

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Ralph Ostmeyer at 10:30 am on Thursday, March 03, 2016, 144-S of the Capitol.

All members were present except:
Senator Tom Holland – Excused

Committee staff present:
Joanna Dolan, Legislative Research Department
Connie Burns, Kansas Legislative Committee Assistant
Matt Sterling, Office of Revisor of Statutes
Mike Heim, Office of Revisor of Statutes
Heather O'Hara, Legislative Research Department

Conferees appearing before the Committee:
No conferees present

Others in attendance:
[See Attached List](#)

Introduction of Bills

Senator Jeff King requested two bill introductions:

- 1) Concerning the uniform controlled substances act; relating to substances included in schedules I, III, and IV.
- 2) Concerning economic development; relating to redevelopment districts encompassing federal enclaves; authorization of franchises for the provision of utilities.

There being no objection from any member present, the Chairman declared a motion to introduce the bill adopted by consensus.

Ed Klumpp requested a bill introduction concerning crimes, punishment and criminal procedure; relating to firearms, unlawful possession.

There being no objection from any member present, the Chairman declared a motion to introduce the bill adopted by consensus.

Senator Haley requested two bill introductions:

- 1) Concerning the Kansas sexually violent predator act; relating to restrictions on location of transitional release or conditional release facilities or buildings.
- 2) Concerning crimes, punishment and criminal procedure; relating to expungement; arrest records.

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There being no objection from any member present, the Chairman declared a motion to introduce the bill adopted by consensus.

Willie Prescott, Special Assistant to the Attorney General requested three bill introductions:

- 1) Concerning crimes, punishment and criminal procedure; relating to conditions of parole post release supervision; search and seizure.
- 2) Concerning tribal-state compact; approving a compact between the Prairie Band Potawatomi Nation and the state of Kansas; relating to cigarette and tobacco sales, taxation and escrow collection.
- 3) Concerning tribal-state compacts; approving a compact between the Iowa Tribe of Kansas and Nebraska and the state of Kansas; relating to cigarette and tobacco sales and taxation.

There being no objection from any member present, the Chairman declared a motion to introduce the bill adopted by consensus.

Senator Faust-Goudeau requested a bill introduction concerning civil rights; amending the Kansas act against discrimination.

There being no objection from any member present, the Chairman declared a motion to introduce the bill adopted by consensus.

Committee Minutes

Chairman Ostmeyer called for approval of minutes for February 9, 10, 16, 17, 18, and 22 distributed on February 22, 2016.

Senator Wilborn made a motion to approve the minutes as written. Senator Olson seconded the motion. The motion carried.

SB 443 - Official state of Kansas "cage elevator"

Chairman Ostmeyer opened the hearing on **SB 443**.

Senator David Haley appeared before the committee as a proponent on the bill. ([Attachment 1](#)) The bill declares the cage elevator in the Kansas State Capitol Building the official cage elevator of the State of Kansas.

Chairman Ostmeyer closed the hearing on **SB 443**.

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SB 459 - Fire extinguisher inspections; fireworks manufacturers, distributors and display operations; license fees eliminated

Chairman Ostmeyer opened the hearing on **SB 459**.

Staff provided an overview of the bill and a balloon for a technical amendment. ([Attachment 2](#))

Doug Jorgensen, Kansas State Fire Marshal, appeared before the committee as a proponent on the bill. ([Attachment 3](#)) The bill would repeal the ability of the State Fire Marshals Office to charge for licensing, permitting, and inspections of the Fireworks and Fire Extinguisher Industries in Kansas.

Philip Bradley, Kansas fireworks Association, (KFA) provided written testimony in support of the bill. ([Attachment 4](#))

Chairman Ostmeyer closed the hearing on **SB 459**.

SB 476 - Bourbon county commission; authorization to order financial audit of fire districts.

Chairman Ostmeyer opened the hearing on **SB 476**.

Staff provided an overview of the bill.

