

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 March 5, 2009, in Room 136-N of the Capitol.

All members were present.

Committee staff present:

Jason Long, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Connie Burns, Committee Assistant

Conferees appearing before the Committee:

Senator Hensley,
Senator Haley,
Charles Jean-Baptiste, NAACP
Joan Wagon, Chairperson of KACIR, Secretary Department of Revenue
Randall Allen, Kansas Association of Counties
Don Moler, League of Kansas Municipalities
Tom Wright, Attorney, Topeka
Allyn Lockner, KACIR
Shane Shields, Kansas County Officials Association
Greg Dye, Wichita, Kansas
Paul Degener, Topeka, Kansas
Marvin E. Smith, Topeka, Kansas
John Todd, Wichita, Kansas
Ed Klumpp, Topeka, Kansas
Ken Daniel, Topeka, Kansas

Others attending:

See attached list.

The fiscal note and testimony from Mike Watson for SB 179 was provided to the committee.

Final Action:

SB 212 - Wine shipments, certain persons; licensure; limitations..

Senator Morris moved to pass SB 212 out favorably. Senator Reitz seconded the motion. The motion carried.

SB 213 - Consumption of alcoholic liquor in entertainment and arts and cultural districts.

A balloon was provided that added language on boundaries on page 1, line 29, page 4 line 42 after closed adding "to motor vehicle traffic" page 5 line 5 changing reasonable to reasonably and deleting new section 3 of the balloon. (Attachment 1)

Senator Francisco moved the amendment. Senator Reitz seconded the motion. The motion carried.

Senator Reitz moved to pass SB 213 out favorably as amended. Senator Faust-Goudeau seconded the motion. The motion carried.

SB 76 - Cereal malt beverages; alcohol content, regulation by ABC, retailers authorized to sell, taxation.

Senator Ostmeyer offered a balloon that would require the brewer to label the product identifiable for sale in the convenience and grocery stores. (Attachment 2)

Senator Ostmeyer moved the amendment. Senator Owens seconded the motion. The motion carried.

CONTINUATION SHEET

Minutes of the Senate Federal And State Affairs Committee at 10:30 a.m. on March 5, 2009, in Room 136-N of the Capitol.

Back on the bill, the Chair asked the pleasure of the committee. Senator Owens moved to pass SB 76 out favorably as amended. Lacking a second the bill is lost.

SB 54 - Brown v. Board of Education mural in the capitol.

Chairman Brungardt opened the hearing on **SB 54.**

Staff provided an overview of the bill.

Senator Hensley spoke in favor of the bill. (Attachment 3) The bill would require the Kansas State Historical Society and the Department of Administration to develop plans to place a mural in the capitol commemorating the historic landmark decision in the case of *Brown v. the Board of Education*. The bill would prohibit using public funds for creation and installation of this mural.

Senator Faust-Goudeau, spoke in favor of the bill. (Attachment 4) The bill is merely a request to memorialize the *Brown v Board of Education*; by adding a mural to the historical record already displayed in the State Capitol.

Senator Haley appeared in favor of the bill. (Attachment 5) Senator Haley stated that Kansas is best known world wide for the Brown decision and that this project should be funded with State General Funds.

Charles Jean-Baptiste, NAACP, spoke in favor of the bill. (Attachment 6) Mr. Jean-Baptiste stated that an opportunity to “set in stone” a unique and important part of American history for all to witness; and our children and our children’s children an opportunity to learn of our past and the important part played in the many historical changes in our country. They will learn America is a tune that must be sung together.

Chairman Brungardt closed the hearing on **SB 54.**

SB 75 - Municipalities; consolidation and reorganization; political and taxing subdivisions.

Chairman Brungardt opened the hearing on **SB 75.**

Staff provided a written overview of the bill. (Attachment 7)

Joan Wagon, Chairperson of KACIR, Secretary Department of Revenue, spoke in favor of the bill. (Attachment 8) The bill would amend existing law concerning governmental consolidation and reorganization; allow the board of county commissioners and the governing body of a city to create a consolidation study commission, which would prepare and adopt a plan addressing the reorganization of the city and county and would include the costs and benefits of reorganizing the city and county and provide for the exercise of powers of local legislation and administration. Also provided: an article in *Governing* July 2006, “Little Mergers on the Prairie”.

Randall Allen, Executive Director, Kansas Association of Counties, spoke in support of the bill. (Attachment 9) The bill provides a mechanism and public process for cities and counties to consider and then implement an alternative organizational structure without first seeking legislative approval.

Don Moler, Executive Director, League of Kansas Municipalities, spoke in favor of the bill. (Attachment 10) The bill 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.

Tom Wright, Attorney, formerly served as chair of the Consolidation Commission for the consolidation of Topeka and Shawnee County, spoke in favor of the bill. (Attachment 11) Mr. Wright stated that the strongest organized opposition in the Topeka and Shawnee County consolidation, came from employees of small units of government. It is understandable that efficiency can be painful for a few.

CONTINUATION SHEET

Minutes of the Senate Federal And State Affairs Committee at 10:30 a.m. on March 5, 2009, in Room 136-N of the Capitol.

Allyn Lockner, KACIR, appeared in favor of the bill. ([Attachment 12](#)) Mr. Lockner supports the bill because it increases the consolidation choices available to Kansans, and only authorizes consolidations, does not mandate.

Dave Kerr, President, Hutchinson/Reno County Chamber of Commerce, provided written testimony in favor of the bill. ([Attachment 13](#))

Shane Shields, President, Kansas County Officials Association, spoke in opposition to the bill. ([Attachment 14](#)) Mr. Shields believes that a dual majority vote should be required for any proposal to consolidate city-county government.

Greg Dye, Wichita, Kansas, appeared in opposition to the bill. ([Attachment 15](#)) Mr. Dye stated that under the "Home Rule" portion in the bill, cities become a new branch of government and that violates the U.S. Constitution.

Paul Degener, Topeka, Kansas, spoke in opposition to the bill. ([Attachment 16](#)) The bill has provisions for cities to reject a joint resolution for consolidation, but does not afford the residents of the unincorporated portion of the county the same opportunity.

Marvin E. Smith, Topeka, Kansas, appeared in opposition to the bill. ([Attachment 17](#)) Mr. Smith stated that the residents in rural areas of the different counties believe they are served with efficient services; and provided some language changes to the bill.

John Todd, Wichita, Kansas, spoke in opposition to the bill. ([Attachment 18](#)) Mr. Todd stated the Sedgwick County government provides a separation of powers between all of the other governmental units in the county; and that the forces behind consolidation are motivated by power rather than efficiencies.

Ed Klumpp, Topeka, Kansas, appeared in opposition to the bill. ([Attachment 19](#)) Mr. Klumpp provided language to amend the bill on page 3 lines 16-19 and page 4 lines 17-29; also stated that the proposed voting method is simply unfair.

Ken Daniel, Topeka, Kansas, spoke in opposition to the bill. ([Attachment 20](#)) Mr. Daniel stated that Topeka cannot afford to kill off growth in the only parts of the county that is growing, the small cities and the unincorporated areas, if we want even more people to live elsewhere, we need only force the consolidation of Topeka and Shawnee County.

Terry D. Holdren, Kansas Farm Bureau, provided written testimony as neutral. ([Attachment 21](#)) The bill represents a significant step toward what the members consider a workable framework for the basis of city-county consolidation. The Farm Bureau continues to have concerns about the make-up of the consolidation study commission; and the Bureau would like to see a greater representation of residents from unincorporated areas and would request considering alternatives to the current 1/3 requirement to ensure that rural residents and taxpayers are granted adequate protections and retain services at or better than their current arrangements.

Chairman Brungardt closed the hearing on **SB 75**.

The next meeting is scheduled for March 10, 2009. The meeting was adjourned at 12.01 pm

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE 3-05-09

NAME	REPRESENTING
Don Moker	LKM
Jim Carpenter	CO
Kari Presley	Kearney & Associates
Shane Shields	Ks. County Officials Assn
Tuck Duncan	KWSWA
Amy Campbell	KABR
Phil Bradley	KLBA
ALLYX LOCKNER	KACIR
Walter Minor	JCNAACP
WANDRA MINOR	JCNAACP
Charles Jean-Baptiste	State NAACP
Guy Dye	Concerned Citizens ^{Wichita}
Paul DeJener	Concerned Citizens ^{Topeka}
Ed Krump	SELF
Dick Steffer	Hy-Vee
Terry Presta	Presto Convenience Stores
Bob Anderson	Casey's
Tom Palace	PMCA of KS
Danielle Shields	Summer Co.
Missie Gerritzen	Kearney County / KCOA
STEVE KEARNEY	KCOA
Cathy Wims Campbell	Topeka NAACP
William C. Richards	TOPEKA NAACP
John E. Arnold	Topeka KACIR
Randall Allen	KS - Assoc. of Counties
AT ERIN DUKOV	KS ASSOC of Counties

SENATE BILL No. 213

By Committee on Federal and State Affairs

2-4

9 AN ACT concerning alcoholic liquor; regarding consumption of alcoholic
10 liquor in public; amending K.S.A. 2008 Supp. 41-719 and 41-2645 and
11 repealing the existing sections.
12

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

14 Section 1. K.S.A. 2008 Supp. 41-719 is hereby amended to read as
15 follows: 41-719. (a) ~~No~~ (1) *Except as otherwise provided herein and in*
16 *K.S.A. 8-1599, and amendments thereto, no person shall drink or consume*
17 *alcoholic liquor on the public streets, alleys, roads or highways or inside*
18 *vehicles while on the public streets, alleys, roads or highways.*

19 (2) *Alcoholic liquor may be consumed at a special event held on public*
20 *streets, alleys, roads, sidewalks or highways when a temporary permit has*
21 *been issued pursuant to K.S.A 41-2645, and amendments thereto, for such*
22 *special event. Such special event must be approved, by ordinance or res-*
23 *olution, by the local governing body of any city, county or township where*
24 *such special event is being held. No alcoholic liquor may be consumed*
25 *inside vehicles while on public streets, alleys, roads or highways at any*
26 *such special event.*

27 (3) *No person shall remove any alcoholic liquor from inside the*
28 *boundaries of a special event as designated by the governing body of any*
29 *city, county or township.*

30 (4) *No person shall possess or consume alcoholic liquor inside the*
31 *premises licensed as a special event that was not sold or provided by the*
32 *licensee holding the temporary permit for such special event.*

33 (b) No person shall drink or consume alcoholic liquor on private
34 property except:

35 (1) On premises where the sale of liquor by the individual drink is
36 authorized by the club and drinking establishment act;

37 (2) upon private property by a person occupying such property as an
38 owner or lessee of an owner and by the guests of such person, if no charge
39 is made for the serving or mixing of any drink or drinks of alcoholic liquor
40 or for any substance mixed with any alcoholic liquor and if no sale of
41 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
42 takes place;

43 (3) in a lodging room of any hotel, motel or boarding house by the

the boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

1 person occupying such room and by the guests of such person, if no
2 charge is made for the serving or mixing of any drink or drinks of alcoholic
3 liquor or for any substance mixed with any alcoholic liquor and if no sale
4 of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
5 takes place;

6 (4) in a private dining room of a hotel, motel or restaurant, if the
7 dining room is rented or made available on a special occasion to an in-
8 dividual or organization for a private party and if no sale of alcoholic liquor
9 in violation of K.S.A. 41-803, and amendments thereto, takes place; or

10 (5) on the premises of a microbrewery or farm winery, if authorized
11 by K.S.A. 41-308a or 41-308b, and amendments thereto.

