

Approved 4-8-91  
Date

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs

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

11:00 a.m./~~p.m.~~ on April 4, 1991 in room 254-E of the Capitol.

All members were present ~~xxxxxx~~

Committee staff present:

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

Conferees appearing before the committee:

Senator Jack Steineger  
Senator Phil Martin  
LaVert Murray, Director of Economic Development, Kansas City, Kansas  
Bill Johnson, River City, USA

Senator Steineger requested introduction of a new initiative proposal, Draft 1 RS 1501. His remarks are attached, along with a memo showing the signatures that would be required in each district. (Attachment 1)

Senator Martin requested introduction of a referendum proposal, Draft 1 RS 1502. His remarks are attached. (Attachment 2)

A motion was made by Senator Strick and seconded by Senator Anderson that the bills be introduced and that it be requested they be referred back to this committee. The motion carried.

Senator Ehlich requested introduction of a bill concerning adult family homes which would allow three adult clients, Draft 1 RS 1515.

A motion was made by Senator Bond and seconded by Senator Morris to introduce the bill and request that it be referred to Public Health. The motion carried.

Senator Strick requested introduction of a bill to allow excursion boat entertainment games, Draft 1 RS 1542.

LaVert Murray, Kansas City, Kansas, spoke in support of the proposal, saying with the establishment of pari-mutuel betting in Kansas and the existence of excursion boat cruises originating from the River City USA complex, discussion of legalizing Excursion Boat (or Riverboat) gambling has been raised as an attractive means of promoting Kansas tourism and generating revenues for the state. He distributed a booklet entitled, "Riverboat Amusement Excursion Proposal: Report for the Kansas State Legislation, 1991." A copy is on file in the office of the Chairman of the Federal and State Affairs Committee.

A committee member said that last year this proposal came in the form of a constitutional amendment and asked if there is reason to believe the definition of lottery will include casino gambling. The Chairman said the Attorney General believes as long as the lottery operates and controls, the answer is "yes."

Bill Johnson, River City USA, said this bill would bring in more money for the state and stop erosion of money to Missouri, that Missouri will need a constitutional amendment to adopt riverboat gambling.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs,  
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on April 4, 1991

A motion was made by Senator Strick and seconded by Senator Anderson to introduce the bill. The motion carried.

Action on: SB 245 - Increases maximum amount of contributions a charitable organization can receive without being registered.

A motion was made by Senator Daniels and seconded by Senator Strick to amend the bill on P.1, Ln. 30, after "membership" adding "and their families"; Ln.42 and P.2, Ln.5 striking \$100,000, adding \$25,000, and P.2, Ln.1-3 striking "if all . . .services." The motion carried.

A motion was made by Senator Strick and seconded by Senator Anderson to recommend the bill favorably as amended. The motion carried.

Action on: SB 5 - Governor's records transferred to State Historical Society after end of term.

The committee discussed a proposed substitute, Draft 1 RS 1303, the thrust of which the Chairman said was to allow the Governor to restrict access. The consensus was that the original bill provided protection. The substitute would provide that the records would fall under the jurisdiction of the State Records Board. It was expressed that there are only one or two places where these records could be maintained appropriately, and, also, that this pointed up the need for a central records center.

A motion was made by Senator Bond and seconded by Senator Walker to recommend SB 5 favorably in its original form. The motion carried.

Action on: SB 410 - Require reports to the secretary of health and environment of abortions performed.

A motion was made by Senator Daniels and seconded by Senator Strick to adopt balloon amendments to the bill. (Attachment 3) No action was taken on the motion.

The meeting was adjourned at 12:00 noon.

