

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 30, 2008 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department  
Kathie Sparks, Kansas Legislative Research Department  
Theresa Kiernan, Revisor of Statutes Office  
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Bob Alderson, Casey's General Store  
Representative Candy Ruff  
Ed Klumpp, Kansas Association of Chiefs of Police  
Ken Stodgell, Veterans of Foreign Wars  
Jane Carter, Kansas Organization of State Employees  
Chad Lopez, Kansas Organization of State Employees  
Charles Yunker, American Legion  
Mark Tomb, League of Kansas Municipalities  
Pat Kitchens, City of Leavenworth Police Department  
Joan Wagnon, Secretary of Revenue  
Randall Allen, Kansas Association of Counties  
Don Moler, League of Kansas Municipalities

Others attending:

See attached list.

Bob Alderson, Casey's General Store, requested a bill introduction that would redefine cereal malt beverage to include malt beverages which contain not more than 5% alcohol by weight. (Attachment 1)

Senator Vratil moved that this request should be introduced as a committee bill. Senator Lynn seconded the motion. The motion carried.

**Sub for H 2562 by Committee on Veterans, Military and Homeland Security--Veterans preference law revision.**

Chairman Brungardt opened the hearing on **Sub for HB 2562.**

Staff provided an overview of the bill.

Representative Candy Ruff appeared in favor of the bill. (Attachment 2) The bill reflects a more realistic understanding of the job market and veterans seeking employment in a competitive environment, and are at least guaranteed an interview and serious consideration of their qualification for the positions they seek. There are technical amendments in the bill page 3 line 12 the word "veteran" should be anyone, also the legislative intent was for city and county hires which would be initial hire and first promotion, state should be initial hire and unlimited promotions.

Ed Klumpp, Kansas Association of Chiefs of Police, supports the provisions of the bill. (Attachment 3) Passage of the bill will put in place a statute that will clearly lead to a better understanding by those charged with applying the preference of how to comply while minimizing the opportunity for misunderstanding leading to lengthy and costly litigation. The key points of the bill are:

- clarifies definition of veteran, and adds Coast Guard
- defines competent and the definition is consistent with court rulings
- adds a mandate that applicants will be notified if not selected and provided appeal process information
- requires all applicable job notices include a statement that the position is subject to veteran preference
- clarifies that promotions are included in the application of veteran preference

## CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on January 30, 2008 in Room 526-S of the Capitol.

- requires the hiring authority to post the job qualifications, performance standard, and selection process prior with the position announcement
- provides any administrative appeal processes need to be used prior to going to court
- establishes certain positions where veteran preference should not apply
- requires a Post Audit review in 2010

The factors make the provisions of the bill beneficial, in the broad scope of veteran preference, to both veterans and non-veterans competing for a position.

Ken Stodgell, Veterans of Foreign Wars, spoke in favor of the bill. (Attachment 4) The bill provides a definition of a veteran for purposes of preference and includes provisions for widows of those killed in action and spouses of 100% disabled veterans.

Jane Carter, Kansas Organization of State Employees, appeared in favor of the bill. (Attachment 5) The bill clarifies the veterans preference in government hiring, and gives those who have served in the armed forces for several years some assistance integrating into life outside the military.

Chad Lopez, Kansas Organization of State Employees, spoke in favor of the bill. (Attachment 6) The Supreme Court ruled a few months ago that promotions and transfers are not covered by current statute in regards to veterans preference; however, the bill would allow for veterans preference for promotions and transfers and truly gives recognition and honor to those who have fought for their county. Mr. Lopez had a conversation with the Governor on this topic and was requested to put it into writing; which he did and was turned into the Department of Administration, who in turn sent out a letter stating that all would be interviewed and the process is still not happening.

Charles Yunker, American Legion, spoke in opposition of the bill. (Attachment 7) The biggest concern the American Legion has with the bill is deleting the word "appoint" and substituting the word "consider," on page 2, line 33, which removes the heart and soul of veterans preference. Mr. Yunker urged the committee to restore the original intent of KSA 73-201 and to increase the penalties of those in government who deny any veteran their rightful preference in hiring.

Mark Tomb, League of Kansas Municipalities, appeared as an opponent of the bill. (Attachment 8) The bill would make substantial changes regarding the application of veterans' preference and expand its use to the area of initial promotions. This legislation would complicate the ability of local governments to hire, promote, and retain employees for our workforce.

Pat Kitchens, Interim Chief of Police for the City of Leavenworth, provided informational testimony. (Attachment 9) The bill would be helpful to manage and practice professionals trying to make a determination about promotions and whom to select. Mr Kitchens does suggest, as it relates to the issue of competence, that the committee include language regarding work performance as a critical measure of competence.

Chairman Brungardt closed the hearing on Sub for HB 2562.

### **SB 457 -Political and taxing subdivisions; budgets; filing electronically**

Chairman Brungardt opened the hearing on SB 457.

Joan Wagon, Chairperson of Kansas Advisory Council on Intergovernmental Relations (KACIR) and Secretary of Revenue, spoke in favor of the bill. (Attachment 10) To promote efficient government it is time to modernize the budget filing process for townships and to accomplish this the Department of Revenue is asking townships to be required to electronically submit the budget information that is filed with Accounts and Reports electronically or by the county clerk filing it electronically. KACIR's study revealed that 41% of the state's active townships filed electronically.

The KACIR intends that the electronic filing requirement for budgets only apply to townships, and respectfully request an amendment to the bill to accomplish that request. The balloon was provided with the testimony.

## CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on January 30, 2008 in Room 526-S of the Capitol.

Randall Allen, Kansas Association of Counties, appeared in favor of the bill. (Attachment 11) The Association of Counties supports electronic filing of budgets by local taxing subdivisions with the county clerks and the State's Director of Accounts and Reports (Department of Administrations); and for electronic filing of various annual budget forms by the county clerks with the Director of Accounts and Reports. This would save money and save time, and allows for important public information to be shared more easily with constituents.

A request for a clarification on the bill as to which budget year would be required if the legislation goes into effect July 1, 2008, for reporting to begin in 2009.

Don Moler, Executive Director, League of Kansas Municipalities, (LKM) appeared as a proponent of the bill. (Attachment 12) LKM has collected and distributed data regarding taxes and budgets, and annually publishes the *Kansas Tax Rate and Fiscal Data Book*, which contains valuable information that is relied upon by local and state officials. Much of the information that is contained in the publication has been obtained by hand, going through the individual mill levy rate sheets for each county, and LKM believes that it is time to modernize this process and require that such information should be filed electronically.

The LKM is concerned about the impact on the smallest cities in Kansas, which do not have access to computers. As a result, would respectfully request an amendment for those cities unable to file electronically, to direct the County Clerk to assist those cities in submitting their budgets.

Jack Rowlett Jr., Member of Kansas Advisory Council on Intergovernmental Relations (KACIR) provided written testimony in support of the bill. (Attachment 13)

Chairman Brungardt closed the hearing on **SB 457**.

### **SB 460 -Townships; consolidation; transfer of territory; county service taxing districts.**

Chairman Brungardt opened the hearing on **Sub for SB 460**.

