

Approved _____

3-8-91
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 March 7, 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:

A motion was made by Senator Vidricksen and seconded by Senator Strick to introduce a bill authorizing registration of public health sanitarians, Draft 1 RS 1269, contingent upon its not having been already introduced in the House. The motion carried.

The Chairman introduced Mr. Dana Nelson, Executive Director, Kansas Racing Commission.

Two simulcasting proposals were requested by the Kansas Racing Commission. It was requested that the language be integrated with the current racing act. (Attachments 1 and 2)

A motion was made by Senator Vidricksen and seconded by Senator Strick that the proposals be introduced. The motion carried. Senators Daniels, McClure, and Morris, requested to be recorded "no."

Action on: SB 39 - Prearranged funeral agreements.

Senator Bond presented a balloon of the subcommittee recommendations. It would not repeal the audit responsibility of the Secretary of State; it puts back into current law continuing ability of cemeterians to sell credit life, removes language that financial institutions need to be named on the account, and raises from \$2,000 to \$3,000 the amount that may be made irrevocable. (Attachment 3)

There was concern that in the unusual situation, it would be difficult to track money if the financial institution were not named. Staff said the problem has been the need to have the financial institution sign off the account when there is money remaining.

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

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

A correction to the minutes of March 5: Senator Yost's motion on SB 194 was not conceptual, rather a balloon amendment had been provided. Language has been changed to reflect the correction, and the balloon is shown as Attachment 6. The minutes were approved as amended.

Action on: SCR 1612 - Urging Congress to propose a constitutional

(Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.)

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on March 7, 1991

amendment prohibiting desecration of the flag.

The Chairman read a prayer given by Senate Chaplain Fred Hollomon at the Kansas Republican Veterans Luncheon, 1991; the prayer pertained to the flag. (Attachment 4)

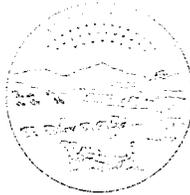
An amendment was offered by Senator Anderson which would expand the resolution to include the burning of the cross and other religious symbols. (Attachment 5)

A motion was made by Senator Anderson and seconded by Senator Walker to adopt the amendment. The motion carried.

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

The meeting was adjourned at 11:45 a.m.

STATE OF KANSAS



KANSAS RACING COMMISSION

3400 Van Buren
Topeka, Kansas 66611-2228
(913) 296-5800
FAX (913) 296-0900

TO: Mary Ann Torrence
FROM: Janet A. Chubb 
RE: Proposed simulcasting legislation
DATE: February 28, 1991

Attached are two copies of proposed simulcasting legislation reviewed and approved by the commission at its regular meeting February 22, 1991.

The commission believes it is important that this language be integrated with the racing act. I have attached model definitions adopted by some sister racing states. We are looking for one for "simulcasting" now. Thank you for your help, Mary.

91JAC2-cd

Attachments

Senate F&SA
3-7-91
Att. 1

MODEL LEGISLATION FOR INTERSTATE COMBINED WAGERING POOLS

Section 1. Add the following definitions:

"Host facility," the racetrack at which the race is run, or the facility which is designated as the host facility if the race is run in a jurisdiction which is not participating in the interstate combined wagering pool.

"Host jurisdiction," the jurisdiction in which the host facility is located.

"Interstate combined wagering pool," a pari-mutuel pool established in one jurisdiction which is combined with comparable pari-mutuel pools from one or more racing jurisdictions. Such pool is established for the purpose of establishing pay-off prices in the various jurisdictions.

"Racing jurisdiction" or "jurisdiction," a governmental jurisdiction responsible for the regulation of pari-mutuel racing in that jurisdiction and which is a member of the association of racing commissioners international.

LEGISLATION CONCERNING HORSE AND GREYHOUND RACING;
PROVIDING FOR PARIMUTUEL WAGERING ON
CERTAIN SIMULCAST RACES

To be integrated with the Kansas parimutuel racing act.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

(a) Any organization licensee that conducts at least one live race meeting during a calendar year may apply to the commission for a simulcasting license to display simulcast horse or greyhound races and to conduct parimutuel wagering thereon. If the organization licensee conducts races at a racetrack facility that is owned by a facility owner licensee, both licensees shall join in the application.

