

M I N U T E S

SPECIAL COMMITTEE ON LOCAL GOVERNMENT

July 31 - August 1, 1975

Hutchinson, Kansas

Members Present

Senator Elwaine Pomeroy, Chairman  
Representative Victor Kearns, Vice-Chairman  
Senator Arden Booth  
Senator William Mulich  
Senator John Vermillion  
Representative Robert Frey  
Representative Clarence Love  
Representative William Marshall  
Representative Max Mize  
Representative Pascal Roniger  
Representative Frank Smith  
Representative Joseph Wicinski

Staff Present

Mike Heim, Legislative Research Department  
Doug Crandall, Legislative Research Department  
Myrta Anderson, Legislative Research Department  
Alan Alderson, Revisor of Statutes Office

Others Present

Randy Attwood, The Hutchinson News  
Wally McNew, Reno County Farm Bureau  
Bruce Graber, Reno County Farm Bureau  
Phyllis Miller, League of Women Voters  
Ray C. Luginsland, Agriculture Committee, Hutchinson Chamber of  
Commerce  
Dale O. Evans, Rice County Commissioner  
Bruce Schultz, Reno County Farm Bureau  
Cecil Johnson, Rice County Commissioner  
John D. Sutton, President, County Commissioner Association,  
Reno County  
John W. Casebeer, McPherson County Commissioner  
Wallace W. Wolf, Sumner County Commissioner  
Kenneth Lawless, Sumner County Commissioner  
Floyd Hannon, Police Chief, Wichita  
Robert Klyman, Wichita State University

Others Present (Continued)

Bert Chaney, State Senator  
Ivan W. Wyatt, Kansas Farmers Union  
Nation Meyer, President, Hutchinson First National Bank  
Wendell Holmes, Hutchinson City Center Association  
L. D. Peterson, Downtown Topeka, Inc.  
Ed Rogue, Hutchinson Chamber of Commerce  
D. J. VanSickel, Hutchinson Chamber of Commerce  
Addison H. Meschke, President, Franks's Women's Wear  
A. J. Collins, Chairman, Hutchinson National Bank and Trust  
Bud Janner, Hutchinson Chamber of Commerce  
Rune W. Johnson, City Center Association  
Betty Schuountz, Wichita Board of Crime and Corrections  
Vivian M. Thomas, Hutchinson, Kansas Law Enforcement Training  
Center (Instructor)  
Glenn Booth, Hutchinson, Kansas Law Enforcement Training Center  
William J. Argersinger, Jr., Vice Chancellor for Research and  
Graduate Studies, The University of Kansas  
Howard Walker, Dean, Continuing Education, K.U.  
Sheriff Marion Weese, Barton County  
Bob Adams, Chief of Police, Hutchinson  
J. H. Deane, Hutchinson, Industrial District No. 1  
Maynard Brazeal, Director, Kansas Law Enforcement Training Center

Morning Session

The meeting was called to order by Chairman Pomeroy shortly after 10:00 a.m., at the Law Enforcement Training Center near Hutchinson. The Chairman explained that the purpose of the meeting at the Training Center was to review the curriculum of the Training Center and discuss any problems or weaknesses in the current program.

Proposal No. 38 - Local Law  
Enforcement

Mr. Maynard Brazeal, Director of the Law Enforcement Training Center, passed out to the Committee a statement which reviewed the background for the formation for the Training Center, the curriculum at the Training Center, a comparison of the training requirements of Kansas with the training requirements of other states and an evaluation of the training at the Center. A copy of the statement is in the Committee notebooks. Mr. Brazeal noted that the training center could train a maximum of 70 people. He noted that 160 hours of training is mandated by statute. The training center also provides an additional 40 hours of voluntary training. He said that people from the Kansas Bureau of Investigation, Federal Bureau of Investigation, Highway Patrol and other agencies were brought in as training advisors for the training program. In

response to questions, Mr. Brazeal noted that the academy policy on weapons' use was that cadets were taught to shoot to stop and shoot only when life is in danger. He noted that the curriculum was designed for people that are from both large and small communities. He said the core curriculum was approved by the International Association of Chiefs of Police. He said that other training programs certified by the training center as alternatives, include Topeka, Kansas City, Kansas, Wichita, Sedgwick County, Riley County, and the El Dorado program. In addition, the State Corrections Training Program is also certified. He noted that members of the Kansas State Industrial Reformatory trained at the Center for awhile but were no longer doing so. He said that Kansas Highway Patrol and the Kansas Bureau of Investigation have their own training programs also.