12 (c) No person shall drink or consume alcoholic liquor on public prop-
13 erty except:

14 (1) On real property leased by a city to others under the provisions
15 of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real
16 property is actually being used for hotel or motel purposes or purposes
17 incidental thereto.

18 (2) In any state-owned or operated building or structure, and on the
19 surrounding premises, which is furnished to and occupied by any state
20 officer or employee as a residence.

21 (3) On premises licensed as a club or drinking establishment and
22 located on property owned or operated by an airport authority created
23 pursuant to chapter 27 of the Kansas Statutes Annotated, and amend-
24 ments thereto, or established by a city.

25 (4) On the state fair grounds on the day of any race held thereon
26 pursuant to the Kansas parimutuel racing act.

27 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic
28 beer or wine or wine imported under subsection (e) of K.S.A. 41-308a,
29 and amendments thereto, and is consumed only for purposes of judging
30 competitions; (B) the alcoholic liquor is wine or beer and is sold and
31 consumed during the days of the Kansas state fair on premises leased by
32 the state fair board to a person who holds a temporary permit issued
33 pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the
34 sale and serving of such wine or beer, or both; or (C) the alcoholic liquor
35 is consumed on nonfair days in conjunction with bona fide scheduled
36 events involving not less than 75 invited guests and the state fair board,
37 in its discretion, authorizes the consumption of the alcoholic liquor, sub-
38 ject to any conditions or restrictions the board may require.

39 (6) In the state historical museum provided for by K.S.A. 76-2036,
40 and amendments thereto, on the surrounding premises and in any other
41 building on such premises, as authorized by rules and regulations of the
42 state historical society.

43 (7) On the premises of any state-owned historic site under the juris-

1 diction and supervision of the state historical society, on the surrounding
2 premises and in any other building on such premises, as authorized by
3 rules and regulations of the state historical society.

4 (8) In a lake resort within the meaning of K.S.A. 32-867, and amend-
5 ments thereto, on state-owned or leased property.

6 (9) In the Hiram Price Dillon house or on its surrounding premises,
7 subject to limitations established in policies adopted by the legislative
8 coordinating council, as provided by K.S.A. 75-3682, and amendments
9 thereto.

10 (10) On the premises of any Kansas national guard regional training
11 center or armory, and any building on such premises, as authorized by
12 rules and regulations of the adjutant general and upon approval of the
13 Kansas military board.

14 (11) On property exempted from this subsection (c) pursuant to sub-
15 section (d), (e), (f), (g) or (h).

16 (d) Any city may exempt, by ordinance, from the provisions of sub-
17 section (c) specified property the title of which is vested in such city.

18 (e) The board of county commissioners of any county may exempt,
19 by resolution, from the provisions of subsection (c) specified property the
20 title of which is vested in such county.

21 (f) The state board of regents may exempt from the provisions of
22 subsection (c) the Sternberg museum on the campus of Fort Hays state
23 university, or other specified property which is under the control of such
24 board and which is not used for classroom instruction, where alcoholic
25 liquor may be consumed in accordance with policies adopted by such
26 board.

27 (g) The board of regents of Washburn university may exempt from
28 the provisions of subsection (c) the Mulvane art center and the Bradbury
29 Thompson alumni center on the campus of Washburn university, and
30 other specified property the title of which is vested in such board and
31 which is not used for classroom instruction, where alcoholic liquor may
32 be consumed in accordance with policies adopted by such board.

33 (h) The board of trustees of a community college may exempt from
34 the provisions of subsection (c) specified property which is under the
35 control of such board and which is not used for classroom instruction,
36 where alcoholic liquor may be consumed in accordance with policies
37 adopted by such board.

38 (i) Violation of any provision of this section is a misdemeanor punish-
39 able by a fine of not less than \$50 or more than \$200 or by imprisonment
40 for not more than six months, or both.

41 (j) *For the purposes of this section, "special event" means a picnic,*
42 *bazaar, festival or other similar community gathering, which has been*
43 *approved by the local governing body of any city, county or township.*

5
1

1 Sec. 2. K.S.A. 2008 Supp. 41-2645 is hereby amended to read as
2 follows: 41-2645. (a) A temporary permit shall allow the permit holder to
3 offer for sale, sell and serve alcoholic liquor for consumption on unli-
4 censed premises, which may be open to the public, subject to the terms
5 of such permit.

6 (b) The director may issue a temporary permit to any one or more
7 persons or organizations applying for such a permit, in accordance with
8 rules and regulations of the secretary. The permit shall be issued in the
9 names of the persons or organizations to which it is issued.

10 (c) Applications for temporary permits shall be required to be filed
11 with the director not less than 14 days before the event for which the
12 permit is sought unless the director waives such requirement for good
13 cause. Each application shall state the purposes for which the proceeds
14 of the event will be used. The application shall be upon a form prescribed
15 and furnished by the director and shall be filed with the director in du-
16 plicate. Each application shall be accompanied by a permit fee of \$25 for
17 each day for which the permit is issued, which fee shall be paid by a
18 certified or cashier's check of a bank within this state, United States post
19 office money order or cash in the full amount thereof. All permit fees
20 collected by the director pursuant to this section shall be remitted to the
21 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
22 amendments thereto. Upon receipt of each such remittance, the state
23 treasurer shall deposit the entire amount in the state treasury to the credit
24 of the state general fund.

25 (d) Temporary permits shall specify the premises for which they are
26 issued and shall be issued only for premises where the city, county or
27 township zoning code allows use for which the permit is issued. No tem-
28 porary permit shall be issued for premises which are not located in a
29 county where the qualified electors of the county:

30 (1) (A) Approved, by a majority vote of those voting thereon, to adopt
31 the proposition amending section 10 of article 15 of the constitution of
32 the state of Kansas at the general election in November, 1986; or (B) have
33 approved a proposition to allow the sale of liquor by the individual drink
34 in public places within the county at an election pursuant to K.S.A. 41-
35 2646, and amendments thereto; and

36 (2) have not approved a proposition to prohibit such sales of alcoholic
37 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,
38 and amendments thereto.

39 (e) (1) *A temporary permit may be issued for the consumption of*
40 *alcoholic liquor on a city, county or township street, alley, road, sidewalk*
41 *or highway for a special event; provided, that such street, alley, road,*
42 *sidewalk or highway is closed by the governing body of such city, county*
43 *or township for such special event, a written request for such consumption*

to motor vehicle traffic

1 and possession of such alcoholic liquor has been made to the local gov-
 2 erning body and the special event is approved by the governing body of
 3 such city, county or township by ordinance or resolution. The boundaries
 4 of such special event shall be clearly marked by signs, a posted map or
 5 other means which ~~reasonable~~ identify the area in which alcoholic liquor
 6 may be possessed or consumed at such special event.

reasonably

7 (2) For the purposes of this section, "special event" shall have the
 8 same meaning given that term in K.S.A. 41-719, and amendments thereto.

9 ~~(e)~~ (f) A temporary permit shall be issued for a period of time not to
 10 exceed three consecutive days, the dates and hours of which shall be
 11 specified in the permit, except that the director may issue one temporary
 12 permit, valid for the entire period of time of the Kansas state fair, which
 13 authorizes the sale of wine in its original, unopened container and the
 14 serving by the drink of only wine or beer, or both, on the state fairgrounds
 15 on premises specified in the temporary permit, by a person who has en-
 16 tered into an agreement with the state fair board for that purpose. Not
 17 more than four temporary permits may be issued to any one applicant in
 18 a calendar year.

(3) No temporary permit shall be issued for a special event which is adjacent to or blocks access to a licensed drinking establishment or tavern.

19 ~~(f)~~ (g) All proceeds from an event for which a temporary permit is
 20 issued shall be used only for the purposes stated in the application for
 21 such permit.

22 ~~(g)~~ (h) A temporary permit shall not be transferable or assignable.

23 ~~(h)~~ (i) The director may refuse to issue a temporary permit to any
 24 person or organization which has violated any provision of the Kansas
 25 liquor control act, the drinking establishment act or K.S.A. 79-41a01 et
 26 seq., and amendments thereto.

27 Sec. 3. K.S.A. 2008 Supp. 41-719 and 41-2645 are hereby repealed.

28 Sec. 4. This act shall take effect and be in force from and after its
 29 publication in the statute book.

SB 76

Page 7 lines 32-40

(8) in the case of manufacturers and distributors of alcoholic liquors *or cereal malt beverages*, requiring the labels attached to all containers of such liquors *thereof* which are intended for sale in this state to set forth, in plain legible print in the English language, the name and kind of alcoholic liquors *or cereal malt beverages* contained therein, together with their alcoholic content, and if a blended product (except wine) to so state, except that, if the director deems it unnecessary to show the alcoholic content of beer on labels of containers of beer, the alcoholic content shall not be required to be shown thereon;

Revise as follows

(8) in the case of manufacturers and distributors of alcoholic liquors *or cereal malt beverages*, requiring the labels attached to all containers of such liquors *thereof* which are intended for sale in this state to set forth, in plain legible print in the English language, the name and kind of alcoholic liquors *or cereal malt beverages* contained therein, together with their alcoholic content, and if a blended product (except wine) to so state, ~~except that, if the director deems it unnecessary to show the alcoholic content of beer on labels of containers of beer,~~ the alcoholic content shall not be required to be shown on beer ~~thereon~~; *Manufacturers of cereal malt beverage shall be required to label their product "KANSAS CMB."*

Rationale: the distributor should not make the determination of what does or does not conform to this law, the brewer should label itsa product accordingly so that it is easily identifiable for sale in the convenience and grocery stores.

