

Approved: 2-16-95
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 7, 1995 in Room 526-S of the Capitol.

All members were present except: Representative David Adkins, Absent
Representative Ruby Gilbert, Excused
Representative Greg Packer, Absent
Representative L. Candy Ruff, Excused
Representative Doug Spangler, Absent

Committee staff present: Mary Galligan, Legislative Research Department
Lynne Holt, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Nancy Shobe, Executive Director, State Board of Cosmetology
Representative Doug Mays
David Monical, Washburn University
Pat Michaelis, State Archivist, Kansas State Historical Society

The Chairperson announced that Nancy Shobe, Executive Director, State Board of Cosmetology, requested a bill introduction which is a technical amendment to K.S.A. 65-1908, (7) and striking "the business of a cosmetologist" and replacing with "any establishment licensed by the Board". (See Attachment #1)

Representative Samuelson moved and Representative Lloyd seconded that the requested bill amending K.S.A. 65-1908 be introduced as a committee bill. The motion carried.

The Chairperson opened the hearing on **HB 2282, Consumption of Liquor at Washburn University.**

Representative Doug Mays testified as a proponent for **HB 2282**, stating that under the current state law the consumption of alcoholic liquor is prohibited on the University campus except as may be authorized by policies adopted by the Washburn University Board of Regents. K.S.A. 41-719 (g) presently provides that the University may designate specified property not used for classroom instruction as places at which alcoholic liquor may be consumed. Space on the University's campus used for any course, whether for credit or not for credit is a space for classroom instruction and thus cannot be space in which alcoholic liquor can be consumed.

The Mulvane Art Museum is a space used predominately as an art gallery for the display of works of art. Occasionally, however, not-for-credit art related courses are conducted in the Museum galleries. The University's new Bradbury Thompson Alumni Center has a large hall in which some courses, credit or not-for-credit, may be offered from time to time as it is a multi-purpose room. However, the convocation hall is intended to predominately serve as a meeting space for the Washburn Endowment Association and the Washburn Alumni Association and other University and University affiliated organizations to conduct meetings; social gatherings and the like. Current state law prohibits the University's Board of Regents from authorizing the consumption of alcoholic liquor in both these spaces as they would be used infrequently for credit or not-for-credit courses. This bill would preserve the authority of the Washburn Board of Regents to designate specified locations which are not used for classroom instruction where alcoholic liquor may be consumed. Second, it specifically authorizes the University to permit consumption of alcoholic liquor with these two statutorily designated spaces even though each may be infrequently the site of "classroom instruction". (See Attachment #2)

David G. Monical, Executive Assistant to the President and Director of Governmental Relations, Washburn University, testified in support of **HB 2282**, stating current law only allows the service of alcoholic beverages in areas which are not used for classroom instruction. The Washburn Board of Regents has adopted specific policies governing when such beverages may be consumed and under what circumstances. It must be an officially sanctioned University function or sponsored by a University related not-for-profit

corporation such as the Washburn Endowment Association or the Mulvane Art Center. Our policies also require that the President must approve service at an event at least fifteen days in advance and that the local law enforcement officials will be notified in advance of any such occurrence.

The Bradbury Thompson Alumni Center is currently under construction and will house the Alumni Association and the Endowment Association. This will be the site of receptions, dinners and other social events. It is also possible that, because of its multi-purpose nature, this particular room may be scheduled for some occasional continuing education and perhaps even for credit course offerings. However, not regularly scheduled classes will be held. (See Attachment #3)

The Chairperson closed the hearing on **HB 2282**.

The Chairperson opened the hearing on **SB 17**.

Patricia Michaelis, State Archivist, Kansas State Historical Society, testified as a proponent for **SB 17**, stating this allows for the transfer of records to the Historical Society based on a records schedule entry that would be approved by the State Records Board. It would establish a time frame for retaining records in the Adjutant General's Office and then transferring them to the Historical Society. Military records are of great interest to genealogical researchers and their availability at the Historical Society would make them easily accessible to the more than 15,000 researchers who visit the research rooms each year. (See Attachment #4)

Charles G. Bredahl, Special Assistant to the Adjutant General, sent testimony in support of **SB 17**, stating the Adjutant General's Office has maintained military service records and provided copies of records to veterans, veterans service organizations and family members upon request without charging a fee. It is believed, along with the Historical Society, that these records should be held for historical and research purposes. The Adjutant General's Office has and will continue to work with the State Historical Society to transfer records to their care for use by archivists and military historians. (See Attachment #5)

The Chairperson closed the hearing on **SB 17**.

The Chairperson stated there was a hearing on **HB 2146** on February 2 and would like to know what the desires of the Committee are on this bill.

