

Approved 2/29/84
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./p.m. on January 24, 1984 in room 254-E of the Capitol.

All members were present ~~except~~

Committee staff present: Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

Senator Merrill Werts
Thomas J. Kennedy, Director, Alcoholic Beverage Control

Senator Werts was introduced by the Chairman. Senator Werts asked the Committee to introduce a proposal concerning denial of membership in private clubs based on military status. He presented a copy of the proposed legislation for the Committee, and it is part of these Minutes as Attachment #1. Senator Meyers moved the introduction of the proposed bill, 2d by Senator Morris.
Motion carried.

Thomas J. Kennedy was the next conferee to appear before the Committee. He furnished hand-outs for the Committee, which are a part of these Minutes.

Director Kennedy said that his presentation will cover four areas: 1. Status of the Industry; 2. What is going on around the country; 3. Discussion with ABC comments or recommendations concerning bills held over in this Committee from last year; 4. Additional recommendations for Committee consideration this legislative session. His statement reflected that the prepared packet for each member concerns memoranda dealing with the history of the ABC, licensee picture, sales and revenue, revenue collected by the ABC, liquor distributors, price control in Kansas, and concluding with Corrections to 1983 tax briefs. In all the packet deals with 22 items, for which an Index is included. The packet encompasses a great deal and has much information which will be of help to the Committee in its deliberations.

Director Kennedy's prepared statement is attached, as well as his memorandum to Chairman Reilly dated January 24, 1984 (copies of which were furnished all the Committee), which is a briefing on various matters concerning the ABC. There is also a copy of a memorandum concerning the actions on the 56 bills which were introduced last session concerning alcoholic liquors, beer, CMB and the ABC Division.

Hand-outs which are a part of these Minutes are: Director Kennedy's Statement, Attachment #2; Packet and Index, Attachment #3; Memorandum dated May 13, 1984, concerning actions on the 56 bills, Attachment #4; and Memorandum to Chairman Reilly, dated January 24, 1984, Attachment #5.

Committee discussion concerned various items referred to in the hand-outs. Director Kennedy said that he would follow up with a memorandum concerning specific requests for more information.

The Minutes of the Meetings of January 17 and 18, 1984, were distributed. Senator Pomeroy moved that the Minutes be approved. 2d by Senator Morris.
Motion carried.

The meeting adjourned at noon.

AN ACT concerning licensing and regulation of certain clubs;
denial of membership based on military status prohibited;
amending K.S.A. 41-2610 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 41-2610 is hereby amended to read as follows: 41-2610. It shall be unlawful for a club licensee:

(a) To employ any person under the age of ~~twenty-one--(21)~~ 21 years in connection with the dispensing or serving of alcoholic liquor or the mixing of drinks containing alcoholic liquor.

(b) To employ knowingly or continue in employment any person in connection with the dispensing or serving of alcoholic liquor or the mixing of drinks containing alcoholic liquor who has been adjudged guilty of a felony or of any crime involving a morals charge in this or any other state, or of the United States. For the purposes of this subsection, the term "morals charge" shall include those charges involving prostitution; procuring any person; soliciting of a child under ~~eighteen--(18)~~ 18 for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or crimes against nature.

(c) To employ knowingly or to continue in employment any person in connection with the dispensing or serving of alcoholic liquor or mixing of drinks containing alcoholic liquor who has been adjudged guilty of a violation of any intoxicating liquor law of this or any other state, or of the United States, during the two-year period immediately following such adjudging.

(d) To fail to maintain at the licensed premises a current list of all club members and their residence addresses.

(e) To refuse to allow the director or any of the director's authorized agents or any law enforcement officer to inspect the current list of the members of the club.

(f) To purchase alcoholic liquor from any person except from a person holding a valid license to sell alcoholic liquor at retail.

(g) To deny an application for membership to a Class 8 club by reason of the applicant's military status or rank.

Sec. 2. K.S.A. 41-2610 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

1/24/84
Attachment #2

MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Briefing For Senate Federal And State Affairs Committee

DATE: January 24, 1984

Mr. Chairman, Distinguished members of the Senate Federal and State Affairs Committee, Ladies and Gentlemen.

Mr. Chairman, thank you for the opportunity to appear before you and your committee to bring you up to date on the ABC Division and the beverage industry.

My presentation will cover the following areas:
First, the status of the industry as of the end of Fiscal Year 83. Second, what is going on around the country. Third, a discussion together with our comments and/or recommendations concerning bills held over in your committee from last year. And fourth, some additional recommendations for your consideration during this legislative session.

First, I have prepared a packet for each member of the committee. These are memorandums covering history of the ABC, the licensee picture, sales and revenue, revenue collected by the ABC Division, liquor distributors, price control in Kansas to mention some and concluding with the 1983 tax briefs from Discus to include corrections to these briefs. Hopefully, this packet will assist you in your deliberations. If we can be of further assistance, please let me know.

In reviewing the activities of the last year, you will note that retail liquor store sales increased from \$219.3 million in FY 1982 to \$222.8 million in FY 1983, an increase of \$3.5 million dollars while revenue to the state decreased from 27.9 million to 27.5 million for a 400,000 dollar decrease. The exact causes of such a phenomenon are impossible to pinpoint, but several possible factors due come to mind:

First, increases in cost of merchandise and shipping costs seem to be likely contributors to the increased dollar amount in sales.

Second, sales of distilled spirits nationally were down about 4.5% in FY 1983 with shipments down to the 1975 level. This trend is reflected in Kansas where liquor distributors sold 51,107 fewer cases of spirits to retailer in FY 1983 than in FY 1982. A small increase in wine sales (19,219 cases in FY 1983 over FY 1982 still leaves a net decrease).

Attachment #2

Third, the total number of retail liquor businesses is down in 1983. There are 29 fewer retail liquor stores now than there were a year ago (1085 in FY 1983, down from 1113 in FY 1982. This was as of June 30, 1983. Today we have 1,091 retailers up by 6.

I should point out, however, that we have had a sizeable increase in private clubs from 1,182 in 1982 to 1,234 in 1983. Today, we have 1,246 clubs (405 A clubs and 841 B clubs).

Kansas liquor distributors have reduced the size of their operations. The closing of Standard's Dodge City warehouse is the most recent example (June 30, 1983). In 1982, Standard closed its Great Bend warehouse and Famous closed its Dodge City warehouse. These reductions and redistribution of inventories could have been a cause for fewer imports into Kansas and thus less gallonage tax collected.

The only statutory change that could have had an effect on retail sales in FY 1983, though it is too early to tell for sure, would be the changes in Kansas DWI law with its increased public awareness of the problem and increased penalties for offenders.

The number of Strong Beer Distributors in the State in FY 1983 was 74. This is a reduction of 5 from 1982. The number of Strong Beer Breweries or Importers increased from 41 in 1982 to 47 in 1983.

Any or all of these factors may have influenced the unusual liquor sales figures for FY 1983.

As a matter of information, the first five months of FY 1984 compared to the first five months of FY 1983 show shipment up 3.53% and revenue up 3.42%.

Now for a quick update on what is going on around the country as I see it.

A highlight of the 49th annual conference of state liquor administration this past June was a forum report on beverage alcohol in American Society. The presentations were authorized by some of the leading researchers, scientists and authorities in their respective fields and centered on the issue of social responsibility.

Some of the topics discussed were:
Alcohol Abuse: What is it all about.
The systems approach to DWI Reduction.
Medical Research and education.
Research and Public Policy.
Important Issues Affecting Alcohol Education.
The Industry's Commitment to Public Education.
Effective State Education Policy, To Mention Some.

This report is gaining nationwide attention and is becoming a source document in schools, universities and libraries. I have a couple of copies and will be glad to loan them to anyone interested.

Another item of interest that happened during the 1983 NCSLA Conference was the passing of a resolution supporting HR 2262, the Malt Beverage Interbrand Competition Act.

In July, 1983, Marvin Eller, the First Vice President of the NCSLA testified before Congressman Rodina's Committee on the proposed Malt Beverage Interbrand Competition Act. His testimony was based on the resolution passed by the association. I have copies of his testimony, if you wish.

In November, I wrote a letter to Senator Strom Thurmond, Chairman of Judiciary Committee, who was holding hearings on S 1680, the Malt Beverage Interbrand Competition Act. January 6, 1984, I received a reply in which Senator Thurmond said he has made the letter a part of the record of the November 7 hearing, he further stated that he was sure the committee will find the letter helpful as it continues to study S 1680.

On September 14, 1983, Congressman James J. Florio, Democrat, New Jersey, Chairman of the Transportation Sub-Committee of the House Energy and Commerce Committee, introduced HR 3870, to prohibit nationally the sale of alcoholic beverages to those under the age of 21. The bill bases its prohibition on the fact alcoholic beverages travel in inter-state commerce.

Terrence Micek, the Secretary/Treasurer of the National conference of state liquor administrators and the Director for Nebraska testified for the NCSLA.

In his testimony, he reiterated NCSLA'S opposition to any "National uniform legal drinking age" as expressed in a resolution passed at the 1982 NCSLA meeting.

The NCSLA opposition to the bill was based on the following grounds:

1. First he challenged the bill itself as an unconstitutional infringement on the powers of the states to regulate liquor sales under the 21st amendment to the United States Constitution.

2. He emphasized the fact that each state now has a comprehensive program on this subject including minimum age legislation.

3. He pointed out the fact that the bill virtually ignores the major problem of adults who make purchases of liquor for minors, and

4. He emphasized the fact that the bill is entirely punitive in nature, thus ignoring a very real need for long range measures needed to change social attitudes towards alcohol abuse.

On another matter, the United States supreme court has said it will hear the Oklahoma Telecasters VS Crisp case probably this spring.

In this case, several Oklahoma cable television operators challenged Oklahomas statutory and constitutional restrictions on advertising of alcoholic liquor. I have details if you are interested. In addition, I have copies of Marvin Ellers testimony and Terrance Miceks testimony if anyone is interested.

Now for a quick update on the ABC.

First, The ABC Division has moved from the State Office Building to the Jayhawk Towers. As you know, this is the old Jayhawk Hotel which was renovated into an office building. The move was completed in September and we would invite you to come by and see our new offices. As a matter of information, the square foot cost is less than it was in the State Office Building.

Secondly, for the last several years, we have heard many comments and recommendations about the application form for renewal of licenses. Generally, the comment most often heard was: Why go through the entire process of filling out a new application each year if nothing has changed? I couldn't agree more, so we have completed a review of the renewal application form, abbreviated it and developed a one page renewal form. That form is now being used. The revised renewal form applies to Manufacturers, Liquor Wholesalers, beer distributors, CMB Distributors, Retailers, and Private Clubs.

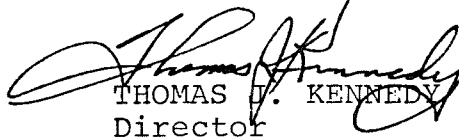
Third, we have converted all our records to comply with the New Open Records Act.

These are just some of the things going on in the ABC.

Now for a discussion together with our comments and/or recommendations concerning bills held over in your committee.

If you will turn to the memorandum which has been distributed to you concerning these bills. (See memorandum to Honorable Edward F. Reilly, Jr., Chairman, Senate Federal and State Affairs Committee, dated January 24, 1984).

Respectfully submitted,


THOMAS J. KENNEDY
Director

TJK:plk

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MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: History of ABC and Goals of the Director

DATE: June 30, 1983

In November, 1948, the people of Kansas voted to amend Section 10, Article 15, of the Constitution of the State of Kansas. As a result of this election, the state legislature enacted the Kansas Liquor Control Act which provides for the regulation of all phases of the control of manufacture, distribution, sale and traffic in alcoholic liquor and the manufacturing of beer except 3.2% and less.

The Office of the Director of Alcoholic Beverage Control was established to implement the provisions of this Act and to carry out the enforcement.

The Alcoholic Beverage Control Division issued the first distributor's license on June 6, 1949. On July 18, 1949, the first retail liquor licenses were issued.

The 1965 Legislative Session passed the Kansas Club Licensing Act, K.S.A. 41-2601 et seq., as amended, which placed private clubs under the jurisdiction of the Director of Alcoholic Beverage Control. The first licenses were issued on July 31, 1965.

The Division of Alcoholic Beverage Control of the Department of Revenue was created by legislation contained in Chapter 342, Session Laws of 1972, K.S.A. 41-201.

The Director of the Division of Alcoholic Beverage Control, appointed by the Secretary of Revenue, administers the Division of Alcoholic Beverage Control. The activities of this office are outlined in Kansas Statutes Annotated.

The 1975 Legislative Session passed the Act concerning bingo. The Secretary of Revenue charged the Director of Alcoholic Beverage Control with the responsibility of policing all bingo activities conducted on licensed private club premises.

The 1978 Legislative Session passed two bills which placed additional responsibilities on the Director of Alcoholic Beverage Control. They are:

- A. Senate Bill 952 transferred the licensing and policing of sixty-eight (68) cereal malt beverage distributors from the Director of Taxation to the Director of Alcoholic Beverage Control. The Director of Alcoholic Beverage Control has continuously licensed and policed strong beer distributors in Kansas since 1949.

- B. Senate Bill 975 amended K.S.A. 41-201 and K.S.A. 41-2634 to remove the provisions that an organization or association determined to be exempt from the payment of federal income taxes under section 501(c)(7), (8) or (19) of the Internal Revenue Code shall qualify for a Class A license. Instead, organizations or associations would only qualify if they were determined by the Director of Alcoholic Beverage Control Division to be a bona fide nonprofit social, fraternal or war veterans club pursuant to criteria established in regulation by the Secretary of Revenue.
- C. Senate Bill 975 also provided for multiple licensing of Class B clubs. The requirement is that each club operating under the provisions of multiple licensing must do fifty percent (50%) of their business in food.

The 1979 Legislature enacted two significant bills which affect the Director and the Division of Alcoholic Beverage Control. They are:

- A. Senate Bill 467 which authorizes all Class A and Class B clubs to sell liquor by the drink to their members and bona fide guests. This bill totally eliminated liquor pools and liquor pool procedures which have previously been the mechanism that many private clubs used to dispense liquor. The bill permitted Class A clubs to continue to enter into reciprocal agreements between each other and extended that reciprocal privilege to Class B clubs, termed "restaurant clubs", having gross receipts greater than fifty percent (50%) from the sale of food. All private clubs were required to obtain a Federal Retailer's Tax Stamp in order to sell liquor in their clubs, and retail liquor stores who sold to private clubs, were required to purchase a Federal Wholesale Liquor Dealer's Basic Permit. The new law established a ten percent (10%) gross receipts tax on the sale of alcoholic liquor, to include spirits, wine and strong beer. This tax is applied to any drink containing alcoholic liquors and includes any portion of that amount attributable to the cost of any ingredient mixed with or added to the alcoholic liquors.
- B. House Bill 2020 replaced the "Open Wholesaling System" with an "Exclusive Franchise System". Further, the bill eliminated the prohibition of removing alcoholic liquors from bonded warehouses between sunset and sunrise. Finally, the bill authorized the consumption of alcoholic liquors at Forbes Field, Topeka, heretofore a prohibited practice.

The 1981 Legislature enacted two (2) bills which affected the Director and the Division of Alcoholic Beverage Control. They are:

- A. House Bill 2174 which prohibited the retail sale of all metal beverage containers designed so that a part of the container was detachable in opening the container. The bill provided the Director of Alcoholic Beverage Control with responsibility for designating which beverage containers were to be included in the Act. The bill provided a definition of "IN THIS STATE" that included all Federal Territory in the state. The act was effective January 1, 1982

- B. House Bill 2582 authorized the licensing of private clubs on property in cities having a population of more than two hundred thousand (200,000). Further, it authorized the licensing of private clubs on property owned or operated by the county in counties having a population of 150,000. Additionally, the bill created a new category of temporary members for clubs located on airport property owned or operated by a municipal airport authority. Persons possessing an air traveler's ticket could receive temporary membership in such clubs for the date or dates that such a ticket was valid.

The 1982 Legislature passed 3 bills affecting the Alcoholic Beverage Control Division. They are:

- A. Senate Bill 865 provided that any sales of cereal malt beverages made in private clubs had to be for on-premise consumption only; and that cereal malt beverages could be sold in a private club at any time alcoholic liquor was allowed by law to be served on the premises.
- B. Senate Bill 866 was an act concerning strong beer and cereal malt beverages which related to agreements for distribution of beer and cereal malt beverages to wholesalers. It prohibited "Dual Franchises" for the distribution of strong beer and cereal malt beverage (3.2% beer).
- C. House Substitute for Senate Bill 888 was an act concerning alcoholic liquors. It related to taxation of gross receipts derived from sales of alcoholic liquor; it provided for enforcement procedures relating to the collection thereof; it related to distribution of revenue therefrom and it provided limitations on sales by certain manufacturers and suppliers of alcoholic liquors.

The 1983 Legislature enacted five (5) bills which affected the Alcoholic Beverage Control Division and the Department of Revenue. The bills and actions taken or being taken are:

- A. Senate Bill 43, an act concerning the Kansas Sunset Law, continued the Department of Revenue and the Office of Secretary of Revenue in existence until July 1, 1991.
- B. House Bill 2130, an act concerning the liquor enforcement tax increased the enforcement tax upon the gross receipts from the sale of alcoholic liquor at retail from 4% to 8%. Retail liquor store sales in FY 1982 were \$219,352,528. Enforcement tax collected at the rate of 4% amounted to \$8,774,114.

- C. House Bill 2327 was an act which concerned the Kansas Open Records Act. This bill caused the Director to organize a team within the ABC Division to separate each licensee file into two parts to comply with the new law, one part for the public and the other part classified. This team commenced work on Monday, May 16, 1983. Each new license file and each renewal file will be converted as they are processed. The Director's goal is to have all files converted by January 1, 1984, the effective date of the bill. The following actions are being taken:
1. Space is being provided for the visitor to review the record or records.
 2. Individuals who will obtain records for visitors and be present while records are reviewed to insure nothing is removed, are being identified, and
 3. A register to identify visitors, records reviewed, and time required for review, is being made.
- D. Substitute for House Bill 2382 concerned driver's licenses and nondriver's identification cards. The bill was designed to alleviate the problems of minors using false or copied identification documents when attempting to illegally purchase alcoholic liquor or cereal malt beverage.
- E. Substitute for House Bill 2551 amended the Kansas Liquor Control Act to provide for the following:
1. A "farm winery", licensed by the director, to manufacture, store and sell domestic table wine.
 2. The bill amended K.S.A. 41-311 to allow the spouse of a retail licensee to have a "DWI" conviction; and
 3. The bill eliminated the requirement for Kansas Identification Stamps to be placed on containers of brandy.

GOALS

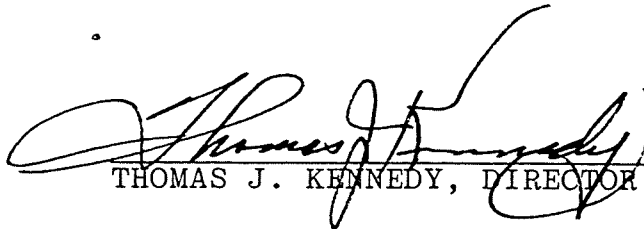
The goals of the Office of the Director of Alcoholic Beverage Control are:

1. To insure an orderly market for the distribution and sale of alcoholic beverages.
2. To conduct effective surveillance of the operations and individuals involved in all phases of the marketing of alcoholic beverages.
3. To collect taxes both gallonage and enforcement, and
4. Not to legislate but to administer the laws.

PRIORITIES

As Director of the ABC Division, I feel, like my predecessors, that my priorities are:

1. To maintain an orderly market.
2. To collect taxes.
3. To protect the public welfare by investigating applicants for licenses.
4. To regulate the market; and given time and money
5. To watch industry trade practices.


THOMAS J. KENNEDY, DIRECTOR

TJK/cjk

MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Licenses, Letters of Approvals, Permits and Reciprocal, FY 79,
80, 81, 82 & 83

DATE: June 30, 1983

The following is a status report of the number of licenses, letters of approvals, permits and reciprocals.

<u>LICENSES:</u>	<u>June 30,</u> <u>1979</u>	<u>June 30,</u> <u>1980</u>	<u>June 30,</u> <u>1981</u>	<u>June 30,</u> <u>1982</u>	<u>June 30,</u> <u>1983</u>
Retail Liquor Store Licenses:	1,194	1,164	1,138	1,114	1,085
Liquor Wholesaler/ Distributor Licenses:	29	21	18	15	14
CMB Wholesaler/ Distributor Licenses:	64	62	63	63	60
Strong Beer Wholesaler/ Distributor Licenses:	85	86	84	79	74
TOTAL CMB & Strong Beer Distributor Licenses:	149	148	147	142	134
Class A Private Clubs (Not-for-Profit) Licenses:	414	408	400	408	407
Class B Private Clubs (For Profit) Licenses:	583	674	735	774	827
TOTAL Class A & B Club Licenses:	997	1,082	1,135	1,182	1,234
Alcohol & Spirits Manufacturer License:	1	1	1	1	1
Non-Beverage User Licenses:	9	9	8	10	10
<u>LETTERS OF APPROVAL TO DO BUSINESS IN KANSAS:</u>					
Spirit and Wine Suppliers Approved:	99	169	173	179	182
Strong Beer Breweries/Importers:	31	37	47	41	47
CMB Breweries/Importers:	26	24	16	14	14

June 30, June 30, June 30, June 30, June 30,
 1979 1980 1981 1982 1983

PERMITS ISSUED:

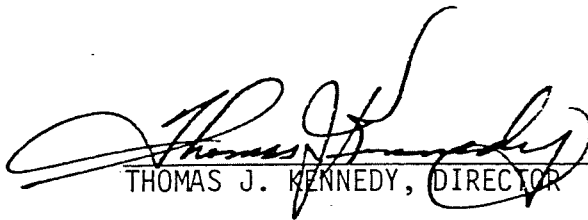
Distributor Salespersons and Manufacturer Representative Permits:	759	859	806	822	902
Bonded Carrier Permits:	68	68	64	75	71

RECIPROCAL IN CLASS B CLUBS:

Number of Clubs Participating:	133	184	215	259
Total Number of Agreements Approved:	2,760 (5,520)	4,963 (9,926)	7,562 (15,124)	11,231.5 (22,463)
	2	2	2	2

RETAILERS AUTHORIZED TO SELL
 TO PRIVATE CLUBS (Processing
 a Federal Wholesalers Permit):

693


 THOMAS J. KENNEDY, DIRECTOR

TJK:cjk

MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director
ABC Division

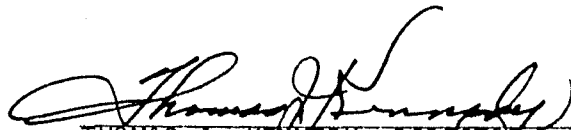
RE: Sales and Revenue

DATE: June 30, 1983

The following is a report of retail liquor store sales and revenue from license fees, gallonage tax, and enforcement tax collected from alcoholic liquors. This report also includes license fees and gallonage tax collected from cereal malt beverage. (See Page 2 of this Memorandum for details.)

