

Approved: 2-14-96
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Tim Emert at 10:00 a.m. on February 5, 1996 in Room 514-S of the Capitol.

All members were present except: Senator Rock (excused)
Senator Harris (excused)
Senator Vancrum (excused)
Senator Martin (excused)
Senator Moran (excused)

Committee staff present: Michael Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Revisor of Statutes
Janice Brasher, Committee Secretary

Conferees appearing before the committee: Gene Johnson, ADSAP
Kathy Taylor, Kansas Bankers Association
Chuck Hensen, Kansas Bankers Association
William Pauzauski, Kansas Trial Lawyers Association
Jean Roth-Jacobs, Deputy Director, Harvesters
Deb Bumgardner, Director Kansas City Harvesters
Virginia White, Kansas Food Bank of Wichita, written testimony
Frances Kastner, Kansas Food Dealers Association
Alice Hunnicutt, Harvesters, Kansas City
Alan Chapman, Harvesters, written testimony

Others attending: See attached list

The Chair called the meeting to order at 11:00 a.m.

A motion was made by Senator Bond, and seconded by Senator Reynolds to approve the minutes of January 24, 1996. The motion carried.

Bill Introductions:

The Chair requested the introduction of a bill concerning the Kansas Guardianship Program relating to the probate code.

A motion was made by Senator Bond, and seconded by Senator Reynolds to introduce as a Committee bill. The motion carried.

SB 498--Alcohol and drug evaluation required for open container violation.

Mr. Gene Johnson, ADSAP, addressed the Committee in support of **SB 498**. Mr. Johnson stated that this bill is necessary to correct an oversight of the legislative process. The conferee stated that reference to Chapter 41 in K.S.A. 21-4502 should be removed from the Statute Books and new language (K.S.A. 8-1599) should be inserted to conform to legislation passed in 1994. (Attachment 1)

Discussion regarding the technical changes contained in **SB 498** and requested by the conferee followed.

SB 523--Statute of limitations relating to actions by corporations or associations against its officers or directors.

Ms Kathy Taylor, Kansas Bankers Association, spoke in support of **SB 523**. The conferee stated that this bill does not eliminate the doctrine of adverse domination in suits by corporations or their receivers against

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on February 5, 1996.

corporate officers and directors, it calls for a statute of limitation. The conferee stated that in corporations where turnover on the board of directors is slight, such as financial institutions, the result of recognizing adverse domination is to greatly extend the period of time officers and directors are exposed to claims due to their decisions in that capacity. The conferee stated that the current situation makes attracting people to serve on the board of directors more difficult. Ms Taylor introduced Mr. Chuck Hensen, Kansas Bankers Association.

Mr. Hensen addressed the Committee in support of **SB 523**. Mr. Hensen referred to the recent decision of the Kansas Supreme Court in RTC v Scaletty and stated that the need for **SB 523** grew out of the Court's decision concerning the recognition of the "doctrine of adverse domination" in Kansas. The conferee stated that the court did not adopt the doctrine in Kansas as an exception to the statute of limitations, but the court recognized the doctrine as determining when injury to a corporation by its directors will be deemed reasonably ascertainable, thereby causing the statute of limitation to begin. The conferee stated that this bill amends the relevant statute of limitation to fix the maximum period corporate officers and directors will be exposed to claims of liability for their action as such at four years after the claimed wrongful act. The statute of limitations would be two years after injury is reasonably ascertainable, with a period of repose after four years from the claimed wrongful act. The conferee stated that the limitation periods in this bill are now provided by statute for claims against health care providers. (Attachment 2)

In response to Committee questions, the conferee stated that to shorten the period of repose would be less intrusive than to eliminate the "doctrine of adverse domination." Discussion regarding due process, and the legislative clarification on laws applying to corporations followed. Issues concerning the court's interpretation of the "doctrine of adverse domination" in applying it to a disinterested majority on the board was discussed. In response to a Committee member's question regarding limiting the evidence discovery to four years, the conferee stated that the four year limitation appeared to be reasonable. Mr. Hensen referred to the statute of limitation for health care providers.

