

Approved 1-16-90
Date

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:05 a.m./~~p.m.~~ on January 11, 1990 in room 254-E of the Capitol.

All members were present except:

Senator Strick, who was excused, and Senator Walker.

Committee staff present:

Mary Ann Torrence, Revisor of Statutes Office
Mary Galligan, Legislative Research
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

Senator Reilly welcomed the committee members back to the 1990 Session and briefly discussed committee policy.

Staff presented a memorandum of 1989 Carryover Bills in the committee (Attachment 1) and summarized the handout.

The next meeting will be January 16, 1990, at 11:00 a.m.

The meeting was adjourned at 11:20 a.m.

MEMORANDUM

Kansas Legislative Research Department

Room 545-N -- Statehouse
Topeka, Kansas 66612-1586
(913) 296-3181

January 10, 1990

To: Senate Committee on Federal and State Affairs
Re: Bills in Committee

The following bills and resolutions are currently assigned to the Committee:

1989 Carryover Bills

Bill No.: S.B. 69

Bill Summary

The bill would allow bingo parlors to operate seven days per week.

Bill No.: S.B. 70

Bill Summary

The act would regulate travel promoters by imposing the following restrictions and requirements:

- A prohibition against advertising that air or sea transportation is or may be available unless, prior to the advertisement, the promoter has contracted with an air or sea carrier for the transportation advertised.
- A requirement that at the time a person pays the promoter for air or sea transportation or other services the promoter must provide the person with a written statement containing specified information.
- A requirement for a refund of money paid for transportation canceled through no fault of the passenger. The promoter would be entitled to retain payment for goods or services provided. Misrepresentations of date, time, place of departure or arrival, or type of aircraft or ocean carrier would be considered a cancellation.
- A requirement that travel promoters maintain a \$500,000 bond or \$500,000 on deposit with the State Treasurer or a bank approved by the State Bank Commissioner for the protection and benefit of passengers and to secure faithful performance of the obligations of the travel promoter.

Senate F&SA
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Attachment 1

- A requirement that tickets or vouchers be delivered to the passenger within 48 hours.

Bill No.: S.B. 93

Bill Summary

The bill would amend existing law to allow cereal malt beverage to contain the same amount of alcohol by weight as does beer. The local licensure procedure for cereal malt beverage would be maintained

Bill No.: S.B. 104

Bill Summary

The bill would amend the act that provides for regulation and licensing of architects, landscape architects, engineers, and land surveyors. The bill would revise definitions of practice of each profession, the length of terms of members of the Board of Technical Professions, and qualifications for licensure. The bill would also amend some discipline and enforcement provisions of the Act.

The bill would increase the fee for examination application from \$5 to \$25 and the fee for reissuance of a lost certificate from \$10 to \$20. The bill also would eliminate the exemption for professional corporations and require that these corporations pay a fee of \$150.

Bill No.: S.B. 200

Bill Summary

The bill would allow organization licensees to distribute all or a portion of their net earnings to a county or city for use for lawful governmental purposes. Current law limits distribution of "profits" that accrue to organization licensees to nonprofit charitable, tax exempt organizations. Each organization licensee must distribute its earnings to at least four such charitable organizations.

Bill No.: S.B. 324

Bill Summary

The bill would provide for certification and regulation of real estate appraisers. The bill was introduced as an outgrowth of the federal savings and loan bail-out proposal that requires state certified appraisers for any federally related real estate transaction.

Bill No.: S.B. 347

Bill Summary

The bill would allow any organization licensee or facility owner licensee authorized to conduct at least one live race during each calendar year to apply to the Kansas Racing Commission for a simulcast facility license. All agreements for simulcasting would be subject to the approval of the Racing Commission.

