

Approved: _____

Date

MINUTES OF THE JOINT HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS AND
JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Garry Boston at 12:20 p.m. on April 10, 1997 in Room
313-S of the Capitol.

All members were present except: Representative Ellen Samuelson, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Jill Wolters, Kansas Revisor of Statutes
June Evans, Committee Secretary
Jan Brasher, Committee Secretary

Conferees appearing before the committee:

Others attending:

**SCR 1612 - Memorializing Congress to cease the usurpation of the constitutionally
protected powers of the States.**

The Joint Committee was brought together for the principal purpose to consider **SCR 1612** before all
members. The rules were reviewed and the two committees will vote separately and there will be two separate
committee reports.

Jill Wolters, Revisor of Statutes, gave a briefing of **SCR 1612**.

Chairperson Carmody briefed the Federal and State Affairs Committee on the status of **SB 140** which is in
both committees, but only the Judiciary Committee has held hearings and would continue hearings on April 24
and 25.

The Committee reviewed the bill section by section and amendments were discussed.

The Chairperson stated there was a great deal of concern over the loss of funds. There is equal or greater
concern about what the Federal Act may do to the whole idea of separation of powers. One section of **SB
140** is the requirement that the Executive Agency would be granted the concurrent jurisdiction with the courts
of this state. That in effect makes the Executive Branch, a court, decide issues such as the establishment of
obligation of support, enforcement of support, establishment of paternity and the whole idea of three branches
of government is the whole basis of democratic government. This is what some of the world is still struggling
to achieve. There is a Congressional Act that says to ignore that and grant the Executive Branch judicial
powers. There are provisions in **SB 140** to the effect that every person shall upon request of the Secretary
provide information about the Cable Company Counts, etc. there is no exception for attorney/client privilege.
There are no exceptions whatsoever and it is that broad sweeping language that troubles many of the
committee members. The goal of the Judicial Committee was to have a bill to work when the entire body
returns for Veto Session. The Committee has done a walk-thru section by section and word by word of the
bill and it is about 75 pages long and completed that last week and this week have been working and doing
amendments by concept and have voted section by section. Are only up to page 9 or 10 and the bill is 74
pages long. That is the reason two more days of hearings were requested. Try to comply with federal
mandates but the Committee feels they have the obligation to follow what is their constitutional duties.

Representative Mays moved and Representative Swenson seconded to amend on Page 1, lines 37 and 38 and
strike "the children of". The motion carried.

Representative Ruff moved and Representative Cox seconded amendment to add " WHEREAS the President,
Speaker of the House and President of the Senate and each member of the Kansas Congressional Delegation
requesting their attendance of the 1998 Legislative Session". The motion carried.

Representative Dahl moved and Representative Mays seconded to amend Page 1, line 40 strike "traditional"

CONTINUATION SHEET

MINUTES OF THE JOINT HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS AND JUDICIARY COMMITTEE, Room 313-S Statehouse, at 12:20 p.m. on April 10, 1997.

and replace with "constitutional" and on line 41 strike "traditionally" and replace with "constitutionally". The motion carried.

Representative Tanner moved and Representative Ballou seconded to amend Page 2, line 10 before ";" to insert "guaranteed in the U.S. Constitution, and Amendments 4, 5, 6, and 14;". The motion carried.

Representative Long moved and Representative Mason seconded to amend on Page 2, line 24 add "members" between "Legislature" and "of" and on line 25 after "Kansas" and before "hereby" add "having sworn to uphold the Constitution and" The motion carried.

Representative Lloyd moved and Representative Grant seconded on Page 2, line 34 to strike "and" and add at the end of line 35 ", presiding officers and the state legislatures of the other 49 states." The motion carried.

Representative Long moved a conceptual motion and Representative Franklin seconded on line 26 to Rep Long's previous motion add at the end "therefore those voting cannot vote to impose Federal mandates into state law". The motion failed.

Representative Lloyd stated he did not support the amendment as it was unnecessary.

Representative Mays moved and Representative Lloyd seconded to amend on page 2 by striking line 18 and replace with "financial support to which they are entitled; and". The motion carried.

Representative Mays moved and Representative Lloyd seconded the amendment on page 2, line 19 strike the word "knows" and insert the words "can best judge." The motion carried.

Representative Mays moved to pass **SCR 1612** out.

Representative Mays withdrew his motion.

Representative Tanner moved and Representative Lloyd seconded a conceptual motion to add a "WHEREAS K.S.A. 75-511 and direct the Attorney General to vigorously defend the position expressed in this Resolution and cooperate with other states in doing so in any court of appropriate jurisdiction. The motion carried.

Representative Franklin moved and Representative Cox seconded a conceptual motion "WHEREAS the federal government is requesting the states to enact legislation whereas the Federal government passed the Personal Responsibility and Work Opportunity Act of 1996, which was signed into law on August 22, 1996 be in compliance with and without the benefits the states have in access to the Administrative Rules and Regulations had not been adopted at this time. The Federal government should restrain from enacting the state mandates without first adopting adequate Rules and Regulations." The motion carried.

Representative Mays moved and Representative Cox seconded to move **SCR 1612** out as amended. The motion carried.

Representatives Long requested to be recorded as voting YES and Representatives Gilbert and Klein requested to be recorded as voting NO.

The meeting adjourned at 2:00 p.m.

The next meeting is scheduled for April 30, 1997.