

Approved: Mar. 17 1999
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon on March 15, 1999 in Room 519-S of the Capitol. The meeting was moved to 519-S, at 3:35 p.m., because of the large number of conferees. Notice of the room change was prominently posted on the door of 519-S, and posted outside of room 521-S.

Committee staff present: Mary Galligan - Research, Dennis Hodgins - Research, Revisor Theresa Kiernan, Secretary June Constable

Proponents appearing: Sen. Hardenburger; Richard Maginot; Dorothy Shoap; Judy Moler; Mike Taylor; City of Topeka, Mayor Joan Wagnon by Jim Calp; Don Moller; Sen Dave Kerr; Jennifer Magana.

Opponents appearing: Duane Sanders; Rick Eberhard; Les Drum; John Todd; Marvin E. Smith; Greg Dye; Glen Burdue; Paul Degener; Bill Fuller; Francis Kelsy; Wm Davitt; Dan Thimesch;

Others attending: See Guest List, attached to these Minutes.

Silent roll for the House Committee was taken by the Secretary. All committee members were present .

The Chair opened the hearing for SB 07. Revisor Theresa Kiernan briefed the committee on SB 07 explaining the history of the bill. . The Chair deferred questions until after the proponents testified.

The Chair announced that due to the number of conferees each would be limited to 3 minutes with a 30 second grace period, timed by electronic timer.

Proponent Senator Janice Hardenburger testified by oral testimony and provided written testimony (Attachment #1).

Proponent Richard Maginot, Township Business Administrator for Soldier Township, testified orally and provided written testimony to the committee. (Attachment #2).

Proponent Dorothy Shoap, a private citizen, testified before the committee and provided written testimony. (Attachment #3)

Proponent Judy Moler, Executive Director Kansas Association of Counties, testified and provided written testimony (Attachment #4).

Proponent Mike Taylor, City of Wichita, testified and provided written testimony (Attachment #5).

Proponent Jim Calp, City of Topeka, testified on behalf of Mayor Joan Wagnon with written testimony being provided also. (Attachment #6)

Proponent Don Moller, League of Kansas Municipalities, testified and provided written testimony, (Attachment #7).

Thereupon, the Chair asked if there was further testimony from Proponents, seeing none testimony was heard by Opponents.

Opponent Duane Sanders, President of Sedgwick County Township Association, testified and provided written testimony (Attachment # 8)

Opponent Rick Eberhard, Association for Legislative Action of Rural Mayors, testified and provided written testimony, (Attachment #9).

Opponent Les Drum, Sedgwick County Farm Bureau, testified and provided written testimony (Attachment #10).

Opponent John Todd, private citizen, testified and provided written testimony to the committee. (Attachment #11)

Opponent Marvin E. Smith, private citizen, testified and provided written testimony to the committee. (Attachment # 12).

Opponent Greg Dye, private citizen, testified and provided written testimony to the committee. (Attachment #13).

Opponent Glen Burdue, an associate of the Kansas Tenth Amendment Society, spoke and provided written testimony to the committee (Attachment #14)

Opponent W. Paul Degener, private citizen, testified and provided written testimony to the committee

CONTINUATION SHEET
HOUSE GOVERNMENTAL ORGANIZATION AND ELECTION COMMITTEE

(Attachment #15)

Opponent Bill Fuller, Kansas Farm Bureau, spoke to the committee and provided written testimony.

(Attachment # 16)

Opponent Francis Kelsey, Shawnee County Farm Bureau Association, testified and provided written testimony to the committee. (Attachment # 17)

Opponent William Davitt, a private citizen, appeared before the committee to testify. No written testimony was provided. Mr. Davit stated his opposition to the Bill, citing reasons why the committee should not pass the Bill.

Opponent Rep. Dan Thimesch appeared and gave his opinions of amendments which should be added to the Bill and gave his reasons to oppose unless the Bill is amended.

There being no further conferees, the Chair opened the meeting to questions. Questions were asked of Mike Taylor by Rep. Huff, Rep. Long, Rep. Welshimer, and Rep. Hayzlett, Rep. Johnston, Rep. Powers, and Rep. Storm.

Hearing no further questions, the Chair closed the hearing on **SB 07**.

Rep. Ted Powers asked the Chair for a minute of time to make a presentation, concerning a commitment. Perishable items were passed out to the committee and the meeting proceeded.

The Chair opened **SB 288** for hearing:

Opponent Kansas National Education Association provided written testimony only. (Attachment #18)

Opponent Kansas AFL-CIO provided written testimony only. (Attachment #19)

Proponent Senator Dave Kerr testified in person and provided written testimony (Attachment #20)

Questions were asked of Sen. Kerr by Rep. O'Connor, Rep. Welshimer, Rep. Horst, Rep. Powers, Rep. Johnston & Rep. Storm.

There being no further questions, hearing was closed on **SB 288**.

The Chair opened the hearing on **SB 319**:

Proponent Kansas Association of County Planning and Zoning Officials provided written testimony only. (Attachment #21).

Proponent Jennifer Magana, Assistant County Counselor of Sedgwick County, testified and provided written testimony to the committee. (Attachment # 22)

Questions were asked of Mrs. Magana by Rep. Powers, Rep. O'Connor and Rep. Johnston.

There being nothing further on **SB 319**, the Chair closed the hearing.

The printed minutes from March 10, 1999 and February 17, 1999 were distributed to the committee. Rep. O'Connor moved that the minutes be approved as printed. Rep. Gilbert seconded the motion. Motion carried.

At that time, there being no further business, the meeting was adjourned by the Chair. .

House Governmental Organization
and Elections
Guest List

March 15, 1999

Your Name	Representing
RICK EBERHARD	Sedgwick Co. ALARM
Greg Oye	Concerned Citizen
Meryl Mathis	KNEA
John Todd	myself
W. A. Davitt	myself
Les Druitt	Sedg. Farm Bureau
Nina Partonen	guest
Julia Hahn	Guest
Dwayne Sanders	Sedg. Co. Township Assn'
Dorothy Shoup	Concerned citizen (rural resident)
RICHARD MAGIDOR	SOLDIER TOWNSHIP
Francis Kelsey	Shawnee Co. Farm Bureau Assn.
John Davis	Visitor
Harland Riddell	Riddell & Associates
Paul DeGeneres	Concerned Citizen
Marvin E. Smith	Shawnee County Resident
Bill Tuller	Kansas Farm Bureau
Becky Hutchins	Rep - 50 th Dist.
St. Clark	Self
Glen Burdue	Self
Christy Caldwell	Gen. Topeka Chamber of Commerce
Tom Bruno	Allen & Assoc.
Paul Carey	TWD #2 Sedg. Co.

Marc Hamann

Div. of the Budget

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3/15/99
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House Governmental Organization
and Elections
Guest List

Your Name	Representing
Bruce Dimmitt	Kansas for Life
Jennifer Magaña	Sedgwick County
Nanci Liss	Sedgwick County
Nava Fatorou	Johnson County
Marina Dye	Concerned Citizen
Greg Dye	Concerned Citizen
MIKE TAYLOR	City of Wichita
DON Molerz	LKM
Judy Moler	Ks. Assoc of Counties

JAMES HARDENBURGER

SENATOR, 21ST DISTRICT
 CLAY, CLOUD, MARSHALL
 NEMAHA, WASHINGTON, RILEY
 AND A PORTION OF
 POTTAWATOMIE COUNTY
 562 25TH ROAD
 HADDAM, KANSAS 66944
 (785) 778-3375
 FAX: (785) 778-3376

STATEHOUSE—143-N
 TOPEKA, KS 66612-1504
 (785) 296-7371

e-mail: hardenburger@senate.state.ks.us



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

CHAIRMAN: ELECTIONS/LOCAL GOVERNMENT
 VICE-CHAIRMAN: JOINT COMMITTEE ON ADMINISTRATIVE
 RULES & REGULATIONS
 VICE-CHAIRMAN: REDISTRICTING ADVISORY GROUP
 MEMBER: ASSESSMENT AND TAXATION
 ORGANIZATION, CALENDAR AND RULES
 PUBLIC HEALTH AND WELFARE

SENATE BILL 7 BILL REPORT

Thank you, Madam Chairman Benlon and committee members, for the opportunity to appear before your committee in support of Senate Bill 7.

Senate Bill 7 was recommended by the 1998 interim Special Committee on Local Government. The committee spent two full days hearing the assigned subject of consolidation of cities and counties. Senate Bill 7 was drafted by the Special Committee and was introduced as a pre-filed bill. I would not want to say that this is just a simple bill; nor do I want to say that it is non-controversial bill. I think the interest in developing enabling legislation for consolidation stemmed from the experience with state involvement in the consolidation of the governments of Kansas City, Kansas and Wyandotte County. Why should the state stand in the way of citizens and governing bodies who want to begin a structured discussion on the subject?

An opponent of the bill stated "We strongly feel that the state legislature should avoid any and all intervention in matters of local affairs as we feel state government should act to encourage and promote the exercise of authority and assumption of responsibility to the locally elected, locally represented governing bodies of whom we represent." That is precisely the logic behind Senate Bill 7 which supports local governments to determine their own destinies. Senate Bill 7 is permissive. Senate Bill 7 is not a mandate. It's possible that Senate Bill 7 may only be used by one county in the state, however Senate Bill 7 will allow that county to proceed without the roadblocks of the state legislature deciding what they should or should not do.

SO WHAT DOES THE BILL DO: Senate Bill 7 provides a framework for a county and cities to consolidate. The Special Committee insisted that the legislation be permissive. The consolidation begins with a joint resolution adopted by the board of county commissioners and the governing body of any city or cities located within the county. The joint resolution provides for the establishment of a consolidation study commission to prepare a plan for consolidation. The joint resolution is not effective until it has been approved by a majority of the qualified electors of the county. The resolution also determines if the study commission is elected or appointed.

The ballot must contain an explanatory statement that a proposed consolidation may take place only if approved by a majority of the county electors voting on the issue and by a majority of the ballots cast within each city proposed to be a part of the consolidation.

The makeup of the consolidation study commission and the method of appointment or election is to be decided in the joint resolution. The bill does stipulate that at least one-third of the commission must reside in the unincorporated area of the county.

C.O.E.
March 15
Attached #1

If the joint resolution requires an elected consolidation study commission, then an election will be held to select the members of the study commission. Once appointed or elected, the consolidation study commission may appoint an executive director, employ other staff as needed and must adopt a budget. The commission is required to prepare a plan addressing the consolidation of the city or cities and the county or certain city and county offices, functions, services and operations. The commission is required to hold public meetings, may administer oaths and subpoena witnesses, and require production of documents and records. Once a preliminary plan has been developed; two additional public hearings, at the least, must be held for input from the public.

Once a final plan has been developed, it must be submitted to the qualified electors of the county in the next general election of the county. A majority of those voting must approve the plan as well as a majority within each city proposed to be consolidated with the county.

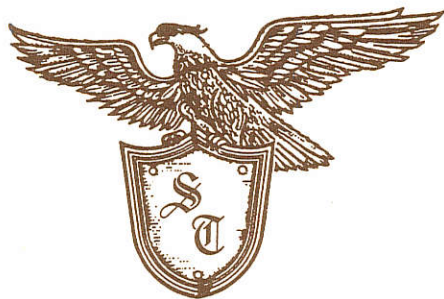
The board of county commissioners may levy a tax of not to exceed 1 mill to pay for the costs of the commission.

A plan must include a description of the form, structure, functions, powers, officers and duties of the officers recommended; provide for a method of amendment as well as abandonment of the plan; authorize the election, appointment, or elimination of elected officers; specify the date of the consolidation; and address the situation if the plan is approved by one but not all cities proposed to be consolidated. The plan also must fix the boundaries of the consolidated governing bodies election districts; determine if electors are to be partisan or nonpartisan; and determine the legislative and administrative duties of the officials.

The consolidated government is subject to the cash basis and budget law; when acting as a city it shall retain city constitutional home rule authority; and when acting as a county it shall retain statutory county home rule powers. Except for the consolidated city-county, other political subdivisions of the county shall not be affected by consolidation of the city or cities and county. Such other political subdivisions shall continue in existence and operation.

The Senate Committee on Elections and Local Government amended Senate Bill 7 to delete the initiative provision that would have permitted 10% of the qualified electors of a county to trigger the election on the issue of the establishment of the consolidation study commission. This amendment was made in response to residents in the unincorporated area of Sedgwick County and resulted from my invitation to two opponents from Sedgwick County to sit down with our research staff, specifically Mike Heim, to go through the bill line by line to more clearly understand the permissive provisions and their concerns.

