

Approved 2/5/85
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

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

11:00 a.m. ~~xxxx~~ January 24, 1985 in room 254-E of the Capitol.

All members were present. ~~except~~

Committee staff present:

Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
June Windscheffel, Committee Secretary

Conferees appearing before the committee:

Jim Murphy, Legislative Liaison, Governor's Office
Jerry Shelor, Executive Director, Kansans for Effective Liquor Control
Ed Bruske, President, Kansas Chamber of Commerce and Industry
Ralph McGee, Executive Secretary, AFL-CIO
Myrna Preisner, Director, Topeka Convention and Visitors Bureau
Richard L. LaMunyon, Kansas Peace Officers' Association
Richard Becker, Mayor of Lenexa, Kansas
Roger F. Thomson, Senior Vice President and General Counsel, S&A Restaurant
The Reverend Richard Taylor, Kansans for Life at Its' Best
Robert Groff, Kansans for Life at Its' Best
Lonnie Hephner, Kansans for Life at Its' Best
Carson Crawford, Florence, Kansas
Mrs. Frances Woods, Topeka, Kansas
Dorothy Shoup, Scranton, Kansas

The Chairman called the Committee's attention to the Minutes of the Meeting of January 16, 1985. Sen. Daniels moved that the Minutes be approved. 2d by Senator Strick. Motion carried.

The Chairman announced that today's Committee hearing would be on SCR1605 - proposition to amend the constitution of the State of Kansas; authorizing the legislature to permit county option in the sale of liquor by the drink. He stated that both proponents and opponents would be allowed equal time at today's hearing.

First to appear was Jim Murphy, Legislative Liaison from the Governor's Office. He stated that the Governor strongly supports the elimination of the constitutional prohibition of open saloons in Kansas. His statement is Attachment #1 of these Minutes.

Jerry Shelor, Executive Director, Kansans for Effective Liquor Control, presented his written statement, Attachment #2, to the Committee. He said he represents a 57 member Advisory Board of Kansans who favor the vote on liquor by the drink. He requested that Kansans be given the opportunity to vote on the proposition to amend the constitution.

Ed Bruske, President of the Kansas Chamber of Commerce and Industry, appeared next to voice his support and the support of KCCI's members to allow the people of Kansas to vote on the proposition to amend the constitution to permit county option in the sale of liquor by the drink. His statement is Attachment #3.

Ralph McGee, Executive Secretary of the AFL-CIO, was the next conferee. He stated that his organization wants to go on record as supporting SCR 1605, as they believe the majority of the people in the State of Kansas desire to vote on the issue.*

Myrna Preisner, Director, Topeka Convention and Visitors Bureau, spoke next. Her written statement is Attachment #5 of these Minutes. Her statement said that they are fighting for the survival of 1½ billion dollar industry, and feel that the Kansas liquor laws are an economic handicap to the travel industry of the State.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
 room 254-E, Statehouse, at 11:00 a.m./~~pm~~ on January 24, 19⁹⁵.

Richard L. LaMunyon, of the Kansas Peace Officers' Association, was the next conferee. His testimony states that the Kansas Peace Officers' Association Executive Committee unanimously endorsed the concept of liquor by the drink in November and last week endorsed the same concept. His statement is Attachment #6 of these Minutes.

Rickard Becker, Mayor of Lenexa, Kansas, was the next conferee. Mr. Becker's statement is Attachment #7. He asked that the citizens of Kansas be given the opportunity to vote on the issue of liquor by the drink.

Roger F. Thomson, Senior Vice President and General Counsel of S & A Restaurant Corporation, also appeared as a conferee in favor of liquor by the drink. His comments are Attachment #8.

The Reverend Richard Taylor appeared as a conferee in opposition to liquor by the drink. A packet of various quotations, questions and answers concerning opposition to liquor by the drink was part of his statement and is Attachment #9.

Robert Groff, the next conferee, is a member of the Advisory Committee of Kansans for Life at Its Best. Mr. Groff appeared in opposition to liquor drink. His statement is Attachment #10.

The next conferee in opposition to liquor by the drink was Lonnie Hephner, Chairman of the Board for Kansans for Life at Its' Best. Mr. Hephner's statement is Attachment #11. He stated that informed leaders in business and industry like Kansas because low alcohol consumption contributes toward many benefits such as fewer alcoholics per 100 people, high worker productivity and other positive qualities as set out in his statement.

The Reverend Taylor then showed a video tape presentation by Wendell Ashton, Publisher of Deseret. Mr. Ashton is a resident of Salt Lake City, Utah.

Carson Crawford, from Florence, Kansas, conferee in opposition to the open saloon in Kansas, appeared next. In his statement, Attachment #12. Mr. Crawford urged the committee to protect Kansas people from the problems which he feels would follow the return of the open saloon.

Frances Woods, of Topeka, was the next conferee. Mrs. Woods spoke in opposition to liquor. She referred to it as a deadly drug. She said that when she was growing up in Kansas that she was told time and time again that the "open saloon would be forever barred in Kansas." She asked the Committee to cooperate in this.

Dorothy Shoup, Scranton, Kansas, testified in opposition to making more "drink-and-drive opportunities available in Kansas." Her complete statement is Attachment #13 of these Minutes. She talked against more permissive liquor laws in the State of Kansas.

Although he did not speak before the Committee, Dennis M. Shockley, for the City of Kansas City, Kansas, a statement was given the Committee citing Objective #19, to allow the voters of Kansas to vote on a constitutional amendment concerning local option of liquor by the drink, and stating that the City has supported this for several years. The City requests that a concurrent resolution be introduced by the Legislature.

