

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:10 a.m. on January 27, 2000 in Room 245-N of the Capitol.

All members were present except. Senator Laurie Bleeker, excused

Committee staff present: Mary Galligan, Legislative Research Department
Russell Mills, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Judy Glasgow, Committee Secretary

Conferees appearing before the committee: Proponents

Senator Harry Stephens
Dr. James Barnett, Emporia Physician
Theresa Walters, Emporians for Drug Awareness
Cynthia Engle, Morris County Drug Programs
Randy Rogers, Coffeyville County Sheriff

Opponents

Jim Scott President Kansas Retail Liquor Association
Amy Campbell, Executive Dir. Ks. Retail Liquor Association
Maggie Harshfield, Wichita Retailer

Others attending: See Attached list

Chairman Oleen called for introduction of bills. There were none.

Chairman Oleen explained the committee divides its hearing time equally between proponents and opponents on bills where multiple conferee's occur. She then opened hearings on:

SB 394–Keg Registration

Chairman Oleen recognized Senator Harry Stephens, a proponent for **SB 394**. Senator Stephens stated that Keg registration is an important step in reducing the availability of alcohol to minors. (Attachment 1) He stated that with identification of each keg by number or code and recording the sale of each purchase, the provider of alcohol by keg to underage consumers could be identified and held responsible. Senator Stephens asks the committee to support the adoption of **SB 394**.

Chairman Oleen called on James A. Barnett, M.D. a proponent for **SB 394**. Dr. Barnett stated that the City of Emporia passed a keg registration ordinance to deal with the issue of underage drinking. (Attachment 2) Lyon County and four surrounding counties have passed keg registration ordinances also. He stated that at this time there are thirteen states that require statewide keg registration and there are 30 states have some other form of keg registration, but do not have statewide legislation. Dr. Barnett provided committee members with a chart which listed the thirteen states who have keg registration along with comments which detail the general feeling from enforcement entities regarding the effectiveness of the law. (Attachment 3). Dr. Barnett stated that keg registration does not represent a cure-all, but it does represent one small step in reducing the availability of alcohol to minors. The following articles were provided by Dr. Barnett from the internet: cspinet.org/booze/youth&alcohol.htm; dated 1/16/00; jointogether.org/sa/wire/press_releases/reader.jtml?object_ID=259451 dated 1/18/00; ncbi.nlm.nih.gov/htbin-post/Entrez/query?db=m12/17/99 cspinet.org/booze/tas.htm dated 1/12/00; nau.edu/~fronske/fas.html dated 12/29/99; unl.edu/tcweb/pharm/conditions/fas/fas.outlook.html dated 12/29/99; cspinet.org/booze/tas.htm dated 1/12/00 and ncadd.org/countrads.html dated 1/16/00.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS, Room 245-N Statehouse, at 11:10 a.m. on January 27, 2000.

Chairman Oleen called on Teresa Walter, Executive Director, Emporians for Drug Awareness, who spoke as a proponent for **SB 394**. Ms. Walters stated that beer is the preferred alcoholic beverage of youth. (Attachment 4). A keg provides the most economical means of providing what an equivalent number of cans or bottles would hold. She also indicated that preventing underage youth from drinking represents violence prevention and teen pregnancy prevention and school dropout prevention. Ms. Walters ask the committee to favorably consider keg registration.

Chairman Oleen recognized Cynthia Engle, Chairperson, Anti-Drug Task Force, Morris County, Kansas as a proponent for **SB 394**. Ms. Engle stated that as a substance abuse counselor, teacher and parent, the passage of this bill would serve as a deterrent to beer being so readily available for consumption by underage persons. (Attachment 5) A study by the National Institute on Alcohol Abuse and Alcoholism shows that young people are beginning to drink earlier.

Chairman Oleen introduced Randy Rogers, Coffey County Sheriff, as a proponent to **SB 394**. Sheriff Rogers stated that keg registration is a major concern of importance to law enforcement. (Attachment 6). Coffeyville County recently passed a Keg Registration Resolution. The cost to implement this system is less than 60 cents a piece to register a keg. Sheriff Rogers stated that underage drinking is at an all time high and adults must take action to turn this trend around and make a difference in the lives of young adults. He ask the committee to give **SB 394** favorable consideration.

Chairman Oleen then tuned to opponents of **SB 394**. She recognized Jim Scott, President, Kansas Retail Liquor Dealers Association, and a businessman.

Mr. Scott stated that he was appearing in opposition of **SB 394** on behalf of over 680 Kansans who operate liquor stores in almost every incorporated city in the state. (Attachment 7). Mr. Scott noted the higher penalty for the liquor store owner if an error was made in keg registration, rather than intentionally selling to a carload of underage teenagers. Mr. Scott stated that laws should be reasonable, valid and serve the public and he did not believe that **SB 394** meets those minimum requirements.

