

**City Hall**  
**8500 Santa Fe Drive**  
**Overland Park, Kansas 66212**  
**[www.opkansas.org](http://www.opkansas.org)**

Date: March 6, 2018  
To: Chairwoman Lynn and the Senate Committee on Commerce  
From: Mayor Carl Gerlach, City of Overland Park  
Re: Written Testimony in Opposition to SB 432

Thank you for allowing me to submit testimony on behalf of the City of Overland Park. The City supports efforts to increase accountability for economic development projects. However, the City opposes SB 432 because it would add unnecessary bureaucracy to the STAR bond application process and may permit confidential City records to be disclosed.

The City believes the creation of a STAR bond underwriting commission may slow down or end potentially beneficial projects. The new commission is only required to meet once per year to elect a chairperson and may not meet more than 21 days per year. If the commission is not supportive of STAR bonds, they could choose not to meet at all, effectively ending use of this economic development tool. Even if that doesn't occur, the commission is required to consider large amount of information under SB 432, likely making it difficult to for them to review all of the projects and amendments to projects submitted to them within 21 days each year. This could cause some projects to not be reviewed. The City is confident in the Department of Commerce's ability to continue to efficiently and responsibly review projects.

The new commission could also disclose the City's confidential information. Section 1(c) permits the new commission to request any information it wants from the City, and failure to do so can be grounds to deny the project. If the commission requested a confidential City document protected from disclosure (e.g. attorney-client privileged), and the City didn't want its withholding of the document to kill the project, the City would have to turn over the confidential document. The commission is presumably subject to the Kansas Open Records Act, so once they received the document, they could choose or be required to disclose the document to anyone who requested it.

Thank you for allowing the City to testify on SB 432. We respectfully request that the Committee not advance this legislation to the full Senate for approval.