

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 15, 2006 in Room 231-N of the Capitol.

All members were present except:

Senator O'Connor - excused

Senator Vratil - excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department

Dennis Hodgins, Kansas Legislative Research Department

Connie Burns, Committee Secretary

Conferees appearing before the committee:

Major General Tod Buntin, Kansas National Guard

Barbara Dominguez, Secretary of State

Philip Bradley, Kansas Licensed Beverage Association

Tuck Duncan, Kansas Wine and Spirits Wholesalers Association

Others attending:

See attached list.

Major General Tod Bunting, appeared before the committee to provide an update on the Kansas National Guard. (Attachment 1) The total deployment is 838 soldiers and 39 airmen for a total of 877. Guard Troop Status:

Reset 53%

Ready 21%

Deployed 15%

Deploying 11%

The troops are deployed for the specialty of what the Guard was trained for, and the equipment goes with the Guard unit to the theater. The following is a list of the Stay behind equipment:

Heavy equipment transporter

Palletized loading system

HMMWV

Night vision goggles

Tractors & trailers

Graders, motorized

Scoop loaders

Bulldozers

Generator (greater than 30KW)

The Guard responded to Katrina/Rita with the EMEDS, and shared with the committee the lessons learned:

Improve reconnaissance/scout teams

Statewide database of deplorable assets

Improved communications (process/coordination/equipment)

Deployment training for non-military personnel

Improved understanding of NIMS

Need to Exercise and Constantly Improve Plans

Chairman Brungardt thanked the Major General for his presentation.

SB 394 – Rules and regulations – approval of publication by State Rule and Regulations Board

Chairman Brungardt opened the hearing on **SB 394**.

Barbara Dominguez, Director Administrative Regulations and Session Laws, provided written testimony for the Secretary of State on the bill. (Attachment 2) The bill would amend the first sentence in current law to make clear that the State Rules and Regulations Board should meet after January 1 each year to determine

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 15, 2006 in Room 231-N of the Capitol.

which rules and regulations filed during the preceding calendar year are to be published in the KAR volumes or supplement.

Chairman Brungardt closed the hearing on **SB 394**

SB 555 – Allowing club and drinking establishment patrons to carry out partially consumed containers of alcoholic liquor

Chairman Brungardt opened the hearing on **SB 555**.

Philip Bradley, Kansas Licensed Beverage Association, appeared in support of the bill. (Attachment 3) The bill would allow patrons a way to take home unfinished beverages in a safe and controlled manner, and discouraging consumers from finishing the entire bottle purchased just because it was illegal to remove it from the premise. Included in this bill are many conditions to assure only legal products, within specific conditions may be bagged and the open container laws are met.

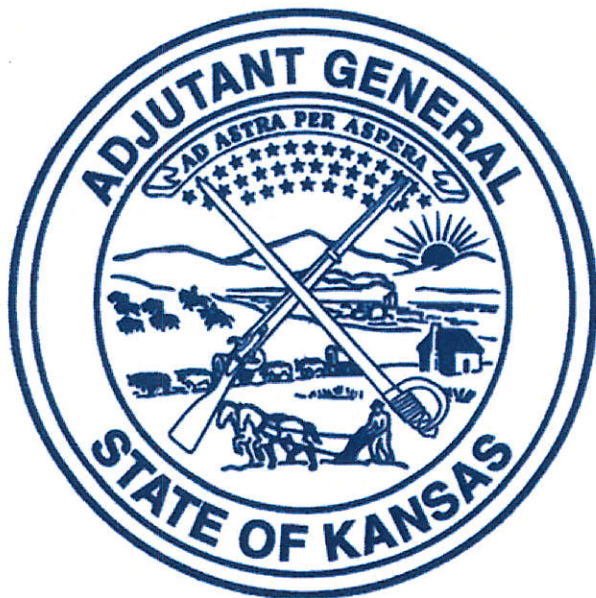
Tuck Duncan, Kansas Wine and Spirits Wholesalers Association, spoke in support of the bill. (Attachment 4) Mr. Duncan stated this form of legislation will encourage moderate consumption of beverage alcohol and yet ensure compliance with the Kansas open container laws.

Chairman Brungardt closed the hearing on **SB 555**.

The meeting was adjourned at 11:35 am. The next scheduled meeting is February 16, 2006.

