

Approved _____ Date 4-10-91

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs

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

11:20 a.m./p.m. ~~xx~~ on April 9, 1991 in room 254-E of the Capitol.

All members were present ~~except~~:

Committee staff present:

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

Conferees appearing before the committee:

Betty Musick, Cloud County Clerk

Hearing on: SB 437 - Relating to cemetery districts.

Betty Musick, Cloud County, gave testimony in support of the bill. She discussed some history of current statute and the reason they are requesting it be amended. (Attachment 1)

A motion was made by Senator Vidricksen and seconded by Senator Daniels to recommend the bill favorably. The motion carried.

Action on: SB 147 - Notification of one parent before performing abortion on a minor.

A list of amendments suggested by the bill's sponsors was distributed. (Attachment 2)

A motion was made by Senator Yost and seconded by Senator Anderson to adopt the amendments, except P. 2, Lns. 21 and 36 stay at 24 hours and that P. 4, Ln. 38 would add "or legal guardian" to conform to language in the bill. The motion carried.

A motion was made by Senator McClure and seconded by Senator Morris to add on P. 1, Ln. 28 after "of" "teen pregnancy, carrying a pregnancy to term, relinquishing a child for adoption," and striking on Ln. 29 "are. . .lasting" and adding on Ln. 32 after "of" "carrying a teen pregnancy to term, relinquishing a child for adoption, or". The motion failed.

A motion was made by Senator Bond and seconded by Senator Walker to strike Section 2. The motion carried.

There was discussion that courts read intent in other ways than in preambles, that recommending this preamble would set a precedent.

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

Action on: SB 440 - Amending the Kansas Lottery act; concerning excursion boat entertainment games.

Staff said there was a technical amendment needed on P. 9, Lns. 36 - 38; they should come after Ln. 43.

A motion was made by Senator Vidricksen and seconded by Senator Anderson to amend as suggested. The motion carried.

It was asked if there is anything in the bill that provides

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs,
room 254-E, Statehouse, at 11:20 a.m./~~p.m.~~ on April 9, 1991

for security on the boat; the Chairman said that is being left to the Lottery.

A motion was made by Senator Vidricksen and seconded by Senator Strick to recommend the bill favorably as amended. The motion carried. Senator Daniels wished to be recorded as voting "no."

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

A motion was made by Senator Morris and seconded by Senator Bond to report the bill adversely. The motion carried.

The minutes of April 5, 1991, were approved.

Action on: SB 383 - Providing for simulcasting of horse and greyhound races.

Senator Vidricksen presented the amendments recommended by the subcommittee. (Attachment 3)

He was asked if there are checks and balances to prevent a track from using the emergency provision to excess. Dana Nelson, Kansas Racing Commission, responded that these would be handled on a day to day basis.

A motion was made by Senator Vidricksen and seconded by Senator Anderson to adopt the subcommittee report. The motion carried.

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

A motion was made by Senator Vidricksen and seconded by Senator Bond to introduce a bill which would establish the Kansas Private Enterprise Review Board, Draft 1 RS 1480. The motion carried.

Action on: SB 385 - Kansas lottery; retailers, non-monetary prizes, multi-state lotteries.

Ralph Decker, Kansas Lottery, said the motion on the table from April 5 conflicts with SB 401 which passed the Senate Monday. He suggested changing the percentage to 22½% as it relates to instant and pull tabs.

A substitute motion was made by Senator Bond and seconded by Senator Walker to conform SB 385 to SB 401. The motion carried.

Staff asked if the motion included a change to the prize fund as in SB 401; it was clarified that it did.

Information was distributed which had been requested of Mr. Decker at the April 5 meeting, pertaining to instant ticket sales vs. net to state gaming fund. (Attachment 4)

A motion was made by Senator Morris and seconded by Senator Vidricksen to amend the bill on P. 3, Ln. 30 to add "other than fraternal." The motion carried.

A motion was made by Senator Anderson and seconded by Senator Strick to report the bill favorably as amended. The motion carried. Senator Morris wished to be recorded as voting "no."

The meeting was adjourned at 12:25 p.m.

