

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 21, 2001 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 Sandy Praeger
Senator Jim Barnett
Theresa Walters, Emporians for Drug Awareness
Michelle Voth, Kansas Family Partnership
Rosalie Thornburgh, Bureau Chief of Traffic Safety, KDOT
Dan Hermes, Kansas Community Alcohol Safety Action
Projects
Robert Longino, Director, Alcoholic Beverage Control
Amy Campbell, Kansas Association of Beverage Retailers

Others attending: See Attached List

Chairman Harrington opened the hearing on:

SB 328—Concerning registration of certain alcoholic beverage containers

Chairman Harrington recognized Senator Sandy Praeger, who presented testimony in favor of the bill. (Attachment 1).

Senator Barnett presented testimony in favor of the bill. (Attachment 2).

Theresa Walters, Emporians for Drug Awareness, presented testimony in favor of the bill. (Attachment 3). Ms. Walters also presented written testimony from Hope Sullivan, Regional Prevention Center of the Flint Hills (Attachment 4), Jeffrey M. Lees, Program Coordinator, Regional Prevention Center of Northeast Kansas (Attachment 5), and Lisa Smith, Allen County Chairperson (Attachment 6) all in support of **SB 328**.

Michelle Voth, Executive Director, Kansas Family Partnership, presented testimony in favor of the bill. (Attachment 7).

Rosalie Thornburgh, Bureau Chief of Traffic Safety in the Department of Transportation, presented testimony in favor of the bill. (Attachment 8).

Dan Hermes, Kansas Coordinators of Alcohol Safety Action Projects Association (KCASAP), presented testimony in favor of the bill. (Attachment 9).

Robert Longino, Acting Director, Division of Alcoholic Beverage Control, presented testimony in favor of the bill. (Attachment 10).

Senator Teichman stated that since she was a new Senator, she was curious about the history of the bill and why it had not been passed in the past.

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Chairman Harrington stated that the interim study was explanatory, but that there had not been a vote in the committee.

Senator O'Connor asked Mr. Longino whether the beer keg producers would not just create a slightly smaller keg in an effort to get around the part of the bill which says four gallons or more. Mr. Longino stated that he was not sure and that it was possible that there were some kegs which were smaller.

Amy Campbell, Executive Director, The Kansas Association of Beverage Retailers, presented testimony in opposition to the bill. (Attachment 11). She also stated that written testimony submitted by Kurt J. Bossert, Bossert Liquor Store, was in opposition to the bill. (Attachment 12).

Ms. Campbell stated that if the legislature wanted to enact this legislation without statistics nor effects showing that it actually makes any difference in the community, then that was the authority of the state, but that her organization wanted to be a partner in that. She stated that her industry had been under extreme attack over the last year and a half. She stated that they were under attack from out of state wholesalers who want to come into the state and not comply with the licensing regulations in this state, from cereal malt beverage retailers who want to sell beer of one strength and think that stronger product ought to be sold by them even though it would take away between 30-60% of retail liquor store sales, and from those who want to change the days of the week on which alcohol can be sold.

Ms. Campbell stated that keg registration would change buying habits, but that it had not been proven to lessen consumption by underage individuals. She stated that it would possibly lead to the unintended consequence of underage drinkers consuming beverages of a higher alcoholic content or other illegal drugs. She stated that under current laws, minors in the possession of alcohol may or may not be prosecuted. She stated that the laws are in place but that people are breaking the laws.

In response to a question from Senator Barnett, Ms. Campbell stated that anyone can come up with any statistics they want to in order to make a point in front of a legislative committee. She stated that she wanted to point out that it was the cooperative efforts of communities which were involved in anti-underage drinking issues which made a difference. She stated that there were many areas on which retailers do work on issues and agree with law enforcement, and there was no excuse for picking out one element in which that particular entity was not being served.

