

Approved: March 10, 1998  
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 17, 1998 in Room 519-S of the Capitol.

All members were present except: Representative Steve Lloyd, Excused

Committee staff present: Mary Galligan, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
June Evans, Committee Secretary

Conferees appearing before the committee: Whitney B. Damron on behalf of Lukas Liquor Super Store  
Kurt J. Bossert, Bossert Liquor Store, Topeka  
Bill Sorenson, General Manager, Capital Distributing, Topeka  
R. E. "Tuck" Duncan, Kansas Wine and Spirits Wholesalers  
Frances Wood, Woman's Christian Temperance Union  
Dave Schneider, President, Kansans for Life At Its Best  
Charles M. Yunker, Department Adjutant, Kansas American Legion  
Alfred Link, Enlisted Association of the National Guard of Kansas  
Loren Adams  
Lt Col William E. Richards, Chairman, Legislative Committee

Others attending: See attached list

The Chairman opened the meeting and asked if there were any bill requests.

Representative Tanner moved and Representative Mason seconded to request bill introduction to re-examine the penalty phase of using a false I.D. The motion carried.

Representative Kuether moved and Representative Crow seconded to request bill introduction concerning the courts; relating to the jurisdiction of municipal courts. The motion carried.

Representative Cox moved and Representative Ballou seconded to request a bill introduction concerning the Kansas Highway Patrol having open and closed meetings; relating to employer-employee negotiations. The motion carried.

Representative Klein moved and Representative Grant seconded to request a bill allowing video slots in Kansas and the revenue from games; funding the Kansas STARS program. The motion carried.

Representative Haley moved and Representative Gilbert seconded to request a bill introduction amending the bill dealing with cruelty to animals and penalize inappropriate behavior. The motion carried.

The Chairman appointed a sub-committee to review **HB 2244** and report back to the full committee with a recommendation on February 23. The members are: Representative Bill Mason, Chairperson; Representative Troy Findley, Representative Marti Crow, Representative Ray Cox and Representative Cliff Franklin.

**HB 2740 - County Option Liquor Sales on Memorial Day, Independence Day and Labor Day.**

The Chairman opened the hearing on **HB 2740**.

Jill Wolters, Revisor of Statutes Office, gave a briefing on **HB 2740**, stating sales of alcoholic liquor by retailers licensed under the Kansas liquor control act shall be permitted on Memorial Day, Independence Day and Labor Day between the hours of 1 p.m. and 11 p.m. in any county where, in accordance with this section, the board of county commissioners by resolution has permitted such sales or where the qualified voters of the county have voted to permit such sales.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S  
Statehouse, at 1:30 p.m. on February 17, 1998.

Whitney B. Damron, testified on behalf of Lukas Liquor Super Store, Overland Park, in support of **HB 2740**, stating Missouri, Nebraska and Colorado, surrounding states, allow for the retail sale of alcoholic liquor on Memorial Day, Independence Day and Labor Day. Presently, 3.2 beer is sold in Kansas on these holidays without any kind of county option consideration. It is requested that the county commissioners or the voters of a county have to authority to allow for liquor sales on these holidays.

An amendment is requested on page 1, line 15-16 which would strike "between the hours of 1 p.m. and 11 p.m." and be changed to "be open during normal business hours". (Attachment 1)

Kurt J. Bossert, Bossert Liquor Store, testified in support of **HB 2740**, stated this simply should only be a consumer and retailer issue. The consumer wants and should be able to purchase alcoholic beverages on Memorial Day, Independence Day and Labor Day and the retailer would like to be able to fill the consumers desire to purchase on these days. States bordering Kansas allow liquor stores in their states to sell on these holidays. Kansas is losing 8% tax revenues on those purchases. Kansas is encouraging consumers to commit the illegal act of transporting alcoholic beverages from bordering states into Kansas by not allowing the liquor stores in Kansas to be open on these holidays. Gas stations, and grocery stores and all cereal malt beverage license holders can be open their regular hours on these holidays and sell 3.2 beer and beverage coolers. Consumers trying to go to a liquor store end up finding the store closed and generally go next door to by a cereal malt beverage. Mr. Bossert requested an amendment that would allow liquor stores to be open during regular business hours. (Attachment 2)

Kathy Peterson, representing Bill Sorenson, General Manager, Capital Distributing Company, Topeka, Kansas, testified as a proponent to **HB 2740**, stating this would give consumers, where authorized by the voters in that county, added convenience. If voters or consumers did not want this measure of sales convenience in their counties, they would have the ability to reject the matter on the ballot box. County option is quite appropriate and consistent with out state's county-by-county liquor laws. (Attachment 3).

