

Date: February 17, 2016

To: Senate Commerce Committee

From: Larry R. Baer
General Counsel

Re: Senate Bill 366
Testimony in Opposition

Thank you for allowing me to appear before the Committee and present testimony in opposition to Senate Bill 366 on behalf of the League of Kansas Municipalities and our member cities.

As written, SB 366 would preclude cities and other municipalities from enacting, enforcing, etc. ordinances that would have the effect of controlling the purchase price agreed upon between parties to the transaction for lease or purchase of privately-owned residential or commercial property. This is sometimes referred to as inclusionary zoning.

The League has no position on whether or not a city exercises inclusionary zoning. But, we do oppose SB 366 because it preempts a city's ability to exercise its Constitutional home rule. SB 366 is an infringement upon a city's home rule authority to review its local needs, assess what regulations or controls, if any, are needed and implement those regulations.

It is our belief that local elected officials, selected by local voters, should be permitted to exercise their home rule right of local control to insure that local issues and problems are handled at the level of government closest to the citizens that they represent. Local elected officials are in the best position to gather information and to determine if a proposed course of action should or should not be taken.

As stated above, the League is opposed to SB 366 because of its preemption of local control by the state. Therefore, we ask that you do not pass SB 366 out of committee.

Thank you.