

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:35 p.m. on March 20, 2001 in Room 313-S of the Capitol.

All members were present except: Representative Mary Cook, Excused

Committee staff present: Theresa M. Kiernan, Revisor of Statutes  
Russell Mills, Legislative Research Department  
Shelia Pearman, Committee Secretary

Conferees appearing before the committee:

Rosalie Thornburg, Bureau Chief Traffic Safety KDOT  
Dan Hermes, Kansas Alcohol Safety Action Project Association  
Robert Longino, Alcohol Beverage Control Director  
Tuck Duncan, Kansas Wine and Spirits Association  
Neal Whitaker, Kansas Beer Wholesalers Association  
Amy Campbell, Kansas Association of Beverage Retailers

Others attending: See attached list

The Chairman re-opened the hearing on **SB 328 - Beer and cereal malt beverage keg registration act.**

Ms. Thornburg testified for passage of **SB 328** to add a potentially effective deterrent to underage drinking and driving when used as part of a comprehensive program. (Attachment #1) In 1999, young drivers in Kansas were involved in 18 percent of all alcohol-related motor vehicle crashes, as reported by police. Drivers age 14-20 were 15 percent of all DUI arrests are drivers under the age of 21 although this age group is approximately 11 percent of the total licensed driver population.

Mr. Hermes also supported the bill as a mechanism for tracking the kegs back to the legal purchaser which encourage strict enforcement, quality education and treatment for the offender when law enforcement discovers drinking opportunities or underage drinkers. (Attachment #2)

Mr. Longino addressed questions from committee members. Local communities want uniformity in registration laws and standardization procedures. Reasonable suspicion of wrongdoing must exist prior to investigating records with no penalty for first violation but required educational training. The list of purchasers was compared to that of the video store rental list of customers. He stated the agency would be satisfied with less time for the retailer to keep the information as well as a more permanent way to mark the keg to prevent abuse of the plastic tags although various types of tags exist. This bill is not an attempt to "police power" and noted a retailer must accumulate nine violations before revocation of license is executed. He also noted technical amendments would need to be done to **SB 328** in order to comply with K.S.A. 41-311, 41-319 and 41-2623 encompassed in 2001's revised **SB 178**. (Attachment #3)

Mr. Duncan advised the committee he wished to be considered neutral on the bill but offered amendments (Attachment #4) if those issues are not already covered by the recently submitted balloon amendment.

Mr. Whitaker declared his association's opposition to the bill. He noted although the ABC Director cited seven field agents, there are actually eighteen agents in the field. Concern about separate county and/or city requirements in order to have additional sources of revenue were also discussed. He maintained most of the 425,000 kegs sold in Kansas are sold to clubs, drinking establishments, restaurants, and caterers and have low profit margins. (Attachment #5) However, special cooling units are not uncommon in homes of individuals who prefer their alcohol from a keg.

Ms. Campbell also discussed the retailers concern of "dram shop" or retailers responsibilities law and the suggested amendments offered in Jim Scott's written testimony. (Attachment #16 of March 19) Retailers have a need to prohibit local government duplication created by cities and/or counties establishing additional ordinances should this legislation pass. Care about the issue of underage drinking, therefore the

association attends nearly all conferences on this issue.

Representative Mason moved that Committee recommend **SB 328** favorable for passage as amended. Representative Benlon seconded the motion. During discussion by several committee members, bill was amended to cure conflict with revised K.S.A 43-111 (**SB 178**).

Substitute motion by Representative Rehorn to table **SB 328**. Representative Cox seconded the motion. The motion passed.

Chairman requested committee's attention regarding **HB 2020 - Handicapped accessibility standards; certain dwellings**.

Representative Rehorn moved that Committee adopt technical amendment to insert "state" before "tax credits". Representative Wilson seconded the motion. The motion passed.

Representative Faber moved that Committee adopt a conceptual amendment exempting remodeling of single-family dwellings. Representative Hutchins seconded the motion. The motion failed 8-11 on requested division.

Representative Benlon moved that Committee adopt technical amendment requested by Revisor to insert "funds" following "state" on page 4 line 15. Representative Rehorn seconded the motion. The motion passed.

Representative Rehorn moved that Committee recommend **HB 2020** favorable for passage as amended. Representative Wilson seconded the motion. The motion passed.

The committee meeting adjourned at 3:15 p.m. No additional meetings are scheduled, but Committee may meet on the call of the chair.