R. E. "Tuck" Duncan, Kansas Wine & Spirits Wholesalers Association, testified as a proponent to **HB 2740**, stating the Association supports giving the voters of each county the opportunity to decide for themselves whether or not they desire to allow the package retail sale of beverage alcohol (spirits, wine, and beer) on Labor Day, Memorial Day and Independence Day. This legislation is compatible with current law that grants citizens the opportunity to vote (a) on liquor-by-the-drink by county option and (b) on authorizing package retail sales within cities. (Attachment 4)

Frances Wood, representing the Woman's Christian Temperance Union of Kansas and the Kansas Churches of the Nazarene testified in opposition of **HB 2740**. The greater the availability of a commodity, the greater the usage. If the liquor industry did not think they would make more sales, why would they be wanting this bill? These holidays are times when families are apt to be traveling and their could be more accidents or fatalities if liquor is more available. (Attachment 5)

Dave Schneider, President, Kansans For Life At Its Best, testified as an opponent to **HB 2740**, stating it seems a logical place to start by asking the question of whether there would be increased consumption of liquor on these holidays if this bill were enacted. It seems by the very fact the proponents are asking for this change in the law demonstrates that there would be more consumption on these holidays. The three holidays are warm-weather outdoor holidays and travel holidays in which many Kansans go to the parks and lakes and if there is increased consumption then the dangers of drunken driving are increased. The fact that these are major travel holidays also is an argument for why this remains an issue of statewide interest and should not be given over to a county option. (Attachment 6).

Representative Cox requested statistics comparing Nebraska to Kansas regarding accidents during these three holidays.

The Chairman closed the hearing on **HB 2740**.

**HCR 6009 - Memorializing Congress to revise certain laws prohibiting disabled military veterans from receiving both full retirement pay and disability compensation benefits.**

The Chairman opened the hearing on **HCR 6009**.

Jill Wolters, Legislative Research, gave a briefing on **HCR 6009**. This resolution memorializing Congress to revise certain laws which prohibit a disabled military veteran from receiving both full retirement pay and disability compensation benefits.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S  
Statehouse, at 1:30 p.m. on February 17, 1998.

Charles M. Yunker, Department Adjutant, Kansas American Legion, testified as a proponent to **HR 6009**. Current federal policy allows military retirees to receive either their earned retirement pay or any disability compensation due them, or their retirement pay less an amount equal to their disability compensation. Non-veteran federal employees injured on the job are not penalized by having to choose between retirement pay and disability compensation, or the reduction of their retirement pay by an amount equal to any disability compensation. Disabled veterans who leave military service and find other employment with the federal government are, after working the required period of time, entitled to their full federal retirement pay plus any disability compensation due them. (Attachment 7)

Alfred Link, a retired member of the Kansas National Guard and the Legislative Chairman of the Enlisted Association of the National Guard of Kansas, testified as a proponent to **HR 6009**, stating a person who has honorably and faithfully devoted most of his/her adult life to the defense of this nation may continue to sacrifice and relinquish their benefits even after he/she has fulfilled the requirements for retirement. This is not fair and equitable practice and request your passing a resolution requesting Congress to change those laws which prohibit a disabled military veteran from receiving both full retirement pay and disability compensation benefits. (Attachment 8).

Loren Adams, testified as a proponent to **HR 6009**, stating no employee, either state or federal, who receives compensation for injury, wounds, health and/or medical problems, incurred during or aggravated by virtue of that employment, is required to forfeit either, their compensation or a portion of their earned retirement, for length of service, whether that entitlement be state or federal, except those who have served in the Armed Forces and military services of the United States of America. (Attachment 9).

William E. Richards, Sr., Lt Col, (Retired), Chairman, Legislative Committee, Kansas Council of Chapters, The Retired Officers Association, testified in support of **HR 6009**. Nationally, the Retired Officers Association, is supporting enactment of HR 44, by the U.S. Congress; this bill would allow concurrent receipt of retired pay and disability compensation, for the most severely disabled retirees. This first step initiative would provide for retirees with a VA disability rating of 70% or higher within four years after retirement from service. It would provide an extra \$300 a month for those rated by the VA as unemployable or 100% disabled; \$200 a month for those with a 90% disability rating; and \$100 a month for a 70% or 80% disability rating. (Attachment 10).

The Chairman closed the hearing on **HR 6009**.

Representative Mason moved and Representative Dahl seconded to move **HR 6009** out favorably. The motion carried.

The Chairman stated final action would be taken tomorrow, February 18, on 3 bills and hearings would be held on Monday, February 23.

The meeting adjourned at 3:10 p.m.

The next meeting is scheduled for February 18, 1998.

FEDERAL & STATE AFFAIRS COMMITTEE

DATE: February 17, 1998

NAME	REPRESENTING
Kurt Bossert	Bossert Liquor Store
MARGE ROBERSON	Ks RETAIL LIQUOR DEALERS ASSC.
Tom Roberson	Roberson Liquor Store
Chuborn Yunker	Ks American Legion
Evelyn Monroe	WCTU
Lois J. Wolfkuhl	Woman's Christian Temperance Union
Virginia Nordstrom	WCTU
Frances Wood	Woman's Christian Temperance Union of Kansas Church of the Nazarene in Kansas
Donald C. Monroe	WCTU
Paul S. Zynck	RETIRED MILITARY
Alfred E. Link	Retired Military
Francine M. Hines	State President, Association of the U.S. Army
Halsey Hines CDR USNR	MOWW
Loren J. Adams	Retired Military
John Reinhardt	Kearney Law Office
BOB DUNCAN	Ks. Wine & Spirits Wholesalers Assn.
Whitney Damron	Lukas Liquor Superstore
Amy Bryant	MP
Neal Whitaker	Ks Beer Wholesalers Assn.
Hester Randall	Whitney Damron, PA
Kathy Peterson	Miller Brewing
Cleta Renyer	Right to Life of Ks.
Louise Ewert	WCTU
Ann Dukes	DOB
Lois Ann Beal	WCTU

