

Approved: February 22, 2000
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Representative Tony Powell at 1:30 p.m. on January 27, 2000 in Room 313-S of the Capitol.

All members were present except: Representative Joann Freeborn, excused.

Committee staff present: Theresa Kiernan, Revisor of Statutes
Russell Mills, Legislative Research
Mary Galligan, Legislative Research
Winnie Crapson, Secretary

Conferees appearing before the committee:

Proponents

Representative Lloyd Stone
Dr. James Barnett, Emporia
Randy Rogers, Kansas Sheriff's Association
Cynthia Engle, Anti-Drug Task Force of Morris Co.
Teresa Walters, Emporians for Drug Awareness
Robert Longino, Acting Director, Bureau of Alcohol Beverage Control

Opponents

Jim Scott, Kansas Retail Liquor Dealers Association
Amy Campbell, Kansas Retail Liquor Dealers Association
Brian McCracken, owner or Liquor Locker, Emporia
Kurt Bossert, owner Bossert Liquor Store, Topeka
Maggie Harshfield, owner Maggie's Wine and Spirits, Wichita

Written testimony distributed:

In support

Attorney General
Department of Transportation
Kansas Association of Chiefs of Police
Kansas Coordinators of Alcohol Safety Action Projects Association
Kansas Medical Society
Mothers Against Drunk Driving

In opposition

Kansas Licensed Beverage Association

Others attending: See attached list.

Chairman Powell announced that there while there would be no strict time schedule, due to the number of witnesses they were asked to limit themselves to five to ten minutes.

The hearing was opened on:

HB 2604, Beer keg registration.

Representative Lloyd Stone appeared as a proponent and introduced Dr. James Barnett as an individual who has done a great deal of work with Emporians for Drug Awareness.

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Dr. Barnett presented testimony in support of **HB 2604 (Attachment #1)**. Keg registration was among initiatives taken by their organization and their survey of parents in Emporia indicated 93% wanted it. Thirteen states already have statewide keg registration and thirty states have some form of keg registration but not statewide legislation. He reviewed the report of his calls to each state with statewide keg registration to confirm its usefulness. He urged looking at the association of alcohol with a number of long-term problems facing our youth and our state. He included statistics relating to crime, fetal alcohol syndrome, teenage pregnancy. He reported seven young Kansans died and nearly 80 were injured during keg parties in 1998 and asked support of state-wide registration of beer kegs in a comprehensive plan to address the problem.

Randy Rogers, Sheriff of Coffey County, testified keg registration is of major concern and importance to law enforcement (Attachment #2). Through a unified effort of the Coffee County Attorney, Sheriff Rogers, and the Coffey County Commission a keg registration resolution was passed but he believes unless there is a state law, individuals will go to another jurisdiction in Kansas to purchase kegs for parties. He disagrees with the argument of the liquor industry that a keg registration law would create extensive cost and undue hardship. Coffee County furnishes the tags to retailers to put on kegs which display the county name with serial number. A form is filled out by the retailer and the individual purchasing the keg. Cost to implement the system is less than sixty cents a keg. He asked members of the committee to talk to school administrators, law enforcement officials and young people in their districts about keg parties.

Cynthia Engle, Chairperson of the Anti-Drug Task Force of Morris County, testified in support of the bill (Attachment #3). As a substance abuse counselor, teacher and parent she believes passage of the bill would serve as a deterrent to beer being so readily available for consumption by underage persons.

Teresa Walters, Executive Director, testified Emporians for Drug Awareness supported the bill (Attachment #4). She stated while the City of Emporia, Lyon County and four adjoining counties have adopted keg registration, to be most effective it should apply to all who sell beer in kegs and should be statewide to prevent underage drinking and problems associated with it.

Robert Longino, Acting Director of the Division of Alcohol Beverage Control, testified in support of **HB 2604 (Attachment #5)**. The registration requirement attacks the problem of underage access to large quantities of beer in several ways: by recording and documenting the purchaser's personal information, by providing investigative information to law enforcement when minors are found at keg parties. It is a positive move to support law enforcement efforts to reduce law enforcement efforts to reduce sale and consumption of such beverages by minors. While the number of local ordinances is growing, from the ABC perspective it would be in the best interest of the state to pass this legislation so they can work with the industry to establish standardized procedures for implementation across the entire state.

Jim Scott, President of the Kansas Retail Liquor Dealers Association, testified in opposition to **HB 2604 (Attachment #6)**. He appeared on behalf of 680 Kansas operators of individual liquor stores. He noted it was the fifth time such a bill has been considered and the wording of **HB2604** is the same as that rejected last year. He believes it is inappropriate that the industry has not been invited to discuss possible solutions in response to their offers to do so. He states when there is a valid concern in their business they will take the lead in correcting the problem. He posed questions as to the purpose of the bill and expressed concern that a clerical error by an employee in a store in the registration of a keg could result in the business being closed for five days. He believes language should be included to absolutely protect the identity of his customers until a criminal action is filed and is concerned about a precedent set of recording personal information about purchasers of alcoholic beverages for whatever reason.

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Amy Campbell, Executive Director of the Kansas Retail Liquor Dealers Association, presented testimony in opposition to **HB 2604** (Attachment #7). It is their position keg registration does not deter underage consumption and represents an invasion of privacy. Law enforcement officials might abuse the privilege against both retailers and customers. The bill should be amended to limit inspection to purposes of investigating a violation where an underage individual has been charged with consumption and there is reason to believe the retailer sold the container. If the retailer is not provided an absolute defense, no inspection should be allowed without a search warrant. The bill creates a layer of regulation in addition to records currently subject to audit by Alcohol Beverage Control and Department of Revenue. It should include a maximum fee for registration identifiers and inspection fees should be prohibited. She stated that even with the suggestions she has provided, this is not an effective method of prevention.

Brian Wade McCracken, Liquor Locker, Emporia, testified in opposition to **HB 2604** (Attachment #8). As a retailer he has been recording information at the time of keg sales for six years. Retailers do not need any more policing in addition to rules and regulations already in effect. Underage drinkers, not retailers, are the problem. He makes every effort to keep them out of his store entirely, including three VHS recorders hooked to nine cameras., one videotaping the I.D.s.

Kurt Bossert, Bossert Liquor Store, Topeka, testified in opposition to **HB 2604** in its current form (Attachment #9). He has two main areas of disagreement: (1) retailer making a legal sale should be given absolute defense to criminal prosecution or civil action, and (2) Five day suspension is too severe and does not include any penalty for employee or agent. Employees who often work with no direct supervision cannot be totally controlled no matter how thorough their training. Employees should be held legally responsible. He suggests a minimum fine for both the employee and retailer with progressive fines for continued violations. He noted other issues are recourse by the State of Kansas if the cereal malt beverage side is not being enforced at the local level, a minimum age of 21 to represent the retailer in a sale of a keg of beer, and inspection related to investigation in a specific case. While he believes in a keg registration bill that impacts underage access to alcohol, retailers have never been involved in the development stages of such a bill and should be asked for their help.

Maggie Harshfield, owner of Maggie's Adult Wine & Spirits in Wichita, testified in opposition to **HB 2604** (Attachment #10). She is concerned that a statewide law looks good but does not accomplish anything. Tags will be removed and she is worried about getting her equipment back if the tag is gone. Kegs will be siphoned into unmarked kegs. The new law could shut down her store in five days.

Written testimony in support of **HB 2604** was furnished by:

Carla Stovall, Attorney General (Attachment #11)

Rosalie Thornburgh, Bureau Chief of Traffic Safety, Department of Transportation (Attachment #12)

Kansas Association of Chiefs of Police (Attachment #13)

Jolene Grabill on behalf of the Kansas Coordinators of Alcohol Safety Action Projects Association (Attachment #14).

Chris Collins on behalf of the Kansas Medical Society (Attachment #15)

Mothers Against Drunk Driving (Attachment #16)

Written testimony in opposition to **HB 2604** was furnished by

Kansas Licensed Beverage Association (Attachment #17)

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In response to Representative Edmonds, Sheriff Rogers the problem when consuming alcohol there is no way they can identify where the keg came from. It is also necessary to make possession of a untagged keg a crime as a part of the risk. If an untagged keg was sold in Coffey County, it would be a crime. Since many of these parties take place on private property it is likely the child or adult hosting the party would get charged. Sheriff Rogers described the registration form as containing basic information: name of person purchasing keg, address, form of identification (driver's license, state, number, date of birth), serial number of tag placed on keg and who the keg is sold by. The retailer maintains a copy at their establishment, copy is filed at the Coffey County Clerk's office. No fees are charged the retailer. The takes the retailer thirty seconds. They are already maintaining records but not officially. Representative Edmonds' concern is with additional regulations and costs government imposes and asked if it would materially damage the program in Coffey County if retailers were paid a fee as a transaction cost for the trips to the Courthouse and forms they are filling out. Sheriff Rogers said that is a possibility that the retailers could recover some of their cost and believes it would be appropriate to make it possible for retailers to add a charge.

Representative Vickrey commended Coffey County for the resolution. In response to his questions Sheriff Rogers said the Coffey County resolution was implemented Jan. 1, 2000 and to date retailers have acquired about 20 tags. They have found parties with over 200 kids and rural sheriffs do not have the resources to test every one of them. Representative Vickrey commented that sometimes the attitude of the parents is that they would rather have their children drinking than doing drugs.

