

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:40 p.m. on February 8, 2001 in Room 313-S of the Capitol.

All members were present except: Representative Ray Cox, Excused
Representative R. J. Wilson, Excused

Committee staff present: Theresa M. Kiernan, Revisor of Statutes
Russell Mills, Legislative Research Department
Shelia Pearman, Committee Secretary

Conferees appearing before the committee:

Representative Bill Mason
Gary Winget, Kansans for Life At Its Best
Tom Palace, Executive Director, Petroleum Marketers and Convenience Stores
Robert Alderson, Kansas Food Dealers Association, Casey's General Stores
Terry Presta, Presto Convenience Stores
Neal Whitaker, Kansas Beer Wholesalers Association
Robert Longino, Alcohol Beverage Control
Gary Winget, Kansans for Life At Its Best
R.E. "Tuck" Duncan, Kansas Wine and Spirits Wholesalers Association

Others attending: See attached list

Without objection bill was introduced as requested by John Peterson, Security Benefit regarding replication of funds. [HB 2473]

Without objection bill was introduced as requested by Representative Powell regarding specified limits of gifts and entertainment for legislators. [HB 2489]

Without objection bill was introduced as requested by Representative Powell regarding freedom of conscience for health care workers. [HB 2491]

Without objection bill was introduced as requested by Representative Powell regarding ambulatory surgical care. [HB 2501]

Without objection bill was introduced as requested by Representative Barnes regarding extending maternal consent timeframe for adoption following birth. [HB 2472]

Chairman Mays opened the hearing on HB 2203 - Consumption of alcoholic liquor in public places. Representative Mason sponsored this bill which would restrict educational institutions from serving liquor on college campuses. (Attachment #1) He also presented written testimony (Attachment #2) from Pastor Wade C. Graber of the Eldorado First Baptist Church supporting this bill.

Mr. Winget shared his support of HB 2203 by citing the Michigan Interfaith Council on Alcohol Problems statistic of "as many as three alcohol overdose deaths a day occur in the United States. (Attachment #3) Most alcohol overdose victims are under 21 years old."

The hearing on HB 2203 was closed.

The hearing on HB 2195 - Cereal malt beverages; sale of, Sundays was opened.

Mr. Palace submitted a substitute bill (Attachment #4). He stated retailers near the borders of Missouri and Oklahoma are very frustrated by lost revenues because neighboring states provide the customer the convenience of Sunday purchases. The association desires the opportunity to fairly compete for retention of these customers. He also noted additional hours of allowable sales will result in increased in tax revenue although the amount cannot be predicted at this time.

Mr. Presta encouraged the Legislature to allow retailers to treat Sunday like every other day permitting

sale of alcohol for home consumption. (Attachment #5) We can be proud of the advances of alcohol education.

Mr. Oyer said as a businessman, he needs to be able to compete with restaurants and sports bars as well as retailers in neighboring states. As stated in his testimony (Attachment #6) he and his employees make every attempt possible to prevent juveniles from purchasing alcohol and cigarettes.

Mr. Alderson cited currently a licensed Drinking Establishment may sell alcoholic liquor by the drink to its patrons on a Sunday afternoon; yet, on that same Sunday afternoon, alcoholic beverages in the original and unopened containers cannot be purchased for later consumption in the purchaser's own home. He noted the local option provision in **HB 2195** would provide each community the opportunity to address this issue in its own area rather than on a statewide basis. (Attachment #7)

Mr. Whitaker opposed the bill as originally written. He stated liquor stores in areas surrounded by neighboring states that sale alcohol on Sunday lose revenue every week. In the Kansas City area, it was estimated roughly 40 percent of customers on New Years Eve had Kansas license plate. The current law hampers economic benefit for sales to occur in Kansas. He stated if temperance is not the issue, then the State does not have a legitimate reason to prohibit Sunday sales. (Attachment #8)

Mr. Duncan stated although testimony (Attachment #9) was written and distributed prior to knowledge of amendment, he recommends the committee adopt the amendment.

Mr. Longino stated there are approximately 700 stores licensed by the State to sale. The current bill would provide an owner the option of opening for all alcohol sales on Sunday based upon licensure categories. In 1994, approximately \$56 million in enforcement tax was collected compared to \$73.5 million in 2000. This year's tax collections already exceed those of last year.

Mr. Bossert opposed **HB 2195** despite the proposed amendment because of the inequality in rules (Attachment #10) He noted liquor store must compete with convenience stores in five ways:

1. Convenience stores have 30 percent more business hours because hours at liquor stores are dictated by statute, including being closed on holidays.
2. Liquor stores employees must be at least 21 years old versus convenience store employees may at least 18 years old and must pass background check unlike convenience store employees.
3. Convenience stores can sell at lower costs, sometimes below costs, because profit can be made on the variety of products they are able to sell unlike the strict specifications of products for sale at liquor stores because of products mandate by statute.
4. If convenience store violates law, they only face closing down their alcohol section versus his store having to close during time period.
5. Mr. Bossert had to be resident of state for 5 years, pass a background check by State and must hold bond.

Ms. Mason testified from a different viewpoint, that of a family member of an alcoholic. Because she has first hand knowledge, she voiced her concern for the children who live with parents. She urged the committee to oppose providing additional opportunities for purchasing alcohol. (Attachment #11)

Ms. Campbell opposed to this bill as originally published. She has submitted testimony from members who are on both side of the issue. (Attachment #12)

The hearing on **HB 2195** was closed.

The committee meeting adjourned at 3:05 p.m. The next scheduled meeting is February 13, 2001.

