

Approved: March 10, 2003  
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Bill Mason at 1:30 p.m. on February 24, 2003 in Room 313-S of the Capitol.

All members were present except: Representative Broderick Henderson

Committee staff present: Russell Mills, Legislative Research Department  
Mary Torrence, Office of Revisor of Statutes  
Rose Marie Glatt, Secretary

Conferees appearing before the committee: Representative Nancy Kirk  
Representative Roger Reitz  
Representative Mike O'Neal  
Pete Bidyk, Alcohol Beverage Control  
Ron Hein, Kansas Restaurant & Hospitality Assn.  
& Kansas Food Dealers Assn.  
Robert Longino, ABC  
(written testimony only)

Others attending: See Attached

Without objection, a bill was introduced as requested by Representative Kirk regarding a liability insurance pool for nursing home residents.

Without objection, a bill was introduced by Representative Reitz concerning a counties liability for medical costs while in the custody of law enforcement personnel.

**HB 2226** - The bill would allow 16 and 17-year old employees to take orders and accept payment for alcohol and cereal malt beverages.

Representative O'Neal stated that **HB 2226** would clarify what is meant by the prohibition against under aged "serving" in current law (Attachment 1). It makes it clear that serving does not include merely taking an order or collecting payment. Clearing up the current ambiguity in the law will serve the interest of both state and businesses that strive to conform to the law.

Pete Bidyk, ABC, reviewed a chart that outlined duties performed under the current law compared to those allowed if the bill were enacted in four types of businesses that provide liquor (Attachment 2). ABC recommends if the bill is enacted, that someone 18 or older be required to verify age and serve the product. They added that the statute must make clear who is responsible for the transaction in case of an illegal sale resulting in a citation.

Ron Hein, legislative counsel for the Kansas Food Dealers Assn. and Kansas Restaurant and Hospitality Assn., presented balloons to add clarifying language to **HB 2226** (Attachment 3). Under current law,

there is a question as to what constitutes the “serving” of alcohol. The bill makes it clear that a 16 or 17 year old may take an order and collect payment for drinks containing alcoholic liquor. The serving of the product, and verification of age would be performed by the appropriate aged individual. The bill also clarifies the language regarding who is required to be 18 years of age or older in the process of serving alcohol at facilities which sell liquor on premises. Mr. Bob Longino, Director of ABC, has approved the language of the amendments.

Discussion followed regarding the process of sales of cereal malt beverages in grocery stores. The Chairman asked who would perform the age verification in a store that has automatic check-outs. Mr. Hein agreed to find out and get information back to the committee. The issue of whether a 16 or 17 year old would be required to learn about alcoholic drinks in order to take orders for such was discussed. Mr. Hein stated that was not the intent of the bill. There was a question raised regarding a 16 or 17 year old “taking money” for alcohol and if that act of taking money might be interpreted as “selling” alcohol. Is the language used in the criminal code for selling alcohol in conflict with the language used in the amendments. There was a request for answers to the questions before any action on the bill.

The hearing was closed on **HB 2226**.

In response to questions from the briefing by Ed Van Petten, Kansas Lottery, staff distributed information on “Gambling counselors on call for problem gamblers” ([Attachment 4](#)).

**HB 2176** - Standard for operation of abortion clinics

Information was distributed on “Life Decisions” from Kansans For Life ([Attachment 5](#)) and a “Q & A response” from Planned Parenthood ([Attachment 6](#)).

Representative Williams made the motion that **HB 2176** be passed out favorably. Representative Ruff seconded.

Representative Williams presented a balloon amendment to **HB 2176** per the request of KDHE, to clarify the language assuring that KDHE could carry out their duties ([Attachment 7](#)). Staff explained the amendments on page 5 and 6 of the bill.

Representative Williams made the motion that they adopt the balloon amendment on page 5 and 6 of the bill. Representative Johnson seconded the motion. The motion carried.

Discussion followed whether inspections require a statute or should be covered under rules and regulations. The fiscal note was explained.

Representative Williams made the motion that **HB 2176** be moved out favorably, as amended. The motion was seconded . The motion carried 13-6.

**HB 2101** - Private detective license and firearm permit become anniversary biennial process.

Representative Freeborn presented a balloon amendment to **HB 2176** on page 2, adding an alternative for firearms training ([Attachment 8](#)). Staff explained the amendment on page 2.

Representative Freeborn made the motion that they adopt the balloon amendment on page 2. Representative Hutchins seconded the motion. The motion carried.

Staff noted there was a technical amendment on page 1, line 26, the word *on* needs to be stricken and the title needs some work. Permission given by consensus.

Representative Freeborn made the motion to pass **HB 2176** out favorably as amended. The motion was seconded.. The motion carried.

The meeting adjourned at 2:50 p.m. with the next meeting on call of the Chairman.

CONTINUATION SHEET