

## MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 P.M. on January 25, 2005 in Room 519-S of the Capitol.

All members were present except:

- Representative Barbie Craft- excused
- Representative Melody Miller- excused

Committee staff present:

- Mike Heim, Legislative Research Department
- Martha Dorsey, Legislative Research Department
- Theresa Kiernan, Revisor of Statutes Office
- Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

- Rep. Mario Goico
- David Finley, Kansas Plumbing, Hearing Cooling Contractors, Mechanical & Sheet Metal Contractor's Association
- Lonny Wright
- Mike Lee
- Bruce Pfeiffer
- Jerry Jones, MTAC, Plumber's & Pipe fitters Local Union # 441
- Larry Baer, League of Kansas Municipalities
- Rep. Harold Lane
- Bob Haselwood
- Vic Miller, Shawnee County Commissioner
- Rep. Ann Mah
- Rep. Becky Hutchins
- Duane Pomeroy, Topeka City Council
- Paul Degener
- Marvin Smith

Others attending:

See attached list.

### **Bill Introductions**

Randall Allen, Kansas Association of Counties, requested two committee bills:

- Threshold for Bidding County Construction Projects
- Threshold for Surety Bond Posting on County Construction Projects

Without objection, the requests will be accepted as committee bills.

### **Elections Status - Office of the Secretary of State**

Brad Bryant, Office of the Secretary of State, informed the committee of the requested legislation concerning elections in the Senate Committee on Elections and Local Government (Attachment 1). He also briefed the committee on the status of the implementation of the Help America Vote Act (HAVA) in Kansas (Attachment 2).

Chairman Vickrey opened the hearing on:

#### **HB 2041      Campaign finance, use of unexpended campaign funds**

Martha Dorsey, Legislative Research, briefed the committee on HB 2041.

Carol Williams, Governmental Ethics Commission, provided agency information concerning HB 2041 (Attachment 3).

Rep. Goico testified as a proponent of the bill (Attachment 4). He explained that the bill would make changes to the Campaign Finance Act, allowing candidates for public office to transfer money from one specific campaign fund to another.

Chairman Vickrey closed the hearing on HB 2041.

Chairman Vickrey opened the hearing on:

#### **HB 2058      Requiring continuing education for certain contractors licensed by cities and counties**

David Finley, Kansas Plumbing, Hearing Cooling Contractors, and Mechanical & Sheet Metal Contractor's Association, testified in support of the bill (Attachment 5).

Lonny Wright, a second-generation plumber from Wichita, testified in support of the bill (Attachment 6). He said HB 2058 is the right legislation for the protection and safety of the public.

CONTINUATION SHEET

MINUTES OF THE House Governmental Organization and Elections Committee at 3:30 P.M. on January 25, 2005 in Room 519-S of the Capitol.

Mike Lee, Lower Mechanical Company, testified as a proponent of the bill (Attachment 7). He stated that the bill would require license holders of trades to attend six hours a year of continuing education.

Bruce Pfeiffer, City of Topeka Development Services Division, testified as a proponent of the bill (Attachment 8). He explained that the bill would require a minimum of 2 years field experience by individuals desiring to work in the plumbing, heating and air conditioning trades, prior to taking the State trade examinations.

Jerry Jones, United Association of the Plumbers and Pipe Fitter Local Union # 441, testified as a proponent of the bill (Attachment 9). He said that the Local Union, the Training Programs, and their signatory contractors wholeheartedly support the adoption of **HB 2058**.

Glen Wiltse, Sedgwick County Code Enforcement, submitted written testimony in support of the bill (Attachment 10).

Larry Baer, League of Kansas Municipalities, testified in opposition to the bill (Attachment 11). He said the bill impinges upon the city's right of local control.

Chairman Vickrey closed the hearing on **HB 2058**.

Chairman Vickrey opened the hearing on:

**HB 2083      Consolidation of Topeka and Shawnee County**

Rep. Harold Lane appeared as a proponent of the bill (Attachment 12). He testified that in November 2004, voters in Topeka and Shawnee County approved authorization to the Legislature to create a commission to create a plan to consolidate the governments for Topeka and Shawnee County. He said that the Shawnee County Legislation Delegation unanimously agreed to the proposed legislation. Rep. Lane explained that House Speaker Doug Mays guided the delegation through the process of drafting the bill during their December meeting.

Bob Haselwood testified in support of the bill (Attachment 13). He said that **HB 2083** does a good job of establishing guidelines for commission appointment and other provisions in a fair and equitable manner.

Vic Miller, Chairman, Shawnee County Commission, testified in support of the bill (Attachment 14). He clarified that he was speaking on his own behalf and not on behalf of the Shawnee County Commission. He said the City of Topeka objects to the short moratorium on unilateral annexation that will exist while the consolidation commission completes its work but that he doesn't recall a single unilateral annexation in Topeka in the last fifteen years.

Bruce Thomas, President, Shawnee County Farm Bureau, submitted written testimony in support of **HB 2083** (Attachment 15).

Rep. Ann Mah testified in support of the bill. No written testimony was provided.

Rep. Becky Hutchins testified in support of the bill. No written testimony was provided.

Duane Pomeroy, Topeka City Council, appeared as an opponent of the bill (Attachment 16). He urged the committee to amend the bill or kill it in its present form.

Paul Degener testified in opposition to the bill (Attachment 17). He said the legislation is going to give the authority to an appointed commission to determine which officials will be appointed or eliminated.

Marvin Smith testified in opposition to the bill (Attachment 18). He said he opposes the bill because it changes the form of county and city government from elected officials to a consolidated form of government.

The Chairman closed the hearing on **HB 2083**.

The meeting adjourned.

Next meeting is scheduled for January 27, 2005.

**House Governmental Organization and Elections  
Committee**

Date 1-25-05

Name	Representing
Danielle Noe	Johnson County
Christy Caldwell	Topeka Chamber of Comm.
Jeff Preisner	City of Topeka - Council
Randall Allen	Ks. Assn. of Counties
Francis Kelsey	Shawnee County Farm Bureau
Bob Hazelwood	
Jim Detloff	Kansas AFL-CIO
JERRY JONES	MTAC + PUMPER 441
LONNY WRIGHT	Wichita PBG BOARD
Bruce Thomas	Shawnee Co. Farm Bureau
LARRY R BAER	LKM
YIC MILLER	SH Co Comm
Bill Haynes	City of Topeka Council
Lisa Stubbs	City of Topeka - Council
Dave Grauersen	City of Topeka - staff
Brenden Long	City of Topeka
Mayor James A. McClinton	City of Topeka
TIFFANY MULLER	CITY OF TOPEKA
Duane Pomeroy	City of Topeka
PAUL D'GENNIR	CONCERNED CITIZEN
Marvin E. Smith	Rural Shawnee County
Carl Druffy	City of Topeka
Alex Getry	Intern for Rep. McKinley
STEVE KEARNEY	KS. COUNTY OFFICIALS ASSN.
Natahi Bright	Wichita Independent Bus. Assn.
Michelle	Ks P/b, Htg, Cooling ASSN.
Bruce PFEIFFER	CITY OF TOPEKA
Mike Murray	Citizen of SW Co
TERRY HILDREN	KANSAS FARM BUREAU

# House Governmental Organization and Elections Committee

Date 1-25-05

Name	Representing
Tom Sletteny	AGC K3
Jessica Cafferata	Kearney & Assoc.
Erik Sartorius	City of Overland Park
BRIAN HENSON	Sec of State's Office
Chris Wilson	KBIA
Corineah Godsey	KDA
Rich Eckert	Shawnee County
<del>JEANNE Goodwin</del>	City of Wichita
Cand Williams	KGEC
Brad Bryant	Sec. of State
Whitney Damron	Crty of Topeka

RON THORNBURGH  
Secretary of State



Memorial Hall, 1st Floor  
120 S.W. 10th Avenue  
Topeka, KS 66612-1594  
(785) 296-4564

STATE OF KANSAS  
House Committee on Governmental Organization and Elections

Summary of Elections Bills

Brad Bryant, Deputy Assistant Secretary of State  
Elections and Legislative Matters

January 25, 2005

Mr. Chairman and Members of the Committee:

The office of the Secretary of State has requested introduction of the following bills in the Senate Committee on Elections and Local Government.

1. Optical scan voting equipment certification bill—

This bill would update laws on the testing and certification of optical scan voting equipment and bring them into compliance with the Help America Vote Act.

2. Direct recording electronic (DRE) voting equipment certification bill—

This bill would update laws on the testing and certification of electronic voting equipment and bring them into compliance with the Help America Vote Act. It would repeal laws providing for lever machines and punch card ballots and update the provisions of the laws regarding electronic voting systems.

3. Open primary/party affiliation bill—

This bill would amend the statute imposing a closed primary on the two major political parties in Kansas. This statute is unconstitutional, based on recent court decisions.

The bill also would resolve a discrepancy between two current statutes regarding the deadline before each election by which voters must (a) change party affiliation and (b) register to vote.

4. Ballot security bill—

This bill would (1) define who is authorized to deliver voted advance ballots to the county election office, (2) require the county election officer to compare signatures on envelopes containing returned advance ballots to the signatures on the voters' registration records, and (3) update language regarding voters with disabilities consistent with legislation passed last year.

Thank you for your consideration.

House Gov. Org. & Elections  
Date: 1-25-05  
Attachment # 1

RON THORNBURGH  
Secretary of State



Memorial Hall, 1st Floor  
120 S.W. 10th Avenue  
Topeka, KS 66612-1594  
(785) 296-4564

STATE OF KANSAS  
House Committee on Governmental Organization and Elections

Update on the Help America Vote Act

Brad Bryant, Deputy Assistant Secretary of State  
Elections and Legislative Matters

January 25, 2005

Mr. Chairman and Members of the Committee:

Following is a summary of the status of the implementation of the Help America Vote Act (HAVA) in Kansas. A similar report was made to the Senate Committee on Elections and Local Government on January 20, 2005.

**1. Origins of HAVA**

The election of 2000, particularly the presidential election and the so-called "Florida experience," highlighted a number of areas for improvements in the electoral process. Congress passed the Help America Vote Act of 2002 to address these perceived deficiencies nationwide. In its simplest terms, HAVA seeks to promote uniformity and consistency of election procedures, increase states' control over certain aspects of the process, and guarantee voting rights through such means as provisional ballots and improved accessibility to polling places and ballots.

**2. 2004 election**

a. Voter outreach

Section 254 of HAVA requires the state to adopt a plan for voter education and outreach, among many other parts of HAVA implementation. In 2004 this resulted in a much more ambitious voter outreach program than had been undertaken by the Secretary of State's office in past elections. The program involved television advertisements, an Internet web site, a press tour, and printed brochures containing information about provisional voting, a general guide to voting, how to file administrative complaints, and access for voters with disabilities.

b. Voter identification

The 2004 state HAVA legislation, Senate Bill 479, required each person voting for the first time in a given county to show identification. This was in effect for the first time in the August and November elections in 2004.

c. Provisional voting

Provisional voting was not new in Kansas in 2004, but the right to a provisional ballot was guaranteed by HAVA, and the right to know whether one's provisional ballot counted, and if not, why, was added by HAVA. Poll workers are required to provide provisional voters with instructions on how to inquire about the disposition of their ballots.

