

Approved: 5-1-93
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 March 23, 1993 in Room 254-E of the Capitol.

All members were present except:
Sen. Hensley was excused

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

Conferees appearing before the committee:
See attached list

Others attending: See attached list

The Chairman, Sen. Oleen, recognized Sen. Jones, who referred to a draft (Attachment 1) of a proposed bill from Sen. Wisdom, regarding HIV testing of the victim when assisted by a volunteer, who believes the HIV virus may have been transmitted (the "Good Samaritan" amendment). Sen. Oleen reminded the committee it had discussed this proposal as an amendment to another bill but decided it should be a separate bill. She recommended it could be the subject of interim study since it is late in the session. Sen. Jones made a motion the proposal be introduced as a bill by the committee, and it was seconded by Sen. Ramirez; the motion passed.

Sen. Oleen announced a hearing for SB 285, and 299, both relating to the lottery act, and asked Lynne Holt to brief the committee on an Attorney General's opinion (Attachment 2) relating to both bills. She then introduced Jim Giordono, who gave a brief summary (Attachment 3) on both bills and referred to questions raised by the committee when the bills were introduced. The committee discussed the problem with minors buying lottery tickets and using lottery machines, and Sen. Ramirez asked Mr. Giordono if a minor wins, can he/she collect. Mr. Giordono answered if the prize is over \$5,000, the parent must sign before the prize is awarded. Sen. Gooch stated two ways to correct the problem: (1) Limit ticket collection - don't let minors collect prizes; (2) Label machines - post it is unlawful for minors to operate machines. Mr. Giordono stated the Legislature may change the rules; the Lottery does not object to limit the use of machines or ticket purchases by minors. Sen. Tillotson pointed out that labeling cigarette machines does not hinder minors from purchasing them, and Sen. Oleen asked if there is a penalty clause in the bill. Mr. Giordono answered there is a penalty clause and emphasized the retailer will suffer the penalty, not the minor, and that the incidence are not that great. Sen. Parkinson asked if a car is given as a prize, who pays the taxes, and Mr. Giordono answered the Lottery pays the taxes, including income taxes, on the car. Sen. Vidricksen made a motion SB 285 be reported favorably, and the motion was seconded by Sen. Jones; the motion passed.

Sen. Oleen referred to a proposed amendment to HCR 5006, prohibiting desecration of the flag, and explained this amendment would petition the U.S. Congress to let the States act regarding desecration of the flag. Sen. Parkinson stated he doesn't believe anything will happen to the Resolution when Congress receives it, and Sen. Walker stated he doesn't believe it will do any good; that the veterans should write letters - those would carry more impact. Sen. Vidricksen stated he knows the veterans and veteran organizations feel strongly about this and urged the committee to pass it. Sen. Ramirez made a motion the proposed amendments be adopted and the bill be passed as amended, and Sen. Papay seconded the motion. Sen. Parkinson stated it is not clear what the veterans want; that during House debate last year, two veterans from the Viet Nam war did not want the Resolution; they feel the flag is important, but our First Amendment is more important and that they would rather fight for our freedoms. He does not think this Resolution will have an affect. Sen. Gooch stated he is a veteran and that he believes the flag is symbolic, and that individual rights are what is important. He does not want to see disrespect for the flag, but we should have a greater feeling about what it stands for. Sen. Oleen pointed out the enacting clause is on Page 2, Line 12. Sen. Oleen asked for action on the bill, and the motion passed, and the Resolution will be reported favorably, as amended. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E
Statehouse, at 11:05 a.m. on March 23, 1993.

Sen. Oleen referred to a corrected fiscal note (Attachment 5) for SB 202, concerning requirements and restrictions relating to abortion, and stated the cost is approximately \$216,000, plus approximately \$18,000 for supplies, videos, etc. and would require 14 new, full time positions. The total does not include costs for sonograms and other miscellaneous items. Sen. Vidricksen asked for clarification regarding inclusion of some methods of birth control, and Mary Torrence stated that some methods of birth control, including pills and IUD's, would come under the 24-hour waiting period, informed consent provisions. Sen. Oleen stated the sponsors indicated to her it was not their intent to include those provisions in the bill. Sen. Praeger made a motion the bill be reported adversely, and it was seconded by Sen. Gooch; the motion passed.

Sen. Oleen reminded the committee of discussing SB 412, amending the parimutuel racing act, and requesting the Racing Commission to convey to the committee the important portion of the bill which it wants passed this year, and keeping the bill in committee for review next year when it has adequate time to study it. Janet Chubb referred to information and fiscal impact of the bill contained in a memo dated March 23 (Attachment 6). She stated the Commission feels they are not authorized under statute to hire temporaries and they will never hire more than three; that the employees are state employees and are entitled to the same benefits as other state employees. Sen. Jones asked her to clarify the figures, and she stated the maximum expenditure would be \$28,000, but the \$18,000 is a more realistic figure. Sen. Jones made a motion the section discussed be amended into SB 380 (See Standing Committee Report, (Attachment 7), and it was seconded by Sen. Ramirez; the motion passed.

Sen. Oleen referred to HB 2427, relating to certain violations of the parimutuel racing act, and asked the committee to review the Memorandum of Understanding, which it had requested. Sen. Vidricksen clarified that this allows six agents only, and permission has to be requested before additional can be hired. Sen. Vidricksen made a motion HB 2427 be passed, and it was seconded by Sen. Praeger; the motion passed.

Sen. Ramirez introduced pages from his district who are assisting the committee today.

Sen. Oleen announced the committee will meet tomorrow and consider SB 380 and HB 2129 and if there is any other bills members want to consider this session, please talk to the chairman.

Meeting adjourned at 11:55.

GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: MARCH 23, 1993

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Charles M Yunker	1314 SW ⁶⁶⁶¹² Topeka Blvd	American Legion
Ralph Snyder	1314 SW Topeka Blvd	American Legion
Nancy Janari	3838 SW Auburn	Washburn U
Dave Schneider	Topeka	KFLAB
Jim Leonard	Topeka	KS Lottery
Derieth L Sutton	Topeka, KS	Kansas Lottery
Nancy Kinsler	Topeka	LWW, KS
Christin Van Voorst	OP	PP of KS
Kenda Baitlett	Leavenworth	CWA of KS
Cosby Helms	Seneca	taxpayer
Marsha Strick	Salina	
Carol Lakin	Wichita	K. C. A.
Peggy Janner	Wichita	PCAL
Marti J Amos	Wichita	PCA
John D. Hanna	Topeka	Associated Press (with Justice + the American)
Jennifer Bravelle	K.C.	PCAL
Sue Ledbetter	Wichita	NCO
Janet Chubb	Topeka	racing comm.
DANA NELSON	KC	KTA
Sonia & Jim Yount	Valley Falls	K-Q-H.R.A.
Senator Mike Harris		
Kyle Smith	Topeka	KBI
Karen Jipette	Logan, KS	Logan High School
Ken Hansen	Logan, KS	Logan High School

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

AGENDA

March 23, 1993

Hearing:

Proponent

SB 285 non-monetary prizes - Lottery - Jim Giordono, Deputy Director

SB 299 expenditures - Lottery - Jim Giordono, Deputy Director

ACTION

HCR 5006 - Desecration of flag - amendments

SB 411 - Parimutuel tellers - Discuss

SB 202 - abortion - Fiscal note

SB 380 - Simulcast money - Possible amendment - SB 412, Page 9
(parimutuel clean-up)

HB 2129 - Money - Released inmates - Action

HB 2427 - KBI Investigations - Discuss

PROPOSED SENATE SUBSTITUTE FOR HOUSE BILL NO. 2152

By Committee on Federal and State Affairs

AN ACT concerning certain diseases; authorizing a court to order tests for such diseases under certain circumstances; authorizing disclosure of certain information; amending K.S.A. 65-6004 and repealing the existing section.

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

New Section 1. As used in sections 1 through 3:

(a) "Body fluid" means blood, amniotic fluid, pericardial fluid, pleural fluid, synovial fluid, cerebrospinal fluid, semen or vaginal secretions, or any body fluid visibly contaminated with blood.

(b) "Corrections employee" means an employee of the department of corrections.

(c) "HIV" means the human immunodeficiency virus.

(d) "HIV infection" means the presence of HIV in the body.

(e) "Offender" means a person in the legal custody of the secretary of corrections.

(f) "Physician" means any person licensed to practice medicine and surgery.

(g) "Positive reaction to a hepatitis B test" means the confirmed presence of hepatitis B surface antigen.

(h) "Positive reaction to an HIV test" means a positive screening test, approved by the secretary, indicating infection by HIV, with a positive specific test as specified by the secretary comprising confirmed analytical results which are evidence of HIV infection.

(i) "Tests for HIV infection and hepatitis B" means tests approved by the secretary of health and environment for detection of HIV infection and hepatitis B.

New Sec. 2. (a) If a corrections employee has been placed in contact with body fluid from one or more offenders while performing duties within the scope of such employee's duties as a

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corrections employee, the secretary of corrections may make application to the district court of the county where the offender or offenders are in custody for an order requiring such offender or offenders to submit to tests for HIV infection and hepatitis B. Such application shall include an allegation that the offender or offenders sought to be tested have been requested to voluntarily submit to tests for HIV infection and hepatitis B and have refused the tests and that the corrections employee has agreed to voluntary testing for HIV infection and hepatitis B, including appropriate follow-up testing. When any such application is received, the court shall hold a hearing forthwith and shall issue its order thereon immediately if the court finds that: (1) There is probable cause to believe that the employee involved has been placed in contact with body fluid of the offender or offenders sought to be tested; and (2) the offender or offenders sought to be tested have been requested to submit to the tests and have refused, unless the court makes a further finding that exigent circumstances exist that would, in the court's judgment, excuse the applicant from making such a request. Expenses of the testing shall be assessed as a cost of the proceeding.

(b) If a test ordered pursuant to this section results in a negative reaction, the court, upon proper application, shall order the offender tested to submit to another test six months after the date the first test was administered.

(c) If a test is ordered pursuant to this section, the corrections employee shall designate a health care provider or counselor to receive the test results on behalf of the corrections employee. The results of the test shall be disclosed to the court that ordered the test, the person tested and the health care provider or counselor designated by the corrections employee. The results shall also be disclosed to the secretary of corrections for inclusion in the offender's medical records. Test results of the corrections employee shall not be disclosed except as specifically authorized in writing by the employee.

(d) When a court orders an offender to submit to tests under

this section, the withdrawal of the blood may be performed only by: (1) A physician or a person acting under the supervision of a physician; (2) a licensed professional nurse or a licensed practical nurse; or (3) a qualified medical technician. No person authorized by this subsection to withdraw blood, no person assisting in the performance of the tests nor any medical care facility where blood is withdrawn or tested that has been ordered by the court to withdraw or test blood shall be liable in any civil or criminal action when the act is performed in a reasonable manner according to generally accepted medical practices.

(e) The results of tests or reports, or information therein, obtained under this section shall be confidential and shall not be divulged to any person not authorized by this act to receive such results, reports or information. Any violation of this subsection is a class C misdemeanor.

New Sec. 3. (a) Notwithstanding any other law to the contrary, a physician performing medical or surgical procedures on a patient who the physician knows has HIV or hepatitis B or has had a positive reaction to an HIV or hepatitis B test may disclose such information to corrections employees who have been or will be placed in contact with body fluid of such patient. The information shall be confidential and shall not be disclosed by corrections employees except as may be necessary in providing treatment for such patient.

