

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 February 1, 2005 in Room 519-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Rep. Mike O'Neal
Randall Allen, Kansas Association of Counties
Vernon Chinn, Pratt County Sheriff
Rep. Jan Pauls
Randy Rogers, Coffee County Sheriff
Don Moler, League of Kansas Municipalities
Mike Boehm, Kansas Advisory Council on Intergovernmental Relations (KACIR)
Tom Finney, KACIR
Steve Commons, City of Emporia
Terry Holdren, Kansas Farm Bureau
Bob Haselwood
Paul Degener

Others attending:

See attached list.

Rep. Melody Miller was welcomed back to committee.

Bill Introductions

Rep. Oharah requested a house concurrent resolution to amend the constitution which would require that all supreme court justices be elected officials.

Without objection, the request for the house concurrent resolution will be accepted as a committee bill.

Chairman Vickrey opened the hearing on:

HB 2167 **County law enforcement consolidation**

Rep. Mike O'Neal testified as a proponent of the bill (Attachment 1). His testimony also addressed **HB 2093, HB 2094, HB 2111, and HB 2167** and he expressed support for those bills as well. He explained that **HB 2111 and HB 2167** were introduced as his request. He testified that he is interested in the Legislature taking action to break down any current legislative barriers to cooperative efforts to consolidate local units of government.

Randall Allen, Kansas Association of Counties testified in support of **HB 2167** (Attachment 2). He said the bill amends an older Riley County law enforcement consolidation bill from the 1970's and allows for the same countywide law enforcement model implemented in Riley County to be considered by voters in other counties. He explained that the bill essentially removes the definitions of counties eligible for such a model (defined by ranges in population and assessed valuation) and makes the same model available to other counties.

Rep. Jan Pauls testified in opposition to the bill. No written testimony was provided.

Pratt County Sheriff, Vernon Chinn, testified in opposition to the bill (Attachment 3). His testimony also addressed **HB 2094** and he expressed opposition to both bills. He urged the committee to guard against any legislation that does away with an elected office.

Ron Hirst, Mayor, City of Hutchinson, submitted written testimony in opposition to **HB 2167** (Attachment 4).

Sheriff Randy Rogers, Coffey County, testified in opposition to **HB 2167** (Attachment 5). His testimony also addressed **HB 2167, HB 2094, and HB 2111** and he expressed his opposition to those bills as well. He said that he was appearing as Vice President of the newly formed Kansas County Officials Association (KCOA). Sheriff Rogers testified that KCOA membership consists of statewide elected county officials, including sheriffs, treasurers, registers of deeds, and county clerks.

Chairman Vickrey closed the hearing on **HB 2167**.

Chairman Vickrey opened the hearing on:

HB 2111 **City and county consolidation**

CONTINUATION SHEET

MINUTES OF THE House Governmental Organization and Elections Committee at 3:30 P.M. on February 1, 2005 in Room 519-S of the Capitol.

HB 2093 **Counties; procedure to change boundaries**

HB 2094 **City and county consolidation**

Don Moler, League of Kansas Municipalities, testified in support of **HB 2093** (Attachment 6). He said the bill amends statutes which allow for the voluntary consolidation of counties after a vote of the public.

Mike Boehm, Kansas Advisory Council on Intergovernmental Relations, appeared in support of **HB 2093** (Attachment 7). He said that **HB 2093** is a simple piece of legislation which enables the citizens of Kansas to decide the boundaries of one of their local units of government. Mayor Boehm also testified in support of **HB 2094** (Attachment 8). He said that under current law, a city and a county cannot actively consider the possibility of consolidation without seeking special legislation. He testified that Kansas statutes should identify a process for cities and counties to follow, but should not mandate what the consolidated government would look like.

Randall Allen, Kansas Association of Counties, appeared in support of **HB 2094** (Attachment 9). He explained that the bill provides a mechanism and public process for cities and counties to consider and then implement alternative organizational structures without first seeking legislative approval. Mr. Allen also testified in support of **HB 2093** (Attachment 10). He said the bill amends an old statute allowing for citizens in two or more counties to petition for a change in county boundaries. He explained the proposed legislation reduces the threshold of signatures required to 5 percent of the eligible voters in each county affected. He stated that it also provides a way for the boards of county commissioners to directly place such a question on a ballot for the voters to decide.

Tom Finney, Kansas Advisory Council on Intergovernmental Relations, testified in support of **HB 2094 and HB 2093**. No written testimony was provided.

Steve Commons, City of Emporia, testified in support of **HB 2094 and HB 2111** (Attachment 11). He said the city supports legislation to allow local units of governments to voluntarily merge or consolidate functions to better serve their citizens.

James McClinton, City of Topeka, submitted written testimony in support of **HB 2111 and HB 2094** (Attachment 12).

Bob Haselwood, resident of Shawnee County, testified in opposition to **HB 2094 and HB 2111** (Attachment 13). He said he feels that a dual majority vote is the only way to insure that a consolidation plan will be fair to all residents of the county.

Paul Degener, resident of Shawnee County, testified in opposition to **HB 2094 and HB 2111** (Attachment 14). He expressed concern that the legislation authorizes the election or appointment of officers and that if passed, every official in the county could be appointed rather than elected.

Greg Dye, resident of Wichita, submitted written testimony in opposition to **HB 2094 and HB 2111** (Attachment 15).

Jane Kelsey, resident of Shawnee County, submitted written testimony in opposition to **HB 2094** (Attachment 16).

Terry Holdren, Kansas Farm Bureau, appeared as an interested neutral party (Attachment 17) regarding **HB 2094 and HB 2111**. He said the topic of consolidation of cities and counties in Kansas is an issue of great concern among their membership. He suggested the following changes to the legislation:

- The final consolidation plan should be approved by a majority of voters residing in the municipality in question, and a majority of voters in the unincorporated areas of the county.
- At least ½ of the members of the commission studying consolidation should represent unincorporated areas of the county.
- The commission should not have the authority to abolish elected positions and replace them with appointed positions.

The Chairman closed the hearing on **HB 2111, HB 2093, and HB 2094**.

Chairman Vickrey adjourned the meeting.

The next meeting is scheduled for Thursday, February 3, 2005.

**House Governmental Organization and Elections
Committee**

Date 2-1-05

Name	Representing
Paul Degener	Citizen
Ron Blad	Republic County Sheriff's Office
Byron P. Mathis	Harvey Co. Sheriff's office
GARY R. EICHORN	Lyon Co. " "
GENE L. MERRY	KS Assn. of Counties
Whitney Damon	City of Topeka / Coffey Co.
Jeff Bohling	KS Sheriff's Assn
Leon Shearer	Pawnee Co. Sheriff
BUCK CAUSEY	BARTON CO. SHERIFF
Bob Haselwood	
Jeanine McKenna	Emporia Area Chamber of Commerce
Jeannette Siemens	Pratt Area Chamber & EIC
NANCY WEEKS	KS. Co. Officials Assn.
Pat Wells	Douglas Co. Treasurer
Suzanne Simon	Wabaunsee Co. Reg. of Deeds
Marilyn Nichols	Shawnee Co. Register of Deeds
Missie Gerritzen	KS Co. Officials Assn/Reg. of Deeds
Bill Meek	Wichita KS. ROD
Bill Miles	Osage County Sheriff Ofc.
Cora Youngers	North SU KSA
Laurie Dunn	Sheriff Osage Co
Scott Farnes	Osage County Sheriff Office
Bryan Mathes	Reno Co Sheriff Dept
JESSE DOWNARD	RENO Co. Sheriff's DEPT.
Randy Henderson	SHERIFF, RENO Co.
EDGAR PECK	Tec. Twp
Brette Hart	Intern Rep. O'Neal
Rep. Mike Casner	RF
Brenden Long	City of Topeka

**House Governmental Organization and Elections
Committee**

Date 2-1-05

Name	Representing
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TOM FINNEY	KACIR
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Brad Bryant	Sec. of State
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Randall Allen	Kansas Association of Counties
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Danielle Nloe	Johnson County
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<u>TERRY HOWREN</u>	<u>KANSAS FARM BUREAU</u>
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<u>Don Moler</u>	<u>LKM</u>
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DAN KERR	Pinegar & Smith
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JOHN E. ARNOID	JOHN E ARNOID COMPANY
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STATE OF KANSAS
HOUSE OF REPRESENTATIVES

MICHAEL R. (MIKE) O'NEAL

104TH DISTRICT
HUTCHINSON/NORTHEAST RENO COUNTY

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CHAIRMAN:
JUDICIARY COMMITTEE

MEMBER:
TAX, JUDICIAL AND
TRANSPORTATION BUDGET
UNIFORM LAW COMMISSION
KANSAS JUDICIAL COUNCIL

TESTIMONY

H.B. 2093, 2094, 2111, 2167 (Local government consolidation)
HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE
Feb. 1, 2005

Mr. Chairman and members of the Committee, I appear in support of the four local government consolidation enabling bills on today's agenda. Two, H.B. 2111 and H.B. 2167 were introduced at my request. I will defer to your revisor any questions regarding the specific wording of the bills. Suffice it to say, I am interested in the Legislature taking action to break down any current legislative barriers to cooperative efforts to consolidate local units of government.

Currently, Kansas ranks a dubious 5th in the country for the amount of per capita governmental units. We have 3,888 units of government spread over a population of some 2.688 million people for a per capital average of one unit of government for only 691 Kansans. According to a recent news article, it takes 6 pages of paper for the U.S. Census Bureau to describe the nature of government in Kansas. We have 1,926 sub-county general purpose governments, including 627 cities and 1,299 townships. We have 324 public school systems, including the U.S.D.'s, community college districts and municipal universities. There are 1,533 special district governments, including boards of public utilities, cemetery districts, city-county airport authorities, community building

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House Gov. Org. & Elections
Date: 2-1-05
Attachment # 1

districts, conservation, drainage, improvement, hospital and industrial districts and library districts. There are at least 5 different types of water supply districts.

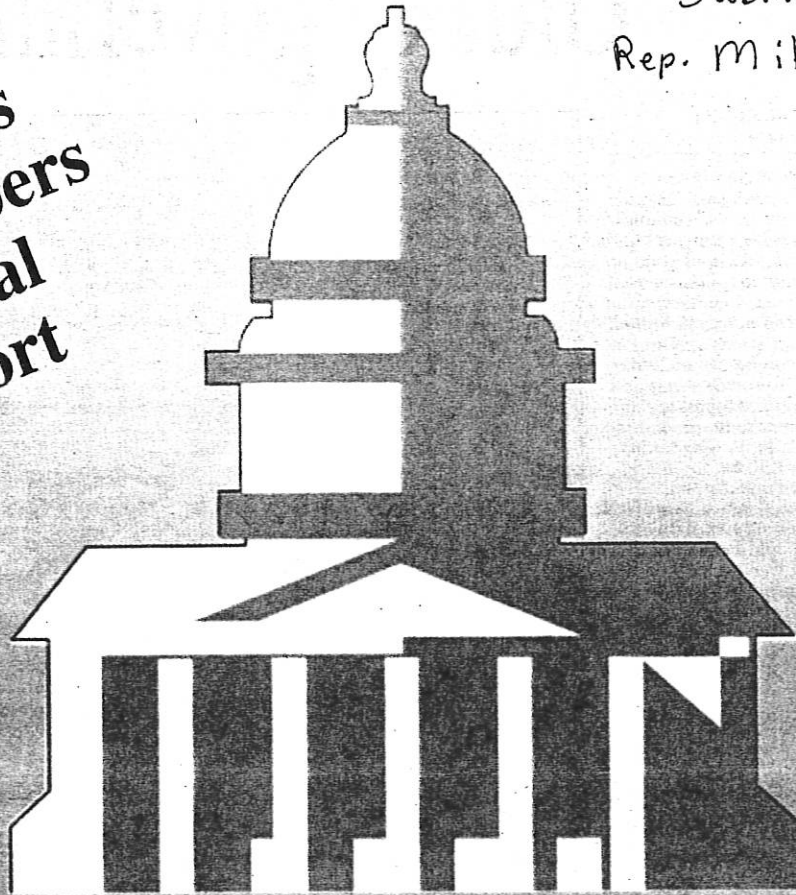
In addition to my written testimony, I've provided the Committee with reprints of an excellent series on government consolidation published in December by the Harris News chain. The series discusses current and historic perspectives on local government consolidation in the state and provides information about activities in other states.

My purpose in advancing consolidation enabling legislation is just that – to enable local units who wish to explore and/or develop a cooperative consolidation plan of some or all local governments or services within their county, or between counties, to proceed without the need for prior or subsequent legislative approval. Such required approval has been sited in the past as a major impediment to meaningful consolidation discussions. In fact, opponents use the legislative hurdle as an excuse to avoid discussion of the subject altogether. I recall the heat I got from my local county commission when I introduced the enabling legislation on city/county law enforcement a few years ago. I'll probably get the same heat this year. Such legislation should not be construed as legislative statement that any particular consolidation should take place. Those decisions are uniquely local, which is why general enabling legislation breaking down all legislative barriers is both reasonable and appropriate.

Thank you for your consideration of this enabling legislation.

Submitted by:
Rep. Mike O'Neal

A Harris
Newspapers
special
report



S I Z I N G U P GOVERNMENT

Consolidation has been discussed for years in Kansas. But little has been done to consolidate the state's nearly 4,000 units of local government – fifth highest in the United States.

Kansas newspapers owned by Harris Enterprises spent two months studying the issue of consolidation. This series looks at the steps a few have taken to unify governments, school districts and services. It also exposes the multitude of stumbling blocks that have prevented a serious, comprehensive effort to streamline state and local governments and merge school districts. This is a special reprint of the project, which was published primarily in December 2004.

Glut of government

By MIKE CORN
HAYS DAILY NEWS



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TRIBUNE — When it comes time to discuss government consolidation, Greeley County officials think state leaders should take a trip to the least-populated county in the state to see what's already been done.

"Their answer is, 'Gee, it's a long way out there,'" said Wade Dixon, who serves as Greeley County attorney, Tribune city attorney and the attorney for Greeley County schools USD 200.

Dixon said that Gov. Kathleen Sebelius, elected in 2002, has not visited Greeley County. And former Gov. Bill Graves, who spent eight years in office, only visited the county twice.

"Our population is so small they don't need to be concerned with us," Dixon said.

Just how small? Greeley County, with 1,420 residents, according to 2003 population estimates, is the least populated county in the state.

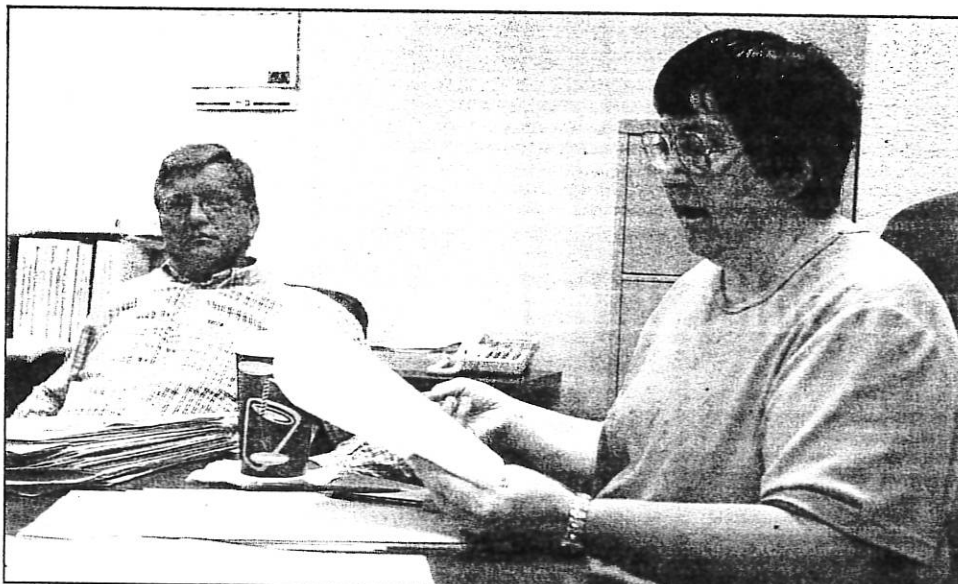
And, like many other rural Kansas counties, Greeley is losing population — 13.5 percent in the 10 years before the 2000 Census. In the three years since, the county has lost another 7.4 percent of its population.

Rural population loss is at least partly responsible for renewed discussions about consolidation of government and services, said Joe Aistrup, chairman of the political science department at Kansas State University and former director of the Docking Institute at Fort Hays State University.

"There is a subtle movement afoot ... that Kansas will go through another bout of consolidation," Aistrup said. "Part of that is because of the population declines."

The goal, he said, is to make government less burdensome. There is little organized talk of consolidation, but state officials no longer shy from using the "C" word.

■ ■ ■
Greeley County, in west-central Kansas, is just a speck in the mix of governments in the state.



Greeley County Clerk Linda Firner, right, addresses the commissioners during a meeting in Tribune in October. Also pictured is commission Chairman Mike Thon.

"Kansas likes little governments," Aistrup said. "But a lot of it."

Even though the state is 32nd on the list of states in terms of total population, it ranks fifth in the number of local governments, according to the 2002 census of governments conducted by the U.S. Census Bureau.

In effect, there is one government agency for every 691 residents in the state. That comes at a huge cost — nearly \$17 billion for state and local government. Of that, nearly \$5.5 billion is for schools.

That amounts to \$6,219 for every resident of Kansas.

It doesn't stop there. Education has nearly \$3.1 billion in debt, while state and local governments hold another \$9 billion in debt, according to the Census Bureau. That's another \$4,496 for every Kansas resident.

■ ■ ■
Greeley County Commission Chairman Mike Thon said he gets protective when state officials start talking consolidation.

"How much money are they going to save?" he asked.

Dixon said lawmakers also need to consider another

issue. "The amount of distance we would have to travel makes it impractical to consolidate," he said.

When the Kansas Department of Social and Rehabilitation Services merged offices, Greeley County lost a couple jobs, and Dixon contends the level of service has diminished. Greeley County officials say they're not finished reining in government and spending, but they also say they have done as much as anyone else. They think the state should look to them for guidance.

