

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 25

By Committee on Federal and State Affairs

1-18

1 AN ACT concerning alcoholic beverages; authorizing issuance of
2 special event retailers' license *[permit]* for sales of cereal malt
3 beverage; amending K.S.A. 2010 Supp. 41-2703 and repealing the
4 existing section.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2010 Supp. 41-2703 is hereby amended to read
8 as follows: 41-2703. (a) After examination of an application for a
9 retailer's license, the board of county commissioners or the director
10 shall, if they approve the same, issue a license to the applicant. The
11 governing body of the city shall, if the applicant is qualified as
12 provided by law, issue a license to such applicant.

13 (b) No retailer's license shall be issued to:

14 (1) A person who is not a resident of the county in which the place
15 of business covered by the license is located, has not been a resident of
16 such county for at least six months or has not been a resident in good
17 faith of the state of Kansas.

18 (2) A person who has not been a resident of this state for at least
19 one year immediately preceding application for a retailer's license.

20 (3) A person who is not of good character and reputation in the
21 community in which the person resides.

22 (4) A person who is not a citizen of the United States.

23 (5) A person who, within two years immediately preceding the
24 date of application approval, has been convicted of, released from
25 incarceration for or released from probation or parole for a felony or
26 any crime involving moral turpitude, drunkenness, driving a motor
27 vehicle while under the influence of intoxicating liquor or violation of
28 any other intoxicating liquor law of any state or of the United States.

29 (6) A partnership, unless all the members of the partnership are
30 otherwise qualified to obtain a license.

31 (7) A corporation, if any manager, officer or director thereof, or

1 any stockholder owning in the aggregate more than 25% of the stock of
2 such corporation, would be ineligible to receive a license hereunder for
3 any reason other than the citizenship and residency requirements.

4 (8) A person whose place of business is conducted by a manager
5 or agent unless the manager or agent possesses all the qualifications of
6 a licensee.

7 (9) A person whose spouse would be ineligible to receive a
8 retailer's license for any reason other than citizenship, residence
9 requirements or age, except that this subsection (b) (9) shall not apply
10 in determining eligibility for a renewal license.

11 (10) A person whose spouse has been convicted of a felony or
12 other crime which would disqualify a person from licensure under this
13 section and such felony or other crime was committed during the time
14 that the spouse held a license under this act.

15 (c) After examination of an application for a retailer's license, the
16 board of county commissioners or the governing body of a city may
17 deny a license to a person, partnership or corporation if any manager,
18 officer or director thereof, or any stockholder owning in the aggregate
19 more than 25% of the stock of such corporation, has been an officer,
20 manager, director or a stockholder owning in the aggregate more than
21 25% of the stock, of a corporation which has:

22 (1) Had a retailer's license revoked under K.S.A. 41-2708, and
23 amendments thereto; or

24 (2) been convicted of a violation of the club and drinking
25 establishment act or the cereal malt beverage laws of this state.

26 (d) Retailers' licenses shall be issued ~~either~~ **either** on an annual
27 basis ~~or, or~~ for the calendar year ~~or on a temporary basis as set forth in~~
28 ~~subsection (e)~~. If such licenses are issued on an annual basis, the board
29 of county commissioners or the governing body of the city shall notify
30 the distributors supplying the county or city on or before April 1 of the
31 year if a retailer's license is not renewed.

32 (e) *In addition to, and consistent with the requirements of K.S.A.*
33 *41-2701 et seq., and amendments thereto, the board of county*
34 *commissioners of any county or the governing body of any city may*
35 *provide by resolution or ordinance for the issuance of a special event*
36 *retailers' ~~license~~ **permit** which shall allow the ~~license~~ **permit** holder to*
37 *offer for sale, sell and serve cereal malt beverage for consumption on*
38 *~~unlicensed~~ **unpermitted** premises, which may be open to the public,*
39 *subject to the following:*

1 (1) *A special event retailers' ~~license~~ **permit** shall specify the*
2 *premises for which the ~~license~~ **permit** is issued;*

3 (2) *a special event retailers' ~~license~~ **permit** shall be issued for a*
4 *~~period of time not to exceed three consecutive days~~ **the duration of the***
5 ***special event**, the dates and hours of which shall be specified in the*
6 *~~license~~ **permit**;*

7 (3) *no more than four special event retailers' ~~licenses~~ **permits** may*
8 *be issued to any one applicant in a calendar year; and*

9 (4) *a special event retailers' ~~license~~ **permit** shall not be*
10 *transferable or assignable.*

11 ~~(f) Any person holding a special event retailers' license issued~~
12 ~~pursuant to a county resolution or city ordinance adopted in~~
13 ~~accordance with subsection (e) shall be considered to be a retailer-~~
14 ~~licensed under K.S.A. 41-2702, and amendments thereto.~~

15 ~~(g) The director shall propose rules and regulations necessary to~~
16 ~~carry out the intent and purpose of this section in accordance with the~~
17 ~~provisions of K.S.A. 41-210, and amendments thereto.~~

18 **(f) A special event retailers' permit holder shall not be subject to**
19 **the provisions of the beer and cereal malt beverage keg registration**
20 **act, K.S.A. 41-2901 et seq., and amendments thereto.**

21 Sec. 2. K.S.A. 2010 Supp. 41-2703 is hereby repealed.

22 Sec. 3. This act shall take effect and be in force from and after its
23 publication in the statute book.

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