

Approved: 2-21-06 Date

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on January 25, 2006 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Mr. Robert Van Cleve
Rep. Mike O'Neal
Dave Kerr
Randy Allen, Kansas Association of Counties
Don Moler, League of Kansas Municipalities
Jeannie McKenna, Emporia Chamber of Commerce
Terry Holdren, Kansas Farm Bureau
Randy Roger, Kansas Sheriff's Association
Paul Degener
Greg Dye
Don Whitten

Others attending:

See attached list.

Chairman Brungardt called upon Mr. Robert Van Cleve, nominee as a member of the Kansas Lottery Commission, to give an opening statement regarding his background and qualifications. (Attachment 1)

Following brief committee questions, the Chairman expressed the committee's appreciation to Mr. Van Cleve's attendance and participation in the confirmation hearing.

Senator Ostmeyer made a motion to move to the full Senate the confirmation of Robert Van Cleve to be a member of the Kansas Lottery Commission. Senator Gilstrap seconded the motion. The motion carried.

SB 379 - Consolidation of municipalities

Chairman Brungardt opened the hearing on **SB 379**.

Representative Mike O'Neal, appeared before the committee as a proponent of the bill. (Attachment 2) The bill repeals statutory barriers for voluntary reorganization that allows local officials to proceed with plans to make local government less costly and more efficient. Also, copies were provided to the committee of the Harris News special report on "Sizing up Government", which provided information and statistics of local government.

Dave Kerr, provided the committee a power point presentation in favor of the bill. (Attachment 3) Mr. Kerr provided information on where Kansas ranks in state and local government employment, Kansas is 29th in state employment and 3rd for people employed in local government. This bill repeals the statute that allows local government to streamline, but doesn't make it mandatory to consolidate.

Randy Allen, Kansas Association of Counties, spoke in favor of the bill. (Attachment 4) The bill removes obstacles and impediments for cities and counties that want to provide the most efficient and effective local government possible for their citizens, and without seeking legislative approval on a case by cases basis.

Don Moler, League of Kansas Municipalities, appeared in support of the bill. (Attachment 5) The League has supported permissive statutory language to allow local reorganization, and feel that the issue of reorganization is inherently a local one and that the voters should be allowed to determine whether reorganization with another unit of government should occur.

Jeanine McKenna, Emporia Area chamber of Commerce, appeared before the committee in favor of the bill. (Attachment 6) This bill would allow local units of government to move forward to a more streamlined and efficient use of tax dollars.

Allyn Lockner, spoke in favor of the bill. (Attachment 7) Mr. Lockner supports maximizing local control in state wide consolidation. Mr. Lockner provided recommendation and wanted to state his only addressed city-county consolidation.

Written testimony in support of the bill was provided by Christy Caldwell, Greater Topeka Chamber of Commerce, (Attachment 8) Dan Epp, Greely County, (Attachment 9) and Larry McCants, Goodland, Kansas. (Attachment 10)

Terry Holdren, Kansas Farm Bureau, appeared as an opponent to the bill and proposed two changes: (Attachment 11)

1. "Dual Majority" process for approving the plan, to ensure that drafters of the plan for consolidation hear and address the concerns of rural residents
2. Consolidation should not result in the elimination of elected positions without a vote on a separate ballot question by the citizens impacted

Randy Roger, Kansas Sheriffs Association and the Kansas County Officials Association, spoke against the bill. (Attachment 12) The Association believes that the citizens of a county should have the right to vote to eliminate their elected officials, and the decision to eliminate elected officials should not be left to an appointed consolidation committee and who believe strongly and support language that would require a separate vote to eliminate elected officials.

Paul Degener, appeared as an opponent to the bill. (Attachment 13) The bill supports large government and strips the citizens of their power and eliminates a majority of the elected officials at the local level.

Greg Dye, spoke against the bill. (Attachment 14) Mr. Dye felt that the bill needed a couple of changes:

- the Home Rule Power section is unconstitutional according to U.S. Supreme court rulings
- KSA 3903-b that allows for the removal of elected representatives at the local level of government, needs to be removed.

Don Whitten, appeared as an opponent to the bill. (Attachment 15) Mr. Whitten felt that the implementation of this consolidation plan fails to meet the criteria of the rural and city resident's interest and needs.

Chairman Brungardt closed the hearing on **SB 379**.

The meeting was adjourned at noon. The next scheduled meeting is January 26, 2006.

SENATE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE 1-25-06

ALLYN O. LOCKNER	REPRESENTING MYSELF
Greg Dye	Concerned citizen
Lindsay Douglas	Hein Law Firm
Kim Winn	LKM
TERRY HOWREN	KANSAS FARM BUREAU
Jeanine McKenna	Emporia Area Chamber of Commerce
Mark Schroeder	Western Energy
Stan Ahlevich	KANSAS, Inc.
Dan Korber	Kansas, Inc.
Jeff Bohnborg	Kansas Sheriff's Ass'n
Tom WRIGHT	Self
Randall Allen	Ks. Assoc. of Counties
Robert Van Cleave	Attorney
Ed Van Petten	KS Lottery
Keith Kocher	KS Lottery
Marilyn Nichols	Shawnee Co. Register of Deeds
Michelle Genitron	Kearny Co. Reg. of Deeds
STEVE KEARNEY	KS CO. OFFICIALS ASSN.
NANCY WEEKS	HASK. CO TREAS + KCOA
Cileen King	Riley Co. Treas + KCOA
George Wergert	Ruffin Company
Don Wilkerson	Represent myself
Paul DeGenerer	Concerned Citizen

Senate Confirmation Information Summary
Prepared and Submitted by the Office of Governor Kathleen Sebelius

Appointee: Robert Van Cleave

Position: Member, Kansas Lottery Commission

Appointment Date: January 06, 2006

Expiration Date: March 15, 2008

Term Length: 4 years

Statutory Authority: K.S.A. 74-8709

Party Affiliation: Democrat

⇒ Statutory geographic representation
Requirements (*insert any that apply*)

Congressional District:

County:

Size requirement (*if any*):

Other, specify: All members shall be citizens of the United States and residents of this state.

⇒ Statutory party affiliation requirement:

Not more than three members of the board shall be members of the same political party

⇒ Statutory industry or occupation requirements:

Salary: N/A

Predecessor: Carole O. Gates, who resigned

Board Composition Prior to Confirmation of New Appointee:

(SEE ATTACHED LIST)

1-3

	<u>County</u>	<u>Affiliation</u>	<u>CD</u>	<u>H</u>	<u>S</u>	<u>Appointment Date</u>	<u>Expiration Date</u>
McKenna, Ms. Jeanine 2667 Road V Reading, KS 66868 Work 620/342-1600 Home 620/699-3312 Fax 620/342-3223 Cell 620/343-0796 jmckenna@emporiakschamber.org	Lyon	R	1	76h	17s	12/4/2002	3/15/2006
		Position: a member					
		Succeeds: Paul Steele					
		Appointed By: Governor					
		Nominations:					
		Statutory Remarks: At-Large Member					
		Seat #: 005					

** Nye, Mr. Harold J. 3503 Chaumont Hays, KS 67601 Home (785) 628-1301 hnye@grapevine.net		D				10/18/2005	3/15/2009
		Position: a member					
		Succeeds: William J. Falstad					
		Appointed By: Governor					
		Nominations:					
		Statutory Remarks: At-Large Member					
		Seat #: 002					

PERSONAL RESUME

Personal Information:

Robert B. Van Cleave
13327 W. 113th Street
Overland Park, Kansas 66210

(office) 10990 Quivira Suite 200
Overland Park, Kansas 66210
(913) 661-0222

Employment Information:

Private Practice, Attorney at Law	1997 -
Gates & Clyde, Chtd. Of Counsel	1991 - 1997
McAnany, Van Cleave & Phillips P.A., Partner, all phases of law practice, insurance, trial, state administrative tribunals	1972 - 1991
Kansas Securities Commissioner Counsel, Commissioner Securities Regulation	1971 - 1972
Kansas Supreme Court Research Attorney	1970 - 1971

Education:

Juris Doctor, University of Kansas (1970)
Bachelor of Arts, Economics, Political Science
University of Kansas (1966)

Professional Activities:

Admitted to Practice Before the Kansas Supreme Court, Federal Courts and United States Supreme Court, Member, Kansas and Johnson County Bar Associations; Kansas Bar Association Ethics Grievance Panel (2004-); Kansas Bar Association Fee Dispute Committee (1998 -); Johnson County Bar Fee Dispute Committee (2003-)
Administrative Law Judge, Kansas Department of Insurance (1995 - 2000); Special Administrative Law Judge, State of Kansas Division of Workers Compensation (1991 - 1995); Kansas Securities Advisory Committee (1985 - 1997); City Attorney, Basehor, Kansas (1985 - 1987); Municipal Judge, Basehor, Kansas (1975 - 1978)

Other Activities:

Treasurer, Johnson County Democratic Central Committee (2002 - 2004); President, College Boulevard (Overland Park) Kiwanis Club (1999 - 2000); Member, Johnson County Community College Athletic Advisory Committee (1990 - 1994); Member, Overland Park Chamber of Commerce, Federal and State Affairs Task Force (1992 - 1994); District Chairman, Kaw District, Boy Scouts of America (1989 - 1990); Chairman and Master of Ceremonies, Kansas City, Kansas Mayor's Prayer Breakfast (1989); Vice- President and Member, Kansas City Kansas Community College Endowment Association (1985 - 1993); Vice- President, Kansas City, Kansas Kiwanis Club (1984 - 1989); Member, Basehor, Kansas City Council (1981 - 1985), (President 1984-1985)

(Please note for application of 11-21-05; I filed this 2 years ago and still had it on my system; I still had this on my system; although much of the information is the same, I have updated the changes. I submitted my previous application by email and will do this also if you wish.)

KANSAS GOVERNOR-ELECT SEBELIUS APPOINTMENT QUESTIONNAIRE

Position for which you are applying: Kansas Lottery Commission

Full Name (please include middle name): Robert Brink Van Cleave

Home Address: 13327 W. 113th St., Overland Park, Kansas 66210
Johnson

(City, State, Zip)

(County)

Business Address: 10990 Quivira Rd Ste 200, Overland Park, Kansas
66210 Johnson

(City, State, Zip)

(County)

Business Name: Robert B. Van Cleave, Attorney

Position Title: Attorney at Law

Home Telephone: (913) 451-0443

Business Telephone: (913) 661-0222

Facsimile No: (913) 491-6398

E-Mail Address: rbvopks@netscape.net

Driver's License No: _____ Social Security No _____

Kansas resident? Yes Registered Voter? Yes

Do you have the legal right to live and work in the United States? Yes

Education:

Juris Doctor, University of Kansas (1970); Bachelor of Arts, Economics, Political Science
University of Kansas (1966)

Employment Experience: _

Private Practice, Attorney at Law

1997 -

Gates & Clyde, Chtd. Of Counsel

1991 - 1997

McAnany, Van Cleave & Phillips PA, Partner,
All phases of law practice, insurance, trial, state
Administrative tribunals

1972 - 1991

Kansas Securities Commissioner; Commissioner, Counsel

1971-1972

Securities Regulation

Kansas Supreme Court
Research Attorney

1970 - 1971

Do you hold any professional licenses? If so, please provide numbers:

Yes:

Admitted to Practice Before the Kansas Supreme Court (Ks SCt # 7110), Federal Courts and the United States Supreme Court

What special skills could you bring to this position?

