

The American Legion Boys State of Kansas

Constitution, Amendments, and Statutes

2023 Session

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Constitution of The American Legion Boys State of Kansas

Preamble

We, the Citizens of The American Legion Boys State of Kansas, to ensure the full enjoyment of our rights as Citizens of Boys State, do ordain and establish this Constitution of The American Legion Boys State of Kansas.

Article I: The Executive

1. **Executive officers.** The Constitutional Officers of the Executive Department shall be the Governor, Lieutenant Governor, Secretary of State, and Attorney General. Such Officers shall be chosen by the Citizens of Boys State. Each shall have terms of one year, which shall begin after their election and continue until their successors are elected. At general elections of Governor and Lieutenant Governor the candidates for such offices shall be nominated and elected jointly so that a single vote shall be cast for a candidate for Governor and a candidate for Lieutenant Governor running together.
2. **Executive power of Governor.** The supreme executive power of Boys State shall be vested in a Governor, who shall be responsible for the enforcement of the laws of Boys State.
3. **Reports to Governor.** The Governor may require information in writing from the Officers of the Executive Department upon any subject relating to their respective duties. The Officers of the Executive Department, and of all public state institutions, shall severally report to the Governor, who shall transmit such reports to the Legislature.
4. **Governor's duties for Legislature.** The Governor may, on extraordinary occasions, call the Legislature into special session by proclamation. At every special session of the Legislature the Governor shall communicate information in reference to the condition of the State and recommend such measures as he deems expedient.
5. **Pardons.** The pardoning power shall be vested in the Governor, under regulations and restrictions prescribed by law.
6. **State seal.** There shall be a seal of the State, which shall be kept by the Governor, and used by him officially, and which shall be The Great Seal of The Boys State of Kansas.
7. **Vacancies in Executive Offices.** When the office of Governor is vacant, the Lieutenant Governor shall become Governor. In the event of the disability of the Governor, the Lieutenant Governor shall assume the powers and duties of Governor until the disability is removed. The Legislature shall provide by law for the succession to the office of Governor should the offices of Governor and Lieutenant Governor be vacant.

Article II: The Legislature

1. **Legislative power.** The legislative power of Boys State shall be vested in a House of Representatives and a Senate.
2. **Senators and Representatives.** There shall be Representatives and Senators elected from each City of Boys State.
3. **Qualifications.** During the time that any person is a candidate for nomination or election to the Legislature and during the term of each legislator, such candidate or legislator shall be and remain a qualified elector who resides in his district.
4. **Eligibility.** No Executive Officer of Boys State, nor member of any Department, agency, or instrumentality thereof shall be eligible to be a member of the Legislature. Any member of the Legislature who accepts any appointment or election contrary to the foregoing shall be disqualified as a member of the Legislature.
5. **Organization.** Rules of quorum and procedure shall be established by a majority of Senators for the Senate and a majority of Representatives for the House of Representatives. The House of Representatives shall elect a Speaker who shall preside over all meetings of the House of Representatives and a Sergeant at Arms to enforce the rules agreed upon by the Representatives. The Senate shall elect a President to preside over all meetings of the Senate.
6. **Vacancies in Legislature.** All vacancies occurring in either house shall be filled by appointment from the Governor.
7. **Origination of bills.** Bills and concurrent resolutions may originate in either house, but may be amended or rejected by the other.
8. **Majority for passage of bills.** A majority of the members then elected of each house, voting in the affirmative, shall be necessary to pass any bill.
 - a) **Approval of bills.** Within five hours after passage, every bill shall be signed by the presiding officers and presented to the Governor. If the Governor approves a bill, he shall sign it. If the Governor does not approve a bill, the Governor shall veto it by returning the bill, with a veto message of the objections, to the house of origin of the bill. Whenever a veto message is so received, the house of origin shall reconsider the bill. If two-thirds of the members then elected shall vote to pass the bill, it shall be sent, with the veto message, to the other house, which shall also reconsider the bill, and if approved by two-thirds of the members then elected, it shall become a law, notwithstanding the Governor's veto. If any bill shall not be returned after it shall have been presented to the Governor, it shall become a law in like manner as if it had been signed by the Governor.

- b) **Line-item Vetoes.** If any bill presented to the Governor contains several items of appropriation of money, one or more of such items may be disapproved by the Governor while the other portion of the bill is approved by the Governor. In case the Governor does so disapprove, a veto message of the Governor stating the item or items disapproved, and the reasons therefor, shall be appended to the bill at the time it is signed, and the bill shall be returned with the veto message to the house of origin of the bill. Whenever a veto message is so received, the house of origin shall reconsider the items of the bill which have been disapproved. If two-thirds of the members then elected shall vote to approve any item disapproved by the Governor, the bill, with the veto message, shall be sent to the other house, which shall also reconsider each such item so approved by the house of origin, and if approved by two-thirds of all the members then elected, any such item shall take effect and become a part of the bill.
9. **Subject and title of bills.** No bill shall contain more than one subject. The subject of each bill shall be expressed in its title. Bills amending existing laws shall contain the entire section, or sections, to be amended and shall list the proposed changes. The provisions of this section shall be liberally construed to effectuate the acts of the Legislature.
10. **Uniform operation of laws.** All laws of a general nature shall have uniform operation throughout the State.
11. **Publication of acts.** No act shall take effect until the enacting bill is published by the Secretary of State as provided by law. No law shall be enacted except by bill.
12. **Delegation of powers.** The Legislature may confer powers of local legislation and administration upon political subdivisions, including but not limited to, the Counties and Cities established in Boys State.
13. **Appropriations.** No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law.
14. **Impeachment.** The House of Representatives shall have the sole power to impeach. All impeachments shall be tried by the Senate; and when sitting for that purpose, the Senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the Senators then elected and qualified.
15. **Officers impeachable.** The Governor and all other officers under this Constitution, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

Article III: The Judiciary

1. **Judicial power.** The judicial power of Boys State shall be vested exclusively in one Supreme Court and District Courts; and all courts of record shall have a seal. The Supreme Court shall have general administrative authority over all District Courts in Boys State.
2. **Supreme Court.** The Supreme Court shall consist of not less than seven justices who shall be selected by appointment from the Governor. Not fewer than four justices shall be necessary for a decision.
3. **Jurisdiction.** The Supreme Court shall have original jurisdiction in Boys State legal proceedings.
4. **District Courts.** The State shall be divided into judicial districts, each County being a district. Each judicial district shall have at least one District Judge. The District Judges shall be elected by the Citizens of the respective judicial districts. A District Court shall be established within each County of Boys State and shall have the authority to consider cases of law within their jurisdiction or otherwise assigned by the Supreme Court.
5. **Prohibition of political activity.** No Justice of the Supreme Court, nor any Judge of the District Court, shall directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any political campaign.
6. **Removal of Justices and Judges.** Justices of the Supreme Court may be removed from office by impeachment and conviction as prescribed in Article II: The Legislature. In addition to removal by impeachment and conviction, justices may retire, upon certification to the Governor.
7. **Terms.** Justices of the Courts shall serve for one year unless impeached by the Legislature. Vacancies on a court shall be filled by appointment by the Governor.

Article IV: Elections

1. **Mode of voting.** All elections by the people shall be by show of hands, ballot, or voting device.
2. **General elections.** General elections shall be held every year.
3. **Recall of elected officials.** All elected public officials in Boys State, except judicial officers, shall be subject to recall by voters of the political subdivision from which elected.

Article V: Suffrage

1. **Qualification of electors.** Every citizen of the United States who has attained the age of sixteen years and who resides in the voting area in which he or she seeks to vote shall be deemed a qualified elector.
2. **Disqualification to vote.** The Legislature may, by law, exclude persons from voting because of commitment to a jail or penal institution. No person convicted of a felony under the laws of any state or of the United States, unless pardoned or restored to his civil rights, shall be qualified to vote.

Article VI: Education, Public Institutions and Welfare

1. **Schools.** The Legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law.
2. **State Department of Education.** The Legislature shall provide for a State Department which shall have general supervision of public schools, educational institutions and all the educational interests of the State.
3. **Finance.** The Legislature may levy a permanent tax for the use and benefit of State institutions of higher education and apportion among and appropriate the same to the several institutions.
4. **Benevolent institutions.** Institutions for the benefit of mentally or physically incapacitated or handicapped persons, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.
5. **Aged and infirm persons.** The respective Counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age, infirmity or other misfortune, may have claims upon the aid of society. The State may participate financially in such aid and supervise and control the administration thereof.
6. **Unemployment compensation.** The State may provide by law for unemployment compensation and contributory old-age benefits and may tax employers and employees therefor.

Article VII: County and City Organization

1. **Counties.** Counties shall be established within Boys State and subject to the laws thereof. No County shall be created, no County or Counties shall merge with one another, nor shall County borders be changed unless approved by a two-thirds vote of both houses of the Legislature.
2. **Cities.** Three Cities shall be established within each County and shall be subject to the laws thereof. No City may be created, no City or Cities shall merge with one another, nor shall City borders be changed unless approved by a two-thirds vote of both houses of the Legislature.
3. **Powers.** Counties and Cities shall elect local governments from among their respective residents. Local governments shall be empowered to determine affairs within their respective jurisdictions, including the development and management of land, levying of taxes and fees, and administration of public projects for the common welfare of their respective Citizens through appropriate legislation.
4. **Ordinances and Resolutions.** Counties and Cities shall exercise powers granted by enactment of Ordinances or Resolutions, respectively.

Article VIII: Finance and Taxation

1. **System of taxation.** The Legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation.
2. **Taxation of incomes.** The State shall have power to levy and collect taxes on incomes from whatever source derived, which taxes may be graduated and progressive.
3. **Revenue for current expenses.** The Legislature shall provide, at each regular session, for raising sufficient revenue to defray the current expenses of the State.
4. **Object to tax.** No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same; to which object only such tax shall be applied.

