

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 1:30 P.M. on January 25, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Carol Doel, Committee Assistant

Conferees:

Thomas W. Groneman, Director Alcoholic Beverage Control, Kansas Department of Revenue

Others attending:

See attached list.

Chairman Siegfroid opened the floor for introduction of bills and recognized Representative Candy Ruff, who representing herself and Representative Hayzlett, requested a bill that would reflect technical changes in the state's new concealed carry law as well as to strike section 11 of SB 418 and insert in its place language to restrict a city or county's right to regulate the carrying of concealed firearms within its jurisdiction, leaving the responsibility solely to the state. Also the bill would strike subsections (b), (c), and (d) from section 10 of SB 195. (Attachment 1) The Chair made a motion to accept the bill, seconded by Representatives Huebert and Carlson. Without objection, the bill is accepted.

Representative Brown requested a bill regarding income tax credits for those wanting to invest in stem cell research. The Chair made a motion to accept the bill, seconded by Representative Brunk. With no objections, the bill is accepted.

Representative Brown requested a second bill concerning umbilical cord collection. The Chair made a motion to accept the bill, seconded by Representative Olson. With no objections, the bill is accepted.

Representative Kelsey requested a bill "teen protection act" minor modifications to the parental notification bill. The Chair made a motion to accept the bill, seconded by Representative Olson. With no objections, the bill is accepted.

Representative Kinzer requested a bill repealing instate tuition for undocumented immigrants. The Chair made a motion to accept the bill, seconded by Representative Brown. With no objections, the bill is accepted.

Chairman Siegfroid introduced Thomas Groneman, Director of the Alcoholic Beverage Control Division, Department of Revenue who presented a briefing on alcoholic beverage control. Phil Wilkes, attorney for the Kansas Department of Revenue accompanied Mr. Groneman.

Mr. Groneman explained that the number one priority of the Alcoholic Beverage Control Division is to fairly administer and enforce the liquor laws in Kansas to ensure compliance and to maintain a level playing field among all licensees. It is also their duty to see that all applicable liquor taxes due and owing are collected.

In his report, Mr. Groneman related that the 21st Amendment ended prohibition and states were granted the right to control importation, distribution and sale of alcoholic beverages within their boundaries. The end of prohibition created a fear among the states that organized crime, the "bootleggers and rumrunners" would take control of the liquor industry and that there would be return to the freewheeling days and abuses that occurred prior to prohibition. To prevent that situation, the states became either a "control" state or a "license" state. Kansas became one of 33 licensed states. The "licensed" states adopted a three tier distribution system and regulate and control the importation, distribution and sale of alcohol by licensing all alcohol beverage industry members that do business in their states.

The Alcoholic and Beverage Control (ABC) is divided into three organizational units: licensing,

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on January 25, 2007 in Room 313-S of the Capitol.

administration and enforcement.

In 2006, the licensing unit processed in excess of 3,900 renewal and new license applications and permits.

Cereal Malt Beverage (CMB) are not licensed by the state, but submit their license application to the city clerk and CMB retailers outside an incorporated city apply to the county clerk.

The licensing unit is also responsible for collecting gallonage taxes, liquor, enforcement taxes, liquor drink taxes, sales taxes and withholding taxes. 10% of gallonage tax goes to SRS Community Alcoholism and Intoxication Program and the remainder to the state general fund. 70% of the Liquor Excise Tax goes to Local Alcoholic Liquor fund, 5% goes to the SRS community Intoxication Program and 25% goes to the state general fund.

Mr. Groneman explained the duties of the Administration Unit, the Enforcement Unit and the Licensee Administrative Action.

The ABC also conducts compliance checks for the Master Tobacco Settlement Agreement (SYNAR) as well as being responsible for levying drug tax assessments, and during FY 2006 agents made 461 drug tax assessments totaling \$4,919,169 resulting in collections of \$867,720.

SB 297 enacted in 2006 contained provisions pertaining to the direct shipment of wine. The bill allowed Kansas farm wineries and out-of-state wineries to ship directly to a Kansas consumer under certain circumstances, such as 1) consumer had to be physically present at the winery at the time of purchase, 2) wine had to be for personal consumption and not for resale, 3) the purchaser had to be 21 years of age, 4) purchaser was to remit all applicable taxes to the state. The bill also provided for wineries in-state and out-of-state that produce less than 100,000 gallons of wine a year to apply for a direct shipping permit which would allow the shipment of wine purchased over the internet, phone, mail, etc. to Kansas consumers through a retail liquor store designated by the purchaser. The bill allowed Kansas farm wineries to ship to consumers outside the state in accordance with that state's law. In addition, **Senate Bill 297** provided for the sale of wine and beer at the State Fair.

