

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 18, 2003 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Ken Wilke, Revisor of Statutes
Dennis Hodgins, Legislative Research
Mike Heim, Legislative Research
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee: Gary Price, Topeka City Councilman
Mike McGee, City of Topeka; Public Works Department
Don Moler, League of Municipalities
JoAnn Peavler, VP, East End Neighborhood Improvement Assn (NIA)
Mike Taylor, Government Relations Director; City of Wichita
Pat DeLapp, citizen of Topeka, KS
Randall Allen, Kansas Association of Counties

Others attending: see attached list

Chairperson Allen announced the distribution of written testimony opposing **SB 79** from Gary Price (Attachment 1) and Lisa Stubbs (Attachment 2), both members of the Topeka City Council, who testified before this committee on February 6, 2003 as opponents of the bill. In addition, Fiscal Notes were distributed for **SB 167** and **SB 238**.

Hearing on

SB 167 - cities; notice of nuisance abatement by regular mail

Chairperson Allen brought the committee's attention to the opening of the hearing on **SB 167**.

Gary Price, Topeka City Councilman, testified in favor of **SB 167** (Attachment 3), urging passage of this bill on behalf of residents who desire swifter action in handling code violations in their neighborhoods.

Mike McGee, the Deputy Director for City of Topeka Public Works Department, testified in support of **SB 167** (Attachment 4) focusing on the actions of individuals to refuse receipt of notice during attempts to deliver certified letters and the waste of time and energy this requires when there are other ways which may be more effective and less costly.

Don Moler, Executive Director; League of Kansas Municipalities, gave testimony supporting **SB 167** (Attachment 5), pointing out there would still exist one mailing to the resident which is sent certified return receipt requested should this bill pass.

JoAnn Peavler, VP, East End Neighborhood Improvement Assn, testified in favor of **SB 167** pointing out the reliability of first class mail and thus the unnecessary action of certified mailing in order to notify residents of code violations. Ms. Peavler did not provide written testimony, however she agreed to send this into the committee.

Mike Taylor, Government Relations Director; City of Wichita, spoke briefly in support of **SB 167** (Attachment 6) emphasizing the benefit in spending reductions this change will allow cities.

Pat DeLapp, a citizen of Topeka, testified against **SB 167** (Attachment 7), providing the committee with copies of mail he received, damaged or mis-delivered by the postal service, in an attempt to show the unreliability of first class mail for important notices.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT at on February 18, 2003 in Room 245-N of the Capitol.

Chairperson Allen announced the close of the hearing on **SB 167**.

SB 238 - City-county reorganization; efficiency in Local Government Act

Chairperson Allen called the committee's attention to the opening of the hearing on **SB 238**.

Don Moler, Executive Director; League of Kansas Municipalities, appeared and testified in favor of **SB 238** (Attachment 8). He also responded to questions from the committee clarifying the following points: a) there is no change in the power of city or county governments should they choose to reorganize, b) the reorganization into a unified government would require the votes of the citizens in the areas, c) this bill is based on the actions taken during the process of unifying Kansas City, KS and Wyandotte County, d) it is presumed costs will decrease once a county and city(s) merge to form one governing body, and e) all cities within a county are not required to participate in this reorganization, they may choose to remain an independent city and still retain their representation on county matters.

Randall Allen, Executive Director; Kansas Association of Counties, testified in favor of **SB 238** (Attachment 9) clarifying his indifference to unified governments themselves, while at the same time supporting the freedom for counties, cities, and their citizens to decide. Further, Mr. Allen pointed out this bill is good policy which removes obstacles to such reorganizations.

Chairperson Allen announced the close of the hearing on **SB 238**.

SB 166 - Vacancy in office; clarifying party convention definition:

Chairperson Allen called the committee's attention to the opening of the hearing on **SB 166**.

Senator Schmidt testified in support of SB 166 - clarifying that this bill would not resolve the present situation under debate in Senate District 15, nor is it our intent to resolve it. This Judicial Branch is handling this case. In future situations, this bill would require the appointee be a member of the same party as the elected official being replaced, at the time the voters elected him/her.

Chairperson Allen announced the close of the hearing on **SB 166**.

Action on SB 166

A motion by Senator Schmidt to pass **SB 166** favorably was seconded by Senator Buhler. A request by Senator Huelskamp regarding a possible amended prompted Senator's Schmidt and Buhler to withdraw the prior motion.