3

Statement in Support of Senate Bill No. 54
by Senator Anthony Hensley
March 5, 2009

Fifty-five years ago, the United States Supreme Court issued a landmark decision by declaring that state laws establishing separate public schools for black and white students denied black children equal educational opportunities.

The roots of this historic case – *Brown v. Board of Education* – lie here in Kansas. Every day, Topeka third-grader Linda Brown, was forced to walk one mile through a railroad switchyard to get to her black elementary school, even though a white elementary school was only seven blocks away. Led by a dream of equality, Linda's father, Oliver Brown, and a dozen more parents like him, bravely turned to the courts demanding better education opportunities for their children.

The Court agreed. Chief Justice Earl Warren wrote in the Supreme Court's unanimous decision,

"It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

Brown v. Board of Education is not simply a story about children or education – it is a story about courage and hope. It initiated educational and social reform throughout the United States, paved the way for the modern Civil Rights Movement, and laid the foundation for international policies regarding human rights.

The dream that inspired 13 Kansas parents more than 50 years ago is a testament to the triumph of the human spirit. Their story should be forever told in this building – our Kansas Capitol – with a mural commemorating the cause for which they fought and successfully accomplished.

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75-2264

**Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
Article 22.--STATE CAPITOL**

75-2264. Plans for mural in the capitol honoring the 1st Kansas (Colored) Voluntary Infantry regiment. (a) The Kansas state historical society and the department of administration shall develop plans to place a mural in the capitol honoring the 1st Kansas (Colored) Voluntary Infantry regiment. Such plans shall be developed in consultation with the joint committee on arts and cultural resources.

(b) On or before January 1, 2002, the plans developed pursuant to subsection (a) shall be submitted to the joint committee on arts and cultural resources.

History: L. 2000, ch. 110, § 4; July 1.

January 27, 2009

The Honorable Pete Brungardt, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 121-E
Topeka, Kansas 66612

Dear Senator Brungardt:

SUBJECT: Fiscal Note for SB 54 by Senator Hensley, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning SB 54 is respectfully submitted to your committee.

SB 54 would require the Kansas State Historical Society and the Department of Administration to develop plans to place a mural in the capitol commemorating the United States Supreme Court decision in the case of Brown v. the Board of Education. These plans would be submitted to the Joint Committee on Arts and Cultural Resources by January 1, 2011. The bill would prohibit using public funds for creation and installation of this mural.

Passage of SB 54 would have no fiscal effect on the Kansas State Historical Society or the Department of Administration, both of which would implement plan development within existing resources.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Pat Higgins, Administration
Debbie White, Historical Society

OLETHA FAUST-GOUDEAU
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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER: FEDERAL AND STATE AFFAIRS
ETHICS AND ELECTIONS
MEMBER: COMMERCE
LOCAL GOVERNMENT
JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

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Testimony on Senate Bill 54

Senator Oletha Faust-Goudeau

March 5, 2009

Senator Pete Brungardt, Chair
Senate Federal and State Affairs Committee

Chairman Brungardt, Esteemed Colleagues,

The Brown v Board of Education decision by the United States Supreme Court is a defining moment in our country's history. It meant that we had peacefully won a battle in the progress of our nation towards the future we live today.

Kansas is rightly proud that we are forever associated with this monumental verdict, just as we are rightly proud that Kansas was in the forefront of abolition in the 1860's. On the second floor of this Capitol, on the wall directly across from the cage so that no one can miss it, there is a mural of John Brown. It shows him with a rifle in one hand and a Bible in the other, representing that violent struggle for equality.

SB 54 is merely a request to memorialize the *peaceful* victory for equality for all children that was won with Brown v Board of Education by adding a mural to the historical record we display in our State Capitol.

Thank you for your time and consideration.

Sincerely,

Oletha Faust-Goudeau
Senator, 29th District

STATE OF KANSAS

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SENATE CHAMBER

DAVID B. HALEY

SENATOR
DISTRICT 4
WYANDOTTE COUNTY

SENATE BILL 54

March 5, 2009

BROWN vs. BOARD of EDUCATION CAPITOL MURAL

TO : Hon.Pete Brungardt, Chair ; Hon.Roger Reitz, Vice-Chair & Members
KANSAS SENATE FEDERAL & STATE AFFAIRS COMMITTEE

Mr.Chairman & Members of the Committee. **Thank you** for holding a hearing on SB 54.

I am honored and pleased to once again offer brief testimony for each of your learned considerations regarding this simple legislative directive. SB 54,(a similar version of which Senator Hensley, former Senator Betts, other Senators and I co-sponsored in years past AND which unanimously passed the Senate yet failed in a House committee), will compel the planning and the placing of a mural on one of our newly renovated Capitol walls. The theme will be the landmark legal case of **Brown vs. Board of Education** which, quite frankly Mr. Chairman, is one of the few items in Americana for which Kansas is really even truly known.

My father, who contributed as a Kansas City attorney to the Brown pleadings, and I, as a law student in Washington D.C. and a staffer for former Senator Dole, took exceptional pride once when President Reagan remarked at a White House ceremony on Kansas and his own knowledge of the Brown decision. I was impressed by that then, Mr.Chair. And it speaks volumes for our unique legacy. In 2004, both President George W. Bush and then presidential candidate US Senator John Kerry came, on the SAME day, here to Topeka to commemorate the 50th Anniversary of the US Supreme Court's decision underscoring the gravamen of the premise that "separate is NOT equal" in public education and overturning the 1896 decision of **Plessy vs. Ferguson** which argued " separate could be equal."

I won't go on here now, Mr. Chair; members. I will add though that, in that, Kansas is best known world-wide for the **Brown** decision and that, second only perhaps to the "Wizard of Oz", this is our State's best identifying legacy, we ought to be pleased to rush this bill back to the Senate floor and through the House and should **FUND** this project with our meager State general funds. This history, like the John Brown mural, is who we really and truly are and, at our best, who I personally hope Kansans always aspire to be.

Thank you again, Mr. Chair & Members.

At the appropriate time, I'll be pleased to stand for any question(s).

COMMITTEE ASSIGNMENTS
ASSESSMENT & TAXATION
JUDICIARY REAPPORTIONMENT
PUBLIC HEALTH & WELFARE

haley@senate.state.ks.us

JOINT COMMITTEE
STATE TRIBAL
CORRECTIONS & .
HEALTH CARE RE

Sn Fed & State
Attachment 5

3-05-09



KANSAS STATE NAACP CONFERENCE OF BRANCHES

Charles Jean-Baptiste, President

PO Box 21298 – Wichita, Kansas 67208

Hm: 913-268-7567 Fax: 913-268-4709

E-Mail – cjeanbaptiste@kc.rr.com

From: Charles Jean-Baptiste, President
Kansas State Conference of Branches NAACP

To: Pete Brungardt, Chairman
Senate Federal and State Affairs Committee

Subject: Senate Bill 54

March 5, 2009

Honorable Chairman Pete Brungardt, Committee members and audience. I come before you this morning supporting Senate Bill 54 which is to have a mural on the wall of the State Capitol Building - more specifically, on the wall next to the former Supreme Courtroom. Such a Bill would facilitate the opportunity to all individuals that visit the State Capitol Building on an annual base, along with Kansans. Most importantly, it would give those visiting the State Capitol Building an enticement to want to visit the Brown Museum, which has attracted thousands of visitors from more than 20 countries, since opening 5 years ago. This has a positive economic effect on our State.

With the progress that has been made and continues to take place, in the State of Kansas among all people, enacting SB 54 would place Kansas on the world stage of providing sound education for all its citizens, race relations, and economic as a State. We in the state of Kansas have officially exported many a product throughout the world, I think now is the time to export our culture and be given credit for it. Many globe communities utilize the 1954 Supreme Court Decision to advance their causes of equality, education, themselves and their people. We, on the other hand, shoot ourselves in the foot by not providing our citizens some of the richness of society through visualization. We do not give ourselves the credit for the significant historical accomplishments in our State (Kansas).

The State of Kansas has been a trailblazer in many areas. Now is the time to tell our story about one of the most important accomplishments in the civil rights movement of this great country. Just recently, the Country reached a milestone in its history due to one of the accomplishments for which SB 54 stands. The State can take great pride in being part of the accomplishment.

Recently, as I traveled from Kansas City to Washington, D.C., one of the first observations made on Midwest Airline was an article entitled "History Lessons" in *My Midwest*, the official magazine of the airline. "History Lessons" the writer of the article talked about the 1954 Supreme Court Decision Brown v. Board of Education. Again, it's time, our story to be told, and what better way than through SB 54.

I am very much in support of SB 54, because every visitor that visits the State Capitol will leave with great appreciation of the Capitol and with a visual imprint that will last forever. Visitors will think of the State as one solidified institution. Let's not pass a rich opportunity due to political indifference. Advance SB 54 to the next level as it will benefit the citizens of Kansas, our Country and the world.

We have before us an opportunity to "set in stone" a unique and important part of American history for all to witness. This will afford our children and our children's children an opportunity to learn of our past and the important part played in the many historical changes in our country. They will learn America is a tune that must be sung together

Charles Jean-Baptiste, President

Sn Fed & State
Attachment 6

3-05-09

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My MIDWEST



EASTERN WISCONSIN ARTISTS

Find out what's inspiring the region's creative communities.



