

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 January 31, 2008 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Melissa Doeblin, Revisor of Statutes Office
Theresa Kiernan, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Major General Tod Bunting, Kansas Adjutant General
Senator Haley
Colonel Bruce Woolpert, Kansas National Guard
Philip Bradly, Kansas Licensed Beverage Association

Others attending:

See attached list.

Major General Tod Bunting, Kansas Adjutant General, provided the committee an overview of the Kansas National Guard. (Attachment 1) The Kansas National Guard was organized August 30, 1855, and its mission:

- homeland security for Territorial Kansas
- Border Conflicts between free-staters & pro-slavery forces
- defending against Indian raids

The Nation Guard has a dual mission the Federal is to train for wartime, and to support army and Air Force Missions, and the state is to protect life and property, peace and order, and civil defense. Traditional Guard training:

- 2 days/month unit training assemblies
- 15 annual training days
- 32-48 additional training periods
- extra days for exercises and deployments in support of active duty missions

27% of Kansas military equipment is either currently deployed or left in theatre. The Kansas National Guard led a 14 country multi-national disaster relief exercise in Armenia in July 2006. Financing the National Guard:

- Equipment from Army and Air Force Budget
- Operating budget separate from Army & Air Force
- Personnel Availability is key resource
- Equipment shortages- Individual: includes NVGs, weapons, radios and Major end items - vehicles, engineer equipment

Kansas 2007 Presidential disaster:

- December 31, 2006 - winter ice/snow storm - 44 counties
- May 4, 2007 - Greensburg Destroyed by Tornado/flooding in NE KS - 41 counties
- June 30, 2007 - Record setting floods in SE Kansas - counties
- December 10, 2007 - Winter ice/snow storm - 105 counties. (Not approved yet, but dollars threshold met)

Key lessons learned:

- relationships are the key to success
- recovery issues are very complex and not often planned for
- documentation
- Incident Command system (ICS) does work/Unified Command
- Disaster Recovery Center (DRC) - vital one stop shop
- full implementation of the Incident Management Teams

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on January 31, 2008 in Room 526-S of the Capitol.

- Coordination of air missions - Civil Air Patrol, Air Guard, KHP
- Definition of catastrophic event varies- planning needs vary community to community
- Ensure communication flow- all operational levels, county to state, PIO's and public affairs, FEMA with State
- Plan for multiple disasters at multiple locations at once
- Train State Emergency Operations Center personnel - provide position checklists of tasks
- Accurate, timely and regular media and public briefings, ensures public confidence, and be first, be right, be credible
- Be prepared to respond to promises elected officials make

Future threats:

- Terrorism
- Critical state security Mission - Wolf Creek Nuclear Power Plant
- Concerns over medical pandemic strike

Plans:

- military Ops/Urban Warfare Training
- Combined UAV/Intel/Land Forces Training
- Integrated with 184th assets
- convoy training
- civilian responder training - law enforcement, fire and medical

Question about National Guard equipment coming back from theatre, and Major General Tod Bunting replied that is improving, but leaves the guard with nothing to train on and nothing for the next disaster to respond to. Also provided incident report form one day of the most recent storm.

SB 397 -Consumption of alcohol at national guard armories

Chairman Brungardt opened the hearing on **SB 397**.

Staff provided an overview of the bill. The bills in 2003 and 2004, the versions were drafted to allow alcohol at the armories if approved by the Adjutant General and the Kansas Military Board, but the version that became law in 2005 SB 298, did not include the armories.

Senator David Haley, appeared in favor of the bill. (Attachment 2) The bill would restore the practice of leasing the Guard Armory for groups that furnish their own alcoholic beverages, which had previously been done for many years.

Colonel Bruce Woolpert, Legal Advisor to the Adjutant General, and a Judge Advocate in the Kansas Army National Guard, and the Adjutant General is neutral on the bill. (Attachment 3) The bill neither enhances the National Guard's war fighting mission, or its ability to support civil authorities during times of emergencies or disasters. It may, however, provide support to local communities by providing venues in which citizens can gather for celebratory events. The implementation of this legislation would not be accomplished within the current budget or the current staffing levels; and would not be accomplished by salaried state employees or Kansas national guard federal employees but implementing will increase the work load of these employees. There would be an increase in costs associated with supplies, facility costs and pay, and allowance costs for State Active duty Man-days.

Fiscal Note provided in the amount of \$46,000. (Attachment 4)

Garry Winget, Kansas for Addiction Prevention, provided written testimony in opposition to the bill. (Attachment 5)

Philip Bradley, Kansas Licensed Beverage Association,(KLBA) appeared as neutral with amendments on the bill. (Attachment 6) The KLBA is concerned about a tax subsidized facility being able to use its building paid for by public dollars, maintained and operated by public dollars, to compete in those cities that have other

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choices; tax paying facilities, paid for by folks out of their own pockets as they attempt to survive and compete.

KBLA asked that the bill be amended to correct two other longstanding problems in this area of liquor consumption and sales. First to correct the affirmative defense for service if the server had "reasonable cause to believe that the minor was 21 or more years of age" in KSA 41-2615, c the language containing the photograph of the minor and purporting to establish that such minor was 21 or more years of age, and propose that it read, "that reasonably appears to contain a photograph of the minor and purporting to establish that such minor was 21 or more years of age." Second is the "knowingly and unknowingly" language in the same statute, asked that "and unknowingly" be removed; if the alcohol is handed by the customer to an underage consumer completely out of sight of the server, that server is under current law guilty of a crime. Copies of ID's were provided.

The committee asked questions about server training and has ABC seen the amendments, ABC will be addressing the committee next week, also about the fiscal note and overhead charges, could the costs be addressed as an increase in the rental fee, the National Guard will look at these figures.

Chairman Brungardt closed the hearing on **SB 397**.

The meeting was adjourned at 11:40 am. The next scheduled February 5,2008.

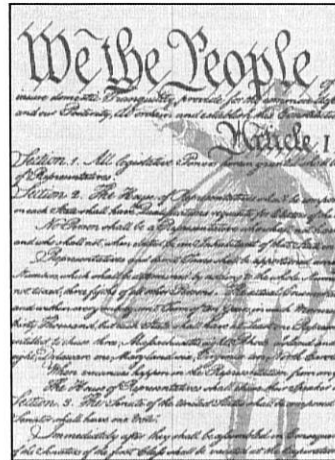


Major General Tod M. Bunting
Adjutant General, Kansas
Director, Homeland Security &
Emergency Management

National Guard Chartered in the Constitution

"To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions"

"Congress to organize, arm and discipline...States to appoint officers and train to discipline prescribed by Congress"



Organized August 30, 1855

Missions

- Homeland Security for Territorial Kansas
- Border Conflicts between Free-Staters & Pro-Slavery Forces
- Defending against Indian Raids



Hiram J. Strickler
Appointed: August 31, 1855

Dual Mission

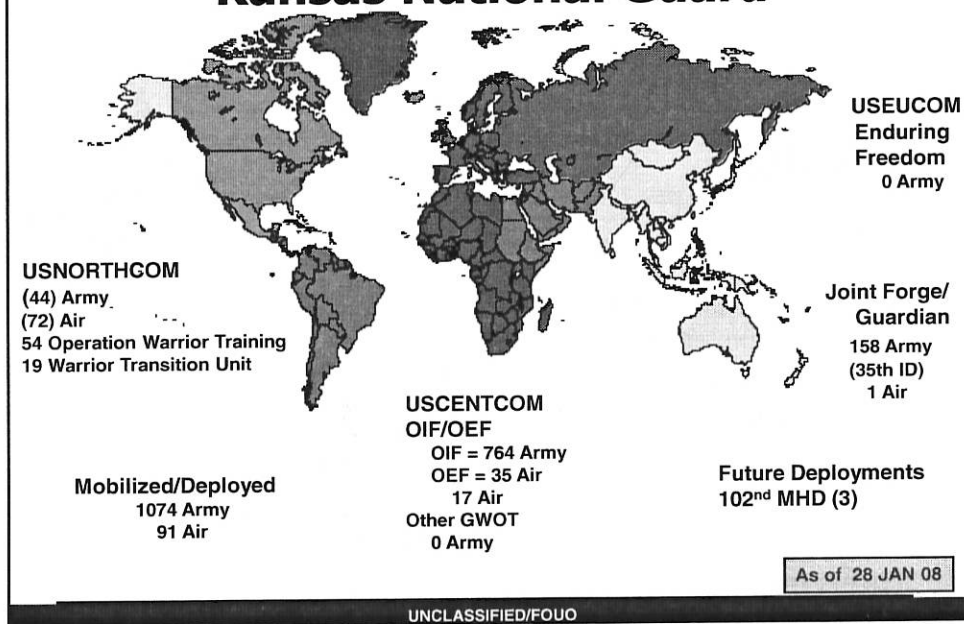
Federal

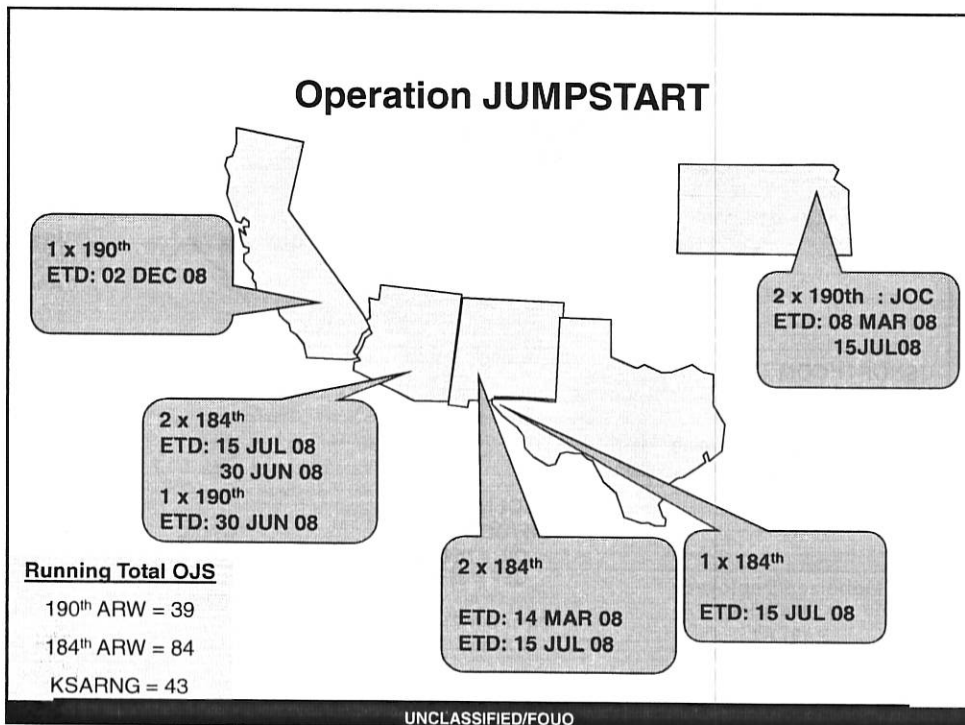
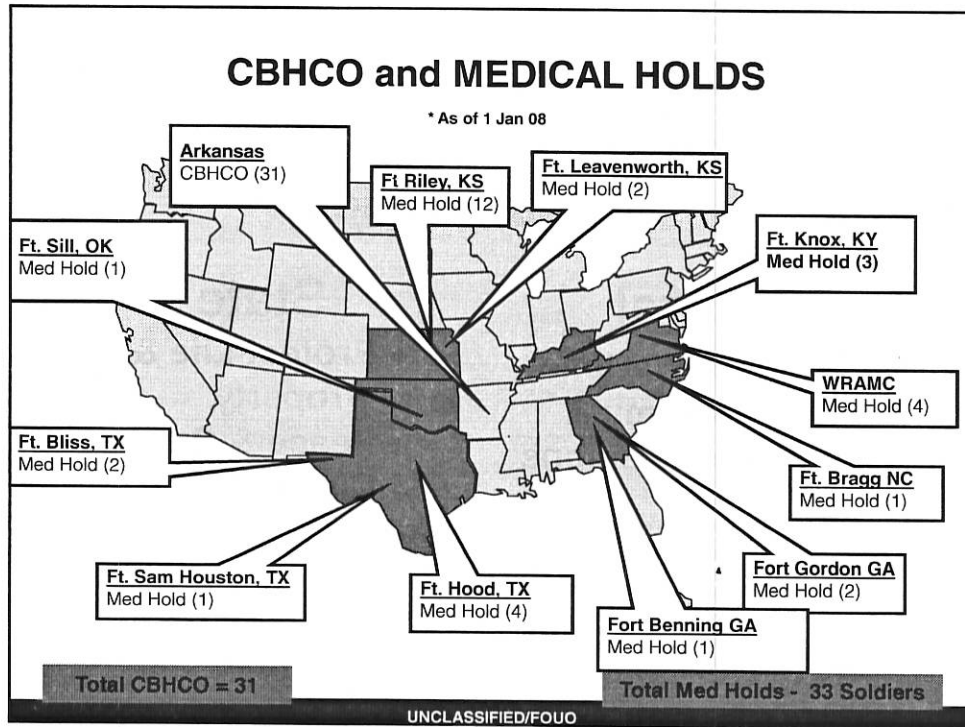
- ◆ Train for Wartime
- ◆ Support Army & Air Force Missions

