

Approved: 3-31-94
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Clyde Graeber at 1:30 p.m. on March 14, 1994 in Room 526-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Gregory P. Ziemak, Executive Director, Kansas Lottery

Others attending: See attached list

The Chairperson stated discussion and final action would be taken on HCR 5038. This would basically define the meaning of state lottery and limit it to games currently in place January 1, 1994. The state Lottery Director has prepared an amendment to that particular resolution that would in his estimation take care of a question that was raised in committee concerning what limitation that would effect and could it allow any change whatsoever in future years concerning games that the state-owned lottery could conduct.

Gregory P. Ziemak, Executive Director, Kansas Lottery, reviewed a proposed amendment to HCR 5038 to add language enabling the Lottery to remain current in the industry while not exceeding the authority envisioned for it in its originating legislation. (See Attachment #1)

Representative Wilk moved and Representative Kline seconded to accept amendment to HCR 5038. The motion carried.

Representative Krehbiel offered an amendment to the explanatory statement on HCR 5038 and stated "regulation" should on the amendment should read "regulatory". Representative Krehbiel stated his concern was that it might be perceived that the purpose of this bill is not to limit casino gambling in Kansas but to limit competition from the Indian Tribes with the existing pari-mutuel tracks and Representative Snowbarger assured me that his intention was to limit the casino gambling in Kansas and not to interfere with the rights of the Indian Nations, treat the Indian people fairly and honestly as they deserve and that is the purpose of this explanatory statement. This will not alter the existing Kansas law, the ability of the Indians to negotiate as the law exists today. (See Attachment #2)

Representative Krehbiel moved and Representative Cox seconded to accept amendment to HCR 5038 on page 2, line 3. The motion carried.

Representative Benlon stated sometime these issues are not clear to the voters and it needs to be in as simple language as possible.

The Chairperson stated if this passes there will be much publicity about it and the voters should be well informed by the time of election.

Representative Kline moved and Representative Myers seconded that HCR 5038 be moved out as amended. The motion carried.

The Chairperson asked the Committee to address the attention SCR 1608 which would allow casino gaming structures next to racing facilities with 20 days racing each year.

Representative Plummer offered and amendment to SCR 1608. (See Attachment #3)

Representative Plummer moved and Representative Kline seconded to accept Representative Plummer's

amendment. The motion carried.

Representative Benlon moved to amend SCR 1608, stating she agreed with the Resolution but believes when people voting out there it is not real clear as to what we are asking and this is an example of that. It needs to be as simple as possible and this does not do that. (See Attachment #4)

Representative Sebelius stated it was troublesome to add to a constitutional amendment and this does not earmark anything. Often that is the way gambling is authorized in states and don't want language in the Constitution. Don't want to bind them in the future. Need flexibility.

The motion failed for a lack of a second.

Representative Cox moved to move SCR 1608 out favorably.

Representative Sebelius moved and Representative Lahti seconded to amend and replace "facilities" one page 2, line 10 with "games". The motion carried.

Representative Cox moved and Representative Wilk seconded to move SCR 1608 out favorably.

Representative Lane moved and Representative Cornfield seconded a substitute motion. (See Attachment #5)
The motion failed.

Representative Cox and Wilk withdrew their motion.

Representative Lane stated this should be handled the same as liquor by the drink.

Representative Cox moved and Representative Watson moved to pass SCR 1608 out favorably as amended.
The motion carried.

Representative Robert Krehbiel moved and Representative Sebelius seconded to introduce legislation concerning the telecommunications public utilities; imposing certain requirements relating to live operators. Each telecommunications public utility shall ensure that a person initiating a live or mechanized operator-assisted call in this state may access a live operator at the beginning of all automated operator-assisted calls through a method designed to be easily and clearly understandable and accessible to the caller. (See Attachment #6)

Copies of the Sub-Committee on Initiative Reports on HCR 5036 and 5037 were distributed. The Chairperson asked the members to look at the amendments tonight and bring back to the meeting tomorrow (March 11) when amendments and final action will be considered. (See Attachments #7 and #8)

The meeting adjourned at 2:36 PM and the next meeting will be March 15, 1994.

Date: 3/14/94

FEDERAL and STATE AFFAIRS COMMITTEE

NAME	ORGANIZATION	ADDRESS
Patrick Skurley	GT ECH	Topeka
Tom Bruno	Allent Assoc.	Topeka
Tom Burgess	Sunflower	"
Neal Whitaker	KBWA	Topeka
Kirk Peters	intern	Shawnee
Bill Huser	.	Argonia
DAVE SCHNEIDER	KFLAIB	TOPEKA
Don Bird	KFLAIB	TOPEKA
Bob Akerhune	Meadows	Topeka
Bruce Rimbo	Sunflower Racing	K.C.
Dick Boushka	" "	"
Rick Henson	"	"
Anthony Gerstein	—	"
Jim Yonally	TRAK-East	K.C.
Don Olson	Indiviskar	TOPEKA

Date: 3/14/93

FEDERAL and STATE AFFAIRS COMMITTEE

[illegible]



Joan Finney
Governor

Gregory P. Ziemak
Executive Director

March 9, 1994

Representative Vincent Snowbarger
Statehouse, Room 381-W
Topeka, Kansas 66612

Dear Representative Snowbarger:

Pursuant to the meeting of the House Federal and State Affairs Committee on March 8, 1994, regarding House Concurrent Resolution No. 5038 and the committee's discussions concerning the language relating to games operated by the Kansas Lottery on or before January 1, 1994, I suggest the following language be included as indicated on the attached "ballooned" version of the resolution.

