

Approved: March 17, 1999
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:10 a.m. on March 8, 1999 in Room 254-E of the Capitol.

All members were present:

Committee staff present: Mary Galligan, Legislative Research Department
Russell Mills, Legislative Research Department
Theresa Kiernan, Revisors of Statutes
Judy Glasgow, Committee Secretary

Conferees appearing before the committee: Natalie Haag, Chief Legal Counsel, Office of the Governor

Others attending: See Attached Sheet

Chairman Oleen ask that Theresa Kiernan address SB 16 - recodification of the liquor laws.

Ms. Kiernan went over the bill and the memorandum dated February 24, 1999. (Attachment 1). **SB 16** would combine existing liquor control act, nonalcoholic beer act and club and drinking establishment act into one liquor control act and keeps separate the cereal malt beverage act. The bill vests exclusive power to regulate all phases of the control of manufacture, distribution, sale, possession, transportation and traffic in alcoholic liquor and the manufacture of beer in the state. The bill specifically authorizes cities and counties to regulate the sale of alcoholic liquor by the issuance, revocation, restriction and suspension of a local license to certain retailers.

A Memorandum from Norman Furse was distributed to committee members noting the major recodifications of statutes since 1992. (Attachment 2).

A discussion by committee members followed. Senator Oleen stated that the committee would discuss the balloon to **SB 16** on March 9, which covers changes that have been made to the bill since it was introduced.

Chairman Oleen recognized Natalie Haag, Chief Legal Counsel, Office of the Governor. Natalie Haag addressed the committee regarding the **ERO 29, to establish a commission on emergency planning and response.** (Attachment 3). The communities involved in planning for emergencies can not consider the chemical hazards preparedness in a vacuum. These issues overlap with all hazards preparedness. Local officials expressed frustration about the lack of authority of the SERC to deal with all emergency issues. The recommendation of the Governor is to incorporate the chemical hazards planning into the commission on emergency planning and response. This action will facilitate a comprehensive plan for all disasters. On behalf of Governor Graves, she encouraged the committee's support for **ERO 29.**

Chairman Oleen noted that the staff support will be from the Adjutant General's Office and questioned if there was money allotted to that agency to cover the work. The cost could be absorbed by the Adjutant General's Office since these would cover some travel costs involved of around \$2,5000.00 and a .05 clerical support. Senator Oleen ask that the committee be kept appraised of the cost situation to the Adjutant General's office upon implementation of the ERO.

Senator Jones moved to pass the ERO favorably to the full Senate. Senator Biggs seconded the motion. The motion caarried.

Chairman Oleen ask for action on minutes of committee for regular meetings on February 22 and February 23. Senator Biggs moved the minutes of February 22 and 23 be approved. Senator Vratil seconded the motion. The motion carried.

Chairman Oleen called the committee's attention to a letter received from Metropolitan Prevention Coalition supporting **SB 239.** (Attachment 4).

The meeting adjourned at 12:05 p.m. The next meeting of this committee will be March 9, 1999.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: March 8, 1999

NAME	REPRESENTING
Francis Kastner	Ks Food Dealers Assn
Rebecca J. ... Jim Conant	KRLDH + Ks Child Abuse ABC
Neal Whitaker	Ks Beer Wholesalers Assn
Jim Keating	Kans. State Fire Marshal
Pat Lehman	Ks State Fire Service Alliance
JAN SIDES	KDHE
Gary Miller	KDHE
Tim Lockett	Highway Patrol
Chuck Breckahl	Adjutant General's Dept
Carolyn Muddendorf	KSDA
Alan Steppatt	KLPG
John Peterson	Ks Governmental Consultant
Juli Hein	Hein & Weir, Chtd.
Terry Leatherman	KCCI
Kim Grelley	LKM
Kelley Kuetala	City of Overland Park
Judy Melon	16. Assn of Counties
Natalie Haag	Governor's office

