

Approved 3-13-89 Ginger Barr, Chair  
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Ginger Barr at  
Chairperson

1:39 ~~am~~ /p.m. on February 27, 1989 in room 526-S of the Capitol.

All members were present except: Representative Cates - Excused Representative Peterson  
Representative Douville - Excused Representative Wagnon - Excused  
Representative King - Excused  
Representative Long - Excused

Committee staff present:

Mary Torrence, Revisor of Statutes Office  
Mary Galligan, Kansas Department of Legislative Research  
Juel Bennewitz, Secretary to the Committee

Conferees appearing before the committee:

Galen Davis, Governor's Special Assistant on Drug Abuse  
Robert Stephan, Attorney General of Kansas  
Floyd Powell, Chief of Police, Wichita  
Andrew O'Donovan, SRS, Commissioner on Drug Abuse  
Lt. K. C. Blodgett, Vice and Narcotics Squads, Topeka Police Department  
Connie Hubbell, Chairman, State Board of Education  
Jim Yonally, Shawnee Mission School District  
Bruce Beale, Seven Regional Prevention Centers, Lawrence

HB 2388

Galen Davis explained the reasons for the bill and its provisions, Attachment No. 1. The intent of the 1,000 feet is to keep drug traffickers away from schools and eliminate any potential harm to innocent bystanders due to gunfire, etc. A drug sale within the 1,000 feet distance results in mandatory sentencing whereas a sale to a child outside the 1,000 feet limit results in presumptive sentencing.

The footage requirement produced some discussion. The bill was patterned after federal law and has been tested in both state and federal courts.

Mr. Davis presented a letter from the Wichita Crime Commission, Inc. in support of the bill, Attachment No. 2.

~~Robert~~ Stephan cited the penalty section of the bill as sending a message to drug traffickers that sales to children won't be tolerated. Noting the current concern regarding prison overcrowding, Mr. Stephan stated the bill would not "have much effect" on that situation.

Questions to the attorney general established that:

1. The federal penalty for sale of drugs within 1,000 feet of a school is five years more than current Kansas penalty.
2. The attorney general will submit an opinion on when the federal statute may take precedence over the state statute.
3. The bill applies to any illegal sale of controlled substances but is directed toward those selling or in possession with the intent to sell illegal drugs. It is important to have mandatory sentencing to focus on the selling and remove discretion of the courts in sentencing.
4. The juvenile code would apply to a minor selling to a minor unless it was determined he should stand trial as an adult.
5. A state has the right to invoke mandatory sentences. The concern with the federal statute was the activity (guns, violence) that often accompanies drug activity.

Floyd Powell spoke in support of the bill noting recent incidents encountered by law enforcement officers, statistics for the current month and the increased sophistication of drug dealers' weaponry and electronic surveillance equipment, Attachment No. 3.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

room 526-S, Statehouse, at 1:39 ~~am~~/p.m. on February 27, 1989

Police departments are empowered to and have seized houses and automobiles in conjunction with drug related arrests.

Andrew O'Donovan testified as a proponent of the bill citing the risk of drug dealers in close proximity to schools, Attachment No. 4.

Lt. Blodgett supported the bill but expressed concern regarding the "intent to sell" terminology. He suggested expanding the definition of weights of drugs for which intent can be declared to K.S.A. chapter 65 (the Controlled Substance Act), Attachment No. 5.

Connie Hubbell spoke as a proponent of the bill citing the hardships of drug abuse to students and parents as well as the cost to society, Attachment No. 6.

Jim Yonally endorsed the bill for reasons previously heard, Attachment No. 7.

Bruce Beale supported the bill as an attack on the supply side of drug traffic, Attachment No. 8.

There were no opponents to the bill.

Chairman Barr directed the attention of the committee to testimony she presented earlier in the day to the Appropriations Subcommittee on the SRS Budget, Attachment No. 9. The testimony included committee recommendations based on the hearings it held the week of February 13, 1989, on children's issues.

HB 2172

Chairman Barr appointed a subcommittee with Representative Bryant, Chairman; Representatives Eckert and Sebelius.

HB 2018

Representative Roy moved to report the bill favorably for passage. Representative Sebelius presented a balloon version of the bill narrowing some of the definitions of felonies, Attachment No. 10. Representative Roy withdrew his motion. The key change is new subsection (d) which enumerates the felony statutes applying to a person purchasing a firearm:

1. murder in the first degree
2. aggravated assault
3. aggravated assault of a law enforcement officer
4. terroristic threat
5. kidnapping
6. aggravated kidnapping
7. aggravated robbery
8. rape
9. aggravated criminal sodomy
10. aggravated sexual battery
11. aggravated juvenile delinquency
12. aggravated burglary
13. aggravated drug selling

She offered a subsequent amendment to include the following statute references:

1. murder in the first degree K.S.A. 21-3402
2. voluntary manslaughter K.S.A. 21-3403
3. involuntary manslaughter K.S.A. 21-3404
4. aggravated battery K.S.A. 21-3414

Current law would stay as it is but new subsection (d) specifically addresses the category previously enumerated as being prohibited from purchasing a firearm.