History Lessons

A former segregated school in Topeka, Kan., takes visitors back to a time when division was taught before addition—and celebrates a court decision that changed race relations forever. By Sarah Smarsh • Illustration by Joel Peter Johnson

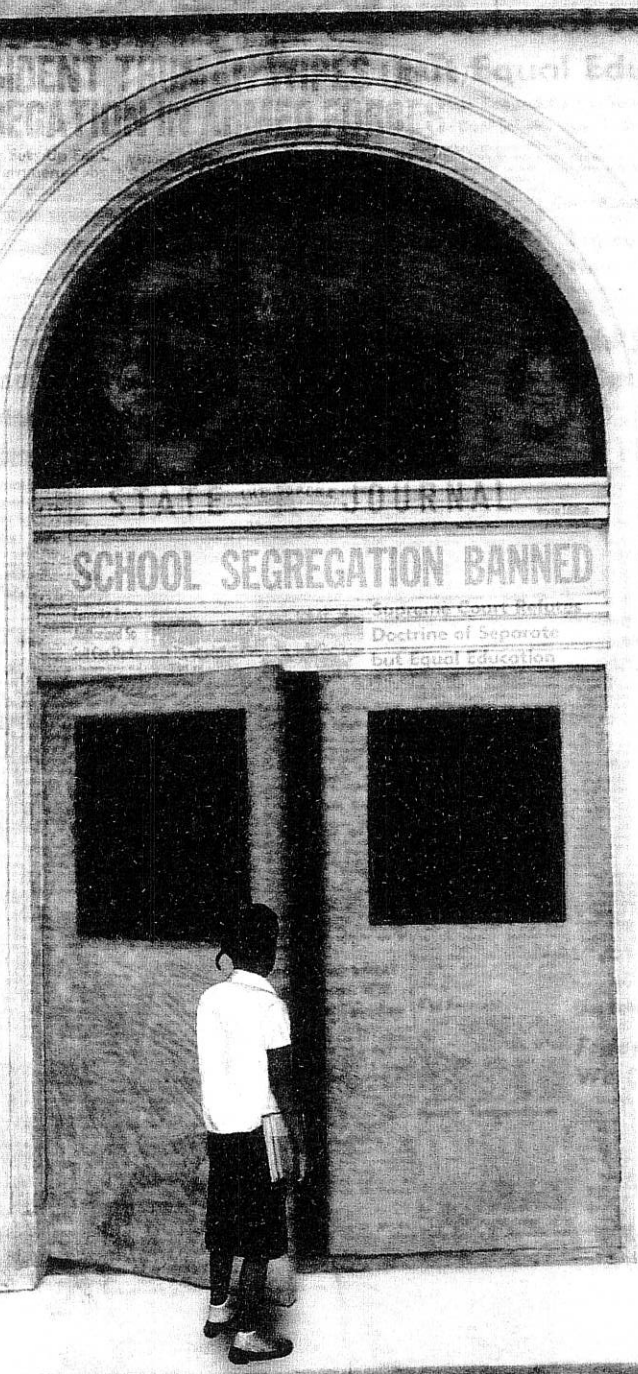
Tucked in a quiet corner of Topeka, Kan. (an hour from Kansas City), the former Monroe Elementary School sits amid a small cluster of warehouses and brick buildings. Enormous trees evoke a sense of calm, and the building itself is traditional 1920s architecture.

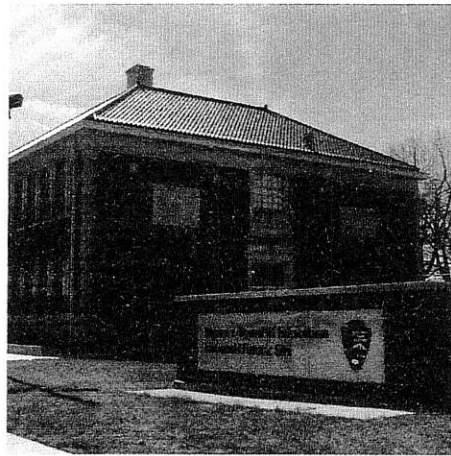
Fifty-five years ago, however, the scene was not so bucolic: Monroe was a pivotal location in the battle over racial separation in American classrooms. It was one of four grade schools for African-Americans in the capital city where the landmark Supreme Court case *Brown v. Board of Education* originated, in part. Monroe closed in 1975, but was reborn two decades later as the *Brown v. Board of Education* National Historic Site.

Since opening five years ago, tens of thousands of people from more than 20 countries have visited the school-turned-museum, which is operated by the National Park Service. Each year, about 30,000 visitors—including many school children—walk its halls and step into its classrooms to learn about racial segregation and the people who fought on all sides of the controversy.

Park ranger Joan Wilson says that visitors come to the site for many reasons.

"Some come here looking for closure. Some come to remind themselves of what they lived through. Some come to make amends; they were whites who didn't take a stand, or they were perpetrators themselves," says Wilson, who previously served as a ranger at





(clockwise from top left): A jazz concert in the auditorium; the site's exterior; a renovated classroom; the Hall of Courage

Grant's Tomb in New York City. She has been in Topeka since 2006, when she requested a transfer to immerse herself in a historic landmark she regards very seriously.

"The exhibits go all the way back to the enslavement of Africans in this country. Coming here is looking into history—a very confusing time where we, as Americans, came to a crossroads," Wilson says. "It's how we bury those old ghosts."

At the *Brown v. Board* site, those ghosts are everywhere. In the old auditorium, screens flash powerful images related to segregation. On the walls are photos of famous African-American thinkers including Ida B. Wells, Zora Neale Hurston, W.E.B. DuBois and Langston Hughes. Meanwhile, an older African-American man guides a schoolgirl through a history lesson in the film *Race and the American Creed*.

The "Education and Justice" exhibit includes interactive stations such as touch-screen history lessons and biographies of some of the first African-American students to enter white schools, including the famous "Little Rock Nine."

The most riveting experience of the whole site may be

the "Hall of Courage"—a dark, narrow passage between ceiling-high screens that show footage of the many whites who taunted and threatened students walking toward newly integrated schools. Wilson says that walking down this hall is an emotional experience for many.

The Hall of Courage was the brainchild of Cheryl Brown Henderson, president of the Brown Foundation for Educational Equity, Excellence and Research, which spent 14 years working to make the site and its exhibits come to fruition.

"I wanted people to have a visceral experience—to feel how scary it was being part of this effort to integrate schools. It resonates for everyone, not just African-Americans," says Brown Henderson, whose father attempted to enroll her sister at an all-white Topeka school in 1951 and eventually became the "Brown" in *Brown v. Board*.

"The mission was to make the story accessible to the public. It's a universal story of people being denied certain rights. Education is the foundation of citizenship, yet it was being withheld from a group of people," says Brown Henderson, who was three years old when desegregation was mandated.

ALL PHOTOS COURTESY

6-4

"The goal was to tell the African-American experience in a way that is interactive and easy to understand."

While the case utilized Brown Henderson's father's name, it also involved 12 other plaintiffs in Kansas. The Supreme Court consolidated it with similar cases initiated by the NAACP in Delaware, Virginia, South Carolina and Washington, D.C. Deliberations were organized under the Kansas case to distance the dialogue from the deeply divided South.

Brown Henderson is quick to underline that *Brown v. Board* resulted not just from the courage of individuals like her father, but also from "a well thought-out, organized movement by the NAACP," and the "legal brilliance" of Thurgood Marshall and others. Similarly, the site resulted from this kind of tenacity—in this case, on the part of her foundation.

"People tend to think these national sites spring up because Congress woke up one morning and thought to create them, but that's not the case," says Brown Henderson, whose dedication earned her the National Education Association's highest honor, the Friend of Education Award, in 2005.

The site gives a nod to that collective energy necessary to affect change: In a former classroom space, the "Legacy of

Brown v. Board of Education" exhibit allows visitors to listen to protest music by artists from Billie Holiday to Bob Dylan. The walls are covered in images of current barriers to education—the Catholic-Protestant divide in Ireland, remnants of South African apartheid, regimes oppressing women in Afghanistan.

Near this classroom, a film shows an African-American man from the Civil Rights era, complete with fedora hat, skinny tie and thick black eyeglasses, passing a baton to an African-American boy, who turns and keeps running. It's this idea of keeping the Civil Rights legacy alive that drives the Brown Foundation, which provides scholarships and sponsors programs on diversity and education, including the "Race and the American Creed" series of events and exhibits taking place at the site throughout the year.

"Change is made one-on-one and becomes a chain reaction," says Brown Henderson, who acknowledges that there is much work left to be done in the pursuit of equal education. "You can legislate behavior, but [you] can't legislate the hearts and minds of people." ■

MIDWEST AIRLINES offers daily flights to and from Kansas City. Details can be found at midwestairlines.com.

SCHOOL IS IN SESSION

The "Race and the American Creed" series at the *Brown v. Board of Education* National Historic site features exhibits and concerts all year long.

"Oh, Freedom Over Me"

Through Jan. 30 In the summer of 1964, eight photographers—who formed the Southern Documentary Project—recorded the rapid social change taking place in Mississippi and other parts of the South. This traveling photography exhibit is from the Center for Documentary Studies at Duke University.

"Quilting African American Women's History: Our Challenges, Creativity, and Champions"

Feb. 15 to March 30 This exhibition examining the rich history of African-American women was organized by the National

Afro-American Museum and Cultural Center of the Ohio Historical Society and curated by internationally renowned artist and historian Carolyn Mazloomi, Ph.D.

To Kill a Mockingbird: The Big Read

Feb. 18 at 2:30 p.m. The Topeka and Shawnee County Public Library is partnering with the Brown site for a community discussion of *To Kill a Mockingbird* by Harper Lee.

Saturday Night at "The Down Beat"

March 28 at 7 p.m. Renowned blues and jazz musician Kelly Hunt celebrates National Women's

History Month with a musical journey through the history of female singers.

"To Enjoy and Defend Our American Citizenship: Fighting for Civil Rights in the Shadow of the Chinese Exclusion Act"

April 3-30 This important exhibit, presented by the Chinese Historical Society of America and the Chinese American Citizens Alliance, reveals how the Chinese Exclusion Act of 1882 tore apart families and halved the number of Chinese-Americans living in the country, while denying those who were here the ability to become U.S. citizens.

Brown v. Board of Education National Historic Site Fifth Anniversary

May 17 Since its grand opening in 2004, tens of thousands of people from more than 20 countries have visited the site. Programming for the anniversary celebration is to be determined.

"Desegregation and Civil Rights Political Cartoons by Herb Block"

June 1-30 This exhibition features a selection of original cartoons spanning Herb Block's career as a political cartoonist, including work about desegregation and civil rights.

MARY ANN TORRENCE, ATTORNEY
REVISOR OF STATUTES
JAMES A. WILSON III, ATTORNEY
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Interstate Cooperation
Kansas Statutes Annotated
Editing and Publication
Legislative Information System

Overview of Senate Bill 75
Governmental Consolidation and Reorganization

Jason B. Long
Assistant Revisor
Office of Revisor of Statutes

March 5, 2009

Senate Bill 75 proposes a new statutory scheme for consolidating governmental entities and amends current law regarding reorganization of political and taxing subdivisions. New sections 1 through 6 of the bill authorize cities and counties to consolidate and reorganize so that the local government can be more efficient. Sections 8 through 12 of the bill amend current law to clarify that only like political and taxing subdivisions may be consolidated and reorganized by the local government.

