

SESSION OF 2023

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2059**

As Amended by House Committee on Federal  
and State Affairs

**Brief\***

HB 2059, as amended, would amend the Kansas Club and Drinking Establishment Act's provisions related to common consumption areas to remove the requirement that a city or county require that the portions of common consumption areas on public streets or roadways be blocked from motorized traffic during events.

The bill would also require each common consumption area to be marked by signs that are conspicuously posted, identifying the boundaries of such area and in a size and manner that provides notice to persons entering or leaving the area.

**Background**

The bill was requested for introduction in the House Committee on Federal and State Affairs by a representative of the City of Topeka on January 18, 2023.

***House Committee on Federal and State Affairs***

During the House Committee hearing, Representative Blew and representatives of the City of Topeka, Kansas League of Municipalities, Kansas Restaurant and Hospitality Association, and the NOTO Arts and Entertainment District provided **proponent** testimony stating the bill would help

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

cities designate larger and more open areas for events with common consumption area permits and to attract additional patrons.

Neutral testimony was provided by a representative of the Division of Alcoholic Beverage Control, Kansas Department of Revenue, who stated the agency has some public safety concerns and would prefer additional language be added concerning liability.

No other testimony was provided.

The House Committee amended the bill to replace proposed language allowing the use of appropriate signage for marking a common consumption area with language specifying common consumption area signage be in a size and manner that provides notice to patrons of the boundaries.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Association of Counties indicates enactment of the bill could increase revenues to counties from additional application fees, provided that enforcement costs would not exceed new revenues.

The League of Kansas Municipalities indicates enactment of the bill would have no fiscal effect.

Alcoholic beverages; common consumption area; roadway