

Approved: Feb. 22, 1993  
Date

## MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson August Bogina at 11:00 a.m. on February 17, 1993 in Room 123-S of the Capitol.

All members were present except: Senator Rock, who was excused

Committee staff present: Leah Robinson, Legislative Research Department  
Scott Rothe, Legislative Research Department  
Norm Furse, Revisor of Statutes  
Judy Bromich, Administrative Assistant  
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Mr. William M. Jones, Appointee to the State Civil Service Board  
Barbara Hinton, on behalf of the Post Audit Committee

Others attending: See attached list

## CONFIRMATION HEARING OF MR. WILLIAM M. JONES, REAPPOINTED TO THE STATE CIVIL SERVICE BOARD FOR A TERM TO EXPIRE JANUARY 31, 1997

The Chairman welcomed Mr. Jones and distributed a senate confirmation questionnaire (Attachment 1) and a statement of substantial interests (Attachment 2). The Chairman called attention to a memorandum prepared the Kansas Legislative Research Department (Attachment 3) summarizing the responsibilities of the State Civil Service Board and the types of actions appealed to the Board.

Mr. Jones distributed Attachment 4 and reviewed the qualifications and experiences listed therein. The floor was then opened for questions.

Mr. Jones told members that he had served 18 months of an unexpired term. He explained that, in the appeals process, three of the five members have to vote to confirm or deny an appeal. In answer to a question regarding conflict of interest, he stated that he is not an employee of the state. Mr. Jones told the Committee that the activity of the Board has increased in the last fiscal year partly because state employees have become more aware of the appeals process and because of economic factors. He said that he enjoyed working on the Board and is a retired field representative and past president of a construction local union. When asked what changes he would like to see in the Board, Mr. Jones stated that he would like for the hearings regarding correctional employees to be held at the correctional facilities to better accommodate the employees' schedules. In order to facilitate that goal, he believed the budget for the Board should be expanded. Mr. Jones said that he was in accord with most of the decisions to affirm the appeals heard.

The Chairman thanked Mr. Jones for appearing before the Committee and told members that the confirmation would be taken under advisement.

## INTRODUCTION OF BILLS

It was moved by Senator Vancrum and seconded by Senator Kerr that bill draft 3 RS 1125 be introduced as requested by Representative McKechnie. The motion carried on a voice vote.

Senator Kerr moved, Senator Vancrum seconded, the introduction of a bill requested by the State Board of Tax Appeals (Attachment 5). The motion carried on a voice vote.

The introduction of a bill requested by the League of Municipalities (Attachment 6) was moved by Senator Kerr and seconded by Senator Morris. The motion carried on a voice vote.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on February 17, 1993.

**HB 2021 - LEGISLATIVE POST AUDIT, ADDITIONAL FINANCIAL RELATED AUDIT WORK REQUESTED BY STATE AGENCIES**

**HB 2022 - POST AUDIT CONTRACTING PROCEDURES FOR CERTAIN AUDITS**

Barbara Hinton appeared on behalf of the Post Audit Committee in support of **HB 2021 and HB 2022** and reviewed Attachment 7. It was moved by Senator Karr and seconded by Senator Salisbury that **HB 2021 and HB 2022** be recommended favorable for passage. The motion carried on a roll call vote.

The Chairman adjourned the meeting at 11:35 A.M.

The next meeting is scheduled for February 18, 1993.

## GUEST LIST

COMMITTEE: SENATE WAYS AND MEANS

DATE: Feb. 17, 1943

[illegible]

SENATE CONFIRMATION QUESTIONNAIRE  
APPOINTMENTS BY GOVERNOR JOAN FINNEY

Name: WILLIAM M JONES

Home Address: 145 N Green

City, State, Zip Code: WICHITA KANSAS

Home Phone: 316 686 5674

Business Address: 316 684 7087 2525 E 15th WICHITA KS

City, State, Zip Code: WICHITA KANSAS

Business Phone: 316 684 7087

Date of Birth: 1-28-26 Place of Birth OKLA

Party Affiliation Democrat KBI Check (Yes/No) \_\_\_\_\_

Appointed as: CIVIL SERVICE BOARD member

Effective 2-1-93 for the 4 years term

ending 1-31-97 Succeeding MYSELF

Salary \_\_\_\_\_ Statutory Authority 75-2929a

Statutory Requirements \_\_\_\_\_

1. EDUCATION:  
High School ☒

Year Graduated 1944

Postsecondary

Degree, etc.