Provisional voting is an increasingly significant aspect of elections. The statewide number of provisional ballots has nearly doubled from 23,000 in 2000 to 45,000 in 2004.

d. Training of county election officers and precinct poll workers

County election officers are now required to receive training from the state. In May, 2004, 248 individuals representing all 105 county election offices attended a twelve-hour training session. Also, county election officers are required to provide instruction to their poll workers. Poll worker training was optional before the passage of Senate Bill 479.

The Secretary of state appointed a work group of county election officers, education specialists and disabilities experts to help develop the curriculum for the training programs. The curriculum was compiled into a training guide used for the county election officer training, and a separate training guide was provided to counties for incorporation into their respective poll worker training programs.

e. Polling place accessibility

HAVA places added emphasis on improving accessibility of polling places, and part of the federal HAVA funding is in the form of grants for this purpose.

In 2004 the Secretary of State purchased accessibility products for counties, including ramps, parking signs, plastic cones, doorbells, and other materials.

The entire federal grant funds of \$210,057 allotted to Kansas were spent on this process.

f. Polling place postings

In compliance with HAVA and Senate Bill 479, posters were provided to county election officers to display at each polling place. The posters contained information on voting rights, voting instructions, provisional voting, and how to file complaints. Also required at each polling place are sample ballots and notices of the date of the election and the hours the polling places are open.

g. Administrative complaint procedure

HAVA required the state to adopt a formal administrative complaint procedure to allow voters to file complaints regarding various aspects of the requirements of HAVA. The procedure was established by Senate Bill 479 and forms were developed and provided upon request.

No complaints were filed in 2004.

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### **3. Central Voter Registration (CVR) system**

Section 303 of HAVA says that "each state, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level..."

The Secretary of State appointed a work group to develop the design criteria for the central voter registration system. The work group met a number of times during late 2003 and early 2004.

The system will go live in all counties before the 2006 elections.

#### 4. Voting equipment procurement

Beginning in 2006, HAVA requires one fully accessible voting machine in each polling place to allow voters with disabilities, including the visually impaired, to vote a secret and independent ballot. [Section 301(a)(3)]

The Secretary of State appointed a work group of county election officers, disabilities experts and technological experts to provide advice on the requirements for the procurement of HAVA-compliant voting equipment. The work group so far has met twice, in late 2004.

A request for proposal is planned for March, 2005, and purchase and deployment in late 2005 and early 2006.

#### 5. Funding

##### Federal funding

Initial "free" funding	\$5 million	received
First year	\$ 7.6 million	received
Second year	\$13.7 million	received

##### State 5% match (3% state, 2% counties)

First year	\$403,245 total	received
	(\$253,245 state; \$150,000 counties)	
Second year	\$697,625	received (except 5 counties)
	(\$434,152 state; \$289,435 counties, with \$263,473 received to date)	
	Total second year will be \$723,587.	



# Help America Vote Act of 2002 HAVA Program: 73000

## HAVA Fed Fund FFY 03

- HAVA "umbrella" fund
- Title I money - guarantee payment
- Spring 03 - fund created by A&R
- Nov 03 A&R added FFY 03 to fund title
- \$5,000,000  
Received April 2003
- FFY 03 fed appropriation
- "Free money" (no match required)
- 3091-3000
- Interest earnings on fed appropriation deposited here

### HAVA Fed Fund FFY 03 Match Required

- Requirements payment
- June 2, 2004  
Account created by A&R
- \$7,661,648  
Received June 21, 2004
- FFY 03 fed appropriation
- Tied to FY 04 state match
- Matching requirements  
(95% fed, approx: 3% state, 2% co)
- Total expenditures must have above split at the end of FFY 03
- 3091-3005

### HAVA Fed Fund FFY 04 Match Required

- Requirements payment
- Nov 10, 2003  
Account created by A&R
- \$13,748,141  
Received Nov 29, 2004
- FFY 04 fed appropriation
- Tied to FY 05 state match
- Matching requirements  
(95% fed, 3% state, 2% co)
- Total expenditures must have above split at end of FFY 04
- 3091-3010

### HAVA Fed Fund-EAID Grant

- Accessibility upgrade grant
- Nov 19, 2003  
Account created by A&R
- \$110,057  
FFY 03 fed grant
- 3091-3020
- Draw down grant

### HAVA Fed Fund-Vote Grant

- Accessibility upgrade grant
- June 22, 2004  
Account created by A&R
- \$100,000  
FFY 04 fed grant
- 3091-3040
- Draw down grant

### HAVA Match

- 3% state match
- SGF
- July 1, 2004  
Account created by A&R
- \$225,000 FY 04
- \$28,245 FY 04 (supplemental)
- Based on FFY 03 fed appropriation
- \$434,152 FY 05
- Based on FFY 04 fed appropriation
- \$687,397 total available
- 1000-0500

### DEMOCRACY

- Established 02 leg session as primary HAVA fund
- Spring 03 SOS learned state guidelines changed and fed money must be deposited in 3000 level fund; thus, HAVA fed fund created and Title I money transferred to new fund
- July 1, 2003 became fund for receipt of co match money
- 2% county match
- \$150,000 FY 04
- Based on FFY 03 fed appropriation
- Due from counties 6-30-04
- \$289,435 FY 05
- Based on FFY 04 fed appropriation
- Due from counties 1-15-05
- \$439,435 total available
- 2702-2400
- Interest earnings on county money deposited here

2-4

HAVA Fed Fund FFY 05 (3091-3030) is set up in case federal money is appropriated during FFY 05.

Document revised 1/24/05

2-4

**GOVERNMENTAL ETHICS COMMISSION****Testimony before House Committee on Ethics and Elections****SB 376****by Carol Williams****March 15, 2004**

← Carol Williams  
submitted this  
document as  
her testimony.  
MKS

On behalf of the Governmental Ethics Commission, I stand before you today as neither a proponent or opponent of SB 376. The Governmental Ethics Commission does not take a position on this bill. This testimony is being provided as background information and to explain the amendments and new language being provided for K.S.A. 25-4143 and K.S.A. 25-4157a.

Senate Bill 376 was introduced to address the Kansas Supreme Court decision in *Joan Cole v Carlos Mayans and Winston Kenton* handed down in December of 2003. In its' decision, the Court ruled that Carlos Mayans, a candidate for Mayor in the city of Wichita, is prohibited from transferring funds from his legislative campaign account to his mayoral account. The Court ruled the transfer of funds from one campaign account to another is a contribution and that K.S.A. 25-4157a(c) prohibits contributions between candidacies.

As background, in July of 2002, Representative Mayans requested an advisory opinion from the Commission as to whether he could transfer his State Representative campaign funds to a campaign account to run as a candidate for Mayor in Wichita. In Opinion 2002-20, the Commission stated "Nothing in the Kansas Campaign Finance Act prohibits a state legislator from using his existing campaign funds to run for a city office". Acting upon Opinion 2002-20, Representative Mayans transferred funds from his State Representative campaign account to a new mayoral campaign account. In February 2003, Mr. Mayans' attorney requested another advisory opinion from the Commission. The Commission was asked if the Campaign Finance

Act prohibits a former State legislator from transferring funds from his legislative campaign fund to his Mayoral campaign fund, whether Mayans' Mayoral campaign was a bona fide successor committee or candidacy, and whether the transfer of funds by a candidate from one candidacy to a bona fide successor candidacy constitutes a contribution. The Commission opined that as long as a candidate carries over the remaining balance of his first campaign fund to a bona fide successor campaign, the Act does not prohibit the transfer. In addition, since Mr. Mayans intended his mayoral campaign to be a successor campaign to his legislative campaign, the Commission considered the Mayoral campaign to be a bona fide successor candidacy, and that carryover funds by a candidate to a bona fide successor candidacy does not constitute a contribution pursuant to K.A.R. 19-22-1.

Since 1976, the Commission has issued eight advisory opinions to legislators and other individuals inquiring whether a candidate could transfer excess campaign funds to a campaign account for another state or local office. In each opinion issued since 1976, the Commission has opined that it is permissible to make such a transfer and that these transfers do not constitute a contribution. A minimum of 60 candidates have made such transfers over the past 28 years.

Senate Bill 376 amends two provisions of the Campaign Finance Act. These amendments would permit a candidate for a state or local office to transfer all residual funds from his or her original campaign account to a new campaign account which is established by the candidate when he or she files for a different state or local office. The bill would also permit a candidate who has debt remaining from his or her original campaign, to retire that debt, if in the future, the candidate has residual campaign funds in the successor account when he or she leaves public office and terminates the successor campaign account.

New Section 4 provides that any candidate who transferred campaign funds to a bona fide successor candidacy commencing January 1, 1976 through the day preceding the effective date of this act, will have made such transfer in compliance with the provisions of the Campaign Finance Act.

**GOVERNMENTAL ETHICS COMMISSION**

July 18, 2002

Opinion No. 2002-20

The Honorable Carlos Mayans  
Kansas State Representative, 100th District  
1842 N. Valleyview  
Wichita, Kansas 67212

Dear Representative Mayans:

This opinion is in response to your letter of July 3, 2002, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 25-4142 *et seq.* Thus, whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

**FACTUAL STATEMENT:**

We understand that you request this opinion in your capacity as an incumbent state legislator. You advise us that you may want to run for an elected position as the Mayor of Wichita. You further advise us that you would like to use your existing legislative campaign funds for this election. You note that the City of Wichita has passed Ordinance Number 44-852 which prohibits certain campaign contributions to candidates.


**QUESTION:**

May a state legislator use his State Representative Candidate Committee campaign funds to run for the Mayor of Wichita, pursuant to the Kansas Campaign Finance Act?

**OPINION:**

Nothing in the Kansas Campaign Finance Act prohibits a state legislator from using his existing campaign funds to run for a city office. See K.A.R. 19-22-1 and Commission Opinion 1997-17. You question the application of Wichita Ordinance Number 44-852. This Commission is not in a position to address this issue, as Wichita ordinances are not within our jurisdiction.

Sincerely,

  
Daniel Severt, Chairman  
By Direction of the Commission

DS:VMG:dlw

**GOVERNMENTAL ETHICS COMMISSION**

February 20, 2003

Opinion No. 2003-05

Richard A. Olmstead  
Husch & Eppenberger, LLC  
Epic Center  
301 North Main Street, Suite 600  
Wichita, Kansas 67202

Dear Mr. Olmstead:

This opinion is in response to your letter of February 11, 2003, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 25-4142 *et seq.* Thus, whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

**FACTUAL STATEMENT:**

We understand that you request this opinion on behalf of former state legislator Carlos Mayans who is currently a candidate for Mayor of Wichita. You have explained that on August 15, 2002, with the intent of starting a bona fide successor campaign, Mr. Mayans transferred \$50,000 from his Legislative campaign fund (Legislative Fund) to his Mayoral campaign fund (Mayoral Fund). This left his Legislative Fund with a balance of approximately \$22,000. Mr. Mayans then made expenditures out of the Legislative Fund for legislative expenses in the amount of \$3,410.19 and attorney fees in the amount of \$11,751.99 related to questions surrounding his ability to use campaign funds from his Legislative Fund in his Mayoral campaign. On December 31, 2002, Mr. Mayans closed the Legislative Fund and transferred the remaining balance of \$6,060.51 to his Mayoral Fund.