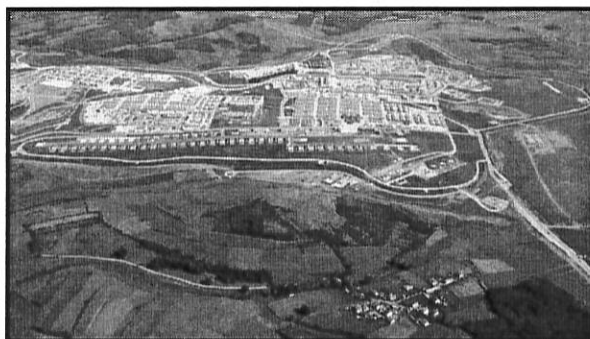
State

- ◆ Protect Life & Property
- ◆ Peace & Order
- ◆ Civil Defense

Kansas National Guard







35th Infantry Division
"Santa Fe Division"



Provide a Safe and Secure Environment and promote a transition of responsibilities to civilian authorities.



“Traditional Guard” Training

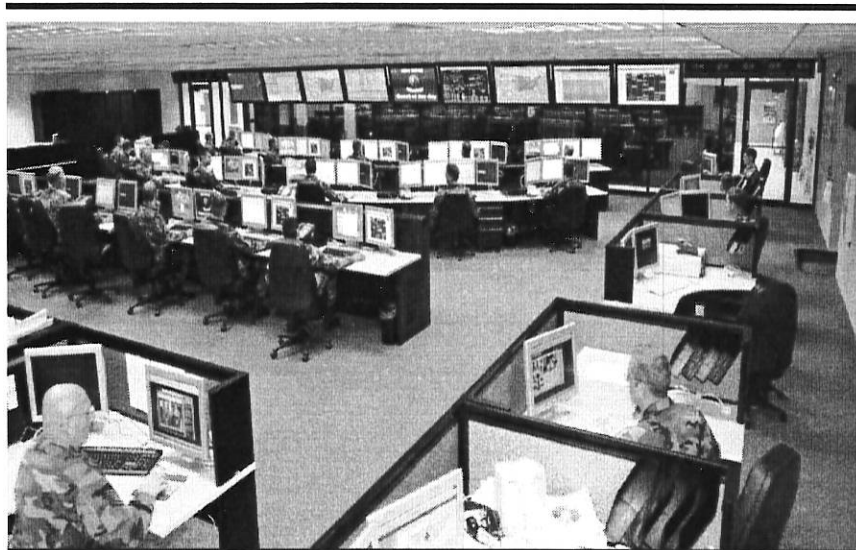
- ◆ 2 days/month Unit Training Assemblies
- ◆ 15 Annual Training Days
- ◆ 32-48 Additional Training Periods
- ◆ Extra Days for exercises & deployments in support of Active Duty missions



27% of Kansas Military Equipment is either currently deployed or left in Theatre!



184th Intelligence Wing
Network Operations Security Center



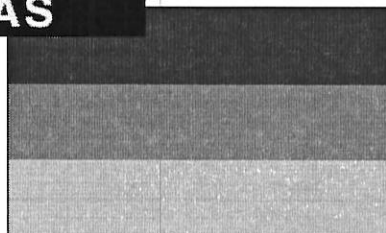
**Partnership
Established
In 2003**

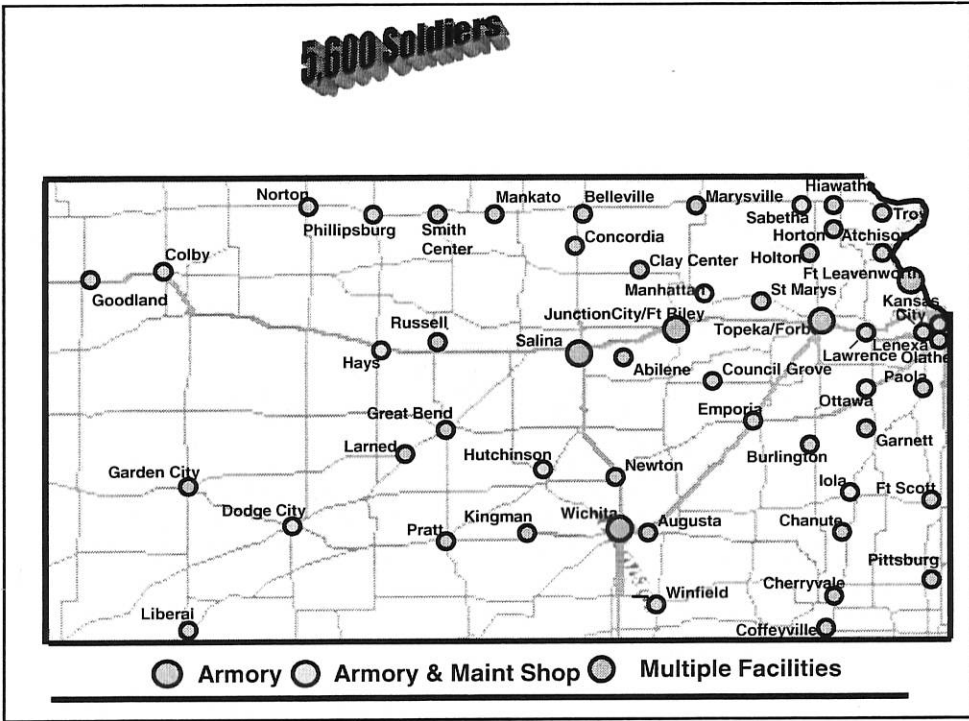
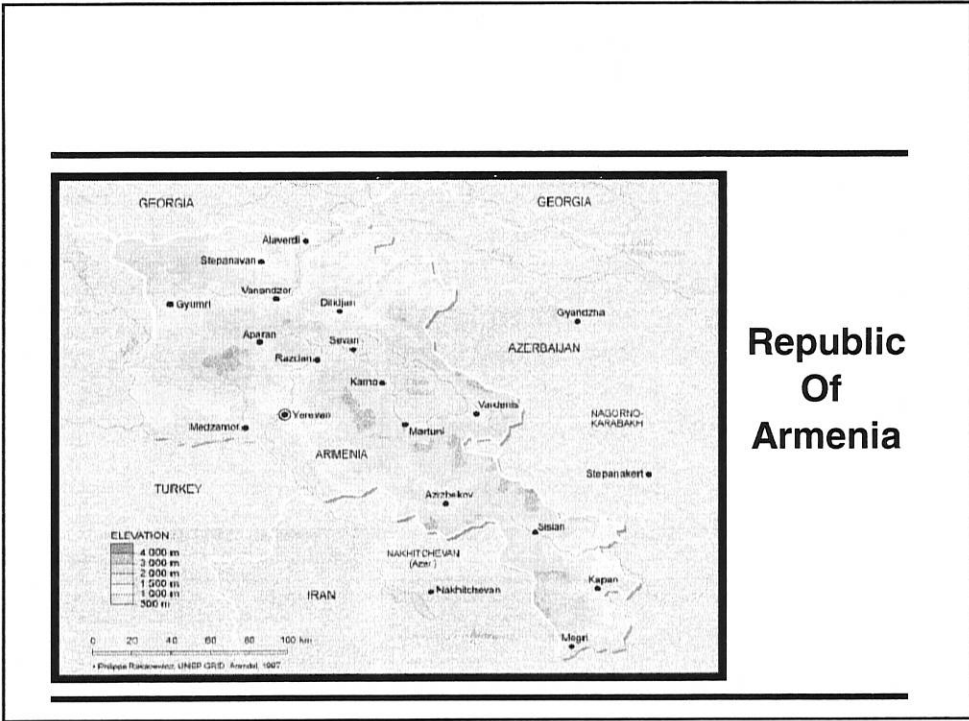


