

To: House Federal and State Affairs

From: Eric B. Smith, Deputy General Counsel

Date: March 22, 2019

RE: Support for SB 70

I want thank Chairman Barker and the Committee members for allowing the League of Kansas Municipalities the opportunity to provide testimony in support of SB 70.

SB 70 contains many small changes to the statutes related to alcohol regulation and were requested by the Director of Alcoholic Beverage Control. The League supports the efforts of the Director to provide the proper level of regulation while always looking for ways to provide a more efficient way for businesses to comply. My testimony will concentrate on the language concerning common consumption areas which was originally requested by the City of Lenexa.

When SB 70 was debated by the Senate the body amended the language of HB 2239 into this bill. The citizens of Lenexa created a vision to build a gathering place that offers a combination of restaurants and other vendors, along with a shared dining area. In 2017, the legislature created a statute to allow for “a common consumption area.” This allowed for alcohol sales by licensed restaurants while giving customers flexibility to go to the shared dining area or stroll through the shopping area with their alcoholic drinks. While Lenexa may have been one of the first with its City Center area, other cities in Kansas have also found the “common consumption area” a useful concept in developing gathering spaces in their communities.

Beginning on page 24, line 37 of SB 70 you will find what was HB 2239. This language requests a slight update to the law controlling common consumption areas. At the discretion of the common consumption area permit holder, restaurants with a valid license could be permitted to also sell drinks from a single, non-contiguous service area within the common consumption area. The common consumption area permit holder would determine where that service area would be; however, it would be contained in the existing common consumption area. For busier events, for instance, an additional area servicing drinks could be set up in the center of the event area to improve walking space for the event or more accessible service.

We respectfully ask this Committee to pass SB 70 favorably to the full House for consideration.