

HOUSE BILL No. 2385

By Committee on Federal and State Affairs

2-20

1 AN ACT concerning alcoholic beverages; relating to temporary permits
2 for the Kansas state fair; amending K.S.A. 2014 Supp. 41-2645 and
3 repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 41-2645 is hereby amended to read as
7 follows: 41-2645. (a) A temporary permit shall allow the permit holder to
8 offer for sale, sell and serve alcoholic liquor for consumption on
9 unlicensed premises, which may be open to the public, subject to the terms
10 of such permit.

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

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

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

35 (1) (A) Approved, by a majority vote of those voting thereon, to
36 adopt the proposition amending section 10 of article 15 of the constitution

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

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

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

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

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

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

33 (f) (1) Except as otherwise provided in this subsection, a temporary
34 permit shall be issued for a period of time not to exceed three consecutive
35 days, the dates and hours of which shall be specified in the permit. Not
36 more than four temporary permits may be issued to any one applicant in a
37 calendar year.

38 (2) The director may issue ~~one~~ a temporary permit, valid for the
39 entire period of time of the Kansas state fair, which authorizes the sale of
40 wine *or beer, or both*, in its original, unopened container and the serving
41 by the drink of ~~only~~ wine or beer, or both, on the state fairgrounds on
42 premises specified in the temporary permit, by a person who has entered
43 into an agreement with the state fair board for that purpose. *Nothing in this*

1 *subsection (f)(2) shall be construed to limit the number of temporary*
2 *permits the director may issue for the sale of wine or beer, or both, on the*
3 *state fairgrounds.*

4 (3) The director may issue a temporary permit for a special event
5 approved by the governing body of a city, county or township pursuant to
6 subsection (e)(1), which may, at the director's discretion, be valid for the
7 entire period of such special event, but in no event shall such permit be
8 issued for a period of time that exceeds 30 consecutive days.

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

12 (h) Upon written permission from the director and within three
13 business days after the end of an event conducted pursuant to a temporary
14 permit, the holder of a temporary permit may sell back to the licensee from
15 whom alcoholic liquor was purchased any alcoholic liquor sold to the
16 holder of the temporary permit for such event.

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

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

22 Sec. 2. K.S.A. 2014 Supp. 41-2645 is hereby repealed.

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