

Approved 1-28-92
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE M. J. JOHNSON at
Chairperson

1:35 a/m./p.m. on JANUARY 23, 1992 in room 521-S of the Capitol

All members were present except: Representative Stevi Stephens, excused
Representative George Gomez, excused
Representative Melvin Minor, excused
Representative Jack Wempe, excused

Committee staff present:

Mike Heim, Legislative Research Dept.
Theresa Kiernan, Revisor of Statutes
Connie Smith, Committee Secretary

Conferees appearing before the committee:

Representative Joan Wagnon
Harold Riehm, CAE, Executive Director of the Kansas Association of
Osteopathic Medicine
Mark Tallman, Coordinator of Governmental Relations with the Kansas
Association of School Boards
Bev Bradley, Deputy Director of Kansas Association of Counties
Christy Young, Vice President Government Relations of Greater Topeka
Chamber of Commerce

The Chair opened hearings on HB 2663.

HB 2663 - An act establishing the Kansas advisory council on
intergovernmental relations; prescribing the powers and duties
thereof;

The Chair recognized Representative Joan Wagnon who chaired the summer
Interim Tax Committee that recommended HB 2663, re Proposal No. 3.
Representative Wagnon stated the summer Interim Tax Committee was
looking at the interrelationship between tax issues and local government
issues. She stated that the Interim Committee agreed that the issues
of local and state relationships on local government should have a
different kind of forum than they have right now and that something
is needed in place year round to work out and develop the kinds of
ideas that can be brought to the Legislature and given a fair hearing.
In order to make this work it has to have a staff with a reasonable
budget, research funds, and visibility of top leaders in all those
areas and be somewhat removed from the legislature to allow for free
ideas. Rep. Wagnon urged the Committee to support HB 2663.

The Chair asked staff to provide to Committee a chart showing states
that have ACIR's, how they function, what they have done in the past,
and the issues they have worked on. (Attachment 1)

The Chair recognized Mr. Harold Riehm who appeared in support of HB
2663 and reviewed the history and accomplishments of the KACIR from
1969-1975. Mr. Riehm stated that the need for KACIR still exists.
Mr. Riehm answered questions from the Committee. A member asked if
he had any difficulties with HB 2663. Mr. Riehm stated he had made
some very minor notes but did concur with the suggestions of Jim Kaup
from the League. Mr. Riehm thinks it is a well drafted bill.
(Attachment 2)

Mark Tallman, representing the KASB, testified in support of HB 2663.
(Attachment 3)

Bev Bradley, representing the Kansas Association of Counties testified
in support of HB 2663 and offered some recommendations. (Attachment
4) Ms. Bradley responded to questions from the Committee.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S, Statehouse, at 1:35 a.m./p.m. on JANUARY 23, 1992.

Christy Young, Topeka Chamber of Commerce, expressed support for HB 2663 and provided written testimony. (Attachment 5) No questions from the Committee were asked.

There were no opponents to HB 2663.

The Chair closed the hearing on HB 2663.

The Chair stated hearings will continue on Tuesday, January 28, 1992, on HB 2663 and there will also be a hearing on HB 2742 (County law library in McPherson County).

Representative Lisa Benlon made a motion to approve the minutes of January 21, 1992. The motion was seconded by Representative Carl Holmes. The motion carried.

The meeting was adjourned.

State	Type of Organization	Legal Basis	Governing Body		Approximate Budget FY1990	Staff: Full/Part Time	Functions					
			Size	Composition			Research	Conferences/Seminars	Recommend Policy/Legislation	Constituent Work ¹³	News-letter	Other
Colorado	ACIR	Informal	30	SL,SE,L,A	—	—	X		X	X		
Connecticut	ACIR	Statute	25	SL,SE,R,L,A,P	\$131,500 ¹	2/0	X	X	X	X		12
Florida	ACIR	Statute	21	SL,SE,L,A,P	\$623,411 ¹	8/1	X	X	X	X	X	5
Illinois	Legislative	Statute	12	SL	\$1,110,700 ¹	19/0	X	X	X	X		
Indiana	LAP	Executive Order	45	L	\$75,000 ¹	1/0		X	X	X		
Louisiana	ACIR	Statute	17	SL,SE,L	\$10,000 ²	3/0	X	X	X	X		
Maine	LAP	Executive Order	12	R,L,A ¹⁵	—	—	X		X	X		6
Maryland	Legislative	Statute	16	SL ¹⁴	—	0/1 ¹⁵	X	X	X	X		7.8
Massachusetts	ACIR	Statute	40	SL,SE,L	—	—	X		X	X		13
Michigan	ACIR	Statute	21	SL ¹⁵	\$135,000 ¹	2/1	X	X		X		
Minnesota	ACIR	Executive Order	20	SL,SE,R,L,A	—	0/2	X		X	X		8
Missouri	ACIR	Executive Order	30	SL,SE,L,A,P	\$84,500 ¹	2/0	X	X	X	X		
New Jersey	ACIR	Statute	15	SL,L,P	\$235,000	6/0	X		X	X	X	12
New York	Legislative	Statute	10	SL	\$425,700 ¹	9/1	X	X		X		9
North Carolina	ACIR	Statute	19	SL,L ¹⁵	\$5,397 ¹	0/2	X		X	X		
North Dakota	ACIR	Statute	11	SL,SE,A	\$4,100 ¹	—	X		X	X	X	8
Ohio	ACIR	Statute	14	SL,SE,L,P	\$212,000 ¹	4/0	X	X		X		
Oklahoma	ACIR	Statute	22	SL,SE,L,A,C	\$150,000 ¹	3/0	X	X		X	X	10.12
Pennsylvania	ACIR	Incorporated	18	SL,SE,L	\$525,000 ³	11/0	X	X				