He said that there are five training sessions held each year also. The classes at the Center are almost always at capacity. In addition, the training center provides a number of one week seminars besides regional schools around the state.

In response to a question concerning court decisions he said many people still resent these, however, some chiefs of police say they have become more efficient and effective because of the court decisions. He noted that the National Advisory Commission on Criminal Standards and Goals recommended that a minimum of 400 hours of basic police training be given each police officer. He said that a task force of the Governor's Committee on Criminal Administration had supported this 400-hour statement this past February. He pointed out that the Center has several problems including reciprocity of training with other states and needed authority to allow for lateral transfers of training requirements between states. In response to a question Mr. Brazeal said he would recommend 400 hours training but even a 240-hour program would be good for now. He noted that several states have made an assessment on fines for police training and this brings in a lot of money. In response to a question he said that he was in favor of such a fine. He pointed out, however, that the rationale for not having a fine is that people complain that all fines are imposed just to improve training for the police. He said that police officers stay at the center for a \$50 a week charge. The cost is picked up by a grant provided to the Training Center by the Governor's Committee on Criminal Administration. Local governments continue to pay the police officers or sheriffs deputy salaries, however, while the candidate is attending the school. The question was asked if reciprocity was really the issue or whether the director needed the discretion to determine whether appropriate training in other states could be used in lieu of the required attendance at the training center. The point was raised of why require more training if rural communities cannot pay a decent salary for the police officers they send to the academy in the first place. There were then some questions concerning minorities and attempts by the Law Enforcement Training Center to hire minority staff members. Mr. Brazeal stated that the Training Center had at one time a black instructor and they were currently

trying to find another black instructor. There was then a question regarding the training of reserves. In response, Mr. Brazeal said that he did not think that reserves should be required to attend the Training Center and that it should be handled on a local level to provide training for these people. It was pointed out that the training center did have a female instructor.

### Afternoon Session

After a tour of the Law Enforcement Training Center, the Committee was called to order by the Chairman, Senator Pomeroy. Dr. Bill Argersinger, University of Kansas, noted that the Law Enforcement Training Center was originally under the wing of the Governmental Research Center at Kansas University. The Governmental Research Center was reorganized and split into the Institute of Social and Environmental Studies (ISES) and the Institute of Public Affairs. As a result of this division, the Law Enforcement Training Center was put under the wing of the ISES. He noted Kansas University is currently asking the Board of Regents to recommend that the Division of Continuing Education at the University of Kansas be given the responsibility for the Law Enforcement Training Center activities. He noted that Dean Howard Walker was made the Associate Director of ISES, just so he could have responsibility as the Director of Continuing Education at Kansas University for the program. Dr. Argersinger noted that KU had supervisory roles at the Center but did not exercise direct control. He said the University helps the resident staff here in logistics and maintenance problems and is involved in the finances of the Center. The Training Centers' budget is handled through the University of Kansas. The budget in the past has been funded 1/4 by the state and 3/4 by the Governor's Committee on Criminal Administration. In FY 1976 approximately \$60,000 is being provided from state appropriations and approximately \$155,000 is being provided by the Governor's Committee on Criminal Administration. It was pointed out that the Governor's Committee on Criminal Administration had granted the funding request only on the understanding that the Center would have to look to the state for full funding after FY 1976. He noted that a budget request would be made for FY 1977 for approximately \$185,000 for the Training Center. He said that it is his personal view that this Center is one of the best programs this state can have. He was very impressed with the job done by Mr. Brazeal and his staff.

Sheriff Marion Weese of Barton County said he had served on the Law Enforcement Training Center Advisory Committee for a number of years. He said training conducted at the Center is some of the finest he has seen. He noted, however, that there is general concern about the length of time spent for training. Smaller communities and the League of Kansas Municipalities have concern that a longer training period will put a real financial burden and service burden on the small community. He said that the 18 hours of instruction on the law is too short a time to be spent on this subject.

