

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE.

The meeting was called to order by Chairperson Senator Nancey Harrington at 10:30 a.m. on February 7, 2002 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Russell Mills, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Office of the Revisor
Nikki Kraus, Committee Secretary

Conferees appearing before the committee:

Senator Jim Barnett
Amy Campbell, Kansas Assn. of Beverage Retailers
Bob Longino, Director, Alcoholic Beverage Control
Robert Hedberg, Deputy Commissioner, Dept of Juvenile Justice Authority
Theresa Walters, Exec. Dir. of Emporians for Drug Awareness
Sheriff Randy Rogers, Coffey County
Dan Hermes, KS Coord. of Alcohol Safety Action Projects Assn.
Carolyn Middendorf, Legislative Chair, KS State Nurses Assn.
Chris Collins, Kansas Medical Society
Michelle Voth, Exec. Dir., KS Family Partnership, Inc.
Susan Bechard, Kansas County and District Attorneys
Kevin Graham, Asst. Atty. Gen., Attorney General's Office
Bill Ogg, Exec. Dir., State Fair Board

Others attending: Please see attached

Chairperson Harrington opened the hearing on:

SB 407-Keg registration act

Senator Barnett gave testimony in favor of the bill. (Attachment 1) Chairperson Harrington directed the committee to written testimony in favor of the bill from Wanda Stewart, Mothers Against Drunk Driving. (Attachment 2) The Chair then directed the committee's attention to written testimony in favor of the bill from Marvin Stites, Linn County Sheriff. (Attachment 3)

Chairperson Harrington then called Amy Campbell, Kansas Association of Beverage Retailers, who gave testimony in favor of the bill. (Attachment 4)

Bob Longino, Director, Alcoholic Beverage Control, stated that ABC supported **SB 407** and that ABC understands and is willing to work with all involved to work through any concerns. He stated that he would be willing to accept any questions from the committee. Chairperson Harrington instructed the committee to note written testimony submitted by the Kansas Department of Transportation in favor of the bill. (Attachment 5)

Robert Hedberg, Deputy Commissioner for Research and Prevention, Dept of Juvenile Justice Authority, then presented testimony in favor of the bill. (Attachment 6)

Theresa Walters, Executive Director of Emporians for Drug Awareness, presented testimony in favor of the bill. (Attachment 7)

Sheriff Randy Rogers, Coffey County, presented testimony in favor of the bill. (Attachment 8)

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at on February 7, 2002 in Room 245-N of the Capitol.

Chairperson Harrington instructed the committee to note written testimony submitted by Carolyn Gaughan, Kansas Academy of Family Physicians, in favor of the bill. ([Attachment 9](#))

Dan Hermes, Kansas Coordinators of Alcohol Safety Action Projects Association, presented testimony in favor of the bill. ([Attachment 10](#))

Carolyn Middendorf, Legislative Chair, Kansas State Nurses Association, submitted testimony in favor of the bill. ([Attachment 11](#))

Chris Collins, Kansas Medical Society, presented testimony in favor of the bill. ([Attachment 12](#))

Michelle Voth, Executive Director, Kansas Family Partnership, Inc., presented testimony in favor of the bill. ([Attachment 13](#))

Chairperson Harrington asked the committee for questions for the proponents. In response to a question from Senator Vratil, Senator Barnett stated that Senator Vratil was correct in pointing out a truism on the second page of the bill. Theresa Kiernan stated that it is true, and it was one of the provisions which was requested to be included in the bill. She stated that it was a statement that if you comply with the provisions of the section, selling the keg as required by the bill, the you will not be prosecuted. Senator Vratil stated that the statement is not in any other bill, and Ms. Kiernan stated that there is something similar in the provision for underage sales to minors 21-36-10. She stated that it is not really common, but this is similar to that.

Chairperson Harrington asked for any further questions, and there were none. She then called Susan Bechard, Kansas County and District Attorney. Ms. Bechard stated that she did not wish to submit testimony in light of the fact that there are concerns with section four of the bill regarding criminal prosecution, and that is going to be worked on, and hopefully a compromise reached. She stated that her organization does not have concerns with this bill as long as that section is worked on; however, if it was left in the bill, they would oppose it. She stated that was ironic because she supports this type of legislation, but that creates a problem with prosecutor immunity and a public policy issue of being able to hold prosecutors liable and may actually create a chilling effect on the prosecution of these cases, which she did not want.

Senator Barnett stated that the criminal wording was actually something that they have already worked out.

Kevin Graham, Assistant Attorney General, Criminal Litigation Division, Attorney General's Office, provided testimony in opposition to the bill. ([Attachment 14](#)) He stated that although the Attorney General's Office was in opposition to section four of the bill, if that has been changed, then they are in full support of the bill.

Chairperson Harrington stated that written testimony from the Kansas Trial Lawyers Association in opposition to the bill would be made available to the committee. ([Attachment 15](#)) After asking the committee for further questions and seeing none, Chairperson Harrington stated that the committee would hold over the bill until the language change and then bring it back to the committee next week.