(b) The application for a simulcasting license shall be filed with the commission at a time and place prescribed by rules and regulations of the commission. The application shall be in a form and include such information as the commission prescribes.

(c) To qualify for a simulcasting license the applicant shall:

(1) comply with United States Code Title 15, Section 3001, et seq. in effect December 31, 1990;

*Possible integration may occur at K.S.A. 74-8819. Integration will require amendment of other sections of the act such as K.S.A. 74-8801, 8802, 8804 and 8813(e).

(2) submit with the application a written approval of the proposed simulcasting schedule signed by a majority of the kennel owners if the applicant operates a greyhound track or signed by the duly authorized horseman's group if the applicant operates a horse track. If the applicant operates a dual facility, the applicant shall submit with the application a written approval of the proposed simulcasting schedule signed by the authorized group for horses, if horse races are to be simulcast, or by a majority of the kennel owners, if greyhound races are to be simulcast. If the applicant operates a dual facility and the proposed simulcasting schedule includes a related series of races for greyhounds, to be displayed while the licensee is conducting live racing for horses, or for horses, to be displayed while the licensee is conducting live racing for greyhounds, the commission may require the submission of a written approval of the proposed simulcasting schedule signed by the authorized group then participating in live racing; and

(3) submit for approval a written copy of each contract or agreement relating to the simulcasting of races which the applicant proposes to enter into and any proposed modification of any such contract or agreement.

(c) The commission shall approve the issuance of simulcasting licenses for a period of one year.

(d) When considering the granting of simulcasting licenses, the commission shall give consideration to all of the racing markets and shall make specific findings on following factors:

(1) That the granting of such license would not appear to do substantial economic harm to organization, facility owner or facility manager licensees.

(2) That the granting of such license would not appear to do substantial economic harm to live racing or to the horse or greyhound industries of the state.

(3) If the commission is unable to make the findings specified in subparagraphs (1) and (2) above, it shall in its sole discretion either deny or modify the license request for simulcasting as it deems necessary in order to make the findings specified in paragraphs (1) and (2) above.

(4) Any such licensee, licensee applicant or any recognized horse or greyhound association which deems itself aggrieved by a finding of the commission under subparagraphs (1), (2) or (3) above, may request a hearing before the commission. The hearing shall be held within 30 days of the request, and the requester may present evidence in support of its position. The commission may also receive evidence from other interested parties and from its staff and shall issue an order containing its findings within 30 days after the conclusion of such hearing. The burden of proving substantial economic harm to a licensee or to the horse or greyhound industry shall be upon the party deeming itself aggrieved.

(e) Simulcasting licensees may apply to the commission for changes in approved simulcasting schedules as needed throughout the terms of their licenses. Application shall be made upon forms furnished by the commission and shall contain such information as the commission prescribes.

(f) The takeout for simulcast horse and greyhound races shall be the same as it is for the live races conducted during the current or next live race meeting at the racetrack facility. For simulcast races the state racing fund shall receive 3/18 of the total takeout. The licensee shall retain 2/18 to be paid during the current or next live race meeting to purse supplements for horses, if horse races are simulcast, or to purse supplements for greyhounds, if greyhound races are simulcast. The licensee shall retain 1/18 for purse supplements as approved by the commission. If the simulcast licensee conducts a simulcast race of a breed which it does not have a live license for, the commission shall determine how purse monies shall be utilized.

(g) Except as provided in subsection ____ ____, breakage and unclaimed winning ticket proceeds shall be distributed in accordance with this act except, if simulcast races are being displayed at a racetrack facility that is not conducting a current live race meeting, then the breakage and unclaimed ticket proceeds shall be distributed as they would have been at that racetrack facility on the last day when live horse or greyhound races were conducted. In the event that the simulcasting licensee is licensed to conduct greyhound races only and is to receive a simulcast horse race, or vice versa, then the distribution of breakage and unclaimed winning ticket proceeds shall be determined by the commission at the time the simulcasting license is granted.

(h) The commission may approve a request by two or more licensees to combine wagering pools within the state of Kansas pursuant to rules promulgated by the commission.

