

Approved _____ Date 2/13/85

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

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

11:00 a.m. ~~xxxx~~ on January 28, 1985 in room 254-E of the Capitol.

All members were present ~~XXXXXX~~

Committee staff present:

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

Conferees appearing before the committee: Julian Efird, Legislative Research

SCR1605 - county option for liquor by the drink

The Chairman said it had been brought to his attention that SCR1605 needs some technical amendments and that he had asked Arden Ensley to present a balloon copy of the proposed resolution for review by the Committee. It is Attachment #1. Mr. Ensley said he felt the language needed a little additional technical "boiler plate." He said this amendment would be to eliminate the open saloon prohibition in the Constitution and to allow local option in liquor by the drink. Following further explanation there was Committee discussion.

Senator Martin moved that the Committee re-consider its previous action on SCR1605 (Minutes of January 25, 1985.) 2d by Senator Anderson. Motion carried.

Senator Anderson made the motion that the amendments to SCR1605 recommended by the Revisor's Office be adopted. 2d by Senator Strick. Motion carried. Senator Daniels voted "no."

Senator Walker moved SCR1605 be reported favorably as amended. 2d by Senator Anderson. Senator Daniels voted "no." Motion carried.

The Chairman then introduced Julian Efird, of Legislative Research, to present information which had been requested concerning receipts and expenditures regarding the Alcoholic Beverage Control. He distributed Attachment #2 and made the presentation concerning it and answered many questions from Committee members.

Senator Walker requested that the Director of the Alcoholic Beverage Control gave a summary of how private clubs are operated in this state. The Chairman said he would request a report from the ABC Director.

The meeting was adjourned at 11:45 a.m.

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.

Attachment #1
1/28/85

Senate Concurrent Resolution No. 1605

By Committee on Federal and State Affairs

0017 A PROPOSITION to amend section 10 of article 15 of the
0018 constitution of the state of Kansas, relating to intoxicating
0019 liquors; authorizing the legislature to permit and provide for
0020 county option in the sale of liquor by the individual drink.

in public places

0021 *Be it resolved by the Legislature of the State of Kansas, two-*
0022 *thirds of the members elected (or appointed) and qualified to*
0023 *the Senate and two-thirds of the members elected (or ap-*
0024 *pointed) and qualified to the House of Representatives con-*
0025 *curring therein:*

0026 Section 1. The following proposition to amend the constitu-
0027 tion of the state of Kansas shall be submitted to the qualified
0028 electors of the state for their approval or rejection: Section 10 of
0029 article 15 of the constitution of the state of Kansas is amended to
0030 read as follows:

0031 "§ 10. Intoxicating liquors. (a) The legislature may pro-
0032 vide for the prohibition of intoxicating liquors in certain areas.
0033 ~~Subject to the foregoing,~~

0034 "(b) The legislature may regulate, license and tax the
0035 manufacture and sale of intoxicating liquors, and may regulate
0036 the possession and transportation of intoxicating liquors. ~~The~~
0037 ~~open saloon shall be and is hereby forever prohibited.~~

in public places

0038 "(c) ~~The sale of intoxicating liquor by the individual drink~~
0039 ~~is prohibited, except that the legislature may permit, regu-~~
0040 ~~late, license and tax the sale of liquor by the drink~~ in any
0041 ~~county in which the qualified electors of the county have~~
0042 ~~determined, by a majority vote of those voting thereon, to~~
0043 ~~permit the sale of intoxicating liquor by the drink~~ within the
0044 ~~boundaries of the county."~~

intoxicating

in public places

in public places

0045 Sec. 2. The following statement shall be printed on the bal-

0046 lot with the amendment as a whole:

0047 "Explanatory statement. This proposed amendment would
 0048 authorize the legislature to permit, license, regulate and tax intoxicating
 0049 the sale of liquor by the drink in public places in any county where the voters
 0050 have approved ~~its~~ sale in their county.

0051 "A vote for the proposed amendment would permit the sale such
 0052 of liquor by the drink in public places in any county where the voters approve
 0053 ~~its~~ sale in their county.

0054 "A vote against the proposed amendment would continue such
 0055 the current prohibition against the sale of liquor by the drink." in public places

0056 Sec. 3. This resolution, if approved by two-thirds of the
 0057 members elected (or appointed) and qualified to the senate and
 0058 two-thirds of the members elected (or appointed) and qualified
 0059 to the house of representatives, shall be entered on the journals,
 0060 together with the yeas and nays. The secretary of state shall
 0061 cause this resolution to be published as provided by law and
 0062 shall cause the proposed amendment to be submitted to the
 0063 electors of the state at the general election in the year 1986
 0064 unless a special election is called at a sooner date by concurrent
 0065 resolution of the legislature, in which case it shall be submitted
 0066 to the electors of the state at the special election.

Attachment #2
 Julian E. Fird
 1/28/85

Receipts and Expenditures Related
 To Alcoholic Beverage Control

Receipts (In Thousands)	Actual FY 1982	Actual FY 1983	Actual FY 1984
Tax Revenues			
Private Clubs a)	\$ 7,713	\$ 8,422	\$ 8,787
Liquor Enforcement b)	8,772	8,910	15,938
Liquor Gallonage c)	12,837	12,288	12,173
CMB Gallonage d)	5,077	4,979	5,125
Fees, Fines & Misc.	\$ 1,253	\$ 1,305	\$ 1,380
TOTAL RECEIPTS	\$35,652	\$35,904	\$43,403

- a) 10% retail excise tax.
- b) 4% prior to FY 1984; 8% FY 1984 collected at retail liquor stores.
- c) on alcoholic beverages, wines and strong beer.
- d) on cereal malt beverage (CMB).

Expenditures	Actual FY 1984	Gov. Rec. FY 1985	Gov. Rec. FY 1986
A.B.C. Division a)	\$1,283,845	\$1,353,441	\$1,362,115
F.T.E. Positions	51.0	52.0	52.0
A.B.C. Inspection Bureau	803,144	849,952	864,379
F.T.E. Positions	28.0	28.0	26.0

a) The Alcoholic Beverage Control Division is an organizational unit within the Department of Revenue. Within the A.B.C. Division are three subunits, one of which is the Inspection Bureau. There are 27.0 Full-Time Equivalent (F.T.E.) positions assigned as enforcement officers and 1.0 F.T.E. secretarial position in the bureau.