(b) Nothing in this section shall be construed to create a duty to warn any person of possible exposure to infection or hepatitis B.

(c) Any physician who discloses information in accordance with the provisions of this section in good faith and without malice shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed in an action resulting from such disclosure. Any such physician shall have the same immunity with respect to participation in any judicial proceeding resulting from such disclosure.

Sec. 4. K.S.A. 65-6004 is hereby amended to read as follows:

65-6004. (a) Notwithstanding any other law to the contrary, a physician performing medical or surgical procedures on a patient who the physician knows has AIDS or has had a positive reaction to an AIDS test may disclose such information to other health care providers, emergency personnel, ~~correctional officers employed by the department of corrections~~ or law enforcement officers who have been or will be placed in contact with bodily fluids of such patient. The information shall be confidential and shall not be disclosed by such health care providers, emergency personnel, ~~correctional officers employed by the department of corrections~~ or law enforcement officers except as may be necessary in providing treatment for such patient.

(b) Notwithstanding any other law to the contrary, a physician who has reason to believe that the spouse or partner of a person who has had a positive reaction to an AIDS test or who has AIDS may have been exposed to HIV and is unaware of such exposure may inform the spouse or partner of the risk of exposure. The information shall be confidential and shall not be disclosed by such spouse or partner to other persons except to the spouse or partner who has had a positive reaction to an AIDS test or who has AIDS.

(c) Nothing in this section shall be construed to create a duty to warn any person of possible exposure to HIV.

(d) Any physician who discloses information in accordance with the provisions of this section in good faith and without malice shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed in an action resulting from such disclosure. Any such physician shall have the same immunity with respect to participation in any judicial proceeding resulting from such disclosure.

Sec. 5. K.S.A. 65-6004 is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

Good Samaritan *Sen. Jones*
mon - 3/21
Tues. - 3/22
CRH2152k1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 2152
(As Amended by House Committee of the Whole)

Be amended:

On page 2, following line 25, by inserting the following subsection to read as follows:

"(p) "Volunteer" means an individual who renders, without compensation, emergency care or assistance at the scene of an emergency or accident.";

Also on page 2, in line 33, after the comma, by inserting "volunteers,"; in line 39, before "corrections" by inserting "volunteers,";

On page 4, after line 22, by inserting the following section to read as follows:

"New Sec. 4. (a) If a volunteer has been placed in contact with body fluid from an individual who received emergency care or assistance at the scene of an emergency or accident from the volunteer, the volunteer may make application to the district court of the county in which the accident occurred for an order requiring such individual to submit to infectious disease tests. Such application shall include an allegation that the individual sought to be tested has been requested to voluntarily submit to infectious disease tests and has refused the tests. When such an application is received, the court shall hold a hearing forthwith and shall issue its order thereon immediately if the court finds

that:

(1) There is probable cause to believe that the volunteer involved has been placed in contact with body fluid of the individual sought to be tested while rendering emergency care or assistance to such individual at the scene of an emergency or accident;

(2) the individual sought to be tested has been requested to submit to the test and has refused, unless the court makes a further finding that circumstances exist that would, in the court's judgment, excuse the applicant from making such a request. Expenses of the testing shall be assessed as a cost of the proceeding.

(b) If the infectious disease tests ordered pursuant to this section results in a negative reaction, the court, upon proper application, shall order the individual tested to submit to another infectious disease test six months after the date the first test was administered.

(c) The results of any infectious disease test ordered pursuant to this section shall be disclosed to the court that ordered the test, the volunteer and the person tested.

(d) When a court orders an individual to submit to infectious disease tests under this section, the withdrawal of the blood may be performed only by:

(1) A person licensed to practice medicine in surgery or person acting under the supervision of such licensed person;

(2) a licensed professional nurse or a licensed practical

nurse; or

(3) a qualified medical technician.

No person assisting in the performance of the infectious disease tests nor any medical care facility where blood is withdrawn or tested that has been ordered by the court to withdraw or test blood shall be liable in any civil or criminal action when the act is performed in a reasonable manner according to generally accepted medical practices.

(e) The results of the test or report, or information therein, obtained under this section shall be confidential and shall not be divulged to any person not authorized by this act to receive such results, reports or information. Any violation of this subsection is a class C misdemeanor.";

And by renumbering sections accordingly;

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Attach. 2

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

March 11, 1993

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

The Honorable Rochelle Chronister
Chairman, House Appropriations Committee
State Capitol, Room 514-S
Topeka, Kansas 66612

Re: State Boards, Commissions and Authorities--State Lottery;
Kansas Lottery Act--Authority to Sell Lottery Tickets Via
Vending Machines

Dear Representative Chronister:

You have requested our opinion regarding the authority of the Lottery, under existing statutes, to enter into agreements with manufacturers of instant ticket vending machines to lease those machines for use by Lottery retailers as an alternative mechanism for selling instant Lottery tickets.

Assuming the Lottery has an appropriate vehicle for funding such agreements, I find no impediment in existing statutes to implementation of this proposal. K.S.A. 74-8710(f) authorizes the Lottery commission to promulgate rules and regulations to determine "[t]he method or methods to be used in selling tickets or shares." Use of a vending machine is one method for selling tickets that may be authorized by the commission. Such vending machines would have to be placed with certified lottery retailers because no one other than a certified lottery retailer may sell lottery tickets. K.S.A. 74-8718(a)(2). The manufacturer of the vending machines would be a vendor, K.S.A. 74-8702(1), and the agreement would be a major procurement contract, K.S.A. 74-8702(g). Thus the obligations and protections of K.S.A. 74-8705 would apply (e.g. background investigations, bond requirements, etc.) The manufacturers would lease the machines to the Lottery which in turn would place the machines at the retailers' establishments. The retailers would actually sell the tickets, restock the machines

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and handle the money. The manufacturer would merely supply the machines and service them if necessary.