Chairperson Harrington opened the hearing on:

SB 405—Consumption of alcohol in certain places; state fair board

Bob Barker, President, Kansas State Fair Board, submitted testimony in favor of the bill. ([Attachment 16](#))

Chairperson Harrington asked the committee for questions, and there were none. The Chair then directed the committee to written testimony submitted by Gary Winget, Kansans for Addiction Prevention, in opposition to the bill. ([Attachment 17](#)) The Chair asked other members of the Fair Board if they had any additional comments they would like to make, and there were none.

Chairperson Harrington also directed the committee to the fiscal note for **SB 405**. ([Attachment 18](#))

Chairperson Harrington asked the committee what the status of the bill on the House side was, stating that

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at on February 7, 2002 in Room 245-N of the Capitol.

she had been unaware that it was also being heard on that side until she saw it on the calendar. Russell Mills stated that the House held a hearing Tuesday, and they had not brought the bill up since then. Chairperson Harrington stated that she thought it would be best if she spoke with the House Chair of Federal and State Affairs committee and see where they were going to be with the bill.

Senator Vratil stated that he thought this was a very non-controversial bill which is entirely consistent with what the Legislature has done for regents institutions and Washburn, community colleges, national guard operating, city and county. He asked the Chair if she would entertain a motion; the Chair stated that she would prefer to first speak with the Chairman of House Federal and State Affairs.

Chairperson Harrington stated that the committee should be prepared to work the bills that have been heard in committee and review them. She also stated that they will look at the confirmation that they have, and they would have quite a few hearings for next week.

The meeting was adjourned at 11:10 a.m. The next meeting will be held on February 12, 2002 at 10:30 a.m.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: February 7, 2002

NAME	REPRESENTING
Carolyn Mulleindorf	Ks St No Assn
May Alice Lair	KS Fair (board member)
Denny Stoecklein	Kansas State Fair
Bill Ogg	" "
Philip Bradley	KLBA
PHILIP HURLEY	DAT HURLEY & CO. (KAFF)
Jandy Jacquet	LKM
John Peterson	Anheuser Busch
Neal Whitaker	Ks Beer Wholesalers
Bob Longino	KDOR / ABC
Hermit J. Crane	Shawnee Co. Sheriff Office
Burford Johnson	" " " "
Randy Rogers	Coffey County SHERIFF'S OFFICE
Aina Berber	Sen. Jim Barnett
Kristin Theohany	sen Jim Barnett
Kent Olsen	KSFB
Bob Hedberg	JJA
Amy Campbell	KABR
Karen Chausidoler	CWA

Laura Graham

ABC

Kim Pool

Pratt Community College

Sherry Ward

Pratt Community College

Dragana Zdravkovic

Pratt Community College

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: February 7, 2002

NAME	REPRESENTING
Judy Smith	Concerned Women for America
Chris Collins	KMS
Trista Bradlee	Office of the Governor
Marsha Stratton	CWA of KS
Jeff Bottenberg	Kansas Sher. & De. Assn.
Rebecca Rice	Ks Beer Wholesalers & Ks Club Assn.
Judd Johnson	KS Livestock Association
Caroyn Wood	SEDAB
Pete Bodyk	KDOR/ABC
KEVIN GRAMM	KACG
Arcand Zechard	KCDAA
TUCK DUNCAN	KS. Wine & spirits wholesalers Assn.
Terri Roberts	Ks State Nurses Assn.
Kate Heys	Antenn
Sandy Braden	TTAK
TERESA DAVIDSON	KMS
Mike Becht	Ks Govt Consulting
Tommy Thompson	FTLA
Don McMeas	FCASAP/KAAP

JAMES A. BARNETT
 SENATOR, 17TH DISTRICT
 HOME ADDRESS: 1400 LINCOLN
 EMPORIA, KS 66801
 OFFICE: STATE CAPITOL BUILDING—136-N
 TOPEKA, KANSAS 66612-1504
 785 296-7384
 1-800 432-3924



TOPEKA

SENATE CHAMBER

TESTIMONY for Senate Bill 407**Keg Registration**

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

Madam Chairman, and other distinguished members of the Senate 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 by Director Longino demonstrates 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.

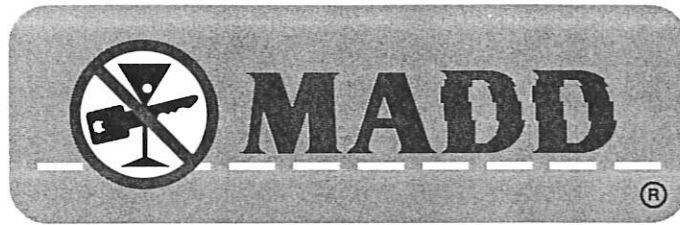
I appreciate the opportunity to work with representatives from the industry as we all strive to keep our youth healthy and safe.

