

HOUSE BILL No. 2200

By Committee on Federal and State Affairs

2-2

1 AN ACT concerning alcoholic
beverages; relating to retailer's licenses;
2 amending K.S.A. 2014 Supp. 41-
102, 41-301, 41-303, 41-304, 41-308,
3 41-308d, 41-310, 41-311, 41-
313, 41-326, 41-713 and 79-4108 and
4 repealing the existing sections;
also repealing K.S.A. 41-103 and 41-
5 711.

6
7 *Be it enacted by the Legislature of the
State of Kansas:*

8 New Section 1. (a) On and after
July 1, 2015, all retailer's licenses to
9 sell alcoholic liquor issued by the
director prior to such date shall be
10 deemed to be retailer's class B licenses.
11 (b) A holder of a retailer's class B
license shall have all the privileges
12 granted to such licensees as set forth
in K.S.A. 41-308, and amendments
13 thereto.

14 (c) On and after July 1, 2015,
the total number of retailer's class B
15 licenses issued by the director to sell
alcoholic liquor shall not exceed the
16 number of valid retailer's licenses
issued as of June 30, 2015. The director
17 may only issue a retailer's class B
license to sell alcoholic liquor to a
18 qualified applicant if the issuance of
such license would not cause the total
19 number of such valid licenses
issued to exceed the number of valid
20 retailer's licenses issued as of June 30,
2015.

21 New Sec. 2. (a) On and after
July 1, 2018, any licensee holding a
22 valid retailer's class B license may
transfer such license to any person

K.S.A. 41-103 prohibits
sale of CMB and alcoholic
liquor at the same
location. K.S.A. 41-711
requires separate
premises for alcoholic
liquor retailers (no inside
door to another place of
business).

New Sec. 1 – On July 1,
2015:

1. All licenses are class
B;
2. cap.

1 transferee. Such license shall be issued
 2 for the premises of the transferee as
 3 stated in the transfer agreement. The
 4 term of such license shall be for the
 5 remainder of the term of the license
 6 held by the transferor immediately
 7 prior to the effective date of the
 8 transfer. The director shall not require the
 9 payment of any new or additional
 10 retailer's license fee by the transferee.
 11 The transferee shall pay a
 12 nonrefundable transfer fee in the amount
 13 of
 14 \$500, which fee shall be submitted
 15 to the director at the same time the
 16 request for approval of the transfer is
 17 submitted to the director.

18 New Sec. 3. (a) On and after
 19 July 1, 2018, the director may issue to
 20 qualified applicants a retailer's class A
 21 license. A retailer's class A license
 22 shall allow the licensee to sell and
 23 offer for sale at retail and deliver in the
 24 original package, as therein prescribed,
 25 beer for use or consumption off of
 26 and away from the premises specified
 27 in such license.

28 (b) A retailer's class A license
 29 shall permit the sale and delivery of
 30 beer only on the licensed premises and
 31 shall not permit the sale of beer for
 32 resale in any form, except that the
 33 licensee may sell beer to a temporary
 34 permit holder for resale by such
 35 temporary permit holder.

36 (c) A retailer's class A licensee
 37 may:

38 (1) Sell lottery tickets and shares
 39 to the public in accordance with the
 40 Kansas lottery act, if the licensee is
 41 selected as a lottery retailer;

42 (2) include in the sale of beer any
 43 goods included by the manufacturer
 44 in packaging with the beer, subject to
 45 the approval of the director;

46 (3) distribute to the public,
 47 without charge, consumer advertising

New Sec. 3. On July 1,
 2018:

1. Director may issue
 Class A (beer)

Class A – no resale
 except to temporary
 permit holder

Can sell anything

24 specialties bearing advertising matter,
subject to rules and regulations of

25 the secretary limiting the form and
distribution of such specialties so that

26 they are not conditioned on or an
inducement to the purchase of beer;

27 (4) store beer in refrigerators,
cold storage units, ice boxes or other

28 cooling devices, and sell such beer to
consumers in a chilled condition;

29 and

30 (5) sell any other good or service
on the licensed premises.

31 (d) A retailer's class A license
shall be subject to the provisions of

32 K.S.A. 41-1101, and amendments
thereto, prohibiting a retailer from

33 purchasing alcoholic liquor from a
distributor who has not filed with the

34 director a sworn statement
agreeing to sell to all retailers in the

35 distributor's franchised territory at the
same unit price and prohibiting a

36 distributor from selling alcoholic
liquor to a retailer at a discount for

37 multiple case lots. A retailer's class A
license also shall be subject to the

38 provisions of K.S.A. 41-729, and
amendments thereto, prohibiting the sale

39 of alcoholic liquor at less than the
acquisition cost thereof.

40 New Sec. 4. The director
may propose rules and regulations

41 necessary to implement and
administer the provisions of sections 1

42 through 3, and amendments thereto,
and submit such rules and regulations

43 to the secretary in accordance with
K.S.A. 41-210, and amendments

New Sec. 4

Contains provisions
helpful to the
director for
administrative
purposes

1 thereto. Such rules and regulations may
include, but are not limited to:

2 (a) That on and after July 1,
2018, the number of retailer's licenses
3 that are issued by the director in any
one month may be limited to that
4 number which may be reasonably
processed and issued by the director
5 based on the resources of the
division of alcoholic beverage control;
and

6 (b) that submission of
applications for a retailer's license to
the
7 director and review of such
applications by the director for
compliance

8 with the Kansas liquor control act
may be permitted prior to July 1, 2018.

9 New Sec. 5. The provisions of
sections 1 through 5, and amendments
10 thereto, shall be a part of and
supplemental to the Kansas liquor control
11 act.

12 New Sec. 6. (a) On and after July
1, 2018, 3% of the revenue remitted
13 to the state treasurer pursuant to
K.S.A. 79-4108, and amendments thereto,
14 during the prior calendar year quarter
that is deposited in the state treasury
15 shall be credited to the local cereal
malt beverage sales tax fund, which is
16 hereby created in the state treasury.
Moneys credited to the local cereal
17 malt beverage sales tax fund shall be
distributed quarterly as part of the
18 January, April, July and October
sales tax distribution to each city and
19 county which levied a local
retailers' sales tax. The amount to be
20 distributed to each city and county
shall be determined by the department
21 of revenue based on a weighted
population average. The weighted
22 population average shall be computed
by multiplying the total tax rate in
23 effect for the city or county by the

Provisions for financial
relief for local
governments as a result of
loss of local sales tax
revenue from CMB sales.
3% of liquor enforcement
tax revenue goes to locals.

population of such city or county. The
24 weighted population average for each
city and county shall then be divided
25 by the total Kansas population. The
resulting quotient is the percentage of
26 distribution for such city or county.
The population data shall be updated
27 annually with the issuance of the
certified population data through the
28 division of the budget.

29 (b) The local cereal malt
beverage sales tax fund shall be used for the
30 purposes set forth in K.S.A. 79-4101
et seq., and amendments thereto, and
31 for no other governmental purposes.
It is the intent of the legislature that
32 the local cereal malt beverage sales
tax fund shall remain intact and
33 inviolate for the purposes set forth
in K.S.A. 79-4101 et seq., and
34 amendments thereto, and moneys in
the local cereal malt beverage sales
35 tax fund shall not be subject to the
provisions of K.S.A. 75-3722, 75-
36 3725a and 75-3726a, and amendments
thereto.

