

CITY OF SHAWNEE

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SENATE FEDERAL AND STATE AFFAIRS COMMITTEE HEARING ON SB 76

Written Testimony in Opposition of SB 76 on Behalf of the City of Shawnee

By Nolan Sunderman, Assistant City Manager
January 31, 2017

Honorable Chair and members of the Senate Federal and State Affairs Committee:

Upon initial review of this legislation, the City of Shawnee has several concerns that include local control and the life safety of our local residents.

First, the existing bill directly impacts local control. The City of Shawnee's Governing Body specifically adopted a position on their 2017 legislative program supporting protection of local control and Home Rule authority. The bill essentially strips local governments' rights to regulate businesses within the community.

Second, the licensing process ensures that businesses are located in appropriately zoned areas; that employees received proper training in their profession and, in some instances, ensures they do not have criminal backgrounds; and that businesses are operating safely in accordance with the City's building and fire codes. License fees cover the cost of inspections and background checks. Limiting the fees would prohibit the City's ability to ensure our businesses are operating safely, which could pose a severe risk to our citizens.

Third, the proposed waiver system would require additional time and resources at the local level to verify income levels or military service by the applicant/spouse. The proposed language allowing a business to license with one political authority in the state and then receive a waiver from all other cities creates a cumbersome process and would be virtually impossible to implement. It also creates a confusing environment for potential businesses.

Finally, it is unclear how this proposed legislation would impact the City's ability to license businesses that sell and/or serve cereal malt beverages (CMB) and alcoholic liquor. Businesses are required to obtain a City license to sell/serve CMB and the state authorizes the City to collect licensing fees for other alcohol-related licenses. This proposed language creates inconsistencies between the various statutes that authorize cities to issue licenses and collect fees.

The intent of the occupational license is to protect the public's health, safety, and welfare. Removing this tool and prohibiting cities from recouping administrative expenses will make Kansas citizens less safe and our communities less appealing to live in. For these reasons, the City of Shawnee opposes SB 76 and asks you to allow these decisions to remain at the local level.

Thank you for your time and consideration.