Mary Torrence noted that new subsection (c) should have the same statute numbers as subsection (b) on page one - it was an inadvertent omission.

The bill is actually current law with refined definitions and would continue to apply to minors, alcoholics and drug abusers. The changes would be to specific felonies as enumerated in subsection (d).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

room 526-S, Statehouse, at 1:30 ~~am~~/p.m. on February 27, 1989.

New language "addicted to and an abuser of alcohol or drugs" will be substituted for "alcoholic" and "drug addict".

Representative Sebelius moved the proposed amendments be accepted. Representative Aylward seconded the motion which carried.

Representative Sebelius made a motion to recommend HB 2018, as amended, favorably for passage, seconded by Representative Jenkins. The motion carried.

HB 2327

Representative Sprague moved to report HB 2327 favorably for passage, seconded by Representative Jenkins. The motion carried. There was no objection to placing the bill on the consent calendar.

HB 2144

Representative Jenkins reviewed the proposed changes, Attachment No. 11, submitted by the Kansas State Historical Society. Before the permit is issued, the first evaluation should be recognition of site which would determine the extent of the site. Representative Jenkins moved to accept the new amendment to Section 7, seconded by Representative Sutter. The motion carried.

Representative Jenkins made a motion to accept the new amendment to lines 165-187 (New Section 8), seconded by Representative Aylward. The motion carried.

Representative Jenkins moved to amend the bill by deleting Section 8, (c), line 187, the words "a felony which". Following committee discussion, Representative Jenkins substituted her amendment to insert the words "a crime which is punishable" to distinguish between misdemeanor and felony. Representative Sebelius seconded the motion which carried on a voice vote.

Representative Jenkins moved to amend New Section 9 (d), as proposed by the Historical Society. Representative Charlton seconded the motion which carried on a voice vote.

Representative Jenkins made a motion to insert the words "after disinterment" prior to "The remains and goods....". Representative Sughrue seconded. The amendment clarifies the Historical Society's year for study begins after disinterment. The motion carried.

Representative Jenkins moved to adopt the new definition in New Section 3 (e) - "evaluation" as defined in Attachment No. 11. Representative Charlton seconded the motion which carried on a voice vote.

Representative Jenkins moved to insert new (f) in New Section 3 which defines society action (Attachment No. 11). The second was by Representative Aylward and the motion carried.

Representative Charlton mentioned the March, 1989, issue of National Geographic's article regarding Slack Farm in Kentucky. It fully explains the burial issue.

Representative Charlton moved to report HB 2144, as amended, favorably for passage. Representative Aylward seconded the motion which carried on a voice vote.

The meeting adjourned at 2:56 p.m. The next meeting of the committee will be February 28, 1989, 1:30 p.m. in Room 526-S.



STATE OF KANSAS



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OFFICE OF THE GOVERNOR

*State Capitol*  
*Topeka 66612-1590*  
*(913) 296-3232*

Mike Hayden *Governor*

**Testimony Concerning HB 2388**  
**Presented To**  
**The House Federal and State Affairs Committee**  
**By**  
**Galen Davis**  
**Governor's Special Assistant on Drug Abuse**

Madam Chairperson, members of the Committee, I appreciate the opportunity to appear before you today representing Governor Hayden's support for HB 2388.

This bill, which requires mandatory sentencing for selling illicit drugs within 1,000 feet of a school is needed for a variety of reasons. We must work to protect our children against the perils of illicit drug use as well as shield them from the violence that so often accompanies drug trafficking. HB 2388 has the potential to provide this state with one more tool to meet this important goal.

Drug traffickers are extremely dangerous, calculating, and unconscionable. Their sole motivation is profit at any cost. They leave in their wake drug overdoses, addiction, mayhem and murder. Their carrying and use of high tech semi-automatic and automatic rifles, pistols and shotguns is increasing at an alarming rate.

The use and trafficking of illicit drugs in this state and nation is of great concern. For the past three years the Gallup poll on schools and youth has reported that the use of illicit drugs is the number one concern of American parents. This finding was repeated in a survey last year by Professor Jack Skillet of Emporia State University. Clearly, this state and nations citizens want its leaders to help in the fight against drugs.

