

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 1:30 p.m. on March 02, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Rocky Fund – Excused
Representative Mike Kiegerl – Excused
Representative Connie O'Brien – Excused
Representative Mike Peterson - Excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Stephen Bainum, Committee Assistant

Conferees appearing before the Committee:

Dale Goter, City of Wichita
Sandy Jacquot, Director of Law, League of Kansas Municipalities
Doug Mays, Ice and Olives
Sandi Wilber, Ice and Olives

Others attending:

See attached list.

The Chairman called for bill introductions. Representative Pat Colloton introduced a bill concerning community corrections programs. It was received without objection.

Chairman Brunk opened the hearing on **SB 25 Authorizing temporary licenses for on-premises sale of cereal malt beverage.**

Mike Heim explained the changes made by the bill.

Dale Goter presented testimony as a proponent of **SB 25 (Attachment 1)**. He said that the bill will allow for a reasonable system of municipal oversight over CMB sales at special events of three days or less. Representative Goico said that this bill would fix a problem they have had for special events. Representative Gregory asked if the restricted area would be like a beer garden or a fenced area? Dale said yes it would be a designated area, not the whole city. Representative Loganbill said that the statute would be changed to publication on the register. Dale said that they would prefer that it be dealt with in a conference committee. Representative Brunk asked how it would be handled if it was not effective until July and the River Festival is in June? Dale said that for a worst case scenario they would do it like they did last year. Representative Rubin asked why the Senate had removed the language of three consecutive days? Dale said that since the River Fest is longer than that the Senate decided to change it to the duration of the event. It was changed by amendment in the Senate.

Sandy Jacquot presented testimony as a proponent of **SB 25 (Attachment 2)**. She urged passage of the bill to avoid confusion in complying with the law.

Representative Holmes asked if there was anything in the bill to prevent the whole city becoming a beer garden? Sandy said that there are several properties that you are allowed to exempt for consumption of CMB. There is also the issue that it is not to be consumed on public property and so you have to identify the area. Representative Boman asked if there was provision to limit the duration of an event? Sandy said no there wasn't for two reasons. One is the confined area where it can be consumed. Two is if they wanted to do it for an extended time they would just get a CMB license.

Doug Mays presented testimony as a proponent of **SB 25 (Attachment 3)**. He requested an amendment (**Attachment 4**) to allow a license for a club or drinking establishment to be issued to any person who owns and operates a coffee shop and whose spouse has a license as a retailer under the Kansas liquor

CONTINUATION SHEET

The minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 02, 2011, in Room 346-S of the Capitol.

control act. He presented the case of Sandy Wilbur's coffee shop and her inability to get an on premise license because her husband owns a liquor store. Representative Patton asked what provision the amendment attempted to change? Doug said that they were concerned that product might be taken from the liquor store to the coffee shop and the state would lose some revenue or it would be sold cheaper at a discount. Doug said that those things could not happen today. Representative Gatewood asked if the husband has a license does the spouse have to pass a background check? Doug thought the answer was yes.

Sandi Wilber presented testimony as a proponent of **SB 25 (Attachment 5)**. She said that the law as it stands is discriminatory because it disallows her a license because she is married. Representative Rubin asked if her establishment was a restaurant? She said that it was a delicatessen, she would not call it a restaurant. We serve deli sandwiches at this point. If this were approved we would acquire some cooking facilities and expand our menu and hours of service. Representative Brunk asked if you would still be a coffee shop so that the amendment would apply to you.

Sarah Burn, Assistant Attorney General, Alcoholic Beverage Control stood to give an explanation and answer questions from the committee. She said the statute we are talking about does not refer to a man or a woman but only refers to a spouse. The reason behind the statute is that they did not want any sweetheart deals between the retailers who sell alcoholic beverages for resell. Retailers can do that but they have to sell it at the same price to everybody. Representative Gregory asked if she had looked at the amendment wording? Sarah said she had looked at several different wordings of the amendment with the Revisors and each one had some unforeseen consequences. The problem is that it opens the possibility of a crossover between the retail tier and the on premise drinking establishment tier. Representative Gatewood asked if a liquor store could sell to a drinking establishment directly without a wholesale license? The retail store has to hold what is called a Federal Basic Wholesalers permit to do that. There is still the problem of selling at a lower price. Representative Knox said that you could look at their inventory and determine if an exchange had occurred.

Rebecca Rice, legal council to the Kansas Beer Wholesalers Association, said that yes, it can be complicated. There can be inheritable interests. Yes, there can be any kind of illegal activity but they also can be compelled to testify. It is a built in safeguard for this highly regulated consumer product. To treat it cavalierly as though we don't need these regulations is wrong. Our laws are not arcane. They are much less restrictive than many states. This suggested amendment would erase a tier. This amendment is very controversial and would have no public hearing if it goes on this bill.

Philip Bradley agreed that this amendment should be heard by a public hearing because there are other people who would like to be heard on it that are not here.

Janet C Wright submitted written only testimony as a proponent of **SB 25 (Attachment 6)**. She said that they would support any changes that would streamline and clarify the process.

The hearing on **SB 25** was closed.

The Chairman opened the hearing on **SB 80 Alcoholic beverages; amendments relating to beer and microbreweries.**

Mike Heim explained the changes in the bill. Representative Boman asked what monitoring an event by ABC meant. Does it mean they have to have someone from the agency there? Mike said it could mean that or a notice that they are having it and could be subject to an inspection.

Philip Bradley, representing the Kansas Craft Brewers Guild, gave testimony as a proponent of **SB 80 (Attachment 7)**. He urged passage for two reasons. One is to allow for 10% alcohol by weight and the second is that it would equalize the sampling rules with farm wineries. Representative Boman asked if increasing to 10% by weight would increase drunkenness on the street? Philip said that they are trained so that they do not over-serve and they must understand where their customers are so I believe that it will not. Representative Loganbill asked if the beers they are competing against are measured by volume, and that would roughly translate to a 10% alcohol? And this would put them on a level playing field.