(i) Notwithstanding any other provision of K.S.A. 74-8801, et seq., the commission may authorize any simulcasting licensee to participate in an interstate combined wagering pool with one or more other racing jurisdictions. Any time that such a licensee participates in an interstate pool, the licensee may adopt the takeout of the host jurisdiction or facility, provided that not more than 20% is deducted on win, place and show bets, and not more than 25% on all other bets. For simulcast races the state racing fund shall receive 3/18 of the total takeout. The simulcasting licensee shall retain 2/18 for purse supplements for the breed simulcast during the current or the next live race meeting. The simulcasting licensee shall retain 1/18 for purse supplements as approved by the commission. The commission may permit a simulcasting licensee to use one or more of its races for an interstate combined wagering pool at locations outside its jurisdiction, and may allow parimutuel pools in other states to be combined with parimutuel pools in its jurisdiction for the purpose of establishing an interstate combined wagering pool.

(1) The participation by a simulcasting licensee in a combined interstate wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction which the licensee is physically located.

(2) Parimutuel taxes may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered within this jurisdiction.

(3) Breakage for interstate combined wagering pools shall be calculated in accordance with the statutes and regulations of the host jurisdiction, and shall be distributed among the participating jurisdictions in a manner agreed to among the jurisdictions.

(j) Except to the extent inconsistent with the provisions of this act, every simulcasting license issued hereunder shall be subject to all provisions of the Kansas parimutuel racing act relating to the conduct of racing meetings.

91JAC6-cd

SENATE BILL No. 39

By Committee on Public Health and Welfare

1-18

Senate F&SA
3-7-91
Att. 3

8 AN ACT relating to prearranged funeral agreements; audits; amend-
9 ing K.S.A. 1990 Supp. 16-302 and 16-303 and repealing the ex-
10 isting sections ~~also repealing K.S.A. 1990 Supp. 16-310~~

strike bracketed language

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

13 Section 1. K.S.A. 1990 Supp. 16-302 is hereby amended to read
14 as follows: 16-302. Except as authorized by K.S.A. 16-308, and
15 amendments thereto, all such money shall be deposited in such bank,
16 credit union or savings and loan association and shall be held by
17 such bank, credit union or savings and loan association in a separate
18 account in the name or names of the purchaser of the merchandise
19 or services and the name of the seller and the financial institution
20 concerned, until released as herein provided.

21 Sec. 2. K.S.A. 1990 Supp. 16-303 is hereby amended to read as
22 follows: 16-303. (a) Except as authorized by K.S.A. 16-308, and
23 amendments thereto, all payments made under such agreement,
24 contract or plan, and any earnings or interest thereon, shall remain
25 with such bank, credit union or savings and loan association until
26 the death of the person for whose service the funds were paid or,
27 except as provided in subsection (e) (b), until demand for payment
28 is made by the purchaser of the merchandise or services to the bank,
29 credit union or savings and loan association, and upon such payment
30 to the purchaser, the contract shall terminate.

31 (b) At the option of a purchaser, any installment contract
32 may provide for additional payments by the purchaser for the
33 cost of group credit life insurance at such rate as is approved
34 from time to time by the insurance commissioner. In the event
35 of the death of the purchaser, the proceeds shall be treated as
36 funds in accordance with K.S.A. 16-304, and amendments
37 thereto.

- Insert stricken language from lines 31-37

38 (c) At the option of the purchaser, such agreement, contract
39 or plan may be made irrevocable as to the first \$2,000 \$3,000 of
40 the funds paid plus any interest and earnings accumulated under
41 the agreement, contract or plan. This option shall not prohibit the
42 purchaser to designate a different funeral home at any time prior to
43 death, after written notice to the current funeral home, and upon

(c)

3-2

- 1 such notification all documents and funds shall be transferred as
- 2 necessary.
- 3 Sec. 3. K.S.A. 1990 Supp. 16-302~~[16-303 and 16-310]~~ are hereby and 16-303
- 4 repealed.
- 5 Sec. 4. This act shall take effect and be in force from and after
- 6 its publication in the statute book.

Heavenly Father

We thank you for our country,
On her beauty we will brag.
We are grateful for her symbol,
The Stars and Stripes, our flag.

Our flag we do not worship,
Nor wave it mindlessly.
To us it symbolizes
Our hard won liberty.

But when our government's doing something
With which folks disagree,
They tell us they can burn the flag
Because their speech is free.

Perhaps it's true they have the right
To burn it, tear it, strike it.
But we also have the right
To say that we don't like it.