He said there is no provision for any penalty for failure to comply with the statute which provides for the training at the Center. He said the Advisory Committee may need more authority to enforce standards and training requirements. He said there is a problem concerning reciprocity with other states. Officers often come into this state with more training from another state but have to go through this program anyway. He noted that continued federal funding of the program was very unlikely. On the issue of consolidation he said this issue had been a sore spot with all the sheriffs and chiefs of police for a long time. Consolidation of facilities he said is a great thing. He noted that Barton County and Great Bend share the same jail. He said he would be in favor of having a consolidated department and be under the supervision of the elected sheriff. He cited examples of Dayton County, Florida and Las Vegas, Nevada, where a consolidated operation is under an elected sheriff. He also proposed that the legislature look at the issue of contract law enforcement as an alternative to consolidation. He said that in Minnesota there are 37 sheriffs contracting with 122 municipalities. He said he did think that the various consolidated statutes could be combined into one statute. He was in favor of a longer term of office (a four-year term). He noted that Kansas is surrounded by states, Nebraska, Missouri, Oklahoma and Colorado where the sheriffs all have four-year terms.

Mr. Bob Adams, Chief of Police at Hutchinson, noted that Hutchinson had an 18-week training course. In this 18 weeks, 12 weeks are spent in the classroom and six weeks are spent with an experienced officer in the field. Upon completion of the 18-week course, a police officer in Hutchinson is assigned to a shift for regular duty. If it is determined that he is not ready, he is continued under the direct supervision of a policeman. After a one-year probationary period, he is enrolled in the Law Enforcement Training Center for certification. He said that the complex responsibility of policemen cannot be studied in 160 hours or 200 hours. The chiefs of police of Kansas, he noted, recommend that the center be removed from control of KU and placed under a board of directors appointed by the Governor. The board members should be involved in law enforcement. A minimum of 320 hours of instruction should be required and reviewed periodically. The physical plant of the center needs to be improved and the center must receive proper funding. Year around in-service programs need to be established and a competent staff needs to continue to operate the program. Consideration, he said should be given to the merger of the Kansas Highway Patrol training program with law enforcement training program, and that training reciprocity agreements needs to be authorized. On the issue of consolidation, Mr. Adams noted that he is in favor of this but he thought it would be misleading to say that this is more economical. He said, however, that consolidation is more efficient. He noted that there is a law enforcement center in Reno County and that city and county law enforcement agencies are centered in one building. Mr. Adams said he was in favor of a professional administrator selected by the governing board or agency of the consolidated operation directing such programs.

Mr. J. H. Deane, President of the Hutchinson Industrial District No. 1, said that the industrial district located on the east side of Hutchinson was a site for 15 industries. He said that back in the late 1950's this district was established with powers similar to other municipalities. This past session a bill was introduced and passed by the legislature to increase the number of directors of the district from five to seven members due to the difficulty of getting a quorum for meetings. He noted that the district levies taxes for the district itself, and pays the county levy and provides a levy for the support of the Hutchinson schools and partial support of two other school districts. He noted that Hutchinson also has a Hutchinson Industrial Development Corporation. This corporation has worked closely with the industrial district in attracting new industry in the Hutchinson area. He said the district has approximately a \$40 million annual payroll and employs approximately 5,000 people. The district has assisted in a number of city projects including clean-up-of-a-slum area and is currently involved in a drainage district around Hutchinson, and has put up \$125,000 in matching funds for the project. He noted the boundaries for the district were established by the original enabling legislation. He said that they must deal with the city and the county to enlarge boundaries. He noted that the district did not have the power of eminent domain and that they had entered into a contract with the city whereby the city has guaranteed it will not annex the district. He said that there is a county fire district station right next to the district and that the district pays for fire protection also from the city. He said one of the primary reasons for establishment of district was to escape the city building codes. The insurance companies, he said, have very strict regulations also and that it was easier to meet just one set of regulations. He noted that last year a contract had been renewed for another twenty years with the city and that part of the agreement was the District would give financial assistance to a drainage district. The district, he said has a levy of 7 mills. Even with the county levy and the school district levies, the district still pays less than if they were inside the City of Hutchinson. The city levy is 94 mills and the industrial district levy is 83 mills.

