

MINUTES OF THE HOUSE COMMITTEE ON Federal & State Affairs

The meeting was called to order by Representative Robert H. Miller at _____
Chairperson

1:30 a.m./p.m. on February 7, 1984 in room 526S of the Capitol.

All members were present except:

Committee staff present:

Russ Mills, Research Department
Mary Torrence, Revisor of Statute's Office

Conferees appearing before the committee:

Representative Marvin Smith
Perl Fisher
Denny Burgess
Todd Sherlock, Kansas Association of Realtors
Paul Flower, Real Estate Commission

The meeting was called to order by Chairman Miller.

HB2837 - amending the real estate brokers' and sales-
persons' license act

Representative Marvin Smith explained the bill and the reasons for its introduction.

Perl Fisher gave testimony in support of HB2837 focusing on the section dealing with license renewal and removing licenses from inactive to active status. See attachment A.

Denny Burgess gave testimony in support of the bill. He said he didn't believe two years was a valid measurement of time.

Todd Sherlock, Kansas Association of Realtors, supports part of the bill, but has reservations in some areas. He said that the provisions of this act could be used against a licensee in a civil lawsuit, adding another element of liability in addition to the established Kansas common law rules of nondisclosure. See attachment B for amendments and statement.

Paul Flower gave testimony on the bill. He distributed a copy of a message from the Governor in which he explained his veto of SB264. He explained that HB2837 compares to SB264, except that Sec. 3 (c) has been deleted. This was the section in SB264 which caused the Governor concern and the reason for his veto. See attachment C.

Hearings on HB2837 were concluded.

SB401 - Revising bingo statutes for greater regulation
and clarifying enforcement

Representative Roe gave a subcommittee report on the bingo bill and explained their proposed amendments. See attachments D and E.

Representative Roe made a motion, seconded by Representative Aylward, to adopt New Sections q, r, & s on page 7 of attachment D. The motion carried.

Representative Roe made a motion, seconded by Representative Runnels, that the definition of "premise" be included in the bill. The motion carried.

Representative Roe made a motion, seconded by Representative Runnels, to insert on line 85 after "charged" the words "for any session of bingo exceed 50% of the net proceeds for the session after payment of prizes and taxes"

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON Federal & State Affairs,

room 526S, Statehouse, at 1:30 a.m./p.m. on February 7, 1984

or the fair and reasonable rental value determined by the secretary of revenue, whichever is less". The motion carried.

Representative Roe made a motion, seconded by Representative Aylward, to adopt New Sec. (f) on attachment E.

Representative Vancrum made a motion, seconded by Representative Murphy to adopt New Sec. (f) on Attachment E with the five year limitation. The motion carried.

Representative Roe made a motion, seconded by Representative Smith, to increase the registration fee from \$25 to \$100. The motion carried.

Representative Roe made a motion, seconded by Representative Runnels that the gross receipts tax go $\frac{1}{4}$ to the state general fund; $\frac{1}{2}$ to the state bingo fund and $\frac{1}{4}$ to city and county.

Representative Brady made a motion, seconded by Representative Peterson, to restore the present formula of 1/3 - local; 1/3 - general fund and 1/3 - state bingo fund. The motion carried.

Representative Roe made a motion, seconded by Representative Ramirez, to report SB401 favorably as amended. The motion carried.

HB2621 - Whistleblower act to protect state employees who provide information regarding operation of state agency.

Dr. Robert Harder, Secretary of SRS, told the committee this bill conveys a negative image. The public would see this as people not trusting each other. Dr. Harder Distributed a letter which he sent to his employees in 1976. See attachment F.

Patricia Riley, attorney for KAPE, discussed Mr. Grigg's amendments (attach ment F) and expressed her concerns with some of them.

Arnold Berman, Department of Human Resources, gave testimony in support of Subsection (b) of Mr. Grigg's amendments.

Representative Vancrum made a motion, seconded by Representative Smith, to delete in Sec. 1 (a) "unclassified employees" and in Sec. 1 (b) put the burden of promulgating rules and regulations on the Department of Administration.

Representative Matlack made a substitute motion, seconded by Representative Sughrue, to table the bill. The motion lost.

The original motion was voted on. The motion carried.

Representative Vancrum made a motion, seconded by Representative Fuller, to adopt all of (1) in the first box of Mr. Griggs' amendments. The motion carried.

