

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 19, 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:

Senator Hensley
Charles Jean-Baptiste, NAACP
William E. Richards, NAACP
Dan McLaughlin, Kansas State Fire Marshal
Lori Haskett, KDHE
Tim Millspaugh, Sedgwick County
Ed Bricknel, City of Wichita
Steve Moody, City of Leavenworth
David Nuss, National Fire Protection Association
Cindy Luxem, Kansas Health Care Association

Others attending:

See attached list.

SB 554 - Brown v. Board of Education mural in the capitol

Chairman Brungardt opened the hearing on **SB 554**.

Senator Anthony Hensley appeared in support of the bill. (Attachment 1) The United States Supreme Court issued a landmark decision by declaring that state laws establishing separate public schools for black and white students denied black children equal educational opportunities. This paved the way for the modern Civil Rights Movement, and laid the foundation for international policies regarding human rights. This type of legislation was also passed in 2002 for the Kansas (Colored) Voluntary Infantry Regiment. Two photos outside the Old Supreme Court Room wall, which is the suggested wall for the mural were included. Barry Wise, the Statehouse Architect spoke about the legislation passed in 2002.

Charles Jean-Baptiste, President, NAACP, spoke in favor of the bill. (Attachment 2) Now is the time to move forward and designate a mural on the Wall of the Kansas State Capitol. The mural will "commemorate" the United States Supreme Court decision rendered on May 17, 1954, in the case of *Brown v. Board of Education*.

William E. Richards, Topeka Branch NAACP, appeared in support of the bill. (Attachment 3) The Topeka Branch of the National Association for the Advancement of Colored People (NAACP) urges the committee to vote and support the passage of the bill. The importance and impact of Brown on the country and the movement toward social justice cannot be overstated.

Cheryl Brown Henderson, The Brown Foundation, provided written testimony in support of the bill. (Attachment 4) Ms. Brown stated in her testimony, that by adding a *Brown v. Board of Education* mural to the walls of the State Capitol Building, we will send a message to those who visit our state, that we recognize and value the historic role all citizens have played in the development of this great state and nation.

Chairman Brungardt closed the hearing on **SB 554**.

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 19, 2008 in Room 526-S of the Capitol.

SB 544 - Fireless cigarettes; distribution and sale of

Chairman Brungardt opened the hearing on **SB 544**.

Staff provided an overview of the bill.

Dan McLaughlin, Kansas State Fire Marshal, appeared in support of the bill. (Attachment 5) The bill would require all cigarettes sold in Kansas to be fire-safe cigarettes, and all cigarette types sold in the state be tested to ensure compliance with standards set forth by the American Society of Testing and Materials. Each type of cigarette that passes this testing will then be certified, and manufacturers would be assessed \$250 for each type of cigarette sold in the state. Certification would last three years. There would be no cost to Kansas consumers or the state of Kansas to implement this bill. Proposed amendments were provided.

Lori Haskett, Director of Injury/Disability, Kansas Department of Health and Environment, (KDHE) spoke in support of the bill. (Attachment 6) The recommendation of the KDHE to adopt this proposal is based on the potential for reducing deaths and injury from fire.

Tim Millspaugh, Fire Marshal Sedgwick County, appeared in support of the bill. (Attachment 7) 52% of the US population is already covered, or soon to be covered, by fire safe cigarette legislation. Cigarette related fires don't just kill and injure the smoker - 25% of the people who die in these fires are children of the smokers, neighbors, friends, spouses, partners and firefighters.

Ed Bricknel, City of Wichita Fire Marshal, spoke in favor of the bill. (Attachment 8) This bill is an extremely important piece of legislation and its passage will have a life altering effect upon the citizens whom we have sworn to protect.

Steve Moody, City of Leavenworth Fire Chief, appeared in support of the bill. (Attachment 9) Every firefighter knows that Prevention, while it is not as exciting, will always save more lives than firefighting. With the passage of this bill, the committee has the opportunity to save more lives from fires.

David Nuss, National Fire Protection Association, appeared in support of the bill. (Attachment 10) There is no such thing as a cigarette that will totally eliminate fires, but a fire-safe cigarette has a reduced propensity to burn when left unattended. The most common fire-safe technology used by cigarette manufacturers is to make the paper thicker in places to act as "speed bumps" to slow down a burning cigarette, and if left unattended, the burning tobacco will reach one of these speed bumps where the paper is thicker and self-extinguish.

Cindy Luxem, Executive Director, Kansas Health Care Association, appeared in support of the bill. (Attachment 11) The number of adult care homes offering smoking is decreasing, but there are still some that continue to offer a smoking option for residents. Every attempt should be made possible to keep all residents as safe as possible and the fireless cigarette is one option in making congregate living settings safer.

John Drees, Safe Kids Kansas, (Attachment 12), Dr. Gary D. Jost, MD, FACS, Regional Burn Center Wichita, (Attachment 13), David Banks, Fire Education Association of Kansas, (Attachment 14) and Philip Bradley, Kansas Licensed Beverage Association, (Attachment 15) provided written testimony in support of the bill.

Chairman Brungardt closed the hearing on **SB 544**.

Final Action:

SB 512 - Emergency medical services, attendant's certificate requirements

Staff provided an amendment to delete the background and fingerprinting which had been passed in committee. (Attachment 16) The bill had gone to the floor, but this language had not been deleted. The Chairman requested the bill sent back to committee for clean up.

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 19, 2008 in Room 526-S of the Capitol.

Senator Brownlee moved the amendment. Senator Reitz seconded the motion. The motion carried.

Senator Brownlee moved to pass **SB 512** out favorably as amended. Senator Reitz seconded the motion. The motion carried.

SB 622 - Cereal malt beverages; alcohol content, by ABC, retailers authorized to sale, taxation.

Staff provided an overview of the bill for the upcoming hearing. The bill changes the definition of cereal malt beverage by increasing the limit on the alcoholic content of CMB from 3.2% or less to 5.0% or less, by weight. Nothing in the bill makes the liquor laws nonuniform as to cities and KSA 19-101b limits the ability of counties to exercise home rule power to exempt from those laws. (Attachment 17)

The meeting was adjourned at 11:45 am. The next scheduled meeting is February 20, 2008.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE 2-19-08

NAME	REPRESENTING
Rebecca A. Weeks	Kans. St. Fire Marshal
Patrick Broxterman	Kansas Atty General's Office
Dan Gibb	KSCFF
Dennis Phillips	KSCFF
Ed Redman	KSCFF
Cindy Luxem	Kansas Health Care Assoc
Lori Jesch	PMCA of KS
Phil Brady	
LISA BENLON	AMER. CANCER SOCIETY
Robert McFrazier	Educ - NAACP
Charlene Baptiste	state NAACP
Willie E. Dinkler, Jr.	TOWNSHIP NAACP
Cecily L. Wims-Campbell	Joplin NAACP
Dan McLaughlin	KSEMO
Tim Millsbaugh	SCFD
ED BRICKNELL	WICHITA FIRE DEPT.
Pat Lehman	KFSA
Steve Moody	Leavenworth Fire Dept
LORI HASKETT	KDHE
JOHN BOTTENBERG	PHILIP MORRIS USA
SEAN MILLER	CAPITOL STRATEGIES

State of Kansas

Senate Chamber



Office of Democratic Leader

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Statement in Support of SB 554 By Senator Anthony Hensley February 19, 2008

Fifty-four years ago, the United States Supreme Court issued a landmark decision by declaring that state laws establishing separate public schools for black and white students denied black children equal educational opportunities.

The roots of this historic case – *Brown v. Board of Education* – lie here in Kansas. Every day, Topeka third-grader Linda Brown, was forced to walk one mile through a railroad switchyard to get to her black elementary school, even though a white elementary school was only seven blocks away. Led by a dream of equality, Linda's father, Oliver Brown, and a dozen more parents like him, bravely turned to the courts demanding better education opportunities for their children.

The Court agreed. Chief Justice Earl Warren wrote in the Supreme Court's unanimous decision,

“It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”

Brown v. Board of Education is not simply a story about children or education – it is a story about courage and hope. It initiated educational and social reform throughout the United States, paved the way for the modern Civil Rights Movement, and laid the foundation for international policies regarding human rights.

The dream that inspired 13 Kansas parents more than 50 years ago is a testament to the triumph of the human spirit. Their story should be forever told in this building – our Kansas Capitol – with a mural commemorating the cause for which they fought and successfully accomplished.

