

Approved: April 28, 1994  
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 22, 1994 in Room 254-E of the Capitol.

All members were present except:  
Sen. Parkinson was excused

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

Conferees appearing before the committee:  
See attached agenda

Others attending: See attached list

Sen. Oleen opened the meeting by introducing Sen. Papay, who introduced pages from her district who are assisting the committee today.

Sen. Oleen opened the hearing for HB 3055, establishing the division of emergency management and abolishes the division of emergency preparedness. Mary Galligan briefed the committee on the bill. The following proponents gave testimony supporting the bill:

Charles Bredahl, (Attachment 1);  
Don Moler, (Attachment 2).

Mr. Bredahl stated Adjutant General Rueger also supports the bill. Mr. Moler discussed the amendment suggested by the League of Municipalities and stated it gives cities the option to initiate provisions in the bill within the deadline before the adjutant general's designation. He stated this should be undertaken as a city prerogative. Sen. Oleen stated the bill was proposed as a result of last summers floods and the resulting Flood Task Force recommendations. She stated her concerns with the amendment since Manhattan now sets in two different counties and could not wait for one year if an emergency existed. The amendment may make it more difficult for the adjutant general to become involved in decisions when an emergency exists. Sen. Praeger asked if the original language was meant to encourage cooperation and to set time limits. Mr. Moler stated the three parties, then would have to agree; if not, the adjutant general would be involved. Sen. Oleen stated the language may have to be clarified, as she wants the adjutant general's office involved, as that office is responsible during such emergencies. Mr. Bredahl stated his office was short handed during the floods last summer, and the bill is intended to prevent problems during such emergencies. Sen. Oleen also stated the bill relates to a city being near an Indian reservation and a military reservation; that Ft. Riley is the only military base which lies in two counties. Concerns were expressed from Native Americans to the Flood Task Force, and the bill was intended to address those concerns as well as those from the military base. Mr. Bredahl stated his office has contacted personnel at Ft. Riley for input. There were no opponents to the bill.

Sen. Oleen referred to a letter from Governor Finney regarding SB 827, (Attachment 3), which was amended and passed out of committee last week. Copies of the letter were distributed to committee members. The Governor expressed concerns regarding successors to that office, and Mary Torrence explained the amendment adopted by the committee included natural disasters and did change the line of successors. Sen. Oleen stated the Governor's concern regarding Topeka-based officials is addressed at the present time by the fact that some of them live in towns other than Topeka. She also stated the committee could amend HB 3055 to include SB 827, and that the committee will address the policy issue when it considers the bill at a later date.

Sen. Oleen referred to the confirmation hearing of Gregory Ziemak for his appointment as executive director of the Kansas Lottery and asked committee for discussion. Sen. Praeger made a motion Mr. Ziemak be

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E  
Statehouse, at 11:05 a.m. on March 22, 1994.

recommended favorably, and it was seconded by Sen. Vidricksen; the motion passed. His nomination will be sent to the Senate for consideration.

Sen. Oleen asked the committee to refer to SB 723, detective licensing and firearms act, and stated she has concerns about passing the bill; that a House committee is considering recommending several agencies become fee-based. She stated the agency addressed in this bill would be a good candidate to become fee-based. Sen. Ramirez stated his support for the proposal and that he thought the bill warranted further study. Sen. Ramirez made a motion the committee request SB 723 for interim study, and it was seconded by Sen. Hensley; the motion passed.