Section 2 of the bill provides for the establishment of a consolidation study commission. This commission may be established by joint resolution of the governing bodies of the county and city or cities seeking to consolidate. Alternatively, if a petition is filed with the county clerk and the city clerk signed by at least 10% of the qualified electors of the county and at least 10% of the qualified electors of the city, then the governing bodies are required to adopt a joint resolution establishing the commission. At least one-third of the commission membership must be residents of the unincorporated area of the county.

Section 3 of the bill provides for the organization of the commission. The commission is subject to the Open Meetings and Open Records acts. Commission members may be reimbursed

for expenses incurred in serving on the commission. The commission may appoint an executive director and provide compensation to the executive director. The executive director may employ staff and contract with consultants as necessary.

Section 4 of the bill provides for the preparation of plans for the consolidation and the approval of such plans. The commission is required to conduct studies and investigations as necessary to formulate a preliminary plan. The commission is required to conduct public hearings for the purpose of gathering information and is granted the authority to issue subpoenas to compel testimony or the production of relevant documents.

The preliminary plan prepared by the commission must address the issue of abolishing any political and taxing subdivisions located wholly within the county, and the issue of whether the final plan will be approved by a countywide election, or by separate elections in the cities and the unincorporated areas. The commission is required to hold two public hearings on the preliminary plan. Following those hearings the commission may adopt or modify the preliminary plan as the final plan. Plans must contain the information required under section 5 of the bill.

The final plan must be submitted to the general electorate for approval. If the plan is submitted in a countywide election then it must be approved by a majority of the county electorate, and in any city that is to be consolidated it must be approved by a majority of that city's electorate for the city to be consolidated. If the plan is submitted in separate elections, then it must be approved by a majority of the electorate in each election.

Section 6 of the bill provides for the limitations on and the powers of the consolidated government. The consolidated government is subject to the cash-basis and budget laws. There are provisions for determining the territory of the consolidated government and its voting area. The consolidated government shall have all the powers, functions and duties of a board of the county commissioners and a governing body of a city, including home rule powers under both K.S.A. 19-101a and Article 12, Section 5 of the Kansas Constitution.

Section 7 amends K.S.A. 19-205 which generally prohibits persons holding state, county or local office from being eligible to hold the office of county commissioner. The bill would make this provision inapplicable to consolidated governments.

Section 8 through 12 amend current laws regarding consolidation and reorganization of political and taxing subdivisions. These are entities such as rural water districts, school districts and drainage districts. The bill provides that only “like subdivisions” can be consolidated. For example, under the bill a school district could not be consolidated with a drainage district.



Kansas Advisory Council on Intergovernmental Relations

Joan Wagon, Chairperson

Kathleen Sebelius, Governor

TO: Senate Federal and State Affairs Committee

FROM: Joan Wagon, Chairperson of KACIR and Secretary of Revenue

DATE: March 5, 2009

SUBJECT: Senate Bill 75- Concerning governmental consolidation and reorganization.

Take a hard look at Kansas. Like many of our neighboring states, IA, NE, we have a lot of local government but not so many people. And we like our governments.

- Population is not evenly spread throughout the state – some areas are growing, but others are declining and have been for 100 or more years.
- Property taxes are rising – or rather, creeping upward.
- We have lots of local governmental units. We rank 5th in the number of local governments. Every source has different numbers, but it is clear, we have a lot! According to the US Census Bureau for 2007 -
 - 105 counties, 64 of which have populations under 10,000
 - Approximately 1,353 townships
 - 316 School Districts
 - Numerous cemetery, fire, park, transportation, sewer districts

Former Senator Dave Kerr tried to provide some help on the issue of consolidation during the legislative session of 2006 with SB 379. As it finally passed, counties could consolidate, but the larger issue of city-county consolidation was silent.

Legislators seem fearful of constituent backlash if the legislature “loosens the reins” on consolidation, but across the state, local groups are asking for such authority. Many of the people see consolidation as a way to lower their property taxes and lessen some of the burden of government. Others see it as an encroachment by larger governments on rural areas.

The underlying argument in most consolidation attempts is that a stagnant or shrinking tax base cannot serve an aging, static population, and those problems are exacerbated by redundant layers of government. If high property taxes retard growth, then how do you lower them and still serve the public?

The KACIR has tried to focus on this issue, as directed by the 2003 LPA and further work by its members. We have commissioned studies on tax base erosion. We held a Summit on Consolidation in November, 2006 in Salina attended by more than 100 people, including elected officials. In 2007, we undertook a study of townships in Kansas. Kansas townships had not been examined in thirty years. The study revealed factual data about the activity of townships (and the lack thereof); township population; revenues and expenditures; interlocal agreements, shared equipment and services; and election information that exposed the interest level within the townships.

We have concluded that we need to remove barriers to local consolidation and allow and encourage local governments to collaborate or consolidate – whichever best suits their needs.

A state-imposed, top-down solution won't work.

The law allows consolidation of governmental function, but not the units. So – what about 2 special districts that wish to combine? This should be resolved, and it is in SB 75.

It's time for the Kansas Legislature to remove the remaining barriers to consolidation and cooperation, and let local governments organize in ways to adapt to changing demographics and to create greater efficiencies.

Steven Goldsmith, former Mayor in Indianapolis often quotes President George Bush in a campaign appearance saying, "...we need to change government, we need to modify government, but even those of us who believe in small government should also believe in efficient government." Goldsmith's point was that if government is going to deliver a public service, it should do it efficiently.

My point in quoting this is to say that our local governments cannot be efficient if we continue to tie them to a century and a half old idea about organizing local government services. The notion that the county seat should be no more than a day's ride by horseback is certainly outmoded.

Let's give government the tools they need to be efficient, effective and meet the needs of the people. They know best – not us in Topeka – what will work. Remove the barriers.

Little Mergers on the

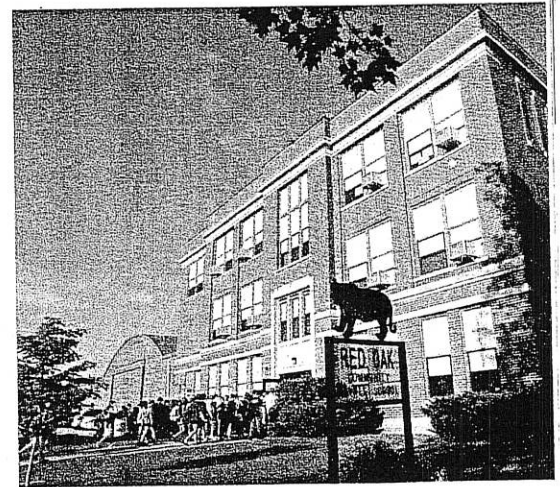
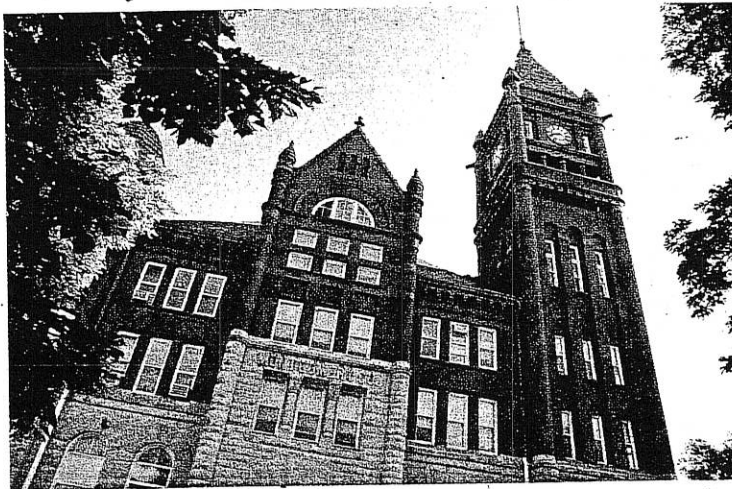
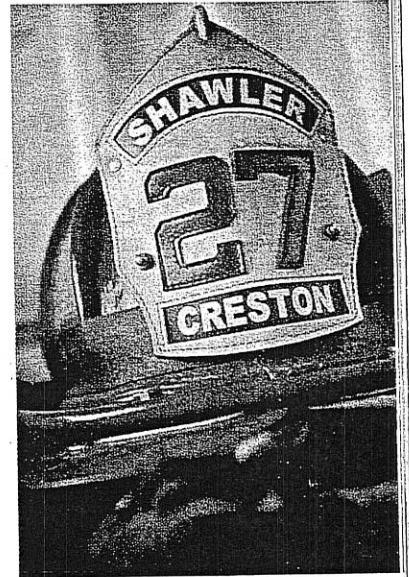
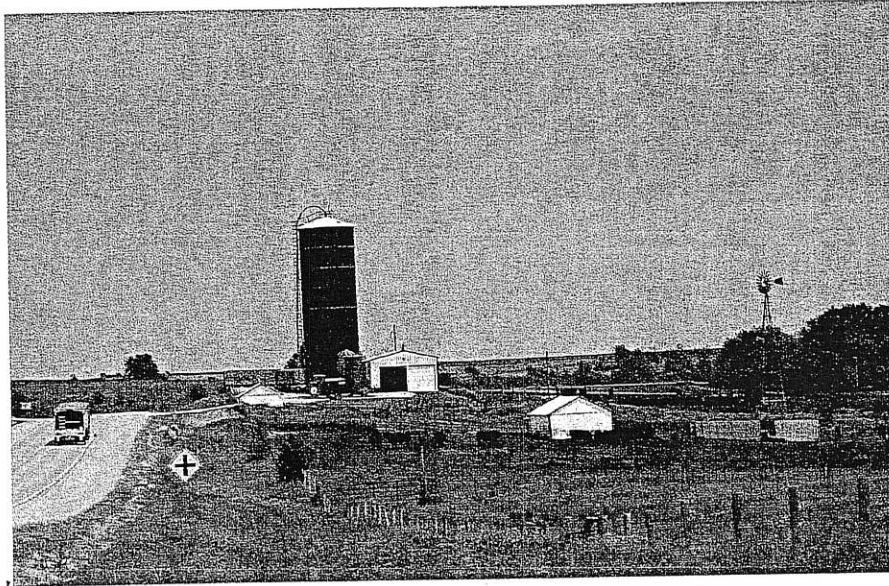
Although Iowa failed in its efforts to make municipalities consolidate, collaboration is happening at the grassroots level.