Representative Vancrum made a motion, seconded by Representative Sallee, to adopt (A) and (B) under (2) in Mr. Grigg's amendments plus "to any person, agency or organization. The motion carried.

Representative Vancrum made a motion, seconded by Representative Aylward, to adopt all of (b) in the second box of Mr. Griggs' amendments and to insert "reckless" before "disregard" in (A). The motion carried.

Representative Matlack made a motion, seconded by Representative Brady, to include the third box of Mr. Griggs' amendment in New. Sec. C

Representative Vancrum made a substitute motion, seconded by Representative Roe, to adopt the third box, but to strike "unreasonably" and to leave in "reprimand, admonishment and warning of possible dismissal. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON Federal & State Affairs,
room 526S, Statehouse, at 1:30 a.m./p.m. on February 7, 1984

Representative Vancrum made a motion, seconded by Representative Matlack, to adopt (d) in the fourth box of Mr. Griggs' amendments. The motion carried.

Representative Vancrum made a motion, seconded by Representative Smith, to adopt the penalties in section (e) of the subcommittee balloon. (attachment G)

Representative Matlack made a substitute motion, seconded by Representative Vancrum, to adopt the first sentence of Mr. Grigg's amendment (e) and sec. (e) of the subcommittee balloon. The motion carried.

The chairman announced he hoped to have the amendments in print for the committee by tomorrow's meeting so that the committee could take action.

The meeting was adjourned.

H.B. 2837

Mr. Chairman and members of the Committee my name is Perl Fisher resident of Shawnee County, Registered Professional Engineer, have a Life Teaching Certificate, since 1977 and presently an officer in the Kaw Valley State Bank and Trust Co.

H.B. 2837

My remarks will focus on the section dealing with license renewal and removing license from inactive to active status. The present Law uses the term Deactivated - to render inactive or ineffective, as in as explosion, chemical etc. to release some active duty, demoblize inactive - not active, not having active properties and etc.

I site the above because I feel the persons writing this Law was playing with words.

There is presently a statute K.S. A58-30 46 a requiring eight (8) hours of realstate education, taken at a school approved by the Kansas Real Estate Commission, before a license can be renewed whether the license is active or inactive. I concur with this action. I feel this will better equip a person to keep up dated in the Real Estate Business but I fail to see the value in reexamining just because they didn't practice in a certain calendar time period.

The items discussed in a Real Estate course I took at Washburn University, I feel taught me much more about the Real Estate Business and too, a course, by a Real Estate Firm, here in Topeka better equipped me to enter the Real Estate Business.

The examination was a sham for the Real Estate commission to issue a license.

I don't particularly like to make comparisons, however I happen to know attorneys at Law, who have not practiced for four (4) years or more and later re-entered the practice of Law without another Bar exam.

Take myself, I have been a registered Professional Engineer since 1947 and have not practiced since 1976 and as long as I pay my registration fee no one feels (that I know) that my registration should be taken away from me.

Too, I'm certified to teach school and as long as I renew my Life Certificate each three year period (Providing I'm not Teaching) by furnishing the Department of Education three credit hours of a College Course.

The academic requirements for Engineering and Teaching are much greater than the Real Estate License. I understand the educational requirements for Real Estate Licensing is High School Graduation.

I have kept my Real Estate License fees paid as July 1981 and again July 1983, I was not officially informed until I made an application in September 1983. I was informed that I could not enter the practice as a Real Estate sale person , unless I was re-examined. I had taken an

Atch. A

eight (8) hour Seminar in February 1983 and credit was sent to the Real Estate Commission and they sent me notice I had met the requirements for renewal.

My presence here is to urge you to proceed with H.B. 2837 and hopefully it will soon become a Law and be helpful to Real Estate Persons.

Thank you

Perl Fisher

PFF/aw



Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611
Telephone 913/267-3610

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

Mr. Chairman and members of the Committee, my name is Todd Sherlock and I represent the Kansas Association of REALTORS. Our Association supports part of House Bill 2837 and opposes other portions of the bill. We are opposed to the deletion of the word 'not' on line 99 and the deletion of the wording on lines 106 through 109. The elimination of this language will allow individuals who are on a deactivated status for a period of more than two years to simply take the eight hour course requirement required of any license renewal without retaking the examination now mandated by law.