GUEST LIST

COMMITTEE: Sen. F + SA

DATE: 4-9-91

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Keith Tate		Dept. of Commerce
Kenda Bartlett	Ft. Leavenworth	: CWA of KS
Jalen Joan	Topeka	Honor for Hope
GARY SAVILLE	TOPEKA	LOTTERY
Carl Anderson	Topeka	Lottery
Janet Chubb	Topeka	: KRC
Will Belden	Topeka	LWVK
Karen Tolle	Topeka	KQHR
Debbie Schauf	Topeka	KHA
DANA NELSON	TOPEKA	KRC
BARBARA REINERT	"	KS L W VOTERS
Steve Star	"	KBT
Doty Musick	Concordia	Cloud County
Cleta Remyer	Sabetha	Right to Life of KS
JOHN H. HOLMGREN	Topeka	Catholic Health Assn
Bob. Funnell	Merriam,	S. Cath. Conf.
Ralph Decker	Topeka	Lottery
Royce Jarman	Wichita	PCAL
Patrick Musley	Topeka	TECH
Mary Newbank	Topeka	Assoc Press
Bohn Powers	Topeka	KCA
Whitney Damon	Topeka	Wichita Background Part Inc
Doug Bash	KCK	City of KCK
Joe Gose	Lawrence	WPK
Leslie Brandeberry	Topeka	PCAL

Testimony on Senate Bill #437

by Betty L. Musick, Cloud County Clerk

April 9, 1991

Mr. Chairman, Members of the Committee:

I am Betty Musick, Cloud County Clerk. I am here today on behalf of a cemetery district and in support of Senate Bill #437.

I would like to discuss the history of the legislation which this bill would amend. Most cemetery districts, many of them created years ago, contain more than one cemetery. K.S.A. 17-1330a contains a proviso that no less than 6 square miles may be detached from a cemetery district. Presumably that restriction intended to ensure that a cemetery would have sufficient valuation attached to it to maintain its upkeep. The cemetery I am representing today is included in a district which has land in two counties - approximately 4.5 sections in Cloud County with a small cemetery and the remainder of the district with a large cemetery in Republic County. Over the years the Republic County cemetery has

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Att. #1

become the most used cemetery in the district and consequently has received the upkeep. The smaller cemetery in Cloud County received no district upkeep. Years ago that did not matter, because the families of the persons buried there maintained it at their own expense. Now, however, the case is different. The relatives have grown old. Their resources, both financial and physical, no longer allow them to maintain the cemetery.

Meanwhile a cemetery in an adjoining district has filled up. That district needs more space. They are willing to take on the cemetery in question as an annex, but, naturally, would appreciate having the valuation of the attached 4.5 sections to assist in upkeep of a second cemetery.

Under current statutes, the Cloud County land cannot be detached from the cemetery district because it does not include the requisite 6 square miles. We do not want to detach any Republic County land merely to satisfy the statute. Logic dictates that that land should remain with the Republic County cemetery.

Therefore we ask that K.S.A 17-1330a be amended to allow the detachment of lesser areas, particularly when they are to be immediately attached to another cemetery district. On behalf of the cemetery in question and of the district that wishes to attach it, I ask your support for Senate Bill #437.

Thank you for your attention. I would be happy to discuss any questions you may have.

March 27, 1991

The Hon. Edward F. Reilly
Chairman, Senate Federal and State Affairs Committee
State Capitol
Topeka, Kansas 66612

Dear Senator Reilly and Members of the Senate Federal and State Affairs Committee:

Due to oversights in the drafting and printing of SB 147, several provisions of the bill do not read as originally intended. As the principal supporters of the bill, we have jointly agreed that the bill should be amended to effect the following changes:

1. In order to clarify that the bill applies to any pregnant minor, the somewhat confusing provision that the girl be "known to be pregnant" should be stricken. Upon reflection, it occurs to us that the fact that an abortion is performed is prima facie evidence that she is known to be pregnant.
2. The notification period should be extended to 48 hours rather than 24 as currently provided. When the draft of SB 147 was submitted to the Revisor of Statutes, it included the 48 hour provision, but this apparently was inadvertently changed to 24 hours.
3. Provision should be made for notification of a parent after the fact in the case of an emergency abortion on a minor.
4. Requirement of notification of a parent should be waived if the minor states that her father is the father of the unborn child.