Joan Wagon, Chairperson of Kansas Advisory Council on Intergovernmental Relations (KACIR) and Secretary of Revenue, spoke in favor of the bill. (Attachment 14) This bill will encourage elimination of unnecessary townships as well as voluntary consolidation of townships; service districts will be created to ensure services for township residents. Changes in the existing statutes will streamline the procedures for voluntarily consolidating and for disorganizing townships. The bill will eliminate repetition and duplication in the existing township statutes and will simplify existing language.

The KACIR Policy Recommendations and comparison charts were provided. (Attachment 15)

Randall Allen, Kansas Association of Counties, appeared in favor of the bill. (Attachment 16) The intent of the bill is to provide for an orderly transfer of service delivery responsibility from a township to a county, whenever a situation dictates that a township is no longer able to function as a viable unit of local government. Also Mr. Allen suggested that the language in Sec. 10 should not be stricken and instead add the words "or in townships having" when the bill is worked.

Jack Rowlett Jr., Member of Kansas Advisory Council on Intergovernmental Relations (KACIR) provided written testimony in support of the bill. (Attachment 17)

Chairman Brungardt closed the hearing on **Sub for HB 460**.

The meeting was adjourned at 11:40 am. The next scheduled February 5, 2008.

**SENATE FEDERAL AND STATE AFFAIRS COMMITTEE**  
**GUEST LIST**

DATE 1-30-08

NAME	REPRESENTING
Kraig Knowlton	Dept of Admin
George Vega	Dept of Administration
JAMIE CARTER	KOSE
MARK HANDSHY	D of A
ZOEER BINSINGETZ	D of A
George Webb	KCVA
Wayne Bollig	KCVA
Ken Stappell	VEW
Daryl Becken	VEW
LOW MOER	KM
Charles Lopez	KOSE
Lynn Robinson	KDOR
Twatson	
Pat Kitchens	City of Leavenworth
ED KLUMPP	KS ASSOC OF CHIEFS OF POLICE
Jean Wagner	KDOR
Heather Cook	shadow
Andrew Hilling	KGTC
Andrew Beasley	KGTC
Randall Allen	Kansas Association of Counties
SEAN MILLER	CAPITOL STRATEGIES
Karl Weger	Kansas Association
Jake Reinig	KGTC
Jeff B. Hensbe	Kansas Sheriffs Ass'n
ERIK SARTORIUS	City of Overland Park
Angie Stallhaumer	KASB



## REQUEST FOR BILL INTRODUCTION

The coalition of Casey's General Stores, Inc., the Petroleum Marketers and Convenience Store Association of Kansas, Inc., QuikTrip, Inc., Hy-Vee, Inc. and the Kansas Food Dealers Association, request the introduction of a bill to re-define cereal malt beverage to include malt beverages which contain not more than 5% alcohol by weight. The bill has an entirely different approach than does SB 317, which was introduced by this Committee last session at the request of the coalition. The new bill will address many of the criticisms of SB 317 which were advanced at the hearing on SB 317 last session.

STATE OF KANSAS

L. CANDY RUFF  
REPRESENTATIVE FORTIETH DISTRICT  
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TOPEKA  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
RANKING MINORITY MEMBER: VETERANS, MILITARY &  
HOMELAND SECURITY AFFAIRS  
MEMBER: COMMERCE & LABOR  
MEMBER: JOINT COMMITTEE ON ARTS AND  
CULTURAL RESOURCES

To: Senate Members of the Federal and State Affairs Committee  
From: Rep. L. Candy Ruff  
Re: Sub. For HB 2562  
Date: Jan. 30, 2008

Working on Sub. For HB 2562 was an exercise in compromise and consensus. Serving on the subcommittee created in the House Committee on Veterans, Military Affairs and Homeland Security, I watched as representatives from government, veteran service organizations and retired military personnel contributed ideas, suggestions and criticism. Attempting to bring veterans preference from the 19<sup>th</sup> century into the 21<sup>st</sup> century was no easy task. However the legislation you see before you reflects a more realistic understanding of the job market and the veterans seeking employment in a competitive environment.

By no means does this legislation guarantee a job be given to a veteran just because he or she has served in the military. Instead the premise of the bill is that veterans will be guaranteed an interview and serious consideration of their qualifications for the positions they seek.

The main provisions of this bill are outlined in the Supplemental note and I won't read those to you. However, I will stand for questions.



**OFFICERS**

Bob Sage  
President  
Rose Hill Police Dept.

Jay Reyes  
Vice President  
Derby Police Dept.

Todd Ackerman  
Sergeant at Arms  
Marysville Police Dept.

Mike Keller  
Treasurer  
Andover Police Dept.

Janet Thiessen  
Recording Secretary  
Olathe Police Dept.

James Hill  
SACOP Representative  
Salina Police Dept.

William "Mike" Watson  
Immediate Past President  
Riley County Police Dept.-Ret

Doyle King  
Executive Director  
KACP

**REGIONAL REPRESENTATIVES**

Gus Ramirez  
Region I  
Johnson Co Comm. College

Sam Budreau  
Region II  
Chanute Police Dept.

Ronnie Grice  
Region III  
KSU Public Safety Dept.

Jim Daily  
Region IV  
Newton Police Dept.

Frank Gent  
Region V  
Beloit Police Dept.

Vernon Ralston  
Region VI  
St. John Police Dept.

**Testimony to the Senate Federal and State Affairs Committee  
In Support of Substitute HB2562: Veteran Preference**

January 30, 2008

The Kansas Association of Chiefs of Police support the provisions of Substitute HB 2562. Our involvement in this issue was prompted by the disruption created by the difficulty in interpreting the existing law by at least one law enforcement agency. This resulted in a lawsuit alleging violations of the existing veteran preference statutes. While these cases have been litigated and rulings made, the ambiguity and outdated language of the current statute remains. Those case dispositions didn't resolve the difficulty in fairly applying a veteran preference. They only resolved the immediate cases.

When the original bill, HB2562 was introduced, our association was opposed to the change. It simply did not address the real issues of the current veteran preference statutes that led to the dispute. But we not only opposed it, we worked hard with interested parties to develop a bill that addressed the issues, that clarifies ambiguous provisions of current law, and will establish a clear and fair process to fulfill the purpose of veteran preference while maintaining the ability to put well qualified people in public employment positions.

The work of the legislative subcommittee tasked with what became Substitute HB2562 was completed prior to both the latest Supreme Court ruling in Slusher v. City of Leavenworth and the Post Audit Report on the state application of veteran preference. One of the things that was clear throughout the work of the subcommittee was the great difficulty in applying the current statute. The subcommittee resolved many of those issues and, in the end, the substitute bill is clearer and establishes guidelines to assure fairness by requiring decisions to be made prior to the process initiation about how veteran preference will be applied to the process. While being more specific in the process requirements, the bill still allows the discretion of the hiring/promoting agency as discussed in the Slusher decision. This discretion is necessary as the competency qualification standards are applied to a large variety of jobs with differing job requirements and with the various hiring and promotional processes used to determine qualified (competent) employees. In fact, it is our belief that it would be impossible and ineffective to attempt to legislate away such discretion given the variety of jobs subject to veteran preference.