Signed:

Senator Jim Barnett

JAB/gkp

SnFedSt
 Attach #1
 02/07/02



Mothers Against Drunk Driving

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

February 4, 2002

KANSAS STATE OFFICE

Senator Nancey D. Harrington, Chairperson
Committee on Federal and State Affairs
State Capitol, Room 128-S
Topeka, Kansas 66612

Dear Senator Harrington 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."

During the year 2000, Kansas recorded 1,012 individuals age 12-18 were involved in alcohol-related crashes. Approximately 30% of those involved were drinking drivers and 34% were passengers of drinking drivers. Basically, 64% of all individuals age 12-18 involved in alcohol-related crashes were either the drinking driver or the passenger of a drinking driver.

Approximately 36% of individuals age 12-18 involved in alcohol-related crashes during the year 2000 sustained injuries. Of those injured, 62% were drinking drivers and passengers of drinking drivers. Seven individuals were killed of which 75% were drinking drivers and passengers of drinking drivers.

Keg beer is a prevalent source of alcohol for underage drinkers, and keg parties expose large numbers of minors to the availability of alcohol at any one given time. It is imperative that 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 supports Senate Bill 328 and would appreciate your support of this legislation.

Sincerely,

Wanda Stewart
State Chairperson, Kansas MADD

Sn Fed St
Attach #2
02/07/02

LL PERSONS AGE 12-20 INVOLVED IN ALCOHOL-RELATED CRASHES IN KANSAS YEAR 2000
 KDOT-KANSAS ACCIDENT RECORDS SYSTEM

ALL PERSONS AGE 12 - 14 INVOLVED IN ALCOHOL-RELATED CRASHES IN KANSAS YEAR 2000

	Total	#Injured	#Killed
-Total Persons Involved Age 12-14	101 (100%)	28 (28%)	2 (2%)
-Total Impaired Drivers Age 12-14	3 (3%)	1 (4%)	0 (0%)
-Total Passengers Age 12-14 Riding With Impaired Driver	37 (37%)	11 (39%)	1 (50%)
-Others Involved Age 12-14	61 (60%)	16 (57%)	1 (50%)
	<u>101 (100%)</u>	<u>28 (100%)</u>	<u>2 (100%)</u>

40% of all persons age 12-14 involved in an alcohol-related crash in Kansas during the year 2000, were impaired drivers and passengers riding with impaired drivers.

43% of those injured, were impaired drivers and passengers of impaired drivers.

ALL PERSONS AGE 15-16 INVOLVED IN ALCOHOL-RELATED CRASHES IN KANSAS YEAR 2000

	Total	#Injured	#Killed
-Total Persons Involved Age 15-16	312 (100%)	122 (39%)	3 (1%)
-Total Impaired Drivers Age 15-16	78 (25%)	33 (27%)	0 (0%)
-Total Passengers Age 15-16 Riding With Impaired Driver	125 (40%)	55 (45%)	2 (67%)
-Others Involved Age 15-16	109 (35%)	34 (28%)	1 (33%)
	<u>312 (100%)</u>	<u>122 (100%)</u>	<u>3 (100%)</u>

65% of all persons age 15-16 involved in an alcohol-related crash in Kansas during the year 2000, were impaired drivers and passengers riding with impaired drivers.

72% of those injured, were impaired drivers and passengers of impaired drivers.

ALL PERSONS AGE 17-18 INVOLVED IN ALCOHOL-RELATED CRASHES IN KANSAS YEAR 2000

	Total	#Injured	#Killed
-Total Persons Involved Age 17-18	599 (100%)	214 (36%)	7 (1%)
-Total Impaired Drivers Age 17-18	224 (37%)	83 (39%)	3 (43%)
-Total Passengers Age 17-18 Riding With Impaired Driver	186 (31%)	72 (34%)	3 (43%)
-Others Involved Age 17-18	189 (32%)	59 (27%)	1 (14%)
	<u>599 (100%)</u>	<u>214 (100%)</u>	<u>7 (100%)</u>

68% of all persons age 17-18 involved in an alcohol-related crash in Kansas during the year 2000, were impaired drivers and passengers riding with impaired drivers.

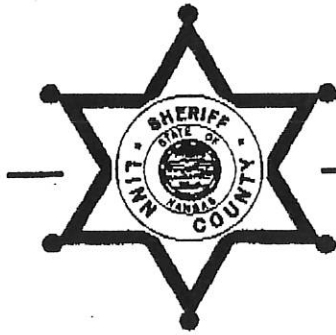
73% of those injured, were impaired drivers and passengers of impaired drivers.

