

Approved: April 28, 1994
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Chairman Lana Oleen at 11:05 a.m. on March 23, 1994 in Room 254-E of the Capitol.

All members were present except:
Sen. Hensley was excused

Committee staff present: Lynne Holt, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:
See attached agenda

Others attending: See attached list

Sen. Oleen opened the confirmation hearing for James E. Butler for appointment to the Human Rights Commission and introduced him, as he is one of her constituents. Mr. Butler made a statement to the committee, and Sen. Oleen referred to background information distributed to the committee (Attachment 1). Sen. Gooch stated he also has been a member of the Civil Rights Commission, now known as the Human Rights Commission. He asked Mr. Butler, since he has previously served on the commission, how he feels the commission functions today. Mr. Butler responded by referring to segregation problems in 1953 and allegations of discrimination among state employees. He recalled that a group was formed to investigate those allegations, which were based mainly on race. He stated the group now has expanded into nine categories, encompassing discrimination complaints from all walks of life. Mr. Butler explained the group was named Civil Rights Commission, which seemed to have negative connotations and was later changed to the Human Rights Commission. He stated he believes it is doing a lot of good things. Sen. Gooch stated it seems we have reached a point when laws cover all people and it is possible we no longer need the services of such a commission to provide a protective barrier. Mr. Butler responded the time will never come when we don't need a group who will hear complaints of discrimination from citizens and a place to seek those remedies. Sen. Oleen asked Mr. Butler if the focus of the commission has changed and if he has observed differences now as opposed to when he served on the commission years ago. Mr. Butler responded his support for the commission and stated the continuing training provided by the commission as well as the professional staff of people who are committed are positive changes. Sen. Oleen asked Mr. Butler how long he has served on the commission, and he responded he was appointed to fill an unexpired term in 1979 by former Gov. Carlin and reappointed for another term by former Gov. Hayden. The committee had no other questions, and Sen. Oleen closed the confirmation hearing.

Sen. Oleen announced the hearing for HB 2824, concerning alcoholic liquors, relating to reciprocal agreements between class A and B clubs. Mary Torrence briefed the committee on the bill, and explained the situation in Garden City where members of a class B club wish to be reciprocal with other clubs. Ms. Torrence explained the Class A clubs are not for profit clubs, and that reciprocity would have to be in the form of an agreement with other clubs. Sen. Oleen stated she has not received a fiscal note on the bill and asked Jim Conant, of Alcoholic Beverage Control, if the result would be that the clubs would have to file with ABC and if ABC would be required to check on reciprocal cards. Mr. Conant stated there would be no fiscal impact by passage of this bill; that his agency does not anticipate checking on reciprocal cards; that there are only 18 class B clubs in the state and he does not anticipate problems regarding the agreements which would be required if this bill were to pass. The sponsor of the bill, Rep. David Heinemann, was not able to be present because of commitments in the House; however, he did appear later in the meeting to give brief testimony (Attachment 2) and stand for questions. Sen. Gooch stated his concern for forcing reciprocal agreements between clubs and asked if that is what the bill will do. Ms. Torrence responded that the agreements would be voluntary. Sen. Oleen asked how many reciprocal club agreements the ABC has on file, and Mr. Conant responded it would not exceed 40; he stated, theoretically, all class A Clubs, which number approximately

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E
Statehouse, at 11:05 a.m. on March 23, 1994.

364, could enter into such agreements. However, the limiting factor is that most Class B clubs do not have enough food sales to qualify. There were no opponents to the bill, and Sen. Oleen closed the hearing.

Sen. Oleen called the committees' attention to HB 3055, abolishes division of emergency preparedness and establishes the division of Emergency Management and called attention to the one year time period before the Adjutant General's involvement, which was discussed during the hearing. She also stated the bill is amendable to include SB 827, relating to emergency interim successors to the office of governor, which will not be scheduled for hearing in the House due to time limitations. Sen. Praeger made a motion to amend the bill to include SB 827, and the motion was seconded by Sen. Tillotson; the motion passed. After clarification as to the effective date, Sen. Jones made a motion to amend the bill to include provisions for the city to petition, as previously discussed. Sen. Praeger seconded the motion, and it passed. Sen. Praeger made a motion the bill be passed favorably as amended, and it was seconded by Sen. Gooch; the motion passed. (Committee Report, Attachment 3)

Sen. Oleen recognized Sen. Tillotson, who introduced government students from St. Mary College and the mayor of Leavenworth. Pages from Sen. Hensley's district were also introduced.