You raise the issue of policing sale of lottery tickets to minors. This responsibility now rests with the retailer. K.S.A. 74-8718(a)(3). While it may be more difficult for a retailer to enforce this provision if vending machines are used, I do not believe this necessarily precludes the ability to use vending machines. The sale of cigarettes to persons under 18 years of age is prohibited by K.S.A. 79-3321(1), yet vending machines have long been used as a method for selling cigarettes.

Finally, you inquire whether the proposed amendment to Senate Bill No. 299 poses any legal problems. The proposed amendment appears to contemplate a statutory no limit proviso similar to those normally placed in appropriations bills. I have contacted both the Lottery and the Revisor of Statutes' office and have discovered that the decision to place this language in K.S.A. 74-8711 was based on a misunderstanding. We would therefore suggest that the language in question be removed from Senate Bill No. 299 and placed in an appropriation act as an exception to the normal limits placed on Lottery expenditures.

I hope this adequately addresses your legal concerns. I realize that you have also raised policy issues, but I have traditionally deferred to the legislature on such issues. Should you require further analysis of the law, please do not hesitate to contact me.

Very truly yours,


Robert T. Stephan
Attorney General of Kansas

RTS:jlm



The following is a partial listing of states and the increases in instant ticket sales realized from the use of the ITR (Instant Ticket Retailer)

Washington D.C

13th Street Variety Store

October and November 1990 with no ITR - \$82.00 per week

December 1990 and January 1991 with use of the ITR - \$445.00 per week

443% increase

South Capitol Mini Mart

October and November 1990 with no ITR - \$2732 per week

December 1990 and January 1991 with use of ITR - \$5187 per week

90% increase

Baltimore, Maryland

Food King

Average weekly sales prior to installation of ITR - \$500

Week of February 4, 1991 sales increased to \$1573 with use of the ITR

215% increase

7-11

Average weekly sales prior to installation of ITR - \$700

Week of February 4, 1991 sales increased to \$1786 with use of the ITR

155% increase

Ohio

The Ohio sales figures cover a six week test period of the ITR from October through mid-November 1990.

Dairy Mart

Average daily sales prior to installation of ITR - \$85

Average daily sales with the use of the ITR - \$340

300% increase

Dairy Mart (different location)

Average daily sales prior to installation of ITR - \$30

Average daily sales with the use of the ITR - \$200

567% increase

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KANSAS LOTTERY Test Results to Date of Instant Ticket Vending Machines

Since November the Lottery has tested the feasibility of utilizing instant lottery ticket vending machines. The Lottery secured the use of four machines to test in Topeka and Wichita. The previous sales of each retailer were averaged and then compared against sales with the machine. In each of the four locations the results were astounding.

The four locations experienced the following increases in sales:

A's IGA-Wichita	213% increase
Checkers-Wichita	120% increase
Gage Bowl-Topeka	189% increase
Street Corner News	25.45% increase**
Topeka, Westridge Mall	

**Machine was placed in rear of store resulting in no visibility; when machine was relocated, sales increased dramatically.

AVERAGE INCREASE IN SALES 137%!!!

These machines were loaned to the Lottery by Lottery Enterprises, Inc. of San Diego, California.

In every instance, use of vending machines increases sales of Lottery tickets dramatically. The positive aspects of utilizing the machines are as follows:

- * Retailers are not troubled by employee theft of tickets.
- * Machines handles all inventory and accounting functions and issues hard copy for audit trail.
- * Employees are free to sell higher profit products.
- * Consumer reluctance diminished as evidenced by higher sales.

One option available to the Kansas Lottery is to procure the machines at no cost to the Lottery. This is accomplished by having the vendor receive a percentage of the sales price of the tickets. In return, the vendor loads the machine, services the machine and collects the money for deposit in the bank of our choice. The vendor hires its own staff to provide these services. The Lottery has no staff involved in the day-to-day operation of the machines. This also benefits the retailer by reducing the amount of employee time spent on accounting and sales functions necessary for the sale of Lottery products.

The Lottery can achieve significant sales gains at no financial risk to the State. One scenario calls for the vendor to receive a percentage of sales with no minimum guarantee. The agreement would be for three years with an option to renew at a lower percentage for a second three-year period. These machines sell for approximately \$5,000 each which would mean a savings of \$7,500,000 for the 1,500 machines

contemplated under a current proposal to the Lottery. The State would benefit by receiving its share of the increased sales. To accomplish this result, the Lottery seeks a no-limit fund through which it may make the payments to the vendor. This fund is identical in form to that which is in place to pay the commissions due our on-line vendor.

By establishing a no-limit fund, the legislature can assist the Lottery in its successful efforts to raise maximum revenue at minimal cost.

* Note: Excerpt from memorandum provided to the House Committee on Economic Development by Budget Director Gloria Timmer; dated January 28, 1993.