Our Association feels that people who have let their license lapse for more than a two year period should be required to have more stringent education or testing requirements than those who have an active license and are simply renewing that license. We take this position because we believe in the protection of the public through knowledgeable licensees. Education is of prime importance to ensure that the unsuspecting public is protected in an industry which often times changes and can be complex and confusing.

Although no changes have been suggested at this time, we would ultimately like to see KSA 58-2062 (a) (31) revised. This language is found on lines 303 to 306 of House Bill 2837. Presently, the law reads that a licensee shall be responsible for failing to disclose any "material information" about a property to a buyer which the licensee knew or should have known. This 'should have known' language is vague and difficult to determine. Also, the provisions of

-CONT.-

this act could presumably be used against a licensee in a civil lawsuit, adding yet another element of liability in addition to the established Kansas common law rules of nondisclosure.

With these exceptions noted, the Kansas Association of REALTORS supports House Bill 2837.

STATE OF KANSAS



OFFICE OF THE GOVERNOR

State Capitol
Topeka 66612

John Carlin Governor

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill No. 264 to you unsigned.

SB 264 would amend a number of statutes relating to the Real Estate Brokers' and Salespersons' Act. At the present time there are certain requirements for obtaining and renewing a license to deal in real estate, which illustrate the forward steps that have been taken over the past several years to reinforce the skills and knowledge of professional realtors. The simple fact that the purchase of a home is one of the most important decisions that a person makes in a lifetime certainly suggests that realtors should be as well-trained and knowledgeable as possible.

SB 264 would in a very direct way devalue the forward thrust of recent years that stiffened requirements for persons engaging in the sale of real estate. I refer especially to Section 3(c) of the bill which provides that a person having a deactivated license for a period of two years would no longer be required to take an examination to have the license reactivated. I find this portion of the bill unacceptable.

The boards, commissions and authorities of this State that provide for the licensing of professionals should as a general rule move toward a strengthening of the requirements to obtain a license. This bill has precisely the opposite effect.

For this reason, I veto Senate Bill No. 264.

A handwritten signature in black ink, appearing to read "John Carlin".

JOHN CARLIN
Governor

Dated: May 9, 1983

Atch. C

RE. H.B. 2837

Mr. Chairman and members of the committee. I am Ramona Schell and am a Real Estate Sales person and have been for 4 years.

I feel the present law does not take into consideration some of the conditions that could cause a person to discontinue their work and at a later date wish to practice Real Estate. With the educational requirements it would seem very adequate to allow a person to activate their license and practice, without being reexamined. The examination is only a tool for the commission to use for licensing and does not make a person any better sales person.

In lieu of exam;

I feel for the public to be served as we would hope it is, to possibly review the agents background during their active practice. Many inactives are experienced, honest, sincere and possibly could not pass the exam. I am in favor of the educational requirements.

I urge the passage of House Bill 2837.

Atch. C

New page 4
ED

0124 of Kansas for a period of 18 months immediately preceding the
0125 date of making application for a license. The licensee shall
0126 display the license in a prominent place in the vicinity of the
0127 area where it is to conduct bingo.

0128 (d) ~~From and after January 1, 1983~~, No lessor of premises
0129 used for the management, operation or conduct of any games of
0130 bingo shall permit the management, operation or conduct of
0131 bingo *games* on such premises unless and until such lessor has
0132 made application for and has been issued a registration certifi-
0133 cate by the secretary of revenue. Application for registration
0134 shall be accompanied by a fee in the amount of ~~\$25~~ and shall be
0135 made upon forms prescribed by the secretary and shall contain:

0136 (1) The name or names of the lessor of premises which will
0137 be used for the management, operation or conduct of any games
0138 of bingo including, in the case of a corporation, partnership,
0139 association, trust or other entity, the names of all individuals
0140 having more than a 10% ownership interest, either directly or
0141 indirectly in such entity;

0142 (2) the address of such premises;

0143 (3) the name or names of any and all organizations which will
0144 manage, operate or conduct any games of bingo on such premises
0145 during the period for which the registration certificate is valid;

0146 (4) such other information as may be required by the secre-
0147 tary.

