

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:40 p.m. on March 14, 2002 in Room 313-S of the Capitol.

All members were present except: Representative John Edmonds, Excused  
Representative John Faber, Excused  
Representative Dan Williams, Excused

Committee staff present: Mary Torrence, Revisor of Statutes  
Russell Mills, Legislative Research Analyst  
Shelia Pearman, Committee Secretary

Conferees appearing before the committee:  
Senator James Barnett  
Representative Judy Morrison  
Amy Campbell, Kansas Association of Beverage Retailers  
Bob Longino, ABC Director  
Scott Hatstrup, Attorney and NRA trainer  
Bob Hedberg, Juvenile Justice Authority Deputy Commissioner  
Mike Heffron, Emporia's Chief of Police  
Dan Hermes, Kansas Alcohol Safety Action Project Association  
Robert Hodgdon, Hodgdon Powder Company  
Sandy Jacquot, Kansas League of Municipalities  
Theresa Walters, Exec. Director ~ Emporians for Drug Awareness  
Gary Winget, Kansans for Addiction Prevention

**Representative Rehorn made a motion to reconsider the passage of HB 2195 - Cereal malt beverages; sale of, Sundays. Representative Mason seconded the motion. The motion carried. Representative Mason made a motion to table HB 2195. Representative Dahl seconded the motion. The motion carried.**

The hearing on **SB 407 - Beer and cereal malt beverage keg registration act** was opened. Representative Morrison rose in support of this proposed legislation due the joint effort of Senator Barnett and the retailers having revised **SB 328**. She referenced a study completed by Wichita State University for the Kansas Department of Transportation which noted keg registration legislation was an important component in the battle to reduce underage drinking (**Attachment #1**)

Senator Barnett informed the committee of the joint effort of legislators and the alcohol industry representatives in revising keg registration originally drafted in 2001 as **SB 328**. He stated similar legislation has been implemented in fourteen states and sees this as a vital tool in battling underage drinking. He urged the committee to support **SB 407**. (**Attachment #2**)

Mr. Longino rose in support of **SB 407** due to the joint effort of the various parties to address concerns which arose from the hearing of **SB 328** in 2001.

Ms. Campbell expressed appreciation of the invitation to have industry participate in revising the originally proposed legislation addressed by Senator Barnett in **SB 328**. She stated the industry's concern about extent of record keeping was addressed in **SB 407** and the association supports this legislation. (**Attachment #3**)

Ms. Walters stated **SB 407** is an important tool to use to hold adults accountable for endangering the future and lives of our youth. She stated this ordinance has been in effect in Emporia for more than a year. (**Attachment #4**)

Chief Heffron provided details about Emporia's Keg Registration ordinance adopted in 1999. Of the four citations his department has written, three were for late returns or failure to return. He encouraged

the committee to pass a statewide registration law as stated in **SB 407**. (Attachment #5)

Mr. Hermes stated the Kansas Coordinators of Alcohol Safety Action Projects encourage passage of **SB 407** as a deterrent for adults involved in supplying drinking opportunities for underage drinkers at "keg parties." (Attachment #6)

Mr. Hedburg cited statistics from the Communities that Care Student Survey including the average age is 12.59 years. Underage alcohol use is associated with not only juvenile crime but also elevated rates of school failure, teen pregnancy, auto crashes and deaths. He urged the committee to support **SB 407**. (Attachment #7)

Mr. Winget stated passage of **SB 407** would improve the quality of life citing addiction to alcohol is one of the leading causes of health problems in Kansas. He stated improved highway safety and health care costs will be some of the benefit from this legislation. (Attachment #8)

Written testimony encouraging the passage of **SB 407** was submitted by the Kansas Nursing Association (Attachment #9), the Kansas Medical Society (Attachment #10) the Kansas Department of Transportation, (Attachment #11) Kansas Family Partnership (Attachment #12) and Coffey County Sheriff Randy L. Rogers. (Attachment #13)

**The hearing on SB 407 was closed. Representative Powell made the motion to recommend SB 407 favorable for passage. Representative Peterson seconded the motion. The motion carried. During discussion however, Representative Wilson made a substitute motion to replace current language with language from the Substitute for HB 2195. Representative Benlon seconded the motion. The motion failed 8-11 with Representative Rehorn requesting to be recorded as voting against this motion.**

Chairman Mays opened the hearing on **SB 464 - Furnishing alcoholic liquor or cereal malt beverage to a minor**. Mr. Longino stated this technical correction is needed in order to correctly encompass a category of license overlooked by the consolidation which occurred in the 2001 revision of K.S.A. 21-3610. **SB 464** provides coverage to all license categories who sold alcoholic beverages under circumstances in which they were led to believe the purchaser was of legal age. (Attachment #14)

No other conferees appeared before the committee. The hearing on SB 464 was closed. Representative Powell made the motion to recommend SB 464 favorable for passage. Representative Ruff seconded the motion. The motion carried.

The hearing on **SB 116 - Authority to bring certain civil actions involving firearm manufacturers and dealers** was opened. Mr. Hodgdon cited various Kansas-based manufacturers who depend on firearms as well as the economic impact the industry has on the state via the sport of hunting. He stated the economic impact of these activities must be considered when well meaning, but less than fully informed individuals, suggest that America would be a better place without hunting, recreational shooting, or the right of self-protection. (Attachment #15)

Mr. Hattrup rose in support of **SB 116** because it protects firearms manufacturers, dealers and sellers from frivolous lawsuits. He stated this type of lawsuits are inherently anti-business, not just for firearms manufacturers, but for any seller of a potentially dangerous product like small aircraft or agricultural operations. The attached map showed approximately 25 states currently have lawsuit preemption legislation enacted. (Attachment #16)

Mr. Journey stated **SB 116** would not prevent appropriate suits from being brought against those who sell defective products in breach of warranties by individuals or governmental entities. He stated the Kansas State Rifle Association urged the committee to support this legislation. (Attachment #17)

Ms. Jacquot cited the fundamental powers of cities the referenced in K.S.A. 12-101 is the power of cities to sue and be sued. This would set a precedent prohibiting lawsuits against a specific group of manufacturers, trade association and dealers which would be an extreme and unwise public policy. (Attachment #18)

Written testimony in opposition to **SB 116** was submitted by the Johnson County Board of Commissioners because it would preempt regulatory and enforcement authority traditionally recognized as being within the purview of local government and create a poor precedent in the process. (Attachment #19)

Written testimony in opposition to **SB 116** was submitted by the Safe State Kansas citing the increased concern for homeland security while limiting the crime control options of local government. (Attachment #20)

**Representative Ruff made the motion to recommend SB 116 favorable for passage. Representative Novascone seconded the motion. The motion carried. Representatives Benlon, Gilbert, Peterson and Rehorn requested to be recorded in opposition to the bill.**

The committee meeting adjourned at 3:00 p.m. The next scheduled meeting is March 18, 2002.