Local government in Iowa has always been unwieldy. Long before the population spread westward, state legislators kept creating new counties, confident that they'd fill up with people some day. They did fill up, to some extent—Iowa's population is spread remarkably evenly—but the state is no longer growing and is saddled with far more government than it needs. In addition to 99 counties (80 of which have fewer than 30,000 residents), Iowa boasts 3,000 cities and towns. There are about three times as many general units of government—almost 36 for every 100,000 people—as the average in other states.

By Alan Greenblatt

Prairie

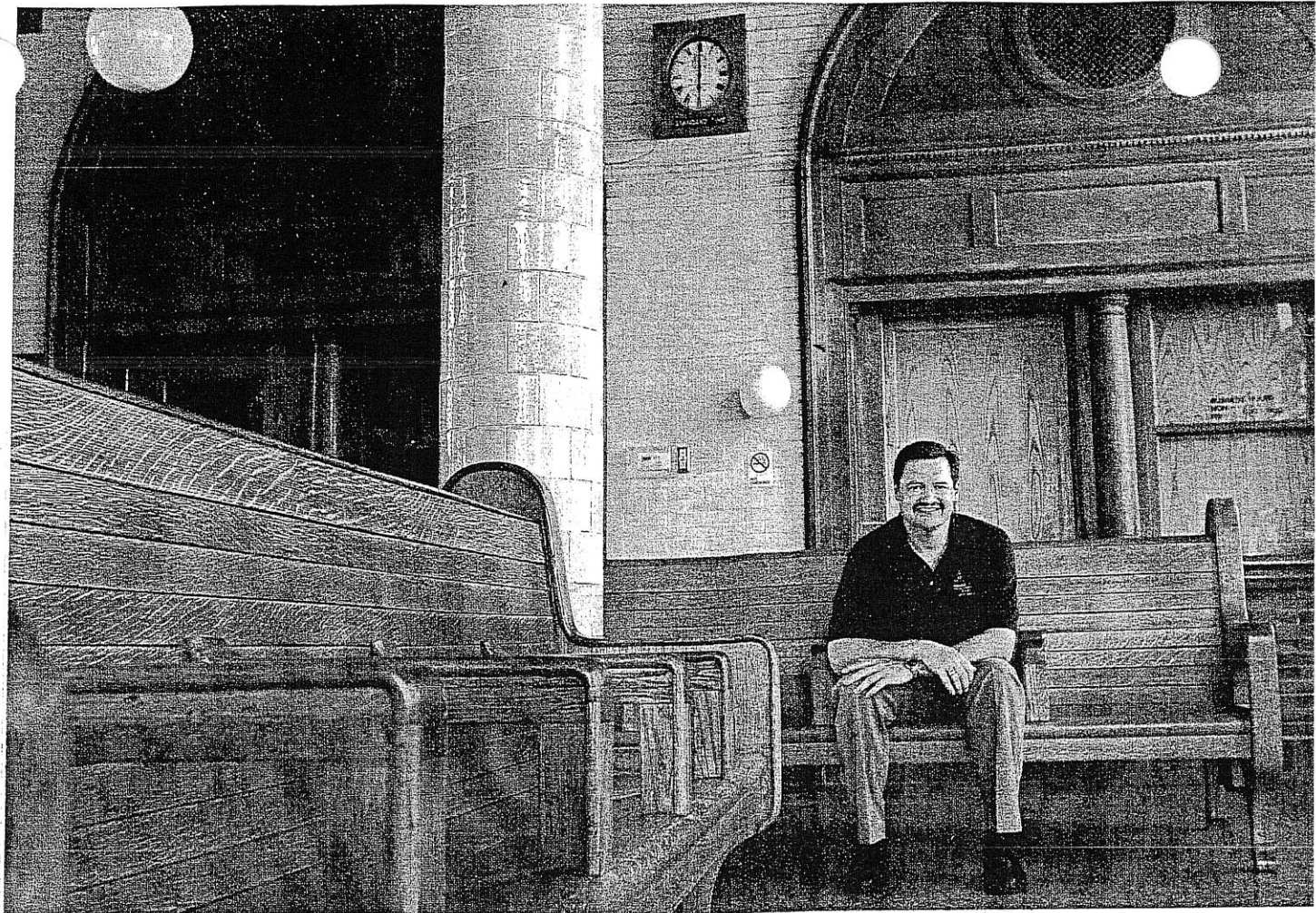


On top of all this, Iowa has special authorities to oversee many of the parks, hospitals and community colleges, and a host of independent school boards. It's simply too much public infrastructure for a relatively small state. "We don't have people knocking our door down saying get rid of our county or our township," says an aide to Governor Tom Vilsack. "We do have people knocking our door down saying my property taxes are too high."

The governor has worried for most of his eight years in office that the state's local government inefficiencies were hampering its economy. The present hodgepodge, he contends, is not the way to "sell regions to compete for economic opportunity."

Last year, Vilsack decided to propose a radical change in Iowa's local government structure. Meeting weekly with a dozen legislators in 2005, Vilsack came up with a bold plan to shrink the total number of local governments

in the entire state down to a much more manageable number—15 or so, following the boundaries of current community college districts and modeled after a successful regional government about the size of Des Moines called Waterloo, in Ontario, Canada. The state wouldn't insist—"Iowa doesn't respond well to mandates," Vilsack says—but would offer plenty of carrots and sticks to encourage the preponderance of local governments to fold up their tents and merge.



"You can't ignore the fact that as a state we have created layer upon layer of government. The tax burden that creates is a definite concern of mine."—STATE SENATOR JEFF ANGELO

The locals didn't buy into the idea. And the package wasn't sold well to legislators, who had only three weeks to digest it before the end of the 2005 session and received plenty of complaints from cities and counties already upset with a state government that has slashed payments to them in recent years. It seemed like the governor's vision for greater regional cooperation and efficiency died almost as soon as it could be expressed. That's the usual fate for regionalism discussions: A group of politicians decides that consolidating government would make tremendous sense, but the idea soon runs into a wall of resistance. It happened last December, when voters in Shawnee County, Kansas, rejected a proposed merger with Topeka. And Vilsack's failure came just months after voters overwhelmingly rejected a merger between Des Moines and Polk County, the state's largest. "It is a tough egg to crack," says Mike Tameris, the mayor of Creston, Iowa.

Even though Vilsack's legislation failed, however, his ideas still have the breath of life. For one thing, the governor's underlying argument—that a stagnant tax base cannot well serve both an aging population and redundant layers of government—remains valid. Enough legislators share that viewpoint to ensure regionalism will remain a vital topic even after Vilsack steps down as governor early next year. But the most remarkable thing is that many local officials, who were so strongly opposed to the state's attempted interference with their basic existence, are also increasingly embracing the wisdom of consolidating and streamlining their operations in conjunction with their neighbors. Having seen the specter of a state-imposed crackdown, many local governments have decided they're better off seeking out chances for cooperation themselves. Lately, there's been a lot more sharing of things such as engineering services, law enforcement and

sewage treatment facilities and transportation department garages.

So although the governor didn't manage to muster any legislation, he did get the collaboration ball rolling. "That was the best thing he did," says Polk County Supervisor Angela Connolly. "It was almost a threat and it made a difference, just telling us we had to do things differently."

It Takes Trust

Connolly opposed the Des Moines-Polk County merger, arguing that the two jurisdictions do too many different types of things to blend well together. But, in fact, they share many functions in common. A couple of years ago, the city and county jails, which are directly across from one another along the Des Moines River, consolidated their facilities and operations—with the exception of booking procedures. But in the months since the failed merger votes, even inmate intake has joined the list of dozens

of services that the city and Polk County have combined. Although they fell far short of becoming a single government, the respective entities figure it's best to blend where they can.

Elected officials from both governments chair eight different task forces that meet regularly to discuss shared responsibilities, looking for opportunities to join forces in public works, technology, housing and human services and other areas. So far, they haven't found tremendous cost savings as a result. The best that they've been able to do is combine employee life insurance programs at a savings of \$33,400 annually. Some items don't save the public money at all, such as pooling employees to earn deeper discounts on tickets to the Adventureland theme park. But some other efforts may soon pay more lavish dividends. A new regional transit authority, for example, starts operating this month, with universal participation among the cities in its district. There's even talk of imposing a new sales tax in a three-county area that will help reduce property taxes and lead to the most politically touchy of all regionalism concepts—revenue sharing. "There's so much protectionism of your own community that you need a mechanism to go forward," says Des Moines City Councilwoman Christine Hensley.

For local officials, saving a lot of money right away isn't as great a concern as doing things more efficiently when they can, whether that means streamlining internally or reaching out to new partners. Hensley explains that the talk of merger and the subsequent pairing of government functions all grew out of a Metro Advisory Council, consisting of a mayor and member of the city council from each locality in the Des Moines area. Getting to know one another was an important step in ironing out differences and lending serious contemplation to the idea of consolidating services.