HOUSE FEDERAL & STATE AFFAIRS  
Attachment No. 1  
February 27, 1989

This proposed legislation declares to drug pushers that our children are our most precious resource and that we will not tolerate their dangerous drug dealing. By establishing Drug-Free School Zones we demand that pushers stay away from our schools and ensure that they will go to jail if they cross into the vicinity of our schools.

This bill provides:

- \* Law enforcement agencies and prosecutors with an additional tool to combat drug pushers.
- \* A clear message to drug traffickers that we do not want them around our children and their schools.
- \* Increased protection for our school children and make our schools a safer place to learn.

Conclusion:

The Governor supports a comprehensive approach to the problems of illicit drug use and trafficking in Kansas. We continue to develop and support drug education, prevention, treatment, enforcement and legislation. This legislation is important in restricting the flow of drugs in and around our schools.

Every caring Kansan wants our children, their schools and playgrounds free of drugs. This Drug-Free School Zone bill is one more significant step that the Kansas Legislature can take to reach this critical goal.

As elected leaders you have the opportunity to speak out with a clear unified voice for drug-free youth and against drug pushers.

Your support of HB 2388 will be appreciated. Thank you.

GD:dj  
5354

Wichita Crime Commission, Inc.



Bobby F. Stout  
President

316-267-1235

February 23, 1989

Representative Ginger Barr  
Chairperson  
House Federal and State Affairs Committee

Dear Representative Barr:

The Wichita Crime Commission at its regular Board of Directors meeting on Thursday, February 23, 1989 approved unanimously the Commission's strongest support of House Bill 2388. The Wichita Crime Commission's major purpose of operation for the past 37 years has been to promote, foster, and encourage greater interest by the public in the prevention of crime and the enforcement of criminal laws. We can think of no better way to affirm our strong support of legislation controlling the sale of illegal drugs than to support this very important bill. We would respectfully request that our decision to support House Bill 2388 be brought to the attention of all members of your committee and be made a part of the record of your official hearings.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bobby F. Stout', written over a horizontal line.

Bobby F. Stout  
President

BFS/sb

HOUSE FEDERAL & STATE AFFAIRS  
Attachment No. 2  
February 27, 1989

Chairperson Ginger Barr, Ladies and Gentlemen of the House Federal and State Affairs Committee. It is with great pleasure that I address this committee today. I hope that the seriousness of the matter to be discussed does not cloud our meeting.

Drugs and drug trafficking in America today has become the silent, foreign invader that rapidly threatens to overrun both the impressionable school age youth and law abiding general citizenry. I realize that, at this time, a Drug free America or a drug free Kansas may be a dream. But you, as members of the House Federal and State Affairs Committee, have in House Bill 2388 a tool which may lay some of the groundwork to make this dream a reality.

In business or industry we all recognize the fact that knowledge is power. Today, we emphasize educating our school children to the evils of drugs and drug usage. We expect to arm them with the knowledge to make the right choice. I firmly believe that as responsible adults overseeing this educational process we must take steps to eliminate those who violate the sanctity of our halls of learning and surrounding areas with the sale or offerings of drugs.

HOUSE FEDERAL & STATE AFFAIRS  
Attachment No. 3

February 27, 1989

Based upon my years of experience as a police officer I know that the drug pusher does not care where he sells his wares or who he sells them to. The greed of money to satisfy

drug addiction knows no morality. Several cases have occurred recently in Wichita which typifies this horrible reality.

- #1. Culminating an extensive investigation Wichita Narcotics Detectives raided a house that sets adjacent to an elementary school playground. Over 21 ounces of cocaine was seized.
- #2. Narcotics Detectives followed up on information that resulted in the arrest of a school bus driver selling drugs from his bus parked outside of an elementary school.
- #3. While conducting a search warrant, Narcotics Detectives located several different types of homemade explosive devices, designed to protect this home from police or other drug dealers. Two sawed off shotguns, both stolen, were also found. This residence is just down the street from a Jr. High School on a major traffic artery for students walking to and from school.
- #4. One small ziploc bag containing 1/4 gram powdered cocaine and one small ziploc bag containing 3/4 gram crack (base cocaine) was discovered on the floor inside the foyer of an elementary school.

In addition to these cases the Narcotics Unit is currently investigating 16 complaints of drug sales from houses well within 1000 feet of a school.

As drug sales become more lucrative so do the inherent dangers associated with this industry. My detectives are encountering more and more sophisticated weaponry in their dealings with drug traffickers. Recent raids netted several 9MM machine pistols with extended magazines capable of holding 30 rounds.

