

Approved: 2-9-99  
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 4, 1999 in Room 529-S of the Capitol.

All members were present except: Senator Vidrickson

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: Senator Nancey Harrington  
Duane Sanders, Pres. Sedgwick County Township Assn.  
Greg Dye, Concerned Citizen, Wichita  
Leslie Drum, Sedgwick County Farm Bureau  
Paul Carey, Rural Water District, Sedgwick County  
Rick Eberhard, Alarm Group Organization of Small Towns  
Jay Wohlgemuth, Andale Corp., Sedgwick County

Written testimony presented by: John Todd, Concerned Citizen, Wichita  
Dee Stuart, City Councilwoman, Park City, Kansas  
Karl Peterjohn, Ks. Taxpayer Network  
Roger Mundy, Ks. 10<sup>th</sup> Amendment Society  
Ed Parker, Mayor, Kechi  
LaVina D. Keiter, Mayor, Colwich  
George Proctor, Mayor, Goddard  
Janet Stubbs, Lobbyist, Kansas Building Industry Assoc. Inc.  
Richard Maginot, Business Adm., Soldier Township

Others attending: See attached list

Chairman Hardenburger continued the hearing on **SB 7 relating to consolidation of cities and counties**, and introduced the opponents to the bill. Duane Sanders, President Sedgwick County Township Association, presented testimony opposing **SB 7**. Mr. Sanders informed the Committee that townships were never mentioned in the bill. (Attachment #1)

Chairman Hardenburger asked Mr. Sanders if he appreciated the fact that many times he has to come to the state to ask permission to proceed at the township level, county level and the city level. Should the legislature have the power to say no or yes to what local people want to do? The Chairman expressed appreciation that the townships had not been included in the bill. When the Committee works the bill, an amendment could be initiated if necessary.

Senator Nancey Harrington testified on **SB 7** asking questions concerning the bill. (Attachment #2)

Greg Dye, a concerned citizen from Wichita gave testimony in opposition of **SB 7** stating that the larger governmental entities would override the concerns of the smaller entities. (Attachment #3)

Senator Gooch stated to the Committee that everyone talks about "representative of the people", but it would appear to be more about "representation of land." The residents of Wichita also reside in the County. When you start talking about representing people in the County, it should be addressed in terms that people who live in the City of Wichita also live in Sedgwick County.

Mr. Dye informed the Committee that when the bills are enacted, it will open the door for anyone. He also presented a document from the State of Massachusetts which had amended its statutes. (Attachment #4)

## CONTINUATION SHEET

Les Drum, President Sedgwick County Farm Bureau presented testimony opposing **SB 7**. He testified that the Farm Bureau members are concerned that consolidation is going to impact them more than it will the incorporated areas and with less representation. (Attachment #5)

Paul Carey, Chairman of the Board of Directors of Rural Water District #2 from Rural Valley Center informed the Committee that the Sedgwick County voters rejected city-county consolidation in an Advisory Election in August, 1998. The Directors of Rural Water District #2, feel certain that consolidation action would jeopardize the future of rural water for the patrons of the area. (Attachment #6)

Rick Eberhard, 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, spoke in opposition of **SB 7**. Their organization strongly feel that the state legislature should avoid any and all intervention in matters of local affairs. (Attachment #7)

Chairman Hardenburger informed the Committee and guests that state current law bans full consolidation of cities and counties. This law, **SB 7** was drafted to allow local governments to "encourage and promote the exercise of authority and assumption of responsibility to the local elected, local represented governing bodies of whom we represent". She testified that the intent of this piece of legislation is for local governments to decide at home what you want to do instead of being decided by the legislature. This proposed law is open for discussion, negotiation, and is changeable. When state legislators are caught between factions, one faction wants to do one thing, another faction wants to do another thing. The legislature has to decide what faction is right. This should be decided at home rather than in the legislature. When the legislature decides, many other things are built into the plan, mandates, requirements, rules and regulations. The legislature wants you at home to decide what direction you want to go with your government. The Committee is only hearing opposition from Sedgwick County. Apparently there are problems in Sedgwick County in communicating between your governments. We should not have to make this decision here in the legislature.

Chairman Hardenburger indicated that the Committee is not going to draw up legislation specifically for Sedgwick County. She said that the 1998 Special Interim Committee tried to make the statute broad enough and flexible enough so that local government can decide their own destiny. This legislation may never be used, but if it is used, local government should be allowed to make those decisions. **SB 7** is permissive legislation, and the local government should determine their own destiny.

Senator Lawrence informed the Committee that when legislation is being enacted, the legislature has to think of the entire state. There is a very unique situation in Sedgwick County, and it is like no other place in the state. Besides representing them, we also representing the rest of Kansas. We have to work out our differences at home, and this can be done.

Mr. Eberhard testified that if their organizations could have been invited to sit down with the Committee in advance of this bill being presented to the Committee, this may have avoided some of their fears.

Senator Gooch informed the Committee that there was a lot of work done to bring this bill to this point and present it to the Committee. If you local governments could help us with the bill that would be better than trying to eliminating the bill all together. We want this bill to work for all counties.

Chairman Hardenburger stated to the Committee that this process was not perfect. This subject was brought to the Special Committee because there had been an amendment to a bill in the 1998 session that proposed a majority vote of every taxing subdivision to approve consolidation of a function or service within a district. The Chairman asked to delete the amendment in exchange for a study on consolidation. The Chairman indicated the amendment was too onerous for local government.

Jay Wohlgemuth, Andale Corporation, Sedgwick County, advised the Committee that he is a farmer in the northeast corner of Sedgwick County, representing himself and the Andale Corporation. His organization is very concerned regarding **SB 7**, as to who in government will make decisions concerning agriculture. Wichita takes up 25% of the landmass in Sedgwick County. There is a large urban area in Sedgwick

## CONTINUATION SHEET

County, and we do not have the vote or the people. Our living is made off that land, and we are concerned about who will rule us and govern us if the city takes it over. Rules and regulations sometimes make it impossible to make a living. We are putting a hold on some things to be built in Sedgwick County, because we do not know what is going to happen.

Senator Praeger informed the Committee that the bill is written to be permissive. We (the legislatures) would like to make the opportunity available for other cities and counties throughout the state. Would you want us to move the bill and exempt Sedgwick County? If you currently want consolidation, you will have to come to the state for permission. What we are talking about is giving local control to all the other communities in the state. It sounds as if you do not want local control. You want the state to make the decision as it is now.

Mr. Wohlgemuth informed the Committee that they do not have enough votes in the County itself and if the city decides to do it, how can it be stopped.

Written testimony was presented to the Committee from the following: John Todd, Concerned Citizen, Wichita (Attachment #8), Dee Stuart, City Councilwoman, Park City (Attachment #9), Karl Peterjohn, Kansas Taxpayer Network (Attachment #10), Roger Mundy, Kansas 10<sup>th</sup> Amendment Society (Attachment #11), LaVina D. Keiter, Mayor, Colwich (Attachment #12), George Proctor, Mayor, Goddard (Attachment #13), Ed Parker, Mayor, Kechi (Attachment #14), Janet Stubbs, Lobbyist, Kansas Building Industry Association, Inc. (Attachment #15), and Richard Maginot, Business Adm., Soldier Township (Attachment #16).

Meeting was adjourned at 2:30 p.m. Next meeting scheduled for February 8, 1999.

# ELECTIONS & LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: February 4, 1999

NAME	REPRESENTING
Carol Jones	City of Park City
DEE SMART	CITY OF PARK CITY
Paul Carey	RWD #2 Sedg Co.
JAY Wohlgenuth	ANDALE FARMER'S COOP
LES DRUMPT	SEDG COUNTY FARM BUREAU
RICK EBERHARD	ALARM - Sedgwick County
John R. Todd	concerned Wichita citizen
Marci Hess	Sedgwick County
Judy Molen	Ks. Assn of Counties
Meg Ogle	Concerned Citizen
RICHARD MAGINOT	SOLDIER TOWNSHIP
ROBERT STOCKWELL	KPRB
Man Hawann	Div. of the Budget
Doug Smith	City of Topeka
Susan Duran	Issues Management Group
Duane Sanders	Sedg. Co Township
James Stephens	Ks. Bldg. Ind. Assn.
Karl Peteriphan	KS Taxpayers Network
Larry Klemm	League of KS Municipalities



## 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.

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Attachment: # 1-1  
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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.

STATE OF KANSAS

**NANCEY HARRINGTON**

SENATOR TWENTY-SIXTH DISTRICT  
P.O. BOX 697  
GODDARD, KANSAS 67052  
(316) 794-3775

STATE CAPITOL  
ROOM 128-S  
TOPEKA, KANSAS 66612-1504  
(785) 296-7367



TOPEKA

SENATE CHAMBER

**COMMITTEE ASSIGNMENTS**  
VICE CHAIR: FEDERAL AND STATE AFFAIRS  
MEMBER: JUDICIARY  
TRANSPORTATION AND TOURISM

February 4, 1999

**Senator Janice Hardenburger**  
Members of the Senate Committee on Elections and Local Government.

Madam Chairman, and Committee Members:

I appreciate the opportunity to address SB 7, an act concerning cities and counties relating to consolidation.

Currently it appears that local units of government have the ability to consolidate in a regular general election at which the office of governor is elected, K.S.A. 12-3903.

Two taxing subdivisions are able to place the question of consolidation on the ballot to be approved by a majority vote.

A few concerns I have regarding SB 7:

If townships are eliminated, what about bond payments for special sewer systems for homeowners? The city of Wichita has a combined billing of sewer and water. Who will pay for the sewer district?

It is not clear who would appoint the Study Commission members. Would it be the City Mayor, City Council, City Manager or Board of County Commissioners?

If the Study Commission members are to be elected, would there be a primary, similar to the local boards of education races since the bill calls for non-partisan elections? What would the cost be to the taxpayer? Would consolidation shift a larger responsibility to the county manager, which is a non-elected position?

Who will control the school budgets?

There appears to be too many open-ended questions. I would ask the committee to oppose SB 7.

Thank you.

Senate Elections & Local Government  
Attachment: # 2-1  
Date: 2-4-99

## **Opponent 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 over ride 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.



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.

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.

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.

Summary:

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... (Maybury vs. Madison).

