

Approved: MARCH 22, 1993
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Chairman Lana Oleen at 11:05 a.m. on February 4, 1993 in Room 254-E of the Capitol.

All members were present

Committee staff present: Mary Galligan, Legislative Research Department
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:
Gerry Ray, City of Overland Park

Others attending: See attached list

Sen. Oleen announced she failed to recognize Sen. Ramirez's pages who assisted the committee yesterday. She announced Sen. Parkinson's pages are assisting today, and he introduced them. Sen. Oleen recognized Sen. Hensley who requested a bill be introduced patterned after HB 3179, '92 Session (Attachment 1). Sen. Hensley made a motion the committee sponsor the bill, and it was seconded by Sen. Jones; the motion passed.

Sen. Walker explained a bill proposal (Attachment 2), which would require anyone over the age of 75 to take a driver's test to renew their license. Sen. Walker made a motion to sponsor the bill, and it was seconded by Sen. Vidricksen; the motion passed.

Sen. Oleen introduced Gerry Ray who requested a bill be drafted patterned after HB 2072, '89 Session (Attachment 3) regarding concealed weapons and expanding their unlawful use. Ms. Ray stated she will work with the Revisors Office to include the proper language in the bill. Sen. Praeger made a motion the committee sponsor the bill, and it was seconded by Sen. Parkinson; the motion passed.

Sen. Oleen explained a proposal (Attachment 4) requested by the Commanding General at Ft. Riley regarding military discrimination. Sen. Hensley made a motion the committee sponsor it as a bill, and it was seconded by Sen. Jones; the motion passed.

Sen. Oleen, at the request of Gen. Hartzog, Ft. Riley, asked the committee to sponsor a bill (Attachment 5) regarding discrimination in housing because of occupation or marital status. Sen. Hensley made a motion the committee introduce it, and it was seconded by Sen. Papay; the motion passed.

Sen. Oleen announced the agenda for next week and commended the committee for its considerations during the joint meetings on the Resolution allowing casinos at parimutuel facilities. Sen. Oleen called the committees' attention to the Minutes for January 13 and 19. Sen. Tillotson made a motion the Minutes for January 13 and 19 be approved, and it was seconded by Sen. Praeger; the motion passed.

Meeting adjourned at 11:40.

(ATTACH. 6)

GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: Feb. 4, 1993

[illegible]

Hewster
Attachment

As Amended by House Committee

Session of 1992

HOUSE BILL No. 3179

By Committee on Appropriations

3-11

9 AN ACT creating the Kansas labor education center at Kansas state
10 university; establishing an advisory council and the office of di-
11 rector of the center; prescribing powers, duties and functions
12 therefor.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. (a) This act shall be known and may be cited as the
16 labor education center act.

17 (b) The provisions of this act shall expire on July 1, 1996.

18 Sec. 2. (a) There is hereby created the Kansas labor education
19 center which is associated with the institute for social and behavioral
20 research at Kansas state university. The activities of the center shall
21 be subject to the provisions of appropriations acts.

22 (b) The objectives of the center shall include, but shall not be
23 limited to: (1) Contributing to the development of a well trained
24 and motivated labor force, and, therefore, to economic growth, by
25 providing continuing education programs in labor studies to workers,
26 managers and employers; (2) undertaking basic and applied research
27 in the substantive issues encompassing labor studies, including the
28 changing nature of work, the relationship between work and society
29 and phenomena outside of the workplace which either influence or
30 are influenced by work; (3) obtaining training, educational and re-
31 search grants and contracts in cooperation with labor organizations,
32 employers, federal and state agencies, or other appropriate organi-
33 zations; (4) offering consultation to labor, employer and human re-
34 source organizations on the development of educational and research
35 programs and on the utilization of manpower resources; (5) main-
36 taining informational and technical services through periodic reprints,
37 working papers, newsletters, news releases and other publications;
38 (6) developing and providing educational materials, including films,
39 charts, audiovisual aids and library resources; and (7) serving on
40 commissions, advisory boards, and civic and governmental bodies
41 concerned with economic, educational, and social and public policy
42 aspects of work.

