

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

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

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

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

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

Others attending: See attached list

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

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

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

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

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

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

Chief Heffron provided details about Emporia's Keg Registration ordinance adopted in 1999. Of the

four citations his department has written, three were for late returns or failure to return. He encouraged the committee to pass a statewide registration law as stated in **SB 407**. (Attachment #5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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