State-Local Relations Bodies in the States: 1990

Rhode Island	ACIR	Statute	17	SL,SE,L,A	4	0/1	X		X			11
South Carolina	ACIR	Statute	21	SL,R,L,P	\$235,000 ¹	4/0	X	X	X			
South Dakota	Legislative	Statute	15	SL,L	\$5-6,000 ¹	0/2	X		X	X	X	12
Tennessee	ACIR	Statute	29	SL,SE,L,P	\$375,900 ¹	8/0	X	X	X	X		8
Utah	ACIR	Statute	20	SL,SE,L,P	—	0/1	X		X			
Virginia	ACIR	Statute	18	SL,SE,L,A,P	\$13,000 ¹	1/0	X			X		
Washington	ACIR	Executive Order	22	SL,SE,L	\$50,000 ¹	0/1	X					

Legend
A = Association (e.g., of officials or governments)
C = Member of U.S. Congress
L = Local government
LAP = Local Advisory Panel
P = Private citizen
R = Regional council of governments
SE = State government, executive branch
SL = State government, legislative branch

Notes

- ¹State appropriation
- ²Municipal association grant
- ³99 percent contracts
- ⁴State funds administrative expenses; private sources provide in-kind services.
- ⁵State representation in Washington, DC
- ⁶Liaison, congressional delegation
- ⁷Input into the regulatory process
- ⁸Represent local governments on other commissions
- ⁹Liaison between state agencies, local governments, and COGs
- ¹⁰Provides technical assistance
- ¹¹Participates in leadership development/continuing education program for public officials
- ¹²Data base services
- ¹³This includes a variety of services, from filling simple information requests to providing complex ombudsman services.
- ¹⁴In addition, there are several nonvoting, ex officio members who represent the executive branch of state government as well as local governments.
- ¹⁵Maine—6 at-large members appointed by governor; Michigan—5 at-large members appointed by governor, 2 by supreme court; North Carolina—3 at-large members appointed by governor

(Recognized Counterparts to U.S. ACIR)

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3

Attachment
1-23-97
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6-1
**South Carolina
Advisory Commission
on Intergovernmental Relations**

Legal Basis

Statute (1984), replaced 1979 Executive Order

Size and Composition of Governing Body

21 members—8 state, 9 local, 4 private citizens

8 legislators (4 Senate, 4 House)

Local members (3 municipal, 3 county, 1 regional council,
1 school board, 1 special purpose district)

4 private citizens

Members serve 2 years; all appointments made by Governor.

Budget

FY 1990—\$235,000 (state appropriation)

Staff

4—executive director, legislative analyst, fiscal analyst, administrative assistant

Functions

Clearinghouse for information

Conferences/seminars

Develop and advocate policy recommendations

Leadership development programs and continuing
education for public officials

Liaison among governments

Recommendations on legislation

Research

Recent Accomplishments/Current Activities

Developed state legislation permitting a local option sales
tax for cities and counties (passed by legislature).

Issued a comprehensive study of state mandates to local
government.

Prepared an analysis of how local government debt is
treated, including recommendations for improvements.

Issued a study on planning and a call for the establishment
of a statewide comprehensive planning process.

Conducted a state tax policy study with U.S. ACIR.

Studying various options for annexation reform. Recent
court decisions have brought into question two of the
state's three methods of annexation.

