

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 7, 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
Diana Lee, Revisor of Statutes Office
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

Chairman Brungardt called for a motion to approve the minutes of January 10, 11, 12, 17, 18, and 19.

Senator Vratil moved to approve the committee minutes. Senator Gilstrap seconded the motion. The motion carried.

On the bench written testimony was presented by John Pinegar, Kansas Legislative Policy Group in support of **SB 379-Consolidation of municipalities.** (Attachment 1)

Discussion and Final Action:

SB 403 - Alcoholic beverage licensees; procedures relating to violations; prohibition against employing certain persons

Alcoholic Beverage Control (ABC) provided a response to questions asked by the committee on the bill. (Attachment 2)

Additional concerns were raised on page 1 line 21-27 on citation versus notice to appear. ABC will respond to this matter and get back with the committee.

SB 418 - Personal and family protection act; licensing to carry concealed firearms

The Revisor offered technical amendments, page 7 line 28 striking the word "or", page 8 line 25 (b) violation of this section and changing the wording to violation of a posted prohibition or restriction is a class B misdemeanor.

Senator Vratil moved to include the technical amendment provided by the Revisor. Senator Wilson seconded the motion. The motion carried.

Senator Wilson moved to pass SB 418 as amended. Senator Gilstrap seconded the motion. The motion carried.

SB 421 - Unlawful picketing or protest march at funeral or memorial service

Diana Lee, Revisor of Statutes, provided the committee an overview on Constitutional Issues in **SB 421.** (Attachment 3) She stated in order to withstand Constitutional scrutiny, a restriction on free speech in a public forum must:

1. Be content neutral

2. be a reasonable time, place, and manner restriction
3. leave alternate channels of communication open
4. be narrowly tailored to achieve a compelling governmental interest

Senator Vratil requested Ms. Lee to draft some language for the committee to review and Senator Hensley complimented Ms. Lee on a very informative memo.

The Chairman stated that this bill would not be worked today, and that next Tuesday, February 14, 2006, Professor Steve McAllister, KU Law, will present to the committee constitutionality of the bill.

SB 379-Consolidation of municipalities

Senator Ostmeyer moved an amendment for a dual majority vote. Senator Wilson seconded the motion. The motion failed.

Senator Hensley moved an amendment for a super majority vote. Senator Ostmeyer seconded the motion. The motion failed.

Senator Brownelee moved an amendment on page 3, line 19 – 21, that the vote would be at the next general election, instead of the next general election when a governor is elected. Senator Vratil seconded the motion. The motion carried.

Senator Brownlee moved an amendment that if an elected office is to be eliminated or if the offices are to be eliminated and the duties transferred to a non-elective office, the elimination question will be submitted to the voters on a separate line item. Senator Ostmeyer seconded the motion. The motion carried.

Senator Vratil moved to pass **SB 379** as amended. Senator Reitz seconded the motion. The motion carried.

Senator Wilson recorded as a no vote.

The meeting was adjourned at 11:25 am. The next scheduled meeting is February 8, 2006.