

Approved: 3-15-93
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Clyde Graeber at 1:30 p.m. on March 10, 1993 in Room 526-S of the Capitol.

All members were present except: L. Candy Ruff, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Lynne Holt, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Rebecca Rice, Legislative Counsel for KS Retail Liquor Dealers Association
Carl Mitchell, Retail Liquor Store
Richard B. Ferguson, Jr., President, KS Retail Liquor Dealers Association
Patricia Oppitz, Vice President of the Kansas Retail Liquor Dealers Association
R. E. "Tuck" Duncan, Kansas Wine & Spirits Wholesalers Association, Inc.
Dave Schneider, Kansans For Life At Its Best
Frances Wood, Woman's Christian Temperance Union
Gene Johnson, KS Alcoholism and Drug Addiction Counselors Association, The Kansas Association of Alcohol and Drug Program Director Association and KS Community Alcohol Safety Action Project Coordinators Association.
Albert D. Lollar, Kansas Responsible Liquor Education Council
Kurt Bossert
Don Moler, Senior Legal Counsel, The League of Kansas Municipalities
Kevin Tipton, Area Director, Distilled Spirits Council of the United States, Inc.
John Webb, Lawrence

Others attending: See attached list

The Chairperson distributed a calendar showing the dates left for committee hearings. (See Attachment #1)

A chart showing the number of drinks and related blood alcohol concentration in one hour of drinking was distributed. (See Attachment #2)

Rebecca Rice, Legislative Counsel for Kansas Retail Liquor Dealers Association, testified in opposition to HB 2510, stated the retail liquor dealers businesses would be crippled by this legislation. Will these same entities be back in three or five years to request selling alcoholic liquor products because the retail liquor dealers are so few and far between they can not serve the Kansas consumer? We are headed down a road of vertical integration of the liquor industry through ownership of large corporations should you continue to erode the public policies upon which the liquor laws are now based. We place 18-21 year olds who are treated as adults under the Kansas Criminal Code but as underage for purposes of purchasing alcohol. Consideration should be given of the importance of not increasing availability to those individuals. (See Attachment #3)

Richard B. Ferguson, Jr., President, Kansas Retail Liquor Dealers Association, testified in opposition of HB 2510, this legislation would have a devastating effect on the industry that has worked well since 1949. (See Attachment #4)

Carl Mitchell, Carl Mitchell Retail Liquor Store, testified in opposition of HB 2510, stated competition must seek it's own level, but to legislate and tax people out of business is wrong. On December 31, 1988 there were 911 liquor stores in Kansas and today there are 742. With the two strength beer system no one gets

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 526-S
Statehouse, at 1:30 p.m. on March 10, 1993.

hurt, but with the proposed one strength beer bill, the legislature would be giving a lot of honest, hard-working liquor retailers the kiss of death without giving them any alternative to save their businesses. (See Attachment #5)

Patricia Oppitz, 1st Vice President of the Kansas retail Liquor Dealers Association, testified opposing HB 2510. It is felt that alcohol products should be sold and handled by 18 year olds or older, the products should be sold by responsible, accountable persons. It is believed the chains would take 25% of beer business from liquor stores. (See Attachment #6)

R. E. "Tuck" Duncan, Kansas Wine & Spirits Wholesalers Association, Inc., testified opposing HB 2510, stating the proposal will change a distinction that has existed since May 1, 1937, 12 years before repeal of prohibition on November 3, 1948, implemented by the 1949 legislature.

Mr. Duncan stated South Dakota made this change in 1988 and the South Dakota Retail Liquor Dealers Association stated the economic damage could never be repaired. Family businesses are now empty buildings. (See Attachment #7)

David Schneider, Kansans For Life At Its Best, testified in opposition of HB 2510, stated it is believed that increase in sales range up in the area of 30%. It is felt the retail liquor stores have a greater incentive to prevent sales of beer to minors simply because they can have their whole business shut down through such violations, whereas the other businesses in question would only be denied the ability to sell one of many products they offer. (See Attachment #8)

Frances Wood, Woman's Christian Temperance Union, testified in opposition of HB 2510, stating availability is the key -- if it is handy more will purchase the beer that possibly would not make an extra stop at the liquor store. This year the convenience stores are asking for 5% beer - what will it be next year to level the field - wine coolers, stronger imported beer or possibly all liquor products. (See Attachment #9)

Gene Johnson, representing the Kansas Alcoholism and Drug Addiction Counselors Association, The Kansas Association of Alcohol and Drug Program Directors Association, and the Kansas Community Alcohol Safety Action Project Coordinators Association, testified in opposition of HB 2510, stated these three organizations are the principal players in the prevention, education, intervention and treatment of those people who are having difficulties with alcoholic beverages. HB 2510 is opposed on the basis of point of purchase for the general public. (See Attachment #10)

Albert D. Lollar, representing Kansas Responsible Liquor Education Council and owner of Lollar Liquor Store, testified in opposition of HB 2510, stating it is evident that liquor stores make every effort to not make illegal sales. When that ABC agent sits in a liquor store parking lot they can easily see any sack coming out the door contains an alcoholic product. However, when a sack comes out of a convenience store or grocery store they are unable to know what it may contain. (See Attachment #11)

Kurt Bossert, liquor store owner, testified against HB2510 stating there is not one positive reason for this change. Enforcement is better at liquor stores. The content is very different between 3.2% and 5% and the convenient stores and grocery stores will be coming in asking for authority to sell wine coolers, wine, etc. in the coming years. (See Attachment #12)

Don Moler, Senior Legal Counsel, The League of Kansas Municipalities, testified against HB 2510, stating the League is concerned about (1) the loss of local control over the sale and use of cereal malt beverages within the communities of the State of Kansas; (2) the question of loss of current and potential revenues to local governments as a result of this legislation; and (3) the advisability of a substantial revision to the alcoholic liquor and cereal malt beverage statutes of the State of Kansas without a systematic and comprehensive review of the entire body of law. (See Attachment #13)

Kevin Tipton, Area Director, Distilled Spirits Council of the United States, Inc., testified in opposition of HB 2510, stated the state would lose both sales and excise tax collections on distilled spirits sales if it is enacted. HB 2510 would most likely result in the closure of anywhere from 5% to 30% of existing liquor store licensees. (See Attachment #14)

John Webb, Lawrence, Kansas, testified in opposition of HB 2510, stated there would only be two winners if this bill were allowed to become law. The out of state breweries and the grocery and convenience store chains. The Kansas alcoholic beverage wholesalers and merchants would be forced into an economic situation that would be chaotic at best and most likely irreversible. (See Attachment #15)

The following testimony was received opposing HB 2510 (1) Mothers Against Drunk Driving (Attachment

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MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 526-S
Statehouse, at 1:30 p.m. on March 10, 1993.

#16; (2) Ann Smith, Kansas Association of Counties (Attachment #17); (3) Robertson's Retail Liquor (Attachment #18); (4) Polson Retail Liquor (Attachment #19); (5) Barbara McAtee (Attachment #20); Sheila Rhodus (Attachment #21); Cynthia B. Ferguson (Attachment #22); Carl Harling, Retail Liquor Dealer (Attachment #23); and a letter by several liquor store owners (Attachment #24)

The meeting adjourned at 3:30 PM.

The next meeting is scheduled for March 11, 1993.

Date: 3-10-93

FEDERAL and STATE AFFAIRS COMMITTEE

NAME	ORGANIZATION	ADDRESS
Tim Shults	Kansans for Life At Its Best	Topeka
DENNIS FOREMAN	FOREMAN LIQUOR	WICHITA
Charles Nicola	Ks Oil Marketers Assn	Topeka Ks
Bob Anderson	CASEY'S GEN. STORE	"
Curt BAIRD	PREMIER WINE & SPIRITS	14320 W. 101ST Terr. Lenexa, KS 66245
Sherry Luma	Quick Trip Corporation	3914 W. 76th Ave. P.U. Ks. 66208
John D. Madden	" " "	Overland Park
Russ Flynn	Famous Brands Dist	Topeka
Dawn Lareng	KRLDA	Topeka
Patricia Oppitz	KRLDA	Topeka
John M. Wilhi	Wilhi Dist. Liquors	Lenexa, KS
John W. Webb	WEBB LIQUOR	Meriden
John A. Bond	About Liquor	Wichita, Ks. 67207
Rita M. Bond	about	Topeka
FRANCES Kostner	Ks Food Dealers Assn	Topeka

Date: 3-10-93

FEDERAL and STATE AFFAIRS COMMITTEE

NAME	ORGANIZATION	ADDRESS
Don Peyton	Peyton Liquors	Topeka, Ks
Paul Hill	Hill Retail Liquor	110 MERIDIAN NEWTON Ks. 517 SE. 37 th
John Strunk	Strunk Retail Liquor	Topeka, Ks.
Jacqueline Terrell	Terrell Retail Liquor	Emporia, Ks
Dorothy J. Blanton	Huleep Liquor	13408 College Blvd Ks
Connie Broch	C. & D. Liquors	13435 Blackhawk Rd Platte Ks
Don Ann Best	Women's Choice Supermarket	Topeka
Patti Bossert	Bossert Liquor	Topeka
Kurt Bossert	Bossert Liquor	Topeka
Bue Duckett	Duckett's Retail Liquor	Shawnee, Ks
Carolyn Taylor	Taylor Liquor	Lenora, Ks
Teri Van Hout	Van Hout Retail Liquor	Shawnee Ks
Artie Uelhauser	Uelhauser Retail Liquor	Shawnee Ks
Robert Dewey	KRLDA	Wichita Kansas
Rob Leasing	KRLDA	OP., Ks.

Date: 3-10-93

FEDERAL and STATE AFFAIRS COMMITTEE

NAME	ORGANIZATION	ADDRESS
Joan T. Williams	KRLDA	LEAVENWORTH 1221 SW 21st
Sandra Dowell	KRLDA	Topeka
Matt Strathman	Strathman Sols Co	2127 SE Lakewood Blvd To
Cissy Mussatto	Mussatto Bros, Inc.	Osage City
Vivian Burgardt	Burgardt Retail ^{Liquor}	3027 S. Paine Wichita, KS 67211
Jim Burgardt	Burgardt Liquor	WICHITA
Jim Kressel	ABC	Topeka
Tom M. L.	KWSWA	WICHITA
Daryl Pitts	Wall Liquor	Wichita
Roger Wall	Wall Liquor	Wichita
Roger Wall	Fireside Club	Wichita
Frances Wood	Woman's Christian Temperance Union	Topeka
Marjorie L. Kohn	KRLDA	Newton
Jim Conant	ABC	Topeka
Robert Engler	ABC	Topeka
Gene Sproul	Revenue/ABC	Topeka

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FEDERAL and STATE AFFAIRS COMMITTEE

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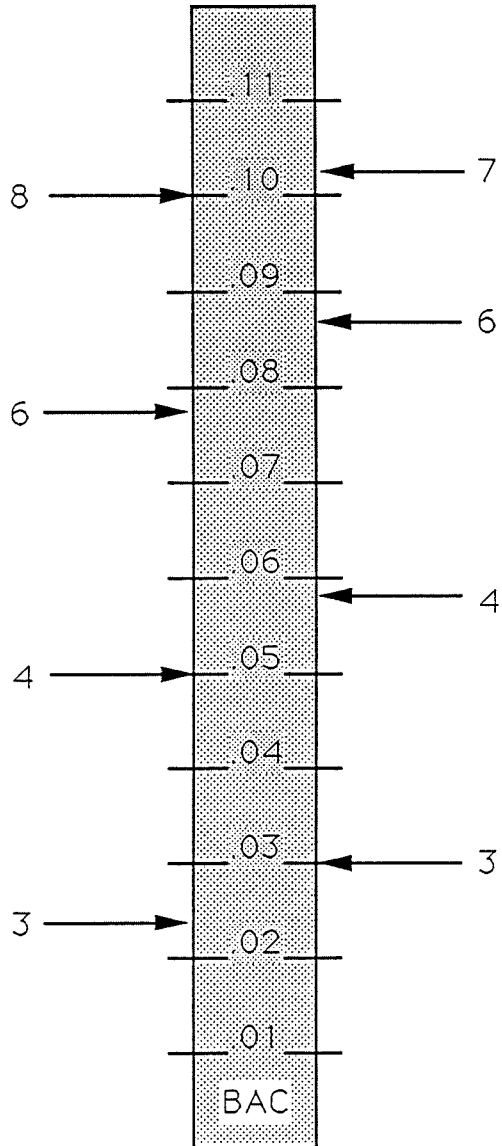
1993

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
AM						
NOON						
PM						
EVE	1	2	3	4	5	6
AM						
NOON			committee hearings			
PM						
EVE	7	8	9	10	11	12
AM						
NOON	committee hearings					
PM			ST. PATRICK'S DAY			
EVE	14	15	16	17	18	19
AM						
NOON	committee action		Floor debate			
PM						Deadline 2nd House
EVE	21	22	23	24	25	26
AM						
NOON	Conference committees					
PM						
EVE	28	29	30	31		

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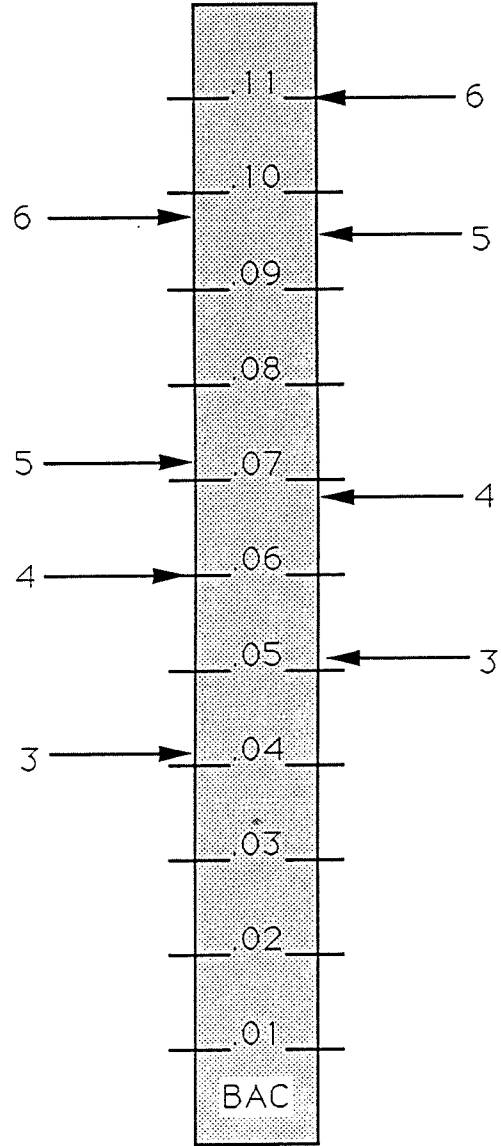
NUMBER OF DRINKS AND RELATED
BLOOD ALCOHOL CONCENTRATION
IN ONE HOUR OF DRINKING

12 OZ. CANS
@ 3.13%/WT



160 lb. Male

12 OZ. CANS
@ 3.13%/WT



120 lb. Female

	CMB	STRONG
BUDWEISER	<u>3.22</u>	<u>3.96</u>
COORS	<u>3.15</u>	<u>3.56</u>
MILLER	<u>3.01</u>	<u>3.6</u>
AVERAGE	<u>3.13</u>	<u>3.71</u>

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Rebecca Rice

Attorney at Law

913-234-9702 • Fax 913-234-3189

835 S.W. Topeka Ave., Suite B

P.O. Box 4842

Topeka, Kansas 66604-0842

TESTIMONY PRESENTED TO THE
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
re: HB 2510

March 10, 1993

by: Rebecca Rice
Legislative Counsel for Kansas Retail Liquor Dealers Association

Thank you Mr. Chairman and members of the committee. My name is Rebecca Rice and I am legislative counsel for the Kansas Retail Liquor Dealers Association. I appear before you today in opposition to House Bill 2510. For those of you who were not members of the Legislature in 1989, this request to raise the alcohol content of cereal malt beverages was last raised during that session. At that time, the parties stated their differing opinions before the Senate Federal and State Affairs committee. As you may recall, the Senate committee did not forward that legislation to the committee of the whole for favorable consideration. I had hoped being successful during that legislative session would result in this issue being put to rest for a longer period of time than a mere four years. However, here we stand again.

The same basic arguments are being made by both sides. The Legislature has not adopted any laws to lessen the competitive barriers for liquor dealers. You have permitted the posting of signs to show retail dealers' locations for which we thank you. Any other attempts to allow liquor retailers to operate in the same basic economic environment as other retailers have been soundly defeated by this Legislature. We are, therefore, somewhat surprised any serious consideration is being given to this legislation, which directly contradicts and conflicts with almost every other liquor related legislation considered in the past five years.

I appear before you, Mr. Chairman, also to introduce the three individuals who will speak on behalf of the Kansas Retail Liquor Dealers Association. Following my presentation will be Rich Ferguson, President of KRLDA. Rich will discuss with you the efforts retail liquor dealers undertake to insure compliance with underage purchasing prohibitions. He will additionally discuss the difficulty in outwitting those underage individuals.

Following Rich will be Carl Mitchell, a member of the Board of Directors from Wichita. Carl will discuss the actual alcohol content variances. Carl has been active in legislative efforts on behalf of the Association for many years and can provide answers to many of the questions this committee may have concerning the operation of retail liquor stores.

The Association's final conferee is Pat Oppitz, past-president of the KRLDA. Pat has been a long-time liquor store owner, very active in the Association, and intimately familiar with the laws, rules, and regulations and other aspects of running a retail liquor store. Pat will discuss the impact this legislation will have upon the retail liquor dealers' business throughout the state. Many may have the harsh opinion the number of retailers lost is an immaterial factor. However, I would submit that

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Pat's testimony is extremely important, as this Legislature established the business practices and structure under which 747 retail liquor dealers must now operate. Therefore, we assert you should feel a type of fiduciary duty towards these individuals to protect their business from unfair competitive advantages enjoyed by the CMB retailers.

Mr. Chairman, I have requested these three conferees be brief as I know that time is precious. However, we believed it important to appear and state our case as succinctly as possible so this committee would not, in any manner, underestimate the depth of the opposition to this legislation felt by retail liquor dealers.

In summary, I would suggest this committee keep two things in mind as they hear testimony today and reflect on the testimony previously received. **Ask yourself, what is the public policy being advanced by this legislation? I submit there is none.** If our projections are correct, and retail liquor dealers' businesses are crippled by this legislation, will these same entities be back in three years or in five years, to ask this Legislature to allow them to sell other alcoholic liquor products because the retail liquor dealers are so few and far between they can not serve the Kansas consumer? I submit we are headed down a road of vertical integration of the liquor industry through ownership of large corporations should you continue to erode the public policies upon which the liquor laws are now based. Last, but not least, Mr. Chairman, is the situation we place those 18-21 year olds who are treated as adults under the Kansas Criminal Code but as underage for purposes of purchasing alcohol. Please consider the importance of not increasing availability to those individuals.

Thank you, Mr. Chairman.

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KANSAS RETAIL LIQUOR DEALERS ASSOCIATION INC.

