

MINUTES OF THE HOUSE FED & STATE COMMITTEE

The meeting was called to order by Chairperson Representative Doug Mays at 1:30 p.m. on January 30, 2001 in Room 313-S of the Capitol.

All members were present.

Committee staff present: Theresa M. Kiernan, Revisor of Statutes  
Russell Mills, Legislative Research Department  
Shelia Pearman, Committee Secretary

Conferees appearing before the committee:

Keith Kocher, Assistant Attorney General, Kansas Lottery  
Julie Hein, Kansas Soft Drink Association  
Glenn O. Thompson, Stand Up for Kansas Executive Director

Others attending: See attached list

Without objection bill was introduced as requested by Representative Ruff regarding repeal of local government option for coverage under PEERA. [HB 2237]

Without objection bill was introduced as requested by Representative Barnes regarding fair share representation fee. [HB 2235]

Without objection bill was introduced as requested by Representative Peterson regarding minimum wages which state contractors pay. [HB 2264]

Without objection bill was introduced as requested by Representative Powell regarding interstate commerce: sales of contact lens via Internet and mail order catalogs. [HB 2285]

Chairman Mays opened hearings on HB 2021

Written testimony from Senator Lana Oleen was distributed to committee (Attachment #1). The Special Committee on Federal and State Affairs interim study recommended legislation to establish registration for the "Lucky Shamrock" telephone dispensing machine.

Ms. Hein did not believe it was intent of this bill to affect her clients' ability to legally maintain promotions and incentives and suggested revised language which would not interrupt these events. (Attachment #2)

Mr. Thompson addressed the definition of a lottery machine's three required components: chance, consideration and prize. (Attachment #3) A vending machine which provides a prize as result of consideration or money and involves chance is a lottery machine not a vending machine. Because the Constitution clearly states that only the Kansas Lottery can operate lottery machines, any revisions to this bill should clarify vending machines and sweepstakes machines.

Questions from the committee were addressed by Mr. Kocher who referenced the Reports of the Special Committee on Federal and State Affairs to the 2001 Kansas Legislature (Attachment #4) specifically the Attorney General's opinion (No. 97-26) which concluded if machines and games are operated in a certain fashion they are neither a lottery or a gambling device. He believes the intent of this bill was not to include Lottery dispensing machines and offered a balloon (Attachment #5, specifically line 20) to clarify that vending machines do not include machines which dispense Kansas Lottery products.

Hearing on HB 2021 was closed.

Adjourned at 1:55. The next schedule meeting is January 31, 2001.