

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Sharon Schwartz at 3:30 p.m. on January 26, 2010, in Room 144-S of the Capitol.

All members were present except:

Representative Michael Peterson - Absent

Representative Joe Siewert - Excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes

Kristen Kellems, Office of the Revisor of Statutes

Martha Dorsey, Kansas Legislative Research Department

Jill Shelley, Kansas Legislative Research Department

Carol Bertram, Committee Assistant

Conferees appearing before the Committee:

Steve Kearney, Kansas City Officials Association

State Senator Tim Owens, KACIR

Joan Wagon, KACIR Chairperson, Secretary of Revenue

Randall Allen, Executive Director of Kansas Association of Counties

Don Moler, Executive Director, LKM

Tom Wright, Chairman, Kansas Corporation Commission

John Arnold, KACIR Member

Allyn Locker, KACIR Member

Terry D. Holdren, Kansas Farm Bureau Governmental Relations

Cheri Remington, President Kansas County Officials Association

Susan M. Hobble, Registrar of Deeds of Kingman County

Linda Weber, Marshall County Treasurer

Marvin E. Smith, Citizen

Grey Dye, Private Citizen

Kenneth Daniel, Private Citizen

W. Paul Degener, Private Citizen

Ed Klumpp, Private Citizen

Others attending:

See attached list.

Chair Schwartz called the meeting to order, then opened the meeting to bill introductions.

The Chair recognized Steve Kearney, Kansas County Officials Association, who asked the Committee to introduce a bill regarding the number of times various public notices are published in newspapers. A motion was made by Representative Slattery to introduce this bill, seconded by Representative Otto. The motion carried.

There being no further bill introductions, Chair Schwartz opened the hearing on **SB 75 - Municipalities; consolidation and reorganization; political and taxing subdivisions.**

Chair Schwartz recognized Martha Dorsey, Legislative Research, to present the Committee with an overview of **SB 75**. She stated the bill would authorize the creation of local consolidation study commissions anywhere in the state to adopt a plan for city and county consolidation anywhere in the state. The bill also would authorize the consolidation of other political and taxing subdivisions.

Questions from the Committee followed.

Proponents

Chair Schwartz recognized Senator Tim Owens, vice-chair of the Kansas Advisory Committee on Intergovernmental Relations, KACIR, who presented testimony in favor of **SB 75**. (Attachment #1) He stated **SB 75** will allow the local communities to make their own assessments and decisions when it comes to consolidation of local units of government, whether they be counties, townships, cities, or water, fire or

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park districts. He went on to say Kansas needs to adjust the statutes to allow for local governments to have the flexibility to consolidate without having to go through the process of getting approval to consolidate from the State. He urged the Committee to support **SB 75**.

Questions from the Committee followed.

Joan Wagon, Chairperson of KACIR and Secretary of Revenue, appeared before the Committee in favor of **SB 75**. (Attachment #2) After giving background information on the issue of consolidation, she stressed the State needs to remove barriers to local consolidation and allow and encourage local governments to collaborate or consolidate – whichever best suits their needs.

Randall Allen, Executive Director of the Kansas Association of Counties, offered testimony in support of **SB 75**. (Attachment #3) He stated the bill provides a mechanism and public process for cities and counties to consider and then implement, if approved by voters, an alternative governmental structure without first seeking legislative approval. Mr. Allen went on to point out sections of the bill and noted their effects on local governments. He urged the Committee to recommend **SB 75** favorably for passage.

Don Moler, Executive Director, League of Kansas Municipalities, appeared before the Committee stating the League is fully supportive of **SB 75** and the provisions that require the proposal for reorganization to be placed before the voters of the local governmental units involved in the proposed reorganization. Any unit whose electors vote against the reorganization would not be included in such reorganization. (Attachment #4)

Tom Wright, Chairman of the Kansas Corporation Commission but appearing before the Committee as a private citizen, appeared in support of **SB 75**. (Attachment #5) He stated he supports the bill in principal because it is a good proposal and addresses the issues.

John E. Arnold, a public member of KACIR, appeared before the Committee in support of **SB 75**. (Attachment #6) He stated the bill provides guidance to those considering consolidation to address the issues that will arise.