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

COMMITTEE GUEST LIST

DATE: 2/8/01

NAME	REPRESENTING
Amy A. Campbell	Kansas Association of Beverage Retailers
Frances Kastner	Ks Food Dealers Assn
Angela G. Beck, Flora	KSNA
Dee H. Jackson	KSNA
Janet S. Jolley	KSNA
Diane Davis	KSNA
Wesley W. Papp	Big O. C. Store
Gay Gardner	PMCA
Kurt F. Bossert	Bossert Liquor Store
Andy Shaw	PMCA
Garry Winget	Kansas for Life at the Post
Neil Bradley	KLBA
Max Shute	Strathman Subs Co Inc
Whitney Damron	Lukas Liquor Super Store
Denise Wesley	WU Nursing student
Pete Bodyk	KDOR/ABC
R Longino	KDOR/ABC
Julie Hein	KRHA

WILLIAM G. (BILL) MASON
 REPRESENTATIVE, 75TH DISTRICT
 BUTLER COUNTY



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 CHAIRMAN: ECONOMIC DEVELOPMENT
 CHAIRMAN: JOINT COMMITTEE ON ECONOMIC
 DEVELOPMENT
 MEMBER: EDUCATION
 TOURISM
 FEDERAL AND STATE AFFAIRS
 BOARD MEMBER: KANSAS TECHNOLOGY
 ENTERPRISE CORPORATION

Federal and State Affairs Committee

HB 2203

2/8/01

I am here today to speak in favor of House Bill 2203 which would disallow certain exemptions to K.S.A.41-719. K.S.A.41-719 bans the drinking or consuming of alcoholic liquor in public places and on most private property. This bill would remove the exemptions that allow the serving of liquor on college campuses.

There are some things that just do not mix well—oil and water, cats and water, young people and drinking. The taxpayers of Kansas have built a great educational system but our Universities and Community Colleges are for a specific purpose, to educate. They are not Country Clubs or taxpayer supported bars in competition with the private sector. The private sector has every right under the law to serve liquor at the country club, bars, hotel dining rooms, large restaurants, etc.

They were built to educate, not to contribute to the downfall of the individual and the family. The law allows the schools to serve liquor in any area that is not used for instruction. I do not believe this is an appropriate use of tax payers facilities.

The use of liquor in our family has been tragic especially the use of wine. A Father-in-law who was a wino and a brother-in-law who was an alcoholic has proven that there is a tremendous price to pay for the families of those who indulge in liquor use. There is no way to justify a place of higher education setting a standard that drinking is an appropriate behavior. If one is to leave an educational institution in an inebriated condition, is the institution responsible for any accidents or acts of DUI? A person driving at a .08 BAC level is at least 11 times more likely to be in a fatal crash than a sober driver is. In the United States alone, each year there are 16,000 deaths, that's one casualty every 30 minutes, and nearly 300,000 injuries due to drunk driving related accidents.

Please pass H.B. 2203 to restrict our educational institutions from contributing to the start of a single alcoholic, a single DUI, or a single family breakup. It is not the role of education to allow drinking on campus.



First Baptist Church

315 W. Central
El Dorado, KS 67042
316-321-3266 fax 321-3320
Senior Pastor Wade Graber
Youth Pastor Mike Chappell

Reaching the World for Jesus Christ

1000 by 2001

February 7, 2001

To Whom It Concerns:

Since it is statistically obvious that alcohol use and abuse cause heartache, brokenness, and death, I am grieved that our legislators are considering promotion of alcohol use on the college campuses and on Sundays. The inability to abstain from alcohol or any other drug for at least one day a week is a sign of addiction.

How many more alcohol related deaths, family member molestation's and abuses, relational heartaches and financial devastation's will be added to the numbers if we include another day and additional places for alcohol to have its effect?

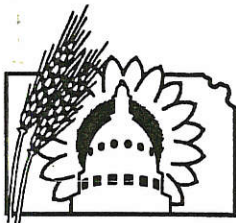
Remember, the statistics and numbers represent people's lives, families, friends, homes and businesses. Please do what is right and healthy for the citizens of Kansas and those travelling through our state.

Sincerely,

Wade Graber

Pastor Wade C. Graber

House Fed. &
State Affairs
Date 2/8/2001
Attachment No. 2
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KANSANS
For LIFE At Its
BEST

Garry Winget
President

HOUSE BILL 2203
TESTIMONY, FEBRUARY 8, 2001

For those of us with families that have a tendency toward alcoholism as mine does, sending a child or grandchild to college is one of our most fearful times. My 21 year old grandson, Christopher, is a junior at Kansas State University. He has also been a diabetic since he was 10 months old, so he knows that alcohol consumption is a life threatening activity for him. He knows that, and he lives his life differently.

The problem is that alcohol consumption is life threatening to all of us, but teenagers coming to college have not heard that truth, and if they have heard, they have not believed. The National Institute on Drug Abuse reports that "The college student who sees himself or herself as a 'social' user doesn't sense any real danger until it is too late." The Michigan Interfaith Council on Alcohol Problems (MICAP) reports, "**According to some experts, as many as three alcohol overdose deaths a day occur in the United States. Most alcohol overdose victims are under 21 years old.**"

I am here today as an expert witness. Kansans for Life at Its Best is an organization dedicated to improving the lives of the people in Kansas. They have given me the task of becoming an expert on alcohol issues. I have read as much of the current data on substance abuse as I can find, and it is very grim reading. There is not time to even give you a condensed version of all of the data, so I will attach some expanded material to this testimony. But there are some basic facts that you need to hear.

1. There is a climate that expects men and women entering college to drink. Our culture advertises it, the media shows it, and peers promote it. Most of the teens that have become alcoholic in high school did not make it to college. What a waste, but that is another issue. In this college climate, there is a climate to do risky, excessive, and stupid things.
2. **Chugging** is a very dangerous form of drinking. Chugging is consuming a large quantity of alcohol -- beer, wine, or liquor-- as fast as possible. The goal is to get drunk as fast as possible.

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3. **Binge Drinking** is one term for heavy drinking. A binge is an episode of steady continued drinking. It is generally defined as consuming five or more drinks in one sitting for an adult male, four or more drinks in one sitting for an adult female.

4. **Alcohol is easy to get** -- It is just common sense that when we make alcohol more difficult to get, fewer people will use it. Kansans for Life at Its Best would prefer prevention to rehabilitation. Drug programs do not work very well.