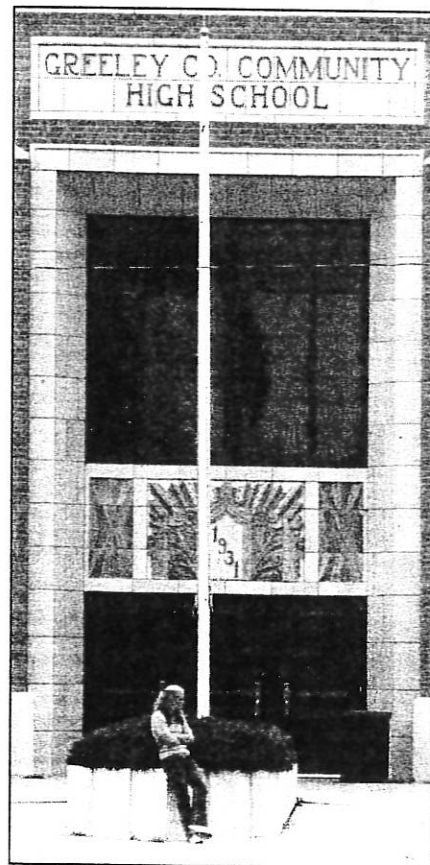
There are seven governments in Greeley County, one of the smallest totals in the state. But the county still has a high per-capita rate of government because of its small population.

The county and city of Tribune share a city engineer, and they work together when it's time to purchase expensive heavy equipment.

SEE CONSOLIDATE, PAGE 3

A student stands outside the Greeley County Community High School in Tribune in this October photo.

STEVEN HAUSLER /
Hays Daily News



The Chanute Tribune

THE GARDEN CITY TELEGRAM

THE HAYS DAILY NEWS

THE HUTCHINSON NEWS

The Ottawa Herald

Parsons Sun

Salina Journal

Local governments numerous in Kansas

By MIKE CORN
HAYS DAILY NEWS

Kansas loves its government. The 3,888 local governments in Kansas as of June 2002 ranked as the fifth highest of all the states. Only Illinois, Pennsylvania, Texas and California had more governmental agencies than Kansas.

It takes six letter-size sheets of paper for the U.S. Census Bureau to describe the nature of government in Kansas.

There are only 104 county governments in the state, even though there are 105 counties. In 1997, vot-

ers in Wyandotte County and Kansas City, Kan., agreed to merge services, and the agency is now known as the Unified Government of Wyandotte County-Kansas City, Kan.

But government is booming in the state's remaining counties.

There are 1,926 sub-county general purpose governments, according to the Census Bureau. They include 627 cities and 1,299 townships.

The cities are broken down into first-, second- and third-class cities, designations based on population. Some townships are inac-

tive and are not counted.

Active township governments exist in 97 of Kansas' 105 Kansas counties, census figures show.

The 2000 census noted 324 public school systems in Kansas, including unified school districts, community college districts and municipal universities.

There are a number of other educational facilities, including interlocal agencies between school districts, vocational-technical schools, educational service centers and special education cooperatives.

And then there are the 1,533

special district governments. They include boards of public utilities, districts that supervise cemeteries, city county-airport authorities, community building districts, conservation, drainage, improvement, hospital and industrial districts. There are library districts and even library boards in Hutchinson and Salina that operate under special provisions not applicable to other library boards.

There are at least five different types of water supply districts in addition to those that are conservation-related or public wholesale water supply districts, such as one

created by Hays and Russell.

There is a specific water supply and distribution district in Franklin, Johnson, Miami and Wyandotte counties.

The Census Bureau classifies a number of entities as "subordinate agencies and areas" but they are not counted as governments.

They include the Kansas Turnpike Authority, airport authorities in cities with more than 250,000 residents, business improvement districts, hospital boards in first- and second-class cities and recreation commissions.

CONSOLIDATE: Many questions abound about issue

CONTINUED FROM PAGE 2

Law enforcement already has been merged, with the sheriff's office providing patrols in Tribune.

Greeley County also shares its county health nurse with its one school district, USD 200.

One of Greeley County's government agencies is its hospital, a county-owned entity that also offers health services to nearby Wallace County. Without that, Wallace County would be without medical services.

Aistrup agrees that Greeley County probably has done all it can to consolidate services and save money.

But other counties could do much more, he said, specifically pointing to Ness County, which has four school districts — even though Ransom and Bazine already merged — and a population of less than 3,500.

Yet what shape consolidation would take in Kansas is anyone's guess.

Aistrup anxiously awaits a Kansas Supreme Court decision on school finance. That ruling, he said, could have as much to do with consolidation as anything. But it will have nothing to do with counties.

"Right now, counties cannot consolidate," Aistrup said. "The boundaries are set by law."

Wyandotte County and Kansas City, Kan., joined in 1997 to create the Unified Government of Wyandotte County. Now, Topeka and Shawnee County plan to approach the Legislature about consolidating their governments and services.

Lawrence and Douglas County have talked about a similar move. So have and Wichita and Sedgwick County.

But for county consolidation to take place, changes in state law — subject to voter referendum — are required.

As a result, it's most likely that schools will be the focus of consolidation, Aistrup thinks.

Without a well-designed plan, Aistrup said consolidation simply would be

"I don't see haphazard consolidation ... as being something good for Kansas taxpayers," he said. "If this is going to be good for Kansas taxpayers, there has to be some plan to it."

Even with a plan, Aistrup says there likely will be "very high short-term costs."

"Consolidation in the first few years is not going to be a pleasant reality," he said. "In the long term, it does create great effectiveness."

But it has to be well thought out.

As an example, Aistrup pointed to Hodgeman and Ford counties as possible consolidation candidates.

But, he cautioned, Hodgeman has a mill levy "out of this world."

That would mean Ford County residents could see mill levies increase, perhaps dramatically, if the county merged with a smaller one.

"The state has to come in and provide incentives and direct it," Aistrup said.

There would be adverse effects for small governments, often the biggest employers in the county.

In Greeley County, for example, the hospital, school and county are the top employers.

The loss of those jobs could foster opposition from the public. And while small counties could lose jobs, they might see lower mill levies in return.

"The county that does absorb will probably have to pay higher taxes," Aistrup said. "There's going to be a little bit of resistance to that. And there probably should be."

That's where incentives could come in.

Any plan, Aistrup said, would need to "do the least amount of damage and allow economies of scale."

George Frederickson, a professor of public administration and a member of the Policy Research Center at the University of Kansas, said it's not likely there will be a move soon to consolidate counties.

Politicians aren't ready to embrace the move, he said, and there's no crisis to drive it.

"A crisis is a crisis once we notice it," he said. "You don't get change until you get an



STEVEN HAUSLER / Hays Daily News

Greeley County and Tribune officials meet together in October during a Greeley County Commission meeting in Tribune. They believe their experience with consolidation efforts can be a model for other counties as they rely on cooperation across the lines of government to get the job done with less.

out there, it's a silent crisis."

Although Aistrup said he's unsure what the ideal size of a county is, the western border counties ultimately could cover three or four counties.

"To me, it depends on density of population," he said.

Frederickson sees something along the lines of scaling back the number of counties from 105 to about 25.

"That would save you a lot of money," he said.

County consolidation, Dixon thinks, won't be limited to just a couple of counties.

"When it happens, I think it will be four or

As for schools, Dixon raised another issue entirely.

"I think we'd be perfectly happy to fund our schools on a local level," he said, something that would take the state out of the consolidation equation.

"And it would cost us more money. But the folks in the larger areas don't want to fund their schools all by themselves."

Thon, the Greeley County Commission chairman, was thinking along the same lines.

"We only need 105 school districts in the state of Kansas," he said, making a reference to the number of counties in the state.

Little has changed in county governments over the years

By SHARON MONTAGUE
SALINA JOURNAL

When Kansas counties were established in the 1860s, their governments were modeled after the "weak government" system used by the Massachusetts Bay Colony.

"There were a lot of elected officials, but the counties were basically creatures of the state, administrative arms of the state," said Joe Aistrup, associate professor and head of the political science department at Kansas State University. "There were a lot of elected officials, but they had no power. They did what the state told them to do."

That changed in the mid-1970s with the advent of home rule, which freed counties to develop programs and deliver services based on their particular needs.

"The needs of society drove the need for counties to provide services," Aistrup said. "There was pressure from the public."

Now, with the start of a new century, some are pressing for more changes in county government, saying professional management — as opposed to management by elected officials — is the model of the future.

"At some point, the complexity of operations forces the need to have a chief administrative officer," said John Nalbandian, professor and chairman of the Department of Public Administration at the University of Kansas.

Others disagree.

"I hear some complaints it's outdated," said Lonie Addis, who has served as a commissioner in Labette County for 22 years. "But the more I get into it, the better it is. I'm a firm believer in county government."

But Nalbandian considers the election of county officials such as sheriffs, treasurers and clerks, "an artifact of the past."

Operations would be more efficient and professional, he said, if county commissioners hired an administrator who appointed the sheriff, clerk, register of deeds, county attorney and treasurer. Such a system mirrors the city manager/city commission form of government. That allows for more professionalism in government, Aistrup said.

"The department heads are more



Trego County Commissioner Toby Lynd, left, talks to Trego County Sheriff Ryan Bloom, in October 2003 at a county commission meeting in WaKeeney. In the background is Bloom's wife, Jessica, who was videotaping the proceedings as tension between the commission and sheriff escalated.

STEVEN HAUSLER / Hays Daily News

like civil servants, hired on the basis of qualifications as opposed to their ability to win elections," he said.

That becomes more important, Aistrup said, as government becomes more complex.

"People who are elected can get the hang of things, but there tends to be a ramp-up time," Aistrup said. "It takes time to learn the trade and craft."

■ ■ ■

Carol Marinovich, the mayor/CEO of the Unified Government of Wyandotte County in Kansas City, said she didn't know if county government was antiquated in general. But she said her county had outgrown the old form of government.

Wyandotte County is the state's only completely consolidated local government.

"Having dual city and county government didn't make sense for us," Marinovich said. "It was antiquated for my community. We were a little unique in that we didn't have that unincorporated area where the city didn't provide services for it."

Consolidation is difficult, she said, because people in elected offices essentially have to advocate the elimination of their positions.

"I think it's very difficult," Marinovich said, "to get elected officials to campaign to eliminate their elected positions, quite candidly, assuming consolidation makes sense for their community."

John Divine did just that. The Salina Democrat ran for election to the Saline County Commission this fall as a proponent for change. If elected, Divine said, he would call for a public vote to commission a study of three approaches to county government — variations on the current arrangement, a strong manager form or consolidation with the city.

"The structure of the county has to come into the 21st century," Divine, who had served eight years as a Salina city commissioner, said during the campaign.

The 61-year-old Divine lost to Republican incumbent Craig Stephenson, 47, Gypsum.

Nalbandian said it's often difficult for people to consider a change in

government, especially when it could mean an elimination of elected offices.

"It has to do with people wanting a sense of identity, a sense of control, a sense of having some anchors in their lives," Nalbandian said. "It doesn't matter whether they're making good decisions or not, because we don't know if they are. But if we don't like what they're doing, we can un-elect them."

■ ■ ■

Addis, the long-time Labette County commissioner, said county government can be tweaked to meet the needs of 21st century Kansans, but it doesn't need a major overhaul.

In many counties, Addis noted, commissioners have hired administrators to help them manage day-to-day operations without actually changing the form of government.

Labette County hasn't seen the need for an administrator, but Addis said commissioners hired a county coordinator who does research on various topics and reviews policies and procedures.

"He doesn't have an administrative role, or a supervisory role, over the other departments," Addis said. "He does legwork for us. Right now, he's looking into different insurance."

Addis said the structure of county government provides for checks and balances.

"The treasurer and clerk check each other, and the bills go to commissioners every month so they check those," he said. "There are all sorts of checks and balances. That's why county government is such a good system."

Addis said he's worked with different elected officials during his 22-year tenure, and most have done a good job.

"For the most part, the electorate knows what they're doing," he said. "They usually elect good people."

And if the public finds a bad apple, Addis noted, there are systems in place to recall elected officials before the end of their terms.

"There are flaws with every system," he said, "but this is a system that, for the most part, works."



Divine

Paths to unification

By JIM COOK
PARSONS SUN

Declining enrollments, pegged to population declines and changing economies, have dogged most Kansas school districts for years.

For the most part, though, officials at the state's 300-plus school districts and patrons who live in them are unwilling to consider school consolidation as a way to deal with the problem.

One reason: State aid to schools historically has been linked to enrollment, although a pending Kansas Supreme Court case and possible ensuing action by the Legislature could change that. Add provincialism and fear for the futures of their communities to that mix, and school consolidation becomes a touchy issue.

The concerns are not limited to existing district borders, most of which were established with state-ordered school unification in the 1960s.

Some small school districts with more than one high school, for instance, face the same issues.

Nowhere has school consolidation been a more explosive issue than in southeast Kansas. Administrators and school board members at Erie-St. Paul USD 101 — with primary and secondary schools in Thayer, St. Paul and Erie and an elementary school at Galesburg — have quarreled with residents of those four small towns over closing the smallest schools in the district.

The primary issue is what would happen to the smaller towns if schools disappear.

Thayer and St. Paul will get a taste of that next year. On Dec. 6, the school board voted to close the high schools in those two towns at the end of the school year. Students from both schools will attend Erie High School in fall 2005.

The decision to close the two high schools came after voters earlier this year turned down a plan to build a

new high school.

One rural school district looked economic reality in the face and, with relatively little fuss, restructured to eliminate one of two small high schools and one of two elementary schools.

Bob Bartkoski, superintendent of Comanche County USD 300, said the loss of about 25 percent of enrollment over six years prompted changes.

It wasn't painless.

"You can talk about turning down thermostats, but the only way you can save significant amounts is to close buildings and reduce staff," Bartkoski said.

When the schools at Protection and Coldwater were consolidated for the 1999-2000 school year, 24 district employees — administrators, teachers and uncertified staff — lost their jobs.

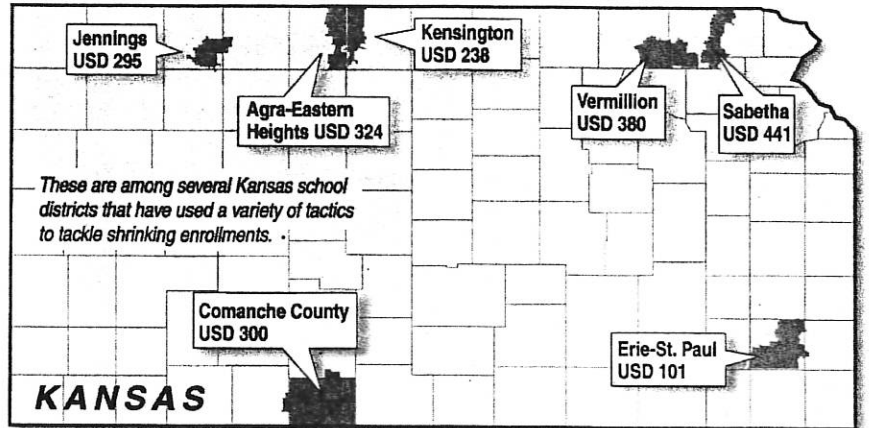
"We took some shots from alumni," Bartkoski said, "but it wasn't their school. It no longer existed."

Still, he said, the school consolidation went smoothly. The school board dealt with nuts-and-bolt matters involving the merger, but details of the restructured schools were left to students, Bartkoski said.

Trophy cases and sports banners were saved for displays at the Protection Grade School and South Central High School in Coldwater, but otherwise the buildings were transformed into new schools. A year before consolidation, students in grades four through 11 decided on a new school name, school colors and mascot.

"Here was the key," Bartkoski said. "We highly respected and maintained the history of both schools ... but also allowed the students in the new system to have their own identity, and that is so critical."

High school student councils at Protection and Coldwater also worked together before the change to develop a new constitution and homecoming details.



Source: Kansas Department of Education

JIM HECK / The Hutchinson News

"When school started, we were ready to rock and roll," Bartkoski said.

In a similar situation, Vermillion USD 380 in Marshall County has used innovation and technology to maintain two small high schools.

Superintendent Beth Reust said the district, north of Manhattan, has seen its enrollment decline by more than 100 students during her nine-year tenure. The district, with an enrollment of 530 students, has high schools 15 miles apart at Centralia and Frankfort.

"We haven't talked about consolidation yet," Reust said.

"We have approached this differently. People need to realize that where the school is isn't what's important. The quality of the school is what's important."

Several years ago USD 380 implemented distance learning between its two schools. Block scheduling helps the schools share teachers for chemistry, art, science and instrumental music. Other classes, including college prep and dual credit courses with colleges, use the Internet.

"On top of that, for the last two years we have been working with the other three districts in our special education cooperative to find ways to share resources," Reust said.

That includes group bidding on transportation contracts. And by joining forces with a neighboring Sabetha USD 441, Wetmore and Centralia jointly continue to field an 11-man football team.

If the time comes when the district cannot provide quality education — and consolidation would improve it — "then I would be behind the bandwagon to close," Reust said.

Several other districts are considering cooperative agreements with neighboring districts instead of consolidation.

That action comes even though Kansas lawmakers have twice passed laws that would give merged districts the pre-consolidation equivalent in state aid, at least for a few years.

School boards from Agra-Eastern Heights USD 324 and Kensington USD 238, for example, met in early November to discuss increased coop-

eration involving sports programs, teachers and staff.

Kensington's sixth-grade volleyball athletes already play the sport at Eastern Heights, and vocational-agriculture students at Eastern Heights participate in Kensington.

Still, there are districts that fight on despite overwhelming odds.

Officials at Jennings USD 295 decided in November to try to keep the single-building school district open next year, despite an enrollment drop of more than 50 percent over last year, from 60 students to 30.

Superintendent Emery Hart anticipates having only about 24 students in the district next year.

Hart said the school board hopes to contract out its upper-grade students to nearby districts.

"We'll make contact with joining districts of Oberlin, Norton and Hoxie," he said, "to see if they will accept the state aid of each student contracted."

Harris Group reporters Colleen Surridge, Parsons; Shanna Foster-Guiot, Chanute; and Jan Katz Ackerman and Stacie R. Sandall, both of Hays, contributed to this story.

Plains states where 'C' word is heard the most

By SARAH KESSINGER
HARRIS NEWS SERVICE

TOPEKA — The days could be numbered for many of Nebraska's 501 school districts. A consolidation bill headed for the state's Legislature in January could decide the fate of many of the smallest rural schools.

While opponents have kept consolidation efforts at bay so far, this measure proposes to reorganize 260 rural districts with elementary

schools. The bill would eliminate their school boards by combining them with rural high school districts.

While the proposal includes financial incentives, the idea is unwelcome to many Nebraskans dedicated to their small-town lifestyles. The bill's ultimate goal, they say, is to shutter the last of several communities' schools.

But others — often urban or suburban lawmakers — see consolidation as a budget savings, a way to

redirect funding to other needy areas of the state.

