AN ACT concerning alcoholic beverages; relating to licensure; relating to undisclosed beneficial interests in a license; amending K.S.A. 2014 Supp. 41-311 and 41-2623 and repealing the existing sections.

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

Section 1. K.S.A. 2014 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who is not a citizen of the United States;
(2) who has been convicted of a felony under the laws of this state, any other state or the United States;
(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;
(4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;
(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;
(6) who is not at least 21 years of age;
(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;
(8) who intends to carry on the business authorized by the license as agent of another;
(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);
(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) 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; or

(14) who does not provide any data or information required by K.S.A. 2014 Supp. 41-311b, and amendments thereto; or

(15) who, after a hearing before the director, has been found to have held an undisclosed beneficial interest in any license issued pursuant to the liquor control act which was obtained by means of fraud or any false statement made on the application for such license.

(b) No retailer's license shall be issued to:

(1) a person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;

(4) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:
A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state;

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or

(6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the
corporation shall not be denied a distributor's license or have its
distributor's license revoked if the corporation meets all of the other
requirements necessary to have a distributor's license;
    (2) a copartnership, unless all of the copartners are eligible to receive
a distributor's license;
    (3) a trust, if any grantor, beneficiary or trustee would be ineligible to
receive a license under this act for any reason, except that the provisions of
subsection (a)(6) shall not apply in determining whether a beneficiary
would be eligible for a license; or
    (4) a person who has a beneficial interest in a manufacturer, retailer,
farm winery or microbrewery licensed under this act.
(e) No nonbeverage user's license shall be issued to a corporation, if
any officer, manager or director of the corporation or any stockholder
owning in the aggregate more than 25% of the stock of the corporation
would be ineligible to receive a nonbeverage user's license for any reason
other than citizenship and residence requirements.
(f) No microbrewery license, microdistillery license or farm winery
license shall be issued to a:
    (1) Person who is not a resident of this state;
    (2) person who has not been a resident of this state for at least one
year immediately preceding the date of application;
    (3) person who has a beneficial interest in a manufacturer or
distributor licensed under this act, except as provided in K.S.A. 41-305,
and amendments thereto;
    (4) person, copartnership or association which has a beneficial
interest in any retailer licensed under this act or under K.S.A. 41-2702, and
amendments thereto, except that the spouse of an applicant for a
microbrewery or farm winery license may own and hold a retailer's license
if the spouse does not hold a microbrewery or farm winery license issued
under this act;
    (5) copartnership, unless all of the copartners are qualified to obtain a
license;
    (6) corporation, unless stockholders owning in the aggregate 50% or
more of the stock of the corporation would be eligible to receive such
license and all other stockholders would be eligible to receive such license
except for reason of citizenship or residency; or
    (7) a trust, if any grantor, beneficiary or trustee would be ineligible to
receive a license under this act for any reason, except that the provisions of
subsection (a)(6) shall not apply in determining whether a beneficiary
would be eligible for a license.
(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3),
(f)(1), (f)(2) and K.S.A. 2014 Supp. 41-311b, and amendments thereto,
shall not apply in determining eligibility for the 10th, or a subsequent,
consecutive renewal of a license if the applicant has appointed a citizen of
the United States who is a resident of Kansas as the applicant's agent and
filed with the director a duly authenticated copy of a duly executed power
of attorney, authorizing the agent to accept service of process from the
director and the courts of this state and to exercise full authority, control
and responsibility for the conduct of all business and transactions within
the state relative to alcoholic liquor and the business licensed. The agent
must be satisfactory to and approved by the director, except that the
director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any
other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt
beverage laws of this or any other state revoked for cause, except that a
person may be appointed as an agent if the person's license was revoked
for the conviction of a misdemeanor and 10 years have lapsed since the
date of the revocation;

(3) has been convicted of being the keeper or is keeping any property,
whether real or personal, where sexual relations are being sold or offered
for sale by a person who is 18 years of age or older or has forfeited bond to
appear in court to answer charges of being a keeper of any property,
whether real or personal, where sexual relations are being sold or offered
for sale by a person who is 18 years of age or older;

(4) has been convicted of being a proprietor of a gambling house,
pandering or any other crime opposed to decency and morality or has
forfeited bond to appear in court to answer charges for any of those
crimes; or

(5) is less than 21 years of age.

Sec. 2. K.S.A. 2014 Supp. 41-2623 is hereby amended to read as
follows: 41-2623. (a) No license shall be issued under the provisions of
this act to:

(1) Any person described in subsection (a)(1), (2), (4), (5), (6), (7),
(8), (9), (12) or (13) of K.S.A. 41-311(a)(1), (2), (4), (5), (6), (7), (8), (9),
(12), (13) or (15), and amendments thereto, except that the provisions of
subsection (a)(7) of such section shall not apply to nor prohibit the
issuance of a license for a class A club to an officer of a post home of a
congressionally chartered service or fraternal organization, or a benevolent
association or society thereof.

(2) A person who has had the person's license revoked for cause
under the provisions of this act.

(3) A person who has not been a resident of this state for a period of
at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture,
preparation or wholesaling or the retail sale of alcoholic liquors or a
beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) Any person who has a beneficial interest in a microbrewery, microdistillery or farm winery licensed pursuant to the Kansas liquor control act may be issued any or all of the following: (1) Class B club license; (2) drinking establishment license; and (3) caterer's license.

(5) A copartnership, unless all of the copartners are qualified to obtain a license.

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(8) A corporation organized under the laws of any state other than this state.

(9) A trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) of K.S.A. 41-311(a)(6), and amendments thereto, shall not apply in determining whether a beneficiary would be eligible for a
license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person who does not own the premises for which a license is sought, or does not, at the time the application is submitted, have a written lease thereon, except that an applicant seeking a license for a premises which is owned by a city or county, or is a stadium, arena, convention center, theater, museum, amphitheater or other similar premises may submit an executed agreement to provide alcoholic beverage services at the premises listed in the application in lieu of a lease.

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

Sec. 3. K.S.A. 2014 Supp. 41-311 and 41-2623 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.