Joint Forces HQ - Kansas National Guard

Legislative Update February 2006



**Major General Tod Bunting
Adjutant General's Department
15 February 2006**



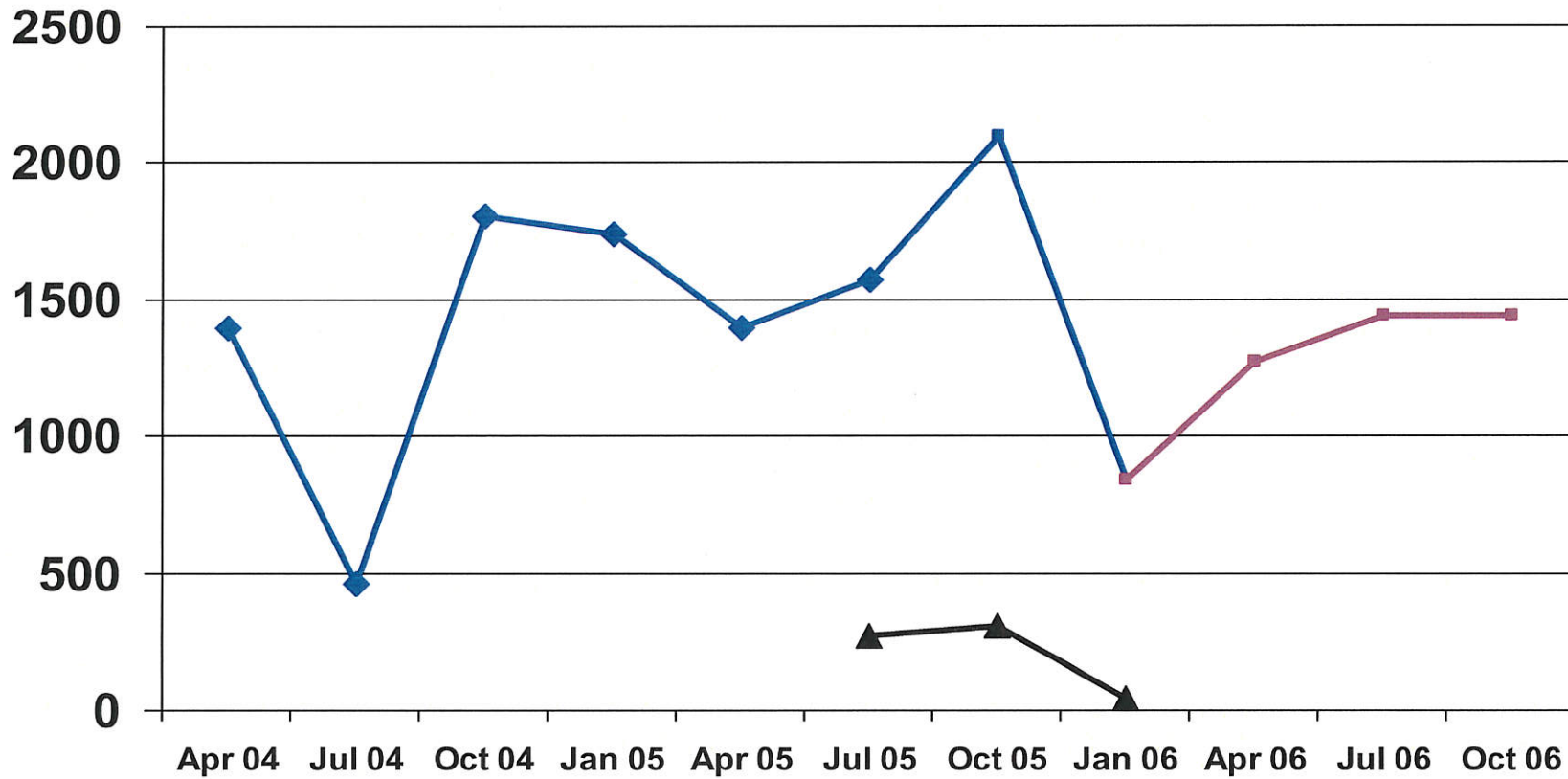
Overview

- **Deployments**
 - **Equipment Status**
 - **Katrina/Rita Response**
 - **Future Initiatives**
 - **Questions**
-