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

Sincerely,



Greg Dye

## Chapter 300 of the Acts of 1998

### AN ACT ABOLISHING THE COUNTY GOVERNMENTS OF HAMPSHIRE, ESSEX, AND BERKSHIRE COUNTIES, AND TRANSFERRING ESSENTIAL COUNTY FUNCTIONS TO THE COMMONWEALTH.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is immediately to provide for the abolition of the county governments of Hampshire, Essex and Berkshire counties and to transfer their essential functions to the commonwealth, and to authorize the formation of regional councils of governments to administer and provide regional services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**N.B. This section has been vetoed by the Acting Governor**

**SECTION 1.** Section 91 of chapter 32 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word "people", in line 16, the following words:- for service rendered as the first members as of July 1, 1999 pursuant to section 28 of chapter 48 of the acts of 1997 and any consecutive reappointment.

**SECTION 2.** Chapter 54 of the General Laws is hereby amended by inserting after section 143 the following section:-

Section 143A. Registry of Deeds. Upon a vacancy by removal or otherwise in the office of register of deeds in a county or district in which said office is under the general superintendency or jurisdiction of the secretary of the commonwealth shall in like manner issue precepts for an election to fill such vacancy at the next biennial state election for which precepts can be reasonably issued, unless the term of said office expires on the first Wednesday of January following such state election, and the state secretary shall appoint some person to fill such office until a person is elected thereto and qualified. The person so appointed shall give bond as provided in section 3 of chapter 36.

**SECTION 3.** Section 13 of chapter 64D of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 5, the word "primarily" and inserting in place thereof the following word:- solely.

**SECTION 4.** Section 26 of chapter 74 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words ", the Essex agricultural and technical institute,".

**SECTION 5.** Said section 26 of said chapter 74, as so appearing, is hereby further amended by adding the following paragraph:-

The board of trustees for the Essex agricultural and technical institute shall consist of seven trustees, who

shall be residents of Essex county, appointed by the governor for a term of four years, of which not more than two or fewer than one term shall expire each year. The administrator of the Essex agricultural and technical institute may submit a list of potential candidates for selection to said board prior to appointment by the governor. Said institute shall be under the general supervision of the department of education and said board shall develop said institute's curriculum in consultation with teachers of said institute. The trustees shall appoint a treasurer who shall receive and take charge of all monies due to said institute, and who shall give a bond for the faithful performance of his duties in accordance with the provisions of section 35 of chapter 41. The fiscal year of said institute shall be the same as the fiscal year of cities and towns.

**SECTION 6.** Section 28 of said chapter 74, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the preceding paragraph, in Essex county, the total budget estimates approved by the board of education shall govern the spending of the Essex agricultural and technical institute, which shall not incur liabilities in excess of the approved amounts without first obtaining the approval of the board of trustees of a revised budget. Said board shall not approve a budget of said institute, or revisions thereof, unless said board is satisfied that said institute's revenues and available funds are sufficient to meet the proposed expenditures.

**SECTION 7.** Section 30 of said chapter 74, as so appearing, is hereby amended by striking out, in line 2, the words ", the Essex agricultural and technical institute".

**SECTION 8.** Said chapter 74 is hereby further amended by striking out section 31C, as so appearing, and inserting in place thereof the following section:-

Section 31C. The trustees of the Essex agricultural and technical institute are hereby authorized to enter into agreements providing for the payment of insurance covering dismemberment or death and the reasonable hospital, medical and surgical expenses incurred by, or in behalf of, any student in the institute by reason of injuries sustained by him while participating, or practicing or training for participation, in any game, meet, or contest conducted or held as part of or in connection with the physical education, athletic program, or interscholastic sports program of said institute.

**SECTION 9.** Section 33 of said chapter 74, as so appearing, is hereby amended by inserting after the word "county", in line 13, the following words:- or the treasurer of the Essex agricultural and technical institute appointed by the trustees pursuant to section 26.

**SECTION 10.** Said section 33 of said chapter 74, as so appearing, is hereby further amended by striking out, in line 18, the words "Essex county" and inserting in place thereof the following words:- the Essex agricultural and technical institute.

**SECTION 11.** Section 1 of chapter 48 of the acts of 1997 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

*Section 1.* The government of each of the following counties, in this act called an "abolished county" is hereby abolished as provided in this act as of the following date, in this act called the "transfer date", or on such earlier date 30 days after the commissioner of revenue certifies in writing that the county has failed to make a required payment on an outstanding bond or note: (a) Middlesex county, as of the

effective date of this act; (b) Hampden and Worcester counties, as of July 1, 1998; (c) Hampshire county, as of January 1, 1999; provided, however, that all functions, duties and responsibilities for the operation and management of the jail, house of correction and registry of deeds of Hampshire county and all duties and responsibilities for operation and management of property occupied primarily by the sheriff, registry of deeds and the trial courts in Hampshire county are hereby transferred to the commonwealth, effective July 1, 1998, subject to the provisions of this act; (d) Essex county as of July 1, 1999; and (e) Berkshire county as of July 1, 2000.

**SECTION 12.** Section 2A of said chapter 48 is hereby amended by striking out the words "task force established in section 19 of this act; provided however that said funds appropriated herein shall only be expended for the expenses of an independent audit and valuation of the total liabilities and assets of each county in the commonwealth pursuant to section 19" and inserting in place thereof the following words:- required under section 21 of this act; provided however that said funds appropriated herein shall only be expended for the expenses of an independent audit and valuation of the total liabilities and assets of each county in the commonwealth pursuant to section 21.

**SECTION 13.** Section 3 of said chapter 48 is hereby amended by adding the following paragraph:-

In fiscal year 1999, the county tax to be levied in Hampshire county shall not exceed one-half of the amount computed pursuant to sections 30 and 31 of chapter 35 and section 20A of chapter 59 of the General Laws and shall be payable on November 1, 1998, to the Hampshire county government. Notwithstanding the provisions of any general or special law to the contrary, all powers and duties of the Hampshire county government not transferred to the commonwealth pursuant to section 1 shall be transferred to the Hampshire council of governments effective on the date of its establishment pursuant to section 30. If the Hampshire council of governments is not approved pursuant to section 30, all powers and duties of Hampshire county government shall be transferred to the commonwealth effective January 1, 1999.

**N.B. This section has been vetoed by the Acting Governor**

**SECTION 14.** Section 4 of said chapter 48 is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- There shall be no increase in the salary of any abolished county's elected official, prior to the transfer of the abolished county to the commonwealth. Subsequent increases shall be governed by appropriate provisions of the commonwealth's general and special laws.

**SECTION 15.** The first sentence of section 5 of said chapter 48 is hereby amended by inserting after the words "transfer date", in line 5, the following words:- or, in the case of Hampshire county, September 1, 1998.

**SECTION 16.** Said section 5 of said chapter 48, as so appearing, is hereby further amended by striking out the second sentence, added by section 87 of chapter 88 of the acts of 1997, and inserting in place thereof the following three sentences:- All persons employed by the former Franklin county or by an abolished county, or by Hampshire county as of September 1, 1998, whose work functions primarily concern the operation and maintenance of said county's court facilities shall be transferred to the commonwealth under the administrative office of the trial court as of the effective date of the transfer, which in the case of Hampshire county shall be September 1, 1998, in the manner provided in section 21 of chapter 203 of the acts of 1988, as amended by chapter 379 of the acts of 1992, and with no impairment of employment rights held immediately before transfer, without interruption of service,



without loss of earned vacation and sick time, without reduction in compensation or salary grade, and without impairment of seniority, retirement or other rights of employees. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the transfer. Said employees shall be reclassified as state employees for the fiscal year in which their transfer is effective, and shall be compensated from funds appropriated to the trial court.

**SECTION 17.** Section 6 of said chapter 48 is hereby amended by inserting after the word "commonwealth", in line 6, the following words:- , except as otherwise provided in this act.

**SECTION 18.** Said section 6 of said chapter 48 is hereby further amended by adding the following three sentences:- Valid liabilities and debts of Hampshire county pertaining to the functions and employees transferred to the commonwealth on September 1, 1998 pursuant to section 1 of this act, which are in force on the date of transfer, are obligations of the commonwealth as of September 1, 1998. Said liabilities and debts shall include the operating and capital debt of Hampshire county, and operating and capital debt attributable to the Hampshire care nursing facility; provided, however, that the total of such debt shall not exceed \$2,145,000 and any such debt in excess of \$2,145,000 shall not be the obligation of the commonwealth; and provided further, that such debt described herein shall not include Medicaid overpayments, the unfunded pension liability of abolished county employees and retirees, and the unfunded pension liability of nursing home employees and retirees. All assets of Hampshire county pertaining to the functions and employees transferred on September 1, 1998 pursuant to said section 1, including revenue received pursuant to chapter 64D of the General Laws and such other revenue said county receives pertaining to said functions and employees transferred pursuant to section 1, as of immediately before September 1, 1998, shall become assets and revenue of the commonwealth, except as otherwise provided in this act.

**SECTION 19.** The first paragraph of section 7 of said chapter 48 is hereby amended by inserting after the words "transfer date", in line 3, the following words:- and, in the case of Hampshire county, the date of transfer of certain Hampshire county functions and property pursuant to section 1.

**SECTION 20.** Said section 7 of said chapter 48 is hereby further amended by adding the following two paragraphs:-

If, however, the Hampshire council of governments is approved pursuant to section 30 of this act, said council shall acquire ownership of the following property: the historic courthouse at 99 Main Street in the city of Northampton the Hampshire Care nursing facility on River Road in Leeds, and the land on which they are situated as currently platted, and the fixtures and improvements located thereon; provided, however, that the commonwealth shall assign no fewer than ten parking spaces in the Gothic Street Parking lot to the Hampshire council of governments, to be distributed at the discretion of the Hampshire council of governments; and provided, further, that in the event that said council has an aggregate equalized valuation as certified by the commissioner of revenue pursuant to section 10 of chapter 58 of the General Laws, as of January 1, 1996, of less than 30 per cent of the total equalized valuation of municipalities in the county on such date, said property shall revert to the commonwealth. Said council shall, in consultation with the chief justice for administration and management of the trial court and the commissioner of the division of asset management and maintenance, provide for the lease or rental of space in the historic courthouse now occupied by the law library for use and occupancy of the trial court law library for a period of 99 years at nominal cost, and shall allow the trial court to schedule use of the court room to the extent needed by said court up to two times the number of days used by the trial court in fiscal year 1998; and provided further that any lease agreement shall be subject to the approval of the

commissioner of the division of asset management and maintenance.

