

SENATE BILL No. 92

By Committee on Federal and State Affairs

1-29

AN ACT concerning alcoholic beverages; relating to the sale thereof; amending K.S.A. 41-712 and 41-2704 and repealing the existing sections.

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

Section 1. K.S.A. 41-712 is hereby amended to read as follows: 41-712. (a) *Except as provided by subsection (b)*, no person shall sell at retail any alcoholic liquor: (1) On Sunday; (2) on Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day; or (3) before 9 a.m. or after 11 p.m. on any day when the sale is permitted, except that the governing body of any city by ordinance may require closing prior to 11 p.m., but such ordinance shall not require closing prior to 8 p.m.

(b) *In counties in which the voters have approved the sale of alcoholic liquor on Sunday as provided by section 2, and amendments thereto, a person may sell at retail any alcoholic liquor on Sunday between the hours of 12 noon and 11 p.m. The governing body of any city, by ordinance, may require closing prior to 11 p.m., but such ordinance shall not require closing prior to 8 p.m.*

New Sec. 2. (a) The board of county commissioners by resolution, may submit, and upon a petition filed in accordance with subsection (b), shall submit to the qualified electors of the county at any state general election a proposition to permit the sale of cereal malt beverage and alcoholic liquor within the county between the hours of 12 noon and 11 p.m. on Sunday.

(b) A petition to submit a proposition to the qualified voters of a county pursuant to this section shall be filed with the county election officer. The petition shall be signed by qualified electors of the county equal in number to not less than 10% of the electors of the county who voted for the office of secretary of state at the last preceding general election at which such office was elected. The appropriate version following shall appear on the petition:

“We request an election to determine whether the sale of alcoholic liquor or cereal malt beverage on Sundays between the hours of 12 noon and 11 p.m. in _____ county shall be allowed.”

(c) Upon the adoption of a resolution or the submission of a valid

1 petition calling for an election pursuant to this section, the county election
2 officer shall cause the proposition to be placed on the ballot at the next
3 succeeding state general election which occurs more than 90 days after
4 the resolution is adopted or the petition is filed with the county election
5 officer:

6 “Shall sale of alcoholic liquor or cereal malt beverage on Sundays be-
7 tween the hours of 12 noon and 11 p.m. be allowed?”

8 (d) If a majority of the votes cast and counted is in favor of the prop-
9 osition, the county election officer shall transmit a copy of the results to
10 the director and the board of county commissioners.

11 (e) The election provided for by this section shall be conducted, and
12 the votes counted and canvassed, in the manner provided by law for
13 question submitted elections of the county.

14 Sec. 3. K.S.A. 41-2704 is hereby amended to read as follows: 41-
15 2704. (a) In addition to and consistent with the requirements of this act,
16 the board of county commissioners of any county or the governing body
17 of any city may prescribe hours of closing, standards of conduct and rules
18 and regulations concerning the moral, sanitary and health conditions of
19 places licensed pursuant to this act and may establish zones within which
20 no such place may be located.

21 (b) Except as provided by ~~subsection (g)~~ *subsections (g) and (h)*, no
22 cereal malt beverages may be sold:

23 (1) Between the hours of 12 midnight and 6 a.m.; or

24 (2) on Sunday, except in a place of business which is licensed to sell
25 cereal malt beverage for consumption on the premises, which derives not
26 less than 30% of its gross receipts from the sale of food for consumption
27 on the licensed premises and which is located in a county where such
28 sales on Sunday have been authorized by resolution of the board of county
29 commissioners of the county or in a city where such sales on Sunday have
30 been authorized by ordinance of the governing body of the city.

31 (c) No private rooms or closed booths shall be operated in a place of
32 business, but this provision shall not apply if the licensed premises are
33 also currently licensed as a club pursuant to the club and drinking estab-
34 lishment act.

35 (d) Each place of business shall be open to the public and to law
36 enforcement officers at all times during business hours, except that a
37 premises licensed as a club pursuant to the club and drinking establish-
38 ment act shall be open to law enforcement officers and not to the public.

39 (e) No licensee shall permit a person under the legal age for con-
40 sumption of cereal malt beverage to consume or purchase any cereal malt
41 beverage in or about a place of business, and no licensee shall permit a
42 person under the legal age for consumption of cereal malt beverage to
43 possess cereal malt beverage in or about a place of business, except that

1 a licensee's employee who is not less than 18 years of age may dispense
2 or sell cereal malt beverage, if:

3 (1) The licensee's place of business is licensed only to sell cereal malt
4 beverage at retail in original and unopened containers and not for con-
5 sumption on the premises; or

6 (2) the licensee's place of business is a licensed food service estab-
7 lishment, as defined by K.S.A. 36-501 and amendments thereto, and not
8 less than 50% of the gross receipts from the licensee's place of business
9 is derived from the sale of food for consumption on the premises of the
10 licensed place of business.

11 (f) No person shall have any alcoholic liquor in such person's posses-
12 sion while in a place of business, unless the premises are currently li-
13 censed as a club or drinking establishment pursuant to the club and drink-
14 ing establishment act.

15 (g) Cereal malt beverages may be sold on premises which are licensed
16 pursuant to both the acts contained in article 27 of chapter 41 of the
17 Kansas Statutes Annotated and the club and drinking establishment act
18 at any time when alcoholic liquor is allowed by law to be served on the
19 premises.

20 (h) *In counties in which the voters have approved the sale of cereal*
21 *malt beverage on Sunday as provided by section 2, and amendments*
22 *thereto, cereal malt beverage may be sold between the hours of 12 noon*
23 *and 11 p.m.*

24 Sec. 4. K.S.A. 41-712 and 41-2704 are hereby repealed.

25 Sec. 5. This act shall take effect and be in force from and after its
26 publication in the statute book.

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