
SENATE COMMITTEE ON LOCAL GOVERNMENT

COMMITTEE MEETINGS

The Senate Local Government Committee met for four days, two each in August and in October. One day of each two-day meeting was used as a joint meeting with the House Local Government Committee.

COMMITTEE ACTIVITIES

The Committee reviewed two topics: state mandates on local governments and the duties and functions of special district governments and their accountability to taxpayers. The latter topic was studied jointly with the House Local Government Committee.

State Mandates

The Senate Committee heard from representatives of the League of Kansas Municipalities, the Kansas Association of Counties, the Advisory Commission on Intergovernmental Relations, the Division of Budget, Johnson and Rice counties, and Salina and Oberlin. The conferees representing local units of government emphasized the costs incurred by local governments in complying with the increased number of mandates from both the state and federal government. It was pointed out that the more mandates that are imposed the less funds there are available to spend for needs which are determined at the local level. Mandates represent a narrowing of the ability to decide issues locally. Examples of recent mandates include: community based treatment for the mentally ill; community corrections programs; dog pound construction standards; bloodborne pathogen control; a host of environment mandates in regard to clean air and clean water; the new motor voter legislation; and the proposed health care reform. It was also pointed out that local governments have controls on their taxing powers, *e.g.*, the tax lid.

Recommendations included the passage of a constitutional amendment to excuse local governments from compliance with state mandates where funding sources are not provided; in-depth studies of legislation containing mandates on local governments before passage; the recreation of a state advisory commission on intergovernmental relations; legislation to exempt local governments from the tax lid to permit funding of mandates; and legislation to require by statute that the Division of Budget consult with local governments before preparing fiscal notes on legislation affecting local governments.

Special District Governments

The House and Senate Local Government committees met jointly to study the organization, powers, duties, and accountability of special district governments. The committees heard from representatives of the League of Kansas Municipalities, the Advisory Commission on Intergovernmental Relations, Kansas Inc., the Municipal Accounting Section of the Division of Accounts and Reports, fire districts, rural water districts, the Kansas Rural Water Association, the Kansas Groundwater Management District Association, the Kansas State Library, the Kansas Recreation and Park Association, and a library district. Others who testified included a professor of public policy at Penn State University (by speaker phone) a professor from Wichita State University, and the Director of the Colorado Special District Association (by speaker phone).

The testimony of most of the conferees was geared to inform the duties, and functions of the special districts which they represented and to describe how special districts were accountable to taxpayers. A number of general recommendations

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Attachment 15

specific changes to particular laws. General recommendations included: that special districts should be required to report certain basic information annually to a state agency much like private corporations are required to report annually to the Secretary of State; that counties be given more flexibility in forming special districts; that county governments be given more authority to consolidate services and to reorganize special districts; and that a general law be enacted for the formation, consolidation, and dissolution of special districts. Some of the more specific recommendations made included: to extend the cash basis and budget laws to all special districts or to those which have taxes levied on their behalf by another governmental entity; to make library boards and districts independent taxing districts or to clarify that local governments creating library entities could limit library entity taxing power; to permit a city to require territory within its boundaries which is a part of a drainage district to be de-annexed from the district; to allow rural water districts to annex lands across county lines; to permit all fire districts to consolidate (now only some may consolidate); and to permit county commissions to have more control over rural water districts and to permit the creation of a county manager for rural water districts within the county.

CONCLUSIONS AND RECOMMENDATIONS

State Mandates. The Committee concluded that the best approach to deal with the issues of state mandates and relief for local governments was through the passage of legislation rather than by amendment of the *Kansas Constitution*. The Committee believes a statutory approach is the most expedient and the most likely avenue that would be acceptable to the Legislature. The Committee therefore endorses legislation to exempt local governments from the tax lid for taxes raised to meet state mandates and to provide that any law which mandates expenditures on local governments and which contains civil or criminal penalties for failure to comply shall only be binding if the Legislature makes a finding that compliance without full funding serves a compelling state interest.

The Committee further recommends a bill which amends the law dealing with the preparation of fiscal notes and the adoption of rules and regulations by state agencies to require that consultation be made with the League of Kansas Municipalities, the Kansas Association of Counties, and the Kansas Association of School Boards when preparing the cost impact on local governments of the proposed law or rule or regulation.

Special District Governments. The Senate Local Government Committee deferred to the House Local Government Committee in regard to specific recommendations on the topic of special district governments.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

COMMITTEE MEETINGS*

The House Local Government Committee met for four days, two each in August and in October. One day of each two-day meeting was used as a joint meeting with the Senate Local Government Committee.

COMMITTEE ACTIVITIES

The Committee reviewed two topics: the training of persons who have to deal with hazardous materials released in the environment and the powers, duties, and functions of special district governments and their accountability to taxpayers. The latter topic was studied jointly with the Senate Local Government Committee.

Hazardous Materials Training

The Committee heard from representatives of the Division of Emergency Preparedness, the University of Kansas Firefighter Training Program, the Heartland Chapter of the Academy of Certified Hazardous Materials Managers, the Department of Health and Environment, the State Fire Marshal, the Emergency Medical Services Board, the Department of Human Resources, the Department of Transportation, the Kansas Corporation Commission, the Kansas Highway Patrol, the Kansas Firefighters Association, four city fire chiefs, and the Assistant Dean of Continuing Education at the University of Kansas.