Chairperson Allen requested Senator Huelskamp prepare the proposed amendment and action on **SB 166** was delayed.

Adjournment

Meeting was adjourned by the Chair at 2:25 p.m..

Next meeting scheduled for Wednesday, February 19, 2003 at 1:30 p.m..

SENATE
ELECTIONS AND LOCAL GOVERNMENT
GUEST LIST

Date Tues, Feb 18

Jo Ann Pearler	
Gary Pui	
Randall Allen	KAC
Danielle Hoc	Johnson County
Whitney Jamron	City of Topeka
Don Moler	LKM
Michael McGee	City of Topeka
Pat DLP	SCLA
Mike Taylor	City of Wichita
Jesse Bunjon	SOS
Carl Cluff	
Twila Drybread	DOB
Paul Hopper	KS Hwy Sec.



CITY OF TOPEKA

City Council
215 S.E. 7th Street Room 256
Topeka, Kansas 66608
Phone 785-368-3710

TO: Senator Barbara Allen, Chairman
Committee on Elections and Local Government

FROM: Gary Price *GP*
Topeka City Council

DATE: February 6, 2003

RE: SB 79

Thank you for allowing me the opportunity to speak in opposition to the proposed Senate Bill 79, which addresses a protest petition for a three-mile area surrounding city limits.

As one of the supporters of extending the Topeka's city building codes into the 3-mile area of jurisdiction, that is lawfully provided for by State statute, I am concerned that this issue will impact the entire State for what really is a local matter. In all actuality, this is a turf war between the City and the County and reducing the percentage requirement for protest petition is a ploy by Shawnee County to circumvent Topeka's lawful right.

My recommendations to the committee would be to send us all home with the instructions to get along and work this out among yourselves.

Stating that however, this truly is an issue of public safety and providing protection to the consumer. Having relocated to this area 6 years ago, I do not believe that I should have had to depend upon the realtor's knowledge that the home I was looking to purchase was built to code. In fact, realtors actually would not show me some homes stating that the home was not built to code and the quality of construction was questionable at best.

Topeka and other cities need the ability to ensure quality of construction and consistency of development for the homes that ultimately become part of their city. Not having this ability only continues to promote the negative impact to all taxpayers in the future by having to bring these homes up to standard building codes.

I encourage the committee not to support Senate Bill 79 and continue with the current K.S.A. 12-751a. There was resounding support for the current verbiage back in 1991 and again in 1998; it has worked well to date, and a turf battle from a single County/City should not dictate policy for the entire State.

Again, thank you for the opportunity to address your distinguished committee.

Gary Price
Topeka City Council

*Senate Elections & Local Gov
02-18-03
Attachment 1*

TO: The Honorable Barbara Allen, Chair
And Members of the Senate Elections and Local Government Committee

FROM: Lisa Stubbs
Topeka City Council Member

RE: SB 79

DATE: February 6, 2003

Summary of Comments


1. State government has long recognized the importance of the joint area of jurisdiction surrounding urbanized areas- 3 mile area.
2. 20% petition represents a fair amount of petition given the importance of these areas to the orderly growth of our cities. It also allows for the necessary check and balance with regard to urban/rural issues.
3. Orderly growth promotes the well being of Kansas and is the most efficient use of infrastructure dollars.
4. 20% is consistent with other petition requirements in similar legislation. 40% is the highest level of petition necessary in state legislation.
5. Two remedies are already available for county residents in the 3 mile area to stop city building codes- adopting County building codes will always trump city codes; 20% petition calling for a ballot question. (Only people who can vote on this are residents in the 3 mile area.)
6. Building codes into the county is extremely common in KS. Some of these areas include: Leavenworth Co., Sedgwick Co., Johnson Co., Douglas Co. and Wyandotte Co.
7. Many homeowners in the 3 mile area have raised concerns about the lack of codes and some have even experienced expensive errors in their construction that have to be addressed. They are thankful that the city is providing a measure of protection.
8. Retroactive date in this bill is likely ex post facto.
9. Election Commissioner Ensley raised several administrative problems that you may want to address. She made no comment on the need to lower the petition percentage.
10. The County's lack of regulation in issuing building permits causes costly problems that our cities will pay for in the future. As a Topeka City Council Member, I have dealt with dozens of significant errors caused by County building permits that do not cross-

Senate Elections & Local Gov
02-18-03
Attachment 2

reference County/City planning strategies. These cause costly remedies to individuals as well as the community as a whole.