I expect city-county consolidations to occur rarely in Kansas; although we have seen interest growing. In my own district, Riley County has had a county consolidated law enforcement for 25 years. Riley County is currently studying consolidation in other areas with small cities coming to the table. They are anticipating using Senate Bill 7 as a framework for their negotiations. Cloud County has been studying areas of consolidation. The lack of general enabling legislation to guide interested governing bodies and members of the public in their consideration of this idea is a significant disadvantage and inconsistent with Kansas' tradition of enabling innovation and experimentation with alternate forms of government. I urge you to give careful consideration of Senate Bill 7.



Soldier Township

600 N.W. 46th, Topeka, Kansas 66617

**House Committee Testimony on Senate Bill 7
Relating to the Consolidation of Cities and Counties
By
Richard Maginot, Township Business Administrator**

Soldier Township is opposed to this bill as it is currently written. We do not deny that with the interest in consolidating certain government functions to perhaps make them more efficient there may be a need for a change in current law. Senate Bill No. 7 seeks to address the process to allow all of the citizens in a community to decide whether there is a need for consolidation and elimination of certain elected officials. However as it is currently written the bill would deny those individuals living in the unincorporated area of the county of an equal say in their future. To address this issue we would like to offer two amendments to the bill.

Section 2 (c) makes an attempt to include representation for the unincorporated area of the county by declaring that "at least 1/3 of the membership of a consolidation study commission shall be residents of the unincorporated area of the county". On the surface this may seem fair, when in practice this provides for unequal representation. We recommend that this section be amended to require an equal number of representatives be appointed from each city in the county and from the unincorporated area of the county (i.e., 2 from city A, 2 from city B, 2 from city C, and 2 from the unincorporated area of the county).

Section 3 (f) allows the electors living in each city in the county to decide by majority vote whether they desire to participate in a consolidation. The bill has no provision for the same privilege to be given to the majority of the electors living in the unincorporated area of the county. We ask that the bill be amended to allow the electors in the unincorporated area of the county to also decide by a majority of the vote on whether they desire to participate in a consolidation.

Without these changes Senate Bill No. 7 becomes just another attempt by cities to circumvent the current laws on annexation and compel the citizens living outside those cities to fall under their jurisdiction. If the suggested amendments are not adopted the Township would ask that Senate Bill 7 be defeated.

*G. O. E -
Mar. 15 '99
Attachment # 2*

March 15, 1999

To Members of the House Gov. & Elections Committee;
& Others Concerned:

Re: Consolidation - Safe-
guards for Minority Populations.

SB7 apparently provides for consolidation study/
planning committees. It apparently does not re-
quire a separate majority vote of approval in
each jurisdiction potentially affected, with separate
vote tallies for rural and incorporated city/
town ^{voting} districts.

Rural residents are definitely a minority
population in my county (Osage), and in many
others in Kansas - rural residents often being
about 1/3 of the total county population.

Thus, while I definitely favor some local gov-
ernment consolidation of services/units without
having to go through the State Legislature, it
should be with safeguards for rural (or other)
minorities. This is to assure the fairest possible
outcome for all taxpayers/voters involved in the
proposed changes.

Dorothy Shoup

Dorothy H. Shoup

(RFD) 473 W. 189th
Scranton, Kansas 66537
(785)-793-2347

- Osage County Commissioner (1985-89)
- Concerned Citizen/Voter/Taxpayer
for 50+ years.

G.O.E.

Mar. 15 '99

Attachment # 3



**KANSAS
ASSOCIATION OF
COUNTIES**

TESTIMONY
concerning Senate Bill No. 7
CITY-COUNTY CONSOLIDATION

Presented by Judy Moler, Executive Director
Kansas Association of Counties
March 15, 1999

Representative Benlon and members of the committee, my name is Judy Moler, Legislative Services Director and General Counsel for the Kansas Association of Counties. I am here to express comments concerning Senate Bill No.7, which provides a mechanism for cities and counties to consolidate without first seeking legislative approval.

The Kansas Association of Counties neither supports nor opposes consolidation of city and county governments in Kansas *per se*. Our current legislative policy statement concerning consolidation, adopted by our membership, is as follows:

“The Kansas Association of Counties opposes mandatory consolidation of local government units. Counties presently share provision of numerous services with cities and other counties, but they should not be forced to do so. A more positive approach is to seek legislative changes which remove statutory limitations to consolidation of functions or services.”

Cities and counties are currently prohibited from effecting governmental consolidation on their own without first seeking specific statutory authorization. As such, the framework of SB 7 is positive in direction because it gives local governments an opportunity to devise a system of local government which best meets their needs without seeking legislative approval on a case by case basis. This is the essence of home rule and local control which the Association has supported forever. This philosophy is clearly reflected in SB 7.

As you know, SB 7 is the product of considerable study by a 1998 interim committee. Throughout the interim committee's work, we were afforded an opportunity to contribute and react to concepts. We do not believe that passage of SB 7 would result in widespread consolidation of cities and counties across Kansas. However, it removes the obstacles for cities and counties to seriously consider the feasibility of consolidation, and leaves the initial decision as to whether a consolidation study commission should be formed to the local governing bodies and their constituents. In summary, we think SB 7 is good public policy and we urge the committee to recommend it favorably for passage. Thank you for the opportunity to share these comments with you.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randy Allen or Judy Moler by calling (785) 233-2271.

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G.O.E
Mar. 15, '99
Attachment # 4



CITY OF
WICHITA

TESTIMONY

to

House Committee on Governmental Organization and Elections
March 15, 1999

Senate Bill 7 **Consolidation of Cities and Counties**

A Citizen Survey conducted by the Hugo Wall Center for Urban Studies at Wichita State University shows an increasing citizen frustration and confusion over who is responsible for delivering public services. Citizens want and deserve accountability, but they do not always know who to hold responsible. Is that service the City's responsibility? Or is that service the County's responsibility? Or once in awhile, as we have seen with Solid Waste planning, one government may not like what the other is doing so they'll fight over it. Perhaps that's why 79% of the people who responded to the Citizen Survey support consolidated government. 76% indicate consolidation would simplify government.

There is good reason for that feeling. There are more than 100 units of government operating in Sedgwick County all providing public services. As you can imagine, there frequently is overlap and duplication. 47 governments are involved in road construction and maintenance, 21 provide fire protection, 18 work in law enforcement and 15 are in the business of operating libraries. That may be a good thing. And most will probably continue to operate even if Wichita and Sedgwick County residents would someday in the future vote to consolidate some levels of local government. That is a choice Senate Bill 7 still gives them. The point is, the bill gives them a choice, along with a mechanism and protections to exercise those choices. None of that exists now because there is no mechanism in statute to allow or outline the process for consolidation.

G.O.E
March 15, '99
Attachment # 5

And that is all Senate Bill 7 does. It is enabling legislation. It doesn't force consolidation, it doesn't mandate consolidation, it doesn't even advocate consolidation. It simply gives citizens who decide consolidation is a good idea for their communities the option and the procedure for pursuing it. On various issues, I've often had people say to me, "why won't the City Council just let us vote, what's wrong with letting the people have their say?" That question should certainly be posed to the opponents of this bill. What's wrong with giving people the opportunity to vote on consolidation? Especially when the bill clearly gives cities which don't want to take part in a consolidation an easy way to be excluded. Under the bill, if a City Council doesn't sign a joint resolution to take part, the citizens of that city don't have to take part, but citizens of cities which do want to streamline their government and make it more efficient, still have that chance.

While Wichita is the largest City in Kansas and makes up nearly 80 percent of Sedgwick County, there are 19 other cities in Sedgwick County. Most, if not all, oppose consolidation for fear that Wichita will "take control" and impose rules, regulations or policies on them which they don't want. That fear often blinds people living outside Wichita to the benefits of consolidation and shuts the door on an option which could make government better able to serve its constituents. That fear also ignores the fact that Wichita and its 19 neighboring communities are interdependent and have much to gain by working together. Our strength as a region comes in recognizing our commonalities and capitalizing on them. Our weakness is fostering contrived differences. Senate Bill 7 recognizes that fact and allows citizens the chance to find those common strengths and build on them if they so choose.

Wichita Mayor Bob Knight, a strong supporter of consolidation, has said he will not push for consolidation unless there is a strong grassroots, citizen driven movement to do so. While consolidation may not occur anytime soon in Sedgwick County, the City of Wichita supports Senate Bill 7 because it offers citizens a well defined, established process for improving their local government and shaping it in a way to better serve them when and if they choose to do so.



CITY OF TOPEKA

Joan Wagnon, Mayor
215 S.E. 7th Street Room 352
Topeka, Kansas 66603
Phone 785-368-3895
Fax Number 785-368-3850

Jim

TO: House Committee on Governmental Organization and Elections
FROM: Mayor Joan Wagnon, City of Topeka
RE: **SB 7; City-County Consolidation**
DATE: March 15, 1999

As Mayor of the City of Topeka, I appear in general support of SB 7, which would provide a uniform act establishing procedures for consolidation of cities and counties in Kansas. The consolidation of both governmental functions and governmental units has been a matter of increasing public interest in Topeka and Shawnee County. We need to have the legal authority for consolidation as we search for ways to make our local governments more efficient and more effective, as well as responsive to the public as representative governments must be.

The provisions of SB 7 appear to be carefully and thoughtfully prepared. I believe that the process proposed is workable, and democratic.

Let me note just an example of a provision which, while very short, is very important. Section 6, Subsection (m), beginning on line 27 on page 7, states that the consolidated government may create service districts and levy taxes for services provided in such districts. This kind of provision is important not only for securing equity in the distribution in the costs of public functions, but also to ensure the voters, who must approve the proposed consolidation, that a mechanism exists to secure equity in taxation after consolidation takes effect. Farmers actually engaged in agriculture should no more be required to pay taxes for services which are of exclusive benefit to urban areas, than should urban residents have to pay taxes for functions not of benefit to them, such as for services provided to urban type developments located in rural areas.

The Kansas Legislature in the past enacted a number of state laws to facilitate intergovernment cooperation and functional consolidation. Most experts agree that under present laws, two or more governments are empowered to do jointly and cooperatively that which they made do separately, on a function or service basis. SB 7 would provide another and important legal tool to provide local governments a means to achieve effective and efficient government, where it is needed and where the voters agree. It seems to me to be appropriate for the 1999 Legislature to enact SB 7 to open up new approaches to meet the new kinds of problems we will face in the 21st century.


G.O.E
March 15 '99
Attachment # 6



**League
of Kansas
Municipalities**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 300 S.W. 8TH TOPEKA, KS 66603-3896 (785) 354-9565 FAX (785) 354-4186

TO: House Governmental Organization and Elections Committee

FROM:  Chris McKenzie, Executive Director *Don Moller*

DATE: March 15, 1999

SUBJECT: SB 7--Concerning Consolidation of Cities and Counties

Thank you for the opportunity to appear before you today on behalf of the League of Kansas Municipalities to express support for SB 7. Attached to my testimony is a copy of our testimony before the Senate Elections and Local Government Committee. The only addition I would make is that we also fully support the amendment to the bill by the Senate Committee and by the Senate Committee of the Whole. By removing the initiative process and requiring approval of the resolution by any affected cities the possibility of smaller cities being included in any initial resolution calling for the study of city-county consolidation is lessened.

RECOMMENDATION: We urge your support for SB 7, as amended.

*G.O.E.
March 15, 1999
Attachment # 7*



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 300 S.W. 8TH TOPEKA, KS 66603-3896 (785) 354-9565 FAX (785) 354-4186

TO: Senate Committee on Elections and Local Government
FROM: ✓ Chris McKenzie, Executive Director
DATE: February 3, 1999
SUBJECT: SB 7, Concerning the Consolidation of Cities and Counties

Introduction

Thank you for this opportunity to visit with you today about the subject of city-county consolidation. Over the last year I have been asked to give a number of presentations on this subject (most recently in Salina), and the level of public interest is quite high in some areas. I am aware of discussions in three counties in our state about this subject (Geary, Riley, and Saline), and I sense an interest in the subject among city officials elsewhere. The lack of a statutory framework for these discussions, however, has been a disadvantage.

The League was very involved behind the scenes in the planning and drafting of the 1996 legislation that led to the consolidation of the governments of Kansas City, Kansas and Wyandotte County (K.S.A. 1997 Supp. 12-340 *et seq.*). Further, the League also filed the only friend of the court brief in the case before the Kansas Supreme Court in which the constitutionality of that legislation was upheld in 1998. (*State ex rel. Tomasic v. Unified Government of Wyandotte County/Kansas City*, 246 Kan. 293).

There can be no doubt that the Wyandotte County experience was unique in many ways, but it also pointed out the difficulties faced by citizens and governing bodies that want to begin a structured discussion on the subject. The fact of the matter is that the only law that might even remotely provide a framework for discussing and proposing a plan for consolidation, K.S.A. 12-3901 *et seq.* explicitly prohibits the use of this act for consolidating political and taxing subdivisions (see K.S.A. 12-3909).

