

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by REPRESENTATIVE ROBERT H. MILLER at
Chairperson

1:30 a.m./p.m. on February 18/7, 1986 in room 526S of the Capitol.

All members were present except:

Rep. Peterson-E

Committee staff present:

Lynda Hutfles, Secretary
Russ Mills, Research
Mary Torrence, Revisor's Office

Conferees appearing before the committee:

Terry Harman, State Historical Society
Mike Boyer, Kansas Bureau of Investigation

The meeting was called to order by Chairman Miller.

Representative Sallee made a motion, seconded by Representative Long, to approve the minutes of the February 17 meetig. The motion carried.

HB2846 - Certain Juvenile Records

Terry Harman, State Historical Society, gave testimony in support of the bill which is an effort to obtain statutory authorization for preservation in the state archives of district court records relating to juvenile offenders and children in need of care. See attachment A.

There was discussion of the need for confidentiality, the reason for choosing 100 years before breaking confidentiality and the fiscal note involved (\$550 per year, which could be absorbed with present funding levels). This would be just a sliver of all the information kept in the archives.

Mike Boyer, KBI, asked for a point of clarification as to whether this bill would include state records. At the end of five year period, they are microfilming everything and destroying the records. They have no problem with giving these records to the Historical Society.

Hearings were concluded.

HB2316 - Payment of cost of establishing corners and boundaries for land surveys

Representative Roe made a motion, seconded by Representative Aylward, to report HB2316 favorable for passage. The motion carried.

HB2637 - Warning labels required on containers of chewing tobacco

Representative Vancrum made a motion, seconded by Representative Ramirez, to table the bill pending the outcome of federal legislation. The motion carried.

HB2655 - Expansion and enforcement of use of prison-made goods.

There was discussion on the impact of this expansion on small business in the state.

Representative Vancrum made a motion, seconded by Representative Roy, to report HB2655 favorable for passage. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS
room 526S, Statehouse, at 1:30 a.m./p.m. on February 18 17, 1986

HB2681 - Requiring food service establishments to notify customers of the use of sulfites

Representative Aylward made a motion, seconded by Representative Sughrue, to amend the bill to include the attached amendment which puts pending federal legislation into Kansas law. The motion carried. See attachment B.

Representative Walker made a motion, seconded by Representative Sughrue, to report HB2681 favorable for passage as amended. The motion carried.

HB2733 - Alcoholic beverage; minimum quantity

Representative Vancrum made a motion, seconded by Representative Gjerstad, to amend the bill to set a floor of 100 milliliters or the equivalent fluid ounce. The motion carried.

Representative Grotewiel made a motion, seconded by Representative Charlton, to report HB2733 favorable as amended. The motion carried.

HB2746 - Public Disclosure

Representative Roe made a motion, seconded by Representative Hensley, to report HB2746 favorable for passage.

There was discussion on the need for an amendment on the filing date and it was decided to delay action on the bill until this amendment was checked out.

HB2753 - Kansas prompt payment act

Representative Sallee made a motion, seconded by Representative Roenbaugh, to amend the bill to define political or taxing subdivisions of this state. See attachment C. The motion carried.

Representative Roe made a motion, seconded by Representative Sallee, to report HB2753 favorable as amended.

There was discussion of the above amendment and it was decided that there was a better way of amending the bill.

Representative Hensley made a motion, seconded by Representative Eckert, to reconsider the committee's action when amending the bill. The motion carried.

Representative Sallee, with the consent of his second, Representative Roenbaugh, withdrew the motion for the amendment.

Representative Sallee made a motion, seconded by Representative Roenbaugh, to amend the bill on line 27, Sec. 1 (b) "Public Agency" means the state or any political or taxing subdivision of the state, or any office, officer, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state"; and strike sections (g) and (h). The motion carried.

Representative Sughrue made a motion, seconded by Representative Sallee, to report HB2753 favorable as amended. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS
room 526S, Statehouse, at 1:30 a.m./p.m. on February 17, 1986

HB2818 - Changes in happy hour law

Representative Vancrum made a motion, seconded by Representative Roy, to amend Sec. 1(1) and Sec. 2 (L) to read "Offer or serve any free alcoholic liquor in any form to any person;" and to delete (a) (3) in Sec. 1 & 2-dealing with serving more than two drinks or a pitcher. The motion carried.