The meeting adjourned at noon.

STATE OF KANSAS



Attachment #1
1/24/85

OFFICE OF THE GOVERNOR

State Capitol
Topeka 66612-1590

John Carlin Governor

Testimony to
Senate Federal and State Affairs
on Senate Concurrent Resolution Bill No. 1605
by Jim Murphy
January 24, 1985

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

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

Kansas is one of only three states in the country that prohibits liquor by the drink. 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. Such inconsistency projects an image of a backward state that is not looking to grow, prosper and change.

Growth stimulates prosperity. Prosperity stems from an active and vital economic base. Decisions on location and relocation of businesses are shaped by environmental and social considerations. The image projected by our archaic liquor laws reflects poorly in a business's decision to locate or relocate in Kansas.

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.

If Kansas is to retain its strong economic base, we must remain competitive with other states in the recruitment of new businesses. We cannot allow such an outdated law to undermine our economic development efforts.

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

Ed Bruske

President, Kansas
Chamber of
Commerce and
Industry

Ralph McGee

Executive Secretary,
AFL-CIO

Myrna Preisner

Director, Topeka
Convention and
Visitors Bureau

Richard LaMunyon

President, Kansas
Peace Officers
Association
Kansas Association of
Chiefs of Police

Richard Becker

Mayor, City of
Lenexa, Kansas

Roger F. Thomson

Senior Vice President
and General Counsel,
S & A Restaurant
Corporation

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

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

DOUGLAS, Bob - Douglas Construction Company, Topeka

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

gw
Attachment #2
1/24/85

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 five of our board members: they 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; Myrna Preisner, a voice for travel and tourism in Kansas 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. Senators, 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.

Attachment 2



Last week I mentioned the scientific poll conducted by the Center for Public Affairs/Institute for Economics and Business Research. This poll was conducted independently and not commissioned by Kansans for Effective Liquor Control.

I requested a copy of this poll from the Center for Public Affairs. Yesterday I received that copy and what I am about to show you should be an eye-opener for any senator 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%.

Senators, it is time to let the people vote. Kansans are intelligent enough to make up their own minds on this issue. Let us exercise our constitutional right which has given you the opportunity to be elected to office.

January 21, 1985

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

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.

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 realized 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 not 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 that 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, it was constantly pointed out to me that the liquor laws of Kansas were archaic and made up a point of ridicule. When I returned to Kansas as the Secretary of Economic Development for the State, it was quite obvious that industrial prospects viewed our liquor laws as not only restrictive but that we were imposing our moral beliefs upon 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 speak of 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; but, 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.

1/24/85
Attachment #5

Topeka Convention and Visitors Bureau

722 Kansas
Topeka, Kansas 66603
913-234-2644

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.

Attachment 5

RICHARD LAMUNYON, *President*
Chief of Police
Wichita, Kansas 67202

JOHN DAILY, *President-Elect*
Sedgewick Co. Sheriff's Office
Wichita, Kansas 67203

JIM HUFF, *Vice-President*
Salina Police Department
Salina, Kansas 66611

ALVIN THIMMESCH, *Secretary-Treasurer*
Wichita Police Department
Wichita, Kansas 67202

1/24/85
Attachment #6

Kansas Peace Officers' Association

INCORPORATED



JANUARY 24, 1985

BOARD OF GOVERNORS

GOVERNORS

(At Large)
BRUCE BOWKER
Chief of Police
Paola, Ks. 66071
WILLIAM RICE
Chief of Police
Arkansas City, Ks. 67005
DELBERT FOWLER
Derby Police Dept.
Derby, Ks. 67037
TONY MARCEAU
Dir. Security, Coleman Co.
Wichita, Ks. 67204

District 1

TERRY CAMPBELL
Sheriff, Leavenworth Co.
Leavenworth, Ks. 66048
JEFF HERRMAN
Olathe Police Dept.
Olathe, Ks. 66061
ED BOSWELL
Union Pacific R.R.
Kansas City, Ks. 66110

District 2

ROGER KRAMER
Junction City Police Dept.
Junction City, Ks. 66441
GLENN GATHERS
Saline Co. Sheriff's Office
Salina, Ks. 67401
NATE SPARKS
Kansas Highway Patrol
Junction City, Ks. 66441

District 3

LAWRENCE YOUNGER
Chief of Police
Hays, Ks. 67601
NEAL SCHMIDTBERGER
Ellis Co. Sheriff's Office
Hays, Ks. 67601
KENNETH R. McGLASSON
Kansas Highway Patrol
Wakeeney, Ks. 67672

District 4

GLENN WELSH
Coffeyville Police Dept.
Coffeyville, Ks. 67337
DAVE MAYFIELD
Kansas Highway Patrol
Yates Center, Ks. 66783
WENDELL DeLONG
Woodson Co. Sheriff's Office
Yates Center, Ks. 66783

District 5

JIM DAILY
Great Bend Police Dept.
Great Bend, Ks. 67530
JACK ATTIEBERRY
Pawnee Co. Sheriff's Office
Larned, Ks. 67550
CLINTON A. WALLS
Kansas Highway Patrol
El Dorado, Ks. 67042

District 6

VERNON RALSTON
Liberal, Ks. 67901
LARRY MAHAN
Kansas Highway Patrol
Garden City, Ks. 67846
RAY C. MORGAN
Lakin, Ks. 67860

