

Approved: 2-21-06
Date

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 8, 2006 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Kyle Smith
Philip Bradley, Kansas Licensed Beverage Association
Janey Wright, Wichita Festivals, Inc
Bob Saathoff, Ducks Unlimited
Shelly Chenoweth, Youth Entrepreneurs of Kansas
Pam Irish, House of Schwan
Tom Groneman, Alcoholic Beverage Control Division
Carol Williams, Governmental Ethics Commission
Senator Betts
Daniel Dempsey-Swope, Kansas African American Affairs Commission
Randy Rogers, Kansas Sheriffs Association

Others attending:

See attached list.

Philip Bradley, Kansas Licensed Beverage Association, appeared before the committee to request the introduction of two proposed bills.

1. Unfinished bottles of beverage alcohol may be carried out of a drinking establishment or club under limited specific circumstances
2. All Kansas issued drivers licenses shall expire upon the twenty-first birthday of the issued party

Senator Vratil made the motion that the request should be introduced as two committee bills. Senator Gilstrap seconded the motion. The motion carried.

Kyle Smith, Special Assistant Attorney General and Legal Counsel to the Kansas Commission on Police Officer Standards and Training, requested a bill introduction to separate the administration of officer certification from the education function of the Kansas Law Enforcement Training Center and so create a separate administrative agency. (Attachment 1)

Senator Vratil made the motion that the request should be introduced as a committee bill. Senator Gilstrap seconded the motion. The motion carried.

Chairman Brungardt opened the discussion on various liquor laws as related to festival and non-profit fund-raisers.

Janet Wright, President and CEO of Wichita Festivals, Inc., appeared before the committee with suggested changes to KSA 41-2645. (Attachment 2) The changes requested:

Strike "on unlicensed premises"

In (d) strike "premises" and insert "location." For example the Wichita River Festival is held throughout downtown Wichita

Amend (e) striking "3 days" and making the limit not more than 12 days a year

Add language that allows cities and counties to establish entertainment districts where alcoholic beverages and cereal malt beverages could be consumed outside of the Temporary Permit holder

or licensee's specific location

Add Temporary Permit holders to the list of licensees and permit holders to whom a Beer Wholesaler can sell

Amend keg registration statute to treat Temporary Permits the same as on premises retailers.

Other suggested changes:

Eliminate drink ticket requirement

Remove minimum drink price and same price all day requirement

Create a definition for a private party

Allow wholesalers or retailers to buy back excess product

Allow possession of the alcoholic beverages or CMB the day before the license period

Allow wholesalers or retailers to loan equipment to holders of temporary permits

Also, any changes that would become law would become effective immediately, rather than in July, to be helpful to the festival.

Bob Saathoff, Kansas Ducks Unlimited, spoke that each of their chapters holds at least one to two events a year and that trying to stay current on all the alcohol rules and regulations for each town, county, and state can be frustrating. (Attachment 3) Most of the work is done with volunteers, who sometimes are not knowledgeable in such matters, and must rely on the local authorities to interpret these rules and regulations.

Shelly Chenoweth, Youth Entrepreneurs of Kansas, spoke about fund-raising. (Attachment 4) She supports changes to KSA 41-2645 in several areas:

- Obtaining a temporary liquor license for charitable fund-raising events is a very complicated process, and non-profits have had difficulty with the interpretation of the law, creating a brief summary document for the non-profits as well as county or city officials would be helpful
- The complexity of the process actually causes some organizations to ignore the process entirely, causing loss in revenue to the state
- Coordination with county and city officials so there is consistency across the state regarding zoning as applied to temporary liquor licensing

Pam Irish, House of Schwan, Wichita, explained to the committee that there is no statute or regulation allowing the holder of a Special Event Permit to return unused product. (Attachment 5) Another concern is "leasing equipment" to the Special Event Permit holder; in her opinion to just "loan" the equipment at no charge would be the easiest way to handle.

Tom Groneman, Director, Alcoholic Beverage Control Division, provided the committee an overview on temporary permits, and rules and regulations. (Attachment 6) Mr. Groneman addressed several of the concerns of the conferees.

Chairman Brungardt suggested looking at the two issues separately: 1) non profits 2) festivals and the statutes that regulate them, and then revisit in the near future.

SB 68 - Elections; establishing requirements for daily reporting of campaign contributions, when

Chairman Brungardt opened the hearing on **SB 68**.

Carol Williams, Governmental Ethics Commission, appeared in favor of the bill and provided a balloon with amended language. (Attachment 7) The bill would require the reporting of last minute independent expenditures made by party committees and political action committees.

The Chairman asked for final action on **SB 68**.

Senator Hensley moved the balloon on the bill. Senator Vratil seconded the motion. The motion carried.

Senator Brownlee moved \$300 on line 19 be raised to \$1000. Senator O'Connor seconded the motion.

The motion failed.

Senator Vratil made the motion to pass the bill favorably as amended. Senator Reitz seconded the motion. The motion carried.

Chairman Brungardt closed the hearing on **SB 68**.

SB 486 – Racial Profiling Commission

Chairman Brungardt opened the hearing on **SB 486**.

Senator Betts, spoke in favor of the bill. (Attachment 8) The bill would create the racial profiling commission to continue the work the commission set up in 2005. The commission has worked beyond its authorization, and this act would replace it.

Danielle Dempsey-Sweopes, Kansas African American Affairs Commission, appeared in support of the bill and provided the committee with amended language. (Attachment 9) The amended language is line 14(b) replacing sentencing with racial profiling, breaking out (9) into two designees and renumbering.

William Minner, Kansas Human Rights Commission, (Attachment 10) and Elias Garcia, Kansas Hispanic & Latino American Affairs Commission, (Attachment 11) submitted written testimony in support of the bill.

Randy Rogers, Kansas Sheriffs Association, spoke in opposition of the bill. (Attachment 12) Mr. Rogers believes that the Racial Profiling legislation from last year has not been given enough time to work, and that there is minimal law enforcement representation on the commission.

Written testimony in opposition was submitted by Kyle Smith, Kansas Peace Officers Association, (Attachment 13) and Mike Watson, Kansas Association of Chiefs of Police. (Attachment 14)

Chairman Brungardt requested written testimony from Randy Rogers or Kyle Smith with their concerns and recommendations, copies of the Governor's Task Force on Racial Profiling report and recommendation, and copies of the bill **Substitute for SB 77** that was signed by the Governor on April 18, 2005 for the committee to review.

Chairman Brungardt closed the hearing on **SB 486**.

The meeting was adjourned at 11:55 am. The next scheduled meeting is February 9, 2006.