

Testimony in opposition to Property Tax Lid, supporting HB 2609 if not repealed

Personal testimony; not necessarily representing the view of any associated organization

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- Commercial Developer
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- Past-Chairman, NFIB Kansas; Current Leadership Council Member

Chairman Les Donovan and Honorable committee members:

"When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated." -- Thomas Jefferson

Core to the function of any governance level is the right, the responsibility, and the ergo the requirement to tax the citizenry in order to provide the services required of it. The underlying foundation of fiscal conservatism is to favor small government, low taxes, limited regulation, and free enterprise. The State no more appreciates the Federal government imposing unfunded mandates or other burdens and structure on the State than any local form of government appreciates the State imposing that structure on them. You need to look no further than the Medicaid debate in our State to see this argument at play. Unless the State should chose to assume the role and responsibilities of local forms of government, it is unreasonable that the State should impose the requirement for an election to raise such taxes on local government.

Returning to Jefferson, he warns that an uninformed electorate would destroy the freedoms of a republic: *"If a nation expects to be ignorant and free, it expects what never was and never will be."*

In December 2010, The World Public Opinion Organization, a project managed by the University of Maryland, surveyed American voters following the mid-term elections a month earlier¹. The report indicates how horribly misinformed the American electorate was when making their 2010 mid-term election decisions.

If the public is so misinformed of major, national issues, it should be apparent to this committee as to the clearly naive nature of the average citizen in understanding State and local issues that do not receive as much exposure in popular press. Our state has a history of rejecting governance by referendum and occasionally it is helpful to remember that our nation and state's chosen structure of government is not that of a pure democracy - but that of a republic - representative democracy.

¹ http://www.worldpublicopinion.org/pipa/pdf/dec10/Misinformation_Dec10_rpt.pdf

Our founding fathers chose - and we continue to support - the structure of government that We the People trust that it is better to elect a governing body to become fully conversant on the matters of governance and to make informed decisions on our behalf as we go about our daily lives which are not engrossed in the details of law. I might remind you that this is why you committee members are here today. You were trusted and elected by your constituents to become learned on the matters of State legislation and make decisions that are in the best interests of those you serve.

Should the legislature choose to dismiss this advice and not repeal, I can only implore the adoption of HB2609 as to not strangle the economic vitality of our State's growth in economic development, disaster, and other circumstances unforeseen by last year's legislation. Disarming our municipalities that are engaged in a national EcoDev arms race will cripple our ability to compete and force our State that encompasses less than 1% of our nation's population to rely only on organic growth.

I own the largest land brokerage company specializing in land for development in Kansas. I can directly testify that the adoption of last year's bill will cripple the growth of out of state companies moving to Kansas to grow and build their futures. The incentives available from the State as well as those managed largely by municipalities are imperative to the ability for developers and Kansas governing bodies to bring these businesses and their employment to the Sunflower State.

This may come across as a bit challenging, but what great wisdom and higher power do you believe the Kansas legislature has that is devoid of its appearance in our county and city governing bodies? Should not those elected officials have the right to govern and be judged by their constituents just like you will be? Imagine your reaction – your uproar – should the federal government pass a law limiting state's rights to tax and govern our own state. How is this different?

Small government, low taxes, limited regulation, and free enterprise. These are the principals which guide a fiscal conservative's view of government. Intervening in a lower branch of government's responsibilities is not small government but an oppressive burden which you would no more tolerate from the federal government than local and county elected officials should accept from the State.



Kevin Tubbesing, Certified Commercial Investment Member