Allyn O. Locker, a member of the KACIR, appeared before the Committee in support of **SB 75**. (Attachment #7) He stated **SB 75** allows residents in local regional communities throughout Kansas more freedom to choose whether to undertake consolidation and, if so, to choose the type of consolidation. He asked the Committee to vote to pass **SB 75**.

There being no further proponents to testify in person in support of **SB 75**, Chair Schwartz drew the Committee's attention to three written-only testimonies in support of **SB 75**, from J. Kent Eckles, Vice President of Government Affairs, the Kansas Chamber (Attachment #8); Daron Hall, City Administrator for the City of Ulysses (Attachment #9); and Madison Traster, County Commissioner in Grant County (Attachment # 10).

Chair Schwartz then opened the floor to any questions the Committee might have of the above-mentioned proponents. Questions and discussion followed.

The Chair then called upon Terry D. Holdren, Kansas Farm Bureau Governmental Relations, to testify as neutral in **SB 75**. (Attachment #11) He stated this bill represents a significant step toward a workable framework for the basis of city–county consolidation. It removes the requirement for legislative approval and establishes a mechanism for a study commission and procedure for approval of a consolidation plan.

Opponents

Chair Schwartz recognized Cheri Remington, President, Kansas County Officials Association, and Gove County Treasurer, who presented testimony as an opponent to **SB 75**. (Attachment # 12) The County Officials believe that the citizens of a county should have the right to vote to eliminate their elected officials, that decision should not be left to an appointed consolidation committee.

Susan M. Hobble, Registrar of Deeds of Kingman County, presented testimony on behalf of the Kansas Register of Deeds Association in opposition to **SB 75**. She states her association believes dual majority is

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necessary in order to ensure that rural areas are equally represented. As the bill is currently written, the decision is left to an appointed commission. (Attachment #13) A question by Representative Mah followed.

Linda Weber, Marshall County Treasurer, presented testimony on behalf of the Kansas County Treasurers Association in opposition to **SB 75**. (Attachment #14) She stated a simple majority vote is neither fair nor appropriate in consolidation elections because it greatly affects both the rural residents of the county and the residents of each of the cities within the county. She asked the Committee to consider that a requirement for a dual majority vote as the only way to accomplish fairness in a uniform manner for all counties and cities in an election concerning the consolidation process. Questions by Representatives Mah and Garcia followed.

Marvin E. Smith, private citizen, appeared in opposition to **SB 75**. (Attachment #15) He stated many in unincorporated areas believe they should have the same vote consideration as those in each city in consolidation proposals.

The Chair recognized Greg Dye, private citizen, who testified in opposition to **SB 75**. (Attachment #16) During his testimony he referred to constitutional issues within the bill and submitted two documents for the Committee's information. (Attachment #16-A and Attachment #16-B) He requested the Committee not pass this legislation.

Kenneth Daniel, private citizen, presented testimony in opposition to **SB 75**. (Attachment #17) He raised issues including possible tax burden shift and the need for a dual majority vote. He encouraged the Committee to defeat the bill.

W. Paul Degener, private citizen, presented testimony in opposition to **SB 75**. (Attachment #18) While giving his testimony he encouraged the Committee members to read the pamphlet "Metro and 1313" which had been attached to his written testimony. (Attachment #18-A) Also he had submitted a voter opinion survey to the Committee for their review along with his testimony. (Attachment 18-B)

Ed Klumpp appeared before the Committee as a private citizen in opposition to **SB 75**. (Attachment #19) He stated this proposed voting method is simply unfair and forces the will of the many on the minority of Kansans living outside incorporated cities. It also also in conflict with the proposals on annexation this Committee and the House passed last year, he said.

There being no further opponents to testify in person in opposition to **SB 75**, Chair Schwartz drew the Committee's attention to two written-only testimonies, from Andy Lewis, Kaw River Drainage District (Attachment #20) and Linda M. Buttron, Jefferson County Clerk (Attachment #21).

Chair Schwartz closed the hearing on **SB 75**.

There being no further business before the Committee at this time the meeting was adjourned at 5:45 p.m.

The next meeting of the Committee will be January 28, 2010.

Representative Sharon Schwartz, Chair

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