Until December 31, 1998, the offices of the Hampshire county's cooperative insurance trust, cooperate group purchasing, Hampshire care, regional services, human services, treasurer and commissioners shall continue to occupy, at no cost, the office space occupied by said offices immediately prior to September 1, 1998.

**SECTION 21.** Said chapter 48 is hereby further amended by inserting after section 7 the following section:-

*Section 7A.* (a) Notwithstanding the provisions of any general or special law to the contrary, any agricultural school or agricultural and technical institute of an abolished county shall be subject to the provisions of this section and shall operate in accordance with chapter 74 of the General Laws, except to the extent that said chapter 74 is inconsistent with the provisions of this section. Said school shall continue to receive funding under the chapter 70 formula.

(b) Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, employees of a county agricultural school or agricultural and technical institute transferred to the commonwealth shall be transferred with no impairment of employment rights held immediately before the transfer date, without interruption of service, without impairment of seniority, retirement or other rights of employees, without reduction in compensation or salary grade and without change in union representation. All such employees shall continue their right to collectively bargain pursuant to chapter 150E of the General Laws, and shall be considered employees for the purposes of said chapter 150E. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred, until the expiration of said agreement. Thereafter, the board of trustees of said school or institute shall be the "employer" for purposes of said chapter 150E, and shall bargain under the Horace Mann charter school model pursuant to section 89 of chapter 71 of the General Laws.

(c) Notwithstanding the provisions of any general or special law to the contrary, title to all real estate and personal property held by an abolished county for the use of its agricultural school or agricultural and technical institute is hereby transferred to the said school or institute upon the abolition of said county pursuant to this act and the board of trustees of said school or institute shall assume responsibility for the management of its real and personal property.

(d) A transition task force shall be established as of the effective date of this act, which shall manage the daily operations of said school or institute in the year prior to transfer. Said task force shall consist of the following five members: the chairman of the board of trustees, the dean, the director, the principal, and the business manager of said school or institute. Said business manager shall serve as acting treasurer during the fiscal year prior to the county's abolition.

(e) The transition task force established pursuant to subsection (d) shall propose in consultation with the department of education a Horace Mann charter school model for said school or institute, including provisions relative to employee collective bargaining, and submit its proposal to the department of education by November 15 of the year preceding the abolition of a county government pursuant to section 1. Upon receipt of said proposal, said department shall file its comments and recommendations, and legislation necessary to carry out its recommendations, with the clerk of the house of representatives and senate, and the house and senate committee on ways and means not later than January 1 of the year

in which the county will be abolished.

(f) The chairperson of the board of trustees of said school or institute serving immediately prior to the abolition of the county, shall continue to serve on the board of trustees for a term not less than two years after the effective date of this act. Thereafter, the governor may appoint said chairperson to an additional term or terms.

(g) The board of trustees of the Essex agricultural and technical institute is authorized to establish an excess and deficiency fund commencing in fiscal year 2000.

(h) The department of education is hereby authorized and directed to promulgate regulations for the operation, maintenance, improvement and development of agricultural schools of abolished counties, including:

(1) Regulations pursuant to which the department's supervisory authority with respect to said agricultural schools shall be exercised, including governance, programs, facilities, transportation and any other matters related to the appropriate operation of said schools.

(2) Regulations concerning the appropriate method for funding said agricultural schools which shall include provisions for imposing reasonable annual assessments on each city and town within the county in which said schools are located, upon each city and town in which students of the schools reside, or a combination of both. Notwithstanding the foregoing, the minimum aggregate local assessment shall be established at no less than fiscal year 1999 assessment.

(3) The regulations to be promulgated pursuant to this subsection, together with any legislation the department considers necessary for the effective supervision, operation or financing of said schools, shall be filed with the clerk of the house of representatives and senate, the joint committee on education, and with the house and senate committee on ways and means not later than January 1 of the year in which the county will be abolished. Said regulations shall take effect as of the transfer date.

(i) The associate degree program currently offered by the Essex agricultural and technical institute shall be transferred to the administration of North Shore community college. The board of trustees of said institute shall enter into a cooperative agreement with said college regarding the use of institute facilities for continued operation of said program on the campus of said institute; provided, however, that the assets of said institute that are associated with said program shall be available, at no cost, to said college; and provided, further, that said college shall be responsible for all compensation, including salary and benefits, of any employees of said institute employed exclusively for post-secondary education. Tuitions paid for said associate degree program shall be collected by said college.

(j) The terms of county commissioners serving as trustees of county agricultural schools shall expire as of the transfer date.

**SECTION 22.** Section 8 of said chapter 48 is hereby amended by adding the following two paragraphs:-

All valid leases and contracts of Hampshire county pertaining to the property and functions cited in section 1, which are in force on September 1, 1998, shall be obligations of the commonwealth as of September 1, 1998, and the commonwealth shall have authority to exercise all rights and enjoy all interests conferred upon the county by those leases and contracts except as may be otherwise provided in



this section. If the Hampshire council of governments is not approved pursuant to section 30 of this act, all other valid leases and contracts of Hampshire county which are in force immediately before the county is abolished, shall be obligations of the commonwealth as of January 1, 1999, and the commonwealth shall have authority to exercise all rights and enjoy all interests conferred upon the county by leases and contracts except as may be otherwise provided in this act. If the Hampshire council of governments is approved pursuant to section 30, said other valid leases and contracts of Hampshire county which are in force immediately before the county is abolished, shall be obligations of the Hampshire council of governments as of January 1, 1999, and the council of governments shall have authority to exercise all rights and enjoy all interests conferred upon the county by leases and contracts except as may be otherwise provided in this act.

Funds held in trust by the Hampshire county government for specific charitable or program purposes, including but not limited to the Hilltown recycling program trust and the Hampshire fire defense association trust, but excluding those pertaining to the court, the office of the sheriff, or the registry of deeds, shall be transferred from the custody of the Hampshire county government to the custody of the Hampshire council of governments; provided, however, that if the Hampshire council of governments is not approved pursuant to section 30 of this act, the Hampshire county government shall, on December 31, 1998, transfer said funds to the entities for which they are held in trust. If the Hampshire council of governments is approved, but any program for which the funds are held in trust is discontinued, the Hampshire council of governments shall transfer the funds held in trust for said program to those entities for which they are held in trust.

**SECTION 23.** Said chapter 48 is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

*Section 9.* For the purpose of recovering amounts expended by the commonwealth for the liabilities and other debts assumed and paid by the commonwealth on behalf of an abolished county, the secretary of administration and finance shall establish a plan to recover said amounts. Said secretary shall determine said amounts by comparing the liabilities of an abolished county assumed by the commonwealth with the assets received by the commonwealth from said county and recovering the difference from the member municipalities of said counties. Said liabilities may include, but not be limited to, reserves appropriated by the commonwealth for payment of costs and liabilities of an abolished county, the salary of the county treasurer subsequent to the date of abolition, the amount of bonded debt paid by the state treasurer subsequent to the date of abolition, and the unfunded pension liability as of the date of abolition attributable to employees of an abolished county who transferred to the commonwealth. Said assets may include, but not be limited to, the amount of cash on hand and accounts receivable of an abolished county deemed collectible by said secretary which became assets of the commonwealth as of the date of abolition, the value of real estate of the county transferred to the commonwealth pursuant to this act, net of amounts provided to a county by the commonwealth for construction, reconstruction or improvements of such real estate and payments by the commonwealth for debt service; provided, however, that nothing in this section shall be construed as creating any subsequent commonwealth financial obligation to cities and towns. Said secretary shall establish an amortization schedule to recover any amounts so expended by the commonwealth which shall be filed with the clerks of the house of representatives and the senate not later than two months after the transfer date. Unless the general court changes said plan or schedule by law, said secretary shall proceed with implementation of said plan and schedule beginning one year after the transfer date; provided, however, that nothing herein shall preclude said assessment from being collected during the year prior to said implementation. For the duration of said schedule, the state treasurer shall, pursuant to section 20 of chapter 59 of the General Laws, assess upon each city and town



within the former jurisdiction of an abolished county an amount equal to the county tax paid by each such city and town as assessed pursuant to the provisions of chapter 35 of the General Laws for the fiscal year beginning July 1 of the year immediately before the transfer date. The amount of the assessment shall be paid annually by each city or town to the treasurer of the commonwealth and shall remain in effect for the duration of said amortization schedule, which shall not exceed 25 years.

Notwithstanding the provisions of the preceding paragraph or any other general or special law to the contrary, for the purpose of recovering amounts expended by the commonwealth for the liabilities and other debts assumed and paid by the commonwealth on behalf of Hampshire, Essex, and Berkshire counties, the secretary of administration and finance shall establish a plan to recover said amounts. Said secretary shall determine said amounts by comparing the liabilities of an abolished county assumed by the commonwealth with the assets received by the commonwealth from said county and recovering the difference from the member municipalities of said counties. Said liabilities may include, but not be limited to, reserves appropriated by the commonwealth for payment of costs and liabilities of an abolished county, the salary of the county treasurer subsequent to the date of abolition, the amount of bonded debt paid by the state treasurer subsequent to the date of abolition, the unfunded pension liability attributable to former county employees of Hampshire county who retired prior to the date of abolition, and the unfunded pension liability as of the date of abolition attributable to employees of an abolished county who transferred to the commonwealth. Said assets may include, but not be limited to, the amount of cash on hand and accounts receivable of an abolished county deemed collectible by said secretary which became assets of the commonwealth as of the date of abolition, the value of real estate of the county transferred to the commonwealth pursuant to this act, net of amounts provided to a county by the commonwealth for construction, reconstruction or improvements of such real estate and payments by the commonwealth for debt service; provided, however, that nothing in this section shall be construed as creating any subsequent commonwealth financial obligation to cities and towns. Said secretary shall establish an amortization schedule to recover any amounts so expended by the commonwealth which shall be filed with the clerks of the house of representatives and the senate not later than two months after the transfer date. Unless the general court changes said plan or schedule by law, said secretary shall proceed with implementation of said plan and schedule beginning one year after the transfer date, or in the case of Hampshire county, on September 1, 1999. For the duration of said schedule, the state treasurer shall, pursuant to section 20 of chapter 59 of the General Laws, assess upon each city and town within the former jurisdiction of Hampshire, Essex and Berkshire counties an amount not exceeding the county tax paid by each such city and town as assessed pursuant to the provisions of chapter 35 of the General Laws, and adjusted annually pursuant to section 20A of chapter 59 of the General Laws, for the fiscal year beginning July 1 of the year immediately before the transfer date. The amount of the assessment shall be paid annually by each city or town to the treasurer of the commonwealth and shall remain in effect for the duration of said amortization schedule, which shall not be less than ten years.

