

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 2, 2006 in Room 313-S of the Capitol.

All members were present except:  
Michael Peterson- excused

Committee staff present:  
Jerry Ann Donaldson, Kansas Legislative Research  
Jill Wolters, Office of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:  
Senator Terry Bruce  
Dr. Lorne Phillips, Department of Health & Environment  
Philip Bradley, Kansas Licensed Beverage Association  
Tuck Duncan, Kansas Wine & Sprints Wholesalers

Chairman O'Neal opened the hearing on **SB 397 - adoption of a child born in a foreign country; evidence of US Citizenship.**

Senator Terry Bruce appeared as the sponsor of the bill. He explained that if a couple adopts a child from another country, that child's birth certificate would state that "This is not evidence of US citizenship". However, the US Department of Justice does issue to those who are foreign adopted a Certificate of Citizenship, but it can not be taken to the Kansas Department of Health & Environment to get a birth certificate without the above statement. Kansas had 1,356 foreign adoptions in 2000, with a little less than 200 receiving birth certificates from Kansas. (Attachment 1)

Dr. Lorne Phillips, Department of Health & Environment, appeared in opposition to the bill. Most all states use the same statement on their birth certificates. By removing it Kansas would be determining who is a US citizen and only the Department of Justice can do that. (Attachment 2)

Committee discussion centered on the fact that if the Department of Justice has issued a Certificate of Citizenship, why would a foreign adopted child not be able to receive a Kansas birth certificate without that statement, since the Department of Justice has certified they are a citizen.

The hearing on **SB 397** was closed.

The hearing on **SB 297 - sale of beer & wine by the drink on the state fairgrounds during the Kansas State Fair,** was opened.

Philip Bradley, Kansas Licensed Beverage Association, explained that the bill would simply allow the Kansas State Fair to enter into a contract with individuals to sell wine and alcoholic products during the Fair. The Fair promotes Kansas products and Kansas now has a large selection of wineries whom could possibly benefit from the enactment of such a bill. (Attachment 3)

Tuck Duncan, Kansas Wine & Sprints Wholesalers, was also in support of the proposed bill because it would add a venue for those who do not drink beer but would like to drink wine at the fair. (Attachment 4)

Written testimony in support of the bill was provided by Kansas Department of Commerce, Agriculture marketing Division. (Attachment 5)

The hearing on **SB 297** was closed.

The committee meeting adjourned at 5:15 p.m. The next meeting was scheduled for 3:30 p.m. on March 6, 2006 in room 313-S.

TERRY BRUCE  
STATE SENATOR  
34TH DISTRICT  
RENO COUNTY



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS  
VICE CHAIR: JUDICIARY  
MEMBER: JOINT COMMITTEE ON SPECIAL  
CLAIMS AGAINST THE STATE  
AGRICULTURE  
ASSESSMENT & TAXATION  
NATURAL RESOURCES

## Senate Bill 397

Chairman O'Neal and members of the House Judiciary Committee,

I appreciate the opportunity to testify in favor of SB 397. I have submitted my written testimony in a summary type outline for your convenience. If you have any questions based on my written or oral testimony, I would be more than willing to address any concerns when deemed appropriate by the Chair.

### Current Federal Law

Pursuant to the Citizenship Act, all foreign adopted children entering the US on an IR-3 Visa are automatic citizens of the United States upon entry. Such foreign adoptions will allow for a Certificate of Citizenship to be provided to the adopted child. This is a very hard to get document that is illegal to copy.

### Current State Law

Pursuant to K.S.A. 65-2423(b), the phrase "This certificate is not evidence of United States citizenship" must be placed on a foreign born adopted birth certificate. A hand full of states has this phrase on their foreign born birth certificates. Several states do not have this listed. One state does not mention this phrase, and they will substitute where the adoptee is living for the place of birth as opposed to listing the foreign country.

