

SENATE BILL No. 313

By Committee on Natural Resources

1-20

1 AN ACT concerning alcoholic beverages; relating to consumption on any
2 land or waters owned or managed by the department of wildlife, parks
3 and tourism; amending K.S.A. 2011 Supp. 41-719 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. 41-719 is hereby amended to read as
8 follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A.
9 8-1599, and amendments thereto, no person shall drink or consume
10 alcoholic liquor on the public streets, alleys, roads or highways or inside
11 vehicles while on the public streets, alleys, roads or highways.

12 (2) Alcoholic liquor may be consumed at a special event held on
13 public streets, alleys, roads, sidewalks or highways when a temporary
14 permit has been issued pursuant to K.S.A 41-2645, and amendments
15 thereto, for such special event. Such special event must be approved, by
16 ordinance or resolution, by the local governing body of any city, county or
17 township where such special event is being held. No alcoholic liquor may
18 be consumed inside vehicles while on public streets, alleys, roads or
19 highways at any such special event.

20 (3) No person shall remove any alcoholic liquor from inside the
21 boundaries of a special event as designated by the governing body of any
22 city, county or township. The boundaries of such special event shall be
23 clearly marked by signs, a posted map or other means which reasonably
24 identify the area in which alcoholic liquor may be possessed or consumed
25 at such special event.

26 (4) No person shall possess or consume alcoholic liquor inside the
27 premises licensed as a special event that was not sold or provided by the
28 licensee holding the temporary permit for such special event.

29 (b) No person shall drink or consume alcoholic liquor on private
30 property except:

31 (1) On premises where the sale of liquor by the individual drink is
32 authorized by the club and drinking establishment act;

33 (2) upon private property by a person occupying such property as an
34 owner or lessee of an owner and by the guests of such person, if no charge
35 is made for the serving or mixing of any drink or drinks of alcoholic liquor
36 or for any substance mixed with any alcoholic liquor and if no sale of

1 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
2 takes place;

3 (3) in a lodging room of any hotel, motel or boarding house by the
4 person occupying such room and by the guests of such person, if no charge
5 is made for the serving or mixing of any drink or drinks of alcoholic liquor
6 or for any substance mixed with any alcoholic liquor and if no sale of
7 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
8 takes place;

9 (4) in a private dining room of a hotel, motel or restaurant, if the
10 dining room is rented or made available on a special occasion to an
11 individual or organization for a private party and if no sale of alcoholic
12 liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;
13 or

14 (5) on the premises of a microbrewery or farm winery, if authorized
15 by K.S.A. 41-308a or 41-308b, and amendments thereto.

16 (c) No person shall drink or consume alcoholic liquor on public
17 property except:

18 (1) On real property leased by a city to others under the provisions of
19 K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real
20 property is actually being used for hotel or motel purposes or purposes
21 incidental thereto.

22 (2) In any state-owned or operated building or structure, and on the
23 surrounding premises, which is furnished to and occupied by any state
24 officer or employee as a residence.

25 (3) On premises licensed as a club or drinking establishment and
26 located on property owned or operated by an airport authority created
27 pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments
28 thereto, or established by a city.

29 (4) On the state fair grounds on the day of any race held thereon
30 pursuant to the Kansas parimutuel racing act.

31 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic
32 beer or wine or wine imported under subsection (e) of K.S.A. 41-308a, and
33 amendments thereto, and is consumed only for purposes of judging
34 competitions; (B) the alcoholic liquor is wine or beer and is sold and
35 consumed during the days of the Kansas state fair on premises leased by
36 the state fair board to a person who holds a temporary permit issued
37 pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale
38 and serving of such wine or beer, or both; or (C) the alcoholic liquor is
39 consumed on nonfair days in conjunction with bona fide scheduled events
40 involving not less than 75 invited guests and the state fair board, in its
41 discretion, authorizes the consumption of the alcoholic liquor, subject to
42 any conditions or restrictions the board may require.

43 (6) In the state historical museum provided for by K.S.A. 76-2036,

1 and amendments thereto, on the surrounding premises and in any other
2 building on such premises, as authorized by rules and regulations of the
3 state historical society.

4 (7) On the premises of any state-owned historic site under the
5 jurisdiction and supervision of the state historical society, on the
6 surrounding premises and in any other building on such premises, as
7 authorized by rules and regulations of the state historical society.

8 (8) In a lake resort within the meaning of K.S.A. 32-867, and
9 amendments thereto, on state-owned or leased property.

10 (9) In the Hiram Price Dillon house or on its surrounding premises,
11 subject to limitations established in policies adopted by the legislative
12 coordinating council, as provided by K.S.A. 75-3682, and amendments
13 thereto.

14 (10) On the premises of any Kansas national guard regional training
15 center or armory, and any building on such premises, as authorized by
16 rules and regulations of the adjutant general and upon approval of the
17 Kansas military board.

18 (11) *On the premises of any land or waters owned or managed by the*
19 *department of wildlife, parks and tourism, except as otherwise prohibited*
20 *by rules and regulations of the department adopted by the secretary*
21 *pursuant to K.S.A. 32-805, and amendments thereto.*

22 (12) On property exempted from this subsection (c) pursuant to
23 subsection (d), (e), (f), (g) or (h).

24 (d) Any city may exempt, by ordinance, from the provisions of
25 subsection (c) specified property the title of which is vested in such city.

26 (e) The board of county commissioners of any county may exempt,
27 by resolution, from the provisions of subsection (c) specified property the
28 title of which is vested in such county.

29 (f) The state board of regents may exempt from the provisions of
30 subsection (c) the Sternberg museum on the campus of Fort Hays state
31 university, or other specified property which is under the control of such
32 board and which is not used for classroom instruction, where alcoholic
33 liquor may be consumed in accordance with policies adopted by such
34 board.

35 (g) The board of regents of Washburn university may exempt from
36 the provisions of subsection (c) the Mulvane art center and the Bradbury
37 Thompson alumni center on the campus of Washburn university, and other
38 specified property the title of which is vested in such board and which is
39 not used for classroom instruction, where alcoholic liquor may be
40 consumed in accordance with policies adopted by such board.

41 (h) The board of trustees of a community college may exempt from
42 the provisions of subsection (c) specified property which is under the
43 control of such board and which is not used for classroom instruction,

1 where alcoholic liquor may be consumed in accordance with policies
2 adopted by such board.

3 (i) Violation of any provision of this section is a misdemeanor
4 punishable by a fine of not less than \$50 or more than \$200 or by
5 imprisonment for not more than six months, or both.

6 (j) For the purposes of this section, "special event" means a picnic,
7 bazaar, festival or other similar community gathering, which has been
8 approved by the local governing body of any city, county or township.

9 Sec. 2. K.S.A. 2011 Supp. 41-719 is hereby repealed.

10 Sec. 3. This act shall take effect and be in force from and after
11 January 1, 2013 and publication in the statute book.

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