District 7

BOB CIRCLE
Wichita Police Dept.
Wichita, Ks. 67202
ED PAVEY
Sheriff's Office
Sedg. Co. Sheriff's Office
Wichita, Ks. 67203
DALE HOLSEY
Kansas Highway Patrol
Sedgewick, Ks. 67135

District 8

ROBERT HUDSON
Riley Co. Police Dept.
Manhattan, Ks. 66502
GERALD SCHMIDT
Sheriff's Office
Wamego, Ks. 66547
ROBERT SHUMAKER
Sante Fe R.R.
Topeka, Ks. 66605
SERGEANT AT ARMS
GEORGE SCHUREMAN
KBI
Topeka, Ks. 66604

ON NOVEMBER 7, 1984, THE KANSAS PEACE OFFICERS' ASSOCIATION EXECUTIVE COMMITTEE UNANIMOUSLY ENDORSED THE CONCEPT OF LIQUOR BY THE DRINK FOR THE STATE OF KANSAS. IT IS THE POSITION OF THE K.P.O.A. 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 THE K.P.O.A. POSITION THAT IN ORDER TO MORE EFFECTIVELY CONTROL DISPERSAL AND CONSUMPTION, A SINGLE LAW, ENFORCEABLE AT THE LOCAL LEVEL SHOULD BE ADOPTED. THE K.P.O.A. FURTHER SUPPORTS A CONSTITUTIONAL AMENDMENT 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.

THE K.P.O.A. ALSO ENDORSES ESTABLISHING A MINIMUM DRINKING AGE OF 21 FOR ALL PERSONS IN THE STATE OF KANSAS AND FOR ALL TYPES OF ALCOHOL AND/OR CEREAL MALT BEVERAGES CONSUMED.

Attachment 6

In Unity There Is Strength

JANUARY 24, 1985

THE K.P.O.A. WISHES TO STATE THAT IT IS NOT IT'S INTENT TO ENTER INTO THE MORAL ISSUE OF WHETHER OR NOT ALCOHOL SHOULD BE PERMITTED OR CONSUMED. IT IS THE POSITION OF THE KANSAS PEACE OFFICERS'S ASSOCIATION THAT FROM A PRACTICAL LAW ENFORCEMENT STANDPOINT, A TYPE OF 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
KANSAS PEACE OFFICERS'S ASSOCIATION

REL:bg

1/24/85
Attachment #7

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 THEIR OUTDATED LIQUOR LAWS.

AS A MAYOR WHO HAS KNOCKED ON THOUSANDS OF DOORS IN LENEXA TALKING TO VOTERS, AND WHO HAS TALKED TO MANY PRESENT AND 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 PRECEIVED 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 WHEREEVER. 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.

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.

1/24/85
Attachment #8

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 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 AND THE FRUSTRATION AND CONFUSION OF OUR POTENTIAL CUSTOMERS BEING TOLD THEY CANNOT EAT IN OUR RESTAURANT. IT IS IMPORTANT TO REMEMBER THAT THAT \$600,000 FIGURE IS BASED ON IN EXCESS OF 70% FOOD SALES. THAT 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. HOWEVER, 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".

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.

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.

OL KANSAS
BAR NONE SALOON

A STEP IN THE
WRONG DIRECTION



"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

KANSAS 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

The Kansas Constitution, Article 15, Section 10, states, "The open saloon shall be and is hereby forever prohibited." That is the last sentence of an amendment approved by the electors in 1948 permitting legal liquor stores in Kansas.

From 1880 to 1948, our most abused drug was prohibited, like marijuana, cocaine, and heroin are prohibited today. Dealers in this deadly drug wanted liquor stores and public liquor by the drink, but in order to win legislative and voter approval, they compromised for liquor stores only.

Another reason for adding this last sentence was deception. A large number of Kansans who wanted less drug suffering voted YES in 1948 and did not realize they were voting FOR REPEAL. They thought they were voting to prohibit the open saloon forever. They trusted the Legislature and thought the sentence meant exactly what it said - FOREVER! Lawmakers who want to keep a promise made by the Legislature to the people in 1948 will vote NO on open saloons.

Alcohol is our number 1 drug problem. Alcoholism is a drug problem. Alcohol drugged drivers are the number 1 cause of injury and death on our highways. Problem drinkers on the job are an economic burden for every employer. Yet our Governor claims pushing our most abused drug by the drink is good for economic development.

Our concern is summed up in one question. Do you want people in Kansas to drink more alcohol? Consumption is the key to prevention. Less drug use brings less drug abuse.

When the Kansas Supreme Court struck down legislation passed in 1978 that permitted restaurants doing 50% of their business in food to sell liquor by the drink to the public in places where the public had access, their decision pointed out a difference between "private consumption and sale of intoxicating liquor by the drink from public consumption and sale."

In 1979 Governor Carlin and liquor sellers pushed SB 467 through the legislature to permit private drinking clubs to sell liquor by the drink on licensed contiguous premises only, not open to the public. He signed that law and calls it mickey mouse and hypocritical. If that law is hypocritical, who are the hypocrites?

Liquor sellers and Governor Carlin said eliminating the liquor pool and requiring reciprocal clubs to do 50% of their business in food would not promote consumption. He was wrong. Making it more convenient for more people to drink more alcohol in more private clubs did promote consumption. He is wrong again with his claim that open saloons will not promote consumption.

If changing a private drinking club to an open saloon would mean the same number of liquor by the drink outlets where the same number of persons would drink the same amount of liquor as they are drinking now, why is Governor Carlin and the hotel-restaurant-liquor lobby working so hard and sinking so much money in this crusade to get what they already have?

