

Approved: February 23, 1998
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 11, 1998 in Room 519-S of the Capitol.

All members were present except: Representative Ray Cox, Excused
Representative Cliff Franklin, Excused
Representative Steve Lloyd, Excused
Representative Annie Kuether, Excused
Representative Candy Ruff, Excused
Representative Billie Vining, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Jill Wolters, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Representative Dennis McKinney
District Magistrate Judge James D. Mathis
Laurel McClellan, Kingman County Attorney
Randy Hill, Sheriff
Rita Madl, Kansas Licensed Beverage Association

Others attending: See attached list

The Chairperson opened the hearing and asked if there were any bill introductions.

Representative Samuelson moved and Representative Gilbert seconded to accept legislation to have an amendment to adult care homes relating to criminal background checks of employees. The motion carried.

Representative Mays moved and Representative Tanner seconded to accept legislation relating to divorce; concerning child support, that requires a non-custodial parent to provide one-half of 4 years post secondary education. The motion carried.

Representative Mays moved and Representative Dahl seconded to remove expungement of conviction and records of murderers. Currently murders are expunged by Kansas Law. Murderers should be removed from being expunged. The motion carried.

Representative Klein moved the legalization of video slots in Kansas. There being no second the motion did not carry.

HB 2039 - Prohibiting parents or guardians from furnishing minor child or ward cereal malt beverage on public property.

The Chairman opened the hearing on **HB 2039**.

Laurel McClellan, Kingman County Attorney, testified as a proponent to **HB 2039**, stating the parents buy beer and give it to their children at public events. One child gets a can of beer and passes it on to another child. Parents can provide CMB to a child under their supervision. Many times parents buys the beer and leaves the child or children unsupervised.

HB 2039 should be favorably considered and go one step further adding an amendment that furnishing CMB to children by parents is OK if in non-public place and parent in the vicinity. When the parents leave and do not supervise the children problems arise. This requires supervision in private setting. There are pasture parties where the parents buy kegs and leave and problems arise.

Randy Hill, Kingman County Sheriff, supports **HB 2039**, but stated if the parents provided alcohol' the parents need to be in direct supervision.

James D. Mathis, District Magistrate Judge, Kingman, Kansas, provided testimony that stated **HB 2039**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S
Statehouse, at 1:30 p.m. on February 11, 1998.

needed clarification to subsection (c) of the statute. It is felt the legislatures intention was to allow consumption by a minor of a cereal malt beverage when the beverage was provided by a parent and/or guardian, supervised by a parent and/or guardian and at the home of the parent and/or guardian. The proposed language amending subsection (c) appears to allow consumption by a minor at the minor/parent's home under a parent's supervision and prohibits all other types of consumption in public. (Attachment 1)

Rita Madl, Kansas Licensed Beverage Association, testified as an opponent to HB 2039, stating the KLBA believes this bill shifts the burden away from the parent and child into the license holder by virtue of the inclusion of the term "indirectly" in the language stated in K.S.A. 21-3610a, section 1. If a parent chooses to purchase alcohol for their child, the parent should be responsible. There is a constant battle everyday for a license holder to outsmart college students and fake ID's. Some parents actually participate in the monetary creation of these ID's. Further, parents, accompanied by their 18-20 year old college students, would purchase a drink for their child, subverting the license holders ability to refuse to service. By virtue of this included terminology "indirectly", the license holder participates in an illegal crime, and in turn becomes a victim. (Attachment 2)

The Chairman closed the hearing on HB 2039.

The meeting adjourned at 2:15 p.m.

The next meeting is scheduled for February 12, 1998.

