

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRSThe meeting was called to order by Representative Robert VanCrum at
Chairperson1:30 a.m./p.m. on March 5, 1985 in room 313S of the Capitol.

All members were present except:

Representative Robert Miller - E

Committee staff present:

Lynda Hutfles, Secretary
Mary Torrence, Revisor's Office
Russ Mills, Research

Conferees appearing before the committee:

Jim Murphy, Governor's Office
Jerry Shelor, Kansans for Effective Liquor Control
Mike Meacham, Kansans for Effective Liquor Control
Ed Bruske, Kansas Chamber of Commerce
Ralph McGee, AFL-CIO
Judy Billings, Lawrence Convention & Visitors Bureau
Richard LaMunyon, Kansas Peace Officers Association
Richard Becker, Lenexa
J.V. Lentell, Kansas State Bank & Trust
Roger Thomson, Steak & Ale Restaurant Association
Charles Laird, Representative
John Bower, McClouth
Robert Groff, Topeka
Reverend Richard Taylor, Kansans for Life at its Best
Donna Bolek, Riley
Joe Stout, Wichita
Glen Shore, Augusta
Lonnie Hepner, Wichita
Glen Stearman, Wichita
Carson Crawford, Florence
Paul Pettit, University of Kansas

The meeting was called to order by Vice-Chairman VanCrum.

Representative Roe made a motion, seconded by Representative Sprague, to approve the minutes of the March 4 meeting. The motion carried.HR 1605

The Vice-Chairman announced that the proponents and opponents would each have one hour for testimony and that questions would be asked if there was time at the end.

Jim Murphy, Governor's Office, presented the Governor's views on SCRI605 as amended. See attachment A.Jerry Shelor, Executive Director, Kansans for Effective Liquor Control, distributed a list of the Advisory Board of Kansans for Effective Liquor Control. See attachment B. He gave testimony in support of giving the people the right to vote on liquor by the drink. See attachment C.Mike Meacham, Kansans for Effective Liquor Control, gave testimony in support of SCRI605 and discussed some of the legal aspects of the resolution. See attachment D.Ed Bruske, Kansas Chamber of Commerce, gave testimony in support for allowing the people of Kansas to vote on the proposition to amend the constitution of the State of Kansas authorizing legislation to permit county option in the sale of liquor by the drink. See attachment E.

Ralph McGee, ALF-CIO, gave testimony in support of the amendment which would allow the people of Kansas to vote on liquor by the drink.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS,
room 313S, Statehouse, at 1:30 a.m./p.m. on March 5, 1985

Judy Billings, Director, Lawrence Convention and Visitors Bureau, gave testimony in support of the resolution. She expressed that Kansas Liquor laws were an economic handicap to the travel industry in Kansas. See attachment F.

Richard E. LaMunyon, Chief of Police, Wichita, Kansas, gave testimony in support of the concept of liquor by the drink for the State and was authorized to speak for the Kansas Peace Officers Association and the Kansas Association of Chiefs of Police. See attachment G.

Richard Becker, Mayor of Lenexa, gave testimony in support of giving the citizens of Kansas the opportunity to vote on the issues of liquor by the drink. See attachment H.

J.V. Lentell, Chairman of the Wichita Area Chamber of Commerce, gave testimony in support of the resolution which would allow the citizens the opportunity to vote on liquor by the drink and which would help to improve the positive image of Kansas. See attachment I.

Roger Thomson, Senior Vice President and General Counsel of S & A Restaurant Corp. (Steak & Ale), gave testimony in support of the resolution. See attachment J.

There was discussion on initiative referendum. Mr. Bruske felt that initiative gets completely out of hand and was negative on initiative process.

There was discussion on restricting liquor by the individual drink to food service operations. Mr. Meacham did not think that such a restriction should be in the constitution. If such a restriction was wanted it should be in the form of a bill with a definition of "public place" and the regulation should be established by legislation.

Hearings for proponents of SCR1605 were concluded.

Representative Charles Laird gave testimony in opposition to SCR1605. He said that he was not being arrogant if he votes "no" on this issue. This is a dangerous drug. He said that he was not for prohibition, but there was a need to keep consumption at its current level or below.

John Bower, McClouth, a former member of the House of Representatives, gave testimony in opposition to the resolution. The resolution amends the constitution to repeal the prohibition against the open saloon. It is a vote for or against the open saloon. It is not a resolution to give the people the right to vote. See attachment K.

Robert Groff, an attorney from Topeka, gave testimony in opposition to SCR1605 and stated that less consumption of alcohol contributes to many economic benefits. See attachment L.

Reverend Richard Taylor, Kansans for Life at its Best, gave testimony in opposition to SCR1605. Voting for this resolution will increase the number of outlets and increase the number of drinking drivers. See attachment M and N.

Donna Bolek of Riley, Kansas, gave testimony in opposition and related to the committee her experience with an accident involving her daughter and a drunk driver. See attachment O.

Joe Stout, a Wichita Auto Dealer, gave testimony in opposition to SCR1605 and read the poem which he had sent to all representatives. See attachment P.

Glen Shore, of Augusta, an attorney for Koch Industries, opposed the resolution and said that this was not an issue on the right to vote. More alcohol will only bring more child abuse, more physical abuse and more alcoholism. He referred to "Business & Economic Report" which is attached. See attachment Q.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS,
room 313s, Statehouse, at 1:30 a.m./p.m. on March 5, 1985

Lonnie Hephner, a Wichita business man, was present in opposition to the resolution and relinquished his time to other opponents.

Glen Stearman of Wichita told the committee he was in the manufacturing business and was opposed to SCR1605. He said that no one in his family uses alcohol and when asked why his children do not drink, he said that he had set a good example for them.

Paul Pettit, a Junior and the University of Kansas, gave testimony in opposition to the resolution. He said that he is interested in safer highways, less problem drinkers and less child abuse. Young people realize alcohol stands in their way. This is a step in the wrong direction. The focus of debate has shifted from a moral one to a social and political one.

Carson Crawford, Florence, told the committee he was opposed to SCR1605 and that restoring the saloon is a step in the wrong direction.

Hearings on HCR1605 were concluded.

The meeting was adjourned.

March 5

<u>Name</u>	<u>Representing</u>	<u>Address</u>
Donna Boeck	self.	Box 195 Riley Ks.
Alan Z. Shore	Industry	RR1 Box 157 Augusta Ks
Byron Stout # "JOE"	Business	1010 E. Douglas 67214
Lonnie E. Hepburn	Business	2740 Laura Wichita 67216
Richard Taylor	Life at Best	Joplin
Glenn Stearnman	Industry	310 W 5th Valley Center
John D. Bower	self	{ R1 Box 26 McComb, KS
Mrs John Bower		
Globet Goff	KPLAB	704 KPL Tower, Topeka, Ks.
Carson Crawford	SELF	Flanna Ks

Shirley

STATE OF KANSAS



OFFICE OF THE GOVERNOR

State Capitol
Topeka 66612-1590

John Carlin Governor

Testimony to
House Federal and State Affairs
on Senate Concurrent Resolution No. 1605
by Jim Murphy
March 5, 1985

Thank you, Mr. Chairman, for the opportunity to present the Governor's views on Senate Concurrent Resolution 1605 as amended.

The Governor strongly supports the elimination of the constitutional prohibition on open saloons in Kansas.

Kansas is one of only three states in the country that prohibits liquor by the drink. A poll by the Kansas Cavalry indicated that the image of Kansas is negatively affected by this prohibition. Too often, the only perception out-of-state travelers have of our state is shaped by a confusing encounter with our state liquor laws. Although they see Kansans being served liquor by the drink, they are often denied a glass of wine with dinner and, in fact, may be denied access to our finer restaurants. Such inconsistency projects an image of a backward state that is not looking to grow, prosper and change.

Prosperity stems from an active and vital economic base. Decisions on location and relocation of businesses are shaped by environmental and social considerations. Although the Kansas economy has been positively influenced by economic development efforts undertaken by the State, the levels of new economic activity in 1983 and 1984 were about the same. In order to continue to attract new and relocating businesses, we must project a positive image and our current liquor laws inhibit our efforts.

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Attach. A

The competition among the states for new businesses is fierce. The proposed General Motors Saturn plant is a classic example. Over 20 states are competing for that plant which would provide over 20,000 jobs and \$ 3.5 billion in new economic activity. Amidst such fierce competition, the image of the state becomes critically important. If Kansas is to retain its strong economic base, we must not let this outdated constitutional prohibition limit our competitiveness in the important area of economic development.

While we know that we have liquor by the drink in practice, if not on paper, business and tourist interests from other states do not; and, as a result, they sometimes choose to take their business, their investments and their jobs elsewhere. The prohibition on open saloons, while conceived with the best intentions of temperance, prohibits little more than an accurate and positive image of Kansas and serves only to temper our prospects for economic progress.

A vote in favor of Senate Concurrent Resolution 1605 is a vote for progress and a healthy Kansas economy for tomorrow.

Kansans for Effective Liquor Control

P.O. Box 2144 • 117 West 10th Street • Topeka, Kansas 66601

913/232-0890 or 913/232-0899

Jerry Shelor
Executive Director

SPEAKERS

Jerry Shelor	Executive Director, Kansans for Effective Liquor Control
Mike Meacham	Lobbyist, Kansans for Effective Liquor Control, Topeka, Ks
Ed Bruske	President, Kansas Chamber of Commerce and Industry
Ralph McGee	Executive Secretary, AFL-CIO
Richard LaMunyon	President, Kansas Peace Officers Association Kansas Association of Chiefs of Police
Richard Becker	Mayor, City of Lenexa, Kansas
Judy Billings	Director, Lawrence Convention & Visitors Bureau
J.V. Lentell	Chairman of the Board, Kansas State Bank & Trust, Wichita, Ks and President, Wichita Chamber of Commerce
Roger F. Thomson	Senior Vice President and General Counsel, S & A Restaurant Corporation



3/5/85
Attach B

Kansans for Effective Liquor Control

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913/232-0890 or 913/232-0899

Jerry Shelor
Executive Director

ADVISORY BOARD

ALDERSON, Al - Attorney, Topeka

ALDRICH, Richard - Directing Representative, Machinists District Lodge #70, Wichita

BARABAN, Dr. Marc B., Topeka

BECKER, Rich - Mayor, City of Lenexa, Lenexa

BELT, Charles - Chamber of Commerce, Wichita

BIRCH, Mary - Exec. Vice President, Chamber of Commerce, Overland Park

BLAIR, Ben - Coldwell, Banker, Griffith and Blair, Topeka

BLAIR, Merle - President & Chief Exec. Officer, Chamber of Commerce, Topeka

BRUSKE, Edward G. - President, Kansas Chamber of Commerce & Industry, Topeka

COHEN, Sam - Executive Management Inns, Topeka

COLLINSON, Tom - Publisher, Morning Sun, Pittsburg

DAVELINE, Jon R. - President, Chamber of Commerce, Hutchinson

DUGAN, Mike - President, Chamber of Commerce, Kansas City

DUNCAN, R.E. Tuck - Chairman, Expocentre, Topeka

EASTLAND, Morris - President, AFL-CIO Tri-County Labor Council of Eastern KS, Topeka

ELLIS, Jeff - Fallon, Holbrook & Ellis, Kansas City

ELLIS, Norm - Mayor, City of Atchison, Atchison

EMMERTH, Dick - Carousel Club, Salina

FALLON, Ed - President Topeka Federation of Labor, AFL-CIO, Topeka

FEGAN, Mike - Harvest Inn, Junction City

FEGAN, Tom - Harvest Inn, Junction City

FRY, Jim - Personnel Director, McNally's of Pittsburg, Pittsburg
GARGOTTO, Bobbie - Vice President, Valley View Bank, Overland Park
GLASSMAN, John - Vice President, Stormong Vail Regional Medical Center, Topeka
GREENBERG, Dr. Mark D., Topeka
HACK, Al - Brock Hotel Corporation, Topeka
HAFER, Frank - Vice President, Marketing, Lightner Hotels, Inc., Wichita
HANEY, Rex - Gage Bowl, Topeka
HAUSER, Michael - Exec. Vice President, Chamber of Commerce, Manhattan
HENRICHS, George - Silver Spur Lodge, Dodge City
HINKLE, Lynn - Emerson, Nichols & Bailey, Inc., Topeka
HOLLEY, Jerry - WIBW TV, Stauffer Communications, Topeka
JOHN, Gordon - Shawnee
JOLOSKY, Gaye - Topeka
KNOCH, Beverly (Pat) - Exec. Vice President, Chamber of Commerce, Atchison
LaMUNYON, Richard - President, Kansas Peace Officers, Wichita
LAPIN, Ed - Mid-America Foods, Kansas City
LENTELL, J.V. - Chairman of Board, Kansas State Bank & Trust & Chamber of Commerce, Wichita
LOEB, Dan - President & Chief Exec. Officer, Chamber of Commerce, Junction City
McCULLOUGH, Jack - Pittsburg Aluminum Recycling Co., Pittsburg
McGEE, Ralph - Exec. Secretary, Kansas AFL-CIO, Topeka
MELCHOR, Robert J. - Touche Ross & Company, Topeka
MERKEL, Dick - Airport Hilton, Wichita
NORTHCRAFT, Don - Rubber Workers #307, Topeka

O'CONNOR, John - Attorney, Pittsburg

PIERCE, Tom - President, Kansas AFL-CIO, Wichita

PREISNER, Myrna - Director, Topeka Convention & Visitors Bureau, Topeka

RAY, Terry - Ray Enterprises, Manhattan

SLATTERY, Tom - Associated General Contractors of Kansas, Topeka

SMITH, Don, Wichita

STERNER, Paul - Village Green Restaurant, Prairie Village

TOEBBEN, Gary - Chamber of Commerce, Lawrence

TURNER, Chester - Business Manager, Electrical Workers #326, Topeka

VRATIL, John - Attorney, Overland Park

WEEMS, Ron - Business Manager, Sheet Metal Workers #29, Wichita

WOERNER, Deanna - Sales Associate, Coldwell, Banker Griffith & Blair, Realtors, Topeka

Kansans for Effective Liquor Control

P.O. Box 2144 • 117 West 10th Street • Topeka, Kansas 66601
913/232-0890 or 913/232-0899

Jerry Shelor
Executive Director

I stand before you today representing a 57 member Advisory Board of concerned Kansans called Kansans for Effective Liquor Control (a list of the board members is attached to my testimony) - and they represent a small part of the 85% of Kansans who now want to vote on this issue.

Today you will hear the testimony of several of our board members as well as Mike Meacham and myself. The board members are Ed Bruske, voice for Kansas business; Ralph McGee, voice of Kansas labor; Dick LaMunyon, a voice for Kansas Law Enforcement; Mayor Becker of Lenexa, the voice of a growing Kansas community; Judy Billings, a voice for travel and tourism in Kansas, J.V. Lentell, a voice for the Wichita Chamber of Commerce, and finally, a non-board member, an outsider, Roger Thomson, representing a voice of business present, and hopefully a voice of business future in Kansas. Time is brief; their testimony is short. However, their presentation is the voice of many thousands of Kansans.

My presentation will be simple and to the point. Representatives, you are standing in front of a Kansas tidal wave - a tidal wave of voters who overwhelmingly want to vote on liquor by the drink. What you see before you is the statewide percentage of Kansans who want to vote on liquor by the drink.



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Attach C

A scientific poll conducted by the Center for Public Affairs/Institute for Economics and Business Research at Kansas University, shows 84.9% of the people want to vote. The poll was conducted independently and not commissioned by Kansans for Effective Liquor Control.

What I am about to show you should be an eye-opener for any representative who represents the wishes of his or her constituency.

The poll broke down the state into nine geographical regions asking Kansans if they favor placing liquor by the drink on the ballot. The geographical regions were Northwest, West Central, Southwest, North Central, Central, South Central, Northeast, East Central and Southeast.

Overwhelmingly, Kansans want to vote on this issue. You can see that the lowest percentage of Kansans who want to place this issue on the ballot is 80.0% in the West Central part of our state - the highest percentage is in South Central Kansas, with 91.4%.

Elected officials should be sensitive to representing their constituency. There has not been one polled area of our state where the people have not wanted to vote on this issue. The last opportunity we had to vote on the issue was 15 years ago - 1970.

