

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on March 5, 2003, in Room 123-S of the Capitol.

All members were present except: Senator Haley (E)

Committee staff present: Mike Heim, Kansas Legislative Research Department  
Lisa Montgomery, Office of the Revisor of Statutes  
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Jeremy Anderson, Governor's Office  
Judge Karen Arnold-Burger, Municipal Court, Overland Park  
Mary Moss, Overland Park Court Services  
Kathleen Rieth, Johnson County Court Services  
Sgt. Chris Kostelac, Overland Park Police Department  
Sgt. La Vern Fields, School Resource Officer for Olathe Police Dept.  
Debra Miller, Secretary of Kansas Department of Transportation (written only)  
Wanda Stewart, State Chairperson for Kansas MADD (written only)  
Sue Dickey, City Prosecutor, City of Olathe (written only)  
Johnson County Drug and Alcohol Advisory Board (written only)  
Dennis and Linda Beaver (written only)  
Sally Pritchett, Director, Kansas Real Estate Appraisal Board  
Susan Linn, Executive Director of the State Board of Pharmacy

Others attending: see attached list

**SB 195 - Kansas Parole Board; membership reduced to three**

Chairman Vratil opened the hearing on **SB 195**. Jeremy Anderson testified on behalf of the Governor in support of **SB 195** which will reduce the membership of the Kansas Parole Board from four members to three. He explained that the bill would also amend the number of votes required to grant parole for Class A or Class B felons, or for off-grid crimes committed on or after July 1, 1993. He stated that passage of this bill would result in expenditure savings of \$58,000 from the State General Fund in FY 2003, and \$117,000 in FY2004 and every subsequent year. (Attachment 1)

Committee discussion followed. It was noted that if the board were reduced to three members, two would be a majority so subsection (b) would not be necessary and could be eliminated.

The Chair closed the hearing on **SB 195**.

**SB 197 - Alcoholic beverages; furnishing to and consumption by persons under age 21**

The Chair opened the hearing on **SB 197**. Judge Karen Arnold-Burger, Presiding Judge, Overland Park Municipal Court, testified in support of **SB 197**. She explained that the bill eliminates the exception in the criminal law exempting parents who provide 3.2% beer to their own children, and it provides enhanced driver's license penalties for multiple offenders. She stated that the passage of this bill would send a message to kids that consequences for their behavior will escalate if they continue down the path they have started. (Attachment 2)

Following Committee discussion and questions, the Chair called upon Conferee Moss who testified in support of **SB 197** on behalf of the Johnson County STOP Underage Drinking Project. She said it was imperative that children and families are educated about the dangers associated with underage drinking, and that education goes hand in hand with the active enforcement of underage drinking laws. (Attachment 3)

Senator Donovan referred to fiscal note on **SB 197** which said it was not know whether passage of this bill would cause a fiscal effect on the Judiciary, but in his opinion there definitely would be a fiscal impact with increased criminal prosecution of parents and legal guardians who provided the alcohol.

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on March 5, 2003 in Room 123-S of the Capitol.

(Attachment 4)

Kathleen Rieth submitted written testimony on behalf of the 10<sup>th</sup> Judicial District-Court Services in support of **SB 197**. (Attachment 5)

Conferee Kostelac, supervisor of the Overland Park Police Department's D.A.R.E. and School Resource Officers, testified in support of **SB 197**. He stated that underage drinking is a constant and continuing problem. He explained about the grant from the Kansas Department of Transportation that he administers which is designed to enforce the underage drinking laws and reduce the consumption of intoxicating liquor by persons under 21 years of age. He said the grant focuses on three areas: enforcement, education and effecting change in societal attitudes and norms. He stated that two of the three areas have been successful, but they have not had a significant impact in the area of effecting change in societal attitudes and norms. (Attachment 6)

Sgt. La Vern Fields with the Olathe Police Department and current supervisor of the School Resource Officer Program, spoke in support of **SB 197**. He related some recent experiences with the underage drinking issues with the Olathe community and Police Department. He encouraged the Committee to help detour the use of 3.2% beer. (Attachment 7)

Written testimony was submitted in support of **SB 197** by:  
Sue Dickey, City Prosecutor, City of Olathe (Attachment 8)  
Kansas Department of Transportation (Attachment 9)  
Wanda Stewart, State Chairperson for Kansas MADD (Attachment 10)  
Johnson County Drug and Alcohol Advisory Board (Attachment 11)  
Dennis and Linda Beaver, son killed by a drunk driver (Attachment 12)

Following committee discussion and comments with concerns expressed about increasing the penalties and social engineering, the Chair closed the hearing on **SB 197**.

**SB 229 - Real estate appraisal board; subpoena power**

Chairman Vratil opened the hearing on **SB 229**. Sally Pritchett, on behalf of the Kansas Real Estate Appraisal Board, testified in support of **SB 229** which requests investigative subpoena authority to assist in the process of gathering information necessary when investigating complaints. She explained that this bill would allow the Board to subpoena necessary information regarding an investigation where currently the Board may only "request" such information. She gave examples of where this investigative subpoena authority would have been beneficial. (Attachment 13)

After brief questions, the Chair closed the hearing on **SB 229**.

