

Approved March 2, 1989  
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Sen. Don Montgomery at  
Chairperson

9:00 a.m. ~~p.m.~~ on February 28, 1989 in room 531-N of the Capitol.

All members were present except:

Committee staff present:

Mike Heim, Legislative Research  
Theresa Kiernan, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Susan Seltsam, State Treasurer's Office  
Norman Reynolds, Kansas Association of School Boards  
Ernie Mosher, League of Kansas Municipalities  
John Torbert, Kansas Association of Counties  
Jim Maag, Kansas Bankers Association

The hearing began on SB 279, requested by the State Treasurer's Office, concerning the investment of public moneys in the municipal investment pool fund. Susan Seltsam, State Treasurer's Office, testified in support of the bill. (See Attachment I.)

Norman Reynolds, Kansas Association of School Boards, followed with testimony in support of the bill with amendments. (See Attachment II.)

Ernie Mosher, League of Kansas Municipalities, briefly testified in support. He noted that twenty states now have this, and others have similar investment programs. He feels this should be made available on an optional level to local governments. The Chairman asked if there are cities that do a poor job in investing their money to which Mr. Mosher replied that there are some and added that any city treasurer could follow the procedure in this bill. He also agreed with the Chairman that local banks would object to the bill as they feel the money should be invested in local banks. The Chairman then asked Mr. Mosher if he feels continuing education is needed for city treasurers. Mr. Mosher did not feel there is a need for it, and stated that his organization would not support a state mandate on local governments although he agreed that education is always helpful.

John Torbert, Kansas Association of Counties, testified next with no strong support for or against SB 279. (See Attachment III.) He added that he is familiar with the investment practices in Iowa, and that state is functioning well with private sector alternatives of which he spoke in his written testimony.

Final testimony was given by Jim Maag, Kansas Bankers Association, who was opposed to the bill. (See Attachment IV.) This concluded the hearing, and the bill was taken under advisement.

The Chairman asked Sen. Petty for a report on SB 185 concerning library boards. Sen. Petty had copies of a balloon of the bill. It was amended by striking language which would allow the library boards to buy or sell property without the approval of the governing body of the city. (See Attachment V.)

Sen. Petty made a motion to strike all language from the bill from line 38 through line 116, Sen. Gaines seconded, and the motion carried.

Sen. Petty made a motion to report SB 185 favorable for passage as amended, Sen. Langworthy seconded, and the motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

room 531-N, Statehouse, at 9:00 a.m.~~pm~~ on February 28, 1989.

Discussion began on SB 268 concerning the Register of Deeds which was heard yesterday. Staff had a balloon of the bill and explained the amendments. (See Attachment VI). Sen. Gaines felt it is unnecessary to have a filing in two different places in the same courthouse and that it would cause extra work for state employees. The Chairman explained that the bill was meant to simplify matters for the Registers of Deeds in keeping their records up to date. Sen. Gaines continued the discussion as to the necessity of the bill. Sen. Daniels recalled that at the hearing it was explained that with this one page notification, it would be quicker in determining if there had been a change rather than referring to the long documents filed with the Clerk of the District Court. The Chairman said the bill will be considered at tomorrow's meeting.

The minutes of February 27 were approved.

The meeting was adjourned.



Joan Finney

TREASURER



900 JACKSON, SUITE 201  
TOPEKA, KANSAS 66612-1235

STATE OF KANSAS

TELEPHONE  
(913) 296-3171

TESTIMONY OF SUSAN SELTSAM, ASS'T STATE TREASURER, BEFORE THE SENATE LOCAL GOVERNMENT COMMITTEE, FEBRUARY 28, 1989.

SENATE BILL 279 - CREATION OF A MUNICIPAL INVESTMENT POOL

SB 279 amends the provisions governing the investment of public money at the municipal level. It enables cities, counties, school districts and other local units of government to pool their short-term idle funds with those of the state for investment purposes. The ability to invest money in million dollar increments will produce greater interest income for the local municipality.