In 1970, President Nixon was serving the second year of his first term, Kent State and anti-Vietnam war demonstrations were at a height, Governor Docking was on his way to a third term and an 18 year old voter of today would have been three years old.

The Constitution is a document by the people and the right to amend it rests with them. President Reagan, in his 1985 Inaugural Address stated, "Government is not the answer or the solution to many of our problems - Government is often the problem." This theory holds true on this issue. The people, not the government, should decide the content of their constitution.

The true issue here is whether or not our elected representatives trust the wisdom of those of us who put them into office. Those legislators who do not allow us to vote on this issue are certainly guilty of a high degree of arrogance about their own wisdom and in the process deny us our democratic right to vote.

The issue is not, "liquor or not" as some would declare. The issue is whether or not we trust the wisdom of those to whom this government belongs. Government cannot be wiser than the people.

Kansans will have Life at Its Best when they are given their right to vote on this issue. Let us exercise our constitutional right which has given you the opportunity to be elected to office.

Kansans for Effective Liquor Control
P.O. Box 2144 • 117 West 10th Street • Topeka, Kansas 66601
913/232-0890 or 913/232-0899

Jerry Shelor
Executive Director

Federal and State Affairs Committee
House of Representatives
March 5, 1985
* Testimony of Mike Meacham
Kansans for Effective Liquor Control

It is a pleasure to be back before the Federal and State Affairs Committee. I spent many hours working on liquor issues when I was a member of this committee and I thank you for taking the time to hear us today regarding Senate Concurrent Resolution 1605.

I always considered liquor issues to be one of the issues which give legislators headaches. This was so for me because the area of law governing and regulating liquor is filled with more hypocrisy than any other area of the law. In short, the current system invites cheating and encourages disrespect for the law.

My function here today is to discuss some of the legal aspects of Senate Concurrent Resolution 1605. In my view, SCR 1605 invites a change from the current system of hypocrisy to a more honest system of liquor regulation.

Simply put, the resolution contains a constitutional amendment permitting the legislature to implement liquor by the individual drink. The new language is contained in



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Attach. D.

paragraph (c). In that paragraph, it is made clear that liquor by the drink is prohibited except where the legislature regulates. In the event the legislature declines to implement the necessary legislation, liquor by the drink would still be prohibited. Furthermore, the new language in paragraph (c) prohibits liquor by the drink in those counties which do not adopt the proposition. In short, paragraph (c) permits liquor by the drink on a county option basis, and then only if the legislature passes some kind of implementing legislation. Assuming passage of SCR 1605, there would be no change from the "status quo" absent some further activity by the legislature.

To this extent, then, I would like to take limited exception to the Chairman's response to Representative Grotewill's question yesterday. Nothing respecting private clubs which currently exist will change absent some legislative action.

It is the legislature which will determine, in large part, the future of private clubs in Kansas.

Assume that SCR 1605 passes this legislature and further assume the proposed amendment to the Kansas Constitution is adopted by the people. Let's say, for the sake of example, that 50 counties vote in favor of the amendment and 55 counties vote

against it. In those 55 counties opposed to the proposition, the status quo will continue to exist unless the legislature does something to change it. Those 55 counties will still have private clubs --- both class A and class B clubs; those private clubs will still buy their liquor from retailers; they will still pay the wholesale price plus 12%; they would still have a "drink" tax; and they would still have reciprocity available to them under the same circumstances which they have it now. Granted, there would be fewer places with which to reciprocate given the assumption that the legislature would implement the amendment for the remaining 50 counties, and most of the class B private clubs in those areas would likely become "liquor by the drink" establishments. But the lack of availability of reciprocity in "liquor by the drink" counties would not be of concern to club members in the "Private club" counties because of the availability of liquor by the drink.

Even in addressing the liquor by the drink implementation, the legislature would not need to change this system. The Private Club Act is written pursuant to paragraph (b) of this section of the constitution, which is existing language. We do not propose to change that paragraph, except to strike the "open saloon" prohibition. Indeed, there will be many class A private clubs in the "liquor by the drink" counties which will want to remain

private clubs.

What this really means, then, is that Senate Concurrent Resolution 1605 does not propose to be a vote between the "wets" and the "drys," because there are very few places in the state which are truly "dry." What this is is a vote between the status quo and a more honest regulatory system. Indeed, it is a vote between the "damps" and the "wets" with an effort to accomodate both groups in the form of county option.

I would like to compare, briefly, this proposal with the one recently passed in the State of Oklahoma. As many of you know, Oklahoma has been confronted with a great deal of confusion since passing their county option form of liquor by the drink. There are at least three distinguishing features of this proposal from the Oklahoma situation.

First, the State of Oklahoma will have two elections, while we in Kansas are proposing to have only one.

Second, in Oklahoma, the vote was between liquor by the drink and "bone dry," while we in Kansas seek to also accomodate the status quo.

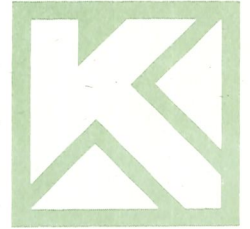
Third, because Oklahoma voted between "wet" and "dry" they are confronted with completely "reinventing the wheel" when it comes to regulatory structure, while we in Kansas have much of the regulatory structure in place.

In closing, Mr. Chairman and members of the Committee, let me say that what is proposed here is merely an opportunity to let the people decide on what kind of regulatory structure we have here in Kansas: One that encourages cheating and is founded on the myth that alcohol is somehow not available because of the existence of "Private Clubs," or one that addresses the question of liquor regulation openly and honestly and recognizes that many Kansans partake of alcoholic beverages.

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry

500 First National Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321



A consolidation of the
Kansas State Chamber
of Commerce,
Associated Industries
of Kansas,
Kansas Retail Council

March 5, 1985

KANSAS CHAMBER OF COMMERCE AND INDUSTRY
Testimony Before the
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

Mr. Chairman and Members of the Committee:

My name is Ed Bruske, president of the Kansas Chamber of Commerce and Industry. I'm here today to voice my support and the support of our members for allowing the people of Kansas to vote on the proposition to amend the constitution of the State of Kansas authorizing legislation to permit county option in the sale of liquor by the drink.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses plus 215 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

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Attach. E

As a native Kansan and one who has worked outside the state for 15 years, and, who returned to the state as the Secretary of the Kansas Department of Economic Development, I find myself angry and disappointed that Kansas has not had the opportunity to exercise its right on such a fundamental and simple issue. Any reasonable thinking individual realizes that overuse of alcohol can cause great pain and sorrow within a family, in the work place, and among friends. And, we all know it often causes death on the highways. But the system we have now is ludicrous as it relates to limiting the amount of consumption. If our present system is so ideal, then why does Kansas rank at the bottom of the list for the list of negatives I have just mentioned?

The present law assumes that Kansans are not bright enough or qualified enough to use alcohol in a responsible manner. At the same time, it indicates to the people who visit Kansas and to people we are trying to influence to live in Kansas that they are not trustworthy also as it relates to the use of alcohol.

When I worked outside the state of Kansas in the field of economic development, I constantly heard that the liquor laws of Kansas were archaic and made them a point of ridicule. When I returned to Kansas as Secretary of Economic Development, it was quite obvious that industrial prospects viewed our liquor laws as not only restrictive but also as an imposition of our moral beliefs on their decision to locate in the state. I found it unfortunate that we spent most of our time apologizing for the confusing procedure that it took to have a glass of wine or a cocktail, not to mention the fact that Kansans and visitors alike had to pay a premium membership to even be able to have lunch or dinner.

I urge this committee to give Kansas a break and let it compete on an equal footing with the other states. If we are going to be different, let's be different with the lowest tax rate in the country, or, the best education system, or, the most jobs created in a year. Let's get rid of the dinosaur image.

What could be more fair than letting the counties have the option on this issue? What could be more fair than letting the people of Kansas speak out on what has to be considered a basic right? Some will vote negative and some will vote positive, and we'll all answer to our God as to how we use this privilege. Thank you.

Judy Billin

TRAVEL INDUSTRY IN KANSAS IS SECOND LARGEST RETAIL INDUSTRY, FOOD BEING FIRST.

ECONOMIC HANDICAP TO THE TRAVEL INDUSTRY RESULTING FROM ANTIQUATED KANSAS LIQUOR LAWS IS EASILY IDENTIFIED.

JUST LAST WEEK A GENTLEMAN FROM AUSTRALIA SITED HIS EXPERIENCE IN KANSAS. HE WAS VERY DISCRIPTIVE IN HIS REMARKS ABOUT HOW MUCH HE DISLIKED OUR REDICULOUS LIQUOR LAWS. HE WAS ASSIGNED TO KANSAS FOR 3 WEEKS FOR PILOT TRAINING. DURING THAT ENTIRE TIME PERIOD HE COULDN'T HAVE A GLASS OF WINE WITH DINNER UNLESS HE ATE EVERY ONE OF HIS EVENING MEALS IN HIS HOTEL. NOR COULD HE DINE IN A FINE RESTAURANT BECAUSE HE WASN'T A PRIVATE CLUB CARDHOLDER. HIS STAY HERE WAS SEVERAL YEARS AGO AND HE STILL SPEAKS VERY EMOTIONALLY ABOUT HIS EXPERIENCE. THINK OF THE NUMBERS OF PEOPLE HE'S TOLD THIS STORY.

NATIONAL HOTEL/MOTEL CHAINS SHUN KANSAS.RESTAURANTS CAN'T BUILD IN KANSAS.OUR LIQUOR LAWS HAVE BOLTED TIGHT THE DOORS TO OUR STATE. WE HAVE TO LET THE OUTSIDE IN IF WE ARE GOING TO SURVIVE.

THE LIQUOR LAW CHANGE IN OKLAHOMA HAS CREATED FOR THE KANSAS TRAVEL INDUSTRY A CONDITION WE CANNOT OVERCOME UNLESS WE CHANGE OUR LAW. OUR BORDERING STATES OF NEBRASKA WITH I-80 AND OKLAHOMA WITH I-40 WILL CARRY MOST ALL OF THE EAST WEST TRAFFIC. THIS WILL CAUSE A DRAMATIC EFFECT ON THE EMPLOYMENT OF 42,000 KANSANS CURRENTLY RECEIVING WAGES OF THE TRAVEL INDUSTRY.

THIS LEGISLATURE MUST HEAR US. WE ARE FIGHTING FOR THE SURVIVAL OF 1½ BILLION DOLLAR INDUSTRY.

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Attach F

Richard E. LaMunyon
Chief of Police
Wichita, Kansas

March 5, 1985

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE.

I AM RICHARD LaMUNYON, POLICE CHIEF FOR THE CITY OF WICHITA. I AM SPEAKING TODAY AS THE PRESIDENT OF THE KANSAS PEACE OFFICERS ASSOCIATION AND AS THE IMMEDIATE PAST PRESIDENT OF THE KANSAS ASSOCIATION OF CHIEFS OF POLICE. BOTH OF THESE LAW ENFORCEMENT ORGANIZATIONS HAVE VOTED TO ENDORSE THE CONCEPT OF LIQUOR BY THE DRINK FOR OUR STATE AND HAVE AUTHORIZED ME TO SPEAK ON THEIR BEHALF.

AT FIRST GLANCE SOME HAVE SAID LAW ENFORCEMENT FINDS ITSELF IN WHAT APPEARS TO BE A CONTRADICTIVE POSITION BY SUPPORTING LIQUOR BY THE DRINK. IN REALITY, IT IS NOT CONTRADICTIVE AT ALL, BUT THE ONLY PRACTICAL AVENUE AVAILABLE TO LAW ENFORCEMENT.

LAW ENFORCEMENT OFFICERS HAVE THE RESPONSIBILITY TO ENFORCE LIQUOR LAWS AND WE ACCEPT THAT. BUT IT IS THE POSITION OF THE K.P.O.A. AND THE K.A.C.P. THAT CURRENT STATE LAWS AND CITY ORDINANCES GOVERNING ALCOHOL DISTRIBUTION AND CONSUMPTION ARE CONFUSING, CONTRADICTORY AND UNENFORCEABLE AT THE LOCAL AND COUNTY LEVEL.

IT IS OUR POSITION THAT IN ORDER TO MORE EFFECTIVELY CONTROL LIQUOR AS IT RELATES TO A LAW ENFORCEMENT PROBLEM, THAT ONE SET OF LAWS MUST BE ESTABLISHED AND ENFORCEMENT MUST BE CONTROLLED AT THE LOCAL LEVEL.

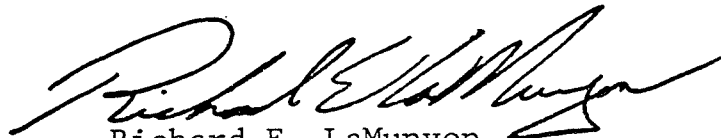
LAW ENFORCEMENT OFFICERS WITHIN THE K.P.O.A. AND K.A.C.P. BELIEVE THE ISSUE BEFORE YOU TODAY IS ONE OF CONTROL OF LIQUOR VIOLATIONS. LAW OFFICERS WORK IN THE REALITY OF FACTS AND THE FACT IS LIQUOR BY THE DRINK ALREADY EXISTS. IT IS OUR POSITION THAT IN ORDER TO MORE EFFECTIVELY CONTROL DISPERSAL AND CONSUMPTION, A SINGLE LAW, ENFORCEABLE AT THE LOCAL LEVEL, SHOULD BE ADOPTED. WE SUPPORT A CONSTITUTIONAL AMENDMENT FOR

3/5/85
Atzach G.

LIQUOR BY THE DRINK WHICH ALLOWS FOR A STATE STATUTE PERMITTING CITIES AND COUNTIES TO ADOPT ORDINANCES AND/OR RESOLUTIONS WHICH GIVE, TO LOCAL LAW ENFORCEMENT, TOTAL CRIMINAL AND ADMINISTRATIVE CONTROL FOR ALCOHOL VIOLATIONS. FURTHER, WE ENDORSE A MINIMUM DRINKING AGE OF 21 FOR PERSONS IN THE STATE OF KANSAS AND FOR ALL TYPES OF ALCOHOL AND/OR CEREAL MALT BEVERAGES CONSUMED.

THE KANSAS PEACE OFFICERS ASSOCIATION AND THE KANSAS ASSOCIATION OF CHIEFS OF POLICE WISH TO STATE IT IS NOT OUR INTENT TO ENTER INTO THE MORAL ISSUE OF WHETHER OR NOT ALCOHOL SHOULD BE PERMITTED OR CONSUMED. QUITE FRANKLY, WE DON'T EVEN SEE THAT AS A RELEVANT ISSUE WHEN YOU TAKE INTO CONSIDERATION ALL THE FACTS AND CURRENT REALITIES THAT LAW ENFORCEMENT IS CONFRONTED WITH IN THE AREA OF LIQUOR ENFORCEMENT.

IT IS OUR POSITION, FROM A VERY REAL AND PRACTICAL LAW ENFORCEMENT STANDPOINT, THAT LIQUOR BY THE DRINK ALREADY EXISTS. LIQUOR IS PERMITTED; IT IS CONSUMED, AND IN ORDER TO BETTER CONTROL IT, A CONSTITUTIONAL AMENDMENT PROVIDING A SINGLE SET OF RULES FOR THE DISTRIBUTION AND CONSUMPTION OF LIQUOR IS, IN FACT, A VIABLE ALTERNATIVE.



Richard E. LaMunyon
President, K.P.O.A.
Past President, K.A.C.P.

REL:bg

TESTIMONY

I'm Rich Becker, Mayor of Lenexa a fast growing First Class city in Johnson County.

Lenexa is known for its cooperative relationship between government and business. We believe good economic development is good for Lenexa and the State of Kansas.

New businesses and many new employees relocate to Lenexa each year from all over the United States. These new residents can't believe that Kansas is so far behind the times when it comes to liquor laws.

As a mayor who has knocked on thousands of doors in Lenexa talking to voters, and who has talked to many prospective businesses about relocating to Lenexa, I can tell you that the state issue that you hear over and over and over is the silliness and hassle of our outdated liquor laws.

I'm sick and tired of Kansas being considered backward and receiving an undeserved and undesirable negative image over this matter.

Who knows how many businesses have failed to locate in Kansas over the years because of our perceived image.