SB 298 (uniformity bill) passed in 2005 allowed for the issuance of retail liquor licenses within all cities in the state, unless the city passed an ordinance prohibiting such sales. This bill also nullified all previous charter ordinances passed by cities and counties opting out of certain provisions of the liquor control act, mainly hours of operation. The bill did allow cities and counties to pass an ordinance or resolution, subject to a protest, petition, to expand hours of sale for retail liquor and cereal malt beverages. (Attachment 2)

Mr. Groneman also provided brochures on ABC Agency Overview, and Underage Drinking. (These are available from the Kansas Department of Revenue Alcoholic Beverage Control - Docking State Office Building - 915 SW Harrison - Room 214 - Topeka 66625 - Telephone 785-286-7015)

Also presented to the committee from the ABC was a map of the active Kansas on-premise licenses, (Attachment 3), a map of the Kansas off-premise licenses (Attachment 4), and a list of the retail liquor store expanded sales - cities (Attachment 5).

Kathie Sparks, Legislative Research, provided the committee with information requested at the January 23rd meeting regarding "How many "hits" did the Problem Gambling Help Line receive?" (Attachment 6), and a copy of the Kansas Lottery ADA compliance survey form (Attachment 7).

With no further business before the committee, Chairman Siegfried adjourned the meeting.

STATE OF KANSAS

L. CANDY RUFF
REPRESENTATIVE FORTIETH DISTRICT
LEAVENWORTH COUNTY
321 ARCH
LEAVENWORTH, KANSAS 66048
(913) 682-6390

STATE CAPITOL, ROOM 278-W
TOPEKA, KANSAS 66612-1504
(785) 296-7647
E-MAIL: Ruff@house.state.ks.us



TOPEKA
HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: COMMERCE & LABOR
MEMBER: FEDERAL AND STATE
AFFAIRS
WILDLIFE, PARKS &
TOURISM

To: House Federal and State Affairs Committee Members
From: Rep. L. Candy Ruff and Rep. Gary Hayzlett
Date: Jan. 25, 2007
Re: Bill Request

Knowing that passage of SB 418 in the 2006 Legislative Session would need some technical clean up, I intended to appear before this committee today to request a simple, little bill. And frankly, the first portion of my bill request does reflect technical changes in the state's new conceal carry law. However, actions taken in recent months by cities statewide compel Rep. Gary Hayzlett and I to ask for changes far beyond those which are technical in nature.

You may be aware of city ordinances being passed by city councils that ostensibly carry out a local entity's right as a public employer to restrict where conceal carry permit holders may carry their firearms. Seeking to interpret portions of SB 195 on the transporting of firearms or section 11 of last year's SB 418, cities have gone beyond what legislators intended.

The second portion of my bill request is to strike section 11 of SB 418 and insert in its place language to restrict a city or county's right to regulate the carrying of concealed firearms within its jurisdiction, leaving the responsibility solely to the state. In addition, this bill would also strike subsections (b), (c), and (d) from section 10 of SB 195.

If you consider these measures extreme, you are right. They are. Year after year, Rep. Hayzlett and I have negotiated in good faith with the League of Municipalities, compromising time and time again. Those days are over. Having seen how the leadership with the League has intentionally misinterpreted the legislative intent of SB 418, Rep. Hayzlett and I have asked for these changes to be made in our current conceal carry law. With these changes in place, there is no doubt about what Kansas lawmakers are saying. The state of Kansas will be deciding all the provisions of conceal carry from this point forward. Now, I realize many of you have questions about his proposal and when hearings are held on this bill, there will be plenty of time to discuss fully this legislation.

You know, my intention at the beginning of the Session was not to make any major changes in the state's new conceal carry law. Actions by the cities in Kansas left us no other choice but to request this bill.



Kathleen Sebelius, Governor
Joan Wagnon, Secretary

www.ksrevenue.org

Briefing on Alcoholic Beverage Control Division
to
The House Committee on Federal and State Affairs

by Thomas W. Groneman
Director

January 25, 2007

Mr. Chairman, Members of the Committee, it is my pleasure to appear before you today to present a brief overview of the Alcoholic Beverage Control Division (ABC).

The number one priority of the Alcoholic Beverage Control Division is to fairly administer and enforce the liquor laws in Kansas to ensure compliance and to maintain a level playing field among all licensees. Also, as part of the Department of Revenue, it is our duty to see that all applicable liquor taxes due and owing are collected.

Under the 21st Amendment, which ended prohibition, states were granted the right to control the importation, distribution and sale of alcoholic beverages within their boundaries. Prior to prohibition there were only manufacturers and retailers. The manufacturers frequently owned the retailers or controlled them by threatening to cut off supplies or by cutting special deals available only to those retailers that would play along with them. This is where the term "tied-houses" derived because the manufacturers and retailers were tied together. The end of prohibition created a fear among the states that organized crime, the "bootleggers and rumrunners" would take control of the liquor industry and that there would be a return to the freewheeling days and abuses that occurred prior to prohibition. To prevent this, states adopted one of two models for the distribution of alcohol, they either became a "control" state or a "license" state. In control states, the state actually controls the sale of alcohol through government agencies at the wholesale level. In 12 of the 18 states that use this model they also exercise control over retail sales for off-premises consumption -- either through government-operated liquor

