

Approved \_\_\_\_\_ Date 2/3/87

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. ~~pm~~ on February 3, 1987 in room 254-E of the Capitol.

All members were present except:

Senator Ehrlich was excused.

Committee staff present:

Mary Galligan, Legislative Research  
Emalene Correll, Legislative Research  
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

A Memorandum from Legislative Research concerning Liquor Law Review Commission Recommendations was distributed to Committee. (Attachment #A1)

Senator Martin moved to introduce a bill that was heard in the interim this summer that had to do with zoning for manufactured housing. The motion was seconded by Senator Arasmith. The motion carried.

Senator Morris mentioned discussion in an interim committee to consider another exemption to the open meetings law concerning security of state personnel. He moved to introduce such a Committee bill. The motion was seconded by Senator Vidricksen. The motion carried.

Senator Vidricksen moved for the introduction of a bill providing for the licensing of alcoholism and drug addiction counselors (Attachment #1). Senator Strick seconded the motion. The motion carried.

The Minutes of January 28 and 29 were approved on a motion by Senator Arasmith, seconded by Senator Martin. Also, the Minutes of January 21, 22, and February 2, were approved on a motion by Senator Arasmith, seconded by Senator Martin.

There were remarks in front of the Committee that the Chairman had presented to the Senate Caucus yesterday. These highlight the liquor by the drink proposal and give the history of the liquor issue in Kansas (Attachment #2).

The Committee discussed the fee structure. Mr. John Lamb, Alcoholic Beverage Control Director, was instructed to develop a proposal for the license fees, to work with the Secretary of Revenue and staff in this procedure.

Senator Morris moved that July 1, 1987, be the effective date of issuing licenses of the liquor by the drink statute, but it should be effective upon publication in the Kansas Register. The motion was seconded by Senator Vidricksen. The motion carried.

The Committee clarified the intent for wholesalers and retailers to be able to deliver to clubs as well as liquor by the drink establishments in both wet and dry counties. Wholesalers could deliver within their franchise areas.

There was discussion concerning the issue of beverage handlers' training. Senator Vidricksen had a hand-out for the Committee. (Attachment #3) He requested the Committee to look it over.

Senator Morris moved that the training requirement should include the private clubs, as well as liquor by the drink, and extend it a year in order to get everyone ready to comply by July 1, 1988. Seconded by Senator Anderson. The motion carried. Liquor stores were excluded from the above motion.

Senator Bond made the motion to include in the liquor by the drink bill an exemption that would allow the sale of liquor by the drink on state

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,  
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on February 3, 1987

property if there is parimutuel wagering on that property during racing days only. The motion was seconded by Senator Anderson. The motion carried.

The Chairman asked if there were a motion to introduce the bill now that all the elements have been established. Senator Anderson moved to introduce the bill. Senator Martin seconded the motion. The motion carried.

The Chairman stated that the Minutes will reflect that the Committee has given guidelines to the Alcoholic Beverage Control.

Copies of a letter from Robert H. Miller, Chairperson, Legislative Post Audit Committee, were distributed for members of the Committee. (Attachment #4)

The meeting was adjourned at noon.

TO: SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS  
 FROM: KANSAS LEGISLATIVE RESEARCH DEPARTMENT  
 RE: LIQUOR LAW REVIEW COMMISSION RECOMMENDATIONS

2/3/87  
 Attachment #A1

The table below displays the topics of recommendations made by the Liquor Law Review Commission about which decisions have not been made by the Committee. None of the items listed would be required to implement liquor by the drink. The page numbers included in the table refer to the Commission report. An asterisk (\*) has been placed beside items about which a decision has been made for liquor by the drink establishments but not for other segments of the industry.

Item/Issue	Page No.
-----	
TAXATION/ALLOCATION OF REVENUE	
Taxation	8 & 24
Allocation of Tax Revenue	11
GENERAL	
* License fees	8 & 11
Eligibility of Licensee's Spouse	12
Under-Age Purchases	12
Mandatory Minimum Penalty for Purchases by Minors	12
ABC Board of Review, Staffing and Powers of ABC	12
Limitations on Director of ABC	13
Employees of ABC	13
CLUBS	
Uniform Licensure Requirements	15
Liquor Establishments--Private Clubs	15-16
* Beverage Handler Training and Licensing	17
Promotional Activities	18
* Point of Purchase and Delivery	8
RETAILERS	
Residency Requirement	19

Attachment #A1  
 FSA 2/3/87

Licensure Requirements--Felons	19
Limit on Number of Retailers	20
Ownership of Retail Liquor Stores	20
Liquor Sales by Other Establishments	20
Sale of Non-Liquor Products	21
Use of Credit Cards	21
Point of Sale Merchandise	22
Restrictions on the Solicitation of Business	22
* Election Day Sales	22
Limitations on Wholesalers and Retailers--Public Service	13

The Committee has not yet addressed any of the Commission's recommendations about wholesalers and suppliers. Those recommendations are on pages 23-29 of the report.

