

Approved: 3/22/93  
Date

## MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Clyde Graeber at 1:30 p.m. on March 16, 1993 in Room 526-S of the Capitol.

All members were present except: Representative Rand Rock, Excused

Committee staff present: Mary Galligan, Legislative Research Department  
Lynne Holt, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes  
June Evans, Committee Secretary

Conferees appearing before the committee: Senator Lana Oleen  
Colonel Marshall Kaplan, OSJA, Ft. Riley, Kansas  
Ralph Schneider, Assistant Adjutant Department, American Legion  
John Bowser, Kansas Chamber of Commerce and Industry

Others attending: See attached list

The Chairperson opened the hearing on SB 196.

Senator Oleen testified in support of SB 196 stating that many constituents had contacted her along with other area legislators in the Fort Riley area. Last year this same bill passed the House 125 to 0.

Colonel Marshall M. Kaplan, Staff Judge Advocate, Fort Riley, testified in support of SB 196. Colonel Kaplan stated that a key element of a soldier's quality of life is fair and equitable treatment within the civilian community in which he finds himself. SB 196 guarantees equal treatment of soldiers in Kansas. (See Attachment #1)

Ralph L. Snyder, The American Legion, testified in support of SB 196, stating it is necessary as military personnel are being denied access to businesses, and in some cases housing. (See Attachment #2)

John Bowser, Kansas Chamber of Commerce and Industry, testified in support of SB 196, stating it is important that military personnel serving in Kansas not be discriminated against simply because they are in the military. SB 196 sends a message that Kansas is a friendly place to work and to live and helps send the message that discrimination against the military will not be tolerated in Kansas. (See Attachment #3)

Representative Weinhold moved and Representative Robinett seconded to move SB 196 out of committee favorably. The motion carried.

The Chairperson stated that staff had a balloon on HB 2519 which reflected the following changes that had been requested earlier. Strike "Kansas racing" on lines 14, 36 and 39 and change "race track facility" to "organization licensee, facility owner licensee" on line 19. (See Attachment #4)

Representative Wilk moved and Representative Empson seconded to accept amendment to HB 2519. The motion carried.

It was asked if it were necessary to audit the racing commission every year or would every other year be sufficient?

Randy Tonzier, Division of Budget, stated the racing commission should be audited annually.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 526-S  
Statehouse, at 1:30 p.m. on March 16, 1993.

Representative Wilk moved and Representative Robinett seconded to move HB 2519 out of committee favorably as amended. The motion carried. Representative Cornfield requested to be recorded as voting "NO".

The Chairperson stated there was a proposed amendment for SB 82 that was requested at the hearing requesting colored backgrounds for drivers license which would automatically expire and the background color changed when the licensee reached 21. After some discussion, the Chairperson said this would be brought up next week. (See Attachment #5)

The committee adjourned at 2:20 PM.

The next meeting is scheduled for March 17, 1993.

Date: 3/16/93

## FEDERAL and STATE AFFAIRS COMMITTEE

[illegible]

STATEMENT OF

COLONEL MARSHALL M. KAPLAN

STAFF JUDGE ADVOCATE, FORT RILEY

CHAIRMAN GRAEBER AND MEMBERS OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE:

I am Colonel Marshall M. Kaplan, the senior legal officer at Fort Riley. I welcome this opportunity to testify in support of Senate Bill 196. The primary mission of the First Infantry Division is to achieve and maintain a high state of combat readiness. The Division must be ready to deploy world-wide for combat operations and to support other missions of national importance. The quality of life of the Division's soldiers has a direct effect on their readiness. A key element of a soldier's quality of life is fair and equitable treatment within the civilian community in which he finds himself. This is why I strongly support Senate Bill 196 which guarantees the equal treatment of soldiers in Kansas. You may ask whether discrimination against soldiers is really a problem in this state. It is. The legal assistance office at Fort Riley has documented several instances of discrimination against soldiers. These include: entertainment establishments imposing a higher cover charge for soldiers, landlords requiring a higher security deposit from soldiers or refusing to rent to them all together, utility companies charging a higher security deposit to soldiers, and car dealerships refusing to extend credit to soldiers simply because of the soldier's military status. Each of these incidents standing alone may seem insignificant. However, together these and other acts of discrimination adversely affect the morale and readiness of the Division's soldiers. Passage of Senate Bill 196 will ensure that soldiers enjoy the same quality of life as other citizens and help improve the mission readiness of the soldiers stationed in Kansas. Senate Bill 196 will also send a strong message that Kansas values its relationship with the U.S. military. Thank you for allowing me to testify in support of this important bill.