"I'm convinced it'd improve education," said the bill's author, Sen. Ron Raikes, who farms in rural Nebraska but lives in Lincoln. "It's very difficult to offer a full breadth of curriculum and have highly trained and well-paid teachers if your school system is very, very small."

With a shrinking rural population, Nebraska already has witnessed the closure of 400 school dis-

tricts since 1981 under voluntary mergers.

The Cornhusker State's pending debate is familiar across the Great Plains and the rural South these days.

Consolidation talks flare at statehouses. Small-town residents and school leaders organize and protest. Only when population dwindles to tiny student enrollments do school boards usually agree to throw in the towel.

In places where states have forced consolidations, a counter-movement has risen across rural America — one backed by a growing amount of research showing bigger districts aren't necessarily better.

When the nation's economy hit the skids and state budgets tightened in the late 1990s, several states turned up the volume on school consolidation talks.

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SCHOOLS: Decline of farming communities has led to change

CONTINUED FROM PAGE 5

A steady decline of farm communities and rural populations helped re-energize the discussion.

"The Great Plains is absolutely classic in this," said Marty Strange, policy director of the Vermont-based Rural School and Community Trust, which opposes forced consolidations.

"Especially in Nebraska and the Dakotas, you see the views from rural areas contrast sharply with urban areas. It's kind of a kick 'em-while-they're-down attitude. And what it ignores is that places don't always stay in permanent decline."

Strange doesn't quarrel with districts that opt to voluntarily merge. But when it comes to states ordering districts to consolidate, he urges policymakers to look at places such as rural New England.

The area, once in decline, is attracting new professionals seeking country life. Today's technology allows them to work far from the cities.

"I think there's lots of examples of economies and regions that go through transitions," he said.

Still, many school districts — even those in urban areas — face mounting financial pressure as costs grow while state funding stagnates or declines.

In Nebraska, budget cuts and decreasing population have forced rural districts to re-examine how much longer they can survive.

The most remote areas are the most politically vulnerable, Strange said.

Plus, legislatures in a handful of states now face court mandates to equalize funding among schools. Arkansas, for example, is undergoing a radical consolidation of schools after the state Supreme Court declared state school aid inadequate and inequitable.

"Unless you're willing to recognize the whole system needs more money," Strange said, "you have to recognize the temptation to take money from some districts and give it to others."

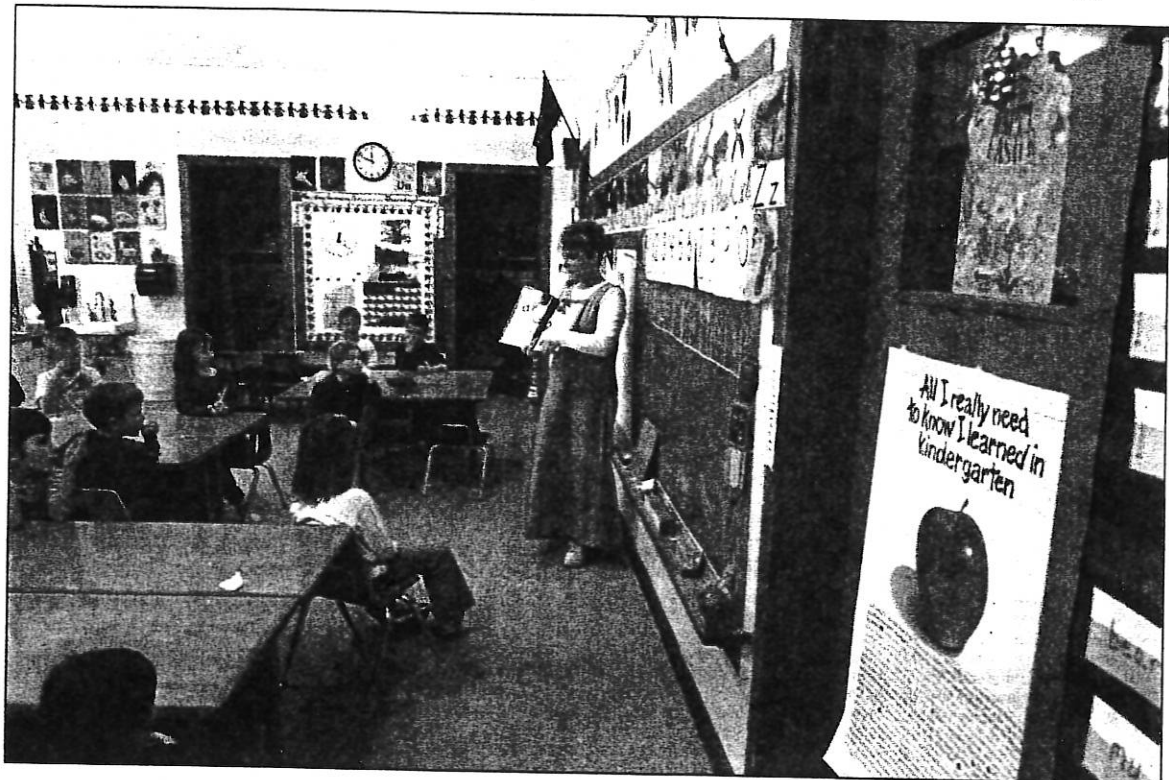
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Merging school districts doesn't always save money, say those who track consolidation trends.

Larger districts can become more efficient, depending on how they operate.

But some are quite the opposite, said Linda Martin, director of Challenge West Virginia, a grassroots support group for rural schools.

When remote districts combine, Martin said, bus transportation costs rise.

West Virginia has closed 325



South Central elementary kindergarten teacher Jennifer Kay reads to her class this school year. The class of 12 is the only kindergarten class in Comanche County. TRAVIS MORISSE / The Hutchinson News

schools since 1990. Its per-student spending is now among the highest in the nation. But more of that budget now goes to transporting students on bus rides of one to four hours each day.

Similar views exist in other states.

"I can't see where it's saved money," said Milford Smith, a retired school superintendent and leader of the Nebraska Coalition for Educational Adequacy, which opposes mandatory consolidation.

Raikes agrees that Nebraska districts would face costs upfront to consolidate. But over time he expects a more efficient system and resulting savings.

"It's difficult to spell out precisely how much and how soon," he said.

Another question often raised when districts merge is the effect it has on school quality.

As rural communities shrink, the people who leave first are those with the greatest range of choices, Strange said. They often have the education and are young enough to start over.

"The population left behind are often those who most need an edu-

“It's not clear to people that consolidation is the answer. In fact, across the country the trend in some parts is to make large schools smaller. There's a lot of conflicting information about what constitutes an effective school size.”

Andy Young,
Oklahoma's deputy
superintendent of education

cation system that's supposed to provide for them," he said. "Yet they are the ones we target for long bus rides."

Strange says a "mountain of research" shows small schools as more cost-effective. Even if they cost more to operate, he said, they often get better results with higher graduation rates than their large, urban counterparts.

In Oklahoma, rural residents

voluntarily merged districts a few years ago with help from a state incentive program. But that has not been renewed recently.

"It's not clear to people that consolidation is the answer," said Andy Young, Oklahoma's deputy superintendent of education. "In fact, across the country the trend in some parts is to make large schools smaller. There's a lot of conflicting information about what constitutes an effective school size."

Still, not long ago the Sooner State's western residents chose to close several schools, cutting the number of districts from 600 to 540.

Two-thirds of those remaining have less than 500 students.

School consolidation also is on the rise in Kentucky, where lawmakers now are merging districts into a county high school system.

■ ■ ■
Rural districts in population decline also face the challenge of an ever-aging taxpayer population.

School administrators worry about a growing disconnect between those who have children

in school and those local property-owners who don't.

When state cuts force districts to rely more and more on their local taxpayers, an elderly resident with no connection to the school system might not feel compelled to support a local bond issue to maintain or replace crumbling buildings or update technology.

"That's a real problem for schools in some communities," said Oklahoma's Young. "If senior citizens don't vote for their bond issues and programs, they're endangered."

Despite the touted benefit of student-teacher ratio in small schools, few predict a widespread turnaround in consolidation trends.

"It's hard to generalize," Strange said, "but in areas with declining population you also have declining political influence. So you can expect a lot of bitter pills to be pushed down people's throats in terms of these decisions."

"The irony is you're talking about closing some of the higher-performing schools in the country."

Law enforcement consolidation talk is easy; action isn't

By GWEN TIETGEN
GARDEN CITY TELEGRAM

Talk of law enforcement consolidation is popular in Kansas, but taking the steps to make it happen isn't.

The Riley County Police Department remains the only consolidated department among the state's 431 law enforcement agencies.

Money is the chief issue cited by both opponents and supporters of law enforcement consolidation. Supporters see long-term savings in combining services and personnel. Opponents note the initial and sometimes costly expense of a merged law enforcement agency. Studies show consolidation initially costs money, partly because salaries and benefits increase for some workers in the merged department.

The issue has played out across Kansas.

Wyandotte County has consolidated city and county government, but still has an elected sheriff.

A move in Johnson County to consolidate law enforcement stopped short.

Voters in Stevens County decided last year to keep the six-member Hugoton Police Department, even though turning law enforcement over to the sheriff's office would've saved the town of 3,600 residents an estimated \$425,000 a year.

"It was about as divisive as any issue I've seen around here," Hugoton Mayor Neil Gillespie said.

And last year, the Kansas Legislature passed a bill to allow

voters in Cloud and Lincoln counties to consider consolidation of law enforcement, but Gov. Kathleen Sebelius vetoed the bill.

Cloud County Commissioner Roger Nelson blamed the bill's death on opposition from the Kansas Sheriff's Association.

"I see no reason citizens in either of the two counties should've been denied the right to vote and express their opinion on whether they want unified law enforcement," Nelson said.

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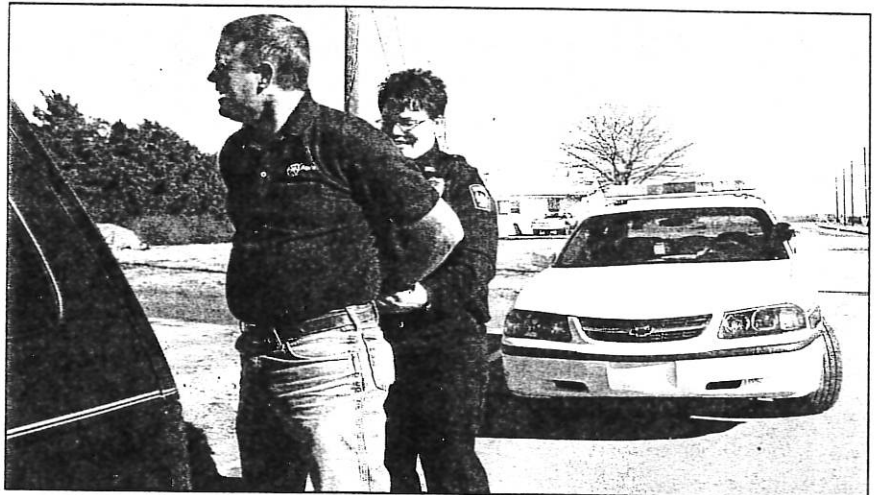
Riley County consolidated law enforcement in 1974 after the county attorney spent several years selling the idea to the community and citizens grew disgruntled with the elected sheriff.

The idea was "fought tooth and nail," said Al Johnson, director of the department from 1978 to 2000. It gained support from the police chief and sheriff and garnered public approval when it was learned current staff would be retained.

Lance Luftman, assistant director of the Riley County Police Department, said traditional law enforcement breeds duplication of services and personnel.

Consolidation "cuts out a lot of the overhead ... and therein lies some of the reasons people don't want to consolidate," Luftman said. "It results in some people losing their jobs."

Reno County looked at law enforcement consolidation about a decade ago. According to a 1995 study, per-capita costs were less with Riley's combined force than in Reno County.



MATHEW HUDDLESTON / Telegram

Hugoton Police Officers Rodney Kelling and Angela McAllister practice a low-risk arrest Nov. 24 at the police station in Hugoton. Voters in Hugoton voted against consolidating the city police department and the sheriff's office in November 2003.

"But it didn't convince many people in Reno that was the way to go," said Ed Flentje, director and professor of the Hugo Wall School of Urban and Public Affairs at Wichita State University, who helped Reno County officials examine consolidation.

Hutchinson City Manager Joe Palacios said money cannot be the reason for consolidation.

Effectiveness should be the goal. "It's better intelligence gathering, better work schedules because you have a bigger pool to work from

and you consolidate your administrative staff," Palacios said.

■ ■ ■

Long-term savings weren't enough for Ellis County law enforcement agencies to consolidate. Hays Police Lt. Donald Johnson, a 28-year veteran, argues that duplication of services isn't an issue between his department and the Ellis County Sheriff's Office.

"We're already sharing as many things as we can," he said.

Other cities and counties also collaborate in certain areas. Garden

City and Finney County law enforcement work together on gang and drug enforcement, animal control, jail operations and dispatching.

Luftman, from Riley County, is the first to admit that consolidation isn't an easy sell. But he touts its efficiency and effectiveness.

It renders turf battles moot and improves communication, he said.

"Once you get past the politics, government and past the egos, it's hard to argue against the benefits of consolidation," he said.

Court districts in state also under consideration

By RACHEL DAVIS
GARDEN CITY TELEGRAM

The idea of consolidating the district court system in Kansas has been debated for nearly 15 years, and it still makes some people hot under the collar.

Hamilton County Sheriff Mike Keating, for one.

Keating adamantly opposes district court consolidation, saying it would drive up costs for small counties.

"The state needs to leave this service alone," he said.

He isn't the only southwest Kansan to feel that way.

■ ■ ■

Kansas has 105 counties, 160 district court judges and 76 magistrate judges. Ron Keefover, spokesman for the state Office of Judicial Administration, said state law requires at least one judge for

every county in Kansas.

"Attempts were made to repeal the statute," Keefover said. "The Legislature thought it would save money."

That's when Kansans began to debate the merits of court consolidation.

■ ■ ■

Consolidation in southwest Kansas would mean doing away with courts that have low caseloads, said 25th Judicial District Court Judge Philip Vieux of Garden City.

"Consolidation takes away a real local government control," he said.

Consolidation would also mean fewer judges, Vieux said. And that, in turn, would mean higher caseloads.

"Finney County uses district magistrates from outside counties for help with cases," Vieux said. "If we lose those positions to consolidation, we would be overloaded with cases."

But some urban lawmakers, such

as Rep. Marti Crow, D-Leavenworth, favor court consolidation.

"I'm all for judicial branches managing their own districts," she said. "But I am not for uneven distribution of caseloads and burdening some courts."

Crow said consolidation would eliminate judgeships in western Kansas and create new posts in more populous areas with case backlogs.

■ ■ ■

In western Kansas, Keating believes that cutting corners — and court services — causes problems and financial burdens.

"The state says it we'll save money, but it will cost the counties more than we can afford," he said.

Keating estimates that court consolidation would cost Hamilton County at least \$100,000. That includes the cost of transportation and the expense of paying two officers to escort each prisoner to court

dates in Finney County, nearly an hour's drive from Syracuse.

"It would make obtaining search and arrest warrants more difficult ... because the documents must be delivered physically in hand to a judge for it to be legal," Keating said.

Vieux argued that consolidation would make the courts harder to access for rural Kansans.

Crow agreed that accessibility is an issue, but she said it could be solved by consolidation.

"If we balanced the caseloads, then we will allow all Kansans the same level of access and justice," she said.

■ ■ ■

Keating worries that the Legislature will approve court consolidation at some point in the future.

"The idea goes before the House Judicial Committee every year, and the vote keeps getting closer in favor

of consolidation," he said. "Basically, it's people from high populations who don't really care about the situation out here."

Rep. Ward Loyd, R-Garden City, said court consolidation is seen as the last resort for solving judicial funding issues.

"Part of the agreement for funding was the suggestion that we would not pursue consolidation if an appropriations bill was passed to renew funding of the judicial branch," Loyd said.

The bill passed, and the judicial branch received \$90.8 million this year. Keefover said.

But Crow said the Legislature is moving closer to a compromise on court consolidation.

"When the court system is no longer strangled by underfunding," she said, "then it can administer the courts without the Legislature developing the solution to the problem."

Job loss fears slow consolidation efforts

By DARRIN STINEMAN
SALINA JOURNAL

Kansas' 134,000 local government jobs and the \$362 million they inject into local economies would be in little danger if the state had an outbreak of governmental consolidation, said Steven Maynard-Moody, director of the Policy Research Institute at the University of Kansas.

Eliminating redundancy of jobs in city and county governments is a major reason for local governments to consolidate, but job losses would not be significant enough to hinder local economies, Maynard-Moody said.

"I suspect that the proportion of jobs that you would really lose ... is pretty small," he said. "I suspect the impact on local economies is going to be negligible."

Worries about how the paring of payrolls might affect local economies isn't a reason to avoid consolidation, said Maynard-Moody, who also is a professor of public administration at the University of Kansas.

"It is true that a lot of efficiencies are gained by having fewer people having to work," he said. "I guess I'm loathe to think that we're going to remain inefficient just to support people in certain jobs."

Or, as League of Kansas Municipalities Executive Director Don Moler put it, government jobs "are good jobs, yes. But having government for the sake of government isn't what we're about."

Carol Marinovich felt so strongly about the need for governmental consolidation in Wyandotte County that she ran for mayor of Kansas City, Kan., with the intention of eliminating the office she sought.

"I ran on two things, consolidation and revitalization, because I had seen from the research I had done that for consolidation to move forward, you need political leadership," said Marinovich, who now is mayor and CEO



FILE PHOTO / Hays Daily News
Kansas SRS services are available at self-service facilities such as this one in WaKeeney. The sites are designed to provide the services without the need for staffing a position.

of the Unified Government of Wyandotte County. "I didn't feel the current mayor really pushed it."

When Wyandotte County made the switch in 1997, the positions of Kansas City mayor and Wyandotte County treasurer, clerk and surveyor were eliminated, as were the seats of six city council members and three county commissioners. A new 10-member unified government commission was elected.

Government jobs in Wyandotte County, though, were eliminated through attrition —

not layoffs. And consolidation spurred economic development, Marinovich said.

Wyandotte County, one of the state's poorest counties, scored the economic boon called Village West, now the state's top tourist destination. Village West, northwest of the intersection of Interstate 70 and Interstate 435, includes the Kansas Speedway, a Cabela's superstore, the Great Wolf Lodge and a 4,500-seat minor league baseball park.

"I strongly believe if we didn't have a consolidated government, we wouldn't have

Kansas Speedway and Village West," Marinovich said. "If we hadn't had a consolidated government, the city could've been lobbying for it in the Legislature and the county could've been lobbying against it. Having one single voice of local government, I think, was extremely beneficial."

