

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS.

The meeting was called to order by Chairman Tony Powell at 1:30 p.m. on January 24, 2000 in Room 313-S of the Capitol.

All members were present.

Committee staff present: Theresa Kiernan, Revisor of Statutes
Russell Mills, Legislative Research
Mary Galligan, Legislative Research
Winnie Crapson, Secretary

Conferees appearing before the committee:
Rep. Jenkins
Lisa Stubbs
Ron Smith, Prince of Peace Lutheran Church
Whitney Damron, Lucas Liquor Superstore

Others attending: See attached list.

Chairman Powell opened the hearing on
HB 2637, Location of Liquor Retailers.

Representative Jenkins testified in support of the bill (Attachment #1). She stated its purpose was to provide an adequate buffer between liquor and children. Although the issue was brought to her attention by constituents, she is aware of similar concerns in other parts of the state. The development in her district is across the street from a day care operated by a church. The bill proposes to extend the present requirement of a 200-foot buffer zone to 200 yards and change the measurement from the present "premise to premise" to "property line to property line." She believes the State has accepted its responsibility to set minimum standards and this bill makes no change for local governments. She Jenkins proposed an amendment to the bill to include bars and drinking establishments (Attachment 1).

Lisa Stubbs, a resident of the 37th and Wanamaker neighborhood in Topeka and a 10-year member of Prince of Peace Lutheran Church, testified in support of the bill (Attachment #2). She believes it is absolutely necessary to provide a reasonable alcohol-free zone around churches and schools; that children and their educational and religious activities do not mix with the sale of alcohol; and that adequate restrictions need to be placed on their proximity to children and churches. In response to questions she said residents had tried their best with the local government on other issues and based upon that experience believed this should be dealt with at the state level which has the larger picture. **HB 2637** sets a minimum requirement and which local governments could change..

Ron Smith presented a resolution adopted by the Executive Board of Prince of Peace Lutheran Church of which he is President-elect (Attachment #3). The Church does not have a traditional sanctuary but a large community room which is used by a number of organizations. A nearby Catholic school uses it as their gymnasium.

Amy Campbell, Executive Director of the Retail Liquor Dealers Association, presented written questions (Attachment #4), some of which she said had been answered in the testimony of the proponents. She understands the proposed restriction would apply not only to new businesses but licensed establishments would not continue to be exempt from the restriction. The Association has taken no position on the bill.

Whitney Damron, testified in opposition to **HB 2637** on behalf of Lukas Liquor Super Store, Overland Park (Attachment #5). He stated that while this bill is about Topeka, it will affect everyone in the liquor business and urged the committee to exercise caution before more than tripling the minimum distance between liquor licensees and schools, colleges and churches. Property and property rights will be affected. The bill does nothing the Topeka City Council cannot already do.

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In response to questions as to why this should not be a local control matter, Representative Jenkins said state statute currently sets what the state believes is minimum and local governments can extend it further.

In response to questions about application of the law, Theresa Kiernan, Revisor, said this language applies to bars and drinking establishments and mirrors the language in the section that deals with liquor stores.

Representative Burroughs asked if there was objection to including other places regularly visited by children such as public libraries. Representative Jenkins said for the present situation she would like to keep this bill as clean as possible and would object to an amendment to add public libraries although she would be happy to support such legislation in the future. When asked if she had talked to members of the City Council, she responded that she had not, that it was not easy to deal with the city.

Representative Edmonds asked about including hospitals and clinics which conduct alcohol rehabilitation programs. Representative Jenkins reasserted her objection to further amendments because the developer is ready to move forward to locate a bar in the development and needs to have the opportunity to move it to the other end. **HB 2637** has to do only with minimum distance from churches and schools as a buffer area and would not prevent a sports bar or liquor store from going in at the other end of the strip mall.

Representative Klein said he was sympathetic with the particular situation Representative Jenkins was addressing and asked why “colleges” was included. Revisor Kiernan said that, too, is existing language.

Representative Rehorn said he thinks mayors are also accountable to people. Representative Jenkins said she believes the state has the responsibility to provide continuity on this issue and the responsibility to provide the base line of the minimum requirements.

No other proponent or opponent witnesses appearing, the hearing on **HB 2637** was closed and the committee began consideration of the bill.

Representative Morrison reported she had received a letter from a constituent expressing deep concern about a liquor store opening. Shortly before Thanksgiving she started to get a number of calls from people in the neighborhood concerned about the school and the Johnson Co. Mental Health Center located on this corner which treats alcoholics and drug addicts. They see people walk by the school with open containers. Over 200 people met with the Mayor and two members of the City Council.

For purposes of discussion Representative Klein moved adoption of **HB 2637** . Representative Mason seconded.

Representative Klein proposed amendment to sub-section 1(d) of **HB 2637** to state “provisions of this subsection shall not apply to premises located on property on which a licensed premise is or has been located prior to the effective date of this act.” Rep. Vickrey seconded.

Representative Klein explained he wants to protect people within the increased zone when the distance is expanded. Representative Mays said use should go with the property and not with the owner in accordance with most zoning laws.

The amendment to **HB 2637** passed 11-7.

Representative Edmonds moved an amendment to add pediatric clinics, drug and alcohol treatment centers. Rep. Burroughs seconded.

Representative Dahl: I offer a substitute motion to move this bill out favorably as amended.

Rep. Edmonds said he had concerns about items in the **HB 2637**. There are a number of items in this bill that are of some concern. I would vote against the substitute motion.

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Chairman Powell said he believed there should be a vote on Representative Edmonds' amendment.

Representative Dahl withdrew his substitute motion.

The amendment by Representative Edmonds failed.

In response to question Theresa Kiernan, Revisor, stated "church" is not defined in the Act..

Representative Mayans believes this bill is micro-managing local government and he would abstain from voting.

Representative Mason said he does not believe that this is a waste of time, that we do need space, that we are not compromising business by saying close them down. He stated he supports the bill and Representative Dahl's motion.

Representative Edmonds stated this is an important issue but this is the wrong venue. Representative Powell noted that if this was purely an issue of local control, the statute would not be in existence.

Representative Dahl moved to pass **HB 2637** the bill as amended favorable for passage. Seconded by Rep. Vining. The Motion passed 11-10.

Meeting adjourned. Next meeting will be January 25, 2000.