Dates

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SWAM  
February 17, 1993  
Attachment 1

2. MEMBERSHIP IN BUSINESS, TRADE AND PROFESSIONAL ORGANIZATIONS DURING PAST 10 YEARS: NO

Dates	Name	Location
_____	_____	_____
_____	_____	_____
_____	_____	_____

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>1965</u>	<u>WICHITA MAYORS COMMITTEE FORECONOMIC OPP</u>
<u>1991</u>	<u>STATE CIVIL SERVICE BOARD</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? NO  
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:

WICHITA MAYORS COMMITTEE FOR ECONOMIC OPPORTUNITY

PRESIDENT OF LOCAL 94

PASTOR OF COMMUNITY BAPTIST CHURCH

7. SUMMARY OF BUSINESS OR PROFESSIONAL EXPERIENCE: 10 years

PRESIDENT OF LOCAL 94 AND FIELD

REPRESENTATIVE PASTOR OF COMMUNITY

BAPTIST CHURCH FOR 18 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:

NAVY 2-11-45 to 5-10-46

HONORABLE 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)? No

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

William M. Jones  
Signature





FILE

APR 9 1992

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 who 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 remains unfiled. Also, any individual who intentionally fails to file as required by law, 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

JONES W I L L I A M M

Last Name

First Name

MI

JONES VELMA J

Spouse's Name

145 NORTH GREEN

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

WICHITA KANSAS 67214

City, State, Zip Code

316 \*\* 686 \*\* 5674

Home Phone Number

\*\* \*\*

Business Phone Number

B. APPOINTED POSITION SUBJECT TO SENATE CONFIRMATION:

STATE CIVIL SERVICE BOARD

List Name of Agency, Commission or Board

MEMBER

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.

\* [ ] [ ] [ ] [ ]

- 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.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
2.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
3.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
4.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
5.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
6.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
7.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> 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.		



**E. RECEIPT OF COMPENSATION:** List all places of employment in the last calendar year, and all 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.			
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.			
2.			

**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, 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.			
2.			
3.			
4.			
5.			

- G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commission 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 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.	Rental Property	21258 Muldoon	\$3600
2.	Rental Property	1922 N. Huron	\$2,400
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. **DECLARATION:**

I, William M. Jones, 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.

4-3-92  
Date

William M. Jones  
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES \_\_\_\_.

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

**KANSAS LEGISLATIVE RESEARCH DEPARTMENT**

**300 S.W. 10th Avenue  
Room 545-N – Statehouse**

**Phone 296-3181**

**February 17, 1993**

**TO: Senator August Bogina, Jr.**

**Office No. 120-S**

**RE: Confirmations -- State Civil Service Board**

As provided by K.S.A. 75-2929d, the Civil Service Board hears appeals concerning the following matters: appeals concerning demotion, dismissal, or suspension of permanent employees within the classified service; appeals concerning refusal to examine an applicant or to certify a person as eligible for a job class; or appeals concerning disciplinary action in violation of K.S.A. 75-2973, which precludes prohibiting classified employees from reporting any violation of state or federal laws, rules, or regulations to any person, agency, or organization.

Other than stating that "[m]embers shall be in sympathy with the application of merit principles to public employment," statutes specify no requirements for members of the Board. The five members of the Board are appointed by the Governor, subject to confirmation by the Senate. No more than three members of the Board shall be of the same political party, and members may hold no other public office or public employment other than military office or the office of notary public. One member shall be appointed from each congressional district, with the remainder of the members representing the state at large.

The Department of Administration is responsible for budgeting, purchasing, and related management functions of the Board. The Board elects one of its members as chairperson and one as vice-chairperson. The Board is required to meet at least once each calendar quarter, but may call special meetings.

The following charts summarize the FY 1991 and FY 1992 activities of the Board and the types of actions appealed to the Board.

*SWAM  
February 17, 1993  
Attachment 3*

## State Civil Service Board Activities

Activity	Fiscal Year	
	1991	1992
Appeals to Board:		
Received	116	98
Dismissed	45	30
Board Decisions on Appeals Heard:		
Affirmed	40	23
Modified	16	10
Reversed	5	14
Lacked Jurisdiction	7	6
Applications to Board for Rehearing:		
Accepted	1	1
Denied	18	11
Days the Board Was in Session	95	57

## Types of Actions Appealed to State Civil Service Board

Activity	Fiscal Year	
	1991	1992
Dismissal of Permanent Employee	83	51
Suspension of Permanent Employee	30	30
Demotion of Permanent Employee	2	8
Other	1	9
TOTAL	<u>116</u>	<u>98</u>

If additional information would be helpful, please contact me.

Kathy Porter  
Senior Fiscal Analyst

93-4990/KP

from the desk of

WILLIAM M. JONES  
145 N. Green St  
Wichita, Ks 67214  
Phone (316) 686-5674

February 12, 1993

To The Senate Ways & Means Committee  
State Office Building  
Topeka, Kansas

Listed below are some of the qualifications and experiences which I believe qualify me for a position on the Civil Service Board for the State of Kansas:

President and Field Representative for Construction and Labors Local Union 94, Apr 1974 - Apr 1984.