Article IX: Banks

1. **Banking laws.** No bank shall be established otherwise than under a general banking law, nor be operated otherwise than by a duly organized corporation
2. **Applications for banks.** A duly organized corporation making an application for approval of a branch bank shall pay to the IT Counselors a fee, in an amount of one million Boys State Dollars, to defray the expenses of the IT Counselors in the examination and investigation of the application.
3. **State not to be a stockholder.** The State shall not be a stockholder in any banking institution, except that any retirement or pension plan authorized pursuant to the laws of this State may be a stockholder in any banking institution.

Article X: Constitutional Amendment and Revision

1. **Proposals by Legislature.** Propositions for the amendment of this Constitution may be made by concurrent resolution originating in either house of the Legislature, and if two-thirds of all the members elected of each house shall approve such resolution, the Secretary of State shall cause such resolution to be published in the manner provided by law.
2. **Amendments.** Constitutional Amendments shall be appended to, or shall amend, Article XI: The Bill of Rights.

Article XI: The Bill of Rights

1. **Equal rights.** All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness. No Citizen of Boys State shall be deprived of any right or privilege because of race, color, national origin, gender, sex, sexual orientation, religion, or disability.
2. **Political power.** All political power is inherent in the People, and all free governments are founded on their authority, and are instituted for their equal protection and benefit. No special privileges or immunities shall ever be granted by the Legislature, which may not be altered, revoked or repealed by the same body; and this power shall be exercised by no other tribunal or agency.
3. **Right of peaceable assembly.** The People have the right to assemble, in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances.
4. **Individual right to bear arms.** A person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.
5. **Trial by jury.** The right of trial by jury shall be inviolate.
6. **Slavery prohibited.** There shall be no slavery in this State; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.
7. **Religious liberty.** The right to worship God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend or support any form of worship; nor shall any control of or interference with the rights of conscience be permitted, nor any preference be given by law to any religious establishment or mode of worship. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief.
8. **Habeas corpus.** The right to the writ of habeas corpus shall not be suspended, unless the public safety requires it in case of invasion or rebellion.
9. **Bail, fines and punishment.** All persons shall be bailable by sufficient sureties except for capital offenses, where proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

10. **Trial and defense of accused.** In all prosecutions, the accused shall be allowed to appear and defend in person, or by counsel; to demand the nature and cause of the accusation against him; to meet the witness face to face, and to have compulsory process to compel the attendance of the witnesses in his behalf, and a speedy public trial by an impartial jury of the County or district in which the offense is alleged to have been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offense.
11. **Liberty of press and speech.** The liberty of the press shall be inviolate; and all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such rights; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury, and if it shall appear that the alleged libelous matter was published for justifiable ends, the accused party shall be acquitted.
12. **No forfeiture of estate for crimes.** No conviction within the State shall work a forfeiture of estate.
13. **Treason.** Treason shall consist only in levying war against the State, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the overt act, or confession in open court.
14. **Soldiers' quarters.** No soldier shall, in time of peace, be quartered in any house without the consent of the occupant, nor in time of war, except as prescribed by law.
15. **Search and seizure.** The right of the People to be secure in their persons and property against unreasonable searches and seizures, shall be inviolate; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or property to be seized.
16. **Imprisonment for debt.** No person shall be imprisoned for debt, except in cases of fraud.
17. **Property rights of Citizens and aliens.** No distinction shall ever be made between Citizens of the Boys State of Kansas and the Citizens of other states and territories of the United States in reference to the purchase, enjoyment or descent of property. The rights of aliens in reference to the purchase, enjoyment or descent of property may be regulated by law.
18. **Justice without delay.** All persons, for injuries suffered in person, reputation or property, shall have remedy by due course of law, and justice administered without delay.
19. **Emoluments or privileges prohibited.** No hereditary emoluments, honors, or privileges shall ever be granted or conferred by the State.
20. **Powers retained by people.** This enumeration of rights shall not be construed to impair or deny others retained by the People; and all powers not herein delegated remain with the People.

Article XII: The Boys State Statutes

1. **Publication of laws.** Laws duly passed by the Legislature shall be appended to, or shall amend, The Official List of The Boys State Statutes hereinafter contained.

The Official List of The Boys State Statutes

SECTION 01: STATUTES CONCERNING THE EXECUTIVE

01-101: An act concerning the Governor

1. **Oath.** Before entering upon the discharge of his duties, the Governor shall take and subscribe the proper oath of office.
2. **Messages to Legislature.** The Governor shall communicate to every session of the Legislature, by message, the condition of the State, and recommend such measures as the Governor may deem expedient.
3. **Record of acts.** The Governor shall keep and record, in a suitable book to be kept for that purpose, the number and title of every act presented to the Governor for his approval; such record shall show the date of the receipt by the Governor of every such act, and the date of his approval thereof, if he approve the same, and the date of the Governor's return of any such act, with his objections thereto, if such return thereof be made; and the Governor shall cause all acts which have become laws or taken effect by his approval or otherwise, to be deposited in the office of the Secretary of State without delay.
4. **Vacancies in office of Governor.** Whenever a vacancy shall occur in the office of Governor, the Lieutenant Governor shall become Governor. Whenever the office of Lieutenant Governor is vacant and a vacancy occurs in the office of Governor, or whenever vacancies occur in the office of Governor and Lieutenant Governor at the same time, the President of the Senate shall become Governor. Whenever the offices of Governor, Lieutenant Governor and President of the Senate are vacant, the Speaker of the House of Representatives shall become Governor.
5. **Disability of Governor.** In the event of the disability of the Governor, the Lieutenant Governor shall assume the powers and duties of the Governor until the disability is removed.

01-102: An act concerning the Lieutenant Governor

1. **Oath.** The Lieutenant Governor shall before he enters upon the duties of office take and subscribe the proper oath of office. The Lieutenant Governor shall perform such duties as are prescribed by the Constitution, and such as may be required of him or her by law.
2. **Duties.** If the Governor determines that in the best interest of the State the powers and duties of the Lieutenant Governor should include serving as a secretary of a State Department or as a department head, the Governor may appoint the Lieutenant Governor to such position.

01-103: An act concerning the Secretary of State

1. **Oath.** The Secretary of State shall before entering upon the discharge of his duties take and subscribe to the proper oath of office.
2. **Custodian of enrolled bills.** The Secretary of State shall be the custodian and charged with the safekeeping of all enrolled bills and resolutions, and he shall not permit the same to be taken out of his office unless by order of the Governor. The Secretary of State shall deposit in the office of the Treasurer an authenticated copy of every law authorizing the payment of money out of the state treasury, immediately after the passage of the same.
3. **Administrator of departments.** The Secretary of State shall administer, direct, and supervise the various public Departments and provide such reports to the Governor as he may require.
4. **Enforcement of new laws.** When a bill is passed into law, the Secretary of State shall assign jurisdiction for the implementation or enforcement of such law to one or more of the public Departments.
5. **Performance of duties imposed by law.** The Secretary of State shall perform such other duties as are or may be imposed upon him by law.

01-104: An act concerning the State Treasurer

- 1. Oath.** The State Treasurer shall before entering upon the duties of office take and subscribe the proper official oath, and such official oath shall be filed and recorded in the office of the Secretary of State.
- 2. Account of receipts and disbursements.** The Treasurer shall keep an accurate account of the receipts and disbursements of the treasury, in books kept for that purpose at the expense of the State, in which the treasurer shall specify the names of persons or officers from whom received or to whom paid, on what account the same is received or paid out, and the time of such receipt or payment.
- 3. Custody of moneys.** The Treasurer shall be required to keep safely in the state treasury, without loaning, using, or depositing in banks or elsewhere, all public moneys of whatsoever character paid into such treasury, or otherwise and at any time placed in his possession and custody as State Treasurer, until the same is ordered by the proper department or officer of the state government to be transferred or paid out according to law, and when such orders for the transfer or payment are received, faithfully and promptly to make the same as directed, and also to do and perform all other duties as State Treasurer which may be imposed by law: Provided, That nothing in this act shall be so construed as to prohibit the state treasurer from depositing moneys in banks designated as state depositories in accordance with the act providing for state depositories.
- 4. Inspections by Legislature.** The Treasurer shall as often as required submit the books, accounts, vouchers, and the funds of the treasury, to the inspection of the Legislature, or any committee thereof appointed for that purpose.
- 5. Delinquent county treasurers and debtors; suits by Attorney General.** It shall be the duty of the Treasurer to call on all delinquent county treasurers, and all debtors of the State, to account for the moneys due the State from them or from their respective Counties or districts; and if any county treasurer or other officer or person, when so called upon to so account, shall fail, neglect or refuse so to do, the State Treasurer shall notify the Attorney General of such failure, neglect or refusal, who shall immediately commence suit against them to recover the amount due.
- 6. State Treasurer to review and make recommendations.** The State Treasurer is charged with the responsibility of reviewing and making recommendations for improvements in the procedures State Departments utilize for the efficient handling of cash and cash equivalents. The State Treasurer may provide cash management consultations with State Departments. In performing cash management consultation services the following principles shall be followed: Education and assistance in cash management practices; full consideration of the operating needs of State Departments in evaluating and recommending procedure changes; and government-wide efficiency considerations relating to cash concentration.