**SB 243 - Uniform controlled substances act schedule IV substances**

Chairman Vratil opened the hearing on **SB 243**. Susan Linn, Director for the Kansas State Board of Pharmacy appeared before the Committee on behalf of the Board of Pharmacy to request that the Committee support changes to the Kansas Uniform Controlled Substances Act that will reflect changes already enacted by the federal Uniform Controlled Substances Act. She explained the statute change regarding the drug dichloralphenazone which was changed federally in 2002. (Attachment 14)

The meeting adjourned at 10:30 a.m. The next scheduled meeting is March 6, 2003.







# KANSAS

OFFICE OF THE GOVERNOR

KATHLEEN SEBELIUS, GOVERNOR

## Senate Judiciary Committee March 5, 2003

Chairman Vratil and members of the Senate Judiciary Committee:

Thank you for allowing me the opportunity to testify in support of SB 195 which will reduce the membership of the Kansas Parole Board from four members to three. The bill also amends the number of votes required to grant parole for Class A or Class B felons, or for off-grid crimes committed on or after July 1, 1993. Like similar legislation to limit the Board of Tax Appeals to three members, SB 195 is an effort to make government more efficient.

Kansas' first formal corrections release procedure was established in 1903. By 1957, the Board had five part-time members who were appointed by the Governor and confirmed by the Senate. No more than three could share the same affiliation and the membership had to include an attorney, a minister, a businessman, and a farmer, with the fifth member being chosen at-large.

In 1961 the authority and powers to grant or deny parole were vested exclusively in the Board while the Governor retained control over pardons and commutations. At the same time, the Board took on a supervisory role for those placed on parole or probation. As a result, membership was increased from three to five part time appointees. In 1979 the status of the five appointees was increased to full time.

Since then the Board's membership has often fluctuated. The 1984 Legislature decreased the membership from five to three effective January 1, 1986. The 1988 Legislature increased the membership to five and the 1997 Legislature reduced it to the current membership of four, likely as a result of the 1993 determinate sentencing law.

Most recently, the 2000 legislature approved a corrections bill that, in part, decreased periods of supervision for offenders on probation and parole and mandated that probation and parole violators be sanctioned within the state's community corrections system rather than sent to prison. As a result, there are a dwindling number of inmates serving in the state prison system that become eligible for parole each year. With less parole eligible inmates, the Board's workload has declined.

Based upon these findings, the Governor's 2002 BEST team recommended elimination of one member of the parole board. Passage of SB 195 would result in expenditure savings of \$58,000 from the State General Fund in FY 2003, and \$117,000 in FY04 and every subsequent year.

March 4, 2003

Page 2

SB 195 requires that the three member board be comprised of no more than two members of the same political party. Any decision of the Board granting original parole to an inmate sentenced for a class A or class B felony or for off grid crimes committed on or after July 1, 1993, shall be by majority vote of all members. The Board's chairperson presently has the power to designate panels consisting of two members of the Board. In the case of action on parole by a panel, an affirmative vote by both members of the panel would be required.

The Governor supports SB 195 and the reduction of the Kansas Parole Board from four members to three members. Thank you for allowing me the opportunity to testify in support of this legislation.

**SB 197**  
**Testimony Before the Senate Judiciary Committee**  
**Karen Arnold-Burger, Presiding Judge, Overland Park Municipal Court**  
**March 5, 2003**

My name is Karen Arnold-Burger, and I am here today to speak in support of SB 197. I am currently the Presiding Judge for the City of Overland Park Municipal Court. Over the last 3 years I have worked closely with the STOP Committee and Court Services to educate parents about the dangers of acquiescing in underage alcohol use. I was drawn to this issue by the sheer volume of defendants that appear before me on DUI charges as well as MIP and possession of drugs that indicate that they first started drinking at ages as early as 9, 10, 11 years old, often with a parent or older sibling or relative. This was the beginning of a life-long path of alcohol and substance abuse for them.

As already stated, SB 197, first eliminates the exception in the law for parents to provide 3.2% beer to their own children. This is an exception unique to Kansas. I have not been able to find any other state in the union that specifies an exception specifically for 3.2% beer. Many states contain a provision allowing underage use during religious celebrations (for example wine with communion or seder). Kansas also has such a provision at K.S.A 41-104 (2000) and 41-105 (2000), which makes the Kansas liquor control act inapplicable to the dispensing and consumption of wine for bona fide religious observances. This has always been allowed under Kansas law under these provisions, and is not impacted at all by SB 197. In addition, I am not aware of any religion that provides for the consumption of 3.2% by children, so this unique exception has always puzzled me.