37 Sec. 7. K.S.A. 2014 Supp. 41-
102 is hereby amended to read as
38 follows: 41-102. As used in this act,
unless the context clearly requires
39 otherwise:

40 (a) "Alcohol" means the
product of distillation of any fermented
41 liquid, whether rectified or diluted,
whatever its origin, and includes
42 synthetic ethyl alcohol but does not
include denatured alcohol or wood
43 alcohol.

1 (b) "Alcoholic liquor" means
2 alcohol, spirits, wine, beer and every
3 liquid or solid, patented or not,
4 containing alcohol, spirits, wine or beer
5 and capable of being consumed as a
6 beverage by a human being, but shall
7 not include any cereal malt beverage.

8 (c) "Beer" means a beverage,
9 containing more than 3.2% alcohol by
10 weight, obtained by alcoholic
11 fermentation of an infusion or concoction
12 of

13 barley, or other grain, malt and hops
14 in water and includes beer, ale, stout,
15 lager beer, porter and similar beverages
16 having such alcoholic content.

17 (d) "Caterer" has the meaning
18 provided by K.S.A. 41-2601, and
19 amendments thereto.

20 (e) "Cereal malt beverage" has
21 the meaning provided by K.S.A. 41-
22 2701, and amendments thereto.

23 (f) "Club" has the meaning
24 provided by K.S.A. 41-2601, and
25 amendments thereto.

26 (g) "Convenience store" means
27 a retail business with primary
28 emphasis placed on providing the
29 public a convenient location to quickly
30 purchase from a wide array of
31 consumable products (predominantly food
32 or food and gasoline) and services,
33 and includes stores classified under
34 the North American industry
35 classification system as NAICS 44512,
36 445120 or 447110 on the effective date
37 of this act.

38 (h) "Director" means the
39 director of alcoholic beverage control of
40 the department of revenue.

41 (i) "Distributor" means the
42 person importing or causing to be
43 imported into the state, or purchasing
44 or causing to be purchased within
45 the state, alcoholic liquor for sale or
46 resale to retailers licensed under this
47 act or cereal malt beverage for sale

Sec. 7. Definitions. New
definitions for
"convenience store,"
"grocery store," and
"liquor store."

or resale to retailers licensed under
27 K.S.A. 41-2702, and amendments
thereto.

28 ~~(i)~~ (j) "Domestic beer" means beer
which contains not more than 10%

29 alcohol by weight and which is
manufactured in this state.

30 ~~(j)~~ (k) "Domestic fortified wine"
means wine which contains more

31 than 14%, but not more than 20%
alcohol by volume and which is

32 manufactured in this state.

33 ~~(k)~~ (l) "Domestic table wine"
means wine which contains not more

34 than 14% alcohol by volume and
which is manufactured without

35 rectification or fortification in this
state.

36 ~~(l)~~ (m) "Drinking establishment"
has the meaning provided by K.S.A.

37 41-2601, and amendments thereto.

38 ~~(m)~~ (n) "Farm winery" means a
winery licensed by the director to

39 manufacture, store and sell domestic
table wine and domestic fortified

40 wine.

41 (o) "Grocery store" means an
establishment primarily engaged in

42 retailing a general line of
groceries, including, but not limited to,

43 packaged food, fresh and frozen
food, prepared foods and other

1 consumable products, and includes
2 establishments primarily engaged in
3 retailing a general line of groceries
4 in combination with general lines of
5 new merchandise, including, but not
6 limited to, establishments classified
7 under the North American industry
8 classification system as NAICS 445110
9 or 452910 on the effective date of this
10 act.

11 (p) "Liquor store" means a store
12 whose primary business is the retail
13 sale of alcoholic liquor in the original
14 and unopened container and not for
15 consumption on the premises, and
16 includes stores classified under the
17 North American industry
18 classification system as NAICS 445310
19 on the
20 effective date of this act.

21 ~~(n)~~ (q) "Manufacture" means to
22 distill, rectify, ferment, brew, make,
23 mix, concoct, process, blend, bottle
24 or fill an original package with any
25 alcoholic liquor, beer or cereal malt
beverage.

14 ~~(e)~~ (r) (1) "Manufacturer" means
15 every brewer, fermenter, distiller,
16 rectifier, wine maker, blender,
17 processor, bottler or person who fills or
18 refills an original package and others
19 engaged in brewing, fermenting,
20 distilling, rectifying or bottling
21 alcoholic liquor, beer or cereal malt
22 beverage.

19 (2) "Manufacturer" does not
20 include a microbrewery, microdistillery
21 or a farm winery.

21 ~~(p)~~ (s) "Microbrewery" means a
22 brewery licensed by the director to
23 manufacture, store and sell domestic
24 beer.

23 ~~(e)~~ (t) "Microdistillery" means a
24 facility which produces spirits from
25 any source or substance that is
licensed by the director to manufacture,
store and sell spirits.

26 (†) (u) "Minor" means any person
under 21 years of age.

27 (s) (v) "Nonbeverage user"
means any manufacturer of any of the
28 products set forth and described in
K.S.A. 41-501, and amendments
29 thereto, when the products contain
alcohol or wine, and all laboratories
30 using alcohol for nonbeverage
purposes.

31 (‡) (w) "Original package"
means any bottle, flask, jug, can, cask,
32 barrel, keg, hogshead or other
receptacle or container whatsoever, used,
33 corked or capped, sealed and labeled
by the manufacturer of alcoholic
34 liquor, to contain and to convey any
alcoholic liquor. Original container
35 does not include a sleeve.

36 (u) (x) "Person" means any
natural person, corporation, partnership,
37 trust or association.

38 (✓) (y) "Primary American source
of supply" means the manufacturer,
39 the owner of alcoholic liquor at the
time it becomes a marketable product
40 or the manufacturer's or owner's
exclusive agent who, if the alcoholic
41 liquor cannot be secured directly
from such manufacturer or owner by
42 American wholesalers, is the source
closest to such manufacturer or owner
43 in the channel of commerce from
which the product can be secured by

1 American wholesalers.

2 ~~(w)~~ (z) (1) "Retailer" means a
person who sells at retail, or offers for
3 sale at retail, alcoholic liquors.

4 (2) "Retailer" does not include a
microbrewery, microdistillery or a
5 farm winery.

6 (aa) *"Retailer's license" means*
a license to sell at retail alcoholic
liquor in the original package
issued pursuant to the Kansas liquor
control act, and includes a retailer's
class A or class B license.

9 ~~(x)~~ (bb) "Sale" means any
transfer, exchange or barter in any manner
10 or by any means whatsoever for a
consideration and includes all sales
11 made by any person, whether
principal, proprietor, agent, servant or
12 employee.

