

KANSAS ASSOCIATION OF BEVERAGE RETAILERS



House Committee on Judiciary Testimony in support of HB 2521

Chairman Kinzer and Members of the Committee,

Thank you for the opportunity to testify in support of HB 2521. My name is Janet Wise and I am the owner and operator of Westside Liquor in Oskaloosa, Kansas. I am here today to represent our organization as the 1st Vice President of the eastern Kansas region of our association.

We support reasonable time frames for civil penalties under the Liquor Control Act and appreciate the effort Representative Tyson has made in bringing forward this legislation.

According to the Department of Revenue, Division of ABC website, there are currently 761 retail liquor stores licensed in Kansas. Every retail liquor store in our state is a Kansas owned small business. We take seriously our role in implementing the laws and regulations for the safe and legal sale of strong beer, wine and spirits. We are responsible for very specific regulations relating to selling to legal customers, conducting wholesale transactions with legal on-premises businesses, having the state and local license posted, hiring and registering legal employees, tagging kegs, collecting and remitting liquor enforcement taxes and avoiding any open containers on the licensed premises. There are more. A mistake in any one of these areas can result in a civil penalty.

If there is a violation in my store, especially if I am away – I need to know in a timely manner what has happened so that I can address the incident immediately. Current law addresses this by requiring ABC to notify me of a violation when it happens. It would be very helpful if the follow-up procedures could be completed within 90 days or so. It is not our intention to rush things beyond reasonable investigation, but there should be some expectation of timeliness.

Some members of our Association have reported long delays in the process – sometime incurring additional violations before the initial incident has been addressed. It is our understanding that the agency has been stretched very thin in being able to fulfill their licensing and regulation responsibilities under the current budget. We understand that the agency is budgeted from Transportation funds while the more than \$200 million in liquor fees, fines and taxes are deposited to the state general fund. While we recognize the State's budgetary issues – timely enforcement is not an unreasonable expectation.

While you are looking at this issue, please consider prioritizing the development of online licensing as well. Online licensing for retail liquor stores was supposed to become a reality 3 years ago, but we are still waiting.

Please feel free to contact us for more information. Our lobbyist can reply to any technical questions.

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