

Approved: 3-1-10  
Date

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 17, 2010, in Room 144-S of the Capitol.

All members were present.

Committee staff present:

Jason Long, Office of the Revisor of Statutes  
Julian Efird, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Connie Burns, Committee Assistant

Conferees appearing before the Committee:

Others attending:  
See attached list.

**Introduction of Bills:**

Senator Brungardt introduced a bill for Senator Derek Schmidt, creating a private cause of action for victims of child pornography.

Senator Brungardt moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

Information that was requested by the committee on the history of Excise Tax for tobacco products was provided by Whitney Damron on SB 478. (Attachment 1)

**Final Action:**

**SB 454 - License to sell alcoholic beverages; fees, term and eligibility.**

**SB 514 - Kansas unified school district alternative project delivery building construction procurement act.**

Senator Brungardt moved to strike the language of SB 514 and insert the provisions of section 10 of SB 454, and make SB 514 a substitute bill. Senator Morris seconded the motion. The motion carried.

Senator Morris made a motion to recommend Substitute for SB 514 be passed favorably. Senator Francisco seconded the motion. The motion carried.

**SB 301 - Repealing statutes concerning land surveys relating to monumentation of corners in boundaries of subdivisions**

Senator Francisco provided a balloon for a substitute bill. (Attachment 2) The amendment includes a new Section 2.

Senator Francisco moved the balloon for a substitute bill. Senator Owens seconded the motion. The motion carried.

Senator Francisco made a motion to recommend Substitute for SB 301 be passed favorably. Senator Owens seconded the motion. The motion carried.

**SB 532 -Alcoholic beverages; issuance of farm winery license to spouse of retailer licensee.**

Senator Francisco moved an amendment that would allow a farm winery and a micro-brewery licenses concurrently and a technical amendment by ABC. Senator Reitz seconded the motion. The motion carried.

CONTINUATION SHEET

Minutes of the Senate Federal and State Affairs Committee at 10:30 a.m. on February 17, 2010, in Room 144-S of the Capitol.

Senator Reitz moved to pass SB 532 out favorably as amended. Senator Francisco seconded the motion. The motion carried.

**SB 531 - Radon certification law.**

Staff provided an overview of two balloons; the KAREI balloon (Attachment 3) and the KARCI balloon (Attachment 4).

Senator Francisco moved to adopt the KAREI balloon and include the changes from the KARCI balloon on page 2, lines 41 and 42, striking the language; and page 3 add the language on line 13. Senator Brungardt seconded the motion. The motion carried.

Senator Reitz moved to pass SB 531 out favorably as amended. Senator Francisco seconded the motion. The motion carried.

**SB 454 - License to sell alcoholic beverages; fees, term and eligibility.**

Chairman Brungardt called for discussion on the bill, and to look at the information provided by ABC. (Attachment 5) Some items that the committee would like to review:

- fees in general
- biannual licenses
- renewal application and payment by certified check or money order
- expedited licenses' fee
- extension for 30 days
- pro-rated fee back on licenses

The Revisor will put some information together for the committee to review next week.

The next meeting is scheduled for February 23, 2010. The meeting was adjourned at 11:30 a.m.

**SENATE FEDERAL AND STATE AFFAIRS COMMITTEE**

**GUEST LIST**

DATE 2-17-10

NAME	REPRESENTING
Jeff Both Long	KUHA
Jackson Lindsey	Hein Law
Kari Presley	Kearney & Associates
Spencer Duncan	capitol connection
Tom Conley	KDHE
Kim Steves	KDHE
BRUCE SNEAN	KSU
IVCK DUNCAN	KS wine & spirits. Underhill's
Gene Wengert	Ruffin Company. Tsh
Dan Gentry	KSLS
Jim Hawally	KACS
Whitney Jam	Lucas Ligum Super Sh
SARAH BYRNE	KDOR/ABC
Ann Zinn	KDOR/ABC
Tom Groneman	ABC



February 15, 2010

The Honorable Pete Brungardt, Chair  
And Members of the Senate Committee on Federal and State Affairs  
Statehouse, 136-E  
Topeka, Kansas 66612

Re: History of Excise Taxes; Application to Other Tobacco Products (OTP)

Dear Chairman Brungardt:

During hearings on SB 478 making changes to the Kansas Cigarette and Tobacco Products Act and changing the classification and tax rate of little cigars to that of cigarettes, questions were raised in your committee as to why Other Tobacco Products (OTP) were taxed at a different rate and different methodology than cigarettes. This letter attempts to shed some light on those questions.

First of all, OTP has historically been taxed at an excise tax on the wholesale product price as opposed to a per pack/item basis due to the variety of sizes and shapes OTP are manufactured and marketed. Cigars are of different sizes and shapes and are sold in a variety of configurations (i.e., per box of 25, 5, individually, etc.). Smokeless products also come in a variety of configurations (moist snuff, leaf, dry snuff, snus, etc.). These unique characteristics of cigars and smokeless tobacco products make a wholesale tax easier to administer than a per pack assessment.

This tax scheme is supported by the Campaign for Tobacco Free Kids, as noted on their website:

*Set cigar tax rates as a percentage of their price. Unlike cigarettes that always come in packs of 20 sticks, cigars come in many different sizes and weights and are sold in many different ways, such as singles, 20-packs, or 5-packs. That makes it difficult to implement an equitable cigar tax based on the package size, or per-cigar, or by weight. But a tax set as a certain percentage of the wholesale price of a cigar or package of cigars ensures that all cigars will have to pay the same flat-tax rate.*

Campaign for Tobacco Free Kids  
<http://www.tobaccofreekids.org/research/factsheets/pdf/0335.pdf>

I would respectfully suggest that is where any agreement in regard to the taxation of Other Tobacco Products between Tobacco Free Kids and my client, Swisher International probably ends. But it does reflect the reasoning behind why Other Tobacco Products are taxed at a wholesale rate vs. a per pack rate.

919 South Kansas Avenue ■ Topeka, Kansas 66612-1210

(785) 354-1354 (O) ■ (785) 354-8092 (F) ■ (785) 224-6666 (M)

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Sn Fed & State  
Attachment 1

2-17-10

The Honorable Pete Brungardt  
Page Two of Two  
February 15, 2010

### **History of Excise Taxes.**

*To pay the debts of the Revolutionary War, Congress levied excise taxes on distilled spirits, tobacco, snuff, refined sugar, carriages, property sold at auction and various legal documents to pay the debts of the Revolutionary War...*

*Even in the early days of the Republic, however, social purposes influenced what was taxed. For example, Pennsylvania imposed an excise tax on liquor sales partly to "restrain persons in low circumstances from an immoderate use thereof."*

*"By the late 1890's, the nation was becoming increasingly aware that high tariffs and excise taxes were not sound economic policy and often fell disproportionately on the less affluent.*

U.S. Treasury  
*Fact Sheet: Taxes*  
*History of the U.S. Tax System*  
<http://www.ustreas.gov/education/fact-sheets/taxes/ustax.shtml>

In summary, we believe history and public policy supports the different tax rates for cigarettes and Other Tobacco Products and should continue to be our state's tax policy.