As I stated in the committee hearing, the Kansas Lottery would like to continue to be able to offer the citizens of Kansas entertaining and exciting games. The rapidly changing marketplace, in general, and lottery industry, in particular, make it difficult to predict the exact forms new games might take. However, I believe that the suggested language will enable the Lottery to remain current in the industry while not exceeding the authority envisioned for it in its originating legislation.

Please contact me if you or members of the Committee have any comments or questions regarding this matter.

Sincerely,

Gregory P. Ziemak
Executive Director

cc: Representative Clyde Graeber
Chairman, House Federal and State Affairs Committee

Attachment

House Concurrent Resolution No. 5038

By Representatives Snowbarger, Brown, Bryant, Crabb, Donovan, Farmer, Flower, Freeborn, Gatlin, Goossen, Hayzlett, Jennison, Kejr, Phill Kline, Lloyd, Lowther, Mead, Mollenkamp, Morrison, Myers, Neufeld, O'Connor, O'Neal, Pottorff, Samuelson, Shore, M. Smith, Tomlinson, Wagle and E. Wells

2-8

12 A PROPOSITION to amend section 3c of article 15 of the constitution
13 of the state of Kansas,
14

15 *Be it resolved by the Legislature of the State of Kansas, two-thirds*
16 *of the members elected (or appointed) and qualified to the House*
17 *of Representatives and two-thirds of the members elected (or ap-*
18 *pointed) and qualified to the Senate concurring therein:*

19 Section 1. The following proposition to amend the constitution
20 of the state of Kansas shall be submitted to the qualified electors of
21 the state for their approval or rejection: Section 3c of article 15 of
22 the constitution of the state of Kansas is hereby amended to read
23 as follows:

24 "§ 3c. State-owned and operated lottery. Notwith-
25 standing the provisions of section 3 of article 15 of the
26 constitution of the state of Kansas, the legislature may
27 provide for a state-owned and operated lottery, except
28 that such state-owned lottery shall not be operated
29 after June 30, 1990, unless authorized to be op-
30 erated after such date by a concurrent resolution
31 approved by a majority of all of the members
32 elected (or appointed) and qualified of each house
33 and adopted in the 1990 regular session of the
34 legislature conduct or operate any game considered a
35 casino game and shall conduct only games of a type
36 actually operated by such state-owned lottery on or
37 before January 1, 1994. The state shall whenever pos-
38 sible provide the public information on the odds of
39 winning a prize or prizes in a lottery game."

40 Sec. 2. The following statement shall be printed on the ballot
41 with the amendment as a whole:

42 "Explanatory statement. This amendment would
43 limit the operation of games by the state-owned and

, such as any form of instant lottery games, televised games and on-line games, including but not limited to games involving the selection and/or drawing of numbers, letters, symbols or words, and other games as defined by law, as well as drawings involving non-winning lottery tickets.

operated lottery to the same types of games actually operated by the state on or before January 1, 1994, and would not permit casino gambling.

"A vote for this amendment would favor limiting the operation of the state-owned and operated lottery to games actually conducted by the lottery on or before January 1, 1994, and would specifically prohibit casino gambling.

"A vote against this amendment would provide no limitation on the definition of lottery which has been construed by the courts to permit all classes and types of gaming."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 1994 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at such special election.

such as any form of instant lottery games, televised games and on-line games, including but not limited to games involving the selection and/or drawing of numbers, letters, symbols or words, and other games as defined by law, as well as drawings involving non-winning lottery tickets,

such as any form of instant lottery games, televised games and on-line games, including but not limited to games involving the selection and/or drawing of numbers, letters, symbols or words, and other games as defined by law, as well as drawings involving non-winning lottery tickets,

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Atch #2

1 operated lottery to the same types of games actually
2 operated by the state on or before January 1, 1994,
3 and would not permit casino gambling.

4 "A vote for this amendment would favor limiting the
5 operation of the state-owned and operated lottery to
6 games actually conducted by the lottery on or before
7 January 1, 1994, and would specifically prohibit casino
8 gambling.

9 "A vote against this amendment would provide no
10 limitation on the definition of lottery which has been
11 construed by the courts to permit all classes and types
12 of gaming."

13 Sec. 3. This resolution, if approved by two-thirds of the members
14 elected (or appointed) and qualified to the House of Representatives
15 and two-thirds of the members elected (or appointed) and qualified
16 to the Senate, shall be entered on the journals, together with the
17 yeas and nays. The secretary of state shall cause this resolution to
18 be published as provided by law and shall cause the proposed amend-
19 ment to be submitted to the electors of the state at the general
20 election in the year 1994 unless a special election is called at a
21 sooner date by concurrent resolution of the legislature, in which
22 case it shall be submitted to the electors of the state at such special
23 election.