Secondly, SB 197 provides enhanced driver's license penalties for multiple offenders. Not to bore you with a lot of statistics, but nationally one out of every 12 persons arrested for DUI are under the legal age to drink. In 2001, in Overland Park, 15% of those arrested for DUI were under the legal age to drink, almost twice the national average. This is up from 7% just 5 years earlier. I do not know the statistics for the state of Kansas or other parts of the state, but I do not think Johnson County is unique. We track pretty closely with all other survey statistics regarding underage drinking.

The Journal of the American Medical Association reported in its March 2000 issue that the risk of death for a 16-year old with one passenger in the car is 39 times higher than the rate if the driver were alone. The danger of dying increases with more passengers; 86% higher with two passengers and 282% higher for those with three or more passengers. Unfortunately, statistics show that when kids drink and drive, they usually have 3 – 5 friends in the car with them! The National Highway Traffic Safety Administration reported in February 2001 that drinking drivers under age 21 consume an average of 6.3 drinks prior to driving, an amount that would put the average size adult well over the legal limit.

This is an escalating problem. By providing enhanced driver's license penalties for multiple offenders, and I see several multiple offenders every week, this body sends a message to kids that consequences for their behavior will escalate if they continue down the path they have started.

Thank you for the opportunity to address you on this important topic.

Senate Judiciary

3-05-03

Attachment 2-1

**SB 197**  
**Testimony Before the Senate Judiciary Committee**  
**Mary Moss, STOP Underage Drinking Committee**  
**March 5, 2003**

My name is Mary Moss, and I am here today to speak in support of SB 197 on behalf of the Johnson County STOP Underage Drinking Project. STOP is a 501 (c) 3 non-profit organization comprised of concerned professionals volunteering their time to focus on a very important issue; eliminating the incidence of underage drinking and related tragedies. We have been analyzing and speaking out on the issue of underage drinking in Kansas for the last 3 years. We partner closely with other coalitions, groups, agencies, such as: the Kansas Family Partnership, Overland Park Police Department, Regional Prevention Center, Johnson County EMS, Blue Valley School District, etc. to collaborate to address the issue of underage drinking in our state and communities.

Many people are surprised to hear that the average age of first full drink of alcohol in Kansas is 12 years old, or 6<sup>th</sup> grade. The average age of regular use is 14, or 8<sup>th</sup> grade. Well over half of the 8<sup>th</sup> graders in this state, and in this nation, have used alcohol. According to a study released by the National Institute of Health, a child is 4 times more likely to become an alcoholic if he or she begins drinking before the age of 15. Alcohol use and abuse is the leading cause of death for persons between the ages of 16 and 24. Last year, 80% of all the teen suicides in Johnson County were committed while the person was under the influence of alcohol. I'll stop with these statistics, but could go on and on.

Needless to say, we are all well aware of the societal costs of alcoholism, in terms of cost to our public health system, social welfare programs, loss of work and productivity, and injuries sustained by persons under the influence of alcohol or inflicted by such persons onto others, like drunk driving. We at STOP believe it is imperative that we educate children and families about the dangers associated with under age drinking.

That education goes hand in hand with the active enforcement of underage drinking laws. SB 197 amends the current minor in possession of alcohol law in two important ways. First, it eliminates an archaic exemption that exists for parents. Our current law allows parents to provide their children with 3.2% beer. This appears to be a hold over from the days when Kansas law made distinctions between 3.2% beer and 5% beer and the lawful age of consumption. We know that today more and more parents are "hosting" underage drinking parties and often relying on this exemption to excuse their conduct. It is our position that for the health and well-being of our children, this exemption must go.

Secondly, SB 197 provides enhanced driver's license penalties for multiple offenders. Currently, a first time conviction or a 5<sup>th</sup> time conviction carries a 30 day driver's license suspension. We fully support the graduated sanctions contained in SB 197 which provides for a 90 day suspension for a second offense and a one year suspension for a third or subsequent offense. With kids beginning their drinking activity at 12-14, they have up to 9 years to rack up a stack of convictions for being a minor in possession. They need to know that the consequences become increasingly severe.

Thank you for giving us an opportunity to testify today on behalf of SB 197. I will be happy to answer any questions the Committee may have.

Senate Judiciary

3-05-03

Attachment 3-1



# KANSAS

DIVISION OF THE BUDGET  
DUANE A. GOOSSEN, DIRECTOR

KATHLEEN SEBELIUS, GOVERNOR

February 27, 2003

The Honorable John Vratil, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 255-E  
Topeka, Kansas 66612

Dear Senator Vratil:

SUBJECT: Fiscal Note for SB 197 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 197 is respectfully submitted to your committee.

SB 197 would allow for criminal prosecution of parents and legal guardians who provide cereal malt beverages to their own children. Further, minors would no longer be shielded from criminal prosecution for possession when their parents or legal guardian provided the alcohol. SB 197 would also increase the penalties for minors who violate the law on possession or consumption of alcoholic liquor or cereal malt beverages more than once. For a second conviction, the minor's driver's license would be suspended for 90 days, and for a third or subsequent conviction the minor's driver's license would be suspended for one year.