The image of the State of Kansas takes a beating every time the subject of liquor-by-the-drink gets into a conversation whether that conversation takes place in Lenexa, Topeka, New York, California, Michigan or wherever.

What a waste of time and energy!

Let's get on with it so we can promote this state, that we love, to those outside our state as a great place to live, work and do business.

Let's take the positive road!

We have so much potential as a state. Let's get rid of the road blocks that might prevent a business or employee from locating in our state. Economic development/ progress/ new and expanding businesses/ taking advantage of the opportunities in the new technologies/ new jobs for Kansans that's what it's all about.

Please, let the people speak!

I ask that you give the citizens of Kansas the opportunity to vote on this issue of liquor-by-the-drink.

Thank you for your consideration.

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Attach #.

LIQUOR-BY-THE-DRINK TESTIMONY
J.V. LENTELL, CHAIRMAN
WICHITA AREA CHAMBER OF COMMERCE

MARCH 5, 1985

GOOD AFTERNOON. I AM J.V. LENTELL, CHAIRMAN OF THE WICHITA AREA CHAMBER OF COMMERCE. I APPRECIATE THE OPPORTUNITY TO SPEAK TO YOU TODAY IN SUPPORT OF ALLOWING THE PUBLIC TO VOTE ON LIQUOR-BY-THE DRINK.

I WAS BORN AND RAISED ON A FARM BETWEEN HERE AND WICHITA IN MORRIS COUNTY, AND IN 1956 LEFT THE FARM TO GO TO WICHITA TO ATTEND WICHITA STATE UNIVERSITY. I BEGAN MY BANKING CAREER THERE IN 1957. AT THE PRESENT TIME I AM CHAIRMAN OF THE BOARD OF THE KANSAS STATE BANK AND TRUST COMPANY. THE PURPOSE OF GIVING YOU THAT BRIEF BACKGROUND IS MERELY TO INDICATE TO YOU THAT I HAVE BACKGROUND RELATING TO BOTH SIDES OF THIS ISSUE. THE HERITAGE OF MY FARM BACKGROUND IS IMPORTANT TO ME, AND I HAVE WITNESSED AND UNDERSTAND THE EMOTIONS AND BELIEFS OF BOTH SIDES.

I HAVE PERSONALLY BEEN INVOLVED IN ECONOMIC DEVELOPMENT WITH THE WICHITA CHAMBER FOR OVER 15 YEARS, AND HAVE ACCOMPANIED THEM ON BUSINESS SALES TRIPS AROUND THE COUNTRY TO SUCH CITIES AS CHICAGO AND LOS ANGELES. I HAVE OBSERVED FIRST-HAND THE ATTITUDES AND THE IMAGE WE HAVE DEVELOPED BY OTHERS OUTSIDE OUR STATE. THAT IMAGE IS MAGNIFIED WHEN OUTSIDERS INNOCENTLY ATTEMPT TO BUY A MEAL AT A PRIVATE CLUB AND ARE TURNED AWAY BECAUSE THEY AREN'T A MEMBER. I AM SURE YOU HAVE HEARD THAT TYPE OF STORY MANY TIMES, AND IT WAS EMPHASIZED LAST FALL BY THE PRESIDENT OF PIZZA HUT AFTER THEY COMPLETED AN EXTENSIVE STUDY INVOLVING THE ALTERNATIVES OF MOVING THEIR HEADQUARTERS FROM THE STATE OF KANSAS.

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IT IS BECAUSE OF WHAT I PERCEIVE AS THIS IMAGE PROBLEM AS IT RELATES TO ECONOMIC DEVELOPMENT THAT I RESPECTFULLY APPEAR BEFORE YOU TODAY. AT THE HEART OF ANY HEALTHY COMMUNITY IS ITS ABILITY TO CREATE JOBS--THAT IS ECONOMIC DEVELOPMENT. OUR NUMBER ONE PRIORITY AT THE WICHITA CHAMBER, YEAR-IN AND YEAR-OUT, IS ECONOMIC DEVELOPMENT. WHEN WE RECRUIT OUTSIDE OUR STATE WE SELL, AMONG OTHER THINGS, THE QUALITY OF OUR WORK FORCE, CLEAN AIR, ACCESSABLE ROADS AND HIGHWAYS, OUR ABUNDANT SUPPLY OF ENERGY AND OUR EXCELLENT WORKING RELATIONSHIP BETWEEN BUSINESS AND GOVERNMENT. BUT, WE ALSO ARE JUDGED ON THE IMAGE OF OUR COMMUNITY AND THE IMAGE OF KANSAS, AND THIS IS WHAT IT'S ALL ABOUT--THE IMPRESSION, POSITIVE OR NEGATIVE, THAT PEOPLE HAVE OF US THAT INFLUENCES THEIR DECISION.

CERTAINLY NO INDUSTRY WILL BASE ITS DECISION TO RELOCATE SOLELY ON WHETHER THIS STATE HAS LIQUOR-BY-THE DRINK, HOWEVER, I CAN TELL YOU THAT WE DO GET PLENTY OF PUZZLED COMMENTS AND SOMETIMES DISBELIEF WHEN WE TRY TO EXPLAIN OUR LIQUOR LAWS IN THIS STATE.

WE HAVE LIQUOR-BY-THE DRINK TODAY FOR OUR CITIZENS, -- WE JUST MAKE IT INCONVENIENT. IT IS VISITORS TO OUR STATE, WHOM WE PENALIZE. BUT THE REAL LOSER IS THE STATE OF KANSAS WHICH PROJECTS AN IMAGE OF DRIVING 1940'S AUTOMOBILES IN 1985, -- OF USING MECHANICAL ADDING MACHINES IN THE AGE OF COMPUTERS -- AND OF KIDDING OURSELVES THAT OUR STATE IS BEING MORE RESPONSIBLE WITH LIQUOR BY NOT CALLING OUR SYSTEM "LIQUOR-BY-THE DRINK."

IT IS THAT IMAGE THAT HELPS MAINTAIN STAGNANT POPULATION GROWTH AND SLOWS INTEREST IN COMMERCIAL AND INDUSTRIAL EXPANSION IN A HIGHLY COMPETITIVE ENVIRONMENT.

PLEASE DON'T LET THE OPPONENTS OF THIS ISSUE SELL YOU ON A "GUILT TRIP" BECAUSE YOU WILL BE BRINGING LEGALIZED LIQUOR INTO THE STATE. ALL YOU ARE BEING ASKED TO DO IS LET THE PUBLIC VOTE UPON IT. THE PEOPLE WILL DECIDE WHETHER WE HAVE LIQUOR-BY-THE DRINK, AND IF THEY DECIDE THEY DON'T WANT IT, WE HAVE HAD A FAIR CHANCE.

THERE ARE APPROXIMATELY 300 PRIVATE CLUBS IN SEDGWICK COUNTY ALONE. ANY ONE CAN BELONG. IN FACT, ONE MEMBERSHIP CARD WILL NOW GET YOU INTO HUNDREDS OF CLUBS ON A RECIPROCAL BASIS. WHAT A JOKE--LET'S GIVE THE PEOPLE A CHANCE TO DO AWAY WITH THIS HYPOCRITICAL SYSTEM.

AS YOU ALL KNOW, THE ISSUE IS ALLOWING CITIZENS THE RIGHT TO VOTE ON LIQUOR-BY-THE DRINK IN THEIR COUNTY. THE OPPOSITION ARGUES THAT IT WILL INCREASE CONSUMPTION, YET THE ONLY ONE NOT ALLOWED TO DRINK ARE VISITORS. AND IF THEY ARE RESIDING IN HOTELS, A DRINK IS READILY AVAILABLE TO THEM WHEN THEY PRODUCE A ROOM KEY!

I KNOW OF NO ONE WHO IS NOT CONCERNED WITH ALCOHOL ABUSE. HOWEVER, WE BELIEVE THAT A MORE POSITIVE APPROACH BE TAKEN THROUGH MORE EFFECTIVE ENFORCEMENT OF DRUNK DRIVING LAWS.

WE NEED TO MAKE A MORE POSITIVE STATEMENT TO OUR YOUNG PROFESSIONALS WHO ARE LEAVING THE STATE FOR CITIES WITH MORE GLAMOUR AND NIGHT LIFE. WE NEED A MORE POSITIVE STATEMENT TO OUR VISITORS THAT WE ARE A PROGRESSIVE STATE. AND, WE NEED A MORE POSITIVE STATEMENT TO POTENTIAL RESIDENTS AND BUSINESSES THAT WE ARE A PROGRESSIVE STATE WITH A GOOD QUALITY OF LIFE.

BY ALLOWING THE CITIZENS THE OPPORTUNITY TO VOTE ON LIQUOR-BY-THE

DRINK, YOU ARE HELPING TO IMPROVE THE POSITIVE IMAGE OF KANSAS.
THANK YOU, AGAIN, FOR THE OPPORTUNITY TO DISCUSS THIS ISSUE WITH
YOU.

J.V. LENTELL



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(214) 960-5000
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MY NAME IS ROGER F. THOMSON AND I AM SENIOR VICE PRESIDENT AND GENERAL COUNSEL OF S & A RESTAURANT CORP. WE OPERATE OVER 300 RESTAURANTS IN 37 STATES, OPERATING UNDER THE NAMES OF STEAK AND ALE, BENNIGAN'S, JJ. MUGGS AND BAY STREET SEAFOOD RESTAURANT. WE OPERATE A TOTAL OF SIX RESTAURANTS IN KANSAS, THREE STEAK AND ALES AND THREE BENNIGAN'S. AT THE PRESENT TIME, WE HAVE NO FUTURE EXPANSION PLANS FOR ANY OF OUR RESTAURANT CONCEPTS IN KANSAS DUE PRIMARILY TO YOUR ANTIQUATED LIQUOR LAWS. HOWEVER, IF THE OPEN SALOON PROHIBITION IS REMOVED, THAT CONSTRAINT ON THE OPENING OF THREE TO NINE ADDITIONAL RESTAURANTS BY US OVER THE NEXT SEVERAL YEARS WOULD BE REMOVED.

S & A RESTAURANT CORP. CURRENTLY GENERATES A TOTAL OF ABOUT \$10,000,000 A YEAR IN SALES FROM KANSAS, OVER 70% OF WHICH IS DERIVED FROM THE SALE OF FOOD. YET, WE ESTIMATE THAT IN KANSAS, DUE TO THE CURRENT LIQUOR LAWS, WE MUST TURN AWAY APPROXIMATELY 150 CUSTOMERS PER WEEK PER RESTAURANT, RESULTING IN OVER \$600,000 IN LOST REVENUE TO S & A, TO SAY NOTHING OF THE TAX REVENUE LOST TO THE STATE OF KANSAS. IT IS IMPORTANT TO REMEMBER THAT THAT \$600,000 FIGURE IS BASED ON IN EXCESS OF 70% FOOD SALES. THE OTHER AREA OF GREAT CONCERN AND EMBARRASSMENT IS THE FRUSTRATION AND CONFUSION OF OUR POTENTIAL CUSTOMERS BEING TOLD THEY CANNOT EAT IN OUR RESTAURANT. THAT

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IS TO SAY, THE BAN ON LIQUOR BY THE DRINK HAS THE EFFECT OF PROHIBITING CERTAIN PEOPLE FROM ENJOYING A MEAL IN KANSAS. WHEN TOURISTS ON THEIR WAY THROUGH KANSAS STOP FOR A MEAL, IT IS NOT UNUSUAL FOR THEM TO SHOP AND SPEND MONEY IN OTHER RETAIL STORES IN ADDITION TO THEIR MEAL. IF WE MUST TURN THEM AWAY, KANSAS MAY BE LOSING ADDITIONAL REVENUE. IF A VISITOR TO KANSAS DOES NOT HAVE \$10.00 OR CAN'T WAIT 10 DAYS, WE CAN OFFER THEM NEITHER A MEAL NOR A GLASS OF WINE WITH THAT MEAL. IF LIQUOR BY THE DRINK IS PERMITTED, WE FEEL WE CAN ATTRACT THAT LOST REVENUE BACK TO KANSAS AND, WITH ADDITIONAL RESTAURANTS IN OPERATION, GENERATE SUBSTANTIALLY MORE REVENUE.

FROM AN OPERATIONAL POINT OF VIEW, KANSAS, BEING ONE OF THE FEW STATES IN THE UNION TO BAN LIQUOR BY THE DRINK, OFFERS US AND ALL OTHER LICENSED RESTAURANTS SOME UNIQUE DIFFICULTIES. WE MUST EMPLOY EXTRA PEOPLE AT THE FRONT DOOR TO EITHER VERIFY MEMBERSHIPS, SELL MEMBERSHIPS, OR EXPLAIN TO POTENTIAL CUSTOMERS WHY THEY CAN'T EAT AT A STEAK AND ALE IN KANSAS BUT CAN EAT EVERY PLACE ELSE IN THE UNITED STATES WE HAVE A RESTAURANT. IT IS NOT AN UNCOMMON OCCURRENCE FOR A CUSTOMER DINING IN ONE OF OUR RESTAURANTS IN ANOTHER STATE TO TELL OF THE CONFUSION AND AMAZEMENT AT THEIR LESS THAN PLEASURABLE "KANSAS EXPERIENCE". I HAVE JUST RECENTLY RETURNED FROM A TRIP TO AUSTRALIA AND WHILE THERE, I HAD A CONVERSATION WITH A SYDNEY ATTORNEY. BEING IN THE RESTAURANT BUSINESS, I MADE THE COMMENT THAT I FELT THEY HAD EXTREMELY CONFUSING LIQUOR LAWS. HIS RESPONSE WAS THAT, WHILE THAT MAY BE TRUE, HE NEVER COULD

FIGURE OUT HOW TO HAVE A GLASS OF WINE WITH HIS MEAL WHEN HE WAS TRAVELING THROUGH KANSAS. I HAD NO GOOD EXPLANATION FOR HIM.

S & A RESTAURANT CORP. CURRENTLY INVESTS 1.5 TO 2 MILLION DOLLARS IN EACH RESTAURANT IT CONSTRUCTS. WE EMPLOY APPROXIMATELY 50 PEOPLE IN AN AVERAGE STEAK AND ALE AND 75 TO 100 IN BENNIGAN'S. LAST YEAR, OUR SIX RESTAURANTS HERE PAID ALMOST \$700,000 IN SALES, USE, LIQUOR AND PROPERTY TAXES TO THE STATE OF KANSAS AND IN EXCESS OF 2.5 MILLION DOLLARS IN WAGES TO OUR EMPLOYEES. OBVIOUSLY, IF WE WERE TO DOUBLE OUR INVESTMENT IN KANSAS, WE WOULD BE INVESTING IN EXCESS OF \$10,000,000, EMPLOYING IN EXCESS OF 300 ADDITIONAL PEOPLE AND PAYING AN ADDITIONAL \$700,000 IN VARIOUS TAXES.

STEAK AND ALE AND BENNIGAN'S PRIDE THEMSELVES ON BEING RESPONSIBLE RESTAURANTEURS, AS ARE THE VAST MAJORITY OF OUR COMPETITORS. WITHOUT THE NECESSITY OF ANY STATUTORY OR JUDICIAL MANDATE, WE UNDERSTAND OUR RESPONSIBILITIES AS PURVEYORS OF FOOD AND SPIRITS AND MEETING THESE RESPONSIBILITIES IS ALWAYS A TOP PRIORITY. OUR DESIRE IS TO OPERATE MORE RESTAURANTS IN KANSAS IN THIS RESPONSIBLE MANNER.

WE, AND, I AM SURE, SEVERAL OTHER RESTAURANT OPERATIONS WOULD LIKE THE OPPORTUNITY, AND ARE READY, TO INVEST MORE MONEY IN KANSAS, EMPLOY MORE PEOPLE IN KANSAS, PAY OUR SHARE OF TAXES IN KANSAS, AND PROVIDE A PLEASURABLE "REGULATION FREE" DINING EXPERIENCE TO KANSANS AND THEIR GUESTS. LIQUOR BY THE DRINK WILL BE AN IMPORTANT STEP IN ALLOWING THIS TO OCCUR. THANK YOU.

