



TO: Senate Committee on Federal and State Affairs

FROM: Eric Smith, Legal Counsel, League of Kansas Municipalities

Date: March 24, 2015

RE: Testimony in Support of HB 2331 – Section 4(d)

Thank you for allowing the League of Kansas Municipalities to submit testimony in support of HB 2331. Section 4(d) creates a procedure for cities to allow alcohol-related small businesses in commercial districts when they are within 200 feet of a church or school.

Many of the commercial districts in our Kansas communities have been losing businesses and facing declining property values for decades. These low prices can be attractive to many types of organizations and, because of this widespread appeal, sometimes non-traditional churches and alcohol-related businesses move in close proximity of one another. Unfortunately, K.S.A. 41-710 currently prohibits liquor retailers, microbreweries, microdistilleries and farm wineries to be within 200 feet of churches, schools, or colleges. This statute can be a barrier to communities desperate to revitalize their downtowns with a combination of businesses and non-profit organizations.

Section 4(d) of HB 2331 would allow city governments to pass an ordinance exempting alcohol-related businesses from K.S.A. 41-710 if those businesses are located within a commercial district. Because the exemption requires an ordinance, any citizen objections could be aired in an open meeting. If community opposition is strong enough, the ordinance could even be repealed by citizen petition and referendum. The League feels that these guarantees for citizen involvement strike the right balance between encouraging economic development and protecting community values.

Thank you for allowing the League to submit testimony on this important issue.