The Office of Judicial Administration states that new criminal sanctions often result in increased costs to the courts through increased prosecutions. However, it is not known whether passage of SB 197 would cause a fiscal effect on the Judiciary.

Sincerely,



Duane A. Goossen  
Director of the Budget

cc: Steve Neske, Revenue  
Judy Moler, Kansas Association of Counties

Jerry Sloan, Judiciary

Senate Judiciary

3-05-03  
Attachment 4-1

**SB 197**  
**Testimony Before the Senate Judiciary Committee**  
**Kathleen Rieth, Johnson County Juvenile Court Services**  
**March 5, 2003**

My name is Kathleen Rieth, and I am here today to speak in support of SB 197 on behalf of the 10<sup>th</sup> Judicial District- Court Services. I have been a CSO for more than twenty years and have been the director of the juvenile unit for over ten years. Last year, we handled almost 400 cases of persons under the age of 18 possessing or consuming alcohol. Cases for persons 18-21 are generally handled in the municipal courts around the state. However, many of the youth whom we supervise engage in illegal drinking.

SB 197 sends a message to children and parents that this state does not support underage drinking. The current minor in possession of alcohol law contains an exception unique to Kansas allowing parents to provide their own children with 3.2% beer. Why should we care what parents do with their children in the privacy of their homes?

We should care because we know statistically that kids that drink at home are more likely to drink away from home. Anecdotally, I can report that most parents who rely on this exception, don't stop with their own children, but use it as an excuse to have parties at their home where alcohol is provided to their children's friends under the theory that the kids will be "safe".

We should care because we know that alcohol use kills 6.5 times more young people every year than all other drugs combined. We know that it takes an adult about 5 years to develop the addictive patterns of an alcoholic, and it only takes an adolescent 6-18 months. As 10<sup>th</sup> Judicial District Chief Judge Patrick McAnany emphasized in the "A Wrong Of Passage" video that has been provided to each of you today, it is not just drinking and driving that causes children to come into contact with our judicial system. It is all the other trouble they get into when they have been drinking, like trashing houses, shootings, battery, burglary, binge drinking and alcohol overdose, rape, and suicide. I can assure you that well over 40% of the cases that come through the juvenile court involve alcohol or drug use as either the precipitating offense or the underlying cause; many of the drug users started out with alcohol at a young age. I do not believe these numbers are unique to Johnson County.

Secondly, SB 197 provides enhanced driver's license penalties for multiple offenders. I know from dealing with kids every day that the current provision, which was enacted two years ago, providing a 30 day drivers license suspension for persons convicted of MIP, has been a wake up call to kids. For many, one time getting caught is enough to get the message. But then for some, the road they are headed down leads them to several arrests before the age of 21. Enhanced driver's license penalties are essential to enforcing the message and is crucial to the safety of the citizens of Kansas in keeping these kids off the road.

Senate Judiciary  
3-05-03  
Attachment 5-1

**SB 197**  
**Testimony Before the Senate Judiciary Committee**  
**Chris Kostelac, Sergeant, Overland Park, KS Police Department**  
**March 5, 2003**

My name is Chris Kostelac, and I am here today to speak in support of SB 197. I am currently the supervisor of the Overland Park Police Department's D.A.R.E. and School Resource Officers. The officers under my supervision work with our community's children on a daily basis. For us, underage drinking is a constant and continuing problem.

Another of my responsibilities is the administration of a grant from the Kansas Department of Transportation designed to enforce the underage drinking laws and reduce the consumption of intoxicating liquor by persons under 21 years of age. This grant focuses on three areas; enforcement, education and effecting change in societal attitudes and norms. During the grant we have seen great success in two of these three areas. In 2002 alone, we expended 2403.75 hours of officer overtime patrolling for underage drinking violations. We made 292 arrests and contacted 2809 individuals in the course of our enforcement. These were arrests for underage possession, consumption, providing to a minor and even the use, manufacture and sale of false identification. The enforcement has gone well.

To accomplish our education component, we have partnered with the Johnson County STOP Underage Drinking Project. With them we have undertaken a number of initiatives, one of the most successful being the "Wrong of Passage" video presentation you have been provided. Our officers are a part of the panel, which is there to inform and answer questions raised by the parents and community members in attendance. So far this program has reached over 11,500 people. Education has gone well.

The last component of our grant is effecting a change in societal attitudes and norms regarding underage drinking. Despite our arrests, despite our educational efforts, we find we have not had a significant impact in this area. This is a very cyclic problem. Youth has no lasting memory of our enforcement efforts. Many of those we arrested at the beginning of this grant are now 21 or older. Each decade we are faced with a new group of parents raising teenagers. So as enforcers of the law and as educators, our successes can be fleeting.

The one group of individuals who has the opportunity to make a lasting change in our societal norms is our state legislators. As Judge Arnold-Burger has testified, this is not about religious freedom. That will not be infringed. It is not about a change in the drinking age; those debates have passed and the decision made. This is simply the removal of an antiquated provision of the law. This is our

Senate Judiciary

3-05-03  
Attachment 6-1

opportunity as a community to tell our youth it is not appropriate for them to consume alcohol of any kind until they are 21 years of age.