Senator Jacob LaTurner appeared before the committee as a proponent on the bill. ([Attachment 5](#)) The bill would allow the Bourbon County Commission to be able to order the audit of any fire district located within the county. The township where the fire district is located would be responsible for the cost of the audit.

Chairman Ostmeyer closed the hearing on **SB 476**

Discussion and Final Action

SB 459 - Fire extinguisher inspections; fireworks manufacturers, distributors and display

Senator LaTurner moved the technical amendment. Senator Olson seconded the motion. The motion carried.

*Senator LaTurner moved to pass **SB 459** out favorably as amended. Senator Olson seconded the motion. The motion carried.*

SB 443 - Official state of Kansas "cage elevator

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Senator Olson moved to pass **SB 443** out favorably and be placed on the consent calendar. Senator LaTurner seconded the motion. The motion carried.

SB 476 - Bourbon county commission; authorization to order financial audit of fire districts.

Senator LaTurner moved the technical amendment. Senator Longbine seconded the motion. The motion carried.

Senator LaTurner moved to pass **SB 476** out favorably as amended. Senator Faust-Goudeau seconded the motion. The motion carried.

Hearing On:

SB 462 - Regulation of drones; private property rights; civil cause of action

Chairman Ostmeyer closed the hearing on **SB 462**.

Staff provided an overview of the bill.

Senator Rob Olson appeared before the committee as a proponent on the bill. ([Attachment 6](#)) The bill makes it unlawful to operate an unmanned aircraft or unmanned aircraft system less than 350 feet above private property without permission. The owner would be entitled to seek compensatory damages, injunctive relief, attorney fees, and punitive damages from the operator.

LeEtta Felter, Olathe, Kansas, appeared in favor of the bill. ([Attachment 7](#)) This proposal draws the line at 350 feet because while navigable airspace is generally understood as existing at a minimum altitude of 500 feet, the FAA has promulgated regulations and guidance which allow for the use of model aircraft (which includes drones) at altitudes up to a maximum of 400 feet (thus leaving a 100 foot buffer space between model aircraft operations and navigable airspace. Setting the landowners airspace at 350 feet provides a 50 foot buffer space between the ceiling of the property owners airspace and the ceiling of model aircraft airspace, allowing for a small transit zone for model aircraft.

Tucker Steward, Associate Counsel, Kansas Livestock Association, spoke in favor of the bill. ([Attachment 8](#)) The bill is positive legislation that would not inhibit the growth of UAS in agriculture or commerce, but would respect private property rights by creating a clear cause of action when property rights are infringed.

Eric Stafford, Vice President of Government Affairs, The Kansas Chamber, appeared as an opponent on the bill. ([Attachment 9](#)) The Kansas Chamber members have asked that all UAS regulations come from

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the federal level to maintain a uniform standard of guidelines and therefore ask the committee to not move this legislation forward.

Ron Seeber, Senior Vice President, Kansas Grain and Feed Association (KGFA) Kansas Agribusiness Retailers Association (KARA) and Leslie Kaufman, President and CEO, Kansas Cooperative Council (KCC) provided written testimony in opposition to the bill. ([Attachment 10](#)) Unmanned aerial system technologies are key to the future of production agriculture when used appropriately and are important tools in providing a safe, abundant, affordable food supply to Kansas and the rest of the world. KGFA, KARA, and the KCC support uniform national regulation of drones which has been established by the FAA, instead of a patchwork of laws adopted on a state-by-state basis.

Van Stevenson, Senior Vice-President, State Government Affairs, Motion Picture Association of America, (MPAA) provided written testimony as neutral on the bill. ([Attachment 11](#)) The bill as the MPA understands to mean; that an FAA-authorized operator flying a UAS as part of a motion picture production would not be subject to this new law.

Chairman Ostmeyer closed the hearing on **SB 462**.

The next meeting is scheduled March 7, 2016. The meeting was adjourned at 11:45 a.m.