In closing, I would note for the Committee that the lead proponent significantly mischaracterized Federal action on the taxation of little cigars in several ways:

- First of all, the Federal Government did not reclassify little cigars as cigarettes. They remain classified as little cigars.
- Secondly, the Federal Government clearly recognizes the differences between a cigarette and little cigar. Suggestions to the contrary made by the lead proponent are incorrect.

On behalf of Swisher International, I thank you for your consideration of this additional information in regard to SB 478.

Sincerely,



Whitney Damron

## Substitute for SENATE BILL NO. 301

By Committee on Federal and State Affairs

AN ACT concerning land surveys; relating to monumentation of corners and recording of surveys; amending K.S.A. 58-2001 and 58-2005 and repealing the existing sections.

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

Section 1. K.S.A. 58-2001 is hereby amended to read as follows: 58-2001. All corners in the boundary of a subdivision of land shall be monumented prior to recording of the plat submitted for recording after the effective date of this section. ~~This monument shall be a metallic bar or tube set rigidly in a concrete base.~~

Sec. 2. K.S.A. 58-2005 is hereby amended to read as follows: 58-2005. Unless the board of county commissioners adopts a resolution exempting the county from the provisions of this section, before a subdivision plat or plat of survey may be recorded, it shall be reviewed by the county surveyor. If the county does not have a designated county surveyor, the county engineer shall review the plat if the county engineer also is a registered land surveyor. In the absence of both a county surveyor and a county engineer who is a registered land surveyor the plat shall be reviewed by a registered land surveyor designated by the county. All cost for plat review and approval shall be charged back to the applicant for plat approval. If a subdivision plat or plat of survey is required to be reviewed pursuant to this section, the county shall be responsible for the enforcement of this act. ~~The,~~ and the county surveyor ~~or,~~ county

engineer or other designated registered land surveyor shall certify that such plat meets all the requirements of this act. If any such plat is required to be submitted to any planning commission for review and approval or disapproval, such review and approval duly certified upon the face of such plat shall not constitute full compliance with ~~the~~ any review required in this section unless reviewed by the county surveyor ~~or~~ county engineer or other designated registered land surveyor.

Sec. 3. K.S.A. 58-2001 and 58-2005 are hereby repealed.

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

# SENATE BILL No. 531

By Committee on Federal and State Affairs

2-4

Senate Federal and State Affairs
KAREI Balloon Amendments
Requested by: KAREI
Prepared by: J. Long

Sn Fed & State  
Attachment 3  
2-17-10

9 AN ACT enacting the radon certification law; amending K.S.A. 48-1625  
10 and repealing the existing section.

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

13 New Section. 1. Sections 1 through 12, and amendments thereto,  
14 shall be known and may be cited as the radon certification law.

15 New Sec. 2. As used in the radon certification law:

16 (a) "Mitigate" means to repair or alter a building or design for the  
17 purpose in whole or in part of reducing the concentration of radon in the  
18 indoor atmosphere.

19 (b) "Person" means any individual, corporation, partnership, firm, as-  
20 sociation, trust, estate, public or private institution, group, agency, state,  
21 political subdivision or agency of a state or political subdivision, or any  
22 legal successor or representative thereof.

23 (c) "Radon (Rn)" means the naturally occurring, colorless, odorless,  
24 radioactive gaseous element formed by radioactive decay, including radon  
25 222, radon 220 (thoron), radon decay products and radon progeny or as  
26 defined by rules and regulations adopted by the secretary.

27 (d) "Secretary" means the secretary of the department of health and  
28 environment.

29 (e) "Measurement" or "test" means the: (1) Examination of a build-  
30 ing, soil or air for the presence of radon, including taking air or soil sam-  
31 ples; or (2) diagnosis of the cause of radon contamination. [water] [source]

32 (f) "Radon measurement business" means a business which performs  
33 radon measurement and is either owned by, employees, or retains as a  
34 consultant a certified radon measurement technician.

35 (g) "Radon mitigation business" means a business which performs  
36 radon mitigation services and is either owned by, employees or retains as  
37 a consultant a certified radon mitigation technician.

(h) "Radon measurement laboratory" means a business that performs laboratory analysis of radon measurement devices or samples, but does not include the field analysis of continuous radon monitors or continuous working level monitors.
(i) "Department" means the department of health and environment.

38 New Sec. 3. (a) The secretary shall establish a certification program  
39 for certified persons performing radon tests or mitigation in the state.

40 (b) The secretary shall adopt rules and regulations necessary to ad-  
41 minister and implement the provisions of the radon certification law. Such  
42 rules and regulations shall be adopted no later than July 1, 2011.

43 (c) Within the limitations of appropriation acts, the secretary may



1 employ personnel necessary to carry out the provisions of the radon cer-  
2 tification law and rules and regulations adopted thereunder.

3 (d) The secretary may enter into agreements with public or private  
4 agencies for the implementation of the radon certification law.

5 (e) The secretary shall have no authority to adopt rules, regulations,  
6 standards or guidelines for the acceptable or permissible level of radon  
7 gas concentrations in residential or commercial structures that are more  
8 stringent, restrictive or expansive than the applicable federal standards or  
9 guidelines adopted or approved by the United States environmental pro-  
10 tection agency.

11 New Sec. 4. (a) The secretary may establish a schedule of fees to pay  
12 the costs of administration and implementation of the radon certification  
13 law. The secretary shall remit all moneys received from fees to the state  
14 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
15 amendments thereto. Upon receipt of each such remittance, the state  
16 treasurer shall deposit the entire amount in the state treasury and credit  
17 it to the radiation control operations fee fund established by K.S.A. 48-  
18 1625, and amendments thereto.

19 (b) Subject to the limitations of this section, the secretary may impose  
20 and collect fees, in advance for:

21 Radon measurement technician, application fee, new and biannual	
22 renewal.....	\$100.00
23 Radon mitigation technician application fee, new and biannual	
24 renewal.....	100.00
25 Radon measurement laboratory, application fee, new and biannual	
26 renewal.....	250.00
27 Returned check or insufficient check.....	50.00
28 Late application fee, for each month or part thereof.....	25.00

29 New Sec. 5. (a) A person may not perform radon measurements or  
30 represent or advertise that such person may perform radon measure-  
31 ments unless such person has been certified as a radon measurement  
32 technician by the department.

33 (b) Any person desiring to be certified as a certified radon measure-  
34 ment technician shall submit an application on a form prescribed by the  
35 department along with the non refundable application fee.

36 (c) A radon measurement technician shall comply with the require-  
37 ments of the radon certification law and any rules and regulations adopted  
38 thereunder.

39 (d) (1) Except as provided by this section, no person shall be certified  
40 by the department as a certified radon measurement technician unless  
41 within one year prior to the date of the submission of an application for  
42 registration, such person shall have completed successfully a training  
43 course and passed an examination on radon measurement offered by the

3-3

1 national radon safety board, the national environmental health associa-  
2 tion, or another organization determined by the department to have a  
3 radon measurement certification examination equal to or better than the  
4 national environmental health association or the national radon safety  
5 board.

