RILEY COUNTY

COUNSELOR'S OFFICE

March 20, 2019

The Honorable Kent Thompson, Chairman
House Local Government Committee
Capitol Building, Room 281-N
Topeka, Kansas 66612

Re: HCR 5007—Testimony in Support

Dear Chairman Thompson and Members of the Committee:

A brief history of the proposed constitutional amendment HCR 5007 represents may help. Its predecessor was HCR 5004, introduced by my client during the 2017 session. Heard by House Federal and State Affairs January 31, 2017, the primary legal issue was apparent: Would legislative and voter passage of HCR 5004 eliminate the 38 statutory exceptions to county home rule listed within K.S.A. 19-101a(a)(1)-(38)? Committee members correctly understood HCR 5004, as written, would eliminate **only** those of the 38 listed exceptions which were "non-uniform." But all "uniform" listed exceptions to county home rule would remain in place if HCR 5004 became effective. HCR 5004 thereafter died in committee.

Present HCR 5007 is substantively identical to HCR 5004. And the above primary legal issue remains: Which of the 38 statutory exceptions to county home rule listed at K.S.A. 19-101a(a)(1)-(38) are "non-uniform" and which are "uniform"? Voter approval of HCR 5007, as written, repeals those exceptions which are "non-uniform" and leaves in place those which are "uniform."

Amendment of the constitution as proposed by HCR 5007 would not expand the local legislative authority of counties. All current and future legislation which is "uniform" (applicable to all counties) could not be amended. Neither could counties legally "charter out" from current or future "uniform" legislation. For example, the "tax lid" passed in 2015 is "uniform" legislation. So the "tax lid" would remain in place and be unaffected by HCR 5007.

Thank you for allowing me to speak in support of HCR 5007.

Sincerely,

Clancy Holeman
Riley County Counselor

cc: Board of Riley County Commissioners