

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 1:30 P.M. on February 19, 2007 in Room 313-S of the Capitol.

All members were present except:

Representative Ted Powers- excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mike Heim, Revisor of Statutes Office
Carol Doel, Committee Assistant

Conferees:

Representative Peggy Mast
R.E. "Tuck" Duncan - Kansas Wine and Spirits Wholesalers
Phil Bradley - Kansas Licensed Beverage Association
Becky Crawford - Kansas State Nurses Association
Mike Crouch - Emporia for Drug Awareness
Pam Foster - Student
Michelle Voth - Executive Director, Kansas Family Partnerships
David Canfield - State Government Affairs - Diageo
Kim Bowers
Laura Gilbow
Mary Beth Bowers
John Davis

Others attending:

See attached list.

The Chairman opened the floor for bill introductions and recognized Representative Tim Owens who requested a bill concerning reporting of expenditures for lobbying by governmental entities. The Chairman moved the bill with a second by Representative Peterson. With no objections, the bill will be accepted.

There were no other bill introductions.

The Chair opened the hearing on **HB 2285** - Concerning the revised Kansas code for care of children; relating to jurisdiction - and asked Kathie Sparks of Legislative Research to give an overview of the bill. Kathie explained that the bill would allow a court when a child 18 years of age or over may request, in writing to the court, that the jurisdiction of the court cease. (Attachment 1)

Representative Tim Owens addressed the Committee in support of **HB 2285** explaining that this bill allows the court the ability to consider the circumstances of each child who has been declared a CINC (child-in-need-of-care) in deciding whether the child should be released from jurisdiction before they complete high school. (Attachment 2)

No other person wished to speak to the bill and the Chairman closed the hearing on **HB 2285**.

Chairman Siegfroid opened the floor for hearing on **HB 2412** - Concerning children and minors; relating to minors' access to alcohol or cereal malt beverages.

At the request of the Chairman, Kathie Sparks, from Legislative Research, explained the bill which would amend current statutes regarding drivers' licenses, underage alcohol consumption, and listed other penalties which would be required of a court to levy against a violation as well as explaining the enhanced penalties for various violations. (Attachment 3)

Marci Ralston from the Department of Revenue stood to explain the fiscal note on **HB 2412**.

Representative Mast addressed the Committee in support of **HB 2412** which deters those who furnish alcohol

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to underage drinkers by revoking their driver's license for 180 days on the first violation and a full year on the second conviction. The penalty is the same for the minor in possession or attempting to purchase. Representative Mast opined that underage drinking leads to life long addiction, traffic fatalities, dangerous behaviors, and pain for the loved ones of both victims and perpetrators. ([Attachment 4](#))

Becky Crawford, representing the Kansas State Nurses Association, presented testimony favoring **HB 2412**. Ms. Crawford stated that they believe that underage drinking is widespread throughout Kansas and that nothing good comes from the consumption of alcohol by Kansas youth. Instead, it produces tragic consequences that affect the health, social and economic well-being of all Kansans. Ms. Crawford provided information that underage drinking cost Kansans \$646 million in 2005 and included medical care, work loss, pain and suffering associated with multiple problems resulting from the use of alcohol by youth. Ms. Crawford also related that in 2005, underage youth in Kansas consumed 22.2 percent of all alcohol sold in the state. ([Attachment 5](#))

Executive Director Emporians for Drug Awareness, Mike Crouch addressed the Committee to encourage the passage of **HB 2412** which he explained will allow the suspension or expulsion of a driver's license for purchasing or providing alcohol to a minor. Mr. Crouch provided statistics on the alcohol consumption of minors. ([Attachment 6](#))

Sharon Henry from SADD (Students Against Destructive Decisions) introduced Pam Foster, who belongs to the USD 244 Burlington High School SADD Chapter. Miss Foster presented testimony favoring more severe punishment put upon those adults who furnish or provide minors with alcoholic beverages as set forth in **HB 2412**. ([Attachment 7](#))