SALES AND REVENUE

<u>Year</u>	<u>Retail Liquor Sales</u>	<u>License Fees, Gallonage Tax, Fines, etc. Collected</u>	<u>4% Enforcement Tax Collected</u>	<u>Total Liquor Revenue</u>	<u>CMB License Fees</u>	<u>CMB Gallonage Tax Collected</u>	<u>Total CMB Revenue</u>	<u>Grand Total Revenue</u>
CY 1950	\$20,919,513	\$ 2,377,409	\$ 836,780	\$ 3,214,189	\$ ---	\$ 1,724,995	\$ 1,724,995	\$ 4,939,184
CY 1960	30,355,702	2,509,577	1,214,228	3,723,805	30,300	1,658,860	1,689,160	5,412,965
FY 1970	70,066,400	5,021,997	2,802,655	7,824,632	22,600	2,613,911	2,636,511	10,461,143
FY 1971	77,961,820	5,384,755	3,118,473	8,503,228	22,300	3,510,820	3,533,120	12,036,348
FY 1972	88,817,875	6,114,131	3,552,715	9,666,846	21,100	3,756,545	3,777,645	13,444,491
FY 1973	92,661,225	6,519,185	3,706,449	10,225,634	20,800	3,883,425	3,904,225	14,129,859
FY 1974	101,690,375	7,037,502	4,067,615	11,105,117	22,000	4,022,080	4,044,080	15,149,197
FY 1975	116,796,050	7,485,949	4,671,842	12,157,791	21,400	4,086,756	4,108,156	16,265,947
FY 1976	131,512,575	8,156,489	5,260,503	13,416,992	21,700	4,210,519	4,232,219	17,649,211
FY 1977	133,434,000	8,388,912	5,437,360	13,826,272	21,400	4,250,537	4,271,937	18,098,209
FY 1978	148,031,300	12,985,122	5,921,252	18,906,374	20,200	5,026,376	5,046,576	23,952,950
FY 1979	167,435,400	13,043,981	6,697,416	19,741,397	20,500	5,149,699	5,170,199	24,911,596
FY 1980	183,505,000	13,358,570	7,340,200	20,698,770	19,138	4,966,379	4,985,517	25,684,287
FY 1981	204,014,125	13,504,493	8,160,565	21,665,058	19,096	5,127,878	5,146,974	26,812,032
FY 1982	219,352,528	14,070,678	8,774,114	22,844,792	19,937	5,078,086	5,098,023	27,942,815
FY 1983	222,827,974	13,574,430	8,913,119	22,487,549	19,300	4,979,166	4,998,466	27,486,015


 THOMAS J. KENNEDY, DIRECTOR

The following are the amounts of revenue collected and sources, FY 1983:

1.	<u>LICENSE FEES:</u>		\$ 1,090,002
	a. Wholesalers (liquor)	@ \$1,250	
	b. Retailers (liquor)	@ 100	
	c. Beer Distributors (S)	@ 150	
	d. Manufacturers	@ 2,500	
	e. Class "A" Clubs	@ 250	
	f. Class "B" Clubs	@ 1,000	
2.	<u>REGISTRATION FEES:</u>		\$ 44,878
	a. Initial Registration	@ \$ 50	
	b. Renewal Registration	@ 10	
3.	<u>AGENT PERMITS:</u>		\$ 9,580
	a. Wholesaler/distributor Salespersons	@ \$10	
	b. Supplier Salespersons	@ 10	
4.	<u>NON-BEVERAGE USER PERMITS:</u>		\$ 217
5.	<u>PRICE POSTING FROM SUPPLIERS:</u>		\$ 59,397
6.	<u>FINES (As determined by director):</u>		\$ 81,415
	Source: Distributors		
	Retailers		
	Private Clubs		
	Salespersons		
7.	<u>MISCELLANEOUS:</u>		\$ 475
	Source: Time and Mileage		
	Sales of Licensee Books @ \$3.00 each		
	Cab Cards @ 50¢ each for first 3, 25¢ thereafter		
8.	<u>4% ENFORCEMENT TAX:</u>		\$ 8,913,119
	Source: Collected at retail liquor stores		
	Retail sales FY 82: \$219,352,528		
9.	<u>GALLONAGE TAX (Alcoholic Beverages):</u>		\$ 12,288,466
	Source: Strong beer (over 3.2%) @ 18¢ per gallon		
	Wine (14% or less Alcohol) @ 30¢ per gallon		
	Wine (More than 14% Alcohol) @ 75¢ per gallon		
	Alcohol and spirits @ \$2.50 per gallon		
10.	<u>CMB (Cereal Malt Beverage) LICENSE FEES:</u>		\$ 19,300
	Source: Distributor license fees @ \$300		
	AMTRAK license fee @ \$100		
11.	<u>CMB GALLONAGE TAX:</u>		\$ 4,979,166
	Source: 18¢ per gallon		
	CMB Malt Stamps @ 30¢		
12.	<u>RECAP:</u>		
	a. License Fees	\$ 1,090,002	
	b. Registration Fees	44,878	
	c. Agent Permits	9,580	
	d. Non-Beverage User Permits	217	
	e. Price Postings from Suppliers	59,397	
	f. Fines	81,415	
	g. Miscellaneous		\$ 475
	h. 4% Enforcement Tax		8,913,119
	i. Gallonage Tax(AB)		12,288,466
	j. CMB License Fees		19,300
	k. CMB Gallonage Tax		4,979,166
	TOTAL REVENUE		\$27,486,015

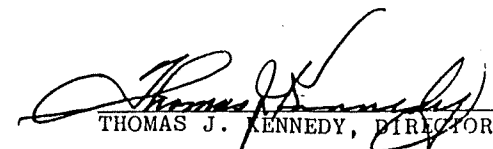
MEMORANDUM

TO: WHOM IT MAY CONCERN
 FROM: THOMAS J. KENNEDY, Director
 ABC Division

RE: Revenue Collected by
 the ABC Division

DATE: June 30, 1983

	<u>July - June</u> <u>F.Y. 77</u>	<u>July - June</u> <u>F.Y. 78</u>	<u>July - June</u> <u>F.Y. 79</u>	<u>July - June</u> <u>F.Y. 80</u>	<u>July - June</u> <u>F.Y. 81</u>	<u>July - June</u> <u>F.Y. 82</u>	<u>July - June</u> <u>F.Y. 83</u>
Tax Revenue (Net Refunds)							
Alcoholic & Spirits	\$4,469,702.52	\$ 7,411,688.85	\$ 7,747,238.86	\$ 7,742,442.57	\$ 7,502,644.49	\$ 7,906,246.70	\$ 7,556,432.38
Fortified Wine	126,469.87	169,043.91	152,568.23	133,323.05	127,928.73	141,195.20	128,136.76
Light Wine	239,749.14	391,209.43	420,565.89	461,499.73	454,406.47	507,978.33	521,623.43
Strong Beer Tax	2,729,324.72	3,263,464.76	3,639,834.07	3,949,418.41	4,254,191.87	4,281,979.75	4,082,273.43
C.M.B. Tax	-	-	5,110,223.37	4,966,378.72	5,127,877.55	5,078,085.68	4,979,165.83
Inventory	-	864,135.67	-	-	-	-	-
Total Tax Revenue	\$7,565,246.25	\$12,099,542.62	\$17,070,430.42	\$17,253,062.48	\$17,467,049.11	\$17,915,485.66	\$17,267,631.83
Other Revenue (Net Refunds)							
License Fees	\$ 742,042.99	\$ 805,349.70	\$ 879,034.06	\$ 940,033.01	\$ 1,004,855.50	\$ 1,040,958.83	\$ 1,090,002.45
Registration Fees	41,180.00	41,095.89	44,670.00	43,154.70	44,695.10	45,556.00	44,878.00
Miscellaneous	789.43	623.00	777.45	714.87	502.75	401.28	474.58
Price Posting	31,574.00	29,873.00	29,745.00	50,778.00	55,968.00	55,050.00	59,397.00
Permit Fees -							
Agent	7,830.00	8,430.00	8,350.00	9,710.00	8,980.00	9,140.00	9,580.00
Non-Beverage	250.00	208.00	228.00	196.00	220.00	222.00	217.00
C.M.B. License Fees	-	-	20,500.00	19,138.34	19,096.34	19,936.73	19,300.00
Fines	-	-	-	27,300.00	50,100.00	81,950.00	81,415.00
Total Other Revenue	\$ 823,666.42	\$ 885,579.59	\$ 983,304.51	\$ 1,091,024.92	\$ 1,184,417.69	\$ 1,253,214.84	\$ 1,305,264.03
TOTAL ALL REVENUE	\$8,388,912.67	\$12,985,122.21	\$18,053,734.93	\$18,344,087.40	\$18,651,466.80	\$19,168,700.50	\$18,572,895.86


 THOMAS J. KENNEDY, DIRECTOR

MEMORANDUM

TO: Whom It May Concern
FROM: THOMAS J. KENNEDY, Director, ABC Division
RE: Liquor Distributors in Kansas and Branches, if any
DATE: June 30, 1983

The following is a list of Alcoholic Liquor Distributors and Branch houses as of June 30, 1983. (See map attached)

1. A-B Sales, Inc., 435 Eldora, Wichita, 67202
Bill Connelly, President

A-B Sales, 1115 N. Halstead, Hutchinson 67501
Norman Stofer, Branch Manager
2. Eastern Distributing Co. Inc. dba Eastern Distributing, 7604 Wedd Road, Overland Park 66204 Mary Cray, President
3. The Famous Companies, Inc. (Office) 820 Quincy, Topeka, 66612
Thomas A. Schwartz, President

The Famous Companies, Inc., 215 Quincy, Box C-180, Topeka, 66601
The Famous Companies, Inc., 149 S. 4th, Salina 67401
The Famous Companies, Inc. 15301 W.110th, Lenexa 66219
The Famous Companies, Inc., 2914 S. Spruce, P.O.Box 16066, Wichita 67216
4. The Grant Billingsley Fruit Co. dba Grant-Billingsley Liquor Co., 3414-3416 W. 29th St. South, Wichita 67217
Jack Grant, President
5. Standard Liquor Corp., 3629 N. Hydraulic, P.O. Box 67201, Wichita 67201
Leslie Rudd, President

Standard Liquor Corp., Building 101, Forbes Ind. Park, P.O. Box 19046, Topeka 66619

Standard Liquor Corp., 14409 W. 106th, Lenexa 66215
6. State Distributors, Inc. dba State Distributors, 312 E. 9th St., Junction City 66441 James E. Baird, President

State Distributors, Inc. dba State Distributors, I-70 & Alternate 183, Hays 67601
7. Lux-Witwer Co. Inc. dba The Sunflower Sales Co. of Topeka, 129-135 N. Kansas Ave., Topeka 66603
Greg Lux, President

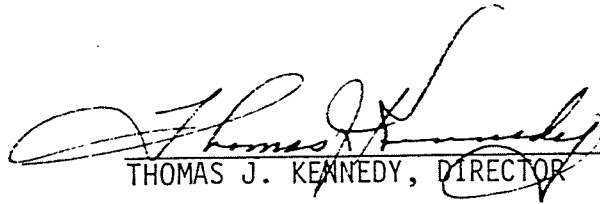
8. Distributors and Branches as of June 30, 1983:

<u>DISTRIBUTORS</u>	<u>BRANCHES</u>
A-B Sales, Inc.	1
Eastern Distributing	0
The Famous Companies	3
Grant-Billingsley Liquor Co.	0
Standard Liquor Corp.	2
State Distributors	1
Sunflower Sales Company	<u>0</u>

TOTAL
DISTRIBUTORS = 7

TOTAL
BRANCHES = 7

TOTAL Distributors and Branches = 14


THOMAS J. KENNEDY, DIRECTOR

TJK:cjk

MEMORANDUM

TO: Bill Connelly, President, A-B Sales, Inc.
Mary Cray, President, Eastern Distributing
Thomas A. Schwartz, President, The Famous Companies
Jack Grant, President, Grant-Billingsley Liquor Co.
Leslie Rudd, President, Standard Liquor Corp.
James Baird, President, State Distributors
Greg Lux, President, Sunflower Sales Co. of Topeka

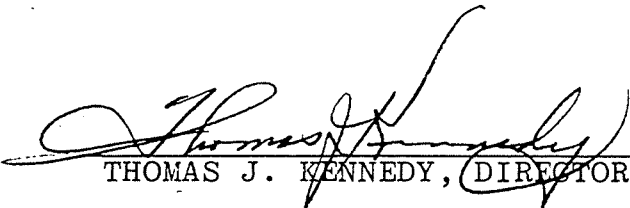
FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Distributor Case Sales to Retailers and Military for
Period December 1, 1982 through November 30, 1983

DATE: December 27, 1983

Transmitted herewith is distributor case sales to retailers and military for the period beginning December 1, 1982 through November 30, 1983.

Transmitted herewith also are the percent of case sales of spirits and wine for each wholesaler.


THOMAS J. KENNEDY, DIRECTOR

TJK:cjk
Attachments

cc: Robert E. Duncan

ALCOHOLIC BEVERAGE CONTROL DIVISION

DEPARTMENT OF REVENUE

DISTRIBUTOR CASE SALES TO RETAILERS AND MILITARY

December 1, 1982 through November 30, 1983

<u>DISTRIBUTOR</u>	<u>Total Cases Spirits</u>	<u>Total Cases Wine</u>	<u>Total Cases Spirits & Wine</u>	<u>% of Spirits</u>	<u>% of Wine</u>	<u>% of Both</u>
A-B Sales, Inc. - Hutchinson	18,252	18,249	36,501	1.74	2.46	2.04
A-B Sales, Inc. - Wichita	74,675	101,202	175,877	7.12	13.62	9.82
Eastern Distributing Co. - Overland Park	94,822	109,715	204,537	9.04	14.76	11.41
Famous Companies - Lenexa	69,343	54,738	124,081	6.61	7.37	6.92
*Famous Companies - Salina	31,306	10,485	41,791	2.98	1.41	2.33
Famous Companies - Topeka	81,122	45,965	127,087	7.73	6.18	7.09
Famous Companies - Wichita	98,320	47,537	145,857	9.37	6.40	8.14
Grant-Billingsley - Wichita	30,433	7,623	38,056	2.90	1.03	2.12
**Standard Liquor Corp. - Dodge City	36,890	8,762	45,652	3.52	1.18	2.55
Standard Liquor Corp. - Lenexa	100,539	54,325	154,864	9.59	7.31	8.64
Standard Liquor Corp. - Topeka	90,164	43,052	133,216	8.60	5.79	7.43
Standard Liquor Corp. - Wichita	191,153	78,227	269,380	18.22	10.53	15.03
State Distributors Inc. - Hays	42,770	41,988	84,758	4.08	5.65	4.73
State Distributors Inc. - Junction City	25,071	42,019	67,090	2.39	5.65	3.75
Sunflower Sales - Topeka	64,078	79,239	131,317	6.11	10.66	8.00
TOTALS	<u>1,048,938</u>	<u>743,126</u>	<u>1,792,064</u>	<u>100.00</u>	<u>100.00</u>	<u>100.00</u>

*August 31, 1983, Final Report for
Famous Companies, Salina

**June 30, 1983, Final Report for
Standard Liquor Corp., Dodge City

PERCENT OF CASE SALES OF SPIRITS & WINE FOR WHOLESALERS

<u>WHOLESALER</u>	<u>December 1, 1977 through November 30, 1978</u>	<u>December 1, 1978 through November 30, 1979</u>	<u>December 1, 1979 through November 30, 1980</u>	<u>December 1, 1980 through November 30, 1981</u>
A-B Sales	9.56%	9.25%	10.21%	11.11%
Eastern Distributing	17.06%	17.09%	10.96%	10.95%
Famous Companies	25.18%	25.03%	21.71%	22.13%
Grant-Billingsley	7.63%	6.74%	2.55%	2.51%
Kansas Distributors	9.74%	7.18%	1.93%	1.28%
Standard Liquor Corp.	20.28%	24.84%	37.13%	36.16%
State Distributors (part of Eastern)		(part of Eastern)	8.15%	8.45%
Sunflower Sales	4.30%	5.37%	7.33%	7.41%
D.A. Winters	2.22%	1.48%	.03%	----
Colby	4.03%	3.02%	(sold out)	----
	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>

	<u>December 1, 1981 through November 30, 1982</u>	<u>December 1, 1982 through November 30, 1983</u>
A-B Sales	11.72%	11.86%
Eastern Distributing	11.34%	11.41%
Famous Companies	23.32%	24.48%
Grant-Billingsley	2.21%	2.12%
Standard Liquor Corp.	35.24%	33.65%
State Distributors	8.58%	8.48%
Sunflower Sales	7.59%	8.00%
	<u>100.00%</u>	<u>100.00%</u>

MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Price Control in Kansas

DATE: August 24, 1982

Liquor price regulation has been long-standing aspect of the Kansas liquor industry. From its inception in 1949 until 1959, retail price maintenance was controlled by means of an administrative regulation which required liquor distributors to publish and distribute to retailers price lists of merchandise which the distributor had to offer for sale, together with suggested retail selling prices. Evidently these suggested prices were "carefully followed by retail dealers" (Brief of Appellee, State ex rel. Anderson v. Mermis, 187 Kan. 611 (1961)). Beginning in 1956, the Director, by issuance of memoranda required by administrative regulation, that these suggested prices be adhered to. In 1958, an Emporia retailer challenged the regulation in district court and had it declared invalid for want of legislative authority. The Director did not appeal that decision, evidently feeling his regulation was undefensible.

In response to this challenge to the authority of the Director to bring about price maintenance, the 1959 legislature passed the first liquor minimum price law (ch. 217, L.1959). This law required suppliers to file suggested wholesale and retail prices with the director. The law further stated that these prices would be the minimum prices, if the Director determined that such price regulation was in the public interest. Not unexpectedly this law was short-lived as the Supreme Court found in the 1961 case of State ex rel. v. Mermis, supra, that such a fundamental legislative question could not be delegated to an administrator.

The 1961 legislature acted quickly to restore price control when it passed the minimum price law, which declares at K.S.A. 41-1111, that it is in the public interest that minimum wholesale and retail prices shall be determined and regulated by law.

Under the law, suppliers did not set minimum prices. This determination was made by the state, through the auspices of the Alcoholic Beverage Control Board of Review, using guidelines set out by the legislature. The law stated that the prices established were to be fair and reasonable to licensed distributors and retailers, and to the ultimate consumer. Further, the price must be in the public interest and they should not unduly stimulate the sale and consumption of alcoholic liquor or tend to disrupt the orderly sale and distribution of liquor.

The minimum percentage markup established by the ABC Board by year, based on available information, is as follows: (Reference Chapter 241, 1961 Sessions Law K.S.A. 41-1118)

<u>YEAR</u>	<u>ITEMS</u>	<u>MARKUP</u>	
		<u>WHOLESALE</u>	<u>RETAILER</u>
1961	Bourbon Whiskey, Blended Whiskey, Bonded Whiskey, Corn Whiskey, Rye Whiskey, Scotch Whiskey, Canadian Whiskey, Irish Whiskey, Vodka, Flavored Vodka, Gin, Rum, Prepared Cocktails, American Brandy, Alcohol.	13%	28%
	American Cordials, American Liqueurs and Specialties, Imported Brandy, Cognac, Cordials and Liqueurs, American Vermouth, Imported Vermouth, American Wine, Imported Wine, Sparkling Wine-American, Sparkling Wine-Imported.	17%	40%
1962	Same		
1963	Same		
1964	Same		
1965	Same		
1966	Same		

The 4-2-1 rule which was in effect from 1961 to 1973 authorized the wholesalers to make an additional charge for split case purchases by the retailer. This meant the retailer paid an additional charge of 4¢ on 1/2 pints, 2¢ on 10ths and pints and 1¢ on all other sizes if he bought alcoholic liquor by the bottle instead of the full case. This was a penalty to the retailer which he had to absorb for buying less than a case.

Effective July 1, 1967, the Alcoholic Beverage Control Board of Review granted licensed distributors an increased markup of one-half of one percent across the board on all items of alcoholic liquor. (Memorandum 67-10. June 23, 1967.)

The percentage markup, effective July 1, 1967 was:

1967	Items as listed above in the first list commencing with Bourbon Whiskey	13.5%	28.5%
	Items as listed above in the second list commencing with American Cordials.	17.5%	40.5%
1968	Same	17.5%	40.5%
1969	Same	17.5%	40.5%
1970	Same	17.5%	40.5%

For the purpose of carrying into effect the provisions of K.S.A. 41-1111 through 41-1121, enacted by the legislature in 1973, alcoholic beverages and liquors sold and distributed in this state were to have the price determined thereon according to the following three categories:

Category 1: Bourbon whiskey; blended whiskey; bonded whiskey; corn whiskey; Rye whiskey; light whiskey; Scotch whiskey; Canadian whiskey; Irish whiskey; vodka; flavored gin; vodka and shiskey; gin; rum; tequila; American brandy; imported brandy; cognac; alcohol; prepared cocktails.

Category 2: American cordials, specialties and liqueurs; imported cordials, specialties and liqueurs.

Category 3: American vermouth; imported vermouth; American wine; imported wine; American sparkling wine, imported sparkling wine.

The prices affixed to the three(3) separate categories set forth above were to be in compliance with the provisions of chapter 241 of the 1961 session laws. (Authorized by K.S.A. 41-1118; effective Jan. 1, 1966; amended Jan. 1, 1973.)

The minimum percentage markup for wholesalers and retailers established by the ABC Board of Review were:

<u>YEAR</u>	<u>CATEGORY 1 (Spirits)</u>		<u>CATEGORY 2 (Specialties)</u>		<u>CATEGORY 3 (Wines)</u>	
	<u>WHOLESALE</u>	<u>RETAIL</u>	<u>WHOLESALE</u>	<u>RETAIL</u>	<u>WHOLESALE</u>	<u>RETAIL</u>
1973	15.5%	28.5%	17.5%	36.5%	25.5%	45.5%
1974	15.5%	28.5%	17.5%	36.5%	25.5%	45.5%
1975	15.5%	28.5%	17.5%	36.5%	25.5%	45.5%
1976	15.5%	28.5%	17.5%	36.5%	25.5%	45.5%
1977	15.5%	28.5%	17.5%	36.5%	25.5%	45.5%
1978	15.5%	28.5%	17.5%	36.5%	25.5%	45.5%

Minimum liquor prices were calculated as follows:

(1) Liquor manufacturer's F.O.B. price plus average freight costs plus state liquor gallonage tax = Liquor Wholesaler Laid-In Cost.

(2) Liquor wholesaler's laid-in cost plus authorized wholesale liquor price mark-up = Mandatory Minimum Wholesale Price.

(3) Mandatory minimum wholesale price plus authorized retail liquor price mark-up = Mandatory Minimum Retail Liquor Sales Price.

Both the manufacturer's F.O.B. price and the state liquor gallonage tax were permanent or fixed factors that were to be considered by the Board in setting minimum prices. Liquor price mark-ups and the average freight factors were determined by the Board.

In 1979, the legislature enacted House Bill 2020, which stated that the board shall establish minimum markups which shall be charged by retailers on sales of alcoholic liquor to consumers. (K.S.A. 41-1114). The board, in exercising its powers and duties shall establish the minimum markup by retailers on sales of cases, bottles and mixed cases to consumers (K.S.A. 41-1114). The minimum markup established by the board shall be fair and reasonable to licensed retailers and the ultimate consumer. Such markups must be in the public interest and such that they do not unduly stimulate the sale and consumption of alcoholic liquor or tend to disrupt the orderly sale and distribution of alcoholic liquor. The board in establishing minimum markups shall take into consideration and be guided by the following: (a) The mean of acquisition costs of licensed retailers; (b) Federal, state and local taxes and license fee which are paid by retailers and are levied or imposed in connection with their business of selling alcoholic liquor in this state; (c) The mean of selling costs of licensed retailers; (d) The mean of any legitimate, reasonable expense not hereinbefore specified, incurred in the legal conduct of licensed retailers' businesses; and (e) A reasonable profit for licensed retailers. The board may base its determination of the mean of retailers' acquisition costs, selling costs and operating expenses on a sampling of retailers generally representative of all retailers in the state. (K.S.A. 41-1116).

In addition, the 1979 legislature replaced the "Open Wholesaling System" with an "Exclusive Franchise" System for liquor distributors and removed the percentage markup guaranteed to wholesalers.

The minimum percentage markup, established by the Alcoholic Beverage Control Board of Review for 1979 and succeeding years was as follows:

YEAR	CATEGORY 1 (Spirits)		CATEGORY 2 (Specialties)		CATEGORY 3 (Wines)	
	WHOLESALE	RETAIL	WHOLESALE	RETAIL	WHOLESALE	RETAIL
1979	None	28.5%	None	36.5%	None	45.5%
1980	None	28.5%	None	36.5%	None	45.5%
1981	None	28.5%	None	36.5%	None	45.5%
1982	None	28.5%	None	36.5%	None	45.5%

Studies were conducted for the ABC Board of Review to determine the reasonableness of these wholesale and retail markups as follows:

- (1) 1967
- (2) 1974
- (3) 1977 Myers & Stauffer, C.P.A.'s, Topeka, KS
- (4) 1979 Department of Revenue, State of Kansas
- (5) 1982 Department of Revenue, State of Kansas

As one can see during the nearly thirty-three (33) years in which the sale of liquor has been legal in this state, the usual rule of trade has aimed preserving free and unfettered competition for the orderly sale of alcoholic liquor.

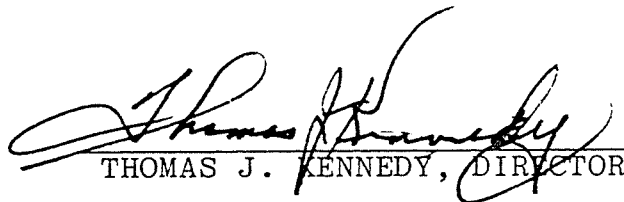
Whether the goal of temperance has been advanced by our minimum price policy is a difficult and debatable question. Certainly the consumption of beer, wine and distilled spirits has increased over the years. There is probably no evidence available as to whether the increase would have been greater, if not for price control.

What is more obvious is that we have more retail outlets because of price control. Guaranteeing a certain profit for each bottle sold, coupled with a relative small amount of capital to get into the business and the physically not-so-demanding nature of the work has caused Kansas to have an above average amount of retail stores in relation to our population. Some may argue that having all these stores has had a counter-temperance effect.

Whether the goal of an orderly market has been advanced by price control is also a difficult and debatable question. Certainly, Kansas has an orderly market. This may well have been caused by price control or by other factors such as our licensee requirements. The more important question is whether a disorderly market would result if the price control provision was repealed? Without question, many stores would go out of business.

Another question to ask is whether our liquor prices are now so unreasonable that, in balancing the public interest of free trade against temperance and an orderly market, the weight should now shift to free trade.

Debate concerning this same question continues to take place throughout the country.


THOMAS J. KENNEDY, DIRECTOR

MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Status of Line Items

DATE: July 1, 1983

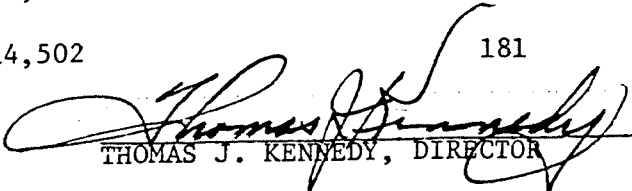
The status of Line Items and the number of suppliers furnishing same has changed considerably since 1979 when the Exclusive Brand Franchise Law was enacted.

Line items are defined as a brand item (container) of alcoholic liquor offered for sale in the Kansas market. If a brand item is offered in four (4) different size containers, then there are four (4) line items posted for sale in the State of Kansas. Line items are considered from the following viewpoints:

1. From the supplier point-of-view, a line item is a brand item (container) of alcoholic liquor, authorized for sale in Kansas, posted by the supplier, available to the wholesale franchisee, for sale to the retail licensee.
2. From the wholesale (franchisee) point-of-view, a line item is a brand item (container) of alcoholic liquor, authorized for sale in Kansas, posted by the supplier, posted by the wholesaler, and is offered for sale to the retail licensee.
3. Strong beer and cereal malt beverage (3.2% beer) are not included as a line item in this report.

Line items available in the State of Kansas and the number of spirit and wine suppliers furnishing same on July 1, 1978, 1979, 1980, 1981 and 1982 were:

July 1, 1978	3,964	93
July 1, 1979	4,366	99
July 1, 1980	14,883	169
July 1, 1981	18,705	174
July 1, 1982	18,926	178
July 1, 1983	14,502	181


THOMAS J. KENNEDY, DIRECTOR

MEMORANDUM

TO: Whom It May Concern
FROM: THOMAS J. KENNEDY, Director, ABC Division
RE: Kansas Liquor Control Policies
DATE: June 30, 1982

The purpose of this paper is to provide an overview of the Kansas liquor control policies which hopefully will contribute to a better understanding of what is taking place in Kansas today.

It has long been recognized in this state that alcoholic liquor occupies a special position with respect to the exercise of the state's police power. For years the court and legislature have stated that liquor is wrought with such contagious peril to society, that it occupies a different status from other kinds of businesses and one upon which heavier burdens in its traffic have been placed. That same legislative concern remains today since it is settled that the excessive use of alcohol causes manifold social problems. It should also be remembered that because of its social concern, Kansas liquor laws have been one of the country's strictest.

In 1880, Kansas became the first state to constitutionally ban the manufacture and sale of alcoholic liquor. Of course this constitutional amendment preceded by many years the Eighteenth Amendment to the Federal Constitution which was in effect from 1919 until 1933. The state's "bone-dry" policy was modified by a vote of the people on November 2, 1948. The new language stated, as it does today, that the legislature may regulate, license and tax the manufacture and sale of alcoholic liquor and regulate the possession and transportation thereof. The amendment also provided that the open saloon shall be and is hereby forever prohibited.