Thank you for your thoughtful consideration of leaving the petition percentage at the reasonable 20% level.

Lisa Stubbs

A handwritten signature in cursive script that reads "Lisa Stubbs".



CITY OF TOPEKA

City Council
215 S.E. 7th Street Room 255
Topeka, Kansas 66603
Phone 785-368-3710

TO: Senator Barbara Allen, Chairman
Committee on Elections and Local Government

FROM: Gary Price *GP*
Topeka City Council

DATE: February 18, 2003

RE: SB 167

Honorable Barbara Allen, chair, and members of the Elections and Local Government Committee, thank you for the opportunity to appear before you today.

I am here today as a Topeka City Council member representing the City of Topeka and many of its residents asking for your support of Senate Bill 167.

Over a year ago Topeka held a Crime Summit that brought together over three hundred of its citizens. During this Crime Summit, I co-chaired a committee that examined numerous code compliance issues looking for solutions and efficiencies that would make a positive difference within our neighborhoods. The proposed amendment to SB 167 will do just that.

This amendment will speed up the process in how cities deal with code compliance problems, eliminating weeks and sometimes months of delays. Additionally, cities like Topeka will save a great deal of taxpayers' money by eliminating the "certified mail return receipt requested" notification requirement.

As elected officials, we are challenged to find ways to make government more fiscally responsible and operationally efficient. The proposed amendment to SB 167 allows us to meet this challenge.

I urge this distinguished Committee to support the amendment to SB 167.

Again, thank you for the opportunity to appear before you today.

Senate Elections & Loc Gov
02-18-03
Attachment 3



CITY OF TOPEKA

Department of Public Works • Administration
515 S. Kansas Avenue 4th Flr.
Topeka, Kansas 66603-3422
Phone 785-368-3801
Fax 785-368-3806

18 February 2003

To: Senator Barbara Allen, Chair and Members of the Senate Committee for Elections and Local Government.

Subject: Input to SB 167—Cities; notice of nuisance abatement by regular mail.

Background: The City of Topeka is struggling to meet the expectations of neighborhoods regarding property maintenance standards in the community. Neighborhoods complain frequently about the excessive time required to successfully abate typical nuisance problems. One of the concerns is the requirement to provide notice of a violation by certified mail, return receipt requested. This requirement typically can add 10-14 calendar days to the process of correcting the violation. Postal delivery times are extended in part because most adults in a residence work outside of the home causing the letter to be undeliverable and requiring the resident to go to the post office to retrieve the letter.

Additionally, the cost of mailing is \$4.42 per certified letter. In 2002 the City of Topeka sent nearly 5700 certified letters at a cost of over \$25,000. 1700 or 30% of those mailings were returned as undelivered. In those cases the notice must then be published in the official City newspaper. That cost exceeded \$18,000 in 2002. It also adds an additional 5-7 days to the process.

Discussion: Property owners/residents are increasingly concerned about property values and crime in their neighborhoods. Prompt code enforcement of property maintenance violations is essential to maintaining neighborhood properties, particularly in the older neighborhoods comprising the core of our community. The majority of the certified notices go to first time offenders. They sign for the letters and correct the problem in a timely manner. They corrected the problem because they are responsible citizens in most cases and simply overlooked the problem or didn't know what the standard was as outlined in the city code. It doesn't take a certified letter to gain their compliance, 1st Class would have gained that compliance in most cases from our experience. It is also delivered the next day in the city and is not dependent on someone being at home to accept it thereby shortening the process.

Senate Elections & Loc Gov
02-18-03
Attachment 4

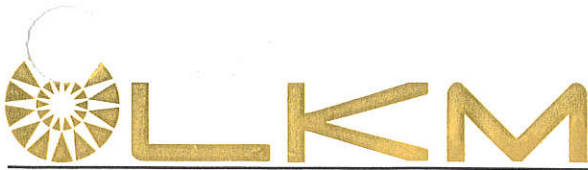
The majority of the 1700 returned notices are attributable to repeat offenders who know the process and will not claim the letter. Notice is then posted in the official newspaper and the abatement process continues with typically the issuance of a warrant to access the property and abate the violation(s) at the owner's expense. The cost of the mailing is included in the abatement costs billed to the property. Topeka currently sends unpaid abatement bills to a collection agency versus assessing them to the property taxes. Assessments and the property taxes were often not paid on many of the habitual problem properties that the City is required to abate.