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TOPEKA

HOUSE OF  
REPRESENTATIVES

TESTIMONY FOR SB 407

MARCH 14, 2002

Mr. Chairman and committee members. Thank you for allowing me to come before you today in support of Senate Bill 407.

In the 2000 legislative session, Representative Lloyd Stone brought before this committee a bill that would have required registration of kegs by retailers. Last year a hearing was held on SB- 328 authored by Senator Jim Barnett. The bill was tabled by a voice vote. In the meantime, Senator Barnett approached the retailers regarding their concerns about the bill language. Working together, they were able to develop a bill supported by both the Senator and the retailers. SB-407 passed the Senate 32 to 8.

In 1987, I was told of a keg party that took place in a Johnson County field. Fliers were placed on the windshield of cars in high school parking lots throughout the Kansas City Metro. The entry fee was five dollars per person. Several hundred teenagers were there from both sides of the state line. When the police arrived, everyone scattered and it was impossible to hold anyone accountable.

The average age for first use of alcohol in Johnson County is 12.7 years of age. According to recent student surveys in Johnson County: 15.2% eighth grade, 25.6% tenth grade, and 30.8% twelfth grade teens report binge drinking in the last two weeks.

A recent article in the Topeka Capitol Journal reported that most underage drinkers acquired their liquor from adults.

This bill will not stop underage drinking. It will, however, help most adults realize that they will be held responsible for supplying alcohol to young people. It is logical to assume that this may then lead to a decrease in underage drinking.

Research on underage drinking was recently conducted by Wichita State University for the Kansas Department of Transportation. A review of the study reported that Kansas has enacted most of the laws recommended by those seeking to prevent underage drinking. One notable exception is legislation addressing keg registration. We have an opportunity to implement this last piece of legislation that would be helpful in fighting underage drinking.

After hearing testimony today I would urge your support of SB-407

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State Affairs  
Date 3/14/02  
Attachment No. 1  
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TOPEKA

SENATE CHAMBER

## COUNTIES

CHASE, COFFEY, GEARY,  
LYON, MARION, MORRIS,  
OSAGE AND WABAUNSEE

## COMMITTEE ASSIGNMENTS

VICE CHAIR PUBLIC HEALTH AND WELFARE  
MEMBER FEDERAL AND STATE AFFAIRS  
FINANCIAL INSTITUTIONS AND  
INSURANCE

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**TESTIMONY for Senate Bill 407****Keg Registration**

Chairman Mays, and other distinguished members of the House Federal and State Affairs Committee, thank you for the opportunity to testify today in support of Senate Bill 407.

During the late summer, I had the opportunity to meet with the Director of Alcohol and Beverage Control, Bob Longino, along with Amy Campbell, Executive Director and lobbyist for Kansas Association of Beverage Retailers, and Tuck Duncan, Executive Director and lobbyist for Kansas Wine and Spirits Wholesalers Association, to discuss compromise language for keg registration.

Three main issues were reviewed and included the development of a uniform and statewide law, protection of records, and protection for retailers. SB 407 contains language agreeable to all parties.

To refocus on why I have been interested in this legislation, I would like to refer to a study performed by MADD in 1998. During that year, a survey of law enforcement agencies revealed 7 deaths and over 70 injuries related to keg parties. Only 1/4 of all law enforcement agencies responded. The potential to save lives and prevent injuries has been the driving force behind my pursuit of this legislation. My initial involvement came when concerned parents in the city of Emporia asked for help with enacting this legislation on a local level. Prior to that time, I actually had no idea what keg registration meant. Our city, followed by our county and surrounding counties and others, have subsequently enacted keg registration as one of many preventive tools to deal with the issue of underage drinking. Their concern stems from the potentially dangerous combination of a large quantity of alcohol obtained for kids in a secluded area. Kids, cars, and alcohol can be a potentially dangerous combination.

Recent testimony to the Senate Federal and State Affairs Committee by Director Longino demonstrated the strong commitments that retail liquor stores have toward controlling underage drinking. This is one measure of many that they are willing to support. Fourteen other states have implemented statewide keg registration with Georgia passing legislation last year. Other states including Missouri, Pennsylvania, and Texas have bills under consideration.

I appreciate the opportunity to work with representatives from the industry as we all strive to keep our youth healthy and safe.

Signed:

Senator Jim Barnett

JAB/gkp

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Attachment No. 2  
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# The Kansas Association of Beverage Retailers

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kabr@amycampbell.com

*Jim Scott, President*

*Amy A. Campbell, Executive Director*

## House Federal and State Affairs

March 14, 2002

Madam Chair and Members of the Committee, I am speaking to you today on behalf of the Kansas Association of Beverage Retailers. SB 407 represents language created in a compromise agreement with Senator Barnett and proponents of keg registration. In past years, KABR has testified before you many times in opposition to keg registration proposals. This bill is very different.

The language in this bill represents the first time that proponents of keg registration have invited the retailers to the table to share their specific concerns relating to this issue. Proponents have always insisted that the purpose of implementing a keg registration policy is to target those individuals who choose to purchase beer kegs and provide them illegally to underage individuals. Unfortunately, past proposals have included language which seemed to target the retailer—who, in essence, would also be responsible for implementing the policy. The language in prior proposals did not represent what we feel is the appropriate relationship with the State, in which a retailer is licensed by the State and must work in partnership with the State to uphold our liquor laws. It is this partnership relationship, in which the State supports the retailer in implementing the law, that creates the most effective environment for enforcement. This attempts to do just that, while also protecting the records which we will be required to keep.

Senator Barnett put forth the initiative to approach KABR, consider the concerns of retailers and enter into an agreement of mutual support. KABR supports that agreement and the bill language specifically as it reads right now. We will continue to work with the advocates to protect the bill language through the process. KABR stands by its past testimony on this issue, which many of you may actually be able to recite and we are pleased to have the opportunity to work with someone who has taken our concerns seriously.

