

Approved April 4, 1983
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Bill Morris at
Vice - Chairperson

11:00 a.m./XX p.m. on March 28, 1983 in room 254-E of the Capitol.

All members were present except: Senator Reilly, who was excused.

Committee staff present: Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
June Windscheffel, Secretary to the Committee
Emalene Correll, Legislative Research

Conferees appearing before the committee: Thomas J. Kennedy, Director, Alcoholic Beverage Control
Bill Strukel, Alcoholic Beverage Control
Tom Green, Kansas Retail Liquor Dealers Association

The Chairman recognized Senator Winter who requested that a committee bill be introduced.

Senator Winter requested that the proposed legislation concerning increasing the 15-mile limit of pipelines be introduced because he felt it should lower the price of natural gas for Lawrence residents. He asked that it be introduced and then be assigned to an interim committee for study following this legislative session.

Senator Pomeroy moved that the proposed legislation be introduced as a committee bill. 2d by Senator Meyers. Motion carried.

HB2504 - relating to alcoholic liquor, purchase or possession, unlawful acts, penalties.

The Chairman recognized General Kennedy. He distributed a hand-out to the committee, dated March 28, 1983, concerning HB2504. The memorandum concerns minors representing that they are of age for the purpose of asking for, purchasing or receiving alcoholic liquor from any person except in cases authorized law, and the penalties for violations. (Attachment #1) The Director states that he recommends this bill, and he feels it could have a positive effect on the number of minors who are presently purchasing or attempting to purchase alcoholic liquor.

Bill Strukel appeared next in support of HB2504. He said he thought it was the best legislation he had seen here yet.

Tom Green was recognized next as a proponent of HB2504. He said that his organization strongly favors the bill because of the situation with minors and false I.D. or borrowed I.D. He stated that it is very difficult in many circumstances to ascertain whether it is their I.D. or not. Many of their retailers have posted signs that it is a crime to attempt to buy with false or incorrect I.D. They feel that substantial penalties would provide some kind of deterrent. They feel the discretion of the sentencing should be left to the discretion of the court.

Jack Milligan wanted to appear but could not be present to testify. He asked that his organization, the Kansas Association of Private Clubs, go on record as being in favor of HB2504.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m. ~~pm~~ on March 28, 1983

SCR1615 - relating to advertising limitations for alcoholic beverages.

The Chairman asked Fred Carman to explain the amendment which had been drafted. Mr. Carman distributed copies for the committee's perusal. (Attachment #2)

Senator Pomeroy moved on line 96 to delete "licensee" and insert "manufacturer, supplier, distributor or retailer." 2d by Senator Winter. Motion carried.

Senator Pomeroy moved the resolution be recommended for adoption as amended, including conceptual de-sexing change which will be provided by the revisor's office. 2d by Senator Daniels. Motion tied. Motion failed. Senator Meyers asked that she be recorded as having voted "pass."

SB404 - temporary membership in private clubs and sales on noncontiguous premises.

The Chairman called the committee's attention to consideration of SB404. Senator Winter moved to incorporate conceptually what was SB250 into SB404. 2d by Senator Gannon. Motion passed. Senator Winter moved to report SB404 favorably for passage as amended. 2d by Senator Gannon. Motion carried.

SB405 - private club membership for military personnel on temporary duty.

Senator Pomeroy moved that SB405 be reported adversely. The motion failed for lack of a second.

Senator Daniels moved the approval of the Minutes of March 18, 21, and 22, 1983. 2d by Senator Francisco. Motion carried.

The meeting adjourned at 12:00 noon.

MEMORANDUM

*Minutes of 3/28/83
Attachment #1*

TO: Honorable Edward F. Reilly, Jr.
Chairman, Senate Federal and State Affairs Committee

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: House Bill No. 2504

DATE: March 28, 1983

PURPOSE

House Bill 2504, if enacted in its present form, is an act concerning alcoholic liquor; unlawful acts in connection with purchases or possession thereof; increasing penalties for commission thereof; amending K.S.A. 41-715 and repealing the existing section.

PERSPECTIVE

K.S.A. 41-715 concerns minors representing that they are of age for the purpose of asking for, purchasing or receiving alcoholic liquor from any person except in cases authorized by law, and the penalties for violations.

This bill changes the penalties for violating the provisions of K.S.A. 41-715. It provides that "any person violating any provisions of this section is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$250 nor more than \$1,000 or by imprisonment for not to exceed 90 days, or both such fine and imprisonment".

Presently, K.S.A. 41-715 states that: "Any person violating any provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the court."

The law also makes it illegal for any person to sell or give liquor to a person who is incapacitated, including physical or mental incapacitation due to the consumption of alcoholic liquor.

This is no change from the present law.

COMMENTS AND/OR RECOMMENDATIONS

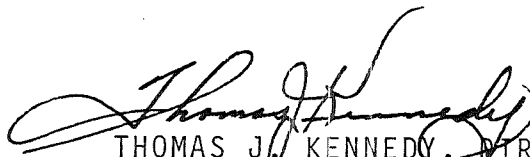
This is a good piece of legislation and should deter minors asking for, purchasing or receiving alcoholic liquor.

Last year, we had 96 retail liquor store licensees cited for sales to minors. Many of the minors were not prosecuted. Those that were and those that were convicted received minimal fines ranging from \$5 to \$50. Under the present law, the judge could fine the minors from zero to \$200. This new law will require that the minimum fine is not less than \$250 or more than \$1000 if the minor is convicted or not to exceed 90 day imprisonment or both.

A concern that has been expressed is that the minor that is convicted will have the misdemeanor entered on his record. This is true either under present law or under the new law. The minor convicted could have the misdemeanor expunged from his record after three (3) years.

The Director of Alcoholic Beverage Control recommends this bill. I further feel that the Kansas Sheriff's Association and the Kansas Police Association, if asked, would recommend passage of this bill. This bill, if enacted, could have a positive effect on the number of minors who are presently purchasing or attempting to purchase alcoholic liquor.

Respectfully submitted,



THOMAS J. KENNEDY, DIRECTOR
Alcoholic Beverage Control Division