The City makes every effort to notify property owners/tenants of violations to include leaving doorknockers for an initial courtesy notice, posting on the property for housing violations, and follow-up calls to offenders if they do not respond to the mailing or request a hearing as provided for in due process. Personal notice is another option that we are considering for repeat offenders.

It is our belief that certified mail only contributes to extending the time for resolution of the violation and is not required for the majority of property owners to correct deficiencies on their property. Additionally, it serves no purpose for gaining compliance from the repeat offenders because they simply refuse to accept the letter. The requirement may have been prudent in times past but we believe it is only a costly hindrance and does not serve the community that is demanding improved property maintenance standards to ensure the maintenance and recovery of older neighborhoods that are in a state of decline.

Recommendation: Amend K.S.A. 12-1617e to allow the use of 1st Class mail versus Certified, return receipt request for notice of violations and for the billing of costs associated with any abatements performed by the City.

POC: Michael E. McGee, Deputy Director
City of Topeka Public Works Department
368-3801; E-mail mmcgee@topeka.org



300 SW 8th Street, Suite 100
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
Fax: (785) 354-4186

League of Kansas Municipalities

To: Senate Elections and Local Government
From: Don Moler, Executive Director
Date: February 18, 2003
Re: SB 167

Thank you for the opportunity to appear before you today on behalf of the 556 member cities of the League of Kansas Municipalities (LKM). We appear today in full support of SB 167.

This is a very simple piece of legislation which essentially makes one small change. It would allow cities to send the first notice of nuisance abatement via first class mail, instead of by certified return receipt requested mail. The second notice, which is required before a city can abate the nuisance, would still be mailed by certified mail, return receipt requested.

In these very difficult budget times, cities are looking for ways to be more efficient. SB 167 offers one such option.

Because of the savings this legislation offers, we respectfully request that the Committee recommend SB 167 favorably for passage. I will be happy to stand for questions at the appropriate time.

Senate Elections & Local Gov
02-18-03
Attachment 5



TESTIMONY

City of Wichita
Mike Taylor, Government Relations Director
455 N Main, Wichita, KS. 67202
Wichita Phone: 316.268.4351
Topeka Phone: 316.648.6236
mtaylor@wichita.gov

Senate Bill 167 Notice of Nuisance Abatements

**Delivered February 18, 2003
Senate Elections and Local Government Committee**

The City of Wichita supports Senate Bill 167.

This simple change in the law will save the City of Wichita an estimated \$25,000 a year. Taxpayers want government to provide the services they demand in a business-like manner. They constantly urge us to root out waste and to be more efficient and effective with their tax dollars. Allowing cities to use regular first class mail instead of certified mail to notify citizens of nuisances does all of those things.

SB 167 not only saves tax dollars, but it eliminates an often ineffective method of sending notification. Many people who are violating nuisance codes are good at avoiding certified mail. They simply refuse to sign for it. The certified mail requirement can also delay efforts to correct a nuisance because it takes about 30 days for a certified letter to get through the system whether it's signed for or not.

The City of Wichita understands that approval of SB 167 in no way allows us to avoid legal due process or adequate notification before action to correct a nuisance is taken. The City of Wichita Environmental Health Department also uses face-to-face contact, official personal service, posting of notices on the property and publishing of legal notices. Mail is just one step and we believe first class mail will be just as effective as certified mail.

SB 167 will benefit the taxpayers of Wichita through reduced costs and will help the dozens of Wichita neighborhood groups who are working to clean-up rundown properties, get tall weeds mowed, or junk cars removed.

*Senate Elections & Loc Gov
02-18-03
Attachment 6*

Dear Committee Members

2/18/2003

RE: SB 167 Concerning Nuisances

This bill will change the way notice is served from Certified mail, with return service to first class mail. It will also take the City Clerk out for the picture.

I am totally against this. There was attempted before in the 1998 legislative session to make almost the same changes, HB 2729. That bill failed big time when it was disclosed that a City which was promoting this changed deceived the legislature by using inflated number of mailing to the 7 to 10 times what the true numbers were.