Legal skills and experience in financial legal matters, in administrative procedure cases pursuant to the Kansas administrative procedure and judicial review litigation, in almost 20 years of experience in employment law, in tax and revenue and business law. I this out in some detail in my previous questionnaire submitted 3 years ago.

Previous government appointments:
(Please provide dates)

Research Attorney, Kansas Supreme Court (1970 – 1971); Counsel, Commissioner, Kansas Securities Commissioner (1971-1972); Municipal Judge, Basehor, Kansas 1975-1978); Kansas Securities Advisory Committee (1985-1997); City Attorney, Basehor, Kansas (1985-1987); Member, City Council, Basehor, Kansas (1981-1985); Special Administrative Law Judge, State of Kansas Division of Workers Compensation (1991-1995)

Note: All yes answers require a detailed response. Attach a separate sheet if necessary:

1. **Military Service:** List rank, date, and type of discharge from active service:

No.

2. **Government Experience:** List on a separate sheet any experience or association with local, state or federal government (exclusive of elective public office but including advisory, consulting, honorary, or other part-time service or positions), with dates of service:

Law Clerk, Post Office Department, Washington D.C. (summer, 1967); Research Attorney, Kansas Supreme Court (1970 – 1971); Counsel, Commissioner, Kansas Securities Commissioner (1971-1972); Municipal Judge, Basehor, Kansas 1975-1978) Kansas Securities Advisory

Committee (1985-1997); City Attorney, Basehor, Kansas (1985-1987); Special Administrative Law Judge, State of Kansas Division of Workers Compensation (1991-1995) Also, from the late 1970's and particularly after the passage of the Kansas Tort Claims Act, I represented as an attorney several governmental entities in litigation involving Kansas City, Kansas; Wyandotte County, Kansas; Basehor, Kansas; Leavenworth County, Kansas; Kansas City, Missouri and the State of Kansas.

3. **Elective Public Office:** List on a separate sheet all elective public offices sought and/or held with dates of service:

Basehor, Kansas City Council 1981-1985; (President 1984-1985)

4. **Honors and Awards.** List on a separate sheet all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognitions for outstanding service or achievements:
5. **Organization Affiliations.** List on a separate sheet all local, state, and national civic, cultural, educational, charitable, or work-related organizations you have been associated with in the past ten years. Include any position held in the organization and the dates of service.

(Professional):

Johnson County and Kansas Bar Associations; Kansas Bar Fee Dispute Committee (1998 -); Kansas Bar Grievance and Ethics Committee (2004-) Johnson County Bar Fee Dispute Committee (2002 -).

(Other:) President, College Boulevard (Overland Park) Kiwanis Club (1999-2000); Johnson County Community College Athletic Advisory Committee (1990-1994); Member, Overland Park Chamber of Commerce, Federal and State Affairs Task Force (1992-1994); District Chairman, Kaw District, Boy Scouts of America (1989-1990); Chairman, Master of Ceremonies, Kansas City, Kansas Mayor's Breakfast (1989); Vice-President, Member, Kansas City Kansas Community College Endowment Association (1985-1993); VicePresident, Kansas City, Kansas Kiwanis Club (1984-1989);

6. **Organization Restrictions:** To your knowledge, is any organization listed above restricted on the basis of race, color, religion, sex, national origin, disability, marital status, or veteran status? If yes, please describe: No Yes _____

7. **Issues.** Have you ever been publicly identified, in person or by organizational membership, with a particularly controversial national or local issue? If so, please describe. No ___ Yes x

Yes. (1) Denial of Medical Insurance: I have represented claimants in several cases where they were denied insurance compensation for medical treatment for cancer and was interviewed by reporters for the Kansas City Star, for WDAF-TV and KSHB-TV. (2) Catholic Church-College Student Center. I represented the Catholic Archdiocese (1985 – 1986) in a lawsuit filed in Douglas County District Court to prevent construction of the Kansas University Catholic Student Center for which I was interviewed by a reporter from the Lawrence Journal-World. (3) Catholic Church - Taxes. I represented the Catholic Archdiocese 1987 – 1990 in a number of cases challenging property and sales taxes for which I was interviewed by the Topeka Capitol-Journal.

8. **Submission of views.** Have you ever submitted oral or written views to any governmental authority, whether executive or legislative, or to the news media on any particular controversial issue other than in an official governmental capacity? If yes, please describe. No ___ Yes x

(See response to 7 above) (1) Denial of Medical Insurance: For several of the cases where I represented claimants who had been denied medical insurance coverage for cancer treatments, I was interviewed by television and newspaper reporters and appeared on WDAF-TV (Chris Hernandez) and KSHB-TV (Elizabeth Alex). (2) In connection with Catholic Church-Catholic Student Center, I was interviewed several times by reporters for the Lawrence Daily-Journal World. (3) In connection with Catholic Church-Taxes, I was interviewed by a reporter from the Topeka Capitol-Journal.

9. **Associations.** Have you ever had any association with any person, group, or business venture that could be used, even unfairly, to impugn or attack your character and qualifications for the position to which you seek to be appointed? If yes, please describe. No x Yes ___

10. **Opposition.** Do you know of any person or group who might take overt or covert steps to attack, even unfairly, your appointment? If yes, please identify and explain the basis for the potential attack on a separate sheet. No x Yes ___

11. **Miscellaneous.** List on a separate sheet any factors, other than the information provided above, which particularly qualify you or are relevant to the position to which you are seeking appointment? Include any special skills.

CONFLICTS OF INTEREST: (Yes answers require a detailed response. Use a separate sheet.)

12. **Relationship to governmental employees.** Are you or your spouse or other close family members related to any state governmental official or employee? If yes, please provide details. No Yes

13. **Compensation.** During the past five years have you or your spouse or other close family members received any compensation or been involved in any financial transaction with the State of Kansas? If yes, please explain. No Yes

My wife has been a mathematics teacher for 20 years with the Kansas City, Kansas Community College.

14. **Business relationships.** Describe on a separate sheet any business relationship, dealing, or financial transaction which you have had during the last five years, whether for yourself, on behalf of a client, or acting as an agent, which you believe may constitute an appearance of impropriety or result in a potential conflict of interest in the position to which you want to be appointed. If none, please so state. none

15. **Transactions with officials.** During the past five years, have you or your spouse or other close family members received any compensation or been involved in any financial transaction with any state government official? If, yes, please explain on a separate sheet. No Yes

My wife has been a mathematics teacher for 20 years with the Kansas City, Kansas Community College.

16. **Spouse or other family members.** If the nature of employment for your spouse or other close family member is related in any way to the position to which you want to be appointed, please indicate the employer, the position, and the length of time it has been held. If it is not, please so state. No

17. **Lobbying activities.** Describe briefly on a separate sheet any lobbying activity during the past ten years in which you have engaged for the purpose of influencing the passage, defeat, or modification of any legislative or administrative action. Describe briefly any lobbying activity during the last ten years in which your spouse has engaged for the purpose of influencing the passage, defeat, or modification or any legislative or administrative action that is related in any way to the position to which you are seeking appointment. (Lobbying activity includes any activity performed as an individual or agent of another individual, or of any organization that involves direct communication with an official in the executive branch of state government, or any official of the legislative branch.) If none, please so state. None

18. **Regulated activities.** Describe on a separate sheet any interest that you, your spouse, or other close family member may have (whether as an officer, owner, director, trustee, or partner) in any corporation, firm, partnership, or other business enterprise and any non-profit organization or other institution that is regulated by or receives direct financial benefits from any department or agency of the State of Kansas. If none, please so state.

Yes

My wife has been a mathematics teacher for 20 years with the Kansas City, Kansas Community College.

19. **Other.** Please describe on a separate sheet any other matter in which you are involved that is or may be incompatible or in conflict with the discharge of the duties of the position to which you seek to be appointed or which may impair or tend to impair your independence of judgment or action in the performance of the duties of that position. If none, please so state. None

ETHICAL MATTERS: (Yes answers require a detailed response. Use a separate sheet.)

20. **Citations.** Have you ever been cited for a breach of ethics for unprofessional conduct by, or been named in a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If yes, please provide details. No x Yes _____
21. **Convictions.** Have you ever been convicted of or entered a plea of guilty or nolo contendere or forfeited collateral for any criminal violation other than a minor traffic offense? (Minor traffic offenses do not include the Kansas offenses of driving under the influence, operating while impaired, reckless driving, or the equivalent offenses in other states.) If yes, please explain. No x Yes _____
22. **U.S. Military convictions.** Have you ever been convicted by any military court? If yes, please provide details. No x Yes _____
23. **Imprisonment.** Have you ever been imprisoned, been on probation, or been on parole? If yes, please provide details. No x Yes _____
24. **Agency proceedings:** Civil Litigation. Are you presently, or have you ever been, a party in interest in any administrative agency proceeding or civil litigation that is related in any way to the position to which you are seeking appointment? If yes, please provide details. No x Yes _____

25. **Agency proceedings and civil litigation of affiliates and family.** Has any business in which you, your spouse, close family member or business associate are or were an officer, director or partner been a party to any administrative agency proceeding or civil litigation relevant to the position to which you are seeking appointment? If yes, please provide details. (With respect to this question, you need only consider proceedings and litigation that occurred while you, your spouse, close family member, or business associate were an officer of that business.) No x Yes _____

26. **Other litigation.** Other than the litigation described above, have you or any business in which you are or were an officer, director, or partner been a plaintiff or a defendant in a civil lawsuit? If yes, please describe. Is anyone currently threatening to sue you or any business in which you are an officer, director, or partner? If yes, please describe. No _____ Yes x

Was sued for duties performed as Kansas Securities Commissioner in federal court in Wichita for \$500,000 in 1971 in connection with a proposed takeover of a Kansas insurance corporation. I was the only party that raised that due to corporate status, there was no federal jurisdiction. I was dismissed after I agreed to sign a letter promising not to sue the plaintiffs or their attorneys for malicious prosecution of a civil matter. Case was later dismissed when the other attorneys (who included a former president of the Kansas Bar) determined that there was no federal jurisdiction. Equity Investors v. Liberty Investors v. Van Cleave and Fourth National Bank

Was sued in small claims court in Johnson County, Kansas for \$500 by a former client when I did not pursue an EEOC claim on his behalf which he admitted was baseless. Suit was summarily dismissed. Tolson v. VanCleave JoCoDC No. 00SC674

27. **Drivers license.** Has your drivers license ever been suspended or revoked? If yes, please describe. No x Yes _____

28. **Parking tickets.** Do you have outstanding parking tickets from any jurisdiction in Kansas that have remained unpaid for more than 60 days? If yes, please explain. No x Yes _____

29. **Security clearance denial.** Have you ever been denied a military or other governmental clearance? If yes, please explain. No x Yes _____

30. **Firings.** During the past ten years, have you been fired from a job for any reason? Did you quit after being told that you would be fired, or did you leave by mutual agreement because of specific problems? If yes, please provide details. No x Yes _____

31. **Alimony and child support.** Are you now, or have you ever been delinquent in the payment of alimony or child support? If yes, please provide details. No x Yes _____

32. **Consumption of alcohol.** Are you currently abusing alcohol? No x Yes
33. **Controlled substances.** Are you currently engaged in the illegal use of a controlled substance or abusing the use of a prescribed controlled substance? If yes, please describe. No x Yes
34. **Physical examination.** If you receive a conditional offer of appointment or employment, would you be willing to take a physical examination, which may include a drug test? No Yes x
35. **Other.** Please provide any additional information, favorable or unfavorable, which you feel should be considered in connection with your appointment.