In the event an assessment due is not paid in accordance with this section, it shall be deducted from the cherry sheet.

**N.B. This section has been vetoed by the Acting Governor**

**SECTION 24.** The second paragraph of said section 9 of said chapter 48 is hereby amended by inserting after the word "Hampden", in line 2, the following words:- , Hampshire, Essex, Berkshire.

**SECTION 25.** The first paragraph of section 11 of said chapter 48 is hereby amended by inserting after the words "secretary of the commonwealth", in lines 3 and 4, the following words:- on the transfer date, and, in Hampshire county, on September 1, 1998, and in Suffolk county, on July 1, 1999; provided,

however, that said secretary shall have general superintendence over the Suffolk county register of deeds as of September 1, 1998.

**N.B. This section has been vetoed by the Acting Governor**

**SECTION 26.** Subparagraph (b) of the second paragraph of said section 11 of said chapter 48 is hereby amended by inserting after the first sentence the following sentence:- Said employees shall include all engineering personnel employed by an abolished county immediately prior to the transfer date.

**N.B. This section has been vetoed by the Acting Governor**

**SECTION 27.** Subparagraph (e) of said second paragraph of said section 11 of said chapter 48 is hereby amended by inserting after the word "equipment", in line 1, the following words:- including county engineering records.

**SECTION 28.** Section 12 of said chapter 48 is hereby amended by inserting after the word "county", in line 2, the following words:- and Hampshire county and the Suffolk county register of deeds.

**SECTION 29.** Section 13 of said chapter 48 is hereby amended by inserting after the word "date", in line 2, the following words:- , and, in Hampshire county, on September 1, 1998.

**SECTION 30.** Said section 13 of said chapter 48 is hereby further amended by adding the following sentence:- Said administrative and operational control shall include, but not be limited to, the procurement of supplies, services and equipment.

**SECTION 31.** Section 13A of said chapter 48, inserted by section 2 of chapter 55 of the acts of 1998, is hereby amended by inserting after the words "abolished county" the following words:- , or of Hampshire county after August 31, 1998.

**SECTION 32.** The first paragraph of section 16 of said chapter 48 is hereby amended by inserting after the words "transfer date", in line 4, the following words:- which, in the case of Hampshire county for purposes of this section, shall be September 1, 1998.

**SECTION 33.** Section 17 of said chapter 48 is hereby amended by inserting after the words "abolished county", in line 1, the following words:- or of Hampshire county.

**SECTION 34.** Subsection (a) of section 18 of said chapter 48 is hereby amended by inserting after the word "date", in line 6, the following words:- which, in the case of Hampshire county, shall be September 1, 1998 for purposes of this section.

**SECTION 35.** Subsection (d) of said section 18 of said chapter 48 is hereby amended by adding the following paragraph:-

As of December 1, 1998, a pro rata share of any monies in Hampshire county's employees' group insurance trust fund established pursuant to section 8A of said chapter 32B, related to the employees transferred on September 1, 1998 pursuant to the provisions of this act, shall be transferred to the Group Insurance Commission Trust Fund established pursuant to section 9 of said chapter 32A. Any monies remaining in Hampshire county's employees' group insurance trust fund established pursuant to said section 8A of said chapter 32B on March 1, 1999 shall be transferred to the Group Insurance Commission Trust Fund established pursuant to said section 9 of said chapter 32A.

**SECTION 36.** Subsection (e) of said section 18 of said chapter 48 is hereby amended by adding the following sentence:- For purposes of this subsection, the transfer date for Hampshire county shall be January 1, 1999.

**SECTION 37.** Said section 18 of said chapter 48 is hereby further amended by adding the following subsection:-

(f) On January 31, 2001, the director and trust administrator for the Hampshire county group insurance trust shall provide the group insurance commission with an accounting of the reserves and unit deposits of the claims trust fund which shall be for the two year period immediately preceding October 1, 2000 and shall include a calculation of the employee, retiree and surviving spouse contributions that are in excess of the claims costs and expenses of the plans for which the contributions were made.

**SECTION 38.** Said chapter 48 is hereby further amended by striking out section 21 and inserting in place thereof the following section:-

*Section 21.* The secretary of administration and finance shall conduct an independent valuation of county assets and liabilities and shall compile an inventory and provide for the valuation of all real and personal property, assets, liabilities and debts of all counties of the commonwealth for the purposes of considering the abolition of county government and the transfer of its critical functions, assets and liabilities to the commonwealth. Said secretary is hereby authorized and directed to contract for an independent audit and valuation of the total assets and liabilities of each county in the commonwealth; provided, however, that no such audit and valuation shall be conducted for the former Franklin county. Said secretary shall establish uniform criteria for conducting said audits and evaluations and shall require that the valuation of assets shall distinguish between disposable, fungible assets and assets necessary to the ongoing core functions of county government which cannot be practicably conveyed. Amounts appropriated in item 1599-9712 of section 2A of this act shall be available for the expenses of said audit and valuation. Said secretary shall file with the house and senate committees on ways and means a spending plan for amounts appropriated in said item 1599-9712 not later than September 30, 1998.

Real and personal property to be examined by said secretary shall include, but shall not be limited to, the Dukes county airport, the Norfolk county recreational facility, and hospitals, roads, beaches and courthouses owned by said counties, including courthouses of historic or architectural significance the primary tenant of which is not the trial court. Said secretary is hereby authorized and directed to report to the clerks of the house of representatives and the senate on the finances, operations, personnel and management structure of each county registry of deeds and the office of each county sheriff. Said report shall include, but not be limited to, the following: an audit for fiscal year 1997 that details revenues, expenditures, assets and liabilities in accordance with statutory accounting principles and, where possible, generally accepted accounting principles; operating budgets by expenditure type for the prior three years; revenues for the prior three years; fee structures in effect in fiscal year 1997; instrument counts for the prior three fiscal years; property and equipment leases in effect for fiscal year 1997 and fiscal year 1998, including lease terms, conditions, expiration dates and payment rates; contracts in effect for fiscal year 1997 and fiscal year 1998, including contract terms, conditions, expiration dates and rates; fiscal year 1997 facility operating costs; and a current equipment inventory.

Said report shall include an inventory of county roads so-called and an analysis of the system of care and maintenance of such roads as of the effective date of this act with an emphasis on determining whether

the care and maintenance of such roads is being provided by municipalities. Municipalities that are determined to have been providing for the care and maintenance of such roads shall continue to provide such care and maintenance. The department of highways and the executive office of transportation and construction shall cooperate with said secretary in conducting said inventory and analysis. For the purpose of this analysis, said secretary may consult with the state auditor's division of local mandates.

Said report shall include an organizational chart for each such registry and sheriff's office and shall establish a personnel profile for each current employee that shall include, but not be limited to, the following information as of the date said information is compiled: an actual and functional job title; compensation rate; collective bargaining status; accrued sick, vacation and personal days, vesting status for retirement purposes and length of service. Said report shall include the status of any collective bargaining agreements in effect as of the date said information is compiled, including contractually binding commitments not funded in fiscal year 1998 and any obligation required to be funded in fiscal year 1999. Said report shall project the likely costs to be incurred by the commonwealth in converting each such registry and sheriff's office to the personnel classification system established by chapter 31 of the General Laws.

Said report shall include an analysis of the pension funding status for each such registry and sheriff's office, including any unfunded liabilities, the funding sources for current and future pension liabilities and a projection of the cost or savings, if any, of transferring said pension liabilities to the commonwealth, including the commonwealth's pension defined benefit plan.

Said report shall include any recommendations, including legislation necessary to effectuate the orderly and cost-effective transfer to the commonwealth of the operations of any county registry or sheriff's office.

Said report shall be filed with the clerks of the house of representatives and the senate on or before February 1, 1999.

Said secretary shall further make recommendations to the governor and the general court concerning the disposition of county functions not subject to the control or management of the county sheriffs or the registers of deeds, including but not limited to their consolidation, elimination, privatization in conformity with sections 52 to 55, inclusive, of chapter 7 of the General Laws, or transfer to the commonwealth or any of its political subdivisions. All county officers and employees shall cooperate with said secretary by providing information necessary to the performance of its duties, including, but not limited to, providing inventories and lists of properties owned by the county as of the effective date of this act and acquisitions and dispositions of such property subsequent thereto. Said secretary shall establish objective criteria for the disposition or reuse of properties in possession of counties and transferred to the commonwealth by this act, and for the disposition of county functions or programs, gathering pertinent information with respect to each of the properties, functions and programs being reviewed, holding public hearings as he deems appropriate, and taking such other actions as he determines necessary. Said secretary shall prepare a specific plan for the disposition or reuse of properties and county functions or programs. Such a plan shall be included in the report to be filed on or before February 1, 1999.

Said secretary shall further report on the feasibility of retaining the registers of deeds as elected officials in each county, or retaining said registers as appointed officials subject to the general control of the state secretary.



The secretary of administration and finance in consultation with the public employee retirement administration commission shall analyze the potential cost to the commonwealth for transferring to the state retirement system, the active, inactive and retired employees of the county retirement systems of (1) the counties of Berkshire and Essex, (2) the former counties of Hampden, Worcester, and Middlesex, (3) and all other counties and former counties of the commonwealth. Said analysis shall evaluate the amount of liability attributable to paying the cost of benefits annually to said retired county employees and their survivors, the actuarial liability attributable to paying future benefits to said employees and retirees, and value the retirement assets of said employees and retirees which would be transferred to the state retirement system, including but not limited to, the accumulated deductions and employer contributions, including interest, credited to the accounts of members of said county retirement systems who would become members of the state retirement system. The actuary, as defined in section 1 of chapter 32 of the General Laws, shall determine the amount of the unfunded pension liability attributable to said employees and retirees, and shall establish one funding schedule scenario that shall reduce said unfunded pension liability to zero by the year 2018, and another funding schedule that shall be designed to reduce said unfunded pension liability to zero, pursuant to the provisions of section 9. Said analysis shall be filed with the house and senate committees on ways and means no later than December 31, 1998.