Recommendations regarding minimum price markup and price and brand advertising also were made by the Commission but not yet addressed by the Committee. The Attorney General has been asked to review recent court decisions and issue opinions about how those decisions might impact Kansas laws.

\* Election Procedure to Be In LBD

\* LICENSE CHANGE IF VOTE OCCURS

\* ALL EFFECTIVE JULY 1, 1987

10% OF THOSE WHO VOTED FOR SEC OF STATE PREVIOUS  
ELECTION.

\_\_\_\_\_ BILL NO. \_\_\_\_\_

*Attachment # 1*  
*2-3-87*

By

AN ACT providing for the licensing of alcoholism and drug addiction counselors; establishing the board of alcoholism and drug addiction professionals and providing for the powers, duties and functions thereof; establishing the alcoholism and drug addiction counselors fee fund; declaring certain acts to be unlawful and prescribing penalties for violations; amending K.S.A. 1986 Supp. 15-3170a and repealing the existing section.

**DRAFT**  
2

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

New Section 1. As used in sections 1 to 13, inclusive, of this act:

(a) "Board" means the board of alcoholism and drug addiction professionals.

(b) "Licensed alcoholism and drug addiction counselor" means a person licensed under the provisions of this act to practice alcoholism and drug addiction counseling.

(c) "Practice of alcoholism and drug addiction counseling" means the activity of counseling individuals and families with problems caused by the effects of the abuse of or addiction to alcohol or drugs, or both, including but not limited to physiological and pharmacological effects, psychological effects including family illnesses and socio-cultural effects. The practice of alcoholism and drug addiction counseling requires a comprehensive knowledge of the diseases of addiction, their development, process and progression and human development and behavior, of family dynamics and interaction, of environmental and socio-cultural aspects of minorities and special groups and of the signs and symptoms of alcoholism and drug addiction. The practice of alcoholism and drug addiction counseling includes the

*Attachment # 1*  
*FSA 2/3/87*

use of basic communication skills, the use of analytical skills in evaluation and assessment, case planning, referral skills and treatment through counseling.

New Sec. 2. No person shall hold oneself out to the public or represent oneself by any title or description of services incorporating the words "licensed alcoholism and drug addiction counselor" or any abbreviation of such title authorized by the board, and under such title, description or abbreviation, or any word, letter, signs, figures or devices which indicate that the person using the same is licensed under this act, offer to render or render services to individuals, corporations or the public for a fee, monetary or otherwise, unless such person is a licensed alcoholism and drug addiction counselor.

New Sec. 3. (a) There is hereby created the board of alcoholism and drug addiction professions. The board shall consist of nine members appointed by the governor as follows: Five shall be alcoholism and drug addiction counselors and four shall be representatives of the general public. Each member of the board who is an alcoholism and drug addiction counselor shall be licensed or eligible for licensure under this act. In making these appointments the governor shall make as far as practicable appointments so that the members of the board will be representative of the geographical areas of the state.

(b) The term of office of each member of the board shall be three years, except that for members first appointed to the board three shall be appointed for terms of one year, three shall be appointed for terms of two years and three shall be appointed for terms of three years as designated by the governor. Members of the board may be removed for cause. Upon the death, resignation or removal for cause of any member of the board, the governor shall fill such vacancy for the remainder of such member's term. For the initial appointment of the five alcoholism and drug addiction counselor members and for subsequent appointments upon vacancies in such positions, the Kansas alcoholism and drug addiction counselors association shall submit to the governor a

list of alcoholism and drug addiction counselors containing names of not less than three times the number of persons to be appointed and appointments shall be made after consideration of such list.

(c) The board may appoint an executive secretary who shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the board, subject to approval by the governor. The board may employ clerical personnel and other assistants, all of whom shall be in the classified service under the Kansas civil service act. The board may make and enter into contracts as necessary for the performance of its powers, duties and functions.