The only provision of the substitute bill that some of our members have objected to is the exclusion of veterans leaving the military of the rank of O4 or higher. However, the subcommittee was convinced to include that provision. As I recall the reasoning included that the provision mirrored federal veteran preference laws.

Our association feels strongly that the provisions of the substitute bill will clarify the veteran preference issue in a way to assure a clearer process so that agencies



and employees do not have to go through the trauma and expenses of lawsuits. These are especially disruptive when litigants from within an agency are pitted against each other. And regardless of who wins or who loses in court, resolving these issues through a court process creates hard feelings within an agency. In the end everyone loses when the law does not give clear guidance. For example, months (or even years) after a promotion is made, someone originally promoted could end up getting demoted to allow for a forced promotion of the litigant.

For those reasons we support this substitute bill. It will clarify the law and establish a public policy assuring a more uniform compliance with the intent of veteran preference. It also assures the discretionary processes used by an agency are established at the outset of the process and not made up as the process develops. We believe these factors make the provisions of this bill beneficial, in the broad scope of veteran preference, to both veterans and non-veterans competing for a position.

We were pleased when we reviewed both the post audit report and the most recent Supreme Court decision. It was clear that we addressed the issues found in both of those venues and addressed them consistent with those findings.

Passage of this bill will put in place a statute that will clearly lead to a better understanding by those charged with applying the preference of how to comply while minimizing the opportunity for misunderstanding leading to lengthy and costly litigation.

The following summarizes some of the key points of this bill as we see them:

1. Clarifies definition of veteran:
  - o Current statute: "persons who served in the army, navy, air force or marine corps"
  - o HB2562 adds coast guard.
2. Defines "competent" and the definition is consistent with court rulings.
3. Clarifies that promotions are included in the application of veteran preference.
4. Adds a mandate that applicants will be notified if not selected and provided appeal process information.
5. Requires all applicable job notices include a statement that the position is subject to veteran preference.
6. Requires the hiring authority to post the job qualifications, performance standards, and selection process prior with the position announcement. This assures a fair procedure that does not change in the middle of the process. It also allows an appeal of the process prior to the completion of the hiring/promotion process if the hiring authority is not applying veteran preference appropriately.
7. Provides any administrative appeal processes need to be used prior to going to court. This was a point in the Leavenworth case.
8. Establishes certain positions where veteran preference should not apply.
9. Requires a Post Audit review in 2010.

We urge you to recommend this bill to pass.



Ed Klumpp  
Chief of Police-Retired, Topeka Police Department  
Legislative Committee Chairperson

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## Testimony before

### Senate Federal and State Affairs Committee

By

*KEN STODGELL*  
Veterans of Foreign Wars (VFW)

Mr. Chairman, Members of the committee, each year some 200,000 persons leave active military service. These individuals often look for opportunities to come back home, some to Kansas. James Nicholson, former secretary of Veterans Affairs said "The young men and women who protect our way of life need to know that they will have the opportunity to work and to take care of their families once they are discharged from military service," To this end the VA secretary, is urging employers across the country to hire veterans. But it doesn't always happen, and the VFW echoes the words of former Secretary Nicholson "They raised their hands. They volunteered, and now about one of five is unemployed. We have to fix this."

As far back as 1886 the Kansas Legislature has seen and supported the need for veteran's preference. Individuals who have never served often ask why legislatures across the country in virtually every state give veterans' preference and the answer is almost unanimous 'it recognizes the economic loss suffered by citizens who have served their country in uniform, restores veterans to a favorable competitive position for Government employment, and acknowledges the larger obligation owed to disabled veterans.'

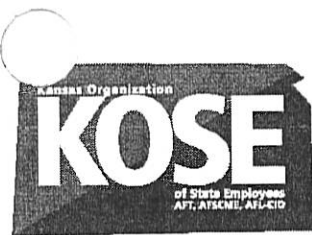
House Sub. 2562 started last year as an update to what many believe is an antiquated and unenforceable veteran's preference statute that has been on the books so long it is no longer relevant. Instead of our courts, cities, counties and state agencies enforcing veteran's preference many diligently work to find ways to circumvent the law.

When talking one on one, most individuals will agree our veterans deserve preference. The problem is how one defines preference. Loosely defined preference means giving the veteran candidate the edge. In other words, one looks at the skills needed to perform the job, looks at all the eligible candidates who can perform the duties and select a candidate who meets the qualifications of the position. If the candidate pool includes a qualified eligible veteran and that veterans overall qualifications are substantially equal to the non-veterans in the qualified applicant pool common sense says preference means one would select the veteran. We believe the veteran should be selected when the employing agency cannot make a reasonable determination that the qualifications held by one or more applicants are significantly better suited for the position than the qualifications held by another applicant.

A major problem for veterans is that human resource professionals and the veterans them-selves often have difficulty explaining their military skills to civilian employers and how these skills are applicable for which they are applying.

Veterans historically are better disciplined, they come to work on time, and most have basic leadership and management (skills). Yet according to the Bureau of Labor Statistics every year since 1990, the jobless rate for veterans between ages 20 and 24 has been higher than the overall rate for that age range.

House Sub. 2562 is a very good bill as it provides a definition of a veteran is for purposes of preference. It includes provisions for widows of those killed in action and spouses of 100% disabled veterans. Also, we believe it is important that veterans be given written notice detailing why they were not selected and this notice should be based on the qualifications of the positions. Again, we believe this is a very good bill and with minor changes would once again serve Kansas veterans.



A New Day... A Better Way... For State Employees

## Testimony Presented to the Senate Federal and State Affairs

Sub HB 2562, Veterans' Preference

Jane Carter

Kansas Organization of State Employees, AFT, AFSCME, AFL-CIO

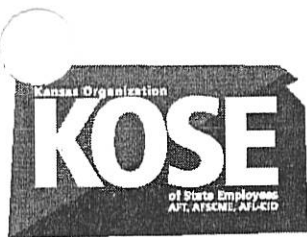
January 30, 2008

Veterans preference in government hiring gives those who have served in the armed forces for several years, some assistance integrating into life outside of the military. Veterans' preference laws have traditionally been justified as measures designed to reward veterans for the sacrifice of military service, to ease the transition from military to civilian life, to encourage patriotic service, and to attract loyal and well-disciplined people to civil service occupations.

