

Approved: 3-25-97  
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:00 a.m. on February 28, 1997 in Room 254-E of the Capitol.

All members were present except:

Senator Nancey Harrington, Excused  
Senator Keith Schraad, Excused

Committee staff present: Mary Galligan, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Midge Donohue, Committee Secretary

Conferees appearing before the committee:

Mr. Bernie Norwood, Director, Division of Alcoholic Beverage Control  
Ms. Helen Stephens, Kansas Peace Officers Association and the Kansas Sheriffs Association  
Trooper Douglas Peck, Emporia, President, Kansas Peace Officers Association  
Sheriff Richard W. Old, Wabaunsee County, Alma  
Sheriff Randy L. Rogers, Coffey County, Burlington  
Mr. Pat Stenger, Mothers Against Drunk Driving, Topeka  
Ms. Canda Byrne, Legislative Representative, Kansas Alcoholism and Drug Addiction Counselors Association, Topeka  
Mr. Neal Whitaker, Kansas Beer Wholesalers Association, Topeka  
Ms. Marjorie L. Roberson, Newton, President, Kansas Retail Liquor Dealers Association  
Mr. John Webb, Webb's Fine Wine and Spirits, Lawrence

Others attending: See attached list

**SB 357: Concerning alcoholic beverages; relating to requirements of retailers and purchasers of certain containers or kegs of beer or cereal malt beverages**

Senator Oleen explained that there were a number of conferees for the hearing today and each side would be allotted twenty-five minutes to present their testimony.

Mr. Bernie Norwood, Director of the Division of Alcoholic Beverage Control, appeared in behalf of the Secretary of Revenue in support of **SB 357 (Attachment #1)**. Mr. Norwood told the committee his agency believes the bill would provide a vehicle for law enforcement in its efforts to reduce underage drinking. He called attention to several areas of the bill the ABC felt were unnecessary and may increase the cost of implementation. He stated that, overall, the concept of the bill is one the ABC believes is necessary and should become law.

Senator Greta Goodwin appeared briefly before the committee to submit written testimony which she requested be entered into the official record in support of **SB 357 (Attachment #2)**. She told the committee she had another committee commitment which would preclude her verbal testimony during the scheduled time.

Ms. Helen Stephens appeared in behalf of the Kansas Peace Officers Association and the Kansas Sheriffs Association and offered testimony in support of **SB 357 (Attachment #3)**. She told the committee the bill was requested in an effort to obtain convictions of adults who purchase kegs of beer for consumption by underage persons. Currently, she said, there is no clear, legal chain of custody for evidence purposes and no way to prove who purchased a particular keg. She advised that avenues other than tagging the contain had been explored but none met the needed connection for a chain of evidence. Ms. Stephens explained that the bill would provide a solution to this problem by placing responsibility with the purchaser. She pointed out that previous bills put the responsibility on the liquor dealer, not the purchaser, and although KPOA would prefer

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that dealers keep the records for thirty days after the keg is returned, it would support an amendment calling for the records to be maintained until the keg is returned. Ms. Stephens went on to say that neither KPOA nor KSA would support further penalties against the dealers for non-compliance other than those stated in the bill.

She offered for consideration two options for a conceptionsal amendment pertaining to cities and counties in regard to cereal malt beverage dealers: one would require a one-time letter from each city or county to all licensees advising them of the law and that necessary forms would be available through the Department of Revenue; the second dealt with a form letter from the Department of Revenue.

Ms. Stephens concluded by saying the amendments were an attempt to successfully complete the chain of custody and accomplish this with as little burden as possible on the dealers. She asked the committee to favorably consider the amendments offered and pass the bill.

Trooper Doug Peck, Emporia, President of the Kansas Peace Officers' Association, appeared as a proponent of **SB 357** (Attachment #4). He told the committee the Association realized this bill would not solve all problems associated with keg parties of underage drinkers but believed it was a start in addressing the problems law enforcement faces across the state in handing the tragedies that result. Trooper Peck said that, with the passage of **SB 357**, with amendments, law enforcement would be able to go directly to the dealer and obtain the name of the adult who furnished the keg. He urged the passage of the bill, with amendments, so that adult offenders could be successfully prosecuted for supplying underage drinkers.

Wabaunsee County Sheriff Richard William Old, Alma, addressed the committee as a proponent to **SB 357** (Attachment #5) and echoed Trooper Peck's remark that the bill would not solve all problems but would be a valuable tool that would give law enforcement the ability to do the job they need to do. He said it would not be a big burden on the retailers and, if it solved one problem, it would be more than worth it and any inconvenience it might cause the purchaser. Sheriff Old asked the committee to pass the bill and give law enforcement officers an effective tool to deter those who would put children at risk.

Coffey County Sheriff Randy L. Rogers, Burlington, appeared as a proponent to **SB 357** (Attachment #6). He pointed out that he had cited the wrong bill number in his written testimony but assured the committee he was addressing **SB 357**. Sheriff Rogers related his law enforcement experiences with underage consumption of alcoholic beverages and the problems associated with trying to establish and hold accountable those who furnish kegs for their parties. He urged favorable consideration of the bill because it would provide law enforcement with a valuable tool to aid in investigations and to hold accountable those responsible in contributing to underage drinking.

Mr. Pat Stenger, Mothers Against Drunk Driving (MADD), Topeka, spoke as a proponent of **SB 357** (Attachment #7). As a victim of a drunk driving crash, parent, former law enforcement officer and owner/operator of an insurance adjusting firm, he said he has seen first-hand the results of keg parties, and he believes it is imperative to provide a means of tracking irresponsible adults who purchase alcohol for underage drinkers. Mr. Stenger told the committee statistics show that 25% of fatal traffic accidents involving drivers 18 to 20 years of age are alcohol related. He called attention to the number of states that currently have keg registration laws and asked that the committee favorably consider **SB 357** to hold retailers and adults accountable for furnishing keg beer to minors.

Ms. Canda Byrne, legislative representative for the Kansas Alcoholism and Drug Addiction Counselors Association (KADACA) and the Kansas Alliance on Alcohol and Other Drug Services, Inc., Topeka, spoke in support of **SB 357** (Attachment #8). She told the committee the bill would provide accountability in the selling and purchasing of kegs of beer or cereal malt beverages. Ms. Byrne stated there must be a way to hold people responsible for this behavior, and the record keeping requirements in the bill would provide a means to accomplish that.

Senator Oleen acknowledged other proponents of **SB 357** who had furnished written testimony, and the following was entered into the record:

Mr. Gene Johnson, Kansas Alcohol Safety Action Project Coordinators Association & Sunflower Alcohol Safety Action Project, Inc., Topeka (Attachment #9)  
Finney County Sheriff Kevin Bascue, Garden City (Attachment #10)  
Chase County Undersheriff Jay Whitney, Cottonwood Falls (Attachment #11)  
Harper County Sheriff Daniel C. Eslinger, Anthony (Attachment #12)  
John W. Wright, Interim Chief, El Dorado Police Department (Attachment #13)  
Chief John H. Blevins, Police Department, Anthony (Attachment #14)  
Cloud County Sheriff Larry Bergstrom, Concordia (Attachment #15)

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Barton County Sheriff James R. Dailey and Chief of Police L. Dean Akings, Great Bend  
(Attachment #16)  
Rooks County Sheriff Dave Denton, Stockton (Attachment #17)  
Dickinson County Sheriff Curt Bennett, Abilene (Attachment #18)  
Chief of Police Roy Raney, Rose Hill (Attachment #19)  
Sergeant Stanley Conkwright, Riley County Police Department (Attachment #20)  
Chief of Police Robert (Bob) Rodriguez and Lieutenant M. J. Heffron, Emporia Police Department  
(Attachment #21)  
Sergeant Lane K. Ryno, Kansas Peace Officers' Association Legislative Committee Member, Emporia  
(Attachment #22)  
Ms. Rosalie Thornburgh, Bureau Chief of Traffic Safety, Kansas Department of Transportation,  
Topeka (Attachment #23)

The chair then recognized conferees who had asked to appear in opposition to **SB 357**:

Mr. Neal Whitaker, Kansas Beer Wholesalers Association, Topeka, spoke in opposition to **SB 357** (Attachment #24), saying that, although the Association applauded efforts to curb underage drinking, it does not support the bill because it would jeopardize the freedom of citizens of the state by placing unreasonable restrictions on adults and revealing information that, if used by the wrong people, could threaten the safety of one's property or person. He acknowledged law enforcement concerns but said this legislation would not solve the underage drinking problem; that teenagers would find a way to get around the law. He expressed concern also with the requirement for the purchaser to sign an affidavit attesting to the fact that container would be taken to only one address.

Mrs. Marjorie L. Roberson, President of the Kansas Retail Liquor Dealers Association, Newton, told the committee the Association opposes **SB 357** (Attachment #25) because it would become an extension of law enforcement via a cluttered paper trail in an effort to keep underage persons from acquiring kegs. She pointed out that the bill would not require identification of kegs by wholesalers but required identification by retailers and would probably destroy the market for retail sales of kegs to clubs just to avoid the hassle. If kegs are the problem, she suggested their sale should be eliminated instead. Mrs. Roberson noted that it has always been illegal to purchase alcoholic beverages for minors and said she failed to see how this law would resolve that problem. It was her request that the committee report the bill adversely.

Mr. John Webb, Webb's Fine Wine and Spirits, Lawrence, appeared before the committee in opposition to **SB 357** (Attachment #26), saying he understood the position taken by the law enforcement community in wanting a paper trail but there were laws already in place to regulate underage drinking. Mr. Webb pointed out that minors would still find a way to obtain liquor and presented other containers of equal amount that would be available, noting that individuals who would furnish alcohol to minors would purchase those instead and not leave a paper trail for law enforcement. He presented a plastic tag as an example of what would be affixed to the keg if the bill is passed and discussed how difficult it would be to affix such a tag to the keg so it could not be altered.