A handwritten signature in black ink, appearing to read 'A. Hensley'.

Sen Fed & State

Attachment 1
2-19-08

Kansas Legislature

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75-2264

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES

Article 22.--STATE CAPITOL

75-2264. Plans for mural in the capitol honoring the 1st Kansas (Colored) Voluntary Infantry regiment. (a) The Kansas state historical society and the department of administration shall develop plans to place a mural in the capitol honoring the 1st Kansas (Colored) Voluntary Infantry regiment. Such plans shall be developed in consultation with the joint committee on arts and cultural resources.

(b) On or before January 1, 2002, the plans developed pursuant to subsection (a) shall be submitted to the joint committee on arts and cultural resources.

History: L. 2000, ch. 110, § 4; July 1.



ROOM



H-1

Proponent for SB554

Presented by

Charles Jean-Baptiste

President: Kansas State NAACP Conference of Branches

February 19, 2008 in Federal & State Affairs, Room 526S
Topeka: State Capitol building

Senate Bill No. 554

Good day to the Honorable Pete Brungardt, Chairperson of the Committee on Federal and State Affairs Committee and members of the committee. I would like to thank Senators Hensley, Betts, Haley, Kelly and V. Schmidt for their efforts to developed AN ACT concerning a mural in the Capitol. I appreciate the opportunity to come before you and express my support for Senate Bill No. 554; henceforth, (SB554).

My name is Charles Jean-Baptiste, residing at 11824 Johnson Drive, in Shawnee, Kansas for 17 plus years. I am presently, the President of the Kansas State National Association for the Advancement of Colored People; henceforth, the NAACP.

This bill, when passed, will portray one of the most important educational and judicial decisions in the History of these United States of America, probably the World. THE GREAT SUNFLOWER STATE OF KANSAS is one that I truly treasure. A MURAL depicting the judicial decision rendered on May 17, 1954, will have great significance to our State Capital.

The idea of a Mural on the wall of the State Capitol's Building is one that is long over due. I have been asked questions in regards to why such an historical judicial decision is not represented in the State Capitol. Especially with the high volume of visitor's visiting the State Capitol's Building from other states and other parts of the World.

My response to that question is, "everything takes time". But now is the time to move forward and designate a MURAL on the Wall of the Kansas State Capitol. The Mural will "commemorate" the United States Supreme Court decision rendered on May 17, 1954, in the case of Brown v. Board of Education.

Now that we as Americans interact with other countries on a global basis, the Kansas State Capitol Building should also be a reflection of a global environment and exhibit equality in Education. This momentous decision (Brown vs. Board of Education) is not only a reflection of America, but is being utilize as an example for other countries to educate their citizens. The State of Kansas is responsible for one of the greatest revolution in the educational arena. Since the May 17, 1954 Supreme Court Ruling, the decision have impact every facets of society and all walks of life. Foreign governments have adopted the statute and recognize that an educate society is a safe and resourceful one. If other nations see fit to utilize Brown v. Board of Education, let's give it a permanent place by enacting SB554 in the State of Kansas.

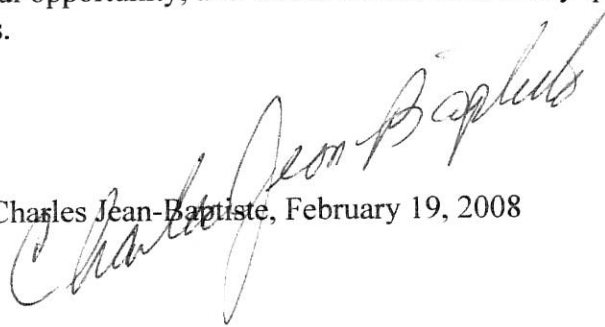
The State of Kansas exports many products and take pride of its export status. Now is the time to take pride in the results product of Brown v. Board of Education, and showing that the State of Kansas is in the forth front of Civic evolution.

Some have mentioned that, we have the Brown Museum, but we must keep in mind that museums do close their doors, but State Capitol Buildings do not close. Not that I have yet to hear of a State Capitol to fold.

Finally, I ask that you give SB 554 the opportunity to run the course of becoming law. The enactment of SB554 will serve as a venue to all students and others when touring the Capitol Building along with the many other MURALS depicting the RICH history of the State of Kansas.

Thank you for this wonderful opportunity, and would like to answer any questions or address concerns/comments.

Prepared and delivered by Charles Jean-Baptiste, February 19, 2008

A handwritten signature in cursive script, reading "Charles Jean-Baptiste", written in black ink. The signature is slanted upwards from left to right and overlaps the printed text below it.



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
NAACP, TOPEKA BRANCH

P.O. BOX 1451
TOPEKA, KANSAS 66601

BRANCH SLOGAN: "Come Together As One and Get The Job Done"

February 19, 2008

Testimony

Kansas Senate Federal and State Committee by
LtC(ret.) William E. Richards, Sr., Lobbyist for
Topeka Branch, National Association for the Ad-
vancement of Colored People (NAACP)

Mr. Chairman, Members of the Committee:

It is a pleasure to be here today!

The Topeka Branch of the National Association for the Advancement of Colored People (NAACP) urges your affirmative vote and support for the passage of Senate Bill No. 554, an Act concerning the development of plans to place a mural in the Capitol commemorating the United States Supreme Court decision entered May 17, 1954, in the case of Brown v. Board of Education.

The Brown decision was in the best tradition of a "Free Kansas"!

The importance and impact of Brown on the country and the movement toward social justice cannot be overstated!

Brown not only inspired the racial Civil Rights Movement, but it inspired others as well.: the Women,s Rights movement; Rights for the Disabled; Rights for the Aged; and, now Rights for Homosexuals. The fundamental changes wrought by Brown have been for the better.

Ten years after Brown was decided, the Civil Rights Act of 1964 was enacted. This was followed a year later by the Voting Rights Act of 1965, and the Fair Housing Act of 1968. The principle of non-discrimination became the norm in employment, education, housing, and public accomodations!

Mr. McKinley L. Burnett, President of the Topeka Branch, NAACP in the 1950's, did an outstanding job of organizing the plaintiffs in the Kansas case of Brown v. Board of Education!

Your favorable ^{NOTE} in support of Senate Bill No.554 would be appreciated.

William E. Richards, Sr.
William E. Richards, Sr.

Sen Fed & State

Attachment 3

2-19-08



"In Commemoration of
Brown vs. Topeka
Board of Education
May 17, 1954."

February 22, 2008

BOARD OF DIRECTORS

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The Honorable Anthony Hensley
Kansas State Senate
Kansas Statehouse, Rm 347-N
300 SW 10th Avenue
Topeka, Kansas 66612

Dear Senator Hensley;

On behalf of the Board of Directors of the Brown Foundation, we are delighted to have an opportunity to express appreciation for your leadership in ensuring a more inclusive interpretation of Kansas history. We applaud your support for SB 554, which authorizes the creation of a mural commemorating the landmark United States Supreme Court decision of May 17, 1954, in the combined cases under the heading of *Oliver L. Brown, et. al. vs. the Board of Education of Topeka, (KS), et. al.* Such legislation is not simply timely but critical to our becoming a more unified state and nation in this new millennium.

NATIONAL ADVISORS

Dr. James Comer
Don Davis
Dr. Jean Davis
Mervyn Dymally
Christine King Farris
Nancy Landon Baker
Leola Brown Montgomery
George Stevens

Our state has a rich and diverse past. We set an historical precedent for civil rights gains throughout this nation. It is imperative that we continue to serve as an example by commemorating the history of the African American struggle to gain access to equal educational opportunity. A mural illustrating this protracted legal campaign, which in Kansas began in the late 1800's, will educate, acknowledge and remind us that we have learned from our past.

FOUNDATION OFFICERS

President
Cheryl Brown Henderson

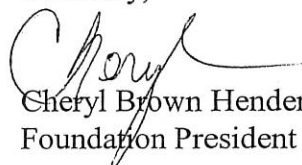
Vice President
Linda Brown Thompson

Assistant Vice President
Terry Brown Tyler

Adding a *Brown v. Board of Education* mural to the walls of our State Capitol Building will send a message to those who visit our state, that we recognize and value the historic role all citizens have played in the development of this great state and nation.

We look forward to working with you and the appropriate committee to ensure historical accuracy as plans are drafted for this mural.