0148 (e) Each registration certificate, or renewal thereof, issued
0149 under the provisions of subsection (d) shall expire at midnight on
0150 June 30 following its date of issuance. The certificate of regis-
0151 tration shall be valid for only one premises and shall be promin-
0152 ently displayed in the registered premises

0153 ~~Sec. 2.~~ K.S.A. 1982 Supp. 79-4706 is hereby amended to read
0154 as follows: 79-4706. Games of bingo managed, operated or con-
0155 ducted by organizations licensed under the provisions of this act
0156 shall be managed, operated or conducted subject to rules and
0157 regulations adopted by the secretary of revenue and the follow-
0158 ing restrictions:

0159 (a) The entire gross receipts received by any such organiza-
0160 tion from the operation or conduct of games of bingo, except that

(f) The secretary of revenue shall issue a certificate of registration for any premises where any individual who is connected in any way directly, or indirectly, with the owner or lessor of the premises which shall be used for the management operation or conduct of bingo games has been convicted of, has pleaded guilty to or pleaded nolo contendere to any illegal gambling activity, has purchased a tax stamp for wagering or gambling activity, or has been convicted of any felony.

with 3-year limit

\$100

Sec. 2. K.S.A. 79-4704 is hereby amended to read as follows: 79-4704. For the purpose of providing revenue which may be used by the state, counties and cities and for the privilege of operating or conducting games of bingo under the authority of this act, there is hereby levied and there shall be collected and paid by each licensee a tax at the rate of ~~three--percent--(3%)~~ 4% upon the gross receipts received by the licensee from charges for participation in such games and any admission fees or charges in connection therewith. The tax imposed by this section shall be in addition to the license fee imposed under K.S.A. 79-4703 and amendments thereto.

3

Atch. D
ED

As Amended by House Committee

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 1983

SENATE BILL No. 401

By Committee on Federal and State Affairs

3-4

0024 AN ACT concerning bingo; amending K.S.A. 79-4708 and 79-
0025 4710 and K.S.A. 1982 Supp. 79-4703 and 79-4706 and repeal-
0026 ing the existing sections.

0027 *Be it enacted by the Legislature of the State of Kansas:*

0028 Section 1. K.S.A. 1982 Supp. 79-4703 is hereby amended to
0029 read as follows: 79-4703. (a) Any bona fide nonprofit religious,
0030 charitable, fraternal, educational or veterans' organization desir-
0031 ing to manage, operate or conduct games of bingo within the
0032 state of Kansas may make application for a license therefor in the
0033 manner provided under this section. Application for licenses
0034 required under the provisions of this act shall be made to the
0035 secretary of revenue upon forms prepared by the secretary of
0036 revenue or the secretary's designee and shall contain:

0037 (1) The name and address of the organization;

0038 (2) the particular place or location for which a license is
0039 desired;

0040 (3) a sworn statement verifying that such organization is a
0041 bona fide nonprofit religious, charitable, fraternal, educational or
0042 veterans' organization authorized to operate within the state of
0043 Kansas signed by the presiding officer and secretary of the
0044 organization; and

0045 (4) such other information as may be required by the secre-
0046 tary of revenue.

0047 (b) No bingo license shall be issued to any bona fide non-
0048 profit religious, charitable, fraternal, educational or veterans'
0049 organization if any of its officers, directors or officials:

79-4704,

Atch. E

0050 (1) Has been convicted of, has pleaded guilty to or pleaded
 0051 *nolo contendere*; to a violation of gambling laws of any state or
 0052 the gambling laws of the United States, or shall have forfeited
 0053 bond to appear in court to answer charges for any such violation,
 0054 within the five years immediately prior to the date of such
 0055 organization's application for a license;

0056 (2) at the time of application for renewal of a bingo license
 0057 issued hereunder would not be eligible for such license upon a
 0058 first application.