Mr. Bill Pauzauski, KTLA, spoke in opposition to **SB 523**. Mr. Pauzauski stated that there are inherent differences between health care providers and directors of financial institutions. The conferee stated that wrong doing by health care providers is most often readily discernible, whereas the wrongful acts of officers and directors can be concealed for a number of years. The conferee stated that this bill restricts the right of the corporation to file suit against its officers and directors to a maximum of four years even where the fraud has not been discovered. The conferee discussed the checks and balances of the majority rule which would be taken away with the passage of **SB 523**. The conferee concluded that this law extends immunity so broadly that wrongdoers benefit; and by passing this bill, the legislature would usurp the authority of duly elected board of directors. (Attachment 3)

SB 530--Food donors liability

The Chair directed the Committee members' attention to written testimony by Senator Vancrum in support of **SB 530** and the balloon amendment requested by Senator Vancrum. The requested balloon amendment would replace, "free distribution" with "ultimate distribution" to needy individual, line 28, page 1 of **SB 530**. On lines 31 and 39 "gross negligence or" would replace "negligence, recklessness or." (Attachment 4)

Ms Jean Roth-Jacobs, Deputy Director, Harvesters spoke in support of **SB 530**. The conferee described purpose and operation of the food bank organization she represents located in Kansas City, Missouri which serves the Kansas and Missouri metropolitan areas of Kansas City. The conferee stated that this bill is vital to protect food bank operators. The conferee stated that this bill would correct discrepancies between the Good Samaritan law in Kansas and other states. Ms Roth-Jacobs concluded by stating that this bill will help Kansas to standardize the Good Samaritan laws to agree with those of other states. (Attachment 5)

In response to Committee members' questions, the conferee described the food sorting process, and application of the Good Samaritan Law.

During Committee discussion with the staff, it was stated that the current application of the Good Samaritan Law uses the Food, Drug and Cosmetic Act in that food must be fit for consumption at the time it is donated. The staff member stated that this bill eliminates that the food needs to be fit at the time it is donated from a condition of liability. The Committee members discussed the balloon which places "gross negligence" into **SB 523**.

Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association spoke in support of **SB 530**, and the amendments outlined by Senator Vancrum. The conferee stated that this bill will encourage grocers' donations of food to assist the needy by restricting their criminal or civil liabilities because of their offers of good will. The conferee stated that this bill will strengthen the food donor

CONTINUATION SHEET

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program.(Attachment 6)

Deborah Bumgardner, Director of Kansas City Harvest, spoke in support of **SB 530**. The conferee stated that this bill will protect those who donate prepared foods to nonprofit agencies who feed those in need.(Attachment 7)

Alice Hunnicutt read written testimony by Virginia White, Executive Director of the Kansas Foodbank Warehouse in support of **SB 530**, and the proposed amendments.(Attachment 8)

Alice Hunnicutt read the written testimony of Alan Chapman, Wilson Chapman, in support of **SB 530**. Mr. Chapman stated that as a donor and volunteer, he supports **SB 530** which protects food donors from civil and criminal liability unless they are guilty of gross negligence.(Attachment 9)

The Chair concluded the hearing on **SB 530** and adjourned the meeting at 11:00 a.m.

The next meeting is scheduled for February 6, 1996.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2-5-96

NAME	REPRESENTING
Kathy Duffa	Ks Bankers Assn
Gene Johnson	Ks. A.S.A.P. Assn
Charles Denson	KBA.
Jan Cook Jacobs	Hawestell
Alicia Hunicutt	Hawesters
Deb Bumgardner	Hawesters
Carolyn Hilbert	Student W.U.
CAVON Byrnes	KADACA / Alliance of A+D Sen.
Larry Lamm	Ks. Alliance for Ed M.I.
Frances Kastner	Ks Food Dealers Assn
Julie Meyer	Ks Sentencing Commission
Barbara Tombs	Ks. Sentencing Commission
Nancy Linker	A Hy Gen.
Glenn Deabel	KTLA
Randy Cline	KTLA

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**Testimony
Senate Judiciary Committee
Senator, Tim Emert, Chairman
February 5, 1996**

Senate Bill 498

Good morning Mr. Chairman and Members of the Committee,

My name is Gene Johnson and I represent the Kansas Community Alcohol Safety Action Project Coordinators Association. Our association supports the language contained in Senate Bill 498.

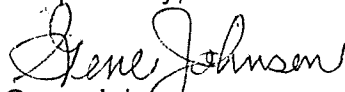
In 1994 this committee heard testimony concerning the open container provisions and the consumption of alcoholic beverage by those persons under the age of 21. In 1994 we supported the changing of those penalties from Chapter 41 to the Traffic Chapter 8. This was accomplished within a DUI bill which merged the open container provisions in the legislative process in a conference committee. That bill passed with a good margin in both houses of the legislature.