Thank you for the opportunity to appear before you today. I ask that you report Senate Bill 197 favorably.



March 5, 2003

I am Sergeant LaVern K. Fields with the Olathe Police Department. I am currently assigned as the supervisor of our School Resource Officer Program. Today, I am here before you to speak in support of Senate Bill Number 197.

As a veteran law enforcement officer with a vested interest in our youth, I can relate numerous occasions where alcoholic beverages have played a role in poor decision making resulting in arrests, serious injuries, and deaths. Specifically, as a School Resource Officer, I have had many occasions to be directly involved in these types of scenarios.

Rather than expound on historic occurrences, I'll take just a few moments to relate some very recent experiences with these issues as related to the Olathe Community and the Olathe Police Department.

On a Saturday evening last December, several youths from one of our high schools were engaged in a party at a residence. There was "parental supervision" in the residence. However, the youths were in one part of the home and the parents were in another. There was also private ingress and egress to the residence without parental supervision. Several students from another of our high schools heard about the party and just showed up. Alcohol was openly being consumed. A verbal disturbance started that soon turned into a physical fight. The fight went outside the residence where one of the intruding students was beaten over the head with a concrete yard ornament, kicked, and stomped. The

Senate Judiciary

3-05-03  
Attachment 7-1

dazed and severely injured student was chased on foot, over fences, through yards, and finally escaped further assault. He was later taken to our Olathe Medical Center where he was found to have multiple facial fractures, some of which could have been fatal. This subject will be undergoing many future reconstructive surgeries. This case is still in litigation with the Johnson County District Attorneys' Office with felony charges pending against several young people.

Shortly after this incident, we were summoned to a residence where a physical fight had ensued between an 18 year old student and his father. The student had been drinking. It was determined that he had been drinking at home and therefore no criminal charges were brought regarding the alcohol issue. This same young man was stopped by Olathe Police Officers the very next evening. He was observed driving in an erratic manner. An investigation indicated he was likely under the influence of alcoholic beverages. While this DUI prosecution is still pending with the City of Olathe Municipal Court, this same young man was caught by school officials with a bottle of Jim Beam liquor in his hotel room during the state high school wrestling competition this past weekend.

As School Resource Officers, we are regularly faced with the teenager who arrives at school at 7:30 in the morning drunk. We are virtually powerless in these situations. These young people are documented as children in need of care and, in most cases, are released to the custody of their parents. Those whose parents cannot be contacted are taken to a hospital for a fitness exam and placed with our Juvenile Intake and Assessment Center. No legal action is normally filed.

Olathe police officers have been called upon on many occasions to respond to neighborhood disturbances, traffic complaints, and lewd behavior. Many of these offenses have been directly related to "supervised" parties occurring inside homes where alcohol is freely served. Because the youths are hidden from view and the only minors presented to the officers are the legal ones, no legal action or documentation occurs. To a young person who is still developing maturity, responsibility, and proper decision making, these loopholes are extremely defeating.

The matter that most concerns Olathe police officers and law enforcement officers in general, is the fact that when the party is over, these youths enter their cars to drive home. These youths, and their parents, are literally playing a game of Russian Roulette. It would certainly appear this legislation will go far to better hold everyone accountable for their decisions.

Again, I don't want to take too much of your time here today. However, I do sincerely ask that, for the good of our community and the welfare of our youth, you vote to pass Senate Bill Number 197.

Thank you

SB 197  
WRITTEN TESTIMONY FOR THE SENATE JUDICIARY COMMITTEE  
SUE DICKEY, CITY PROSECUTOR, CITY OF OLATHE  
MARCH 5, 2003

As a city prosecutor, I deal almost daily with minors aged 18-21 who have been charged with alcohol violations or other crimes committed while their judgment was impaired by alcohol. Olathe's School Resource Officer Supervisor, Lavern Fields, will be describing for you today just two of the recent events in our community involving youth and alcohol. There are, of course, many more stories which could be told. Each spring and summer we are faced with numerous adult-supervised or permitted teen parties in local residences where parents provide alcohol in a "safe" environment. At one such party this past summer, officers advised a father that it would not be safe for his eighteen year old son to drive as a preliminary breath test had shown the young man to be over the legal limit for alcohol consumption. The father handed his son the car keys and instructed him to drive. A driving under the influence charge against the young man resulted; however, the father had legally provided his son with beer and could not be charged.

Certainly this problem is not unique to Olathe. A Kauffman Foundation Teen Survey on Teen Use of Alcohol, Tobacco and Other Drugs covered grades 8,10 and 12 in fourteen school districts over a five county area, including the Blue Valley, Shawnee Mission and Olathe districts in Johnson County. In Johnson County 62.9% of 8<sup>th</sup> graders, 79.1 % of 10<sup>th</sup> graders and 89.8% of the senior class had previously consumed alcohol, with 64% of the seniors having used alcohol within thirty days of the survey and 42.4% having used alcohol within a week of the survey. Teen alcohol use statistics are similar for the metro area with 66.9% of 8<sup>th</sup> graders, 80.6% of 10<sup>th</sup> graders and 87.9% of 12<sup>th</sup> graders having used alcohol.