As the stakes increase so do the odds against us. Drug traffickers are now utilizing counter surveillance teams. Electronic counter surveillance equipment that their ill gotten gains purchase are equal to those available to law enforcement personnel.

In Wichita alone two shooting deaths occurred during drug raids this past year. The hazards of innocent children being harmed, when these drug houses are within 1000 feet of a school, increase.

For the Quarter ending December 1988 Wichita Police seized the following:

1.57 Kilos      Cocaine

.37 Grams	Crack (Base Cocaine)
3.5 Pounds	Marijuana

For the seven week period ending February 24, 1989 the Wichita Police Department seized the following:

2.7 Kilos	Cocaine
21.5 Grams	Crack (Base Cocaine)
46.0 Pounds	Marijuana
3.0 Grams	Heroin

Before you, in House Bill 2388, is an excellent tool aiding not only the law enforcement community but the entire State of Kansas. With drug sales and usage increasing exponentially Kansas cannot afford to wait. We must strike now at the heart of the problems concerning drugs and our youth. Eliminate, with mandatory sentencing, those who sell drugs in or around our schools. With respect to this critical issue, if we make punishment impossible, defeat is inevitable.

THANK YOU.

Department of Social and Rehabilitation Services

Winston Barton - Secretary

Statement regarding: House Bill No. 2388

Title: An act concerning controlled substances; relating to mandatory sentences; amending K.S.A. 1988 Supp. 65-4127a and 65-4127b and repealing the existing sections.

Purpose: The bill imposes mandatory minimum sentences when controlled substances sold or attempted to be sold within 1000 feet of a public school building.

Background: The bill addresses the problem of drug dealers operating on or close to school buildings. Other states have passed similar legislation which attempts to create a "drug free zone" around schools.

Effect of passage: Passage of this measure would prohibit any probation, suspension of sentence, or any other lessening of consequences of violating drug dealing statutes within 1000 feet of a public school. This should serve as a disincentive to dealing drugs on or near schools. Lessening the exposure to the drugs should reduce drug use by students.

Recommendations: Support

Andrew O'Donovan  
Alcohol and Drug Abuse Services  
296 3925

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES  
Winston Barton, Secretary

HOUSE BILL No. 2388

AN ACT CONCERNING CONTROLLED SUBSTANCES; RELATING TO MANDATORY SENTENCES;  
AMENDING K.S.A. 1988 Supp. 65-4127a and 65-4127b AND REPEALING THE EXISTING  
SECTIONS.

I am Andrew O'Donovan, Commissioner of SRS Alcohol and Drug Abuse Services. I am speaking in favor of the passage of House Bill 2388. This proposal represents another step toward a Drug-Free Kansas. Increased and sure penalties for violation of alcohol and drug control laws are part of the package to reduce alcohol and drug abuse and addiction in Kansas.

No student in the state of Kansas should be exposed to the harassment of drug dealers in their school buildings, on their school grounds or going to and from school. This measure can help school officials in their efforts to create drug-free schools. Most schools in Kansas have some type of alcohol and drug abuse prevention programming. Many schools are served by Regional Prevention Centers. Control legislation such as House Bill 2388 combined with comprehensive prevention programming, and the availability of intervention and treatment services for those who need it, can reduce alcohol and drug abuse among the young people of Kansas.

Young people who experiment with drugs are not planning to become addicted, but many do. The availability of extremely addictive drugs such as crack and other forms of cocaine increases the risk for experimenters to become addicts. According to the National Institute on Drug Abuse, the strength of today's marijuana is as much as ten times greater than the marijuana used in the early 1970's. This more potent marijuana increases physical and mental effects and the possibility of health problems for the user. According to a recent survey, in the past 30 days, 18 percent of Kansas 11th and 12th graders have used marijuana. Cocaine has been used by 4 percent. The risks are too great for any young people in Kansas to be exposed to drug dealers, merchants of death, on or near their school.

As I stated before, House Bill 2388 is part of the answer to the alcohol and drug abuse problem in Kansas. Thank you for the opportunity to support this important legislation.

Submitted by

Andrew O'Donovan  
Commissioner  
Department of Social and  
Rehabilitation Services  
296 3925

The Topeka, Kansas Police Department supports the efforts of House Bill Number 2388. We must certainly understand that enforcement alone will not render the solution to the current drug problem in our communities. However, enforcement is just as certainly a part of the solution. Our educational efforts to reduce demand for drugs must begin in the schools. Those who would sell drugs in the area of our schools and potentially undermine the efforts of the educational process must be dealt with severely. In our attempt to teach our children the perils of drug abuse we must be certain that no mixed messages are present. By supporting this legislation we feel the message sent to the youth is strong and clear.