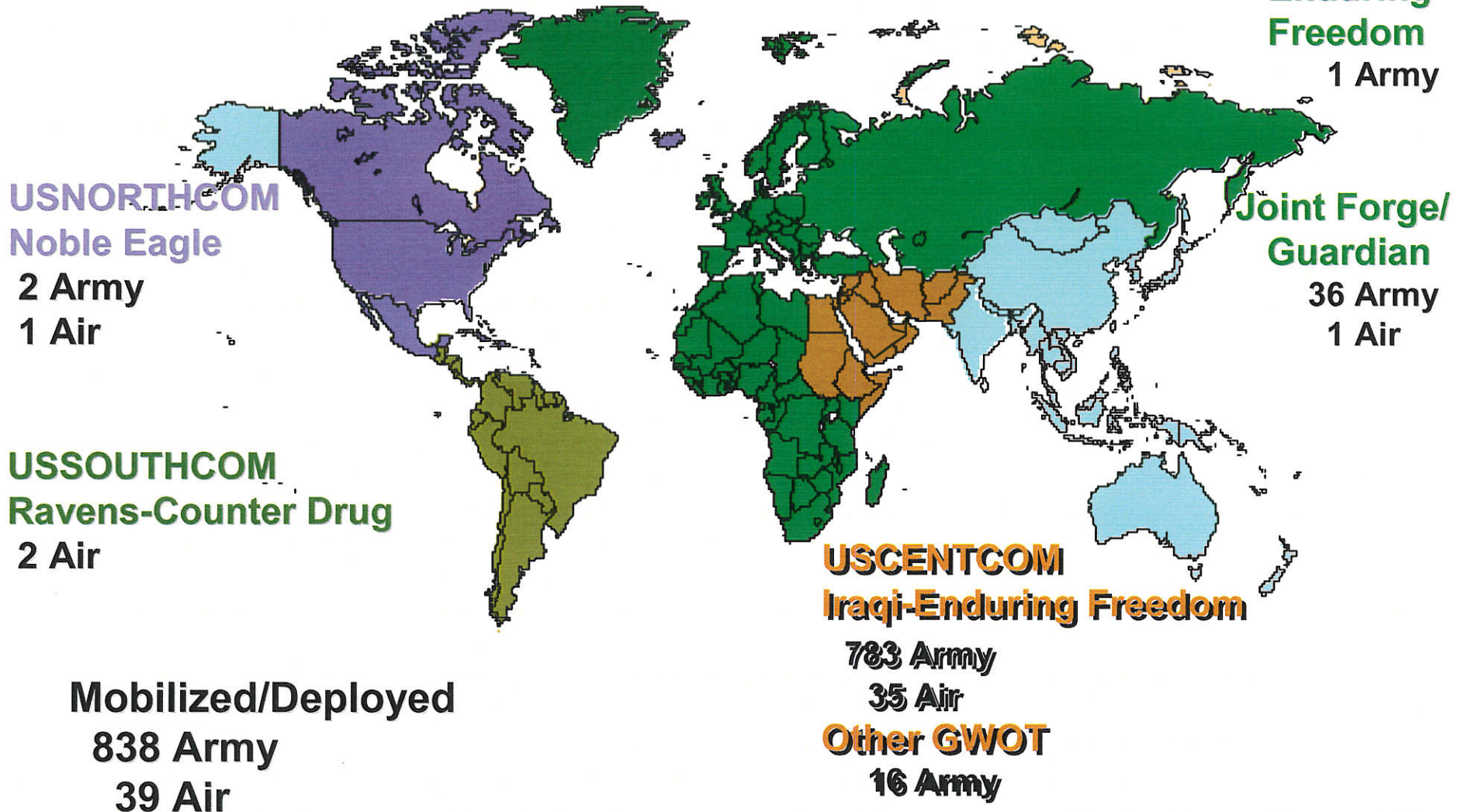
Deployment History

Total Soldiers & Airmen Deployed: 838 + 39 = 877



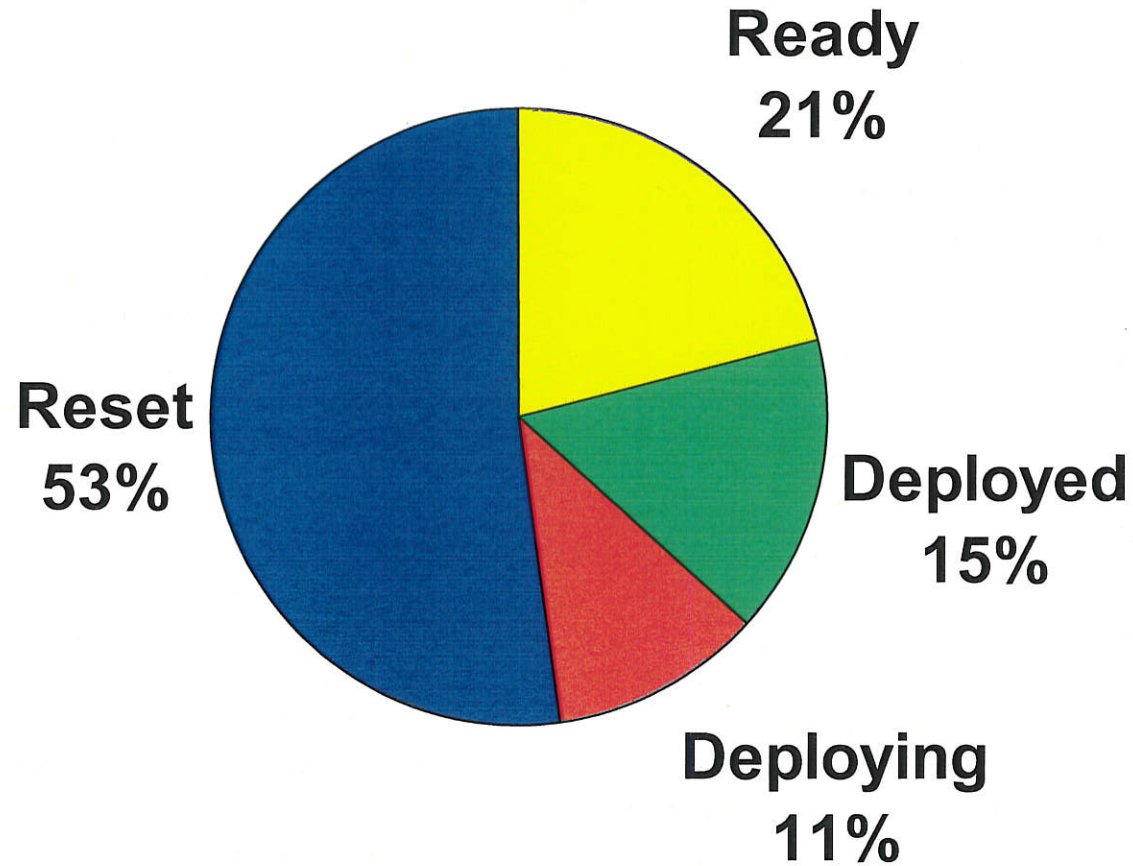


Kansas National Guard





Guard Troop Status





Major Deployments Post 9-11

Unit	Mob Date	Location	Mission	Soldiers
2-137 th IN	Feb 02	Germany	Security	393
1-161 st FA	Sep 02	Kansas	Security	200
35 th Division	Nov 02	Bosnia	Stabilization	272
1-108 th AV	Nov 02	Bosnia	Stabilization	119
226 th EN	Jan 03	Iraq	Engineering	143
1-161 st FA	Jan 03	Kansas	Security	109
102 nd Mil History	Feb 03	Afghanistan	History	11
24 th Medical	Mar 03	Ft Stewart	Aviation	9
731 st Trans	Mar 03	Ft Carson	Transportation	45
1-127 th FA	May 03	Ft Riley	Security	183
2-130 th FA	Dec 03	Iraq	Security	351
105 th Public Affairs	Feb 04	Iraq	Public Affairs	11
TAB E, FA	Feb 04	Iraq	Targeting	15



Major Deployments Post 9-11

Unit	Mob Date	Location	Mission	Soldiers
35 th Military Police	Jul 04	Kosovo	Military Police	63
Army National Guard	Aug 04	Iraq	42 nd Division	43
778 th Heavy Trans	Aug 04	Iraq	Transportation	171
74 th Quartermaster	Sep 04	Iraq	Logistics	105
TAB E, FA	Sep 04	Iraq	Targeting	47
891 st Engineer	Sep 04	Iraq	Engineering	385
137 th PLS	Oct 04	Iraq	Transportation	81
1-635 th Armor	Oct 04	Kosovo	Stabilization	350
24 th Medical	Oct 04	Kosovo	Aviation	17
HHD 169 th CSB	Oct 04	Iraq	Logistics	59
35 th Military Police	Feb 05	Djibouti	Military Police	9
995 th Maintenance	May 05	Ft Riley	Maintenance	135
1-127 th FA	Jul 05	Iraq	Security	152