43 (c) Within the limitations of appropriations, the center shall co-

Sen 7 & 2A.
2-4-93
att 1

operate with existing state agencies and private organizations to provide education and develop basic and applied research on workplace issues. The functions of the center shall include but not be limited to providing extension education to employees, labor organizations, human resources managers and employers in such areas as occupational safety and health, workers' and unemployment compensation, employee assistance including substance abuse programs, grievance handling, arbitration techniques, drug testing, communication skills, flexible work schedules, labor law and regulations, economic dislocation, developing research on such issues as changing labor force requirements, workers' compensation and health care costs, OSHA enforcement procedures, affirmative action policies, labor-management cooperation, changing technologies, vocational-technical training and adult literacy.

(d) The activities of the center may be conducted at or offered at Kansas state university or at other appropriate locations in the state.

Sec. 3. (a) There is hereby created the labor education center advisory council consisting of 12 members as follows:

(1) The president of the senate, the minority leader of the senate, the speaker of the house of representatives and the minority leader of the house of representatives shall each appoint one member to the council;

(2) the dean of the college of arts and sciences at Kansas state university or the dean's designee;

(3) the secretary of human resources, or the secretary's designee;

(4) the governor shall appoint six members who represent employees and employers of the state.

(b) The members of the advisory council appointed under paragraph (1) of subsection (a) shall be appointed for a term ending on the first day of the regular session of the legislature in odd-numbered years. The members of the advisory council appointed by the governor under paragraph (4) of subsection (a) shall be appointed for terms as follows: (1) Three members shall be appointed for terms ending on June 30, 1994, and (2) three members shall be appointed for terms ending on June 30, 1995. After the expiration of the initial terms of such members appointed by the governor, members shall be appointed by the governor for terms of two years. All vacancies in the office of appointed members shall be filled by appointment by the officer or council making the original appointment for the remainder of the unexpired term of the member creating the vacancy.

(c) The advisory council shall organize annually by the election

from its membership of a chairperson and a vice-chairperson. The advisory council shall adopt such rules of procedure as it deems necessary for conducting its business.

Sec. 4. (a) The advisory council shall appoint the director of the labor education center. The director shall be selected by the advisory council from personnel employed by Kansas state university. The director shall receive compensation from appropriations made for the labor education center. The director shall be located in the office of the institute of social and behavioral research at Kansas state university.

(b) The director shall be responsible for publishing a formal strategy and set of goals adopted by the advisory council for the labor education center. At the direction of the advisory council, the director shall prepare a preliminary budget proposal for fiscal year 1993 and present such budget proposal to the board of regents and the legislature. Each year, the advisory council shall submit a proposed budget for the labor education center within the budget estimate prepared and submitted to the division of the budget pursuant to K.S.A. 75-3717, and amendments thereto.

(c) The advisory council shall develop and adopt a formal strategy and set of goals for such labor education center and shall revise and update such strategy and goals as deemed necessary by the council. The advisory council may recommend such legislation as the council deems appropriate for the purposes of the labor education center.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

Walker
(Attach. 2)

SENATE BILL NO. _____

AN ACT relating to drivers' licenses; concerning the renewal thereof; amending K.S.A. 1992 Supp. 8-247 and repealing the existing section.

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

Section 1. 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. All renewals thereof, 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 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.

Sen 7 + SQ.
2-4-93
Att 2

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 , except that any applicant 75 years of age or older shall be required to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided by K.S.A. 8-235d, and amendments thereto. 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 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.

(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 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.

Sec. 2. K.S.A. 1992 Supp. 8-247 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

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(O.P. 5)
(Attach. 3)

Session of 1989

HOUSE BILL No. 2072

By Representatives Douville, Kline and Vancrum

1-23

15 AN ACT concerning the crime of unlawful use of weapons; amending
16 K.S.A. 21-4201 and repealing the existing section.
17

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

19 Section 1. K.S.A. 21-4201 is hereby amended to read as follows:
20 21-4201. (1) Unlawful use of weapons is knowingly:

21 (a) Selling, manufacturing, purchasing, possessing or carrying any
22 bludgeon, sandclub, metal knuckles or throwing star, or any knife,
23 commonly referred to as a switch-blade, which has a blade that opens
24 automatically by hand pressure applied to a button, spring or other
25 device in the handle of the knife, or any knife having a blade that
26 opens or falls or is ejected into position by the force of gravity or
27 by an outward, downward or centrifugal thrust or movement;

28 (b) carrying concealed on one's person, or possessing with intent
29 to use the same unlawfully against another, a dagger, dirk, billy,
30 blackjack, slung shot, dangerous knife, straight-edged razor, stiletto
31 or any other dangerous or deadly weapon or instrument of like
32 character, except that an ordinary pocket knife with no blade more
33 than four inches in length shall not be construed to be a dangerous
34 knife, or a dangerous or deadly weapon or instrument;