This Constitutional amendment brought about the enactment of the Kansas Liquor Control Act found in Chapter 41 of the Kansas Statutes Annotated.

Generally speaking, the intent of this act was to channelize the traffic of alcoholic liquor to create a comprehensive scheme of regulating, licensing and taxing of alcoholic liquor from the time of its manufacture or importation into the state until its ultimate sale by a licensed retailer. To this end the manufacture, sale, transportation and possession of alcoholic liquor is permitted only under carefully prescribed conditions and subject to constant control by the state.

POLICY DECLARATIONS

The act has certain specific policy declarations. K.S.A. 41-104 declares that the manufacture, sale, transportation and possession of alcoholic liquor is illegal unless specifically authorized by the Act. This is a departure from most criminal provisions which authorize all not prohibited.

K.S.A. 41-208 declares the power to regulate and control all phases of the manufacture, distribution, sale, possession and traffic of alcoholic liquor, except as specifically delegated in the act, which is vested exclusively in the state. The effect of this provision is to preempt the field and to give the act uniform statewide application.

The Act declares at K.S.A. 41-210 that the director shall be clothed with broad discretionary powers to govern the traffic in alcoholic liquor and to enforce strictly the Act in such a manner as will generally promote the public health and welfare.

When Kansas did finally authorize the sale of alcoholic liquor, it did not follow the lead of some states (presently 18 in number) that exercised the sovereign power of the state in the fullest manner by operating the industry itself. These so-called monopoly states prohibited all but the state from bringing alcoholic liquor into the state. They monopolized the strategic

wholesale function and sometimes the retail function, as a state agency. Kansas thus became an open state (presently 32 states have similar laws) by permitting the sale and traffic of liquor by licensed private enterprise.

LICENSE QUALIFICATIONS AND FEES

The Act set out five types of licenses (manufacturer's license; alcoholic liquor distributor's license (except beer); beer distributor's license; retailer's license; and non-beverage user's license); the qualifications for which are provided for at K.S.A. 41-311. A review of the statute reveals the legislative intent that all licensees have impeccable backgrounds. This intent is manifested by the requirement that no licenses of any kind shall be issued to persons who have been convicted of a felony, or who have violated any liquor laws for ten (10) years immediately preceding the application or to any person who has a record of certain moral convictions.

It was also the intent of the legislature that the liquor industry in this state be run by citizens of the United States for at least ten (10) years. Wholesale ownership is restricted to persons who have been residents of the state for ten (10) years. The exception is beer and CMB distributor ownership which is five (5) years. Retail licenses are issued only to those individuals who have been residents of Kansas for ten (10) years and a resident of the county in which the business is to be located for at least five (5) years immediately preceding the date of application.

The long residency requirements were to insure against "fly-by-night" operations, and to simplify inquiry into the fitness of persons applying for licenses. It was also felt that residents of long-standing would be much more sensitive to the need to observe all the state laws and regulations and would be more responsive to local social influences, than would a non-resident or a resident of shorter duration.

THREE-TIER SYSTEM OF DISTRIBUTION

Since 1949, the Kansas Legislature has been committed to a three-tier system of distribution. This system recognizes three levels of business enterprise. The uppermost level consists of various distillers, vintners, importers, exclusive agents, and brand owners that are for the most part out-of-state concerns, who are unlicensed and are only permitted to do business in the state if they agree in writing that they will comply with our distribution system. The second level consists of the licensed distributors; the third, licensed retailers. A combination of several requirements found at K.S.A. 41-312, 41-701, 41-702, 41-703, 41-704 and 41-705, which can collectively be called anti-tied house provisions, completely divorce the respective levels from one another and ban any vertical integration. The suppliers can only sell their merchandise to the distributors. Suppliers and distributors are prohibited from giving a retailer any gifts, premiums, rebates, credit, goods and other things of value (K.S.A. 41-702).

The object of all this legislative concern was to avoid certain evils associated with tied houses, which are retail establishments owned, controlled or obligated to a particular distiller or brewer. Such establishments thrived prior to prohibition and had all the vices of absence ownership. All the manufacturer wanted was sales and had no respect for a community's social concerns or laws. The three-tier system, by providing for an independent licensed wholesaler, effectively separated the manufacturer from the retailer and acted as a buttress to the statutory prohibitions against tied-house outlets. The three-tier system has grown in popularity, with similar laws to that of Kansas being found in twenty-three (23) states plus the District of Columbia.

RETAIL OPERATION

As with the other levels, the legislature has only permitted the sale of alcoholic liquor at retail under carefully prescribed conditions. A retail license only permits the sale of package liquor for off-premises consumption. Except for the new restaurants-club act, they cannot sell for resale. Unlike many other states, retailers can sell no other merchandise from within the store to include ice and mix, etc. Nor can they deliver, since the Act provides that the sale and delivery must take place within the store. As mentioned before, the licensee cannot incorporate and cannot hold more than one license. Their exterior signs and their mode of advertising are limited by statute and regulation.

Evidently the legislature felt that enforcement of the retail trade would be enhanced if only alcoholic liquors were sold and that the licensees would be more responsible if they were only in the liquor business. Further, the legislature wanted these stores to remain small with no excess sales stimulation. These goals have been accomplished.

PRICE CONTROL

Liquor price regulation has been a long-standing aspect of the Kansas liquor industry. From its inception until 1959, retail price maintenance was controlled by means of an administrative regulation which required liquor distributors to publish and distribute to retailers price lists of merchandise which the distributor had to offer for sale, together with suggested retail selling prices. Evidently these suggested prices were "carefully followed by retail dealers" (Brief of Appellee, State ex ret. Anderson v. Mermis, 187 Kan. 611 (1961)). Beginning in 1956, the Director, by issuance of memoranda,

required suppliers to file suggested prices for distributors to retailers and suggested prices for retailers to customers. The Director required by administrative regulation, that these suggested prices be adhered to. In 1958, an Emporia retailer challenged the regulation in district court and had it declared invalid for want of legislative authority. The Director did not appeal that decision, evidently feeling his regulation was undefensible.

In response to this challenge to the authority of the Director to bring about price maintenance, the 1959 legislature passed the first liquor minimum price law (ch. 217, L.1959). This law required suppliers to file suggested wholesale and retail prices with the director. The law further stated that these prices would be the minimum prices, if the Director determined that such price regulation was in the public interest. Not unexpectedly this law was short-lived as the Supreme Court found in the 1961 case of State, ex rel. v. Mermis (supra), that such a fundamental legislative question could not be delegated to an administrator.

The 1961 legislature acted quickly to restore price control when it passed the minimum price law, which declares at K.S.A. 41-1111, that it is in the public interest that minimum wholesale and retail prices shall be determined and regulated by law.

Under that law, suppliers did not set minimum prices. This determination was made by the state, through the auspices of the Alcoholic Beverage Control Board of Review, using guidelines set out by the legislature. The law stated that the prices established were to be fair and reasonable to licensed distributors and retailers, and to the ultimate consumer. Further, the price must be in the public interest and they should not unduly stimulate the sale and consumption of alcoholic liquor or tend to disrupt the orderly sale and distribution of liquor.

In 1979, the Legislature enacted House Bill 2020, which stated that the board shall establish minimum mark-ups which shall be charged by retailers on sales of alcoholic liquor to consumers. (K.S.A. 41-1114). The board, in exercising its powers and duties shall establish the minimum markup by retailers on sales of cases, bottles and mixed cases to consumers (K.S.A. 41-1115). The minimum markup established by the board shall be fair and reasonable to licensed retailers and the ultimate consumer. Such mark-ups must be in the public interest and such that they do not unduly stimulate the sale and consumption of alcoholic liquor or tend to disrupt the orderly sale and distribution of alcoholic liquor. The board in establishing minimum mark-ups shall take into consideration and be guided by the following:

(a) The mean of acquisition costs of licensed retailers; (b) federal, state and local taxes and license fees which are paid by retailers and are levied or imposed in connection with their business of selling alcoholic liquor in this state; (c) the mean of selling costs of licensed retailers; (d) the mean of any legitimate, reasonable expense not hereinbefore specified, incurred in the legal conduct of licensed retailers' businesses; and (e) a reasonable profit for licensed retailers. The board may base its determination of the mean of retailers' acquisition costs, selling costs and operating expenses on a sampling of retailers generally representative of all retailers in the state. (K.S.A. 41-1116)

In addition, the 1979 Legislature replaced the "Open Wholesaling System" with an "Exclusive Franchise" System for liquor distributors and removed the percentage markup guaranteed to wholesalers.

As can be seen during the almost thirty-three (33) years in which the sale of liquor has been legal in this state, the usual rule of trade aimed at preserved free and unfettered competition has been the orderly sale of alcoholic liquor.

Whether the goal of temperance has been advanced by our minimum price policy is a difficult and debatable question. Certainly the consumption of beer, wine and distilled spirits has increased over the years. There is probably no

evidence available as to whether the increase would have been greater, if not for price control.

What is more obvious is that we have more retail outlets because of price control. Guaranteeing a certain profit for each bottle sold, coupled with a relative small amount of capital to get into the business and the physically not-so-demanding nature of the work has caused Kansas to have an above average amount of retail stores in relation to our population. Some may argue that having all these stores has had a counter-temperance effect.

Whether the goal of an orderly market has been advanced by price control is also a difficult and debatable question. Certainly, Kansas has an orderly market. This may well have been caused by price control or by other factors such as our licensee requirements. The more important question is whether an unorderly market would result if the price control provision was repealed? Without question, many stores would go out of business.

Another question to ask is whether our liquor prices are now so unreasonable that, in balancing the public interest of free trade against temperance and an orderly market, the weight should now shift to free trade.

Debate concerning this same question is taking place throughout the country. Liquor prices are set by the state in eighteen (18) monopoly states.

AGE OF PURCHASE AND CONSUMPTION

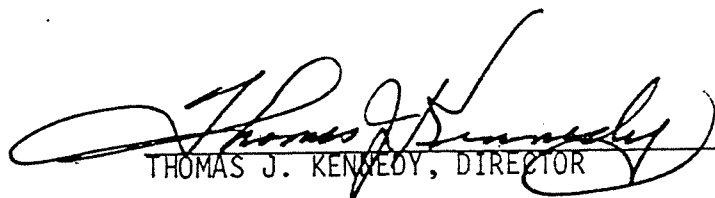
The State of Kansas has long been of the opinion that certain people, because of their tendered age, should not possess or consume alcoholic liquor. Thus the state has set the age of twenty-one (21) as the minimum age of purchase and possession.

Whether twenty-one (21) years of age is the most appropriate designation is a highly philosophical question.

In summary, legislators supporting the original Kansas Liquor Control Act apparently envisioned a Kansas liquor market free from political and criminal influence. The law stifled the development of a "wheeling and dealing" liquor market. It is felt that the original legislative intent has been carried out.

Wholesalers and retailers handle most brands of alcoholic liquor. Liquor franchises are now authorized for the sale of both alcoholic liquors by liquor distributors and strong beer by liquor distributors and beer distributors. It should be noted that some liquor wholesalers do handle beer, however, beer wholesalers do not handle liquor. Beer wholesalers have operated under a franchise type system since before the end of prohibition. In 1982, an exclusive beer franchise law was enacted. The competitive factor among liquor wholesaler as well as beer distributors is now brand competition. Price discrimination and the giving of inducements and the giving of things of value to wholesalers and retail liquor customers is not allowed. Price cutting, wheeling and dealing, and other traditional means of stimulating liquor sales are inconsistent with the Kansas control system.

Liquor laws are always controversial, especially at the point of consumption. It should be absolutely clear, however, as long as the present concept of liquor control exists, the Office of the Director will be concerned with maintaining an orderly liquor market. All Directors experience the extreme sensitivity that results from any violation of the element of "equal opportunity" afforded all liquor dealers to compete under the law. Whenever "equal opportunity" is threatened, disruption of the orderly market may result. When a liquor market becomes disorderly, there is a strong possibility that law violations will occur. Any such disruption would necessarily be opposed by the Director, who is sworn to uphold the law as stated.


THOMAS J. KENNEDY, DIRECTOR

MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Private Clubs

DATE: June 30, 1983

BACKGROUND

For 68 years, the Constitution of Kansas prohibited the manufacture and sale of alcoholic liquor. In 1948, the people of Kansas modified the constitutional prohibition to allow the sale of alcoholic liquor, but provided that "the open saloon shall be and is hereby forever prohibited". The following year the legislature enacted the Liquor Control Act. Not only does the Act prohibit the sale of alcoholic liquor by the drink at any place public or private (K.S.A. 41-803), but also makes it illegal to "consume alcoholic liquor" in "places to which the general public has access" (K.S.A. 41-719). The enforcement of these two provisions was woefully taxed between 1949 and 1965 by the rapid growth of so-called "private clubs" that existed as "schemes and devices" to dispense alcoholic liquor to the members of those clubs; which amounted to a subterfuge, if not actual sale of alcoholic liquor for consumption on the premises. The problem was not that the "clubs" in the ordinary sense of the word, organized, managed and conducted by and for the members, such as country clubs, veterans clubs, and fraternal organizations, were by their very nature legally private, but were commercially operated drinking establishments operating for the benefit of management.

Reacting to this enforcement problem the legislature in 1965, enacted the Private Club Act with the express purpose to define and regulate places where alcoholic liquor might lawfully be consumed in the state. One significant regulation was the requirement that no individual could become a member of a class "B" club until he or she, had paid a \$10.00 minimum annual membership fee and waited a period of at least 30 days (now 10 days) after application. [K.S.A. 41-2601(b)(3)]. The intent of such statutory requirement was "to insure that premises of a club operated for profit was not a place to which the general public had access, but was a legally private place".

The 1965 legislature provided one exception to the "\$10.00-ten day" requirement when it granted to certain class "B" clubs, located on the premises of hotels or motels, the privilege of issuing temporary membership to registered guests of the hotels and motels. The guests may not be residents of the county in which the club is located, and the membership is valid only for the period of time the non-county guests are bona fide registered guests of the hotel or motel. With respect to all other applicants for membership, these are class B clubs, i.e. the imposition of a \$10.00 annual membership fee and a ten-day waiting period.

The 1975 Legislative Session passed the Act concerning bingo. The Secretary of Revenue charged the Director of Alcoholic Beverage Control with the responsibility of policing all bingo activities conducted on licensed private club premises.

The 1978 Legislative Session passed one bill which placed additional responsibilities on the Director of Alcoholic Beverage Control as it pertained to private clubs. This bill, Senate Bill 975, amended K.S.A. 41-201 and K.S.A. 41-2634 to remove the provisions that an organization or association determined to be exempt from the payment of federal income taxes under section 501(c)(7), (8) or (19) of the Internal Revenue Code shall qualify for a class "A" license. Instead, organizations or associations would only qualify if they were determined by the Director of Alcoholic Beverage Control Division to be a bona fide nonprofit social, fraternal or war veterans clubs pursuant to criteria established in regulation by the Secretary of Revenue.

Senate Bill 975 also provided for multiple licensing of class "B" clubs. The requirement is that each club, operating under the provisions of multiple licensing, must do fifty percent (50%) of their business in food.

The 1979 Legislature enacted two significant bills which affected the Director and the Division of Alcoholic Beverage Control. They are:

- A. Senate Bill 467 which authorizes all Class "A" and Class "B" clubs to sell liquor by the drink to their members and bona fide guests. This bill totally eliminated liquor pools and liquor pool procedures which have previously been the mechanism that many private clubs used to dispense liquor. The bill permitted Class "A" clubs to continue to enter into reciprocal agreements between each other and extended that reciprocal privilege to Class "B" clubs, termed "restaurant clubs", having gross receipts greater than fifty percent (50%) from the sale of food. All private clubs were required to obtain a Federal Retailer's Tax Stamp in order to sell liquor in their clubs, and retail liquor stores who sold to private clubs, were required to purchase a Federal Wholesale Liquor Dealer's Basic Permit. The new law established a ten percent (10%) gross receipts tax on the sale of alcoholic liquor, to include spirits, wine and strong beer. This tax is applied to any drink containing alcoholic liquors and includes any portion of that amount attributable to the cost of any ingredient mixed with or added to the alcoholic liquors.
- B. House Bill 2020 replaced the "Open Wholesaling System" with an "Exclusive Franchise System". Further, the bill eliminated the prohibition of removing alcoholic liquors from bonded warehouses between sunset and sunrise. Finally, the bill authorized the consumption of alcoholic liquors at Forbes Field, Topeka, heretofore a prohibited practice.

The 1981 Legislature enacted three (3) bills which affected the Director and the Division of Alcoholic Beverage Control. They were:

- A. House Bill 2174 which prohibited the retail sale of all metal beverage containers designed so that a part of the container was detachable in opening the container. The bill provided the Director of Alcoholic Beverage Control with responsibility for designating which beverage containers were to be included in the Act. The bill provided a definition of "IN THIS STATE" that included all Federal Territory in the state. The act was effective January 1, 1982.
- B. House Bill 2582 authorized the licensing of private clubs on property which is owned or operated by a municipal airport authority in cities having a population of more than two hundred thousand (200,000). Further, it authorized the licensing of private clubs on property owned or operated by the county in counties having a population of 150,000. Additionally, the bill created a new category of temporary members for clubs located on airport authority. Persons possessing an air traveler's ticket could receive temporary membership in such clubs for the date or dates that such a ticket was valid.

The 1982 Legislature passed 2 bills affecting the Alcoholic Beverage Control Division. They were:

- A. Senate Bill 865 provided that any sales of cereal malt beverages made in private clubs had to be for on-premise consumption only; and that cereal malt beverages could be sold in a private club at any time alcoholic liquor was allowed by law to be served on the premises.
- B. House Substitute for Senate Bill 888 was an act concerning alcoholic liquors. It related to taxation of gross receipts derived from sales of alcoholic liquor; it provided for enforcement procedures relating to the collection thereof; it related to distribution of revenue therefrom and it provided limitations on sales by certain manufacturers and suppliers of alcoholic liquors.

The 1983 Legislature enacted five (5) bills which affected the Alcoholic Beverage Control Division and the Department of Revenue. The bills and actions taken or being taken are:

- A. Senate Bill 43, an act concerning the Kansas Sunset Law continued the Department of Revenue and the Office of Secretary of Revenue in existence until July 1, 1991.
- B. House Bill 2130, an act concerning the liquor enforcement tax upon the gross receipts from the sale of alcoholic liquor at retail from 4% to 8%. Retail liquor store sales in FY 1982 were \$219,352,528. Enforcement tax collected at the rate of 4% amounted to \$8,774,114.

- C. House Bill 2327 was an act which concerned the Kansas Open Records Act. This bill caused the Director to organize a team within the ABC Division to separate each licensee file into two parts to comply with the new law, one part for the public and the other part classified. This team commenced work on Monday, May 16, 1983. Each new license filed and each renewal file will be converted as they are processed. The Director's goal is to have all files converted by January 1, 1984, the effective date of the bill. The following actions are being taken:
1. Space is being provided for the visitor to review the record or records.
 2. Individuals who will obtain records for visitors and be present while records are reviewed to insure nothing is removed, are being identified, and
 3. A register to identify visitors, records reviewed, and time required for review, is being made.
- D. Substitute for House Bill 2382 concerned driver's licenses and nondriver's identification cards. The bill was designed to alleviate the problems of minors using false or copied identification documents when attempting to illegally purchase alcoholic liquor or cereal malt beverage.
- E. Substitute for House Bill 2551 amended the Kansas Liquor Control Act to provide for the following:
1. A "farm winery", licensed by the director, to manufacture, store and sell domestic table wine.
 2. The bill amended K.S.A. 41-311 to allow the spouse of a retail licensee to have a "DWI" conviction; and
 3. The bill eliminated the requirement for Kansas identification stamps to be placed on containers of brandy.

TODAY IN KANSAS

We have the following type clubs in Kansas today:

1. Class "A" clubs (K.S.A. 41-2601) means a premise owned or leased and operated by a corporation, partnership, business trust or association, for the exclusive use of the associates (hereinafter referred to as members), their families and invited and accompanied guests, and which is not operated for a profit other than such as would accrue to the entire membership. A corporation, partnership, trust, or association not operated for a profit, for the purpose of the definition of a class "A" club shall only include a corporation, partnership, business trust, or association which has been determined by the director to be a bona fide nonprofit social, fraternal or war veterans club,

2. Class "B" club means a premise operated for profit by a corporation, partnership or individual, known as the management, to which premises the management allows persons, known as members, to resort for the consumption of food or alcoholic beverages and for entertainment. As a prerequisite for attaining membership, the management must screen the applicants for good moral character. No membership may be granted within 10 days of the application therefor. Each membership must be renewable annually upon payment of the annual dues of at least \$10, except that:

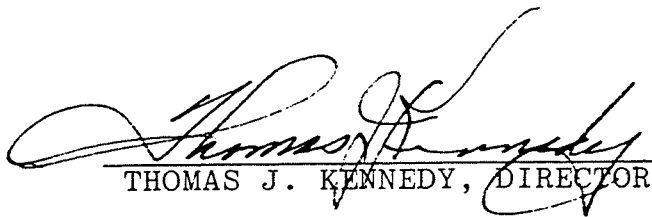
(A) Any class "B" club located on the premises of a hotel as defined in K.S.A. 36-501 may establish rules whereby a guest registered at the hotel, who is not a resident of the county in which the club is located, may file application for temporary membership in the club, which membership, if granted, shall only be valid for the period of time that the guest is a bona fide registered guest at the hotel, and such temporary membership shall not be subject to the waiting period or dues requirement of this section.

(B) Any class "B" club located on property which is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in the club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the waiting period or dues requirement of this section.

In Kansas today we have a total of 1,234 private clubs; 407 are class "A" clubs and 827 are class "B" clubs. These clubs are located in all counties except five (5) in the state. They are:

Chase, Elk, Haskell, Hodgeman and Wallace

All other counties have at least one class "A" or class "B" club.


THOMAS J. KENNEDY, DIRECTOR

TJK:cjk

MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

SUBJECT: Survey of Private Clubs

DATE: June 30, 1983

SURVEY OF PRIVATE CLUBS

<u>DATE</u>	<u>CLASS A CLUBS</u>	<u>CLASS B CLUBS</u>	<u>TOTAL A & B CLUBS</u>
March 31, 1966	282	185	467
June 30, 1966	301	193	494
June 30, 1967	332	201	533
June 30, 1968	397	211	608
June 30, 1969	461	208	669
June 30, 1970	502	217	719
June 30, 1971	522	248	770
June 30, 1972	559	276	835
June 30, 1973	585	265	850
June 30, 1974	552	326	878
June 30, 1975	536	364	900
June 30, 1976	476	417	893
June 30, 1977	491	434	925
June 30, 1978	486	495	981
June 30, 1979	414	583	997
June 30, 1980	408	674	1,082
June 30, 1981	400	735	1,135
June 30, 1982	408	774	1,182
June 30, 1983	407	827	1,234


THOMAS J. KENNEDY, DIRECTOR

Attached hereto is a breakdown of class "A" and "B" clubs by counties.