Chairman Oleen recognized Amy Campbell, Executive Director Kansas Retail Liquor Dealers Association, as an opponent to **SB 394**. Ms. Campbell stated that **SB 394** does not deter underage consumption, but represents an invasion of privacy, and some law enforcement officials might abuse the privilege against both retailers and customers. (Attachment 8) **SB 394** creates an additional layer of regulation for retailers. Ms. Campbill stated that **SB 394** is not an effective method of prevention for underage drinking.

Chairman Oleen recognized Maggie Harshfield, Wichita, Kansas an opponent to **SB 394**. Maggie Harshfield stated that she is the owner of Maggie's Adult Wine & Spirits in Wichita, Kansas and is concerned about a statewide law that looks good, but doesn't accomplish anything. (Attachment 9) Ms. Harshfield stated that the Emporia ordinance has been in effect for a few weeks, and citizens will not be able to measure its success for some time. Ms. Harshfield ask the committee to see if the current laws can work before more are applied.

The following proponents submitted written testimony for **SB 394**; Robert Longino, Acting Director, Alcoholic Beverage Control (Attachment 10); Jolene M. Grabill, Kansas Coordinators of Alcohol Safety Action Projects Association (Attachment 11); Rosalie Thornburgh, Bureau Chief of Traffic Safety, Department of Transportation (Attachment 12); Mothers Against Drunk Driving, Kansas State Office, (Attachment 13); Carla Stovall, Office of the Attorney General (Attachment 14); The Kansas Medical Society, Topeka, Kansas (Attachment 15); Regional Prevention Center of Northwest Kansas, Hays, Kansas (Attachment 16); Regional Prevention Center of South Central Kansas, Newton, Kansas (Attachment 17); The Southwest Kansas Regional Prevention Center, Garden City, Kansas (Attachment 18); Kansas Family Partnership, Inc., Topeka, Kansas (Attachment 19) The City of Council Grove, Kansas (Attachment 20); Don and Bonnie Kaufman, Individual (Attachment 21); Krueger & Aranda, Attorneys at Law, Emporia, Kansas (Attachment 22); John Heim, Superintendent of Schools, Emporia 253 (Attachment 23); Emporia Area Chamber of Commerce, Emporia, Kansas (Attachment 24).

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS, Room 245-N Statehouse, at 11:10 a.m. on January 27, 2000

The following opponents submitted written testimony against **SB 394**; Kurt J. Bossert, Bossert Liquor Store, Topeka, Kansas (Attachment 25) and Kelly Driscoll, Kansas Licensed Beverage Association, Topeka, Kansas (Attachment 26).

Chairman Oleen closed the hearing on **SB 394** but advised the committee and those present that the committee would continue to receive written testimony concerning the bill.

The meeting adjourned at 12:05 p.m. The next meeting will be Monday, January 31, 2000 at 11:00 a.m.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE: JAN 27, 2000

NAME	REPRESENTING
Rosalie Thomburg	ICDOT
DALE BELL	CITY OF EMPORIA
BOB RODRIGUEZ	EMPORIA Chief of Police
Lt. LARRY ADAMS	EMPORIA P.D.
SHERIFF CLIFF HACKER	LYON Co. SHERIFF'S OFFICE
SGT. LANE RYNO	EMPORIA P.D. / KACP / KPOA
Sheriff Randy Rogers	COFFEY Co. Sheriff's OFFICE
Sheriff Roy DUNNAWAY	JEFFERSON Co. Sheriff's Dept.
Jeff Bothenberg	Kansas Sheriff's Ass'n
DON HILL	EMPORIA KS
CHRIS CARROLL	✓ ✓
SHANNON MLYWAN	A, B, C.
BOB LONGINO	ABC
Jawra Mubham	ABC
Tom Hayselden	Shimone K. PD. KACP.
Kelly Keltala	City of Overland Park
Jim Barnett	Emporia, KS
Cynthia Engle	Council Grove
Teresa Walters	Emporians for Drug Awareness

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE: Jan 27, 2000

NAME	REPRESENTING
Mark Ohlmeier	KVOE Radio/Emporia
Katrina Hull	University Daily Kansan
Tom Palace	PAWA OF KS.
Kurt Bossert	Bossert Liquor.
Amy Campbell	KRDA
Rebecca Fin	KBWA
Monica Ely	KRLD
JAMES A. CARSON	KRLD
Rita Madl	KLBA
Chris Collins	Kansas Medical Society
Julie Heen	Hein + Warr, Chkd.
Chris Noble	KCASAP
Tim Richardson	ASSOCIATED PRESS
Karl Kuyfth	Sei Stephens
Heather Heman	KSNT
Alma M. Grubel	KCASAP
Dane Thom	Attorney General's Office
Dudy Mauer	U.S. Asst. & Council
Ken Bulley	KM