CONTINUATION SHEET

The minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 02, 2011, in Room 346-S of the Capitol.

The Chairman opened the hearing on **HB 2178** **Granting professional license to nonresident individuals.**

Mike Heim provided an explanation of the changes in the bill. Representative Wolfe Moore asked why there was an exception for the practice of law? Mike thought that one would be required to know Kansas law in order to practice Kansas law. Representative Gatewood asked how we know if the spouse has been disciplined? Mike assumed that the licensing body would check for that. Representative Goico said that this would be one of the criteria on which military bases would be judged. Passing this bill would make Kansas competitive for military bases. Representative Wolfe Moore asked about differences of requirements for different states, especially with KDHE. Mike said page 1, line 15 says that the licensing body determines the criteria for license. Representative Brunk asked if this bill included National Guard and Reserves? Mike said that it requires that they be in active service.

Martin L. Dempsey, Department of Defense Regional Liaison for Military Families for the Midwest, Office of the Deputy Assistant Secretary of Defense, presented testimony as a proponent of **HB 2178** (**Attachment 8**). He said that this was the Number One issue of the ten state issues addressing military family concerns. Decisions to stay in the military may depend on the spouses ability to provide income. We believe they should not have to sacrifice their goals and dreams to stay in the military. Representative Brunk asked what other states were doing. We have two states that have passed this bill and 19 states that are considering it this year. Representative Goico said that passing this bill would make the state more friendly to the military. Martin agreed. Representative Bowers asked if this would include teachers? Martin said they would be included.

Betty Wright, Executive Director, Kansas Dental Board presented testimony as neutral on **HB 2178** (**Attachment 9**). She said that the Dental Board recognizes the licensee's professional license when active in another state. Part of their licensure requirement is that the applicant must pass a jurisprudence examination, it is an open-book, true and false test about the Dental Practices Act. This assures that the applicants are aware of the applicable laws for acceptable practice in Kansas. Betty asked that if the bill is passed that they be allowed to examine the applicant for their understanding of Kansas law. Representative Knox asked if her suggested amendment was only meant to allow them to do as they are presently doing. Representative Gatewood asked if they require all dentists and hygienists to take a Kansas law exam to issue a license? Betty said yes.

John Armbrust, Executive Director, Governor's Military Council, presented testimony as a proponent of **HB 2178** (**Attachment 10**). He said that military friendly bills have been put forward for a long time.

Debra Billingsley, Executive Secretary of the Kansas State Board of Pharmacy, presented testimony as an opponent of **HB 2178** (**Attachment 11**). She said that the Board already practices reciprocity with all the 50 states and the District of Columbia. The only difference is that they also require a Pharmacy Jurisprudence Exam. Representative Brunk said that on page 1, B1 there is a restriction that another state have an equivalent license, would that satisfy your concerns? Debra said that if that was the interpretation then it appears that we would be able to give that exam. Representative Goico said that the ID cards for military spouses had to be renewed every three years. Representative Knox asked if there were other licenses that we have not heard from that might have different situations.

Representative Loganbill asked for copies of the Colorado and Florida state statutes.

Dirk Hanson, DVM, Executive director, Kansas Board of Veterinary Examiners gave written only testimony as an opponent of **HB 2178** (**Attachment 12**).

Kelli J. Stevens, General Counsel, Kansas State Board of Healing Arts, gave written only testimony as an opponent of **HB 2178** (**Attachment 13**).

The next meeting is scheduled for March 03, 2011.

The meeting was adjourned at 3:12 p.m.

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

3.2.11

ROOM 346-S

NAME	REPRESENTING
Jonathan Reeves	Rep. Davis
Dale Gater	City of Wichita
Rebecca Rice	Ks Beer Wholesalers Assn.
Judy Jacquet	LKM
Doug Mays	Ice & Olives, LLC
Sandi Wilber	"
John Ambrosio	Governor's Military Council
John Mays	Defense State Liaison Office
Orick Hicksey	KHRC
By 2nd	KABR
Kim McCauslin	School of social welfare / KU
Dustin Fish	school of social welfare / KU
Nardos Jesta	School of Social welfare / KU
Alicia Nickel	School of Social welfare / KU
Steve Irwin	KDHE
Brenda Huel	KDHE
SARAH BYRNE	ABC
Russell Burtar	KASW
Megan Brooks	Legislative Intern - Rep. Don Hill

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

3.2.11

ROOM 346-S

NAME	REPRESENTING
Cole Thonasset	ACMHC
Dodd J. Thonasset	Ks. Osteopathic Association
Danarum H. Hone	KMS - intern
TED HARRY	C.S.
DEREK HENRY	NEW LAW FIRM
Mandy McDe	SCofKS
Adelby Lindsey	KU - Social Welfare
Mindy Gehman	HU
Amber L. Kelly	KU - Social Welfare
Rebekah Hays	KSBHA
Kelli Stevens	KSBHA
Brett Wright	Kansas Dental Board
Debra Billingsley	KBOP
George Reser	Kan. Veterinary Medical Assoc.
Nancy Giff	KU School of Social Welfare
Diana Munoz-Galvan	KU School of Social Welfare
Todd Fertig	Kichito Eagle
Jay Ives	Blind Tiger Brewery + Restaurant
Phil Bradley	KCBA - KCBA - KVPWA



Dale Goter
Government Relations Manager

TESTIMONY

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Wichita Phone: 316.268.4351
dgoter@wichita.gov

House Federal and State Affairs

Hearing on SB25

Wednesday, March 2, 1:30 p.m.

Chairman Brunk and members of the House Federal and State Affairs Committee:

The City of Wichita asks your favorable consideration of Senate Bill 25 dealing with temporary permits for the sale of cereal malt beverage (CMB).