Any rights that Indian ^{port}nations may have under the
Indian gaming regulation act shall be determined
in accordance with state law which existed at the
time Indian gaming compact negotiations commenced.
This amendment is not intended to have any effect
on gaming issues involving Indian nations.

Atch #2

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Atch #3

[As Amended by Senate Committee of the Whole]

[As Amended by Senate Committee of the Whole]

Session of 1993

Substitute for
Senate Concurrent Resolution No. 1608

By Committee on Federal and State Affairs

2-4

Strike

12 A PROPOSITION to amend article 15 of the constitution of the state
13 of Kansas by adding a new section thereto, relating to the op-
14 eration of a casino gaming establishment on or adjacent to
15 certain parimutuel racetrack facilities [casino gaming estab-
16 lishments in the state and the operation or conduct of casino
17 gaming by Indian tribes on their reservations].

18
19 Be it resolved by the Legislature of the State of Kansas, two-thirds
20 of the members elected (or appointed) and qualified to the Senate
21 and two-thirds of the members elected (or appointed) and qualified
22 to the House of Representatives concurring therein:

23 Section 1. The following proposition to amend the constitution
24 of the state of Kansas shall be submitted to the qualified electors of
25 the state for their approval or rejection: Article 15 of the constitution
26 of the state of Kansas is amended by adding a new section thereto
27 to read as follows:

28 "§ 3d. Regulation, licensing and taxation of casino gaming
29 authorized. Notwithstanding the provisions of section 3 of ar-
30 ticle 15 of the constitution of the state of Kansas, the legis-
31 lature may provide for a casino gaming establishment to
32 be located on or adjacent to any parimutuel racetrack fa-
33 cility which is licensed by the state of Kansas on July 1,
34 1993, if: (a) The establishment is approved by both the
35 racetrack facility owner and the nonprofit organization op-
36 erating or conducting racing with parimutuel wagering at
37 the racetrack facility; (b) a majority of the qualified elec-
38 tors of the county in which the racetrack facility is located
39 approve this proposed amendment; and (c) the casino gam-
40 ing establishment is approved by the governing body of
41 the county and the governing body of the city, if any, in
42 which the racetrack facility is located. The legislature may
43 regulate and license such casino gaming establishment

Atch #3

add "OR A SUBSEQUENT PROPOSITION TO
PERMIT SUCH CASINO FACILITIES."

strike words "OR ADJACENT TO"

strike

strike

and tax, at a rate of ~~[not less than]~~ 6.25% of gross gaming revenues, the operation of such establishment. The revenues derived from such tax shall be annually appropriated by the legislature and a portion of the revenues from such tax shall be used to support horse and dog racing at the parimutuel racetrack facility where the casino gaming establishment is located[;]

[(a) The legislature may permit, regulate, license and tax, at a rate to be established by law on all money wagered, the operation or conduct of casino facilities in a county where a majority of the qualified electors of the county voting thereon approve this proposed amendment. A casino facility must also be approved by the governing body of the city where located or by the governing body of the county where located, if the facility is not located within the corporate boundary of a city. "Casino facilities" means those facilities wherein or upon which located on or adjacent to a racetrack facility where parimutuel wagering has been is authorized and approved and where a minimum of 20 days of live racing is conducted annually.

[(h) Any Indian tribe having a reservation in this state may operate or conduct casino gaming on the tribe's reservation in accordance with applicable law]."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would authorize the operation of a casino on or adjacent to certain parimutuel racetrack facilities [casino gaming facilities and the operation or conduct of casino gaming by an Indian tribe on the tribe's reservation].

"A vote for this proposition would permit the operation of a casino located on or adjacent to a parimutuel racetrack licensed on July 1, 1993, if: (1) The casino is approved by the racetrack owner and the organization conducting races at the racetrack; (2) the voters of the county where the racetrack is located approve this amendment; and (3) the casino is approved by the governing body of the county and the governing body of any city where the racetrack facility is located. It would authorize the legislature to enact laws providing for the licensure and regulation of such a casino establishment and imposition of a tax on the revenues of the establishment. A portion of the tax revenues would be used to support horse and dog racing at the racetrack where the casino is located [within

strike words "OR ADJACENT TO"

add words "OR A SUBSEQUENT PROPOSITION TO
PERMIT SUCH CASINO FACILITIES;"

strike

change word to "GENERAL"