Appointed to the Mayors Committee for Economic Opportunity Oct 1965 - Oct 1966.

Appointed to the Civil Rights & Equal Employment Commission by Mayor Tony Casado from Aug 2, 1977 - Sep 1, 1979.

Elected as Moderator of the Southwestern District Association of Kansas Churches in August 1990 with twenty nine churches in the district. I still hold that position.

I am Treasurer of the Missionary Baptist State Congress of Christian Education in Kansas for the past ten years.

I am now in my eighteenth year as pastor of the Community Baptist Church, 2525 East First Street, Wichita, Kansas.

I served eighteen months of the unexpired term on the Civil Service Board for the State of Kansas.

William M. Jones

*William M. Jones*

WMJ/rlo

*SWAM*

*February 17, 1993*

*Attachment 4*



applications for student financial assistance where financial need is a consideration for the award.

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

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate, except that:

(A) The name, sentence data, parole eligibility date, disciplinary record, custody level and location of an inmate shall be subject to disclosure to any person other than another inmate; and

(B) the ombudsman of corrections, the corrections ombudsman board, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

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

(32) The bidder's list of contractors who have requested bid proposals for construction projects from any public agency, until a bid is accepted or all bids rejected.

(33) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(34) Financial information submitted by contractors in qualification statements to any public agency.

(35) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution or

# THE STATE BOARD OF TAX APPEALS

OR

RECORDS OPEN TO PUBLIC

45-221

ganized and existing for the benefit of the institution.

(36) Any report or record which is made pursuant to K.S.A. 1990 Supp. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or K.S.A. 1990 Supp. 65-4925, and amendments thereto.

(37) Information which would reveal the precise location of an archeological site.

(38) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or my financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

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

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to dis-

close those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

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

History: L. 1984, ch. 187, § 7; L. 1984, ch. 282, § 4; L. 1986, ch. 193, § 1; L. 1987, ch. 176, § 4; L. 1989, ch. 154, § 1; L. 1991, ch. 149, § 12; May 30.

Law Review and Bar Journal References:  
"Agency Access and Disclosure: Kansas and Federal," David L. Ryan, 56 J.K.B.A., No. 6, 8, 11 (1987).

Attorney General's Opinions:  
Uniform vital statistics act; disclosure of records. 84-101.  
Roasters of inmates not subject to exception for criminal investigation records. 84-124.

Commission on civil rights; confidential nature of investigative files; records received by state archives; confidentiality maintained. 85-2.

Automobiles and other vehicles; maximum speed limits; certain violations not matters of public records; disclosure of records. 85-7.

Taxation; property valuation, equalization; assessment; records open to public inspection. 85-36.

Groundwater management districts; annual meetings of eligible voters; affidavits of eligibility to vote; certain records not required to be open; information of a personal nature; board of directors; qualifications. 85-48.

Access of person to records hearing that person's name. 85-105.

Records open to public; access to city department reports. 85-156.

Records open to public; exceptions to disclosure. 86-1.

Records open to public; disclosure of coroner's records. 86-5.

Lists of names derived from public records. 86-39.

Records subject to disclosure. 86-43.

Public agency defined. 86-48.

Records subject to disclosure. 86-101.

Code of professional responsibility; privileged communications. 87-23.

Law enforcement records; jail book, standard offense report, mug shots. 87-25.

Access to records filed under U.C.C. 87-50.

Breath test machine results log is criminal investigation record; not required to be disclosed to public. 87-63.

Unlawful use of names derived from public records. 87-73.

Response to information request to KDHE for open record information. 87-86.

Crime of "unlawful disclosure of a warrant" prohibits disclosure, before execution of warrant, of complaint which leads to arrest warrant issuance. 87-100.

SWAM  
February 17, 1993  
Attachment 5

AN ACT concerning the construction and financing of public improvements; limiting the time for challenging resolutions creating improvement districts; allowing for payments in lieu of assessments and exclusion from an improvement district for certain benefitted properties; allowing alternative methods for construction and financing of main trafficways and main trafficway connections; amending K.S.A. 12-6a06, 12-6a07 and 12-690, and repealing the existing sections.