Contact

Dan B. Mackey

Executive Director

Advisory Commission on Intergovernmental Relations

P.O. Box 12395

Columbia, SC 29211

(803) 737-1705

FAX (803) 737-1707

**South Dakota
Local Government Study Commission**

Legal Basis

Statute (1968)

Size and Composition of Governing Body

15 members—11 state, 4 local

11 legislators appointed by legislative leadership (7
House Standing Committee on Local Government, 4
Senate Standing Committee on Local Government)

4 appointed by executive board of Legislative Research
Council (local elected officials, including 1 municipal
and 1 county)

Legislators appointed for 2 years; others 4 years.

Budget

FY 1990—\$5-6,000 (state appropriation)

Staff

2 part time—1 professional, 1 secretary

Functions

Recommendations on legislation

Research

Recent Accomplishments/Current Activities

Studied the issue of surety bonds required of individuals
and businesses. Drafted legislation to repeal many an-
tiquated bond requirements. Most passed the 1989
Legislative Assembly.

Addressed the issue of child day care regulation.

Studying hunting preserve issues, construction expendi-
ture limits that require the use of an architect or engi-
neer, and the issuance of tax deeds.

Contact

Mark Zickrick

Fiscal Analyst

Legislative Research Council

Local Government Study Commission

500 East Capitol

Pierre, SD 57501-5070

(605) 773-3251

OUTLINE OF REMARKS PRESENTED IN TESTIMONY IN SUPPORT OF A BILL TO CREATE A KANSAS
ADVISORY COUNCIL ON INTERGOVERNMENTAL RELATIONS - HOUSE LOCAL GOVT. COMM. 01-23-92.

REMARKS OF HAROLD E. RIEHM, - FORMER EXECUTIVE DIRECTOR, KANSAS ADVISORY COUNCIL ON
INTERGOVERNMENTAL RELATIONS, 1969-1975

1. Introduction of Myself - Only person in Country to have started up a State ACIR and closed one down. In 1969, started up the Kansas ACIR, and in July, 1975, closed it down, the agency having been created and abolished those dates by the Kansas Legislature.
2. What the Kansas ACIR accomplished in its 5 1/2 years of existence.
 - a. Recommended a State Department of Local Affairs
 - b. Recommended a Purchasing Plan by which Local Governments could purchase off the State Contract at State Contract Prices.
 - c. Introduced and had Passed the First County Home Rule Act of Kansas.
 - d. Proposed a Statutory and Constitutional Route for Optional Forms of County Government.
 - e. Obtained Passage of a Constitutional Amendment Permitting more than Three County Commissioners.
 - f. Proposed an Act Permitting Subordinate Service Areas, Based on a Recommendation on the National ACIR.
 - g. Conducted Numerous Public Hearings for Local Government Officials Throughout Kansas.
 - h. Participated in Joint Efforts with the League of Kansas Municipalities and Kansas Association of Counties.
 - i. Served as State Liaison with the National ACIR.
 - m. Issues Annual Reports to the Governor and Legislature of Kansas.
 - n. Served as a source of Creative and, at times, Controversial, Consideration of Proposals not Likely to be Heard within the Legislative Process.
 - o. Helped Achieve Passage of the Act Creating the Johnson County Charter Commission
3. What Kind of Support is Needed for the Establishment and Successful Operation of a Kansas State ACIR?
 - a. Commitment of the Legislature, not just a Few Legislators.
 - b. Commitment of the Governor that this be a Viable Agency of State Government.
 - c. Adequate Funding to permit a Staff Sufficient to have an Impact.
 - d. Good Members, with Geographical, Political and Occupational Balance.
 - e. Institutionalized Inroads to Legislature (by Having Legislative Members).
4. Conclusions - KACIR Failed because it did not have, to the extent necessary, the above factors. But, the case is just as strong now for a State ACIR as it was in 1969. No current State Agency views the forrest on intergovernmental issues--instead a propensity to have view presented only by those representing the "trees". This need not be a burden on State Governemnt, financially or otherwise. Instead it can and should be a source of creative thinking, positive recommendations, and constructive analysis and review.

LD
1-23-92
Attach. 2

**KANSAS
ASSOCIATION**



**OF
SCHOOL
BOARDS**

**5401 S. W. 7th Avenue Topeka, Kansas 66606
913-273-3600**

**Testimony on H.B. 2663
before the
House Committee on Local Government**

by

**Mark Tallman, Coordinator of Governmental Relations
Kansas Association of School Boards**

January 23, 1992

Madam Chair, Members of the Committee:

We appreciate the opportunity to offer our support for H.B. 2663. We believe that Section 2 of the bill expresses very well the need for an intergovernmental advisory council and the functions such an entity could serve. We appreciate the inclusion of a school board member on the council proposed in H.B. 2663. Obviously, we believe the school board perspective is an important one in intergovernmental coordination.

