

HOUSE BILL No. 2127

By Committee on Federal and State Affairs

1-28

1 AN ACT concerning municipalities; authorization to demand
2 coordination of federal and state governments with local laws and
3 regulations.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) If a municipality has an ordinance, resolution,
7 regulation, plan or policy that is less restrictive than a federal or state
8 regulation, rule, plan or policy, the municipality shall demand by any
9 lawful means that the federal or state government coordinate with the
10 municipality before the federal or state government implements, enforces,
11 expands or extends the federal or state regulation, rule, plan or policy
12 within the municipality's jurisdictional boundaries. This subsection is
13 mandatory unless the municipality's governing body specifically votes to
14 not demand coordination.

15 (b) If the federal or state government fails to coordinate in good faith
16 with the municipality, the governing body of the municipality shall hold a
17 public hearing on this issue and, after such hearing, vote on the issue of
18 whether to authorize litigation to enforce the municipality's coordination
19 rights.

20 (c) If a person who resides or does business in this state serves each
21 member of the municipality's governing body with a written demand that
22 the municipality comply with this section and, within 60 days after such
23 service, the governing body has failed to comply with this section then
24 that person who has been injured by such inaction may submit a written
25 demand to the governing body for a response. The written demand must
26 specify the municipality's ordinance, resolution, regulation, plan or policy
27 with which the federal or state government failed to coordinate. Within 30
28 days after receiving the written demand for a response, the governing
29 body of the municipality shall hold a public hearing to present
30 information on its decision not to demand coordination.

31 (d) For the purposes of this section:

32 (1) "Coordinate" means the action necessary to achieve
33 coordination.

34 (2) "Coordination" means the process by which the federal or state
35 government seeks in good faith to reach consistency between a federal or
36 state regulation, rule, plan or policy and a municipality ordinance,

1 resolution, regulation, plan or policy that is less restrictive than the
2 federal or state regulation, rule, plan or policy.

3 (3) "Less restrictive" means a municipality's ordinance, resolution,
4 regulation, plan or policy imposes or would impose less of a burden on
5 the exercise of rights, privileges or immunities enjoyed by individuals,
6 organizations and businesses within the municipality's jurisdictional
7 boundaries.

8 (4) Municipality" means any city, county, drainage district,
9 groundwater management district, water district and watershed district.

10 Sec. 2. This act shall take effect and be in force from and after its
11 publication in the statute book.