TESTIMONY OF JOHN BOWER, FORMER MEMBER OF THE HOUSE AND VICE-CHAIRMAN OF THIS COMMITTEE, BEFORE THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS, IN OPPOSITION TO S C R 1065, MARCH 5, 1985

Mr chairman:

You would never guess from reading the papers what this resolution is all about. It does not give anyone the right to vote. It amends the constitution to repeal the prohibition against the open saloon. A vote on SCR 1065 is a vote for or against the open saloon.

Mr. Shelor complains that we are interfering with the democratic process. You know better. Ours is a representative government. You weren't elected to choose questions for referral to the people; you were elected to vote for the people on questions of public policy. If you do not vote your honest convictions you are unfaithful to your trust.

They can't win approval of the open saloon on its merits, so they talk about the right to vote. They were not for the right to vote when I used that argument in favor of a bill for county option, which would have let farm people vote in local option elections, and might have closed some liquor stores.

That is a real issue of the right to vote-the legislature has denied Kansas farm people the right to vote on the sale of liquor in their home communities. That injustice never bothered the hypocrites who now prattle about the right to vote when they think it might increase the flow of alcohol.

You are being bombarded with polls purporting to show an overwhelming demand for a vote. The people I talk to don't talk that way. What the polls show is that you can get any answer you want if you ask the right question. Everybody is for "the right to vote."

But the inference that a lot of people who oppose the open saloon want an election which might bring it back is obviously false. We may be old fashioned, but we aren't stupid. We don't play Russian Roulette.

We know what will happen if this goes on the ballot. The liquor crowd poured more than a million dollars into Oklahoma to pass repeal there. [Obviously they believed it would increase consumption and put money in their pockets]. They will flood the airwaves with alluring propaganda, but they will not show the wrecked cars nor the battered wives and children.

Who will present the other side? Where will the money come from to counter the lies and half-truths put out by the flock of vultures waiting to feast on the carcass?

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Let me fill you in. There is no way we can match their millions--they can outspend us a hundred to one. There will be small contributions, mostly from people who are already giving sacrificially to support the work of local churches. It will be money that ought to go into church programs.

Agnes and I tithe to support our little church, which is doing a positive work for good in our community and beyond. We don't want to have to use part of that money to fight a battle which if we win we are no better off than now.

The governor says lawmakers who vote NO and run for reelection in 1986 will pay a price if they are successful in stopping public liquor by the drink. Let me tell it like it really is. The governor doesn't vote in your district, but we do. If we have to fight this thing in 1986, a lot of us are going to be mad, especially at those who broke their promises.

Those pushing this resolution talk about our "silly" liquor control laws. They ought to know, for they wrote them. I was here, voting against them. They are the result of the continual pressure of the liquor crowd to break down every restriction to the free flow of alcohol in our society.

If the saloon comes back to Kansas, the same crowd will be down here every session fighting every tax and every restriction. The issue will not go away. You might as well stand up to it now. My Daddy used to say, when a snake shows its head, hit it.

They talk about our image. Alcohol never improved anyone's image. Open saloons never improved the image of any city or state. Wherever I go I am proud to be a Kansan, where McDonald's isn't the only place you can eat and not be hassled to buy booze. Kansas people have the reputation of being a cut above the average. Let's keep it that way.

They say it is an economic issue, not a moral one. It ought to be defeated on that issue, for the public has never benefitted from the promotion of alcohol. But, after 24 years sitting where you sit, I can tell you that every major issue is a moral issue. They all boil down to what is good for Kansas.

We did not send you down here to select topics for us to vote on. We elected you to use your judgment and vote your convictions. If you believe saloons would be good for Kansas, vote for them; if you don't believe that, vote against them.

Your grandchildren will not remember that Grandpa or Grandma voted to let the people vote; they will remember you voted for the saloon.

Thank you.

HOUSE OF REPRESENTATIVES
COMMITTEE ON FEDERAL AND STATE AFFAIRS
HEARING ON SCR 1605

MARCH 5, 1985

LADIES AND GENTLEMEN OF THE COMMITTEE:

I AM ROBERT GROFF, ATTORNEY AND NATIVE OF TOPEKA. I LOVE KANSAS. I'M PROUD TO BE A KANSAN. DURING WORLD WAR II, AND FOR SEVERAL YEARS THEREAFTER, I WAS AN OCCASIONAL USER OF ALCOHOL. HOWEVER, WHEN IT CAME TIME TO RAISE A FAMILY AND BECOME PROFICIENT IN MY PROFESSION, I COULD SEE THAT IT WOULD NOT LEAD TO THE KIND OF LIFE I WANTED FOR MYSELF OR FOR MY FAMILY, AND MADE THE DECISION, AFTER CONSIDERABLE PROMPTING BY MY WIFE, NOT TO USE THIS DRUG.

I HAVE FRIENDS WHO TAKE A DRINK AT TIMES, AND MOST OF THEM AGREE WITH ME THAT KANSAS IS A BETTER STATE BECAUSE WE DO NOT PROMOTE ALL-OUT CONSUMPTION AS OTHER STATES DO. LIQUOR IS AVAILABLE, IN MORE THAN ADEQUATE QUANTITIES, RIGHT NOW. MAKING IT MORE CONVENIENT FOR MORE KANSANS TO DRINK MORE LIQUOR IN MORE PLACES ON MORE OCCASIONS IS A STEP IN THE WRONG DIRECTION. ALONG WITH A CROSS-SECTION OF KANSANS FROM EAST TO WEST AND NORTH TO SOUTH, MY NAME IS LISTED ON THE BROCHURE ENTITLED "KANSAS IS A LEADER", WHICH IS PART OF THE MATERIALS YOU HAVE BEEN FURNISHED IN CONNECTION WITH THIS HEARING.

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A NEW YORK NEWSPAPER CLIPPING DATED DECEMBER 11, 1927, IN OUR STATEHOUSE LIBRARY, CARRIES AN EXPLANATION BY WILLIAM ALLEN WHITE, OF EMPORIA, ON WHY KANSANS SUPPORTED PROHIBITION:

"THE PROHIBITION PHILOSOPHY IS NOT THAT IT WILL MAKE OTHERS GOOD, BUT THAT IT WILL MAKE LIFE IN A COMPLEX CIVILIZATION SAFER AND SIMPLER AND MORE PROFITABLE.

IT WAS THE ECONOMIC WISDOM OF THE LAW WHICH GRADUALLY CONVERTED PUBLIC SENTIMENT. WHEN IT WAS DEMONSTRATED THAT PROHIBITION SAVED TAXES, INCREASED THE LABOR EFFICIENCY OF WORKERS, PILED UP BANK SAVINGS, AND MADE LIFE SAFER, KANSANS GOT BEHIND THE LAW."

WHITE'S STATEMENT EXPLAINS WHY THOUSANDS OF CONCERNED KANSANS SUPPORT OUR EFFECTIVE LIQUOR LAWS THAT CONTINUE TO KEEP CONSUMPTION LOW.

THE MAJOR CAUSE OF JOB ABSENTEEISM IS OUR MOST ABUSED DRUG - ALCOHOL. THE KANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT IN 1978 REPORTED THAT:

WORKERS IN WEST GERMANY GAVE 7.9 MORE DAYS OF PRODUCTIVE LABOR THAN THE U.S. AVERAGE;

WORKERS IN JAPAN GAVE 8.3 MORE DAYS OF PRODUCTIVE LABOR THAN THE U.S. AVERAGE;

WORKERS IN KANSAS GAVE 8.6 MORE DAYS OF PRODUCTIVE LABOR THAN THE U.S. AVERAGE - THE HIGHEST IN THE NATION AND IN THE FREE WORLD!

IN THE TOPEKA CAPITAL-JOURNAL ON WEDNESDAY, FEBRUARY 6, 1985, THERE WAS AN ARTICLE ENTITLED: "TO HELP KANSAS' IMAGE, CUT TAXES, CORPORATION CHIEF SAYS". I QUOTE FROM THAT ARTICLE:

"THE EXECUTIVE OF A MAJOR U.S. CORPORATION SAID TUESDAY THAT KANSAS 'IS AN EXCELLENT PLACE' FOR BUSINESSES TO LOCATE AND THAT HE DISAGREES WITH STATE POLITICAL AND BUSINESS LEADERS WHO SAY THE SUNFLOWER STATE HAS A POOR IMAGE, WHICH HURTS ITS EFFORT TO ATTRACT INDUSTRY.

OF THE LIQUOR-BY-THE-DRINK AND PARI-MUTUEL ISSUES BEFORE THE LEGISLATURE, ROBERT H. MALOTT, CHAIRMAN AND CHIEF EXECUTIVE OF FMC CORPORATION, HIMSELF A KANSAN WHOSE FATHER, DEAN MALOTT, IS A FORMER CHANCELLOR AT THE UNIVERSITY OF KANSAS, SAID - 'AS FAR AS I KNOW, NEITHER ONE OF THOSE ISSUES HAS EVER INFLUENCED A PLANT LOCATION DECISION IN OUR COMPANY.'

MALOTT WENT ON TO SAY THAT, IF LAWMAKERS WANT TO IMPROVE THE STATE'S IMAGE WITH U.S. BUSINESS AND INDUSTRIAL LEADERS, THEY SHOULD ADDRESS THE PRESENT TAX BURDEN ON BUSINESS, WHICH IS THE PRINCIPAL FACTOR THAT ENCOURAGES OR DISCOURAGES A BUSINESS FROM LOCATING IN ANY STATE.

SENIOR VICE-PRESIDENT JAMES O'NEAL, OF FRITO-LAY, WHICH RECENTLY COMPLETED, IN TOPEKA, THE BIGGEST EXPANSION EVER MADE BY THAT CORPORATION IN ANY STATE, SAID THEY FOUND IN TOPEKA, "A WORK FORCE THAT EXUDES THE SAME LEVEL OF PRIDE THAT FRITO-LAY HAS IN ITS PRODUCTS."

IT IS ONLY A MATTER OF COMMON SENSE THAT LOWER CONSUMPTION OF ALCOHOL WILL RESULT IN FEWER ALCOHOLICS. AN ORGANIZATION NAMED "SINGLE STATE ALCOHOLISM AUTHORITIES" REPORTED IN 1977 THAT KANSAS HAD 2,591 ALCOHOLICS PER 100,000 PERSONS AGE 15 AND OLDER, WHILE THE NATIONAL AVERAGE WAS 6,919. THIS DIVIDES OUT TO 1 IN 14 PERSONS AGE 15 AND OLDER IN THE UNITED STATES BEING ALCOHOLIC, WHILE ONLY 1 IN 38 PERSONS AGE 15 AND OLDER IN KANSAS ARE ALCOHOLIC.

AS WILLIAM ALLEN WHITE POINTED OUT, LESS CONSUMPTION OF ALCOHOL CONTRIBUTES TO MANY ECONOMIC BENEFITS. AMONG THESE ARE:

1. LOWER TAXES-

ON OCTOBER 30, 1980, PROFESSOR GLENN W. FISHER OF WICHITA STATE UNIVERSITY SPOKE TO THE DOWNTOWN TOPEKA ROTARY CLUB. HE PRESENTED MATERIAL THAT SAID, " KANSAS STATE AND LOCAL GENERAL REVENUES AS A PERCENT OF PERSONAL INCOME ARE WELL BELOW THE U. S. AVERAGE AND THE AVERAGE OF NEIGHBORING STATES.....ONLY KANSAS HAS HAD A NEGATIVE GROWTH RATE IN TAXES AS A PERCENT OF PERSONAL INCOME."

THE ATWOOD PIONEER, A NEWSPAPER IN RAWLINS COUNTY, KANSAS, PRINTED A DESCRIPTION OF THEIR AREA ON OCTOBER 23, 1879, WHICH SAID, IN PART:

"IN ADDITION TO GOOD SOIL, A GOOD SUPPLY OF WATER AND

TIMBER, AND PROSPECTIVE RAILROAD PRIVILEGES, WE MAY ADD ALSO THAT THE PROPRIETORS OF ATWOOD HAVE INFORMED US THAT IN NO CASE WILL THEY ALLOW THE TRAFFIC IN ALCOHOLIC LIQUORS TO ENTER THE TOWN, AND THERE WILL BE NO TROUBLE, UNDER KANSAS LAWS, IN KEEPING IT OUT OF THE COUNTY. THIS WILL LIGHTEN THE TAXES AT LEAST 50%, AS IT HAS DONE WHEREVER PROHIBITION HAS BEEN ESTABLISHED."

2. FEWER CIRRHOSIS DEATHS-

ALCOHOLISM EXPERTS AGREE THAT CIRRHOSIS DEATHS ARE AN INDICATION OF THE NUMBER OF ALCOHOLICS IN ANY STATE. IN 1975, KANSAS HAD 8.8 CIRRHOSIS DEATHS PER 100,000 POPULATION. THE NATIONAL AVERAGE WAS 15.0.

3. LOWER AUTO INSURANCE RATES-

ACCORDING TO RESEARCH RECEIVED FROM THE KANSAS DEPARTMENT OF INSURANCE IN 1978, KANSAS HAD THE LOWEST AUTO INSURANCE RATES IN THE NATION BASED ON POPULATION DENSITY. ONLY NEBRASKA AND NORTH DAKOTA RANKED BELOW US IN ACTUAL DOLLARS PAID FOR LIKE POLICIES, BUT THOSE STATES HAD A LOWER POPULATION DENSITY, SO THEIR RISK OF ACCIDENT WAS LESS.

4. BETTER PUBLIC HEALTH-

USING DEATH RATES, DEATHS DUE TO MOTOR VEHICLE ACCIDENTS,

AND FROM A COMBINED GROUP OF HEART DISEASE, CANCER AND STROKE, THE KANSAS MEDICAL SOCIETY FOUND HAWAII TO BE THE HEALTHIEST STATE IN 1973, WITH KANSAS RUNNING A CLOSE SECOND.

PROPONENTS OF THE MEASURE YOU ARE CONSIDERING TODAY ARE SAYING THAT OUR LIQUOR LAWS ARE "HYPOCRITICAL", AND THAT WE ALREADY HAVE OPEN SALOONS. ACCORDING TO THE KANSAS SUPREME COURT, AN "OPEN SALOON" IS:

A PLACE WHERE LIQUOR BY THE DRINK IS GIVEN AWAY OR SOLD TO THE PUBLIC FOR CONSUMPTION BY THE DRINK ON PREMISES OPEN TO THE PUBLIC.

IN NO WAY DOES THIS OFFICIAL DEFINITION DESCRIBE OUR PRESENT CONDITION.

ALL 50 STATES HAVE PRIVATE CLUBS WHERE MEMBERS AND GUESTS PURCHASE AND CONSUME LIQUOR BY THE DRINK ON PREMISES NOT OPEN TO THE PUBLIC. I BELONG TO SUCH A PRIVATE CLUB AND I BELIEVE THAT THE OWNERS AND OPERATORS OF SUCH CLUBS WILL BE MUCH MORE CONCERNED OVER THE CONDITION IN WHICH THEIR CUSTOMERS LEAVE THE PREMISES THAN WOULD THE OWNERS OF OPEN SALOONS. CERTAINLY THE PROBLEMS OF LAW ENFORCEMENT AGENCIES WOULD BE GREATLY INCREASED IF THOUSANDS OF ADDITIONAL PLACES SERVING LIQUOR WERE IN OPERATION.

WE HAVE SUCH PRIVATE CLUBS ONLY BECAUSE THE LIQUOR INTERESTS, ALWAYS IN PURSUIT OF MORE SALES OF THEIR PRODUCT, HAVE SUCCEEDED

OVER PAST YEARS IN GRADUALLY BREAKING DOWN OUR LAWS PROHIBITING THE SALE OF LIQOUR. IF THERE IS ANY "HYPOCRISY" IN OUR LAWS, IT IS ONLY BECAUSE THE LIQOUR INTERESTS HAVE MADE A HODGE-PODGE OF OUR LAWS, BY BEING WILLING TO ACCEPT LESS FROM EACH LEGISLATURE THAN THEY REALLY WANTED IN ORDER TO BREAK DOWN THE PROTECTION WHICH WE HAD SO PAINSTAKINGLY MAINTAINED SINCE THE FORMATION OF OUR STATE.

