

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 1:30 p.m. on March 18, 2009, in Room 143-N of the Capitol.

All members were present except:

Representative Mitch Holmes- excused
Representative Steve Huebert- excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Jason Long, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Nikki Feuerborn, Committee Assistant

Conferees appearing before the Committee:

Senator Mike Petersen, ([Attachment 1](#))
Jordan Austin, National Rifle Association ([Attachment 2](#))
Larrie Ann Lower, Wine Institute ([Attachment 3](#))
Tuck Duncan, Kansas Wine & Spirits Wholesalers Association ([Attachment 4](#))
Philip Bradley, Kansas Viticulture and Farm Winery Association ([Attachment 5](#))
Amy Campbell, Kansas Association of Beverage Retailers ([Attachment 6](#))
Charles Jean-Baptiste, Kansas State Conference of Branches NAACP ([Attachment 7](#))
Senator Anthony Hensley, ([Attachment 8](#))
Senator Oletha Faust-Goudeau, ([Attachment 9](#))
Senator David B. Haley, ([Attachment 10](#))
Jason A. Gage, City Manager of Salina ([Attachment 12](#))

Others attending:

See attached list.

Representative Olson moved for the introduction of a bill regarding gair pricing on oil and gas purchases. Motion was seconded by Representative Ruiz. Motion carried.

Representative Swenson moved for the introduction of a resolution regarding the Food and Drug Administration. Motion was seconded by Representative Ruiz. Motion carried.

Representative Swenson moved to reintroduce a bill from the 2008 session regarding car title loans. Motion was seconded by Representative Ruiz. Motion carried.

Representative O'Brien moved to adopt the minutes of March 10 and 12 as written. Motion was seconded by Representative Olson. Motion carried.

Hearing on HCR 5017 - Right to bear arms; hunting.

Revisor Mike Heim explained that this request for an amendment to the Kansas Constitution would clarify the right to bear arms to mean an individual would have the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose.

Senator Mike Peterson testified in favor of the proposition as it would bring Kansas in line with the federal ruling ([Attachment 1](#)).

Jordan Austin, representing the National Rifle Association, spoke in favor of the proposed amendment which has been adopted by many other states as it clearly recognizes an individual right to keep and bear arms ([Attachment 2](#)).

Senator David Haley spoke in support of the proposition which he viewed as a technical cleanup.

Representative Brunk moved to report **HCR 5017** as favorable for passage. Motion was seconded by

CONTINUATION SHEET

Minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 18, 2009, in Room 143-N of the Capitol.

Representative Carlson. Motion carried.

Hearing on SB 212 - Wine shipments, certain persons; licensure; limitations

Revisor Jason Long explained the bill would simplify wine shipping rules in Kansas by making them consistent with other states. This proposal would allow twelve cases of wine per year to be sent to one address.

Larrie Ann Lower, representing the Wine Institute which is a public policy advocacy group of 1,100 California wineries and affiliated business, spoke in support of the bill which would allow direct shipments of wine to Kansas consumers with certain limitations (Attachment 3).

Tuck Duncan, representing Kansas Wine & Spirits Wholesalers Association, presented an amendment which would add the provisions of **SB 218 - Farm wineries; allowing farmers' market sales permits, allowing issuance of manufacturer's license, allowing manufacture by wine outlet licensees** to **SB 212**. His amendment would also include two severability clauses which would remove the incentive to litigate if **SB 218** becomes law (Attachment 4).

Philip Bradley, representing Kansas Viticulture and Farm Winery Association, offered testimony in support of **SB 212** as amended in the Senate with the option to review any further amendments (Attachment 5).

Amy Campbell, Kansas Association of Beverage Retailers, testified that her association would support the bill as long as it is not amended to include out-of-state retailers (Attachment 6). She suggested the following amendment: Amend K.S.A. 41-317 (b) by adding "(7) for a winery holding a special order shipping license, except if such winery has already complied with 41-317 (b) (6), \$750."

Chairman Neufeld closed the hearing on **SB 212** and advised the industry representatives to meet with Revisor Heim and work on the proposed amendments.

Hearing and Action on SB 54 - Brown v. Board of Education mural in the capitol

Revisor Heim explained the bill would require the Kansas State Historical Society and the Department of Administration to develop plans for the placement of a mural in the State Capitol commemorating the United States Supreme Court decision in the case of *Brown v. Board of Education*. No public funds would be used for the costs of creating or installing the mural.

Charles Jean-Baptiste, President of the Kansas State Conference of Branches of the National Association for the Advancement of Colored People (NAACP), presented testimony in support of what he considers would be a supplement to the Brown Museum (Attachment 7).

Senator Anthony Hensley testified in support of the project which would be supported by fund raising through the Brown Foundation (Attachment 8). He estimated the cost of creating the mural would be \$250,000.

Senator Oletha Faust-Goudeau stated that such a mural depicting the court decision would be a memorial and add to the historical record currently displayed in the State Capitol (Attachment 9).

In his supportive remarks, Senator David B. Haley suggested that the funding should come through the State General Fund (Attachment 10).

Chairman Neufeld presented a balloon amendment which would put in place the Capitol Preservation Committee thus placing the development of plans for the mural under their auspice (Attachment 11).

Representative Peterson moved to adopt the balloon amendment. Motion was seconded by Representative Swenson. Motion carried.

It was explained that the date was omitted from the approved amendment as the date for completion of the restoration is unknown at this time. The work on the mural would not begin until such completion.

Representative Olson moved to make the terms of the Capitol Preservation Committee two years. Motion was

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seconded by Representative Peterson. Motion carried.

Representative Peterson moved to report SB 54 favorable for passage as amended. Motion was seconded by Representative Swenson. Motion carried.,

Discussion and Action on SB 53 - Licensure of cereal malt beverage retailers

A letter of support from Jason A. Gage, City Manager of Salina, was distributed (Attachment 12).

Balloon amendments were distributed which would allow more discretion for local governing bodies in their enforcement of the licensure and activities of 3.2% cereal malt beverage establishments (Attachments 13 and 14).

Representative Peterson moved for the adoption of the balloon marked Attachment 13. Motion was seconded by Representative Ruiz. Motion carried.

