



Testimony to House Committee on Commerce, Labor & Economic Development  
HB 2185 Allowing Local Government to Discriminate over Wages & Benefits  
February 7, 2017  
Dave Trabert, President

Chairman Mason and Members of the Committee,

We appreciate this opportunity to testify in opposition to HB 2185, which would allow local government to regulate pay and benefits for private businesses. This bill would also allow local government to discriminate against certain private businesses on the same criteria in the awarding of contracts, which would result in higher costs and taxes for citizens.

According to the Fiscal Note, "Under current law, no city, county or local government can enact or administer any ordinance, resolution or law that requires an employer provide leave from work, compensation for leave, compensation at a rate higher than the minimum wage or any benefit other than those required by state or federal law. Also, under current law, no city, county or local government can discriminate against, favor, prefer or base any ordinance, law, policy, economic development program, agreement, grant or incentive on the same criteria. HB 2185 would remove these restrictions."

The bill's author(s) call this restoring local control but local government has no right whatsoever to tell private employers how much to pay their employees or what benefits to provide. Article 2, Section 21 Delegation of powers of local legislation and administration of the Kansas Constitution says, "The legislature may confer powers of local legislation and administration upon political subdivisions." Simply put, the Kansas Constitution doesn't confer any special authority on cities and counties; even their very existence must be provided by the Legislature.

This isn't about restoring local control. Cities and counties are asking the Legislature to allow them to discriminate against certain local businesses so they can justify granting contracts to higher-cost favored contractors, which will result in citizens paying higher taxes.

We oppose this egregious interference in private business and encourage the Legislature to tell cities, counties and other units of local government that they should honor their fiduciary responsibility to citizens and not discriminate against more efficient private contractors.