After contacting the Commission, Mr. Mayans learned that for his Mayoral Fund to be treated as a bona fide successor candidacy pursuant to K.A.R. 19-22-1, he should have transferred the entire balance and closed his Legislative Fund on August 15, 2002. To cure this mistake, Mr. Mayans reimbursed the Mayoral Fund with his own personal funds in the amount of \$3,410.19. He did not reimburse the Mayoral Fund for the \$11,751.99 in professional services rendered, because, after consulting with the Commission's staff, he believed this expense was a legitimate campaign expenditure for his mayoral campaign. As a result of these actions, Mr. Mayans believes that since August 15, 2002 all funds in his Legislative Fund have been either transferred to or used for the funding of his mayoral campaign which would then constitute a bona fide successor campaign.

### QUESTIONS:

1. Does the Kansas Campaign Finance Act prohibit a former State legislator from transferring funds from his Legislative campaign fund to his Mayoral campaign fund?
2. Based on the facts stated above, is Mr. Mayans' Mayoral campaign a "bona fide successor committee or candidacy" as contemplated by the Commission in K.A.R. 19-22-1?
3. Does the transfer of funds by a candidate from one candidacy to a bona fide successor candidacy constitute a "contribution" for purposes of K.S.A. 25-4143(e)(1) and K.S.A. 25-4157a(c)?

### OPINION:

Several statutes and regulations must be addressed in order to completely answer your questions. K.S.A. 25-4143(e) provides the definition of a contribution. It states in pertinent part:

"(1) 'Contribution' means:

"(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

K.S.A. 25-4157a(c) provides:

"No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution."

K.A.R. 19-22-1 states in pertinent part:

"... the carryover of funds or inventory by a candidate . . . from one election period to another or the transfer thereof to a bona fide successor . . . candidacy does not constitute a contribution."

When a candidate for one office chooses to run for a different or additional office, he may do one of two things with his campaign funds:

1. Pursuant to K.A.R. 19-22-1, he may "carryover" the remaining balance of campaign funds from the first campaign account into a new campaign account for the second office sought. If the transfer is performed in this manner, the second office sought is considered a "successor candidacy."


2. Or, he may choose to retain the first campaign account (to be used for the expenses of holding the first public office and legitimate campaign purposes related to a campaign for the first office and eventually, if the candidate chooses to close that account, distribute the funds pursuant to K.S.A. 25-4157a(d)) and also open a new campaign account for the second office sought with campaign funds solicited specifically for that second office. Pursuant to K.S.A. 25-4157a(c), however, if he chooses to retain the first account, he may not transfer any of the money from his first campaign fund to his second campaign fund because they are considered separate candidacies.

Therefore, with respect to your first question, so long as a candidate carries over the remaining balance of his first campaign fund to a bona fide successor campaign, the Campaign Finance Act does not prohibit the transfer. If, however, the candidate chooses to retain the first account, K.S.A. 25-4157a(c) prohibits the transfer of campaign funds between the two accounts.

With respect to your second question, although Mr. Mayans erred in not transferring all of his Legislative Fund at the time he originally opened the Mayoral Fund, he has corrected this mistake by reimbursing his Mayoral Fund for the Legislative expenditures. Because Mr. Mayans intended his mayoral campaign to be a successor campaign to his legislative campaign, and because all of the remaining money in the Legislative Fund was either transferred to or used for expenses related to the Mayoral campaign, the Commission considers the Mayoral campaign to be a bona fide successor candidacy.

With respect to your third question, K.A.R. 19-22-1 specifically provides that the "carryover of funds or inventory by a candidate . . . or the transfer thereof to a bona fide successor . . . candidacy does not constitute a contribution." This regulation has been in effect since 1975 and the Commission has been issuing opinions to this effect since 1976. See e.g. Commission Opinions 1976-03, 1997-03, 1997-16, 2002-09, 2002-20. It should be noted that the Legislature is well aware of the Commission's interpretation, as each election year the Commission's staff provides literature and other information to members of the Legislature which indicates that they may carryover their campaign funds from one campaign to another. Therefore, pursuant to K.A.R. 19-22-1, the carryover of funds from one campaign to a bona fide successor campaign is not a contribution, and does not violate the Campaign Finance Act.

Sincerely,



Daniel Severt, Chairman  
By Direction of the Commission

DS:VMG:dlw



TOPEKA

HOUSE OF  
REPRESENTATIVES

**Testimony on HB 2041**  
**House Governmental Organizations and Elections Committee**  
**January 25, 2005**  
**Presented by Representative Mario Goico**

Mr. Chairman and Members of the Committee, thank you for the opportunity to testify on HB 2041. This bill would changes to the Campaign Finance Act. It allows the candidates for public office to transfer money from one specific campaign fund to another.

I support this bill because people who participate in the political process by giving contributions need certainty that the advise the Kansas Government Ethics Commission provides can be relied upon. Taking back the administration of campaign finance from the courts is essential for the purposes of transparency. This bill legitimizes the transfers that have ocured since 1976.

Public officials engaged in electoral politics also need to have confidence that our campaign laws treat each candidate fairly and even handed. Allowing the current cloud to remain over the rules of campaign finance allows political mischief by opponents and erodes the publics' trust of currently elected officials. I can think of no greater disservice to our constituents than to allow the political process to bring about doubts of corruption to what is undoubtedly the finest institution in Kansas – the Kansas Legislature.

Passing HB 2041 will bring both the public and the candidates to a firmer understanding of what our current campaign finance laws are and put all candidates on an equal footing. Thank you, again.

House Gov. Org. & Elections  
Date: 1-25-05  
Attachment # 4



Submitted by:  
David Finley  
Ph. 316-943-7100  
KS. Plumbing, Heating,  
Cooling Contractors Assoc.,  
Assoc. of Mechanical +  
Sheet Metal Contractors  
of KS.

January 25, 2005  
Governmental Organization & Elections Committee  
Kansas House of Representatives  
Room 519 South  
Topeka, KS

Mr. Chairman, Ladies and Gentlemen of the Committee;

I would like to thank you for the opportunity to present House Bill 2058 to you this afternoon. To gain a perspective on why we need this amendment, please allow me to give you a brief history of the current State Statues 12-1508, 12-1509 & 12-1542.

These laws came about in the late 1980's to address the random patchwork of testing for the plumbing and HVAC industry in our state. The legislature established that Block & Associates (a national testing agency) would be the recognized test throughout the state for anyone wishing to enter the plumbing or HVAC industry. This eliminated the patchwork situation that had existed where towns had their own test and own license. By and large, the current statues have served the industry and the public well.

However, as with many pieces of legislation, time has shown a couple of areas of unintended consequences that need to be corrected. One such area is the unintended granting of a "license for life".

Let me explain the licensing process established by current statues. I will use the example of a person wishing to become a journeyman plumber. Any person wishing to become a licensed plumber would first go to their local municipality and request to take the "Block Test". (That is how the industry has come to refer to the state approved test given by Block & Associates.) Any person who then passes the test and meets the

House Gov. Org. & Elections  
Date: 1-25-05  
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criteria set out in 12-1509 would then be issued a "Block License". Once that person has earned their "Block License", they may then go to any municipality in the state and purchase a journeyman plumber license. By current state law, any "Block License" holder MUST be allowed to purchase their journeyman license. Although this is not a true statewide plumbing license, the system has worked reasonably well.

This is where the loophole has come about. When the Legislature passed 12-1509 & 12-1542, they did not put in any requirements regarding the length of time the "Block License" was good for. Therefore, by default, it is good forever. We see more and more people who have got their "Block License", but for whatever reason rarely, if ever, are actually working in the industry. Yet current law says that cities MUST sell that person a license no matter how long it has been since they earned their "Block".

Our industry is changing as rapidly as any other and a person who has not kept up with the industry is at least, inefficient and at most, dangerous. With the advent of items like high pressure gas services and equipment, a person certified just 5 years ago with no additional training, would be at a total loss to properly install, let alone service this new equipment. Would you go to a doctor or dentist who had never received any additional training since medical school? Would you want your children being taught by a teacher who had never had any continuing education? Then why do we accept someone in our home, business or schools to install or service equipment such as a gas furnace that has received no additional training since they first earned their certificate? HB 2058 would close this loophole and help protect the citizens of Kansas.

Additionally, it is important to understand that passing this bill does NOT create or establish ANY additional license fees or expenses. All that would be needed is when a

person applies for their license renewal, they would enclose a copy of their continuing education hours. This is very common in many other trades and professions, such as real estate, teaching, nursing, etc. Continuing education is currently available throughout the year in every part of our state.

Cities, counties, Vo-techs, associations, supply houses, all give various classes throughout the year. Most of them are free of charge. Any person legitimately in the industry is already receiving at least six hours a year just to keep up with new equipment, products, rules, regulations, skills, and techniques.

The second part of HB2058 addresses standardizing experience requirements to sit for the "Block Test". Most municipalities in Kansas require some minimum time in the industry before being sponsored to take the "Block Test". Although this typically varies from one to three years, a minimum of two years to sit for a journeyman test has been well received across the state. This also would clarify a confusing Attorney General Opinion in 1999 that has left City and County Inspectors scratching their heads whether or not they can require pretest industry experience. All of them agree on how important work experience is, but in a few areas, city or county attorneys are divided on whether or not they should require experience and have so advised their respective Inspection Departments. HB 2058 would establish a uniform minimum standard throughout the state, while still allowing municipalities to have more stringent standards if they choose. We have contacted the League of Municipalities to give them a heads up to this amendment and hopefully discuss any concerns they may have. As of today we have had no response. Please see the last page of the packet for a copy of the email. This bill gives more control to cities, not less, and as stated early will not create any additional work for

those cities which do require licensing. Again, for those smaller towns not requiring any trades licensing, there would be no change at all.

In Summary HB 2058 will:

- Give Cities and Counties a needed tool when issuing and renewing plumbing and HVAC licenses
- Utilizes the existing system of license issuance and renewal
- Continuing education is readily available throughout the state at little or no cost
- **NO** additional cost or additional record keeping for municipalities
- Increase in public safety with NO additional costs to state or towns

Please take the time to review the letters of support from a broad cross section of our industry. Contractors both large and small, government officials and relate trade associations, all have given their unqualified support for this amendment.

Again, we would urge you to vote in support of HB 2058.

I would be glad to answer any questions you may have.

Thank you,



David Finley

Executive Director; Kansas Plumbing, Heating Cooling Contractors Association

State Manager; Association of Mechanical & Sheet Metal Contractors of Kansas

Board Member; Mechanical Trades Advisory Council

Offices- 1632 South West Street  
Suite 3  
Wichita, KS 67211  
Phone: 316-943-7100  
Fax: 316-943-7108  
Email: dmfinley@prodigy.net

5-4

## HEART OF AMERICA CHAPTER, ICC

President Jim Sherman

January 24, 2005

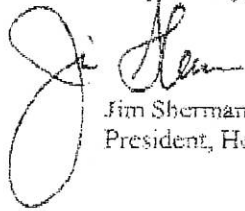
Dear Sirs:

As president of the Heart of America Chapter, I wanted lend my support of HB 2058. Our chapter consists of building officials and building inspectors from across the state employed by cities and counties. Our chapter is a professional association intended for the advancement of safe buildings and the promotion of the model code process.