0059 (c) An application for a license required under the provisions
 0060 of this act shall be accompanied by a fee of \$25 and if such
 0061 organization is to conduct bingo on any leased premises, the
 0062 terms of the lease shall be reduced to writing and a copy of the
 0063 lease shall be submitted to the secretary of revenue. The secre-
 0064 tary of revenue shall have the power and authority to approve or
 0065 disapprove any lease submitted. No lease, which has been ap-
 0066 proved by the secretary of revenue, shall be amended, modified
 0067 or renewed in any manner until such amendments, modifications
 0068 or renewals of such lease have been approved by and are on file
 0069 with the secretary of revenue. No lease shall have a rental cost
 0070 more than the fair and reasonable rental value as determined by
 0071 the secretary of revenue. In no event shall the rental cost for any
 0072 session of bingo exceed 50% of the net proceeds for such session
 0073 after payment of prizes and taxes or the fair and reasonable rental
 0074 value determined by the secretary of revenue for any session of
 0075 bingo, whichever is the lesser, but such 50% restriction shall be
 0076 waived by the secretary if the restriction would result in a rental
 0077 amount substantially lower than the fair and reasonable rental
 0078 value as determined by the secretary. Any rent beyond that
 0079 which is fair and reasonable for rental of a premises for the
 0080 purpose of managing, operating or conducting games of bingo as
 0081 determined by the secretary of revenue shall not be approved.
 0082 No lease submitted to the secretary of revenue shall be approved
 0083 unless:

0084 (1) The rental cost of the premises itself is fair and reason-
 0085 able; and, in no event, shall the rent charged ~~be based upon~~
 0086 ~~proceeds from bingo games.~~ The rental costs so charged shall be

for any session of bingo exceed 50% of the net
 proceeds for the session after payment of prizes and
 taxes or the fair and reasonable rental value
 determined by the secretary of revenue, whichever
 is less

0124 of Kansas for a period of 18 months immediately preceding the
 0125 date of making application for a license. The licensee shall
 0126 display the license in a prominent place in the vicinity of the
 0127 area where it is to conduct bingo.

0128 (d) ~~From and after January 1, 1983,~~ No lessor of premises
 0129 used for the management, operation or conduct of any games of
 0130 bingo shall permit the management, operation or conduct of
 0131 bingo *games* on such premises unless and until such lessor has
 0132 made application for and has been issued a registration certifi-
 0133 cate by the secretary of revenue. Application for registration
 0134 shall be accompanied by a fee in the amount of ~~\$25~~ and shall be
 0135 made upon forms prescribed by the secretary and shall contain:

0136 (1) The name or names of the lessor of premises which will
 0137 be used for the management, operation or conduct of any games
 0138 of bingo including, in the case of a corporation, partnership,
 0139 association, trust or other entity, the names of all individuals
 0140 having more than a 10% ownership interest, either directly or
 0141 indirectly in such entity;

0142 (2) the address of such premises;

0143 (3) the name or names of any and all organizations which will
 0144 manage, operate or conduct any games of bingo on such premises
 0145 during the period for which the registration certificate is valid;

0146 (4) such other information as may be required by the secre-
 0147 tary.

0148 (e) Each registration certificate, or renewal thereof, issued
 0149 under the provisions of subsection (d) shall expire at midnight on
 0150 June 30 following its date of issuance. The certificate of regis-
 0151 tration shall be valid for only one premises and shall be promin-
 0152 ently displayed in the registered premises.

0153 ~~Sec. 4.~~ K.S.A. 1982 Supp. 79-4706 is hereby amended to read
 0154 as follows: 79-4706. Games of bingo managed, operated or con-
 0155 ducted by organizations licensed under the provisions of this act
 0156 shall be managed, operated or conducted subject to rules and
 0157 regulations adopted by the secretary of revenue and the follow-
 0158 ing restrictions:

0159 (a) The entire gross receipts received by any such organiza-
 0160 tion from the operation or conduct of games of bingo, except that

\$100

Sec. 2. K.S.A. 79-4704 is hereby amended to read
 as follows: 79-4704. For the purpose of providing
 revenue which may be used by the state, counties and
 cities and for the privilege of operating or
 conducting games of bingo under the authority of this
 act, there is hereby levied and there shall be
 collected and paid by each licensee a tax at the rate
 of ~~three-percent--(3%)~~ 4% upon the gross receipts
 received by the licensee from charges for participation
 in such games and any admission fees or charges in
 connection therewith. The tax imposed by this section
 shall be in addition to the license fee imposed under
 K.S.A. 79-4703 and amendments thereto.

3

0235 (o) No lessor of premises used for the management, operation
 0236 or conduct of any games of bingo or any licensee shall offer an
 0237 opportunity to participate in a game of chance, drawing, contest,
 0238 door prize, game, test of skill, lottery or any similar activity as an
 0239 inducement to participate in games of bingo nor as a bingo prize
 0240 or preliminary to the awarding of a bingo prize.