DIVISION OF ALCOHOLIC BEVERAGE CONTROL
DOCKING STATE OFFICE BUILDING, 915 SW HARRISON ST., TOPEKA Federal and State Affairs
Voice 785-296-7015 Fax 785-296-7185 <http://www.ksrevenue.org> Attachment 2

Date 1-25-07

stores or designated outlets supervised by the state. Unlike control states, license states do not participate in the sale of alcohol beverages. Wholesale and retail sales are wholly in the hands of private sellers. Kansas is one of 33 license states. The license states adopted a three-tier distribution system and regulate and control the importation, distribution and sale of alcohol by licensing all alcohol beverage industry members that do business in their states, including manufacturers, wholesalers and retailers who comprise the three tiers. Some would argue that in Kansas we actually have a 4th tier because retailers who have a federal wholesalers permit can sell to clubs and drinking establishments. The original intent of the three tier system was to insert a buffer, the wholesaler, between the manufacturer and retailer to lessen the influence and control the manufacturer had over the retailer; to allow for the orderly flow of alcohol into and within the state; and, to create a system that insures the proper taxes are collected and remitted to the state. Kansas has operated under the three-tier system since the end of prohibition.

ABC is divided into three organizational units: licensing, administration and enforcement. Licensing is functionally part of the Customer Relations Bureau within the Division of Tax Operations, but is under the authority of the Director of ABC for issues related to liquor licenses.

In 2006, the licensing unit processed in excess of 3,900 renewal and new license applications and permits. Licenses are issued and renewed on an annual basis. Following is a breakdown of licenses by license type for years 2004 through 2006:

	2004	2005	2006
Retail liquor stores	717	724	731
Class "A" clubs	317	315	315
Class "B" clubs	158	155	150
Drinking Establishments	1,509	1,565	1,674
Caterers	111	117	120
Beer Distributors	44	44	42
Spirits Distributors	7	7	6
Wine Distributors	10	11	8
Microbreweries	9	12	14
Farm Wineries	14	16	18
Outlets	5	5	6
Manufacturers	5	6	6
Temporary Permits	338	309	328
Supplier Permits	556	547	565
Total	3,807	3,841	3,983

Cereal malt beverage (CMB) retailers are not included in the above listing because they are not licensed by the state. CMB retailers within an incorporated city submit their license application to the city clerk and CMB retailers located outside an incorporated city apply to the county clerk. In both cases the licensee must purchase from the city clerk or county clerk a \$25 state stamp to be affixed to the license. City and county clerks obtain these stamps from the ABC licensing unit and remit the fees collected quarterly. In 2006, there were 3,493 CMB stamps sold. CMB licenses located within a city may be revoked by the governing body of such city and CMB licenses for premises located outside of a city may be revoked by the county commission. The county or city attorney may prosecute any person for violation of the CMB Act within their jurisdiction.

The licensing unit is also responsible for collecting gallonage taxes, liquor enforcement taxes, liquor drink taxes, sales taxes and withholding taxes. The following liquor related taxes were collected during fy2004-fy2007 (6 mo.).

	2004	2005	2006	2007
Gallonage*	\$16,614,792.35	\$18,572,138.80	\$19,598,134	\$10,330,147
Liquor Enforcement	\$40,256,465.86	\$41,903,994.57	\$44,264,770	\$22,974,765
Liquor Excise**	\$28,614,009.98	\$29,770,339.35	\$32,051,923	\$16,532,263

*10% of gallonage tax goes to SRS Community Alcoholism and Intoxication Program and the remainder to the state general fund.

** 70% of Liquor Excise Tax goes to Local Alcoholic Liquor fund, 5% goes to the SRS Community Intoxication Program and 25% to the state general fund.

Gallonage Tax Rates	
Alcohol/Spirits	\$2.50 per gallon
Fortified Wine	.70 per gallon
Light Wine	.30 per gallon
Beer/FMB/CMB	.18 per gallon

In addition, licensing handled 33,764 phone calls and assisted 1,955 walk-in customers.

The ABC administrative unit performs general staff support for the Director and Chief Enforcement Officer and related work such as budget preparation, personnel record keeping, property management, records management, perform background investigations on licensees and coordinates the divisions activities. ABC has 37 full-time funded positions which include 20 agents who are stationed around the state. Currently all positions are filled. The FY2007 budget for ABC is \$2,538,839 comprised of \$2,109,156 salary and wages and \$429,683 other operating expenses.

The Enforcement unit provides investigative support for the ABC Director and Chief Enforcement Officer. Enforcement agents are certified law enforcement officers. They conduct criminal and administrative investigations to determine compliance with liquor laws. Agents provide training to licensees and local law enforcement officers; conduct controlled buy operations and bar checks; investigate complaints and hidden ownerships; and perform routine compliance checks. Enforcement works closely with local, state and federal law enforcement agencies as well as the Division of Taxation in carrying out these activities. Investigations resulting in alleged violations are presented to the County or District Attorney for criminal prosecution against the individual, and/or the ABC Assistant Attorney General (AAG) for administrative action against the licensee.

