

HOUSE BILL No. 2248

By Committee on Local Government

2-1

AN ACT concerning the distribution and use of moneys in the local alcoholic liquor fund; amending K.S.A. 79-41a04 and repealing the existing section.

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

Section 1. K.S.A. 79-41a04 is hereby amended to read as follows: 79-41a04. (a) There is hereby created, in the state treasury, the local alcoholic liquor fund. Moneys credited to such fund pursuant to this act or any other law shall be expended only for the purpose and in the manner provided by this act.

(b) All moneys credited to the local alcoholic liquor fund shall be allocated to the several cities and counties of the state as follows:

(1) Each city that has a population of more than 6,000 shall receive 70% of the amount which is collected pursuant to this act from clubs or drinking establishments located in such city, from caterers whose principal places of business are so located or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for which the allocation is made.

(2) Each city that has a population of 6,000 or less shall receive 46 $\frac{2}{3}$ % of the amount which is collected pursuant to this act from clubs or drinking establishments located in such city, from caterers whose principal places of business are so located or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for which the allocation is made.

(3) Each county shall receive: (A) 70% of the amount which is collected pursuant to this act from clubs or drinking establishments located in such county and outside the corporate limits of any city, from caterers whose principal places of business are so located or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for which the allocation is made; and (B) 23 $\frac{1}{3}$ % of the amount which is collected pursuant to this act from clubs or drinking establishments located in the county and within a city that has a population of 6,000 or less, from caterers whose principal places of business are so located or from temporary permit holders whose permitted events are so located and which is paid into the state treasury

1 during the period for which the allocation is made.

2 (c) The state treasurer shall make distributions from the local alco-
3 holic liquor fund in accordance with the allocation formula prescribed by
4 subsection (b) on March 15, June 15, September 15 and December 15
5 of each year. The director of accounts and reports shall draw warrants on
6 the state treasurer in favor of the several county treasurers and city treas-
7 urers on the dates and in the amounts determined under this section.
8 Such distributions shall be paid directly to the several county treasurers
9 and city treasurers.

10 (d) Except as otherwise provided by this subsection, each city trea-
11 surer of a city that has a population of more than 6,000, upon receipt of
12 any moneys distributed under this section, shall deposit the full amount
13 in the city treasury and shall credit ~~1/2~~ of the deposit to the general fund
14 of the city, ~~1/2~~ 40% of the deposit to a special parks and recreation fund
15 in the city treasury and ~~1/2~~ 60% to a special alcohol and drug programs
16 fund in the city treasury. Each city treasurer of a city that has a population
17 of 6,000 or less, upon receipt of any moneys distributed under this section,
18 shall deposit the full amount in the city treasury and shall credit ~~1/2~~ 50%
19 of the deposit to the general fund of the city and ~~1/2~~ 50% to a special parks
20 and recreation fund in the city treasury. Moneys in such special funds
21 shall be under the direction and control of the governing body of the city.
22 Moneys in the special parks and recreation fund may be expended only
23 for the purchase, establishment, maintenance or expansion of park and
24 recreational services, programs and facilities. One-half of the moneys dis-
25 tributed under this section to cities located in Butler county shall be
26 deposited in a special community support program and parks and re-
27 creation fund in the city treasury. Moneys in the special community sup-
28 port program and parks and recreation fund may be expended only for
29 (1) the establishment and operation of a domestic violence program op-
30 erated by a not-for-profit organization or (2) the purchase, establishment,
31 maintenance or expansion of park and recreational services, programs and
32 facilities. Moneys in the special alcohol and drug programs fund shall be
33 expended only for the purchase, establishment, maintenance or expansion
34 of services or programs whose principal purpose is alcoholism and drug
35 abuse prevention and education, alcohol and drug detoxification, inter-
36 vention in alcohol and drug abuse or treatment of persons who are al-
37 coholics or drug abusers or are in danger of becoming alcoholics or drug
38 abusers.

39 (e) Except as otherwise provided by this subsection, each county trea-
40 surer, upon receipt of any moneys distributed under this section, shall
41 deposit the full amount in the county treasury and shall credit to a special
42 alcohol and drug programs fund in the county treasury 23¹/₃% of the
43 amount which is collected pursuant to this act from clubs or drinking

1 establishments located in the county and within a city that has a popu-
2 lation of 6,000 or less, from caterers whose principal place of business is
3 so located or from temporary permit holders whose permitted events are
4 so located and which is paid into the state treasury during the period for
5 which the allocation is made; of the remainder, the treasurer shall credit
6 ~~1/3 to the general fund of the county, 1/3~~ 40% to a special parks and re-
7 creation fund in the county treasury and ~~1/3~~ 60% to the special alcohol and
8 drug programs fund. Moneys in such special funds shall be under the
9 direction and control of the board of county commissioners. Moneys in
10 the special parks and recreation fund may be expended only for the pur-
11 chase, establishment, maintenance or expansion of park and recreational
12 services, programs and facilities. One-third of the moneys distributed un-
13 der this section to Butler county shall be deposited in a special community
14 support program and parks and recreation fund in the county treasury.
15 Moneys in the special community support program and parks and re-
16 creation fund may be expended only for (1) the establishment and oper-
17 ation of a domestic violence program operated by a not-for-profit organ-
18 ization or (2) the purchase, establishment, maintenance or expansion of
19 park and recreational services, programs and facilities. Moneys in the
20 special alcohol and drug programs fund shall be expended only for the
21 purchase, establishment, maintenance or expansion of services or pro-
22 grams whose principal purpose is alcoholism and drug abuse prevention
23 and education, alcohol and drug detoxification, intervention in alcohol
24 and drug abuse or treatment of persons who are alcoholics or drug abusers
25 or are in danger of becoming alcoholics or drug abusers. In any county
26 in which there has been organized an alcohol and drug advisory commit-
27 tee, the board of county commissioners shall request and obtain, prior to
28 making any expenditures from the special alcohol and drug programs
29 fund, the recommendations of the advisory committee concerning such
30 expenditures. The board of county commissioners shall adopt the rec-
31 ommendations of the advisory committee concerning such expenditures
32 unless the board, by unanimous vote of all commissioners, adopts a dif-
33 ferent plan for such expenditures.

34 (f) Each year, the county treasurer shall estimate the amount of
35 money the county and each city in the county will receive from the local
36 alcoholic liquor fund and from distributions pursuant to K.S.A. 79-41a05,
37 and amendments thereto. The state treasurer shall advise each county
38 treasurer, prior to June 1 of each year of the amount in the local alcoholic
39 liquor fund that the state treasurer estimates, using the most recent avail-
40 able information, will be allocated to such county in the following year.
41 The county treasurer ~~shall~~, before June 15 of each year, *shall* notify the
42 treasurer of each city of the estimated amount in dollars of the distribu-
43 tion to be made from the local alcoholic liquor fund and pursuant to

1 K.S.A. 79-41a05, and amendments thereto.
2 Sec. 2. K.S.A. 79-41a04 is hereby repealed.
3 Sec. 3. This act shall take effect and be in force from and after its
4 publication in the statute book.

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