Mr. Floyd Hannan, Chief of Police of Wichita, said he felt consolidation was a very effective means for providing law enforcement for an area. He said he believed that professional administrators should run the organization to insure that law enforcement is taken out of the realm of politics. He said urban problems are highly complex and that it takes an educated staff to administer the varied law enforcement programs that are required. He said the City of Wichita never uses the same training program twice. He said the needs for training might be entirely different tomorrow than they are today. The Wichita police have a great need to deal with people problems. He said that Wichita police, for example, are not issued batons. Their training program emphasizes a strong program in law, including federal and state laws and local ordinances. In addition, there is considerable amount of instruction on crime prevention.

He said the total program involves 560 hours of recruit training. He passed out a copy of the program for Committee members. Copies are on file in the Legislative Research Department. He said that the recruiting program was tied to a two-year associate degree program at Wichita State University. He noted there are different educational requirements for different jobs. He noted that in the State of Kentucky, there was a recent meeting mandated by the Governor for all sheriffs and chiefs of police to attend on the issue of crime prevention. He said that 85% of police activity in Wichita deals with noncriminal matters. The city has shown only a 5% increase in crime whereas other cities are showing 20% to 25% increases. The question was asked if more education means that the officer is less likely to make an arrest. Mr. Hannan said he did not think so. In response to a question of why the high crime rate nationwide? He said that morals are in bad shape and this stems from lack of parental control, separations in families and the lack of religious values. He noted that in the City of Wichita, tickets issued for such misdemeanor crimes as shoplifting. Tickets are issued to the person to appear in court at a particular time. He said their policy is that the less exposure there is to hard core criminals by first offenders the better it is for everyone concerned.

Dr. Klyman from the Wichita State University said that officers need instruction in juvenile matters. A system of referrals has been established which provides a number of alternatives to simple arrest of juveniles. The question was asked if police officers have the authority to refer these juveniles to a particular agency rather than to arrest them. He noted that the court allows the police department to do this. He said that he would send the Committee a copy of the paper he had written on this issue. After further discussion, the Committee adjourned.

August 1  
Morning Session

The meeting was called to order by Chairman Pomeroy shortly after 9:00 a.m. at the Hutchinson Community Junior College Library.

Proposal No. 41 - Agricultural  
Municipalities

Mr. Dale Lyon, Kansas Farmers Union, presented a statement to the Committee. (Attachment I). It was pointed out by the Chairman that Mr. Lyon raised a new concept at this meeting -- the replacement of townships. In response to a question Mr. Lyons said he felt that people in different parts of the state would have different reactions to the elimination of townships. He said he knew of no abuse of the annexation law since the law was revised

in 1974. On the issue of eminent domain, Mr. Lyon said that the agricultural municipality may only need this power perhaps to provide office space. It was pointed out that utilities do not have to go through the city commission to use eminent domain powers. Although indirectly, cities have the power to regulate the use of eminent domain by their zoning powers. Mr. Lyon said that counties do not have the same powers as cities. They cannot vote on liquor, for example, where cities can. Power companies go to low population areas where there is no government to defend the people, he said. It was pointed out by the Committee Chairman that there would be no guarantee that any farmers would be on the board of agriculture municipality. Mr. Lyon said that that was a chance he was willing to take and he thought people in rural areas would rather cast their lot with an agricultural municipality than with county government.

Proposal No. 39 - County Home  
Rule and Government

Mr. John Sutton, President of the County Commissioners Association and Reno County Commissioner said that counties appreciated home rule powers granted by the legislature. He said that Reno County had passed only one charter resolution changing the procedures regarding bank deposits and interest that are returned to the county. He noted that several years before the passage of home rule the legislature gave Reno County the power to set salaries. To his knowledge, he said, there were no complaints from elected officials or from taxpayers. He said he hoped that more counties would do this. On this issue of term of office he said he was in favor of every elected office having a four-year term. He said he thought the county salaries should be set by the county commissioners. He also said that counties should have the option of various forms of government and that he was in favor of S.B. 154. It was asked if there should be a moratorium declared on an issue that had been beaten several times at the polls. Mr. Sutton responded that he favored a limit on the number of times an issue can be submitted to a vote.