In the most recent Kansas Supreme Court case addressing the Veterans' Preference statute, the Court reaffirmed that a hiring agency must provide a meaningful veterans' preference by making an initial determination of competency. See *State of Kansas ex. rel. William Slusher and Ralph Sorrl v. City of Leavenworth*, 2007 WL 4354419 (Ka. 2007). However, the Court also reaffirmed that a court will only consider whether or not the initial determination was made "fairly, honestly, and in good faith." See *id.* The Office of the Attorney General has opined that merely offering an interview to a candidate satisfies the good faith requirement. See *Kan Atty Gen. Op. No 06-21 (2006)* (citing *Kan. Admin. Regs. 1-6-21*). As the law stands now, absent evidence of bad faith, an employer need only offer an interview to a veteran candidate to satisfy the veterans' preference law. Essentially, absent an obvious bad faith dealing on the part of the employer, simply offering an interview to a veteran applicant will qualify as affording a preference under the law. The Office of the Attorney General admitted as much by stating that "case law unfortunately has rendered the veterans' preference statute as having very little enforceability." See *id.*

In order to establish a meaningful preference, Substitute HB 2562 must be supported. This bill would give veterans qualified for a position an edge in being hired and earning promotions after they are hired for a state position, in addition to initial hiring. The preference would apply to hiring, promotions, and hiring preference for any position that use a point system in hiring by granting an additional 10-points to veterans. Importantly, this legislation also allows for clarification and the expansion of preference to include initial employment, reemployment, retention in employment, promotion, or any other benefit of employment.

What is to be said of a state that denies veterans returning from war a leg up in continuing public service? Several states, such as Texas and Minnesota, have extended preference to veterans of the Coast Guard, surviving spouses, surviving mothers, prisoners of war, and disabled veterans. In Minnesota, people who claim veteran's preference and who meet the minimum qualifications for a vacant state government position are listed before qualified nonveteran applicants in the applicant pool for the position. Disabled veterans must be listed ahead of nondisabled veterans. President Bush even called on Congress in his State of the Union address to pass a bill that would create hiring preferences in the



**A New Day... A Better Way... For State Employees**

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federal government for military spouses; the current law allows preference only for members of the military. The veterans of Kansas deserve to be respected after the sacrifices they have made overseas.



A New Day... A Better Way... For State Employees

## Testimony Presented to the Senate Federal and State Affairs

Sub HB 2562, Veterans' Preference

Chad Lopez

Kansas Organization of State Employees, AFT, AFSCME, AFL-CIO

January 30, 2008

I appreciate your concern, time and attention to the issue of Veterans Preference. I have met and spoken with several Military veterans around the State of Kansas. They are devastated by the amount of apathy, biases, prejudice, and discriminations they are faced with, on applying for employment with the State of Kansas. Since the Graves administration, when military veterans lost all legislation regulations concerning veterans' preference, the only state regulation still left on the books, pertaining to our heroic veterans is that they will be entitled to an interview, for jobs.

I've talked with the governor about the denial of State of Kansas interview process for veterans, and wrote her a letter of this concern to her. However, many military veterans are repeatedly and continually being denied all access to gainful employment, with the agencies of the state of Kansas. The continued denial of the aforementioned concerns is especially being made a hardship on handicap war wounded military veterans; and Hispanic and African Americas Military veterans, some returning from war torn over seas countries.

As you well know, many families have sent and given their young sons, daughters, uncles, cousins, and even more so, have given to this war their mothers and fathers, who are 50, and 60 years of age, to fight for our freedom and peace yet to come in these foreign countries. Military veterans are made of the red, white, and blue of our fabric that make up our American Flag. They are proud, heroic, citizens and voters that have, and will continue to sacrifice their all for FREEDOM, NOT JUST FOR SOME, BUT FOR EVERYONE.

As you may know, the Supreme Court ruled a few months ago that promotions and transfers are not covered by current statute in regards to veterans preference. However, substitute House Bill 2562 would allow for veterans preference for promotions and transfers - basically, it clarifies the law and truly gives recognition and honor to those who have fought for their country. I fully support this legislation, and I truly hope you make the proper clarifications. Veterans deserve to be hailed as heroes!.

# **Substitute for HOUSE BILL NO. 2562**

Senate Federal and State Affairs Committee

Wednesday, January 30, 2008

State Capitol, Room 526 S

Testimony by Charles M. Yunker

Department Adjutant

The American Legion Department of Kansas

The American Legion supports Substitute for House Bill 2562 however we do have some concerns about the Bill which we ask you to consider amending. We salute the effort to define who is a veteran in lines 15 thru 33 on page one of the Bill and the addition of extending veterans preference to certain spouses of veterans (lines 34-39). We also support and salute lines 35 thru 38 on page two which require notification to those veterans who applied for a position but are not hired; including advising those veterans of their administrative appeal options.

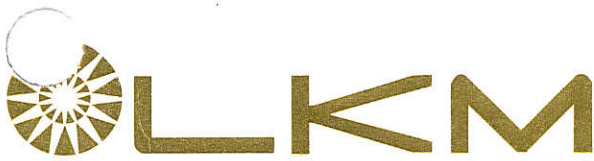
The areas of concern include lines 40 thru 42 on page one which denies preference to anyone who retries from the active military with a pay grade of 04 or above. Penalizing someone by denying them veterans preference because they earned a certain level of rank (pay grade) simply is wrong; to do so, in many cases, is to deny the most proficient individuals the opportunity for public employment. Further, the inclusion of the word "active" in line 41 is discriminatory.

The next area of concern is on page 2 line 20 (initial employment and first promotion). We concede that after a first promotion a person should be able to earn subsequent promotions based on his or her individual merit; however this line seems to imply that anyone who invokes veteran's preference in applying for a position, if hired, could never be able to use veteran's preference again. That could unfairly penalize a veteran hired for a position in one level of government (city, county, state) in another level of government, or another department or agency. A veteran is a veteran for life and should be treated as such.

Beginning with line 40 on page 3 thru line 6 on page 4 several prominent and desirable positions are excluded from veterans preference. By and large military training instills a sense of duty and obligation to our government on all levels; especially in the areas where military personnel are granted secret, top secret, and above clearances---people who are entrusted with some of the more vital and confidential information of our nation. This section of the bill seems to restrict veterans to entry level, and predominantly menial positions. Is that what veterans preference is in Kansas; entry level and menial positions? Veterans preference should not be limited to any position in government with the possible exception of agency heads.

KSA 73-201 has been ignored by every level of government in Kansas for years, and the current state policy of guaranteeing a veteran an interview is not veterans preference. The biggest concern of The American Legion has with this bill is line 33 on page 2. That line changes the original intent of KSA 73-201, a law which has withstood a number of legal challenges since it became law in 1869. Deleting the word "appoint" and substituting the word "consider" removes the heart and soul of veterans preference. Every qualified applicant, veteran and non-veteran alike should be "considered" for a job; however veterans preference is supposed to give a veteran, especially those who are disabled but competent to do the job, a leg up in obtaining the job they seek. I urge you to restore the original intent of KSA 73-201 and to increase the penalties of those in government who deny any veteran their rightful preference in hiring. In this era of mass mobilization in the Global War on Terrorism you have an opportunity to send those who defend and protect our nation a message that veterans preference in Kansas has meaning and value.





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League of Kansas Municipalities

To: Senate Federal and State Affairs  
From: Mark Tomb, LKM  
Date: January 30, 2008  
Re: Opposition to Substitute for HB 2562

On behalf of the 576 member cities of the League of Kansas Municipalities, thank you for the opportunity to offer comments regarding Substitute for HB 2562. We believe that local personnel policies should be set by local officials. Self-governance by locally elected officials must be preserved in order to ensure that local issues and problems are handled at the level of government closest to the citizens that they represent.

