



TESTIMONY BEFORE THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

HOUSE BILL NUMBER 2162

FEBRUARY 5, 2015

CITY COMMISSION

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City Counselor

Mr. Chairman and members of the committee, I am Jacob M. Cunningham. Thank you for allowing me to present testimony today regarding House Bill 2162. Recently, in my capacity as Assistant City Attorney for the City of Garden City, Kansas ("Garden City"), I was asked to draft an amendment to K.S.A. 41-710. The concept behind the proposed amendment is relatively simple, as it will allow for a retailer's license, microbrewery license, microdistillery or farm winery license to be granted to otherwise eligible individuals and entities in "core commercial districts" *regardless* of their proximity to any public or parochial school or college or church. For the purposes of this discussion and the proposed amendment, "core commercial district" is defined by K.S.A. 12-17,122 as "an area of a city or unincorporated area of a county characterized by a variety of compact commercial, office, residential and public uses that make it most directly analogous to central business districts commonly identified by zoning regulations." This definition was utilized to provide a universal application of this amendment to areas most commonly referred to as a downtown or central business district.

Ultimately, this proposed amendment is intended to provide "core commercial districts" with a greater pool of business opportunities. Given the often dilapidated and unused nature of these areas, this provides communities greater latitude in enticing development and allowing these types of entities to exist harmoniously amongst one another.

In an effort to create flexibility and local discretion, the proposed amendment has been drafted to allow a local governing body the option to exempt themselves by an ordinary ordinance. As an attorney who works with local municipalities in Southwest Kansas, I find this option to be quite appealing as it allows each municipality the opportunity to determine whether or not the exemption works well for their individual, unique communities.

Again, I would like to thank you for this opportunity to provide testimony in favor of this proposed legislation. I am optimistic this proposed amendment will become law in the near future.

Sincerely,

Jacob M. Cunningham  
Assistant City Attorney

CITY ADMINISTRATIVE  
CENTER  
301 N. 8<sup>TH</sup>  
P.O. Box 998  
GARDEN CITY, KS  
67846-0998  
620.276.1160  
FAX 620.276.1169  
[www.garden-city.org](http://www.garden-city.org)