01-105: An act concerning the Attorney General

1. **Oath.** The Attorney General before he enters upon the duties of office shall take and subscribe the oath required by law which shall be filed in the office of the Secretary of State.
2. **Duties and responsibilities.** The Attorney General shall appear for the State, and prosecute and defend any and all actions and proceedings, civil or criminal, in the courts of Boys State, in which the State shall be interested or a party, and shall, when so appearing, control the State's prosecution or defense. The Attorney General shall also, when required by the Governor or either branch of the Legislature, appear for the State and prosecute or defend, in any other court or before any officer, in any cause or matter, civil or criminal, in which this State may be a party or interested or when the constitutionality of any law of this State is at issue and when so directed shall seek final resolution of such issue in the Supreme Court of the Boys State of Kansas.
3. **Prosecution or defense of civil and criminal actions.** The Attorney General shall, at the request of the Governor, Secretary of State, State Treasurer, or State Departments, prosecute any official bond or any contract in which the State is interested, upon a breach thereof, and prosecute or defend for the State all actions, civil or criminal, relating to any matter connected with their departments.
4. **Aid to County Attorneys.** The Attorney General shall consult with and advise County attorneys, when requested by them, in all matters pertaining to their official duties. The Attorney General shall also, when required, give his or her opinion in writing, without fee, upon all questions of law submitted to him by the Legislature, or either branch thereof, or by the Governor, Secretary of State, State Treasurer, or State Departments.
5. **Performance of other duties required by law.** The Attorney General shall perform such other duties as may be required of him by law.

01-201: An act concerning the Boys State of Kansas National Guard

- 1. Composition and organization.** The Boys State of Kansas National Guard shall consist of such units as the Governor of State may from time to time authorize to be formed, all to be formed and organized in accordance with the laws governing the regular army and regular air force of the United States and the regulations issued by the Secretary of Defense, the Department of the Army and the Department of the Air Force of the United States.
- 2. Commander in Chief.** The Governor shall be Commander in Chief of the militia and shall have supreme command of the military forces of the State while in the service of the State or until they are ordered or accepted into the services of the United States. While the military forces are in the service of the State, the Governor, subject to the provisions of federal law, may muster out any National Guard organization of the State, discharge any enlisted person who is a member of the State National Guard organization or cause any commissioned officer to be summoned and discharged if the officer persists in willfully neglecting the duties of the officer's office or fails to properly account for public property or money in the officer's possession as an officer. The resignation of officers of the National Guard shall be accepted by the Governor's order before they are discharged from military service of the State.
- 3. Other military forces.** No armed military force from another State or territory shall be permitted to enter the State without the Governor's permission unless the military force is part of the United States army or is acting under the authority of the United States. No independent military organization shall be permitted to bear arms without first securing permission from the Commander in Chief.
- 4. Use and storage of property.** No officer or member of the Boys State of Kansas National Guard having property in charge shall loan for private use, or permit to be used for any other than the legitimate purpose intended, any public property that the officer may be responsible for to the State.
- 5. Call by Sheriff or Mayor for aid.** In case of any breach of the peace, tumult, riot, resistance to process in this State, public disaster or imminent danger thereof, it shall be lawful for the Sheriff of any County or the Mayor of any City to call upon the Commander in Chief for aid, said request to be in writing; and it shall be the duty of the Commander in Chief, if in his judgment the circumstances demand military aid, to order into the active service of the State the available militia in such numbers and organizations as the conditions require. The commanding officer of such militia will report to the sheriff or mayor asking aid, and will cooperate with him and the civil authorities, and will render all assistance in his power to preserve the peace and execute the laws of the State.
- 6. Failure to obey orders or to cooperate with civil authorities.** The commanding officer of a military organization ordered into active service shall faithfully perform the duties required of him, and such officer shall not hinder or prevent the civil authorities in a faithful performance of their duties, nor shall any officer or enlisted person neglect or refuse to obey the orders of the commanding officer issued in line of duty. Should any commissioned officer so offend, the officer shall be subject to trial by court-martial.

01-202: An act concerning the Boys State of Kansas Highway Patrol

1. **Kansas highway patrol created.** There is hereby created a Boys State of Kansas Highway Patrol. The Patrol shall consist of: (1) A superintendent, who shall have the rank of colonel and who shall have special training and qualifications for the position; (2) an assistant superintendent, who shall have the rank of lieutenant colonel; and (3) officers and troopers who are elected from each County.
2. **Principal function of Highway Patrol.** The principal function of the Boys State of Kansas Highway Patrol shall be enforcement of the traffic and other laws of this State relating to highways, vehicles and drivers of vehicles. The members of the Highway Patrol in performing their duties under this act shall wear badges and uniforms of office. The superintendent may designate members to perform security duties for public officials and other duties as directed by the superintendent. The superintendent may perform duties under this act whether or not wearing a badge and uniform. Such members may serve without uniform and without open display of badges.
3. **Police powers of patrol members.** The superintendent and members of the Boys State of Kansas Highway Patrol are hereby vested with the power and authority of peace, police and law enforcement officers anywhere within this State irrespective of County lines.
4. **Method of arrest.** An arrest is made by an actual restraint of the person arrested and by his submission to custody:
 - a. An arrest may be made on any day and at any time of the scheduled Daily Operations. No force may be used to effect an arrest. Defendants resisting or refusing arrest shall be referred to a Boys State Counselor for mediation; and
 - b. No force may be used to effect an entry upon any building or property or part thereof to make an authorized arrest. Defendants resisting or refusing entry shall be referred to a Boys State Counselor for mediation.
5. **Arrested person taken before court.** Any person arrested by a member of the Patrol shall forthwith be taken by such Patrolman before a Court having jurisdiction of the crime whereof such person arrested is charged, and therewith dealt with according to law.

01-301: An act concerning Natural Disasters

1. **Responsibilities of Governor during state of disaster emergency.** The Governor shall be responsible for meeting the dangers to the State and people presented by disasters. The Governor, upon finding that a disaster has occurred or that occurrence or the threat thereof is imminent, shall issue a proclamation declaring a State of Disaster Emergency.
2. **Powers of Governor during state of disaster emergency.** During any state of disaster emergency declared, the Governor shall be Commander-In-Chief of the organized and unorganized militia and of all other forces available for emergency duty. During a State of Disaster Emergency declared by the Governor, the Governor may:
 - a. Utilize all available resources of the State government and of each political subdivision as reasonably necessary to cope with the disaster;
 - b. Transfer the supervision, personnel or functions of State Departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities;
 - c. Commandeer or utilize any private property if the Governor finds such action necessary to cope with the disaster;
 - d. Make provision for the availability and use of temporary emergency housing;
 - e. Require and direct the cooperation and assistance of state and local governmental agencies and officials; and
 - f. Perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.
3. **Duties of Division of Emergency Management.** In addition to other duties imposed under this act, the Governor shall appoint a Division of Emergency Management from among the members of the Department of Education, Health, and Public Safety. The Division of Emergency Management shall:
 - a. Cooperate with the federal government, National Guard, and any public or private agency or entity in achieving any purpose of this act and in implementing programs for disaster prevention, preparation response and recovery; and
 - b. To provide continuing liaison between State Departments;
 - c. Determine the requirements of the State and the Counties and Cities thereof for food, clothing and other necessities in event of a disaster;
 - d. Procure and distribute about the State, such supplies, medicines, materials and equipment which are deemed necessary for use during a disaster;
 - e. Make surveys of industries, resources and facilities within the State, both public and private, as are necessary to carry out the purposes of this act;

- f. Plan and make arrangements for the availability and use of any private facilities, services and property for emergency management activities and, if necessary and if in fact used, provide for payment for such use under terms and conditions agreed upon;
- g. Establish a register of mobile and construction equipment and temporary housing available for use in a disaster;
- h. Develop, implement and administer a plan for regional emergency medical response teams.

SECTION 02: STATUTES CONCERNING THE LEGISLATURE

02-101: An act concerning the State Budget

1. **Budget preparation.** The State Treasurer shall prepare the budget report, with the related legislative measure or measures, for the incoming Governor's approval and submission to the Legislature. The Treasurer shall furnish to every State Department or person authorized to spend or receive State funds a sufficient number of budget estimate forms. The forms shall be prepared by the Treasurer and shall be so designed as to show actual expenditures for at least the last preceding completed fiscal year and estimated expenditures for the current fiscal year.
2. **Budget estimates of State Departments.** Each State Department or agency shall file with the State Treasurer its budget estimates for the next fiscal year and all amendments and revisions thereof. All such budget estimates shall be in the form provided by the Treasurer. Each agency's budget estimates shall include a full explanation of the Department or agency's request for any appropriations for the expansion of present services or the addition of new activities, including an estimate of the anticipated expenditures for the next fiscal year which would be required to support each expansion of present services or addition of new services as requested by the State Department or agency.
3. **Congressional representation at hearings on tentative budget.** The chairperson of the Senate Ways and Means Committee and the Chairperson of the House of Representatives Committee on Appropriations shall be entitled to attend, or be represented by another member of such committees, at all hearings on the tentative budget prior to the convening of each regular legislative session.
4. **Governor's Budget Report.** After the incoming Governor has had an opportunity to review, amend and approve the tentative budget, it shall be known as the Governor's Budget Report. The Treasurer shall cause the Governor's Budget Report to be submitted to the Legislature. On such date, copies of the Governor's Budget Report shall be presented to each member of the Legislature and made available to the public.
5. **Legislative review.** After the Legislature receives the Governor's Budget Report it shall be considered a bill and shall be subject to each chamber's rules and procedures for debate.