1 ~~or upon any facility wherein parimutuel wagering has been on~~
 2 ~~or adjacent to a racetrack facility where parimutuel wagering~~
 3 ~~is authorized and approved and where a minimum of 20 days~~
 4 ~~of live racing is conducted annually, if: (1) A majority of the~~
 5 ~~voters of the state approve this amendment; (2) the casino is~~
 6 ~~approved and licensed by the applicable state agency; (3) a~~
 7 ~~majority of the voters of the county where the facility is located~~
 8 ~~approve this amendment; and (4) the casino is approved by~~
 9 ~~the governing body of the city where located or the governing~~
 10 ~~body of the county where located, in the event the facility is~~
 11 ~~not located within the corporate boundaries of a city. A vote~~
 12 ~~for this proposition would authorize the legislature to enact~~
 13 ~~laws providing for the licensure and regulation of such a casino~~
 14 ~~gaming establishment and for imposition of a tax on the gaming~~
 15 ~~revenues of the establishment. A vote for this proposition would~~
 16 ~~also approve the conduct of casino gaming by Indian tribes on~~
 17 ~~Indian reservations].~~
 18 "A vote against this proposition would continue the current
 19 prohibitions applying to casino gaming."
 20 Sec. 3. This resolution, if approved by two-thirds of the members
 21 elected (or appointed) and qualified to the Senate and two-thirds of
 22 the members elected (or appointed) and qualified to the House of
 23 Representatives, shall be entered on the journals, together with the
 24 yeas and nays. The secretary of state shall cause this resolution to
 25 be published as provided by law and shall cause the proposed amend-
 26 ment to be submitted to the electors of the state at a special
 27 election, which is hereby called for that purpose, to be held
 28 April 6, 1993, pursuant to section 1 of article 14 of the con-
 29 stitution of the state of Kansas [the primary election in the year
 30 1994 unless a special election is called at a sooner date by concurrent
 31 resolution of the legislature, in which case it shall be submitted to
 32 the electors of the state at the special election].

and tax, at a rate of ~~[not less than]~~ 6.25% of gross gaming revenues; the operation of such establishment. The revenues derived from such tax shall be annually appropriated by the legislature and a portion of the revenues from such tax shall be used to support horse and dog racing at the parimutuel racetrack facility where the casino gaming establishment is located/:

[(a) The legislature may permit, regulate, license and tax, at a rate to be established by law on all money wagered, the operation or conduct of casino facilities in a county where a majority of the qualified electors of the county voting thereon approve this proposed amendment. A casino facility must also be approved by the governing body of the city where located or by the governing body of the county where located, if the facility is not located within the corporate boundary of a city. "Casino facilities" means ~~those facilities wherein or upon which~~ located on or adjacent to a racetrack facility where parimutuel wagering ~~has been~~ is authorized and approved and where a minimum of 20 days of live racing is conducted annually.

[(b) Any Indian tribe having a reservation in this state may operate or conduct casino gaming on the tribe's reservation in accordance with applicable law]."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would authorize the operation of a casino on or adjacent to certain parimutuel racetrack facilities ~~[casino gaming facilities and the operation or conduct of casino gaming by an Indian tribe on the tribe's reservation]~~.

"A vote for this proposition would permit the operation of a casino located on or adjacent to a parimutuel racetrack licensed on July 1, 1993, if: (1) The casino is approved by the racetrack owner and the organization conducting races at the racetrack; (2) the voters of the county where the racetrack is located approve this amendment; and (3) the casino is approved by the governing body of the county and the governing body of any city where the racetrack facility is located. It would authorize the legislature to enact laws providing for the licensure and regulation of such a casino establishment and imposition of a tax on the revenues of the establishment. A portion of the tax revenues would be used to support horse and dog racing at the racetrack where the casino is located ~~[within~~

lotteries conducted in

Revenues received by the state from the operation or conduct of casino facilities pursuant to this section, other than reimbursement of expenses of regulation and enforcement related to such facilities, shall be used only for specific capital or other one-time expenditures and not for operating or other on-going expenses of the state or subdivisions of the state.

(c)

Ex SA
3-14-94
Atch #4

Atch #4

2-7

1 ~~or upon any facility wherein parimutuel wagering has been on~~
2 ~~or adjacent to a racetrack facility where parimutuel wagering~~
3 ~~is authorized and approved and where a minimum of 20 days~~
4 ~~of live racing is conducted annually, if: (1) A majority of the~~
5 ~~voters of the state approve this amendment; (2) the casino is~~
6 ~~approved and licensed by the applicable state agency; (3) a~~
7 ~~majority of the voters of the county where the facility is located~~
8 ~~approve this amendment; and (4) the casino is approved by~~
9 ~~the governing body of the city where located or the governing~~
10 ~~body of the county where located, in the event the facility is~~
11 ~~not located within the corporate boundaries of a city. A vote~~
12 ~~for this proposition would authorize the legislature to enact~~
13 ~~laws providing for the licensure and regulation of such a casino~~
14 ~~gaming establishment and for imposition of a tax on the gaming~~
15 ~~revenues of the establishment. A vote for this proposition would~~
16 ~~also approve the conduct of casino gaming by Indian tribes on~~
17 ~~Indian reservations].~~

18 "A vote against this proposition would continue the current
19 prohibitions applying to casino gaming."