Tom Weigand, president of the Ottawa Chamber of Commerce, said his community has talked about consolidation from time to time and instituted it in small ways, such as a cooperative 911 service. If Franklin County governments did consolidate, Weigand said he wouldn't expect much loss of government employment.

"I don't think it would be a noticeable effect," he said. "I don't see it as a big budget-saver. Maybe some, but not a lot."

But Weigand doesn't see full-scale consolidation coming to Franklin County.

"It comes up from time to time, but the city is not that interested," he said. "I would think it would be difficult (to pass)."

That scene plays out elsewhere in Kansas. There hasn't been serious talk of unifying governments in Hutchinson and Reno County, said Meryl Dye, special assistant to the Hutchinson city manager. The two entities have melded some law-enforcement operations, however, such as record-keeping and central dispatch.

"I think there was talk about consolidating the police and sheriff's office," Dye said, "but there wasn't enough support for that."

While consolidation worked well for Wyandotte County, Marinovich said it's not a one-size-fits-all proposition.

"I'm only familiar with Kansas City, Kan., and Wyandotte County, and having dual city and county government didn't make sense for us," she said. "I've seen it benefit my community, but whether or not other communities consolidate, that's up to them."

Gov. Sebelius hopes to streamline some areas

By CHRIS GRENZ
HARRIS NEWS SERVICE

TOPEKA — Over the past few years, driver's license bureaus and social service offices have dwindled in Kansas.

The closures have been part of consolidation efforts intended to make the state more efficient and to save money.

On the campaign trail in 2002, Gov. Kathleen Sebelius pledged to do more consolidating and streamlining as governor.

Now, two years into her term, there have been changes, but some question the results of those efforts. And others wonder whether more consolidation plans loom.

"We would look at this more as an ongoing process," said Nicole Corcoran, the governor's spokeswoman. "We'll never be done streamlining government and looking for efficiencies."

Senate Budget Committee

Chairman Steve Morris, R-Hugoton, isn't entirely sold on the consolidation of Social and Rehabilitation Services offices.

SRS has closed 56 of its 105 county offices, replacing them with "service centers" that serve larger areas. The agency ultimately plans to have 44 service centers scattered around the state by July 1.



Sebelius

The agency also has consolidated its 11 regional administrative offices into six. The changes are projected to save the state up to \$2 million annually in lower administrative costs.

In Morris' southwest Kansas Senate district, only one office remains in the eight counties he represents. County offices across

Kansas have been replaced by hundreds of "access points," which are information kiosks located in public buildings, doctor's offices, nursing homes and senior centers where Kansans can apply for services or pick up brochures.

Morris, elected Senate president earlier this month, hopes to ask legislative auditors to review the change to determine if Kansans continue to be served and if the state is saving money.

"I think the jury may still be out," Morris said.

It's just one example of how tough it can be to consolidate, even within a single agency of state government. Morris said such savings mean sacrificing services, often in rural areas. Toss in turf battles and power struggles within state government, and trimming the fat can be more difficult than it looks.

"If there's a way that we can improve services with consolidation of state functions, it's probably

something we should look at," Morris said.

But he acknowledged he wasn't certain if additional consolidation would be possible.

Other recent changes that aim to streamline government include moving the duties to inspect restaurants, grocery stores, vending machines, convenience stores, bakeries, food wholesalers and other food businesses from the Department of Health and Environment to the Department of Agriculture.

More recently, Sebelius has proposed consolidating the state's Medicaid program and the state workers' healthcare program in a single new health agency that could leverage purchasing power to buy cheaper prescription drugs.

Sebelius took office after empanelling what she called Budget Efficiency Savings Teams. The B.E.S.T. groups studied government

operations and outlined a host of ways potentially to consolidate services.

Several ideas remain under consideration. A report is due in February on whether consolidating state hospitals in Topeka and Parsons would make sense. And some lawmakers also favor consolidation of Rainbow Mental Health Facility in Kansas City, Kan., with Osawatimie State Hospital.

But other ideas, such as reducing the countless state boards and commissions, have gone nowhere.

"We explored all the ideas and saw some of them didn't pan out," Corcoran said. "In theory and on paper, things looked good when they're combined. But when you truly get in and look at the services, you need to make sure people are being served."

Still, Sebelius intends to continue pushing cabinet secretaries and government leaders to change the way they think about state government.

Advocates, leaders praise Wyandotte Co.

By CHRIS GRENZ
HARRIS NEWS SERVICE

TOPEKA — A decade ago, Kansas City, Kan., was a community in chaos. Wyandotte County was hemorrhaging population as residents fled a dying urban core. Those left behind footed the bills through ever-soaring taxes. There were allegations of political corruption amid a crescendo of infighting among elected leaders.

"It was just a den of finger-pointing, screaming and hollering and everybody blaming everybody," said Mike Jacobi, a Kansas City real estate agent. "We fought over virtually everything. There was everything bad you could imagine."

Jacobi, who has never held elected office, and a friend, Kevin Kelley who works at Donnelly College in Kansas City, decided to push for radical change. They wondered if unifying the county and city governments could address the problems and quell the fighting.

"It was that or move, along with everyone else," Jacobi said.

Consolidation was a long shot — and one Jacobi admits he didn't know much about.

But working together, he and Kelley sowed the seeds for a grassroots campaign that grew to a groundswell of support.

The Unified Government of Wyandotte County and Kansas City, Kan. — called "UniGov" by locals — officially began in 1997, making it the most extensive local government consolidation in Kansas.

Now, more than seven years later, the consensus appears to be that politicians and voters made the right move.

Duplicate government positions have been eliminated, property tax rates have been reduced by about 25 percent, and under a united vision of economic development, the long-declining county has seen unprecedented growth.

But getting past political pitfalls and turf battles to make consolidation a reality is a story of unflinching leadership among risk-taking elected leaders, perseverance at the grassroots level, back-room deals, special circumstances unique to the county — and a little bit of luck.

"It was a miracle," Jacobi said. "It's probably the best thing that's happened to us."

Wyandotte County is home to about 160,000 residents, most of whom live in Kansas City. A single important factor helped make unification a reality, many believe — there virtually was no unincorporated land left in the county when the governments merged. All but a handful of residents lived in Kansas City, Bonner Springs or Edwardsville,

three cities that sprawled across nearly every square inch of the county.

But that fact alone didn't make it easy. The first step in the five-year effort was getting local support.

Among the first to get on board was Carol Marinovich, a Kansas City councilwoman who ran for mayor under the old form of government on a pro-consolidation platform. Favoring consolidation carried considerable political risk, but she believed it was necessary in order for the area to progress.

Marinovich, now wrapping up her second four-year term as mayor and CEO of the unified government, handily won her mayoral campaign in April 1995 and began to build consensus for change.

Next, lawmakers had to approve the county's plan. While outwardly expressing support, some local politicians and legislators — Democrats who stood to lose power and influence — secretly worked behind the scenes to kill the plan and protect their turf, Marinovich said.

Eager to make a deal, Marinovich, also a Democrat, called then-Sen. Mark Parkinson, a moderate Republican from Olathe who headed the committee that would consider the plan, and asked for a meeting.

The bipartisan group, along with the mayors of Bonner Springs and Edwardsville and a lobbyist for the League of Kansas Municipalities, gathered one weekend afternoon in Lawrence and hammered out an agreement.

Then-Gov. Bill Graves, another moderate Republican, got on board and the local opponents lost influence, Marinovich said. Ultimately, the deal passed the Legislature.

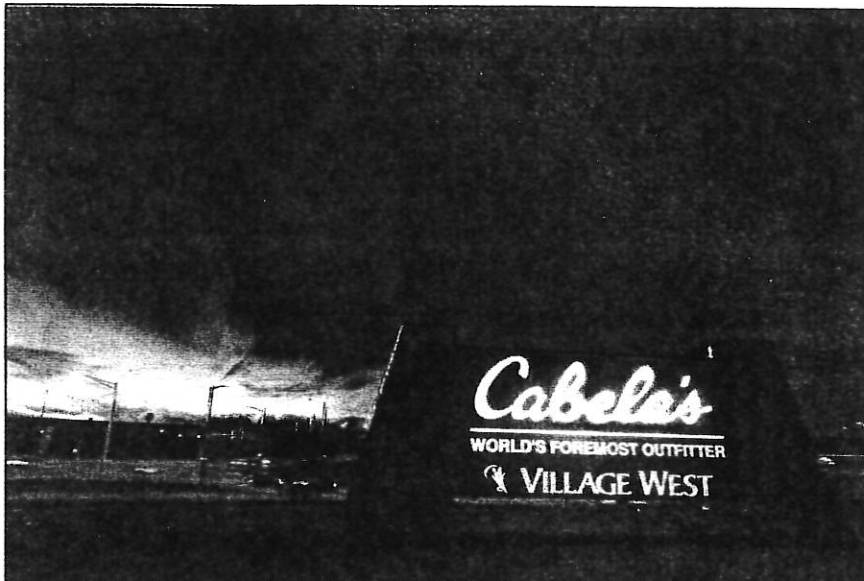
Once lawmakers approved consolidation, a study commission put together a plan. The seven-member city council for Kansas City and the three-member Wyandotte County Commission would be abolished.

In its place, a 10-member board of commissioners was established with four-year terms and non-partisan elections. Eight members are elected by district while two are elected at-large.

The mayor and CEO, also elected countywide, can vote to break a tie, has veto power and appoints a county administrator, with consent of the commission.

Under the agreement, Bonner Springs and Edwardsville are allowed to maintain their independence with city councils while also being represented on the new county board.

Voters approved the formula by a 2-1 margin, giving leaders six months to put the new government together while many simultaneously campaigned for newly created positions.



JOHN NOWAK / The Ottawa Herald
In the shadow of Kansas Speedway in Wyandotte County lies Village West, including the popular shopping of Nebraska Furniture Mart and Cabela's.

Merging the city and county governments was complicated. Under the terms of the deal, tax rates couldn't be increased, no layoffs were allowed and no one could take a pay cut.

New rules were crafted related to hiring, firing and promotions, pay scales were adjusted and benefits packages were standardized.

"There were people who were hesitant at the beginning," said Sen. Mark Gilstrap, D-Kansas City, who worked at city hall for more than two decades before the merger and now is the deputy revenue director for the Unified Government.

"Employees were apprehensive," he said. "There was some resistance from some departments. But I am convinced that it was a good thing for us to do."

The consolidation led to more efficient government, officials say. Without a single layoff, the government shed more than 500 positions through attrition. It blended departments and created what insiders say is a smoother operation.

But the real reward of consolidation, local leaders say, is more than \$1 billion in economic development that has emerged since the changeover.

The Kansas Speedway, a NASCAR track that attracts more than 650,000 visitors annually, has opened near the intersection of Interstate 70 and Interstate 435. The area has become a booming retail hub, known as Village West, which features Nebraska

Furniture Mart, Cabela's and large hotels. More development, including a proposed casino, is on the drawing board.

Many believe the growth wouldn't have occurred without unification. The old governments were too dysfunctional and constantly at odds, they said.

"The city government and the county government were at war with one another and we could never get anything accomplished," said Rep. Rick Rehorn, D-Kansas City, who was chairman of a bipartisan group of citizens who worked to pass consolidation. "After we consolidated, we spoke with one voice."

Consolidation hasn't been flawless. Rehorn, who plans to resign his House seat in December in order to run for mayor in 2005, said not all aspects of local government truly have been consolidated.

He also believes more economic development potential exists.

And, the county is a victim of its own success: property valuations have skyrocketed with the local economic boom.

"There are still some problems," Rehorn said. "This is a brand-new form of government in Kansas. It's a work in progress."

Mark Peterson, an assistant professor of political science at Washburn University who has extensively studied various forms of local government, agreed that the unified government hasn't come together perfectly.

There is still an elected sheriff and a municipal police department. The move to nonpartisan elections didn't put a stop to all political infighting. And some county residents outside Kansas City aren't happy about paying high taxes to help shore up the urban core.

"But from the standpoint of being able to raise all boats, UniGov has been good," Peterson said. "The whole notion behind unified government, of course, is sort of a reflection of the realization among a lot of people that times have changed. It is an effort to get rural residents who are using urban services and paying nothing for them to pay their fair share."

Community activist Ian Bautista, a Wyandotte County native who heads El Centro, which offers assistance and advocacy to Hispanic families, said the new form of government has made his job easier.

"It's refreshing to not have to go office to office to get one project accomplished," he said. "You have one set of administrators to work with and that's it. It's quite a bit more efficient."

But the key result of consolidation is not unified government, Marinovich said. It's unified vision and leadership.

"Before, we had to put a Band-Aid on problems. Now we can say, 'How do we address them long term?' It's amazing what you can do when you have one single vision and one single voice for a local government."

Counties see the value in consolidating services

By VICKIE MOSS
THE OTTAWA HERALD

Karah Williams, 20, knows little about the East Central Kansas Economic Opportunity Corp.

She doesn't know ECKAN serves more than 3,000 low-income Kansans in nine counties, or that it has an annual budget of \$5.5 million, funded mostly by federal, state and local grants.

Williams only knows ECKAN was there when she and her children needed help.

"We have a place to live because of them," she said.

■ ■ ■

ECKAN is one of eight Kansas Community Action Program agencies formed in response to the Economic Opportunity Act of 1964. The agency provides a variety of programs, such as housing, weatherization and preschool, to help low-income residents.

It is among a larger pool of assistance agencies for the most vulnerable — the poor, the elderly and the disabled.

These quasi-governmental agencies often cover multiple counties.

Many of these regional organizations have been successful for more than 30 years, with most putting down roots in the 1960s and '70s.

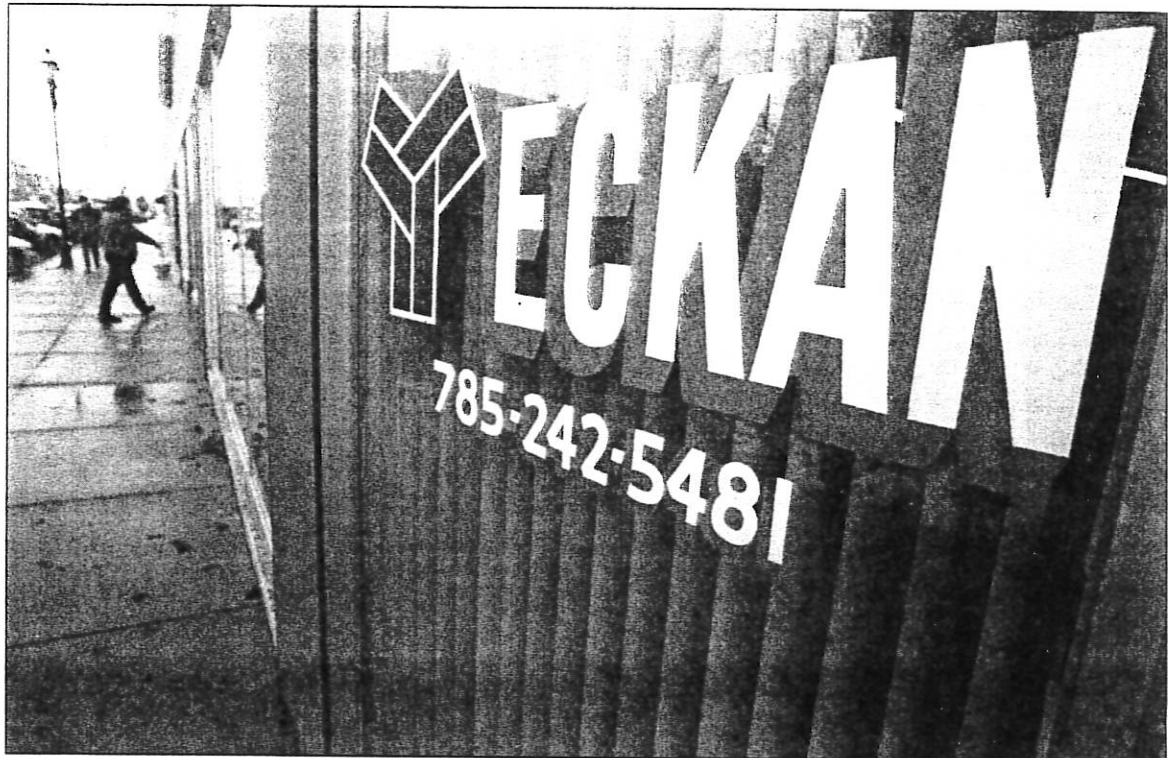
The consolidated structures save money, allow access to specialized services and serve a wide population bases.

■ ■ ■

Williams, a single mother of a toddler and a newborn, lived with cash-strapped family members until her aunt told her earlier this year about ECKAN. Now she lives in government-subsidized housing and takes part in ECKAN-sponsored programs to become less reliant on government assistance.

Williams is one of the lucky ones. She lives in Ottawa, home of ECKAN's central office, so transportation isn't an issue.

But for others, such as those in western Kansas, where agencies might serve 20 or more counties, a



JOHN NOWAK / The Ottawa Herald

ECKAN, or East Central Kansas Economic Opportunity Corp., is an organization designed to assist deserving Kansans in nine counties.

trip to the home office can take several hours.

To compensate, county offices must remain an essential part of the agency network. Jim Blume, director of Developmental Services of Northwest Kansas, said that cooperation between counties has been agency's goal since its board of directors formed 30 years ago.



Blume

DSNWK is based in Hays and serves people with developmental disabilities in 18 counties.

"In order to offer quality services we had to have a sufficient tax base, and that meant multi-county partic-

ipation," Blume said.

■ ■ ■

With a mix of urban and rural communities, some clients of the six-county Central Kansas Mental Health Services, based in Salina, have to travel farther than others, but they have access to mental-health specialists in Salina or other area cities, director Patricia Murray said.

A larger population base translates to more people with a variety of mental-health needs. Serving as a regional hub helps the agency qualify for additional grants.

"We are strengthened," Murray said. "We can offer much better services to both bigger and smaller

communities."

■ ■ ■

ECKAN director Richard Jackson said the costs associated with maintaining offices in multiple counties can be considerable.

"Consolidation doesn't necessarily mean you save dollars," he said. "The issue is about not duplicating services and providing as many services as you can."

Significant budget cuts in the future could require some counties to combine offices, but Jackson said he hopes it doesn't come to that.

"For our clients, being able to deal with a live person makes a big difference," he said. "If your utili-

ties are about to be cut off or you're out of baby formula, you want to be able to go and talk to someone."