TABLE 1

Economic Development Initiatives Fund

	FY 1993 Request	FY 1993 Gov Rec.	FY 1994 C Request	FY 1994 Gov Rec.
Estimated Revenues				
Beginning Balance		6,916,741		6,688,942
Lottery		22,950,000		20,904,000
Racing		5,565,600		3,908,813
Interest		250,000		250,000
Total Available		35,682,341		31,751,755
Transfers		28,993,399		31,326,895
Balance Forward		6,688,942		424,860
Transfers				
State Water Plan	2,000,000	2,000,000	2,000,000	2,000,000
Department of Commerce and Housing				
Small Business Development Centers	325,000	325,000	325,000	325,000
Certified Development Companies	475,000	475,000	475,000	475,000
Kansas Industrial Training/Retraining	2,250,000	2,250,000	3,250,000	2,250,000
Trade Show Promotion	220,894	220,894	275,172	275,172
Strategic Planning Grants	445,000	445,000	445,000	445,000
Main Street Program	123,500	123,500	172,500	123,500
Tourism Promotion	1,535,577	1,535,577	3,373,883	1,209,383
Industrial Marketing	725,833	725,833	950,118	670,664
International Representation	540,600	540,600	705,600	600,000
Rural Development Council	--	--	48,358	46,529
Micro-Enterprise Loan Program	--	--	1,200,000	--
Basic Enterprises Loan Program	--	--	1,000,000	1,000,000
Operations	2,115,622	2,132,325	3,018,759	2,615,057
Subtotal Commerce and Housing	8,757,026	8,773,729	15,239,390	10,035,305
Kansas Technology Enterprise Corporation				
Research Matching Grants	1,009,613	1,009,613	1,500,000	1,009,613
Business Innovative Research Grants	25,000	25,000	50,000	25,000
Training Equipment	150,000	150,000	150,000	150,000
Research Equipment Grants	--	--	500,000	--
Industrial Liaison	300,000	300,000	300,000	300,000
Database Development	35,000	35,000	15,000	15,000
Centers of Excellence	3,715,000	3,715,000	4,500,000	3,700,663
Seed Capital	--	--	4,000,000	1,500,000
Special Projects	321,250	321,250	448,000	348,000
Commercialization	250,000	250,000	250,000	250,000
Industrial Ag Products	200,000	200,000	250,000	250,000
Mid-America Manufacturing Technology Ctr.	1,000,000	1,000,000	1,000,000	1,000,000
Value Added Processing Center	622,705	622,705	691,933	633,887
Operations	713,370	691,786	834,682	749,736
Subtotal KTEC	8,341,938	8,320,354	14,489,615	9,931,899
Department of Education				
At-Risk Academy	--	--	--	--
Cultural Arts Center	25,000	25,000	25,000	--
Foundation for Agriculture	25,000	25,000	25,000	--
At-Risk/Innovative Program Assistance	1,500,000	1,500,000	1,500,000	--
Matching Grants - AVTS	500,000	500,000	500,000	500,000
Postsecondary Aid - AVTS	500,000	500,000	500,000	2,500,000
Capital Outlay - AVTS	1,000,000	1,000,000	1,500,000	1,000,000
Subtotal Education	3,550,000	3,550,000	4,050,000	4,000,000
Agriculture Market Promotion	275,004	275,004	275,000	274,996
KSSB Accessible Arts Program	19,300	19,300	--	95,000
Kansas, Inc.	1,600,874	1,600,874	1,603,374	1,605,995
Revenue	3,000,000	3,000,000	12,300,000	3,000,000
Wildlife and Parks	20,000	20,000	1,613,150	--
Animal Health	--	--	50,000	--
State Fair	100,000	100,000	100,000	100,000
Arts Commission	786,938	786,938	1,078,944	--
Historical Society	223,500	223,500	598,019	--
Board of Regents	40,000	40,000	40,000	--
State Library	283,700	283,700	283,700	283,700
EDIF Total	\$28,998,280	\$28,993,399	\$53,721,192	\$31,326,895



March 2, 1993

Director
Kenneth W. Thorson

Virginia Lottery Board
Harris Nathan Miller
The Hon. William F. Parkerson, Jr.
Joseph Stettinius
Henry Thompson Tucker, Jr.
Dr. Cynthia Haldenby Tyson

Mr. Ralph W. E. Decker
Director
Kansas Lottery
128 N. Kansas Avenue
Topeka, Kansas 66603-3638

MAR 6 1993
KANSAS

Dear Ralph:

I have heard that you are encountering some resistance to the placement of instant ticket vending machines (ITVMs) in supermarkets. I imagine the resistance may be from those who feel that supermarkets are "family" environments, or those that feel minors may be tempted to play by ITVMs.

We are approaching a network of 1,300 ITVMs in Virginia. There has been one reported incident of a minor playing an ITVM to date. The media has not made an issue of ITVMs in any tradestyle. Instead, the public and media has embraced vending as a more convenient way to play, or as innovative and progressive.

We began our vending program in July, 1991. We have been very pleased with the performance and acceptance of ITVMs. Sales have exceeded our preliminary estimates of sales volume.

Virginia purchases its machines on delivery. We have contracted LEI to provide parts and maintenance service. Our program offers two to four hour repair response to all retailers. The primary purpose for which we purchased vending machines was to increase the availability of lottery tickets in supermarkets and to increase the variety of games available at supermarkets. Both objectives have been met.

Good luck in your ventures. If I may provide additional information to you, I hope you will call.

Sincerely,

W. Brent Pennington
Director of Sales

WBP/cgn



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

March 11, 1993

MAIN PHONE (913) 296-2215
CONSUMER PROTECTION 296-3751
TELECOPIER 296-6296

The Honorable Rochelle Chronister
Chairman, House Appropriations Committee
State Capitol, Room 514-S
Topeka, Kansas 66612

Re: State Boards, Commissions and Authorities--State Lottery;
Kansas Lottery Act--Authority to Sell Lottery Tickets Via
Vending Machines

Dear Representative Chronister:

You have requested our opinion regarding the authority of the Lottery, under existing statutes, to enter into agreements with manufacturers of instant ticket vending machines to lease those machines for use by Lottery retailers as an alternative mechanism for selling instant Lottery tickets.