OVER A PERIOD OF SEVERAL DECADES SINCE THE FOUNDING OF OUR STATE, THOUSANDS OF LOYAL KANSANS HAVE CAMPAIGNED FOR LAWS TO CONTROL THE DISTRIBUTION AND CONSUMPTION OF ALCOHOL. IT IS THROUGH THEIR DEDICATED EFFORTS THAT THE STATE OF KANSAS HAS ENJOYED THE MANY BENEFITS OF LOWER ALCOHOL CONSUMPTION. UNFORTUNATELY, I KNOW OF NO STATISTICS WHICH WOULD INDICATE THE NUMBER OF LIVES WHICH HAVE BEEN SAVED ON OUR HIGHWAYS DURING THOSE YEARS, BUT I BELIEVE THAT HUNDREDS, PERHAPS THOUSANDS, OF KANSANS ARE ALIVE TODAY WHO WOULD NOT BE IF HAD NOT BEEN FOR THESE UNTIRING EFFORTS TO MAKE KANSAS A BETTER PLACE IN WHICH TO LIVE.

IN CLOSING, I WOULD LIKE TO REMIND THE MEMBERS OF THIS COMMITTEE THAT A CIVILIZED SOCIETY IS A DELICATE BALANCE OF ALL THOSE FACTORS WHICH TEND TO THE BETTERMENT OF THAT SOCIETY AS A WHOLE. THE QUALITY OF LIFE IN KANSAS CAN NOT BE LEFT TO THE MERCIES OF AN UNFETTERED PURSUIT OF PROFIT BY THOSE WHO DEAL IN ALCOHOL. IT IS THE AWESOME RESPONSIBILITY OF OUR LAWMAKERS TO

WEIGH THESE FACTORS AND PASS LAWS WHICH WILL RESULT IN THE MOST GOOD FOR THE MOST PEOPLE.

WHEN ANY FACTOR IS KNOWN TO CONTAIN INHERENT DANGERS TO SOCIETY AS A WHOLE, LAWS ARE PASSED, OR SHOULD BE, TO MINIMIZE THAT FACTOR, AND ITS RESULTS. MURDER USUALLY AFFECTS ONLY ONE OR TWO PERSONS AT A TIME, BUT WE KNOW IT IS INHERENTLY DANGEROUS TO SOCIETY AS A WHOLE. DRUGS, OF WHICH ALCOHOL IS THE MOST WIDELY USED, WHILE AFFECTING ONLY INDIVIDUALS, RESULT IN A MUCH MORE WIDE-SPREAD DANGER TO SOCIETY AS A WHOLE, AND OUR LAWS SHOULD BE SO FRAMED THAT USAGE OF DRUGS - IN THIS CASE, ALCOHOL - IS BEING CONSTANTLY REDUCED, SO THAT ITS EFFECTS ON OUR SOCIETY CAN BE DIMINISHED.

HISTORIANS NOW AGREE THAT ONE OF THE PRIMARY CAUSES OF THE DECAY AND DEATH OF THE ROMAN EMPIRE, ONE OF THE WORLD'S GREATEST, WAS THE FACT THAT THEY WERE POISONING THEMSELVES BY RUNNING THEIR WATER THROUGH LEAD PIPES.

IT APPEARS TO ME, AND MANY OTHERS, THAT OUR SOCIETY IS LIKEWISE ENGAGED IN POISONING ITSELF, IN SPITE OF ALL OUR TECHNOLOGICAL ADVANCES, WITH ALL MANNER OF DEATH-DEALING DRUGS, OF WHICH ALCOHOL IS THE MOST WIDELY USED. A MAJORITY OF KANSANS ASK YOU TO JOIN WITH THE TREND AGAINST INCREASED ALCOHOL CONSUMPTION, WHICH IS NOW BEING WIDELY ADVOCATED BY GROUPS OF VARIOUS BACKGROUNDS ACROSS OUR NATION. PLEASE VOTE "NO" ON SCR 1605.

THANK YOU.

Kansans for Effective Liquor Control

P.O. Box 2144 • 117 West 10th Street • Topeka, Kansas 66601
913/232-0890 or 913/232-0899

Jerry Shelor
Executive Director

Recently you signed one of our petitions for your right to vote. MANY REPRESENTATIVES ARE STILL UNDECIDED ON THIS MATTER. Your representative, REPRESENTATIVE [REDACTED] will be voting on your right to vote on liquor by the drink within the next few days.

REPRESENTATIVE [REDACTED] needs to personally hear that you want the right to vote.

To keep democracy alive in Kansas you must do one or two things TODAY! (You can do both.) It will take you less than 15 minutes to write or call and speak up for our constitutional right.

FOR MORE IMPACT PLEASE SEND A COPY OF YOUR LETTER TO YOUR LOCAL NEWSPAPER.

The best time to call the State Capitol is between the hours of 9:00 AM and 11:00 AM. If you call and the line is busy or your representative is unavailable, leave your name and number and ask him to return your call. DON'T GIVE UP! 15 to 20 phone calls or letters on any subject matter often change a representative's mind on an issue.

Please act today!

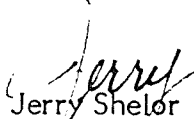
Article 14.—CONSTITUTIONAL AMENDMENT AND REVISION

§ 1. Proposals by legislature; approval by electors. Propositions for the amendment of this constitution may be made by concurrent resolution originating in either house of the legislature, and if two-thirds of all the members elected to each house shall approve such resolution, the same, with the yeas and nays thereon, shall be entered on the journal of each house. The secretary of state shall cause such resolution to be published in one newspaper in each county of the state where a newspaper is published, once each week for five (5) consecutive weeks immediately preceding the next election for representatives, or preceding a special election called by concurrent resolution of the legislature for the purpose of submitting constitutional propositions. At such election, such proposition to amend the constitution shall be submitted either by title generally descriptive of the contents thereof, or by the amendment as a whole, to the electors for their approval or rejection.

- 1st Step - If lawmakers approve a proposition to amend which is the resolution;
- 2nd Step - Such proposition to amend shall be submitted to the electors.

Lawmakers do not vote to submit a change. If they approve the change, it shall be submitted.

Respectfully yours,


Jerry Shelor

The right of people and right of lawmakers to vote on amendments is guaranteed by the Constitution. According to the Kansas Supreme Court, V 207 p 651-4, the legislature may "initiate any change" and "in proposing and agreeing to amendments" is making "a request for a change", asking the people to approve or reject what lawmakers have already approved because "it is the right of every elector to vote on amendments to our Constitution in accordance with its provisions."

3/5/85
Attach m

ince 1933, liquor dealers have a record of contempt for law and do all they can circumvent it. Promoters of this popular recreational drug are asking you to circumvent the highest law of the land, our Constitution. And they are doing it in such a clever, deceptive, and dishonest way. The public is being used by them to bring pressure on you to be disloyal to your oath to uphold the Constitution.

According to Article 14 of our Constitution, two steps are required for amendment:
First Step - IF THE LEGISLATURE SHALL APPROVE A PROPOSITION FOR AMENDMENT,
Second Step- THE SECRETARY OF STATE SHALL CAUSE SUCH PROPOSITION TO AMEND TO BE SUBMITTED TO THE ELECTORS FOR THEIR APPROVAL OR REJECTION.

Lawmakers who want the change vote YES at the First Step. Voters who want the change vote YES at the Second Step.

But liquor promoters have a problem at the First Step. It is difficult to find good reasons for promoting increased use of our most abused, so they want to circumvent the First Step by claiming you are merely voting for the right of people to vote on it.

To prove how effective the liquor lobby has been in promoting this deception, listen to remarks by persons who received this letter:

"I have not made available, to myself, the details concerning this matter, but I do know I never want to lose my right to vote on any given matter. I trust you as my representative to keep alive my privilege to vote in this state and nation."

"I would like my right to vote on this but am undecided which way to vote as we spend so much money trying to cure alcoholics."

These people are being used by the multi-billion dollar recreational drug industry to make it more convenient for more Kansans to drink more liquor in more places on more occasions and drive away.

Liquor lobbyist Shelor claims, "To keep democracy alive in Kansas you must" demand your Representative vote YES for public liquor by the drink.

Does he not know we have a republican form of government? A pure democracy would have a computer terminal in every house and as issues flash on the screen, the people would push the green or red button as you do on the floor of the House.

In a republican form of government, the people elect you to use your intelligence, seek all the facts, and vote for what is best for Kansas.

Kansans have voted on public liquor by the drink every two years. Citizens who want less consumption and safer highways vote for candidates who are not in favor of public liquor by the drink.

Liquor promoters claim we do not trust the people, they claim we do not believe the people have enough intelligence to vote on it, and they call for the right of the people to vote. But look at the other side of that. They are saying you do not have enough intelligence to vote on the merits of SCR 1605, they do not trust you to vote on the merits of the issue, and they believe you do not have the right to vote on the merits of open saloons.

The easy way out for any lawmaker is to cave in to this deceptive and dishonest tactic by the liquor promoters. People are confused and it is difficult to straighten them out when the news media over and over is saying the only issue is the right to vote.

But you have to live with yourself. If your vote for public liquor by the drink brings increased numbers of outlets, increased numbers of drinking drivers on the highway, increased numbers of new alcoholics, additional deaths due to cirrhosis, then the price you must pay for putting Kansas first is to face the public and explain to them they are being used by the hotel-restaurant-liquor sellers who want more dollars in their pockets.

Testimony of J. Elwood Slover

Re: Parimutual Amendment

My name is J. Elwood Slover and I am a retired professor of Law from Washburn University. My purpose in being here today is to discuss with you the procedure under the Constitution of Kansas for amending the Constitution by resolution of the legislature. I should hasten to tell you that one of the courses I taught at Washburn Law School was the course in legislation.

The Constitution provides as follows: "Propositions for amendment of this Constitution may be made by concurrent resolution originating in either house of the legislature, and if two-thirds of all members elected (or appointed) and qualified of each house shall approve such resolution (emphasis added) the Secretary of State shall cause such resolution (emphasis added) to be published in the manner provided by law. At the next election for representatives or a special election called by concurrent resolution of the legislature for the purpose of submitting constitutional propositions, such proposition to amend the Constitution (emphasis added) shall be submitted both by title and by the amendment as a whole to the electors for their approval or rejection."

The first thing to be noted, and that explains why I added emphasis to certain language of the Constitution, is that the resolution you will be voting upon is not a simple resolution to let the voters decide whether they want parimutual in Kansas. The resolution will be one carrying the very language of the proposed constitutional amendment and when you vote upon the resolution you will be recommending or rejecting that constitutional change. In other words, a positive vote on the resolution by you will be a vote saying, "I approve of this constitutional change and recommend it to my constituents."

I am told that those favoring parimutual betting are falsely stating to you that your positive vote is to be taken only as your willingness to let the voters decide. I submit, however, that you have a weighty role in the matter of constitutional changes in Kansas. Look at it this way. What is the more weightier matter -- a statute enacted by a bill or an amendment of the state constitution? If you enact legislation which you later determine not to be in the best interests of Kansas you can always correct your mistake in the next session of the legislature. If you resolve to amend the constitution and the voters approve, it is not an easy matter to return to the law as it was before the amendment was made. Since this is such a weighty matter surely you should give it no less attention than you would a bill. That includes not only holding hearings and taking testimony in committee but voting your conscience and best judgment on whether the amendment would be good for Kansas.

Justice Brewer in an old case before the Kansas Supreme Court (The Prohibitory Amendment Cases 24 Kansas 711) capsulized my interpretation of the Constitution in this manner. He said that the amending process through concurrent resolution bears great similarity to the process by which a committee of the legislature brings a bill from committee to the whole body of the legislature. He said, "It presents, it recommends but it does not decide." (emphasis added) In other words, a bill ordinarily doesn't get onto the floor of the legislative body unless, after thorough investigation the majority of the committee favor the passage of the bill.

As I mentioned earlier, those favoring parimutual are now saying, "Your positive vote only indicates your willingness for the people to decide." What do you suppose they will be saying come November if the proposition is on the ballot? They will surely tell the voters that you gave this matter the weighty consideration that it deserved and in your wisdom determined it was good for Kansas. They will then urge the voters not to go against what you so carefully considered as was your duty under the Constitution. If I were in your shoes, I would be embarrassed to admit that I didn't give serious consideration and vote my best judgment and conscience on such a weighty matter.

I hope you will recall your oath to uphold the Constitution of Kansas and give this matter the consideration it so clearly deserves. If you think parimutual is good for Kansas then it is your constitutional duty to submit the matter for vote of the people. If you do not think it is good for Kansas, your oath of office demands that you vote against a resolution submitting a proposed amendment for vote of the people.

OL' KANSAS
BAR NONE SALOON

A STEP IN THE
WRONG DIRECTION



Attack N

Attack N
3/5/85

D. MUSICK

"Alcohol is a drug. It is the No. 1 drug of abuse in our society. Its only close rival is tobacco."

JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION
October 12, 1984 (Page 1911)

"it has been amply documented that death, sickness, social disruption, and economic loss result from excess alcohol consumption and that this is in proportion to its relative cost and availability."

AMERICAN COLLEGE OF SURGEONS BULLETIN
October, 1983

"research findings suggest that both educational approaches and laws and regulations contribute to a reduction of alcohol problems. . . What is becoming eminently clear from previous and recent research is that a combination of diverse strategies must be employed. . . researchers are convinced that the regulation of supply, legal and educational approaches to drinking practices. . . are part of a broad and coordinated approach."

FIFTH SPECIAL REPORT (the most recent) TO THE U.S. CONGRESS ON ALCOHOL AND HEALTH FROM THE SECRETARY OF HEALTH AND HUMAN SERVICES

Dr. David Robinson, senior lecturer in sociology at London's Institute of Psychiatry, said, "The prevention of alcohol problems is, at heart, a political issue. The fact that alcohol is still getting cheaper year by year is a scandal of political irresponsibility, as is the fact that European Economic Community policies on production, distribution, and taxation of alcohol have been pursued without any consideration of their effects on health and welfare."

THE JOURNAL, November 1980
Addiction Research Foundation, Toronto, Ontario, Canada

KANSANS FOR LIFE AT ITS BEST encourage lawmakers to vote for less alcoholism by keeping the price up and availability down.

Governor Carlin calls it "playing games."

World wide research calls Governor Carlin's position "a scandal of political irresponsibility."

Until we accept alcoholism "as an essentially political problem, for everyone and our legislators in particular, we shall never tackle the problem effectively."

ALCOHOLISM: A MEDICAL OR A POLITICAL PROBLEM?

British Medical Journal, February 10, 1979

Dr. R. E. Kendell, Professor of Psychiatry, Royal Edinburgh Hospital

"Two types of prevention policies hold considerable promise: The first regulates the availability of alcohol." (Page 78)

THE 1982 REPORT ON DRUG ABUSE AND ALCOHOLISM

To Governor Carey of New York

By Joseph A. Califano, Jr.

"A myth grew up that people consumed more alcohol during prohibition than before, suggesting that the closer one got to control, paradoxically the greater the drinking problem would become. To point out that death rates from cirrhosis of the liver, for example, plummeted during prohibition and rose gradually thereafter was to open the speaker to charges of favoring prohibition."

WALL STREET JOURNAL, June 25, 1984

Dr. David F. Musto, Professor of Psychiatry
Yale University School of Medicine

"The quantity of alcohol consumption and the rates of problems varying with consumption can, however, be markedly reduced by substantial increases in real price and reductions in the ease of availability." (page 64)

ALCOHOL & PUBLIC POLICY: Beyond the Shadow of Prohibition
National Academy Press, Washington, D. C. 1981

Dr. Robert Kendell, Professor of Psychiatry at the Royal Edinburgh Hospital, said the amount (of alcohol) consumed was largely determined by government policy on issues including opening hours, the number of outlets for drink and, most important, price. . . Professor Kendell said there was "abundant evidence" that the ill-effects of drink were linked to consumption. . . A detailed study in Scotland covering three years when the real price of drink rose showed that heavier and dependent drinkers cut their consumption by at least as much as moderate and light drinkers.

THE TIMES OF LONDON
November 29, 1984

"Here we have an example (in Poland), almost alone among industrialised countries, of a major social movement in the modern era taking up alcoholism in the way in which workers' movements would have taken up alcoholism as an issue in the 1900s, in a number of European countries.... One of the first demands of Solidarity after the Gdansk strikes of August 1980, was for reduction in the availability of alcohol. ... In fact, the government and Solidarity competed with each other to claim credit for having imposed the initial bans during the strike of Aug. 1980."