Sincerely,


Cheryl Brown Henderson
Foundation President

Sen Fed & State

**Statement of Position
regarding SB 554
Proposed mural commemorating the landmark United States Supreme Court
decision in the combined cases under the heading of
*Oliver L. Brown, et. al. vs. the Board of Education of Topeka, (KS), et. al.***

Submitted by Cheryl Brown Henderson
President, Brown Foundation (2/22/08)

I am honored to join State Senator Anthony Hensley in supporting the passage of State Senate Bill 554 to authorize the creation of a mural in the State Capitol Building commemorating the landmark United States Supreme Court decision in the combined cases under the heading of *Oliver L. Brown, et. al. vs. the Board of Education of Topeka, (KS), et. al.*

My father the late Rev. Oliver L. Brown, headed the list of plaintiffs in the Topeka Branch NAACP case. Their case ultimately headed the roster of cases combined by the U.S. Supreme Court in rendering its landmark decision on May 17, 1954, outlawing racial segregation in public schools. For our family and community members who serve on the Board of the Brown Foundation, creating a mural in the State Capitol Building represents an exceptional opportunity for public awareness, public education and a chance to pay our respects to those who sacrificed to ensure constitutional rights for all citizens. For the state of Kansas this is a way to convey the unique historic role our state has played in the lives of African Americans nationwide.

In 1988, the Brown Foundation for Educational Equity, Excellence and Research was established as a living tribute to those involved in the combined cases under *Brown*. Since our inception we have worked tirelessly to educate the public about the complex facts and history behind this momentous decision. Our most noteworthy achievement was successfully working with the United States Congress and the Department of the Interior to establish the Brown v. Board of Education National Historic Site, in Topeka, which interprets the *Brown* story in the context of the African American experience in this nation past, present and future.

Our State Capitol Building is the state's front door. The business conducted in the State Legislature sets the tone for issues of importance within our borders. By placing this mural in a place of prominence in our state capitol, we send a message that the people of Kansas recognize and value the historic role played by all citizens in the development of this state and nation.

It is time for our children and youth to know about African American attorneys, community organizers, parents, political figures and NAACP leaders in Kansas, whose work resulted in the freedom, quality of life and educational opportunity we now enjoy.

Kansas has been on a path to freedom for all people, since the 1800's. The *Brown* decision was but a continuation of that journey. Progress is made at the intersection of key cultural elements. Our learning curve as a state and a nation must intersect with our willingness to remember, embrace and make a commitment not to repeat the controversies of our past.



***Brown v. Board of Education* Orientation Handbook Background Overview and Summary**

The United States Constitution guarantees its inhabitants liberty and equal opportunity. Historically, however, these fundamental rights have not always been provided as pledged. The American system of education is one such example.

From the earliest times in American history, the U.S. educational system mandated separate schools for children based solely on race. In many instances, the schools for African American children were substandard facilities with out-of-date textbooks and insufficient supplies. Court cases against segregated schools have been documented as far back as 1849. In 1861 a civil war was fought dividing the country along the lines of who should receive full rights and privileges under the U.S. Constitution. This conflict centered around the status of people of African descent who had been brought to America as slave labor. Those who would end the practice of slavery prevailed. Yet in spite of the end of the Civil War in 1865, the inclusion of African Americans as full citizens required amending the U.S. Constitution. As a result, the Civil War was followed by the enactment of the 13th amendment ratified in 1865 which abolished slavery; the 14th amendment ratified in 1868 which conferred citizenship on the formerly enslaved people of African descent and bestowed equal protection under the law; and the 15th amendment ratified in 1870 which affirmed that the right of U.S. citizens to vote cannot be denied or abridged on account of race.

In spite of the mandates outlined in the newly amended U.S. Constitution, freedom and equal rights were not readily bestowed upon African Americans. Throughout this period, education was withheld from people of African descent. In some states it was against the law for this segment of the population to learn to read and write. Tremulous disappointment and disillusionment stirred African American people to continue to challenge this system of segregation.

In the first documented school desegregation case, *Roberts vs. City of Boston*, 1849, the courts denied Benjamin Roberts and other African American parents the right to enroll their children in certain Boston public schools. However, in 1855 the Massachusetts legislature banned racial segregation. Then in the 1896 case of *Plessy v. Ferguson*, the United States Supreme Court declared it law that "separate" but "equal" facilities be provided for African Americans. This landmark case from Louisiana necessitated separate dining facilities, restrooms, transportation, accommodations and more, including public education.

Equal rights remained virtually unattainable. Across the country numerous cases were taken to court between 1849 and 1949. In the state of Kansas alone there were eleven school integration cases between 1881 and 1949. In response to these unsuccessful attempts to ensure equal opportunities for all children, African American community leaders and organizations across the country stepped up efforts to change the educational system.

The National Association for the Advancement of Colored People (NAACP), founded in 1908, took a key role in the move toward equal educational opportunity. Members were involved at every level, providing legal counsel, funding, and more.

From the mid 1930's to the present the NAACP provided strategy and legal knowledge to use the courts as a proving ground to obtain full constitutional rights for African Americans. In the 1940's and 1950's local NAACP leaders spearheaded plans to end the doctrine of "Separate but Equal". Public schools

became the means to that end. Their local efforts would ultimately change the course of history.

The NAACP legal team devised a formula for success. As they organized cases the first requirement was that they involve multiple plaintiffs. Along their road to the U.S. Supreme Court five cases were developed from the states of Delaware, Kansas, Virginia, South Carolina and Washington, D.C. None of these cases succeeded in the District Courts and all were appealed to the U.S. Supreme Court. At this juncture they were combined and became known jointly as *Oliver L. Brown et.al. vs the Board of Education of Topeka, Kansas*.

The Supreme Court decided to combine the cases because each sought the same relief from segregated schools for African Americans. The circumstances of the plaintiffs left no question that ending segregation as a historic practice would be the only viable outcome.

Charles Hamilton Houston argued most of the early NAACP cases. He had been the Dean of Howard Law School, a prestigious university for African Americans. He was teacher and mentor for many civil rights lawyers of that time including Thurgood Marshall. Houston died in 1950 leaving Thurgood Marshall as lead strategist and council for the school integration cases. Marshall led these cases all the way to the U.S. Supreme Court. As a result, one hundred and five years after the 1849 *Roberts* case, on May 17, 1954, the U.S. Supreme Court issued a unanimous decision that segregation was unconstitutional and violated the 14th Amendment.

The *Brown* decision initiated educational reform throughout the United States and was a catalyst in launching the modern Civil Rights Movement. Bringing about change in the years since *Brown* continues to prove difficult. But the *Brown v. Board of Education* victory brought Americans one step closer to true freedom and equal rights.



Comments to: *WebMaster*, brownvbd@washlaw.edu

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Revised: January 18, 2000.

URL: <http://brownvboard.org/research/handbook/overview/overview.htm>.



K A N S A S

DAN McLAUGHLIN
FIRE MARSHAL

OFFICE OF THE KANSAS STATE FIRE MARSHAL

KATHLEEN SEBELIUS
GOVERNOR

**Testimony before the
Federal and State Affairs
By Dan McLaughlin,
State Fire Marshal
February 19, 2008**

The State Fire Marshal stands in support of Senate Bill 544, regarding reduced ignition propensity cigarettes, which are also known as fire-safe cigarettes.

Cigarettes have long been known as a cause of fires. Lit cigarettes, casually thrown out a car window, can start a grass fire capable of threatening lives, livestock, and homes. There is a reason smoking is prohibited at gas stations and around stored fuels – the lit tip is a ready source of ignition, waiting for the right combination of fuel and oxygen to feed a fire.

Cigarettes are also responsible for fires that start within the home. Smoked cigarettes that are improperly extinguished and disposed of can start fires in trash cans. Cigarettes that are dropped while a person sleeps can be harmful in multiple ways. If a cigarette is left smoldering close to a sleeping adult's head, the cigarette can produce enough carbon monoxide fumes to injure or kill. If the smoldering leads to a fire, the smoke and fumes produced by it can incapacitate and suffocate a victim. The flames can also cause injury and death, not just to the smoker but to family members, neighbors, and possibly firefighters and other first responders.

Cigarettes have been a leading cause of home fire fatalities in the United States. In statistics released by the National Fire Protection Association, between 700 and 900 people die in the United States each year from smoking related fires. These fires kill smokers and non-smokers alike. Annual property damage from these fires has been figured at \$400 million.