Senator Oleen closed the hearings on **SB 357**, and asked the committee to turn its attention to bills previously heard, noting that **SB 28** pertaining to recoupment of indigent defense services expenses, **SB 29** concerning accessible handicapped parking, and **SB 69** pertaining to contraband in correctional institutions had been passed out of committee; **SB 158** concerning bail bonds and **SB 159** pertaining to certain distributors of alcohol liquor had been reported unfavorably; **SB 173** regarding the sale of Kansas Highway Patrol personal sidearms was passed out of committee and asked to be placed on the Consent Calendar, and **SB 176** relating to farm wineries had been reported unfavorably.

She pointed out that no action needed to be taken on **SB 368** regarding membership and financing of the Riley County law enforcement agency because the measure was contained in another bill which had passed both houses and was on its way to the Governor.

Senator Jones moved to recommend **SB 368** unfavorably to the full Senate. Senator Biggs seconded the motion, and the motion carried.

In regard to **SB 168** pertaining to designating the square dance as the official state folk dance and the polka as the official state ethnic dance, Senator Oleen said concern had been expressed over the word "ethnic", and she offered the suggestion that the word "official" be struck, designating the polka as a state ethnic dance.

Senator Becker stated he could not vote on the bill until work on other serious business, such as school finances, was completed. Senator Biggs noted that the conferees who appeared before the committee on the bill were sincere in what they were trying to do and said he would like to see the bill moved out of committee.

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Senator Biggs moved that the bill, as written, be recommended favorably to the full Senate. Senator Bleeker seconded the motion.

Senator Jones expressed concern about naming a specific dance as the official state ethnic dance, saying that too many ethnic groups would be affected if a particular dance were so designated.

Senator Jones made a substitute motion that the bill be amended by striking the word "official" and that the bill, as amended, be favorably recommended to the full Senate. Senator Biggs seconded the motion, and the motion carried.

The meeting adjourned at 12:20 p.m. The next meeting is scheduled for March 5, 1997.

SENATE FEDERAL & STATE AFFAIRS COMMITTEE  
GUEST LIST

DATE: 2-28-97

NAME	REPRESENTING
Margie L. Robinson	Ks Retail Liquor Dealers Assn.
Gary J. Smith	" " " "
John J. Webb	WEBB'S <del>WINE &amp; SPIRITS</del>
Nial Whitehead	Ks Beer Wholesalers Assn
Doug Peck	K. P. O.A.
Richard Old <sup>Sheriff</sup> WAB. CO.	K.S.A.
Art J. Bassett	Bassett Liquor Store
Conna Byrne	KADACA; Ks. Alliance on A + D
Ben <del>Spencer</del>	ABC KDOA
Patrick J. Stenger	MADD
Randy L. Ryan	COFFEY CO. SHERIFF
Stacy Kontnyright	Riley Co. Police Dept.
Lane Ryan	KPOA
Michael Heffron	KPOA
MAX SUTHERLAND	KS MADD
TOM PALAU	KOMA
Kelley Kuitala	City of Overland Park
Rosalie Tharburgh	KDOA
Whitney Damron	Lukas Liquor Super Store

SENATE FEDERAL & STATE AFFAIRS COMMITTEE  
GUEST LIST

DATE: 2-28-97

NAME	REPRESENTING
Dean Reynolds	ABC-KDOR
TUCK DUNCAN	Ks. wine & spirits wholesalers Assn.

Bernie Norwood, Director  
Division of Alcoholic Beverage Control  
4 Townsite Plaza, Suite 210  
200 S.E. 6th Street  
Topeka, KS 66603-3512



(913) 296-3946  
FAX (913) 296-0922

Division of Alcoholic Beverage Control

MEMORANDUM

**TO:** Senate Committee on Federal and State Affairs,  
Senator Lana Oleen, Chairperson

**FROM:** Bernie Norwood, Director

**DATE:** February 28, 1997

**SUBJECT:** SB 357

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The Alcoholic Beverage Control Division of the Department of Revenue appears in support of Senate Bill 357. We believe that the bill provides a vehicle that will enable all law enforcement in their effort to reduce underage drinking.

There are several things that I feel are unnecessary and may increase the cost of implementation:

1. Page 2, Line 33-34
2. Page 4, Section 3, seems unnecessary
3. Page 5, Section 4, seems unnecessary

Overall, the concept of Senate Bill 357 is one that the ABC believes is necessary and that it should become law.

GRETA H. GOODWIN  
SENATOR, 32ND DISTRICT  
COWLEY AND SUMNER COUNTIES

STATE CAPITOL BUILDING  
ROOM 403-N  
TOPEKA, KANSAS 66612-1504  
(913) 296-7381  
420 E. 12TH AVE.  
WINFIELD, KANSAS 67156  
(316) 221-9058



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS  
RANKING MINORITY MEMBER: JUDICIARY  
MEMBER: ASSESSMENT AND TAXATION  
ENERGY AND NATURAL RESOURCES  
TRANSPORTATION AND TOURISM  
JOINT COMMITTEE ON HEALTH CARE  
REFORM LEGISLATIVE OVERSIGHT  
JOINT COMMITTEE ON STATE BUILDING  
CONSTRUCTION  
HEALTH CARE STABILIZATION FUND  
OVERSIGHT  
KANSAS SENTENCING COMMISSION

TESTIMONY - S.B. 357  
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE  
February 28, 1997

Madam Chairwoman and other Senators of this committee. I want to thank you for allowing testimony to be presented which addresses a concern of law enforcement of our state.

Kansas has a problem. The Cowley County area has encountered this problem many times. This bill is brought forward as an attempt to provide an investigative tool to give law enforcement an avenue in their investigation to help determine who are the adults furnishing kegs to parties attended by underage children.

Our local law enforcement has been called many times to break up fights which has erupted on creek banks, unruly groups in homes, as well as investigate fatality accidents due to youth consuming too much alcohol at a keg party.

I believe I have voted the last four years on various keg bills in committee. I have not supported any of the four as the chain of persons consuming back to the purchasers of the keg was never clear nor drafted in such a way that the evidence would stand up in court. Previous penalties towards the seller put punitive awards on the wrong party.

I realize that this bill still may not solve this underage consumption of liquor problem. This problem would be solved by more parental responsibility, however we all know that solution is not viable when we see the lack of parental responsibility in other problems with some of our youth.



I believe this bill could be a starting point to address our concerns. Should committee members find they cannot support the process outlined in this bill, I urge you to further study this problem our law enforcement faces to give them investigative tools in their effort to make those adults who buy alcohol for minors be accountable for that purchase and any liability that follows when an adult makes liquor available to young children.

I appreciate the opportunity to bring these concerns to you.

**KANSAS PEACE OFFICERS ASSOCIATION**  
and  
**KANSAS SHERIFFS ASSOCIATION**

Senate Federal and State Affairs

February 27, 1997

Senate Bill 357

Madam Chairman and Members of the Committee:

I am Helen Stephens representing KPOA and KSA. This bill was requested to obtain convictions of adults who purchase kegs of beer for consumption by underage persons. This bill is loosely based on the Washington-state bill.

**PROBLEM** - Presently, there is no way to obtain a clear, legal chain of custody for purpose of evidence. Law enforcement arrives at the scene of a keg party - law enforcement confiscates the keg - law enforcement is lucky enough to get identification of the adult who purchased the keg - **BUT, we have NO WAY to prove that particular keg was purchased by that named adult.**

**SOLUTION - Dealer's responsibility** for sale or lease of kegs or other containers of cereal malt beverage or strong beer, capable of holding 4 gallons or more: 1) require purchaser to show one piece of ID with photo and be of legal age; 2) have purchaser fill out and sign a form as described in bill and sign the declaration; 3) dealer will affix appropriate identification on keg detailing the store name, city, state, and keg number; 4) dealer will give one copy of the form to purchaser and retain a copy for 30 days after return of the keg. The duplicate form would be supplied to the dealer by the Department of Revenue free of charge.

**Purchaser's responsibility** when purchasing or leasing keg(s) or other container(s) of cereal malt beverage or strong beer, capable of holding 4 gallons or more: 1) Provide proper ID, be of legal age, and complete dealer's form and sign the declaration; 2) purchaser shall not remove, obliterate the dealer's tag nor allow it to be; 3) maintain a copy of the declaration and receipt next to or adjacent to the tagged container no more than 5' and in clear view, during the time the tagged container is in the purchaser's possession or control; 4) except for transporting, the tagged container must rest at the place he designated on the form and declaration.

**PENALTIES:** Intentionally furnishing a keg or other container containing four or more gallons of cereal malt beverage or strong beer to a minor shall a fine of not more than \$500 and a class C misdemeanor; the second offense shall be a fine of not more than \$700 and a class B misdemeanor; a third offense shall be a \$700 fine and a Class A misdemeanor.

By error, the penalty for removing the tag was omitted and we would request the following amendment:

Removal and/or obliteration, or allowing removal or obliteration of the ID placed on containers described above by a dealer, shall be a \$700 fine and a Class A misdemeanor.

**COMMENTS:** Previous House bills on keg registration put the onus on the liquor dealer -- NOT THE PURCHASER. Our main focus is the adult who purchases kegs for under age sale and/or consumption and seeing the adult properly prosecuted and punished. The enclosed bill accomplishes the end desired, but we cannot do it alone -- we need the help of dealers selling kegs of cereal malt beverage and/or strong beer.

I contacted the President of the Liquor Dealers Association this Fall. She mentioned the association's dislike of previous House bills and stated that the organization is opposed to tagging of any sort. Somewhere in here, I asked about kegs having serial numbers - she advised that some do, some don't; but if the keg manufacturers would put a serial number on every keg that would solve the problem.

SBA #357 does not contain any of the objections found in past bills EXCEPT the issue of tagging and maintaining the records for 30 days after the keg is returned, and does include a "no liability" clause for the dealers when following the proper procedures, which other bills have not have. Some members of both KSA and KPOA explored several different avenues to replace tagging; but in the end, none made the needed connection for a chain of custody. They were unsuccessful. Tagging was the ONLY WAY a positive link could be made between the adult and a particular keg. Although KPOA would prefer dealers keep the records

Sen. Federal & State Affairs Comm.