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: 3-8-99

NAME	REPRESENTING
<i>Amy A. Campbell</i>	KRUDA
<i>Carolyn M. ...</i>	KSDA

IAN J. FURSE, ATTORNEY
REVISOR OF STATUTES

JAMES A. WILSON III, ATTORNEY
FIRST ASSISTANT REVISOR

ASSISTANT REVISORS

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DON S. HAYWARD, ATTORNEY
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WILLIAM L. EDDIS, ATTORNEY
BRUCE W. KINZIE, ATTORNEY
THERESA M. KIERNAN, ATTORNEY
GORDON L. SELF, ATTORNEY
JILL A. WOLTERS, ATTORNEY
ROBERT J. NUGENT, ATTORNEY
MICHAEL K. CORRIGAN, ATTORNEY
RENAE JEFFERIES, ATTORNEY
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SECRETARY—KANSAS COMMISSION ON INTERSTATE COOPERATION
KANSAS STATUTES ANNOTATED
EDITING AND PUBLICATION
LEGISLATIVE INFORMATION SYSTEM

COMPUTER INFORMATION STAFF
MARY O. CHENG, M.S.
RICHARD M. CHAMPNEY, B.S.

MEMORANDUM

TO: Senate Committee on Federal and State Affairs
FROM: Theresa Kiernan
RE: Senate Bill No.16
DATE: February 24, 1999

- Recommended by the interim committee.
- Combines the existing liquor control act, nonalcoholic beer act and club and drinking establishment act into one liquor control act.
- Keeps CMB laws separate under the named cereal malt beverage act. (§126 p. 87)
- The new liquor control act would be uniform and preemptive. Except as specifically provided in Section 125, the bill vests exclusive power to regulate all phases of the control of manufacture, distribution, sale, possession, transportation and traffic in alcoholic liquor and the manufacture of beer in the state. (§2 p. 2)
- Specifically authorizes cities and counties to regulate the sale of alcoholic liquor by the issuance, revocation, restriction and suspension of a local license to certain retailers:

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Cities - liquor stores, class A and B clubs, drinking establishments, caterers and temporary permittees.

Counties - Class A and B clubs, drinking establishments, caterers and temporary permittees.

- Requires a valid state license to obtain a local license. If the person holds a valid state license, the city or county would be required to issue a local license. Provides that if a local license is required by a city or county, that a local license must be obtained even if the person holds a state license. Also, if the local license is revoked or suspended, the licensee could not operate within such city or within the unincorporated areas of the county in the case of county action. If the state license is revoked, the licensee could not operate under the authority of a local license.
- Authorizes cities and counties to adopt operating standards and to revoke, suspend or restrict a local license for violation of operating standards.
- Authorizes the imposition of a fee for local license but limits such fee to an amount which equals the amount imposed by for state license.
- A non-exclusive list of operating standards is specified in the bill (zoning, conduct in and around premises, security requirements, hours of operation).
- Repeals K.S.A. 41-714 concerning liquor advertisements.
- Repeals K.S.A. 41-715 concerning provision of liquor to incapacitated persons.
- Amends K.S.A. 41-334 to provide for issuance of three-year salesperson's permit which currently is a one-year permit.(p. 39)
- Deletes a provision in K.S.A. 41-1107 which allows imposition of a fine and jailing of a county attorney for not enforcing violations of the liquor control act.(p. 72)
- Repeals many unnecessary or obsolete statutes.

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MEMORANDUM

TO: Senator Lana Oleen

FROM: Norman J. Furse, Revisor of Statutes

DATE: February 26, 1999

RE: Recodification of Statutes

You had requested that I review the session laws for the last several years to identify major recodifications of statutes during that time. I have completed that review and cite the following bills as extensive rewrites of the laws involved:

1998—Extensive amendments to the Kansas public employees retirement system statutes. See SB 382 (L. 1998, ch. 64) and SB 11 (L. 1998, ch. 201).

1997—Brokerage and real estate transactions act amendments. See HB 2264 (L. 1997, ch. 65).

1997—Laws relating to juveniles. See House Substitute for SB 69 (L. 1997, ch. 156).

1996—Extensive revision of statutes relating to juveniles. See HB 2900 (L. 1996, ch. 229).

1995—None.

1994—None.

1993—Workers compensation act statutory changes. See SB 307 (L. 1993, ch. 286).

1992—Recodification of the criminal code. See SB 358 (L. 1992, ch. 298). See also L. 1993, ch. 291.

1992—Sentencing guidelines recodification. See SB 479 (L. 1992, ch. 239).

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**SENATE COMMITTEE
ON FEDERAL AND STATE AFFAIRS**

Governor's Reorganization Order No. 29

Testimony of Natalie G. Haag

Chief Legal Counsel

Office of the Governor

March 8, 1999

Madam Chair and members of the committee:

Thank you for the opportunity to address this committee regarding Reorganization Order No. 29. The public safety of Kansas citizens is a priority for Governor Graves and can best be accomplished through a coordinated effort by federal, state and local agencies responsible for various functions of planning, mitigation and response to disasters.