6 (2) Applicants who are certified by either the national environmental  
7 health association or the national radon safety board on July 1, 2011, and  
8 who have completed an approved training course and passed an exami-  
9 nation on radon measurement at any time prior to July 1, 2011, shall be  
10 deemed to have met the requirements of paragraph (1).

11 (e) The provisions of this section shall not apply to any person:

12 (1) Performing radon measurements on a building owned by such  
13 person or where such person resides; or

14 (2) performing radon measurements without remuneration.

15 New Sec. 6. (a) A person may not perform radon mitigation or rep-  
16 resent or advertise that such person may perform radon mitigation unless  
17 such person has been certified by the department.

18 (b) Any person desiring to be certified as a radon mitigation techni-  
19 cian shall submit an application on a form prescribed by the department  
20 along with the non refundable application fee.

21 (c) A radon mitigation technician shall comply with the requirements  
22 of the radon certification law and any rules and regulations adopted there-  
23 under.

24 (d) (1) Except as provided by this section, no person shall be certified  
25 by the department as a certified radon mitigation technician unless within  
26 one year prior to the date of the submission of an application for certi-  
27 fication, such person shall have completed successfully a training course  
28 and passed an examination on radon mitigation offered by the national  
29 radon safety board, the national environmental health association, or an-  
30 other organization determined by the department to have a radon miti-  
31 gation certification examination equal to or better than the national en-  
32 vironmental health association or the national radon safety board.

33 (2) Applicants who are certified by either the national environmental  
34 health association or the national radon safety board on July 1, 2011, and  
35 who have completed an approved training course and passed an exami-  
36 nation on radon mitigation at any time prior to July 1, 2011, shall be  
37 deemed to have met the requirements of paragraph (1).

38 (e) The provisions of this section shall not apply to:

39 (1) Any person testing or mitigating buildings owned or occupied by  
40 such person.

41 (2) Any person not otherwise certified under the radon certification  
42 law who incorporate radon control options during construction in con-  
43 formance with guidance designated by the department including, but not

; provided, the testing is not performed in association with a home inspection or related to the transfer of real property.

1 limited to, Appendix F of the 2003 international residential code or the  
2 applicable sections of ASTM E1465 "Standard Practice for Radon Control  
3 Options for the Design and Construction of New Low Rise Residential  
4 Buildings." Any upgrade or modification of the system to make it an  
5 active mitigation system shall be done by persons certified by the de-  
6 partment and certified under the radon certification law.

7 (3) Laborers performing specific mitigation system installation tasks  
8 under the direct supervision of a certified radon mitigation technician.

on-site

9 (4) Trade professionals installing portions of a radon mitigation sys-  
10 tem at the request of a radon mitigation business and under the direct  
11 supervision of a certified radon mitigation technician.

12 (5) Any person who sells, or offers for sale at a retail outlet, radon  
13 measurement devices, such as charcoal canisters if:

14 (A) The radon measurement devices are manufactured or supplied  
15 by a certified person by the department;

16 (B) the analysis, result and interpretation of such tests are performed  
17 by a laboratory certified by the department and sent directly to the pur-  
18 chaser;

19 (C) consultation on radon is provided only by a certified radon meas-  
20 urement technician; and

21 (D) the measurement devices are stored and displayed in a manner  
22 that maintains their integrity.

23 (6) Any person testing for or mitigating radon as part of radon training  
24 approved by the department, scientific research approved by the depart-  
25 ment or as a public service without remuneration as approved by the  
26 department.

, and not performed for the purposes of transferring real property,

27 New Sec. 7. A radon measurement business shall comply with the  
28 radon certification law and any rules and regulations adopted thereunder.  
29 A certified radon measurement technician who is certified with the de-  
30 partment shall own, be employed by or be retained as a consultant by a  
31 radon measurement business when such business is performing radon  
32 measurements. All radon testing, including the initial placement and final  
33 retrieval of all measurement devices and post mitigation testing, shall be  
34 performed by a certified radon measurement technician.

35 New Sec. 8. A radon mitigation business shall comply with the radon  
36 certification law and any rules and regulations adopted thereunder. A  
37 certified radon mitigation technician who is certified with the department  
38 shall own, be employed by or be retained as a consultant by a radon  
39 mitigation business when such business is performing radon mitigation.  
40 A radon mitigation business shall ensure that radon mitigation system  
41 installations are performed under the supervision of a certified radon  
42 mitigation technician.

43 New Sec. 9. (a) A person may not perform laboratory analysis or

1 represent or advertise that it may perform laboratory analysis of radon  
2 measurement devices or samples unless such person has been certified  
3 as a certified radon measurement laboratory by the department.

4 (b) Any person desiring to be certified as a certified radon measure-  
5 ment laboratory shall submit an application on a form prescribed by the  
6 department along with the non refundable application fee.

7 (c) A certified radon measurement laboratory shall comply with the  
8 requirements of the radon certification law and any rules and regulations  
9 adopted thereunder. A person shall not be certified as an approved radon  
10 measurement laboratory unless such person has obtained a laboratory  
11 certification from the national environmental health association, the na-  
12 tional radon safety board or a national proficiency testing program ap-  
13 proved by the department.

14 (d) A designation as a certified radon measurement laboratory shall  
15 be nontransferable.

16 New Sec. 10. (a) Except as provided by subsections (d) and (e), any  
17 person who tests for radon in this state, analyzes radon testing devices  
18 used in this state or performs radon mitigation in this state shall make a  
19 report of such testing, analysis or mitigation to the secretary. Such report  
20 shall be made within 90 days of performance of such testing, analysis or  
21 mitigation and shall include the address where the services were provided,  
22 location within the building, approximate age of the building, the date on  
23 which the service was provided, the type of equipment or test kit used  
24 for radon measurements, specific information regarding pre-mitigation or  
25 post-mitigation for radon measurements, and the results of any tests, anal-  
26 ysis or mitigation.

1

and (g)

27 (b) All information obtained pursuant to this section shall be confi-  
28 dential and shall not be subject to disclosure under the open records act.

29 (c) The secretary may conduct research studies utilizing the data re-  
30 quired to be reported by subsection (a). No report or publication shall  
31 include names or addresses of individuals.

32 (d) The provisions of this section shall not apply to a person perform-  
33 ing tests or mitigation on a building owned by such person or where such  
34 person resides.

35 (e) Radon measurement businesses certified under this act shall not  
36 be required to submit the results of a radon test to the Kansas department  
37 of health and environment unless the customer or client consents to the  
38 release of this information in the contract to perform the radon test under  
39 subsection (f).

40 (f) Each contract between a certified radon measurement business  
41 and a client to perform a radon test shall include the following language:  
42 "It is standard procedure to provide the radon measurement information  
43 to the Kansas Department of Health and Environment. This data is re-

1 quired by law to be kept confidential and is used to conduct studies on  
 2 radon and lung cancer incidence in Kansas. No report or publication will  
 3 include names or addresses of individuals associated with the radon tests.  
 4 If you (the client) agree that the radon testing information be disclosed  
 5 to the Kansas Department of Health and Environment, you should initial  
 6 here \_\_\_\_\_.”