It has been our pleasure in working with the PHCC to better consolidate the differences in the education and experience requirements to perform plumbing and heating trades within the state. Although some jurisdictions still prefer a higher standard for experience, the legislation drafted appears to be accepted by most of our members from across the state.

HB 2058 is legislation that should go forward. Your review of our support is appreciated.

Respectfully,



Jim Sherman  
President, Heart of America Chapter



January 20, 2005

Kansas State Legislature  
Governmental Organization Committee

Re: Continuing Education HB 2058

Dear Committee Members:

Our Staff has been as active member of the Mechanical Trades Advisory Council, a group made up of representatives involved in the HVAC and Plumbing Industry. One large need in our industry is to have some sort of continuing education. We as building inspectors are required to have continuing education, as are virtually every trade and profession in the state of Kansas.

Codes and technology are constantly changing. Unused skills become rusty and old knowledge not applicable. Current state law requires us to issue a license to an individual passing the state test indefinitely. There is no expiration. It is not uncommon here in Wichita for a person to take the appropriate examination and pass, work in the trade for a while and then leave for years, typically to the aerospace industry. Years later that individual may be laid off. When they come to us, currently we HAVE to re-issue them a license again, even though they may not have kept up with the changes in the industry, especially codes. Individuals MUST keep themselves abreast of Technology and National Codes in order to serve and protect the consumers within that community.

HB 2058 would close this loophole. Furthermore, this still allows each local community to determine what is acceptable for continuing education in their community. Additionally, we do not anticipate the administration of this bill would add any significant cost or labor to our current licensing program. We envision enforcing this by having the person document their continuing education when annually renewing their license.

**Office of Central Inspection**

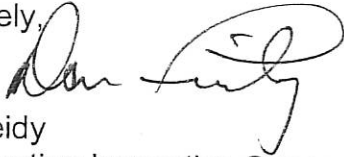
City Hall • 7th Floor • 455 N. Main • Wichita, Kansas 67202-1600

T 316.268.4460 • F 316.268.4663

5-6

We pride ourselves on promoting and encouraging safe, quality construction for the City of Wichita. This bill is needed to help us continue making a better quality of life for the citizens of Wichita.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Leidy". The signature is fluid and cursive, with a large loop at the end.

Dan Leidy  
Construction Inspection Supervisor  
Office of Central Inspection  
City of Wichita, KS.

Building Services  
Room 201  
City-County Building  
300 West Ash • P.O. Box 736  
Salina, Kansas 67402-0736



TELEPHONE • (785) 309-5715  
FAX • (785) 309-5713  
TDD • (785) 309-5747  
E-MAIL • mike.roberts@salina.org  
WEBSITE • [www.salina-ks.gov](http://www.salina-ks.gov)

January 24, 2005

Kansas State Legislature  
Governmental Organization and Elections Committee

Re: Continuing Education for Licensed Contractors, HB 2058

Dear Committee Members:

Our Staff is firmly in support of this initiative. Several members of my staff and I are certified by various Code organizations in diverse disciplines of building inspection including building, plumbing, mechanical and electrical. It has long been the policy of these organizations that certification must be renewed by continuing education and by retesting every three years in order to maintain competency. In like manner, our emergency medical responders and our firefighters are required to complete continuing education. It has long been our opinion, and we have expressed it to our local contractors, that it is frustrating that the tradesman that was tested and licensed 25 years ago is allowed to be relicensed with no required provisions to maintain their proficiency.

Technology and codes are constantly evolving. Unused skills become outdated or forgotten. Voluntary commitment to excellence separates the best and most competent contractors from the poor contractors, but when the safety of the consumer is on the line, how does the consumer discriminate between the two? A quality inspection program is not the ultimate safeguard in and of itself. We rely on the competency of the skilled tradesman, and so does the consumer, particularly on those installations or repairs that do not require a permit and inspection. A state-wide program of required continuing education would elevate the basic protections for all consumers, and level the playing field for the contractor who desires to maintain the integrity of his or her industry.

In addition, we support the initiative as proposed because it allows each local community to determine what is acceptable as continuing education for its own local contractors while at the same time recognizing the sovereignty of other communities to determine what is available and acceptable for their contractors. This mutual regard for other communities' standards is also essential to the portability of the contractors' license in order for that license to be recognized state-wide through this program.

We do not anticipate that the administration of this program would add any significant cost to our licensing program. We envision a requirement in which the contractor would have to submit documentation of his training in addition to the verification of insurance that they are currently required to furnish at license renewal. Our licenses are valid for three years.

Our Department's mission is to encourage and promote safe, quality development and construction in the City of Salina. As a representative of local government charged with the implementation of that mission, I urge your support of this bill.

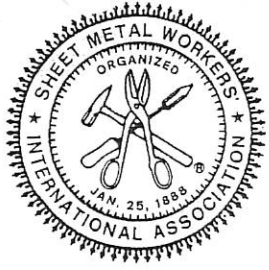
Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Roberts', written over a horizontal line.

Michael Roberts  
Building Official

*"Our Mission is to encourage and promote safe, quality  
Development and construction in the City of Salina"*





*Sheet Metal Workers' International Association*  
*Local Union No. 29*

1723 Southwest Boulevard

Wichita, KS 67213, Phone: (316) 941-4311, Fax: (316) 941-4313

January 24, 2005

Commerce and Labor Committee  
Kansas Legislature  
Topeka, Kansas

Dear Committee Members,

This letter is in regards to bill HB 2058. After what has happened in the City of Wichita at Marshall Middle School in November 2004, this bill is needed in the State of Kansas in the worst way.

Rapid changes in our industry demand that all workers keep their skills up to date. Training and updating training should be put into the highest prospective, union or non-union. Apprenticeship and journeymen training is very important in the construction industry.

The members of Sheet Metal Workers International Association Local 29 support this bill.

Again, we urge passage of bill HB 2058.

Sincerely yours,

Kirby Clark  
Business Manager  
Sheet Metal Workers International Association Local Union 29

KC/sb

January 20, 2005



Government Organization and Elections Committee  
Kansas Legislature  
Topeka, KS

RE: HB 2058

Ladies and Gentlemen:

As past President of the Kansas Plumbing Heating Cooling Contractors Association as well as a business owner/master plumber in Kansas and Oklahoma, I have met with several leaders of our industry. Through exchanging thoughts and ideas, I have gained a great deal of knowledge from these individuals.

This House Bill is not about these individuals but is needed for the plumbers that have had no contact with changes in codes and materials.

I live in Ulysses, Kansas, located in the southwest corner of the state. People in our area have a much harder time finding the face-to-face resources that are more readily available in other parts of the state.

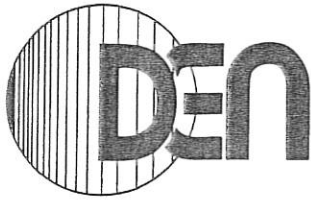
The passing of this House Bill will not allow these individuals to continue to slip through the cracks. More importantly, it will require these certain individuals to receive continuing education and stay to date on the ever changing requirements and life safety issues we as plumbers deal with while working among the public. Our hands touch numerous lives.

Please consider the stated above when reviewing HB 2058. This bill is a key priority.

Thank you for your time.

Sincerely,

Robert J. Kreutzer



**DEN Management Co., Inc.**

4053 Navajo, Wichita, Kansas 67210  
(316) 686-1964 FAX (316) 681-1968

January 20, 2005

Governmental Organization Council  
Kansas Legislature  
Topeka, Kansas

Ladies and Gentlemen:

As past president of the Association of Mechanical & Sheet Metal Contractors, Past National President of the Sheet Metal Air Conditioning Contractors National Association (SMACNA), current Co-Chair of the International Training Institute and owner of one of the larger mechanical contracting companies in Kansas, I have had the opportunity to travel this country and experience first hand both the good and bad in our industry. Without a doubt, training and education is the future of the plumbing and HVAC trades.

I strongly support HB 2058, an effort to bring at least a minimum of continuing education to our industry. By utilizing the existing law, cities and counties would not incur any additional exposure or workload and I know education classes are given almost weekly around the state, most of which are free.

Please make every effort to quickly pass this needed bill.

Thank you for your consideration of this important matter.

Cordially,

DEN MANAGEMENT COMPANY, INC.

A handwritten signature in black ink, appearing to read "David E. Norris".

David E. Norris  
C.E.O.



7330 West 13th • Wichita, KS 67212 • 722-9631

Kansas State Legislature  
Governmental Organization &  
Elections Committee

Dear Sirs:

I am writing to inform you of my strong support of HB 2058, a bill that would strengthen and support our stand that to keep your license current, you need additional training. This bill will promote professionalism in the plumbing industry.

As a member of the KPHCC, I am kept up-to-date on all business issues, and I will be watching this vote very closely. Again, I urge you to vote for HB 2058.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Goodwin".

Jerry Goodwin  
President

5-12

Dear David Finley:

I am a Master Plumber for  
C.J. Pray Service LLC. I am  
in support of HB 2058 so we  
can have experienced people  
in the plumbing field and  
continuing education.

Linda Pray  
C.J. Pray Service LLC



01/15/05

**Mechanical Trades Advisory Council**  
% Jerry Jones  
1330 E. 1<sup>st</sup>  
Wichita, Kansas 67214

The Kansas Cooling Contractors Association, both Board of Directors and the General Membership would like to make clear our position concerning continuing education for our industry. In the past several weeks it has come to our attention that the KCCA may not support or encourage continuing education within our industry. The KCCA has been involved with the City of Wichita and attended some of their Mechanical Board meetings. The KCCA recognizes that the experience requirements concerning applicants who are applying for a City License is a legitimate request. Let me make this as clear as possible and that is that the KCCA is totally dedicated to education in what ever form it may be presented. The KCCA has been present with both the Plumbers Association ; Mechanical Trades Advisory Council and the USD 259. The KCCA is aware that our involvement in education is recognized by the Mechanical Trades Advisory Council, but we feel that in light of what has transpired in the past several weeks, it was time to make a written statement of our position.

**Danny J. Davis**  
**President KCCA**

✓  
cc/ Mark Brand  
President PHCC



## BRAND PLUMBING, INC.

January 21, 2005

Commerce and Labor Committee  
Kansas Legislature  
Topeka, Kansas

Dear Committee Members,

As a Kansas Plumbing Contractor I am strongly in favor of establishing Continuing Education for our industry as a requirement for licensing. As a business owner for over 25 years I have seen dramatic changes in the plumbing industry. I have taken it upon myself to learn about the new materials, improved installation processes and new code regulations.

Engineers, doctors, nurses, teachers, lawyers, the list goes on of professions that have guidelines in place. Establishing Continuing Education Guidelines for our industry would go along way toward bringing back some of the professionalism that our industry has lost. It is imperative that continuing education guidelines be established to help protect the health and welfare of the public.

I strongly urge you to support HB2359.

Respectfully,

Marc A. Brand  
President



76 Ash Street • PO Box 272  
Leavenworth, Kansas 66048

Phone 913.682.2182  
Fax 913.682.1437  
Toll 1.877.682.2182  
E-mail jfdenney@birch.net  
www.jfdenneyplumbhtg.com

308 Commercial  
Atchison, Kansas 66002  
Phone 913.367.2309

John F. Denney, Jr. - President  
Joey Denney - Vice President  
Mark W. Denney - Treasurer  
Debra Cave - Secretary

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PLUMBING HEATING COOLING CONTRACTORS ASSOCIATION

January 20, 2005

House of Representative  
State of Kansas  
Topeka, Kansas

Re: HB 2058

Dear Honorable Representatives,

J. F. Denney has been in the plumbing and heating business in Leavenworth since 1952. I have been active continuously since 1970.