Representative Peterson moved for the adoption of balloon marked Attachment 14. Motion was seconded by Representative O'Brien. Motion carried.

Representative Peterson moved to report SB 53 favorable for passage as amended. Motion carried.

The next meeting is scheduled for March 19, 2009.

The meeting was adjourned at 3:12 p.m.

House Federal and State Affairs
Guest list

Date 3-18-09

Name

Organization

KETH PANGBORN

KEARNEY & ASSOC.

Karin Beane

Waldenwood Cellars -

Ed Klump

KACP & KPOA

MIKE PETERSON

SENATE

Charles Jean-Baptiste

State NAACP

Wendra Mundt

JC NAACP

M. White

SCHNAACP

Kawryn Robertson

JC NAACP

Christian Robertson

JC NAACP

Whitney Jane

KS Geographic Information Systems Assn.

Leigh Keck

Hein law firm

Amy Campbell

KABR

Cara Lynn Wims-Campbell

Joplin NAACP

Olivia Faust-Sanderson

Senator Haley

Senator Hensley

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COMMITTEES
VICE CHAIR: UTILITIES
MEMBER: LOCAL GOVERNMENT
TRANSPORTATION
JOINT COMMITTEE ON
INFORMATION TECHNOLOGY

SENATOR MIKE PETERSEN

HCR 5017

March 18, 2009

Mr. Chairman, Members of the Committee Thank you for giving me the opportunity to appear today. HCR 5017 and SCR 1611 are very important measures to ensure Kansas Citizens have an individual right to Bear Arms. These Resolutions change the title in Section Four of the Kansas Bill of Rights from referring to "The People" to "Individual Right to" it also clarifies that a person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose.

After the recent ruling by the U.S. Supreme Court that our Second Amendment Rights apply to individuals, I was surprised to learn that a 1905 Kansas Court ruled our Section Four only provided a Right to bear arms as a member of the State Militia, or some other military organization provided for by law. The Kansas Court did not find that an individual had a right to bear arms. The same court applied this interpretation to the Federal Second Amendment. The 1905 case record indicated an intoxicated person was firing indiscriminately into a crowd of people.

The language being proposed includes the term lawful purpose this phrase insures that an individual does not have the right to bear arms for illegal purposes and allows the Department of Wildlife to continue to enforce hunting regulations.

This constitutional amendment will correct a problem with section four of the states constitution that has been interpreted as a "collective right" not an "individual right". The language of HCR 5017 and SCR 1611 will preserve an individual right into the Kansas Constitution coming on the heels of the landmark ruling by the U.S. Supreme Court in Heller vs. DC, the timing couldn't be better for bringing Kansas in line with the U.S. Constitution. The proposed amendment will be submitted to the people in the 2010 General Election.

Senator Mike Petersen

House Fed & State Affairs
Date: 3-18-09

Attachment /



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400

Chairman Melvin Neufeld
House Federal and State Affairs Committee
Room 143-N
Kansas State Capitol
Topeka, KS 66612

Dear Chairman Neufeld,

March 18, 2009

I come before you today as a registered lobbyist speaking on behalf of the National Rifle Association in support of House Concurrent Resolution 5017. This important constitutional amendment will correct a long standing problem with the Kansas State Constitution.

In 1905 the Kansas Supreme Court issued a ruling based on the case: *City of Salina v. Blaksley*, which ruled that, Section 4 of the Kansas State Constitution, "the bear arms; armies" provision was, in the courts opinion, a collective right not an individual right. So for over 100 years, this state has not recognized an individual's right to keep and bear arms. The language presented in HCR 5017 will correct this problem.

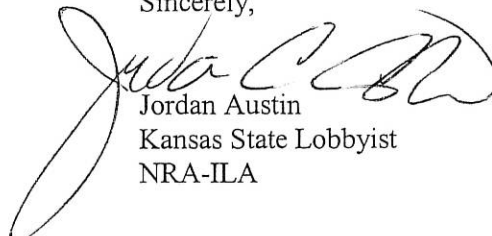
"A person has the right to keep and bear arms for defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose." We feel that this language will clearly be viewed by all as an individual right to keep and bear arms. Similar constitutional amendments have been adopted by many states who also viewed this language as a strong representation of an individual right to keep and bear arms.

The constitutions of 44 of the 50 states contain provisions protecting the right to arms. The six states the constitutions of which do not contain such provisions are California, Iowa, Maryland, Minnesota, New Jersey, and New York. Wisconsin was the most recent to adopt a constitutional amendment in 1998. The District of Columbia, as a federal jurisdiction, is protected by the 2nd amendment to the U.S. Constitution. The *D.C. v. Heller* decision issued in 2008 ruled that the 2nd amendment to the U.S. Constitution clearly recognizes an individual right to keep and bear arms.

The language for the original Section 4 of the Kansas Constitution was mirrored after the Ohio Constitution which was adopted in 1851. Kansas' State Constitution was adopted in 1859. The Kansas Supreme Court, in issuing their ruling in *Salina v. Blaksley*, ignored a previous ruling issued by the Ohio Supreme Court in 1900, *State v. Hogan*, which ruled that the same language was considered an individual right to bear arms. This court has recently reaffirmed this in a 2003 ruling stating the same.

It is our opinion that the language presented in HCR 5017 will guarantee an individual right to keep and bear arms. We fully support the passage of this resolution and respectfully urge the committee to support it as well. I would be happy to stand for any question the committee may have.

Sincerely,



Jordan Austin
Kansas State Lobbyist
NRA-ILA

House Fed & State Affairs
Date: 3-18-09

Attachment 2

Larrie Ann Lower
Attorney at Law
212 SW Eighth Avenue Suite 201
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larrie_ann@yahoo.com

Testimony before the House Federal and State Affairs Committee
SB 212
Wine Institute
March 18, 2009

Mister Chair and members of the Committee. Thank you for allowing me to appear before you today. I am here today representing the Wine Institute. Established in 1934, the Wine Institute is the public policy advocacy group of 1,100 California wineries and affiliated businesses that initiate and advocate state, federal and international public policy to enhance the environment for the responsible production, consumption and enjoyment of wine. The Wine Institute membership represents 85 percent of U.S. production and 95 percent of U.S. wine exports. For more information about Wine Institute, go to www.wineinstitute.org.

