



Testimony of the Kansas Association of Counties
to the House Committee on Federal & State Affairs
Proponent for HCR 5004
January 31, 2017

Mr. Chairman and Members of the Committee:

Thank you for the opportunity speak in support of HCR 5004, a proposal to extend constitutional home rule to Kansas counties. As discussed in my testimony on January 12, 2017, Kansas voters granted cities constitutional home rule in 1966.¹ In 1974, the Legislature granted counties home rule authority. Regardless of whether the law extends from the Kansas Constitution or a Kansas statute, counties and cities derive their power from the state.² The concept of home rule merely means that the state has delegated power to its sub-units to address matters of local concern. This constitutional proposal provides a more robust concept of home rule to the counties, but—like the cities—we still remain subject to the State of Kansas. KAC and its member counties support HCR 5004 and ask this committee to do the same.

Constitutional versus Statutory Home Rule

Under K.S.A. 19-101a, the state gave counties the authority to “transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations...”³ The original list of limitations has grown to 39 situations in which counties cannot use their home-rule authority.⁴ This shrinks the marketplace of ideas and limits a county’s ability to creatively answer the needs and demands of the community. The amendment in HCR 5004 would reset the restrictions so local leaders can respond to the unique needs in their communities.

There are many challenges facing local governments, and we have an increasing need for counties and cities to collaborate to better serve the citizenry. By enacting constitutional home rule, counties can join cities as better problem solvers to improve local government in Kansas. KAC asks this committee to join our counties and support HCR 5004.

Respectfully,

Nathan Eberline
Kansas Association of Counties

¹ Kan. Const. Art. 12, § 5.

² See John Forrest Dillon, *Treatise on the Law of Municipal Corporations* (1872) (noting that all municipalities derive their power from the state).

³ K.S.A. 19-101a (1974).

⁴ K.S.A. 19-101a.