COUNT ON PRIVATE CLUBS BY COUNTIES

(Through June 30, 1983)

County	Number of Clubs Operating		County	Number of Clubs Operating	
	CLASS			CLASS	
	"A"	"B"		"A"	"B"
Allen	4	3	Linn	1	1
Anderson	2	3	Logan	2	0
Atchison	5	2	Lyon	5	14
Barber	0	4	McPherson	6	7
Barton	13	10	Marion	4	1
Bourbon	3	3	Marshall	4	5
Brown	3	3	Meade	0	2
Butler	8	6	Miami	7	3
Chase	0	0	Mitchell	7	1
Chataqua	0	2	Montgomery	9	13
Cherokee	6	3	Morris	1	1
Cheyenne	2	0	Morton	1	0
Clark	0	2	Nemaha	6	3
Clay	4	1	Neosho	8	8
Cloud	6	2	Ness	2	2
Coffey	3	0	Norton	3	2
Comanche	0	1	Osage	1	5
Cowley	9	6	Osborne	1	0
Crawford	7	12	Ottawa	1	0
Decatur	1	1	Pawnee	4	2
Dickinson	6	3	Phillips	2	3
Doniphan	2	1	Pottawatomie	5	5
Douglas	6	27	Pratt	5	3
Edwards	2	1	Rawlins	2	0
Elk	0	0	Reno	11	18
Ellis	7	17	Republic	4	1
Ellsworth	3	2	Rice	6	1
Finney	8	10	Riley	6	18
Ford	5	14	Rooks	3	2
Franklin	5	7	Rush	1	2
Geary	7	20	Russell	4	7
Gove	1	0	Saline	8	21
Graham	0	2	Scott	1	1
Grant	1	4	Sedgwick	31	174
Gray	1	0	Seward	4	3
Greeley	1	0	Shawnee	20	61
Greenwood	2	4	Sheridan	1	1
Hamilton	1	0	Sherman	4	3
Harper	0	2	Smith	2	2
Harvey	7	3	Stafford	2	1
Haskell	0	0	Stanton	0	1
Hodgeman	0	0	Stevens	0	1
Jackson	3	3	Summer	3	5
Jefferson	2	4	Thomas	3	3
Jewell	0	1	Trego	1	2
Johnson	23	83	Wabaunsee	0	3
Kearny	0	1	Wallace	0	0
Kingman	1	0	Washington	3	1
Kiowa	0	1	Wichita	1	0
Labette	5	6	Wilson	4	3
Lane	1	0	Woodson	2	1
Leavenworth	8	32	Wyandotte	10	98
Lincoln	1	1			

TOTALS

407

827

MEMORANDUM

TO: Whom it may concern

FROM: Thomas J. Kennedy, Director
Alcoholic Beverage Control Division
Department of Revenue

DATE: January 3, 1984

RE: Reciprocal Agreements

As of this date the following Class "B" Clubs have entered into reciprocal agreements:

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
1. ABE'S CLUB, INC.	1044 W. 29th St. North Wichita 67204	100
2. Acapulco y Los Arcos of Kansas, Inc. d/b/a ACAPULCO Y LOS ARCOS OF KANSAS, INC. #2	3425 S. Kansas Avenue Topeka 66611	149
3. J.T. Foods Inc. d/b/a AGGIE STATION	1115 Moro Manhattan 66502	188
4. ALBERT'S RESTAURANT, INC.	6425 East Kellogg Wichita 67207	117
5. Senor Franco's, Inc. d/b/a ALOHA RESTAURANT	8065 Peach Tree Wichita 67207	122
6. AMARILLO GRILL OF KANSAS, INC.	3729 South Topeka Ave. Topeka 66609	94
7. Angelo's Italian Foods, Inc. d/b/a ANGELO'S	6829 E. Kellogg Wichita 67207	181
8. ANGEL'S, INC.	Riverview Bldg., Lower Level 345 Riverview Wichita 67203	148
9. Annie's Santa Fe of Kansas, Inc. d/b/a ANNIE'S SANTA FE RESTAURANT & CLUB	11855 W. 95th St. Oak Park Shopping Center Overland Park 66214	120
10. ANTHONY MILLER'S CHATEAU BRIAND, INC.	10603 E. Kellogg Wichita 67207	97

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
11. Lenore Bowles d/b/a ANTHONY'S CLUB & RESTAURANT	321 N. Santa Fe Salina 67401	33
12. William E. Tyler d/b/a APPLE JACK'S	5240 Merriam Lane Merriam 66203	83
13. Larry's Restaurants, Inc. d/b/a "THE ARKANSAS RIVER CO."	113 W. 4th St. Larned 67550	176
14. Hibachi Hut, Inc. d/b/a AUNTIE MAE'S PARLOR	616 North 12th Street Manhattan 66502	46
15. Hibachi Hut, Inc. d/b/a AVALON	1122 Moro Manhattan 66502	56
16. Becerros Mexican, Inc. d/b/a BECERROS MEXICAN	2515 W. 6th St. Lawrence 66044	80
17. Jolly Ox Club of Kansas, Inc. d/b/a BENNIGAN'S	9520 Metcalf Overland Park 66204	179
18. Jolly Ox Club of Kansas, Inc. d/b/a BENNIGAN'S	3251 South Topeka Boulevard Topeka 66611	179
19. Jolly Ox Club of Kansas, Inc. d/b/a BENNIGAN'S	111 South Rock Road Wichita 67207	165
20. Bijou, Inc. d/b/a BIJOU SUPPER CLUB	507 West 7th(Lower Level) P.O. Box 671 Hays 67601	137
21. William Albert Kasting d/b/a BILLARD AIRPORT RESTAURANT & 71ST LOUNGE	3600 Sardou Topeka 66616	34
22. Western Hills Beverage Corporation, Inc. d/b/a BLACK ANGUS CLUB	West 67th at I-35 Merriam 66201	59
23. Robert L. Calderwood d/b/a BOBS SIRLOIN ROOM	103 North St. Seneca 66538	185
24. Wichita Mall Restaurants, Inc. d/b/a BOMBAY BICYCLE CLUB CAFE AND BAR	7700 E. Kellogg Wichita 67207	133
25. Concordia Motel Co., Inc. d/b/a "BOSTON CORBETT CLUB"	North U.S. 81 Concordia 66901	170
26. Clarence O. Moss d/b/a BRAHMA HOUSE RESTAURANT & CLUB	3520 W. 6th St. Lawrence 66044	69

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
27. Main Corporation d/b/a BRASS LANTERN LOUNGE	3232 N. Summit Arkansas City 67005	104
28. Kendall Eugene Crick d/b/a BRASS RING SUPPER CLUB	214 South Main Pratt 67124	81
29. Albert John Shaw, Ruth Anne Shaw, Charles R. Jack & Paula Jo Jack d/b/a BROKEN SPOKE	213 West Kansas Greensburg 67054	97
30. THE BRUNSWICK HOTEL CORPORATION	202 S. Main P.O. Box 13 Lindsborg 67456	135
31. BUDDE'S RESTAURANT, INC.	9596 Quivira Road Lenexa 66215	46
32. Jim A. Lynch d/b/a BULLS AND BEARS CLUB	138 N. Market Wichita 67202	81
33. Kansas Inn Management, Inc. d/b/a THE BURGUNDY RESTAURANT & CLUB	530 Richards Drive Manhattan 66502	129
34. BUSH'S COOP, INC.	R. R. #1 Box 48 Mt. Hope 67108	22
35. Gilman, Inc. d/b/a BUSHWACKERS	531 North Manhattan Avenue P.O. Box 145 Manhattan 66502	104
36. Bruce L. Rogers d/b/a THE CABOOSE CLUB	Jct. K 268 & 368 Vassar 66543	121
37. CAESAR'S CLUB, INC.	2200 W. 8th St. Coffeyville 67337	141
38. The Olive Tree, Inc. d/b/a CAFE CHANTILLY	6921 East Kellogg Wichita 67207	43
39. D.J.'s Rock Creek Marina, Inc. CAJUN'S WHARF	R. R. #1 Ozawkie 66070	52
40. CAMPUS HIDEAWAY, INCORPORATED	106 West North Park Lawrence 66044	7
41. CANDLESTICK INN, INCORPORATED	409 Oklahoma Terrace Ulysses 67880	11
42. The Caravan Club, Inc. d/b/a THE CARAVAN CLUB	1312 Huntoon Topeka 66604	172
43. The Caravan Club, Inc. d/b/a THE CARAVAN DOWNTOWN	118 Southwest 8th St. Topeka 66603	163

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
*44. Golden Coast Financial, A Kansas Corporation d/b/a CARLOS & WONGS	6815 West Highway 54 Wichita 67209	5
45. Big John's Steak House, Inc. d/b/a "CAROUSEL"	621 Westport Blvd. Box 874 Salina 67401	193
46. Casa Del Sur, Inc. d/b/a CASA DEL SOL	3320 South Topeka Blvd. Topeka 66611	132
47. Ben E. Vidricksen & Robert H. Vidricksen d/b/a CAVALIER CLUB	716 N. 12th St. Salina 67401	235
48. CEDARS OF KINSLEY, LTD.	401 East Tenth Street Kinsley 67547	166
49. James R. Mann d/b/a CEDAR WOODS SUPPER CLUB	1207 10th Avenue Leavenworth 66048	9
50. Robert P. Baum d/b/a THE CELLAR	313 Arizona Holton 66436	137
51. Seabyrd, Inc. d/b/a CHARLIES	3207 S. Oliver Wichita 67210	0
52. CHARRO CORPORATION	1208 South Rock Road Wichita 67207	56
53. CHI-CHI'S OF OVERLAND PARK, KANSAS, INC.	8901 Metcalf Overland Park 66212	71
54. Chi-Chi's of Overland Park, Kansas, Inc. d/b/a CHI-CHI'S MEXICAN RESTAURANT	6160 E. Central Wichita 67206	91
55. CHI-CHI'S OF WEST WICHITA, INC.	511 South West Street Wichita 67213	84
56. Chili's of Kansas, Inc. d/b/a CHILI'S HAMBURGER GRILL AND BAR	9099 Metcalf Overland Park 66212	76
57. CHINA GARDEN RESTAURANT & CLUB, INC.	807 South Woodlawn Wichita 67218	79
58. Choi Fong Ng d/b/a CHOI FONG'S	1605 North Rock Road Wichita 67206	35
59. Gutierrez, Inc. d/b/a CLUB MIMOSA	1935 S. Ohio Salina 67401	81
60. COACHMAN'S CLUB, INC.	R. R. #1 - Patton Rd. Great Bend 67530	93

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
61. THE COACHMAN'S INN, INC.	1001 Cody Ave. Box 1120 Hays 67601	103
62. Frank L. Lambert, II d/b/a COLT SUPPER CLUB	715 West Oklahoma, Box 74 Ulysses 67880	10
63. Confucius Kitchen, Inc. d/b/a CONFUCIUS CLUB	8623 W. 95th St. Overland Park 66212	6
64. X.C.L., Inc. d/b/a CONTINENTAL CLUB	1839 Merchant Emporia 66801	239
65. Robert T. Patterson d/b/a THE COPPER CLUB	700 E. 14th St. Box 65 Harper 67058	122
66. Marilyn Meinhardt d/b/a THE CORK CLUB	4200 Huntoon Box 4831 Topeka 66604	77
67. IEC, Inc. d/b/a COTTON EYED JOE'S	12220 West 63rd St. Shawnee 66216	79
68. Western Operating Corp. d/b/a COWBOY BAR & GRILL	5327 East Kellogg Wichita 67218	27
69. Sylvan Sale Company, Incorporated d/b/a COWTOWN AMERICA	106 S. Indiana St. Box 237 Sylvan Grove 67481	72
70. Grant E. Parsons d/b/a COWTOWN CLUB	503 E. Trail St. P.O. Box 1417 Dodge City 67801	121
71. Samuel S. Peabody, Jr. d/b/a CRAZY HORSE SUPPER CLUB	2539 W. Pawnee Ave. Wichita 67213	57
72. THE CROWN ROOM CLUB, INC.	1017 S. Meridian Wichita 67213	191
73. Crown Players, Inc. d/b/a CROWN UPTOWN DINNER THEATRE	3207 E. Douglas Wichita 67218	250
74. Cosa Mia, Inc. d/b/a CRYSTAL PLAZA SUPPER CLUB	101 Continental Avenue Grandview Plaza, KS P.O. Box 827 P.O. Junction City 66441	63
75. Darold L. Coles d/b/a D C'S SUPPER CLUB	511 North Central Coldwater 67029	32
76. DIAMOND HEAD OF WICHITA, INC.	3137-220 S. Seneca Wichita 67217	62
77. Dean Hedden d/b/a DINO'S	501 North Santa Fe P.O. Box 84 Chanute 66720	102

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
78. DiPasquale's, Inc. d/b/a DIPASQUALE'S ITALIAN RESTAURANT	425 West 30th Street Topeka 66611	103
*79. Louis D. Scott, Lucy J. Scott, Michael A. Belluomo & Mary P. Belluomo d/b/a DOC'S STEAK HOUSE	1515 North Broadway Wichita 67214	42
80. The Doctors Zinn, Inc. d/b/a THE DOCTOR'S ZINN	2301 North Main Hutchinson 67501	152
*81. The Doctors Zinn, Inc. d/b/a THE DOCTOR'S ZINN	2734 Boulevard Plaza Wichita 67211	0
82. THE DODGE HOUSE, INC.	2410 W. Wyatt Earp Blvd. Dodge City 67801	128
83. Donald F. Gilman d/b/a DON'S DEN	417 S. Topeka Box 302 Carbondale 66414	98
84. Lori A. Worthington d/b/a DON'S STEAK HOUSE	7200 SE 89th St. Berryton 66409	176
85. Michael C. Drury d/b/a DRURY TEA ROOM	519 North 5th St. Atchison 66002	0
86. DUTCH MILL, INC.	Route #1 Marysville 66508	97
87. VAL-LUC, Inc. d/b/a EDELWEISS	4 Halsey Drive Hutchinson 67501	39
88. Sally Skinner d/b/a ELDORADO CLUB	200 South Main Eldorado 67042	37
89. S, J & H Corporation d/b/a ELDRIDGE HOUSE RESTAURANT AND CLUB	701 Massachusetts St. Lawrence 66044	98
90. EL MEXICO CAFE, INC.	1805 S. Hillside Wichita 67211	61
91. Grande Trunk & Defunct Railway System, Ltd. d/b/a THE EMBERS	2000 N. Vandeburgh Ave. P.O. Box 381 Wellington 67152	62
92. Crown Players, Inc. d/b/a EMPIRE HOUSE, RESTAURANT, THEATRE & CLUB	1871 Sim Park Drive Wichita 67203	162
93. L & M Incorporated d/b/a THE FAMOUS	1308 E. First St. Wichita 67214	97
94. Players, Inc. d/b/a FANTASIES AND AMBROSIA ROOM	101 W. 151st St. Olathe 66061	75

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
95. B & F Enterprises, Inc. d/b/a FASONE'S SUPPER CLUB	5648 State Avenue Kansas City 66102	87
96. Felipe's Restaurants, Inc. d/b/a FELIPE'S PALACE RESTAURANT & CLUB	3434 West Central Wichita 67203	58
97. SPRCK, Inc. d/b/a FIFE AND DRUM	9100 East Kellogg Wichita 67207	124
98. Alloway's-Kings, Incorporated d/b/a "FIRESIDE CLUB"	105 West 2nd Street Ellis 67637	101
99. Amy LaVelle Frick d/b/a FIRESIDE INN CLUB	1056-B East Pacific Salina Mailing Address: 120 Overhill Rd. Salina 67401	149
100. FIVE OAKS SUPPER CLUB, INC.	1318 Kansas Ave. P.O. Box 736 Great Bend 67530	47
101. Harold's Sirloin of Iola, Inc. d/b/a THE FLAME CLUB	110 N. State Iola 66749	43
102. Francis L. Hill d/b/a F. L.'s CLUB & RESTAURANT	2714-2716 Amidon Wichita 67204	103
103. Airport Hotel Clubs, Inc. d/b/a THE FLYING FYSH	2098 Airport Rd. P.O. Box 12690 Wichita 67209	225
104. Kelway, Inc. d/b/a THE FOX & HOUNDS CLUB	221 E. Kellogg Wichita 67202	104
105. Selsam, Inc. d/b/a FOX CANYON	717 S. Market Wichita 67211	256
106. Gates & Sons Barbecue of Kansas, Inc. d/b/a GATES & SONS BARBECUE LOUNGE	1026 State Avenue Kansas City 66102	5
107. LeJardin, Inc. d/b/a GATSBYS	9200 Metcalf Overland Park 66212	175
108. Floyd Joseph Ellis d/b/a GATSBY'S	7152 E. Kellogg Wichita 67207	164
109. GOLDEN FOUNTAIN CAFE & SUPPER CLUB, INC.	Highway 36 and Main Street Box 278 Kensington 66951	96
*110. Golden Rule Association, Inc. d/b/a GOLDEN RULE CLUB	321 E. William Wichita 67202	0

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
111. Wheat Lands Motel & Restaurant, Inc. d/b/a THE GRAIN BIN	1301 E. Fulton P.O. Box 438 Garden City 67846	199
112. "Do-Mor, Inc." d/b/a THE GRAIN CLUB	719 Fort Larned Ave. Larned 67550	182
113. Damon F. Weber d/b/a THE GRANARY AND THE FULL BUSHEL	118 S. Main Caldwell 67022	1
114. R & M Inc. d/b/a THE GRAPE	550 N. Rock Rd. Rock Rd. & Central (Millcreek Village) Wichita 67206	133
115. Damon F. Weber d/b/a THE GREAT HALL	123 South Main St. Caldwell 67022	1
116. Green Parrot, Inc. d/b/a GREEN PARROT	3919½ SW 21st Street Topeka 66604	42
*117. Northwest Investors, Inc. d/b/a GREEN'S	209A Delaware Leavenworth 66048	43
118. GREGOV'S, INC.	2605 Stagg Hill Rd. Manhattan 66502	110
119. Allan R. Clark & William Robert Clements d/b/a GRINGOS'	2702 W. 15th Street Emporia 66801	138
120. Elida G. Gutierrez d/b/a GUTIERREZ CLUB MIMOSA	504 West Wichita P.O. Box 134 Russell 67665	96
121. HAGEN MANOR HOUSE, INC.	1925 North 54th Street Kansas City 66102	0
122. Ramoka, Inc. d/b/a THE HANGAR RESTAURANT & CLUB	8300 E. Kellogg Wichita 67207	67
123. Good Groceries, Inc. of Wichita d/b/a THE HATCH	1443 N. Rock Rd. Wichita 67206	69
124. Betty B. Boughner d/b/a HAYMOW CLUB	13½ E. 2nd St. Box 448 Liberal 67901	138
125. Hays House, Inc. d/b/a HAYS TAVERN	112 W. Main St. P.O. Box 220 Council Grove 66846	120
126. HICKORY HOUSE, INC.	1625 E. Central Wichita 67201	167

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
127. HOMESTEAD OF WICHITA, INC.	6615 East Central Wichita 67206	135
128. HOMESTEAD WEST, INC.	600 South Holland Wichita 67209	121
129. Loretta M. Gifford d/b/a HUMPHRY KLINKERS	7811 West 151st Street P.O. Box 23092 Stanley 66223	60
130. Raymond J. Barto d/b/a IDLE HOUR	201 South Santa Fe Frontenac 66763	89
131. INGLEBORO RESTAURANT, INC.	319 North Main Street Smith Center 66967	39
132. Brookville Hotel II, Inc. d/b/a IRONHORSE TRIBE CLUB	Box 7 Brookville 67425	174
133. Hutch Inn, Inc. d/b/a THE ISLANDER CLUB	1400 N. Lorraine Hutchinson 67501	124
134. Italian Gardens of Kansas, Inc. d/b/a ITALIAN GARDENS	10600 Metcalf Overland Park 66212	83
135. Rembrant, Inc. d/b/a JACK LONDON'S AMERICAN CAFE	7080-7084 W. 105th St. Overland Park 66212	222
136. Craig Allan Cunningham d/b/a JASON'S STEAK & SPIRITS	1209 West Wyatt Earp Dodge City 67801	28
137. Kansas Inn Management, Inc. d/b/a JAYHAWK CLUB	700 Jackson Topeka 66603	189
138. J.P. Heff, Inc. d/b/a J. BARLEYCORN'S BAR & GRILL	9148-Santa Fe Overland Park 66212	15
139. Vernon J. Jacobs d/b/a JESSE'S	425 East 61st North Park City 67219	30
140. Gary S. Cushman d/b/a JIGGER & BEER CLUB	607 So. Wichita Wichita 67202	49
*141. Joe Kelly's Private Club of Wichita, Inc. d/b/a JOE KELLY'S OYSTER DOCK	7700 E. Kellogg Bldg. 1919 Wichita 67207	52
142. J & S Woofter, Inc. d/b/a JOHN'S	1195 S. Range Drawer No. 448 Colby 67701	71
143. V.I.B. Inc. d/b/a JOSE'S	9310 W. 75th St. Merriam 66204	25
144. JOSE'S I, INC.	4018 W. 95th St. Prairie Village 66207	80

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
145. JOSE'S III, INC.	8908 W. 95th St. Overland Park 66212	58
146. Josephine Morgan d/b/a JOSEY'S SUPPER CLUB	402 Main St. Effingham 66023	148
147. G. M. Sales and Manufacturing, Inc. d/b/a J. R'S. CLUB	430 E. Douglas Wichita 67202	17
148. Kens Incorporated d/b/a J R'S PLACE	8787 Reeder Rd. Overland Park 66214	109
149. E.D.M. Establishments, Inc. d/b/a J.T. MALONEY'S	300 North 8th Street Independence 67301	23
150. Transamerican Investment Properties, Inc. d/b/a JUDGE RIGGS CLUB	549 S. Rock Rd. Wichita 67207	194
151. Kennedy's Claim, Inc. d/b/a KENNEDY'S CLAIM	4209 W. 10th St. Great Bend 67530	139
152. Boulevard Corporation, Inc. d/b/a KENNEDY'S CLAIM	2304 Stagg Hill Rd. Manhattan 66502	140
153. J, J, & K, Inc. d/b/a KIELTYKA'S STONEWALL INN	10240 Pflumm Rd. Lenexa 66215	104
154. Far East Enterprise, Inc. d/b/a "KING ARTHUR'S 21"	3117 East Douglas Wichita 67211	31
155. Wichita Inns, Inc. d/b/a THE KNIGHT CAP	5805 West Kellogg Wichita 67209	107
156. Tokyo Steak House of Japan, Inc. d/b/a KOBE STEAK HOUSE OF JAPAN	961 Parklane Shopping Center Wichita 67218	80
157. Gudenkauf Enterprises, Inc. d/b/a KOESTER HOUSE RESTAURANT AND LOUNGE	908 Elm Street Marysville 66508	187
158. Wayne R. Moody d/b/a K. T.'S ATTIC	3847 Topeka Blvd. Topeka 66609	65
159. Marian K. Hall, Ltd. d/b/a LA' FOX	900 W. Kansas Ave. P.O. Box 69 McPherson 67460	210
160. LAKESHORE SUPPER CLUB, INC.	3800 South Seneca Wichita 67217	121
161. SST, Inc. d/b/a LAMPLIGHTER CLUB	RFD 3, Wilroads Gardens Road Dodge City 67801	23

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
162. LANCERS CLUB, INC.	111 West Douglas Wichita 67202	86
163. Edsel E. Noland d/b/a THE LANDING	3030 South Santa Fe Chanute 66720	123
164. Dobbs Houses of Kansas, Inc. d/b/a "THE LANDING"	Terminal Bldg.- Midcontinent Airport Wichita 67209	121
165. AV Properties, Inc. d/b/a LAST CHANCE RESTAURANT & SALOON	1215 Moro Manhattan 66502	145
166. Lightner Motels, Inc. d/b/a LE BISTRO CLUB	1000 N. Broadway Wichita 67214	97
167. Kansas Clubs, Inc. d/b/a LeFLAMBEAU CLUB	420 E. 6th St. P.O. Box 1598 Topeka 66601	112
168. J. A. Demonchaux Co., Inc. d/b/a LE PICARDY FRENCH RESTAURANT	822 N. Kansas Avenue Topeka 66608	229
169. Red, Inc. d/b/a THE LIGHTHOUSE	6920 W. 105th St. Overland Park 66212	30
170. LONGBRANCH SALOON, INC.	8951 Metcalf Overland Park 66212	29
171. Larry D. Ouellette d/b/a LONGHORN CLUB	124 W. 7th St. Washington 66968	93
172. Down Home, Inc. d/b/a "THE LOOKING GLASS"	412 E. Douglas Wichita 67202	150
173. Rose Garden Restaurant & Club, Inc. d/b/a LOTUS GARDEN	3700 E. Douglas Wichita 67208	60
174. Lotus Garden East Corporation d/b/a LOTUS GARDEN EAST RESTAURANT & CLUB	7732 East Central Wichita 67206	54
175. THE MAGIC MACHINE, INC.	3020 West 13th St. Wichita 67203	25
176. MAGIC WOK RESTAURANT & CLUB, INC.	9504 W. Central Wichita 67212	140
177. Morrow Investments, Inc. d/b/a THE MAPLES RESTAURANT & CLUB	10100 Maple Wichita 67209	96
178. Parkview Land Developers, Incorporated d/b/a MATADOR LOUNGE	4020 Parkview Drive Pittsburg 66762	59

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
179. MAX & ERMA'S KANSAS CITY, INC.	10975 Metcalf Overland Park 66212	37
180. American Business Corporation d/b/a MEL AMIGOS	2600 Iowa Lawrence 66044	15
181. Good Cousins', Inc. d/b/a MESQUITE WOOD MOLLY'S	1140 West Pawnee Wichita 67213	108
182. MICHAEL O'S, INC.	108 East Second Wichita 67202	30
183. Kansas Inn Management, Inc. d/b/a MICHELLE'S	605 Fairlawn Topeka 66606	136
184. Kansas Inn Management, Inc. d/b/a "MICKEY'S LANDING"	3802 S. Topeka Blvd. Topeka 66609	114
185. MOLLY MAE'S, INC.	2506 South Oliver Wichita 67210	49
*186. Keith Associates, Inc. d/b/a THE MONASTERY	9962 College Boulevard Overland Park 66210	56
187. The Caravan Club, Inc. d/b/a MR. D'S	3343 Gage Boulevard Topeka 66614	161
188. Russell B. Osborn & Anthony L. Guenther d/b/a MUDDY WATERS	2303 West Wyatt Earp Box 1436 Dodge City 67801	0
189. Nabil's West, Inc. d/b/a NABIL'S RESTAURANT	925 Iowa Lawrence 66044	82
190. NITE LITES, INC.	7230 West 75th Street Overland Park 66204	57
191. E.D.M. Estabilshments, Inc. d/b/a O.F.F. TAVERN	101 State St. Fort Scott 66701	60
192. Zehr Restaurants, Inc. d/b/a OLD MILL WINE BAR	301 N. Main Newton 67114	176
193. Harley D. O'Leary & Mary Ann O'Leary d/b/a O'LEARY'S COFFEE MILL RESTAURANT	9000 State Ave. Kansas City 66112	79
194. THE OLIVE TREE, INC.	7335 E. Kellogg Wichita 67207	69
195. OLYMPIAD OF KANSAS, INC.	2120 North Woodlawn; Suite 450 Wichita 67208	102
196. Hospitality Place, Inc. d/b/a THE OTHER END	850 North Main Benton 67017	50

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
197. Hotel Clubs of Corporate Woods, Inc. d/b/a OVERLAND PARK CLUB	10100 College Boulevard Overland Park 66210	69
198. OXFORD PLACE LTD.	1305 Ott Olathe 66061 Mailing Address: 258 N. Church Olathe 66061	71
199. Shengo, Inc. d/b/a PADDY RYAN'S CITY BAR & GRILL	2120 N. Woodlawn; Suite 300 Wichita 67220	90
200. Palm Springs, Inc. d/b/a PALM SPRINGS	10332 Metcalf Overland Park 66212	33
201. Anglo-American Restaurants of Kansas, Inc. d/b/a PASTIFICO RESTAURANT	6800 West 95th Street Overland Park 66212	47
202. JR-BABB, Inc. d/b/a PAST TIME CLUB	4752 State Avenue Kansas City 66104	1
203. P and K of Kansas, Inc. d/b/a PEDRO'S	1511 West Wyatt Earp Dodge City 67801	7
204. PEKING CHINESE RESTAURANT, INC.	109 East 29th Street Topeka 66605	54
205. Kens Incorporated d/b/a THE PENTHOUSE	8787 Reeder Rd. Overland Park 66214	122
206. Lightner Motels, Inc. d/b/a THE PENTHOUSE CLUB	250 West Douglas Wichita 67202	118
207. Biormo, Inc. d/b/a PEOPLES	8500 Marshall Dr. Lenexa 66214	56
208. PCDI of Kansas, Inc. d/b/a PEOPLES RESTAURANT	6863 West 91st St. Overland Park 66212	30
209. Peppercorn, Inc. d/b/a PEPPER'S	5217 Southwest Drive Topeka 66614	19
210. Scotch-Mist, Inc. d/b/a PICASSO	5243 Southwest Drive Topeka 66614	184
211. P.J.'S RESTAURANT AND CLUB, INC.	1925 East Douglas Wichita 67211	10
212. Maurice's Restaurant, Inc. d/b/a PLAZA ONE	17 East 2nd Street P.O. Box 1232 Hutchinson 67501	128
213. Johnson County Motor Hotels, Inc. d/b/a PLUMS	7240 W. 63rd St. Overland Park 66202	75

