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HB 2376 Opponent Written Only Testimony

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House Committee on Local Government
Wednesday, February 15, 2023 - 281-N

Committee Chair and Members of the Committee,

My name is Aileen Berquist, and I am the Policy Director for the ACLU of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the civil rights and liberties of every person in our state. Thank you for the opportunity to present testimony today.

The ACLU of Kansas opposes HB 2376 based on New Section 2 which reads:

New Sec. 2. (a) No city or county shall adopt or enforce any ordinance, resolution or regulation related to discrimination on the basis of race, religion, color, sex, disability, national origin or ancestry that is more restrictive than the provisions of the Kansas act against discrimination, K.S.A. 44-1001 et seq., and amendments thereto, or any other provisions of law related to such discrimination.

There is always tension between the statehouse and local government, just as there is tension between the federal government and the states. That tension is a natural outgrowth of a federalist government and the importance we place on local control over local issues. But when that tension becomes overreach, we must push back. City government and elected officials are much better positioned than the state legislature to decide which ordinances, resolutions, or regulations are a good fit for their communities. The state of Kansas should respect the ability of local officials to make local decisions and not pass laws to restrict local control.

Additionally, this bill could be interpreted to invalidate local nondiscrimination ordinances which are, by necessity, more restrictive than state law. Our state statutes do not provide adequate protection for LGBTQ+ community members who are discriminated against. Because of this, 19 cities have passed nondiscrimination ordinances that protect LGBTQ+ individuals from discrimination in employment, housing, and public accommodations. These municipalities and their duly elected leaders are currently well within their rights to pass these NDOs. This bill would take that legal right away.

We see bills introduced every year that attempt to preempt local control. It is our hope that, in a committee focused specifically on local government, you will not vote this bill out of committee without removing this provision.