GUEST LIST

COMMITTEE: F+SA

DATE: 4-4-91

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
LaVert A. Murray	701 N. 7 <sup>th</sup> KCK 66101	CITY OF KCK
<del>Janet Brandenberg</del>	<del>Topeka</del>	<del>Ks Choice Alliance</del>
BEATRICE F. SWOOPES	KANSAS CATHOLIC CONF. 6301 ANTIPOCH	KANSAS CATH. CONF. MERRIAM, KS. 66202
Kelly Kuntala	KCKS	NOW
Bill Johnson	RIVER CITY DR K.C. KS 66115	RIVER CITY U.S.A. INC.
TOM LALLY	KCKS 701 N. 7 <sup>th</sup>	CITY OF KCK
DENNIS SHOCKLEY	CITY HALL	CITY OF KCK
Lewis Levin	KCKS; 701 N 7th	City of KCK
RICHARD TAYLOR	TOPEKA	LIFE AT ITS BEST
Beth Powers	Topeka	Ks Choice Alliance
Cleta Rempel	Sabetha	Right to Life of Ks
TAMA WAGNER	TOPEKA	KPR
Michelle Moore	Topeka	KAC
Dobbie Schauf	Topeka	KH, F
DANA NELSON	TOPEKA	KRC
Phil Martin	Phy	Seam
Peggy Jarman	Wichita	PCAL
Kenda Kuttelt	CWA of KS	Al Leavenworth
Will Belden	Topeka	CWUK
Neil Wilson	Topeka	KWSA
Denny Burgess	Topeka	Sunflower Racing

INITIATIVE

THANK YOU MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE BEING PASSED OUT TO YOU IS A PROPOSAL THAT WILL GIVE ANOTHER OPPORTUNITY TO THE LEGISLATURE IN PARTICULAR THE SENATE TO ADDRESS THE INITIATIVE AND REFERENDUM ISSUES.

A NUMBER OF PROPOSALS WE KNOW HAVE BEEN INTRODUCED EARLY IN THIS SESSION ARE BEFORE THE SENATE ELECTIONS COMMITTEE THAT TRACK SOMEWHAT CLOSELY WITH THE PROPOSAL THAT WAS CONSIDERED BY THE HOUSE OF REPRESENTATIVES.

THIS PROPOSAL TAKES AN ENTIRELY DIFFERENT APPROACH AND HAS BEEN DEVELOPED BY A NUMBER OF US WHO FELT OTHER EFFORTS SHOULD BE MADE TO CONSIDER GIVING KANSANS A GREATER VOICE IN THEIR GOVERNMENT WHILE AT THE SAME TIME PROVIDING THE NECESSARY CHECKS AND BALANCES TO INSURE THAT WE DO NOT DEVELOP THE TYPE INITIATIVE SITUATION WE HAVE READ ABOUT AND THAT HAVE CAUSED MANY TO QUESTION THE WISDOM OF THE INITIATIVE.

THIS INITIATIVE PROPOSAL WOULD RESPOND TO THOSE CONCERNS OF LEGISLATORS, AS WELL AS PROVIDE A VETO BY THE LEGISLATURE.

IT GUARANTEES KANSANS A VOICE IN THEIR GOVERNMENT LIKE ALL OF OUR SURROUNDING STATES CURRENTLY ENJOY.

IT RECOGNIZES THAT KANSANS ARE A RESPONSIBLE GROUP OF CITIZENS AND THAT THEY DESERVE NO LESS THAN THE OPPORTUNITY TO EXPRESS THEMSELVES ON THE COURSE OF THEIR GOVERNMENT.

IT ZEROS IN ON TWO MAJOR POLICY DECISIONS AFFECTING KANSANS AND CONTINUING TO DOMINATE THE DISCUSSIONS OF THIS LEGISLATURE, TAXES AND SPENDING.

IT RECOGNIZES THAT BOTH POLITICAL PARTIES, REPUBLICANS AND DEMOCRATS, HAVE ENDORSED THE PRINCIPAL IN THEIR RESPECTIVE

PLATFORM OF INITIATIVE AND REFERENDUM.

IT RECOGNIZES THAT BOTH FORMER GOVERNOR HAYDEN AND GOVERNOR FINNEY ENDORSED AND MADE THE INITIATIVE AND REFERENDUM A PART OF THEIR CAMPAIGN AND THE KANSAS PEOPLE APPARENTLY AGREE.

IT RECOGNIZES THAT MOST PUBLIC OPINION POLLS INDICATE A DESIRE BY OUR CITIZENS TO HAVE A GREATER VOICE IN THE DECISIONS OF THEIR GOVERNMENT TODAY.