This legislation would make substantial changes regarding the application of veterans' preference and expand its use to the area of initial promotions. We believe that this legislation takes important personnel decisions out of the hands of public sector employers by requiring the promotion of veterans even when they are less qualified than other candidates for a position.

Substitute for HB 2562 is a major shift in policy, existing veterans' preference law works by hiring the veteran for a position if the finalists are substantially equal, once the employee is hired it is up to that employee to work hard and advance through the organization. This legislation would expand the preference beyond initial employment, and complicate existing promotion policies that are designed to reward the best and the brightest in government, regardless of veterans status.

In conclusion, this legislation would complicate the ability of local governments to hire, promote, and retain employees for our workforce. For this reason, we oppose Substitute for HB 2562 and respectfully request that you do not recommend it favorably for passage.



**Testimony before the  
Senate Federal and State Affairs Committee  
House Bill 2562 – An Act Relating to Veterans  
January 30, 2008  
By Interim Police Chief Patrick Kitchens  
Representing the City of Leavenworth**

Distinguished Senators from the State of Kansas:

My name is Patrick Ryan Kitchens. I am the Interim Police Chief for the Leavenworth, Kansas Police Department. I am here to testify on House Bill 2562, not as a proponent or opponent, but as a neutral person with information. My family has a long and honorable tradition of serving our country starting with my father who served for 30 years in the United States Army and who retired in 1981 as a Command Sergeant Major of the U.S. Disciplinary Barracks, Fort Leavenworth. My brother is currently serving in an active duty capacity in the National Guard holding the rank of Major and completed a 1-year tour of service in Baghdad, Iraq. My brother-in-law, William Southard, retired from the United States Navy as a Chief Petty Officer and another brother-in-law, Bob Smith, spent 10 years on active duty in the United States Navy serving for a period of time in the first Gulf War. I served for 8 years in the United States Navy Reserve from March 1988 until October 1995.

As some of you may be aware, the Leavenworth Police Department has been involved in two separate pieces of litigation involving the issue of veteran's preference and its relationship to promotions. The cases have been in various form of litigation for the past five years. There are two separate rulings by the Kansas Supreme Court and a number of hearings and rulings by Leavenworth District Court Judge David King as it relates to our specific cases. At its core, the litigation explores the qualifications for preference, including competence, the form of the preference, and who decides whether a veteran applicant is competent. The Plaintiffs in these cases have argued that if they are minimally competent to do the job and are men and women of good reputation, they are entitled to an absolute preference over all other candidates. The Leavenworth district court and Kansas Supreme Court disagree.

In reviewing the latest proposal of House Bill 2562, it is clear the legislative intent is to not have an absolute preference. It is my understanding in reviewing the language in the Supreme Court rulings, that there is not an absolute preference. I would strongly encourage each of you and your staffs to review those rulings as you consider House Bill 2562.

It is my opinion that if House Bill 2562 would have been in place, it might have prevented a significant part of this litigation. I agree with my colleague, Ed Klumpp, who represents the

Kansas Association of Chiefs of Police, that this Bill would be helpful to managing and practicing professionals trying to make a determination about promotions and whom to select. I would offer a suggestion that might be helpful as you consider the language in the Bill.

- As it relates to the issue of competence, the language in this Bill states “the decision making authority should consider experience, training, education, licensure, certification and/or other factors.” I would encourage the committee to include language regarding work performance as a critical measure of competence.

Ladies and gentlemen, I implore you to take action on this Bill as soon as possible so that agencies across the State of Kansas may have appropriate guidance from a legislative standpoint to ensure a fair resolution to any promotional processes which include veterans.

Thank you for your time and attention in this matter.



Kansas Advisory Council on Intergovernmental Relations

Joan Wagon, Chairperson

Kathleen Sebelius, Governor

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TO: Senate Federal and State Affairs Committee  
FROM: Joan Wagon, Chairperson of KACIR and Secretary of Revenue  
DATE: January 29, 2008  
SUBJECT: Senate Bill 457 – Concerning townships; requiring electronic filing of budget information

To promote efficient government, we believe it is time to modernize the budget filing process for townships. To accomplish this we are asking townships to be required to electronically submit the budget information they file with Accounts and Reports. This can be accomplished by the township filing it electronically, or by the county clerk filing it electronically.

The result of this modernization is a more useful warehouse of township budget information that will be utilized by the legislature, cities and counties, townships, and organizations such as the KACIR. The KACIR uses this type of data to gain insight into how our laws relate to the local government structure and the relationship between state and local governments. The Council is instructed by statute (KSA 12-4002) to determine the manner in which the existing laws of the state relating to the subject of its study may be simplified, modified, rearranged, consolidated, and revised to insure greater effectiveness in the governmental practices of the state. Having an electronic warehouse of information of the budget reports is a giant step towards making those determinations.

KACIR's 2007 Township Study revealed that 41% of the state's active townships filed electronically. With all townships filing electronically, there is the opportunity to do much more analysis.

**The KACIR intends that the electronic filing requirement for budgets only apply to townships, and we respectfully request an amendment to Senate Bill 457 to accomplish that. The requested balloon amendment is attached.**

**SENATE BILL No. 457**

By Committee on Ways and Means

1-22

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9 AN ACT concerning municipalities and taxing subdivisions; amending  
10 K.S.A. 2007 Supp. 79-2926, 79-2929a and 79-2930 and repealing the  
11 existing sections.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2007 Supp. 79-2926 is hereby amended to read as  
15 follows: 79-2926. (a) Subject to the provisions of subsection (b), the di-  
16 rector of accounts and reports shall prepare and prescribe forms for the  
17 annual budgets of all taxing subdivisions or municipalities of the state.  
18 Such forms shall show the information required by this act necessary and  
19 proper to disclose complete information as to the financial condition of  
20 such taxing subdivision or municipality, and the receipts and expenditures  
21 thereof, both past and anticipated.

22 (b) (1) From and after July 1, 2004 and based upon recommenda-  
23 tions by the state department of education, the director shall prepare and  
24 prescribe forms for the annual budget and a summary of the proposed  
25 budget of school districts. The state department of education shall make  
26 such recommendations after considering the best practices and standards  
27 established by the government finance officers association and the asso-  
28 ciation of school business officials.

29 (2) (A) The school district budget form shall include a separate table  
30 outlining the aggregate amount of expenditures for salaries and wages for  
31 the following categories:

- 32 (i) Certified and noncertified administrators;  
33 (ii) persons employed full-time as teachers;  
34 (iii) other certified employees who are not employed full-time as  
35 teachers;  
36 (iv) classified employees;  
37 (v) other positions designated by the state department of education;  
38 and  
39 (vi) substitutes and other temporary employees.

40 (B) The school district budget form shall show the number of full-  
41 time employee positions specified in paragraph (A) of this subsection and  
42 the average salaries or wages for such positions.