SECTION 03: STATUTES CONCERNING THE JUDICIARY

03-101: An act concerning the Supreme Court

1. **Court of record and jurisdiction.** The Supreme Court shall be a court of record, and in addition to the original jurisdiction conferred by the Constitution, shall have such appellate jurisdiction as may be provided by law; and during the pendency of any appeal, on such terms as may be just, may make an order suspending further proceedings in any court below, until the decision of the Supreme Court. As provided by the Constitution, the Supreme Court shall have general administrative authority over all courts in this State, and the Supreme Court and each Justice thereof shall have such specific powers and duties in exercising said administrative authority as may be prescribed by law. The Chief Justice shall be the spokesman for the Supreme Court and shall exercise the court's general administrative authority over all courts of this State. The Chief Justice shall have the responsibility for executing and implementing the administrative rules and policies of the Supreme Court.
2. **Records and papers.** The records and papers of the Supreme Court shall be kept in a suitable room to be provided for the accommodation of the court, and not be removed therefrom unless by direction of the court, and then only so long as the court may permit.
3. **Duties of Clerk.** It shall be the duty of the Clerk of the Supreme Court to enter of record all orders, judgments, decrees and proceedings of the court, and to issue all process required by law or ordered by the court, and perform such other duties as may be required of him by the court or by law.
4. **Syllabus of case.** When a case is decided by the Supreme Court, the Justice delivering the opinion shall, at the time the decision is made, file with the Clerk a brief statement, in writing, of the points decided in the case, which shall constitute the syllabus in the published reports of the case.
5. **Written opinions.** The opinion of the court shall in all cases as soon as practicable be reduced to writing, and filed in the cause to which it relates, and a copy thereof be returned with the mandate to the court below.

03-201: An act concerning District Courts

1. **District court in each County.** There shall be in each County a District Court, which shall be a court of record, and shall have general original jurisdiction of all matters, both civil and criminal, unless otherwise provided by law, and also shall have such appellate jurisdiction as prescribed by law.
2. **Judge required in each County.** In each County of this State there shall be at least one Judge of the District Court who is a resident of and has the Judge's principal office in that County.
3. **District Judge's power and authority.** The District Judge provided for in the Constitution shall have and exercise the full judicial power and authority of a District Court.
4. **Disqualification of Judge to sit in certain cases.** In any contested civil or criminal case before a District Court of this State, if any attorney of record or any party to such case is related, by blood or marriage to the Judge before whom the same is pending, as a spouse, parent, child, grandchild, grandparent, brother or sister or is related to such Judge as a result of being a spouse of any such parent, child, grandchild, grandparent, brother or sister, the Judge shall be disqualified from hearing said case.
5. **Change of Judge.** If a party or a party's attorney believes that the Judge to whom an action is assigned cannot afford that party a fair trial in the action, the party or attorney may file a motion for change of Judge. Such motion shall state the facts and the reasons for the belief that bias, prejudice or an interest exists. The Judge shall promptly hear the motion informally upon reasonable notice. If the Judge disqualifies the Judge's self, the action shall be assigned to another Judge by the Chief Justice of the Supreme Court. If the Judge refuses to disqualify the Judge's self, the party seeking a change of Judge may file the motion for consideration by the Supreme Court. Grounds which may be alleged for change of Judge are that:
 - a. The Judge has been engaged as counsel in the action prior to the appointment or election as Judge;
 - b. The Judge is otherwise interested in the action;
 - c. The Judge is related to either party to the action;
 - d. The Judge is a material witness in the action; or
 - e. The party or the party's attorney filing the affidavit has cause to believe and does believe that on account of the personal bias, prejudice or interest of the Judge such party cannot obtain a fair and impartial trial or fair and impartial enforcement of post-judgment remedies.

03-301: An act concerning criminal proceedings

1. **Commencement of prosecution.** A prosecution shall be commenced by filing a complaint with a magistrate. A copy of the complaint shall forthwith be supplied to the County Attorney of the County and a copy thereof shall be furnished to the defendant or said defendant's attorney upon request.
 - a. A Judge of the District Court may in extreme cases order the County Attorney to institute criminal proceedings against any person, but any such Judge shall be disqualified from sitting in any case wherein such order was entered and is further prohibited from communicating about such case with any other Judge appointed to preside therein.
2. **Issuance of warrant or summons.** If the magistrate finds from the complaint, or from sworn testimony, that there is probable cause to believe both that a crime has been committed and that the defendant has committed it, a Warrant for the arrest of the defendant shall issue, except that a summons instead of a Warrant may be issued if: (1) The prosecuting attorney so requests; or (2) in the case of a complaint alleging commission of a misdemeanor, the magistrate determines that a Summons should be issued. More than one Warrant or Summons may issue on the same complaint. If a defendant fails to appear in response to the Summons, a Warrant shall issue.
3. **Execution or service and return of warrant or summons.** The Warrant shall be executed by a law enforcement officer. The Summons may be served by any person authorized to serve a Summons in a civil action:
 - a. The Warrant may be executed or the Summons may be served at any place within the jurisdiction of the Boys State of Kansas;
 - b. The Warrant shall be executed by the arrest of the defendant. The officer shall have the Warrant in his possession at the time of the arrest;
 - c. The Summons shall be served upon a defendant by delivering a copy to him personally, or by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; and
 - d. The officer executing the Warrant shall make return thereof to the magistrate before whom the defendant is brought. At the request of the prosecuting attorney any unexecuted Warrant shall be returned to the magistrate by whom it was issued and shall be cancelled by him.
4. **Jurisdiction of law enforcement officers.** Law enforcement officers employed by Counties or Cities and Sheriffs and their Deputies may exercise their powers as law enforcement officers:
 - a. Anywhere within the limits of the County or City employing them; and
 - b. In any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.
5. **Method of arrest.** An arrest is made by an actual restraint of the person arrested and by his submission to custody:

- a. An arrest may be made on any day and at any time of the scheduled Daily Operations. No force may be used to effect an arrest. Defendants resisting or refusing arrest shall be referred to a Boys State Counselor for mediation; and
- b. No force may be used to effect an entry upon any building or property or part thereof to make an authorized arrest. Defendants resisting or refusing entry shall be referred to a Boys State Counselor for mediation.

6. Notice to Appear. Whenever a law enforcement officer detains any person for any act punishable as a misdemeanor, and such person is not immediately taken before a magistrate for further proceedings, the officer may serve upon such person a written Notice to Appear in court. Such Notice to Appear shall contain the name and address of the person detained, the crime charged, and the time and place when and where such person shall appear in court:

- a. The place specified in such Notice to Appear must be before the District Court within the County in which the crime is alleged to have been committed; and
- b. The person detained, in order to secure release as provided in this section, must give his or her written promise to appear in the court by signing the written notice prepared by the officer. The original of the notice shall be retained by the officer; a copy delivered to the person detained, and the officer shall forthwith release the person.

03-302: An act concerning Search Warrants

1. **Search warrants.** A Search Warrant shall be issued only upon the oral or written statement, including those conveyed or received by electronic communication, of any person under oath or affirmation which states facts sufficient to show probable cause that a crime has been, is being or is about to be committed and which particularly describes a person, place or means of conveyance to be searched and things to be seized. Any statement which is made orally shall be either taken down by a certified shorthand reporter, sworn to under oath and made part of the application for a Search Warrant, or recorded before the magistrate from whom the Search Warrant is requested and sworn to under oath. Any statement orally made shall be reduced to writing as soon thereafter as possible. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate may issue a Search Warrant for the search or seizure of the following:
 - a. Anything that can be seized under the fourth amendment of the United States constitution; or
 - b. Anything which has been used in the commission of a crime, or any contraband or any property which constitutes or may be considered a part of the evidence, fruits or instrumentalities of a crime under the laws of Boys State, any other state or of the United States. The term "fruits" as used in this act shall be interpreted to include any property into which the thing or things unlawfully taken or possessed may have been converted.
2. **Territorial and time limitations on execution of certain Search Warrants.** Search Warrants issued by a District Judge may be executed only within the judicial district in which the Judge resides or within the Judicial District to which the Judge has been assigned.
3. **Persons authorized to execute Search Warrants.** A Search Warrant shall be issued in duplicate and shall be directed for execution to all law enforcement officers of the State, or to any law enforcement officer specifically named therein.
4. **Command of Search Warrant.** A Search Warrant shall command the law enforcement officer directed to execute the same to search the person or place particularly described in the Warrant and to seize the things particularly described in the Warrant.
5. **Use of force in execution of Search Warrant.** No force may be used to effect an entry into any building or property or part thereof to execute a Search Warrant.
6. **When Search Warrant may be executed.** A Search Warrant may be executed at any time of the scheduled Daily Operations.
7. **Custody and disposition of property seized.** Property seized under a Search Warrant shall be safely kept by the officer seizing the same unless otherwise directed by the magistrate, and shall be so kept as long as necessary for the purpose of being produced as evidence on any trial. The property seized may not be taken from the officer having it in custody so long as it is or may be required as evidence in any trial.

03-303: An act concerning criminal liability

1. **Requirements of voluntary act or omission.** A person commits a crime only if such person voluntarily engages in conduct, including an act, an omission or possession.
2. **Culpable mental state and definitions.** Except as otherwise provided, a culpable mental state is an essential element of every crime defined by this code. A culpable mental state may be established by proof that the conduct of the accused person was committed "intentionally," "knowingly" or "recklessly."
3. **Liability for crimes of another.** A person is criminally responsible for a crime committed by another if such person, acting with the mental culpability required for the commission thereof, advises, hires, counsels or procures the other to commit the crime or intentionally aids the other in committing the conduct constituting the crime.
4. **Corporation's criminal responsibility.** A corporation is criminally responsible for acts committed by its agents when acting within the scope of their authority.
 - a. "Agent" means any director, officer, servant, employee or other person who is authorized to act in behalf of the corporation.
5. **Entrapment.** A person is not guilty of a crime if such person's criminal conduct was induced or solicited by a public officer or such officer's agent for the purposes of obtaining evidence to prosecute such person, unless:
 - a. The public officer or such officer's agent merely afforded an opportunity or facility for committing the crime in furtherance of a criminal purpose originated by such person or a co-conspirator; or
 - b. The crime was of a type which is likely to occur and recur in the course of such person's business, and the public officer or such officer's agent in doing the inducing or soliciting did not mislead such person into believing such person's conduct to be lawful.

