

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 7, 2007 in Room 231-N of the Capitol.

All members were present except:
Senator Anthony Hensley

Committee staff present:
Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:
Jason Gage, City of Salina
Senator Derek Schmidt

Others attending:
See attached list.

Senator Brungardt, requested a bill introduction for Senator Barone that would create the Fort Scott/Bourbon County Riverfront Authority. (Attachment 1)

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

SB 226 - Cereal malt beverages; discretion regarding suspension or revocation of license

Chairman Brungardt opened the hearing on **SB 266**.

Jason Gage, City Manager, city of Salina, spoke in favor of the bill. (Attachment 2) The bill would provide discretion to the local licensing authority regarding the following two actions:

1. Section 1 of the current statute requires that a cereal malt beverage (CMB) license not be issued if the applicant is in violation of any provision contained in subsections (b)(1) through (b)(11).
2. Section 2 currently requires that a license be revoked or suspended if the licensee is in violation of any provision contained in subsections (2)(1) through (2)(13).

The specific request as provided for under the bill is that the local licensing authority be granted reasonable discretion with regards to CMB license issuance, suspension and revocation actions and to ensure the penalty applied is fair and equitable with regard to the violation of the license holder. The city believes that reasonable licensing discretion would ensure an equitable penalty is applied to CMB license holders in violation of the CMB statute, but would also prevent the double jeopardy or creative restructuring scenarios. The city is in no way lessening the CMB enforcement action, only administrative flexibility to better administer the CMB enforcement.

Without objection the Revisor will amend the bill so that "city" and the board of county commissioners will be referenced on page 1 in both lines 15 and 21.

Gary Widget, Kansas for Addiction Prevention, felt that loosening the law was not the way to go.

Chairman Brungardt closed the hearing on **SB 266**

SB 244 - Funeral picketing; crime charges; libel and slander charge

Chairman Brungardt opened the hearing on **SB 244**.

Senator Derek Schmidt appeared in support of the bill. (Attachment 3) The bill contains language similar to funeral picketing bills in the past, in addition the bill contains two provisions which make it a stronger bill than its predecessors and establishes a 300 foot barrier around a funeral or procession in which

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picketing is not allowed. The bill also criminalizes blocking public streets, sidewalks or other public space.

There are two new provisions that strengthen the proposal; the bill directs the attorney general to bring declaratory judgment in court to challenge the constitutionality of the barrier; in order to reduce delays in implementing a protective barrier, the district court's decision could then be directly appealed to the Kansas Supreme Court. The bill allows a defamation lawsuit to be filed on behalf of the deceased individual or their family for any slander or libel that occurs at the funeral.

Mrs. Helen Stiffler, ([Attachment 4](#)) and Kimberly Cochran, ([Attachment 5](#)) provided written testimony in support of the bill.

Gary Widget, Kansas for Addiction Prevention, and a United Methodist Minister, asked that the committee move on this bill and spend his tax money to get rid of the protesters, he is a grandfather of a young man serving in downtown Bagdad, and an old air force serviceman.

Chairman Brungardt closed the hearing on **SB 244**.

The meeting was adjourned at 10:10 am. The next scheduled meeting is February 8, 2007.