FEDERAL & STATE AFFAIRS COMMITTEE

DATE: February 11, 1998

NAME	REPRESENTING
James D. McCallum	KM Co.
Randy L. Hill	KM 50
Ted Madl	Kansas Licensed Beverage Ass.
Rita Madl	KLBA
SEAN GERRITY	KLBA
Tom Devlin	KLBA
Jon Davis	KLBA
Al Bales	WU SWB student
Kathy Maag	KBWA
Rep. Dennis McKinney	District 108

Kingman County
DISTRICT COURT

30th Judicial District
P.O. Box 495
Kingman, KS 67068-0495
(316) 532-5151

James D. Mathis
District Magistrate Judge

Judy Smith
Clerk of District Court

January 27, 1998

House Federal and State
Affairs Committee
c/o Representative Dennis McKinney
State Capitol - 278-W
Topeka, KS 66612-1504

Re: House Bill 2039

Dear Committee:

Since I will not be available to come to Topeka to testify in person, please consider this letter my written testimony.

In 1996, Mr. McClellan, Kingman County Attorney, commenced a criminal action alleging a violation pursuant to K.S.A. 21-3610a. The County Attorney later dismissed the case, as counsel for the defendant successfully argued in my court that subsection (c) of the above referenced statute was a legal defense to the charge.

To enlighten you on the scenario of the case, the defendant, which was the natural father of the minor, purchased a cereal malt beverage at a rodeo at the Kingman County Fairgrounds/Activity Center and allowed the minor to consume the beverage on the rodeo grounds under parental supervision. Due to the above situation, the case was dismissed under subsection (c) of K.S.A. 21-3610a.

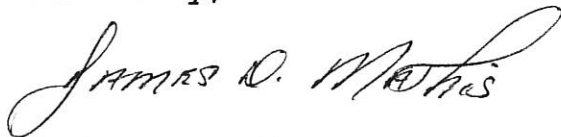
Based on the above experience by both the Court and the County Attorney, it makes sense to the Court that the Legislature should specifically clarify subsection (c) of the statute. I feel that the Legislators intention was to allow consumption by a minor of a cereal malt beverage when the beverage was provided by a parent and/or guardian, supervised by a parent and/or guardian and at the home of the parent and/or guardian. The proposed language in House Bill 2039 amending subsection (c) appears to allow consumption by a minor at the minor/parent's home under a parent's supervision and prohibits all other types of consumption in public. With the issue of alcohol and minors in this day and age, I wholly support the bill as clarified.

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House Federal and State Affairs Committee
January 27, 1998

I appreciate the opportunity to comment on this legislation.

Sincerely,

A handwritten signature in cursive script that reads "James D. Mathis". The signature is written in dark ink and is positioned above the typed name.

James D. Mathis
District Magistrate Judge

JDM:mh
xc: Judge Larry T. Solomon
Laurel D. McClellan, CA



Kansas Licensed Beverage Association

February 11, 1998

Representative Boston
Chair of Federal and State Affairs
State Capital Building
300 SW 10th Street, Room 519 South
Topeka, Kansas 66612

Dear Honorable Chair:

The Kansas Licensed Beverage Association was established in December 1997 to represent Alcohol Beverage License holders. Members include liquor and cereal malt-license holders from throughout the State of Kansas, including Lawrence, Topeka, Wichita, Shawnee, Belleville, and St. Francis. Our association was founded by approximately twenty bars in Lawrence who annually participate in Alcohol Responsibility Seminars. Our most recent seminar held at Johnny's Tavern, in Lawrence, hosted 225 bartenders.

We are here today to oppose House Bill 2039. The KLBA believes this bill shifts the burden away from the parent and child onto the license holder by virtue of the inclusion of the term "indirectly" in the language stated in KSA 21-3610a, section 1. If a parent chooses to purchase alcohol for their child, the parent should be responsible. There is a constant battle everyday for a license holder to our smart college students and fake ID's. We have actually met parents who participate in the monetary creation of these ID's. Further, parents, accompanied by their 18- 20 year old college students, will purchase a drink for their child, subverting the license holders ability to refuse to service. By virtue of this included terminology "indirectly", the license holder participates in an illegal crime, and in turn becomes a victim. We can only control the actions we participate in.

Please help us curb underage drinking. We need teamwork. Please punish the guilty, don't create new victims.

Thank you for your time and consideration,

Rita Madl
Kansas Licensed Beverage Association

117 East 8th Street
Lawrence, Kansas 66044



Memberships available. Inquiries invited.
Phone: 785-331-4282

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