FINANCIAL MATTERS: (Yes answers require a detailed response. Use a separate sheet.)

36. **Delinquencies.** Are you delinquent on any federal, state, or local debt? (Include delinquencies for income, property, or other taxes; governmental loans; overpayment of benefits; required payments into or under governmental programs; and other debts or required payments to the government; plus any defaults on or under loans which are or were guaranteed, insured, or subsidized by any unit of government.) If yes, please provide details on a separate sheet of paper. No x Yes

REFERENCES/SIGNIFICANT SUPPORTERS (elected officials, community leaders, friends, etc.)

Name: Former Senator Richard Bond Relationship to you: good friend and occasional luncheon partner

Telephone: (913) 371-1200

Name: Larry Gates Relationship to you: good friend and follow attorney; office mate

Telephone: (913) 661-0222

AUTHORIZATION AND CERTIFICATION:

The facts set forth in my application are true and complete. False statements, answers, or omissions on this application shall be sufficient cause for nonconsideration or for dismissal after appointment or employment. I also recognize that my selection is based on receipt of satisfactory information from former

employers and references, and upon my ability to perform the essential elements, with or without reasonable accommodations, for the position for which I am applying. I herein authorize investigation, without liability, of the information supplied by me in this application for employment or appointment including academic, occupational, health, law enforcement, and government records. I also authorize listed employers and references, without liability, to make full response to any inquiries in connection with this application for appointment or employment. I understand and agree that the terms, conditions, compensation, benefits, hours, schedule, and duration of my appointment or employment may be determined, changed, or modified from time to time at the will of the appointing authority or designee without limitation or condition. I FURTHER CERTIFY THAT I HAVE READ THE FOREGOING PARAGRAPH AND KNOWINGLY MAKE THIS AUTHORIZATION BY SETTING FORTH MY SIGNATURE.

I understand that if I am required to be registered, licensed, or certified by federal or state law or regulation for the position I seek, I will notify the appointing authority immediately if any investigation, limitation, or cancellation of my registration, licensure, or certification occurs. If any investigation, probation, limitation, or cancellation occurs, I understand that my failure to notify my appointing authority as described above will result in the termination of my appointment or employment.

Signature *Robert B. Card* Date 11.21.05

Please attach a copy of your resume if you have not previously provided one to the transition office.

Appointments Questionnaire 11/25/02



KANSAS GOVERNMENTAL ETHICS COMMISSION

STATEMENT OF SUBSTANTIAL INTERESTS FORM

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by individuals who are required to do so by law. Any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 785-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

Van Cleave

Robert

B.

Last Name

First Name

MI

Van Cleave

Janet

M.

Spouse's Name

13327 W. 113th

Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

Overland Park, Kansas 66210

City, State, Zip Code

(913) 451-0443

(913) 661-0222

Home Phone Number (include area code)

Business Phone Number (include area code)

B. THIS FORM IS REQUIRED TO BE FILED BECAUSE YOU ARE:

(check one or more of the following)

- 1. State Elected Official (Governor, Lt. Governor, Attorney General, Commissioner of Insurance, State Treasurer, Secretary of State, State Senator, State Representative, Member of State Board of Education or District Attorney);
2. Appointed Member of a State Board, Council, Commission or Authority;
3. Appointed State Position is Subject to Senate Confirmation;
4. Employee of a State Agency or University;
5. General Counsel for a State Agency;
6. Candidate for State Office.

Kansas Lottery Commission

List Name of Agency, Board, University or Elected Position (You may use abbreviations but not acronyms)

Division if applicable (May use acronyms)

Member

Position

The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

Four empty boxes for social security number digits

C. OWNERSHIP INTERESTS: List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income, and specific stocks, mutual funds or retirement accounts in which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here No xx

	BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	PERCENT OF OWNERSHIP INTERESTS	HELD BY WHOM
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

D. GIFTS OR HONORARIA: List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.

If you have nothing to report in Section "D", check here xx

	NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.			
2.			
3.			

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE _____.
 If you have nothing to report in Section "E"1, check here _____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	R. Van Cleave, Atty. at Law	Ste 200, 10990 Quivira Overland Park, Ks.	Law Practice
2.			

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.
 If you have nothing to report in Section "E"2, check here _____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	KCK Community College	72nd & State Avenue Kansas City, Ks.	Community College
2.			

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section.
 If you have nothing to report in Section "F", check here _____.^{xx}

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

G. RECEIPT OF FEES AND COMMISSIONS: List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here xx

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
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13.			

H. DECLARATION:

I, Robert B. Van Cleave, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

11.23.05
Date

Robert B. Van Cleave
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES _____

Return your completed statement to the Secretary of State, Memorial Hall, First Floor, 120 SW 10th Ave., Topeka, Kansas 66612-1594.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

MICHAEL R. (MIKE) O'NEAL

104TH DISTRICT
HUTCHINSON/NORTHEAST RENO COUNTY

LEGISLATIVE HOTLINE
1-800-432-3924



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JUDICIARY COMMITTEE

VICE CHAIRMAN:
SELECT COMMITTEE ON SCHOOL FINANCE

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TAX, JUDICIAL, TRANSPORTATION
AND RETIREMENT BUDGET
RULES AND JOURNAL
UNIFORM LAW COMMISSION
KANSAS JUDICIAL COUNCIL

SENATE BILL 379
Testimony before Senate Federal & State Affairs Committee
January 25, 2006

CHAIRMAN BRUNGARDT, and members of the Committee:

Thank you for the opportunity to appear before you in support of S.B. 379, which advances public policy I have been advocating for several years here in the legislature. While the title of the bill references governmental consolidation and reorganization, the proposed legislation does nothing to mandate such action at the local level. Rather, the legislation should be viewed in the context of what it really does, i.e., removing statutory barriers to voluntary mergers and reorganizations at the local level between and among local officials who recognize the fiscal savings and administrative efficiencies that such actions foster for themselves and the taxpayers they represent.

No one can refute the cold hard facts of local government in Kansas. The 3,888 local governments in Kansas as of June 2002 ranked us 5th in the entire country. Only Illinois, Pennsylvania, Texas and California have more governmental agencies than Kansas. We also rank 4th or 5th, depending on the most recent available data, in the number of governmental units of government per capita. Kansas is reported to have 1 local unit of government for every 691 Kansans.

TOPEKA ADDRESS

STATE CAPITOL BLDG., SUITE 170-W
TOPEKA, KS 66612-1504
785-296-7679
FAX: 785-296-7594
e-mail: o'neal@house.state.ks.us

HUTCHINSON ADDRESS

Sen Fed & State Affairs
1-25-06
Attachment 2

Over the years, efforts to reduce the expense of and reliance upon multiple levels of local government have run head on into outdated legislative provisions that seem to signal a statewide policy against voluntary reorganization and consolidation at the local level. In past years, efforts to break down those statutory barriers have suffered from complicated provisions that seemed to seek control at the state level of the manner in which local governments should and could approach voluntary reorganization and consolidation.

S.B. 379, in my opinion, finally serves the purpose that was always intended – repealing statutory barriers to voluntary reorganization and consolidation without substituting unnecessary mandates as to how local officials should meet, confer and proceed with their plans to make local government less costly and more efficient. I am very pleased that this year in particular an unprecedented number of major players have been involved in the discussion and development of this enabling legislation. I'm grateful for the support and assistance of former Senate President Dave Kerr, who championed this cause in the Senate in past years and is spearheading efforts at the local level on a statewide basis.

I'll leave the details of the legislation and the rather remarkable potential fiscal benefits of the legislation to the other conferees, but before I do I want to also acknowledge the Harris News network in Kansas for its solid reporting and analysis of this issue in a series of articles published primarily in December 2004. Their reporting has brought the issue to every corner of the state and has shown that the issue is worthy of our attention and action.

The premise of the legislation is simple – the state should neither create nor maintain barriers to local officials looking for ways to be efficient and fiscally responsible when evaluating the needs of Kansans living within the boundaries of our multiple and often overlapping levels of local government. As I am more available for questions than some of the conferees I'd be happy to stand for questions now or later as the Chairman may desire.

Rep. Michael R. "Mike" O'Neal

DOES KANSAS HAVE TOO MUCH GOVERNMENT?

DOES KANSAS HAVE TOO MUCH GOVERNMENT?

- Do we have more people working for Government than other states?
- Do we have more units of Government than other states?

GOVERNMENT EMPLOYMENT

- State Government
 - Kansas ranks 29th with 163 FTE per 10,000 population
- Local Government
 - Kansas ranks 3rd with 476.7 FTE per 10,000 population

GOVERNMENT EMPLOYMENT, cont.

State	FTE/10k Population
Wyoming	599.4
New York	489.0
Kansas	476.7
Nebraska	467.2
Mississippi	440.4

Source: U.S. Census Bureau
April 2002

WHAT IT COSTS TO BE 3RD

State	FTE/10k	
Kansas	476.7	Kansas vs. Four State Avg. = +18,000 FTE
Colorado	385.8	
Missouri	389.3	At \$35,000/FTE per year = \$630 Million
Nebraska	467.2	
Oklahoma	395.0	
Four State Avg.	409.3	

IS IT MANAGEMENT? OR, IS IT STRUCTURAL?

▪ *Hutchinson News*

- Series on Local Government Consolidation, 12/2004

	NUMBER OF LOCAL GOVERNMENTS					
	Government	KS	CO	MO	NE	OK
Counties	105	62	114	93	77	
Cities	626	270	946	531	590	
Townships	1,299	0	312	446	0	
Educational	524	182	536	575	571	
Other*	1,533	1,414	1,514	1,146	560	
Total	3,887	1,928	3,422	2,791	1,798	

“Kansas has more units of local government than all but four states—California, Illinois, Pennsylvania, & Texas.”