400 SW CROIX
TOPEKA, KS. 66611
(913) 266-3963

RICHARD FERGUSON, JR.
PRESIDENT

PATRICIA OPPITZ, 1st Vice-President
AL BEISER, 2nd Vice-President
JOAN KEMPF, Secretary-Treasurer

March 10, 1993

TO: HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
FROM: RICHARD B. FERGUSON, JR. PRESIDENT
KANSAS RETAIL LIQUOR DEALERS ASSOCIATION

I wish to thank the committee for the opportunity to appear before you in opposition of HB2510. HB-2510 will have a devastating effects on an industry that has worked well since 1949.

Techniques of Alcohol Management (T.A.M.)

This is a Seminar sponsored by the KRLDA, with certified instructors, teaches each and every Retailer the correct way to retail liquor.
TAM TEACHES ---

- #1) Spotting false ID's
- #2) Intoxicated persons
- #3) Minors without ID's
- #4) The laws for Kansas

The detection and handling of intoxicated persons or minors is stressed repeatedly. How to deal with the situation, whether it be Management or Police intervention. The KRLDA supplies ID checking guides to it members and non-members at a reduced cost. This Guide is also the same one used by local and state law enforcement agencies.

MINORS --- The attempted purchase, by people under 21 years of age presents the largest problem to any retail outlet. Minors have become so brave that they now print their own driver's licenses or just steal the camera and blank licenses or I.D. blanks from the Department of Motor Vehicles. Color copiers have made this a genuine threat to all retailers. Plus they use cut away pictures or just apply for duplicates, with someone else's birth certificate to acquire their picture on it. These are situations we deal with day in and day out on a time consuming basis, yet an 18 year old at a gas station or convenience store will be subjected to tremendous peer pressure to sell these products. Why, if an 18 year old is not responsible enough to consume alcohol, is he/she responsible enough to dispense it.

ACCOUNTABILITY ---- Each and every liquor retailer is held accountable for every sale made from his/her store. We do not hide behind a corporate cloak. We are Kansas business people who reside in this State, support this State and will continue to do so. We ask that you preserve the current Kansas Liquor Laws as they stand today.

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We opened our business under these laws and would like to continue to operate in the same fashion. Should you pass HB-2510 to allow one strength beer, you might as well throw the Kansas Liquor Control Act out the window because Pandora's Box will be open and the work on Kansas Liquor Laws will continue over the next several years.

DO NOT give HB-2510 a favorable ruling

Cordially

Rich

Richard B. Ferguson, Jr.
President K.R.L.D.A.

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Carl Mitchell

Retail Liquor Store

March 10, 1993

Representative Clyde Graeber
Chairman Federal and State Affairs Committee

Dear Representative Graeber and Fellow Committee Members:

We in the retail liquor store business understand that competition must seek it's own level, but to legislate and tax people out of business is wrong. On December 31, 1988 there were 911 liquor stores in Kansas. To date there are ⁷⁴²~~726~~ liquor stores in Kansas, for a loss of 185 stores in approximately a four year period.

With the two strength beer system no one gets hurt. With the proposed one strength beer bill, the legislature would be giving a lot of honest, hard-working liquor retailers the kiss of death without giving them any alternative to save their businesses.

Retail liquor stores are so tightly regulated and controlled that they can sell only alcoholic beverage products. It seems terribly unfair for the legislature to take something away from liquor retailers without giving them something in return so they can survive and protect their investments.

Unlike 3.2 beer outlets, liquor stores are told when they can open, told when they have to close, told who they can sell to, told who they can't sell to, told who they can buy from, told who they can't buy from, told what products they can sell and told what products they can't sell. With this type of control from the state we must have some type of legislation and regulations that can protect us.

1950 West 21st Street 832-1155 Wichita, KS 67203

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If the proposed one strength beer bill is passed it is like cutting off one of our legs and then asking us to compete in a race.

Beer is the single most important item liquor stores have to sell. On the average beer represents 45% to 50% of a liquor store's total sales. On the other hand beer sales represents approximately 2% to 3% of a major grocery store's sales and approximately 5% to 6% of a convenient store's sales.

3.2 beer outlets want to increase their beer sales at our expense. Why not have one strength beer and let only liquor stores sell it. Let us increase our beer sales at their expense. Either way the legislature should not be used to eliminate competition. It is all a matter of money and greed.

If the legislature passed House Bill 2510 in favor of one strength beer, but allowed it to be sold only in liquor stores, you would find that grocery stores and other 3.2 outlets would lose interest in one strength beer and demand that the legislature allow 3.2 beer back into the state. It is a money issue and not just a one strength beer issue.

3.2 beer is just like any other product in one sense. As long as there is large enough demand for a product there will be someone willing to produce it. Kansas, Oklahoma, Missouri and Colorado now have 3.2 beer and always will as long as there is a demand.

Beer is an alcoholic beverage whether it is 3.2 beer or a so called strong beer. People can get drunk drinking to much of either one.

There is a lot of number games to determine alcohol content. If a can of beer had a 4.0% alcohol content and another can of beer had a 3.2% alcohol content, one beer can would have .8% more alcohol or 25% more in alcohol content.

Society is demanding more control, responsibility and

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accountability in the sale of an alcoholic beverage. It is obvious there would be more control over the sale of beer and other alcoholic beverages if they were sold and handled only by professionals in the alcoholic beverage industry.

Some people feel alcoholic beverages should be sold by those who have the most to lose if any violations occur. I have never heard of a grocery store being closed because they sold beer to a minor, yet if a liquor store sells to a minor they can be fined and closed.

Do the committee members feel grocery stores, convenient stores, filling stations, bait shops and other 3.2 beer outlets should be subject to the same laws and regulations the liquor stores now operate under. If no. Why not?

Liquor store owners are required to go through a complete personal investigation before they can get their license and open their doors for business.

It is proven that liquor stores have been more responsible and accountable for the sale of beer than 3.2 beer outlets. Liquor store clerks must be 21 years of age and have no criminal record. In 3.2 beer outlets you many times find 18 year old kids selling beer and not checking IDs. In short you many times have kids selling kids.

Beer is just one of many items sold by a grocery store and they often sell and promote beer as if it were a can of soda pop. Beer and other alcoholic beverages are very special products and should be handled in a special way and sold by special licensed people.

We would hope that the committee would leave all state laws and regulations concerning 3.2 beer and strong beer as they are for the good of all.

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If the committee feels that Kansas needs one strength beer, we recommend you leave the sale of the one strength beer in the hands of the professionals in the alcoholic beverage business.

Thank you for your consideration.

Sincerely,

Carl L. Mitchell

Owner, Carl Mitchell Retail Liquor Store

CLM/dm

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ALCOHOLIC CONTENT - SELECTED BEERS

PRODUCT	ALCOHOL % BY WEIGHT		
	CMB	STRONG	
BUDWEISER	<u>3.22</u>	<u>3.96</u>	22.9%
COORS	<u>3.15</u>	<u>3.56</u>	13.0%
MILLER	<u>3.01</u>	<u>3.6</u>	19.6%
BUD LIGHT	<u>3.13</u>	<u>3.33</u>	.06%
COORS LIGHT	<u>3.14</u>	<u>3.29</u>	.04%
MILLER LITE	<u>3.05</u>	<u>3.22</u>	.05%
COLT 45 MALT LIQUOR	<u>N/A</u>	<u>4.58</u>	43.1%
KING COBRA MALT LIQUOR	<u>N/A</u>	<u>4.81</u>	50.3%
SCHLITZ MALT LIQUOR	<u>N/A</u>	<u>4.87</u>	52.1%
CORONA EXTRA BEER	<u>N/A</u>	<u>3.58</u>	11.8%
FOSTERS LAGER	<u>N/A</u>	<u>4.22</u>	31.8%
HEINEKEN LAGER	<u>2.97</u>	<u>4.09</u>	37.7%
MOLSON CANADIAN BEER	<u>N/A</u>	<u>3.87</u>	20.9%
	3.2	5.0	56.2%

ANALYSIS ACCURACY $\pm .05\%$

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KANSAS RETAIL LIQUOR DEALERS ASSOCIATION INC.

400 SW CROIX
TOPEKA, KS. 66611
(913) 266-3963

RICHARD FERGUSON, JR.
PRESIDENT

PATRICIA OPPITZ, 1st Vice-President
AL BEISER, 2nd Vice-President
JOAN KEMPF, Secretary-Treasurer

March 10, 1993

Mr. Chairman...members of the House Federal and State Affairs Committee,
My name is Patricia Oppitz, 1st Vice President of the Kansas Retail
Liquor Dealers AssIn. I am speaking in opposition to House Bill 2510.
I have a liquor store in Topeka, and I have been in business for 16
years.

About four years ago, when I was President of KRLDA, I was testifying
in the Senate Federal and State Affairs Committee in opposition to a
bill, which is similar to this bill, and was presented by the same cor-
porations who have had this bill introduced. The bill did not go any-
where. It was a bad bill...and so is this one.

Liquor store retailers in Kansas are like myself...self employed,
living in the community where we do business, paying local and state
taxes, employing local people and spending our profits in the community.
There are many women who have retail liquor stores.

We are not trying to put convenience and grocery stores out of business.
We are not trying to take 25% of their business away from them. Fifty
percent of my beer business is 25% of my entire sales.

We in the liquor retail business are well aware of the products we are
selling. We know we are heavily regulated. State law states we cannot
be incorporated. This was done to keep the criminal element out of
the liquor retail business.

We do not feel that any place of business that sells any alcohol pro-
duct should employ 18-year olds to sell them, or younger persons to
handle them. We feel that any alcohol product needs to be sold by

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responsible, accountable persons. You have already heard about our Association "Techniques of Alcohol Management" seminar for employers and employees.

We are tired hearing about the supposed loss of cereal malt beverage business that the convenience and grocery stores say they have experienced in recent years. Maybe they are not good merchandisers. The convenience store next door to me has a complete turnover in employees every couple of months. Their employees aren't around long enough to be educated on the accountable way to sell alcohol products. Also, the change in the drinking age to 21 years was a major factor. But still, a lot of 3.2% CMB is still shipped into Kansas for these businesses to sell.

Liquor stores cannot take the entire credit for the rise in popularity of our stronger beer in Kansas. The last time we had a change in liquor laws was in 1987...at which time taverns, restaurants and clubs could order our stronger beer directly from the beer wholesalers and have it delivered as well, at the wholesale price. Up until that time, these businesses ordered the CMB product, to have it delivered direct at the best price. Liquor stores actually lost some of their revenue by the beer wholesalers delivering direct to the clubs, etc., instead of buying through us.

I am incensed that as a sole proprietor of a retail store that the big chains who sell hundreds and thousands of items, feel that they must take 50% of my beer business to show a profit...when beer is such a small percentage of their total profit. They can't make it in the open marketplace, so they want to legislate me practically out of business. If this bill becomes law, many liquor stores in Kansas could go out of business. They won't have the corporate structure to hold them up.

Yesterday, after leaving this room, I called Lt. K.C. Blodgett, head of

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the Vice Dep't. for the Topeka Police Dep't. I told him about this bill. I am sorry to say he didn't know about HB 2519. He said he would have been here to testify against this bill. He went on to tell me that it is practically impossible to monitor sales of alcohol to minors in convenience and grocery stores. He wishes liquor stores were the only businesses selling alcohol products. He said he would be glad to talk to anyone about this.

There is no way this bill can be doctored to protect the public interest in the sale of alcohol products...or to level the playing field.

No one person or entity should be able to sell any of our alcohol products unless they operate under the exact same statutes, rules and regulations that we do.

Thank you for your time!

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WINE & SPIRITS
WHOLESALE ASSOCIATION, INC.

March 10, 1993

To: House Committee on Federal and State Affairs
From: R.E. "Tuck Duncan
RE: HB 2510 Cereal Malt Beverages

INTRODUCTORY COMMENTS

The proposal will change a distinction that has existed since May 1, 1937, 12 years before repeal of prohibition on November 3, 1948, implemented by the 1949 Legislature.

3.2% Cereal Malt Beverage was re-legalized by Congress on April 7, 1933, under the Cullen-Harrison Act which declared it a non-intoxicating beverage and provided for its sale in all states where it was not prohibited by law. This enactment by Congress preceded by 7 months the final ratification of the federal repeal amendment, the 21st Amendment to the United States Constitution, on November 7, 1933. Consequently, 3.2% cereal malt beverages historically have been understood by the electorate to be something other than an alcoholic liquor.

The change denies consumers the lighter alcohol content CMB product. In 1985 the Kansas Legislature raised the drinking age and debated at that time the question of redefining CMB. The Wichita Eagle in its 1-24-85 editorial stated:

"...Kansans between 18 & 20 years of age by no means constitute the only market for 3.2 beer. Many an older Kansan prefers 3.2 beer because it has lighter alcohol content. To decide now whether strong beer should be redefined a cereal malt beverage -- to get it out from under the constitution, and to get it into grocery and convenience stores, and restaurants and taverns -- is potentially to deny this constituency a light-alcohol alternative..."

THIS BILL ELIMINATES 3.2 CEREAL MALT BEVERAGES IN KANSAS
[what will remain is beer, called CMB]

This change was made in South Dakota in 1988. A letter I received from the South Dakota Retail Liquor Dealers Association in February, 1989, the last time we debated this issue of eliminating 3.2 cereal malt beverages in Kansas, describes what happened (full text attached). It states, in part:

"The economic damage to our [retail] industry can never be repaired... What used to be a good family businesses are now empty buildings."

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It is my understanding that there has been approximately a 10% decline in the number of retail liquor stores since, and a corresponding increase of licensees authorized to sell beer.

THE CURRENT SYSTEM SERVES KANSAS WELL

The system is not confusing and has been working without disruption for 44 years. The bill does not provide uniformity in licensing because various criteria of K.S.A. 41-311 which apply to retail liquor stores do not apply to CMB retailers. For example, a liquor retailer may not have any felony convictions whereas a CMB retailer may not have been convicted of a felony within two years preceding the date of application. A liquor retailer must be 21 years old. A liquor retailer can't employ a person under 21. A CMB retailer can employ persons 18 and older to dispense or sell cereal malt beverage. If a liquor retailer's license is suspended the entire store is closed whereas the CMB retailer may still operate their non-CMB business if their license is suspended, for example, due to selling to a minor.

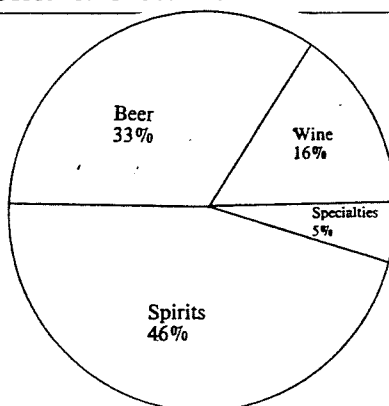
The implication is that the State through a central bureaucracy will do a better job regulating the 4,087 CMB outlets than city or county authorities. Both are capable of doing good jobs and in fact currently cooperate in enforcement activities. While municipalities can currently enact ordinances or resolutions to supplement state law, a new section of the bill [Sec. 57] would prohibit local authorities from such enactments to meet local needs.

This bill would impose on communities which have either not approved a retail liquor store, or rejected one, a higher strength product. Retail liquor stores can only be located in cities after an affirmative vote of the electorate of that municipality.

RETAIL LIQUOR STORES

The last authoritative study on percent of sales by retail liquor stores conducted by the Kansas Department of Revenue in 1982 stated: "Beer, constituting 45% of the total volume of liquor stores, cannot be ignored in analyzing the total profit picture...it has an average mark-up of 19% and ranks second only to spirits in contribution to profit...it is the largest single category in volume." (emphasis added) With regard to profit that study showed as follows:

1982 ABC RETAILERS MINIMUM MARKUP STUDY
RETAIL LIQUOR STORES
DISTRIBUTION OF GROSS PROFIT BETWEEN CATEGORIES



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If the A.B.C. is correct and there is a 50% shift in this market there will be a devastating impact, and headlines like we have seen in other industries where chain stores take over will be appearing.

In implementing the recommendations of the December 1982 Sunset Audit Report on the Alcoholic Beverage Control and the Governor's Liquor Law Review Commission, December 1986, the Legislature by codifying the elimination of price controls and affirmation, and by allowing certain advertising and trade practices, including sales of strong beer directly from beer wholesalers to clubs/drinking establishments instead of through retail liquor stores, has created market forces which have brought the number of Kansas retail liquor stores in line with the average in "license states." (Sunset Audit, page 38).

The Daicoff study of the Kansas Retail Liquor Industry commissioned by the Department of Revenue, issued December 1985, found that within Kansas there are a small number of large stores and large number of small stores with yearly profits of 4.1% of sales; and which are less profitable than retail liquor stores nationally. Retailers located in interior counties are the least profitable. At the time of the study (based on tax year 1984) there were 1,078 retail liquor stores in Kansas as compared to the 774 stores operating as of January 31, 1993. However, during the same period (FY 1984 - FY 1992) there has been a 13.90% reduction in spirits gallons shipped into Kansas, as reported in Overview of the Kansas Liquor Industry, ABC, January 1993. Thus, while there are fewer stores there is also a smaller spirits market. Spirits gallons as a ratio to beer only (not CMB) in FY84 was .136 and in FY92 was .079; thus, in the interim period since these studies were completed, beer has become an even more important component for the viability of retail liquor dealers.

WHY WE HAVE THE LAWS WE HAVE

We have the laws we have because Kansas over the last half century has declared its public policy to be to strictly regulate the beverage alcohol market in order to (1) restrict access by underage consumers (2) to collect needed state tax revenues and (3) to control vertical integration in the industry (what we refer to as the "three tier system"). This bill represents a significant structural alteration. As one former Secretary of Revenue used to state: the beverage alcohol industry is akin to a spider web, and when you touch one gossamer thread the rest of the system experiences the turbulence as the vibration waves across all the delicate threads spun throughout the years into an intricate pattern. Suggestions that you change hours, allow other products to be sold, and the like, completely contradict the concept adhered to by the Legislature over the years of maintaining an orderly market. Kansas has a fine reputation nationally in the beverage alcohol business. That is not an accident. It is due to the regulatory environment created by the Legislature and the diligence of the ABC.

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PROTECTIONISM

The state public policy has been, and continues to be, control and to maintain an orderly market. If there was any protection in the industry it was a by-product of the controls implemented pursuant to constitutional mandates. Most of the "protections" have been eliminated, while federal and state taxes have increased. There is no more price control, no affirmation, there is advertising, and increased competition among retailers (for consumer business, club/drinking establishment business and amongst brands). If there was still significant protection we would not have seen the reduction of 304 (28%) retail liquor stores since 1984.

SOCIAL RESPONSIBILITY

As wholesalers we are concerned that if the legislature makes this change and increases availability then there is an increased potential for abuse. When abuse occurs it has negative effects on the entire industry. Long before the term "social responsibility" became fashionable in the lexicons of academia our industry has urged moderation, restraint and temperate use of its products as enjoined by President Roosevelt at the time of federal repeal. The beverage alcohol industry does extensive training and education to dissuade underage purchases. There can be no better assurance against sales to minors than a locally owned and operated liquor retailer who knows the community and cares about its families. There is a less restrictive environment in the sale of CMB at convenience stores and grocery stores. Young cashiers will feel peer pressure to make the sale (or as is done, remove it from behind the cooler box and pass it out the back door). The following excerpt substantiates this contention:

Olathe finds liquor being sold to minors

Convenience stores were the biggest perpetrators, Jarvis said. Liquor stores "seem to be doing a decent job," he said.

