

SENATE BILL No. 299

By Committee on Federal and State Affairs

1-18

1 AN ACT concerning alcoholic beverages; relating to the club and drinking
2 establishment act; creating a public venue license; amending K.S.A.
3 41-306, 41-306a, 41-307, 41-308, 41-701, 41-2608, 41-2613, 41-2614
4 and ~~§§~~ 41-2640~~f~~, 79-4101, 79-4102, 79-4103, 79-41a01, 79-41a02, 79-
5 41a04, 79-41a06, 79-41a07 and 79-41a08~~g~~ and K.S.A. 2011 Supp. 41-
6 308a, 41-2601, 41-2622 and ~~§§~~ 41-2629 ~~and~~ 79-41a03~~g~~ and repealing
7 the existing sections.
8

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

10 New Section 1. (a) A license for a public venue shall allow the
11 licensee to:

12 (1) Offer for sale, sell and serve alcoholic liquor by the individual
13 drink for consumption on the licensed premises;

14 (2) offer for sale, sell and serve unlimited drinks for a fixed price in
15 designated areas of the licensed premises;

16 (3) offer for sale and sell all inclusive packages which include
17 unlimited drinks in designated areas of the licensed premises;

18 (4) offer for sale, sell and serve alcoholic liquor in the original
19 container for consumption on the licensed premises in private suites,
20 which are enclosed or semi-enclosed seating areas, having controlled
21 access and separated from the general admission areas by a permanent
22 barrier;

23 (5) store, in each private suite, which are enclosed or semi-enclosed
24 seating areas, having controlled access and separated from the general
25 admission areas by a permanent barrier, alcoholic liquor sold in the
26 original container to a customer in that private suite; and

27 (6) with the approval of the retailer or distributor, return for a full
28 refund of the original purchase price unopened containers of alcoholic
29 liquor to the retailer or distributor from whom such items were purchased
30 upon the conclusion of an event if the next scheduled event for that
31 premises is more than 90 days from the date of the concluded event.

32 (b) An applicant or public venue licensee shall specify in the
33 application for a license, or renewal of a license, the premises to be
34 licensed, which may include all premises which are in close proximity and
35 are under the control of the applicant or licensee. No public venue
36 licensee may offer for sale, sell or serve any alcoholic liquor in any area

Proposed Amendments to SB 299
March 26, 2012
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Office of Revisor of Statutes
Rep Rubin

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House Federal & State Affairs

Date: 3-27-12

Attachment #

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which shall be identified in the license application, have controlled access and
be separated from the general admissions and suite areas by a barrier

which shall be identified in the license application, have controlled access and
be separated from the general admissions and suite areas by a barrier

1 intended for use or for sale, in whole or in part, for human consumption.

2 (k) (j) "Food service establishment" has the meaning provided by
3 K.S.A. 36-501, and amendments thereto.

4 (l) (k) "Hotel" has the meaning provided by K.S.A. 36-501, and
5 amendments thereto.

6 (l) "Mini-bar" means a closed cabinet, whether non-refrigerated or
7 wholly or partially refrigerated, access to the interior of which is
8 restricted by means of a locking device which requires the use of a key,
9 magnetic card or similar device.

10 (m) "Minor" means a person under 21 years of age.

11 (n) "Morals charge" means a charge involving prostitution; procuring
12 any person; soliciting of a child under 18 years of age for any immoral act
13 involving sex; possession or sale of narcotics, marijuana, amphetamines or
14 barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy;
15 or a crime against nature.

16 (o) "Municipal corporation" means the governing body of any county
17 or city.

18 (p) "Public venue" means an arena, stadium, hall or theater, used
19 primarily for athletic or sporting events, live concerts, live theatrical
20 productions or similar seasonal entertainment events, not operated on a
21 daily basis, and containing:

22 (1) Not less than 4,000 permanent seats; and

23 (2) not less than two private suites, which are enclosed or semi-
24 enclosed seating areas, having controlled access and separated from the
25 general admission areas by a permanent barrier: _____

26 (q) (g) "Restaurant" means:

27 (1) In the case of a club, a licensed food service establishment which,
28 as determined by the director, derives from sales of food for consumption
29 on the licensed club premises not less than 50% of its gross receipts from
30 all sales of food and beverages on such premises in a 12-month period;

31 (2) in the case of a drinking establishment subject to a food sales
32 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
33 food service establishment which, as determined by the director, derives
34 from sales of food for consumption on the licensed drinking establishment
35 premises not less than 30% of its gross receipts from all sales of food and
36 beverages on such premises in a 12-month period; and

37 (3) in the case of a drinking establishment subject to no food sales
38 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
39 food service establishment.