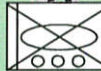



Major Deployments Post 9-11

Unit	Mob Date	Location	Mission	Soldiers
24 th Medical	Jul 05	Kosovo	Aviation	11
2-137 th Infantry	Sep 05	Iraq	Security	500
35 th DIVARTY	Jan 06	Afghanistan	ETT	17
Unit				
Unit	Mob Date	Location	Mission	Soldiers
JFHQ	Feb 06	Afghanistan	ETT	16
1-108 th Aviation	Apr 06	Iraq	Aviation	285
130 th ROC	Apr 06	Iraq	Logistics	49
635 th RSG	Apr 06	Iraq	Logistics	80
714 th Maintenance	Apr 06	Iraq	Security	175



Brigades as Building Blocks

(Less than 4,000 Soldiers in each Brigade)

 **Infantry** 
 **Heavy** 
 **Stryker** 
 **Future** 

Standard maneuver brigades with organic combined arms capabilities

 **Maneuver Enhancement** 
 **Battlefield Surveillance** 
 **Aviation** 
 **Fires** 
 **Sustainment** 

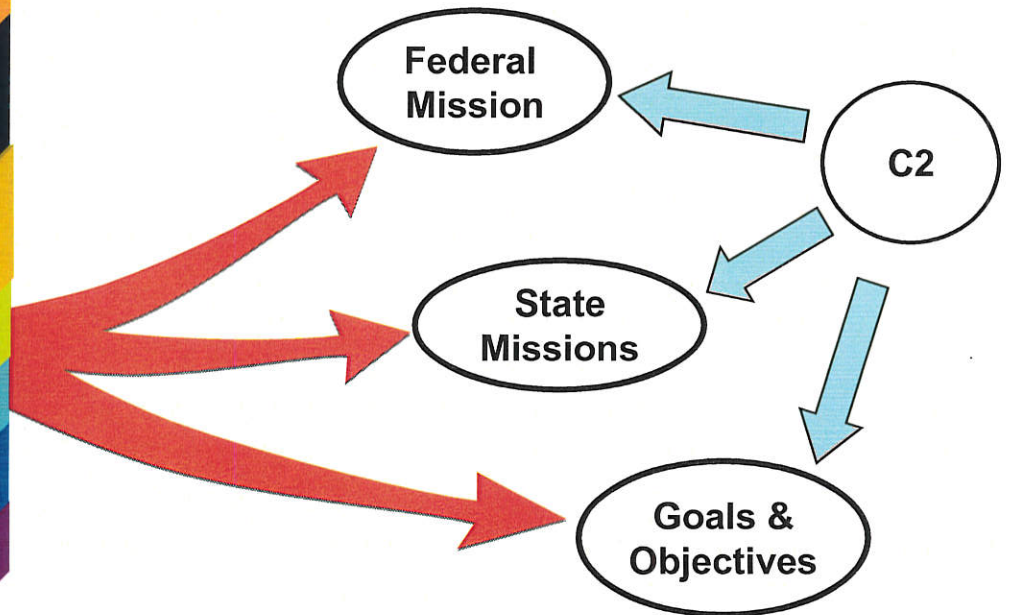
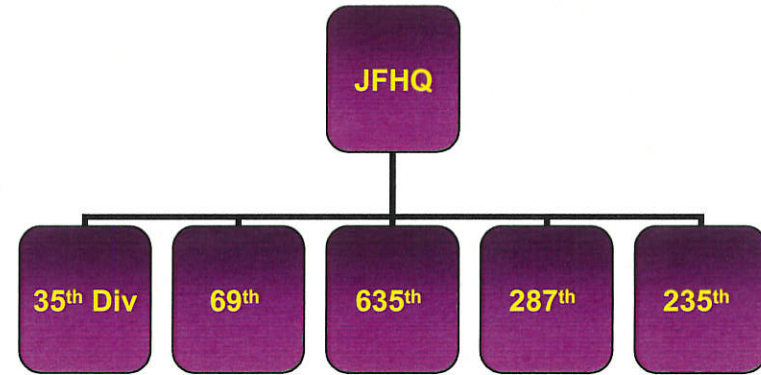
Supporting brigades with standard headquarters, but variable subordinate units



