



**Kansas Association of
Chiefs of Police**

PO Box 780603
Wichita, KS 67278
(316)733-7301



**Kansas Sheriffs
Association**

PO Box 1122
Pittsburg, KS 66762
(620)230-0864



**Kansas Peace Officers
Association**

PO Box 2592
Wichita, KS 67201
(316)722-8433

March 7, 2013

**Testimony to the House Commerce, Labor and Economic Development Committee
In a Neutral Position on HB2206**

The Kansas Sheriffs Association, the Kansas Association of Chiefs of Police, and the Kansas Peace Officers Association offer this neutral testimony on HB2206. Please be clear that we are not advocating for or against the policy decision of this bill. There are many people with more expertise on the issues surrounding expanding alcohol sales to additional retail outlets and any expected consequences or advantages. However, there are some law enforcement impacts we want to point out in order for you to have an opportunity to address them.

Over the past several years, Kansas law enforcement has increased its monitoring and enforcement of the liquor laws. The sale of liquor and CMB to underage persons has been of particular focus of the enforcement efforts along with addressing the social hosting problem. Local law enforcement and the agents of the Alcohol Beverage Control continue to enjoy a strong supportive working relationship. But over the last several years, the number of ABC agents has dropped to only 18 to serve all of Kansas. That is one agent for every 5+ counties. Those agents have a multitude of duties covering far more than retail sales. Many aspects of the agents duties go beyond the focus and expertise of local law enforcement as they enforce the liquor regulations and laws. These include areas of enforcing the liquor laws that local law enforcement does not have the expertise, experience, or resources to engage. This reduces the ABC resources available to assist local law enforcement in the enforcement function in which we do regularly engage. Local law enforcement primarily focuses on the retail liquor industry for violations leading to underage drinking but also includes proper licensing and hours of operation. Enforcing the rules surrounding the concept of providing samples will also fall primarily on local law enforcement. Most other aspects of liquor sales enforcement is left to the ABC.

The first and foremost impact on local law enforcement is the enforcement of the liquor laws with expanded points of sale. Although this bill delays until 2015 expanding the number of licensed retail outlets, now is the time to consider the impact of more outlets on enforcement resources in the future. It is difficult to predict the exact impact of additional outlets on enforcement demands. However, clearly more outlets will require more enforcement activities to maintain the same level of enforcement we conduct today. We believe it is also likely liquor sales in the more public arena of liquor and convenience stores will result in more citizen

complaints about illegal sales that will require a response and investigation. This enforcement at the local level is the heart of assuring the businesses are in compliance with the laws.

But the increased demand on law enforcement will not stop with the number of retail outlets. The expansion into grocery and convenience stores will add a larger number of people involved in the sales that will need training and monitoring. Clearly enforcement of underage sales will become much more challenging for law enforcement under this proposal. Liquor stores are relatively easy to monitor. Sales from stores with high volume non-liquor sales will be impossible to monitor from outside the store. It is likely only sting type operations will be effective in that environment.

These additional challenges will add to the workload of both local law enforcement and the ABC enforcement section. Local law enforcement must rely heavily on the ABC for support of liquor law enforcement. We request legislative consideration to provide adequate funding for both local and ABC enforcement if this bill passes.

Second, an expansion of alcohol sales should also be met with an increased capacity to provide alcohol education programs, training of sales people, prevention programs, and the aforementioned enforcement resources. We would hope if HB2206 passes, some of the tax revenues from increased sales would be targeted for these programs.

One way to accomplish this is to set up a grant program to support local enforcement efforts. We are thinking something like the STEP program used for targeted traffic enforcement operations. While the STEP program uses federal grant dollars, no such federal dollars are available for liquor enforcement to our knowledge. We recommend setting up a similar grant program funded from a portion of expected increase in liquor tax receipts. The grant funds would reimburse local agencies for a portion of their expenses in enforcement operations such as overtime expenses for sting operations. Since it is difficult to estimate what the demand will be on these resources, we would recommend starting with a modest amount of funding. Perhaps something in the \$200,000 range. We suggest the program be administered through the ABC.

Our interest is not to drive you to one side or the other as you make your policy decision. Our request is for the committee to keep these issues in mind and to take action to assure law enforcement has the resources necessary to properly enforce the relevant laws implementing your policy decisions. The drive to achieve compliance with the laws is greatly enhanced with proper training, education, prevention programs and enforcement. It is of highest importance that both local law enforcement and the ABC maintain adequate resources to prevent violations through training and both public and industry education; and when that fails we must have the capacity to detect, investigate, and prosecute violations of the policy you set forth in law.