35 (c) carrying on one's person or in any land, water or air vehicle,
36 with intent to use the same unlawfully, a tear gas or smoke bomb
37 or projector or any object containing a noxious liquid, gas or
38 substance;

39 (d) carrying any pistol, revolver or other firearm concealed on
40 one's person, *or concealed in any land, water or air vehicle where*
41 *such firearm would be accessible to the operator or any passenger*
42 *of such vehicle*, except when on the person's land or in the person's
43 abode or fixed place of business;

Sen. F. & L.A.
2-4-93
Att 3

- 44 (e) setting a spring gun;
- 45 (f) possessing any device or attachment of any kind designed,
- 46 used or intended for use in silencing the report of any firearm;
- 47 (g) selling, manufacturing, purchasing, possessing or carrying a
- 48 shotgun with a barrel less than 18 inches in length or any other
- 49 firearm designed to discharge or capable of discharging automatically
- 50 more than once by a single function of the trigger;
- 51 (h) possessing, manufacturing, causing to be manufactured, sell-
- 52 ing, offering for sale, lending, purchasing or giving away any cartridge
- 53 which can be fired by a handgun and which has a plastic-coated
- 54 bullet that has a core of less than 60% lead by weight.
- 55 (2) Subsections (1)(a), (b), (c), (d) and (g) shall not apply to or
- 56 affect any of the following:
- 57 (a) Law enforcement officers, or any person summoned by any
- 58 such officers to assist in making arrests or preserving the peace while
- 59 actually engaged in assisting such officer;
- 60 (b) wardens, superintendents, directors, security personnel and
- 61 keepers of prisons, penitentiaries, jails and other institutions for the
- 62 detention of persons accused or convicted of crime, while acting
- 63 within the scope of their authority;
- 64 (c) members of the armed services or reserve forces of the United
- 65 States or the Kansas national guard while in the performance of their
- 66 official duty; or
- 67 (d) manufacture of, transportation to, or sale of weapons to a
- 68 person authorized under (a) through (c) of this subsection to possess
- 69 such weapons.
- 70 (3) Subsection (1)(d) shall not apply to or affect the following:
- 71 (a) Watchmen, while actually engaged in the performance of the
- 72 duties of their employment;
- 73 (b) licensed hunters or fishermen, while engaged in hunting or
- 74 fishing;
- 75 (c) private detectives licensed by the state to carry the firearm
- 76 involved, while actually engaged in the duties of their employment;
- 77 (d) detectives or special agents regularly employed by railroad
- 78 companies or other corporations to perform full-time security or
- 79 investigative service, while actually engaged in the duties of their
- 80 employment; or

81 (e) the state fire marshal, the state fire marshal's deputies or any
82 member of a fire department authorized to carry a firearm pursuant
83 to K.S.A. 31-157 and amendments thereto, while engaged in an
84 investigation in which such fire marshal, deputy or member is au-
85 thorized to carry a firearm pursuant to K.S.A. 31-157 and amend-
86 ments thereto.

87 (4) Subsections (1)(a), (f) and (g) shall not apply to any person
88 who sells, purchases, possesses or carries a firearm, device or at-
89 tachment which has been rendered unserviceable by steel weld in
90 the chamber and marriage weld of the barrel to the receiver and
91 which has been registered in the national firearms registration and
92 transfer record in compliance with 26 U.S.C. 5841 *et seq.* in the
93 name of such person and, if such person transfers such firearm,
94 device or attachment to another person, has been so registered in
95 the transferee's name by the transferor.

96 (5) Subsection (1)(h) shall not apply to a governmental laboratory
97 or solid plastic bullets.

98 (6) It shall be a defense that the defendant is within an
99 exemption.

100 (7) Violation of subsections (1)(a) through (1)(f) is a class B mis-
101 demeanor. Violation of subsection (1)(g) or (h) is a class E felony.

102 (8) As used in this section, "throwing star" means any instrument,
103 without handles, consisting of a metal plate having three or more
104 radiating points with one or more sharp edges and designed in the
105 shape of a polygon, trefoil, cross, star, diamond or other geometric
106 shape, manufactured for use as a weapon for throwing.

