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MEMORANDUM

To: Chairman Brunk
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: February 3, 2015

Subject: HB 2088 - Alcoholic beverages; issuance of citations by the division of alcoholic beverage control.

House Bill No. 2088 amends K.S.A. 41-106, which is a part of the Kansas Liquor Control Act. K.S.A. 41-106(a) is amended to specify that it applies to citations issued by agents of the Division of Alcoholic Beverage Control (ABC). Such citations are required to be delivered to the licensee or the licensee's agent or employee at the time of the violation. Further, the bill strikes the final sentence of the subsection which currently renders a citation void for failure to deliver the citation.

HB 2088 also adds three new subsections to the K.S.A. 41-106. New subsection (b) governs the issuance of citations when the violation is observed by a law enforcement officer, an agent of ABC. In such cases the officer is to provide written notice to the licensee or the licensee's agent or employee that a report of the violation will be submitted to ABC. New subsection (c) provides what information is to be included in the written notice. Finally, new subsection (d) replaces the language that is struck in lines 13 and 14 by providing that any citation that is not issued in accordance with K.S.A. 41-106 is void and unenforceable.