Open saloons would permit the public consumption of liquor by the drink and the public sale of liquor by the drink in places where the public has access, such as:

- Open saloons up and down both sides of the street.
- Public sale and consumption of liquor by the drink in hotel enclosed large court yards, lobbies, beside the pool, etc.
- Public consumption of liquor by the drink at wine tasting parties, etc.
- Public consumption and sale of liquor by the drink at fund raisers, political gatherings, reunions, etc. in places where the public has access.
- Public consumption and sale of liquor by the drink in convention centers, civic auditoriums, etc.

Pizza Hut and other chains could easily add public liquor by the drink sales if open saloons are permitted. The Kansas private club law is restrictive and reduces the number of liquor by the drink outlets.

Governor Carlin claims he wants open saloons to make it more convenient and easier for out-of-state persons, here for a day or two, to drink more liquor in more places on more occasions before driving. To do this, he will also make it easier and more convenient for more Kansans, who live here all year long, to drink more liquor in more places on more occasions before driving.

The public consumption and sale of liquor by the drink will put more dollars in the pockets of the hotel-restaurant-liquor lobby. Quality of life in Kansas can not be left to the mercies of an unfettered pursuit of profit by those who deal in our most abused drug.

The Bar-none open saloon is a tragic step in the wrong direction.

Memo From Mac . . .

Kansas: A Step Above The Rest

By JOHN McCORMALLY

Roving Editor

Harris News Service

That vicious, violent and fatal riot with which Detroit Tiger fans celebrated winning the World Series is about what you'd expect from the crazed mobs of the depraved cities, we country folks can smugly say.

Imagine our shock then to read in the national press of a similar riot when Kansas State University won a football game. Yes, that's right, Kansas State. "Drunken Kansas State fans attack police; 25 arrested," proclaims the 2-column headline in the metropolitan paper I read.

"We had several thousand drunk people on our hands, and they started attacking officers," a policeman said. Most were identified as students. "They got to drinking. . . I can tell you it definitely was frightening," said another officer, as one policeman was stabbed.

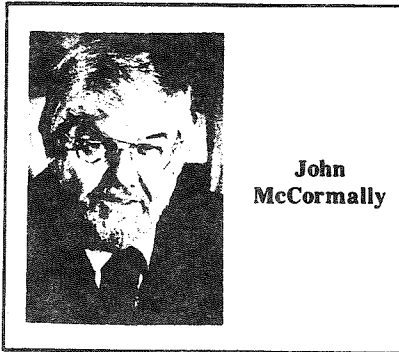
All this had to do with defeating intra-state rival University of Kansas, for which the winner was awarded the Governor's Cup.

Who could resist observing that the Governor's Cup runneth over?

The story has a timely irony because the governor had just

recently urged the loosening of Kansas drinking laws by coming out in favor of liquor by the drink — a historic subject for political controversy in the state.

Now, this incident cannot be employed as a direct argument against the governor because obviously the rioting students were quite able to get drunk without li-



John
McCormally

quor by the drink. But it does prompt us to ask whether a governor, to be a real leader, shouldn't be trying to encourage his people to drink less rather than more.

The governor of course insists he's not for more consumption, only more convenience. They always say that. In Iowa, where an effort's under way to replace state-owned li-

quor stores with private ones, proponents say they only want to replace socialism with free enterprise. But no one goes into private business — whether opening a liquor store in Iowa or a saloon in Kansas — except to make a profit, and that requires ever-increasing sales.

Like a teenager in school, the governor is succumbing to peer pressure. You know, the other kids think you're a party-pooper if you don't drink. Its liquor laws give Kansas a bad image, the governor says. "If the state wants to grow and change its image," it should adopt liquor by the drink, he says. Failure to do so "puts us in a category of failing to move with the rest of the country, and that gives us an image that's not attractive." His position is endorsed by the state Chamber of Commerce and hotel-motel lobbying groups.

Actually, Kansas is not moving with the tide, but against it, in proposing to make it easier to drink more. For whatever reason — the new rage against drunk driving, more awareness of alcoholism, more concern about health and diets — per capita consumption of alcohol is going down. Not much, but enough to worry the liquor industry. And that suggests the new drive to liberalize

Kansas' drinking laws is more than a coincidence.

Gov. John Carlin is a noted Democrat progressive and would be shocked to be branded a tool of big business profiteers. But that's what he looks like as he starts carrying water for the booze business (if I may mix my liquids.)

Actually, Kansas has an image other states should envy: fewer alcoholics per capita, lower state and local taxes, higher worker productivity, lower auto insurance rates, fewer cirrhosis deaths.

But a leader of the by-the-drink promotion says a Japanese businessman turned negative about locating a plant in Kansas because of the restrictive drinking laws.

If that's the big bother, to hell with the Japanese. Go after the Arabs who don't drink and are richer than anybody.

Readers who know I used to drink a lot and don't anymore will say I've just become a bluenose and a killjoy, against all that good fun like the K-State students were having. But I don't care.

I just hate to see my old home state become like every place else—even Detroit.

Publisher Says Utah's Booming Without Liquor by the Drink

By Jack McNeely
Staff Writer

Utah has enjoyed economic growth, booming tourism, low crime rates and good quality life since it defeated liquor by the drink and put liquor sales under state control, a Salt Lake City newspaper publisher said Friday in Wichita.

Wendell Ashton, publisher of the Deseret News of Salt Lake City, addressed about 40 church and government leaders at an invitation-only gathering organized by Kansans for Life at Its Best, a group trying to block legalization of liquor by the drink in Kansas.