13 ~~(y)~~ (cc) "Salesperson" means any
natural person who:

14 (1) Procures or seeks to
procure an order, bargain, contract or
15 agreement for the sale of alcoholic
liquor or cereal malt beverage; or

16 (2) is engaged in promoting the
sale of alcoholic liquor or cereal malt
17 beverage, or in promoting the business
of any person, firm or corporation
18 engaged in the manufacturing and
selling of alcoholic liquor or cereal malt
19 beverage, whether the seller resides
within the state of Kansas and sells to
20 licensed buyers within the state of
Kansas, or whether the seller resides
21 without the state of Kansas and sells
to licensed buyers within the state of
22 Kansas.

23 (z) (dd) "Secretary" means the
secretary of revenue.

24 ~~(aa)~~ (ee) (1) "Sell at retail" and
"sale at retail" refer to and mean sales
25 for use or consumption and not for
resale in any form and sales to clubs,
26 licensed drinking establishments,
licensed caterers or holders of temporary

27 permits.

28 (2) "Sell at retail" and "sale at
29 retail" do not refer to or mean sales by
30 a distributor, a microbrewery, a farm
winery, a licensed club, a licensed
31 drinking establishment, a licensed
caterer or a holder of a temporary
permit.

32 ~~(bb)~~ (ff) "To sell" includes to
solicit or receive an order for, to keep or
33 expose for sale and to keep with intent
to sell.

34 ~~(ee)~~ (gg) "Sleeve" means a
package of two or more 50-milliliter (3.2-
35 fluid-ounce) containers of spirits.

36 ~~(de)~~ (hh) "Spirits" means any
beverage which contains alcohol
37 obtained by distillation, mixed with
water or other substance in solution,
38 and includes brandy, rum, whiskey,
gin or other spirituous liquors, and
39 such liquors when rectified, blended
or otherwise mixed with alcohol or
40 other substances.

41 ~~(ee)~~ (ii) "Supplier" means a
manufacturer of alcoholic liquor or cereal
42 malt beverage or an agent of such
manufacturer, other than a salesperson.

43 ~~(ff)~~ (jj) "Temporary permit" has
the meaning provided by K.S.A. 41-

1 2601, and amendments thereto.
2 ~~(gg)~~ *(kk)* "Wine" means any
alcoholic beverage obtained by the
3 normal alcoholic fermentation of
the juice of sound, ripe grapes, fruits,
4 berries or other agricultural products,
including such beverages containing
5 added alcohol or spirits or
containing sugar added for the purpose
of

6 correcting natural deficiencies.

7 Sec. 8. K.S.A. 2014 Supp.
41-301 is hereby amended to read as
8 follows: 41-301. (a) ~~Except as~~
~~provided by subsection (b), the director~~
9 ~~shall issue to qualified applicants,~~
~~who have filed the bond and paid the~~
10 ~~registration and license fees~~
~~required by this act, licenses to sell at~~
~~retail~~

11 ~~alcoholic liquor in the original~~
~~package on premises within the corporate~~
12 ~~limits of cities and outside the~~
~~corporate limits of any city.~~

13 (b) ~~No retailer's license shall~~
~~be issued for premises within a city if~~
14 ~~the governing body of such city, on~~
~~or before February 15, 2006, adopts~~
15 ~~adopted an ordinance prohibiting~~
~~the licensing of the sale at retail of~~
16 ~~alcoholic liquor in the original~~
~~package within such city. Upon adoption~~
~~of~~

17 ~~such ordinance, the city clerk~~
~~promptly shall transmit a copy of such~~
18 ~~ordinance to the director and the~~
~~director shall refuse to issue licenses to~~
19 ~~sell at retail alcoholic liquor in the~~
~~original package in such city. If the~~
20 ~~governing body adopts such an~~
~~ordinance, the holder of any valid existing~~
21 ~~retailer's license for premises in such~~
~~city shall have the right to continue~~
22 ~~to operate under such license for a~~
~~period of 90 days after the effective~~
23 ~~date of the ordinance or until the~~
~~expiration of such license, whichever~~

24 ~~period of time is shorter. If such~~
25 ~~period of time expires before the~~
26 ~~expiration of the term for which~~
27 ~~the retailer's license was issued, the~~
28 ~~licensee shall be entitled to a refund~~
29 ~~of the license fee for the unexpired~~
30 ~~portion of the license period which~~
31 ~~remains, in accordance with rules and~~
32 ~~regulations adopted by the secretary.~~

33 (e) (b) No retailer's license
34 shall be issued for premises within a city
35 if, after November 15, 2005, a
36 majority of the qualified voters of such
37 city

38 voting at an election held as
39 provided by K.S.A. 41-302, and
40 amendments

41 thereto, votes against the licensing
42 of the sale at retail of alcoholic liquor
43 in the original package within such
44 city unless, at a subsequent election, a
45 majority of the qualified voters of
46 such city voting at such election votes in
47 favor of the licensing of the sale at
48 retail of alcoholic liquor in the original
49 package within such city.

50 Sec. 9. K.S.A. 2014 Supp.
51 41-303 is hereby amended to read as
52 follows: 41-303. (a) ~~The director~~
53 ~~may issue to qualified applicants licenses~~
54 ~~to sell at retail alcoholic liquor in~~
55 ~~the original package on premises not~~
56 ~~located in an incorporated city for use~~
57 ~~or consumption off the premises. No~~
58 ~~such license shall be issued to any~~
59 ~~applicant unless the applicant possesses~~
60 ~~all the qualifications required of~~
61 ~~other applicants for retailers' licenses~~
62 ~~except the qualification of residency~~
63 ~~within a city.~~

Sec. 9

County
commissions
must still approve
licenses outside
city limits.

1 ~~No such~~ *No retailer's* license shall
2 be issued to any applicant under this
3 ~~section for premises not located in an~~
4 ~~incorporated city~~ unless the board of
5 county commissioners of the county
6 in which the premises for which
7 licensure is sought are located adopts
8 a resolution approving the issuance
9 of such license. A certified copy of
10 such resolution shall accompany the
11 application for ~~a~~ *such* license
12 authorized by this section.

13 (b) ~~If a license has been issued~~
14 ~~under the provisions of this section in~~
15 ~~the unincorporated area of a county~~
16 ~~and thereafter the premises so licensed~~
17 ~~are annexed to a city wherein retail~~
18 ~~liquor licenses may be issued, such~~
19 ~~license shall continue to be valid and~~
20 ~~may be renewed at the appropriate~~
21 ~~time even though the licensee does not~~
22 ~~reside in the city to which the area~~
23 ~~is annexed if the licensee otherwise is~~
24 ~~qualified and resides in the township~~
25 ~~in which the premises were located~~
26 ~~prior to annexation or in the city to~~
27 ~~which the premises have been annexed.~~

28 (c) ~~Any retail~~ *retailer's* license
29 issued prior to the effective date of this
30 act for premises not located in an
31 incorporated city shall continue to be
32 valid and such premises shall
33 continue to be eligible for licensure if the
34 board of county commissioners of
35 the county in which the premises are
36 located has adopted a resolution
37 approving the issuance of such license. A
38 certified copy of such resolution
39 shall accompany the application for a
40 ~~such~~ license ~~authorized by this~~
41 ~~subsection.~~

42 Sec. 10. K.S.A. 2014 Supp.
43 41-304 is hereby amended to read as
44 follows: 41-304. Licenses issued by
45 the director shall be of the following
46 classes: (a) Manufacturer's license; (b)
47 spirits distributor's license; (c) wine

25 distributor's license; (d) beer
distributor's license; (e) retailer's *class A*
26 license; (f) *retailer's class B license*;
(g) microbrewery license; ~~(g)~~ (h)
27 microdistillery license; ~~(h)~~ (i) farm
winery license; and ~~(i)~~ (j) nonbeverage
28 user's license.