The Wine Institute appears today in support of SB 212. SB 212 will enable wineries to make direct shipments of wine in a limited quantity to Kansas consumers. The winery must obtain a special order shipping license from the Kansas Secretary of Revenue and pay a license fee. Each winery can ship up to 12 standard cases of wine of one brand or a combination of brands to one consumer or address per calendar year. Before shipping the wine, the winery must clearly label the shipment as "alcoholic beverages, adult signature required." The winery must verify the age of the person placing the order both by an affirmative statement made by the consumer and verifying the age by either a physical examination of an approved government issued ID or by utilizing an internet based age and ID service. These services are available through websites such as ChoicePoint or IDology. Both of these companies and their websites have been approved by other state's regulators such as the Michigan Liquor Control Commission. In addition, the winery is responsible for collecting all gallonage and enforcement taxes and remitting them to the Kansas Department of Revenue.

The issue of shipping wine both into and out of state has been around for many years. It has a long legislative history and has been the issue of several court cases around the country. This bill will simplify the current shipping laws in Kansas; allow Kansas law to be consistent with court rulings addressing this issue and allow your fellow Kansans the same purchasing options allowed to other Americans in many other states. Thank you for your consideration and I'll be happy to answer any questions you may have.

House Fed & State Affairs
Date: 3-18-09

Attachment 3

Kansas Wine & Spirits Wholesalers Association
212 SW 8th Avenue, suite 202, Topeka, Kansas 66603
www.kwswa.org

To House Federal and State Affairs Committee
From: R.E. "Tuck" Duncan
RE: SB 212

March 18, 2009

The Kansas Wine & Spirits Wholesalers Association does not oppose SB212. We propose that the bill be amended with the following severability proviso, as follows:

Proposed Amendment to SB 212:

Section 1, new subsection (j): *"If any provision of this section is determined by a court to be invalid or unconstitutional, this section is repealed in accordance with the intent of the legislature to enhance strict regulatory control over taxation of alcoholic liquor and over distribution and sale of wine by licensed persons or entities having a substantial presence in Kansas."*

The purpose of this amendment is to prevent unwarranted litigation that may result by the passage of this bill. We believe this bill is a valid exercise of the Kansas Legislature, however, litigation in Massachusetts and Texas, for example, has resulted when direct shipping laws have been enacted. In essence this is a safety net to avoid fees associated with legal challenges. We are proposing this provision remove the incentive to so litigate.

Further we propose this bill be amended by adding the provisions of SB 218 (which we anticipate will be passed by the Senate today). SB218 provides:

SB 218, as amended, would amend the Kansas Liquor Control Act. The bill would allow a wine licensee to sell wine produced and bottled by a wine licensee at a bona fide farmer's market located at a site approved by the Director of the Division of Alcoholic Beverage Control. The licensee would be required to have an annual bona fide farmer's market sales permit. The licensee would be restricted to selling wine one day per week in the original unopened container. Under the bill, "bona fide farmer's market" would mean any location of a farmer's market

that is subject to inspection by the Department of Agriculture. The bill would authorize the Secretary of Revenue to adopt rules and regulations to implement the provisions of the Act. The bill would allow licensed farm wineries to hold a manufacturer's license provided that no alcoholic liquor or cereal malt beverage manufactured by such farm winery would be sold at such licensee's premise or at any such licensee's winery outlet. The bill would allow a winery outlet licensee to manufacture and store domestic table wine and domestic fortified wine such that the aggregate quantity of wine produced, including all winery outlets, does not exceed 100,000 gallons per year. The proponents included representatives from the Department of Commerce; Smoky Hill Vineyards and Winery; Sommerset Ridge Vineyard and Winery; Wyldewood Cellars Winery; Kansas Department of Agriculture; Kansas Viticulture and Farm Winery Association; and the Kansas Licensed Beverage Association. Neutral testimony was submitted by the Director of the Division of Alcoholic Beverage Control. The Senate Committee amended the bill to require wine sold at farmer's markets be in the original, unopened container. According to the fiscal note, the Department of Revenue estimates the passage of SB 218 would require additional expenditures of \$2,000 from the State General Fund for new forms and licenses.

As a result of a US Supreme Court decision, Granholm v. Heald (2005) it has been argued that at least one provision of our law is in conflict with the Commerce Clause. The Court's summary stated, in part:

Michigan and New York regulate the sale and importation of wine through three-tier systems requiring separate licenses for producers, wholesalers, and retailers. These schemes allow in-state, but not out-of-state, wineries to make direct sales to consumers. This differential treatment explicitly discriminates against interstate commerce by limiting the emerging and significant direct-sale business. Influenced by an increasing number of small wineries and a decreasing number of wine wholesalers, direct sales have grown because small wineries may not produce enough wine or have sufficient consumer demand for their wine to make it economical for wholesalers to carry their products. In Nos. 03-1116 and 03-1120, Michigan residents, joined by an intervening out-of-state winery, sued Michigan officials, claiming that the State's laws violate the Commerce Clause. The State and an intervening in-state wholesalers association responded that the direct-shipment ban was a valid exercise of Michigan's power under the Twenty-first Amendment. The District Court sustained the scheme, but the Sixth Circuit reversed,

rejecting the argument that the Twenty-first Amendment immunizes state liquor laws from Commerce Clause strictures and holding that there was no showing that the State could not meet its proffered policy objectives through nondiscriminatory means. In No. 03–1274, out-of-state wineries and their New York customers filed suit against state officials, seeking, *inter alia*, a declaration that the State’s direct-shipment laws violate the Commerce Clause. State liquor wholesalers and retailers’ representatives intervened in support of the State. The District Court granted the plaintiffs summary judgment, but the Second Circuit reversed, holding that New York’s laws fell within the ambit of its powers under the Twenty-first Amendment. Here, respondents in the Michigan cases and petitioners in the New York case are referred to as the wineries, while the opposing parties are referred to as the States.

Held: Both States’ laws discriminate against interstate commerce in violation of the Commerce Clause, and that discrimination is neither authorized nor permitted by the Twenty-first Amendment.

To preserve our current law, as this amendment makes NO changes in current substantive operations of wineries, BUT to prevent unwarranted litigation that may result by the passage of this bill, we are proposing this provision to remove the incentive to so litigate.