(d) Members of the board attending meetings of such board or attending a subcommittee meeting thereof authorized by such board shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto.

New Sec. 4. The board shall have the following powers, duties and functions for the purpose of administering the provisions of this act:

(a) Annually publish a list of the names and addresses of all persons who are licensed under this act;

(b) recommend to the appropriate district or county attorney prosecution for violations of this act;

(c) prescribe the form and contents of examinations required for licensure under the provisions of this act;

(d) prescribe and enforce rules and regulations for professional conduct of licensed alcoholism and drug addiction counselors;

(e) enter into contracts necessary for the administration of this act;

(f) adopt an official seal;

(g) appoint an executive secretary and other employees as provided in section 3;

(h) adopt and enforce rules and regulations establishing requirements for the continuing education of persons licensed

under this act, which rules and regulations shall not require more than 60 clock hours of continuing education every two years; and

(i) adopt such other rules and regulations necessary for the administration of this act.

New Sec. 5. The board shall issue a license as an alcoholism and drug addiction counselor to an applicant who

(a) has graduated from a high school accredited by the appropriate legal accrediting agency or has otherwise attained the equivalent of a high school education;

(b) has at least three years of full-time, paid supervised experience in one or more areas of alcoholism and drug addiction counseling as determined by the board;

(c) has completed 270 clock hours of training programs in alcoholism and drug addiction counseling approved by the board;

(d) has at least 300 hours of supervised practical experience as determined by the board in the following 12 nationally recognized alcoholism and drug addiction counseling core functions: (1) Screening of clients for program admission; (2) intake assessment procedures for program admission; (3) orientation of the client to program requirements; (4) assessment of client for development of a treatment plan; (5) treatment planning for client; (6) counseling; (7) case management; (8) crisis intervention; (9) client education; (10) referral of client for assistance to appropriate individuals or support systems within the community, or both; (11) reports and record keeping; and (12) consultation with other professionals in regard to client treatment and services; and

(e) has completed successfully oral and written examinations as determined by the board.

New Sec. 6. The board may issue a temporary license to practice as a licensed alcoholism and drug addiction counselor under such circumstances as may be specified by rules and regulations of the board. A temporary license shall be effective for a period of time specified by the board but shall not exceed



six months.

New Sec. 7. (a) Those persons who are certified on the effective date of this act by the Kansas alcoholism and drug addiction counselors association as alcoholism and drug addiction counselors shall be licensed under the provisions of this act as alcoholism and drug addiction counselors.

(b) Those persons who, on the effective date of this act, can demonstrate, as determined by the board, the practice of alcoholism and drug addiction counseling during three of the five years prior to application shall be licensed under the provisions of this act as alcoholism and drug addiction counselors.

New Sec. 8. The board may refuse to grant or renew a license or may suspend or revoke a license issued under this act upon proof, after a hearing, that the applicant for a license or the licensee:

(a) Has been convicted of a felony and, after investigation, the board finds that the applicant for a license or the licensee has not been sufficiently rehabilitated to merit the public trust; or

(b) has been found guilty of fraud or deceit in connection with services rendered as a licensed alcoholism and drug addiction counselor or in establishing required qualifications under this act; or

(c) has knowingly aided or abetted a person, not a licensed alcoholism and drug addiction counselor, in representing such person as a licensed alcoholism and drug addiction counselor in this state; or

(d) has committed unprofessional acts as defined by rules and regulations of the board; or

(e) has been negligent or has committed wrongful acts in the performance of the duties of an alcoholism and drug addiction counselor.

New Sec. 9. Proceedings under this act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under

this act shall be in accordance with the act for judicial review and civil enforcement of agency actions.

New Sec. 10. (a) All licenses shall be effective on the date issued or renewed by the board and shall expire two years subsequent to the date of issuance or renewal.

(b) Except as otherwise provided in section 8, a license may be renewed by the payment of the renewal fees set forth in section 11 and the execution and submission of a signed statement on a form to be provided by the board attesting that the applicant's license has not been denied, revoked or currently suspended and that the applicant has met the requirements for continuing education established by the board.

New Sec. 11. (a) The following license fees shall be fixed by the board by rules and regulations in accordance with the following limitations:

(1) Application fee for a license as an alcoholism and drug addiction counselor shall be not more than \$75;

(2) examination fee shall be not more than \$100;

(3) license renewal fee shall be not more than \$100;

(4) temporary license fee shall be not more than \$50; and

(5) certified copy of license shall be not more than \$20.

