

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:00 a.m. on February 24, 1995 in Room 531-N of the Capitol.

All members were present except:

Committee staff present: Mike Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Senator Reynolds

Others attending: See attached list

The minutes of February 17, 21 and 23 were approved.

Attention was turned to bills previously heard. First to be considered was **SB 158** relating to no-fund warrants issued by drainage districts. It was the consensus of the committee that action should be taken on the bill. The Chairman explained three amendments which had been offered. The first limits the total indebtedness to 5%. The second allows for a protest petition and a vote of the people. The third offered by Senator Ranson also allows a protest petition but with a vote based on the acreage you have in the drainage district. Short discussion of the proposed amendments followed. It was decided to hold the amendment regarding the 5% limitation on indebtedness until more input can be obtained regarding the percentage amount.

Senator Reynolds made a motion to conceptually amend **SB 158** to allow a protest petition with the amount of vote determined according to acreage, Senator Ramirez seconded, and the motion carried.

Senator Reynolds made a motion to report **SB 158** favorable for passage as conceptually amended, Senator Gooch seconded, and the motion carried.

Discussion began on **SB 218** regarding consolidation of local government in Wyandotte County which had been heard yesterday. Written testimony in opposition from Richard J. Kaminski, Wyandotte County Commissioner, had been distributed to committee members. (Attachment 1)

Senator Ramirez informed the committee that he had heard from chamber members in his district in Wyandotte County who felt the bill would be cutting out the task force which is presently doing a study on consolidation. It was suggested that no action be taken on the bill until next session after the task force has completed its study. The people he has heard from are interested in consolidation, but it needs to be accomplished one step at a time. Senator Ramirez also reminded the committee of the need for language in the bill to clarify concerns relating to home rule powers.

The Chairman said, in his observation of bills requested by counties, the bill will pass only if there is uniform support in the particular county. However, he would not wish the bill to slip by, leaving no chance for consolidation. Senator Ramirez reiterated that there would be no problem with holding the bill until the Legislature convenes in January of 1996.

Senator Wisdom stood to respond to Senator Ramirez' insistence that the bill be held until 1996. Senator Wisdom noted those persons from whom Senator Ramirez had heard are from Bonner Springs and Edwardsville, and these cities are not involved with the consolidation, therefore, why should the committee heed what they say? These cities will remain separate entities, therefore, they should not tell the committee what to do.

The Chairman asked Senator Wisdom if he would agree with his earlier statement that if there is a division within a county over a bill, the bill will not pass. If this is the case, the Chairman concluded that the bill

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on February 24, 1995.

probably will not pass at this time, and there would be no harm in waiting until the 1996 session if the persons on the task force are feeling that they are being cut. Senator Wisdom responded that he feels this bill is the right thing to do and reminded the committee that it was in progress long before the task force was formed. He feels the passage of this bill would add credence to any effort of the task force.

Senator Ramirez responded that Bonner Springs and Edwardsville are not excluded with regard to the costs of the county for such as Sandstone (which was not created by Bonner Springs), the county treasurer, county clerk, jail and sheriff. He reiterated that, in his opinion, the bill is premature.

The Chairman suggested that **SB 218** be held until next year and that it be scheduled for a hearing the first week of the session to hear from the task force.

Senator Downey commented that the bill involves an emotional and political thing, and she feels it is not possible to have an objective opinion from the task force unless members were persons not involved. She feels there needs to be a commitment from the committee that it will hear the bill again at the first of the next legislative session.

Senator Ramirez made a motion that the committee have a hearing on **SB 218** during the first week of the 1996 session, Senator Tillotson seconded, and the motion carried.

SB 220--Concerning cities and counties; relating to the consolidation of law enforcement.

Senator Reynolds testified in support of the bill. She distributed copies of a letter from the City of Dodge City in support. (Attachment 2)

Ms. Kiernan explained that the bill amends the statute that applies to several medium sized counties to consolidate law enforcement only, subject to the vote of the people. It differs from what was done for Riley County in that the office of Sheriff is not abolished. The duties of the Sheriff are limited.

Senator Reynolds said the purpose of the bill is to open up the opportunity for these counties to consolidate law enforcement if they so choose. Then, it is up to the county to make it work. With this the hearing on **SB 220** was closed.

Senator Reynolds made a motion to report **SB 220** favorable for passage, Senator Ranson seconded.

Senator Tillotson asked if there had been any opposition to the bill. Both Senators Reynolds and Parkinson answered there was none heard.

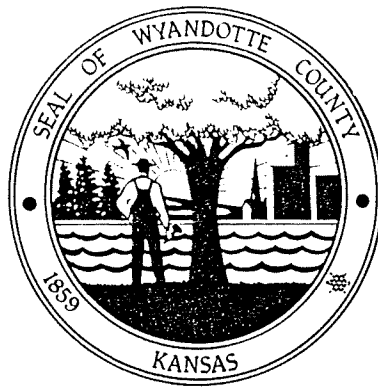
Upon a call for a vote on Senator Reynolds' motion, the motion carried.