Sen. Oleen referred to HB 2577, amending the Racing Act, which was proposed by the Commission and referred to as their clean-up bill. She announced a letter from the president of the Quarter Horse Racing Association (Attachment 4) has been distributed. Mary Galligan briefed the committee, and Sen. Oleen asked Janet Chubb if they would object changing the effective date from publication in the register to the statute book. After discussing that would be July 1, Ms. Chubb stated there was no objection. Sen. Oleen reminded the committee there have been significant changes proposed in the hearing for this bill, such as the division of simulcast funds. She stated the Commission has requested the bill not be amended to involve those funds; in other words, keep the bill clean. She asked Mary Galligan to review the options for distribution of the funds to the committee. They are as follows: 1) Attorney General's Opinion for division according to live races; 2) District Court Decision for division according to simulcast races; 3) SB 380, which required allocation based upon the sum of simulcast and live breeds of horses. Sen. Vidricksen stated support for the way the legislation was presented and passed, and that was according to live races. Sen. Ramirez stated concern that Sen. Parkinson presented amendments on the day of the hearing for HB 2836, which should be considered; and Sen. Parkinson is not present today. Sen. Oleen stated the only controversy to HB 2577 is the division of funds and that her preference is to discuss that issue when the committee considers HB 2836. Sen. Praeger stated the Legislature should be strengthening the position of parimutuel, and she believes the original intent was to encourage live racing and that a policy should be adopted in that regard. Sen. Tillotson agreed and stated her preference for parimutuel when it was implemented. Sen. Ramirez expressed his concern that the legislative intent is contrary to the Attorney General's Opinion. Sen. Hensley stated he preferred the chairman's request - that the bill be passed out of committee without amendment regarding the breakage problem. However, he pointed out it would be tough to introduce legislation dealing with the breakage problem this late in the session. Sen. Praeger referred to amendments, which compromise the two positions, proposed by Sen. Parkinson, and Sen. Oleen reminded the committee of HB 2836 which relates to the simulcast question. She requested that staff brief the committee on the division of simulcast breakage, and a table was distributed to the committee (Attachment 5). Sen. Oleen questioned staff regarding initiating legislation which might go against the District Court Decision. She asked if the Racing Commission has discussed appealing the Decision. Ms. Chubb answered the Commission has discussed appealing the Decision, but has not decided. She added the Quarter Horse Association has also discussed filing an appeal; that the deadline for filing is March 27. Sen. Gooch stated he thought the committee needs to take action today, so that the bill will have time to be processed. Sen. Oleen reminded him the committee is exempt, but stated that she is trying to keep within the deadlines set by each House. Sen. Tillotson made a motion to amend the bill by changing the effective date from publication in the register to publication in the Statutes, and the motion was seconded by Sen. Gooch; the motion passed. Sen. Tillotson made a motion the bill be passed favorably as amended, and it was seconded by Sen. Hensley; the motion passed. Sens. Ramirez and Papay requested they be recorded as voting "No".

Sen. Oleen referred to Committee Minutes for February 18 and 22, 1994. Sen. Walker made a motion the Minutes be approved, and Sen. Praeger seconded the motion; the motion passed.

Sen. Oleen announced the following material has been distributed to the committee:

Letter from National Greyhound Association, regarding HB 2836 (Attachment 6);  
Letter from Kansas Education Watch Network, regarding SCR 1622 (Attachment 7).

Sen. Oleen announced the committee will hold a hearing tomorrow on HB 2836.

Meeting adjourned at 12:00.

## GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: MARCH 22, 1994

[illegible]

STATE OF KANSAS  
THE ADJUTANT GENERAL  
DIVISION OF EMERGENCY PREPAREDNESS  
2800 S.W. TOPEKA BLVD.  
TOPEKA, KANSAS 66611-1287

Attach. 1

Kansas Senate  
Federal and State Affairs Committee

Testimony on House Bill 3055  
March 22, 1994

Dear Madam Chairperson:

I am Charles G. Bredahl, Deputy Director, Division of Emergency Preparedness. I am here to testify on behalf of House Bill (H.B.) 3055 which will change the name of the Division of Emergency Preparedness to Division of Emergency Management.

One of the recommendations of the 1993 Flood Task Force is to review and, if applicable, update K.S.A.'s pertaining to the Division of Emergency Preparedness. The first consideration is before you now as this House Bill. The Division of Emergency Preparedness has a responsibility to analyze, develop, plan, implement, and maintain programs for disaster mitigation, preparedness, response, and recovery.

Today's environment regarding disaster responsibilities is technical and demanding. The change from preparedness to management will better serve to let the people of Kansas know our overall mission and not just preparedness as is sometimes currently believed.

I believe this change to be a positive change and would ask the committees favorable consideration. Thank you for allowing me to testify and I would be glad to answer any questions.