Proposed Amendments to SB 218, Sec. 3:

Section 3, new subsection (j): *“If any provision of this section, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions of this section shall be construed to further limit rather than to expand commerce in alcoholic liquor and to enhance strict regulatory control over taxation, distribution and sale of wine through the three-tier regulatory system imposed by the Kansas liquor control act upon all alcoholic liquor and cereal malt beverages.”*

Thank you for your attention to and consideration of these matters.

Kansas Viticulture and
Farm Winery Association

785-766-7492
pbb@sunflower.com



March 18, 2009

Testimony on SB 212
House Federal and State Affairs Committee

Chairman Neufeld and Members of the Committee

We support SB 212 in its current form as amended in the
Senate and urge you to pass this measure.
We believe it gives access to wines not otherwise available.

Also we believe this measure continues to elevate and
promote Kansas as a wine state.

If however any amendments are offered or passed we reserve
our support of those and possibly the entire bill. If possible
we would ask for a chance to be heard on any such
amendments.

Thank you for your time and service,

Philip Bradley

***Representing the
Kansas Viticulture and Farm Winery Association***

House Fed & State Affairs
Date: 3-18-09

Attachment 5



The Kansas Association of Beverage Retailers

P.O. Box 3842
Topeka, KS 66604-6842
www.kabr.org

Phone 785-266-3963
Fax 785-234-9718
kabr@amycampbell.com

Brian Flanery, President

Amy A. Campbell, Executive Director

TESTIMONY PRESENTED TO THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

March 18, 2009

Thank you for the opportunity to represent the Kansas Association of Beverage Retailers regarding Senate Bill 212. The Association represents Kansas licensed retail liquor store owners. Our members are Kansas citizens who own Kansas businesses.

Retailers are happy to seek new solutions to provide access to more products for our customers. We are aware that there is great interest in passing some kind of wine legislation. Kansas liquor stores have happily played a role in bringing ██████ to Kansas customers wines that would otherwise not be available. The current shipping laws have provided this access.

KABR respectfully asks that any new shipping legislation contain the following:

Provide for the safe and legal sale of the product to someone of legal age. We are unfamiliar with the age verification systems recommended by the proponents, but would suggest that the Division of ABC be provided any necessary enforcement power to determine appropriate steps for verifying the age of the purchaser. Also, what is the penalty for failing to do so? Will the "furnishing to a minor" statute be in effect for the delivery employee?

Provide for the reliable collection of revenue due to the State. It appears this bill requires the payment of appropriate taxes by the shippers. Legislation should also insure the Department of Revenue has the same authority to audit and to revoke licenses for non-payment as are applied to other Liquor Control Act licensees.

Provide for equal licensing requirements. It is important that a winery outside the state is not granted permission to sell to Kansas customers with fewer requirements than a licensee within the state. Therefore, license fees and bonding requirements should be equal.

It is very important that we do not create an incentive for manufacturers who sell their products in Kansas legally now to suddenly change their marketing plan to bypass State regulation and taxation. We support and need a healthy market for wines, but do not want to implement policy which could make it harder to put some brands on our shelves. It would create a disadvantage for those Kansas owned businesses who make their living under Kansas laws.

SB 212 pertains to wineries. If at any time the legislation would be amended to include out of state retailers, we would be forced to oppose the bill. Federal court rulings have ordered that a state must provide equal regulation for in state and out of state businesses – therefore, allowing out of state retailers to ship to Kansas customers would violate that provision.

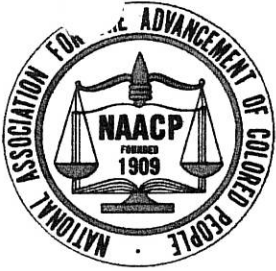
Thank you again for the opportunity to speak to this issue. As you consider this and other legislation which will change the way adult beverages are sold in the state of Kansas, please keep in mind the Kansas owned, Kansas licensed retail liquor businesses.

Amy A. Campbell Mobile: 785-969-1617

House Fed & State Affairs

Date: 3-18-09

Attachment 6



KANSAS STATE NAACP CONFERENCE OF BRANCHES

Charles Jean-Baptiste, President
PO Box 21298 – Wichita, Kansas 67208
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E-Mail – cjeanbaptiste@kc.rr.com

From: Charles Jean-Baptiste, President
Kansas State Conference of Branches NAACP

March 18, 2009

To: Committee Chairperson and Members
House Federal and State Affairs Committee

Subject: Senate Bill 54:

Good afternoon, my name is Charles Jean-Baptiste, President of the Kansas State Conference of Branches of the National Association for the Advancement of Colored People (NAACP), which many have taken for granted that it refers to Blacks, Negroes, Boys or African-Americans, and many other names, but it is not. Colored in the NAACP refer to all people of color. The NAACP was found by people of various colors, races, genders.

Honorable Member of the Committee and audience, I come before you in support of Senate Bill 54. This Bill will create a mural of the "1954 Supreme Court decision of Brown v, Board of Education" on the wall of the State Capitol Building. Specifically, next to the former Supreme Court room which is presently closed to the public for renovation. My fellow Kansans, if we could leave our political differences and bias on the sidelines, by concentrating on moving SB 54 to the status of becoming law it would provide an opportunity for all individuals that visit the State Capitol to view history and see that advancement in Kansas continues.

The mural would also give those visiting the State Capitol the opportunity to visit and further explore, and research information at the Brown Museum, which has attracted thousand of visitors from more than 20 countries, since opening five (5) years ago. This would have a tremendous positive economic effect on tourism in the State, especially at a time we are talking about budget cutback.

By enacting SB 54 into law, this would place the State of Kansas on the world stage of providing sound education for all citizens regardless of racial, political or economic differences. The State of Kansas has exported many products throughout the world, I think now is the time to exported our culture and history along with other products and be recognized for our efforts. We should not deprive citizens of Kansas its rich history while others are utilizing this historic decision to advance their own people. Many global communities utilize the 1954 Supreme Court Decision to advance their causes of equality, education, themselves and their people. We on the other hands shoot ourselves in the foot by not providing our own citizens some of the richness through visualization. We do not give ourselves full credit for this significant historical accomplishment.

