

## PROPONENT HB2050

### Testimony Of Butch MacIntyre

RE: Amendments to Kansas legislature's House of Representatives Bill HB 2025 currently being considered (January 2025 session)

The language of the bill is verbose. For the working ruralist that I am, the intricacies of the proposed new law boil down for me as best as I can to this:

If left as originally proposed, we who live, work and manage our rural lands, (in geography outside of municipal jurisdictions) in Kansas are seriously disadvantaged by this legislation in its current form in the three following areas:

1. Stacking of the voting bodies of these "commissions"; "boards"; "administrators"; advisors etc., at the local level, is what the present language facilitates. And by stacking, I mean the unfair ratio of representation based upon the make up of these collectives of decision makers/planning managers and their supporters to where the city folks seated will always outnumber the rural folks in the representation function of these proposed bodies.
2. The way the present language reads to me as an average Joe Average inhabitant on rural lands in Kansas, I will have no access to any recourse with any of the decisions these "planning" bodies may impose if I object to something the plan, or the planner's methodologies may result in, to the detriment of my land use rights once this proposed version is signed into law, in the following way:
  - City folks often cannot or will not comprehend the pragmatic realities of how land use and changes to the conditions tied to those usages, can negatively effect the acres that make up my inheritance.

And, it is very similar the other way around.

- The way municipalities manage and administrate the lands and real estate plots within town limits, often arrange their use using methods and reasoning that to me, pose mysteries that I will hardly ever understand or hope to solve.

So, my testimony here is, the proposed line outs amending HB 2025 appear to make a good alternate Bill. My intent in asking your support to vote for these changes is to preserve my right to equal protection under the law, and to prevent the potential unfair ratio of representation in/on any of these amalgamated city/county planning bodies this legislation deal with.

3. Further, I hereby testify that any exercise of public; public/private authority such unelected planning bodies that may effect or trespass upon my rights to manage the

acres of private property I hold within the borders of Kansas, appear to be 100% unelected, leaving me as a holder of lands without any remedies should all the future benefits touted by proponents of this bill ever end up causing any resulting harms and losses.

Quite simply, the reasonable expectation is that private property rights are always superior and paramount over any inferior administrative collective proposals involving and affecting rural lands where in effect, municipal-oriented actors are structurally designed in the primary model of the proposed “*planning bodies*” to hold a perpetual numerically superior vote count advantage city over rural in perpetuity.

Further, we who live and deal with governmental administrative bodies well-know that once potentially irreversible changes in land use, infrastructure installations and other drastic rural acre modifications are implemented, it is impossible and impractical to ever repair or return good farmland to its original state of productivity and environmental capacity to serve as a livable geography again.

I see this primarily as model that is eternally weighted against the ruralist population. Once the ‘commission’ or whatever the body may be styled, is set in motion, ruralist Kansans will never prevail upon the municipal entities in such cases to pay for the actual fair market value to return the affected lands, waterways, ponds and man-made infra-structures to return those acres to the status quo ante. And many examples abound where attempts were made to return lands to the conditions originally in place before the “planned” modifications were proposed and implemented became (metaphorically) train wrecks.

I hereby testify I am claiming the published laws in Kansas are well-settled by jurisprudence and custom. Taxation with such watered-down (non-existent) representation is disfavored by our constitutions and prohibited by our long established customs.

Thus, I am claiming that ignoring equal protection mandates in whatever circumstance predicated on whatever reasoning is prohibited.

Further I am claiming that private property rights are first in preeminence over any other competing interests—viz: the Supreme Court for the United States has declared:

“Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them.”

For the reasons set out in this my testimony, I urge this body to approve the amendments proposed to the current version of HB 2025.

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(autographed) Butch MacIntyre

This Twenty Eighth Day, First Month, of 2025