

Approved _____

Date

3/29/88

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. ~~7:30 p.m.~~ on March 28, 1988 in room 254-E of the Capitol.

All members were present ~~except~~

Committee staff present:

Mary Galligan, Legislative Research
Mary Torrence, Assistant Revisor of Statutes
June Windscheffel, Committee Secretary

Conferees appearing before the committee:

Representative William W. Bryant
Dr. Donald Seedle, Professor of Veterinary Public Health at Kansas State
University
Dr. Robert J. Robel, Chairman, Conservation Issues Committee, Kansas
Wildlife Federation

The Chairman directed the Committee to the Substitute for HB2219,
concerning limiting sales of animal vaccines.

The first conferee, Representative William W. Bryant, was welcomed by
the Chairman. He appeared as a proponent of the bill, and stated that
this legislation is proposed to correct a flaw in the current law
dealing with the sale of rabies vaccine in the state of Kansas. His
statement is part of these Minutes. (Attachment #1)

Dr. Donald Seedle, of Kansas State University, also appeared in support
of the bill, and his statement is attached for the Minutes. (Attachment #2)

The conferees answered questions from the Committee. Senator Morris
made the motion that the Substitute for HB2219 be recommended favorable
for passage, and that it be placed on the Consent Calendar. The motion
was seconded by Senator Arasmith. The motion carried.

The Chairman stated that HB3051, concerning public youth residential
facilities in counties with more than 300,000 people, was before the
Committee for hearing and possible action. Senator Bond said that
a meeting was scheduled for noon today between the administrative judge
and county commission in his county concerning this bill, and he would
request to pass over this until tomorrow. The Chairman acceded to the request.

HB2812, prohibiting sale or purchase of items of clothing or equipment
intended to protect firefighters which fail to meet certain standards,
and which was heard last week, was called to the Committee's attention.
There was Committee discussion. Senator Bond made the conceptual motion that
the language prohibit sale to municipal, county, township, or other fire
departments, for the purpose of protecting firefighters from injury or
death. The motion was seconded by Senator Morris. The motion carried.

The Chairman then said the SB598, farm wineries, bill was next on the
agenda. Staff had some proposed amendments which had been prepared for
Senator Harder some time ago. Senator Arasmith moved to reconsider the
action taken on the bill last Friday. The motion was seconded by Senator
Bond. The motion carried. The Committee considered the proposed amendments.
(Attachment #3) Senator Vidricksen moved, seconded by Senator Strick,
to adopt the provisions concerning the State Fairgrounds to be included in
the statute allowing for consumption of wine thereon, and to allow the
importation of wine pursuant to ABC rules for tasting. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room _____, Statehouse, at 11:00 ~~a.m.~~^{p.m.} on March 28, 1988

Senator Vidricksen moved that the bill be recommended favorably as amended. Senator Strick seconded the motion. The motion carried.

HB2810, prohibiting carrying a firearm while intoxicated, was the next bill before the Committee. The first proponent in this hearing was Dr. Robert J. Robel, of the Kansas Wildlife Federation. His statement states that he is also a Director of the National Rifle Association and serves a Director of the United States Shooting Team, Inc. He represents each of these entities in support of this proposed legislation, and his statement is part of these Minutes. (Attachment #4) Dr. Robel answered questions from the Committee members, and the Chairman thanked him for appearing.

The Reverend Richard Taylor also appeared as a proponent of the proposed legislation, and the Chairman thanked him for his appearance.

The Chairman said there are proposed amendments for this bill by Representative Jeff Freeman, which the Committee will consider later. SB530, which is also in this Committee, will be discussed at that time.

Senator Morris stated that in view of the present crisis that exists he would like to make a motion. Senator Morris moved that the Committee request a rough draft of a concurrent resolution that would require a prison or jail impact statement on any measure that could impact prison or jail populations. The motion was seconded by Senator Martin. The motion carried.

Senator Arasmith moved that the Minutes of March 25, 1988, be approved. The motion was seconded by Senator Martin. The motion carried.

The meeting was adjourned at noon.

LIAM M. BRYANT, D.V.M.
 REPRESENTATIVE SIXTY THIRD DISTRICT
 WASHINGTON REPUBLIC AND
 NORTHERN RILEY COUNTIES
 RURAL ROUTE 2
 WASHINGTON, KANSAS 66968



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENT
 VICE CHAIRMAN INSURANCE
 MEMBER AGRICULTURE AND SMALL BUSINESS
 FEDERAL AND STATE AFFAIRS

March 13, 1988
 House Substitute for SB 2219
 Senate Federal & State Affairs Committee

Substitute for HB 2219 is proposed to correct a flaw in the current law dealing with the sale of rabies vaccine in the state of Kansas.

Since 1969, it has been unlawful for, a person other than a veterinarian to inject rabies vaccine or Brucelia abortus strain 19 vaccine. The law was changed in 1984 to allow veterinary students or an employee of a veterinarian to also administer these vaccines if under the direct supervision of a veterinarian.