(full article and related editorial attached).

ALCOHOL PRODUCTION AND CONTENT

People do not usually drink pure alcohol but a beverage containing alcohol, specifically ethyl alcohol. Alcoholic beverages include wines, beers, and spirits. Wines are fermented from the sugars in fruits or berries (most commonly grapes), from various plants or their saps and from honey. Beers are fermented from grains after the starch in them is first converted to sugar. Spirits are distilled. While wines and beers are usually a final product, spirits are most often considered a "concentrate."

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The main ingredient that characterizes alcoholic beverages and the chief contributor of the effects sought by people who drink them is ethyl alcohol (hereafter referred to simply as alcohol).

In beers the alcohol content varies from about 2 percent in some mild Scandinavian varieties to about 8 percent in especially strong types; most U.S. beers contain between 4 and 5 percent. Natural or unfortified wines (the so-called dry wines, such as burgundy, chianti, and sauterne) usually contain between 8 and 12 percent alcohol, although most U.S. varieties have a somewhat higher content, ranging from 12 to 14 percent. Vermouths and aperitif wines usually contain 18 percent, and dessert, sweet, and cocktail wines (such as sherry, port, and muscatel) contain 20 to 21 percent. These percentages are by volume; i.e., the proportion of alcohol in the fluid volume of an average American beer is 4.5 percent. This is the product that would be sold everywhere. Since fermentation yields only 14 percent alcohol, the extra strength of fortified wines comes from the addition of alcohol or brandy. Spirits, including vodka, gin, and whiskeys (rye, Scotch, bourbon), rum (distilled from sugarcane or molasses), brandies (distilled from fruit wines), and liqueurs (flavored syrupy spirits) usually contain between 40 and 50 percent alcohol (80 to 90 American "proof"). Cordials, made of flavored spirits, such as anisette, blackberry, curacao, maraschino, and sloe gin, usually contain between 25 and 40 percent.

The proponents acknowledge there is a difference in the products, they suggest its not much. The difference is, nonetheless, more alcohol in one's system. It is ironic that as this Legislature is reducing the threshold by which to determine impaired driving, it is at the same time considering increasing the alcohol levels in 16,367,011 gallons of malt beverages sold in Kansas (FY92, ABC).

CONSTITUTIONALITY

It is incorrect to state the system was devised just for 18 year odds. As set forth in the introductory comments, the system is an outgrowth of Congressional action and a vote of the people of Kansas in designating products over 3.2 as alcoholic liquors. We would suggest that it is not constitutionally permissible to re-define this product for several reasons: (1) when the people voted for repeal they defined alcoholic liquors as over 3.2; and (2) with the vote on liquor-by-the-drink the voters in dry counties rejected the sale on-premise "by the drink in public places" of products over 3.2. In 1986 a position paper submitted to the Kansas Liquor Law Review Commission stated:

"...a need has been created [by the liquor-by-the-drink constitutional amendment] for cereal malt beverage for on-premise consumption in those establishments in liquor by the drink counties who do not choose to become food service establishments. And in those counties where liquor by the drink is not adopted...In conclusion, when

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It appears to me this bill raises more questions than it answers. It also appears to me that this bill has only one motive, not to provide better state supervision, or meet consumers' need, but one to alter market share. Yes, there are historical accidents that created the system we have in place today, a history that sets parameters; but, it is a history that needs to be respected to avoid the pictorial representation (left) that most likely will result.

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The SOUTH DAKOTA RETAIL LIQUOR DEALERS Association

An Organization of On- and Off-Sale Dealers to Promote the General Welfare of Their Business
MEMBER OF NATIONAL LICENSED BEVERAGE ASSOCIATION

306 S. COTEAU ST.
PIERRE, S.D. 57501
PHONE 605-224-1817

DOUG COLE
EXECUTIVE SECRETARY

February 17, 1989

Mr. Tuck Duncan
Kansas Wine & Spirits Wholesale Assn.
Jay Hawk Tower, Suite 803
700 Jackson
Topeka, Kansas 66603

Dear Mr. Duncan:

I understand that the legislature in Kansas is considering a measure that would eliminate 3.2 beer. I wish that I was able to travel to your great state and ask your legislature not to repeat the mistake that was made in South Dakota.

On April 1, 1988 in conjunction with an increase in South Dakota's drinking age from 19 to 21, 3.2 beer licensing was eliminated.

In South Dakota, we and other opponents were not given a chance to discuss the merits of 3.2 beer licensing because it was piggy-backed into the 21 year old drinking legislation.

The economic damage to our industry can never be repaired. I hope that in my absence the following information can be presented to your legislature as testimony against the elimination of 3.2 beer.

1. Alcohol content. When moving from a 3.2 beer to one that contains 3.6 to 4.0 the increase may seem insignificant, but you increase the product's alcoholic content by 12.5 percent to 25 percent per can.

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People under the legal age when attempting to obtain alcoholic beverages in South Dakota most often tried to obtain 3.2 beer. You cannot stop underage drinking, but you can control the alcoholic content of the most sought after product.

2. Economic Damage. 3.2 beer was eliminated less than eleven months ago and for many retail liquor dealers it was "the straw that broke the camels back".

We have seen independant package store close in cities of all sizes all across the state. The "Mom and Pop" stores are small businesses; they pay taxes, and provide jobs. In South Dakota before its elimination 3.2 beer was available in grocery stores, convenience stores, and gas stations. None of those business depend on beer sales to keep the doors from being boarded up.

On the average for the independant liquor retailers in South Dakota beer sales comprise 50 percent of the business's gross. When the same beer product is available on virtually every street corner the independent cannot compete. The beer company's sales remain stable, but the market shifts.

In Sioux Falls, our state's largest city, Skyway Liquors, an independent package store, with a very favorable location in a high traffic area experienced from April 1 to December 1, 1988 a 40 percent decline in beer sales. The business was sold to an investor that needed a tax write-off. Many others haven't been as lucky, what used to be a good family businesses are now empty buildings.

South Dakota's population is approximately 700,000 people. The retail liquor industry in South Dakota prior to April 1, 1988, included approximately 700 package sale licenses that employed in the

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neighborhood of 4,000 people. 1987 statistics show that our industry contributed a total of \$23 million dollars in federal, state, and local taxes and license fees. With the elimination of 3.2 beer for the package industry in our state none of those numbers will ever be surpassed.

The only argument offered by the proponents of the elimination of 3.2 beer that to me was irrefutable was that the beer distributors had to keep a "double" inventory of all products.

The question you need to ask is whether rectifying this inconvenience is worth closing of businesses, the loss of jobs, and the decline in tax revenues and license fees.

A popular phrase used in the South Dakota legislature is "If it ain't broke don't fix it". It seems to me that cliché applies to the situation in Kansas, and believe me when they tinkered with it here they broke it forever.

Respectfully,



Doug Cole
Executive Secretary
S.D. Retail Liquor Dealers Association

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Olathe finds liquor being sold to minors

By SEAN REILLY
Daily News Reporter

An Olathe police undercover operation has stung a number of employees who are accused of selling beer and liquor to underage minors.

Olathe Det. Mark Jarvis organized the investigation in which young girls were used to purchase items from grocery, convenience and liquor stores. A total of 53 citations are to be issued, Jarvis said.

The actual investigation began the first week of December and concluded in mid-January, Jarvis said. It began after telephone police received calls from people claiming sales were being made to minors, Jarvis said.

All stores in Olathe that sell liquor and beer were visited by the females, totaling 109 attempts, he said.

The girls were equipped with a concealed tape recorder and city funds. Each carried her own driver's license, which displayed the proper birthdates, Jarvis said.

Jarvis would not release information on the girls who made the purchases.

A typical scenario was that the girls would enter a grocery or convenience store and grab either a six-pack or a quart bottle of beer. In the liquor stores the girls would ask for a small bottle of an item, Jarvis said.

There were a few cases in which a

clerk carded the girls and told them they were not old enough to buy, but still sold the liquor, Jarvis said. In other cases the girls' identification was not checked.

Convenience stores were the biggest perpetrators, Jarvis said. Liquor stores "seem to be doing a decent job," he said.

Fines for 21 people who received a total of 27 tickets have been levied by a municipal judge, Pat Hearn, city prosecutor, said. Punishments have ranged from attending an alcohol school to a maximum \$200 fine per incident.

The Olathe City Council last summer revised an ordinance dealing with people convicted with selling liquor to minors. The minimum fine was raised to \$200.

In some cases, fines of \$100 to \$150 were levied before it was discovered the ordinance had been amended.

Fifteen other tickets have been issued, but the cases are still pending. Seven other people, with a total of nine tickets, have not been arraigned.

Hardest hit were 7-Eleven convenience stores. Twelve employees from seven stores were cited for violations.

"We are aware of the situation that happened in the Olathe area," said Lauri Weinstein, human resource manager for 7-Eleven. "All steps have been taken so it won't happen again."

Weinstein would not comment on whether any of the employees had been

(Continued to page 2A)

Olathe finds liquor being sold to minors

(Continued from page 1A)

fired.

Other stores involved include Dillons, 16665 West 151st; Circle K, at several locations; Price Chopper, K-7 and Parker Street; E-Z Shop, at two locations; Convenient Food Mart, 1805 South Ridgeview; Hocott Liquor Store, 2135 East Santa Fe; East Liquor Store, 16663 West 151st; Winter's Liquor Store, 1493 East 151st; and Riggs Liquor Store, 2121 East 151st.

"I don't agree with it. Why are they wasting the taxpayers money," Ken Winter, owner of Winter's, said. "They are paying somebody to break the law. I think that is wrong."

An employee of Winter's was cited for the violation.

"We have done a review with

each individual employee on a one-on-one basis," Bob Maib, manager of Dillons, said. Three people at his store were cited.

Underage minors purchasing beer from Dillons is not a serious problem, Maib said. He was not upset with efforts by Olathe police officers.

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EX 514

Opinions

Page 4A

Wednesday, February 22, 1989

Selling liquor to kids

It's not only illegal to sell liquor to minors, it's also wrong.

There's nothing too bold nor dramatic about that statement. Yet, judging from the results of an Olathe police undercover operation, a large number of local merchants don't seem to understand it.

From early December to mid January, the Olathe police used underage minors to visit local grocery, convenience and liquor stores to purchase alcoholic beverages. All stores in Olathe that sell liquor and beer were approached by the girls, totaling 100 attempts.

The girls used their own drivers licenses, which indicated they were too young to purchase booze.

The result? A total of 53 citations are to be issued to clerks who sold alcoholic beverages to the girls. The worst offenders were convenience stores.

According to Olathe Det. Mark Jarvis, in some cases the girls were carded by store clerks, told they weren't old enough to buy li-

quor, but were allowed to buy it anyway.

The undercover operation was successful because it pointed out clearly that we have a problem.

Teens and underage minors certainly have access to liquor — even without turning to older “friends” or relatives to buy it for them.

Nevertheless, some angry liquor vendors and residents are attempting to divert the heat away from the merchants and turn it back onto the police. They are crying “foul” because the police used underage minors to setup the retailers.

“Unfair” they say.

But their argument falls flat, when compared to the fact that some of these local merchants were selling booze to kids — Olathe's children — with little or no regard for their age, for the law, or for a sense of right and wrong.

Selling liquor to kids is wrong. Stopping the perpetrators is right.

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7-11

Testimony Before The House
Committee on Federal and State Affairs

HB 2510

10 March, 1993

Dave Schneider
Kansans For Life At Its Best

We are opposed to this legislation. In our opinion, percentage increases that range up in the area of 30% are significant. We also think the retail liquor stores have a greater incentive to prevent sales of beer to minors simply because they can have their whole business shut down through such violations, whereas the other businesses in question would only be denied the ability to sell one of many products they offer.

Additionally, we'd like to make two other observations:

1. It seems the proponents have chosen a strange time to try and push a bill like this through -- right after the House has passed tougher DUI legislation. No matter what the proponents say about how little difference there is between the products at issue, the common public view is that 5% beer is "strong beer". Therefore, to suddenly allow "strong beer" to be sold in over 3,500 additional outlets would send a confusing signal to the public about the Legislature's concern over protecting the community from the harmful effects of alcohol.

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2. It should also be noted that the proponents are not doing the Legislature any political favor by pushing this bill. In fact, this bill could be seen as a gift wrapped time bomb. The reason is that there is another consideration at play here that goes beyond both the technical aspects of the issues and the fiscal note. This consideration is crime. In their 1985 landmark work, Crime and Human Nature, Harvard professors James Q. Wilson and Richard J. Herrnstein had this to say about alcohol and crime:

"The statistical association between alcohol use and crime is overwhelming. In one study of 588 homicides in Philadelphia, Wolfgang found that alcohol had been used by assailant, victim, or both in nearly two-thirds of the cases. There have, in fact, been at least twenty-eight separate studies of alcohol involvement in murder; fourteen of these found alcohol present in at least 60 percent of the cases, and the great majority found it present in a third or more of the cases. There have been at least nine studies of the relationship between alcohol use and sexual offenses, primarily rape; most of these studies found alcohol had been used in at least 40 percent of the cases. About one-fourth of the prison inmates who were interviewed in California said that during the three years preceding their incarceration, they had "got drunk and hurt someone" at least once."

It's clear that the public is worried about crime and this concern will likely continue to grow. This concern is reflected in the fact that the Senate Judiciary Committee is presently holding hearings on gang activities in Kansas.

So the proponents may be asking you to embrace a live hand grenade. Imagine the political fallout there would be if this bill was passed and then in a few months some gang members, whilst imbibing malt liquor purchased at a convenience store, went out and kidnapped, raped and murdered a woman. Or a couple teenagers from a small town somewhere, while drinking some strong beer obtained from a gas station, abduct a small child, take him out in the country and shoot him.

Admittedly, the above examples would be the exception, rather than the norm. But we know from the 1988 presidential campaign that it takes only one such story to touch the exposed nerve the public has when it comes to crime.

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My name is Frances Wood, Topeka. I am a volunteer for the Woman's Christian Temperance Union on the state and local level.

I stress volunteer because I have no monetary interest in this. There were no proponets yesterday saying that it was for the public good to allow 1000 outlets sell stronger beer. It was only those who had money to be gained. My interest is primarily in the portion of the bill that allows cereal malt beverage with greater alcohol content to be sold at many more outlets.

Voting for this bill is a step in the wrong direction when we are suppose to be involved in the "War on Drugs" - and that most assuredly has to include alcohol, our #1 drug problem. Kansas Day in this capitol building much material was being handed out with the logo, "Toward a Drug-Free Kansas". This was distributed by the Kansas Alcohol and Drug Abuse Services, a state agency. Endorsing this portion of the bill makes about as much sense as the government condemning cigarette smoking while subsidizing tobacco growers!

It was stated that the amount of drinking stronger beer would not increase - that it was simply a matter of where it was bought. I disagree. Availability is the key here. If its handy, you buy it. If it means another stop, you go ahead with whats available. And there is a certain reluctance among some people to go into a liquor store.

There has been much testimony given about the level playing field. This year it is 5% beer - What will it be next year to level the field - wine coolers, stronger imported beer if not all liquor products. Thankfully, grocery stores aren't liquor stores. Instead of trying to compete with the liquor stores, why not get out of the alcohol beverage business. Then you won't need to feel responsible for any of the problems that come with alcohol consumption.

There was a question about how much difference a few percentage points would make. In advertising their non-alcoholic beer, Coors Cutter, they use the phrase, "Your body knows the difference, but your mouth don't know." Evidently they feel that a few percentage points does make a difference in your body's reaction.

As to community service mentioned yesterday. I would be happy if the liquor industry helped fund all the recovery and treatment centers listed in the Kasas Alcohol and Drug Resource Directory. I am not so pleased when the beer industry supports projects like this 1992 softball calendar for the Parks and Recreation of Topeka. These are used by many young people and advertises a product that is illegal to use at the ball park.

Naturally, I would be pleased to have the elimination of alcoholic beverages in grocery stores but that's not what this bill addresses. Therefore, I urge the committee to oppose this portion of the bill that allows 5% cereal malt beverage to be sold in grocery stores, convenience stores and gas stations.

Fv SA
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Atch # 9

TESTIMONY

HOUSE BILL 2510

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
HOUSE OF REPRESENTATIVES

MARCH 10, 1993

To: Representative Clyde D. Graeber, Chairman
House Federal and State Affairs Committee
Statehouse, Topeka, KS

Mr. Chairman and Members of the Committee:

I am Gene Johnson and I represent the Kansas Alcoholism and Drug Addiction Counselors Association, The Kansas Association of Alcohol and Drug Program Directors Association, and the Kansas Community Alcohol Safety Action Project Coordinators Association. These three organizations are the principal players in the prevention, education, intervention and treatment of those people who are having difficulties with alcoholic beverages. We oppose House Bill 2510 on the basis of point of purchase for the general public.

At our Legislative Breakfast early in the session one of our priorities presented to the Legislature was a reexamination of the point of purchase of alcoholic beverages. It has been noted that alcoholic beverages are more accessible to those individuals of a lower social and economic status than for the general population. It is in those areas that we also a higher influx of crimes committed where alcohol is involved. By passing House Bill 2510 would only fuel the availability of alcoholic beverages to that class of individuals who might become abusers.

In addition, we think the availability of stronger beer for those people under the age of 21 through grocery stores and convenience stores would increase. In fact, in my grocery store the packaged beer cooler is right next to the milk cooler. Sometimes I wonder by passing by those two coolers whether some parents might be buying alcoholic beverages rather than

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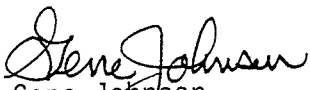
milk or dairy products for their family.

We limit the liquor stores at the present time to selling only alcoholic beverages and lottery tickets. We think that they are in the liquor business and should remain in the liquor business, under the supervision and regulation of the Division of Alcohol Beverage Control. By expanding to the retail markets such as convenience stores or grocery stores, we anticipate there would some increase in sales due to the availability of the alcoholic beverage. With that, we can anticipate further problems with our younger generations and in the Criminal Justice System.

Should this Committee elect to pass this legislation favorably, we would suggest that the current 8% State Enforcement Tax be increase to 9%, which would, in our estimation, generate about 2.75 million dollars, with four-tenths of that 1% increase, being designated to the Alcohol and Drug Treatment Fund, under the direction of SRS. The remaining six-tenths of that increase could be placed in the State General Fund to offset the loss of distribution to the State Highway Fund and to School Finance.

Thank you for the opportunity to present our views today. I will attempt to answer any questions.

Respectfully submitted,



Gene Johnson

Legislative Liaison

Kansas Alcoholism and Drug Addiction Counselors Association

Kansas Association of Alcohol and Drug Program Directors

Kansas Community Alcohol Safety Action Project Coordinators Association

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ALBERT D. LOLLAR

LOBBYIST FOR KANSAS RESPONSIBLE LIQUOR EDUCATION COUNCIL
OWNER OF LOLLAR LIQUOR STORE-TOPEKA FOR 20 YEARS
DIRECTOR OF NATIONAL ASSOCIATION OF BEVERAGE RETAILERS
NATIONAL INVOLVEMENT-

PAST VICE-PRESIDENT AND SECRETARY-TREASURER NABR
BOARD OF DIRECTORS-BEVERAGE RETAILERS INSURANCE COMPANY
WHICH WRITES LIQUOR LAW LIABILITY INSURANCE NATIONALLY.