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Attachment: # 3

for 30 days after the keg is returned; they would support an amendment stating the records shall be maintained until the keg was returned. Neither KPOA or KSA support any further penalties against the dealers for non-compliance except what is in the bill, which is handled by the Department of Revenue.

The written record referred to in SB 357 is modeled after the record kept by this President as a liquor dealer. I was advised that not all dealers use this form and some do not maintain any records of keg purchases. We added the declaration, which will the purchaser must sign. Department of Revenue has agreed to supply these form free of charge.

Due to my ignorance, I would request a second amendment, which is conceptual and pertains to cities and counties. I was unaware that cereal malt beverage dealers are not licensed by the Department of Revenue, but by local units of government. These dealers, as I understand it, are convenience stores and some grocery stores. We ask you to consider one of two possibilities: 1) each city or county (whoever licenses cereal malt beverage dealers) send a **one-time letter** to all licensees under their jurisdiction who sell cereal malt beverage beer advising them of this law and that a supply of forms are available through the Department of Revenue. This same letter would be given to each new applicant. Random checks by code enforcers could occur; that would be decided by the city or county. 2) Have the Department of Revenue make up a form letter, send it to the counties/cities, and ask that they mail it to the cereal malt beverage dealers. Cities/Counties would be given a supply of letters for future applicants. I believe cities/counties oppose the first option and would look more favorably on option 2.

The Department of Revenue supports SB 357, as they also see a continuing problem; but I have not discussed option 2 above with them.

Rumors I would like to dispel:

- 1) If kegs are tagged, next we will want purchases of multiple cases of cereal malt beverage or strong beer tagged  
**NO**, we will not. Law enforcement will appear next and I would like you to pose this question to them.
- 2) Law enforcement is out to harass liquor dealers.  
**NO**, we are not. Law enforcement statewide have commented that liquor dealers do all they can to support law enforcement and help with any problems. We just need their help for proper prosecutions.

The legislature has continually been attacking the problem of teenage drinking, and adults providing liquor or beer to underage persons, but not this problem. We believe passage of SB 357 **will** slow down or stop adults from providing kegs to under age drinkers; thus slowing down teenage drinking. But the impetus behind the bill is to obtain a clear, legal chain of custody that can be used as evidence for prosecution of those adult who supply kegs or similar containers to underage persons.

We need your help in successfully completing the chain of custody. We have tried to accomplish this with as little burden on the dealers as possible. We hope you will look favorably on SB 357, pass it out of committee with amendments, and pass it on final action.

Thank you for this opportunity. I would stand for questions.

# COMPONENTS OF PROPOSED KEG BILL, SB 357

## REQUIREMENTS OF THOSE WHO:

Sell or lease kegs or other containers of cereal malt beverage or strong beer, capable of holding 4 gallons or more

### SHALL:

- 1) Require the purchaser to complete the appropriate form described below, with dealer retaining one copy, and one copy for purchaser;
- 2) Maintain keg purchase records for 30 days after return of keg;
- 3) Require the purchaser to provide one piece of identification with photo;
- 4) Require the purchaser to be of legal age to purchase, possess, or use said keg or other container;
- 5) Affix appropriate identification on all containers of four gallons or more of cereal malt beverage or strong beer for the purpose of tracing the purchasers of such containers, such ID shall include store name, city and state, and keg number;
- 6) shall not be liable for any damages, etc. as a result of a keg purchaser allowing a person under the legal age to purchase, possess, or use keg, if the dealer was acting in good faith and followed the procedures as outlined above;

### ABC SHALL:

- 1) Formulate rules and regulations for this act, which shall include but not limited to:
  - a) Designing a form and declaration to be distributed free of charge to all retailer liquor dealers who sell kegs or other containers, consisting of 4 gallons or more, of cereal malt beverage or strong beer;
  - b) Form shall include space for store name, purchaser's name, address, city, state, home phone, place of employment, driver's license no. and birthdate/or ID card with birthdate; type/size/no. of kegs; no. of taps taken; no. and size of containers; particular address where keg or other container of beer will be consumed or located; and a statement, as outlined below, which must be signed by said purchaser:

I, \_\_\_\_\_, am of legal age to purchase and possess this alcoholic beverage and will not allow any person under the age of 21 years of age to consume this beverage. I will not remove, obliterate, or allow to be removed or obliterated, the store ID required on this or these kegs. This or these keg(s) will be consumed at \_\_\_\_\_, and the keg will be physically located at \_\_\_\_\_. I also agree to maintain a copy of this declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than 5 feet, and visible without a physical barrier from the keg, during the time that said keg or other container is in my possession or control."

Also include signature space, space for how deposit was paid (cash or credit card), date keg returned; clerk's name, and date deposit was returned (customer signature).

- c) Determining penalties for failure of a retail liquor dealer to maintain keg registration records;
- 4) Determining the proper tagging for dealers, which shall include store name, address, and keg number.

## PURCHASER OF ANY KEG OR CONTAINER HOLDING 4 GALLONS MORE OF CEREAL MALT BEVERAGE OR STRONG BEER SHALL:

- 1) Complete form, as required above, including declaration statement;
- 2) Provide driver's license or proper form of identification;
- 3) Be of legal age to purchase possess or use cereal malt beverage or strong beer;
- 4) Not allow any person under the age of 21 to consume the beverage;
- 5) Not remove, obliterate, or allow to be removed or obliterated, the ID placed on the container by the retail liquor dealer at time of purchase;
- 6) Not move, keep, or store the keg or its contents, except for transporting to and from the distribution, at any place other than that particular address declared on the receipt and declaration; and
- 7) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than 5 feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

## PENALTIES:

Intentionally furnishing a keg or other container containing four or more gallons of cereal malt beverage or strong beer to a minor shall a fine of not more than \$500 and a class C misdemeanor; the second offense shall be a fine of not more than \$700 and a class B misdemeanor; a third offense shall be a \$700 fine and a Class A misdemeanor.

## EFFECTIVE DATE

July 1, 1997

DOUGLAS, President  
Kansas Highway Patrol  
Emporia, Kansas 66801

FRANK DENNING, President-Elect  
Roeland Park Police Department  
Roeland Park, Kansas 66205

O. J. MCCART, Vice-President  
Paola Police Department  
Paola, Kansas 66071

ALVIN THIMMESCH  
Secretary-Treasurer  
Kansas Peace Officers' Association  
Wichita, Kansas 67201

GEORGE STEPH  
Sergeant at Arms  
Kansas Law Enforcement Training Center  
Hutchinson, Kansas 67504

## BOARD OF GOVERNORS

### GOVERNORS AT LARGE

DAVID MAYFIELD  
Kansas Highway Patrol  
Yates Center, Kansas 66783  
DENNIS TANGEMAN  
Kansas Highway Patrol  
Wichita, Kansas 67207  
LARRY THOMAS  
Kansas Bureau of Investigation  
Topeka, Kansas 66612  
RICHARD L. DUNBAR  
Kansas Lottery Security  
Wichita, Kansas 67202

### GOVERNORS

**DISTRICT 1**  
LOREN ANDERSON  
Sheriff, Douglas County  
Lawrence, Kansas 66044  
JAMES "BUDD" BURKE  
AT&SFRR Police  
Kansas City, Kansas 66101  
DAVE BURGER  
Lenexa Police Department  
Lenexa, Kansas 66215

**DISTRICT 2**  
RANDY THOMAS  
Lyon County Sheriff's Office  
Emporia, Kansas 66801  
DANA KYLE  
Riley County Police Department  
Manhattan, Kansas 66502  
NATE SPARKS  
Kansas Highway Patrol  
Junction City, Kansas 66441

**DISTRICT 3**  
DAVE SMITH  
Ellsworth Police Department  
Ellsworth, Kansas 67439  
RON BLAD  
Republic County Sheriff's Office  
Belleville, Kansas 66935  
ALVIE FURBECK  
Kansas Highway Patrol  
Salina, Kansas 67401

**DISTRICT 4**  
LAWRENCE YOUNGER  
Hays Police Department  
Hays, Kansas 67601  
FRANK REESE  
Ellis County Sheriff  
Hays, Kansas 67601  
JOHN FROSS  
Ft. Hays State University Police  
Hays, Kansas 67601

**DISTRICT 5**  
RAY MORGAN  
Kearney County Sheriff's Office  
Lakin, Kansas 67860  
DENNIS SHARP  
KS Dept. of Wildlife and Parks  
Holcomb, Kansas 67851  
DAVID RUPP  
Garden City Police Department  
Garden City, Kansas 67846

**DISTRICT 6**  
WARREN S. PETERSON  
Barton County Sheriff's Office  
Great Bend, Kansas 67530  
BOYCE MOSES  
Kansas Law Enforcement Training Center  
Hutchinson, Kansas 67504  
DOUG MURPHY  
Kinsley Police Department  
Kinsley, Kansas 67547

**DISTRICT 7**  
CRAIG KING  
Cowley County Sheriff's Office  
Winfield, Kansas 67156  
TOM PRUNIER  
Derby Police Department  
Derby, Kansas 67037  
SCOTT MAYFIELD  
Kansas Highway Patrol  
Wichita, Kansas 67226

**DISTRICT 8**  
LOWELL PARKER  
Greenwood County Sheriff  
Eureka, Kansas 67045  
CHARLES D. WARD  
KS Dept. of Wildlife and Parks  
Chanute, Kansas 66720  
HOWARD KAHLER  
Iola Police Department  
Iola, Kansas 66749

# Kansas Peace Officers' Association

INCORPORATED

TELEPHONE 316-946-KPOA

FAX 316-946-0570

P.O. BOX 2592 • WICHITA, KANSAS 67201



## Chairperson and Committee:

My name is Doug Peck, President of the Kansas Peace Officers' Association, the largest professional law enforcement organization in the State of Kansas with over 3600 members.

The KPOA Legislative Committee voted unanimously to support Senate Bill 357. Law enforcement across the State have dealt with keg parties and their sometimes tragic ends.

Upon reaching a scene of under age drinking, we usually have no trouble confiscating the keg, our problems come with determining who purchased the keg and linking that keg to the person named. Most under age drinkers refuse to name the person responsible for the keg's purchase, as they do not want to be taunted by their friends as the one who turned someone in. If we do obtain a name, sometimes we cannot verify for evidence the connection between the name given and the keg that was confiscated.

