

## LEGISLATIVE UPDATES (amended)

Friday, February 17, 2023

**Highlighted are important dates and areas where testimony/contacting committees is needed.**

**TESTIMONY NEEDED: Government Competition:** [SB 252](#) would provide property tax exemptions for business property that could be determined to be in competition with property owned or operated by a government entity. The League opposes and it is a legislative priority to ensure local governments continue to retain local control over the services they provide to residents and businesses. The bill would have a significant negative economic impact on cities. A hearing will be held Tuesday, February 21 in the Senate Committee on Taxation. Committee information is [here](#). Testimony can be submitted to [john.gauntt@senate.ks.gov](mailto:john.gauntt@senate.ks.gov) but must be turned in NO LATER than 9 a.m. Monday, February 20.

**Container & Product Ban Pre-emption:** [SB 47](#), prohibiting municipalities from passing regulations on containers, bags, straws and many consumer products failed to pass out of the Senate Commerce Committee. However, this legislation is likely to return, either in the Senate or in the House. This is a local control issue as outlined in Article 12, Section 5 of the Kansas Constitution, and these decisions should be left to local units of government. We thank the committee for understanding the importance of home rule and will continue to follow the legislation.

**CONTACT COMMITTEE MEMBERS: Restrictive Covenants:** [HB 2376](#) would prohibit the recording of any restrictive covenant that violate the Kansas act against discrimination and authorizes their removal. The League supports the intent of the bill, but only if Section 2 is removed. Section 2 denies cities the ability to establish their own non-discrimination ordinances. Section 2 is in clear violation of Constitutional Home Rule and is unnecessary to the remainder of HB 2376 which would be positive legislation. **Contact members of the House Local Government Committee and ask them to remove Section 2 from HB 2376. You can find their contact information [here](#).**

**Business Incubator:** [HB 2220](#) establishes a five-year property tax exemption for city, county and township property used for business incubator purposes. After the five-year period, the businesses would then begin paying property taxes. The League supports it as it assists with economic development and helps put properties back to use and contributes to property taxes. It sunsets in 2029.

**3-Mile Zone Repeal:** [HB 2150](#) would repeal city planning and zoning authority within the 3-mile area extending from city boundaries. The House Local Government Committee voted down the bill this week, however, there may be an effort to bring it back. The League opposes as there are unanswered questions about the impact this would have on current development and agreements between cities and counties.

**Vacant Property Registry Pre-emption:** [HB 2083](#) originally prohibited municipalities from enacting a vacant property registry. The bill was amended so that cities and counties

can create a registry, but cannot charge a fee. It was then passed out of the House Local Government Committee. This bill is in direct conflict with Constitutional Home Rule, and concerns raised by proponents can be resolved at the local level. Statewide pre-emption is unnecessary. The League presented opposes. Several member cities did work with the committee on the amendments, and we appreciated their effort and understand their need to amend the bill. The League still opposes the overall bill, even as amended.

**If you have any questions or comments on any of these issues, or others, contact Spencer Duncan, Government Affairs Director, at 785-354-9565 or [sduncan@lkm.org](mailto:sduncan@lkm.org)**

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### **Partisan Elections**

The [SB 210](#) hearing was rescheduled for this Monday morning in [Senate Federal and State Affairs](#). This bill would allow candidates in non-partisan elections to add their political party or political designation to their name on the ballot. The League is opposed to this provision because of the limiting effect it could have on the candidate pool. Federal law prohibits federal employees and active-duty military members from running for a partisan elected position. For the purposes of these laws, an election is considered partisan if any candidate lists a party affiliation. The bill would have the effect of preventing some people from running and would allow candidates to eliminate competition if they know the person they are running against is barred from holding partisan office. Anyone who submitted testimony for the hearing before it was rescheduled does not need to resubmit.

**If you have any questions or comments on any of these issues, contact John Goodyear, General Counsel, at 785-354-9565 or [jgoodyear@lkm.org](mailto:jgoodyear@lkm.org).**

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**Water:** [HB 2279](#) concerning Groundwater Management Districts (GMDs) which requires GMDs to submit annual reports to the legislature as well as submit conservation and stabilization plans to the Chief Engineer of the Division of Water passed out of the House Water Committee yesterday. [HB 2302](#) providing funding for water infrastructure projects and technical assistance passed out of the House Water Committee yesterday.

**Pensions:** [HB 2196](#) expanding the Kansas Deferred Retirement Option Program (DROP) Act to all members of the Kansas police and firemen's retirement system has a hearing and final action scheduled in the House Financial Institutions and Pensions Committee on Monday, February 20, 2023 at 9:00 am.

**If you have any questions or comments on any of these issues, contact Wendi Stark, Research Associate, at 785-354-9565 or [wstark@lkm.org](mailto:wstark@lkm.org).**