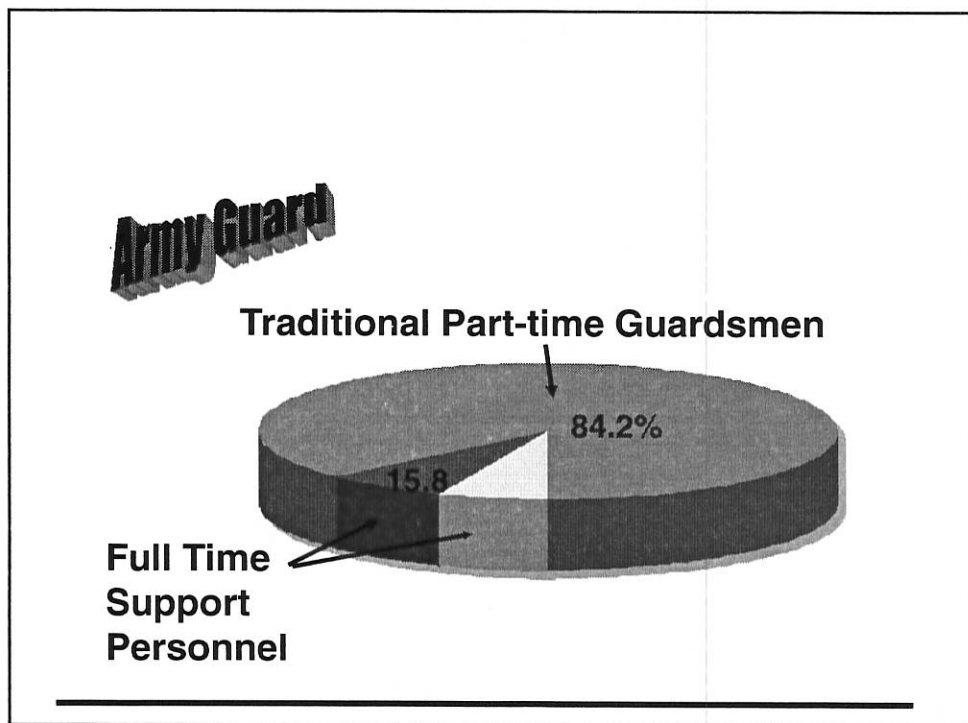
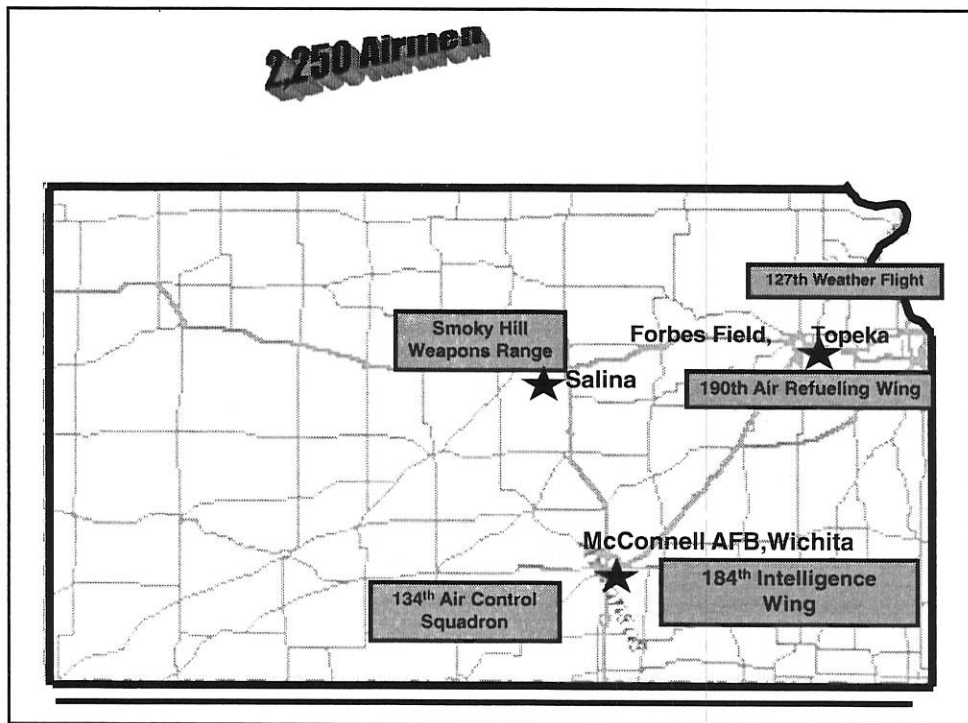
First events in 2004
Three tenants:
- Military to military
- Military to civilian
- Civilian to civilian

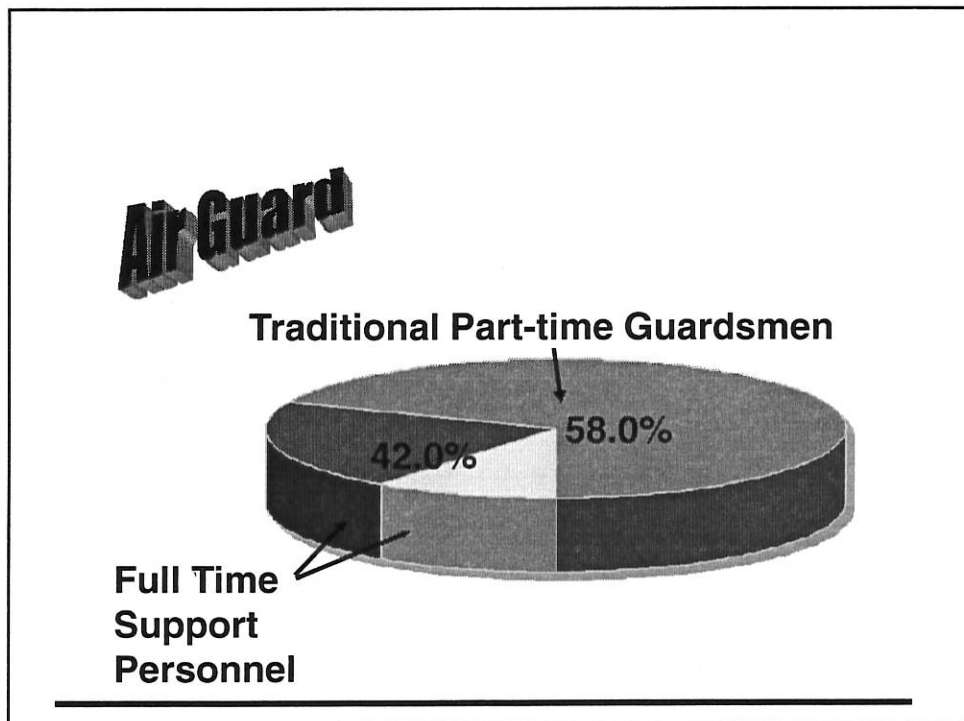
*The Kansas National Guard
led a 14 country multi-national
disaster relief exercise in
Armenia in July 2006*

The exercise was a huge success!!









\$ Financing the National Guard \$

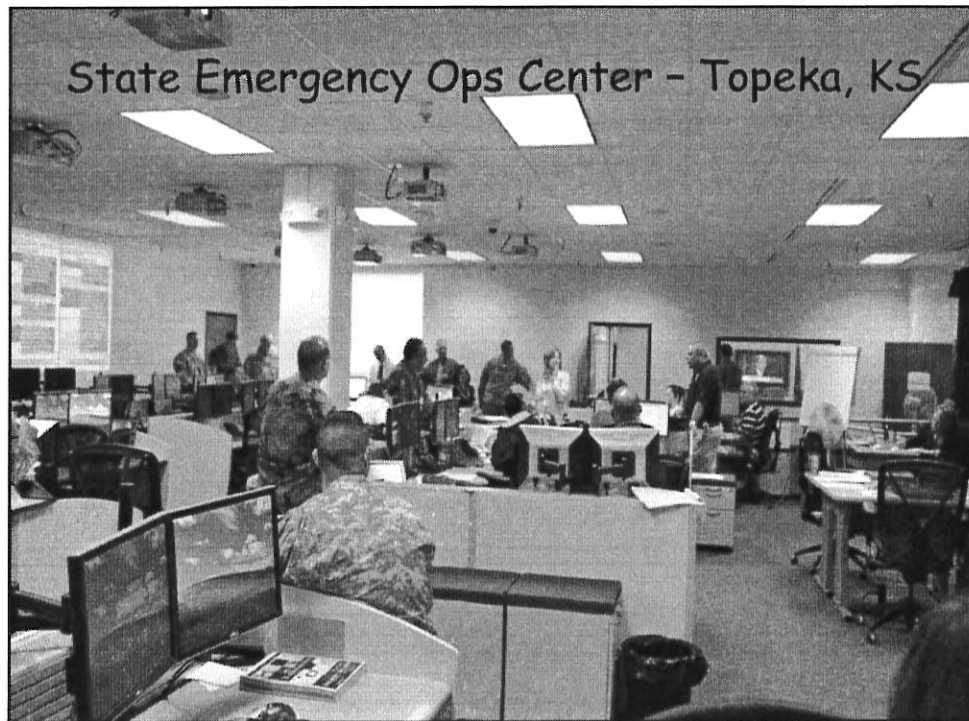
- Equipment from Army & Air Force Budget
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- Equipment shortages
 - *Individual: includes NVGs, weapons, radios*
 - *Major end items – vehicles, engineer equipment*

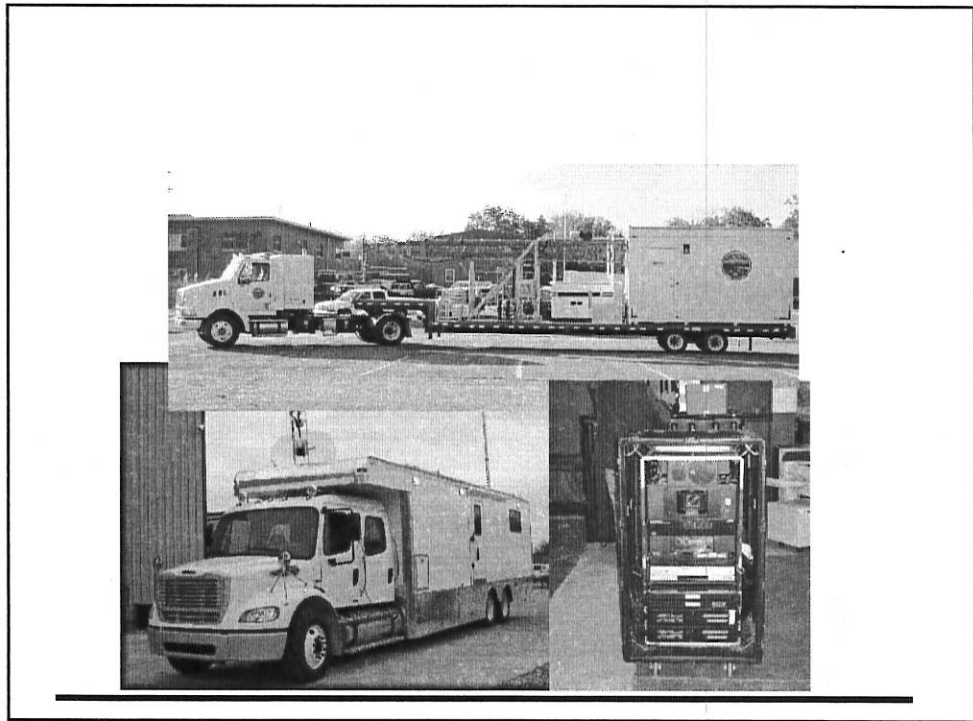
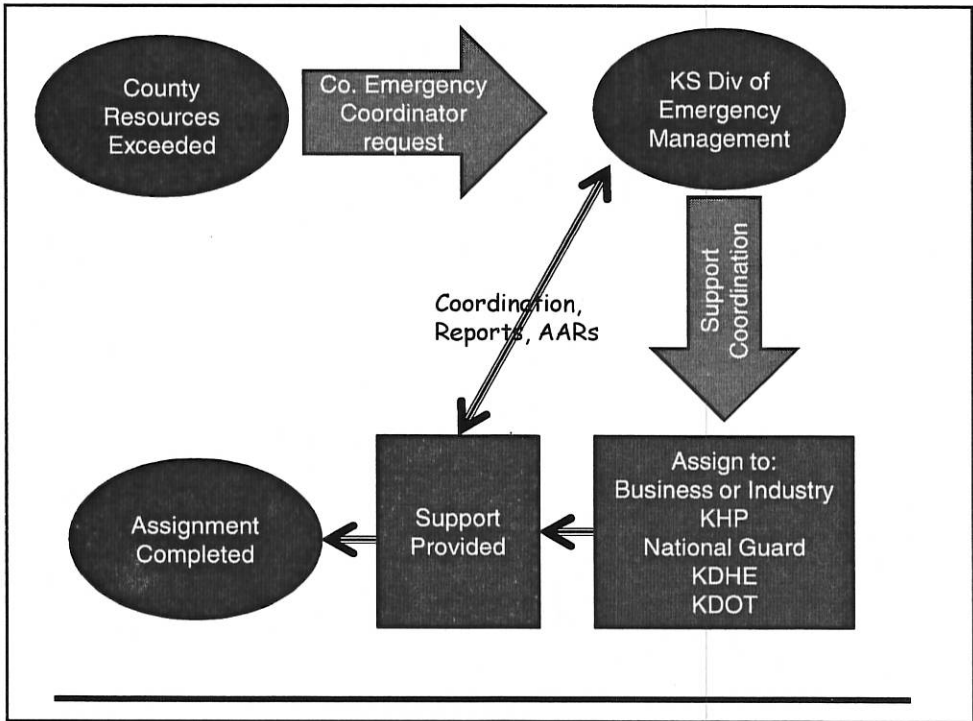
-
- Soldier & Airman Care
 - Wounded Initiative
 - Retention Internal Review
 - Family Programs
 - Physical Fitness Centers
 - ESGR