Kansas reflects these national statistics. During 2006, 761 fires were started by smoking. Over the past five years, fires caused by smoking caused 11% of the state's fire fatalities.

The reason cigarettes can be so destructive is their ability to continue smoldering and burning when left alone. If the lit cigarette is tossed out a car window or dropped into the cushions of a couch, it doesn't extinguish. As long as it has the tobacco, paper, and a minimal amount of air, it will continue to burn and create heat. The heat collects and can ignite other combustible materials around it.

Cigarette manufacturers are able to make cigarettes that self-extinguish if left untouched for a period of time. These reduced ignition propensity cigarettes, or fire-safe cigarettes, significantly reduce the number of fires that start from smoking or smoking materials. This is accomplished through a slightly different type of paper around the outside of the cigarette. This paper has thin bands of "less-porous paper" which help the cigarette self-extinguish if not being actively smoked. These thin bands make it harder for the cigarette to continue smoldering and help the cigarette self-extinguish. In a sense, the bands act as a sort of "speed-bump" to the smoldering cigarette.

This special paper does not cause the cigarette to extinguish itself while it is being smoked. In fact, the bands are not noticeable to the casual observer. The only difference between the fire-safe cigarette and the cigarettes currently available in Kansas stores is that if left alone – in an ashtray, on a couch or mattress, in a trash bin or dumpster or along a Kansas road – the fire safe cigarette will tend to extinguish itself. This self-extinguishment saves lives and prevents property damage.

Several other states have passed legislation requiring fire-safe cigarettes. New York, the first state to pass this legislation in 2004, experienced a 30% reduction in fire fatalities within a year of the legislation being enacted. Other states have experienced the same drop. We would like to see Kansas follow suit.

Senate Bill 544 would require all cigarettes sold in Kansas to be fire-safe cigarettes.

This bill would require all cigarette types sold in the state of Kansas be tested to ensure compliance with standards set forth by the American Society of Testing and Materials. Each type of cigarette that passes this testing will then be certified, and manufacturers would be assessed \$250 for each type of cigarette sold in the state. Certification would last three years.

The fees from this certification process would be paid by the manufacturer to the Kansas State Fire Marshal, who would make sure the cigarettes met the new legal requirements. All monies collected from the manufacturers will go towards self-funding this regulation. We have borrowed many ideas from what has worked for other states and are hopeful our program will be as successful.

You may hear people testify that fire-safe cigarettes are more toxic than those currently on the market. You may hear people say that this is just an effort to reduce smoking in Kansas, or that state cigarette tax revenue will drop.

Research by RJ Reynolds Tobacco Company and the Harvard School of Public Health show that the cigarettes are no more toxic than cigarettes currently sold in our state. This bill is not aimed at reducing smoking. It will not affect revenues from cigarette taxes. In fact, a study of cigarette sales in New York before and after adopting fire-safe cigarette legislation shows no change in per capita cigarette sales.

All current research, whether by health organizations, fire protection organizations, or the cigarette industry itself, shows these fire-safe cigarettes to be effective and important at preventing property loss, injuries and deaths from fires caused by cigarettes. There would be no cost to Kansas consumers or the state of Kansas to implement this bill. This is a win-win proposition for the citizens of Kansas and an important step towards greater fire safety in this state. It is our privilege to support this legislation.

These changes all refer to the balloon amended S 544 bill sent to the State Fire Marshal by Philip Morris.

Note: As we talked about already, we proposed to add the words "vending machine operator" [K.S.A. 79-3301(y)] after "retail dealer" everywhere "retail dealer" occurs in the bill. It closes a loophole for retail sale of non compliant cigarettes.

Page 1

Sec 2(b): Delete all words after "ingredient" and add "if the wrapper is in greater part made of any material except tobacco." [The replaced language is taken directly from KSA 79-3301(c)].

All other changes we agree to.

Page 2

Sec 3: add "(h) The requirements of subsection (a) shall not prohibit: (1) Wholesale or retail dealers from selling their existing inventory of cigarettes on or after the effective date of this act if the wholesale or retail dealer can establish that state tax stamps were affixed to the cigarettes prior to July 1, 2009, and if the wholesale or retail dealer can establish that the inventory was purchased prior to July 1, 2009 in comparable quantity to the inventory purchased during the same period of the prior year; provided that in no event may a wholesale or retail dealer sell or offer for sale a cigarette in this state that does not comply with this act after July 1, 2010; or" [Language taken directly from Laurie's 2/15/08 original e-mail]

All other changes agreed to.

Page 3

Sec 3(i): Should read "The implementation and substance of the New York Fire Safety Standards for Cigarettes shall be the persuasive authority in the implementation of Sections 3 through 5 of this act." [Kentucky, 2007 SB 134. This language should solve any delegation issues].

All other changes we agree to.

Page 4

Sec (e): delete the word "retailer" and replace with "retail dealer, vending machine operator"; delete the word "wholesaler" and replace with "wholesale dealer".

Sec 4(g): Delete entire subsection (g). Replace with, "For each cigarette listed in a certification, a manufacturer shall pay to the State Fire Marshal a fee of two hundred fifty dollars. The State Fire Marshal may annually adjust such fee, by rule or regulation, to ensure that such fee defrays the actual costs of the processing, testing, enforcement, administration and oversight activities required by law."

Sec 4(i): "Not later than July 31, 2009, the attorney general shall develop a directory of all certified cigarettes under this act. The directory shall be updated as necessary and shall be posted on the attorney general's web-site. A wholesale or retail dealer shall consider any cigarette listed on the directory posted on the attorney general's web-site to be lawful to sell in this state

for purposes of the wholesale or retailer dealer's compliance with this act, unless the wholesale or retail dealer has actual knowledge that the cigarette does not comply." [Language taken directly from Laurie's 2/15/08 original e-mail].

All other changes we agree to.

Page 5

All changes, including changes in secs 6(c) and (e), we agree to. [Laurie's point on sec 6(f) is well taken and could be used in lieu of this section].

Page 6

We agree to all changes.



DEPARTMENT OF HEALTH
AND ENVIRONMENT

Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

www.kdheks.gov

**Testimony on SB544
Reduced Ignition Propensity Cigarettes**

**Presented to
Committee on Federal and State Affairs**

By

**Lori Haskett, Director
Office of Injury and Disability Prevention
Kansas Department of Health and Environment**

February 19, 2008

Chairman Brungardt and members of the committee my name is Lori Haskett. I am the Director of Injury and Disability Prevention programs in the Office of Health Promotion at the Kansas Department of Health and Environment. Thank you for the opportunity to appear before you today in support of Senate Bill 544, which proposes to require all cigarettes sold in Kansas to meet standards for reduced ignition propensity.

Fires caused by smoking-material are a major national cause of concern because they result in more deaths than any other type of fire, killing 700 to 900 people - smokers and nonsmokers alike - per year. The risk of dying in a home structure fire caused by smoking materials rises with age. Between 2002 and 2005, thirty-four percent of victims of fatal fires caused by smoking-material were age 65 or older.

National Fire Protection Association research from the mid-1980's predicted that reduced ignition strength cigarettes would eliminate three out of four cigarette fire deaths. If we had acted then, we could have saved 15,000 lives between that date and today. In recent years, Canada and nearly half of all the US states, including the three most populous, California, Texas, and New York, have required that all cigarettes sold must be "fire-safe", that is, sharply reduced ignition strength (ability to start fires) as determined by ASTM Standard E2187-04.

While the reduced ignition propensity properties of these cigarettes do provide protection from injury and death due to fire, their toxicity related to cancer, heart disease and other chronic and disabling conditions remains unchanged. The recommendation of the Kansas Department of

OFFICE OF HEALTH PROMOTION
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 230, TOPEKA, KS 66612-1368
Voice 785-296-8916 Fax 785-296-8059

Sen Fed & State

Attachment 6
2-19-08

Health and Environment to adopt this proposal is based on the potential for reducing deaths and injury from fire. Tobacco use remains the leading cause of preventable death in Kansas. Requiring that all cigarettes sold in Kansas be low propensity ignition cigarettes offers an important policy measure that will reduce some of those needless deaths.

Thank you for the opportunity to testify in support of SB 544. I will be happy to stand for any questions you might have.