	FY2006	FY2007
Inspection Compliance checks	1122	751
Violations	154	62
Compliance Rate	86%	92%
Random Control Buys	406	260
Violations	73	88
Compliance Rate	82%	66%

The Licensee Administrative Action (LAA) section is staffed by the Assistant Attorney General (AAG) assigned to the ABC, a paralegal and two support staff. The AAG reviews the cases presented by the enforcement section and local law enforcement agencies to determine the appropriateness of the charges and administratively prosecutes violations of the liquor laws before the Director or his designee. The Director and the AAG are responsible for the disposition of all liquor related administrative citations brought forth by the investigative activities of the Enforcement section and other law enforcement agencies. Following are the number of citations issued for FY2006 and FY2007 and the total fines collected for those years:

	FY2006	FY2007
Citations issued		
Liquor violations	427	351
Tax orders	380	143
Fines collected		
Liquor violations	\$111,906	\$155,356
Tax orders	\$326,100	\$ 53,350

Over the years the ABC has been assigned other programs to administer, including conducting the compliance checks for the Master Tobacco

Settlement Agreement (SYNAR). Under SYNAR a state must maintain a minimum compliance rate of 80% or risk losing a portion of the monies allocated to the state under the agreement. During FFY2006 ABC agents and Underage Cooperating Individuals (UCI's) performed 447 random buy attempts resulting in 88 sales for a 80.31% compliance rate. This compares to FFY2005 results as follows:

	FFY2005	FFY2006
Attempted buys	552	447
Sales made	108	88
Compliance rate	80.8%	80.31%

In addition, ABC agents are responsible for levying drug tax assessments across the state. During FY2006 agents made 461 drug tax assessments totaling \$4,919,169 resulting in collections of \$867,720.

	Assessments	Amount	Collected
FY05	313	\$4,068,574	\$923,040
FY06	461	\$4,919,169	\$867,720
FY07 (6 mo.)	197	\$2,068,153	\$354,720

Senate Bill 297 was enacted in 2006. This bill had several provisions pertaining to the direct shipment of wine, the bill allowed Kansas farm wineries and out-of-state wineries to ship directly to a Kansas consumer under certain circumstances 1) consumer had to be physically present at the winery at the time of purchase 2) wine had to be for personal consumption and not for resale 3) the purchaser had to be 21 years of age 4) purchaser was to remit all applicable taxes to the state. To date we have received 15 individual gallonage tax returns amounting to \$216.09. **Second**, the bill provided for wineries in-state and out-of-state that produce less than 100,000 gallons of wine a year to apply for a direct shipping permit. The permit would allow the shipment of wine purchased over the internet, phone, mail, etc. to Kansas consumers through a retail liquor store designated by the purchaser. The store notifies the purchaser when the shipment arrives; the purchaser goes to the liquor store, picks up the wine and pays the applicable taxes and handling fees. The process for wineries which produce more than 100,000 gallons of wine a year is basically the same except that the winery ships the wine first to a distributor who delivers the wine to the designated retailer. To date we have issued 36 shipping permits; consisting of 8 large winery permits and 28 small winery permits which include 2 in-state

wineries. There have been 10 shipments reported received by the retail liquor stores with a total \$255.49 enforcement tax collected. **Third**, the bill allowed Kansas farm wineries to ship to consumers outside the state in accordance with that state's laws.

In addition, Senate Bill 297 provided for the sale of wine and beer at the state fair. It allowed the ABC to issue a temporary permit for the duration of the fair to a vendor that had entered into a contract with the State Fair Board. In 2006, the State Fair Board chose not to contract for the sale of beer and wine.

Senate Bill 298 (uniformity bill) was passed in 2005 allowed for the issuance of retail liquor licenses within all cities in the state, unless the city passed an ordinance prohibiting such sales. To date there are four cities that have notified ABC that they have opted to go dry. Senate Bill 298 also nullified all previous charter ordinances passed by cities and counties opting out of certain provisions of the liquor control act, mainly hours of operation. However, the bill allowed cities and counties to pass an ordinance or resolution, subject to a protest petition, to expand hours of sale for retail liquor and cereal malt beverage to include Sundays, except Easter, from 12 noon to 8:00 p.m., and to sell on Memorial Day, Independence Day and Labor Day. Fifty-eight cities and two counties have notified us of expanded hours.