29 Sec. 11. K.S.A. 2014 Supp. 41-
308 is hereby amended to read as
30 follows: 41-308. (a) *On or before June*
31, 2018:

31 (1) Except as provided in
K.S.A. 2014 Supp. 41-308d, and
32 amendments thereto, a retailer's *class*
B license shall allow the licensee to
33 sell and offer for sale at retail and
deliver in the original package, as
34 therein prescribed, alcoholic liquor
for use or consumption off and away
35 from the premises specified in such
license. A retailer's *class B* license
36 shall permit sale and delivery of
alcoholic liquor only on the licensed
37 premises and shall not permit sale
of alcoholic liquor for resale in any
38 form, except that a licensed retailer
may:

39 ~~(1)~~ (A) Sell alcoholic liquor to a
temporary permit holder for resale by

40 such permit holder; and

41 ~~(2)~~ (B) sell and deliver alcoholic
liquor to a caterer or to the licensed
42 premises of a public venue, club
or drinking establishment, if such
43 premises are in the county where the
retailer's premises are located or in an

Sec. 11. Provisions
governing Class B licenses
until June 30, 2018.

1 adjacent county, for resale by such
public venue, club, establishment or
2 caterer.

3 ~~(b)~~ (2) The holder of a retailer's
class B license shall not sell, offer for
4 sale, give away or permit to be sold,
offered for sale or given away in or
5 from the premises specified in such
license any service or thing of value
6 whatsoever except alcoholic liquor
in the original package, except that a
7 licensed retailer may:

8 ~~(1)~~ (A) Charge a delivery fee
for delivery to a public venue, club,
9 drinking establishment or caterer
pursuant to subsection (a)(1);

10 ~~(2)~~ (B) sell lottery tickets and
shares to the public in accordance with
11 the Kansas lottery act, if the
retailer licensee is selected as a lottery
12 retailer;

13 ~~(3)~~ (C) include in the sale of
alcoholic liquor any goods included by
14 the manufacturer in packaging with
the alcoholic liquor, subject to the
15 approval of the director; ~~and~~

16 (4) (D) distribute to the public,
without charge, consumer advertising
17 specialties bearing advertising matter,
subject to rules and regulations of
18 the secretary limiting the form and
distribution of such specialties so that
19 they are not conditioned on or an
inducement to the purchase of alcoholic
20 liquor; *and*

21 (E) *store alcoholic liquor in*
refrigerators, cold storage units, ice
22 *boxes or other cooling devices, and*
the licensee may sell such alcoholic
23 *liquor to consumers in a chilled*
condition.

24 ~~(e)~~ (3) No licensed retailer shall
furnish any entertainment in such
25 premises or permit any pinball
machine or game of skill or chance to be
26 located in or on such premises.

27 ~~(d) A retailer's license shall~~

~~allow the licensee to store alcoholic~~
28 ~~liquor in refrigerators, cold storage~~
~~units, ice boxes or other cooling~~
29 ~~devices, and the licensee may sell~~
~~such alcoholic liquor to consumers in a~~
30 ~~chilled condition.~~

31 (b) *On and after July 1, 2018:*
32 (1) *A retailer's class B license*
shall allow the licensee to sell and
33 *offer for sale at retail and deliver in*
34 *the original package, as therein*
prescribed, alcoholic liquor for use or
35 *consumption off and away from the*
premises specified in such license.

36 (2) *A retailer's class B license*
shall permit sale and delivery of
37 *alcoholic liquor only on the licensed*
premises and shall not permit sale of
38 *alcoholic liquor for resale in any form,*
except that a licensed retailer may:

39 (A) *Sell alcoholic liquor to a*
temporary permit holder for resale by
40 *such permit holder; and*

41 (B) *sell and deliver alcoholic*
liquor to a caterer or to the licensed
42 *premises of a public venue, club*
or drinking establishment, if such
43 *premises are in the county where the*
retailer's premises are located or in

Sec. 11. New provisions
governing Class B licenses
after July 1, 2018.

1. resale sales to caterers or
clubs

2. business can sell anything

3. subject to restrictions on
distributors (no discounts)
and cannot sell at less than
cost.

1 an adjacent county, for resale by such
2 public venue, club, establishment or
3 caterer.

4 (3) The holder of a retailer's class
5 B license may:

6 (A) Charge a delivery fee for
7 delivery to a public venue, club,
8 drinking establishment or caterer
9 pursuant to subsection (b)(2);

10 (B) sell lottery tickets and shares
11 to the public in accordance with the
12 Kansas lottery act, if the licensee is
13 selected as a lottery retailer;

14 (C) include in the sale of
15 alcoholic liquor any goods included by
16 the

17 manufacturer in packaging with
18 the alcoholic liquor, subject to the
19 approval of the director;

20 (D) distribute to the public,
21 without charge, consumer advertising
22 specialties bearing advertising matter,
23 subject to rules and regulations of
24 the secretary limiting the form and
25 distribution of such specialties so that
they are not conditioned on or an
inducement to the purchase of alcoholic
liquor;

(E) store alcoholic liquor in
refrigerators, cold storage units, ice
boxes or other cooling devices, and
the licensee may sell such alcoholic
liquor to consumers in a chilled
condition; and

(F) sell any other good or service
on the licensed premises.

(c) On and after July 1, 2018,
the provisions of subsection (a) shall
have no force and effect.

(d) A retailer's class B license
shall be subject to the provisions of
K.S.A. 41-1101, and amendments
thereto, prohibiting a retailer from
purchasing alcoholic liquor from a
distributor who has not filed with the
director a sworn statement
agreeing to sell to all retailers in the

26 *distributor's franchised territory at the*
27 *same unit price and prohibiting a*
28 *distributor from selling alcoholic*
29 *liquor to a retailer at a discount for*
30 *multiple case lots. A retailer's class B*
31 *license also shall be subject to the*
32 *provisions of K.S.A. 41-729, and*
33 *amendments thereto, prohibiting the sale*
34 *of alcoholic liquor at less than the*
35 *acquisition cost thereof.*

31 Sec. 12. K.S.A. 2014 Supp. 41-
32 308d is hereby amended to read as
33 follows: 41-308d. (a) Notwithstanding
34 any other provisions of the Kansas
35 liquor control act to the contrary, any
36 person or entity who is licensed to
37 ~~sell alcoholic liquor in the original~~
38 ~~package at retail~~ *issued a retailer's*
39 *class B license* may conduct wine,
40 beer and distilled spirit tastings on the
41 licensed premises, or adjacent
42 premises, monitored and regulated by the
43 division of alcoholic beverage control,
as follows:

38 (1) Wine, beer and spirits for
39 the tastings shall come from the
40 inventory of the licensee. Except as
41 provided by paragraph (2), a person
42 other than the licensee or the
43 licensee's agent or employee may not
44 dispense or participate in the
45 dispensing of alcoholic beverages under this
46 section.