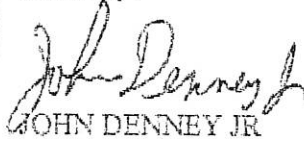
As a contractor, I feel very responsible for the safety and welfare of our employees and customers. One of the ways that we are able to work responsibly is to make sure our employees are properly trained. Just this week, we are sending employees to class on subjects ranging from carbon monoxide monitoring to trench safety.

Unfortunately, a lot of licensed contractors do not feel a need for continuing education to keep their employees properly trained and up to date with the latest improvements or changes in our industry. Safety is just one example of why we continually need education.

One way governing bodies can help is to require, by legislation, a certain number of hours of continuing education per year to keep your license current. House Bill 2058 will help to hold our industry to standards similar to other trades and industries.

I encourage you to favorably consider and vote for HB 2058.

Sincerely,

  
JOHN DENNEY JR

President

Free estimates on remodel jobs and new construction.





MECHANICAL AND

SHEET METAL CONTRACTORS ASSOCIATION, INC.

January 25, 2005

Governmental Organizations & Elections Committee  
Kansas State Legislature  
Reference: HB 2058

Dear Committee Members:

Both the Board of Directors and the general membership of the Association of Mechanical & Sheet Metal Contractors Association are proud to join with the other fine industry organizations and our dedicated public servants to support HB2058. This bill addresses shortcomings in the existing laws and will serve to correct those current deficiencies.

We look forward to working with you to passed this needed amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'David M. Finley'.

David M. Finley  
Executive Director

5-17

DAVID M. FINLEY  
EXECUTIVE DIRECTOR

# KANSAS



NATIONAL ASSOCIATION OF  
PLUMBING • HEATING • COOLING CONTRACTORS

## PLUMBING, HEATING, COOLING CONTRACTORS ASSOCIATION, INC.

1632 S. WEST ST., SUITE 3, WICHITA, KANSAS 67213  
PHONE 316 / 943-7100 FAX 316 / 943-7108

January 25, 2005

Kansas State Legislature  
Governmental Organization Committee  
HB 2058

Dear Committee Members:

The Kansas Plumbing, Heating, Cooling, Contractors Association is one of the oldest and largest plumbing and HVAC trade associations in the state. As President of this fine organization, I take great pride in the professionalism of our membership.

We continually strive to "raise the bar" of our industry. Our industry is changing as fast as any other in this day and age. It is no longer enough to earn your license and never again receive any training. In fact, most legitimate people in the industry currently receive education on new products, techniques, etc.

The problem is those people who do not keep up with changes and the potential danger they represent. Couple that with conflicting attorney opinions from city to city on work experience and the fine people who make up the building inspection departments throughout the state really have their hands tied.

HB2058 amends current laws to fix these problems. A large, varied group of private and public organizations has come together to draft and support this bill. We ask for your support in helping correct these problems and in doing so, making our industry safer and more efficient for the citizens of Kansas.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc A. Brand', is written over a horizontal line.

Marc Brand  
President, Kansas PHCC

d' Finley

From: dmfinley [dmfinley@prodigy.net]  
Sent: Thursday, January 20, 2005 2:40 PM  
To: dmoler@lkm.org  
Subject: HB 2058

Dear Don:

Last year, a large group of building inspectors, industry labor, management, trade associations and others introduced HB 2359. This bill was written in the response of building inspectors around that state to close a loophole in the current law. The loophole exists in 12-1509 and 12-1542. These laws written quite a while ago established some basic criteria for testing and licensing of the plumbing and HVAC people in Kansas. They, by and large, have worked well. We have good cooperation among those cities and counties that have chosen to participate without imposing anything on towns that don't participate.

The reason for last year's HB 2359 was to address the concerns several cities and counties have about the existing law. It seems there is no expiration on the certificate one receives when they pass the Block test. What is increasingly happening is individuals who passed the test years ago and have been out of the trade are now coming back and wanting the cities to sell them a license. The way the current law is written, municipalities are forced to sell them a license, even if the person is no longer competent. HB 2359 addresses this by closing the hole requiring people to get some training each year.

HB2359 passed the Commerce and Labor Committee unanimously last year. Before the full house vote, another concern was raised, specifically by Salina, Wichita, and Sedgwick County. That concern was an attorney general opinion regarding the legality of cities on requiring a prerequisite before they will sponsor a person to take the Block examination. Rather than try and rush through an amendment etc., we pulled the bill and decided to work together and reintroduce the revised version this year.

That version is HB 2058. The main change from HB 2359 is the additional language to clarify and standardize a minimum work experience before a person can take the exam. Currently, we have a bizarre situation. Right here in Wichita for example, their city attorney has decided the AG opinion allows the City to require two years of field experience before a person can take the journeyman exam. Additionally, a person must work two more years before they can sit for the master's test. Two and two is pretty common around Kansas and indeed around the country. Yet, Sedgwick county attorneys have told their inspection staffs that this AG ruling says they cannot require any experience at all before sitting for either the journeyman OR masters exam. So we have people going to the City of Wichita with no experience at all wanting to become a journeyman plumber. City says no, you need two years experience. That person then goes right down the street and Sedgwick county will let them take a journey OR masters test.

I think you see the problem. Assuming the individual can pass the written test, he now has a masters license to plumb anywhere in the state with NO experience. Remember, current law mandates that a person with the Block certificate has to be sold a license anywhere in the state.

HB 2058 will properly fix the problem this vague AG opinion has caused as well as giving cities and counties more control in their own destiny.

One last important point. The cities anticipate there would be virtually no extra paperwork or expense to administer this. The mechanics discussed are as simple as when the individual comes in to renew their license (generally annually) the licensee must show proof of attending the 6 hours. That's it.

I apologize for not getting this to you earlier, but I only learned the bill was assigned a number and a hearing last night. It is scheduled for Governmental Organization next Tuesday, January 25th in room 519s at 3:30. We would hope you could take the time to review it and see why this is important for city and county inspection departments around the state.

Cordially,

David Finley  
On behalf of the Members of the Mechanical Trades Advisory Council.

5-19

Submitted by:  
Lonny G. Wright

January 24, 2005

Committee: Governmental Organization and Elections Committee.  
HB 2058 - Proponent

I am Lonny G. Wright, a second-generation plumber from Wichita. I was a non-union residential repair plumber before being accepted into the union in 1992. I serve as a member of the Wichita Plumbing Board of Appeals and I am secretary to the Mechanical Trades Advisory Council. Both my union and non-union friends agree that HB 2058 is the right legislation for the protection and safety of the public.

(a)(4) Informed tradespersons protect the public through their knowledge of the equipment and systems they install and repair. Professions are quickly realizing the value of keeping their members up to date with continuing educational offerings. In the trades we have been having more and more individual certificates to perform task like the installation of medical gas, backflow preventers, tankless water heaters and others. Jurisdictions all over the country have begun requiring continuing education and some in Kansas are now requiring it for their area. Johnson County being one. This bill provides a least restrictive means for tradespersons to obtain continuing education. A local government staff or board may approve any real training they want. This allows those currently offering training to continue with approval.

I am most concerned with the provisions on experience.  
Experience is a basic value of any trade or profession. It has been so for thousands of years. Prior to the standard examination legislation that was enacted in the 1986, jurisdictions all over the state required experience before an applicant was sponsored to take the written examination. Experience has continued to be a requirement for most of them..

In a 1999 Attorney General's Opinion, #99-44\*, the Parsons City Attorney asked if an apprenticeship could be required *after* an applicant had passed the standard examination. The AG's office responded that there cannot be any additional requirements besides the exam. The result has been that some jurisdictions are no longer requiring experience. A person can now obtain a Master's license, establish a business and offer services to the public without any field experience. A person may have never lit a pilot but they can now legally work on your furnace.

(f) Requires another 2 years experience to obtain a Master's certificate.  
Subsections (e) and (f) clarify the original intent and current practice in Kansas.

Submitted,

*"Dr. LonnythePlumber"*

Lonny G. Wright, J.D.  
Master Plumber #3521  
Building Contractor #2840  
1020 W. MacArthur Road, Wichita, Ks 67217

\* [kscourts.org/ksag/opinions/1999/1999-042.htm](http://kscourts.org/ksag/opinions/1999/1999-042.htm)

House Gov. Org. & Elections  
Date: 1-25-06  
Attachment # 6

Submitted by:  
Mike Lee  
Ph. 357-5123

January 25, 2005

Governmental Organization & Elections Committee

Kansas House of Representatives

Room 519 South

Good Afternoon;

I thank you for the chance to speak as a proponent of House Bill 2058. Many hours of discussion and negotiation have gone into this proposed amendment of current state law. These changes are the culmination of the efforts from trade associations, unions, contractors, cities and other organizations. It is a rare occasion when business and labor come together and request more regulation from you, the legislative body.

I believe this has come about because we all feel within our industry that we are accountable for the comfort, health and safety of the homes, schools and businesses we build and maintain. Our industry strives to provide an environment that everyone in Kansas can take for granted; they will be comfortable, dry, and have safe water to drink or bathe. We want our citizens to continue to take all of this for granted. Recent devastations in Florida and the Tsunami point out how important these basic fundamentals of society really are.

We come before you today requesting the passage of this bill. It would require license holders of our trades to attend six hours a year of continuing education.

We believe this is a minimum to keep up to date on changes in the industry and

House Gov. Org. & Elections  
Date: 1-25-05  
Attachment # 7

additionally would serve as a reminder that their work has a direct impact on the safety of Kansas's citizens. Additionally, this statute addresses a problem that has come to light in the last few years. Current law does not stipulate an equitable requirement of experience to sit for the trade testing. It varies from none to five years currently. Some of the cities or counties that do not require any experience do so not of their choosing, but on the instructions of their attorneys. A lot of discussion from all the groups mentioned above went into the final language that sets a minimum standard.

In closing, I must point out that passage of this bill will not add any undo burden or expenses to either cities or to the individual license holder. By and large the current state laws our industry lives under work well. HB 2058 will make two small but important updates to these current laws, update that will raise the quality of the industry and better serve the citizens of Kansas.

Thank you for your time.

Mike Lee

Lower Mechanical Company

501 SE 17<sup>th</sup> St.

Topeka, KS 66607

785-357-5123



## CITY OF TOPEKA

Development Services Division  
515 S Kansas Ave – 4<sup>th</sup> Floor  
Topeka Ks 66603-3415  
Phone 785-368-3905



**Re: House Bill No. 2058**

**Dear Chairman & Members of the Governmental Organization Committee,**

My name is Bruce Pfeiffer, and I am here representing the City of Topeka, to speak in favor of House Bill No. 2058. This Bill would require a minimum of 2 years field experience by individuals desiring to work in the plumbing, heating and air conditioning trades, prior to taking the State trade examination. It also requires yearly "continuing education" hours for those working as practicing plumbing and heating and air conditioning journeymen and masters in the state of Kansas.