40 (r) (j) "RV resort" means premises where a place to park recreational
41 vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered
42 for pay, primarily to transient guests, for overnight or longer use while
43 such recreational vehicles are used as sleeping or living accommodations.

Insert new paragraph:
Public venues shall include all areas of any such arena,
stadium, hall or theater inside the venue's admission
gates, including uncovered outdoor areas, but shall not
include any areas outside such venue's admission gates.

1 license pursuant to the club and drinking establishment act, the applicant
2 shall pay the following license fee in the manner provided by K.S.A. 41-
3 2606, and amendments thereto:

4 (1) For a class A club which is a bona fide nonprofit fraternal or war
5 veterans' club, as defined by rules and regulations of the secretary, \$500;

6 (2) for a class A club which is a bona fide nonprofit social club, as
7 defined by rules and regulations of the secretary, and which has not more
8 than 500 members, \$1,000;

9 (3) for a class A club which is a bona fide nonprofit social club, as
10 defined by rules and regulations of the secretary, and which has more than
11 500 members, \$2,000;

12 (4) for a class B club, \$2,000;

13 (5) for a drinking establishment, \$1,000;

14 (6) for a hotel of which the entire premises are licensed as a drinking
15 establishment, \$3,000;

16 (7) (5) for a caterer, \$1,000;

17 (8) for a drinking establishment/caterer, \$1,500; and

18 (9) for a drinking establishment/caterer, if the drinking establishment
19 is a hotel of which the entire premises are licensed as a drinking
20 establishment, \$3,500.

21 ~~(b) On and after July 1, 2011, at the time an application is submitted
22 to the director for a drinking establishment license pursuant to the club and
23 drinking establishment act, the applicant shall pay the following license
24 fee in the manner provided by K.S.A. 41-2606, and amendments thereto:~~

25 (1) (6) for a drinking establishment, \$2,000;

26 (2) (7) for a hotel of which the entire premises are licensed as a
27 drinking establishment, \$6,000;

28 (3) (8) for a drinking establishment/caterer, \$3,000; and

29 (4) (9) for a drinking establishment/caterer, if the drinking
30 establishment is a hotel of which the entire premises are licensed as a
31 drinking establishment, \$7,000;

32 (10) for a public venue with a maximum capacity of not more than
33 10,000 persons, \$5,000;

34 (11) for a public venue with a maximum capacity of not more than
35 25,000 persons, \$10,000; and

36 (12) for a public venue with a maximum capacity exceeding 25,000
37 persons, \$20,000.

38 (e) (b) In addition to the fee provided by subsections (a) and (b), any
39 city where the licensed premises of a club or drinking establishment are
40 located or, if such licensed premises are not located in a city, the board of
41 county commissioners of the county where the licensed premises are
42 located may levy and collect a biennial occupation or license tax from the
43 licensee in an amount equal to not less than \$200 nor more than \$500.

Strike "s"

Insert ",
Strike "or"

or public venue

Strike "less than \$200 nor"

~~(c) In addition to the fee provided by subsection (a), any city where the licensed premises of a public venue is located or, if such licensed premises is not located in a city, the board of county commissioners of the county where the licensed premises is located may levy and collect a biennial occupation or license tax from the licensee in an amount not less than \$200.~~

Strike all of (c)

(d) No occupational or excise tax or license fee other than that authorized by subsection (b) or (c) shall be levied by any city or county against or collected from a licensed public venue, club or drinking establishment.

Strike "(d) and insert "(c)"

(e) The director shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Of each such deposit, 50% shall be credited to the state general fund, and the remaining 50% shall be credited to the other state fees fund of the department of social and rehabilitation services. In addition to other purposes for which expenditures may be made from the other state fees fund of the department of social and rehabilitation services, expenditures may be made by the secretary of social and rehabilitation services for the purpose of implementing the powers and duties of the secretary under the provisions of K.S.A. 65-4006 and 65-4007, and amendments thereto.

Strike "(e)" and insert "(d)"

Sec. 13. K.S.A. 2011 Supp. 41-2629 is hereby amended to read as follows: 41-2629. (a) A class B club license, *drinking establishment, public venue* or caterer's license shall be issued for a term not to exceed two years after issuance, except as otherwise provided by law, unless sooner suspended or revoked as provided in this act.

~~(b) Prior to July 1, 2011, a drinking establishment license shall be issued for a term not to exceed one year after issuance, except as otherwise provided by law, unless sooner suspended or revoked as provided by this act. On and after July 1, 2011, a drinking establishment license shall be issued for a term not to exceed two years after issuance, except as otherwise provided by law, unless sooner suspended or revoked as provided by this act.~~

(e) (b) The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond such date the license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to K.S.A. 41-2622, and amendments thereto, by the same number of days the director has extended the license term.

(f) (c) A class B license club, drinking establishment license, public

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