With the passage of SB 357 with amendments, we could go directly to the dealer and obtain the name of the adult who furnished the keg to the party. This one detail will give us the evidence we have been lacking in the past. We believe this would curtail adult's supplying underage drinkers.

We urge you to pass SB 357 with amendments so we can properly prosecute the adult offenders, and help reduce the number of illegal beer parties, which would save lives and make Kansas a safer place for all.

Thank you for this opportunity. I will attempt to answer any questions that you may have at this time.

A handwritten signature in cursive script that reads "Douglas Peck".

Sen. Federal & State Affairs Comm.

Date: 2-28-97

Attachment: #4

*In Unity There Is Strength*



OFFICE OF SHERIFF  
WABAUNSEE COUNTY, KANSAS  
P.O. Box 176, 215 Kansas, Alma, KS 66401  
913-765-2217 (fax) 913-765-2339

RICHARD WM. OLD  
Sheriff

Testimony before the Kansas Legislature

February 28, 1997

SB #357

I am the Sheriff of a small Kansas county with a population of less than 7000 people. Yesterday, I spoke with Loren Anderson of Douglas County, Dave Meneley of Shawnee County, Roy Dunaway of Jefferson County and Ken Lippert of Osage County. We all support passage of THE KEG BILL.

The most wide spread serious drug of abuse in my county is alcohol, and this bill addresses a specific problem that my officers encounter on a regular basis. We find underage drinkers getting beer from a keg at a party in a rural area or at a residence where the homeowner is absent and some unknown person has left a keg of beer for anyone to enjoy. My officers arrive and nobody knows where this keg came from. This past year my department sold more than a dozen confiscated beer kegs back to the beer distributor, because there was no way to identify the person who purchased it from the retailer.

The way it stands now, if someone wants to buy beer for our kids, the only thing they risk loosing is their deposit. This statute will give my officers a real leg up in their efforts to identify the persons responsible for providing beer to minors. And, it will cause many young adults to think twice before buying a keg, for their underage friends. Every one that is deterred is a step in the right direction for reducing teenage deaths from drunken driving.

The paperwork required by this bill will, no doubt, be an inconvenience to many a legitimate purchaser. I doubt that I would be asked for identification were I to go in and try to buy a keg of beer today, but if this bill is passed, I would have to show the retailer my drivers license. Personally, I don't think that this is such a terrible inconvenience. It's no more than that which we suffer whenever we want to write a check.

Sen. Federal & State Affairs Comm.  
Date: 2-28-97  
Attachment: #5

My kids are worth that inconvenience. Don't we have a responsibility to do everything in our power to reduce the availability of alcohol to underage drinkers? It is time to pass this bill, and give our law enforcement officers an effective tool, as well as, to deter those who would put our children at risk.

Thank You.

A handwritten signature in cursive script, reading "Richard Wm. Old". The signature is fluid and somewhat stylized, with the first and last letters of each word being prominent.

Richard Wm. Old, Sheriff  
Wabaunsee County, Kansas

COFFEY COUNTY SHERIFF'S OFFICE  
100 W. WASHINGTON ST., PO BOX 226  
BURLINGTON, KANSAS 66839  
PHONE (316) 364-2123  
FAX (316) 364-5758  
IN KANSAS TOLL FREE (800) 362-0638



LAW ENFORCEMENT BEYOND 2000

RANDY L. ROGERS  
SHERIFF  
KENNETH RONEY, UNDERSHERIFF  
JOHN LIDDELL, CHIEF DEPUTY

Thursday, February 27, 1997

#6

TO: Senate Federal and State Affairs Committee.  
Reference: SB537 KPOA KEG BILL

Dear Senators,

I have served in Law Enforcement for over 9 years all of which have been in Coffey County. I am currently serving as Sheriff. Over the years I have witnessed an alarming rate of increase of under age drinking. With the increase of underage consumption has also come an increase in other crimes which are a direct result of the under age drinking. The crimes I speak of are Criminal Damage to include vandalism and graffiti, Thefts, and Sexual Batteries/Rapes.

Another area that is affected is Automobile accidents involving young people in which they are killed or permanently maimed. While Investigating these accidents it is obvious that alcohol if not the direct cause of the accident is a contributing factor.

A large percentage of the time we are able to trace the cause of the above mentioned crimes and accidents and have discovered that they are related to *KEG PARTIES*. The problem we run into is that once we have established that a *KEG PARTY* is involved it is very difficult to determine who purchased the *KEG(S)* for these parties and to hold them accountable.

With the proposed Senate Bill 537 you will be providing Law Enforcement a valuable tool to aid in Investigations and to hold those responsible in contributing to underage drinking accountable. It is my opinion that there will be a great reduction as well in the fore mentioned crimes and accidents.

The argument by those opposing this bill may be that the cost is too great and it's application would not be practical. Undoubtedly, the cost associated with this Senate Bill would be passed onto the consumer.

I would like to end by saying this, compare this cost to the tragedies currently being suffered by victims of the related crimes, as well as higher insurance premiums, unnecessary hospital costs, and tragic loss of lives to accidents as a direct result of underage drinking.

A handwritten signature in cursive script that reads "Randy L. Rogers".

RANDY L. ROGERS  
COFFEY COUNTY SHERIFF

Sen. Federal & State Affairs Comm.  
Date: 2-28-97  
Attachment: #6





## Mothers Against Drunk Driving

---

3601 SW 29th Street • Topeka, KS 66614 • (913) 271-7525 • 1 (800) 228-6233

KANSAS STATE OFFICE  
February 28, 1997

Dear Chairperson and Committee Members:

My name is Pat Stenger and I'm here on behalf of MADD in support of SB 357. As a victim of a drunk driving crash, parent, former law enforcement officer and owner/operator of an insurance adjusting firm, I have seen first hand the results of "keg parties".

In speaking with parents, school administrators, teachers and law enforcement officials, all question the easy access that teenagers have to alcoholic beverages for parties.

Throughout my years of experience keg beer has been a prevalent source of alcohol for minors, and keg parties expose large numbers of minors to the availability of alcohol at any one given time. It is imperative that we provide a means of tracking those irresponsible adults who are purchasing alcohol for underage drinkers, as well as those purchasers, still under age themselves, who are purchasing alcohol with the use of fake ID's.

As an agricultural land owner I would like to point out that if I wish to purchase various types of pesticides to use on my farm, I must first take a written exam and become licensed in order to purchase this pesticide. This exam and recertification must be done every four years. I must then, at the time of purchasing same, present my license to the retailer so that they may record the date, the expiration date of my license, the type of pesticide I am purchasing and how much. It appears to me the amount of time it will take the purchaser of a keg of beer to fill out the necessary paperwork, along with the retailer, that this is a small inconvenience when it concerns our youth and their safety.

Statistics provided to me by the Kansas MADD State Office show that 25% of all fatal traffic crashes involving drivers 18-20 are alcohol-related. Seventy-eight percent of those drivers ages 18 - 20 involved in alcohol-related traffic crashes were drinking drivers.

A keg registration survey was conducted by the Kansas MADD State Office during December 1993 and January 1994 to all 352 Kansas law enforcement agencies. Their office received responses from 128 of the agencies (36%) with 105 of those agencies indicating that a "Keg Registration Law" would provide an effective deterrent to illegal sales, purchase and consumption of keg beer by minors.

Attached to my letter of testimony herein is a sheet listing the 14 states that currently have keg registration laws and the objectives of a keg registration law.

Once again, I ask that we make retailers and adults be held accountable for the irresponsible selling and purchasing of keg beer to minors and vote for SB 357. Thank you.

Pat Stenger

Sen. Federal & State Affairs Comm.  
Date: 2-28-97  
Attachment: # 7

## KEG REGISTRATION

The following states have keg registration laws:

1. Alaska
2. California
3. Idaho
4. Maine
5. Maryland
6. Massachusetts
7. Nebraska
8. New Mexico
9. North Dakota
10. Oregon
11. Vermont
12. Virginia
13. Washington, DC
14. Washington State

### OBJECTIVES:

The objectives of a Keg Registration Law include:

- \* Reducing problems related to underage drinking such as:
  - Driving under the influence,
  - Violence and crime,
  - Situations regarding sex while consuming alcohol which can lead to problems such as date rape, sexually transmitted diseases including HIV/AIDS and unplanned pregnancies.
- \* Encouraging and supporting the enforcement of underage consumption and possession laws by providing law enforcement with a tool to use to trace individuals who provide alcohol to minors.
- \* Encouraging retailers to comply with the law of obtaining proper identification when selling a keg to someone.
- \* Placing the responsibility for acts committed by a minor on the purchaser of kegs when the contents of the keg are consumed by a minor.
- \* Using the regulation as a deterrent to those over 21 years of age from providing minors with alcohol.



**KADACA**

Kansas Alcoholism and Drug Addiction Counselors Assoc.    JN

For More Information Contact:  
Canda Byrne, MSN, ARNP, CS  
Legislative Representative  
P. O. Box 1732  
Topeka, Kansas 66601  
(913) 233-0755  
**February 28, 1997**

**SB 357: An Act concerning alcoholic beverages; relating to requirements of retailers and purchasers of certain containers or kegs of beer or cereal malt beverage**

Senator Oleen and members of the Federal and State Affairs Committee, my name is Canda Byrne. I am the Legislative Representative for the Kansas Alcoholism and Drug Addictions Counselors Association (KADACA) and the Kansas Alliance on Alcohol and Other Drug Services, Inc. The Kansas Alcoholism and Drug Addictions Counselors Association is a membership organization that represents approximately 500 alcoholism and drug addiction counselors around the state of Kansas. KADACA's primary task is the certification of addiction counselors. The Alliance on Alcohol and Other Drug Services, Inc. is representative of groups including The Regional Prevention Centers Directors Association and KADACA.

I am here today to speak in support of SB 357. We believe that a "keg identification" will provide some accountability in the selling and purchasing of kegs of beer or cereal malt beverages. It is no surprise to any of us that there are purchasers over the age of 21 who supply beer and cereal malt beverages to those under age. We think that there must be a way to make people responsible for this behavior. We believe that these record keeping requirements in SB 357 will help.