Sen. Walker referred to SB 826, requiring permits for licensees and persons mixing, serving or selling alcoholic beverages, and asked the chairman for committee consideration of the bill. Sen. Walker made a motion the bill be passed favorably, and Sen. Praeger seconded the motion. Sen. Gooch requested that staff brief the committee on the bill. Sen. Oleen stated she had made a time commitment to committee members and would have to adjourn, but the committee will meet tomorrow when the motion made by Sen. Walker will be considered and discussed.

Meeting adjourned at 11:40.

GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: MARCH 23, 1994

[illegible]

Attach. 1

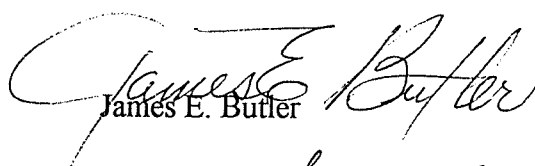
A VERY BRIEF OVERVIEW OF A LIFE

18 March 1994

TO WHOM IT MAY CONCERN:

My name is James Edmond Butler. I was born in Kansas City, Kansas on September 19, 1913. Although I did not realize it at the time, I lived in a ghetto in Kansas City, Kansas. The area extended seven blocks from north to south and nine blocks from east to west. I attended school in Kansas City, Kansas to include Sumner High School, the only all-black high school in the history of the state of Kansas. I graduated from Sumner in 1931, the same year that the Star Spangled Banner became the official National Anthem of the United States. The country was in a depression at the time and I went to Chicago in search of a job. Failing to find a job, I attempted to join the Army. I had hoped to become a Buffalo Soldier. The Army had four black units at the time - the 9th and 10th Cavalry and the 24th and 25th Infantry units. My hopes were dashed when I was unable to qualify in one of three specialties. I was not a blacksmith, I was not a barber and I was not a cook. I returned to Kansas City, Kansas and worked for the Works Progress Administration (W.P.A.) for \$3.20 per day. Later, I worked for the Wilson Packing Company. I was working for Wilson at the time of the attack on Pearl Harbor. My wife and I heard the announcement on the radio at 2:20 p.m., on December 7, 1941. I waited to be drafted but was not, I then volunteered on August 28, 1942. I was sent to Fort Belvoir, Virginia for Basic Training. After Basic Training, I was sent to the Aleutian Island where the Japanese were trying to establish a base of operations. I served for three years, four months, and was placed on reserve status in November 1945. I attended Kansas State University and re-entered the Army in March 1948. I retired from the Army in 1974, graduated from K-State in 1976, and attended Law School at Kansas University in 1981.

Respectfully,


James E. Butler

Senate Fed + State
March 23, 1994
Attachment 1

SENATE CONFIRMATION QUESTIONNAIRE
APPOINTMENTS BY GOVERNOR JOAN FINNEY

Name: James E. Butler

Home Address: 729 Canyon Drive

City, State, Zip Code: Manhattan, KS 66502

Home Phone: 913 / 537-2237

Business Address: 700 Poyntz Ave.

City, State, Zip Code: Manhattan, KS 66502

Business Phone: 913 / 537-7006

Date of Birth: 09/19/1913 Place of Birth Kansas City, KS

Party Affiliation Democrat

Appointed as: Commissioner, Kansas Human Rights Commission

Effective 7/11/93 July 1993 for the 4 year term

ending 7/10/97 July 1997 Succeeding Mr. Francis Acre

Salary Per Diem/travel Statutory Authority KSA 44-1003

Statutory Requirements KSA 44-1004

1. EDUCATION:
High School Summer High School, Kansas City, Kansas

Year Graduated 1931

| Postsecondary | Degree, etc. | Dates |
|-------------------------------------|---------------------|-------------|
| <u>Kansas State University</u> | <u>B.S.</u> | <u>1976</u> |
| <u>Kansas University Law School</u> | <u>One Semester</u> | <u>1982</u> |
| <u></u> | <u></u> | <u></u> |

