

Approved 3/28/83  
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at  
Chairperson

11:00 a.m./~~xxxx~~ p.m. on March 18, 1983 in room 254-E of the Capitol.

All members were present. ~~except~~

Committee staff present: Russell Mills, Legislative Research  
Fred Carman, Assistant Revisor of Statutes  
Emalene Correll, Legislative Research  
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee: General Thomas J. Kennedy, Director, Alcoholic Beverage Control  
Mark Boranyak, Kansas Beer Wholesalers Association, Inc.  
Thomas W. Regan, Kansas Retail Liquor Dealers Association  
Paul Flower, Director, Kansas Real Estate Commission  
Tim Underwood, Kansas Association of Realtors  
Janet Stubbs, Home Builders Association of Kansas

SB329 - beer distributors prohibited from discriminating among liquor dealers.

The Chairman recognized General Kennedy, who appeared concerning SB329, and distributed copies of his Memorandum dated March 18, 1983, concerning SB329, which is made a part of the record. (Attachment #1) Director Kennedy stated that in its present form it is a good bill, and he recommends favorable consideration of the bill by the committee.

The Chairman asked Mark Boranyak how his organization felt about the SB329, and he stated that they have no formal representation concerning the matter but they have no problem with running this through with the general distributors.

The Chairman asked Tom Regan the feelings of his organization, and he replied that the retailers would be willing to submit a position paper on Monday, March 21, 1983, if this met with the Chairman's approval. The paper will be accepted.

Senator Pomeroy moved that SB329 be reported favorably for passage. 2d by Senator Morris. Motion carried.

SB264 - relating to amendments to the real estate brokers' and salespersons' license act.

The Chairman recognized Paul Flower concerning SB264. Mr. Flower requested that the committee delete sections 1 and 2 from the bill. The Commission would like to prepare a position paper in conjunction with the Attorney General's office, and redefine the exemptions section for consideration during the next legislative session. The position paper will recite situations that the Commission intends to exempt and also recite cases that the Commission does not wish to exempt. The Commission agreed to the deletion of section 7, also. The Commission requests the approval for passage of the balance of SB264.

Tim Underwood said that on the changes after the first two sections they are in support that the proposals are being made and there be some sort of regulation.

Janet Stubbs said the only part about which they are concerned are section 1 and section 2.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on March 18, 1983

Senator Pomeroy moved to delete sections 1 and 2 and make the necessary adjustments in the repealer and the title. 2d by Senator Morris.  
Motion carried.

Senator Pomeroy moved to delete section 7 from the bill and make the appropriate adjustment to the repealer and the title. 2d by Senator Morris. Motion carried.

Senator Francisco said that he would like to get together with staff and work an addition that might correct some of the problems. The Chairman appointed Senator Francisco and Senator Winter as a sub-committee to work up something on the policing of the real estate profession.

Senator Pomeroy moved that SB264 be reported favorably for passage as amended. 2d by Senator Morris.

SB373 - relating to exemption of jail personnel from law enforcement training requirements.

The Chairman recognized Richard Kline, who presented a written statement which is a part of the record: Testimony regarding SB373. (Attachment #2) His closing paragraph states: "Passage of Senate Bill 373 will allow for more appropriate training for those persons whose sole job responsibility is in the administration operation and management of jail inmates."

Other representatives available to answer any questions were: Ted Heim, Chairman of the Local County Corrections Facility Board; Tom Merkel, Division Manager at Shawnee County Jail; and Darold Main, Intergovernmental Coordinator.

When questioned about the 80-hour minimum level accredited training course for jail personnel, Ted Heim said that he felt 80 hours were adequate.

Senator Pomeroy moved that SB373 be reported favorably for passage. 2d by Senator Parrish. Motion carried.

SCR1615 - relating to advertising limitations for alcoholic beverages.

General Kennedy appeared to testify concerning SCR1615, to follow up on his appearance before the committee on February 25, 1983, at which time he distributed a Memorandum. (Attachment #7 of those Minutes.) Time ran out and the Chairman announced the matter would be taken up later.

Senator Morris moved that the Minutes of March 16, 1983, be approved. 2d by Senator Pomeroy. Motion carried.

The meeting adjourned at 12:00 noon.