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

Section 1. K.S.A. 12-6a06 is hereby amended to read as follows: 12-6a06. (a) The governing body may, by a majority vote of the entire members-elect thereof, at any time within six (6) months after the final adjournment of the hearing on the advisability of making the improvements, adopt a resolution authorizing the improvement in accordance with the finding of the governing body upon the advisability of the improvement, as provided in K.S.A. 12-6a04, which shall be effective upon publication once in the newspaper: *Provided*, The improvement shall not be commenced if, within twenty (20) days after publication of the resolution ordering the improvement, written protests signed by both fifty-one percent (51%) or more of the

resident owners of record of property within the improvement district and the owners of record of more than half of the total area of such district are filed with the city clerk: *Provided*, however, Whenever adjoining parallel streets have been improved, and the proceedings are to improve the intervening connecting street to the same extent as the streets to be connected, or when two portions of any street have been improved and an intervening portion not exceeding two blocks has not been improved, and the proceedings are to improve such intervening portion to the same extent as the improved portions, or when the proceedings are to improve sanitary and storm water sewers, no protest shall be accepted by the city clerk and such improvements may be made regardless of protests. The genuineness of the signature and addresses of all signers of each protest shall be verified by some signer of such protest. The governing body shall be judge of the sufficiency of any protest and its decision shall be final and conclusive: *Provided*, Names may be withdrawn from any protests by the signers thereof at any time before the governing body shall convene its meeting to determine the sufficiency thereof.

(b) Any owner of property in the improvement district described in the resolution ordering the improvements to be made may bring an action not later than thirty (30) days from the publication of the resolution for the purpose of challenging the creation of the improvement district or its boundaries, the need for and the nature and extent of the improvements to be made, the

method of financing the improvements, including the apportionment of costs between the city and the improvement district and the method for levying assessments against the property in the improvement district or any other matter expressly provided for in the resolution.

Section 2. K.S.A. 12-6a07 is hereby amended to read as follows: 12-6a07. (a) The city may pay such portion of the cost of the improvement as the governing body may determine, but not more than ninety-five percent (95%) of the total cost thereof. The share of the cost to be paid by the city at large shall be paid in the manner provided by K.S.A. 12-6a14.

(b) If any property deemed benefitted shall by reason of any provision of law be exempt from payment of special assessments therefor, such assessment shall, nevertheless, be computed and shall be paid by the city at large.

(c) If any property which would otherwise be deemed benefitted by an improvement has made payment of any tax, excise, fee or charge, which payment represents the property's contribution to the cost of such improvement, the governing body shall not include the property in any improvement district created to construct and finance the same improvement and shall not levy any special assessment against the property for payment of the improvement.

Section 3. K.S.A. 12-690 is hereby amended to read as follows: 12-690. This act shall be supplemental to all other acts relating to the improvement of streets, boulevards and

avenues, and the designation of any street, boulevard or avenue as a main trafficway or main trafficway connection shall not prevent preclude the use of other statutes or home rule authority pursuant to art. 12, section 5(b) of the Kansas Constitution for the improving of any such street, boulevard or avenue for the making and financing of all or any part of such improvements.

Section 4. K.S.A. 12-6a06, 12-6a07 and 12-690 are hereby repealed.

Section 5. This act shall take effect and be in force from and after its publication in the statute book.



**Testimony regarding House Bills 2021, 2022  
Introduced by the Legislative Post Audit Committee**

**HB 2021: Additional audit work requested by State agencies**

**Current Legislative Post Audit Act (K.S.A. 46-1118):**

For any financial-compliance audit required by OTHER THAN the Post Audit Act or the KPERS Act, agencies are required to reimburse Legislative Post Audit for the additional costs incurred in conducting that audit, and those moneys can be deposited into and spent from the Audit Services Fund.

**The amendment proposed by the Legislative Post Audit Committee would do the following:**

1. Allow the Committee to authorize financial-related audit work that State agencies request.
2. Allow the Committee to decide to charge agencies for these audit costs.
3. Allow these moneys to be deposited into and spent from the Audit Services Fund.

**HB 2022: Procedures for contracting certain audits**

**Current situation:**

Under the Legislative Post Audit Act (K.S.A. 46-1122), when the Committee decides to contract out the Statewide financial-compliance audit to a public accounting firm, the process for contracting that audit is specified in the Post Audit Act.

- Post Audit staff send out requests for proposal
- Post Audit staff evaluate the proposals received (qualifications of firm and staff, technical proposal, fee)
- Contract Audit Committee selects the firm

This process is NOT CLEARLY REFERENCED in the laws requiring financial-compliance audits of KPERS, the Lottery, or the State Treasurer's Office. Without clear reference, it appears that the contracting process for these audits should go through the Division of Purchases.

**The amendment proposed by the Legislative Post Audit Committee would do the following:**

1. Clearly states that when the Committee decides to contract these audits (as it has always done) the audit firm selection process shall be the one described in the Post Audit Act (the staff evaluation / Contract Audit Committee process).

**Staff note:** The Division of Purchases has reviewed the contracting process spelled out in the Post Audit Act, is satisfied that it works well, and supports this change.

*SWAM  
February 17, 1993  
Attachment 7*