted others living in that neighborhood (also known as "party shack" legislation). He asked for Committee support when these two bills have been drafted. Senator Oleen reminded the Committee there are similar bills being drafted by the Shawnee County delegation.

Senator Vidricksen requested a draft of a proposal which would allow the use of a bank credit card for the purchase of domestic wine at a farm winery and in liquor stores. There was some objection to including liquor stores in the legislation, because of confusion it might cause by allowing only domestic wines to be purchased on credit, and Senator Vidricksen agreed to limit the proposal to purchases at wineries only. Senator Vidricksen made, and Senator Papay seconded, a motion to introduce the proposal as a Committee bill. The motion passed. Senator Oleen stated credit cards can be used in microbreweries for on-premise sales. Senator Vidricksen said that his motion would include microbreweries if credit cards cannot be used for off-premise sales now.

Senator Vidricksen also requested the Committee introduce a bill which would amend the Film Commission Act and to change the regions from five to six, with the new region being the North Central Region. He explained this legislation would be to update provisions for the Commission. Senator Vidricksen made a motion such amendments be drafted and introduced as a Committee bill, and it was seconded by Senator Ramirez. The motion passed.

Senator Vidricksen stated he wanted to wait on the simulcast proposal, since the Racing Commission will be proposing that change in their legislation. He also will bring a draft of a bill to Committee at a later time which would allow the press in a designated area only in the Senate chamber.

He stated he believes Kansas is the only state that allows the press to roam at will on the Senate floor when the Senate is in session.

Senator Gooch stated that a number of states permit their legislators to use identification auto tags and asked the Committee if this has been discussed. Senator Oleen answered that it has been discussed, and some legislators do not want special auto tags. Each legislator is able to order special tags, if that is their wish.

Senator Jones would like to have a proposal introduced as a Committee bill which would remove arrest and criminal information off the computer if a person is released because of lack of evidence or is found innocent of the crime. He explained National Crime Information Communications (NCIC) is a national network which makes this information available; however, arrest information is left on the computer, even though the person is found innocent or is not prosecuted. Mary Torrence stated this provision would relate to the Criminal Records Information Act and that she would like to research it further and talk to some law enforcement agencies before drafting it. Senator Jones agreed to wait until a later date to discuss the matter.

Committee members discussed the Committee report, and Ms. Galligan stated it will be in a different format this interim. Members agreed the Committee report should include:

- Buffalo Soldiers memorial;
- Charles Sheldon kindergarten class;
- confirmation hearing and approval of Kenneth Francisco -- appointment to Racing Commission;
- compliance and control audit -- Racing Commission;
- S.B. 434, confirmation process to boards and commissions;
- state holidays;
- juveniles and weapons; and
- H.B. 2519, audit of Racing Commission.

Also discussed:

- Advisory Commission on African-American Affairs; and
- Advisory Commission on Human Affairs.

Bills for Introduction:

- qualifications for Sheriff;
- use of credit cards for off-premise domestic wine and beer purchases; and

- Film Commission Act -- amendments.

Committee members discussed supporting the establishment of an Advisory Commission on African-American Affairs, or an Advisory Commission on Human Affairs, which would include all ethnic groups. Senator Jones told the history of establishment of the Hispanic Affairs Commission during Governor Hayden's term, and stated he believes both sides oppose the Advisory Commission on Human Affairs. Senator Ramirez stated his support for an Advisory Commission on Human Affairs, and both Senators Jones and Gooch stated their support for the Commission on African-American Affairs. Ms. Galligan informed the Committee that H.B. 2543, which would establish an Advisory Commission on African-American Affairs, was introduced last session and is in the House Committee on Governmental Organization and Elections.

Meeting adjourned at 11:55 a.m.

Minutes prepared by Jeanne Eudaley
Minutes edited by Mary Galligan

Approved by Committee on:

January 12, 1994

(date)

GUEST LIST

Interim

COMMITTEE: Senate Federal & State Affairs

DATE: Nov. 22, 1992

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B. Mannan	Topeka	Dept of Adm
Katie Pyle	"	SLC-AARP (CCTF)
Paul Shelby	Topeka	OFA
Helen Stephens	"	KPOA

Interim

DATE: Nov. 22, 1993

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Attach. 1

NOVEMBER 22, 1993

MADAM CHAIRMAN,
DISTINGUISHED MEMBERS OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS
LEGISLATIVE COORDINATING COUNCIL
STATE OF KANSAS LEGISLATURE,
FELLOW CITIZENS OF OUR STATE'S MULTI-ETHNIC AND
MUTI-CULTURAL COMMUNITY-AT-LARGE,
AND ESPECIALLY FELLOW CITIZENS OF OUR STATE'S AFRICAN-AMERICAN COMMUNITY:

MY NAME IS CLARENCE E. SCROGGINS, KNOWN TO MANY OF YOU AS C.E. "SONNY" SCROGGINS. I AM AS PROUD TO APPEAR BEFORE YOU TODAY IN MY CAPACITY AS CHAIRMAN OF THE KANSAS FEVER COMMITTEE AND BIAS BUSTERS OF KANSAS AS I HAVE APPEAR BEFORE YOUR DISTINGUISHED COLLEAGUES OF THE HOUSE OF REPRESENTATIVES IN THAT SAME CAPACITY IN SUPPORT OF THE FORMER, HOUSE BILL NUMBER 2283-FEB. 13, 1991.

THOUGH I APPEAR BEFORE YOU HERE TODAY, AS CHAIRMAN OF THE KANSAS FEVER COMMITTEE AND BIAS BUSTERS OF KANSAS, WHICH ARE PART OF A STATE NETWORK OF COMMUNITY ORGANIZATIONS COALITIONS UNITING BUSINESS, CIVIC, CULTURAL, EDUCATION AND RELIGIOUS LEADERS, SCHOLARS, AND AFRICAN-AMERICAN COMMUNITY LEADERSHIP, IT IS AS A MEMBER OF OUR LOCAL MUTI-ETHNIC COMMUNITY....THAT I MAKE THESE APPEALS TO YOU. "THE TRUTH OF HISTORY PERMITS US TO LOOK UPON OUR PAST, TO LEARN FROM IT, AND TO PROFIT FROM IT IN THE PRESENT. IN PASSING ON THE LESSONS OF THE PAST TO OUR CHILDREN, AS PARENTS TEACHERS, NEIGHBOR TEACHERS, RELIGIOUS TEACHERS, BUSINESS TEACHERS, MUSIC TEACHERS, AND IN EVERY OTHER HUMAN ENDEAVOR, WE GUARANTEE OUR CHILDREN A MEASURE OF SECURITY FOR THE FUTURE." OUR HALLS OF OUR STATE CAPITOL HAVE GIVEN A FALSE PICTURE OF THE HISTORY OF OUR AMERICAN HEARTLAND STATE BY TEACHING BY OMISSION AND BY IMPLICATION IN ITS COLLECTION OF PORTRAITS AND ARTIFACTS OF NOTABLES THAT THERE IS OR WAS NO PLACE FOR CITIZENS OF COLOR.

WE MUST CONTINUE TO DESEGREGATE THE WALLS OF OUR STATEHOUSE, WE OFFER FOR YOUR CONSIDERATION TWO PORTRAITS FOR PERMANENT DISPLAY ON THE WALLS OF THE STATEHOUSE. THE KANSAS FEVER COMMITTEE HAS COMMISSIONED GEORGE MAYFIELD, KANSAS CITY, KANSAS, TO PAINT PORTRAITS OF THE BUFFALO SOLDIERS TO BE DEDICATED ON SEPT. 16, 1994, AND CHARLES SHELDON KINDERGARTEN CLASS, THE FIRST BLACK KINDERGARTEN WEST OF THE MISSISSIPPI TO BE DEDICATED JULY 11, 1994. (SEE ATTACHMENTS)

BY SUPPORTING THE EFFORTS TO PERMANENTLY DISPLAY THESE TWO PORTRAITS YOU AFFIRM OUR PRIDE IN THIS PIECE OF KANSAS HISTORY AND THAT WE DESIRE THAT CHILDREN OF FUTURE GENERATIONS BE AWARE OF IT AS WELL. BY HANGING THESE PORTRAITS IN HONOR AND CELEBRATION OF THESE EVENTS IN THE HISTORY OF THE STATE OF KANSAS AND THESE UNITED STATES WE PLACE THEM FOR ALL TO SEE AND REMEMBER, THUS COMMERATING A PIECE OF HISTORY THAT BOTH BLACK AND WHITE CITIZENS OF KANSAS MAY LOOK UPON WITH LOVE AND PRIDE. WE ASK IF IT WOULD BE POSSIBLE FOR A PLACE TO BE FOUND ON THE WALLS OF THE STATE HOUSE FOR HANGING THE PORTRAITS? THE SIMPLE ACT OF HANGING THE PORTRAITS WOULD AGAIN EMPHASIZE EQUALITY OF HISTORIC PRESERVATION OF HISTORY FOR ALL RACES AND PROMOTE THE IDEA THAT WE ARE PROUD OF KANSAS HISTORY FOR ALL CITIZENS. "KANSAS AFRICAN AMERICAN CHILDREN NEED ROLE

Attach. 1
Pg. 1

MODELS TO LOOK UP TO AND TAKE PRIDE IN WHEN THEY TOUR THE CAPITOL WITH THEIR CLASSMATES," IT SEEMS TO US AN IMPORTANT PART OF OUR COUNTRY HISTORY THAT SHOULD BE SEEN BY GENERATIONS YET UNBORN. (WE HAVE THE SUPPORT OF THE GREATER KANSAS CITY AND LEAVENWORTH CHAPTER OF THE 9TH AND 10TH HORSE CALVARY ASSOCIATION, AND THE FESTIVAL CHOIR OF FORT WAYNE AND ALLEN COUNTY, IN.

AS ONE OF THOSE ACTIVE IN LOBBYING FOR A POLICY REGARDING APPOINTEES TO VARIOUS STATE BOARDS AND COMMISSIONS, AND THE ESTABLISHMENT OF A COMMISSION ON AFRICAN-AMERICAN AFFAIRS UNDER AUTHORITY OF K.S.A. 75-5727. THE LEGISLATION HAS NOT, TO DATE, INCLUDED FUNDING. THE HOUSE APPROPRIATION COMMITTEE INTRODUCED H.B. 2543 THAT WOULD ESTABLISH AN ADVISORY COMMITTEE ON AFRICAN-AMERICAN AFFAIRS WAS REFERRED TO THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATIONS AND ELECTIONS, WITH THE ORIGINAL BILL BEING H.B. 2283-FEB. 13, 1991.

THE IDEA OF ESTABLISHING A ADVISORY COMMITTEE/PANEL ON AFRICAN-AMERICAN AFFAIRS LIKE THE ADVISORY COMMITTEE ON HISPANIC AFFAIRS WAS FIRST LOBBIED FOR IN THE LAST YEARS OF THEN GOVERNOR BENNETT, AND AGAIN IN 1988, AND 1990 AS WELL! THE STATE NEEDS TO FORM A NEW COMMISSION; OR EXPAND THE ADVISORY COMMITTEE ON HISPANIC AFFAIRS ESPECIALLY NOW THAT THE KU KLUX KLAN PLANS TO RALLY IN KANSAS. THE LEGISLATURE HAD BEFORE IT THIS YEAR AND IN 1991 A PROPOSAL TO CREATE SUCH A COMMISSION, BUT SOME OF YOUR COLLEAGUES BALKED AT ITS COST. I OF COURSE REALIZE THAT THESE EXPLANATIONS, WHILE EDIFYING DO NOT, IN FACT, REPRESENT A RESOLUTION TO THE STATE IMMEDIATE FINANCIAL DIFFICULTIES, AND THE AFRICAN-AMERICAN AFFAIRS ADVISORY COMMITTEE PROPOSAL IS EVER PRESENT IN MY MIND....FOR AFTER PROVIDING TESTIMONY AFTER TESTIMONY, LOBBYING THIS LEGISLATOR AND THAT LEGISLATOR YOU CAN WELL IMAGINE THE LEVEL OF STRESS. ~~THEY ARE NOT~~. AT THE SAME TIME I ADMIRE THIS BODY, PARTICULARLY SENATOR OLEEN, FOR HER FORTITUDE AND ALSO HER CANDOR IN WHICH SHE HAS EXPRESSED HER DESIRE TO HELP.

~~THESE ARE THE REASONS WHY I AM NOT A MEMBER OF THE ADVISORY COMMITTEE ON AFRICAN-AMERICAN AFFAIRS~~
~~AND I AM NOT A MEMBER OF THE ADVISORY COMMITTEE ON AFRICAN-AMERICAN AFFAIRS~~
~~AND I AM NOT A MEMBER OF THE ADVISORY COMMITTEE ON AFRICAN-AMERICAN AFFAIRS~~
THIS COMMISSION WILL FOCUS PUBLIC CONCERN ON THE FATE OF THE PRESENT DAY PROGENY OF AFRICAN-AMERICAN OF KANSAS, WHO HAVE NOT YET ATTAINED A FULL MEASURE OF POLITICAL FREEDOM, ECONOMIC PROSPERITY AND SOCIAL JUSTICE. ALL OF KANSAS CITIZENS WHOSE ACCESSION TO FULL ENJOYMENT OF THOSE INALIENABLE HUMAN RIGHTS GUARANTEED BY THE UNITED NATIONS CHARTER REMAINS A LANGSTON HUGHSEAN DREAM DEFERRED FOR AFRICAN-AMERICAN OF THIS STATE.

OUR AFRICAN-AMERICAN COMMUNITY REQUIRES A VEHICLE SUCH AS THE ADVISORY COMMITTEE ON AFRICAN-AMERICAN AFFAIRS AT THE LEVEL OF STATE GOVERNMENT WHICH CAN ADVISE ~~CONCERNED~~ CONCERNED SECTORS OF STATE GOVERNMENT ON THOSE SPECIAL CONCERNS OF THE AFRICAN-AMERICAN COMMUNITY AS THEY RELATE TO ITS PROBLEM IN THE AREAS OF CULTURE, EDUCATION, EMPLOYMENT, HEALTH, HOUSING, CRIMINAL JUSTICE, WELFARE AND RECREATION. THESE CONCERNS MUST BE ADDRESSED BY THE STATE IF INDEED WE ARE TO NARROW THE GAP WHICH EXISTS BETWEEN AFRICAN-AMERICAN, HISPANIC-AMERICAN AND WHITES IN KANSAS, PARTICULARLY IN TERMS OF ECONOMIC JUSTICE BEFORE THE END OF THIS CENTURY, SUCH COMMISSIONS EXIST IN OTHER STATE WHERE THEY HAVE PROVED TO BE EFFECTIVE CHANNELS TO ADDRESS THE SPECIAL NEEDS OF THE AFRICAN-AMERICAN COMMUNITY.

Attach. 1
Pg. 2

I THANK YOU FOR THE THIS OPPORTUNITY TO ONCE AGAIN ADDRESS AN ISSUE OF MAJOR CONCERN TO OUR STATE'S AFRICAN-AMERICAN COMMUNITY. IT IS ON BEHALF OF THE KANSAS FEVER COMMITTEE AND BIAS BUSTERS OF KANSAS THAT I CONGRATULATE AND COMMEND YOU FOR THE POLITICAL RESPONSIBILITY YOU HAVE SHOWN IN BEARING WITNESS TO YOUR COMMITMENT TO GOALS OF RACIAL EQUITY AND THEREFORE RACIAL HARMONY IN OUR STATE!!!!!!!!!!!!!!

CC KANSAS HISTORICAL SOCIETY

Attach. 1
Pg. 3



BRIEFLY IN TOPEKA

PRESS CONFERENCE

■ Press Conference to focus on African American Kansas Pioneers

— A press conference at 11 a.m. Friday will address the call to recognize the efforts of African Americans in Kansas' history and in the Civil War. Bias Busters of Kansas, the Kansas Fever Committee, The Greater Kansas City and Leavenworth Chapter of the 9th and 10th Horse Cavalry Association and The Sheldon Kindergarten Anniversary Committee, press conference sponsors, are encouraging legislators and historians to recognize the role of the Buffalo Soldiers in the battle of Arikaree depicted in a scene in a mural on the first floor in the Kansas Capitol. The press conference will be at the mural in the Capitol. The organizations have commissioned artist George Mayfield, Kansas City, Kan., to paint portraits of the Buffalo Soldiers and the Charles Sheldon Kindergarten Class, the first black kindergarten west of the Mississippi, to be on permanent display in the Capitol.

State Rep. L. Candy Ruff, D—Leavenworth, will be the featured speaker at the press conference on the south steps of the Capitol. In his efforts to push the displays through the legislature next year, Ruff joins Gov. Joan Finney, former governor Mike Hayden; U.S. Congressman Jim Slattery; Secretary of State Bill Graves; Rep. Carol Dawson, R—Russell; Sen. Bud Burke, R—Olathe; and Sen. Lana Oleen, R-Manhattan, in pressing for recognition of the African Americans in Kansas History.

