

Approved: 2-8-99
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on February 3, 1999 in Room 529-S of the Capitol.

All members were present except: Senator Petty

Committee staff present: Dennis Hodgins, Legislative Research Department
Mike Heim, Legislative Research Department
Ken Wilke, Revisor of Statutes
Graceanna Wood, Committee Secretary

Conferees appearing before the committee: Bob Knight, Mayor of Wichita
Randy Allen, Exec. Dir., Kansas Assoc. of Counties
Jim Williams, Commissioner, Riley County
Chris McKenzie, Exec. Dir., League of Ks. Municipalities
Jim Kaup, Lobbyist, City of Topeka
Marvin Smith, Resident Soldier Township, Shawnee County

Others attending: See attached list

Chairman Hardenburger opened the meeting by asking for approval of the minutes of January 26, 27 and 28, 1999.

Senator Steineger moved that the minutes be approved as written, seconded by Senator Becker. Motion carried.

Chairman Hardenburger asked for introduction of bills. Senator Bleeker asked the Committee to introduce a bill concerning campaign finance and using public funds.

Senator Vidrickson moved bill be introduced as requested, seconded by Senator Lawrence. Motion carried.

Chairman Hardenburger continued hearing on **SB 7 relating to the consolidation of cities and counties.**

Bob Knight, Mayor of Wichita presented testimony in support of **SB-7** informing the Committee of the overlap and duplication of public services. (Attachment #1)

The Committee inquired as to how the survey for consolidation, as stated in Mayor Knight's testimony, was conducted in Wichita regarding how public services should be conducted.

Randy Allen, Executive Director of Kansas Association of Counties testified that the Kansas Association of Counties neither supported nor opposed consolidation of city and county governments in Kansas. He stated that the Association supports some provisions of the bill and has some concerns of other provisions. (Attachment #2)

Jim Williams, Riley County Commissioner, advised the Committee that Riley County and the City of Manhattan do collaborate in many ways, but more consolidations could take place to save taxpayer dollars and improve services. (Attachment #3)

Chris McKenzie, Executive Director of League of Kansas Municipalities, testified that he has been involved in the consolidation of the governments of Kansas City, Kansas and Wyandotte County, therefore can point out the difficulties faced by citizens and governing bodies that are interested in beginning a structured discussion on the subject. (Attachment #4)

Jim Kaup, Lobbyist, City of Topeka, presented testimony in support of **SB 7** in behalf of Mayor Joan Wagon. He testified that consolidation would make local governments more efficient and more effective, as well as responsive to the public as representative governments. (Attachment #5)

CONTINUATION SHEET

Marvin Smith, resident in Soldier township in rural Shawnee County, recommended several amendments to **SB 7**. (Attachment #6)

Chairman Hardenburger informed the Committee that continued hearings would be resumed tomorrow on **SB 7**.

Meeting was adjourned at 2:30 p.m. Next meeting scheduled for February 4, 1999.

ELECTIONS & LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: February 3, 1999

NAME	REPRESENTING
Susan Dura	Issues Management Group
Rob Mah	SENATE
Mascie Lee	Sedgwick County
James McWilliams	Riley County
Marvin G. Smith	Shawnee County resident
Janet Stubbs	Ks. Bldg. Ind. Assn.
Francis Kelley	Shawnee County Farm Bureau
Les Druror	Sedgwick County Farm Bureau
Dawn Sanders	Sedg. Co. Township
Justin Moler	Ks. Assn. of Counties
Randy Allen	KS. Association of Counties
David Miles	Associated Press
Chris McKenzie	League of Kansas Municipalities
Jim Kamp	City of Topeka

ELECTION & LOCAL GOVERNMENT COMMITTEE
 Joint Committee on Administrative Rules and Regulations Committee

GUEST LIST

DATE: Feb 3, 1999

NAME	REPRESENTING
James Long	KPERS
Laurie McKinnon	KPERS
Meredith Williams	KPERS
Jack Hewitt	"
BOB KNIGHT	WICHITA
Mike Taylor	City of Wichita
Karl Peterjohn	KS Taxpayers Network
Duane Sanders	Sedg. Co Township
LES DRUSEL	Sedg Co FARM BUREAU
Fra:	

Guests



CITY OF
WICHITA

TESTIMONY

to

**Senate Committee on Elections and Local Government
February 3, 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 in 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

Senate Elections & Local Government

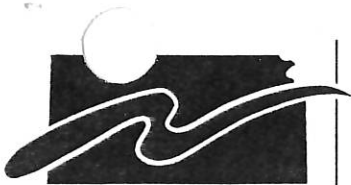
Attachment: # 1-1

Date: 2-3-99

mechanism in statute to allow or outline the process for consolidation.

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 states that those cities which vote no, don't have to take part.

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.



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY
concerning Senate Bill No. 7
CITY-COUNTY CONSOLIDATION

Presented by Randy Allen, Executive Director
Kansas Association of Counties
February 3, 1999

Senator Hardenburger and members of the committee, my name is Randy Allen, Executive Director of 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.”

