

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 February 19, 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:

Senator Hensley
Charles Jean-Baptiste , NAACP
William E. Richards, NAACP
Dan McLaughlin, Kansas State Fire Marchal
Lori Haskett, KDHE
Tim Millspaugh, Sedgwick County
Ed Bricknel, City of Wichita
Steve Moody, City of Leavenworth
David Nuss, National Fire Protection Association
Cindy Luxem, Kansas Health Care Association

Others attending:

See attached list.

SB 554 - Brown v. Board of Education mural in the capitol

Chairman Brungardt opened the hearing on **SB 554**.

Senator Anthony Hensley appeared in support of the bill. (Attachment 1) The United states Supreme Court issued a landmark decision by declaring that state laws establishing separate public schools for black and white students denied black children equal educational opportunities. This paved the way for the modern Civil Rights Movement, and laid the foundation for international policies regarding human rights. This type of legislation was also passed in 2002 for the Kansas (Colored) Voluntary Infantry Regiment. Two photos outside the Old Supreme Court Room wall, which is the suggested wall for the mural were included. Barry Wise, the Statehouse Architect spoke about the legislation passed in 2002.

Charles Jean-Baptiste, President, NAACP, spoke in favor of the bill. (Attachment 2) Now is the time to move forward and designate a mural on the Wall of the Kansas State Capitol. The mural will “commemorate” the United States Supreme Court decision rendered on May 17, 1954, in the case of *Brown v. Board of Education*.

William E. Richards, Topeka Branch NAACP, appeared in support of the bill. (Attachment 3) The Topeka Branch of the National Association for the Advancement of Colored People (NAACP) urges the committee to vote and support the passage of the bill. The importance and impact of Brown on the country and the movement toward social justice cannot be overstated.

Cheryl Brown Henderson, The Brown Foundation, provided written testimony in support of the bill. (Attachment 4) Ms. Brown stated in her testimony, that by adding a *Brown v. Board of Education* mural to the walls of the State Capitol Building, we will send a message to those who visit our state, that we recognize and value the historic role all citizens have played in the development of this great state and nation.

Chairman Brungardt closed the hearing on **SB 554**.

SB 544 - Fireless cigarettes; distribution and sale of

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 19, 2008 in Room 526-S of the Capitol.

Chairman Brungardt opened the hearing on **SB 544**.

Staff provided an overview of the bill.

Dan McLaughlin, Kansas State Fire Marshal, appeared in support of the bill. (Attachment 5) The bill would require all cigarettes sold in Kansas to be fire-safe cigarettes, and all cigarette types sold in the state be tested to ensure compliance with standards set forth by the American Society of Testing and Materials. Each type of cigarette that passes this testing will then be certified, and manufacturers would be assessed \$250 for each type of cigarette sold in the state. Certification would last three years. There would be no cost to Kansas consumers or the state of Kansas to implement this bill. Proposed amendments were provided.

Lori Haskett, Director of Injury/Disability, Kansas Department of Health and Environment, (KDHE) spoke in support of the bill. (Attachment 6) The recommendation of the KDHE to adopt this proposal is based on the potential for reducing deaths and injury from fire.

Tim Millspaugh, Fire Marshal Sedgwick County, appeared in support of the bill. (Attachment 7) 52% of the US population is already covered, or soon to be covered, by fire safe cigarette legislation. Cigarette related fires don't just kill and injure the smoker - 25% of the people who die in these fires are children of the smokers, neighbors, friends, spouses, partners and firefighters.

Ed Bricknel, City of Wichita Fire Marshal, spoke in favor of the bill. (Attachment 8) This bill is an extremely important piece of legislation and its passage will have a life altering effect upon the citizens whom we have sworn to protect.

Steve Moody, City of Leavenworth Fire Chief, appeared in support of the bill. (Attachment 9) Every firefighter knows that Prevention, while it is not as exciting, will always save more lives than firefighting. With the passage of this bill, the committee has the opportunity to save more lives from fires.

David Nuss, National Fire Protection Association, appeared in support of the bill. (Attachment 10) There is no such thing as a cigarette that will totally eliminate fires, but a fire-safe cigarette has a reduced propensity to burn when left unattended. The most common fire-safe technology used by cigarette manufacturers is to make the paper thicker in places to act as "speed bumps" to slow down a burning cigarette, and if left unattended, the burning tobacco will reach one of these speed bumps where the paper is thicker and self-extinguish.

Cindy Luxem, Executive Director, Kansas Health Care Association, appeared in support of the bill. (Attachment 11) The number of adult care homes offering smoking is decreasing, but there are still some that continue to offer a smoking option for residents. Every attempt should be made possible to keep all residents as safe as possible and the fireless cigarette is one option in making congregate living settings safer.

John Drees, Safe Kids Kansas, (Attachment 12), Dr. Gary D. Jost, MD, FACS, Regional Burn Center Wichita, (Attachment 13), David Banks, Fire Education Association of Kansas, (Attachment 14) and Philip Bradley, Kansas Licensed Beverage Association, (Attachment 15) provided written testimony in support of the bill.

Chairman Brungardt closed the hearing on **SB 544**.

Final Action:

SB 512 - Emergency medical services, attendant's certificate requirements

Staff provided an amendment to delete the background and fingerprinting which had been passed in committee. (Attachment 16) The bill had gone to the floor, but this language had not been deleted. The Chairman requested the bill sent back to committee for clean up.

Senator Brownlee moved the amendment. Senator Reitz seconded the motion. The motion carried.

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Senator Brownlee moved to pass **SB 512** out favorably as amended. Senator Reitz seconded the motion. The motion carried.

SB 622 - Cereal malt beverages; alcohol content, by ABC, retailers authorized to sale, taxation.

Staff provided an overview of the bill for the upcoming hearing. The bill changes the definition of cereal malt beverage by increasing the limit on the alcoholic content of CMB from 3.2% or less to 5.0% or less, by weight. Nothing in the bill makes the liquor laws nonuniform as to cities and KSA 19-101b limits the ability of counties to exercise home rule power to exempt from those laws. (Attachment 17)

The meeting was adjourned at 11:45 am. The next scheduled meeting is February 20, 2008.