The issues here is proper notice, and due process. If the mailing is lowered to first class mailing how do one show that the person had notice or even received the letter at all?

Public nuisance are for things which are serious in natural. If compliance is not quick, the public at large will be damage. That is why only 10 is given for compliance.

Further, the stipulate that when some legal action is required in less than 11 days, one cannot count the day given, Saturday, Sundays legal Holidays ect.. The 10 days start when the person receives the letter.

How does one know when the person or that agent received the notice if we are not getting a signature?

The US Postage Service makes mistakes. And unfortunately, in my opinion they appear to be getting more frequent.

First Class postage does not always make it where it intended to go. Examples of my personally experience are as follows:

-A signed returned receipt Addressed to the City of Topeka, MUNICIPAL COURT, instead made it to my house. (See attached, #85)

- A a plastic bag came to me one day. In side was a 3 by 5 post card, or atleast parts of it. It was heavily mangled by postage machines, on the outside of the plastic that bag was also a printed letter of apology from USPS (See attached, #89)

-A letter sent first class from the City of Topeka, POLICE DEPT., ment for "The Shop Motorcycle Repair, at 1013 SW 10th, Topeka. Came instead to my house at 1013 SW 11th. (I made a point of bring back down to post office and having an employee stamp and initial it saying that I was returning to them. (See attached, #88)

-Another intended for Shelter Insurance Company at 1013 SW 10th, Topeka. Was

Senate Elections: Lacton
02-18-03
Attachment 17

delivered instead to my house at 1013 SW 11th. (See attached, 86)

-A magazine, Country Home, intended for one of my neighbors at 1035 SW Fillmore, was instead delivered to my house at 1013 SW 11th. (See attached, #87)

There are also several other examples of the City of Topeka, not following Statuary Law, nor following the legislative intent as it intended toward Mail notices. These included

-Robert Kristiant in which the city sent notice first class mail about a bush pile and logs in his back yard and instead took the working washer and dryer which was placed on a covered area in his back yard as he remodeled the kitchen. (The city paid his claim of \$600)

-Another one Harold Anderson who was in the V.A. Hospital in Kansas City, when notice was sent to him, by first class mail about a bush pile. When he came home he found all kinds of equipment missing including an over the road tractors with new diesel engines, hydraulic equipment and various other things missing. He called the police to make a theft report. The neighbor came out while the police were there and told him that the city took it.

Mr. Anderson hired an attorney and put in a claim for about \$32,000. The City settled and paid him \$20,000.

-At another incident a woman Fern Grey, 78 years old at the time, was in the hospital she was sent notice, first class mail, of a stuffed chair being on the front porch of one her properties. She was fine the automatic \$175 for non compliance. (She never got the notice and ended up paying the fine, she did not have the energy to fight them)

Other Reasons for not passing this is that is too easy for the government to get liens on property. All they have to do is show that they send notice, have city clerk verify it and send to the county clerk for assessment.

Anyone else would have to sue in district court within 1 year and when in order to get a permanent lien on a property. The lien's most contractors file will go away after about 1 year, if they have not sued in court and won. (Not so with the city)

I urge you to vote this down. Due process is important and should be upheld. Keep the law the way it is. Require Certified mail, return receipt requested.