Assuming the Lottery has an appropriate vehicle for funding such agreements, I find no impediment in existing statutes to implementation of this proposal. K.S.A. 74-8710(f) authorizes the Lottery commission to promulgate rules and regulations to determine "[t]he method or methods to be used in selling tickets or shares." Use of a vending machine is one method for selling tickets that may be authorized by the commission. Such vending machines would have to be placed with certified lottery retailers because no one other than a certified lottery retailer may sell lottery tickets. K.S.A. 74-8718(a)(2). The manufacturer of the vending machines would be a vendor, K.S.A. 74-8702(l), and the agreement would be a major procurement contract, K.S.A. 74-8702(g). Thus the obligations and protections of K.S.A. 74-8705 would apply (e.g. background investigations, bond requirements, etc.) The manufacturers would lease the machines to the Lottery which in turn would place the machines at the retailers' establishments. The retailers would actually sell the tickets, restock the machines

and handle the money. The manufacturer would merely supply the machines and service them if necessary.

You raise the issue of policing sale of lottery tickets to minors. This responsibility now rests with the retailer. K.S.A. 74-8718(a)(3). While it may be more difficult for a retailer to enforce this provision if vending machines are used, I do not believe this necessarily precludes the ability to use vending machines. The sale of cigarettes to persons under 18 years of age is prohibited by K.S.A. 79-3321(1), yet vending machines have long been used as a method for selling cigarettes.

Finally, you inquire whether the proposed amendment to Senate Bill No. 299 poses any legal problems. The proposed amendment appears to contemplate a statutory no limit proviso similar to those normally placed in appropriations bills. I have contacted both the Lottery and the Revisor of Statutes' office and have discovered that the decision to place this language in K.S.A. 74-8711 was based on a misunderstanding. We would therefore suggest that the language in question be removed from Senate Bill No. 299 and placed in an appropriation act as an exception to the normal limits placed on Lottery expenditures.

I hope this adequately addresses your legal concerns. I realize that you have also raised policy issues, but I have traditionally deferred to the legislature on such issues. Should you require further analysis of the law, please do not hesitate to contact me.

Very truly yours,

Robert T. Stephan
Attorney General of Kansas

RTS:jlm

STATE OF KANSAS



DIVISION OF THE BUDGET

Room 152-E

State Capitol Building

Topeka, Kansas 66612-1504

(913) 296-2436

FAX (913) 296-0231

Joan Finney
Governor

Gloria M. Timmer
Director

February 26, 1993

The Honorable Lana Oleen, Chairperson
Committee on Federal and State Affairs
Statehouse, Room 136-N
Topeka, Kansas 66612

Dear Senator Oleen:

SUBJECT: Fiscal Note for SB 285 by Senate Committee on
Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note
concerning SB 285 is respectfully submitted to your committee.

SB 285 amends the definition of "lottery retailer" to include
the Kansas Lottery. The bill would allow the Kansas Lottery to
engage in direct sales of tickets, but the bill requires the
Lottery "to attempt to minimize the competitive effect of such
sales on other retailers." The bill would also allow monies in the
Lottery Prize Payment Fund to be expended for the purchase of
nonmonetary prizes.

SB 285 has the potential to increase Lottery fee fund receipts
should the Kansas Lottery sell lottery tickets directly. In
addition, some savings are possible if the Kansas Lottery is
allowed to purchase nonmonetary prizes at less than the retail
equivalent. The increased receipts and estimated savings cannot be
estimated accurately prior to passage of the bill.

Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer".

Gloria M. Timmer
Director of the Budget

cc: Jim Giordono, Lottery

House Concurrent Resolution No. 5006

By Representatives M. Smith, Allen, Benlon, Boston, Bruns, Bryant, Cornfield, Cox, Crabb, Crowell, Dawson, Donovan, Empson, Everhart, Flower, Fuller, Glasscock, Goodwin, Graeber, Grant, Haulmark, Hayzlett, Henry, Holmes, Jennison, Kejr, King, Phil Kline, Phill Kline, Lawrence, Lowther, Mason, Mayans, Mays, McKechnie, Mead, Mollenkamp, Morrison, Myers, Neufeld, Nichols, O'Connor, O'Neal, Packer, Pauls, Plummer, Powers, Robinett, Roe, Samuelson, Scott, Shallenburger, Shore, Snowbarger, Tomlinson, Toplikar, Vickrey, Wagle, E. Wells, J. Wells and Wilk

1-22

A CONCURRENT RESOLUTION memorializing Congress to propose, for ratification by the states, a U.S. constitutional amendment authorizing Congress and the states to prohibit desecration of the United States Flag.

petitioning

submit

WHEREAS, The Flag of the United States is the most recognized and cherished symbol of a grateful nation and no other American symbol has been as universally honored as the American Flag; and

WHEREAS, The United States remains the destination for millions of immigrants attracted by the freedoms of liberty, equality and expression; and

WHEREAS, While the right of expression is a principal freedom provided by the United States Constitution, very carefully drawn limits of expression in specific instances have long been recognized as legitimate means in maintaining public safety and decency, as well as providing order and value to public debate; and

WHEREAS, Certain actions, while related to an individual's right to free expression, nevertheless raises issues concerning public decency, peace, rights of expression and the values of others; and

~~WHEREAS, The Supreme Court struck down the 1990 Flag Protection Act passed by the Congress in lieu of a Constitutional Amendment, thus leaving the only course of action to be a Constitutional Amendment; and~~

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

WHEREAS, More than 500 Kansas veteran, fraternal and civic organizations have joined many city and county bodies of Govern-

WHEREAS, The law as interpreted by the United States Supreme Court no longer accords the Flag the reverence, respect and dignity befitting the banner of that most noble experiment of a nation-state; and

WHEREAS, It is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Flag of a proper station under law and decency; and

N.
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1 ment in signing resolutions calling upon the Kansas legislature to
2 approve a resolution memorializing the Congress of the United States
3 to propose a Constitutional Amendment to allow states the authority
4 to pass laws prohibiting the physical desecration of the Flag of the
5 United States; and