43 (2) The holder of a supplier's
44 permit or Kansas farm winery license or

Sec. 12.

Governs tastings. Only
Class B licenses can do.

1 such permit holder's or licensee's
agent or employee may participate in and
2 conduct product tastings of
alcoholic beverages at a retail
licensee's

3 premises, or adjacent premises,
monitored and regulated by the division of
4 alcoholic beverage control, and
may open, touch, or pour alcoholic
5 beverages, make a presentation, or
answer questions at the tasting. Any
6 alcoholic beverage tasted under this
subsection must be purchased from
7 the ~~retailer licensee~~ on whose
premises the tasting is held. The ~~retailer~~
8 ~~licensee~~ may not require the purchase
of more alcoholic beverages than are
9 necessary for the tasting. This section
does not authorize the supplier, farm
10 winery licensee or the supplier's or
licensee's agent to withdraw or
11 purchase an alcoholic beverage from
the holder of a distributor's permit or
12 provide an alcoholic beverage for
tasting on a ~~retailer's licensee's~~ premises
13 that is not purchased from the ~~retailer~~
~~licensee~~.

14 (3) No charge of any sort may be
made for a sample serving.

15 (4) A person may be served more
than one sample. Samples may not
16 be served to a minor. No samples
may be removed from the licensed
17 premises.

18 (5) The act of providing samples
to consumers shall be exempt from
19 the requirement of holding a Kansas
food service dealer license from the
20 department of agriculture under the
provisions of chapter 65 of the Kansas
21 Statutes Annotated, and amendments
thereto.

22 (b) Nothing in this section shall
be construed to permit the licensee to
23 sell wine, malt beverages or distilled
spirits for on-premises consumption.

24 (c) The provisions of this

section shall take effect and be in force
from and after July 1, 2012.

(d) All rules and regulations
adopted on and after July 1, 2012, and
prior to July 1, 2013, to implement
this section shall continue to be
effective and shall be deemed to be
duly adopted rules and regulations of
the secretary until revised, amended,
revoked or nullified pursuant to law.

(e) This section shall be a part
of and supplemental to the Kansas
liquor control act.

Sec. 13. K.S.A. 2014 Supp. 41-
310 is hereby amended to read as
follows: 41-310. (a) At the time
application is made to the director for a
license of any class, the applicant
shall pay the fee provided by this
section.

(b) The fee for a manufacturer's
license to manufacture alcohol and
spirits shall be \$5,000.

(c) The fee for a manufacturer's
license to manufacture beer and
cereal malt beverage shall be:

(1) For 1 to 100 barrel daily
capacity or any part thereof, \$400.

(2) For 100 to 150 barrel daily
capacity, \$800.

(3) For 150 to 200 barrel daily
capacity, \$1,400.

(4) For 200 to 300 barrel daily
capacity, \$2,000.

Sec. 13. License Fees.

Class A: \$1500

Class B: grocery store-
\$1,500.

Class B: liquor store
\$500.

See pg. 16.

1 (5) For 300 to 400 barrel daily
capacity, \$2,600.

2 (6) For 400 to 500 barrel daily
capacity, \$2,800.

3 (7) For 500 or more barrel daily
capacity, \$3,200.

4 As used in this subsection, "daily
capacity" means the average daily
5 barrel production for the previous 12
months of manufacturing operation.

6 If no basis for comparison exists,
the licensee shall pay in advance for
7 operation during the first term of the
license a fee of \$2,000.

8 (d) The fee for a manufacturer's
license to manufacture wine shall be
9 \$1,000.

10 (e) (1) The fee for a
microbrewery license, a microdistillery
license or

11 a farm winery license shall be \$500.

12 (2) The fee for a winery outlet
license shall be \$100.

13 (3) The fee for a microbrewery
packaging and warehousing facility
14 license shall be \$200.

15 (4) The fee for a microdistillery
packaging and warehousing facility
16 license shall be \$200.

17 (f) The fee for a spirits
distributor's license for the first and each
18 additional distributing place of
business operated in this state by the
19 licensee and wholesaling and jobbing
spirits shall be \$2,000.

20 (g) The fee for a wine
distributor's license for the first and each
21 additional distributing place of
business operated in this state by the
22 licensee and wholesaling and jobbing
wine shall be \$2,000.

23 (h) The fee for a beer
distributor's license, for the first and each
24 additional wholesale distributing place
of business operated in this state by
25 the licensee and wholesaling or
jobbing beer and cereal malt beverage

26 shall be \$2,000.

27 (i) The fee for a nonbeverage
user's license shall be:

28 (1) For class 1, \$20.

29 (2) For class 2, \$100.

30 (3) For class 3, \$200.

31 (4) For class 4, \$400.

32 (5) For class 5, \$1,000.

33 (j) In addition to the license fees
prescribed by subsections (b), (c),

34 (d), (f), (g), (h) and (i):

35 (1) Any city in which the licensed
premises are located may levy and

36 collect a biennial occupation or
license tax on the licensee in an amount

37 not exceeding the amount of the
license fee required to be paid under this

38 act to obtain the license, but no
city shall impose an occupation or

39 privilege tax on the licensee in excess
of that amount; and

40 (2) any township in which the
licensed premises are located may levy

41 and collect a biennial occupation or
license tax on the licensee in an

42 amount not exceeding the amount of
the license fee required to be paid

43 under this act to obtain the license,
but no township shall impose an

1 occupation or privilege tax on the
licensee in excess of that amount; the
2 township board of the township is
authorized to fix and impose the tax and
3 the tax shall be paid by the licensee
to the township treasurer, who shall
4 issue a receipt therefor to the
licensee and shall cause the tax paid to
be

5 placed in the general fund of the
township.

6 (k) (1) The fee for a retailer's
class A license shall be ~~\$500~~ \$1,500.

7 (2) The fee for a retailer's
class B license issued for a premises
8 engaged in business as a grocery store
shall be \$1,500.

9 (3) The fee for a retailer's
class B license issued for a premises
10 engaged in business as a liquor store
shall be \$500.

11 (l) In addition to the license fee
prescribed by subsection (k):

12 (1) Any city in which the licensed
premises are located may levy and
13 collect a biennial occupation or
license tax on the licensee in an amount
14 not less than \$200 nor more than
\$600, but no other occupation or excise
15 tax or license fee shall be levied by
any city against or collected from the
16 licensee; and

17 (2) any township in which the
licensed premises are located may levy
18 and collect a biennial occupation or
license tax on the licensee in an
19 amount not less than \$200 nor more
than \$600; the township board of the
20 township is authorized to fix and
impose the tax and the tax shall be paid
21 by the licensee to the township
treasurer, who shall issue a receipt therefor
22 to the licensee and shall cause the tax
paid to be placed in the general fund
23 of the township.