House Fed. &  
State Affairs

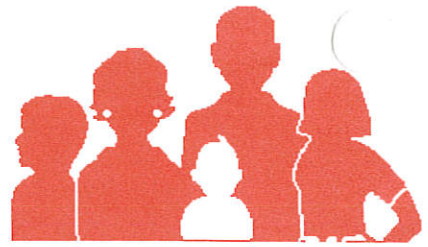
Date 3/14/02

Attachment No. 3

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# Emporians for DRUG AWARENESS



*Working for a Safer Community*

House Federal and State Affairs Committee  
Representative Doug Mays, Chair

Representative Mays and Committee Members:

I appreciate the opportunity to express my support for adoption of Bill No. 407, which would require that each keg of beer be “tagged” with an identifying number at the point of purchase. This identification could then be used by law enforcement in the event that the adult purchaser had provided the keg to minors.

Currently, three risk factors associated with underage alcohol use face adolescents and youth throughout Kansas: 1) availability of alcohol and drugs; 2) early age of first alcohol use; and 3) community laws and norms favorable toward alcohol use. Keg registration is one strategy capable of mitigating the effects of all three of these targeted risk factors. Kegs provide large amounts of beer which youth consume in a high-risk manner, drinking until the beer is gone or until they are drunk, whichever comes first. This pattern of binge drinking adolescents are known for, in conjunction with the availability of large quantities of alcohol at “keggers” or “field parties” are a recipe for disaster, physically, socially and developmentally.

While it is both necessary and appropriate to hold young people accountable for their actions including when they are caught illegally consuming alcohol, it is equally necessary and appropriate to have barriers in place that reduce their access to alcohol in the first place. A study funded by the Substance Abuse Policy Research Program of the Robert Wood Johnson Foundation ranked 97 cities across 38 states and found that those with stricter liquor laws had lower alcohol-related fatalities. *Controlling access to alcohol* along with *strict alcohol licensure requirements, enforcing DUI laws with sobriety checkpoints* and *imposing harsh penalties for liquor law violations* were the four measures emphasized that would significantly lower alcohol fatality rates.

The bill you are considering demonstrates a cooperative effort to address the problem of underage drinking in our state. While this legislation will not stop all underage drinking, it is an important tool to use to hold adults accountable for endangering the future and lives of our youth.

Sincerely,

Teresa Walters  
Executive Director

House Fed. &

State Affairs

Date 3/14/02

Attachment No. 4

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*Michael J. Heffron, Chief of Police*

*Michael Lopez, Deputy Chief of Police*

*Michael Williams, Deputy Chief of Police*

March 14, 2002

Based on my experience with the City of Emporia's Keg Registration Ordinance enacted in 1999, I support the passage of a statewide beer keg registration law.

I would like to share a brief history of Emporia's success with keg registration. In August of 1999, the Emporia Police Department property room contained eighteen kegs of beer. These kegs had been seized by officers at parties located in private homes, motel rooms or "party houses." They were typically seized in complaints regarding excessively loud music, intoxicated persons, and fights. The usual scenario of these calls was predictable. Officers would arrive at the location of a complaint, which, in turn, caused the perpetrators to run off or drop the cup of beer that they were holding. A beer keg or two would be found in a central area even though there was no one of legal drinking age present. No one present could legally claim the keg/kegs, so the officers would seize those keg/kegs to hold them to be claimed by a beer wholesaler. In addition, several minors who did not drop their beers fast enough would be cited with Minor in Possession of Alcohol complaints. To make matters worse, some of the more enterprising teens with access to a party house would buy two or more kegs and sell All-you-can-drink tickets for five dollars or so. I know the Sheriff's office had to deal with similar situations at "pasture parties" that they encountered in county fields.

Opponents of the keg registration ordinance have told me that they believe that underage drinkers will simply switch to buying beer by the case. That is certainly possible and, while I am not so foolish as to think that underage drinking will stop being a problem, I do believe that there is a binge drinking or "drink and drown" mentality associated with beer by the keg. I can also say that there are currently no kegs in the Emporia Police Department property room, and that we are not receiving large teenage keg-party complaints. The county has seen the same decline; and Lyon County Sheriff Gary Eichorn described pasture parties as "extinct."

In 2001, the Emporia Police Department issued four citations for violation of the keg ordinance. Three of those citations were for late returns or failure to return, and the fourth was for a keg tag removal. As a law enforcement officer, I have no interest in excessive or long-term record keeping heaped upon the beer retailer. My only interest is in a method of tracking down any adult who illegally supplies a beer keg to a party of underage drinkers.

Michael J. Heffron  
Chief of Police in Emporia, Kansas

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State Affairs

Date 3/14/02

Attachment No. 5

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# PUBLIC SOLUTIONS

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## LEGISLATIVE TESTIMONY

TO: Chariman Doug Mays and Members of the House Committee on Federal and State Affairs

DATE: March 14, 2002

SUBJECT: Senate Bill 407

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Mister Chairman and Members of the Committee, my name is Dan Hermes and I represent the Kansas Coordinators of Alcohol Safety Action Projects (KCASAP).

The Association was incorporated in 1981 and consists of member agencies that are primarily responsible for the evaluation, education, treatment or referral of DUI and other alcohol/drug related offenders. The organization promotes effective laws dealing with the drinking driver and underage drinking problems. The association encourages strict enforcement, swift and fair sentencing, and quality education and treatment for the offender.

SB 407, requiring registration of beer kegs, appears to enhance the ability of the state to better enforce underage drinking laws. Agency members have commented in past statewide meetings about the need for such legislation to reduce the number of keg parties that offer unlimited alcohol use for minors.

Currently, there does not appear to have been significant consequences to deter someone from offering the parties for underage drinkers. Member reports indicate that many parties are motivated by a desire to profit from providing drinking opportunities for underage drinkers. Underage offenders in our programs have reported "admission charges" of five dollars a person to learn the location of the event, very often a keg or two in a field with some form of music.

Requiring registration of kegs will allow law enforcement that discovers such events to track the kegs back to the legal purchaser of the keg. This can serve as a deterrent for the adults involved in these activities.

I respectfully request that the committee report SB 407 favorably for passage. I thank the committee for its time and attention and would stand for any questions.

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**HOUSE FEDERAL AND  
STATE AFFAIRS COMMITTEE**

**March 14, 2002**

**TESTIMONY IN SUPPORT OF SENATE BILL 407**

Mr. Chair and members of the committee, I want to speak in support of Senate Bill 407, the beer and cereal malt beverage keg registration act.

The estimates on the number of youth in the juvenile justice system who have used alcohol or other drugs vary between 50 and 80%. In Kansas their drug of choice is alcohol. The Communities that Care Student Survey tells us that of the children and youth who have drunk alcohol the average age at which they began drinking is 12.59 years. That survey further tells us that 33.95% of youth report drinking alcohol in the 30 days prior to taking the survey. The use of alcohol by children is a major social problem in Kansas. Underage alcohol use is associated with not only juvenile crime but also elevated rates of school failure, auto crashes and deaths, and teen pregnancy to name but a few of the social problems young people face.