The Southeast Kansas Area Agency on Aging, based in Chanute, taps into a broad base of home health care providers in the nine counties it serves, along with nutrition, transportation and employment programs for the elderly, said Linda Meyer, program specialist.

"We're the central point of entry so we get a good analysis of what (clients) need," she said. "We have enough case managers who know their counties and what's out there."

"You can always improve ... but I think our system works."

Many U.S. communities exploring consolidation

By SARAH KESSINGER
HARRIS NEWS SERVICE

Voters in the small Georgia county of Candler went to the polls in 1994 and soundly defeated a plan to merge their county

government with the city of Metter.

"The voters were not ready to move to that point," said Metter Mayor Billy Trapnell, who backed the proposal.

Leaders said the plan meant no savings in the short term, but could

produce long-term efficiencies. They assured the public that no one would lose a job. But that didn't appease worries among staff. County residents wondered if they'd be saddled with paying down the city's debt. City voters had similar worries.

"This is a major decision," Trapnell said, "and with something new like this, there is concern that things may not be as presented."

Other parts of the country have had similar experiences.

■ ■ ■

It's an amazing political feat if you can pull off a consolidation," said Jacqueline Byers, research director for the National Association of Counties in Washington, D.C.

Cooperation smooths path between health, environment officials in state

By SARAH HILL
THE HUTCHINSON NEWS

Two divisions, one government agency. At the Kansas Department of Health and Environment, the cooperative effort between two divisions works to satisfy both federal and local problems.

Kansas is one of a handful of states with a combined health and environment department — an approach that provides cities, counties and the state a great deal of flexibility.

"One of the things we find when we're working on health issues is that there's often an environmental component to them, and vice versa," said Sharon Watson, spokeswoman for KDHE. "There are many times when those two divisions work very closely on issues."

And the agency's two divisions also work closely with cities and counties, sometimes standing in for federal agencies.

Intergovernmental cooperation in Kansas takes place despite an absence of legal responsibility.

Unless enforcing a state statute, local health departments are responsible to the counties they serve, not to KDHE, Watson said.

County health departments govern local sanitation codes and private water and wastewater systems, said Judy Seltzer, director of the Reno County Health Department.

"In a sense, local health departments are independent of KDHE," Watson said. "They look to us for guidance and recommendations, but they're not required to follow us by statutory guidelines."

Local departments do follow directions given by the state, Seltzer said, but most often act as a local branch of the government as far as citizens are concerned.

"We're a link between the citizenry and the state," she said. "We'll sit in on meetings that KDHE has with the city or whoever has a problem, so we can answer questions if people call in."

The state has a similar arrangement with the Environmental Protection Agency, Watson said. The federal government has delegated the responsibility to enforce regulations for livestock operations, air quality, wastewater management and remediation to the state.

In turn, the EPA partially funds the programs that carry out inspections or enforcement — under guidelines similar to the state's regulations.

"Most of what we're doing in those areas is carrying out what otherwise would have been done with the EPA," Watson said. "They've delegated the authority to us, but we're working to get to the same goal."

State statutes bind the governments together on certain health and environment issues, but the gray area of non-mandated cooperation often yields better results.

That was the case when contamination was discovered at a water well in Hutchinson's east-side industrial district. The situation could have led to the federal government designating the area as a Superfund site, freezing land transactions and labeling the area an environmental disaster.

Carbon tetrachloride, a fumigant used at nearby grain elevators, had leached into the ground near the well at 4th and Carey Boulevard, contaminating the groundwater.

When the city sought a solution, KDHE was more flexible in dealing with local officials than the EPA, said Dennis Clennan, engineer and public works director for the city of Hutchinson.

The federal government likely would have required a system to contain the contaminated plumes along with measures to remove the contaminants from the water.

The city's solution — adding a reverse osmosis system to purify the city's water supply — solved both problems with one step.

"When we use the reverse osmosis system, we'll be pumping those plumes forever," Clennan said. "We went to KDHE and said,

'Look, we don't need to contain the plumes because we'll be cleaning that water.'"

In some cases, as long as the federal environmental regulations are satisfied, the EPA will allow local governments to work with the state, Watson said. The EPA delegated the ability to oversee remediation projects to KDHE.

"We prefer working with state regulatory agencies as opposed to federal agencies on something that's problematic," Clennan said. "I think that feeling is widespread in cities across the state."

Salina faced a similar situation when officials learned of contamination under the city's downtown area.

Leaders worked directly with the state to clean up the area, and the city saved time and legal fees that could have been tied up for years in dealing with an EPA Superfund designation, said Salina Public Works Director Shawn O'Leary.

Because each situation is different, it's not always possible for the state and the city to work together on an environmental remediation project, O'Leary said.

But when it's allowed, such partnerships usually smooth the path.

"I think it just complicates matters — at least, that's been our experience," O'Leary said of working with the federal government. "Ultimately, the solution takes place at the local level, even if it's something that's dictated at the state or federal level."

“Most of what we’re doing in these areas is carrying out what otherwise would have been done with the EPA.”

Sharon Watson,
spokeswoman for KDHE

EXPLORE: Consolidation a touchy subject for many

CONTINUED FROM PAGE 10

"Consolidation looks like it's got a lot of letters, but it's really like a four-letter word in some places. It's very touchy."

A lot of defeats come from talk of losing jobs, she said, which isn't always accurate.

In nearly all consolidations, local governments have used attrition to gradually shrink the ranks of city-county employees, said Byers, whose organization takes no official position on the issue.

Despite arguments for streamlining, Bernalillo County and Albuquerque, N.M., failed to convince voters in 2003 and this year to allow unification.

Voters in Des Moines and Polk County, Iowa, rejected such a proposal a decade ago and then again this year.

However, as today's cities and counties wrestle with rising costs and ebbing revenues, interest in consolidation appears to be growing, said Harry Hayes, a researcher at the Carl Vinson Institute of

Government at the University of Georgia.

Historically, mergers were most common in southern states.

Unlike the West, counties in states such as Tennessee, Georgia and Kentucky are small in land size and often have just one main city to consider for consolidation rather than several smaller cities.

"We're seeing more attempts in the Western U.S. and the mid-central region," Byers said. "But the vast majority is in the South."

Often viewed as turf battles and political power struggles, merger proposals still most often fail by wide margins. Since 1950, only 26 city-county unifications have met voter approval out of nearly 125 attempts, the counties association records show.

But that doesn't hinder some local leaders from trying again and some observers predict the pace of approvals will pick up as rural areas lose more population and growing cities sprawl into their counties' formerly unincorporated areas.

Residents of Athens and Clark County in Georgia, for example, defeated unification plans three times over several decades before approving it in 1990.

And in Tennessee, the Metropolitan Government of Nashville Davidson County was formed in 1963.

"It's worked very well here," said spokesman Molly Sudderth.

Counties north and south of Nashville now are considering consolidation.

Governments often take the first step toward consolidation when they agree to provide select services together. Known as "functional consolidation," such agreements might include a merger of recreation agencies, computer maintenance departments, law enforcement or other services.

"Frequently, those are what local governments explore before they become serious about full governmental cooperation," Hayes said. "Both functional and full consolidations are an evergreen governmen-

tal issue."

In some cases, government leaders initiate the process, hoping to hold down taxes amid tightening budget constraints, rising costs and a growing demand for local services.

In other places, Hayes said, residents might tire of city-county squabbling and want them to work together.

"What we've seen typically is that some kind of crisis, either in the budget or with leadership or a combination of those, rises to a level that makes people want change," he said. "By and large people are not as concerned with their government's structure as they are with the quality and level of service."

Successful consolidation cases often involve large- or mid-sized population centers. New York City is the largest, where five counties consolidated into one metropolitan government in 1874.

A few are small, such as the Alaskan community of Haines City and Haines Borough, population

2,000, where voters agreed to unify in 2002.

"Because local governments are primarily concerned with service delivery, I think we'll see more consolidation and a variety of ways to deliver those services 25 years down the road," Hayes said.

Despite the 1994 voter rejection of unification, Candler County, Ga., now handles all elections, fire protection and accounting for both the city of Metter and the county. Mayor Trapnell said.

"One day, when everybody's comfortable enough, unification may be a natural recourse," he said.

Even multi-county service delivery could become more common across the country, Hayes said, which might lead counties to talk of combining.

There is no definitive answer on whether unification changes tax rates and spending.

Research shows mixed results, Hayes said.

"I'd say there is every opportunity through a consolidation for a savings," he said.

Lawmakers deal with hot potato

By SARAH KESSINGER
and CHRIS GRENZ
HARRIS NEWS SERVICE

TOPEKA — Kansas Senate Budget Chairman Steve Morris can look out the windows of one of this downtown's high-rise buildings and see five school districts sprawling across Shawnee County.

When people start talking about consolidation in Kansas, they often picture rural areas that face population declines.

But Morris, a rural lawmaker from far southwest Kansas, says the concentration of school districts in the state's more urban areas also should be on the table when merger talks arise.

However, he doesn't readily talk of more consolidation on any level.

"A lot of the districts in southwest and north-west Kansas already have one district per county," said Morris, a Hugoton Republican. "It'd be pretty difficult for more consolidation in some places unless you want students riding a bus all day long."

Whether the target is rural or urban, large or small, city-county or school districts, consolidation is one political hot potato.

It's a topic that most legislators would prefer not to touch, but instead leave to the locals.

"It's the definition of conflict,"

Aistrup said Joe Aistrup, head of the political science department at Kansas State University.

The state's fight to consolidate thousands of districts to slightly more than 300 back in the 1960s was an unsavory affair for many.

"It left a bad taste in a lot of people's mouths," Aistrup said. "A lot of people felt it was forced upon them, and still today there's those feelings of the rural-urban split."

But as population in rural areas continues to decline, Aistrup said, Kansas and other Plains states expect school district consolidation to resurface for

debate — as well as merger talks between cities and counties.

"There will be winners and losers, and the losers will be screaming pretty loudly," Aistrup said.

It is easier for urban legislators to propose consolidation. The most contentious bills have been offered in the past decade by Rep. Bill Mason, R-El Dorado, who lives in a county adjacent to Wichita. But Mason, who is retir-

ing, never got far with his attempts to encourage school district consolidation.

It is also difficult for statewide officeholders to support talk of mergers, Aistrup said.

"They need the rural votes to get the majorities. ... It can hurt their prospects," he said.

Gov. Kathleen Sebelius believes that local governments should be

able to merge without state approval.

The governor backs a bill the Kansas League of Municipalities proposed the last two years to end a requirement that cities and counties gain the Legislature's permission to merge.

Lawmakers in one part of the state shouldn't have a say in whether or not a local government elsewhere can seek efficiencies, Sebelius said.

"If there is willingness at the local level to tackle that conversation I think that's where the decision-making should be," she said. "Getting rid of the current statutory barrier would encourage more units to look at it."

Nowhere in the country is voluntary school consolidation an easy topic for policymakers.

"Most of the time right now, consolidation is being forced by courts," Aistrup said.

But voluntary consideration of the issue by local school boards is far more frequent, Aistrup said, in light of strained budgets both at local and state levels.

"Over the past 10 years, I've seen a dramatic shift in our willingness to talk about this," he said.

Sebelius said that a recently announced pilot project for Standard & Poor's to conduct a

voluntary audit of state school efficiencies could indicate that districts can share administrators with other districts.

"I would be very enthusiastic about then trying to incorporate some financial incentives or, on the flip side, looking at financial penalties if people insisted that more of their dollars were going to be spent on what appeared to be an excessive number of administrators," Sebelius said.

Sebelius questions the benefit of consolidating districts where school closings would force students to face a long trip to a new school. She thinks people would gladly share administrators as long as they get to keep their local schools open.

"I don't ever hear people tell me, 'I'm desperate we don't lose our superintendent or our assistant superintendent,'" Sebelius said. "What they say is, 'We don't want our schools closed.'"

Local governments and counties often see their mill levies remain relatively high, Aistrup said, as populations fall and counties lose their tax base.

"Basically, the situation has gotten to the point where it's almost at crisis level in some places, and as it's moved toward this threshold people have had to move to make government services viable and affordable," Aistrup said.

As a result, he said, "I think within the next 10 to 20 years we'll see significant consolidation efforts."

Urban lawmakers likely will propose them, he said, although rural legislators could be more open to them if they are viewed as tax relief.

The issue is similar throughout the Great Plains states, Aistrup observed.

Still, there is resistance to actually proposing change.

When courts address the issue, they may not specifically refer to consolidation. But judicial decisions often force the question by noting that if a system were more efficient, its funding might be adequate.

"At that point, a Legislature could be forced to deal with consolidation," Aistrup said. "So it may come sooner rather than

later."

Cost is another reason lawmakers don't want to deal with consolidation. In the short term, transition to a merged government of schools or counties and cities can be expensive. And in the long run, if the tax burden is lessened for some, it may be increased for others.

Mark Peterson, an assistant professor of political science at Washburn

University who has studied various forms of local government, said disputes over taxes and equity most frequently hinder city-county mergers.

"If you represent a rural constituency and you come down in favor of unification, you are essentially telling your constituents, 'Your taxes are going to go up,'" he said. "And there may be peo-

ple within urban areas that have their reservations as well about expanding city government and expanding city boundaries."

For politicians, opposition to consolidation often boils down to a fear of losing power and influence.

Leaders don't like giving up power, whether it's a local school superintendent who could be out of a job or elected officials facing the elimination of their positions.

"It's a turf issue," said Carol Marinovich, mayor and CEO of the Unified Government of Wyandotte County and Kansas City, Kan., where she weathered

considerable political risk by pushing for consolidation.

"Getting politicians to support something that eliminates their elected position could be a hurdle."

Rep. Rick Rehorn, D-Kansas City, worked with Marinovich to make the unified government a

reality.

He echoed the mayor's belief that political power struggles were the single biggest obstacle.

"You're fighting entrenched power," he said. "A lot of people sitting in government don't want it to happen."

Still, Aistrup says there's been a major change in the way the "C" word is viewed.

"It's a tough issue," he said. "There's a lot of pain and not a lot of immediate gain."

Despite the controversial history of consolidation, Morris said he hears more interest now among lawmakers to remove barriers faced by local governments or school districts that want to merge.

For example, some small school districts choose not to merge because they would lose low-enrollment subsidies. But lawmakers have twice passed laws that would give such

districts the pre-consolidation equivalent in state aid — at least for a few years — if they carry out a merger.

The financial incentive is intended to encourage small school districts to merge voluntarily. But lawmakers still want to leave the ultimate decision to locals.

Sen. Mark Gilstrap, D-Kansas City, works for the Unified Government and believes the city-county merger has worked well in Wyandotte County. But despite success there, he said the state shouldn't mandate such moves elsewhere.

"I hope other counties take a serious look at it and give it a go if they can, but you've got to leave it to the locals — the city folks and the county folks," he said. "They have to be able to extend the olive branch to each other and say, 'Let's take a look at this.'"

Morris, chosen earlier this month as Senate president, agreed that state lawmakers in Topeka should mostly leave it to the folks back home.

"I think maybe we could offer some incentives, specifically for schools," he said. "I don't think that there's much support to try and force consolidation of schools or cities and counties. But we certainly would encourage it where it makes sense."

"I would be very enthusiastic about them trying to incorporate some financial incentives or, on the flip side, looking at financial penalties if people insisted that more of their dollars were going to be spent on what appeared to be an excessive number of administrators."

Gov. Kathleen Sebelius,
Democrat

"It left a bad taste in a lot of people's mouths. A lot of people felt it was forced upon them, and still today there's those feelings of rural-urban split."

Joe Aistrup,
head of political science
department at Kansas State



Aistrup

Consolidation opportunities abound

By MARY CLARKIN
THE HUTCHINSON NEWS

Latin origins for "consolidate" — combining "together" and "to make solid" — offer no hint the word can be inflammatory. John Divine used the word when he ran for Saline County commissioner this fall. He lost.

Rep. Marti Crow, D-Leavenworth, promotes consolidation of the district court system in Kansas. She won enough votes to keep her job, but her ideas have failed to muster needed support.

In 2002, Kansas' nearly 4,000 local governments put it on the U.S. Census' Top 10 list of states with the most government units. Consolidations and mergers are so rare that they generate headlines throughout the state when they do occur.

Such was the case in April 2003 when voters in Bazine USD 304 and Ransom USD 302, with a combined student population of 215, voted to merge.

Not even the Kansas Taxpayers Network, a watchdog group, is beating the drum for government consolidation. The record of mergers, said Executive Director Karl Peterjohn, is "mixed at best."

"Often there's no net savings for taxpayers," he said. "It's just like reshuffling the deck chairs on the cruise ship."

A bigger government, Peterjohn cautioned, is not necessarily more effective. In theory, though, he allowed that consolidation — if done correctly — can save money.

There have been just 33 mergers of city and county governments in the United States since 1805.

That led state researchers to conclude in a report published by the Legislative Division of Post Audit in September 2003 that the potential for additional city-county mergers in Kansas appeared small.

Kansas' lone entry among the 33 mergers was the Unified Government of Wyandotte County and Kansas City, Kan., created in 1997.

Leaders there credit the unified government with enabling the economic development boon in Wyandotte. There is no talk of returning to separate city and county governments.

Potentially, Wyandotte could be joined some day by another city-county government in Kansas. Shawnee County voters agreed in November to ask the Legislature for a commission that would outline a consolidation plan.

That circuitous route to achieving desired change at the local level is part of the problem, according to

the Kansas Advisory Council on Intergovernmental Relations.

The 2005 Kansas Legislature, which convenes Jan. 10, should "act quickly to authorize a process" so the citizens of

Shawnee County or any county interested in reorganization of local government, have the power and a method for action, the advisory council urged.

The 2002 Legislature created the Kansas Advisory Council on Intergovernmental Relations to study government structure and find efficiencies.

But the state audit report published in September 2003 described a languishing council that had never met.

That embarrassing disclosure resulted in change.

"We've certainly stepped it up," said council member Tim Norton, a Sedgewick County commissioner.

The council includes city, county, school and township representatives, as well as four state legislators.

It has met six times since late September 2003. It filed its 2004

Annual Report on Dec. 1, attaching two proposals for the 2005 Kansas Legislature.

It recommended approval of legislation next year to ease the ability of cities and counties to consider consolidation and the ability of counties to change boundary lines to accommodate multi-county consolidation.

"We believe that the citizens of Kansas counties deserve the strongest measure of local control and self-determination," stated the proposal submitted by council chairman Michael Boehm, the mayor of Lenexa.

"Whether the word 'consolida-

tion' is really the word you want to use or is it 'unification' or is it 'merger' — we're talking about all those things," Norton said.