The need for this legislation arose when the City of Wichita was recently informed by the Division of Alcohol Beverage Control (ABC) in the Kansas Department of Revenue that the City's longstanding practice of granting temporary permits for the sale of CMB was in conflict with state statute.

The City of Wichita is in agreement with ABC and is currently using an interim system of annual licenses to allow CMB sales at special events. Under the interim system, approved by ABC, the licensee agrees to return the license at the end of the special event.

Adoption of SB25 will allow for a reasonable system of municipal oversight over CMB sales at special events of three days or less. It does not create a new category of CMB sales different from what has been in practice for past years in Wichita and other Kansas communities.

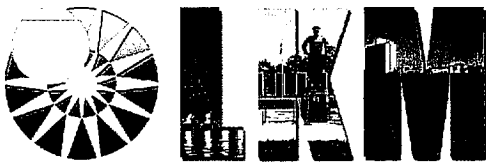
The proposed amendment has been vetted with lobbyists representing various alcohol-related interests in the State of Kansas. None have raised objections, and several have offered their individual endorsements. Those include Casey's General Stores, Kansas Beer Wholesalers Association, Petroleum Marketers and Convenience Stores Association (PMCA) and Kansas Wine and Spirits Wholesalers. The Kansas Association of Beverage Retailers is supportive as long as the legislation continues to apply only to CMB.

Thank you for the opportunity to present this request to the committee.

House Fed & State Affairs

Date: 3.2.11

Attachment 1



TO: House Federal and State Affairs Committee

FROM: Sandy Jacquot, Director of Law/General Counsel

DATE: March 2, 2011

RE: Support for SB 25

Thank you for allowing the League of Kansas Municipalities to testify in support of SB 25. This bill would allow for cities and counties to issue special event licenses for the sale of cereal malt beverage on a temporary basis. For years, cities have issued temporary CMB licenses, without statutory authorization, under their home rule authority. Until the past couple of years, this was never an issue. At that time, the Alcoholic Beverage Control Division of the Kansas Department of Revenue began denying wholesalers the ability to deliver CMB to holders of licenses that were not issued on a calendar year or annual year basis, which is what K.S.A. 41-2703 currently requires.

LKM has begun advising cities to issue calendar year licenses that must be returned after the special event, or that are calendar year licenses only good for certain events. A legislative solution is a better option in this case to avoid the confusion that could ensue by cities attempting to comply with law, but doing so in different ways that may result in wholesalers not delivering the CMB to the vendor.

Therefore, LKM supports SB 25 and requests that this committee report the bill out favorably for passage.

House Fed & State Affairs

Date: 3.2.11

Attachment 2

TESTIMONY

TO: The Honorable Steve Brunk, Chair and
Members of the House Committee on Federal and State Affairs

FROM: Doug Mays
On behalf of Ice and Olives, Sandi Wilber

RE: Amendment to SB 25

DATE: March 2, 2011

Good afternoon Mr. Chair and members of the committee. I come before you, today, to offer an amendment to SB 25. The amendment does not affect the base bill itself. Rather, it corrects an anomaly in this state's liquor statutes that any objective assessment would find unfair.

A Topeka deli and coffee shop proprietor, Sandi Wilber, will speak to you regarding a quirk in Kansas liquor statutes that has caused a problem for her and her business. Put simply, virtually any coffee shop owner in Kansas meeting basic regulatory requirements can obtain a license to serve beer and wine in their place of business. Anyone, that is, unless their spouse happens to own a liquor store.

Ms Wilber's husband does happen to own a liquor store. And in spite of the fact that both Ms. Wilber and her husband share no ownership in each other's business, she is cannot follow her business plan because of her husband's choice of occupations.

The fact is, in the context of the times in which we live, Ms. Wilber has been barred from doing what other identical businesses right here in Topeka and across the state are allowed to do, entirely because she is married.

The existing statutory language is old and from a time when women rarely pursued any business endeavor without the permission and strict oversight of their husband.

Times have changed.

Mr. Chairman and members of the committee, the revisor has drafted an amendment to SR 25. I urge you to adopt the amendment, and pass Senate Bill 25.

House Fed & State Affairs

Date: 3.2.11

Attachment 3

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 25

By Committee on Federal and State Affairs

1-18

1 AN ACT concerning alcoholic beverages; authorizing issuance of
2 special event retailers' license [permit] for sales of cereal malt
3 beverage; amending K.S.A. 2010 Supp. 41-2703 and repealing the
4 existing section.

41-2623 and

sections

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2010 Supp. 41-2703 is hereby amended to read
8 as follows: 41-2703. (a) After examination of an application for a
9 retailer's license, the board of county commissioners or the director
10 shall, if they approve the same, issue a license to the applicant. The
11 governing body of the city shall, if the applicant is qualified as
12 provided by law, issue a license to such applicant.

13 (b) No retailer's license shall be issued to:

14 (1) A person who is not a resident of the county in which the place
15 of business covered by the license is located, has not been a resident of
16 such county for at least six months or has not been a resident in good
17 faith of the state of Kansas.

18 (2) A person who has not been a resident of this state for at least
19 one year immediately preceding application for a retailer's license.

20 (3) A person who is not of good character and reputation in the
21 community in which the person resides.

22 (4) A person who is not a citizen of the United States.

23 (5) A person who, within two years immediately preceding the
24 date of application approval, has been convicted of, released from
25 incarceration for or released from probation or parole for a felony or
26 any crime involving moral turpitude, drunkenness, driving a motor
27 vehicle while under the influence of intoxicating liquor or violation of
28 any other intoxicating liquor law of any state or of the United States.

29 (6) A partnership, unless all the members of the partnership are
30 otherwise qualified to obtain a license.

31 (7) A corporation, if any manager, officer or director thereof, or

Balloon

Committee on

Federal and State Affairs

March 1, 2011

House Fed & State Affairs

Date: 3.2.11

Attachment 4

4-2

1 any stockholder owning in the aggregate more than 25% of the stock
2 of such corporation, would be ineligible to receive a license hereunder
3 for any reason other than the citizenship and residency requirements.