Final bill to be considered was **SB 108**, concerning mandates on cities and counties, which had been previously heard. The Chairman informed the committee that it has been determined that the House does not want to pass another mandate bill as is indicated in a pass out from the League of Kansas Municipalities. (Attachment 3) This being the case, it was the consensus of the committee to hold the bill in committee until the 1996 session.

The meeting was adjourned at 9:44 a.m.

The next meeting is to be announced.

RICHARD J. KAMINSKI
COUNTY COMMISSIONER, 3RD DISTRICT



OFFICE OF
BOARD OF COUNTY COMMISSIONERS
WYANDOTTE COUNTY COURT HOUSE
710 N. 7TH STREET
KANSAS CITY, KANSAS 66101
PHONE (913) 573-2827
FAX (913) 321-0237

To: Members of the Senate Local Government Committee:
From: Richard J. Kaminski *RL*
County Commissioner
Wyandotte County, Kansas
Date: February 23, 1995
RE: Senate Bill #218 - Consolidation

Problems:

The ^{mayor}majority will be elected by the county at large and 9 member council by districts. It is possible that the majority and two councilmen would be from Edwardsville or Bonner Springs, but these cities would not be effective by this new government. I feel that there is a constitutional question here.

If the election is held in August, 1996, for the citizens to vote on this bill, when would the election of the office holders be held? This bill says that they take office on the second Monday of January, but doesn't say when the election will be held, except that it does mention that they would follow the county statutes. Does this mean that it would be a partisan election and the election held in August and November?

A task force has been appointed to study this issue and they should be given a chance. If the task force or any of it's members has requested this bill, I feel that this is a conflict of interest. The Kansas City, Kansas Chamber of Commerce feels the same way.

I do not feel that Wyandotte County could afford to consolidate according to this bill.

RJK:jl

*Senate Local Govt
2-24-95
Attachment 1*

City of
Dodge City



OFFICE OF THE CITY ATTORNEY
C/O Williams Law Firm
P.O. Box 39
Dodge City, KS 67801
Phone: 316/225-4168
FAX: 316/225-7261

February 22, 1995

The Honorable Marian Reynolds
Kansas Senate
State Capitol Building, Room 458-E
Topeka, Kansas 66612

RE: Senate Bill 220

Dear Senator Reynolds:

Over the past few years and recently, there have been discussions on the subject of city-county law enforcement consolidation here in Ford County. At this time there are no serious on-going discussions on this issue; however, with the enactment of authorizing legislature, we do anticipate a serious attempt to bring this issue to the forefront.

Certainly before any decisions are made concerning law enforcement consolidation, our community will need to conduct an extensive fact finding study in order to gain more knowledge of local law enforcement in Ford County as well as of current cooperative efforts among local law enforcement agencies.

In order for a merger of law enforcement agencies to occur in Ford County, enabling legislation will be necessary. It appears that Senate Bill No. 220 will provide the necessary enabling legislation. As we understand, the bill does not require any changes in the way current law enforcement agencies in cities and counties across the State provide services, but simply provides cities and counties with the option to merge law enforcement agencies if they choose to do so, subject to the approval of the voters. Comments we have heard locally are that until legislation is implemented that will allow law enforcement consolidation, there is no need for discussions on the issue.

Although the City of Dodge City and Ford County Commissioners have not formally discussed the issue, there is some interest to pursue formal discussions. Therefore, we



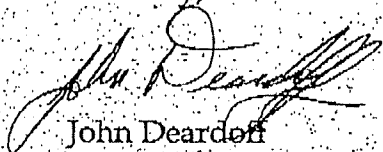
Senate Local Gov't
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Attachment 2

February 22, 1995
The Honorable Marian Reynolds
Page 2

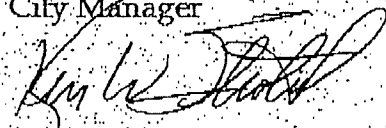
would urge the Senate provide cities and counties with the necessary enabling legislation for law enforcement consolidation.

I apologize that we are not able to attend the Committee hearing on this issue due to other commitments, but certainly would appreciate your willingness to share our thoughts with the Senate Committee on Local Government. If you have any questions concerning our position on Senate Bill No. 220, please do not hesitate to contact either one of us.

Sincerely,



John Deardoff
City Manager



Ken W. Strobel
City Attorney

2-2



**League
of Kansas
Municipalities**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 112 S.W. 7TH TOPEKA, KS 66603-3896 (913) 354-9565 FAX (913) 354-4186

February 22, 1995

Senator Mark Parkinson, Chair
Senate Local Government Committee
Statehouse--128-S
Topeka, KS 66612

SUBJECT: SB 108, Regarding Unfunded Mandates and Preemptive Laws

Dear Senator Parkinson:

This letter is to express our sincere appreciation for the consideration by the Senate Local Government Committee of SB 108, concerning unfunded mandates and preemptive laws. The Committee has been most courteous and open to our recommendations concerning this legislation, and we are mindful of the commitment of many Committee members to curbing unfunded state mandates and preemptive laws on municipal governments.