**WHITNEY B. DAMRON, P.A.**  
**COMMERCE BANK BUILDING**  
**100 EAST NINTH STREET – SECOND FLOOR**  
**TOPEKA, KANSAS 66612-1213**  
**(785) 354-1354 ♦ 232-3344 (FAX)**

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**TO: The Honorable Garry Boston  
and members of the  
House Federal and State Affairs Committee**

**FROM: Whitney Damron  
on behalf of  
Lukas Liquor Super Store**

**RE: HB 2740 Selected Holiday Sales of Liquor by County Option.**

**DATE: February 17, 1998**

Good afternoon Chairman Boston and Members of the House Federal and State Affairs Committee:

My name is Whitney Damron and I appear before you this afternoon in support of HB 2740 allowing for county option sales of liquor on Memorial Day, Independence Day and Labor Day on behalf of my client, Lukas Liquor Super Store of Overland Park, Kansas. With me today in support of this legislation is Mr. Harry Lukas, owner of Lukas Liquor Super Store.

We come before you this afternoon requesting your support for a bill which would allow for county option consideration of selected holiday sales of liquor, specifically Memorial Day, Independence Day and Labor Day. As drafted, HB 2740 would allow for the sale of alcoholic liquor on these holidays if approved by the board of county commissioners through a resolution or approved by a vote or the people if petitioned by not less than 5 percent of the qualified voters of a county who voted for all candidates for the office of secretary of state at the last preceding election.

Fed & State  
2-17-98  
Atch # 1

Presently, three of our four surrounding states allow for the retail sale of alcoholic liquor on these holidays: Missouri, Nebraska and Colorado. In addition, cereal malt beverages or 3.2 beer, is presently sold in Kansas on these holidays without any kind of county option consideration.

By asking for your support on HB 2740, we are asking for the opportunity to take this issue to the county level and seek some redress against our neighboring states. If adopted, this bill will not automatically allow for the retail sale of alcoholic beverages on these holidays, but rather allow for the consideration of such sales either by the county commissioners or the voters of a county. We believe this legislation will provide an opportunity for retailers to address a competitive disadvantage in border markets and allow for greater convenience for our customers, yet provide for local input on this issue.

Before turning the podium over to Harry Lukas, I would like to offer a clarifying amendment to this bill regarding the hours of operation. Specifically, we would propose the hours for sale on these holidays be identical to regular hours of operation as presently allowed in statute.

Amendment:

1. Delete the reference regarding holiday operating hours found on page one, lines 15-16 of the bill and simply allow for retailers to be open during normal business hours if such holidays are approved at the county level (see attached balloon amendment).

On behalf of Lukas Liquor Super Store, I thank you for your time this afternoon and would be pleased to stand for questions.

## HOUSE BILL No. 2740

By Committee on Federal and State Affairs

1-29

9 AN ACT concerning intoxicating liquors; relating to sales by retailers;  
10 amending K.S.A. 1997 Supp. 41-712 and repealing the existing section.

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

12 New Section 1. (a) Sales of alcoholic liquor by retailers licensed un-  
13 der the Kansas liquor control act shall be permitted on Memorial Day,  
14 Independence Day and Labor Day, ~~between the hours of 1 p.m. and 11~~  
15 ~~p.m.~~; in any county where, in accordance with this section, the board of  
16 county commissioners by resolution has permitted such sales or where  
17 the qualified voters of the county have voted to permit such sales.

18 (b) The board of county commissioners of any county, by resolution,  
19 may permit sales provided for by subsection (a) within the county. Such  
20 resolution shall be published once each week for two consecutive weeks  
21 in the official county newspaper and shall take effect 60 days after final  
22 publication unless within such time a valid petition is filed requesting  
23 submission to the qualified voters of the county of a proposition to permit  
24 the sales provided for by subsection (a).

25 (c) Whether or not a resolution is adopted under subsection (b), a  
26 petition may be filed at any time requesting submission to the qualified  
27 voters of a county of a proposition to permit sales provided for by sub-  
28 section (a) within the county.

29 (d) To be valid, a petition provided for by this section shall be filed  
30 with the county election officer of the county and shall be signed by  
31 qualified voters of the county equal in number to not less than 5% of the  
32 qualified voters of the county who voted for all candidates for the office  
33 of secretary of state at the last preceding general election at which such  
34 office was elected. The following shall appear at the top of each page of  
35 the petition: "We request an election to determine whether sales of al-  
36 coholic liquor shall be permitted on Memorial Day, Independence Day  
37 and Labor Day in \_\_\_\_\_ county."

38 (e) Upon the filing of a valid petition under this section, the county  
39 election officer shall cause the following proposition to be placed on the  
40 ballot at the next countywide election which occurs more than 60 days  
41 after the petition is filed with the county election officer: "Shall the sale  
42 of alcoholic liquor be permitted on Memorial Day, Independence Day  
43

1 and Labor Day in \_\_\_\_\_ county?"

2 (f) If a majority of the votes cast and counted at an election under  
3 this section is in favor of the proposition, sales of alcoholic liquor provided  
4 for the subsection (a) shall be permitted in the county.