IT RECOGNIZES THAT OUR FELLOW KANSANS WERE INTELLIGENT ENOUGH TO SELECT THOSE WHO REPRESENT THEM AND THUS ARE INTELLIGENT ENOUGH TO ALSO HELP GUIDE THE FUTURE COURSE OF KANSAS HISTORY AND ITS FUTURE.

ELEMENTS EMBODIED IN THIS PROPOSAL:

THE PROPOSAL IS RELATIVELY SIMPLE IN THAT IT PROVIDES FOR STATUTORY INITIATIVE ONLY NOT CONSTITUTIONAL INITIATIVE.

IT PROVIDES THAT THE VOTERS THROUGH THE PETITION PROCESS AND THE FORMULA THE HOUSE SUBCOMMITTEE WORKED ON DILIGENTLY COULD PROPOSE STATUTORY CHANGES.

IT PROPOSES THAT THE LEGISLATURE WILL HAVE AN OPPORTUNITY TO REVIEW THOSE CHANGES AFTER THEIR PASSAGE AND TO REJECT THEM BY A TWO-THIRDS VOTE OF EACH HOUSE RESPECTIVELY.

IT PROPOSES PROTECTION FOR THE EXECUTIVE DEPARTMENT OF GOVERNMENT THAT IF THE GOVERNOR DISAGREES WITH THE LEGISLATURE'S ACTION, SHE MAY VETO THAT REJECTION, AND IT PROPOSES THE LEGISLATURE COULD OVERRIDE THE GOVERNOR'S VETO.

IT PROPOSES THAT ONLY TWO SUBJECTS COULD BE PLACED ON THE BALLOT AT THE GENERAL ELECTION AND DEALING WITH THE ISSUE OF TAXATION OR SPENDING.

IT PROPOSES THAT IF THE MATTERS FAIL, THEY MAY NOT BE SUBMITTED FOR FOUR YEARS.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, THIS PROPOSAL AFFORDS AN ENTIRELY DIFFERENT APPROACH FOR THE LEGISLATURE TO CONSIDER WITH REGARDS TO THE STATUTORY INITIATIVE WHILE RECOGNIZING IMPORTANCE OF OUR FELLOW CITIZENS AND THEIR RIGHT TO HAVE A VOICE IN THEIR GOVERNMENT. THE EFFORT TO FIND SOME COMPROMISE IS THE RESULT OF A GREAT DEAL OF WORK AND EFFORT ON THE PART OF A NUMBER OF MEMBERS OF THIS SENATE CONVINCED THAT THE PEOPLE OF THIS STATE WANT CONFIDENCE IN THIS SYSTEM RESTORED AND DO WANT AN OPPORTUNITY TO VOICE THEMSELVES WHILE AT THE SAME TIME INSURING THAT AN ORDERLY MEANINGFUL PROGRESS EVOLVES IN STABILITY FOR OUR STATE. IT IS FOR THAT REASON THAT WE HAVE DELIBERATELY AVOIDED THE ISSUE OF A CONSTITUTIONAL INITIATIVE WHICH IS A PROPOSAL THAT WAS CONSIDERED BY THE HOUSE OF REPRESENTATIVES, THAT ON A NUMBER OF OCCASIONS HAS BEEN INTRODUCED IN THE SENATE. WE SINCERELY HOPE YOU WILL GIVE SERIOUS CONSIDERATION TO INTRODUCING THIS PROPOSAL AND ALLOWING OUR FELLOW KANSANS A VOICE.

Office of the Governor

M E M O R A N D U M

TO: Senator Reilly  
FROM: Patrick Higgins, Governor's Fellow  
DATE: April 1, 1991

The Secretary of State reports that there are 1,204,574 registered voters in the state of Kansas. The following is a breakdown of these registered voters by Congressional District and the number of signatures that would be required in each district for the initiative to be placed on the ballot.