The various representatives of state agencies, local fire departments, and the private sector indicated they had their own hazardous materials training programs some of which were compatible with some of the other programs and some of which were not. For example, the representative of the Division of Emergency Preparedness said his agency's training utilized OSHA regulation 29 CFR 1910.20 for a standard for awareness, operation, technician, specialist, and instant command training. He said training also recognized the standards used by the National Fire Protection Association for emergency medical service personnel. The Director of the University of Kansas Firefighter Training Program noted that his training program is in accordance with the National Fire Protection Association's standard certification program and has been accredited by the International Fire Service Accreditation Congress and the National Board of Professional Fire Service. Instructors trained by the Division of Emergency Preparedness would not necessarily be accepted by the KU program because of the difference in the standards although KU instructors apparently would be accepted by the Division. Several of the conferees supported the idea of one state agency setting standards for training of persons who respond to hazardous materials releases into the environment.

A bill draft was prepared for discussion purposes for the second meeting on this topic based on a California law. The bill would designate the Division of Emergency Preparedness as the agency responsible for hazardous curriculum training approval and instructor training approval. It would create by statute a 17-member curriculum development advisory committee within the Division of Emergency Preparedness. The Committee would have the responsibility for assisting the Division in developing course curricula, ensuring curricula is accredited by the Division, and defining equivalent training. The Division would be given the power to classify different levels of emergency response personnel, qualifications and training requirements of personnel and instructors and for their certification, and requirements for approval of classes.

* H.B. 2565 accompanies this report.

The concept of the bill was supported by the Division of Emergency Preparedness, the State Fire Marshal's Office, the Emergency Medical Services Board, and several city fire chiefs.

Special District Governments

The House and Senate Local Government committees met jointly to study the organization, powers, duties, and accountability of special district governments to the taxpayers. The Committee heard from representatives of the League of Kansas Municipalities, the Advisory Commission on Intergovernmental Relations, Kansas Inc., the Municipal Accounting Section of the Division of Accounts and Reports, fire districts, rural water districts, the Kansas Rural Water Association, the Kansas Groundwater Management District Association, the Kansas State Library, the Kansas Recreation and Park Association, and a library district. Others who testified included a professor of public policy at Penn State University (by speaker phone) a professor from Wichita State University, and the Director of the Colorado Special District Association (by speaker phone).

The testimony of most of the conferees was geared to inform the Committee about the powers, duties, and functions of the special districts which they represented and to describe the ways in which the special districts were accountable to taxpayers. A number of general recommendations were made as well as more specific changes to particular laws. General recommendations included that special districts should be required to report certain basic information annually to a state agency much like private corporations are required to report annually to the Secretary of State; that counties be given more flexibility in forming special districts; that county governments be given more authority to consolidate services and to reorganize special districts; and that a general law be enacted for the formation, consolidation, and dissolution of special districts. Some of the more specific recommendations included: to extend the cash basis and budget laws to all special districts or to those which have taxes levied on their behalf by another governmental entity; to make library districts or boards independent taxing districts or to give local governments creating them clear authority to limit their taxing power; to permit a city to require territory within its boundaries which is a part of a drainage district to be de-annexed from the district; to allow rural water districts to annex lands across county lines; to permit all fire districts to consolidate (now only some may consolidate); and to permit county commissions to have more control over rural water districts and to permit the creation of a county manager for rural water districts within the county.

CONCLUSIONS AND RECOMMENDATIONS

Hazardous Materials Training. The Committee concluded that a more coordinated approach to training of persons involved in hazardous materials mishaps was needed. The Committee therefore agreed to introduce that does the following:

1. It declares it necessary to establish a single, coordinated, and standardized hazardous materials incident response training and education plan for firefighters, law enforcement, emergency rescue, and environmental health personnel. Further, the bill declares it necessary to designate a single state agency to be responsible for the development of minimum standards for course content and subject matter training and education of hazardous materials incident response personnel.
2. The bill requires the Division of Emergency Preparedness within 18 months of the effective date of the legislation to establish and manage, subject to the approval of the State Emergency Response Commission, the program cited above.
3. The curriculum shall include first responder training; on-scene manager training and training for manager personnel; hazardous material specialist training; environmental monitoring; activities at ports; and hazardous materials management.

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4. A 17-member curriculum development advisory committee is created to be chaired by the head of the Division of Emergency Preparedness.
 5. The Division is given the authority to adopt rules and regulations to deal with: classification of personnel; qualification and training requirements of personnel and instructors and certification requirements of instructors; and various other matters.

Special District Governments. The Committee agreed to conduct a survey of recreation commissions in conjunction with the Kansas Recreation and Park Association and have the data tabulated for review during the 1994 Session.

The Committee concluded that all special districts that are supported by tax moneys should be brought under the cash basis law. The Committee therefore recommends the introduction of H.B. 2565 to accomplish this.

The Committee also agreed to pursue the drafting of legislation at the start of the 1994 Session to provide a means for all fire districts to consolidate. It was further agreed to continue to investigate the possibility of drafting legislation which would establish uniform procedures for the creation, consolidation, and dissolution of special districts.