WE ARE SCHEDULED TO ADDRESS THE KANSAS SENATE STATE AND FEDERAL AFFAIRS COMMITTEE, CHAIR BY SENATOR LANA OLEEN, NOVEMBER 22, 1993, AT 10:00AM. IN ROOM 527 IN THE STATE CAPITOL. PLEASE SUPPORT OUR EFFORTS BY ATTENDING. ABRAHAM LINCOLN SAID "THE PROBABILITY THAT WE MAY FAIL IN THE STRUGGLE OUGHT NOT TO DETER US FROM THE SUPPORT OF A CAUSE WE BELIEVE TO BE JUST."

FOR MORE INFORMATION CALL C.E. "SONNY" SCROGGINS (913) 267-5381.

Attach. 1
Pg. 4

Black History Month Observance National/International Founder's Commission *

P.O. Box 143 • Baldwinsville, New York 13027 • Telephone: (315) 635-7281

The Kansas Fever Committee
Member
3730 Truman
Topeka, KS 66606
Tel.: (913) 267-5331

Antoine Jean Polgar
Programme Director

October 22, 1990

Members of the National/
International B.H.M.
Founder's Commission
(Partial Listing)

Hon. J. Emmanuel Bowler (Liberia)
Minister of Information, Culture & Tourism
Republic of Liberia

Vinle Burrows (U.S.A.)
Actress,
NGO Permanent Representative to the U.N.
Women's International Democratic Federation

Hon. Shuping Cospoge (South Africa)
Observer Mission of the African National Congress
to the United Nations

Hon. Fritz Day (Hall)
Diplomat

Elton Fax (U.S.A.)
Artist, Author

Afrika Hayes (U.S.A.)
Lyric Soprano
Daughter of History's First Black
Copper-Singer, the late
Roland Hayes (1887-1976)

Joyce Jones
Great-granddaughter of
Harriet Tubman (1822-1913),
Heroine of the Underground Railroad

William Kunstler (U.S.A.)
Attorney

Dr. Francisco Curt Lange (Uruguay)
Pioneer Researcher on 11th century Gulls
of the Afro-Brazilian Minas Gerais
Ecclesiastical Composers

Sylvia Lee (U.S.A.)
Formerly First Black Staff Member
of the Metropolitan Opera,
Teacher of Vocal Interpretation,
Curtis Institute of Music

Prof. Cleofe Person de Mattos (Brazil)
Researcher/Editor of Black Brazilian
Ecclesiastical Composer Padre Jose
Mauricio Nunes-Garcia (1767-1820)

J.O. Plinton, Jr. (U.S.A.)
Airline Executive (ret.)
Executive Director of the Metropolitan
Fraternity of Churches, Inc. of
South East Florida

Henri Georges Polgar (U.S.A.)
Plakut

Tyrone S. Pritchard (U.S.A.)
Student

Hazel Johnson Reed (U.S.A.)
Educator

Morris Winding Reed (U.S.A.)
Attorney

Hon. C.N. Sello (Lesotho)
First Secretary
Embassy of the Kingdom of Lesotho to the U.S.

H.E. Mr. W.T. Van Tonder (Lesotho)
Ambassador of the Kingdom of Lesotho
to the United States

Daron Alexander Von Wuthenau (Mexico)
Archaeological Researcher on Pre-Colombian
Black Presence in Central America

Joan Finney, Gubernatorial Candidate
700 SW Jackson Street, Suite 412
Topeka, Kansas 66603

Dear Mrs. Finney:

I wish to acknowledge with much gratitude your endorsement of a Commission on African-American Affairs.

Your support to create a Commission on African-American Affairs, if elected, and support of the hanging of a second portrait of a noted black Kansan in the Capitol was communicated to the Associated Press.

The Commission we talked about regarding the Iowa Commission on the Status of Blacks is enclosed. The legislation can be used as a model. Also enclosed is a newspaper article dated March 24, 1988, concerning the creation of the Iowa Commission on the Status of Blacks is a follow up of our discussion. This is a model for the State of Kansas in establishing a Kansas Commission on the Status of African-Americans Affairs.

According to current figures, the population of blacks in Kansas is 145,000, compared to 52,000 in Iowa.

The legislation in Iowa which created the Iowa Commission on the Status of Blacks was supported by the Honorable Governor Terry Brandstad.

Sincerely,

C. E. "Sonny" Scroggins

C. E. "Sonny" Scroggins
Member of the National/International Black History Month
(renamed African-American History Month)

CES:sal

Enclosures

cc:

Lou Ferguson, Associated Press
Karen Sipes, Topeka Capital-Journal
Charles Bullard, Iowa Register, Staff Writer

*A Permanent Programme Unit of the Panamerican/Panafrican Association, Inc.
In Memoriam to Dr. Carter G. Woodson, Founder of Negro History Week, 1926

Attach. 1
Pg. 5

STATEHOUSE ARTWORK REVIEW COMMITTEE

May 17, 1993

LSOB 653-S, 1:30 P.M.

MINUTES

Present: Orion Jordan, Emil Lutz, Raymon Powers

The Kansas State Historical Society, Legislative Administrative Services and the Department of Administration met to discuss the display of Artwork in the Statehouse.

The discussion addressed two pictures recommended by Sonny Scroggins for display in the State Capitol. The Committee voted to offer to display the pictures temporarily on easels in the State Capitol. After such display the pictures would be placed on permanent display in the Kansas Memorial Building. The pictures discussed were a picture of the first black kindergarten West of the Mississippi and a picture of buffalo soldiers.

Meeting adjourned.

cc: Susan M. Seltsam
Orion M. Jordan
Emil Lutz
Raymon Powers

Attach. 1
Pg. 6

ALL MEDIA OUTLETS

CITY AND STATE WIDE STEERING COMMITTEE

DR. MARTIN LUTHER KING PROGRAMS-----TOPEKA EVENTS-----1993-94

DEC. 4 CONTINGENCY PLANNING WORKSHOPS FOR PARTICIPANTS ON HOW TO CONDUCT A PEACEFUL MLK DEMONSTRATION, 1:00PM, TOPEKA/SHAWNEE COUNTY PUBLIC LIBRARY AUDITORIUM. THE US JUSTICE DEPT. WILL CONDUCT THE WORKSHOP THE PUBLIC IS ENCOURAGED TO ATTEND. (SONNY SCROGGINS, 267-5381)

DEC. 6 BIAS BUSTERS OF KANSAS AND THE KANSAS DR. MARTIN LUTHER KING, JR. MEMORIAL COMMITTEE PRESS CONFERENCE TO DENOUNCE VIOLENCE AT THE ANTI-KKK RALLY AND A MEMORIAL SERVICE FOR MICHELLE TATE, 6:00PM, SOUTH-SIDE OF THE STATE HOUSE. (SONNY SCROGGINS, 267-5381)

JAN. 8 CONTINGENCY PLANNING WORKSHOP FOR PARTICIPANTS ON HOW TO CONDUCT A PEACEFUL MLK DEMONSTRATION, 1:00PM. TOPEKA/SHAWNEE COUNTY PUBLIC LIBRARY AUDITORIUM. THE US JUSTICE DEPT. WILL CONDUCT THE WORKSHOP THE PUBLIC IS ENCOURAGED TO ATTEND. (SONNY SCROGGINS, 267-5381)

JAN. 8 LIVING THE DREAM, ANNUAL RECEPTION AND MEAL, 6:00PM, INVITATION; 8:00PM YOLANDA KING IN HER ONE WOMAN PLAY, "TRACK", TPAC. (BOB BUGG 267-2347)

JAN. 8 SILENT WITNESS, ST. DAVID'S EPISCOPAL AND ASBURY-MOUNT OLIVE UNITED METHODIST. (BOB LAYNE, 272-5144; RON KING, 232-6801)

JAN. 8 "RACISM IN AMERICA: ITS HISTORICAL ORIGINS, "TALK BY BILL CECIL-FRONSMA, 10:00AM, SHILOH BAPTIST CHURCH, (BILL BEACHY, 232-4388)

JAN. 9 YOLANDA KING IN HER ONE WOMAN PLAY, "TRACKS," 8:00PM, TPAC, (BOB BUGG, 267-2347)

JAN. 9&16 PULPIT EXCHANGE, CENTRAL CONGREGATIONAL, 1248 SW BUCHANAN (DON MILLER, 235-2376)

JAN. 10 YOLANDA KING IN HER ONE WOMAN PLAY "TRACKS, FOR JUNIOR AND SENIOR HIGH SCHOOL STUDENTS, MORNINGH TIME TO BE ANNOUNCED, TPAC, (JACQUIE BUGG, 267-2347)

JAN. 13 "GOVERNOR'S MLK JR. HOLIDAY CELEBRATION," 11:45AM MARCH FROM JUDICIAL CENTER TO STATEHOUSE; NOON-1:00PM PROGRAM 2ND FLOOR STATEHOUSE (BOB BUGG 295-3867;OR DALGIT JAWA 296-0871)

JAN. 14 SPECIAL EVENING SERVICE; TEMPLE BETH SHOLOM, 4200 MUNSON, (LAWRENCE KAROL, 272-6040)

JAN. 15 ANTI KKK RALLY, 11:00AM, STATEHOUSE SOUTHSIDE SILENT WITNESS IN PRAYER, THEME HUMAN PRIDE, WORLD WIDE--HEY HO HATES GOTTA GO. MLK PROGRAM, 11:00AM, STATEHOUSE NORTH STEPS. LOVE THY NEIGHBOR II, 7:00AM UNTIL 10:00AM AND 1:00PM UNTIL 5:00PM, WHITE CONCERT HALL. KANSAS DR. MARTIN LUTHER KING, JR. MEMORIAL COMMITTEE, BIAS BUSTERS OF KANSAS, AND MENNINGER CLINIC. (SONNY SCROGGINS 267-5381, OR HOWARD FISHMAN 273-7500)

Attach. 1
Pg. 7

JAN. 16 CANDLE LIGHT VIGIL FOR AMY BIEHL, AND OTHER NAMELESS VICITIMS WHOSE LIVES HAVE BEEN LOST TO HATRED AND BIGOTRY, 5:00PM TO 5:30PM ELMER JACKSON MEMORIAL BRIDGE, 15TH ADAMS. ELMER JACKSON MEMORIAL COMMITTEE (SONNY SCROGGINS 267-5381)

JAN. 16 WORSHIP SERVICE, 6:30PM, SECOND BAPTIST, 424 NW LAURENT, BAPTIST MINISTERS UNION (CECIL WASHINGTON, 267-6312)

JAN. 17 TREE DEDICATION IN MEMORY OF MARTIN LUTHER KING, JR., MICHELLE TATE, AND AMY BIEHL, 11:00AM, STATEHOUSE SOUTHSIDE; THE BIEHL FAMILY OF SOUTHERN CALIF.; AS WELL AS THE SOUTH AFRICAN CONSULATE GENERAL, ERIC A. BROEKHUYSEN HAVE BEEN INVITED--SEE ATTACHMENTS. KANSAS DR. MARTIN LUTHER KING, JR. MEMORIAL COMMITTEE, AND BIAS BUSTERS OF KANSAS. (SONNY SCROGGINS 267-5381)

JAN. 17 CELEBRATION OF DR. KING, FOR ALL FAITHS AND ALL PEOPLE, YOUTH AND ADULT, ANDY YOUNG INVITED, CENTRAL LOCATION (JIM MCCOLLOUGH, 272-4290; JOHN DEVEAUX, 233-3656)

WE ENCOURAGE YOU AND YOURS TO ATTEND ALL OF THE MLK PROGRAMS, LETS HAVE TOTAL COMMUNITY AND STATE WIDE INVOLVEMENT, PLEASE UPDATE THIS LIST WITH ANY ADDITIONS OR CHANGES. CALL SONNY SCROGGINS, KANSAS DR. MARTIN LUTHER KING, JR. MEMORIAL COMMITTEE, AND BIAS BUSTERS OF KANSAS, 267-5381

Attach. 1
Pg. 8



Sheldon Family Association, Inc.

President
1st Vice President
2nd Vice President

Secretary
Treasurer
S.F.A. Publications
Computer Project

Mrs. Rose Sheldon Newton, 4409 Bridgetown Run, Fort Wayne IN 46804-4808
Mrs. Shirley Bemis Martin, 414 S. St. Marys Street, St. Marys, PA 15857
Keith M. Sheldon, 23918 Wolf Road, Bay Village, OH 44140
(Genealogy Chairman)
Miss. Irene Dodge, 215 Jersey Avenue, P.O. Box 333, Ogdensburg, NY 13669
Mrs. L. Hazard Knowles, 118 Post Road, Warwick, RI 02888
Wayne E. Nelson, 3628 North Fremont Street Chicago, IL 60613
E. Mark Sheldon, 5526 Mariners Cove Drive, Jacksonville, FL 32210

17 November 1993

Senator Lana Oleen
3rd Floor
State Capitol
Topeka, KS 66612

Dear Miss Oleen:

Thank you for including the painting of the **First Black Kindergarten West of the Mississippi River** in the items you are considering to be hung in the Statehouse. Remembering the Kindergarten is important to me because it's founder Rev. Charles Monroe Sheldon was a cousin. It is important most of all for the black community history in which they can be proud, and of Mr. Charles Sheldon Sudduth who attended there and who is depicted in the painting is a fine gentleman whom all children would do well to emulate and admire.

I discovered only last year that Mr. Sudduth was named for Rev. Sheldon and that I knew him from his appearance in my hometown of Columbus Kansas. When he was in our home, we did not know he was named for our kinsman.

Thank you for taking the time to consider these things which seem small as we look at the country and world, but are very important when we focus on those who remember and to those who should discover them! It is important to have good things to be proud of. Thank you for helping to put them wherever they will best be seen and preserved.

The Sheldon Family Association is proud of Rev. Sheldon and I will be there July 11th for the painting ceremony.

Sincerely,

Rose Sheldon Newton

Rose Sheldon Newton

KANSAS SENATE



PAUL BUD BURKE
SENATE PRESIDENT

10320 CLUBSIDE CT.
OLATHE, KANSAS 66061

OFFICE OF THE PRESIDENT

STATE CAPITOL
TOPEKA, KANSAS 66612-1504
913-296-2419

CHAIRMAN:
ORGANIZATION, CALENDAR AND RULES
MEMBER:
COMMERCE
INTERSTATE COOPERATION
LEGISLATIVE BUDGET
LEGISLATIVE COORDINATING COUNCIL
STATE FINANCE COUNCIL
TRANSPORTATION & UTILITIES
IMMEDIATE PAST PRESIDENT
NATIONAL CONFERENCE OF STATE
LEGISLATURES

November 15, 1993

Senator Lana Oleen, Chairman
Senate Federal and State Affairs Committee
Room 136-N, Capitol
Topeka, KS 66612

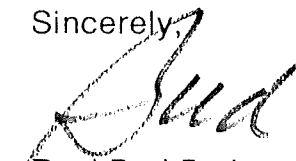
Dear Senator Oleen,

Having received appointments from the Governor while the Legislature was not in Session, I am referring the following Governor's appointment requiring Senate confirmation to the Federal and State Affairs Committee:

Kansas Racing Commission, pursuant to K.S.A. 74-8803, Kenneth D. Francisco, to serve a term to expire June 30, 1996.

Your committee will have 20 days to take action. Please let me know if you have any questions or concerns.

Sincerely,


Paul Bud Burke
Senate President

PBB/pas

Attachment 2
pg. 1a

SENATE CONFIRMATION QUESTIONNAIRE
APPOINTMENTS BY GOVERNOR JOAN FINNEY

Attach. 2

Name: Kenneth D. FRANCISCO

Home Address: 212 VICTORY (BOX 296)

City, State, Zip Code: MAIZE, KS. 67101

Home Phone: 316 / 722-8408

Business Address: 1645 S. Seneca

City, State, Zip Code: WICHITA, KS. 67213

Business Phone: 316 / 263-7795

Date of Birth: 11-16-41 Place of Birth Lamar, Co.

Party Affiliation Demo. KBI Check(Yes/No) Yes

Appointed as: Member Racing Commission

Effective 7/1/93 for the 3-year term

ending 6/30/96 Succeeding Peggy Coder

Salary 24,000 Statutory Authority 74-8803

Statutory Requirements _____

1. EDUCATION:
High School G. E. D. From U. S. Army

Year Graduated _____

Postsecondary

Degree, etc.

Dates

1 Semester W.S.U.

NONE

1964 or 65

Took business
course

Attach. 2
Pg. 1

2. MEMBERSHIP IN BUSINESS, TRADE AND PROFESSIONAL ORGANIZATIONS DURING PAST 10 YEARS:

Dates	Name	Location
<u>1985-Present</u>	<u>MAIZE Lions Club</u>	<u>maize, KS.</u>
<u>1992</u>	<u>Wichita Chamber Commerce</u>	<u>Wichita, KS.</u>
_____	_____	_____

3. HAVE YOU EVER BEEN ELECTED OR APPOINTED TO ANY PUBLIC OFFICE IN KANSAS? ☒ Yes ☐ No
If so, please list dates and offices held.