20 Sec. 3. This resolution, if approved by two-thirds of the members
21 elected (or appointed) and qualified to the Senate and two-thirds of
22 the members elected (or appointed) and qualified to the House of
23 Representatives, shall be entered on the journals, together with the
24 yeas and nays. The secretary of state shall cause this resolution to
25 be published as provided by law and shall cause the proposed amend-
26 ment to be submitted to the electors of the state at a special
27 election, which is hereby called for that purpose, to be held
28 April 6, 1993, pursuant to section 1 of article 14 of the con-
29 stitution of the state of Kansas [the primary election in the year
30 1994 unless a special election is called at a sooner date by concurrent
31 resolution of the legislature, in which case it shall be submitted to
32 the electors of the state at the special election].

and would limit the use of state revenues from such facilities to one-time expenditures and not on-going governmental expenses

F + SA
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Atch #5

and tax, at a rate of ~~[not less than]~~ 6.25% of gross gaming revenues; the operation of such establishment. The revenues derived from such tax shall be annually appropriated by the legislature and a portion of the revenues from such tax shall be used to support horse and dog racing at the parimutuel racetrack facility where the casino gaming establishment is located/:

[(a) The legislature may permit, regulate, license and tax, at a rate to be established by law on all money wagered, the

operation or conduct of casino facilities in a county where a majority of the qualified electors of the county voting thereon approve this proposed amendment. A casino facility must also be approved by the governing body of the city where located or by the governing body of the county where located, if the facility is not located within the corporate boundary of a city.

~~"Casino facilities" means those facilities wherein or upon which located on or adjacent to a racetrack facility where parimutuel wagering has been is authorized and approved and where a minimum of 20 days of live racing is conducted annually.~~

[(b) Any Indian tribe having a reservation in this state may operate or conduct casino gaming on the tribe's reservation in accordance with applicable law]."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would authorize the operation of a casino on or adjacent to certain parimutuel racetrack facilities [casino gaming facilities and the operation or conduct of casino gaming by an Indian tribe on the tribe's reservation].

"A vote for this proposition would permit the operation of a casino located on or adjacent to a parimutuel racetrack licensed on July 1, 1993, if: (1) The casino is approved by the racetrack owner and the organization conducting races at the racetrack; (2) the voters of the county where the racetrack is located approve this amendment; and (3) the casino is approved by the governing body of the county and the governing body of any city where the racetrack facility is located. It would authorize the legislature to enact laws providing for the licensure and regulation of such a casino establishment and imposition of a tax on the revenues of the establishment. A portion of the tax revenues would be used to support horse and dog racing at the racetrack where the casino is located [within

: (1)

; or (2) if the legislature so provides, where the qualified electors of the county approve, by a majority vote of those voting thereon at a general election, a proposition to allow such casino facilities to be located in the county

(strike)

Atch #5

1 ~~or upon any facility wherein parimutuel wagering has been on~~
2 ~~or adjacent to a racetrack facility where parimutuel wagering~~
3 ~~is authorized and approved and where a minimum of 20 days~~
4 ~~of live racing is conducted annually, if: (1) A majority of the~~
5 ~~voters of the state approve this amendment; (2) the casino is~~
6 ~~approved and licensed by the applicable state agency; (3) a~~
7 ~~majority of the voters of the county where the facility is located~~
8 ~~approve this amendment; and (4) the casino is approved by~~
9 ~~the governing body of the city where located or the governing~~
10 ~~body of the county where located, in the event the facility is~~
11 ~~not located within the corporate boundaries of a city. A vote~~
12 ~~for this proposition would authorize the legislature to enact~~
13 ~~laws providing for the licensure and regulation of such a casino~~
14 ~~gaming establishment and for imposition of a tax on the gaming~~
15 ~~revenues of the establishment. A vote for this proposition would~~
16 ~~also approve the conduct of casino gaming by Indian tribes on~~
17 ~~Indian reservations].~~

(strike)

or later vote to allow casinos in the county

18 "A vote against this proposition would continue the current
19 prohibitions applying to casino gaming."

20 Sec. 3. This resolution, if approved by two-thirds of the members
21 elected (or appointed) and qualified to the Senate and two-thirds of
22 the members elected (or appointed) and qualified to the House of
23 Representatives, shall be entered on the journals, together with the
24 yeas and nays. The secretary of state shall cause this resolution to
25 be published as provided by law and shall cause the proposed amend-
26 ment to be submitted to the electors of the state at a special
27 election, which is hereby called for that purpose, to be held
28 April 6, 1993, pursuant to section 1 of article 14 of the con-
29 stitution of the state of Kansas [the primary election in the year
30 1994 unless a special election is called at a sooner date by concurrent
31 resolution of the legislature, in which case it shall be submitted to
32 the electors of the state at the special election].

HOUSE BILL NO. _____

By Committee on Federal and State Affairs

AN ACT concerning the telecommunications public utilities;
imposing certain requirements relating to live operators.

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

Section 1. (a) As used in this section, "telecommunications public utility" has the meaning provided by K.S.A. 66-1,187 and amendments thereto.

(b) Each telecommunications public utility shall ensure that a person initiating a live or mechanized operator-assisted call in this state may access a live operator at the beginning of all automated operator-assisted calls through a method designed to be easily and clearly understandable and accessible to the caller. Each telecommunications public utility shall submit to the state corporation commission for review the method by which the utility will provide such access to a live operator.

(c) This section applies regardless of the methods by which the telecommunications utility provides the operator service.