5 (g) The election provided for by this section shall be conducted, and  
6 the votes counted and canvassed, in the manner provided by law for  
7 question submitted elections of the county.

8 Sec. 2. K.S.A. 1997 Supp. 41-712 is hereby amended to read as fol-  
9 lows: 41-712. No person shall sell at retail any alcoholic liquor: (1) On  
10 Sunday; (2) *except as provided in section 1, and amendments thereto*, on  
11 Memorial Day, Independence Day or Labor Day; (3) on Thanksgiving  
12 Day or Christmas Day; or ~~(3)~~ (4) before 9 a.m. or after 11 p.m. on any  
13 day when the sale is permitted, except that the governing body of any  
14 city by ordinance may require closing prior to 11 p.m., but such ordinance  
15 shall not require closing prior to 8 p.m.

16 Sec. 3. K.S.A. 1997 Supp. 41-712 is hereby repealed.

17 Sec. 4. This act shall take effect and be in force from and after its  
18 publication in the Kansas register.

Delete

February 17, 1998

**Federal State and Affairs Committee**  
Kansas House of Representatives  
State Capital  
Topeka, KS

**Re: House Bill 2740**

I am testifying in support of House Bill 2740. Quite simply this should only be a consumer and a retailer issue.

- #1. The **consumer wants** and should be able to **purchase** alcoholic beverages on Memorial Day, Independence Day and Labor Day.
- #2. The **retailer would like to** be able to **fill the consumers desire to purchase** on these days.

When considering this bill it is a given that consumption will go up, but please consider the state already has in place laws dealing with over consumption. Over consumption and misuse of alcoholic beverages should not be the deciding factor on House Bill 2740.

Additional facts:

- \* States bordering Kansas allow liquor stores in their states to sell on these holidays.
- \* Kansas is loosing many sales to these bordering states, thus is loosing tax revenues on those purchases ( 8% ).
- \* Kansas is encouraging consumers to commit the illegal act of transporting alcoholic beverages from bordering states into Kansas by not allowing the liquor stores in Kansas to be open on these holidays.
- \* Gas stations and grocery stores and all cereal malt beverage license holders can be open their regular hours on these holidays and sell 3.2 beer and beverage coolers.
- \* Consumers trying to go to a liquor store end up finding the liquor store closed and go (generally next door) to a cereal malt beverage dealer and purchase 3.2 beer costing the state money in tax revenues. Strong beer is taxed at 8.0% while 3.2 is taxed at 4.9%. That is a 63% difference.

FedeState  
2-17-98  
Atch #2



As House Bill 2740 as proposed it would allow liquor stores to be open from 1:00 PM until 11:00 PM. I am asking the committee to amend this bill to change the hours of operation to the hours currently allowed by the state on regular business days. At the least amend the hours of operation to be from 9:00 AM until 7:00 PM. This would still allow for a ten hour business day. As a responsible retailer and citizen of Kansas I would rather focus on the customer that purchases alcoholic beverages earlier in the day than the customer that is going to come in at 10:30 at night trying to make "last call" type of purchases.

Again the hours operation should be the retailers decision driven by consumer demands not on a law reducing the hours of operation.

Holiday sales should be a business decision of the retailer not a decision of the state. Please look favorably on this bill. *Kansas is one of the few states that has some of the best liquor laws and controls in place in the nation. Lets keep it clean and do not allow additional proposals or liquor law changes to be added to this bill.*

Respectfully submitted.



Kurt J. Bossert  
Bossert Liquor Store  
2121 SW Wanamaker Rd.  
Topeka, KS 66614  
(785) 273-0000



**CAPITAL DISTRIBUTING COMPANY, INC.**

4601 Adams • P.O. Box 5184 • Topeka, KS 66605-0184 • (913) 862-2403 • Fax: (913) 862-0487

**Testimony**

in support of HB 2740

**Allowing by County Option Selected Holiday Sales of Liquor**

Presented by  
Mr. Bill Sorenson, General Manager  
Capital Distributing Company, Topeka Kansas

Chairman Boston and Members of the House Federal and State Affairs Committee:

I appreciate this opportunity to testify in support of House Bill 2740, allowing liquor stores in Kansas to be given the same business opportunity as other kinds of retailers.

House Bill 2740 would give consumers, where authorized by the voters in that county, added convenience. That is to say, on Memorial Day, Labor Day, and Independence Day, Kansas consumers would purchase packaged liquor just as they can purchase alcoholic beverages in clubs, and drinking establishments under current state law on those days.

If voters/consumers did not want this measure of sales convenience in their counties, they certainly would have the ability to reject the matter on the ballot box.

This approach for a county option is quite appropriate and consistent with our state's county-by-county liquor laws.

Thank you for your consideration of this matter and I urge you to act favorably on this measure.



Fede State  
2-17-98  
Atch #3

K · A · N · S · A · S  
**WINE & SPIRITS**  
WHOLESALE ASSOCIATION, INC.