**SECTION 39.** Section 24 of said chapter 48 is hereby amended by adding the following sentence: - Said administrative and operational control shall include, but not be limited to, the procurement of supplies, services and equipment.

**SECTION 40.** Section 25 of said chapter 48 is hereby amended by inserting after the word "Hampden", in line 3, the following words: - , Essex, Hampshire, Berkshire.

**SECTION 41.** Section 26 of said chapter 48 is hereby amended by inserting after the word "Hampden", in line 2, the following words: - , Essex, Hampshire, Berkshire.

**SECTION 42.** Said section 26 of said chapter 48 is hereby further amended by inserting after the word "assets", in line 2, the following words: - without the prior approval of the secretary of administration and finance.

**SECTION 43.** Said section 26 of said chapter 48 is hereby further amended by inserting after the words "June 30, 1997", in line 4, the following words: - , or in the case of Hampshire, Essex, and Berkshire counties, after the effective date of this act.

**SECTION 44.** Said section 26 of said chapter 48 is hereby further amended by adding the following sentence: - The commonwealth shall guarantee the county payrolls of abolished counties until the transfer date only if said counties timely pay their pension and health and welfare trust fund contributions, avoid deficit spending, and avoid depletion of their reserves prior to the transfer date.

**N.B. This section has been vetoed by the Acting Governor**

**SECTION 45.** Said chapter 48 is hereby further amended by adding the following eight sections: -

*Section 28.* Notwithstanding the provisions of chapter 32 of the General Laws or any general or special law to the contrary, the retirement system of a county abolished pursuant to this act, or abolished pursuant to chapter 151 of the acts of 1996, shall continue pursuant to this section and shall be managed by the retirement board as provided in this section beginning on the transfer date.

(a) A contributory retirement system established for any abolished county operating under the terms of sections 1 to 28, inclusive, of said chapter 32 shall be known as a regional retirement system, and all business shall be transacted under a name designated by the board bearing the title of the geographic location of said system.

(b) Said system shall be managed by a retirement board which shall have the general powers and duties set forth in subdivision (5) of section 20 of chapter 32 of the General Laws. Said system shall be managed by a retirement board which shall have the general powers and duties set forth in subdivision (5) of section 20 of chapter 32 of the General Laws. Said board shall consist of five members as follows: the first member shall be the county treasurer as of the effective date of this act, who shall serve as chairman; a second member who shall be a member of the regional retirement board advisory council and who shall be elected by a majority of those present and voting at a public meeting of said council, properly posted, called specifically for such election pursuant to paragraph (g); a third and fourth member, hereafter referred to as elected members who shall be elected pursuant to paragraph (h); and a fifth member who shall not be an employee, retiree or official of the governmental unit of which are the members of the system and who shall be chosen by the other four members and serve for a term of five years. In case of a vacancy in the position of first member, the position shall be chosen by the other four members. If the first member is not chosen by the other four members within 30 days of the vacancy, the public employee retirement administration commission shall appoint the first member. In case of a vacancy in the position of the fifth member, the fifth member shall be chosen by the other four members. If the fifth member is not chosen by the other four members within 30 days, the public employee retirement administration commission shall appoint the fifth member.

Notwithstanding the preceding paragraph, or any other general or special law to the contrary, for purposes of this section, the provisions governing the Hampshire regional retirement system shall be as follows: Said system shall be managed by a retirement board which shall have the general powers and duties set forth in subdivision (5) of section 20 of chapter 32 of the General Laws. The board shall consist of five members as follows: one member of the retirement board advisory council who shall be selected by a majority of those present and voting at a public meeting of the council, properly posted, called specifically for an election pursuant to paragraphs (d) and (h) of this section, who shall serve as chairman; a second member selected by the Hampshire retirement board advisory council by a majority of those present and voting at a public meeting of the council, properly posted; a third and fourth member hereinafter referred to as the elected members; and a fifth member who shall not be an employee, a retiree or official of a governmental unit the employees of which are members of the system. The fifth member shall be chosen by the other four for a term of three years. If the fifth member is not chosen by the other four members within 30 days after the expiration of the term of the fifth member, the public employee retirement administration commission shall appoint the fifth member. The election of the elected members shall be conducted in accordance with the provisions of paragraph (h) of this subsection.

Except in Hampshire county, the term of the current elected member who was elected pursuant to chapter 306 of the acts of 1996 shall expire on January 1, 2002; the term of the previously elected current member shall expire on January 1, 2000; the term of the current regional retirement board advisory council member shall expire on January 1, 2001; and the term of the current chairman shall expire on January 1, 2003.

The elected members shall be active or retired members of the regional retirement system or one whose retirement is being reimbursed by that system in accordance with the provisions of paragraph (c) of subdivision (8) of section 3 of chapter 32 of the General Laws. Each member of the board shall continue

to serve in office until the expiration of his term, and the qualification of his successor. Upon the expiration of the term of office of any elected or appointed member, or in the event of a vacancy in either of said offices, his successor shall be elected as aforesaid for a term of three years, or for the unexpired portion thereof, as the case may be.

In Essex county, the regional retirement board may require the Essex county treasurer as of the effective date of transfer to serve as a full time employee of the retirement board in the capacity of chief executive officer of the Essex regional retirement system for the duration of his term as elected county treasurer. Thereafter, his continued employment and compensation shall be at the sole discretion of the regional retirement board.

(c) The members of a regional retirement board shall be compensated in an amount to be determined by the board but not to exceed the amounts set forth in subdivision (6) of section 20 of chapter 32 of the General Laws. Except in Hampshire county, the salary of the county treasurer shall be transferred from the commonwealth to the retirement system of which he is chairman or chief executive officer, and the county treasurer's office shall be abolished pursuant to section 3. The chairman shall be compensated in amount to be determined by the board.

(d) The retirement board may employ clerical and other assistants as may be required to transact the business of the retirement system. All permanent employees employed pursuant to this paragraph shall be members of the retirement system, but shall not be eligible to be a member or candidate for election to the retirement board.

(e) A regional retirement board shall be authorized to purchase or lease property, facilities and equipment and employ any such personnel necessary for the proper administration and transaction of business of the retirement system.

(f) The board of any such regional retirement system and the chairman thereof shall respectively be and act as the board and treasurer-custodian of such system with respect to the employees of any town or district who become members of such system as provided for in paragraph (3)(b), (3)(c) or (4)(b) of section 28 of chapter 32 of the General Laws, or who have become members thereof under corresponding provisions of earlier laws. The treasurer or other disbursing officer of any such town or district, as the case may be, shall act as a liaison officer between the employees thereof and the board of such system.

(g) There shall be a regional retirement board advisory council consisting of all the treasurers, elected or appointed, of each town, unit, or district belonging to the prior county retirement system and remaining in the retirement system established by this section. The members of said advisory council shall elect a chairman from among the members. Said council shall meet at the call of the chairman, but in no event less than twice in each year. Said council shall supervise and certify the procedures involved in the election of the elected members of the retirement board, as provided in paragraphs (b) and (h). Upon certification by the retirement board and the council, the actuary shall be furnished with an estimate of the expenses and costs of administration of the system for the ensuing year. The actuary shall, on or before December fifteenth in each year, specify by written notice to the council and the board the amounts so required to be paid from the pension fund, the annuity reserve fund, the military service fund, and the administration fund, as provided in subdivision (7) of section 22 of chapter 32 of the General Laws. The actuary shall also advise and determine the amounts to be allocated to each governmental unit for the aforementioned amounts. The regional retirement board advisory council, at a meeting called specifically



for that purpose, shall elect one of its members as a member of the regional retirement board at the expiration of the current appointed member's term, as provided in paragraph (e).

(h) The regional retirement board advisory council, which shall serve as the election board, shall supervise the election of the elected members of the retirement board. The council shall make available nomination papers to any member in or retired from service so requesting and shall require that such nomination papers be signed by the candidate, and returned to the office of the retirement board for safekeeping until the election board shall meet. The chairman of the council shall give a duplicate receipt for such nomination papers to each candidate. Completed nomination papers shall contain the signatures and addresses of at least five active or retired members of said retirement system. The election board shall determine whether each candidate has filed nomination papers containing the requisite signatures and addresses. If, after investigation, the election board determines that a candidate has filed nomination papers containing less than five signatures as required, the election board shall declare said nomination papers invalid and shall notify the candidate of such determination. If, after investigation, the election board determines that only one candidate has filed the requisite number of signatures, the election board shall declare said candidate to be the elected member of the county retirement board. If, after investigation, the election board determines that more than one candidate has obtained the requisite number of valid signatures, the election board shall notify said candidates of such determination and shall immediately prepare election ballots, and set the date for an election to be held within 40 days.

The election board shall mail ballots to all members of the retirement system, whether active or retired. The election board shall instruct each member to place an appropriate marking on the face of the printed ballot next to the name of one candidate, insert said ballot into a ballot envelope and said ballot envelope into the pre-stamped envelope, seal said pre-stamped envelope and mail said envelope to the election board in care of the county retirement board, within 20 days after they were mailed. Any envelope postmarked later than 20 days after such mailing shall not be used to determine the elected member. The election board shall notify each candidate of the time and location of the tabulation of the ballots and shall permit all such candidates to be present at said tabulation. At the specified time for tabulation, the election board shall assemble all envelopes and inspect said envelopes. Any envelope which has been opened prior to said date, or which has not been signed on the rear by the appropriate addressee shall be invalidated and shall not be used to determine the elected member. The election board shall assemble all properly signed, unopened envelopes and shall open each envelope and separate the enclosed ballot from said envelope. The election board shall assemble all ballots and shall tabulate the vote for each candidate. Any ballot which contains a marking for more than the number of vacancies shall be declared invalid.

The election board shall notify each candidate in writing of the results of said election. All envelopes and ballots received by said election board, including those determined to be invalid, shall be preserved by the election board for two years. The costs incurred by the election board in administering the election shall be paid from the county retirement system administration fund.

(i) The group insurance commission shall make available to employees of a regional retirement board health, life and disability benefits, and said employees shall be eligible to participate in all benefits administered by the group insurance commission. The costs thereof, including any administrative costs incurred by the group insurance commission shall be borne by said employees and the regional retirement system.