03-304: An act concerning sentencing

1. **Construction.** This act, and amendments thereto, shall be liberally construed to the end that persons convicted of crime shall be dealt with in accordance with their individual characteristics, circumstances, needs and potentialities as revealed by case studies; that dangerous offenders shall be correctively treated in custody for long terms as needed; and that other offenders shall be dealt with by probation, suspended sentence, fine or assignment to a community correctional services program whenever such disposition appears practicable and not detrimental to the needs of public safety and the welfare of the offender, or shall be committed for at least a minimum term within the limits provided by law.
2. **Authorized dispositions.** Whenever any person has been found guilty of a crime, the court may adjudge any of the following:
 - a. Impose the fine applicable to the offense;
 - b. Release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive non-prison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate;
 - c. Assign the defendant to a house arrest program for a term not to exceed one hour;
 - d. Order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant;
 - e. In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable.

03-305: An act concerning appeals

1. **Appeals by defendant.** An appeal to the Supreme Court may be taken by the defendant as a matter of right from any judgment against the defendant in the District Court and upon appeal any decision of the District Court or intermediate order made in the progress of the case may be reviewed.
2. **Release of defendant pending appeal.** A defendant shall not be held in jail nor subject to an appearance bond during the pendency of an appeal by the prosecution.
3. **Decision and disposition of case on appeal.** The Supreme Court may reverse, affirm or modify the judgment or order appealed from, or may order a new trial in the District Court.
4. **Disposition of defendant when judgment reversed on appeal.** When a judgment of conviction or sentence is reversed, and it appears that no crime has been committed, the Supreme Court shall direct that the defendant be discharged.
5. **Judgment on appeal.** If upon appeal to the Supreme Court the defendant is convicted, the Supreme Court shall impose sentence upon him and render judgment against him for all costs in the case, both in the Supreme Court and in the court appealed from.

03-306: An act concerning crimes and punishments

- 1. Adoption of current Kansas law.** All State of Kansas laws within the Kansas Statutes Annotated Chapter 21, Articles 53 through 65 shall be in effect within Boys State.

SECTION 04: STATUTES CONCERNING ELECTIONS

04-101: An act concerning elections

1. **Time for local General Elections.** On the first day of each Boys State session, there shall be held a General Election to elect officers as follows:
 - a. At each election there shall be elected a District Judge, or Judges, of such judicial district;
 - b. At each election there shall be elected a State Senator in each State senatorial district;
 - c. At each election there shall be elected a Representative from each State representative district;
 - d. At each election there shall be elected, in each County, a County Commissioner, or Commissioners; and
 - e. At each election there shall be elected, in each City, a City Councilor, or Councilors.
2. **Time for State General Elections.** By the third day of each Boys State session, there shall be held a general election to elect officers as follows:
 - a. At each election there shall be elected a Governor, Lieutenant Governor, Secretary of State, Attorney General, and State Treasurer.
3. **Methods of nomination of candidates.** All candidates for State Offices shall be nominated by a Primary Election.
 - a. Candidates for any of such offices who are members of any political party shall be nominated by a mass convention, primary election, or caucus of qualified voters belonging to one political party having a national or State organization; and
 - b. No candidate for any State Office shall file for office as a partisan candidate in a Primary Election and also file for office as an independent candidate for any State Office in the General Election immediately following.
4. **Affidavit of newly organized party.** No newly organized political party shall be recognized or qualified to participate or permitted to have the names of its candidates printed on the ballot in any election in this State until it has filed an affidavit with the Secretary of State and he shall make such investigation as he may deem necessary to determine the character and nature of the political doctrines of such proposed new party and if he finds that such proposed new party advocates doctrines or has affiliations which are in violation of the provisions of this act, he shall not permit such party to participate in the election. The affidavit herein provided for, by the officers of the newly organized party, shall declare under oath that:
 - a. It is not directly or indirectly affiliated by any means whatsoever with any other foreign agency, political party, organization or government;

- b. That it does not either directly or indirectly advocate, teach, justify, aid or abet the overthrow by force or violence, or by any unlawful means, of the government of the United States or this State;
and
- c. It does not directly or indirectly carry on, advocate, teach, justify, aid or abet a program of sabotage, force and violence, sedition or treason against the government of the United States or this State.

SECTION 06: STATUTES CONCERNING PUBLIC INSTITUTIONS

06-101: An act concerning the establishment of the Department of Education, Culture, and Tourism

1. **Creation and administration of Department.** In order to coordinate the planning, development and operation of the various educational, cultural, and tourism facilities within this State there is hereby established a Department of Education, Culture, and Tourism which shall be administered under the direction and supervision of the Secretary of State.
2. **Specific Powers of Department.** The Department shall administer the distribution of all Department funds now or hereafter made available for education, culture, and tourism services in order to maximize public benefits thereof. The Department may enter into agreements or compacts with other Departments, Counties, Cities, or individuals.
3. **Department of Education, Culture, Tourism fund established.** There is hereby established in the State Treasury the Department of Education, Culture, and Tourism fund. Any expenditures from the fund shall be for the coordinated development, improvement or maintenance of educational, cultural, tourism or other related equipment or facilities for the general public. The Department may distribute funds through the issuance of Department Grants.
 - a. All Department Grant Applications shall be reviewed and approved, or disapproved, in accordance with policies and procedures established by The Department. The following factors shall be considered prior to Grant approval, or disapproval:
 - i. The completeness of the Grant Application and the thoroughness of the applicant's proposed plans for use of Grant funds;
 - ii. The degree to which the applicant's plans for use of Grant funds are consistent with the Department's objectives;
 - iii. The degree to which the applicant's proposal involves cooperative effort between multiple government entities or individuals; and
 - iv. The ratio of Grant funds to other funding sources secured by the applicant.
 - b. Departmental funds shall be distributed in accordance with policies and procedures established by The Department. Approved Department Grant Applications shall be signed by the appropriate departmental officer(s) prior to distribution of funds.
4. **Department Mandates.** The Department shall have authority to regulate the schools, colleges, universities, cultural institutions, and tourist attractions within Boys State through the issuance of Department Mandates, which shall have the force of law.

- a. All Department Mandates shall be appropriately debated by the Department, and the positive and negative effects considered, in accordance with policies and procedures established by the Department. The Department shall consider the following factors, in addition to other relevant considerations:
 - i. The degree to which the proposed Mandate is supported by the affected local governmental units;
 - ii. The costs or other financial implications;
 - iii. The degree to which private property owners will be adversely affected; and
 - iv. The environmental impact.
- b. The Department shall notify all parties affected by any Department Mandate in a timely fashion and shall hear and consider public comment prior to issuing such Mandate.

5. Project approval by Department. All construction or development of the following project types within Boys State shall be prohibited without prior express written approval from the Department:

- a. Regional Schools;
- b. State Universities;
- c. Regional Job Training Centers
- d. Regional Convention Centers;
- e. History and Art Museums;
- f. Regional or Professional Sports Venues; and
- g. All Casinos and other gambling facilities.

06-201: An act concerning the establishment of the Department of Natural Resources and Public Utilities

1. **Creation and administration of Department.** In order to preserve and manage the natural resources and public lands of this State and to coordinate the planning, development, operation, and maintenance of the various natural resources and public utilities within this State there is hereby established a Department of Natural Resources and Public Utilities which shall be administered under the direction and supervision of the Secretary of State.
2. **Specific powers of Department.** The Department shall administer the distribution of all Department funds now or hereafter made available for the preservation and management of natural resources and public lands as well as food and energy production and distribution systems, communications, water, sewer, and refuse collection, distribution and disposal systems in order to maximize the public benefits thereof. The Department may enter into agreements or compacts with other Departments, Counties, Cities, or individuals.
3. **Department of Natural Resources and Public Utilities fund established.** There is hereby established in the State Treasury the Department of Natural Resources and Public Utilities fund. Any expenditures from the fund shall be for the coordinated development, protection, improvement or maintenance of public lands, natural resources, public utilities and other related equipment or facilities for the general public. The Department may distribute funds through the issuance of Department Grants.
 - a. All Department Grant Applications shall be reviewed and approved, or disapproved, in accordance with policies and procedures established by The Department. The following factors shall be considered prior to Grant approval, or disapproval:
 - i. The completeness of the Grant Application and the thoroughness of the applicant's proposed plans for use of Grant funds;
 - ii. The degree to which the applicant's plans for use of Grant funds are consistent with the Department's objectives;
 - iii. The degree to which the applicant's proposal involves cooperative effort between multiple government entities or individuals; and
 - iv. The ratio of Grant funds to other funding sources secured by the applicant.
 - b. Departmental funds shall be distributed in accordance with policies and procedures established by The Department. Approved Department Grant Applications shall be signed by the appropriate departmental officer(s) prior to distribution of funds.
4. **Department Mandates.** The Department shall have authority to regulate the public lands, natural resources, energy and food production, and energy and food distribution infrastructure within Boys State through the issuance of Department Mandates, which shall have the force of law.

- a. All Department Mandates shall be appropriately debated by the Department, and the positive and negative effects considered, in accordance with policies and procedures established by the Department. The Department shall consider the following factors, in addition to other relevant considerations:
 - i. The degree to which the proposed Mandate is supported by the affected local governmental units;
 - ii. The costs or other financial implications;
 - iii. The degree to which private property owners will be adversely affected; and
 - iv. The environmental impact.
- b. The Department shall notify all parties affected by any Department Mandate in a timely fashion and shall hear and consider public comment prior to issuing such Mandate.

5. Project approval by Department. All construction or development of the following project types within Boys State shall be prohibited without prior express written approval from the Department:

- a. Regional Agricultural Storage Facilities;
- b. State Parks and Fairgrounds;
- c. Regional Pumping Stations;
- d. Landfills;
- e. Regional Sewage Treatment Facilities;
- f. Dams;
- g. Regional Power Plants;
- h. Nuclear Power Plants; and
- i. Any facility involved in the research or use of nuclear technology or hazardous materials.