Since at least 1974 the League's *Statement of Municipal Policy* has recommended the adoption of enabling legislation for city-county consolidation. As amended most recently in October, 1998 (the new language is underlined), that policy statement reads as follows::

B-1b. Local Government Consolidation. The legislature should enact comprehensive legislation to enable the consolidation of political or taxing subdivisions with each other, including cities and counties, provided that any such enabling legislation should provide that the voters of each city that would be consolidated must approve of the proposal. Such legislation should provide for the appointment of local commissions, independent of existing elected bodies, and charged with developing a charter for any new consolidated government.

While clearly endorsing the enactment by the legislature of general legislation enabling proposals to be developed to consolidate political or taxing subdivisions, including cities and counties, the League strongly believes that municipal corporations should retain the final right of approval whether to participate in such a consolidated entity. It also expresses a preference for citizen involvement in the development of any plan (similar to that used in Wyandotte County) in recognition of the difficult nature of the debate from a political perspective.

Historical Perspective on Cities and Counties

While we tend to measure the governmental history of Kansas beginning with President Buchanan's signing of the Congressional act admitting Kansas to the United States on January 29, 1861, our political history actually predates this Act. Even before the Kansas-Nebraska Act of May 30, 1854 which created the Kansas Territory, there already was a level of government established that survives today (albeit in a different form): the municipal corporation.

What Is A City? Cities as we know them today have their historical roots across the world in activities many centuries ago when interest in trade between nations and communities flowered. Cities in this country and in other parts of the world are considered municipal corporations. The word "municipal" is derived from the Roman word "municipium," meaning a free city capable of governing its *local* affairs, even though subordinate to the sovereignty of Rome. In early England, the term was applied to *self-governing* cities and towns. Cities evolved as natural settlements of persons for the purpose of providing a safe haven for economic activity and family life; literally a geographic, social and political community of persons with common interests and needs who organize themselves to govern their *local* affairs.

Today in Kansas there are 627 incorporated cities, but in the days before and immediately following statehood the number was far higher. Often cities were formed under the leadership of **private** municipal corporations whose stockholders, directors and officers gave direction to the corporation. Fundamentally, however, cities exist as a result of the will of their inhabitants who choose for a combination of reasons to live together in an urban environment. Since the advent of statehood and specific legislative acts, cities are considered **public** municipal corporations with the power to provide services, tax and protect the public health, safety and welfare. While cities are political subdivisions of the state as well, today their powers (just like that of the legislative, executive and judicial branches of state government) is derived from the Kansas Constitution (see Art. 12, Sec. 5, the "home rule" amendment) and specific legislative grants of authority.

What Is A County? In a legal sense, counties are considered quasi-municipal corporations. In contrast to cities which are created by their inhabitants and derive their basic power to manage their *local* affairs and government from the constitution, counties are organized by state government primarily as subordinate agencies to aid in the administration of state affairs. As you know, the traditional functions of counties include such state-mandated functions as property tax

administration, public health, administration of elections, preservation of land and other records, road and bridge construction and maintenance, administration of jails, law enforcement, etc. In recent years counties have taken on additional functions of a local government nature, including zoning, cemetery maintenance, wastewater services, emergency preparedness, sanitary code administration, etc. This does not even begin to include all the functions that receive county financial support (but usually controlled outside of the structure of county government) such as mental health services, services to the physically disabled, services to senior citizens, etc.

One author¹ has observed that Kansas county government "...represents a merging of two basic philosophies of government: (1) that local functions should be conceived and controlled locally and (2) that state functions will be performed best if their administration is delegated to the local level." While counties were organized to carry out state administrative functions, Professor Heller's observation above captures the essence of the dichotomy of county government: it has both the attributes of a local government and a state agency. Its local government jurisdiction, however, is usually (but not always) the unincorporated area of the county.

In Kansas counties were organized by the legislature shortly after the advent of statehood. This was done in accordance with Article 9, Section 1 of the Kansas Constitution which provides as follows:

Sec. 1. The legislature shall provide for organizing new counties, locating county seats, and changing county lines; but no county seat shall be changed without the consent of a majority of the electors of the county; nor any county organized, nor the lines of any county changed so as to include an area of less than four hundred and thirty-two square miles.²

Sec. 2. The legislature shall provide for such county and township officers as may be necessary.

The only other general reference to county government and officers in the constitution is found in Article 4, Section 2 (last amended in 1974) which provides that "not less than three county commissioners shall be elected in each organized county in the state, as provided by law." There are few, if any, other references to county officers in the constitution, and the legislature has wide latitude to provide for the restructuring of such offices..

Like cities in Kansas, counties also may exercise home rule powers (see K.S.A. 19-101a, et seq.). Unlike cities and perhaps in recognition of their dual state-local nature, the home rule powers of counties emanate from statute and not the constitution. As a result, the legislature may more extensively limit the exercise of county home rule powers without the requirement that it be

¹Francis H. Heller, *The Kansas Constitution: A Reference Guide* (Greenwood Press: 1992), p. 109.

²Prior to 1893, Kansas had 106 counties. In that year, however, the Supreme Court declared that former Garfield County lacked the required 432 sq. miles. The area subsequently became a township of neighboring Finney County, reducing the number of counties from 106 to 105. See Heller, p. 110.

“uniformly applicable” across the state. After the 1998 legislative session, there are 29 specific limitations found in K.S.A. Supp. 19-101a, but the actual number is far larger due to the grouping of multiple restrictions in separate subsections in this section.

Cities and counties have clearly different, but compatible, governmental functions and histories. One of the more glaring differences, however, is in their basic land area. The land area of cities may fluctuate and is determined by the process known as annexation. In contrast, the land area of counties is determined by state statute and, unless changed by legislative act, remains constant. (See K.S.A. 18-101 through 18-1,105 in which the boundaries of the 105 counties are set forth).

National Experiences With City-County Consolidation

Since 1805 there are records of only 32 successful city-county consolidations. The vast majority of these consolidations (72%) have occurred through popular vote, but some have been legislatively mandated (9, or 28%). These include legislatively mandated city-county consolidations in New Orleans/Orleans Parish (1806), Philadelphia/Philadelphia County (1854), San Francisco/San Francisco County (1856), New York/Brooklyn, Queens, and Richmond County (1898), Denver/Denver County (1904), Honolulu/Honolulu County (1907) and, most recently, Indianapolis/Marion County (1969).

The modern trend has clearly been to provide for consolidation by referendum of the affected voters. Since 1921 there have been 134 popular referenda on consolidation of cities and counties, but only 23 have been successful (17%), including the recent experience in Kansas City/Wyandotte County. It took until 1947 for the first to be approved in Baton Rouge/East Baton Rouge Parish, Louisiana. The vast majority have simply failed.

The experience in Kansas and elsewhere indicates the pressure for consolidation typically builds only after long-standing voter dissatisfaction with the current state of affairs. The public must desire something better more than they fear a loss of their “home-town” government. If economic challenges are facing the city and county, it also provides fuel for the fire. It many times takes multiple efforts. The national track record of a **17%** success rate since 1921 really tells the story of how unique the consolidation of cities and counties has been in American history.

In order to demonstrate the special nature of city-county consolidations, the League brief provided the following information on consolidations in this century. The lines show a breakdown by decade. Notice the gap between 1907 and 1947. Interestingly, this is the same period in which city governments nationwide experienced the most powerful reforms in their structure, leading nationwide to the adoption of the professional council-manager plan of government. This may explain the noticeable lag of interest in city-county consolidation during this time period. The attention of “reformers” was most likely focused elsewhere.

**City-County Consolidations Since 1900
By Legislative Mandate (LM) and Popular Vote (PV)**

<u>Year</u>	<u>City/County</u>
1904	Denver/Denver County (LM)
1907	Honolulu/Honolulu County (LM)
1947	Baton Rouge/East Baton Rouge Parish, Louisiana (PV)
1952	Hampton & Phoebus/Elizabeth City County, Virginia (PV)
1957	Newport News/Warwick County, Virginia (PV)
1962	Nashville/Davidson County, Tennessee (PV)
1962	South Norfolk/Norfolk County, Virginia (PV)
1962	Virginia Beach/Princess Anne County, Virginia (PV)
1967	Jacksonville/Duval County, Florida (PV)
1969	Carson City/Ormsby County, Nevada (PV)
1969	Juneau & Douglas/Greater Juneau Borough, Alaska (PV)
1969	Indianapolis/Marion County (LM)
1970	Columbus/Muscogee County, Georgia (PV)
1971	Holland & Whaleyville/Nansemond County, Virginia (PV)
1971	Sitka/Greater Sitka Borough, Alaska (PV)
1972	Lexington/Fayette County, Kentucky (PV)
1972	Suffolk/Nansemond County, Virginia (PV)
1975	Anchorage, Glen Alps, & Girdwood/Anchorage Borough, Alaska (PV)
1976	Anaconda/Deer Lodge County, Montana (PV)
1976	Butte/Silver Bow County, Montana (PV)
1981	Houma/Terrebonne Parish, Louisiana (PV)
1987	Lynchburg/Moore County, Tennessee (PV)
1990	Athens/Clarke County, Georgia (PV)
1992	Lafayette/Lafayette Parish, Louisiana (PV)
1995	Augusta/Richmond County, Georgia (PV)
1997	Kansas City/Wyandotte County, Kansas (PV)

Glendening, Parris N. and Atkins, Patricia, "City-County Consolidations: New Views for the Eighties," in The Municipal Yearbook, 1980 (Washington, DC: International City Management Association, 1980): 70; and National Association of Counties' Research Department, 1997.

Conclusion

I expect city-county consolidations to occur rarely in Kansas in the future. The lack of general enabling legislation to guide interested governing bodies and members of the public in their consideration of this idea is a significant disadvantage and really inconsistent with Kansas' tradition of enabling innovation and experimentation with alternate forms of government. We urge you to give careful consideration to SB 7 and to consider passing it favorably. Thank you.

SENATE BILL NO. 7

LOCAL GOVERNMENT COMMITTEE

My name is Duane Sanders and I come to you as President of the Sedgwick County Township Association, opposing Senate Bill No. 7.

For many years, the City of Wichita has been working to consolidated the governing bodies of the county, cities and towns. Each time as study was made the results were the same, it isn't feasible. I served as a member of one such committee in 1984. I felt we did a through study using graduate students and staff of Wichita University, as well as, City staff to seek out information through out the nation over a five month period.

Consolidation was put on the ballot in the 1998 primary election and went down to defeat again. Now we are faced with a bill to try again. We have a strong suspicion Senate Bill No. 7 originated in Wichita or from Wichita Legislators. We are puzzled why Townships are not mentioned even once. They too are a separate unit of government of which many people hold in high regard after watching City and County Governments.

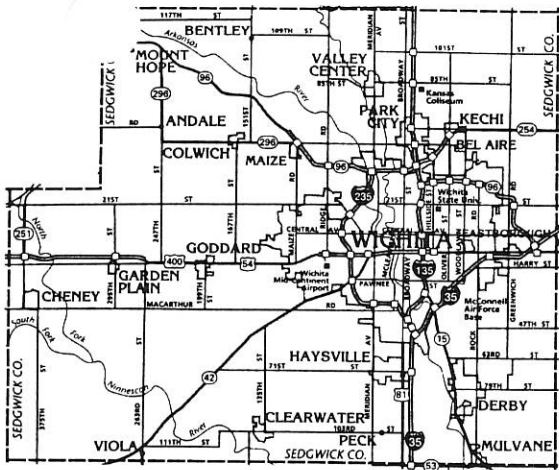
People are moving out of Wichita to small acreage's as fast as someone will sell them land because they want to get out of Wichita, away from big government and big schools.

G.O.E.
March 15, 1999
Attachment # 8

A sage of years past was quoted to have said, "The most efficient and responsive government is that government which is closest to the people." We can all see the difference when we compare Federal, State, County and Township governing agencies. The larger the agency the less efficient and responsive it becomes.

The bill is well written and we appreciated the effort put forth. If Townships were permitted to opt out like cities and no more amendments were ever made, which can't be guaranteed, we would take another look but amendments can be made easily. Therefore Sedgwick County Township Association must firmly stand opposed.

We ask that you do not pass this bill out of Committee. Let sleeping dogs lie. Spend your energies on bills that will improve our State and way of life.



A.L.A.R.M.

ASSOCIATION FOR LEGISLATIVE ACTION
OF RURAL MAYORS

Public Statement from:

A.L.A.R.M. Chairman Rick Eberhard

E-Mail: rick@kseberhard.com

March 15, 1999 - State Capital Building

Second & Third
Class Cities

- Andale
- Bel Aire
- Bentley
- Cheney
- Clearwater
- Colwich
- Derby
- Eastborough
- Garden Plain
- Goddard
- Haysville
- Kechi
- Maize
- Mount Hope
- Mulvane
- Park City
- Sedgwick
- Valley Center
- Viola

Good Afternoon Ladies & Gentlemen. My name is Rick Eberhard and I am a member of the Kechi City Council and Chairman of A.L.A.R.M. which stands for the Association of Legislative Action for Rural Mayors and City Councils representing all 19 - second and third class cities in Sedgwick County.