The need for changing this law is due to the fact that the way it is written--it is unenforceable. In 1986 Representative Ginger Barr, at the request of Dr. Bob Domer, obtained attorney general opinion #86-24 which states in part that:

The statute permits the sale of either vaccine to persons not authorized to inject the vaccines only when the purchaser is a distributor of veterinary supplies. Further, it does not subject an authorized seller to any criminal penalties for selling it to a person who purchases the vaccine and subsequently injects them without legal authority to do so.

We have hereby created a situation where it is illegal for a person to give the vaccine, but it is not illegal for someone to sell it to him so it becomes unenforceable according to our Livestock Commissioner who is in charge of overseeing such matters.

Restricting the sale of these vaccines to the manufacturer or a veterinarian would correct this problem.

*Senate FSA
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 Attachment #1*

There are several reasons that I might give to help you understand why the law was drafted in the first place.

1. Records
2. Credibility
3. Proper use including not using them in wild species
4. Observation of animals after bites

In order to aid the Livestock Commissioner in administering and enforcing this law, I would urge your support of Substitute HB 2219.

March 28, 1988

TESTIMONY
to
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
Sub. for HB 2219

Mr. Chairman and members of the committee, I am Dr. Donald Seedle, Professor of Veterinary Public Health at Kansas State University. I appear today in support of Substitute for HB 2219.

Rabies vaccine should only be given by a licensed veterinarian. Currently, the American Veterinary Medical Association and National Association of State Public Health Veterinarians have approved 24 vaccines. The wrong vaccine into the wrong species may cause rabies. The individual administering the vaccine must be cognizant of the vaccine, the type of vaccine (inactivated, modified live virus, combination) and how the vaccine must be administered to the individual animal. The route of inoculation is very important. If given improperly, immunity will not occur.

In addition, different vaccines have different lengths of immunity. Some are effective for one year, some

*Senate FSA
3/28/88
Attachment #2*

effective for three years, etc. The individual administering the vaccine must be aware of this difference. Also, it takes a certain period of time after immunization before the animal is actually immune and the veterinarian must be cognizant of this.

With that in mind, we urge your favorable consideration and respectfully request that you recommend Sub for HB 2219 for passage.

Thank you for your consideration.

SENATE BILL No. 598

By Senator Harder

2-9

0016 AN ACT concerning farm wineries; amending K.S.A. 1987 Supp. 41-719 and repealing the existing sections
0017 41-308a and ~~repealing the existing section.~~

0018 *Be it enacted by the Legislature of the State of Kansas:*

0019 Section 1. K.S.A. 1987 Supp. 41-308a is hereby amended to
0020 read as follows: 41-308a. (a) A farm winery license shall allow:

0021 (1) The manufacture of domestic table wine and the storage
0022 thereof;

0023 (2) the sale ~~to wine distributors~~ of wine, manufactured by the
0024 licensee, *to licensed wine distributors, retailers, clubs, drinking*
0025 *establishments and caterers;*

0026 (3) the sale, on the licensed premises in the original un-
0027 opened container to consumers for consumption off the licensed
0028 premises, of wine manufactured by the licensee;

0029 (4) the serving on the premises of samples of wine manufac- or imported under subsection (e)
0030 tured by the licensee, ~~if the premises are located in a county~~
0031 where the sale of alcoholic liquor is permitted by law in licensed
0032 drinking establishments; and

0033 (5) if the licensee is also licensed as a club or drinking
0034 establishment, the sale of domestic wine and other alcoholic
0035 liquor for consumption on the licensed premises as authorized
0036 by the club and drinking establishment act.

0037 (b) Not less than 60% of the products utilized in the man-
0038 ufacture of domestic table wine by a farm winery shall be grown
0039 in Kansas except when a ~~greater~~ *lesser* proportion is authorized
0040 by the director based upon ~~findings that such products are not~~
0041 *available in this state the director's findings and judgment.* The
0042 label of domestic wine shall ~~clearly set forth the proportion~~
0043 *indicate that a majority of the products utilized in the manufac-*
0044 *ture of the wine which was from agricultural products at such*

Senate FSA
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Attachment #3

0045 winery were grown in Kansas.

0046 (c) A farm winery having a capacity of 50,000 gallons per year
0047 or more which sells wine to any distributor shall be required to
0048 comply with all provisions of article 4 of chapter 41 of the Kansas
0049 Statutes Annotated and of K.S.A. 41-701 through 41-705 and
0050 41-709, and amendments thereto, in the same manner and sub-
0051 ject to the same penalties as a manufacturer.

0052 (d) A farm winery may sell domestic wine in the original
0053 unopened container to consumers for consumption off the li-
0054 censed premises at any time ~~when a retailer is authorized to sell~~
0055 ~~alcoholic liquor at retail between 6 a.m. and 12 midnight on any~~
0056 ~~day except Sunday and between 12 noon and 6 p.m. on Sunday.~~

0057 If authorized by subsection (a), a farm winery may serve samples
0058 of domestic wine ~~and serve and sell domestic wine and other~~
0059 alcoholic liquor for consumption on the licensed premises at any
0060 time when a club or drinking establishment is authorized to
0061 serve and sell alcoholic liquor.