Capabilities Based



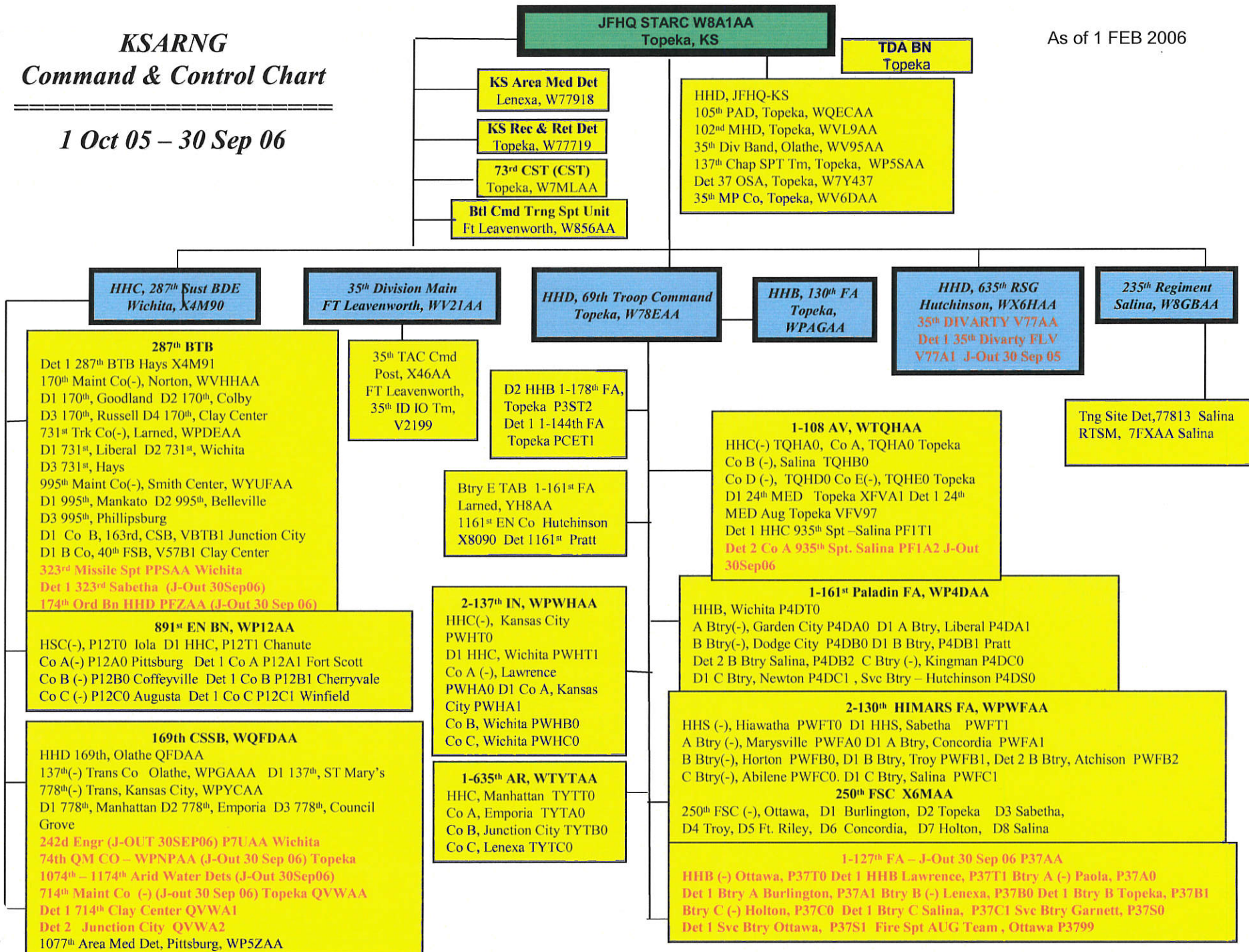
Considerations



KSARNG Command & Control Chart

1 Oct 05 – 30 Sep 06

As of 1 FEB 2006





Stay Behind Equipment

- **Heavy Equipment Transporter**
 - **Palletized Loading System**
 - **HMMWV**
 - **Night Vision Goggles**
 - **Tractors & Trailers**
 - **Graders, Motorized**
 - **Scoop Loaders**
 - **Bulldozers**
 - **Generators (greater than 30KW)**
-