Thank you for allowing me to provide testimony in support of SB 357.

February 28, 1997

Senator Lana Oleen, Chairman  
Federal and State Affairs Committee  
State Capitol, Room 136-N  
Topeka, KS 66612

Dear Senator Oleen:

The Kansas Community Alcohol Safety Action Project Coordinators Association supports Senate Bill 357 as another preventative measure for under age drinking. Our organization provides the alcohol and drug evaluations and monitoring services for all thirty-one Judicial Districts in the State of Kansas for those persons who have been arrested for DUI and other alcohol and drug offenses.

Senate Bill 357 will help solve a long-standing problem concerning individuals under the legal age of 21 who consume alcoholic beverages. Several years ago Kansas law made it illegal for persons under the age of 21 to consume or possess alcoholic beverages, except under the direct supervision of a parent or guardian.

Some unscrupulous individuals have come up with an idea of "keg parties" where a flat fee is charged to those attending. These parties are held mostly during the Spring and Summer months and are targeted to our young adults (often Juniors and Seniors in high school) and younger teenagers, who are under the legal age to consume, purchase or possess alcohol in the State of Kansas. These parties are mostly held in some rural, remote location, out of the sight of law enforcement officers or the inquisitive public eye.

As you can surmise, these young people attending these parties must operate or occupy a motor vehicle to get there and hopefully, will be able to return to their homes without becoming involved in an alcohol related crash.

Unfortunately, our Society seems to be sending two messages to our young people: (1) They have been informed that consuming alcohol is against the law, and (2) that it is okay to pay and participate in consuming alcoholic beverages at keg parties.

The latest survey conducted by the Kansas Communities That Care Survey in conjunction with the Alcohol and Drug Abuse Section in the State of Kansas, has indicated the following results in Kansas:

For individuals, age 12 or more, 41% have tried consuming intoxicating beverages on at least one occasion.

At age 14, 66% of those individuals have consumed intoxicating beverages on at least one occasion.

At age 16, 80% of those individuals have consumed intoxicating beverages.

At age 18, 88% of those persons in that age group have consumed alcoholic beverages.

Sen. Federal & State Affairs Comm.  
Date: 2-28-97  
Attachment: #9

February 28, 1997  
Senate Bill 357  
Page -2-

The same survey did not have any figures for those individuals age 18 to 21, but one can presume the percentage of individuals consuming intoxicating beverages would be at least as high as the percentages surveyed for those of age 18.

In 1993 the Kansas Department of Health and Environment conducted a survey to assess the prevalence of health behaviors on adult Kansans, age 18 or older. The survey identified binge drinking as five or more drinks on an occasion, one or more times in a 30 day period. In that survey, one out of four individuals, in the age bracket of 18 to 24, had been involved in binge drinking. Again, we can only assume that a like number is applicable to those individuals under the age of 21, who involve themselves in binge drinking, on at least one occasion.

These keg parties are presently being held in our State and such parties encourage binge drinking for our young people, under the age of 21.

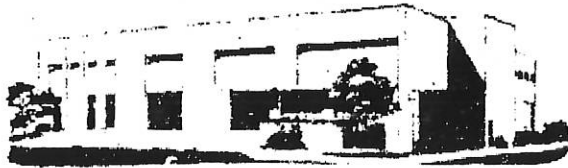
With Senate Bill 357, we are taking a positive step in eliminating the illegal consumption of alcohol by those persons under the age of 21 in the State of Kansas. This legislation also develops an excellent tracking device for Alcohol Beverage Control Agency and local law enforcement to determine who purchased this alcohol to be sold or offered to persons under the age of 21.

Again, our association supports Senate Bill 357 as another step in eliminating the consumption and possession of alcohol by our young people under the age of 21 in the State of Kansas.

Respectfully,



Gene Johnson  
Legislative Liaison  
Kansas Community Alcohol Safety  
Action Project Coordinators Association



Office of the SHERIFF

Finney County Law Enforcement Center  
304 NORTH NINTH STREET  
GARDEN CITY, KANSAS 67846-5395

KEVIN BASCUE, SHERIFF  
Phone 316-272-3700

Fax Number  
316-272-3777

February 27, 1997  
Helen Stephens  
Topeka, Kansas

Dear Helen,

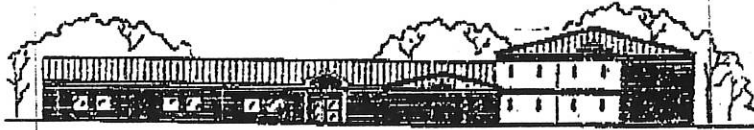
I would like to forward to you my opinion on the Keg Bill. I am in total support of the bill and as far as I am concerned a vote against is a vote against the enforcement of underage drinking. They might as well come out and say it is okay to drink if you are under 21 because they will be taking away a potential tool that we would have to investigate underage drinking.

As far as state wide L.E. powers for Conservation Officers, I am opposed to that. Sorry.

Kevin Bascue, Sheriff

Sen. Federal & State Affairs Comm.  
Date: 2-28-97  
Attachment: #10

CHASE COUNTY  
SHERIFF DEPARTMENT



P.O. Box 628  
COTTONWOOD FALLS, KANSAS 66845  
316-273-6313  
FAX 316-273-6442

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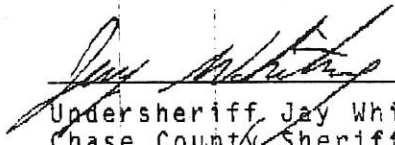
022797

To: Helen Stevens

In response and in reference to the Senate bill #357.  
Our agency is greatly in favor of this bill. It is our  
belief and hope that this bill would aid in the problem  
Law Enforcement agencies have with Minors in Consumption.

We are greatly in favor of this bill and very hopeful it  
passes the Senate.

Sincerely

  
\_\_\_\_\_  
Undersheriff Jay Whitney  
Chase County Sheriff Department

Sen. Federal & State Affairs Comm.  
Date: 2-28-97  
Attachment: #11



SHERIFF DANIEL C. ESLINGER

[REDACTED]  
HARPER COUNTY SHERIFF'S OFFICE

911 CENTER  
HARPER COUNTY JAIL  
113 E. STEADMAN  
ANTHONY, KANSAS 67003  
(316) 842-5135  
FAX (316) 842-3251

911 #12

UNDERSHERIFF GERALD HAWEL

**DATE:** FEBRUARY 27, 1997  
**TO:** HELEN STEPHENS  
**FROM:** HARPER COUNTY SHERIFF DEPARTMENT  
DANIEL C. ESLINGER, SHERIFF  
GERALD HAWEL, UNDERSHERIFF  
**SUBJECT:** SB 357 - KEG BILL

OUR DEPARTMENT IS IN FAVOR OF THE PROPOSED KEG BILL. WE FEEL THE CUSTODY FORM WILL BE A GOOD INVESTIGATIVE TOOL IF NEEDED. HOPEFULLY IT WILL ALSO BE A DETERRENT ON PURCHASES FOR OR BY MINORS.

*Daniel C. Eslinger*

Sen. Federal & State Affairs Comm.  
Date: 2-28-97  
Attachment: #12



City of  
**ELDORADO**  
KANSAS

#13

Helen Stephens  
Reference : S.B. 357  
913-354-8758

The El Dorado Police Department supports the Keg Bill. This needed control fits in with this city's strategies to provide a healthy, safe environment by significantly reducing the abuse of drugs/alcohol by the underage youth of our community.

Respectfully,



John W. Wright  
Interim Chief  
El Dorado Police Department

# ANTHONY POLICE DEPARTMENT

202 SOUTH BLUFF / ANTHONY, KANSAS 67003 / TELEPHONE (316) 842-8123

Helen Stephens

2-27-97

This letter is to inform you of our support of Senate Bill #357.

As law enforcement officer's we believe this type of legislature would be very helpful in our everyday struggles to keep liquor out of the hands of minors.

Thanks for your assistance into this matter.

  
John H. Blevins  
Chief of Police

Sen. Federal & State Affairs Comm.  
Date: 2-28-97  
Attachment: #14

Re: Senate Bill 357  
11:00 a.m. Room 254 E  
Hearings by Senate, Federal and State Affairs Committee

Sheriff Larry Bergstrom  
Cloud County Sheriff's Department  
Concordia, Kansas 66901  
913-243-3636

In reference to Senate Bill 357, I am encouraging the committee vote for this bill reference to kegs. Over the past numerous years, our department has broken up several Keg parties involving juveniles and minors. A keg would be found and in most of the cases we have difficulty proving who bought the keg for the kids. There is no way of following up to find out what adult purchased the keg. Sadly a quite of few times adults buy the keg and sell it to kids at a profit. There have been cases where we have broken up parties where cups were sold for \$5.00 a piece but nobody was sure who actually was to get the money even though we had the keg. I think by having serialized kegs, it would make it considerable easier for Law Enforcement to find out who the adult was that was allowing minors to have access to the keg. If we're going to stop minors from drinking, this is just one more tool to help us out. I believe that some of this would stop just as soon as a adult knew that there was some way of proving who had purchased the keg and who was responsible for it . I would encourage the committee to pass SB 357.

Sincerely,



Sheriff Larry Bergstrom  
Cloud County Sheriff's Department



# BARTON COUNTY SHERIFF'S OFFICE

1416 Kansas

GREAT BEND, KANSAS 67530



**JIM DAILY**  
Sheriff

Phone (316) 793-1876  
FAX (316) 793-1885

**DAN SIMPSON**  
Undersheriff

February 26, 1997

**To: Helen Stephens for the Senate Federal and State Affairs Committee**  
**From: Barton County Sheriff's Office**  
**Subject: Senate Bill Number 357 (Proposed Keg Bill)**

Chairman and Members of the Committee:

Thank you for allowing this testimony to be presented. The problem of adults providing cereal malt/alcoholic beverages to minors is an on going situation of many years duration. The realization that a so-called "keg party" involving minors and illegally-consumed cereal malt/alcoholic beverages is almost a weekly event in our area during good weather. The cereal malt/alcoholic beverages consumed during these "parties", where juveniles are present and drinking, is almost entirely provided by adults who have an ulterior motive in furnishing the beverage. That motive might be as simple as a cash profit or purchasing for a sibling. The potential of serious injury or death arising from accidents by persons leaving these gatherings is always present although we continue to try to enforce all laws.