(b) Subject to limitations established under subsection (a), fees shall be fixed under subsection (a) in amounts necessary to cover all expenses of the administration of this act.

(c) The board shall remit all moneys received from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the alcoholism and drug addiction counselors fee fund, which fund is hereby established. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by

the board or a person designated by the board.

New Sec. 12. Nothing in this act shall be construed to prevent qualified members of other professions from doing work of a counseling nature with alcoholics and drug addicts consistent with their training and consistent with any code of ethics of their respective professions so long as they do not hold themselves out to the public as licensed alcoholism and drug addiction counselors.

New Sec. 13. (a) On and after July 1, 1988, it shall be unlawful for any person to:

(1) Obtain or attempt to obtain a license or renewal thereof by fraudulent representations;

(2) knowingly make a false statement in connection with any application under this act; or

(3) violate any provision of section 2.

(b) Any person convicted of an unlawful act under subsection (a) shall be guilty of a class B misdemeanor.

Sec. 14. K.S.A. 1986 Supp. 75-3170a is hereby amended to read as follows: 75-3170a. (a) The 20% credit to the state general fund required by section 11 and K.S.A. 1-204, 2-2609, 2-3008, 9-1703, 16-609, 16a-2-302, 17-1271, 17-2236, 17-5609, 17-5610, 17-5612, 17-5701, 20-1a02, 20-1a03, 34-102b, 44-324, 44-926, 47-820, 49-420, 55-131, 55-155, 55-609, 55-711, 55-901, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-2011, 65-2418, 65-2855, 65-2911, 65-4610, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-2902a, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308 and 75-1509 and K.S.A. 1986 Supp. 65-5413 and 65-5513 and acts amendatory of any of the foregoing including amendments by other sections of this act is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) Nothing in this act or in the sections amended by this act or referred to in subsection (a) of this section, shall be deemed to authorize remittances to be made less frequently than is authorized under K.S.A. 75-4215 and amendments thereto.

(c) Notwithstanding any provision of any section referred to in or amended by this act or referred to in subsection (a) of this section, whenever in any fiscal year such 20% credit to the state general fund in relation to any particular fee fund is \$200,000, in that fiscal year the 20% credit no longer shall apply to moneys received from sources applicable to such fee fund and for the remainder of such year the full 100% so received shall be credited to such fee fund, except as otherwise provided in subsection (d) of this section.

(d) Notwithstanding any provision of K.S.A. 2-2609 and 2-3008 and amendments thereto or any provision of any section referred to in subsection (a) of this section, the 20% credit to the state general fund no longer shall apply to moneys received from sources applicable to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund, as specified for each such fund by this subsection, and for the remainder of a fiscal year the full 100% of the moneys so received shall be credited to the appropriate fund of such funds, whenever in any fiscal year:

(1) With respect to the Kansas wheat commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas wheat commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year;

(2) with respect to the Kansas corn commission fund, such 20% credit to the state general fund in relation to such fund in

that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas corn commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year;

(3) with respect to the Kansas grain sorghum commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas grain sorghum commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year; and

(4) with respect to the Kansas soybean commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas soybean commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year.

Sec. 15. K.S.A. 1986 Supp. 75-3170a is hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the statute book.

MEMORANDUM

2/3/87  
Attachment # 2

February 2, 1987

FROM: SENATOR EDWARD REILLY

RE: Liquor By-The-Drink Bill and Other Liquor Issues

The following major issues were identified by the Senate Federal and State Affairs Committee for inclusion in the liquor by-the-drink bill.

- Permit delivery of liquor and beer to liquor by-the-drink establishments and caterers by either wholesalers or retailers. A delivery charge would be allowed.
- Beverage server training requirements for employees of liquor by the drink establishments and caterers. The training requirement would be effective January 1, 1988.
- License fees as recommended by the Liquor Law Review Commission: \$2,000 for liquor by-the-drink establishments, \$1,000 for caterers, and \$25 per day for temporary permits.
- Sale of alcoholic beverages in liquor by-the-drink establishments and clubs between the hours of 9:00 a.m. and 2:00 a.m. seven days per week and on election days.
- The county option issues allowed by the constitutional amendment could be placed on any state general election ballot either by resolution of the county commission or by petition signed by 10 percent of the voters who participated in last election for secretary of state.
- The effective date of the act would be July 1, 1987.