### State of Affairs

According to the 2000 Census figures provided by the U.S. Census Bureau, a total of 1,586,004 adopted children live in the United States. Out of that figure, 199,136 are of foreign birth. Kansas has 19,733 adopted children of which 1,356 are of foreign birth.

These numbers are growing each year given the increase in foreign adoptions. On average, out of the approximately 2,000 new Kansas adoptions each year, a little less than 200 foreign born birth certificates are granted in Kansas each year.

The current status of having the phrase "This certificate is not evidence of United States citizenship" presents three problems to an ever growing population of our State. First, when these children reach the age to go to elementary school, it creates confusion between parents and school staff that require a "valid birth

HOME  
401 E. SHERMAN  
HUTCHINSON, KS 67501  
620-662-6830

DISTRICT OFFICE  
FORKER, SUTER & ROSE, LLC.  
129 WEST SECOND AVE, SUITE 200  
PO BOX 1868 • HUTCHINSON, KS 67504-1868  
PHONE: 620-663-7131 • FAX: 620-669-0714

STATE OFFICE (SESSION ONLY)

House Judiciary

Date 3-2-06Attachment # 1

certificate” for enrollment purposes. Second, although not intended to be offensive, it does produce a stigma on a portion of our population that may already feel different because of the circumstances of their nationality. Third, when these children become old enough to work, what employer will hire a person that has such a statement on the bottom of their birth certificate?

**Concerns with the change to K.S.A. 65-2423(b)**

States do not grant citizenship. Only the federal government has that authority. Even though these adopted children are by federal government standards U.S. citizens, there is concern that a black-market can be made to falsify foreign born birth certificates, which will lead to security breaches.

Evidently, some federal officials have said they may, at some undisclosed future date, not recognize as being valid a state’s foreign born birth certificate that does not have the phrase “This is not evidence of United States citizenship” mentioned on them.

**Options for the committee**

I am a firm believer in the principle that the state of Kansas should make the policy for the state of Kansas. If the committee wants to pass SB 397, it should do so rather than wait for what mandate might come from the federal government. Additionally, if the federal government, prompted by the Department of Homeland Security, requires the phrase in question, that will be the least of our concern as such a mandate will most likely also require many more changes to how we document foreign born residents.

Thank you for your consideration,



Terry Bruce,  
Reno County Senator



# K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on Evidence of U. S. Citizenship on Foreign Born Certificates (Senate Bill 397)  
To

House Judiciary Committee

Presented by Lorne A. Phillips, Ph.D.

State Registrar and Director, Center for Health and Environmental Statistics  
Kansas Department of Health and Environment

March 2, 2006

Chairperson O'Neal and members of the Judiciary Committee, I thank you for the opportunity to appear before you today to discuss the need to retain the citizenship language on the Foreign Born Certificates.

K.S.A. 65-2423(b) provides for the filing of a Foreign Born Certificate when a child is born in a foreign country and adopted in Kansas by Kansas residents or is born and adopted in a foreign country by Kansas residents and the adoption is filed in Kansas. This certificate is a courtesy document, originally created for foreign born adopted children who have no birth certificate recorded in their country of birth. The Foreign Born Certificate includes the statement, "This certificate is not evidence of United States citizenship". This statement is crucial for clarifying the intent of the certificate.

The Foreign Born Certificate created and issued by the Office of Vital Statistics is affirming and attesting to the adoption which has been filed and completed in the state of Kansas, not to the citizenship status of the child. The basis for the creation of the certificate is the Report of Adoption forwarded by the county district court where the adoption is filed. The Office of Vital Statistics has no authority or basis to make determinations of citizenship. This is a federal responsibility that is designated to United States Citizenship and Immigration Services. The Child Citizenship Act of 2000 allows a foreign born adopted child to acquire citizenship after meeting certain requirements (at least one parent is a U.S. citizen; the child is under 18 years of age; a full and final adoption of the child; the child is admitted to the U.S. as an immigrant). The adoptive parents may obtain evidence of the child's citizenship by applying for a Certificate of Citizenship issued by United States Citizenship and Immigration Services.