43 (C) The school district budget form shall show any other information

- 1 recommended by the state department of education.
- 2 (3) The summary of the proposed budget form shall include:
- 3 (A) An overview of the proposed budget of the school district and the
- 4 budgetary process;
- 5 (B) a summary of the changes in the proposed budget from the pre-
- 6 vious budget year;
- 7 (C) a summary of the estimated expenditures to be made and reve-
- 8 nues to be received in the ensuing budget year and the sources of such
- 9 revenue;
- 10 (D) the internet website address for school building report cards
- 11 compiled by the state department of education; and
- 12 (E) any other information specified by the state department of
- 13 education.
- 14 (4) Nothing in this subsection (b) shall be construed as limiting the
- 15 authority of school districts to develop and provide material or informa-
- 16 tion in addition to that required by the state department of education.
- 17 (5) The state department of education shall provide technical advice
- 18 and assistance to school districts to insure compliance with the provisions
- 19 of this section.

20 (c) All such budget and tax levy forms shall be printed by the division  
 21 of printing in such quantity as required by the director. The director shall  
 22 deliver the forms for school districts to the clerk of the board of education  
 23 of each school district. The forms for all other taxing subdivisions or mu-  
 24 nicipalities of the state shall be delivered by the director to the county  
 25 clerk of each county, who shall deliver the same to the presiding officer  
 26 of the governing body of the respective taxing subdivisions or municipal-  
 27 ities within the county.

28 (d) *Beginning in 2009, all such forms required by this section, shall*  
 29 *be in an electronic format to facilitate filing such forms electronically.*

30 Sec. 2. K.S.A. 2007 Supp. 79-2929a is hereby amended to read as  
 31 follows: 79-2929a. (a) The governing body of any taxing subdivision or  
 32 municipality which is subject to the budget law provisions of K.S.A. 79-  
 33 2925 through 79-2936, and amendments thereto, which proposes to  
 34 amend its adopted current budget during the year in which such budget  
 35 is in effect, shall be subject to the same publication, notice and public  
 36 hearing requirements as required by K.S.A. 79-2929, and amendments  
 37 thereto, for the adoption of the original budget. In addition, such pub-  
 38 lished budget shall show any proposed changes in the amount of expend-  
 39 itures, by fund. Any proposed increase in expenditures shall be balanced  
 40 by previously unbudgeted increases in revenue other than ad valorem  
 41 property taxes. A copy of the adopted amended budget shall be filed with  
 42 the county clerk and with the director of accounts and reports. *Beginning*  
 43 *in 2009, all such budget information shall be filed electronically with the*

of townships

of townships

1 county clerk and with the director of accounts and reports.  
 2 (b) Whenever a clerical error in the calculation of the assessed val-  
 3 uation of any taxing subdivision or municipality which is subject to the  
 4 provisions of K.S.A. 79-2925 through 79-2936, and amendments thereto,  
 5 is discovered after the governing body has adopted the budget and prior  
 6 to October 1, the governing body may amend such budget. Any budget  
 7 amended pursuant to this subsection shall be subject to the same publi-  
 8 cation, notice and public hearing requirements as required by K.S.A. 79-  
 9 2929, and amendments thereto, for the adoption of the original budget.  
 10 A copy of such amended budget shall be filed with the county clerk and  
 11 the director of the division of accounts and reports. *Beginning in 2009,*  
 12 *all such budget information shall be filed electronically with the county*  
 13 *clerk and with the director of accounts and reports.*

14 Sec. 3. K.S.A. 2007 Supp. 79-2930 is hereby amended to read as  
 15 follows: 79-2930. (a) Two copies of the budget certificate giving the  
 16 amount of ad valorem tax to be levied and the total amount of the adopted  
 17 budget of expenditures by fund, along with itemized budget forms for  
 18 each and every fund and proof of publication of the notice of budget  
 19 hearing containing the budget summary shall be presented to the county  
 20 clerk within the time prescribed by K.S.A. 79-1801 and amendments  
 21 thereto. *Beginning in 2009, all such budget information shall be filed*  
 22 *electronically with the county clerk.* Where action has been taken under  
 23 any statute to increase the amount of tax to be levied authorized by law,  
 24 a statement showing the increased amount or tax levy rate voted, or a  
 25 copy of the charter resolution or ordinance making the change, shall be  
 26 attached to the budget each year the change is in effect.

27 (b) The county clerk shall make any reductions to the ad valorem tax  
 28 to be levied, compute the tax levy rates based on the final equalized  
 29 assessed valuation, and enter such on the budget certificate before at-  
 30 testing the budget, except that with regard to levies made under K.S.A.  
 31 75-2551, and amendments thereto, such levies shall be based upon the  
 32 certified preliminary abstract of property values submitted to the director  
 33 of property valuation pursuant to K.S.A. 79-1604, and amendments  
 34 thereto. A copy of all budgets for taxing subdivisions of the county, prop-  
 35 erly attested, shall be filed with the director of accounts and reports, along  
 36 with a copy of the tax levy rate summary required of the county treasurer  
 37 by K.S.A. 79-2002, and amendments thereto. *Beginning in 2009, all such*  
 38 *budget information shall be filed electronically with the director of ac-*  
 39 *counts and reports.*

of townships

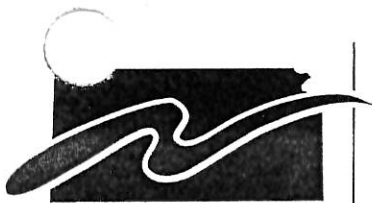
40 (c) Each fund of the adopted budget certified to the county clerk in  
 41 no event shall exceed the amount of ad valorem tax to be levied and the  
 42 proposed expenditures of such fund in the proposed budget as originally  
 43 published. The governing body of each taxing subdivision shall not certify

1 an amount of ad valorem taxes to be levied that is in excess of any tax  
2 levy rate or amount limitations or any aggregate tax levy limitations. The  
3 governing bodies, in fixing the amount may take into consideration and  
4 make allowance for the taxes which may not be paid, such allowance,  
5 however, shall not exceed by more than 5% the percentage of delinquency  
6 for the preceding tax year.

7 Sec. 4. K.S.A. 2007 Supp. 79-2926, 79-2929a and 79-2930 are hereby  
8 repealed.

9 Sec. 5. This act shall take effect and be in force from and after its  
10 publication in the statute book.





**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

**TESTIMONY**

concerning Senate Bill No. 457

**ELECTRONIC FILING OF BUDGETS**

Presented by Randall Allen, Executive Director

Kansas Association of Counties

January 29, 2008

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 SB 457, which provides, beginning in 2009, for 1) electronic filing of budgets by local taxing subdivisions with the county clerks and the State's Director of Accounts and Reports (Department of Administration), and for 2) electronic filing of various annual budget forms by the county clerks with the Director of Accounts and Reports.

