

Approved: April 4, 2003
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Bill Mason at 1:35 p.m. on March 24, 2003 in Room 313-S of the Capitol.

All members were present

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

Conferees appearing before the committee:

Proponents: Robert Longino, Director, Alcoholic Beverage Control
Robert Whitaker, Kansas Beer Wholesalers Association

Opponents None:

Others attending: See Attached

Representative Wilson moved that the February 18th, March 10th, 11th, 12th, and 20th minutes be approved. It was seconded by Representative Gilbert. The motion carried.

SB 2 - Agricultural remediation board and board of directors of KU hospital authority; members, terms of office.

The Chairman stated that a recent court ruling in Wyandotte County would have long term effects on the Liquor Control Act for the state and in the next few meetings they would hear and discuss options for possible action regarding that issue. **SB 2** would be the vehicle used for amendment.

Robert Longino, Director, ABC explained the history of the court case regarding Sunday sales of liquor. The judge ruled that there are three particular statutes in the Liquor Control Act that are not uniform and in the face of non-uniformity the court concluded that the defendants had the authority of the home-rule amendment of the Kansas constitution to charter out from under the statutory band of Sunday sales of alcohol and allow such sales in respect to jurisdictions. The integrity of the Act itself was compromised.

He explained the procedure that establishments would go through to sale liquor on Sunday. He described other issues that may result from this ruling. He presented two options for the committee to consider: 3rs0987 (Attachment 1) which does not allow Sunday sales and 3rs0982 (Attachment 2) which allows Sunday sales. Discussion followed regarding whether the Attorney General would appeal the decision and the impact of passing legislation at this time.

In response to a request of the committee, staff agreed to provide amendment briefs for comparison.

Neal Whitaker, Kansas Beer Wholesalers Association agreed that the Liquor Control Act is not uniform and they need a uniform bill to avoid misconceptions for wholesalers and liquor stores (no written

testimony).

The hearing was closed on **SB2**. The Chairman advised the committee to study the proposed amendment for future action.

HB 2420 - an act enacting the children's Internet protection act; prohibiting certain acts and providing remedies for violations.

Representative Hutchins made the motion to move HB 2420 out favorably. Representative Freeborn seconded the motion.

Representative Hutchins proposed a substitute bill for **HB 2420** (Attachment 3). She reviewed the differences in the bill which included definitions of "electronic material harmful to minors", "Internet filtering technology", "minor", "public library" and clarifying language. Testimony was distributed regarding the definition and explanation of "affirmative defense"(Attachment 4).

Discussion followed regarding: exemption of K-12, enforcement tool and penalty, cost estimate of program, levels of filtering service and libraries local control.

Representative Hutchins moved that they amend the proposed substitute for HB 2420. Representative Freeborn seconded the motion. With the permission of the second, Representative Hutchins suggested a change to the language in Section E and move the B-I language to sub-section C. The motion carried 12-7.

Representative Hutchins moved that they recommend the substitute for HB 2420, favorably for passage. Representative Morrison seconded the motion.

Representative Edmonds moved that K-12 libraries be included in the substitute HB 2420. Representative Ruff seconded. Representative Edmonds moved the motion. The motion failed 9-11.

Representative Edmonds moved to table substitute HB 2420. Representative Ruff seconded The motion failed 9-11.

The original motion to report substitute HB 2420 favorably for passage carried 12-9.

Written testimony was distributed from Representative Deena Horst (Attachment 5), and Gary Brunk (Attachment 6), Kansas Action for Children

The meeting adjourned at 3:10 p.m. with the next meeting scheduled for March 25, 1:30 p.m., room 313-S at the Capitol.

CONTINUATION SHEET