*Senate Fed + State*  
*March 22, 1994*  
*Attachment 1*



**THE LEAGUE  
OF KANSAS  
MUNICIPALITIES**

*Attach. 2*

**Municipal  
Legislative  
Testimony**

AN INSTRUMENTALITY OF KANSAS CITIES 112 S.W. 7TH TOPEKA, KS 66603-3896 (913) 354-9565 FAX (913) 354-4186

**TO:** Senate Federal and State Affairs Committee

**FROM:** Don Moler, General Counsel

**DATE:** March 22, 1994

**SUBJECT:** HB 3055, Disaster Agency Agreements Between Counties and Certain Cities

The League appears here today to offer an amendment to HB 3055. Specifically we would suggest that HB 3055 be amended as follows: on page 13, lines 27:28 we would suggest that the words "effective date of this act" be removed and replaced with "city's petition". (see attached balloon) We believe this amendment more closely follows the intent and purpose of this legislation since the action to designate one of the counties as the disaster agency for the city is undertaken as a city prerogative, not a statutory requirement.

With the above amendment, the League can fully support HB 3055.

*Senate Fed + State  
March 22, 1994  
Attachment 2*



1 plan for the area under its jurisdiction, which has been approved  
2 after examination and periodic review by the division of emergency  
3 ~~preparedness management.~~

4 (e) The county, city or interjurisdictional disaster agency, as the  
5 case may be, shall prepare and distribute to all appropriate officials  
6 in written form a clear and complete statement of the emergency  
7 responsibilities of all local agencies and officials and of the disaster  
8 chain of command.

9 (f) Any county and any city which is required to establish a  
10 disaster agency under this section, may designate the local council  
11 of defense, which was established in accordance with K.S.A. 48-  
12 909, *and amendments thereto*, for such county or city and which  
13 was in existence on the day immediately preceding the effective  
14 date of this act, as such county or city disaster agency under this  
15 section.

16 [(g) When the corporate limits of any city extends into two coun-  
17 ties, and the city has not been required to establish a disaster  
18 agency in accordance with this section and an interjurisdictional  
19 agency including such counties has not been established pursuant  
20 to K.S.A. 48-930, and amendments thereto, the governing body of  
21 such city may petition the board of county commissioners of the  
22 two counties to enter into an agreement which designates one of  
23 the counties as the disaster agency for such city for the purposes  
24 specified in this act. The board of county commissioners of the two  
25 counties shall consult and meet with the governing body of the  
26 affected city prior to such agreement being approved. If an agree-  
27 ment has not been entered into within one year of the effective \_\_\_\_\_ [city's petition,  
28 ~~date of this act~~, the city or either of the counties may petition and  
29 the adjutant general shall designate one of the counties as the  
30 disaster agency for the city. The adjutant general's designation shall  
31 be final and binding on the city and counties until such designation  
32 is revised by the adjutant general or by agreement of the two  
33 counties in accordance with the procedures in this section. Any  
34 agreement entered into in accordance with this section shall meet  
35 the requirements of K.S.A. 12-2901 *et seq.*, and amendments  
36 thereto, the interlocal cooperation act.]

37 Sec. 18. K.S.A. 48-930 is hereby amended to read as follows:  
38 48-930. (a) If the governor finds that two or more adjoining counties  
39 would be served better by an interjurisdictional disaster agency  
40 than by maintaining separate disaster agencies and services, ~~he or~~  
41 ~~she~~ *the governor* shall order the establishment of an interjurisd-  
42 ictional disaster agency which is adequate to plan for, prevent or  
43 respond to disasters in that area and direct steps to be taken as

2-2

MAR 16 1994

Attach. 3

STATE OF KANSAS



OFFICE OF THE GOVERNOR

JOAN FINNEY, Governor  
State Capitol, 2<sup>nd</sup> Floor  
Topeka, KS 66612-1590

March 14, 1994

913-296-3232  
1-800-432-2487  
TDD# 1-800-992-0152  
FAX# (913) 296-7973

The Honorable Lana Oleen  
Chairman Senate Federal and State Affairs Committee  
Kansas Statehouse, Room 428-E  
Topeka, KS 66612

Dear Madam Chairman and Members of the Committee:

I am writing to you in regard to Senate Bill 827, relating to interim emergency successors to the office of Governor. There are concerns regarding this legislation that I would like to bring to the committee's attention.