Representative Roy made a motion, seconded by Representative Aylward, to adopt (e) of the ABC recommendations. The motion carried.

Representative Grotewiel made a motion, seconded by Representative Hensley, to amend the bill to keep the status quo of happy days and strike week. The motion failed.

Representative Vancrum made a motion, seconded by Representative Walker, to strike lines 27,28,78, and 79. The motion failed.

Representative Walker made a motion, seconded by Representative Grotewiel, to adopt HB2813 favorably as amended. The motion carried.

HB2832 - Change in names on birth certificates

Chairman Miller distributed a copy of a proposed bill which would require the Department of Health & Environment to provide a certified copy of a certificate, when a person exhibits correspondence from the US Veterans Administration or the Kansas Veteran's Commission which indicates that the person is applying for benefits, without charge. He suggested this bill be amended into HB2832.

Representative Vancrum had reservations with HB2832 and made a motion to introduce the proposal as a committee bill. Representative Ramirez seconded the motion. The motion carried.

Representative Sallee made a motion, seconded by Representative Gjerstad, to report HB2832 favorable for passage. The motion failed.

SB411 - Transient Merchant - Licensing

Representative Vancrum made a motion, seconded by Representative Aylward, to report SB411 favorable for passage. The motion carried.

SB412 - Transient Merchant - Taxing

Representative Vancrum made a motion, seconded by Representative Roenbaugh, to adopt the attached amendments. The motion carried. See attachment D.

Representative Vancrum made a motion, seconded by Representative Eckert, to report SB412 favorably as amended. The motion carried.

The meeting was adjourned.

COMMENTS CONCERNING HOUSE BILL NO. 2846
Presented to the House Federal and State Affairs Committee

by Terry Harmon, Assistant State Archivist

February 17, 1986

The State Historical Society appreciates very much the willingness of the House Federal and State Affairs Committee to introduce House Bill No. 2846.

This measure was prepared by the staff of the Historical Society's department of archives. It is an effort to obtain statutory authorization for preservation in the state archives of district court records related to juvenile offenders and children in need of care.

The archives staff believes that these records have much potential research value. The manner in which our judicial system handles the problems of juveniles is an important aspect of social and legal history. Scholars obviously cannot gain a satisfactory understanding of such matters if all the relevant records are destroyed. The Supreme Court has decided, however, that K.S.A. 1985 Supp. 38-1506 and 38-1607 prevent transfer of these records to the State Historical Society and has suggested that a legislative remedy be sought for the problem.

Such a remedy is needed as soon as possible because Supreme Court Rule No. 108 allows destruction of juvenile records without microfilming five years after each case is closed. Administrative judges in a number of districts recently have issued orders for the disposal of juvenile records because the courthouse space they occupy is needed for other purposes.

If this bill were enacted the state archivist would be allowed, but not required, to accept juvenile court records for deposit in the archives. We would, in other words, consider the records involved in each disposal notice and reach a decision about whether to preserve them. In some circumstances we probably would retain only the oldest records or a representative sample. The Historical Society would not preserve the original documents if they have been microfilmed by the courts.

In addition to authorizing future acquisitions, this bill would enable continued retention in the archives of approximately 40 cu. ft. of juvenile court records acquired before the Supreme Court's decision about the matter. The Historical Society already has a significant investment in time, travel funds, and supplies utilized in processing these documents.

In proposing this statutory change, the Historical Society once again is seeking a reasonable compromise which would meet the needs of researchers and also provide adequate protection for privacy rights. H.B. 2846 would prohibit disclosure of information in most juvenile court records acquired by the Historical Society for 100 years after their creation, unless a researcher obtained an order from a district court judge authorizing examination of the records. In granting access to the records, judges could prohibit disclosure of personally identifiable information found in them. Scholars would not be interested in the individuals involved in juvenile

proceedings. Their concern would be understanding how the judicial system functioned or what the records revealed about our society.