Therefore, we respectfully suggest SB 147 be amended as follows:

1. On page 2, in line 10, by striking "known to be pregnant"; also in line 10, by striking "an" and inserting in lieu thereof "the".
2. On page 2, in line 21, by striking "24" and inserting in lieu thereof "48".
3. On page 2, in line 36, by striking "24" and inserting in lieu thereof "48".
4. On page 4, in line 38, by striking the period and inserting in lieu thereof a semi-colon and the following language: "PROVIDED, HOWEVER, that in the event the physician determines that a medical emergency exists, the physician shall certify in the pregnant minor's medical record the facts and basis for the determination of a medical emergency and that there is insufficient time to provide the required notice, in which case a full medical report of the minor's abortion shall be sent by certified mail to the person or persons entitled to notice under this act at the usual place of abode of such person or persons within 48 hours of the time of the abortion."
5. On page 4, after line 38, by inserting the following new section: "Sec. 8. No notice shall be required under this act if the pregnant minor declares that the father of the preborn child is a parent who is entitled to notice under this act. Notice of that declaration shall be reported to the state department of social and rehabilitation services or the appropriate law enforcement agency pursuant to K.S.A. 38-1522 and amendments thereto."


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The Hon. Edward F. Reilly
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We thank the Committee for its consideration of these amendments.




ROBERT RUNNELS
Kansas Catholic Conference



PAT GOODSON
Right to Life of Kansas



KENDA BARTLETT
Concerned Women for America



VALERIE JOENS
Kansans For Life

**1991 S.B. 383
SUBCOMMITTEE REPORT**

The Senate Federal and State Affairs Subcommittee on S.B. 383 recommends the following amendments to the bill:

- On page 3, lines 35-38, define "recognized horsemen's group" as suggested by the Kansas Quarterhorse Racing Association. The proposed definition would be for a group that includes Kansas licensed owners and trainers of all breeds of horses running at any track and approved by the Racing Commission. The definition in the bill as introduced would provide for the possibility of different horsemen's groups at each track by requiring that the group be elected by the licensed owners and trainers at each track.
- On page 4, line 4, increase the number of live races that must be held at a track that also shows simulcast races from one meeting to 150 days per calendar year.
- On page 4, line 10, restrict display of simulcast races at a given track to only those days on which live races are conducted at that track. When fewer than ten live horse races are run on the same day simulcast races are displayed, at least 80 percent of the races that day at that track would have to be live races. A similar minimum of 80 percent live greyhound races would apply when fewer than 13 live races are conducted during a performance on a day when simulcast races are displayed at that track.

Two exceptions to the minimum live race requirement would be provided. First, the recommended amendment would authorize the Commission to approve display of scheduled simulcast races even if an emergency causes cancellation of all or any live races scheduled for a day or performance. Second, the Commission would be authorized to approve display of special simulcast racing events to which the live racing requirements need not apply.

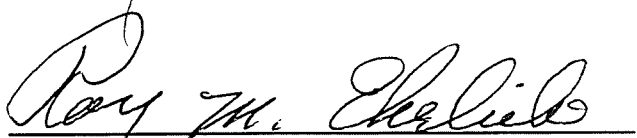
- On page 4, lines 10-16, the Subcommittee recommends deleting from the bill a provision that would allow county fair associations to display intrastate races without meeting the annual live race requirement. That same provision would restrict the number of interstate live races to twice the number of live performances conducted by the fair association. The effect of this recommendation is to subject county fair associations to the same requirements regarding number of live races and the ratio of live to simulcast races as all other organization licensees discussed above.
- On page 4 line 40, insert language that would clarify circumstances under which the recognized kennel owners' and horsemen's groups are to approve of a track's proposed simulcast schedule. Essentially, the requirement would be that the horsemen's group agree to the simulcast schedule for any kind of races at a

horse-only racetrack and for simulcast horse races at a combination track when live horse races are being run. The kennel owners' group would be required to agree to the simulcast schedule for greyhound races simulcast to a greyhound-only track, and for greyhound races simulcast to a combination track while live greyhound races are being run. Both horse and greyhound groups would be required to approve the simulcast schedule for both horse and greyhound races if either type of race would be conducted at a combination track during live races of the other type of animal. Both groups also would be required to approve of the simulcast schedule at a greyhound-only track if horse races are to be simulcast to the track.