The changes to HB 2203 are modest, but since the acceptance of the use of alcohol sends an exaggerated message to college students, the existing law clearly sends that mixed message. "Why is it all right to drink here, but not there?" The more often we find a facility or event alcohol and smoke free, the more often the **MAJORITY** of Kansans are pleased.

An additional comment that may be off the track. Section 1 (c) (4) reads "On the state fair grounds on the day of any race held thereon pursuant to the Kansas pari-mutuel racing act." The data is extremely clear that by combining more than one high risk behavior, the risk is more than doubled. Casino's do not give free liquor to gamblers because they are nice people. They want to get people drunk so that they will bet more money. This portion of the law should also be deleted.

SUPPORTIVE INFORMATION

The following information has been condensed from a MICAP report. Quotation marks are not used since credit for the majority of the report is given to them.

CHUGGING--TOO MUCH ALCOHOL TOO FAST CAN KILL

"Chugging" is a very dangerous form of heavy drinking. Chugging is consuming a large quantity of alcohol --beer, wine, or liquor-- as fast as possible. Examples including gulping down all or much of a bottle of liquor or wine, "pounding" beers, drinking shots one after another, or drinking a large mug or glass without pausing. Chugging leads quickly to intoxication and its related problems.

This type of drinking also greatly increases the risk of alcohol overdose and death. If a person drinks a lot of alcohol very quickly, he or she can consume a fatal dose before losing consciousness. Even after the person becomes

unconscious, the alcohol in the stomach continues to enter the blood stream. As the alcohol increasingly affects the brain, the drinker can die from respiratory failure.

How much alcohol is a fatal dose? This depends on many factors in the drinker. A simple number of drinks can not be given. Chugging can also cause death in another way. A person who has passed out after drinking rapidly may vomit while unconscious and choke to death on the vomit. A person who has passed out after drinking alcohol is at risk of dying from an alcohol overdose. He or she needs emergency care. Don't assume that a person who has passed out can "sleep it off."

YOUNG PEOPLE DRINK ALCOHOL FOR MANY REASONS

Young people who drink alcohol do so for a variety of reasons -- curiosity, to feel adult, to fit social norms, and to socialize. Most drink because they are already dependent on alcohol. Other reasons include:

Alcohol advertising and media portrayals encourage drinking.

- 56% of students in grade 5 to 12 say that alcohol advertising encourages them to drink.

Peer pressure to drink occurs early and increases as students grow older.

- 66% say peer pressure is a reason they drink.

Alcohol is seen as a way to reduce stress.

- Many teenagers drink alcohol to handle stress or to change the way they feel. Drinking for these reasons occurs more often for those who binge drink.
- 41% drink when they are upset (among bingers, 58%)
- 25% drink because they are bored (among bingers, 30%)
- 25% drink to feel high (among bingers, 37%)

Many young people do not recognize or believe that alcohol is risky.

Surveys have shown that an increase in perceived risk goes along with reduced use. Unfortunately, alcohol is viewed as less risky than many other drugs, and perception of risk is less as young people grow older.

- Less than half (47%) of high school seniors associated physical or psychological harm with drinking five or more drinks on one or two occasions EACH weekend.
- Nearly a third of high school seniors believe there is no great risk to having four or five almost every day.
- Students in grade six see daily alcohol consumption as less risky than do students in grade four.

Many young people do not understand basic information about alcohol.

- Almost 80% of teenagers do not know that a 12 ounce can of beer has the same amount of alcohol as a shot of whisky; 55% do not know that a five ounce glass of wine and a can of beer have the same amount.
- They do understand that alcohol is easy to get.
- They do understand that law enforcement is difficult or absent.

BINGE DRINKING

Binge drinking is one term for heavy drinking. A binge is an episode of steady continued drinking. It is generally defined as consuming five or more drinks in one sitting for an adult male, four or more drinks in one sitting for an adult female. Some people who binge drink may consume many more than four or five drinks.

A binge may last for an hour, a day, or longer. A binge drinker may act noisy or quiet; drink alone or with others; may or may not act intoxicated. Binge drinking may involve any alcoholic beverage--beer, wine, wine coolers or liquor.

- A study of 47,000 public and private school students found that 9 to 16% of sixth, seventh and eighth graders had consumed five or more drinks consecutively on one or more occasions in the preceding two weeks.
- Among high school seniors, males binge drink in greater numbers than females, but the difference has been shrinking gradually during the last decade.
- Not all college students drink alcohol, but among college freshman who drink at least once a week, 92% of men and 82% of women consume at least five drinks in a row. Half said they want to get drunk.

Whatever one calls how the alcohol was consumed -- bingeing, partying, chugging,... and whatever the results is called--intoxicated, drunk, loaded, looped, high, bombed...It is all heavy drinking and it is all dangerous.

We can not say that it is all right for adults to have parties on campus and that is wrong for students. That hypocrisy is just the justification they are looking for from us.

PROPOSED AMENDMENT TO HOUSE BILL NO. 2195

On page 1, by striking all in lines 13 through 43;

On page 2, by striking all in lines 1 through 21 and inserting:

"Section 1. K.S.A. 41-712 is hereby amended to read as follows: 41-712. (a) Except as provided by subsection (b), no person shall sell at retail any alcoholic liquor: (1) On Sunday; (2) on Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day; or (3) before 9 a.m. or after 11 p.m. on any day when the sale is permitted, except that the governing body of any city by ordinance may require closing prior to 11 p.m., but such ordinance shall not require closing prior to 8 p.m.

(b) In counties in which the voters have approved the sale of alcoholic liquor on Sunday as provided by section 2, and amendments thereto, a person may sell at retail any alcoholic liquor on Sunday between the hours of 12 noon and 11 p.m. The governing body of any city, by ordinance, may require closing prior to 11 p.m., but such ordinance shall not require closing prior to 8 p.m.