Mr. Wallace Wolf, Sumner County Commissioner, said he agreed with Mr. Sutton and that he thought home rule gave counties more flexibility. He noted that on recent sales tax vote, less than 20% of the people voted on this and it cost the county approximately \$6,000 to hold an election. He suggested that maybe more than 10% of the electors should be required on a petition to require an election. On the issue of optional forms of government, he said he would like to suggest any bill that would provide other forms be strictly optional for counties. On the issue of four-year term of office, he said that there was considerable debate within his county and that his personal opinion was that certain offices ought to remain on a two-year term. On setting salaries, he said he had mixed feelings on this issue and he felt the county commissioners maybe could do a better job on this.



Mr. Preston Bacon, Harper County Commissioner, said that Harper County was appreciative of home rule and that the county has an attitude to go slowly and not to abuse this power. He said the county used this power only once when last year they created the position of county administrator who is responsible for purchases, handling the vouchers and all employment in the county. He favored optional forms of government for counties. He thought that there should be consolidation of the number of offices in the county. He thought that some offices should continue with a two-year term but the sheriff should have a four-year term. In response to a question he noted that the county administrator was responsible for the hiring and firing but that the final decision rested with the county commission.

Mr. John Casebeer, McPherson County Commissioner and a former legislator, said that his county had used home rule only once in adopting a charter resolution on salaries. He said that optional forms perhaps should be provided for counties over a certain population bracket. Counties under 40,000 to 50,000 should retain their three county commissioners. He said he felt that county clerk and register of deeds, should be appointed offices and that counties should have the authority to appoint an administrator. He said counties already have the authority to appoint the county engineer to oversee the operation of roads and bridges in a county. He said he was in favor of a four-year term of office. On the issue of setting salaries he said he was in favor of the county setting the salaries including the judicial salaries because if they have to pay the bill they should have the responsibility for salary setting.

Proposal No. 40 - Urban  
Development

Mr. Wendell Holmes of the Hutchinson City Center Association, explained that approximately three years ago the City Center Association was formed upon recommendation of a town planner who was hired to study the downtown needs of Hutchinson. One of the recommendations was to form a corporation to guide the development of the downtown area. The Hutchinson Development Corporation was subsequently formed. He noted that a \$10 million downtown improvement project has been proposed and that it would require the passage of legislation such as S.B. 526 for its implementation. He said that the project involved enclosing First Street in Hutchinson and constructing a mall to be filled with a number of retail shops. He said a petition has been circulated in a 16-block downtown area to create a benefit district for parking. These petitions have been filed with the Hutchinson City Commissioners. He said the Hutchinson Development Corporation has raised \$200,000 and is trying to add another \$800,000 to have \$1,000,000 in seed money for the beginning of this downtown development project.

Mr. Nation Meyer noted that the purpose of the proposed benefit district was to construct parking for about 1,300 cars in the downtown area. He noted that cities now have the power of eminent domain to provide parking. One of the problems in putting together

a major redevelopment project like this involves cost of land he said. Mr. Meyer noted that his interest in the downtown area stemmed primarily from a falling retail sales volume in the downtown area. A marketing consulting firm from Chicago said that Hutchinson was missing millions of dollars in sales each year. He said that the merchants within the 16-block area had formed a voluntary association for the parking project. He said he was concerned about the unanimous vote of the city governing body provision contained in S.B. 526. He said that he felt that the City of Hutchinson had a 60% to a 40% chance of completing the redevelopment project without the implementation of legislation. He said that the tax increment concept is far more important for him personally in paying for the land rather than acquiring it.

Mr. Addison Meschke, President of Frank's Women's Wear, noted that only one building in downtown Hutchinson was now vacant. He said that it was important to keep the large tax base in the downtown area and that if valuations were reduced in the downtown area this shifts the tax burden onto the residential areas of the city.