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCALs</u>
214. Podnuh's, Inc. d/b/a POD'NUHS	305 S. St. Francis Wichita 67202	177
215. THE PORTOBELLO ROAD, INC.	504 South Bluff Wichita 67218	204
216. Vector-4, Inc. d/b/a PRAIRIE HARBOR	Rural Route Vassar 66543 Mailing Address: P.O. Box 456 Lyndon 66451	74
217. Eugene Henry Kramer & Annie Bernadette Kramer d/b/a THE PRAIRIE LOUNGE	604 N. 11th St. Seneca 66538	183
218. Wehmeier's Bakery, Inc. d/b/a THE PROVISION CO. CLUB	125½ S. Santa Fe Salina 67401 Mailing Address: 127 S. Santa Fe Salina 67401	101
219. Maesmor, Inc. d/b/a QUINCY MAGOO'S OLD PLACE	1517 Lane Topeka 66604	190
220. James Lynn Hackney d/b/a RED BARN PRIVATE CLUB	Route 2 Box 190 Fort Scott 66701	25
221. Wheat Lands Motel & Restaurant, Inc. d/b/a RED BARON RESTAURANT	2205 E. Hwy 50 Garden City 67846	97
222. Lawrence Inn Management, Inc. d/b/a RED FOX CLUB	12601 W. 95th St. Lenexa 66215	146
223. Kansas Inn Management, Inc. d/b/a RED FOX CLUB	914 Madison Topeka 66612	175
224. Robert John Berens d/b/a THE RED KITTEN OF STOCKTON, KANSAS	107, 109 & 111 S. Cedar Stockton 67669	100
225. RED LOBSTER OF KANSAS, INC.	4323 State Ave. Kansas City 66102	245
226. RED LOBSTER OF KANSAS, INC.	9475 Metcalf Avenue Overland Park 66212	245
227. RED LOBSTER OF KANSAS, INC.	10310 West 63rd Street Shawnee 66203	245
228. RED LOBSTER OF KANSAS, INC.	201 West 29th Street Topeka 66611	244
229. RED LOBSTER OF KANSAS, INC.	555 South West Street Wichita 67213	242

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCALs</u>
*230. Kansas Clubs, Inc. d/b/a THE REGENCY CLUB	420 E. 6th St. Topeka 66607	8
231. Hotel Clubs of Corporate Woods, Inc. d/b/a RESTAURANT 83/BUTTERFLY LOUNGE	10100 College Boulevard Overland Park 66210	98
232. Ricardo's, Inc. d/b/a RICARDO'S	6601 Parallel Kansas City 66104	25
233. RIC'S CAFE, INC.	317 Houston Box C Manhattan 66502	77
234. D. and I. Taylor, Inc. d/b/a ROCK ISLAND LOUNGE	Jct. U.S. 81 and U.S. 36 P.O. Box 187 Belleville 66935	8
235. RODEHOUSE RESTAURANTS OF KANSAS, INC.	7000 W. 108th St. Overland Park 66211	68
236. Steven Paul Nelson d/b/a ROSITA'S	4010 Gage Center Drive Topeka 66604	6
237. Rum Keg, Inc. d/b/a RUM KEG PUB	12385 W. 95th St. Lenexa 66215	50
238. Rum Keg, Inc. d/b/a RUM KEG, II	3841 Topeka Ave. Topeka 66609	127
239. Rum Keg, Inc. d/b/a RUM KEG, III	7270 E. Kellogg Wichita 67207	97
240. Kansas Inn Management, Inc. d/b/a RUM TREE RESTAURANT & CLUB	200 W. Turnpike Access Lawrence 66044	121
241. Saddleboogie, Inc. d/b/a SADDLEBOOGIE SALOON	212 East 47th Street South Wichita 67216	7
242. Samantha's Restaurant & Club, Inc. d/b/a SAMANTHA'S RESTAURANT & CLUB	9545 Antioch Overland Park 66212	67
243. Sanctuary, Inc. d/b/a THE SANCTUARY	1401 West 7th St. Lawrence 66044	194
244. THE SAND TREE, INC.	14 N. Main Box 2331 Hutchinson 67501	199
245. SCOTCH & SIRLOIN INC.	3941 E. Kellogg Wichita 67218	168
246. Sgt. Preston's of Lawrence, Inc. d/b/a SGT. PRESTON'S OF THE NORTH	815 New Hampshire Lawrence 66044	79

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
247. SHOWCASE, INC.	417 W. 37th St. P.O. Box 5144 Topeka 66605	235
248. SILVER FOX, INC.	7401 West 97th Street Overland Park 66212	21
249. George C. Probst d/b/a SITKA SOCIAL CLUB	Highway 183 Sitka 67831	37
250. Fred Parker Lechner d/b/a THE SPORTS FAN-ATTIC	1216 Laramie Manhattan 66502	161
251. George R. Henrichs d/b/a THE SPUR	1508 W. Spruce Box 119 Dodge City 67801	172
252. B.J.B., Inc. d/b/a STARDUST CLUB	1805-1809 Minnesota Ave. Kansas City 66102	1
253. Jolly Ox Club of Kansas, Inc. d/b/a STEAK AND ALE RESTAURANTS	9391 Lenexa Dr. Lenexa 66215	194
254. Jolly Ox Club of Kansas, Inc. d/b/a STEAK AND ALE RESTAURANTS	3225 S. Topeka Topeka 66611	195
255. Jolly Ox Club of Kansas, Inc. d/b/a STEAK AND ALE RESTAURANTS	8430 E. Kellogg Wichita 67207	194
256. Savute's Inc. d/b/a STICK & RUDDER CLUB	3303 N. Broadway Wichita 67214	66
257. THE STUFFED BULL, INC.	5500 W. Kellogg Wichita 67209	148
258. Country Inc. d/b/a SULLIVAN'S COUNTRY PLACE	7936 Quivira Rd. Lenexa 66215	51
259. The Kitchen-R.V.C., Inc. d/b/a SUNFLOWER CLUB	703 Walnut Street P.O. Box 274 Oskaloosa 66066	62
260. THE SUNFLOWER INN, INC.	108 Bern Street Box 403 Hanover 66945	0
261. SZECHWAN PLAZA, INC.	6105 E. 13th St. Wichita 67208	60
262. Tatsu's, Inc. d/b/a TATSU'S	4603 West 90th Prairie Village 66207	33
263. Zerr-Miller Enterprises, Inc. d/b/a TED'S STEAK HOUSE & CLUB	2505 Vine Street Hays 67601	178

<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
264. Hoxie Bowl, Inc. d/b/a TEN PIN LOUNGE	917 Pine P.O. Box 317 Hoxie 67740	49
265. Stanley Joseph Billinger d/b/a THE TIMBERS	R. R. 2 Box 177 Hill City 67642	109
266. Ramada Club, Inc. d/b/a "T. J.'S"	1949 North 9th Salina 67401	128
267. Kamie'l's No. Two, Inc. d/b/a TOM & SONNY'S	3920 W. Douglas Wichita 67203	74
268. Tony's, Inc. d/b/a TONY'S RESTAURANT & WINERY	244 S. Santa Fe Salina 67401	149
269. The Lantern Club d/b/a THE TORCHLIGHT LOUNGE	1001 E. 6th St. P.O. Box 207 Junction City 66441	74
270. TORREON RESTAURANT COMPANY	9129 Elmhurst Overland Park 66212	23
271. Ralph A. Nester d/b/a TOWN & COUNTRY PRIVATE CLUB	E. U.S. HiWay 36 Marysville 66508 Mailing Address: 1701 Jenkins St. Marysville 66508	22
272. Robert Charles Limbocker & Larry D. Limbocker d/b/a UNIVERSITY CLUB-BOCKERS II	17th & Anderson Ave. P.O. Box 578 Manhattan 66502	225
273. UPTOWN, INC.	1200 Main - 6th Floor 1st National Bank Towers Hays 67601	110
274. The Vagabond Motel, Inc. d/b/a VAGABOND SUPPER CLUB	2522 Vine St. P.O. Box 822 Hays 67601	143
275. Crown Enterprises, Inc. d/b/a "VASA CLUB"	121 North Main Street P.O. Box 245 Lindsborg 67456	148
276. Paul Sterner & Patricia Sterner d/b/a THE VILLAGE GREEN RESTAURANT	6921-23 Tomahawk Prairie Village 66208	74
277. Billy-Jeans, Inc. d/b/a THE WAGON WHEEL	4849 South West Street Wichita 67217	77
278. THE WAGON WHEEL INC.	316 N. Oak Cawker City 67430	106
279. Carrie Belle Ferguson d/b/a WESTAIR CLUB	4702 West Kellogg Wichita 67209	51

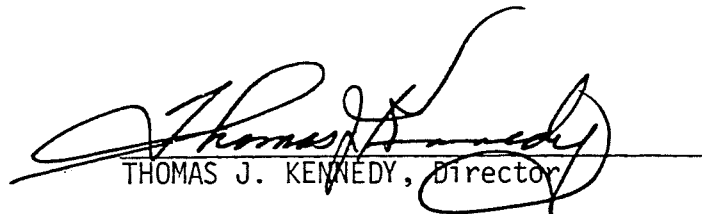
<u>CLASS "B" CLUBS</u>	<u>ADDRESS</u>	<u>NUMBER OF RECIPROCAL</u>
280. Wheat Lands Motel & Restaurant, Inc. d/b/a WHEAT LANDS RESTAURANT	1408 East Fulton St. Garden City 67846	65
281. Market Street Hotel Corp., d/b/a THE WICHITA ROYALE	125 N. Market Wichita 67202	141
282. Palace Corporation d/b/a WIDOW MCGEE'S	1911 E. Kansas % Garden City Hilton P.O. Box J Garden City 67846	97
283. Gudenkauf Enterprises, Inc. d/b/a THE WINDMILL INN LOUNGE	603 N. 4th St. Box 72 Seneca 66538	122
284. Canton Enterprises, Inc. d/b/a WONG'S PAGODA CLUB	9921 Santa Fe Drive Overland Park 66212	48
285. John M. Bedlion d/b/a YESTERDAYS CLUB	240 N. West St. Wichita 67203	151

NOTE: "0" Number of Reciprocal indicate club has an approved Gross Receipts Form filed with the ABC, however no agreements have been executed to date.

New Clubs participating in Reciprocal Program: 8

Total Clubs with Reciprocal (includes approved Gross Receipts Statements): 285

Total Reciprocal Agreements: $\frac{28012}{2} = 14006$


THOMAS J. KENNEDY, Director

MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Counties in Kansas with No Retail Liquor Stores
and Counties in Kansas with No Private Clubs

DATE: June 30, 1983

The following six (6) counties in the State of
Kansas do not have retail liquor stores:

Commanche

Franklin

Haskell

Kiowa

Linn

Stanton

See Enclosure #1 & #2

The following five (5) counties in the State of
Kansas do not have private clubs:

Chase

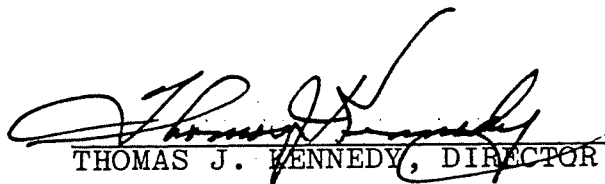
Elk

Haskell

Hodgeman

Wallace

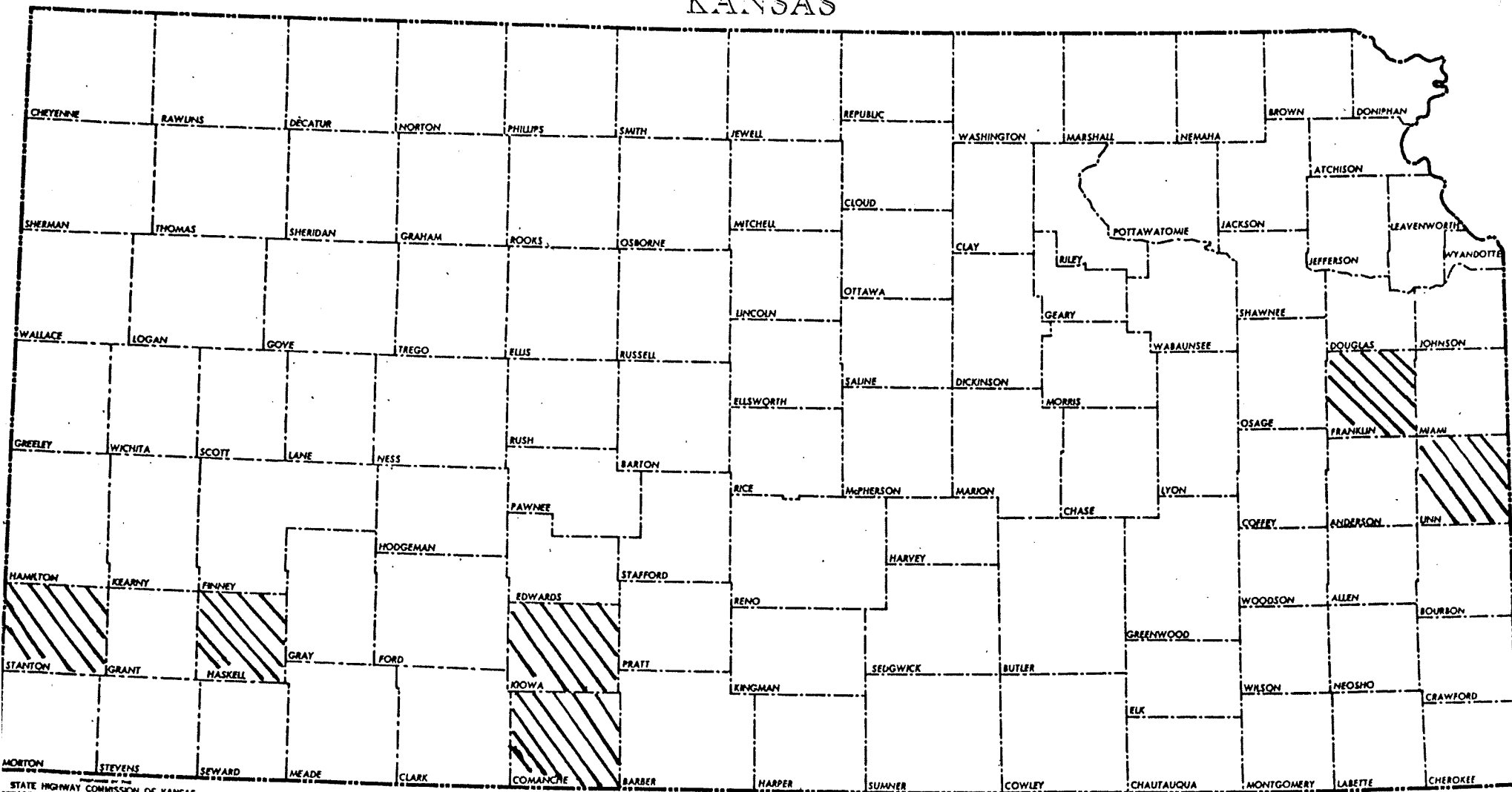
See Enclosure #3 & #4


THOMAS J. KENNEDY, DIRECTOR

TJK:cjk

COUNTIES WITH NO RETAIL LIQUOR STORES
As of June 30, 1982

KANSAS



STATE HIGHWAY COMMISSION OF KANSAS
DEPARTMENT OF PLANNING AND DEVELOPMENT

ENCLOSURE # 1

RETAIL LIQUOR STORES OPERATING

AS OF JUNE 30, 1983

BY COUNTIES

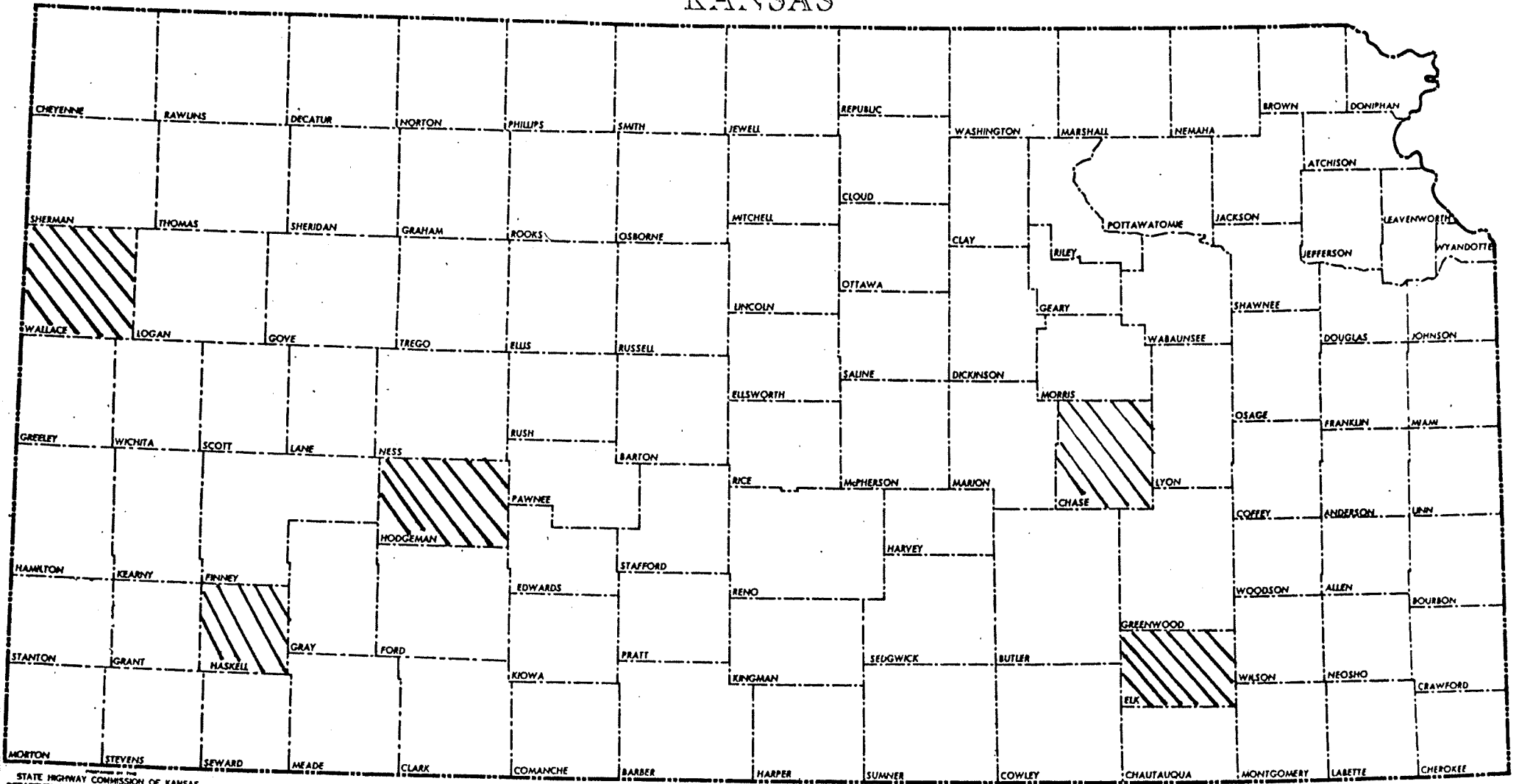
COUNTY	NO.	COUNTY	NO.	COUNTY	NO.
Allen	7	Greeley	1	Osborne	3
Anderson	5	Greenwood	6	Ottawa	3
Atchison	7	Hamilton	1	Pawnee	5
Barber	6	Harper	4	Phillips	5
Barton	22	Harvey	11	Pottawatomie	11
Bourbon	6	Haskell	0	Pratt	6
Brown	8	Hodgeman	1	Rawlins	3
Butler	15	Jackson	5	Reno	28
Chase	2	Jefferson	5	Republic	4
Chautauqua	3	Jewell	1	Rice	5
Cherokee	10	Johnson	96	Riley	22
Cheyenne	1	Kearny	1	Rooks	7
Clark	2	Kingman	4	Rush	6
Clay	5	Kiowa	0	Russell	9
Cloud	5	Labette	10	Saline	25
Coffey	3	Lane	2	Scott	4
Comanche	0	Leavenworth	20	Sedgwick	167
Cowley	10	Lincoln	4	Seward	12
Crawford	14	Linn	0	Shawnee	78
Decatur	3	Logan	3	Sheridan	3
Dickinson	12	Lyon	13	Sherman	4
Doniphan	1	McPherson	8	Smith	1
Douglas	25	Marion	5	Stafford	2
Edwards	3	Marshall	9	Stanton	0
Elk	3	Meade	3	Stevens	2
Ellis	20	Miami	10	Sumner	9
Ellsworth	6	Mitchell	7	Thomas	6
Finney	14	Montgomery	21	Trego	2
Ford	16	Morris	3	Wabaunsee	4
Franklin	0	Morton	2	Wallace	1
Geary	21	Nemaha	10	Washington	4
Gove	3	Neosho	10	Wichita	2
Graham	2	Ness	2	Wilson	7
Grant	3	Norton	4	Woodson	3
Gray	1	Osage	6	Wyandotte	80

Total

1085

COUNTIES WITH NO PRIVATE CLUBS
AS OF June 30, 1982

KANSAS



STATE HIGHWAY COMMISSION OF KANSAS
DEPARTMENT OF PLANNING AND DEVELOPMENT

ENCLOSURE 4

COUNT ON PRIVATE CLUBS BY COUNTIES

(Through June 30, 1983)

Number of Clubs Operating			Number of Clubs Operating		
County	CLASS		County	CLASS	
	"A"	"B"		"A"	"B"
Allen	4	3	Linn	1	1
Anderson	2	3	Logan	2	0
Atchison	5	2	Lyon	5	14
Barber	0	4	McPherson	6	7
Barton	13	10	Marion	4	1
Bourbon	3	3	Marshall	4	5
Brown	3	3	Meade	0	2
Butler	8	6	Miami	7	3
Chase	0	0	Mitchell	7	1
Chataqua	0	2	Montgomery	9	13
Cherokee	6	3	Morris	1	1
Cheyenne	2	0	Morton	1	0
Clark	0	2	Nemaha	6	3
Clay	4	1	Neosho	8	8
Cloud	6	2	Ness	2	2
Coffey	3	0	Norton	3	2
Comanche	0	1	Osage	1	5
Cowley	9	5	Osborne	1	0
Crawford	7	12	Ottawa	1	0
Decatur	1	1	Pawnee	4	2
Dickinson	6	3	Phillips	2	3
Doniphan	2	1	Pottawatomie	5	5
Douglas	6	27	Pratt	5	3
Edwards	2	1	Rawlins	2	0
Elk	0	0	Reno	11	18
Ellis	7	17	Republic	4	1
Ellsworth	3	2	Rice	6	1
Finney	8	10	Riley	6	18
Ford	5	14	Rooks	3	2
Franklin	5	7	Rush	1	2
Geary	7	20	Russell	4	7
Gove	1	0	Saline	8	21
Graham	0	2	Scott	1	1
Grant	1	4	Sedgwick	31	174
Gray	1	0	Seward	4	3
Greeley	1	0	Shawnee	20	61
Greenwood	2	4	Sheridan	1	1
Hamilton	1	0	Sherman	4	3
Harper	0	2	Smith	2	2
Harvey	7	3	Stafford	2	1
Haskell	0	0	Stanton	0	1
Hodgeman	0	0	Stevens	0	1
Jackson	3	3	Sumner	3	5
Jefferson	2	4	Thomas	3	3
Jewell	0	1	Trego	1	2
Johnson	23	83	Wabaunsee	0	3
Kearny	0	1	Wallace	0	0
Kingman	1	0	Washington	3	1
Kiowa	0	1	Wichita	1	0
Labette	5	6	Wilson	4	3
Lane	1	0	Woodson	2	1
Leavenworth	8	32	Wyandotte	10	98
Lincoln	1	1			
			TOTALS	407	827

MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: History of CMB

DATE: June 30, 1983

Congressional relegalization of 3.2 percent beer and wine and the ratification of the Twenty-First Amendment to the United States Constitution, in 1933, marked the end of the thirteen years of national prohibition.

Beer was re-legalized by Congress under the Cullen-Harrison Act, which declared it a nonintoxicating beverage and provided for its sale on April 7, 1933, in all states where it was not prohibited by law.

Under this Act, the sale of beer became legal on April 7, 1933, in the District of Columbia and the 20 states where state laws did not prohibit its sale. During the next four years the remaining states changed their laws to permit its sale, with Alabama and Kansas, in 1937, as the last to join the legal sale ranks.

Meanwhile, Congress had adopted a resolution submitting the Twenty-first Amendment to the states for ratification. This required the approval by 36 states to accomplish the direct repeal of the Eighteenth (Prohibition) Amendment.

Michigan was the first state to ratify the Twenty-First Amendment. The final ratification was accomplished on November 7, 1933, when Kentucky, Ohio, Pennsylvania and Utah gave their approval.

The Twenty-First Amendment legalized spiritous, vinous and malt beverages, above 3.2 percent in all states where these beverages were not prohibited by state law, and today their sale is legal throughout the nation except in Mississippi, where legal content is limited to 4 percent.

The following states re-legalized beer on April 7, 1933, under the Cullen-Harrison Act:

California	Montana
Colorado	Nevada
Delaware	New Jersey
Illinois	New York
Indiana	Ohio
Kentucky	Oregon
Maryland	Rhode Island
Massachusetts	Vermont
Minnesota	Washington
Missouri	Wisconsin
	District of Columbia

Other state legalization dates for beer were:

Alabama	March 22, 1937	New Hampshire	May 2, 1933
Arizona	June 16, 1933	New Mexico	June 9, 1933
Arkansas	August 24, 1933	North Carolina	April 28, 1933
Connecticut	April 20, 1933	North Dakota	July 1, 1933
Florida	May 8, 1933	Oklahoma	July 12, 1933
Georgia	May 23, 1935	Pennsylvania	May 3, 1933
Idaho	June 21, 1933	South Carolina	April 14, 1933
Iowa	April 15, 1933	South Dakota	August 5, 1933
Kansas	May 1, 1937	Tennessee	May 1, 1933
Louisiana	April 15, 1933	Texas	September 15, 1933
Maine	June 30, 1933	Utah	January 1, 1934
Michigan	April 27, 1933	Virginia	September 3, 1933
Mississippi	February 26, 1934	West Virginia	April 12, 1933
Nebraska	May 8, 1933	Wyoming	May 19, 1933

State Wide Referenda Since Repeal. Kansas has had two Referendums since Repeal. They were:

<u>DATE</u>	<u>ISSUE</u>	<u>VOTE FOR</u>	<u>VOTE AGAINST</u>
11-6-34	To repeal state prohibition	347,644	436,688
11-3-48	To repeal state prohibition	422,294	358,310

LEGISLATION

The 1978 Legislature passed Senate Bill 952 which placed additional responsibilities on the Director of Alcoholic Beverage Control. Senate Bill 952 transferred the licensing and policing of sixty-eight (68) cereal malt beverage distributors from the Director of Taxation to the Director of Alcoholic Beverage Control. The Director of Alcoholic Beverage Control has continuously licensed and policed strong beer distributors in Kansas since 1949.