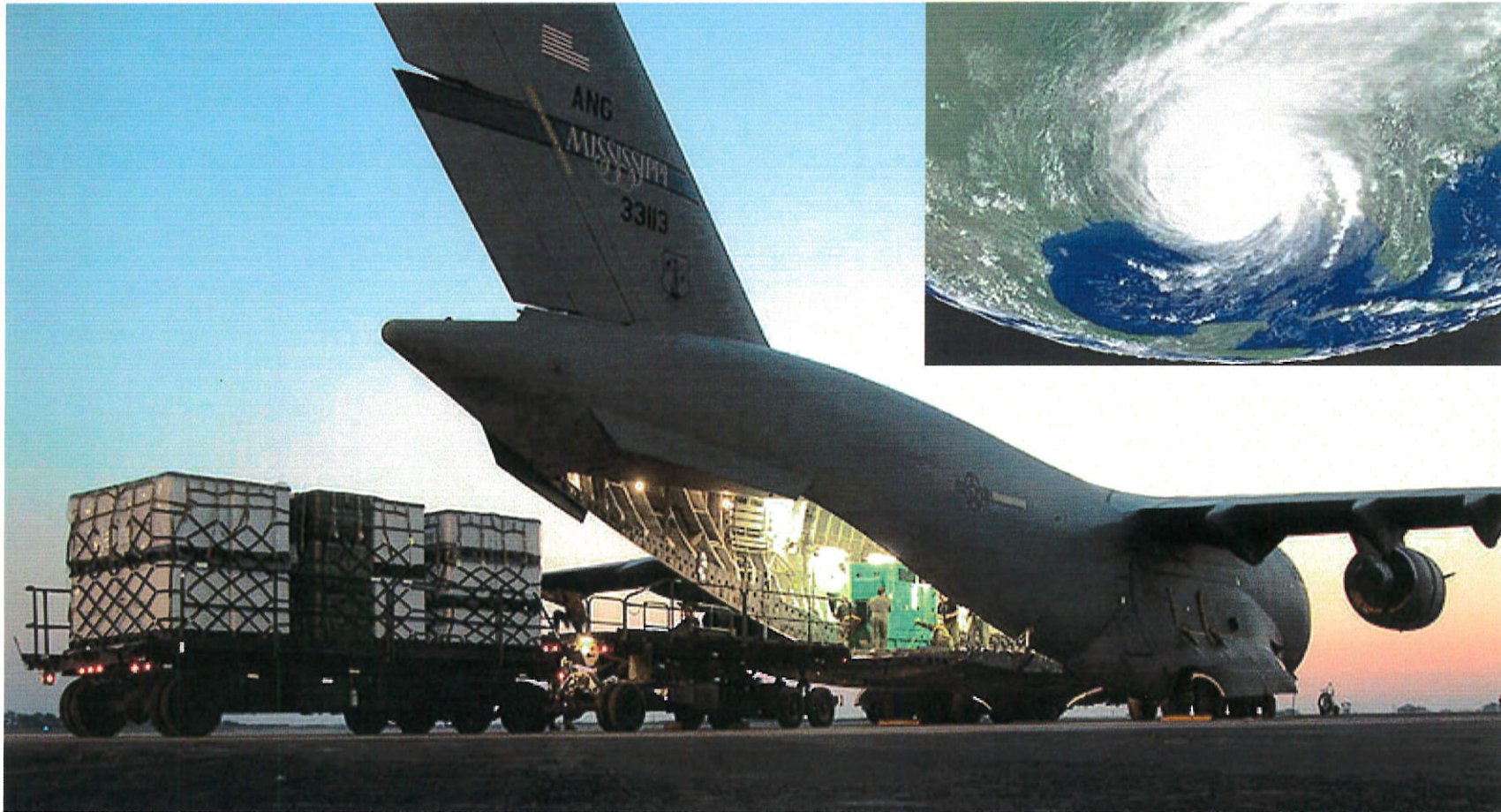
Katrina/Rita Response





Katrina/Rita Response

EMEDS in Action



EMEDS loading - Forbes Field, Kansas



Katrina/Rita Response EMEDS in Action



Bay St. Louis, Mississippi



Katrina/Rita Response EMEDS in Action



Bay St. Louis, Mississippi - MSgt Scott Mick



Katrina/Rita Response Lessons Learned

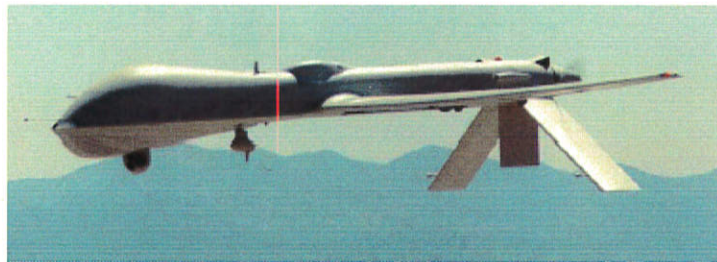
Top After Action Recommendations:

- **Improved Reconnaissance/Scout Teams**
- **Statewide Database of Deployable Assets**
- **Improved Communications**
(Process/Coordination/Equipment)
- **Deployment Training for Non-Military Personnel**
- **Improved Understanding of NIMS**
- **Need to Exercise and Constantly Improve Plans**



Future Initiatives

- **UAVs for Emergency Response**
- **Intelligence**
- **Network Operations Security Center**
- **Air Support Operations Squadron**





Future Initiatives

- Smoky Hill ANG Range
- Homeland Security Air Wing
- Kansas HS Lessons Learned Center



KANSAS HOMELAND SECURITY LESSONS LEARNED CENTER

[Center Overview](#)
[Kansas Lessons Learned](#)
[Suggested Reading](#)
[Lessons Learned Process](#)
[Links](#)
[Contact Us](#)

If you don't learn from the little things - if the organization fails to learn from the hiccups that you get - you're doomed to only learn from giant accidents.

Admiral Hal Gehman (U.S. Navy Ret.)
Chairman, Columbia Accident Investigation Board

LATEST INFORMATION

[Review of the 2001 Hutchinson Kansas Gas Fires](#)
[Terrorist Group Profile: Earth Liberation Front](#)
[The National Incident Management System](#)

[Concept Papers](#)

[Audio Video Library](#)



RON THORNBURGH
Secretary of State



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Topeka, KS 66612-1594
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STATE OF KANSAS

TESTIMONY OF THE SECRETARY OF STATE
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
SB 394

February 14, 2006

Chair and Members of the Committee:

The Secretary of State appreciates the opportunity to offer written testimony on SB 394 concerning approval for publication of regulations by the State Rules and Regulations Board.

The Secretary of State is responsible for publication of the Kansas Administrative Regulations. He publishes all regulations filed during a calendar year in volumes or a supplement. The cutoff date for filing regulations to be included in the next year's volumes or supplement is December 31. Therefore, the first sentence in current law would be amended by this bill to make clear that the State Rules and Regulations board should meet *after* January 1 each year to determine which rules and regulations filed during the preceding calendar year are to be published in the KAR volumes or supplement.

The Secretary of State supports passage of SB 394.

Thank you for your consideration.

Janet A. Chubb
Assistant Secretary of State



**Kansas
Licensed
Beverage
Association**

President
James "Jim" Fager

Vice Presidents
Tammy Davis
Tom Intfen
Robert Farha
Jim Hendricks
Curt Melzer
Richard Markle
Paul Boone
Billy Long
Leigh Watkins
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Testimony on SB-555, February 15, 2006
Senate Federal and State Affairs Committee

Mr. Chairman, and Senators of the Committee,

I am Philip Bradley representing the Kansas Licensed Beverage Assn., the men and women, in the hospitality industry, who own and manage bars, clubs, caterers, restaurants, breweries and hotels where beverage alcohol are served. Thank you for the opportunity to testify today.

We support this "Doggie Bag" bill that would allow patrons a way to take home unfinished beverages in a safe and controlled manner. Thereby discouraging consumers from finishing the entire bottle they had purchased just because it was illegal to remove it from the premise.

We have attempted to keep this measure simple, assure appropriate controls and yet allow for the future actions of the legislature and courts. The intent is to just solve this challenge and not create future problems.

According to the AP article attached, as of last summer, 33 states have similar laws. And 6 more are considering this issue this year including, Kentucky, Nebraska and Wisconsin.

Included in this measure are many conditions to assure that only legal products, within specific conditions may be "doggie bagged". And that the open container laws are met.

We appreciate your consideration and ask you to please pass SB-555.

Thank you for your time.