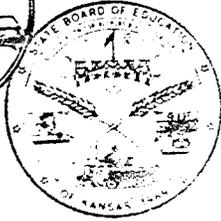
My only concern, as a law enforcement officer, is that often times proving the element of intent to sell becomes a "gray" area. Unless arresting officers are considered "experts" in the eyes of the Court and allowed to testify about the relationship between packaging, weights, presence of scales to the intent to sell, the case may be lost.

In the past this body passed 79-5204, which defined the weights of drugs for which a presumption of intent would be declared. However, those definitions only apply to chapter 79, the tax on substances.

I would suggest to this body that perhaps it is time to expand the application of the definitions found in chapter 79 to chapter 65, the Kansas Controlled Substances Act. In doing so, convictions for possession with the intent to sell drugs could be achieved without the need for expert witnesses. Our experience clearly has shown that the definitions set forth in Chapter 79 are without exception appropriate. As such, I would urge this body to expand upon this house bill in that regard.

The provisions on this House Bill have been considered by our states, as well as the Federal Government. These jurisdictions have passed the legislation. I believe the intents of these other jurisdictions were correct, as were their actions, and I would ask this body to draw from the experience of these jurisdictions.

To attack drug abuse we must center our attentions on both the demand and the supply side of the equation. These attacks must interface with one another to insure that mixed messages do not exist. Our attack on the demand side must be in line as well with our attack on the supply side. It is my belief that this bill interacts favorably with other legislation, and that it would be appropriate for this legislative act to be passed.



# Kansas State Board of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612-1103

Mildred McMillon  
District 1

Connie Hubbell  
District 4

Bill Musick  
District 6

Evelyn Whitcomb  
District 8

Kathleen White  
District 2

I. B. "Sonny" Rundell  
District 5

Richard M. Robl  
District 7

Timothy R. Emert  
District 9

Paul D. Adams  
District 3

February 27, 1989

Richard J. Peckham  
District 10

TO: House Committee on State and Federal Affairs  
FROM: State Board of Education  
SUBJECT: 1989 House Bill 2388

My name is Connie Hubbell, Chairman of the State Board of Education. It is a pleasure for me to appear before this Committee on behalf of the State Board.

One of the most serious problems facing society today, particularly schools, is the use of illegal drugs. The hardships it causes on students and parents as well as the cost to society is phenomenal. Anything we can do that would keep drug pushers away from school facilities would have a positive effect on student achievement. It is impossible to teach students who are "spaced out" as a result of taking some type of illegal drugs. In many cases the drug pushers are adults whose sole motive is to make money at the expenses of students.

The State Board of Education strongly supports the passage of House Bill 2388 to strengthen the penalties for anyone dispensing illegal drugs within 1,000 feet of any school facilities.

FEDERAL & STATE AFFAIRS  
Attachment No. 6  
February 27, 1989

SHAWNEE MISSION SCHOOLS  
7235 Antioch, Shawnee Mission, Kansas

Testimony - House Committee on Federal and State Affairs  
February 27, 1989

Madam Chairman and members of the committee, my name is Jim Yonally, representing the Shawnee Mission Board of Education. I am pleased to appear today in support of House Bill 2388.

As you are aware, the sale, and use, of illicit drugs is a tremendous problem in our society today. The schools, in many ways, are a microcosm of that society, and drugs are, therefore, of great concern to those of us responsible for education. It for that reason that we support the passage of HB 2388, with the hope that stiffer penalties will discourage the trafficking of drugs on, and near, out schools.

In Shawnee Mission, we have taken steps to address this problem, including the placement of a security guard at each high school. One of the duties of this person is to patrol the parking lot, during the day and question any persons who are located there as to the business they have on school premises. This bill makes conviction, for an on-school offense, a mandatory sentence and extends that to a distance of 1,000 feet beyond school property.

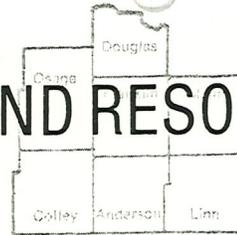
We urge your favorable consideration of HB 2388.





# D.C.C.C.A. COUNSELING AND RESOURCE CENTER

Holiday Place Offices  
2200 West 25th  
Lawrence, Kansas 66046



913-841-4138

February 27, 1989

To: House Federal and State Affairs Committee  
Rep. Ginger Barr, Chairperson

From: Bruce H. Beale

Re: HB 2338 *2388*

I speak today representing the Seven Regional Prevention Centers in Kansas. These centers are part of Governor Mike Hayden's efforts "Toward a Drug-free Kansas."