ALL PERSONS AGE 19-20 INVOLVED IN ALCOHOL-RELATED CRASHES IN KANSAS YEAR 2000

	Total	#Injured	#Killed
-Total Persons Involved Age 19-20	672 (100%)	235 (35%)	4 (1%)
-Total Impaired Drivers Age 19-20	316 (47%)	120 (51%)	4 (100%)
-Total Passengers Age 19-20 Riding With Impaired Driver	153 (23%)	54 (23%)	0 (0%)
-Others Involved 19-20	203 (30%)	61 (26%)	0 (0%)
	<u>672 (100%)</u>	<u>235 (100%)</u>	<u>4 (100%)</u>

70% of all persons age 19-20 involved in an alcohol-related crash in Kansas during the year 2000, were impaired drivers and passengers riding with impaired drivers.

74% of those injured, were impaired drivers and passengers of impaired drivers.



Linn County Sheriff

(913) 795-665 • Box 350 • 4th & Main • Mound City, Kansas 66056-0350 • FAX (913) 795-2380

MARVIN STITES
Sheriff

J. A. STATON
Undersheriff

January 29, 2002

Senator Jim Barnett
Room 136 N.
Senate Office Building
600 SW 10TH Ave.
Topeka, Kansas 66612-1616

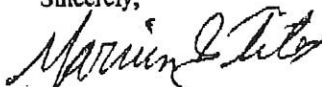
Dear Senator Barnett,

I would like to let you know of my feelings on the upcoming keg registration bill that you will be hearing in the Senate, but first to let you know a little about me. I have over 20 years experience in law enforcement, beginning as a non-paid reserve Deputy, and serving the past seven years as Linn County Sheriff. I believe in aggressive, progressive Law Enforcement, and pass my beliefs and feeling along to the Deputies on my Department. I was honored to receive the National Grange Law Enforcement Officer of the Year Award for 2000. My department serves a rural area with a population of about 12,000 people, but we are just a 45 to 50 minute drive south of Lenexa, Ks. Therefore we have a lot of the big city problems to deal with on a rural Department budget.

During the past several years I have seen a rise in all reportable crime, but by far the largest increase that this department has seen is the number of Juvenile contacts and arrests. The juvenile problem is growing at an alarming rate, and most is attributable to alcohol. The juvenile DUI arrests rise each year as do the number of alcohol related juvenile automobile accidents. Each year we hear reports of juvenile parties with alcohol present, and heck on these. Last year alone we confiscated 17 kegs at such parties. Since we now have no way of fixing who purchased these kegs, we are unable to hold the adults accountable that are purchasing these kegs for minors.

I definitely would like to see on record as being in favor of keg registration. Not only will it be much easier to find who is purchasing alcohol for our children; I am a firm believer that if these adults know that they will be held accountable for their actions, they will be much less likely to purchase it. The end would justify the means, if we could avoid just one automobile accident such as we had in county only last week in which there was alcohol involved, and we lost the life of a 17 year old boy, and had two others injured. I hope that you and your fellow Senators will keep this memory in mind as you debate this issue, just as the members of this Department will keep in mind the memory of helping remove a dying 17 year old boy from the wrecked car and placing him in the Life Net air ambulance.

Sincerely,


Marvin Stites, Sheriff

We SERVE and PROTECT

Sn Fed St
Attach #3
02/07/02



The Kansas Association of Beverage Retailers

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

Phone 785-266-3963
Fax 785-234-9718
kabr@amycampbell.com

John Davis, President

Amy A. Campbell, Executive Director

Senate Federal and State Affairs

February 7, 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.

SnFedSt
Attach #4
02/07/02

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY OF TRANSPORTATION

Docking State Office Building
915 SW Harrison Street, Rm.730

Topeka, Kansas 66612-1568

Ph. (785) 296-3461 FAX (785) 296-1095

TTY (785) 296-3585

E. Dean Carlson
Secretary of Transportation

Bill Graves
Governor

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

**REGARDING SENATE BILL 407
KEG REGISTRATION**

February 7, 2002

Madam Chairperson and Committee Members:

On behalf of the Kansas Department of Transportation (KDOT), testimony is being submitted on Senate Bill 407 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.

SnFedst
Attach #5
02/07/02

Juvenile Justice Authority



SENATE FEDERAL AND STATE AFFAIRS COMMITTEE February 7, 2002

Testimony in support of Senate Bill 407

February 7, 2002

Albert Murray, Commissioner

Sn Fedst
Attach # 6
02/07/02

**SENATE FEDERAL AND
STATE AFFAIRS COMMITTEE**

February 7, 2002

TESTIMONY IN SUPPORT OF SENATE BILL 407

The Kansas Juvenile Justice Authority stands 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%. Results in Kansas indicate that these young people's 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.

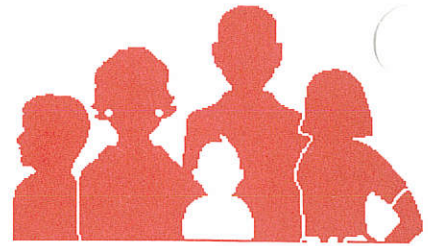
As we all know, one of the most popular forms of alcohol consumption by underage children and youth is at parties where beer is served by the keg. When large quantities of beer are available, the temptation to "over do" increases, placing youth at further risk from binge drinking in addition to the several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

I am not so naive as 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 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.

