

Approved: 3-30-12
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 March 8, 2012, in Room 144-S of the Capitol.

All members were present except:
Senator Steve Morris- excused

Committee staff present:
Jason Long, Office of the Revisor of Statutes
Tamera Lawrence, Office of the Revisor of Statutes
Dennis Hodgins, Kansas Legislative Research Department
Connie Burns, Committee Assistant

Conferees appearing before the Committee:
Charles W. Klebe, Concealed Carry Unit, Attorney General Office
Ed Klumpp, Legislative Liaison
Philip Bradley, Kansas Licensed Beverage Association
Ron Hein, Kansas Restaurant and Hospitality Association
Doug Jorgensen, Alcoholic Beverage Control

Others attending:
See attached list.

SB 454—Firearms; personal and family protection act; criminal possession of a firearm; expungement

Chairman Brungardt opened the hearing on **SB 454**.

Staff provided an overview on the bill.

Charles W. Klebe, Assistant Attorney General, Concealed Carry Unit, testified in support of the bill. (Attachment 1) The bill is a “clean-up” in nature; there are some technical areas of consideration. The bill amends the definition of a “firearm” under KSA 21-5111, but it does bring Kansas into line with federal law by exempting “antique” firearms. The bill would allow for universal recognition of non-resident carry permits. New residents who hold a valid concealed carry permit from their previous state of residence will be able to instantly apply for a Kansas permit while also being granted a temporary permit as their application is being considered and processed. The Attorney General will create a list of states which meet or exceed Kansas’ requirements and that would automatically qualify for recognition for issuance of a Kansas permit.

Brent Wm. Gardner, State and Local Lobbyist, NRA Institute for Legislative Action provided written

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testimony in favor of the bill. (Attachment 2)

Ed Klumpp, Legislative Liaison, appeared as neutral on the bill. (Attachment 3) Mr. Klumpp stated that the potential impact of the amendment to the definition of firearm could have an affect on numerous criminal statutes; that could result in unintended consequence if not fully explored.

Chairman Brungardt closed the hearing on **SB 454**.

SB 452–Alcoholic beverages; permitting tastings on the licensed premises for clubs and drinking establishments

Chairman Brungardt opened the hearing on **SB 452**.

Staff provided an overview of the bill.

Philip Bradley, Kansas Licensed Beverage Association, appeared as a proponent on the bill. (Attachment 4) The bill would allow an on premise establishment to offer a sip of wine or seasonal beer prior to purchase; it self-limits as it is in the owners best interest.

Ron Hein, Kansas Restaurant and Hospitality Association, spoke in favor of the bill. (Attachment 5) KRHA drinking establishment members have numerous customers who would like to be able to taste an alcoholic beverage (wine or otherwise) prior to making their purchase decision, but pursuant to current law are unable to do so.

Doug Jorgensen, Director, Alcoholic Beverage Control, appeared in opposition to the bill. (Attachment 6) The purpose for free sampling by microbreweries and farm wineries is to educate consumers and encourage purchases for off-premise consumption. These establishments are “off-premise” licenses; meaning the consumer purchases the item and takes it away from the premises for consumption. The manufacturer’s premise, the sampling is all about education, as manufacturers may not sell directly to consumers. The difference with on-premise establishments like private clubs and drinking establishments is that the purchaser is actually consuming the drink then and there; there is very little educational opportunity and much room for abuse. ABC opposes the concept of free drinks in any fashion at on-premise establishments. Free drinks would inevitably lead to excess consumption and be especially appealing to younger drinkers.

Chairman Brungardt closed the hearings on **SB 452**.

Jason Long, Senior Assistant Revisor, provided a briefing on Farm Wineries and the 60% Production Requirement. (Attachment 7) The memorandum addresses the potential legal issues that could arise from the removal or significant reduction of the production requirement of KSA 41-308a(c). The subsection (c) of KSA 41-308a requires a farm winery licensee to use at least 60% Kansas grown product in the manufacture of its wine.

The requirement that 60% or more of the product used in the manufacturing of the wine be grown in

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Kansas is a key provision of the law in that it is tied directly to the legitimate local purpose of encouraging growth of domestic vineyards and wineries. Removal of the 60% requirement would arguably remove that portion of the act that advances a legitimate local purpose.

The reduction of the production percentage to something less than 60% could also potentially have legal ramifications. Thus, any reduction, and especially a significant reduction, in the percentage raises the potential for a constitutional challenge to the law.

The next meeting is scheduled for March 13, 2012. The meeting was adjourned at 11:55 a.m.