Our Most Precious Asset

-
- Activation Payment and Pay Differential
 - Tuition Assist, In-State Tuition, Tuition Refund
 - Free Hunting and Fishing Licenses
 - Life Insurance
 - KS Military Emergency Relief Fund
 - Vehicle Registration
 - Business Tax Credits
-



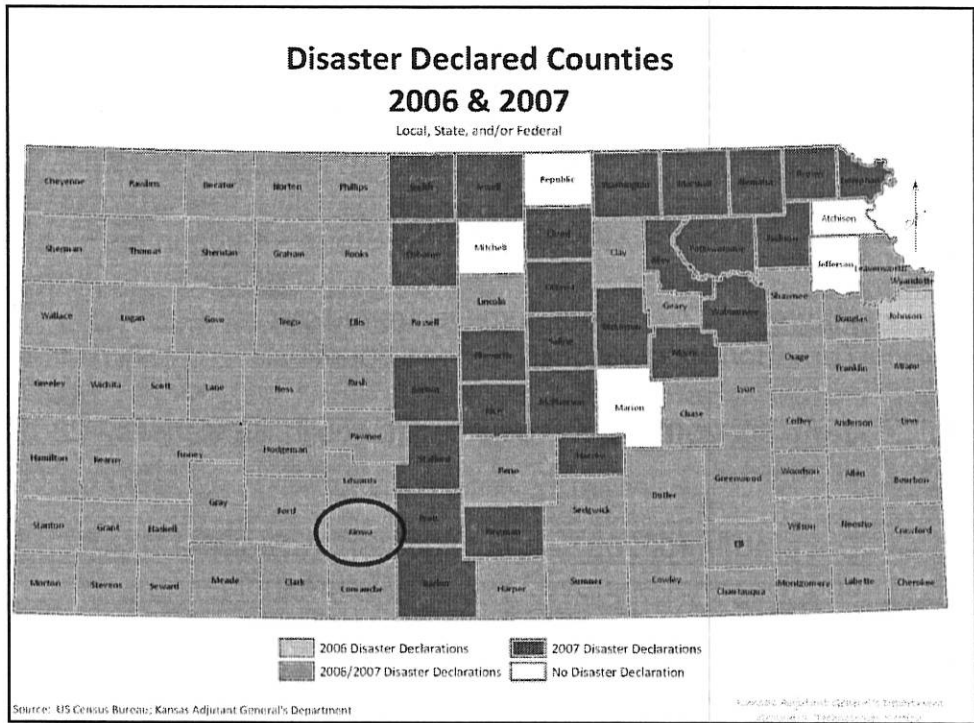


Kansas 2007 Presidential Disasters

- **Dec. 31, 2006** - Winter Ice/Snow Storm - 44 counties
 - **May 4, 2007** - Greensburg Destroyed by Tornado/Flooding in NE KS - 41 counties.
 - **June 30, 2007** - Record setting floods in SE Kansas - 23 counties.
 - **December 10, 2007** – Winter Ice/Snow Storm – 105 counties. (not approved yet, but \$\$ threshold met)
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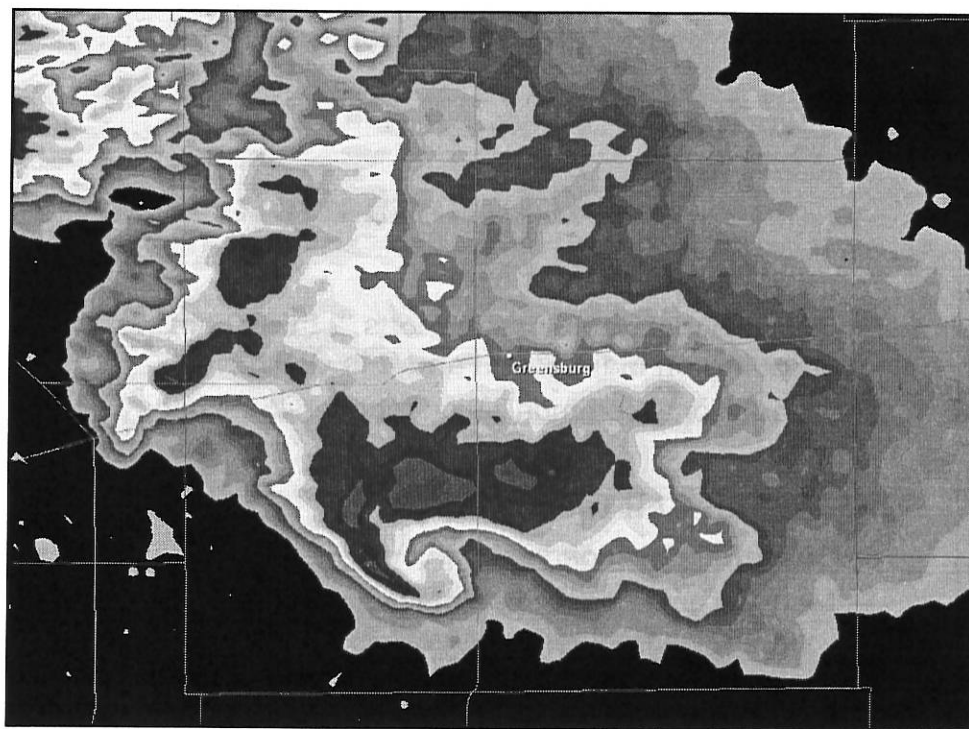
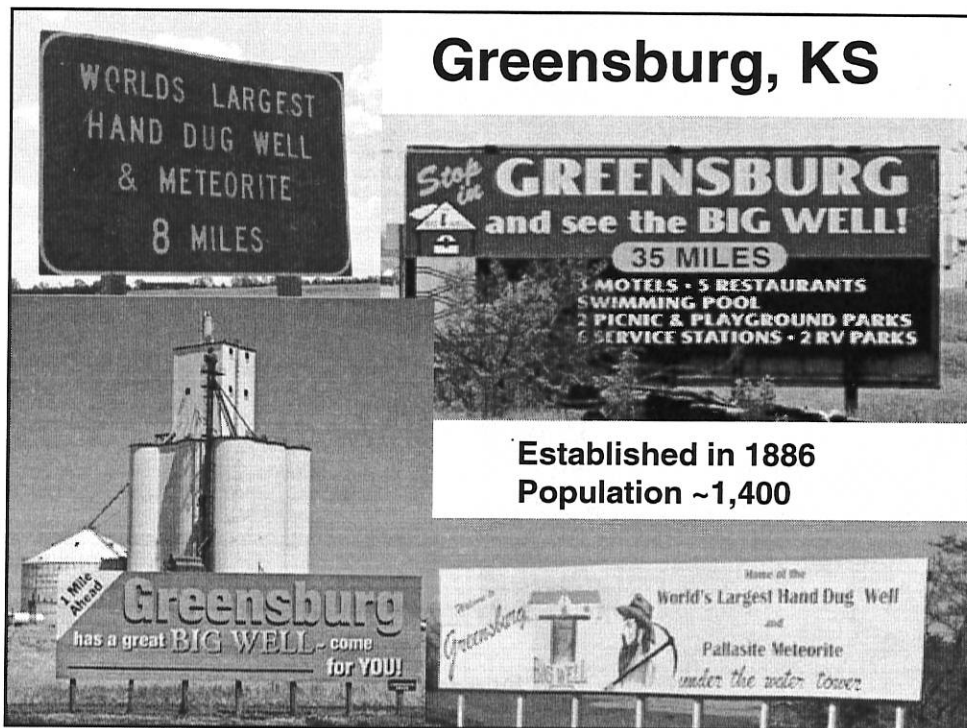
Fast Facts

- **2007 Disasters in Kansas typically fall on Friday nights before a holiday.**
 - **\$618.7 million = current estimated cost of 4 disasters**
-

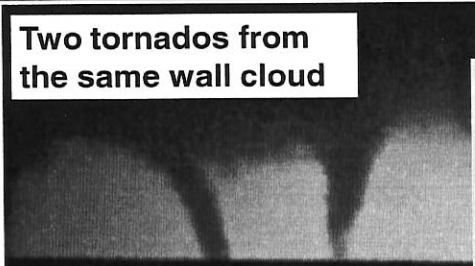


Winter Storm-Jan 2007


A collage of four black and white photographs illustrating the damage caused by a winter storm in January 2007. The top-left photo shows a power line tower leaning precariously. The top-right photo shows a large, chaotic pile of ice or snow. The bottom-left photo shows a utility pole that has completely collapsed. The bottom-right photo shows a rural landscape with a fence line and a field under a hazy sky.



Two tornados from the same wall cloud



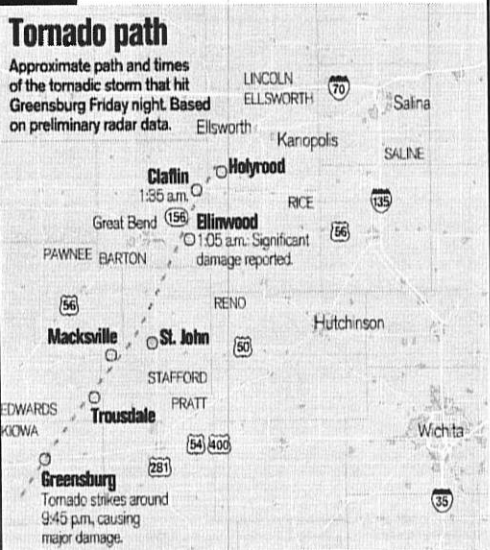
The tornado minutes before destroying Greensburg



STORM HIGHWAY

Tornado path

Approximate path and times of the tornadic storm that hit Greensburg Friday night. Based on preliminary radar data.



Clifton 1:35 a.m.
 Holyrood
 Elimwood 1:05 a.m.: Significant damage reported.
 Greensburg Tornado strikes around 9:45 p.m., causing major damage.