24 (m) The license term for a
license shall commence on the date the

25 license is issued by the director and
shall end two years after that date. The
26 director may, at the director's sole
discretion and after examination of the
27 circumstances, extend the license term
of any license for not more than 30
28 days beyond the date such license
would expire pursuant to this section.
29 Any extension of the license term by
the director pursuant to this section
30 shall automatically extend the due date
for payment by the licensee of any
31 occupation or license tax levied by a
city or township pursuant to this
32 section by the same number of days
the director has extended the license
33 term.

34 Sec. 14. K.S.A. 2014 Supp. 41-
311 is hereby amended to read as
35 follows: 41-311. (a) No license of any
kind shall be issued pursuant to the
36 liquor control act to a person:

37 (1) Who is not a citizen of the
United States;

38 (2) who has been convicted of a
felony under the laws of this state,
39 any other state or the United States;

40 (3) who has had a license
revoked for cause under the provisions of
41 the liquor control act, the beer and
cereal malt beverage keg registration
42 act or who has had any license issued
under the cereal malt beverage laws
43 of any state revoked for cause except
that a license may be issued to a

Sec. 14. Restrictions and
conditions for issuance of
a license.

1. Out of state businesses
can now get a license.

2. Corporations can get a
license-restrictions are
changed.

3. Limitation on holding
more than 1 license is
stricken.

4. Class A license only for
convenience store or
grocery store; Class B
license only for grocery
store or liquor store.

1 person whose license was revoked for
the conviction of a misdemeanor at
2 any time after the lapse of 10 years
following the date of the revocation;
3 (4) who has been convicted of
being the keeper or is keeping any
4 property, whether real or personal,
where sexual relations are being sold or
5 offered for sale by a person who is 18
years of age or older or has forfeited
6 bond to appear in court to answer
charges of being a keeper of any
7 property, whether real or personal,
where sexual relations are being sold or
8 offered for sale by a person who is 18
years of age or older;
9 (5) who has been convicted of
being a proprietor of a gambling
10 house, pandering or any other crime
opposed to decency and morality or
11 has forfeited bond to appear in court
to answer charges for any of those
12 crimes;
13 (6) who is not at least 21 years of
age;
14 (7) who, other than as a member
of the governing body of a city or
15 county, appoints or supervises any
law enforcement officer, who is a law
16 enforcement official or who is an
employee of the director;
17 (8) who intends to carry on the
business authorized by the license as
18 agent of another;
19 (9) who at the time of
application for renewal of any license
issued
20 under this act would not be eligible for
the license upon a first application,
21 except as provided by subsection
(a)(12);
22 (10) who is the holder of a
valid and existing license issued under
23 article 27 of chapter 41 of the Kansas
Statutes Annotated, and amendments
24 thereto, unless the person agrees to
and does surrender the license to the

25 officer issuing the same upon the
issuance to the person of a license under
26 this act, except that a retailer
licensed pursuant to K.S.A. 41-2702, and
27 amendments thereto, shall be eligible
to receive a retailer's license under

28 the Kansas liquor control act;

29 (11) who does not own the
premises for which a license is sought, or
30 does not, at the time of application,
have a written lease thereon;

31 (12) whose spouse would be
ineligible to receive a license under this
32 act for any reason other than
citizenship, residence requirements or age,
33 except that this subsection (a)(12) shall
not apply in determining eligibility

34 for a renewal license;

35 (13) whose spouse has been
convicted of a felony or other crime
36 which would disqualify a person
from licensure under this section and
37 such felony or other crime was
committed during the time that the spouse
38 held a license under this act; or

39 (14) who does not provide any
data or information required by K.S.A.
40 2014 Supp. 41-311b, and amendments
thereto.

41 (b) (1) No retailer's license shall
be issued to:

42 ~~(1) (A) A person—~~*An individual*
who is not a resident of this state;

43 ~~(2) (B) a person an individual~~
who has not been a resident of this state

1 for at least four years immediately
preceding the date of application;

2 ~~(3)~~ (C) a person who has a
beneficial interest in a manufacturer,
3 distributor, farm winery—or,
microbrewery or microdistillery licensed
under

4 this act, except that the spouse of an
applicant for a retailer's license may
5 own and hold a farm winery license,
microbrewery license, or both, if the
6 spouse does not hold a retailer's license
issued under this act;

7 ~~(4)~~ (D) ~~a person who has a~~
~~beneficial interest in any other retail-~~
8 ~~establishment licensed under this act,~~
~~except that the spouse of a licensee~~
9 ~~may own and hold a retailer's license~~
~~for another retail establishment;~~

10 ~~(5)~~ a copartnership, unless all of
the copartners are qualified to obtain
11 a license;

12 ~~(6)~~ (E) a corporation;—~~or, if any~~
~~officer, manager or director thereof,~~
13 ~~or any natural person owning in the~~
~~aggregate more than 25% of the~~
14 ~~common or preferred stock of such~~
~~corporation would be ineligible to~~
15 ~~receive a license hereunder for any~~
~~reason other than citizenship and~~
16 ~~residence requirements;~~

17 (F) a corporation, if any officer,
manager or director thereof, or any
18 natural person owning in the
aggregate more than 25% of the common or
19 preferred stock of such corporation,
has been an officer, manager or
20 director, or a natural person owning
in the aggregate more than 25% of
21 the common or preferred stock, of a
corporation which:

22 (i) Has had a license revoked
under the provisions of the Kansas
23 liquor control act; or

24 (ii) has been convicted of a
violation of the Kansas liquor control act;

25 or

26 ~~(7)~~ (G) a trust, if any grantor,
beneficiary or trustee would be
27 ineligible to receive a license under
this act for any reason, except that the
28 provisions of subsection (a)(6) shall
not apply in determining whether a
29 beneficiary would be eligible for a
license.

30 (2) *No retailer's class A license*
shall be issued to a person who is not
31 *engaged in business as a convenience*
store or grocery store, except that a
32 *license may be issued to such person*
if upon issuance of the license such
33 *person engages in business as a*
convenience store or grocery store.

34 (3) *No retailer's class B license*
shall be issued to a person who is not
35 *engaged in business as a liquor*
store or grocery store, except that a
36 *license may be issued to such person*
if upon issuance of the license such
37 *person engages in business as a liquor*
store or grocery store.

38 (c) No manufacturer's license
shall be issued to:

39 (1) A corporation, if any
officer or director thereof, or any
40 stockholder owning in the aggregate
more than 25% of the stock of the
41 corporation would be ineligible to
receive a manufacturer's license for any
42 reason other than citizenship and
residence requirements;

43 (2) a copartnership, unless all
of the copartners shall have been

1 residents of this state for at least five
2 years immediately preceding the date
3 of application and unless all the
4 members of the copartnership would be
5 eligible to receive a manufacturer's
6 license under this act;

7 (3) a trust, if any grantor,
8 beneficiary or trustee would be ineligible
9 to

10 receive a license under this act for any
11 reason, except that the provisions of
12 subsection (a)(6) shall not apply in
13 determining whether a beneficiary
14 would be eligible for a license;

15 (4) an individual who is not a
16 resident of this state;

17 (5) an individual who has not
18 been a resident of this state for at least
19 five years immediately preceding the
20 date of application; or

21 (6) a person who has a
22 beneficial interest in a distributor, retailer,
23 farm winery or microbrewery licensed
24 under this act, except as provided in
25 K.S.A. 41-305, and amendments
26 thereto.