Our Centers are interested in whatever efforts produce results in reducing illicit drug use in Kansas. We believe it is appropriate for legislators to work to create Drug Free School Zones.

HB 2338 provides for firm punishment to people selling drugs to young people either in school buildings or on the grounds.

We also support efforts to increase the availability of alcohol and drug abuse prevention activities to reduce the demand for illicit drugs.

GINGER BARR  
 REPRESENTATIVE, FIFTY-FIRST DISTRICT  
 SHAWNEE COUNTY  
 P.O. BOX 58  
 AUBURN, KANSAS 66402-0058



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 CHAIRMAN: FEDERAL AND STATE AFFAIRS  
 MEMBER: ENERGY AND NATURAL RESOURCES

My name is Ginger Barr and I am chairman of the House Federal and State Affairs Committee. As you know, the House Committee on Federal and State Affairs held extensive hearings on children and family issues the week of February 13th. Many of the issues discussed involved programs that the Department of Social and Rehabilitation Services (SRS) operates. Though many issues were discussed, I will only comment on those issues that affect the appropriations process. I would like to stress that there was strong bipartisan support from our committee on these recommendations with the knowledge that I would be appearing before your committee.

The cornerstone of all the advocacy groups was to provide funds to hire an outside, objective group to analyze the foster care and family preservation services in Kansas. There was great deal of concern how resources are utilized to provide the best care for children. The State of Kansas is a parent to many children! The committee showed great concern that as a state we are not being the best parent. We need to see if a new structure would be more efficient in providing care to the "at risk" children of Kansas. There was a strong feeling that too many of the children would be "falling through the cracks" due to a lack of coordination between the judicial process, the natural parents, the foster care system and the state structure. This cornerstone recommendation was also supported by the Governor's Commission on Children and Families in 1988. Our committee strongly supports this concept.

### HEALTH

The Federal and State Affairs Committee will be introducing a resolution calling for statewide expansion of the Maternal and Infant Project and Healthy Start Programs by 1991. Our committee realizes that we do not have any appropriation ability, but we do want to send a clear message to the Appropriations Committee and to the legislature that these are two of the most beneficial programs in the state. Money invested at this early age on mothers and their infants has proven to be dollars very well spent. It has been demonstrated to our committee that these services are much in demand in counties where they are available, but too few of the population at risk have access to these programs.

Our committee encourages the Appropriations Committee to increase funding for these programs over and above the governor's recommendation. It is felt that the investment for early intervention programs is a productive use of state dollars.

Another high priority is to expand Medicaid tax benefits to children between the ages of two and six who fall within 100% of the poverty level. Currently services to this category of children ceases at age two. Another strong recommendation from our committee is to expand Medicaid eligibility for

pregnant women and infants up to 185% of the poverty level. This is the allowable level to be matched with federal funds and, again, investment in this category of children prevents low birth weight babies and a variety of other long-term childhood illnesses.

### CHILD CARE

The committee also feels that a top priority is child care. We strongly support and agree with the recommendations of the Governor's Commission on Children and Families that the state needs to increase reimbursement for child care slots available. There is a shortage of good child care within the state. Those families who are paying from their own pockets for child care are currently subsidizing SRS families. In other words, Kansas is not taking care of its own responsibilities. Many child care centers will not take SRS children because they actually lose money, thus creating a shortage. This shortage has a direct impact on some of our significant new programs, namely KAN-WORK. Even with creating some additional slots for child care this year, we still have fewer slots for SRS children than we did in 1980, and significantly more parents who need child care assistance.

### DYSFUNCTIONAL FAMILIES

We heard strong testimony on the great need of recruiting, training and retaining social workers at SRS so they can be more attentive to children's needs. When the state takes over the responsibility as a parent for a child, it is imperative that the child has a new, safe home environment. We heard strong testimony that the state is not providing enough dollars for foster care. Currently, the statewide average is that we are paying about 78 cents for every dollar of actual cost.

Many of the providers who came before the House Committee indicated that they could no longer continue to operate programs with a 25% loss. Since we know that it is considerably cheaper to house children in private homes and private facilities rather than state institutions, not providing the full funding needed will be far more costly in the long run. The committee strongly recommends increased reimbursement rates for foster care. We have assumed responsibility for these children and we must begin to adequately meet this responsibility.

The Committee is very concerned about young people and wants to see appropriate support programs developed to keep minor problems from becoming additional major problems for the "system". One possibility for addressing these needs would be assignment of SRS social workers to schools. The program we envision would be one of early intervention and prevention. The school-based social workers could provide direct services to children who are in the

state's care, refer students who are in need of community support services, and provide important coordination with existing school counseling staff. By having such services available in schools, teachers would be able to refer at-risk students to social workers for immediate, early intervention. Teachers and school counselors together with professional social workers would form an important team for intervention with students who, with minimal, appropriate support, can avoid serious problems. This recommendation is being made by the Federal and State Affairs Committee to the Department of Social and Rehabilitative Services.