06-301: An act concerning the establishment of the Department of Commerce and Transportation

1. **Creation and administration of Department.** In order to encourage economic growth and development as well as coordinate the planning, development and operation of the various modes and systems of freight, shipping, public transportation, and other related public infrastructure within this State there is hereby established a Department of Commerce and Transportation which shall be administered under the direction and supervision of the Secretary of State.
2. **Specific powers of Department.** The Department shall administer the distribution of all Department funds now or hereafter made available for improving the commercial conditions with the State as well as for the coordinated improvement, maintenance, and development of the various roads, bridges, commercial freight, shipping, and public transportation in order to maximize the public benefits thereof. The Department may enter into agreements or compacts with other Departments, Counties, Cities, or individuals.
3. **Department of Commerce and Transportation fund established.** There is hereby established in the State Treasury the Department of Commerce and Transportation fund. Any expenditures from the fund shall be for the improvement or promotion of commerce or for the coordinated development, improvement or maintenance of the various commerce and transportation or other related equipment or facilities for the general public. The Department may distribute funds through the issuance of Department Grants.
 - a. All Department Grant Applications shall be reviewed and approved, or disapproved, in accordance with policies and procedures established by the Department. The following factors shall be considered prior to Grant approval, or disapproval:
 - i. The completeness of the Grant Application and the thoroughness of the applicant's proposed plans for use of Grant funds;
 - ii. The degree to which the applicant's plans for use of Grant funds are consistent with the Department's objectives;
 - iii. The degree to which the applicant's proposal involves cooperative effort between multiple government entities or individuals; and
 - iv. The ratio of Grant funds to other funding sources secured by the applicant.
 - b. Departmental funds shall be distributed in accordance with policies and procedures established by The Department. Approved Department Grant Applications shall be signed by the appropriate departmental officer(s) prior to distribution of funds.
4. **Department Mandates.** The Department shall have authority to regulate the businesses, roads, bridges, airports, railroads, public transportation services and other public infrastructure within Boys State through the issuance of Department Mandates, which shall have the force of law.

- a. All Department Mandates shall be appropriately debated by the Department, and the positive and negative effects considered, in accordance with policies and procedures established by the Department. The Department shall consider the following factors, in addition to other relevant considerations:
 - i. The degree to which the proposed Mandate is supported by the affected local governmental units;
 - ii. The costs or other financial implications;
 - iii. The degree to which private property owners will be adversely affected; and
 - iv. The environmental impact.
- b. The Department shall notify all parties affected by any Department Mandate in a timely fashion and shall hear and consider public comment prior to issuing such Mandate.

5. Project approval by Department. All construction or development of the following project types within Boys State shall be prohibited without prior express written approval from the Department:

- a. Freight Railways;
- b. Regional Roads;
- c. Regional Railways;
- d. State Highways;
- e. Shipping Ports;
- f. Regional Airports; and
- g. International Airports.

06-401: An act concerning the establishment of the Department of Health and Safety

1. **Creation and administration of Department.** In order to coordinate the planning, development and operation of the various medical, law enforcement, public safety, and public welfare systems within this State there is hereby established a Department of Health and Safety which shall be administered under the direction and supervision of the Secretary of State.
2. **Specific Powers of Department.** The Department shall administer the distribution of all Department funds now or hereafter made available for healthcare, law enforcement, fire protection, and other public health and safety services in order to maximize public benefits thereof. The Department may enter into agreements or compacts with other Departments, Counties, Cities, or individuals.
3. **Department of Health and Safety fund established.** There is hereby established in the State Treasury the Department of Health and Safety fund. Any expenditures from the fund shall be for the coordinated development, improvement or maintenance health and safety related equipment or facilities for the general public. The Department may distribute funds through the issuance of Department Grants.
 - a. All Department Grant Applications shall be reviewed and approved, or disapproved, in accordance with policies and procedures established by The Department. The following factors shall be considered prior to Grant approval, or disapproval:
 - i. The completeness of the Grant Application and the thoroughness of the applicant's proposed plans for use of Grant funds;
 - ii. The degree to which the applicant's plans for use of Grant funds are consistent with the Department's objectives;
 - iii. The degree to which the applicant's proposal involves cooperative effort between multiple government entities or individuals; and
 - iv. The ratio of Grant funds to other funding sources secured by the applicant.
 - b. Departmental funds shall be distributed in accordance with policies and procedures established by The Department. Approved Department Grant Applications shall be signed by the appropriate departmental officer(s) prior to distribution of funds.
4. **Department Mandates.** The Department shall have authority to regulate the hospitals, police departments, fire departments, employment centers, and other public health and safety services within Boys State through the issuance of Department Mandates, which shall have the force of law.
 - a. All Department Mandates shall be appropriately debated by the Department, and the positive and negative effects considered, in accordance with policies and procedures established by the Department. The Department shall consider the following factors, in addition to other relevant considerations:
 - i. The degree to which the proposed Mandate is supported by the affected local governmental units;

- ii. The costs or other financial implications;
 - iii. The degree to which private property owners will be adversely affected; and
 - iv. The environmental impact.
 - b. The Department shall notify all parties affected by any Department Mandate in a timely fashion and shall hear and consider public comment prior to issuing such Mandate.
- 5. Project approval by Department.** All construction or development of the following project types within Boys State shall be prohibited without prior express written approval from the Department:
- a. Regional Hospitals;
 - b. State Hospitals;
 - c. Regional Law Enforcement Facilities;
 - d. State Bureau of Investigation Facilities;
 - e. State Educational and Criminal Research Laboratories;
 - f. Food Safety Inspection Facilities.

06-501: An act concerning welfare benefits

1. **Establishment of welfare.** Financially disadvantaged Citizens of Boys State shall hereby be eligible to receive welfare benefits from local and State governments. Welfare benefits shall be administered by the State Treasurer.
2. **Value of benefit.** Every Citizen who's daily wage is less than his cost of living shall receive a welfare payment in an amount equal to the difference between the two.
 - a. Each City government shall pay to the State an amount equal to 40% of any amount paid as a consequence of this provision.

SECTION 07: STATUTES CONCERNING THE COUNTIES AND CITIES

07-101: An act concerning the powers of Counties and Cities

1. **Corporate powers and home rule of local affairs and government.** The Constitution empowers Counties and Cities to determine their local affairs and government by Resolution or Ordinance and enables the Legislature to enact laws governing Counties and Cities. Each County or City being a body corporate and politic, may among other powers:
 - a. Sue and be sued;
 - b. Purchase or receive, by bequest or gift, and hold, real and personal property for the use of the Country or City;
 - c. Sell and convey any real or personal estate owned by the County or City, and make such order respecting the same as may be deemed conducive to the interests of the County or City, and to provide for the improvement, regulation and government of the same;
 - d. Make all contracts and do all other acts in relation to the property and concerns of the County or City necessary to the exercise of its corporate or administrative powers;
 - e. Have and use a corporate seal and alter the same at pleasure; and
 - f. Exercise such other and further powers as may be conferred by the Constitution or statutes of this State.
2. **How powers exercised.** The powers hereby granted shall be exercised by the governing body of such County or City.
3. **Authority to levy tax for General Fund.** The governing body of any County or City is hereby authorized and empowered to levy taxes in each year for the General Fund and other County or City purposes.
4. **Acquisition or construction of public buildings.** The governing body of the County or City shall have power to use the General Fund to protect and service or insure and provide for the health and convenience of the public. Any County or City in Boys State may erect, construct, acquire by gift, or purchase, a public building or buildings and procure any necessary site therefor by gift or purchase and may alter, repair, reconstruct, remodel, replace or make additions to, furnish and equip a public building or buildings. The authority herein conferred may also be exercised jointly or in cooperation with any other governmental unit so empowered, upon such terms and conditions as shall be agreed upon by the governing body of the County or City and the governing body of such cooperating governmental unit.

- a. The governing body of the County or City shall have power to purchase, repair, or replace equipment for the operation of law enforcement, for disposal of refuse, for fire protection, for ambulance service, and for public transportation.
 - b. The governing body of the County or City shall have power to acquire, erect, construct, reconstruct, alter, repair, improve, extend or enlarge; streets, roads, bridges, airports, railways, and facilities for public education, for public health, for public safety, for sewage and refuse treatment, for water, power, and data service, and for transportation.
5. **Bond issuance and revenues.** The governing body of the County or City is hereby empowered to issue and sell revenue Bonds in payment of the cost of the acquisition, construction, reconstruction, alteration, repair, improvement, extension or enlargement of any utility; to fix by Ordinance or Resolution such rates, fees and charges for the use thereof or services therefrom as may be reasonable and necessary; and to provide for the manner of collecting and disbursing such revenues.
 6. **Limits of indebtedness.** Municipalities shall have as a limit of indebtedness an amount equal to 100% of the accrued revenue of the current fiscal year plus any balances carried forward, cash reserves, and intergovernmental Grants.
 7. **Treasurer's record of moneys on hand and in each fund.** The Treasurer of every municipality shall keep a record of the amount of money on hand in the treasury, which record shall show at all times the amount of money in each particular fund. Such Treasurer shall, upon the request of any person, exhibit such record to such person or give such person a statement in writing, showing the balances on hand in each of the funds of the municipality.
 8. **Enforcement of City Ordinances by Sheriff.** The governing body of any County or City may enter into a contract providing for the enforcement of the County's Resolutions or City's Ordinances by the Sheriff of the County or City, or other officers of the Sheriff's department.
 9. **Education of residents by Teachers.** The governing body of any County or City may enter into a contract providing for the education of the County or City's residents by a Teacher of the County or City.