27 (d) No distributor's license shall
28 be issued to:

29 (1) A corporation, if any
30 officer, director or stockholder of the
31 corporation would be ineligible to
32 receive a distributor's license for any
33 reason. It shall be unlawful for any
34 stockholder of a corporation licensed
35 as a distributor to transfer any stock
36 in the corporation to any person who
37 would be ineligible to receive a
38 distributor's license for any reason, and
39 any such transfer shall be null and
40 void, except that: (A) If any stockholder
41 owning stock in the corporation dies
42 and an heir or devisee to whom stock
43 of the corporation descends by
44 descent and distribution or by will is
45 ineligible to receive a distributor's
46 license, the legal representatives of the
47 deceased stockholder's estate and the

ineligible heir or devisee shall have
25 14 months from the date of the death
of the stockholder within which to
26 sell the stock to a person eligible to
receive a distributor's license, any such
27 sale by a legal representative to be
made in accordance with the provisions
28 of the probate code; or (B) if the
stock in any such corporation is the
29 subject of any trust and any trustee
or beneficiary of the trust who is 21
30 years of age or older is ineligible to
receive a distributor's license, the
31 trustee, within 14 months after the
effective date of the trust, shall sell the
32 stock to a person eligible to receive
a distributor's license and hold and
33 disburse the proceeds in accordance
with the terms of the trust. If any legal
34 representatives, heirs, devisees or
trustees fail, refuse or neglect to sell any
35 stock as required by this subsection,
the stock shall revert to and become
36 the property of the corporation, and
the corporation shall pay to the legal
37 representatives, heirs, devisees or
trustees the book value of the stock.
38 During the period of 14 months
prescribed by this subsection, the
39 corporation shall not be denied a
distributor's license or have its
40 distributor's license revoked if the
corporation meets all of the other
41 requirements necessary to have a
distributor's license;
42 (2) a copartnership, unless all of
the copartners are eligible to receive
43 a distributor's license;

1 (3) a trust, if any grantor,
beneficiary or trustee would be ineligible
to

2 receive a license under this act for any
reason, except that the provisions of

3 subsection (a)(6) shall not apply in
determining whether a beneficiary

4 would be eligible for a license; or

5 (4) a person who has a
beneficial interest in a manufacturer,
retailer,

6 farm winery or microbrewery licensed
under this act.

7 (e) No nonbeverage user's
license shall be issued to a corporation, if

8 any officer, manager or director of
the corporation or any stockholder

9 owning in the aggregate more than
25% of the stock of the corporation

10 would be ineligible to receive a
nonbeverage user's license for any reason

11 other than citizenship and residence
requirements.

12 (f) No microbrewery license,
microdistillery license or farm winery

13 license shall be issued to a:

14 (1) Person who is not a resident of
this state;

15 (2) person who has not been a
resident of this state for at least one

16 year immediately preceding the date of
application;

17 (3) person who has a
beneficial interest in a manufacturer or

18 distributor licensed under this act,
except as provided in K.S.A. 41-305,

19 and amendments thereto;

20 (4) person, copartnership or
association which has a beneficial

21 interest in any retailer licensed under
this act or under K.S.A. 41-2702, and

22 amendments thereto, except that
the spouse of an applicant for a

23 microbrewery or farm winery license
may own and hold a retailer's license

24 if the spouse does not hold a
microbrewery or farm winery license issued

25 under this act;

26 (5) copartnership, unless all of the
27 copartners are qualified to obtain a
28 license;

28 (6) corporation, unless
29 stockholders owning in the aggregate 50%
30 or

29 more of the stock of the corporation
30 would be eligible to receive such
31 license and all other stockholders
32 would be eligible to receive such license
33 except for reason of citizenship or
34 residency; or

32 (7) a trust, if any grantor,
33 beneficiary or trustee would be ineligible to
34 receive a license under this act for any
35 reason, except that the provisions of
36 subsection (a)(6) shall not apply in
37 determining whether a beneficiary
38 would be eligible for a license.

36 (g) The provisions of subsections
37 (b)(1), (b)(2), (c)(3), (c)(4), (d)(3),
38 (f)(1), (f)(2) and K.S.A. 2014 Supp.
39 41-311b, and amendments thereto,

38 shall not apply in determining
39 eligibility for the 10th, or a subsequent,
40 consecutive renewal of a license if the
41 applicant has appointed a citizen of
42 the United States who is a resident of
43 Kansas as the applicant's agent and
44 filed with the director a duly
45 authenticated copy of a duly executed
46 power

42 of attorney, authorizing the agent to
43 accept service of process from the
44 director and the courts of this state
45 and to exercise full authority, control

1 and responsibility for the conduct of
 2 all business and transactions within
 3 the state relative to alcoholic liquor
 4 and the business licensed. The agent
 5 must be satisfactory to and
 6 approved by the director, except that
 7 the

8 director shall not approve as an agent
 9 any person who:

10 (1) Has been convicted of a
 11 felony under the laws of this state, any

12 other state or the United States;

13 (2) has had a license issued
 14 under the alcoholic liquor or cereal malt
 15 beverage laws of this or any other
 16 state revoked for cause, except that a
 17 person may be appointed as an agent
 18 if the person's license was revoked

19 for the conviction of a misdemeanor
 20 and 10 years have lapsed since the

21 date of the revocation;

22 (3) has been convicted of being
 23 the keeper or is keeping any property,

24 whether real or personal, where
 25 sexual relations are being sold or offered

for sale by a person who is 18 years of
 age or older or has forfeited bond to

appear in court to answer charges
 of being a keeper of any property,

whether real or personal, where
 sexual relations are being sold or offered

for sale by a person who is 18 years of
 age or older;

(4) has been convicted of being
 a proprietor of a gambling house,

pandering or any other crime
 opposed to decency and morality or has

forfeited bond to appear in court
 to answer charges for any of those

crimes; or

(5) is less than 21 years of age.

Sec. 15. K.S.A. 2014. Supp.
 41-313 is hereby amended to read as

follows: 41-313. (a) No corporation,
 either organized under the laws of

this state, any other state or a foreign
 country, shall be issued a *retailer's*

Sec. 15. Corporations
 must file required
 documents and if
 nonresident designate
 a resident agent with
 the Secretary of State
 before they may be
 issued a license.

26 manufacturer's, distributor's,
microbrewery, microdistillery or farm
winery

27 license unless the corporation has
first ~~procured a certificate of authority~~

28 ~~from~~ *filed a formation document with*
the secretary of state to do business

29 in this state as provided by law,
appointed a citizen of the United States,

30 and resident of Kansas, as its
resident agent and filed with the director a

31 duly authenticated copy of a duly
executed power of attorney, authorizing

32 the agent to accept service of process
from the director and the courts of

33 this state and to exercise full authority
of the corporation and full authority,

34 control and responsibility for the
conduct of all business and transactions

35 of the corporation within the state
relative to alcoholic liquor and the

36 business licensed. The agent must be
satisfactory to and approved by the

37 director with respect to the agent's
character. The agent shall at all times be

38 maintained by the corporation.