Legal counsel informs us that 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.

There are just two areas of concern in the bill, however, which we want to bring to your attention. The first concern is one of the two processes for establishing a consolidation study commission, specifically the process outlined in New Section 2, subsection (b) on page one of the bill. This process provides a process in which a petition signed by 10% of the voters in the county can force an election to create a consolidation study commission.

This direct initiative process circumvents the process of local governance of county and city elected officials and thwarts their ability to be part of the change process. We have a system of representative government, in which elected officials can balance majority viewpoints and perceptions with the views and expressions of minorities. That is

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perhaps the single most difficult, yet necessary job of an elected official at the local or state level. We object to the petition-driven process because it weakens our system of representative government at the local level. Surely county commissioners and city council members are astute to the needs and opinions of their constituents. If they believe the time has come for a consolidation study commission, they can adopt a joint resolution for such commission to be submitted to voters, as provided in subsection (a) of Section 2. If they misread the public will, the public will most certainly express their displeasure at the ballot box.

Our second concern is in Section 2, subsection (d) of the bill, which states that "at least 1/3 of the membership of a consolidation study commission shall be residents of the unincorporated area of the county." There is considerable variation across counties in the percentage of total population living in incorporated and unincorporated areas. In Jefferson or Pottawatomie counties, 62% and 49%, respectively, of the populations of these counties live in the unincorporated areas. In Johnson County, conversely, 4-5% of the total population lives in the unincorporated areas. It seems to us that the law should provide a mechanism so that the consolidation study commission is representative of the county under study. As you know, there is significant variation among Kansas counties. We would be willing to assist in developing some language to correct this perceived problem.

In summary, we applaud the overriding intention of the bill which is to permit, but not mandate city and county consolidation. We urge you, however, to seriously consider an amendment to strike subsection (b) of section 2 from the bill, as we believe that we need to rely more on the wisdom and guidance of locally elected officials to guide the process.

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.

RILEY COUNTY
BOARD OF COUNTY COMMISSIONERS

COMMISSIONERS
JIM WILLIAMS
RUSSELL A. FREY
BOB NEWSOME



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110 Courthouse Plaza
Manhattan, Kansas 66502
Phone (785) 537-6300
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February 3, 1999

Consolidation of local governments should be local government option. I would take a neutral attitude on this legislation. The jury may still be out in Wyandotte County. Other counties may want this option.

Until such time of full consolidation by local governmental agreements, many function that are required by statute and public demands can occur within present structures. They include many of the collaborative efforts now being performed in Riley County and the City of Manhattan, some regional concepts by statutes and others by choice. They include:

Regional Collaboration Concept

Household Hazardous Waste (10 counties)

Big Lakes Regional Council (7 counties)

North Central Kansas Regional Juvenile Detention Facility (15 counties)

Flint Hills Area Council on Aging (18 counties)

Big Lakes Regional Developmental Center (4 counties)

Emergency Preparedness (2 counties)

Pawnee Mental Health (10 counties)

MAST program (7 counties)

Interlocal

Solid Waste

CICO Park - City/County

Riley County Police Department - 22 year unified law enforcement 80/20

Public Health

Some areas still to be considered may include:

(New to city and county commissions)

Information Services

GIS - Geographic Information Systems

Courts

Purchasing

Planning and Zoning

There is probably more consolidation that could take place to save taxpayer dollars, and improve services. Legislation should not prevent such consolidation that could be done incrementally - where the process can be decided on a local option basis.

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Attachment: # 3-1
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**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.

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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.



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

TO: Senate Committee on Elections and Local Government
FROM: Mayor Joan Wagnon, City of Topeka
RE: **SB 7; City-County Consolidation**
DATE: February 3, 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. While amendments may prove necessary as the bill progresses through the legislative process, 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. Subsection (m), beginning on line 19 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 intergovernmental 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 may do separately, on a function or service basis. The City of Topeka is currently pursuing some options under the existing law. However, consolidation of city and county is not possible under current law without specific legislative enactment. 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 face in the 21 century.

Senate Elections & Local Government
Attachment: # 5-1
Date: 2-3-99

February 2, 1999

To: Senate Committee of Government 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.

I would recommend an amendment on page 3, line 43 following general election 'held in November of even numbered years'...

Also recommend an additional amendment on page 4 following line 23. If the majority of the qualified electors of the unincorporated area of the county voting at the election to approve the final plan, do not vote in favor of such plan, such unincorporated area of the county shall not be included within or subject to the provisions of such plan".

This proposed amendment would compliment the lines 20-23.

The Kansas Farm Bureau Delegates at the 1998 convention adopted Resolution Gov-2 consolidating Units of Government and provides---

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.

I submit that the proposed amendment would enhance voters confidence and participation.

Senate Elections & Local Government
Attachment: # 6-1
Date: 2-3-99