TWENTY EIGHTH INTERNATIONAL INSTITUTE on the
PREVENTION AND TREATMENT OF ALCOHOLISM, Munich, Germany
Address by Dr. Robin Room, Ph.D.

"Problems relating to alcohol consumption, including health, social and economic consequences, constitute serious hazards for human health, welfare and life, and that it is necessary, therefore, for Member States to pay greater attention to these problems. Member States should take all appropriate measures to reduce the consumption of alcohol among all sectors of the population, but especially among young people, adolescents and pregnant women."

Portion of Resolution passed by the
THIRTY-SECOND WORLD HEALTH ASSEMBLY

(Governor Carlin and other alcohol defenders use the phrase "alcohol abuse" in order to escape responsibility for their promotion of alcohol consumption.
Alcohol consumption is the problem.)

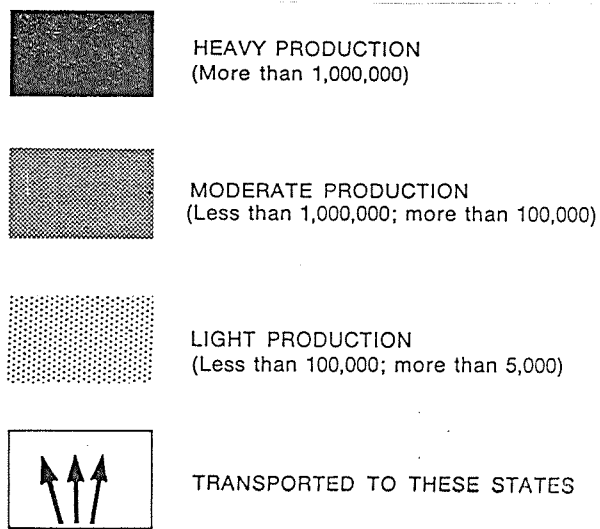
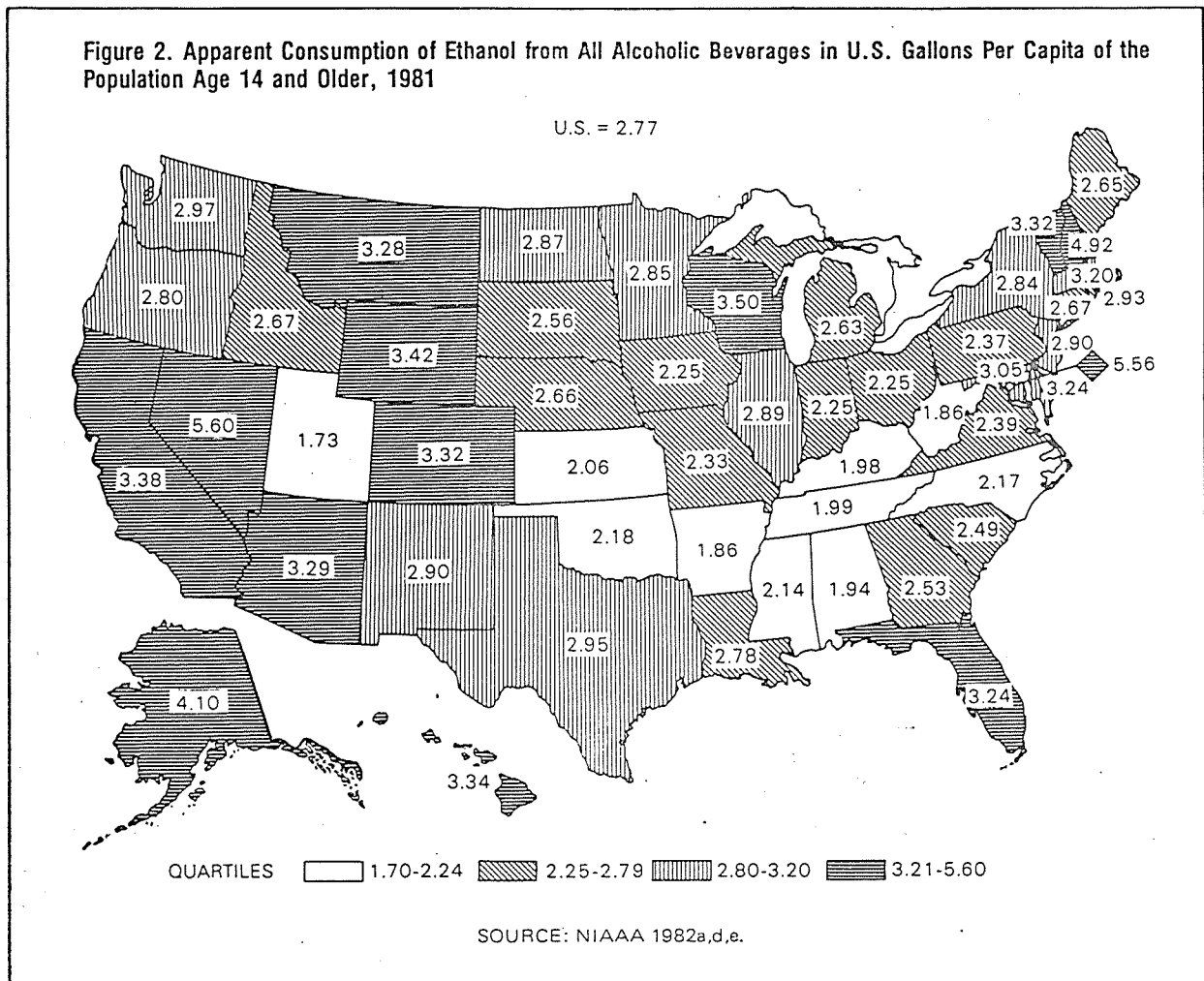
"There is ample scientific evidence that the damage caused by the consumption of alcohol beverages is closely related to the level of consumption both of individuals and the population as a whole. Indices of alcohol-related damage, biomedical as well as psychosocial, tend to rise when per capita consumption rises."

WORLD HEALTH ORGANIZATION EXPERT COMMITTEE REPORT

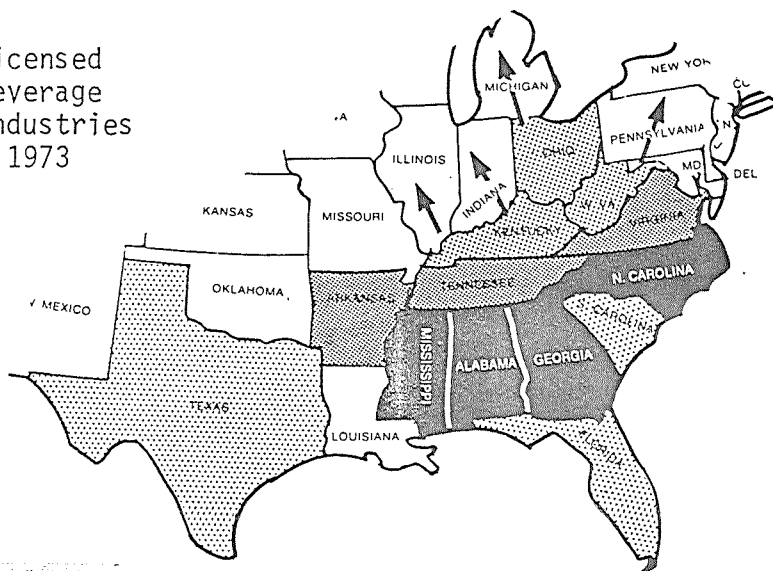
"More liberalization means greater use of alcohol, and greater prevalence of disease and death as a consequence. Even though the specific components of liberalization - such as permitting alcohol at sidewalk cafes and park picnics - might seem innocuous in themselves."

CHANGING DRINKING PATTERNS IN ONTARIO - Some Implications
Addiction Research Foundation of Ontario

Per person use of cigarettes in Kansas equals the national average. We are down at the bottom with Utah in per person use of our most abused drug when moonshine in other states is considered. Cigarettes are available in Kansas the same as in other states. Alcohol is not. Law makes the difference.



Licensed Beverage Industries 1973



Moonshine Production and Transportation

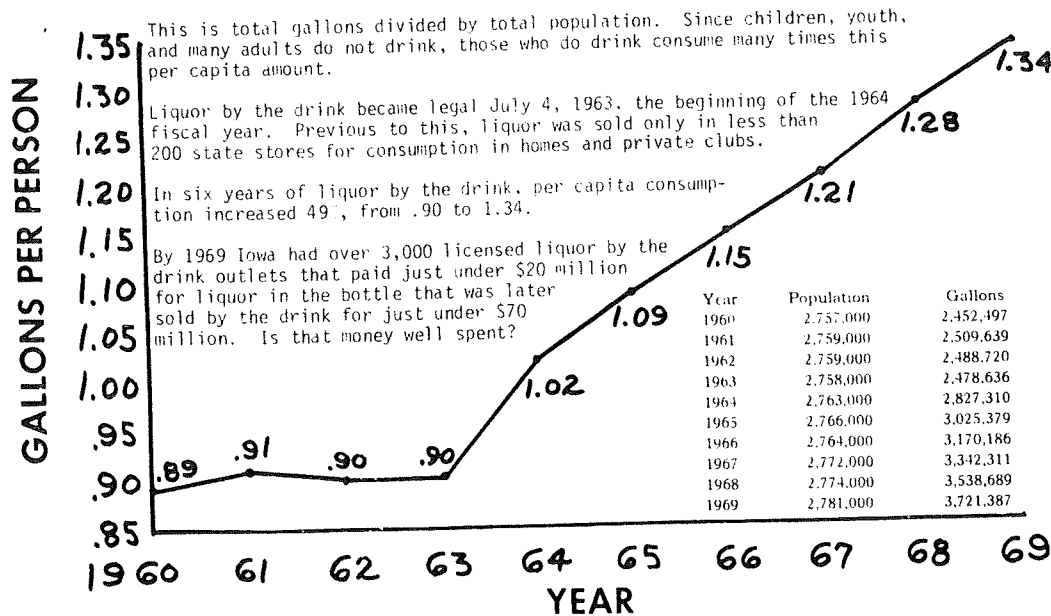
The Distilled Spirits Institute, the trade association of the liquor industry, publishes an annual report. On page 12 of their 1968 Annual Report appears the following:

Uninformed persons often say Kansas drinkers would drink less if they could buy a drink rather than buy a bottle. The first year of liquor by the drink in Iowa cities and counties indicates state-wide sales by the bottle dropped very little and sales by the drink caused consumer dollars spent for alcoholic liquor to nearly double. Per person consumption rose sharply.

This reinforces what Norman Manha, Western Director of the National License Beverage Association, said in an A. P. story out of New York in May of 1976 - "motorists stop for a drink in a tavern, then buy a bottle at a package liquor store." Liquor by the drink consumption is in addition to liquor by the bottle consumption.

PER CAPITA CONSUMPTION OF DISTILLED SPIRITS AND WINES IN IOWA

Source: Iowa State Liquor Control Commission
Statistical Abstracts, Bureau of the Census



Those pushing for liquor by the drink in Kansas have explained increased per capita consumption by saying that persons in Iowa started buying all their alcohol at home instead of going out of state to get it. This could account for some of the FIRST year increase, but would have no bearing on later years.

Second, it served as the guiding beacon behind the scenes in voting which brought legal sales by the drink to more than 70 areas in six states with a composite population in excess of 2.5 million persons. Third, it furnished publicity and advertising material, combined with technical advice, which enabled more than 80 counties and cities, populated by in excess of 7.7 million residents, to repeal obsolete Sunday sales prohibition in four states."

MILLIONS OF CONSUMER DOLLARS SPENT FOR ALCOHOLIC LIQUOR
(SOURCE: Iowa State Liquor Control Commission, year ends June 30)

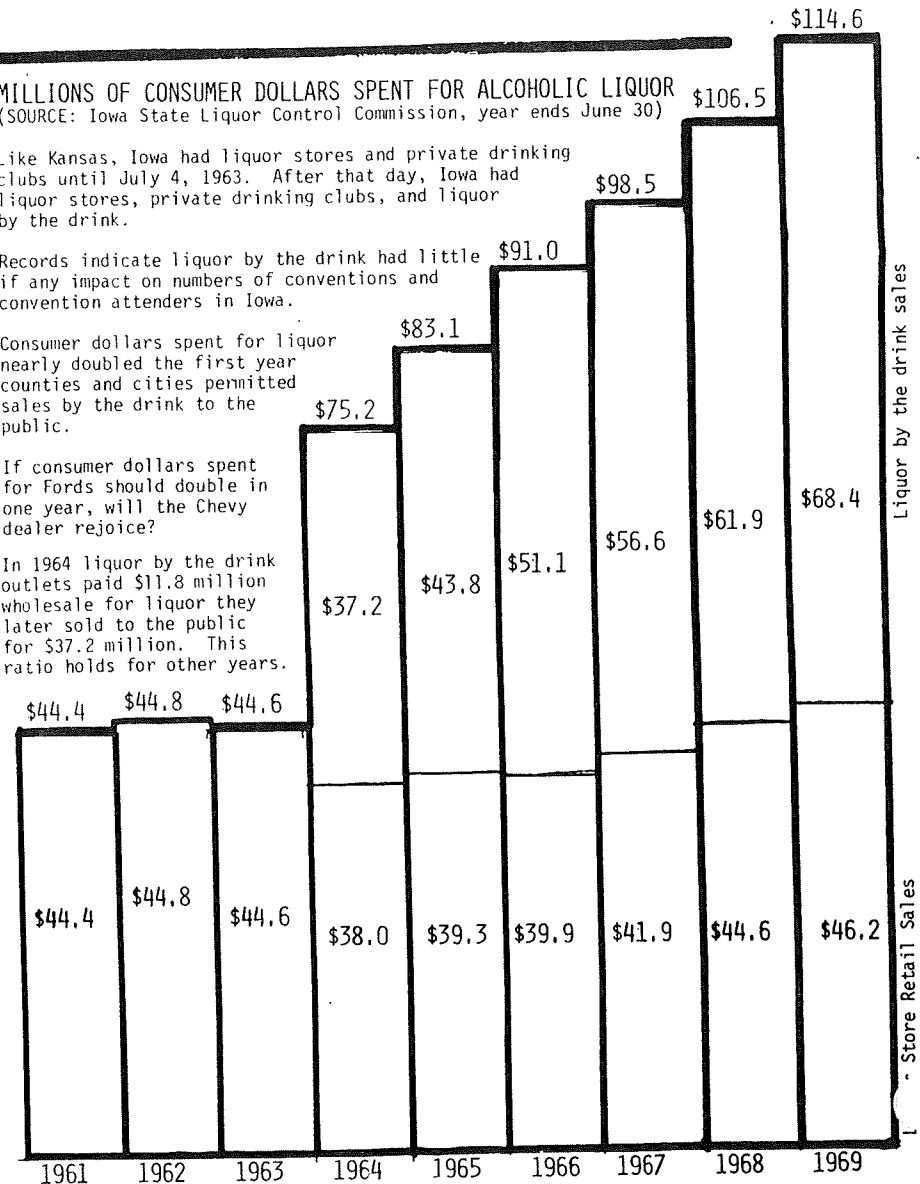
Like Kansas, Iowa had liquor stores and private drinking clubs until July 4, 1963. After that day, Iowa had liquor stores, private drinking clubs, and liquor by the drink.

Records indicate liquor by the drink had little if any impact on numbers of conventions and convention attenders in Iowa.

Consumer dollars spent for liquor nearly doubled the first year counties and cities permitted sales by the drink to the public.

If consumer dollars spent for Fords should double in one year, will the Chevy dealer rejoice?

In 1964 liquor by the drink outlets paid \$11.8 million wholesale for liquor they later sold to the public for \$37.2 million. This ratio holds for other years.



