

Date: February 17, 2016

To: House Commerce, Labor
and Economic Development Committee

From: Larry R. Baer
General Counsel

Re: House Bill 2595
Testimony in Opposition

Thank you for allowing me to appear before the Committee and present testimony in opposition to House Bill 2595 on behalf of the League of Kansas Municipalities and our member cities.

As written, HB 2595 would preclude cities and other municipalities from enacting, enforcing, etc. ordinances that would regulate food nutrition information and consumer incentive items at food service operations and how food service operations are characterized. We do not know of any cities taking such action or contemplating such action.

The League has no position on whether or not a city takes action to exercise such regulations. But, we do oppose HB 2595 because it preempts a city's ability to exercise its Constitutional home rule. HB 2595 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 drafted, we believe that Section 2(b)(7) of HB 2595 would prohibit cities from adopting zoning or other land use regulations to prohibit farming or the raising of livestock within the city. We think that is an unintentional consequence of the proposed legislation that could be resolved with an appropriate amendment.

As stated above, the League is opposed to HB 2595 because of its preemption of local control by the state. Therefore, we ask that you do not pass HB 2595 out of committee.

Thank you.