SEDGWICK COUNTY, KANSAS
FIRE DISTRICT #1

Fire Chief Gary E. Curbinde

Fire Marshal
Tim W. Millspaugh

Deputy Chief of Operations
Rick Brazill

4343 N. WOODLAWN * WICHITA, KANSAS 67220 * TELEPHONE: 316-668-3473 * FAX: (316) 744-0944

02/18/2008

Senate Federal and State Affairs Committee

To: Chairman Brungardt and Committee Members

I am here on behalf of the Fire and Burn Safety Alliance of South Central Kansas which represents Fire Departments and Fire Prevention agencies in the following Counties: Butler, Cowley, Greenwood, Harper, Harvey, Kingman, Reno, Sedgwick, and Sumner.

The Fire Departments within these Counties that have authorized me to speak on their behalf in support of Senate Bill 544 are: Eureka Fire Department, Andover Fire Department, Augusta Fire Department, El Dorado Fire Department, Butler County Fire District #3 (Rose Hill), Winfield Fire Department, Newton Fire Department, Hutchinson Fire Department, Sedgwick County Fire Department, Mulvane Fire Department, and the Wichita Fire Department.

52% of the US population is already covered, or soon to be covered, by fire safe cigarette legislation. Cigarette related fires don't just kill and injure the smoker – 25% of the people who die in these fires are children of the smokers, neighbors, friends, spouses, partners and firefighters.

Cigarette-ignited fires accounted for an estimated 140,800 fires in the United States. Such fires cause more than 900 deaths and 2,400 injuries each year. More than \$400 million in property damage reported is due to fires caused by cigarettes. According to the National Fire Protection Association, one out of every four fire deaths in the United States are attributed to tobacco products – by far the leading cause of civilian deaths in fires. Overall, the Consumer Product Safety Commission estimates that the cost of the loss of human life and personal property damage from not having a fire-safe cigarette standard is approximately \$4.6 billion per year.

The South Central Kansas Fire and Burn Safety Alliance do not want their opinion to be seen as anti-tobacco as that is not part of our goals but we feel that safer cigarettes are available at a small price. The price for not having fire safe cigarette requirements is tremendous and tragic to say the least.

You can ask any Fire Chief, Fire Marshal, or Firefighter in the State of Kansas what it feels like to pick the charred body of a toddler out of the fire debris and they can tell you it is a memory that lasts a lifetime. We cannot prevent all fires, fire injuries or fire deaths but maybe we can prevent hundreds of fires and dozens of deaths in the State of Kansas with this bill.

Respectfully,

Tim Millspaugh, FABSA President and Sedgwick County Fire Marshal

Sen Fed & State

Attachment 7
2-19-08



Dale Goter
Government Relations Manager

TESTIMONY

City of Wichita
455 N Main, Wichita, KS. 67202
Wichita Phone: 316.268.4351
dgoter@wichita.gov

**Kansas Senate Federal and State Affairs Committee
Feb. 21, 2008
Testimony in support of SB544**

Chairman Brungardt and honorable Committee Members, my name is Edward Bricknell; I am the Fire Marshal for the City of Wichita. Thank you for allowing me to address this committee regarding Senate Bill 544.

From a Fire Marshal's stand point, Senate Bill 544 is an extremely important piece of legislation. Its passage will have a life altering effect upon the citizens we are sworn to protect.

In addition, the safety and wellbeing of fire fighters who must respond to these conflagrations will be greatly impacted as well. As Fire Marshal, I am responsible for the investigation of all fire incidents in my jurisdiction. There is nothing more depressing than sifting through the remains of the scene of a fire that could have been prevented. Senate Bill 544 will have an impact. It will prevent fires.

The City of Wichita has experienced 24 fatal fires since 2005. 9 of the 24 fire fatalities were the result of cigarettes. In 2004 we had 2 fire deaths. Both fires were caused by cigarettes.

I respectfully ask that the Senate Federal and State Affairs Committee give its unqualified support to Senate Bill 544.

Senate Committee on Federal and State Affairs
By Steve Moody
Fire Chief Leavenworth, KS Fire Department
Testimony – SB 544
February, 19, 2008

Hello Mr. Chairman and members of the committee. I am Steve Moody Chief of the Leavenworth, KS Fire Department and I am here today to testify in favor of SB 544.

There are many stories I could tell about fire deaths associated with cigarettes, but since we're coming off a rather cold winter, I'll tell you one that happened on one of the coldest winter nights that I can ever remember.

Clarence and his Dog

Clarence was a retired gentleman that had recently lost his wife. He lived in a quiet cul-de-sac, with his pet dog. The neighbors described him as a likeable fellow who, whenever they saw him, he was smoking a cigarette.

It was so cold that evening that many outside pets probably didn't survive the night. The fire alarm came in just before midnight. When the firefighters arrived, the house was on fire and the neighbors said that Clarence was still inside. A red squared sign with black letters was on the front door. The sign said, "In case of fire, save my dog."

Clarence had fallen asleep with a lit cigarette. The firefighters entered the home and found Clarence unconscious on the floor, not far from an upholstered chair that had been consumed by fire. Firefighters carried Clarence out to a waiting ambulance crew. Clarence didn't make it – nor, did his dog.

Every firefighter knows that Prevention, while it's not as exciting, will always save more lives than firefighting. I would like to think that in a 30 year career that my efforts have had more impact on saving lives from fires than what you have the chance to do with your actions today. But I don't believe that to be true. With your support you have the opportunity to save more lives than we'll ever know.

Thank you Mr. Chairman and members of the committee. I urge your support of SB 544 and will be glad to answer any questions you may have at the appropriate time.

Who We Are

The Coalition for Fire-Safe Cigarettes is a national group of fire service members, consumer and disabled rights advocates, medical and public health practitioners and others, coordinated by the National Fire Protection Association (NFPA), who are committed to saving lives and preventing injuries by reducing the threat of cigarette-ignited fires.

Mission Statement

The mission of the Coalition for Fire-Safe Cigarettes is to save lives, prevent injuries and devastation from cigarette-ignited fires by calling on cigarette manufacturers to immediately produce and market only cigarettes that adhere to an established cigarette fire safety performance standard and working to see that these standards for fire-safe cigarettes are required in every state in the country.

What is a Fire-Safe Cigarette?

While there is no such thing as a cigarette that will totally eliminate fires, a fire-safe cigarette has a reduced propensity to burn when left unattended. The most common fire-safe technology used by cigarette manufacturers is to make the paper thicker in places to act as "speed bumps" to slow down a burning cigarette. If a fire-safe cigarette is left unattended, the burning tobacco will reach one of these "speed bumps" where the paper is thicker and self-extinguish.

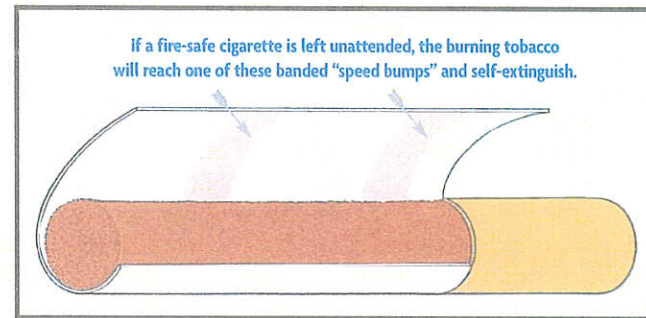
Fire-safe cigarettes meet an established cigarette fire safety performance standard (based on ASTM E2187, Standard Test Method for Measuring the Ignition Strength of Cigarettes).

Did You Know...

- Cigarettes are the leading cause of home fire fatalities in the United States, killing 700 to 900 people – smokers and non-smokers alike – every year.
- Property losses total hundreds of millions of dollars each year.
- On average there are 35,000 smoking material structure fires each year in the United States.
- Fires caused by smoking materials have declined in recent years, thanks in part to more stringent standards for fire-resistant mattresses and upholstered furniture, public education, and a dramatic decrease in the number of cigarettes consumed per adult in the United States. But cigarettes are still the leading cause of residential fire deaths.
- The risk of dying in a residential structure fire caused by smoking materials rises with age. Two-fifths (40 percent) of fatal smoking-material fire victims are age 65 or older.
- One-quarter of victims of smoking-material fire fatalities are not the smoker whose cigarette started

the fire: 34 percent are children of the smokers; 25 percent are neighbors or friends; 14 percent are spouses or partners; and 13 percent are parents.

- Nearly half (46 percent) of fatal home smoking-material fire victims were sleeping when injured; more than a quarter (26 percent) were attempting to escape, to fight the fire, or to rescue others.