7 New Sec. 11. (a) Any person who willfully violates any provision of  
 8 the radon certification law or any rules and regulations adopted there-  
 9 under is guilty of a class B misdemeanor and is subject to a cease and  
 10 desist order imposed by the secretary after providing notice and a hearing  
 11 in accordance with the Kansas administrative procedure act.

12 (b) In addition to any other penalty provided by law and after pro-  
 13 viding notice and a hearing in accordance with the Kansas administrative  
 14 procedure act, the secretary may impose a fine in an amount not to exceed  
 15 \$1,000 against any person who violates any provision of the radon certi-  
 16 fication law and any rule and regulation adopted or order issued there-  
 17 under; if any violation is a continuing one, each day of such violation shall  
 18 constitute a separate violation for the purpose of computing the amount  
 19 of the civil penalty. Any action by the secretary pursuant to this section  
 20 is subject to review in accordance with the act for judicial review and civil  
 21 enforcement of agency actions.

22 (c) On the request of the secretary, the attorney general is authorized  
 23 to institute a civil action to collect any fine imposed pursuant to this  
 24 section.

25 (d) All moneys collected from fines imposed under this section shall  
 26 be remitted to the state treasurer in accordance with the provisions of  
 27 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
 28 remittance, the state treasurer shall deposit the entire amount in the state  
 29 treasury to the credit of the state general fund.

30 (e) Any person certified for radon measurement or mitigation and  
 31 who violates the provisions of the radon certification law or the rules and  
 32 regulations adopted thereunder are subject to suspension or revocation  
 33 of certification by the department in accordance with the Kansas admin-  
 34 istrative procedure act.

35 New Sec. 12. If any section, subsection, sentence, clause, phrase or  
 36 word of this act is for any reason held to be unconstitutional, such decree  
 37 shall not affect the validity of any remaining portion of this act.

38 Sec. 13. K.S.A. 48-1625 is hereby amended to read as follows: 48-  
 39 1625. (a) There is hereby created in the state treasury the radiation con-  
 40 trol operations fee fund to administer the provisions of K.S.A. 48-1601  
 41 through 48-1624, and amendments thereto. Such fund shall be adminis-  
 42 tered by the secretary of health and environment in accordance with the  
 43 provisions of this section.

(g) If no contract is entered into by a certified radon measurement business and a client, the results of the radon testing shall be reported to the department in accordance with subsection (a).

1 (b) Revenue from the following sources shall be deposited in the state  
2 treasury and credited to the radiation control operations fee fund:

3 (1) Fees collected for licenses and registrations, and renewals thereof,  
4 issued under the nuclear energy development and radiation control act;

5 (2) reimbursement for administrative, inspection, radioactive mate-  
6 rial disposal, investigation and remedial action expenses;

7 (3) excluding civil penalties, moneys paid pursuant to any agreement,  
8 stipulation or settlement;

9 (4) grants, gifts, bequests or state appropriations for the purposes of  
10 K.S.A. 48-1601 through 48-1624, and amendments thereto; ~~and~~

11 (5) *fees collected pursuant to section 4, and amendments thereto; and*  
12 (6) interest attributable to investment of moneys in the fund.

13 Moneys described in this subsection which are received by the secre-  
14 tary shall be remitted by the secretary to the state treasurer in accordance  
15 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
16 receipt of each such remittance the state treasurer shall deposit the entire  
17 amount in the state treasury to the credit of such fund.

18 The secretary of health and environment is authorized to receive from  
19 the federal government or any of its agencies or from any private or  
20 governmental source any funds made available for the purposes of K.S.A.  
21 48-1601 through 48-1624, and amendments thereto.

22 (c) The secretary is authorized to use moneys from the radiation con-  
23 trol operations fee fund to pay the cost of:

24 (1) All activities related to licensing and registration, including but  
25 not limited to, development and issuance of licenses, registrations and  
26 renewals thereof, compliance monitoring, inspections, long term moni-  
27 toring and enforcement actions and decontamination, decommissioning,  
28 reclamation or remedial actions;

29 (2) design and review of radioactive waste disposal facilities;

30 (3) review and witnessing of test and repair procedures;

31 (4) investigation of violations, complaints, pollution and events af-  
32 fecting the environment or public health;

33 (5) design and review of remedial action plans;

34 (6) personnel training programs;

35 (7) contracting for services needed to supplement the department's  
36 staff expertise in administering the provisions of K.S.A. 48-1601 through  
37 48-1624, and amendments thereto;

38 (8) staff consultation needed to provide radiation protection services  
39 provided under this act;

40 (9) mitigation of adverse environmental or public health impacts, in-  
41 cluding impounding sources of radiation;

42 (10) emergency or long-term remedial activities;

43 (11) administrative, technical and legal costs incurred by the secretary

1 in administering the provisions of K.S.A. 48-1601 through 48-1624, and  
2 amendments thereto; and

3 (12) costs of program administration, including the state's share of  
4 any grant received from the federal government or from other sources,  
5 public or private.

6 (d) On or before the 10th of each month, the director of accounts  
7 and reports shall transfer from the state general fund to the radiation  
8 control operations fee fund interest earnings based on:

9 (1) The average daily balance of moneys in the radiation control op-  
10 erations fee fund for the preceding month; and

11 (2) the net earnings rate of the pooled money investment portfolio  
12 for the preceding months.

13 (e) All expenditures from this fund shall be made in accordance with  
14 appropriation acts and upon warrants of the director of accounts and  
15 reports issued pursuant to vouchers approved by the secretary of health  
16 and environment for the purposes set forth in this section.

17 (f) Any appropriation of state general fund moneys for the fiscal year  
18 ending June 30, 2005, to pay costs described in subsection (c) shall be  
19 repaid to the state general fund from the radiation control operations fee  
20 fund. On and after July 1, 2005, as moneys are available, but not later  
21 than June 30, 2007, the director of accounts and reports shall transfer  
22 moneys from the radiation control operations fee fund to the state general  
23 fund to repay such moneys.

24 Sec. 14. K.S.A. 48-1625 is hereby repealed.

25 Sec. 15. This act shall take effect and be in force from and after its  
26 publication in the statute book.

**SENATE BILL No. 531**

By Committee on Federal and State Affairs

2-4

9 AN ACT enacting the radon certification law; amending K.S.A. 48-1625  
10 and repealing the existing section.

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

12 New Section. 1. Sections 1 through 12, and amendments thereto,  
13 shall be known and may be cited as the radon certification law.

14 New Sec. 2. As used in the radon certification law:

15 (a) "Mitigate" means to repair or alter a building or design for the  
16 purpose in whole or in part of reducing the concentration of radon in the  
17 indoor atmosphere.

18 (b) "Person" means any individual, corporation, partnership, firm, as-  
19 sociation, trust, estate, public or private institution, group, agency, state,  
20 political subdivision or agency of a state or political subdivision, or any  
21 legal successor or representative thereof.