A.L.A.R.M.'s message today is very simple as we want to tell you today that "WE OPPOSE SB #7." We strongly feel that the state legislature should avoid any and all intervention in matters of local affairs as we feel state government should act to encourage and promote the exercise of authority and assumption of responsibility to the locally elected, locally represented governing bodies of whom we represent. One main question for you today is "Who really Supports SB#7 and what benefit will it have because the bill has so many unknown cost factors and variables involved. Besides it will cost all Kansas taxpayers alot of unnecessary money just to study the issue once again and then more money to implement it."

A.L.A.R.M. strongly believes it is vital that both the law and spirit of home rule be preserved and strengthened and that the efforts of special interest groups or neighboring 1st class cities to be vigorously resisted.

A.L.A.R.M. also believes that the governing of public affairs should be as close to the people affected and that home rule is essential to responsible and effective local government. Home rule is crucial to the continued ability of local elected officials to help solve problems in ways most appropriate to local needs and conditions.

Therefore our research has concluded and A.L.A.R.M. OPPOSES the imposition of SB #7 as presented to your committee due to the fact that it would be a state-mandated function and law placed on local and or county governments which are not accompanied by any financial resources to help meet the cost involved. Just because consolidation may be working in northeast Kansas does NOT mean it will work in the remaining 100 plus counties.

(OVER)

G.O.E
March 15, 1999
Attachment # 9

Just recently in the fall of 1998 our voters in Sedgwick County have clearly voted "NO" to the consolidation issue. Even the Kansas Association of Counties have just recently indicated that "*any increased cost or savings for cities and counties choosing consolidation are NOT KNOWN* at this time."

I am sorry to report that our legislators from Sedgwick County on the study committee NEVER discussed this proposed bill with any of our 19 member cities this past summer nor with any local officials outside of Wichita for any input during the study committee process, that I am aware of. We had to read in the Wichita Eagle that this issue "resurfaced from the dead." That's not communicating with other elected officials.

In closing, A.L.A.R.M. contends that the current state statues for consolidation are **quite sufficient** and **should not** be changed. A.L.A.R.M. would support better communications and collaboration between all cities both large and small. That is what our association is all about and that's why we have a mailing list which includes officials from all 20 cities in our county which we hope have helped improve better communications between our meetings and cities over the past 2 years. A.L.A.R.M. supports checks and balances in government and our current structure offers that and consolidation or SB #7 does not.

Larger government does not mean better government and neither will SB #7. For the record once again our voters and or taxpayers have already addressed this issue and paid the price. They don't need to do it again to help support or fund another study.

I do want to leave with your committee copies of my statement and let you know I can provide you with copies of official city resolutions from the Cities of Bentley, Goddard, Colwich and Kechi all opposing SB #7.

Thank-You

3-15-99

RESOLUTION NO. 98-422

**A RESOLUTION ESTABLISHING THE POSITION ON
PROPOSED STATE LEGISLATION ESTABLISHING
PROCEDURES FOR CONSOLIDATIONS OF CITY AND
COUNTY GOVERNMENTS OF THE CITY OF KECHI,
KANSAS**

WHEREAS, Article 12, Section 5 (b) of the Constitution of the State of Kansas empowers cities to determine their local affairs and government; and

WHEREAS, existing law provides for inter-local agreements between different units of governments to share in the providing of services. To residents to achieve a reduction of duplication of services; and

WHEREAS, bigger government diminishes the power of individual citizens to have equal and shared power over their governments; and

WHEREAS, cities have the ability under Kansas Statutes, K.S.A. 12-519 et seq. to expand boundaries in a controlled and equitable manner; and

WHEREAS, before any city government could be affected by consolidation the city should be required to obtain the approval of a majority of the electors of said city.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF KECHI, SEDGWICK COUNTY, KANSAS:

Section 1. We the duly elected representatives of the citizens of Kechi, Kansas, and on their behalf, do hereby request our elected legislators to oppose any legislation that would allow any one city, by virtue of having the majority electors of a county within their city limits, to force consolidation of any county government.

Section 2. It is our belief that consolidation is a form of annexation, without the protections provided in the annexation statutes. Consolidation could be used to increase the rate of taxation upon county residents and other cities in the county without a corresponding increase in services.

Section 3. Interlocal agreements between city and county governments can accomplish economies of scale without complete consolidation of services.

Section 4. The tax ramification of consolidation of city and county governments should not burden those city governments that choose not to consolidate with county governments.

ADOPTED and **APPROVED** by the governing body of the City of Kechi, Kansas on this 28th day of December, 1998.



A handwritten signature in cursive script that reads "Ed Parker".

Ed Parker, Mayor

ATTEST:

A handwritten signature in cursive script that reads "Laura Hill".

Laura Hill, City Clerk

APPROVED AS TO FORM:

A handwritten signature in cursive script that reads "David L. Hiebert".

David L. Hiebert, City Attorney

RESOLUTION NO. 46

A RESOLUTION ESTABLISHING THE POSITION ON PROPOSED STATE LEGISLATION ESTABLISHING PROCEDURES FOR CONSOLIDATIONS OF CITY AND COUNTY GOVERNMENTS OF THE THE CITY OF BENTLEY, KANSAS.

WHEREAS, Article 12, Section 5 (b) of the Constitution of the State of Kansas empowers cities to determine their local affairs and government; and

WHEREAS, existing law provides for interlocal agreements between different units of government to share in the providing of services to residents to achieve a reduction and duplication of services; and

WHEREAS, bigger government diminishes the power of individual citizens and specifically minorities to have equal and shared power over their governments; and

WHEREAS, cities have the ability under Kansas Statutes, K.S.A. 12-519 et seq. to expand boundaries in a controlled and equitable manner; and

WHEREAS, if a city within a county seeks to force consolidation upon the county government, and reap the benefit of control of the county that would result, then that specific city should also bear the risk of facing a vote of its citizens, in fact to choose to dissolve the city and be absorbed under county control, thus allowing the issue of control to swing both ways to ensure fairness.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BENTLEY, SEDGWICK COUNTY, KANSAS:

Section 1:

We, the duly elected representatives of the citizens of Bentley, Kansas, and on their behalf, do hereby pray our elected legislators to oppose any legislation that would allow any one city by virtue of having the majority electors of a county within their city limits to force consolidation of any county government or other city on the minority residents of that county living outside of said city.

Section 2:

It is our belief that consolidation is a form of annexation, with the protections provided for in the annexation statutes. The annexation statutes recognize the importance of agriculture property and the immense cost of providing services associated with rural areas. Consolidation could be used to increase the rate of taxation upon county residents and other cities in the county without a corresponding increase in services.

Section 3:

Consolidation is not about economizing government, but rather control and power. If consolidation was truly for the purpose of economizing government, then current laws allow for interlocal agreements to accomplish this. Large

consolidated governments in large metropolitan areas diminish the power of elected legislators in rural areas.

ADOPTED and APPROVED by the governing body of the City of Bentley, Kansas on this 14th day of January, 1999.


MAYOR, GARY L. WILSON

ATTEST:


CITY CLERK, LAURA N. FISHER

(SEAL)



RESOLUTION NO. 373

A RESOLUTION ESTABLISHING THE POSTION ON
PROPOSED STATE LEGISLATION ESTABLISHING
PROCEDURES FOR CONSOLIDATIONS OF CITY AND
COUNTY GOVERNMENTS OF THE CITY OF COLWICH,
KANSAS

WHEREAS, Article 12, Section 5 (b) of the Constitution of the State of Kansas empowers cities to determine their local affairs and government; and

WHEREAS, existing law provides for inter-local agreements between different units of government to share in the providing of services to residents to achieve a reduction and duplication of services; and

WHEREAS, bigger government diminishes the power of individual citizens and specifically minorities to have equal and shared power over their governments; and

WHEREAS, cities have the ability under Kansas Statutes, K.S.A. 12-519 et seq. to expand boundaries in a controlled and equitable manner; and

WHEREAS, if a city within a county seeks to force consolation upon the county government, and reap the benefit of control of the county that would result, then that specific city should also bear the risk of facing a vote of its citizens, in fact to choose to dissolve the city and be absorbed under county control, thus allowing the issue of control to swing both ways to ensure fairness.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY
OF THE CITY OF Colwich, Sedgwick COUNTY,
KANSAS:

Section 1- We the duly elected representatives of the citizens of Colwich, Kansas, and on their behalf, do hereby pray our elected legislators to oppose any legislation that would allow any one city by virtue of having the majority electors of a county within their city limits to force consolidation of any county government or other city or the minority residents of that county living outside of said city.

Section 2- It is our belief that consolidation is a form of annexation, without the protections provided for in the annexation statutes. The annexation statutes recognize the importance of agriculture property and the immense cost of providing services associated with rural areas. Consolidation could be used to increase the rate of taxation upon county residents and other cities in the county without a corresponding increase in services.

Section 3- Consolidation is not about economizing government, but rather control and power. If consolidation was truly for the purpose of economizing government, then


current laws allow for inter-local agreements to accomplish this. Large consolidated governments in large metropolitan areas diminish the power of elected legislators in rural areas.

ADOPTED and APPROVED by the governing body of the City of
Colwich, Kansas on this 4th day of January, 1999.



Lavina D. Keiter, Mayor

ATTEST:



Mary Alice Carlile, City Clerk

RESOLUTION NO. 99-1

A RESOLUTION ESTABLISHING THE POSITION ON
PROPOSED STATE LEGISLATION ESTABLISHING
PROCEDURES FOR CONSOLIDATIONS OF CITY AND
COUNTY GOVERNMENTS OF THE CITY OF Goddard,
KANSAS

WHEREAS, Article 12, Section 5 (b) of the Constitution of the State of Kansas empowers cities to determine their local affairs and government; and

WHEREAS, existing law provides for inter-local agreements between different units of government to share in the providing of services to residents to achieve a reduction and duplication of services; and

WHEREAS, bigger government diminishes the power of individual citizens and specifically minorities to have equal and shared power over their governments; and

WHEREAS, cities have the ability under Kansas Statutes, K.S.A. 12-519 *et seq.* to expand boundaries in a controlled and equitable manner; and

WHEREAS, if a city within a county seeks to force consolidation upon the county government, and reap the benefit of control of the county that would result, then that specific city should also bear the risk of facing a vote of its citizens, in fact to choose to dissolve the city and be absorbed under county control, thus allowing the issue of control to swing both ways to ensure fairness.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY
OF THE CITY OF Goddard, Sedgewick COUNTY,
KANSAS:

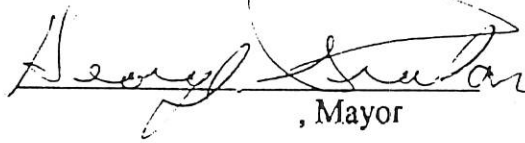
Section 1- We the duly elected representatives of the citizens of Goddard, Kansas, and on their behalf, do hereby pray our elected legislators to oppose any legislation that would allow any one city by virtue of having the majority electors of a county within their city limits to force consolidation of any county government or other city or the minority residents of that county living outside of said city.

Section 2- It is our belief that consolidation is a form of annexation, without the protections provided for in the annexation statutes. The annexation statutes recognize the importance of agriculture property and the immense cost of providing services associated with rural areas. Consolidation could be used to increase the rate of taxation upon county residents and other cities in the county without a corresponding increase in services.

Section 3- Consolidation is not about economizing government, but rather control and power. If consolidation was truly for the purpose of economizing government, then

current laws allow for inter-local agreements to accomplish this. Large consolidated governments in large metropolitan areas diminish the power of elected legislators in rural areas.

ADOPTED and APPROVED by the governing body of the City of Goddard, Kansas on this 4th day of January, 1999.



, Mayor

ATTEST:



, City Clerk

**HOUSE COMMITTEE ON GOVERNMENTAL
ORGANIZATION AND ELECTIONS**

RE: SB 7 - Consolidation of Counties and Cities

**March 15, 1999
Topeka, Kansas**

**Prepared by:
Les Drum, President
Sedgwick County Farm Bureau**

Chairperson Benlon and members of the House Committee on Governmental Organization and Elections, we certainly appreciate this opportunity to speak out against SB 7.

My name is Les Drum, I serve as President of Sedgwick County Farm Bureau in Wichita, Kansas. Sedgwick County Farm Bureau represents 11,692 members. On January 21, 1999, our Board of Directors voted to oppose SB 7.

SB 7 states, to establish a resolution to consolidate, a vote must be approved by a majority of qualified electors of the county and city or cities. In our county two-thirds of the vote are in incorporated areas, we feel that with this bill the unincorporated areas would be at a disadvantage in the voting process.

