
February 10, 2009

Mayors and Police Chiefs
Cities and Municipalities

County Commissioners and Sheriffs

RE: Proposed liquor enforcement legislation needs your support

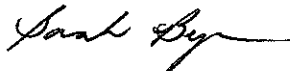
Dear Sirs/Madams:

The attached bill was introduced in the Senate State and Federal Affairs committee on Thursday, January 29, 2009. The bill amends K.S.A. 41-2651 to give the governing body of a city or county the right to request a hearing before the Director of ABC at any time reasonable cause can be shown that a license issued to a club or drinking establishment should be revoked or suspended. The bill is a great step forward in protecting the citizens of your city or county from violence and other criminal activity in bars and nightclubs.

The bill needs your support. Please consider sending a representative to testify at any hearing(s) the legislature will have on this bill. At the very least, consider sending written testimony in support of the bill. The committee agenda may be found on the Kansas legislature webpage at: www.kslegislature.org, under "Senate status/agenda". You may also contact ABC for information.

Thank you in advance for your support and participation.

Sincerely,



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SENATE BILL No. 247

By Committee on Federal and State Affairs

2-9

9 AN ACT concerning alcoholic beverages; relating to licensure of a club
10 or drinking establishment; amending K.S.A. 41-2651 and repealing the
11 existing section.
12

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

14 Section 1. K.S.A. 41-2651 is hereby amended to read as follows: 41-
15 2651. (a) When application for licensure or renewal of licensure as a club
16 or drinking establishment is received by the director, the director shall
17 notify the governing body of the city or county where the premises to be
18 licensed are located, if such governing body requests such notification.

19 (b) No such license or renewal shall be granted by the director until
20 the expiration of at least 10 days from the time of filing the application
21 for licensure or renewal with the director, during which period the gov-
22 erning body of any city or county notified pursuant to subsection (a) may
23 request the director to hold a hearing on the granting or refusal to grant
24 such license or renewal. The

25 (c) *At any time, the governing body of any city or county may request*
26 *the director to hold a hearing on whether any license issued pursuant to*
27 *this act should be revoked or suspended. The governing body shall provide*
28 *the director reasonable cause to believe a hearing is necessary based upon*
29 *factors included in rules and regulations by the secretary. The director*
30 *may refuse the governing body's request absent such reasonable cause.*

31 (d) *Any hearing on the application held pursuant to this section shall*
32 *be conducted in accordance with the provisions of the Kansas adminis-*
33 *trative procedure act as provided in K.S.A. 41-2609, and amendments*
34 *thereto.*

35 (e) *At such any hearing held pursuant to this section the governing*
36 *body of such city or county shall have the right to appear before the*
37 *director and present testimony and evidence and make recommendations*
38 *regarding the granting or refusal to grant such license or renewal, or*
39 *whether such license should be revoked or suspended. In determining*
40 *whether to grant or to refuse to grant such license or renewal, or to revoke*
41 *or suspend such license, the director shall take into consideration the*
42 *testimony and evidence and recommendations of the governing body of*
43 *such city or county. The director may refuse to grant such license or*

1 renewal, *or may revoke or suspend such license* based on the evidence
2 gathered at such hearing, *in the interest of protecting the public welfare,*
3 *and in accordance with rules and regulations adopted by the secretary.*
4 ~~(d)~~ (f) This section shall be part of and supplemental to the club and
5 drinking establishment act.
6 Sec. 2. K.S.A. 41-2651 is hereby repealed.
7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.