AN ACT concerning alcoholic beverages; relating to temporary permits under the club and drinking establishment act; authorizing extended permits; amending K.S.A. 2011 Supp. 41-2645 and repealing the existing section.

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

Section 1. K.S.A. 2011 Supp. 41-2645 is hereby amended to read as follows: 41-2645. (a) A temporary permit shall allow the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, which may be open to the public, subject to the terms of such permit.

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

(c) Applications for temporary permits shall be required to be filed with the director not less than 14 days before the event for which the permit is sought unless the director waives such requirement for good cause. Each application shall state the purposes for which the proceeds of the event will be used. The application shall be upon a form prescribed and furnished by the director and shall be filed with the director in duplicate. Each application shall be accompanied by a permit fee of $25 for each day for which the permit is issued, which fee shall be paid by a certified or cashier's check of a bank within this state, United States post office money order or cash in the full amount thereof. All permit fees collected by the director pursuant to this section shall be remitted 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 to the credit of the state general fund.

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

(1) (A) Approved, by a majority vote of those voting thereon, to
adopt the proposition amending section 10 of article 15 of the constitution
of the state of Kansas at the general election in November, 1986; or (B)
have approved a proposition to allow the sale of liquor by the individual
drink in public places within the county at an election pursuant to K.S.A.
41-2646, and amendments thereto; and
(2) have not approved a proposition to prohibit such sales of alcoholic
liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,
and amendments thereto.
(e) (1) A temporary permit may be issued for the consumption of
alcoholic liquor on a city, county or township street, alley, road, sidewalk
or highway for a special event; provided, that such street, alley, road,
sidewalk or highway is closed to motor vehicle traffic by the governing
body of such city, county or township for such special event, a written
request for such consumption and possession of such alcoholic liquor has
been made to the local governing body and the special event is approved
by the governing body of such city, county or township by ordinance or
resolution. The boundaries of such special event shall be clearly marked by
signs, a posted map or other means which reasonably identify the area in
which alcoholic liquor may be possessed or consumed at such special
event.
(2) Drinking establishments that are immediately adjacent to, or
located within the licensed premises of a special event, for which a
temporary permit has been issued and the consumption of alcoholic liquor
on public property has been approved, may request that the drinking
establishment's licensed premises be extended into and made a part of the
licensed premises of the special event for the duration of the temporary
permit issued for such special event.
(3) Each licensee selling alcoholic liquor for consumption on the
premises of a special event for which a temporary permit has been issued
shall be liable for violations of all laws governing the sale and
consumption of alcoholic liquor.
(4) For the purposes of this section, "special event" shall have the
same meaning given that term in K.S.A. 41-719, and amendments thereto.
(f) (1) Except as otherwise provided in this subsection, a temporary
permit shall be issued for a period of time not to exceed three consecutive
days, the dates and hours of which shall be specified in the permit, except
that the director may issue one temporary permit, valid for the entire-
period of time of the Kansas state fair, which authorizes the sale of wine in
its original, unopened container and the serving by the drink of only wine
or beer, or both, on the state fairgrounds on premises specified in the
temporary permit, by a person who has entered into an agreement with the
state fair board for that purpose. Not more than four temporary permits
may be issued to any one applicant in a calendar year.
(2) The director may issue one temporary permit, valid for the entire period of time of the Kansas state fair, which authorizes the sale of wine in its original, unopened container and the serving by the drink of only wine or beer, or both, on the state fairgrounds on premises specified in the temporary permit, by a person who has entered into an agreement with the state fair board for that purpose.

(3) The director may issue one temporary permit for a special event approved by the governing body of a city, county or township pursuant to subsection (e)(1), which shall may, at the director's discretion, be valid for the entire period of such special event. A temporary permit issued for a special event shall be issued for a period of time not to exceed 10 consecutive days, but in no event shall such permit be issued for a period of time that exceeds 30 consecutive days.

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

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

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

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

Sec. 2. K.S.A. 2011 Supp. 41-2645 is hereby repealed.

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