*G.O.E
March 15, '99
Attachment #10*

If a commission is set up under this bill, it states that no less than one-third of the members shall be from the unincorporated areas. We are concerned that consolidation is going to impact us more than it will the incorporated areas and with less representation. The commission under this bill, will be setting the guidelines for the consolidated entity with very little input from the unincorporated areas. The guidelines of this bill are too broad and gives the commission too much lead way in the planning process. Our concern is that the City or Cities with their voting power, could impose more stringent restrictions and controls, with zoning changes and ordinances that may be incorporated in the consolidation plan. There are statutes in place now to allow consolidation of services and functions. We feel this bill would not be a benefit for our county.

We ask that you not support SB 7.

To: Government Organizations, and Elections Committee Members
Kansas House of Representatives

Date: March 15, 1999

From: John R. Todd
1559 Payne
Wichita, Kansas 67203
(316) 264-6295 home
(316) 262-3681 office

Subject: **Opposition to Senate Bill No. 7, dealing with City-County Consolidation and the Elimination of Elected Officials.**

My name is John Todd. I am a resident of the city of Wichita. I am opposed to Senate Bill No. 7 because it would make it easier for the city of Wichita to force a merger between itself and Sedgwick County that would result in the elimination of numerous elected officials, and replace them with appointed bureaucrats.

The argument for consolidation always centers on economics, and the need for greater "*regional*" control. The word *control* here is significant since it is my view that the city's motivation really amounts to little more than a *power play* that would result in the immediate annexation of all of Sedgwick County into the city of Wichita. I find it interesting that in our "free market" society, individuals from both the private and public sector want to create legislation that "limits competition". Competition between the city of Wichita, Park City, Derby, and Sedgwick County is good, just like competition between McDonalds and Wendy's. The consumer and the citizen benefit from the competition. The people win in a competitive system.

In order to understand the issues involved in forced government consolidation consider for a moment if the proponents of Senate Bill No. 7 were promoting a consolidation or merger of the state of Kansas into the Federal Government. Would a forced merger of our state into the Federal Government be good? Let's take a look at the issues and arguments for merging the state into the Federal Government:

1. MAJORITY RULE. Clearly, the 270 million citizens of the United States could force a consolidation "yes" vote against the meager votes of the 2 and ½ million citizens of the state of Kansas. But, does *majority rule* really make the merger right? I think not! Clearly the Founding Fathers saw the need for the "separation of powers" created by the layering of governments to serve as "checks and balances" as a necessary means of protecting the rights of citizens from the tyranny of the majority. The citizens of the city of Wichita clearly have the majority vote to force a consolidation; but would that be right? I am of the opinion that the state legislature needs to support legislation that makes forced consolidation *harder* to achieve rather than *easier*, as Senate Bill No. 7 would.

G.O.E
Mar. 15 '99
Attachment # 11

2. **ECONOMICS.** Surely a merger of our state budget into the Federal Government's budget would result in greater economies for both! Does anyone really believe that tax dollars sent to Washington, D. C. will result in more dollars being returned to Kansans than dollars sent to Topeka? In my view, I have never seen a governmental unit on any level that scored high on economic efficiency. Government by its very nature is inefficient, and the larger the government, the more inefficient! The merger of two small governmental units into a larger governmental unit for economic savings simply doesn't wash! I for one am thankful that government in this country is inefficient. When one thinks of government efficiency, clearly, the most efficient government I can think of this century was that of Adolph Hitler. Hitler had his own "consolidation" program. It didn't require enabling legislation or bother with getting the votes of the people of the countries he wished to consolidate into Germany. Could it be the real motivating factor behind Senate Bill No. 7 has nothing to do with economics and everything to do with greater political power for "want-a-be" regional politicians who are more interested in their own political careers than with the welfare of citizens.
3. **ELIMINATION OF ELECTED OFFICIALS.** The merger of our state into the Federal Government would eliminate 165 elected Kansas legislators, plus a state governor, treasurer, and attorney general, not to mention two U. S. Senators, and four U. S. House Members. I can't imagine anyone thinking that such an arrangement would result in greater freedom for our citizens. The same argument applies to smaller local governmental units. I would rather put my faith in an elected official than in an appointed bureaucrat. The voters can fire an elected official at the voting booth. They have little control over an appointed bureaucrat!

In conclusion, for the reasons I have just enumerated, I believe a forced political merger of the two smaller governmental units into one is detrimental to the citizens of both governments. Layered government in the form of separate city and county governments provide certain "checks and balances" which insure the freedom of citizens. In our world of more and more government regulation and the resultant bureaucratic red tape, I believe that individual citizen will fare better with the "separation of power's" inherent in having separate city and county political entities. *I urge this committee to oppose Senate Bill No. 7!*

Sincerely,


John R. Todd

March 15, 1999

TO: House Committee of Government Organization and Elections.

RE: Senate Bill 7:

Madam Chair and members of the committee,

I am Marvin E. Smith and reside in Soldier Township in Rural Shawnee County.

1. Thankyou for the opportunity to appear on your agenda today. Many of us that reside in rural Shawnee County, (approximately 90% land area) are served by township government services. Shawnee County has (12) townships.

2. The townships provide outstanding services in our rural fire districts and the many miles of township roads. In essence fire protection and road maintenance is outstanding in Shawnee County.

Many of us **believe any** consolidation proposal that diminishes our local autonomy should have voter approval.

Therefore, we believe that the bill should be amended on page 4 following line 21.

The plan shall further not be approved unless a majority of the electors in the county outside the incorporated limits of all cities vote in favor of such a plan.

This amendment would provide for the unincorporated areas to have the same equality as the voters in the incorporated area.

If cities that vote to oppose the consolidation plan are not included, it would seem that the unincorporated area vote to oppose the consolidation plan they should have the same criteria and consideration.

Also we recommend the bill be amended on page 4 line 8 following general election in November of even numbered years.

I submit that these proposed amendments would enhance voter confidence and participation.

I would try to answer any questions.

G. O. E.
March 15 '99
Attachment #12

Content of Regional consolidation.

I want to first thank all esteemed lawmakers for your service in allowing me to present this information to you.

The proposals of merging cities and counties comes under the promise of gaining "greater autonomy" or "greater efficiency" for local government. Under the overall plan, election of local officials is to be greatly reduced, to be eventually replaced by appointed persons, negating need of elections and election expense.

These officials would simply implement "policy" handed down to them by those who appointed them, rather than face an electorate. This would surely become another way in which the people would be even further separated from their representative government. From this we realize that what is labeled greater autonomy would actually mean less autonomy for LOCAL government, which would be under the dictates of higher government policy. This, of course, is the opposite of what is being promised.

In reality, then, the situation can only become more efficient in so far as the local governments are enabled to do as they are directed by their "superiors" in larger government, unencumbered by the wishes of the local taxpayers, even if they act in disregard and opposition to those wishes. This must increase as the "division of powers" erodes, as each governmental body becomes merged under the consolidated mass. Although some arguments about the efficiency that could be gained by such mergers may seem persuasive, it is certain that the interests of the larger governmental entities will override the concerns of the smaller entities. In other words, the larger cities decisions would prevail over the smaller cities and towns.

There is an even greater issue involved than these interests, however, important as they are. The question of "home rule power" is raised, and is not offset by the fact that it was so poorly defined when it was recently added to the Kansas Constitution. The tendency of the larger cities to legislate their way around Constitutional limitations in recent history, should not be forgotten.

If the state is to be made up of these new "merged" units, in effect creating the potential for border to border cities (known as metro government), what future abuses of our Constitutional protections can we expect under color of home rule? Judging by the conditions extant in our cities, do we really want their power to blanket our state?

With the influence that they could wield, would those outside of those cities find themselves forced to foot the bill for a city they may never have contact with? Could this be why the mayors of the large cities are the backers of these merger plans? It is imperative that we all understand the ramifications of this issue.

G.O.E.
March 17, 1999
Attachment #13

We must revisit history; we must not be ignorant and arrogant. The reasons given for consolidation are for economics but the price is a dear one to loose the original form of government. This original constitutional republic is not the cause of any economic problems.

Republic - a commonwealth: a state in which the exercise of the sovereign power is lodged in representatives elected by the people. In modern usage, it differs from a democratic state in which the people exercise the powers of sovereignty in person.

Under these type proposals, all real decision making is held by an appointed County Executive, who in turn appoints, suspends, disciplines and removes personnel, appoints officers and members of boards and agencies, approves or vetoes ordinances and resolutions. Citizens become submissive serfs before this agent of the "king", and under Charter governance, they are permitted little or no input into the decisions affecting their lives, liberty, land, property. Those decisions are made far over the horizon.

The US supreme Court has ruled,
"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them... (Miranda vs. Arizona), and law repugnant to the Constitution is void... (Marbury vs. Madison).

Finally, it appears that federal regionalism is a violation of Par. 2, sec 4, Art. IV, of the US Constitution. The US supreme Court ruled long ago that "All sovereign authority within the geographical limits of the US resides either with the Government of the United States, or the states of the Union; there exists within the broad domain of sovereignty but these two. There may be cities, counties and other organized bodies with limited legislative functions, but they are all derived from, or exist in, subordination to one or the other of these." Thus chartered forms of regional appointed governance violates our right to representative government.

I respectfully request that you not support this proposal. Thank you for allowing me to make this presentation before you.

Sincerely,



Greg Dye

Why SB 7 City - County Consolidation is a bad idea

March 15, 1999

I will provide you with several specific problems with provisions of Senate Bill 7, but first I want you to understand why you should not even consider supporting consolidation.

The underlying reason for consolidation is to increase efficiency and to reduce costs. If we are to move towards the most efficient type of government, it would theoretically be a Fascist or dictatorial type of government because then you save the costs of elections, you can appoint the very best educated persons to positions of authority, and you don't have the bickering that is normal in elected legislative bodies. But you, as an elected legislator of Kansas, took the oath of your office swearing under penalty of perjury (KSA 54-104, KSA 21-3805) that you would maintain our American system of government as specified in the Constitution for the United States and the Constitution for Kansas. Of course you studied those documents diligently so you would know what they require you to do under your oath. Because you took an oath to maintain our American system of government, it would be perjury for you to vote for installing a more "efficient" form of government than our republican form of government (this form is specified in Art. IV, Sect. 4, Constitution for U.S.).

You should need no further reasons to vote against SB7, but if violating your oath of office is not a concern, then the following list of specific problems with SB7 should be of interest to you.

SB7 provides for appointees to do all investigating and planning for the consolidation at the expense of the citizens (through taxes), including those citizens opposed. Although SB7 Section 2 (c) allows the option for the planning commission to be elected, it is more likely they will be appointed to save the costs of an additional election ("efficiency" and cost reduction will be preferred over elections). Those wanting to be on the planning commission are those wanting consolidation. Therefore it is likely they will recommend consolidation.

After the final consolidation plan is finished, it is to be published 2 times in a single newspaper read by attorneys, but it need not be published in the newspapers of greatest circulation according to SB7 Section 4 (f). I propose that it be published in newspapers including at least half of the total newspaper circulation in the county. I also propose it be posted on Internet and this posting be advertised in all news media in the county. The Internet posting could be done at no cost except for a very minimal amount of labor.

SB7 Sec. 5 (c) (3) should be revised to specify that only elected representatives are authorized for legislative duties. Appointees should not write laws.

SB7 Sec. 6 (c) and (d) specify that bonded indebtedness is restricted to 30% of tangible taxable property except it is unlimited for refinancing previous indebtedness, remodeling buildings, work on utilities, or work on street intersections. I believe indebtedness should never be allowed to exceed a total of 10% no matter what reason -- it certainly should not be unlimited as specified in these sections.

There are no safeguards to protect farmers from having to follow city zoning restrictions of the new metropolitan area, from having to pay taxes to support the cities, and from being run out of business.

It is likely that other cities that are not part of the consolidated government will be treated as unwanted stepchildren. They may be slighted for fire protection, or for Sheriff's protection, and they may be overtaxed to support the new Metropolitan area. They will be out-voted anytime they try to make a change.

What if the people of the big city want consolidation but the people of the remainder of the county are opposed? It appears the county can be forced into consolidation if the voters of the city outnumber voters outside the city. This would be unfair.

Glen Burduc, an associate of The Kansas Tenth Amendment Society
381 W. 40th Street South
Mayfield, Kansas
316-434-5480 glcnlb@kanokla.net
visit <http://www.kslegiswatch.freecservers.com>

*G.O.E
March 15 1999
Attachment #14*

W. Paul Degener
518 NW 56th St.
Topeka, KS 66617
(785) 246-0215

March 9, 1999

SUBJECT: Opposition to SB 7, Consolidation of City and County Government

Chairperson
Committee for Local Government
RM 115S
Capitol
300 SW 10th St.
Topeka, KS 66612

Madam Chairman and members of the Local Government Committee,

Thank you for allowing me to present my written opposition to SB 7.

I have several reasons for opposing this legislation.

