

TESTIMONY BEFORE THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS



HOUSE BILL 2331-SECTION 4(d)

MARCH 24, 2015

CITY COMMISSION

ROY CESSNA,

Mayor

MELVIN DALE

JANET A. DOLL

DAN FANKHAUSER

J. CHRISTOPHER LAW

Thank you for allowing the City of Garden City, Kansas to submit written testimony in support of Section 4(d) of House Bill 2331 ("Section 4(d)"), wherein cities are provided the ability to allow alcohol related businesses in "core commercial districts." The concept behind the procedure outlined in Section 4(d) 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" when they are within 200 feet of a church or school. (Such proximity is currently prohibited via K.S.A. 41-710.) Ultimately, Section 4(d) is intended to provide "core commercial districts" with a greater pool of business opportunities. Given the often dilapidated and unused nature of these downtown areas, this provides communities greater latitude in enticing development and allowing these types of entities to exist harmoniously amongst one another.

MATTHEW C. ALLEN

City Manager

MELINDA A. HITZ, CPA

Finance Director

RANDALL D. GRISELL

City Counselor

In an effort to create flexibility and local discretion, Section 4(d) provides local governing bodies the ability to pass an ordinance exempting alcohol-related businesses from K.S.A. 41-710 if those businesses are located within a "core commercial district." As with any ordinance, prior to its enactment, the public will be given written notice of the ordinance in advance of a local governing body considering such an exemption. Further, members of the public will have an opportunity to voice their opposition or support of such an ordinance during their local governing body's meeting, or by contacting their local commission or council member(s). As is true with any change to the existing laws of a community, it is imperative to provide the public with the opportunity to have input and Section 4(d) undoubtedly provides the public with a multitude of opportunities to make their opinion known.

Again, I would like to thank you for this opportunity to provide this written testimony.

Sincerely,

/s/ Jacob M. Cunningham

Jacob M. Cunningham
Assistant City Attorney

*Jacob M. Cunningham was unable to personally appear and John Pinegar, PINEGAR, SMITH & ASSOCIATES, INC., representing the City of Garden City, Kansas, presented his written testimony to the Committee.

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