I AND MY WIFE, DARLENE, ARE CERTIFIED INSTRUCTORS FOR TECHNIQUES OF ALCOHOL MANAGEMENT. ATTACHED IS INFORMATION ABOUT THIS, INCLUDING A SAMPLE REGISTRATION FORM AND A REGISTRATION FORM FROM THE STATE OF MASSACHUSETTS. WE CONDUCT 3-6 CLASSES ANNUALLY AT VARIOUS LOCATIONS THROUGHOUT THE STATE. ALSO INCLUDED IN MY HANDOUT IS INFORMATION ABOUT I.D. CHECKING GUIDES WHICH WE USE IN OUR RETAIL STORES TO CURB ILLEGAL SALES TO MINORS. IT IS VERY EVIDENT THAT LIQUOR STORES MAKE EVERY EFFORT TO NOT MAKE ILLEGAL SALES. WHEN THAT ABC AGENT SETS IN A LIQUOR STORE PARKING LOT THEY CAN EASILY SEE ANY SACK COMING OUT THE DOOR CONTAINS AN ALCOHOLIC PRODUCT. HOWEVER, WHEN A SACK COMES OUT OF A CONVENIENCE STORE OR GROCERY STORE THEY ARE UNABLE TO KNOW WHAT IT MAY CONTAIN.

WE HAVE HEARD ABOUT THE BIG INCREASE OF STRONG BEER SALES AND DECREASE ON 3.2% (CMB). HOWEVER MUCH OF THIS WAS CAUSED BY MANY ON-PREMISE LOCATIONS NOT RENEWING THEIR CMB LICENSES AND STARTING TO SERVE ONLY STRONG BEER.

THE ABC ENFORCEMENT OFFICERS DO AN EXCELLENT JOB OF REGULATING THE 700+ RETAIL LIQUOR STORES AND IT IS OBVIOUS WHY THEY HAVE BEEN ABLE TO REDUCE THEIR STAFF SINCE THIS NUMBER HAS DROPPED FROM A HIGH OF 1,241 RETAIL LIQUOR STORES. THEIR HANDOUT SHOWS A DROP FROM 1,037 IN 1986 TO 747 IN 1992.

SINCE CMB SALES IS SUCH A SMALL PERCENTAGE OF SALES FOR THE CURRENT CMB OUTLETS I WOULD RECOMMEND PUTTING ALL ALCOHOL BEVERAGES IN LIQUOR STORES ONLY AND GETTING THE KANSAS LAW IN LINE WITH THE FEDERAL REGULATION OF .05% NON-ALCOHOLIC PRODUCTS BEING TREATED AS A NON-ALCOHOLIC PRODUCT. PERMIT THESE TO BE SOLD WHERE ALL OTHER NON-ALCOHOLIC PRODUCTS ARE SOLD, EVERYWHERE EXCEPT IN LIQUOR STORES.

THE ONLY OBJECTION I COULD SEE TO THIS FROM CONSUMERS WOULD BE IN POSSIBLY SOME RURAL AREAS WHICH MIGHT BE SEVERAL MILES TO THE NEAREST LIQUOR STORE. I KNOW IT WOULD BE POSSIBLE FOR THE ABC TO LICENSE A TAVERN OR ANOTHER LOCATION TO HANDLE BEER PRODUCTS ONLY IF LOCATED A CERTAIN DISTANCE FROM THE NEAREST LIQUOR STORE. THIS WOULD CUT COST AND SHOULD STILL INCREASE THE TAX REVENUE TO THE STATE.

FLSA
3-10-93

Atch #11

I WOULD ALSO SUGGEST AND URGE FURTHER LEGISLATION TO REQUIRE OR SUGGEST AN EDUCATION PROGRAM SUCH AS OUR TAM, WHICH WE ARE NOW OFFERING ON A VOLUNTARY BASIS TO OUR OFF-PREMISE PERSONNEL. THERE IS ALSO A NEED FOR A TRAINING FOR THE ON-PREMISE BARTENDERS AND COCKTAIL WAITSTAFF.

I HAVE INCLUDED IN MY HANDOUT AN EDITORIAL FROM THE BEVERAGE NEWS MAGAZINE OF MARCH 1987. SALES TO MINORS IS CERTAINLY NOT A NEW ISSUE.

I URGE YOU TO REMEMBER ALCOHOL IS NOT THE SAME AS ANY OTHER PRODUCT OR "WIDGET" AND SHOULD NOT BE HANDLED AS SUCH.

THERE ARE MANY PROBLEMS, SUCH AS A LETTER I INCLUDED DATED FEBRUARY 2, 1993, WHICH I HAVE BEEN WORKING WITH THE ABC ON FOR OVER 15 MONTHS IN REGARD TO WINE BEING SHIPPED INTO KANSAS DIRECT TO CONSUMERS WITHOUT PAYING TAXES.

I DO NOT FEEL ABC SHOULD BE FORCED INTO ENFORCING THE LAWS AT OVER 4,000 NEW OUTLETS WHEN THERE IS A WAY TO INCREASE THE TAX REVENUES AND GIVE BETTER CONTROL ON ENFORCEMENT BY PUTTING ALL ALCOHOL WHERE IT BELONGS AND IS CURRENTLY BEING SOLD IN A RESPONSIBLE MATTER.

F&S.A
B-10-73
1/12



National Liquor Stores Association, Inc.

SUITE 108 • 5101 RIVER ROAD, BETHESDA, MARYLAND 20816 • (301) 656-1494
JOHN B. BURCHAM, JR., Executive Director

PRESIDENT
Ralph Levine
Yonkers, New York
FIRST VICE PRESIDENT
Ralph Coppola
Stamford, Connecticut
VICE PRESIDENT REGION TWO
Lois Moore
Meridian, Mississippi
VICE PRESIDENT REGION THREE
Robert McIntyre
Englewood, Colorado
SECRETARY-TREASURER
John Eisenbeiser
Springfield, Massachusetts

February 25, 1988


Dear NLSA/TAM Instructor:

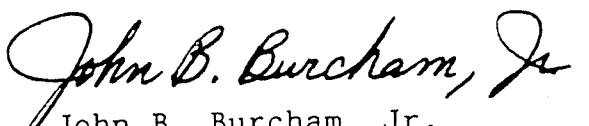
Congratulations on becoming an Instructor for the National Liquor Stores Associations "Techniques of Alcohol Management" (TAM) Program. Enclosed you will find your Instructor Certification Card issued through the National Licensed Beverage and the Stroh Brewery Company.

NLSA, NLBA and the Stroh Brewery Company want to thank you for participating in, and sponsoring, a program which will benefit our industry and membership.

Best of luck!

Sincerely,


Jeffrey G. Becker
Director, TAM Program


John B. Burcham, Jr.
National Liquor Stores Association



Techniques of Alcohol Management
309 N. Washington Street, Alexandria, Virginia 22314
CERTIFICATION CARD

Albert D. Lollar
3705 Plaza Drive
Topeka, KS 66609

NLSA/TAM

©1983 Michigan Licensed Beverage Association



Techniques of Alcohol Management
309 N. Washington Street, Alexandria, Virginia 22314
CERTIFICATION CARD

Darlene Lollar
3705 Plaza Drive
Topeka, KS 66609

NLSA/TAM

©1983 Michigan Licensed Beverage Association

F&SA
3-10-93
1/3


EMPLOYEE WORKBOOK

TECHNIQUES OF ALCOHOL MANAGEMENT



TAM

TECHNIQUES OF ALCOHOL MANAGEMENT

CO-SPONSORED BY  STROH

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DEVELOPED FOR THE
NATIONAL LIQUOR STORES ASSOCIATION, INC.
5101 RIVER ROAD SUITE 108
BETHESDA, MARYLAND 20816
(301) 656-1494

©1987, NATIONAL LIQUOR STORES ASSOCIATION, INC.

CO-SPONSORED BY THE NATIONAL LICENSED BEVERAGE ASSOCIATION
AND THE STROH BREWERY COMPANY

ADMINISTERED BY
KANSAS RETAIL LIQUOR DEALERS ASSOCIATION

F&SA
3-10-83
11-4

KRLDA KANSAS RETAIL LIQUOR DEALERS ASSOCIATION INC.

400 SW CROIX
TOPEKA, KS. 66611
(913) 266-3963

RICHARD FERGUSON, JR.
PRESIDENT

PATRICIA OPPITZ, 1st Vice-President
AL BEISER, 2nd Vice-President
JOAN KEMPF, Secretary-Treasurer

T.A.M. TECHNIQUE OF ALCOHOL MANAGEMENT

SUNDAY, AUGUST 2, 1992

1:00 p.m.

KANSAS CITY COORS
METRO DISTRIBUTORS OF KANSAS, INC.
Leawood, Kansas 66224 - 897-4488

FOR ALL OWNERS AND CLERKS:

Tam is a training course (work-book & video) sponsored by Stroh Brewing Co. and National Liquor Stores Assoc. administered in Kansas by the Kansas Retail Liquor Dealers Assoc. It assists you in recognizing underage and intoxicated persons. Highly recommended by Kansas Alcoholic Beverage Control and Kansas Law Enforcement Planners Assoc. Every session has representation from both of these groups.

The response has been great, and the results similar to other states regarding the public relations aspect in showing the local law enforcement our desire of not making illegal sales.

A.B.C. does receive a list of all persons successfully completing the course and that shows them which of us has the most interest and desire to operate a legal, successful operation. We hope to have a T.A.M. certificate displayed in every Kansas Retail Liquor Store and a 100% clerk completion in a few years.

The cost is very reasonable - can you afford to not register all of your employees and yourself?

PLEASE PRINT:

STORE NAME: _____
ADDRESS: _____
CITY & ZIP: _____

\$15.00 per person - Members stores. \$25.00 per person - Non-Members stores.

REGISTER:

_____	\$ _____
_____	_____
_____	_____
TOTAL:	\$ _____

Make checks payable to KRLDA

Return to 400 S.W. Croix, Topeka, KS 66611

KRLDA membership is only - \$120.00 per year

Prorated membership is \$50.00 if you haven't been a past member or \$120.00 if you have been.

If more space is needed - feel free to use backside

☐

Yes, I will be interested in I.D. Checking Guide for 1993, used by A.B.C., state and local law enforcement agencies.

F-5A
3-10-93
11/25

NLSA Report By Lollar

Another year has gone by and some of us are still in business and many that were with us a year or two ago are gone. We have over 450 less stores in Kansas than we did just a few years ago. Many of us can remember when there were 1241 retail stores in Kansas and we had over 600 members in KRLDA. These changes only make it more important that we keep an active strong association at both the state and national level.



AL LOLLAR

I am absolutely sick and tired of hearing about drugs and alcohol. There is a difference between illegal drugs and alcoholic beverages, which we sell daily. We need your help to fight off attempts to rank alcohol with illegal drugs. In the United States, alcohol beverages generate \$13 billion dollars in tax revenue. There are 97 million Americans who drink alcohol responsibly. The problems are caused from abuse and misuse by a very small portion of our population. Drunk driving is on the decline; from 1982 to 1989 the estimated number of intoxicated drivers involved in fatal crashes decreased by 13%. Every one of our Kansas retailers and their employees which have taken the TAM seminar are making better decisions on

when to refuse a sale to minors or intoxicated persons.

How about the recent release of results of the study by the American Cancer Society—moderate drinkers live longer. This study began in 1959 and evaluated 276,802 middle-aged men. Overall mortality was lowest in men who consumed an average of one drink per day. Compared to abstainers, mortality was lower in men who drank from one to two drinks per day. Men who drank three to four drinks per day had the same mortality as abstainers, but the mortality rose steadily as consumption rose over four drinks per day. These results show drinking is not only safe, but is beneficial.

Every five years the U.S. Government issues guidelines and they recommend one drink per day for women and two drinks for men. One drink means 12 ounces of beer, 5 ounces of wine or 1.5 ounces of distilled spirits. Men have a higher allocation because their systems metabolize alcohol more efficiently. These are all positive steps in the right direction and through KRLDA and NLSA we must continue to show that we are concerned about the abuse of our products and we are doing everything we can about it. But, we are in a legal, honorable, taxpaying industry.

We are in a great industry. It has been good to many of us and will continue to serve us, our state, and nation in a beneficial way if we all work together. If you look over the program for the 1991 KRLDA convention, I feel you can easily see it will be the most educational agenda you will see in Kansas. If you failed to attend the 1991 NLSA Convention in May this year,

you missed a real opportunity to improve your business. Your two Kansas NLSA Directors, Donald Peyton and myself attended the Directors Meeting in Minneapolis August 4-6 and plans are already underway for the 1992 NLSA Convention which will be held March 22-26, 1992 in Las Vegas, Nevada at the beautiful Mirage hotel.

The National Liquor Stores Association has just recently hired a lobbying firm in Washington, D.C. to represent us in a more direct and professional manner. We have also added another full-time staff person in the National office to devote to the development of a better grassroots network. If you have connections with your Federal representative or Senator, please let us know.

This at the federal level, as you can see, parallels what I have been saying for many years right here in Kansas, "You are the best contact we can have with your legislator." One or two people cannot do it whether it be in Topeka or Washington D.C. We must always remember, "No one can do or be as strong as all of us."

In closing, I just want to remind everyone to conduct their business according to high standards in a law-abiding manner and we will overcome the negatives. The associations (KRLDA and NLSA) are yours to use and the officers and directors are in place to assist and represent you. If I can assist a member in any way, I am only a phone call or letter away. The address is 400 S.W. Croix, Topeka, Kansas 66611; the phone number is 913-266-3963. If I do not have the information or help you need; I promise I will get it for you.

T.A.M.

TECHNIQUES OF ALCOHOL MANAGEMENT WHY TAKE THIS SEMINAR?

LEARN ABOUT LIABILITY AND HOW TO PROTECT YOURSELF
LAWS & HOW TO BEST COMPLY

HOW TO REFUSE A SALE WHEN NECESSARY & RECOGNITION OF PROBLEM SITUATIONS
PROFESSIONAL BUSINESS ATTITUDE

T.A.M. PROGRAM HAS BEEN ENDORSED BY
KANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION
KANSAS ASSOCIATION OF LAW ENFORCEMENT PLANNERS
A WORKBOOK-VIDEO TRAINING PROGRAM DEVELOPED FOR
NATIONAL LIQUOR STORES ASSOCIATION, INC.
CO-SPONSORED BY NLSA AND THE STROH BREWERY CO.

ADMINISTERED IN KANSAS BY THE KANSAS RETAIL LIQUOR DEALERS ASSOC., INC.
TAM A SEMINAR OF 2-3 HOURS WITH PERSONNEL FROM KANSAS ALCOHOLIC BEVERAGE CONTROL
AND THE LOCAL LAW ENFORCEMENT PRESENT.

COST: \$15.00 PER PERSON FROM MEMBER STORES
\$25.00 PER PERSON OTHERS
KANSAS CERTIFIED INSTRUCTORS ALBERT AND DARLENE LOLLAR

Fx 5A
3-10-93
1991/1/6

NABR Report

No, I am not confused in my letters! NLSA (National Liquor Stores Association) is now NABR (National Association of Beverage Retailers). Our National Association has now brought in several states' groups of "on-premise" retailers as new members. More information is included in this issue of *Beverage News*.



AL LOLLAR

Many of you have heard me say that all retailers, "on-premise" and "off-premise" are in this business together, and we need to work together. There are many more issues that we agree and need joint cooperation on, than the few items which we might be on opposing sides. We are all honorable home-town citizens selling a legal product and

paying millions of dollars in local, state, and federal taxes. WE ARE NOT ILLEGAL DRUG DEALERS.

I was very pleased to see the fine attendance of our Kansas retailers at the National Convention in March, and heard many favorable comments regarding the programs and knowledge gained by those attending. The 1993 National Convention is scheduled for April 25-29, and will be the first under the new NABR auspice and should be one of the best ever. PLAN TO ATTEND.

Your Kansas NABR Directors are Donald Peyton, Topeka, and myself. We both try to attend most of the quarterly Board meetings. The August meeting was in Sonoma Valley, California and we were hosted royally by the Sonoma vineyards in that area. We also attended the Sky Ranch Hall of Fame first induction ceremony on July 24 in South Dakota. This is the Boy's Home supported by the alcohol beverage industry and I want to thank everyone that donates to this fine cause every year.

TAM (Techniques of Alcohol Management) continues to increase in popularity and attendance, having held sessions in Great Bend, Wichita, Kan-

sas City, and Hutchinson th. .. My wife, Darlene, and I have enjoyed these programs, and feel that we have contributed to the improvement of our industry's image since becoming certified instructors in 1988. Cost for taking this program is very small, and if you and your employees have not attended and received your card, I urge you to do so.

The state continues to consider making it mandatory by law to be trained before selling our products. The first such action may be directed at bartenders and cocktail servers. The Kansas Responsible Liquor Education Council is planning to start a training program for the on-premise retailers and hope that it (along with TAM for off-premise) will show the Kansas Legislators that we continue to voluntarily educate ourselves to run our businesses in the highest law-abiding manner.

I honestly feel we are making some very positive moves to improve our industry, such as the information from the Century Council, the "Red Wine Report" on *60 Minutes*, and we are seeing results from our new representation in Washington D.C.

I am still serving on the Board of Directors of BRICO, which is a non-profit Liquor Law Liability Insurance Company.

In closing, I would like to thank all of you for your commitment to work together, and I will assist you in any way I can, whether for the Kansas Responsible Liquor Education Council or the Kansas Lottery Retailers Association. I am a registered lobbyist for both associations and can be reached at 913-272-7004.

T.A.M. SESSION

Saturday 10:00 a.m. to 12:00 p.m.

TECHNIQUES OF ALCOHOL MANAGEMENT
WHY TAKE THIS SEMINAR?

LEARN ABOUT LIABILITY AND HOW TO PROTECT YOURSELF
LAWS & HOW TO BEST COMPLY
HOW TO REFUSE A SALE WHEN NECESSARY
& RECOGNITION OF PROBLEM SITUATIONS
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KANSAS ASSOCIATION OF LAW ENFORCEMENT PLANNERS

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ADMINISTERED IN KANSAS BY THE
KANSAS RETAIL LIQUOR DEALERS ASSOCIATION, INC.
TAM A SEMINAR OF 2-3 HOURS WITH PERSONNEL FROM
KANSAS ALCOHOLIC BEVERAGE CONTROL AND
THE LOCAL LAW ENFORCEMENT PRESENT.

COST:

**\$15.00 PER PERSON
FROM MEMBER STORES**

\$25.00 PER PERSON OTHERS

**KANSAS CERTIFIED INSTRUCTORS
ALBERT AND DARLENE LOLLAR**

— Registration Form —
TECHNIQUES OF ALCOHOL MANAGEMENT
SPONSORED BY
MASSACHUSETTS PACKAGE STORES ASSOCIATION

Name _____ Check if 1992 MassPack Member ☐

Store Name _____ Phone * () _____

Mailing Address _____ City/State/Zip _____

Names of individuals from your store
who will be attending:

Please enclose separate list if you require more registrations.

☐ Check if you qualify for group discount.