STATE OF KANSAS
SENATE CHAMBER

HARRY STEPHENS
SENATOR, SEVENTEENTH DISTRICT
CHASE, COFFEY, GEARY, LYON, MARION,
MORRIS, OSAGE, WABAUNSEE COUNTIES
2602 MONTEREY DRIVE
EMPORIA, KANSAS 66801



STATE CAPITOL
TOPEKA, KANSAS 66612-1504
785-296-7384
(FAX) 785-296-0103
1-800-432-3924

COMMITTEE ASSIGNMENTS
RANKING MEMBER AGRICULTURE
MEMBER ASSESSMENTS & TAXATION
ENERGY & NATURAL RESOURCES
SPECIAL CLAIMS AGAINST THE STATE
TRANSPORTATION & TOURISM

January 27, 2000

Keg registration for Kansas is an important step in reducing the availability of alcohol to minors in our communities. The availability of alcohol is one risk factor that contributes to substance abuse. Throughout Kansas, youth report that it is "very easy to obtain alcohol."

Registration of kegs containing large amounts of alcoholic beverage needs to be implemented in this state. Other states and other communities have successfully implemented such requirements.

With identification of each keg by number or code and recording the sale of each purchase, the provider of alcohol by keg to underage consumers could be identified and held responsible. I believe wholesalers and retailers make legal sales of kegs. However, the purchaser of these kegs becomes the provider of alcohol to youth and needs to be held responsible for such illegal action.

I support the adoption of SB 394 that requires the identification and registration of kegs to reduce the availability of alcohol to minors in Kansas.

Harry Stephens

Sen. Federal & State Affairs Comr
Date: 1-27-00
Attachment: # 1

TESTIMONY FOR KEG REGISTRATION

Senator Lana Oleen and members of the Senate Federal and State Affairs Committee, thank you for the opportunity to testify regarding Senate Bill #394.

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 only 10%.

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.

Response to calls placed (November 1999) by Dr. James Barnett to agencies in those States who have adopted keg registrat

Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: # 3-1

Name	Phone	State	Helpful?	Enacted	Continue?	General Comments
er Farinholt, Public Affairs ABC	804-213-4419	Virginia	Yes	1986	Yes	Would want to continue
Sandi Gascon, Dept. of Liquor Control		Vermont	Yes	1992	Yes	Just improved law with tougher penalties.
Laverne Reinbold, Atty.Gen's Office, ABC		North Dakota	Yes	1985	Yes	More helpful all the time
Walter Sullivan, ABC Division	617-727-3040	Massachusetts	Yes	1980's	Yes	
Sgt. Costello, Liquor Control Board	402-471-2571	Nebraska	Yes	1993	Yes	Not a perfect answer, but had more good than bad. Need for aggressive enforcement, education of retailers & parents, along with increased use of compliance checks and shoulder tap operations.
Tim Gorsuch, ABC Investigator	916-263-6900	California	Yes	1994	Yes	Extremely helpful. Felt that their \$1000 fine for supplying to minors was having an impact, along with the shoulder tap operation with mandatory jail time in the event of an injury. Quoted a case of MIP's from Utah with the keg traced to the Bay area.
Br.Chief Lonnie Gray, ABC	208-884-7060	Idaho	Yes	1981	Yes	" You bet it has helped!" Wholesalers & retailers had been very cooperative and they want the law continued.

Response to calls placed (November 1999) by Dr. James Barnett to agencies in those States who have adopted keg registration:

3-2

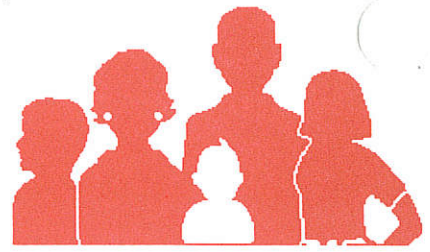
<u>Name</u>	<u>Phone</u>	<u>State</u>	<u>Helpful?</u>	<u>Enacted</u>	<u>Continue?</u>	<u>General Comments</u>
Guardia, Bureau of Liquor Enf.	207-624-8973	Maine	Yes	1991	Yes	It is very effective for enforcement and mentioned the benefit in the proximity of college campuses. Only "off premise" kegs were tagged.
Dennis Theoharris, Licensing Commission	240-777-1989	Maryland	Yes	1994	Yes	Felt a decrease in keg parties had been seen. No doubt they would want it continued.
Lt. Tom Didino, Police Department	240-773-5056	Maryland	Yes		Yes	Noticed decrease in alcohol poisonings due to the decreased volume, decreased number of keg and pasture parties, decreased amount of alcohol consumed at the parties and a decrease in the # of kids at the parties due to keg registration.
Barbara Rivera, Alcohol & Gaming Comm.	505-827-7066	New Mexico	Yes	1989	Yes	No controlled study done due to lack of resources, but wants it continued.
Louise Casper, Liquor Control Comm.	503-872-5138	Oregon	Yes	15+ Yrs.	Yes	It has been a great asset to law enforcement. Mentioned two recent cases of deaths from keg parties with the procurers known and facing criminal charges. They keep records on file for two years. Oregon Physicians for Social Responsibility supported their efforts.
Tricia Currier, Control Board	360-664-1784	Washington	Yes	1989	Yes	Definitely helpful; strongly oppose any change.

Response to calls placed (November 1999) by Dr. James Barnett to agencies in those States who have adopted keg registration:

73

Name	Phone	State	Helpful?	Enacted	Continue?	General Comments
a Berntsen, Rules Coordinator		Washington	Yes		Yes	

Emporians for DRUG AWARENESS



Working for a Safer Community

Senator Oleen, Chairperson
Senate Federal and State Affairs Committee
Room 136 N, State Capital
Topeka, Kansas 66612

Senator Oleen 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 Senate Bill 394 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 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 - often associated with professional sports teams or sporting events and advertised frequently and through various media, usually by celebrity spokespersons who youth would aspire to be like. Drunks or drinking are the topic of many jokes, and it is often present at many family functions. Because of this exposure, young people have become unafraid of this product as a dangerous drug. Many teens do not realize, for instance, that drinking too much alcohol too quickly can actually kill them. Instead, youth view it simply as something to look forward to consuming as an adult. And, as we all know, practically every youth wants to be considered "adult" no matter what their age, and they all want to grow up much faster than they are actually capable of, either physically or emotionally. A keg provides the most economical means of providing what an equivalent number of cans or bottles would hold, and it's much easier to keep cold and transport. 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 did the trick, if everyone just said "No!", or read a pamphlet or wore a wristband or a red ribbon, 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.

One must not become confused by national statistics on underage drinking which are sometimes quoted and may lead one to believe that the tide is turning. These numbers do not reflect our more local concerns. The issue before us today is the fact that *our* state's youth are beginning 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.

Sen. Federal & State Affairs Comm

Date: 1-27-00

Attachment: # 4-1

215 W. 6th Avenue • Emporia, Kansas 66801 • (316)

Fax: (316) 341-2444 • Website: emporia.com/druga


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
Executive Director

January 27, 2000

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

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

Subject: ~~House Bill 2604~~ *Senate Bill 394*

Thank you for affording me the opportunity to appear before your committee today in support of ~~House Bill 2604~~ ^{*Senate Bill 394*}. 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~~ *SB 394*

Thank you,


Cynthia J. Engle

Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: # 5

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.

Sen. Federal & State Affairs Com
Date: 1-27-00
Attachment: # 6-1

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

page # 2

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

**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, Madam 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~~¹³ 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, a alcohol awareness computer-program available to all colleges & universities was mentioned in the media 55 times nationwide. Binge drinking was mentioned 1,880 times.

Sen. Federal & State Affairs Comm.
Date: 1-27-00
Attachment: # 7-1

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.

**Testimony presented to the
Senate Committee on Federal and State Affairs
Re: Senate Bill 394
January 27, 2000**

Amy A. Campbell, Executive Director
Kansas Retail Liquor Dealers Association

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 something 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 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.

Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: # 8-1

4. **It might be used to create a new cause of action for litigation against store owners based upon 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 appreciate the Senate also acknowledging the possibility of a new liability theory. However, as we will with the House, we request the Senate 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.
6. **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.

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.



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

FROM: Robert Longino, Acting Director

RE: Senate Bill 394

DATE: January 27, 2000

Madame Chairperson and Members of the Committee - Good Morning.

Thank you for the opportunity to appear before you today in support of Senate Bill 394. 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.

Sen. Federal & State Affairs Comm.
Date: 1-27-00
Attachment: # 10-1

Senate Bill 394
January 27, 2000
Page 2

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.



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

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

**Testimony on S.B. 394
January 27, 2000**

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

Good morning, Madam Chairperson, Senator Stephens, and members of the committee. My name is Jolene M. Grabill. Gene Johnson, a more familiar face on alcohol safety issues, retired last fall after completing a distinguished career working for alcohol safety in Kansas. I appear before you today as the new legislative representative for the Association of Kansas Coordinators of Alcohol Safety Action Programs.