However, during the process the new Statute K.S.A. 8-1599 was not transferred to K.S.A.21-4502, (classification of misdemeanors and terms of confinement). The 1994 Supplement to the Kansas Statutes Annotated still indicates that K.S.A. 41-804 and 41-2719 and 41-2720 are still on the books. These should be removed from the Statute Books and in place insert the new language (K.S.A. 8-1599), that passed with the 1994 Legislation.

This is simply an oversight of the legislative process and this bill, SB 498, is nothing more than language to clear up that oversight.

Thank you for allowing me to testify today. I will attempt to answer any questions.

Respectfully,



Gene Johnson

Legislative Liaison

Kansas Community Alcohol Safety Action Project Coordinators Association

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Attach 1

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COMMENTS OF THE KANSAS BANKERS ASSOCIATION IN SUPPORT OF SB 523

Kansas banks are concerned that substantial, knowledgeable persons will be less willing to serve as officers and directors of Kansas banks because of the lengths of time such persons now are exposed to tort claims against them by the institutions or their receivers. SB 523 is intended to set reasonable limits to this period of exposure. In that sense, SB 523 is companion legislation to SB 125 of the 1993 session, and SB 762 of the 1994 session both originating in this committee. SB 125 limited the negligence liability of officers and directors who are not executive officers to willful acts or gross or wanton negligence. SB 762 attempted to make SB 125 retroactive. However, SB 762 was declared unconstitutional by the Kansas Supreme Court in RTC v. Fleischer, 257 Kan. 360.

The bill before the committee today, SB 523, grows out of the recent decision of the Kansas Supreme Court in RTC v. Scaletty, 257 Kan. 348. In that case, the Tenth Circuit certified to the Kansas Supreme Court two questions going to whether the "doctrine

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Attach 2

of adverse domination" is recognized in Kansas. Under the doctrine as recognized in several states, in suits by corporations or their receivers against corporate officers and directors, the statute of limitations is tolled until a disinterested majority of persons comprises the board of directors. In corporations where turnover on the board of directors is slight, such as financial institutions, the result is to greatly extend the period of time officers and directors are exposed to claims growing out of their decisions as officers and directors.

In Scaletty, the Kansas Supreme Court did not adopt the doctrine in Kansas as an exception to the statute of limitations. Such statutes, and exceptions to them, are legislative matters under a long line of Kansas cases. Rather, the court recognized the doctrine in another way, as determining when injury to a corporation by its directors will be deemed reasonably ascertainable so as to cause the statute of limitations to begin to run. The effect is the same, to greatly extend the period of time

officers and directors are exposed to claims growing out of their decisions as officers and directors.

SB 523 amends the relevant statute of limitations to fix the maximum period corporate officers and directors will be exposed to claims of liability for their actions as such at four years after the claimed wrongful act. The statute of limitations would be two years after injury is reasonably ascertainable, with a period of repose after four years from the claimed wrongful act. These are the same periods now provided by the statute for claims against health care providers.

Doc. #94443

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KANSAS TRIAL LAWYERS ASSOCIATION

Lawyers Representing Consumers

Kansas Lawyers Association
Legislative Testimony
Senate Bill 523
Presented by: William Pauzauskie
February 5, 1996

Chairman Emert and distinguished members of the committee. My name is Bill Pauzauskie. I am here today representing the Kansas Trial Lawyers Association. I am an attorney in private practice here in Topeka, and a member of the KTLA Board of Governors.

The Kansas Trial Lawyers Association represents the interests of thousands of Kansans who consume a variety of legal services including representation in a wide range of civil cases. Traditionally, KTLA has encouraged legislation to further the interests of those consumers who in turn represent a significant portion of the electorate.

KTLA is here today to oppose Senate Bill 523. The bill affects the capacity of corporations to sue officers and directors. Simply put, this is bad law. It extends immunity so broadly that even wrongdoers benefit. It affects all corporations whether private or public, profit or non-profit, compensated or volunteer. It restricts the right of the corporations to file suit against its officers and directors to a maximum of four years even where the fraud has not been discovered. Successful offenders, particularly crafty embezzlers, will go unpunished if able to conceal their wrongdoing for more than four years.