Representative Dahl asked Mr. Scott about his reference to reports in the media about binge drinking as junk science and yellow media and asked the source for references to reduced drinking at KU and K-State. When told they were from the Topeka Capital Journal, Representative Dahl asked if that was "junk science" and said he would be interested in seeing some back-up. Mr. Scott said major universities are providing the information and he does not know whether or not it is valid.

Representative Dahl said he was disappointed that the opponents didn't develop some amendments to improve the bill. Mr. Bossert said he believed if the liquor industry had been invited to participate we would have had a bill five years ago. Representative Dahl noted any citizen can have input on a bill.

In response to Representative Hutchins, Mr. Scott said he believes underage drinking is a valid concern. She referred to Mr. Scott's testimony that when there is a valid concern the industry will take the lead in correcting the problem and asked how the Association had taken the lead to correct this problem. She asked for their proposed amendments that would improve the bill.

In response to questions Mr. Scott said a very small percentage of retail business was in kegs, maybe only 2% to 3%.

Ms. Campbell responded to question from Representative Mays that five counties now have keg registration laws. He noted that sometimes when an issue has been around a lot of counties and cities get ahead of the state in the law and that by next year fifteen, twenty, maybe fifty counties may have laws, and if there is a hodgepodge of keg registration laws across the state there is a point at which there should be standardization and some advantage to having a statewide bill. He expressed surprise that the industry is not asking for such a bill to prevent counties from passing such regulations. Ms. Campbell reported their organization has a good relationship with local law enforcement.

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Ms. Campbell said they had not been brought to the table. Representative Mays pointed out this is the table and the place for their specific suggestions.

The hearing on **HB2604** closed.

The meeting adjourned. The next scheduled meeting is January 31.

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

COMMITTEE GUEST LIST

DATE: 1/27/00

NAME	REPRESENTING
LANE RYNO	KARP/EPD / KPOA
SHERIFF CLIFF HACKER	LEON COUNTY SHERIFF'S OFFICE
BOB RODRIGUEZ	KACP - President CHIEF of Police Emporia
Lt. LARRY ADAMS	EMPORIA POLICE DEPT.
SHARON MCMAHON	ABC
Mark Goodwin	Hein & Weir
Michelle Voth	Kansas Family Partnership
Tim McConville	Federica Consulting
Teresa Walters	Emporians for Drug Awareness
Cynthia Edge	Council Grove Anti-Drug
Bob Long	ABC
Peta Madh	KLBA
Kelly P. DeScol	KLBA
DAVE BELL	CITY OF EMPORIA
Max Strathman	Strathman Subs Co Inc
Kay Lemmelfelt	Sen. Stephens
Tim Richardson	Associated Press
MARGARET HARSHFIELD	KRLDA
Gandy Jacquot	League of Kansas Municipalities



1301 West 12th Avenue, Suite 202
PO Box 907
Emporia, KS 66801

1 316-34
home 316-342
fax 316-342-6520

TESTIMONY FOR KEG REGISTRATION

Chairman Tony Powell and members of the House Federal and State Affairs Committee, thank you for the opportunity to testify regarding House Bill #2604.

Last year, Teresa Walters of Emporians for Drug Awareness asked for community assistance to deal with the issue of underage drinking and other drug use. Our community has taken a number of steps to address the issue of underage drinking and has received wide support for the registration of beer kegs. 93% of our surveyed parents desired keg registration. The City of Emporia passed keg registration in late 1999, followed by Lyon County and subsequently 4 additional surrounding counties (Coffey, Chase, Morris, and Marion). We are here today asking that you make keg registration statewide.

Thirteen other states already require statewide keg registration. A total of 30 states have some form of keg registration, but do not have statewide legislation. We feel this is an important law enforcement tool to assist in approaching the problem of underage drinking. To confirm it's usefulness, I called each state with statewide keg registration. Their responses are enclosed in the packet. Consistently, they felt that keg registration had been very useful. Some states, including Nebraska, have failed to make it illegal to possess an untagged keg.

Alcohol-related car crashes are the #1 killer of teens (American Academy of Pediatrics, 1998). Americans aged 15-24 represent the only group of Americans with a declining life expectancy. The 3 leading causes of death - motor vehicle accidents, homicides, and suicides are all linked with alcohol. Beer sold in kegs represents a large quantity of cheap alcohol that can be made readily available to young people, without the risk of identification of the adult who supplied alcohol to the minors. Unfortunately, some adults do not see anything wrong with young people attending a keg party. However, they would likely have great alarm if their child was attending a cocaine party. Yet, alcohol kills over 6 times the number of young people than all the other drugs combined. We must develop a serious approach to this problem.

As we look at other long-term problems facing our youth and our state, we have to look at the association of alcohol with a number of those issues. Alcohol is a gateway drug to the use of other drugs. Young people drinking are 22 times more likely to smoke marijuana and 50 times more likely to use cocaine. If we are going to effectively deal with other drugs, we have to deal with alcohol first.

Science tells us that when young people begin drinking before the age of 14, there is a 47% chance of them becoming alcohol-dependent. Young bodies and young minds are affected differently by alcohol. In Lyon county, the average age of first alcohol use is 12 1/2. If young people wait until the age of 21 to drink, their chance of becoming an alcoholic is reduced to 10%.

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The cost to society is huge. One cannot place a monetary value on the loss of a child or loved one, but dollars speak to the seriousness of the issue. The cost of alcohol consumption by youth costs every man, woman, and child in the state of Kansas over \$216 a year (Office of Juvenile Justice and Delinquency Prevention, 1999). That is equal to greater than one half billion dollars. Considering the gateway effect of alcohol to other drugs and the fact that the cost of treatment for addiction is around \$1000 per Kansan per year in unnecessary expense (Center for Substance Abuse, 1995), the potential impact on Kansans is over \$2 billion. Only 4% of those who never drink end up using other drugs.

As we look to the future and to the health of the young people of Kansas, and to the health of the budget of the state of Kansas, we must address this issue. 40% of crimes are committed under the influence of alcohol (U.S. Department of Justice, 1998). As we look at the need to build more prisons in the state, we must look at the need to address the root problems. Under the influence, people act differently. Unplanned and unprotected intercourse is known to be strongly associated with alcohol consumption. To deal with teenage pregnancy, we have to deal with this problem as well. The consumption of alcohol by pregnant women results in the leading known cause of mental retardation in the United States, that being fetal alcohol syndrome, or fetal alcohol effect. Studies by Sampson in 1997 indicate that 1:100 live births, or 1% of all children born are brain damaged by alcohol.

The registration of beer kegs does not represent a cure-all or an answer for all of these problems. This represents only one small step. The argument that keg registration does not solve or cure the problem should not keep us from making this one important step. This can be done without increase in paperwork and at minimal cost. The state of Nebraska spends 20 cents per tag. This does not increase liability for the retailer. The enclosed letter from Tom Krueger, Attorney of Law, attests to that fact. The state of Kansas does not have Dram Shop Laws. The Emporia Chamber of Commerce has endorsed and supports keg registration. Their letter is enclosed. Business people know that this makes sense. The Kansas Medical Society has given its full support to keg registration. Our city attorney, Dale Bell, is ready to prosecute and views this as a time saver because the records are in place. Seven young Kansans died and nearly eighty were injured during keg parties in 1998. This is not a waste of time or money. The state must further its effort to develop a comprehensive plan and approach to this issue. We welcome the opportunity to be a part of that today and ask for your support of the state-wide registration of beer kegs.

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COFFEY COUNTY SHERIFF'S OFFICE
605 NEOSHO 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

01/27/2000

To: Whom It May Concern

Re: Keg Registration

Keg Registration is of major concern and Importance to law enforcement. We, in law enforcement do not contend that by Implementing keg registration we will stop under age drinking. We do, however contend that by making it state law to register kegs when purchased by Individuals will serve as a deterrent to those that would be tempted for what ever reasons to purchase alcohol for minors and as importantly state law will assist law enforcement as an investigative tool in the detection of those that choose regardless of any laws to furnish alcohol to minors and by doing so contribute to the direct destruction of our youth. In speaking with those in the liquor industry It is my understanding that there is minimal profit in the selling of kegs and that if a keg registration law is enacted then youth will simply shift to can beer, bottle beer, and other types of liquor. It is my belief that youth have limited financial resources available to spend. Hypothetically if one were to spend \$120 on alcohol for a party they could potentially purchase 2 kegs that would equal 31 gallons of beer which also equals approximately 14 cases of beer. If they were to switch due to a keg registration law and purchase bottle or can beer using the same amount of money(\$120) they would only be able to purchase only 8 cases of beer. I would think that this would be potentially a win-win situation for all of us. Law Enforcement would benefit due to the reduction of alcohol being purchased for minors, therefore potentially reducing the number of incidents associated with underage drinking, including fatality or injury accidents, date rape, fights, alcohol poisoning, illegal drug usage and many other types of crimes. The liquor industry doesn't lose either they still profit by the sales of the beer in bottles and cans, which I believe would result in a profit equal to or greater then that from sales of kegs. This comparison does not in any way approve of underage drinking but simply serves as what more than likely will become reality.