As we all know one of the most popular forms of alcohol consumption by underage children and youth is at parties where beer is served by the keg. When large quantities of beer are available, the temptation to "over do" increases, placing youth at further risk from binge drinking in addition to the several risks mentioned earlier.

I don't pretend to think that this bill will stop teenagers from drinking alcohol. However, I want to add my voice to those in support of this bill that will have the effect of limiting access to alcohol by children and youth. The bill will have the effect of dissuading some adults from buying a keg of beer to provide to underage drinkers. Simply knowing that a keg is traceable will encourage adults to think twice about making the purchase to supply alcohol to youth. The bill will put a tool in the hands of law enforcement to hold the adult providers of alcohol accountable for their illegal behavior.

The adults of our state need to be clear and unambiguous in their message to the children of the state: alcohol is not kids' stuff.

I urge your positive action on Senate Bill 407.



Bob Hedberg  
Deputy Commissioner of  
Research and Prevention

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Attachment No. 7  
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# KANSANS FOR ADDICTION PREVENTION

**K A P**

FORMERLY

KANSANS FOR LIFE AT IT'S BEST

## BEER AND CEREAL MALT BEVERAGE KEG REGISTRATION ACT

March 14, 2002

This bill will improve the quality of life in Kansas. By reducing the number of teens that become addicted to alcohol, there will be improvements in health, and traffic safety; there will be reductions in incidents of domestic violence, and educational success will be improved. Those are large claims that may need to be expanded upon.

Informal, non-scientific data has been gathered in one of our university cities. Retailers told interested parties in that city that they believed that most of the beer sold in kegs got into the hands of under-aged drinkers. There is a mystique about having a "keg party." One purchase supplies the alcohol for the whole party. We are told about parties that start small, then through the technology of cell phones get quite large. No one checks the ages of the drinkers. No one cares about the drinkers. We know that other harmful party drugs are then introduced.

- Addiction to alcohol is one of the leading causes of health problems in Kansas. If a teenage woman is drinking and also pregnant, we can assume that her baby will be born with fetal alcohol syndrome.
- Teenagers drinking at a party all have automobiles. They get drunk, then they must drive home. Traffic safety would be assisted by the passage of this bill.
- Most domestic violence incidents involve alcohol. The addicted teenager will still be an addict when they attempt to have a family.
- In middle school, high school, or college students can not learn if they are hung over from a keg party. For years we have had data about the brain damage caused by alcohol.

Everyone wins with this bill. The retailers are given a document with which to prove that they did not sell the keg to an under-aged drinker. Parents will have a little less to worry about when their children are out. Our roads will be safer. Our health care costs will decrease. Please approve Senate Bill No. 407

Garry Winget  
President

P.O. Box 16774  
Wichita, KS 67216  
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Date 3/14/02

Attachment No. 8

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TERRI ROBERTS J.D., R.N.  
EXECUTIVE DIRECTOR

For More Information Contact  
Terri Roberts J.D., R.N.  
troberts@sound.net  
March 14, 2002

# S.B. 407 Keg Registration

*Written Testimony-Support*

Chairperson Mays and members of the House Federal and State Affairs Committee, The KANSAS STATE NURSES ASSOCIATION is supportive of S.B. 407.

KSNA supports the provisions of this bill that:

- provide accountability for illegal alcohol possession/consumption by minors,
- Provide for greater opportunity to enforce illegal sales/distribution to minors by law enforcement and district attorneys,
- provide for uniformity across the state regarding keg registration, which should eliminate shopping for counties that don't currently have ordinances requiring keg registration.

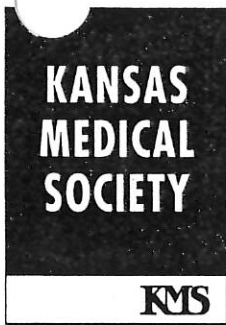
The notion of reducing youth access to alcohol requires a multi-faceted approach, and this proposal as a matter of public policy has great potential for reducing the availability of alcohol to minors.

*Thank you* for the opportunity to support S.B. 407.

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The mission of the Kansas State Nurses Association is to promote professional nursing, to provide a unified voice for nursing in Kansas and to advocate for the health and well-being of all people.

CONSTITUENT OF THE AMERICAN NURSES ASSOCIATION



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[kmsonline.org](http://kmsonline.org)

**To:** House Committee on Federal and State Affairs  
**From:** Chris Collins  
Director of Government Affairs  
**Date:** March 14, 2002  
**Subject:** SB 464: Keg Registration

The Kansas Medical Society appreciates the opportunity to submit written testimony today on keg registration. The Medical Society supports the concept and respectfully urges the passage of SB 464.

The Medical Society applauds the efforts of Dr. Barnett and Emporians for Drug Awareness and supports its practical, simple solution to the rampant problem of underage drinking. Keg registration 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 legislation mandating keg registration.

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State Affairs

Date 3/14/02

Attachment No. 10

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

E. Dean Carlson  
Secretary of Transportation

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Bill Graves  
Governor

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

**REGARDING SENATE BILL 407  
KEG REGISTRATION**

**March 14, 2002**

Mr. Chairman and Committee Members:

On behalf of the Kansas Department of Transportation (KDOT), testimony is being submitted on Senate Bill 407 as amended by Senate Committee on Federal and State Affairs, 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. A keg registration law could provide the necessary deterrent to the potential purchaser and prevent these situations from occurring. Although there is no research that specifically assesses the impact of this intervention, reports from law enforcement agencies suggest that it substantially reduces young people's keg use (Institute for the Study of Social Change, 1994c).

In 2000, in Kansas, young drivers aged 14-20, were involved in 18 percent of all alcohol-related motor vehicle crashes while comprising only 11 percent of the total licensed driver population. In addition, 15 percent of all DUI arrests are of drivers under age 21.

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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Member  
Community Anti-Drug  
Coalitions of America  
(CADCA)



Kansas Partner  
National Family Partnership

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

March 14, 2002

Representative Doug Mays  
Chairperson  
House Committee on Federal and State Affairs

Dear Representative Mays and Committee Members:

On behalf of the Board of Directors of the Kansas Family Partnership, Inc. I appreciate the opportunity to provide written testimony to support House Bill 407.