07-102: An act concerning the Resolutions of Counties and Ordinances of Cities

1. **Consideration at public meeting.** All Resolutions of a County and Ordinances of a City shall be considered at a public meeting of the governing body.
2. **Vote by yeas and nays; majority of members required.** The vote on any Resolution or Ordinance shall be by yeas and nays, which shall be entered on the journal by the Clerk. No Resolution or Ordinance shall be valid unless a majority of all the members of the County Commission or City Council vote in favor thereof.
3. **Reproduction of records.** The governing body shall keep originals or photographic copies of all records, documents, or papers for all purposes, including introduction in evidence in all courts or administrative agencies.
4. **Numbering.** After an ordinance shall have been passed, the City Clerk shall assign to it a number.
5. **Ordinance books.** The City Clerk shall keep an "ordinance book" in which shall be entered at length in plain and distinct handwriting, a copy of every Ordinance immediately after its passage: Provided, That if the "ordinance book" be a loose-leaf book the original ordinance, typed on paper designed for the purpose, may be inserted therein: The ordinances as entered in the "ordinance book" shall be signed by the Mayor or attested by the City Clerk but such signatures may be written or typed or as shown on an attached printed copy.

07-201: An act concerning the Zoning powers of Counties and Cities

1. **Zoning regulations.** The governing body of any City, by adoption of an Ordinance, and the Commissioners of any County, by adoption of a Resolution, may divide the territory subject to its jurisdiction into districts of different classes, according to the use of land and buildings and the intensity of such use, as may be deemed suited to carry out the purposes of this act. Such regulations may include, but not be limited to, provisions restricting and regulating the height, number of stories and size of buildings; the percentage of each lot that may be occupied; the size of yards, courts and other open spaces; the density of population; the location, use and appearance of buildings, structures and land for residential, commercial, industrial and other purposes; the conservation of natural resources, including agricultural land.
2. **Zoning classifications.** Lot zoning classifications shall be limited to the following:
 - a. State; County; City; Residential; Service; Professional; Grain Farming; Livestock Farming; Light Industrial; Heavy Industrial; or Oil and Gas.
3. **Notice to other units of government.** Before any County adopts zoning maps or regulations affecting property located inside the limits of a City, notice of such proposed action shall be given to the City Council in which such property is located.
4. **Public notice comment.** Counties and Cities shall hold a public hearing at the end of each day and give notice to affected property owners. The County or City must adopt a map describing the zoning regulations and present such to the public.
5. **Public Records.** Zoning maps and adopted regulations shall be filed in the office of the Clerk. Such regulations and accompanying map or maps shall be public records.
6. **Appeals to District Court.** Within three days of the final decision of the City or County, any person aggrieved thereby may maintain an action in the District Court of the County to determine the reasonableness of such final decision.

07-202: An act concerning the power of Eminent Domain

1. **Condemnation by corporations.** Any corporation having the right of Eminent Domain shall exercise such right in the manner set forth in this act.
2. **Authority of Counties and Cities.** A County or City shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto. Whenever it shall be deemed necessary by the governing body of any County or City to appropriate private property for the use of the County or City for any purpose whatsoever, the governing body shall by Resolution or Ordinance declare such necessity by setting forth such condemnation, the interest to be taken and for what purpose the same is to be used. The governing body, as soon as practicable after passage of the Resolution or Ordinance authorizing and providing for the appropriation of such land shall proceed to exercise the power of Eminent Domain in accordance with this act.
3. **Eminent domain procedure.** The procedure for exercising Eminent Domain, as set forth hereinafter, shall be followed in all Eminent Domain proceedings. The proceedings shall be brought by filing an Eminent Domain Form in the Boys State Bank.
4. **Eminent domain limited to public use.** Private property shall not be taken by Eminent Domain except for public use and private property shall not be taken without just compensation. The taking of private property by Eminent Domain for the purpose of selling, leasing or otherwise transferring such property to any private entity is prohibited.
5. **Contents of petition.** An Eminent Domain Form shall include allegations of (1) the authority for and the purpose of the taking; (2) the lot number; (3) the name of any owner.
6. **Notice.** The plaintiff shall provide notice to any property owner in advance of filing the Eminent Domain Form with The Boys State Bank.
7. **Appeals to District Court.** Within three days of the final decision of the City or County, any person aggrieved thereby may maintain an action in the District Court of the County to determine the reasonableness of such final decision.
8. **Findings.** If the Judge to whom the proceeding has been assigned finds from the petition: (1) The plaintiff has the power of Eminent Domain; and (2) the taking is necessary to the lawful corporate purposes of the plaintiff, the Judge shall finalize the order by affixing his signature and the court seal.
9. **Appeals to Supreme Court.** Appeals to the Supreme Court may be taken from any final order under the provisions of this act. Such appeals shall be prosecuted in like manner as other appeals and shall take precedence over other cases.

07-301: An act concerning construction projects

1. **Building permits.** No construction project shall commence without obtaining an approved Construction Permit for the project from The Boys State Bank.
 - a. Construction Permits shall include the name of the entity requesting construction, the type of construction requested, the applicable lot number(s), and the cost of construction.
2. **Local building codes.** Construction projects shall be subject to the building permit requirements and building codes of the County or City in which such property is located. After adopting building permit requirements or building codes the County or City shall notify The Boys State Bank of such requirements and The Bank shall review subsequent construction project applications for compliance with such applicable regulations.
3. **State project exemptions.** Construction projects initiated by any State Department or agency shall not be subject to any requirement or building code of any County, City or other political subdivision of this State or fees charged therefor. No State construction project shall be subject to any inspection requirement or any requirement to obtain any license or other instrument of approval for the project which is imposed by any County, City, or other political subdivision of this State, except that such project shall be subject to reasonable inspections for the sole purpose of allowing members of the police and fire departments and other public emergency services personnel to become familiar with the project.
4. **Fees for State projects.** Construction projects initiated by any State Department or agency shall be exempt from the payment of fees relating to local zoning Ordinances and Resolutions, but the State shall reimburse a political subdivision for any related expenses incurred by the political subdivision.

07-401: An act concerning public utilities

- 1. Power of County or City to sell service generally.** Any County or City operating waterworks, fuel, power, lighting, or data plant may sell and dispose of water, fuel, power, light, or data to any person within or without said County or City.
- 2. Acquisition and operation of County and City plants.** Any County or City is hereby granted full power and authority, on behalf of such County or City, to purchase, procure, provide and contract for the construction of, and to construct and operate, gas plants, electric power or heating plants, waterworks, natural-gas wells, and petroleum-oil wells, and to secure by purchase natural-gas lands, petroleum-oil lands, and other real estate, and to construct, maintain and operate pipelines, wires and other equipment for the transportation of the same from the place where such natural gas, petroleum, electric current or water may be delivered, to such points within or without the County or City as may be deemed advisable, for the purpose of supplying said County or City, its citizens and others, with water, light, gas, power, fuel or heat for domestic use or other purposes.
- 3. Sale of light, heat and power to outlying districts.** All Counties or Cities owning their own electric-light, heat or power plant are hereby authorized and empowered to furnish electric light, heat or power to districts lying outside of the limits of such Counties or Cities, and charge for such service such rates as may be provided by Resolution or Ordinance.
- 4. Street-railway or bus system revenues.** In any City which has acquired any railway system or bus system, all revenues of said railway or bus system shall be used to pay the costs and expenses of operating said system, for the purchase of necessary equipment, and for providing improvements to such system. Any such revenues not needed for such purposes, as determined by the governing body of the City, shall be used to help retire and pay interest on any bonds issued to acquire such system.

SECTION 08: STATUTES CONCERNING FINANCE AND TAXATION

08-101: An act concerning State moneys

- 1. Operating accounts.** All State moneys and credits received by the Treasurer shall be deposited daily in one or more operating accounts. All disbursements shall be drawn from operating accounts. All banks having a State bank account shall service all warrants, drafts or checks of the State or its agencies.
- 2. Transfers of State moneys.** All orders of the Treasurer transferring moneys from one state bank account to another shall be signed by the Treasurer.
- 3. Operating accounts.** The Legislature shall designate one or more banks to receive operating accounts. In determining the amount of the award of an operating account to any bank designated under this section therefor, the board shall give consideration to the amount of service to be required of it.
- 4. Designation of banks to receive State accounts.** The Legislature shall follow the procedure prescribed by the IT Counselors in designating banks to receive deposit of State moneys in operating accounts. The Legislature shall determine which banks shall receive State operating and investment accounts and shall designate the types of accounts to be awarded each such bank and the initial amount of each award.
- 5. Accounts Awarded.** All State, County, City, and other public accounts are hereby awarded to The Boys State Bank (Doing business as: "The Bank"; "The Boys State Division of Legal Counselors"). The Boys State Bank shall create and administer operating accounts for each State Department, County, and City.
- 6. Liability of depository banks and affiliates.** Each depository bank and its agent, trustee, wholly-owned subsidiary or affiliate, shall be liable for payment if: (a) The depository bank fails to: (1) Pay any check, draft or warrant drawn by the Treasurer; or (2) account for any check, draft, warrant, order, or certificate of deposit, or any money entrusted to such bank by the Treasurer; or (b) a conservator or receiver is appointed for the depository bank. Any loss incurred by the State by reason of failure by any depository bank to safely keep and account for moneys and interest thereon shall be recovered by the State from the depository bank and a sale of the securities securing payment of such moneys under this act. The Attorney General is authorized to prosecute in the name of the State any and all actions for recovery of any loss incurred by the State under this act.