(d) The requirements of this section shall not apply to telephone service from a jail or correctional institution or facility.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

FSA
3-14-94
Atch #6

House Concurrent Resolution No. 5036

By Committee on Federal and State Affairs

2-7

Initiative Subcommittee Report

3-14-94

FV 5A
3-14-94
Atch #9

8 A PROPOSITION to amend article 14 of the constitution of the state
9 of Kansas by adding a new section thereto, relating to amendment
10 of the constitution by propositions initiated by registered voters
11 of the state.

12
13 *Be it resolved by the Legislature of the State of Kansas, two-thirds*
14 *of the members elected (or appointed) and qualified to the House*
15 *of Representatives and two-thirds of the members elected (or ap-*
16 *pointed) and qualified to the Senate concurring therein:*

17 Section 1. The following proposition to amend the constitution
18 of the state of Kansas shall be submitted to the qualified electors of
19 the state for their approval or rejection: Article 14 of the constitution
20 of the state of Kansas is amended by adding a new section 3 thereto
21 to read as follows:

22 "§ 3. Initiative of voters. Propositions for the amendment of
23 this constitution may be initiated by petition of registered voters
24 of this state and submitted to the registered voters of the state
25 for their approval or rejection as provided by this section. Such
26 propositions may amend one or more sections within a single
27 article of the constitution as may be necessary to accomplish the
28 objective of the amendment. Each proposition must relate to one
29 subject. No amendment to the constitution shall be initiated or
30 adopted pursuant to this section which encroaches on any right
31 guaranteed by the bill of rights of this constitution or of the
32 constitution of the United States or is prohibited by the consti-
33 tution of the United States; amends provisions regarding enact-
34 ment of laws, initiation of laws by the voters or submission of
35 laws to the voters for approval; or reapportions or amends pro-
36 cedures for reapportionment of legislative, congressional, judicial
37 or state board of education districts.

38 "Prior to being circulated for signatures, a petition initiating a
39 proposition to amend the constitution shall be submitted to the
40 office of the attorney general for determinations as to proper form,
41 legality and constitutionality of the proposed amendment. Such
42 determinations shall be rendered in writing within 21 days after
43 submission of the petition. Any person aggrieved by the deter-

[dedicates any revenue; makes or repeals any appropriation; relates to matters concerning the courts or their jurisdiction or funding;

[amends provisions regarding adoption of state constitutional amendments, initiation of state constitutional amendments by the voters or submission of state constitutional amendments to the voters for approval;

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3-14-94
7-2

minations of the attorney general may file, within 10 days after the rendering of the determinations, a proceeding in quo warranto with the supreme court.

"Each separately circulated portion of the petition shall contain or have attached thereto the full text of the proposed amendment to the constitution. The petition shall be signed by registered voters of the state equal in number to not less than 8% of the total vote cast for the office of Secretary of state at the last general election for such office. Not less than 60% of the valid signatures on the petition shall be equally apportioned among residents of each of the congressional districts of this state. Petitioners shall file the signed petition in the office of the secretary of state not more than 180 days after final determinations as to proper form, legality and constitutionality of the petition. The filing shall be made at one time all in one group. Later or successive filings shall be deemed to be separate petitions and not a part of any other filing. The secretary of state shall have 60 days to determine if the petition contains the requisite number of valid signatures.

"If the secretary of state determines that the petition contains the requisite number of valid signatures, the secretary of state shall cause the proposed amendment to be submitted to the registered voters of the state at the next statewide general election held not less than 180 days after the petition is filed, except that not more than three proposed amendments shall be submitted under the authority of this section at any one election. If more than three valid petitions are filed within the time prescribed by this section, the amendments proposed by the three petitions with the greatest number of valid signatures as determined by the secretary of state shall be submitted at the election and the remaining petitions shall be deemed null and void. Publication and submission of the proposed amendment shall be in the manner provided by law for other propositions to amend the constitution and the proposed amendment shall be submitted by the amendment as a whole.

"If two-thirds or more of the registered voters voting on the proposed amendment vote for such amendment, the amendment shall take effect on the first day of July following approval of the amendment and certification by the state board of canvassers. If conflicting amendments to the constitution are approved by the registered voters of the state at the same election, the amendment receiving the largest number of affirmative votes shall take effect and the amendment receiving the smallest number of affirmative votes shall have no force or effect. If such conflicting amendments

number of registered voters of the state on the date of the last statewide general election

senatorial districts of the state and the petition shall contain valid signatures of not less than 1% of the registered voters of each county of the

Within one business day after a petition is filed with the secretary of state, the secretary of state shall notify the attorney general of the filing of such petition. The attorney general shall determine whether the amendment proposed by the petition conflicts with any amendment proposed by an earlier filed petition for submission to the voters at the same election. If the attorney general determines that there is a conflict, the petition shall be invalid. Such determination shall be rendered in writing within 20 days after the filing of the petition. Any person aggrieved by the determination of the attorney general may file, within 10 days after the rendering of the determination, a proceeding in quo warranto with the supreme court. The supreme court shall render a decision in the case not later than 30 days after the proceeding is filed.

a petition is not invalid due to a conflict with an amendment proposed by an earlier filed petition and

180

first three valid petitions filed in the office of

~~receive the same number of affirmative votes, neither amendment shall have any force or effect. If a majority of the registered voters voting on the proposed amendment vote against the amendment, the proposed amendment shall not again be submitted to the registered voters of the state within four years following the date of rejection.~~

"The provisions of this section shall be self-executing, but legislation may be enacted to facilitate its implementation. The legislature shall provide for reporting of expenditures and contributions made to support or oppose proposed amendments submitted to the registered voters pursuant to this section."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"*Explanatory statement.* The purpose of this amendment is to authorize proposals for amendment of this constitution to be originated by petition of registered voters of the state.