Date	Office
<u>2 YRS</u>	<u>KANSAS Senate 1991 + 92</u>
<u>14-YRS</u>	<u>KANSAS House 1975 thru 1990</u>
_____	_____

4. HAVE YOU EVER BEEN EMPLOYED BY OR HELD A POSITION OR OFFICE WITH ANY FEDERAL, FOREIGN STATE, OR LOCAL GOVERNMENTAL ENTITY OR AGENCY? NO
If so, please list dates and offices held:

_____	_____
_____	_____
_____	_____

5. HAVE YOU BEEN A REGISTERED LOBBYIST OR EMPLOYED A REGISTERED LOBBYIST AT ANY TIME DURING THE PAST 5 YEARS? NO
If you were a registered lobbyist, did you receive any compensation?
List groups you represented or for which you employed a lobbyist:

6. EXPERIENCE OR INTERESTS WHICH QUALIFY YOU FOR THE OFFICE TO WHICH YOU HAVE BEEN APPOINTED:

Served 16-yrs. in the Kansas Legislat.
3-yrs U.S. Army
18-yrs business experience

7. SUMMARY OF BUSINESS OR PROFESSIONAL EXPERIENCE: _____

Owner/mgr. AdverSign Outdoor Advertising
for the past 8 years.

8. HAVE YOU EVER BEEN A MEMBER OF THE ARMED FORCES OF THE UNITED STATES? yes
If so, please list dates of service, branch of service and date and type of discharge:

9. HAVE YOU EVER BEEN ARRESTED, CHARGED OR HELD BY FEDERAL, STATE OR OTHER LAW ENFORCEMENT AUTHORITIES FOR VIOLATION OF ANY FEDERAL LAW, STATE LAW, COUNTY OR MUNICIPAL LAW, REGULATION OR ORDINANCE (EXCLUDING TRAFFIC VIOLATIONS FOR WHICH A FINE OF \$100 OR LESS WAS IMPOSED)? _____

yes Juvenile Record - City of Wichita
" Topeka 1988 personal problem.

10. DISPOSITION OF ANY INTERESTS THAT MIGHT HAVE PRESENTED A POTENTIAL CONFLICT OF INTEREST FOR THIS POSITION.

NONE

Return to: Mary Holladay
Appointment Secretary
Office of the Governor
2nd Floor, State Capitol
Topeka, KS 66612

Kenneth D. Francisco
Signature

Attach. 2
Pg. 3

Olsen



FILED

JUL 02 1993

BILL GRAVES
SECRETARY OF STATE

KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR INDIVIDUALS WHOSE

APPOINTMENT TO STATE OFFICE IS SUBJECT TO SENATE CONFIRMATION

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by each person whose appointment to a state position is subject to Senate confirmation (K.S.A. 46-247 and 46-248). Failure to complete and return this statement may result in a fine of \$10 per day for each day it remains unfiled. Also, any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

FRANCISCO KENNETH D.

Last Name

First Name

MI

FRANCISCO EVERELL D.

Spouse's Name

212 VICTORY # BOX 296

Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

MAIZE KS 67101

City, State, Zip Code

722**8408**

Home Phone Number

316**263**7795

Business Phone Number

B. APPOINTED POSITION SUBJECT TO SENATE CONFIRMATION:

RACING COMMISSION

List Name of Agency, Commission or Board

COMMISSIONER

Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

* 2529

C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here ____.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1. <i>Adver Sign Outdoor</i>	<i>BILLBOARDS</i>	<i>OWNED</i>	___ <i>X</i> You	___ Spouse
			___	___ Jointly
			___	___
2. <i>2 Duplexs</i>	<i>RENTAL UNITS</i>		___ You	___ Spouse
			___	___ Jointly
			___ <i>X</i>	___
3.			___ You	___ Spouse
			___	___ Jointly
			___	___
4.			___ You	___ Spouse
			___	___ Jointly
			___	___
5.			___ You	___ Spouse
			___	___ Jointly
			___	___
6.			___ You	___ Spouse
			___	___ Jointly
			___	___
7.			___ You	___ Spouse
			___	___ Jointly
			___	___

D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.

If you have nothing to report in Section "D", check here ✓.

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

ATTACH 2
Pg. 5

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.

If you have nothing to report in Section "E"1, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	Adversign Outdoor	Box 296-MAIZE	Billboard's
2.			

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.

If you have nothing to report in Section "E"2, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	Wichita Clinic	818 N. CARRIAGE PARKWAY	HEALTH CARE
2.		Wichita	

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here ____.

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.	Adversign Outdoor	Proprietor	Ken Francisco
2.			
3.			
4.			
5.			

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- G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here ☒.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
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H. **DECLARATION:**

I, Kenneth D. Francisco, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

7-1-93

Date

Kenneth D. Francisco

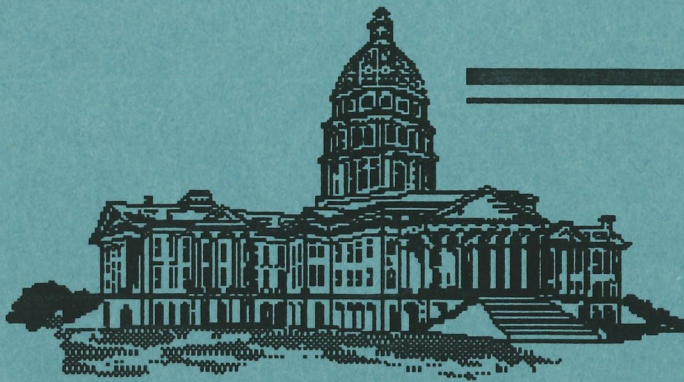
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES _____.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.

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Attach. 3



COMPLIANCE AND CONTROL AUDIT REPORT

Racing Commission

A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
November 1993

93-H

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Legislative Post Audit Committee

Legislative Division of Post Audit

The **Legislative Post Audit Committee** and its audit agency, the **Legislative Division of Post Audit**, are the audit arm of Kansas government. The programs and activities of State government now cost about \$6 billion a year. As legislators and administrators try increasingly to allocate tax dollars effectively and make government work more efficiently, they need information to evaluate the work of government agencies. The audit work performed by Legislative Post Audit helps provide that information.

We conduct our audit work in accordance with applicable government auditing standards set forth by the U. S. General Accounting Office. These standards pertain to the auditor's professional qualifications, the quality of the audit work, and the characteristics of professional and meaningful reports. These audit standards have been endorsed by the American Institute of Certified Public Accountants and adopted by the Legislative Post Audit Committee.

The Legislative Post Audit Committee is a bipartisan committee comprising five senators and five representatives. Of the Senate members, three are appointed by the President of the Senate and two are appointed by the Senate Minority Leader. Of the representatives, three are appointed by the Speaker of the House and two are appointed by the House Minority Leader.

As part of its audit responsibilities, the Division is charged with meeting the requirements of the Legislative Post Audit Act which address audits of financial matters. Those requirements call for two major types of audit work.

First, the Act requires an annual audit of the State's financial statements. Those statements, prepared by the Department of Administration's Division of Accounts and Reports, are audited by a certified public accounting firm under contract with the Legislative Division of Post Audit. The firm is selected by the Contract Audit Committee, which comprises three

members of the Legislative Post Audit Committee (including the Chairman and Vice-Chairman), the Secretary of Administration, and the Legislative Post Auditor. This audit work also meets the State's audit responsibilities under the federal Single Audit Act of 1984.

Second, the Act provides for a regular audit presence in every State agency by requiring that audit work be conducted at each agency at least once every three years. Audit work done in addition to the annual financial statement audit focuses on compliance with legal and procedural requirements and on the adequacy of the audited agency's internal control procedures in areas not covered by the annual audit. These compliance and control audits are conducted by the Division's staff under the direction of the Legislative Post Audit Committee.

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800 S.W. Jackson, Suite 1200
Topeka, Kansas 66612-2212
(913) 296-3792

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COMPLIANCE AND CONTROL AUDIT REPORT

RACING COMMISSION

OBTAINING AUDIT INFORMATION

This audit was conducted by Randy Tongier, Financial-Compliance Audit Manager, and Roy Fitzpatrick, Auditor, of the Division's staff. If you need any additional information about the audit's findings, please contact Mr. Tongier at the Division's offices.

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RACING COMMISSION

Summary of Legislative Post Audit's Findings

Legislative Post Audit conducted compliance and control audit work at the Racing Commission in partial fulfillment of the Legislative Post Audit Act's requirement that audit work be conducted at each State agency at least once every three years. This compliance and control audit addressed the areas of revenues, expenditures, State property, and agency purchases exempted from normal purchasing requirements. The audit also followed up on prior audit findings and recommendations. The period covered by this audit was fiscal year 1992.

Did the Racing Commission adequately manage its revenues and comply with applicable State requirements? The Racing Commission did not adequately manage its revenues. It does not have an adequate system of recordkeeping for parimutuel taxes received from the race tracks. As a result, we could not tell if the Commission had collected all the moneys that it should have. In addition, the Commission had not put its revenue procedures in writing, which increases the risk that receipts will not be handled properly. Finally, we found several instances of noncompliance with State requirements for timely deposit of moneys and proper use of local bank accounts.

Did the Racing Commission adequately manage its expenditures and comply with applicable State requirements? With a few exceptions, the Racing Commission managed its expenditures adequately and complied with applicable State requirements. The Commission had not put its expenditure procedures in writing, which increases the risk that expenditures will not be handled properly. In fact, we found several instances where payments were made without sufficient authorizations and approvals. Finally, the Commission did not comply with all State requirements for handling its imprest funds.

Did the Racing Commission adequately manage its property and comply with applicable State requirements? The Commission did not follow adequate property management procedures, nor did it comply with applicable State requirements. In particular, the Commission had not performed an annual physical inspection of its State property since it began operations in 1989. Such an inspection is not only necessary for adequate management of State property, but also required by the Division of Accounts and Reports.

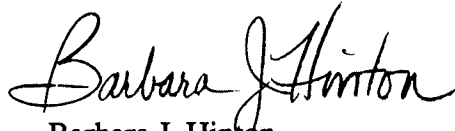
Was the exemption of certain agency purchases from normal purchasing requirements reasonable? The Commission made 12 purchases that were exempted from normal purchasing requirements. In each case, the exemption was reasonable.

The previous audit report recommended that the Commission require the race tracks to provide more detail in their reports of taxes collected and remitted. That recommendation had been partially implemented. The current audit recommendations address the remaining concerns in this area.

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The report recommends that the Racing Commission establish an adequate system of recordkeeping for revenues, formalize its receipt, expenditure, and property procedures, and put those procedures in writing. In addition, the Commission should require its auditors at the tracks to document their work, and ensure compliance with State requirements for timely deposit of receipts and use of local bank accounts. The Commission also should reimburse and reconcile its imprest fund on a timely basis, adhere to State requirements for reimbursing the imprest fund for travel advances, and review the need for its petty cash funds. Finally, the Commission should perform an immediate inspection of State property, correct its property list, ensure that all items have property numbers, and conduct annual property inspections in the future.

We would be happy to discuss these recommendations or any other items in the report with legislative committees, individual legislators, or other State officials.


Barbara J. Hinton
Legislative Post Auditor

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RACING COMMISSION

The Legislative Post Audit Act requires that audit work be conducted at each State agency at least once every three years. In partial fulfillment of that requirement, the Legislative Division of Post Audit has conducted compliance and control audit work at the Racing Commission covering fiscal year 1992.

Compliance and control audits identify noncompliance with applicable requirements and poor financial management practices. Although the resulting audit findings usually do not result in significant program improvements or cost savings, they often identify needed improvements that can help minimize the risk of potential future loss or misuse of State resources.

To avoid duplication of audit work conducted as part of the statutorily required audit of the State's financial statements, our audit work generally focused on areas not covered by that audit. These areas included revenues, expenditures, State property, which includes capital outlay items such as office equipment and furniture, and agency purchases exempted from normal purchasing requirements. In addition, we followed up on any prior audit findings and recommendations. This audit addresses the following specific questions:

1. **Did the Racing Commission adequately manage its revenues and comply with applicable State requirements?**
2. **Did the Racing Commission adequately manage its expenditures and comply with applicable State requirements?**
3. **Did the Racing Commission adequately manage its property and comply with applicable State requirements?**
4. **Was the exemption of certain agency purchases from normal purchasing requirements reasonable?**

To answer the first three questions, we identified applicable State requirements by reviewing relevant statutes, administrative regulations, and sections of the Division of Accounts and Reports' Policy and Procedure Manual. We also interviewed agency personnel, reviewed written procedures, and examined related documents to identify the agencies' procedures. We then compared those procedures with the applicable requirements. In addition, we assessed the potential for loss or misuse, and the level of control provided by the Commission's procedures in preventing and detecting loss or misuse. Finally, we reviewed accounting records, and tested a sample of transactions.

To answer the last question, we reviewed statutes, regulations, and guidelines to identify the types of purchases that qualify for exemption from normal purchasing requirements. We then identified Commission purchases during the audit period that were exempted from those requirements. By reviewing supporting documents and interviewing appropriate personnel, we determined whether the exemption was reasonable.

In conducting this audit work, we followed all applicable generally accepted government auditing standards set forth by the U. S. General Accounting Office.

In general, we found that the Racing Commission did not adequately manage its revenues. It does not have an adequate system of recordkeeping for parimutuel taxes received from the race tracks. As a result, we could not tell if the Commission had collected all the moneys that it should have. In addition, the Commission had not put its revenue procedures in writing, which increases the risk that receipts will not be handled properly. Finally, we found several instances of noncompliance with State requirements for timely deposit of moneys and proper use of local bank accounts.

With a few exceptions, the Racing Commission managed its expenditures adequately and complied with applicable State requirements. The Commission had not put its expenditure procedures in writing, which increases the risk that expenditures will not be handled properly. In fact, we found several instances where payments were made without sufficient authorizations and approvals. Finally, the Commission did not comply with all State requirements for handling its imprest funds.

The Commission did not follow adequate property management procedures, nor did it comply with applicable State requirements. In particular, the Commission had not performed an annual physical inspection of its State property since it began operations in 1989. Such an inspection is not only necessary for adequate management of State property, but also required by the Division of Accounts and Reports.

The Commission made 12 purchases that were exempted from normal purchasing requirements. In each case, the exemption was reasonable.

The previous audit report recommended that the Commission require the race tracks to provide more detail in their reports of taxes collected and remitted. That recommendation had been partially implemented. The current audit recommendations address the remaining concerns in this area.

These findings are described following a background section of the Racing Commission.

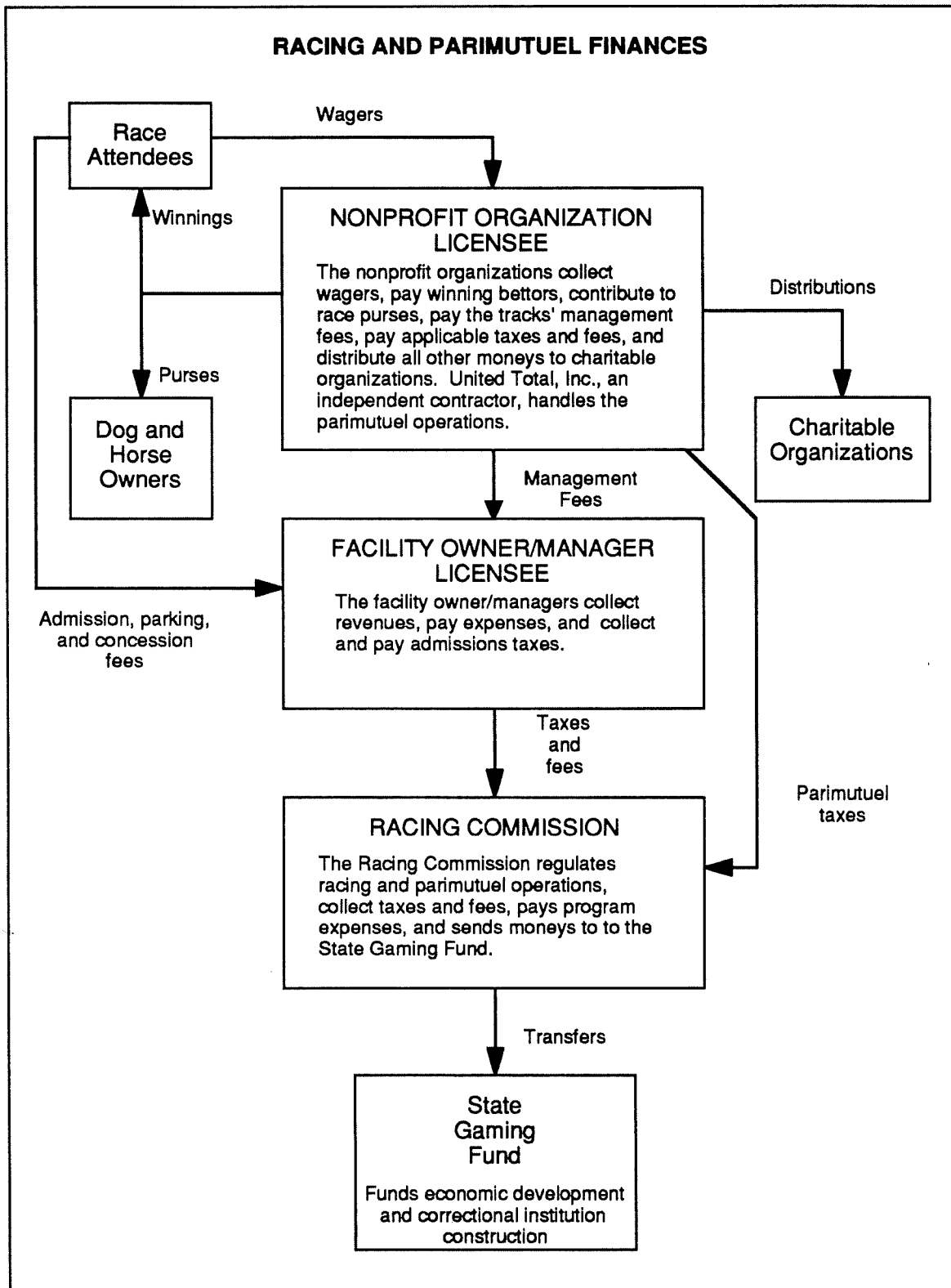
Background on the Racing Commission

The Racing Commission comprises five members appointed by the Governor and confirmed by the Senate. The Commission appoints an Executive Director who administers the day-to-day operations of the Agency. The appointment of the Executive Director also is subject to confirmation by the Senate. The Commission's primary mission is the regulation of racing and parimutuel operations in Kansas. The Commission also promotes the development of the horse and dog industries, and ensures the health and safety of animals involved in racing.