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 Senator Stephens' 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 allowing me to testify.

Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: # 11



**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
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Bill Graves
GOVERNOR

**TESTIMONY SUBMITTED TO THE SENATE COMMITTEE ON
FEDERAL AND STATE AFFAIRS**

**REGARDING SENATE BILL 394
KEG REGISTRATION**

January 27, 2000

Madam 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 Senate Bill 394 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.

Sen. Federal & State Affairs Com
Date: 1-27-00
Attachment: # 12



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

Senator Lana Oleen, Chairperson
Senate Federal and State Affairs Committee
Room 136 N, State Capital
Topeka, Kansas 66612

Dear Senator Oleen 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 Senate Bill 394.

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.

Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: # 13-1

* 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.

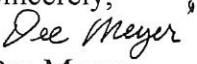
* Sixty-nine agencies reported estimates of the number of minors present at all keg parties during 1998 between 9,213 and 10,260. (Figures do not represent unduplicated participants).

* 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 Senate Bill 394 and would appreciate your support of this legislation.

Sincerely,

Dee Meyer
State Chairperson
Kansas MADD

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



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 Senator Oleen and Members of the Senate Federal and State Affairs Committee:

Senate Bill 394 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.

You may remember that last year my office introduced and testified on Senate Bill 197 relating to keg registration. This bill was proposed by the Far-Reaching Alteration of Traffic and Alcohol Laws (FATAL) Task Force as a deterrent measure to help reduce the number of individuals purchasing alcohol or cereal malt beverage for illegal use. Since that time, 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 when 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.

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 Senate Bill 394.

Very truly yours,

Carla J. Stovall
Attorney General

Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: #



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



KANSAS MEDICAL SOCIETY

To: Senate Federal and State Affairs Committee

From: Chris Collins *Chris Collins*
Director of Government Affairs

Date: January 27, 2000

Subject: Keg Registration

The Kansas Medical Society appreciates the opportunity to submit written testimony today on Senate Bill 394. 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. Senate Bill 394 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 who 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 who are harmed by them.

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



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**Regional Prevention Center
of Northwest Kansas**

1106 E. 27th St. • Suite 10
Hays, Kansas 67601
(785) 625-5521
Fax (785) 625-5596

January 18, 2000

**Senator Alana Oleen
Senate Federal and State Affairs Committee
Topeka, Kansas 66612**

Dear Senator Oleen,

The Regional Prevention Center of Northwest Kansas at Smoky Hill Foundation for Chemical Dependency supports the requirement that all kegs of beer be registered at the point of purchase in order to identify those who purchase illegally or provide youth under the age of twenty-one with alcohol.

One of the biggest problems communities and parents face is the underage consumption of alcohol. Keg Registration is one strategy to reduce beer purchases made for minors by adults or young adults. Keg Registration is effective because it serves as a deterrent to persons over twenty-one who might provide minors with alcohol. It also requires retailers to obtain proper identification when selling a keg of beer and places responsibility on the keg purchaser for acts committed by a minor while under the influence of alcohol.

Keg Registration also supports the enforcement of laws prohibiting underage possession and consumption by providing law enforcement with a tool to trace the purchaser. Kansas MADD conducted a survey of law enforcement agencies and the results were astounding: 70% of all agencies responding identified beer keg parties as a problem in their jurisdiction, I have been informed by our local law enforcement when they get to these parties, no one will admit to purchasing the keg or have any idea where the keg came from.

Keg beer is a prevalent source of alcohol for minors, and keg parties expose large numbers of minors to the availability of alcohol. Our goals in our communities are to: reduce the availability of alcohol to minors, increase the age of first use, and reduce use among minors. Keg Registration will help us achieve these goals.

Sincerely,

**Cindi Geist
Director**

Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: # 16



Regional Prevention Center Of South Central Kansas

130 East 5th PO Box 711
Newton, KS 67114
Phone: (316)283-6743
FAX: (316)283-6830
e-mail: mirror@southwind.net

A component of Mirror, Inc.

Teresa Walters
Emporians for Drug Awareness
215 W. 6th Ave.
Emporia, KS 66801

January 26, 2000

To all concerned parties,

The South Central Kansas Regional Prevention Center strongly supports legislation to require keg registration. It has been consistently documented that underage drinking continues to threaten the youth of the communities that we work in.

In 1999, students in Harvey County were surveyed with the following question: Think of your best friends (the friends actually closest to you). In the past twelve months how many of these friends have tried beer, wine, or hard liquor when their parents didn't know about it?

