

Approved 2/13/85
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~~ on January 25, 1985 in room 254-E of the Capitol.

All members were present ~~except~~ ~~xxxxxx~~.

Committee staff present:

Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
June Windscheffel, Committee Secretary

Conferees appearing before the committee:

The Chairman called the Committee's attention to various proposals that would be before the Committee. He said that the Sub-Committee for SB46, composed of Senators Vidricksen, Hoferer and Anderson will meet on Tuesday. He said that Chairman Vidricksen plans to have two or three meetings to look at all proposals, so it might be some time before it is brought back to Committee.

SCR1605 - county option for liquor by the drink

The Chairman stated that the Committee has had a hearing on SCR1605 and that he would now open the floor for discussion. Also, that he had asked Staff to brief the Committee to clarify what will be accomplished by this Resolution. Fred Carman said that the problem of whether or not a county in which this proposition carried, if submitted to the people in the State of Kansas, would need to vote again in order to exercise its option is to be answered by the fact that they would have to vote the second time. The vote on this amendment is not the equivalent of the people voting on liquor by the drink. That would take implementation by the Legislature and the vote of the people of the county after that. It was reiterated that if the question were submitted on the ballot it would not mean that those counties would have liquor by the drink, it would only mean that those counties would then vote again to have it. The Legislature will have to adopt the process. The laws that are now on the books would continue on the books until the Legislature acts. Mr. Carman said the amendment makes clear that the Legislature maintains the right to regulate. There was much discussion as to how the Legislature would implement any actions to be taken if the amendment to the Constitution were to carry. Russ Mills said he would point out that if this is seen as a mandate the Legislature would probably institute some form of mechanism to have liquor by the drink where the counties approve it.

Senator Martin moved that SCR1605 be recommended favorably for adoption. 2d by Senator Strick. During the discussion Fred Carman pointed out that constitutional amendments fall into two groups: self-executing and not self-executing and this falls into "not self-executing," that until the Legislature does something to carry it out everything will remain in place as it is. The Chairman called for the vote. Motion carried. Senators Daniels and Ehrlich voted "no."

The meeting adjourned at noon.