The bill provides for funds of the local municipality which are available for investment for less than 30 days, to be sent to the State Treasury to be invested daily, along with State Treasury funds in fully-collateralized investments. The current daily rate of return is 9.58%. This is 107 basis points above the 91-day treasury bill rate. The estimated cost to the municipality would be no greater than 1% of the interest earned on their money. There are 20 other states that offer investment pools to their local governing bodies.

This investment vehicle would be especially useful to Kansas local governments at peak collection times, such as when tax revenues are received. Current law requires only 50% pledging coverage at financial institutions during these peak collection periods.

This bill simply provides an investment option to local governing bodies.

Investments in the pool would be safe (fully-collateralized), provide a high degree of liquidity and increase revenue from interest earnings, all three of which are of the utmost importance to governments in today's economic climate.

I urge the committee to report this bill favorably for passage.

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Senate Local Gov't  
Attachment I

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

5401 S. W. 7th Avenue Topeka, Kansas 66606  
913-273-3600

Testimony on SB 279  
before the  
Senate Local Government Committee

by

Norman L. Reynolds, Director of Education Services  
Kansas Association of School Boards

February 28, 1989

Mr. Chairman and members of the Committee, the Kansas Association of School Boards, which represents 301 of the 304 unified school district boards of education, would like to express its support for S.B. 279. However, we believe that this modest expansion of the investment authority of public bodies does not go far enough.

We would like to suggest that S.B. 279 be amended to eliminate the restrictions which limit public bodies use of the authorized investment vehicles to financial institutions within their boundaries or in certain limited circumstances, to neighboring counties.

We believe that public bodies should be able to invest their idle funds in any authorized financial institution within the state of Kansas. Our Delegate Assembly adopted a policy at its most recent meeting in December of 1988 asking us to seek this authority from the 1989 session of the Kansas Legislature. S.B. 279 would seem the most logical vehicle for considering this change.

School boards across this state are coming under increasing pressure from patrons and the legislature to maximize the utilization of their fiscal resour-

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Senate Local Gov't  
Attachment II

ces. We believe it is time to consider a change in an anachronistic and parochial state policy regarding public funds investment. Nearly half of the funds handled by local boards of education are not locally collected, but are the result of state and federal assistance. Most local school boards would undoubtedly continue to invest their idle funds in local institutions. However, the potential for greater competition for those funds would give them the opportunity to negotiate a more favorable rate of return on their investment, thereby reducing the burden on local taxpayers.

We would appreciate your consideration of this proposed amendment to S.B. 279 and I would be happy to attempt to answer any questions about our proposal.

2-28-89  
Senate L.G.  
II - 2



"Service to County Government"

212 S. W. 7th Street  
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Shawnee County Engineer  
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Dixie Rose  
Butler County Register of Deeds  
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**NACo Representative**  
Joe McClure  
Wabaunsee County Commissioner  
(913) 499-5284

**Executive Director**  
John T. Torbert

Testimony  
February 28, 1989

To; Senate Local Government Committee

From; John T. Torbert  
Executive Director

Subject; Senate Bill 279

The Kansas Association of Counties does not at this time have a stated position with regard to SB 279. When I saw that the bill was scheduled for hearing, I called a conference telephone call of our executive committee yesterday afternoon. With such short notice and without more background information on the legislation, the committee felt that it was premature to come down strongly on either side of this legislation.

Generally, we are very supportive of any legislation that will expand our investment authority and potentially yield us higher returns on our investment dollars. On the surface, this legislation meets both those tests. This sort of investment vehicle would potentially be most attractive to the smaller counties who might enjoy higher yields when their money was "lumped" with that from other local governments.

The concern that we have is that we are not sure that the methodology set forth in this legislation is the best approach to use. Without additional language added to the legislation, we have no assurance that local officials would be in any way involved with the management or administration of the municipal investment pool. The administrative charges being stated at a rate "not to exceed 1% of interest earned" looks fairly harmless but could be a substantial amount of money if this pool enjoyed even a reasonable degree of success.