Many of these seniors will enter college in the fall and, while still minors, increase their consumption significantly. A 1998 Harvard survey found that 42.7% of students nationwide had been binge drinking within the past two weeks. A 1997 Harvard survey found that underage students drank more than of-age students on single occasions, consuming five or more drinks each time. We have all seen newspaper accounts of local area young people who have died from falls while alcohol impaired, from drinking too much too fast or in alcohol-related car and motorcycle crashes. Foremost among environmental factors cited for underage alcohol use is easy accessibility. What could be easier than being legally provided with alcohol in your own home?

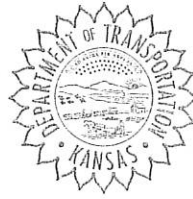
Senate Judiciary

3-05-03

Attachment 8-1



I am also writing you in support of SB197 because this bill provides enhanced driver's license penalties for multiple offenders. Young drivers are both more inexperienced behind the wheel and more easily impaired by alcohol. With the number of multiple offenders increasing, the risks to these young people and to the public are increasing. Their driving privileges are highly valued by minors and escalating penalties will serve both to send a message that may cause young offenders to more carefully consider the potential consequences of their alcohol use and to improve public safety for all Kansas citizens.



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

Deb Miller  
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

Kathleen Sebellus  
Governor

**TESTIMONY SUBMITTED TO THE  
SENATE COMMITTEE ON JUDICIARY**

**REGARDING SENATE BILL 197  
ALCOHOLIC BEVERAGES; FURNISHING TO AND  
CONSUMPTION BY PERSONS UNDER AGE 21**

**March 5, 2003**

Mr. Chairman and Committee Members:

The Kansas Department of Transportation (KDOT) supports passage of Senate Bill 197. The proposed changes would strengthen the law by removing a current provision that allows minors to consume alcohol furnished by a parent or legal guardian. Further, it seeks to deter underage drinking and driving by progressively increasing the period for which an offender's driving privileges would be suspended.

KDOT's mission of providing a safe transportation system extends to the prevention of alcohol-related crashes and the injuries and deaths that result from them. Preventing minors from drinking and driving is an important part of that mission.

Though young people between the ages of 14 and 20 account for only 11 percent of the state's licensed drivers, they are involved in 18 percent of alcohol-related crashes. In addition, 15 percent of all persons arrested in the state for driving under the influence are under age 21.

Eliminating the current exception allowing minors to consume alcohol under the supervision of parents and guardians is a common sense move that will help the state send a clear and consistent message against underage drinking and driving. Further, increasing the deterrent effect of the law by lengthening suspension periods is part of a comprehensive prevention approach.

Senate Judiciary

3-05-03  
Attachment 9-1



Mothers Against Drunk Driving  
KANSAS STATE OFFICE  
3601 SW 29th St., Suite 211  
Topeka, KS 66614  
Phone (785)271-7525  
1-800-228-6233  
Fax (785)271-0797  
maddkansas@parod.com

Senator John Vratil, Chairman, Senate Judiciary Committee  
Room 255-E  
State Capitol  
Topeka, Kansas 66612

Dear Senator Vratil and Judiciary Committee Members:

During the year 2001, 1,686 individuals ages 10 - 20 were involved in alcohol-related crashes in Kansas. Approximately 51% of those involved were drinking drivers and 32% were passengers riding with drinking drivers. This age group represented 24% of total injuries and 21% of total fatalities occurring in all alcohol-related crashes in 2001. Approximately 75% of those injured and 95% of those killed, were drinking drivers and passengers of drinking drivers

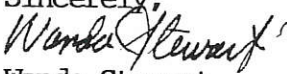
A number of citizen complaints are reportedly annually to Kansas MADD regarding parents and guardians who allow their minor children and wards to consume cereal malt beverage. A majority of the complaints pertain to events, such as wedding receptions, where keg beer is provided and minors in the presence of their parents or guardians are allowed to be served or acquire and consume cereal malt beverage at will.

Under K.S.A. 41-727 (e) the statute states "this section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal drinking age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's parent or legal guardian."

In July of 2002, Kansas MADD requested an interpretation of K.S.A. 41-727 as to what constitutes furnishing of cereal malt beverage by parents or guardians to persons under the legal drinking age for cereal malt beverage. The Division of Alcoholic Beverage Control interpreted furnishing of cereal malt beverage to minors under the statute as the parent or guardian must: 1) actually purchase and/or provide the cereal malt beverage to the underage person and 2) permit and supervise the possession and consumption of the beverage. Abuse of the present law is prevalent.

Kansas MADD supports Senate Bill 197.