Preserving such records in the state archives would not be a radical change in policy. We already have confidential records of the State Penitentiary, the Commission on Civil Rights, and other agencies. K.S.A. 45-407 requires the archives staff to continue enforcing any restrictions on public access to records in their custody which would apply if the documents were still held by the agency of origin.

Favorable action on this bill by the House Federal and State Affairs Committee would be appreciated very much. It would help make possible preservation of an important archival resource in Kansas.

PROPOSED REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Federal and State Affairs

Recommends that House Bill No. 2681

"AN ACT concerning the food service and lodging act; requiring food service establishments to provide notice to customers of use of sulfiting agents."

Be amended:

On page 1, by striking lines 21 through 27 and inserting:

"Section 1. K.S.A. 65-664 is hereby amended to read as follows: 65-664. A food shall be deemed to be adulterated:

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of the substance in such food does not ordinarily render it injurious to health; or (2)(A) it bears or contains any added poisonous or added deleterious substance, other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive, which is unsafe within the meaning of K.S.A. 65-667 and amendments thereto; or (B) it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of K.S.A. 65-667 and amendments thereto; or (C) it is or it bears or contains any food additive which is unsafe within the meaning of K.S.A. 65-667 and amendments thereto. Where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under K.S.A. 65-667 and amendments thereto and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall,

notwithstanding the provisions of K.S.A. 65-667 and amendments thereto and clause (C) of this subsection, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; or (3) it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or is otherwise unfit for food; or (4) it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or (5) it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or (6) its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) any substance has been substituted wholly or in part therefor; or (3) damage or inferiority has been concealed in any manner; or (4) any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is. This subsection does not apply to any cured or smoked pork product by reason of its containing added water.

(c) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of ~~4/10 of 1%~~ 0.4%, harmless natural wax not in excess of 4/10 of 1% 0.4%, harmless natural gum, and pectin. This subsection does not apply to any confectionery by reason of its containing less than 1/2 of 1% 0.5% by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum

by reason of its containing harmless nonnutritive masticatory substances.

(d) If it is or bears or contains any color additive which is unsafe within the meaning of K.S.A. 65-667 and amendments thereto.

(e) If it is a fruit or vegetable intended to be served raw to consumers, sold raw to consumers or presented to consumers as fresh and it has had used on it sulfur dioxide, sodium sulfite, sodium or potassium bisulfite or sodium or potassium metabisulfite (collectively known as sulfiting agents or sulfites).

Sec. 2. K.S.A. 65-664 is hereby repealed.";

By renumbering section 2 as section 3;

In the title, in line 17, by striking all after "concerning"; by striking all of line 18; in line 19, by striking all before the period and inserting "the Kansas food, drug and cosmetic act; declaring certain foods to be adulterated; amending K.S.A. 65-664 and repealing the existing section";

And the bill be passed as amended.

_____Chairperson

PROPOSED REPORTS OF STANDING COMMITTEES

Committee on Federal and State Affairs
on HOUSE BILL No. 2753

Be amended:

On page 1, in line 27, by striking all after "agency"; by striking all of line 28 and inserting in lieu thereof the following: "or political or taxing subdivision of this state.";

On page 2, by striking all of lines 45 to 48, inclusive, and inserting in lieu thereof the following:

"(g) "Political or taxing subdivisions of this state" means and includes counties, townships, cities, school districts, community colleges, library districts, park districts, road districts, drainage or levee districts, sewer districts, water districts, fire districts and taxing subdivisions created and established under the laws of the state of Kansas."

ATTACHMENT C

H. F+SA
2/17/86

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 1986

SENATE BILL No. 412

By Special Committee on Federal and State Affairs

Re Proposal No. 64

12-19

0021 AN ACT relating to the taxation of property; exempting certain
0022 property from taxation; amending K.S.A. 79-213 and 79-1434
0023 and repealing the existing section sections.