I truly believe that underage drinking is at an all time high and that we as responsible adults who know the dangers associated with abuse of alcohol must take action if we are to turn this trend around and make a difference in the lives of our young people and give them a chance to grow into mature responsible sober adults.

Recently my County Commission passed a Keg Registration Resolution. This was a unified effort by the Coffey County Attorney, County Commissioners, and myself. I believe however that unless we are able to obtain state law on this issue then Individuals will simply go to another jurisdiction in Kansas that does not have keg registration to purchase the kegs for these keg parties. I would like to address one particular argument and that argument by the liquor Industry is that the keg registration law would create extensive cost and undo hardship. I would disagree with that. In Coffey County we obtained tags to put on the kegs that are sold by retailers in our county. Each tag displays our county name and each tag has it's own unique serial number. We created a form that would be filled out by the retailer and the Individual purchasing the keg. The form is a simple form that takes a minimal amount of time to fill out. Our county resolution addresses specific penalties if the procedures are not followed as the resolution states. The cost to Implement this system cost less then 60 cents a keg to register a keg.

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COFFEY COUNTY SHERIFF'S OFFICE
605 NEOSHO 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

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I would simply finish by saying this, go back to your respective areas throughout the state and talk to your school administrators, law enforcement officials and most importantly young people and ask one simple question, that question being. *Is it true what I am told that underage drinking, specifically kegs parties are occurring frequently?* I do not believe that the answer will come as any surprise, the answer being **YES**.

I would ask that you give the purposed legislation your support.

Thank You,

Randy L. Rogers
Coffey County Sheriff

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To: Representative Tony Powell, Chairman, House Committee on Federal and State Affairs

From: Cynthia J. Engle, Chairperson Anti-Drug Task Force, Morris County, Kansas

Subject: House Bill 2604

Thank you for affording me the opportunity to appear before your committee today in support of House Bill 2604. It is my opinion, as a substance abuse counselor, teacher and parent, that passage of such a bill would indeed serve as a deterrent to beer being so readily available for consumption by underage persons.

Studies conducted by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) indicate that young people are beginning to drink earlier--some as young as nine or ten years of age. Drinking for many of these youngsters is about getting drunk--and we all know that means trouble.

The NIAAA also has hard evidence that the earlier a young person drinks alcohol, the more likely he or she is to develop a clinically defined alcohol disorder at some point in life.

In a University of Michigan study it was observed that in 1997, more than one-half of high school seniors (53 percent) drank an alcoholic beverage during the previous month, with at least 31 percent reporting at least one instance of binge drinking, defined as five or more drinks in a row over the previous two weeks. I submit to you--are we in Kansas immune to such?

It is in no way my intent to try to mislead you into believing that passage of this bill will solve our alcohol/drug related problems. However, if in any way possible, we can even make obtaining drugs (and alcohol is a drug) more difficult, let us do such.

It is my sincere hope that you secure passage of HB 2604.

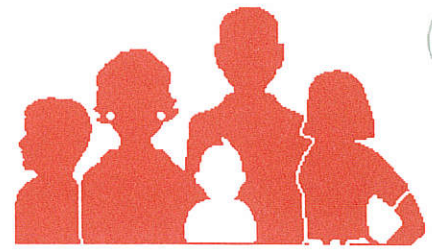
Thank you,



Cynthia J. Engle

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Emporians for DRUG AWARENESS



Working for a Safer Community

Representative Anthony Powell, Chairman
House Federal and State Affairs Committee
Room 155 E, State Capital
Topeka, Kansas 66612

Representative Powell and Committee Members:

Speaking on behalf of Emporians for Drug Awareness, our local community violence and substance abuse prevention coalition, our members and Board of Directors wish to express their support of House Bill 2604 which would require that all kegs or other large containers of alcohol be registered at the point of purchase. We are not prohibitionists, but feel strongly that those under 21 years of age should obey the law as it pertains to alcohol consumption and those over 21 have the responsibility to help support that law.

Beer is the preferred alcoholic beverage of our youth and it is a very visible product in their life, either through the media or its presence at many family or community functions. Because of this exposure, young people have become desensitized to its potential as a dangerous drug. Many teens do not realize, for instance, that drinking too much alcohol too quickly can kill them. A keg provides the most convenient and economical means of providing the equivalent of approximately 165 12-oz drinks. Keg parties are an invitation to youth to consume large quantities of beer *and* dodge the legal drinking age of 21.

No single action will alleviate underage drinking entirely. If education or awareness alone had worked, if everyone had just said "No!", or read a pamphlet, worn a wristband or a red ribbon and immediately realized the dangers of substance abuse, we would probably not be having this discussion today. These efforts alone have not worked, so we must turn to other means and *varied* means of addressing the problem.

National statistics on underage drinking may lead one to believe that the tide is turning. These numbers, however, do not reflect our *local* concerns. The issue before us today is the fact that *our* state's youth begin to use alcohol at an average age of 14.3 years, and each year we have more and more youth self-reporting that they use alcohol on a regular basis.

In addition, attempting to gauge the effectiveness of keg registration legislation by trying to correlate its implementation with the various states' drunk driving tragedies is not a true representation and tries to put the focus entirely on the teens and off of the adult providers. By not having access to the alcohol at keg parties, these tragic incidences may be reduced among teens, but the real purpose of keg registration is to help eliminate one avenue of teen access to alcohol, and it is one important piece of the total effort at prevention.

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It is imperative that adult providers be aware of the perceived risk that keg registration provides - no longer would a friend or relative over the age of 21 be easily persuaded to purchase a keg for a party of teens, then simply walk away. Where does the responsibility lie when that keg is found at a party where teens are so drunk that they can't remember afterwards if they used a condom, much less how many sexual partners they had, or if one or more pass out and are left to "sleep it off" by friends, only to suffocate on their vomit or simply quit breathing because of ingesting too much alcohol?

With keg registration in place, there would exist the risk that the keg could be traced back to the purchaser and *that* individual would be held responsible. This helps send a message that our communities' norms do not condone the actions of these adult providers and it gives law enforcement a tool to help enforce those community laws and norms which we are asking them to enforce.

Most retailers already gather the purchasers' name, address, and verification of age when selling a keg, part of which is to help ensure that their empty keg and tap are returned. The only added task would be to attach a prescribed identification tag on the keg as it went over the counter. The unique number on the tag would be recorded along with the other information. What amount of work constitutes "too much" to try to save some lives? And the minimal cost to tag each keg can easily be added to the deposit or keg price. For example, Nebraska officials estimate that it costs approximately 19 cents to tag each keg in that state. Underage drinking costs society millions of dollars annually. *This* cost is one to be concerned about, not the insignificant amount which could help to identify the adult provider of alcohol to our youth.

Since the City of Emporia and Lyon County adopted keg registration this past October, four of our adjoining counties have adopted it as well. We all realized that one community or county in isolation adopting keg registration simply increases an inducement for party-givers to acquire kegs outside the city or county where registration is required. For this reason, to be *most* effective, keg registration should apply to all who sell beer in kegs, and should be prescribed statewide. It helps to send a zero-tolerance message and provide a strong deterrent to adults who are providing alcohol to our youth, either deliberately or through carelessness.

Preventing underage youth from drinking represents violence prevention and teen pregnancy prevention and school dropout prevention to name a few. We hope that the committee will consider it worthwhile to consider keg registration as one cost-effective way to empower law enforcement and help reduce the availability of alcohol to our youth.

Teresa Walters

Teresa Walters
Executive Director

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Robert Longino, Acting Director
Division of Alcoholic Beverage Control
Kansas Department of Revenue
200 SE 6th Street
Topeka, KS 66603



(785) 296-7015
FAX (785) 296-1279

Division of Alcoholic Beverage Control

Memorandum

TO: Representative Tony Powell, Chairman
House Committee on Federal and State Affairs

FROM: Robert Longino, Acting Director

RE: House Bill 2604

DATE: January 27, 2000

Mister Chairman and Members of the Committee - Good Afternoon.

Thank you for the opportunity to appear before you today in support of House Bill 2604. This bill, as introduced, will provide an effective deterrent against adults purchasing alcoholic beverages and furnishing it to underage persons while simultaneously supporting law enforcement efforts to prevent access of alcoholic beverage and cereal malt beverage by underage persons.

The registration requirement imposed by this bill attacks the problem of underage access to large quantities of beer in several ways. First, the recording of the purchaser's personal information prior to the sale should cause an individual to think twice prior to purchasing the beer for minors as the purchase can ultimately be tracked back to them. Secondly, the requirement to document the information will ensure the retailer carefully verifies the purchaser's information prior to concluding the sale. This process will help protect the retailer in the long run as verification that the purchaser was of legal age is done. Finally, the information documented at the retail point of sale is of great investigative value to law enforcement when minors are found at "keg parties", regardless of whether the keg markings remain intact.

Several arguments have been voiced in the past in opposition to the keg registration concept. A concern raised by retailers has been that this concept may cause them additional liability when the product purchased at their establishment may eventually find its way into the hands of underage persons. In fact, this registration process will provide documented evidence of the actual purchaser and will provide a fall back protection to retailers making proper sales in the first place. Another traditional argument has been minors and those adults who choose to purchase beer for them will simply switch to cans and bottles to avoid tracking requirements imposed on kegs. Yes, those destined to drink will find ways to circumvent the system, but it will be at a much greater risk, expense and effort to do so.