Patrick DeLapp
1013 SW 11th
Topeka, KS 66602
(785) 357-6007

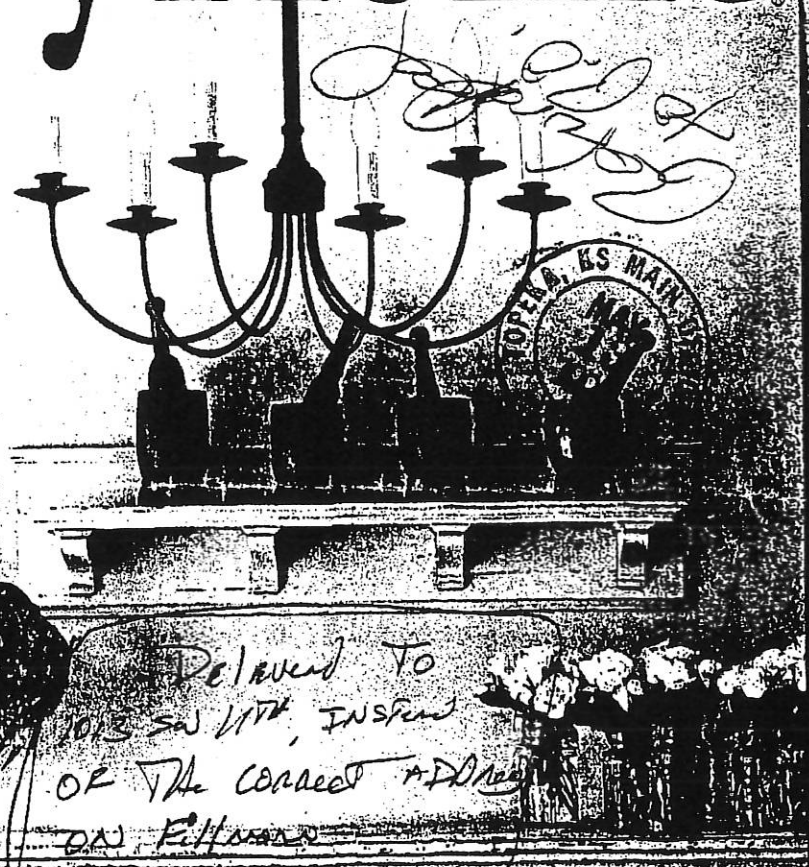
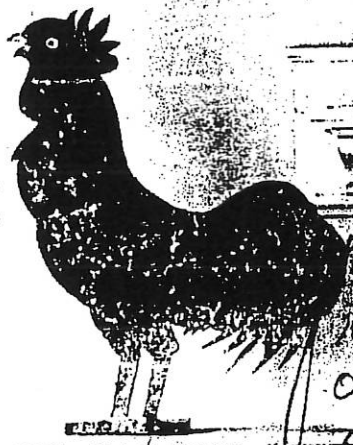
Country Home

