

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:36 A.M. on February 22, 2008, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Bruce Kinzie, Office of Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Others attending:

See attached list.

Final action on **SB 493–State-wide prohibition on smoking in indoor public areas** continued.

Senator Allen distributed a balloon amendment providing an exemption for certain sole proprietors of a business (Attachment 1).

Senator Allen moved, Senator Schmidt seconded, to adopt the balloon amendment provided by Senator Allen. Motion carried. Senator Lynn voted no and requested her vote recorded.

Senator Journey distributed a draft amendment recommended by the Restaurant and Hospitality Association which would provide exemptions for several businesses types including retail tobacco, private clubs, cigar bars, casinos, bingo parlors, and fully-designated smoking restaurants and removing the county-by-county vote (Attachment 2). Senator Journey reviewed the changes and discussion followed.

Senator Journey moved, Senator Donovan seconded, to amend SB 493 as reflected in Senator Journey’s draft amendment with a change to page 4 of the amendment, sub-section 15 which defines private club to read, “means a class A or a class B club”. Motion failed.

Senator Journey distributed a balloon amendment in which bars would be exempted (Attachment 3).

Senator Journey moved, Senator Donovan seconded, to adopt the balloon amendment. Motion carried.

Senator Haley moved, Senator Schmidt seconded, to amend the definition of bar on page 1, lines 20-22 to use the definition of bar from Senator Journey’s failed amendment (Attachment 2). Motion carried.

Senator Bruce distributed and explained a proposed balloon amendment relating to several exemptions (Attachment 4).

Senator Bruce moved, Senator Journey seconded, to adopt the proposed balloon amendment distributed by Senator Bruce. Motion carried.

Senator Journey distributed a balloon amendment in which exempt establishments with physical separate facility (Attachment 5).

Senator Journey moved, Senator Lynn seconded, to adopt the balloon amendment. Motion failed.

Senator Bruce moved, Senator Betts seconded, to amend SB 493 to allow the revisor license to insert language to prohibit minors in bingo parlors if smoking is allowed. Motion carried.

Senator Donovan moved, Senator Betts seconded, to modify the definition of cigar charity fund-raising event in the bill so that the entity conducting the fund-raising event does not have to be a 501(3)(c) but they must give net proceeds raised to a 501(c)(3). Motion carried.

The meeting adjourned at 10:35 A.M. The next scheduled meeting is February 25, 2008.