I have been a licensed plumber in the City of Topeka, for over 25 and currently hold a Master's license in both the Plumbing and Mechanical trades. In 1989, I took a position as a Plumbing Inspector with the City of Topeka and am currently the Senior Plumbing Inspector. During my tenure with the City, I have had the opportunity to participate as a member of many national committees in connection with IAPMO, (International Association of Plumbing and Mechanical Officials) the authors of the Uniform Plumbing Code and Uniform Mechanical Code and am currently a member of the Board of Directors for that organization. My association with these committees has proven to me, that our codes are in fact living documents.

Every three years revised editions of the plumbing and mechanical codes are published. These documents may contain the addition of hundreds of new plumbing products and materials, prompting wholesale changes in manufacturing standards, installation practices and code regulations. We as consumers depend on the expertise of the tradespersons in our communities, to install these products in a safe, sanitary and dependable manner. We rely on them to protect our drinking water from contaminants, remove wastewater in a sanitary manner, supply fuel to our gas burning appliances and supply clean efficient heating and cooling for our homes and businesses. For these reasons, I feel that it is imperative that those individuals working in the plumbing, heating and cooling fields have a good working knowledge of their chosen line of work at the onset and that they stay abreast of the constantly occurring changes in materials, codes and installation practices.

Respectfully,

Bruce A. Pfeiffer  
Senior Plumbing Inspector  
City of Topeka

House Gov. Org. & Elections  
Date: 1-25-05  
Attachment # 8

Submitted by:  
Jerry Jones

25 JANUARY 2005

Governmental Organization and Elections Committee  
Representative Jene Vickrey---Chair

HB 2058---Proponent

Committee Members

I am Jerry Jones----and today as many other days I wear more than one hat and represent a multiple of organizations.

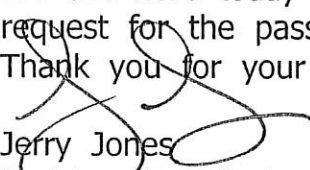
I am the Training Coordinator for the United Association of the Plumbers and Pipefitter Local Union #441 of Kansas, we currently have approximately 140 Apprentices in our Training Programs state wide, all of which will be appropriately licensed upon completion of their apprentice training. We currently have approximately 600 licensed Plumbing and Mechanical members.

The Local Union, The Training Programs, and our signatory contractors whole heartedly support the adoption of HB 2058.

That's one hat-----now for the real back-up. I am the current Chair of an organization titled the MTAC----Mechanical Trades Advisory Council. This council is made up of and represents Contractor Associations, Inspection Entities and Trade Groups in south central Kansas and is open to any organization or entity related to the Mechanical and Piping Industry and yes both Union Affiliated and Open Shop are part of this Council.

Approximately two (2) years ago the MTAC sponsored an on-going survey---a copy of which with results is attached. HB 2058 addresses question's 3 & 4. The survey was conducted state-wide using Plumbers & Pipefitters Local Union #441, The Kansas Plumbing, Heating & Cooling Contractors Association and the Associated General Contractors Association to reach as many Industry related parties as possible. At our best count we have an approximate 22% return rate----survey people tell me that is a good return----and as you can see the result supports the provision of HB 2058.

We are here today to ask that each of you support the industry's request for the passage and implementation of HB 2058.  
Thank you for your time and consideration.

  
Jerry Jones  
Training Coordinator U. A. L. U. #441  
Chair MTAC

House Gov. Org. & Elections  
Date: 1-25-05  
Attachment # 9



Current State statutes allow for only one testing agency to administer State trade certification testing, (i.e. electrical, mechanical and plumbing journeyman, master, etc.) and two testing agencies to administer State contractor certification (i.e. building contractors).

The results of this survey will be used as the basis for legislation to change our current State statutes.

1.) Do you favor additional Testing Agencies?

Yes 92% No 7% No Opinion 1%

2.) Should the testing Agencies be true 3<sup>rd</sup> Party entities----ie---Independent of code writing organizations?

Yes 88% No 10% No Opinion 2%

3.) Do you favor a practical experience requirement prior to certification testing?

Yes 100% No \_\_\_\_\_ No Opinion \_\_\_\_\_

If "YES" duration of practical experience 74% 2yrs. 7% 3yrs. 12% 4yrs. 7% other

4.) Do you favor a continuing education requirement for construction certification?

Yes 86% No 6% No Opinion 8%

5.) Would you favor having the current state certification also recognized as a state wide license?

Yes 96% No 2% No opinion 2%

Please complete the following:

Company Name \_\_\_\_\_ Completed by \_\_\_\_\_

Address \_\_\_\_\_ Position \_\_\_\_\_

\_\_\_\_\_

This is a state wide survey---please feel free to copy/distribute within your organization--- all person/organization working in the trades are ask to participate in this survey.

Upon completion please return to; \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

or fax to; \_\_\_\_\_

QUESTION---CALL \_\_\_\_\_



DEPARTMENT OF CODE ENFORCEMENT  
Sedgwick County, Kansas

1144 South Seneca  
Wichita, Kansas 67213-4443  
Phone: (316) 383-7951  
1-800-527-CODE  
FAX: (316) 383-7502

*Glen Wiltse, C.B.O., C.B.I.*  
Director

TESTIMIMONY HB 2058  
HOUSE GOVERNMENT ORGANIZATION AND ELECTIONS  
COMMITTEE  
JANUARY 25, 2004

Chairman Vickrey and members of the committee, I appreciate the opportunity to submit written testimony on behalf of the Board of County Commissioners of Sedgwick County in support of HB 2058.

This is a bill that would assist the industry by establishing time lines for individuals to work with certified tradesmen before taking the examination prematurely. In many cases individuals are capable of passing examinations but are unable to perform the actual work that is required on the job site. Hand's on training is an essential part of this trade, and at this time our current statute's do not allow for a jurisdiction to require this before taking an exam. Currently most jurisdictions will adopt new codes tri-annually. Requiring each journeyman and master tradesman to attend 6 hours of training per year allows them to be updated on the new regulations and the new products that are allowed in the industry. Without this requirement many tradesmen are not aware of these changes.

For the above reasons Sedgwick County is supporting HB 2058 and are asking for your support.

Thank you,

Glen Wiltse  
Director-Sedgwick County Code Enforcement

"...TO BE THE BEST WE CAN BE."

House Gov. Org. & Elections  
Date: 1-25-05  
Attachment # 10



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League of Kansas Municipalities

Date: January 25, 2005  
To: House Governmental Organizations and Elections Committee  
From: Larry R. Baer  
Assistant General Counsel  
Re: HB 2058 - Testimony in Opposition

Thank you for allowing me to appear before you today on behalf of the League of Kansas Municipalities and its member cities.

The League appears in opposition to HB 2058. HB 2058 would amend K.S.A. 12-1509 and 12-1542 to mandate that cities require certain contractors to obtain continuing education in order to be licensed by the city and require minimum mandatory work experience before certain tests could be taken. This impinges upon the city's right of local control. The League has a long history of supporting local control. The basis for local control comes from the Kansas Constitution, Article 12, Section 5 (b), which provides in part: "Cities are hereby empowered to determine their local affairs and government ... ." Thus, there is a constitutional directive to allow and permit a city's governing body to consider and enact local provisions believed to be in the best interest of its citizens.

The testing and licensing of contractors is not bad. It serves a valid purpose of protecting the health, safety and welfare of the citizens of the community. Under K.S.A. 12-1509 and 12-1542 whether or not to require licensing is discretionary with each city. The city can even decide what type of testing and licensing to do. If its standards are different than those in K.S.A. 12-1509 and 12-1542 the only consequence is that a contractor licensed with that city lacks reciprocity with cities requiring the statutory minimums.

We believe that cities are currently free to require continuing education of contractors and, further, we believe that cities are free to require that the "Block test" certificate have to be renewed on some regular basis. However, if education is mandated it may negatively impact smaller communities. Often, there may only be one or two individuals who are licensed. Requiring them to seek and obtain further training or education may cause them to decide that they no longer want to be of a service to the community.

This is not an issue of whether licencing and education is good or bad. It is an issue of local policy and local choice and control. Just as cities are free to decide whether or not to test and license, they should be free to decide whether or not to require continuing education of their licensed contractors. For these reasons, the League of Kansas Municipalities opposes HB 2359 and urges the Committee to reject it.

House Gov. Org. & Elections  
Date: 1-25-05  
Attachment # 11

HAROLD LANE

REPRESENTATIVE, 58TH DISTRICT  
 1308 S KANSAS AVE  
 TOPEKA, KANSAS 66612  
 (785) 232-3610



TOPEKA

HOUSE OF  
 REPRESENTATIVES

## OFFICE ADDRESS

300 SW 10TH AVE  
 CAPITOL BLDG—ROOM 273-W  
 TOPEKA, KANSAS 66612-1504  
 (785) 296-7690

## COMMITTEE ASSIGNMENTS

MEMBER: APPROPRIATIONS  
 GOVERNMENTAL ORGANIZATION  
 AND ELECTIONS  
 CHAIRMAN: SHAWNEE COUNTY DELEGATION

**TESTIMONY**

Thank you Chairman Vickrey and fellow committee members for allowing me to testify before you today. House Bill 2083 is a bill that is in response to the voters of Topeka, and Shawnee County from the past election. In November the voters approved to authorize the Legislature to create a commission to create a plan to consolidate the Topeka, KS and the Shawnee County Government.

House Speaker Doug Mays guided the delegation through the process of drafting this bill during our December meeting. Along with testimony from Shawnee county Commissioner Vic Miller, and Mayor James McClinton, the delegation by a unanimous vote of all twelve members agreed to this bill.

Sec. 2 lays out how the commission would be created. They will be appointed by leaders of the Senate, and the leaders of the House, and the Governor for a total of five members. The timeline for the commission once formed are clearly laid out in the bill. Once the commission has held the public hearings on the proposed plan, the plan will go before the voters by a special election to be by mail ballot. The plan will have to be approved by the Voters of Shawnee County, and by the majority of the voters of Topeka.

Section 9 provides for a temporary moratorium on unilateral annexation during the time the commission is meeting. All other kinds of annexation are allowed. There is a sunset provision set for June 30, 2006.

Thank you again for hearing my testimony and I will gladly stand for questions.

Harold Lane  
 State Representative  
 District #58

House Gov. Org. & Elections  
 Date: 1-25-05  
 Attachment # 12

**QUESTIONS SUBMITTED**

**COUNTY CONSOLIDATION COMMISSION QUESTION**

SHALL THE FOLLOWING BE ADOPTED?

Shall a consolidation commission be appointed to recommend a plan of consolidation of Topeka, Kansas and Shawnee County governments or the consolidation of certain offices, functions, services and operations thereof?

- YES
- NO

**CITY OF TOPEKA COUNCIL-MANAGER QUESTION**

SHALL THE FOLLOWING BE ADOPTED?

Shall Charter Ordinance No. 94 changing the form of government from a strong mayor-council form to a council-manager form entitled: "A Charter Ordinance introduced by Councilmembers Lisa Stubbs, Bill Haynes, Duane Pomeroy, Jeff Preisner, and Gary Price relating to a change in the form of government for the City of Topeka, Kansas, repealing Charter Ordinance Numbers 65, 66, 72, 73, 75, 87, 90, and 92 and any other ordinance in conflict herewith" take effect?