I've used the independent corporate board decision making process addressed in current law, in litigation. The theory behind the practice is to allow independent board members to make rational decisions concerning whether past misconduct occurred.

As a policy choice we should allow independently elected representatives of the shareholders to do their job representing the financial interests of the other shareholders. The legislature should not be in the business of usurping the authority of duly elected independent minded members of boards of directors. The message sent by Senate Bill 523 is that you don't trust officers and board members to make decisions between what's right and wrong and hold wrongdoers accountable.

If a treasurer or other officer or director embezzles money, steals corporate property, exposes corporate secrets or discloses corporate information wrongly, the corporation may not learn of it until sometime after the act. Under Senate Bill 523, if the date of discovery exceeds four years, no suit can ever be filed to recover for the wrongdoing. It is fundamentally unfair to

Terry Humphrey, Executive Director

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Attach 3

deny the stockholders or members, the corporation or the association the right to recover for wrongdoing before they discover the existence of the injury.

Corporate and association officers and board members are motivated to be fair minded, in large part because they sit in the same shoes as their predecessors. They must live with the actions of their predecessors, as their successors must live with their actions. In this way, the system has a check and balance. The majority rule fashioned by the Kansas court, and by which boards operate, is a well reasoned rule. It can stop as much litigation as it breeds. It must be noted that people who are wrongdoers aren't going to sue themselves. The check and balance offered by the possibility of being sued for wrongdoing is an important preventive element of current law. It should not be taken away as is done in Senate Bill 523.

The current statute generally sets a time limit for bringing actions in a variety of cases following a wrongful act. Claims against medical providers are limited to four years, probably because when injury is done to a person's health it is most often readily discernible. The broad range of offenses addressed by the new language in lines one through nine on page two of the bill are much different.

I understand that Senate Bill 523 was drafted to address the Scalletty decision found in 257 KAN 348. The Scalletty decision addresses a very narrow set of facts. It is unfortunate that in response, a broad rule of law has been proposed that could protect negligent officers and directors instead of protecting the injured shareholders of the corporation or the injured members of the association involved.

Take, for example, a widely known Wichita case where a minister is accused of laundering drug money through the church coffers. Under Senate Bill 523, the church could not recover for any financial wrongdoing done by the minister with church funds more than four years ago.

A larger scale example would be a major corporation which discovers wrongdoing by an officer many years later when the former officer tries to sell corporate property. Senate Bill 523 would prohibit the corporation from recovering from the negligent officer.

In both these examples, the peculiar facts of each case will determine whether the Scalletty principles are applied to a specific case. It is better for the facts to determine whether a remedy is available instead of the legislature developing a policy that eliminates the remedy as an option. Senate Bill 523 misguidedly does exactly that, develops policy that eliminates a remedy which may be necessary and appropriate in the future. KTLA respectfully requests the committee reject Senate Bill 523 in this current broad-ranging form.

Thank you. I will be happy to answer any questions you might have, Mr. Chairman.

4

BOB VANCURM
SENATOR, ELEVENTH DISTRICT
OVERLAND PARK, LEAWOOD,
STANLEY, STILWELL, IN
JOHNSON COUNTY
9004 W. 104TH STREET
OVERLAND PARK, KANSAS 66212
(913) 341-2609



TOPEKA

SENATE CHAMBER
STATE CAPITOL
TOPEKA, KANSAS 66612-1504
(913) 296-7361

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN: ENERGY AND NATURAL RESOURCES
MEMBER: WAYS AND MEANS
JUDICIARY
MEMBER: COMMERCE, LABOR AND REGULATIONS
COMMITTEE, NATIONAL CONFERENCE ON
STATE LEGISLATURES
MEMBER: ENVIRONMENTAL TASK FORCE,
COUNCIL ON STATE GOVERNMENTS

**TESTIMONY FOR
SENATE JUDICIARY COMMITTEE
SENATE BILL 530 -ACT CONCERNING DONATION OF FOOD**

It came to my attention this past summer that the Kansas Samaritan Act (which concerns freedom from liability for damages caused by donated food and grocery products) needed to be brought up to date with the model Good Samaritan Food Donation Act. A friend of mine who is active in "Second Harvest" (sometimes called the Harvesters) a community food network had called this matter to my attention. I thought I had the necessary amendments, and therefore caused SB 530 to be drafted.