Caterer license

- would be a type of liquor by-the-drink license;
- would require the licensee to have a principal place of business that may or may not be a liquor by-the-drink establishment;
- would require the licensee to have a state food service license;
- would require the licensee to meet the same criteria as other club licensees;
- would require submission of monthly reports to the Alcohol Beverage Control (ABC) as required for all on-premise licenses;

Attachment # 2  
FSA 2/3/87

- would require the caterer to provide notice to local law enforcement officials prior to each event;
- caterers would be authorized to operate in any "wet" county; and
- drink taxes would be based on the gross liquor receipts and would be collected at the location of the caterer's principal place of business.

#### Temporary Liquor by-the-Drink Permits

- would be limited to nonprofit religious, charitable, fraternal, educational, and veterans' organizations;
- the organization that obtained the permit would be prohibited from sharing profits with any other organizations or individuals;
- permits would be issued for a maximum of three consecutive days;
- an organization would be limited to four permits per year;
- a \$25 per day permit fee would be charged; and
- holders of temporary permits would be required to purchase liquor from retail liquor stores.

The following are other liquor law issues discussed by the Committee, but not included in the liquor by-the-drink bill. The Committee has not yet made recommendations on all of these issues:

- CMB: abolition of distinction from beer, Sunday and election day sales, state notification by licensees, and beverage handler training;
- revisions of the annual license fees for wholesalers, retailers, and clubs;
- taxation rates and allocation of revenue; and
- off-premise Sunday and election day sales.

MemoReilly.MG/bd

Remarks to Caucus  
February 2, 1987

Senator Edward F. Reilly, Jr.  
Chairman, Federal and State Affairs  
Committee

1) The sale and consumption of alcoholic beverages in Kansas since the early days of statehood have been a matter of concern, controversy and extensive regulation.

2) In 1880, the Kansas voters approved a constitutional amendment prohibiting the manufacture and sale of liquors. We were the first state in the nation to ban alcoholic beverages in this country. Passage of the 18th Amendment (Prohibition) had little impact in already "dry" Kansas.

3) 3.2 beer came about in 1937, when the Legislature classified beer with an alcoholic content of 3.2 percent by weight or less as cereal malt beverage and excluded it from the definition of intoxicating liquor. That definition authorized the sale of "3.2" beer for both on- and off-premise consumption throughout the state. Thus, even though liquors were banned, Kansas did have access to i.e. beer.

4) In 1948, the voters approved an amendment authorizing the Legislature to "regulate, license, and tax the manufacture and sale of liquor and to regulate possession and transportation of liquors." That amendment included the wording "the open saloon shall be and is hereby forever prohibited."



This meant in effect the voters approved the sale of package liquor stores but did not approve places open to the public to serve liquor.

5) In 1949, the Legislature passed the Liquor Control Act, authorizing the package sales of liquor in counties in which the amendment was approved by the voters at the same time creating the Alcoholic Beverage Control to enforce the Act.

6) That method of distributing was outlined in what is referred to often as a 3-tier system establishing three independent levels of business

a) the supplier

b) the wholesaler

c) the retailer

Each operated separately, and persons in one tier were prohibited from holding a financial interest in the other two.

7) In 1965, the Legislature responded to the area of law enforcement problems with regard to what had sprung up after the passage of a 1948 Constitutional provision concerning questionable private clubs, the Private Club Licensing Act. This Act authorized consumption of alcoholic liquor on the premises of private clubs in a place where the general public had no access and placed a minimum

membership fee and waiting requirement on club members.

8) In 1970, you may recall, Kansans voted on an amendment to the Constitution to remove the open saloon prohibition which failed by a narrow margin.

9) Finally, in 1979, the Legislature enacted a bill authorizing clubs to sell liquor by the drink to their members and bona fide guests. This eliminated "liquor pools" which was a method being used then to dispense liquor. It also permitted class B (for profit) clubs deriving at least 50 percent of their gross receipts from the sale of food to enter into reciprocal agreements with each other.

10) In 1979, Kansas operated under the open wholesaling system in which exclusive distributorship arrangements between suppliers and wholesalers were prohibited. This was replaced with an exclusive franchise system in 1979. This authorized franchise agreements giving one wholesaler the exclusive right to distribute a supplier's particular brand in a certain geographic area. It was at that same time that the minimum price markup system for wholesalers was abolished. However, it was maintained for retail liquor prices.