Philip Bradley
Executive Director



Sen Fed & State Affairs
2-15-06
Attachment 3

From <http://www.winedoggybag.com/statelaws.htm> (color added and updates by PBB)

Black unknown or does not allow --

Blue allows - red uses doggie bags.-23/11

Green allowed unspecific language-10

Cabernet color under consideration-6

Canada Allows

ALABAMA
ALASKA
ARIZONA
ARKANSAS
CALIFORNIA
COLORADO - A DOGGYBAG STATE
CONNECTICUT - A DOGGYBAG STATE
DELAWARE
DISTRICT OF COLUMBIA
FLORIDA - A DOGGYBAG STATE
GEORGIA
HAWAII
IDAHO
ILLINOIS
INDIANA
IOWA
KANSAS
KENTUCKY
LOUISIANA
MAINE
MARYLAND
MASS. - A DOGGYBAG STATE (almost)
MICHIGAN
MINNESOTA
MISSISSIPPI
MISSOURI - A DOGGYBAG STATE
MONTANA

NEBRASKA - A DOGGYBAG STATE
NEVADA
NEW HAMPSHIRE - A DOGGYBAG STATE
NEW JERSEY
NEW MEXICO
NEW YORK - A DOGGYBAG STATE
NORTH CAROLINA
NORTH DAKOTA
OHIO
OKLAHOMA
OREGON
PENNSYLVANIA
RHODE ISLAND
SOUTH CAROLINA
SOUTH DAKOTA
TENNESSEE
TEXAS
UTAH
VERMONT - A DOGGYBAG STATE
VIRGINIA
WASHINGTON - A DOGGYBAG STATE
WEST VIRGINIA
WISCONSIN
WYOMING - A DOGGYBAG STATE

CANADA

*** While the above information has been taken from reliable sources, please remember that we are not attorneys and are not engaged in rendering legal or professional advice. No warranty of accuracy is given. Laws and regulations may have changed and we suggest that you speak with your professional advisors or verify policies and procedures with your state and local alcohol beverage control departments as other regulations may apply.

Kentucky: Bill would let diners bag up leftover wine

By Elisabeth J. Beardsley of the The Courier-Journal

Josh Grizzle is among those wine lovers who have faced the dilemma of a half-empty bottle after a restaurant meal.

Kentucky law doesn't allow someone to take leftover wine from a restaurant.

"You just kind of look at it and you think, 'You know what? Maybe I shouldn't have another drink,' but you've already paid for it," said Grizzle, 29, of Louisville.

"It would just be a lot more convenient for you and the restaurant if you could just bottle it up and take it with you."

That may happen. State lawmakers are considering a bill — dubbed "Merlot to go" by some — that would allow people to take home unfinished bottles of wine they purchase with a meal.

Senate Bill 56 would require the bottle to be resealed at the restaurant, placed in a tamper-proof container and accompanied by a dated receipt.

But the state open-container law would apply, which means open alcohol must be stowed in the trunk, a locked glove box or another place inaccessible to the driver.

Supporters say it's a way to let diners get their money's worth from a bottle of wine without having to drink it all on-site and possibly drive home drunk....

...As of last summer, 33 states, including Indiana, had similar take-home laws or regulations, according to the National Restaurant Association.

Kentucky's bill, which was introduced for the first time this year by Sen. Gary Tapp, R-Waddy, already has passed the Senate by a vote of 31-2. It now awaits action before a House committee....

...The take-home option also would be an alternative to refusing to open a bottle for a customer who may be able to absorb one glass but not an entire bottle, Slater said.

"We don't want to insult the guest, but we want to help them make smart choices," Slater said...

...Tapp and Roof cited the bill's other requirements that resealed bottles be placed in tamper-proof containers and then stowed in an inaccessible part of the car.

"There's plenty of safeguards," Tapp said...

Other states vary

The Kentucky bill is similar to a New York state law, in place since 2004, that requires the bottle to be resealed and then placed in a one-time use, transparent, tamper-proof plastic bag, according to the New York Division of Alcoholic Beverage Control Web site...

...Indiana has allowed patrons to take home unfinished wine since 1973, and there are no rules for resealing or packaging the bottle, said State Excise Police spokeswoman Jackie Robbins.

"They can carry it out with no cork in it," Robbins said.

But the state's open-container law prohibits possession of an alcoholic beverage container in a vehicle's passenger compartment if the container has been opened or unsealed or has some contents missing.

In Arizona, restaurants are required to reinsert the cork ..., said Susie Hamilton, an investigations services analyst for the Arizona Department of Liquor Licenses and Control.

...Indiana law enforcement agencies contacted, including Indianapolis and New Albany, say they haven't had trouble with the law.

Bill's future

The bill is before the House Licensing and Occupations Committee, whose chairman, Rep. Denver Butler, said he expects lawmakers to approve the take-home option.

"What's wrong with that? I mean, you paid for it," Butler, D-Louisville, said.

Vice-chairman Rep. Reginald Meeks, D-Louisville, added, "Obviously, we don't want people out in restaurants feeling like they have to drink everything that they have purchased and then get drunk and drive home and cause some accidents."