As you are well aware, prevention proponents have supported the concept of keg registration for a number of years. It is our hope that this bill will be passed during this legislative session. Keg registration is a tool that will assist efforts to reduce youth access to alcohol by providing another deterrent for adults to provide alcohol to minors. This bill will also provide law enforcement a tool they need to enforce current laws against providing to minors.

Keg registration already exists in at least eight Kansas counties. This bill will ensure that all counties enforce laws and norms that are consistent with the goal of reducing underage drinking in the state. Retailers are already incorporating protocols for keg purchases by requiring identifying information at the time of purchase. This bill will provide a low cost solution to identifying beer kegs that can be easily implemented statewide.

While no one will argue that this strategy alone will reduce or eliminate underage drinking, keg registration will provide one more opportunity for communities and law enforcement to make alcohol access to minors more difficult. This bill is about protecting our kids and giving a clear message to adults that it is "not OK to provide alcohol to minors".

The Kansas Family Partnership, Inc. respectfully requests that the Committee report HB 407 favorably for passage. I thank the committee for its time and consideration.

Sincerely,

Michelle Voth  
Executive Director

House Fed. &  
State Affairs

Date 3/14/02

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**COFFEY COUNTY SHERIFF'S OFFICE**

605 NE OSHO ST., PO BOX 226  
 BURLINGTON, KANSAS 66839  
 PHONE (620) 364-2123  
 FAX (620) 364-5758  
 IN KANSAS TOLL FREE (800) 362-0638

**RANDY L. ROGERS**

SHERIFF

KENNETH RONEY, UNDERSHERIFF  
 JOHN LIDDELL, CHIEF DEPUTY

LAW ENFORCEMENT BEYOND 2000

March 6, 2002

Members Federal and State Affairs Committee,

I am testifying in support of Keg Registration. I am the Sheriff in Coffey County. My county enacted a County Resolution for Keg Registration in January 2000. Prior to enacting the Keg Registration Resolution my agency routinely dealt with underage drinking parties which are commonly know as "Pasture Parties", these pasture parties normally involved the presence of numerous kegs of beer. When my agency would encounter such a party and we would attempt to determine the party responsible for providing the keg we would get the cold shoulder, run around, eventually and routinely we would be unable to determine who the responsible party was. Since enacting a Keg Registration Resolution we have noticed a significant decrease in "Pasture Parties", we have not encountered a violation of the Resolution. I believe that the resolution has played a major role in the reduction of underage drinking. Prior to the Keg Registration Resolution Individuals were willing to purchase kegs for minors knowing that the odds of being held accountable were minimal at best. Since the Resolution I believe there mind frame is that there are measures that will track the keg to them, therefore they are unwilling to take the risk.

I will state that the Keg Registration Resolution has not stopped underage drinking, but that the Resolution has reduced the amount of alcohol available. There is however, a flaw with our Resolution, that flaw being that if an Individual wanted to find a way to get around our resolution they could simply go to an adjoining county and purchase a keg at a retailer in that county. Therefore, I feel that the only way to have a total impact statewide would be to pass into law a Keg Registration law that would be applicable statewide and therefore, would make it unlawful to possess an unregistered keg in the State of Kansas.

I truly believe that this legislation would have a significant impact and an overall reduction in underage drinking.

I can truly come forward and state that I have personally witnessed the Impact of Keg Registration and an overall reduction of crime, accidents and other related Incidents that come with underage drinking.

I ask that You as Representatives of the Great State of Kansas give your support for Keg Registration and let's all work to protect the youth in our great State.

Sincerely,

Sheriff Randy L. Rogers

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STATE OF KANSAS

Bill Graves, Governor

Robert Longino, Director  
Division of Alcoholic Beverage Control  
Kansas Department of Revenue  
915 SW Harrison  
Topeka, KS 66625-3512



DEPARTMENT OF REVENUE

Stephen S. Richards, Secretary

(785) 296-7015  
FAX (785) 296-7185  
Email: abc\_mail@kdor.state.ks.us  
Internet: www.ksrevenue.org/abc

Division of Alcoholic Beverage Control

To: Representative Doug Mays, Chairman House Federal and State Affairs Committee

From: Robert Longino, Director Alcoholic Beverage Control Division

Date: March 14, 2002

Subj: Testimony in Support of SB 464

Mister Chairman and Distinguished Committee Members - Good Afternoon.

Thank you for the opportunity to appear before you today in support of Senate Bill 464. This bill is a technical correction to K.S.A. 21-3610 – Furnishing Alcoholic Liquor to a Minor.

During the 2001 Legislative Session, K.S.A. 21-3610 (Furnishing Alcoholic Liquor to a Minor) and 21-3610a (Furnishing Cereal Malt Beverage to a Minor) were combined. One of the provisions common to both statutes was a defense to prosecution if the defendant was a liquor or CMB licensee or an employee thereof, and the defendant had reasonable cause to believe the minor was at least 21 years old, based on an apparently valid ID produced by the minor, indicating such. The defense to prosecution provision remained in the combined statute. However, an unintended consequence of the combined statute was leaving out a category of license from this consolidation.

The language in SB 464 provides coverage to **all license categories** who sold alcoholic beverages under circumstances in which they were led to believe the purchaser was of legal age. This is accomplished by including references to the definitions describing license types under the liquor and CMB laws.

I appreciate the attentiveness and support of this committee on this technical change.

Thank you for your time this afternoon and I will now stand for any questions.

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**KANSAS SENATE BILL #116**  
**Hearings before House Federal & State Affairs**  
**March 14, 2002**

My name is Robert Hodgdon. I am President of Hodgdon Powder Company, which has offices in Overland Park and a manufacturing plant in Herington, KS. We package and store products in our Shawnee facility, and do some processing and storage in the old ammunition facilities at Forbes Air Force Base in Topeka. We manufacture Pyrodex, a propellant for muzzleloading sportsmen, and produce smokeless powder primarily for sportsmen who reload their own ammunition. We sell to many ammunition manufacturers, including those as large as Remington Arms, and to one which manufactures specialty ammunition for the Navy Seals program. One of our products separates the bolts holding the liquid fuel tanks to the NASA shuttles. We hire 75-85 people who work in our three locations; have around a \$4 million payroll.

My testimony is prepared to inform the committee of the economic importance of the firearms and related industries to the State of Kansas, which could be grievously injured should these manufacturers be impaired or bankrupted by the massive legal costs incurred fighting newly-concocted legal theories in courts throughout the U.S.