22 (c) "Radon (Rn)" means the naturally occurring, colorless, odorless,  
23 radioactive gaseous element formed by radioactive decay, including radon  
24 222, radon 220 (thoron), radon decay products and radon progeny or as  
25 defined by rules and regulations adopted by the secretary.

26 (d) "Secretary" means the secretary of the department of health and  
27 environment.

28 (e) "Measurement" or "test" means the: (1) Examination of a build-  
29 ing, soil or air for the presence of radon, including taking air or soil sam-  
30 ples; or (2) diagnosis of the ~~cause~~ of radon contamination.

source

31 (f) "Radon measurement business" means a business which performs  
32 radon measurement and is either owned by, employees, or retains as a  
33 consultant a certified radon measurement technician.

34 (g) "Radon mitigation business" means a business which performs  
35 radon mitigation services and is either owned by, employees or retains as  
36 a consultant a certified radon mitigation technician.

37 New Sec. 3. (a) The secretary shall establish a certification program  
38 for certified persons performing radon tests or mitigation in the state.

39 (b) The secretary shall adopt rules and regulations necessary to ad-  
40 minister and implement the provisions of the radon certification law. Such  
41 rules and regulations shall be adopted no later than July 1, 2011.

42 (c) Within the limitations of appropriation acts, the secretary may  
43

Senate Federal and State Affairs

KARCI Balloon Amendments

Requested by: KARCI

Prepared by: J. Long



1 employ personnel necessary to carry out the provisions of the radon cer-  
2 tification law and rules and regulations adopted thereunder.

3 (d) The secretary may enter into agreements with public or private  
4 agencies for the implementation of the radon certification law.

5 (e) The secretary shall have no authority to adopt rules, regulations,  
6 standards or guidelines for the acceptable or permissible level of radon  
7 gas concentrations in residential or commercial structures that are more  
8 stringent, restrictive or expansive than the applicable federal standards or  
9 guidelines adopted or approved by the United States environmental pro-  
10 tection agency.

11 New Sec. 4. (a) The secretary may establish a schedule of fees to pay  
12 the costs of administration and implementation of the radon certification  
13 law. The secretary shall remit all moneys received from fees to the state  
14 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
15 amendments thereto. Upon receipt of each such remittance, the state  
16 treasurer shall deposit the entire amount in the state treasury and credit  
17 it to the radiation control operations fee fund established by K.S.A. 48-  
18 1625, and amendments thereto.

19 (b) Subject to the limitations of this section, the secretary may impose  
20 and collect fees, in advance for:

21 Radon measurement technician, application fee, new and biannual	
22     renewal.....	\$100.00
23 Radon mitigation technician application fee, new and biannual	
24     renewal.....	100.00
25 Radon measurement laboratory, application fee, new and biannual	
26     renewal.....	250.00
27 Returned check or insufficient check.....	50.00
28 Late application fee, for each month or part thereof .....	25.00

29 New Sec. 5. (a) A person may not perform radon measurements or  
30 represent or advertise that such person may perform radon measure-  
31 ments unless such person has been certified as a radon measurement  
32 technician by the department.

33 (b) Any person desiring to be certified as a certified radon measure-  
34 ment technician shall submit an application on a form prescribed by the  
35 department along with the non refundable application fee.

36 (c) A radon measurement technician shall comply with the require-  
37 ments of the radon certification law and any rules and regulations adopted  
38 thereunder.

39 (d) (1) Except as provided by this section, no person shall be certified  
40 by the department as a certified radon measurement technician unless  
41 ~~within one year prior to the date of the submission of an application for~~  
42 ~~registration,~~ such person shall have completed successfully a training  
43 course and passed an examination on radon measurement offered by the

1 national radon safety board, the national environmental health associa-  
2 tion, or another organization determined by the department to have a  
3 radon measurement certification examination equal to or better than the  
4 national environmental health association or the national radon safety  
5 board.

6 (2) Applicants who are certified by either the national environmental  
7 health association or the national radon safety board on July 1, 2011, and  
8 who have completed an approved training course and passed an exami-  
9 nation on radon measurement at any time prior to July 1, 2011, shall be  
10 deemed to have met the requirements of paragraph (1).

11 (e) The provisions of this section shall not apply to any person:

12 (1) Performing radon measurements on a building owned by such  
13 person or where such person resides; or

14 (2) performing radon measurements without remuneration.

15 New Sec. 6. (a) A person may not perform radon mitigation or rep-  
16 resent or advertise that such person may perform radon mitigation unless  
17 such person has been certified by the department.

18 (b) Any person desiring to be certified as a radon mitigation techni-  
19 cian shall submit an application on a form prescribed by the department  
20 along with the non refundable application fee.

21 (c) A radon mitigation technician shall comply with the requirements  
22 of the radon certification law and any rules and regulations adopted there-  
23 under.

24 (d) (1) Except as provided by this section, no person shall be certified  
25 by the department as a certified radon mitigation technician unless ~~within~~  
26 ~~one year prior to the date of the submission of an application for certi-~~  
27 ~~fication,~~ such person shall have completed successfully a training course  
28 and passed an examination on radon mitigation offered by the national  
29 radon safety board, the national environmental health association, or an-  
30 other organization determined by the department to have a radon miti-  
31 gation certification examination equal to or better than the national en-  
32 vironmental health association or the national radon safety board.

33 (2) Applicants who are certified by either the national environmental  
34 health association or the national radon safety board on July 1, 2011, and  
35 who have completed an approved training course and passed an exami-  
36 nation on radon mitigation at any time prior to July 1, 2011, shall be  
37 deemed to have met the requirements of paragraph (1).

38 (e) The provisions of this section shall not apply to:

39 (1) Any person testing or mitigating buildings owned or occupied by  
40 such person.

41 (2) Any person not otherwise certified under the radon certification  
42 law who incorporate radon control options during construction in con-  
43 formance with guidance designated by the department including, but not

; provided, the testing is not performed in association with  
or related to the transfer of real property

1 limited to, Appendix F of the 2003 international residential code or the  
2 applicable sections of ASTM E1465 "Standard Practice for Radon Control  
3 Options for the Design and Construction of New Low Rise Residential  
4 Buildings." Any upgrade or modification of the system to make it an  
5 active mitigation system shall be done by persons certified by the de-  
6 partment and certified under the radon certification law.

7 (3) Laborers performing specific mitigation system installation tasks  
8 under the direct supervision of a certified radon mitigation technician.

9 (4) Trade professionals installing portions of a radon mitigation sys-  
10 tem at the request of a radon mitigation business and under the direct  
11 supervision of a certified radon mitigation technician.

12 (5) Any person who sells, or offers for sale at a retail outlet, radon  
13 measurement devices, such as charcoal canisters if:

14 (A) The radon measurement devices are manufactured or supplied  
15 by a certified person by the department;

16 (B) the analysis, result and interpretation of such tests are performed  
17 by a laboratory certified by the department and sent directly to the pur-  
18 chaser;

19 (C) consultation on radon is provided only by a certified radon meas-  
20 urement technician; and

21 (D) the measurement devices are stored and displayed in a manner  
22 that maintains their integrity.

