

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 1:30 p.m. on March 18, 2009, in Room 143-N of the Capitol.

All members were present except:

Representative Mitch Holmes- excused  
Representative Steve Huebert- excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Jason Long, Office of the Revisor of Statutes  
Julian Efird, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Nikki Feuerborn, Committee Assistant

Conferees appearing before the Committee:

Senator Mike Petersen, ([Attachment 1](#))  
Jordan Austin, National Rifle Association ([Attachment 2](#))  
Larrie Ann Lower, Wine Institute ([Attachment 3](#))  
Tuck Duncan, Kansas Wine & Spirits Wholesalers Association ([Attachment 4](#))  
Philip Bradley, Kansas Viticulture and Farm Winery Association ([Attachment 5](#))  
Amy Campbell, Kansas Association of Beverage Retailers ([Attachment 6](#))  
Charles Jean-Baptiste, Kansas State Conference of Branches NAACP ([Attachment 7](#))  
Senator Anthony Hensley, ([Attachment 8](#))  
Senator Oletha Faust-Goudeau, ([Attachment 9](#))  
Senator David B. Haley, ([Attachment 10](#))  
Jason A. Gage, City Manager of Salina ([Attachment 12](#))

Others attending:

See attached list.

Representative Olson moved for the introduction of a bill regarding gair pricing on oil and gas purchases. Motion was seconded by Representative Ruiz. Motion carried.

Representative Swenson moved for the introduction of a resolution regarding the Food and Drug Administration. Motion was seconded by Representative Ruiz. Motion carried.

Representative Swenson moved to reintroduce a bill from the 2008 session regarding car title loans. Motion was seconded by Representative Ruiz. Motion carried.

Representative O'Brien moved to adopt the minutes of March 10 and 12 as written. Motion was seconded by Representative Olson. Motion carried.

**Hearing on HCR 5017 - Right to bear arms; hunting.**

Revisor Mike Heim explained that this request for an amendment to the Kansas Constitution would clarify the right to bear arms to mean an individual would have the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose.

Senator Mike Peterson testified in favor of the proposition as it would bring Kansas in line with the federal ruling ([Attachment 1](#)).

Jordan Austin, representing the National Rifle Association, spoke in favor of the proposed amendment which has been adopted by many other states as it clearly recognizes an individual right to keep and bear arms ([Attachment 2](#)).

Senator David Haley spoke in support of the proposition which he viewed as a technical cleanup.

Representative Brunk moved to report HCR 5017 as favorable for passage. Motion was seconded by Representative Carlson. Motion carried.

## CONTINUATION SHEET

Minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 18, 2009, in Room 143-N of the Capitol.

### **Hearing on SB 212 - Wine shipments, certain persons; licensure; limitations**

Revisor Jason Long explained the bill would simplify wine shipping rules in Kansas by making them consistent with other states. This proposal would allow twelve cases of wine per year to be sent to one address.

Larrie Ann Lower, representing the Wine Institute which is a public policy advocacy group of 1,100 California wineries and affiliated business, spoke in support of the bill which would allow direct shipments of wine to Kansas consumers with certain limitations ([Attachment 3](#)).

Tuck Duncan, representing Kansas Wine & Spirits Wholesalers Association, presented an amendment which would add the provisions of **SB 218 - Farm wineries; allowing farmers' market sales permits, allowing issuance of manufacturer's license, allowing manufacture by wine outlet licensees** to **SB 212**. His amendment would also include two severability clauses which would remove the incentive to litigate if **SB 218** becomes law ([Attachment 4](#)).

Philip Bradley, representing Kansas Viticulture and Farm Winery Association, offered testimony in support of **SB 212** as amended in the Senate with the option to review any further amendments ([Attachment 5](#)).

Amy Campbell, Kansas Association of Beverage Retailers, testified that her association would support the bill as long as it is not amended to include out-of-state retailers ([Attachment 6](#)). She suggested the following amendment: Amend K.S.A. 41-317 (b) by adding "(7) for a winery holding a special order shipping license, except if such winery has already complied with 41-317 (b) (6), \$750."

Chairman Neufeld closed the hearing on **SB 212** and advised the industry representatives to meet with Revisor Heim and work on the proposed amendments.

### **Hearing and Action on SB 54 - Brown v. Board of Education mural in the capitol**

Revisor Heim explained the bill would require the Kansas State Historical Society and the Department of Administration to develop plans for the placement of a mural in the State Capitol commemorating the United States Supreme Court decision in the case of *Brown v. Board of Education*. No public funds would be used for the costs of creating or installing the mural.

Charles Jean-Baptiste, President of the Kansas State Conference of Branches of the National Association for the Advancement of Colored People (NAACP), presented testimony in support of what he considers would be a supplement to the Brown Museum ([Attachment 7](#)).

Senator Anthony Hensley testified in support of the project which would be supported by fund raising through the Brown Foundation ([Attachment 8](#)). He estimated the cost of creating the mural would be \$250,000.

Senator Oletha Faust-Goudeau stated that such a mural depicting the court decision would be a memorial and add to the historical record currently displayed in the State Capitol ([Attachment 9](#)).

In his supportive remarks, Senator David B. Haley suggested that the funding should come through the State General Fund ([Attachment 10](#)).

Chairman Neufeld presented a balloon amendment which would put in place the Capitol Preservation Committee thus placing the development of plans for the mural under their auspice ([Attachment 11](#)).

**Representative Peterson moved to adopt the balloon amendment. Motion was seconded by Representative Swenson. Motion carried..**

It was explained that the date was omitted from the approved amendment as the date for completion of the restoration is unknown at this time. The work on the mural would not begin until such completion.

**Representative Olson moved to make the terms of the Capitol Preservation Committee two years. Motion was seconded by Representative Peterson. Motion carried.**

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Representative Peterson moved to report **SB 54** favorable for passage as amended. Motion was seconded by Representative Swenson. Motion carried..

**Discussion and Action on SB 53 - Licensure of cereal malt beverage retailers**

A letter of support from Jason A. Gage, City Manager of Salina, was distributed (Attachment 12).

Balloon amendments were distributed which would allow more discretion for local governing bodies in their enforcement of the licensure and activities of 3.2% cereal malt beverage establishments (Attachments 13 and 14).

Representative Peterson moved for the adoption of the balloon marked Attachment 13. Motion was seconded by Representative Ruiz. Motion carried.

Representative Peterson moved for the adoption of balloon marked Attachment 14. Motion was seconded by Representative O'Brien. Motion carried.

Representative Peterson moved to report **SB 53** favorable for passage as amended. Motion carried.

The next meeting is scheduled for March 19, 2009.

The meeting was adjourned at 3:12 p.m.