Removing the statement on the Kansas Foreign Born Certificate would give the document the appearance of carrying the same probative value as the Standard Certificate of Live Birth. This is misleading and could lead to citizenship status and benefits applied incorrectly or fraudulently at the local, state, and federal level. There is no time constraint on filing a Foreign Born Certificate. These

DIVISION OF HEALTH  
CENTER FOR HEALTH AND ENVIRONMENTAL STATISTICS  
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 110, TOPEKA

Voice 785-296-1415 Fax 785-296-8869

House Judiciary

Date 3-2-06

Attachment # 2

are created for adults as well as children.

Concern has been expressed over the difference in appearance of a Kansas Standard Certificate of Live Birth and the Certificate of Birth created for foreign born adoptees. In Kansas, these two documents are very similar, even with the citizenship language, as you can see by viewing the attached samples. Also attached are examples from other states, providing evidence of foreign born birth certificates with language clearly distinguishing them from standard certificates of birth. Also, a U.S. citizen who gives birth abroad cannot file the birth with a state vital records office. Proof of birth and citizenship is obtained from the U.S. State Department's issuance of a Consular Report of Birth Abroad. This document looks very different from the birth certificate copies issued by state vital records offices.

In addition, the Intelligence Reform and Terrorism Prevention Act of 2004 addresses the filing and issuing of birth certificates in light of national security concerns. Foreign Born Certificates are specifically addressed and the current language proposal states, "A certificate of foreign birth should be annotated on the face of the document with the statement, 'This is not proof of U.S. citizenship'." The promulgation of the Regulations for this Act is projected for 2007. If Kansas does not comply with Intelligence Reform mandates, federal agencies would refuse to accept Kansas birth certificates as documentary evidence for the application of Social Security benefits, passports, low income housing, or any federal programs requiring submission of a birth certificate.

We recommend that K.S.A. 65-2423 not be amended to remove the citizenship language. The Foreign Born Certificate provides verification of adoption and the after adoption information (child's name, adoptive parents' names, etc.). It is used to provide proof of date of birth and parentage. Evidence of citizenship is provided by the United States Citizenship and Immigration Services. If, however, the Committee determines the language is to be removed, we request the recommendation of changing the certificate title from "Certificate of Birth" to "Certificate of Foreign Birth".

I thank you for the opportunity to appear before the Judiciary Committee and will gladly stand for questions the committee may have on this topic.