Thursday, December 23, 2004

No Reason to Chug

Law allows California restaurant patrons to bring home unfinished wine

By KATY McLAUGHLIN of The Wall Street Journal

It's the perfect ending to an elegant evening out at a restaurant: lugging the leftover wine home in a paper bag. For years, it's been illegal in most states for restaurants to send unfinished bottles of wine out the door with customers who bought them. But a wave of recent legal changes is making it possible in an increasing number of states. The latest state to jump on the doggie-bag bandwagon: New York state, which put its new law into effect in September. This past summer, Colorado adopted such a law, and last year, Connecticut, Utah, Hawaii and Pennsylvania all put similar statutes into effect. A doggie-bag bill is pending in Massachusetts, and liquor-authority staff members in a handful of other states say they expect more such laws will soon be proposed. The upshot: Though many restaurant-goers don't know it, 27 states, from California to Texas and Vermont, now allow people to re-cork their wine and take it home. Seven other states have no statewide law that addresses the issue, making it a gray area in some places - though it is forbidden by local ordinances in others. The legal changes are partly an effort to curb drunken driving. Letting diners take home unfinished wine removes some of the pressure to finish a bottle at the table before getting behind the wheel. Restaurant associations in various states have also lobbied for the changes. Their hope is that customers will be more willing to order bottles of wine (a profit center for restaurants) if they're free to leave with any leftovers. That's welcome news for wine lovers like Andrew Pollock, a New York architect who regularly orders a full bottle of wine when dining out with his wife - but then feels compelled to polish the whole thing off. "I always make sure I drink it, even if I have to stagger home," says Pollock. Considering the markup on restaurant wine, "It would drive me nuts to leave a bottle" unfinished on the table, he says. However, just because it's legal to doggie bag that Chianti doesn't mean every restaurant automatically allows it. It's usually voluntary for the restaurant to participate, and some opt out amid concerns that they could be liable if a driver toting wine home had a drinking-related accident. In addition, in some states, the rules vary by city or county. To avoid misunderstandings at the end of the meal, consumers should ask a restaurant about its policy before ordering. Some states, including Texas, Connecticut, North Carolina and Utah, require restaurants to offer the doggie-bag option. But even some of these laws don't explicitly say that restaurants will be punished if they don't allow it. And in Florida, restaurants need a combination of permits to doggie-bag wine, but few restaurants have them. In other states, your rights are less clear. There's nothing on the books to say you can't take it with you in West Virginia, for example. However, state law makes it illegal to have an open bottle of alcohol in any public place, which means theoretically you could be in violation of the law while walking through the parking lot to your car. Because of open-container laws - which prohibit people from having open bottles or cans of alcoholic drinks in the passenger area of their cars - it's a good idea (and the law in some places, including California) to stash the bottle in the trunk for the drive home. Most doggie-bag statutes have been written with open-container laws in mind. For instance, some require restaurants to reseal and repackage opened wine so carefully you would think people are transporting radioactive material. Arizona's law says that the wine cork has to be reinserted so fully that the top of the cork is flush with the lip of the bottle. A spokesman for the Arizona Department of Liquor Licenses and Control acknowledges that can be impossible and says this requirement isn't strictly enforced. New York's law requires restaurants to reseal or recork the wine, place it in a "one-time-use tamper-proof transparent bag," and then securely seal the bag. It may take time for the changes to fully take effect. On a visit to Locanda Vini and Olli, an Italian restaurant in Brooklyn on Sept. 10 - one day after the New York state doggie-bag law took effect - the restaurant told a group of diners they couldn't take home wine leftovers. Catherine de Zagon, a co-owner, says that her attorney advised her not to let customers take out wine until October since the police might not be aware of the change in law. She adds that, since New York law doesn't require restaurants to allow doggie bags for wine, she may continue to forbid them. Montrachet, a New York City restaurant with a 1,400-bottle wine list, also wasn't yet letting customers carry out wine as of September, because the restaurant says the state hadn't yet informed them exactly how the wine was to be resealed. But they say they intend to allow doggie bags soon. The New York State Division of Alcoholic Beverage Control says all the information is available on its Web site and that restaurants can immediately begin offering the doggie-bag option.

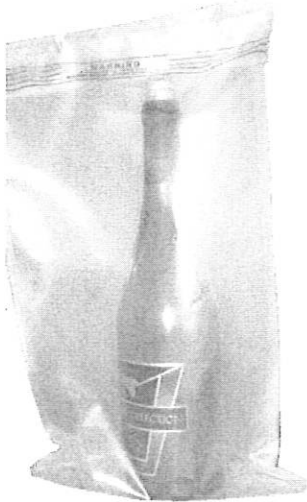
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**Kansas Wine & Spirits
Wholesalers Association**
212 SW 8th Avenue, Suite 202
Topeka, Kansas 66603

To: Senate Committee on
Federal & State Affairs
From: R.E. "Tuck" Duncan
RE: SB555

**The Kansas Wine & Spirits Wholesalers
Association supports SB555.**

Some of the states that have approved this type of legislation include: Colorado, Connecticut, Florida, Massachusetts, Missouri, Nebraska, New Hampshire, New York, Vermont, Washington, and Wyoming.



Some states like Arizona, Arkansas and California (and a number of others) allow a patron to take the partially consumed bottle home without the necessity of a "doggy bag."

This form of legislation will encourage moderate consumption of beverage alcohol and yet ensure

compliance with the Kansas' open container laws.

Please approve SB555 favorably.

Wine lovers are
**good
to go**

Put a cork in it.
It's now legal to leave the
restaurant with a bottle
that has been opened.

By SCOTT JOSEPH
SENTINEL RESTAURANT CRITIC

Here are some words you may never have to utter to a waiter again: "May I see your list of wines by the glass?"
Instead, you may peruse the full wine list and select a bottle, have a glass or two, then add these words to your dining repertoire: "I'll take the rest with me."
You can thank the Florida Legislature — words you probably never thought you'd say — for a new law that states: "A restaurant licensed to sell wine on the premises may permit a patron to remove one unsealed bottle of wine for consumption off the premises if the patron has purchased a full-course meal and consumes a portion of the bottle of wine with such meal on the restaurant premises."
Wordy, wordy. And it goes on but the gist of it is that if you order a bottle of wine in a restaurant, but cannot or do not want to finish it, you can take it with

PLEASE SEE WINE, E3

If you have dined, says a new state law, you can take home leftover wine, recorked and sealed in a bag.
PHOTO ILLUSTRATION BY JOHN RAOUZ/ORLANDO SENTINEL