February 17, 1998

TO: House Committee on Federal and State Affairs  
FROM: R.E. "Tuck" Duncan *RED #*  
Kansas Wine & Spirits Wholesalers Association  
RE: House Bill 2740

The Kansas Wine & Spirits Wholesalers Association (KWSWA) supports giving the voters of each county the opportunity to decide for themselves whether or not they desire to allow the package retail sale of beverage alcohol (spirits, wine and beer) on Labor Day, Memorial Day and Independence Day. Currently cereal malt beverages (3.2% beer) may be sold in gas stations, marinas and at other locally licensed retail locations on these days. This legislation is compatible with current law that grants citizens the opportunity to vote (a) on liquor-by-the-drink by county option and (b) on authorizing package retail sales within cities.

*Thank you for your attention to and consideration of this matter.*

Chairman Boston and members of the House Federal and State  
Affairs Committee

My name is Frances Wood representing the Woman's Christian  
Temperance Union of Kansas and the Kansas Churches of the  
Nazarene. I am speaking in opposition to HB 2740.

Our organization supports the figures brought to you  
by Dave Schneider of Kansans For Life At It Best. The greater  
the availability of a commodity, the greater the usage.  
If the liquor industry did not think they would make more  
sales, why would they be wanting this bill?

Do we want more usage of this killer product? These  
holidays are times when families are apt to be traveling  
together. Can you imagine the amount of unhappiness that  
a car accident or fatality brings to these holidays? They  
forever will be thought of - a foreboding memory. And whose  
responsibility is it? Many, of course. But you must bear  
part of that responsibility if you vote in favor of this  
bill. You have the power to stop it in this committee. Why  
not take the responsible action and vote NO.

Opponents will say buyers will just purchase their liquor  
on another day if this bill is not passed. Well, then that  
makes this bill unnecessary, doesn't it.

Feds State  
2-17-98  
Atch #5

Testimony Before  
The House Federal and State Affairs Committee  
House Bill 2740

February 17, 1998

Dave Schneider  
President, Kansans For  
Life At Its Best

**Chairman Boston and Members of the Committee,**

We are opposed to House Bill 2740 and would ask that you include for consideration the following issues:

**1. It seems a logical place to start by asking the question of whether there would be increased consumption of liquor on these holidays if this bill were enacted.** If there would be no change or decreased consumption, then the following arguments we make would lose their force. But it seems instead that the very fact the proponents are asking for this change in the law demonstrates that there will be more consumption on these holidays. It strains credibility to argue that the increased availability of liquor on these days in which there is an increased number of persons desiring to drink will not result in more consumption. Otherwise we'd have to assume that drinkers carefully plan out their holiday drinking at least one day in advance and that there would not be those who either don't plan well enough to fulfill their desire or don't buy on impulse because of availability. Again, if you buy that assumption, then the following arguments lose their force. But if you think that increased availability on these particular holidays will either lead to or may lead to increased consumption, then please consider the following:

**2. The Nature of These Holidays and Drunken Driving.**

The three holidays at issue in this bill, **Memorial Day, Independence Day and Labor Day**, are the three major warm-weather outdoor holidays. As such they are major **travel holidays** in which many Kansans are going to and from parks and lakes and friends and family. And if there is increased consumption, then the dangers of drunken driving are increased for these traveling Kansans.

And in fact, we find that contrary to popular opinion, **the Fourth of July is already the most dangerous day of the year when it comes to drunk driving.** See the attached article titled, "July Fourth ranks No. 1 in drunken-driving deaths."

The fact that these are major travel holidays also is an argument for why this remains an issue of statewide interest and should not be given over to a county option. Kansans will be criss-crossing the state and therefore have an inherent safety interest in how this issue might be decided in each county.

Fed & State  
2-17-98  
Atch #6

### 3. The Nature of These Holidays and Alcohol-Related Violence

If we assume that there either would be or might be an increase in liquor consumption as a result of the proposed changes, then we should also give consideration to the real possibility (and we would say probability) of increased violence on these holidays because of the correlation between alcohol and violence. **The argument here is that the more alcohol consumption there is, the more violence will result.**

In the article about drunken-driving deaths on July Fourth, we find the following:

And on the Fourth, people are more likely to drink from afternoon into the evening.

“You have a longer time to drink,” said Michael Garr, a sociologist at Wilkes University in Wilkes-Barre, Pa., who has studied drunken driving on the Fourth. “It’s not like New Year’s, where most drinking is going to be done in just a few hours.”

Note also that these are warm weather holidays. Tempers tend to flare more in these environments. Attached is some material on the correlation between alcohol consumption and crime and violence.

Because of this connection, we think it would be a wiser policy choice to keep the present law in place. One could consider it as a built-in protection to allow more people to enjoy their holidays.

Thank you for your time and consideration of these issues.

# July Fourth ranks No. 1 in drunken-driving deaths

**Hot weather, travel, daylong parties create a deadly combination.**

Knight-Ridder Newspapers

WASHINGTON — Every year, Americans adjust their New Year's Eve plans to avoid legions of drunken drivers hurtling from bars to parties to homes.

Hardly anyone thinks the same way about the Fourth of July, and that's a big mistake.

More people die in alcohol-related car crashes over the Fourth of July holiday than any other, recent federal safety statistics show.

Drunken drivers killed 1,572 persons on Fourth of July holidays from 1991 to 1995. (Numbers for 1996 are not yet available.) That compares with 990 on New Year's Eve in the same period, according to the National Highway Traffic Safety Administration.

