



KANSAS
ASSOCIATION OF
COUNTIES

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Senate Local Government Committee
February 16, 2021
SCR 1606

Kansas Association of Counties
Proponent Testimony

Chairwoman McGinn and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer testimony in support of SCR 1606, which would grant constitutional protection for county home rule authority.

Home rule is an important to KAC and its member counties. Home rule is limited autonomy of self government authority for local governmental units. Cities in Kansas have enjoyed constitutionally protected home rule since 1961. While counties in Kansas have home rule authority, it is statutory authority only.

County home rule is self-executing in the same manner as city home rule. Counties do not need to adopt any special resolution or charter to have home rule authority. The power is there for all 105 counties to use. The major difference is that county home rule can change at any given time during the legislative session because it is statutory and therefore subject to legislative change. This introduces a level of uncertainty for counties, and the residents and businesses that make up those communities.

It is important to remember that without home rule, counties would have to come to the legislature for every issue of local importance. This is incredibly inefficient for both counties and the legislature, as it slows down the legislative process here, and is often too slow to react to be beneficial to local communities in our 105 counties. Home rule is a necessary policy. Without it, the legislature would be overrun with local issues, rather than matters of statewide concern. The necessity of home rule as a policy argues strongly in favor of that policy being enshrined in the Kansas constitution.

Let us also remember that home rule, whether constitutional or statutory, is not absolute. Any statute that is uniform is not subject to home rule authority. This means that statutes that apply equally across all 105 counties cannot be chartered out of. They are binding upon all counties. When necessary, the state has established rules for matters of statewide concern. In those instances, legislative authority would override county home rule whether constitutional or statutory.

It has been recognized, particularly recently, that one size does not fit all here in Kansas. There are certainly some areas where a uniform policy is necessary, and those are the matters that the legislature should focus their efforts on. Local matters, however, often get lost in the legislative process, as lawmakers from across the state find it difficult to focus attention on issues that may only affect one county, or even one small portion of a county.

Remember, also, that the decision of this Senate committee does not grant constitutional protection for county home rule authority immediately. Because this is a constitutional amendment, it requires a two thirds majority in both the Senate and House, as well as a majority vote in a popular vote. Even if the legislature were to grant constitutional protections unanimously, counties would still need to make their case to their constituents across the state before county home rule enjoyed constitutional protection.

Thank you for the opportunity to provide this information to the committee. KAC stands ready to answer questions at the appropriate time.

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