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Senate Federal and State Affairs Committee
Hearing on SB 400
March 6, 2012

Chairman and Members of the Committee:

Thank you for this opportunity to testify on SB 400 today.

The City of Lawrence asked me to introduce this bill, and I am pleased that a representative from the City and also a member of an affected neighborhood are here today to share their concerns with you.

I served as a member of the Lawrence City Commission from 1979 to 1983, and came to appreciate the significant degree to which home rule is allowed in Kansas. When there is not a compelling interest on the part of the state, then our counties and municipalities are given the freedom to enact ordinances to address their concerns.

The current City Commission has shared their interest in changing K.S.A. 12-16,123 to make it easier for the city to enforce the ordinances they have enacted that limit the number of unrelated individuals who can lawfully occupy a dwelling. I introduced specific language for the bill that was prepared by the attorneys for the City of Lawrence. I believe that their intent was to suggest a change with a very narrow scope so that the change at this time would only affect the City of Lawrence.

I appear before you today in support of this bill because I am not aware of any compelling interest on the part of the state to prohibit the ability of municipalities to request names of tenants from a landlord. In fact, the exceptions noted in the statute (the case of a municipality having issued a citation for a violation of an ordinance or resolution adopted to protect the public health, safety, or welfare as well as information necessary to comply with the Kansas offender registration act) identify good reasons for a municipality to be able to request these names. In addition, the state itself issues forms asking landlords to provide names of tenants in mobile home parks to comply with the requirements to furnish information to the county appraisers.

I do appreciate your consideration of this change to help the City of Lawrence enforce its ordinances. If you agree that this is an appropriate change to make for Lawrence, then I hope you would also consider simply repealing the existing statute altogether and eliminating the restriction on all municipalities in the state.

marci francisco

Sn Fed & State
Attachment 1

3-6-12