CERTIFICATE OF LIVE BIRTH

115-

State File Number

|  |  |  |   |  |  |
|--|--|--|---|--|--|
| 1. CHILD'S NAME (First, Middle, Last, Suffix)  |  | 2. DATE OF BIRTH (Month, Day, Year)  |   | 3. TIME OF BIRTH<br>M  |  |
| 4. SEX   | 5. BIRTH WEIGHT (Grams)  | 6. CITY, TOWN, OR LOCATION OF BIRTH  |   | 7. COUNTY OF BIRTH   |  |
| 8. PLACE OF BIRTH<br><input type="checkbox"/> Hospital <input type="checkbox"/> Freestanding Birthing Center <input type="checkbox"/> Home Birth<br><input type="checkbox"/> Clinic/Doctor's Office <input type="checkbox"/> Other (Specify) _____                             |  |  | 9. FACILITY NAME (If not institution, give street and number)   |  |  |
| 10. I CERTIFY THAT THE STATED INFORMATION CONCERNING THIS CHILD IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.<br><br>Certifier's Signature > _____   |  | 11. DATE SIGNED (Month, Day, Year)   | 12. ATTENDANT'S NAME AND TITLE (Type)<br>Name _____<br><input type="checkbox"/> M.D. <input type="checkbox"/> D.O. <input type="checkbox"/> C.N.M. <input type="checkbox"/> Other Midwife<br><input type="checkbox"/> Other (Specify) _____ |  |  |
| 13. Certifier's Name and Title (Type)<br>Name _____<br><input type="checkbox"/> M.D. <input type="checkbox"/> D.O. <input type="checkbox"/> Hosp Adm. <input type="checkbox"/> C.N.M. <input type="checkbox"/> Other Midwife<br><input type="checkbox"/> Other (Specify) _____ |  | 14. ATTENDANT'S MAILING ADDRESS (Street and Number or Rural Route, City, or Town, State, Zip Code)   |   |  |  |
| 15. MOTHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix)  |  |  | 16. MOTHER'S LAST NAME PRIOR TO FIRST MARRIAGE  |  |  |
| 17. DATE OF BIRTH (Month, Day, Year)   |  | 18. BIRTHPLACE (State, Territory, or Foreign Country)  |   | 19. PRESENT RESIDENCE-STATE  |  |
| 20. COUNTY   |  | 21. CITY, TOWN, OR LOCATION  |   | 22. STREET AND NUMBER OF PRESENT RESIDENCE                                   |  |
| 23. ZIP CODE   | 24. INSIDE CITY LIMITS?<br><input type="checkbox"/> YES<br><input type="checkbox"/> NO | 25. MOTHER'S MAILING ADDRESS (If same as residence, leave blank)   |   |  |  |
| 26. FATHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix)  |  | 27. DATE OF BIRTH (Month, Day, Year)   |   | 28. BIRTHPLACE (State, Territory, or Foreign Country)                        |  |
| 29. PARENTS REQUEST SOCIAL SECURITY NUMBER ISSUANCE?<br><input type="checkbox"/> YES <input type="checkbox"/> NO   |  | 30. IMMUNIZATION REGISTRY<br>I wish to enroll my child in the Immunization Registry <input type="checkbox"/> YES <input type="checkbox"/> NO |   |  |  |
| 31. I CERTIFY THAT THE PERSONAL INFORMATION PROVIDED ON THE CERTIFICATE IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.<br><br>Signature of Parent (or Other Informant) > _____   |  | 32. DATE SIGNED (Month, Day, Year)   |   | 33. DATE FILED BY STATE REGISTRAR (Month, Day, Year) (Vital Statistics only) |  |

SAMPLE

Kansas Department of Health and Environment  
Office of Vital Statistics  
**CERTIFICATE OF BIRTH**

**Birth Number**

|  |  |  |   |                                     |
|--|--|--|---|-------------------------------------|
| 1. CHILD'S NAME (First, Middle, Last)  |  | 2. SEX   | 3. DATE OF BIRTH (Month, Day, Year)                 |                                     |
| 4. COUNTRY OF BIRTH  |  | 5. STATE OR PROVINCE   |   | 6. CITY, TOWN, OR VILLAGE           |
| 7. MOTHER'S PRESENT NAME (First, Middle, Last)   |  | 8. MAIDEN SURNAME  |   | 9. DATE OF BIRTH (Month, Day, Year) |
| 10. STATE OF BIRTH (If not in U.S.A., name country)  |  | 11. PRESENT RESIDENCE-STATE  |   | 12. CITY, TOWN, OR LOCATION         |
| 13. STREET AND NUMBER OF PRESENT RESIDENCE   |  | 14. INSIDE CITY LIMITS?<br><input type="checkbox"/> YES<br><input type="checkbox"/> NO |   | 15. ZIP CODE                        |
| 16. FATHER'S NAME (First, Middle, Last)  |  | 17. DATE OF BIRTH (Month, Day, Year)   | 18. STATE OF BIRTH (If not in U.S.A., name country) |                                     |
| 19. I CERTIFY THAT THE PERSONAL INFORMATION PROVIDED ON THIS CERTIFICATE IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.<br><br>SIGNATURE OF PARENT _____ |  |  |   | 20. DATE SIGNED (Month, Day, Year)  |
| THIS BIRTH WAS REGISTERED THIS DATE IN ACCORDANCE WITH PROVISIONS OF K.S.A. 65-2423b; ENACTED PER 1978 LEGISLATIVE SESSION                                   |  |  |   |                                     |
| <b>THIS CERTIFICATE IS NOT EVIDENCE OF UNITED STATES CITIZENSHIP</b>   |  |  |   |                                     |
| 21. STATE REGISTRAR  |  |  |   | 22. DATE OF REGISTRATION            |