- YES
- NO

**TOPEKA, TECUMSEH AND MONMOUTH TOWNSHIPS FIRE DISTRICT QUESTION**

SHALL THE FOLLOWING BE ADOPTED?

Proposition to create a new fire district consisting of all land within the boundaries of Topeka Township, Tecumseh Township, and Monmouth Township.

- YES
- NO

**TECUMSEH TOWNSHIP LAND QUESTION**

SHALL THE FOLLOWING BE ADOPTED?

Shall Tecumseh Township, Shawnee County, Kansas, be authorized to spend \$12,000.00 plus closing costs to purchase approximately eight (8) acres immediately west of the existing township road department to be used for township purposes including the storage of township equipment, as authorized by K.S.A. 80-104, 2003 Supp. as amended by Session Laws Chapter 166?

- YES
- NO

**ROSSVILLE TOWNSHIP ROAD MAINTENANCE QUESTION**

SHALL THE FOLLOWING BE ADOPTED?

Shall the Rossville Township assume control and responsibility for the maintenance, repair, and construction of all township roads in Rossville Township, Shawnee County, Kansas?

- YES
- NO

**AUBURN CITY QUESTION**

SHALL THE FOLLOWING BE ADOPTED?

Shall City of Auburn Charter Ordinance No. 3, entitled "A Charter Ordinance exempting the City of Auburn, Kansas from the provisions of K.S.A. 41-712 prohibiting alcoholic liquor sales on Sunday and certain holidays", relating to the retail sale of intoxicating liquors and beverages, as passed and approved by the Council of the City Auburn, Kansas on July 6, 2004, take effect?

- YES
- NO

House Gov. Org. & Elections  
 Date: 1-20-05  
 Attachment # 12

**READ BOTH SIDES**

**HOUSE BILL No. 2083**

**Bob Haselwood**

Chairman Vickrey, members of the committee, I would like to thank you for the opportunity to speak before you today in favor of HB 2083.

My name is Bob Haselwood and I am a life long resident of southeast Shawnee County.

I will be honest with you that I do not like the subject of city and county consolidation. But after the November ballot question, I do know that there will be a commission appointed to address the issue. As a whole I do feel that HB2083 does a good job of establishing guidelines for commission appointment and other provisions in a fair and equitable manner. But there are a few points that I would like for the committee to consider.

I would to like see some kind of limit to the number of commission members as to their residence be it city or county.

I question whether 60 days is enough time to thoroughly study and prepare a consolidation plan.

I would also like to see some kind of provision in the bill that would guarantee that any regulations in regard to any agricultural operation be no more strict than current state statute.

Once again I would like to thank you for the opportunity to speak to you today.



## Shawnee County Board of Commissioners

Rm. B-11, Courthouse Topeka, Kansas 66603-3933

Marice Kane, 1st district

Vic Miller, 2nd district

Theodore D. Ensley, 3rd district

(785) 233-8200 ext. 4040, Fax: 785-291-4914

E-Mail: [Commission@co.shawnee,ks.us](mailto:Commission@co.shawnee,ks.us)

Network Address: [www.co.shawnee,ks.us](http://www.co.shawnee,ks.us)

January 25, 2005

Thank you Mr. Chairman and members of the committee. My name is Vic Miller. I currently serve as Chairman of the Shawnee County Commission although my testimony today is my own and not on behalf of the Commission. I support HB 2083 and urge your timely action to advance the bill to the full House. Representative Gordon is to be commended for building consensus of our Shawnee County Legislative delegation. I believe this bill accurately reflects that consensus.

Having served eight years as Topeka City Councilman and eight years as Shawnee County Commissioner, I am convinced that duplication of costs and services does exist and can be eliminated through consolidation of these two governmental units. We are not Kansas City nor Wyandotte County and what works there will not necessarily work here. But I have confidence that a body of five Shawnee Countians, the appointment of which is provided for in this bill, can devise a plan that will fit the needs of our community as well as receive the support of both a majority of Topekans and non-Topekans.

I know there are residents of Shawnee County who live outside Topeka's city limits who fear they will be overwhelmed by the more populous city. However, the requirement that approval come both from inside and outside the City provides a necessary safeguard for the minority.

I know the City objects to the short moratorium on unilateral annexation that will exist while the consolidation commission completes its work. However, I don't recall a single unilateral annexation in our City in the last fifteen years. I believe, and I think our local legislators agree, that efforts to unilaterally annex coincidental to a consolidation effort would be disruptive, divisive and confusing to the process. In the interim, the City would not be unduly inhibited in its efforts to expand, having completed more than 30 annexations in just the last four years without the use of its unilateral powers.

In short, the voters of Shawnee County have made it clear they wish to move ahead on this issue. Timing is everything and the time to capitalize on the momentum to do so is now. HB 2083 provides for that opportunity.

House Gov. Org. & Elections

Date: 1-25-05

Attachment # 14

Vic Miller

# The right idea

9-4-84

The idea of consolidating some of the operations of city and county government has been kicked around for some time. But until the county commission passed a resolution recently to form a task force to study the subject, the city had been doing most of the kicking.

This new interest by the county follows on the heels of a decision to explore a joint law enforcement center for city police and the county sheriff's department.

In a county like Shawnee, where the population is concentrated in one major metropolitan area, consolidation of services and operations for the two governing units makes both fiscal and political sense. Of course, it won't work for every department. But there are several areas where programs could be strengthened

and/or streamlined by merging two similar operations. Law enforcement is a prime example; so, too, is recreation.

Consolidation, in cases such as those, would eliminate much of the duplication that exists under the current arrangement. And unnecessary duplication is expensive — which translates into higher taxes.

So the decision of the county commissioners to pursue the subject is a welcome move. Let's hope that it was precipitated by genuine interest in pursuing the subject and not handed out merely as an election-year placebo that will be retracted after November.

City-county consolidation is a topic that needs to be explored seriously — and the sooner, the better.



**SHAWNEE COUNTY FARM BUREAU ASSOCIATION  
3801 SW WANAMAKER ROAD  
TOPEKA, KS 66610  
785-273-7077**

January 25, 2005

To the Members of the House Governmental Organization and Elections Committee:

The Shawnee County Farm Bureau Association would like to go on record as supporting HB 2083, but with reservations. The Farm Bureau has a long history of supporting good government and reducing the burden on taxpayers. Our county association did not support the question of consolidation when it appeared on the ballot in November 2004, but believe that this bill is the best one that has been introduced to date. We do wish to raise the following concerns:

1. Section 3, Paragraph c, lines 22 through 27: We would ask that there be at least two public hearings to obtain citizen views and that the notice of these hearings be published more than once in newspapers of general circulation.
2. Section 3, Paragraph e, line one: We would ask that this question not be conducted by mail ballot, but the general election in 2006.
3. Section 6, Paragraph k and l: Paragraph k states that the consolidated city-county shall be a county. Paragraph l states that the consolidated city-county shall be a city of the first class. Will the new consolidated body be able to enact ordinances in the rural areas that are more appropriate in an urban area, such as restricting the production of crops and livestock?

We would encourage the committee to take a long, careful look at this bill to make sure that the interests of the citizens of Shawnee County outside the limits of Topeka are fairly represented.

Sincerely,

*Bruce Thomas*

Bruce Thomas  
President  
Shawnee County Farm Bureau

House Gov. Org. & Elections  
Date: 1-25-05  
Attachment # 15

Submitted by:  
Duane Pomeroy

**January 25, 2005 prepared remarks from Duane Pomeroy**

As the senior member of the Topeka City Council and former acting mayor, I'd like to present my concerns about House Bill No. 2083. I urge you to amend it or kill it in its present form.

The governing body of the City of Topeka is interested in <sup>providing</sup> proving tax equity for our citizens. In several areas such as Parks and Recreation and Law Enforcement, citizens in Topeka pay a double tax. One way to relieve this burden is through total consolidation. Another way is through partial consolidation. A third is concept of a parks or law enforcement mill levy that is even throughout the county but the funds are divided between the two agencies. Hopefully any consolidation committee will look at all alternatives.

When deciding how to implement consolidation, we should look at our local precedents. When we went from a joint city/county to a county only health agency, we had an inter-local agreement. When Washburn replaced a city mill levy with a county-wide sales tax, it was simply a legislative action. The broadening of the library from city to county required passage of voters in both the city and unincorporated areas. The point is, we don't know what to require until we know what is proposed.

I also ask that there be no new restrictions placed on our ability to annex. In recent years, Topeka has begun implementing concepts of smart growth. The opposite of smart growth is urban sprawl. Following last year's 50<sup>th</sup> anniversary of Brown, we might remember that in many parts of the country, the sprawl is identified as "white flight".

In Iowa, cities have partnered with farmers to limit sprawl. They have recognized the common interest of cities wanting to remain healthy and farmers wanting to preserve their way of life. Because Shawnee County still has a large farm population, our situation is much different than Wyandotte.

Perhaps the part of the bill that concerns me the most is at the bottom of page four. Please do not freeze our boundaries for the purpose of paying bonds, some for projects that benefit future developed areas as much or more than existing city neighborhoods. Imagine having all areas annexed during the last twenty years having to pay for only those issued during their time within the city limits. We have some developments on the edge of the city where early phases are already annexed and others phases are scheduled to be annexed as they are ready for development. This would be a huge disparity within just a single subdivision.

House Gov. Org. & Elections  
Date: 1-25-05  
Attachment # 16

Paul Degener  
518 NW 56th St.  
Topeka, KS 66617-1311  
(785) 246-0215  
e-mail: willypeter@earthlink.net

SUBJECT; HB 2083, City-County Consolidation, Topeka, Shawnee County

Mr. Chairman and members of the committee, thank you for allowing me to appear before this body. My name is Paul Degener, I am a resident of suburban Shawnee County, and I appear before this committee in opposition to HB 2083.

Over the years I have heard most of the reasons why city-county consolidation would be good for Shawnee County. Tax equity has been mentioned on numerous occasions.

In Topeka they complain that they pay 70% of the county taxes and receive no services in return. I can explain why they pay 70% of the taxes, they comprise over 70% of the population. Of course they pay 70 % of the taxes. I will agree that they probably do not use the county roads and bridges as much as we do, but I am sure that they do get outside of the city limits on occasion. I do contend that they utilize a preponderance of the county services. I would invite your attention to Enclosure 1. This is a page out of the Topeka and Vicinity Phone Book of Shawnee county offices. As you look at these, remember that the vast majority of the Shawnee County population is located within the city limits of Topeka and would be enjoying the majority of these county services. I refer to agencies such as the district courts, the public defender, the detention facilities, personal property, real estate, the numerous health agencies located within the city limits, and parks and recreation and Shawnee County Lake. Someone convince me that the residents of Topeka are not receiving any county benefits.

Frequently, proponents of city-county consolidation express the feeling that they are being overtaxed and want some tax equity. I agree that they are probably overtaxed, but we in the outlying county are not to blame. They voted for the Hummer Sports Complex and they voted for their current and past tax and spend city councils. Neither I, nor any of my fellow county residents had anything to do with that. I feel that anytime a governing body spends taxpayer dollars, they should look at two things, need to have and nice to have. Need to have are your law enforcement, fire and health and safety. County is taking care of the health. Nice to have items are such things as walking trails, parks, fancy signs, tennis courts, ball diamonds, sports complexes, walking malls and the list goes on. My concern is that under city county consolidation, county residents will be required to help pick up the tab for the extravagant spending of past and present city councils. This would constitute taxation without representation. We in the county have never been able to vote for members of the city council.