Keg registration will not solve all problems involving consumption of alcoholic beverage and cereal malt beverage by underage persons. However, it is a positive move to support law enforcement efforts to reduce the sale and consumption of such beverages to minors. The personnel in the field that daily attempt to uphold our laws feel this is an important tool to support their efforts. If we are really serious about curtailing easy access of beer to minors, this bill is a step in the right direction.

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As you may already know, several cities and counties around the state have taken up this issue and passed local ordinances and resolutions requiring the registration of kegs in the absence of state action. It appears this trend is growing as other key cities in the state are currently leaning toward this process. From our perspective, it would be in the best interest of the state to pass this legislation so we can work with the industry to establish standardized procedures for implementation across the entire state rather than have a variety of different procedures being employed piecemeal throughout the state.

This legislation sends a strong message of deterrence to those over 21 years of age from providing alcohol to underage persons. It also sends a message of support to the men and women who day in and day out work to ensure our liquor laws are adhered to throughout the state. This "message" comes at minimal cost to all involved and deserves your serious consideration.

I would be happy to attempt and answer any questions the committee may have at this time.

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TESTIMONY PRESENTED TO THE
HOUSE AND SENATE COMMITTEES ON FEDERAL AND STATE AFFAIRS
JANUARY 27, 2000

JIM SCOTT, PRESIDENT
KANSAS RETAIL LIQUOR DEALERS ASSOCIATION

Thank you, Mister Chair and members of the Committee. My name is Jim Scott. I am president of the Kansas Retail Liquor Dealers Association (KRLDA). Thank you for allowing me the time to represent my association.

In the words of President Ronald Reagan, "There they go again". It's the 5th time this bill has come before you, and apparently no one felt it important enough to improve on the wording you rejected last year. Every year, we offer to sit down with the proponents and discuss possible solutions, and for the 5th time we have not been invited. We feel this is inappropriate. After all, nobody can provide more information than we can- this is our expertise. Any time there is a valid concern in our business, we will take the lead in correcting the problem, particularly when health or safety is involved. Not only are we liquor retailers, we are also Kansans who are actively involved in leadership roles in our respective communities.

What is the purpose of this bill? Is it to lay blame and find a recipient for litigation? Heaven knows that a Mom & Pop business can't afford much of that- we can go broke just proving we didn't do anything wrong.

Is the purpose to protect our Kansas youth? Even the Attorney General's 1999 Task Force acknowledged that there are no validated studies on the effect of keg registration legislation reducing underage DUI's or access to beer in the 12 states having some form of keg registrations. And, in the protection of our youth isn't it ironic that this bill continues to support the opportunity for 3,000 cereal malt beverage outlets in Kansas to have 18 year olds in charge of the security and selling of kegs that they themselves aren't allowed to purchase?

Is the purpose to reverse dangerous drinking trends? How much have we heard recently in the press about the increase in "Binge" drinking? This is an example of junk science, incorrect statistics, and media yellow press. Here are some alcohol-related facts:

- Auto accidents from alcohol are on the decrease.
- Deaths from alcohol-related auto accidents are on the decrease.
- The percent of high-school seniors reporting a drink in the last 30 days was 25 percent lower in 1998 than in 1982.
- The percent of high-school seniors reporting 5 or more consecutive drinks (binge drinking) in the last 2 weeks was 22 percent less in 1998 than in 1982.
- The percent of college freshmen who say they drink beer frequently is down 31 percent since 1982.
- KU confirms major decreases in alcohol consumption.
- K-State confirms major decreases in alcohol consumption
- The number of stories on binge drinking has increased by 350% from 1995 to 1999.
- In a 12-month period from 1998-1999 Alcohol 101, an alcohol awareness computer-program available to all colleges & universities was mentioned in the media 55 times nationwide. Binge drinking was mentioned 1,880 times.

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Moving beyond the motive of this bill we now ask, "Does it make sense?" If one of our clerks makes a clerical error in the registration of a keg, my business may be closed for five days.

This is a higher penalty than if I'm caught intentionally selling to a carload of underage teenagers. I don't know how many of you know retail, but it can take months for a business to recover from a 5 day closure. I can assure you my competitors would appreciate it- especially the ones on the other side of the Missouri border. These are the very same stores who will be happy to sell unregistered kegs.

If a member of Kansas's law enforcement shows up at a party where those keg are unregistered, how do you find someone to accept responsibility? And if that happens, what has been accomplished?

Additionally, I have customers who have keg coolers in their home. If they're not home and the kids decide to take advantage of the situation, does that parent go to jail? These are only a couple of endless possibilities that would provide opportunity for a good lawyer to sink his teeth into.

All my keg sales include purchase records, which are for my information and for the use of law enforcement- at my discretion. If those records are to be viewed by law enforcement at any time, I believe language should be included to absolutely protect the identity of my customers until such time as a criminal action is filed. Records should only be accessed in the course of an official investigation.

I am very concerned about the precedent being set of recording the names of purchasers of alcoholic beverages for whatever reason. We should never be willing to invade adults' privacy rights for the sake of police action under the name of "efficiency" and "deterrence". I believe no one in this room can predict the possible ramifications of having public lists of consumers.

And finally, where do we draw the line? If a Kansan purchases 2 cases of beer, that would constitute the equivalent of a keg. Should that be documented? If a couple buys a large amount of alcohol and mentions the word "party" should I register that couple? Some might consider my customer purchasing a case of wine as overindulgent and therefore requiring documentation.

Madam Chairman, I'm here on behalf of over 680 Kansans who operate liquor stores in almost every incorporated city in the state. We're individual stores with individual owners. We're not cartels, we're not chains, we're just a bunch of "mom & pops". We're the ones who have to deal with liquor laws every day of our lives. It doesn't matter if they're unreasonable, it doesn't matter if they're inappropriate, and it doesn't matter if their motivation was political. Once they become law they become part of our life and livelihood.

Good intentions aren't enough. Emotional responses aren't justification. Laws should be reasonable, valid, and serve the public. I do not believe this bill meets those minimum requirements.

Thank you for allowing us to be part of the constitutional process.



Kansas Retail Liquor Dealers Association

P.O. Box 3842
Topeka, KS 66604-6842

Phone 785-266-3963
Fax 785-234-9718

Jim Scott, President

Amy A. Campbell, Executive Director

**Testimony presented to the
House Committee on Federal and State Affairs
Re: House Bill 2607
January 27, 2000**

Amy A. Campbell, Executive Director

KRLDA requests rejection of this bill for the following reasons:

1. **Keg registration does not deter underage consumption.** Statistical evidence that government mandated recording of liquor customers buying habits lessens underage consumption has not been documented. Attorney General Carla Stovall, while supporting legislation in 1999, stated: *"While there appears to be no validated studies of the effect of keg registration in reducing access to beer or associated incidences of driving under the influence, as of November 1997 (NHTSA), 12 states had a statute or binding regulation governing the sale of kegs."*

Specifically, in the state of Nebraska, law enforcement reports a decrease in the number of multiple keg parties, but also reports the discovery of a new kind of party - one including as many as 70 cases of beer. "For every law passed, people find a way around it as some point," said Sheriff Terry Wagner, quoted in the attached article from the Lawrence *Journal World*. Retailers and wholesalers assert that overall beer sales have not decreased as a result of the law, and kegs are often returned without the mandated sticker. "How are you going to prove who ripped that off?"

2. **It represents an invasion of privacy.** While liquor stores currently record names and identifying information of keg purchasers, primarily to have the equipment returned, there is no precedent for local officials to review those records. This infringes on the privacy of the customer by putting his name on a list with no statutory controls regarding when and why the list could be used. Our members report they have shared their sales records voluntarily with officers pursuing an investigation, however, to have these records open to regular review to anyone besides the ABC and the Department of Revenue is new.

Although this legislation does not provide for the inspection of all sales records, it is only logical that this is the intention of the drafters. Why allow them to inspect the records "at any time" unless the intention is to have the ability examine all purchases? This violates the privacy of

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legal purchasers of a legal product prior to any criminal violation.

3. **Some law enforcement officials might abuse the privilege against both retailers and customers.** Although most of our members report a positive relationship with their local law enforcement, I think recent newspaper articles have reminded us of the possible liberties which can be taken by officers who view themselves as "the law". In addition to problems in the local sheriff's department, newspaper investigations tell us that many local law enforcement agencies do not consider themselves to be subject to open records laws. These agencies consider themselves to be "above the law". This is of great concern when we are turning over lists of citizen's purchases, which may have value to some individuals for purposes other than those stated by the proponents of this bill.

"Available for inspection" should be amended to the limitation of inspection for purposes of investigating a violation where an underage individual has been charged with consumption and there is reason to believe the retailer sold the container. If the retailer is not provided an "absolute defense" and is not accorded the protection afforded a law enforcement officer, then no inspection should be allowed without a search warrant.

4. **It might be used to create a new cause of action for litigation against store owners based upon a theory that the owner should have known the product might be used by someone who might cause harm to themselves or others.** The House version allows compliance as a defense to any criminal or civil action. We appreciate that the author of the House bill recognized this legislation may be used as a back door method to attach liability to retailers for the acts of a purchaser. We would, however, request the House take the defense protection further. The state is requiring the retailer to perform a law enforcement function. Therefore, we believe the retailer should be granted the same protection a law enforcement official enjoys when legally performing his duties.