#### EDUCATION

Overwhelmingly, testimony showed that there was a rise in teen pregnancy, which usually is the beginning of the cycle of poverty. Therefore, the committee is introducing a resolution commending the State Board of Education for its statewide mandate of sex and AIDS education in the schools. We plan to suggest that the state board recommend an appropriate age level to begin this important curriculum.

We plan to recommend strengthening and supporting the program with state funds, asking the board to review the curriculum, and insure that children at an appropriate age have access to this information. We also heard testimony about a variety of creative community programs which are acting in concert with local school districts to address this issue. Those groups should be encouraged to broaden and continue their efforts. Our committee supports a strong commitment by the state legislature to continue these efforts on education and to consider increasing the dollars. Once again, dollars spent on prevention of teen pregnancy is money well spent.

It is indeed a shame that the State of Kansas must become a parent to so many children. I personally feel that if the state is going to take on that responsibility, then it should be a good parent and not bring false hope to the families it serves.

# HOUSE BILL No. 2018

By Representative Francisco

(By request)

1-9

HOUSE FEDERAL & STATE AFFAIRS  
Attachment No. 10  
February 27, 1989

18 AN ACT concerning crimes and punishments; relating to certain  
19 crimes involving firearms; amending K.S.A. 21-4203 and 21-4204  
20 and repealing the existing sections.  
21

22 *Be it enacted by the Legislature of the State of Kansas:*

23 Section 1. K.S.A. 21-4203 is hereby amended to read as follows:  
24 21-4203. (1) Unlawful disposal of firearms is knowingly:

25 (a) Selling, giving or otherwise transferring any firearm with a  
26 barrel less than ~~twelve (12)~~-12 inches long to any person under  
27 eighteen ~~(18)~~-18 years of age; ~~or~~

28 (b) selling, giving or otherwise transferring any firearms to any  
29 ~~habitual drunkard or narcotic addict;~~

30 (c) selling, giving or otherwise transferring any firearm with a  
31 barrel less than ~~twelve (12)~~ inches long to any person who has been  
32 convicted of a felony under the laws of this or any other jurisdiction  
33 if such sale, gift or transfer is made to such ~~convicted~~ person within  
34 five ~~(5)~~ years after his ~~such person's~~ release from the penitentiary  
35 or within five (5) years after his ~~such person's~~ conviction if the  
36 defendant ~~such person~~ has not been imprisoned in the penitentiary.

37 (2) Unlawful disposal of firearms is a class A misdemeanor.

38 Sec. 2. K.S.A. 21-4204 is hereby amended to read as follows:  
39 21-4204. (1) Unlawful possession of a firearm is:

40 (a) Possession of any firearm by an ~~habitual drunkard or narcotics~~  
41 ~~addict, or~~

42 (b) possession of a firearm with a barrel less than ~~twelve (12)~~  
43 inches long by a person who, within five (5) years preceding such  
violation has been convicted of a felony under the laws of Kansas  
or any other jurisdiction or has been released from imprisonment

alcoholic, as defined by K.S.A. 65-4002 and amendments thereto, or drug abuser,  
as defined by K.S.A. 65-5201 and amendments thereto;

with a barrel less than 12 inches long

; or

(d) selling, giving or otherwise transferring any firearm to any person who  
has been convicted of a felony under K.S.A. 21-3401, 21-3410, 21-3411, 21-3419,  
21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3611,  
21-3716, 65-4127a or 65-4127b, and amendments thereto, or a crime under a law  
of another jurisdiction which is substantially the same as such felony

alcoholic, as defined by K.S.A. 65-4002 and amendments thereto, or drug abuser,  
as defined by K.S.A. 65-5201 and amendments thereto;

with a barrel less than 12 inches long

48 for a felony ~~\_\_\_\_\_~~ ; or

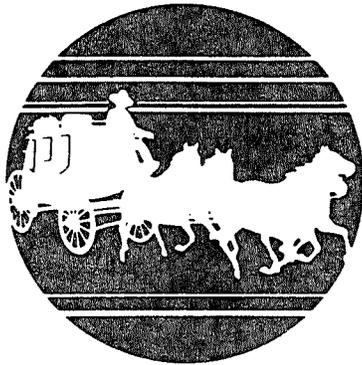
49 (2) Violation of subsection (1) (a) ~~of this section~~ is a class B  
misdemeanor; violation of subsection (1) (b) ~~is a class D felony.~~