I understand this legislation is a result of recommendations of the 1993 Flood Task Force chaired by Representative Holmes. If the purpose of the bill is to have only state officers in the emergency line of succession to the Governor, then perhaps the offices of State Treasurer and Insurance Commissioner should be included, following the Attorney General and Secretary of State.

Also, language needs to be drafted to amend K.S.A. 48-1203 and 48-1209 to include natural disasters, along with an attack by an enemy of the United States, to define situations for this emergency interim succession to occur.

I also have concerns that this legislation provides only Topeka-based officials as the emergency successors to the office of Governor. This statute was originally designed to address the needs of state governance should the unthinkable occur, a nuclear attack on the United States. I believe this legislation should include an emergency line of succession that includes an office outside the Topeka area to insure that, even in the case of a terrible catastrophe, some form of citizen leadership on the state level will be maintained.

Thank you for your interest and attention.

Sincerely yours,

Joan Finney

Senate Fed. State  
March 22, 1994  
Attachment 3

Attach. 4

# The Kansas Quarter Horse Racing Association

P.O. Box 26272 • Shawnee Mission, KS 66225-6272 • 913/681-1984 • FAX 913/681-1994

March 18, 1994

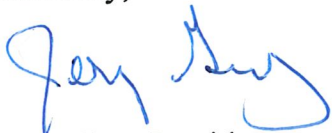
Senator Lana Oleen, Chairman  
Senate Federal and State Affairs Committee  
State Capitol Building  
Topeka, Kansas

Dear Senator Oleen:

This letter is to reaffirm our position in support of the Kansas Racing Commissions proposed amendment to HB2577 concerning the distribution of the funds based on live racing within the State of Kansas. The State of Kansas presently has 50% thoroughbred horses and 50% quarter horses and other breeds registered and eligible to participate in the State breed program. We continue to maintain as the Kansas Racing Commission has with the opinion of the Kansas Attorney General Robert Stephen that the distribution should be based on live racing in Kansas. This procedure would distribute approximately 70% of the funds to Kansas bred thoroughbred horses and 30% of the funds to the Kansas bred quarter horses and other breeds. This procedure which is based on live racing in Kansas is the only fair and equitable way to distribute these funds.

We are dedicated to the entire horse industry and we want to see each and every breed have the opportunity to make progress within the State of Kansas.

Sincerely,



Jerry Guy, President  
Kansas Quarter Horse Racing Association

cc: Kansas Racing Commission  
Attorney General Robert Stephen

*Senate Fed + State  
March 22, 1994  
Attachment 4*

Jerry Guy  
PRESIDENT, KQHRA  
15310 E. 95th St. South, Derby, Kansas 67037  
(316) 268-6656 (O) (316) 777-1968 (H)

Karen Tolle  
EXECUTIVE SECRETARY, KQHRA  
P.O. Box 26272, Shawnee Mission, KS 66225-6272  
(913) 681-1984 FAX (913) 681-1994



DIVISION OF SIMULCAST BREAKAGE AND UNCLAIMED WINNINGS

As of February 28, 1994

Simulcast Revenue Source	FY 1992	FY 1993	FY 1994	TOTAL
Breakage	\$16,147	\$196,361	\$140,475	\$352,983
Unclaimed winnings (outs)	0	61,269	101,550	162,819
	<u>\$16,147</u>	<u>\$257,630</u>	<u>\$242,025</u>	<u>\$515,802</u>

None of these funds have been distributed by the Commission pending resolution of the controversy regarding the statutory requirement.

The Commission's disposition of those funds for purse supplements and stakes would involve 95 percent of the total.

