



*Kansas
Licensed
Beverage
Association*

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Testimony on SB 276, SB 288 & SB 299
January 24, 2012

Senate Federal & State Affairs Committee

Chairman Brungardt, and Senators of the Committee,

I am Philip Bradley representing the Kansas Licensed Beverage Association. The KLBA represents the interests of the men and women in the hospitality industry, who own, manage and work in Kansas bars, breweries, clubs, caterers, hotels, and restaurants. These are the places you frequent and enjoy with the tens of thousands of employees that are glad to serve you. Thank you for the opportunity to speak today and I will be brief.

The Kansas Viticulture and Farm Winery Assn. (KVFVA), Artisan Distillers of KS (ADK), and Craft Brewers Guild of KS (CBGK) have asked me to also speak for them on these issues.

We are appreciative of all efforts to reduce regulation of unnecessary, restrictive laws and regulations. **We urge you to do so fairly and without favoring one class of license over others.** Our combined positions are below and the specific points are on the back of this page.

SB 276--Alcoholic beverages; amendments to law prohibiting licensee from hiring certain employees. We urge you to not advance this measure and leave the existing statute.

SB 288--Alcoholic beverages; repealing the proportionate pricing requirement for sales of liquor by the drink. We approve of the original expressed intent to repeal the confusing concept of proportionate pricing. We ask you to retain the repeal of Sec. 2 a, 5 on page 3 and not make the other changes.

SB 299--Alcoholic beverages; creating a public venue license. We approve of the concepts allowed in the bill but believe they should be allowed to all qualified licensed establishments. We ask you to amend this measure in that way.

In addition we ask you to add two other amendments.

- 1) **We ask for the repeal of all day pricing to end the requirement that sale prices have to last from open to close.**
- 2) **And to end the unfair practice of "unknowingly". Citing the licensee for violations they had no knowledge of and no control over other adult's behavior.**

There are undoubtedly further issues that will arise as these are answered.

Again thank you for your attention and consideration. I am available for your questions.

Philip Bradley

**Drink Responsibly.
Drive Responsibly.**

Sn Fed & State
Attachment 11

1-24-12

The KS Licensed Beverage Assn. (KLBA), the KS Viticulture and Farm Winery Assn. (KVFVA), Artisan Distillers of KS (ADK), and Craft Brewers Guild of KS (CBGK) ask you to take the following steps;

We are appreciative of all efforts to reduce regulation of unnecessary, restrictive laws and regulations. **We urge you to do so fairly and without favoring one class of license over others.** While KS licensees are friendly they all are competing for the customers' entertainment dollars. Our combined positions are below and the specific points are on the back of this page.

SB 276--Alcoholic beverages; amendments to law prohibiting licensee from hiring certain employees. We urge you to not advance this measure and leave the existing statute. The history of actions of the ABC to make or not make background checks has never been about a courtesy to the industry. And the changes are about reducing their cost and an attempt to shift the statutory liability and cost to make the licensee guilty even if they were misled by an employee and unknowingly employed such a person.

SB 288--Alcoholic beverages; repealing the proportionate pricing requirement for sales of liquor by the drink. We approve of the original expressed intent to repeal the confusing concept of proportionate pricing. We ask you to retain the repeal of Sec. 2 a, 5 on page 3 and not make the other changes. In general we believe it is unadvisable for the government to begin to set acceptable levels of service and is a slippery slope that could lead to a restriction of the customer choice and an artificial restraint of the market. We find it curious that in the next bill there is language that would violate this very section for one class of licensee.

SB 299--Alcoholic beverages; creating a public venue license. We approve of the concepts allowed in the bill but believe they should be allowed to all qualified licensed establishments. We ask you to amend this measure in that way. In fact we have been asking for these for on premise beverage retailers in previous years. We agree with the ABC that these, specifically in new section 1a items 2, 3 and 4. Those include bottle service, Suite/Banquet room separate pricing, and all inclusive event pricing. These exist in other states and would help make Kansas businesses more competitive. In addition this bill asks for the normal business practice of an ability to return product which is forbidden to other on premise licensees.

In this and other proposed legislation appears the newly suggested language of "bono fide" in many places. We ask why? It could lead to new prejudicial judgment of who is or more concerning who is not a "bono fide" licensee without any standards or written criteria. We have had all of the existing licensees for decades without this undefined subjective qualifier and ask the committee to amend it out of these proposals.

In addition we ask you to add two other long sought after amendments to improve our statutes;

- 1) **We ask for the repeal of all day pricing to end the requirement that sale prices have to last from open to close.** This would allow our states establish to finally be competitive with out of state choices and allow KS licensees to reduce the number of hours they now are required to offer the lower prices they need to be competitive.
- 2) **And to end the unfair practice of "unknowingly". Citing the licensee for violations they had no knowledge of and no control over other adult's behavior.** This is an impossible standard for a business to meet. How can you set policy, train and prevent an "Unknowing" occurrence that is dependent on a customer's personal decisions and actions

Again thank you for your attention and consideration. I am always available for your questions.

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