

To: House Commerce Committee

From: John Goodyear, General Counsel

Date: March 13, 2023

RE: Testimony in Opposition to HB 2447

I want to thank Chairman Tarwater and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony in opposition to HB 2447.

Borne of the idea that local matters should be addressed at the local level, Article 12 Sec. 5 of the Kansas Constitution, better known as the Home Rule Amendment for Kansas cities, was approved by the voters and took effect 62 years ago. Knowing how hard fought this amendment was and knowing the value of this constitutional power, the League's top priority every legislative session is the protection and preservation of home rule. We regularly come before legislative committees to voice our support of the Home Rule amendment and oppose bills that would seek to limit the Constitutional authority to govern their own affairs. HB 2447 is the broadest piece of preemption legislation that I have ever read.

As written, HB 2447 will preempt municipal governments from prohibiting the sale of **any** product or service that the state allows. Cities are charged with taking action to protect the health, safety, and welfare of the public. Sometimes they do this by passing ordinances prohibiting the sale or possession of certain products that are otherwise allowed in the state but have been banned in local communities as a response to an outcry of the public or as a more general effort to fulfill this policing role. For example, the state allows for the sale of fireworks. Some cities prohibit the sale of fireworks. HB 2447 says no more – all cities must allow for the sale of fireworks. The same goes for harmful chemicals. The state does not prohibit the sale or use of calcium chloride in tractor tires. Some cities and counties across the country do. HB 2447 says we must allow the sale of this chemical that can be harmful to people and contaminate soil if not properly monitored. The state does impose some limitations on the possession of exotic animals, but does not address the sale of primates, alligators, crocodiles, or giraffes. Under this legislation, there is nothing a city can do to prohibit the sale of these animals.

All this and more will be allowed if HB 2447 moves forward. In 12 lines, HB 2447 guts local control, severely limiting city police power. We should not return to a pre-home rule Kansas where cities have to come to the legislature and ask permission to address a problem in their community. This bill will do exactly that.

The League and our member cities oppose this effort to hamstring local control of municipal governments. We ask that the Committee not recommend HB 2447 favorably.