(j) An employer shall be required to provide a board member under its employ with all necessary leave required for service to such board. A board member who is an active member of a contributory retirement

system shall receive creditable service for such periods the member is so serving.

(k) The abolished county's retirement board and retirement board advisory council shall continue to serve until such time as the members of the new retirement board and the new retirement board advisory council pursuant to this section have been duly elected, selected, or appointed, as the case may be.

(l) Any provisions of chapter 32 of the General Laws that are not inconsistent with the provisions of this act shall apply to a regional retirement system.

*Section 29.* Notwithstanding the provisions of any general or special law to the contrary, an abolished county's employees who retired on or before the transfer date, shall be members of the regional retirement system, which shall pay the cost of benefits annually to such retired county employees and their survivors. Said system shall be responsible for the accrued pension liability attributable to the service of such retirees. The employees of an abolished county who become state employees pursuant to the provisions of this act or any subsequent act abolishing any county, shall become members of the state retirement system, and notwithstanding the provisions of any general or special law to the contrary, said system shall be responsible for all liability attributable to the service of such employees. Said liabilities attributable to the service of such employees shall be recoverable by the commonwealth pursuant to the terms of section 9 of this act. The accumulated deductions and employer contribution, including interest, credited to the accounts of members of an abolished county's retirement system who become members of the state retirement system pursuant to this act or any subsequent act abolishing any county shall be transferred from such abolished county's retirement system and credited to such members' accounts in the state retirement system in a manner prescribed by the secretary of administration and finance.

Said secretary shall assess every city and town within an abolished county for the accrued pension liability attributable to county employees who retired on or before the transfer date and forward such assessment to the appropriate regional retirement system.

Notwithstanding the provisions of any general or special law to the contrary, Hampshire county employees who retired on or before the transfer date, shall become members of the state retirement system, which shall pay the cost of benefits annually to such retired county employees and their survivors, and notwithstanding the provisions of any general or special law to the contrary, said system shall be responsible for the accrued pension liability attributable to the service of such retirees. The employees of Hampshire county who become state employees pursuant to the provisions of this act or any subsequent act abolishing any county, shall become members of the state retirement system, and notwithstanding the provisions of any general or special law to the contrary, said system shall be responsible for all liability attributable to the service of such employees. Said liabilities attributable to the service of such employees and retirees shall be recoverable by the commonwealth pursuant to the terms of section 9 of this act. The accumulated deductions and employer contribution, including interest, credited to the accounts of members of Hampshire county's retirement system who become members of the state retirement system pursuant to this act shall be transferred from Hampshire county's retirement system and credited to such members' accounts in the state retirement system in a manner prescribed by the secretary of administration and finance.

*Section 30.* (a) A city or town within or contiguous to an abolished county, which accepts the provisions of this section by vote of the city council with the approval of the chief executive officer or by vote of the town meeting, may enter into agreement to join a regional charter commission. Each city or town electing to join said commission shall send a representative, and said commission shall convene and shall develop



a charter proposal recommending (i) a structure, including organization and method of selecting members for said regional council of government and (ii) provision for the method of determining approval of the charter proposal in said cities and towns; provided, however, that said charter shall be adopted and binding only on those cities and towns where a majority of voters approve it. The charter shall also include provisions for towns to enter or leave participation in the council of governments. Said charter shall be placed before the voters in an election. The charter shall also include a method of determining approval of any increase or decrease in the county assessment authorized in subsection (i) of this section, but such method shall include approval of such increase or decrease by the member municipalities of the council of governments in a popular vote. The charter may provide that a council of governments shall retain any powers previously conferred upon the county and its county commissioners and shall have any additional powers authorized by this section; provided, however, that said councils shall not retain any power concerning functions transferred to the commonwealth under sections 1 or 5 of this act, retain power to levy a county tax, or retain powers specifically denied under this section. Said charters must be approved by July 1, 1999; provided, however, that if two or more member municipalities within Berkshire county do not form a regional charter commission prior to July 1, 1999, then the transfer date for said county shall be July 1, 1999.

(b) Notwithstanding subsection (a), the following provisions shall apply to Hampshire county. The Hampshire county commissioners shall submit to the voters of the county the proposed charter approved by said commissioners. The state secretary shall cause the question of adopting said charter, and a summary thereof prepared by the attorney general, to appear on the biennial state election ballot in November 1998 in Hampshire county. Said charter shall take effect on January 1, 1999, if approved by a majority of the voters voting on said question, and towns wherein a majority of the voters voting thereon approve shall become members of the Hampshire council of governments. The Hampshire council of governments shall retain any powers previously conferred upon Hampshire county and its county commissioners; provided, however, that said council shall not retain any power concerning functions transferred to the commonwealth under sections 1 or 5 of this act, retain power to levy a county tax, or retain powers specifically denied under this section or under the charter. Upon approval of the new charter, the county commission of Hampshire county shall become known as the council of governments and each municipally elected official serving on the council may serve until the end of the current term to which elected as a county commissioner or until a successor council official is elected in that municipality. The council shall organize as provided by the newly approved charter. The executive committee shall have the powers of selectmen under sections 52 and 56 of chapter 41 of the General Laws. Notwithstanding any general or special law to the contrary, if said charter is approved, the county treasurer, appointed by the county administrator under the prior county charter, shall, on January 1, 1999, become known as the director of finance for the council of governments, and shall have the powers and duties of a municipal treasurer under section 35 of chapter 41 and under sections 54, 55, and 55A of chapter 44 of the General Laws. The director of finance shall be a member of the county retirement system advisory board with all the rights, privileges, and duties as other members of the advisory board.

(c) Upon approval of the new charter, the county commission of a county shall become known as the council of governments and each municipally elected official serving on the council may serve until the end of the current term to which elected as a county commissioner or until a successor council official is elected in that municipality. The council shall organize as provided by the newly approved charter. The executive committee shall have the powers of selectmen under sections 52 and 56 of chapter 41 of the General Laws.

(d) The council of governments may accept or participate in any grant, donation or program available to

any political subdivision of the commonwealth, and may also accept or participate in any grant, donation, or program made available to counties by any other governmental or private entity.

(e) Notwithstanding the provisions of any special or general law to the contrary, any political subdivision of the commonwealth may enter into agreement with the council of governments to perform jointly or for the other, or in cooperation with other entities, any service, activity or undertaking which the political subdivision is authorized by law to perform. For the term of the agreement and subject to the terms thereof, the council of governments shall be authorized to perform the service, activity or undertaking and may designate appropriate representatives to oversee the performance, provided that the functions and duties of the representative or representatives are set forth in the agreement.

(f) The parking provisions of chapter 90 of the General Laws shall apply to the parking areas subject to the control of the council of governments, and the council shall have the powers and duties of that chapter as they apply to parking.

(g) A regional council of government established pursuant to this section may administer and provide regional services to cities and towns and may delegate such authority to sub-regional groups of such cities and towns. Regional councils of government may enter into cooperative agreements with regional planning commissions or may merge with such commissions to provide regional services.

(h) Regional services provided to member municipalities shall be determined by each regional council of government and may include, but are not limited to, the following services: engineering, inspectional services and planning, economic development, public safety, emergency management, animal control, land use management, tourism promotion, social services, health, education, data management, regional sewerage, housing, computerized mapping, household hazardous waste collections, recycling, public facility siting, coordination of master planning, vocational training and development, solid waste disposal, fire protection, regional resource protection, regional impact studies, and transportation.

(i) For the purpose of organizing and administering in the county or a portion of the county a cooperative or regional entity to provide, purchase or otherwise make available services on a regionalized basis, the council of governments may impose a regional assessment as set forth in the charter submitted to the voters and approved by said voters pursuant to this section. The regional assessment shall be allocated among the members of the council of governments in proportion to their respective equalized valuations as reported to the general court by the commissioner of revenue in accordance with section 10C of chapter 58 of the General Laws. The regional assessment shall be based upon the budget adopted by the council of governments, net of estimated revenues. The regional assessment shall be retained by the council of governments and shall be used for the purpose of providing regional or municipal services or programs, or planning, organizing and administering such services or programs, and maintaining county property in connection with said services or programs, under the authority granted herein.

(j) The council of governments may increase or reduce the regional assessment on each member municipality from the base year of fiscal year 1999, subject to the limits of sections 20A and 21C of chapter 59 of the General Laws.

(k) The council of governments may incur temporary debt in anticipation of revenue for a term not to exceed one year, with the approval of a majority of the council of governments. The temporary debt shall not exceed one-half of the amount of the council of governments assessment under subsection (h) of this section. Sections 16 to 19, inclusive, and sections 21 to 22C, inclusive, of chapter 44 of the General Laws

shall, so far as possible, apply to debt issued under this section.

*Section 31.* The secretary of administration and finance, in consultation with the comptroller, the state secretary, the judiciary, and such other departments of the commonwealth as may be necessary or appropriate, is hereby authorized and directed to make such plans and arrangements as may be necessary to ensure the effective transfer of county functions to the commonwealth pursuant to this act.

*Section 32.* The Hampshire council of governments, if approved and established pursuant to section 30, shall submit annually to the division of local services audited financial statements and budget projections for the Hampshire Care nursing facility. Notwithstanding the provisions of section 7, the Hampshire council of governments shall sell said Hampshire Care nursing facility if the county government finance review board determines that either of the following conditions has been met: (a) the Hampshire Care nursing facility accrues a total deficiency of 50 per cent or more of the fair market value of the property and facility as determined by an independent assessor recommended by the division of local services and approved by said regional services entity; or (b) said facility fails to eliminate its total deficiency within three years after the effective date of this section.

*Section 33.* Notwithstanding the provisions any general or special law to the contrary, the municipalities of an abolished county shall be deemed to have accepted the provisions of section 147A of chapter 140 of the General Laws, and shall enact by-laws to provide for the functions performed by the abolished government of a county with respect to dogs pursuant to sections 136A to 174D, inclusive, of said chapter 140, as of July 11, 1997. The balance of funds remaining in the dog fund of an abolished county as of the transfer date shall be disbursed forthwith by the state treasurer in the manner prescribed by section 172 of said chapter 140 to the treasurer of each city and town, who shall maintain a separate dog fund consistent with the by-laws adopted by the city or town and said sections 136A to 174D, inclusive, of said chapter 140.