Bill No.: H.B. 2018

Bill Summary

The bill would make it a crime to sell, give, or otherwise transfer any firearm to any person who has been convicted of specific violent crimes. The crimes include:

- first and second degree murder and voluntary and involuntary manslaughter;
- aggravated assault, aggravated assault on a law enforcement officer, and aggravated battery;
- terroristic threat;
- kidnapping and aggravated kidnapping;
- aggravated robbery;
- rape, aggravated sexual battery, and aggravated criminal sodomy;
- aggravated juvenile delinquency;
- aggravated burglary; and
- possession or sale of controlled substances.

The bill would also make it a crime for a person convicted of any of those crimes to possess a gun. The House Committee amended the bill to make possession a class E felony. Under current law possession is a class D felony. The House Committee amendments also clarify existing language regarding the prohibition against selling, transferring, or giving a gun to an alcoholic or narcotics addict.

Background. The bill as introduced would have prohibited selling, giving or transferring a gun to any felon within five years of conviction or release from prison.

Bill No.: H.B. 2376

Bill Summary

The bill would amend the Open Records Act to provide that the Attorney General or any county or district attorney can enforce the Act. Under current law, a person can apply to the district court of any county to enforce the Act.

Bill No.: Sub. H.B. 2223

Bill Summary

The substitute bill would require the Fire Marshal to include in rules and regulations a requirement that persons seeking certification to inspect, install, or service portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment submit satisfactory proof of training to the Fire Marshal. Existing law requires that persons seeking such certification complete the most current training program conducted by the manufacturer of the equipment.

1989 Interim Committee Bills

Bill No.: S.B. 428

Bill Summary

The bill would require the Kansas Racing Commission to adopt rules and regulations providing for simplified and less costly procedures for county fair associations that apply for or hold a parimutuel racing license. The special rules and regulations would apply only to those associations that hold race meetings for 14 or fewer days per year.

Background. The bill was recommended by the Special Committee on Federal and State Affairs. The Committee heard testimony during the 1989 interim that the cost of complying with licensure and application requirements was prohibitive for small county fair associations.

Bill No.: S.B. 429

Bill Summary

The bill would authorize the Kansas Racing Commission to designate in rules and regulations positions, the incumbents of which would be prohibited from wagering at the track where they work. The positions would be those identified by the Commission that could influence the outcome of a race.

The bill would repeal existing prohibitions against wagering by all officers, directors of members of organization licensees (nonprofit organization), and officers, directors, and employees of facility owner and facility manager licensees.

Background. The bill was introduced by the Special Committee after testimony during the interim to the effect that existing limitations on wagering served as a deterrent to hiring at racetracks.

Bill No.: S.B. 430

Bill Summary

The bill would prohibit the Kansas Racing Commission from disclosing any information, other than conviction information, received from criminal justice agencies as part of determining applicants' qualification for licensure under the Parimutuel Racing Act. Such information received by the Commission would be confidential and could only be disclosed to members of the Commission and Commission staff as necessary to determine applicants' qualifications.

The bill would repeal the existing provision that authorizes the Commission to disclose such information in hearings held under authority of the Act. The bill would also repeal the current provision that authorizes the Commission to negotiate with applicants regarding background information.

Background. The bill was recommended by the Special Committee on Federal and State Affairs/Governmental Organization after receipt of extensive testimony on the subject during the 1989 interim. The Committee was informed that a Kansas Supreme Court opinion in the Kansas Racing Management case, makes it clear that the Commission has discretion under the Parimutuel Racing Act to disclose background information it receives from law enforcement agencies. As a result of that decision, the Commission was informed by the KBI that it would no longer provide certain information because confidentiality could not be assured.

Resolutions

Bill No.: S.C.R. 1603

Bill Summary

The resolution requests the State Board of Mortuary Arts to modify K.A.R. 63-2-14 to delete a provision regarding application for license renewal after the previous license has expired.

Background. During the time since introduction of this resolution the Board modified its regulations to accomplish what the resolution sought.

Bill No.: S.C.R. 1616

Bill Summary

The resolution would add a new section to article 15 of the Kansas Constitution. The new section would require the Legislature to provide by law that any

person convicted of premeditated murder or any other crime designated by the Legislature as a capital offense be sentenced to death.

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