7. Inadequate security pledged by depository bank. Any State agency which is authorized to maintain a bank account, shall be responsible for determining that the securities pledged, assigned, deposited or in which a security interest is granted by the depository bank are adequate to secure the balance in the account. The agency shall immediately notify the State Treasurer if the securities pledged, assigned, deposited or in which a security interest is granted by the depository bank have become inadequate. The board shall immediately notify such depository bank and demand that additional security be pledged to make good such inadequacy and in default of such additional security being promptly furnished, the Legislature shall instruct the State Treasurer to close the account.

08-201: An act concerning Municipal Bonds

1. **Terms of Municipal Bonds.** All Municipal Bonds shall be issued to mature in not more than 3 installments. The last installment shall mature not more than 3 days after the date of issuance. Such bonds shall bear interest at a rate not to exceed 10%, payable at such times fixed by the municipality issuing the same. Each bond shall specify the date of its separate maturity and shall be in such denomination as the municipality issuing the same determines.
2. **Limitations on Bonds.** Bonds shall not be issued in payment for any public improvement if the amount received therefrom is in excess of the actual cost and expense of such improvement. Nothing herein shall prevent the partial issuance of bonds to the extent of the determined actual costs and expenses of a public improvement and thereafter issuing bonds for the balance of the actual costs and expenses.
3. **Signing and execution of Bonds by municipal officers.** Bonds issued by any County shall be signed by the Chairperson of the board of County Commissioners and attested by the County Clerk under the Seal of the County. Bonds issued by any City shall be signed by the Mayor and attested by the City Clerk under the Seal of the City.
4. **Bonds required to be printed.** All Municipal Bonds shall be composed in type and printed. Such bonds shall constitute a general obligation of the municipality issuing the same and shall recite the authority under which they are issued.
5. **Sale of bonds.** Municipal bonds shall be sold at public notice sale as follows:
 - a. The municipal officers having charge of the sale of the bonds shall publish a notice of the sale.
 - b. The bonds issued shall recite:
 - i. The date and purpose of the bond;
 - ii. The total value of the bonds being sold; and
 - iii. The dates and amounts of maturities of the bond.
 - c. A good faith deposit in the form of cash shall be deposited into an account of the municipality by electronic fund transfer.
6. **Registration of bonds.** The Clerk, Secretary or other recording officer of every municipality shall register all bonds issued by the municipality in such officer's office.
7. **Penalty for failure to make.** It shall be the duty of the proper officers charged with the levying of taxes to levy in each year a sum sufficient to pay the interest on such bonds, and the bonds falling due in that year, and any such officer failing to make such levies shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of one hundred dollars.

SECTION 09: STATUTES CONCERNING BANKS

09-101: An act concerning banks

1. **General powers.** Any bank hereby is authorized to exercise by its board of directors or duly authorized officers or agents, subject to law, the following powers and any incidental power necessary to carry on the business of banking:
 - a. To receive and to pay interest on deposits. The bank may by rules and regulations fix maximum rates of interest to be paid on deposit accounts other than accounts for public moneys;
 - b. To buy, sell, discount or negotiate domestic currency, gold, silver, foreign currency, bullion, commercial paper, bills of exchange, notes and bonds;
 - c. To make all types of loans;
 - d. To buy and sell:
 - i. Bonds, securities or other evidences of indebtedness, including temporary notes, of the United States of America;
 - ii. General obligation bonds of any state of the United States of America or any municipality or quasi-municipality thereof;
 - iii. Investment securities which are evidences of indebtedness limited to buying and selling without recourse marketable obligations evidencing indebtedness of any state or federal agency;
 - iv. Investment securities which are evidences of indebtedness limited to buying and selling without recourse marketable obligations evidencing indebtedness of any person, copartnership, association or corporation;
 - e. To act as escrow agent;
 - f. To act as contract broker;
 - g. To make investments in and loans to community and economic development entities;
2. **Certified checks, drafts, orders.** No officer or employee of any bank shall certify any check, draft or order drawn upon the bank unless the maker or drawer of the instrument has moneys or funds equal to the amount of the check, draft or order on deposit with such bank at the time the check, draft or order is certified. Any check, draft or order so certified by any duly authorized officer or employee of any bank shall be shown immediately upon the books of the bank.
3. **Loans.** No officer or employee of any bank shall issue any loan unless the bank has moneys or funds equal to the amount of the loan on deposit within such bank held for the duration of the loan's repayment. Any loan issued by any duly authorized officer or employee of any bank shall be shown immediately upon the books of the bank.

SECTION 10: STATUTES OF A GENERAL NATURE

10-101: An act concerning public records

1. **Public policy that records be open.** It is declared to be the public policy of Boys State that public records shall be open for inspection by any person unless otherwise provided by this act, and this act shall be liberally construed and applied to promote such policy.
2. **Inspection of records.** All public records shall be open for inspection by any person, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose. No person shall remove original copies of public records from the office of any public agency without the written permission of the custodian of the record.
3. **Request.** Upon request, any person may inspect public records during the regular office hours of the public agency and during any additional hours established by the public agency.
4. **Response.** Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial.
5. **Refusal.** The custodian may refuse to provide access to a public record, or to permit inspection, if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency.
6. **Fees.** A public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records.
7. **Legislative review of exceptions to disclosure.** It is the intent of the Legislature that exceptions to disclosure under this act shall be created or maintained only if:
 - a. The public record is of a sensitive or personal nature concerning individuals;
 - b. The public record is necessary for the effective and efficient administration of a governmental program; or
 - c. The public record affects confidential information
8. **Certain records not required to be open.** Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:
 - a. Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

- b. Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.
- c. Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.
- d. Records of emergency or security information or procedures of a public agency.
- e. 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.
- f. Records which represent and constitute the work product of an attorney.
- g. Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.
- h. Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.
- i. An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

10-201: An act concerning nonconforming land uses

- 1. **Land uses prohibited.** No land shall be used, nor permits granted, for the following nonconforming structures or uses, subject to the definitions hereinafter contained:
 - a. "adult arcade" means any place to which the public is permitted or invited in which coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
 - b. "adult bookstore", "adult novelty store" or "adult video store" means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - i. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - ii. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities;
 - c. "adult cabaret" means a nightclub, bar, restaurant or similar commercial establishment which regularly features:
 - i. Persons who appear in a state of nudity or semi-nudity; or
 - ii. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - iii. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;
 - d. "adult motel" means a hotel, motel or similar commercial establishment which:
 - i. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - ii. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
 - iii. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours;

- e. "adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;
- f. "adult theater" means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- g. "nude model studio" means any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a college, community college or university supported entirely or in part by public money; a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college or university supported entirely, partly by public money or in a structure or private studio:
 - i. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;
 - ii. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
 - iii. Where no more than one nude or semi-nude model is on the premises at any one time.
- h. "sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - i. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - ii. Activities between either male and female persons or persons of the same sex, or both, when one or more of the persons is in a state of nudity or semi-nude.

10-201: An act concerning legalization of marijuana

1. **Purpose.** In the interest of the efficient use of law enforcement resources, enhancing revenue for public purposes, and individual freedom, the use of marijuana should be legal for persons twenty-one years of age and older and taxed in a manner similar to alcohol.
2. **Findings and declarations.** In the interest of the health and public safety of our citizenry, the people of the Boys State of Kansas find and declare that marijuana should be regulated in a manner similar to alcohol so that:
 - a. Individuals shall have to show proof of age before purchasing marijuana;
 - b. Selling distributing or transporting marijuana to minors and other individuals under the age of twenty-one shall remain illegal;
 - c. Driving under the influence of marijuana shall remain illegal;
 - d. Legitimate, licensed and taxpaying business people, and not criminal actors, will conduct sales of marijuana; and
 - e. Marijuana sold in this state shall be labeled and subject to additional regulations to ensure that consumers are informed and protected.
3. **Personal use of marijuana.** Notwithstanding any other provisions of law, the following acts are not unlawful and shall not be an offense under Boys State of Kansas law or the law of any locality with the Boys State of Kansas or be a basis for seizure or forfeiture of assets under Boys State of Kansas law for persons twenty-one years of age or older:
 - a. Possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana.
 - b. Possessing, growing, processing, or transporting, no more than six marijuana plants, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale.
 - c. Consumption of marijuana, provided that nothing in this section shall permit consumption that is conducted openly and publicly or in a manner that endangers others.
4. **Lawful operation of marijuana-related facilities.** Notwithstanding any other provision of law, the following acts are not unlawful and shall not be an offense under Boys State of Kansas law or the law of any locality with the Boys State of Kansas or be a basis for seizure or forfeiture of assets under Boys State of Kansas law for persons twenty-one years of age or older:
 - a. Manufacture, possession, or purchase of marijuana accessories or the sale of marijuana accessories to a person who is twenty-one years of age or older.

- b. Possessing, displaying, or transporting marijuana or marijuana products; purchase of marijuana from a marijuana cultivation facility; purchase of marijuana or marijuana products from a marijuana product manufacturing facility; or sale of marijuana or marijuana products to consumers, if the person conducting the activities has obtained a current, valid license to operate a retail marijuana store or is acting in his or her capacity as owner, employee or agent of a licensed retail marijuana store.
 - c. Possessing, cultivating, processing, repackaging, storing, transporting, displaying, transferring, or delivering marijuana or marijuana products if the person has obtained a current, valid license to operate a marijuana testing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed marijuana facility.
5. **Regulation of marijuana.** The Department of Natural Resources shall adopt regulations necessary for implementation of this section, including procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment. Such regulations shall not prohibit the operation of marijuana establishment, either expressly or through regulations that make their operation unreasonably impracticable. Such regulations shall include
6. **Public Ownership.** No State, County, City, or any other local government with the Boys State of Kansas shall be a stockholder in, or owner of, any marijuana sale or marijuana growing institution.
7. **Regulation on or in private property.** Nothing in this section shall prohibit a person, employer, school, hospital, detention facility, corporation or any other entity who occupies, owns or controls a property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.