3/3/03

Sincerely,  
  
Wanda Stewart  
State Chairperson  
Kansas MADD

Senate Judiciary

3-05-03

Attachment 10-1

10-2

## KANSAS - 1999-2001 ALCOHOL-RELATED MOTOR VEHICLE CRASH INVOLVEMENT PERSONS AGE 10-20

<p>TOTAL NUMBER OF ALL ALCOHOL-RELATED CRASHES</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 10%;"><u>1999</u></td> <td style="text-align: center; width: 10%;"><u>2000</u></td> <td style="text-align: center; width: 10%;"><u>2001</u></td> </tr> <tr> <td style="text-align: center;">3,273</td> <td style="text-align: center;">3,487</td> <td style="text-align: center;">3,611</td> </tr> </table>	<u>1999</u>	<u>2000</u>	<u>2001</u>	3,273	3,487	3,611	<p>TOTAL NUMBER OF PERSONS INVOLVED IN ALL ALCOHOL-RELATED CRASHES</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 10%;"><u>1999</u></td> <td style="text-align: center; width: 10%;"><u>2000</u></td> <td style="text-align: center; width: 10%;"><u>2001</u></td> </tr> <tr> <td style="text-align: center;">6,896 (100%)</td> <td style="text-align: center;">7,314 (100%)</td> <td style="text-align: center;">7,313 (100%)</td> </tr> </table>	<u>1999</u>	<u>2000</u>	<u>2001</u>	6,896 (100%)	7,314 (100%)	7,313 (100%)	
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Source: KDOT "State of Kansas Alcohol Involvement in Motor Vehicle Accidents 1990-2001".

Kansas MADD 8/14/02 Percentages are rounded off and may not equal 100%. Statistics are subject to revision.



**SB 197**  
**Written Testimony for the Senate Judiciary Committee**  
**Johnson County Drug and Alcohol Advisory Board**  
**March 5, 2002**

Alcohol is the most widely used and abused drug for youth in our country—and locally for youth in Kansas. As providers and community agencies of services for youth in the court system, underage alcohol abuse is something of which we see much too much.

The Johnson County Drug and Alcohol Advisory Board is a group of providers and community agencies in our community who meet regularly to continue to enhance existing programs and develop more efficient ways to serve the youth in our court system. The Board has been in existence for over 11 years to work together to help the system fully meet the needs of our youth and their families.

We know from local student survey data (KS Communities that Care Survey, 2002) that youth on the average are having their first full drink of alcohol at 12 years old. We also know that by 12<sup>th</sup> grade, over 80% of students have used alcohol at least once in their lifetime, while a shocking 60% of 12<sup>th</sup> graders indicate they have used alcohol and least once in the last 30 days.

In the provider system, we see too many parents contributing to this problem of underage drinking. We know from our youth that many of them get their alcohol from their own home, often with their parent's permission. We believe that a few strong steps forward in combating these facts are the changes outlined in SB 197.

SB 197 proposes amendment of the current minor in possession of alcohol law by eliminating the archaic exemption that exists for parents. Our current law allows parents to provide their children with 3.2% beer. We find this law to be dated and unacceptable. Having this as a loophole for parents and youth only makes our job to combat underage drinking and parental attitudes that much harder.

SB 197 also proposes changes for enhanced driver's license penalties for multiple offenders. This is a problem which the providers recognize and needs to be strengthened. Some youth take the existing penalties seriously, but some do not see them as a big deal. Extending the time of the penalties and continuing to take a tough stance forward on these laws will send a strong message to our youth. Underage drinking is dangerous—even fatal. It is also unacceptable in healthy communities.

We need to show our youth that the people who create, uphold and have the power to change the laws to protect them really do care about their futures.

As providers offering direct service to help youth make healthy, safe choices, we strongly urge your support in the proposed changes of SB 197.

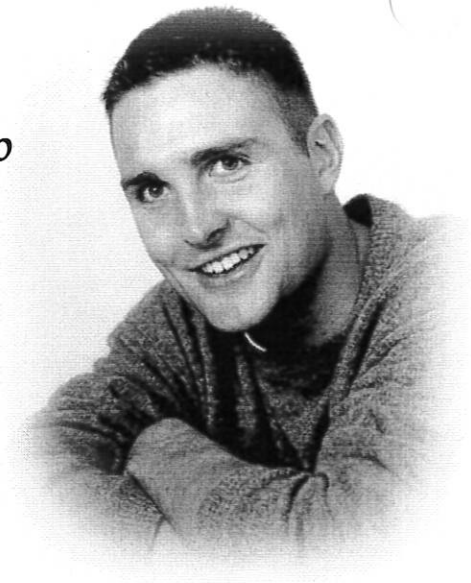
Senate Judiciary  
3-05-03  
Attachment 11-1

Thank you,  
Members of the Johnson County Juvenile Drug and Alcohol Advisory Board

Stephanie Neu, CPS, Regional Prevention Center, Co-chair  
Eileen Nevers, LCPC, Private Provider, Co-Chair  
Regina Singleton, LMSW, Transitions Counseling  
Emma Barger Ridley, RPH, MPH, Transitions Counseling  
Cynthia Moses, LSCSW, Transitions Counseling  
Ron Dreier, Dreier & Associates, Inc.  
Sitka Stueve, Columbia Court Services  
Barbara Burks, Director of Substance Abuse Services for Johnson County Mental Health  
Dan Moon, CADCIH, Accredited Recovery Services  
John Cannon, CARE Special Programs, Inc.