Survey answer: 58.2% said that at least one friend had done this. That's up from 49.2% in 1996 and 51.6% in 1997. These findings are typical of what are found in many communities in our state.

Under age consumption of alcoholic beverages continues to be a very dangerous risk for the youth of our community and all communities in Kansas. For this reason the South Central Kansas Regional Prevention Center is strongly in favor of legislation that would require the registration of kegs.

Mollie Thompson

Mollie Thompson, Vice President of Prevention Programs

Ken Graham

Ken Graham, Community Coordinator

Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: # 17



The Southwest Kansas Regional Prevention Center

GARDEN CITY COMMUNITY COLLEGE

801 CAMPUS DRIVE

GARDEN CITY, KS 67846

316-276-9624

January 24, 2000

Teresa Walters
Emporians for Drug Awareness
215 W. 6th Ave.
Emporia, KS 66801

Dear Teresa,

I would like to offer a letter supporting Senate Bill No. 394 in the Federal and State Affairs Committee and House Bill 2604 in the House Federal and State Affairs Committee. The Southwest Kansas Regional Prevention Center would like to join Kansas MADD and the Emporians for Drug Awareness Committee in speaking out for the adoption of Keg Registration legislation in Kansas.

It is my opinion that appropriately framed Keg Registration statutes can be potent deterrents to underage drinking by youth. Furthermore, such legislative efforts represent sound prevention practice by addressing the research documented risk factors of *favorable parental attitudes toward drug use and community laws and norms favorable to drug use* as well as impacting *drug (alcohol) availability*.

Sincerely,

John B. Calbeck, M.D.
Director
Southwest Kansas Regional Prevention Center

Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: # 18



Member
Community Anti-Drug
Coalitions of America
(CADCA)



Kansas Partner
National Family Partnership

...building partnerships to raise drug-free successful youth

January 26, 2000

Senator Lana Oleen, Chairperson
Senate Federal and State Affairs Committee
Room 136 N, State Capital
Topeka, KS 66612

Dear Senator Oleen and Committee Members:

On behalf of the Board of Directors of the Kansas Family Partnership I urge you to consider enacting keg registration in Kansas. This policy would allow all kegs and other large containers of alcoholic beverages be registered at the point of purchase in order to facilitate identification of those who purchase illegally or provide to youth under the age of twenty-one.

Alcohol is the number one drug of choice for our youth in Kansas. Easy access sends a clear message that Kansans are willing to look the other way and not do everything in our power to reduce alcohol use by youth. Keg registration would provide one more tool for families and communities to help youth stay safe and alcohol free.

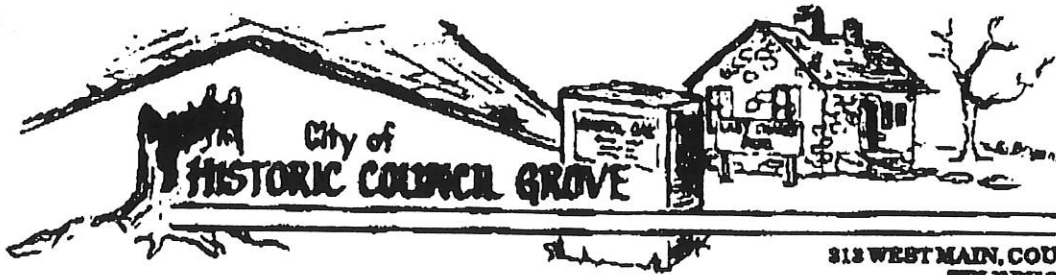
Keg registration has been debated in committee for a number of years in Kansas. Because it has not been passed many communities are seeking their own solutions through ordinances to curb keg sales to minors. It is time for our legislature to send a clear message that purchasing kegs for underage drinkers is not acceptable. The alcohol industry's belief that this would cause a hardship for retailers is just a smokescreen for their fear that sales will be reduced. That is not what Kansans are concerned about. They are concerned about young people having access to alcohol, getting behind the wheels of their cars, acting in violent or other harmful ways to others, and increasing the risk of addiction.

Kansas Family Partnership supports legislation that will reduce youth access to alcohol and send a consistent message that we care. We hope that you do too by passing keg registration this session.

Sincerely,

Michelle Voth
Executive Director

Sen. Federal & State Affairs Com
Date: 1-27-00
Attachment: # 19



312 WEST MAIN, COUNCIL GROVE, KANSAS 66840
TELEPHONE (316) 767-5417
FAX NUMBER (316) 767-8740

To: Senator Lana Oleen
Date: January 18, 2000
From: Mayor Charlene McRae
Ref: Support of Senate Bill #394

Dear Senator Oleen:

This letter is being written in support of Senate Bill #394. As mayor of Council Grove and having been involved in local government the last twenty-five years, I feel this bill will help control underage drinking.