The intent of this law is to make the adult who is purchasing the cereal malt/alcoholic beverage for underage "keg parties" responsible and accountable for his actions. The law will provide law enforcement positive evidence of chain of custody of the keg which is needed for the valid prosecution of Furnishing Cereal Malt/Alcoholic Beverages to a Minor. At the present time, Law Enforcement does not have an existing law to assist in tracking a keg from the time it leaves the retail dealer until it arrives at the location where it will be distributed to minors.

Therefore we, the Barton County Sheriff's Office and the Great Bend Police Department, are requesting the proposed keg bill be supported by your committee.

Respectfully submitted,

James R. Daily  
Sheriff, Barton County

L. Dean Akings  
Chief of Police, Great Bend Police Department

Sen. Federal & State Affairs Comm.  
Date: 2-28-97  
Attachment: #16

# ROOKS COUNTY SHERIFF'S OFFICE

P.O. BOX 193-STOCKTON, KANSAS 67669-0193

ADMINISTRATION: (913) 425-8334

PROFESSIONAL LAW ENFORCEMENT

DAVE DENTON SHERIFF & D.A.R.E. INSTRUCTOR

DARYL THORNBURG, UNDERSHERIFF  
RON TURNBULL, SERGEANT

RANDY MOLL, DEPUTY  
ALLEN ROGERS, DEPUTY

Feb 26, 1997

To: Senate Federal and State Affairs Committee

From: Sheriff Dave Denton, Rooks County Kansas

Ref: Keg Bill (SB 537), Support for

Committee Members,

I would urge passage of the aforementioned bill for a variety of reasons. Primarily, I think it is important to hold individuals responsible, not only for criminal acts themselves, but also as contributors to crime. This bill will help us identify those responsible for purchasing kegs of beer. Those who choose to be irresponsible where the lives of our children are at stake need to be held accountable. We are not asking the liquor industry to do our job, only to help us. I do not think it would be much of an imposition for them to keep a few records.

All too often we are asked to work fatal accidents involving children who were at a "Kegger". The people who sponsor such "Keggings" don't consider any risk to themselves for providing the booze. Asking them to sign a chain of custody for a keg will make them consider their own liability. At one "Kegger" recently my officers went and found a number of people and minors there. The officers asked who bought the beer. An "of age" individual smugly replied that he was, and that he was not letting any minors drink from the keg. The officers told him that was good, because if any kids were found dead in traffic accidents that were at his kegger, he would be charged with manslaughter. The officers left and it was not long before the party was over as well. The owner of the keg started thinking of his own neck. This is a deterrent.

There is a code of silence for kids at drinking parties and it is such because the kids don't want to be known as a snitch, and because they don't want reprisals. Kids want to see justice the same as anyone else, but they don't want to be put on the spot as a "witness". Chain of Custody for kegs would eliminate the need for a witness to come forward.

I'm sure there are a lot of other good reasons this bill should be passed, and I can't think of any reasons why it should be killed. Our children's lives are at stake.

*Dave Denton, Sheriff*

*Randy Moll, Deputy*  
*Allen Rogers, Deputy*

Sen. Federal & State Affairs Comm  
Date: 2-28-97  
Attachment: #17



OFFICE OF  
**Dickinson County**  
**Sheriff**

109 EAST FIRST  
ABILENE, KANSAS 67410

(913) 263-4081  
(913) 263-1512 Fax  
(913) 263-7902 Drug Enforcement Fax

*#18*  
**Curt Bennett**  
**Sheriff**

February 25, 1997

Helen Stephens

Re: KPOA's Keg Bill SB 537

Dear Helen:

I regret not being able to come in person, but due to a double homicide in my county, I need to be here.

I do not oppose drinking among adults if self restraint is used. I, as many, did attend a few "keg" parties myself. I can truthfully say I never purchased alcohol for a minor, and I will also be truthful and say I purchased and drank a few beers before I was 18 years old. Now that my truthfulness has been established, I would like to see all retail alcohol salespersons put in a position so they wouldn't have to lie to authorities when asked the big question of whether they sold to minors or not. I believe the retailers along with the wholesalers would adjust and their sales, in time, would not show a decline. I currently possess confiscated "kegs" and no one has proof of ownership. Of course the local beer distributor would gladly come pick them up, but you see, someone else gave him \$100.00 deposit plus the \$60.00 for the beer. Pawn shops have rules to go by and I feel a chain of custody for "kegs" is even more important especially where we are dealing with a product in which alters the actions of human beings.

A handwritten signature in cursive script that reads "Curt Bennett".

Curt Bennett  
Sheriff  
Dickinson County

TOTAL P.02

Sen. Federal & State Affairs Comm  
Date: 2-28-97  
Attachment: #18



#19

**Rose Hill Police Department**

Chief of Police  
Roy E. Raney

P.O. Box 175  
Rose Hill, Kansas 67133  
316-776-0191  
Emergency 911

Mayor  
Dan Woydziak

February 27, 1997

Helen Stephens  
913-354-8758 (FAX)

Dear Ms. Stephens,

Please be advised that the Rose Hill Police Department strongly supports Senate Bill #357, also known as the "Keg Bill".

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Raney".

Roy Raney  
Chief of Police



# RILEY COUNTY POLICE DEPARTMENT

ADMINISTRATION, TRAINING • 115 N. 4TH • (913) 537-6100 • FAX 565-6525  
INVESTIGATIONS • 115 N. 4TH ..... (913) 537-2108 • FAX 537-3640  
PATROL, RECORDS • 600 COLORADO ..... (913) 537-2112 • FAX 537-4930  
JAIL • 600 COLORADO ..... (913) 537-2112 • FAX 537-3810

**ALVAN D. JOHNSON**  
**DIRECTOR**

## TESTIMONY BEFORE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

### KEG BILL SB 357

I'M SERGEANT STANLEY CONKWRIGHT, FROM THE RILEY COUNTY POLICE DEPARTMENT. I HAVE BEEN ON THE POLICE DEPARTMENT FOR 27 YEARS.

MANHATTAN/RILEY COUNTY HAS A POPULATION OF OVER 68,000 PEOPLE. KANSAS STATE UNIVERSITY AND FORT RILEY ARE IN OUR JURISDICTION. WE HAVE A YOUNG POPULATION AND NUMEROUS EVENTS EVERY YEAR THAT WILL INCREASE THE AMOUNT OF ALCOHOL CONSUMPTION IN RILEY COUNTY.

IN THE LAST TWO YEARS, WE HAVE HAD 8 DIFFERENT CASES WHERE WE HAVE CONFISCATED A TOTAL OF 27 KEGS. ALL OF THESE KEGS WERE RETURNED TO THE DISTRIBUTOR INSTEAD OF THE LIQUOR STORE WHERE THEY WERE PURCHASED. IN SOME OF THE INCIDENTS, WE WERE ABLE TO FIND OUT FROM THE CROWD AT THE PARTY, WHO HAD PURCHASED THE KEGS AND WHERE THEY HAD BEEN PURCHASED. HOWEVER IN THE MAJORITY OF THE CASES, ENFORCEMENT ACTION IS DELAYED AND DIFFICULT, BECAUSE OF BEING UNABLE TO DETERMINE WHERE THE KEGS WERE PURCHASED.

THE RILEY COUNTY POLICE DEPARTMENT SUPPORTS FULLY THIS BILL. WE FEEL THAT THIS BILL WILL HELP WITH ENFORCEMENT AND WILL ASSIST IN THE SAVINGS OF LIVES, BY BEING ABLE TO HOLD THOSE ACCOUNTABLE WHO ARE OF AGE, AND PURCHASE KEGS FOR UNDER AGE DRINKERS. AT KEG PARTIES IN OUR JURISDICTION IT IS NOT UNUSUAL TO FIND UNDERAGE DRINKERS. THIS BILL WILL ASSIST IN MAKING IT HARDER FOR UNDERAGE DRINKERS TO PURCHASE KEGS WITH OUT BEING CAUGHT.

IN MY EXPERIENCE ON THE POLICE DEPARTMENT I HAVE SEEN PEOPLE OF ALL AGES LEAVE KEG PARTIES IN OUTLYING AREAS, GET IN THEIR CARS DRIVE AWAY AND BE INJURED OR KILLED IN VEHICLE ACCIDENTS. IN RILEY COUNTY IN 1996 WE HAD FOUR FATALITY ACCIDENTS. IN THREE OF THESE ACCIDENTS, THE DRIVER WAS INTOXICATED. THE FOURTH ACCIDENT WAS A HIT AND RUN. WE DO NOT MAINTAIN IN OUR COMPUTERS THE AGES OF THOSE WHO ARE INJURED IN ALCOHOL RELATED ACCIDENTS.

I WILL NOW ANSWER ANY QUESTIONS THAT YOU HAVE.

SIGNATURE: \_\_\_\_\_





THE CITY OF  
**EMPORIA** POLICE DEPARTMENT / 518 Mechanic / PO Box 928 / Emporia, KS 66801 / 316-342-1766

*Bob Rodriguez, Chief of Police*  
*Michael Lopez, Assistant Chief of Police*

FAX 316-343-4228

February 27, 1997

Senate Federal and State Affairs Committee

To Whom It May Concern:

The Emporia Police Department wishes to voice its support for Senate Bill #357, Registration of Beer Kegs.

The following is typical of frequent incidents occurring here in Emporia. On October 31, 1996, officers were summoned to a private residence in response to a loud party call. The seventeen-year-old who opened the door had a beer in his hand. When he saw the police, he began shouting, "Cops! Cops!" which caused everyone else to dispose of their beer before entry was gained. Forty-one minors and juveniles were detained; many escaped. Officers seized two kegs of beer. The only person charged was the seventeen-year-old who opened the door holding a beer.