The firearms industry goes far beyond only the manufacturers of firearms and ammunition, and those engaged in its commerce are employed in nearly every city and town in Kansas, as well as in many rural settings. The sportsmen who hunt, or are involved in sports shooting activities enjoy their sport, not just during a season, but around the calendar. They equip themselves not only with the necessary firearms and ammunition, but with specialized wearing apparel and accessories, raingear and boots, SUV's a variety of off-road vehicles, optical gear, photographic equipment, game calls and devices, duffels and luggage, gun cases, cleaning equipment, and gun safes for storage, to name a few. Their interest in this sport carries over into facets which become hobbies of their own, requiring equipment such as reloading tools and components, chronographs, home gunsmithing items, woodworking equipment, taxidermy equipment and supplies, wild animal feeders, and animal care supplies, etc. Technology has not left the hunter behind; there are every imaginable type of cyber-hunting experiences available on computer programs to let the activist realistically practice off-season.

Among manufacturers in Kansas who depend on firearms are:

Coleman Co.	Wichita
Sugar Valley Products	Mound City
Bell & Carlson	Dodge City
Bushnell Corp.	Overland Park
Hodgdon Powder Co.	Overland Park
Nelson/Weather-rite	Lenexa
Quality Machine Sales	Wichita
Sellior & Bellot	Shawnee Mission
CZ Guns	Kansas City, Ks
Outland Sports	Overland Park
Discover the Outdoors	Overland Park

Plus at least 30 shooting parks, manufacturers reps. firms and over 200 hunting preserves that belong to NSSF.

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The dollars brought to rural communities during hunting seasons are often the backbone of their economy. Motel rooms filled, restaurants serving meals, gasoline being pumped, and supplies being replaced at the local gunshop or hardware store helps sustain economies, which otherwise may rely solely on the shifting fortunes of agriculture or animal husbandry. Fortune Magazine says, "there, merchants look to hunting season the way Macy's looks to Christmas: it can make or break the year."

Obviously, all of law enforcement in the State of Kansas and its municipalities depend on products produced by our industry, as do security companies and officers. Programs of the Kansas National Guard and armed forces stationed on Kansas bases revolve significantly around small arms manufactured by the firearms industry. In short, our citizens would be much less secure without a continuing flow of products, which are now threatened by lawsuits recently initiated by cities against the industry.

According to the National Shooting Sports Foundation, overall shooting sports related activity in the U.S. amounts to \$30.9 billion annually! This activity supports nearly 1,000,000 jobs. This is less than 1 percent of all U.S. employment, but represents more people than are employed in Wyoming and West Virginia combined, and more people than work in cities such as Kansas City and Wichita combined.

#### IN PERSPECTIVE

The following comparisons are provided to help put in perspective the economic significance of the sporting firearms and ammunition industries and related activities.

- In the few minutes it takes to review this report, the nation's hunters and shooters will generate enough economic activity to support eight jobs.
- Each day, the firearms and ammunition industry, and related hunting and shooting activities, generate enough economic activity to support 1,640 jobs.
- Hunting and shooting related industries employ more people than all Wal-Mart stores.
- The \$30.0 billion in economic activity generated by the hunting and shooting sports industries exceeds the annual sales of companies such as Coca-Cola, Anheuser Busch, McDonalds, Home Depot, Johnson & Johnson, Caterpillar Tractor, Goodyear Tire & Rubber, Hewlett Packard, RJR Nabisco and scores of other highly recognizable "Fortune 500" companies.
- The blockbuster movie, Titanic grossed \$376 million in 9 weeks. The hunting and shooting sports generate that much in just 4 days.
- The entire motion picture industry gross revenue from theater admissions is about \$5 billion, annually the firearms and ammunition industry and related activities generate that much in two months.



- More than 21 million Americans participated in shotgun, handgun and rifle target shooting activities in 1999. That is roughly the same number of people who played golf.
- Hunting and target shooting activities employ more people than Chrysler, Phillip Morris, United Parcel Service, and Ford combined.

Hunting and target shooting in Kansas accounts for some **\$581 million** in economic activity each year. Retail sales data calculated from the U.S. Bureau of Census and applied to U.S. Fish & Wildlife figures, shows the multiplier effect of economic impact on Kansas can total as much as **\$1.1 billion**. Firearms products annually directly donate to Kansas sales tax of **\$16.7 million**, and jobs produce an income tax of **\$4.2 million**. Sportsmen's license fees are **\$15.2 million**. The Federal Aid in Wildlife Restoration Trust Funds (an excise tax of 11% on firearms and ammunition imposed by the industry on themselves in the 1930's) generates an additional **\$2.6 million** per year to the Kansas Dept. of Wildlife and Parks; for a total direct tax contribution to the State coffers of **\$38.7 million (not including taxes on ancillary activities)**.

In Missouri, the greatest tourist attraction is not the Arch in St. Louis, Silver Dollar City, Branson itself, the Lake of the Ozarks, or any other lake. It is the retail store and museum of Johnny Morris's Outdoor World Bass Pro in Springfield! This reflects the tremendous power of the outdoors and nature's pull on sportsmen.

According to the BATF, Kansas has 1493 federally licensed firearms dealers, some of which represent multiple locations. Perhaps the sporting goods department of Wal-Mart (s) would be Kansas' greatest tourist attraction, especially right before and during our hunting season.

There were 209,734 hunters in Kansas in 1999, the last year for which we have figures. The National Sporting Goods Association, in their 1999 annual report, reported there were 177,000 target shooters in the state. This would indicate 14% of Kansans participate in a shooting sports event at least once a year.

#### SUMMARY

We do not maintain that hunting, recreational shooting, or the purchase of firearms for personal or home protection are acceptable merely because they make a significant contribution to our national and local economies. These activities are an acceptable, responsible and desirable ingredient of our nation's heritage, and should be continued, because experience, statistical evidence and common sense tell us so. The economic impact of these activities must be considered when well meaning, but less than fully informed individuals, suggest that America would be a better place without hunting, recreational shooting, or the right of self-protection.

Statement before the Kansas House Fed. & State Affairs Committee  
in support of SB 116, March 14, 2002

**Scott G. Hattrup** (*Univ. of Kansas*: B.G.S., 1989; J.D., 1995) is an attorney practicing in Lenexa, Kansas. He is also a certified firearms instructor and competitive shooter.

SB 116 in its current form protects firearms manufacturers, dealers, and sellers from frivolous lawsuits, and I therefore **support** it.

Several years ago, people began suing tobacco manufacturers on the theory that the availability of cigarettes and the like caused otherwise reasonable people to begin smoking, adversely affecting their health, and causing premature death. These lawsuits were uniformly rejected by the courts. That is until the federal and several state governments, including our own, began suing these same tobacco manufacturers to recover health care costs caused in some part by years of tobacco use. Some of the same law firms who sued the tobacco firms have now set their sights on firearms manufacturers, and they are now well-funded for the battle.