☐ Enclosed is my check in the amount of \$ _____

Mail to: Massachusetts Package Stores Association
1121 State Street
Springfield, MA 01109

Sorry, MassPack cannot bill you. All fees must be paid in advance and must accompany the registration form. Membership in MassPack is by store. Unless otherwise noted, if you are not a 1992 member of the Massachusetts Package Stores Association, please pay the non-member fees. Refunds will be made up to one week prior to the date of the program and will be assessed a \$15 processing fee. No refunds will be made if your request is received the week of the program. Space is limited and if the maximum quota is reached for any given seminar, you will be given the choice of alternate dates/times, or your fees will be returned promptly.

☐ **Tuesday, March 31, 1992**

Best Western Royal Plaza
181 Boston Post Road
Marlboro, MA
(For Worcester County)

☐ **Tuesday, May 5, 1992**

Days Inn
Wheeler Road
Burlington, MA
(For Middlesex, Essex and Suffolk Counties)

☐ **Tuesday, June 2, 1992**

Howard Johnson
Rte. 3 at Exit 9
Kingston, MA
(For Barnstable, Plymouth, Dukes, and Nantucket Counties)

☐ **Tuesday, June 16, 1992**

Ramada Hotel (formerly Sheraton)
Riverdale St. (Route 5)
West Springfield, MA
(For Hampden, Hampshire, Berkshire
and Franklin Counties)

☐ **Tuesday, August 4, 1992**

Mansfield Host Hotel (formerly Sheraton)
31 Hampshire Street
Mansfield, MA
(For Norfolk and Bristol Counties)

Registration 6:30 p.m.

Seminar: 7:00 p.m.

PLEASE PUT AN X IN THE BOX OF THE SEMINAR YOU WILL BE ATTENDING

F2 5A
3-10-93
11/8



This certificate is hereby awarded to

*for successfully completing the
techniques of alcohol management
training program administered by the
Kansas Retail Liquor Dealers Association*

On _____ In _____

PRESIDENT, KRLDA

TAM TRAINER



Kansas Retail Liquor Dealers Association

400 S.W. Croix • Topeka, Kansas 66611 • (913) 266-3963

1-9
8/10/93
FWSA

I.D. CHECKING GUIDE

Used by over 30,000 police, government agencies (including the FBI), alcoholic beverage sellers, retail businesses, throughout the U.S. and Canada.

When the ID you're shown is from out-of-state, you've got a real problem. Because the people who fake ID know a lot of angles. They count on your confusion.

Now you can be a step ahead of them with the I.D. Checking Guide. It has all the information you need to alert you— "This ID is phony!"

A compact format (6" x 9") means it can fit in a drawer or glove compartment, in the corner of a counter, in a side pocket. So the information you need is right at hand, easy to get at whenever you need it. Ready to . .

Take the guesswork out of checking ID.

- 
- INCLUDES**
- Drivers licenses
 - State-issued ID cards for non-drivers
 - Current auto plates and stickers
 - Bank and credit card data
 - ...and more!

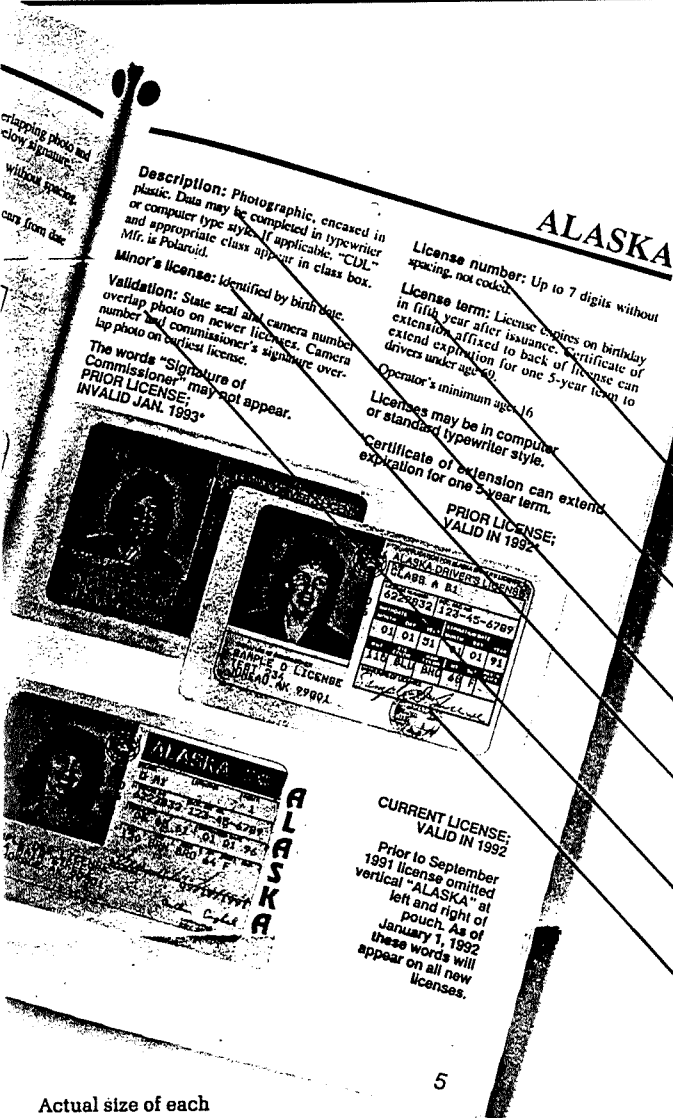
1993
I.D.
CHECKING
GUIDE®

23rd Year
of Publication
Updated Annually

The 1993 I.D. CHECKING GUIDE makes you an expert . . . HERE'S HOW IT WORKS!

F-5A
3-10-93
1/10

YOUR I.D. CHECKING GUIDE TELLS YOU WHAT TO LOOK FOR CLEARLY, SIMPLY...WHATEVER STATE I.D. YOU'RE CHECKING



It shows every valid driver's license format for all 50 states and the 10 Canadian provinces in full-size, full-color photographs. . .with each state on a separate page.

So when you're checking ID you simply turn to the appropriate page, and place the subject's ID next to it for clear comparison.

With the photographs, you get guidelines on what to look for when checking ID, so you can make sure that it hasn't been altered or forged. . .that it belongs to the person carrying it. . .that the subject is not underage.

LICENSE NUMBER CODING. Should it have digits only? A special first letter? A combination of letters and digits? Is the spacing correct?

TERM OF LICENSE. Is it valid 2, 3, 4 years or more? Does it expire on the birth date or at the end of the birth month?

OVERALL LOOK. Should it be laminated? Have a reflective surface? Patterned stock? Embossing?

KEYS FOR MINORS. Is the photo in profile? Posed at 45-degree angle? Have a color backdrop? What number is in the "restrictions" box?

REQUIRED VALIDATIONS. Does the signature overlap the photo? Is the state seal on the photo?

VALID FORMATS. Which prior issues are no longer valid? When are the new formats in effect?

F25A
3-10-93
1/11

PERSONS UNDER 21 YEARS OF AGE

**Any Attempt By You
To Purchase Alcoholic Liquor
Will Result In Your
PROSECUTION**

General Statutes of Kansas 1949; 41-715

KANSAS RETAIL LIQUOR DEALERS ASSOCIATION, INC.

11/12
3-10-83
F&S4

The Hydra of Minor Sales

Protect that minor, don't sell him! In itself the statement leaves little to be desired, but the minor problem at the package store level never stands by itself. It rambles, and bounces and changes so that the retailer sometimes wonders whether the minor problem is not really a kind of Hydra, a troublesome composite with many heads upon which it is impossible to deliver a lethal blow.

Although by no means simple, the minor problem can in fact be licked. The starting point is a motto that every retailer should adopt: Protect That Minor, Don't Sell Him. If you have the slightest doubt—don't sell him. The profit from that one sale in no way equals the loss from stiff penalties meted out by the ABC or the loss of sales that result from poor publicity. It seems impossible that any responsible proprietor would sell liquor to a minor, if only from a moral standpoint.

But the Hydra has many heads. There is the head that can be called the "irresponsibility of youth." Many young people who are confronted with liquor in their possession simply deny that they presented false or altered identification. Others falsely accuse a package operator of knowingly selling them liquor. The really unfortunate part is that guilty or not, the word of a youth under these circumstances is normally upheld.

How do you fight this evil? How do you defend yourself against charges that are the figment of a boy's imagination, but nonetheless can destroy you?

First of all, don't think that we have come so far in a few hundred years that the lessons of history have been learned. Victims of the Salem witch trials were hanged on the word of children, and the perversion of justice stopped only after one of them went too far and named the governor's wife as a witch. Far fetched? We think not. The first lesson to learn is that you as a retailer are vulnerable.

A costly way to meet the problem is to hire a private investigator, but this is often unsatisfactory and ruinously expensive. A more realistic way to meet the challenge is to sue for damages and then watch the papers. Sooner or later you'll collect.

Kansas Edition

Beverage News

BETTY A. PAIGE

*Publisher
and
Advertising Director*

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and
Price List Editor*

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MIA BRADFIELD

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FLSA
3-10-93
BEVERAGE NEWS

1/13

STATE OF KANSAS

Robert A. Engler, Director
512 S.W. 6th, 2nd Fl.
Topeka, Kansas 66603-3150



(913) 296-3946
FAX (913) 296-0922

Department of Revenue
Division of Alcoholic Beverage Control

February 2, 1993

Albert Lollar
3705 Plaza Dr.
Topeka, KS 66609

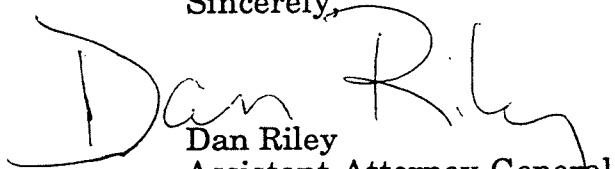
Dear Mr. Lollar:

Thank you for forwarding the California Wine Club information to me.

In November, I contacted the California Wine Club and informed them that their system of mail order sales of wine was illegal. I also indicated that any further shipments that this agency was made aware of would result in action by the ABC. I also contacted the California Attorney General's Office and sent a copy of the letter. Since that time, I have been in contact with Donald Decious of the California Department of Alcohol Beverage Control.

At present, Mr. Decious is making inquiries into the records concerning shipments into Kansas. I will continue to do what I can to prevent these shipments.

Sincerely,


Dan Riley
Assistant Attorney General
Alcoholic Beverage Control

DR:mkv

FV SA
3-10-93
11-14

REVENUE FROM TAXATION AND CONTROL OF ALCOHOLIC BEVERAGES

	Rate	FY 1984	FY 1985	FY 1986	FY 1987	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992	9 Year Trend
Distributor-Based Tax Collections											
Spirits Gallonage	\$2.50/gallon	\$7,494,665	\$7,506,708	\$7,299,205	\$6,775,731	\$6,800,348	\$6,635,584	\$6,461,928	\$6,394,359	\$6,539,310	
% Change		-0.8%	0.2%	-2.8%	-7.2%	0.4%	-2.4%	-2.6%	-1.0%	2.3%	-12.7%
Fortified (14%) Wine Gallonage	\$0.75/gallon	\$120,056	\$111,530	\$128,503	\$114,283	\$119,607	\$110,480	\$113,173	\$115,490	\$92,113	
% Change		-6.3%	-7.1%	15.2%	-11.1%	4.7%	-7.6%	2.4%	2.0%	-20.2%	-23.3%
Light Wine Gallonage	\$0.30/gallon	\$539,725	\$637,540	\$662,369	\$770,318	\$687,056	\$572,021	\$560,439	\$559,462	\$575,705	
% Change		3.5%	18.1%	3.9%	16.3%	-10.8%	-16.7%	-2.0%	-0.2%	2.9%	6.7%
Strong Beer Gallonage	\$0.18/gallon	\$4,018,364	\$3,956,087	\$4,163,485	\$4,416,285	\$4,696,697	\$5,308,674	\$5,406,399	\$5,774,907	\$5,957,830	
% Change		-1.6%	-1.5%	5.2%	6.1%	6.3%	13.0%	1.8%	6.8%	3.2%	48.3%
3.2 Beer Gallonage	\$0.018/gallon	\$5,125,340	\$5,076,703	\$4,622,087	\$4,283,987	\$3,570,077	\$3,320,259	\$3,180,098	\$3,098,005	\$2,946,062	
% Change		2.9%	-0.9%	-9.0%	-7.3%	-16.7%	-7.0%	-4.2%	-2.6%	-4.9%	-42.5%
Total Gallonage Tax											
% Change		0.2%	-0.1%	-2.4%	-3.1%	-3.0%	0.5%	-1.4%	1.4%	1.1%	-6.9%
Retail-Based Tax Collections											
Liquor Enforcement	10%	\$15,937,603	\$17,009,726	\$17,743,454	\$18,246,248	\$19,147,631	\$19,113,168	\$19,890,766	\$21,233,258	\$23,403,153	
% Change		78.9%	6.7%	4.3%	2.8%	4.9%	-0.2%	4.1%	6.7%	10.2%	46.8%
Liquor Drink	8%	\$8,786,612	\$8,822,024	\$10,477,539	\$10,843,543	\$11,915,452	\$12,719,809	\$14,292,239	\$15,109,059	\$16,187,296	
% Change		4.3%	0.4%	18.8%	3.5%	9.9%	6.8%	12.4%	5.7%	7.1%	84.2%
ABC Fees/Fines											
License Fees	•	\$1,105,669	\$1,172,320	\$1,207,968	\$1,335,765	\$1,228,464	\$1,738,148	\$1,792,780	\$1,792,142	\$1,869,479	
% Change		1.4%	6.0%	3.0%	10.6%	-8.0%	41.5%	3.1%	0.0%	4.3%	69.1%
Registration Fees	•	\$47,442	\$45,775	\$47,171	\$50,181	\$482,385	\$53,132	\$50,174	\$46,560	\$48,550	
% Change		5.7%	-3.5%	3.0%	6.4%	861.3%	-89.0%	-5.6%	-7.2%	4.3%	2.3%
Fines	•	\$135,883	\$66,260	\$56,090	\$54,025	\$283,675	\$196,025	\$144,132	\$171,831	\$153,110	
% Change		66.9%	-51.2%	-15.3%	-3.7%	425.1%	-30.9%	-26.5%	19.2%	-10.9%	12.7%
3.2 Beer Retail Stamps	\$25	\$0	\$0	\$0	\$0	\$10,925	\$120,300	\$109,315	\$107,083	\$103,395	
% Change		•	•	•	•	•	1001.1%	-9.1%	-2.0%	-3.4%	•
Other ABC Fees	•	\$90,508	\$89,316	\$87,448	\$99,588	\$397,611	\$89,705	\$96,491	\$175,959	\$198,150	
% Change		1.7%	-1.3%	-2.1%	13.9%	299.3%	-77.4%	7.6%	82.4%	12.6%	118.9%
ABC Total Collections	•	\$18,677,652	\$18,662,239	\$17,977,036	\$17,900,163	\$18,276,845	\$18,144,328	\$17,968,533	\$18,235,799	\$18,483,703	
% Change		0.6%	-0.1%	-3.7%	-0.4%	2.1%	-0.7%	-1.0%	1.5%	1.4%	-1.0%
Business Tax Total Collections	•	\$24,724,215	\$25,831,750	\$28,220,993	\$29,089,791	\$31,063,083	\$31,832,977	\$34,183,005	\$36,342,317	\$39,590,449	
% Change		42.7%	4.5%	9.2%	3.1%	6.8%	2.5%	7.4%	6.3%	8.9%	60.1%
TOTAL REVENUE	•	\$43,401,867	\$44,493,989	\$46,198,029	\$46,989,954	\$49,339,928	\$49,977,305	\$52,151,538	\$54,578,116	\$58,074,152	
% Change		20.9%	2.5%	3.8%	1.7%	5.0%	1.3%	4.4%	4.7%	6.4%	33.8%

1/1/83
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F-45A

ALCOHOLIC BEVERAGE LICENSING

LICENSE TYPE	FY 1986	FY 1987	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992
ON-PREMISE ESTABLISHMENTS							
Class A Private Clubs	399	399	391	379	376	376	375
Class B Private Clubs	955	1,020	525	443	405	405	384
Drinking Establishments	•	•	545	674	770	789	842
Caterers	•	•	4	8	6	6	5
Hotels	•	•	28	26	23	30	24
Drinking Establishment/Caterers	•	•	15	19	16	15	16
Hotel/Caterers	•	•	4	4	6	6	9
TOTAL	1,354	1,419	1,512	1,553	1,602	1,627	1,655
Percent Change	3.6%	4.8%	6.6%	2.7%	3.2%	1.6%	1.7%
						1986 to 1992:	22.2%
OFF-PREMISE ESTABLISHMENTS							
Retail Liquor Stores	1,037	1,002	982	868	824	769	747
Percent Change	-4.4%	-3.4%	-2.0%	-11.6%	-5.1%	-6.7%	-2.9%
						1986 to 1992:	-28.0%
3.2 Beer City/County Licensees	•	•	437*	4,812	4,372	4,283	4,135
DISTRIBUTORS							
Spirits	•	•	9	8	9	9	8
Wine	•	•	43	33	15	12	10
Beer	•	•	59	56	55	54	54
Liquor	10	9	•	•	•	•	•
Strong Beer	65	62	•	•	•	•	•
3.2 Beer	54	48	•	•	•	•	•
OTHER							
Microbrewery	•	•	0	1	1	1	1
Farm Winery	0	0	0	2	2	2	2
Alcohol/Spirits Manufacturers	1	1	1	1	1	1	1
Non-Beverage Users	8	11	10	7	6	6	6
Bonded Warehouses	1	1	1	1	1	1	1

* Included only new licensees

EX-54
3-10-9
1/1/16

This bill does THREE things: House Bill #2510

1. Increases Taxes on Cereal Malt Beverages
2. Puts Enforcement under the control of ABC
3. Increases current 3.2% Alcohol Content of Cereal Malt Beverages to 5.0%
 - a) This is an increase of 1.8% which equals a 56% increase in the alcohol content
 - b) THERE IS NOT ONE POSITIVE REASON FOR THIS CHANGE

Enforcement:

Current Surveillance by ABC

- a) Sit in Parking Lots to observe transactions
- b) Will observe from across streets making observing more discreet

Grocery Stores

- a) How?
- b) Only reasonable way would be inside store (not very discreet)

Products in Grocery Sacks

- a) Only Alcoholic Beverages at a Liquor Store
- b) Only someone at least 21 years old could even be carrying a sack out of Liquor Store

3.2% Content vs 5.0% Content

1. Those supporting bill say very little difference (50% increase very little?!?)
2. Reason for selecting 5.0% limit
 - a) Next year Wine Coolers
 - b) Year After that Wine
 - c) Year After that All Spirits

Pharmacy in Grocery Stores

1. Prescription Drugs (controlled substances) sold in separate section of store
2. Sold only by Licensed Personal (No untrained clerks dispensing controlled substances)

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atch #12

REMEMBER WHY WE HAVE 3.2% BEER:

1. Originally for 18, 19, and 20 year olds (They were not old enough to purchase strong alcoholic beverages)
2. Society felt less controls were needed for a product with a lower alcoholic content
3. TODAY SOCIETY HAS REALIZED THEY WERE WRONG AND ARE DEMANDING MORE CONTROLS ON ALCOHOLIC BEVERAGES.
4. Look at the change Kansas is about to make on the DUI Alcohol limits (from 1.0 to 0.8)

WHAT SHOULD WE HAVE TODAY:

1. Better controls - Not stronger products in more outlets
2. No longer a need for 3.2 Beer
3. All ALCOHOLIC BEVERAGES SHOULD BE SOLD ONLY IN LIQUOR STORES
 - a) All of Beer and Alcoholic Beverages are taxed equally at 8% (generating more revenues for the state)
 - b) All sales come under the jurisdiction of the ABC (not costing any more in personal, gun, badges, cars from the states pool, etc.)
 - c) All sales transactions in 750 outlets not in 4300 outlets across the state (gas stations - gas and alcoholic beverages?!?)