The State of Kansas currently has two operating race tracks with parimutuel wagering—one in Kansas City and one in Wichita. The Kansas City track has both horse and dog racing, while the Wichita track has only dog racing. By law, each track operation comprises a nonprofit organization licensed to operate racing and parimutuel wagering, and a facility owner/manager licensed to own and operate the track facility itself. The nonprofit organization collects wagers, and from those moneys it pays winning bettors, contributes to race purses, pays management fees to the facility owner/manager, pays applicable taxes to the Racing Commission, pays its own operating expenses, and distributes all remaining moneys to charitable organizations as specified by statutory requirements.

Besides receiving management fees, the facility owner/manager collects admission, parking, and concession revenues. These moneys are used to pay operating expenses, as well as taxes and fees to the Racing Commission. The actual parimutuel wagering process at the tracks is operated by United Total, Inc., an independent contractor. The figure on the following page shows how race track finances generally work.

Operations of the Racing Commission are funded by a portion of the admission and parimutuel taxes and license fees. The Legislature sets the amount the Agency can spend for operating expenses, and the balance of the receipts is transferred to the State Gaming Fund. During fiscal year 1992, \$7.1 million of the Racing Commission receipts were transferred to the State Gaming Fund. According to the Governor's Budget Report, the Commission's fiscal year 1992 operating expenditures totaled \$2.6 million, about \$1.4 million of which (57 percent of the total) was for salaries and wages.



Did the Racing Commission Adequately Manage Its Revenues and Comply with Applicable State Requirements?

For fiscal year 1992, our review showed that the Racing Commission did not adequately manage its revenues. In particular, the Commission did not maintain an adequate system of recordkeeping for receipts, put its revenue management procedures in writing, or document the work done by its staff auditor at the Kansas City track. As a result, we could not tell if the Commission collected all the moneys that it should have. In addition, we found several instances of noncompliance with State requirements for timely deposit of moneys and proper use of local bank accounts. These findings are discussed in some detail in the following sections.

The Racing Commission Should Have Procedures to Ensure That It Collects And Deposits All the Money It Should and Complies With Applicable Requirements

A State agency's primary objective in managing its revenues is to ensure that it collects and deposits all the money it should. To ensure that the proper amounts of money are collected and deposited, the Racing Commission should follow a number of basic procedures. These procedures not only would ensure that the Commission collects and deposits all the money it should, but they also would help prevent loss or misuse. The following list includes the basic procedures necessary:

- ◇ The Commission should establish a system of recordkeeping and reporting, including reconciliations with other State records, that will ensure that amounts due are collected and deposited.
- ◇ The Commission should require its staff auditors located at the race tracks to document their work in determining the amounts of taxes due from the tracks.
- ◇ The Commission should ensure that receipts are collected and deposited promptly.
- ◇ The Commission should put the above policies and procedures in writing to increase the likelihood that employees will follow them.

A State agency also must comply with State requirements applicable to revenues. The following list includes the basic State requirements applicable to the Racing Commission's revenues.

- ◇ The Commission should collect taxes and fees as specified in State law.
- ◇ The Commission's local banks for handling revenues should be designated by the Pooled Money Investment Board.

- ◇ The Commission should use these local bank accounts only for deposit and transfer of receipts to the State Treasury.
- ◇ The Commission should deposit and transfer receipts on a timely basis.
- ◇ The Commission should ensure that the race tracks transfer admissions and parimutuel taxes they collect to the State Treasury on a timely basis.

The Racing Commission's Procedures for Managing Its Collection of Parimutuel Taxes Were Not Adequate

The Racing Commission's revenue management procedures for parimutuel taxes were not adequate on a number of points. Those are presented after a brief discussion of how the Racing Commission collects parimutuel taxes.

As mentioned earlier, United Total, Inc., an independent contractor, operates the parimutuel operation at each of the Kansas race tracks. That company prepares daily reports showing the amounts wagered, paid to winning bettors paid out as purses, and due to the Racing Commission. Based on these reports, the race tracks transfer moneys from their bank accounts to the Commission. To ensure that it collects all the moneys it should, the Racing Commission has auditors at the tracks to test the reports of United Total, Inc. In addition, copies of United Total, Inc.'s reports are submitted to the Commission.

The Racing Commission did not have its revenue procedures in writing. As a result, the Commission's employees were less likely to follow proper procedures. This situation has been aggravated in the current fiscal year by recent turnover in employees responsible for key parts of the Commission's revenue procedures. With no written procedures, the employee who takes over those duties probably will have to develop their own procedures with no benefit from the experience of the previous employee.

Work done by the Commission's auditor at the Kansas City track was not documented. The daily reports that United Total, Inc. prepares to show how much money the race tracks owe to the Commission are audited by the Commission's auditors located at the tracks, and sent to the Commission's offices. If, as was the case for the Kansas City track, the auditor does not document his or her work, the Commission is less confident that the required procedures have been performed, and that the proper amounts will be paid.

The Racing Commission did not have an adequate system of recordkeeping to ensure the amounts due from the race tracks eventually were transferred to the State Treasury. To ensure that the proper amounts were paid by the tracks, the Commission's staff would need to compare the daily reports from United Total, Inc. showing how much the tracks owe to the amounts transferred by

the tracks. Because the Commission does not have its procedures in writing, because of the employee turnover mentioned earlier, and because no comparison was documented in the Commission's records, we couldn't tell if such a comparison was, or was even supposed to be, part of the Commission's normal procedures.

Finally, when we attempted to test the receipts ourselves, we found that the Commission's staff could not locate 10 of the 23 daily reports we selected for sampling. For the 13 reports we could examine, the amounts transferred were proper. In addition, we conducted tests designed to identify unusual variations in recorded receipts for our review. As a result of those tests, we identified an instance in fiscal year 1991 where about \$50,000 had been recorded as admissions taxes when it should have been recorded as parimutuel taxes. We identified another possible miscoding of receipts that we could not review further because the Commission could not locate the related records.

The Racing Commission Did Not Comply With All State Requirements Applicable To Its Revenues

The Racing Commission did not comply with two statutory requirements—one regarding timeliness of collections and the other regarding proper use of local bank accounts. These findings are discussed in the following paragraphs.

The Racing Commission did not collect admission and parimutuel taxes on a timely basis. The race tracks collect admissions and parimutuel taxes, and then transfer those moneys to the State Treasury for deposit in the Racing Commission's funds. State law requires the race tracks to make those transfers on the next business day following the day the taxes were collected. In testing for compliance with this requirement, we found that seven (23 percent) of the 31 transfers we examined were not made on a timely basis. Although six of the late transfers were only one day late, our test results indicate a general pattern of late transfers that should be addressed.

Contrary to State requirements, the Commission's Kansas City staff made refunds from its local bank account. The Commission's staff at the race tracks collects certain fees and fines, and deposits these moneys in local bank accounts for eventual transfer to the State Treasury. State law requires that these local bank accounts be used only for deposits and transfers to the State Treasury.

In reviewing local bank account transactions, we found several instances where the Commission's staff at the Kansas City track had made refunds for overpayments of fines and fees from the local bank account. To comply with State law, such refunds should be made from the Racing Commission's funds in the State Treasury rather than from local bank accounts.

Conclusion

Because of the significant weaknesses in the Racing Commission's procedures for managing revenues, particularly in the area of recordkeeping, we were not able to tell if the Commission had collected all the moneys that it should have. Although we found no loss or misuse of moneys, a significant risk exists that such a loss or misuse could occur and go undetected. The Commission needs to remedy this situation immediately.

Recommendation

To address weaknesses in its revenue management procedures and achieve compliance with State requirements, the Racing Commission should take the following actions:

- a. Establish an adequate system of recordkeeping to ensure the amounts due from the race tracks eventually were transferred to the State Treasury.
- b. Formalize its revenue management procedures, and put them in writing.
- c. Require that the work done by its auditors at the race tracks be fully and clearly documented.
- d. Work with the race tracks to ensure that transfers of admissions and parimutuel taxes to the State Treasury are made on a timely basis as required by State law.
- e. Pay refunds from its funds in the State Treasury as required by State law, rather than from local bank accounts.

Did the Racing Commission Adequately Manage Its Expenditures and Comply With Applicable State Requirements?

For fiscal year 1992, our review showed that the Racing Commission adequately managed its revenues and complied with applicable State requirements, with some exceptions. Some expenditures were made without sufficient authorizations and approvals. In addition, the Commission paid about \$16,000 for computer equipment, returned the equipment for credit, but did not know if the credit had ever been used. The Commission also did not reimburse and reconcile its petty cash fund as frequently as required, nor did it properly handle reimbursements to the fund for travel advances. Finally, the Commission does not seem to need all the petty cash funds it has. These findings are discussed in some detail in the following sections.

The Racing Commission Should Have Procedures to Ensure That It Pays Only for Necessary Goods and Services Actually Received And Complies With Applicable Requirements

A State agency's primary objective in managing its revenues is to ensure that it pays only for necessary goods and services actually received. To ensure that only proper payments are made, the Racing Commission should follow a number of basic procedures. These procedures should apply not only to payments made from the Commission's funds in the State Treasury, but also to payments made from the Commission's imprest funds. Imprest funds are moneys kept either on hand or in a local bank account that are used to make small payments that need to be made more quickly than the State's normal procedures can handle. These funds are subsequently reimbursed from the Commission's State Treasury funds. The following list includes the basic procedures necessary.

- ◇ The Commission should establish a system of required authorizations, approvals, and supporting documentation for purchases and payments.
- ◇ The Commission should a system of recordkeeping and reporting, including reconciliations with other State records, that will ensure that amounts owed are paid, and amounts paid are within legal limits.
- ◇ The Commission should establish imprest fund procedures that ensure that these funds are used only for authorized purposes, kept track of accurately and completely, and reimbursed from other Commission funds on a timely basis.
- ◇ The Commission periodically should review its imprest funds to see if they are still needed.
- ◇ The Commission should put the above policies and procedures in writing to increase the likelihood that employees will follow them.

A State agency also must comply with State requirements applicable to expenditures. The following list includes the basic State requirements applicable to the Racing Commission's expenditures.

- ◇ The Commission should purchase goods and services in accordance with the requirements of the Division of Purchases.
- ◇ The Commission's local banks for imprest funds should be designated by the Pooled Money Investment Board.
- ◇ The Commission should use these local bank accounts only for allowed purposes.
- ◇ The Commission should handle its imprest funds in accordance with the requirements of the Division of Accounts and Reports.

With Some Exceptions, The Racing Commission's Procedures Were Adequate to Manage Its Expenditures

The Racing Commission's expenditure procedures generally were adequate, but they had not been written down. As a result, the Commission's employees were less likely to follow proper procedures. In fact, our testwork found that several expenditures had not been handled as well they should have been. Those instances are discussed below.

- ◇ *The Racing Commission made some expenditures without sufficient authorizations and approvals.* As part of our testwork, we reviewed 13 expenditures that normally would not be made without some evidence that the goods or services paid for had actually been received. Six of these payments were made without that evidence. In addition, we reviewed six payments for purse supplements to owners of Kansas-bred horses. Those payments were to be made based on evidence that horses were Kansas-bred. That evidence is a form prepared by the Kansas Horseman's Association, with an authorization signature. All six of the purse supplement payments we tested were made based on a form that was not signed.
- ◇ *The Commission paid about \$16,000 for computer equipment, returned the equipment for credit, but did not know if the credit had ever been used.*

The Racing Commission Did Not Comply With All State Requirements Applicable to Its Expenditures

In addition to the instances of expenditures not being handled as well as they should have been, we found several instances of noncompliance with State requirements. Those are discussed on the next page.

- ◇ *The Commission did not reimburse its imprest fund as frequently as required.* As mentioned earlier, an imprest fund is used to make small payments that need to be made quickly. The fund then is paid back from the Commission's other funds. State requirements call for such reimbursements to be made at least monthly. During fiscal year 1992, the Commission spent about \$1,400 from its imprest fund, but did not reimburse the fund at all until fiscal year 1993.
- ◇ *The Commission did not reconcile its imprest fund as frequently as required.* To make sure that the imprest fund's moneys are properly accounted for, State requirements call for reconciling imprest funds monthly. The Commission did not reconcile its imprest fund at all during fiscal year 1992.
- ◇ *The Commission did not properly handle reimbursements to the fund for travel advances.* The Commission uses its imprest fund to provide travel advances to its employees. When the employee receives reimbursement for travel expenses, the imprest fund is paid back. To ensure that the imprest fund is paid back on a timely basis, the State requires that the warrant written to pay for the employee's travel expenses be made out to the imprest fund rather than to the employee. During fiscal year 1992, we noted two warrants written to pay back the imprest fund for travel advances that were made payable to the employee instead of the imprest fund.
- ◇ *The Commission does not seem to need all the petty cash funds it has.* A petty cash fund is a type of small imprest fund in the form of cash on hand. During fiscal year 1992, the Commission had four petty cash funds—one of \$500 and three of \$100 each. Because all four funds were being held in the Commission's Topeka office, it is not likely that all four funds were needed. Commission officials have indicated their intention to do away with all petty cash funds.

Recommendation

To address weaknesses in its management of expenditures and to ensure that it complies with State requirements, the Racing Commission should do the following:

- a. Formalize its procedures for managing expenditures, and put them in writing.
- b. Reimburse and reconcile its imprest monthly, as required.
- c. When a travel advance has been made from the imprest fund, ensure that the travel expense warrant is made out to the imprest fund, rather than to the employee.
- d. Follow up on its intention to do away with petty cash funds.

Did the Racing Commission Adequately Manage Its Property and Comply with Applicable State Requirements?

The Racing Commission did not adequately manage its property or comply with applicable State requirements. The Commission had not put all its property management procedures in writing. As a result, employees responsible for property management were less likely to be able to fulfill their responsibilities, and the risk of loss or misuse of State property was increased. Our testwork found that the Racing Commission had not performed the required annual inspections of State property since it began operations in 1989. In addition, we could not locate some of the items we selected for testing. Of the items we did locate, many were in locations other than that shown on the Commission's property records, or did not have the required property number. Finally, we found several property items on hand but not on the Commission's property list. These findings are described below, following a brief section on good property management practices.

A State Agency's Primary Objective In Managing State Property Is to Protect That Property From Loss or Misuse

To safeguard State property from potential loss or misuse, State agencies must follow a number of basic procedures. These procedures not only help prevent loss or misuse of State property, but also help identify on a timely basis any loss or misuse that may occur. For the purposes of this audit, we considered State property to include not only capital items, such as furniture and equipment, but also commodities such as office supplies. The following list includes the basic procedures necessary.

- ◇ For capital items such as furniture and equipment:
 - = List all State property owned by the agency with each item's location, cost, and property number. (The property number is required by the Division of Accounts and Reports.)
 - = Add property purchased to the list.
 - = Remove property sold or discarded from the list.
 - = Periodically inspect State property to check the accuracy of the property list, and identify missing items. (This step is required by the Division of Accounts and Reports. The Division also requires State agencies to send it a copy of their property list every year.)
 - = Periodically check the list to make sure that it includes all purchases, and does not include any property discarded or sold. (This step is required by

the Division of Accounts and Reports. The Division also requires State agencies to report on this check every year.)

- ◇ For such items as commodities and supplies, if the amounts involved are significant, or if there is a special risk of loss or misuse (e.g., pharmacy drugs), consider doing some or all of the following:
 - = Restrict access to the items by placing them in a storeroom or locked cabinet, and assign an employee to be custodian of these items.
 - = Establish a formal system for authorizing and recording items purchased, items given to users, and items on hand.