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AMERICAN LEGION  
STATEMENT ON  
SENATE BILL 196

An Act prohibiting discrimination against members of the military;  
providing penalties and remedies for violations.

by Ralph L. Snyder

Thank you for allowing The American Legion the opportunity to testify in favor of Senate Bill 196. In this day and age it is regretful that a bill such as Senate Bill 196 must be written, introduced and acted upon in the Kansas State Legislature. That is; with all of the laws both on the Federal and State level which have outlawed discrimination against this nation's citizens it is sad that SB 196 is necessary.

Military personnel whether on active or reserve duty are citizens first and foremost. They are the highest caliber of citizens, as they have chosen to protect and defend the freedoms of all other citizens. Anyone who would choose to discriminate against someone who is protecting and preserving their freedoms should not be allowed to do so.

There is definitely a need for SB 196. Approximately a year ago I read an article in the Topeka Capital-Journal about a sheriffs deputy who was having difficulty in returning to her position in the Sheriff's Department after having been called to active duty for Operation Desert Storm. First this deputy had difficulty in leaving her position so she could report to active duty; then she was not allowed to return to her rightful position in the Sheriff's Department. This lady had to jump through hoops in order to fulfill her military obligation, then obstacles were placed in her way upon her return to civilian status. I

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like, most people, thought this was an isolated incident and since federal law was on her side she would win.

After SB 196 was introduced I have conducted little informal investigation and have found out that indeed SB 196 is necessary as military personnel are being denied access to businesses, and in some cases housing. I have also been told that it is common knowledge in some areas there is a two price system; a local price and a military price.

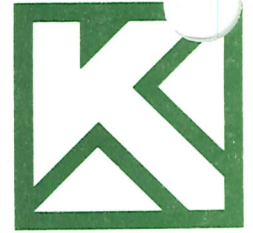
On behalf of the 90,000 plus members of The Kansas American Legion and American Legion Auxiliary I urge your passage of SB 196. Thank you once again for this opportunity to appear before you today.

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# LEGISLATIVE TESTIMONY

## Kansas Chamber of Commerce and Industry

500 Bank IV Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321



A consolidation of the  
Kansas State Chamber  
of Commerce,  
Associated Industries  
of Kansas,  
Kansas Retail Council

SB 196

March 16, 1993

KANSAS CHAMBER OF COMMERCE AND INDUSTRY  
Testimony Before the  
House Committee on Federal and State Affairs  
by  
John Bowser

Mr. Chairman and members of the Committee:

My name is John Bowser. I live in Junction City, a military community. On behalf of the KCCI Military Affairs Committee which I serve as chairman, I would like to take this opportunity to support Senate Bill 196.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

I believe it is important that military personnel serving in Kansas not be discriminated against simply because they are in the military.

Although the world is changing and for now appears to be a little friendlier, it is vital that we maintain a strong military. The military must continue to attract and

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remain qualified personnel. We depend on young men and women volunteering to join the Active Military, National Guard or Reserves. It is more important today than ever to insure that we practice no discrimination against them.

The recent Base Closure Committee report recommended the closure of 31 major military installations. In Kansas, our three major military installations, Fort Riley, Fort Leavenworth and McConnell AFB were fortunately not on the list. However, Kansas will be impacted and we will lose eight military jobs at the Naval Reserve Center in Hutchinson and 64 civilian and military jobs at the Navy Reserve Regional (five state) command located at the Olathe Industrial Airport.

