



January 22, 2013

To: Senate Federal and State Affairs Committee
From: R.E. "Tuck" Duncan, General Counsel
RE: SB 7

The Kansas Wine & Spirits Wholesalers Association supports the provisions of SB7 as requested by the Joint Committee on Administrative Rules and Regulations. I would characterize this as a "clean-up" bill.

The Committee acknowledges that it was not the intent of the legislature not to permit the co-mingling of spirits with mixers for tasting purposes. (p.3 lines 3-6) Nonetheless the Alcoholic Beverage Control has taken the position that the law does not permit same. This issue was not directly addressed during the 2012 session, so this clarification is necessary to reverse the agency's policy.

Secondly, certain portions of last year's multifaceted liquor bill were inadvertently not made supplemental to the Liquor Control Act. As a result the agency may not possess authority to promulgate rules associated with those sections. SB 7 cures that defect. (p. 2 lines 32-37; p.4 lines 40-43, p. 5 lines 1-2; p. 4 lines 36-41).

Further we support the provisions SB 7 that would require any written administrative notice or order imposing a civil fine or other penalty for a proposed violation of the Kansas Liquor Control Act or Club and Drinking Establishment Act to be issued no later than 90 days after the date the citation was issued. According to the fiscal note this does not appear to impose any hardship on the agency. (New Section 1).

Inadvertently, as a result of redefining a "drink" the legislature authorized beer pitchers and eliminated pitchers of margaritas, mojitos, and similar pre-mixed beverages. We ask that you add language to authorize the agency to promulgate rules to allow for the serving of pitchers as of such pre-mixed beverages. My understanding is that the agency would not oppose such clarification.

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