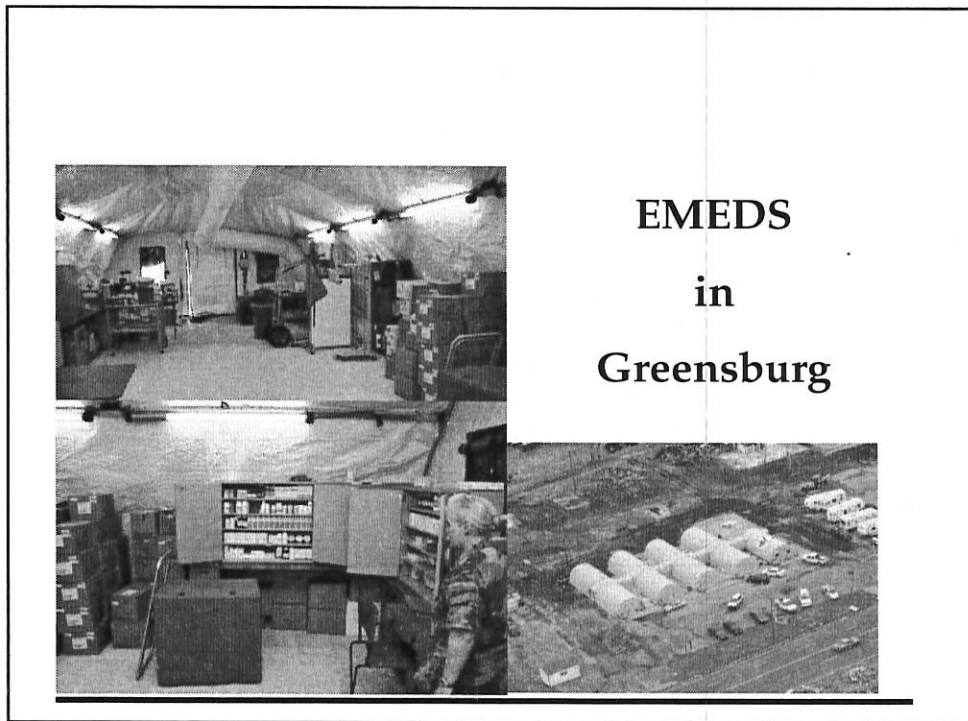
EF-5, 1.7 miles-wide
 Winds of 205 mph, traveling 20 mph

Initial Information

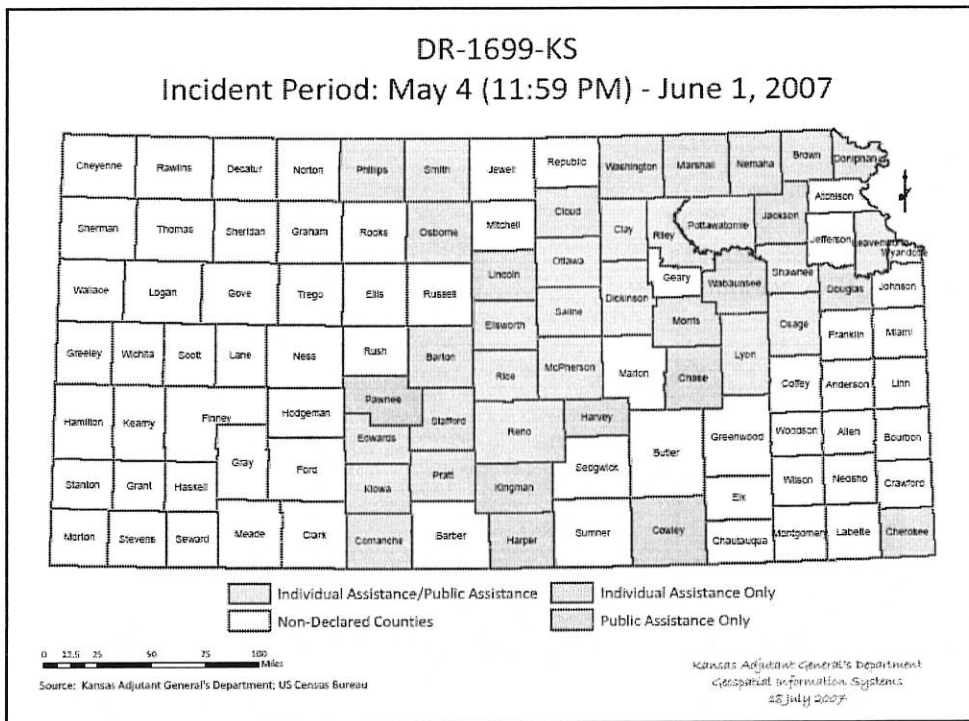
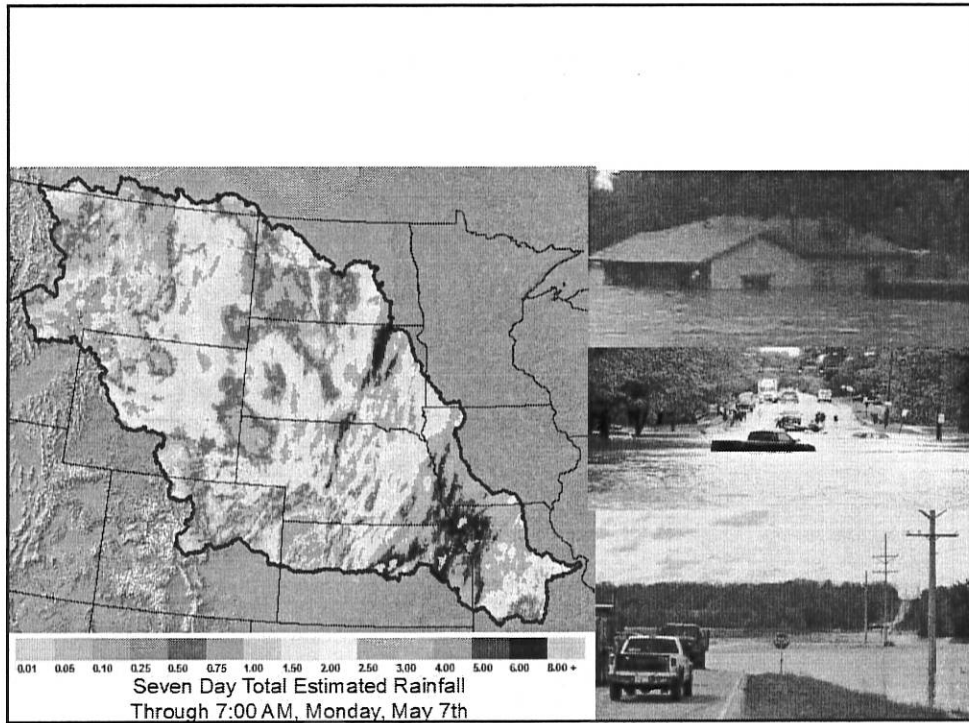
- **Approximately 9:50 PM**
 - SW Regional Coordinator reports “**I think I am standing on Main Street and it is GONE.....**”
 - No additional communication for over 45 minutes
- **Radio and Cell towers down**
 - Cell towers overloaded
 - Next 1.5 hrs sporadic communications







**EMEDS
in
Greensburg**



SE Kansas Flood Disaster - June 30, 2007



- Ice storm
- December 2007
- All 105 counties
- 100k without power



January 2007	December 2007*
<ul style="list-style-type: none"> • 42 counties declared 	<ul style="list-style-type: none"> • 61 counties declared
<ul style="list-style-type: none"> • Electrical damage <ul style="list-style-type: none"> – 9 rural electrics – 15,128 poles – 46,300 meters – 21 transmission towers 	<ul style="list-style-type: none"> • Electrical damage <ul style="list-style-type: none"> – 24 rural electrics – 10,889 poles – 58,505 meters – 0 transmission towers
<ul style="list-style-type: none"> • Total utility damage <ul style="list-style-type: none"> – \$342,820,992 	<ul style="list-style-type: none"> • Total estimate <ul style="list-style-type: none"> – \$150,000,000
<small>December 2007 unofficial data-major disaster declaration pending *estimates</small>	

KEY LESSONS LEARNED

- **Relationships are the key to success**
- **Recovery issues are very complex and not often planned for**
- **Documentation, documentation, and more documentation**
- **ICS does work / Unified Command**

KEY LESSONS LEARNED

- **Disaster Recovery Center (DRC) – vital one stop shop**
 - **Full implementation of the Incident Management Teams**
 - **Coordination of air missions – Civil Air Patrol, Air Guard, KHP**
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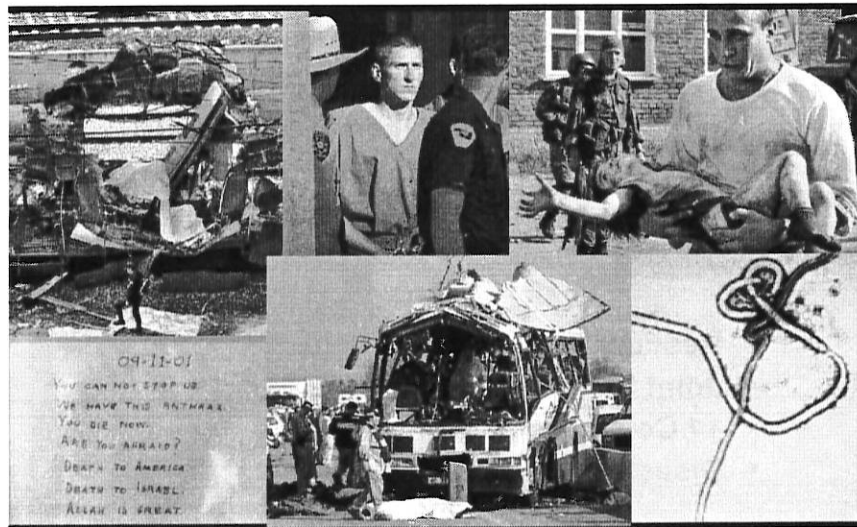
KEY LESSONS LEARNED

- **Definition of catastrophic event varies**
 - Planning needs vary community to community
 - **Ensure communication flow**
 - all operational levels
 - County to state
 - PIO's and Public Affairs
 - FEMA with State
 - **Plan for multiple disasters at multiple locations at once.**
-

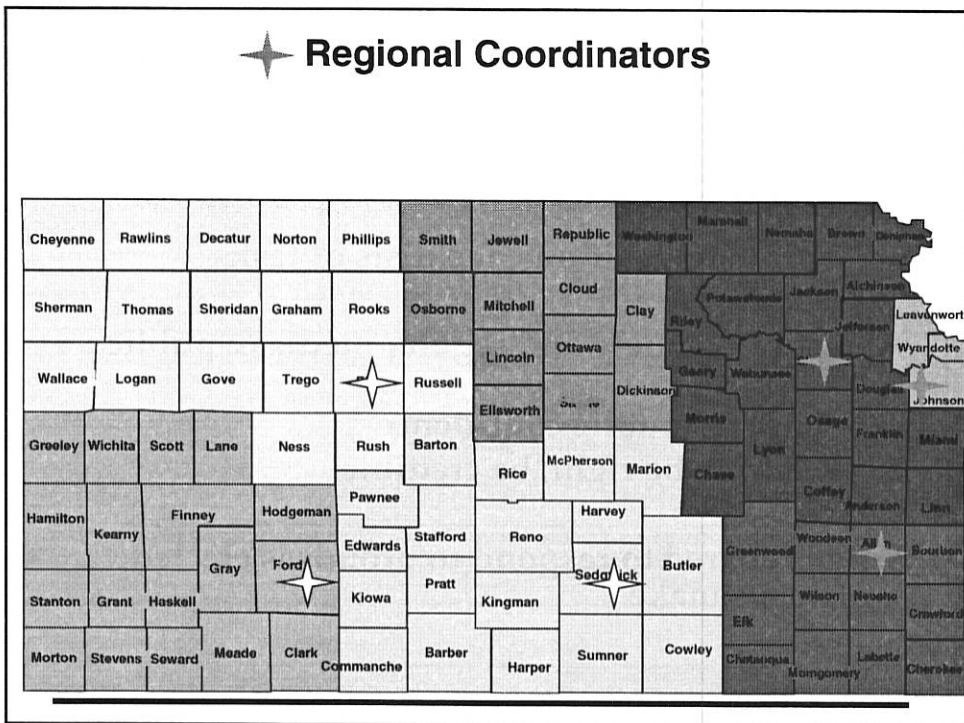
KEY LESSONS LEARNED

- **Train State Emergency Operations Center personnel**
 - provide position checklists of tasks
- **Accurate, timely and regular media & public briefings**
 - Ensures public confidence
 - Be first, be right, be credible
- **Be prepared to respond to promises elected officials make**