23 (6) Any person testing for or mitigating radon as part of radon training  
24 approved by the department, scientific research approved by the depart-  
25 ment or as a public service without remuneration as approved by the  
26 department.

, and not performed for the purposes of transferring real property,

27 New Sec. 7. A radon measurement business shall comply with the  
28 radon certification law and any rules and regulations adopted thereunder.  
29 A certified radon measurement technician who is certified with the de-  
30 partment shall own, be employed by or be retained as a consultant by a  
31 radon measurement business when such business is performing radon  
32 measurements. All radon testing, including the initial placement and final  
33 retrieval of all measurement devices and post mitigation testing, shall be  
34 performed by a certified radon measurement technician.

35 New Sec. 8. A radon mitigation business shall comply with the radon  
36 certification law and any rules and regulations adopted thereunder. A  
37 certified radon mitigation technician who is certified with the department  
38 shall own, be employed by or be retained as a consultant by a radon  
39 mitigation business when such business is performing radon mitigation.  
40 A radon mitigation business shall ensure that radon mitigation system  
41 installations are performed under the supervision of a certified radon  
42 mitigation technician.

43 New Sec. 9. (a) A person may not perform laboratory analysis or

1 represent or advertise that it may perform laboratory analysis of radon  
2 measurement devices or samples unless such person has been certified  
3 as a certified radon measurement laboratory by the department.

4 (b) Any person desiring to be certified as a certified radon measure-  
5 ment laboratory shall submit an application on a form prescribed by the  
6 department along with the non refundable application fee.

7 (c) A certified radon measurement laboratory shall comply with the  
8 requirements of the radon certification law and any rules and regulations  
9 adopted thereunder. A person shall not be certified as an approved radon  
10 measurement laboratory unless such person has obtained a laboratory  
11 certification from the national environmental health association, the na-  
12 tional radon safety board or a national proficiency testing program ap-  
13 proved by the department.

14 (d) A designation as a certified radon measurement laboratory shall  
15 be nontransferable.

16 ~~New Sec. 10. (a) Except as provided by subsections (d) and (e), any~~  
17 ~~person who tests for radon in this state, analyzes radon testing devices~~  
18 ~~used in this state or performs radon mitigation in this state shall make a~~  
19 ~~report of such testing, analysis or mitigation to the secretary. Such report~~  
20 ~~shall be made within 90 days of performance of such testing, analysis or~~  
21 ~~mitigation and shall include the address where the services were provided,~~  
22 ~~location within the building, approximate age of the building, the date on~~  
23 ~~which the service was provided, the type of equipment or test kit used~~  
24 ~~for radon measurements, specific information regarding pre mitigation or~~  
25 ~~post mitigation for radon measurements, and the results of any tests, anal-~~  
26 ~~ysis or mitigation.~~

27 ~~(b) All information obtained pursuant to this section shall be confi-~~  
28 ~~dential and shall not be subject to disclosure under the open records act.~~

29 ~~(e) The secretary may conduct research studies utilizing the data re-~~  
30 ~~quired to be reported by subsection (a). No report or publication shall~~  
31 ~~include names or addresses of individuals.~~

32 ~~(d) The provisions of this section shall not apply to a person perform-~~  
33 ~~ing tests or mitigation on a building owned by such person or where such~~  
34 ~~person resides.~~

35 ~~(e) Radon measurement businesses certified under this act shall not~~  
36 ~~be required to submit the results of a radon test to the Kansas department~~  
37 ~~of health and environment unless the customer or client consents to the~~  
38 ~~release of this information in the contract to perform the radon test under~~  
39 ~~subsection (f).~~

40 ~~(f) Each contract between a certified radon measurement business~~  
41 ~~and a client to perform a radon test shall include the following language:~~  
42 ~~"It is standard procedure to provide the radon measurement information~~  
43 ~~to the Kansas Department of Health and Environment. This data is re-~~

1 ~~quired by law to be kept confidential and is used to conduct studies on~~  
 2 ~~radon and lung cancer incidence in Kansas. No report or publication will~~  
 3 ~~include names or addresses of individuals associated with the radon tests.~~  
 4 ~~If you (the client) agree that the radon testing information be disclosed~~  
 5 ~~to the Kansas Department of Health and Environment, you should initial~~  
 6 ~~here~~                   ”

7     New Sec. 11. (a) Any person who willfully violates any provision of  
 8 the radon certification law or any rules and regulations adopted there-  
 9 under is guilty of a class B misdemeanor and is subject to a cease and  
 10 desist order imposed by the secretary after providing notice and a hearing  
 11 in accordance with the Kansas administrative procedure act.

12     (b) In addition to any other penalty provided by law and after pro-  
 13 viding notice and a hearing in accordance with the Kansas administrative  
 14 procedure act, the secretary may impose a fine in an amount not to exceed  
 15 \$1,000 against any person who violates any provision of the radon certi-  
 16 fication law and any rule and regulation adopted or order issued there-  
 17 under; if any violation is a continuing one, each day of such violation shall  
 18 constitute a separate violation for the purpose of computing the amount  
 19 of the civil penalty. Any action by the secretary pursuant to this section  
 20 is subject to review in accordance with the act for judicial review and civil  
 21 enforcement of agency actions.

22     (c) On the request of the secretary, the attorney general is authorized  
 23 to institute a civil action to collect any fine imposed pursuant to this  
 24 section.

25     (d) All moneys collected from fines imposed under this section shall  
 26 be remitted to the state treasurer in accordance with the provisions of  
 27 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
 28 remittance, the state treasurer shall deposit the entire amount in the state  
 29 treasury to the credit of the state general fund.

30     (e) Any person certified for radon measurement or mitigation and  
 31 who violates the provisions of the radon certification law or the rules and  
 32 regulations adopted thereunder are subject to suspension or revocation  
 33 of certification by the department in accordance with the Kansas admin-  
 34 istrative procedure act.

35     New Sec. 12. If any section, subsection, sentence, clause, phrase or  
 36 word of this act is for any reason held to be unconstitutional, such decree  
 37 shall not affect the validity of any remaining portion of this act.

38     Sec. 13. K.S.A. 48-1625 is hereby amended to read as follows: 48-  
 39 1625. (a) There is hereby created in the state treasury the radiation con-  
 40 trol operations fee fund to administer the provisions of K.S.A. 48-1601  
 41 through 48-1624, and amendments thereto. Such fund shall be adminis-  
 42 tered by the secretary of health and environment in accordance with the  
 43 provisions of this section.

1 (b) Revenue from the following sources shall be deposited in the state  
2 treasury and credited to the radiation control operations fee fund:

3 (1) Fees collected for licenses and registrations, and renewals thereof,  
4 issued under the nuclear energy development and radiation control act;

5 (2) reimbursement for administrative, inspection, radioactive mate-  
6 rial disposal, investigation and remedial action expenses;

7 (3) excluding civil penalties, moneys paid pursuant to any agreement,  
8 stipulation or settlement;

9 (4) grants, gifts, bequests or state appropriations for the purposes of  
10 K.S.A. 48-1601 through 48-1624, and amendments thereto; ~~and~~

11 (5) *fees collected pursuant to section 4, and amendments thereto; and*

12 (6) interest attributable to investment of moneys in the fund.