2. MEMBERSHIP IN BUSINESS, TRADE AND PROFESSIONAL ORGANIZATIONS DURING PAST 10 YEARS:

| Dates | Name | Location |
|-------------|---|--------------------------------|
| <u>1976</u> | <u>National Honor Society (Psi Chi)</u> | <u>Kansas State University</u> |
| | <u>in Psychology</u> | <u>Manhattan, KS 66502</u> |
| <u>1982</u> | <u>N.A.A.C.P.</u> | <u>Manhattan, KS 66502</u> |

3. HAVE YOU EVER BEEN ELECTED OR APPOINTED TO ANY PUBLIC OFFICE IN KANSAS? X Yes No
If so, please list dates and offices held.

| Date | Office |
|----------------|-------------------------------------|
| <u>1978</u> | <u>Precinct Committeeman (Demo)</u> |
| <u>to</u> | <u>Ward 4 5th Precinct 4/5</u> |
| <u>Present</u> | <u>Still holding that office</u> |

4. HAVE YOU EVER BEEN EMPLOYED BY OR HELD A POSITION OR OFFICE WITH ANY FEDERAL, FOREIGN STATE, OR LOCAL GOVERNMENTAL ENTITY OR AGENCY? No
If so, please list dates and offices held:

| | |
|---------------|--|
| <u> </u> | <u>N/A (assuming this does not include military service)</u> |
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |

5. HAVE YOU BEEN A REGISTERED LOBBYIST OR EMPLOYED A REGISTERED LOBBYIST AT ANY TIME DURING THE PAST 5 YEARS? No
If you were a registered lobbyist, did you receive any compensation? N/A
List groups you represented or for which you employed a lobbyist:

| |
|---------------|
| <u>N/A</u> |
| <u> </u> |
| <u> </u> |

6. EXPERIENCE OR INTERESTS WHICH QUALIFY YOU FOR THE OFFICE TO WHICH YOU HAVE BEEN APPOINTED:

Graduate of the Department of Defense Race Relations Institute at Patr...
Air Force Base in Florida. Holder of B.S. degree in Social Sciences.
Member of National Honor Society in Psychology. Fifty years experience
in human relations.

7. SUMMARY OF BUSINESS OR PROFESSIONAL EXPERIENCE: I was a
professional soldier (Chief Warrant Officer) in the U.S. Army for
thirty-two years. My field was Personnel Administration.

8. HAVE YOU EVER BEEN A MEMBER OF THE ARMED FORCES OF THE UNITED STATES? Yes
If so, please list dates of service, branch of service and date and type of discharge:

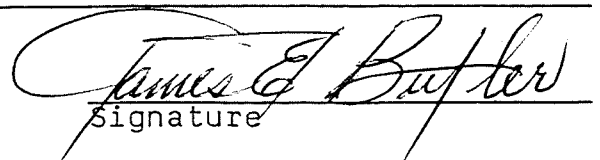
28 August 1942 - 31 December 1974 (Adjutant General Corps) U.S. Army
(Honorable Discharge) TOTAL: 32 years (Retired)

9. HAVE YOU EVER BEEN ARRESTED, CHARGED OR HELD BY FEDERAL, STATE OR OTHER LAW ENFORCEMENT AUTHORITIES FOR VIOLATION OF ANY FEDERAL LAW, STATE LAW, COUNTY OR MUNICIPAL LAW, REGULATION OR ORDINANCE (EXCLUDING TRAFFIC VIOLATIONS FOR WHICH A FINE OF \$100 OR LESS WAS IMPOSED)? No

10. DISPOSITION OF ANY INTERESTS THAT MIGHT HAVE PRESENTED A POTENTIAL CONFLICT OF INTEREST FOR THIS POSITION.

I have no potential conflict of interest to my knowledge.