Thank you for your consideration.

*LM
1-23-92
Attachment 3*



**KANSAS
ASSOCIATION
OF COUNTIES**

"Service to County Government"

1275 S. Topeka Blvd.
Topeka, Kansas 66612
(913) 233-2271
FAX (913) 233-4830

EXECUTIVE BOARD

President

Marjory Scheufler
Edwards County Commissioner
R.R. 1, Box 76
Belpre, KS 67519
(316) 995-3973

Vice-President

Marion Cox
Wabaunsee County Sheriff
Wabaunsee County Courthouse
Alma, KS 66401
(913) 765-3303

Past President

Winifred Kingman
Shawnee County Commissioner
(913) 291-4040
(913) 272-8948

Thomas "Tom" Pickford, P.E.
Shawnee County Engineer
(913) 266-0192

Murray Nolte
Johnson County Commissioner
(913) 791-5501

DIRECTORS

Leonard "Bud" Archer
Phillips County Commissioner
(913) 689-4685

George Burrows
Stevens County Commissioner
(316) 593-4534

John Delmont
Cherokee County Commissioner
(316) 848-3717

Berneice "Bonnie" Gilmore
Wichita County Clerk
(316) 375-2731

Betty McBride
Cherokee County Treasurer
(316) 429-3848

Roy Patton
Harvey County Weed Director
(316) 283-1890

Gary Post
Seward County Appraiser
(316) 624-0211

Nancy Prawl
Brown County Register of Deeds
(913) 742-3741

Vernon Wendelken
Clay County Commissioner
(913) 461-5694

NACo Representative

Keith Devenney
Geary County Commissioner
(913) 238-7894

Executive Director

John T. Torbert

To: Representative Mary Jane Johnson
Chair House Local Government Committee

Members House Local Government Committee

From: Bev Bradley, Deputy Director
Kansas Association of Counties

Re: Support of HB 2663, Kansas Advisory Council on
Intergovernmental Relations

The Kansas Association of Counties is in support of the concept of an Intergovernmental Relations Commission or Kansas Advisory Council on Intergovernmental Relations as the body is called in HB 2663. Our convention adopted legislative platform states, "To strengthen relationships between state and local units of government, The Kansas Association of Counties supports the concept of an Advisory Commission on Intergovernmental Relations. Further, agencies, commissions or boards, either policy making or advisory, dealing with local government issues should have local government representation."

We do however have some suggestions. On page 2, lines 13 and 14, add language so that the advisory council also makes recommendations on how better relations can be fostered between local governments and state government. The current wording only addresses better relations among local governments and among local units of government.

A second concern deals with schools. Our Executive Director, John Torbert, was instrumental in the process of bringing a state advisory commission of intergovernmental relations into being in Iowa. As I understand it, schools were included there and it was felt by many that their interests and concerns were very different from that of general purpose local governments. He said their representative attended only a very few meetings and then did not come back. Perhaps the purpose would be better served to include only general purpose governments. I believe it is an idea to consider.

LD

1-23-92

Attachment 4

KAC believes that this concept will work and be successful only if it is supported by the Executive Branch of State Government as well as the Legislative Branch, and if the council is sufficiently funded to be staffed and supported in a substantial manner.

I thank the committee for their time and I will stand for questions should there be any.

TSB2663

**Greater Topeka
Chamber of Commerce**
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120 East Sixth Street
Topeka, Kansas 66603
913/234-2644
FAX 913/234-8656



**Testimony before the House Local Government Committee
January 23, 1992
Christy Young, Vice President Government Relations
Greater Topeka Chamber of Commerce**

The Greater Topeka Chamber of Commerce would like to express its support for HB 2663, establishing a Kansas Advisory Council on Intergovernmental Relations. We believe this Council will have the ability to foster cooperation, coordination and consolidation of services at all levels of government.

Topeka and Shawnee County citizens are interested in finding new ways to provide needed government services at a reduced cost. Many believe consolidation will bring economies and efficiencies to local government and that better coordination and cooperation among taxing authorities will also facilitate positive changes in the delivery of services, governance, and cost.

It is our sincere hope that an ACIR will provide the necessary research and policy recommendations for the legislature, local authorities and the citizens of Kansas. We do not take the establishment of new state positions lightly, our members and local residents are discontent with the rising costs of government and are calling for significant reductions. However, we believe this council can be a catalyst for positive change.

LL
1-23-92
Attachment 5