Emporians for DRUG AWARENESS



Working for a Safer Community

Senator Nancy Harrington, Chair
Federal and State Affairs Committee

Senator Harrington and Committee:

I appreciate the opportunity to express my support of Senate Bill No. 407, which would require kegs of beer to be registered in the State of Kansas for the sole purpose of providing a means for law enforcement to identify the purchaser of any keg that had been provided to minors.

Currently an adult in most counties in our state stands little chance of being caught when they purchase and hand over an unmarked keg or kegs to a group of young people. Without keg registration, the provider of these kegs is able to engage in a third-party sale, skirting the restrictions placed on retailers who are legally doing business in the State of Kansas. Senator James Barnett, Amy Campbell and other representatives of the alcohol industry in the state have worked together to draft a document that would give law enforcement a tool they need to address availability of alcohol to our youth and identify these individuals who are making a choice that is not theirs to make – the choice to give alcohol to minors.

There are currently 8 counties in Kansas who have adopted legislation - Allen, Coffey, Geary, Greenwood, Lyon, Marion, Morris and Wabaunsee. Ideally, there should be one uniform law rather than 105 different ordinances across the state. Examples that demonstrate why this would be beneficial have occurred in Lyon County. In one instance, a keg was found at a party but was not tagged. The purchaser could not be identified, not could he/she have been charged with an untagged keg because the keg had been purchased in a county that did not have keg registration. But in another incident, a keg was found at a party in Lyon County that had been tagged in Coffey County. Law enforcement agencies in the two counties were able to work together to identify the individual who had purchased the keg and provided it to minors.

I encourage you to adopt this legislation to help protect the future of our state's youth.

Respectfully,

A handwritten signature in blue ink that reads "Teresa Walters".

Teresa Walters
Executive Director

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



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

LAW ENFORCEMENT BEYOND 2000

To: Senate Committee on Federal and State Affairs

Re: Senate Bill 407/ Keg Registration

I come before you today to testify on behalf of Keg Registration. I have previously testified on behalf of Keg Registration and have pointed out the various issues involved. I would like to take this opportunity to recap previous issues as well I would like to update you on how my county's Keg Registration Resolution has worked.

The previous issues discussed and continue to be of concern are the pasture parties that are popular among young people. I have previously investigated pasture parties in which there were 6 kegs. The problem was that we had no means to determine who was responsible for providing the kegs. Today with our Keg Registration Resolution we have witnessed a significant decrease with the keg parties. It appears that those of legal age do not want to take the risk in providing kegs, due to the paper trail. Yes they can go to other counties and purchase the kegs. The problem is if they have to transport the kegs any distance it increases their risk of getting caught. I can say that when we deal with underage drinking violations the offender tends to have possessed can or bottle beer. In addressing that issue I have previously pointed out the fiscal aspect, that being that commonly juveniles have limited money resources therefore, by purchasing bottles or cans the cost is greater than purchasing a keg. I believe we therefore reduce the amount of alcohol they are able to acquire.

Un respect to the Keg Registration that currently my county has. We have experienced limited violations in which minors possessed a keg. I can tell you that we were able to utilize the resolution and the documentation.


I have witnessed a reduction in the number of accidents involving alcohol with young people. I feel confident and comfortable standing before you today and declare to you that my county's Keg Registration Resolution has been a success.

I do believe however that Keg registration needs to be taken one step further and that step would be to pass State Legislation that would require all kegs sold to individuals to be registered. While we could argue the various pros and cons and while we would all admit that the system will not be perfect, I truly believe that we can have the success at a state level as my county has had at a county level.

I support and commend all involved that have come together to work to protect our young people and by working together to produce a piece of legislation that would have such a profound effect on underage drinking. This bill would further serve as a deterrent for those that would purchase kegs for underage drinkers.

I would urge your support of Senate Bill 407.

Thank You,


Randy L. Rogers
Coffey County Sheriff
Kansas Sheriff's Association

SnFedSt
Attach #8
02/07/02

Kansas Academy of Family Physicians

7570 W. 21st St. N. Bldg. 1046, Suite C • Wichita, KS 67205 • 316-721-9005
1-800-658-1749 • Fax 316-721-9044 • kafp@kafponline.org • http://www.kafponline.org



Robert P. Moser, Jr., MD
President

Richard M. Glover, II, MD
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KAFP-Foundation President

Christina Eliason, MD
Resident Representative

Robyn Hartvickson, Wichita
Student Representative

Carolyn N. Gaughan, CAE
Executive Director



*The largest medical
specialty group in
Kansas*

Feb. 7, 2002

To: Senate Committee on Federal & State Affairs
From: Robert Moser, MD, President
Re: SB 328, Keg Registration Bill

Chair Harrington, Vice Chair Brungardt, Sen. Gooch, & members of the
Senate Committee on Federal & State Affairs:

The Kansas Academy of Family Physicians supports SB 328. We believe that the requirements of the bill may help prevent underage drinking. We also believe it may help prevent some of the social, personal and societal tragedies of drunk driving, and save lives. For all these reasons we urge you to adopt SB 328.