*KS has at least 28 different types of special districts, such as watershed districts, cemetery districts, and library districts.

IF IT'S STRUCTURAL, WHAT CAN WE DO?

- Presently, cannot merge two taxing units without special legislation
 - 19-101a Home Rule Powers
 - 18-202 Petition and Notices for Change of Boundaries
 - 12-3909 Governmental Organization

NEED "GATEWAY" LEGISLATION

- Allow local governments to streamline local government.

- Allow, but don't require nor prescribe, locally designed changes to local forms of Government.

COALITION ENCOURAGING PASSAGE OF SB 379

- Chambers of Commerce
- Kansas Association of Counties
- League of Municipalities

- Crisis is coming
- Empower Communities for Change
- Please pass Senate Bill 379



TESTIMONY
concerning Senate Bill No. 379
re. consolidation
Presented by Randall Allen, Executive Director
Kansas Association of Counties
March 3, 2005

Chairman Brungardt and members of the committee, my name is Randall Allen, Executive Director of the Kansas Association of Counties. I am here to express support for Senate Bill No. 379, which removes obstacles and impediments to cities and counties in their quest to provide the most efficient and effective local government possible for their citizens. With the statutory changes in SB 379, we believe that cities and counties and more importantly, the citizens therein, can move forward in studying and pursuing consolidation of governmental units 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."

The premise of SB 379 is affirmative because it gives communities 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. We do not know whether the passage of SB 379 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 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.

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

Sen Fed & State Affairs
1-25-06
Attachment 4



League of Kansas Municipalities

300 SW 8th Avenue, STE 100
Topeka, Kansas 66603-3951
Phone: (785) 354-9666
Fax: (785) 354-4186

To: Senate Federal and State Affairs
From: Don Moler, Executive Director
Re: Support for SB 379
Date: January 25, 2006

First I would like to thank the Committee for allowing the League, a strong advocate of local control, to testify today in strong support of SB 379. Our organizational policies typically focus on the ability of cities to make their own way and to determine their own fate. SB 379 would allow cities and counties, and their residents, to determine their own local government organizations and will allow them to maximize efficiencies in government as well as modernizing governmental structures in Kansas.

The League has for a number of years supported permissive statutory language to allow local reorganization. We have further held the belief that the issue of reorganization is inherently a local one and that the voters should be allowed to determine whether reorganization with another unit of government should occur. As a result we are fully supportive of SB 379 and the provisions that require the proposal for reorganization to be placed before the voters of the local governmental units involved in the proposed reorganization. Any unit whose electors vote against the reorganization would not be included in such reorganization.

In these hard economic times, it brings into sharp focus the need for governments, at all levels, to look to maximizing public resources and to minimizing public expenses. We believe that SB 379 a mechanism which will allow the people of Kansas, in cities and counties across the state, to make choices about the structure and organization of their governments. As a result we strongly support SB 379 and would urge the Committee's favorable recommendation of the bill to the full Senate. I will be happy to answer any questions the Committee may have on the League's position on SB 379.

(6)

**Testimony on SB 379 before the
Senate Federal and State Affairs Committee
By
Jeanine McKenna, President/CEO
Emporia Area Chamber of Commerce
January 25, 2006**

Good morning Chairman Brungardt and members of the committee. I am Jeanine McKenna, President and CEO of the Emporia Area Chamber of Commerce. Thank you for allowing me the opportunity to offer a few comments in support of SB 379.

Over a year ago the Emporia Area Chamber of Commerce formed a task force to look into efficiencies in our local government. Our efforts have mainly focused on Lyon County. You have already heard today that there is not a form of government that Kansas doesn't like. In Lyon County alone we have approximately 50 taxing units.

The use of informal functional consolidation is occurring in the absence of a statutory framework. I can give several examples of intergovernmental cooperation between the City of Emporia and Lyon County. The City of Emporia began work on upgrading their telecommunications as to enhance communication between the main city offices and other outlying offices of the city. Discussions also took place with Lyon County. As a result the City and the County cooperated on the purchase of new communications equipment, and integrated telephone system and direct links to the City's and County's remote offices.

Other City/County partnerships include:

- Shared employee with GIS
- Landfill/Transfer Station
- County provides the jail services
- City provides the ambulance services
- City provides to county services for Metropolitan Planning Area
- Shared animal control

Yes, local governments are looking for ways that they can be more efficient. However, it appears that statutory impediments are in place, which hinders the transformation of local government to today's modern world. Businesses cannot conduct business as they did over 100 years ago and our government shouldn't either. SB 379 would allow local units of government to move forward to a more streamlined and efficient use of our tax dollars. I ask that you help break down the barriers that currently exist, and support SB 379.

Thank you for the opportunity to address the committee this morning.

7

**TESTIMONY OF ALLYN O. LOCKNER ON SENATE BILL 379 BEFORE THE
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE OF THE KANSAS LEGISLATURE
AT 10:30 AM ON JANUARY 25, 2006, ROOM 231-N, STATE CAPITOL BUILDING**

The Honorable Senator Pete Brungardt, and members of the committee: My name is Allyn O. Lockner. I reside at 2135 SW Potomac Drive, No. 4, Topeka. In my testimony I represent no organization or group. I speak only for myself. My testimony is based on my research on city-county consolidation in the United States. It is also based on my observations and participation and the lessons I learned in 2005 during the development of the Final Plan for Consolidation of the Governments of Topeka, Kansas, and Shawnee County, Kansas, by the Consolidation Commission of Topeka, Kansas, and Shawnee County, and my observations of the marketing of the Plan by the Citizens for Unity and Growth and the dual majority vote defeat of the Plan.

My testimony is confined to city-county consolidation as addressed in sections 3 through 8. **Recommendation: Do Pass sections 3 through 8 of SB 379.** I do have recommendations which would strengthen these sections of the bill.

Why Pass Sections 3 through 8 of SB 379? Many of the reasons are same as the main reasons I summarized on March 3, 2005 to the committee in my testimony supporting SB 262. Additional reasons follow.

The sections recognize implicitly that many important choices have to be made before the start of developing a city-county consolidation proposal. Examples of these choices include:

- When is the consolidation proposal group to be appointed?
- What individual or individuals appoint group members?
- What are the qualifications of group members?
- What is the size of the group?
- What is the breakdown of political party affiliations of group members?
- What is the deadline for appointment of group members?
- Who is chairperson of the group?
- What is the compensation and/or expense reimbursement of group members?
- Who staffs the group and what is their compensation and/or expense reimbursement?
- How are group expenses to be financed?
- When and where does the group meet and organize?
- Who calls and sets the agenda for the first group meeting?

These choices will vary widely among Kansas localities who want to undertake consolidation. Leaving these choices to residents of the localities is a major strength of the sections 3 through 8 in SB 379.

Only after these choices are made can the consolidation proposal group undertake its work. For example, it may:

- collect information needed for developing the city-county consolidation proposal [proposition].
- choose the contents of the proposal, including for example:
 - vision of the locality's future and the issues blocking that future;
 - consolidation goals and objectives to achieve the locality's vision;
 - size, succession, duties, terms, compensation and chairperson of the unified governing body;
 - election of governing body members at-large and/or by district;
 - boundaries of governing body member districts [if district representation is chosen];
 - powers of the unified government;
 - election or appointment of officials which are currently elected;
 - consolidation of city and county operations, procedures and functions;
 - tax and debt provisions;
 - personnel adjustments and impacts;
 - selection and duties of the unified government manager;
 - selection and duties of the transition team;
 - effective date of the unified government;
 - transfer of authority and property to the unified government;
 - effects, if any, on other political and taxing subdivisions;
 - impacts on government effectiveness and efficiency;
 - impacts on the locality's economic development and competitiveness; and
 - amendment of the proposal.
- decide the steps to developing the proposal.
- set a timetable for adopting the proposal.

- distribute copies of the proposal to residents.
- explain, answer questions, and market the proposal to voters up until the election date.
- collaborate with the commissioner of elections for printing the voting ballot and setting the voting date on the proposal.

These choices will also vary widely among Kansas localities who want to undertake consolidation. Leaving these choices to residents of the localities is another major strength of the sections 3 through 8 in SB 379.

The sections recognize that city-county consolidation is a complex and difficult local public policy issue that sometimes generates public emotions and conflicts. The sections recognize that a consolidation proposal for a specific locality of Kansas cannot be a duplicate of successful city-county consolidation in any other locality, but instead must be tailored to satisfy the specific and diverse geographic, economic, social and political conditions and voter preferences in each locality. These conditions and preferences probably vary widely throughout Kansas. A majority of voters in some regions want consolidation, voters in different regions prefer different patterns of consolidation, and in still other regions they are satisfied with separated city and county governments and oppose consolidation. Sections 3 through 8 recognize these and other diversities surrounding consolidation in Kansas regions. **Each consolidation proposal will be unique to each locality.**

Regarding a recommendation which would strengthen sections 3 through 8, section 4 indicates that the consolidation process cannot start unless the governing bodies of the affected political and taxing subdivisions pass a resolution or identical resolutions setting the time, form and manner of consolidation. Since subdivision consolidation will discontinue these governing bodies, the office holders will lose their offices. A number of these office holders who want to avoid this outcome and who do not run for positions on the governing body of the successor unified government will likely oppose or remain neutral on passing the resolution. In other words, some or all of the current office holders would prefer not to undertake consolidation. Yet, there may be much public support for subdivision consolidation. **Recommendation: That section 4(a) be amended to also authorize that the consolidation process shall commence whenever a petition, signed by not less than 10 percent of the qualified electors of any two or more political or taxing subdivisions of this state:**

- places on the ballot at an election allowed by general bond law or at the next general election, a ballot question calling for the development of a proposal for consolidating the subdivisions or any or all of the operations, procedures or functions performed or carried on by the offices and agencies thereof; or
- is filed with the governing bodies of such subdivisions setting out the time, form and manner for the development of a proposal for consolidating the subdivisions or any or all of the operations, procedures or functions performed or carried on by the offices and agencies thereof.

This recommendation is particularly applicable where the stakes are likely to be higher for city-county consolidation than for the consolidation of other political and taxing subdivisions. For this reason, it may be appropriate to confine the recommendation to city-county consolidation.

This recommendation would strengthen grassroots democracy in Kansas by enabling ten percent of the voters to request the development of a city-county consolidation proposal in those localities where city and county governing bodies do not initiate the development of a proposal.