4 (8) A person whose place of business is conducted by a manager
5 or agent unless the manager or agent possesses all the qualifications of
6 a licensee.

7 (9) A person whose spouse would be ineligible to receive a
8 retailer's license for any reason other than citizenship, residence
9 requirements or age, except that this subsection (b) (9) shall not apply
10 in determining eligibility for a renewal license.

11 (10) A person whose spouse has been convicted of a felony or
12 other crime which would disqualify a person from licensure under this
13 section and such felony or other crime was committed during the time
14 that the spouse held a license under this act.

15 (c) After examination of an application for a retailer's license, the
16 board of county commissioners or the governing body of a city may
17 deny a license to a person, partnership or corporation if any manager,
18 officer or director thereof, or any stockholder owning in the aggregate
19 more than 25% of the stock of such corporation, has been an officer,
20 manager, director or a stockholder owning in the aggregate more than
21 25% of the stock, of a corporation which has:

22 (1) Had a retailer's license revoked under K.S.A. 41-2708, and
23 amendments thereto; or

24 (2) been convicted of a violation of the club and drinking
25 establishment act or the cereal malt beverage laws of this state.

26 (d) Retailers' licenses shall be issued ~~either~~ **either** on an annual
27 basis ~~or, or for the calendar year or on a temporary basis as set forth in~~
28 ~~subsection (e).~~ If such licenses are issued on an annual basis, the board
29 of county commissioners or the governing body of the city shall notify
30 the distributors supplying the county or city on or before April 1 of the
31 year if a retailer's license is not renewed.

32 (e) *In addition to, and consistent with the requirements of K.S.A.*
33 *41-2701 et seq., and amendments thereto, the board of county*
34 *commissioners of any county or the governing body of any city may*
35 *provide by resolution or ordinance for the issuance of a special event*
36 *retailers' license permit which shall allow the license permit holder to*
37 *offer for sale, sell and serve cereal malt beverage for consumption on*
38 *unlicensed unpermitted premises, which may be open to the public,*
39 *subject to the following:*

(1) A special event retailers' ~~license~~ **permit** shall specify the premises for which the ~~license~~ **permit** is issued;

(2) a special event retailers' ~~license~~ **permit** shall be issued for a ~~period of time not to exceed three consecutive days~~ **the duration of the special event**, the dates and hours of which shall be specified in the ~~license~~ **permit**;

(3) no more than four special event retailers' ~~licenses~~ **permits** may be issued to any one applicant in a calendar year; and

(4) a special event retailers' ~~license~~ **permit** shall not be transferable or assignable.

~~(f) Any person holding a special event retailers' license issued pursuant to a county resolution or city ordinance adopted in accordance with subsection (e) shall be considered to be a retailer licensed under K.S.A. 41-2702, and amendments thereto.~~

~~(g) The director shall propose rules and regulations necessary to carry out the intent and purpose of this section in accordance with the provisions of K.S.A. 41-210, and amendments thereto.~~

(f) A special event retailers' permit holder shall not be subject to the provisions of the beer and cereal malt beverage keg registration act, K.S.A. 41-2901 et seq., and amendments thereto.

~~Sec. 2.~~ K.S.A. 2010 Supp. 41-2703 is hereby repealed.

~~Sec. 3.~~ This act shall take effect and be in force from and after its publication in the statute book.

SEE INSERT

3.

41-2623 and

are

4.

4-3

INSERT

Session of 2011

SENATE BILL No. 25

5-1-11

Sec. 2. K.S.A. 2010 Supp. 41-2623 is hereby amended to read as follows: 41-2623. (a) No license shall be issued under the provisions of this act to:

(1) Any person described in subsection (a)(1), (2), (4), (5), (6), (7), (8), (9), (12) or (13) of K.S.A. 41-311, and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the Kansas liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) Any person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act may be issued any or all of the following: (1) Class B club license; (2) drinking establishment license; and (3) caterer's license.

(F) A license for a club or drinking establishment may be issued to any person who owns and operates a coffee shop and whose spouse has a license as a retailer under the Kansas liquor control act.

(5) A copartnership, unless all of the copartners are qualified to obtain a license.

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(8) A corporation organized under the laws of any state other than this state.

(9) A trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) of K.S.A. 41-311, and amendments thereto shall not apply in determining whether a beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person who does not own the premises for which a license is sought, or does not, at the time the application is submitted, have a written lease thereon, except that an applicant seeking a license for a premises which is owned by a city or county, or is a stadium, arena, convention center, theater, museum, amphitheater or other similar premises may submit an executed agreement to provide alcoholic beverage services at the premises listed in the application in lieu of a lease.

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

Testimony of Sandi Wilber

House Committee on Federal and State Affairs

March 2 2011

Senate Bill 25

Ice & Olives is a specialty food store, delicatessen and coffee shop located at 3627 SE 29th Street in Topeka. I, Sandi Wilber, am the sole owner of Ice & Olives, a single member LLC. My husband is the sole owner of a Kansas Liquor store, Lakeside Wine and Spirits. These two businesses are totally separate.

Recently, I attempted to acquire an on premise liquor license that would allow me to upscale my dinner menu and offer a "bistro" type atmosphere, which would serve wine and imported beers. This new addition to my business would bring a much needed revenue stream to Ice & Olives, and would also generate additional taxes at both the state and local level. It will result in hiring new employees, purchasing new equipment, and providing a much needed dining venue in southeast Topeka. These are all good for Kansas and the local economy!

According to Kansas law, however, the spouse of a liquor store owner is not allowed an on premise license.

It doesn't seem fair that, solely based on the fact that I am married, the State of Kansas can dictate what I can and cannot do in my business. Other identical businesses in Topeka and throughout the state do have on premise licenses. This seems very discriminatory!