39 In addition, any corporation
organized under the laws of any other state

40 or foreign country, as a condition
precedent to the issuance to it of any

41 license, shall file with the secretary
of state of the state of Kansas, a duly

42 authorized and executed power of
attorney, authorizing the secretary of

43 state to accept service of process
from the director and the courts of this

1 state and to accept service of any
notice or order provided for in this act,
2 and all such acts by the secretary of
state shall be fully binding upon the
3 corporation.

4 (b) Every nonresident applicant
on applying for a license or permit
5 under this act, and as a condition
precedent to obtaining such license or
6 permit, shall file with the secretary of
state of this state its written consent,
7 irrevocable, that any action or
garnishment proceeding may be
8 commenced against such applicant in
the proper court of any county in this
9 state in which the cause of action
shall arise or in which the plaintiff may
10 reside by the service of process
on the resident agent specified in
11 subsection (a), and stipulating and
agreeing that such service shall be taken
12 and held in all courts to be as valid
and binding as if due service had been
13 made upon the applicant. The written
consent shall state that the courts of
14 this state have jurisdiction over the
person of such applicant and are the
15 proper and convenient forum for such
action and shall waive the right to
16 request a change of jurisdiction or
venue to a court outside this state and
17 that all actions arising under this act
and commenced by the applicant shall
18 be brought in this state's courts as the
proper and convenient forum. Such
19 consent shall be executed by the
applicant and if a corporation, by the
20 president and secretary of the
corporate applicant, and shall be
21 accompanied by a duly certified
copy of the order or resolution of the
42 death, bankruptcy or insolvency of such licensee.
43 When the licensee pays the full amount of the license fee upon

22 board of directors, trustees or
23 managers authorizing the president and
24 secretary to execute the same.

24 Sec. 16. K.S.A. 2014 Supp.
41-326 is hereby amended to read as

25 follows: 41-326. A license shall be
purely a personal privilege, *and shall*

26 *not constitute property. A license shall*
be valid for not to exceed two years

27 *after issuance, except as otherwise*
provided by law, unless sooner

28 *suspended or revoked, and shall not*
constitute property, nor shall it. A

29 *license shall not* be subject to
attachment, garnishment or execution, ~~nor~~

30 ~~shall it. A license shall not~~ be
alienable or transferable, voluntarily or

31 involuntarily, ~~or except as provided by~~
law. A license shall not be subject to

32 being encumbered or hypothecated.
A license shall not descend by the

33 laws of testate or intestate devolution
but shall cease and expire upon the

34 death of the licensee except
that executors, administrators or

35 representatives of the estate of any
deceased licensee and the trustee of any

36 insolvent or bankrupt licensee,
when such estate consists in part of

37 alcoholic liquor, may continue the
business of the sale, distribution or

38 manufacture of alcoholic liquor
under order of the appropriate court and

39 may exercise the privilege of the
deceased, insolvent or bankrupt licensee

40 after the death of such decedent, or
after such insolvency or bankruptcy,

41 until the expiration of such license
but not longer than one year after the

Sec. 16.

A license is not
property, only a
personal privilege.

A license may only be
transferred pursuant
to the act.

Changes allow licenses
to be transferred as
permitted by the act.

42 death, bankruptcy or insolvency of such licensee.

43 When the licensee pays the full amount of the license fee upon

1 application and is prevented from
 2 operating under such license in
 3 accordance with the provisions of this
 4 act for the entire second year of the
 5 license term, a refund shall be made
 6 of one-half of the license fee paid by
 7 such licensee. The secretary of
 8 revenue may adopt rules and regulations
 9 pursuant to K.S.A. 41-210, and
 10 amendments thereto, which provide for the
 11 authorization of refunds of one-half
 12 of the license fee paid when the
 13 licensee does not use such license for
 14 the entire second year of the license
 15 term as a result of the cancellation of
 16 the license upon the request of the
 17 licensee for voluntary reasons.

18 Sec. 17. K.S.A. 2014 Supp.
 19 41-713 is hereby amended to read as
 20 follows: 41-713. (a) It shall be
 21 unlawful for a retailer of alcoholic liquor:

22 (1) To permit any person to mix
 23 drinks in or on the licensed premises,

24 except as provided in subsection (b);

25 (2) ~~to employ any person under~~
~~the age of 21 years in connection with~~

26 ~~the operation of such retail~~
~~establishment authorize or allow any~~
~~person~~

27 ~~under the age of 18 years to sell at~~
~~retail any alcoholic liquor at the point~~

28 ~~of sale; or~~

29 (3) ~~to employ any person in~~
~~connection with the operation of such~~

30 ~~retail establishment authorize or allow~~
~~any person who has been adjudged~~

31 ~~guilty of a felony to sell at retail any~~
~~alcoholic liquor at the point of sale;~~

32 ~~or~~

33 (4) ~~to permit any employee of the~~
~~licensee who is under the age of 21~~

34 ~~years, 41-303, 41-304, 41-305, 41-306, 41-307, 41-308, 41-309, 41-310, 41-311, 41-313, 41-~~
 35 ~~326, 41-713 and 79-4108 are hereby repealed.~~

Sec. 17. Age
 restrictions on
 employees on
 licensed premises.

1. Must be 18 to sell.

2. No felons may sell.

3. Adult supervision
 required for persons
 under 21.

where alcoholic liquor is sold by such
licensee at any time when not under
the on-premises supervision of either
the licensee or an employee of the
licensee who is 21 years of age or older.

(b) The provisions of
subsection (a)(1) shall not apply to
the

preparation or mixing of samples
for the purposes of conducting wine,
beer or distilled spirit tastings, or any
combination thereof, as authorized
by K.S.A. 2014 Supp. 41-308d, and
amendments thereto.

Sec. 18. K.S.A. 2014 Supp. 79-
4108 is hereby amended to read as
follows: 79-4108. All revenue
collected or received by the director of
taxation from taxes imposed by
K.S.A. 79-4101 to 79-4105, and
amendments thereto, shall be remitted
to the state treasurer in accordance
with the provisions of K.S.A. 75-
4215, and amendments thereto. *Except as*
otherwise provided in section 6, and
amendments thereto, upon receipt of
each such remittance, the state
treasurer shall deposit the entire amount in
the state treasury to the credit of the
state general fund. The state treasurer
shall transfer any moneys remaining
in the county and city alcoholic liquor
control enforcement fund on the
effective date of this act to the state
general fund.

Sec. 19. K.S.A. 41-103 and 41-
711 and K.S.A. 2014 Supp. 41-102,

41-301, 41-303, 41-304, 41-308, 41-308d, 41-310, 41-311, 41-313, 41-
326, 41-713 and 79-4108 are hereby repealed.

1 Sec. 20. This act shall take effect
and be in force from and after its
2 publication in the statute book.