This causes problems for the Emporia Police Department and law enforcement in general. At this time, we have six kegs of beer in our property room from similar incidents. We have no way of tracking where they came from or who supplied them to the underage drinkers.

Thank you for your time and consideration.

Sincerely,



ROBERT (BOB) RODRIGUEZ, CHIEF OF POLICE  
Emporia Police Department



M. J. HEFFRON, LT.  
Investigations Division

Sen. Federal & State Affairs Comm  
Date: 2-28-97  
Attachment: #21

February 28, 1997

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

REFERENCE SENATE BILL 357

The Kansas Peace Officers Association would urge your support for this bill.

Time and time again Law Enforcement has been handicapped in the effort to enforce the laws governing the possession of, and the consumption of alcohol by minors and juveniles. The Legislature has seen fit to pass laws forbidding these individuals from using alcoholic beverages. In my opinion this does seem the proper thing to do. The only problem is, it is next to impossible to prosecute a case of this nature unless an Officer observes the act first hand. The bottom line is the problem of under age drinking is not being addressed as well as it could, or should be.

The passage of SB 357 would enable Law Enforcement to attack the problem more successfully from another angle. It would enable Law Enforcement a tool in which to possibly identify, and help prosecute the supplier. I feel this would also be a better deterrent to the problem of under age drinking. After all the some of the reasoning for the under age drinking laws in the first place is due to the fact young people are not presumed to be mature enough, or have the accountability to be able to drink responsibly. Under our present laws, adults are presumed mature enough and accountable enough to be able to drink responsibly. If this is the case, it would seem to make sense to hold the adult suppliers of alcohol to under age individuals accountable and responsible for their actions. The passage of SB 357 would give Law Enforcement a tool to use in this endeavor.

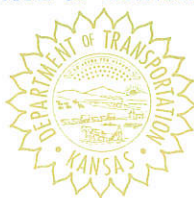
I must say I am not naive enough to believe the passage of SB 357 will "wipe out" underage drinking. After all this has been going on long before our time, and I am sure it will be going on long after our time. I do believe however, as long as our society dictates under age drinking is not acceptable, that same society should give their Law Enforcement Officers the tools necessary to enforce the morays of that society.

Thank you:



Lane K Ryno (Sgt.) Emporia Police Department  
Legislative Committee member  
Kansas Peace Officers Association

Sen. Federal & State Affairs Comm  
Date: 2-28-97  
Attachment: # 22



KANSAS DEPARTMENT OF TRANSPORTATION

*Docking State Office Building  
Topeka 66612-1568  
(913) 296-3566  
TTY (913) 296-3585  
FAX (913) 296-1095*

E. Dean Carlson  
*Secretary of Transportation*

Bill Graves  
*Governor of Kansas*

TESTIMONY BEFORE  
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

REGARDING SENATE BILL 357  
KEG REGISTRATION

February 28, 1997

Madam Chairman and Committee Members:

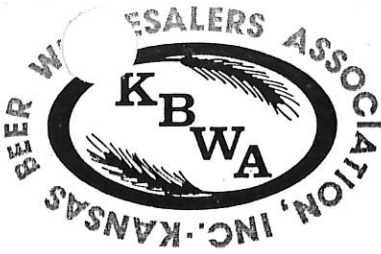
Madam Chairman and members of the committee, I am Rosalie Thornburgh, Bureau Chief of Traffic Safety. On behalf of the Department of Transportation, I am here today to provide support and testify on Senate Bill 357 regarding the registration of beer kegs. Keg registration requires the retailer to affix an identification number to the beer container, along with registering each sale and certain purchaser information.

The agency supports the concept of keg registration as a strategy to be used in the prevention of underage drinking as it relates to drinking and driving. Keg registration not only provides a tool to assist law enforcement officers in determining who may be responsible for allowing youth to obtain alcohol, it also provides an intervention that minimizes alcohol availability. Large congregations of drinking youths at events such as keg parties present unique challenges to police in enforcing alcohol laws. There may not be enough officers available to respond and the drinkers and drivers may scatter when they arrive. A keg registration law could provide the necessary deterrent to the potential purchaser and prevent these situations from occurring.

In 1995, in Kansas, young drivers accounted for fifteen percent of all alcohol-related motor vehicle crashes, as reported by police. These young drivers were involved in more than 500 alcohol-related crashes.

In summary, keg registration, when used as part of a comprehensive program for underage prevention, could prove to be an effective deterrent to underage drinking and driving and result in the reduction of injuries and fatalities to our young people.

Sen. Federal & State Affairs Comm  
Date: 2-28-97  
Attachment: #23



Testimony Before Senate Federal and State Affairs Committee on Senate Bill 357  
By Kansas Beer Wholesalers Association,  
Neal Whitaker

The members of the Kansas Beer Wholesalers Association applaud efforts to curb underage drinking and in their communities cooperate with many groups to achieve that goal. We cannot, however, support Senate Bill 357 because it does more to interfere with the private lives of law abiding citizens than it does to curb underage drinking.

Senate Bill 357 will not work. It places unreasonable restrictions on adults and reveals information that, if used by the wrong individuals, could threaten the safety of one's property or person.

**The Sign** - Requiring the declaration to be posted within 5 feet of the container without obstruction could mean that no person could approach the container for fear of violating the 5 foot rule. Since the bill says "in possession" I assume the notice must also be posted in one's vehicle while the container is being transported.

**The Record** will contain home address and phone number, place of employment, driver's license number and where the container will be consumed. This information will be available for any law enforcement or employee to review and use for their own purposes. There are in Kansas a number of adults who have the necessary equipment at home to properly store and dispense keg beer. Suddenly they will have a record established at a liquor retailer's establishment which could be used to discredit them for other reasons.

A retailer selling a container to a club or drinking establishment would be required to obtain a completed declaration form from the club and the club would be required to post the document. The same would be true of a temporary permit holder.

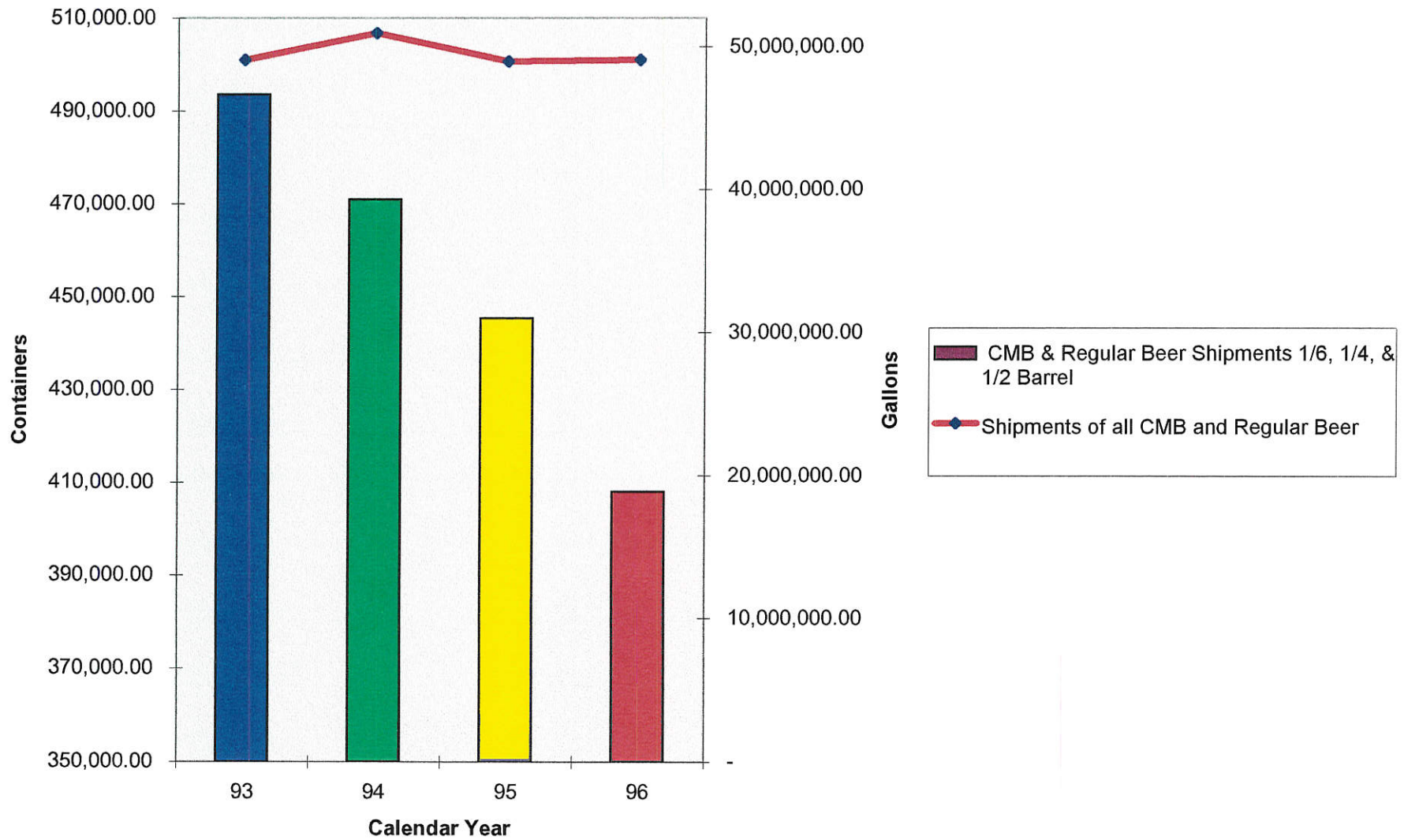
**The Address** - It appears that a purchaser may only take the container to one address. Since liquor stores are closed on Sunday in Kansas what is the purchaser supposed to do with the empty container until Monday morning? Why, if the container is not empty, can't the purchaser use the contents at another location?

Senate Bill 357 is an excellent example of government's micro management of its citizens.

Sen. Federal & State Affairs Comm  
Date: 2-28-97  
Attachment: #24



### Comparison of keg shipments to total shipments



Compiled by the Kansas Beer Wholesalers Association from reports made to ABC by manufacturers and suppliers.