SAMPLE

ARKANSAS DEPARTMENT OF HEALTH  
Division of Vital Records

CERTIFICATE OF FOREIGN BIRTH

|        |  |  |  |                             |
|--------|--|--|--|-----------------------------|
| CHILD  | 1. FULL NAME OF CHILD (first) (middle) (last)  |  |  | 2. SEX OF CHILD             |
|        | 3. DATE OF BIRTH   |  |  |                             |
|        | 4. PLACE OF BIRTH  |  |  |                             |
| MOTHER | 5. FULL MAIDEN NAME OF MOTHER  |  |  | 7. DATE OF BIRTH OF MOTHER  |
|        | 6. BIRTHPLACE OF MOTHER  |  |  |                             |
| FATHER | 8. FULL NAME OF FATHER   |  |  | 10. DATE OF BIRTH OF FATHER |
|        | 9. BIRTHPLACE OF FATHER  |  |  |                             |
|        | 11. ADDRESS OF PARENTS (Street Address or Route No.) (City or Town) (State) (Zip Code) |  |  |                             |

SAMPLE

Data shown above based on evidence presented to the \_\_\_\_\_ County Probate Court, dated \_\_\_\_\_

THIS CERTIFICATE IS NOT EVIDENCE OF UNITED STATES CITIZENSHIP FOR THE CHILD OR PARENTS NAMED ABOVE.

I hereby certify that this certificate is filed under provisions of Arkansas Statute 82-512. SEC. (1) (c) as amended.

STATE REGISTRAR ► \_\_\_\_\_ DATE RECORD FILED \_\_\_\_\_

VH-10

5086



THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE CERTIFICATE ON FILE IN THE ARCHIVES OF THE DEPARTMENT OF HEALTH.

*[Signature]*  
Michael A. Adams  
State Registrar

WARNING: THIS IS A COPY OF THE ORIGINAL RECORD AND DOES NOT CONSTITUTE A SUBSTITUTE FOR THE ORIGINAL RECORD. THE ORIGINAL RECORD IS THE ONLY COPY OF THE RECORD ON FILE IN THE ARCHIVES OF THE DEPARTMENT OF HEALTH AND SHOULD BE REFERRED TO FOR ALL PURPOSES.

0804016

VH-112

2-5



**Colorado Department of Public Health and Environment  
Certificate of Foreign Birth**

**Child**

|                   |                    |            |                        |                |
|-------------------|--------------------|------------|------------------------|----------------|
| First Name:       | Middle Name:       | Last Name: | Sex:                   | Date of Birth: |
|                   |                    |            | Female                 |                |
| Country of Birth: | State or Province: |            | City, Town or Village: |                |
| England           |                    |            |                        |                |

**Parents**

**Mother**

|                       |               |                   |                |                 |
|-----------------------|---------------|-------------------|----------------|-----------------|
| First Name:           | Middle Name:  | Maiden Last Name: | Date of Birth: | State of Birth: |
|                       |               |                   |                |                 |
| Address - Street No.: | City or Town: | State:            | Zip Code:      |                 |
|                       |               | Colorado          |                |                 |

**Father**

|             |              |            |                |                 |
|-------------|--------------|------------|----------------|-----------------|
| First Name: | Middle Name: | Last Name: | Date of Birth: | State of Birth: |
|             |              |            |                |                 |