These procedures, if properly followed, should provide adequate protection against loss or misuse of State property. However, if the procedures are not followed, the safeguards they provide will not be effective. To ensure that these procedures are followed, State agencies should take the following steps.

- ◇ Adopt specific steps for each procedure.
- ◇ Put those steps in writing.
- ◇ Assign to specific employees the responsibility for performing the steps.
- ◇ Establish a timetable for completing each procedure.
- ◇ Train the responsible employees.
- ◇ Require that the completion of procedures be documented.
- ◇ Provide for supervisory checks to ensure that procedures are adhered to.

Some of these procedures may be excessive for smaller agencies with a limited amount of State property in one location. Those agencies would have a lesser risk of loss or misuse than larger agencies with a greater amount of property in many different locations. To ensure cost-effective property management, State agencies should tailor their procedures and the amount of resources devoted to property management to match the risk involved. In any event, State agencies' procedures should meet the procedural requirements of the Division of Accounts and Reports.

Our Review and Evaluation of Property Procedures Found Problems

We found that the Racing Commission had only limited written property-management procedures. Although many of these procedures are specified by the Division of Accounts and Reports' Policy and Procedures Manual and other written guid-

ance, those documents do not provide sufficient detail to serve as the internal procedures for each State agency. In particular, an agency's procedures should address such things as responsibility, timing, and documentation for required procedures. Without complete written procedures, responsible employees are less likely to be able to fulfill their responsibilities, and the risk of loss or misuse of State property and noncompliance with State requirements is increased.

Our Tests of Procedures, Records, and Reports Found Problems at the Racing Commission

Our conclusions in this area were based on the following findings.

The Racing Commission did not perform the required annual inspection of State property. The Division of Accounts and Reports requires State agencies annually to inspect their State property. That inspection helps ensure that all State property of an agency is either on hand or identified as missing. The agency then can search for any missing property on a timely basis. In addition, the agency's property list can be corrected if the property has been moved to a different location. Finally, if the annual inspection finds that property numbers are missing from any items, those numbers can be replaced.

We found that the Racing Commission had not performed the required inspections since it began operations in 1989. As a result, the risk of State property being gone without responsible employees being aware of it, and the risk of missing property numbers, was increased.

The Commission's property records were not complete and accurate. In testing those records, we could not locate 11 (10 percent) of the 111 items we selected for testing. These items included two recorders, a personal computer, a typewriter, and a battery charger. None of the items were more than four years old.

Of the 100 items we did locate, 33 were in cities other than that shown on the Commission's property records, and five did not have the required property number. Finally, we found 24 property items on hand but not on the Commission's property list. These items mainly consisted of office equipment, included computer equipment, desks, chairs, and file cabinets. None of these items had property numbers affixed as required.

Recommendations

1. To improve the agency's ability to carry out its property-management procedures effectively, the Racing Commission should put all of those procedures in writing.
2. To ensure that State property is more adequately safeguarded from loss or misuse, the Racing Commission should take the following actions:

- a. The Commission immediately should perform an inspection of State property, correct its property list, and make sure that all items have property numbers, as required.
- b. In the future, the Commission should ensure that it completes the required annual inspection of State property.

Was the Exemption of Certain Agency Purchases from Normal Purchasing Requirements Reasonable?

During fiscal year 1992, the Racing Commission made 12 purchases that were exempted from the State's normal purchasing requirements. In one case, the basis for the exemption was that the items could be obtained from only one vendor. The other 11 cases were purchases from another State agency. We found that the Commission adhered to procedures for requesting special purchase authority, and the circumstances of the special purchases reasonably warranted the exemption from normal purchasing requirements. These findings are described in more detail below.

The State Exempts Some State Agency Purchases From Its Normal Purchasing Requirements

The State's purchasing requirements are designed to ensure that State agency purchases result in the acquisition of quality goods and services at the most economical price. These requirements involve such things as competitive bidding, Statewide contracts, and the involvement of Division of Purchases staff in the procurement process.

Kansas statutes exempt certain types of purchases from these normal purchasing requirements. These types of purchases include the following:

- ◇ emergency purchases
- ◇ purchases for which competition does not exist; for example, when a product is sold by only one vendor
- ◇ purchases through a contract between State agencies, or between a State agency and other governmental or certain not-for-profit organizations
- ◇ purchases for which purchasing authority has been delegated to the State agency by the Division of Purchases
- ◇ negotiated purchases, as opposed to those made competitively
- ◇ purchases for use in laboratories or experimental studies
- ◇ purchases for which the normal requirement for publication of bid solicitation notice in the Kansas Register has been waived

Each purchase exempted from the State's normal purchasing requirements must be approved by the Division of Purchases and reported to the Legislative Coordinating Council, Senate Ways and Means Committee, and House Appropriations Committee.

For fiscal year 1992, our review showed that the special purchases of the Racing Commission reasonably warranted the exemption from the competitive bid requirements. In one case, the Division of Purchases granted the exemption based on its conclusion that the items needed could be obtained from only one vendor. In the other cases, the Division granted the exemption because the purchases were made from another State agency. The nature of the purchases is summarized below:

- ◇ *The Commission purchased system manuals for an upgrade of its computer system. The Division of Purchases approved the transaction as a sole-source purchase because the Commission could purchase these manuals from only one vendor. The purchase price of the manuals was about \$2,200.*
- ◇ *The Racing Commission entered into 11 research contracts with Kansas State University with a total cost of about \$285,000. The contracts provided funds for research on various greyhound and horse health problems.*

Follow Up of Prior Audit Findings and Recommendations

As part of this audit, we followed up on prior audit findings and related recommendations. The prior audit report recommended that the Racing Commission develop and require the use of a standard remittance form for all licensees to use in making remittances to the Commission. We found that this recommendation had been partially implemented. The current audit recommendations address the remaining concerns in this area.

Appendix A

Agency Response

On October 15, 1993, we provided a copy of the draft audit report to the Racing Commission. The agency's written response is included as this Appendix.

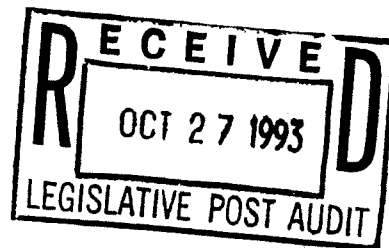
STATE OF KANSAS



KANSAS RACING COMMISSION

3400 Van Buren
Topeka, Kansas 66611-2228
(913) 296-5800
FAX (913) 296-0900

October 27, 1993



Ms. Barbara J. Hinton
Legislative Post Auditor
Legislative Division of Post Audit
Merchants Bank Tower
800 SW Jackson, Suite 1200
Topeka, KS 66612-2212

Dear Ms. Hinton:

This is the commission's response to the compliance and control audit report that was performed by the legislative division of post audit. The commission agrees that it must adopt written procedures setting out better internal controls for revenues and expenditures. The following specific responses relate to the recommendations stated for the revenue procedure, expenditure management procedure and the property management procedure.

Revenue procedure recommendation:

1. The agency has purchased an accounting software spreadsheet program that will be used to develop an effective method of tracking the admission and parimutuel taxes which are remitted to the state. The software program will be used in conjunction with the AS/400 pro calc program to devise a system which will allow the agency to monitor the tax remittances by performance and day for each of the racetracks. The monitoring procedure will enable the agency to ensure that the various taxes are recorded to the proper fund and sub-object codes on the state accounting reporting system (STARS). The revenue tracking procedure will be in place by November 15, 1993.
2. The revenue procedures will be documented in writing by December 31, 1993.
3. The agency recently appointed a new inspector of parimutuels. The inspector of parimutuels has begun to review the current duties of the auditors located at the Kansas City and Wichita racetracks. The auditors will begin to prepare and submit audit workpapers to the Topeka office on at least a monthly basis.

The audit workpapers will be used to verify the tax remittances to the tote report calculations.

4. The accounting and audit departments will work in conjunction with each other to ensure that the admissions and parimutuel taxes are remitted to the state as required by law.
5. The agency no longer pays refunds out of the authorized checking accounts located in Kansas City and Wichita. The refunds are currently issued out of the imprest fund. The agency has developed a written procedure pertaining to refund of overpayments. The checking accounts were designated and approved by the pooled money investment board.

The commission will review filing procedures of the daily tote reports to ensure that the reports are maintained in a designated location and that all reports are accounted for. The missing reports have not been located.

The recording of the parimutuel tax receipts to the admission tax account in FY 91 was discovered by the commission during the year-end reconciliation of the two accounts. A journal entry was sent to accounts and reports to correct the miscoding, but the year-end closing procedure had already been completed. The commission has developed reconciling procedures that will eliminate such mistakes.

The receipt records that could not be located during the audit period have been located. These records are available for review, if necessary.

Expenditure management recommendation:

1. The commission will prepare written expenditure procedures by December 31, 1993. The procedures will address the approval requirements of the Kansas-bred purse supplements from the Kansas Horsemen's Association. The commission has made a concentrated effort to purchase its expenditure items from state contract vendors and in accordance with the requirements of the division of purchases.
2. The commission has directed the bookkeeper to reimburse and reconcile the imprest fund on a monthly basis and to furnish copies of the monthly reconciliations to her supervisor and to the assistant director.
3. The bookkeeper has been instructed to reimburse the fund for travel expenditures by processing a travel expense warrant made payable to the imprest fund rather than to an employee.
4. The commission is reviewing the petty cash funds to determine which funds are not necessary and could be eliminated. The review and elimination of the unnecessary petty cash funds will be completed by December 15, 1993.

Ms. Barbara J. Hinton
October 27, 1993
Page 3

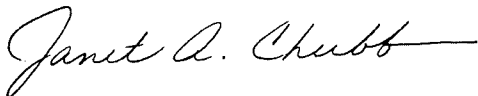
The commission is reviewing the credit for the returned computer equipment to see if the credit was netted against other purchased computer equipment.

Property management recommendation:

1. The commission is in the process of writing procedures pertaining to the inventory items. The written procedures will be completed by December 31, 1993.
2. The commission is in the process of inspecting all of the state property to ensure that property numbers have been assigned to those items. The property list will be updated to reflect the proper location of the inventory items. The updated property list and the labeling of all inventory items with property numbers will be completed by December 1, 1993. The commission completed the annual inspection of the state property by September 30, 1993. The written procedures will include the annual inspection steps to be followed to ensure that requirements of the division of accounts and reports are met.

Although commission activity has been subject to limited audits in the past, this is the agency's first compliance and control audit. We believe the audit was beneficial and sharpened our focus on areas requiring improved supervision. Please contact me at this office if there are additional inquiries concerning any response.

Respectfully,



Janet A. Chubb
Executive Director

93KH54-dpb

cc: Chairman Londerholm
Frances Snell
Ken Harjo
Art Neuheid

ALL APPOINTEES SUBJECT TO SENATE CONFIRMATION

Agency	K.S.A.	Membership	Appointed by Governor	Suggested Review Committee
Adjutant General	48-203	1	1	Federal and State Affairs
Administration, Secretary of	75-3702a	1	1	Federal and State Affairs
Aging, Secretary of	75-5903	1	1	Public Health and Welfare
Alcohol Beverage Control, Director of ¹	75-5117	1	0	Federal and State Affairs
Bank Commissioner, State	75-1304	1	1	Financial Inst. and Insurance
3/1 Banking Board, State ²	74-3004 L. 1992 Ch. 262, Sec. 11	9	9	Financial Inst. and Insurance
3/1 Civil Service Board, State ²	75-2929a L. 1992 Ch. 262, Sec. 16	5	5	Federal and State Affairs
Commerce and Housing, Secretary of	74-5002a ERO No. 23, S.R. 1825 and H.R. 6060	1	1	Commerce
Consumer Credit Commissioner	16-403	1	1	Financial Inst. and Insurance
3/1 Corporation Commission, State	74-601	3	3	Energy and Natural Resources
Corrections, Secretary of	75-5203	1	1	Judiciary
Credit Union Administrator	17-2233	1	1	Financial Inst. and Insurance
3/1 Credit Union Council, Kansas ²	17-2232 L. 1992 Ch. 262, Sec. 2	7	7	Financial Inst. and Insurance
Crime Victims Compensation Board ³	74-7303	3	0	Judiciary
3/1 Employment Security, Board of Review	44-709(f)	3	2	Commerce
1/1 Export Loan Guarantee Review Committee	74-5073	3	3	Commerce
Fire Marshal, State	75-1510	1	1	Federal and State Affairs
Grain Inspection Department, State Director of	75-1701	1	1	Agriculture
Healing Arts, Board of, Executive Director of ⁴	65-2878	1	0	Public Health and Welfare
Health and Environment, Secretary of	75-5601	1	1	Public Health and Welfare/ Energy and Natural Resources

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Agency	K.S.A.	Membership	Appointed by Governor	Suggested Review Committee
Highway Patrol Superintendent	74-2113	1	1	Federal and State Affairs
Human Resources, Secretary of	75-5701	1	1	Commerce
Human Rights Commission, Kansas	44-1003	7	7	Judiciary
Indigents' Defense Services, State Board of ⁵	22-4519	9	9	Judiciary
L. 1992 Ch. 262, Sec. 3				
Kansas Bureau of Investigation, Director of ³	75-711	1	0	Federal and State Affairs
Kansas Development Finance Authority, Board of Directors	74-8903	5	4	Commerce
Kansas Technology Enterprise Corporation, Board of Directors	74-8101 L. 1992 Ch. 221	20	10	Commerce
Kansas, Inc.	74-8001	15	7	Commerce
Librarian, State	75-2535	1	1	Education
Lottery Commission, Executive Director	74-8703	1	1	Federal and State Affairs
Lottery Commission, Kansas	74-8709	5	5	Federal and State Affairs
Mo-Kan Metropolitan Development District and Agency Compact	12-2518	5	5	Commerce
National Guard, Generals	48-208			Federal and State Affairs
Parole Board, Kansas	22-3707	5	5	Judiciary
Pooled Money Investment Board ⁶	75-4221a L. 1992 Ch. 146	5	4	Financial Inst. and Insurance
Property Valuation, Director of ¹	75-5105	1	0	Assessment and Taxation
Public Employee Relations Board	75-4323	5	5	Federal and State Affairs
Public Employees' Retirement Board of Trustees, Kansas ⁶	74-4905 L. 1992 Ch. 218	9	4	Joint Committee on Investments, Pensions, and Benefits
Racing Commission, Executive Director of ⁷	74-8805	1	0	Federal and State Affairs
Racing Commission, Kansas ²	74-8803	5	5	Federal and State Affairs
L. 1992 Ch. 262, Sec. 14				
Regents, State Board of	74-3201	9	9	Education

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Agency	K.S.A.	Membership	Appointed by Governor	Suggested Review Committee
Revenue, Secretary of	75-5101	1	1	Assessment and Taxation
Savings and Loan Board	74-3113	7	7	Financial Inst. and Insurance
Savings and Loan Commissioner	74-3104	1	1	Financial Inst. and Insurance
Securities Commissioner	75-6301	1	1	Financial Inst. and Insurance
Social and Rehabilitation Services, Secretary of	75-5301	1	1	Public Health and Welfare
Tax Appeals, State Board of ²	74-2433	5	5	Assessment and Taxation
Transportation, Secretary of	75-5001	1	1	Transportation and Utilities
Water Authority, Kansas	74-2622	22	11	Energy and Natural Resources
Water Office, Director	74-2613	1	1	Energy and Natural Resources
Wildlife and Parks, Secretary of	32-801	1	1	Energy and Natural Resources

Footnotes:

1. Appointed by Secretary of Revenue. Confirmed by Senate.
2. Memberships must include at least one person from each Congressional district.
3. Appointed by Attorney General. Confirmed by Senate.
4. Appointed by Board of Healing Arts. Confirmed by Senate.
5. Two members from the 1st Congressional district and at least one from each of the other Congressional districts.
6. Only gubernatorial appointees subject to confirmation.
7. Appointed by Kansas Racing Commission. Confirmed by Senate.

93-4305/WGW

Attach. 4
Pg. 3

11/27/93

STATE OF KANSAS



OFFICE OF THE GOVERNOR

JOAN FINNEY, Governor
State Capitol, 2nd Floor
Topeka, KS 66612-1590

913-296-3232
1-800-432-2487
TDD# 1-800-992-0152
FAX# (913) 296-7973

MEMORANDUM

TO: All State Agencies

FROM: Governor Joan Finney *JF*

DATE: June 15, 1993

SUBJECT: Designated Holidays For 1994

The following are holidays for the state service in calendar year 1994.

*New Year's Day	(Friday, December 31, 1993)
Martin Luther King Day	Monday, January 17, 1994
Memorial Day	Monday, May 30, 1994
Independence Day	Monday, July 4, 1994
Labor Day	Monday, September 5, 1994
Veterans Day	Friday, November 11, 1994
Thanksgiving Day	Thursday, November 24, 1994
	Friday, November 25, 1994
*Christmas	Monday, December 26, 1994

It is the intention of the holiday regulation that all full-time employees who are entitled to holidays receive credit for a holiday, and that partial credit be given to part-time employees who are entitled to holidays, as the Director of Personnel Services has advised agency heads through Policy Statement No. 14, issued November 6, 1984.