Return to: Mary Holladay
Appointment Secretary
Office of the Governor
2nd Floor, State Capitol
Topeka, KS 66612


Signature



FILED

APR 09 1993

BILL GRAVES
SECRETARY OF STATE

KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR STATE BOARD MEMBERS

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by each member of a board, council or commission designated by their agency head (K.S.A. 46-247, 46-248, 46-282, and 46-285). Failure to complete and return this statement may result in a fine of \$10 per day for each day it remains unfiled. Also, any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

BUTLER JAMES E

Last Name

First Name

MI

BUTLER MARGARET L

Spouse's Name

729 CANYON DRIVE

Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

MANHATTAN KANSAS 66502

City, State, Zip Code

913**537**2237 913**537**7006

Home Phone Number

Business Phone Number

B. MEMBER OF A STATE BOARD, COUNCIL OR COMMISSION:

MORTUARY ARTS BOARD

List Name of Board, Council or Commission

KANS ST BD MORTUARY ARTS

List name of Agency

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

* 3560

KCGS&C 201-4, Rev. 2-92

1-5

- C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.
- If you have nothing to report in Section "C", check here ☒.

| BUSINESS NAME AND ADDRESS | TYPE OF BUSINESS | DESCRIPTION OF INTERESTS HELD | HELD BY WHOM | PERCENT OF OWNERSHIP INTERESTS |
|---------------------------|------------------|-------------------------------|---|--------------------------------|
| 1. | | | <input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly | |
| 2. | | | <input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly | |
| 3. | | | <input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly | |
| 4. | | | <input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly | |
| 5. | | | <input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly | |
| 6. | | | <input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly | |
| 7. | | | <input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly | |

- D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.
- If you have nothing to report in Section "D", check here ☒.

| NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED | ADDRESS | RECEIVED BY: |
|--|---------|--------------|
| 1. | | |
| 2. | | |
| 3. | | |

E. **RECEIPT OF COMPENSATION:** List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.
If you have nothing to report in Section "E"1, check here ____.

| | NAME OF BUSINESS | ADDRESS | TYPE OF BUSINESS |
|----|-----------------------|--|------------------|
| 1. | RETIRED SOLDIER (CWA) | DEPT OF ARMY (WASH DC) | DEFENSE |
| 2. | CHURCH CUSTODIAN | 7 th POYNTZ ST MANHATTAN, KS | RELIGION |

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.
If you have nothing to report in Section "E"2, check here ✓.

| | NAME OF BUSINESS | ADDRESS | TYPE OF BUSINESS |
|----|------------------|---------|------------------|
| 1. | | | |
| 2. | | | |

F. **OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS:** List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section.
If you have nothing to report in Section "F", check here ____.

| | BUSINESS NAME AND ADDRESS | POSITION HELD | HELD BY WHOM |
|----|---|------------------|-------------------------|
| 1. | KANSAS COLORED WOMEN'S CLUB (TOPEKA KANSAS) | VICE PRESIDENT | WIFE |
| | K.A.C. W.I.C. | | (MARGARET BUTLER) |
| 2. | Order of Eastern Star (SUNFLOWER CLUB #58) | ASSOCIATE MATRON | WIFE MARGARET BUTLER |
| 3. | | | |
| 4. | | | |
| 5. | | | |

- G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here ☒.

| | NAME OF CLIENT / CUSTOMER | ADDRESS | RECEIVED BY |
|-----|---------------------------|---------|-------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| 13. | | | |

H.

DECLARATION:

I, James E. Butler, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

4 April 1993
Date

James E. Butler
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES 0.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.



Attach 2
RE: HB 2824

January 25, 1994

Representative David Heinemann
State Capital
Topeka, Kansas 66612

Dear Representative Heinemann:

Thank you for meeting with Mr. David Johnson of Brookover Companies recently about Southwind's continuing operating problems as a result of the wording in Kansas Statutes and Kansas Alcoholic Control Regulations concerning Liquor Licenses.

Kansas Alcoholic Beverage Control Regulation Articles 19 and 20 provide:

- a. Class "A" Clubs - Every corporate applicant shall be a Kansas domestic not-for-profit corporation.
- b. Class "B" Clubs - Every corporate applicant shall be a Kansas domestic for-profit corporation.

These regulations and Kansas statutes prevent Class "A" clubs from reciprocating with Class "B" clubs. In other words, during your numerous stays in Topeka, you are prohibited from utilizing the Topeka Country Club as a reciprocal member from Southwind Country Club simply because the Topeka Club is member-owned (not-for-profit) and Southwind is owned by Brookover Companies (for-profit). This obviously, prevents us from providing full value to our members by entering into reciprocal agreements with all bona fide Country and City Clubs in Kansas. We have no problems securing reciprocal arrangements with many prestigious clubs throughout the United States, except in our own state.