Mr. Art Collins, Chairman of Hutchinson National Bank and Trust Company, noted that the tax increment concept is needed to put the project over in Hutchinson.

After some further discussion it was pointed out by staff that the following issues seemed to be of concern to the Committee: 1) finding the area "blighted" before a project could begin; 2) eminent domain powers and whether these powers are absolutely necessary; 3) relocation of present businesses and who would pay for these relocation costs; 4) limit this legislation to downtown areas; and 5) procedures involving the negotiation of contracts between the city and private developer.

Mr. Leon Peterson of Downtown Topeka, Inc., pointed out that negotiable items in the contract would include who would clear the land, the cost of the land, whether the land be given to the developer free, and other related issues such as these.

It was pointed out by staff that the concept contained in the bills is improperly called "tax increment" and that it actually involved "payments in lieu of taxes". After some further discussion the Committee adjourned for lunch.

#### Afternoon Session

The Committee was called to order by the Chairman, Senator Pomeroy. Staff explained several items that appeared in the Committee notebooks. Items for the next Committee meeting were discussed. The Committee was reminded that the first day of the next

meeting, September 3, will be held in Topeka, and that the second day will be held in Manhattan. The Committee then adjourned.

Prepared by Mike Heim

Approved by Committee on:

Sept 4, 1995  
(Date)

A Statement On

AGRICULTURAL MUNICIPALITIES

before

The Special Committee on Local Government

of the Kansas Legislature

9:00 a.m., August 1, 1975

Kennedy Library

Hutchinson Community Junior College

Hutchinson, Kansas

Prepared and Presented for

THE KANSAS FARMERS UNION

by

Dale Lyon, President of

KANSAS FARMERS UNION

Athol, Kansas 66932

Mr. Chairman - Members of the Committee:

I am Dale Lyon, President of the Kansas Farmers Union. I appreciate this opportunity very much to discuss Proposal No. 41, Agricultural Municipalities, with you since I was in the midst of wheat harvest on your scheduled hearing date of July 2, 1975, and could not attend.

Frankly, we were a bit frustrated at such an untimely date for a hearing on a matter directly related to farming. While it may be quite normal for many organizations and interest groups to be represented before legislative bodies by staff personnel, the Kansas Farmers Union takes a dim view of such a practice. We are farmers and we feel we should be represented by farmers.

Jim Ploger, Executive Secretary of the Kansas Farmers Union, did, however, deliver a statement generally outlining what we believe an appropriate Agricultural Municipality would be and generally why we believe just such a governing body should be established in Kansas.

Mr. Ploger conveyed to me a number of questions which arose and Mr. Mike Heim was kind enough to send me a copy of the minutes of the July 2nd hearing and also posed a question or two. A response to the points raised and recorded in the minutes in addition, plus those relayed by Mr. Ploger and Mr. Heim constitute most of this prepared statement.

Following these prepared remarks in response to those questions I will, of course, be happy to discuss any point you may choose to raise.

These are not in any particular order. Rather, they are numbered only for identification.

1. A point was raised that the Federal Regional Council, the Department of Interior, Department of Housing and Urban Development and the Department of Agriculture had never heard of this concept before.

I am not surprised that the Department of Agriculture has not heard

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of such things, but I am amazed at the other agencies. Examples of this concept are townships in most New England states. An Agricultural District in New York or Iowa or California. Then there is Pleasant Township in Smith County, Kansas, where I have lived all my life. A township is a municipality according to Kansas law and most townships in Kansas are, after all, agricultural.

2. The Kansas Farmers Union did not propose the Agricultural Municipality to increase the number of local units of government, but to ~~give~~ <sup>GIVE</sup> access to those municipal powers, now limited to citizens of cities, to all the people of the state. Obviously, the establishment of Agricultural Municipalities would reduce the number of local governments, so-called, since there would be little need for townships in the state. Smith County now has 25 townships so the reduction in local governments would be considerable. Twenty-four in Smith County alone as a matter of fact.

3. A point was made while a Dr. Plosila was testifying that counties did not have the power of eminent domain. I have a question for whomever raised that point.