The steps for achieving consolidation, from beginning to end, need to be clear so as to minimize unnecessary time, efforts, delays and costs. The language in sections 4 and 5 may need to be clarified. I understand that page 3, line 11 requires the governing bodies of the subdivisions desiring consolidation (or elimination?) to pass a resolution or identical resolutions "...setting out the time, form, and manner of consolidation..." I understand this to mean that the resolutions address not consolidation itself, but the study that would aim to produce a "proposition for consolidation." [See page 4, lines 5 and 6.] I also understand that page 3, lines 13 through 19, require the question of consolidation or elimination be approved by a majority of voters of the affected subdivisions. I understand the question is about the study, namely: Shall the resolution be approved before the study begins? After a petition, I also understand that page 4, lines 5 through 14, require "a proposition for consolidation" be submitted to the voters in the subdivisions. I understand "proposition for consolidation" is a proposal for consolidation. If a majority of voters approve the proposition, according to page 4, lines 14 through 17, the governing bodies of the subdivisions "...shall develop and implement a plan for the consolidation consistent with the intent of the proposition." I understand this is a plan for implementing the proposition. I found it difficult and time consuming to try to understand sections 4 and 5, and I'm not sure that my understanding is correct.

If my understanding of sections 4 and 5 is incorrect, a recommendation seems appropriate. Recommendation: Clarify the language of the sections to minimize misunderstanding, and unnecessary time, efforts, delays and costs.

Thank you. I will be glad to answer questions about my testimony and related matters.

Written Testimony: SB 379
Senate Federal and State Affairs
January 25, 2006
By: Christy Caldwell, Vice President
Greater Topeka Chamber of Commerce

The Greater Topeka Chamber of Commerce would like to express our support for SB 379, enabling legislation that would allow local consolidation of cities, counties and political and taxing sub-divisions, without seeking permission from the state legislature.

Last year the Kansas Legislature was asked by the Shawnee County Legislative Delegation and local officials to approve legislation that would allow the city of Topeka and Shawnee County to create a Consolidation Commission to develop a plan for consolidation of the city and county to submit to the voters. Legislation was approved, but not without controversy and stipulations included that were not supported by the city. This local issue required permission from legislators and the governor prior to development of the plan, to determine what is in the best interests of this community. As you are aware, the consolidation failed, although the Consolidation Plan was approved by a majority of voters/taxpayers in Shawnee County and a majority of voters/taxpayers in the city of Topeka. The Plan was not passed due to a provision in the legislation that required a dual majority vote by Topeka residents and those who reside outside the city boundaries.

Decisions regarding consolidation of this community did not, and will not in the future, affect legislators and citizens from areas outside this county; however the governing bodies/citizens were required to seek consent from the state. SB 379, introduced this year, will allow Kansas cities, counties, and political and taxing sub-divisions the ability to determine their own destiny with regards to governance; this permissive legislation is the right thing to do. It does not force consolidation; it does not force certain requirements be placed in a plan; it does not force a method of voting on the entities considering consolidation; it is forthright in enabling the citizens of Kansas cities, counties and political and taxing sub-divisions the ability to determine their own governance. What is appropriate for local governing authorities and citizens throughout the state, who may want to change their local governance, should not require representatives from other areas of the state determine the best interest of those citizens and their preference of governance.

Additionally, rules determining how consolidation efforts should be executed and what should be included in each plan for consolidation is best left to the local community. The required dual vote, in our instance, may not be in the best interest of other communities or in future attempts to consolidate in our county. That decision should be left to local citizens as they develop plans that are logical for their consolidation efforts.

The Consolidation Commission in Shawnee County worked tirelessly to create a plan, within the legislative parameters set out in last year's bill, however it was doomed to fail with the dual majority voting requirement. The Topeka/Shawnee County Consolidation Commission may have been able to develop a better plan that could have passed, if state legislative requirements would not have been incorporated. It is likely that the consolidation issue will be visited again in Shawnee County at some point since it received overwhelming support from a majority of voters. Citizens here want local government to speak with one voice as well as generate efficiencies that make sense in a time where duplication of services and budgets are not wise use of taxpayer resources. Allowing decisions regarding a local consolidation efforts be made locally, strengthen the legislation.

We ask for your positive consideration of SB 379; it will allow local citizens to make decisions regarding their governance utilizing good judgment within their communities. The stronger these local communities, the stronger Kansas will be.

Greeley County Republican

Official Newspaper of Tribune, Horace and Greeley County

PRINTING and PUBLISHING
OFFICE SUPPLIES



Dan M. Epp
Phone 620-376-4264
Fax Phone 620-376-2433

P.O. Box 610
Tribune, Kansas 67879
e-mail jandan@sunflowertelco.com

The Honorable Pete Brungardt, Chairperson
Senate Committee on Federal and State Affairs
Capitol Office room 522S
Topeka, Kansas 66612

January 20, 2006

Dear Senator Brungardt:

Subject: Endorsement of SB 379.

I am co-chairperson of a local Community Action Team that was formed by a grass roots community building process which included a community conversation and a vision retreat. The purpose of the action team was to research and recommend action on increased cooperation and possible unification of the governing bodies of Greeley County and the City of Tribune. The Greeley County Commissioners and the Tribune City Council unanimously approved a joint resolution to further study unification and to prepare a unification plan for the voters. To allow us to pursue this unification study, Rep. Gary Hayzlett will submit a bill that is a modification of SB 262 specifically allowing the unification of Greeley County and the City of Tribune.

The passage of SB 379 that would remove the legal obstacles to unification or consolidation would make our bill unnecessary. Our Action Team supports the passage of SB 379.

The major goals of our unification plan are 1) to improve the strategic ability of our community to respond to opportunities and problems, and 2) to improve our ability to share manpower and equipment among different taxing entities in the county including Greeley County, the cities of Tribune and Horace, the hospital and the school.

Our unification study is a grass roots effort specific to our community; however, we are one of the first counties to take part in the community building process facilitated by Kansas Communities, LLC. Six Kansas communities taking part in this process met in November 2005 to share ideas and experiences and while no other community was considering unification, they were all interested in what we are doing in Greeley County. We will meet annually with the growing number of communities that are part of this community building process.

Sincerely,

Dan M. Epp

Sen Fed & State Affairs
1-25-06
Attachment 9



202 East 11th - PO Box 570
Goodland, KS 67735
Phone: (785) 890-2000
Fax: (785) 890-2800
www.fnb.com

January 23, 2006

The Honorable Senator Pete Brungardt
Chairman of the Federal and State Affairs Community
State Capitol
Room 462-E
Topeka, KS 66612

Dear Senator Brungardt;

This is in reference to the Senate Bill 379 regarding consolidation of local governments. My involvement with the Kansas Inc, and participation in Strategic Planning for the State of Kansas has highlighted that one of our State's largest concerns is the inefficiencies of local governments.

In comparing Kansas to our neighboring states, one statistic continues to surface: Productivity. We are not as productive as other states. This is due in part to the number of governmental unit we have in Kansas. We have more governmental units per capita than any other state in the nation and we are second only to Illinois in the total number of governmental units in the nation.

We must look at every opportunity to improve efficiencies of local government, whether in a single county or multiple counties. By removing impediments to collaboration among local governments, the state can become much more efficient and allow local residents to decide what course to take.

I strongly recommend that you support the Senate Bill 379. If there is anything else I can do to assist you, please let me know.

Sincerely,

Lawrence L. McCants
President

LLM/kah



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON FEDERAL & STATE AFFAIRS

Re: SB 379—Concerning Government Consolidation

January 25, 2006
Topeka, Kansas

Testimony provided by:
Terry D. Holdren
KFB Governmental Relations

Chairman Brungardt and members of the Senate Committee on Federal and State Affairs, thank you for the opportunity to appear before you today to share the policy of our members regarding consolidation of governments. 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 from all counties of the state through our 105 county Farm Bureau Associations.

Kansas has thousands of units of government. Over 3,500 counties, cities, townships, school districts, and special districts currently exist in the state. There are no doubt efficiencies to be gained through consolidation. SB 379 removes current barriers to consolidation, which require action by the state legislature. KFB members support that change and believe that the issue of consolidation is a local issue, best decided by impacted citizens.

However, our member-adopted policy provides that when consolidation is proposed, rural residents must be given opportunities for input and protection from the majority of residents living in a city. Those residents, who choose for a variety of reasons to live

outside city limits, have developed township, rural water and fire, and other services to meet their needs in a cost-effective manner. Consolidation under the proposed bill constitutes a significant threat to those services, and to residents within those residents who may not be part of a consolidated government, but would no doubt face higher costs for the same services based on the reduced number of residents in the district. Given that, we cannot offer our support for SB 379 as it is currently written.

Secondly, officials who are independently elected provide citizens with a level of accountability for the work they do and the dollars they spend that is not present when a position is simply appointed by the governing body. Our membership supports the elimination of elected positions only after approval of a separate ballot question by voters considering the consolidation issue.

We would respectfully request that you consider two significant 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. This "dual majority" process for approving the plan is critical to ensure that drafters of the plan for consolidation hear and address the concerns of rural residents, and it is critical for our support.
2. Consolidation should not result in the elimination of elected positions without a vote on a separate ballot question by the citizens impacted.

In conclusion, Kansas Farm Bureau respectfully urges your adoption of the suggested amendments preceding your favorable recommendation of SB 379. Thank you, once again, for the opportunity to appear before you and share the policy of our members. KFB stands ready to assist you as you consider this important measure. Thank you.

Kansas Farm Bureau represents grass roots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.

KCOA

Kansas County Officials Association

1200 SW 10th Avenue
Topeka, Kansas 66604
Phone: (785) 234-5859
Fax: (785) 234-2433
Web: www.kscountyofficials.org

To: Senate Committee on Federal and State Affairs
Re: Senate Bill 379
Date: January 25, 2006

Chairman Brungardt and Committee Members,

I thank you for the opportunity to appear before you on Senate Bill 379. I am Randy Rogers, Coffey County Sheriff. I appear before you today on behalf of the Kansas Sheriffs Association and the Kansas County Officials Association.

Our associations do not oppose the theory of consolidation and recognize the fact that this is a local issue and should be decided by citizens at a local level. We do support the fact that citizens should have all options of consolidation made available to them with accurate facts given to them to make an informed decision.

We believe that the citizens of a county should have the right to vote to eliminate their elected officials. The decision to eliminate elected officials should not be left to an appointed consolidation committee. We believe strongly and support language that would require a separate vote to eliminate elected officials.

Attached to our testimony is a copy of the study that the Shawnee County consolidation committee commissioned before they began their deliberations this last summer on the consolidation of Shawnee County and Topeka. There is some very interesting information in the survey that the consolidation commission chose to ignore. Over 70% of the population that was surveyed stated they would not support the elimination of elected officials. Yet the consolidation committee chose to eliminate all of them except for the County Sheriff. In fact, the survey results showed more people favored keeping the County Treasurer, County Clerk and County Register of Deeds than the County Sheriff.

