

Liquor by the drink raises \$1 million in taxes in July

AUSTIN (AP)—Liquor by the drink has turned out to be a \$1 million-a-month tax raiser with no significant increase in the

number of bars — at least for now — and few law enforcement problems.

That's the assessment of O. N. Humphreys Jr., Alcoholic Beverage Commission administrator, after the state's first three months of legalized mixed drinks.

"So far we haven't had anything — only two administrative cases that I can recall. I think both of them were breach of the peace. One was a shooting. The other was a pretty bad fight," Humphreys said when asked about enforcement problems in newly licensed bars.

Texas voters approved legalized private sale of mixed drinks last November, and the Legislature wrote the details of how liquor by the drink would work in a bill that was passed April 21. Local option elections were held in several dozen cities, towns and counties May 18, and the first mixed beverage permit was issued shortly afterward.

So far, 1,105 permits have been issued. About 700 private clubs renewed their licenses Sept. 1.

Last year at this time, only private clubs could sell mixed

drinks across the bar, and 1,730 had a live license as of Aug. 31, 1970.

The fact that the number of public bars and private clubs now licensed is about the same as the total of private clubs a year ago "would indicate that your outlets are not going to vary too much," Humphreys said.

Legislators also repealed the nicker a drink private club tax and imposed a 10 per cent "gross receipts tax" on sales of mixed drinks.

The tax raised \$1,018,298 in July, the first full month in which the tax was collected. That means more than \$10 million worth of drinks were sold.

In July 1970, the nicker a drink private club tax yielded \$358,263.

The tax collections indicate most drinking still is done in private clubs, which collected \$540,414 from the tax in July.

Humphreys said the majority of mixed beverage permits were issued to former private clubs, with the bulk of the remainder going to restaurants and dinner clubs.

Opponents of the liquor by the drink contended it would increase drinking.

"I don't think we have seen any appreciable decline or increase. Overall, I don't think it has affected consumption. But we really haven't had it long enough to make any kind of comparison. It will take a year before we can tell whether it's increased," Humphreys said.

One point used by liquor by the drink advocates was that mixed drinks would increase the state's tourist business.

Frank Hildebrand, director of the Texas Tourist Development Agency, said his office has no evidence one way or another in this regard.

But W. Price, director of the Texas Restaurant Association, which led lobbying efforts for the bill, said "the results have been tremendous."

For restaurants, he said, "Tourist business increased 5 to 10 per cent, not only in liquor sales but in food sales."

Price predicted liquor by the drink permits will total 2,000 by March or April. Humphreys said his commission is processing 8 to 10 permit applications per day. Humphreys' agents are devoting a good part of their time to investigating mixed beverage

permit applicants. He says they are "bogged down" with applications, although the situation should ease when the 30 new agents authorized by the Legislature are hired and put to work.

Liquor board agents also are cracking down — although Humphreys avoids the phrase — on private clubs that openly sell drinks to anybody with the money to buy them.

Agents made 47 cases of sales to non-members by clubs in Dallas, San Antonio and Houston the weekend of July 23.

"We don't call it a crackdown, but we are working these clubs and we are going to continue to work them," Humphreys said.

"We plan to continue this type of operation. It will not be done in any systematic way. We'll do it a weekend, then maybe skip a weekend, and hit them during the week."

"We want to let these people know that if they are going to run a private club, they must adhere to the private club law."

He said there's no excuse for running an open bar under the guise of a private club since the new allows clubs to issue \$2 temporary membership cards to non-members who want to buy drinks.

"It would be grossly unfair to a man who pays \$2,000 for a first-year mixed beverage permit and operates within the law to allow a person across the street with a \$500 permit fee private club to operate illegally," Humphreys said. "I don't think it's right."

Humphreys says one thing his agency doesn't get into is drink prices — the law leaves that up to competition and what the traffic will bear.

A spot check of several Austin bars and restaurants indicated quite a variation.

A bar that charges a membership fee and features topless dancers charges \$1.50 for all drinks, including tax. A seafood restaurant has a range of 90 cents to \$2.50, plus tax, with a scotch and water and a bourbon old-

fashioned costing \$1 each. A popular Mexican restaurant charges \$1 for a scotch and water and \$1.25 for an old-fashioned, plus tax.

Private clubs tend to be about the same, or perhaps a little cheaper. One well-known club charges 90 cents each for an old-fashioned and a Scotch and water. Another charges \$1 for the same drinks.

"As a general rule, in the plush places, they are paying \$1.25 to \$1.50 for a drink and getting a full measure of alcohol. . . . In the Valley, there is a spread of 65 cent on the price of a drink.

He said bars and restaurants make a net profit of 10 to 15 per cent on the price of a drink.

The legislature and the control board made it clear they didn't want any of that money going to criminals, organized or otherwise. And they outlawed bar ownership by liquor store proprietors or hidden financial backers.

Applications for mixed beverage permits must fill out a page questionnaire and a page personal history sheet.

They ask such blunt questions as:

"Have you ever used narcotics in any form?"