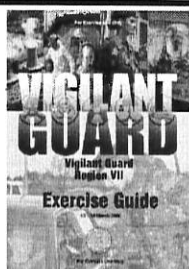
Future Threats - Terrorism



★ Regional Coordinators



Joint Operations



- 3rd Joint NGB VG exercise
- Joint Staff from FEMA Region 7
- 1st Multi-agency approach
- Joint Staff COOP plan exercised
- FAD outbreak scenario

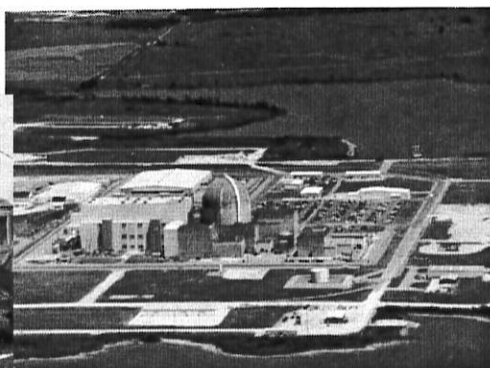
- Rescuer 2006
- Joint Staff training
- 14 Countries Involved
- Disaster scenario



Critical State Security Mission

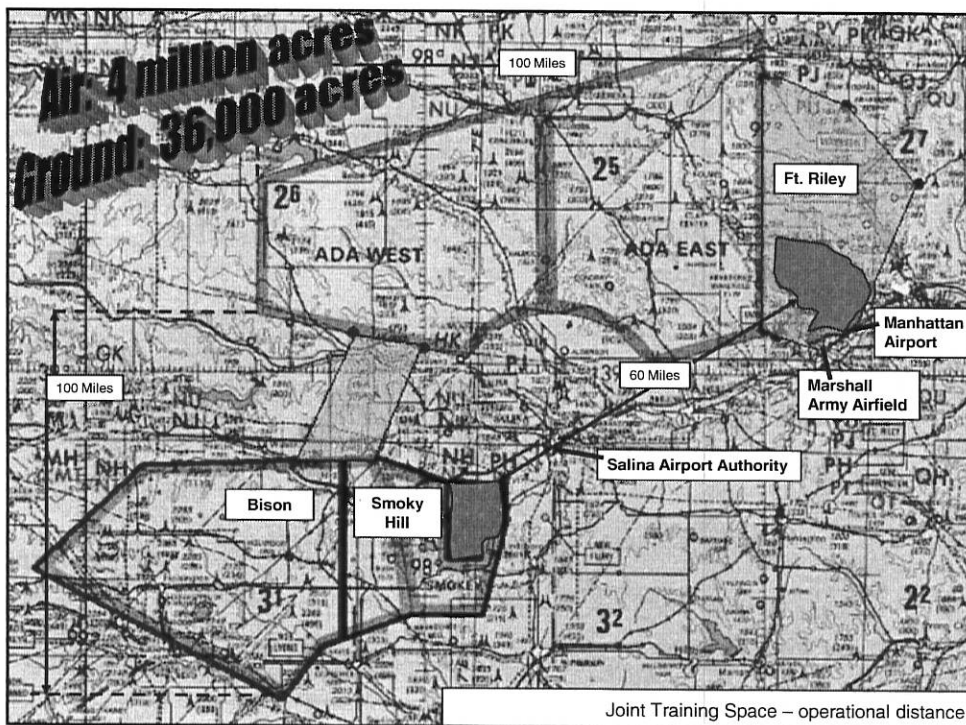
Wolf Creek
Nuclear
Power Plant

Security & Safety



We have the wide open spaces!





- Military Ops/Urban Warfare Training
- Combined UAV/Intel/Land Forces Training
- Integrated with 184th assets
- Convoy Training
- Civilian Responder Training
 - Law Enforcement, Fire & Medical



UAV SYMPOSIUM



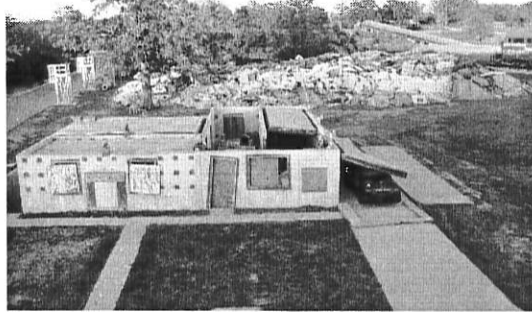
Crisis City



1. Disaster Town HQ
2. Firing Range
3. Drivers Course
4. Skid Pad
5. Simulator Building
6. Classroom / Gym
7. MOUT Village
8. Fire Training Tower
9. Haz-Mat Props
10. CHU Billeting
11. Maintenance Shed

Key Elements:

- Disaster City-like design/approach
- First responder emergency training focus
- Multi-discipline multi-agency focus
- Small campus (40-160 acres)
- Concrete/semi-permanent structures/training aids
- National Guard involvement will primarily be MACA-focused



National Level Maintenance Program





Adding Value to our Communities

Star Base

Special Olympics

Blood Drives

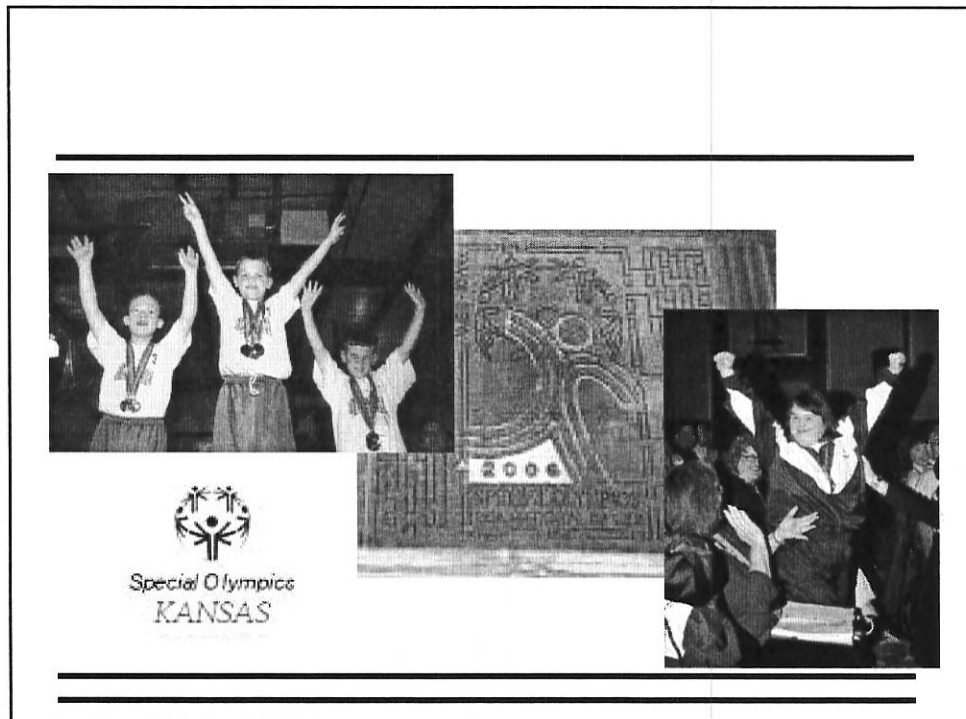
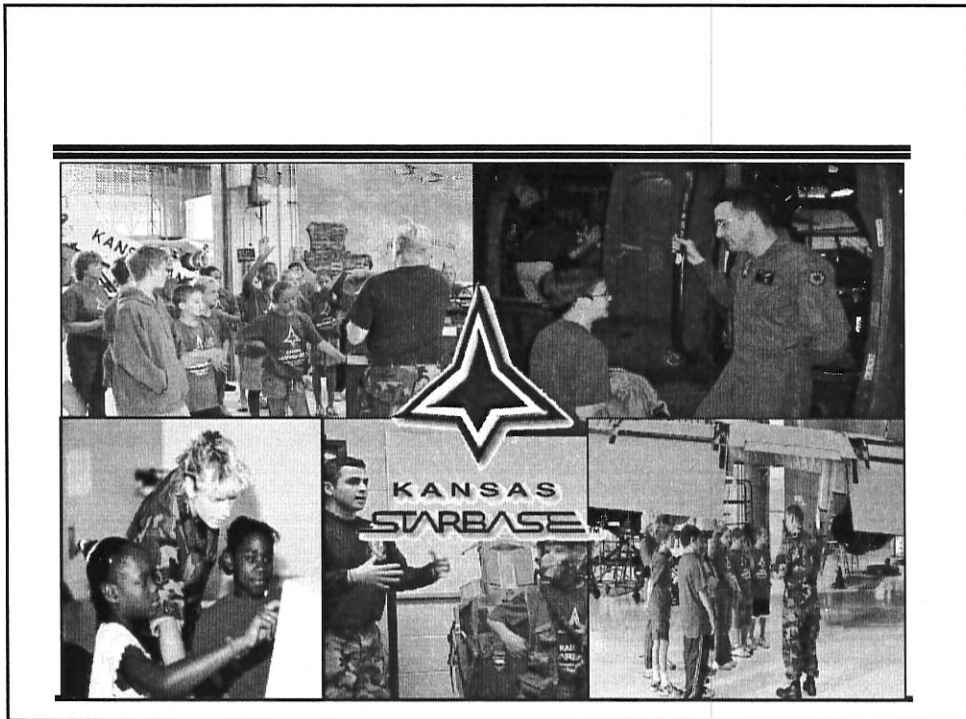
Boy/Girl Scouts of America

