AN ACT concerning alcoholic beverages; authorizing issuance of special event retailers' license [permit] for sales of cereal malt beverage; amending K.S.A. 2010 Supp. 41-2703 and repealing the existing section.

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

Section 1. K.S.A. 2010 Supp. 41-2703 is hereby amended to read as follows: 41-2703. (a) After examination of an application for a retailer's license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant. (b) No retailer's license shall be issued to:

1. A person who is not a resident of the county in which the place of business covered by the license is located, has not been a resident of such county for at least six months or has not been a resident in good faith of the state of Kansas.
2. A person who has not been a resident of this state for at least one year immediately preceding application for a retailer's license.
3. A person who is not of good character and reputation in the community in which the person resides.
4. A person who is not a citizen of the United States.
5. A person who, within two years immediately preceding the date of application approval, has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States.
6. A partnership, unless all the members of the partnership are otherwise qualified to obtain a license.
7. A corporation, if any manager, officer or director thereof, or
any stockholder owning in the aggregate more than 25% of the stock of
such corporation, would be ineligible to receive a license hereunder for
any reason other than the citizenship and residency requirements.
(8) A person whose place of business is conducted by a manager
or agent unless the manager or agent possesses all the qualifications of
a licensee.
(9) A person whose spouse would be ineligible to receive a
retailer's license for any reason other than citizenship, residence
requirements or age, except that this subsection (b) (9) shall not apply
in determining eligibility for a renewal license.
(10) A person whose spouse has been convicted of a felony or
other crime which would disqualify a person from licensure under this
section and such felony or other crime was committed during the time
that the spouse held a license under this act.
(c) After examination of an application for a retailer's license, the
board of county commissioners or the governing body of a city may
deny a license to a person, partnership or corporation if any manager,
officer or director thereof, or any stockholder owning in the aggregate
more than 25% of the stock of such corporation, has been an officer,
manager, director or a stockholder owning in the aggregate more than
25% of the stock, of a corporation which has:
(1) Had a retailer's license revoked under K.S.A. 41-2708, and
amendments thereto; or
(2) been convicted of a violation of the club and drinking
establishment act or the cereal malt beverage laws of this state.
(d) Retailers' licenses shall be issued either on an annual
basis or, or for the calendar year, or on a temporary basis as set forth in
subsection (e). If such licenses are issued on an annual basis, the board
of county commissioners or the governing body of the city shall notify
the distributors supplying the county or city on or before April 1 of the
year if a retailer's license is not renewed.
(e) In addition to, and consistent with the requirements of K.S.A.
41-2701 et seq., and amendments thereto, the board of county
commissioners of any county or the governing body of any city may
provide by resolution or ordinance for the issuance of a special event
retailers' license permit which shall allow the license permit holder to
offer for sale, sell and serve cereal malt beverage for consumption on
unlicensed unpermitted premises, which may be open to the public,
subject to the following:
(1) A special event retailers' license permit shall specify the premises for which the license permit is issued;
(2) a special event retailers' license permit shall be issued for a period of time not to exceed three consecutive days the duration of the special event, the dates and hours of which shall be specified in the license permit;
(3) no more than four special event retailers' licenses permits may be issued to any one applicant in a calendar year; and
(4) a special event retailers' license permit shall not be transferable or assignable.

(f) Any person holding a special event retailers' license issued pursuant to a county resolution or city ordinance adopted in accordance with subsection (e) shall be considered to be a retailer licensed under K.S.A. 41-2702, and amendments thereto.

(g) The director shall propose rules and regulations necessary to carry out the intent and purpose of this section in accordance with the provisions of K.S.A. 41-210, and amendments thereto.

(f) A special event retailers' permit holder shall not be subject to the provisions of the beer and cereal malt beverage keg registration act, K.S.A. 41-2901 et seq., and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 41-2703 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.