It is my understanding that this law has been on the books for a long time -- long before couples living together without marriage was common place. The reality is I could file for divorce, continue my existing relationship with my husband, and have an on premise license in 60 days. This is NOT what I want to do. I believe in marriage and would prefer to stay married.

That is why I am requesting a statutory change in the Kansas liquor law to allow me, Sandi Wilber, sole owner of Ice & Olives, to acquire an on premise license without having to divorce my husband in order to save my business.

I respectfully submit this testimony in high hopes that you will change this discriminatory law and allow my business to compete on a level playing field.

Sandi Wilber
Proprietor
Ice & Olives LLC

House Fed & State Affairs

Date: 3.2.11

Attachment

5



Testimony on Senate Bill 25
Kansas House Federal and State Affairs Committee
March 2, 2011

Chairman Brunk and committee members:

This testimony is in support of Senate Bill 25 and the revisions to K.S.A. 2010, Supp. 41-2703 regarding special event permits for the sale of cereal malt beverages. Wichita Festivals, Inc., produces community events in Wichita, the most notable, the Wichita River Festival. This annual nine-day event has been conducted for the last 39 years in downtown Wichita. We also produce a three-day art show and sale, Autumn & Art at Bradley Fair in September.

As a service to attendees at Riverfest, we have served cereal malt beverage for the last 20+ years, contracting with a local State liquor license holder to manage and serve the product. With changes in the law, it has become more difficult to know what permits are required for this temporary service and how to manage the purchase, delivery and equipment needed to sell the product.

Managing CMB sales is a small component of the organizational structure required for Riverfest and Autumn & Art at Bradley. Unfortunately, it takes an inordinate amount of time to manage the process required for the rewards it brings. We would support any changes which would help streamline and clarify the process.

Thank you for your time.

Respectfully,

Janet C. Wright
President/CEO

1820 E. Douglas, Wichita, KS 67214, 316.267.2817, www.wichitafestivals.com

House Fed & State Affairs

Date: 3-2-11

Attachment

6

12, 2011

House Federal & State Affairs Committee Testimony on SB-80

Mr. Chairman, and Senators of the Committee,

I am Philip Bradley representing the Craft Brewers Guild of Kansas. Thank you for the opportunity to present testimony today.

There are currently 17 Microbrewery and Package Warehouse Facility Licenses in Kansas. There is a list attached.

We ask you to pass favorably SB 80 and if appropriate recommend it for the Consent agenda. It addresses two simple but significant issues. The first is to allow for 10% alcohol by weight (ABW) micro brewed beer. Kansas Statutes measures the strength of alcohol in two ways. Those are by weight as in CMB's (3.2 ABW) and by volume (ABV) as in the Liquor Control Act. These computations using different terms and scales are confusing. It is much like trying to judge how cold it is by both Fahrenheit and Celsius. Now that the industry is changing and moving to meet consumer demand, KS brewers are making more craft type brews. They are matching and I believe surpassing the quality of other out of state brews that are already allowed these levels. Some of these craft brews approach the current legal levels and to be competitive and to assure complete compliance they ask you to adjust these levels.

The second is the equalization of our sampling rules with farm wineries. This would make events like the recent Kansas Days and the upcoming Washington Days simpler and more efficient. The KCBG has and is providing a sampling at both these events. This would bring us into line with this language in the Farm winery statutes; *From 41-403a – Farm Wineries, rights of licensee: (4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;*

We believe these adjustments will only enhance the consumers experience and are will of no harm to the state or its citizens. This bill passed the Senate F&SA committee unanimously to the Consent Agenda and 39-0 on Final Action in the Senate.

Thank you for your time.



Philip Bradley

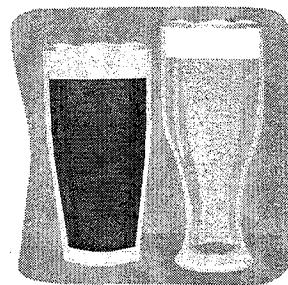
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Attachment

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KCBG- Kansas Craft Brewers Guild are the microbrewers and craft brewers of Kansas. We are a diverse group that embraces the commercial operations and the home hobby artist brewer.