If the committee is interested in allowing local governments to use an investment pool, my suggestion would be that you not limit us to using this approach. Instead, allow us to pursue private sector alternatives. This is an area where the private marketplace might better serve us than the public sector.

TSJSLGOC

2-28-89  
Senate Local Gov't  
Attachment III



The KANSAS BANKERS ASSOCIATION  
A Full Service Banking Association

February 28, 1989

TO: Senate Committee on Local Government  
FROM: James S. Maag, Kansas Bankers Association  
RE: SB 279 - Creation of a municipal investment pool fund

Mr. Chairman and Members of the Committee:

The KBA appreciates the opportunity to discuss SB 279 with the Committee. The bill would amend K.S.A. 12-1675 to create a "municipal investment pool fund" where "municipalities" would be allowed to place their "idle funds" if such "funds" are available for investment for a period of less than 30 days. The bill would further allow the State Treasurer to assess "reasonable charges" for administering the fund.

This public funds investment statute (K.S.A. 12-1675) was first enacted in 1968. It gives local units of government substantial flexibility for the investment of those "moneys which are not immediately required for the purposes for which the moneys were collected or received" at fair and reasonable rates. There are four different methods of investment ranging from no-fund warrants to CDs to repurchase agreements and Treasury bills and notes. These investments are to be made locally if any banks or S&Ls within the local unit's boundaries are willing to pay the 91-day Treasury bill rate on these moneys. If the local financial institutions are not willing to pay that rate then the local unit can seek investments in Treasury bills and notes or go to banks and S&Ls in the county or adjacent counties. In the case of repurchase agreements there is an additional provision which allows the local unit to seek such agreements on a state-wide basis. Thus, it is apparent that local units have many investment options.

It is also worth noting that while this law has served Kansas well in the investment of tax moneys, an accompanying law (K.S.A. 9-1402) has kept that money safe by requiring very high pledging standards on the invested moneys. Despite the economic difficulties which Kansas has experienced in the 1980s and the resultant closings of many financial institutions, not one dime of public monies has been lost. The Legislature can take great pride in having created public funds pledging laws which have proved to be sound and workable.

In addition, the present public funds laws are designed to maximize the use of locally raised tax dollars in the communities by allowing the financial institutions to use those moneys to make loans or invest in other assets of benefit to the community such as locally issued bonds. Obviously such investments have a positive economic impact on those communities.

In light of the present flexible and workable laws, we do not believe the provisions of SB 279 add any significant benefits for local units of government. The administrative fees extracted for the Treasurer's services and the additional administrative time and costs at the local level would basically offset any investment gain which the local unit might have. In addition, the splitting of the short term and longer term investments may have an adverse impact on the rates which the local unit could receive for the longer term investments. These problems would only be in addition to the basic problem which is moving the money from the area where it was raised thus denying any possible local use which could benefit the community economically.

Office of Executive Vice President • 1500 Merchants National Building  
Eighth and Jackson • Topeka, Kansas 66612 • (913) 232-3444

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Senate Local Gov 4  
Attachment IV



There are also a number of technical problems with the measure which would have to be addressed if it is to receive further consideration. There are no provisions which require the State Treasurer to provide pledging for these investments and this obviously runs contrary to existing state policy. There are no provisions as to when "earnings distributions" would be made or how a local unit could withdraw its moneys if it so desired nor is there any definition in Section 2 as to what constitutes a "municipality". Even though the "pool fund" is supposedly designed to handle funds for less than 30 days, there is no provision as to what occurs if the moneys remain in the fund for a period longer than 30 days.

In closing, we would again emphasize that the Legislature has carefully crafted workable public funds laws over the years which have allowed adequate returns on investments, complete safety for the tax moneys invested, and a means of putting those moneys to work in communities throughout the state. We believe SB 279 would only create a costly centralized bureaucratic process which would not result in any significant gain on investments and would definitely have a negative impact on the use of these tax moneys for economic growth in Kansas communities.