Kurt Bossert
4217 SE Ohio Ct.
Topeka, KS. 66609
(913) 266-8331

F&SA
3-10-93
12²



**THE LEAGUE
OF KANSAS
MUNICIPALITIES**

**Municipal
Legislative
Testimony**

AN INSTRUMENTALITY OF KANSAS CITIES 112 S.W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

TO: House Committee on Federal and State Affairs
FROM: Don Moler, Senior Legal Counsel
RE: HB 2510
DATE: March 10, 1993

I appreciate the opportunity to appear today to comment on HB 2510. Specifically the League is concerned about: (1) the loss of local control over the sale and use of cereal malt beverages within the communities of the State of Kansas; (2) the question of loss of current and potential revenues to local governments as a result of this legislation; and (3) the advisability of a substantial revision to the alcoholic liquor and cereal malt beverage statutes of the State of Kansas without a systematic and comprehensive review of the entire body of law.

Currently all licensing and regulation of cereal malt beverage retailers in Kansas is handled at the local level. This allows for local control and supervision of these establishments. We believe this system has worked very well for a number of years and should not be modified without a comprehensive review of the statutory authority and a determination by the legislature that the current system is fatally flawed. Without this type of determination, we fail to see why it is necessary to entirely overhaul the licensing and control of cereal malt beverage retailers in this State.

The League is also concerned about the potential loss of revenues from the licensing and control of cereal malt beverages. To date we have seen no figures which will hold cities harmless should this proposal be adopted. A potential loss of current revenues is a significant concern to cities. Secondly, to modify the cereal malt beverage laws in this fashion would appear to preempt any ability of cities to establish a local excise tax on the package sale of cereal malt beverages (see for example SB 263).

Finally, it strikes the League that if a revision of this magnitude is to be undertaken at all, that a comprehensive review of the alcoholic liquor laws and cereal malt beverage laws should be a prerequisite to the changes proposed. It should not be done as an afterthought with little or no substantive analysis and study of the issues involved. Specifically, the current alcoholic liquor and cereal malt beverage laws of Kansas are highly complex and often difficult to interpret and apply. It would seem a better course would be to look at all of these statutes and if legislation of this magnitude is required, attempt to streamline the entire statutory scheme.

The League strongly urges you to give careful thought to your direction on this issue. No changes should be undertaken which have not been completely discussed and all possible ramifications determined before modification of the law takes place.

Thank you for allowing our comments on this legislation.

F&SA
3-10-93

Atch #13

HB 2510

TESTIMONY

PRESENTED BEFORE THE

KANSAS HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

By

Kevin Tipton
Area Director

Distilled Spirits Council of the United States, Inc.

FISA
3-10-93
Atch #14

Mr. Chairman and members of the Committee, my name is Kevin Tipton. I am the Area Director of the Distilled Spirits Council of the US, Inc, or DISCUS, a national trade association representing a majority of the producers and importers of liquor products sold in the United States.

The Distilled Spirits Council and its member companies would like to ask you to oppose HB 2510 primarily because we believe the state will lose both sales and excise tax collections on distilled spirits sales if it is enacted.

HB 2510 would most likely result in the closure of anywhere from 5% to 30% of existing liquor store licensees. These licensees represent the distillers only opportunity to market their products to both the public and to the approximately 1,650 other on-premises retail licensees in the state.

If enacted, a six pack of strong beer would not only be more available to consumers because of the extended hours of operation, holiday sales and sheer volume of current CMB retailers (3500 v 770 liquor stores) - it would most likely cost less to purchase than at a nearby liquor store (below cost sales allowed CMB retailers). The majority of strong beer sales would shift from liquor stores to CMB retail outlets. And as noted earlier, beer sales, according to a 1982 Dept. of Revenue study constitute 45% of the total volume of liquor store sales. If liquor stores lose 45% of their business sales, they will close.

As a result, consumers who would not be able to purchase distilled spirits in CMB outlets might be less inclined to make a distilled spirit purchase from a more distant less profitable liquor store outlet who previously had relied upon beer sales for added profit margin.

This out-of-sight, out-of-mind consumer attitude currently exists in South Dakota which enacted similar legislation in 1988. Since, 1988 several dozen liquor stores have gone out of business in South Dakota. Additionally, consumption of distilled spirits in South Dakota has decreased by 187,000 gallons - almost twice the gallonage loss experienced in Kansas during the 1988 to 1992 time frame.

The economic loss just from the collection of excise taxes on the sale of distilled spirits since the passage of single strength beer in South Dakota is pegged at about \$350,000. Sales taxes on lost distilled spirit sales is conservatively placed at \$200,000 (state/local sales tax rate = 7%).

Currently, distilled spirits sales in Kansas constitute 36% of state revenues from all beverage alcohol sales even though liquor accounts for less than one-third of total alcohol consumed in the state.

If HB 2510 is enacted there will most certainly be an abnormal

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attrition in the number of liquor store licensees, and as a result DISCUS believes there will be a corresponding abnormal reduction in the number of gallons of distilled spirits consumed in the state. Excise and sales tax collections from the sale of liquor will diminish and general revenue funds will be effected.

For these reasons the producers and importers of distilled spirits would like to urge you to reject HB 2510. I would be pleased to answer any questions from the committee.

FLSA
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Presented to the Kansas House of Representatives
Federal & State Affairs Committee
10 March 1993
Single Strength Beer/HB #2510

A PIVOTAL DECISION

The first thing that has to be very well understood is that a decision on "single strength beer" and the policy direction decided upon will determine the future of the entire Kansas alcoholic beverage industry. This is because of the disproportionate amount of "strong beer" sold compared to "cereal malt beverage".

To understand how we find ourselves in the position we are in today, we need to understand the contrived invention of "cereal malt beverage" and how it evolved.

Once it was determined that the prohibition of the manufacture and sale of alcoholic beverages (1920-1933) had not had the desired affect, the federal government gave the individual state governments the ultimate power to determine whether, and/or, how alcoholic beverages would be distributed and sold in their respective states.

In 1937, Kansas Government allowed special interests to contrive a product called "Cereal Malt Beverage" to circumvent existing state law. Therefore, Kansas has lived a lie for 56 years. "Cereal Malt Beverage" is an alcoholic beverage and for all practical purposes the same product as is "strong beer". The result of trying to distribute and sell like products, for all practical purposes, ("strong beer" and "cereal malt beverage") in two completely different ways, Kansas has ended up with a system of laws and rules and regulations that are inconsistent and ineffective.

"SINGLE STRENGTH BEER" AS A SOCIAL POLICY ISSUE

The idea of having all beer as well as all alcoholic beverages being distributed and sold in the same way tends to do away with a lot of inconsistencies. The basis for reasoning that all alcoholic beverages should be distributed and sold in the same way is because all alcoholic beverages (spirits, wine and beer) when consumed in traditional servings, allow equal amounts of alcohol to be ingested (for all practical purposes). To give beer, be it "strong" or "cereal malt beverage", any favorable or advantageous merchandising or marketing ability, is inconsistent.
(See Reference Sheets 3 and 4)

AVAILABILITY

After reviewing (A-1, A-2, A-3), to change public policy to make more alcoholic beverages more readily available in many more locations seems to defy logic.

UNDERAGE SALES/ENFORCEMENT

Since "cereal malt beverage" is not considered an alcoholic beverage by the state of Kansas, the Kansas Alcoholic Beverage Control does not have data relating to underage sales at "cereal malt beverage" outlets (grocery stores, convenience stores, gas stations, bait shops, etc.). In the business it is pretty well understood where the underage purchases occur. The enforcement of existing laws in two to three times the number of outlets is a major problem in its self. If it could be done it would not be the same as it has been in the past because in many cases the ABC would be dealing with corporations located outside the state. Would the enforcement be the same for all licensees?

SINGLE STRENGTH BEER THE BUSINESS OF THE BUSINESS

Breweries

All major breweries are located outside the state of Kansas. The major breweries (Anheuser-Busch, Miller and Coors) all have exclusive franchise agreements with Kansas beer wholesalers in any given trade area within the state. The breweries' general marketing philosophy has always been the more locations our product is available the more beer sold. I'm not sure that is good public policy for the state of Kansas!

Kansas Beer Wholesalers

Since Kansas beer wholesalers have exclusive franchise agreements with the breweries they are reluctant to voice their opinion about an issue such as "single strength beer", so as not to provoke a negative business reaction from their only source of supply. Is that a healthy situation for the Kansas beer wholesalers?

The truth is that "single strength beer" or "strong beer" being sold everywhere "cereal malt beverages" are sold now would only increase the Kansas beer wholesalers overhead at no expense to the brewery, without increasing overall sales.

Kansas Alcoholic Beverage Merchants

The sale of "strong beer" in all existing "cereal malt beverage" outlets would only move those sales from Kansas liquor stores to a multitude of other businesses. Kansas

liquor stores have decreased in numbers from 1259 to 740, mostly because of decontrolled pricing and the resulting all out competition. "Strong beer" constitutes anywhere from 40% to 60% of most liquor store sales.

Kansas "Cereal Malt Beverage" Retailers

National statistics tell us that beer is a very small and insignificant portion of most grocery and convenience stores total sales. Beer is usually used as a lost leader or promotional item to sell other merchandise. Does that end up serving the public's interest? Alcohol, the largest selling drug in Kansas being used as a lost leader or promotional item?

SYNOPSIS:

It is plain to see that there would only be two winners if this bill were allowed to become law. The out of state breweries and the grocery and convenience store chains. The Kansas alcoholic beverage wholesalers and merchants would be forced into an economic situation that would be chaotic at best and most likely irreversible. Last but not least have Kansas citizens and consumers interests been well served by consistent and effective public policy that promotes the health and welfare of all Kansans!

Alcohol Facts

a presentation by
John Webb

Drug and Narcotic.....	page 1
Beer Ratings - % Alcohol by Volume.....	page 2
Percentage Ethyl Alcohol by Weight & Volume in Beer.....	page 3
How aware are you of Alcohol Equivalence?.....	page 4
The Other Drug Crisis.....	page 5
The Cost of Alcohol-Related Traffic Crashes.....	page 6
Graphs - At this time: The Far Reaching Effects of Alcohol.....	page A-1
Alcohol-Related Injury Cost.....	page A-2
Alcohol and Violent Crime.....	page A-3

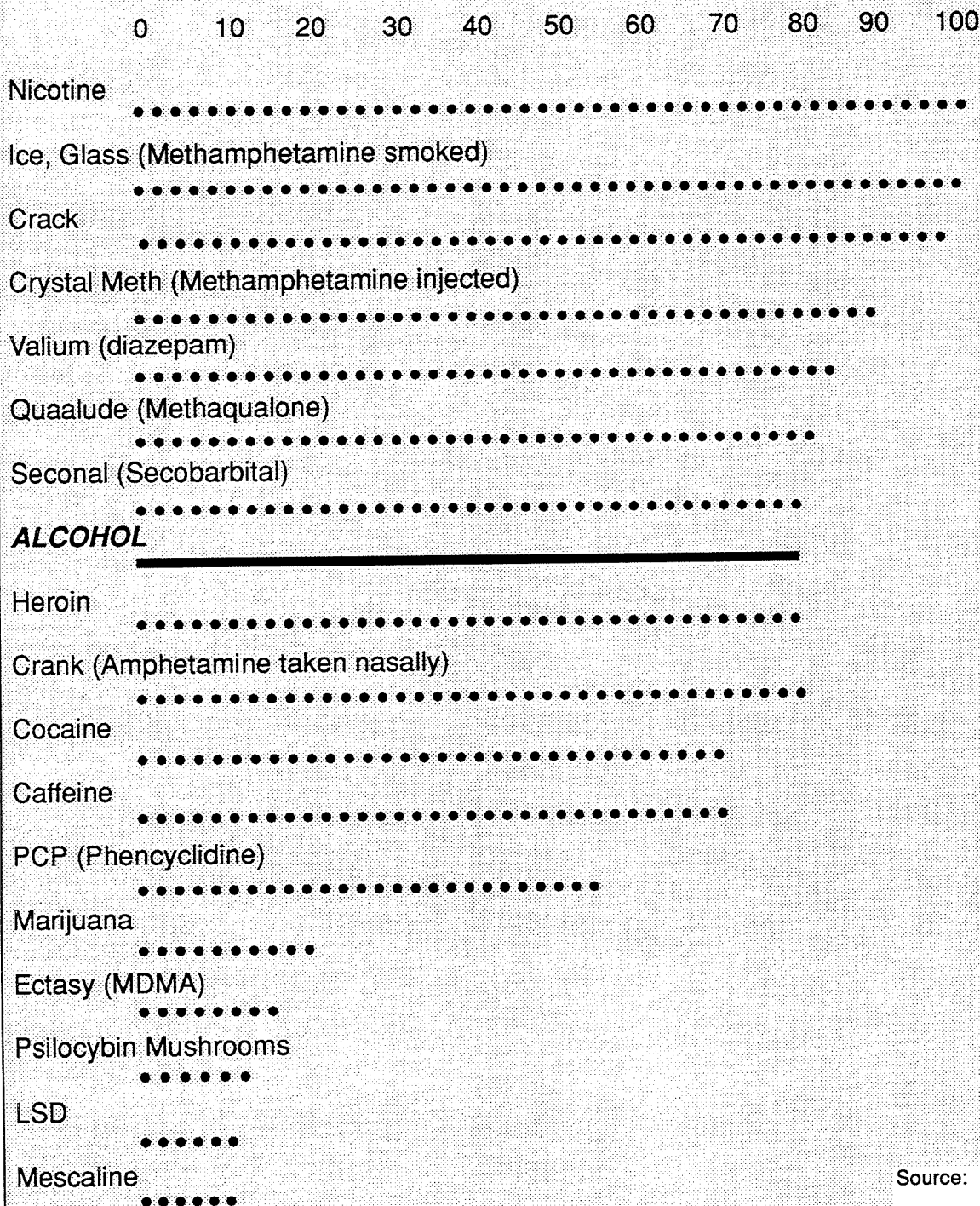
B definitions of drug and narcotic:

- g:
1. A substance used as medicine in the treatment of disease
 2. A narcotic, especially one that is addictive.

- Narcotic:
1. Any drug that dulls the senses, induces sleep, and with prolonged use becomes addictive.
 2. Something that numbs, soothes, or induces a dreamlike or insensitive state.

Easy to get hooked on, hard to get off . . .

To rank today's commonly used drugs by their addictiveness, we asked experts to consider two questions: How easy is it to get hooked on these substances and how hard is it to stop using them? Although a person's vulnerability to a drug also depends on individual traits – physiology, psychology, and social and economic pressures – these rankings reflect only the addictive potential inherent in the drug. The numbers below are relative rankings, based on the experts' scores for each substance.



Source: *In Health Magazine*
November December 1990

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15-5

Beer Ratings

Listed by groups in order of estimated overall sensory quality; within groups, listed in order of increasing price. Except as noted, samples were bought in cans. Designations of price category in Comments column are according to manufacturer. Prices are per 6-pack of 12-fl-oz. containers as reported by CU shoppers this spring.

Brand	Origin	U.S. Availability	Price per 6-pack	Cost	Calories	Sodium	Alcohol by volume	Comments
VERY GOOD • All were full-bodied, with a well-balanced, fresh flavor and aroma								
Miller High Life	U.S.	N	\$2.49	\$42	140	17mg.	4.7%	"Premium"
Budweiser	U.S.	N	\$2.50	\$43	144	15	4.7%	"Premium"
Schlitz	U.S.	N	\$2.59	\$43	151	19	4.9%	"Premium"
Lowenbrau	U.S.	N	\$2.89	\$48	157	15	4.9%	"Super-premium"
Michelob	U.S.	N	\$2.99	\$50	162	10	5.0%	"Super-premium"
Labatt's	Can.	M,NE	\$3.15	\$53	147	17	5.0%	—
Moleon	Can.	M,NE,P,S	\$3.35	\$56	154	17	5.1%	Fuller-body/sweeter
Henry Weinhard's	U.S.	P,S	\$3.65	\$61	149	7	4.7%	"Super-premium"
Private Reserve								
Kronenbourg	Fr.	NE,P	\$4.39	\$73	170	7	5.2%	Fuller-bodied
Heineken	Neth.	N	\$4.59	\$77	152	11	5.0%	Rather bitter
Anchor Steam	U.S.	M,P,S	\$7.19	\$1.20	154	17	4.7%	"Super-premium"
GOOD • All were milder than those above								
Old Milwaukee	U.S.	M,NE,P,S	\$1.69	\$28	145	23	4.6%	"Popular"
Schmidt's	U.S.	NE	\$1.79	\$30	147	7	4.7%	"Popular"
Pabst Blue Ribbon	U.S.	N	\$2.29	\$38	152	8	4.9%	"Premium"
Augsberger	U.S.	M,P	\$2.39	\$40	175	24	5.5%	"Super-premium"
Stroh's Bohemian Style	U.S.	M	\$2.49	\$42	149	27	4.7%	"Premium"
Lite (Miller)	U.S.	N	\$2.55	\$43	99	10	4.3%	Milder
Budweiser Light	U.S.	N	\$2.63	\$44	113	8	3.7%	Grassy flavor
Coors	U.S.	NE,P,S	\$2.65	\$44	140	18	4.6%	"Premium"
Olympia	U.S.	M,P	\$2.55	\$44	153	27	4.2%	"Premium"
Coors Light	U.S.	NE,P,S	\$2.73	\$45	102	15	4.1%	Slightly sweet
Michelob Light	U.S.	N	\$2.99	\$50	135	11	4.2%	Slightly grassy
Dos Equis	Mex.	M,P,S	\$4.22	\$70	145	14	4.5%	Dark beer
Beck's	Ger.	M,NE,P,S	\$4.65	\$76	150	19	4.7%	Rather bitter
Kirin	Jap.	M,NE,P,S	\$4.78	\$79	149	6	4.7%	Fuller-bodied
FAIR • All were milder in flavor than those above, with major defects in many samples								
Scotch Buy (Safeway)	U.S.	P	\$1.59	\$27	145	18	4.5%	"House brand"
Blatz	U.S.	M,NE,S	\$1.79	\$30	144	13	4.8%	"Popular", sweet
Rolling Rock	U.S.	NE	\$2.15	\$36	144	8	4.7%	"Premium"
Pabst Extra Light	U.S.	N	\$2.29	\$36	144	15	2.3%	Very bland
Hamm's	U.S.	M,P,S	\$2.59	\$43	136	19	4.4%	"Premium"
Heileman's Old Style	U.S.	M	\$2.59	\$43	144	24	4.9%	"Premium"
Tuborg	U.S.	Ne,P,S	\$2.50	\$43	155	13	5.0%	"Premium"
Olympia Gold Light	U.S.	M,P	\$2.75	\$46	72	6	2.9%	Very bland
Schlitz Light	U.S.	N	\$2.79	\$47	97	7	4.2%	Very bland
St. Pauli Girl	Ger.	NE,P,S	\$4.59	\$77	144	21	4.7%	Stale-tasting

M=Midwest; N=North; NW=Northwest; P-Pacific; S=Southwest

National availability as listed by industry sources.

