

STATE AFFAIRS COMMITTEE
February 28, 1967

The meeting was called to order by the Chairman, with all members present except Mr. Fribley who was excused.

Rev. Hollomon was introduced to discuss his opposition to H.B. 1081. He stated that two years ago the United Drys took no position when the Private Club law was enacted, because the Director of Alcoholic Beverage Control had stated that the law was needed to control the liquor traffic. He testified that he had statistics which tended to confirm this; that the consumption of alcohol in Kansas had been reduced since the enactment of the law; and that the present bill in his opinion would loosen the law and in turn cause an increase in consumption; that he and his group opposes any "tampering" with the law. He stated that in the testimony of the proponents, the law enforcement men who appeared stated that they were neither opposed or in favor of the bill, but that they had a problem with enforcement. He stated that he believed there should be amendments to close the loopholes instead of making them wider.

Representative Bower stated that he had mixed feelings when the law was passed two years ago, but finally voted against it in the end; that he believes it contradicts the Constitution; but states he believes the law has provided some benefits; but that this bill would in effect bring in the "open saloon". He stated that if the bill is considered favorably, a local option section should be added.

Rev. Becker, Vice-President of the United Drys, stated that he was in agreement with what had been said; that his main concern was that consumption be kept to a minimum; that he would oppose anything that would make liquor easier to acquire.

Dr. Ewert Watts, pastor of the First Methodist Church in Topeka, testified that everyone should be pledged to undergirding the Constitution which provides that there shall be no open saloons. He pointed out that two years ago the testimony was that the bill would enable us to have better control; that it now appears that the rules are being circumvented and are saying that we can't control it and therefore, will make it not so stringent. He stated that we should do all we can to enforce the law.

Mr. Hollomon then pointed out that very few people appeared in support of the bill; that not even the other sponsors were there; only Mr. Turner, and that the law enforcement people who did appear failed to support it; that they testified that ways were being found to avoid the law and he felt a subcommittee should be appointed to plug the loopholes.

Mr. Andrews, stating that he was neither in favor nor in opposition to the bill, said that he resented people who appeared before the committee attacking a member of the committee; that anyone could conduct a hearing as they chose and the sponsors of the bill has chosen to have Mr. Turner present the bill.

Mr. Turner confirmed this, stating that the sponsors had requested no one to appear; that they felt it should be very evident that no attempt was being made to loosen the law; that in fact the bill is simply amendments to the present Act in good faith to make it more enforceable, and to keep out crime and corruption; that no money had been spent to support the proposal whereas he expected Mr. Hollomon was spending about \$1,000 a week in opposition. The Chairman intervened and asked that there be no personalities involved in the discussion. Mr. Turner inquired if Mr. Hollomon had read the entire law or just this bill; and it was established that he had read only the proposal. Mr. Turner suggested that if he would read the entire law and then this bill that he would see that an honest attempt was being made to perfect the act. Mr. Turner stated that two years ago he carried this bill on the floor of the House, and when the 30 day waiting period and membership fee amendment was proposed, he explained to the members how someone was going to get around this, and it passed anyway. Mr. Hollomon stated that he thought an amendment could be drawn to help this and Mr. Turner replied that is what the present bill proposes to do.

Mr. Charles H. Rush, who identified himself as a layman from Paola, stated that people are taught from the time they are youngsters in school that alcohol and tobacco are dangerous; that he opposes anything that would increase the consumption of alcohol, pointing out the problems with drinking and driving, and the incidents of alcoholism.

Mr. Ed Kreipe, a retail liquor dealer, appeared in opposition to the proposal, stating that if Class B clubs are permitted a liquor pool, it would have an adverse effect on dealers because of the 10% discount rule; that it is unfair competition to the retailer.

Rev. Rolland Fisher of the Prohibition Party, stated that he concurred with the statements made by the United Dry Forces; that he believes this is practically a liquor selling law and practically in violation of the Constitution; that he sees nothing in this bill that refers to closing hours or age limits. Mr. Turner explained that it is in the law already; that this bill is amendments to the law.

Mr. Woodworth inquired if it would be more palatable to Mr. Fisher if the legislature would quite messing around trying to control this problem and put this question on the ballot and settle it once and for all. Mr. Fisher replied that he is opposed to the open saloon and feel it would be a step in that direction to put it on the ballot. The Chairman asked Mr. Fisher to answer the question--do you prefer control or would you prefer a referendum? Mr. Fisher replied that his preference is for the law that would be most effective in the prohibiting of the sale and consumption of liquor.

Mr. Buchele asked Mr. Fisher if he professed to represent a majority of the people and Mr. Fisher replied that he represented his party. Again, Mr. Buchele asked if he represented a majority of the people of Kansas, and Mr. Fisher replied that he didn't profess this.

Rev. Watts inquired of Mr. Turner, if the real purpose of this bill is to make the law stronger, how would the elimination of the membership fee and the 30 day waiting period accomplish this. Mr. Turner explained that if the law enforcement officers were released from this tedious business of trying to check if members are legitimate and if they have paid their membership fee, they could then concentrate on enforcing other aspects of the law, and controlling the sale of liquor to intoxicated persons. Mr. Watts inquired if this isn't an open saloon and Mr. Turner replied that it has never been really defined, but that this is dealing with consumption, whereas the Supreme Court says a saloon is liquor by the drink, and they say this is not a sale.

The Chairman asked for action on H.B. 1113 and 1114. A Secret ballot was called for, and with regard to H.B. 1113, it was recommended favorably by a vote of 10 to 7. With regard to H.B. 1114, it was recommended favorably by a vote of 11 to 6.

Mr. Buchele moved that H.B. 1161 be reported adversely. Motion was seconded by Mr. McGill and carried unanimously.

The Chairman asked the subcommittee on the "humane" bill to be prepared very soon to present their proposal.

The meeting was adjourned.

MARGARET GENTRY, Secretary