"Nothing's off the table."

One factor discouraging collaboration among local governments, the 2003 audit report stated, was "fear of losing local control of how services are provided."

The fear is not baseless, officials note.

Ripples in the wake of the Kansas Department of Social and Rehabilitation Services' shutdown of 56 of its 105 county offices

reached into Greeley County in western Kansas. The closing translated into two lost jobs.

Consolidation also can extract a price in time, opponents in rural counties say, whether that means longer rides on the school bus or trips to larger counties if court consolidation eliminates rural judges.

Kansas has many small towns with populations that shrank even more when their schools were boarded up.

Nashville, where City Councilman Gary Westerman grew up, once had three schools. First, St. John Lutheran grade school closed. Then Nashville High School locked the doors in 1966, two years after Westerman graduated.

"They went round and round and round to try to keep that school," he said.

The town's public grade school folded last, more than two decades ago.

Today, Nashville has a co-op and an insurance agency. A grant helped build a community center in the

1990s, and senior citizens gather there for meals.

The Kingman County town's surviving church, St. John, has only a couple youths in Sunday school.

"Our town's still here," said Westerman, "but it just keeps dwindling."

As the Legislative Division of Post Audit team studied the

potential for improving cooperation and reducing duplication among local governments, it zeroed in on three counties: Dickinson, Sedgewick and Douglas.

There were significantly more examples of city-county cooperation in Douglas County than in the other two counties, researchers found.

In Sedgewick County, for example, Wichita maintained 79 parks, while the county maintained two.

City officials told the researchers they had offered to take over park maintenance, but the county declined.

In Dickinson County, the researchers calculated \$65,000 could be saved if the county took over road grading for townships. In fact, most counties already have assumed maintenance of township roads.

Township officials cited concerns about the quality and frequency of county service, however, and Dickinson County officials did not want to force the issue.

Also in Dickinson County, the county has a 911 emergency system, but Herington continues to operate its own 911 system.

Herington residents are taxed for the duplicated service, and the Dickinson County emergency communications director acknowledged the two systems have resulted in confusion for first responders.

In the executive summary of the 2003 audit report, the authors wrote:

"Opportunities to consolidate or share resources among local governmental entities are plentiful. ... The difficulty lies in getting local government officials to seek out and embrace those opportunities, and to work

together to change the status quo.

"Concerns about losing local control, fear that service levels will deteriorate, lack of political will to make a change, distrust or competition among government entities, a desire to buy locally, and fear that costs or benefits won't be equally shared are all fac-

tors that discourage local collaborative efforts."

As for the local authorities, the researchers said they saw themselves "as looking out for their constituents' best interest."

The state also drew blame.

The audit revealed, for example that the state requires county treasurers and county clerks to maintain duplicate bookkeeping records.

Amend the law, the report urged.

Nothing passed in the Legislature this year, however, to streamline record maintenance, said Joe Lawhon, with the Legislative Division of Post Audit.

There is little the state can do to encourage reorganization or intergovernmental cooperation if local officials aren't interested, the audit report concluded.

"Maybe it shouldn't be surprising that people have become comfortable with their multitudinous local government," said James Nowlan, a former Illinois state representative and professor with the University of Illinois Institute of Government and Public Affairs.

Illinois topped the 2002 U.S. Census list of states having the most local governments.

Nowlan described two groups: People who like the status quo — perhaps because their jobs could be at stake — and a larger number, the majority, only "passively interested in change."

"Probably the small number is going to trump the passive majority," he said.

Catalysts for change can come from unexpected quarters.

Post-World War II Illinois had about 11,000 school districts, many of them township-level one-room schools, Nowlan said.

The Illinois Farm Bureau leadership, Nowlan said, jumpstarted a school district consolidation that reduced the count to about a couple thousand.

"I'm assuming it was a combination of desire for better rural education and for what might have been thought to be tax savings," said Nowlan, theorizing on the impetus.

"The illustration shows that such a process can be jumpstarted if an important organization sees the rationales for doing so."

“Often there’s no net saving for taxpayers. It’s just like reshuffling the deck chairs on the cruise ship.”

Karl Peterjohn,
Executive director of Kansas Taxpayers Network

“Whether the word ‘consolidation’ is really the word you want to use or is it ‘unification’ or is it ‘merger’ — we’re talking about all those things.”

Tim Norton,
Sedgewick County commissioner

“They went round and round and round to try to keep that school.”

Gary Westerman,
Nashville city councilman

“Maybe it shouldn’t be surprising that people have become comfortable with their multitudinous local government.”

James Nowlan,
former Illinois state representative

1-15

Editorials from this series

Examining necessity for 4,000-plus government units

The Hays Daily News
Dec. 12, 2004

We call readers' attention to a series of news stories that starts today and will continue through next Sunday.

Called "Sizing up Government," this could be a whole lot of information that readers might choose to avoid. Writing about government does not always make for page-turning reading.

But this is a story that needs to be told. It could be called Kansas' dirty little secret.

Here we are, a red state in the

middle of the nation's red belt. A Republican Party stronghold, a bastion of conservative thinking, one would think Kansans would be lean and efficient with their state government.

Far from it. Kansas ranks fifth in the nation in the number of local governments — some 4,000 of them. We rank right up there with Texas and California, states with eight to 10 times our population.

We have layer-upon-layer of government as part of a tradition that goes back to horse-and-buggy days. We have 105 counties to serve 2.7 million citizens while Arizona finds just

15 sufficient to serve 5.1 million people. We have county governments that serve as few as 1,400 people.

This is probably because county lines were constructed in Kansas with the theory being that the county seat should be no more than a day's travel by horse or foot. Despite the absurdity of that today, we continue to cling to the old method.

We also continue to have counties run by untrained lay people, contributing to untold more inefficiency.

And we pay taxes on top of taxes to live in cities where governments overlap and deliver mostly duplicative services.

When we talk about consolidation in Kansas, usually we are talking about schools and school districts. But school districts represent only 301 of those 4,000 governmental units.

The only tested model in Kansas for consolidation of government outside of public education is the Unified Government of Wyandotte County, hailed by nearly everyone as a phenomenal success. Yet few other places seem interested in such radical change. Maybe it takes a crisis, as Wyandotte County was experiencing economically before the reorganization. The other way to consoli-

date governments would be to merge counties. That has never been attempted in Kansas. But it seems a natural, especially in sparsely populated western Kansas.

Change won't come from the bureaucrats. They are protective of their jobs. And when proposals for consolidations — of law enforcement agencies, for example — surface, the bureaucrats tell citizens that such mergers would not amount to much, if any savings.

We should know better.

We know this: Kansas is no model for conservative government. Just read on.

The Salina Journal
Dec. 17, 2004

This week the Journal is publishing a series of stories about consolidation of local government. It is the work of numerous reporters and editors from the Harris Group of Kansas newspapers, which includes the Journal. The reports continue

through Saturday.

The timing of this series is no accident. It was set to draw attention to the positive and negative aspects of consolidation before the start of the 2005 session of the Kansas Legislature.

Lawmakers hold the key to consolidating local governments because whenever two or more local units of government want to consolidate then

it must be approved by the Legislature. That's a daunting task, filled with political potholes that can trip up the worthiest project.

Lawmakers must make this process less difficult if we hope to encourage local governments to seek the most efficient means of serving their communities. As stated before in Journal editorials, some review of consolidation plans is worthwhile

because there are times when local governing bodies consist of temporary officeholders of uneven quality and expertise.

But requiring approval by the full Legislature is unnecessary. It invites meddling, political arm-twisting and delays.

If anything, the Legislature should create incentives to consolidation instead of retaining existing

roadblocks.

We can appreciate the workload facing lawmakers as they settle in at the Statehouse next month. But one additional task should be an easing of restrictions on the consolidation of local governments. By lifting the need for their approval, lawmakers can help make our cities and counties more efficient instead of helping protect the status quo.

Legislature can help

Consolidating 105 counties would mean real savings

The Hays Daily News
Dec. 19, 2004

With 4,000-some units of government, good for a No. 5 ranking in the nation, it is not hard to conceive of ways Kansas could streamline.

We could start with all the township governments and cemetery and other limited-interest districts. Dissolve them.

And then we could get into the meat of the matter.

Kansas has far more county governments than it needs. We have 105 counties when some Western states such as Nevada and Arizona do fine with little more than a dozen. Kansas has county governments that serve as few as 1,400 people.

It is because when the county lines were drawn nearly 150 years ago, folks did not want the county seat to be more than a day's travel by horse or by foot. Of course, today, we have something called the automobile, which makes such a premise absurd.

Just for fun, we took the state

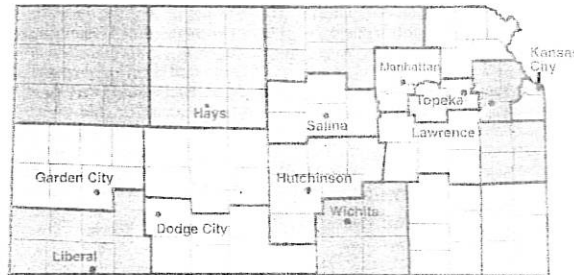
map and carved it up as we might do if we were to consolidate counties. We did not hire any big-city consultant to help us with this, nor engage in any technical data analysis. But of course the state would want to do so.

So, here is what it might look like — from 105 counties to just 19. City names are inserted as a point of reference and are not meant to recommend the location of new county seats. For the new county that would incorporate Ellis County, in fact, we hereby nominate Stockton — or any other city besides Hays to be county seat.

Of course, the county seat would be a huge issue in such a process. That is because no county would want to give up government jobs.

But that fact alone proves the point, that consolidating counties would save money. And it would eliminate jobs, and that might be considered economic suicide for some counties. But that is what you do when you try to save money.

If for nothing else than to play devil's advocate, we would suggest



that such consolidation actually could create opportunity for economic development. In northwest Kansas, at least, every county has its own little economic development office, each on its own just getting by, coping with population loss and having little luck turning around the economy. Consolidation would group together economic units — natural trade areas — and create unprecedented cooperation and strength.

But because opposition is sure to exist with such a concept in every

county courthouse across the state, we cannot expect county consolidation to happen locally. As idealistic as that sounds, this requires a top-down reorganization of government in Kansas. By top-down, we mean this is a job for the governor and Legislature.

Consolidating cities and counties is another way to go. But, with all due respect for the successful merger of Kansas City, Kan., and Wyandotte County, we see a reconstruction of county lines as more radical, which mean it actually

might save money. It would create efficiency at the most inefficient level of government. And it still would allow city governments to remain, retaining that coveted locally focused attention. It seems the best of both worlds.

So carve up the map however. Then run each new county by an elected county commission consisting of five members, with geographical districts. Make the county commission a policy-making board and hire county administrators for all counties. Then, all the sheriffs, county clerks, registers of deeds and other county officials could be appointed by and report to the county administrators, eliminating the elections of all these officials — another relic of the past.

This would make county government not only more efficient but more professional.

Radical? Yes. But no serious savings and efficiency will result by a here-and-there approach as we have it now. And to make sense, it needs to be uniform. And it needs to be engineered at the state level.

Look at government like a business

The Salina Journal
Dec. 19, 2004

For a few minutes let's look at government in Saline County from a different perspective. Let's imagine the city of Salina and Saline County are private corporations. Let's pretend that Saline County taxpayers are board members and shareholders of these two corporations, and that the better these governments operate then

the more money we put in our pockets.

Here is what we would demand if that were reality:

We would look objectively at these corporations and see that they are in the same business: To deliver public services to residents, whether they live in the city or in the county.

Because they have the same mission, we would demand that city and county commissions look at

ways to work together. We would order regular meetings between similar departments to review functions and duplication. We would ask for monthly reports showing what operations had been reviewed and which ones could be merged. We would require action plans showing how these mergers could be enacted, along with deadlines and potential savings.

But government doesn't work like business. Instead of city and

county governments seeking ways to economize by looking outward, they focus on operations by looking inward.

That is understandable.

But it is unacceptable.

The above scenario is not far from reality. Taxpayers are shareholders in city and county government. We benefit when governments run efficiently and demand fewer taxes. We are the board of directors for the city and county

and we have the authority to hire and fire commissioners.

So what keeps us from demanding greater cooperation?

Perhaps it is acceptance of the status quo and fear of the unknown.

But as we reported last week, the residents of Wyandotte County took the consolidation plunge and are better for it.

Aren't we ready to explore the same benefits in Saline County?

Kansans tolerate buildup of state, local government

The Hutchinson News
Dec. 12, 2004

Kansans complain, incessantly, about state and local taxes. Added together, property taxes, income taxes, sales taxes, franchise fees and other various state and local assessments in 2004 took an 11.4 percent bite out of personal incomes.

Yet Kansans also tolerate a system that since statehood has added layer upon layer of government.

Citizens accept the existence of nearly 4,000 units of local government. The gamut runs from counties, cities and school districts to airport authorities, industrial districts and library districts.

From cradle to grave, single-purpose local governmental units serve residents by running hospitals, supplying water, generating electricity, providing recreational activities and operating cemeteries.

Some leaders have started to note that, if we want to do something

other than complain about the tax bite in Kansas, perhaps we should discuss peeling away the layers of government in Kansas.

For example, at an economic development discussion Dec. 9 in Hutchinson, Sen. Dave Kerr suggested that Reno County residents consider tackling the issue. Kerr said the effort might increase efficiencies, eliminate red tape, generate savings, reduce taxes and give our community a competitive edge in the economic development game.

This fall, in conjunction with our colleagues at the Harris News Service bureau in Topeka and at other Harris Enterprises newspapers in Kansas, reporters and editors at The Hutchinson News looked into the issue.

Beginning today and running through Saturday, we plan to publish a series of articles examining various elements of the issue.

Perhaps the series of articles will prompt discussions, serious discussions, about government consolida-

tion in Hutchinson, Reno County and Kansas.

If the discussions spur action, the important process might give our community an economic advantage over other communities on the Great Plains.

If the conversations lead to greater understanding of why Kansans accept layer upon layer of government, we see a benefit in that, too — even if it does not eliminate the incessant griping about taxes.

Citizens thinking ahead of leaders on local issue

The Hutchinson News
Dec. 19, 2004

When it comes to government consolidation in Kansas, there's a growing sense that elected officials have failed to stay attuned to public opinion.

While officials recall the school unification battles of the 1960s and consider the topic a political hot potato, citizens seriously ponder the possibilities of more efficient and more effective government.

Kansans wonder why county government has remained essentially

unchanged in its basic structure since statehood 143 years ago. They question when city government last engaged in a thorough review of an annual budget. They marvel at the number of schools districts that pay executive level salaries to administrators but claim fiscal inability to offer nationally or regionally competitive salaries to teachers.

Yet officials fear a backlash from those who benefit from or find comfort in the status quo. Those who rely on local government for a paycheck, use the existing system to exercise political influence or rally

community pride around school teams quickly douse any discussions about consolidation. Float the idea of change and the opponents work the phones and fill board meeting rooms with people who share their leave-it-alone attitude. Perhaps officials should instead listen to the conversations that crop up in the coffee shop, at the lunch counter and in line at the high school concessions stand.

School board members frustrated at offering educators a 2 percent salary hike should form a citizen task force to approach taxpayers in

neighboring districts about the potential for administrative merger.

City council members should publicly, and repeatedly, press county commissioners for greater cooperation on the delivery of services.

Legislators should cite taxpayers' complaints about the burden of paying for local and state government as a reason for enacting legislation to clear the way for local discussions about a full range of consolidation possibilities, from timid cooperation agreements to outright regionalization proposals.

Local community leaders con-

cerned about competing for economic development opportunities should take on the challenge and carry on the discussion. Government consolidation involves more than a series of contentious debates about closing a fire station, trimming administrative positions or combining city and county departments. It relates to urging citizens to empower elected officials to reallocate school resources into the classroom, to press for more effective delivery of public safety services and to whack state and local government's tax bite by, say, one-sixth to one-fifth.

To many, consolidation is a dirty word

The Garden City Telegram
Dec. 11, 2004

Whether it's residents of a community or individuals elected and hired to serve their interests, those who talk of consolidation of local governments, school districts or other services often shun the idea.

A series of stories addressing consolidation issues throughout Kansas begins in today's edition of The

Telegram, and will run in each edition through Dec. 18.

Consolidation is a compelling idea in Kansas, especially considering the state's declining population. While ranked 32nd among states in population, Kansas is fifth overall in the total number of local governments.

Historically speaking, governments across the nation have - by necessity - grown and become more complicated. Understandably the

cost to run government has increased with the workload.

As the state experiences population declines, fewer people must pay for government. Residents rightly demand that their tax dollars be spent wisely.

That makes consolidation and its potential savings a fair and prudent topic for consideration.

Still, the doubts of residents and officials alike often stem from uncertain potential savings, the possibility

of lost jobs and decreased services.

Instead of opting for full unification, some governments instead share certain services.

Garden City and Finney County, although currently not interested in pursuing full law enforcement consolidation, do share select services of the police department and sheriff's office: the jail and the animal pound, and work on gang suppression and drug enforcement, for example.

City and county officials have pledged to keep exploring ways to combine services to increase efficiency and savings. The potential benefit of full consolidation should be part of that discussion.

No doubt many here and elsewhere are wary of consolidation.

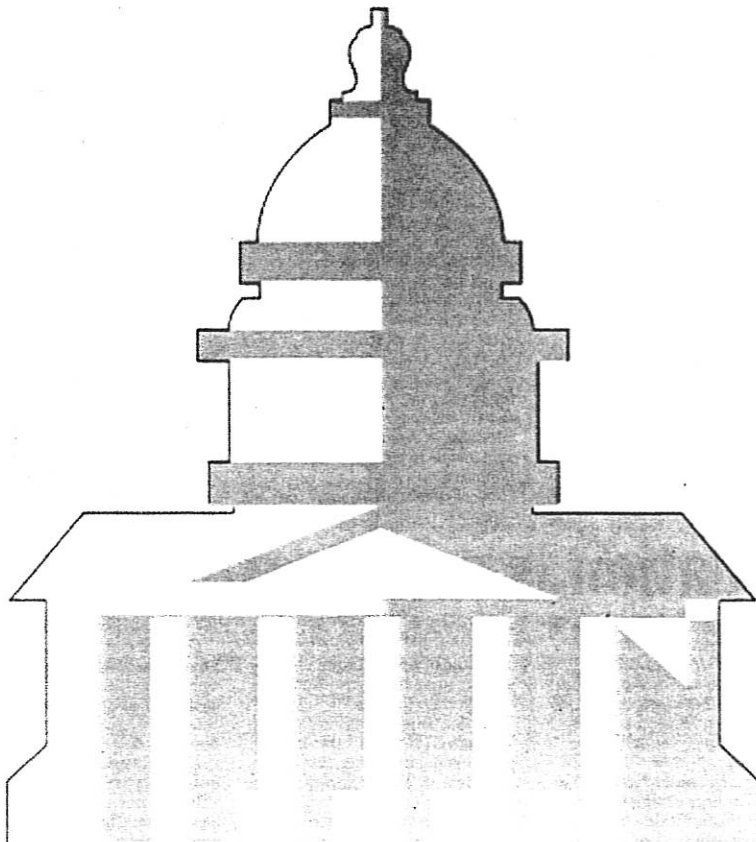
But a meaningful look at consolidation should be part of officials' ongoing pledge to taxpayers that they'll spend their tax dollars with care.