It would be more appropriate to prohibit any civil action against any retailer for complying with the requirements rather than simply providing a defense to a civil action as referenced above. Amendments should state that no new obligations or duties, beyond the specific statutory requirements, are created. At some point, people must be responsible for their own acts.

5. **It creates an additional layer of regulation for retailers.** Currently, all records of a liquor store are subject to audit by the ABC and the Department of Revenue. Stores are audited to determine if purchase records match up with sales and inventory. Excise taxes, sales taxes, payroll taxes, and unemployment insurance are reviewed. If local law enforcement is to enforce this law, then it must be assumed they will need to review purchases and sales in order to determine if kegs have been appropriately recorded and tagged. We object to additional administrative scrutiny and to the oppressive penalty of five days store closing.

- o. **It should not become an opportunity for raising additional revenue for the State and/or cities and counties.** The legislation should set a maximum fee which the Secretary and/or counties, charge for the registration identifiers. In the alternative, the legislation should specifically allow retailers to purchase the identifiers from third parties. Inspection fees should be specifically prohibited.
7. **It changes buying habits without lessening consumption by underage individuals.** This may even lead to the unintended consequence of consuming beverages with a higher alcohol content or an illegal drug of low cost and easy availability. There are laws in place to deter the possession of alcohol by underage individuals. Minors in possession of alcohol are rarely prosecuted. Minors who attempt to buy with a false identification are rarely prosecuted, even when the retailer reports it to the proper authorities.

We are here today to ask you not to pass this legislation. Even with the suggestions I have provided above, this is not an effective method of prevention. Please listen to the retailers who have come here today to ask for your consideration. They live and work in these communities and have an investment in this issue.

KRLDA has promoted community organizations in many areas of the state. Last October, we were invited to present our alcohol education program in Great Bend in a partnership with the Butler County Community College and the KS Licensed Beverage Association. We invited local law enforcement officers from the police department and the sheriff's department.

Great Bend retailers and business owners work with their law enforcement officers to present a unified front. Officers respond quickly to calls from bar and restaurant owners or retailers when there are problems with customers or shoplifting or college kids attempting to buy alcohol. The retailers have their own plan to identify purchasers and work with officers to proceed to prosecution. A community awareness program urges people to report loud parties or other problems immediately in order to prevent truly dangerous situations from developing. They work together to provide education to the students and to the employees of the businesses that sell alcohol. The twenty five people in the room shared a sense of community pride and responsibility for the young people who come to school in Great Bend. They are happy with their arrangements.

Please contact me if you have any questions at 266-3963.

REASONS WHY KEG REGISTRATION JUST WILL NOT WORK

Subject: COMMENTS ON KEG REGISTRATION ON A STATE WIDE LEVEL.

BRIAN WADE MCCRACKEN-LIQUOR LOCKER-EMPORIA KANSAS

I have read recently that I should not consider these new ordinances as punitive measures but rather as necessary strategies. I have never had to pay a fine or been threatened with having my license revoked and thought it to be necessary or strategic. What seemed to be strategic was a 9-1-telephone survey on an A.M. radio station when most people are either at work or attending class. It was nonscientific, allowed no margin for error, and did not include the people who are neutral who would not have called in. It was set in a target market where the format was bound to achieve the desired result. Every poll should contain a wide population base with a random selection of people with diverse interests to have any chance of being the slightest bit accurate.

In an earlier meeting I made a statement that compliance checks did not now or ever effect underage drinking. The underage drinker is normally totally removed from both the location and the Sting operation itself. The reason the ABC started these tactics was because of the lack of results generated from surveillance alone. To generate the statistics that everyone wanted to see they come up with these checks. They were said to be the most cost-effective use of their time. I think that the local stores took this as a wake up call. I doubt that they will ever be as successful as they were the first time ever again. As for the sting effect on underage drinking, if they were a successful deterrent of this crime we would not be here tonight.

As for keg registration, I have always thought that taking information down at the time of keg sales was a good idea. I have been doing this for about six years now. During those six years I was approached twice to try and identify the buyer. Now that it is someone else's idea and there is a threat of license revocation it's a GREAT IDEA! Since this has become such a hot topic, several stores have decided to quit selling kegs all together. I even considered this as an option but stopped when I realized that I have customers and clubs that rely on these sales. I also thought that it would appear that I was not interested in being part of the solution and not interested in solving the problem.

Almost everyone that has looked at this issue in depth has come to the conclusion that it is flawed and just will not work as an enforceable ordinance. But everybody seems to think that just doesn't matter and this should pass anyway. Close your eyes and pull the trigger. Where is the logic in that?

Underage drinking has always been a supply and demand problem. We retailers are considered to be the supply. We have rules and regulations that you would not believe. Our manuals come in summary form. When we have specific questions we have to call Topeka to get the answers. We do not need any more policing than is already in effect. Besides the retailers are not the problem, It is the underage drinkers themselves. They are committing a crime with total disregard for the law. If you want to successfully curb this problem you have to make the risk to them greater than the reward for them. You have to make the punishment fit the criminal. There has to be some degree of law and order. If you do not catch them in the act they will never learn that they are indeed committing a crime. A diversion agreement is not a punishment it is a get out of jail free card. The youth of today has gotten the idea that if they don't get caught then they did not commit the crime. You know no harm, no foul. Until the underage drinker is made responsible for his or hers own actions this problem will continue to grow. Currently they see this ordinance as nothing more than a temporary setback. They have already devised ways to side step local keg registration.

I personally have spent great sums of money to keep underage people out of my store entirely. I have three VHS recorders hooked to nine separate cameras. One camera is specially rigged to videotape a person's I.D. as others tape him and the parking lot. This might seem like a little overkill but I feel like I have an extreme potential for liability and that I have to protect my interests. Lets not forget that if they can't buy the liquor or find someone that will then some kids have gone as far as trying to steal it! And if they don't get caught then they haven't committed either crime. See how this train of thought works. They think that they are untouchable. Deny everything and admit nothing.

With all I do I can't make any guarantees. While I am responsible for my store I cannot

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REASONS WHY KEG REGISTRATION JUST WILL NOT WORK

help the fact that a bar owner may have left a message on your phone recorder asking you to come get your son or daughter because he or she is using a fake I.D. to buy drinks in his club. I am not responsible if your son or daughter's boyfriend or girl friend's parents have to bring your child home because he or she can't make on their own. I cannot readily identify your stepson or step daughter as a runner or someone that is 21 that buys for underage people. I cannot police any of your social functions nor can I follow your underage guests to alternate locations afterwards where it is drinks for everyone! I cannot be there to call the cab for them when their friends have left and they are the last ones to leave. While some people think that if this ordinance keeps just one keg out of the hands of minors its worth it, I believe it would be better to take care of all the kegs. I have the hardest time seeing why some parents have chosen to purchase multiple kegs in the past only to have someone else's son or daughter receive a DUI when they leave. Who is held accountable?

The solution to the problem does not lie in the hands of the liquor storeowners for we are only eight people strong. Nor does it lie with the ABC they only have so many agents to cover the entire state. The Emporia Police Department does the best job they can with the funds and manpower available. And when they do give out MIP arrests they are normally rewarded with the minor receiving a diversion. Then they are right back out there the next weekend snubbing their noses at the system. This has got to be pretty demoralizing for those officers.

The greatest work force capable of dealing with this problem is the parents. Every child, except orphans, has at least two parents. With the divorce rate what it is today some kids have four parents. The answer is as with all of society's problems today, that it is time for all parents to become totally responsible for their children's actions. When children reach 18 they themselves need to be held totally accountable for their own actions. A total lack of respect for the law, school, parents, other people and their property has a death grip on some kids today. What they need is careful guidance, care, and advice. Sounds like something only a parent can provide. You parents are the ones they listen to the most. Why don't you try talking to them tonight? Don't pass up the chance. Tell them why the drinking laws are in place, why you expect them to obey those laws, and that underage drinking is a criminal act on their part. Above all teach them how to drink responsibly when they are of legal age. If you do not teach your daughter responsible drinking habits before you send her off to KU or K-STATE some Senior BMOC will try and introduce her to Binge Drinking 101. And finally please try to convince them to stay out of my store! I will not hesitate to prosecute them for any violation. THANKYOU!

My name is Brian McCracken. I own and operate The Liquor Locker. I am perfectly legal, highly regulated, and...well... totally exasperated. If you pass this ordinance in its current form it will have the same effect as my speech. VERY LITTLE! THANKS AGAIN!

KEG RESERVATIONS:

DEPOSIT CHECK ()
WILL BE
DEPOSITED ONE
WEEK FROM
DELIVERY.

CLERK THAT DELIVERED _____

NAME _____

ADDRESS _____

DATE PICKED UP

PHONE NUMBER _____

DATE OF BIRTH / / EXPIRATION DATE / /

KANSAS DRIVERS LICENSE NUMBER _____

DATE WANTED / / NUMBER OF KEGS _____

BRAND OF BEER _____ NUMBER OF TAPS _____

_____ \$ _____ DEPOSIT PAID
WITH CASH.

\$ _____ DEPOSIT PAID WITH CHECK NUMBER _____

MAKE SURE ALL THE INFORMATION IS FILLED OUT!!!!!!