We passed an ordinance in our city the first of January to identify keg purchases. I feel that in joining together with those cities and counties that surround us we have done what we can. I don't see this ordinance as the total answer to the problem of underage drinking, but if it saves on child in this area its a small step in the right direction. If the legislature were to pass this bill you would impact the state of Kansas, saving many young people.

Dr. Barnetts testimony before our city council made me realize how much beer can be consumed in one keg. I support him and his group and what they represent.

I appreciate you taking the time to read this letter. Please consider the impact this bill may have on all of our Kansas young people.

Sincerely,

Charlene McRae
Mayor

Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: # 20

Senator Alana Oleen
Chairman of Senate Federal & State Affairs
Room 136 N
State Capitol
Topeka, KS 66612

Dear Ms. Oleen,

My name is Don Kaufman and I, along with my wife Bonnie, am writing to tell you of our support for registration of beer kegs as proposed. We firmly believe that keg registration is a positive means whose end result will help reduce

1. underage drinking,
2. driving while under the influence of beer, and
3. innocent deaths directly caused by the misuse, abuse and irresponsibility of beer consumption.

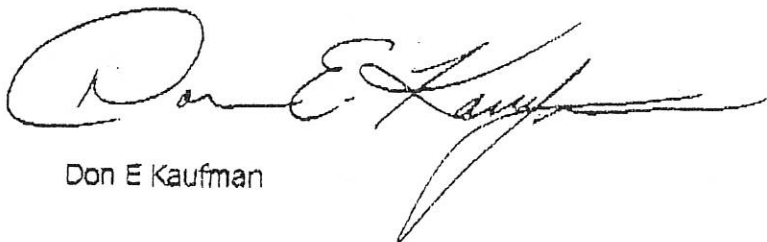
As parents of 3 children who have graduated from our local high school in a town of approximately 1500 people, we were somewhat aware of the "weekend beer parties" that—believe it or not—were parent sponsored at times; we heard about the "social gatherings" which involved cars, kids and beer during the weekends. We were continuously explaining to our teenagers why they were not allowed to go; questioning why some parents allowed their children to partake regardless of the illegality & possible consequences; and, finally, why it is sometimes, often times, harder to stand alone than in the crowd.

As our last child graduated from high school in 1995, we are even more unaware of the "drinking" amongst our teenagers. However, my wife and I are all too familiar of the harm "drinking" can do and the consequences BEER abuse does. Our youngest daughter, Janelle, was killed 1 month after her High School graduation by a 47 year old drunk driver who was intoxicated from the consumption of beer and decided he did *not have to act responsibly* that particular Sunday afternoon. Therefore, we support laws that seek to remedy the abuses of alcohol and the irresponsibility of people.

We believe and affirm the Keg Registration proposal as it seeks to deter irresponsible behavior of those who provide beer to others. Kegs, as opposed to cans of beer, are used primarily for social gatherings; thus, if we can help make the adults providing the kegs act in a responsible manner, we can thereby also affect those who participate in such activities.

We would appreciate your thoughtful consideration in affirming the proposed Keg Registration legislation.

Sincerely,



Don E Kaufman

Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: # 21

KRUEGER & ARANDA

*Attorneys
at Law*

September 3, 1999

James A. Barnett, M.D.
1301 West 12th Avenue
Emporia, KS 66801

501 COMMERCIAL
P.O. BOX 728
EMPORIA, KS 66801

PHONE:
(316) 342-2489

FAX:
(316) 343-8302

FEDERAL
TAX ID NUMBER
48-1011018

ATTORNEYS
AT
LAW

THOMAS A. KRUEGER

AMY L. ARANDA

PARALEGAL:

MICKIE
CLEARY-BRIGHT

RE: Keg Registration

Dear Dr. Barnett:

This is in response to your telephone call regarding the keg registration proposal before the City Commission. The City Attorney, Dale Bell, was kind enough to provide me with a copy of the proposed Ordinance, which is enclosed for your review.

In reviewing the proposed Ordinance I do not believe that there is any civil liability exposure upon the manufacturer or retailer resulting from minor's consuming alcohol from a keg. There is no civil right of action to persons injured by an intoxicated person against the person selling or furnishing the liquor, which caused the intoxication, unless specifically provided by statutes commonly known as the "Dram Shop Laws". Kansas does not have a Dram Shop Law, thus the assertions and statements made by the distributors of alcohol against keg registration that it would give them exposure to civil liability suits is totally without merit. I expect the City Commission to totally disregard such arguments in opposition of the Keg Registration Act.