0024 *Be it enacted by the Legislature of the State of Kansas:*

0025 New Section 1. (a) ~~To the extent provided by this section,~~
0026 ~~personal property which is held solely for the following purposes~~
0027 ~~and which is sold or displayed for such purposes for an aggregate~~
0028 ~~of not more than 14 days during the taxable year is exempt from~~ 30
0029 ~~all property or ad valorem taxes levied under the laws of the state~~
0030 ~~of Kansas.~~

0031 (1) Sales at wholesale to retail merchants by commercial
0032 travelers or selling agents in the usual course of business;

0033 (2) sales of agricultural products sold or offered for sale by
0034 the individual raising or producing such products;

0035 (3) sale or display at sales, bazaars or concessions sponsored
0036 or operated by public or private schools and educational institu-
0037 tions;

0038 (4) sale or display at fairs or expositions sponsored by the
0039 state, a county or another governmental entity *or a convention or*
0040 *tourism committee created pursuant to either K.S.A. 12-1695 or*
0041 *12-16,101, and amendments thereto; or*

0042 (5) sale or display in connection with, and at the site of,
athletic tournaments, events, contests or expositions.

0043 (b) To the extent provided by this section, personal property
0044 which is held solely for the following purposes and which is sold
0045 or displayed for such purposes for not more than 14 days at any

ATTACHMENT D

H. RUSA
2/17/86

0047 one site during the taxable year is exempt from all property or ad
0048 valorem taxes levied under the laws of the state of Kansas:

0049 (1) Sale or display at trade shows, expositions or conventions;
0050 (2) sale or display at fairs, conventions or shows operated
0051 primarily for purposes of amusement, entertainment, recreation
0052 or education;

0053 (3) sale or display at sales, fairs, auctions or bazaars operated
0054 by church, religious or charitable organizations;

0055 (4) sale or display at sales or shows of crafts or items made by
0056 hand and sold, offered for sale or displayed by the individual
0057 making such crafts or handmade items;

0058 (5) sale or display at sales, exchanges or shows of collectibles
0059 or hobby or investment items of personal property, including but
0060 not limited to gems and minerals, stamps, coins, photographs and
0061 photographic equipment, guns and belt buckles; or

0062 (6) sale or display at flea markets or at sales, exchanges or
0063 shows of antique or other personal property having an enhanced
0064 value by reason of its age or unique characteristics.

0065 *[(c) To the extent provided by this section, personal property*
0066 *which is held solely for sale or display for an aggregate of not*
0067 *more than 150 days during the taxable year at, and in connec-*
0068 *tion with an athletic tournament sponsored by a convention or*
0069 *tourism committee created pursuant to either K.S.A. 12-1695 or*
0070 *12-16,101, and amendments thereto, is exempt from all property*
0071 *or ad valorem taxes levied under the laws of the state of Kansas.*

0072 *The provisions of this subsection shall apply to all taxable*
0073 *years commencing after December 31, 1988.]*

0074 ~~(e) [(d)]. The exemption provided by this section shall apply~~
0075 ~~to property held for the purposes specified in subsections (a) and~~
0076 ~~[(c), inclusive,] (b) regardless of whether the person holding~~
0077 ~~the property is sponsoring or operating the activity giving rise to~~
0078 ~~the exemption or is participating in the activity as a seller or~~
0079 ~~exhibitor.~~

0080 ~~(d) [(c)].~~ The provisions of ~~subsection (a) and (b) of] thi~~
0081 section shall apply to all taxable years commencing after De-
0082 cember 31, 1985.

0083 **Sec. 2. K.S.A. 79-213 is hereby amended to read as follows:**

(b) The following personal property is exempt from all property or ad valorem taxes levied under the laws of this state:

(1) Personal property held solely for sale or display at, and in connection with, a fair, exposition, trade show or convention sponsored or operated by, or held in facilities or on property wholly or partially owned or operated by, a governmental entity, a convention or tourism committee created pursuant to K.S.A. 12-1695 or 12-16,101, and amendments thereto, or any other bureau or office of a governmental entity which promotes convention or tourism activities; or

(2) personal property held solely for sale or display at, and in connection with, a fair, exposition, trade show or convention sponsored or operated by a nonprofit association which promotes convention or tourism activities.

(c)

subsection (b)

(d)