

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE.

The meeting was called to order by Chairperson Senator Nancey Harrington at 10:30 a.m. on February 28, 2001 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Russell Mills, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Theresa Kiernan, Office of the Revisor  
Nikki Kraus, Committee Secretary

Conferees appearing before the committee: Representative Melvin Neufeld  
Melissa Wangeman, Office of the Secretary of State

Others attending: See Attached List

Chairman Harrington opened the hearing on:

**HB 2036—Concerning the Rules and Regulations Filing Act**

Chairman Harrington introduced Representative Melvin Neufeld, who presented testimony in favor of the bill. Representative Neufeld stated that since the introduction of the Rules and Regulations Filing Act, the Secretary of State had been given the responsibility of keeping a copy of all of the material adopted by any state agencies. He stated that as a result, the basement was full of books at which no one ever looks. He stated that these records are extensive and costly, and that many times there will be requests to specific committees not to have to file for an amendment because they can be very expensive, sometimes over a thousand dollars a copy. He stated that this bill was designed to clean up the storage space in the Secretary of State's Office and cut back in paperwork as a whole.

Chairman Harrington recognized Melissa Wangeman from the Secretary of State's Office. Ms. Wangeman presented testimony in favor of the bill. (Attachment 1).

Chairman Harrington asked Representative Neufeld what the vote was in the House for **HB 2036**, and Representative Neufeld stated that it was a consent calendar item.

Senator Teichman made a motion to place **HB 2036** on the Senate consent calendar. Senator Gooch seconded the motion. The motion passed.

Chairman Harrington asked staff to explain a proposed balloon amendment to **SB 328— Concerning the registration of certain alcoholic beverage containers:**

Theresa Kiernan, Office of the Revisor of Statutes, explained the proposed balloon amendment. Senator Vratil asked if the deletion of preemption language would make regulation subject to Home Rule, and Ms. Kiernan stated that it would.

Senator Gooch asked if it would be better to add the amendments or simply to create a substitute bill, and Ms. Kiernan stated that a substitute bill would be cleaner, but that decision was up to the committee.

Senator Barnett stated that language had been added to the bill to clear up liability and that he had talked to four lawyers to confirm that. He stated that in Emporia, keg registration had not impacted legal sales; he stated that keg sales had gone down, but that was expected since some had been illegal in the past. Senator Barnett stated that liquor store owners were in favor of the bill, and that for him, the point of the bill was to

CONTINUATION SHEET  
MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE  
February 28, 2001

be fair and to save lives, and that it was important to weigh that against concerns about dram shop liability which really were not valid concerns. Senator Barnett stated that he hoped that the bill would be passed out of committee so that it could be heard on the floor.

Senator Vratil stated that it seemed like one of the main purposes of the bill was to make sure all cities and counties had keg registration so that people cannot simply go to another county to buy their kegs, but that the powers of Home Rule denied that.

Senator Barnett stated that he would ask Theresa Kiernan to clarify, and she stated that **SB 328** was a state-wide regulation and that Home Rule would only allow local areas to make it stricter, but not to negate it.

The committee discussed the need to wait on a court decision from the Supreme Court to see if Home Rule in the Constitution preempts the amendment. Both Senator Vratil and Ms. Kiernan agreed that in order to make the bill stronger and avoid problems the committee might want to put it into the criminal statutes, but Senator Brungardt stated that he was concerned about putting intoxicating beverages into other areas of the law.

The committee agreed that if the bill was passed and then the Supreme Court decision had some effect that the bill could be changed if necessary.

Senator Vratil and Theresa Kiernan both stated that no matter what happened to the bill, the preemption language ought to be put in again.

Senator Barnett stated that he respected Senator Vratil's opinion, but that he felt that the bill ought to be worked and then it can be dealt with later.

Rebecca Rice stated that the Supreme Court decision might have a negative effect on the bill and that if the decision is not in favor of the law then cities will continue to charter out from under the bill. In response to comments from Ms. Rice, Senator Barnett stated that he hoped people will try to encourage the bill, not try to opt out.

Senator O'Connor stated that she would like to know if it was possible for someone to buy a registered keg and then transfer the beer to an unregistered keg, and Senator Barnett stated that it would be illegal to be in possession of an unmarked keg. Chairman Harrington stated that anyone can find a way around things like this, just like ethics laws. Following further discussion, Senator Barnett stated that the bill concerns providing alcohol to a minor. Senator O'Connor stated that she did not see it as addressing the problem, only interfering with people trying to tailgate at a Chiefs' game.

Chairman Harrington stated that the point of the bill was to have a registered keg so that if an adult buys a keg and then gives alcohol to a minor and law enforcement is called, the adult who purchased the keg will be held responsible.

Theresa Kiernan stated that under current law, if someone bought a keg and put it in a big room, he should be sure that no one is under 21 or he may be held liable.

Senators Teichman and Gooch expressed concern that perhaps the bill had not been worked enough to be passed on to the entire Senate. Senator Barnett stated that he would be willing to develop a substitute.

Senator Gooch made a motion for a substitute bill to be created and brought back to committee. Senator Barnett seconded that motion. The motion passed.

Russell Mills presented a court decision on the Wyandotte case to the committee concerning tribal relations. (Attachment 2). He stated that the one and a half acres of land in downtown Kansas City, KS was ruled not to be a reservation and that the case is back in district court now.

The meeting was adjourned at 11:30 a.m. The next meeting is scheduled for 10:30 a.m., March 1, 2001.