"Have you, your partner, manager, husband or wife ever been arrested for any reason or placed under investigation, if so, give full details."

"Is this application being made by you as a subterfuge to permit any person other than you to secure a permit from the alcoholic beverage commission under your name for his benefit?"

Humphreys said the names aren't checked at face value but are checked out with local police, the Department of Public Safety and other sources. Some applications have been turned down because of protests from local law enforcement officials, he said, and there have been instances of attorney shadow ownerships.

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Baylor Law School to host activities for pre-law students

A&M pre-law students interested in the Baylor University School of Law have been invited to the Baylor campus Sept. 25 for Pre-Law Day.

Dr. J. M. Nance, A&M History Department head, said the program begins at 9 a. m., includes a free luncheon for student and spouse and the option of attending the Baylor-Indiana football game that night as guests of Baylor.

The dean of the Baylor School of Law is Angus S. McSwain,

class of 1944 civil engineering graduate of A&M.

Dr. Nance said the morning program is designed to give law school information and to answer questions concerning studies, entrance requirements, scholarships, student aid and graduate placement.

Students attending will have an opportunity to visit a class in domestic relations, he added.

Interested students should contact Dr. Nance no later than Sept. 22.

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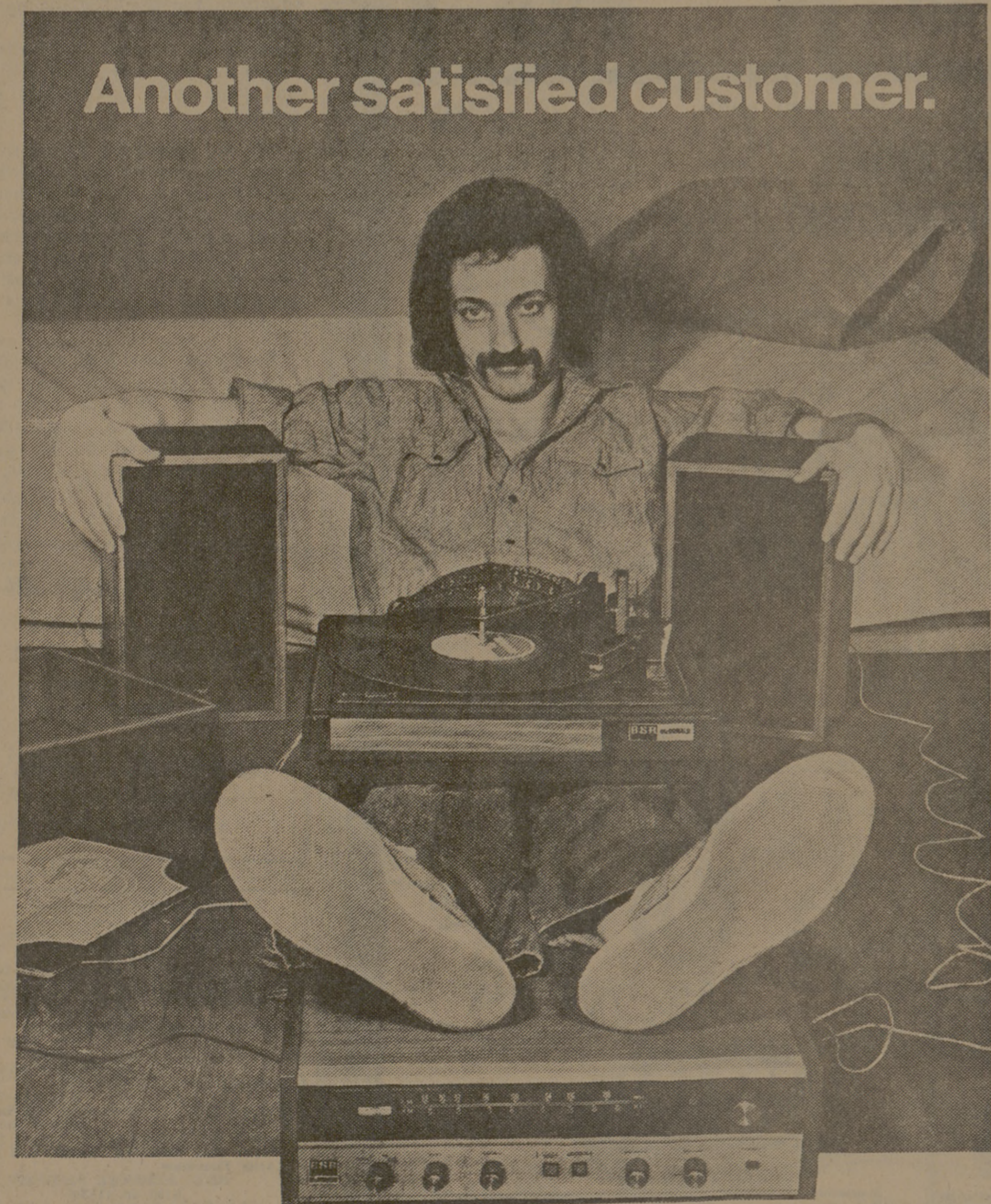
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