

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 January 31, 2008 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Melissa Doeblin, Revisor of Statutes Office  
Theresa Kiernan, Revisor of Statutes Office  
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Major General Tod Bunting, Kansas Adjutant General  
Senator Haley  
Colonel Bruce Woolpert, Kansas National Guard  
Philip Bradly, Kansas Licensed Beverage Association

Others attending:

See attached list.

Major General Tod Bunting, Kansas Adjutant General, provided the committee an overview of the Kansas National Guard. (Attachment 1) The Kansas National Guard was organized August 30, 1855, and its mission:

- homeland security for Territorial Kansas
- Border Conflicts between free-staters & pro-slavery forces
- defending against Indian raids

The Nation Guard has a dual mission the Federal is to train for wartime, and to support army and Air Force Missions, and the state is to protect life and property, peace and order, and civil defense. Traditional Guard training:

- 2 days/month unit training assemblies
- 15 annual training days
- 32-48 additional training periods
- extra days for exercises and deployments in support of active duty missions

27% of Kansas military equipment is either currently deployed or left in theatre. The Kansas National Guard led a 14 country multi-national disaster relief exercise in Armenia in July 2006. Financing the National Guard:

- Equipment from Army and Air Force Budget
- Operating budget separate from Army & Air Force
- Personnel Availability is key resource
- Equipment shortages- Individual: includes NVGs, weapons, radios and Major end items - vehicles, engineer equipment

Kansas 2007 Presidential disaster:

- December 31, 2006 - winter ice/snow storm - 44 counties
- May 4, 2007 - Greensburg Destroyed by Tornado/flooding in NE KS - 41 counties
- June 30, 2007 - Record setting floods in SE Kansas - counties
- December 10, 2007 - Winter ice/snow storm - 105 counties. (Not approved yet, but dollars threshold met)

Key lessons learned:

- relationships are the key to success
- recovery issues are very complex and not often planned for
- documentation
- Incident Command system (ICS) does work/Unified Command
- Disaster Recovery Center (DRC) - vital one stop shop
- full implementation of the Incident Management Teams

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- Coordination of air missions - Civil Air Patrol, Air Guard, KHP
- Definition of catastrophic event varies- planning needs vary community to community
- Ensure communication flow- all operational levels, county to state, PIO's and public affairs, FEMA with State
- Plan for multiple disasters at multiple locations at once
- Train State Emergency Operations Center personnel - provide position checklists of tasks
- Accurate, timely and regular media and public briefings, ensures public confidence, and be first, be right, be credible
- Be prepared to respond to promises elected officials make

Future threats:

- Terrorism
- Critical state security Mission - Wolf Creek Nuclear Power Plant
- Concerns over medical pandemic strike

Plans:

- military Ops/Urban Warfare Training
- Combined UAV/Intel/Land Forces Training
- Integrated with 184<sup>th</sup> assets
- convoy training
- civilian responder training - law enforcement, fire and medical

Question about National Guard equipment coming back from theatre, and Major General Tod Bunting replied that is improving, but leaves the guard with nothing to train on and nothing for the next disaster to respond to. Also provided incident report form one day of the most recent storm.

### **SB 397 -Consumption of alcohol at national guard armories**

Chairman Brungardt opened the hearing on **SB 397**.

Staff provided an overview of the bill. The bills in 2003 and 2004, the versions were drafted to allow alcohol at the armories if approved by the Adjutant General and the Kansas Military Board, but the version that became law in 2005 SB 298, did not include the armories.

Senator David Haley, appeared in favor of the bill. (Attachment 2) The bill would restore the practice of leasing the Guard Armory for groups that furnish their own alcoholic beverages, which had previously been done for many years.

Colonel Bruce Woolpert, Legal Advisor to the Adjutant General, and a Judge Advocate in the Kansas Army National Guard, and the Adjutant General is neutral on the bill. (Attachment 3) The bill neither enhances the National Guard's war fighting mission, or its ability to support civil authorities during times of emergencies or disasters. It may, however, provide support to local communities by providing venues in which citizens can gather for celebratory events. The implementation of this legislation would not be accomplished within the current budget or the current staffing levels; and would not be accomplished by salaried state employees or Kansas national guard federal employees but implementing will increase the work load of these employees. There would be an increase in costs associated with supplies, facility costs and pay, and allowance costs for State Active duty Man-days.

Fiscal Note provided in the amount of \$46,000. (Attachment 4)

Garry Winget, Kansas for Addiction Prevention, provided written testimony in opposition to the bill. (Attachment 5)

Philip Bradley, Kansas Licensed Beverage Association,(KLBA) appeared as neutral with amendments on the bill. (Attachment 6) The KLBA is concerned about a tax subsidized facility being able to use its building paid for by public dollars, maintained and operated by public dollars, to compete in those cities that have other choices; tax paying facilities, paid for by folks out of their own pockets as they attempt to survive and

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compete.

KBLA asked that the bill be amended to correct two other longstanding problems in this area of liquor consumption and sales. First to correct the affirmative defense for service if the server had “reasonable cause to believe that the minor was 21 or more years of age” in KSA 41-2615, c the language containing the photograph of the minor and purporting to establish that such minor was 21 or more years of age, and propose that it read, “that reasonably appears to contain a photograph of the minor and purporting to establish that such minor was 21 or more years of age.” Second is the “knowingly and unknowingly” language in the same statute, asked that “and unknowingly” be removed; if the alcohol is handed by the customer to an underage consumer completely out of sight of the server, that server is under current law guilty of a crime. Copies of ID’s were provided.

The committee asked questions about server training and has ABC seen the amendments, ABC will be addressing the committee next week, also about the fiscal note and overhead charges, could the costs be addressed as an increase in the rental fee, the National Guard will look at these figures.

Chairman Brungardt closed the hearing on **SB 397**.

The meeting was adjourned at 11:40 am. The next scheduled February 5,2008.