Utah, West Virginia and Kansas are the only three states that retain constitutional prohibitions against selling liquor by the drink to the general public. Oklahoma

voters amended their state constitution in September to allow liquor by the drink, and the Oklahoma Legislature is drafting a law to implement the change.

In 1968, Ashton, then in the advertising business, was a leader of a Utah group that led opposition to legalizing liquor by the drink in Utah. Ashton said Utah voters defeated liquor by the drink by a margin of 2-to-1, and the issue has not been raised since.

Kansas Gov. John Carlin, the state Chamber of Commerce and

other groups are pushing for an amendment to the state constitution to allow the sale of liquor by the drink in counties voting to permit it. The practical effect of such a change would be to end the state's private-club system with its requirement that patrons of clubs buy club membership cards before drinking.

Utah is one of 18 states in which alcohol is sold only by the state government through state-owned stores. In the rest of the states, including Kansas, liquor is sold by

private businesses operating under licenses granted by the states.

"It boiled down to a battle between those who wanted liquor by the drink and those of us who wanted the state to control the distribution and sale of liquor," Ashton said. "We advocated state control so there would not be the profit motive to push liquor sales."

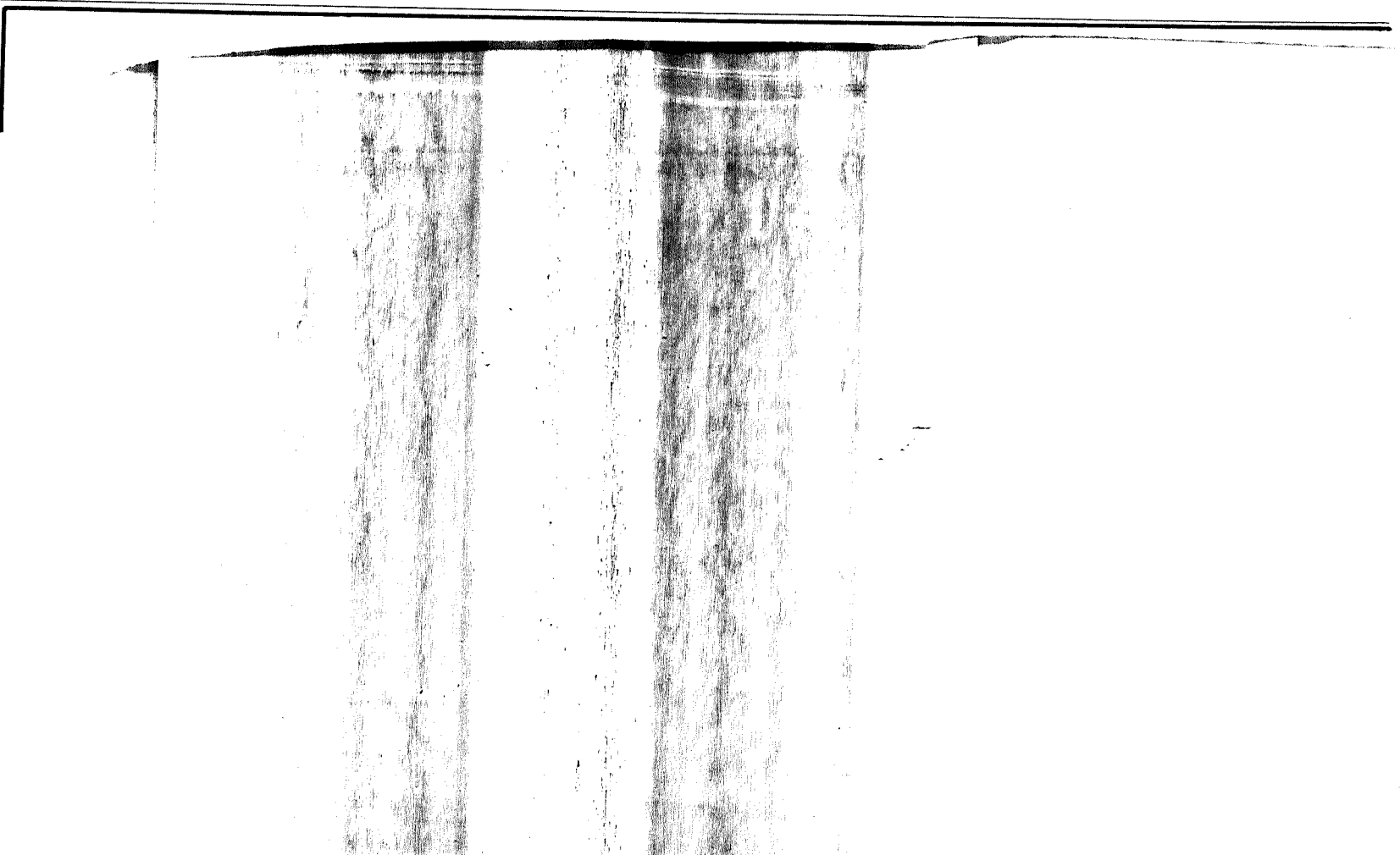
Speaking at the home of Wichita businessman Lonnie Hephner, board chairman of Kansans for Life at Its Best, a group opposing liquor by the drink, Ashton said

Utah's experience shows that attracting businesses and tourists to a state is not dependent upon the readily available liquor.

Ashton said that in 1977, for example, a nationwide survey of 18,000 executives holding master's degrees in business administration rated Salt Lake City as the best major American city in which to live.

"The reasons given for Salt Lake City's top rating: safety, cleanliness and natural beauty," Ashton said.