Our associations would ask that the committee look closely at how the publication dates, hearing dates and related areas are addressed. It is important that the public has sufficient time and notice to respond to any public hearings that are being held. We also feel strongly that the notifications should be published in the paper of *largest* circulation in the county not just general circulation. General circulation publications are often times obscure legal publications or small town papers in the county used by government to hold down costs. An issue of this magnitude is too important to not make every effort to reach the maximum amount of voters. Citizens in the county have the right to a greater exposure to facts and the ability to ask questions concerning consolidation.

Our associations also support the position of a higher percentage vote or some form of a dual majority. Both rural and urban citizens have the right to have their concerns addressed in any consolidation plan. A simple majority vote does not guarantee the smaller rural populations an equal voice in the process.

Kansas County Clerks and Election Officials Association
Kansas County Treasurer's Association
Kansas Register of Deeds Association

Sen Fed & State Affairs
1-25-06
Attachment 12

It is our belief that the dual majority vote worked in Shawnee County. Again I would refer you to the consolidation commission study that illustrates the strength of our position. 53% of the voters polled said they supported a governing board of seven or nine members, yet the consolidation committee chose to ignore their own study and approve a commission of five. The opinion of the voters was further disregarded when the consolidation commission chose to not recommend any commissioners be elected at large when 59% of the voters of the city and 66% of the county voters supported the election of some at-large members.

In conclusion, our associations believe that to make consolidation appealing to the voters, you have to listen to them and give them a voice in the process. This did not happen in Shawnee County and can be avoided in future consolidation efforts if this measure takes these matters into consideration as amendments. The right to eliminate elected officials should rest with voters of the county. We ask you to support an amendment to Senate Bill 379 that would require a separate vote to eliminate elected officials.

Sincerely,

Randy L. Rogers, Coffey County Sheriff
Kansas Sheriffs Association

Nancy Weeks, Haskell County Treasurer
Kansas County Officials Association

**A Voter Opinion Survey
On Government Consolidation Issues**

For

The Consolidation Commission
Of Topeka & Shawnee County
June 2005

Central Research & Consulting, Inc.
900 Bank Of America Tower – Topeka, Kansas
(785) 233-8948

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A Voter Opinion Survey
On Government Consolidation Issues
 For
The Consolidation Commission
Of Topeka & Shawnee County
 - June 2005 -

INTRODUCTION & BACKGROUND

This report contains results and analysis of a survey of registered voters of Shawnee County (including Topeka), Kansas.

The study was designed and conducted by Central Research & Consulting, (CRC) of Topeka.

The content of the survey was developed in consultation with representatives of the Consolidation Commission of Topeka and Shawnee County.

The survey effort produced completed interviews with 402 registered voters.

The sample was designed to produce proportional numbers of interviews with registered voters living inside the City of Topeka and those living elsewhere in Shawnee County.

Total Registered Voters in Shawnee County	108,713	=	100%
Registered Voters in Topeka	74,958	=	69%
Registered Voters Elsewhere in County	33,755	=	31%

Source: Shawnee County Election Office...as of May 23, 2005

Respondents were interviewed by telephone. They were contacted during afternoon and evening hours on Sunday, June 5 and during evening hours on Monday, June 6.

SAMPLE CHARACTERISTICS

The survey sample of registered voters was comprised of respondents in the categories and magnitudes listed below.

	Registered Voters	
	Number In Sample	Percent Of Sample
All Respondents	402	100%
Those who live Inside the City of Topeka	277	69%
Those who live Elsewhere in Shawnee County	125	31%
<u>By Age:</u>		
-- Age 18 to 34	39	10%
-- Age 35 to 49	94	23%
-- Age 50 to 64	132	33%
-- Age 65 or older	136	34%
<small>Note: 1 respondent did not report his/her age.</small>		
<u>By Gender:</u>		
-- Male Respondents	200	50%
-- Female Respondents	202	50%
<u>With regard to current discussions about developing a proposed plan for government consolidation:</u>		
-- Those who report being Very Aware	166	42%
-- Those who report being Somewhat Aware	175	44%
-- Those who report being Not Very Aware	55	14%
<small>Note: 6 respondents did not answer this question.</small>		
<u>By Recent Voting: Those reporting they...</u>		
-- Did Vote in Nov. 2004 General Election	379	94%
-- Did Not Vote in Nov. 2004 General Election	23	6%

The data tables prepared for this report contain full tabular displays of responses from respondents in each of the above categories.

Throughout this report, percentage values are rounded to the nearest whole percent. Values of less than one half of one percent are reported as zero.

OVERVIEW OF RESULTS

AWARENESS OF CURRENT DISCUSSIONS ABOUT CONSOLIDATION

More than 8 out of 10 voters in the survey area report they are at least somewhat aware of the discussions currently underway regarding government consolidation. Voters outside the city of Topeka are a little more likely than those inside the city to report the highest level of awareness.

By age, awareness tends to peak among voters in the 50 to 64 age group, with voters in the under 35 age group substantially more likely than others to say they are not very aware of the current discussions. (See Table 1, at the back of this report, for details).

Male voters tend to be more intensely aware than female voters.

Those who report they voted in the 2004 general election in Kansas are far more intensely aware of the consolidation discussions than are those who report they did not vote in that previous election.

<i>Would you say you are... Very Aware, Somewhat Aware, or Not very Aware... of the discussions currently underway, to develop a proposed plan for consolidating governments in Shawnee County, to be put before the voters?</i>			
	CountyWide ALL	Those who live...	
		In Topeka	Else Where
Very Aware	41%	38%	49%
Somewhat Aware	44%	44%	42%
NOT Very Aware	14%	16%	9%
[Don't Know or Refused]	1%	2%	0%

HOW MANY MEMBERS SHOULD THE GOVERNING BODY HAVE

The largest number of voters (33%) prefer a 7 member governing body for the consolidated government. Only 4% opt for a 3 member body, while a 5 member body (21%) and a 9 member body (20%) draw about equal numbers of preferences. Slightly more than one-fifth (22%) of registered voters offer no response. There is not a lot of difference, on this measure, between voters in Topeka and those who live elsewhere in the county.

The pattern of preference for a 7 member body holds true among all age groups, except those in the 35 to 49 age group, whose members most widely prefer a 9 member governing body. (See Table 1.)

Female voters more broadly prefer a 7 member governing body than is the case among male voters.

Preference for a 7 member body tends to be wider among those who report higher levels of awareness of the current discussions.

<i>Do you think the consolidated governing body should be made up of 3, 5, 7, or 9 members?</i>	CountyWide ALL	Those who live...	
		In Topeka	Else Where
3 Members	4%	4%	6%
5 Members	21%	19%	23%
7 Members	33%	35%	30%
9 Members	20%	20%	20%
[Don't Know or Refused]	22%	22%	22%

ELECTION OF MEMBERS...AT LARGE...BY DISTRICTS

Nearly two out of three voters (64%) think some of the governing body's members should be elected at large. One out of five (21%) think all members should be elected from districts, and 15% express no preference. Voters inside Topeka are a little more likely than those elsewhere in the county to think some members should be elected at large.

By age, the widest support for electing some members at large comes from those in the 50 to 64 age group. Male voters and female voters differ very little in their preference for some members being elected at large. (See Table 2.)

The more closely a voter has been following the current discussions, the more that person is to prefer that some members of the governing body be elected at large.

<i>Do you think some of the governing members, or none of the governing body members should be elected "At Large" ... (rather than from districts)?</i>	CountyWide ALL	Those who live...	
		In Topeka	Else Where
Some At Large	64%	66%	59%
None At Large	21%	19%	24%
[Don't Know or Refused]	15%	14%	17%

PARTISAN...NON-PARTISAN...ELECTION OF MEMBERS

Seven out of ten voters (71%) say candidates for the governing body should run without regard to party. This pattern of preference is broader (79%) among voters outside Topeka than it is among voters in the city (68%).

Preference for non-partisan elections increases with advancing voter age. (See Table 2.)

Female voters support non-partisan elections in slightly larger numbers than is the case among male voters.

Preference for non-partisan elections is substantially larger among voters who have been following the current discussions than it is among those with very little awareness.

<i>Do you think candidates seeking election to the governing body should run as party members...or without regard to party?</i>	CountyWide ALL	Those who live...	
		In Topeka	Else Where
As Party Members	22%	25%	18%
Without regard to Party	71%	68%	79%
[Don't Know or Refused]	6%	8%	3%

A PROFESSIONAL ADMINISTRATOR TO RUN DAY TO DAY AFFAIRS

By more than two to one, voters support the idea of hiring a professional administrator to run day to day affairs. Voters outside the city of Topeka are slightly less supportive of the idea than are those inside the city.

Voters across all age groups support the idea by margins of greater than two to one. (See Table 3.)

Males tend to be more widely supportive of hiring a professional administrator than are females.

Voters with greater awareness of the current discussions tend, in larger numbers, to support hiring an administrator.

<i>Do you think the consolidated government should hire a professional administrator to run day to day affairs?</i>	CountyWide ALL	Those who live...	
		In Topeka	Else Where
Yes	64%	67%	58%
No	27%	26%	31%
[Don't Know or Refused]	9%	8%	11%

SHOULD LAW ENFORCEMENT CHIEF BE...ELECTED...APPOINTED

About two out of three voters in the survey area say the consolidated government's chief law enforcement officer should be elected, rather than appointed. This view prevails both among voters outside the city of Topeka (73%) and those who live in Topeka (64%).

By age, voters in the younger age groups tend to be the most widely supportive of electing the chief law enforcement officer. (See Table 3.)

There is very little difference between male and female voters on this measure.

Similarly, there is not much difference between voters who have been following the discussions and those who have not.

<i>Do you think the chief law enforcement officer should be elected by the voters, or appointed by the governing body?</i>	CountyWide ALL	Those who live...	
		In Topeka	Else Where
Elected	67%	64%	73%
Appointed	28%	30%	24%
[Don't Know or Refused]	5%	6%	3%

OTHER ADMINISTRATIVE OFFICERS...ELECTED...or APPOINTED

Strong majorities of voters, both inside the city of Topeka and elsewhere in the county think other administrative officers of a consolidated government (like the Treasurer, Clerk, and Register of Deeds) should be elected, rather than appointed.

This pattern is consistent across voters in all age groups. (See Table 3.)

The pattern prevails as well, among both male and female voters, and among those with varying degrees of awareness of the current discussions.