On page 3, Sect 4, (b). . . the plan shall: (3) Authorize the appointment of, or elimination of elected officials and offices.

This piece of legislation is going to give the authority to an appointed commission to determine which officials will be appointed or eliminated. Currently we vote for the county

commissioners, the sheriff, the district attorney, the treasurer, to name a few. This plan will provide for the election or elimination of many of these officials. Am I the only one who sees a problem with this concept? We already have too many appointed bureaucrats with unlimited authority.

With the passage of this legislation Shawnee County is to be designated an urban area. (Page 4, Sec 5.).

I envision a city as having large business buildings, sidewalks, and streetlights. Granted, we have some residential areas in the outlying county but we used to refer to these as suburbs.

And if you drive further from the city limits you will encounter numerous areas, which resemble a farm. I would like to see you convince the guy who is milking his cows at 5:00AM that he is an urbanite. Or the guy who is putting up hay in 100-degree temperatures that he is an urbanite. Or the guy who is feeding hay to his livestock at 10 degrees below zero that he is an urbanite. I guess it all depends on what the definition of "IS", is.

Contrary to popular belief, we are supposed to be a republican form of government with checks and balances, not a democracy. Under any consolidation plan or annexation plan we in rural and suburban Shawnee County would not be fairly represented. Officials from urban Topeka would dominate the new Shawnee County Commission. Would they have the capability of governing fairly suburban and rural Shawnee County? With only one governing body, our current system of checks and balances would be destroyed. This would be unacceptable. This legislation supports those who seek total and complete control of the county. This legislation supports regionalism, not a republic.

Thank you for your time.

17-2  
~~16-2~~

# COUNTY OFFICES

## SHAWNEE-COUNTY OF- Information For County Offices

200 SE 7 66603  
Courthouse Main Number—233-8200  
Appraiser—

Personal Property—Ext-5151  
Real Estate—Ext-5152  
Commercial Personal Property—Ext-5153

Audit Finance—Ext-4212  
Civil Service—Ext-4144  
Commissioner—Ext-4040  
County Clerk—

Administrative—Ext-4155  
Accounting—Ext-4159  
County Counselor—Ext-4042  
County Surveyor—Ext-4136

Courts 3rd Judicial District—  
Court Administrator—Ext-4018  
Jury Coordinator—Ext-4112  
Clerk Of The District Court—

Civil—Ext-5158  
Criminal—Ext-5157  
Domestic Relations—Ext-5159  
Limited Actions—Ext-5154

Probate—Ext-5156  
Traffic—Ext-5155  
Court Services—Ext-4004  
Court Trustee—Ext-4008

Judges—  
Div 1 Leuenberger Jan W—Ext-4365  
Div 2 Anderson Richard D—Ext-4350  
Div 3 Luckert Maria J—Ext-4130  
Div 4 Rosen Eric S—Ext-4303  
Div 5 Macrush James N Jr—Ext-4369  
Div 6 Bullock Terry L—Ext-4375  
Div 7 Theis Franklin R—Ext-4385  
Div 8 Yeoman Frank J Jr—Ext-4026  
Div 9 Andrews Charles E Jr—Ext-4357  
Div 10 Mitchell Daniel L—Ext-4361  
Div 11 Dowd Matthew J—Ext-4387  
Div 12 Bruns David E—Ext-4405  
Div 14 Parrish Nancy E—Ext-4067  
Div 13 Conklin Thomas R—Ext-4203

Information Technology Dept—Ext-4030  
District Attorney—Ext-4330  
Register Of Deeds—Ext-4020  
Purchasing—Ext-4429  
Treasurer—Ext-5161

Emergency Management—  
Emergency—911  
Administrative—Ext-4150  
Human Resources Dept—Ext-4435  
Kansas Payment Center—Ext-4008  
Maintenance—Ext-5167  
Motor Vehicles—Ext-5166  
Safety Coordinator—Ext-6102

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## SHAWNEE-COUNTY OF-

### SATELLITE OFFICES-

Appraisers Office 1515 NW Saline 66618—233-2882  
Corrections Department Of—  
Administration 501 SE 8 66607—291-5100  
Adult Detention 501 SE 8 66607—291-5000  
Juvenile Detention 401 SE 8 Av—66607—233-6459  
Adult LSP 712 S Kansas Av—66603—233-8856  
Juvenile Case Manager LSP/CR 712 S Kansas 66603—291-5400  
County Coroner 320 S Kansas Av—66603—368-2350  
Election Commissioner 911 SW 37—66611—266-0285  
Advance Voting—266-0287  
Emergency Communications Center—  
Emergency—911  
Administrative—368-2375  
Recycling 1515 NW Saline 66618—233-6147  
24-Hour Recycling Hotline—291-4940  
Hazardous Material Facility 131 NE 46—286-4381  
Health Agency—  
1615 SW 8th 66606—368-2000  
Administration 1615 SW 8th—66606—368-2000  
Business Office 1615 SW 8 Av—368-2175  
Primary Care—  
Family Health Center 1615 SW 8 Av—66607—368-2000  
Hillcrest Health Clinic 1800 SE 21—66607—354-4011  
Maternal And Infant 1534 SW Clay—354-4314  
Oakland Health Clinic 801 NE Poplar—354-4015

Communicable Disease Control 1615 SW 8 Av—368-2037  
AIDS Testing & Information—368-2190  
Immunizations—368-2180  
Sexually Transmitted Diseases/HIV Testing—368-2190  
Tuberculosis Control—368-2152  
Environmental Health 1615 SW 8 Av—368-2054  
Child Care Licensing—368-2072  
Septic Inspections—368-2054  
Family Planning 1615 SW 8th—66606—368-2116  
In Home Services 1615 SW 8 Av—368-2171  
Home Care Assistance—368-2171  
Child Health Assistance—368-2114  
Home Health Care—368-2171

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## SHAWNEE-COUNTY OF-

Project ACCESS—368-2171  
Senior Companion—368-2171  
Pregnancy Testing 1615 SW 8 Av—368-2195  
WIC 1615 SW 8 Av—368-2170  
K-State Research & Extension-Shawnee County—  
Main Number—232-0062  
Director—232-0062  
Agriculture—232-0062  
EFNEP Spanish Line—232-2166  
Garden-Fone—357-4769  
Horticulture Agent—232-0062  
eFNEP—232-0062  
Family & Consumer Sciences—232-0062

Kansas Expoentre—  
Executive Offices One Expoentre Dr—235-1986  
Booking Information All Facilities—235-1986  
Event Hotline—235-3976  
Box Office—297-1000  
Noxious Weed 2044 SW Western Av—66604—232-0120

Parks & Recreation  
Administration Office 3137 SE 29th—66605—267-1156  
Parks & Recreation—  
Golf Courses—  
Forbes Golf Course 700 SW Capehart Rd—66619—862-0114  
Forbes Maintenance Shop—7010 SW Lincoln 66619—862-2820  
Lake Shawnee Golf Course—4141 SE East Edge Rd 66609—267-2295  
Lake Shawnee GC Maint Shop—4240 SE East Edge Rd 66609—267-3844  
Lake Shawnee—  
Campground 3435 SE East Edge Rd—66605—267-1859  
Corporate Recreation 3137 SE 29th—66605—267-1156  
Day Camps 3137 SE 29th 66605—267-1156  
Lake Recreation Programs—3137 SE 29th 66605—267-1156  
Marina 3320 SE Dock Dr 66605—267-2211  
Shelter Reservations 3137 SE 29th—66605—267-1156  
Southeast Recreation Programs—3137 SE 29th 66605—267-1156  
Southwest Recreation Programs—3137 SE 29th 66605—267-1156  
Swimming Beach 3300 SE Croco Rd—66605—266-8557

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## SHAWNEE-COUNTY OF-

Rossville/Silver Lake Recreation Programs 200 E 7—584-6730  
Shawnee North Community Park—  
Athletic Office 300 NE 43—66617—286-3358  
Day Camps 300 NE 43—286-0676  
Field Conditions Hotline—286-3238  
North Community Center—300 NE 43 66617—286-0676  
Swimming Pool 300 NE 43—66617—286-1402  
Shawnee South Community Park—  
Veima K Paris Community Center—6715 SW Westview Rd 66619—862-1630  
Southwest Recreation Programs—6715 SW Westview Rd—862-1630

Planning Department—  
Topeka-Shawnee County Metropolitan 515 S Kansas Av 66603—368-3728  
Fax—368-2535  
Public Defender 121 SE 6 66603—296-1833  
Public Works Department—  
Administrative 1515 NW Saline—66618—233-7702  
Building Permits 1515 NW Saline—66618—233-7702  
Zoning Administrator—233-7702  
Bridge Division 241 NE 46—66617—286-1069  
County Engineer—233-7702  
County Garage—233-7702  
District Shops—  
No 1 2727 SE 77 Berryton KS—66409—862-2071  
No 2 6420 SW Auburn Rd 66402—478-4444  
No 3—584-6425  
No 4 125 NE 46 66617—286-0262  
Sewer Division—233-7702  
Emergency And Weekends—368-3851  
Traffic—286-0945

Refuse Department 1515 NW Saline—66618—233-4774  
Billing Inq 215 SE 7 66603—368-3747  
Sheriff Office—  
Emergency Calls—911  
Administrative Calls—368-2200  
Civil Papers—368-2303  
Community Service—368-2200  
Detective—368-2200  
Records—368-2290  
Traffic—368-2200  
Warrants—368-2278

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ENCL I

T House Local Government Committee  
R. House Bill 2083

January 25, 2005

Mr Chairman and members of the Committee

I am Marwin E. Smith. I live in Soldier Township in northeast Shawnee County fifteen miles from here.

We live four miles from Meriden in Jefferson County and six miles from Sayt in Jackson County. We farm and maintain a 150 beef cow/calf enterprise.

I oppose OPPOSE HB, 2083 because it basically will change our form of county and city government of elected officials to a consolidated form of government. If the present form of government is absolute in Shawnee County, then it is probably absolute in most of the Kansas Counties.

Approximately 85% of the land area of Shawnee County is presently unincorporated and is serviced efficiently by our township boards and county government.

Most of the acreage in Shawnee County is appraised and assessed as 'use-value agriculture land'.

The Shawnee/Pattawatomie county line is one (1) mile east of St Marys, approximately 20 miles from Topeka. The other county lines range from 10 to 15 miles from Topeka.

On a recent non-specific consolidation vote at the August primary, the vote was approximately 2 to 1 opposed to the consolidation in the area of unincorporated.

Section 6 (l) page 5 line 41. The consolidated city-county shall be a city of the first class.

Section 3 (e) line 41, 42, 43 page 2 and line 1 page 3  
Such an election shall be conducted by mail ballot.

I submit to you, that the election should be held at the general election in November 2006. It will cost less and be more timely conducted for all voters including 'snow-birds', military and those who need to register to vote.

I oppose HB 2083 and it is not needed

Marwin E. Smith

House Gov. Org. & Elections  
Date: 1-25-05  
Attachment # 18