Please feel free to contact me if you have any questions:

Sincerely,


Carolyn Gaughan, CAE
Executive Director

Sn Fed St
Attach #9
02/07/02



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

LEGISLATIVE TESTIMONY

TO: Senator Nancy Harrington and Members of the Senate Committee on Federal and State Affairs

DATE: February 7, 2002

SUBJECT: Senate Bill 407

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

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.

(785) 841-2880
Fax (785) 841-5777

3312 Clinton Parkway
Lawrence, Kansas 66047

Sn Fed St
Attach #10 02/07/02



1208 SW Tyler
Topeka, Kansas 66601-1735
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www.nursingworld.org/snas/ks

the Voice of Nursing in Kansas

Terri Johnson, M.S.N. N.P.
President

Terri Roberts, J.D., R.N.
Executive Director

For More Information Contact
Terri Roberts J.D., R.N.
troberts@sound.net
February 7, 2002

S.B. 407 Keg Registration

Senator Harrington and members of the Senate Federal and State Affairs Committee, my name is Carolyn Middendorf M.S.N., R.N. and I am the Legislative Chairperson for the Kansas State Nurses. As a representative of the KANSAS STATE NURSES ASSOCIATION I am here to ask for your support 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.

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

Sn Fed St
Attach # 11
02/07/02



623 SW 10th Avenue
Topeka KS 66612-1627
785.235.2383
800.332.0156
fax 785.235.5114

kmsonline.org

To: Senate Committee on Federal and State Affairs

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

Date: February 7, 2002

Subject: SB 407: Keg Registration

The Kansas Medical Society appreciates the opportunity to submit written testimony today on SB 432.

The Medical Society applauds the efforts of Dr. Barnett and Emporians for Drug Awareness and supports their 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.

Sn Fed st
Attach #12
02/07/02

Member
Community Anti-Drug
Coalitions of America
(CADCA)



Kansas Partner
National Family Partnership

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

February 7, 2002

Senator Nancey Harrington
Chairperson
Committee on Federal and State Affairs

Dear Senator Harrington 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 Senate Bill 328.

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 our 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 SB 328 favorably for passage. I thank the committee for its time and consideration and would stand for any questions.

Sincerely,

Michelle Voth
Executive Director



State of Kansas

Office of the Attorney General

120 S.W. 10TH AVENUE, 2ND FLOOR, TOPEKA, KANSAS 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

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

Kevin A. Graham, Assistant Attorney General
Office of Attorney General Carla J. Stovall
Before the Senate Federal & State Affairs Committee
Re: Testimony in Opposition to New Section 4 of Senate Bill No. 407
February 7, 2002

Chairperson Harrington and Members of the Committee:

Thank you for the opportunity to appear on behalf of Attorney General Carla J. Stovall today regarding Senate Bill No. 407, which deals with the registration of kegs for beer and cereal malt beverages. My name is Kevin Graham and I am an Assistant Attorney General assigned to the Criminal Litigation Division of the Office of the Attorney General.

In June of 1998 Attorney General Carla Stovall created the Far-Reaching Alteration of Traffic and Alcohol Laws (FATAL) Task Force to conduct a comprehensive examination of current traffic and alcohol laws and provide recommendations to change these laws. Members of the Task Force included representatives from the Kansas legislature, judiciary, law enforcement, prosecution, defense bar, victim rights organizations, alcohol treatment providers and the insurance industry as well as officials from several Kansas state agencies. I am pleased to report that during the 2001 Kansas legislative session the Kansas legislature passed into law Senate Bill 67 which contained a number of the FATAL Task Force recommendations for Kansas laws dealing with the crime of driving under the influence (DUI). In addition to the DUI law changes that have now been put into effect, the FATAL Task Force and Attorney General Stovall also supported the idea of registration for kegs for beer and cereal malt beverages. Therefore, on behalf of the FATAL Task Force and Attorney General Stovall I appear before you today in support of the primary focus of Senate Bill No. 407, which would require that kegs for beer and cereal malt beverages be registered and sales of kegs be properly recorded.

