

TESTIMONY IN OPPOSITION TO HB 2249

From: Steve Hirsch

On behalf of the Kansas State Firefighters Association

Senate Ethics, Elections and Local Government

March 19, 2013

Mr. Chairman and Members of the Committee:

I am Secretary of the Kansas State Firefighters Association. Our Association was founded in 1887 and represents approximately 16,000 firefighters, both paid and volunteer, from border to border in the State of Kansas.

On behalf of the KSFFA, I am respectfully submitting testimony in opposition to HB2249. I want to be clear that the KSFFA is opposed not to the entire bill, but just the amendment added by the Committee of The Whole (Section 2). We support the underlying bill.

The current law (KSA 19-3631) provides a mechanism for alteration of fire district boundaries by allowing detachment of territory from a fire district. Under existing law those that want their property out of the fire district can file a petition with the fire district governing body. That petition must have the signatures of not less than 51% of the qualified electors of the area sought to be excluded. If the governing body chooses to not exclude the territory, that is where the process stops.

The proposed HB 2249 (section 2) provides that if the governing body of the fire district does not approve of the detachment, then the Board of County Commissioners is required to call an election to be held in the area sought to be detached.

We certainly always support the right of the people to determine their own destiny, but keep in mind the practical consequences of what this measure would do. Let's assume that John Doe wants to take his house and his 4 sections of ground out of the fire district. Let's also assume that John is a bachelor and is the only qualified elector in the area sought to be excluded. John petitions the fire board to get his territory out of the fire district – if for no other reason than he just wants to pay less taxes. The fire board denies his request. HB 2249 would require an election to be held in the area sought to be excluded. John is the only voter in the area sought to be excluded. I would guess he would vote in favor of the measure and his territory would be gone from the district.

The measure doesn't even require that the territory sought to be excluded would be on the fringes of the district. You could conceivably request removal or detachment of every piece of land where no qualified elector lives and pass a ballot measure with very few or perhaps even a single vote. Fire district equipment is very expensive. Often purchases are made on a plan of spending over a multi year time period. Fire districts would no longer be able to have any assurance what their property tax

base would be. The end result would be the potential of a huge increase in tax upon the people remaining in the fire district. These decisions are ones best left to local boards of county commissioners rather than changing a law that has been in place for many, many years.

I want you to also consider that when the fire call comes in from Mr. Doe's residence or about an incident on his land that no longer is in the fire district, will the fire department respond? In the eastern part of the United States where subscription fire departments exist, it is not uncommon for fire departments to not attempt fire suppression in areas where the subscription fees are unpaid. Is this good public policy? Our association and the firefighters of Kansas think not. Isn't fire protection such a basic public service that we should be very, very careful about fixing what isn't broken? We would urge you to remove section 2 of HB 2249.

Steve Hirsch

Secretary, Kansas State Firefighters Association

Steve Hirsch was elected secretary of the Kansas State Firefighters Association in 2000. He is the Training Officer for Sheridan County Fire Department, has served as County Attorney in Decatur County since 1989, is Assistant County Attorney in Logan County and also has been appointed as city attorney for the Cities of Oberlin, Oakley, Jennings, Norcatur, Clayton, Dresden, Selden, Rexford, Grinnell, Grainfield, and Simpson which are located in Norton, Decatur, Logan, Sheridan, Thomas, Gove and Mitchell Counties.