There are several things wrong with the existing act which cause grocers who would otherwise be happy to contribute are concerned about their donation. I have also reviewed this bill with Mr. James Sheehan of the Kansas Food Dealers Association. Both KFDA and the Harvesters now support the bill.

After the bill introduction I finally received the model act. Additional amendments need to be adopted to make the bill to conform even more closely with the model Good Samaritan Food Donation Act of the Harvester's group. I've attached balloon amendments. Thank you for your consideration of this bill.

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Attach 4*

SENATE BILL No. 530

By Senator Vancrum

1-24

9 AN ACT concerning civil and criminal liability; relating to certain donors
10 and distributors of ~~free~~ food; amending K.S.A. 65-687 and repealing
11 the existing section.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 65-687 is hereby amended to read as follows: 65-
15 687. (a) As used in this act, the following terms shall mean:

16 (1) "Canned food," any food commercially processed and prepared
17 for human consumption.

18 (2) "Perishable food," any food which may spoil or otherwise become
19 unfit for human consumption because of its nature, type or physical con-
20 dition. This term includes, but is not limited to, fresh and processed
21 meats, poultry, seafood, dairy products, bakery products, eggs in the shell,
22 fresh fruits and vegetables and foods which have been packaged, refrig-
23 erated or frozen.

24 (b) All other provisions of law notwithstanding, a good faith donor of
25 canned or perishable food, ~~which complies with K.S.A. 65-655 et seq.,~~
26 ~~and amendments thereto, at the time it was donated and which is fit for~~
27 ~~human consumption at the time it is donated,~~ to a bona fide charitable
28 or not for profit organization for ~~free distribution~~ shall not be subject to
29 criminal or civil liability arising from an injury or death due to the con-
30 dition of such food unless such injury or death is a direct result of the
31 ~~negligence, recklessness or~~ intentional misconduct of ~~such the~~ donor.

32 (c) All other provisions of law notwithstanding, a bona fide charitable
33 or not for profit organization which in good faith receives and distributes
34 food, which complies with K.S.A. 65-655 et seq., and amendments
35 thereto, at the time it was donated and which is fit for human consump-
36 tion at the time it is distributed, without charge, shall not be subject to
37 criminal or civil liability arising from an injury or death due to the con-
38 dition of such food unless such injury or death is a direct result of the
39 ~~negligence, recklessness or~~ intentional misconduct of such organization.

40 (d) The provisions of this act shall govern all good faith donations of
41 canned or perishable food which is not readily marketable due to ap-
42 pearance, freshness, grade, surplus or other conditions, but nothing in
43 this act shall restrict the authority of any appropriate agency to regulate

Proposed Amendments

ultimate distribution to needy individuals

gross negligence or

- 1 or ban the use of such food for human consumption.
- 2 Sec. 2. K.S.A. 65-687 is hereby repealed.
- 3 Sec. 3. This act shall take effect and be in force from and after its
- 4 publication in the statute book.

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HARVESTERS

The Community Food Network

TESTIMONY TO THE SENATE JUDICIARY COMMITTEE
STATE OF KANSAS
SENATE BILL 530
February 5, 1996

My name is Jean Roth Jacobs and I am the Deputy Director of a food bank located in Kansas City, Missouri which serves the Kansas and Missouri metropolitan areas of Kansas City. In Kansas, our counties include Johnson, Wyandotte, Miami and Franklin.

FOOD BANK BACKGROUND INFORMATION.

Harvesters, Kansas City's only food bank, has a membership of 500 non-profit agencies who provide food assistance to those living in poverty. In Johnson County, our membership includes: 11 emergency assistance food pantries which give food boxes to be used at home and 14 agencies who serve meals on site. Johnson County agencies include 2 shelters for abused women, a substance abuse center, a day care center, a home for the elderly, a nursing home, a homeless shelter, a disaster relief center, and 6 residential care centers. In Wyandotte County, members include 39 food pantries and 32 meal-serving agencies. In Miami County, there are 5 pantries and 2 agencies who prepare meals. In Franklin County we have one food pantry. 23% of all Harvesters' member agencies are located in Kansas.

In addition, we have two food bank subsidiaries: Let's Help in Topeka and the Flint Hills Breadbasket in Manhattan, Kansas. Each of these serves a variety of smaller agencies in an 11 county area including: Washington, Wabaunsee, Pottawatomie, Riley, Clay, Douglas, Marshall, Osage, Shawnee, Jefferson and Jackson.