- One in five Americans is now or soon will be covered by fire-safe cigarette mandates approved in New York, California, and Vermont. A fire-safe cigarette mandate has also been approved for all of Canada.

- Fire-safe cigarette legislation is under consideration in several states, including Alaska, Alabama, Georgia, Hawaii, Illinois, Massachusetts, Maryland, New Hampshire, New Jersey, Pennsylvania, and Wisconsin.
- Research in New York State shows no decline in cigarette sales with the introduction of fire-safe cigarettes, but cigarette-fire fatalities were reported to have declined in the state by a third in 2004 when the law was in place for not quite half the year.

What Can I Do To Help Protect People and Property From Cigarette-Ignited Fires?

- Log on to www.firesafecigarettes.org
- Sign the online petition calling for tobacco companies to produce and sell only fire-safe cigarettes in the U.S.
- Find out what is happening in your state
- Learn more about this important issue

David Nuss - SB 544



117 SW 6th Avenue, Suite 200
Topeka, Kansas 66603
(785) 267-6003 Phone
(785) 267-0833 Fax
www.khca.org Website
khca@khca.org E-mail

kcal

ahca

February 18, 2008

Mr. Chairman and Committee Members:

On behalf of the Kansas Health Care Association and Kansas Center for Assisted Living membership and residents, I appreciate the opportunity to provide favorable testimony for SB 544-Fireless cigarettes.

The National Fire Protection Association (NFPA) estimates that an average of 2,080 structure fires in residential board and care homes per year were reported to U.S. fire departments between 2000 and 2004. These fires have caused an estimated average of six deaths, 62 injuries, and \$11.5 million in direct property damage per year.

The report also found that:

“Cooking caused more than two thirds of these incidents, but half of the deaths resulted from fires caused by smoking materials.”

“Fires that started with clothing caused 56 percent of the deaths in board and care properties. Clothing was the item first ignited in only 2 % of the fires in these facilities.”

The number of adult care homes offering smoking is decreasing, there are still some that continue to offer a smoking option for residents. We should make every possible attempt to keep all residents as safe as possible. The fireless cigarette is one option in making congregate living settings safer.

Thanks for the opportunity to offer support.

Cindy Luxem

CEO, Kansas Health Care Association/Kansas Center for Assisted Living.

Sen Fed & State

Attachment 11
2-19-08



Preventing accidental injury.

February 19, 2008

**Testimony Presented to the
Senate Committee on Federal & State Affairs
Senate Bill 544**

I am pleased to present testimony today on behalf of Safe Kids Kansas, a nonprofit coalition of 67 statewide organizations and businesses and 37 local affiliates dedicated to preventing accidental injuries to Kansas children ages 0-14.

Safe Kids Kansas supports Senate Bill 544 which will require that all cigarettes sold in Kansas will be reduced ignition propensity cigarettes which self-extinguish if left unattended for a time. Self-extinguishment reduces the likelihood that a neglected cigarette will ignite a fire in a sofa, bed or other flammable object. At least 21 Kansans died from the 761 fires started by smoking materials between 2002 and 2006- approximately 11% of Kansas's overall fire deaths.

Just like secondhand smoke, secondhand injury is also a concern; one of every four smoking related fire deaths happen to other individuals with 34% of those being children.

Twenty-two states now have fire-safe cigarette requirements. The proposed legislation would be consistent with the uniform standard for certification, so there should be no undue burden on the tobacco industry. A 2005 Harvard review of the New York State policy found that fire-safe cigarettes do not appear to be any more or less toxic than current cigarettes. New York State reports a decrease in deaths and injuries started by smoking materials since their law requiring reduced-propensity cigarettes went into effect in July 2003.

Legislating the use of fire-safe cigarettes will lead to a decrease in fires, the associated loss of life, injury and lost dollars. I urge your support of SB 544.

John Drees, Board Chair
Safe Kids Kansas

Attachment:
Safe Kids Kansas Member Organizations

Safe Kids Kansas, Inc. is a nonprofit Coalition of 67 statewide organizations and businesses dedicated to preventing accidental injuries to Kansas children ages 0-14. Local coalitions and chapters are located in Allen, Anderson, Atchison, Clay, Coffey, Dickinson, Doniphan, Douglas, Elk, Ellis, Finney, Ford, Franklin, Geary, Jackson, Jefferson, Johnson, Labette, Leavenworth, Marion, Marshall, McPherson, Meade, Mitchell, Montgomery, Osage, Pottawatomie, Republic, Rice, Riley, Saline, Smith, Shawnee, Wabaunsee, Wilson and Woodson Counties, as well as the cities of Chanute, Emporia, Leavenworth, Norton, Pittsburg, the Wichita Area and the Metro Kansas City Area. Safe Kids Kansas a member of Safe Kids Worldwide, a global network of organizations whose mission is to prevent accidental childhood injury.



Safe Kids Kansas Member Organizations

AAA Kansas
 American Academy of Pediatrics - KS
 Attorney General of Kansas
 Board of Emergency Medical Services
 Brain Injury Association of Kansas
 Children's Mercy Hospital
 Cusick Jost Consulting, LLC
 Dillon Stores
 Fire and Burn Safety Alliance of S Central KS
 Fire Education Association of Kansas
 Fire Marshal's Association of Kansas
 Huggable Images
 HCC Fire Service Training Program
 Kansas Academy of Family Practice Physicians
 Kansas Action for Children
 Kansas Association of Counties
 Kansas Assoc. of Local Health Dept.
 Kansas Assoc. of Osteopathic Medicine
 Kansas Association of School Boards
 Kansas Chapter International Assoc.
 of Arson Investigators
 Kansas Children's Cabinet & Trust Fund
 Kansas Chiropractic Association
 Kansas Cooperative Extension 4-H
 Kansas Dental Association
 Kansas Dept. of Health & Environment
 Kansas Dept. of Human Resources
 Kansas Dept. of Transportation
 Kansas District of Kiwanis International
 Kansas EMS Association
 Kansas Emergency Nurses Association
 Kansas Farm Bureau
 Kansas Foundation For Medical Care
 Kansas Head Start Association
 Kansas Healthy Start Home Visitors
 Kansas Highway Patrol
 Kansas Hospital Association
 Kansas Insurance Department
 Kansas MADD
 Kansas Medical Society
 Kansas Motor Carriers Association
 Kansas Operation Lifesaver
 Kansas Parent Teacher Association

Kansas Public Health Association
 Kansas Recreation & Park Association
 Kansas Rehabilitation Hospital
 Kansas SADD
 Kansas Safety Belt Education Office
 Kansas School Nurse Organization
 Kansas State Association of Fire Chiefs
 Kansas State Board of Education
 Kansas State Fire Marshal's Office
 Kansas State Firefighters Association
 Kansas State Nurses Association
 Kansas Trial Lawyers Association
 KIDS AND CARS
 KNEA
 KUMC Burn Center
 KUMC Trauma Program
 NHTSA Regional Office
 Mid-America Poison Control Center
 Office of the Governor
 Safety & Health Council Western MO & KS
 State Farm Insurance Companies
 State Capitol Area Fire Fighters Association
 Stormont-Vail Regional Medical Center
 United School Administrators of Kansas
 Via Christi - St. Francis Burn Center
 Via Christi - Trauma Center
 Wesley Medical Center

*Membership also includes Local Coalitions and Chapters located in Allen, Anderson, Atchison, Clay, Dickinson, Doniphan, Douglas, Elk, Ellis, Ford, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Marion, Meade, Mitchell, Montgomery, Nemaha, Osage, Pottawatomie, Republic, Rice, Riley, Saline, Shawnee, Smith, Wabaunsee, Wilson and Woodson Counties; as well as the cities of Chanute, Emporia, Leavenworth, Norton, Pittsburg, Wichita Area, and Metro Kansas City.

Safe Kids Kansas is a member of Safe Kids Worldwide.