ENCLOSED

ABC Agency Overview Brochure

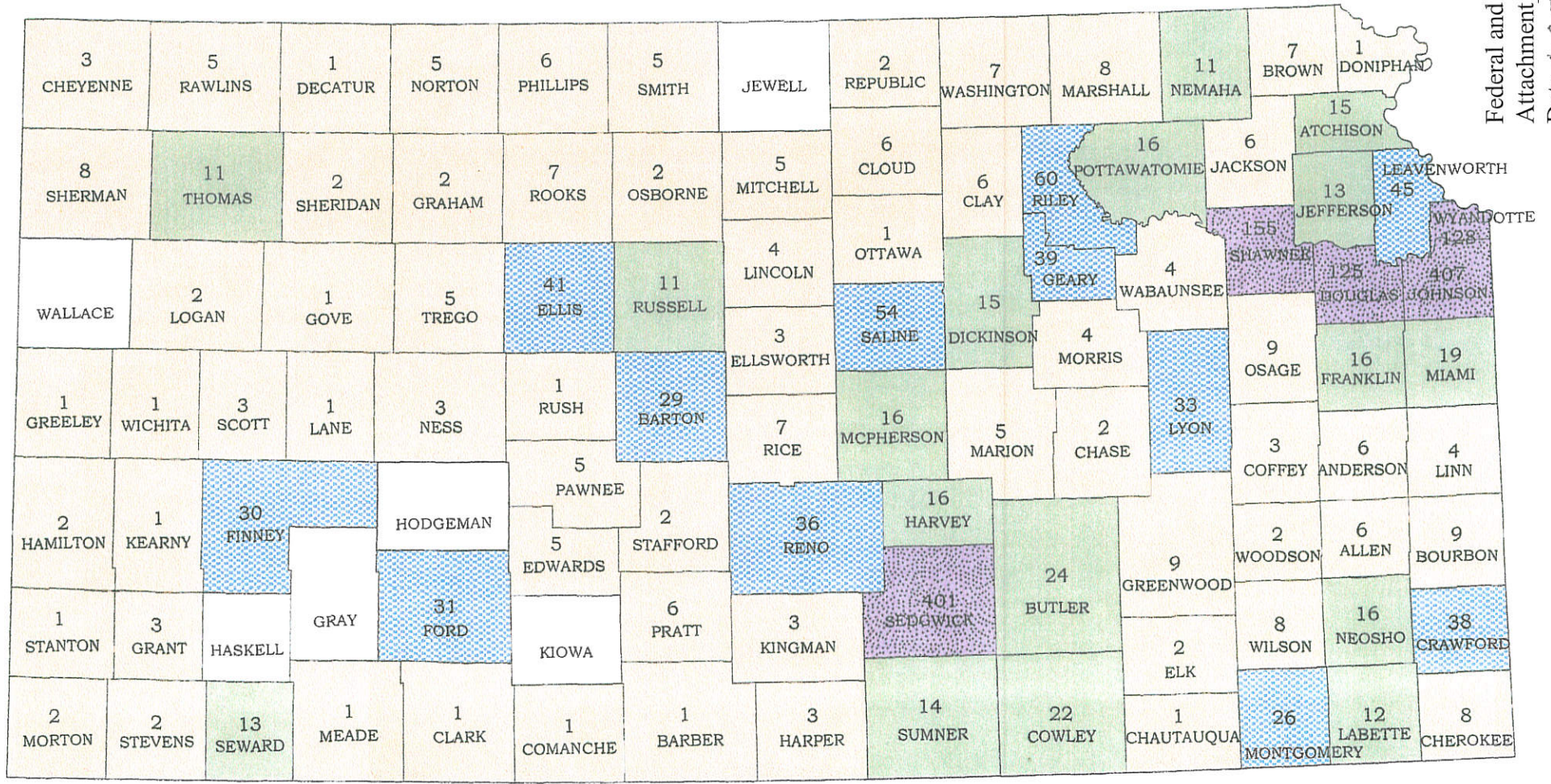
ABC Underage Drinking Brochure

Map showing Kansas on-premise licenses

Map showing Kansas off-premise licenses

Cities/Counties adopting expanded hours
Cities opting to be dry

Active Kansas On-Premise Licenses



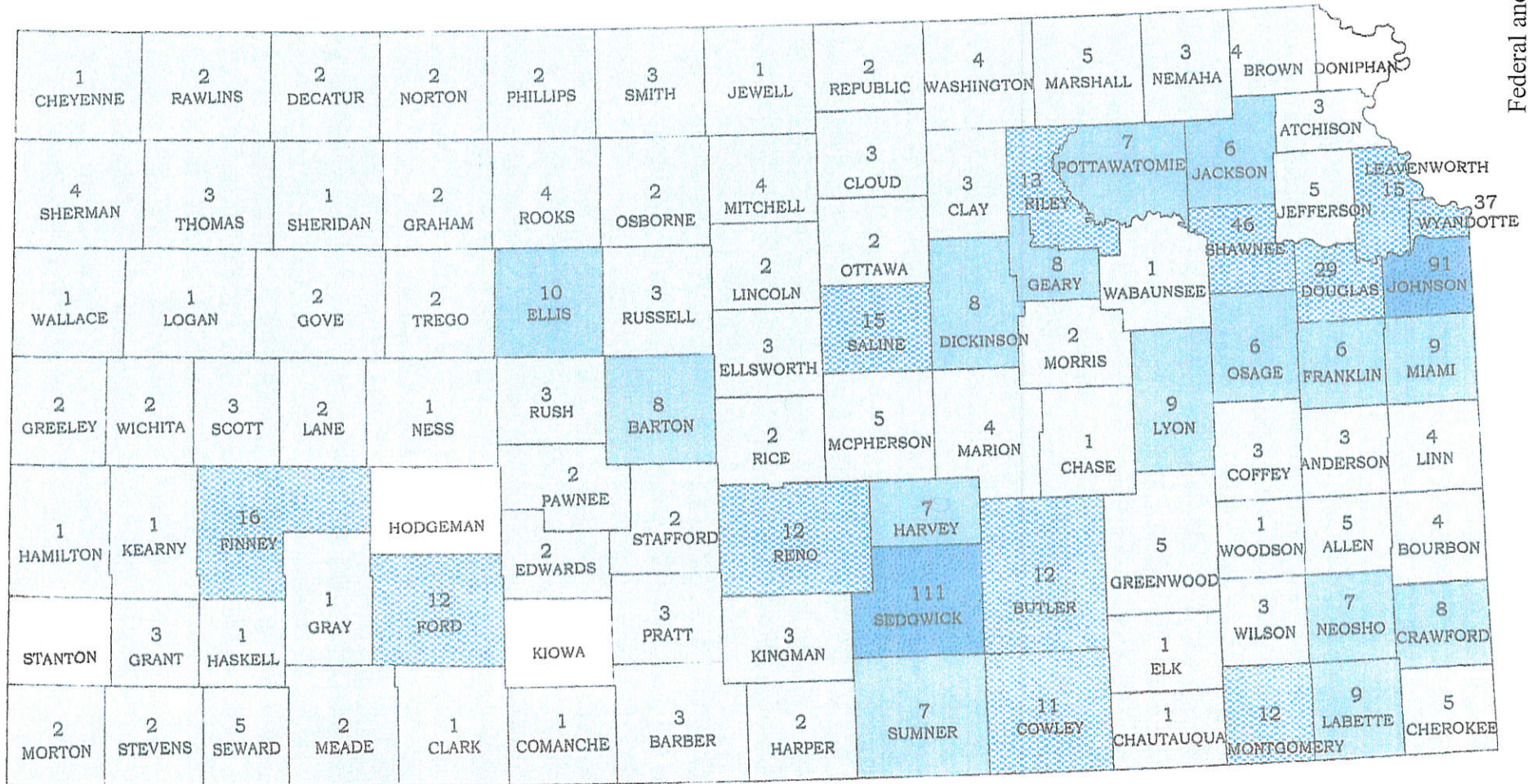
# of Counties		# of Licenses Per County
(6)		0
(65)		1 - 10
(17)		11 - 25
(12)		26 - 100
(5)		101 - 407

January 23, 2007
Map #AC07-001

The data used for this map was derived from the Kansas Department of Revenue, Alcoholic Beverage Control Division, Liquor Licensing Database for January 2007

Total: 2,186 Active On-Premise Licenses

Active Kansas Off-Premise Licenses



January 23, 2007
Map #AC07-002

# of Counties	Color	# of Licenses Per County
(4)	White	0
(72)	Lightest Blue	1 - 5
(15)	Light Blue	6 - 10
(12)	Medium Blue	11 - 50
(2)	Darkest Blue	51 - 111

Total: 724 Active Off-Premise Licenses

The data used for this map was derived from the Kansas Department of Revenue, Alcoholic Beverage Control Division, Liquor Licensing Database for January 2007

Retail Liquor Store Expanded Sales – Cities

1.23.07

Arma
Auburn
Baldwin
Buffalo
Chapman
Chase
Cheney
Coldwater
Columbus
Colwich
De Soto
Deerfield
Ellis
Erie
Eudora
