

APR 17 1993
Approved Edward F. Reilly, Jr.

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Sen. Edward F. Reilly, Jr. at 11:00 a.m. on March 4, 1992 in Room 254-E of the Capitol.

All members were present except:
Sen. McClure was excused

Committee staff present:

Mary Galligan, Legislative Research Department
Emalene Correll, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:

Dana Nelson, Executive Director, Racing Commission
Janet Chubb, Asst. Attorney General, Racing Commission

Others attending: See attached list

Sen. Reilly, Chairman, called the meeting to order and announced the committee has been invited to the Governor's office for breakfast tomorrow at 8:30. It appears seven members will attend. Sen Reilly called the committee's attention to Joint Committee Minutes for January 16 and 22 and Senate Committee Minutes for February 11, 25 and 28 and asked the members to read the Minutes since they are ready for approval.

The committee continued discussing SB 639 and asked several questions regarding the bill's application to the Eureka Downs facility and the fact that the bill allows owners to run animals also. Since the race track is closed at this time, Mr. Nelson stated it made no difference if it is published in the state register or the statutes. Sen. Bond moved the bill be recommended for passage, and the motion was seconded by Sen. Morris. The motion passed.

The committee turned its attention to SB 703, and several questions were asked concerning juvenile records. Sen. Morris expressed his concerns regarding juvenile records and employment and stated that 5 years is insufficient time. Ms. Chubb explained to the committee that the commission considered the type of conduct they want to prohibit and then focused on the type of offense and barred serious juvenile offenses. She stated that they cannot employ anyone convicted of a felony and that the Racing Act contains no time limitations. Sen. Reilly commented that the intent of the Task Force was to keep parimutuel operations as clean as possible.

Sen. Daniels asked questions regarding the expungment process and the Racing Commission's policy in that regard, and Ms. Chubb explained the juvenile expungment policy and said that records can be expunged and then it is treated as though the act did not occur. She also stated that juvenile expungment is not as broad as adult expungment. Emalene Correll asked the commission's

desire regarding juvenile offenses - if they wanted language that would be an automatic bar for employment. Ms. Chubb answered that the commission's intent was that as identified in the bill, and that the commission would follow what the statutes defined and that it would exercise discretion on this issue.

Sen. Reilly referred to the change in the bill regarding sites for court cases, and Ms. Chubb explained that the Racing Commission's resources are such that it is difficult for personnel to travel or be out of the office for extended periods of time to try cases in locations other than in Topeka. She referred to a case heard in Wichita and said that cases dealing with individual licenses would not be as great a problem, but that they were referring to appeals and judicial review, and the commission's request is that they could be held in Shawnee County. Sen. Ward moved that on Page 5, Lines 31 and 32, the language be changed to read, ". . . for judicial review, court action be filed where the track is located or Shawnee County. . ." That motion was seconded by Sen. Morris, and after more discussion regarding sites for filing court cases, the motion passed.

Discussion centered around Page 7, Lines 6 and 7 and Line 38, referring to totalisator licensee as shareholders. Sen. Bond moved that on Page 7, Lines 6, 7 and 38 be deleted, and Sen. Morris seconded that motion. That motion passed, after some discussion. Mary Torrence explained that provisions of SB 639 would be merged with this bill.

Discussion again centered around the juvenile adjudication question, and Sen. Bond voiced his concern that this provision could be so abused, as the bill calls for unlimited time. Sen. Reilly then appointed a subcommittee to work on the juvenile adjudication question. The subcommittee is: Sens. Ward, Bond and Vidricksen. Sen. Reilly asked Mr. Nelson the urgency of the bill, as to whether it should be published in the Statute or the Register, and Mr. Nelson acknowledged publication in the Register would be sufficient.

Sen. Reilly called on Jim Conant of ABC regarding SB 567 and requested Mr. Conant work with Tuck Duncan in drafting amendments and bringing them to the committee next week.

Sen. Strick moved that Joint Committee Minutes of January 16 and 22 and Senate Committee Minutes of February 11, 25 and 28 be approved. Motion was seconded by Sen. Daniels. Sen. Morris requested that he be recorded as voting "No" on the Minutes of February 28. The motion passed.

The meeting adjourned at 12:00.

GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: MARCH 4, 1992

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Jim Conant	Topeka	Ks. ABC
Robert Engler	"	"
Jim & Donna Yount	Valley Falls	K.Q.R.A.
Janet Chubb	Topeka	KRC
Darlene Stearns	Topeka	PCAR
Dick Carter	Topeka	McGill & Associates
Whitney Dameron	Topeka	McGill Associates
DANA NELSON	TOPEKA	KRC
Carolyn L. Lucia	Topeka	PCAR
Rebecca Poir	Topeka	Ks Retail Liquor Dealer
K. L. Jones	Topeka	AR
Matt Brungardt	"	Int./Vickerson