

Approved March 27, 1987  
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Don Montgomery at  
Chairperson

9:13 a.m. ~~p.m.~~ on March 25, 1987 in room 531-N of the Capitol.

All members were present except:

Committee staff present: Arden Ensley, Emalene Correll and Lila McClaflin

Conferees appearing before the committee:

Tony Wedel, McPherson County Commissioner  
Douglas F. Martin, Shawnee County Counselor  
Nancy B. Hiebert, Douglas County Commissioner

The hearing for the opponents of H.B.2394 was opened.

H.B. 2394 - concerning county extension programs; relating to election of members of councils; budget filing; programs and personnel funded by two or more counties; authorizing formation of extension districts.

Tony Wedel testified they opposed H.B. 2394 with some reservations. If the county commissioners are to be held accountable to the public, through a general election process, for their budget decisions, they should be allowed a majority vote on the approval of the extension budget. (ATTACHMENT I) He responded to questions.

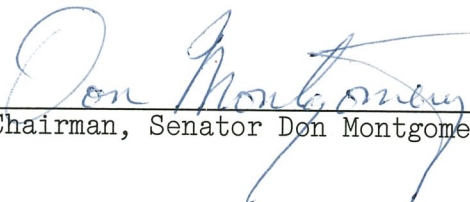
Douglas F. Martin testified the Board of County Commissioners of Shawnee County does not oppose the general substance of the bill but strongly urged the committee to adopt the recommendation of the Interim Study Proposal No. 41, which would require a majority vote of the county commissioners for passage of the county extension budgets. (ATTACHMENT II) He responded to questions.

Nancy B. Hiebert stated they are pleased that H.B. 2394 would move the traditional June date for approval of county budgets to August 1. They do have two reservations about H.B. 2394: 1) it continues to allow a proposed extension budget to be approved without the support of a majority of the board of county commissioners; and 2) it provides a mechanism for the initiation of a new district economic development function within the extension structure. (ATTACHMENT III)

In answer to a question Ms. Hiebert stated without the amendment to give the county commissioners a majority vote they would have to oppose the bill.

Senator Mulich moved to adopt the minutes of March 19, 20, 23 and with corrections the 24, 1987. The motion was seconded by Senator Ehrlich. The motion carried.

The meeting adjourned at 10:00 a.m., next meeting will be March 26, 1987.

  
Chairman, Senator Don Montgomery





## *McPHERSON COUNTY*

TESTIMONY BEFORE THE SENATE LOCAL GOVERNMENT COMMITTEE ON HOUSE BILL NO. 2394

BY  
TONY WEDEL, COMMISSIONER  
BOARD OF MCPHERSON COUNTY COMMISSIONERS  
MARCH 25, 1987

HOUSE BILL NO. 2394 is opposed, with some reservations, by the Board of McPherson County Commissioners. I appreciate this opportunity to delineate both our concerns for certain provisions of the bill, as well as our support regarding other provisions. The suggested amendment of the budget filing date from June 30 to August 1 is appropriate. The extension budget would then fall in line with the time table used to consider **all** other county budget requests. Most importantly, the Board of County Commissioners will be able to consider its budget decision based on reliable information, such as the actual assessed valuation for the up-coming budget year. Knowledgeable budgeting will most likely occur in an environment where reliable information is provided to the governing body. Our county strongly supports this proposed amendment to the extension statutes.

(ATTACHMENT I)  
LOCAL GO 3/25/87

### McPHERSON COUNTY COMMISSIONERS

McPherson County  
Courthouse

John C. Magnuson, Chairman  
District 1

John W. Casebeer  
District 2

Tony Wedel  
District 3

P.O. Box 676  
Phone No. 316-241-8149

The Board of McPherson County Commissioners also supports the concept of shared staffing or programming between counties. We believe this to be an appropriate tool for addressing the need for services, in a fiscal environment characterized by shrinking resources. The support of the Farm Bureau members for this particular portion of the bill appears to reflect their concern, that counties be allowed the option to provide extension programs in a manner, which will make effective use of their resources. The opening days of this legislative session reflects the fact that the state's fiscal resources will not support increased funding for programs. It seems highly appropriate that the individual counties also be given the tools to operate in this environment.

This restrictive funding environment leads me to the first area of concern with this bill. It is my understanding, that the provision which requires a majority of the County Commission to approve the extension budget, as recommended by the interim committee, has not been included in this bill. I would like to take this opportunity to pose a few questions concerning this decision. First, Dr. Woods indicated on January 22, 1987, in an appearance before the House Local Government Committee, that the **local** extension services' budgets reflects a state-wide ratio that averages two dollars of county revenue for every one dollar from state/federal funds. A survey of several counties conducted by McPherson County reflects local budgets for extension services are significantly supported by Boards of County Commissioners. In the survey, county funds represent between 69% to 83% of the total local budget for the financing of extension activities. Given this level of commitment, is it appropriate to continue a voting procedure, which requires a unanimous vote from the Board of County Commissioners to deviate from a budget recommended by the local extension council?