Eureka
Fairway City
Frontenac
Garden Plain
Gardner
Girard
Grandview
Plaza
Greeley
Grinnell
Hanover
Herington
Iola
Kanopolis

Kansas City
Kechi
Kiowa
Latham
Leavenworth
Lenexa
Merriam
Oberlin
Olathe
Overland Park
Ozawie
Paola
Park
Park City
Phillipsburg
Pittsburg
Pomona
Princeton
Rose Hill
Satanta
Scammon
Scranton
Shawnee
Solomon
St. Paul
Strong City
Victoria
WaKeeney
Weir
White City

Retail Liquor Store Expanded Sales – Counties

Crawford
Russell

Retail Liquor Store - Dry Cities

Moundridge
North Newton
Overbrook
Parkerfield

Federal and State Affairs

Attachment 5

Date 1-25-07

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

545N-Statehouse, 300 SW 10th Ave.
Topeka, Kansas 66612-1504
(785) 296-3181 ♦ FAX (785) 296-3824

kslegres@klrd.state.ks.us

<http://www.kslegislature.org/klrd>

January 24, 2007

To: House Committee on Federal and State Affairs
From: Kathie Sparks, Principal Analyst
Re: Follow-up Information Requested at the January 23, 2007 Meeting

This memorandum will provide the answers to the following questions:

- How many "hits" did the Problem Gambling Help Line receive?

During FY 2006, the Kansas Problem Gambling Program Help Line received 383 calls.

- How do the hits break down into types of gambling addictions?