REMARKS: _____

I ASSUME THE RESPONSIBILITY FOR THE CARE OF AND THE
CONTROL OF THE CONSUMPTION OF THE ABOVE ITEMS.

SIGNATURE _____ DATE / /

I HAVE RETURNED THE KEG(S) AND TAP(S) AND RETRIEVED

MY DEPOSIT. SIGNED _____

DATE _____
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CITY OF EMPORIA, KANSAS
DECLARATION AND RECEIPT

KEG IDENTIFICATION NO: **Nº 00084**

NAME OF RETAILER: _____

NAME OF PURCHASER: _____

ADDRESS OF PURCHASER: _____

DATE OF SALE: _____ REQUIRED DATE OF RETURN: _____

PROOF OF IDENTIFICATION:
TYPE: _____ STATE: _____

IDENTIFICATION NUMBER: _____

EXPIRATION DATE: _____ DATE OF BIRTH: _____

DEPOSIT (IF ANY): \$ _____

As Purchaser, I hereby verify the above information is true and correct and acknowledge receipt of a Keg containing beer or cereal malt beverage bearing the identification number set forth above and understand that, pursuant to Section 4-3 of the Code of the City of Emporia, Kansas, should I fail to return the Keg within 10 days of the due date or without the original identification tag intact and readable, that any deposit shall be forfeited and that I may be subject to criminal penalties. I acknowledge that persons under 21 years of age are not of legal age for consumption of beer or cereal malt beverage. I further acknowledge that this record is subject to disclosure to and review by law enforcement personnel.

Signature of Purchaser

For Business Use Only.

Date Keg Returned: _____

Keg Received By: _____
(Name)

THIS RECORD SHALL BE RETAINED A MINIMUM OF SIX MONTHS FROM DATE OF SALE.

MEMBERS FEDERAL AND STATE AFFAIRS COMMITTEE

Thursday, January 27, 2000

RE: OPPOSING HOUSE BILL 2604

Dear Committee Members;

I am a retailer in the state of Kansas and have been in business since 1987. I am *opposing* House Bill 2604 *in its current form*.

I have two main areas of disagreement with this bill...

- #1 If a retailer makes a *legal sale* the state law should give **ABSOLUTE DEFENSE** to any criminal prosecution or civil action. As written this bill does not do this.
- #2 A five day suspension is too severe and does not include any penalty for the employee or agent.

In the first disagreement the statement speaks for itself. If a *legal sale is made to a legal purchaser* and that purchaser allows a minor to consume from the keg or the purchaser sells, gives, or trades the keg to one or more minors, the law should state and hold true that *the retailer is "Absolutely Innocent" of any criminal or civil wrong doing*.

In my second disagreement while developing a law the committee needs to keep in mind that *a retailer is relying on their employees to perform their job in a complete and legal manner*. No matter how much and how thorough the training of employees, the employees can not be totally controlled. These employees are more often, than not, working with no direct supervision. In other words, very few sales by an employee are made under the direct supervision of their supervisor, the owner, or licensee thus the *employees should be held legally responsible*. So a five day suspension for the retail licensee seems excessive. What happens if it is only an administrative error such as writing Anderson instead of Andersen although all the other information is correct, address, drivers license, etc.

It only seems like common sense that the law would hold the person actually committing an illegal act responsible, with the licensee held partially responsible. I would suggest a "Minimum Fine" for both the employee and the retailer with a progressive fine for continued violations, like the rules currently governing selling to a minor.

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There are some other issues that should be addressed and improved on in the development of this bill:

-) The State Of Kansas should have some recourse if the cereal malt beverage side is not being enforced at the local level.
-) Employees or agents of cereal malt beverage licensees should be a minimum of 21 years of age to represent the retailer in a sale of keg beer (cereal malt beverage) or any beverage requiring the purchaser to be a minimum of 21 years of age.
-) An inspection should be related to an investigation to a specific case. It should not be necessary for records to be available for inspection by **any** law enforcement officer at any reasonable time. Is every other day reasonable?

I am a believer in a Keg Registration Bill that impacts underage access to alcohol. The problem is that in the development stages of such a bill the retailer has never been included in putting together such a bill. In the past years, as in this year, the ones proposing such legislation have never asked the retailer for their help. There are always so many issues that should be addressed that are not, and they appear obvious to the retailer.

Retailers want to help in curtailing illegal sales or sales that end up as a keg party attended by minors. This is not the focus of our business. I am sure if asked any retailer or the Kansas Retail Liquor Dealers Association would be more the willing to help in the development of a Keg Registration Bill that would satisfy all those concerned. If working together we should be able to accomplish this yet this session. Just ask.

Respectfully submitted,



Kurt J. Bossert
Bossert Liquor Store
2121 SW Wanamaker Rd.
Topeka, KS 66610

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COMMITTEE ON FEDERAL AND STATE AFFAIRS
JANUARY 27, 2000

My name is Maggie Harshfield and I own Maggie's Adult Wine & Spirits in Wichita. I have come to Topeka today to share with you my perspective on the issue of keg registration. I am very concerned about a statewide law that looks good, but doesn't accomplish anything.

My employees and I cannot force our customers to keep their purchases away from kids. And whether those "kids" are 16 or 20, we cannot force them to stop drinking. Yet this bill asks me to take that responsibility. As long as a 20-year-old knows he will receive a slap on the hand for possession of alcohol, he will not be inspired to stop. So, when will we begin to work together as adults to address underage access to alcohol?

When keg party is discovered, police say they have no one to prosecute. What about the people at the party? And if they aren't to be prosecuted, shouldn't their parents at least be notified?

Some of the proponents of this bill have come from Emporia where they enacted their own keg registration ordinance. In Emporia, local law enforcement, city council members, and advocates coordinated a plan for their own community. Retailers in the area testified to the city council and made some suggestions. That ordinance has been in effect for a few weeks, but citizens will not be able to measure its success for some time.

I appreciate the goal of keeping alcohol away from underage individuals, and have contributed my own time and energy to that goal. In Wichita we have an organization called JUDGE. This group is a partnership between law enforcement, schools, and business owners including retailers. They work with students to emphasize the penalties for drinking underage.

They work with on and off premise retailers to teach employees to recognize illegal sales and fake i.d.s. I am proud of my ability to work with law enforcement to protect my business and enforce the law. Current laws can work if they are applied.

This is a new law which won't work the way it is. Tags will be removed and I am worried about not getting my equipment back if the tag is gone. Kegs will be siphoned into unmarked kegs. This is easily done with a CO₂ container, two tap dispensers, and one empty keg easily acquired by any fraternity house. So, we won't have anyone new to prosecute, just as in the reports from Nebraska law enforcement where their law has shown no real success. We will have a new law which can shut my store down for five days.

I appreciate the chance to tell you my concerns.

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State of Kansas

Office of the Attorney General

120 S.W. 10th Avenue, 2ND FLOOR, TOPEKA, KANSAS 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

January 27, 2000

MAIN PHONE: (785) 296-2215
FAX: 296-6296

Dear Representative Powell and Members of the House Federal and State Affairs Committee:

House Bill 2604 requires retailers to affix an identification number to beer kegs, obtain purchaser information and record each sale in order to identify purchasers who illegally provide alcohol to underage persons. While we are not the principal sponsor of this bill, we support the proposed bill.

Last year my office introduced and testified on Senate Bill 197 relating to keg registration which was proposed by the Far-Reaching Alteration of Traffic and Alcohol Laws (FATAL) Task Force I created in June 1998. The goal of this Task Force was to conduct a comprehensive examination of current traffic and alcohol laws and provide recommendations to change these laws. Members of the Task Force included representatives from the legislature, judiciary, law enforcement, prosecution, defense bar, victim rights, alcohol treatment providers, insurance industry as well as officials from the Kansas Department of Health and Environment, Kansas Department of Transportation/Bureau of Traffic Safety and the Kansas Department of Revenue. (See attached list) The Task Force was divided into three subcommittees to concentrate on areas of prevention, administrative hearings and criminal penalties.

The prevention subcommittee focused on finding measures which would prevent persons from drinking and driving while under the influence of alcohol or drugs. One recommendation from this subcommittee proposed keg registration as a deterrent measure to help reduce the number of individuals purchasing alcohol or cereal malt beverages for illegal use.

Since Senate Bill 197 was introduced, Lyon, Coffey, Marion, Morris and Chase counties have all adopted county resolutions mandating keg registration. At this time, several other counties are closely looking at adopting similar resolutions. We believe that state legislation is needed to ensure uniformity in the registration process as well as to prevent purchasers from traveling to other jurisdictions to obtain kegs in an attempt to circumvent county resolutions.

Law enforcement officers throughout the state continue to have difficulties anytime keg parties occur where underage individuals are allowed access to large quantities of beer. Officers are often called to keg parties when fights, vandalism, sexual crimes are committed or traffic accidents occur due to underage individuals driving under the influence of alcohol. Keg registration would provide law enforcement officials a valuable investigative tool in which to determine who purchased and provided the keg to underage individuals when crimes occur.

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Keg registration holds purchasers of kegs accountable for providing alcohol to underage individuals. This legislation sends a strong deterrent message, causing persons over 21 years of age to think twice before providing kegs for illegal consumption. This is an important preventive step which we believe will help save lives in the future.