"A vote for this amendment favors permitting the origination of constitutional amendments by petition of registered voters.

"A vote against this amendment favors the present system of permitting origination of constitutional amendments only by the legislature through concurrent resolution or constitutional convention."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the ~~house of representatives~~, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at a special election, which is hereby called for that purpose, to be held at the time of the general election in November, 1994, pursuant to section 1 of article 14 of the constitution of the state of Kansas.

secretary of state shall file the proposed amendment with the clerk of the house of representatives on or before the next December 31 following the election. Upon the commencement of the first regular legislative session following the election, the speaker of the house of representatives and the president of the senate shall promptly cause the proposed amendment to be submitted by resolution to the respective houses of the legislature for its approval. Such resolution shall be referred to committee, receive a hearing, and be reported either favorably, without amendment, or unfavorably and shall be voted on by the respective house. If a majority of all the members elected (or appointed) and qualified of each house shall approve such resolution, the amendment shall become a part of the constitution. If more than one-third

house of representatives and two-thirds of the members elected (or appointed) and qualified to the senate

ESA
3-14-94
Atch # 8

Session of 1994

House Concurrent Resolution No. 5037

By Committee on Federal and State Affairs

2-7

8 A PROPOSITION to amend article 2 of the constitution of the state
9 of Kansas by adding a new section thereto, authorizing initiation
10 and enactment of laws by the registered voters of the state.
11

12 *Be it resolved by the Legislature of the State of Kansas, two-thirds*
13 *of the members elected (or appointed) and qualified to the House*
14 *of Representatives and two-thirds of the members elected (or ap-*
15 *pointed) and qualified to the Senate concurring therein:*

16 Section 1. The following proposition to amend the constitution
17 of the state of Kansas shall be submitted to the qualified electors of
18 the state for their approval or rejection: Article 2 of the constitution
19 of the state of Kansas is hereby amended by adding a new section
20 thereto to read as follows:

21 "§ 1a. Initiative. (a) Notwithstanding the provisions of section
22 1 of article 2, laws may be proposed by petition of registered
23 voters of this state and enacted by the registered voters of the
24 state as provided by this section. No law shall be so proposed or
25 enacted which is prohibited by this constitution or the constitution
26 of the United States. The enacting clause of any proposed law
27 submitted to the voters pursuant to this section shall be: "Be it
28 enacted by the People of the State of Kansas:".

29 "(b) Prior to being circulated for signatures, the petition, to-
30 gether with the proposed law and proposed ballot summary, shall
31 be submitted to the office of the attorney general for determi-
32 nations as to proper form, legality and constitutionality. Such
33 determinations shall be rendered in writing within 30 days after
34 submission of the petition. Any person aggrieved by the deter-
35 minations of the attorney general may file, within 10 days after
36 the rendering of the determinations, a proceeding in quo warranto
37 with the supreme court. In determining the constitutionality of
38 the proposed law, such law shall be strictly construed so that such
39 proposed law may contain no more than one subject.

40 "(c) Each page of a petition initiating a proposed law shall
41 contain the ballot summary and each separately circulated portion
42 of the petition shall contain or have attached thereto the full text
43 of the proposed law. The ballot summary shall be a brief non-

[dedicates any revenue, makes or repeals any appropriation, relates to matters concerning the courts or their jurisdiction or funding or

[(c) At the time the petition is submitted to the attorney general, the proposed law shall be submitted as provided by law for an estimate of the fiscal effect of the proposed law.

[(d) and the estimate of its fiscal effect

1 technical statement expressing the intent or purpose of the pro-
 2 posed law and shall contain language which clearly states that a
 3 "yes" vote is a vote in favor of the proposition and a "no" vote
 4 is a vote against the proposition. The ballot summary shall not
 5 exceed 150 words and shall not reflect partiality in its composition
 6 or contain any argument for or against the proposed law.

