

SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 288

As Amended by House Committee on Federal
and State Affairs

Brief*

SB 288, as amended, would address revisions in the alcoholic liquor and cereal malt beverage laws and include provisions of SB 275 and SB 313.

Provisions from each bill would make the following changes in law.

The bill would:

- Allow clubs, drinking establishments, caterers, and temporary permit holders to sell or to serve beer or cereal malt beverage in a pitcher containing not more than 64 fluid ounces;
- Clarify that an *individual drink* would be defined as a beverage containing alcoholic liquor or cereal malt beverage served to a single individual, but which is not intended to be consumed by two or more people. An *individual serving* would be defined as a beverage containing not more than eight ounces of wine, 32 ounces of beer or cereal malt beverage, or four ounces of a single spirit;
- Allow the sale of *individual drinks* at different prices throughout the day. The bill would delete the proportionate pricing requirement in current law as applied to an alcoholic drink or a cereal malt beverage. The bill would amend KSA 41-2722,

*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>

which would conform the sale of cereal malt beverages to the revised provisions;

- Repeal KSA 41-333 to KSA 41-341, inclusive, that currently authorizes issuance of a salesperson's permit for the sale, or the taking or soliciting of orders for the sale of alcoholic liquor or cereal malt beverages (SB 275); and
- Allow a person to consume alcoholic liquor on the premises of any land or water owned or managed by the Department of Wildlife, Parks and Tourism, except where prohibited by rules and regulations of the Department (SB 313).

Background

The Senate Committee on Federal and State Affairs heard each bill separately, amended SB 288, and reported all three bills (SB 275 and SB 313 without amendments) that passed the Senate as recommended by the Committee.

The House Committee on Federal and State Affairs reviewed all three bills and heard testimony as noted below. None of the content of the bills was amended by the House Committee, and the only Committee action was to amend all three bills into one bill.

Review of SB 288

Proponents in the Senate Committee for SB 288 included representatives from the Alcoholic Beverage Control (ABC) and the Kansas Restaurant and Hospitality Association. Opponents included a representative from the Kansas Licensed Beverage Association.

Proponents in the House Committee included representatives of the Kansas Restaurant and Hospitality Association, the Kansas Licensed Beverage Association

(based on Senate amendments to the bill), and the Director of Alcoholic Beverage Control. Written-only testimony in support of the bill was provided on behalf of the Kansas Unified Development and KC American Sportservice, LLC., the owner of the Livestrong Sporting Park in Kansas City, Kansas, which is the home stadium of Sporting Kansas City Soccer Club of Major League Soccer.

The Senate Committee amended SB 288 to clarify the definition of *individual* drink and conform the statute dealing with the sale of cereal malt beverages to the revisions for the sale of alcoholic beverages in specific sizes and by the individual drink, and different prices during the day.

The House Committee amended SB 288 by adding provisions from SB 275 and SB 313. No other amendments were adopted by the House Committee to the bill.

The fiscal note estimates the costs associated with updating the computer processing system would be a total of \$4,800 for SB 288.

Review of SB 275

According to a representative of the Kansas Department of Revenue's Alcohol and Beverage Control (ABC) Division, the application and issuance of salespersons' permits is burdensome and costly to the industry and the Department, and serves no compelling state interest.

Written testimony in support of SB 275 was submitted to the Senate Committee by representatives of the Kansas Wine & Spirits Wholesalers Association and the Kansas Beer Wholesalers Association. No opponents testified against SB 275 in the Senate Committee.

Proponents in the House Committee for SB 275 included the same two industry representatives and the

Director of ABC.

No amendments were approved by the House Committee regarding SB 275.

According to the Kansas Division of the Budget, SB 275 would decrease revenue to the State General Fund by \$9,000 in FY 2013.

Review of SB 313

A representative of the Department of Wildlife, Parks and Tourism testified as a proponent for SB 313. No opponents testified in the Senate Committee. The same conferee testified in the House Committee in support of the bill. No other conferees testified or submitted written testimony to the House Committee.

No amendments were adopted by the House Committee regarding SB 313.

According to the fiscal note, enactment of SB 313 would have no fiscal effect on the Department of Wildlife, Parks and Tourism.