Regional availability determined by CU shopper survey in 1982; regional brands may also be available in some areas not listed.

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Percentage Ethyl Alcohol by Weight and Volume in Beer

Tests completed by:

Winston Laboratories, Inc.(WL)

23-25 Mt. Vernon St.

PO Box 361

Ridgefield Park, NJ 07660-0361

Tel: (201)440-0022

M.D. Chemical & Testing Co., Inc.(MD)

Forbes Field, Bldg 281

Suite A, B, C

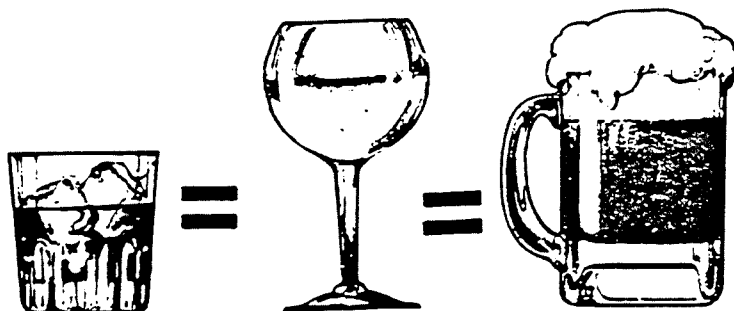
Topeka, Kansas 66619

Tel: (913)862-3500

Brand	Kansas Designation	Percentage Ethyl Alcohol by WEIGHT		Percentage Ethyl Alcohol by VOLUME	
		WL	MD	WL	MD
BUDWEISER	STRONG	3.3		4.2	4.7
	Cereal Malt Beverage	3.2		4.0	3.8
BUDWEISER	STRONG	2.5		3.2	4.0
	Cereal Malt Beverage	3.0		3.7	3.8
COORS	STRONG	3.5		4.3	4.5
	Cereal Malt Beverage	2.8		3.5	4.0
COORS	STRONG	2.8		3.5	4.1
	Cereal Malt Beverage	2.7		3.4	3.8
MILER	STRONG	3.8		4.8	4.7
	Cereal Malt Beverage	3.3		4.1	4.0

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15-7



How aware are you of Alcohol Equivalence?

Q. Typical servings of beer, wine and liquor:

- contain the same volume of liquid;
- vary in alcohol content;
- are equal in alcohol content.

A. Typical servings of wine, beer and liquor contain equal amounts of alcohol (c). A standard serving of a 12-ounce bottle or can of beer, a 5-ounce glass of wine and a drink containing $1\frac{1}{4}$ ounces of liquor all contain the same amount of alcohol: 0.5 ounces.

A public service message from

Webb's Fine Wine & Spirits

Across From McDonald's
800 west 23rd

841-2277

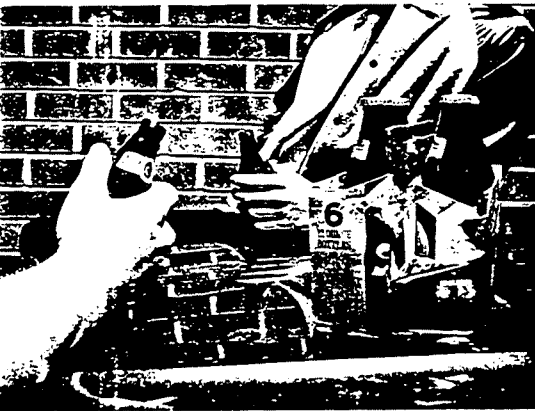
Traditional 5 oz GLASS OF WINE
Serving 11% by Volume
 $5 \text{ oz} \times .11 = .55 \text{ oz of}$
actual alcohol consumption

Traditional 12 oz SERVING OF
Serving STRONG BEER
4.28 by Volume
 $12 \text{ oz} \times .0428 = .514 \text{ oz of}$
actual alcohol consumption

Traditional 1.25 oz MIXED DRINK
Serving .40% by Volume
 $1.25 \times .40 = .50 \text{ oz of}$
actual alcohol consumption

Traditional 12 oz SERVING of
Serving CEREAL MALT
.0360 by Volume
 $12 \text{ oz} \times .0360 = .432 \text{ oz of}$
actual alcohol consumption

THE OTHER DRUG CRISIS



YOUTH 91 photo

such as heroin. But nearly 400,000 die from smoking-related diseases.

Alcohol abuse kills more than 100,000 Americans each year directly or in alcohol-related accidents. Alcohol packs some added danger besides its intoxicating effects. It is both a drug and a potentiator—it makes other drugs more potent and dangerous. **REMEMBER:** Mixing alcohol and medicines can be deadly, especially if you're driving.

.....

More people die each year from legal drugs (such as tobacco, alcohol and over-the-counter drugs) than from all illegal substances combined.

In the United States, about 6,000 people a year die from use of cocaine and opiates



On Your Feet!

You may actually think 20 percent faster standing up. Amazing but true, say researchers at the University of Southern California. You think faster on your feet because your heart beats faster and your brain gets more blood.

NEWS TRENDS AND HOT TIPS

No Change for the Telephone? If you lived in Paris you could use a *telecarte*, a wallet-sized card that you can buy at any post office.

Some of the cards have colorful designs and are even signed by the artists, according to *European Travel and Life*.

Free Film Developing! (In Lake Ontario)

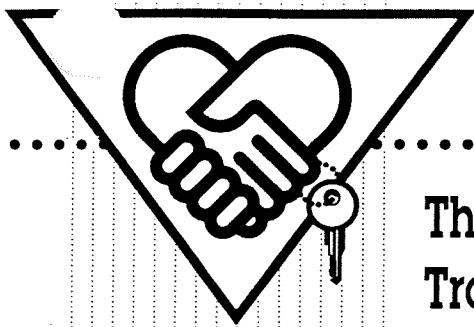
Lake Ontario is so polluted with chemicals you can actually develop photographs in it, according to the *Los Angeles Times*. The photographer who performed the experiment admits he

searched out the most polluted area he could find to develop the film—in a shipyard

near a rusting ship. Always on the lookout for a bargain, he plans a tour of the waters near Niagara Falls, the Statue of Liberty and Detroit in search of more free film developing.

MAY-JUNE 7

F45A
3-10-93
15-9



The Cost of Alcohol-Related Traffic Crash Injuries

Alcohol is a factor in about one-half of all fatal traffic crashes and one-fifth of all crashes involving injury. As a result, a large portion of the economic costs of traffic crash injuries is attributed to crashes where alcohol is involved.

The 1985 cost of alcohol-related traffic injuries was about \$15 billion.* This is the economic cost of injuries and death only—not including property damage. This cost of injury is the equivalent of \$73 for every man, woman, and child in the entire U.S.

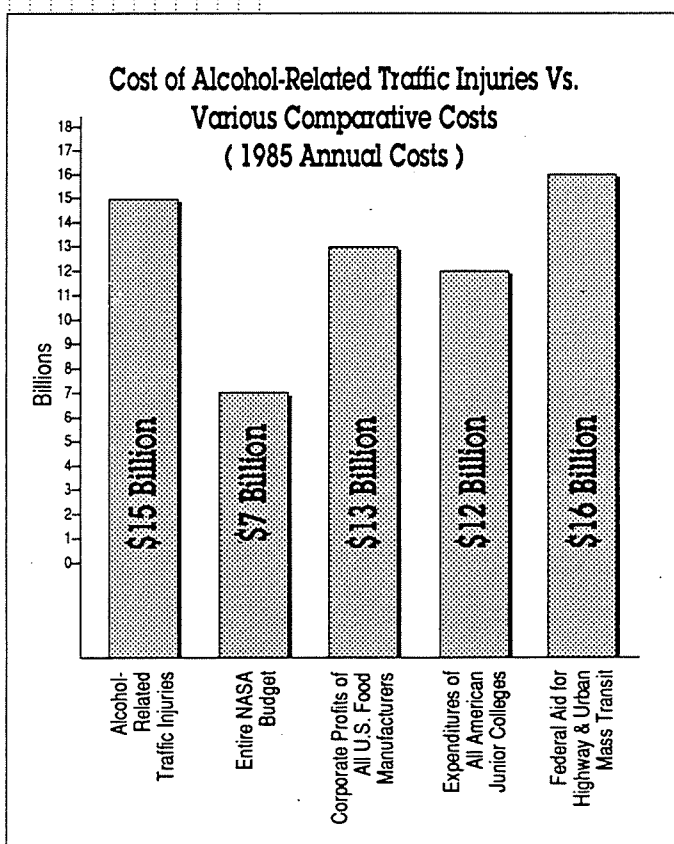
population that year.** The \$15 billion cost of alcohol-related traffic injuries for the Nation doubled the entire NASA budget for that year. Other comparisons of the magnitude of costs are provided in the chart on the left.

On an individual basis, each alcohol-related traffic death costs society approximately \$330,000. Each non-fatal traffic injury costs a little less than \$5,900.***

In 1991 drinking was a factor in over 17,000 fatal crashes and 197,000 injury crashes. For every age between 6 and 33, traffic crashes are the greatest single cause of death, and alcohol is involved in nearly half of these.

Another measure of the cost is the loss of person years of life. Traffic crash deaths generally involve victims who are much younger than those with diseases like cancer or heart disease, which are much more prevalent among the older part of our population. Each alcohol-related crash death costs our Nation an average of 37 years of a person's life. (By comparison an average cancer death costs 16 life

years; heart disease, 12.) So the fatal, alcohol-related, traffic crashes in just a single year account for over 900,000 life years lost. By any standard, alcohol-related traffic crashes represent one of the most significant preventable cost to our Nation of any health problem.



Source for Comparative Costs: Statistical Abstracts of the United States, 1989

*This is calculated by applying the 20% factor to the direct and morbidity costs and the 50% factor to the mortality costs provided by Rice et al., 1989. This is a quite conservative procedure since it assumes that the 20% factor is uniform over all crash injuries regardless of seriousness. However, the more serious the crash, the greater likelihood alcohol was involved.

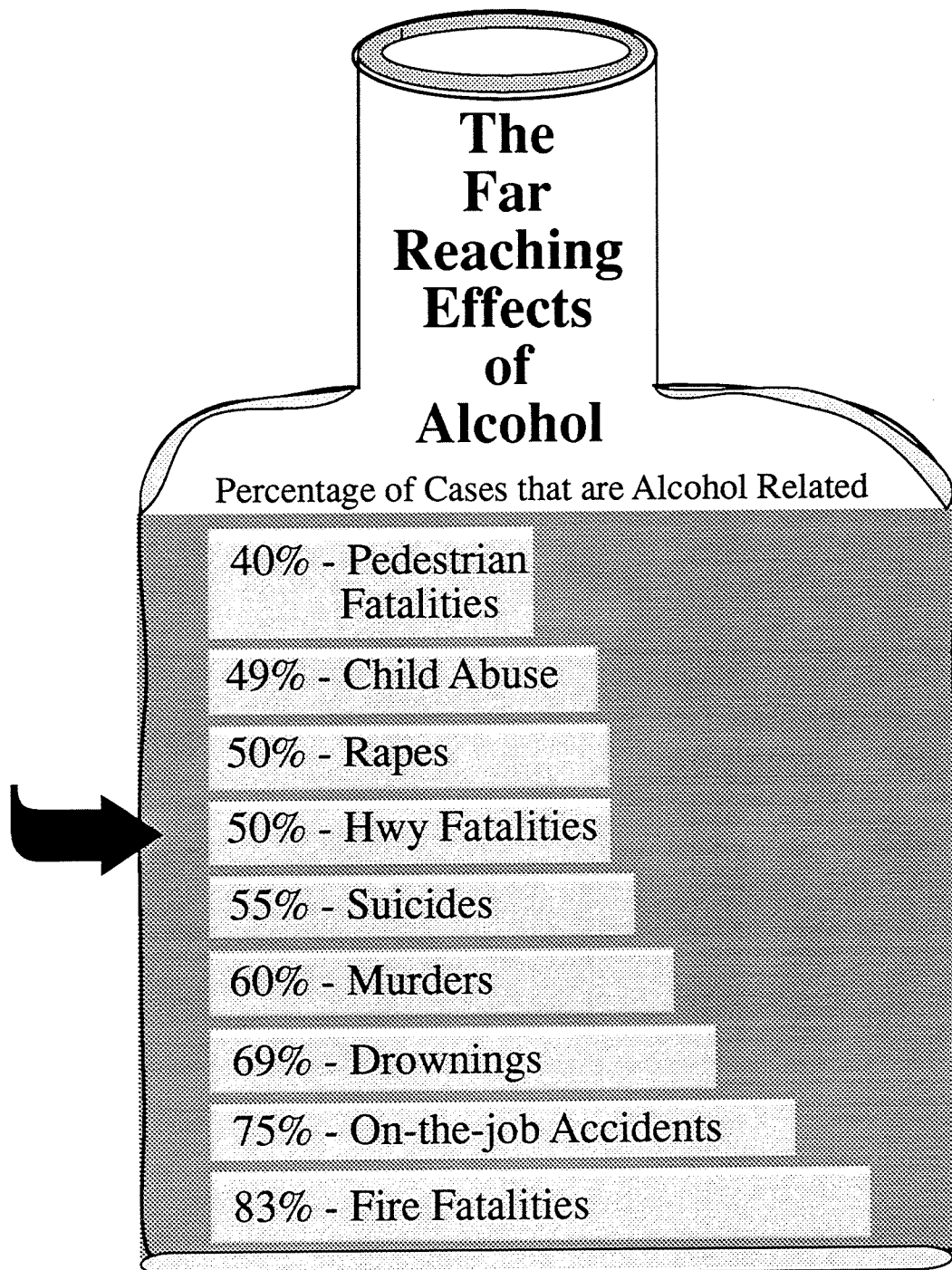
**Lewis D. Eigen, "Estimating and Controlling the Cost of Alcohol-Related Injuries at the Local Level," Paper presented to the Secretary's National Conference on Alcohol-Related Injuries, Washington, DC, March 26, 1992.

***Calculated by using the Rice et al, 1989 data and applying the National Committee for Injury Prevention and Control, 1989 proportions.

FLSA
3-10-93
1510

At this time . . .

Is it responsible and consistent social policy to be allowing more alcoholic beverages to be sold with motor fuels?



Source: Prevention's Giant Book of Health Facts

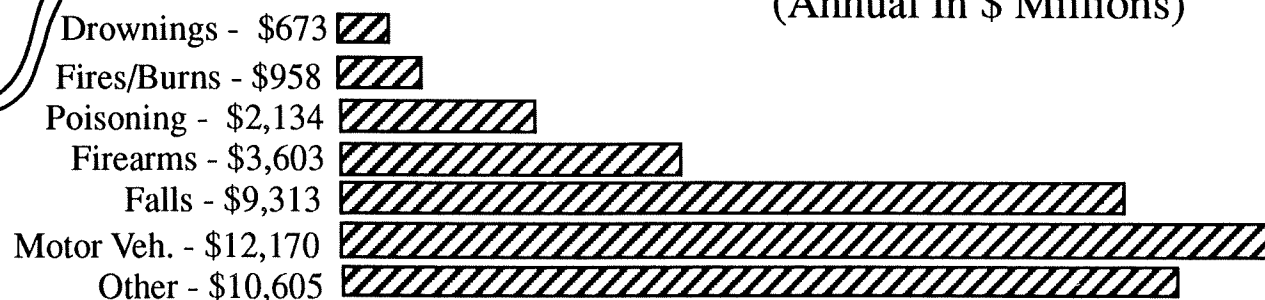
At this time . . .

It is responsible and consistent social policy to be allowing alcoholic beverages to be more conveniently available?

A-2

Alcohol-Related Injury Cost

(Annual In \$ Millions)

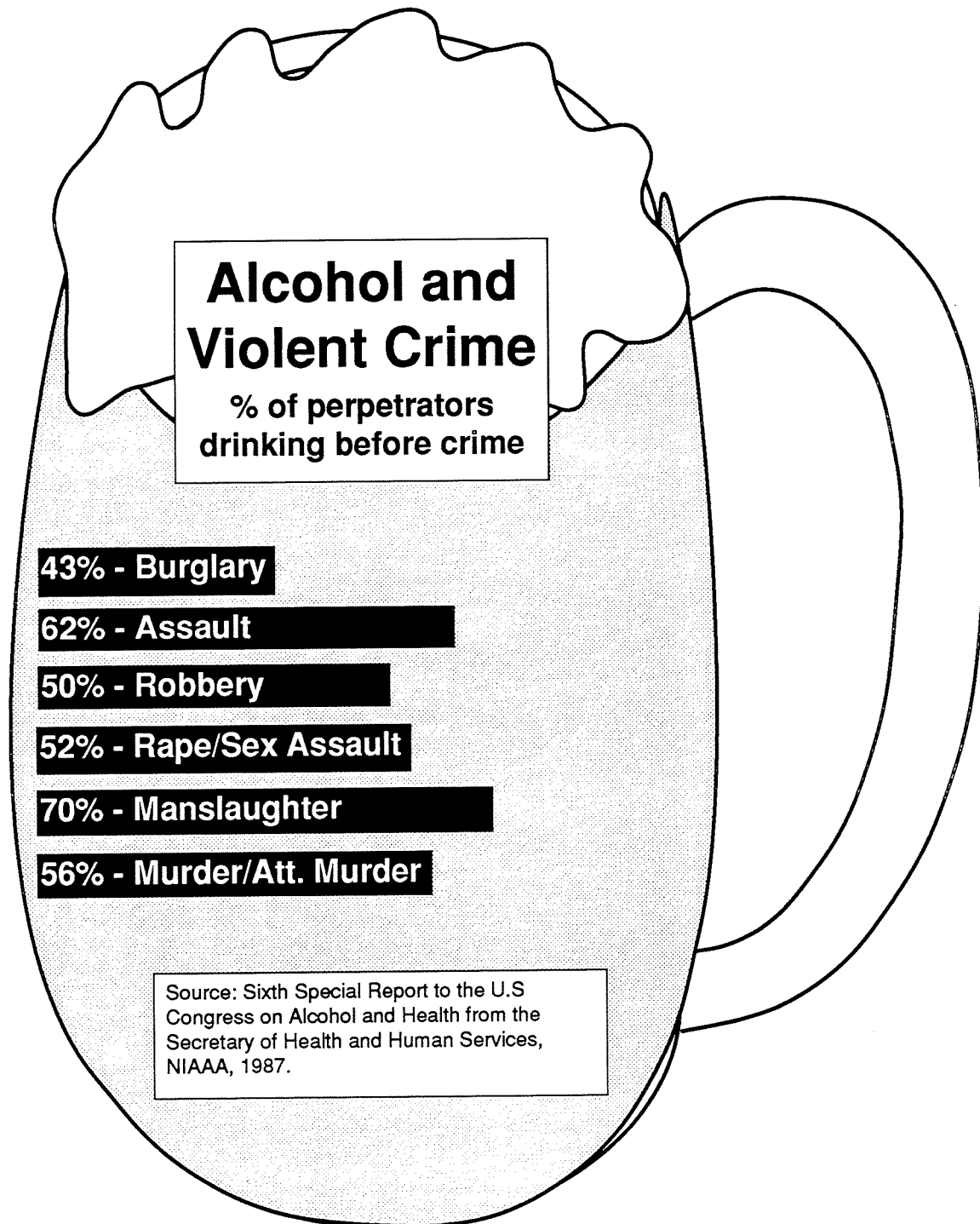


Source: D. P. Rice, *Cost of Injury in the United States: A Report to Congress*, 1989

LSA
3-10-83
15R

At this time . . .