We must continue to send the message that Kansas is a friendly place to work and to live. Senate Bill 196 helps send that message and the message that discrimination against the military will not be tolerated in Kansas.

I sincerely hope this committee supports Senate Bill 196.



## HOUSE BILL No. 2519

By Committee on Appropriations

2-25

AN ACT concerning the Kansas racing commission; relating to procedures for conducting certain annual audits and reviews; prescribing powers, duties and functions for the division of post audit, legislative post audit committee and the contract audit committee.

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

Section 1. (a) The accounts and transactions of the ~~Kansas racing~~ commission shall be subject to an annual financial-compliance audit, and such other audits as directed by the legislative post audit committee, under the legislative post audit act. Each such audit shall include a review of revenues and expenditures of the commission and an assessment of the financial condition of each ~~race-track facility~~ and facility manager licensee regulated by the commission, to the extent directed by the legislative post audit committee. The annual audit shall be conducted as soon after the close of the fiscal year as practicable.

organization licensee, facility owner licensee

(b) The auditor to conduct this audit work shall be specified in accordance with K.S.A. 46-1122 and amendments thereto. If the legislative post audit committee specifies under such statute that a firm, as defined by K.S.A. 46-1112 and amendments thereto, is to perform all or part of such audit work, such firm shall be selected and shall perform such audit work as provided in K.S.A. 46-1123 and amendments thereto and K.S.A. 46-1125 through 46-1127 and amendments thereto.

(c) The post auditor shall compute annually the reasonably anticipated cost of providing audits pursuant to this section, subject to review and approval by the contract audit committee established by K.S.A. 46-1120 and amendments thereto. Upon such approval, the ~~Kansas racing~~ commission shall reimburse the division of post audit for the amount approved by the contract audit committee. The furnishing of audit services pursuant to this section shall be a transaction between the post auditor and the ~~Kansas racing~~ commission and shall be settled in accordance with the provisions of K.S.A. 75-5516 and amendments thereto.

(d) This section shall be part of and supplemental to the Kansas ~~parimutuel~~ racing act.

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Proposed Amendment to S.B. 82

Add two sections to read as follows:

Section 1. K.S.A. 8-240 is hereby amended to read as follows: 8-240. (a) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of \$2 for class A, B or C, and \$5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of \$3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. If the applicant is not required to take an examination the examination fee shall not be required. The examination shall consist of three tests, as follows: (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of \$3. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued

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the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(b) For the purposes of obtaining any driver's license, an applicant, except for any applicant under 16 years of age, shall provide at least two of the documents specified in K.S.A. 8-246, and amendments thereto. Any applicant under 16 years of age shall provide at least one of the documents specified in K.S.A. 8-246, and amendments thereto, and such applicant's parent or guardian shall sign the application for any driver's license.

(c) Every application shall state the name, date of birth, sex and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition to the above criteria, applications for commercial drivers' licenses and instruction permits for commercial licenses must include the following: The applicant's social security number; the person's signature; the person's color photograph; certifications, including those required by 49 C.F.R. 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division.

(d) When an application is received from a person previously licensed in another jurisdiction, the division shall request a copy of the driver's record from the other jurisdiction. When received, the driver's record shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(e) When the division receives a request for a driver's record from another licensing jurisdiction the record shall be forwarded without charge.

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(f) Subject to the provisions of subsection (g), a fee of \$8 shall be charged for a class C driver's license, a fee of \$5 shall be charged for a class M driver's license and a fee of \$12 shall be charged for a class A or B driver's license and a fee of \$14 for any class of commercial license. A fee of \$10 shall be charged for each commercial driver's license endorsement, except air brake endorsements which shall have no charge.

If one fails to make an original application or renewal application for a driver's license within the time required by law, or fails to make application within 60 days after becoming a resident of Kansas, a penalty of \$1 shall be added to the fee charged for the driver's license.