Ashton's audience included Sedgwick County Sheriff-elect Mike Hill, the Rev. Janet Sevier and the Rev. Richard Robbins, who are district superintendents of the United Methodist Church, Nazarene Church district leader Dr. Bob Cerrato, several area legislators and Republican Party officers, and Wichita Police Chief Richard LaMunyon, who, as president of the Kansas Peace Officers Association, sits on the board of directors of a lobbying group pushing for liquor by the drink.



Q - What about those in Kansas City, Kansas who complain Kansas City, Missouri gets more convention business?

A - East St. Louis, Illinois does not get as many conventions as St. Louis, Missouri, and both cities have liquor by the drink! It is a matter of facilities, not open saloons. The same is true for executives coming to Kansas. Bigger cities have more educational, cultural, economic, social, and recreational advantages. As Lincoln said when asked why he did not drink, "Why put an enemy in your mouth to steal away your brains." Executives who drink less make better executives.

Q - Is this just an emotional issue?

A - If having an alcoholic in the family is an emotional issue, then this is an emotional issue. The issue is fewer new alcoholics, higher worker productivity, less job absenteeism, fewer cirrhosis deaths, better health, fewer dollars needed for hospital-medical-auto-fire insurance premiums, less wife and child abuse.

Q - Isn't it disgusting that some lawmakers drink wet and vote dry?

A - 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.

Q - What about the image problem of Kansas?

A - Alaska and France have a bad image because people drink so much and cause so many problems. Are liquor dealers doing anything about that image? Through education and legislation France has greatly reduced alcohol consumption, and dealers in the drug are complaining loudly. Kansas does not have an image problem. Alcohol sellers have a problem selling alcohol!

Q - What about Mr. Shelor who says North Carolina went to open saloons and consumption rose but now is falling?

A - Consumption is falling nationwide and that is good news! Kansas liquor dealers want to offset this trend by eliminating our restrictive control laws.

Q - How do you respond to Mr. Shelor who says tourists driving through Kansas have difficulty getting a drink?

A - Every tourist driving through Kansas makes our highways safer when they drink less. Promoters of public liquor by the drink know that increased consumption by tourists and convention attenders is nothing compared to more dollars in their pockets caused by Kansans drinking more.

Q - Do you have an answer for Mr. Shelor who says executives do not want to move to Kansas because we do not have open saloons?

A - Mr. Shelor says what he is paid to say. If public liquor by the drink or pari-mutuel gambling were not issues, my salary would be the same and this time could be spent building up Kansas rather than trying to prevent liquor profiteers from tearing down our superior quality of life. Executives in other states drink in their clubs and they can do it here. Concerned executives are glad to bring their families to Kansas where open saloons do not line both sides of the street. Even Governor Bennett said he would not want open saloons in his community.

1/24/85
Attachment #10

IN THE SENATE OF KANSAS
COMMITTEE ON FEDERAL AND STATE AFFAIRS
HEARING ON SCR 1605
JANUARY 24, 1985

LADIES AND GENTLEMEN OF THE COMMITTEE:

My name is Robert Groff. I am a native Topekan, a graduate of the University of Kansas School of Business and Washburn Law School, and have practiced law in my home town for the past 33 years. I am a member of the Advisory Committee of Kansans For Life at Its Best.

* * * * *

This morning, we are discussing our state Constitution, and a proposal which would amend it. Amending a Constitution, under our system of government, has always, deliberately, been made as difficult as possible, in order to prevent the basic rules under which we live from being changed upon a whim, either of the Legislative body, or of the people.

Our society would be a shambles if our Constitutions could be easily and repeatedly amended. Therefore, all sorts of safeguards are built in to the system so that our rules can remain stable and consistent. This is the only way in which social order can be maintained.

The State of Indiana, for instance, requires that any amendment to its Constitution be approved by two separate sessions of the Legislature, with a legislative election occurring between those two sessions.

In Kansas, we are not quite that strict, but the process is just as carefully safeguarded. Two steps are required by Article 14 for Constitutional changes:

1. IF THE LEGISLATURE SHALL APPROVE A PROPOSITION FOR AMENDMENT,
2. SUCH PROPOSITION TO AMEND SHALL BE SUBMITTED TO THE ELECTORS FOR THEIR APPROVAL OR REJECTION.

Lawmakers do not vote to submit a change to the vote of the people. If they approve the change, (and only if they approve it), then it shall be submitted to the electorate.

The relationship of the legislature and the people, on Constitutional change, is like the relationship of the Senate and House on Legislative change. You, as a Senator, do not vote in favor of a bill to allow House members to vote on it. If Senators approve the bill, it shall be submitted to the House for its approval or rejection. In the same manner, if the Legislature approves a Constitutional change, it shall be submitted to the people for their approval or rejection.

SCR 1605 is "A PROPOSITION to amend section 10 of article 13 of the constitution of the state of Kansas, relating to intoxicating liquors; authorizing the legislature to permit and provide for county option in the sale of liquor by the individual drink".

SCR 1605 is NOT a proposition to allow the people of Kansas to vote on liquor by the individual drink.

Mr. Shelor has asked lawmakers if they favor allowing

people to vote on liquor by the drink". Honest lawmakers can respond, "Yes, I favor allowing the people to vote on liquor by the drink, but my oath to uphold the Constitution requires me to vote on the merits of the change".

I am a Past President of the Rotary Club of Topeka and a Past District Governor of Rotary International. On October 2, 1980, Governor Carlin, speaking to my Downtown Rotary Club, 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 and Issues breakfast on February 4, 1969, concerning another constitutional amendment, Senator Bennett, who later became Governor, said, "We do not vote to submit [to the people] that which we do not want passed".