6 WHEREAS, Kansans believe the right to express displeasure with
7 government is a cherished right protected by the First Amendment,
8 however, Kansans also believe that the desecration of the American
9 Flag, ~~as defined in Kansas law, K.S.A. 21-4114~~, is an atrocious act
10 which should be prohibited: Now, therefore,

11 *Be it resolved by the House of Representatives of the State of*
12 *Kansas, the Senate concurring therein:* That the Legislature ~~no-~~
13 ~~memorialize~~ the Congress of the United States to ~~propose~~ an amend-
14 ment to the United States Constitution, for ratification by the states,
15 specifying that Congress and the states shall have the power to
16 prohibit the physical desecration of the Flag of the United States;
17 and

18 *Be it further resolved:* That the Secretary of State be directed
19 to send enrolled copies of this resolution to the Speaker of the United
20 States House of Representatives, the President of the United States
21 Senate and all members of the congressional delegation from the
22 State of Kansas.

petitioning

petition

submit

//



DIVISION OF THE BUDGET

Room 152-E

State Capitol Building

Topeka, Kansas 66612-1504

(913) 296-2436

FAX (913) 296-0231

Joan Finney
Governor

Gloria M. Timmer
Director

March 22, 1993

CORRECTED

The Honorable Lana Oleen, Chairperson
Committee on Federal and State Affairs
Statehouse, Room 136-N
Topeka, Kansas 66612

Dear Senator Oleen:

SUBJECT: Corrected Fiscal Note for SB 202 by Senators
Martin, Harris and Tiahrt

In accordance with KSA 75-3715a, the following corrected fiscal note concerning SB 202 is respectfully submitted to your committee.

SB 202 amends statutes pertaining to abortion to define "viable" as the stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life support systems. The bill also uses the term "unborn child" in the definition instead of fetus.

Section 2 of the bill would prevent the abortion of a fetus which is viable except in the case of a medical emergency as defined by the bill.

Section 3 of the bill would remove the parental notification requirement in the event a medical emergency exists.

Section 4 of the bill would require a doctor to use the abortion method most likely to save the life and health of the fetus if it is determined to be viable.

Section 5 of the bill would require the Secretary of Health and Environment to implement a statewide reporting system for all abortions performed and to make the information available quarterly. A tissue analysis by a pathologist would also be required for every abortion performed. The Secretary would also be

Sen. F. + S.A.
3-22-93
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required to collect data and to report annually on the number of maternal complications or deaths resulting from pregnancy, childbirth and abortions. Failure to report the information contained in this section would be subject to penalties, including the suspension or revocation of a doctor's license.

Section 6 of the bill contains additional definitions to be used in its provisions.

Section 7 contains additional items that must be told to a woman at least 24 hours prior to an abortion. The Secretary of Health and Environment would also be required to furnish specific educational and informational materials describing abortion alternatives, and the gestational stages of a fetus. The bill also requires ultrasound service of the pregnancy upon request and would allow uninsured women to be eligible for medical assistance coverage for this purpose. The patient would also be instructed that the father would be liable to assist in support of the child.

Section 8 requires the Secretary of Health and Environment to publish specific informational materials to be made available at no cost to any person, facility or hospital. The Department of Health and Environment would also be required to operate a toll-free 24-hour a day telephone number which may be called to obtain information on services which provide alternatives to abortion.

Section 9 would require the Department of Health and Environment to select a video, which would be available at all facilities where abortions are performed, and that video equipment be supplied at all of the facilities.

Section 11 of the bill would make violation of the bill's provisions a class B non-person misdemeanor, and Section 12 provides remedies for failure to comply.

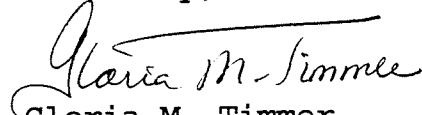
The Department of Health and Environment revised its fiscal estimate on March 16, 1993, to require \$198,239 from the State General Fund and 7.5 FTE positions to implement the provisions of SB 202. The revised estimate would include \$14,568 for a .5 FTE Research Analyst II to compile statistical data, \$18,853 for an Office Assistant II position to provide clerical support, and \$113,118 for 6.0 Office Assistant II FTE positions which would be required to operate the 24-hour toll-free line. The estimate also includes contractual services totaling \$34,200, which includes \$18,000 for printing and advertising costs to produce the documents required by SB 202. Finally, the estimate includes \$3,500 for office and professional supplies, \$7,500 for 15 videos, and \$6,500 for capital outlay for the additional FTE positions.

The bill would also have an indeterminate impact on the Department of Social and Rehabilitation Services for providing

The Honorable Lana Oleen, Chairperson
March 22, 1993
Page 3

medical assistance to uninsured women for ultrasound tests as
provided in Section 7.

Sincerely,

A handwritten signature in cursive script, reading "Gloria M. Timmer". The signature is written in dark ink and is positioned above the printed name and title.

Gloria M. Timmer
Director of the Budget

cc: Laura Epler, KDHE
Don Pound, SRS

202.fn

Attach. 1

STATE OF KANSAS



KANSAS RACING COMMISSION

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

TO: Janet Chubb
FROM: Michael W. Jones *[Signature]*
DATE: March 23, 1993
RE: SB 412 Section 4

I. Analysis of proposed legislation:

Section 4 of SB 412 amends the Kansas parimutuel racing act in K.S.A. 74-8818(a) by eliminating the limit on the number of stewards/judges the commission may appoint at each race meeting.

II. Effect on the Kansas Racing Commission's area of operation:

The amendment would provide for more than three stewards/judges per race meeting but only three working per performance. This would allow the commission to have a full compliment of stewards or judges available for each performance and still allow the employees sick leave and vacations.