In addition to the holidays discussed above, I am again authorizing a discretionary day for state employees, which is for observance of a holiday or other special day during calendar year 1994. The Secretary of Administration will advise agency heads of any changes in the original memorandum issued March 5, 1984.

* Personnel Regulation 1-9-2 lists certain holidays as legal holidays. When a legal holiday falls on a Sunday, the following Monday is the officially observed holiday. If the legal holiday falls on a Saturday, the preceding Friday is the officially observed holiday.

JF:SMS:gfb

SFSA 11/22/93
Attachment #5

M. Heim

~~Sec. 146. K.S.A. 21-4201~~ as amended by section 67 of chapter 298 of the 1992 Session Laws of Kansas, is hereby amended to read as follows: 21-4201. ~~(1)~~ (a) Criminal use of weapons is knowingly:

~~(a)~~ (1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

~~(b)~~ (2) carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slung shot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

~~(c)~~ (3) carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

~~(d)~~ (4) carrying any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business;

~~(e)~~ (5) setting a spring gun;

~~(f)~~ (6) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

~~(g)~~ (7) selling, manufacturing, purchasing, possessing or carrying a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger;

~~(h)~~ (8) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight; or

~~(i)~~ (9) possessing or transporting any incendiary or explosive material, liquid, solid or mixture, equipped with a fuse, wick or any other detonating device, commonly known as a molotov cocktail or a pipe bomb.

~~(2)~~ (b) Subsections ~~(1)(a), (b), (c), (d) and (g)~~ (a)(1), (2), (3), (4) and (7) shall not apply to or affect any of the following:

~~(a)~~ (1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

~~(b)~~ (2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for

the detention of persons accused or convicted of crime, while acting within the scope of their authority;

~~(c)~~ (3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

~~(d)~~ (4) manufacture of, transportation to, or sale of weapons to a person authorized under ~~(a) through (c) of this subsection~~ subsections (b)(1), (2) and (3) to possess such weapons.

~~(3)~~ (c) Subsection ~~(1)(d)~~ (a)(4) shall not apply to or affect the following:

~~(a)~~ (1) Watchmen, while actually engaged in the performance of the duties of their employment;

~~(b)~~ (2) licensed hunters or fishermen, while engaged in hunting or fishing;

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(e) (3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(d) (4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment; or

(e) (5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto.

(4) (d) Subsections ~~(1)(a)~~, ~~(f)~~ and ~~(g)~~ (a)(1), (6) and (7) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(5) (e) Subsection ~~(1)(h)~~ (a)(8) shall not apply to a governmental laboratory or solid plastic bullets.

(6) (f) It shall be a defense that the defendant is within an exemption.

(7) (g) Violation of subsections ~~(1)(a) through (1)(e)~~ (a)(1) through (a)(5) or ~~violation of subsection (1)(i)~~ (a)(9) is a class A nonperson misdemeanor. Violation of subsection ~~(1)(f)~~, ~~(g)~~ or ~~(h)~~ (a)(6), (a)(7) or (a)(8) is a ~~class E~~ severity level 9, nonperson felony.

(8) (h) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three

or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

Sec. 147. K.S.A. 21-4202, as amended by section 68 of chapter 298 of the 1992 Session Laws of Kansas, is hereby amended to read as follows: 21-4202. An aggravated weapons violation is a violation of any of the provisions of K.S.A. 21-4201 and amendments thereto by a person who within five years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony.

Aggravated weapons violation is a ~~class E~~ severity level 9, nonperson felony for a violation of subsections ~~(1)(a) through (1)(e)~~ (a)(1) through (a)(5) or subsection ~~(1)(i)~~ (a)(9) of K.S.A. 21-4201 and amendments thereto. Aggravated weapons violation is a ~~class D~~ severity level 8, nonperson felony for a violation of subsections ~~(1)(f) through (1)(h)~~ (a)(6), (a)(7) and (a)(8) of K.S.A. 21-4201 and amendments thereto.

Sec. 148. K.S.A. 1991 Supp. 21-4203, as amended by section 69 of chapter 298 of the 1992 Session Laws of Kansas, is hereby amended to read as follows: 21-4203. ~~(1)~~ (a) Criminal disposal of firearms is knowingly:

~~(a)~~ (1) Selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age;

~~(b)~~ (2) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

~~(c)~~ (3) selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person who, within the preceding five years, has been convicted of a felony under the laws of this or any other jurisdiction or has been released from imprisonment for a felony; or

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~~(d)~~ (4) selling, giving or otherwise transferring any firearm to any person who, within the preceding 10 years, has been convicted of a crime to which this subsection ~~(1)(d)~~ applies, or has been released from imprisonment for such a crime, and has not had the conviction of such crime expunged or been pardoned for such crime.

~~(2)~~ (b) Subsection ~~(1)(d)~~ (a)(4) shall apply to a felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a or 65-4127b, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as such felony.

~~(3)~~ (c) Criminal disposal of firearms is a class A *nonperson* misdemeanor.

Sec. 149. K.S.A. 1991 Supp. 21-4204, as amended by section 70 of chapter 298 of the 1992 Session Laws of Kansas, is hereby amended to read as follows: 21-4204. ~~(1)~~ (a) Criminal possession of a firearm is:

~~(a)~~ (1) Possession of any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

~~(b)~~ (2) possession of a firearm with a barrel less than 12 inches long by a person who, within five years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction, has been released from imprisonment for a felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a felony;

~~(c)~~ (3) possession of any firearm by any person who, within the preceding 10 years, has been convicted of a crime to which this subsection ~~(1)(c)~~ applies, has been released from imprisonment for such a crime, or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a felony, and has not had the conviction of such crime expunged or been pardoned for such crime;

~~(d)~~ (4) possession of any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 or at any regularly scheduled school sponsored activity or event; or

~~(e)~~ (5) refusal to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer.

~~(2)~~ (b) Subsection ~~(1)(e)~~ (a)(3) shall apply to a felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a or 65-4127b, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as such felony.

~~(3)~~ (c) Subsection ~~(1)(d)~~ (a)(4) shall not apply to:

~~(a)~~ (1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

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~~(b)~~ (2) any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

~~(c)~~ (3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; or

~~(d)~~ (4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day.

~~(4)~~ (d) Violation of subsection ~~(1)(a)~~ or ~~(1)(d)~~ (a)(1) or (a)(4) is a class B nonperson select misdemeanor; violation of subsection ~~(1)(b)~~ or ~~(1)(c)~~ (a)(2) or (a)(3) is a class D severity level 8, nonperson felony; violation of subsection ~~(1)(e)~~ (a)(5) is a class A nonperson misdemeanor.

Sec. 150. K.S.A. 21-4205, as amended by section 203 of chapter 239 of the 1992 Session Laws of Kansas, is hereby amended to read as follows: 21-4205. (a) Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(b) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

(c) ~~Defacing identification marks of a firearm is a class B misdemeanor.~~ Defacing identification marks of a firearm committed on or after July 1, 1993, is a class B nonperson misdemeanor.

Sec. 151. K.S.A. 21-4207, as amended by section 204 of chapter 239 of the 1992 Session Laws of Kansas, is hereby amended to read as follows: 21-4207. (a) Failure to register sale of explosives is the omission, by the seller of any explosive or detonating substance, to keep a register of every sale or other disposition of such explosives made by the seller as required by this section.

(b) The register of sales required by this section shall contain the date of the sale or other disposition, the name, address, age and occupation of the person to whom the explosive is sold or delivered, the kind and amount of explosive delivered, the place at which it is to be used and for what purpose it is to be used. Such register and record of sale or other disposition shall be open for inspection by any law enforcement officer, mine inspector or fire marshal of this state for a period of not less than one year after the sale or other disposition.

~~(2)~~ (b) It is not a violation of this section for the governor, the governor's immediate family, or specifically authorized guests of the governor to possess a firearm within the governor's residence or on the grounds of or in any building on the grounds of the governor's residence.

~~(3)~~ (c) Violation of subsection ~~(1)~~ (a) is a class B nonperson select misdemeanor.

~~(4)~~ (d) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 158. K.S.A. 1992 Supp. 21-4219 is hereby amended to read as follows: 21-4219. (a) ~~Unlawful Criminal~~ discharge of a firearm at an unoccupied dwelling is the malicious, ~~willful intentional~~ and unauthorized discharge of any firearm at an unoccupied dwelling.

~~Unlawful Criminal~~ discharge of a firearm at an unoccupied dwelling is a class E severity level 8, nonperson felony.

(b) Except as provided in K.S.A. 21-3411, and amendments thereto, ~~unlawful criminal~~ discharge of a firearm at an occupied building or occupied vehicle is the malicious, ~~willful intentional~~ and unauthorized discharge of a firearm at a dwelling, building, structure, motor vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property in which there is a human being who is not placed in immediate apprehension of bodily harm.

~~Unlawful Criminal~~ discharge of a firearm at an occupied building or occupied vehicle is a class D severity level 7, person felony.

~~Unlawful Criminal~~ discharge of a firearm at an occupied building or occupied vehicle which results in bodily harm to a person during the commission thereof is a class C severity level 5, person felony.

~~(c)~~ A felony offense charged in this section shall be considered a felony as the term is used pursuant to subsection ~~(a)(1)~~ of K.S.A. 21-3401, and amendments thereto.

(c) This section shall be part of and supplemental to the Kansas criminal code.

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ORDINANCE NO. 41-967

AN ORDINANCE CREATING CHAPTER 5.89 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PROHIBITING THE POSSESSION OF FIREARMS BY MINORS UNLESS ACCOMPANIED BY A PARENT, STEPPARENT, GRANDPARENT OR STEPGRANDPARENT OR LEGAL GUARDIAN AND THE PENALTY THEREFOR, AND PROVIDING FOR THE DISPOSITION OF SUCH FIREARMS BY FORFEITURE.

WHEREAS, the repeated random violence involving the use of firearms by minors is a significant public safety concern of the City of Wichita; and

WHEREAS, recent shootings within the City of Wichita demonstrate that minors have used firearms either negligently or intentionally to inflict significant harm either to themselves or other residents of the City; and

WHEREAS, this conduct endangers the public safety of all residents of the City and requires the impositions of restrictions on the possession and use of firearms in this irresponsible manner; and

WHEREAS, the laws of the State of Kansas and the City of Wichita do not adequately restrict firearm possession by minors; and

WHEREAS, the City Council is cognizant of residents' rights regarding the possession of firearms and in an effort to balance these rights with the rights of residents to be safe and secure in their property and person, the Council finds and declares that the City of Wichita has a valid interest in the regulation of the use and possession of firearms by minors and further finds that minors

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should not have the opportunity to use or possess firearms unless with a parent, stepparent, grandparent, stepgrandparent or legal guardian, or during several specifically recognized circumstances or events.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1: Section 5.89.010 of the Code of the City of Wichita, Kansas, shall read as follows:

"Definitions. For the purposes of this chapter, the following terms shall have the meaning ascribed to them in this section:

(a) **"Minor"** means a person who is under the age of eighteen (18) years.

(b) **"Firearm"** means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosion, expanding gases or other combustion. Air rifles, air pistols and BB guns are included in this definition only if capable of expelling projectiles by the sudden release of compressed gas. This term shall not include a firearm which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841, et seq., and any amendments thereto."

SECTION 2: Section 5.89.020 of the Code of the City of Wichita, Kansas, shall read as follows:

"Possession of a firearm by a minor prohibited, exceptions.

(a) Unless otherwise specifically provided herein, it shall be

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unlawful for a minor to possess any firearm within the City of Wichita, except when the minor is in the presence of and under the direct supervision of a parent, stepparent, grandparent, stepgrandparent, or legal guardian.

(b) Any minor who is not in the presence of and under the direct supervision of his or her parent, stepparent, grandparent, stepgrandparent, or legal guardian may only possess a firearm in the City of Wichita under the following circumstances:

1. During a hunter education class held pursuant to K.S.A. 32-920 and conducted by a Kansas Hunter Education Instructor who is certified by the Kansas Department of Wildlife and Parks, provided said possession is under the supervision of the instructor;

2. During a firearms instructional or safety training class taught by an instructor certified by the National Rifle Association or other nationally recognized hunting, target or sports shooting organization, provided said possession is under the supervision of the instructor.

3. While transporting an unloaded firearm to and from an excursion for lawful hunting of game birds or animals provided:

(a) the minor is in possession of a valid hunting license, if said license is required by State or Federal law for the purposes of the hunting excursion; and

(b) the minor is in possession of a valid hunter education certificate issued to said minor; and

(c) the firearm, during transportation, is stored in a case, scabbard, or other container, or has a properly engaged trigger locking mechanism, and it is further stored in the

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trunk area of the motor vehicle, or if the motor vehicle does not have a trunk, then the firearm is further stored in an area of the motor vehicle where it will not be readily accessible to the driver or passengers; and

(d) ammunition for the firearm is stored in a box or container separate from the firearm."

SECTION 3: Section 5.89.030 of the Code of the City of Wichita, Kansas, shall read as follows:

"Forfeiture of firearms possessed by a minor. Except as provided in 5.89.040, any firearm seized in connection with a violation of this chapter shall be destroyed by the chief of police whenever the weapon is no longer needed for evidence, or the same shall be forfeited to the Wichita Police Department. Any weapon forfeited to the Wichita Police Department shall be utilized by the police department or sold or traded to a federally licensed wholesale gun dealer for materials to be used by the Wichita Police Department. Proceeds from any such sale shall be used for law enforcement purposes by the Wichita Police Department. All transactions involving weapons disposed of under this subsection must have the prior approval of the city manager. All sales of weapons are subject to review by the city council."

SECTION 4: Section 5.89.040 of the Code of the City of Wichita, Kansas, shall read as follows:

"Stolen weapons. Any stolen firearm confiscated in connection with any violation of this chapter shall be returned to the person entitled to possession, if known, when the same is no longer needed for evidence."

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SECTION 5: Section 5.89.050 of the Code of the City of Wichita, Kansas, shall read as follows:

"Penalty. Any minor violating the provisions of this chapter shall be dealt with in accordance with the Kansas Juvenile Offenders Code, K.S.A. 38-1601, et seq., and any amendments thereto."


SECTION 6: This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication in the official city newspaper.

ADOPTED at Wichita, Kansas, this 30th day of March, 1993.

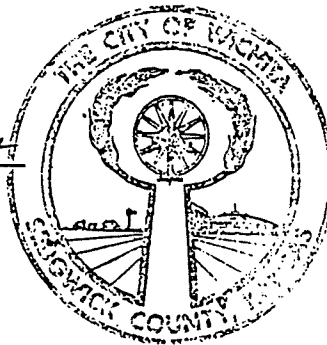


Frank Ojile, Mayor

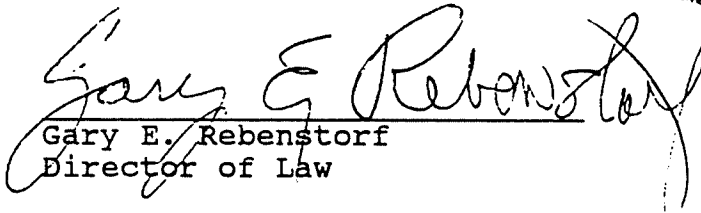
ATTEST:



Patricia L. Burnett
Deputy City Clerk



Approved As To Form:



Gary E. Rebenstorf
Director of Law

ATTACH. b
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An Act

HOUSE BILL 93S-1001

BY REPRESENTATIVES Adkins, Grampsas, Owen, Romero, Allen, Armstrong, Blue, DeGette, Eisenach, Fleming, Friednash, Gordon, Hagedorn, R. Hernandez, June, Kaufman, Keller, Kerns, Kreutz, Lawrence, Lyle, Mattingly, Pierson, Reeser, Shoemaker, and Snyder; also SENATORS Wham, Blickensderfer, Owens, Casey, Feeley, Gallagher, Johnson, Mares, Meiklejohn, Norton, Ruddick, Traylor, and Wells.

CONCERNING THE COMMISSION OF CRIMINAL ACTS BY JUVENILES, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 18-12-101 (1) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 18-12-101 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

18-12-101. Definitions. (1) As used in this article, unless the context otherwise requires:

(a) ~~"Ballistic knife" means any knife that has a blade which is forcefully projected from the handle by means of a spring loaded device or explosive charge.~~ "ADULT" MEANS ANY PERSON EIGHTEEN YEARS OF AGE OR OLDER.

(a.3) "BALLISTIC KNIFE" MEANS ANY KNIFE THAT HAS A BLADE WHICH IS FORCEFULLY PROJECTED FROM THE HANDLE BY MEANS OF A SPRING-LOADED DEVICE OR EXPLOSIVE CHARGE.

(e.5) "HANDGUN" MEANS A PISTOL, REVOLVER, OR OTHER FIREARM OF ANY DESCRIPTION, LOADED OR UNLOADED, FROM WHICH ANY SHOT, BULLET, OR OTHER MISSILE CAN BE DISCHARGED, THE LENGTH OF THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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BARREL OF WHICH, NOT INCLUDING ANY REVOLVING, DETACHABLE, OR MAGAZINE BREECH, DOES NOT EXCEED TWELVE INCHES.