There are two main problems with allowing cities to sue the manufacturers of otherwise legal products. The first problem is that lawsuits such as these bypass the legislative process and allow the court system, or possibly twelve random citizens, to set public policy for a city, state, region, or an entire country. That policy will not always agree with the laws set in the various legislatures. It will also be influenced by the facts of the particular case and may or may not be appropriate as general public policy. The second problem is that lawsuits like these are inherently anti-business, not just for firearms manufacturers, but for any seller of a potentially dangerous product like small aircraft, or agricultural operations.

In the February 16, 1999, issue of the *Wall Street Journal*, a story appeared describing the result in a firearms case that ended earlier that month in Brooklyn. Eleven jurors decided amongst themselves to ignore most of the evidence presented, adopted their own formula to determine whether damages would be assessed, and then proceeded to award damages based on a percentage split against certain manufacturers, but not others. Endemic to their discussion was the fact that the jury was spending someone else's money. This is not the type of open, public discussion that should take place during the legislative process. The legislature weighs all public concerns, as it is doing now, before adopting major policy changes.

The Mayor of Miami-Dade County, Florida was even quoted in the New York Times asserting, "This [firearms lawsuits] is exactly what the courts are there to do, to fix inequities that you can't accomplish in the legislature." Esteemed committee members, the Mayor of Miami is plain wrong. The Legislature is where we debate and decide policy issues, not the courts. If he doesn't like it, tough cookies. If SB 116 does not pass, Kansas runs the risk of being drawn into the morass of judicially-imposed public policy over and over again.

Some of the businesses in Kansas which would be directly affected by a firearms lawsuit here include Wichita Arms, a manufacturer of highly accurate target pistols and rifles, CZ-USA, a distributor in Kansas City, Kansas, for Czechoslovakian firearms manufactured since before World War II, and Hodgdon Powder Company, a distributor for smokeless and black powder for

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reloading, supplier of explosive bolts to the space shuttle program, and employer of several people in Johnson County and Herrington, Kansas. These are all small businesses, employing your constituents and neighbors, generating taxes for the state selling lawful products. These businesses would likely appreciate the show of support this body could give them by passing SB 116 since it would protect them from groundless liability suits.

Other business which could be affected if this trend in frivolous litigation is not stopped include beef packing plants and dairies being sued for causing heart disease, General Motors and Ford, which manufacture cars in or near Kansas, and which could be sued for causing drunk driving or traffic accidents, and the entire airplane industry in Wichita, which went through quite a downturn and cut back the manufacture of new light planes until a 10-year federal statute of repose was passed.

I urge your support for SB 116. When you vote on this bill, please remember the many employers and businesses in Kansas that are now under threat of frivolous lawsuits. Remember too that the announced goal of those bringing the suits is to accomplish something in the courts that they have not been able to get through the legislative process. A vote in favor of SB 116 will protect business and our constitutional legislative process.

Phillip B. Journey  
President Kansas Second Amendment Society (PAC)  
Director-at-Large Kansas State Rifle Assoc.

Testimony in support of SB 116

An Act concerning firearms and firearms dealers; relating to the limitation on certain civil actions

SB 116 is a bill that is sweeping the nation's state legislatures, in Texas then Governor George W. Bush signed a similar bill a year or two ago. The legislation is a reaction to the lawsuits filed by cities such as Chicago and Atlanta. The lawsuits filed by these cities attempt to make firearms manufactures financially liable for the acts of criminals based in part on the theory that manufacturers, distributors and dealers negligently market their products or create a public nuisance. These lawsuits are an attempt by lawyers to copy the financial success of the tobacco suits. Unlike tobacco there is a constitutionally protected right to keep and bear arms. The transparent goal of taking a large number of weak cases to court simultaneously is not to win verdicts, but to bankrupt the industry by inflicting massive legal expenses upon them.

Firearms manufactures, distributors and dealers have strong arguments for the substantial benefits their products offer their customers, guns are used three times more often to protect against crime than they are to commit crime. I would be surprised to hear where a cigarette saved someone's life. The Chicago Tribune wrote in a recent editorial " the Chicago lawsuit attempts to elevate good morality...not [to] sell guns to people you have reason to think are bad guys... to the level of a legal requirement that no legislation has seen fit to impose.... It seeks to use the courts and the public treasury to make the gun industry comply...or face bankruptcy." In real product liability suits injured plaintiffs sue manufactures of defective products and seek compensation for injuries caused by those defects. Defendants in such suits can assert the defense that the product was not defective and worked as intended. However the suits against the firearms industry are for products that properly yet tragically functioned as intended. Criminal or negligent use of correctly working products is not a cause of action against the manufacturer, distributor or retailer. "The mere fact that a product is capable of being misused to criminal ends does not render the product defective" *Armijo v. Ex Cam Inc.* 656 F.Supp771, 773 (D. N.M. 1987)

These suits are merely attempts to end firearm ownership in this nation when the proponents of disarming the American people are unable to politically accomplish their goals through the legislature and lawyers seeking to enrich themselves at the expense of our liberty. This body sets public policy for the state and this bill stands for the proposition that, when criminals commit crimes, the criminal is to blame, not the store that complies with all federal, state and local laws. If marginally successful these suits could substantially increase the price of firearms across the board. This price increase will increase the costs to all of us including local and state governments. It will put the price of self defense further out of the reach of the poor who need the means to protect themselves, their families and their property the most.

Kansas and out of state hunters who come here spend 555 million dollars each year in Kansas. This consumer spending translates into 14,500 jobs, 255 million paid in wages, over 32 million in state revenue and 1.1 Billion in economic activity in the state annually according to the Congressional Sportsmen's Foundation. There are 437,000 Kansas sportsmen and women in the state, which is more than the combined population of the cities of Wichita and Topeka. They deserve to have their sport protected from these frivolous civil suits.

This bill does not prevent appropriate suits from being brought against those who sell defective products in breach of warranties by individuals or governmental entities. It does not prevent suits against those who negligently or intentionally sell firearms to persons who should not legally possess or purchase firearms. If these frivolous municipal lawsuits succeed it will set a dangerous precedent establishing legal theories that will be applied to other industries. Suits against car manufactures or liquor producers their distributors and retailers for the carnage caused by drunk drivers. Suits against the beef industry for heart disease. Suits against cutlery manufactures for the crime perpetrated with their products. The possibilities are endless as long as there are deep pockets to reach into. The organizations I am here representing today urge you to stop it here and now and to fast track this bill to the full Senate for approval as soon as possible. The KSRA and KSAS have thousands of members in the State.

