

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.  
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Susan Bechard, Kansas County and District Attorneys  
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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)**

Chairperson Harrington instructed the committee to note written testimony submitted by Carolyn Gaughan,

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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 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

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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.