The State of Kansas has been a trailblazer in many areas. Now it is the time to tell our story about one of the most important accomplishments in the civil rights movement of this great country. Just recently, the Country reached a milestone in its history due to one of the accomplishment for which Kansas played a major role in that accomplishment (elected its first African-American President with roots, right here in Kansas –President Barack Obama. His mother and grandparents were from Kansas). SB 54 with proposal will remind citizens Kansans is a true trailblazer State and not one that just talk, but backs its talking through action and not reaction. The State can take great pride in being part of the accomplishment.

Recently, as I traveled from Kansas City to Washington, D.C., one of the first observations made on Midwest Airline was an article entitled "History Lessons" in *My Midwest*, the official magazine of the airline. The writer of the article talked about the 1954 Supreme Court Decision.

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Attachment 7

Education. It's time for Kansans to tell the story, let's be in the fore front of accomplishment by enacting SB 54 into law.

I am very much in support of SB 54 because every visitor to the State Capitol will leave with a great appreciation of the Capitol and with a visual Imprint that will last forever. Visitors will think of the State as one solidified institution. We have before us an opportunity to "set in stone" a unique and important part of American history for all to witness. Let's not pass the opportunity that can provide future generations' with our past history, and carry them into the future with a better understanding of their role in the global community. Advance SB 54 to the next level as it will benefit the State of Kansas and others.

SB 54 was given its first step by the Senate House, like those before us, established Kansas as a Free State, now it is this Committee that I am asking as a proponent of the Bill to give the full House of Representative the opportunity give the SB 54 its opportunity to be voted on and become law.

Inclusion, I ask again that you lay all differences aside for the good of the people of Kansas and the Nation, SB 54 as we think of the Brown v. Board of Education dealt with many other elements of advancing social relationship in the United States.

If, we are serious about diversity as we talk in the State, than what is better than having a mural placed on the wall of the State Capitol Building. SB 54 is the answer, with many, many more benefits to come. How many times in history are we going to have the opportunity to have such accomplishment in the State that did not cost the tax payers as dime?

Again, I ask that you let SB 54 move to the next level. I want to thank each and every one of you for given me the opportunity to express my position to advance SB 54 to its highest level of enactment.

Remember our children and our children's children

Charles Jean-Baptiste, President
Kansas State Conference of Branches.

**Statement in Support of SB 54
By Senator Anthony Hensley
March 18, 2009**

Fifty-five 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.

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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.

OLETHA FAUST-GOUDEAU
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TOPEKA
SENATE CHAMBER

COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER: FEDERAL AND STATE AFFAIRS
ETHICS AND ELECTIONS
MEMBER: COMMERCE
LOCAL GOVERNMENT
JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

email: Oletha.Faust-Goudeau@senate.ks.gov

Testimony on Senate Bill 54

Before the House Committee on Federal and State Affairs
Senator Oletha Faust-Goudeau
March 18, 2009

Representative Melvin Neufeld, Chair

Chairman Neufeld, Esteemed Colleagues,

The *Brown v Board of Education* decision by the United States Supreme Court is a defining moment in our country's history. It meant that we had peacefully won a battle in the progress of our nation towards the future we live today. As the first African American woman to be elected to the Kansas State Senate, I am living proof of that victory.

Kansas is rightly proud that we are forever associated with this monumental verdict, just as we are rightly proud that Kansas was in the forefront of abolition in the 1860's. On the second floor of this Capitol, on the wall directly across from the cage so that no one can miss it, there is a mural of John Brown. It shows him with a Bible in one hand and a rifle in the other, representing that violent struggle for equality.

SB 54 is merely a request to memorialize the *peaceful* victory for equality for all children that was won with *Brown v Board of Education* by adding a mural to the historical record we display in our State Capitol.

Thank you for your time and consideration.

Sincerely,

Oletha Faust-Goudeau
Senator, 29th District

House Fed & State Affairs

Date: 3-18-09

Attachment 9

OFFICE
STATE CAPITOL BUILDING
ROOM 403-N
TOPEKA, KANSAS 66612
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STATE OF KANSAS

DISTRICT
CIVIC CENTER ST.
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SENATE CHAMBER

DAVID B. HALEY

SENATOR

DISTRICT 4

WYANDOTTE COUNTY

SENATE BILL 54

3/18/2009

BROWN v. BOARD OF EDUCATION CAPITOL MURAL

To: Hon. Melvin Neufeld, Chair; Hon. Mike Kiegerl, Vice-Chair & Members of the
KANSAS HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

Mr. Chairman and Members of the Committee, **Thank you** for hearing testimony on SB 54.

I am honored and pleased to once again offer brief testimony for each of your learned considerations regarding this simple legislative directive. SB 54, (a similar version of which Senator Hensley, former Senator Betts, other Senators and I co-sponsored in years past AND which unanimously passed the Senate yet failed in a House committee), will compel the planning and the placing of a mural on one of our newly renovated Capitol walls. The theme will be the landmark legal case of Brown vs. Board of Education which, quite frankly Mr. Chairman, is one of the few items in Americana for which Kansas is really even truly known.

My father, who contributed as a Kansas City attorney to the Brown pleadings, and I, as a law student in Washington D.C. and a staffer for former Senator Dole, took exceptional pride once when President Reagan remarked at a White House ceremony on Kansas and his own knowledge of the Brown decision. I was impressed by that then, Mr. Chair. And it speaks volumes for our unique legacy. In 2004, both President George W. Bush and then presidential candidate US Senator John Kerry came, on the SAME day, here to Topeka to commemorate the 50th Anniversary of the US Supreme Court's decision underscoring the gravamen of the premise that "separate is NOT equal" in public education and overturning the 1896 decision of Plessy vs. Ferguson which argued "separate could be equal."

I won't go on here now, Mr. Chair; members. I will add though that, in that, Kansas is best known world-wide for the Brown decision and that, second only perhaps to the "Wizard of Oz", this is our State's best identifying legacy, we ought to be pleased to rush this bill back to the Senate floor and through the House and should FUND this project with our meager State general funds. This history, like the John Brown mural, is who we really and truly are and, at our best, who I personally hope Kansans always aspire to be.