EXHIBIT

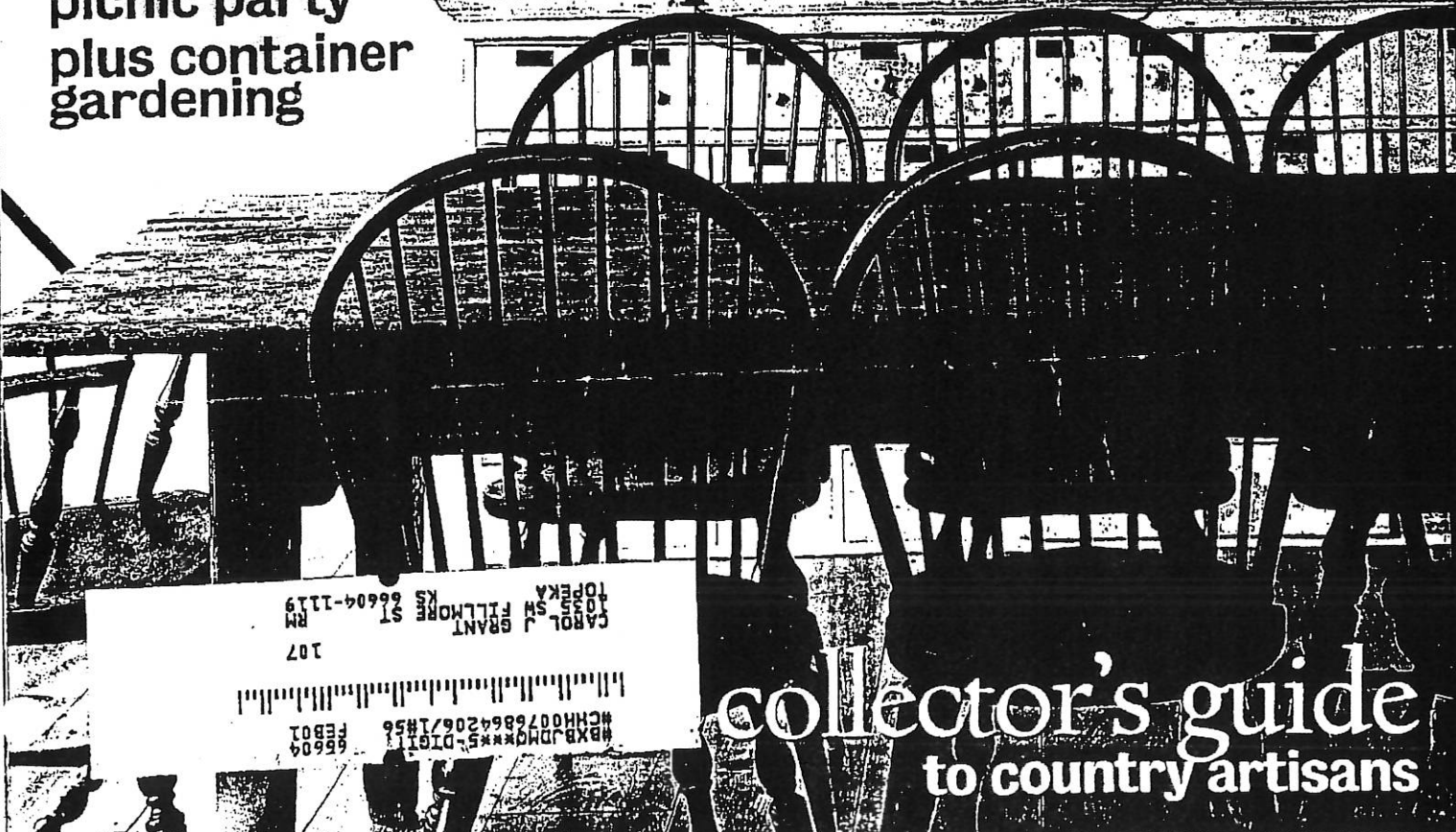
create your country
dream house

we show you how

celebrate summer on the porch with a picnic party plus container gardening



Delivered To
1013 SW 11th, Inland
OF THE CORRECT ADDRESS
ON FILLMORE



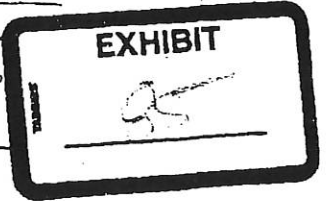
CAROL J GRANT
1035 SW FILLMORE ST
RM 26604-1119
TOPEKA KS
107
#BXBJDQ*****5-DIGIT 1156
#CHH0078864206/1856
FEB01 86604

collector's guide
to country artisans

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees P
USPS
Permit No. G-10



• Print your name, address, and ZIP Code in this box •

MUNICIPAL COURT
214 E 8TH
TOPEKA KS 66603

SIGNED RETURN RECEIPT SENT
BACK TO MUNICIPAL COURT
MADE IT TO MY HOME
INSTEAD

H. McLaughlin

SENDER:
 ■ Complete items 1 and/or 2 for additional services.
 ■ Complete items 3, 4a, and 4b.
 ■ Print your name and address on the reverse of this form so that we can return this card to you.
 ■ Attach this form to the front of the mailpiece, or on the back if space does not permit.
 ■ Write "Return Receipt Requested" on the mailpiece below the article number.
 ■ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Mr. Mark Hunt
 900 SW Robinson # 313
 Topeka, KS 66606

4a. Article Number
 P419 150 004

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
 OCT 13 1998

5. Received By: (Print Name)
 M. J. Hunt

6. Signature: (Addressee or Agent)
 * *[Signature]*

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

7-4
100



BRYAN, LYKINS & HEJTMANEK, P.A.
ATTORNEYS AT LAW
222 WEST SEVENTH STREET
P.O. BOX 797
TOPEKA, KANSAS 66601-0797

ADDRESS CORRECTION REQUESTED

Shelter Insurance Company
Claims Office
1013 W. 10th St.
Topeka, KS 66604



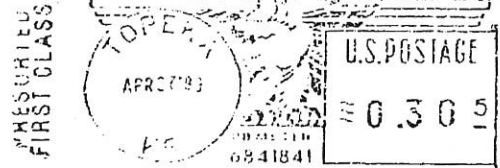
430
5-L





A POLICE DEPT
IDS SECTION
KANSAS AVE
100
KA, KS 66603-3640

RETURN SERVICE
REQUESTED



7-6
432
L

THE SHOP MOTORCYCLE REPAIR
1013 SW 10TH ST
TOPEKA KS 66606

[Handwritten signature]

AUTO 66607



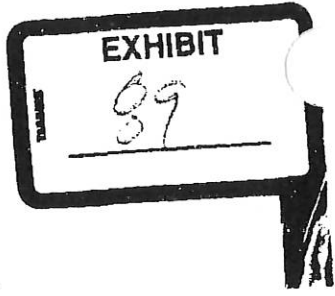
5/5/99
Delivered
~~to~~ to wrong address
I got it at
1013 SW 11TH

P. Plum



Returned
5/6/99
to P.O.
[Handwritten signature]

7



Postage machine ripped up
wait next for me.