<u>Type of Gambling Problem</u>	<u>Number of Calls</u>
Casino-Slots	170
Unknown	82
Casino-Cards	71
Internet Gambling	30
Casino-Video Poker	23
Lottery-Instant Scratch	23
Casino-Dice	22
Sports Betting	20
Casino-Other	14
Casino-Bingo	9
Keno	8
Other	8
Non-Casino-Cards	7
Lottery-Lotto or Powerball	7

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<u>Type of Gambling Problem</u>	<u>Number of Calls</u>
Dogs	4
Horses	4
Non-Casino-Bingo	3
Stock market	2
Total Calls	<u>383</u>

- In FY 2006, the Lottery provided the Department of Social and Rehabilitation Services \$80,000 for problem gambling. How was that money used?

The Department reported that it did receive approximately \$80,000 from the Kansas Lottery and approximately \$20,000 from Bingo and had carryforward funds for a total budget of \$163,890 for FY 2006. The funds were expended as follows:

<u>Program</u>	<u>Funding Provided</u>
Public Awareness	\$ 77,950
Workforce Development	15,750
Problem Gambling Help Line	7,200
Assessment	7,500
Evaluation Study	5,000
Prevention Activities	22,000
Administration and Other Miscellaneous Projects	<u>24,000</u>
Total Expenditures	<u>\$ 159,400</u>

- The Committee requested a copy of the Kansas Lottery ADA Compliance Survey.

A copy of the survey is enclosed.

KLS/kal

Enclosure

Date Assigned: _____

Retailer Information

**KANSAS LOTTERY
ADA COMPLIANCE SURVEY**

DATE COMPLETED: _____

ASSIGNED TO: _____

RETAILER #: _____

CHAIN #: _____

Retailer Name: _____

Existing Retailer

Location Address: _____

Change of Ownership

Location City: _____

New Retailer

Location Phone #: _____

Follow - up

Mailing Address: _____

APPROVED

Mailing City: _____

PART I - EXTERIOR

A. Date building was constructed or last date remodeled? _____

1P B. Mark the appropriate parking layout (s):

Private Lot

Street Parking

Strip Mall

Other

C. How many parking spaces are available for public use?
(Spaces marked with striping and/or curb guards)

N/A

CMTS: _____

2P D. Are designated disabled parking spaces available?

Yes

No

N/A

(1) How many spaces?

N/A

a. If only one (1) space, is it a:

VAN Space

OR

UNIVERSAL Space

OR

STANDARD Space

96" space

132" space

96" space

96" access aisle/route

60" access aisle/route

60" access aisle/route

192" total

192" total

156" Total

OR NONE OF THE ABOVE - Provide measurements of existing space.

OR N/A

_____" - space
_____" - access aisle/route
_____" - Total

_____" - space
_____" - access aisle/route
_____" - Total

_____" - space
_____" - access aisle/route
_____" - Total
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b. If more than one (1) space, is there a minimum of one(1):

<input type="checkbox"/> VAN Space	OR	<input type="checkbox"/> UNIVERSAL Space	OR	<input type="checkbox"/> NEITHER - Provide
96" space		132" space		_____ " - space
96" access aisle/route		60" access aisle/route		_____ " - access aisle/route
192" total		192" total		0 " - Total

CMTS: _____

3P E. Are signs designating the disabled space (s) in place? YES No N/A

(1) **VAN** accessible space **MUST** say "Van Accessible") YES No N/A

a. Height of signage from ground _____ "

(2) **UNIVERSAL** Parking space (International symbol) YES No N/A

a. Height of signage from ground _____ "

(3) **STANDARD** parking space (International symbol) YES No N/A

a. Height of signage from ground _____ "

CMTS: _____

F. Is a curb cut or ramp necessary for access? YES No N/A

CMTS: _____

4P (1) Is the ramp/cut at least 36" wide? _____ " YES No N/A
(not including flares)

(2) What are the dimensions of the ramp/cut? **Curb Height** _____ " N/A

Ramp/Cut Length _____ " N/A

Ramp/Cut Width _____ "

CMTS: _____

(3) Is there edge protection to prevent people from slipping off of the curb cut or ramp? YES No N/A

CMTS: _____

G. Is there a flat area at least 60" by 60" square in front of the door? YES No N/A

CMTS: _____

PART II - PATH OF TRAVEL

5P A. Is there a clear unobstructed path of travel:

- (1) from the parking space (s) Path width _____ " YES No N/A
- (2) from curb-cut (s) or ramp (s) Path width _____ " YES No N/A

CMTS: _____

B. Can obstruction (s) along path be detected by a cane? YES No N/A

(1) Height of obstruction: Top _____ " Bottom _____ "

(2) Width of protrusion: Width _____ "

(3) Is obstruction a permanent fixture? YES No N/A

C. Is the path of travel stable and firm? **Parking Lot:** YES No N/A

Sidewalk: YES No N/A

Steps: YES No N/A

Ramp/Cut: YES No N/A

D. Distance from parking to entrance? _____

E. Do steps have continuous railings? **One Side** _____ No N/A

Both Sides _____ No N/A

CMTS: _____

PART III - BUILDING

6P A. Does the main entrance permit wheelchair entry? YES No N/A

**** IF "YES", SKIP TO PART IV****

(1) If "No", is there an alternate entrance available for a person in a wheelchair? YES No N/A