I certify that this certificate of birth was registered this date in accordance with Chapter 25-2-113 (1) Colorado Revised Statutes, 1973, 1976 Supplement. **THIS CERTIFICATE IS NOT EVIDENCE OF UNITED STATES CITIZENSHIP.**

|                         |                       |
|-------------------------|-----------------------|
| Deputy State Registrar: | Date of Registration: |
|                         |                       |

AD RS 31 (12/01) This is a permanent record

**SAMPLE**

# Certificate of Foreign Birth

STATE OF OKLAHOMA - DEPARTMENT OF HEALTH

STATE FILE NO. **A-**

|   |            |   |  |   |
|---|------------|---|--|---|
| 1. CHILD<br><i>First Middle Last</i><br>#Error  |            |   | 2. DATE OF BIRTH   |   |
| 3. SEX  |            | 4. THIS BIRTH<br>SINGLE <input type="checkbox"/> TWIN <input type="checkbox"/> TRIPLET <input type="checkbox"/> |  | 5. COUNTRY OF BIRTH                       |
| 6. CITY, TOWN, OR LOCATION OF BIRTH   |            |   |  |   |
| 7. MOTHER MAIDEN NAME<br><i>First Middle Last</i><br>#Error   |            |   | 8. AGE (at time of this birth)<br>#Error   | 9. BIRTHPLACE (State or foreign country)  |
| 10. RESIDENCE-STATE   | 11. COUNTY | 12. CITY, TOWN, OR LOCATION   | 13. INSIDE CITY LIMIT<br><input type="checkbox"/> Yes <input type="checkbox"/> No  | 14. STREET ADDRESS                        |
| 15. FATHER<br><i>First Middle Last</i><br>#Error  |            |   | 16. AGE (at time of this birth)<br>#Error  | 17. BIRTHPLACE (State or foreign country) |
| 18. INFORMANT NAME OF EITHER PARENT   |            |   |  |   |
| 19. PARENTS' MAILING ADDRESS  |            | STREET OR R.F.D. NO.  | POSTOFFICE   | STATE ZIP CODE NO.                        |
| 20. I HEREBY CERTIFY THAT LEGAL DOCUMENTATION IS ON FILE IN THE DIVISION OF VITAL RECORDS THAT INDICATES THE ABOVE CHILD WAS BORN ON THE DATE AND PLACE STATED ABOVE. |            |   |  |   |
| 21. SIGNATURE OF CERTIFIER  |            |   | 22. DATE SIGNED  |   |
| 23. NAME OF CERTIFIER (Print or Type)<br>James M. Crutcher  |            |   | 24. CERTIFIER OF BIRTH<br>M.D. <input type="checkbox"/> D.O. <input type="checkbox"/> State Registrar of Vital Statistics <input type="checkbox"/> |   |
| 25. ADDRESS OF CERTIFIER  |            | STREET OR R.F.D. NO.  | POSTOFFICE   | STATE ZIP CODE NO.                        |
|   |            | 1000 NE 10TH St.  | Oklahoma City  | Oklahoma 73117                            |
| 26. STATE REGISTRAR'S SIGNATURE   |            |   | 27. DATE FILED BY STATE REGISTRAR  |   |

VOID

VS 152 FB 7/85

***This Certificate Is Not Proof of U.S. Citizenship***

**CERTIFICATE OF FOREIGN BIRTH**  
**State of Iowa**  
IOWA DEPARTMENT OF PUBLIC HEALTH  
*Bureau of Vital Records*

**THIS CERTIFICATE DOES NOT CONSTITUTE UNITED STATES CITIZENSHIP**

Certificate No. \_\_\_\_\_

**CHILD'S INFORMATION**

|              |                |      |        |                                |
|--------------|----------------|------|--------|--------------------------------|
| NAME - First | Middle         | Last | Suffix | DATE OF BIRTH (Month/Day/Year) |
| SEX          | PLACE OF BIRTH |      |        |                                |