We believe lawmakers want to obey their oath to uphold the Constitution, which requires them to vote on the merits of the proposed change. Lawmakers who believe the change "is truly good for Kansas" should vote YES, but should not mislead the public by claiming they are voting for the right of the people to vote on it. Lawmakers who want safer highways, of course, should vote NO.

Thank you.

Edmund Burke, the famous English statesman and legislator said:

"Your representative owes you, not his industry only, but his judgment; and he betrays instead of serves you if he sacrifices it to your opinion."

I am Lonnie Hephner, a Wichita businessman and Chairman of the Board for KANSANS FOR LIFE AT ITS BEST!

Liquor sales are down nationwide. Governor Carlin wants to help liquor dealers by eliminating restrictions on the sale of liquor by the drink to the public.

Liquor lobbyist Shelor can not win legislative approval of the open saloon on its merits, so he is trying to get past the first step with his petition drive for rubber stamp lawmakers who will simply vote to allow the people to vote on it.

Police Chief La Munyon of Wichita states, "It is the Kansas Police Officers' Association position that in order to more effectively control dispersal and consumption" of liquor, they are supporting the crusade for open saloons. When those who are being controlled organize a crusade for "effective liquor control," it is like inmates at Lansing organizing a crusade for more effective control of prison escapes.

We pledge our full support for measures that will help police officers exercise more effective control over the drug that causes more human misery than all other drugs combined. But promoting consumption claiming it will help with control is like pouring gasoline on a fire to control it. More outlets will cause more problems.

In 1976, alcohol promoters of Atlanta were successful in ending the Georgia ban on public liquor by the drink sales on Sunday. They claimed this would help attract conventions and tourists. But Atlanta was already a major convention city, ranking third in convention business behind Chicago and New York. Liquor promoters in Detroit said saloon hours must be extended from 2 a.m. to 4 a.m. because, "convention-wise we can't compete" with cities having later closing hours.

If tourists driving through Kansas drink less, our highways are safer.

Convention leaders nation wide complain attenders drink too much. COME TO KANSAS AND IF ATTENDERS DRINK LESS YOU'LL HAVE A BETTER CONVENTION!

Informed leaders in business and industry like Kansas because low alcohol consumption contributes toward many benefits such as fewer alcoholics per 100 people, high worker productivity, less job absenteeism, fewer cirrhosis deaths, better public health, lower auto insurance rates, low unemployment, lower state and local taxes.

Kansas ranks high in economic development. All states below us have open saloons. What do they blame their problems on? Our "image problem" is a fabrication of liquor sellers who have a selling problem.

Every lawmaker who votes YES for open saloons is voting for more alcoholism, more death and destruction on our highways, more problem drinkers on the job, more consumer dollars spent for the crutch that cripples.

In the nations of the world and in the United States, drinking is in the process of being deglamorized. The Governor is asking Kansas to take a backward step.

Mr. Chairman and members of the Committee: Thank you for this opportunity to speak in opposition to legalization of the open saloon in Kansas. I am Carson Crawford of Florence, Kansas, engaged in farming and raising livestock.

The National Highway Traffic Safety Administration of the U.S. Department of Transportation has published a manual entitled, HOW TO SAVE LIVES AND REDUCE INJURIES. This manual tells us, "All levels of government have in the past failed to protect the public from drunk drivers." I was shocked when I called the number listed in the manual for the Kansas Engineer of Safety and found the office no longer exists.

The manual further states, "The cumulative toll taken by drunk drivers has become a monstrous national tragedy and a neglected national disgrace...In the past ten years alone an estimated 250,000 people, about five times the number of Americans killed in the Viet Nam War, have been killed in alcohol related crashes." And the manual tells us there is no such thing as a drunk driving accident. It is a collision that follows the crime of drinking and driving.

The manual defines a drunk driver as "...any person who drinks alcoholic beverages (beer, wine, or distilled spirits) and then drives while impaired. In the majority of states it is illegal to drive with a Blood Alcohol Concentration (BAC) of .10% or above... However, impairment can occur at a much lower BAC...It is important to note that the majority of the rest of the civilized world sets the legal limit at half that rate or .05%."

The manual quotes from Alcohol Research Information Service of Lansing, Michigan, "Beginning with the first drink, alcohol

starts to slow down reaction time, impair judgment, and cut down overall driving skills. One of the first effects of alcohol is to increase a person's self-confidence at the same time it decreases a person's driving skills." And in a footnote it states, "Social drinkers also kill and maim, and they too must be removed from our roads." Obviously people would be driving to the open saloons if they are legalized in Kansas. When they return to the highway, they would be driving under the influence of alcohol.

Governor Carlin says he believes the public sale of liquor by the drink would not increase consumption, but would make our laws more enforceable. But research shows that when enforcement is lax, for every drunk driver arrested, another 2,000 are not. When enforcement is rigorous, for every one arrested, 500 are not-- So that's clearly not much in the way of enforcement. The open saloon would certainly make beverage alcohol more available-- anyone who has any understanding of marketing well understands that to increase sales of your product you must have it readily available, and the open saloon would certainly bring increased availability of alcoholic beverages.

