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Overland Park, Kansas 66212
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Date: February 12, 2024
To: Chairman Thompson and the Senate Committee on Federal and State Affairs
From: City of Overland Park
Re: SB 373 – Opposition (Written)

Thank you for allowing the City of Overland Park to submit testimony in opposition to SB 373. SB 373 is incredibly over-reaching and eliminates the ability of municipalities, professional and trade organizations, public educational institutions, local chambers of commerce, and any other organization which receives public funding through contributions or memberships to advocate as part of the democratic process.

Lobbying serves a vital role in our republican form of government and is one of the core activities protected by the First Amendment. Lobbying allows our City to assist legislators by conveying timely and accurate information about constituent positions and concerns on various issues. The City has lobbied for important federal legislation that has helped expand US-69 highway and fund other critically important infrastructure projects. SB 373 would remove the ability of the City to advocate for projects that improve our state and would decrease the quality of life of our residents.

The proposed legislation goes a step further by criminalizing simple communication between city officials and legislators on public policy matters. Dialogue and discourse in the legislative process has been a cornerstone of the democratic process in America since its inception. It is a fundamental issue in our City's legislative agenda to protect the right of our community to advocate on its behalf and to participate in the State legislative process. SB 373 as written clearly denies the City the right to do so.

However, the bill also goes far beyond lobbying and restricts the payment of membership dues to an association that is engaged in lobbying the state. This would prohibit the City from maintaining its membership not only in the League of Kansas Municipalities and similar organizations, but would extend far beyond such groups. The City has contracts for services, memberships and grant agreements with a number of outside agencies such as the Overland Park Chamber of Commerce, the Kansas Bar Association, the FBI National Academy Association, and the National Association of Addiction Professionals, not to mention numerous contracts with private vendors for goods and services. Although none of the public funds that go to these agencies are directly used for lobbying or association membership dues, the term "indirectly" in the legislation casts doubt on whether payments may be made to these organizations. To ensure compliance with the law, any entity paid with public funds for services rendered would likely have to refrain from expressing opinions to the legislature. If they refused to do so, the City would likely have to cut ties with these important organizations and lose those services that help make our City one of the premier municipalities in the nation.

Finally, this bill is completely unnecessary because K.S.A. 46-295 and the Kansas Open Records Act already provide transparency regarding how municipalities use public funds for lobbying. If a majority of our residents wanted to prohibit the City from engaging in such activities (and they don't), they could simply make that decision through their democratically-elected City Council members.

Thank you for allowing the City to submit testimony in opposition to SB 373. We respectfully request that the Committee not advance this legislation to the full Senate.

Michael Koss