III. Effect on budget: None.

IV. Premises used in item #3 above:

The cost of steward and racing judge services are paid by the racing commission out of the racing reimbursable expense fund. The racing commission then bills the licensees for 100% of those expenditures.

Estimated FY 94 expenditures:	\$18,000
Estimated FY 94 revenue (reimbursement)	\$18,000

Actual cost of an alternate/backup judge at Wichita Greyhound Park for the 12-month period ending 2-28-93 was \$7,958. Using that actual data and applying it to the Wichita Greyhound Park and Woodlands horse and greyhound FY 94 racing schedules we come up with the \$18,000 estimated figure.

Sen. F. + S. A.
3-23-93
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Memorandum
March 23, 1993
Page 2

The maximum expenditure would be \$28,275. This figure represents every judge and steward taking off every possible hour of paid vacation and sick leave time during the fiscal year.

V. Effect on current staffing and expenditure levels.

The racing commission could hire additional judges and stewards to act as alternate judges and stewards to fill in when the regular judges and stewards are on annual or sick leave. No other changes in the agency's FTE would be required.

Expenditure level would remain unchanged.

VI. Long-range fiscal effect: none.

93MWJ21-nsw

MAR 12 1993
STATE OF KANSAS

HB 242
Distrib. 7/9



KANSAS RACING COMMISSION

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

March 12, 1993

Senator Lana Oleen, Chairperson
Federal and State Affairs
State Capitol, Room 136-N
Topeka, KS 66603

Dear Senator Oleen:

Attached is a copy of the commission's preliminary draft of a memorandum of understanding with the KBI, which we are advised the committee requested.

The agencies hope to finalize this agreement next week.

We are happy to respond to any questions committee members may have.

Respectfully,

A handwritten signature in cursive script that reads "Janet A. Chubb".

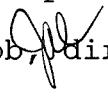
Janet A. Chubb
Executive Director

93JAC41-cd

Attachment

pc: Senator Ben Vidrickson

TO: Robert B. Davenport, director, KBI

FROM: Janet A. Chubb,  director, Kansas Racing Commission

DATE: February 16, 1993

RE: Memorandum of understanding between the
Kansas Racing Commission and the KBI

The statutory powers and duties of the Kansas Racing Commission security division are as follows:

DIRECTOR OF SECURITY

1. Conduct investigations relating to compliance with the racing act and commission regulations.
2. Recommend proper security measures to organization licensees.
3. Train and supervise security personnel to assist with the described duties.
4. Approve oral examinations for racetrack security guards.
5. Approve continuing education course qualifications for racetrack security guards.
6. Annually review and approve each organization licensee's security and safety procedure manual.
7. Annually observe and approve each organization licensee's emergency procedures/response rehearsal drills.
8. Perform such other duties as directed by the executive director.

SECURITY PERSONNEL

1. Conduct limited warrantless searches of licensee's person and property within the racetrack facility, as provided by the racing act and commission regulations.
2. Conduct background investigations on applicants for licensure as designated by the commission.

EMPLOYEES VESTED WITH LAW ENFORCEMENT POWERS

1. During routine conduct of duties as determined by the executive director, make arrests, conduct searches and seizures and carry firearms while investigating violations of the racing act.
2. As violations of criminal laws are encountered during the routine performance of duties, make arrests, conduct searches and seizures and generally enforce all Kansas criminal laws.
3. Issue notices to appear pursuant to K.S.A. 22-2408 and amendments thereto.

Commission personnel shall report to the KBI violations of criminal law or suspected violations of criminal law.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Federal and State Affairs

Recommends that Senate Bill No. 380

"AN ACT amending the Kansas parimutuel racing act; concerning disposition of certain moneys from simulcast races; amending K.S.A. 74-8829 and 74-8836 and repealing the existing sections."

Be amended:

On page 1, after line 41, by inserting:

"(c) Moneys credited to the Kansas horse breeding development fund shall be used only for the benefit of the breed of horses which generates such moneys.

Sec. 2. K.S.A. 74-8831 is hereby amended to read as follows:
74-8831. (a) There is hereby created in the state treasury the Kansas greyhound breeding development fund to which ~~money~~ moneys shall be credited as provided by this act. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the commission or a person designated by the chairperson.

(b) Moneys credited to the fund shall be expended as follows:

(1) An amount equal to 15% of all moneys credited to the fund during a fiscal year shall be transferred by the director of accounts and reports on June 30 of each year to the greyhound tourism fund created by subsection (c);

(2) an amount equal to 35% of all moneys credited to the fund during a fiscal year shall be used for research conducted within the state of Kansas relating to the prevention of injury to and disease of greyhounds;

(3) an amount equal to 50% of all moneys credited to the

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3-22-93
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fund during a fiscal year, less the amount determined by the commission pursuant to subsection (b)(4), shall be used by the racetrack facilities where derived to supplement stake races for Kansas-whelped greyhounds as approved by the commission; and

(4) an amount determined by the commission, but not to exceed \$30,000 of the moneys credited to the fund during a fiscal year, shall be used to pay a portion of the administrative costs of the official registering agency designated by the commission pursuant to K.S.A. 74-8832 and amendments thereto.

(c) Moneys credited to the Kansas greyhound breeding development fund shall be used only for the benefit of greyhounds.

(d) There is hereby created in the state treasury the greyhound tourism fund. Moneys in such fund shall be used only for the promotion of greyhound-related tourism. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce and housing or a person designated by the secretary.";

By renumbering sections 2 through 4 as sections 3 through 5;

On page 6, in line 22, before "and", by inserting ", 74-8831";

In the title, in line 9, by striking all before the semicolon and inserting "use of certain moneys"; in line 10, after "74-8829", by inserting ", 74-8831";

And the bill be passed as amended.

Chairperson