The 1981 Legislature enacted House Bill 2174 which affected the Director and the Division of Alcoholic Beverage Control. It prohibited the retail sale of all metal beverage containers that were designed so that a part of the container is detachable in opening the container. The Director of Alcoholic Beverage Control was charged with the responsibility for designating which liquor beverages were to be included in the act. The bill provided a definition of "IN THIS STATE" that includes all federal territory in the state. Violations of this act would be classified as a class C misdemeanor.

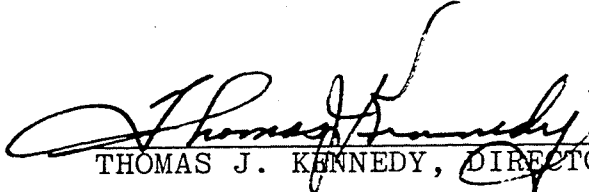
"Beverage Container" was defined as any sealed can containing beer, cereal malt beverage, mineral waters, soda water and similar soft drinks so designated by the director of alcoholic beverage control in liquid form and intended for human consumption.

This act applied to all beverage containers sold or offered for sale after January 1, 1982.

The 1982 Legislature enacted two (2) CMB bills which affected the Director and the Division of Alcoholic Beverage Control. They were:

1. Senate Bill 865 which concerns sale of cereal malt beverages in private clubs. The bill provides that any sales of cereal malt beverage made in private clubs must be for on premise consumption only; and that cereal malt beverages may be sold in a private club at any time when alcoholic liquor is allowed by law to be served on the premises.

2. Senate Bill 866 concerns alcoholic liquors (strong beer) and beverages (cereal malt beverages) which relates to agreements for distribution of beer and cereal malt beverages to wholesalers and prohibits "dual franchises" for strong beer and cereal malt beverage (3.2%) alcohol by weight.


THOMAS J. KENNEDY, DIRECTOR

TJK:cjk

ALPHABETICAL LISTING OF KANSAS BEER DISTRIBUTORS AND THE MANUFACTURERS, BREWERS
AND IMPORTERS THEY REPRESENT

Prepared by Alcoholic Beverage Control Division

<u>Name and City</u>	<u>CMB</u>	<u>STRONG</u>	<u>CMB and STRONG</u>
A & A Coors Hays	Van Munching	Schatz Sovereign H.D.T. Global	Adolph Coors Pabst Stroh
A-B Sales Wichita Hutchinson		Pearl (Jax)	
Ark Valley Dist. Arkansas City			Anheuser Busch
B & B Dist. Manhattan	Van Munching	Grolsch Global	Pabst Miller Hans Holterbosch Falstaff (Valu-Time) G. Heileman
B & M Sales Leavenworth			Adolph Coors
B & S Distributors Great Bend			Miller Stroh
B & S Distributors Hays			G. Heileman Miller Pabst
Best Beverage Sales Independence			Anheuser-Busch Pabst G. Heileman
Blick Sales Co. Hutchinson			Stroh Falstaff (Valu Time) C-B Master
Burkett Sales Dodge City Garden City	Van Munching		Adolph Coors Stroh G. Heileman
Campbell Distributors Manhattan	Pabst		Anheuser-Busch G. Heileman
Capital Distributing Topeka	Van Munching	Grolsch Schatz	Miller Pabst Hans Holterbosch Falstaff (Valu Time) Pearl G. Heileman
Caresio Bros. Coffeyville			Stroh G. Heileman
Century Distributors South Hutchinson			Falstaff Miller Pabst
City Beverage Hutchinson	Van Munching	Grolsch Global Schatz	G. Heileman Anheuser-Busch

ALPHABETICAL LISTING

<u>Name and City</u>	<u>CMB</u>	<u>STRONG</u>	<u>CMB and STRONG</u>
Crawford Sales Olathe			Anheuser-Busch
Crown Distributors, Inc. Salina			Adolph Coors
DeBauge Bros. Inc. Emporia	Van Munching	Sovereign Global Schatz G. Heileman	Adolph Coors Miller Pabst
Demo Sales			Anheuser-Busch
Eastern Distributing		G. Heileman Schoenling Pearl	
Edington Distributors Topeka		Kern Global Joseph H. D. T. Sovereign Scottish Ale	Pabst Stroh G. Heileman C. B. Master Hans Holterbosch
F & W Distributing Salina		Grolsch	Miller Stroh Hans Holterbosch Pabst Falstaff G Heileman
Famous Companies Lenexa Salina Topeka Wichita		Almaden Chrissa Scan-Am Famous	
Fort Scott Beverage Company Ft. Scott			Anheuser-Busch
Grant-Billingsley Liquor Co.		Pittsburg ADP/Medley Pearl Scan Am	
Great Plains Beverage Parsons	Van Munching	Schatz	Miller Falstaff Pabst
House of Schwan Wichita		Global J.F.C. Grolsch House of Schwan Schatz Atalanta Boles Scottish Ale	Anheuser-Busch G. Heileman C-B Master Pabst All Brands Pearl
Junction City Distributing Junction City			Adolph Coors Falstaff

ALPHABETICAL LISTING

<u>Name and City</u>	<u>CMB</u>	<u>STRONG</u>	<u>CMB and STRONG</u>
Kansas Beverage Dist. Kansas City	Van Munching	House of Schwan Global	C-B Master G. Heileman Stroh Pearl All Brands Falstaff Pabst
Kansas City Coors Kansas City		Warsteiner	Adolph Coors
Kummer Wholesale Beverage Great Bend		Grolsch Global	Anheuser-Busch G. Heileman
Lapeka, Inc. Lawrence Topeka		Warsteiner	Adolph Coors
Larco Distributing Wichita		Kern H.D.T. Sovereign Joseph Warsteiner	Adolph Coors Pearl
McDonald Beverage Lawrence Leavenworth			Anheuser-Busch
Pepsi-Cola Bottling Co D/B/A Mar Kan Sales Marysville	Van Munching	Schatz	Pabst Stroh Miller Falstaff G. Heileman C-B Master
Menghine Bros. Frontenac			Anheuser-Busch
Midwest Distributors Atchison Kansas City Lawrence		Boles Grolsch Schoenling Kern Scottish Ale Sovereign Imp. Mission H.D.T.	Miller G. Heileman Hans Holterbosch Champale
Midwest Tobacco and Candy Co. Hays			Anheuser-Busch
Mussatto Bros. Osage City		Grolsch	Anheuser-Busch G. Heileman
Neumann Sales Manhattan			Stroh C-B Master Pearl
Pepsi-Cola Bottling Co. Pittsburg		G. Heileman	Stroh Pabst Pearl
Pestinger Dist. Beloit		Grolsch	Pabst Anheuser-Busch G. Heileman

ALPHABETICAL LISTING

<u>Name and City</u>	<u>CMB</u>	<u>STRONG</u>	<u>CMB and STRONG</u>
Quality Distributors Wichita			Miller Falstaff Pabst
Robben Sales Colby			Stroh Miller Pabst G. Heileman Pabst Hans Holterbosch
S & M Sales Wichita			Stroh
Saparito Beverage Columbus			G. Heileman
Schatz Distributing Kansas City	Van Munching	Guinness-Harp Global Schatz	Pabst Falstaff G. Heileman
Seneca Wholesale Co. Seneca			Anheuser-Busch
Slayman Beverage Osawatomie	Van Munching	Grolsch G. Heileman	Miller Falstaff Pabst Hans Holterbosch
Standard Liquor Corp. Lenexa Topeka Wichita		All Brands Carlton Champale G. Heileman Kern Original Dieter Steinman Van Munching Charter Monarch Jos. Huber Guinness-Harp Stanley Stawski Advanced Shaw-Ross Martlet Standard	
State Distributors Hays Junction City		G. Heileman Schoenling Pearl	
Stickney Distributing Great Bend		Sovereign H.D.T.	Adolph Coors Pearl
Strathman Sales Co. Topeka			Anheuser-Busch
Superior Sales Kansas City			Anheuser-Busch
Swafford Sales Emporia			Pabst Falstaff Stroh C-B Master Champale Hans Holterbosch

ALPHABETICAL LISTING

<u>Name and City</u>	<u>CMB</u>	<u>STRONG</u>	<u>CMB and STRONG</u>
V & M Distributing Colby			Adolph Coors
Valley Distributors Parsons			Adolph Coors
Vidricksen Distributing Co. Salina			Anheuser-Busch
Western Beverage Dodge City		Grolsch	Anheuser-Busch Miller Pabst Hans Holterbosch G. Heileman C-B Master
Western Produce Co. Norton			Anheuser-Busch
Winters Beverage, Inc. Wichita Topeka		Schoenling G. Heileman	

MEMORANDUM

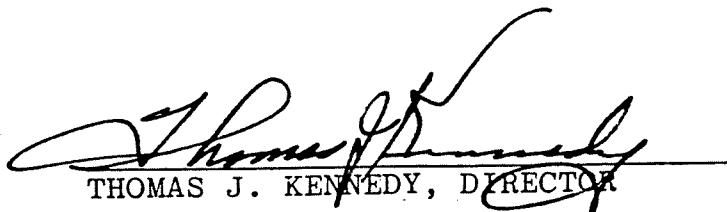
TO: Whom It May Concern
FROM: THOMAS J. KENNEDY, Director, ABC Division
RE: Per Capita Consumption FY 83
DATE: June 30, 1983

				<u>GALLONS</u>
Alcohol & Spirits	\$7,556,432.38	divided by	2.50 =	3,022,573
Fortified Wine	128,136.76	divided by	.75 =	170,849
Light Wine	521,623.43	divided by	.30 =	1,738,745
Strong Beer	4,082,273.43	divided by	.18 =	22,679,297
CMB	4,979,165.83	divided by	.18 =	<u>27,662,032</u>
		TOTAL		<u>55,273,496</u>

	<u>GALLONS</u>	<u>DIVIDED BY</u>	<u>POPULATION</u>	=	<u>PER CAPITA CONSUMPTION</u>
Alcohol & Spirits	3,022,573	divided by	2,382,598	=	1.269 Gallon
Fortified Wine	170,849	divided by	2,382,598	=	.072 Gallon
Light Wine	1,738,745	divided by	2,382,598	=	.730 Gallon
Strong Beer	22,679,297	divided by	2,382,598	=	9.519 Gallon
CMB	27,662,032	divided by	2,382,598	=	<u>11.610</u> Gallon
		TOTAL			<u>23.200</u> Gallon

State population in 83: 2,382,598

55,273,496 gallons divided by 2,382,598 = 23.1988 per capita consumption


THOMAS J. KENNEDY, DIRECTOR

MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Per Capita Apparent Consumption

DATE: June 30, 1983

Per capita apparent consumption of alcoholic beverages by beverage for Kansas and surrounding states in 1981 were:

<u>STATE</u>	<u>DISTILLED SPIRITS</u>		<u>WINE</u>		<u>BEER</u>	
	<u>WINE GALLONS</u> <u>PER CAPITA</u>	<u>RANK</u>	<u>WINE GALLONS</u> <u>PER CAPITA</u>	<u>RANK</u>	<u>WINE GALLONS</u> <u>PER CAPITA</u>	<u>RANK</u>
Kansas	1.34	5	0.76	5	21.81	4
Colorado	2.42	1	2.65	1	28.59	1
Missouri	1.39	4	1.32	2	24.80	3
Oklahoma	1.59	3	0.95	4	20.77	5
Nebraska	1.69	2	1.24	3	27.65	2

Per capita apparent consumption of alcoholic beverages by beverage and state in 1981. See Enclosure #1, extracted from Distilled Spirits Council of the United States, Inc. book, subject: Public Revenues from alcoholic beverages dated 1982.

State alcoholic beverage and distilled spirits tax revenue as percentages of total state tax revenues, 1981. See Enclosure #2, extracted from Distilled Spirits Council of the United States, Inc. book, subject: Public Revenues from alcoholic beverages dated 1982.


THOMAS J. KENNEDY, DIRECTOR

TJK:cjk

Per Capita Apparent Consumption of Alcohol Beverages by Beverage and State, 1981

State	DISTILLED SPIRITS		WINE		BEER	
	Wine Gallons Per Capita	Rank	Wine Gallons Per Capita	Rank	Wine Gallons Per Capita	Rank
Alabama	1.39	43	1.12	40	17.45	50
Alaska	3.31	4	3.27	7	28.39	12
Arizona	2.02	22	2.55	16	31.34	7
Arkansas	1.30	48	0.74	49	18.40	49
California	2.33	13	4.50	3	25.75	19
Colorado	2.42	10	2.65	15	28.59	11
Connecticut	2.34	12	2.78	13	18.95	47
Delaware	2.74	5	2.01	20	26.86	16
District of Columbia	5.97	1	6.94	1	29.06	9
Florida	2.61	6	2.47	17	28.33	13
Georgia	1.99	25	1.23	37	20.14	42
Hawaii	2.21	18	2.68	14	30.21	8
Idaho	1.45	40	1.92	23	25.50	21
Illinois	2.13	20	2.17	19	25.16	22
Indiana	1.48	39	1.10	41	22.38	36
Iowa	1.33	47	0.83	45	24.93	24
Kansas	1.34	46	0.76	48	21.81	39
Kentucky	1.43	41	0.64	50	19.62	45
Louisiana	1.88	30	1.62	29	25.08	23
Maine	2.02	22	1.88	24	23.06	33
Maryland	2.57	7	2.18	18	24.84	25
Massachusetts	2.47	9	3.10	9	26.72	17
Michigan	1.90	29	1.77	26	23.24	32
Minnesota	2.27	15	1.67	27	24.49	28
Mississippi	1.55	38	0.63	51	20.06	43
Missouri	1.39	43	1.32	34	24.80	26
Montana	1.99	25	1.98	21	32.83	4
Nebraska	1.69	33	1.24	36	27.65	14
Nevada	5.28	2	4.98	2	37.14	1
New Hampshire	4.72	3	3.68	4	33.44	3
New Jersey	2.26	16	3.17	8	22.24	37
New Mexico	1.61	35	1.87	25	28.80	10
New York	2.23	17	3.00	12	22.47	35
North Carolina	1.66	34	1.28	35	19.37	46
North Dakota	2.14	19	1.08	42	27.01	15
Ohio	1.30	48	1.34	33	23.63	31
Oklahoma	1.59	37	0.95	43	20.77	41
Oregon	1.78	31	3.09	10	24.23	30
Pennsylvania	1.42	42	1.43	31	25.61	20
Rhode Island	2.07	21	3.33	5	24.69	27
South Carolina	1.99	25	1.16	38	21.60	40
South Dakota	1.98	28	1.15	39	22.69	34
Tennessee	1.38	45	0.79	46	20.05	44
Texas	1.60	36	1.45	30	31.86	6
Utah	0.99	51	0.78	47	15.64	51
Vermont	2.57	7	3.06	11	26.20	18
Virginia	1.74	32	1.66	28	21.94	38
Washington	2.02	22	3.32	6	24.39	29
West Virginia	1.25	50	0.84	44	18.43	48
Wisconsin	2.37	11	1.94	22	34.29	2
Wyoming	2.33	13	1.41	32	31.97	5
License States	2.10	—	2.41	—	25.30	—
Control States	1.63	—	1.61	—	23.06	—
GRAND TOTAL	1.96	—	2.17	—	24.64	—

NOTE: In all instances, gallons per capita figures are computed from consumption figures for calendar 1981 and from residential population figures, estimated as of July 1, 1981, U.S. Bureau of Census.

TABLE 21

**State Alcohol Beverage and Distilled Spirits Tax Revenues
as Percentages of Total State Tax Revenues, 1981^a**

License States	PERCENTAGE OF TOTAL REVENUES FROM		Control States	PERCENTAGE OF TOTAL REVENUES FROM	
	Alcohol Beverages	Distilled Spirits		Alcohol Beverages	Distilled Spirits
Alaska	0.4	0.2	Alabama	5.8	3.1
Arizona	3.0	1.3	Idaho	4.7	2.1
Arkansas	2.7	1.3	Iowa	4.4	2.6
California	2.2	1.1	Maine	6.0	3.6
Colorado	4.2	2.0	Michigan	4.1	2.1
Connecticut	3.6	1.9	Mississippi	5.2	2.6
Delaware	1.0	0.8	Montana	4.9	3.0
District of Columbia	2.0	1.2	New Hampshire	13.4	9.2
Florida	8.6	3.6	North Carolina	5.0	2.5
Georgia	4.2	1.7	Ohio	5.7	3.2
Hawaii	1.2	0.4	Oregon	4.7	4.0
Illinois	2.6	1.3	Pennsylvania	4.1	2.3
Indiana	3.0	1.5	Utah	3.8	2.4
Kansas	2.7	1.1	Vermont	6.6	4.1
Kentucky	1.8	0.9	Virginia	4.6	2.3
Louisiana	3.2	1.2	Washington	5.7	4.1
Maryland	2.7	1.3	West Virginia	3.1	1.7
Massachusetts	2.9	1.7	Wyoming	2.2	1.4
Minnesota	3.0	1.8	Control States	4.8	2.7
Missouri	2.6	1.2	ALL STATES	3.5	1.8
Nebraska	3.0	1.3			
Nevada	7.2	4.0			
New Jersey	2.6	1.5			
New Mexico	1.9	6.6			
New York	2.3	1.5			
North Dakota	2.8	1.3			
Oklahoma	1.8	8.1			
Rhode Island	3.5	1.5			
South Carolina	6.2	2.7			
South Dakota	5.3	2.5			
Tennessee	4.3	2.5			
Texas	4.5	2.1			
Wisconsin	2.4	1.2			
License States	3.1	1.5			

^a Excluding local revenues.

MEMORANDUM

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Gallonage Tax Collection and Gallons of Alcoholic Liquors and CMB Sold in Kansas

DATE: June 30, 1983

<u>ITEM</u>	<u>TAX</u>	<u>FY 1982</u>		<u>FY 1983</u>	
		<u>GALLONS</u>	<u>GALLONAGE TAX</u>	<u>GALLONS</u>	<u>GALLONAGE TAX</u>
Alcohol & Spirits	\$2.50	3,162,499	\$7,906,246.70	3,022,573	\$7,556,432.38
Fortified Wine	.75	188,260	141,195.20	170,849	128,136.76
Light Wine	.30	1,693,261	507,978.33	1,738,745	521,623.43
Strong Beer	.18	23,788,776	4,281,979.75	22,679,296	4,082,273.43
CMB (3.2)	.18	<u>28,211,587</u>	<u>5,078,085.68</u>	<u>27,662,032</u>	<u>4,979,165.83</u>
TOTALS		<u>57,044,383</u>	<u>\$17,915,485.66</u>	<u>55,273,495</u>	<u>\$17,267,631.83</u>

DEFINITIONS:

1. Alcoholic Liquors: Means alcohol, spirits, wine, beer and every liquor or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any beer or cereal malt beverage containing not more than three and two-tenths percent (3.2%) alcohol by weight.
2. Alcohol and Spirits: Means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution and includes brandy, rum, whisky, gin or other spiritous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Alcohol and Spirits consists of two categories:

Category I - consists of Bourbon Whiskey; Blended Whiskey; Bonded Whiskey; Corn Whiskey; Rye Whiskey; Scotch Whiskey; Canadian Whiskey; Irish Whiskey; Vodka; Flavored Gin; Vodka and Whiskey; Gin; Rum; Tequila; American Brandy; Imported Brandy; Cognac Alcohol; Prepared Cocktails.

Category II - consists of American Cordials, specialties and liqueurs; Imported Cordials, specialties and liqueurs.

3. Wine: Means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits or berries, or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. Two types of wines for taxing purposes are:

Fortified Wine: Wines containing more than fourteen percent (14%) alcohol by volume.

Light Wine: Wines containing fourteen percent (14%) or less of alcohol by volume.

Wine consists of American Vermouth, Imported Vermouth, American Wine; Imported Wine; American Sparkling Wine; Imported Sparkling Wine.

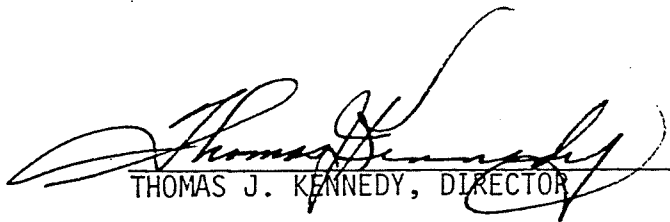
4. Beer: Beer containing more than 3.2 percent of alcohol by weight.
5. Cereal Malt Beverage: Means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt and/or malt substitute but shall not include any such liquor which contains more than three and two-tenths percent (3.2%) of alcohol by weight.
6. Gallon: The word "gallon" means "wine gallon".
7. Gallonage Tax: For the purpose of raising revenue a tax is imposed upon the manufacturing, using, selling, storing or purchasing alcoholic liquors in this state or a federal area at the following rates:

	<u>Rate Per Gallon</u>
Alcohol and Spirits	\$2.50
Fortified Wine (over 14% alcohol by volume)	.75
Light Wine (14% or less alcohol by volume)	.30
Strong Beer (more than 3.2% of alcohol by wt.)	.18
Cereal Malt Beverage (3.2% beer)	.18

Said tax shall be paid only once, and shall be paid by the person in this state or federal area who first manufactures, uses, sells, stores, purchases or receives such alcoholic liquors; and shall be collected and paid to the director as provided in this act. If such alcoholic liquor is manufactured and sold in this state or a federal area, such tax shall be paid by the manufacturer. If such alcoholic liquor is imported into this state by a distributor for the purpose of sale at wholesale in this state or a federal area, such tax shall be paid by said distributor. (KSA 41-501 (2) (a)(b).)

The tax on alcoholic liquor, other than beer as levied by the act and payable by a distributor shall be paid by the distributor on or before the fifteenth day of the calendar month next succeeding the month in which the distributor acquires possession of said alcoholic liquors upon which the tax has not been paid.

The tax on beer containing more than three and two-tenths percent (3.2%) of alcohol by weight and cereal malt beverage as levied by the act shall be payable by each beer manufacturer or supplier on or before the tenth day of the calendar month next succeeding the month in which the beer manufacturer or supplier ships said beer from his warehouse or point of shipment.



THOMAS J. KENNEDY, DIRECTOR

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MEMORANDUM

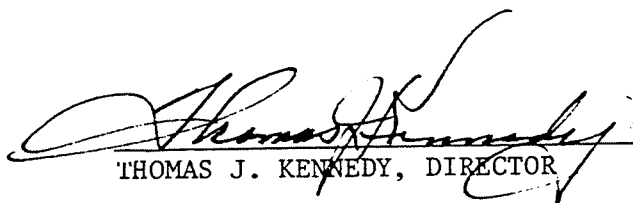
TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: A Comparison of Gallonage Shipped Into Kansas,
FY 82 and FY 83, and Dollars Conversion

DATE: July 29, 1983

	<u>FY 82 Gallons</u>	<u>FY 83 Gallons</u>	<u>FY 83 to FY 82 Gallons</u>	<u>%</u>	<u>Dollar Conversion</u>
Alcohol and Spirits	3,162,499	3,022,573	-139,926	96	-\$349,814
Fortified Wine	188,260	170,849	- 17,411	91	- 13,058
Light Wine	1,693,261	1,738,745	+ 45,484	103	+ 13,645
Strong Beer	23,788,776	22,679,297	-1,109,479	95	- 199,706
Cereal Malt Beverage	<u>28,211,587</u>	<u>27,662,032</u>	<u>-549,555</u>	<u>98</u>	<u>- 98,920</u>
Total	<u>57,044,383</u>	<u>55,273,496</u>	<u>-1,770,887</u>	<u>97</u>	<u>-\$647,853</u>


THOMAS J. KENNEDY, DIRECTOR

MEMORANDUM

TO: Whom It May Concern
FROM: THOMAS J. KENNEDY, Director
ABC Division

RE: Gallons of CMB and Strong
Beer Sold

DATE: June 30, 1983

FIGURES EXPRESSED IN GALLONS

	<u>(3.2% Cereal Malt Beverages) Total Gallons Sold</u>	<u>(Strong Beer-Over 3.2% Alcohol by Weight) Total Gallons Sold</u>	<u>(CMB and Strong Beer) Total Gallons Sold</u>
FY 78 (July 1, 1977 thru June 30, 1978)	27,920,133	18,512,679	46,432,812
FY 79 (July 1, 1978 thru June 30, 1979)	28,713,935	20,212,101	48,926,036
FY 80 (July 1, 1979 thru June 30, 1980)	27,879,868	22,300,457	50,180,325
FY 81 (July 1, 1980 thru June 30, 1981)	28,703,192	23,668,166	52,371,358
FY 82 (July 1, 1981 thru June 30, 1982)	28,211,587	23,788,776	52,000,363
FY 83 (July 1, 1982 thru June 30, 1983)	27,662,032	22,679,296	50,341,328


THOMAS J. KENNEDY, DIRECTOR

1983 TAX INCREASES ADOPTED AFTER TAX BRIEFS 1983 WAS PRINTED

State	Effective Date	Excise Taxes From - To	State Sales Taxes From - To	Markup From-To	Other From - To
Alabama	8/1/83				State store Sales 25%-30%
Alaska	8/1/83	Spirits \$4.00-\$5.60/gal. Wine \$0.60-\$0.85/gal. Beer \$0.25-\$0.35/gal.			
Arkansas	5/1/83	Spirits \$2.50-\$2.875/gal. Beer, over 3.2% \$7.50-\$8.75/bbl.			
Connecticut	8/1/83	Spirits \$2.50-\$3.00/gal. Table Wine \$0.25-\$0.30/gal. Sparkling Wine \$0.625-\$0.75/gal. Beer \$2.50-\$3.00/bbl.			
Florida	9/1/83	Spirits, imported Up to 48% \$ 4.75 -\$6.50/gal. Spirits, native Up to 48% \$2.39-\$4.15/gal. Wine, Under 14% \$1.75-\$2.25/gal. Wine, 14% or Over \$2.43-\$3.00/gal. Beer \$0.40-\$0.48/gal.			
Idaho	6/1/83			4%-4½%	
Kansas	7/1/83			Enforcement Tax 4%-8%	
Minnesota	7/1/83			6%-8.5% on Spirits, Wine, and Beer Over 3.2%	
Nevada	6/1/83	Wine, 14% or less \$0.30-\$0.40/gal. Wine, Over 14% to 22% \$0.50-\$0.75/gal. Beer \$0.06-\$0.09/gal.			

