

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2088

As Recommended by House Committee on
Federal and State Affairs

Brief*

HB 2088 would create and amend law concerning citations issued for violations of the Liquor Control Act and the Club and Drinking Establishment Act.

The bill would change existing law by specifying, when issuing a citation for a violation of the liquor laws, agents of the Department of Revenue, Division of Alcoholic Beverage Control (ABC) must deliver the citation issued to the licensee or licensee's agent or employee at the time of the alleged violation. Current law requires delivery of the citation to the person allegedly committing the violation.

The bill also would add law concerning the delivery of citations by local law enforcement officers other than agents of ABC. The new provisions would allow any local law enforcement officer observing a violation of the liquor laws to be able to submit a report of the violation to ABC for review after serving notice of the violation to the licensee or licensee's agent or employee. Notice would be required to:

- Be made at the time of the alleged violation;
- Be made in writing;
- Contain the name of the licensee;
- Contain the date and time of the alleged violation;
- Contain a description of the alleged violation; and
- Contain a statement indicating a report of the violation would be submitted to ABC for review.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Finally, the bill would add language stating any citation not issued in accordance with the provisions laid out in the new and amended law would be void.

Background

At the hearing in the House Committee on Federal and State Affairs, the Director of ABC, along with representatives of the Kansas Association of Chiefs of Police, the Kansas Sheriffs' Association, the Kansas Peace Officers Association, the Kansas Association of Beverage Retailers, and the Kansas Restaurant and Hospitality Association, provided testimony in support of the bill.

Testimony in opposition to the bill was provided by a representative of Kite's Bar, the establishment involved in the court case prompting the change in the law proposed by the bill.

Neutral testimony was presented by a representative of the Kansas Licensed Beverage Association, the Kansas Craft Brewers Association, the Kansas Viticulture and Farm Winery Association, and the Artisan Distillers of Kansas.

According to the fiscal note prepared by the Division of the Budget, the Department of Revenue indicates the bill would have no fiscal effect on state expenditures but could result in an increase in revenues from fines issued to liquor licensees, although the amount of the potential increase cannot be determined.