**PARENTS' INFORMATION**

|                              |        |      |        |  |
|------------------------------|--------|------|--------|--|
| MOTHER'S MAIDEN NAME - First | Middle | Last | Suffix | PLACE OF BIRTH (State, territory or foreign country) |
| FATHER'S NAME - First        | Middle | Last | Suffix | PLACE OF BIRTH (State, territory or foreign country) |

|                   |        |                        |                              |
|-------------------|--------|------------------------|------------------------------|
| RESIDENCE - State | County | City, Town or Location | Street & Number of Residence |
|-------------------|--------|------------------------|------------------------------|

|           |                             |
|-----------|-----------------------------|
| REGISTRAR | DATE FILED (Month/Day/Year) |
|-----------|-----------------------------|

**CERTIFICATE OF BIRTH****FOR INFORMATIONAL PURPOSES ONLY. NOT LEGAL PROOF OF IDENTIFICATION.****BIRTHPLACE**

STATE FILE NUMBER: 140-2006-200001

The registrant was born in GERMANY

This Certificate of Birth is not final evidence of citizenship in the United States. The registrant or the registrant's parents will need to maintain records proving naturalization. Many government agencies may require proof of naturalization in addition to this certificate.

**REGISTRANT**

FULL NAME AT BIRTH: JOHN TEST DOE

SEX: MALE      DATE OF BIRTH: 02/16/2006

**MOTHER**

MOTHER'S NAME

PRIOR TO FIRST MARRIAGE: MOMMA SALLY BRIDE

PLACE OF BIRTH (State / Country): SOUTH DAKOTA

**FATHER**

FATHER'S NAME: PAPA ROBERT DOE

PLACE OF BIRTH (State / Country): SOUTH DAKOTA

This birth record was established by Court Order  
I hereby certify that no prior Certificates of Birth for this registrant have been found at the State Department of Health and that the court order has been examined and accepted as proof of the facts set forth above.

DATE FILED 02/16/2006

*This is a true certification of the official Vital Record  
filed in the Department of Health as provided in  
Chapter 34-25 of the SOUTH DAKOTA CODIFIED LAWS.*



KATHLENE A. MUELLER  
STATE REGISTRAR

02/16/2006

DATE ISSUED



*Kansas  
Licensed  
Beverage  
Association*

*President*  
James "Jim" Fager

*Vice Presidents*  
Tammy Davis  
Tom Intfen  
Robert Farha  
Jim Hendricks  
Curt Melzer  
Richard Markle  
Paul Boone  
Billy Long  
Leigh Watkins  
Drew Mullen  
Sean Haydock

*Treasurer*  
Mark Barrett

*National Director*  
Tammy Davis

*Executive Director*  
Philip Bradley, PhD.

745 New Hampshire  
P.O. Box 442066  
Lawrence, KS 66044

Voice/Fax: 785.331.4282  
[www.klba.org](http://www.klba.org)  
[info@klba.org](mailto:info@klba.org)



Testimony on SB-297, March 2, 2006  
House Judiciary Committee

Mr. Chairman, and Senators of the Committee,

I am Philip Bradley representing the Kansas Licensed Beverage Assn., the men and women, in the hospitality industry, who own and manage bars, clubs, caterers, restaurants, breweries and hotels where beverage alcohol are served. Thank you for the opportunity to submit testimony today.

*We support SB-297.*

The farm wineries and microbreweries procedures were created to help foster businesses and create opportunity. KLBA has long been a strong supporter of these homegrown businesses. The Kansas State Fair is and has been a premier showcase of the best and brightest of our fair state. This bill allows the State Fair Board, at their discretion and according to their rules and policies to enter into a contract with a party/parties that would allow the ABC, at their discretion and according to the statues, regulations and policies, to grant a temporary permit to allow such a permit holder to operate a venue to sell Kansas Farm Winery and Kansas Microbrewery products at and during the state fair. We believe this is in the best interest of all our citizens and under the existing laws and regulations will be a safe and welcome addition.