				TOTAL
95% of Simulcast Revenue	\$15,340	\$244,748	\$229,924	\$490,012

Allocation based on the proportions of breeds participating in live races during 1993, the amounts would be as follows (AG's opinion):

				TOTAL
Thoroughbreds (70.15%)	\$10,761	\$171,691	\$161,292	\$343,743
Quarterhorses (29.85%)	\$4,579	\$73,057	\$68,632	\$146,269

Allocation based on the proportions of breeds participating in simulcast races during 1993, the amounts would be as follows (Court decision):

				TOTAL
Thoroughbreds (99.98%)	\$15,337	\$244,699	\$229,878	\$489,914
Quarterhorses (0.02%)	\$3	\$49	\$46	\$98

Allocation based on the proportions of breeds participating in live and simulcast races during 1993, the amounts would be as follows (SB 380):

				TOTAL
Thoroughbreds (96.89%)	\$14,863	\$237,137	\$222,773	\$474,773
Quarterhorses (3.11%)	\$477	\$7,612	\$7,151	\$15,239

Divided equally between the two primary breeds.

				TOTAL
Thoroughbreds (50%)	\$7,670	\$122,374	\$114,962	\$245,006
Quarterhorses (50%)	\$7,670	\$122,374	\$114,962	\$245,006

*Senate Fed + State*  
*March 22, 1994*  
*Attachment 5*

FAX  
To:  
From:

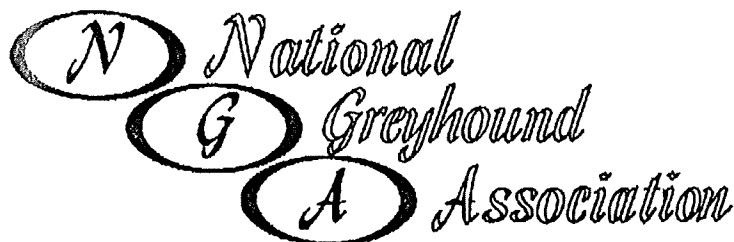
Jeanie Dailey  
Gary Guccione

Attach. 76

Message:

Letter to Sen. Fed & State Affairs  
Comm.

The National Greyhound Association, FAX No. 1-913-263-4689



Phone (913) 263-4660 • P.O. Box 543 • Abilene, Kansas 67410

Mar. 16, 1994

Senator Lana Oleen, Chairperson  
Senate Federal And State Affairs Committee  
Kansas State Capitol  
Topeka, KS

Dear Senator:

On behalf of the National Greyhound Association and its 5,200 members from across the country (including the more than 400 Greyhound owners and breeders in Kansas), we wish to comment on H.B. 2836, pertaining to pari-mutuel simulcasting.

We object to the portion of the bill that would, in the event the breeders' groups were unable to reach agreement, empower the Racing Commission to arbitrate or adjudicate the matter. It's our contention that it would be improper to mandatorily transfer such authority to a third party; it would be appropriate only if the two parties were in agreement with that option.

Compulsory arbitration should be reserved for matters involving the public's security, welfare or well being—not for matters of sending or receiving signals on races for purposes of pari-mutuel gambling.

Moreover, recent elections conducted by NGA, which have more clearly defined the negotiating group for each track, has led to quick agreement at Wichita Greyhound Park between the parties with regard to the Breeder's Cup—something not accomplished last year. This is certainly clear indication that the current system is working, and does not need fixing.

Thank you for your consideration on this matter.

Sincerely,

Senate Fed  
& State  
March 22, 1994  
Attachment 6



MAR 17 1994  
Kansas Education Watch Network



P.O. Box 483  
Wichita, KS 67201  
316-838-9599

Senator Oleen  
State Capitol  
Topeka, KS 66612

*ATTACH. 87*  
*Jeanne - please make copies for committee.*  
*Thanks - LO*

Dear Senator Oleen,

Thank you for taking time to hear the voice of the Kansas citizens who assembled March 9th in Topeka for hearings on the Parental Rights Amendment, SCR 1622.

It is imperative during this time of great turmoil in our state and in our country that citizens not lose confidence in their representatives, nor in the systems of civil government. Without orderly and accessible civil government, many will turn to their own devices to pressure progress for their issues and causes.

Thank you for listening. If there is anything that we can do to provide more information about the Parental Rights Amendment or the reasons behind it, please let us know. We will be more than willing to provide you with any requests pertinent to this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Philip D. Elder".

Philip D. Elder  
Chairman of the Board  
Kansas Education Watch Network

March 14, 1994

*Senate Fed + State*  
*March 22, 1994*  
*Attachment 7*