The carnage increases when the Fourth of July falls on a weekday close to weekends — as it does this year.

Experts say the Fourth is most dangerous because people are on the roads longer, often driving long distances to visit family or friends. Warmer weather makes downing a cold beer or a gin and tonic more fun.

"It's hot, everybody's on vaca-

## July 4th is the deadliest holiday

Alcohol-related car crash deaths on holidays, 1991-1995

July 4th	1,572
Labor Day	1,390
Thanksgiving	1,331
Memorial Day	1,293
New Year's	990
Christmas	882

■ One third of the victims on July 4th are ages 16-24

■ 78% of victims are male

NOTE: Officials count holiday length as: July 4th, New Year's, Christmas, 24-96 hours; Memorial Day, Labor Day, 72 hours; Thanksgiving, 96 hours

Source: National Highway Traffic Safety Administration

KRT

tion and alcohol is being pushed everywhere," said Doris Aiken, founder of Remove Intoxicated Drivers, a national nonprofit alcohol-awareness group based in Albany, N.Y.

And on the Fourth, people are more likely to drink from afternoon into the evening.

"You have a longer time to drink," said Michael Garr, a sociologist at Wilkes University in Wilkes-Barre, Pa., who has studied drunken driving on the Fourth. "It's not like New Year's, where most drinking is going to be done in just a few hours."

Many of those who die on the Fourth are men ages 16 to 24, a demographic group with a reputation for recklessness behind the wheel. About a third of the victims are in that age group, and about 78 percent of all victims are male.

"It's more of a male activity than a female activity," Garr said of driving drunk. On the Fourth of July, he said, men in families are more likely to drive than women, and more likely to spend more time drinking.

"When dealing with a family holiday, women are more likely to be looking after children, less likely to be drinking," he added.

Safe-driving advocates have been trying to spread the word about the dangers of the holiday, but Americans don't seem to be listening.

Despite education programs and roadside checkpoints, the Fourth of July death toll has remained steady for the last 15 years.

About 300 people typically die in alcohol-related wrecks each Fourth of July. That number rarely drops below 200, even when the holiday falls in the middle of the week.

## Alcohol, Violence, and Aggression

Scientists and nonscientists alike have long recognized a two-way association between alcohol consumption and violent or aggressive behavior (1). Not only may alcohol consumption promote aggressiveness, but victimization may lead to excessive alcohol consumption. Violence may be defined as behavior that intentionally inflicts, or attempts to inflict, physical harm. Violence falls within the broader category of aggression, which also includes behaviors that are threatening, hostile, or damaging in a nonphysical way (2). This *Alcohol Alert* explores the association between alcohol consumption, violence, and aggression and the role of the brain in regulating these behaviors. Understanding the nature of these associations is essential to breaking the cycle of alcohol misuse and violence.

*Alcohol Alert, a publication of the National Institute on Alcohol Abuse and Alcoholism, provides timely information on alcohol research and treatment to health professionals and other interested people. This issue is the thirty-eighth in the series.*

### Extent of the Alcohol-Violence Association

Based on published studies, Roizen (3) summarized the percentages of violent offenders who were drinking at the time of the offense as follows: up to 86 percent of homicide offenders, 37 percent of assault offenders, 60 percent of sexual offenders, up to 57 percent of men and 27 percent of women involved in marital violence, and 13 percent of child abusers. These figures are the upper limits of a wide range of estimates. In a community-based study, Pernanen (4) found that 42 percent of violent crimes reported to the police involved alcohol, although 51 percent of the victims interviewed believed that their assailants had been drinking.

A-8 Friday, January 9, 1998  
The Kansas City Star

NATION &

# 80 percent of adult prisoners have drug links, report says

**Center urges that more money be spent to help eliminate habits.**

The Associated Press

WASHINGTON — Eighty percent of the adults in U.S. prisons are locked up because of criminal activity linked to drug or alcohol abuse, according to a report from a group pressing for more spending on prison drug-treatment programs.

The report by the National Center on Addiction and Substance Abuse urged governments, particularly the states, to spend more money to help those 1.4 million inmates kick their habits before they are returned to society. In addition, the report said prisoners need

other services such as job training, health care and religious instruction.

"The most troublesome aspect of these grim statistics is that the country is doing so little about them," said Joseph Califano, president of the center, which is based at Columbia University. "We are talking about an incredibly insane system that doesn't make that kind of investment."

At the same gathering, President Clinton's top drug adviser said the government has begun to spend more on treatment as it focuses its efforts on keeping the nation's teen-agers and children from turning to drugs.

But Barry McCaffrey, director of the White House Office of National Drug Control Policy, said the federal government alone can't be the solution. "This is a law-en-

forcement no-brainer to move toward treatment," he said.

The retired Army general said that federal spending on treatment programs grew from \$1 billion to \$3 billion in the last five years and that the government is experimenting with new programs.

The 281-page drugs report said the tripling of America's prison population, from 500,000 in 1980 to 1.7 million in 1996, was due mainly to criminal acts influenced by drugs or alcohol.

Most of the inmates, more than 1 million, are housed in state prisons.

Of the 1.7 million total, 1.4 million adult men and women were incarcerated for behavior influenced by alcohol or narcotics. Among the 1.4 million are parents of more than 2 million children, the report said.