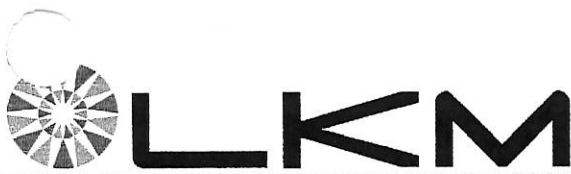
Most counties' ability to send documents electronically to the State has been possible for some time. This bill would require local taxing subdivisions, including various special districts and townships, to electronically file their budgets with the county clerks, so they could be, in turn, electronically filed with the State. This bill makes sense and while it is a mandate, electronic transfer of documents (counties to state, state to counties) is something we ought to be doing. It saves money and saves time, and allows for important public information to be shared more easily with constituents. As such, we support SB 457 and urge the committee to report it favorably for passage.

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

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Sen Fed & State

Attachment 11  
1-30-08



League of Kansas Municipalities

300 SW 8th Avenue, Room 100  
Topeka, Kansas 66603-3951  
Phone: (785) 354-9565  
Fax: (785) 354-4186

**To:** Senate Federal and State Affairs Committee  
**From:** Don Moler, Executive Director  
**Date:** January 29, 2008  
**Re:** Comments on SB 457

On behalf of the 575 member cities of the League of Kansas Municipalities (LKM), thank you for the opportunity to offer our comments regarding SB 457.

For many years, LKM has collected and distributed data regarding taxes and budgets. We annually publish the *Kansas Tax Rate and Fiscal Data Book* which contains valuable information that is relied upon by local and state officials. Much of the information that is contained in the *Tax Rate and Fiscal Data Book* has to be obtained by hand, going through the individual mill levy rate sheets for each county. We believe that it is time to modernize this process and require that such information should be filed electronically.

On a cautionary note, we are concerned about the impact on the smallest cities in Kansas. Many cities now have some access to computers and to the Internet. However, a number of cities do not have a computer and therefore would be unable to file electronically without assistance. As a result, we would respectfully request that for those cities unable to file electronically, that SB 457 be amended to direct the County Clerk to assist those cities in submitting their budgets.

In conclusion, we support the provisions of SB 457, and would ask for your favorable consideration of this bill and our proposed amendment. I will be happy to stand for questions at the appropriate time.



Kansas Advisory Council on Intergovernmental Relations

Joan Wagon, Chairperson

Kathleen Sebelius, Governor

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TO: Senate Federal and State Affairs Committee

FROM: Jack Rowlett Jr., Member of Kansas Advisory Council on Intergovernmental Relations

DATE: January 29, 2008

SUBJECT: Senate Bill 457 – Concerning townships; requiring electronic filing of budget information

Chairman Brungradt and committee members, in 2007 the KACIR, as part of our task, again reviewed our previously proposed bill, requesting the County Townships to file their yearly budget information electronically. It was determined once more, that this does fall within our scope of consolidations and efficiencies in government. 41% of the Townships are currently filing their budgets electronically and all of the Township's budget information is required in various state reports.

One concern that was discussed at some length was the potential cost and hardship on the Townships, when required to comply with this proposal. If the Township is unable to file electronically, then we would ask the County Clerk to handle the process. As we can best determine from our research, this would be the appropriate method.

The State of Kansas has 1,242 active townships as of 2007. This number is greater than all the Cities, Counties and School Districts combined. Also, approximately, 18% of our State's population lives within Townships. This is down from 34% in 1978. So as you can see, there would be a sizable savings in time, that is required for reporting, on an increasingly smaller population.

We would very much appreciate your consideration on this bill. Thank you for your time.

Jack Rowlett Jr



Kansas Advisory Council on Intergovernmental Relations

Joan Wagnon, Chairperson

Kathleen Sebelius, Governor

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TO: Senator Pete Brungardt  
FROM: Joan Wagnon, Secretary of Revenue and Chairperson of KACIR  
DATE: January 29, 2008  
SUBJECT: Senate Bill 460 – Townships.

This legislation will encourage elimination of unnecessary townships as well as voluntary consolidation of townships. Service districts will be created to ensure services for township residents. Changes in the existing statutes will streamline the procedures for voluntarily consolidating and for disorganizing townships. Finally, this legislation will eliminate repetition and duplication in the existing township statutes and will simplify existing language within the statutes.

First, I want to give a little background to the KACIR of which I chair. The KACIR engages in a continuous study of the services provided by the various levels of government within the state. By monitoring a wide range of governmental relations, the Council helps to promote cooperation and efficiency within government; thereby helping the leaders in Kansas work together more efficiently. The Council is charged with giving particular attention to modernization of the structure of Kansas local government and the relationships between state and local governments.

In September 2003, Legislative Post Audit completed a performance audit report on local government reorganization. One of the recommendations that came from this report was that the Governor immediately activate the KACIR and direct it to study, among other things, the elimination of township, cemetery district, and drainage district forms of government, and the techniques other states use to encourage local governments to collaborate.

The audit reported that compared to surrounding states, “Kansas appears to have more special districts and townships.....” It also suggested that Kansas may be able to encourage more consolidation, sharing, and cooperation by amending some laws.

To start the ball rolling, the KACIR undertook a township study in 2007. Since very little was known about townships and their operations, the study became a fact-finding mission. The last time someone really examined townships was in 1978 when Dr. Glenn Fisher and Lynn Daggett West published their book, Kansas Township Government in the 1970’s. One point of interest we found was a massive decline in township population, but not a corresponding reduction in the number of townships. When Dr. Fisher conducted his research in the 70’s, 34% of the state’s population lived in townships. Our research shows that today, 18.3% of the state’s population

lives in townships. That is a 36% decrease. Aside from the township population decline, not much has changed since the Fisher Study.

In order to respond to the LPA suggestion of amending some laws to encourage consolidation and sharing, we reviewed the township statutes. Our review revealed a lot of duplication and repetition within the statutes. So we set out to amend the township statutes to do two things: 1) clarify and streamline the language within the township statutes; and 2) give the counties and townships a mechanism they can use when the existence of a township(s) becomes unnecessary. Senate Bill 460 accomplishes both of these.

When drafting this legislation, we were mindful to not mandate, but to allow. We wanted the legislation to allow the local governments to make the decisions, and at the same time provide guidance for those decisions. For example, Section 4 of SB 460 amends K.S.A. 80-1101. It states that the board of county commissioners of the county MAY proceed to disorganize any township if: 1) the number of residents in the township shall become less than 200; or 2) a vacancy exists in the office of township trustee, clerk or treasurer for two consecutive years; or 3) the township fails to file an annual budget for two consecutive years.

In New Section 1 of SB 460, we are giving the Board of County Commissioners an opportunity to establish a county service taxing district in an area where townships have been dissolved or disorganized. This is an important mechanism for the township folks so they see that they will still be receiving their services, yet it is one less separate governmental unit. The district is not replacing the township. It's just a way to be sure that services are targeted for a specific geographical area.

Senate Bill 460 offers legislation that has been needed for a long time. It advances our support of the need to allow local government to consolidate or reorganize in order to be more efficient and effective in serving its citizens.

We urge your favorable support today.