1/6 Barrel = 5.16 gal    1/4 Barrel = 7.75 gal    1/2 Barrel = 15.5 gal

TESTIMONY PRESENTED TO  
THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE  
RE: SB 357  
FEBRUARY 28, 1997

by Marjorie L. Roberson, President  
Kansas Retail Liquor Dealers Association

Thank you Madam Chairman and members of the committee. I appear before you today on behalf of the Kansas Retail Liquor Dealers Association, in opposition to Senate Bill No. 357.

We have opposed other keg registration bills in Feb. 94 and Feb. 96. Each new keg registration bill introduced contains slightly different rules, penalties, and paper work requirements, but the bottom line in all the bills is that the liquor retailer will become an extension of law enforcement by cluttering the landscape with a paper trail, that will supposedly keep underage persons from acquiring kegs.

Please do not misunderstand...our members absolutely do not want to see our products in the hands of underage persons. We share those same feelings as the rest of you when young people are injured or killed in accidents, due to alcohol abuse. We have a responsibility to see that underage people do not purchase our products, and through retailer education programs like TAM, meetings with our local law enforcement people, and advice and guidance from the ABC, I believe we do all we can...but we cannot be the "clearing house" for law enforcement agencies. That is not our role.

The bill requires the retailer to affix an ID number to the keg, record that number, and then fill out a form which will remain attached to the keg. This keg ID number puzzles me...do I make up my own numbering system? Does the ABC issue special "never to be used again" numbers? Is there a good reason why this bill doesn't require the brewery to permanently affix an ID number on the keg? Actually the keg container is not the retailers property, or the wholesalers property...it belongs to the brewery. If law enforcement seriously needs a way to identify a specific keg, the number should be permanently attached by the brewery. This would solve the additional problem of unmarked kegs sold to clubs by wholesalers. Both wholesalers and retailers can sell beer to clubs. The way we read the bill, kegs sold by wholesalers would not require identification, but kegs sold by retailers would require identification. Will this destroy the market for retail sales of kegs to clubs? It probably will, just for the purpose of avoiding the hassle.

The purchase record looks similar to the records I currently maintain in my store, so I can be sure I get my equipment back. Its easy for me, easy for my clerks, and certainly available to law enforcement people should the occasion arise. Most of the stores I represent have a system that works for them. All of my equipment has the store name written on it, so I find it hard to believe that it is difficult to discover where a keg was

purchased, and who purchased it. However, at this time those records are for my use, and for the use of law enforcement at my discretion. If those records can be viewed by law enforcement at any time, we believe the language should be included to absolutely protect the identity of purchasers until such time as criminal action is filed against the purchaser.

A section of the bill states the Secretary of Revenue shall determine penalties for failure of the retailer to maintain the required records. What are these penalties? The last bill stated a 5 day shut down, for failure to maintain records correctly! This bill would allow that penalty or something more punitive at the whim of the Secretary.

The declaration statement appears so formidable, that I think my customers will just choose to purchase product in another form, rather than run the risk of some sort of an infraction, with just the paper work. If kegs are the real problem, wouldn't it be more honest to just eliminate the sale of kegs altogether?

Even though the bill applies to Cereal Malt Beverage we believe outlets will not, in fact, carry the same requirements that the retail liquor dealer has to follow. In the first place, CMB operates under the local law enforcement people, and not the ABC. As a matter of fact, I called the ABC to find out how many CMB establishments are in the state, and how many of those establishments also have an off-premise license, and the ABC does not have those figures, because they do not license them. How is the Department of Revenue to identify off-premise licensees and what penalties can be enforced when the Department of Revenue does not have the authority to resind the license?

The retail liquor dealer may well choose not to carry kegs, rather than risk a violation, or worse yet, a civil suit, because someone forgot to dot their i's and cross their t's. The CMB outlets, may experience a boom in keg business, without having to compete with the liquor retailer, and also without local law enforcement having the resources to follow through with the time consuming task of checking compliance. I don't think it will take the people who willingly purchase kegs for underage children, to realize that they are a lot safer purchasing from a CMB outlet.

It has always been illegal for people to purchase alcoholic beverages for minors. Over the years the penalties have increased, and apparently it has not deterred minors from obtaining beer kegs. I fail to see how putting cumbersome and time consuming paper work on the liquor retailer, and their responsible customers, will solve the age old problem of keg parties. Minors are not so easily deterred, especially when they quickly realize that they can simply purchase a keg across state lines without the paperwork (which is illegal but happens routinely), purchase the alcohol in a differnt form (cans or bottles); purchase product with a higher alcohol contest with less risk (a logical and predictable but undersirable outcome); or buy an unidentified keg out the back door of a CMB or drinking establishment (also illegal, but so is consumption by a minor).

We do not understand how keg registration is going to deter the consumption of alcohol by minors, but we do understand that the liquor retailer will be put in the awkward position of policing our customers.

Thank you Madam Chairman for allowing me to testify. We respectfully request that this committee defeat this legislation.



WEBB'S FINE WINE AND SPIRITS

KANSAS SENATE

FEDERAL AND STATE AFFAIRS

28 FEBRUARY 1997

RE: KEG BEER REGISTRATION

What problem are we trying to solve with the proposed legislation?

The sale of keg beer to "under-age" individuals?  
This is already illegal!

OR

The sale of keg beer to "of-age" individuals who buy for and/or provide alcohol to "under-age" individuals? This is also already illegal!

OR

Is this an Oklahoma border problem?

Should Kansas citizens have to pay for Oklahoma's lack of insight?

Will "keg registration" solve this problem?

Will this cause "under-age" individuals to stop drinking alcohol? Past experience shows that they just move to other packages or products.

WHILE WE ARE CONSIDERING THIS, IS IT CONSISTENT WITH THE STATE'S POLICY TO ALLOW "UNDER-AGE" INDIVIDUALS INTO "ON PREMISE" ACCOUNTS?

Respectfully submitted,

  
John Webb

Sen. Federal & State Affairs Comm  
Date: 2-28-97  
Attachment: # 26

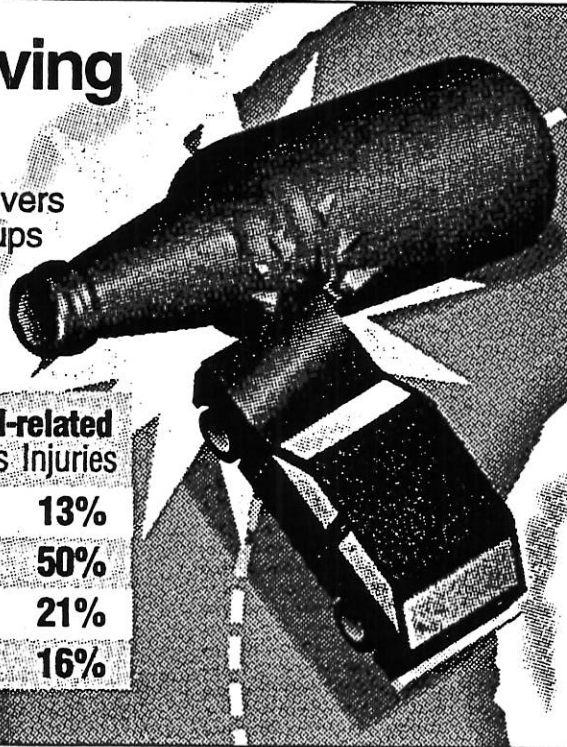
# USA SNAPSHOTS®

A look at statistics that shape the nation

## Drinking, driving and dying

Percent of all licensed drivers who are in these age groups vs. the groups' share of alcohol-related traffic deaths and injuries:

	% of all drivers	Alcohol-related	
		Fatalities	Injuries
Under 21	7%	12%	13%
21-34	30%	49%	50%
35-44	22%	22%	21%
45+	41%	18%	16%



Source: Century Council

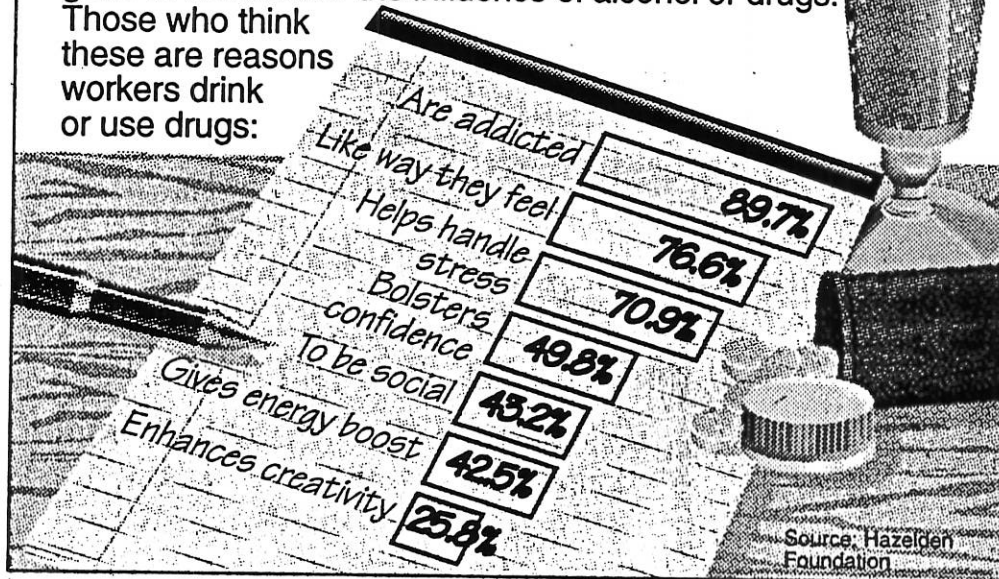
By Anne R. Carey and Gary Visgaitis, USA TODAY

# USA SNAPSHOTS®

A look at statistics that shape the nation

## Drug abuse on the job

About 61% of adults say they know people who've gone to work under the influence of alcohol or drugs. Those who think these are reasons workers drink or use drugs:



Source: Hazelden Foundation

By Scott Boeck and Marcy E. Mullins, USA TODAY