TESTIMONY IN SUPPORT OF  
HOUSE RESOLUTION 6009  
PRESENTED TO  
HOUSE FEDERAL AND STATE AFFAIRS  
BY CHARLES M. YUNKER, DEPT. ADJUTANT  
KANSAS AMERICAN LEGION

Thank you for allowing me the opportunity to testify in favor of House Resolution No. 6009. I wish to also thank Representative Dreher for introducing HR 6009 for your consideration.

Would you choose a career with a company whose policy manual contained the following statement: "It is assumed that at some point in your career with our firm you will become disabled while on the job, however upon your retirement you shall only be entitled to the current retirement pay scale given your position with the firm at the time of your retirement; or if you are disabled to such a degree that your disability compensation exceeds your retirement pay the firm is not required to provide your retirement pay. Unless of course you are foolish enough to select to receive your retirement pay but not your higher disability pay." What if such a statement isn't readily found in a company's policy manual yet that company routinely gets away with enforcing it?

While my opening paragraph may seem a little far-fetched it is essentially the policy of our Federal government with respect to military retirees and it is a policy that is not widely known or disseminated. Current Federal policy allows military retirees to receive either their earned retirement pay or any disability compensation due them, or their retirement pay less an amount equal to their disability compensation.

However non veteran Federal employees injured on the job are not penalized by having to choose between retirement pay and disability

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compensation, or the reduction of their retirement pay by an amount equal to any disability compensation. Likewise, disabled veterans who leave military service and find other employment with the Federal government are, after working the required period of time, entitled to their full federal retirement pay plus any disability compensation due them.

HR 6009, a memorializing resolution, is an appropriate manner in which the Kansas Legislature can convey its collective view to Congress that military retirees whose normal occupations are more hazardous than their civilian Federal employee counterparts should not be denied receipt of their full retirement pay in addition to any disability compensation due them and that the Kansas Legislature believes to continue the current Federal policy with regard to military retirees is an injustice which should be ended.

Again thank you for allowing me to testify in favor of HR 6009.

## TESTIMONY OF ALFRED LINK FOR HR 6009

I am Alfred Link, a retired member of the Kansas National Guard and the Legislative Chairman of EANGK, the Enlisted Association of the National Guard of Kansas.

A person who has honorably and faithfully devoted most of his/her adult life to the defense of this nation may continue to sacrifice and relinquish their benefits even after he/she has fulfilled the requirements for retirement.

Those veterans who served their country for twenty or more years and incurred a disabling injury while fulfilling their patriotic duty are being discriminated against and penalized because of that injury. Such a veteran is denied concurrent dual receipt of full retirement pay and disability compensation benefits.

He/she is allowed only to receive retirement pay or disability compensation or must waive an amount of retirement pay equal to the amount of disability compensation benefits. That in effect is he/she paying for incurring the disabling condition while fulfilling his/her patriotic duty.

A disabled veteran who has held a non-military Federal occupation for the required period for retirement receives full retirement pay undiminished by the subtraction of disability compensation benefits.

A disabled veteran who has held a civilian occupation for the required period for retirement receives full retirement pay undiminished by the subtraction of disability compensation benefits

This is not a fair and equitable practice. I request you to pass this resolution requesting Congress to change those laws which prohibit a disabled military veteran from receiving both full retirement pay and disability compensation benefits.

So far eighteen states, including Missouri and Oklahoma have passed resolutions on concurrent receipt to remedy this inequity.

I want to thank my Representative, Stanley Dreher for introducing this resolution and I urge your support of this resolution.

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# Concurrent Compensation Statement

No employee, either State or Federal, who receives compensation for injury, wounds, health and/or medical problems, incurred during or aggravated by virtue of that employment, is required to forfeit either, their compensation or a portion of their earned retirement, for length of service, whether that entitlement be State or Federal, except those who have served in the Armed Forces and military services of the United States of America.

This forfeiture does not apply to those who chose not to make a career of the military service and therefore are not entitled to retirement pay.

This includes Kansas own illustrious, former United States Senator, The Honorable Bob Dole.

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# Concurrent Military Retired Pay == FACTS

## 1997 Example: Retired E-6; 20 years Active Duty USAF

Entitled to receive	<b>\$1015.00</b>	(after rounding down = 98¢ forfeit)
USAF submits budget to DoD	<b>\$1015.00</b>	
DOD submits budget to Congress	<b>\$1015.00</b>	
Congress appropriates	<b>\$1015.00</b>	

\*\*\*\*\*

## Individual with a VA Disability rating of 20%

Individual is entitled to receive	<b>\$274.00</b>	(after rounding down = 55¢ forfeit)
VA submits budget to Congress	<b>\$274.00</b>	
Congress appropriates	<b>\$274.00</b>	

\*\*\*\*\*

## Retired individual with a service connected rating of 20%

DOD Retired entitlement	<b>\$1015.00</b>	
VA entitlement	<u><b>274.00</b></u>	
Total entitlement	<b>\$1289.00</b>	(\$1.51 forfeit to rounding down)

VA notifies DOD of entitlement and makes tax free payment to individual.

DOD deducts VA from Retired	<b>\$1015.00</b>
	<u>- 274.00</u>
Individual receives	<b>\$ 741.00</b>

\*\*\*\*\*

Branch of Service/Department of Defense keeps \$274.00 which is now unbugeted funds.