(g) The fee for an original license issued after July 1, 1993, to a person 16 or more years of age and less than 21 years of age for a term other than four years shall be reduced or increased in proportion to the amount of time by which the term of the license is less than or greater than four years.

Sec. 2. K.S.A. 1992 Supp. 8-247 is hereby amended to read as follows: 8-247. (a) All original licenses shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application, except that any original license issued after July 1, 1993, to a person 16 or more years of age and less than 21 years of age shall expire on the person's 21st birthday. All renewals thereof, of original licenses shall expire on every fourth anniversary of the date of birth of the licensee. ~~No-driver's-license-shall-expire-in-the-same-calendar-year-in which-the-original-license-or-renewal-license-is-issued, except that-if-the-foregoing-provisions-of-this-section-shall-require the-issuance-of-a-renewal-license-or-an-original-license-for-a period-of-less-than-six-calendar-months, the-license-issued-to the-applicant-shall-expire-at-midnight-on-every-fourth anniversary-of-the-date-of-birth-of-the-applicant.~~

(b) If the driver's license of any person expires while such person is outside of the state of Kansas and on active duty in the armed forces of the United States, the license of such person

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shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after reestablished residence within the state, whichever time is sooner. If the driver's license of any person expires while such person is outside the United States, the division shall provide for renewal by mail.

(c) At least 30 days prior to the expiration of a person's license the division shall mail a notice of expiration or renewal application to such person at the address shown on the license. The division shall include with such notice a copy of the eyesight examination form and a copy of the written examination prescribed by subsection (e). In addition, a copy of the Kansas driver's manual, prepared pursuant to K.S.A. 8-266b, and amendments thereto, also shall be included.

(d) Every driver's license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver's license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of subsection (b) of K.S.A. 8-240, and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the applicant's driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under subsection (b) of K.S.A. 8-240, and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person's license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to

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exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(e) (1) Prior to renewal of a driver's license, the applicant shall pass an examination of eyesight and a written examination of ability to read and understand highway signs regulating, warning and directing traffic and knowledge of the traffic laws of this state. Such examination shall be equivalent to the tests required for an original driver's license under K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall administer the examinations without charge and shall report the results of the examinations on a form provided by the division, which shall be submitted by the applicant to the division at the time such applicant applies for license renewal.

(2) In lieu of the examination of the applicant's eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant's eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished the applicant with the notice of the expiration of license under subsection (c).

(3) In lieu of the driver's license examiner administering the written examination, the applicant may complete the examination furnished with the notice of the expiration of license under subsection (c) and submit the completed examination to the division.

(4) The division shall determine whether the results of the written examination and the eyesight reported are sufficient for renewal of the license and, if the results of either or both of the examinations are insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant's eyesight, the division may request an advisory opinion of the medical advisory board, which is hereby authorized to render such opinions.

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(5) An applicant who is denied a license under this subsection (e) may reapply for renewal of such person's driver's license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver's license. If the applicant has been denied renewal of such person's driver's license because such applicant failed to pass the written examination, the applicant shall pay an examination fee of \$1.50 to take the test again.

(6) When the division has good cause to believe that an applicant for renewal of a driver's license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to subsection (e)(7), in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board which is hereby authorized to render such opinions in addition to its duties prescribed by subsection (b) of K.S.A. 8-255b, and amendments thereto. Any such applicant who is denied the renewal of such a driver's license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by subsection (c) of K.S.A. 8-255, and amendments thereto.

(7) Seizure disorders which are controlled shall not be considered a disability. In appropriate cases to which this paragraph applies, the director or the medical advisory board may recommend that such person be issued a driver's license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this subsection (e)(7) shall be subject to suspension or revocation as provided in subsection (a) of K.S.A. 8-237, and amendments thereto. For the purpose of this

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paragraph, seizure disorders which are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver's license or whenever a person licensed to practice medicine and surgery in this state makes a written report to the division stating that the licensee's seizures are controlled. Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver's license and subsequent operation of a motor vehicle by the licensee.";

Amend the title and repealer accordingly

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