Is it responsible and consistent social policy to be allowing more alcoholic beverages to be sold to underage customers?



FUSA
3-10-93
15¹³



Mothers Against Drunk Driving

3601 SW 29th Street • Topeka, KS 66614 • (913) 271-7525 • 1 (800) 228-6233

KANSAS STATE OFFICE

March 8, 1993

Clyde D. Graeber, Chairman
Federal & State Affairs Committee
Kansas House of Representatives
Room 1155
State Capitol
Topeka, Kansas 66612-1565

Dear Chairman Graeber & Committee Members:

Kansas MADD is not a prohibitionist organization. MADD's mission is to stop drunk driving and to support victims of this violent crime.

House Bill #2510 presents real concerns to Kansas MADD regarding the reclassification of "Beer", from a beverage containing more than 3.2% alcohol by weight to one containing more than 5% alcohol by weight. Such a reclassification will undoubtedly result in the future unavailability, to the public, of a lesser strength beer and what we consider to be the potential for exposure of minors to the availability of increased strength beer. Should beer manufacturers choose to eliminate the availability of 3.2% beer as a result of economic considerations, many adult beer drinkers accustomed to 3.2% beer may have to adjust their drinking habits.

Kansas MADD feels more evidence should be considered regarding alcohol content levels of beer and the ramifications of establishing a single strength beer. Information provided Kansas MADD regarding standards for alcohol levels in beer reflect the following:

1. 3.2% beer should not contain more than 3.2 grams of alcohol per 100 milliliter of solution.
2. 5% beer labeled 5%, as sold in liquor stores, may contain alcohol levels anywhere above 3.2 grams of alcohol per 100 milliliters up to and including 5 grams of alcohol per 100 milliliters of solution.

FLSA
3-10-93

Attch #16

Clyde D. Graeber, Chairman
March 8, 1993
Page 2

3. Beer sold in retail liquor stores not specifically labeled 5%, may contain as much as 6 grams of alcohol per 100 milliliters of solution.
4. Depending on the brand, alcohol levels may vary in 5% beer.

Kansas MADD also has concerns regarding the point of sale by 18 year old clerks, of a single strength beer in convenience stores and grocery stores.

During the 10 year period from 1980 to 1990, Kansas recorded 12,477 alcohol related crashes in which the drinking driver was between the age of 15 and 20 years of age. During that same period of time, Kansas recorded 435 drinking drivers between the ages of 15 and 20, were involved in alcohol related fatal traffic crashes. Kansas MADD is in opposition to HB2510 and urges you and Members of the Committee on Federal and State Affairs, to strongly consider all implications of this bill.

I would appreciate your acceptance and the Committee's acceptance to this document into public record.

Sincerely,

Carol Lierz
Carol Lierz
State Chairperson

FSA
3-10-93
162



"Service to County Government"

1275 S.W. Topeka Blvd.
Topeka, Kansas 66612-1852
(913) 233-2271
FAX (913) 233-4830

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Executive Director

John T. Torbert, CAE

TO: House Federal and State Affairs
Chairman Clyde Graeber

FROM: Anne Smith
Director of Legislation

DATE: March 10, 1993

RE: HB 2510

The Kansas Association of Counties is submitting only written testimony on HB 2510. We do not wish to oppose HB 2510 but do have some concerns with the provisions in the bill that allow for loss of local control in the licensing of establishments that sell CMB products.

The KAC requests that there be language added to the bill that would permit local governments sign-off authority on the liquor license prior to the Division of Alcohol Beverage Control granting the license.

Thank you for your careful consideration of this issue.

F & SA
3-10-93
Alet #17

February 20, 1993
Roberson's Retail Liquor
115 W. 5th
Newton, Kansas 67114

House Federal & State Affairs Committee
Chairman Graber
Committee member

I am writing to you to let you know how I feel about the proposed legislation to have only strong beer in the state of Kansas, and to allow it to be sold in outlets other than liquor stores. I am shocked that you would even consider this measure at a time when we are trying to keep people employed, and businesses open. To support this bill would effectively close 30 to 50% of the liquor stores in Kansas.

Beer sales represent 45% to 60% of our total sales. We are told by the state, what we can sell, when we can sell, and to whom we can sell our products. We have been limited in the outlets we can have (one), and how we can even set up our business. We must follow Federal rules and regulations, and State rules and regulations, and even our cities can pass special rules and regulations for our business. The ABC enforces all the rules and regulations with a firm, but fair hand. If grocery/convenience stores were asked to follow all our regulations, they wouldn't want one strength beer in their stores!

Economically, I believe it would be a disaster for Kansas. Strong beer taken away, or even shared with other types of stores would cost hundreds of liquor stores, and the tax and license revenue they represent. The number of employees who would be without employment would perhaps be in the thousands. The ABC would have to increase the size of their agency to be able to track sales, at a huge expense to the tax payer, and all this without any additional revenue. The beer industry has declined in recent years, and there is no reason to believe changing outlets would increase the amount of beer sold in Kansas. There would be no additional hiring by grocery/convenience stores, because they already sell 3.2 beer.

The liquor retailers in Kansas have worked hard at being responsible citizens, and keep on top of the issues that cause us all great concerns---selling to minors---drunk driving-----alcohol abuse, etc. I am on the Board of Directors of the Kansas Retail Liquor Dealers Association, and we make available to our members, and any other liquor store that asks, I.D. Guides, posters that promote responsible drinking, and other material that help us deal responsibly with our products. We hire people that

F-15A
3-10-93
atch #18

are old enough to drink our products, and responsible enough to follow the ABC rules and regulations when we are not in our stores. Our entire business is on the line if we violate any rules or regulations.

At a time when we are looking at passing even stricter alcohol blood levels for drivers, does it make sense to make strong beer accessible in places that sell gasoline? In liquor stores we can sell our products only 14 hours a day, by state law...some of us even less by city ordinance. We can be open only six days a week, and no holidays, except for New Years Day, unless it is on a Sunday. 3.2 outlets can sell 3.2 beer 18 hours a day, and all holidays, unless they fall on a Sunday.

Liquor store owners are easier to regulate because we are much more accessible. You don't have to go through a corporate office to find someone who is willing to be responsible for a violation, nor do we usually send a batallion of lawyers to the ABC to get out of a violation. We are not employees that pass the buck. We are willing to be financially, and morally accountable for what happens in our stores.

There is talk about an increase in the gallonage tax again. I have been in the business since 1980, and have gone through two significant gallonage increases, and know how they depress business, but I understand the necessity for all of us to listen to President Clinton and be prepared to tighten our belts. I am willing to tighten my belt, but I would like to keep my pants!

Thank you for taking the time to read this letter, and for the opportunity to share my concerns with you.



Marjorie L. Roberson
Roberson's Retail Liquor
115 W. 5th
Newton, Kansas 67114
(316) 283-0980

F-5A
3-10-93
18-2

Polson Retail Liquor
Allyn S. Polson
3106 Anderson
Manhattan, KS 66502

27 February 93

The Honorable Clyde Graber
State Capitol
3rd Floor
Topeka, KS 66612-1504

Dear Representative Graber:

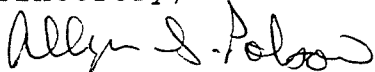
Please vote against the one-strength beer bill (HB 2510). If establishments that currently sell only 3.2% beer are allowed to sell strong beer, many small retail liquor stores, such as my own, will be forced out of business. With over half of our gross revenue being from the sale of beer, we would be in dire straits if we lost a significant portion of these sales. And we would lose a large portion. Why? Because convenience stores, gas stations, and grocery stores would be able to sell at cost as loss leaders because beer would still be only one of many items they sell. Retail liquor stores can only sell three items: liquor, wine, and beer. Changing the rules in the middle of the game to favor the other team would not be fair.

However my reasons for being against this are not strictly selfish. Besides myself becoming unemployed, my three part-time employees would be out of work. Imagine the statewide ramifications if close to half of the retail liquor stores were to close. Many people would be out of work and not be paying as much (or any) in taxes. Convenience stores, gas stations, and grocery stores would not pick up the employment slack either because even if their beer sales were to increase dramatically it would still represent such a small fraction of their total sales that the existing employees would be able to handle it easily. In addition, many chains are not headquartered in Kansas. Let's have Kansans' money go to work for Kansans.

Finally, from talking to a representative of MADD I learned that most of the complaints about selling to minors are directed at convenience stores. Also, doesn't allowing gas stations to sell strong beer sound like it could result in more drunk driving?

Please help!

Sincerely,


Allyn S. Polson

F & S A
3-10-93
Atch # 19

March 3, 1993

Chairperson Graber
House Federal & State Affairs Committee
State House
Topeka, Ks. 66612

In re HB 2510 and SB 379-One Strength Beer

It is hard for us to understand the reasoning of possibly allowing convenient stores to sell a new one strength beer. And yet the House Federal & State Affairs Committee and Senate Federal State & Affairs Committee both introduced above bills recently to be debated for passage.

As parents, we want to keep alcoholic beverages out of the hands of under age people as much as possible. By allowing convenient stores to sell a one strength (5%) beer, you are allowing a store with very little restrictions and regulations, who hire many employees under age 21, who let teenagers and middle school kids hang around, to sell it in a very unrestricted environment. At least persons under 21 are not allowed or hanging around the liquor stores. The liquor stores can sell only alcoholic beverages, so the young people do not make them hangouts.

Also, since convenient stores hire many people under 21, the incidences of selling to their underage friends will increase. The law enforcement agencies will realize this only after Driving Under Influence violations increase. Of course law enforcement, ABC, etc. might not really care since they will collect more fines, sell more permits, etc. They say they are trying to cut down the teenage drinking to the news media; but how many of them have contacted you protesting these two bills? Why not? The answer is More Money. The convenient stores reason for wanting it is More Money. The State Senators and Representatives who endorse it are doing it for what? The answer has to be More Money from Lobbyists.

There is not one good, valid reason to create a one strength beer and allow the convenient stores to sell it. Some say it would be simpler, but they really mean it would save them More Money. The kids will not argue because it will be easier for them to buy it. We, as adults, have to keep our restrictions on the sale of 5% beer to protect our children. Is Ross Perot right about our Government Representatives. Are you only interested in Money from lobbyists? Please vote no on these two bills for the sake of our children.

Barbara McAttee
R3 Box 96
Parsons Ks 67357
Gene McAttee

F25A
3-10-93

Atch #20

Chairperson, Trailer

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

On behalf of myself and all parents of teenagers, please do NOT vote for House Bill #2510.

Alcohol should be more closely regulated than it is today. Alcohol shouldn't be made available on every street corner, and that is virtually the way it is now. At least now, only the liquor stores are able to sell 5% beer. If this bill is passed, everyone will be able to sell it.

You know as well as I do that an 18 year old will never card a friend. They already know that the friends are not 21, but they will still sell to someone they know personally, and do so with the knowledge that no one is going to stop them. No one stops them now, and you really think that if they are selling 5% beer someone will stop them? Get real. Go to any grocery store or convenience store today and see how many 18 year olds card anyone, let alone their pals! You know it's a fact, and if you won't admit it, you're lying to yourself and everyone else.

No alcohol should be sold at the same place you fill your gas tank. What has happened to "Don't Drink and Drive"? The way it is now, we are sending out two separate messages. You not only shouldn't pass House Bill #2510, you should strongly review the existing laws that are on the books making alcohol so easily available to all Kansans.

Government greed has put these laws on the Kansas books, and they desperately need to be cleaned up. Bills such as these should be put on the ballot for voters to approve, just like "Liquor by the Drink".

I for one am sick of the oil companies and all large companies buying our elected government representatives. I vow to vote against and campaign against any one in office now who votes for this House Bill #2510.

Sincerely,



Sheila R. Rhodus

F & SA
3-10-93

Alch #21

March 3, 1993

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

Chairperson Thaben

PLEASE

On behalf of Retail Liquor owners, please do **NOT** vote for House Bill #2510.

We are closely regulated by the Alcohol Breverage Commission - AS WE SHOULD BE - but grocery stores, convenience stores, gas stations, drug stores, etc. are NOT, and probably won't be because there aren't enough people to cover all of those places.

You know as well as I do that an 18 year old is NOT going to card his or her friend! They are NOT going to refuse to sell beer to someone they know personally if they think that no one will stop them. They don't do it now, what makes you think it will be any different in the future? You can see it every day in the grocery store now, and you all know it!

Most of us work all the hours we are open now, and we don't want to have to be open longer. Most of us don't want to have to work on holidays either, but we will have to if this passes. We don't want to mess with charge cards, because they will cost us as well as our customers. Finally, and most important, we DON'T want stronger products sold where motor fuels are sold. We don't need more drunk drivers on the roads and hiways.

I cannot afford to compete with a company with millions of dollars buying power. That will mean that a lot of small liquor stores - like me - will be forced out of business. Twice in a twelve month period I will be without a job with which to support myself. The first time, after 21 years with Safeway - Food Barn because they closed the Distribution Center, but I could draw unemployment. This time I'm trying to buy my own business, and I will LOSE EVERYTHING.

Sincerely,

Cynthia B. Ferguson
Cynthia B. Ferguson

F25A
3-10-93
Atch #22

ONE MORE ISSUE THAT ADDS BUMPS TO THE LEVEL PLAYING FIELD IS THE USE
OF CREDIT CARDS TO PURCHASE BEER PRODUCTS.

UNDER PRESENT LAW, THE KANSAS RETAIL LIQUOR DEALER CANNOT ACCEPT
CREDIT CARDS AS A MEANS OF PAYMENT FOR THE PURCHASE OF BEER.

THERE IS NO SUCH RESTRICTION ON THE CMB RETAILER. THAT RETAILER CAN
AND DOES ACCEPT CREDIT CARDS AS A MEANS OF PAYMENT FOR BEER PURCHASES.

DONN HARLING
RETAIL LIQUOR DEALER
TOPEKA

F-5A
3-10-93
Atch #23

RE: HB 2510-STRONG BEER IN GROCERY AND CONVENIENCE STORES

1. 18 year old selling strong beer!

HOW MANY WILL SELL TO THEIR HIGH SCHOOL FRIENDS?

PEER PRESSURE ALONE WILL FORCE THIS TO HAPPEN.

2. WHO WILL MONITOR GROCERY AND CONVENIENCE STORES?

HOW MANY AGENTS WILL IT TAKE TO CONTROL THIS?

WILL ABC STOP ALL MINORS LEAVING GROCERY STORES WITH BROWN PAPER BAGS TO CHECK IF THEY'VE PURCHASED BEER?

HOW MUCH WILL IT COST THE STATE FOR ADDITIONAL AGENTS TO ENFORCE THE 21 year old LAW?

3. SELLING STRONG BEER WHERE MOTOR VEHICLE FUEL IS PURCHASED!

KANSAS IS TRYING TO CONTROL ALCOHOL RELATED ACCIDENTS BY PASSING SB 172= LOWER BLOOD ALCOHOL LEVEL, BUT AT THE SAME TIME MAKING IT EASIER TO PURCHASE STRONG BEER EARLIER (6AM) and LATER(12 midnight) IN GROCERY AND CONVENIENCE STORES AND ON MAJOR HOLIDAYS!

DON'T THESE BILLS CONTRADICT EACH OTHER!

SB 172 and SB 379 & HB 2510

4. "OFFICIALS WANT CRACKDOWN ON DRUNKEN TEEN DRIVERS"

THIS WAS AN ARTICLE IN THE DAILY UNION DATED MARCH 3, 1993
(see attached copy)

HOW CAN THIS BE TRUE WHEN PASSING BILLS SB 379 and HB 2510 WILL MAKE STRONG BEER MORE AVAILABLE AND HARDER TO CONTROL !!!

House approves tougher drinking bills

By ROCHELLE OLSON
Associated Press writer

OPEKA — The House approved a bill today that would considerably alter the state's drunken driving laws.

The bill, which passed 94-30, would lower the blood-alcohol concentration at which drivers are considered legally intoxicated from .10 to .08 percent.

Rep. Mike O'Neal, R-Hutchinson, chairman of the House Judiciary Committee, supported and gained the bill to House members.

"We've had extensive hearings and we're convinced statistics speak very clearly to reduction of blood-alcohol content to at

Officials want crackdown on drunken teen drivers

By JAMES H. RUBIN
Associated Press writer

WASHINGTON — Federal officials are calling for state crackdowns on teen-agers who drink and drive, including nighttime curfews, zero-tolerance blood-alcohol standards and quick suspension of driving privileges.

The National Safety Transportation Board, in a report to governors and legislatures, said it is time to update a promising campaign begun in the 1980s to curb underage drinking drivers, said to be involved in fatal accidents every 57 minutes.

The board Tuesday urged new state laws, including curfews aimed at keeping young motorists off the highways at night.

The five-member board approved a report that

also calls for lowering to zero the legal alcohol blood content for young motorists, and imposing penalties — such as suspending driving privileges — for teens who buy beer, wine or liquor.

Underage drinking and driving remain a let combination despite major progress the last years spurred by state laws that made 21 the minimum age for buying alcoholic beverages, the board said.

"Thousands of lives each year could be saved by tougher laws, said Barry Sweedler, head of the board's office of safety recommendations. *FLSA*

"It's still fairly easy for youths to purchase alcohol" illegally, he said, adding that "binge drinking" among teens is on the rise.

See Teens, Page 2

*3-10-93
atch #24*

Helga R. Greene
GREENE LIQUOR STORE

Charles Allen

Concepcion Albino
IRIZARRY LIQUOR STORE

Donna Potter
Potter Retail Liquor

STEPAN LIQUOR STORE

Tommy Stepan

PINON'S LIQUOR STORE

Fogelio Pinon

Mark Kelt

Carol Nardella
NARDELLA LIQUOR STORE
(913) 762-4141
Thank You!

Patricia A. Regelman

REGELMAN LIQUOR ST
301 WEST 18th STREET
JUNCTION CITY, KS. 66148

REVES RETAIL LIQUOR STORE

Earl E. RB

Leota Hanson
HANSON LIQUOR

TIMES SQUARE LIQUOR

Dee Eusey

Mills Liquor Store

F. J. Mills

N. L. Burmes

Mark Wilson

Off. B. F. F. F.

BEHAM'S LIQUOR

Don Wilkinson
WILKINSON LIQUOR STORE

Ally S. Polow, Jr.
NECPOR LIQUOR STORE
Jan 7 Nespor

GRIFFITHS LIQUOR

Charles Griffiths

DEAN RETAIL LIQUOR
521 North 12th
Manhattan, KS 66502
(913) 539-5269

Dendra Edwards

ALLEN LIQUOR STORE

John Dowling
AREA RETAIL LIQUOR STORE

John R. Allen

FISA
3-10-93
24-2