New Sec. 2. (a) The board of county commissioners by resolution, may submit, and upon a petition filed in accordance with subsection (b), shall submit to the qualified electors of the county at any state general election a proposition to permit the sale of cereal malt beverage and alcoholic liquor within the county between the hours of 12 noon and 11 p.m. on Sunday.

(b) A petition to submit a proposition to the qualified voters of a county pursuant to this section shall be filed with the county election officer. The petition shall be signed by qualified electors of the county equal in number to not less than 10% of the electors of the county who voted for the office of secretary of state at the last preceding general election at which such office was elected. The appropriate version following shall appear on the petition:

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"We request an election to determine whether the sale of alcoholic liquor or cereal malt beverage on Sundays between the hours of 12 noon and 11 p.m. in _____ county shall be allowed."

(c) Upon the adoption of a resolution or the submission of a valid petition calling for an election pursuant to this section, the county election officer shall cause the proposition to be placed on the ballot at the next succeeding state general election which occurs more than 90 days after the resolution is adopted or the petition is filed with the county election officer:

"Shall sale of alcoholic liquor or cereal malt beverage on Sundays between the hours of 12 noon and 11 p.m. be allowed?"

(d) If a majority of the votes cast and counted is in favor of the proposition, the county election officer shall transmit a copy of the results to the director, and the board of county commissioners.

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

Sec. 3. K.S.A. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of this act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Except as provided by ~~subsection-(g)~~ subsections (g) and (h), no cereal malt beverages may be sold:

(1) Between the hours of 12 midnight and 6 a.m.; or

(2) on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts

from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(c) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises are also currently licensed as a club pursuant to the club and drinking establishment act.

(d) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the club and drinking establishment act shall be open to law enforcement officers and not to the public.

(e) No licensee shall permit a person under the legal age for consumption of cereal malt beverage to consume or purchase any cereal malt beverage in or about a place of business, and no licensee shall permit a person under the legal age for consumption of cereal malt beverage to possess cereal malt beverage in or about a place of business, except that a licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage, if:

(1) The licensee's place of business is licensed only to sell cereal malt beverage at retail in original and unopened containers and not for consumption on the premises; or

(2) the licensee's place of business is a licensed food service establishment, as defined by K.S.A. 36-501 and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(f) No person shall have any alcoholic liquor in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking

establishment pursuant to the club and drinking establishment act.

(g) Cereal malt beverages may be sold on premises which are licensed pursuant to both the acts contained in article 27 of chapter 41 of the Kansas Statutes Annotated and the club and drinking establishment act at any time when alcoholic liquor is allowed by law to be served on the premises.

(h) In counties in which the voters have approved the sale of cereal malt beverage on Sunday as provided by section 2, and amendments thereto, cereal malt beverage may be sold between the hours of 12 noon and 11 p.m.



Testimony: House Federal and State Affairs Committee
From: Thomas M. Palace
Date: February 8, 2001
RE: HB 2195 Sunday Sales

Mr. Chairman, and members of the House Federal and State Affairs Committee. My name is Tom Palace, Executive Director of the Petroleum Marketers and Convenience Store Association of Kansas (PMCA of Kansas), a statewide trade association representing over 360 independent Kansas Petroleum companies and convenience stores throughout Kansas.

PMCA appears before you today as a member of a coalition that supports HB 2195. This bill would allow licensed retailers of cereal malt beverages and all retail liquor dealers to sell packaged products on Sundays. The coalition is comprised of PMCA, Quik Trip, Casey's General Stores, and the Kansas Food Dealers Association (grocery stores).

HB 2195 probably looks familiar to many of you, and it should. The language of this bill was taken from a bill that was debated in 1995, then passed by the legislature favorably, only to be vetoed by then Governor Joan Finney.

With New Year's Eve falling on a Sunday last year, a public debate ensued regarding the laws that forbid retailers from selling packaged alcoholic beverages on Sunday. It is ironic though, that state law prohibits the sale of alcohol in packaged products where a person can take it home for consumption, but allows a person to go to a sports bar or restaurant and be served a beverage that he could otherwise be drinking at home. The Kansas law becomes more frustrating for those retailers on the borders of Missouri or Oklahoma, where packaged products can be sold on Sunday. The retailer loses not only the sale of that product, but could lose that customer permanently.

Much of the controversy that surrounds Sunday sales includes moral issues and strong opposition from the retail liquor industry. I'm enclosing a copy of a newspaper article that indicates that the some retail liquor dealers favor Sunday sales. As for the moral aspect of the issue, included in the bill is a "local option" provision that allows each county to vote on whether or not Sunday sales should be allowed, thus relieving the legislature from the burden of ramming Sunday sales down the throat of your constituents.

In an effort to build a consensus of all interested parties on Sunday sales (consumers, liquor stores, convenience stores), the following issues are covered in HB 2195:

Local Option. Many times laws are passed without allowing the "local community" to voice their opinion on a particular subject. The local option provision gives communities throughout Kansas the opportunity to "opt in or opt out" as to whether or not Sunday sales should be permitted in the local community.

Petroleum Marketers and Convenience Store Association of Kansas
201 NW Highway 24 • Suite 320 • PO Box 8479
Topeka, KS 66608-0479
785-233-9655 Fax: 785-354-4374

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Hours of Service. Licensed retailers could sell CMB between the hours of 12:00 noon to 11:00 PM. Due to traditional Sunday activity, many retail locations do not open until noon. Industry members want to stay consistent with accepted Sunday retail hours.

Liquor store sales. HB 2195 would allow retail liquor stores to sell beer, wine, cordials and spirits on Sunday.