13 Moneys described in this subsection which are received by the secre-  
14 tary shall be remitted by the secretary to the state treasurer in accordance  
15 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
16 receipt of each such remittance the state treasurer shall deposit the entire  
17 amount in the state treasury to the credit of such fund.

18 The secretary of health and environment is authorized to receive from  
19 the federal government or any of its agencies or from any private or  
20 governmental source any funds made available for the purposes of K.S.A.  
21 48-1601 through 48-1624, and amendments thereto.

22 (c) The secretary is authorized to use moneys from the radiation con-  
23 trol operations fee fund to pay the cost of:

24 (1) All activities related to licensing and registration, including but  
25 not limited to, development and issuance of licenses, registrations and  
26 renewals thereof, compliance monitoring, inspections, long term moni-  
27 toring and enforcement actions and decontamination, decommissioning,  
28 reclamation or remedial actions;

29 ~~(2) design and review of radioactive waste disposal facilities;~~

30 (3) review and witnessing of test and repair procedures;

31 (4) investigation of violations, complaints, pollution and events af-  
32 fecting the environment or public health;

33 ~~(5) design and review of remedial action plans;~~

34 (6) personnel training programs;

35 (7) contracting for services needed to supplement the department's  
36 staff expertise in administering the provisions of K.S.A. 48-1601 through  
37 48-1624, and amendments thereto;

38 (8) staff consultation needed to provide radiation protection services  
39 provided under this act;

40 ~~(9) mitigation of adverse environmental or public health impacts, in-  
41 cluding impounding sources of radiation;~~

42 (10) emergency or long-term remedial activities;

43 (11) administrative, technical and legal costs incurred by the secretary

1 in administering the provisions of K.S.A. 48-1601 through 48-1624, and  
2 amendments thereto; and

3 (12) costs of program administration, including the state's share of  
4 any grant received from the federal government or from other sources,  
5 public or private.

6 (d) On or before the 10th of each month, the director of accounts  
7 and reports shall transfer from the state general fund to the radiation  
8 control operations fee fund interest earnings based on:

9 (1) The average daily balance of moneys in the radiation control op-  
10 erations fee fund for the preceding month; and

11 (2) the net earnings rate of the pooled money investment portfolio  
12 for the preceding months.

13 (e) All expenditures from this fund shall be made in accordance with  
14 appropriation acts and upon warrants of the director of accounts and  
15 reports issued pursuant to vouchers approved by the secretary of health  
16 and environment for the purposes set forth in this section.

17 (f) Any appropriation of state general fund moneys for the fiscal year  
18 ending June 30, 2005, to pay costs described in subsection (c) shall be  
19 repaid to the state general fund from the radiation control operations fee  
20 fund. On and after July 1, 2005, as moneys are available, but not later  
21 than June 30, 2007, the director of accounts and reports shall transfer  
22 moneys from the radiation control operations fee fund to the state general  
23 fund to repay such moneys.

24 Sec. 14. K.S.A. 48-1625 is hereby repealed.

25 Sec. 15. This act shall take effect and be in force from and after its  
26 publication in the statute book.

**LICENSE FEES COMPARISON (2)**

Prepared by Sarah Byrne  
 Assistant Attorney General, Alcoholic Beverage Control  
 February 15, 2010

SB 454

	Colorado	Nebraska	Oklahoma	Texas	Missouri	Kansas (Current)	Kansas (proposed)
Retailer	\$227.50 or \$312.50	\$200	\$305 - \$905	\$500 + \$100 (local dist.)	\$100 + \$200 (Sundays)	\$250	\$500
Drinking Establishment	\$500	\$250 (Cigar bar = \$1,000)	\$1,005 - \$905	\$3,000 - \$750 + \$150 (late hours)	\$300 + max \$600 (Sundays)	\$1,000	\$1,500
Club	\$308.75		\$1000 - \$900	\$750 - \$3,500 + \$750 (late hours)		\$250 - \$1,000	\$500 - \$1,500
Farm Winery	\$750	\$250	\$625	\$75	\$300	\$250	\$300
Microbrewery	\$750	\$250		\$500	\$250	\$250	\$300
Distributor (Beer)		\$500	\$625	\$1,875	\$500	\$1,000	\$1,500
Distributor (Wine)		\$750	\$3,125	\$1,875	\$500	\$1,000	\$1,500
Distributor (Spirits)		\$750	\$3,125	\$1,875	\$500	\$1,000	\$1,500
Manufacturer (Spirits)		\$1,000	\$1,250	\$1,500	\$200 - \$450	\$2,500	\$3,000



No liquor license fee has been increased since 1987. The following chart shows the history of liquor license fees:

License type	Initial fee	Year est.	Amended fee	Year amd.	Proposed (per 12 months)
Manufacturer (spirits)	\$2,500	1949			\$3,000
Manufacturer (beer – 1 to 100 B*)	\$200	1949			\$500
Manufacturer (beer – 100 to 150 B)	\$400	1949			\$1,000
Manufacturer (beer – 150 to 200 B)	\$700	1949			\$2,000
Manufacturer (beer – 200 to 300 B)	\$1,000	1949			\$3,000
Manufacturer (beer – 300 to 400 B)	\$1,300	1949			\$4,000
Manufacturer (beer – 400 to 500 B)	\$1,400	1949			\$5,000
Manufacturer (beer – > 500 B)	\$1,600	1949			\$6,000
Manufacturer (wine)	\$500	1949			\$750
Farm winery	\$1,100	1983	\$250	1985	\$300
Microbrewery	\$250	1987			\$300
Farm Winery Outlet	\$50	1992			\$150
Microbrewery pack. & warehousing	\$100	2005			\$150
Spirits Distributor	\$1,250	1949	\$1,000	1987	\$1,500
Wine Distributor	\$1,250	1949	\$1,000	1987	\$1,500
Beer Distributor	\$150	1949	\$1,000	1987	\$1,500
Retailer	\$100	1949	\$250	1987	\$500
Class A fraternal or veterans club	\$250	1965			\$300
Class A social club (under 500)	\$250	1965	\$500	1987	\$750
Class A social club (more than 500)	\$250	1965	\$1,000	1987	\$1,500
Class B club	\$250	1965	\$1,000	1987	\$1,500
Caterer	\$500	1987			\$750
Drinking establishment	\$1,000	1987			\$1,500
DE/Caterer	\$1,500	1987			\$2,000
Hotel/DE	\$3,000	1987			\$4,000
Hotel/DE/Caterer	\$3,500	1987			\$5,000

**LICENSE AND RELATED FEES COMPARISON**

Prepared by Sarah Byrne  
 Assistant attorney general, Alcoholic Beverage Control  
 February 15, 2010