In McPherson County, a majority of the Board of County Commissioners is required to approve twenty-five separate budgets. Why is this procedure not acceptable on the one remaining budget, the extension service? There should be no doubt that it is the Board of County Commissioners that is held accountable for its levy of all property taxes, not the extension council. It appears that if we are to be held accountable to the public, through a general election process, for our budget decisions, that we should be allowed a majority vote on the approval of the extension budget.

As legislators, you are very aware that each department strongly advocates the support and growth of its own programs. The value of the budget process is that these competing needs are evaluated, weighed and prioritized based on an evaluation of our constituents' needs. Is it appropriate that of the five votes required in McPherson County to approve the extension budget, two are representatives of the extension department?

Finally, I must express my concern regarding the new program emphasis, economic development, which has been suggested in this bill. I believe that state and local resources for economic development should be concentrated to produce the best effect for Kansas. While I support economic development initiatives, I think our best avenue for success is a coordinated and concentrated effort with our existing resources. Do we really need to fund a new level of bureaucracy to address this need? Currently, according to literature prepared by the Extension Service at K-State, there are **205.7** state specialists to assist the **286** local agents. If we have the additional resources to expand this operation, I believe that we should target them to existing organizations such as the Department of Commerce and Kansas, Inc.

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Further, I believe that local programming decisions should be left at the county-level. In McPherson County, the Board of County Commissioners has organized a county-wide economic development group, which brings together local chambers, industrial development companies, city governments, higher education, junior colleges, and interested citizens, to share resources and support county-wide economic development initiatives. This effort is being facilitated by the South Central Kansas Economic Development District (SCKEDD) staff. This volunteer effort, which is staffed through the County's yearly membership fee in SCKEDD, represents an appropriate local response to the need to share resources and information, and consolidate actions. Do we really need yet another economic development group to coordinate, or is it best that the existing local resources be concentrated to achieve the goals of the county?

I am fully aware that the extension service has brought great benefits to Kansas' agricultural economy. As a farmer, I have benefitted from the programs provided by the County's agricultural agents. I believe that the extension service can best serve Kansas' economic development mission, by concentrating its educational efforts in the area of agriculture. By using its vast resources of **existing** state specialists and local agricultural agents, they are well positioned to address this need. As a County Commissioner, I fully support these programs.

However, the resources are shrinking at all levels of government. We need to concentrate and target our existing resources, not widen them, in order to meet our goals.

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I would seriously encourage this committee to reconsider the inclusion of economic development as a program focus for this service. I would suggest that a concentration of resources is a more appropriate response to this issue.

I appreciate your willingness to respond to any concerns. I look forward to working with the committee to address this important issue.

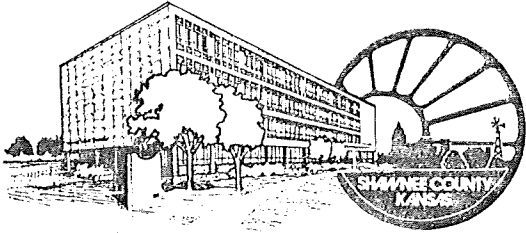
EXTENSION SURVEY

MARCH 24, 1987

COUNTY	POPULATION	PERCENTAGE OF EXTENSION BUDGET CONTRIBUTED BY COUNTY
DOUGLAS	69,533	74%
CHAUTAUQUA	4,966	83% - \$ 37,060 of \$ 44,892
SALINE	49,488	71% - \$196,729 of \$277,814
HARVEY	31,222	69% - \$138,330 of \$200,000
SEDGWICK	381,858	72%
MCPHERSON	27,000	73% - \$135,000 of \$184,600
OSAGE	15,607	63% - \$ 56,092 of \$ 89,287
COWLEY	38,002	82% - \$ 93,848 of \$115,137



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Shawnee County  
Office of County Counselor

DOUGLAS F. MARTIN  
County Counselor  
JOSEPH W. ZIMA  
Asst. County Counselor

Shawnee County Courthouse  
Room 203 • 200 E. 7th  
Topeka, Kansas 66603-3922  
(913) 295-4042

TESTIMONY OF SHAWNEE COUNTY COUNSELOR DOUGLAS F. MARTIN *D&M* March 25, 1987  
BEFORE THE SENATE LOCAL GOVERNMENT COMMITTEE  
HOUSE BILL NO. 2394

I am here to testify with regard to House Bill No. 2394 on behalf of the Board of County Commissioners of Shawnee County in my capacity as their attorney.