9-07



**WICHITA
SURGICAL
SPECIALISTS, P.A.**

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Whitney L. VinZant, M.D., FACS
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Gary D. Jost, M.D., FACS
Brent A. Lancaster, M.D., FACS
Jonathan M. Dort, M.D., FACS
Jacqueline S. Osland, M.D., FACS
Therese E. Cusick, M.D., FACS
Mark J. Niederee, M.D., FACS

**Colon-Rectal & General
Surgery**

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Justin A. Reed, M.D., FACS

Trauma & General Surgery

R. Stephen Smith, M.D., FACS
R. Joseph Nold, Jr., M.D., FACS

**Organ Transplantation
& General Surgery**

Charles F. Shield, III, M.D., FACS
John L. Smith, M.D., FACS**

Hepatic Surgery**

Duane L. Osborne, M.D., FACS**

Pediatric Surgery

Philip J. Knight, M.D., FACS
Kimberly A. Molik, M.D., FACS

Peripheral Vascular Surgery

Alex D. Ammar, M.D., FACS
Steven A. Hutchinson, M.D., FACS

Thoracic & Cardiovascular

Surgery: Cardiac Transplantation*

Gyan J. Khicha, M.D., FACS
Douglas J. Milfeld, M.D., FACS
Thomas H. Estep, M.D., FACS*
William R.C. Murphy, M.D., FACS
Walter W. O'Hara, Jr., M.D., FACS
Wade L. Fischer, M.D., FACS*
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Sanjay G. Khicha, M.D.

Neurological Surgery

Nazih Moufarrij, M.D., FACS
John P. Gorecki, M.D., FACS

Administrator

Kari Clark

MEMORANDUM

To: Senator Pete Brungardt, Chair and Federal and
State Affairs Committee Members

From: Gary D. Jost, MD, FACS
Medical Director, Via Christi Regional Burn Center,
Wichita, KS
General Surgeon, Wichita Surgical Specialists

Date: February 16, 2008

Subject: SB 544 Fire Safety Standard and Firefighter
Protection Act

Senator Brungardt and Federal and State Affairs Committee
Members:

I am writing to encourage you to support SB 544, the Fire Safety
Standard and Firefighter Protection Act. As Medical Director of Via
Christi Regional Burn Center, the largest and only verified burn
center in Kansas, I have seen the human devastation that can result
from cigarette-ignited fire and know these injuries and deaths can be
prevented.

Cigarette-ignited fires are the leading cause of fire deaths in the
United States. Annually 700-900 people die from fires ignited by
dropped, forgotten and carelessly discarded cigarettes. Thousands
more are injured. It is unfortunate that many of these victims are not
even the smoker who caused the fire but innocent children, family
members, neighbors, firefighters and other rescuers.

The tobacco industry has known for two decades how to produce
cigarettes with reduced ignition propensity. During those 20 years I
have cared for far too many people who have suffered minor to
extensive to lethal flame burns and inhalation injury that could
easily have been prevented if standards such as this had already been
enacted. Kansas now has the opportunity to mandate that cigarettes
meet the same fire safety standards that protect, or will soon protect,
52% of the United State population (source:
www.firesafecigarettes.org).

A common scenario is for the smoker to fall asleep or pass out due to drugs or alcohol with a lit cigarette that ignites the bedding or furniture. When the fire occurs at night while children and other family members are asleep, the smoker and other victims sustain serious inhalation injury due to prolonged exposure to the fire and super heated gases along with burn injuries. Many of the victims are unable to escape due to age (young or elderly), disability, or having been overcome with toxic smoke. It has been my experience that many of these victims have preexisting health conditions that complicates their care and recovery and increases the length of hospitalization, cost of care and mortality.

The American Burn Association estimates that the average cost of care in a burn center for a patient with a flame injury is over \$70,000. This cost does not even begin to cover the long-term rehabilitation, social and emotional cost to the survivor, his or her family and the community. It is not uncommon for a patient with a large percent total body surface area burn with inhalation injury to accrue a hospital bill over \$500,000. Many of these victims are un- or underinsured.

The average length of stay in a burn center for a patient with burns is one day per percent of injury. In other words, if a victim is burned over half of his or her body, he or she can expect to be in the burn center for 50 days. Recovering from a burn injury is excruciatingly painful. The burn team makes every effort to manage the pain, anxiety, stress and fear for the victim, family and loved ones but the result is the same ---- a long, painful recovery. Despite our best efforts, it is not uncommon for a victim to live several days, weeks or even months then succumb to the injuries nevertheless. What a terrible, preventable tragedy.

Public fire safety education alone is not going to be effective in changing the human behaviors that result in cigarette-ignited fires. Therefore, product design and legislation is the most effective means to reduce these fires, injuries and deaths. The tobacco industry is already producing reduced ignition propensity cigarettes for other states so the technology is readily available and ready to implement in Kansas.

The Via Christi Regional Burn Center burn team will continue to provide burn prevention education in our efforts to reduce the number of people in Kansas who are burned from any cause. This important legislation will enhance these educational efforts resulting in a decrease in the number of Kansas residents who are burned as the result of cigarette-ignited fires.

I urge you to support SB 544, Fire Safety Standard and Firefighter Protection Act. Kansas residents deserve to be spared the devastating consequences associated with cigarette-ignited fires.

Thank you for considering this important legislation. If you have questions, I can be reached at 316-263-0296 or gjust1@cox.net.



**Testimony Presented to the Senate Federal and State Affairs Committee
Senate Bill 544 Support
February 19, 2008**

The Honorable Senator Pete Brungardt and members of the Committee:

Mr. Chair and members of the committee, thank you for this opportunity to testify on behalf of the Fire Education Association of Kansas in support of Senate Bill 544, an act concerning reduced ignition propensity cigarettes.

We applaud your efforts as elected officials to promote legislation that will save lives. It is our belief, SB 544 will protect Kansas families by requiring all cigarettes sold or offered for sale in Kansas be reduced ignition propensity cigarettes.

Every year in the United States, smoking material fires:

- are the leading cause of fire deaths, killing 700 to 900 children and adults.
- occur more than 80,000 times.

In Kansas:

- a fire death occurs about every 5 days.
- a fire injury occurs about every 12-hours.
- smoking material fires killed 21 Kansans (children and adults) from 2002 and 2006.
- in 2006, there were 105 smoking material incidents that resulted in 2 death, 15 injuries, and 2.4 million dollars in property losses.

As the voice of Kansas' fire and life safety educators, it is our responsibility to reduce fire and burn deaths, injuries and incidents. We can achieve these goals by:

- continuing to educate and inform Kansas families.
- using engineering technology found in the Fire-Safe Cigarette.
- supporting and enacting SB 544.

Please feel free to contact us to discuss how we can make Kansas a safer place to live.

Respectfully Submitted,

David Banks, President
(785) 368-4000

"Fire and Life Safety is Everybody's Business"

Sen Fed & State

Attachment 14
2-19-08



*Kansas
Licensed
Beverage
Association*

Testimony on
SB-544, February 19, 2008
Senate Fed & State Committee

Mr. Chairman, and Senators of the Committee,

I am Philip Bradley representing the Kansas Licensed Beverage Association. The KLBA represents the interests of the men and women in the hospitality industry, who own, manage and work in Kansas bars, breweries, clubs, caterers, hotels, and restaurants. These are the places you frequent and enjoy with the tens of thousands of employees that are glad to serve you. Thank you for the opportunity to speak today and I will be brief.

We support SB-544.

We are concerned for the safety of our patrons and the citizens of Kansas. We believe that this bill would assist in making safer cigarettes and therefore safer smoking practices. We support the proponents and commend the Kansas State Fire Marshals efforts with the representatives of this industry, working together to achieve this language. When passed we believe that it will improve the safety in many towns and communities across Kansas.

I am available for your questions at the contact info below.

Thank you for your time.

Philip Bradley

*Philip
Bradley
CEO*

785.766-7492
www.klba.org
info@klba.org

SENATE BILL No. 512

By Senator Emler

1-29

10 AN ACT *concerning* emergency medical services; relating to attendant's
11 certificate requirements; amending K.S.A. 65-6112 and 65-6129 and
12 repealing the existing sections.

13

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

15 Section 1. K.S.A. 65-6112 is hereby amended to read as follows: 65-
16 6112. As used in this act:

17 (a) ~~"Administrator" "Executive director" means the chief administra-~~
18 ~~tor of the emergency medical services board. "Administrator" means~~
19 *the executive director of the emergency medical services board.*

20 (b) "Ambulance" means any privately or publicly owned motor ve-
21 hicle, airplane or helicopter designed, constructed, prepared and
22 equipped for use in transporting and providing emergency care for in-
23 dividuals who are ill or injured.

24 (c) "Ambulance service" means any organization operated for the
25 purpose of transporting sick or injured persons to or from a place where
26 medical care is furnished, whether or not such persons may be in need
27 of emergency or medical care in transit.

