

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Nick Jordan at 8:05 A.M. on February 18, 2005 in Room 123-S of the Capitol.

All members were present except:
Susan Wagle- excused

Committee staff present:
Kathie Sparks, Kansas Legislative Research Department
Helen Pedigo, Revisor of Statutes
Jackie Lunn, Committee Secretary

Conferees appearing before the committee:
Kim Gulley, League of Kansas Municipalities
Richard Nienstedt, Ft. Scott City Manager
Mike Lackey, Kansas Society of Professional Engineers
Scott Heidner, American Council of Engineering Companies of Kansas
Secretary Miller, Secretary for Kansas Department of Transportation
Andy Haney, Public Works, City of Ottwa
Carole Jordan, Department of Ag Marketing
Susan Kang, KDHE
Patty Clark, Department of Commerce

Others attending:
See attached list.

Chairperson Jordan opened the meeting by calling on Terry Leatherman, KCCI and Jim DeHoff, AFL-CIO to ask if they have come to agreement on **SB 55**. Mr. DeHoff stated they cannot agree on the standards for the Breathalyzer test. Terry Leatherman, KCCI confirmed that fact. They are offering an amendment to the bill.

There was discussion with the Committee on the Breathalyzer test. In some cases the "0" tolerance might not be acceptable. If you take cold medication you would register .3 on the test. Reference was made to a letter Senator Emler forwarded to Senator Brownlee regarding "0" tolerance.

Senator Brownlee offered a proposed conceptional amendment to **SB55**. (Attachment 1) Senator Brownlee moved to accept the conceptional amendment. Seconded by Senator Kelly. Motion carried. Motion was made by Senator Emler to accept agreed upon changes. Senator Barone seconded. Motion carried. Senator Schodorf moved to pass the bill out favorably for passage. Senator Wysong seconded. Motion carried.

Chairperson Jordan offered information that Senator Barnett had asked the Committee to consider for funding of a summer program at Emporia State University and possibly add to **SB 139**. (Attachment 2) After discussion with the Committee the decision was made not to attach it to **SB 139**.

Chairperson Jordan referred to attachment 2 from Senator Barnett and feels it is a good idea and would give opportunity for students not wanting to leave their school during the school year. There was discussion on keeping the best and brightest in the schools and on the dynamic impact it will have as it grows.

Chairperson Jordan explained the balloon on **SB 139** (Attachment 3) which contained changes in language requested by Dr. Reggie Robinson, President of the Board of Regents. Helen Pedigo assisted Chairperson Jordan with the explanation of the balloon.

Senator Emler made a motion to accept the amendments of the balloon for **SB 139**. Senator Brownlee seconded. Motion carried. Senator Brownlee offered an amendment to add paragraph D to Page 2 allowing the Board of Regents the ability to establish summer academies. Senator Barone made motion to accept amendment. Senator Emler seconded. Motion carried. Senator Brownlee made motion to pass SB 139 out favorably as amended. Senator Reitz seconded. Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Commerce Committee at 8:30 A.M. on February 18, 2005 in Room 123-S of the Capitol.

Senator Schodorf made motion to approve the minutes for February 9th and February 10th. Senator Wysong seconded. Motion carried.

Upon approval of the minutes, Chairperson Jordan opened the hearing on **SB 173** by introducing Kim Gulley, Director of Policy Development & Communications for the League of Kansas Municipalities, to give her testimony. Ms. Gulley stated the League of Kansas Municipalities support **SB 173** and offered written testimony. (Attachment 4)

Chairperson Jordan introduced Richard Nienstedt, City Manager for the city of Ft. Scott to give his testimony. Mr. Nienstedt stated the city of Ft. Scott was in support of **SB 173**. Mr. Nienstedt offered written testimony. (Attachment 5) He stated in his testimony there were two major issues in Ft. Scott and with the passage of **SB 173** they would be able to solve these problems.

Chairperson Jordan introduced Mike Lackey from the Kansas Society of Professional Engineers to give his testimony. Mr. Lackey stated he was retired from the Department of Transportation where he spent 36 ½ years. He stated that the Kansas Society of Professional Engineers are opposed to **SB 173** and offered written testimony. (Attachment 6)

Chairperson Jordan introduced Scott Heidner with the American Council of Engineering Companies of Kansas to give his testimony. Mr. Heidner stated that the American Council of Engineering Companies of Kansas were opposed to **SB 173** and offered written testimony. (Attachment 7)

Chairperson Jordan introduced Secretary Deb Miller from the Department of Transportation to give her testimony. Secretary Miller stated that the Department of Transportation was opposed to **SB 173** and offered written testimony. (Attachment 8)

Chairperson Jordan introduced Andy Haney, Public Works for the City of Ottwa to give his testimony. Mr. Haney stated that the City of Ottwa was opposed to **SB 173** and offered written testimony. (Attachment 9)

Upon completion of Mr. Haney's testimony there was discussion with the Committee and Secretary Miller regarding new programs in place, particularly the Partnership Project. Also the discussion included the problem of speed limits and access points. Secretary Miller explained how they research and gather information from Traffic Engineering regarding the problems with speed limits and access points. She stated they try to be accommodating to the cities with all things considered. The issue is one of balance. They seek to work with the communities considering all things involved. Discussion on two situations in Ft. Scott, Secretary Miller stated the Walmart issue in Ft. Scott had been resolved and did not have knowledge of the other situation. Senator Barone stated it was a "Mon and Pop" situation. Secretary Miller stated they give upmost consideration to small businesses across the state. The consensus of the Committee was since the major issue has been resolved with the Walmart issue there possibly would not be a need for this bill. Clearly with the resolution of these two issues it appears the Department of Transportation does try to work for a conclusion to every situation they are faced with. The Committee feels the system which is in place with the Department of Transportation and the cities may be working.

Chairperson Jordan closed the hearing on **SB 173**.

Chairperson Jordan opened the hearing on **SB 233** by introducing Carole Jordan to give her testimony. Ms. Jordan stated food safety laws and regulations need to be universally applied to be effective. Therefore, they do not support exempting certain food service operations from these requirements. Ms. Jordan presented written testimony. (Attachment 10)

Chairperson Jordan introduced Susan Kang, Policy Director for the Kansas Department of Health and Environment. Ms. Kang stated that KDHE believes the licensing of all food service establishments is a critical element in protecting the health of all Kansas consumers. Ms. Kang presented written testimony. (Attachment 11)

Next Chairperson Jordan introduced Patty Clark, Director of Ag Marketing & Community Development for

CONTINUATION SHEET

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the Department of Commerce. Ms. Clark stated the Department of Commerce believes consideration should be given to raising the cap on the number of times an operation can provide food to the public without licensing. The cap currently is six times per year. Another suggestion is to move to a tiered licensing system in which the size of the operation or food service establishment would determine licensing fee. Ms. Clark presented written testimony. (Attachment 12)

Chairperson Jordan addressed Ms. Clark and asked if the three departments would get together and come up with a recommendation that might help the agritourism operator.

Chairperson Jordan closed the hearing and announced to the Committee they will be working bills on Monday and Tuesday of next week. Chairperson Jordan adjourned the meeting at 9:30 a.m. with the next meeting scheduled for Monday, February 21, 2005 at 8:30 a.m. in room 123S.