Mr. Chairman, that concludes my remarks on HB 2195, and I will stand for questions.

police said.
 Monday morning's shootings
 left his footprints
 than 1 1/4 miles. Lt. John
 idox, 20, died at his east
 M. Gigger, 16, was listed in
 Friday night at a Topeka

actions
 day business section of The
 s incorrect. The Kansas
 on approved a rate cut by
 trative, effective Dec. 1. We

by The Hutchinson News,
 se's 80th birthday celebra-
 nday's editions. There will
 m 2 to 5 p.m. Saturday at
 ary School cafeteria, 600
 urg. The News regrets the

teries
 ring lottery numbers:
 18-21-31-33. Estimated
 -18-25-28-30.
 -32-39, Powerball 18.
 2.8 million.

play into her decision to leave poli-
 tics.
 Instead, Stovall said she simply
 wants to do something new.
 Besides entering private practice,
 she hopes to give speeches and
 serve on the boards of corpora-
 tions and nonprofit groups.
 "I like challenge, and I like

she will have served.
 "I know in my heart that at the
 end of eight years I'll be ready to
 leave the office to an able succes-
 sor," she said.
 Stovall, 43, was elected in 1994,
 becoming the first woman to be
 attorney general in Kansas. She
 won re-election in 1998, with 75 per-

Leawood; Rep. Tony Powell, of
 Wichita; state GOP Chairman
 Mark Parkinson, of Olathe; and
 Natalie Haag, Graves' chief leg-
 islative liaison and general coun-
 sel, are considered potential
 Republican candidates.
 No Democrats' names have
 surfaced.

● CAREER: Attorney in private prac-
 tice in Pittsburg, 1982-84; Crawford
 County attorney, 1985-88; member
 Kansas Parole Board, 1988-92; attor-
 ney in private practice, Entz and
 Chanay firm in Topeka, 1992-94;
 Kansas attorney general, January
 1995-present.
 ● PERSONAL: Single.

Blue laws expected to hurt liquor sales on New Year's Eve

The Associated Press
WICHITA - New Year's
 Eve is expected to be a
 blue day for many liquor
 stores in Kansas, thanks
 to a state law that pre-
 vents the sale of most
 alcohol on Sundays.
 Partiers can buy ahead
 or go out to bars, but
 liquor store owners say
 they are penalized by the
 state's so-called blue laws.
 Those laws forbid retailers
 from selling packaged
 alcoholic beverages on
 Sundays. Stores also can't
 sell 3.2 percent alcohol
 beer, also known as cereal
 malt beverages, on
 Sundays.

"It's killing us," said
 Kayl Parish, owner of
 Parish Retail Liquor, in
 Wichita. "It's not good for
 business. I think that it
 would be a lot better if we
 were open."
 For liquor sellers near
 the Oklahoma and
 Missouri borders, the holi-
 day will be downright
 painful, said Jim Scott,
 president of the Kansas
 Association of Beverage
 Retailers. Oklahoma
 allows counties to deter-
 mine whether stores can
 sell beer on Sundays, and
 Missouri allows liquor and
 beer sales on Sundays.
 Scott, who owns a

liquor store in Fort Scott,
 near the Missouri border
 in Bourbon County, said
 customers might remem-
 ber to stock up in advance.
 But they will go to
 Missouri for reinforce-
 ments Sunday, he said.
 "Of course, that means
 decreased sales," he said.
 "People have difficulty,
 once they start parties,
 anticipating what they'll
 need on Sunday night."
 Breweries and wineries
 may profit from the
 Kansas blue laws. The
 state allows breweries and
 wineries to sell beer and
 wine from noon to 6 p.m.
 Sundays.

The River City Brewing
 Co. in Wichita usually sells
 about 50 half-gallon jugs
 on a Sunday, compared
 with about 10 jugs on any
 other day, owner Chris
 Arnold said.
 Arnold said he will have
 extra bartenders working
 this Sunday to help with
 the greater demand that
 he expects.
 Merry Brewer, an
 owner of Wyldewood
 Cellars in Wichita, said her
 stores did brisk business
 on Christmas Eve, which
 also fell on Sunday. But
 Christmas Eve is an eating
 holiday, not a drinking
 one, she said, with most

people buying wine to go
 with holiday dinners.
 Her stores will be open 1
 to 5 p.m. on New Year's Eve,
 but she doesn't expect a lot
 of last-minute customers.
 "I think most people
 are pretty well prepared
 ahead of time," she said.
 "The majority will want
 champagne and beer."
 Wichita liquor store
 owner Martin Platt, for
 one, said he's not both-
 ered by the blue laws.
 Platt said he trusts that
 customers will stock up on
 Saturday, and he wouldn't
 want to be open Sunday
 anyway. Having a day off,
 he said, is nice.

HOLIDAY HOURS! SHOP TODAY 10:00 A.M. - 9:00 P.M.

LARGEST BOOT SAVINGS OF THE YEAR!

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Terry Presta
President

Douglas Wald
Executive Vice-President

Scott Anderson
Supervisor

February 8, 2001

Testimony: Kansas State House of Representatives
Federal and State Affairs Committee
From: Terry P. Presta
RE: HB 2195 Sunday Sales

Chairman Mays and Members of the Committee:

My name is Terry Presta, I am the President of Presto Convenience Stores of Garden City, KS. We operate convenience stores in Kansas and Missouri. I am here to testify in support of HB 2195, Sunday sales of beer in Kansas.

I think the legislature and all Kansas's should be proud of the alcohol educational effort made in the last 10 years. This coupled with the enactment of stricter DUI laws and a lowered threshold to be declared legally intoxicated, has led too much more responsible alcohol consumption in Kansas. Who among us that is my age or older doesn't have stories in the 1970's or early 80's that would curl ones toes when they think about how uninformed we were. Those days are thankfully behind us. The issue we address today is the idea of purchase of beer for consumption at home on Sunday. We are not talking about the difference between drinking or not drinking on Sunday with this bill. Anyone who wants a beer on Sunday has it available to him or her and it is legal to drink beer on Sunday. The law now requires that consumers must simply drive to a tavern or a restaurant to consume this product and then later return home. This bill would allow Kansas who prefer to watch a sporting event or have a party at home the ability to treat Sunday like any other day of the week. Responsible laws can make it easier for people who consume alcoholic beverages to act responsibly. I believe that this is a reasonable expectation of Kansas's consumers and I ask for your support of HB 2195.