1983 TAX INCREASES ADOPTED AFTER TAX BRIEFS 1983 WAS PRINTED

State	Effective Date	Excise Taxes	State Sales Taxes	Markup	Other
New Mexico	7/1/83	Spirits, 50% or less \$0.43-\$1.04/liter Spirits, Over 50% \$0.69-\$1.04/liter Wine \$0.12-\$0.25/liter Beer \$0.09-\$0.18/gal.	3½-3 ¾		4½% Wholesale Gross Receipts Tax Repealed
New York	5/1/83	Spirits, 24% or less \$0.211-\$0.264/liter Spirits, Over 24% \$0.859-\$1.08/liter Wine, Still \$0.026-\$0.032/liter Wine, Artificially Carbonated \$0.07 -\$0.088/liter Wine, Sparkling \$0.141-\$0.175/liter Beer \$0.044-\$0.055/gal.			
North Dakota	4/1/83		3%-5% on Alcohol Beverages		
North Carolina	8/1/83	Additional Bottle Charge on State Store Sales 1¢/bottle, 50ml. or less; 5¢/bottle, Over 50ml.			Warehouse and Bailment Charge \$1.49-\$2.55 per case
Rhode Island	7/1/83	Cordials Under 25% \$1.00-\$2.50/gal.			
Utah	7/1/83 10/1/83	Beer \$4.12-\$11.00/bbl	4%-4 1/8% 4 1/8%-4 5/8%	State Store Sales 59½%-61%(7/1/83)	
West Virginia	5/1/83			72%-81% on Spirits	
So Carolina	7/1/83	Case Tax on Distilled Spirits Wholesalers Tax \$1.50-\$1.81/case Retailers Tax \$2.50-\$2.99/case Additional Tax \$0.48-\$0.56/case			

1983 TAX INCREASES ADOPTED AFTER TAX BRIEFS 1983 WAS PRINTED

State	Effective Date	Excise Taxes	State Sales Taxes	Markup	Other
Alabama	10/1/83	Table Wine 35% - \$0.45/liter . .			
Illinois	1/1/84		4% - 5%		
Missouri	1/1/84	Wine \$0.30-\$0.34/gal.			
Oregon	10/15/83	Wine, 14% or less \$0.65-\$0.67/gal. Wine, Over 14% to 21% \$0.75-\$0.77/gal.			
Washington	6/10/82*				General retail sales tax applied to Board sales of Beer in lieu of special sales tax on Board sales.
Colorado	5/1/83		3% - 3½%		
Nebraska	7/1/83		3½% - 4%		

* Change known after Tax Briefs 1983 was printed.

MEMORANDUM

1-24-84
Attachment #4^{1.}

TO: Whom It May Concern

FROM: THOMAS J. KENNEDY, Director
ABC Division

DATE: May 13, 1983

SUBJECT: 1983 Legislative Bills
concerning Alcoholic
Beverage Control

NUMBER	BILL NUMBER -- TITLE -- STATUS	REMARKS
	SENATE ACTIONS	
1.	<p>S 0043 Bill by Gov'tl Org. Department and office of secretary of revenue continued in existence. Effective date: 07/01/83. 01/12/83 Senate—Introduced--SJ 24 01/13/83 Senate—Referred to Gov'tl Org.--SJ 28 02/17/83 Senate—CR: Be passed by Gov'tl Org.--SJ 152 02/22/83 Senate—COW: Be passed--SJ 169 02/23/83 Senate—FA: Passed; Yeas 40 Nays 0--SJ 174 02/24/83 House—Enrolled and presented to gov.--HJ 281 02/25/83 House—Referred to Gov'tl Org.--HJ 287 03/25/83 House—CR: Be passed as am. by Gov'tl Org.--HJ 534 03/29/83 House—COW: CR be adpdt; be passed as am.--HJ 563; EFA: Passed as am.; Yeas 123 Nays 1--HJ 584 03/30/83 Senate—Nonconcurrent; CC requested; apptd Vidrickson, Johnston, Mulich--SJ 471 03/31/83 House—Acceded; apptd Cloud,Hassler,Murphy--HJ 635 04/22/83 Senate—Motion to concur failed; Roll call vote; Yeas 12 Nays 24--SJ 692 04/23/83 Senate—Requested house to return; Concurred; Yeas 39 Nays 0--SJ 729 04/26/83 Senate—Enrolled and presented to gov. 04/29/83 —Approved by gov.</p>	ADOPTED AND APPROVED BY GOVERNOR
2.	<p>S 0133 Bill by Joint Comm. on Admin. Rules & Regs Issuance of licenses to retail dealers of intoxicating liquors whose spouses employed in clubs licensed by the directors. Effective date: 07/01/83. 02/01/83 Senate—Introduced--SJ 71 02/02/83 Senate—Referred to Fed. & State Affairs--SJ 81 03/15/83 Senate—CR: Be not passed by Fed. & State Affairs--SJ 318 04/23/83 Senate—Dead, committee report</p>	KILLED BY SENATE COMMITTEE
3.	<p>S 0138 Bill by Chaney Disposition of fines imposed for driving under influence of alcohol or drugs. Effective date: 07/01/83. 02/01/83 Senate—Introduced--SJ 72 02/02/83 Senate—Referred to Judiciary--SJ 81</p>	HELD OVER IN SENATE JUDICIARY
4.	<p>S 0141 Bill by Doyen, Angell, Meyers Sub for SB 141 by Comm on Judiciary- Driving under the influence of alcohol or drugs. Effective date: KS Register. 02/01/83 Senate—Introduced--SJ 72 02/02/83 Senate—Referred to Judiciary--SJ 81 03/08/83 Senate—CR: A substitute be passed by Judiciary--SJ 259 03/09/83 Senate—COW:: CR recommending sub. bill be adpdt; Be further am.; Sub. be passed as am.--SJ 299; EFA: Passed as am.; Yeas 40 Nays 0--SJ 301 03/14/83 House—Received and introduced--HJ 426 03/15/83 House—Referred to Judiciary--HJ 437</p>	HELD OVER IN HOUSE JUDICIARY
5.	<p>S 0158 Bill by Fed. & State Affairs Alcoholic beverage control investigators placed on KP&F retirement. Effective date: KS Register. 02/04/83 Senate—Introduced--SJ 94 02/07/83 Senate—Referred to Ways & Means--SJ 99</p>	HELD OVER IN SENATE WAYS AND MEANS
6.	<p>S 0168 Bill by Pomeroy Treble damages for injury caused by driving while impaired by alcohol or drugs. Effective date: 07/01/83. 02/07/83 Senate—Introduced--SJ 99 02/08/83 Senate—Referred to Judiciary--SJ 103 02/21/83 Senate—CR: Be not passed by Judiciary--SJ 163 04/23/83 Senate—Dead, committee report</p>	KILLED BY SENATE COMMITTEE

Attachment #4

NUMBER	BILL NUMBER -- TITLE -- STATUS	REMARKS
7.	<p>S 0192 Bill by Hess ± Regulation and taxation of alcoholic beverages. Effective date: 07/01/83. 02/08/83 Senate—Introduced--SJ 103 02/09/83 Senate—Referred separately to Judiciary, Ass. & Tax.--SJ 113</p>	HELD OVER IN SENATE JUDICIARY AND ASSESSMENT AND TAXATION COMMITTEE
8.	<p>S 0250 Bill by Bogina Trains may be class B private clubs. Effective date: 07/01/83. 02/09/83 Senate—Introduced--SJ 109 02/10/83 Senate—Referred to Fed. & State Affairs--SJ 118 03/09/83 Senate—CR: Be passed as am. by Fed. & State Affairs--SJ 295 03/16/83 Senate—COW: CR be adpdt; be passed as am.--SJ 325; EFA: Not passed; Yeas 19 Nays 20--SJ 333 04/23/83 Senate—Killed, Final Action</p>	KILLED IN SENATE AMENDED INTO SB 404
9.	<p>S 0305 Bill by Fed. & State Affairs Liquor retailer's license, residency requirements. Effective date: 07/01/83. 02/17/83 Senate—Introduced--SJ 148 02/18/83 Senate—Referred to Fed. & State Affairs--SJ 158 03/15/83 Senate—CR: Be passed as am. by Fed. & State Affairs--SJ 317 03/16/83 Senate—COW: CR be adpdt; be further am.; be passed as am.--SJ 325; EFA: Passed as am.; Yeas 27 Nays 11--SJ 334 03/18/83 House—Received and introduced--HJ 460 03/22/83 House—Referred to Fed. & State Affairs--HJ 477 04/05/83 House—CR: Be passed by Fed. & State Affairs--HJ 708 04/24/83 House—Withdrawn from calendar, rereferred to Fed. & State Affairs--HJ 986</p>	HELD OVER IN HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
10.	<p>S 0325 Bill by Fed. & State Affairs Residence requirements for private club licensees. Effective date: 07/01/83. 02/21/83 Senate—Introduced--SJ 161 02/22/83 Senate—Referred to Fed. & State Affairs--SJ 166</p>	HELD OVER IN SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
11.	<p>S 0326 Bill by Fed. & State Affairs Class A private club license fee increase. Effective date: 07/01/83. 02/21/83 Senate—Introduced--SJ 161 02/22/83 Senate—Referred to Fed. & State Affairs--SJ 166</p>	HELD OVER IN SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
12.	<p>S 0327 Bill by Fed. & State Affairs Alcoholic liquors and beverages license and registration fee. Effective date: 07/01/83. 02/21/83 Senate—Introduced--SJ 161 02/22/83 Senate—Referred to Fed. & State Affairs--SJ 166 04/08/83 Senate—CR: Be not passed by Fed. & State Affairs--SJ 576 04/23/83 Senate—Dead, committee report</p>	KILLED BY SENATE COMMITTEE AMENDED INTO HB 2505
13.	<p>S 0328 Bill by Fed. & State Affairs Class B private club reciprocity; standard to qualify. Effective date: 07/01/83. 02/21/83 Senate—Introduced--SJ 161 02/22/83 Senate—Referred to Fed. & State Affairs--SJ 166 04/20/83 Senate—CR: Be passed as am. by Fed. & State Affairs--SJ 641 04/21/83 Senate—EFA, amt. & debate: CR adpdt; passed as am.; Yeas 37 Nays 2--SJ 656 04/21/83 House—Received and introduced--HJ 836 04/22/83 House—Referred to Fed. & State Affairs--HJ 846</p>	HELD OVER IN HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
14.	<p>S 0329 Bill by Fed. & State Affairs Beer distributors prohibited from discriminating among liquor retailers. Effective date: 07/01/83. 02/21/83 Senate—Introduced--SJ 161 02/22/83 Senate—Referred to Fed. & State Affairs--SJ 166 03/21/83 Senate—CR: Be passed by Fed. & State Affairs--SJ 345 03/23/83 Senate—COW: Be passed--SJ 382 03/24/83 Senate—FA: Passed; Yeas 40 Nays 0--SJ 400 03/25/83 House—Received and introduced--HJ 525 03/28/83 House—Referred to Fed. & State Affairs--HJ 540 04/05/83 House—CR: Be passed by Fed. & State Affairs--HJ 708 04/24/83 House—Withdrawn from calendar, rereferred to Fed. & State Affairs--HJ 986</p>	HELD OVER IN HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

NUMBER	BILL NUMBER -- TITLE -- STATUS	REMARKS
15.	<p>S 0385 Bill by Fed. & State Affairs Exemption from liquor gallonage tax to bring 2 liters of liquor, wine or beer into state. Effective date: 07/01/83. 02/23/83 Senate—Introduced--SJ 173 02/24/83 Senate—Referred to Ass. & Tax.--SJ 178</p>	HELD OVER IN SENATE ASSESSMENT & TAXATION COMMITTEE
16.	<p>S 0401 Bill by Fed. & State Affairs Revising bingo statutes for greater regulation and clarifying enforcement. Effective date: 07/01/83. 03/04/83 Senate—Introduced--SJ 235 03/07/83 Senate—Referred to Fed. & State Affairs--SJ 245 03/23/83 Senate—CR: Be passed as am. by Fed. & State Affairs--SJ 368 03/25/83 Senate—COW:; CR be adpdt; Be passed over & retain a place on calendar--SJ 416 03/28/83 Senate—COW: CR be adpdt; be further am.; be passed as am.--SJ 422 03/29/83 Senate—FA: Passed as am.; Yeas 30 Nays 8--SJ 454 03/30/83 House—Received and introduced--HJ 599 03/31/83 House—Referred to Fed. & State Affairs--HJ 634 04/21/83 House—CR: Be passed as am. by Fed. & State Affairs--HJ 831 04/24/83 House—Withdrawn from calendar, rereferred to Fed. & State Affairs--HJ 986</p>	HELD OVER IN HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
17.	<p>S 0404 Bill by Fed. & State Affairs Temporary membership in private clubs and sales on noncontiguous premises. Effective date: 07/01/83. 03/09/83 Senate—Introduced--SJ 294 03/10/83 Senate—Referred to Fed. & State Affairs--SJ 308 03/29/83 Senate—CR: Be passed as am. by Fed. & State Affairs--SJ 433 03/31/83 Senate—COW: CR be adpdt; be further am.; be passed as am.--SJ 503; EFA: Passed as am.; Yeas 24 Nays 15--SJ 504 03/31/83 House—Received and introduced--HJ 650 04/04/83 House—Referred to Fed. & State Affairs--HJ 652 04/05/83 House—CR: Be passed as am. by Fed. & State Affairs--HJ 708 04/22/83 House—COW: Be passed over and retain a place on calendar--HJ 864 04/24/83 House—Withdrawn from calendar, rereferred to Fed. & State Affairs--HJ 986</p>	HELD OVER IN HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE. SB 404 as amended includes SB 250-Train SB 404-Fund Raiser Hotel Temporary Membership SB 405 Mil. TDY
18.	<p>S 0405 Bill by Fed. & State Affairs Private club membership for military personnel on temporary duty. Effective date: 07/01/83. 03/09/83 Senate—Introduced--SJ 294 03/10/83 Senate—Referred to Fed. & State Affairs--SJ 308</p>	HELD OVER IN SENATE FEDERAL AND STATE AFFAIRS COMMITTEE AS AMENDED INTO SB 4
19.	<p>S 0429 Bill by Ways & Means H. Sub for Sub S 429 by Committee on Federal and State Affairs - Tax on club sales of cereal malt beverage. Effective date: 07/01/83. 03/29/83 Senate—Introduced--SJ 430 03/30/83 Senate—Referred to Ways & Means--SJ 464 04/06/83 Senate—CR: A substitute be passed by Ways & Means--SJ 545 04/07/83 Senate—EFA, amt. & debate: Passed; Yeas 23 Nays 14--SJ 565 04/08/83 House—Received and introduced--HJ 748 04/09/83 House—Referred separately to Fed. & State Affairs, Ass. & Tax.--HJ 779 04/20/83 House—CR: A substitute be passed by Fed. & State Affairs--HJ 821; Now in Ass. & Tax.; Withdrawn from Ass. & Tax.; Referred to COW--HJ 821 04/24/83 House—Stricken from calendar--HJ 986 04/24/83 Senate—Rejected by House</p>	STRICKEN FROM HOUSE CALENDAR
20.	<p>S 0443 Bill by Ways & Means Increase in liquor taxes. Effective date: 07/01/83. 04/05/83 Senate—Introduced--SJ 527 04/06/83 Senate—Referred to Ways & Means--SJ 545 04/08/83 Senate—CR: Be passed as am. by Ways & Means--SJ 576 04/23/83 Senate—Stricken from calendar--SJ 752</p>	STRICKEN FROM SENATE CALENDAR
21.	<p>S 1605 Concurrent Resolution by Steineger, Gaar, Gaines, Mulich, Rehorn, Reilly Constitutional amendment to allow parimutuel betting on horse races. Effective date: Upon Adptn. 01/21/83 Senate—Introduced--SJ 45 01/24/83 Senate—Referred to Fed. & State Affairs--SJ 53 03/25/83 Senate—CR: Be adpdt as am. by Fed. & State Affairs--SJ 411 03/30/83 Senate—COW: CR be adpdt; be adpdt as am.--SJ 473; EFA: Not adpdt; Yeas 19 Nays 18--SJ 474 04/23/83 Senate—Killed, Final Action</p>	KILLED IN FINAL ACTION OF SENATE

NUMBER	BILL NUMBER -- TITLE -- STATUS	REMARKS
22.	<p>S 1606 Concurrent Resolution by Steineger, Gaar, Mulich, Rehorn, Reilly</p> <p>Constitutional amendment to allow sale of liquor by the drink. Effective date: Upon Adptn.</p> <p>01/21/83 Senate—Introduced--SJ 46 01/24/83 Senate—Referred to Fed. & State Affairs--SJ 53 03/25/83 Senate—CR: Be adptd as am. by Fed. & State Affairs--SJ 411 03/30/83 Senate—COW;; CR be adptd; Be further am.; Motion to adopt failed; Stricken from calendar--SJ 474</p>	STRICKEN FROM SENATE CALENDAR.
23.	<p>S 1613 Concurrent Resolution by Joint Comm. on Admin. Rules & Regs</p> <p>Rejecting rules and regulations of secretary of revenue, alcoholic beverages, trade practices. Effective date: 05/01/83.</p> <p>02/01/83 Senate—Introduced--SJ 74 02/02/83 Senate—Referred to Fed. & State Affairs--SJ 81 04/05/83 Senate—CR: Be adptd as am. by Fed. & State Affairs--SJ 530 04/08/83 Senate—EFA, amt. & debate: CR adptd; adptd as am.; Yeas 32 Nays 5--SJ 607 04/08/83 House—Received and introduced--HJ 778 04/09/83 House—Referred to Gov'tl Org.--HJ 779 04/21/83 House—CR: Be adptd by Gov'tl Org.--HJ 832 04/22/83 House—COW: Be adptd--HJ 863; EFA: Adptd; Yeas 120 Nays 3--HJ 875</p>	ADOPTED
24.	<p>S 1615 Concurrent Resolution by Fed. & State Affairs</p> <p>Advertising limitations for alcoholic beverages. Effective date: 05/01/83.</p> <p>02/02/83 Senate—Introduced--SJ 79 02/03/83 Senate—Referred to Fed. & State Affairs--SJ 86</p>	HELD OVER IN SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
25.	<p>S 1626 Concurrent Resolution by Morris, Burke, Mulich, Roitz, Steineger, Vidricksen</p> <p>State operated lottery by constitutional amendment. Effective date: Upon Adptn.</p> <p>03/29/83 Senate—Introduced--SJ 430 03/30/83 Senate—Referred to Fed. & State Affairs--SJ 464 04/06/83 Senate—CR: Be adptd by Fed. & State Affairs--SJ 545 04/20/83 Senate—EFA, amt & debate: Not adptd; Yeas 17 Nays 21--SJ 646 04/23/83 Senate—Killed, Final Action</p>	KILLED IN FINAL ACTION OF SENATE
HOUSE ACTIONS		
26.	<p>H 2130 Bill by Roe, Fox</p> <p>Increase in alcoholic liquor enforcement tax. Effective date: 07/01/83.</p> <p>01/27/83 House—Introduced--HJ 146 01/28/83 House—Referred to Ass. & Tax.--HJ 150 03/04/83 House—Withdrawn from Ass. & Tax.; Referred to Ways & Means--HJ 336 03/28/83 House—Withdrawn from Ways & Means; Rereferred to Ass. & Tax.--HJ 555 04/07/83 House—CR: Be passed by Ass. & Tax.--HJ 733 04/20/83 House—COW: Be passed--HJ 813; EFA: Passed; Yeas 75 Nays 47--HJ 818 04/21/83 Senate—Received and introduced--SJ 653; EFA, amt. & debate: Passed; Yeas 22 Nays 18--SJ 657 04/23/83 House—Enrolled and presented to gov.--HJ 946 05/03/83 —Approved by gov.</p>	ADOPTED AND APPROVED BY GOVERNOR
27.	<p>H 2132 Bill by Frey, R.</p> <p>Sub. for H 2132 by Committee on Ways and Means - Alcohol and drug evaluations, application to diversion and certification of programs. Effective date: 04/21/83.</p> <p>01/27/83 House—Introduced--HJ 146 01/28/83 House—Referred to Ways & Means--HJ 150 03/02/83 House—CR: A substitute be passed by Ways & Means--HJ 321; Substitute introduced & placed on Gen. Ord.--HJ 321 03/07/83 House—COW;; CR adptd. recommending substitute; Sub. be passed--HJ 368; EFA: Passed; Yeas 125 Nays 0--HJ 383 03/08/83 Senate—Received and introduced--SJ 258 03/09/83 Senate—Referred to Ways & Means--SJ 294 03/28/83 Senate—CR: Be passed as am. by Ways & Means--SJ 426 03/30/83 Senate—COW: CR be adptd; be further am.; be passed as am.--SJ 474; EFA: Passed as am.; Yeas 36 Nays 4--SJ 477 04/04/83 House—Concurred; Yeas 115 Nays 7--HJ 662 04/06/83 House—Enrolled and presented to gov.--HJ 730 04/15/83 —Approved by gov.--HJ 808</p>	ADOPTED AND APPROVED BY THE GOVERNOR

NUMBER	BILL NUMBER -- TITLE -- STATUS	REMARKS
28.	<p>H 2145 Bill by Fox, Farrar Cereal malt beverage, prohibit sale to persons under 21 years old. Effective date: 07/01/83. 01/28/83 House—Introduced--HJ 150 01/31/83 House—Referred to Fed. & State Affairs--HJ 160 03/01/83 House—CR: Be not passed by Fed. & State Affairs--HJ 311; Dead, committee report</p>	KILLED BY HOUSE COMMITTEE
29.	<p>H 2146 Bill by Francisco Temporary bingo licenses for cities and counties to assign to organizations. Effective date: KS Register. 01/28/83 House—Introduced--HJ 150 01/31/83 House—Referred to Fed. & State Affairs--HJ 160 03/25/83 House—CR: Be passed as am. by Fed. & State Affairs--HJ 532 04/24/83 House—Withdrawn from calendar, rereferred to Fed. & State Affairs--HJ 986</p>	HELD OVER BY HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
30.	<p>H 2150 Bill by Miller, R. H., Fox, Patrick, Schweiker Liability for damages by intoxicated persons. Effective date: 07/01/83. 01/28/83 House—Introduced--HJ 150 01/31/83 House—Referred to Fed. & State Affairs--HJ 160 03/17/83 House—CR: Be not passed by Fed. & State Affairs--HJ 457; Dead, committee report</p>	KILLED BY HOUSE COMMITTEE
31.	<p>H 2217 Bill by Ass. & Tax. Maintenance of tax refund funds. Effective date: 04/14/83. 02/04/83 House—Introduced--HJ 187 02/07/83 House—Referred to Ass. & Tax.--HJ 190 02/15/83 House—CR: Be passed by Ass. & Tax.--HJ 237 02/23/83 House—COW: Be passed--HJ 277 02/24/83 House—FA: Passed; Yeas 117 Nays 1--HJ 283 02/24/83 Senate—Received and introduced--SJ 179 02/25/83 Senate—Referred to Ass. & Tax.--SJ 184 03/23/83 Senate—CR: Be passed by Ass. & Tax.--SJ 367 03/28/83 Senate—COW: Be passed--SJ 422 03/29/83 Senate—FA: Passed; Yeas 38 Nays 0--SJ 457 04/01/83 House—Enrolled and presented to gov.--HJ 686 04/11/83 —Approved by gov.--HJ 808</p>	ADOPTED AND SIGNED BY THE GOVERNOR
32.	<p>H 2254 Bill by Heinemann Sentences imposed for driving under influence may be reduced by time spent in inpatient hospital treatment. Effective date: 07/01/83. 02/08/83 House—Introduced--HJ 194 02/09/83 House—Referred to Transportation--HJ 204</p>	HELD OVER IN HOUSE TRANSPORTATION COMMITTEE
33.	<p>H 2261 Bill by Ediger, Barr Increased penalty for allowing minor to drink in private club. Effective date: 07/01/83. 02/08/83 House—Introduced--HJ 194 02/09/83 House—Referred to Judiciary--HJ 204</p>	HELD OVER IN HOUSE JUDICIARY COMMITTEE
34.	<p>H 2298 Bill by Weaver, Blumenthal, Charlton, Cribbs, Fry, L., Hamm, Laird, Luzzati, Matlack, Niles, Rosenau Alcohol and drug-related crimes; driving while impaired and criminal injury to persons or property. Effective date: 07/01/83. 02/08/83 House—Introduced--HJ 199 02/09/83 House—Referred to Judiciary--HJ 204</p>	HELD OVER IN HOUSE JUDICIARY COMMITTEE
35.	<p>H 2322 Bill by Niles, Lowther Crime of injuring person while driving under the influence of alcohol or drugs. Effective date: 07/01/83. 02/09/83 House—Introduced--HJ 202 02/10/83 House—Referred to Judiciary--HJ 216</p>	HELD OVER IN HOUSE JUDICIARY COMMITTEE