On behalf of the FATAL Task Force, I would urge your favorable consideration of House Bill 2604.

Very truly yours,



Carla J. Stovall
Attorney General



State of Kansas

Office of the Attorney General

120 S.W. 10th Avenue, 2ND FLOOR, TOPEKA, KANSAS 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

**Attorney General Carla Stovall's
Far-reaching Alteration of Traffic and Alcohol Laws
(FATAL) Task Force**

MAIN PHONE: (785) 296-2215
FAX: 296-6296

Criminal:

Brian Leininger, Kansas Highway Patrol, Topeka
Brad Ambrosier, Attorney, Elkhart
Tim Holmes, Russell County Sheriff, Russell
Don Kaufman, Moundridge
Terry Malone, Dodge City City Attorney, Dodge City
Craig Spomer, Wabaunsee County Attorney, Alma
Max Sutherland, MADD, Topeka

Administrative:

Mike Watson, Wichita Police Chief, Wichita
Jim Keller, Department of Revenue, Topeka
Mary Ann Khoury, DUI Victim Center of Kansas, Wichita
Sergeant Charlie Kohler, Kansas Highway Patrol, Salina
Senator Lana Oleen, Manhattan
Honorable John Sanderson, District Court Judge, Emporia
Stan Sutton, Kansas Department of Health and Environment, Topeka

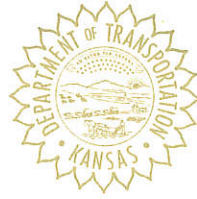
Prevention:

Rosalie Thornburgh, Bureau of Traffic Safety, Topeka
Captain Gayle Beth, Kansas City Police Department, Kansas City
R.E. "Tuck" Duncan, Topeka
Representative David Haley, Kansas City
Gene Johnson, Sunflower Alcohol Safety Action Project, Inc., Topeka
David Nance, City Council, Pittsburg
Rick Wilborn, Alliance Insurance, McPherson

Staff:

Juliene Maska, Victims' Rights Coordinator, Topeka
Jane Nohr, Assistant Attorney General, Topeka
Nancy Lindberg, Assistant to the Attorney General, Topeka

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**KANSAS DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY OF TRANSPORTATION**

E. Dean Carlson
SECRETARY OF TRANSPORTATION

Docking State Office Building
915 SW Harrison Street, Rm. 730
Topeka, Kansas 66612-1568
Ph. (785) 296-3461 FAX (785) 296-1095
TTY (785) 296-3585

Bill Graves
GOVERNOR

**TESTIMONY SUBMITTED TO THE HOUSE COMMITTEE ON
FEDERAL AND STATE AFFAIRS****REGARDING HOUSE BILL 2604
KEG REGISTRATION**

January 27, 2000

Mr. Chairperson and Committee Members:

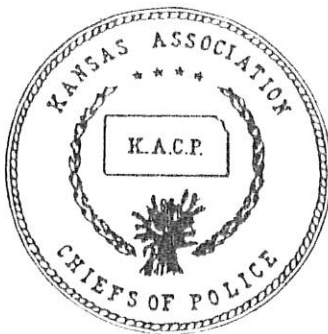
I am Rosalie Thornburgh, Bureau Chief of Traffic Safety in the Department of Transportation. On behalf of the Department of Transportation, I am submitting testimony on House Bill 2604 regarding the registration of beer kegs. Keg registration requires the retailer to affix an identification number to 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 1998, in Kansas, young drivers accounted for seventeen (17) percent of all alcohol-related motor vehicle crashes, as reported by police. These young drivers, age 14-20, 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.

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20 January 2000

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Emporia Police Dept.

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Overland Park Police Dept.

JOHN WARREN
Treasurer
Junction City Police Dept.

DOYLE KING
Executive Director
P.O. Box 780603
Wichita, KS 67278-0603

RONALD JACKSON
S.A.C.O.P Representative
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Sen. Lana Oleen, Chairman
Federal and State Affairs Cmte.
Kansas Senate
Topeka KS 66601

Rep. Tony Powell, Chairman
Federal and State Affairs Cmte.
Kansas House of Representatives
Topeka KS 66601

RE: SB 394

RE: HB 2604

Dear Sen. Oleen and Rep. Powell:

Within only a few days, the Kansas Legislature will begin discussions of a bill that would require registration of all kegs of beer and cereal-malt beverages sold in the State of Kansas.

We, as representatives of the Kansas Association of Chiefs of Police, have given considerable thought to this proposal and have determined that we will become involved as you consider these bills.

Each of you knows that your decisions in the Legislature often affect the workload of all commissioned law-enforcement officers, as well as prosecuting attorneys, judges, and court employees. The creation of additional laws, then, is a matter of great concern for the KACP.

We ask ourselves two questions: 1.) "Do we have time and manpower and resources to take on these additional responsibilities?" and 2.) "Is this new law necessary for the well-being of Kansas citizens?"

The answer to the first question is, of course, "No; we do not have time and manpower and resources to enforce *existing* laws as diligently as we would wish." Still another criminal-related statute means that we must stretch our already-thin resources to encompass additional responsibilities. It is not news to our legislators that police caseloads are continuing to rise, despite a slight decrease in the number of serious crimes. Other calls for service have risen, and paying overtime to our officers all-too-often overwhelms our departments' budgets.

It is, then, a serious matter to all of us when we hear that another statute may be added to the state's criminal code. That brings the focus to our second question, involving the well-being of Kansas citizens. The safety and protection of these citizens overshadows any concerns or questions

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that law enforcement may have about time or manpower or money.

The KACP believes that the benefits of registering beer and cereal-malt beverage kegs far exceed the inconvenience of jotting down a small amount of information on a keg-registration tag.

Legislators and law-enforcement alike know well that young people have a penchant for experimenting. They want to act like grown-ups, but they lack the experience and, often, the skills to do so. They're a daring group, daring each other to push the alcohol envelope, and daring parents and police to catch them doing it. All too often, none of us can do anything to stop them.

Law enforcement, however, is the group that deals with the aftermath of a keg party, when the envelope has been pushed past fun and into a fatality. We are the people who knock on the doors of farmers and construction workers and business owners and doctors. These types of incidents know no social or economic boundaries, and because so many Kansas communities are small, we often know the people who answer the doors when we knock.

We tell these parents that their son or their daughter has been involved in an accident; we tell them that we are sorry that it happened. Then we ask them to come with us to identify the body of their child. It is not the sort of duty that anyone volunteers to carry out. We wish it would never happen, but it does. Each of us knows of another family whose lives have been forever changed as a direct result of high-school or college students gathering for a keg party. The victims in these accidents are not the nameless numbers you see listed in a statistical column. These victims are individuals; they have hopes and hold promises and potentials that are never realized. They are young people who are lost to us, and we feel that loss for the rest of our lives.

Members of the KACP are not foolish enough to believe that keg registration will spell the end of all keg parties throughout the state. It will not immediately and effectively put a stop to the alcohol-related deaths that sometimes occur as a result of keg parties.

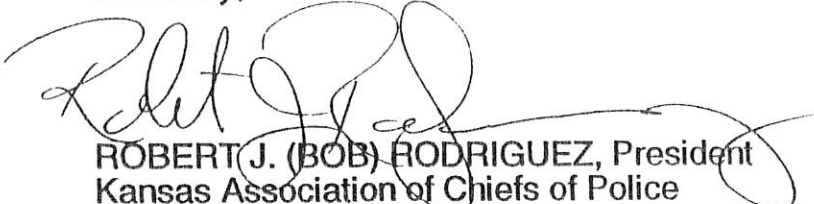
We do expect, however, that keg registration will deter a substantial number of people who at the moment do not have to take responsibility for their actions: illegally obtaining or furnishing alcohol to a minor. Now, there are too many people doing just that. Keg registration will help law enforcement do its job by definitively identifying both the seller and the purchaser so that existing laws can be enforced.

We do not expect this to be a "quick fix" to an old and troubling problem. Keg registration will be simply one step in a concerted effort to discourage underage drinking.

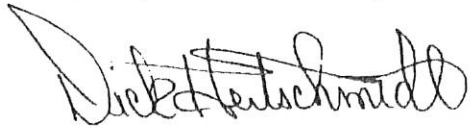
A retail employee will need only a minute or two to write down the pertinent information and tag the keg so that both the purchaser and the business that sold it can be quickly identified. That investment in time and effort seems like a small price to pay if it happens to purchase a lifetime for a young person, his family and his friends.

We offer the KACP's support of SB394 and HB2604, and ask you to remember that on the issue of keg registration, you may literally hold the power of life or death over some of our state's fine young citizens.

Sincerely,



ROBERT J. (BOB) RODRIGUEZ, President
Kansas Association of Chiefs of Police
Chief, Emporia Police Department



DICK HEITSCHMIDT, Vice President
Chief, Hutchinson Police Department



TOM HAYSELDEN, Chairman
KACP Legislative Committee
Chief, Shawnee Police Department

/RBM



**Kansas Coordinators
of Alcohol Safety Action
Projects Association**

**House Federal and State Affairs Committee
Representative Tony Powell, Chairperson**

**Testimony on House Bill 2604
January 27, 2000**

**Jolene M. Grabill, Legislative Representative
Kansas Coordinators of Alcohol Safety Action Programs.**

KCASAP respectfully requests this written testimony be entered into the official written record of the hearing on House Bill 2604.