In 1995, Harvesters received 10,960,815 pounds of donated foods from the food industry. The majority of these foods would be in a landfill if there were no food bank to reclaim them. They would be thrown away, not because they are inedible, but because there is something else wrong with them. Typical problems include mistakes in packaging, an outdated shelf life, or damage in shipping.

Because the food bank is equipped with warehouse space and the required trucks for product collection, a donor is able to call when the merchandise is available and receive immediate response for pickup information. Our professional staff and high business standards assure donors that the food and household products will be handled properly and that all this product will be distributed to those in need at no cost. We also have safeguards to guarantee that this donated product will not become available for resale in any fashion.



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While no person who receives this donated food is charged any fee of any kind (money, work hours, etc.), the agencies who take food from a food bank can incur a cost. When the product is brought into the warehouse for distribution, agencies are entitled to take as much as they can use. A small fee is charged for stable product. At Harvesters, members pay ten cents per pound. This fee is called a Shared Maintenance charge. It allows members to pay on the basis of the amount that is taken. This fee totals about 30% of our revenues and discourages agencies from taking items that they will not be able to use. It is possible for a member agency to come regularly to shop and pay nothing, provided they take only bread products, dairy products, produce or other items that are available free of any charge.

IMPLICATIONS OF SENATE BILL 530

Harvesters' food donor database has 487 names in it. Every one of these donors has been told that they are protected from liability by law. Every time a donation contact is made, a copy of the Good Samaritan law is presented. These laws which free donors from criminal and civil liability are essential to the continuation of this wonderful process of reclaiming unsellable product and giving it to those who suffer from hunger and poverty.

PERSONAL OBSERVATION

When I came to work at Harvesters, I was unaware of food banking and its impact. Several elements were immediately apparent: 1) I was stunned at the quantity of food necessary to serve a community's needy people; 2) I was thrilled to see this wonderful process of preventing waste and serving other citizens; and 3) I was impressed with the professional standards employed by the food bank itself as it carried out its mission. Food banks are the most effective organizations I know for serving those who have least in our communities. This bill is vital to food bank operations. I am here to ask you to support this bill. I would also like to invite any of you who have not visited a food bank to do so. You will be amazed at the work that is being done!

Thank you for this opportunity.



Jean Roth Jacobs, Deputy Director
Harvesters - The Community Food Network
1811 North Topping
Kansas City, Missouri 64120
Phone: (816) 231-3173 ext. 28

attachment: Agency Comments Sheet

COMMUNITY FEEDBACK

CATHOLIC CHARITIES, Kansas City, MO

Thank you for your commitment to feeding the hungry. We are truly fortunate to work with people...who make a difference.

ST. MARY'S CHURCH, Kansas City, MO

The demand for our services is increasing rapidly, and we are unable to keep pace. Your ability to deliver has come just in time to keep us afloat.

The Honorable Emanuel Cleaver, Mayor, Kansas City, Missouri

...the hope that is provided by your dedication and compassion is to be commended. Until there is a better and more lasting solution, I extend my gratitude and blessings to you and to Harvesters.

WAYNE MINER (CATHOLIC CHARITIES), Kansas City, MO

Wayne Miner Emergency Assistance Center would be helpless to meet the needs of so many families who come for help on a day to day basis. Only with (Harvesters) are we able to help in a practical way. Thank you for making Harvesters available to our families.

MOUNT CARMEL C.O.G.I.C., Kansas City, KS

The Christmas myth is that if you are good, you will get good things, if you are bad you will receive nothing. For the poor, the message is that no matter how "good" you live, you deserve nothing. Thank you for giving a different message.

HEARTLAND AIDS RESOURCE COUNCIL, Kansas City, MO

Thank you...for all you have done to enrich the lives of so many men, women, and children living with AIDS.

EL CENTRO, INC., Kansas City, KS

We have been a member of Harvesters since 1983 and have been able to help a great many people in Wyandotte. Our resources have been limited in staff and financially, but Harvesters has always been a great help. We are very Grateful!

WARRENSBURG FOOD CENTER, Warrensburg, MO

We are located about an hour southeast of Kansas City. Even though we are somewhat removed, Harvesters is still able to serve us. It would be impractical for us to pick up our orders. We are grateful that Harvesters does not consider us "too far away." The Food Center serves over 1,000 individuals a month, and the volume of clients only increases. Without Harvesters, we would find it impossible to operate anywhere near the level at which we are currently operating. We would either have to greatly restrict the amount of food we are able to give, turn people away or close down. We support Harvesters in their attempts to increase their level of service. If not for their efforts, the hunger problem in the Kansas City and surrounding area would be out of control.