I don't see any harm to the community at large in the enactment of keg registration, as set out in the proposed Ordinance prepared by City Attorney Bell. I believe the ultimate benefit to the community at large far outweighs the inconvenience that may be caused to the retailers. Good luck on your endeavor.

Very truly yours,



Thomas A. Krueger

TAK/mcb

Enclosure

cc: City of Emporia, Attention Dale W. Bell



Sen. Federal & State Affairs Comm

Date: 1-27-00

Attachment: # 22

January 11, 2000

Marceta A. Reilly, President
United School Administrators of Kansas
820 SE Quincy, Suite 200
Topeka, KS 66612-1165

Dear Marceta:

Like many communities, Emporia has suffered from the effects of young people's ready access to alcohol. In the past few years, our town has had more than one alcohol-related tragedy. The good news is that our community is attempting to address some of the issues related to underage drinking.

An example of this is the recent passage of a city ordinance requiring that kegs sold in Emporia be registered. This makes it easier to identify adults who provide alcohol to underage persons. We believe that keg registration will decrease the availability of alcohol to our secondary students.

The problem with local enforcement of such a law is that individuals who want to avoid the law can simply leave the city limits to purchase kegs. That is why we are asking the state legislature to adopt a law similar to our city ordinance.

I am writing to solicit your support for this initiative. Currently keg registration is supported by the following groups: The Kansas Peace Officers Association, Mothers Against Drunk Driving, Alcohol Beverage Control (ABC), the Kansas Attorney General's Office, the Kansas State Nurse's Association, the DUI Victim's Center, the Bureau of Traffic Safety, Kansas Association of Chief's of Police, and the Kansas Association of School Administrators. It would be a great help to our efforts to have school administrators included as supporters of keg registration legislation for Kansas.

As members of the United School Administrators of Kansas, we ask you to support keg registration as a means of decreasing the availability of alcohol to Kansas children.

Sincerely,



John Heim
Superintendent of Schools



EMPORIA AREA CHAMBER OF COMMERCE
and
CONVENTION & VISITORS BUREAU

POSITION: In an effort to curb underage drinking, the Emporia Area Chamber of Commerce endorses and supports the keg registration ordinance passed by the City of Emporia and Lyon County and would encourage Kansas Legislators to pass statewide registration.

BACKGROUND: 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 three leading causes of death—motor vehicle accidents, homicides, and suicides are all linked to alcohol. Alcohol kills over 6 times the number of young people than all other drugs combined.

Alcohol is a gateway drug to use of other drugs. Young people drinking are 22 times more likely to smoke marijuana and 50 times more likely to use cocaine. Efforts to deal effectively with other drugs can start by dealing with alcohol first.

Statistics show that when young people begin drinking before the age of 14, there is a 47% chance of them becoming alcohol-dependent. If young people wait until the age of 21 to drink, their chance of becoming an alcoholic is reduced to only 10%. Additional statistics by the U.S. Department of Justice, 1998, state that 40% of all crimes are committed under the influence of alcohol.

A total of 30 states have some form of keg registration. To require keg registration is to hold accountable the adults who provide kegs to underage teens. Those who purchase kegs and use them within the boundaries of the law will not suffer consequences.

Keg registration is not a perfect answer, but it is a start to curb underage access to alcohol.

January 24, 2000

EMPORIA AREA CHAMBER OF COMMERCE

316-342-1600 • E-mail: chamber@cadvantage.com

719 Commercial • P.O. Box 705 • Emporia, Kansas 66801 • FAX 316-342-3223 • www.

EMPORIA CONVENTION & VISITORS BUREAU

800-279-3730 • 316-342-1803 •

Sen. Federal & State Affairs Comm

Date: 1-27-00

Attachment: # 24

MEMBERS FEDERAL AND STATE AFFAIRS COMMITTEE

Thursday, January 27, 2000

RE: OPPOSING SENATE BILL 394

Dear Committee Members;

I am a retailer in the state of Kansas and have been in business since 1987. I am *opposing* Senate Bill 394 *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.

Sen. Federal & State Affairs Comm.
Date: 1-27-00
Attachment: # 25-1

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



Kansas Licensed Beverage Association

January 27, 2000

Senator Lana Oleen
Chair, Special Committee on Federal and State Affairs
and Committee Members
Statehouse
Topeka, Kansas

Re: Keg Registration SB 394

Dear Senator Oleen 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

117 East 8th Street
Lawrence, Kansas 66044



Memberships avai
Phone: 785-331-4
Sen. Federal & State Affairs Comm
Date: 1-27-00
Attachment: # 26