*Section 34.* Notwithstanding the provisions of any general or special law to the contrary, a regional council of governments or any organization established by a regional council of governments for the benefit of two or more entities within said council of governments, or a sheriff's department or subdivision thereof, shall be entitled to purchase goods and services from a vendor located within the geographic area comprising such regional council of governments, or in the case of a sheriff's department, the primary geographic area served by such sheriff's department, even if such vendor is not under contract with the commonwealth to provide such goods and services; provided, however, that the costs for any such goods or services purchased from a local vendor shall not exceed the amount that would be paid for such goods and services if such goods and services were to be purchased from a vendor that is under contract with the commonwealth to provide such goods and services.

*Section 35.* Hampshire county or its successor regional council of government shall be given a grant of \$950,000 by the commonwealth on or before August 1, 1998. Notwithstanding any general or special law to the contrary, the provisions of this act shall supercede the written memorandum of understanding between the Hampshire county commissioners and the secretary of administration signed and by the parties thereto in June, 1998.

Approved August 13, 1998.

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List of Laws passed in 1998 Session

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Commonwealth of Massachusetts home page.

**SENATE COMMITTEE ON ELECTIONS AND LOCAL  
GOVERNMENT**

**RE: SB 7 - Consolidation of Counties and Cities**

**February 4, 1999  
Topeka, Kansas**

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

Chairperson Hardenburger and members of the Senate Committee on Elections and Local Government, 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

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with this bill the unincorporated areas would be at a disadvantage in the voting process.

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 concerns include the impact of annexation, zoning changes and ordinances that may be incorporated in the consolidation plan, they would have an adverse affect on rural areas.

The AG community is currently working with EPA and other regulatory agencies. If we have consolidation under this bill, there could be more stringent restrictions and controls placed on the farming community.

**We ask that you not support SB 7.**

Subject: Unification of County and City Governments, Senate Bill #7

Speaker: Paul Carey, Chairman of Rural Water District #2

Introduction: Honorable State Senators and fellow citizens of Kansas: I am Paul Carey from rural Valley Center. As Chairman of the Board of Directors, I am representing Sedgwick County Rural Water District #2 and will be speaking from that perspective.

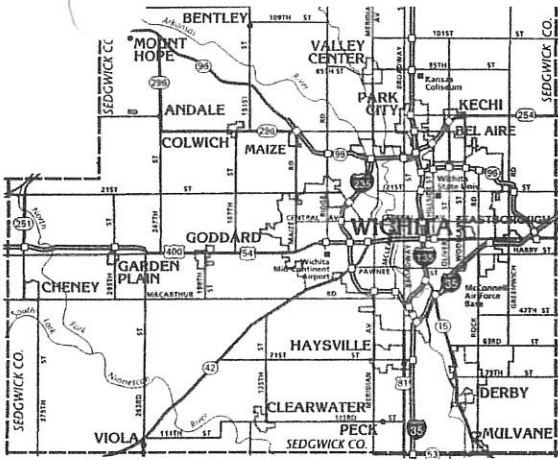
1. Sedgwick County voters rejected city-county consolidation in an Advisory Election in August, 1998. In Wichita, 55 percent of voters favored consolidation talks, but elsewhere, the vote was more than 2 to 1 against consolidation. These are facts that were printed in the Wichita Eagle on Wednesday, February 3. The article was written by Steve Painter. It is clear to the Directors of the Rural Water District #2 that rural people would not benefit from consolidation.
2. As Directors of the Rural Water District #2, we are almost certain that consolidation action would jeopardize the future of rural water for the patrons of the area because any expansion of the city into the rural areas will limit the growth of the water district which it must have to survive. Present patrons would be forced to pay much higher rates to compensate for lost revenue due to annexation of lands within the boundaries of the water district.
3. Prior to this meeting, I polled the other six directors on the Board. They are unanimously in opposition to this Senate Bill #7 for the reasons I have just stated.
4. The Directors of the Water District #2 are in favor of the present state procedure provided for unification because of the stabilizing effect of State Legislature. The fact that Johnson and Wyandotte Counties have unified under the present procedure is testimonial that it is possible to unify with no further action.
5. The Fire Departments of Wichita and Sedgwick County are of the opinion that unification of their departments is not feasible at this time, according to the January 30 edition of the Wichita Eagle. If these units within the city and county cannot unify--how can the governments function for all patrons equitably?

Conclusion: Again, speaking for the Directors of the Sedgwick County Rural Water District #2, we are definitely in opposition to Senate Bill #7. Thank you.

Senate Elections & Local Government

Attachment: #6-1

Date: 2-4-99



# 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

February 4, 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 maybe large 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)

Senate Elections & Local Government

Attachment: # 7-1

Date: 2-4-99

"To make our cities a better place to live"

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 your 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." Thats 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 thats 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 copies of official city resolutions from the Cities of Goddard, Colwich and Kechi all opposing SB #7.

Thank-You

2-4-99



To: Elections and Local Government Committee Members  
Kansas Senate

Date: February 4, 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.

A non-binding Vote of the voters of Wichita and Sedgwick County on August 5<sup>th</sup> 1998 resulted in a "NO VOTE" against city/county consolidation. I believe the citizens have spoken and they do not want consolidation! Several attempts to eliminate elected officials over the past few years have also failed, and now apparently the city of Wichita is trying to use the legislature to further their goals of forced consolidation through the passage of Senate Bill No. 7.

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.

**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 250,000,000 citizens of the United States could force a consolidation "yes" vote against the meager votes of the 2,500,000 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. Now let's take a look at the Wichita and Sedgwick County case. Sedgwick County has a population of over 400,000 people. Three hundred thousand of those people reside in the city of Wichita with the remaining 100,000 living outside the city of Wichita in 19 smaller


Senate Elections & Local Government  
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cities, rural areas, and on farms. Looking at those numbers, it becomes clear that the residents of Wichita have the votes needed to force a consolidation any time they want. 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.

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! On the other hand, I am of the opinion that the real motivating factor behind forced consolidation 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. 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" that 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 say no to Senate Bill No. 7!*

Sincerely,



John R. Todd

**DATE: February 4, 1999**

**PRESENTATION TO: Senate Elections and Local Government Committee**

**PRESENTED BY: Dee Stuart, City Councilwoman, City of Park City, Kansas**

I want to thank the Committee for this opportunity to speak to you concerning Senate Bill 7(Consolidation of Cities and Counties). I am here today on behalf of the Governing Body of the City of Park City.

We believe that there are only three true reasons justifying the political consolidation of a city and county government. 1) That either a city or county government is in financial default. 2) That corruption of either government is such that the public may be harmed. 3) That the city seeking consolidation makes up seventy-five percent of the land area of the county.

Those supporting consolidation give as justification of their goal the elimination of duplication of services and/or the development of a stronger political power base. We submit that the elimination of duplications to reduce costs can be achieved currently under state law by the use of inter-local agreements. Many city and county governments have such agreements. Park City cooperates with Sedgwick County and several cities within our county. We currently have regional school districts, county fire districts, and wholesale water districts that transcend political boundaries reducing duplication of services and still protecting the form of government under which each Kansan has elected to live. If reduction of costs to the taxpayer is truly the goal, any city could give up its charter and integrate with county government under current law.

We respectfully submit that the hidden agenda behind this bill is political power! The Wichita Eagle reported recently that one of the Senate's major supporters of this bill indicated that one of the benefits of consolidation would be Wichita's greater power in the legislature. We feel that the consolidated legislative power of large city/counties would present a threat to the rural nature of Kansas. The objectives of urbanized areas do not meet rural needs.

After these hearings, if you support consolidation, we ask that you at least support making certain changes in the bill. Changing government is serious and should not be undertaken lightly. There should be stiff requirements.

- The petition for consolidation should require at least 20 percent of the electors of the total county with not less than 10 percent of those electors from the unincorporated areas. This would prevent a populous urban city from taking advantage of the less populous rural unincorporated areas.
- The citizens of Park City may feel that Wichita and Sedgwick County should consolidate without including Park City but the current bill does not allow this choice. Other cities located within the county should not be automatically forced into consolidation by the fact of an adjoining city gaining a positive vote on consolidation. In fairness to all cities consolidating an additional city should require the same procedures and processes.
- That current elected county offices, i.e. County Clerk, Register of Deeds, Treasurer and Sheriff, would still be elected offices after consolidation.
- That due consideration must be given to the ratio of the land area of the city seeking consolidation to the overall land area of the county. Failure to consider land area could mean shifting tax liabilities from the city wishing to consolidate to the residents of the rural unincorporated areas of the county who will not gain the same services.
- The remaining cities within the consolidated county must be protected from the city/county's newly acquired power. Under state law, county government is required to perform certain functions for all cities equally. City of Wichita leaders have openly voiced disdain for the smaller cities in Sedgwick County. Can you assure fairness in this process after it occurs?
- Finally, because of the time and expense, a consolidation vote may only be held once every five years.

The residents of Sedgwick County have rejected consolidation. Unfortunately, certain individuals who are not willing to accept the will of the people now ask state legislators to mandate a plan to make their work easier. We ask that you reject their effort. Under a democracy citizens are allowed to choose their form of government by choosing the location of their residence. We ask that you don't fix a system that is not broken!

**Senate Elections & Local Government**

**Attachment: # 9-1**

**Date: 2-4-99**

February 4, 1999

Testimony to Senate Elections & Local Government Committee Opposing S.B. 7

By Karl Peterjohn, Exec. Dir.

The Kansas Taxpayers Network (KTN) does not have a position on consolidation. However, KTN is concerned about issues that have the potential for providing an unfunded state mandate onto Kansas taxpayers at all levels of government in this state.

Problems with this bill in its current form include: 1) Section 7 would provide for a one mill increase in property taxes above the current statutory property tax lid. KTN urges this committee to amend this bill and remove this section (P. 7, lines 26-33). If this section is retained, it should include a provision requiring that any increase in property taxes required for consolidation must also be approved by a majority of the electorate within the county and that all consolidation elections should only be held in November of any even numbered year.

2) New section 2 of this bill would begin this process of consolidation with a simple majority vote of the county or city government. Current Kansas law and the constitution requires a 2/3 majority to for either a charter ordinance or resolution. This provision should be amended and require a super-majority of at least 3/4 of the elected governing body to begin this process.