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Senate L.G.  
IV-2

SENATE BILL No. 185

By Senators Parrish, Petty and Salisbury

2-7

R-28-89  
Senate Local Gov't  
Attachment V

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AN ACT concerning certain libraries; relating to the powers and duties of the board of directors; ~~amending K.S.A. 1988 Supp. 12-1223 and 12-1225 and repealing the existing sections.~~

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

New Section 1. The board of directors of the Topeka public library may issue general obligation bonds of the Topeka public library for the purpose of constructing, reconstructing, repairing, remodeling, furnishing and equipping any ~~addition to buildings and~~ or additions thereto, together with sites therefore, for library purposes. No bonds shall be issued until the question of their issuance and the amount of such issuance has been submitted to a vote of the qualified electors of the city of Topeka at any special, general or primary election, and a majority of the qualified electors voting thereon votes in favor thereof. The election shall be called and held and the bonds shall be issued, sold, delivered, registered and retired in the manner provided by the general bond law. Bonds issued pursuant to this section shall not be subject to or within any bonded debt limit of the city of Topeka. The board of directors of the Topeka public library shall have the power to levy a tax against all taxable, tangible property in the city of Topeka for the purpose of paying the principal of, redemption premium, if any, and interest on any bonds issued pursuant to this section.

~~New Sec. 2. The board of directors of the Topeka public library shall have the power to purchase or lease a site or sites and to lease or erect a building or buildings for the use of the Topeka public library without the approval of the governing body of the city of Topeka. acquire or dispose of real property, to or additions thereto,~~

Sec. 3. K.S.A. 1988 Supp. 12-1223 is hereby amended to read

44 ~~as follows: 12-1223.-(a) -Except as provided by subsection (b), the~~  
 45 ~~library board of a library established under, or governed by the~~  
 46 ~~provisions of this act shall constitute a body corporate and politic,~~  
 47 ~~possessing the usual powers of a corporation for public purposes,~~  
 48 ~~under the name and style of "the board of directors of =====~~  
 49 ~~(name of municipality) library" and under such name may contract,~~  
 50 ~~sue and be sued and acquire, hold and convey real and personal~~  
 51 ~~property in accordance with law. Except as provided in section 2,~~  
 52 ~~the acquisition or disposition of real property shall be subject to the~~  
 53 ~~approval of the governing body of the municipality.~~

54 ~~-(b) -In Johnson county, the library board shall constitute a body~~  
 55 ~~corporate and politic possessing the usual powers of a corporation~~  
 56 ~~for public purposes, under the name and type of "the board of~~  
 57 ~~directors of =====(name of municipality) library" and un-~~  
 58 ~~der such name may contract, acquire, hold and convey real and~~  
 59 ~~personal property in accordance with the law. The acquisition or~~  
 60 ~~disposition of real property shall be subject to the approval of the~~  
 61 ~~board of county commissioners. The library board in such county~~  
 62 ~~may sue with permission of the board of county commissioners, by~~  
 63 ~~resolution, and be sued only in the name of "The Board of County~~  
 64 ~~Commissioners of the County of =====," pursuant to~~  
 65 ~~K.S.A. 19-105, and amendments thereto.~~

66 ~~Sec. 4. -K.S.A. 1988-Supp. 12-1225 is hereby amended to read~~  
 67 ~~as follows: 12-1225. Library boards shall have the following powers~~  
 68 ~~and duties: (a) To make and adopt rules and regulations for the~~  
 69 ~~administration of the library;~~

70 ~~-(b) -with the approval of the governing body of the municipality~~  
 71 ~~except as provided by section 2, to purchase or lease a site or sites~~  
 72 ~~and to lease or erect a building or buildings for the use of the~~  
 73 ~~library;~~