California has public sale of liquor by the drink. Alcoholic beverages are widely advertised and their use vigorously promoted. The California Driver's Handbook starts off with a message from the Governor. After urging people to drive responsibly as well as defensively, he states, "Driving responsibly also means that we don't drive after consuming alcohol." The handbook also states, "Each year, almost 3,000 Californians are killed and 75,000 injured in alcohol related traffic crashes...Alcohol even in small amounts increases the chance of having a crash...A person can be convicted of drunk driving in California at BAC's as low as .05%...If you are

convicted of driving with alcohol in your body, the punishment is great." Still the slaughter in California goes on simply because alcoholic beverages are so readily available.

The American Council for Drug Education of Rockville, MD., tells us in their publication THE DRUG EDUCATOR, "In the U.S. we have adopted a legal standard for intoxication or impairment which correlates a certain BAC with punishment...the facts are that driving is impaired at any level of alcohol consumption, and that the impairment rises as the BAC rises. The only truly effective policy for the highways is to establish the principle that driving and drinking are incompatible."

I urge this committee to protect Kansas' most valuable resource, its people, from the increased tragedies that would follow the return of the open saloon. People's lives are surely more important than increased availability of alcohol.

January 24, 1985
Senate Committee on Federal & State Affairs:

I asked to testify this morning because--

(1) I believe that to make more drink-and-drive opportunities available in Kansas would be going against 1985's national tide of public opinion.

(2) I also believe that making alcohol more readily available in places from which people will then drive home, is flying in the face of our new DUI laws here in Kansas.

I happen to be a new county commissioner in Osage County. On Monday, the commissioners were told that required DUI evaluations being done in Ottawa for our seven-county area have gone from less than 100 a couple of years ago, up to over 500 this past year. Good progress, with a low rate of recidivism, is being claimed. But aside from the injuries and deaths caused by drunk drivers, the costs to the convicted offenders and/or the government (the rest of us), for the four-to-six-hour evaluations and the alcohol "schools" are high; and other law-enforcement and rehabilitation costs connected with D&D (drink-and-drive) cases are a large item of state and local government expense.

(3) Finally, I asked to testify because the average citizen-taxpayer trying to live right and to keep up with his tax collector seems to be so under-represented and so little heard in campaigns like this. What is being seen and more frequently, heard, in the Topeka area at least, is a persistent advertising campaign. Those who watch or listen to our biggest local broadcasting stations are being subjected to several "spots" each day favoring more permissive liquor laws (not to mention being softened up for gambling by being invited to take part in something called "the first legal lottery in Kansas." Arthur Capper might turn over in his grave if he knew what the present owners of his news and sales media are up to these days.

When the Governor's proposal first came out, I took the time to ask a number of average Jane and John Q. Public folks if they felt they were being deprived of their freedom by not having liquor-by-the-drink questions on the ballot. I did not go into taverns to ask people; but neither did I avoid asking people I know who do use alcoholic beverages. I can truthfully say that the only person who spoke in favor of scheduling a vote on the question was one of our state legislators.

On the other hand, many people seem to realize that setting up more D&D opportunities must come at the expense of more crippling and even killing on the highways. By a fortunate circumstance nor foreseen by those who wrote the Kansas Constitution, the no-open-saloon clause, though altered, has survived the horse and buggy days to help protect us as we drive that wonderful but potentially deadly vehicle known as the automobile. Surely the differing results shown by polls on the subject are largely due to how the questions are being put.

Not long ago, President John Kennedy told Americans the U. S. Constitution was archaic and didn't suit our needs any more. Now, in essence, Kansans are being told the same thing about the Kansas Constitution. Maybe it's time average Jane and John Q. Public form a PAC--a Political Action Committee on behalf of the anti-saloon and anti-gambling clauses in the Kansas Constitution.

As a young voter in the 1940's, I recall Kansans being told no, the open saloon would never be allowed in Kansas--that people who wished to use alcohol would have to carry the "package liquor" home in sealed bottles, to avoid D&D problems. Unfortunately, after the people approved the change in the Constitution, pressure from liquor lobbyists soon brought the so-called "private clubs." The tougher DUI regulations fostered by Jan Meyers and others have helped some, but now, instead of all of us being asked to deal honestly with the "private club" hypocrisy, we are being asked to all the creation of still more D&D problems for Kansas.

The more permissive liquor laws are being sought partly on grounds of accommodating convention-goers. Government officials attend lots of conventions these days, and citizens have a right to expect attention to business at these meetings. Still, I think many Kansans would concede to letting the convention-goers have their drinks, provided they did not drive afterward. **ANY CHANGE IN THE PRESENT LIQUOR LAWS SHOULD PROVIDE LESS, NOT MORE D&D RISKS THAN WE NOW HAVE.**

Dorothy Shoup
Dorothy Shoup RR #1, Box 165 Scranton, Ks. 66537

OBJECTIVE #19:

Support legislation to allow the voters of the State of Kansas to vote on a constitutional amendment to authorize local option sale of liquor-by-the-drink by repealing the "open saloon" prohibition in the Kansas Constitution.

OVERVIEW:

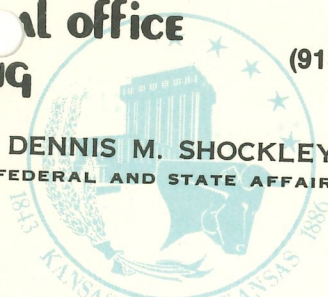
The City has supported this position for several years. There is obviously enough public interest and debate to submit this question to the voters. The last time this was put to a state-wide amendment vote was in 1970 when it failed narrowly. A number of counties approved liquor-by-the-drink in a 1978 referendum which was later ruled unconstitutional by the State Supreme Court. Wyandotte County voters approved it by a wide margin both times.

COMMENTS:

See that a concurrent resolution is introduced.

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