State	License type	Rights of license	State License fee	Other required state fee(s)
Colorado	Brew Pub	Manufacture and sell malt liquor for consumption on or off the premises; sell of manufactured malt beverage to distributors; sell liquor by the drink	\$750	\$1025 application fee (new apps only)
	Club	Non-profits can sell liquor to members and guests for on-premise consumption	\$308.75	\$1025 application fee (new apps only)
	Retail liquor	Sell alcoholic liquor in sealed package for consumption off the premises	\$227.50 (located in city) or \$312.50 (located in county)	\$1025 application fee (new apps only)
	Tavern	Sell alcoholic liquor for consumption on the premises	\$500	\$1025 application fee (new apps only)
	Vintner's restaurant	Manufacture and sell wine for consumption on or off the premises; sell of manufactured malt beverage to distributors; sell liquor by the drink	\$750	Tavern license - \$500; \$1025 application fee (new apps only)

State	License type	Rights of license	State License fee	Other required state fee(s)
Nebraska	Manufacturer	Manufacture, storage and sale of alcoholic liquor to licensees in NE and to persons outside the state as allowed by law.	\$1,000	
	Beer manufacturer	Manufacture, storage and sale of beer to licensees in NE and to persons outside the state as allowed by law.	\$100-\$800 (based on capacity)	
	Wine manufacturer	Manufacture, storage and sale of wine to licensees in NE and to persons outside the state as allowed by law.	\$250	
	Liquor wholesale	Purchase, importation and storage and sale of liquor, except beer, to licensees in NE and to persons outside the state as allowed by law	\$750	
	Beer Wholesale	Purchase, importation and storage and sale of beer to licensees in NE and to persons outside the state as allowed by law	\$500	
	Retail (on & off-premise)	Sell liquor in the original package or otherwise, for consumption on or off the licensed premises	\$300	
	Retail (off-premise)	Sell liquor in the original package for consumption off the licensed premises	\$200	
	Retail (on-premise)	Sell liquor for consumption on the licensed premises	\$250	
	Retail (Cigar bar)	Sell liquor in the original package for consumption off the licensed premises	\$1,000	
	Farm Winery	Produce and sell wine at wholesale or retail; sell wine produced by the licensee for on-premise consumption	\$250	
	Craft brewery	Manufacture and retail sale of beer for on or off-premise consumption	\$250	

State	License type	Rights of license	State License fee	Other required state fee(s)
Oklahoma	Brewer	Manufacture, bottle, package & store beer; sell beer to wholesalers and retailers; sell beer to out-of-state persons	\$1,250	
	Distiller	Manufacture, bottle, package & store spirits; sell spirits to wholesalers and retailers; sell spirits to out-of-state persons	\$1,250	
	Winemaker	Manufacture, bottle, package & store wine; sell wine to wholesalers and retailers; sell wine to out-of-state persons; sell wine made at the winery to consumers	\$625	
	Wholesaler	Purchase & import spirits and wine; sell spirits & wine to retailers and other wholesalers; sell spirits & wine out-of-state	\$3,125	
	Class B wholesaler	Purchase & import beer; sell beer to retailers and other wholesalers; sell beer out-of-state	\$625	
	Package store	Sell spirits, beer and wine in the original package for consumption off the licensed premises	\$305-\$905 (based on population)	
	Mixed beverage	Sell and serve spirits, beer and wine for on-premise consumption	\$1,005 (new); \$905 (renewal)	\$500 application fee
	Bottle club	Store alcoholic liquor belonging to members; serve spirits, beer and wine for on-premise consumption	\$1,000 (new); \$900 (renewal)	
	Caterer	sell mixed beverages for on-premise consumption at temporary events	\$1,005 (new); \$905 (renewal)	
	Hotel beverage	Sell spirits, beer and wine in mini bars	\$1,005 (new); \$905 (renewal)	Mixed beverage license
	Mixed beverage/caterer	Rights of both licenses	\$1,250	\$250 application fee

State	License type	Rights of license	State License fee	Other required state fee(s)
Texas	Distiller/Rectifier	manufacture and import distilled spirits; rectify distilled spirits and wine; bottle, label & package finished products; sell distilled spirits and wine to wholesalers and out-of-state	\$1,500	
	Winery	Manufacture, bottle, and sell wine to wholesalers; sell wine to consumers for on or off-premise consumption	\$75	
	Wholesaler	Purchase and import liquor; sell liquor to retailers and wholesalers	\$1,875	
	Package Store	Sell liquor in the original package for off-premise consumption	\$500	
	Local distributor	sell and distribute liquor to mixed beverage and private club licensees	\$100	Package store license: \$500
	Mixed beverage	Sell and serve spirits, beer and wine for on-premise consumption	\$3,000 (1st year) - \$750 (4th and	
	Mixed beverage Late hours permit	Sell liquor for consumption on the licensed premises between midnight and 2:00 a.m.	\$150	
	Caterer	Sell mixed beverages on a temporary basis at a place other than the premises for which the caterer's mixed beverage permit is issued	\$500	Mixed beverage license
	Private club	liquor belonging to the members may be stored, mixed and served for on-premise consumption by members and their guests	\$750 - \$3,500 (based on membership)	
	Private club late hour permit	Serve liquor for consumption on the licensed premises between midnight and 2:00 a.m.	\$750	Private club license
	Manufacturer	Manufacture and brew beer; dispense beer for consumption on the premises; sell beer to distributors	\$750 - \$8,400 (based on number of licensed facilities)	
	Brewpub	Manufacture, brew, bottle and package beer; sell beer manufactured by the licensee to consumers for on-premise or off-premise consumption	\$500	beer & wine retailer permit, mixed beverage permit, or retail dealer's on-premise permit

State	License type	Rights of license	State License fee	Other required state fee(s)
Missouri	Manufacturer - >22% alc. by weight	Manufacturing intoxicating liquor containing not in excess of 22% alcohol by volume; sell to wholesalers	\$200	Sell to wholesalers - \$100
	Manufacturer - intoxicating liquor	Manufacturing liquor of all kinds; sell liquor to wholesalers	\$450	Sell to wholesalers - \$250
	Wholesaler - >22% alc. by weight	Sell and solicit orders for sales to retailers of intoxicating liquor containing not more than 22% alcohol by weight	\$200	
	Wholesaler - intoxicating liquor	Sell and solicit orders for sales to retailers of intoxicating liquor of all kinds	\$500	
	Wine or brandy manufacturer	Manufacture wine or brandy using 85% Missouri products; purchase and sell bulk or packaged wine & brandy; sell to wholesalers and retailers; sell directly to public	\$5 per each 500 gallons: max. \$300	
	Microbrewery	Manufacture beer and malt liquor; sell to wholesalers	\$5 per each 100 barrels: max. \$250	Can get liquor by the drink license to sell and serve for on-premise consumption
	Sale at retail in original package	Sell intoxicating liquor in the original package for consumption off the premises	\$100	
	Sunday sales - package liquor	Sell liquor at retail on Sundays for consumption off the premises	\$200	
	Sale at retail by the drink	Sell intoxicating liquor of all kinds by the drink for consumption on the licensed premises	\$300	
Sunday sales - by the drink	Sell liquor by the drink on Sundays for consumption on the licensed premises	\$200 - \$600 (location and type)		