However, on behalf of Attorney General Carla Stovall, I appear before you today in opposition to the language of New Section 4 of Senate Bill No. 407, which would create a new and specific cause of action that could be filed against prosecutors who charge criminal cases under the misdemeanor criminal statute that would be created by New Section 5 of the bill. Under the current language of New Section 4 of the bill, a defendant who has been charged with a misdemeanor for violating the keg registration provisions of New Section 5 of the bill, could be awarded attorney fees

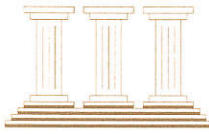
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Attach #14
02/07/02

and other costs if the court finds the prosecutor did not have a good faith or reasonable basis for filing the charge. The negative effects of Section 4 of the bill, as it is presently worded, be to impose a definite "chilling effect" on the prosecution of the crime created in Section 5 of the bill and significantly increase the civil liability exposure of Kansas prosecutors who are trying to do their jobs to the best of their ability.

The "chilling effect" referred to above would have a direct impact on prosecutors contemplating whether to file charges under New Section 5 in cases where the prosecutor reasonably believes that the law has been violated but does not have overwhelming proof. Under the wording of New Section 4, a prosecutor who would file charges on a New Section 5 offense but later is unable to obtain a conviction on those charges, might be held liable for attorneys fees and costs, based solely on a decision made after the fact, and after all the facts are brought out at trial, that the prosecutor did not have a "reasonable basis" for filing the charges. This would create a situation where prosecutors looking at the possibility of filing charges under New Section 5 would only be willing to file those charges in "slam dunk" cases, and not file charges on cases where a conviction is not absolutely certain before the case even goes to trial. This does not appear to be the intent of this legislation, but under the current wording of New Section 4 it would likely be the result.

A second point that should be made clear in regards to the language of New Section 4 of Senate Bill No. 407 is that Kansas law already provides remedies for cases where there has been an actual incident of "malicious prosecution." Under current law, in order for a criminal defendant to be able to be awarded civil damages against a prosecutor who brought charges against the defendant, the defendant must meet the burden of proof of showing that the prosecutor acted without probable cause and with malice towards the defendant. [Please refer to Kansas Pattern Jury Instruction 127.30: "To maintain an action for malicious prosecution the plaintiff must prove that the defendant instituted the proceeding of which complaint is made, that the defendant in so doing acted without probable cause and with malice, and that the proceeding terminated in favor of the plaintiff.] The burden of proof under current law is appropriate and well reasoned. Certainly criminal cases are filed where the prosecutor believes probable cause has been established, but during the course of the criminal investigation it is later determined that a mistake has been made and charges are not warranted. In such a case the prosecutor has not acted with any malice towards the defendant, and thus no liability should be imposed against the prosecutor for the action of doing his/her job. The language of New Section 4 would delete the "malice" element and could impose liability on prosecutors who act in good faith, but it is later determined that a reasonable basis for charges did not exist.

For the reasons stated above, on behalf of Attorney General Stovall I respectfully suggest the Committee either strike the language of New Section 4 of Senate Bill No. 407 entirely, or amend the language of the section to take out any reference to criminal prosecutions.



KANSAS TRIAL LAWYERS ASSOCIATION

Lawyers Representing Consumers

TO: Members of the Senate Federal and State Affairs Committee
FROM: Terry Humphrey, Executive Director
RE: 2002 SB 407
DATE: Feb. 8, 2002

Senator Herrington and Members of the Committee: thank you for the opportunity to submit written testimony regarding SB 407. KTLA does not have a position on the merits of SB 407, however, we are opposed to New Sec. 4 of the bill, which provides for the payment of attorney's fees to defendants under certain circumstances if prosecution is brought in a criminal, administrative, or civil matter. Because there is no private right of action in New Sec. 3, such an action can only be brought by the State, through its prosecutorial authority, or administrative action.

Current law, under K.S.A. 60-211 addresses the concerns of the retail liquor dealers that an action would be brought against them without good faith or without a reasonable basis of fact or law. K.S.A. 60-211 is a safeguard to prevent frivolous or baseless lawsuits from being brought. Therefore, New Sec. 4 is unnecessary and unwarranted.

New Sec. 4 as proposed by the retail liquor dealers, is one-sided and does not provide for the payment of attorney's fees if the prosecution or proceeding is successful. If such a provision is to be included in the bill, it should provide for the payment of attorney's fees to the State, as well as payment by the State. New Sec. 4 also does not specify who will, in fact, pay the attorney's fees. Presumably, any fees awarded will often be paid by Kansas taxpayers. A "reciprocal" provision allowing the entity bringing an action to recover fees, if successful, is a much more appropriate approach to a fee award provision.

It is KTLA's position that to the extent there is a valid concern of overzealous prosecution under this law, the provisions of K.S.A. 60-211 are more than adequate to alleviate those concerns. Thus, KTLA would suggest the following amendment:

"New Section 4. The provisions of K.S.A. 60-211 shall apply to any criminal prosecution or proceeding or civil or administrative action brought against a retailer or retailer's agent or employee for a violation of the Beer and Cereal Malt Beverage Keg Registration Act."

Thank you again for the opportunity to express our concerns about SB 407. We urge you to delete New Sec. 4 of SB 407.