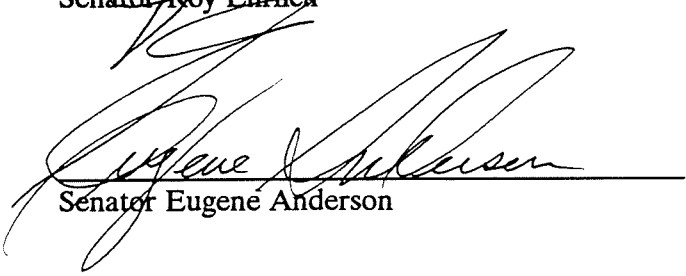
- On page 4, line 41, include a provision that simulcast contracts and modifications of those contracts be submitted to the Commission prior to the race and in accordance with rules and regulations of the Commission.
- On page 5, strike lines 3 through 31. These provisions are considered unnecessary in light of the addition of the live racing requirements (see amendments recommended to go into page 4).
- On page 6, lines 3 and 4, exclude reference to any specific expenses of simulcast races for which the licensee may retain revenue. The next sentence in the bill requires the Commission to define those expenses for which the licensee may retain revenue.
- On page 6, line 7, clarify that the simulcast licensee is to be paid 50 percent of the takeout after deduction of taxes and expenses.
- On page 6, lines 9 and 10 and lines 13 and 14, delete language that would allow the kennel owners' or horsemen's groups to agree to purses that would total less than 50 percent of the takeout after payment of taxes and expenses.
- On page 6, lines 39 and 40, and page 7 lines 1 and 2, require that breakage and unclaimed ticket winning proceeds be distributed as currently required for live races under the Parimutuel Racing Act. The bill would leave distribution of breakage and unclaimed winning ticket proceeds to the discretion of the Commission.
- On page 7, line 42, insert a new section that would authorize the Commission to observe and inspect tracks simulcasting races to tracks in Kansas. The amendment also would authorize the Commission to examine records of and issue subpoenas to compel access to records of any track or business involved in simulcasting races to tracks in Kansas. The new section also would authorize the Commission to prohibit a licensee from conducting business with any person. The Commission would be required to review and approve all proposed contracts with racetracks or business involved in simulcasting races to tracks in Kansas. Language would be included to specifically authorize the Commission to collect fingerprints to verify qualification for a simulcasting license and to receive background information from law enforcement agencies regarding applicants for simulcasting licenses.



Senator Ben Vidricksen, Chair



Senator Roy Ehrlich



Senator Eugene Anderson



Kansas Lottery

Joan Finney
Governor

CREATING JOBS FOR KANSAS

M E M O R A N D U M

TO: Senator Ed Reilly and Members
Committee on Federal & State Affairs

FROM: Ralph Decker

RE: Information pertaining to S.B. 385

DATE: April 8, 1991

The attached information is for your review as it relates to Senate Bill 385. If you have any further questions, please do not hesitate to call me.