74 ~~(c) -to acquire by purchase, gift or exchange, books, magazines,~~  
 75 ~~papers, printed materials, slides, pictures, films, projection equip-~~  
 76 ~~ment, phonograph records and other material and equipment~~  
 77 ~~deemed necessary by the board for the maintenance and extension~~  
 78 ~~of modern library service;~~

79 ~~-(d) -to employ a librarian and such other employees as the board~~  
 80 ~~deems necessary and to remove them and to fix their compensation;~~

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 Senate L. C.  
 IV-2

81 ~~except as provided in K.S.A. 1984 Supp. 1988 Supp. 12-1225b, and~~  
82 ~~amendments thereto;~~

83 ~~(e) to establish and maintain a library or libraries and traveling~~  
84 ~~library service within the municipality or within any other municipi-~~  
85 ~~pality with which service contract arrangements have been made;~~

86 ~~(f) to contract with other libraries established under the provi-~~  
87 ~~sions of this act or with the governing body of a municipality not~~  
88 ~~maintaining a public library for the furnishing of library service to~~  
89 ~~the inhabitants of such municipality to the extent and upon such~~  
90 ~~terms as may be agreed upon, and to contract with any school board~~  
91 ~~to furnish library service to any school library or to use the library~~  
92 ~~facilities of the public school to supplement the facilities of the public~~  
93 ~~library;~~

94 ~~(g) to receive, accept and administer any money appropriated or~~  
95 ~~granted to it by the state or the federal government or any agency~~  
96 ~~thereof for the purpose of aiding or providing library service;~~

97 ~~(h) to receive and accept any gift or donation to the library and~~  
98 ~~administer the same in accordance with any provisions thereof. If~~  
99 ~~no provisions are specified, the board shall have the power to hold,~~  
100 ~~invest or reinvest the gift and any dividends, interest, rent or income~~  
101 ~~derived from the gift in the manner the board deems will best serve~~  
102 ~~the interests of the library;~~

103 ~~(i) to make annual reports to the state librarian and the governing~~  
104 ~~body of the municipality on or before January 31 of each year for~~  
105 ~~the preceding calendar year, showing receipts and disbursements~~  
106 ~~from all funds under its control, and showing such statistical infor-~~  
107 ~~mation relating to library materials acquired and on hand, number~~  
108 ~~of library users, library services available, and other information of~~  
109 ~~general interest as the governing body requires;~~

110 ~~(j) as to money received from sources other than a tax levy for~~  
111 ~~library purposes, in its discretion, to place such money in a separate~~  
112 ~~fund or funds, or to place the money in the fund to which the tax~~  
113 ~~levy money is credited unless the grantor or donor directs how and~~  
114 ~~for what purpose the money shall be handled and spent.~~

115 ~~Sec. 5. - K.S.A. 1988 Supp. 12-1223 and 12-1225 are hereby~~  
116 ~~repeated.~~

117 ~~Sec. 6. / This act shall take effect and be in force from and after~~  
118 ~~its publication in the statute book.~~

119

New Sec. 2

2-28-89  
Senate L.G.  
IV-3

# SENATE BILL No. 268

By Committee on Local Government

2-15

2-28-89  
Senate Local Gov't  
Attachment IV

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AN ACT requiring the filing of certain decrees of the court with the register of deeds; amending K.S.A. 58-2242a and K.S.A. 1988 Supp. 59-2249 and repealing the existing sections.

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

Section 1. K.S.A. 58-2242a is hereby amended to read as follows: 58-2242a. Whenever any decree or judgment entered by a district court has become final and such decree or judgment shall change the ownership or the title to real estate, the clerk of the district court shall file with or exhibit to the county clerk of the proper county the original or a certified copy of such decree or judgment, for entry upon the transfer records of the clerk's office. No fee shall be required for making such entry. ~~The clerk of the district court also shall file with the register of deeds of the proper county a certificate of title which shall be in the following form:~~

judge  
cause to be filed

### CERTIFICATE OF TITLE

In the \_\_\_\_\_ Court of \_\_\_\_\_ County, KANSAS

\_\_\_\_\_  
Plaintiff  
vs. \_\_\_\_\_  
Defendant  
No. \_\_\_\_\_

Petitioner  
Case  
Respondent

This is to certify that \_\_\_\_\_ has acquired title to the following property \_\_\_\_\_ pursuant to the decree or judgment of the district court entered \_\_\_\_\_, 19\_\_\_\_

In the matter of \_\_\_\_\_

\_\_\_\_\_  
Clerk of the District Court.