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**Big O Convenience Store
Wes Oyer, Owner
18865 So. Gardner Rd.
Gardner, Ks. 66030
Phone 913 884-5235**

Testimony for the House Federal and State Affairs Committee
Date February 8, 2001
Re: Support for HB 2195 Sunday Sales

My name is Wes Oyer from Gardner, Kansas. I own and operate a convenience store in Gardner, Kansas and I am testifying in favor of house bill 2195.

If I had my way, we would not sell any alcohol products in the state of Kansas, however, that is not the issue. I want the ability to compete with my Missouri competitors, the local sport bar, and restaurants. I would like the field of competition to be level. I have talked with other storeowners in my area and we agree that it does not seem fair that you can purchase and consume alcohol and beer on Sunday in restaurants and sport bars and then drive home. Convenience store owners in Kansas should be able to sell beer on Sunday to our customers to consume at home. Kansas Convenience store owners should be able to sell beer on Sunday so that our customers do not drive to Missouri where they can easily buy beer, alcohol and other products on Sunday.

I believe that if this bill passes Kansas storeowners will sell more beer, alcohol, chips and snacks and increased sales would generate additional tax revenue for the state.

I have discussed Sunday sales of beer with many of my customers and found that they support the sale of beer on Sunday, we hope you will support this bill and if you are ever in Gardner, Kansas stop and say Hello.

Wes Oyer, Owner
Big O Convenience Store
Gardner, Kansas

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KANSAS AND MISSOURI

TESTIMONY OF BOB ALDERSON

ON BEHALF OF THE

KANSAS FOOD DEALERS ASSOCIATION

AND

CASEY'S GENERAL STORES, INC.

BEFORE THE HOUSE COMMITTEE ON

FEDERAL AND STATE AFFAIRS

February 8, 2001

Chairman Mays and Members of the Committee:

I am Bob Alderson, a lawyer in private practice in Topeka. I am appearing today in support of House Bill No. 2195 on behalf of the Kansas Food Dealers Association (KFDA) and Casey's General Stores, Inc. Both of these organizations are members of the statewide coalition mentioned previously in the testimony submitted by Tom Palace, Executive Director of the Petroleum Marketers and Convenience Store Association of Kansas. Mr. Palace's testimony succinctly identifies the principal issues attending the passage of this legislation, so I will not revisit all of these issues. Suffice it to state that the KFDA and Casey's believe that the enactment of this legislation is long overdue.

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From our perspective, the current situation does not make much sense. A licensed Drinking Establishment may sell alcoholic liquor by the drink to its patrons on a Sunday afternoon; yet, on that same Sunday afternoon, alcoholic beverages in the original and unopened containers cannot be purchased for later consumption in the purchaser's own home.

Having said that, I hasten to add that we realize there are those who do not share our opinion. We recognize that there are a variety of viewpoints and perspectives throughout our state regarding the sale and consumption of alcoholic beverages. In many instances, geography can influence those attitudes. That is why the local option provision in HB 2195 is so important. It will allow each community to decide for itself whether the sale of packaged alcoholic beverages on Sunday afternoon is appropriate for that community. Each community will be able to exercise the same right of self determination that has been afforded by many of the other state laws enabling the local sales of alcoholic liquor. However, the ability of the various communities throughout the state to make these choices depends on the Legislature and the passage of HB 2195.

For these reasons and the reasons set forth in the written testimony of Tom Palace, the Kansas Food Dealers Association and Casey's General Stores, Inc., request that you recommend House Bill No. 2195 favorable for passage.

Thank you for your attention to these remarks. I will be pleased to respond to any questions you may have.



**TESTIMONY
BY
NEAL WHITAKER
EXECUTIVE DIRECTOR
KANSAS BEER WHOLESALERS ASSOCIATION
ON
HOUSE BILL 2195
SUNDAY SALES OF CEREAL MALT BEVERAGE**

February 8, 2001

Mr. Chairman and Members of the Committee:

In 1994, the Kansas Legislature passed what we consider the ideal Sunday Sales bill. Unfortunately, the bill was ultimately vetoed by Governor Finney. This legislation allowed the citizens of this state to address their varied interests in purchasing beer and alcoholic beverages. The bill allowed - by county option - the sale of beer and alcoholic beverages on Sunday in the unopened package.

The local option idea has been used successfully with regard to the sale of alcoholic beverages in Kansas. Licensed liquor retailers can only exist in cities that have voted to allow them. Liquor by the drink in public drinking establishments can only occur in counties that have voted to allow it. Sunday sales of 3.2 beer in restaurants can only occur in counties that have voted to allow it.

It seems ironic that opponents to Sunday sales claim that Sunday sales is a temperance issue. In reality, alcoholic beverages have been sold in private clubs in the mid-sixties and now in drinking establishments every day including Sundays and every holiday.

Kansas is surrounded by states that sell beer and alcoholic beverages on Sunday. Colorado sells beer on Sunday. Nebraska - local option - sells beer on Sunday. Missouri authorized Sunday sales in 1993. Oklahoma sells beer 24 hours a day, seven days a week. We allow Kansans and Kansas businesses to make their own choices about when and where they choose to make their purchases on all products except for alcoholic beverages. If the reason for a Sunday sales ban is temperance, then why isn't it on Saturday, the biggest shopping day of the week? Recently there were stories in many Kansas newspapers concerning the fact that Kansas liquor stores were closed on New Year's Eve, which occurred on a Sunday. I have had reports from wholesalers indicating that as much as 40% of the business transacted in Kansas City, Missouri, on the Sunday of New Year's Eve was from Kansas residents. Testimony presented here today indicates that Missouri liquor stores often advertise in Kansas based newspapers to attract customers across the state line.

Kansas Beer Wholesalers Association asks that the Committee amend House Bill 2195 to allow all establishments that sell beer and cereal malt beverage and wine and spirits to be open on Sunday by county option.

Thank you for your consideration.