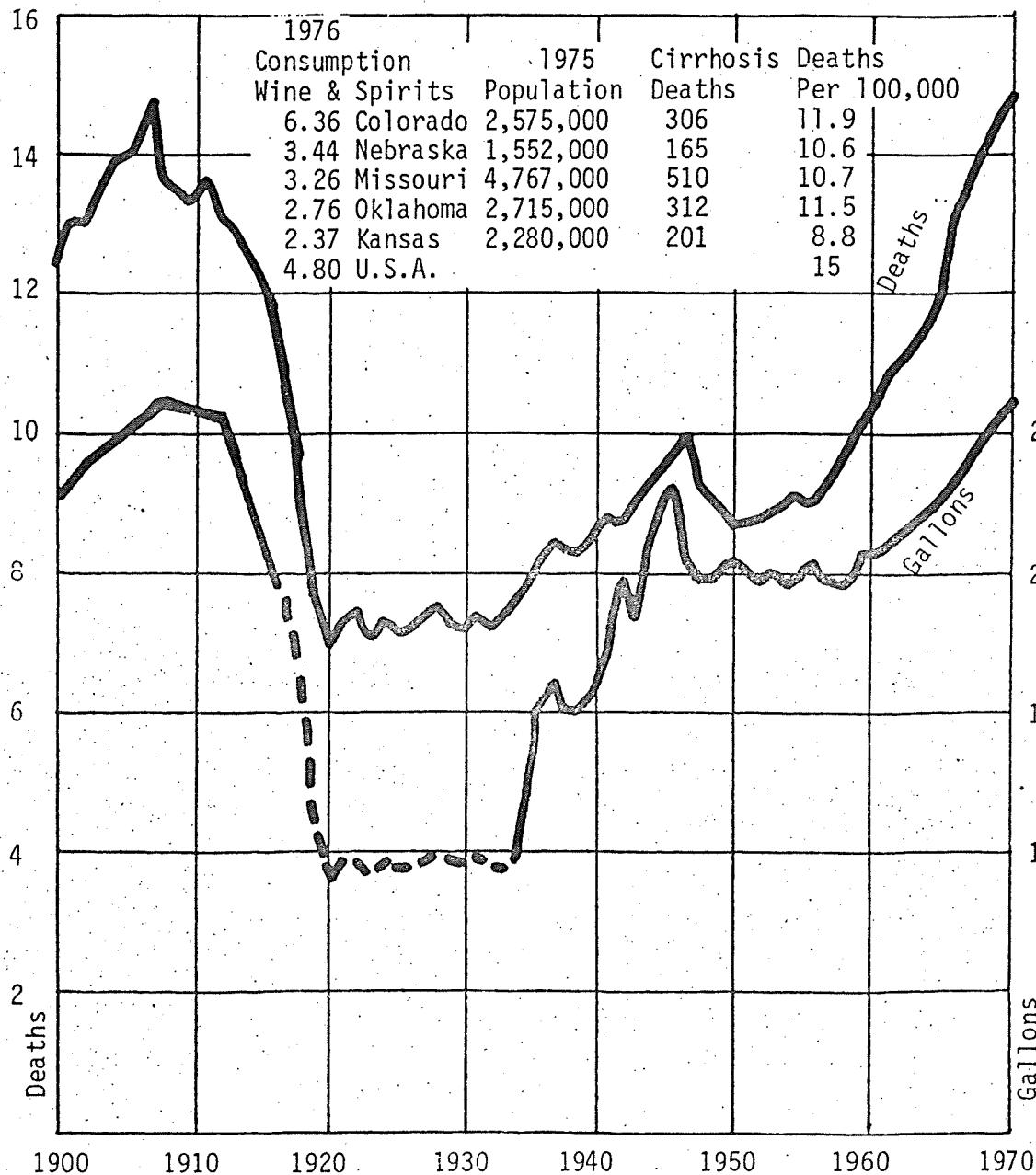
Cirrhosis Deaths per 100,000 population. (Age Adjusted)

National Center for Health Statistics.

The Jellinek Estimation Formula bases cases of alcoholism in direct proportion to deaths from cirrhosis.

Note the close relationship of consumption to deaths.

Cirrhosis deaths reached a high of 14.8 in 1907, dropped to an all time low of 7.1 in 1920 and 1923. During 1970 cirrhosis deaths were 14.7 and in 1973 reached an all time high in our nation's history.



Annual Consumption of Absolute Alcohol from Beer, Wine, & Spirits.

Gallons per person Age 15 and older.

2.50 ALCOHOL & HEALTH HEW Report to Congress

(Relative to cirrhosis deaths, dashed line indicates apparent consumption during Prohibition years)

Consumption reached a high of 2.60 during 1906-10. It was at an all time low of .97 following national Prohibition. In 1970 it hit 2.61, a new high in our nation's history.

Social drinkers who hate hypocrisy will not be offended with this simple statement of fact. Prohibition of heroin and marijuana is opposed by those who like the way it makes them feel and by those who profit from pushing the drug. Prohibition of alcohol is opposed by those who like the way it makes them feel and by those who profit from pushing the drug, but there is little doubt that from 1920 to 1933, per person consumption and alcoholism was at the lowest level in our nation's history.

Lawmakers from districts where the people voted YES in 1970 and 1978 claim they must represent their people and vote YES for open saloons.

Lawmakers from districts where the people voted NO in 1970 and 1978 claim they must vote YES for open saloons because the people have the right to vote on it.

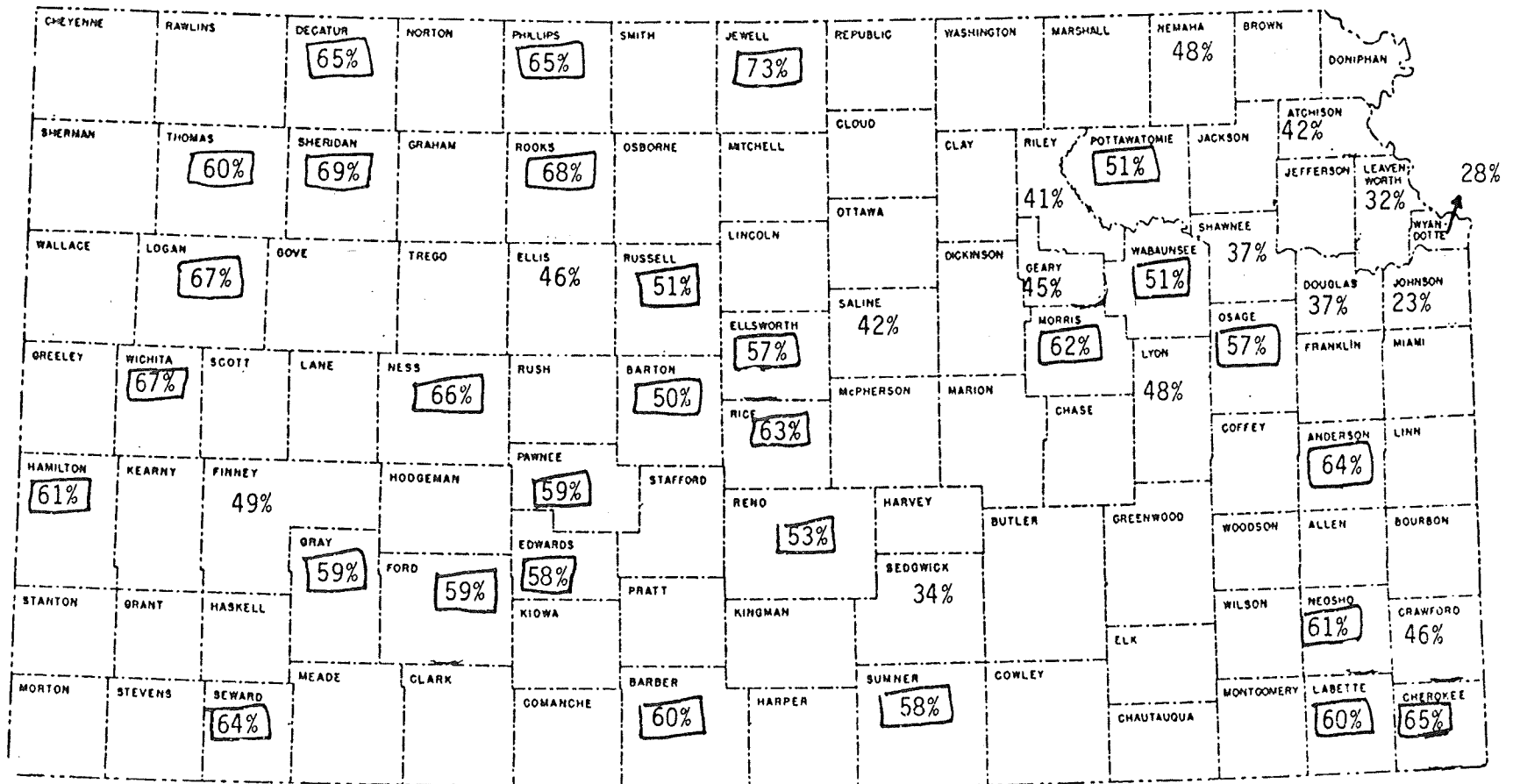
"Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion." - Edmund Burke, November 3, 1774

Every lawmaker has one good reason for voting NO on open saloons, NO increase in outlets for drivers to drink before driving, NO increase in consumption and additional new alcoholics, NO increase in the use of our most abused drug.

Most lawmakers have two good reasons for voting NO. In 1978 it was very easy by petition to place on the county ballot the issue of public liquor by the drink in restaurants doing 50% or more of their business in food.

Out of 105 counties, only 45 wanted to vote on it. At the general election on November 7, 1978, 30 counties voted NO. Lawmakers from districts with counties that did not want to vote on it and counties that voted NO will want to vote NO also.

Map below indicates percent of NO votes for each county that wanted to vote. This is boxed in for counties that voted NO. 36% voted NO in Ellis county in 1970. 46% voted NO in 1978. They were better informed.



Introduced by Senators Dills and Gregorio

February 22, 1977

Senate Concurrent Resolution No. 25—Relative to alcoholic beverage club licenses.

LEGISLATIVE COUNSEL'S DIGEST

SCR 25, as introduced, Dills. Alcoholic beverage club licenses.

This measure resolves that the Legislature withhold passage of legislation dealing with the creation of new categories of alcoholic beverage club licenses during the 1977-78 Session of the Legislature.

Fiscal committee: no.

1 WHEREAS, There are currently more than 25
2 different authorized categories of private club alcoholic
3 beverage licenses which can be issued in the State of
4 California; and

5 WHEREAS, These categories range from national
6 fraternal orders, tennis clubs, press clubs, peace officer
7 clubs, National Guard clubs, to religious clubs; and

8 WHEREAS, A survey conducted by a legislative
9 committee in 1974 indicated that the Department of
10 Alcoholic Beverage Control had issued what amounted to
11 almost a 100 percent increase in the number of such
12 licenses in a 10 year period; and

13 WHEREAS, The Senate Governmental Organization
14 Committee has recently concluded an interim study
15 relative to the entire subject of alcoholic beverage club
16 licenses and has concluded that much reform is needed
17 in the area; and

18 WHEREAS, There is legislation currently pending
19 which would result in a major revision of statutes dealing
1 with alcoholic beverage club licenses; now therefore, be
2 it

3 *Resolved by the Senate of the State of California, the*
4 *Assembly thereof concurring,* That passage of legislation
5 dealing with the creation of new categories of alcoholic
6 beverage club licenses be withheld during the 1977-78
7 Session of the Legislature.

(1)

Around the Statehouse you often hear, "Isn't it disgusting that some lawmakers drink wet and vote dry?" This cliché is used by alcohol promoters to intimidate lawmakers who vote for less alcohol consumption and suffering. Because a lawmaker uses the drug is no reason he is required to push it. Laws are made by how lawmakers vote, not by how they drink. We encourage non-use and less use, but we commend all lawmakers who believe less suffering is more important than more dollars in the pockets of dealers in our most abused drug. X

Concerned lawmakers who take a drink at times and concerned citizens who take a drink at times acknowledge that liquor is available enough now. Public liquor by the drink, the BAR NONE open saloon, is a giant step in the wrong direction. X

"Alcoholism is the result of drinking increasing amounts of alcohol over a prolonged period of time." THE ALCOHOLIC AMERICAN by Blue Cross

"Alcohol is a drug. It is the No. 1 drug of abuse in our society. Its only close rival is tobacco." JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION

"So promising and straightforward is the simple syllogism of reducing alcoholism by reducing total social consumption." Bruce C. Vladeck, Ph. D.

The Fifth and most recent special report on ALCOHOL & HEALTH from the Secretary of Health and Human Services calls for a "broad and coordinated approach" in reducing alcohol consumption and related problems.

We believe this is a broad and coordinated approach, the R-E-A-L way to do it:

Rehabilitation - When alcoholics quit drinking, consumption drops. Research has found that addicted or dependent drinkers consume some 80% of all alcohol.

Education - When persons understand what the drug does to mind and body, many drink less and some quit. This reduces total consumption.

Amount - When persons choose not to start drinking and when drinkers cut down or cut out drinking, consumption drops.

Law - When the price is high and availability low, consumption is less.

Consumption nationwide is dropping, most of which is due to E and A. Hotel-restaurant-liquor sellers in Kansas want to offset this drop in sales by relaxing L. X

I have done my best to analyze this issue. If allowing current private clubs to become public liquor by the drink outlets would result in the same number of people drinking the same amount of liquor in the same number of places, we would not oppose SCR 1605. X

But if nothing will change, why is the hotel-restaurant-liquor selling lobby working so hard for the change? If consumption will not be encouraged, why was a wine and spirits lobbyist so happy when the Senate approved public liquor by the drink? X

At a time when concerned citizens in the United States and the world are calling for more effective liquor control laws, we have the height of hypocrisy when a group working hard for liquor sellers calls itself KANSANS FOR EFFECTIVE LIQUOR CONTROL. When those who are being controlled claim they want to help bring more effective control, when the fox wants to help control the henhouse, if inmates at Lansing organized a committee for better control of prison escapes, concerned persons smell a skunk - something stinks! X

(2)

If liquor sellers do not want to obey our private club law, will they become law abiding with public liquor by the drink? In every state since 1933, the liquor sellers have refused to obey control laws, and then claim if the law they do not like is repealed, they won't break it any more. When that law is repealed, they move on to another law they do not like and on and on. That is why liquor laws in every state are in such disarray.

Our private club law gives more effective control over our most abused drug than does wide open public liquor by the drink where customers walk in off the street, get drugged and walk back. Most private club operators have concern for members and guests. X

Attorney General Bob Stephan affirmed this in remarks made on WIBW TV, March 5, 1983, when he said, "We have very little problem with public corruption in Kansas. One of the reasons for that, for example, are the difficulties involved in opening liquor stores, in regulated private clubs, in the lack of commercial gambling. The cash flow that attracts so many problems just isn't here. And I'm glad." X

Persons staying at hotels are temporary members of the drinking club, so the only valid complaint the Governor has is the tourist driving down the highway. If a tourist can not purchase and consume liquor by the drink until checking into a motel that night, the highway will be safer for all!

Chamber of Commerce leaders often live in a fantasy world. They told people in Shawnee County that a new 5 million dollar airport terminal would improve air travel to Topeka. Voters believed them. The terminal is now open and the airlines have pulled out! Facilities do not bring airlines, passengers do. X

The Governor and Chamber of Commerce leaders live in a fantasy world when they claim increased liquor consumption will bring business and industry to Kansas. The biggest enemy of business and industry is increased consumption of our most abused drug. X

When open saloon promoters want to trade off more restrictive drinking driver laws in exchange for an open saloon vote, they are admitting public liquor by the drink is a highway safety issue. Because 1 in 2,000 drinking drivers may be caught, (Sec. Dole) trying to offset additional public liquor by the drink drivers with better DUI laws is like trying to fill a bucket with water that has no bottom. X

If public liquor by the drink would bring conventions, tourists, and jobs, would that offset the pain, suffering and economic loss caused by this recreational drug?

The latest information from our National Institute on Alcohol Abuse and Alcoholism indicates this nation suffered an economic loss of \$116.7 billion in 1983 due to alcohol consumption - treatment, lost life and productivity, property loss, crime, welfare, insurance premiums, incarceration and victim losses. Total taxes from beer, wine, and spirits collected by federal, state, and local governmental units totaled around \$10 billion.

Public liquor by the drink will not bring conventions, tourists, and jobs. There are no benefits, all loss. The only benefit public liquor by the drink will bring is more dollars in the pockets of liquor sellers.

