

City Hall
8500 Santa Fe Drive
Overland Park, Kansas 66212
www.opkansas.org

Date: January 26, 2021
To: Chairman Thompson & the Senate Committee on Utilities
From: City of Overland Park
Re: Written Testimony in Opposition to SB 24

Thank you for allowing the City of Overland Park to submit testimony in opposition to SB 24, an act concerning preemption of energy use regulations. The City of Overland Park opposes further limits to home rule authority and we support the full control and authority over those matters which are granted to municipalities by the Kansas Constitution as approved by voters in 1960.

The City supports Constitutional home rule authority of Kansas cities, which provides, in part, "...cities are hereby empowered to determine their own local affairs and government...." Thus, self-governance, and local control, is the rule established by our state's constitution.

Our Mayor and Council are fully capable to handle local issues and problems such as is proposed in SB 24. They are the government closest to our residents and businesses, and are best prepared to assess, evaluate, regulate and set public policy that they believe is in the best interest of the community. SB 24 would limit that authority and the ability of our Governing Body to be responsive to their constituents' interests and desires.

If the Committee does decide to advance SB 24, the City respectfully requests that this legislation be amended so it does not limit a city's ability to control energy usage for its own facilities or to encourage renewable energy usage through voluntary incentive agreements. Similar exceptions exist in K.S.A. 12-16,120, which preempts municipal regulation of rental rates of private property.

Thank you for allowing the City to submit testimony on this legislation. We respectfully request that the Committee not advance SB 24 to the full Senate, or that the legislation be amended so it doesn't impact the City's regulation of its own facilities or voluntary incentive agreements.