Staff presented a balloon the lottery requested: on line 34 add "except as provided by subsection (b) (1)". (See Attachment #6)

Representatives Nichols moved and Representative Samuelson seconded that balloon be added to **HB 2146**. The motion carried.

The Chairperson requested that Eric L. Hansen, who testified supporting **HB 2146**, mail written testimony and that testimony requested as amendment. Staff was requested to contact Mr. Hansen to clarify his amendment and discussion would continue at a later date. (See Attachment #7)

The meeting adjourned at 2:00 p.m. The next meeting will be February 13, 1995.

"PROPOSED AMENDMENT TO KSA 65-1908"

65-1908. **Revocation, suspension, nonrenewal or refusal of license; grounds; authority of inspectors.** (a) The Kansas state board of cosmetology may revoke any license provided for by this act, or may refuse to issue, renew, or suspend any license for any of the following reasons:

(1) Failure to comply with the sanitary requirements prescribed by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto;

(2) failure to comply with the rules and regulations of the board of cosmetology;

(3) habitual drunkenness or drug addiction;

(4) conviction of a felony, but such conviction shall not automatically operate as a bar to licensure;

(5) the obtaining of, or the attempt to obtain, a license by fraudulent misrepresentation or bribery;

(6) advertising by means of false or knowingly deceptive matter or statement; or

(7) failure to display the annual license or inspection report as provided for in this act.

The board may order the remedying of any violations of rules and regulations of the board or any statutes pertaining to it.

Inspectors employed by the board shall have such powers as the board may prescribe by rules and regulations to make inspections, investigations, and inquiries, except that a permanent order for closing the business of a cosmetologist any establishment licensed by the Board shall be issued only by the board.

(b) All proceedings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

FLSA
2-7-95
Atch #1

DOUG MAYS
 REPRESENTATIVE, FIFTY-FOURTH DISTRICT
 SHAWNEE COUNTY
 1920 SW DAMON CT.
 TOPEKA, KANSAS 66611-1926
 (913) 266-4885

STATE CAPITOL—ROOM 426-S
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TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: TAXATION
 LOCAL GOVERNMENT
 JUDICIARY

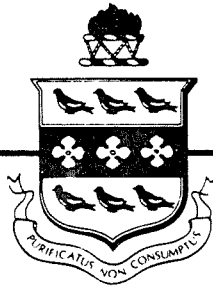
HOUSE BILL No. 2282
Testimony of Representative Doug Mays

Under current state law the consumption of alcoholic liquor is prohibited on the University campus except as may be authorized by policies adopted by the Washburn University Board of Regents. K.S.A. 41-719(g) presently provides that the University may designate specified property not used for classroom instruction as places at which alcoholic liquor may be consumed. Space on the University's campus used for any course, whether for credit or not for credit is a space for classroom instruction and thus cannot be space in which alcoholic liquor can be consumed.

The Mulvane Art Museum is a space used predominately as an art gallery for the display of works of art. Occasionally, however, not-for-credit art related courses are conducted in the Museum galleries. Similarly, the University's new Bradbury Thompson Alumni Center has a large hall in which some courses, credit or not-for-credit, may be offered from time to time as it is a multi-purpose room. However, the convocation hall is intended to predominately serve as a meeting space for the Washburn Endowment Association and the Washburn Alumni Association and other University and University affiliated organizations to conduct meetings, social gatherings and the like. Current state law operates to prohibit the University's Board of Regents from authorizing the consumption of alcoholic liquor in both these spaces as they happen to have been infrequently used, or in the case of the new building will be used infrequently, as a site for credit or not-for-credit courses.

The proposed language to amend the provisions of K.S.A. 41-719(g) does two things. First, it preserves the authority of the Washburn Board of Regents to designate specified locations which are not used for classroom instruction where alcoholic liquor may be consumed. Second, it specifically authorizes the University to permit consumption of alcoholic liquor within these two statutorily designated spaces even though each may be infrequently the site of "classroom instruction."

F45A
 2-7-95
 Atch #2



WASHBURN UNIVERSITY

Topeka, Kansas 66621
Phone 913-231-1010

TO: House Committee on Federal and State Affairs
FROM: David G. Monical
Executive Assistant to the President and Director of Governmental Relations
DATE: February 7, 1995
RE: HB 2282

Mr. Chairman, Members of the House Committee on Federal and State Affairs;

I am David Monical, Executive Assistant to the President and Director of Governmental Relations at Washburn University. I am appearing today to request your support of House Bill 2282. This legislation has been requested by Representative Mays on our behalf to clear up some technical concerns which the University has related to the service of alcoholic beverages on the campus. The amendment to current law is contained in Subsection G of Section 8 on page 2 related to Washburn University's ability to exempt certain property from the prohibition against the service of alcoholic beverages generally provided in Section 5 (C) on page 1.