107 Sec. 2. K.S.A. 21-4201 is hereby repealed.

108 Sec. 3. This act shall take effect and be in force from and after
109 its publication in the statute book.

Oleon
(Attach. 4)

SENATE BILL NO. _____

By

AN ACT prohibiting discrimination against members of the military; providing penalties and remedies for violations.

WHEREAS, Military personnel in Kansas vitally affect the general economy and well-being of this state; and

WHEREAS, It is in the public interest and public welfare to insure that no discrimination against military personnel is practiced: Now, therefore,

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

Section 1. As used in this act:

(a) "Member of the military" means a member of the armed forces or national guard on active duty or a member of an active reserve unit in the armed forces or national guard.

(b) "Person" and "public accommodations" have the meanings provided by K.S.A. 44-1002 and amendments thereto.

Sec. 2. (a) No person shall:

(1) Discriminate against a member of the military because of military status;

(2) discriminate against a member of the military with respect to employment, or employment position or status, because of membership or service in the military;

(3) deny employment to any member of the military, or disqualify for or discharge from employment any member of the military, because of membership or service in the military; or

(4) discharge from employment any member of the military because of the member's performance of emergency military duty.

(b) No officer or employee of the state or any political or taxing subdivision of the state shall:

(1) Discriminate against a member of the military because of military status;

Sen. F. S. A.,
2-4-93
Att 4

(2) discriminate against a member of the military with respect to employment or appointment, or employment position or status, because of membership or service in the military; or

(3) deny employment to a member of the military, or disqualify for or discharge from employment any member of the military, because of membership or service in the military.

(c) No person shall prohibit or refuse entrance to, or otherwise discriminate against, any member of the military in any place of public accommodations because the member is wearing the member's military uniform or because of the member's membership or service in the military.

Sec. 3. Any person aggrieved by an alleged violation of this act may bring a civil action in the district court of the county in which the violation is alleged to have occurred or in which the alleged violator resides or transacts business. If the court finds that a violation has occurred or is about to occur, the court may award to the plaintiff actual damages, or \$500, whichever is greater, for each violation. The court may also grant as relief any permanent or temporary injunction or restraining order, including an order enjoining the defendant from engaging in such violation or ordering such affirmative action as may be appropriate. The prevailing party shall be awarded court costs and reasonable attorney fees.

Sec. 4. Nothing in this act shall be construed to prohibit:

(a) Consideration or application of characteristics directly affecting the credit worthiness of a member of the military; or

(b) sales promotions or discounts limited to members of specified groups of people.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

SENATE BILL NO. _____

By

AN ACT amending the Kansas act against discrimination; relating to discrimination in housing because of occupation or marital status; amending K.S.A. 1992 Supp. 44-1001, 44-1015, 44-1016, 44-1017 and 44-1027 and repealing the existing sections.

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

Section 1. K.S.A. 1992 Supp. 44-1001 is hereby amended to read as follows: 44-1001. This act shall be known as the Kansas act against discrimination. It shall be deemed an exercise of the police power of the state for the protection of the public welfare, safety, health and peace of the people of this state. The practice or policy of discrimination against individuals in employment relations, in relation to free and public accommodations, in housing by reason of race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry ~~or in housing by reason of familial status~~ is a matter of concern to the state, since such discrimination threatens not only the rights and privileges of the inhabitants of the state of Kansas but menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the state of Kansas to eliminate and prevent discrimination in all employment relations, to eliminate and prevent discrimination, segregation, or separation in all places of public accommodations covered by this act, and to eliminate and prevent discrimination, segregation or separation in housing.

It is also declared to be the policy of this state to assure equal opportunities and encouragement to every citizen regardless of race, religion, color, sex, disability, national origin or

Sen. 7+2A.
2-4-93
Att 5

ancestry, in securing and holding, without discrimination, employment in any field of work or labor for which a person is properly qualified, to assure equal opportunities to all persons within this state to full and equal public accommodations, and to assure equal opportunities in housing without distinction on account of race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry. It is further declared that the opportunity to secure and to hold employment, the opportunity for full and equal public accommodations as covered by this act and the opportunity for full and equal housing are civil rights of every citizen.

To protect these rights, it is hereby declared to be the purpose of this act to establish and to provide a state commission having power to eliminate and prevent segregation and discrimination, or separation in employment, in all places of public accommodations covered by this act, in housing because of race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry ~~and in housing because of familial status~~, either by employers, labor organizations, employment agencies, realtors, financial institutions or other persons as hereinafter provided.