Thank you again, Mr. Chair & Members.

At the appropriate time, I'll be pleased to stand for a

ASSESSMENT & TAXATION
JUDICIARY REAPPORTIONMENT
PUBLIC HEALTH & WELFARE
HEALTH CARE STRATEGIES

SenHaley@aol.com
Haley@senate.state.ks.us

House Fed & State Affairs

Date: 3-18-09

Attachment 10

SENATE BILL No. 54

By Senators Hensley, Faust-Goudeau and Haley

1-21

Proposed Amendments
Prepared by: Mike Heim
Revisor of Statutes Office
March 17, 2009

z54h1.pdf

House Fed & State Affairs
Date: 3-18-09
Attachment 11

9 AN ACT concerning a mural in the capitol.

state

10

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

and grounds

12 Section 1. (a) The ~~Kansas state historical society and the department~~
13 ~~of administration~~ shall develop plans to place a mural in the capitol com-
14 memorating the United States supreme court decision entered May 17,
15 1954, in the case of *Brown v. Board of Education* (347 U.S. 483, 74 S.Ct.
16 686, 98 L.Ed. 873). Such plans shall be developed in consultation with
17 the joint committee on arts and cultural resources.

capitol preservation committee

18 (b) ~~On or before January 1, 2011, the plans developed pursuant to~~
19 ~~subsection (a) shall be submitted to the joint committee on arts and cul-~~
20 ~~tural resources.~~

(b)

21 ~~Except for the costs associated with the preparation and submis-~~
22 ~~sion of the plans under subsections (a) and (b), no public funds shall be~~
23 ~~used to pay the costs of creating and installing the mural developed under~~
24 ~~this section.~~

Sec. 2.
(see attached - text54ball)

25 Sec. 2. This act shall take effect and be in force from and after its
26 publication in the statute book.

And by renumbering the remaining section accordingly

Sec. 2. (a) There is hereby created a capitol preservation committee which will include the membership of the following:

- (1) The statehouse architect;
- (2) the executive director of the state historical society;
- (3) three members appointed by the governor;
- (4) three members appointed by the president of the senate; and
- (5) three members appointed by the speaker of the house of representatives.

The governor shall appoint the chair of the committee. The committee shall meet at least annually and more often upon call of the chairperson.

(b) The committee shall have the following responsibilities:

- (1) Approve all proposals for renovation or reconstruction of all areas of the state capitol ~~not under the jurisdiction of three committees making up the membership of the capitol preservation committee,~~ the capitol's visitor center and the grounds surrounding the state capitol to insure that the historical beauty of the areas are preserved;
- (2) preserve the proper decor of such areas;

- (3) assure that any art or artistic displays are historically accurate and have historic significance; and

- (4) the location and types of temporary displays and revolving displays in the state capitol including the visitor center.

(c) Any permanent displays or monuments proposed to be located on the state capitol grounds must be approved by the committee and authorized by the passage of a bill of the state legislature.

(d) The capitol preservation committee shall appoint three subcommittees for the

following:

(1) The house of representatives subcommittee shall have oversight responsibility for the house of representatives chambers on the third floor of the state capitol and the common areas or environs of the chambers including the common areas or environs of such chambers on the fourth and fifth floors and the house leadership offices. The subcommittee shall have the following responsibilities:

(A) Approve all proposals for renovation or reconstruction of such areas to insure the historical beauty of the areas are preserved;

(B) preserve the proper decor of such areas; and

(C) assure that any art or artistic displays are historically accurate and have historic significance.

(2) The senate subcommittee shall have oversight responsibility for the senate chambers on the third floor of the state capitol and the common areas or environs of the chambers including the common areas or environs of such chambers on the third and fourth floors, the senate leadership offices and the cage elevator area on the third floor. The subcommittee shall have the following responsibilities:

(A) Approve all proposals for renovation or reconstruction of such areas to insure the historical beauty of the areas are preserved;

(B) preserve the proper decor of such areas; and

(C) assure that any art or artistic displays are historically accurate and have historic significance.

(3) The governor's subcommittee shall have oversight responsibility for the governor's offices and lieutenant governor's offices on the second floor of the state capitol and the common areas or environs of such offices including the cage elevator area on the second floor and the old supreme court room on the third floor. The subcommittee

shall have the following responsibilities:

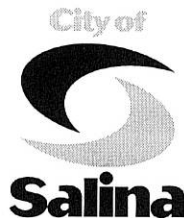
(A) Approve all proposals for renovation or reconstruction of such areas to insure the historical beauty of the areas are preserved;

(B) preserve the proper decor of such areas; and

(C) assure that any art or artistic displays are historically accurate and have historic significance.

4-11

CITY MANAGER'S OFFICE
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City Manager
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**SB 53 Testimony to House
Committee on Federal and State Affairs
By: Jason A. Gage – March 18, 2009**

LEGISLATIVE REQUEST:

The City of Salina is respectfully requesting that you consider amending K.S.A. 2006 Supp. 41-2703 and 41-2708 by supporting the passage of Senate Bill 53, with the changes proposed by Ed Klumpp on behalf of the Kansas Association Chiefs of Police (K.A.C.P.). This request is for the following primary reason. Section 1 of the current statute requires that a cereal malt beverage (“CMB”) license not be issued if the applicant is in violation of any provision contained in subsections (b)(1) through (b)(11). Section 2 currently requires that a license be revoked or suspended if the licensee is in violation of any provision contained in subsections (2)(1) through (2)(13). Neither of these two sections provides any discretion to the local licensing authority regarding these actions.

Our specific request as provided for under SB 53 is that the local licensing authority be granted reasonable discretion with regards to CMB license issuance, suspension and revocation actions. This is to ensure the penalty applied is fair and equitable with regard to the violation of the license holder. We have reviewed reviewing the changes as recommended by the K.A.C.P. and agree with them. We believe the changes are based on sound reasoning, still provide the level of flexibility requested by the City of Salina, and continue to preserve the integrity of the statute.