Dear Postal Customer:

The enclosed has been damaged in
Service.

We are fully aware of the inconvenience
you. Realizing this, we have

PATRICK DELAPP
1100 SW CLAY
TOPEKA, KS 66604

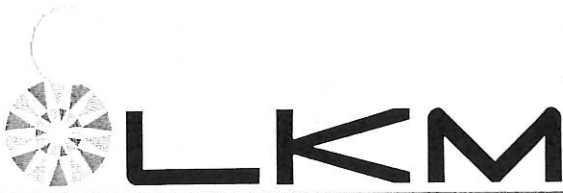
10/3
with me

DAMAGED IN HANDLING
IN THE POSTAL SERVICE



POSTAGE VERIFIED AT
TOPEKA, KS 66604
16M

7-7



League of Kansas Municipalities

300 SW 8th St.
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
Fax: (785) 354-4186

To: Senate Elections and Local Government Committee
From: Don Moler, Executive Director
Re: Support for SB 238
Date: February 18, 2003

First I would like to thank the Committee for allowing the League, a strong advocate of local control, to testify today in strong support of SB 238. Our organizational policies typically focus on the ability of cities to make their own way and to determine their own fate. The Efficiency In Local Government Act would allow cities and counties, and their residents, to determine their own local government organizations and will allow them to maximize efficiencies in government as well as modernizing governmental structures in Kansas.

The League has for a number of years supported permissive statutory language to allow local reorganization. We have further held the belief that the issue of reorganization is inherently a local one and that the voters should be allowed to determine whether reorganization with another unit of government should occur. As a result we are fully supportive of SB 238 and the provisions that require the proposal for reorganization to be placed before the voters of the local governmental units involved in the proposed reorganization. Any unit whose electors vote against the reorganization would not be included in such reorganization.

In these hard economic times, it brings into sharp focus the need for governments, at all levels, to look to maximizing public resources and to minimizing public expenses. We believe that SB 238 provides a mechanism which will allow the people of Kansas, in cities and counties across the state, to make choices about the structure and organization of their governments. As a result we strongly support SB 238 and would urge the Committee's favorable recommendation of the bill to the full Senate. I will be happy to answer any questions the Committee may have on the League's position on SB 238.

Senate Elections & Loc Gov
02-18-03
Attachment 8



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY
concerning Senate Bill No. 238
EFFICIENCY IN LOCAL GOVERNMENT ACT

Presented by Randall Allen, Executive Director
Kansas Association of Counties
February 18, 2003

Chairman Allen and members of the committee, my name is Randall Allen, Executive Director of the Kansas Association of Counties. I am here to express support for Senate Bill No. 238, the Efficiency in Local Government Act, which provides a mechanism and public process for cities and counties to consider and then implement alternative organizational structures without first seeking legislative approval. The Kansas Association of Counties neither supports nor opposes consolidation of city and county governments in Kansas per se. Our current legislative policy statement concerning consolidation, adopted by our membership, is as follows:

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

Cities and counties are currently prohibited from effecting governmental consolidation on their own without first seeking specific statutory authorization. As such, the framework of SB 238 is positive in direction because it gives local governments an opportunity to devise a system of local government which best meets their needs without seeking legislative approval on a case by case basis. This is the essence of home rule and local control which the Association has supported forever, a philosophy clearly reflected in SB 238. SB 238 is very similar to a work product of a 1998 interim study committee which subsequently passed the Senate in the 1999 session (i.e. SB 7). We do not believe that passage of SB 238 would result in widespread consolidation of cities and counties across Kansas. However, it removes the obstacles for cities and counties to seriously consider the feasibility of reorganizing and restructuring local government. We believe SB 238 is good public policy and urge you to recommend it favorably for passage.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randall Allen or Judy Moler by calling (785) 272-2585.

6206 SW 9th Terrace
Topeka, KS 66615
785•272•2585
Fax 785•272•3585
email kac@ink.org

Senate Elections & Loc Gov
02-18-03
Attachment 9