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March 24, 2015
Testimony on HB 2331
Senate Federal and State Affairs Committee

Chairman Brunk, and Members of the Committee,

I am Philip Bradley representing the Kansas Licensed Beverage Association. The KLBA represents the interests of the men and women in the hospitality industry, who own, manage and work in Kansas bars, breweries, clubs, caterers, hotels, and restaurants. These are the places you frequent and enjoy with the tens of thousands of employees that are glad to serve you. I have also been asked to speak for the KS Craft Brewers Assn., the KS Viticulture and Farm Winery Assn. and the Artisan Distillers of KS. Thank you for the opportunity to speak today and I will be brief.

When the current statute was passed seemingly no one considered that someone might hire a caterer for an event on public property. Since then it has occurred and because of this oversight the caterer has had to acquire an additional special permit. We asked for this to bill correct that. A catering license is a "regular license" that requires all the normal steps for the licensee. In addition a caterer must notify the ABC of an event in advance and provide the pertinent information. For many years there have been several adjustments to the notification process to the ABC and none more than with the catering license. Current statutes, regulations and ABC policies are cumbersome and do not take advantage of the advance in technology and standard business practices. The changes in this measure will allow for full and timely notice while addressing the needs of the small business licensee. The catered events in this bill would be excellent examples of how the notification process would work. I have placed the current notification form on the back of this page. It is able to be filled in online, but currently must be printed and sent in. We support an online/email notification process over the current system.

Thank you and we ask for you to advance this favorably and if appropriate, it be placed on the consent agenda.

There is no such thing as a 'self-made' man. We are made up of thousands of others. Everyone who has ever done a kind deed for us, or spoken one word of encouragement to us, has entered into the make-up of our character and of our thoughts, as well as our success. **George Matthew Adams**

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Kansas Licensed Beverage Association

Kansas Viticulture & Farm Winery Association

Craft Brewers Guild of Kansas

Artisan Distillers of Kansas



Kansas Department of Revenue
Alcoholic Beverage Control Division
915 SW Harrison Street
Topeka, KS 66625-3512
Phone: 785-296-7015 Fax: 866-855-5025

NOTIFICATION OF CATERED EVENT

Complete this form and return to the address or fax number above. Notification must be received by the Director **at least ten (10) days** prior to any event in which a caterer sells alcoholic liquor. A caterer must also notify the police chief or county sheriff prior to the beginning of the event. [K.A.R. 14-22-6]

Any caterer who fails to submit this notification **at least ten (10) days in advance** of a catered event may be subject to administrative charges for violating K.S.A.41-2643. Any notification sent within ten (10) days of the catered event must include a copy of the contract or other documentation showing the caterer was not contracted for the event until less than 10 days prior to the event.

Caterer Information:

Licensee DBA Name	License Number
Contact Person Name	Email Address
Phone Number	Fax Number

Sponsor Information:

Sponsor Name	Phone Number	
Address	City	Zip Code

Event Information:

Title of Event	Date(s) of Event	Approximate Attendance	
Beginning Time of Event	Ending Time of Event		
Address	City	County	Zip Code

☐ Submitted less than 10 days in advance. Reason:

Draw a diagram of the premises where the catered event will take place.

Office Use Only

<input type="checkbox"/> Received less than 10 days in advance of event. May be subject to administrative action.	
Notified Licensee via: <input type="checkbox"/> fax <input type="checkbox"/> email <input type="checkbox"/> mail	Signature of ABC Official
Notified Enforcement via email: <input type="checkbox"/> Yes	Date

ABC-826 (Rev.10.5.12)

Clear Form

The House added three amendments to the bill:

- 1) authorizing any unlicensed business to allow the possession and consumption of alcoholic liquor or cereal malt beverage (CMB) by patrons of such business on private property owned or leased by such business;
- 2) authorizing cities to pass ordinances allowing liquor retailers, microbreweries, microdistilleries, and farm wineries to locate within 200 feet of any public or parochial school or college or church in a core commercial district; and
- 3) authorizing the Director of ABC to issue more than one temporary permit for the sale of wine or beer, or both, on the State Fairgrounds

1) Club and Drinking Establishment Act: Exception

We fully support this amendment. For many, many years, individuals, groups and businesses have had events with BYOB without any problems or interest by law enforcement and/or government. Just recently some local and state agencies have not only taken an interest but have changed their decades long policies and interpretations of the statutes and started advising some small business owners that they need a Liquor License. Without one they would be subject to violations, citations fines and even stricter punishments. It seems strange that one who is not purchasing, selling, providing or even serving alcohol would need a license or even a permit from the state agency licensing Liquor. It seems counter intuitive that the suggested solution to the body that makes the laws is to not change that law, but to require more permit/licenses and then create an exception for a lessor permit for one of the affected groups. According to the Supplemental-*The bill would create a new exception to the provisions of the Club and Drinking Establishment Act, allowing any unlicensed business to authorize the possession and consumption of alcoholic liquor or cereal malt beverage (CMB) by patrons of such business on private property owned or leased by such business. Liquor or CMB possessed and consumed on the premises would be required to remain in the personal possession of the patron and could not be sold, offered for sale, or given away by the owner or employee of such business.* That being said, we believe that any establishment operating as a bar w/o a license can and should be prosecuted. Please pass this bill to change K.S.A. 2014 Supp. 41-719 to allow those not operating in that way to continue these activities without a new permit, without a new fee and without the new regulations. We also ask that the state and local law enforcements agree to not issue citations/violations as we work toward resolution.

2) Location of Liquor Retailers, Microbreweries, Microdistilleries, and Farm Wineries

We also fully support this amendment. Again according to the Supplemental-*The bill would allow cities to pass ordinances allowing liquor retailers, microbreweries, microdistilleries, and farm wineries to locate within 200 feet of any public or parochial school or college or church in a core commercial district. Current law only allows those facilities to be within 200 feet of schools, colleges, or churches if the retailer, microbrewery, microdistillery, or farm winery was already in a location and a school or church chose to establish itself within 200 feet of that facility.*

Temporary Permits: State Fair

Again according to the Supplemental-*The bill would specify that the Director of Alcoholic Beverage Control (ABC) may issue more than one temporary permit for the sale of wine or beer, or both, on the State Fairgrounds.*

We have had an excellent relationship with the KS State Fair and appreciate all they have done with the current vendor to promote KS created Farm Wines and KS crafted Micro Beers. We note this issue has arisen quickly and might not have been fully examined. We support that any and all licensees be required to feature, promote, and sell KS made products as is happening now. Although we do not take a specific position on the issue of multiple licenses we urge a cautious and deliberate consideration and believe it should be driven by the needs and requests of the KS State Fair as expressed by the KS State Fair Board.

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