0062 (e) *The director may issue to the Kansas state fair or any*
0063 *bona fide group of grape growers or wine makers a permit to*
0064 *import into this state small quantities of wines. ~~The permit shall~~*
0065 *~~specifically identify the brand and type of wine and the quan-~~*
0066 *~~ity permitted to be imported. Such wine shall be used only for~~*
0067 *bona fide educational and scientific tasting programs and shall*
0068 *not be resold. Such wine shall not be subject to the tax imposed*
0069 *by K.S.A. 41-501 and amendments thereto. A farm winery li-*
0070 *cence shall apply only to the premises described in the applica-*
0071 *tion and in the license issued and only one location shall be*
0072 *described in the license.*

0073 ~~(f)~~ *No farm winery shall:*

0074 (1) Employ any person under the age of 18 years in connec-
0075 tion with the manufacture, sale or serving of any alcoholic liquor;

0076 (2) permit any employee of the licensee who is under the age
0077 of 21 years to work on the licensed premises at any time when
0078 not under the on-premise supervision of either the licensee or an
0079 employee of the licensee who is 21 years of age or over;

0080 (3) employ any person under 21 years of age in connection
0081 with mixing or dispensing alcoholic liquor; or

and wine imported under subsection (e)

The permit shall specifically identify the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f)

(g)

0082 (4) employ any person in connection with the manufacture or
 0083 sale of alcoholic liquor if the person has been convicted of a
 0084 felony. _____ (h)

0085 ~~(g)~~ Whenever a farm winery licensee is convicted of a viola-
 0086 tion of the Kansas liquor control act, the director may revoke the
 0087 licensee's license and all fees paid for the license, after a hearing
 0088 before the director for that purpose. _____ (i)

0089 ~~(h)~~ This section shall be part of and supplemental to the
 0090 Kansas liquor control act.

0091 New Sec. 2. The secretary of the state board of agriculture
 0092 ~~shall~~ establish a grape growing and wine making advisory pro- may
 0093 gram to aid in the technology, promotion and marketing of
 0094 Kansas grape growing and Kansas farm wineries.

0095 ~~Sec. 3. K.S.A. 1987 Supp. 41-308a is hereby repealed.~~ _____ Insert attached

0096 Sec. ~~4~~. This act shall take effect and be in force from and
 0097 after its publication in the statute book. 5

Sec. 3. K.S.A. 1987 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803 and amendments thereto takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803 and amendments thereto takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803 and amendments thereto takes place; or

(5) on and after January 1, 1988, on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-308a or K.S.A. 1987 Supp. 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments

thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated or established by a city having a population of more than 200,000.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if such liquor is domestic wine or wine imported under subsection (e) of K.S.A. 41-308a and amendments thereto and is served only for sampling purposes.

(6) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f) or (g).

(d) Any city may exempt, by ordinance, specified property, title of which is vested in such city, from the provisions of subsection (c).

(e) The board of county commissioners of any county may exempt, by resolution, specified property, the title of which is vested in such county, from the provisions of subsection (c).

(f) The state board of regents may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more

than \$200 or by imprisonment for not more than six months, or both.

Sec. 4. K.S.A. 1987 Supp. 41-308a and 41-719 are hereby repealed.

Testimony on H.B. 2810
before the
Senate Committee on Federal and State Affairs
28 March 1988

Mr. Chairman, ladies and gentlemen, my name is Robert J. Robel, and I reside at 211 Cedar Drive in Manhattan, Kansas. I am here to speak in support of H.B. 2810. I am the Chairman of the Conservation Issues Committee of the 8,000-member Kansas Wildlife Federation with 18,000 affiliates in Kansas. I am also a Director of the National Rifle Association, a national organization with 31,000 members in Kansas. I also serve as a Director of the United States Shooting Team, Inc. The U.S. Shooting Team is the group responsible for training the athletes who represent the United States in the Olympic Games and other international shooting sports. I speak today in behalf of each of the preceding entities.

Handling firearms safely is a responsibility shared by all gun owners, be that person a hunter, a law enforcement officer, or an Olympic competitor. Just as society should not tolerate drivers under the influence of alcohol or drugs, we should not tolerate a person carrying or using firearms while under the influence of alcohol and/or drugs.

I am pleased that you are applying the provisions of this bill state-wide rather than having local jurisdictions adopting similar ordinances on a case-by-case basis. Approaching the problem as you are, makes enforcement easier, and fosters the uniform application of law principle which benefits the citizens of Kansas.

In summary, I speak in favor of H.B. 2810, and urge you to recommend this bill to the full Senate for favorable action.

Senate FSA
3/28/88
Attachment #4