Under what law does the county appropriate land to build or improve public roads? As a former County Commissioner -- my answer would be -- the same law that Kansas Power and Light used to take Mr. Rezac's land out at Belvue and my answer would be in fact, correct.

Any government at any local level must have eminent domain power in order to assume the responsibilities assigned it. An Agricultural Municipality would have eminent domain powers in direct relation to its functions without any change in those laws relating to eminent domain for the law recognizes any corporate body, public or private, which serves the public interest already.

I don't see the Agricultural Municipality exercising eminent domain

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power to any large degree. They must, however, have power to hold in check that exercise by utilities, etc. to what is justifiable in the public interest. The eminent domain law specifically grants cities of the first class just such powers.

4. Who would vote in an Agricultural Municipality? The Supreme Court of the United States has long since made that perfectly clear. Each resident of voting age would have a right to vote.

5. The role of the county government? It is doubtful that the establishment of Agricultural Municipalities as we have conceived of them in Kansas Farmers Union would alter the overall role of county government much.

The county is an oversight government now. It administers many state and federal programs. It also collects and distributes ad valorem taxes for all local taxing units. Why should there be any major change?

One change I see in the making would be a county unit road system in all the counties replacing the hodge-podge we have now across the state. Also, ~~there~~ there might be some legitimate reason for the legislature to study the possible elimination of county government. The idea, however, is not politically saleable and probably never will be. Farmers Union would oppose the abolishment of any county government in the foreseeable future.

6. There was some question concerning taxing power. A government without taxing power is not a government. Like eminent domain power, taxing power has to be related to the responsibility assigned to the unit of government.

A general fund for administrative costs would be the minimum taxing authority it would seem.

7. An Agricultural Municipality would solve the ad valorem tax classification problem simply by existing.

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8. A comment was made in a discussion with Representative Bussman on July 2nd that "just freezing city boundaries would not necessarily stop the outgrowth of people." To assume that the Agricultural Municipality would "freeze" the boundaries of cities or that that was even the purpose of the Agricultural Municipality would be a misconception. Certainly, cities will continue to expand in territory as long as the automobile is generally accessible to the average citizen. When gasoline becomes too high priced and mass transit systems are substituted for the automobile such as buses, municipal trains or other public devices to transport people, cities will tend to grow upward instead of outward.

Another factor which has a great deal to do with urban sprawl or "outgrowth" is the property tax avoidance gained by living outside an incorporated municipality. The Agricultural Municipality, assuming that it would have the powers which we have projected in this testimony, would work as a restraint on urban sprawl. The growth of cities would be planned more by local municipal government than by developers and promoters as is now the case.

To give you some idea of some factors which might be involved in future expansion of cities:

In Shawnee County near the city limits of Topeka there are rolling hills covered with grass. That land will produce about one weaning calf per each five acres per year. That is 80 pounds of beef per acre per year. In the Kaw River Valley which adjoins those hills one acre of irrigated land will produce 200 bushels of corn per acre per year. That amounts to an annual production per acre of 5-1/2 tons of grain or 11,200 pounds. If land is important to raise food, could the city of Topeka or the Agricultural Municipality of Shawnee County even consider urbanizing the Kaw River Valley when the Flint Hills run for miles and miles?

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When choices have to be made on land use they are not all that hard to make, it seems to me.

9. A question was raised at the July 2, hearing as to whether an alternate method of handling matters of annexation, zoning, and presumably, eminent domain conflicts would be acceptable to the Kansas Farmers Union. The suggestion was a county or state appeals board or commission.

The answer to that one is a blunt no!  
*that government is*

The reason for this position is either run by the people, or it is run by somebody else, We have duly elected governing bodies all across Kansas. However, rather than allowing the local government to function according to the responsibilities and the problems that come before the people in that community most of the real power of government is handed to boards, and commissions that are appointed by people in places far away from the center of the problem. Those boards are filled often to pay political campaign debts. We don't question the practice. It is common. It is normal. It is not necessarily in the best interests of the people of Kansas. The Kansas Farmers Union believes in popular government. We believe in government, to use a corny old cliché of Abraham Lincoln, which I think is still quite appropriate -- we believe in government of the people and by the people, and also incidentally, for the people. Bureaucracy does not fill the bill. A board or a commission is another bureaucracy. We don't need any more bureaucracies in Kansas or in the United States of America.