Terry Humphrey, Executive Director

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E-Mail: trially@ink.org

Sn Fedst
Attach # 15
02/07/02

The Kansas State Fair
2000 North Poplar
Hutchinson, Kansas 67502-5598
620 669-3600
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E-Mail: ksfair@southwind.net
www.kansasstatefair.com



BILL OGG, GENERAL MANAGER
DENNY STOECKLEIN, ASSISTANT MANAGER
LARRY ANKERHOLZ, PLANT MANAGER

January 24, 2002

Sen. Nancey Harrington
Chairperson, Committee on Federal and State Affairs

Subject: SUPPORT of Senate Bill 405

Dear Sen. Harrington:

The Kansas State Fair Board and Management request your support of legislation that would permit the State Fair Board the ability to authorize the consumption of alcohol on the Kansas State Fairgrounds at specific events and functions.

The Fair Board does not plan to allow public consumption of alcohol during the annual Kansas State Fair. Fairgrounds management currently receives many requests from non-fair renters that alcohol be allowed at their function. The inability to do so has resulted in lost rentals and lost revenue.

One major event supporting this request is the Family Motor Coach Association convention coming to Kansas in October, 2002. This event will generate over \$90,000 in on-site catering revenue, of which the Fair will receive a significant percentage. Many of these events are contingent on the availability to serve alcohol. If the Fair Board is unable to allow alcohol, these events will be taken to other sites, resulting in lost revenue to the Agency and the State.

Sincerely,

A handwritten signature in black ink that reads "Bob Barker". The signature is written in a cursive, flowing style.

Bob Barker
President, Kansas State Fair Board

Sn Fed St
Attach # 16
02/07/02

KANSANS FOR ADDICTION PREVENTION

K A P

FORMERLY KANSANS FOR LIFE AT IT'S BEST

Garry Winget, President P.O. Box 16774, Wichita, KS 67216, 316-618-7952

Absolutely the worst message you can send to the children and youth of Kansas is to approve the expansion of sale of alcohol at the State Fair. Alcohol, in whatever form, is the number one drug problem in Kansas and the United States. We are wise enough to make heroin, marijuana, and other "hard" drugs illegal, but the one that does the most harm, we have decided to make legal. Prohibition failed, so what we have left is prevention.

KAP is in the prevention business. We may not have the resources of the booze industry with which to make our case, but we have a case that has the best interests of Kansas at heart. We are not motivated by greed and the desire for profits. We have previously, and will continue to provide this body with data on the destruction caused by alcohol. We admit to confusion as to why rational people even consider expanding the places at which alcohol can be available. If the word "business" enters into that explanation, our point is made. How is the person that leads a young person into an alcohol addiction different than the heroin pusher in the pool hall in Hutchinson--at least that was where I was approached a few decades ago.

The state has a great deal to do with this confusion. Alcohol is a "legal" drug. It is not good. It is not safe. It has no positive qualities. It costs the people of Kansas millions of dollars more than the revenue it could possibly create. Yet, you are in the position of making it look like a good thing to my grandchildren.

Can we assume that the State Fair Board will develop policies that will safeguard the children, youth, and potential addicts of Kansas. Are the members of the State Fair Board professional fair managers, or are they amateurs? How much professional training does this Board have in addictions? How much training does this Board have in substance abuse? My father was recruited to be the Secretary of the State Fair at one point. He was a "good ol boy" but that would have been scary if he had taken the job. We were in the rodeo business and lived 12 miles north of the fairgrounds. I can remember when Kansas went wet. There were always a lot of drunks around each rodeo, but that grew tremendously when Kansas went wet. You can expect the same to happen at the State Fair.

Do they still have bumper cars at the State Fair? Please imagine a drunk mixed in with the children on that or some other ride. You will need to consider the increased of liability insurance for the fair. You will need to consider the increased need for police in Hutchinson to handle the drunk drivers during the fair. Please do not make the SB 405 changes.

Sn Fed St
Attach # 17
02/07/02

STATE OF KANSAS



DIVISION OF THE BUDGET
State Capitol Building, Room 152-E
Topeka, Kansas 66612-1575
(785) 296-2436
FAX (785) 296-0231
<http://da.state.ks.us/budget>

Bill Graves
Governor

Duane A. Goossen
Director

January 28, 2002

The Honorable Nancey Harrington, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 143-N
Topeka, Kansas 66612

Dear Senator Harrington:

SUBJECT: Fiscal Note for SB 405 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 405 is respectfully submitted to your committee.

SB 405 would allow the consumption of alcoholic liquor on the State Fair grounds. Current law allows alcohol at only pari-mutuel racing events and judging competitions on the grounds. This bill strikes that language and allows the State Fair Board to establish limitations of where and when alcoholic beverages can be consumed.

SB 405 would have no fiscal effect on the State Fair.

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Goossen".

Duane A. Goossen
Director of the Budget

cc: Allen Sebes, State Fair

SnFedSt
Attach # 18
02/07/02