Judge

~~The register of deeds shall record such certificate of title in the general index. A \$5 filing fee shall be collected for such filing.~~

No fee shall be charged for such filing.

Sec. 2. K.S.A. 1988 Supp. 59-2249 is hereby amended to read as follows: 59-2249. On the hearing, unless otherwise ordered, the executor or administrator shall, and other persons may, be examined

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VI-2

50 relative to the account and the distribution of the estate. If all the  
 51 taxes payable by the estate have been paid so far as there are funds  
 52 to pay them and the account is correct, it shall be settled and  
 53 allowed. If the account is incorrect, it shall be corrected and then  
 54 settled and allowed. Upon settlement and allowance, the court shall  
 55 determine the heirs, devisees and legatees entitled to the estate and  
 56 assign it to them by its decree, pursuant to the terms of the will,  
 57 the laws of intestate succession in effect on the date of the decedent's  
 58 death or a valid settlement agreement. The decree shall name the  
 59 heirs, devisees and legatees; describe the property; and state the  
 60 proportion or part thereof to which each is entitled. The decree  
 61 shall be binding as to all the estate of the decedent, whether spe-  
 62 cifically described in the proceedings or not. In the estate of a testate  
 63 decedent, no heirs need be named in the decree unless they have,  
 64 as such, an interest in the estate.

65 No final decree shall be entered until after the determination and  
 66 payment of inheritance taxes. When the final decree includes real  
 67 estate, such decree, or a certified copy of it, may be entered on  
 68 the transfer record of the county clerk of the proper county. When  
 69 any such decree which includes real estate shall become final, it  
 70 shall be the duty of the court to transmit a certified copy of it to  
 71 the county clerk and the county clerk shall enter it on the transfer  
 72 record in the clerk's office. *The clerk of the district court also shall*  
 73 *file with the register of deeds of the proper county a certificate of*  
 74 *title which shall be in the following form:*

judge  
cause to be filed

CERTIFICATE OF TITLE

In the \_\_\_\_\_ Court of  
 \_\_\_\_\_ County, KANSAS

\_\_\_\_\_  
 Plaintiff  
 vs. No. \_\_\_\_\_

\_\_\_\_\_  
 Defendant

This is to certify that \_\_\_\_\_  
 has acquired title to the following property \_\_\_\_\_  
 \_\_\_\_\_  
 pursuant to the decree or judgment of the district court entered \_\_\_\_\_,  
 19\_\_\_\_

Petitioner  
Case  
Respondent  
In the matter of \_\_\_\_\_

\_\_\_\_\_  
Clerk of the District Court.

Judge

90 ~~The register of deeds shall record such certificate of title in the~~  
 91 ~~general index. A \$5 filing fee shall be collected for such filing.~~

No fee shall be charged for such filing.

92 If any person entitled to receive a distributive share of an estate  
93 pursuant to a decree hereunder is the defendant in a garnishment  
94 action or proceeding in which the executor or administrator of the  
95 estate is the garnishee, the person's distributive share shall be subject  
96 to the order of garnishment served upon the executor or adminis-  
97 trator, and no property or funds of the estate shall be delivered or  
98 paid over to the person until further order of the court from which  
99 the order of garnishment was issued.

100 Sec. 3. K.S.A. 58-2242a and K.S.A. 1988 Supp. 59-2249 are  
101 hereby repealed.

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

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Senate L.G.  
VI-3