What we need is more participation in government through the election process and by service on duly constituted governing bodies by more people. The reason I say the question is basic in government is you have two choices in government IN KANSAS. You can have a government by discretionary regulation through bureaus and agencies. Or you can have government by the discretion of elected officials acting in response to problems that arise

(More)

from day to day and week to week, etc. The Kansas Farmers Union would rather trust the future with the discretionary government of elected officials dealing with current problems as they arise.

The reason for this is very simple -- there is another election. For bureaus, bureaucracy, boards, agencies, commissions, whatever you want to call them -- their jobs are usually protected by some career service law such as civil service, etc. You couldn't get rid of them with a club. That's not government by the people.

The Agricultural Municipality as we have proposed it, is an alternate to bureaucratic government at the local level. We have many times heard, before the various committees of the legislature, comments by various lobbyists that this or that is something the local people ought to handle. We agree with that, but through what corporate mechanism do you handle it? The township? The township, as I said earlier, is a custodian of the prairie dog fund. I don't think the township is adequate or relevant to the problems farm people are going to have in the future or we have now. We believe that it is necessary to establish a local government for farmers that is parallel to the city government that is established for urban people.

Of course, there are other points that were raised, but I would like to conclude this statement with a few thoughts relating to the matters of annexation, zoning and eminent domain.

Upon a careful examination of the minutes of the July 2 hearing of this committee on local government, it seems to me that there was one consistent situation of confusion. The powers of annexation, the eminent domain power, and the zoning power seem to be very ~~confused~~ seriously confused among the people who appeared before the committee. I think it is important to clarify the difference in a practical sense at least, between the three powers of annexation, eminent domain, and zoning.

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Annexation amounts to the procurement of property for the purpose of taxation. I realize there is another side to this proposition and that is that those people subject to annexation are supposed to receive benefits in return for the taxes that will be imposed upon annexation. But I pose a question -- for the purpose of putting annexation in its proper place in a practical sense. The question follows: How much property and territory would be annexed in Kansas <sup>IF</sup> that governing body which has the power to annex could not obtain additional sources of revenue and additional revenue in fact by the annexation?

Eminent domain <sup>IS</sup> normally exercised by government when that government is required to be the custodian of property which is used in the public interest. In Kansas the law relating to eminent domain gives much of the government's normal responsibility for providing public service such as roads, the telephone, electricity, natural gas, etc. that are considered to be services to the public at large, to private industry.

In doing so, the government of Kansas has delegated the powers of eminent domain to private companies, the most commonly known are the public utilities, such as Bell Telephone, the Kansas Power and Light, etc. These companies then have the same power as government to exercise the power of eminent domain, to take private property for the public use, in the carrying out of the functions necessary to providing that public service.

Probably the greatest concern of farmers and of people generally related to this is that the public interest is not defined well enough in law so that the courts which are assigned the responsibility of deciding public interest can define it in a very legitimate sense. In other words, private corporations, various sub-divisions of government in Kansas, the township, the county, the city, all municipalities, and the state can and do exercise eminent domain powers without proper restrictions, at least in the view of the Kansas Farmers Union.

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Eminent domain power is the power to confiscate private property through the due process of law for the public use. That power has been grossly abused for the entire history of Kansas. We believe the Agricultural Municipalities would help farmers significantly in the necessary effort to cut down on this abuse.

The other power which seems to be mentioned in these hearings consistently is called zoning power. All of the research and study that was employed by the Land Policy Task Force of the Kansas Farmers Union and other people interested in zoning could never find "power" being related to zoning.

This is particularly true with relation to counties. Counties may zone all of its territory, but in all cases which were reported to our Task Force each request for a zoning change before a Board of County Commissioners was granted. Zoning or county planning seems to us to be more properly classed as wishful thinking rather than a power. This may not be true as far as the statutory power involved. The reason that zoning is not effective as land use control is that cities with the power have a vested interest and use it in their behalf and county commissioners have a conflict of interest between the city and the rural residents adjoining the city.

There are many more city people than there are farmers.

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