50 Sec. 3. K.S.A. 21-4203 and 21-4204 are hereby repealed.

51 Sec. 4. This act shall take effect and be in force from and after  
its publication in the statute book.

(c) possession of any firearm by any  
person who has been convicted of a felony under article 34, 35 or  
36 of the Kansas Statutes Annotated, as constituted on the effective  
date of this act, or under K.S.A. 21-3716, 65-4127a or 65-4127b,  
and amendments thereto, or a crime under a law of another  
jurisdiction which is substantially the same as such felony

or (1) (c)



# KANSAS STATE HISTORICAL SOCIETY

CENTER FOR HISTORICAL RESEARCH

120 West Tenth ▪ Topeka, Kansas 66612-1291 ▪ 913/296-3251

KANSAS MUSEUM OF HISTORY

6425 South West Sixth ▪ Topeka, Kansas 66615-1099 ▪ 913/272-8681

February 27, 1989

Representative Ginger Barr, Chairperson  
Committee on Federal and State Affairs  
Room 115 South, Statehouse  
Topeka, Kansas

RE: House Bill 2144, the Kansas Unmarked Burial Sites Preservation Act

Dear Representative Barr:

Attached are my suggested amendments of H.B. 2144 to clarify those questions raised at the recent hearing. Note the definition of two new terms, "evaluation" and "Society action". Below are the questions and what I hope are satisfactory responses.

Question 1. Who pays? Sec. 9(d) new inclusion specifies "Society action" (state funded) when doing work approved by the board. Historically this would cover all such unmarked burial investigations we have been involved with. Sec. 7(b) new inclusion specifies that party applying for the permit pays. This would be related primarily to scientific and educational investigations. In such situations it is assumed the permittee will benefit from such action.

Question 2. Expeditious investigations at construction sites. Sec. 9(d) new inclusion states expeditious manner and particular attention to construction, agriculture and descent groups.

Question 3. What about possession of handed-down artifacts? Sec.8(a2) new inclusion "knowingly" should protect those who did not know the specimen was grave goods.

HOUSE FEDERAL & STATE AFFAIRS  
Attachment No. 11  
February 27, 1989

I have reviewed the above and enclosed with Dr. Ramon Powers and Walter Echo-Hawk and they approved.

If you have questions or comments please let me know.

Sincerely,

Thomas A. Witty, Jr.  
State Archeologist

cc: Dr. Ramon Powers  
Walter Echo-Hawk  
Lori Callahan

HOUSE BILL 2144, SUGGESTED AMENDMENTS

February 27, 1989

New Sec. 3.

New (e) "Evaluation" means assessment by the Society of the nature of the remains or goods and the situation in which they are located to make recommendations for action and disposition of the remains or goods under this act.

New (f) "Society action" means any evaluation, investigation, disinterment, study, reinterment or other disposition carried out by the Society, with board approval, using funds obtained through the state budget process.

New Sec. 7.

(b) A permit to excavate human remains from an unmarked burial site and goods interred with such remains shall be issued only for scientific or educational purposes or for such other purposes, authorized by rules and regulations of the board, which the board determines are consistent with the purposes of the act. The permit shall provide for reinterment or disposition of the disinterred remains or goods by a specific date. The permittee will pay all costs, to include excavation, study and disposition.

New Sec. 8.

(a) On and after January 1, 1990, no person shall, unless such person holds a permit issued by the board to do so or is exempt pursuant to subsection (b):

- (1) Willfully disturb and unmarked burial site;
- (2) knowingly possess human skeletal remains known to have been from an unmarked burial site, or goods interred with such remains;
- (3) display human skeletal remains known to have been from an unmarked burial site, or goods interred with such remains;
- (4) sell, trade or give away human skeletal remains known to have been from an unmarked burial site, or goods interred with such remains; or
- (5) throw away or discard human skeletal remains known to have been from an unmarked burial site, or goods interred with such remains.

New Sec. 9.

(d) Upon notification pursuant to this section or K.S.A. 22a-232 and amendments thereto, the state historical society shall assume jurisdiction over the human skeletal remains, and any goods interred with such remains. The Society will evaluate and carry out Society actions in as expeditious manner as possible, with particular considerations given to circum-

stances such as construction sites, agricultural interests,  
and kin or descent groups. After disinterment the remains and  
goods may be under the control of the state historical society  
for purposes of study for a period of one year. On a showing  
of need, the board may extend such period for additional  
periods of six months. After any period of study authorized  
by this subsection, disposition or reinterment of the remains  
and goods shall be under the direction of the board.