**KANSAS
CRAFT
BREWERS
GUILD**

PRESIDENT/CHAIR
STEVE BRADT
FREE STATE BREWING

VICE-PRESIDENT
R.D. JOHNSON
HIGH NOON SALOON
AND BREWERY

SECRETARY/TREASURER
JEFF GILL
TALLGRASS BREWING

REPRESENTED BY

PHILIP BRADLEY

PBB@SUNFLOWER.COM

785-766-7492

7-2

County	Owner	Business Name	Street	City	Zip	License Type	Process Agent (PA)
arton	MOEDER,LEONARD L	MOS PLACE	1908 ELM ST	BEAVER	67525	Microbrewery (20)	
ouglass	23RD STREET BREWERY	23RD STREET BREWERY	3512 CLINTON PKWY	LAWRENCE	66047	Microbrewery (20)	LLEWELLYN,MATTHEW P
ouglass	FREE STATE BREWING CO INC	FREE STATE BREWING CO	1923 MOODIE RD	LAWRENCE	66046	Microbrewery (20)	MAGERL,CHUCK
ouglass	FREE STATE BREWING CO INC	FREE STATE BREWING CO	636 MASSACHUSETTS	LAWRENCE	66044	Microbrewery (20)	MAGERL,CHUCK
ouglass	S&W INVESTMENT CO INC	POOL ROOM	925 IOWA ST	LAWRENCE	66044	Microbrewery (20)	AGNEW,ANDREW S
llis	GELLAS DINER & LIQUID BREAD	GELLAS DINER & LIQUID	117 E 11TH ST	HAYS	67601	Microbrewery (20)	WYMAN,GERALD L
ohnson	GRANITE CITY OF KANSAS LTD	GRANITE CITY FOOD &	15085 W 119TH ST	OLATHE	66062	Microbrewery (20)	HUTTON,WILLIAM W
avenworth	CENTENNIAL ENT. GROUP	HIGH NOON SALOON &	206 CHOCTAW	LEAVENWORTH	66048	Microbrewery (20)	THOMPSON,JOHN F
lcperson	SLS LLC	SWEDISH CROWN RESTAURANT	121 N MAIN	LINDSBORG	67456	Microbrewery (20)	SPOHN,SHARON
ottawatomie	TALLGRASS BREWING COMPANY	TALLGRASS BREWING CO.	8845 QUAIL LANE	MANHATTAN	66502	Microbrewery (20)	GILL,JEFFREY D
lley	LITTLE APPLE BREWING CO INC	LITTLE APPLE BREWING CO	1110 WESTLOOP	MANHATTAN	66502	Microbrewery (20)	LOUB,RUSSELL
edgwick	GRANITE CITY OF KANSAS LTD	GRANITE CITY FOOD &	2661 N MAIZE RD	WICHITA	67205	Microbrewery (20)	HUTTON,WILLIAM W
edgwick	GRANITE CITY OF KANSAS LTD	GRANITE CITY FOOD &	2244 N WEBB RD	WICHITA	67226	Microbrewery (20)	HUTTON,WILLIAM W
edgwick	SANFORD,HENRY K	HANK IS WISER	213 N MAIN ST	CHENEY	67025	Microbrewery (20)	
edgwick	WICHITA HOPPS LLC	RIVER CITY BREWERY	150 N MOSLEY	WICHITA	67202	Microbrewery (20)	ARNOLD,CHRIS R
awnee	TIGER ENTERPRISES INC	BLIND TIGER BREWERY	417 SW 37TH ST	TOPEKA	66611	Microbrewery (20)	IVES,JAMES
yandotte	GRANITE CITY OF KANSAS LTD	GRANITE CITY FOOD &	1701 VILLAGE WEST PKWY	KANSAS CITY	66111	Microbrewery (20)	HUTTON,WILLIAM W

otal number of records returned: 17

Statement of
Martin L. Dempsey
State Liaison, Midwest Region
DoD-State Liaison Office
Office of the Deputy Assistant Secretary of Defense,
Military Community and Family Policy
House Bill 2178

Mister Chairman and committee members, thank you for this opportunity to express Department of Defense support for HB 2178. My name is Martin Dempsey, Department of Defense Regional Liaison for Military Families for the Midwest, working for the Deputy Assistant Secretary of Defense for Military Family & Community Policy. Mister Chairman, on behalf of the Deputy Assistant Secretary of Defense, thank you for the opportunity to discuss temporary licenses for military spouses who move to Kansas as part of the military family. This issue is now Number One of the Department's ten key state issues addressing military family concerns, especially given White House attention and Michelle Obama's focus on military families. As with many mobile careers today, most decisions to stay in the military are made around the kitchen table and not in the personnel office. To retain our trained and experienced military, we must retain the family. The Defense Manpower Data Center (DMDC) reported in a survey of active duty service members that 59% of our military are married. That percentage increases to 72% for non commissioned officers and 73% for officers. As you know, NCOs and Officers possess the critical experience necessary for our professional armed forces. Over 70% of their spouses say they want to work, or need to work. We don't know for sure how many are professionally licensed, but even a small fraction would be a significant number. Like all other families today, they depend on the two incomes to achieve their goals and aspirations and succeed as a family. Clearly, military families today face challenges unique to their mobile lifestyle. We believe they should not have to sacrifice their goals and dreams as well. The proposed policy consideration in this bill will help level the playing field for our military spouses so they can meet their families financial needs and continue their own careers.

In closing, we are grateful for the tremendous effort that Kansas has historically provided in supporting our service members and their families, including the interstate compact on education and the benchmark child custody bills in the last two years alone. Thank you to our sponsor in this effort, Rep Sloan, and this committee for your support.

Thank you for taking up this issue so quickly, and for your consideration. I stand by for any questions you may have. I can be reached at (785) 263-1945 martin.dempsey@sbcglobal.net

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Attachment 8

Kansas Dental Board
Landon State Office Building
900 SW Jackson, Room 564-S
Topeka, KS 66612



phone: 785-296-6400
fax: 785-296-3116
www.ks.gov/kdb

Betty Wright, Executive Director

Kansas Dental Board

Sam Brownback, Governor

Testimony re: HB 2178
House Committee on Federal and State Affairs
Presented by Betty Wright, Executive Director of the Kansas Dental Board
March 2, 2011

Chairman Brunk and Members of the Committee:

My name is Betty Wright, and I have been the Executive Director of the Kansas Dental Board since December 2005. The Board consists of nine members: six dentists, two hygienists and one public member. The mission of the Dental Board is to protect the public through licensure and regulation of the dental profession, consisting of 4517 licensees, 2112 dentists and 2403 hygienists.

The board licenses dentists and hygienists by credentials, which means that we recognize the licensee's professional license when active in another state. Our application is already in an affidavit form. We routinely license out of state professionals, and the process is not lengthy. Our procedures appropriately protect the public by validating the qualifications of the applicants. The processing of applications is timely and only delayed if an applicant fails to provide appropriate documentation in a timely manner.

Part of our licensure requirement is that the applicant must take and pass a jurisprudence examination; it is an open-book, true and false test about the Dental Practices Act. This is the Kansas statutes and regulations on dentistry and dental hygiene. This step ensures that the applicants are aware of the applicable laws for acceptable practice in Kansas. If the bill is passed, we would ask that boards continue to be allowed to examine an applicant for their understanding of the Kansas law regulating their professions.

A suggested amendment could be,

if it is a standard part of the application process, boards may administer a test for competency on the Kansas laws of their profession as a requirement for a license of the nonresident military spouse.

I am glad to stand for questions by the Committee.