MEMORANDUM

March 18, 1983  
Attachment #1

TO: Honorable Edward F. Reilly, Jr.  
Chairman, Senate Federal and State Affairs Committee

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Senate Bill 329

DATE: March 18, 1983

PURPOSE

Senate Bill 329, if enacted in its present form, is an act concerning intoxicating liquors and beverages; discrimination by suppliers and distributors prohibited; amending K.S.A. 41-1101 and repealing existing section.

PERSPECTIVE

Senate Bill 329, if enacted in its present form, amends K.S.A. 41-1101 to provide:

1. That it is unlawful for a distributor to purchase alcoholic liquor to include beer from a supplier unless the supplier agrees in writing to make such sales to all licensed distributors at the same price without discrimination.
2. That it is unlawful for any retailer to purchase any alcoholic liquor to include beer from any distributor unless the distributor agrees in writing to make such sales to all retailers at the same current bottle and case cost without discrimination.
3. That the provisions of section 1 which require distributors to file price lists showing current bottle and case price in the office of the director shall not apply to any distributor of beer.

COMMENTS AND/OR RECOMMENDATIONS

Senate Bill 329, in its present form is a good bill and the Director of Alcoholic Beverage Control recommends favorable consideration of this bill.

Respectfully submitted,



THOMAS J. KENNEDY, DIRECTOR  
Alcoholic Beverage Control Division

*gm*

SHAWNEE COUNTY DEPARTMENT  
OF CORRECTIONS

Richard A. Mills  
Director

B-22-B

Ph. 295-4477

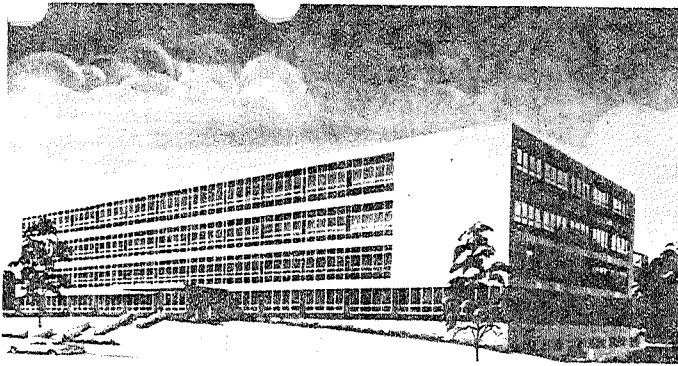
DEPUTY DIRECTORS

RICHARD C. KLINE  
Administration

TOM MAGERKURTH  
SCYC

EARL HINDMAN  
Jail

J. KENNETH HALES  
W.R.C.



SHAWNEE COUNTY COURT HOUSE

*Minutes of March 18, 1983*

*Attachment # 2*

TESTIMONY REGARDING  
SENATE BILL 373

Senate Bill 373 relates to those persons exempted from attending law enforcement training as established in the Kansas Law Enforcement Training Act (K.S.A. 74-5602). Specifically, a section has been added which exempts the law enforcement training for "...any employee of a city or county who is employed solely to perform duties related to jail inmates and the administration and operation of a jail and who has completed a training course of not less than 80 hours in administration and operation of a jail."

This exemption section relates directly to Shawnee County. In Shawnee County the jail is administered and operated by the Shawnee County Department of Corrections. The employees of the jail are solely responsible for administration of the jail and management of the inmates in the facility.

Training provided to the jail correctional staff needs to be directed to jail administration, operations and management of inmates in the jail. The Shawnee County Department of Corrections has established an 80 hour (minimum level) accredited training course through Washburn University for all jail personnel. This training is designed to provide each staff with the necessary education to perform all their job functions.

Under the existing law, the jail personnel are required to attend the training course at the law enforcement academy. This 320 hour State funded training course provides training specifically related to law enforcement oriented functions. The courses are not applicable to the training needed to perform jail and detention oriented functions.

It is equally important to identify the cost factor of the training. When a correctional officer attends the academy training there is a cost of approximately \$2,600 to replace an individual at the facility while they are in training. This is compared to an approximate replacement cost of \$600 while attending the local training. The law enforcement training is funded through State funds. The local jail correctional officer training is allocated in the annual jail budget provided by county funding.

Passage of Senate Bill 373 will allow for more appropriate training for those persons whose sole job responsibility is in the administration operation and management of jail inmates.



Richard C. Kline  
Acting Director  
Shawnee County Department  
of Corrections