WYANDOTTE DEVELOPMENT PRESCHOOL, Kansas City, KS

We are very grateful to be a part of Harvesters. We are an agency dependent on county and federal funds, which are always being cut. We are required by licensing laws to provide a nutritional snack in the morning and afternoon which is very costly. I don't think we could manage without your help. We thank you so much!! (So do our 50 children.)

ODESSA SENIOR CENTER, Odessa, MO

Thank you for the deliveries. They have been a big help to our community!!!!

NEW HOME C.O.G.I.C., Kansas City, MO

Harvesters has been a blessing both for our congregation and the community. Your cooperation and quality of items is exactly what our community needs. Thanks to you and your fine staff.

IMMACOLATA MANOR, Liberty, MO

We have been with Harvesters since 1981. We cannot begin to tell you how much Harvesters has meant to us. Funds were low in our beginning years, but with Harvesters backing us with more than 60% of our food costs we were able to take care of our residents with a good three meals a day.

COMMUNITY ALLIANCE BIBLE CHURCH, Lawson, MO

We want to thank you for all the items that we have been able to receive to pass on to the needy persons of our area out here in Lawson. We have an average of 190 families go through our line on Tuesdays (our give away day). We really appreciate all that you do for us and that we are allowed to be a part of such a worthy program.

IN AS MUCH MINISTRY, Liberty, MO

Our ability to assist people has been directly related to the support Harvesters has given us. We are very grateful for the cooperation and helping hand which has been extended to us in our efforts to meet the hunger needs in the northland area. We are very aware that without the assistance Harvesters has given us, we would have been unable to supply food to the majority of those coming to us for help.

GOOD SAMARITAN CENTER, Excelsior Springs, MO

Our food pantry is greatly enhanced by the foods that we obtain as a result of Kansas City Harvest. These are the items that make a typical pantry food order a little more interesting, a little more fun, and a lot more nutritious. This addition of fresh produce or prepared pizza can be the high point of a family's week.

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EXECUTIVE DIRECTOR
JIM SHEEHAN
Shawnee Mission

February 5, 1996

OFFICERS

PRESIDENT
SKIP KLEIER
Carbondale

1st VICE-PRESIDENT
MIKE BRAXMEYER
Atwood

2nd VICE-PRESIDENT
TREASURER
DUANE CROSIER
Seneca

ASST. TREASURER
JOHN CUNNINGHAM
Shawnee Mission

BOARD OF DIRECTORS

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J. R. WAYMIRE
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GLEN CATLIN
Herington

TOM FLOERSCH
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ROY FRIESEN
Syracuse

ARNIE GRAHAM
Emporia

STAN HAYES
Manhattan

JOHN McKEEVER
Louisburg

LEONARD McKINZIE
Overland Park

CLIFF O'BRYHIM
Overbrook

BILL REUST
Parsons

LEROY WARREN
Colby

BILL WEST
Abilene

DIRECTOR OF
GOVERNMENTAL AFFAIRS

FRANCES KASTNER

SENATE JUDICIARY COMMITTEE

SUPPORTING SB 530

I am Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association. Our membership consists of retailers, wholesalers, and manufacturers of food products in Kansas.

We support SB 530, and the Amendments outlined by Senator Vancrum. We believe this bill encourage greater participation in the program.

From the beginning of the food donor projects we have supported the donation of food to assist the needy so long as grocers are not subject to civil or criminal liabilities because of their offers of good will.

We believe this bill will strengthen the food donor program, and respectfully ask your favorable recommendation of SB 530.

Frances Kastner, Director
Governmental Affairs, KFPA

Sen Jud
2-5-96
Attach 6



KANSAS CITY HARVEST

TESTIMONY TO THE JUDICIARY COMMITTEE RE SENATE BILL 530

February 5, 1996

Good morning. My name is Deborah Bumgardner, and I am before you today to talk about the Good Samaritan law, specifically with regard to prepared food donations.

Nonprofit agencies such as soup kitchens, homeless shelters, day care centers and shelters for battered people now have a source for low cost nutritious prepared food. It is delivered to them through Prepared and Perishable Food Rescue Programs (PPFRP) like Kansas City Harvest, which is a program of Harvesters.