Sec. 2. K.S.A. 1992 Supp. 44-1015 is hereby amended to read as follows: 44-1015. As used in this act, unless the context otherwise requires:

- (a) "Commission" means the Kansas human rights commission.
- (b) "Real property" means and includes:
 - (1) All vacant or unimproved land; and
 - (2) any building or structure which is occupied or designed or intended for occupancy, or any building or structure having a portion thereof which is occupied or designed or intended for occupancy.
- (c) "Family" includes a single individual.
- (d) "Person" means an individual, corporation, partnership, association, labor organization, legal representative, mutual

company, joint-stock company, trust, unincorporated organization, trustee, trustee in bankruptcy, receiver and fiduciary.

(e) "To rent" means to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) "Discriminatory housing practice" means any act that is unlawful under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto.

(g) "Person aggrieved" means any person who claims to have been injured by a discriminatory housing practice or believes that such person will be injured by a discriminatory housing practice that is about to occur.

(h) "Disability" has the meaning provided by K.S.A. 44-1002 and amendments thereto.

(i) "Familial status" means having one or more individuals less than 18 years of age domiciled with:

(1) A parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

(j) "Occupation" means lawful paid employment or business.

Sec. 3. K.S.A. 1992 Supp. 44-1016 is hereby amended to read as follows: 44-1016. Subject to the provisions of K.S.A. 44-1018 and amendments thereto, it shall be unlawful for any person:

(a) To refuse to sell or rent after the making of a bona fide offer, to fail to transmit a bona fide offer or refuse to negotiate in good faith for the sale or rental of, or otherwise make unavailable or deny, real property to any person because of race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry.

(b) To discriminate against any person in the terms, conditions or privileges of sale or rental of real property, or in the provision of services or facilities in connection

therewith, because of race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry.

(c) To make, print, publish, disseminate or use, or cause to be made, printed, published, disseminated or used, any notice, statement, advertisement or application, with respect to the sale or rental of real property that indicates any preference, limitation, specification or discrimination based on race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry, or an intention to make any such preference, limitation, specification or discrimination.

(d) To represent to any person because of race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry that any real property is not available for inspection, sale or rental when such real property is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any real property by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry.

(f) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting real property, or to discriminate against such person in the terms or conditions of such access, membership or participation, because of race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry.

(g) To discriminate against any person in such person's use or occupancy of real property because of the race, religion, color, sex, disability, familial status, occupation, marital

status, national origin or ancestry of the people with whom such person associates.

(h) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, residential real property to any buyer or renter because of a disability of:

(A) That buyer or renter;

(B) a person residing in or intending to reside in such real property after it is sold, rented or made available; or

(C) any person associated with that buyer or renter.

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of residential real property or in the provision of services or facilities in connection with such real property because of a disability of:

(A) That person;

(B) a person residing in or intending to reside in that real property after it is so sold, rented or made available; or

(C) any person associated with that person.

(3) For purposes of this subsection (h), discrimination includes:

(A) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises;

(B) a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy residential real property; or

(C) in connection with the design and construction of covered multifamily residential real property for first occupancy on and after January 1, 1992, a failure to design and construct such residential real property in such a manner that:

(i) The public use and common use portions of such residential real property are readily accessible to and usable by

persons with disabilities;

(ii) all the doors designed to allow passage into and within all premises within such residential real property are sufficiently wide to allow passage by persons with disabilities who are in wheelchairs; and

(iii) all premises within such residential real property contain the following features of adaptive design: An accessible route into and through the residential real property; light switches, electrical outlets, thermostats and other environmental controls in accessible locations; reinforcements in bathroom walls to allow later installation of grab bars; and usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A 117.1," suffices to satisfy the requirements of subsection (h)(3)(C)(iii).

(5) As used in this subsection (h), "covered multifamily residential real property" means:

(A) Buildings consisting of four or more units if such buildings have one or more elevators; and

(B) ground floor units in other buildings consisting of four or more units.

(6) Nothing in this act shall be construed to invalidate or limit any state law or ordinance that requires residential real property to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this act.

(7) Nothing in this subsection (h) requires that residential real property be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Sec. 4. K.S.A. 1992 Supp. 44-1017 is hereby amended to read as follows: 44-1017. (a) It shall be unlawful for any person or other entity whose business includes engaging in real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of the race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry of such person or of any person associated with such person in connection with any real estate related transaction.