0241 (p) No licensee shall manage, operate or conduct bingo on
 0242 any leased premises or with leased equipment unless all of the
 0243 terms and conditions of rental or use, including the rental of
 0244 chairs, bingo equipment, tables, babysitters, security guards,
 0245 janitor service or any other services, are set forth in a lease
 0246 submitted, approved and on file with the secretary of revenue.

0247 ~~(q) No locations or registered premises shall be used for the~~
 0248 ~~management, operation or conduct of bingo games on more than~~
 0249 ~~three calendar days in any one week.~~ (t)

0250 (r) ~~(q)~~ Every licensee who has gross receipts of \$1,000 or
 0251 more received from participation in games, admission fees or
 0252 charges and from any other source directly related to the
 0253 operation or conduct of any bingo games in any calendar month
 0254 shall maintain a bingo trust bank account into which all such
 0255 receipts are deposited daily and from which all payments are
 0256 made relating to the management, operation or conduct of any
 0257 bingo games, except payment of prizes of less than \$100. [Hav-
 0258 ing once established such bingo trust bank account, the licensee
 0259 shall continue to make deposits of all receipts therein.] Every
 0260 licensee shall notify the secretary of revenue of the name of the
 0261 bank in which the bingo trust bank account is maintained,
 0262 together with the number and name of the account. Every
 0263 licensee who maintains a bingo trust bank account shall main-
 0264 tain a complete record of all deposits and withdrawals from
 0265 such bank account and the same shall be available to the
 0266 secretary of revenue or the secretary's agents or investigators to
 0267 audit at any reasonable time. (u)

0268 ~~(s)~~ ~~(r)~~ The records required under subsection ~~(r)~~ ~~(q)~~ are in
 0269 addition to all other records required to be kept by the licensee
 0270 by statute or rules and regulations. The records required by
 0271 s. ~~ection~~ ~~(r)~~ ~~(q)~~ shall be maintained in the same place as all (t)

(q) No premises shall be used for the management, operation or conduct of bingo games on more than three calendar days in any one week.

(r) No premises shall be subdivided to provide multiple premises where games of bingo are managed, operated or conducted, whether or not the multiple have different addresses.

(s) No game of bingo shall be managed, operated or conducted on leased premises if at any time during the immediately preceding 44 hours the premises, or any premises within 1,000 feet of them, have been used for the management, operation or conduct of a game of bingo.

5

0309 Sec. 4. K.S.A. 79-4708 is hereby amended to read as follows:
 0310 e 79-4708. The administration of this act shall be vested in the
 0311 secretary of revenue who shall ~~have power to~~ adopt and enforce
 0312 rules and regulations to regulate, license, and tax the manage-
 0313 ment, operation and conduct of games of bingo and participants
 0314 therein and to properly administer and enforce the provisions of
 0315 this act. *Also, the secretary shall adopt rules and regulations*
 0316 *relating to the leasing of premises for the management, opera-*
 0317 *tion and conduct of games of bingo.*

6

0318 Sec. 5. K.S.A. 79-4710 is hereby amended to read as follows:
 0319 79-4710. (a) All amounts received by or for the secretary of
 0320 revenue from license fees pursuant to K.S.A. 79-4703 and
 0321 amendments thereto shall be remitted to the state treasurer and
 0322 the state treasurer shall deposit all of such moneys in the state
 0323 treasury and, except as otherwise required in accordance with
 0324 provided by K.S.A. 79-4711 and amendments thereto for main-
 0325 tenance of the bingo refund fund, shall credit the same to the
 0326 state general fund.

0327 (b) All amounts received by or for the secretary of revenue
 0328 from the tax pursuant to K.S.A. 79-4704 and amendments thereto
 0329 shall be remitted to the state treasurer and the state treasurer
 0330 shall deposit all of such moneys in the state treasury. There is
 0331 hereby created, in the state treasury, the state bingo regulation
 0332 fund and the county and city bingo tax fund. Subject to the
 0333 maintenance requirements of the bingo refund fund under
 0334 K.S.A. 79-4711 and amendments thereto, ~~one-third (1/3)~~ $\frac{1}{4}$ of each
 0335 ~~such~~ deposit shall be credited to the state general fund, $\frac{1}{4}$ of
 0336 each deposit to the state bingo regulation fund and the remain-
 0337 ing ~~two-thirds (2/3)~~ $\frac{1}{4}$ of such deposit shall be credited to the
 0338 county and city bingo tax fund. Moneys in the state bingo
 0339 regulation fund shall be expended for the enforcement of the
 0340 bingo statutes in article 47 of chapter 79 of Kansas Statutes
 0341 Annotated and rules and regulations adopted pursuant thereto.
 0342 Such expenditures shall be made upon vouchers approved by
 0343 the secretary of revenue or a person designated by the secretary.
 0344 Whenever any part of such deposit is credited to the bingo
 0345 refund fund in accordance with K.S.A. 79-4711, one-third (1/3) of