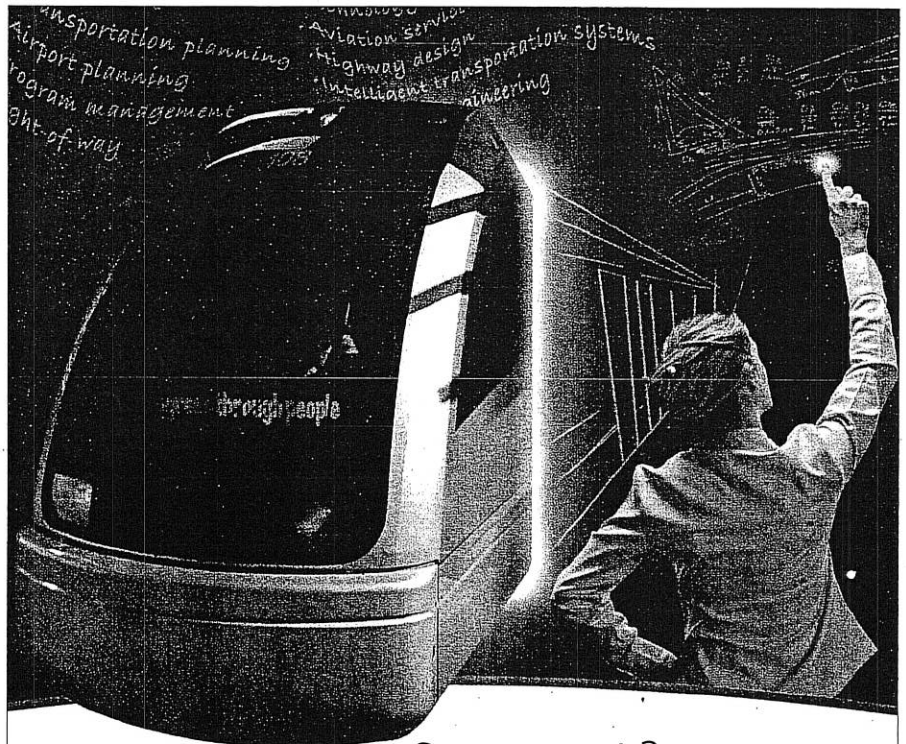
Vilsack may have wanted to push consolidation from above, but cooperative efforts seem to work best where there's already a level of trust established on the ground. Elected officials in both Des Moines and Polk County credit the good relationship between the police chief and sheriff for making the shared jail happen. "A lot has to do with who's in charge and whether they get along," Connolly notes.

Established relationships are also the

reason why regionalism has taken firmer root within Boone County, about an hour north of Des Moines, than in Poweshiek County, about an hour east. The two counties were selected by Iowa State University public administration professors for a project that looked at what local officials and residents held most dear about their communities—and which services that they were less sentimental about and would be willing to see merged. The discussion never really took flight in Poweshiek but

became a widely embraced exercise in Boone, leading to city governments wanting to sign on to a countywide planning and zoning plan—a rare example of local governments proving willing to surrender control over land use policies. "We don't have the finances to do it in a small town," says Ogden Mayor Mark Treadwell. "It makes sense to have a central administration to lay it out."

Treadwell says that there are limits to regionalism efforts within the county, since



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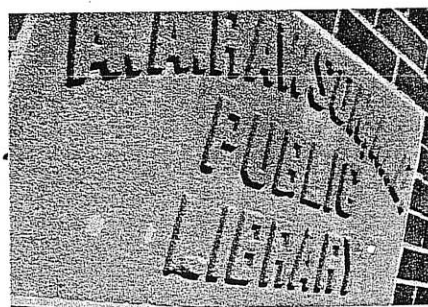
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residents remain proud of their local police forces and fire districts. And there are still some financing issues that will have to be worked out before the towns agree to the county's planning and zoning services. But the reason officials in Boone County have been willing to talk at all is based on the fact that all the elected officials within the county hold a standing quarterly meeting to discuss common issues and therefore already had attained a good level of trust and

city of Corning and Adams County have recently agreed to combine their sheriff's and police departments entirely. The plan ran into a snag—state rules made it difficult for Corning to reimburse the county for the cost of officers' health insurance—but legislation sponsored by state Senator Jeff Angelo took care of the problem. Angelo, who served on the governor's regionalism task force, pledges to do whatever he can to promote intergovernmental cooperation. "You

more than three or four miles to bring goods to market or pick up supplies. During settlement days, the state optimistically created new counties before there were any governments, or very many people, within the new local boundaries. Because Iowa has no deserts, mountains or large lakes, the population did disperse across the state.

Iowa is unique among Midwestern states east of the Missouri River in that it's never had a major central city dominate its econ-



The way local governments are set up across Iowa was literally a product of horse-and-buggy thinking. Iowa counties are generally 25 miles long and 30 miles wide, with a county seat near the middle.

familiarity; Kurt Thurmaier of Iowa State calls this "picket-fence regionalism." There are plenty of contracted agreements between local governments in Iowa—roughly a thousand a year. But these are dwarfed, Thurmaier says, by the number of informal agreements between localities.

"It's going to get to the point where it's too much work to form the 28E," says the mayor of Boone, John Slight, referring to the form local governments file with the state after signing contracts with each other. Still, he's more than willing to share services when he can. He recently made a deal with the county to hand over police dispatch. "If you can save money and deliver a better service, shouldn't you do it?"

In the southwest corner of the state, the

can't ignore the fact that as a state we have created layer upon layer of government," he says. "The tax burden that creates is a definite concern of mine.

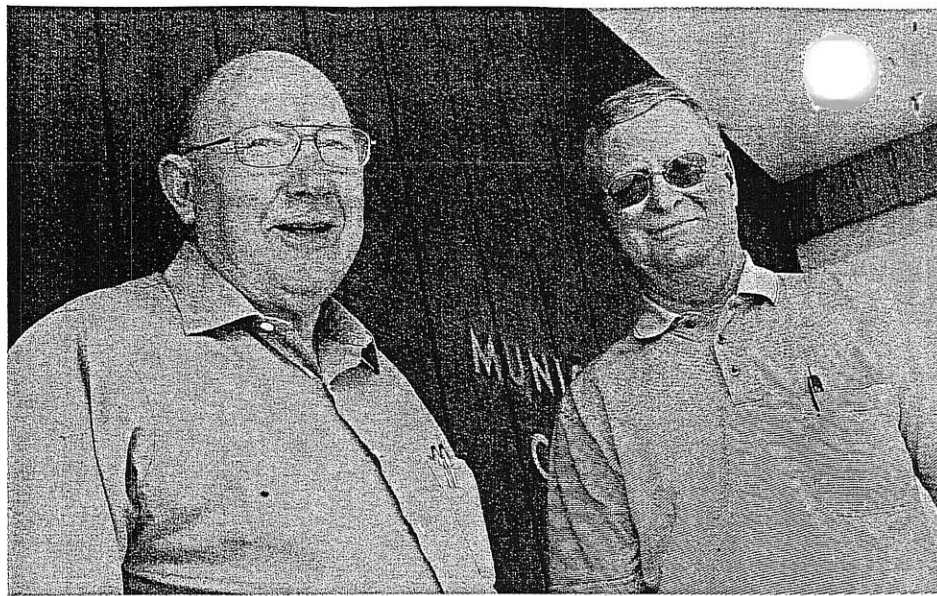
Horse-and-Buggy Government

The way local governments are set up across Iowa was literally a product of horse-and-buggy thinking. Iowa counties are generally about 25 miles long and 20 to 30 miles wide, with a county seat near or smack dab in the middle. The notion was that a person could leave his home in any part of the county on horseback, do his business with the government and ride home, all within the same day. The distance between towns, too, was based on agrarian transportation, since it wasn't practical for farmers to travel

omy or population. Today, there are 948 cities and about 2,000 towns. The latter are little more than glorified homeowners' associations, lacking much power beyond settling questions such as fence disputes. Nevertheless, each has several elected officials—except for places that are rumored not to hold elections because no one can be found to run.

Back in 1940, Phil Stony complained in a history of the state that his home county, which had well under 20,000 people, was served by no fewer than 10 high schools. "The multiplicity of county schoolhouses is a hangover from the horse-and-buggy days," he wrote. "A few school buses would close up two-thirds of them." That has proven not to be the case. Even where total student enrollment can be counted by the dozen,

Mayor Guy Brace (left) may let County Supervisor Mark Olive swallow his town. "You could just have one government and call it good," says Olive.



school consolidation remains a notoriously tough sell in Iowa, as in other states that have considered it recently, including Arkansas, South Dakota and West Virginia. Nebraska Governor Dave Heineman's veto of a rural school-consolidation bill was counted a major factor in his come-from-behind victory in the May GOP primary. "Small towns, they don't want to lose their schools," says Omaha Mayor Mike Fahey. "All across Nebraska and Iowa, you go the game Friday nights and that's your identity."

That's why officials in Adams County, the smallest and one of the poorest in Iowa,

aren't talking about school consolidation, even though seven different districts fall within the county. But they are talking about merging everything else. Local officials commissioned an extensive survey of public opinion and found that more than two-thirds of the residents were at least "somewhat supportive" of the idea of unified government. "You could just have one government for 4,400 people and call it good," says County Supervisor Mark Olive.

Officials in Adams County, which sits

about midway between Des Moines and Omaha, don't hold to a lot of pride about who performs what service. They've learned from experience that sharing the load makes a lot more sense than trying to do it all yourself with minuscule—or nonexistent—staffs.

On a warm afternoon a few weeks ago, Olive sat down in Corning's modest city hall to talk with Mayor Guy Brace about sharing snow removal. The city likes its roads to be cleared in a timelier manner than the county, but the two men agree that it's foolish for each locality to remain responsible for its own plowing. Not one of the other three cities in Adams County, after all, is home to as many as


200 people. Nodaway, for instance, had a population of just 25, the last time anyone counted. "The mayor puts the blade on his pickup when it snows," Brace says.

In addition to the police and sheriff merger, Adams County collaborates with its neighbors where it can on such matters as engineering, public health, ambulance services, housing inmates and paying for a new swimming pool. Officials within the county are already hearing from counterparts in other parts of the state looking for advice on effective collaboration. But if they have "learned to play together," as Brace says, because of the threat of being forced to by the state, the local perspective on collaboration is quite different from the view under the great gold dome of the capitol in Des Moines.



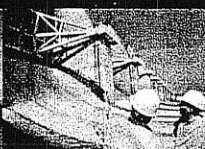
State officials may believe that local governments could save taxpayers a lot of money by consolidating or sharing services, but Olive doesn't buy that particular explanation. There are only a total of about 60 full-time government employees among the county and its cities. It would be hard for governments that small to get much more efficient, Olive says. But he favors consolidation anyway, because it would spread services more evenly—Nodaway's mayor would no longer have to plow or put signs back up after they get knocked down—and help preserve those aspects of government that residents rely on most.

"The state's view is the reason to consolidate is lower taxes," says Tom Bredeleg, executive director of the Iowa League of Cities. But the motivation for local governments is "to do better what they're mandated to do."

Alan Greenblatt can be reached at agreenblatt@governing.com



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KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY OF THE KANSAS ASSOCIATION OF COUNTIES
TO THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE
ON SB 75

Thursday, March 5, 2009

Mr. Chairman and Members of the Committee:

I am Randall Allen, Executive Director of the Kansas Association of Counties. I offer testimony in support of SB 75, a bill drafted and introduced by the Kansas Advisory Council on Intergovernmental Affairs. Representatives of the Kansas Association of Counties sit on the council, along with legislators, private citizens, and other representatives of local government.