Federal Government receives taxes on \$741.00 rather than the projected \$1015.00

# Concurrent Military Retired Pay == FACTS

## 1997 Example: Retired E-6; 20 years Active Duty USAF

Entitled to receive	<b>\$1015.00</b>	(after rounding down = 96¢ forfeit)
USAF submits budget to DoD	<b>\$1015.00</b>	
DOD submits budget to Congress	<b>\$1015.00</b>	
Congress appropriates	<b>\$1015.00</b>	

\* \* \* \* \*

## Individual with a VA Disability rating of 20%

Individual is intitled to receive	<b>\$274.00</b>	(after rounding down = 55¢ forfeit)
VA submits budget to Congress	<b>\$274.00</b>	
Congress appropriates	<b>\$274.00</b>	

\* \* \* \* \*

## Retired individual with a service connected rating of 20%

DOD Retired entitlement	<b>\$1015.00</b>	
VA entitlement	<u>274.00</u>	
Total entitlement	<b>\$1289.00</b>	(\$1.51 forfeit to rounding down)

VA notifies DOD of entitlement and makes tax free payment to individual.

DOD deducts VA from Retired	<b>\$1015.00</b>	
	<u>- 274.00</u>	
Individual receives	<b>\$ 741.00</b>	

\* \* \* \* \*

Branch of Service/Department of Defense keeps \$274.00 which is now unbugeted funds.

Federal Government receives taxes on \$741.00 rather than the projected \$1015.00

# Concurrent Military Retired Pay == FACTS

## 1998 Example: Retired E-6; 20 years Active Duty USAF

Entitled to receive	\$1036.00	(after rounding down)
USAF submits budget to DoD	\$1036.00	
DoD submits budget to Congress	\$1036.00	
Congress appropriates	\$1036.00	

\*\*\*\*\*

## Individual with a VA Disability rating of 100%

Individual is entitled to receive	\$1961.00	(after rounding down)
VA submits budget to Congress	\$1961.00	
Congress appropriates	\$1961.00	

\*\*\*\*\*

## Retired individual with a service connected rating of 100%

DoD Retired entitlement	\$1036.00
VA entitlement	<u>1961.00</u>
Total entitlement	\$2997.00

VA notifies DoD of entitlement and makes tax free payment to individual.

DoD deducts VA from Retired	\$1036.00
	<u>- 1961.00</u>
Individual receives	\$ 0.00

\*\*\*\*\*

Branch of Service/DoD keeps \$1036.00 which is now unbudgeted funds.

Federal Government receives taxes on \$0.00 rather than the projected \$1036.00

# Concurrent Military Retired Pay == FACTS

## 1997 Example: Retired E-6; 20 years Active Duty USAF

Entitled to receive	<b>\$1015.00</b>	(after rounding down = 96¢ forfeit)
USAF submits budget to DoD	<b>\$1015.00</b>	
DOD submits budget to Congress	<b>\$1015.00</b>	
Congress appropriates	<b>\$1015.00</b>	

\*\*\*\*\*

### Individual with a VA Disability rating of 20%

Individual is entitled to receive	<b>\$274.00</b>	(after rounding down = 55¢ forfeit)
VA submits budget to Congress	<b>\$274.00</b>	
Congress appropriates	<b>\$274.00</b>	

\*\*\*\*\*

### Retired individual with a service connected rating of 20%

DOD Retired entitlement	<b>\$1015.00</b>	
VA entitlement	<u>274.00</u>	
Total entitlement	<b>\$1289.00</b>	(\$1.51 forfeit to rounding down)

VA notifies DOD of entitlement and makes tax free payment to individual.

DOD deducts VA from Retired	<b>\$1015.00</b>
	<u>- 274.00</u>
Individual receives	<b>\$ 741.00</b>

\*\*\*\*\*

Branch of Service/Department of Defense keeps \$274.00 which is now unbugeted funds.

Federal Government receives taxes on \$741.00 rather than the projected \$1015.00



# KANSAS COUNCIL OF CHAPTERS THE RETIRED OFFICERS ASSOCIATION

708 S.W. Fillmore St.  
Topeka, Kansas 66606  
February 17, 1998

Federal and State Affairs Committee  
Kansas House of Representatives  
State Capitol  
Topeka, Kansas 66612  
Attn: June Evans, Sec.

Gentlemen:

The Kansas Council of Chapters, an organization of approximately 2000 Kansans, strongly supports HCR 6009 and recommends favorable action on this Concurrent Resolution.

Nationally, The Retired Officers Association, is supporting enactment of H.R. 44, by the U.S. Congress; this bill would allow concurrent receipt of retired pay and disability compensation, for the most severely disabled retirees. This "first Step" initiative would provide for retirees with a VA disability rating of 70 percent or higher within four years after retirement from service. It would provide an extra \$300 a month for those rated by the VA as unemployable or 100% disabled; \$200 a month for those with a 90% disability rating; and \$100 a month for a 70% or 80% disability rating.

For the Council President:

*William E. Richards, Sr.*

William E. Richards, Sr., LtC(Ret.) Army  
Chairman, Legislative Committee,  
Kansas Council of Chapters, TRCA.

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