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Testimony Re: SB 35
House Federal and State Affairs Committee
Presented by Ronald R. Hein
on behalf of
Kansas Restaurant and Hospitality Association
February 25, 2013

Mr. Chairman, Members of the Committee:

My name is Ron Hein, and I am legislative counsel for the Kansas Restaurant and Hospitality Association (KRHA). The Kansas Restaurant and Hospitality Association, founded in 1929, is the leading business association for restaurants, hotels, motels, country clubs, private clubs and allied business in Kansas. Along with the Kansas Restaurant and Hospitality Association Education Foundation, the association works to represent, educate and promote the rapidly growing industry of hospitality in Kansas.

KRHA requested introduction of and strongly supports SB 35. The State of Kansas has adopted legislation imposing qualifications that are expected on employees hired by drinking establishments, and the KRHA believes that these qualifications should be fair and appropriate to the circumstances.

It is currently illegal to hire an employee for certain positions where that individual has been convicted of a DUI within two years. One can be President of the United States with a DUI; or a state legislator; or even a Director of the ABC without meeting that standard. To require such a standard simply to be a waiter or waitress at a restaurant licensed as a drinking establishment is, we believe, a requirement that does not appropriately meet the standard designed to protect the general welfare of the public. Here, the requirement seems to be substituting the decision that should be more properly made by the employer, by usurpation of that responsibility by the state government.

The KRHA believes that business owners engaged in running restaurants where alcoholic beverages are sold should be permitted to run their businesses based upon their good judgment, without state government putting restrictions on them that do not properly protect the public from harm, and are, instead, simply rules and regulations that make it more difficult for the business owners to operate their businesses.

We were able to reach a compromise on the language between the industry and the ABC which is reflected in SB 35. We urge the passage of this compromise bill.

Thank you very much for permitting me to testify, and I will be happy to yield to questions.