

Approved

Date:

2/18/02

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:38 a.m. on February 14, 2002 in Room 123-S of the Capitol.

All members were present except: Senator Haley(excused)

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Robert Longino, Kansas Department of Revenue, Alcohol Beverage Control (ABC)

Others attending: see attached list

The minutes of the February 13<sup>th</sup>, 2002 meeting were approved on a motion by Senator Donovan, seconded by Senator O'Connor. Carried.

**SB 464—furnishing of alcoholic liquor or cereal malt beverage to a minor**

Conferee Longino testified in support of **SB 464**, a bill which makes technical corrections to current law relating to furnishing alcoholic liquor to a minor. He discussed the bill and proposed a further amendment to it to provide additional clarity.(attachment 1) Following discussion, Senator O'Connor moved to amend the bill as outlined in the conferee's handout, Senator Donovan seconded. Carried.

**Final Action**

**SB 382—profiteering from disaster**

Following Committee review of **SB 382** and discussion, Senator Donovan moved to amend the bill by replacing 25% with 50%, Senator Oleen seconded. Carried. Senator Schmidt moved to report the bill out favorably as amended, Senator Adkins seconded. Carried 6-3.

**Confirmation Reappointments**

The following candidates were approved to be recommended for reappointment on a motion by Senator Donovan and second by Senator Goodwin :

Marilyn Scafe, Member and Chair, Kansas Parole Board  
Ruth E. Graham, Member, Board of Indigents' Defense Services  
David L. Herndon, Member, Board of Indigents' Defense Services  
Louis J. Johnson, Member, Crime Victims Compensation Board

**SB 432—restricting the transportation of nonsibling minor passengers by certain drivers**

Following discussion regarding revisiting **SB 432**, Senator Gilstrap moved to reconsider Committee action taken on February 12<sup>th</sup> on **SB 432**, Senator Donovan seconded. Carried. The Chair stated he will reschedule the bill for final action at a later date.

The meeting adjourned at 10:02 a.m. The next scheduled meeting is February 18, 2002.

# SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Feb 14, 2002

NAME	REPRESENTING
Mr. J. West	Hearney Law
Phyllis Mabe	Cherokee Co. Farm Bureau
Cindy Epler	" " " "
Ron Nelson	Kansas Bar Assn
Nicole Elkins	Lt. Gov Office
Helen Pedigo	Governor's Office
Aui Hyten	JUDICIAL BRANCH
Jeff Bottenberg	KS Sheriff's Ass'n
KETH R LAUDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Barbara Jambor	KSC
Brenda Harmon	KSC
Joe Herold	KSC
Kate Hays	Intern
Megan Skinner	Intern
Marilyn Sate	KPB
Audy Krueger	Governor's Office
Kathy Maukham	" "

**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*

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Division of Alcoholic Beverage Control

To: Senator John Vratil, Chairman Senate Judiciary Committee

From: Robert Longino, Director Alcoholic Beverage Control Division

Date: February 14, 2002

Subj: Testimony in Support of SB 464

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Mister Chairman and Distinguished Committee Members - Good Morning.

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 of 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.

There is one additional amendment to this bill we would propose in order to provide additional clarity. Paragraph (c), lines 21-23 should include a reference to K.S.A. 41-2601. This statute includes the definitions of licenses issued under the club and drinking establishment act. These types of licenses are specifically addressed in paragraph (d), the defense to prosecution section.

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

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

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