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Proponent Testimony

Senate Committee on Federal and State Affairs

HB 2059

An Act concerning alcoholic beverages; amending the common consumption area law to permit rather than require roads to be blocked and allowing designation of such areas by signage.

March 21, 2023

**Whitney Damron
On behalf of the City of Topeka**

Good morning, Chairman Thompson, and Members of the Committee:

By way of introduction, I am Whitney Damron and I appear before you today on behalf of the City of Topeka in support of HB 2059 that would make changes to the Common Consumption Area law.

With me today is Topeka Police Chief Bryan Wheelers who is available to respond to any law enforcement-related questions following my testimony.

For those unfamiliar with common consumption areas, in 2017 the Legislature authorized these special districts that allows a patron to purchase, consume and carry alcoholic liquor and cereal malt beverage products off of a licensed property (e.g., bar or restaurant) into a common area established by a city or county by ordinance or resolution. The Act has been amended several times since enactment and we see HB 2049 as a natural evolution of the Act.

As originally enacted, the Common Consumption Act requires any public street or roadway that lies within a common consumption area be blocked from all motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed. Makes sense, right? When this legislation was enacted, common consumption areas were unique around the country and certainly here in Kansas. That said, we believe there is a good public safety record in regard to entertainment areas in our state and suggest the proposal before you today can be safely implemented to enhance the opportunities for business and patrons alike.

If you have spent any time in downtown Topeka or north of the Kansas River in the area referred to as the NOTO District, you have seen significant investment by both private and public interests in the form of bars, restaurants, a Marriott-flagged hotel, various retail businesses, entertainment venues and Every Plaza, located on Kansas Avenue between 6th Street and 7th Street.

During various times of the year there are community and entertainment events held in downtown Topeka. Concerts, First Friday-type art shows in the downtown area, at NOTO and in the Westboro area; Touch A Truck in downtown, car shows and many more community events. Our downtown businesses, NOTO and Chamber representatives have asked for the ability to allow patrons to purchase a drink or beer from a bar, restaurant or vendor during such events and walk throughout the permitted common consumption area without the City being required to close off streets and roadways.

Examples.

- Patron purchases a beer from the Iron Rail Brewery and walks across the street to Evergy Plaza to watch a concert.
- Patron visits an art studio in NOTO, purchases or receives a complimentary glass of wine and would like to walk next door to another art studio without being required to consume all of the wine from their first stop or pour it out before proceeding to a second art gallery.

While this can be accomplished under current law if all of the streets and roadways are blocked from motor vehicle traffic, we believe these kinds of activities can be safely allowed under the provisions of HB 2059 without a city or county being required to close off all public streets and roadways with oversight and input from local authorities.

Street closures can cause traffic disruptions, create parking challenges, and increase costs for cities and counties required to erect barricades and traffic control devices.

HB 2059 would not allow patrons to walk unfettered across the street whenever or wherever they choose. Public safety requirements would remain in place and crossing would be at center block or corner crosswalks. The City of Topeka anticipates crowd integration by the Topeka Police Department as well as event coordinators, which will ensure public safety and personal responsibility.

As for process, a common consumption area is created by a city resolution or county ordinance. In the case of the City of Topeka, we would solicit comments and assistance in the creation of such an area with community input, including from law enforcement agencies.

Current law requires the boundaries of a common consumption area to be clearly marked using a physical barrier (e.g., no motor vehicle traffic allowed inside the designated area). HB 2059 allows for appropriate signage as an alternative to blocking public streets and roadways and if committee members will look on page three, lines 5-8 of the bill you will see where the House amended this section to require signage posted in a conspicuous manner that gives notice to those entering and leaving a common consumption area. We worked on this amendment with the cooperation and assistance of Director Beavers and ABC.

From the City's perspective, it is charged to protect the public safety. We anticipate any city or county will take public safety seriously and implement the provisions of HB 2059 in a safe and responsible manner. Local governments already adjust traffic and road closures during parades, water main breaks, traffic patterns, political protests, 5K/running events, and other activities that can bring the public into a public street or roadway.

Each community is unique. Some cities or counties may not be able to safely allow for this kind of activity within a common consumption area while others will. Some may not even want to. Which is exactly why we allow for local control when one-size does not fit all.

The House passed the bill before you by a vote of 116-6.

On behalf of the City of Topeka, I appreciate the opportunity to testify in support of HB 2059 and will stand for questions when appropriate.

Whitney Damron

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