Chambers of Commerce

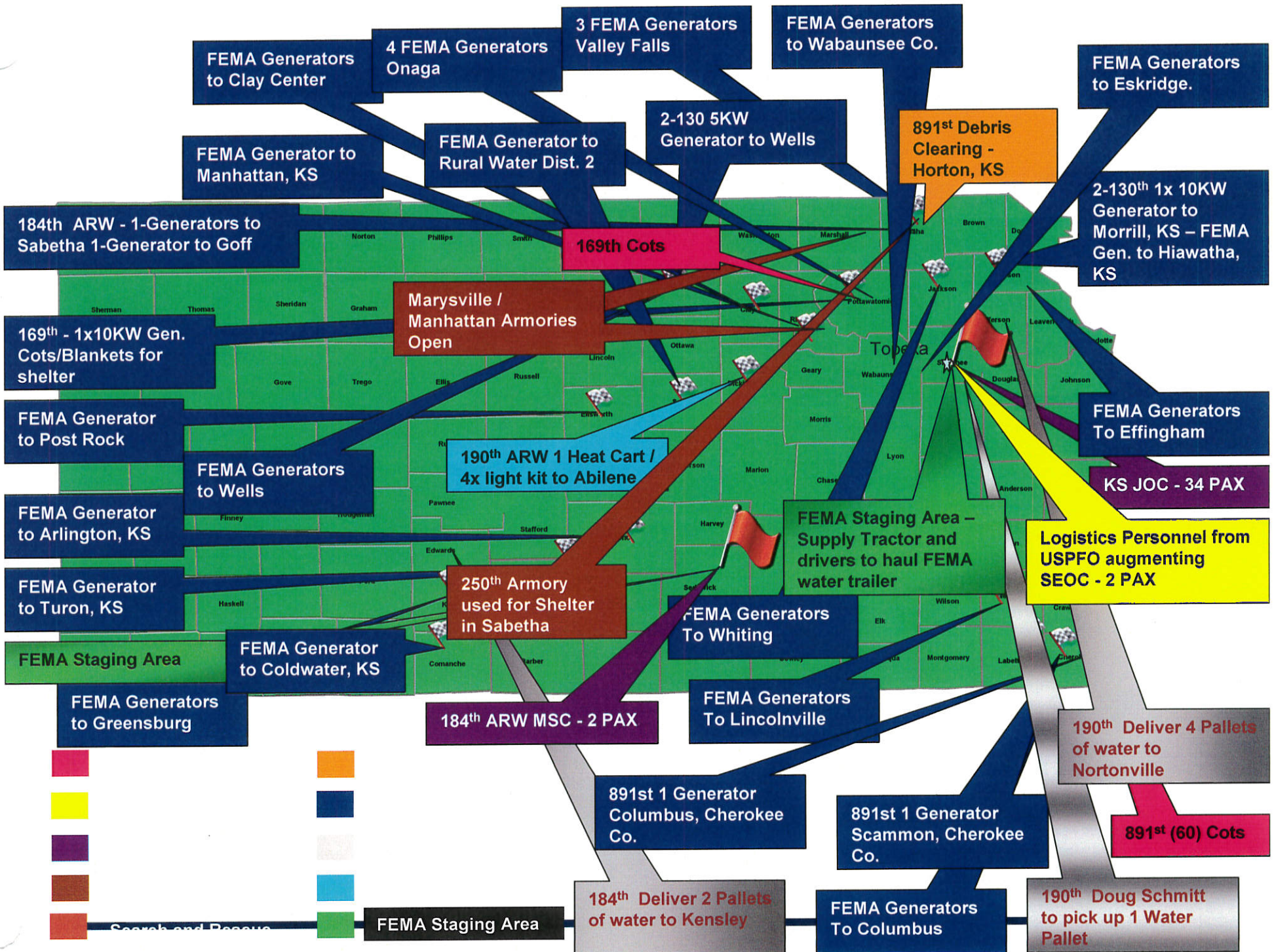
Color Guard

Mounted Color Guard

Community Celebration Days







**State Emergency Operations Center
State of Kansas
Level 5 – Federal Involvement**

Situation Report #16		
Situation Report Period: 1600 December 18, 2007 thru 1600 hrs December 19, 2007		
Date/Time (CDT)	December 19, 2007 1600 hrs	
Incident Type	Winter Storm	
Location of Incident	Statewide	
Time of Incident	Beginning December 10 th and continuing	
Significant Weather that May Impact Operations		
24 hr forecast	Extended forecast	Location
Patchy freezing fog	Wintry mix Friday-Saturday	Central/Southeast Statewide
Current Situation		
<p>General: Governor Sebelius declared a statewide disaster on Monday, December 10th. The State Emergency Operations Center (SEOC) remains activated at a Level 5 – Federal Involvement. The Kansas Response Plan was activated and appropriate Emergency Support Functions (ESFs) are staffed in the SEOC. Governor Sebelius requested an emergency declaration from President Bush on December 11, 2007 and was received on December 12th – EM #3282. FEMA deployed a generator “push” package with logistical staging in Topeka, KS at Forbes Field. US Army Corps of Engineers and FEMA representatives are providing support in the SEOC. The state requested for additional generators, water and cots thru FEMA. Conditions are improving as more electric meters come on line and warmer temperatures are melting accumulated ice. The SEOC remains operational with appropriate ESFs between 0800 and 1600 hours. Only three American Red Cross shelters remain open.</p>		
Official Casualties/Relief Effort		
Fatalities	2	Geary County – 90 yr female (exposure) Reno County – 71 yr male (autopsy pending)
Hospitalized	2	Cherokee County employee Cherokee County (4 female/1 male) Riley County (2 males) electrocution
Injured	11	Cherokee County – carbon monoxide poisoning Leavenworth County – 8 traffic accidents
Extent of Damage		
Major Damage	Public Infrastructure	
Power Outages	Statewide – Westar Energy – 1,772; Rural Electric Coops – 11,608	
Requests For Assistance /Emergency, Disaster and Presidential Declarations Status of Event Related Declarations		
Declaration	Date	Remarks
Anderson County	12/10/07	Power outages
Atchison County	12/11/07	Power outages-Shelter
Barton County	12/11/07	Power outages
Brown County	12/11/07	Power outages-Shelter
Butler County	12/10/07	Power outages
Cherokee County	12/10/07	Power outages-Shelter
Cheyenne County	12/12/07	
Clay County	12/10/07	Power outages-Shelter
Cloud County	12/11/07	Power outages
Coffey County	12/11/07	Power outages-Shelters
Comanche County	12/13/07	Power outages
Cowley County	12/10/07	
Crawford County	12/10/07	Power outages-Shelter
Decatur County	12/10/07	Power outages
Dickinson County	12/11/07	Power outages-Shelter
Doniphan County	12/11/07	Power outages-Shelter
Douglas County	12/10/07	Power outages
Edwards County	12/13/07	Power outages-Shelter
Ellis County	12/10/07	Power outages
Ellsworth County	12/11/07	Power outages-Shelter
Executive Order 07-26	12/11/07	State of Kansas – hours of service exemption
Geary County	12/10/07	Power outages -Shelter
Gove County	12/11/07	Power outages
Governor's Declaration	12/10/07	State of Kansas – 105 counties –Winter storm
Harper County	12/12/07	Power outages
Harvey County	12/10/07	Power outages
Jackson County	12/11/07	Power outages-Shelter
Jefferson County	12/11/07	Power outages

OFFICE
STATE CAPITOL BUILDING
ROOM 140-N
TOPEKA, KANSAS 66612-1504
(785) 296-7376
(785) 296-0103/FAX

STATE OF KANSAS

DISTRICT
CIVIC CENTER STA.
POST OFFICE BOX 171110
KANSAS CITY, KANSAS 66117
(913) 321-3210
(913) 321-3110/FAX



SENATE CHAMBER

DAVID B. HALEY
SENATOR
DISTRICT 4
WYANDOTTE COUNTY

RE: SB397

Mr. Chairman and Members of the Federal and State Affairs Committee:

Thank you for scheduling a hearing on this bill which intends to restore to our law the long standing practice of the leasing of a Guard armory for groups that furnish their own alcoholic beverage(s).

Several constituents brought this to my attention when, after many years of having previously hosted events with alcohol permitted at the Armory, they were no longer able to lease due to a new law!!

I believe this was not the Legislature's intent and that due to a drafting error we erroneously assumed all training centers were armories which is not the case. It is my opinion that due to the history of this relationship, that this Committee might consider leaving this bill "clean" (without amendment) and advancing if, perhaps, to the Consent Calender.

Thank you again. I am pleased to stand for any questions.

A handwritten signature in black ink, appearing to read "David B. Haley".

Testimony on SB 397

To the Senate Federal and State Affairs Committee

Kansas National Guard

Date: January 31, 2008

Mr. Chairman and members of the Committee:

I am Colonel Bruce Woolpert, Legal Advisor to Major General Tod M. Bunting, the Adjutant General, and a Judge Advocate in the Kansas Army National Guard. Thank you for allowing me to comment on SB 397 that would modify K.S.A. 41-719 to allow intoxicating liquors and beverages to be served at Kansas National Guard Armories. Currently, alcoholic beverages can only be served at Kansas National Guard Regional Training Centers.

The Adjutant General's position is neutral on this bill. It neither enhances the National Guard's war fighting mission, nor its ability to support civil authorities during times of emergencies or disasters. It may, however, provide support to local communities by providing venues in which citizens can gather for celebratory events.

The Adjutant General's Department would be the responsible agency responsible for establishing rules and regulations to govern the use of intoxicating liquors and beverages in armories and then obtaining the Kansas Military Board's approval of these rules and regulations. The Adjutant General's Department would also be responsible for updating the current Standard Operating

Procedures (SOP) that governs rentals of the armories and the rental agreement that is used when renting armories to the public. Even though the Adjutant General's rules would undoubtedly require the lessee to provide adequate security at the lessee's cost, the agency would also be required to provide supervisors who would have the responsibility to oversee individuals who have consumed intoxicating liquors and beverages. Additional fiscal implications are provided in detail below.

To provide a historical perspective, numerous armories were built in the 1950's, many in smaller Kansas communities. Often, they have provided one of the larger indoor structures in the town, along with the school gymnasium. As such, Kansas National Guard armories throughout the state have been the venue for anniversaries, wedding receptions, reunions, and other large gatherings.

Consumption of cereal malt beverages (beer with less than 3.2% alcohol by weight) on armory premises has traditionally been permitted by entities renting the armories. For the most part, the individuals and groups who choose to consume cereal malt beverages at their functions have acted responsibly.

By contrast, consumption of alcoholic liquor on public property, which includes armories, has been prohibited by K.S.A. 41-719(c), with exceptions listed therein. Alcoholic liquor is defined by K.S.A. 41-102 as any alcohol, spirits, wine, or beer that is not a cereal malt beverage.

Until 2005, one of the exceptions to the prohibition from drinking or consuming alcoholic liquor on public property pertained to armories, as follows:

“K.S.A. 41-719(h). Any city may exempt, by ordinance, from the provisions of subsection (c) any national guard armory in which such city has a leasehold interest, if the Kansas military board consents to the exemption.”

In the past, the only qualifying leasehold interests recognized by the Kansas military board was for the armories in Lenexa and Kansas City.

The Kansas City, or 18th Street Armory, as it is fondly called, has played an important role in the development of that city, as well as providing one of the primary venues for birthday parties, anniversaries, and other similar types of celebrations within the community. The armory was built in 1953 with the strong support of local citizens and groups. One such group, the Citizen’s Military Committee, was the primary action component working to build the armory, and actually ended up as land owner of almost an entire block of real estate, west of 22nd Street, which included the Kansas City armory.

The Citizen’s Military Committee, even though it had transferred ownership of the building itself to the State of Kansas, still held a leasehold interest in the property. Additionally, an agreement was entered into between the Kansas Armory Board and the Citizen’s Military Committee which provided the Committee would be in charge of renting the facility to local groups when it did not interfere with drills and other military activities. The rental funds were used by the Committee to purchase additional equipment for the armory.

