

Approved February 8, 1983
DateMINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRSThe meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson11:00 a.m./p.m. on January 20, 1983 in room 254-E of the Capitol.All members were present: ~~XXXXX~~
~~XXXXX~~Committee staff present: Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
June Windscheffel, Secretary to the CommitteeConferees appearing before the committee: Bill Strukel, Alcoholic Beverage Control Division

The Chairman announced that a Joint Meeting of House and Senate Committees on Federal and State Affairs would be held on February 1, 1983, to review the management issues at Kansas State Penitentiary. The meeting is scheduled from 11:30 a.m. to 1:30 p.m. in the Old Supreme Court Room, 313-S, State House.

The Chairman appointed a subcommittee, composed of Sen. Morris, Chairman; Senator Pomeroy and Senator Parrish, to attend the January 27, 1983, meeting of the Alcoholic Beverage Control Board of Review and report back to the full Committee.

Russell Mills briefly reviewed several proposals from the 1982 interim studies report volume for the Committee. (Attachment #1). Concerning the Judiciary, the Chairman said that he would talk to Attorney General Stephan and ask him to appear before the Committee to discuss any concerns.

The Chairman stated that the Committee would refer back to the Alcoholic Beverage Control staff. The Chairman asked if there were any questions the Committee felt the staff should pursue in regard to the present statutes. The subject of fees was brought up, and the Chairman said that he had asked Mr. Strukel's staff to prepare a layout of other states, and Mr. Strukel replied that they are working on this project at this time. He said that they are going to suggest an increase in various fees, that every time they issue a new license they are subsidizing and that the state cannot operate on the fees as they now are. He said that the ABC would be comfortable with changing state residency from ten to five years for retailers.

There was discussion that the present laws discriminate against Kansans but let out-of-state groups come in as corporations and do not have to abide by the same residency requirements: this concerns private clubs.

Senator Daniels moved that a bill be introduced to delete residency requirements for private club licensees. 2d by Senator Winter. Discussion followed. Senator Meyers made a substitute motion that the bill apply only to retailers and change the residency to five years in the state and one year in the county, and that the bill be introduced in that way. 2d by Senator Winter. Discussion. The substitute motion carried.

The meeting adjourned at noon.

(6) amend several statutes to provide that neither county nor district attorneys are required to represent county hospital boards in civil actions.

→ JUDICIARY

* Rape and Other Sex Crimes (Proposal No. 10). The Committee recommends the introduction of legislation which would (a) delete the element of victim resistance from the rape statute; (b) expand the rape shield statute to apply to sex-related crimes other than rape; (c) create a sexual battery and aggravated sexual battery statute; (d) create a qualified spousal exemption to rape; and (e) establish criminal sanctions for those individuals who intimidate victims or witnesses.

* Defense of Property (Proposal No. 11). The Committee concludes that no changes are needed in the mandatory firearms minimum sentence law in regard to the use of firearms in the defense of persons or property. The Committee, likewise, concludes that the current laws in regard to the use of force in the defense of persons and property are adequate and that no changes are needed.

Security Interests in Grain and Livestock (Proposal No. 12). The Committee concludes that all Uniform Commercial Code Article 9 security interests in farm products should be filed centrally with the Secretary of State's Office provided the costs are not prohibitive. The Committee further concludes that the state, county, and filing officers, and their employees and agents should be immune from liability for damages due to errors except where willful misconduct is present.

Revised Uniform Limited Partnership Act (Proposal No. 13). The Committee concludes that no compelling need exists for the adoption of the Revised Uniform Limited Partnership Act and, therefore, recommends that no action be taken on the proposal.

Lien Priority for Adjustable Rate Mortgages (Proposal No. 14). The Committee concludes that no action should be

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taken on this proposal since this financing tool is now available on a limited basis.

Liability for Highway Design (Proposal No. 15). The Committee concludes that no changes in the Kansas Tort Claims Law should be made at this time in regard to liability for highway design defects.

Statutes Regulating Agricultural Leases (Proposal No. 16). The Committee recommends that no action be taken to amend any of the statutes regulating agricultural leases.

* Guilty But Mentally Ill Verdict (Proposal No. 34). The Committee recommends that the guilty but mentally ill verdict not be adopted in Kansas.

Disaster Emergencies — Immunity of Cities and Counties (Proposal No. 38). The Committee concludes that cities and counties and their agents and representatives should be entitled to the same immunity for their activities during any disaster emergencies regardless of whether the Governor or local officials declare that a state of disaster emergency exists.

LABOR AND INDUSTRY

Employment Security (Proposal No. 17). The Committee finds that the Employment Security Fund is solvent at the present time, but is being depleted at an accelerated rate. The Committee believes that prompt action is needed to restore the balance between contributions to the fund and benefit payments made from the fund. The Committee urges consideration of the recommendations of the Employment Security Advisory Council which will be submitted early in the 1983 Session. Finally, the Committee recommends that the state not assume any of the funding of the state job service centers.

Unemployment Compensation for Seasonal Employees (Proposal No. 18). The Committee recommends that no amendment be made in the Employment Security Law for the