(b) As used in this section, "real estate related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

(A) For purchasing, constructing, improving, repairing or maintaining a dwelling; or

(B) secured by real property.

(2) The selling, brokering or appraising of real property.

(c) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry.

Sec. 5. K.S.A. 1992 Supp. 44-1027 is hereby amended to read as follows: 44-1027. (a) No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:

(1) Any person because of such person's race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry and because such person is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any real property, or applying for or

participating in any service, organization or facility relating to the business of selling or renting real property;

(2) any person because such person is or has been, or in order to intimidate such person or any other person or any class of persons from:

(A) Participating, without discrimination on account of race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry, in any of the activities, services, organizations or facilities described in subsection (a)(1); or

(B) affording another person or class of persons opportunity or protection so to participate; or

(3) any citizen because such citizen is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, religion, color, sex, disability, familial status, occupation, marital status, national origin or ancestry, in any of the activities, services, organizations or facilities described in subsection (a)(1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(b) Violation of this section is punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment, except that:

(1) If bodily injury results, such violation shall be punishable by a fine of not more than \$10,000 or imprisonment for not more than 10 years, or both such fine and imprisonment; and

(2) if death results, such violation shall be punishable by imprisonment for any term of years or for life.

Sec. 6. K.S.A. 1992 Supp. 44-1001, 44-1015, 44-1016, 44-1017 and 44-1027 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

Approved: Feb. 4, 1993
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Chairperson Lana Oleen at 11:00 a.m. on January 13, 1993 in Room 254-E of the Capitol.

All members were present except: Sen. Vidricksen (excused)
Sen. Gooch (excused)

Committee staff present: Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

Sen. Oleen opened the meeting by reading a letter from Sen. Reilly, dated May 26, 1992 (Attachment 1), to the committee. She continued with brief remarks to the committee and asked each committee member, staff and guest to introduce themselves. Sen. Oleen announced that the committee meeting will begin promptly at 11:05 and adjourn at 11:55, and she explained the committee policy regarding absences. The committee will consider bills for introduction Wednesday and will meet Tuesday, Wednesday and Thursday of next week to hear from several state agencies. She announced the committee will conduct confirmation hearings, and several appointees have already been referred to this committee.

Mary Galligan gave an overview of bills sent to this committee since 1989 and the diversification of issues which this committee considers. She discussed specific bills referred to the committee last session. Sen. Oleen stated this committee is one of three exempt committees, which allows bills to come before the committee at any time.

Committee adjourned at 11:40.

Sen. Fx SA.
2-4-93
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Approved: Feb. 4, 1993
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Chairperson Lana Oleen at 11:00 a.m. on January 19, 1993 in Room 254-E of the Capitol.

All members were present

Committee staff present: Mary Galligan, Legislative Research Department
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:
Ralph Decker, Lottery Commission
Dana Nelson, Racing Commission

Others attending: See attached list

Chairman, Sen. Oleen recognized pages from Sen. Papay's district, and they were introduced to the committee. Sens. Praeger and Gooch introduced their interns to the committee also. Sen. Oleen introduced Ralph Decker, and he presented an overview (Attachment 1) to the committee. He emphasized the fact that current law provides that in FY 1993, 90% of gaming revenues funds must be used in projects funded by the Economic Development Initiatives fund and the remaining 10% is used to finance Corrections projects, and that the decision of allocation of funds rests with the Legislature. Senators asked questions of Mr. Decker. In particular, Sen. Gooch questioned how retailers are selected, and Mr. Decker explained the numerous checks conducted before a retailer is selected. Sen. Vidricksen questioned the bonus program for sales personnel and the Lottery's inability to allow non-monetary prizes. Sen. Ramirez questioned about administrative costs, and Mr. Decker stated the Lottery has 95 employees. Sen. Papay questioned lottery on Indian Reservations, and Mr. Decker explained Class III Gaming and IGRA. The committee also discussed audits and a computer study completed in August, 1992.

Sen. Oleen introduced Dana Nelson, Executive Director of the Racing Commission, and he stated he was waiting on copies of his Overview, but he would proceed. Mr. Nelson read from his statement (Attachment 2); however, the Chairman interrupted him since it was time for adjournment. She stated that the committee will continue to hear the Overview at a later time. (Note: Mr. Nelson returned to the committee on January 26, 1993 to continue the Overview and answer questions.)

Sen. Oleen made several announcements and adjourned at 11:55.