CMTS: _____

(2) Are there signs posted before you reach the inaccessible entrance showing the way to the wheelchair accessible entrance? YES No N/A

CMTS: _____

B. Are the access requirements of PART II A, B, C, D met? YES No N/A

If "NO", explain: _____

PART IV - ENTRY DOOR

A. Do you have to grasp the door handle with your hand or twist your wrist to open with:

7P (1) the Exterior Handle? YES No N/A

8P (2) the Interior Handle? YES No N/A

B. Is the center of the door handle 48" or less from the floor on:

(1) the Exterior Handle _____ " YES No N/A

(2) the Interior Handle _____ " YES No N/A

CMTS: _____

C. Is the door pressure 20 pounds _____ lbf YES No N/A
force (lbf) or less?

D. If the door is powered or has a closer, does it allow the door to remain open for at least 3 seconds? YES No N/A

CMTS: _____

E. Is there at least 32" of door clearance? _____ " YES No N/A

F. Is there at least 18" of space on the latch side of the door for a person in a wheelchair or on crutches to get close enough to open the door? YES No N/A

G. Is the door threshold 1/2" or less in height? YES No N/A
If, "NO", Height _____ "

9P (1) Is the threshold beveled? YES No N/A

(2) From which direction? Outside Inside Both N/A

H. In a two door series, is the clear space between the walls at either end of the vestibule at least 48", plus the door width? YES No N/A

PART V - INTERIOR DOOR

A. Is there an interior door? YES No

**** IF "NO", SKIP TO PART VI ****

B. Do you have to grasp the door handle with your hand or twist your wrist to open with:

(1) the Exterior Handle YES No N/A

(2) the Interior Handle YES No N/A

C. Is the center of the door handle 48" or less from the floor on:

(1) the Exterior handle _____ " YES No N/A

(2) the Interior handle _____ " YES No N/A

CMTS: _____

D. Is the door pressure 5 pounds force (lbf) or less? _____ lbf YES No N/A

E. If the door is powered or has a closer, does it allow the door to remain open for at least 3 seconds? YES No N/A

CMTS: _____

F. Is there at least 32" of door clearance? _____ " YES No N/A

G. Is there at least 18" of space on the latch side of the door for a person in a wheelchair or on crutches to get close enough to open the door? YES No N/A

H. Is the door threshold 1/2" or less in height? YES No N/A
If "NO", Height _____ "

10P (1) Is the threshold beveled? YES No N/A

(2) From which direction? Outside Inside Both N/A

I. In a two door series, is the clear space between the walls at either end of the vestibule at least 48", plus the door width? YES No N/A

CMTS: _____

PART VI - INTERIOR

11P A. Thickness of mat or rugs: _____ " N/A

(1) Are they secure and not prone to sliding? YES No N/A

CMTS: _____

12P B. Is there an accessible route at least 36" wide from the door to the place where the tickets are sold? YES No N/A

CMTS: _____
(list item (s) blocking accessible route)

13P C. Is the counter top 36" or less? _____ "

YES No N/A

(1) If higher than 36", is an alternative method of providing services being used?

YES No N/A

(2) If counter height is greater than 36", obtain a COUNTER AGREEMENT

CMTS: _____

14P D. Is there either a 60" circle or T-Shaped floor space with 36" aisles available to allow a person using a wheelchair to reverse direction?

YES No N/A

CMTS: _____

PART VII - ADDITIONAL COMMENTS

(List any additional comments to support your answers. Use as much space as needed. Please be specific):

FOR USE BY ADA COORDINATOR

RETAILER SURVEY VERIFICATION

This survey will be used as a guide to identify architectural barriers in your place of business. The business will be required to comply with the Americans with Disabilities Act (ADA) prior to being approved as a Kansas Lottery Retailer or to maintain an active status with the Kansas Lottery.

YOUR SIGNATURE SERVES ONLY AS AN ADDITIONAL TOOL OF VERIFICATION THAT OUR REPRESENTATIVE VISITED YOUR RETAIL LOCATION AND COMPLETED THE ADA COMPLIANCE SURVEY.

Signature of Store Clerk, Manager or Owner: _____ DATE: _____

PLEASE PRINT NAME (as signed above): _____

Signature of Lottery Representative: _____ DATE: _____

AGREEMENT TO PROVIDE COUNTER ACCOMMODATION TO KANSAS LOTTERY PLAYERS

This Kansas Lottery Retailer has been contacted by the Kansas Lottery ADA Coordinator about the height of the sales counters at this location. Through submission of this document, retailer acknowledges they will provide an accommodation that will provide Lottery players a firm surface, such as a clip board, upon which to scratch tickets or fill out play slips in the event they cannot utilize the counter surface.

Retailer Name

Retailer Number

Owner or Authorized Officer Signature

Title

Please Print Name

Date