Sincerely,

Betty Wright
Executive Director
Kansas Dental Board

House Fed & State Affairs

Date: 3.2.11

Attachment

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Governor's Military Council

House Standing Committee on Federal and State Affairs
Testimony on HB 2178
(Concerning licenses and permits; relating to nonresident military spouses)

March 2, 2011

Dear Chairman Brunk,

The Governor's Military Council's supports passage of HB 2178.

In June 2010 the Council held meetings with DoD officials in Washington D.C. to discuss possible ways the State of Kansas could further its efforts to become a more military friendly state. One of the suggestions given during our meeting was for Kansas to more readily accept the licensures from other states of military spouses. We believe HB 2178 meets the intent of DoD's suggested action.

Additionally, in January of this year the President released a report entitled, "Strengthening our Military Families: Meeting America's Commitment". This report summarizes a government-wide review that results in brings together the resources of the entire Federal Government to address the needs and support required by military families now and in the future. One of the key tenets in this report is addressing the need to "reduce the burden to employment and services due to different state policies and standards." HB 2178 addresses this initiative directly.

As a result of the above, we urge the Committee to fully support HB 2178.

Sincerely,

John Armbrust
Executive Director
Governor's Military Council
501 Poyntz
Manhattan, KS 66502
E-mail: john@manhattan.org
Phone: 785-776-8829
Fax: 785-776-0679
Cell: 785-375-3399

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Testimony concerning HB 2178
Committee on House Federal and State Affairs
Presented by Debra Billingsley
On behalf of
The Kansas Board of Pharmacy
March 2, 2011

Chairman Brunk and Members of the Committee:

My name is Debra Billingsley and I am the Executive Secretary of the Kansas State Board of Pharmacy. The Board is created by statute and is comprised of seven members, each of whom is appointed by the Governor. Of the seven, six are licensed pharmacists and one is a member of the general public. It is the mission of the Board of Pharmacy to ensure that all persons and entities conducting business relating to the practice of pharmacy in this state are properly licensed and registered so as to protect the public's health, safety and welfare.

HB 2178 would require the Board of Pharmacy, upon application, to issue a license to a nonresident military spouse, so long as the individual held a current license in another state, district, or territory of the United States that was equivalent to that of Kansas. The Board would be permitted to collect a fee and to review the background of the individual seeking licensure. The Board of Pharmacy does not support this bill for the following reasons.

Currently, the Board is reciprocal with and permits license transfers from every state and the District of Columbia. A pharmacist may transfer their license after they fill out an electronic application through the National Association of Boards of Pharmacy (NABP). The pharmacist's license undergoes a background check and is screened through the NABP Clearinghouse, a national repository of pharmacist information supplied by all state boards of pharmacy. A license that is eligible for transfer must be active, unrestricted, and in good standing.

Each state board requires that the applicant pass a Pharmacy Jurisprudence Exam (MPJE). The MPJE combines federal and state specific questions to test the pharmacy jurisprudence knowledge of

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Date: 3-2-11

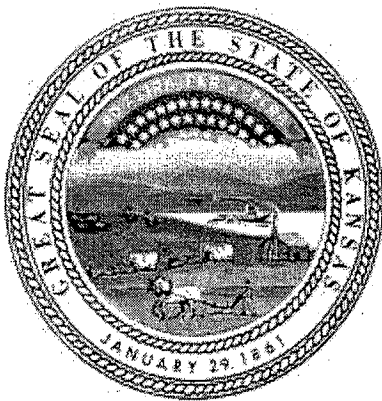
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prospective pharmacists. The MPJE tests candidates on legal aspects of pharmacy practice including responsibilities with regard to the distribution and dispensing of pharmaceuticals and for the care of patients. It also tests on regulatory structure and rules that affect pharmacists and pharmacies in their respective state. The examination is a computer-adaptive exam and given all over the country at any Pearson Vue testing center. It tests for a thorough understanding of the laws of each state since they vary greatly. Once the examination has been taken and the individual has received a passing grade they will be licensed in Kansas within approximately 2-5 days.

The number of license transfers has climbed modestly each year. The Board of Pharmacy has worked diligently to ensure that every pharmacist licensed in Kansas knows the rules and laws respective to our state. The Board of Pharmacy understands that attorneys have been exempted from this bill because each state has its own rules which are the ultimate authority concerning admission to the bar. Likewise, pharmacists have to understand the laws of each state in which they choose to practice. Each state has an interest in protecting its citizens by ensuring the quality and competency of pharmacists who receive licenses to practice there.

This bill would permit those who were simply married to someone in the military to receive a license without undergoing a state law examination specific to this state's laws. The Board of Pharmacy would be remiss in their duty if they did not expect all applicants to understand Kansas law and to undergo the same examination that all other pharmacists moving to Kansas must undergo.

Thank you for permitting me to testify. I will yield to any questions from the committee.



THE KANSAS BOARD OF VETERINARY EXAMINERS

2011 Board Members

Richard Barta, DVM,
Independence, Kansas

Greg Bogue, DVM,
Wichita, Kansas

Verle Carlson, DVM,
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Mary Sue Painter, DVM,
Frontenac, Kansas

Agency Staff

Dirk Hanson, DVM, Exec. Director
Cheryl Mermis, Admin. Officer
Larry O'Hara, Investigator/Auditor

Contact Information

1003 Lincoln Street, P.O. Box 242
Wamego, Kansas 66547-0242
Phone: 785.456.8781

Email: vetboard@wamego.net
Web: www.kansas.gov/veterinary

March 2, 2011

The Honorable Steve Brunk, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Brunk:

SUBJECT: Questions regarding HB 2178 by Representative Sloan

HB 2178 would require a licensing agency to issue a license to a nonresident military spouse so the spouse could lawfully practice in Kansas. The license would be issued if certain requirements are met, which are detailed in the bill. Among those requirements which the Kansas Board of Veterinary Examiners has questions about are:

[Line 13] (1) Holds a current license in another state, district or territory of the United States with licensure requirements that the licensing body determines are equivalent to those established by the licensing body of this state

Questions: Would a jurisprudence exam in the other state be "equivalent" to jurisprudence exam in this state even though the statutes in each state could be different? What about applicants who were graduates of non-accredited programs? Would the Program for Assessment of Veterinary Education (PAVE) used by some states for assessing educational equivalency of non-accredited programs be equivalent to Educational Commission for Foreign Veterinary Graduates (ECFVG) currently required in Kansas statute?