Although the Board does not oppose the general substance of the bill, there is an important provision that should be corrected before the bill is permitted to leave this committee.

In the 1987 Report on Kansas Legislative Interim Studies, there was an extensive study done with regard to Extension Programs in the State of Kansas. Proposal No. 41 can be located at pages 893 through 912, and as a result of that proposal, two bills were recommended to the Legislature: House Bills No. 2032 and No. 2033. Attached to these remarks you will find a copy of the sixth page of Interim Study Proposal No. 41 which recommends that a majority vote of the county commissioners should be required for passage of county extension budgets. That portion of the study has been highlighted for your convenience.

Instead of heading the recommendations of the Interim Study, House Bill No. 2394 goes the opposite direction by changing the wording of K.S.A. 2-610 to its former wording that existed prior to 1979.

In 1979, the Legislature changed the wording of K.S.A. 2-610 from "the three (3) members of the board of county commissioners" to "the board of county commissioners." It is interesting to note that the word change in House Bill No. 2394 which reverts to the 1979 wording is in direct opposition to the recommendations of the Interim Study. By changing the wording to read "members" you are confirming the reading that each commissioner has one of five votes. By leaving the wording

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as it presently exists, "the board of county commissioners," there is a stronger argument that a majority approval from the board is required. There is a basic maxim of legislative interpretation that you don't mix apples and oranges. Since individuals such as the director of the extension at Kansas State and the chairperson of the extension council cannot be grouped with a board, the only logical conclusion is that the present wording of K.S.A. 2-610 now requires majority approval of the board of county commissioners.

I strongly urge this committee to adopt the recommendation of Interim Study Proposal No. 41 by adding lines 0039 through 0048 of House Bill No. 2032 to this version of K.S.A. 2-610. This will ensure that there is no confusion over the fact that majority approval is required by the board of county commissioners prior to levying for the extension council.

This change is very important for several reasons.

First, we need more accountability in local government. Accountability comes from holding those officials who are elected by all voters responsible for their actions. If we permit individuals other than elected county commissioners to increase the county mill levy, there is an erosion of the concept of accountability for the county mill levy. Much as local legislators should not be able to directly increase state taxes, non-elected officials should not be able to directly increase county taxes.

Second, I believe that by permitting the levying of county taxes by individuals other than the board of county commissioners raises serious questions regarding the Equal Protection clauses of the Kansas and United States Constitutions. The levying of taxes by non-elected individuals may serve certain public interests, but all citizens do not enjoy the equal protection of the laws which create those taxes. It is recognized that extension council representatives are elected at a town meeting, but such provisions do not adequately protect the

TESTIMONY BY DOUGLAS F. MARTIN

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interests of those citizens who will be required to pay for extension council programs but are not interested in, or participants in extension council programs.

Finally, I believe that by permitting the levying of county taxes by individuals other than the board of county commissioners raises serious questions regarding the Due Process clauses of the Kansas and United States Constitutions. Due process implies a certain amount of notice, opportunity for fair hearing, and the ability to participate in ones elected government. We all know where our State Capitol Building is located and our County Courthouses. In fact there is such a special nature about these places, and the individuals who conduct government therein that we have special laws concerning the rights of individuals to exercise their free speech rights therein, for access by handicapped citizens, and the conduct of regular meetings in these locations to permit citizens to petition their government. The perpetuation of a system which levies taxes on taxpayers without sufficient opportunity to participate in such a system is a problem that should be of great concern to us all.

I believe that these problems can be simply solved by adopting the wording of House Bill No. 2032 to clearly require approval by a majority of the board of county commissioners prior to certification of the mill levy to the county clerk.

support of extension programs included representatives of the Kansas Extension Advisory Council, the Kansas Extension Homemakers Council, the Marysville Advocate, the Kansas Grain and Feed Dealers Association, and the Kansas Fertilizer and Chemical Association.

Conferees appeared from the Kansas Association of Counties, and Douglas, Johnson, McPherson, and Sedgwick counties. Several of the representatives from counties expressed concern that the present budget cycle allows a levy for extension to be set prior to the budgets for other county departments. Additionally, concern was expressed that the present statute requires approval of extension budgets by nonelected officials and that boards of county commissioners must have a unanimous vote to override those nonelected officials.