# KACIR Policy Recommendations

1. **KACIR should request introduction in the Senate of legislation in 2008 to remove the remaining barriers to consolidation, particularly city-county consolidation and provide incentives to consolidate.**
2. **KACIR should introduce new legislation to encourage elimination of unnecessary townships as well as voluntary consolidation of townships. Service districts will be created to ensure services for township residents. Changes in the existing statutes will streamline the procedures for voluntarily consolidating and for disorganizing townships. Finally, this legislation will eliminate repetition and duplication in the existing township statutes and will simplify existing language within the statutes.**
3. **KACIR will request legislation to require the township reports to be filed electronically, whether it's via the township or the county clerk.**
4. **KACIR should undertake a study during 2008 to construct a model which can be used by local governments to determine the efficacy of consolidation. These issues include:**
  - How to Budget, consider general budgeting needs or needs specific to one or more entities that merge.
  - How to apply and distribute levies.
  - How to handle some of the questions that arise when two jurisdictions are discussing combining: for example, what happens to the elected officials? What is reasonable to expect in staff reductions or salary issues?
  - A model statute to allow for the consolidation of city-county law enforcement and provide a customized model for how it should be done. The only consolidated city-county law enforcement now is Riley County. Other jurisdictions may have utilized interlocal agreements to affect a similar result, but the only true consolidation is Riley County.
  - Proven, successful consolidation models from other states/localities for Kansas local governments.
5. **Continue statewide discussion of effects of tax base erosion on local state governments.**

	TWP Fund	County Count	Tax
1	Ambulance	4	79,662
2	Building (TWP, Etc.)	16	85,763
3	Cemetery	50	514,964
4	City Ambulance	2	17,617
5	City Building	3	983
6	City Cemetery	24	62,071
7	City Fire Protection	4	75,161
8	City General	64	838,690
9	City Library	18	206,369
10	City Misc	2	1,415
11	Employee Benefits	3	177,683
12	Fire Protection	40	2,644,672
13	General	93	10,422,938
14	Library	24	430,467
15	Library Employee Benefits	1	10,647
16	Misc	5	252,203
17	No-Fund Warrants	1	8,888
18	Noxious Weeds	17	160,974
19	Park	2	50,906
20	Road	37	31,377,810
21	Special Liability Expense	2	28,718
22	Special Road	4	507,618
Total			47,956,219

(data from KDOR) T-Ships

Amount of tax \$\$  
currently being spent  
within townships.

Almost \$48 million  
in total being spent  
(in prog. tx)

① \$31.3 million is  
for roads  
then

② \$10.4 million is  
for their General

③ \$2.6 million  
for fire protection

This is a comparison of Glenn W. Fisher's and Lynn Daggett West's summary of findings reported in their book, Kansas Township Government in the 1970s, published in 1978.

Then	Now
1,466 Townships	1,406 Townships .04% decrease in number of townships.
Township Population - 784,222 (34% of state population)	Township Population - 505,667 (18.3% of state population) 36% decrease in population.
In 66 counties, the responsibility for road construction and maintenance has been removed from townships by adoption of the county unit road system.	In 68 counties, the responsibility for road construction and maintenance has been removed from townships by adoption of the county unit road system.
Average township tax rate: <u>County-unit counties:</u> .34 mills <u>Township system counties:</u> 5.25 mills, or more than 15 times County-unit (reflecting the need for revenue to maintain roads).	Average township tax rate: <u>County-unit counties:</u> 1.875 mills <u>Township system counties:</u> 12.227 mills or 6.5 times as County-unit
Major expend: 75% of all township expenditures was road expenditures.	Major expends: <u>82-county township random sample:</u> Roads, 57.4% of township expenditures. <u>6-county township system sample:</u> Roads, 68% of township expenditures. <u>68-county township on county-unit sample (no roads):</u> Fire, 34.4% of township expenditures.
Major revenue: 70% of all revenue was ad valorem.	Major revenue: 71.1% of all revenue was ad valorem.





**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

**TESTIMONY**  
concerning Senate Bill No. 460  
**TOWNSHIPS AND COUNTY SERVICE DISTRICTS**  
Presented by Randall Allen, Executive Director  
Kansas Association of Counties  
January 29, 2008

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 SB 460, which is a work product of the Kansas Advisory Council on Intergovernmental Relations (KACIR). Two county commissioners, Sedgwick County Commissioner Tim Norton and Grant County Commissioner Madison Traster, are active members of the KACIR representing counties.

The intent of SB 460 is to provide for an orderly transfer of service delivery responsibility from a township to a county, whenever a situation dictates that a township is no longer able to function as a viable unit of local government. It also provides a way for the board of county commissioners to continue services in the land area of the (former) township – either by absorbing the functions in the county's budget, or as a special service district in which the taxpayers within the former township pay the entire cost of services.

Section 4 of the bill gives discretionary authority to a board of county commissioners to disorganize a township and attach the territory or parts thereof to any other contiguous township(s) whenever 1) the population of the township falls below 200; 2) there is a vacancy in one of the three township offices for two consecutive years; or 3) the township fails to file an annual budget with the county clerk for two consecutive years. The proposed language in Section 4 is *permissive*, not *mandatory*, and so the county commissioners can act, or not, depending on the will of the people in their county.

Section 9 of the bill concerns township board-initiated consolidation of two or more townships. Currently, the law says that the two consolidating townships have to be located in the same state representative district. We have no idea why this language exists, as state representative district boundaries weave all around. SB 460 would remove this requirement.

Townships have played (and in some areas, continue to play) an important role in providing services, including road maintenance, cemetery operations, noxious weed control, and fire suppression. Where they are viable, SB 460 is not needed. Where they are not viable or may not be viable in the future due to de-population in

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Sen Fed & State

Attachment 16

1-30-08

some rural areas, SB 460 is a way to transition to a new service delivery system. We urge the committee to recommend SB 460 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.



Kansas Advisory Council on Intergovernmental Relations

Joan Wagnon, Chairperson

Kathleen Sebelius, Governor

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TO: Senate Federal and State Affairs Committee

FROM: Jack Rowlett Jr., Member of Kansas Advisory Council on Intergovernmental Relations

DATE: January 29, 2008

SUBJECT: Senate Bill 460 – Concerning townships; revision of existing consolidation statutes and new modifications.

Chairman Brungradt and committee members, in 2007 the KACIR, discussed consolidation of Townships with Townships, and Townships and Counties. There have been a number of reports written over the years and they all point the same trends and that is, the vast majority of Townships are losing population and function. Not only is there a change in Township demographics, there are all so existing statutes that are somewhat redundant and restrictive with the consolidation procedures. It is our intent to simplify this process, establish minimum thresholds enabling consolidation and give Townships and Counties additional flexibility with special services districts currently not available.

Presently, there are 1,406 Townships in Kansas and 1,242 active Townships. 18% of the State population lives within these Townships and this down by half, of the population 30 years ago. What is more, 82% of the Township population resides in Townships under 500 people. There is clearly a shifting of population. Yearly, elected positions in Townships are unfilled and require Counties to seek out individuals to fill those positions. The KACIR feels this is an area in government that needs assistance in efficiency.

We would very much appreciate your consideration on this bill. Thank you for your time.

Jack Rowlett Jr