This bill was conceived by a special committee during a time in 1998 when the legislative body of the state was out of session and as a result the citizens of this state were unaware that the movement for consolidation was moving along so rapidly. The citizenry was unaware of this because journals and calendars are not published while the legislature is out of session. It would appear to me that this move was being conducted during the hours of darkness so to speak.

This bill provides that a consolidation study commission be established either by appointment or by election. I am concerned that this study commission may be appointed. Appointed by who? This is not stipulated. If a city/county government adopt a joint resolution for consolidation, (Page 1, line 19) it would lead one to conclude that the two governmental entities were in favor of consolidation. It would further lead one to believe that if they were allowed to appoint the members of the consolidation planning commission, that they would appoint persons who were also in favor of consolidation.

This bill stipulates that "At least 1/3 of the membership of a consolidation study commission shall be residents of the unincorporated area of the county. (Page 2, line 17). It is my opinion that at least 1/2 or more of the members of the study commission be residents of the unincorporated area of the county. In Shawnee County, the largest population resides within the city limits of Topeka. With this type of organization as stipulated in this bill, the residents of the county would be under the complete control of the residents of the city. This is the reason we have a senate at the state and federal level, so that each state will have equal representation regardless of differences in population. Why should this be any different at the county level?

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March 15, 1999
Attachment # 15
15-1

This bill charges the consolidation study commission to conduct studies to investigate the effectiveness of administrative operations, and the costs and benefits of consolidating cities and counties. (Page 3, line 4). I am sure that the study commission could find consolidation favorable in these areas, particularly if they favored consolidation. Based on experience, however, as evidenced by our Federal Government and in many respects our state government, I think we see on a daily basis that bigger is NOT better or more efficient. In my opinion, smaller units of government would be more manageable, more efficient and more cost effective.

This bill directs that the final plan not be in conflict with the constitution or the laws of the state. The only reference I have found in the State Constitution is a reference to County and Township Organization in Article 9. I found no authorization for consolidation of cities and counties. However, I find in Article IV, Section 4, United States Constitution, and I quote: "The United States shall guarantee to every state in the Union, a **republican** form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence." (My emphasis added).

Note in the above reference, a republican form of government. Following is a definition of republic excerpted from The Complete Reference Collection, The Learning Company. "republic 1 a) a state or nation in which the supreme power rests in all of the citizens entitled to vote (the electorate) and is exercised by representatives elected, directly or indirectly, by them and responsible to them...."

I make these references to support my position that this bill is unconstitutional. I invite your attention to Page 4, lines 33 through 41 of the referenced bill. New Section 5, b (3). Authorize the election, appointment or elimination of elective officials and offices. In my view this is in direct violation of the United States Constitution. It is not specified which officials may be eliminated or appointed. If all of our city/county officials are appointed, what recourse will the people have for redress? Will our only elected law enforcement officer, i.e., the sheriff, be eliminated or appointed? I would surely hope not. What about our county commissioners, will they also be eliminated or appointed?

This bill provides that if the electors of a city and/or cities vote against consolidation, that they will not be included in the consolidation. (Page 4, lines 20-23) There are no provisions in this bill for the voters of the unincorporated portion of the county to vote themselves out of consolidation. This means that the residents of the unincorporated portion of the county will be subjected to the desires of the voters in the city and/or cities.

In counties such as Sedgewick, Wyandotte and Shawnee, the population of the cities is greater than the population of the unincorporated portion of the counties. If consolidation is approved, the governing body of the consolidated city/county would in all probability be organized with the preponderance of the members from the urban areas because of their larger population. Again, the residents of the unincorporated area of the county would be subjected to the will of the residents of the city.

Because of the reasons stated, it is requested that as our representatives, you do that which is constitutional, logical and right, and vote in opposition to this piece of legislation. We are on the verge of losing our state sovereignty and this is just but one more building block towards that end.


W. Paul DeGener



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS

RE: SB 7 – Authorizes a process for county and city consolidation.

March 15, 1999
Topeka, Kansas

Presented by:
Bill R. Fuller, Associate Director
Public Affairs Division
Kansas Farm Bureau

Chairperson Benlon and members of the House Committee on Governmental Organization and Elections, we certainly appreciate this opportunity to present the views of Kansas Farm Bureau on SB 7.

The 435 farmers and ranchers representing the 105 county Farm Bureaus who served as the Voting Delegates at the 80th Annual Meeting of Kansas Farm Bureau developed, debated and adopted policy concerning consolidating units of government:

- ◆ ***“When consolidation is proposed for two units of government which have a common tax base, the voters in both areas must approve the consolidation before it can proceed.”***
- ◆ ***“The tax levy limits should be retained for the consolidated unit of government.”***

SB 7 provides a process for any county and city or cities therein to consolidate and form one local government entity. We support the opportunity for the citizens

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March 15, '99
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that are involved to determine by their vote whether they are included in any consolidation action.

The measure calls for the board of county commissioners of a county and the governing body of any city or cities to adopt a joint resolution providing for the establishment of a consolidation study commission. If a consolidation plan is advanced, the bill requires a majority of the qualified electors of the county to support implementation of the consolidation plan. Further, no city shall be consolidated with the county unless the consolidation plan is approved by a majority of the qualified electors of such city.

We support the provisions of SB 7 requiring a majority of the citizens in the county and any cities to vote in favor of the consolidation plan. However, we suggest another group of citizens should have the opportunity to vote on any consolidation plan. Those are the electors in the county outside the incorporated limits of cities.

We ask SB 7 be amended by adding language to line 21 on page 4 similar to the following: ***“and further the plan shall not be approved unless a majority of the electors in the county outside the incorporated limits of all cities vote in favor of such plan.”***

KFB policy does not oppose the opportunity for consolidation of county and city governments. However, KFB policy does insist that any consolidation plan be approved by all stakeholder groups, including those living outside incorporated cities. Without the proposed amendment, KFB strongly opposes SB 7.

Thank you for considering the concerns and the proposed amendment offered by our farm and ranch members who own homes, operate farms and pay property taxes mostly in the rural areas of Kansas.

Shawnee County Farm Bureau Association
3801 SW Wanamaker Road
Topeka, KS 66614

Testimony of Francis Kelsey
Shawnee County Farm Bureau Association
March 15, 1999

To the members of the Governmental Organizations and Elections Committee:

My name is Francis Kelsey. I reside in rural Shawnee County and am the president of the Shawnee County Farm Bureau Association. I am appearing today to express our opposition to Senate Bill 7 as it is currently written and to offer a suggestion on how it could be improved.

The Farm Bureau has had a long tradition of supporting of good government and of reducing reliance on property taxes. While we do not oppose the intent of the bill, we do want to bring to your attention that we do not believe that the current proposal will treat all of the voters in an area of a proposed consolidation in the same manner.

The opinion of the Shawnee County Farm Bureau Association is that any consolidation of local units of government should be conducted in a manner that the wishes of the majority of voters in all units of government involved and recognized. As the bill is now written, if an incorporated area does not want to consolidate, it is not required to, but we find nothing there that would allow the unincorporated areas the same right. We would propose that language be added to the bill to state that the consolidation not be approved unless a majority of the electors in the county outside of the incorporated limits of all cities voted in favor of such plans.

This language if added would give all of the residents of the county, both in incorporated cities and in the unincorporated areas a more equal footing to determine if a consolidation is in all of their best interests.

G.O.E.-
March 15, 1999
Attachment #17



written only

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

**Craig Grant Written Testimony
House Governmental Organization and Elections Committee
Monday, March 15, 1999**

Madame Chair and members of the committee: please accept this written testimony in opposition to SB 288 as I am out of the state today.

In the 1980's, I believe, there was a large undertaking called the "truth in advertising" campaign where companies were chastised and, in some cases, forced to change slogans, advertising, and even the names of some products because they led the consumers to a wrong conclusion as to what the product did or claimed to do. I thought about that period of time when I saw SB 288 in our legislative packets this year. From my point of view, this is not the "voluntary political contributions act of 1999." Rather the correct name probably should be the "Let's get KNEA act of 1999." There is little reason to believe that this bill is anything other than an attempt to weaken the political activity of the Kansas NEA members. It has been called different things in different states when introduced; however, the intent is clear when one reads the bill.

Kansas NEA members currently have a voluntary system to contribute to our political action committee. The membership form is clear that members are not required to contribute to political action to retain full membership rights. While members are encouraged to contribute, the space is left blank by our office and many members do not fill out the amount. Others who fill out the form and later decide not to contribute to the PAC can then request the money back. We are currently writing checks to those who let us know they wished their money back. There are between 1-2,000 of these members. Probably about 3-4,000 members do not contribute to start with during any one membership year. If 6,000 out of our 24,000 members (or 25%) have determined quite easily that this is a voluntary system, I do not understand the need to pass this bill. I have attached a copy of our current membership form for this

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March 15, '99
Attachment # 18*

committee to inspect. It is evident that it is quite easy not to participate in our political action program.

The problem really is the part of the bill which would require the Ethics Commission to approve a form and for the signature to only be good for 12 months at a time. Some local school boards have a different form which they use for payroll deduction. We should not delve into this local decision without complaints from schools. Often the deduction form is negotiated between the school board and the association. Why should we change what is working?

There are some locals who ask the current member if he/she wants to continue from one year to another to avoid having to do the paperwork again for membership. The member can then decide whether to continue or not for the next year. If the member wishes to make changes, he/she can do so. I think it is the hope that by making the member re-sign the form, the hassle will cause fewer and fewer members to participate. Our membership department indicates that about 8,000 members fill out the forms each year which means that in a two-year cycle about 2/3 of our members have signed a new form. There are no teachers who complain to our organization. Why change a public policy which works for school districts and teachers?

Kansas NEA asks this committee to keep the current system in place because it works and is good public policy. We hope that you report SB 288 unfavorably. Thank you for listening to our concerns.

1998-99
Membership Application

nea

NATIONAL EDUCATION ASSOCIATION

knea

KANSAS NATIONAL EDUCATION ASSOCIATION

www.knea.org

715 West 10th Street
Topeka, KS 66612-1686
NEA Member Benefits 1-800-637-4636

(785) 232-8271
Code-a-phone 1-800-432-3573
FAX: (785) 232-6012

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KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612

The following information is represented in the form of codes. Please select the applicable code and write it in the space provided on the opposite page.

Subject		Position		Payment Method		NEA Membership Types		
ADED	Adult Basic Education	ALTC	Audio-Visual Technician	CK	Check	AC-1-100	Active/Professional (full time)	\$112.00
AGNR	Agriculture	FSOT	Cafeteria Worker	PR	Payroll Deduction	AC-1-50	Active/Prof (50% or less)	\$56.00
ARTS	Art	CLTR	Classroom Teacher	MC	MasterCard	SB-0-0	Substitute	\$15.00
BIOL	Biological Science	COCH	Coach	VS	VISA	AC-2-100	Active/Educational Support (full time)	\$57.50
BSED	Business Education	CNSL	Counselor	EF	Electronic Fund	AC-2-50	Active/ESP (50% or less)	\$28.75
COMM	Communications	CUST	Custodian		Transfer	AC-7-100	Life	PIF
CICS	Computer Science	HTAT	Health Care Professional			RS-1-0	Reserve/Professional	\$56.00
DRED	Driver Education	LIBR	Librarian			NM-51-0	Subscriber	\$5.00
ECDE	Early Childhood Development	BGOT	Maintenance Personnel	Political Party		KNEA Membership Types		
EDUC	Education (Higher Ed)	SEST	Office Support/Secretary	R	Republican	AC-1-100	Active/Professional (full time)	\$274.00
ELAR	English/Language Arts	PPOT	Paraprofessional	D	Democrat	AC-1-50	Active/Prof (50%)	\$137.00
FLLI	Foreign Language & Literature	PRIN	Principal/Assistant Principal	I	Independent	SB-0-0	Substitute	\$55.00
GEOG	Geography	SHTH	Speech/Hearing Therapist, Clinician	L	Libertarian	AS-0-0	Associate	\$20.00
HEPE	Health and Phys. Educ.			N	No Party	AC-2-100	Active/Educational Support	\$137.00
HOME	Home Economics	SPRV	Supervisor/Director	O	Other	AC-2-50	Active/ESP (50%)	\$68.50
INAR	Industrial Arts	SINT	Superintendent	UK	Unknown	RS-1-0	Reserve/Professional	\$137.00
MATH	Mathematics	BTVD	Transportation Personnel	Ethnic*				
MUSI	Music	ADJF	Adjunct Faculty	01	Am. Indian/Alaska Native			
PSYC	Psychology	CAOA	Administrative Office Personnel	02	Asian/Pacific Islander			
READ	Reading	ATPR	Assistant Professor	03	Black			
PHSC	Physical Science	ACPR	Associate Professor	04	Hispanic			
SSSS	Social Studies	INST	Instructor	05	Caucasian (not of Spanish origin)			
SDED	Special Education	LECT	Lecturer	09	Unknown			
SPDR	Speech & Drama	PROF	Professor					
VTED	Vocational Education	OTHR	Other					
NONE	No Subject Taught							
GSUB	General Subjects							
OTHR	Other							

*Ethnic minority information is optional and failure to provide it will in no way affect your membership status, rights, or benefits in NEA, KNEA, or any of their affiliates. This information will be kept confidential.

