

To: Senate Federal and State Affairs

From: John Goodyear, General Counsel

Date: March 17, 2022

RE: Neutral Testimony on HB 2688 – Oral In-Person Testimony

I want to thank Chairman Olson and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide neutral testimony today regarding HB 2688.

The League does not have a position regarding the sale of CMB or alcoholic liquor by licensed farm wineries. The reason for the League's testimony today is to call attention to what appears to be a shift in policy regarding the issuance of drinking establishment licenses to farm wineries and producers that are registered as agritourism operators. These businesses are able to get a drinking establishment license under law, but the House Committee's amendments to the bill will allow these licenses to be issued regardless of zoning or building regulations that a city may have.

There are multiple zoning requirements for obtaining farm winery and drinking establishment licenses. This bill changes that equation. While liquor licenses are issued by the state, current law establishes zoning requirements for farm wineries (K.S.A. 41-710(b)) and provides that drinking establishment licenses can be issued only if local zoning allows a drinking establishment in that location (K.S.A. 41-2608(b)). Licenses are not issued unless the applicant complies with the local zoning classifications listed in the statute. Further, in a Kansas agritourism manual, it is recommended by the state that a business owner contact their local zoning authority prior to developing their business to ensure that they follow all local business development rules, regulations, and guidelines.¹

Cities enact zoning ordinances to ensure that neighboring properties have compatible or complementary uses. Allowing these businesses to disregard zoning requirements could present safety issues and problems for neighboring property owners. The League would ask that the

¹ *Growing Agritourism in Kansas*, revised and reprinted by the Kansas Department of Wildlife, Parks, and Tourism, pg. 8, https://issuu.com/kansasmag/docs/agritourism_manual_update_dec.2021_-_reduced.

Committee consider removing the provisions preempting the consideration of city zoning when issuing drinking establishment licenses to licensed farm wineries.