In response to further questioning from Senator Barnett, Ms. Campbell stated that her organization supported providing information about keg purchases for the purpose of law enforcement investigations, but that she was concerned about citizens' rights to privacy. She requested that the bill specifically refer to the Liquor Control Act.

Sandy Jacquot, League of Kansas Municipalities, stated that her organization would oppose preemptive language. She stated that cities and counties currently have the right to have keg registration because it allows them to legislate themselves. She stated that many cities regulate the hours of liquor stores to be more restrictive.

Senator Barnett stated that he would not be able to support language that Ms. Campbell wanted because he believed that it would kill the bill. Ms. Campbell stated that there was a similar court case going on in the city of Wichita. She stated that the issue of state-wide preemption in the state of Kansas was not a new one, nor was the issue of keg registration, but that the laws were messy because of local rejection of laws.

Senator Barnett stated that the court case in Wichita did not apply to the keg registration bill. Mr. Longino stated that there needed to be more research done on that. In response to comments from Senator Gooch, Mr. Longino stated that it is very difficult and time-consuming as it is now for law enforcement officers to track down exactly who and where a keg came from without identification.

The committee continued discussion; Ms. Jacquot stated that the League of Kansas Municipalities would not oppose a state-wide law because a neighboring community might not have the keg registration bill and would therefore allow people to simply travel to get them.

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Senator Vratil asked if “pony kegs” were included in the bill, and an ABC representative stated that they are because they are still over four gallons.

Senator O’Connor stated that she was concerned about what would happen if someone took off the tag or left the keg abandoned somewhere, and Mr. Longino stated that they would be giving up their deposit on the keg or be in violation of the law if in the possession of an untagged keg. Senator Gooch asked if there would be some people who would not have tagged kegs, and Mr. Longino stated that caterers and bars will not have tagged kegs.

Chairman Harrington stated that the untagged kegs of bars and caterers would not be showing up in fields where young people have access, but in controlled areas. Senator Gooch stated that the greater number of kegs out there would not have tags on them, and Mr. Longino agreed.

Senator Gilstrap stated that he had a question for Michelle Voth about a statement in her testimony which said that keg registration was a place to start and what she meant by that. Ms. Voth stated that the keg registration bill had been in front of the Legislature for at least five years, but that no action had been taken on it. She stated that she was not looking for further punitive damages for alcohol, but merely keg registration itself. She stated that she wanted kids to realize that alcohol was not a right of passage and that it was dangerous. She stated that her interests were in protecting kids and that she felt this was a good way to go.

Chairman Harrington stated that Senator Bamett might want to look at some possible language change in the bill, and after discussion, the committee decided that they would then look at the bill again the following week.

Dee Meyer, State Chairperson, Kansas Mothers Against Drunk Driving, submitted written testimony in favor of the bill. ([Attachment 13](#)).

Janey Worthy, Project Director for Community Awareness Team, submitted written testimony in favor of the bill. ([Attachment 14](#)).

Liz Shuman, Colby High School Senior and member of Community Awareness Team, submitted written testimony in favor of the bill. ([Attachment 15](#)).

Ron Eisenbarth, Topeka Shawnee County Alcohol/Drug Abuse Advisory Council, submitted written testimony in favor of the bill. ([Attachment 16](#)).

Craig Collins, J.D., Executive Director, Kansas Association of Addiction Professionals, submitted written testimony in favor of the bill. ([Attachment 17](#)).

Carla J. Stovall, Attorney General, State of Kansas, submitted written testimony in favor of the bill. ([Attachment 18](#)).

Randy L. Rogers, Coffey County Sheriff, submitted written testimony in favor of the bill. ([Attachment 19](#)).

Chairman Harrington pointed out an interim study done by the Federal and State Affairs Committee on the subject of beer keg registration from the summer of 2000 for the 2001 Legislature. ([Attachment 20](#)).

The committee adjourned at 12:00 p.m. The next meeting is scheduled for 10:30 a.m. February 22, 2001.