In order to avoid problems that have resulted in numerous lawsuits in other states and the US Supreme Court decision, when advantages are shown to in-state vs out-state products by the regulatory or legislative bodies, this bill has been amended to allow the possibility for the temporary permit holder to sell all those alcohol products that are legal for sale on premise in Kansas. It is worthy to note that although this allows for all those items to be offered for sale, the State Fair Board could limit the items that the venue could offer under their contract.

*Therefore, we ask and urge you to pass SB-297.*

Thank you for your time.

Philip Bradley  
Executive Director



House Judiciary

Date 3-2-06  
Attachment # 3

Kansas Wine & Spirits  
Wholesalers Association

To: House Judiciary Committee  
From: R.E. "Tuck" Duncan  
RE: SB 297

***Kansas' Wine & Spirits Wholesalers support SB297.***



The KWSWA supports SB297 which allows wine and beer to be sold and consumed during the days of the Kansas State Fair. The Director of Alcohol Beverage Control would be permitted to waive the three day temporary permit in lieu of one for the entire period of the State Fair.

This legislation be beneficial to Kansas' farm wineries and the Kansas grape and wine industry.

*Thank you for your attention to and consideration of these matters.*

For more information go to: <http://skyways.lib.ks.us/wineries/>



House Judiciary

Date 3-2-06

Attachment # 4

**Testimony in Support of SB 297  
To  
The House Judiciary Committee**

**By Janna Dunbar  
Agriculture Marketing Division  
Kansas Department of Commerce  
March 2, 2006**

Good morning, Chairman O'Neal and members of the Committee. I am Janna Dunbar, Agritourism Program Manager of the Ag Marketing Division of the Kansas Department of Commerce, and I want to thank you for this opportunity to offer our support for SB 297.

Our Division has a statutory obligation to assist with the domestic and international marketing of Kansas agricultural commodities and processed food products. One of the ways we have been able to assist the vineyards and wine makers in the state is through the Kansas State Fair. This past September we held the second annual grape stomp & wine judging. The grape stomp has garnered substantial media attention to this once vibrant industry. The Kansas State Fair Board has been extremely helpful in the organization and promotion of the event as well as the Department of Agriculture in supporting the growth of this industry.

However our Kansas farm wineries are unable to market their products at the fair due to prohibitions in current law. SB 297 would allow these farm wineries to sell their products to a large audience. The State Fair is a celebration of Kansas and its products. It would only seem logical to support Kansas grape, fruit and wine producers and Kansas microbrewers.

Our Division is working closely with existing Kansas vineyards and wineries to expand their markets, expand the industry, and garner tourism dollars to our state and we know we can enhance the marketing effort at the State Fair should SB 297 be passed. Therefore, we ask this Committee to consider SB 297 and pass the bill out favorably. Thank you.

House Judiciary

Date 3-2-06

Attachment # 5



*Grape and Wine Comparison  
2004 vs. 2005 Survey  
(3.1.2006)*

|                             | <u>2004</u> | <u>2005</u>    |
|-----------------------------|-------------|----------------|
| New Wineries – 5 yrs.       | 16          | 21             |
| <u>Gallons Produced:</u>    | 51,380      | 70,794.8       |
| <u>Total Sales of Wine:</u> | \$1,198,028 | \$1,506,566.90 |
| <u>Employees:</u>           |             |                |
| Full Time                   | 42          | 60             |
| Part Time                   | 66.5        | 74             |
| <u>Total Payroll:</u>       | \$976,985   | \$1,071,356    |
| <u>Visitors:</u>            |             |                |
| In State                    | 152,268     | 213,084        |
| Out of State                | 80,235      | 106,279        |
|                             | 72,033      | 106,805        |