Current law only allows the service of alcoholic beverages in areas which are not used for classroom instruction. The Washburn Board of Regents has adopted specific policies governing when such beverages may be consumed and under what circumstances. It must be an officially sanctioned University function or sponsored by a University related not-for-profit corporation such as the Washburn Endowment Association or the Mulvane Art Center. Our policies also require that the President must approve service at an event at least fifteen days in advance and that the local law enforcement officials will be notified in advance of any such occurrence.

We have absolutely no disagreement with existing policy. Our concern is of a technical nature in that two facilities on our campus, one existing and one under construction, are designed for multiple purposes, or are occasionally employed in the educational enterprise. In the latter case, the Mulvane Art Museum frequently plays host to non-credit courses or to students enrolled for credit in art classes who are required to attend or view various exhibitions. Although the Mulvane is not used for regularly scheduled classroom instruction, by this amendment we ensure there is no ambiguity related to any approved event occurring in this facility.

The Bradbury Thompson Alumni Center is currently under construction on the Washburn University campus. Its construction is being totally financed from private contributions. It will house our Alumni Association and our Endowment Association and will serve as their entry to the campus. Within the facility will be a convocation center which will be the site of receptions, dinners and other events. It is also possible that, because of its multi-purpose nature, this particular room may be scheduled for some occasional continuing education and perhaps even for credit course offerings. However, this is not the type of room which one would think of as holding regularly scheduled classes and is likely only to be used when its unique architectural features and size make it most suitable for the academic enterprise at hand. Therefore, we hope you agree with us that this is not the type of facility which one would typically consider as being used for "classroom instruction."

F & SA
2-7-95
Atch #3

House Committee on Federal and State Affairs
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February 7, 1995

All our requested amendment to existing law does is to ensure that there is no ambiguity regarding the ability of the Washburn Board of Regents to establish policies regarding the service of alcoholic beverages in the Mulvane Art Center and the Bradbury Thompson Alumni Center. This amendment is basically technical in nature and does not change or alter the current statutory policies related to the service of alcoholic beverages on this or other campuses.

We think this is a technical issue and request this statutory clarification. We hope that you will recommend House Bill 2282 favorably for passage.



KANSAS STATE HISTORICAL SOCIETY

Testimony on Senate Bill 17

Presented By Patricia Michaelis, State Archivist

to the House Federal and State Affairs Committee

February 7, 1995

My name is Pat Michaelis of the Kansas State Historical Society and I am testifying before you in my role as State Archivist. The request to amend KSA 48-204, 73-210, and 73-210a originated at a meeting of the State Records Board in late 1993. The State Records Board has responsibility for approving or disproving records retention and disposition schedules for state agencies. At the meeting, the Board was considering a records schedule entry for military service records of individuals held in the Archives Section of the Adjutant General's Department. Everyone involved agreed that the records had enduring value due to the information they contain concerning Kansans' participation in military service. However, the wording of the existing legislation requires the Adjutant General to keep them permanently. In discussions with the Adjutant General's records officer Charles Bredahl, it was agreed to seek an amendment to allow the records in question to be transferred to the Kansas State Historical Society, where they would be more accessible to researchers.

We contacted Senator Tillotson to request that the Revisor of Statute's office prepare such an amendment. The draft bill being considered by this committee allows for the transfer of these records to the Historical Society based on a records schedule entry that would be approved by the State Records Board. It would establish a time frame for retaining records in the Adjutant General's Office and then transferring them to the Historical Society. Military records are of great interest to genealogical researchers and their availability at the Historical Society would make them easily accessible to the more than 15,000 researchers who visit the research rooms each year.

We feel the wording that exempts persons applying for veterans benefits from paying copying fees continues the original bill's intent to recognize the value of military service while allowing for nominal charges for others requesting copies of these records.

We are supportive of the changes brought about by this draft and feel that it meets all of our concerns.

FLSA
2-7-95
Atch #4

STATE OF KANSAS
THE ADJUTANT GENERAL
2800 S.W. TOPEKA BLVD.
TOPEKA, KANSAS 66611-1287

KANSAS HOUSE OF REPRESENTATIVES
FEDERAL AND STATE AFFAIRS COMMITTEE

TESTIMONY BY

THE ADJUTANT GENERAL'S DEPARTMENT
CHARLES G. BREDAHL
SPECIAL ASSISTANT TO
THE ADJUTANT GENERAL

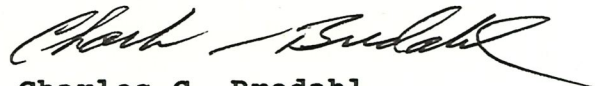
SENATE BILL NUMBER 17

Mr Chairperson and Members of the Committee:

The Adjutant General's Department supports Senate Bill Number 17 as amended by the Senate. We have, by statute, maintained military service records and provided copies of records to veterans upon request. We also provided requested records, upon presentation of valid authorization, to veterans service organizations and family members upon request. We have not charged a fee for this service in the past and do not anticipate charging any fees in the future. Our State Comptroller, Ms. Janice Harper, (913) 274-1451, has submitted a fiscal impact note regarding this issue.