To us the flag portrays much more
Than current policy.
It reflects the brightest moments
Throughout our history.

It reminds us of the pilgrims
Who came here in their search
For freedom of religion,
Free worship and free church.

We see it as the product
Of a declaration
Of six and fifty patriots
Who birthed this fledgling nation.

Men who pledged their fortunes,
Their lives and honor, too;
And some of them lost all three
Before their task was through.

The flag was flying over
Washington and his men
Who almost froze at Valley Forge
But survived a war to win.

The flag was there when Pershing
Crossed the ocean to repay
The debt we owed to Lafayette
And freedom won the day.

The flag was there on D Day
When the Allies hit the beach
To make the world safer for
Expression of free speech.

In Korea and Viet Nam
There were heroes true and brave;
And when those who died were buried
Our flag adorned their grave.

Our troops involved in Desert Storm
Need that symbol to inspire.
It's better when it proudly waves,
Than when it's set on fire.

"We still support the troops,"
Some who burn the flag report.
But flag burning's not exactly
How the troops define support.

Our purpose, Lord, is not to judge,
We leave that in Your hand.
It's just that we are asking You
To help them understand.

That we could never burn the flag
Because we disagree.
We feel we'd be insulting
Those who made us free.

And we pray that when our troops return
They'll find their flag still waves
Over a land not only free.
But also of the brave.

In the Name of Christ,

AMEN

Invocation by Fred S. Hollomon, Chaplain of the
Kansas Senate, at the Kansas Republican Veterans
Luncheon, Ramada Inn, Topeka, Kansas

Senate Concurrent Resolution No. 1612

By Committee on Federal and State Affairs

1-30

Senate F&SA
3-7-91
Att. 5

8 A CONCURRENT RESOLUTION urging Congress to propose, for
9 ratification by the states, a U.S. constitutional amendment au-
10 thORIZING Congress and the states to prohibit desecration of the
11 United States Flag.

and burning of the Cross and other Religious Symbols

12
13 WHEREAS, The United States Supreme Court has held that the
14 burning of the American Flag is a protected form of free speech
15 under the First Amendment of the United States Constitution; and

16 WHEREAS, The American Flag has served as a rallying force for
17 American fighting men from Yorktown to Khe Sanh and the Persian
18 Gulf; and

19 WHEREAS, Millions of Americans hold the American Flag in
20 deep reverence, as evidenced by the fact that Flag desecration was
21 prohibited by an act of Congress and by the laws of 48 of the 50
22 states; and

23 WHEREAS, The American Flag symbolizes the ideas of liberty
24 and equality and what our nation is and what it values; and

25 WHEREAS, No other American symbol has been as universally
26 honored as the American Flag; and

27 WHEREAS, Kansans find the desecration of the American Flag
28 to be highly offensive and are appalled by the Supreme Court's
29 decision allowing this type of repugnant behavior to go unpunished;
30 and

31 WHEREAS, Kansans believe that the right to express displeasure
32 with government is a cherished right protected by the First Amend-
33 ment; however, the Flag represents the ideals and beliefs of the
34 nation and Kansans believe that the desecration of the American
35 Flag is an atrocious act which should be prohibited: Now, therefore,

36 *Be it resolved by the Senate of the State of Kansas, the House of*
37 *Representatives concurring therein:* That the Legislature urges the
38 Congress of the United States to propose an amendment to the
39 United States Constitution, for ratification by the states, specifying
40 that Congress and the states shall have the power to prohibit the
41 physical desecration of the Flag of the United States; and

42 *Be it further resolved:* That the Secretary of State be directed
43 to send enrolled copies of this resolution to the Speaker of the United

; and
WHEREAS, The Cross and other Religious Symbols represent the ultimate personal beliefs of members of many religious sects; and
WHEREAS, Many citizens of this state regard the Cross or other Religious Symbols as sacred objects embodying a holy supreme being; and
WHEREAS, The burning of a Cross or other Religious Symbols is often done to intimidate or harass members of racial, religious or ethnic minorities; and
WHEREAS, The burning of Religious Symbols is abhorrent, whether intended as a display of disdain for others' religious beliefs or as an act of terrorism against American minority citizens, and should be prohibited

and burning of the Cross or other Religious Symbols