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612

The following information is represented in the form of codes. Please select the applicable code and write it in the space provided on the opposite page.

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ADED Adult Basic Education	ALTC Audio-Visual Technician	CK Check	AC-1-100 Active/Professional (full time) \$112.00
AGNR Agriculture	FSOT Cafeteria Worker	PR Payroll Deduction	AC-1-50 Active/Prof (50% or less) \$56.00
ARTS Art	CLTR Classroom Teacher	MC MasterCard	SB-0-0 Substitute \$15.00
BIOL Biological Science	COCH Coach	VS VISA	AC-2-100 Active/Educational Support (full time) \$57.50
BSED Business Education	CNSL Counselor	EF Electronic Fund Transfer	AC-2-50 Active/ESP (50% or less) \$28.75
COMM Communications	CUST Custodian		AC-7-100 Life PIF
CICS Computer Science	HTAT Health Care Professional		RS-1-0 Reserve/Professional \$56.00
DRED Driver Education	LIBR Librarian		NM-51-0 Subscriber \$5.00
ECDE Early Childhood Development	BGOT Maintenance Personnel	Political Party	
EDUC Education (Higher Ed)	SEST Office Support/Secretary	R Republican	KNEA Membership Types
ELAR English/Language Arts	PPOT Paraprofessional	D Democrat	AC-1-100 Active/Professional (full time) \$274.00
FLLI Foreign Language & Literature	PRIN Principal/Assistant Principal	I Independent	AC-1-50 Active/Prof (50%) \$137.00
GEOG Geography	SHTH Speech/Hearing Therapist, Clinician	L Libertarian	SB-0-0 Substitute \$55.00
HEPE Health and Phys. Educ.		N No Party	AS-0-0 Associate \$20.00
HOME Home Economics	SPRV Supervisor/Director	O Other	AC-2-100 Active/Educational Support \$137.00
INAR Industrial Arts	SINT Superintendent	UK Unknown	AC-2-50 Active/ESP (50%) \$68.50
MATH Mathematics	BTVD Transportation Personnel	Ethnic*	RS-1-0 Reserve/Professional \$137.00
MUSI Music	ADJF Adjunct Faculty	01 Am. Indian/Alaska Native	
PSYC Psychology	CAOA Administrative Office Personnel	02 Asian/Pacific Islander	
READ Reading	ATPR Assistant Professor	03 Black	
PHSC Physical Science	ACPR Associate Professor	04 Hispanic	
SSSS Social Studies	INST Instructor	05 Caucasian (not of Spanish origin)	
SDED Special Education	LECT Lecturer	09 Unknown	
SPDR Speech & Drama	PROF Professor		
VTED Vocational Education	OTHR Other		
NONE No Subject Taught			
GSUB General Subjects			
OTHR Other			

*Ethnic minority information is optional and failure to provide it will in no way affect your membership status, rights, or benefits in NEA, KNEA, or any of their affiliates. This information will be kept confidential.

KNEA MEMBERSHIP APPLICATION 1998-99

Check here if a student member last year

Number of years a student member

SOCIAL SECURITY NUMBER

AREA CODE HOME PHONE

E-MAIL ADDRESS

AREA CODE WORK PHONE

NAME	FIRST	MIDDLE INITIAL	LAST
ADDRESS			
ADDRESS			
CITY & STATE			ZIP

KANSAS IS A UNIFIED STATE. THE NEA, KNEA AND LOCAL ASSOCIATION MAY NOT BE JOINED SEPARATELY.

SEE CODES ON OPPOSITE PAGE

SUBJECT	POSITION	GENDER (Circle One)	ETHNIC
POLITICAL PARTY		M F	
		REGISTERED VOTER <input type="checkbox"/> Yes <input type="checkbox"/> No	
PAYMENT METHOD		NUMBER OF DEDUCTIONS	

*The PAC contribution will be shared with local and state political action committees for them to support candidates for state and local office. A member may request and obtain a refund for a state PAC contribution by completing a form available from his or her local association or UniServ office. Whether a member contributes to PAC or not will not affect his or her membership status, rights, or benefits in NEA, Kansas NEA, or any of their affiliates.

**The National Education Association Political Action Committee (NEA-PAC) collects contributions from Association members and uses those contributions to help elect friends of education to federal office. Contributions to NEA-PAC are voluntary and are not a condition of membership in NEA, Kansas NEA, or any of their affiliates. Although NEA-PAC requests an annual contribution of \$10, this is only a suggestion. A member may contribute more or less than the amount suggested or may refuse to make any contribution and this will not affect his or her membership status, rights, or benefits in NEA, Kansas NEA, or any of their affiliates. With full knowledge of the above, please write in the amount of your contribution in the space above.

Dues payments and contributions or gifts to NEA-PAC, K-PAC, and local PAC are not deductible as charitable contributions for federal income tax purposes. Dues payments may be deductible as a miscellaneous itemized deduction.

I hereby authorize the Board of Education to deduct from my salary my professional dues, assessments, and voluntary contribution to K-PAC, as these sums are established or suggested annually to the local NEA affiliated teachers association, and my voluntary contribution to NEA-PAC, as indicated above, and to forward such amounts to that local association. This authorization is to continue in force unless revoked by me for a succeeding membership year by giving written notice to that effect to my local association on or before August 10. I understand that if my employment is terminated prior to the deduction of the amounts authorized herein, the unpaid portion of dues, assessments, and K-PAC and NEA-PAC contributions will be deducted from my final check. I understand that of the total NEA dues, \$3.45 is for a subscription to NEA TODAY and \$9.00 is for the higher education publications for one year and of the KNEA dues, \$2.50 is for KNEA ISSUES. The publication(s) received by members are based on membership category.

MEMBER SIGNATURE

DATE

LOCAL ASSOCIATION

EMPLOYER (USD)

WORK LOCATION (BUILDING)

ASSOCIATION	MEMBERSHIP TYPE	ANNUAL AMOUNT
NEA		
KNEA		
LOCAL		
*STATE AND LOCAL PAC (\$10 suggested)		
** NEA-PAC (\$10 suggested)		
TOTAL		

KNEA COPY

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KNEA MEMBERSHIP APPLICATION 1998-99

Check here if a student member last year

Number of years a student member

SOCIAL SECURITY NUMBER

E-MAIL ADDRESS

AREA CODE HOME PHONE

AREA CODE WORK PHONE

LOCAL ASSOCIATION

EMPLOYER (USD)

WORK LOCATION (BUILDING)

NAME	FIRST	MIDDLE INITIAL	LAST
ADDRESS			
ADDRESS			
CITY & STATE			ZIP

ASSOCIATION	MEMBERSHIP TYPE	ANNUAL AMOUNT
NEA		
KNEA		
LOCAL		
*STATE AND LOCAL PAC (\$10 suggested)		
** NEA-PAC (\$10 suggested)		
TOTAL		

KANSAS IS A UNIFIED STATE. THE NEA, KNEA AND LOCAL ASSOCIATION MAY NOT BE JOINED SEPARATELY.

SEE CODES ON OPPOSITE PAGE

SUBJECT	POSITION	GENDER (Circle One)		ETHNIC
		M	F	
POLITICAL PARTY		REGISTERED VOTER		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
PAYMENT METHOD		NUMBER OF DEDUCTIONS		

*The PAC contribution will be shared with local and state political action committees for them to support candidates for state and local office. A member may request and obtain a refund for a state PAC contribution by completing a form available from his or her local association or UniServ office. Whether a member contributes to PAC or not will not affect his or her membership status, rights, or benefits in NEA, Kansas NEA, or any of their affiliates.

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MEMBER SIGNATURE

DATE

UNISERV COPY

18-3

KNEA MEMBERSHIP APPLICATION 1998-99

Check here if a student member last year

Number of years a student member

SOCIAL SECURITY NUMBER

AREA CODE HOME PHONE

E-MAIL ADDRESS

AREA CODE WORK PHONE

LOCAL ASSOCIATION

EMPLOYER (USD)

WORK LOCATION (BUILDING)

NAME	FIRST	MIDDLE INITIAL	LAST
ADDRESS			
ADDRESS			
CITY & STATE			ZIP

ASSOCIATION	MEMBERSHIP TYPE	ANNUAL AMOUNT
NEA		
KNEA		
LOCAL		
*STATE AND LOCAL PAC (\$10 suggested)		
** NEA-PAC (\$10 suggested)		
TOTAL		

KANSAS IS A UNIFIED STATE. THE NEA, KNEA AND LOCAL ASSOCIATION MAY NOT BE JOINED SEPARATELY.

SEE CODES ON OPPOSITE PAGE

SUBJECT	POSITION	GENDER (Circle One) M F	ETHNIC
POLITICAL PARTY	REGISTERED VOTER <input type="checkbox"/> Yes <input type="checkbox"/> No		
PAYMENT METHOD	NUMBER OF DEDUCTIONS		

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MEMBER SIGNATURE

DATE

18-3

PAYROLL OFFICE COPY

KNEA MEMBERSHIP APPLICATION 1998-99

 Check here if a student member last year

 Number of years a student member

--	--	--

SOCIAL SECURITY NUMBER

--

E-MAIL ADDRESS

--	--	--

AREA CODE HOME PHONE

--	--	--

AREA CODE WORK PHONE

LOCAL ASSOCIATION

--

EMPLOYER (USD)

--

WORK LOCATION (BUILDING)

NAME	FIRST	MIDDLE INITIAL	LAST
ADDRESS			
ADDRESS			
CITY & STATE			ZIP

ASSOCIATION	MEMBERSHIP TYPE	ANNUAL AMOUNT
NEA		
KNEA		
LOCAL		
*STATE AND LOCAL PAC (\$10 suggested)		
** NEA-PAC (\$10 suggested)		
TOTAL		

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MEMBER SIGNATURE _____

DATE _____

LOCAL COPY

18-3

NEA MEMBERSHIP APPLICATION 1998-99

Check here if a student member last year

Number of years a student member

LOCAL ASSOCIATION _____

--	--	--

SOCIAL SECURITY NUMBER

--	--

AREA CODE HOME PHONE

EMPLOYER (USD) _____

--

E-MAIL ADDRESS

--	--

AREA CODE WORK PHONE

WORK LOCATION (BUILDING) _____

NAME	FIRST	MIDDLE INITIAL	LAST
ADDRESS			
ADDRESS			
CITY & STATE			ZIP

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NEA		
KNEA		
LOCAL		
*STATE AND LOCAL PAC (\$10 suggested)		
** NEA-PAC (\$10 suggested)		
TOTAL		

MEMBER SIGNATURE _____

DATE _____

18-3

MEMBER COPY

*written
only*



President

Ron Eldridge

Executive Secretary

Treasurer

Jim DeHoff

Executive Vice

President

Wayne Maichel

Executive Board

Richard Aldrich

Melany Barnes

Mike Bellinger

Clyde Bracken

Bill Brynds

Gary Buresh

Jessie Cornejo

David Han

Jim Hastings

Tom Hutton

Jerry Johnson

Greg Jones

Earl Kanatzar

Wil Leiker

Frank Mueller

Dwayne Peaslee

Emil Ramirez

Craig Rider

Gary Russell

Debbie Snow

Betty Vines

Written Testimony on

SB 288

Presented to

House Governmental Organization and Elections Committee

Monday, March 15, 1999

Madame Chairperson and Members of the Committee:

The Kansas AFL-CIO opposes Senate Bill 288. This bill is similar to legislation that has been introduced all around the country over the last year and a half as part of a nationwide effort to silence working families.

This bill is not the result of any grassroots movement in the state. It is not a result of public employees clamoring for protection from their unions. It is, instead, an attempt to single out one group for punishment. It is innocuously titled the "Voluntary Political Contributions Act." We maintain that contributions to union political action committees are already voluntary, indeed, in a right to work state like Kansas, even union membership is totally voluntary. Union members choose whether to join the union, set their own dues, elect their own leaders and vote on where and how their money will be spent. The only purpose of this legislation is to require public employee unions to have to go back to every member on an annual basis and get them to re-sign an authorization card for payroll deduction.

What is the justification for an annual authorization? There is none. An employee can revoke their authorization for payroll deduction at any time, if they choose to. Any payroll deduction authorization card that I have ever seen states clearly that contributions are voluntary and are not a condition of membership and I believe that most public employees can read. The real purpose behind the yearly requirement is to make it more expensive and more difficult to raise funds, thereby significantly impairing the ability of public employee unions to raise political funds.