Michelle Voth, Executive Director, Kansas Family Partnership, supports the provisions of **HB 2412**. Ms. Voth expressed the opinion that the bill will help support parents who want to protect their children. This policy will reinforce the notion that driving is a privilege not a right and that drinking, driving and providing alcohol to underage youth is not acceptable. Ms. Voth further related that although **HB 2412** is sound policy, it is her opinion that it could be strengthened by "*making all references to a minor be consistent with all other underage drinking laws by defining a minor as someone the age of 21.*" ([Attachment 8](#))

David Canfield spoke on behalf of Diageo North America, Inc. in support of **HB 2412**. Diageo is the world's leading premium drinks business. They are absolutely opposed to underage drinking. Mr. Canfield gave the opinion that **HB 2412** would provide judges and prosecutors with another tool to use as a strong deterrent for this crime, a tool that they may be more willing to utilize. ([Attachment 9](#))

Kim Bowers recounted a personal situation in the loss of someone close to her in her support of **HB 2412**. Miss Bowers further stated that it was not being requested that a new law be created, but simply to increase the penalties for violating a current one. ([Attachment 10](#))

Laura Gilbow, a 23 year-old, Junior at Emporia State University, also related the personal loss of someone close to her due to the use of alcohol. Laura is now pursuing her Master of Science degree in either Rehabilitation Counseling or Mental Health Counseling. Ms. Gilbow realizes that many Kansans are suffering from the aftermath of underage drinking. She supports the Zero Tolerance bill (**HB 2412**). ([Attachment 11](#))

Mary Beth Bowers is the mother of a young man who fell into underage drinking and was killed in an automobile accident as a result of alcohol abuse. Ms. Bowers supports **HB 2412** relating that if the bill is passed into law, it will spare many young lives. ([Attachment 12](#))

John R. Davis, Vice President of the Kansas Association of Beverage Retailers, is neutral to the overall language in **HB 2412**, but they are opponents to the section relating to Kansas retailers. It is Mr. Davis' request that the drivers license portion be left out of **HB 2412**. ([Attachment 13](#))

Chairman Siegfried opened the floor to the opponents of **HB 2412**, and recognized R.E. "Tuck" Duncan who represents Kansas Wine & Spirits Wholesalers Association. Mr. Duncan expressed the opinion that the objection to **HB 2412** is because it attempts to reduce underage purchase, use or consumption of beverage

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alcohol, through enactment of another sanction, but that it ignores the most effective method of doing so - education. Mr. Duncan also included, in his testimony, a proposal in lieu of **HB 2412** (Attachment 14) Also submitted by Mr. Duncan was a copy of "*Under Age Drinking Prevention and Enforcement Act*", (Attachment 15), and a copy of "*Stop Act Passes Congress To Prevent Underage Drinking In America*". (Attachment 16)

Philip Bradley represents the Kansas Licensed Beverage Assn as an opponent to **HB 2412**. Mr. Bradley states that while they applaud efforts to stop underage drinking, they have not seen that the act is working as planned. It is their opinion that with the increase in penalties it appears that the server would lose their driver's license for 180 days. With the loss of their job it would seem logical that there would be an even greater need for transportation to stay working productive members of society. It appears to the Kansas Licensed Beverage Assn. that there is no need for this bill. (Attachment 17)

With no other persons wishing to address the bill, Chairman Siegfroid called attention to written testimony from the Kansas Highway Patrol (Attachment 18), MADD (Mothers Against Drunk Drivers) (Attachment 19),

Distilled Spirits Council Of The United States (Attachment 20), and Kansas PTA (Kansas Parents and Teachers) (Attachment 21), Prevention and Recovery Services (Attachment 22), Regional Prevention Center of the Flint Hills (Attachment 23), and The Century Council (Attachment 24).

Chairman Siegfroid closed the public hearing on **HB 2412**.

With no further business before the committee, the Chair adjourned the meeting.