*Casey Ray Beaver*  
*Born: November 6, 1976*  
*Murdered by a drunk driver on August 4, 2000*  
*[http:// casey.kansite.com](http://casey.kansite.com)*

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The Honorable Senator John Vratil  
Chair, Judiciary Committee  
9534 Lee Boulevard  
Leawood, KS 66206

March 3, 2003

Dear Senator Vratil,

Linda and I are asking for your support on SB 197. We truly believe that this will save lives now and in the future.

Knowing that the Kansas statues currently allow parents to provide 3.2% beer to their own child is appalling!

Underage drinking is killing our Kansas children. We truly believe that if there is a delay in the onset of drinking until 21 it increases our children's chances by 400% that they will never have a substance abuse problem as an adult.

We appreciate your time and consideration and ask for your support with SB 197. Kansas will be taking an active stance in assisting us in saving the lives and future of our children of Kansas.

Sincerely,

*Dennis & Linda*

Dennis & Linda Beaver  
1425 North Second Street, Atchison, KS 66002  
Home: 913-367-1670/Wrk: 913-758-2728/Fax: 913-367-0751  
[atbeav@charter.net](mailto:atbeav@charter.net)

Senate Judiciary  
3-05-03  
Attachment 12-1

*Thank you for assisting us with this very important issue that came to us  
**NOT** by our choice, but by the fatal choice of a drunk driver.*



KATHLEEN SEBELIUS, GOVERNOR

## KANSAS REAL ESTATE APPRAISAL BOARD

1100 S.W. Wanamaker Road, Ste. 104  
Topeka, KS 66604

(785) 271-3373

Fax (785) 271-3370

<http://www.ink.org/public/kreab/>  
[e-mail kreab@mindspring.com](mailto:kreab@mindspring.com)

### Board Members

Steven R. Adams, Chair  
Ronald D. Aul, Vice Chair  
Kenneth J. Lickteig, Member  
Ralph J. Leno, Member  
G.N. (Jerry) Capps, Member  
James E. Pfeffer, Member  
Donna Hutcheson, Member

### Staff

Sally Pritchett, Director  
Cheryl Magathan, Administrator

To: Senate Judicial Committee  
From: Sally Pritchett, Director  
Date: March 5, 2003  
Re: SB 229 Investigative Subpoena Authority

Thank you for the opportunity to appear before the committee. The Kansas Real Estate Appraisal Board is requesting investigative subpoena authority to assist in the process of gathering information necessary when investigating complaints.

This proposed statutory amendment is based upon a Kansas Healing Arts Board statute. This amendment would allow the Board to subpoena necessary information regarding an investigation. Currently, the Board may only "request" such information.

Examples of cases when investigative subpoena authority would have been beneficial:

1. A case where the appraiser told the Board that he did not do the appraisal report (although it was signed by him). The Board would have been able to subpoena a copy of the report and a copy of the cancelled check (to verify who was paid for the assignment) from the client.
2. Case(s) when the Board receives complaints and when the appraiser submits a copy of the report it appears to have been altered upon comparison to the original complaint. At that time we could subpoena the complete report from the client.

Thanks for the opportunity to discuss this matter with the committee and I will be happy to any questions or provide additional information to the committee members.

Senate Judiciary

3-05-03

Attachment 13-1

# KANSAS

BOARD OF PHARMACY  
SUSAN A. LINN, DIRECTOR

KATHLEEN SEBELIUS, GOVERNOR

2003 KANSAS LEGISLATIVE SESSION  
**SENATE BILL No. 243**

Senate Judiciary Committee

I am Susan Linn, Director for the Kansas State Board of Pharmacy. Thank you for allowing me to testify concerning **SB 243**. The Board of Pharmacy **supports favorable passage** of SB 243.

The Board of Pharmacy is requesting that the Committee support changes to the Kansas Controlled Substances Act that will reflect changes already enacted by the Uniform Controlled Substances Act.

Prescription drugs that have a potential for abuse are "scheduled" as controlled substances. Drugs with the highest possibility of abuse are scheduled within the lowest numbered categories (i.e. Scheduled I is the highest abuse potential, Schedule V, the lowest).

**Statute Changes:**

Dichloralphenazone is currently not a controlled substance in Kansas. However, it has been changed federally to a Schedule IV controlled substance. Dichloralphenazone is a sedative typically used in combination with other chemicals for the relief of tension and vascular headaches. One such drug is Midrin®.

This scheduling change took effect federally in 2002. The Board of Pharmacy respectfully requests **favorable passage of SB 243**.

Senate Judiciary

3-05-03

Attachment 14-1