#### Conclusions and Recommendations

The Committee reviewed the present statute for approval of county extension budgets (K.S.A. 2-610), which requires such budgets to be approved by: (1) the board of county commissioners; (2) the Director of Extension at KSU; and (3) the chairperson of the county extension executive council. The Committee is concerned that only the county commissioners are elected officials for a budget which involves levy of local taxes. Consequently, a budget could be approved by a vote involving as few as one of the county commissioners. The Committee believes that, due to involvement of county tax levies, a majority vote of the county commissioners should be required for passage of county extension budgets. The Committee recommends H.B. 2032, which amends K.S.A. 2-610, to enact its recommended change.

The Committee requested the conferees to express their priorities for extension. In nearly all cases those conferees indicated that agriculture had top priority; however, there was no unanimity in remaining priorities. Nevertheless, the present memorandum of understanding between KSU and counties specifies that

TESTIMONY ON HB 2394  
by  
NANCY B. HIEBERT  
DOUGLAS COUNTY COMMISSION

Thank you for giving me an opportunity to present testimony from the Board of County Commissioners of Douglas County on HB 2394. Before I outline our positions on that bill, I would like to mention that one of my fellow commissioners is a former county extension agent and that I grew up in a Kansas farm family and spent eight years as a very active 4-H member in Reno County. Therefore, as you might expect, the Douglas County Commission has a healthy appreciation for the importance of county extension work throughout Kansas.

First of all, we are pleased to see that HB 2394 will move back the traditional June date for approval of county budgets to August 1. This has been a badly needed change which will now allow county commissions to consider the extension budget during the regular county budget-planning cycle (from June through early August) when ALL other county budget needs are reviewed, rather than forcing county commissions to give early, isolated approval to the extension budget in June. Previously, the early approval date made it impossible to consider the extension budget within the context of the total county budget. Thus, HB 2394 will allow us a vastly improved fiscal management tool.

However, we do have two reservations about HB 2394 as it is currently written: 1) it continues to allow a proposed extension

(ATTACHMENT III)  
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budget to be approved even without the support of a majority of the board of county commissioners; and 2) it provides a mechanism for the initiation of a new and distinct economic development function within the extension structure -- a provision that we believe may have the potential to become a costly duplication of the function of the Department of Commerce. I would like to discuss each of the points more fully.

First, we believe that the present budget approval procedure for local extension budgets which allows for a budget to be approved without the support of a majority of the board of county commissioners is simply bad public policy, and removes from county commissions the authority to maintain full responsibility for the county budget.

For example, presently a proposed county extension budget can gain final approval by a majority vote of a specially designated, five-member body (K.S.A. 2-610) comprised of the director of the state extension office, the chairperson of the county extension council, and the board of county commissioners. Since boards of county commissions in 102 Kansas counties are made up of only three members, it is possible that a majority of the county commission could oppose the extension budget, but be powerless to prevent the approval of that budget.

Certainly, this situation does not exist with any other county-funded organization or agency. For example, the boards of local health departments or county senior centers submit a

proposed budget to the county commission for review. However, unlike the extension board, the board members of other agencies have no vote in determining the county commission's budget decision affecting their organizations. Only the county extension services have the power to out-vote the commission to determine the number of county budget dollars which will be awarded to their agencies.

We believe that it is doubly important in the current setting of decreasing revenues and escalating demands for services, that the full budget authority be given to the county commissions for all county-funded budgets -- including those of the extension service. It is important to note that in a telephone sampling conducted yesterday with six Kansas counties, from 69-83% of the entire budget of those counties' extension services were provided by local county funds! Thus, it seems to us a reasonable request that at least a majority of the county commissioners must support proposed extension budgets before they are adopted.

Finally, while we strongly support the escalation of economic development strategies aimed at promoting Kansas agriculture, we are also cautious about the creation of a separate economic development function within the Extension structure. We believe the current push at all levels of government to eliminate duplication is a good one, and we wonder if the initiation of an economic development "layer" within the Extension framework might be a step in the wrong direction. We believe that it would be far more desirable and cost efficient for Extension efforts to be directed

toward developing a solid coordination of economic development activities through the Kansas Department of Commerce. Certainly, with former Secretary of Agriculture Harland Priddle now at the helm of the Department of Commerce it seems a most opportune time to coordinate -- not duplicate -- efforts. It seems such coordination could be enhanced by the involvement of both the community development corporations throughout the state and the new field offices recently established by the Department of Commerce. In addition, we believe that such coordination could have some very desirable effects at the local level, if incentives existed to foster more cooperative economic activities between local extension services and local chambers of commerce. Such coordination would certainly make sense in maximizing county dollars which are increasingly being made available for promising economic development projects which can expand the local tax base. Additionally, such coordination should produce a unified community approach to economic development, reduce "turf" conflicts, and increase the clout of the community in accomplishing its economic development aims.

Thank you for your attention and for your consideration of our views.