In my opinion the Kansas Statutes and Alcoholic Beverage Control regulations should be changed to recognize bona fide private Country Clubs and City Clubs and allow all of these corporations to carry the same license regardless if they are "not-for-profit" or "for-profit".

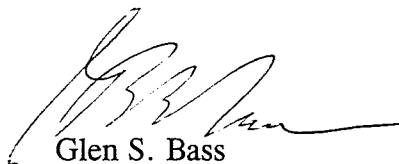
Senate Fed + State
March 23, 1994
Attachment 2

EST
2-27-94
Attach #16

I have spoken with Mr. Mike Montague, General Manager, Tallgrass Country Club, in Wichita, which is a "for-profit" club. Hopefully, he will also communicate with you regarding this issue.

Your help in addressing this problem would be appreciated. Should you desire additional information, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glen S. Bass', with a long horizontal flourish extending to the right.

Glen S. Bass
General Manager

GSB/rb

A small, handwritten mark or signature in the bottom right corner of the page.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Federal and State Affairs

Recommends that House Bill No. 3055 As Amended by House Committee of the Whole

"AN ACT abolishing the division of emergency preparedness; establishing the division of emergency management; amending K.S.A. 48-904, 48-907, 48-911, 48-915, 48-916, 48-917, 48-919, 48-920, 48-922, 48-923, 48-925, 48-926, 48-927, 48-928, 48-929, 48-930, 48-931, 48-933, 48-937, 74-616 and 75-3747 and K.S.A. 1993 Supp. 48-924, 48-940, 48-941, 48-942, 48-943, 48-944 and 75-6104; also repealing K.S.A. 48-905."

Be amended:

On page 7, in line 40, by striking the last "the"; in line 41, by striking "lieutenant governor" and inserting "an officer specified in K.S.A. 48-1204 and amendments thereto, in the order of succession provided by that section,";

On page 8, in line 1, by striking "the lieutenant governor" and inserting "such officer"; in line 3, before "Upon", by inserting "If a preceding officer in the order of succession becomes able and available, the authority of the officer exercising such powers shall terminate and such powers shall be conferred upon the preceding officer."; in line 5, by striking all after "of" and inserting "an officer to exercise the powers conferred by this section"; in line 7, by striking "such" and inserting "the"; in line 8, by striking "the lieutenant governor" and inserting "an officer";

On page 13, in line 27, by striking all after "year"; in line 28, by striking all before the comma and inserting "after the city's petition";

On page 19, after line 37, by inserting:

"Sec. 27. K.S.A. 48-1204 is hereby amended to read as follows: 48-1204. ~~In the event that~~ If the governor, ~~for--any--of~~ ~~the--reasons--specified-in~~ under the constitution, is not able to

Senate Fed + State
March 23, 1994
Attachment 3

exercise the powers and discharge the duties of the office, or is unavailable, ~~and-in-the-event-the-lieutenant-governor,-president of-the-senate,-and-the-speaker-of-the-house-of-representatives-be not-able~~ an officer specified in K.S.A. 75-125 and amendments thereto, in the order of succession provided by that section, shall exercise the powers and duties of the office of governor. If all such officers are not able or are unavailable to exercise the powers and discharge the duties of the office of governor, or be--unavailable,-the--secretary--of--state,-attorney---general,-chancellor--of--the-university-of-Kansas-and-the-president-of-the Kansas-state-university-of-agriculture-and-applied-science-shall,-in--the--order--named,-if--the--preceding--named---officers---be unavailable, the secretary of state, or, if the secretary of state is not able or is unavailable, the attorney general, shall exercise the powers and discharge the duties of the office of governor until a new governor is elected and qualified, or until a preceding named officer, becomes able and available. No emergency interim successor to-the-aforementioned-offices of an officer specified in K.S.A. 75-125 and amendments thereto or in this section may serve as governor."

By renumbering sections 27 through 31 as sections 28 through 32;

On page 24, in line 5, before "74-616", by inserting "48-1204,";

In the title, in line 11, after "ACT", by inserting "disaster emergencies;"; in line 12, before "amending", by inserting "relating to emergency interim successors to the office of governor;"; in line 15, before "74-616", by inserting "48-1204,";

And the bill be passed as amended.

Chairperson