(e.7) "JUVENILE" MEANS ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS.

SECTION 2. Article 12 of title 18, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

18-12-108.5. Possession of handguns by juveniles - prohibited - exceptions - penalty. (1) (a) EXCEPT AS PROVIDED IN THIS SECTION, IT IS UNLAWFUL FOR ANY PERSON WHO HAS NOT ATTAINED THE AGE OF EIGHTEEN YEARS KNOWINGLY TO HAVE ANY HANDGUN IN SUCH PERSON'S POSSESSION.

(b) ANY PERSON POSSESSING ANY HANDGUN IN VIOLATION OF PARAGRAPH (a) OF THIS SUBSECTION (1) COMMITS THE OFFENSE OF ILLEGAL POSSESSION OF A HANDGUN BY A JUVENILE.

(c) (I) ILLEGAL POSSESSION OF A HANDGUN BY A JUVENILE IS A CLASS 2 MISDEMEANOR.

(II) FOR ANY SECOND OR SUBSEQUENT OFFENSE, ILLEGAL POSSESSION OF A HANDGUN BY A JUVENILE IS A CLASS 5 FELONY.

(d) ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS WHO IS TAKEN INTO CUSTODY BY A LAW ENFORCEMENT OFFICER FOR AN OFFENSE PURSUANT TO THIS SECTION SHALL BE TAKEN INTO TEMPORARY CUSTODY IN THE MANNER DESCRIBED IN PART 2 OF ARTICLE 2 OF TITLE 19, C.R.S.

(2) THIS SECTION SHALL NOT APPLY TO:

(a) ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS WHO IS:

(I) IN ATTENDANCE AT A HUNTER'S SAFETY COURSE OR A FIREARMS SAFETY COURSE; OR

(II) ENGAGING IN PRACTICE IN THE USE OF A FIREARM OR TARGET SHOOTING AT AN ESTABLISHED RANGE AUTHORIZED BY THE GOVERNING BODY OF THE JURISDICTION IN WHICH SUCH RANGE IS LOCATED OR ANY OTHER AREA WHERE THE DISCHARGE OF A FIREARM IS NOT PROHIBITED; OR

(III) ENGAGING IN AN ORGANIZED COMPETITION INVOLVING THE USE OF A FIREARM, OR PARTICIPATING IN OR PRACTICING FOR A PERFORMANCE BY AN ORGANIZED GROUP UNDER 501 (c) (3) AS DETERMINED BY THE FEDERAL INTERNAL REVENUE SERVICE WHICH USES FIREARMS AS A PART OF SUCH PERFORMANCE; OR

(IV) HUNTING OR TRAPPING PURSUANT TO A VALID LICENSE ISSUED TO SUCH PERSON PURSUANT TO ARTICLE 4 OF TITLE 33, C.R.S.; OR

(V) TRAVELING WITH ANY HANDGUN IN SUCH PERSON'S POSSESSION BEING UNLOADED TO OR FROM ANY ACTIVITY DESCRIBED IN SUBPARAGRAPH (I), (II), (III), OR (IV) OF THIS PARAGRAPH (a).

(b) ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS WHO IS ON REAL PROPERTY UNDER THE CONTROL OF SUCH PERSON'S PARENT, LEGAL GUARDIAN, OR GRANDPARENT AND WHO HAS THE PERMISSION OF SUCH PERSON'S PARENT OR LEGAL GUARDIAN TO POSSESS A HANDGUN;

(c) ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS WHO IS AT SUCH PERSON'S RESIDENCE AND WHO, WITH THE PERMISSION OF SUCH PERSON'S PARENT OR LEGAL GUARDIAN, POSSESSES A HANDGUN FOR THE PURPOSE OF EXERCISING THE RIGHTS CONTAINED IN SECTION 18-1-704 OR SECTION 18-1-704.5.

(3) FOR THE PURPOSES OF SUBSECTION (2) OF THIS SECTION, A HANDGUN IS "LOADED" IF:

(a) THERE IS A CARTRIDGE IN THE CHAMBER OF THE HANDGUN; OR

(b) THERE IS A CARTRIDGE IN THE CYLINDER OF THE HANDGUN, IF THE HANDGUN IS A REVOLVER; OR

(c) THE HANDGUN, AND THE AMMUNITION FOR SUCH HANDGUN, ARE CARRIED ON THE PERSON OF A PERSON UNDER THE AGE OF EIGHTEEN YEARS OR ARE IN SUCH CLOSE PROXIMITY TO SUCH PERSON THAT SUCH PERSON COULD READILY GAIN ACCESS TO THE HANDGUN AND THE AMMUNITION AND LOAD THE HANDGUN.

(4) FOR THE PURPOSES OF DETERMINING THE NECESSITY OF CONSTRUCTING ADDITIONAL FACILITIES, AND THE NECESSARY CAPACITY OF SUCH FACILITIES, THE JUDICIAL DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 15, 1994, REGARDING THE NUMBER OF PERSONS CHARGED IN JUVENILE COURT WITH THE COMMISSION OF THE OFFENSE CREATED IN THIS SECTION, THE NUMBER OF PERSONS ADJUDICATED A JUVENILE DELINQUENT FOR THE COMMISSION OF THE OFFENSE CREATED IN THIS SECTION, THE DISPOSITION OF SUCH CASES, AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE JUDICIAL DEPARTMENT REGARDING THE ENFORCEMENT OF THIS SECTION. THE JUDICIAL DEPARTMENT SHALL REPORT THE SAME INFORMATION TO THE GENERAL ASSEMBLY ON OR BEFORE FEBRUARY 15, 1994, MARCH 15, 1994, AND ON THE FIFTEENTH DAY OF THE MONTH EVERY THREE MONTHS THEREAFTER.

18-12-108.7. Unlawfully providing or permitting a juvenile to possess a handgun - penalty. (1) (a) ANY PERSON WHO INTENTIONALLY, KNOWINGLY, OR RECKLESSLY PROVIDES A HANDGUN WITH OR WITHOUT REMUNERATION TO ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS IN VIOLATION OF SECTION 18-12-108.5, OR ANY PARENT OR LEGAL GUARDIAN OF A PERSON UNDER EIGHTEEN YEARS OF AGE WHO KNOWS OF SUCH JUVENILE'S CONDUCT WHICH VIOLATES SECTION 18-12-108.5 AND FAILS TO MAKE REASONABLE EFFORTS TO PREVENT SUCH VIOLATION, COMMITS THE

CRIME OF UNLAWFULLY PROVIDING OR PERMITTING A JUVENILE TO POSSESS A HANDGUN.

(b) UNLAWFULLY PROVIDING OR PERMITTING A JUVENILE TO POSSESS A HANDGUN IN VIOLATION OF THIS SUBSECTION (1) IS A CLASS 4 FELONY.

(2) (a) ANY PARENT OR GUARDIAN WHO INTENTIONALLY, KNOWINGLY, OR RECKLESSLY PROVIDES A HANDGUN TO A JUVENILE OR PERMITS A JUVENILE TO POSSESS A HANDGUN, EVEN THOUGH SUCH PARENT OR GUARDIAN IS AWARE OF A SUBSTANTIAL RISK THAT SUCH JUVENILE WILL USE A HANDGUN TO COMMIT A FELONY OFFENSE, OR WHO, BEING AWARE OF SUCH SUBSTANTIAL RISK, FAILS TO MAKE REASONABLE EFFORTS TO PREVENT THE COMMISSION OF THE OFFENSE, COMMITS THE CRIME OF UNLAWFULLY PROVIDING OR PERMITTING A JUVENILE TO POSSESS A HANDGUN. A PARENT OR GUARDIAN SHALL BE DEEMED TO HAVE VIOLATED THIS PARAGRAPH (a) IF SUCH PARENT OR GUARDIAN PROVIDES A HANDGUN TO, OR PERMITS THE POSSESSION OF A HANDGUN BY, ANY JUVENILE WHO HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, AS DEFINED IN SECTION 16-11-309, C.R.S., OR ANY JUVENILE WHO HAS BEEN ADJUDICATED A JUVENILE DELINQUENT FOR AN OFFENSE WHICH WOULD CONSTITUTE A CRIME OF VIOLENCE, AS DEFINED IN SECTION 16-11-309, C.R.S., IF SUCH JUVENILE WERE AN ADULT.

(b) UNLAWFULLY PROVIDING OR PERMITTING A JUVENILE TO POSSESS A HANDGUN IN VIOLATION OF THIS SUBSECTION (2) IS A CLASS 4 FELONY.

SECTION 3. 18-12-108, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

18-12-108. Possession of weapons by previous offenders.

(1) Any person previously convicted of burglary, arson, or a felony involving the use of force or violence or the use of a deadly weapon, or attempt or conspiracy to commit such offenses, under the laws of the United States of America, the state of Colorado, or another state, within the ten years next preceding or within ten years of his release or escape from incarceration, whichever is greater, who possesses, uses, or carries upon his person a firearm or other weapon mentioned in section 18-1-901 (3) (h) or sections 18-12-101 to 18-12-106 commits a class 5 felony. A second or subsequent offense under this section is a class 4 felony.

(2) ANY PERSON PREVIOUSLY ADJUDICATED A JUVENILE DELINQUENT FOR THE COMMISSION OF ANY CRIME WHICH WOULD HAVE CONSTITUTED THE OFFENSE OF BURGLARY, ARSON, OR A FELONY INVOLVING THE USE OF FORCE OR VIOLENCE OR THE USE OF A DEADLY WEAPON, OR ATTEMPT OR CONSPIRACY TO COMMIT ANY SUCH OFFENSE, IF SUCH PERSON WERE AN ADULT WHO, WITHIN TEN YEARS OF SUCH ADJUDICATION OR RELEASE OR ESCAPE FROM CUSTODY PURSUANT TO SUCH ADJUDICATION, POSSESSES, USES, OR CARRIES UPON SUCH JUVENILE'S PERSON A FIREARM OR OTHER WEAPON MENTIONED IN SECTION 18-1-901 (3) (h) OR SECTIONS 18-12-101

TO 18-12-106 COMMITS A CLASS 5 FELONY. A SECOND OR SUBSEQUENT OFFENSE UNDER THIS SECTION IS A CLASS 4 FELONY.

SECTION 4. 19-2-204 (3) (a) (III), (3) (a) (IV), (3) (a) (V), and (3) (c), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

19-2-204. Detention and shelter - hearing - time limits - confinement with adult offenders - restrictions.
(3) (a) (III) With respect to this section, the court may further detain the juvenile if the court is satisfied from the information provided at the hearing that the juvenile is a danger to himself or herself or to the community. Any information having probative value shall be received regardless of its admissibility under the rules of evidence. In determining whether a child requires detention, the court shall consider any record of any prior adjudications of the juvenile. THERE SHALL BE A REBUTTABLE PRESUMPTION THAT A JUVENILE IS A DANGER TO HIMSELF OR HERSELF OR TO THE COMMUNITY IF:

(A) THE JUVENILE IS ALLEGED TO HAVE COMMITTED A FELONY ENUMERATED AS A CRIME OF VIOLENCE PURSUANT TO SECTION 16-11-309, C.R.S.; OR

(B) THE JUVENILE IS ALLEGED TO HAVE USED, OR POSSESSED AND THREATENED TO USE, A FIREARM DURING THE COMMISSION OF ANY FELONY OFFENSE AGAINST A PERSON, AS SUCH OFFENSES ARE DESCRIBED IN ARTICLE 3 OF TITLE 18, C.R.S.; OR

(C) THE JUVENILE IS ALLEGED TO HAVE COMMITTED POSSESSING A DANGEROUS OR ILLEGAL WEAPON, AS DESCRIBED IN SECTION 18-12-102, C.R.S.; POSSESSION OF A DEFACED FIREARM, AS DESCRIBED IN SECTION 18-12-103, C.R.S.; UNLAWFULLY CARRYING A CONCEALED WEAPON, AS DESCRIBED IN SECTION 18-12-105, C.R.S.; UNLAWFULLY CARRYING A CONCEALED WEAPON ON SCHOOL, COLLEGE, OR UNIVERSITY GROUNDS, AS DESCRIBED IN SECTION 18-12-105.5, C.R.S.; PROHIBITED USE OF WEAPONS, AS DESCRIBED IN SECTION 18-12-106, C.R.S.; ILLEGAL DISCHARGE OF A FIREARM, AS DESCRIBED IN SECTION 18-12-107.5, C.R.S.; OR ILLEGAL POSSESSION OF A HANDGUN BY A JUVENILE, AS DESCRIBED IN SECTION 18-12-108.5, C.R.S.

(IV) At the conclusion of the hearing, the court shall enter one of the following orders:

(A) That the juvenile be released to the custody of a parent, guardian, or legal custodian without the posting of bond;

(B) That the juvenile be placed in a shelter facility;

(C) That bail be set and that the juvenile be released upon the posting of that bail;

(D) That no bail be set and that the juvenile be detained without bail upon a finding that such juvenile is a danger to himself or herself or to the community. Any juvenile who is detained without bail must be tried on the charges in the petition filed pursuant to subparagraph (V) of this paragraph (a) within the time limits set forth in section 19-2-205 (3);

(E) That no bail be set and that, upon the court's finding that the juvenile is a danger to himself or herself or to the community, the juvenile be placed in a preadjudication service program established pursuant to section 19-2-205 (6). THIS SUB-SUBPARAGRAPH (E) SHALL NOT APPLY TO ANY CASE IN WHICH THE JUVENILE'S ALLEGED OFFENSE IS ONE OF THE OFFENSES DESCRIBED IN SUB-SUBPARAGRAPH (A), (B), OR (C) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (a).

(V) When the court orders further detention of the juvenile or placement of the juvenile in a preadjudication service program after a detention hearing, a petition alleging the juvenile to be a delinquent shall be filed without unnecessary delay, and the juvenile shall be held or shall participate in a preadjudication service program pending a hearing on the petition. IF THE JUVENILE IS DETAINED FOR ONE OF THE OFFENSES DESCRIBED IN SUB-SUBPARAGRAPH (A), (B), OR (C) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), THE DISTRICT ATTORNEY SHALL FILE CHARGES WITHIN SEVENTY-TWO HOURS AFTER THE DETENTION HEARING, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS. UPON A SHOWING OF GOOD CAUSE, THE COURT MAY EXTEND SUCH TIME FOR THE FILING OF CHARGES.

(c) No juvenile taken to a detention or shelter facility or a temporary holding facility pursuant to section 19-2-201 as the result of an allegedly delinquent act which constitutes a ~~felony which is a crime of violence as defined in section 16-11-309 (2), C.R.S.~~ ANY OF THE OFFENSES DESCRIBED IN SUB-SUBPARAGRAPH (A), (B), OR (C) OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (3) shall be released from such facility if a law enforcement agency has requested that a detention hearing be held to determine whether the juvenile's immediate welfare or the protection of the community requires that the juvenile be detained. No such juvenile shall thereafter be released from detention except after a hearing, reasonable advance notice of which has been given to the district attorney, alleging new circumstances concerning the further detention of the juvenile. No juvenile being held when the juvenile is to be tried as an adult for criminal proceedings pursuant to a direct filing or transfer shall be held at any facility intended to be utilized by juvenile offenders, unless the district attorney and the defense counsel agree otherwise. Said juvenile shall be segregated from the adult offenders of the facility in which such juvenile is held.

SECTION 5. 19-2-703 (1) (e), Colorado Revised Statutes,

1986 Repl. Vol., as amended, is amended to read:

19-2-703. Juvenile delinquent - sentencing - disposition - restitution - parental liability. (1) (e) In the case of a juvenile who has been adjudicated a juvenile delinquent for an act ~~which constitutes a violation of section 18-12-105, C.R.S., THE COMMISSION OF ONE OF THE MISDEMEANOR OFFENSES DESCRIBED IN SECTION 19-2-204 (3) (a) (III) (C), the court shall impose a commitment, placement, or MINIMUM MANDATORY PERIOD OF detention of not less than ten FIVE days. which may be suspended upon condition that the juvenile report for assignment to a supervised work program of ten days of useful public service consistent with the conditions in subparagraphs (I) and (II) of paragraph (i) of this subsection (1).~~

SECTION 6. 19-2-1602 (1) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, as it exists until July 1, 1994, is amended to read:

19-2-1602. Development of criteria for placement of juvenile offenders. (1) The executive director of the department of institutions, the executive director of the department of social services, and the state court administrator of the judicial department, or any designees of such persons, in consultation with the division of criminal justice of the department of public safety, the office of state planning and budgeting, the Colorado district attorneys council, law enforcement representatives, representatives of local and county governments, and the criminal justice commission and any subcommittee of such commission relating to juvenile issues, shall form a working group which shall carry out the following duties:

(a) The working group established pursuant to this subsection (1) shall establish a set of criteria for both detention and commitment determining which juvenile offenders are appropriate for placement in the physical custody of the department of institutions or in the custody of the department of social services. SUCH CRITERIA SHALL CONFORM WITH SECTION 19-2-204. This set of criteria, when adopted by the department of institutions, the department of social services, and the judicial department, shall be used to promote a more uniform system of determining which juveniles should be placed in the physical custody of the department of institutions or in the custody of the department of social services so that decisions for such placement of a juvenile are made based upon a uniform set of criteria throughout the state. In developing such set of criteria, the working group shall utilize any existing risk scale devised by the department of institutions or any other measures to determine when it is appropriate to place a juvenile in the physical custody of the department of institutions or in the custody of the department of social services.