Cong. District	Total Regist.Voters	Signatures Needed (approximate)
1st District	239,763	7,227
2nd District	231,087	7,227
3rd District	258,721	7,227
4th District	244,413	7,227
5th District	230,590	7,227
Signatures Needed From Any District		<u>24,094</u>
TOTAL SIGNATURES NEEDED		60,229

# REFERENDUM

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, THE SECOND PROPOSAL IS QUITE CLEAR, CONCISE AND DOES NOTHING BUT PERMIT THE VOTERS OF THIS STATE THE RIGHT TO APPROVE OR REJECT THOSE STATUTES WHICH WE WOULD SUBMIT TO THEM AS A LEGISLATURE BY A TWO-THIRDS<sup>VOTE</sup>/OF EACH HOUSE AT A GENERAL ELECTION. THE REFERENDUM IS NOT A NEW ISSUE TO OUR NATION AND IS ENJOYED IN MANY STATES AND IS ANOTHER WAY IN WHICH THE LEGISLATURE MAY SEEK THE COUNSEL, WISDOM AND APPROVAL OF OUR FELLOW KANSAS CITIZENS WHETHER OR NOT THEY WISH TO HAVE A PARTICULAR LAW ENACTED.

THIS PROPOSAL LIKEWISE WOULD ALLOW THE GOVERNOR THE OPPORTUNITY TO VETO WHAT HAS BEEN APPROVED, IT WOULD ALSO PROVIDE THAT THE LEGISLATURE COULD OVERRIDE THAT VETO BY A TWO-THIRDS VOTE.

THE BUILD-IN PROTECTIONS OF BOTH THE STATUTORY INITIATIVE AND REFERENDUM ARE CLEAR. ONE EITHER HAS FAITH AND CONFIDENCE IN PEOPLE'S ABILITY TO PASS JUDGEMENT ON THOSE ISSUES THAT WE SUBMIT TO THEM JUST AS WE SUBMIT OUR NAMES TO THEM IN THE ELECTORATE PROCESS, OR ONE DOES NOT BELIEVE IN THE JUDGEMENT AND WISDOM OF THE VOTERS. WE SINCERELY HOPE THAT YOU WILL GIVE FAVORABLE CONSIDERATION TO THE INTRODUCTION OF THE REFERENDUM PROPOSAL. THANK YOU FOR YOUR CONSIDERATION OF BOTH OF THESE PROPOSALS WHICH WILL ENHANCE AND INSTILL FURTHER CONFIDENCE IN KANSAS GOVERNMENT.



SENATE BILL No. 410

By Committee on Federal and State Affairs

3-22

Senate F&SA  
4-4-91  
Att. #3

8 AN ACT requiring certain reports concerning terminations of preg-  
9 nancies; amending K.S.A. 65-445 and repealing the existing  
10 section.

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 65-445 is hereby amended to read as follows:

14 ~~65-445. Every hospital medical care facility~~ shall keep written rec-  
15 ords of all pregnancies which are lawfully terminated within such  
16 ~~hospital facility~~ and shall annually submit a written report thereon  
17 to the secretary of health and environment in the manner and form  
18 prescribed by ~~said the~~ secretary. ~~Such report~~ Every person licensed  
19 to practice medicine and surgery shall keep a record of all preg-  
20 nancies which are lawfully terminated by such person in a location  
21 other than a medical care facility and shall annually submit a written  
22 report thereon to the secretary of health and environment in the  
23 manner and form prescribed by the secretary.

strike "theron" and insert;  
"of such terminations"

24 (b) Each report required by this section shall include the number  
25 of pregnancies terminated within such hospital during said during  
26 the period of time covered by the report, the type of medical facility  
27 in which the pregnancy was terminated and such other information  
28 as may be required by the secretary of health and environment, but  
29 said the report shall not include the names of the persons whose  
30 pregnancies were so terminated.

care  
or other place

31 (c) The names and addresses of medical care facilities and persons  
32 required to report pursuant to this section shall be confidential and  
33 may not be disclosed by the secretary.

licensed to practice medicine  
and surgery who are

34 Sec. 2. K.S.A. 65-445 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after  
36 its publication in the statute book.

Senate Bill 410

Line 23

strike the period and add;

, providing that any such person who has performed less than two terminations in any given month shall not be required to report such terminations.