ISSUE OR CHALLENGE:

The City of Salina is properly enforcing the CMB statute as written. This has resulted in numerous hearings with CMB license holders, including those that have sound, documented management policies and practices. From these hearings, multiple suspensions against local CMB license holders have been issued due to the prescriptive penalty requirements in the current statute. While Salina’s CMB license holders are in agreement with the City that these actions are statutorily required, they are also in agreement that the prescribed penalties for CMB violations are extremely inequitable and overly burdensome when compared to the state’s enforcement of alcoholic liquor violations.

House Fed & State Affairs
Date: 3-18-09

Attachment 12

REASON FOR CHANGE:

Most of our concerns are related the provision restricting the sale of CMB products to minors. The reason is that this is one of the most distinctive and common violations we see. The City of Salina believes strongly in preventing sales to minors, which is very much in accordance with the current CMB statute.

However, I would like to provide an example of the difficulty in enforcing the current CMB penalty provisions. Under the current statute Section 1(b)(8)(B), the City could not issue a CMB license to a corporation if a manager, officer, director or stockholder holding in aggregate more than 25% of the stock were convicted of the CMB laws or drinking establishment laws of the State, without reference to the prior date of the conviction. This provides a scenario in which a license holder could be suspended under Section 2(a)(5) for “the sale of cereal malt beverages to any person under the legal age for consumption of cereal malt beverage”, retain their license for the duration of the year, and then not be issued a license for the ensuing year. This scenario did occur in Salina in 2006. With regard to a similar penalty situation in Salina last year, a company chose to reorganize its corporate structure to get around the statutory provisions and obtain a new license.

We believe that reasonable licensing discretion would ensure an equitable penalty is applied to CMB license holders in violation of the CMB statute, but would also prevent the double jeopardy or creative restructuring scenarios as previously described. In addition, providing discretion to City and County boards of commissioners for applying penalties to the prescribed violations found in K.S.A. 2006 Supp. 41-2703 and 41-2708 will provide for a more effective use of warnings, probationary periods, relevant CMB training, and other similar actions for minor violations.

FINANCIAL AND/OR TAXING IMPLICATIONS:

We do not find that this item will have any negative financial or taxing impact on the State of Kansas, any other municipality or CMB retailers.

Thank you once again for taking the time to consider SB 53, which we believe to be a very timely and worthwhile statutory revision request.

SENATE BILL No. 53

By Committee on Federal and State Affairs

1-21

Proposed Amendment
Prepared by: Mike Heim
Revisor of Statutes Office
March 13, 2009

House Fed & State Affairs
Date: 3-18-09
Attachment 13

10 AN ACT concerning cereal malt beverages; relating to discretion by cities
11 in granting and suspending or revoking a retailer's license; amending
12 K.S.A. 2008 Supp. 41-2703 and 41-2708 and repealing the existing
13 sections.

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

15 Section 1. K.S.A. 2008 Supp. 41-2703 is hereby amended to read as
16 follows: 41-2703. (a) After examination of an application for a retailer's
17 license, the board of county commissioners or the director shall, if they
18 approve the same, issue a license to the applicant. Except as provided in
19 subsection (b), the The governing body of the city shall, if the applicant
20 is qualified as provided by law, issue a license to such applicant.

21 (b) No retailer's license shall be issued The board of county commis-
22 sions shall not be required to issue a retailer's license No retailer's license
23 shall be issued to:
24

25 (1) A person who is not a resident of the county in which the place
26 of business covered by the license is located, has not been a resident of
27 such county for at least six months or has not been a resident in good
28 faith of the state of Kansas.

29 (2) A person who has not been a resident of this state for at least one
30 year immediately preceding application for a retailer's license.

31 (3) A person who is not of good character and reputation in the com-
32 munity in which the person resides.

33 (4) A person who is not a citizen of the United States.

34 (5) A person who, within two years immediately preceding the date
35 of application, has been convicted of a felony or any crime involving moral
36 turpitude, drunkenness, driving a motor vehicle while under the influence
37 of intoxicating liquor or violation of any other intoxicating liquor law of
38 any state or of the United States.

39 (6) A partnership, unless all the members of the partnership are oth-
40 erwise qualified to obtain a license.

41 (7) A corporation, if any manager, officer or director thereof, or any
42 stockholder owning in the aggregate more than 25% of the stock of such
43 corporation, would be ineligible to receive a license hereunder for any

approval

, released from incarceration for or released from probation
or parole for

SENATE BILL No. 53

By Committee on Federal and State Affairs

1-21

Proposed Amendments

Prepared by: Mike Heim
Revisor of Statutes Office

March 16, 2009

z53

text!

House Fed & State Affairs

Date: 3-18-09

Attachment 14

10 AN ACT concerning cereal malt beverages; relating to discretion by cities
11 in granting and suspending or revoking a retailer's license; amending
12 K.S.A. 2008 Supp. 41-2703 and 41-2708 and repealing the existing
13 sections.

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

15 Section 1. K.S.A. 2008 Supp. 41-2703 is hereby amended to read as
16 follows: 41-2703. (a) After examination of an application for a retailer's
17 license, the board of county commissioners or the director shall, if they
18 approve the same, issue a license to the applicant. ~~Except as provided in~~
19 ~~subsection (b), the~~ **The** governing body of the city shall, if the applicant
20 is qualified as provided by law, issue a license to such applicant.

21 (b) ~~No retailer's license shall be issued The board of county commis-~~
22 ~~sions shall not be required to issue a retailer's license~~ **No retailer's license**
23 **shall be issued** to:

24 (1) A person who is not a resident of the county in which the place
25 of business covered by the license is located, has not been a resident of
26 such county for at least six months or has not been a resident in good
27 faith of the state of Kansas.

28 (2) A person who has not been a resident of this state for at least one
29 year immediately preceding application for a retailer's license.

30 (3) A person who is not of good character and reputation in the com-
31 munity in which the person resides.

32 (4) A person who is not a citizen of the United States.

33 (5) A person who, within two years immediately preceding the date
34 of application, has been convicted of a felony or any crime involving moral
35 turpitude, drunkenness, driving a motor vehicle while under the influence
36 of intoxicating liquor or violation of any other intoxicating liquor law of
37 any state or of the United States.

38 (6) A partnership, unless all the members of the partnership are oth-
39 erwise qualified to obtain a license.

40 (7) A corporation, if any manager, officer or director thereof, or any
41 stockholder owning in the aggregate more than 25% of the stock of such
42 corporation, would be ineligible to receive a license hereunder for any
43

1 reason other than the citizenship and residency requirements.