3) KTN and myself were successfully sued for circulating an illegal petition under current Kansas law. This has made KTN quite sensitive and concerned about aggrandizement of power by a new, hybrid entity which is not quite a fish (county) nor fowl (city). This will amplify confusion over what powers can and should be exercised. For instance, under this proposed bill, some new city/county entities may conduct partisan elections in one instance, and not in another.

4) Because of the municipal law suit against KTN I can assure this committee that some of the bond provisions address sewer issues which the Kansas Supreme Court have ruled are non uniform under current municipal statutes. Because of the intricacies of home rule/bond statutes I would urge this committee to carefully examine this proposed statute with an understanding of where the legislature wants to go concerning a uniform or non uniform statute.

County home rule currently calls out restrictions on the exercise of home rule in some bonding matters. Since city home rule is constitutional, this may not be possible if this statute would allow the new hybrid entity to supersede the existing restrictions within KSA 19-101a (4) as only one possible example.

5) Another hole in the tax lid is created on page 7, lines 19-21 which allows this new entity authority to create new "special service districts" and may "levy taxes for services."

Many of the problems with this bill would be alleviated from KTN's perspective if voters were empowered to have tax/bond raising issues decided at a referendum which is currently broadly in place in three of the four states surrounding Kansas. The Kansas Constitution specifically calls out that the authority of the constitution is derived from the people. It is unfortunate that Kansans are quite limited in exercising this power.

**Senate Elections & Local Government**  
**Attachment: # 10-1**  
**Date: 2-4-99**



# KANSAS TENTH AMENDMENT SOCIETY

P.O. Box 1026, Wichita, Kansas 67201

(316) 742-9907

Feb. 4, 1999

I am Roger Mundy, chair of the Kansas Tenth Amendment Society, a popular assembly of Kansans dedicated to the full restoration of the Constitutional powers of State government. It is our belief that the future of Constitutional government in America is entirely dependent upon this restoration. Thank you for receiving my testimony against SB7. What follows are some of my main criticisms.

## The Vote:

Such an important issue as changing forms of government is properly one that the people must determine. However, electronic balloting is entirely unverifiable, because the simple programming required to tabulate ballots is protected as a proprietary corporate secret, even though virtually every country in the entire world has total access to the secrets of programming computers to add and tabulate. This unverifiability has been admitted by at least one court decision. Surely, the state legislature cannot hold the proprietary rights of corporations more sacred than the most fundamental suffrage rights of their citizens.

## Diminishing Self-government

The differences between city and rural circumstances is totally ignored in SB7, even though townships and city governments were created as a means for their citizens to meet their different needs. Apparently in order to generate majority support, SB7 has an appearance of preference to the cities by protecting them from consolidation against their unverifiable will and omits the same protections from rural citizens. The truth is that both will be controlled by a more distant and less accountable bureaucracy mostly interested in the "efficient and economical" administration of funding and policies handed down to them from above - a profound diminishing of self-government.

## Divide, Conquer, Consolidate

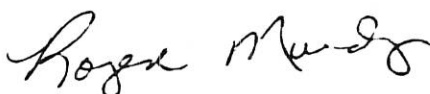
The generations-old plan to consolidate cities and counties (called "Metro government") was created by central planners working for the largest tax-exempt foundations. "Metro" and other plans to centralize power are then promoted by a host of front organizations to create an appearance of legality, because "charitable trust" foundations are prohibited from doing so. The agenda is simply conquest and consolidation of all political power into a few hands. "Metro" is but one aspect of the agenda.

States should recognize this agenda since it has worked to replace the States themselves with seven "consolidated" federal "regions". Nations are also targeted for consolidation through such entities as the WTO, the European Union, and the U.N.

What has long been transpiring is an actual diminishment of all of our various levels of government, as power is consolidated beyond them. Although from the viewpoint of the states the federal government is growing more powerful, in fact it is surrendering its national power while usurping the powers of the states. Meanwhile, the States are surrendering their reserved powers to the federal government while assuming the powers over criminal and civil law first vested in the counties. And "Metro government", as addressed above, is the planned fate of local government. Basically, the US is being reduced to the status of a conquered "state"; the states as counties; and etc. As novel as this may seem it is not new. The same kind of consolidation seems to have occurred to Anglo-Saxon England as an aspect of the Norman invasion. And a similar fate has been met by numerous autonomous governments under conquest. But the greatest losers in all these cases are the people and their hopes for freedom.

The defeat of this bill and the reestablishing of verifiable elections are two very important steps that the Kansas legislature can accomplish. But far more important than these vital issues is for a majority of the states to stop this conquest on all fronts. The power to do so is found in the US Constitution, although it has been neglected and is never mentioned by the "front organizations" that pretend to defend "State sovereignty" and "federalism." The Kansas Tenth Amendment Society can instruct you about how to exercise this power and invite all legislators to contact us.

In your service,



Senate Elections & Local Government

Attachment: # 11-1

Date: 2-4-99

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


Senate Elections & Local Government  
Attachment: # 12-1  
Date: 2-4-99

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.

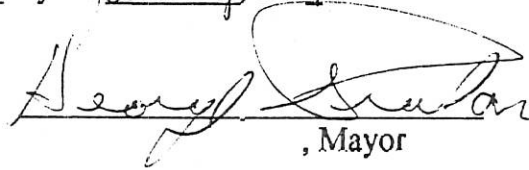
**Section 2-** It is our belief that consolidation is a form of annexation, without the protections provided for in the annexation statutes. The annexation statutes recognize the importance of agriculture property and the immense cost of providing services associated with rural areas. Consolidation could 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 4<sup>th</sup> day of January, 1999.

  
\_\_\_\_\_  
, Mayor

ATTEST:

  
\_\_\_\_\_  
, City Clerk

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.

Senate Elections & Local Government  
Attachment: # 14-1  
Date: 2-4-99

**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.



Ed Parker, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Laura Hill, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
David L. Hiebert, City Attorney



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H.B.A. ASSOCIATIONS
Dodge City
Hutchinson
Lawrence
Manhattan
Salina
Topeka
Wichita

PAST PRESIDENTS
Lee Haworth 1965 & 1970
Warren Schmidt 1966
Mel Clingan 1967
Ken Murrow 1968
Roger Harter 1969
Dick Mika 1971-72
Terry Messing 1973-74
Denis C. Stewart 1975-76
Jerry D. Andrews 1977
R. Bradley Taylor 1978
Joel M. Pollack 1979
Richard H. Bassett 1980
John W. McKay 1981
Donald L. Tasker 1982
Frank A. Stuckey 1983
Harold Warner, Jr. 1984
Joe Pashman 1985
Jay Schrock 1986
Richard Hill 1987
M.S. Mitchell 1988
Robert Hogue 1989
Jim Miner 1990
Elton Parsons 1991
Vernon L. Weis 1992
Gilbert Bristow 1993
James D. Peterson 1994
Tom Ahlf 1995
R. Neil Carlson 1996
Roger Schultz 1997
John Samples 1998

SENATE ELECTION & LOCAL GOVERNMENT COMMITTEE
SB 7
February 4, 1999

MADAM CHAIR AND MEMBERS OF THE COMMITTEE:

The Kansas Building Industry Association wishes to express concern regarding this legislation on behalf of the approximately 1400 members in Kansas.

First, it is the belief of the leadership of the KBIA that there are desirable effects of the checks and balances provided by both a city and county government. To have one consolidated body, rather than a local, more accessible body, would seem to further remove and insulate the members of the governing body from the citizens.

Perhaps there is always fear of the unknown. However, some of the concerns expressed to me by those members who deal with local units of government were as follows:

1. To establish a study commission and fund it by the levy of new taxes, without any certainty as to the amount of time this could be in effect, such as the Wyandotte County situation, would seem to provide employment in perpetuity for some. Is there a need for a sunset provision for the study commission?

2. A 10% of the qualified electorate would seem too small a number. However, assuming that this number was achieved, how many elections would be held and at what cost limitation, if all units of government involved in the consolidation were unsuccessful in their attempt to receive approval at the ballot box. How long would the approval of the issue be valid? How long could this process continue?

3. It is the belief of this leadership, that functional consolidation is preferred to an untried and untested form of government which might be put in place by the study group. We are unaware of the degree of success in Wyandotte county but know of many functional consolidation success stories.

4. Beginning on line 12 of page 3, we are uncertain what papers, books, etc. the Commission would be forced to use subpoena powers to obtain to enable it to complete its study. Where is the anticipated resistance?

Senate Elections & Local Government

Attachment: #15-1

Date: 2-4-99

JANET J. STUBBS, Executive C

2300 S.W. 29th St., Suite 121 • Topeka, Ks, 66611 • (785)

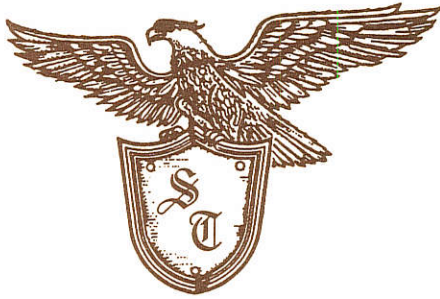




5. Another question was the logic of the provision beginning on line 14 of page 6 which allows continuation of sales tax for cities which will now be consolidated into the city-county government?

Perhaps it is our lack of information on this proposal that makes even our members who serve on Planning Commissions and other similar positions skeptical. However, because this skepticism exists and has been conveyed to us, we are compelled to express them to this Committee.

Thank you for this opportunity.



# Soldier Township

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

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

With the possible interest in consolidating certain government functions to 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 establish a method 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 deprive those individuals living in the unincorporated area of the county of an equal say in their future.

Several places in the bill the electors living in the cities are allowed to decide by majority vote whether they desire to participate in a consolidation. No where in the bill is a provision for the same privilege to be given to the majority of the electors living in the unincorporated county. A provision needs to be added to allow the majority of the electors in the unincorporated area of the county to also vote on whether they desire to participate in a consolidation.

Section 2 (d) 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. This section needs to be changed to require an equal number of representatives be appointed from each city of 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).

Without these changes Senate Bill No. 7 becomes just another attempt by the larger cities in Kansas to circumvent the current laws on annexation and force the citizens living outside those cities to fall under their control.

Senate Elections & Local Government  
Attachment: # 16-1  
Date: 2-4-99