(e)

7 "(d) The petition shall be signed by registered voters equal
 8 in number to not less than 5% of the total ~~vote cast for the office~~
 9 ~~of secretary of state at the last general election for such office.~~
 10 Not less than 60% of the valid signatures on the petition shall be
 11 equally apportioned among residents of each of the ~~congressional~~
 12 ~~districts of this state.~~ Petitioners shall file the signed petition in
 13 the office of secretary of state not more than 180 days after final
 14 determinations as to proper form, legality and constitutionality of
 15 the petition. The filing shall be made at one time all in one group.
 16 Later or successive filings of documents shall be deemed to be
 17 separate petitions and not a part of any other filing. The secretary
 18 of state shall have 60 days to determine if the petition contains
 19 the requisite number of valid signatures.

number of registered voters of the state on the date of last statewide general
 election

senatorial districts of the state and the petition shall contain valid
 signatures of not less than 1% of the registered voters of each county of the

the

20 "(e) If the secretary of state determines that the petition con-
 21 tains the requisite number of valid signatures, the secretary of
 22 state shall cause the ballot summary to be submitted to the reg-
 23 istered voters of the state at the next general election for state
 24 representatives held not less than ~~180~~ days after the petition is
 25 filed, except that no more than three proposed laws shall be
 26 submitted under the authority of this section at any one election.
 27 If more than three valid petitions are filed within the time pre-
 28 scribed by this section, the laws proposed by the three petitions
 29 ~~with the greatest number of valid signatures as determined by~~
 30 the secretary of state shall be submitted at the election and the
 31 remaining petitions shall be deemed null and void.

(f) Within one business day after a petition is filed with the secretary of
 state, the secretary of state shall notify the attorney general of the filing of
 such petition. The attorney general shall determine whether the law proposed by
 the petition conflicts with any law proposed by an earlier filed petition for
 submission to the voters at the same election. If the attorney general
 determines that there is a conflict, the petition shall be invalid. Such
 determination shall be rendered in writing within 20 days after the filing of
 the petition. Any person aggrieved by the determination of the attorney general
 may file, within 10 days after the rendering of the determination, a proceeding
 in quo warranto with the supreme court. The supreme court shall render a
 decision in the case not later than 30 days after the proceeding is filed.

(g) If a petition is not invalid due to a conflict with a law proposed by
 an earlier filed petition and

180

first three valid petitions filed in the office of

32 "Publication and submission of the proposed law shall be in
 33 the manner prescribed by law for propositions to amend the con-
 34 stitution and the proposed law shall be submitted by the ballot
 35 summary. The secretary of state shall cause a copy of the full text
 36 of the proposed law to be filed in the office of the county election
 37 officer of each county.

(h)

38 "(f) If a majority of the registered voters voting on a proposed
 39 law vote for the law, the law shall take effect on the first day of
 40 July following enactment of the law, after certification by the state
 41 board of canvassers, unless a later date is prescribed within the
 42 law itself. ~~If proposed laws containing conflicting provisions are~~
 43 ~~approved by the registered voters of the state at the same election,~~

(strike)

1 ~~the proposed law receiving the largest number of affirmative votes~~
 2 ~~shall prevail. If such conflicting proposed laws receive the same~~
 3 ~~number of affirmative votes, neither proposed law shall become~~
 4 ~~law. If a law, approved by the registered voters through initiative,~~
 5 ~~is in conflict with pre-existing law, the pre-existing law shall be~~
 6 ~~effectively amended or repealed.~~

[less than

7 "If a majority of the registered voters voting on a proposed law
 8 vote ~~against such proposition~~ the proposed law shall have no force
 9 or effect and shall not be again proposed by initiative within four
 10 years following the date of rejection unless proposed by a petition
 11 signed by registered voters equal in number to 25% of the total
 12 vote cast for the office of governor at the last election for such
 13 office.

[for the proposed law,

14 "(g) Laws enacted pursuant to this section shall not require
 15 the signature of nor be subject to veto by the governor. The
 16 legislature shall ~~not~~ retain the power to amend or repeal any law
 17 enacted pursuant to this section."

[(i)

18 "(h) The provisions of this section shall be self-executing, but
 19 legislation may be enacted to facilitate its implementation. The
 20 legislature shall provide for reporting of expenditures and con-
 21 tributions made to support or oppose proposed laws submitted to
 22 the registered voters pursuant to this section."

[but any amendment or repeal enacted on or before the fortieth day of the next
 regular legislative session following the approval of the law by the registered
 voters shall require the affirmative vote of not less than two-thirds of the
 members then elected (or appointed) and qualified in each house

23 Sec. 2. The following statement shall be printed on the ballot
 24 with the amendment as a whole:

[(j)

25 "Explanatory statement. This amendment would authorize the
 26 registered voters of the state to propose and enact laws inde-
 27 pendent of the legislature.

28 "A vote for the proposition would favor granting to the regis-
 29 tered voters the right to propose and enact laws independent of
 30 the legislature.

31 "A vote against the proposition would retain the power to pro-
 32 pose and enact laws in the state legislature without the right of
 33 initiative in the registered voters."

[house of representatives and two-thirds of the members elected (or appointed)
 and qualified to the senate,

34 Sec. 3. This resolution, if approved by two-thirds of the members
 35 elected (or appointed) and qualified to the []

36 shall be entered on the journals, together with the yeas and nays.
 37 The secretary of state shall cause this resolution to be published as
 38 provided by law and shall cause the proposed amendment to be
 39 submitted to the electors of the state at a special election, which is
 40 hereby called for that purpose, to be held at the time of the general
 41 election in November, 1994, pursuant to section 1 of article 14 of
 42 the constitution of the state of Kansas.