28 (d) "Attendant" means a first responder, emergency medical tech-
29 nician, emergency medical technician-intermediate, emergency medical
30 technician-defibrillator or a mobile intensive care technician certified
31 pursuant to this act.

32 (e) "Board" means the emergency medical services board established
33 pursuant to K.S.A. 65-6102, and amendments thereto.

34 (f) "Emergency medical service" means the effective and coordinated
35 delivery of such care as may be required by an emergency which includes
36 the care and transportation of individuals by ambulance services and the
37 performance of authorized emergency care by a physician, professional
38 nurse, a licensed physician assistant or attendant.

39 (g) "Emergency medical technician" means a person who holds an
40 emergency medical technician certificate issued pursuant to this act.

41 (h) "Emergency medical technician-defibrillator" means a person
42 who holds an emergency medical technician defibrillator certificate issued
43 pursuant to this act.

1 holding a temporary certificate as an emergency medical technician shall
 2 not be eligible to apply for certification as an emergency medical tech-
 3 nician-intermediate, emergency medical technician-defibrillator or a mo-
 4 bile intensive care technician.

5 ~~—(e) (1) Upon request by an operator to the board for a graduate~~
 6 ~~certificate and upon approval by the board of such request, an applicant~~
 7 ~~for certification may perform activities that are within the authorized ac-~~
 8 ~~tivities of the certification level applied for, provided that the applicant:~~

9 ~~—(A) Has successfully completed the appropriate course of instruction~~
 10 ~~for the level applied for;~~

11 ~~—(B) serves with the ambulance service identified in this subsection~~
 12 ~~(e) operator making the request; and~~

13 ~~—(C) is practicing under the direct supervision of a physician, physician~~
 14 ~~assistant, professional nurse or an attendant who is at or above the cer-~~
 15 ~~tification level for which the applicant has applied.~~

16 ~~—(2) The authority to perform activities under this subsection (e) shall~~
 17 ~~terminate 120 days from the date of the last class or until when the results~~
 18 ~~of the first examination are received by the board, whichever comes first.~~
 19 ~~Such authority to practice shall not be renewed and shall be valid only~~
 20 ~~while the applicant serves with the ambulance service identified in this~~
 21 ~~subsection (e) operator making the request.~~

22 ~~(f) (e) All fees received pursuant to the provisions of this section shall~~
 23 ~~be remitted to the state treasurer in accordance with the provisions of~~
 24 ~~K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~
 25 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
 26 ~~treasury to the credit of the state general fund.~~

27 ~~(g) (f) If a person who was previously certified as an attendant applies~~
 28 ~~for an attendant's certificate within two years of the date of the after the~~
 29 ~~certificate's expiration, the board may grant a certificate without the per-~~
 30 ~~son completing a an initial course of instruction or passing a a certifi-~~
 31 ~~cation examination if the person has completed continuing education~~
 32 ~~requirements and has paid a fee prescribed by rules and regulations as~~
 33 ~~specified in rules and regulations adopted by the board.~~

34 ~~(h) (g) For all attendant applicants who have resided in Kansas for~~
 35 ~~three years or longer:~~

36 ~~(1) (A) The board shall require fingerprinting of all applicants nec-~~
 37 ~~essary to verify eligibility for the granting of an attendant's certificate~~
 38 ~~issued pursuant to this act; and~~

39 ~~(B) the board shall submit such fingerprints to the Kansas bureau of~~
 40 ~~investigation for the purposes of verifying the identity of such applicant~~
 41 ~~and obtaining records of criminal arrests and convictions.~~

42 ~~(2) The board may receive from the Kansas bureau of investigation~~
 43 ~~such criminal history record information (including arrest and noncon-~~

1 conviction data), criminal intelligence information and information relating
2 to criminal and background investigations as necessary for the purpose
3 of determining qualifications of applicants for certification.

4 ~~(+)(h)~~ For all attendant applicants who have resided in Kansas for
5 less than three years:

6 (1) (A) The board shall require fingerprinting of all applicants nec-
7 essary to verify eligibility for the granting of an attendant's certificate
8 pursuant to this act; and

9 (B) the board shall submit such fingerprints to the Kansas bureau
10 of investigation and the federal bureau of investigation for the purpose
11 of verifying the identity of such applicant and obtaining records of crim-
12 inal arrests and convictions.

13 (2) The board may receive from the Kansas bureau of investigation
14 and the federal bureau of investigation or other criminal justice agencies,
15 including but not limited to the federal bureau of investigation and the
16 federal internal revenue service, such criminal history record information
17 (including arrest and nonconviction data), criminal intelligence infor-
18 mation and information relating to criminal and background investiga-
19 tions as necessary for the purpose of determining qualifications of appli-
20 cants for certification.

21 ~~(3) Upon the written request of the chairperson of the board, the~~
22 ~~board may receive from the federal courts such information relating to~~
23 ~~juvenile proceedings as necessary for the purpose of determining quali-~~
24 ~~fications of applicants. Such information, other than conviction data, shall~~
25 ~~be confidential and shall not be disclosed except to members of the board~~
26 ~~as necessary to determine qualifications of such applicants. Any other~~
27 ~~disclosure of such confidential information is a class A misdemeanor and~~
28 ~~shall constitute grounds for removal from office.~~

29 ~~(+)(i)~~ An attendant's certificate may be denied, revoked, limited, mod-
30 ified or suspended by the board or the board may refuse to renew such
31 certificate if such individual:

32 (1) has made intentional misrepresentations in obtaining a certificate
33 or renewing a certificate;

34 (2) has demonstrated incompetence or engaged in unprofessional con-
35 duct as defined by rules and regulations adopted by the board;

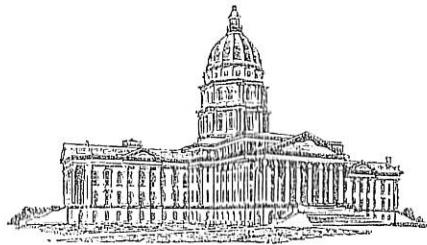
36 (3) has violated or aided and abetted in the violation of any provision
37 of this act or the rules and regulations promulgated by the board; or

38 (4) has been convicted of any state or federal crime that is related
39 substantially to the qualifications, functions and duties of a certified at-
40 tendant, instructor-coordinator or training officer or any crime punish-
41 able as a felony under any state or federal statute and the board deter-
42 mines that such individual has not been sufficiently rehabilitated to
43 warrant public trust. A conviction means a plea of guilty, a plea of nolo

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KANSAS LEGISLATURE

Legal Consultation—
Legislative Committees and Legislators
Legislative Bill Drafting
Legislative Committee Staff
Secretary—
Legislative Coordinating Council
Kansas Commission on
Interstate Cooperation
Kansas Statutes Annotated
Editing and Publication
Legislative Information System

TO: Senate Committee on Federal and State Affairs
FROM: Theresa Kiernan, Senior Assistant Revisor of Statutes
RE: Senate Bill No. 622
DATE: February 19, 2008

The following is an overview of the major policy changes contained in Senate Bill No. 622.

Changes the definition of cereal malt beverage by increasing the limit on the alcoholic content of CMB from 3.2% or less to 5.0% or less, by weight.

Allows liquor stores to sell CMB and allows other licensees under the Liquor Control Act who currently sell beer also to sell CMB.

Currently cereal malt beverage retailers are under the jurisdiction and control of the city or county in which they are located. Under the bill, CMB retailers would be licensed by ABC in a manner similar to that provided for the licensure of retail liquor stores under the Liquor Control Act. Corporations and other business entities would be able to be licensed as CMB retailers. New provisions establishing application, registration and license fees for CMB retailers are contained in section 46 of the bill. CMB retailers also would have to file a \$2,000 surety bond. Cities and townships in which CMB retailers are located would be authorized to impose a local license or occupation fee.

Nothing in the bill makes the liquor laws nonuniform as to cities and K.S.A. 19-101b limits the ability of counties to exercise home rule power to exempt from those laws.

Sales of CMB would be exempt from the sales tax, but would be subject to the 8% liquor enforcement tax, regardless of whether sold by a retail liquor store or cereal malt beverage retailer. In addition, sales of CMB for consumption on the premises would be subject to the 10% drink tax.

The days and hours that CMB retailers could sell CMB in the original and unopened containers would be the same as those now imposed on retail liquor stores.

The bill would remove the requirement for cereal malt beverages to be sold separately from alcoholic liquor.

RS- F:\622explnr.wpd (tkiernan)