

SESSION OF 2004

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 305**

As Further Amended by Senate Committee on  
Federal and State Affairs

**Brief\***

SB 305 amends several sections of the Kansas Liquor Control Act to make the Act uniformly applicable to all cities and counties. The bill amends various provisions within the Liquor Control Act to eliminate nonuniform provisions. The bill allows retail sales in unincorporated areas of the county if approved by the board of county commissioners. The bill makes extensive clean up amendments and repeals some archaic statutes relating to advertising and minimum price mark-ups.

The Senate Committee on Federal and State Affairs originally amended the bill to:

- ! Add a liquor gallonage tax increase;
- ! Delete the preemption provisions and thereby allow local cities and counties to adopt regulatory procedures which are stricter than or supplemental to the state law;
- ! Add a severability clause;
- ! Establish a procedure for compliance checks of cereal malt beverage retailers;
- ! Remove the 5,000 population limit regarding liquor sales in townships;
- ! Delete the provision which allow the shipment of out-of-state wine to Kansas for sales to consumers;

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- ! Make other clean-up amendments.

The Senate Committee of the Whole amended the bill to:

- ! Delete the gallonage tax increase;
- ! Delete the language which established a procedure for authorizing Sunday sales of alcoholic liquor and cereal malt beverage at the option of cities and counties;
- ! Replace the current language regarding the authority of cities and counties to adopt local regulatory procedures concerning the Liquor Control Act;
- ! Earmark any liquor tax increase which results from this bill for K-12 education. (However, the tax increase language was deleted.)
- ! Delete the language which established a procedure for compliance checks of cereal malt beverage retailers.

The Senate Committee on Federal and State Affairs further amended the bill to delete the language which earmarked any liquor tax increase for K-12 education.

## **Background**

SB 305 was introduced by the Special Committee on Judiciary following its "Review of the Kansas Liquor Control Act" during the 2003 Interim. During the 2003 Session, the Director of Alcoholic Beverage Control (ABC) requested that legislation be introduced to make the Liquor Control Act uniformly applicable to all cities and counties. This request was in response to a court decision in Wyandotte County which held that the Act was not uniform, and thus cities were free to charter out of the provisions of the Act. A number of cities and one county had chartered out of the Sunday sales prohibition and were allowing retail liquor stores to sell alcoholic liquor on Sundays.

The fiscal note on the original bill indicates that the bill would have a negligible effect on state tax receipts.