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

To: House Federal and State Affairs Committee

From: R.E. "Tuck" Duncan 
Kansas Wine & Spirits Wholesalers Association

RE: HB 2195

Date: February 8, 2001

The Kansas Wine & Spirits Wholesalers Association is neither a proponent nor an opponent of Sunday sales. However, should the legislature authorize the sale of cereal malt beverages on Sunday then the Legislature should likewise allow the sale of all beverage alcohol products on Sunday.

We further suggest that the Legislature make this provision optional by county, similar to the provisions set forth in the Club and Drinking Establishment Act allowing for liquor by the drink by county option.

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

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BOSSERT LIQUOR STORE

A FULL SERVICE LIQUOR STORE SINCE 1987
FEDERALLY LICENSED WHOLESALER IN THE STATE OF KANSAS
2121 SW WANAMAKER RD.
TOPEKA, KS 66614

February 07, 2001

RE: OPPOSING HOUSE BILL 2195

Dear Committee Members:

I am a retailer in the state of Kansas and have been in business since 1987. I am **opposing** House Bill 2195.

House Bill 2195 gives the cereal malt beverage licenses yet another advantage over the liquor stores in Kansas. Cereal malt beverage licenses are already allowed to....

1. *Sell from 6:00 a.m. to 12:00 midnight, this is 18 hours of selling.*
(Liquor Stores sell from 9:00 a.m. to 11:00 p.m., this is ~~17~~ hours of selling)
2. *Sell on the holidays of Memorial Day, July 4th and Labor Day.*
(Liquor Stores are required to be closed by Kansas Law on these days)
3. *Sell anything else, except for other alcohol beverages.*
(Liquor Store can only sell alcohol beverages and lottery tickets)
4. *Employ employees as young as 18 to sell Cereal Malt Beverages in which the purchaser must be 21 years old.*
(Liquor Store employees must be a minimum 21 years old, even to wash windows)
5. *Sell at any price, even below cost - and many do as a way to increase traffic.*
(Liquor Stores can not sell below cost by Kansas Law)

These and many more advantages already exist for the Cereal Malt Licensee. Our legislators should not allow these advantages to grow.

I am in support of Sunday sales for liquor stores but **not in favor of both cereal malt beverage licensees and liquor stores being allowed to sell on Sundays.** I am not in favor of any law changes that would allow cereal malt beverage licensees to have less stringent controls. Kansas has come too far in curbing some of the problems with over consumption and consumption by minors to loosen the requirements for the cereal malt beverage licensee. **I will never understand why our state has allowed someone that is 18, 19 or 20 years old to be allowed to sell a product that requires the purchaser to be a minimum of twenty one years old.**

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If you as a law maker are really concerned about curbing underage consumption it would seem that you would first *change K.S.A. 41-2704, Section 1., Subsection (e) from not less than 18 years of age to not less than 21 years of age* before you would even take the time to consider any other changes in the cereal malt beverage laws.

Respectfully submitted,



Kurt J. Bossert - Owner
Bossert Liquor Store
6832 SW 43rd Street
Topeka, KS 66610
(785) 478-9999 Fax (785) 478-9998

attachment: Comparison of Kansas Laws of liquor stores vs. cereal malt beverage outlets.

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COMPARISON OF KANSAS LAWS

LIQUOR STORES VS. GROCERY/CONVENIENCE STORES

LIQUOR STORES

GROCERY/CONVENIENCE

LICENSING:

Licensee must be a resident of the state of Kansas for a minimum of 5 years.

No residency requirement

No drug or alcohol convictions.

No restrictions to hold a license.

Licensee must pass a background check by the state.

No background checks required

One license per owner.

No limit on number of licenses that owner(s) can have.

Licensee can not be a corporation.

Licensees can be a corporation, thus having the corporate vale of protection.

Must be bonded.

No bonding is required for licensing

EMPLOYEES:

All employees must be 21 years old. This means they must be 21 to stock shelves, be a cashier or to wash windows.

Employees can be as young as 16 to merchandise, price, sack and carry out cereal malt beverages, but must be at least 18, 19 or 20 years of age to sell cereal malt beverages.

No alcohol or drug convictions

No restrictions

All employees must be registered with the State Alcohol Beverage Control (ABC) and pass a background check by the ABC.

No registration of employees or background checks required.

HOURS OF OPERATION:

9:00 a.m. – 11:00 p.m. Monday through Saturday.

6:00 a.m. – 12:00 midnight Monday through Saturday

Must be closed: Memorial Day, July 4th, and Labor Day.

Not required to be closed and can sell cereal malt beverages on Memorial Day, July 4th and Labor Day.

Closed Sundays

Closed Sundays

COMPARISON OF KANSAS LAWS
LIQUOR STORES VS. GROCERY/CONVENIENCE STORES

LIQUOR STORES

GROCERY/CONVENIENCE

ITEMS OFFERED FOR SALE:

Alcoholic Beverages and Lottery Tickets

Can sell cereal malt beverages and anything else except for other alcohol beverages.

WHOLESALE DISCOUNTS:

No quantity discounts. Purchases are at the same price if one case is purchased or if a whole semi truck load is purchased

Any kind of quantity discount can be offered at the wholesalers discretion.

CONSUMER RETAIL PRICE:

Can not advertise or sell items below cost.

Can advertise and sell items below cost to draw traffic into business.

STATE REVENUES:

State receives 8% on all sales

State receives 4.9% on all sales

Profits remain in Kansas, because licensee must be a resident of the state to hold a license.

Profits follow through to corporate headquarters in many cases out of state.

JURISDICTION:

Kansas Department of Revenue; Alcoholic Beverage Control

Local cities and/or Counties if licensee is located outside of city limits. No state enforcement.

POLICING AND ENFORCEMENT OF LAWS:

Approximately 645 retail outlets licensed by the state of Kansas to police.

Approximately 4000 retail outlets to police. No state record for the number of or the location of licensees.

Penalties for law violations include fines, total business to be closed for a specified number or days or revocation of license.