We have worked, and continue to work with the State Historical Society, to transfer records to their care for use by archivists and military historians. We believe, along with the Historical Society, that these records should be held for historical and research purposes.

I appreciate the opportunity to provide this testimony to the committee and urge the committee to favorably consider this bill. If any questions arise, I may be contacted at (913) 274-1004.



Charles G. Bredahl
Special Assistant to
The Adjutant General

F & SA
2-7-95

Atch #5

HOUSE BILL No. 2146

By Representative Ballou

1-23

9 AN ACT concerning the state lottery; relating to payment of prizes;
10 amending K.S.A. 74-8720 and repealing the existing section.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 74-8720 is hereby amended to read as follows: 74-
14 8720. (a) As nearly as practical, an amount equal to not less than 45% of
15 the total sales of lottery tickets or shares, computed on an annual basis,
16 shall be allocated for payment of lottery prizes.

17 (b) (1) *Subject to the provisions of subsection (b)(2), the prize to be*
18 *paid or awarded for each winning ticket or share shall be paid to: (A) One*
19 *natural person who is adjudged, by the executive director, the director's*
20 *designee or the retailer paying the prize, to be the holder of such winning*
21 *ticket or share; or; (B) such person's revocable or irrevocable trust, as*
22 *designated by such person; or (C) the person designated in writing by the*
23 *holder of the winning ticket or share on a form satisfactory to the exec-*
24 *utive director; except that*

25 (2) The prize of a deceased winner shall be paid to the duly appointed
26 representative of the estate of such winner or to such other person or
27 persons appearing to be legally entitled thereto.

28 (c) The executive director shall award the designated prize to the
29 holder of the ticket or share upon the validation of a claim or confirmation
30 of a winning share. The executive director shall have the authority to make
31 payment for prizes by any means deemed appropriate upon the validation
32 of winning tickets or shares.

33 (d) The right of a person to a prize drawn or awarded is not assign-
34 able.

except as provided by subsection (b) (1)

35 (e) All prizes awarded shall be taxed as Kansas source income and
36 shall be subject to all state and federal income tax laws and rules and
37 regulations. State income taxes shall be withheld from prizes paid when-
38 ever federal income taxes are required to be withheld under current fed-
39 eral law.

40 (f) Unclaimed prize money not payable directly by lottery retailers
41 shall be retained for the period established by rules and regulations and
42 if no claim is made within such period, then such unclaimed prize money
43 shall be added to the prize pools of subsequent lottery games.

FVSA
2-7-95
Atch #6

Atch #6

Testimony in Support of House Bill No. 2146

I speak in support of the proposed amendment to K.S.A. 74-8720, Section 1(b)(1) for the following reasons:

1. The proposal allows distributions to a beneficiary to escape probate court administration. The negative aspects to a lottery winner's estate of being subjected to such administration include the following:
 - (a) Court costs and legal fees of probate administration.
 - (b) Time delays necessitated by probate administration.
 - (c) Loss of privacy to estate heirs and beneficiaries due to the public nature of probate court records.
2. Further, I support House Bill No. 2146 as it will have no negative impact on the revenues of the State of Kansas or the Internal Revenue Service.

I would also like to propose a brief addition to K.S.A. 74-8720, Section 1(b)(2). The addition would cause that subsection to read as follows:

The prize of a deceased winner shall be paid to the duly-appointed representative of the estate of such winner, or to such other person or persons appearing to be legally entitled thereto, *or to the trustee of such deceased winner's revocable or irrevocable trust, as designated by such deceased winner.*

My purpose in proposing such amendment to K.S.A. 74-8720 is to insure that payments made after death of a lottery winner will receive the same confidentiality as those made prior to such winner's death. Adding the proposed clause to Section 1(b)(2) of K.S.A. 74-8720 will have the same positive effect as specified above stated in support of House Bill No. 2146. Further, this proposed amendment will, again, have no negative impact on the revenues collected by the Kansas Department of Revenue or the Internal Revenue Service.

The above written comments are consistent with and in support of my testimony given February 2, 1995.

Respectfully submitted,



Eric L. Hansen

ELH:sa