1-17

Governmental units on a per capita basis

	Govt.	People	Per capita								
N.D.	2,736	642,200	235	N.M.	859	1,819,046	2,118	Georgia	1,449	8,186,453	5,650
S.D.	1,867	754,844	404	N.H.	560	1,235,786	2,207	S.C.	702	4,012,012	5,715
Nebraska	2,792	1,711,263	613	Colorado	1,929	4,301,261	2,230	Connecticut	581	3,405,565	5,862
Wyoming	723	493,782	683	Delaware	340	783,600	2,305	N.J.	1,413	8,414,350	5,955
Kansas	3,888	2,688,418	691	Oregon	1,440	3,421,399	2,376	Tennessee	931	5,689,283	6,111
Montana	1,128	902,195	800	Pa.	5,032	12,281,054	2,441	Mass.	842	6,349,097	7,540
Vermont	734	608,827	829	W.Va.	687	1,808,344	2,632	California	4,410	33,871,648	7,681
Idaho	1,159	1,293,953	1,116	Kentucky	1,440	4,041,769	2,807	Arizona	639	5,130,632	8,029
Minnesota	3,483	4,919,479	1,412	Mississippi	1,001	2,844,658	2,842	N.C.	961	8,049,313	8,376
Iowa	1,976	2,926,324	1,481	Ohio	3,637	11,353,140	3,122	R.I.	119	1,048,319	8,809
Maine	827	1,274,923	1,542	U.S.	87,576	281,421,906	3,213	Louisiana	474	4,468,976	9,428
Missouri	3,423	5,595,211	1,635	Washington	1,788	5,894,121	3,296	Nevada	211	1,998,257	9,470
Arkansas	1,589	2,673,400	1,682	Michigan	2,805	9,938,444	3,543	Florida	1,192	15,982,378	13,408
Wisconsin	3,049	5,363,675	1,759	Alaska	176	626,932	3,562	Virginia	522	7,078,515	13,560
Illinois	6,904	12,419,293	1,799	Utah	606	2,233,169	3,685	Maryland	266	5,296,486	19,912
Oklahoma	1,799	3,450,654	1,918	Alabama	1,172	4,447,100	3,794	Hawaii	20	1,211,537	60,577
Indiana	3,086	6,080,485	1,970	Texas	4,785	20,851,820	4,358	D.C.	2	572,059	286,030
				N.Y.	3,421	18,976,457	5,547				

— Source: U.S. Census Bureau



Harris Newspapers in Kansas:

The Chanute Tribune
(800) 794-9392
www.chanute.com

The Garden City Telegram
(800) 475-8600
www.gctelegram.com

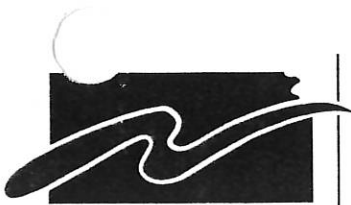
The Hays Daily News
(800) 657-6017
www.HDNews.net

The Hutchinson News
(800) 766-3311
www.hutchnews.com

The Ottawa Herald
(800) 467-8383
www.ottawaherald.com

Parsons Sun
(800) 530-5723
www.parsonssun.com

Salina Journal
(800) 827-6363
www.saljournal.com



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY
concerning House Bill No. 2167
LAW ENFORCEMENT CONSOLIDATION
Presented by Randall Allen, Executive Director
Kansas Association of Counties
February 1, 2005

Chairman Vickrey and members of the committee, my name is Randall Allen, Executive Director of the Kansas Association of Counties. I am here to express support of the Association for House Bill No. 2167, amending an older Riley County law enforcement consolidation bill from the 1970s so that the same countywide law enforcement model implemented in Riley County can be considered by voters in other counties. The bill essentially removes the definitions of counties eligible for such a model (defined by ranges in population and assessed valuation) and makes the same model available to other counties.

The KAC strongly believes that local citizens are capable of designing the structure of county government most suitable for their immediate and future needs. As such, we think it is appropriate to allow citizens a role in evaluating different structures for providing different kinds of governmental services. What may be best for one county is probably quite different than what best serves another county. This is the beauty of local democracy. The Association has no position on whether a county is best served by a consolidated law enforcement department led by an elected sheriff or an appointed law enforcement director. Again, this issue can best be resolved by citizens.

What we like most about HB 2167 is that it eliminates yet another statutory barrier to local citizens being able to determine their own course. We urge the committee to report HB 2167 favorably for passage.

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

300 SW 8th Avenue
3rd Floor
Topeka, KS 66603-3912
785•272•2585
Fax 785•272•3585

House Gov. Org. & Elections
Date: 2-1-05
Attachment # 2

2167
Testimony on HB 2094 to the House Governmental Organization and Election
Committee by:
Pratt County Sheriff Vernon Chinn

Chairman: Jene Vickery

I come before you today to express my opposition to this consolidation bill or any consolidation bill that allows for the elimination of the office of sheriff.

The office of sheriff has come with a high price in Kansas. Twenty one sheriff's have lost their life upholding the duties and responsibilities of that office. No other elected position has carried that high of a cost.

The office of sheriff is the oldest elected office in the history of the United States, let alone Kansas. It came to America from England with our forefathers. Sheriff's are accountable to all the voters and what better system can there be. I believe that we get into a very troublesome area when the head law enforcement officer is selected by a committee of a few people and answers to them only. We have a much higher degree of accountability as it is.

I am greatly concerned by terminology in this bill, things like: "elimination of offices", "determine the legislative and administrative duties of county officials". Sheriff's have always had a tremendous impact in Kansas Legislative issues that affect their county and state. They have always been committed to better government, not seeking to eliminate other elected offices. I have to question the reason ones have for a bill that gives power to eliminate current elected positions. I am afraid it could lead to a tremendous abuse of power.

I urge you to guard against any legislation that does away with an elected office. Once that starts all elected offices are in danger and so is our great American heritage that we so treasure.

Please consider the price that has been paid by the fallen twenty one sheriff's, that gave all, to protect the way of life we so enjoy, and do everything in your power to protect and preserve that office.

Thank you for your time.

House Gov. Org. & Elections
Date: 2-1-05
Attachment # 3

From: "Denise McCue" <denisem@southhutch.com>
To: <maureens@house.state.ks.us>
Date: 2/1/2005 2:54:59 PM
Subject: HB2167 had an incorrect address first please get to Hearing today at 3:15

Honorable Chairperson and Committee Members
Government Organizational and Selection Committee

Thank you for the opportunity to comment on HB 2167. I am the Mayor of South Hutchinson, Kansas. This bill came to my attention on Monday, Jan. 31st at our City / County luncheon. HB 2167 was introduced on 1-26, referred to Committee on Thursday, 1-27 and this morning, although I heard it might have been yesterday afternoon, was assigned to be heard before your committee this afternoon. A similar bill was introduced, last year, and upon many negative comments was pulled from committee. In our discussion with County Commission yesterday they were not in favor. I am not aware of any discussion with the City of Buhler, which is in Rep. O'Neal's district, about their being in favor of this bill. I know there was no discussion with the City of South Hutchinson about how this might affect their police department or how it might effect the City's future safety of its citizens. Reno County Commissioners nor their Sherrif's department were not informed nor were they asked how it might affect them.

This bill would allow a large municipality the opportunity to call for a special election to change and combine the whole county's law enforcement. While I would definately be in favor of saving money while at the same time not decreasing the scope of law enforcement for our City and County, I believe this initiative should come from local governments. Reno County's Sherrif and Municipal police chief's have tried to find a way to consolidate and save tax payers' dollars but have been unable to do so. This bill could allow a vote by the large municipality and could also force the County and all the small cities to do what the 1 large municipality wanted. If I understand the bill correctly only 25 % of the largest municipality's voters could force a County wide election. It is my belief that if there is a sound reason to consolidate, such as manpower or economical needs then the locals will decide.

This bill, HB2167, should not be put on the fast track, especially since Rep. O'Neal's own County and small towns were not given an opportunity to study and comment on this bill. At least I consider 5 days since introduction, with 2 of them being a weekend a pretty good fast track.

Thank you for your time.

Ron Hirst, Mayor, City of South Hutchinson

House Gov. Org. & Elections
Date: 2-1-05
Attachment # 4

Testimony Before the House Governmental Organization and
Elections - Regarding House Bill 2094
Submitted by the Kansas County Officials Organization
February 1, 2005

Chairman Vickrey and members of the Committee: I am Randy Rogers, Coffee County Sheriff and I am appearing here today as Vice President of the newly formed Kansas County Officials Association. KCOA is an organization representing statewide county officials, including sheriffs, treasurers, registers of deeds and county clerks. I have attached a press release regarding the KCOA formation for your review.

Thank you for the opportunity to offer comments on House Bill 2094 regarding consolidation of counties. To insure the most voter input we would suggest that the elections contemplated by this bill take place with voter turnout in mind. We are not certain that elections held pursuant to the general bond law as set forth on page one, line 32, would meet this criteria.

The study commission in this legislation can either be appointed by the county commissioners or elected by the electors of the county on a non partisan basis. We would respectfully suggest that to ensure the most participation from the public that the only option should be elected members of the study commission. This would help to alleviate any appearance of an agenda driven study commission made up of hand picked appointees.

In reviewing this measure perhaps the most disturbing section of the bill is on page 2, lines 36 through 41, where the study commission is empowered to issue subpoenas, compel witness attendance and require production of documents. While the KCOA supports voluntary local government change that is made at the request of the county citizenry, this section of the bill contemplates resistance to change, that would suggest anything but voluntary cooperation between local governments.

Further than that however, the members of our organization each hold in their trust confidential documents that are not public information and should not be disclosed under such circumstances. As a Sheriff I am the repository for investigative and criminal records that can not be disclosed under penalty of law. The other members of KCOA maintain other documents such as personnel files that would cause them to violate the law should they be disclosed. We respectfully suggest that this particular section should be struck from the bill in its entirety.

On page three, line 7, we would suggest that a period of 14 days, not 7 would be a more appropriate time frame between public hearings conducted by the commission. Additionally, on line 8 we would suggest publication at least three

House Gov. Org. & Elections
Date: 2-1-05
Attachment # 5

times of the notice and in the paper of the largest circulation, not general circulation, to once again ensure that the largest number of citizens are being reached and informed of such a significant change in their local governing body.

On page 3, on line 29, we would once again suggest three weeks in the paper with the largest circulation.

On page 4, we question the wisdom of implementing a plan that does not include all cities in the county, particularly in western Kansas, as it would tend to isolate cities whose resources are limited, unlike the urban counties in Kansas.

Also, on page 4, lines 31 through 35, we would suggest language that mirrors the practice of the legislature in reapportioning election districts every ten years following the census, once again to ensure some predictability for voters in their election districts for a specific period of time, instead of "time to time" as set forth in this bill.

On page 6, sections (k) and (l) refer to the reorganized city- county that shall be both a county and a city respectively. How will this effect law enforcement in that jurisdiction for example in the enforcement of ordinances adopted by one of the cities in the newly reorganized entity vs. conflicting measures adopted by the previously adopted by the county?

New section 7 on page 7 authorizes a tax increase on the citizens of the county by the county commission without any vote of the citizens on the matter of the tax to fund the study commission. If the citizens of the county believe that such an endeavor should be undertaken, then the KCOA respectfully suggests that the issue of the tax increase should be placed on the ballot as a separate item. This tax increase appears to be hidden from the citizens of the county. By allowing them to vote on establishing the reorganization study commission, they are also unwittingly authorizing a tax increase that can unilaterally be imposed by the county commission.

Lastly, we would be interested in seeing a fiscal note as it applies to county and city government for HB 2094. While the State may not be affected, the costs of this measure to already economically limited local government should certainly be part of this discussion.

Thank you for your time and attention. The KCOA believes this bill needs a great deal of work to be the voluntary voter driven measure that it should be and we respectfully request that it not be passed out of this Committee without the amendments we have suggested.

Contact:
Keri L. Renner, Director of Communications
Kearney and Associates, Inc.
1200 S.W. 10th Avenue
Topeka, Kansas 66604
(785) 232-5859
e-mail: kenner@kearneyandassociates.com

FOR IMMEDIATE RELEASE

Kansas County Officials Association formed

Topeka, Kan. (January 13, 2005) – The Kansas County Officials Association (KCOA) was recently formed in response to the need for effective representation of county elected officials before the Kansas legislature. The membership consists of statewide elected county officials, including sheriffs, treasurers, registers of deeds and county clerks, who have disengaged from the Kansas Association of Counties.

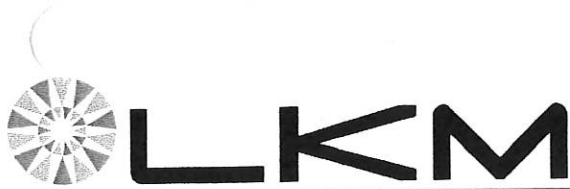
KCOA's top priority is to ensure that Kansas citizens' right of self-governance through the election of local officials is not impinged, restricted, or violated by legislation intended to revoke the autonomy or importance of their duties. The Association's goal is to work with Kansas lawmakers to assist in creating common sense public policy relative to county officials to guarantee the integrity of the current elective process.

Newly elected KCOA board members include: Nancy Weeks, Haskell County Treasurer, president; Randy Rogers, Coffey County Sheriff, vice president; Rebecca Bossemeyer, Geary County Clerk, secretary; and Missie Gerritzen, Kearny County Register of Deeds, treasurer.

As the 2005 session continues, the KCOA looks forward to aiding and assisting policy makers toward a common goal that will be beneficial to all Kansas county governments as well as the citizens of Kansas.

For questions or more information, contact Nancy Weeks at 620-675-2265.

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

League of Kansas Municipalities

To: House Governmental Organization and Elections Committee
From: Don Moler, Executive Director
Re: Support for HB 2093
Date: February 1, 2005

First I would like to thank the Committee for the opportunity to speak before you today in strong support of HB 2093. As you are aware, HB 2093 amends statutes which allow for the voluntarily consolidation of counties after a vote of the public. We believe that the statutes have become antiquated and are in dire need of updating for the purposes of streamlining Kansas government in the 21st century. A quick review of this statutory construct indicates that the Kansas Legislature has not amended it since 1923, a period of over 80 years. We suggest that the time is right to review this statute and to allow it to be usable by county citizens today.

This legislation would allow the county commissioners in two or more counties to put the issue of county merger to a vote of their respective county citizens. If a majority in both counties support the merger at the ballot box, the county would be merged into a single county. Interested citizens could also request an election by held by collecting signatures from 5% of the qualified electors in each of the counties seeking merger.

This simple piece of legislation at its heart gives the voters of Kansas the ability to chart their own destiny concerning their county governmental structure. It places control at the local level and allows only for the voluntary merger of counties when the citizens of those counties choose to take that step.

While the League of Kansas Municipalities does not represent counties, we do represent cities within those counties and we are always striving for efficiencies in local government. We believe this provides an opportunity for the state to allow for voluntary mergers of counties where they make sense and only after approved by the people who live in those counties. We believe this to be a fair amendment to a statute which is desperately in need of updating and we would urge this committee to report it out favorably. I will be happy to answer any questions the committee may have concerning our support for HB 2093.

House Gov. Org. & Elections
Date: 2-1-05
Attachment # 6

To: Governmental Organization & Elections Committee
From: Mike Boehm, Chair, KACIR
Date: February 1, 2005
Re: Support for HB 2093

Chairman Vickrey and members of the Committee, thank you for the opportunity to appear before you on behalf of the Kansas Advisory Council on Intergovernmental Relations (KACIR). As I have explained to this committee before, the KACIR consists of a diverse group of individuals who have been charged with reviewing intergovernmental issues in Kansas and making recommendations for change, where appropriate.

The 2004-2005 study topic that this group has chosen deals specifically with the issue of governmental structures. To date, we have identified a number of barriers which impede the ability of governments in Kansas to work efficiently and effectively. One of those barriers is found in K.S.A. 18-202. This is the statute which allows for two counties to merge together. However, the process currently found in K.S.A. 18-202 is antiquated and nearly impossible to utilize. It requires half of all of the legal voters in both counties to petition for merger before the issue can even be put to a vote of the general public in those counties.

The KACIR believes that fundamental governmental change must emerge locally, from the people, rather than be mandated by rules from Topeka. Therefore, we are recommending HB 2093 for your consideration. This proposed legislation would allow the boards of county commissioners in two counties to put the issue of county merger to a vote of their respective county citizens. If a majority in both counties support the merger during the election, then the counties would be merged into a single county. Interested citizens could also request such an election by collecting signatures from 5% of the qualified electors in each of the counties.

In short, HB 2093 is a simple piece of legislation which enables the citizens of Kansas to decide the boundaries of one of their local units of government. The KACIR supports this legislation because it is the citizens of Kansas who must foot the bill for the government and it is the citizens of Kansas who receive the services provided by that government. We, therefore, believe that the citizens of Kansas should have the ultimate say in the make-up of their local government. For these reasons, we respectfully request that you recommend HB 2093 favorably for passage.

Again, thank you for the opportunity to provide testimony today. I would be happy to stand for questions at the appropriate time.

House Gov. Org. & Elections
Date: 2-1-05
Attachment # 7

To: Governmental Organization & Elections Committee
From: Mike Boehm, Chair, KACIR
Date: February 1, 2005
Re: Support for HB 2094

Thank you for the opportunity to appear today on behalf of the Kansas Advisory Council on Intergovernmental Relations (KACIR). We appear today in support of HB 2094.

Over the past several months, the KACIR has been studying the issue of governmental structures in Kansas. Specifically, we have looked at what barriers exist which impede progress and growth in communities. One area of concern involves the consolidation of city and county governments.

