



House Federal & State Affairs Committee  
SB 35

Testimony of  
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Director, Alcoholic Beverage Control

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Good morning Chairman Siegfried and members of the committee. Thank you for the opportunity to present testimony on Senate Bill 35.

ABC is neutral on the bill. We suggested a minor change to the bill during public testimony when it was heard before the Senate Federal and State Affairs Committee. The committee made the change but there is a technical wording amendment that we would recommend that I will get to in a moment.

The bill loosens the current restrictions on convicted felons and on other individuals who have been convicted of certain liquor law violations from dispensing/selling/serving alcoholic drinks.

The bill basically allows a person convicted of a non-person, non-drug felony to dispense/sell/serve alcohol.

With regard to amending the current law that prohibits anyone who has been convicted of a liquor violation within the last two years from selling or serving alcohol, we recognize that people make mistakes. We understand the argument that excluding them from selling or serving alcohol at a restaurant, bar or liquor store for one liquor violation may seem overly restrictive. The bill, as it was originally introduced, would not disqualify a person until they received a third liquor violation within a 5-year period. We believe that a person who sells/furnishes alcohol to a minor twice within 5-years has demonstrated a high enough risk that they should become ineligible to continue in that capacity. We recommended that change and the Senate Federal and State Affairs Committee, in fact, made the requested amendment. In doing so, there remains a technical problem with the wording. ABC feels the two "strikes" of furnishing alcoholic liquor to a minor should be included in the total of three violations referenced on page 2, line 1. The bill as amended excludes those violations from the "three strike" rule. We therefore propose that subsection (c), starting at page 1, line 28 be amended as follows:

28 (c) Knowingly employ or continue to employ any person in  
29 connection with the dispensing or serving of alcoholic liquor, or the  
30 mixing of drinks containing alcoholic liquor, who has been adjudged  
31 guilty of **two or more violations of K.S.A. 21-5607, and amendments**  
32 **thereto, furnishing alcoholic liquor to minors or similar law furnishing**  
33 **sale of alcoholic liquor to minors of any other state, or of the United**  
34 **States, within the immediately preceding five years, or who has been**

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1 **adjudged guilty of three or more violations of any intoxicating liquor law**  
2 **of this or any other state, or of the United States, ~~not involving the sale~~**  
3 **~~{furnishing} of alcoholic liquor to minors~~ within the immediately**  
4 **preceding five years.**

It is important to remember that a person who becomes ineligible to sell or serve alcohol because of their criminal history, is not prohibited from working in a restaurant. They are only prohibited from working in a capacity where they sell or serve alcohol.

Thank you Mr. Chairman.