

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

Date: March 11, 2020
To: Chairwoman Lynn & the Senate Committee on Commerce
From: City of Overland Park
Re: Written Testimony in Opposition to SB 435

Thank you for allowing the City of Overland Park to submit testimony in opposition to SB 435, an act concerning personal package delivery devices. 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.

Municipalities have an interest in being able to control their rights-of-way to ensure against obstructions and encroachments in their daily use and to ensure the rights-of-way are used in a manner which does not threaten the safety or welfare of the traveling public. SB 435 pre-empts a municipality's ability to regulate its right-of-way, specifically use of sidewalks, cross-walks and public highways, by personal delivery devices or regulation of the personal delivery devices themselves which would be operating on the public rights-of-way.

Our Mayor and Council are fully authorized to handle local issues and problems such as is proposed in SB 435. They are the government closest to our residents and businesses, and are best prepared to assess, evaluate, regulate and set public policy as they believe is in the best interest of the community. SB 435 would limit that authority and the ability of our Governing Body to be responsive to their constituents' interests and desires.

Thank you for allowing the City to testify on this legislation. We respectfully request that the Committee not advance SB 435 to the full Senate.