NUMBER	BILL NUMBER -- TITLE -- STATUS	REMARKS
36.	<p>H 2327 Bill by Whitaker, Louis Open public records. Effective date: 01/01/84. 02/09/83 House—Introduced--HJ 202 02/10/83 House—Referred to Fed. & State Affairs--HJ 216 03/07/83 House—CR: Be passed as am. by Fed. & State Affairs--HJ 371 03/15/83 House—COW: CR be adptd; be further am.; be passed as am.--HJ 441 03/16/83 House—FA: Passed as am.; Yeas 117 Nays 4--HJ 449 03/16/83 Senate—Received and introduced--SJ 323 03/17/83 Senate—Referred to Gov'tl Org.--SJ 337 04/09/83 Senate—CR: Be passed as am. by Gov'tl Org.--SJ 616 04/20/83 Senate—EFA, amt. & debate: CR adptd; further am.; passed as am.; Yeas 30 Nays 8--SJ 650 04/21/83 House—Nonconcurrent; CC requested; apptd Whitaker,Louis,Peterson--HJ 845 04/22/83 Senate—Acceded; apptd Vidricksen, Pomeroy, Francisco--SJ 701 04/23/83 House—Concurrent; Yeas 122 Nays 2--HJ 934 04/27/83 House—Enrolled and presented to gov. 05/06/83 —Approved by gov.</p>	<p>ADOPTED AND SIGNED BY THE GOVERNOR</p>
37.	<p>H 2328 Bill by Fed. & State Affairs Alcoholic content, age of consumption and days of sale for cereal malt beverage. Effective date: 01/01/84. 02/09/83 House—Introduced--HJ 202 02/10/83 House—Referred to Fed. & State Affairs--HJ 216 03/01/83 House—CR: Be not passed by Fed. & State Affairs--HJ 311; Dead, committee report</p>	<p>KILLED BY HOUSE COMMITTEE</p>
38.	<p>H 2330 Bill by Duncan Classes of persons not eligible to receive license under Kansas liquor control act. Effective date: 07/01/83. 02/09/83 House—Introduced--HJ 202 02/10/83 House—Referred to Fed. & State Affairs--HJ 216 03/17/83 House—CR: Be passed by Fed. & State Affairs--HJ 457 03/24/83 House—COW: Be passed--HJ 510 03/25/83 House—FA: Passed; Yeas 110 Nays 9--HJ 528 03/25/83 Senate—Received and introduced--SJ 410 03/28/83 Senate—Referred to Fed. & State Affairs--SJ 417</p>	<p>HELD OVER IN SENATE FEDERAL AND STATE AFFAIRS COMMITTEE</p>
39.	<p>H 2351 Bill by Fox Alcoholic beverages - sale of wine and cereal malt beverage at retail, not for consumption on premises. Effective date: 07/01/83. 02/09/83 House—Introduced--HJ 204 02/10/83 House—Referred to Fed. & State Affairs--HJ 216</p>	<p>HELD OVER IN HOUS FEDERAL AND STATE AFFAIRS COMMITTEE</p>
40.	<p>H 2375 Bill by Duncan, Farrar, Johnson, L., (By Request) Proof of age for purchase of alcoholic beverages. Effective date: 07/01/83. 02/09/83 House—Introduced--HJ 209 02/10/83 House—Referred to Fed. & State Affairs--HJ 216 03/17/83 House—CR: Be not passed by Fed. & State Affairs--HJ 457; Dead, committee report</p>	<p>KILLED BY HOUSE COMMITTEE</p>
41.	<p>H 2381 Bill by Knopp Admissibility of refusal to submit to blood test upon arrest for driving while under the influence. Effective date: 07/01/83. 02/09/83 House—Introduced--HJ 211 02/10/83 House—Referred to Judiciary--HJ 216</p>	<p>HELD OVER IN HOUSE JUDICIARY COMMITTEE</p>
42.	<p>H 2382 Bill by Vancrum Sub. for H 2382 by Committee on Federal and State Affairs - Duplicate drivers' licenses and nondrivers' I.D. cards. Effective date: 07/01/83. 02/09/83 House—Introduced--HJ 211 02/10/83 House—Referred to Fed. & State Affairs--HJ 216 02/28/83 House—CR: A substitute be passed by Fed. & State Affairs--HJ 298; Substi- tute introduced & placed on Gen. Ord.--HJ 298 03/15/83 House—COW;; CR adptd. recommending substitute; Be am.; Sub. be passed as am.--HJ 441 03/16/83 House—FA: Passed as am.; Yeas 122 Nays 1--HJ 450 03/16/83 Senate—Received and introduced--SJ 323 03/17/83 Senate—Referred to Trans. & Util.--SJ 337 03/28/83 Senate—CR: Be passed as am. by Trans. & Util.--SJ 425 03/29/83 Senate—COW: CR be adptd; be passed as am.--SJ 460 03/30/83 Senate—FA: Passed as am.; Yeas 40 Nays 0--SJ 468 04/04/83 House—Concurrent; Yeas 122 Nays 0--HJ 660 04/06/83 House—Enrolled and presented to gov.--HJ 730 04/15/83 —Approved by gov.--HJ 808</p>	<p>ADOPTED AND SIGNED BY THE GOVERNOR</p>

NUMBER	BILL NUMBER -- TITLE -- STATUS	REMARKS
43.	<p>H 2391 Bill by Matlack, Baker, Cribbs, Foster, Francisco, Helgerson, Jarchow, Luzzati, Ott, K., Spaniol, Webb (Darrel), Whitaker Preservation and destruction of certain public records. Effective date: 07/01/83. 02/09/83 House—Introduced--HJ 211 02/10/83 House—Referred to Fed. & State Affairs--HJ 216</p>	<p>HELD OVER IN SENATE FEDERAL AND STATE AFFAIRS COMMITTEE</p>
44.	<p>H 2392 Bill by Hoy Drinking age for 3.2 beer. Effective date: 07/01/83. 02/09/83 House—Introduced--HJ 211 02/10/83 House—Referred to Fed. & State Affairs--HJ 216</p>	<p>HELD OVER IN HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE</p>
45.	<p>H 2393 Bill by Hoy Prohibition of sale of 3.2 beer where gasoline sold. Effective date: 07/01/83. 02/09/83 House—Introduced--HJ 211 02/10/83 House—Referred to Fed. & State Affairs--HJ 216</p>	<p>HELD OVER IN HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE</p>
46.	<p>H 2502 Bill by Gov'tl Org. Kansas liquor control act, eligibility for licenses. Effective date: 07/01/83. 02/22/83 House—Introduced--HJ 271 02/23/83 House—Referred to Gov'tl Org.--HJ 276 03/04/83 House—CR: Be passed as am. by Gov'tl Org.--HJ 348 03/08/83 House—COW: CR be adptd; be passed as am.--HJ 398; EFA: Not passed; Yeas 55 Nays 67--HJ 406; Killed, Final Action</p>	<p>KILLED IN HOUSE ON FINAL ACTION</p>
47.	<p>H 2504 Bill by Gov'tl Org. Alcoholic liquor, purchase or possession, unlawful acts, penalties. Effective date: 07/01/83. 02/22/83 House—Introduced--HJ 271 02/23/83 House—Referred to Gov'tl Org.--HJ 276 03/03/83 House—CR: Be passed by Gov'tl Org.--HJ 330 03/07/83 House—COW: Be passed--HJ 368; EFA: Passed; Yeas 105 Nays 19--HJ 382 03/08/83 Senate—Received and introduced--SJ 258 03/09/83 Senate—Referred to Fed. & State Affairs--SJ 294 04/23/83 Senate—CR: Be passed as am. by Fed. & State Affairs--SJ 737; EFA, amt. & debate: CR adptd; passed as am.; Yeas 30 Nays 10--SJ 739 04/23/83 House—Nonconcurrent; CC requested; apptd Whitaker, Vancrum, Peterson--HJ 936 04/23/83 Senate—Acceded; apptd Reilly, Vidricksen, Gannon--SJ 751 04/24/83 Senate—Adptd CCR; Yeas 28 Nays 11--SJ 760 04/24/83 House—CCR not adptd; Yeas 48 Nays 74--HJ 954; Adverse action reconsidered; Rejected CCR; 2nd CC requested; apptd Whitaker, Vancrum, Laird--HJ 960 04/24/83 Senate—Acceded; 2nd CC apptd Reilly, Vidricksen, Gannon--SJ 772 06/03/83 House—Remains in conference committee</p>	<p>HELD OVER IN CONFERENCE COMMITTEE AMENDMENTS INCLUDED SB 404—Fund Raise SB 250—Train SB 405—Mil. TDY</p>
48.	<p>H 2505 Bill by Gov'tl Org. Alcoholic beverages, license fees. Effective date: 07/01/83. 02/22/83 House—Introduced--HJ 271 02/23/83 House—Referred to Gov'tl Org.--HJ 276 03/04/83 House—CR: Be passed by Gov'tl Org.--HJ 348 03/07/83 House—COW: Be passed--HJ 368; EFA: Passed; Yeas 77 Nays 47--HJ 382 03/08/83 Senate—Received and introduced--SJ 258 03/09/83 Senate—Referred to Fed. & State Affairs--SJ 294 04/08/83 Senate—CR: Be passed as am. by Fed. & State Affairs--SJ 572 04/21/83 Senate—EFA, amt. & debate: CR adptd; further am.; not passed; Yeas 19 Nays 18--SJ 657; Adverse action reconsidered; FA: Passed as am.; Yeas 22 Nays 18--SJ 671 04/22/83 House—Motion to concur failed; Yeas 8 Nays 114--HJ 848</p>	<p>KILLED IN HOUSE</p>
49.	<p>H 2527 Bill by Gov'tl Org. Alcoholic liquor, private clubs, reciprocal agreements. Effective date: 07/01/83. 02/23/83 House—Introduced--HJ 279 02/24/83 House—Referred to Fed. & State Affairs--HJ 281 03/25/83 House—CR: Be passed as am. by Fed. & State Affairs--HJ 533 04/24/83 House—Withdrawn from calendar, rereferred to Fed. & State Affairs--HJ 986</p>	<p>HELD OVER IN HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE</p>
50.	<p>H 2528 Bill by Gov'tl Org. Kansas liquor control act, salesperson, definition, permit, regulation. Effective date: 07/01/83. 02/23/83 House—Introduced--HJ 279 02/24/83 House—Referred to Fed. & State Affairs--HJ 281</p>	<p>HOLD OVER IN HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE</p>

NUMBER	BILL NUMBER -- TITLE -- STATUS	REMARKS
51.	<p>H 2530 Bill by Gov'tl Org. Kansas liquor control act, liquor retailers, authority to give away and sell certain services and items. Effective date: 07/01/83. 02/23/83 House—Introduced--HJ 279 02/24/83 House—Referred to Fed. & State Affairs--HJ 281 03/25/83 House—CR: Be passed as am. by Fed. & State Affairs--HJ 533 04/24/83 House—Withdrawn from calendar, rereferred to Fed. & State Affairs--HJ 986</p>	HELD OVER IN HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
52.	<p>H 2551 Bill by Fed. & State Affairs Sub. for H 2551 by Committee on Federal and State Affairs - Licensure and regulation of manufacture and sales of wine by farm wineries. Effective date: 07/01/83. 03/17/83 House—Introduced--HJ 454 03/18/83 House—Referred to Fed. & State Affairs--HJ 460 03/25/83 House—CR: A substitute be passed by Fed. & State Affairs; Substitute introduced & placed on Gen. Ord.--HJ 533 03/30/83 House—COW:: CR adpdt. recommending substitute; Sub. be passed--HJ 619; EFA: Passed; Yeas 86 Nays 37--HJ 621 03/31/83 Senate—Received and introduced--SJ 496 04/04/83 Senate—Referred to Fed. & State Affairs--SJ 514 04/08/83 Senate—CR: Be passed as am. by Fed. & State Affairs--SJ 574 04/09/83 Senate—EFA, amt. & debate: CR adpdt; passed as am.; Yeas 31 Nays 8--SJ 630 04/09/83 House—Concurred; Yeas 89 Nays 34--HJ 798 04/13/83 House—Enrolled and presented to gov.--HJ 825 04/23/83 —Approved by gov.--HJ 902</p>	ADOPTED AND SIGNED BY THE GOVERNOR
53.	<p>H 5023 Concurrent Resolution by Dyck, Braden, Bussman, Crowell, Crumbaker, Dean, Douville, Farrar, Fox, Friedeman, Fry, L., Fuller, B., Goossen, Guldner, Hamm, Harper, Hayden, Hoy, Laird, Long, Louis, Lowther, Matlack, Miller, D., Moore, Niles, Ott, B., Polson, Sallee, Shelor, Smith, Sughrue, Vancrum, Wilbert Health and safety problems of alcohol consumption. Effective date: Upon adptn. 02/11/83 House—Introduced--HJ 228 02/14/83 House—Adpdt without roll call--HJ 232 02/14/83 Senate—Received and introduced--SJ 127 02/15/83 Senate—Referred to Pub. Health & Welfare--SJ 131</p>	HELD OVER IN SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
54.	<p>H 5031 Concurrent Resolution by Gov'tl Org. Concurrent Resolution, Alcoholic beverage control, Retailer licensees, deliveries. Effective date: Upon adptn. 03/03/83 House—Introduced--HJ 332 03/04/83 House—Referred to Gov'tl Org.--HJ 336 03/28/83 House—CR: Be adpdt by Gov'tl Org.--HJ 549 04/24/83 House—Withdrawn from calendar, rereferred to Gov'tl Org.--HJ 986</p>	HELD OVER IN HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE
55.	<p>H 5032 Concurrent Resolution by Gov'tl Org. HCR modifying regulations of the director of the alcoholic beverage control division, relating to retail licensees. Effective date: Upon adptn. 03/03/83 House—Introduced--HJ 332 03/04/83 House—Referred to Gov'tl Org.--HJ 336 03/28/83 House—CR: Be adpdt as am. by Gov'tl Org.--HJ 550 04/24/83 House—Withdrawn from calendar, rereferred to Gov'tl Org.--HJ 986</p>	HELD OVER IN HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE
56.	<p>H 5035 Concurrent Resolution by Gov'tl Org. HCR, modifying regulation of alcoholic beverage control director, deliveries by manufacturers and distributors. Effective date: Upon adptn. 03/07/83 House—Introduced--HJ 389 03/08/83 House—Referred to Gov'tl Org.--HJ 392 03/28/83 House—CR: Be adpdt by Gov'tl Org.--HJ 549 04/06/83 House—COW: Be adpdt--HJ 713; EFA: Adpdt; Yeas 103 Nays 17--HJ 724 04/06/83 Senate—Received and introduced--SJ 553 04/07/83 Senate—Referred to Fed. & State Affairs--SJ 558 04/20/83 Senate—CR: Be adpdt by Fed. & State Affairs--SJ 641 04/23/83 Senate—Withdrawn from calendar, rereferred to Fed. & State Affairs--SJ 752</p> <p>RECAP: Bills Adopted: 8 Bills Killed: 12 Bills Stricken from Calendar: 3 Bills Held Over: 33 TOTAL 56</p>	HELD OVER IN SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

NUMBER

BILL NUMBER -- TITLE -- STATUS

REMARKS

ABBREVIATIONS

Used in House and Senate actions:

- adptd adopted
- am. amended
- amt. amendment
- apptd appointed
- CC conference committee
- CCR conference committee report
- comm committee
- COW committee of the whole
- CR committee report
- EFA emergencied to final action
- emer emergency
- FA final action
- GO general orders
- gov. governor
- prev. previously
- res. resolution
- sect. secretary
- sub. substitute

Used in committee names:

- Admin. Administrative
- Ag. Agriculture
- Apportmt Apportionment
- Ass. Assessment
- Cmsn Commission
- Comm. Committee
- Congres. Congressional
- Ed. Educational
- Fed. Federal
- F.I. Financial Institutions
- Gov. Government
- Gov'tl Governmental
- Inv, Invest. Investment
- Jud. Judicial
- Legis, Leg. Legislative
- Nat. Natural
- Org. Organization
- Pub. Public
- Regs Regulations
- Res. Resources
- Spec. Special
- Tax Taxation
- Tech. Technology
- Trans. Transportation
- Util. Utilities
- Wel. Welfare

MEMORANDUM

TO: HONORABLE EDWARD F. REILLY, JR.
Chairman, Senate Federal and State Affairs Committee

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Briefing of the Committee on Various Matters Concerning
the Alcoholic Beverage Control

DATE: January 24, 1984

As you know, there were a total of fifty-six (56) bills introduced last year in the legislature concerning alcoholic liquors, beer, CMB, and the ABC Division.

Eight (8) of these bills were passed and adopted. They were:

- Senate Bill 43 - Department and Office of Secretary of Revenue continued in existence.
- SCR 1613 - Rejecting rules and regulations concerning trade practices.
- HB 2130 - Increase in alcoholic liquor enforcement tax.
- HB 2132 - Alcohol and drug evaluations, application to diversion and certification of programs.
- HB 2217 - Maintenance of tax refund funds.
- HB 2327 - Open public records.
- HB 2382 - Duplicate drivers licenses and non-drivers ID cards.
- HB 2551 - Farm Winery Bill

Twelve (12) bills were killed.

Three (3) bills were stricken from the calendar.

Thirty-three (33) were carried over to this year.

In addition, there have been eight (8) bills introduced so far this year. If no more bills are introduced, there is a potential of forty-one (41) bills to be considered.

1. The following are our comments and/or recommendations concerning bills held over from the 1983 Legislative session:

- A. Senate Bill 325 - Residence requirements for Private Clubs. SB 325, if enacted in its present form, will eliminate the one (1) year residency requirement for individuals who are attempting to obtain Class "B" private club licenses. It would also eliminate the five (5) year total state residency.

COMMENTS AND/OR RECOMMENDATIONS

As you know, those individuals who do not meet the one (1) year residency requirement or the five (5) year residency requirement simply form a corporation and if they qualify otherwise, still obtain a Class "B" Private Club license.

The provision that a person must be a resident of the county in which the Class "B" Club licenses premises are located remains in effect.

The Director of Alcoholic Beverage Control has no objections to this change.

- B. Senate Bill 326 - Class "A" Private Club licensee fee increase. SB 326, if enacted in its present form, will increase the annual license fee that an applicant for a Class "A" Club license must pay from \$250.00 to \$500.00.

COMMENTS AND/OR RECOMMENDATIONS

Presently, there are 405 Class "A" Private Clubs in the State of Kansas. If the license fees are increased from \$250.00 to \$500.00, total annual revenue from Class "A" Private Club licenses will increase from \$101,250.00 to \$202,500.00. Fifty percent (50%) of all monies received under this act are credited to the state general fund and fifty percent (50%) are credited to the alcoholism treatment fund. Therefore, each fund will be receiving double what they are presently receiving if this bill is enacted.

In addition, the Legislative Post Audit Report stated that: "A general fiscal policy applied to nearly every state fee-funded regulatory agency is that the cost of an agency's operations should be funded by the license fees and other receipts imposed on the regulated profession or industry. The Division of Alcoholic Beverage Control is not a fee-funded agency, but it seems reasonable that its fee structure should bear some relationship to its actual cost."

The Post Audit Report further states: "Part of the fees collected by the Division of Alcoholic Beverage Control are transferred to fund community alcoholism treatment programs. As a result, fee receipts fall short of covering

the Division's regulatory program costs by a fairly substantial amount. In fiscal year 1981, this shortfall totaled \$382,740.00, or thirty-five percent (35%) of the Division's operating costs. The report recommends that the Legislature consider whether alcohol license and permit fee receipts should cover all costs of the regulatory program, including those moneys channeled to finance other funds."

The Director of Alcoholic Beverage Control is neither a proponent nor an opponent of this bill.

C. Senate Bill 405 - Private Club membership for military personnel on temporary duty.

The State of Kansas has three (3) military installations within its exterior boundaries: Fort Riley, Fort Leavenworth, and McConnell Air Force Base. At each installation and particularly at Fort Leavenworth and McConnell Air Force Base, military personnel of the Armed Forces of the United States attend special training and/or schools. Military personnel attending this training or schools are in a temporary duty status not to exceed twenty (20) weeks. Temporary duty status means the military personnel do not bring their families and the individual is quartered either on or off the military installation in bachelor quarters. The purpose of this proposal is to grant these people temporary membership in Class "B" private clubs during their TDY status in Kansas.

COMMENTS AND/OR RECOMMENDATIONS

If Senate Bill 405 is enacted in its present form, we see no problems with implementing. Military personnel utilizing temporary membership privileges would either use the guest book or a special military guest book would be required.

The Director is neither a proponent nor an opponent of this bill.

D. SCR 1615 - Advertising limitations for alcoholic beverages.

This resolution was introduced in the 1983 legislative session and I addressed the issues that it raises at that time. It continues to be my opinion that price and brand advertising would serve no meaningful purpose to the retailer as long as the minimum percentage markup, as required by K.S.A. 41-1111, remains in effect.

COMMENTS AND/OR RECOMMENDATIONS

On this matter I would recommend that this committee and the legislature take no action on this resolution.

E. HCR 5035 - Modifying regulations of ABC, deliveries by manufacturers and distributors.

The changes that are contemplated in HCR 5035 were given very serious consideration by the Division in drafting permanent regulations last Fall. In soliciting industry input, both privately and at public hearings, the Division encountered a complete lack of agreement among industry segments as to what changes should be made. Given this information and the fact that the current system seems to be working, a choice was made not to drastically change K.A.R. 14-4-14.

COMMENTS AND/OR RECOMMENJATIONS

On this matter also I would ask this committee and the Legislature to take no action on this resolution until such time as all the segments of the industry are in agreement on changes to be made.

2. The following are some additional recommendations for your consideration during this legislative session:

A. Temporary membership in private clubs and sales on noncontiguous premises. This was introduced as Senate Bill 404 during the 1983 legislative session.

Senate Bill 404, if enacted in its present form, amends K.S.A. 41-2601 to provide that any Class "B" club licensed under the provisions of this act may establish rules where a guest at a bona fide private party held on the premises of the licensed club may file application for temporary membership in the club for the period of the private party, and such temporary membership shall not be subject to the ten (10) day waiting period or the minimum ten dollars (\$10.00) dues requirement. A list, consisting of the name and address of each private party guest, shall be submitted to the club management at least three (3) days in advance of the function and only a person whose name appears on this list may be authorized temporary membership status. Any Class "B" club intending to issue temporary memberships must notify the Alcoholic Beverage Control of the name of the organization and the date and time of the function at least seven (7) days prior to the function.

Rules and regulations may be adopted, specifying criteria for the extension of the club license over noncontiguous premises and the controlling of functions on such premises. The Director of Alcoholic Beverage Control shall have broad

discretionary authority to govern activities on such premises.

COMMENTS AND/OR RECOMMENDATIONS

The enactment of Senate Bill 404 is not to be interpreted to mean the private party group will be taking over the Class "B" private club or that the club will be loaning their license to the group. The club licensee is responsible at all times for the conduct of employees and members on the premises as are all other club licensees.

It is envisioned that the private party group may sell tickets to invited guests prior to the event, then when the guest arrives at the club, their name is checked off the roster and they are admitted as a temporary member with the privilege of purchasing alcoholic beverages, purchasing food or other items, or that the club licensee would charge a cover charge at the door, sell alcoholic beverages as well as food to the private party group, and then, after expenses are deducted, the club licensee will make a contribution or donation to the fund raising group.

Based on requests being made daily by groups wishing to conduct fund raising functions, we anticipate a large number of these private party functions.

This is a good bill and the Director of Alcoholic Beverage Control strongly recommends its enactment.

- B. Reduce the residency requirements for Retail Liquor Store licensees. This was introduced as Senate Bill 305 during the 1983 legislative session.

This bill, if enacted in its present form, will change the residency requirement for an applicant for a retail liquor store license to one (1) year immediately preceding the date of application in the county in which the premises covered by the license are located and five (5) years in the state preceding date of application.

Presently, the residency requirement for an applicant for a retail liquor store license is five (5) years in the county immediately preceding date of application and ten (10) years in the state preceding date of application.

COMMENTS AND/OR RECOMMENDATIONS

Changing the residency requirement for an applicant for a retail liquor store license from five (5) years to one (1) year in the county immediately preceding date of application and from ten (10) years to five (5) years in the state preceding date of application is a good change and we strongly recommend approval of this amendment.

This reduction in residency requirement will still maintain the intent of the legislature that licensees have an impeccable background and that a personal history would be available for investigation by the Division. Experience has shown that an appropriate evaluation of an applicant can be made by investigators utilizing modern means as well as standard investigative procedures.

C. Authorize the twenty-seven (27) Alcoholic Beverage Control Enforcement Officers to participate in the Kansas Police and Fireman's Retirement System. This was introduced as Senate Bill 158 during the 1983 legislative session.

The Enforcement Officers are currently members of KPERS. They are under statute certified police officers who have authority to investigate and make arrests for violation of the Kansas Liquor Control Act, the Private Club Act, and the Cereal Malt Beverage Act. K.S.A. 74-5602(e), defines the term "police officers" or "law enforcement officers"; that list included law enforcement agents of the Director of Alcoholic Beverage Control.

As most enforcement officers, Liquor Control Investigators are:

1. Required to attend and successfully complete the mandatory 320 hours of law enforcement training at the Kansas Law Enforcement Training Academy.
2. Receive annually 40 hours of mandatory police training.
3. As police officers they are authorized to make arrests, carry firearms, and successfully complete the annual firearms course.
4. They are exempt from the 40 hour work week, and are presently working an average of 46 to 48 hours per week.

The twenty-seven (27) Alcoholic Beverage Control Enforcement Officers are specialists and are necessary to assist the Director in maintaining an orderly liquor market. The liquor industry in Kansas is large with over 222 million dollars in retail sales and approximately 27.5 million dollars in taxes paid to the State during FY 83.

The Alcoholic Beverage Control Enforcement Officers are certified law enforcement officers, fully qualified and should be afforded the opportunity to participate in the retirement system designated specially for law enforcement officers. In the consistent application of the retirement system the enforcement officers assigned to Alcoholic Beverage Control should be included under the Police and Fireman's Retirement System.

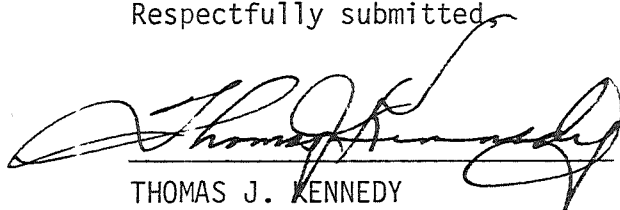
Honorable Edward F. Reilly, Jr.
January 24, 1984

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COMMENTS AND/OR RECOMMENDATIONS

The Director strongly recommends that the twenty-seven (27) Alcoholic Beverage Control Enforcement Officers be included in the Kansas Police and Fireman's Retirement System, and hopefully during the 1984 legislative session.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas J. Kennedy", written over a horizontal line.

THOMAS J. KENNEDY
Director