

Approved 2/24/88  
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at  
Chairperson

9:00 a.m./~~p.m.~~ on February 17, 1988 in room 254-E of the Capitol.

All members were present except:

Sen. Vidricksen.

Committee staff present:

Hank Avila, Legislative Research Department  
Ben Barrett, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

Leonard M. Robinson, Kansas Alcoholic Beverage Control  
John Brax, Kansans for Life at Its Best  
Frances Kastner, Kansas Food Dealers Association

Hearing on S.B. 404 - Unlawful use of driver' license or I.D. card.

Leonard M. Robinson, Kansas Alcoholic Beverage Control, said sometimes prosecutors have not been vigorous in prosecuting liquor violation cases. The problem is that now there are fairly stiff penalties but they are not being imposed so it just amounts to "lip service". They want a minimum mandatory sentence so judges would have to impose a sentence. It would give the judges discretion about imposing a 48 hour jail sentence or 40 hours of public service. There have been several deaths where an intoxicated driver has had an altered ID card. In many cases a licensee does not intentionally sell liquor to young people and there should be a penalty to underagers who possess an altered ID card.

There was some discussion about communities that do not have juvenile facilities. This can be a problem and the judge can use his discretion but now many times they don't do anything. Some members felt it was wrong to tell prosecutors what they could and could not do when it comes to plea bargaining.

John Brax, Kansans for Life at Its Best, said that as a 22 year old student he has been on both sides of alcohol awareness and he felt it would be a deterrent to have a mandatory penalty. He said he is often asked to loan out his ID card and young people would be more careful about lending out their cards if there were a stiffer penalty.

Frances Kastner, Kansas Food Dealers Association, Inc., said it should be a defense if a retailer of ceral malt beverage unknowingly sells to a minor because of a fake ID card. These cards are hard to detect. A copy of her statement is attached. (Attachment 1).

John Lamb, Kansas Retail Liquor Dealers Association, said they would support a rewrite of this bill to take care of the objections that have been raised to it but they strongly urge legislation that would address the problem of fake IDs.

There was some discussion about lending a Visa card or another charge card to young people, however it was brought out that this issue only deals with a state ID card.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:00 a.m./~~p.m.~~ on February 17, 19 88.

Action on S.B. 306 - Drivers' licenses, suspended or revoked.

This bill was no longer necessary because it has been handled in the commercial drivers act. A motion was made by Sen. Hayden and was seconded by Sen. Doyen to report S.B. 306 adversely. Motion carried.

Action on S.B. 462 - Odometers.

There had been agreement between the Car Dealers Association and the Attorney General's office dealing with disclosure. A conceptual motion was made by Sen. Hayden to incorporate this language into the bill. Motion was seconded by Sen. Thiessen. Motion carried.

Some members felt that this bill does not go far enough and some effort should be made to get at the source of the fraud at car auctions, however this bill is a step in the right direction.

A motion was made by Sen. Frey and was seconded by Sen. Hoferer to recommend S.B. 462 as amended, favorable for passage. Motion carried.

Action on S.B. 579 - Maintenance of highways to property managed by department of wildlife and parks.

A motion was made by Sen. Hayden and was seconded by Sen. Doyen to recommend S.B. 579 favorable for passage. Motion carried.

Meeting was adjourned at 10:00 a.m.

DATE: 2-17-88

ROOM: 254-E

GUEST REGISTER  
SENATE

TRANSPORTATION AND UTILITIES COMMITTEE

NAME	ORGANIZATION	ADDRESS
FRANK EATON	S.E. KS Cities	Manhattan 66502
FRANCES KASTNER	Ks food Dealers	Topeka KS
John Lamb	KRLDA	Topeka
TOM HANNA	Ks. A.B.C.	TOPEKA
LEONARD M ROBINSON	KS ABC	Topeka
Robert L. Brock	KS. ABC.	HOLTON.
John W. Smith	Dept of Rev	Topeka
PAT BARNES	Ks. Motor Car Dealers Assoc.	Topeka
Jon Bran	Life at the West	Topeka
Mike German	Ks Railroad Association	Topeka
Tom DAY	KCC	TOPEKA
Jeanne Kutler	AG	Topeka.
Ruch Dame	BLE	Holington



# Kansas Food Dealers' Association, Inc.

2809 WEST 47th STREET SHAWNEE MISSION, KANSAS 66205

PHONE: (913) 384-3838

February 17, 1988

## SENATE TRANSPORTATION COMM.

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DIRECTOR OF  
GOVERNMENTAL AFFAIRS

FRANCES KASTNER

SB 404 - false ID's

EXECUTIVE DIRECTOR  
JIM SHEEHAN  
Shawnee Mission

I am Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association. Our membership includes wholesalers, distributors and retailers of food products throughout the State.

We appreciate your efforts in trying to eliminate the flagrant abuse of using false ID's for purchasing cereal malt beverages and alcohol.

I would ask that you also consider language contained in HB 2753, by Repr. Lowther, which is currently in the House Federal and State Affairs Committee.

HB 2753 provides that it shall be a defense to a prosecution under K.S.A. 21-3610 and K.S.A. 21-3610a if the defendant is a retailer of cereal malt beverage and UNKNOWINGLY sold cereal malt beverage to a minor who used a false ID to make the purchase. The bill also makes that same reference to a defendant holding a license to sell alcoholic beverages when a minor uses false IDs.

As you have heard in years past, the business of providing false driver's licenses, non-driver's licenses identification cards, and other ID's is a thriving in Kansas and detecting those documents is becoming more difficult as technology improves.

We will support whatever legislation you pass to make the users and sellers of false ID's responsible for their actions.

I appreciate the opportunity of appearing before you today, and will be happy to answer any questions.

ATT. 1

T&U

2/17/88