[Line 17] (2) was engaged in the active practice of the occupation for which the military spouse seeks a license in a state, district or territory of the United States for at least two of the five years preceding the date of application under this section;

[Line 35] Relevant full-time experience in the discharge of official duties of military service or of an agency of the federal government shall be credited in the calculation of years of practice

Question: The current statutory requirement for a Kansas veterinary license is 2000 hours in most recent 3 years; could this alternative be considered so as to be consistent with the current statutory requirements?

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[Line 21] has not committed an act in any jurisdiction that *would* (emphasis added) have constituted grounds for the refusal, suspension or revocation of a license to practice that occupation in this state at the time the act was committed;

Questions: How does licensing board obtain information about the license applicant committing such an act? Assuming the licensing board could obtain such information, would not such information call for legal interpretation as to whether or not committing such an act would or would not constitute grounds? If so, would the licensing board be required to pay the cost of obtaining such legal interpretation?

Other Questions:

1. Instead of the language being mandatory [line 7, page 1], could the language provide discretionary authority for the licensing board?
2. Should there be a requirement that the non-military spouse prove marriage to an active military spouse?
4. Should there be a requirement that the non-military spouse reside in Kansas?
5. Should there be a requirement, other than the affidavit, that the non-military spouse provide the information to the licensing board?
6. Has there been any non-military spouse that did not get a license that would have gotten one if this law had been in effect? There has not been such a case in the last fifteen years for any non-military spouse who was seeking licensure as a veterinarian.

The Kansas Board of Veterinary Examiners supports our licensees who are in the military as well as their non-military spouses in statutes that waive license renewal fees and continuing education requirements while the licensee is on active duty in the military during a time of national emergency.

The Kansas Board of Veterinary Examiners appreciates consideration of these questions as the Committee evaluates this proposed legislation.

On behalf of the Members of the Board,

Dirk Hanson, DVM

Dirk Hanson, DVM, Executive Director
Kansas Board of Veterinary Examiners

12-2

Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612



phone: 785-296-7413
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fax: 785-296-0852
www.ksbha.org

Kathleen Selzler Lippert
Executive Director

Sam Brownback, Governor

To: House Federal and State Affairs Committee
Representative Steven R. Brunk, Chair

Representative Boman
Representative Bowers
Representative Carlson
Representative Fund
Representative Goico
Representative Grosserode
Representative Holmes
Representative Heuebert
Representative Kiergerl
Representative Knox
Representative O'Brien

Representative Patton
Representative Rubin
Representative Seiwert
Representative Loganbill
Representative Gatewood
Representative Henderson
Representative Peterson
Representative Victors
Representative Moore
Representative Gregory
Representative OHara

From: Kelli J. Stevens, General Counsel
Kansas State Board of Healing Arts

Date: March 2, 2011

Subject: HB 2178-Granting professional licenses to nonresident individuals

Neutral testimony

The Kansas Board of Healing Arts (KSBHA) appreciates the opportunity to provide neutral testimony on HB 2178. The KSBHA licenses and regulates 13 health care professions. The mission of the KSBHA is to safeguard the public and strengthen the healing arts. To meet this purpose, our agency strives to issue licenses in a prompt and efficient manner while still ensuring that applicants meet requisite the qualifications and standards of their profession. Typically, licenses can be issued within a week of submitting a complete application. The KSBHA regularly issues licenses "by endorsement" for all professions. A license by endorsement is granted by virtue of the applicant holding a valid license in another state and other requirements specific to each profession which are set forth in the various practice acts.

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Attachment 13

BOARD MEMBERS: M. MYRON LEINWETTER, DO, PRESIDENT, Rossville • GARY
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FRANK K. GALBRAITH, DPM, Wichita • MERLE J. "BOO" HODGES, MD, S
JOHN F. SETTICH, PH.D., PUBLIC MEMBER, Atchison • BRENDA R. SHARPE, PUBLIC MEMBER, Overland Park • CAROL ANN SMITH, DO, MARIETTA
KIMBERLY J. TEMPLETON, MD, Leawood • TERRY L. WEBB, DC, Hutchinson • NANCY J. WELSH, MD, Topeka • RONALD N. WHITMER, DO, Ellsworth

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Similarly, HB2178 contains provisions for issuing licenses by endorsement for nonresident military spouses. However, it does not provide the necessary degree of discretion to the agency in order to ensure that health care professionals applying to practice in Kansas are particularly qualified to do so. For example, if a medical doctor has not actively practiced medicine in the past three years, even while remaining licensed in another state, the agency may need to assess that applicant's current clinical competency in order to determine if licensure is warranted. Such an assessment is highly subjective to the applicant's practice specialty, the duration of the absence from active practice, and whether the applicant's previous practice history was continuous or sporadic. Even if an applicant holds a valid license in another state and does not have a disciplinary history, the specific standards of their profession and/or area of practice may require a higher level of scrutiny than provided for in the proposed language in HB 2178. The KSBHA routinely issues licenses by endorsement in the same spirit as proposed in HB 2178. However, the various practice acts for the health care professions licensed by the KSBHA allow for heightened evaluation if necessary. There is a concern that HB 2178 would diminish the level of discernment necessary to the KSBHA being able to ensure that only qualified health care professionals are licensed in our state.

Because the professions regulated by the KSBHA already have a mechanism for receiving a license by endorsement which allows for timely issuance of a license along with safeguards to ensure the protection of Kansans, it may be appropriate to exempt those professions in HB 2178.

We are available to respond to any questions. Thank you for your consideration.