

As Amended by Senate Committee

Session of 2012

SENATE BILL No. 274

By Committee on Federal and State Affairs

1-12

1 AN ACT concerning alcoholic beverages; relating to temporary permits
2 under the club and drinking establishment act; authorizing extended
3 permits; amending K.S.A. 2011 Supp. 41-2645 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. 2011 Supp. 41-2645 is hereby amended to read as
8 follows: 41-2645. (a) A temporary permit shall allow the permit holder to
9 offer for sale, sell and serve alcoholic liquor for consumption on
10 unlicensed premises, which may be open to the public, subject to the terms
11 of such permit.

12 (b) The director may issue a temporary permit to any one or more
13 persons or organizations applying for such a permit, in accordance with
14 rules and regulations of the secretary. The permit shall be issued in the
15 names of the persons or organizations to which it is issued.

16 (c) Applications for temporary permits shall be required to be filed
17 with the director not less than 14 days before the event for which the
18 permit is sought unless the director waives such requirement for good
19 cause. Each application shall state the purposes for which the proceeds of
20 the event will be used. The application shall be upon a form prescribed and
21 furnished by the director and shall be filed with the director in duplicate.
22 Each application shall be accompanied by a permit fee of \$25 for each day
23 for which the permit is issued, which fee shall be paid by a certified or
24 cashier's check of a bank within this state, United States post office money
25 order or cash in the full amount thereof. All permit fees collected by the
26 director pursuant to this section shall be remitted to the state treasurer in
27 accordance with the provisions of K.S.A. 75-4215, and amendments
28 thereto. Upon receipt of each such remittance, the state treasurer shall
29 deposit the entire amount in the state treasury to the credit of the state
30 general fund.

31 (d) Temporary permits shall specify the premises for which they are
32 issued and shall be issued only for premises where the city, county or
33 township zoning code allows use for which the permit is issued. No
34 temporary permit shall be issued for premises which are not located in a
35 county where the qualified electors of the county:

36 (1) (A) Approved, by a majority vote of those voting thereon, to

1 adopt the proposition amending section 10 of article 15 of the constitution
2 of the state of Kansas at the general election in November, 1986; or (B)
3 have approved a proposition to allow the sale of liquor by the individual
4 drink in public places within the county at an election pursuant to K.S.A.
5 41-2646, and amendments thereto; and

6 (2) have not approved a proposition to prohibit such sales of alcoholic
7 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,
8 and amendments thereto.

9 (e) (1) A temporary permit may be issued for the consumption of
10 alcoholic liquor on a city, county or township street, alley, road, sidewalk
11 or highway for a special event; provided, that such street, alley, road,
12 sidewalk or highway is closed to motor vehicle traffic by the governing
13 body of such city, county or township for such special event, a written
14 request for such consumption and possession of such alcoholic liquor has
15 been made to the local governing body and the special event is approved
16 by the governing body of such city, county or township by ordinance or
17 resolution. The boundaries of such special event shall be clearly marked by
18 signs, a posted map or other means which reasonably identify the area in
19 which alcoholic liquor may be possessed or consumed at such special
20 event.

21 (2) Drinking establishments that are immediately adjacent to, or
22 located within the licensed premises of a special event, for which a
23 temporary permit has been issued and the consumption of alcoholic liquor
24 on public property has been approved, may request that the drinking
25 establishment's licensed premises be extended into and made a part of the
26 licensed premises of the special event for the duration of the temporary
27 permit issued for such special event.

28 (3) Each licensee selling alcoholic liquor for consumption on the
29 premises of a special event for which a temporary permit has been issued
30 shall be liable for violations of all laws governing the sale and
31 consumption of alcoholic liquor.

32 (4) For the purposes of this section, "special event" shall have the
33 same meaning given that term in K.S.A. 41-719, and amendments thereto.

34 (f) (1) *Except as otherwise provided in this subsection*, a temporary
35 permit shall be issued for a period of time not to exceed three consecutive
36 days, the dates and hours of which shall be specified in the permit, ~~except~~
37 ~~that the director may issue one temporary permit, valid for the entire~~
38 ~~period of time of the Kansas state fair, which authorizes the sale of wine in~~
39 ~~its original, unopened container and the serving by the drink of only wine~~
40 ~~or beer, or both, on the state fairgrounds on premises specified in the~~
41 ~~temporary permit, by a person who has entered into an agreement with the~~
42 ~~state fair board for that purpose.~~ Not more than four temporary permits
43 may be issued to any one applicant in a calendar year.

1 (2) *The director may issue one temporary permit, valid for the entire*
2 *period of time of the Kansas state fair, which authorizes the sale of wine in*
3 *its original, unopened container and the serving by the drink of only wine*
4 *or beer, or both, on the state fairgrounds on premises specified in the*
5 *temporary permit, by a person who has entered into an agreement with the*
6 *state fair board for that purpose.*

7 (3) *The director may issue ~~one~~ a temporary permit for a special event*
8 *approved by the governing body of a city, county or township pursuant to*
9 *subsection (e)(1), which ~~shall~~ **may, at the director's discretion,** be valid*
10 *for the entire period of such special event. ~~A temporary permit issued for~~*
11 *~~a special event shall be issued for a period of time not to exceed 10-~~*
12 *~~consecutive days, but in no event shall such permit be issued for a period~~*
13 ***of time that exceeds 30 consecutive days.***

14 (g) All proceeds from an event for which a temporary permit is issued
15 shall be used only for the purposes stated in the application for such
16 permit.

17 (h) *Upon written permission from the director and within three*
18 *business days after the end of an event conducted pursuant to a*
19 *temporary permit, the holder of a temporary permit may sell back to the*
20 *licensee from whom alcoholic liquor was purchased any alcoholic liquor*
21 *sold to the holder of the temporary permit for such event.*

22 (h) (i) A temporary permit shall not be transferable or assignable.

23 (†) (j) The director may refuse to issue a temporary permit to any
24 person or organization which has violated any provision of the Kansas
25 liquor control act, the drinking establishment act or K.S.A. 79-41a01 *et*
26 *seq.*, and amendments thereto.

27 Sec. 2. K.S.A. 2011 Supp. 41-2645 is hereby repealed.

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