Under this order, the commission on emergency planning and response is established to facilitate a coordinated effort for the planning, preparation, response and mitigation of emergencies for the State of Kansas. The fire marshal, department of health and environment, department of transportation, Kansas highway patrol, adjutant general and the department of commerce and housing will each have a representative on the commission. Each of these agencies acts as a primary responder, planner or financial resource for mitigation and response planning. Other state agencies will also be called upon to provide expertise and direction in developing a comprehensive plan for emergency preparedness in Kansas, including but not limited to, the Governor's Office, Department of Agriculture, Department of Wildlife and Parks, Kansas Water Office, Facilities Management, Legislative Services, Kansas Corporation Commission, Department of Human Resources and the Attorney General.

In addition to those state agencies primarily responsible for addressing emergency disasters on behalf of the state, the commission will include representatives of cities, counties and business/industry. The intent of the reorganization order is to create a means of allowing local and county governmental officials and private business and industry more input into the State's planning process for disasters and emergencies. To adequately address emergency disasters in the State of Kansas, we need a partnership of planning and response between state, county and local governments and their responding officials. Communication between all levels of government increases the chance of averting a disaster or minimizing the effects of a disaster. The commission on emergency planning and response will serve as a fundamental link in facilitating these emergency preparedness partnerships.

The commission on emergency planning and response will also assume the statutory duties of the state emergency response commission, as set forth in K.S.A. 65-5703 *et seq.* The state emergency response commission was enacted as a requirement of the federal emergency planning and community right-to-know act of 1986. This commission is responsible for coordinating the state's chemical emergency training, preparedness, and response.

The communities involved in planning for emergencies can not consider the chemical hazards preparedness in a vacuum. These issues overlap with all hazards preparedness, *i.e.*, floods, tornadoes, fires, etc. Thus, local officials expressed frustration about the lack of authority of the SERC to deal with all emergency issues. The recommendation of the Governor is to incorporate the chemical hazards planning into the commission on emergency planning and response. This action will facilitate a comprehensive plan for all disasters.

On behalf of Governor Graves, I would encourage your support for Executive Reorganization Order No. 29.

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Attachment: # 3-1

Metropolitan Prevention Coalition

Linking
for
prevention

American Cancer Society
913-432-3277

Drug and Alcoholism
Council of Johnson County
913-432-8424

Drug Enforcement
Administration
913-662-9119

HIDTA
913-746-4911

Johnson County Juvenile
Court Services
913-782-7252

Johnson County Stop
Underage Drinking Project
913-362-1990

Kansas Family Partnership
785-266-6161

Mothers Against
Drunk Driving
913-722-5581

NCADD
816-361-5900

Regional Prevention Center
of Johnson, Leavenworth
and Miami Counties
913-362-1990

Regional Prevention Center
of Wyandotte County
913-596-9685

Tri-County Mental Health
Services, Communities 2000
816-468-7088

University of Kansas Medical
Center School of Nursing
913-588-1640

United Way of Wyandotte
County, Inc.
913-371-3674

Wyandotte & Johnson County
Medical Society Alliance
913-338-1631

DATE: February 24, 1999
TIME: 12:30
TO: Committee on Federal and State Affairs
FROM: Elizabeth C. Baehner LMSW
RE: SB 239

As Director of the Regional Prevention Center serving Johnson, Leavenworth and Miami counties, I strongly support SB 239, an act regulating the distribution of free samples of cigarettes and other tobacco products.

The fifteen member agencies of our Metropolitan Prevention Coalition also support its passage. Together we urge senators on the committee to support SB 239.

We support regulating distribution of cigarettes and tobacco products for at least three reasons:

- Sampling exposes children and teenagers to free tobacco products that are illegal for them to use.
- Sampling provides free tobacco products that are physically harmful to adults, children and teenagers.
- Research clearly shows that when substances like tobacco are readily available, children are more likely to begin use early in their lives. This increases their risk of developing addiction and other health problems associated with use.

Youths who avoid smoking before age 19 are unlikely to ever begin smoking, or to become addicted. Non-use protects all of us from health and societal problems, and costs related to tobacco use.

Thank you for giving your support to Senate Bill 239.

Elizabeth C. Baehner LMSW

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