11) Apart from these major changes, the Legislature has historically made few modifications in the alcoholic beverage control laws. Despite changes in

Remarks to Caucus - Senator Edward F. Reilly, Jr.  
February 2, 1987  
Page 4

economic reality and public attitudes toward consumption, the State has never comprehensively reviewed the entire system and set of laws and regulations governing the liquor industry until the Executive Order 85-83 of Governor Carlin on September 19, 1985, created the Liquor Law Review Commission chaired by the Honorable Herb Rohleder, District Court Judge, and consisting of 13 members, including some members of the Legislature and nine members with experience in the alcoholic beverage industry or other general expertise in current liquor and cereal malt beverage laws, to review the entire liquor industry in the State.

The passage on November 4, 1986, of the Constitutional Amendment amending the Constitution, allows the Legislature to draft liquor-by-the-drink legislation. We have reached that point and general consensus as to the elements included in that legislation.

*Proposed Draft, To [unclear] Bill*

2-3-87  
Attachment # 3

INDIVIDUAL LICENSE AND TRAINING

Qualifications--

Every owner, operator, manager or other person engaged in the direct control of the day to day operation of an establishment licensed to sell liquor at retail under the laws of this state, and every salesperson, waiter and waitress selling liquor at retail therein, shall be individually licensed by the Director of Alcohol Beverage Control as herein provided.

Prior to the issuance of any such individual license the proposed licensee shall attend and successfully complete a training program approved by the Director.

No initial or new license to sell liquor at retail shall be issued to any person, firm or corporation on and after July 1, 1987, and no renewal license to sell liquor at retail shall be issued on and after January 1, 1988, unless the said owner, operator, manager, or other person engaged in the direct control of the day to day operations of said establishments has first attended and successfully completed the training program. Individuals licenses for salespersons, waiters, and waitresses selling or dispensing liquor at retail shall be required as follows:

- Restaurants (LBD) on and after January 1, 1988
- Class A and B Clubs (licensed) before July 1, 1987 (on and after July 1, 1988
- Retail package stores, (licensed before July 1, 1987) on and after January 1, 1989.

The Director of the Alcohol Beverage Control may waive the requirement of securing an individual license for salespersons, waiters and waitresses a period of time not to exceed 30 days pending the attendance and completion of the training program.

This action shall be in effect \_\_\_\_\_

*Ann Vidrickson*

Attachment # 3  
FSA 2/3/87

STATE OF KANSAS

*F + SA Committee*

ROBERT H. MILLER  
HOUSE OF REPRESENTATIVES  
Sumner County



TOPEKA  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
CHAIRMAN: FEDERAL AND STATE AFFAIRS  
CHAIRMAN: JOINT LEGISLATIVE POST AUDIT  
CHAIRMAN: CONTRACT AUDIT COMMITTEE  
MEMBER: PENSIONS, INVESTMENTS AND  
BENEFITS  
MEMBER: RULES AND JOURNAL  
MEMBER: NATIONAL CONFERENCE OF STATE  
LEGISLATURES COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT

*Attachment #4*

February 2, 1987

Senator Edward F. Reilly, Jr., Chairperson  
Senate Federal and State Affairs Committee  
Room 255-E, Statehouse  
Topeka, KS 66612

Dear Ed:

This session, the Legislative Post Audit Committee will have regular meetings in order to facilitate the timely consideration of legislative requests for audits.

The Committee has arranged the staff's audit schedule to allow them to address, on an immediate basis, specific issues of concern you might have. Such issues, if sufficiently narrow in scope, can often be completed within several weeks. In these times of fiscal distress, the Division's audit work can serve as an effective legislative tool to assist us in allocating the State's limited resources.

If you or the Senate Federal and State Affairs Committee would like to request an audit, please contact any member of the Legislative Post Audit Committee, or contact the Legislative Division of Post Audit staff at 3792.

Sincerely,

*RHM*

Robert H. Miller, Chairperson  
Legislative Post Audit Committee

RHM:caa

cc: Senator Bill Morris, Vice-Chairperson  
Senator Eugene "Gene" Anderson, Ranking Minority Member  
Emalene Correll, Legislative Research Department  
Mary Galligan, Legislative Research Department

*Attachment #4  
FSA 2/3/87*