3)

Liquor sellers claim North Carolina approved liquor by the drink and consumption changed little. I understand public consumption and sale of wine by the drink was already legal and persons were permitted to bring their distilled spirits bottle into public restaurants to mix and consume liquor by the drink. Legalizing the sale of spirits by the drink was a minor change.

We are told Kansas has a private club problem. So does every state. The California Legislature in 1977 passed a resolution calling for a ban on the creation of new categories of alcoholic beverage clubs because they already had more than 25 categories.

Maine has a private club problem because liquor sellers do not like the restrictive public liquor by the drink law so establishments call themselves private clubs.

Some lawmakers claim ending our ban on public liquor by the drink will enable the Legislature to pass strong and restrictive liquor control laws. What is keeping the Legislature from passing strong and restrictive liquor control laws now? If lawmakers think the hotel-restaurant-liquor selling lobby is powerful and active this session, wait until the Constitutional restriction is removed. In the words of someone, "You ain't seen nothing yet!"

Last week a Senate Committee considered a resolution to permit Constitutional Amendments by initiative. The Kansas Chamber of Commerce and Industry and others opposed the proposed amendment, claiming it would bypass the Legislature. Yet liquor sellers want to bypass the Legislature by claiming you are not to vote on the merits of open saloons, but you merely allow the people to vote on it.

When the right to work Constitutional Amendment was going through the Legislature, did labor union leaders claim the people should have the right to vote on it?

At the recent hearing on property tax classification amendments, arguments were based on the merits of the proposed amendment. Yet these same groups claim it is only a matter of allowing the people to vote on the open saloon amendment.

Speaking to the Downtown Rotary Club in Topeka on October 2, 1980, Governor Carlin told of his desire to protect the reappraisal of urban and rural real estate by passing a Constitutional Amendment. He did not say the people have the right to vote on his classification amendment. He said, "It requires a two-thirds vote of the Legislature to win approval of something that is truly good for Kansas."

Speaking at an Eggs & Issue Breakfast on February 4, 1969, concerning another Constitutional Amendment, Senator Bennett who later became Governor said, "We do not vote to submit that which we do not want passed."

House members who believe open saloons are truly good for Kansas will vote YES.

House members who want the people to approve open saloons will vote YES.

You may go to great lengths in justifying a YES vote on SCR 1605, but deep down inside you know you are responsible for whatever the result may be of a change you voted for. We already have too many drinking drivers on the road. But your YES vote will make you responsible for future highway killers who consume public liquor by the drink.

A long time New Jersey lawmaker said if from his lengthy Legislative career he could have one vote back, he would take back his YES vote for casinos at Atlantic City. At the second step, the people voted for casinos, but he can not escape responsibility for approving casinos at the first step of the procedure for Constitutional change.

Do you want to make it more convenient for more people to drink more liquor on more occasions in more places and drive away? If NO, vote NO.

My name is Donna Bolek, I own and operate an Antique shop in Riley Kansas. Last spring on June 5, 1984 my husband and I were on our way into Manhattan to an auction when we came upon a terrible wreck, I said "Oh my God it is our girls"! it was. A drunk driver had crashed into the car containing my daughter in-law and my youngest daughter Lola Bolek Tucker, Lola died 90 min. later in the emergency room.

To see a loved one die in this manner is the most unjust senseless and unnecessary cause of death there is.

Lola left two tiny babies a girl Miranda age 14 mo. old and a boy Donald age 2 yrs. 5mo., because of a drunken driver these two little ones will never know a mothers love.

The driver of the other car was not hurt, he had a blood alcohol content of .32, he was charged with second degree murder, DWI, driving left of center, transporting an open container and driving on a suspended drivers license. He had used fraud to obtain a Kansas drivers license, he carried no car insurance and this was his 6th alcohol related conviction.

My daughter was 23 years old, she was to young to die, but I truly feel we will see a lot more of this type thing happening unless we say no to liquor by the drink.

My daughter was one out of the 23,500 people killed in 1984 by drunken drivers, my daughter in-law Helen Bolek was only one of the 600,000 injured, so I ask each of you in behalf of all these people to please pick up a paper and read it, take notice of the DUI, DWI and murder.

I say murder because when people drink to the point that they have no regard for another human life it is murder.

It really doesn't make much sense to raise the drinking age to 21 to encourage less drinking and pass an open saloon law to encourage more drinking.

I feel we can not honestly say we think the open saloon is going to better our people or our state.

3/5/85
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THE AFTERMATH OF A DRUNKEN DRIVER

A drunken driver left the Randolph bar, they say.
Never paying attention, as he sped along his way.
Two girls were happily returning, from their school that day.
And then he hit them broadside, and took one's life away.

Her mother and father came upon the wreck, "go to the hospital", they were told.
And there they found their baby, her body growing cold.
Her mother tried to talk to her, she held her close and tight.
She kissed her face and rubbed her hands, and said, "this just ain't right."

"Oh God, she is my baby, she means the world to me,
How could someone kill her, she's only twenty-three."
The family they all gathered, there was sadness everywhere.
Her brother finally got his mother to walk away and leave her there.

And then the thought struck us, On Lord what will we do,
She has those two little ones, they've just turned one and two.
God, how can their little minds understand, she's in heaven there with you.
Now they'll never know a mother's love, a love that's real and true.

So Michael Atherton can you tell me, just what you aimed to do,
When you picked up that brown bottle, and drank the devil's brew.

A funeral shortly followed, there was many a mourner there.
The grave's at Humboldt Cemetery, we sadly placed her there.
The family is left to mourn her, the children are now alone,
For a crime like this, Michael Atherton, how do you ever atone?

Her ex-husband took the children, we had no legal right you see.
With that bottle you took one life, but our family lost all three.
So now we sit and wonder, who'll teach them to say their prayers,
And if they're hurt or lonely, who'll be there to care.

By Donna Bolek

M A D D

We'd like to form a Riley County MADD,
to see what we can do.
To stop the Drunken Drivers,
and change a law or two.

With seventy people killed each day,
it should concern us upper most.
So if we organize together,
we'd be heard from coast to coast.

If a person wants to drink,
that's his right, this is true.
But he shouldn't take the life of one,
that means the world to you.

There really isn't much difference,
if you load a gun, or are loaded as they say.
Still it's the drunk drivers responsibility,
if they take one's life away.

I AM ALCOHOL

I am more powerful than all the armies of the world. I have destroyed more men than all the wars of the nation. I have caused millions of accidents and wrecked more homes than all the floods, tornadoes and hurricanes put together. I am the world's slickest thief. I steal billions of dollars each year. I find my victims among the rich and poor alike, the young and the old, the strong and the weak. I loom up to such proportions that I cast a shadow over every field of labor. I am relentless, insidious, unpredictable. I am everywhere: in the home, on the street, in the factory, in the office, on the sea and in the air. I bring sickness, poverty and death. I give nothing and I take all. I am your worst enemy. I am alcohol.

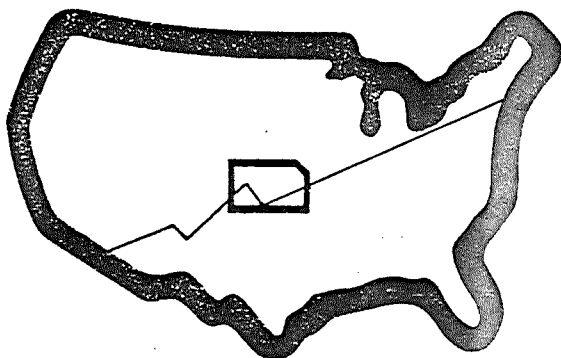
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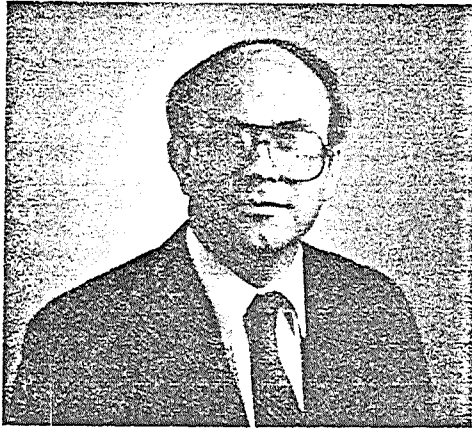
College of Business Administration
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DISTRESS OR NEED: WHERE DOES WICHITA RANK?

by

Gerald S. McDougall

Gerald S. McDougall received his Ph.D. from Claremont Graduate School before joining the faculty of the Department of Economics in 1974. As a 1977 recipient of a Brookings Institution Economic Policy Fellowship, Dr. McDougall spent over a year in Washington, D.C. as an evaluation specialist. He has published articles in the areas of urban problems and local public finance in *Economic Geography*, *The Journal of Environmental Economics and Management*, *The National Tax Journal*, *Public Finance*, *The Review of Regional Studies*, and *Urban Affairs Quarterly*, and is a frequent commentator on local economic conditions.

The *Wichita Eagle-Beacon* recently reported that Wichita was among the "least needy" cities in the nation, ranking behind merely Tulsa, Oklahoma, and San Jose, California.¹ Ironically, the positive image created by this pronouncement at the same time was contradicted by a well publicized possibility that one of Wichita's most prestigious firms might move its corporate headquarters to another, presumably more desirable city. Although this shift did not occur, the community's commitment to promote and to enhance its economic environment in response to the threat of corporate flight introduces once more a fundamental but puzzling question: Precisely where does Wichita rank among other cities in the Midwest and across the nation?

The discussion that follows develops some simple yet comprehensive indicators of Wichita's status with respect to community and economic development needs arising from urban distress and decline. These indicators are based on data similar to

those mentioned in the *Eagle-Beacon* article: poverty, income, and employment information,² however, this analysis is far more pointed because it distinguishes between the level of community need (distress) and the trend in community need (decline), while accounting for any disparity in these between central city and suburban fringe areas. This latter distinction is interesting and relevant because there are clear examples of prosperous central cities surrounded by a distressed suburban fringe, such as San Diego, and examples of distressed central cities surrounded by prosperous and vital suburban areas, such as Atlanta.

The discussion that follows will revolve around two basic indicators of community and economic need calculated for a sample of 52 central cities and their suburban fringe areas. Fifteen sampled cities are in the East, 11 are in the Midwest, 10 are in the South, and 16 are in the West; therefore, the survey, while not large, is geographically representative. It will be evident from the listings

²The data for this analysis covers the period 1970-1980. Because of the inertia in relative urban conditions, there is little reason to believe that the position of Wichita (the city or the metropolitan area) has changed significantly between 1980 and 1984. All urban areas move with the ebb and flow of cyclical economic events. Relative positions are influenced by secular trends, which are long-term in nature.

¹*Wichita Eagle-Beacon*, November 19, 1984, p. 1C.

**DISTRESS
TABLE 1A**

TABLE 1A

Cities which have high incidences of poverty and crime, low per capita income, and high unemployment rates tend to be very distressed and have an economic base inadequate to support community and economic development. Wichita ranks 4th in being the least distressed.

TABLE 2A

To evaluate the changes taking place in community distress, a dynamic index is calculated by using information about changes in the incidence of poverty, in per capita income, and in employment. This index provides a simple picture of the change over time in distress--growth or decline.

Of the top ten cities (those least in decline), nine are either western or southern. The lone exception to this emerging geographic rule is Wichita, which ranks second nationally, outpaced only by energy-rich Houston, the buckle on the sun belt. Oklahoma City is third, and semi-tropical San Antonio, in ninth spot, is not far behind. Rankings over distress and decline indicate that Wichita is far less burdened than most by urban blight and deterioration.

TABLE 3A

Above two index scores are added together and Wichita ranks second!

Rank/Central Cities

1	Anaheim	4.000
2	Seattle	3.680
3	Houston	3.650
4	Wichita	3.420
5	Dallas	3.270
6	Oklahoma City	3.090
7	San Francisco	3.060
8	Raleigh	2.930
9	Denver	2.790
10	Madison	2.660
11	Las Vegas	2.430
12	Minneapolis	2.330
13	Omaha	2.170
14	Phoenix	2.110
15	San Diego	1.970
16	Riverside	1.800
17	Allentown	1.740
18	Indianapolis	1.660
19	Washington	1.650
20	Los Angeles	1.510
21	Colorado Springs	1.510
22	Salt Lake City	1.380
23	Kansas City	1.320
24	Newport	0.570
25	Spokane	0.290
26	Columbus	0.170
27	Albany	0.040
28	Grand Rapids	-0.090
29	Tacoma	-0.200
30	Sacramento	-0.270
31	New York	-0.580
32	Boston	-0.600
33	Pittsburg	-0.810
34	San Bernadino	-0.990
35	Rochester	-1.210
36	Cincinnati	-1.230
37	Springfield	-1.290
38	San Antonio	-1.490
39	Memphis	-1.980
40	Providence	-2.010
41	Louisville	-2.160
42	New Orleans	-2.250
43	Birmingham	-2.610
44	Atlanta	-2.770
45	Philadelphia	-3.110
46	St. Louis	-3.480
47	Baltimore	-3.550
48	Cleveland	-3.590
49	Buffalo	-3.880
50	Paterson	-4.690
51	Detroit	-5.680
52	Newark	-7.680

**DECLINE
TABLE 2A**

**COMPOSITE SCORE
TABLE 3A**

Rank/Central Cities

Rank/Central Cities

1	Houston	5.830
2	Wichita	4.020
3	Oklahoma City	3.990
4	Raleigh	3.860
5	Colorado Springs	2.660
6	Anaheim	2.580
7	Phoenix	2.490
8	San Diego	2.410
9	San Antonio	2.360
10	Denver	2.290
11	New Orleans	2.290
12	Las Vegas	1.880
13	Dallas	1.760
14	Spokane	1.720
15	Madison	1.690
16	Salt Lake City	1.680
17	Birmingham	1.550
18	Riverside	1.520
19	Seattle	1.430
20	Sacramento	1.280
21	Memphis	1.200
22	Tacoma	1.040
23	Omaha	1.040
24	Newport	0.750
25	Kansas City	0.670
26	San Bernadino	0.620
27	Columbus	0.310
28	Washington	0.270
29	Grand Rapids	0.180
30	Pittsburg	0.110
31	Allentown	0.010
32	San Francisco	-0.250
33	Indianapolis	-0.270
34	Cincinnati	-0.280
35	Minneapolis	-0.280
36	Louisville	-0.730
37	Los Angeles	-0.800
38	Providence	-1.560
39	St. Louis	-1.650
40	Boston	-2.160
41	Cleveland	-3.040
42	Albany	-3.170
43	Baltimore	-3.310
44	Philadelphia	-3.390
45	Buffalo	-3.500
46	Rochester	-3.540
47	Springfield	-3.590
48	New York	-3.670
49	Atlanta	-3.980
50	Detroit	-5.260
51	Paterson	-6.590
52	Newark	-7.030

1	Houston	9.480
2	Wichita	7.440
3	Oklahoma	7.080
4	Raleigh	6.790
5	Anaheim	6.580
6	Seattle	5.110
7	Denver	5.080
8	Dallas	5.030
9	Phoenix	4.600
10	San Diego	4.380
11	Madison	4.350
12	Las Vegas	4.310
13	Colorado Springs	4.170
14	Riverside	3.320
15	Omaha	3.210
16	Salt Lake City	3.060
17	San Francisco	2.810
18	Minneapolis	2.050
19	Spokane	2.010
20	Kansas City	1.990
21	Washington	1.920
22	Allentown	1.750
23	Indianapolis	1.390
24	Newport	1.320
25	Sacramento	1.010
26	San Antonio	0.870
27	Tacoma	0.840
28	Los Angeles	0.710
29	Columbus	0.480
30	Grand Rapids	0.090
31	New Orleans	0.040
32	San Bernadino	-0.370
33	Pittsburg	-0.700
34	Memphis	-0.780
35	Birmingham	-1.060
36	Cincinnati	-1.510
37	Boston	-2.760
38	Louisville	-2.890
39	Albany	-3.130
40	Providence	-3.570
41	New York	-4.250
42	Rochester	-4.750
43	Springfield	-4.880
44	St. Louis	-5.130
45	Philadelphia	-6.500
46	Cleveland	-6.630
47	Atlanta	-6.750
48	Baltimore	-6.860
49	Buffalo	-7.380
50	Detroit	-10.940
51	Paterson	-11.280
52	Newark	-14.710