 $\frac{1}{4}$ $\frac{1}{2}$ $\frac{1}{4}$

the balance of such deposit shall be credited to the state general fund and the remaining two-thirds (2/3) of such balance shall be credited to the county and city bingo tax fund.

(c) All moneys deposited in the county and city bingo tax fund shall be returned to the counties and cities in which the licensed locations and registered premises are located at a time or times fixed by the secretary but not less than once in each year. If the licensed locations and registered premises is are located within the corporate limits of a city, all taxes collected therefrom shall be remitted to the city treasurer of such city and credited to the city general fund. If the licensed locations and registered premises is are located within the unincorporated area of any county, all taxes collected therefrom shall be remitted to the county treasurer of such county and credited to the county general fund. Moneys distributed to cities and counties under this section shall be used to assist in the enforcement of the bingo laws of this state.

Sec. ~~6~~ K.S.A. 79-4708 and 79-4710 and K.S.A. 1982 Supp. 79-4703 and 79-4706 are hereby repealed.

Sec. ~~7~~ This act shall take effect and be in force from and after its publication in the statute book.

7

79-4704

8

STATE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES
State Office Building
Topeka, Kansas 66612

Secretary's L-172

December 30, 1976

To: Division Directors
Section Directors
Superintendents of State Institutions
Area Directors
Area Program Chiefs
Income Maintenance and
Social Service Supervisors

DEC 31 1976
SECRETARY'S
(Distribution Code 4)

Re: Employee Public Expression

We are interested in setting forth the department's policy concerning the extent to which an employee can express his/her beliefs and concerns in a public way and still remain within the bounds of organizational requirements.

The department would not wish or intend to interfere with the personal and private activities of an employee, but restraint is necessary when personal and private activities become intermingled with departmental business.

Certain principles must be observed:

1. An employee is not to issue public statements concerning the business of the department unless assigned or authorized to do so by the area director, superintendent, division director, or the Secretary.
2. An employee is not to use for personal or private reasons the written directives or memoranda of the department or information based upon his or her work within the department or imply special knowledge or authority by reference to his/her official position within the department unless assigned or authorized to do so.
3. There are established channels for expression of differing viewpoints, questions, or concerns related to departmental policy or procedures; and these channels are to be utilized. SRS is interested in hearing from staff at all levels concerning policy matters. We encourage open discussion concerning these matters. However, if an employee wants to support or protest a policy matter, the matter should be discussed with the supervisor. If the matter is not resolved at that level, it should be directed to the area chiefs and the area directors or the superintendents and the clinical directors. The area chiefs and the area directors or the superintendents and the clinical directors will bring the matter to the attention of the SRS Executive Committee.

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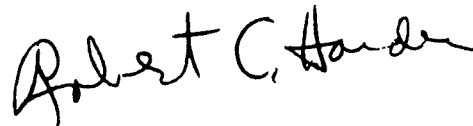
December 30, 1976

The Executive Committee will be expected to make a written response concerning the policy. The written response should speak directly to the issue and give the rationale for the policy.

4. Question has arisen concerning advising the client to contact his/her legislator concerning issues or questions of law or policy. We should answer client questions as fairly and honestly as possible and assist clients within the bounds of our policies and resources; but it would not be appropriate, and may be a frustration to the client, to set the client up in opposition to departmental policy.
5. Question has arisen as to whether an employee is free to contact his/her own district legislators concerning state government or departmental policy or business. In any such contact, it is essential that an employee identify that he/she is speaking for himself/herself and not the department.

It is important to recognize when considering these issues that the tasks of shaping, defining, explaining, and promoting of departmental policy must rest with those assigned this responsibility and that clarity in public dealings is defeated when different interpretations are heard within any locality.

Sincerely yours,



Robert C. Harder
Secretary

RCH:pa