Fines or suspension of selling cereal malt beverages only, business can be open to sell other items.

COMPARISON OF KANSAS LAWS
LIQUOR STORES VS. GROCERY/CONVENIENCE STORES

LIQUOR STORES

GROCERY/CONVENIENCE

PROBABLE CAUSE:

Everyone leaving a liquor store with product MUST BE 21 YEARS OLD. In other words ANYONE carrying a sack out of a liquor store must be a minimum of 21 years old because the only thing that can be in the sack is alcoholic beverages. For this reason the ABC or any law enforcement agency has reasonable cause to ask for identification as proof the customer is 21.

Probable cause does not exist since grocery and convenience stores sell such a variety of goods and can sell products other the cereal malt beverages to customers any age. Thus a law official has no cause to check someone's ID or to search the grocery sack to see if by chance there is cereal malt beverages in the sack and the person is 21 years of age.

FEDERAL & STATE AFFAIRS COMMITTEE

Testimony of Betty Mason

February 8, 2001

Chairman and Committee Members:

Thank you for allowing me to appear today as an opponent to HB 2195.

I come to you with deepest concern of what HB ~~2193~~²¹⁹⁵ will do to families. I have walked in those shoes. Not as an alcoholic myself, but my father was, so I can speak from experience. This is a part of my life that I am not proud of and it is difficult for me to talk about. It breaks my heart to see children grow up in some of the surroundings that they live in because of alcohol and drugs.

When my father received this check on Friday night, he went straight to the liquor store to purchase enough wine to last him Friday night, Saturday and Saturday night and any holidays that he did not have to work. He spent Sunday sick and trying to sober up so her could go to work on Monday morning. My Mother and I tried to keep the guns and ammunition hidden from my father to protect my Mother and to protect him from himself. When someone is that drunk they rave and say and do things that they wouldn't normally do. I was the only person that could reason with him when he was like that. If there was any money left from his check, Mother could pay bills and buy groceries.

My sister, eight years my senior, married at a very young age just to get away from home. When my father was 65 he had a heart attack and he prayed that if God would see him through the night he would never drink again. God did see him through the night and my father spent his last six years becoming a Bible scholar and witnessing to other alcoholics.

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What will this bill do? Sure it will put more money in a few pockets. I believe more people will miss work Monday morning because of hangovers, more car accidents, more suicides, more broken homes, and the list goes on and on.

I believe the legislation has voted carelessly on some of the alcohol bills. For instance the credit card bill, alcohol served on campuses and public places, and alcohol being sold in grocery stores to name a few. I ask, please, vote wisely. Think what your vote will do for the majority of the people. Alcohol is the only illness I know of that can be bought from a shelf and passed on down to other generations. Regardless of what form the alcohol is consumed, the results are the same.

Thank you for giving me a few moments today and listening to my testimony.

Betty Mason
1661 Arizona
El Dorado, KS 67042

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The Kansas Association of Beverage Retailers

P.O. Box 3842
Topeka, KS 66604-6842

Phone 785-266-3963
Fax 785-234-9718
kabr@amycampbell.com

Jim Scott, President

Amy A. Campbell, Executive Director

TESTIMONY PRESENTED TO THE
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
Re: HB 2195
February 8, 2001

By Amy A. Campbell, Executive Director

Mr. Chairman and members of the committee, my name is Amy Campbell and I appear before you as an opponent to this legislation on behalf of the Kansas Association of Beverage Retailers. We are opposed to changing the state statutes in order to permit cereal malt beverage licensees to sell cmb beer on Sundays.

The Sunday sales issue has been around for a very long time in the Kansas Legislature. The Kansas Association of Beverage Retailers discusses the issue regularly at board meetings and annual conventions. However, the Association has not brought a Sunday sales proposal before the Kansas Legislature.

Retail liquor store owners are somewhat divided on the issue of selling their product on Sunday. But we are completely in agreement to oppose the bill before you today. This bill would permit the 3400 cereal malt beverage licensees to sell their beer on Sunday. Cereal malt beverage licensees hire 18 to 21 year old clerks to sell their product. Liquor store owners hire only 21 year old employees, who must pass a background check by the ABC. Cereal malt beverage licensees are not regulated by the ABC. Liquor stores are. Cereal malt beverage licensees may hold multiple licenses and multiple stores. Liquor store owners may have one store. Cereal malt beverage products may be purchased with discounts and below cost. The beer sold in liquor stores can not be discounted in such a way. Cereal malt beverages are even sold on certain holidays, when liquor stores must be closed. We do not believe that it would be good public policy to encourage yet another competitive advantage for those licenses.

In fact, we would encourage any action by this Committee and the Legislature to correct the inequities in the law. The self-employed businessmen and women of Kansas who are licensed to own liquor stores strongly support the controlled sale of alcoholic products by state regulated licensees only.

I have been told that the Committee will have the opportunity to amend this legislation to include liquor stores. However, this changes the issue only slightly for us.

You will be told that retail liquor dealers are not united on the issue of Sunday sales for liquor stores. That is true. Members and non-members of our association are on both sides of this

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issue. In fact, like most associations, our members are rarely in unanimous agreement on legislative issues. We decide our positions under a democratic model. Those who join, get involved, and show up to vote at meetings, get to decide the position of this association. But our most recent legislative survey indicated nearly 70 percent of the respondents opposed Sunday sales. We have regional and personal biases much like the Legislature. And as our membership grows and changes, so do many issues. However, if history is any indication, most of the retailers and private citizens who care deeply enough about the Sunday sales issue to call their legislator, will call to oppose the bill.

We have made a distinct effort to involve different retailers in this issue, and bring varied opinions before you. In the end, you, as legislators, will always face the issue of whether our laws allow us to "compete" with bordering states. We face the "competition" issue with taxes, liquor, gambling, education, and the list goes on. At some point, we must look to what is right for Kansas and let other states do what they believe is right for them.

Thank you, Mr. Chairman and members of the Committee. I would be happy to answer any questions.