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Att. #4

INSTANT TICKET SALES

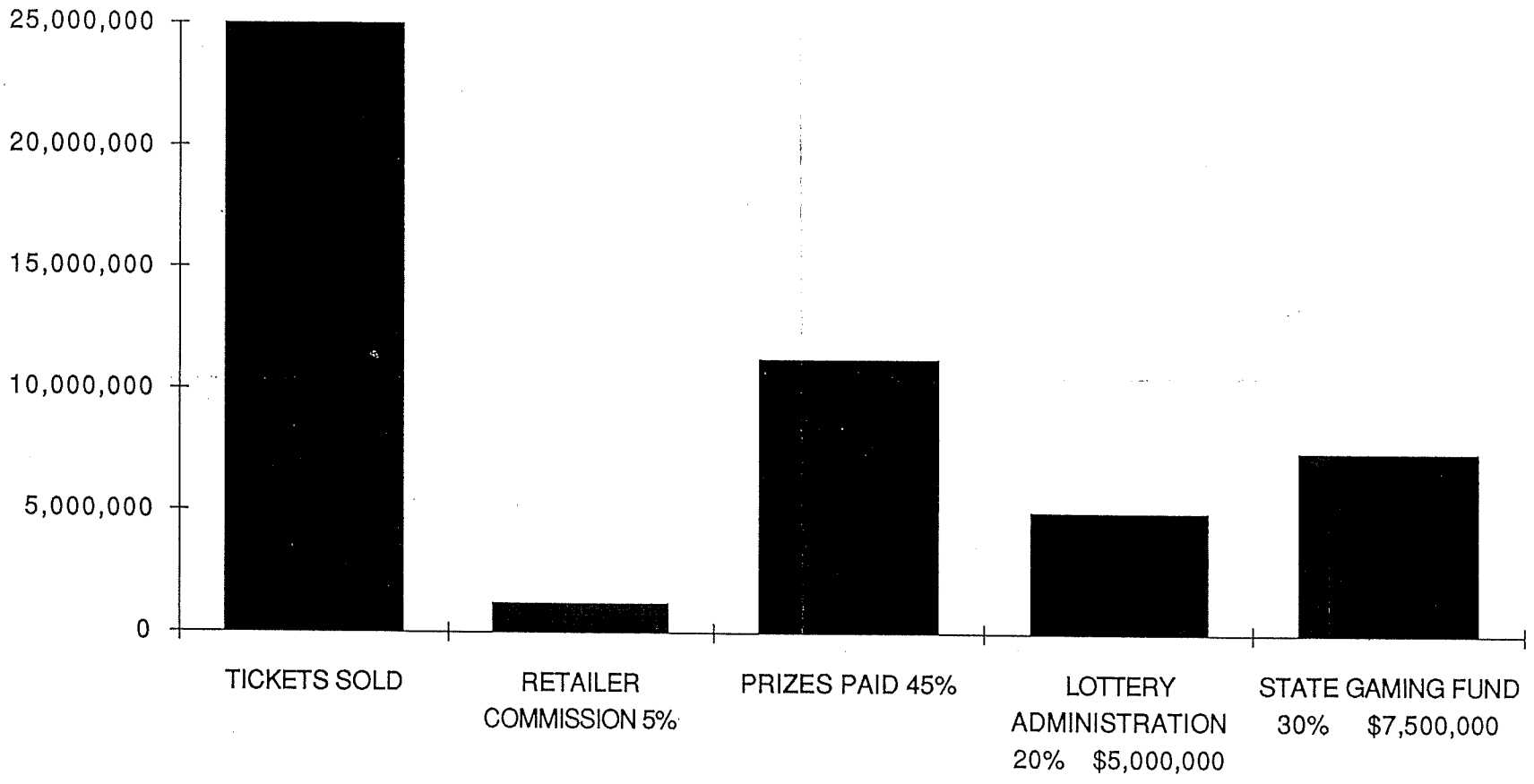
Vs Net to State Gaming Fund

The four attached graphs represent sales of Instant Lottery tickets at different levels and the effect upon returns to the State Gaming Fund.

The first graph represents the last complete fiscal year (FY '90) with its 45% payout level and a return to the State of \$7,500,000 on sales of approximately \$25,000,000. The break-even point for the State at a 65% payout level would be reached at sales of about \$43,000,000. The other two graphs show the results with possible sales of \$50,000,000 and \$60,000,000, and payout percentages of 65%.

Note that Instant Sales for FY '91 are expected to reach the \$30,000,000 area, so the maximum exposure of the State in going to a 65% payout even if NO gains resulted from the increased payouts would be less than \$2,000,000.

A final graph shows sales increases realized by several other states as a result of increases in prize payout percentages.



BREAK EVEN POINT

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