Also, what is the justification for unfairly singling out public employees for this requirement? If the reason for this bill, as was stated in Senate Committee hearings, is a desire to make certain that contributions are really voluntary, are we to believe that employee contributions to an employer's pac are more voluntary than those made by public employees to their union's pac? It would seem that by singling out one group, this legislation is more retaliatory than anything.

We ask that you recommend SB 288 unfavorable for passage.



*G.O.E.
March 21, '99
Attachment #
19*

**TESTIMONY ON SB 288
FOR THE HOUSE GOVERNMENTAL ORGANIZATION AND
ELECTIONS COMMITTEE
Senator Dave Kerr**

Madame Chairperson, it is a privilege to appear today on behalf of SB 288, legislation that would ensure that contributions to political action committees would be truly voluntary.

Perhaps it is most useful to first outline the problem that this legislation is intended to address. It is current practice for certain organizations to sign up their members for PAC contributions at the time they sign them up for membership. There's nothing wrong in that, so long as the new member realizes that they have a real choice as to whether they contribute to the PAC. It is not just automatically a part of their membership cost.

This point can best be understood by looking at the two actual membership application forms for a well known organization. Indeed, it is the organization which takes in more political action committee money than any other. The first is the 1994-95 membership application form. On the right hand side you will note that the State and Local PAC line is preprinted for \$9.00. The double asterisk leads one to the small print indicating it is possible to obtain a refund if one gets a form to do so from his or her local association or Uniserve. Note that the "NEA-PAC" line is not preprinted.

The second form is the 1996-1997 Membership Application Form. No longer is the State and Local PAC line preprinted. But, note that the form has been filled out except for the "NEA-PAC" line. This is the way it is presented to the prospective member. Further, note that the double asterisk footnote is unchanged. The member can only avoid a contribution by asking for a refund form from the local association.

Now an obvious question is why the NEA-PAC line is not filled out ahead and why the language in small print is different, making it clearer that a member does not have to make a contribution and then seek a refund. They can actually refuse to contribute.

The reason for this is that the federal statute requires that employees be informed that the money being "solicited" is going to a political fund and that they have the right to refuse to contribute. Failure to do so is unlawful.

Several states have enacted laws that provide similar protections to organization members. The bill before you is modeled roughly on the Washington

State statute. In order to ensure that deductions for political action committee contributions are voluntary, it requires that a form designed by the Kansas Governmental Ethics Commission, stating that the contribution is voluntary and can be refused, or the form not returned to the employer, would have to be signed by the employee before such a deduction could be made.

Such authorization for deduction would be valid for one year which, in most cases, is the same duration as the association membership authorization.

This legislation appears to be the appropriate response to the current situation which results in enormous amounts of money being accumulated by certain association political action committees. The Kansas National Education Association, for example, seems to accumulate large amounts of money. The last time we reviewed their PAC situation, we found approximately 65 subsidiary PAC's to the "Kansas Political Action Committee."

Finally, it is worth noting, that this particular PAC contributes primarily to candidates from one party. Obviously, a large number of the teachers who are members of the association are members of the other party. Thus it is inconceivable that some teachers who work for and contribute to candidates in that other party directly are not having to overcome contributions made with their money to the opposition. This is an unacceptable situation that arises entirely because not all political action committee contributions are voluntary. SB 288 is a simple solution to a somewhat hidden but serious problem which has gone unchecked for many years. I urge your support for its passage.

KNEA MEMBERSHIP APPLICATION FORM 1994-95

Check here if a student member last year.
 No. of years a student member.

--	--	--

SOCIAL SECURITY NUMBER

LAST NAME, FIRST, MIDDLE INITIAL

NAME		TITLE
ADDRESS		
CITY & STATE		
HOME PHONE	(AREA CODE)	ZIP

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SUBJECT CODE	POSITION CODE	LEVEL CODE	ETHNIC CODE
SEX CODE (Circle One) M F	METHOD OF PAYMENT	NUMBER OF PAYROLL DEDUCTIONS	
REGISTERED VOTER <input type="checkbox"/> Yes <input type="checkbox"/> No		PARTY AFFILIATION CODE	

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SIGNATURE _____

DATE _____

LOCAL ASSOCIATION				
SCHOOL				
00			000	
UNI-SERV	CNTY.	LOCAL	BLDG.	

ASSOCIATION	MEMBERSHIP CODE	ANNUAL PAYMENT
NEA		
KNEA		
LOCAL	10	
**STATE AND LOCAL PAC		\$9.00
* NEA-PAC (\$10 suggested)		
TOTAL		

KNEA COPY

20-3

KNEA MEMBERSHIP APPLICATION FORM 1996-97

LOCAL ASSOCIATION _____

Check here if a student member last year

No. of years a student member

--	--	--

SOCIAL SECURITY NUMBER

LAST NAME, FIRST, MIDDLE INITIAL

00

SCHOOL _____

000

UNI- CNTY. LOCAL
SERV

BLDG.

NAME	ZIP
ADDRESS	
CITY & STATE	ZIP
HOME PHONE	

ASSOCIATION	MEMBERSHIP CODE	ANNUAL PAYMENT
NEA	10	53. ⁵⁰
KNEA	10	133. ⁰⁰
LOCAL	10	15. ⁵⁰
**STATE AND LOCAL PAC		10. ⁰⁰
* NEA-PAC (\$10 suggested)		
TOTAL		

KNEA COPY

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SEE CODES ON BACK OF FORM

SUBJECT CODE	POSITION CODE	LEVEL CODE	ETHNIC CODE
GENDER (Circle One)		METHOD OF PAYMENT	NUMBER OF PAYROLL DEDUCTIONS
M F			
REGISTERED VOTER		PARTY AFFILIATION CODE	
<input type="checkbox"/> Yes <input type="checkbox"/> No			

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SIGNATURE _____

DATE _____

KNEA & Related PACs (estimated 65 on 3-1-98)

Kansas Political Action Committee (mother PAC)



Abilene NEA
Ark Valley PAC (Uniserv School District)
Blue Valley Nea
Blue Valley TA PAC
Bonner Springs KNEA
Cimarron-Ensign NEA
Concerned Educators PAC
De Soto TA Pac
Dodge City PAC
EKG NEA
Emporia PAC
Eudora NEA
Fairfield NEA
Fort Leavenworth Ed PAC
Fort Scott KNEA PAC
Great Bend NEA
Haviland NEA
Hays NEA PAC
Haysville local PAC
Hill City NEA
H-NEA PAC
Junction City Ea PAC
Kansas City Ks CC Fa-PAC
Kansas City NEA
Kansas NEA Southwest UNIPAC
Kids First of Sumner County
Kids First of Sedgwick County
Kids First of Jefferson County
Kids First of Cowley County
Kids First of Kansas
Konza UNIPAC
Konza Uniserv

Lawrence PAC
Leavenworth NEA PAC
Lorraine KNEA
Mcperson Education Assn PAC
NEA Buhler
NEA Eastern Heights
NEA Goodland
NEA Manhattan PAC
NEA Neodesha
NEA Salina
NEA Shawnee Misson
NEA PAC
Newton NEA PAC
Olathe NEA
Olalthe New-PAC
Osage City NEA
Pony Express Uniserv PAC
Quinter NEA
Russell Co NEA
Salina NEA PAC
SCDLC
South Central Ks PAC (Uniserve District 12)
SUNPAC
Teachers Association of B&B
Three Trails UNIPAC
Topeka NEA PAC
Uniserv Dist 114 PAC
Uniserv Southeast PAC
Walnut Valley UNIPAC
Wichita NEA PAC
Winfield NEA PAC
WTA PAC

*written
only***MEMORANDUM**

To: Representative Benlon, Chair, and Members of the House Governmental Organization & Elections Committee

Fm: Kansas Association of County Planning and Zoning Officials

Re: SB 319

Date: March 15, 1999

The Kansas Association of County Planning and Zoning Officials represents local zoning officials from 42 counties in Kansas. These officials are responsible for the administration and enforcement of the locally adopted Zoning Regulations for the unincorporated areas of those counties. Except for our four largest counties in population (Sedgwick, Johnson, Shawnee and Wyandotte), every other county in Kansas must rely on the ultimate enforcement of these rules and regulations through the District Court system. This means they must work through the local County Attorney's Office in developing the case to be filed, and then wait in line with all other types of cases in finding a place on the docket of the District Court. This is very time consuming and inefficient, and the "priority" of a zoning enforcement case is very low in comparison to the multitude of other cases handled through the County Attorney and District Court system.

*G.O.E
March 15, 1999
Attachment # 21*

SB 319 would amend K.S.A. 19-101d by removing the restriction on the available of the Codes Court for counties which presently is only for counties of at least 150,000 population. The amendment would make the Code Court possible to be establish in any County which chooses to use this method of providing a more efficient and timely means of administering and enforcing the locally adopted Zoning Regulations. The Code Court would also be available for the administration and enforcement of Subdivision Regulations, Environmental and/or Sanitation Codes, Building Codes, and other similar locally adopted codes.

The statutes are clear in the manner in which these courts are to be established. The use and practice in our larger counties where this system of enforcement is being used has proven they are efficient and effective in providing reasonable enforcement. And these efficiencies are provided without adding to the burden of the District Courts.

Please approve SB 319 as adopted by the Senate. Thank you for your support.



OFFICE OF THE COUNTY COUNSELOR
SEDGWICK COUNTY, KANSAS

Richard A. Euson
County Counselor

COUNTY COURTHOUSE 525 N. MAIN, SUITE 359 WICHITA, KS 67203-3790
PHONE (316) 383-7111 FAX (316) 383-7007

TESTIMONY OF RICHARD A. EUSON

- Jennifer Magana
Asst. Co. Counselor

KANSAS HOUSE OF REPRESENTATIVES
GOVERNMENT ORGANIZATION AND ELECTIONS COMMITTEE
REP. LISA BENLON, CHAIR

MARCH 15, 1999

I RESPECTFULLY OFFER THE FOLLOWING TESTIMONY IN SUPPORT OF PORTIONS OF SENATE BILL 319. THE PORTIONS RELATING TO (1) COUNTY COURT FEES AND (2) AUTHORITY OF COUNTY COURT JUDGES TO ORDER NUISANCE ABATEMENTS WOULD PROVIDE THE COUNTY WITH NEEDED AUTHORITY TO ADDRESS THE GROWING DEMANDS OF THE COUNTY COURT PROGRAM.

County Court Fees

Currently, Counties with a population more than 150,000 have the option of prosecuting county code violations through County Court. Sedgwick County Court handles between 1000 and 2000 cases per year involving violations of the County Code, thereby removing a huge burden from the District Court dockets. With the population growth in the unincorporated areas of Sedgwick County, continued increases in this caseload are expected. K.S.A. 19-4707 limits the court costs to \$1 per case. This rate was designated for the period of July 1, 1994 to June 30, 1996, under the 1994 amendment to 19-4707 (L. 1994, ch. 335, Section 3). However, this time limit was removed in the 1996 amendment to 19-4707 (L. 234, Section 8), therefore leaving the \$1 limit intact for all future cases. By comparison, Sedgwick County District Court costs for misdemeanor offenses are currently \$102.50.

Sedgwick County would benefit from the authority for the County Commissioners to determine what court costs are appropriate to serve as both a deterrent to violators

"...To Be The Best We Can Be."

22-1

R.A.E.
March 15, '99
Attachment # 22

and as some reasonable source of revenue to support the expanding County Court system. With this revision, the requirement that the County Court remit the \$1 assessment to the state treasurer remains in place, resulting in no economic impact to the state.

County Court Judges' Authority to order nuisance abatements

County court judges are limited in their authority by K.S.A. 20-310a to only such power as is necessary to hear cases involving violations of the county code, to compel appearances, hold persons in contempt for failure to appear, and issue bench warrants. The judge is therefore limited in options when it comes to forcing an uncooperative property owner into cleaning up properties that contain, for example, piles of inoperable vehicles that have become a nuisance to neighbors. In recent months, such cases have taken up a great deal of the Court's and the prosecutors' time, due to multiple court dates due to the property owners' failure to comply with the Code and resulted in citizen complaints and repeated property inspections by county staff. The Administrative Judge of the Eighteenth Judicial District, the Hon. Paul Buchanan, believes that County Court is of limited jurisdiction, as well. The foremost goal of County Court has always been compliance with County Codes, but that goal cannot be achieved within the limits of the pro tem's authority when a citizen repeatedly ignores the fines, warrants and orders issued by the County Court. Under this restriction, certain cases of severe and continuing violations may neither be closed nor prodded into compliance in County Court. By amending 20-310a to specifically authorize County Court pro tem judges the authority to declare nuisances and order nuisance abatements on properties, property owners who choose to ignore the rule of law will be held accountable for maintaining nuisances and will be subject to the costs for abatement. At a minimum, this authority will serve to encourage voluntary compliance by property owners as continued population growth in the unincorporated areas of Sedgwick County places more burdens on the County Court system.