<i>Do you think administrative officers like the Treasurer, Clerk, and Register of Deeds should be elected, or appointed?</i>	CountyWide ALL	Those who live...	
		In Topeka	Else Where
Elected	73%	72%	74%
Appointed	24%	25%	23%
[Don't Know or Refused]	3%	3%	3%

DEMOGRAPHICS OF THE SAMPLE

AGE of Respondents	CountyWide ALL	Those who live...	
		In Topeka	Else Where
Age 18 to 34	10%	12%	5%
Age 35 to 49	23%	22%	27%
Age 50 to 64	33%	32%	35%
Age 65 or older	34%	34%	33%
[Not Reported]	0%	0%	0%

GENDER of Respondents	CountyWide ALL	Those who live...	
		In Topeka	Else Where
Males	50%	48%	54%
Females	50%	52%	46%

VOTING PATTERNS November 2004 General Election	CountyWide ALL	Those who live...	
		In Topeka	Else Where
Reported they DID vote	94%	93%	98%
Reported they did NOT vote	6%	7%	2%
[Don't Know or Refused]	0%	0%	0%

RESULTS IN DETAIL

Registered Voters	County Wide	Those who Live:		By AGE:				By GENDER:		By Awareness:			In '05 Gen. Elec.:	
	ALL	In	Elsewhere	Age 18	Age 35	Age 50	Age 65	Males	Females	Very	Somewhat	Not Very	Voted	Did Not
	(n=402)	Topeka	In County	to 34	to 49	to 64	or older			Aware	Aware	Aware	(379)	Vote
		(277)	(125)	(39)	(94)	(132)	(136)	(200)	(202)	(168)	(175)	(55)		(23)

AWARENESS OF CURRENT DISCUSSIONS ABOUT CONSOLIDATION

Would you say you are...Very Aware, Somewhat Aware, or Not very Aware... of the discussions currently underway, to develop a proposed plan for consolidating governments in Shawnee County, to be put before the voters?

Very Aware	41%	38%	49%	13%	40%	45%	46%	48%	35%	100%	-	-	43%	9%
Somewhat Aware	44%	44%	42%	56%	43%	47%	38%	39%	49%	-	100%	-	43%	48%
Not Very Aware	14%	16%	9%	26%	17%	8%	13%	13%	15%	-	-	100%	12%	39%
[Don't Know or Refused]	1%	2%	0%	3%	0%	0%	4%	1%	2%	-	-	-	1%	4%

HOW MANY MEMBERS SHOULD THE GOVERNING BODY HAVE

Do you think the consolidated governing body should be made up of 3, 5, 7, or 9 members?

3 Members	4%	4%	6%	3%	7%	4%	4%	5%	4%	4%	4%	5%	4%	13%
5 Members	21%	19%	23%	10%	20%	21%	24%	23%	18%	20%	20%	20%	21%	9%
7 Members	33%	35%	30%	44%	23%	36%	33%	31%	36%	39%	32%	24%	34%	22%
9 Members	20%	20%	20%	18%	35%	20%	10%	24%	16%	22%	17%	24%	19%	39%
[Don't Know or Refused]	22%	22%	22%	26%	14%	17%	29%	18%	25%	14%	27%	27%	22%	17%

Registered Voters	County Wide	Those who Live		By AGE				By GENDER		By Awareness			In '05 Gen Elec	
	ALL	In Topeka	Elsewhere In County	Age 18 to 34	Age 35 to 49	Age 50 to 64	Age 65 or older	Males	Females	Very Aware	Somewhat Aware	Not Very Aware	Voted	Did Not Vote
	(n=402)	(277)	(125)	(39)	(94)	(132)	(136)	(200)	(202)	(166)	(175)	(55)	(379)	(23)

ELECTION OF MEMBERS AT LARGE...OR...BY DISTRICTS

Do you think some of the governing members, or none of the governing body members should be elected "At Large" (rather than by districts)?

Some At Large	64%	66%	59%	59%	61%	71%	62%	65%	64%	67%	64%	53%	64%	61%
None At Large	21%	19%	24%	23%	28%	21%	15%	26%	16%	24%	16%	29%	21%	13%
[Don't Know or Refused]	15%	14%	17%	18%	12%	8%	23%	10%	20%	8%	20%	18%	14%	26%

ELECTION OF MEMBERS PARTISAN...or...NON-PARTISAN

Do you think candidates seeking election to the governing body should run as party members...or without regard to party?

As Party Members	22%	25%	18%	33%	26%	22%	18%	26%	19%	22%	19%	33%	22%	22%
Without regard to Party	71%	68%	79%	56%	67%	73%	76%	69%	73%	75%	73%	55%	72%	65%
[Don't Know or Refused]	6%	8%	3%	10%	7%	5%	7%	6%	7%	2%	8%	13%	6%	13%

Registered Voters	County Wide ALL	Those who Live		By AGE				By GENDER		By Awareness			In '05 Gen Elec	
	(n=402)	In Topoka (277)	Elsewhere In County (125)	Age 18 to 34 (39)	Age 35 to 49 (94)	Age 50 to 64 (132)	Age 65 or older (136)	Males (200)	Females (202)	Very Aware (168)	Somewhat Aware (175)	Not Very Aware (55)	Voted (379)	Did Not Vote (23)

A PROFESSIONAL ADMINISTRATOR TO RUN DAY TO DAY AFFAIRS

Do you think the consolidated government should hire a professional administrator to run day to day affairs?

Yes	64%	67%	58%	64%	73%	63%	59%	72%	56%	70%	60%	58%	63%	74%
No	27%	26%	31%	28%	26%	30%	26%	23%	32%	22%	31%	33%	28%	22%
[Don't Know or Refused]	9%	8%	11%	8%	1%	7%	15%	6%	12%	8%	9%	9%	9%	4%

CHIEF LAW ENFORCEMENT OFFICER ELECTED...OR...APPOINTED

Do you think the chief law enforcement officer should be elected by the voters, or appointed by the governing body?

Elected	67%	64%	73%	79%	73%	66%	59%	66%	68%	66%	66%	69%	66%	78%
Appointed	28%	30%	24%	18%	24%	31%	31%	31%	25%	30%	27%	29%	29%	17%
[Don't Know or Refused]	5%	6%	3%	3%	2%	3%	10%	4%	7%	4%	7%	2%	5%	4%

OTHER ADMINISTRATIVE OFFICERS ELECTED...OR...APPOINTED

Do you think administrative officers, like the Treasurer, Clerk, and Register of Deeds, should be elected, or appointed?

Elected	73%	72%	74%	72%	73%	70%	75%	74%	71%	74%	71%	76%	73%	74%
Appointed	24%	25%	23%	26%	27%	27%	20%	24%	25%	24%	26%	20%	25%	22%
[Don't Know or Refused]	3%	3%	3%	3%	0%	2%	5%	3%	3%	2%	3%	4%	3%	4%

Registered Voters	County Wide	Those who Live		By AGE				By GENDER		By Awareness			In '05 Gen Elec	
	ALL	In Topoka	Elsewhere In County	Age 18 to 34	Age 35 to 49	Age 50 to 64	Age 65 or older	Males	Females	Very Aware	Somewhat Aware	Not Very Aware	Voted	Did Not Vote
	(n=402)	(277)	(125)	(39)	(94)	(132)	(136)	(200)	(202)	(168)	(175)	(55)	(379)	(23)

SAMPLE DEMOGRAPHICS

AGE of Respondents

Age 18 to 34	10%	12%	5%	100%	-	-	-	10%	9%	3%	13%	20%	9%	22%
Age 35 to 49	23%	22%	27%	-	100%	-	-	26%	21%	23%	23%	29%	22%	48%
Age 50 to 64	33%	32%	35%	-	-	100%	-	31%	35%	36%	35%	20%	34%	22%
Age 65 or older	34%	34%	33%	-	-	-	100%	34%	34%	38%	29%	31%	35%	9%
[Not Reported]	0%	0%	0%	-	-	-	-	0%	0%	1%	0%	0%	0%	0%

GENDER of Respondents

Males	50%	48%	54%	51%	54%	47%	49%	100%	-	58%	44%	45%	50%	48%
Females	50%	52%	46%	49%	46%	53%	51%	-	100%	42%	56%	55%	50%	52%

**VOTING PATTERNS
November 2004
General Election**

Percent Reporting they DID vote	94%	93%	98%	87%	88%	96%	99%	95%	94%	99%	94%	84%	100%	-
Percent Reporting they did NOT vote	6%	7%	2%	13%	12%	4%	1%	6%	6%	1%	6%	16%	-	100%
[Don't Know or Refused]	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	-	-

Area of Residence

Live Inside City of Topeka	69%	100%	-	85%	64%	67%	70%	66%	72%	63%	70%	80%	68%	87%
Live Elsewhere in Shawnee County	31%	-	100%	15%	36%	33%	30%	34%	28%	37%	30%	20%	32%	13%

APPENDIX

Survey Questionnaire

Dialing Statistics

**Central Research & Consulting
Topeka, Kansas**

**Government Consolidation Questions
June 2005**

- | | | | | | | | | | | | |
|--|--|-------|------|--------|---|---|-------|-------|-------|------|--------|
| 1. Do you live in Shawnee County? | 1 Yes (Continue)
2 No (Terminate) | | | | | | | | | | |
| 2. Are you registered to vote? | 1 Yes (Continue)
2 No (Terminate) | | | | | | | | | | |
| 3. Do you live inside the City of Topeka...
or elsewhere in Shawnee County? | 1 Inside Topeka
2 Elsewhere in county
3 Ref/Dk (Terminate) | | | | | | | | | | |
| 4. Without asking: Gender of Respondent is... | 1 Male
2 Female | | | | | | | | | | |
| 5. Would you say you are...Very Aware
...Somewhat Aware...or Not Very Aware...
of the discussions currently underway, to develop
a proposed plan for consolidating governments
in Shawnee County, to be put before the voters? | 1 Very Aware
2 Somewhat Aware
3 Not Very Aware
4 Ref/Dk | | | | | | | | | | |
| 6. Do you think the consolidated governing body
should be made up of 3, 5, 7, or 9 members? | 1 3 members
2 5 members
3 7 members
4 9 members
5 Ref/Dk | | | | | | | | | | |
| 7. Do you think...SOME of the governing body members
...or NONE of the governing body members...should
be elected "At Large" (rather than from districts)? | 1 Some At Large
2 None At Large
3 Ref/Dk | | | | | | | | | | |
| 8. Do you think the consolidated government
should hire a professional administrator
to run day to day affairs? | 1 Yes
2 No
3 Ref/Dk | | | | | | | | | | |
| 9. Do you think candidates seeking election to the
governing body should run as party members,
or without regard to political party? | 1 As Party members
2 Without regard to Party
3 Ref/Dk | | | | | | | | | | |
| 10. Do you think the Chief Law Enforcement Officer
should be elected by the voters, or appointed
by the governing body? | 1 Elected
2 Appointed
3 Ref/Dk | | | | | | | | | | |
| 11. Do you think administrative officers like the
Treasurer, Clerk, and Register of Deeds
should be elected, or appointed? | 1 Elected
2 Appointed
3 Ref/Dk | | | | | | | | | | |
| 12. Did you personally vote in the general election
in Kansas last November? | 1 Yes
2 No
3 Ref/Dk | | | | | | | | | | |
| 13. Could I ask your age... | <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> <td style="text-align: center;">3</td> <td style="text-align: center;">4</td> <td style="text-align: center;">5</td> </tr> <tr> <td style="text-align: center;">18-34</td> <td style="text-align: center;">35-49</td> <td style="text-align: center;">50-64</td> <td style="text-align: center;">65 +</td> <td style="text-align: center;">Ref/Dk</td> </tr> </table> | 1 | 2 | 3 | 4 | 5 | 18-34 | 35-49 | 50-64 | 65 + | Ref/Dk |
| 1 | 2 | 3 | 4 | 5 | | | | | | | |
| 18-34 | 35-49 | 50-64 | 65 + | Ref/Dk | | | | | | | |

That is all the questions I have...Thank you for your help.