Kansas City Harvest picks up unserved excess prepared food from corporate cafeterias, hospitals and restaurants. We provide disposable aluminum pans and donors store or freeze the product in them. Our drivers, who are trained in safe food handling, deliver these donations in refrigerated trucks to on-site agencies that serve people in need. An on-site agency prepares the food and serves it there.

Now, I imagine that, while I was describing this process to you, you remembered the time you were in your favorite restaurant, wondering what they did with edible food that was left over at the end of the day. You hated to think that it would end up in the dumpster, knowing, as we all do, that there are needy people who could use it.

It pleases me to tell you that in Kansas City, that waste problem is solved. Since 1989, Kansas City Harvest has distributed over one million pounds of excellent, nutritious and tasty prepared food to over 95 on-site agencies in Harvesters' service area.

It has been our experience that the foodservice employees are the people who are most distressed by the thought of their good food going to waste. So they are overjoyed to know about Kansas City Harvest. But, they ALWAYS ask about liability. Once I tell them about the Good Samaritan law, they are eager to being the donating process.

Many of our donors are in Johnson County, Kansas. Senate Bill 530 provides them added protection at the state level that compliments the safety that they, and Kansas City Harvest, provide in this food donation process.

It certainly helps us as we continue to search for sources of food for people in need.

Thank you.

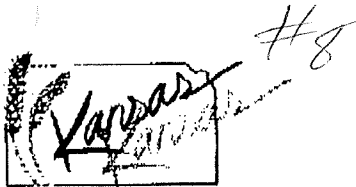
Deborah Bumgardner
Harvesters -- The Community Food Network
1811 N. Topping
Kansas City, Missouri 64120
(816) 231-3173x37



A Project of Harvesters — The Community Food Network

1811 N. Topping • Kansas City, Missouri 64120-1258 • 816/231-3173 • FAX 816/231-7044

Sen Jud
2-5-96
Attach. 7



806 E. Boston
Wichita KS 67211-3313
(316) 265-4421
FAX (316) 265-9747

FOODBANK WAREHOUSE INC., A SECOND HARVEST AFFILIATE

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Virginia White

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Brian E. Beronitz
Leerjet Corp.
- Vice President
Lionel D. Alford
Alford, Inc.
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Dr. Charles Wood
Estate Planning Consultant
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- Ron Ryan
Ryan International
- Jim Steeden
Playtheon Corp.
- Geoff Stemper
The Boeing Company
- Betty Varnie
Pioneer Balloon Co.
- Honorable Vern Williams
Retired
- F. Tim Wismer
Wichita Area Chamber of Commerce

February 2, 1996

**Senator Tim Emert
Senate Post Office
State Capitol
Topeka, Kansas 66612**

Dear Senator Emert:

On behalf of the Board of Directors of the Kansas Foodbank Warehouse, I am writing to register our support of Senate Bill 530 and proposed amendments.

The Kansas Foodbank, based in Wichita, is responsible for service to 85 Kansas counties. We distribute 3 million pounds of donated food annually.

This bill will encourage the generosity of food companies who have not previously contributed due to fear of liability.

This legislation (amended version) is good for the primary donor (food companies); charities (foodbanks); and ultimately for the hungry of Kansas.

Please continue to support our efforts on behalf of hungry families and children in Kansas by enacting Senate Bill 530.

Sincerely,

**Virginia White
Executive Director**

VW:lr

*Sen. Lud.
2-5-96
Attach 8/6*

Wilson Chapman^{LC}

ADVERTISING · MARKETING · RESEARCH · PUBLIC RELATIONS

February 1, 1996

To the Members of the Judiciary Committee of the Kansas Senate:

As a citizen of Kansas, I wish to support Senate Bill 530, which protects food donors from civil and criminal liability unless they are guilty of gross negligence.

I have been involved in the food industry for over 30 years, and have actively supported the work of Harvesters, the food bank serving the metropolitan Kansas City area. In my capacity as volunteer and donor, I am well aware of the important role food donations from retailers, wholesalers and their customers play in the effort to serve those living in poverty in our communities.

It is essential that their generosity not place them in a position of liability. I wish, therefore, to support Senate Bill 530 in its passage.

Sincerely,



Alan Chapman

Sen Jud
2-5-96
Attach 9