In fact, there have been two local groups that have rented the Kansas City armory every year for over 20 years each

to hold their special annual celebration. Consumption of alcoholic beverages was permitted. We are unaware of any problem caused by either of these groups abusing alcohol or causing damage to the armory property.

However, during the 2005 Legislative Session, K.S.A. 41-719 was modified by eliminating the exception previously located at subparagraph (h), and adding new subparagraph (c)(10) as an exception to drinking or consuming alcoholic liquor on public property:

“K.S.A. 41-719(c)(10) On the premises of any Kansas national guard regional training center, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.”

The effect of this change in the law was to prohibit the consumption of alcoholic liquor in all armories, including those at Lenexa and Kansas City. The only facilities currently designated as Kansas national guard regional training centers are in Salina. The Adjutant General's Department was not aware that the change had been proposed and ultimately passed into law until it appeared in the 2005 Session Laws.

Once the law changed, the Adjutant General issued notice that alcoholic liquor could no longer be consumed in the Lenexa or Kansas City armories.

It has been determined there will be a fiscal effect for FY 2009 of \$46,000. Included in this estimated cost is the cost of drafting and reviewing the new Rules and Regulations and updating the SOP and rental agreement. The actual cost to the state for drafting and reviewing would be minimal, based on the assumption that the

individuals responsible for these duties are salaried state employees or Kansas National Guard (KSNG) federal employees, both of which will not receive any additional pay for the additional work load. However, these employees already experience a tremendous work load and additional tasks will result in requiring excessive hours worked or will result in a reduced efficiency level of work performed. There will also be costs to print the Rules and Regulations and the updated SOP after electronic distribution is accomplished. Further, we anticipate damages could occur to the armory facilities and/or equipment due to individuals being under the influence of intoxicating liquors and beverages. The new Rules and Regulations and revised SOP and rental agreement would require the renter be responsible for the cost of any damages, but collecting for incurred damages cannot be guaranteed. If intoxicating liquors and beverages are served at the armories, we place our KSNG member supervising the rental event in a possibly perilous situation.

In order to provide as much protection as possible to our employees, we are proposing placing KSNG members on State Active Duty when supervising a rental event that involves intoxicating liquor or beverages. We estimate there may be 248 rentals per year (4 rentals per year for 62 armories) that include intoxicating liquor or beverages. For FY 2009, we estimate each State Active Duty Man-day costs the agency \$125.45 salary costs including required benefits and \$31.00 per Man-day for allowances and at least one-man day would be used for each rental event.

It is possible rentals of the armories by the public could increase if they are allowed to have intoxicating liquor and beverages at their rental event. The amount of increases is impossible to predict. Any additional revenue from rentals would be deposited into the respective Armory Fund as authorized in K.S.A. 48-309. No estimate was provided for a possible increase in rentals as this is

only an assumption and no data is available to clearly project any income changes.

As a result of the above, the bill's implementation would not be accomplished within the current budget or within the current staffing levels. As stated above the implementation would be accomplished by salaried state employees or Kansas National Guard federal employees but implementing the bill will increase the work load of these employees. There would be an increase in cost associated with supplies, facility costs and pay and allowance costs for State Active Duty Man-days.

January 23, 2008

The Honorable Pete Brungardt, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 522-S
Topeka, Kansas 66612

Dear Senator Brungardt:

SUBJECT: Fiscal Note for SB 397 by Senator Haley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 397 is respectfully submitted to your committee.

Under current law, alcoholic beverages can be consumed at only the Kansas National Guard regional training centers. SB 397 would allow consumption of alcoholic beverages at any Kansas National Guard armory as well.

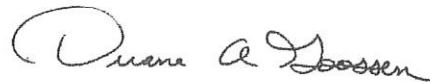
Estimated State Fiscal Effect				
	FY 2008 SGF	FY 2008 All Funds	FY 2009 SGF	FY 2009 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$46,000	\$46,000
FTE Pos.	--	--	--	--

The Adjutant General estimates additional expenditures of \$46,000 from the State General Fund in FY 2009 if SB 397 were enacted. Of this amount, \$31,112 would be for salaries and wages for the presence of a Kansas State National Guard (KSNG) member, who would be supervising events. The agency is proposing that the KSNG member be placed on active duty when supervising an event that involves alcohol or liquor in order to provide as much protection as possible. For FY 2009, the agency estimates each day the KSNG member would be on duty would cost \$125.45 in salary expenditures for an estimated 248 events (\$125.45 x 248 = \$31,112). Additional operating expenditures in the amount of \$14,888 would be needed for updating the rules and regulations, any potential repairs to the armories, and travel and subsistence.

The Honorable Pete Brungardt, Chairperson
January 23, 2008
Page 2—397

The agency indicates that rentals of the armories by the public could increase if alcohol is allowed to be served. However, the agency cannot provide an accurate estimate of a possible increase in rental income as no data are available to clearly project any income changes. The Kansas Department of Revenue indicates that enactment of SB 397 would have no fiscal effect on agency operations. Any fiscal effect resulting from enactment of SB 397 is not included in *The FY 2009 Governor's Budget Report*.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Janice Harper, Adjutant General's Office

KANSANS FOR ADDICTION PREVENTION

P.O. Box 16774, Wichita, Kansas 67216

Phone 316-681-0122

SUBJECT: SB 397 Hearing: January 31, 2008

REFRAMING THE ALCOHOL ARGUMENT

The past few years you have heard me present the argument that alcohol is addictive, and for that reason access to it should be as controlled as possible. There has been a disappointing response to the need to prevent individuals from becoming addicts, even if those individuals are children. We have finally acknowledged that the risk of cancer from smoking is clear enough that we must take action to protect the public.

There is a current flow of reports on studies from the United States and around the world that have **highly alarming reports that link alcohol use to cancer**. "Researchers have known for nearly 20 years that drinking alcoholic beverages can cause cancer of the mouth, throat, esophagus and liver. But those diseases don't get much publicity. This year, the International Agency for Research on Cancer added breast and colon cancer--two of the four major killer cancers--to the list of malignancies known to be fostered by alcohol." Wichita Eagle, October 21, 2007

Since the cancer risk from alcohol depends on how much you drink, here are some quick and scary facts:

- One drink a day increases the risk of colon cancer by 15%
- Four drinks a day increases the risk of colon cancer by 40%
- Women who have one to two drinks a day increase their risk of breast cancer 13%
- Women who have four drinks a day increase their risk of breast cancer 50%
- Alcohol is alcohol, even wine, yes, even red wine where the benefit is only from the skin of the red grape. Eat grapes!
- Alcohol is detrimental to more than 60 diagnoses.

It is clearly irresponsible public policy to expand the availability of alcohol for any reason. We in prevention roles find it difficult to convince people that their risky behavior today will bring about their early, painful, and expensive death. You have the opportunity to be of public service by not expanding venues where alcohol is served.

Garry Winget, President



*Kansas
Licensed
Beverage
Association*

*Philip Bradley
CEO*

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Testimony on SB-397, January 31, 2008
Senate Judiciary 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, manage and work in Kansas bars, breweries, clubs, caterers, hotels and restaurants where beverage alcohol is served. These are the over 3000 places you frequent, enjoy and the tens of thousands employees that are glad to serve you. Thank you for the opportunity to speak today and I will be brief.

We support SB-397.

We believe that in many towns and communities across Kansas that the Armory may be the only facility large enough for events that include everyone or events that draw from a large area. Therefore it makes sense to use them to the fullest extent. We are concerned however that this may reduce the chances that a private individual may invest in those communities to start a small business to serve those needs.

We are also concerned about a tax subsidised facility being able to use it's building, paid for by public dollars, maintained and operated by public dollars to compete in those cities that have other choices, tax paying facilities, paid for by folks out of their own pockets as they attempt to survive and compete. This is further illustrated by the fiscal note.

We ask that you amend this measure to correct two other longstanding problems in this area of liquor consumption and sales.

First is to correct the affirmative defense for service if the server had "reasonable cause to believe that the minor was 21 or more years of age". The specific problem is with the language about the picture. The current KSA 41-2615, c, states that the ID "containing a photograph of the minor and purporting to establish that such minor was 21 or more years of age." This is far in excess of the reasonable cause standard. We instead propose that it read, "that reasonably appears to contain a photograph of the minor and purporting to establish that such minor was 21 or more years of age." This would achieve the intent and conform to the "reasonable cause" defense. The entire statue is on the next page with amendments indicated.

The next amendment addresses the "knowingly and unknowingly" language in the same statue. We ask you to remove the words "and unknowingly". When a server complies with all statutes, rules and regulations and legally serves an alcoholic beverage to a legal patron, and then turns their back and goes into the kitchen to get the customers food order and that beverage is handed by the customer, completely out of sight of the server, to an underage consumer, that server is under current law guilty of a crime. We believe in these cases a person should have had knowledge or intent before a crime could be committed.

I will provide additional supporting documents to the committee.

I am available for your questions. Thank you for your time.

Philip Bradley

Philip Bradley

Sen Fed & State

Attachment 6
1-31-08

Here is the exact statute, 41-2615. We wish to have removed the "unknowingly" standard wherever it occurs.

Also we wish to amend the same statute to assure a strict but reasonable burden on the affirmative defense as indicated below.

Our requests are indicated by the red and blue passages. Delete the red language and insert the blue.

41-2615. Possession or consumption by minor prohibited. (a) No licensee or permit holder, or any owner, officer or employee thereof, shall knowingly ~~or unknowingly~~ permit the possession or consumption of alcoholic liquor or cereal malt beverage by a minor on premises where alcoholic beverages are sold by such licensee or permit holder, except that a licensee's or permit holder's employee who is not less than 18 years of age may serve alcoholic liquor or cereal malt beverage under the on-premises supervision of the licensee or permit holder, or an employee who is 21 years of age or older.

(b) Violation of this section is a misdemeanor punishable by a fine of not less than \$100 and not more than \$250 or imprisonment not exceeding 30 days, or both.

(c) It shall be a defense to a prosecution under this section if: (1) The defendant permitted the minor to possess or consume the alcoholic liquor or cereal malt beverage with reasonable cause to believe that the minor was 21 or more years of age; and (2) to possess or consume the alcoholic liquor or cereal malt beverage, the minor exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document, ~~containing~~ that reasonably appears to contain a photograph of the minor and purporting to establish that such minor was 21 or more years of age.

History: L. 1965, ch. 316, §15; L. 1987, ch. 182, § 70; L. 1993, ch. 173, § 3; L. 1994, ch. 300, § 2; July 1.

When we remember we are all mad, the mysteries disappear and life stands explained.
Mark Twain

Philip Bradley
CEO
Kansas Licensed Beverage Association
phil@klba.org 785-766-7492



8/22/2005



8/22/2005



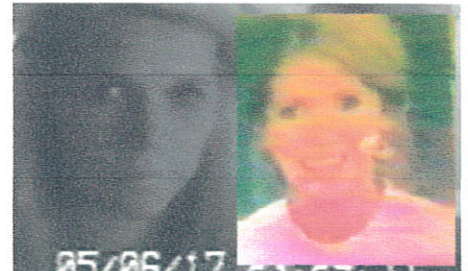
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