2 (8) ~~A corporation, if any manager, officer or director thereof, or any~~
 3 ~~stockholder owning in the aggregate more than 25% of the stock of such~~
 4 ~~corporation, has been an officer, manager or director, or a stockholder~~
 5 ~~owning in the aggregate more than 25% of the stock, of a corporation~~
 6 ~~which: (A) Has had a retailer's license revoked under K.S.A. 41-2708, and~~
 7 ~~amendments thereto; or (B) has been convicted of a violation of the drink-~~
 8 ~~ing establishment act or the cereal malt beverage laws of this state.~~

9 (9) A person whose place of business is conducted by a manager or
 10 agent unless the manager or agent possesses all the qualifications of a
 11 licensee.

12 (10) (9) A person whose spouse would be ineligible to receive a re-
 13 tailer's license for any reason other than citizenship, residence require-
 14 ments or age, except that this subsection (b)(10) (9) shall not apply in
 15 determining eligibility for a renewal license.

16 (11) (10) A person whose spouse has been convicted of a felony or
 17 other crime which would disqualify a person from licensure under this
 18 section and such felony or other crime was committed during the time
 19 that the spouse held a license under this act.

20 (c) ***After examination of an application for a retailer's license,***
 21 ***the board of county commissioners or the governing body of a city***
 22 ***may deny a license to a person, partnership or corporation if any***
 23 ***manager, officer or director thereof, or any stockholder owning in***
 24 ***the aggregate more than 25% of the stock of such corporation, has***
 25 ***been an officer, manager, director or a stockholder owning in the***
 26 ***aggregate more than 25% of the stock, of a corporation which has:***

27 (1) ***Had a retailer's license revoked under K.S.A. 41-2708, and***
 28 ***amendments thereto; or***

29 (2) ***been convicted of a violation of the club and drinking estab-***
 30 ***lishment act or the cereal malt beverage laws of this state.***

31 (d) Retailers' licenses shall be issued either on an annual basis or for
 32 the calendar year. If such licenses are issued on an annual basis, the board
 33 of county commissioners or the governing body of the city shall notify the
 34 distributors supplying the county or city on or before April 1 of the year
 35 if a retailer's license is not renewed.

36 Sec. 2. K.S.A. 2008 Supp. 41-2708 is hereby amended to read as
 37 follows: 41-2708. (a) The board of county commissioners or the governing
 38 body of any city, upon five days' notice to the persons holding a license,
 39 ~~shall~~ *may* revoke or suspend the license for any one of the following
 40 reasons:

41 (1) ~~The licensee has fraudulently obtained the license by giving false~~
 42 ~~information in the application therefor;~~

43 (2) the licensee has violated any of the provisions of K.S.A. 41-2701

14-3

1 et seq., and amendments thereto, or any rules or regulations made by the
2 board or the city, as the case may be;

3 ~~(3) the licensee has become ineligible to obtain a license under this
4 act;~~

5 (4) drunkenness of the licensee or permitting any intoxicated person
6 to remain in or upon the licensee's place of business;

7 (5) the sale of cereal malt beverages to any person under the legal
8 age for consumption of cereal malt beverage;

9 ~~(6) the nonpayment of any license fees;~~

10 ~~(7) permitting any gambling in or upon the licensee's place of
11 business;~~

12 (8) permitting any person to mix drinks with materials purchased in
13 or upon the place of business or brought in for that purpose;

14 ~~(9) the employment of persons under 18 years of age in dispensing
15 or selling cereal malt beverages;~~

16 ~~(10) the employment or continuation in employment of a person in
17 connection with the sale, serving or dispensing of cereal malt beverages
18 if the licensee knows such person has been, within the preceding two
19 years, adjudged guilty of a felony or of any violation of the intoxicating
20 liquor laws of this state, another state or the United States;~~

21 (11) the sale or possession of, or permitting any person to use or
22 consume on the licensed premises, any alcoholic liquor as defined by
23 K.S.A. 41-102, and amendments thereto;

24 (12) the licensee has been convicted of a violation of the beer and
25 cereal malt beverage keg registration act;

26 ~~(13) there has been a violation of K.S.A. 21-4106 or 21-4107, and
27 amendments thereto, in or upon the licensee's place of business.~~

28 (b) The provisions of subsections ~~(a)(8) and (11)~~ shall not apply if the
29 place of business or premises also are currently licensed as a club or
30 drinking establishment pursuant to the club and drinking establishment
31 act.

32 (c) Within 20 days after the order of the board revoking or suspending
33 any license, the licensee may appeal to the district court and the district
34 court shall proceed to hear such appeal as though such court had original
35 jurisdiction of the matter. Any appeal taken from an order revoking or
36 suspending the license shall not suspend the order of revocation or sus-
37 pension during the pendency of any such appeal. ~~In case of the revocation
38 of the license of any licensee, no new license shall be issued to the former
39 licensee, or to any person acting for or on the former licensee's behalf,
40 for a period of six months thereafter.~~

41 Sec. 3. K.S.A. 2008 Supp. 41-2703 and 41-2708 are hereby repealed.

42 Sec. 4. This act shall take effect and be in force from and after its
43 publication in the statute book.

And by numbering the paragraphs accordingly

or

(a)(4) and (5)

(c) The board of county commissioners or the governing body of any city, upon five days' notice to the persons holding a license, shall revoke or suspend the license for any one of the following reasons:
(1) The licensee has fraudulently obtained the license by giving false information in the application therefor;
(2) the licensee has become ineligible to obtain a license under this act;
(3) the nonpayment of any license fees;
(4) permitting any gambling in or upon the licensee's place of business;
(5) the employment of persons under 18 years of age in dispensing or selling cereal malt beverages;
(6) the employment or continuation in employment of a person in connection with the sale, serving or dispensing of cereal malt beverages if the licensee knows such person has been, within the preceding two years, adjudged guilty of a felony or of any violation of the intoxicating liquor laws of this state, another state or the United States; or
(7) there has been a violation of K.S.A. 21-4106 or 21-4107, and amendments thereto, in or upon the licensee's place of business.

And by renumbering the subsections accordingly