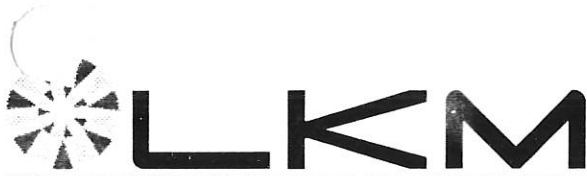
Respectfully Submitted  
Phillip B. Journey (316) 269-0602

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State Affairs

Date 3/14/02

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League of Kansas Municipalities

TO: House Federal and State Affairs Committee  
FROM: Sandy Jacquot, Director of Law/Legal Counsel  
DATE: March 14, 2002  
RE: Opposition to SB 116

First, I would like to thank the Committee for allowing the League of Kansas Municipalities to testify today in opposition to SB 116. I testified in opposition to this bill last year and my testimony today is very much the same. One of the fundamental powers of cities, found in the very first statute that sets out the corporate powers of cities, K.S.A. 12-101*First*, is the power of cities to sue and be sued. This is a fundamental aspect of the corporate powers of the 627 cities in Kansas and modification of this power should not be undertaken lightly.

SB 116 identifies a specific group of manufacturers, trade associations and dealers and prohibits lawsuits brought by cities in Kansas on behalf of their citizens and taxpayers, against these manufacturers, trade associations and dealers. We suggest this is a dangerous road to start down. If this legislation is successful this year, we suspect that some other group will approach the legislature in the near future asking for the same consideration, essentially removing the possibility that a city, county or other municipality might bring a lawsuit against them.

We are unaware of any city in Kansas currently contemplating such a lawsuit. Thus, this legislation is unnecessary. To set a precedent prohibiting lawsuits in this area as a matter of state statute appears to us to be extreme and unwise public policy. We strongly urge the committee to reject SB 116 as a matter of sound public policy.

Once again, I want to thank the Committee for the opportunity to appear before you today in opposition to SB 116.





Johnson County, Kansas

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**BOARD OF COUNTY COMMISSIONERS**

To: The Honorable Doug Mays, Chairman  
The Honorable Becky Hutchins, Vice-Chairman  
Members, House Federal & State Affairs Committee

From: Ashley Sherard, Government Relations Manager

Date: March 14, 2002

Subject: **SB 116 – Limits on Civil Actions Against Firearms and Ammunitions Dealers**

---

I would like to express the Johnson County Commission's opposition to SB 116, which preempts the authority of any county or municipality to bring civil action against a firearms manufacturer, dealer or seller and declares that authority to be within the strict prerogative of the state.

The Commission opposes this bill because, in an attempt to carve out special protection for a single industry, it directly preempts local governments' traditional regulatory and enforcement authority. We believe communities are best served when local officials are allowed to conduct the business of their jurisdiction in a manner that best reflects residents' values and standards and best benefits that community. To this end, we believe it is critical that longstanding principles of local control, a cornerstone of Kansas government, be respected and retained.

**Because it would preempt regulatory and enforcement authority traditionally recognized as being within the purview of local government and create a poor precedent in the process, the Johnson County Commission urges you to reject SB 116.**

Thank you for your time and consideration.

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# Safe State *Kansas*

Safe State Kansas is a program of Inter-Faith Ministries

829 N. Market - Wichita, KS 67214  
Ph: 316.264.9303 - Fax: 316.264.2233

## Program Director

Karole Bradford

To: Representative Doug Mays, Chairman  
House Committee on Federal and State Affairs

From: Karole Bradford, Program Director  
Kelly W. Johnston, Chairman  
Safe State Kansas, Inter-Faith Ministries

## Council of Directors

Kelly W. Johnston  
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Liz Hicks

E.L. Lee Kinch

Dr. Manfred Monking

Rev. Sam Muyskens

Peg Vines

Al Vopata

Re: SB116: An Act concerning firearms, ammunition and firearms dealers, limiting certain civil actions

Date: March 14, 2002

## Safe State Kansas is opposed to Senate Bill 116.

There has never been filed in Kansas the kind of lawsuit sought to be avoided by this bill. This Legislature's valuable time is being taken up by a bill that provides a cure for a nonexistent illness. The only reason this bill is being discussed in Kansas is because the gun lobby is trying to pass laws in every state that will place the firearms/ammunition industry above the law.

## Community Liaisons

Fran Clay  
Parsons

Eleanor Harris  
Leawood

Kerry Johnston  
Andover

Rod Nitz  
Salina

Steve Robinson  
Lawrence

Tom & Susan Maloney  
Towanda

Hon. Don Smith (Ret)  
Dodge City

Carolyn Weinholt  
Topeka

This bill proposes to prevent cities and counties from using the civil justice system as a way to control the irresponsible practices of business which seem to be impervious to traditional criminal law enforcement. Some businesses attract a clientele that seems to be prone to criminal activity and violence - like prostitution, drugs and gambling. Cities often use civil lawsuits to stop dangerous business activities when those businesses don't regulate themselves. ***In this time of increased concern for homeland security, does it make sense to limit the crime control options of local government?***

Another reason why this is a bad bill is because the firearms/ammunition industry does not deserve special treatment. Firearms and ammunition are just about the most lethal kind of consumer product on the market. Yet, the Consumer Product Safety Commission is not allowed to regulate firearm safety and design. While the industry does issue lax voluntary guidelines, there is absolutely no mandatory federal design safety regulation of this industry. This means that the government can force a recall of bb guns, but not of defective firearms.

The gun industry complains about being challenged in courts in other states because of negligent business practices that are causing injury and death. Rather than change the way it does business, this industry would rather put itself above the law. By passing this bill, Kansas would set itself up to become a haven for the irresponsible gun manufacturers that have been kicked out of other states.

This bill is trumpeted as necessary to protect gun owners and the Kansas hunting economy. This is simply untrue. This bill is designed to protect manufacturers and distributors, not gun owners. In fact, this bill would have the opposite effect of limiting the ability of gun owners' communities to demand responsibility from gun makers.

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## Honorary Board

John Bell

Rev. Max Clayton

Deacon Ron Ealey

Linda Wolr-Enogren

Connie Gamm

Gary Gamm

Rev. Tyrone Gordon

Carol Konek, Ph.D.

Carol Rupe

Bob Scott

Virginia White

Margaloe Wright

Note:

Minutes never  
received from

3/18/02-

5/11/02