KCASAP is an organization dedicated to the promotion of highway safety through responsible use of alcoholic beverages and/or other drugs while operating a motor vehicle. Members of the organization provide alcohol and drug evaluations and monitoring services for all thirty-one judicial districts in Kansas. These evaluations are conducted on persons who have been arrested for DUI as well as other alcohol and drug offenses. On occasion, ASAP coordinators do conduct such evaluations on individuals under the age of 21.

On a daily basis, ASAP coordinators work with adults who have been involved in tragic crashes resulting from the combination of drinking and driving. Coordinators know from that work that drinking habits are often formed during young adulthood and that the community messages delivered to youth about alcohol consumption are influential factors in their behaviors. Even though Kansas statutes exist which outlaw underage possession and consumption of alcoholic beverages, community acceptance of underage drinking is a long-standing problem in our state.

The 1999 Kansas Children's Report Card reports 30.6% of all 8th graders completing the 1998 Communities that Care Survey and 57.2% of all 12th graders completing the same survey reported using alcohol in the 30 day period prior to the survey. These alcohol use rates are measurably higher than the national average for both age groups, a very disturbing reality.

The concept of "keg parties" held during warm weather months, in remote rural locations out of sight of law enforcement officers is a familiar one, particularly to those of us who grew up in rural areas. Often, these parties are targeted to young adults under the age of 21, to both high school and even younger youth. Youth often drive a motor vehicle to and from such parties or ride along with someone who has been consuming alcohol, either of which is an extremely dangerous high risk activity out of which tragedies are born.

The Association of Kansas Community Alcohol Safety Action Project Coordinators believes that Senate Bill 394 establishes an appropriate community sanction against keg parties and underage consumption of alcoholic beverages. We support the tracking strategy and the penalties for registration violators outlined in Representative Stone's bill. They represent positive steps toward reduction of the illegal consumption of alcoholic beverages by Kansans under the age of 21 and establish appropriate enforcement tools for the detection and apprehension of those who provide alcoholic beverages to underage Kansans. Thank you for considering the views of KCASAPC.

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KANSAS MEDICAL SOCIETY

150

To: House Federal and State Affairs Committee
From: Chris Collins *Chris Collins*
Director of Government Affairs
Date: January 27, 2000
Subject: House Bill 2604: Keg Registration

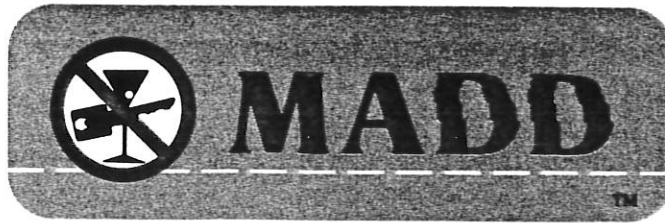
The Kansas Medical Society appreciates the opportunity to submit written testimony today on House Bill 2604. The Medical Society supports the bill as written.

The Medical Society applauds the efforts of Emporians for Drug Awareness and of Dr. James Barnett and supports their practical, simple solution to the rampant problem of underage drinking. House Bill 2604 mandates that beer kegs be marked with identification numbers and that all purchasers of beer kegs provide their name, driver's license number, address and telephone number at the time of purchase. Purchasers are further required to sign a statement that they will not serve alcohol to youth. This statement provides an opportunity to educate the purchaser about the danger of youth alcohol consumption. Furthermore, the registration information ensures that law enforcement officers whom have confiscated a keg from underage youth can trace the purchaser.

Keg registration can be easily incorporated into retailers' existing protocols for keg purchases. Retailers already require identifying information from keg purchasers; the only additional informational requirement would be to record the keg number. Retailers are also required to maintain their records for a six month period and to make their records available to law enforcement officers. This simple, low cost solution can be easily implemented to close that critical gap that law enforcement faces in linking adult alcohol purchasers and the minors harmed by them.

The Kansas Medical Society appreciates the opportunity to comment today on this important issue and would respectfully urge the passage of House Bill 2604.

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Mothers Against Drunk Driving

3601 SW 29th Street • Topeka, KS 66614 • (785) 271-7525 • Fax (785) 271-0797 • 1 (800) 228-6233

KANSAS STATE OFFICE

January 22, 2000

Representative Anthony Powell, Chairman
House Federal and State Affairs Committee
Room 155E, State Capital
Topeka, Kansas 66612

Dear Representative Powell and Committee Members;

MADD supports the requirement that all kegs and other large containers of alcoholic beverages be registered at point of purchase in order to facilitate identification of those who purchase illegally or to provide to youth under the age of twenty-one. MADD supports House Bill 2604.

Keg beer is 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. This was substantiated in a recent survey conducted by Kansas MADD of Kansas law enforcement agencies.

During November 1998, Kansas MADD conducted a Keg Registration survey of all Kansas law enforcement agencies. Four hundred and eighteen law enforcement agencies received the questionnaire. Ninety-eight responded, which represent twenty-three percent of all Kansas law enforcement agencies. More than thirty-six percent of Kansas Sheriff's Departments responded in comparison to the nineteen percent of the Police Departments. The lower response rate from Police Departments may be attributed to the perception that keg parties are generally held outside of their jurisdiction in the counties.

A summary of the questionnaire reveals the following:

- * Seventy percent of all law enforcement agencies responding to the survey identified beer keg parties as a problem in their jurisdiction.
- * Seventy-eight law enforcement agencies indicated responding to 624 to 701 keg parties involving minors during 1998. Twenty agencies could not provide estimates.

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* Sixty-five agencies reported estimates of kegs observed or confiscated at all keg parties involving minors during 1998 between 295 and 334. Thirty-three agencies could not provide estimates.

* Sixty-nine agencies reported estimates of the number of minors present at all keg parties during 1998 between 9,213 and 10,260. (Figures do not represent unduplicated participants).

* Twenty-one agencies estimated a total of 7 deaths and between 79 and 86 injuries of individuals under the age of twenty-one as a result of their participation at a keg party.

It is imperative to provide a means of identifying or "tracking" those irresponsible adults who are purchasing alcohol for underage drinkers as well as those purchasers, still under the age of majority themselves, who are purchasing alcohol with the use of fake ID's.

MADD has been a proponent of keg registration legislation for the last several years. It is MADD's belief that such legislation would reinforce the efforts of Kansas Alcohol Beverage Control in their endeavor to deter illegal sales, purchases, and consumption of keg beer by minors. Our goal as an organization is to promote laws which increase safety on our streets and highways, support legislation that affects the health and well-being of our youth and provide programs that will deter driving after drinking and develop skills for their adult years.

Kansas MADD supports HouseBill 2604 and would appreciate your support of this legislation.

Sincerely,

Dee Meyer
Dee Meyer
State Chairperson
Kansas MADD

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FACTS YOU SHOULD KNOW

1,459 INDIVIDUALS AGES 14-20 WERE INVOLVED IN AN ALCOHOL-RELATED CRASH IN KANSAS DURING 1998.

*530 (36%) of those individuals involved were drinking drivers.

*439 (30%) of those individuals involved were passengers riding with a drinking driver.

*490 (34%) of those individuals involved were non-drinking drivers and passengers.

Sixty-six percent (66%) of all individuals ages 14-20 involved in an alcohol-related crash were either the drinking driver or a passenger in a drinking driver's vehicle.

DRINKING DRIVERS AGES 14-20 INVOLVED IN AN ALCOHOL-RELATED CRASH IN KANSAS DURING 1998.

*530 Drinking drivers involved.

*13 Drinking drivers killed.

*248 Drinking drivers injured.

PASSENGERS AGES 14-20 INVOLVED IN AN ALCOHOL-RELATED CRASH IN KANSAS DURING 1998 WHILE RIDING WITH A DRINKING DRIVER.

*439 Passengers involved

*2 Passengers killed

*184 Passengers injured

NON-DRINKING DRIVERS AND PASSENGERS AGES 14-20 INVOLVED IN AN ALCOHOL-RELATED CRASH IN KANSAS DURING 1998.

*490 Drivers and passengers involved

*3 Drivers and passengers killed.

*122 Drivers and passengers injured.

Source: KDOT, State of Kansas Alcohol Involvement in Motor Vehicle Accidents,
1990-1998

Kansas MADD 1/17/00

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Kansas Licensed Beverage Association

January 27, 2000

Representative Anthony Powell
Chair, Special Committee on Federal and State Affairs
and Committee Members
Statehouse
Topeka, Kansas

Re: Keg Registration H 2604

Dear Chairman Powell and Committee Members,

Keg restration will only add addition regulation on our terribly over-regulated industry. Keg registration will only change the choice of underage drinkers.

The only hope we have as a community to deter underage drinking, is with continued enforcement, education and PARENTS! It is common for licenseses to have arguments with parents, because their child cannot consume alcohol, in our on-premise license.. Isn't that tragic? While parents support underage drinking, all the laws and regulations in the world won't help.

Please do not support keg registration.

Sincerely,

Kelly Driscoll
Vice President

House Fed. &
State Affairs

Date 1/27/00

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117 East 8th Street
Lawrence, Kansas 66044



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