

Approved: 5/07/12
Date

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven R. Brunk at 1:30 p.m. on May 01, 2012, in Room 346-S of the Capitol.

All members were present except:

Representative Peterson - Excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes

Julian Efird, Kansas Legislative Research Department

Dennis Hodgins, Kansas Legislative Research Department

Stephen Bainum, Committee Assistant

Conferees appearing before the Committee:

Others attending: See attached.

Representative Hedke introduced a House Resolution, HR 6032 The United Nations Agenda 21. It was received without objection.

The Chairman called upon the committee to work **SB 276-Alcoholic beverages; amendments to law prohibiting licensee from hiring certain employees.**

Representative Goico asked what the compromise was between the positions. The Chairman said there were some policy changes that ABC came up with that will be a good idea at some point.

Representative Patton said that we heard from the state that no background checks were being done. There is no statute that requires it. Later the new administration started doing them and that caused a cost problem. The original bill was to transfer the costs to the private companies. The solution was to not do the background check until there was a reason to do them. The issue was settled without any additional law.

Representative Goico moved, seconded by Representative Howell to move SB 276 out favorably for passage.

Representative Goico made a motion to amend the bill with the compromise language.

Mike Heim said the compromise language would delete the lines 12 through 22. It would substitute for that "knowingly employ or continue to employ any person convicted of a person felony or a drug felony or someone who has to register as a sex offender".

Representative O'Hara asked if this would have anything to do with doing background checks on everyone. There is no current requirement for background checks in statute.

Representative Patton said the compromise had nothing to do with background checks.

Representative Wolfe Moore asked if law enforcement had endorsed this change. Some of them said that they were ok with that.

Representative Loganbill asked what the background checks cost. Doug Jorgensen replied that there are two types of background checks. There is the in state one that costs ABC \$7.00 and one that checks the FBI database and it costs two to three times as much.

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Representative Patton said the \$7.00 was paid to the KBI.

Representative Gregory asked if the KBI notifies you if a change occurs. Jorgensen said yes.

Representative Knox said you only have information on felonies committed in the state. You have no idea about a felony committed outside the state.

Representative Patton made a motion to table SB 276, seconded by Representative Knox, the motion carried.

The Chairman called upon the committee to work **SB 379—Farm winery licenses; delete requirement products be grown in Kansas; other changes.**

Representative Rubin said that when we left off working this bill last week I had introduced an amendment proposing a compromise with a two license solution. I would like to withdraw my motion amend, the second agrees. We are back on the base bill.

Representative Patton said that on page 2, line 30 the current law requires 60% and this bill changes that to 20%.

Representative Patton moved, seconded by Representative Goico to strike 20% and insert 30%.

Representative Kiegerl asked what we are trying to do here. They can ask for a waiver.

Representative Patton said he understood that current law requires 60% and the move to 30% makes it easier to comply.

Representative Brunk said that at 60% some are having trouble getting enough Kansas product.

Representative Grosserode said she was not convinced on the 30% and wanted to know how other states handle this issue.

Representative Grosserode made a motion to table SB 379, seconded by Representative Rubin, the motion failed 10 to 8. We are back on the base bill.

Representative Grosserode made a substitution motion to change the requirement to 51%, seconded by Representative Gregory.

Representative Rubin opposed the substitute motion. He said that we should keep the law the way it is and he could not support anything less than 60%.

Representative Wolfe Moore said that zero percent was working in Oklahoma and Iowa without a challenge.

The motion failed. We are back on the motion to change the requirement to 30%.

The Chairman called for a vote on the motion to change the requirement to 30%. The motion carried.

Representative Goico moved, seconded by Representative Wolfe Moore to pass SB 379 out favorably for passage as amended. The motion carried.

The Chairman called upon the committee to work **HR 6026—Tobacco Harm Reduction.**

Representative Goico moved, seconded by Representative Seiwert to pass HR 6026 out favorably for passage.

Representative Rubin spoke about the cost to the KDHE for doing this study. Representative Rubin moved a balloon amendment to require that the study be done “within the limits of existing appropriations”, seconded by Representative Gregory (Attachment 1).

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Representative Kiegerl asked where the money for the study would come from.

Representative Rubin said that the intent is to handle it with existing resources. *The motion carried.*

We are back on the bill as amended.

Representative Knox moved a balloon amendment, seconded by Representative Rubin. The motion carried.

Representative Loganbill said this bill would make it public policy to replace one form of a carcinogen, cigarettes, with another form of a carcinogen, smokeless tobacco. She opposes the bill.

Representative Kiegerl disagrees with Representative Loganbill.

Representative Knox asked if we were anti-tobacco or anti-cancer.

*Representative Rubin moved, seconded by Representative Holmes to pass out **HR 6026** favorably for passage as amended. The motion carried.*

Representative Loganbill, Wolfe Moore and Boman requested to be recorded as 'no' votes.

The Chairman called upon the committee to work **HB 2690–Kansas clean air act smoking on certain premises.**

Mike Heim reminded the committee of the changes in the bill.

*Representative Seiwert moved, Representative O'Hara seconded to move **HB 2690** out favorably for passage.*

Representative Kiegerl moved a balloon amendment dealing with restaurants establishing a smokeless area, seconded by Representative Gregory (Attachment 2).

Representative Seiwert asked if the amendment applied to all restaurants or only those with a separate smoking area. Representative Kiegerl said it applied to those who had a separate smoking area.

Representative Knox asked if there were any restaurants allowed to have only a smoking area. The Revisor said that if they choose to allow smoking they have to have a separate area with separate ventilation.

Restaurant Knox asked if any restaurant would be allowed to have only a smoking area. The Revisor said that the bill implies that they would have to provide a non-smoking area.

The Kiegerl motion failed. We are back on the base bill as amended.

The Chairman asked if there were any other amendments. Seeing none he called for a vote on the Seiwert motion to move **HB 2690** out favorably for passage as amended. *The motion carried.*

The meeting was adjourned at 3:50 p.m.

The next meeting is scheduled for April 26, 2012.