Under current law, a city and a county cannot actively consider the possibility of consolidation without seeking special legislation. Most of you will recall that Wyandotte County and Kansas City, Kansas had to seek special legislation in order to move forward with their consolidation, even though their citizens had already voted to support the concept and to pursue consolidation. The same scenario is now playing out in Topeka and Shawnee County where the voters last Fall indicated an interest in pursuing the possibility of a consolidated local government.

In studying these issues, the KACIR established a number of key philosophies which we believe should govern the issue of governmental structure:

- 1) Local voters should have the ability to design and implement a local government which meets their wants and needs. Gateway legislation should be established which clearly identifies the consolidation process, but allows voters the flexibility to design their own government and to vote whether or not they want the consolidated government.
- 2) Kansas statutes should identify a process for cities and counties to follow, but should not mandate what the consolidated government would look like. For example, a consolidated Topeka/Shawnee County may not look anything like the Wyandotte County/Kansas City, Kansas model once the citizens of this community decide what type of government they want.
- 3) Regional approaches to issues of economic development, law enforcement, and a number of other governmental services have demonstrated that a consolidated government can be an effective means toward progress and growth in a particular area. It is clear from the example of Wyandotte County/Kansas City, Kansas just how important having a consolidated government has been to the tremendous success that the Unified Government has been experiencing over the past few years.

House Gov. Org. & Elections
Date: 2-1-05
Attachment # 8

For these reasons, we requested the introduction of HB 2094 and we respectfully request that you recommend it favorably for passage. HB 2111, which you also have before you, is substantially the same legislation and we would support the passage of either bill.

Thank you for your time and consideration. I would be happy to stand for questions at the appropriate time.



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY
concerning House Bill No. 2094
EFFICIENCY IN LOCAL GOVERNMENT ACT
Presented by Randall Allen, Executive Director
Kansas Association of Counties
February 1, 2005

Chairman Vickrey and members of the committee, my name is Randall Allen, Executive Director of the Kansas Association of Counties. I am here to express support for House Bill No. 2094, the Efficiency in Local Government Act, which provides a mechanism and public process for cities and counties to consider and then implement alternative organizational structures without first seeking legislative approval. The Kansas Association of Counties neither supports nor opposes consolidation of city and county governments in Kansas *per se*. Our current legislative policy statement concerning consolidation, adopted by our membership, is as follows:

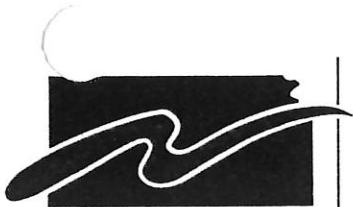
"The Kansas Association of Counties opposes mandatory consolidation of local government units and/or services. Counties presently share provision of numerous services with cities and other counties, but they should not be forced to do so. The KAC supports legislative changes that remove statutory limitations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

Cities and counties are currently prohibited from effecting governmental consolidation on their own without first seeking specific statutory authorization. As such, the framework of HB 2094 is positive in direction because it gives local governments an opportunity to devise a system of local government which best meets their needs without seeking legislative approval on a case by case basis. This is the essence of home rule and local control which the Association has supported forever, a philosophy clearly reflected in HB 2094. HB 2094 is very similar to a work product of a 1998 interim study committee which subsequently passed the Senate in the 1999 session (i.e. SB 7). An identical bill (i.e. SB 238) passed the Senate in 2003. We do not believe that passage of HB 2094 would result in widespread consolidation of cities and counties across Kansas. However, it removes the obstacles for cities and counties to seriously consider the feasibility of reorganizing and restructuring local government. We believe HB 2094 is good public policy and urge you to recommend it favorably for passage.

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

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House Gov. Org. & Elections
Date: 2-1-05
Attachment # 9



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY
concerning House Bill No. 2093
CHANGES IN COUNTY BOUNDARIES
Presented by Randall Allen, Executive Director
Kansas Association of Counties
February 1, 2005

Chairman Vickrey and members of the committee, my name is Randall Allen, Executive Director of the Kansas Association of Counties. I am here to express support for House Bill No. 2093, amending an old statute allowing for citizens in two or more counties to petition for a change in county boundaries. The current statute requires 50% of the voters in the affected counties to bring a petition to the county commissioners to ask for a public vote. HB 2093 reduces the threshold of signatures required to 5% of the eligible voters in each county affected. It also provides a way for the boards of county commissioners to directly place such a question on a ballot for the voters to decide.

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

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

HB 2093 is consistent with our policy statement. We ask the committee to consider the bill and report it favorably for passage.

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

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House Gov. Org. & Elections
Date: 2-1-05
Attachment # 10



**BEFORE THE HOUSE
GOVERNMENTAL ORGANIZATIONS & ELECTIONS COMMITTEE**

TESTIMONY IN SUPPORT OF HB 2094 AND 2111

STEVE COMMONS, CITY MANAGER OF EMPORIA, KANSAS

February 1, 2005

CHAIRPERSON AND MEMBERS OF THE COMMITTEE:

Earlier this year, the Emporia City Commission adopted a legislative policy statement on intergovernmental cooperation and consolidation. Cooperation among governmental units improves the efficiency and delivery of services to the public. The City supports legislation to allow local governments to voluntarily merge or consolidate functions to better serve their citizens.

I can give you a recent example of intergovernmental cooperation between the City of Emporia and Lyon County involving telecommunications. The City embarked on a program to upgrade our telecommunications to enhance the communication between our main city offices and our outlying offices such as public works, transfer station, recreation center, etc. We also began discussions with the Lyon County to see if they would like to be included in the upgrade. As a result, the City and the County cooperated on the purchase of new communications equipment, an integrated telephone system and direct links to ours and the county's remote offices. This example of cooperation resulted in a win-win situation for the City, the County and the public which we both serve due to cost sharing savings and enhancement of our communications systems.

The use of ad hoc functional consolidation is occurring in the absence of a statutory framework. We also use interlocal cooperation agreements and joint contracting with the county. But the proposed legislation which is before you is a comprehensive approach to governmental consolidation through the use of a commission whose function is to study the governmental entities involved and to present a plan of consolidation. The scope of the plan could range from total consolidation such as we have in the Unified Government, to consolidation of functions. The end result, we hope, would be greater efficiency of government and cost savings.

With respect to changes in the text of the bills, I would offer a suggestion to HB2094 at page 3, lines 12 through 17. Instead of authorizing the executive director to retain an outside attorney to provide an opinion whether the proposed plan of reorganization is in compliance with the constitution and statutes of Kansas; I would recommend that language be changed to the following:

“(e) The final plan shall include the full text and an explanation of the proposed plan, and comments deemed desirable by the commission, **a written opinion by the County Counselor and City Attorney of cities involved in the consolidation that the proposed plan is not in conflict with the constitution or the laws of the state**, and minority reports.” (Emphasis supplied)

All cities and counties already have legal representation with expertise in constitutional and local

government law who can perform the function of certifying the plan as in compliance with the constitution and statutes. Thank you for the opportunity to present comments concerning this important legislation.



Steve Commons
City Manager
Emporia, Kansas



CITY OF TOPEKA

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

House Committee on Governmental Organization and Elections

Re: **HB 2111 and HB 2094; Annexation**

Committee members:

I am writing to express my general support for HB 2111 and HB 2094 concerning reorganization of cities and counties. These bills provide all cities and counties in Kansas (not just Topeka and Shawnee County) with an open process that allows citizens and their representative governing bodies to study and create reorganized or consolidated governments, without some of the restrictions and conditions imposed by HB 2083.

HB 2111 and HB 2094 recognize that city residents are also county residents, with the same voting rights. At the same time, these bills also provide a voting mechanism for in-city and out of city county residents to go separate ways if they determine that their interests are not represented by the reorganization plan developed by the study commission. These bills allow the governing bodies of cities and counties to determine how a study commission will be formed and who will be on the commission. By requiring a joint resolution of a county and city to initiate the process, the bills mandate the buy-in of those elected officials who represent all citizens who may be impacted.

In addition, HB 2111 and 2094 don't unnecessarily restrict the rights of a city or county during a reorganization study. When appropriate, a city may continue to plan for its reasonable, orderly growth through annexation, with all the due process protections that current law affords non-city property owners.

HB 2111 and HB 2094 move the reorganization/consolidation issue beyond the differences that currently divide some elected officials in Topeka and Shawnee County. These bills should be given serious consideration as compromises to the unfortunately divisive provisions and processes proposed by HB 2083.

On a separate, but related matter, I must express my grave concern over several bills (2185, 2230 and 2229) pending before your committee that would significantly change annexation in this state. Each of these bills, in varying degrees, has the potential to stop the orderly growth of cities in this state. Landowners and developers who want to be in a city in order to receive the services only a city can provide would face substantial hurdles and uncertainty in

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planning their futures. Changing the ways cities grow should only be done after a thorough study of the issue and the input of all who might be impacted. I hope that you will agree as the subject of annexation comes before you.

As always, I appreciate your thoughtful consideration of these matters.


James A. McClinton, Mayor

HB 2094 and HB 2111

Bob Haselwood

Chairman Vickrey, members of the committee, I would like to thank you for the opportunity to speak before you today in opposition to House Bills 2094 and 2111.

My name is Bob Haselwood and I am a resident and farmer in southeast Shawnee County.

Last week I spoke to you in favor of a consolidation bill, but said I was against city and county consolidation. These two bills do nothing to change my mind on this issue.

I have concerns that in any consolidation, regulations that once were city regulations are now county wide regulations. I wonder how these regulations will affect agricultural operations.

I also have concerns that many consolidation plans might be praised as a way to improve efficiency in local government, but actually are ways for the city to spread its current debt over the whole county.

This issue really came to view in an article in the Jan.25 Capital Journal. The article stated a Topeka city councilman's complaints about HB 2083 where centered around the fact that the bill would prevent the city's debt from being spread over the entire county.

Another concern I have with these bills is the fact that the city's vote will ultimately decided the fate of any consolidation plans. I feel that a dual majority vote is the only way to insure that a consolidation plan will be fair to all residents of the county. A dual majority vote can work as is evident with the Topeka Shawnee County Library which was passed with a dual majority vote.

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

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W. Paul Degener
518 NW 56th St.
Topeka, KS 66617-1311
(785) 246-0215

February 1, 2005

Mr. Chairman and members of the committee, thank you for allowing me to appear before this committee.

My name is Paul Degener, I am a non city resident of Shawnee County and appear here in opposition to House Bills 2099 and 2111, City-County Consolidation.

I oppose this legislation for a number of reasons. Cities throughout the county have two means of opting out of city-county consolidation. The governing body of each city may choose not to participate, and if they do decide to participate, the voters are allowed to vote against consolidation proposals. Non-city residents are not provided a separate vote.

Because the residents of Topeka have been fed propaganda for years about all of the benefits of consolidation and because the City of Topeka has 70% of the county population, there is no doubt that this legislation would pass. Because of this the non-city residents of Shawnee County are disenfranchised.

When confronted with the disenfranchisement of non-city residents, proponents of this legislation respond with, too bad, we live in a democracy and the majority rules. The mayor of Topeka seems to think that the majority of Topeka should prevail over the remainder of the county. This is unbelievable. His authority should stop at the city limits. I have searched the Kansas Constitution and the United States Constitution, and I cannot find a reference to democracy. I can find however in Article IV, Sect. 4 of the United States Constitution that every state of the union is guaranteed a republican form of government. This is not supposed to be a democracy.

Under our current form of local government we do have a system of checks and balances between the cities and the counties. It would be dangerous to destroy that balance of power under the concept of consolidation. Over the past several years, we in Shawnee County have witnessed the results of elected/appointed officials exerting their power with extravagant spending, oppressive resolutions and extending that power into the county under the auspices of unilateral annexation.

Within Shawnee County, we have two categories of residents. Those living in urban Topeka and those living outside of urban Topeka. Those of us living outside of urban Topeka could be further broken down as those living in the suburbs and those who are farmers, three different and distinct classes of people with three different life styles. I contend, that under consolidation, the county commission would be composed primarily if not totally of members who reside within the city limits of Topeka. If the past is any predictor of the future, we would all be bound by frivolous resolutions which would not be appropriate for either the suburbanites or the farmers. How would you craft this legislation to protect the non city residents?

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The current city council has been spending taxpayer dollars for years on frivolous non-essential expenditures. The residents of suburban Shawnee County have never had a vote in the election of any city council member. If the non city residents are to help defray the reported 140 to 180 million dollar indebtedness of the city of Topeka, then we are faced with taxation without representation.

On page 4, Section 5(b)(3) we find that this legislation authorizes the election or appointment of officers. This is probably the most dangerous part of this legislation. If this legislation passes we could conceivably wind up with every official in the county being appointed. This would definitely disenfranchise every voter in the county, to include the city of Topeka. This is the most dangerous aspect of every consolidation bill I have seen in this state since 1999 and it never seems to change. What kind of a force do we have working here?

I urge you to stop this legislation in committee.

Thank you for your time.

To Whom It Should Concern,

Consolidation

Many people view consolidation with alarm. The new Unified Government in Kansas City in 1997 Consolidated but removed some of the elected representative government as it removed elected positions. Kansas Statute K.S.A. 3903 allows for the removal of some elected representatives at the local level of government in violation of the United States Constitution. This statute allows the consolidated government to remove some elected positions and further removes government from the principle of elected representatives which maintain the proper balance of power under the United States Constitution and the Bill of Rights.

Home Rule Power

The Kansas Constitution was amended in 1961 to add Home Rule Power. The Home Rule Power amendment Article 12 Paragraph 5 Section (4)(d) states "Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government." However, the charter ordinance (of Wichita) along with Home Rule Power creates a state within a state, in violation of the U.S. Constitution Article 4 Section 3.

Home Rule Power is unconstitutional according to U.S. Supreme Court rulings:

1. Jan 13, 1982 Case No. 80-1380 Community Communications Co. Inc. V. City of Boulder, Colorado.
2. "Where rights secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them.", Key No. 73, Miranda vs. State of Arizona, 86, S. Ct. 1602, 1966
3. "Law repugnant to the Constitution is void", Maybury vs. Madison, 1803, L. Ed. 60; Cra. 137; ref 6 Whea: 246 & Wal 601

Article 4 Section 3 of the U.S. Constitution:

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State ... Home Rule Power creates a state within a state and takes away constitutional protections. Judging by the problems in our cities, do we really want their power to blanket our state? With the influence that the cities wield, those outside of the cities could find themselves forced to foot the bill for a city they may never have contact with. Could this be why the mayors of the large cities are the backers of consolidation?"

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

Kansas Statutes 3903 and K.S.A. 12-301, K.S.A. 12-3909, as well as 19-205, 2002 should be reviewed and amended to follow the United States Constitution.

The amendment to the Kansas Constitution in 1961 creating Home Rule Power should also be reviewed for constitutionality.

This situation must be brought to the attention of our law makers and request an interim study and a statute at the state level to correct the problem.

The safety of the state begins with us.

Greg Dye 

623 S. Grove, Wichita, KS 67211

House Gov. Org. & Elections

Date: 2-1-05

Attachment # 15 ~~14~~

Feb. 1, 2005
Opponent to House Bill 2094

Jane Kelsey
9626 NW 21st
Topeka, KS
785-582-4078

Thank your for the opportunity to express concerns regarding city county consolidation.

I oppose concept of city county consolidation.

I find it almost discriminatory that on page 1, lines 24-28 the incorporated cites have the ability to vote out of the whole process at the beginning and they are also giving that same opportunity again on page 4, lines 1-4.

With the "opt out" provision what happens to the residents' access to county wide ambulance service or their tax support of fire districts? Tax appraisals of property is required by the state. How will property be appraised? What about access to a court system? What about small town police access to a jail system? If an "opt out" city needs these services will small towns be paying fees to support the larger government entity? Would the small towns be subsidizing the larger entity?

I support HB 2083 as the method would allow the unincorporated votes to count by having a separate approval process not the county as a whole.

I would encourage you to have ½ of the members of the commission come from unincorporated areas. Also if election of commission members is approved, candidates should not run based on political party affiliation.

I support the language in HB 2083 that would not allow any appointed or elected official of the city or county to be on the commission.

The commission should not have the right to replace elected officials with appointed ones.

I support language that bond indebtedness created by the different governments be paid off by the residents of the government as existed before any consolidation.

Language indicates political subdivisions should continue to exist. Do political subdivisions include fire districts, drainage boards, etc.? While many state Kansas has too many taxing divisions, most residents do not pay taxes on these entities, but they are of vital importance to us who do pay the taxes. They improve the quality of our life.

Language states the new government would also be a city. Could they apply a city ordinance such as in Topeka where any plant more than 18 inches tall is illegal? If a new government has the power to declare my corn or soybean fields illegal why should I trust any government? Why does a new government need the power of both a city and county?

Language creates a mill tax to cover the cost of a commission. The tax does not end when the commission ends.

I have opposed consolidation of city and county governments as the goals are not effiience in government nor even good government. It is consolidation to have the most power in the fewest elected positions possible, replacement of elected position by appointed positions, with the control of those appointed positions by the fewest elected positions possible and increased revenue flow.

House Gov. Org. & Elections
Date: 2-1-05
Attachment # 16



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON GOVERNMENT ORGANIZATION AND
ELECTIONS

Re: HB 2094 & 2011—Efficiency in Local Government.

**February 1, 2005
Topeka, Kansas**

**Testimony provided by:
Terry D. Holdren
Local Policy Director
KFB Governmental Relations**

Chairman Vickery, and members of the House Committee on Government Organization and Elections, thank you for the opportunity to appear before you today. I am Terry Holdren and I serve as the Local Policy Director—Governmental Relations for Kansas Farm Bureau. As you know, KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureaus Associations.

HB 2094 and 2111 both contemplate consolidation of cities and counties in Kansas. This is an issue of great concern to our members, and one they have discussed as recently as our annual meeting last November. Many of them recognize the need to find greater efficiencies in government and realize that consolidation may provide the best opportunity to do that.

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Both of the bills before you have provisions which our policy directly supports. For example, the requirement of multiple public hearings to gather input for the consolidation plan, and the requirement of specific representation from unincorporated areas on the study commission. We also support the provisions which define tax and bonding level limits for the consolidated government. There are, however, provisions in both bills which we cannot support. Therefore, we would suggest the following changes:

1. The final consolidation plan should be approved by a majority of voters residing in the municipality in question, and a majority of voters in the unincorporated areas of the county.
2. At least ½ of the members of the commission studying consolidation should represent unincorporated areas of the county.
3. The commission should not have the authority to abolish elected positions and replace them with appointed positions.

Thank you for your attention this afternoon. KFB stands ready to assist you in crafting a plan for consolidation that benefits all residents affected. Thank you.