As you know, the House counterpart to SB 108 ran into considerable opposition week before last during debate in the House and was sent back to Committee. Over the past few weeks I have been consulting with House members who opposed that legislation to determine the source of their concern. While I believe we could address most of their concerns with explicit amendments, I am convinced that it is the basic principle behind the bill that these House members find objectionable and would continue to oppose. With this fact in mind, we respectfully recommend that the Committee not amend and attempt to report SB 108. In my opinion, it would face a very doubtful future in the House, and we do not believe it is worth the Committee's time to work the bill this year.

For your information, I have attached suggested amendments to SB 108 which I believe would address each of the explicit concerns raised by both members of this Committee and the House. Perhaps next year will provide a more promising atmosphere in which to pursue this matter.

Thank you again for the Committee's consideration.

Sincerely,

Chris McKenzie
Executive Director

cc. Jim Reardon, Director of Legal Services, Kansas Association of Counties

*Senate Local Gov't
2-24-95
Attachment 3*

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SENATE BILL No. 108

By Senators Parkinson, Clark, Emert, Hardenburger, Harrington, Harris,
Langworthy, Lawrence, Papay, Praeger, Reynolds, Steffes and Tillotson

1-24

10 AN ACT concerning cities and counties; relating to certain mandates
11 imposed thereon.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) Any mandatory law shall be binding upon a local gov-
15 ernmental unit only if the state legislature makes a finding, by law, that
16 the enactment of such law and the imposition of the mandate without
17 full-state funding shall serve a compelling significant state interest.
18 The finding required by this subsection shall be contained in the first
19 section of the bill enacting such mandatory law.

20 (b) Any preemptive law shall be binding upon a local governmental
21 unit only if the state legislature makes a finding, by law, that the enact-
22 ment of such law shall serve a compelling significant state interest.
23 The finding required by this subsection shall be contained in the first
24 section of the bill enacting such preemptive law.

25 (c) The provisions of subsections (a) and (b) shall apply to such laws
26 enacted after the effective date of this act.

27 (d) For the purpose of this section:

28 (1) ``Local governmental unit'' means any city or county or any in-
29 strumentality thereof.

30 (2) ``Civil or criminal sanction'' includes, but is not limited to, ouster,
31 mandamus, civil fines, criminal fines and imprisonment.

32 (3) ``Mandatory law'' means any law requiring which specifically requires
the use of a local governmental unit's personnel, facilities or equipment or
requiring which specifically requires the expenditure of a local governmental
unit's funds to provide a service, program or which specifically imposes any
direct service or cost obligation upon a local governmental unit under penalty
of civil or criminal sanction. A law shall not be considered a mandatory law if:
(i) such law imposes a comparable duty or responsibility on the general public
or entities which are not local governmental units; (ii) such law is part of a
legislative enactment which does not require enforcement or implementation by
the local governmental unit; or (iii) such law implements a mandate imposed by
the federal government, but any provision of such a law which exceeds the
requirements of the federal mandate shall be a mandatory law for purposes of
this section.

37 (4) ``Preemptive law'' means any law which limits or restricts the ac-
38 tions of any local governmental unit.

39 Sec. 2. A legislative determination made in accordance with Section 1 that
a matter shall serve a significant state interest shall be a matter of
exclusive legislative discretion and may not be challenged during any
judicial proceeding involving the interpretation of the provisions of this act.

~~(a) Any mandatory law shall expire five years after the effec- 40
tive date of any such law.~~

~~41 (b) The provisions of subsection (a) shall apply to mandatory laws
42 enacted after the effective date of this act.~~

~~43 (c) For the purpose of this section:~~

~~44 (1) ``Local governmental unit'' means any city or county or any in-
45 strumentality thereof.~~

~~46 (2) ``Civil or criminal sanction'' includes, but is not limited to,
47 ouster, mandamus, civil fines, criminal fines and imprisonment.~~

~~48 (3) ``Mandatory law'' means any law requiring the use of a local gov-
49 ernmental unit's personnel, facilities or equipment or requiring the ex-
50 penditure of local governmental unit's funds to provide a service, program
51 or which imposes any direct service or cost obligation upon a local gov-
52 ernmental unit under penalty of civil or criminal sanction.~~

~~53 Sec. 3. (a) Any preemptive law shall expire five years after the effec-
54 tive date of any such law.~~

~~55 (b) The provisions of subsection (a) shall apply to preemptive laws
56 enacted after the effective date of this act.~~

~~57 (c) For the purposes of this section, ``preemptive law'' means any law
58 which limits or restricts the actions of a county pursuant to K.S.A. 19-
59 101a, and amendments thereto.~~

60 Sec. 3 4. This act shall take effect and be in force from and after its
61 publication in the statute book.