SECTION 7. 19-2-1602 (1) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, as it will become effective July 1, 1994, is amended to read:

19-2-1602. Development of criteria for placement of juvenile offenders. (1) The executive director of the department of human services and the state court administrator of the judicial department, or any designees of such persons, in consultation with the division of criminal justice of the department of public safety, the office of state planning and budgeting, the Colorado district attorneys council, law enforcement representatives, representatives of local and county governments, and the criminal justice commission and any subcommittee of such commission relating to juvenile issues, shall form a working group which shall carry out the following duties:

(a) The working group established pursuant to this subsection (1) shall establish a set of criteria for both detention and commitment determining which juvenile offenders are appropriate for placement in the physical or legal custody of the department of human services. SUCH CRITERIA SHALL CONFORM WITH SECTION 19-2-204. This set of criteria, when adopted by the department of human services and the judicial department, shall be used to promote a more uniform system of determining which juveniles should be placed in the physical custody of the department of human services or in the legal custody of the department of human services so that decisions for such placement of a juvenile are made based upon a uniform set of criteria throughout the state. In developing such set of criteria, the working group shall utilize any existing risk scale devised by the department of human services or any other measures to determine when it is appropriate to place a juvenile in the physical custody of the department of human services or in the legal custody of the department of human services.

SECTION 8. 16-11-501 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-11-501. Judgment for costs and fines. (1) Where any person, association, or corporation is convicted of an offense, OR ANY JUVENILE IS ADJUDICATED A JUVENILE DELINQUENT FOR THE COMMISSION OF AN ACT WHICH WOULD HAVE BEEN A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT, the court shall give judgment in favor of the state of Colorado, the appropriate prosecuting attorney, or the appropriate law enforcement agency, and against the offender OR JUVENILE for the amount of the costs of prosecution and any fine imposed. No fine shall be imposed for conviction of a felony except as provided in section 18-1-105, C.R.S. Such judgments shall be enforceable in the same manner as are civil judgments, and, in addition, the provisions of section 16-11-502 shall be applicable. Any judgments collected pursuant to this section for fees for interpreters appointed pursuant to section 13-90-204,

C.R.S., and reimbursed pursuant to section 13-90-210, C.R.S., shall be remitted to the division of rehabilitation in the department of social services.

SECTION 9. 19-2-205 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-205. Bail. (3) In setting, modifying, or continuing any bail bond, it shall be a condition that the released juvenile appear at any place and upon any date to which the proceeding is transferred or continued. Further conditions of every bail bond shall be that the released juvenile not commit any delinquent acts or harass, intimidate, or threaten any potential witnesses. The judge or magistrate may set any other conditions or limitations on the release of the juvenile as are reasonably necessary for the protection of the juvenile and the community. Any juvenile who is held without bail or whose bail or bail bond is revoked or increased under an order entered pursuant to subsection (2) of this section and who remains in custody or detention must be tried on the charges on which the bail is denied or the bail or bail bond is revoked or increased within ~~ninety~~ SIXTY days after the entry of such order or within six months after the juvenile's entry of a plea, whichever date is earlier.

SECTION 10. Article 1 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-116. Corrections expansion reserve fund. THERE IS HEREBY CREATED IN THE STATE TREASURY THE CORRECTIONS EXPANSION RESERVE FUND. MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSE OF COMPLYING WITH THE PROVISIONS OF SECTION 2-2-703, C.R.S., WHICH REQUIRES THAT ANY BILL WHICH RESULTS IN A NET INCREASE IN PERIODS OF IMPRISONMENT IN STATE CORRECTIONAL FACILITIES PROVIDE FOR THE FUNDING OF ANY INCREASED CAPITAL CONSTRUCTION COSTS OR INCREASED OPERATING COSTS ASSOCIATED THEREWITH. ANY UNEXPENDED OR UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO OR BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND OF THE STATE.

SECTION 11. 24-75-302 (2) (f), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation. (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 1995, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year

beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(f) On July 1, 1993, twenty-five million dollars PLUS TWENTY-ONE MILLION SIX HUNDRED FORTY-ONE THOUSAND DOLLARS PURSUANT TO H.B. 93S-1001, ENACTED AT THE FIRST EXTRAORDINARY SESSION OF THE FIFTY-NINTH GENERAL ASSEMBLY;

SECTION 12. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of institutions for allocation to the division of youth services, for the fiscal year beginning July 1, 1993, the sum of six million one hundred sixty-three thousand five hundred thirty-two dollars (\$6,163,532), or so much thereof as may be necessary, for the purpose of contracting for additional detention beds, and out of any moneys in the capital construction fund not otherwise appropriated, to the department of institutions for allocation to the division of youth services, for the fiscal year beginning July 1, 1993, the sum of twenty-one million four hundred seventy thousand dollars (\$21,470,000), or so much thereof as may be necessary, for the purpose of constructing or using alternative methods of providing additional juvenile detention beds.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 1993, the sum of one million eighty-three thousand two hundred sixty-six dollars (\$1,083,266) and 46.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department for allocation to the office of the state public defender, for the fiscal year beginning July 1, 1993, the sum of three hundred sixty-four thousand thirty-five dollars (\$364,035) and 9.9 FTE, or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the capital construction fund not otherwise appropriated, to the corrections expansion reserve fund, for the fiscal year beginning July 1, 1993, the sum of one hundred seventy-one thousand dollars (\$171,000), or so much thereof as may be necessary, for the implementation of this act.

(5) Pursuant to section 2-2-703, Colorado Revised Statutes, implementation of this act during the fiscal year beginning July

1, 1994, will require an appropriation from the general fund, to the corrections expansion reserve fund, for said fiscal year in an amount estimated to be fifty-seven thousand six hundred eighty-seven dollars (\$57,687).

(6) Pursuant to section 2-2-703, Colorado Revised Statutes, implementation of this act during the fiscal year beginning July 1, 1995, will require an appropriation from the general fund, to the corrections expansion reserve fund, for said fiscal year in an amount estimated to be forty-six thousand four hundred seventy dollars (\$46,470).

(7) Pursuant to section 2-2-703, Colorado Revised Statutes, implementation of this act during the fiscal year beginning July 1, 1996, will require an appropriation from the general fund, to the corrections expansion reserve fund, for said fiscal year in an amount estimated to be nineteen thousand two hundred twenty-nine dollars (\$19,229).

(8) Pursuant to section 2-2-703, Colorado Revised Statutes, implementation of this act during the fiscal year beginning July 1, 1997, will require an appropriation from the general fund, to the corrections expansion reserve fund, for said fiscal year in an amount estimated to be nineteen thousand two hundred twenty-nine dollars (\$19,229).


SECTION 13. Review of spending by capital development committee. Prior to spending the amount appropriated pursuant to subsection (1) of section 11 of this act for the purposes of constructing detention facilities, the division of youth services of the department of institutions shall submit plans for construction of such facilities, or alternative plans to the capital development committee of the general assembly for review. Subsequent to such review, the capital development committee shall make recommendations to the joint budget committee of the general assembly, who in turn shall submit recommendations to the general assembly for approval of such construction or alternative plans. Such construction or alternative plans shall be submitted not later than January 1, 1994.

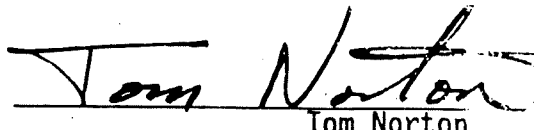
SECTION 14. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

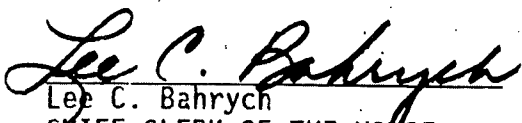
SECTION 15. Effective date - applicability. This act shall take effect upon passage and shall apply to offenses committed on or after said date.

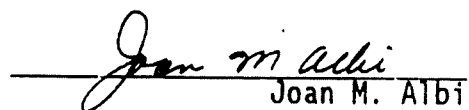
SECTION 16. Safety clause. The general assembly hereby

finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.


Charles E. Berry
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Tom Norton
PRESIDENT OF
THE SENATE


Lee C. Bahrych
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Joan M. Atbi
SECRETARY OF
THE SENATE

APPROVED September 13, 1993 at 2:23
P.M.


Roy Romer
GOVERNOR OF THE STATE OF COLORADO

Revised 11-1-93

Sen. Papay

AN ACT concerning sheriffs; the qualifications for the office of sheriff; training and educational requirements for sheriffs; amending K.S.A. 19-801b and repealing the existing sections

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

Section 1. K.S.A. 19-801b is hereby amended to read as follows: 19-801b. (a) No person shall be eligible for nomination, election or appointment to the office of sheriff unless such person:

(1) Is a citizen of the United States and a qualified elector of the county;
(2) possesses a high school education or its recognized equivalent; *has five years' experience as a full-time police officer or full-time law enforcement officer as defined in K.S.A. 74-5602(e) and meets the requirements for permanent appointment as a full-time police officer or full-time law enforcement officer as set forth in K.S.A. 74-5607a and amendments thereto and 74-5616 and amendments thereto or K.S.A. 75-5608a and amendments thereto. For the purposes of this section, the term "full-time" shall have the meaning prescribed for it in K.S.A. 74-5602(f) and amendments thereto.*

(3) Has never been convicted of or pleaded guilty or entered a plea of *nolo contendere* to any felony charge or to any violation of any federal or state laws or city ordinances relating to gambling, liquor or narcotics.

(b) Every person elected to the office of sheriff for the first time, or anyone reelected or appointed to the office after having been out of the office for two years or more shall be required to attend the law enforcement training academy as established by K.S.A. 74-5601 *et seq.* and amendments thereto, and satisfactorily complete the required training course of not less than 320 hours, unless such person has satisfactorily completed such training course within the two years prior to election or appointment or unless the associate director, as defined in subsection (d) of K.S.A. 74-5602, with the consent of the law enforcement training commission, waives the requirements of this subsection as provided in K.S.A. 74-5608a and amendments thereto. Unless the requirements are waived, any person elected to the office of sheriff who has not attended the law enforcement training academy shall hold office on a provisional basis, and such person shall attend the next scheduled training program at the law enforcement training academy and satisfactorily complete such training program or the one subsequent to it, or shall forfeit such office.

(c) Each newly elected sheriff of each county who is required to attend the law enforcement training academy shall be hired as a deputy sheriff and shall be paid a salary as deputy sheriff while attending the law enforcement training center and the tuition, board, room and travel expense for the sheriff-elect at the law enforcement training center shall be paid by the county.

New Section 2. Any person serving as sheriff on the effective date of this act shall be and forever remain eligible for nomination, election, or appointment to the office of sheriff.

Section 3. K.S.A. 19-801b is hereby repealed.

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

Attach. **B**
Pg. 1

BOB WOOTTON
 REPRESENTATIVE, 57TH DISTRICT
 HOME ADDRESS: 720 N.W. WALNUT LANE
 TOPEKA, KANSAS 66617
 (913) 286-0507
 OFFICE: STATE CAPITOL, SUITE 273-W
 TOPEKA, KANSAS 66612-1504
 (913) 296-7656



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 CHAIRMAN: SHAWNEE COUNTY DELEGATION
 MEMBER: LOCAL GOVERNMENT
 EDUCATION

For Immediate Releases
 October 27, 1993

For More Info. Contact,
 Bob Wootton (286-0507)

Shawnee County Delegation Juvenile Crime Package:

Focus on prevention, public protection from crime, and parental responsibility

In a bipartisan effort, members of the Shawnee County Delegation have created a comprehensive anti-crime package in order to bring the focus on juvenile crime and the juvenile justice system to the 1994 Kansas Legislature. The entire package is currently being drafted into bill form and will be pre-filed for action next session.

The Shawnee County Delegation's juvenile crime package concentrates on prevention, public protection from crime, and parental responsibility. These three aspects, working together, will bring focus to youth violence and youth offenders. The delegation believes that crime and youth violence is not simply a city, county or state problem; rather, in Kansas crime is a community problem. More importantly crime is *our* problem. In order to build up our communities we will engage in comprehensive action by involving law enforcement, the education community and most importantly parents. Our juvenile crime package empowers law enforcement, creates safer schools, and relies on parental responsibility to deal with youth offenders.

A key feature of our proposal is the immediate creation of a Kansas Youth Authority, with the sole priority of concentrating on youth offenders. The Kansas Youth Authority will stop the current practice in which juvenile offenders are lost in the "SRS shuffle", and it will bring attention to children who are at risk for criminal behavior. In addition, this will allow for the creation of a maximum security facility to house violent youth offenders, particularly those that engage in criminal activity through gangs. The Kansas Youth Authority would implement mandatory community corrections for juveniles, similar to adult community corrections. It would also create post-incarceration youth supervision, similar to parole.

Another part of the juvenile crime package amends the "Party Shack" law to help police officers close down drug houses. The changes will close loopholes that make it difficult for the police to use the old law, and it will help them fight against gangs and others who push drugs in our neighborhoods.

The efforts of the Shawnee County Delegation represent the first attempt this year by a group of legislators to bring a comprehensive focus on crime in the 1994 Kansas Legislature. We are taking an early bipartisan stand on this issue in order to build support in the coming months, and we have already begun talking to colleagues from all parts of Kansas to form a consensus on crime in the 1994 session.

ATTACH. 8
 Pg. 1

SHAWNEE COUNTY DELEGATION JUVENILE CRIME PACKAGE

The following measures will be introduced by the Shawnee County legislative delegation in the 1994 Session as a comprehensive approach to address the problems with juvenile crime and our state's juvenile system:

1. Prohibit possession of guns by anyone under age 18, unless under the direct supervision of a parent or legal guardian.
2. Open juvenile crime records, including burglary offenses, to the public.
3. Establish the Kansas Youth Authority, which will be responsible for:
 - a. Administering a comprehensive system for the adjudication, incarceration, and rehabilitation of juvenile offenders.
 - b. Assessing current juvenile facilities, with an emphasis on creating a maximum security facility to house violent juvenile offenders;
 - c. Providing community corrections for juveniles, similar to adult community corrections.
 - d. Mandating post-incarceration supervision, similar to adult parole.
4. Charge any juvenile offender who assaults a youth center worker in a facility with a felony; provide the option to adjudicate those over 16 years of age as an adult for assault offenses.
5. Codify that membership in a gang which is organized for the purpose of engaging in criminal activity shall be a criminal offense.
6. Revoke the driver's license of juveniles convicted of crimes while driving a motor vehicle.
7. Reform the "party shack" law to assist law enforcement officers in closing down drug houses in residential neighborhoods.
8. Require a second semester count of students for school funds disbursement to make school districts more aggressive in retaining at-risk students. This requirement will be waived for those targeted schools which provide programs aimed at preventing dropouts.
9. Raise compulsory school attendance age from 16 to 18 years of age.
10. Establish school attendance review boards, similar to 1993 HB 2015.
11. Place truancy officers/attendance officers in targeted school sites, similar to 1993 HB 2182.
12. Require notification to law enforcement and school officials of the disposition of juveniles released into the community.

Attach. 8
Pg. 2

Mary Galligan

06/07/93 (RS04-2) KANSAS LEGISLATIVE INFORMATION SYSTEM
4:20 PM BILLS STILL IN COMMITTEE

PAGE 1

SENATE COMMITTEE: Federal & State Affairs

DATE-IN

S 0197 Housing discrimination based on occuoation included in Act Against
Discrimination.
02/05/93

LAST ACTION: 02/05/93 SENATE-Referred to Federal & State Affairs
-SJ 00122

S 0379 One-strength beer.
02/23/93

LAST ACTION: 02/23/93 SENATE-Referred to Federal & State Affairs
-SJ 00208

S 0411 Parimutuel tellers, deduction of shortages from wages.
03/09/93

LAST ACTION: 03/09/93 SENATE-Referred to Federal & State Affairs
-SJ 00311

S 0412 Kansas Parimutuel Racing Act amendments.
03/09/93

LAST ACTION: 03/09/93 SENATE-Referred to Federal & State Affairs
-SJ 00311

S 0434 State boards and commissions subject to confirmation by senate;
terms of members; limitation on exercise of powers.
04/05/93

LAST ACTION: 04/05/93 SENATE-Referred to Federal & State Affairs
-SJ 00907

H 2519 Kansas racing commission, annual audits and financial reviews.
03/23/93

LAST ACTION: 03/23/93 SENATE-Referred to Federal & State Affairs
-SJ 00486

Attach. 9
Pg. 1
TOTAL BILLS NOW IN COMMITTEE 6
AS OF: 06/07/93 4:20 PM