Dialing Statistics

402	Completed Interviews
1	Refused to answer Topeka/Elsewhere question
6	Over quota
6	Computer tone (fax?)
11	Not a Shawnee County residence
18	Language problems
28	Terminated midinterview
31	Business/Gov't phone
67	Initial Refusal
69	Call Blocked
72	No Registered Voter in household
127	Disconnected phone
190	Phone Busy
574	No Answer
972	No Head of Household available
1,167	Answering Machine
<hr/>	
3,741	Total Dialings

W. Paul Degener
518 NW 56th St.
Topeka, KS 66617
(785) 246-0215
w.degener@sbcglobal.net

SUBJECT: S-379, Consolidation of Municipalities

Mr. Chairman, members of the committee, my name is Paul Degener. I am a rural resident of Shawnee County and appear before this committee in opposition to Senate Bill 379.

Our founding fathers intended that our government be a limited government with the power vested in the people. This piece of legislation supports large government and strips the citizens of their power.

It is evident that one of the primary purposes of consolidation legislation is to eliminate a majority of the elected officials at the local level. This is not a theory; it is a fact. In the past several years every piece of consolidation legislation has provided for the elimination of elected officials. This has the effect of placing the power of government in the hands of a few, and stripping away the power of the people. All of this smoke and mirrors in the name of supposedly providing for efficiency and cost savings in government.

The proof of this is in the results of the Kansas City-Wyandotte County consolidation. Several positions of elected officials were eliminated in that exercise. More recently, the final plan for consolidation in Shawnee County called for the elimination of three elected positions, even over the protest of the voters in the county. It is evident to this citizen that the primary goal of the proponents of consolidation is to strip the voters of their power. In so doing, the power is placed in the hands of a few. In that light, I would like to read the following quote.

"The accumulation of all powers, legislative, executive and judiciary in the same hands, whether on one, a few or many and whether hereditary, self appointed or elective, may justly be pronounced the very definition of tyranny."

--James Madison, The Federalist Papers, No. 47

As I read this legislation, when the governing bodies of two or more cities submit the question of consolidation to the voters, it is implied that the vote of each of the cities in question will be counted separately. When the county commissioners of two or more counties adopt a resolution to change boundaries of the respective counties, those resolutions shall not be effective until they have been submitted and adopted by a majority of the voters of each of the counties.

However, when it comes to city county consolidation, the outcome of an election is determined by the majority vote of the county. In the case of Shawnee County, the preponderance of the voting population is found within the city. It is acknowledged that the residents within the city are residents of the county, however, the city is an entity within the county, the county is not an entity within the city, and as such, the city should not have total and complete control over non-city residents.

A couple of years ago, we had this same discussion of the city vote v. the county vote. Senator O'Connor asked one of the conferees about the disenfranchisement of non-city residents. The response was that this is a democracy and the majority rules.

I have here a copy of the United States Constitution. I would certainly like for someone to point out to me where this document references a democracy. Article 4, Section 4 of the constitution guarantees every state of this union a republican form of government, but I have yet to find a reference to democracy. I believe it was Thomas Jefferson who said that democracy is like two wolves and a lamb voting on what to have for lunch.

This past year, Shawnee County and the city of Topeka went through the consolidation drill. Fortunately HB 2083 provided for a dual majority vote on the question of consolidation. The non-city residents of Shawnee County voted down the final consolidation plan.

It is my opinion that those of us residing outside of the city limits, have our elected officials, we pay taxes that city residents do not pay, and we have a lifestyle which differs from those living within the city limits. Our government was established on the principal that lesser populated areas have an equal voice in their government. At the federal level we have the U.S. Senate whose membership is limited to two members per state, regardless of state population. The Electoral College provides for lesser-populated states like Kansas to have an equal voice in the selection of the President of the United States. In my view, those of us living outside of the city limits should also have an equal voice in whether we want to live under oppressive resolutions common to urban areas. The city of Topeka currently has a bonded indebtedness in excess of 300 million dollars. I would like to have someone explain to me why non-city residents should be subject to picking up the tab for their extravagant spending. And they are constantly making plans for more spending. To put this on a personal level, it would be equivalent to me telling you that I have maxed out my credit card senator; I want you to pay it off. How many takers would I have?

To retain the principles that made this country great, I urge you to vote no on the passage of this legislation.

I thank you for your time.

14

Testimony of Greg Dye
Wichita
Opponent of Consolidation of Municipalities

This Senate bill 379 needs a couple of changes one is Home Rule Power and Kansas Statute KSA 3903-b also needs to be removed. Let me explain why.

I thank you Chair, and members, for your kindness in allowing me to speak before this committee today.

The proposals of merging cities and countries comes under the promise of gaining "greater autonomy" or "greater efficiency" for local government. Under the overall plan, election of local officials is to be greatly reduced, to be eventually replaced by appointed persons, negating need of elections and election expense.

These officials would simply implement "policy" handed down to them by those who appointed them, rather than face an electorate. This would surely become another way in which the people would be even further separated from their representative government.

Although some arguments about the efficiency that could be gained by such mergers may seem persuasive, it is certain that the interests of the larger governmental entities will over ride the concerns of the smaller entities. In other words, the larger city decisions would prevail over the smaller cities and towns.

Supplement Statute 12-340, 12-346

Pertaining to the New Unified Government in Kansas City in 1997 consolidated but removed some of the elected representatives. Kansas Statute KSA 3903 Section B allows the removal of some elected representatives at the local level. This removes government from the principal, the people. The balance of power under the United States Constitution is removed.

Kansas Statute 12-184 Adoption or abandonment of forms of city government.

Kansas Statute 12-3903 Section B of the statute states that the elimination of an elective office by consolidation.

This is not the first time this consolidation issue has come up in the state of Kansas. Over the years, it was brought back many times usually by the suggestion of the league of municipalities. It has been defeated recently here in Topeka. This issue has also been defeated in the House several times in the past and the legislation to my knowledge as mentioned the removal of elected office holders at the local level.

These are constitutional issues the U.S. Supreme Court has ruled, "Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them...(Miranda vs. Arizona), and law repugnant to the Constitution is void...(Maybury vs. Madison).

I respectfully request that you not support Senate Bill 379. Thank you for allowing me to make this presentation before you.

Signed Concerned Citizen,



Greg Dye

Sen Fed & State Affairs
1-25-06
Attachment 14

Violations of the Law Home Rule Power Creates

To quote the Home Rule Power in the state of Kansas, The Kansas Constitution was amended in 1961 to add Home Rule Power. The Home Rule Power amendment Article 12 Paragraph 5 Selection (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, which is in violation of the U.S. Constitution Article 4 Section 3.

Quote: “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.

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 are 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

Now we come to the State Statute:

Kansas Statute K.S.A 3903 b allows for the removal of our elected representatives at the local level of government.

Article 4 Section 4 of the United States Constitution guarantees a Republic form of government-a common wealth a state in which the exercise of the sovereign power is lodged in representative elected by the people.

The laws of the state are repugnant to the United States Constitution.

Because of the oath or affirmation that our elected representatives take, it becomes a duty to uphold the United States Constitution.

Reference: Consolidation of Municipalities

Date: Jan 25 2006

Subject: Consolidation of Municipalities, forcing "The Uniform Government of Topeka and Shawnee County", back on the agenda this coming year. Therefore this is my focus, Comments and opinions.

01. Purpose: This is a "Plan" {of unstructured facts }to overcome a city infrastructure with a deteriorated foundation. The bottom line, a commission of selected individuals over the coming year will be authorized to devise an infrastructure of operations, that will eventually remove all aspect of self-governing for both the rural and city residents alike. The pit fall, an area of over 170,000 population being governed by a dictatorship of three individuals. This bill, SB 379 if passed will give the League of Municipalities, the authority of dictatorship. The individual's power of voting will be completely eradicated, with the rural community being governed by a Metro favored system..

02. The city of Topeka, on the other hand has created an infrastructure of inefficient operations and accountability. This, in my opinion has eroded to the point of being broken. The leadership of this government is now asking you, the residents of the county to come and bail them out of this debt ridden infrastructure. While the Topeka City Commission was discussing what kind of infrastructure the City should adopt, the County/City Consolidation issue was drawn up during the same time sequence, and by the same commissioners incapable of maintaining a city government, let alone the County. The Kansas Legislature SB 379 reflects this scenario.

03. "vote yes" advertisements: Notice who these individuals are and the reason for a "yes vote". The Governor, and the Speaker of the House indicated how great the opportunity for advancement, cooperation and improved economy. Like to point out once again, for over the past couple of decades, the City has been under elected, appointed, and temporary officials and others for what ever reason. The infrastructure itself has followed this same path. If this SB 379 comes to pass, the county residents will be the first to feel the bite. Contractors, politicians, other business persons, individuals and the city,s infrastructure are posed to reap the harvest, at county residents expense.

04. Under consolidation, city, townships, and county will be under one governing body, therefore becoming one and the same, regardless of location. This may appear to be an insignificant

issue today, however tomorrow brings with it a deeply ingrained metropolitan oriented form of governmental operations, with support of the League of Municipalities. These operations will filter into Unincorporated, and Incorporated. Metropolitan infrastructure, one's property ownership rights are left open and up for grabs under the law of "Eminent Domain". Hidden cost, and regulations never dreamed of, will become the burden of all tax payers under SB 379.

05. Leadership, cooperation, improved economy, and, industrial growth are all advantages as a result of dedicated leadership not consolidation.

06 There are options to cutting cost and remaining efficient in overall operations. It often appears, if an action is brought forward, it must be sent out to some firm (and often out of state) for an analysis. The charge for these solicited opinions amounts to thousands of dollars over a period of time. There are some that may require this action, however elected officials need to do more of the investigative planning with-in tax supported agencies. Utilize the expertise of colleges that specialize in many aspects of the infrastructure.

07. Implementation of this Consolidation Plan fails to meet the criteria of the rural, and city resident's interest and needs. This SB 379 is setting a path that will bring with it a division of rural and city residents. I ask you to analyze what you are voting for. This is a political agenda that will favor the career of the political few. Look at the advertisements amounting to thousands of dollars, featuring the smiling faces of politicians, your Governor, Speaker of the house, County, Township, and others in support of the previous consolidation issue.

I Thank You for the privilege of presenting my concerns in reference to SB 379.

Don Whitten
16525 Military Trail Road
Wamego, Ks 66547