SB 75 provides a mechanism and public process for cities and counties to consider and then implement an alternative organizational structure without first seeking legislative approval. Cities and counties are currently prohibited from effecting governmental consolidation on their own without first seeking specific statutory authorization. As such, the framework of SB 75 is positive in direction because it gives local governments an opportunity to devise a system of local government which best meets their needs without seeking legislative approval on a case-by-case basis. This is the essence of home rule and local control which the Association has long supported.

Local units of government are pressed for money and resources in these trying economic times, and are considering creative methods to reduce costs and to expand their resources. Greeley County recently consolidated with the City of Tribune, and we understand that another city and county are discussing consolidation. SB 75 would support other counties and cities that want to move that direction.

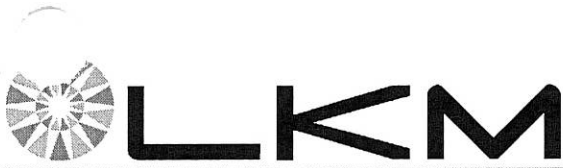
We believe SB 75 is good public policy and urge you to recommend it favorably for passage.

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

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Sn Fed & State
Attachment 9

3-05-09



League of Kansas Municipalities

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Phone: (785) 354-9565
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10

To: Senate Federal & State Affairs Committee
From: Don Moler, Executive Director
Re: Support for SB 75
Date: March 5, 2009

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 75. Our organizational policies typically focus on the ability of cities to make their own way and to determine their own fate. SB 75 would allow cities and counties, and their residents, to determine their own local government organizations and will allow them 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 75 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 75 provides a mechanism which will allow the people of Kansas, in cities and counties across the state, to make choices about the structure and organization of their governments. As a result we strongly support SB 75 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 75.

Tom WRIGHT

11

Thank you for the opportunity to appear in support of Senate Bill 75. As always you have a difficult but important job. The concept of Senate Bill 75 bill is good.

In November of 2004 Shawnee County voters approved the appointment of a consolidation commission to "recommend a plan of consolidation of Topeka, Kansas and Shawnee County governments or ---certain functions, services etc. I had the pleasure of serving as Chairman of that Commission.

The election occurred in November of 2005. 70% of the voters who lived within the Topeka city limits voted to adopt the consolidation proposal and almost 30% opposed the question, but only 40 % of the voters who lived in the unincorporated area of Shawnee County's townships voted in favor of consolidation with 60 % opposed. The question failed.

Here is the summary

Topeka

Precincts Reporting	201/201	100%
Ballots Case/Reg voters	32,342/70509	45.87%
Total votes	32,342	
	Yes 22,793	70.47%
	No 9549	29.53%

Township

Precincts Reporting	201/201	100%
Ballots Case/Reg Voters	21,041/32,498	64.75%
Total Votes	21,041	
	Yes 8382	39.84%
	No 12,659	61.16%

What I took away from the experience was that support and opposition to consolidation does not follow traditional Republican/ Democrat or Conservative/Liberal divisions. Strong support came from parts of all of these traditional constituencies. It was interesting to see how often those who identified themselves as conservatives totally agreed with those that considered themselves liberals.

The strongest organized opposition came from employees of small units of government. That was understandable. Efficiency can be painful for a few.

I strongly support the principles in this bill.

ESTIMONY OF ALLYN O. LOCKNER ON SENATE BILL 75 BEFORE THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE OF THE KANSAS LEGISLATURE AT 10:30 AM ON MARCH 5, 2009, IN ROOM 136N, STATE CAPITOL BUILDING

The Honorable Pete Brungardt, Chairperson, and other members of the committee: My name is Allyn O. Lockner. I reside in Topeka, Kansas. My e-mail address is alockner@cox.net. Thank you for the opportunity to testify in support of SB 75.

I am a retired economist and certified public manager. I testify as a member of the Kansas Advisory Council on Intergovernmental Relations [KACIR]. This testimony is based on my research on local government consolidation and alternatives in Kansas, the United States and other democracies. It is also based on my observations of and participation in the attempt to consolidate Topeka and Shawnee County governments in 2005.

For clarity and convenience purposes in my testimony, "services consolidation" includes "the consolidation of the operations, procedures and functions of offices and agencies" of "political and taxing subdivisions" (local governments). "Structures consolidation" includes "the consolidation of political and taxing subdivisions" (local governments).

I support SB 75 because it increases the consolidation choices available to Kansans in at least two ways. It authorizes for the first time structures consolidations for all city and county governments. It also provides an alternative for all other consolidations by authorizing structures consolidations of "like political and taxing subdivisions," that is "subdivisions of the same type and function." Examples include the consolidation of two or more county governments, two or more townships, etc. In these ways, SB 75 increases the opportunities for Kansans to make choices about how they are governed in their local regional communities. It expands their choices about whether to undertake structures consolidation of their local governments, while at the same time retaining their choices about whether to undertake services consolidations among these governments.

The span and exercise of choices are important because no two local regional communities and their local governments are the same in Kansas. They have different visions of their futures. They also have different contexts --- different concerns, issues, circumstances, preferences, etc. SB 75 acknowledges these differences. These differences produce different choices.

SB 75 only authorizes consolidations. It does not require consolidations. Voters in some Kansas communities will choose no consolidation. Their existing local governments do or can and will resolve the vital issues confronting their communities. The current structures and services of these governments enable local officials to resolve community issues. Voters in these communities will choose not to use SB 75.

Voters in other Kansas communities will choose from a wide range of possible consolidations. Their existing local governments do not or cannot and will not resolve the vital issues confronting their communities. The current structures and services of these governments do not enable local officials to resolve community issues. Voters in these communities will choose to use SB 75.

In summary, SB 75 allows residents in local regional communities throughout Kansas more freedom to choose whether to undertake consolidation and, if so, to choose the type of consolidation. For many reasons, Kansas state government has a stake in expanding these choices. For example, local government officials in these communities make decisions affecting state as well as community economic development.

I ask the committee to vote to pass SB 75. Let's see how the bill works in practice in Kansas communities. If problems are encountered, the Legislature can make needed improvements at a later date. These improvements might include removing disincentives and/or adding incentives to consolidations.

On a matter related to SB 75, the committee might want to be aware that I have written a document entitled A Guide to Choosing Consolidations and Alternatives in Kansas – Adapting Local Governments to Local Regional Communities, Second Edition, dated July 1, 2008. The Guide provides Kansans with a step-by-step process which aims to do two things. First, it aims to aid Kansans in choosing whether to undertake services consolidation, structures consolidation, service contracts, joint cooperative agreements or other consolidation alternatives in their local regional community. Second, if Kansans in a community choose to undertake a consolidation or an alternative, the Guide also aims to aid them in choosing how to achieve a consolidation or an alternative. The Guide contains information on making these choices through coalition, collaboration, consensus, compromise, negotiation, and, if necessary, mediation. The Guide is intended only to aid Kansans in making these choices. They may choose to use all, some or none of the Guide.

KACIR has placed a condensed version and an executive summary of the Guide on its website <http://www.ksrevenue.org/kacir.htm>. Kansans can obtain the full Guide, including user tools, by sending an e-mail message to Lynn_Robinson@kdor.state.ks.us. Enactment of SB 75 would require a small revision of the Guide.

This concludes my testimony. I will respond to questions.

Testimony of Dave Kerr
President, Hutchinson/Reno County Chamber of Commerce
Regarding SB75

Mr. Chairman and members of the committee, it should be obvious to everyone that Kansas has too much local government. For the most part, this is not the fault of the good people that serve their fellow citizens as council members and commissioners, it is a structural problem. The result is that our ratio of local government employment per 10,000 in population is among the highest in the Nation. While comparisons of that type are difficult and never perfect, it can not be denied that our forefathers set up a system that is very inefficient. It was meant for a time when travel and communication were nothing like what we enjoy today.

A second major cause of our problem is the inflexibility of state laws to allow local citizens to solve these structural issues. Our state laws quite simply block local people from doing things they might see as logical to improve efficiency at a time when population trends have changed the amount of government that is needed in certain parts of the state.

SB 75 would be a major step forward in providing flexibility to our citizens to address this enormous issue. At a time when our country is entering into what appears to be a very difficult economic period, this bill would begin to allow us to change the inefficiencies that current laws impose. I urge you to give serious consideration to the passage of SB 75 to provide a workable framework for our intelligent citizenry to solve this huge problem.

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
From: The Kansas County Officials Association
Re: Senate Bill 75
Date: March 5, 2009

Chairman Brungardt and Committee Members,

We thank you for the opportunity to present our thoughts on Senate Bill 75. This testimony is submitted on behalf of the Kansas County Officials Association.

Our membership of Kansas Treasurers, Kansas Clerks and Election Officers and Kansas Register of Deeds do not oppose the theory of consolidation. We recognize and acknowledge the fact that consolidation is a local issue and should be decided by citizens at a local level. We 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. To make consolidation successful you must listen to voters concerns and give them a true and direct voice in the process.

We strongly believe that a dual majority vote should be required for any proposal to consolidate city-county government. We believe that a simple majority vote is inappropriate for the consolidation of government that effects both the rural residents of a county and the residents of a city or several cities of a county. A dual majority vote should be an absolute guarantee to all voters. Senate Bill 75, as currently written, leaves that decision to an appointed commission. The issue of whether a vote of the electorate shall be required countywide or whether separate votes of the electorate will be required in the unincorporated area of the county and within each city proposed to be consolidated is left to the consolidation study commission.

The Bill does address the make up of the commission by requiring that any resolution adopted shall provide for the establishment of a consolidation study commission and shall provide for the method of appointment and the number of members of the commission. At least 1/3 of the membership shall be residents of the unincorporated area of the county. The 1/3 requirement specified in the bill indicates there is some concern to ensure that rural residents are represented in the process. But, there remains a risk that rural residents may have a minority say. In such a situation of only a 1/3 representation and a dual majority vote is not recommended by the study commission, rural residents may feel their voice is muted from the process. That will only lead to distrust and bitterness with the process and in any consolidated government that is a result. A dual majority vote should be a declared requirement from the onset of the process.

There may be some that believe a dual majority vote assures the defeat of any proposed consolidation. We do not believe so, and a recent actual consolidation of governments indicates

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

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Attachment 14

3-05-09

the same. As I am sure you are aware Senate Bill 164, passed in 2007, provided for a consolidation study commission and process for Greeley County and the Cities of Tribune and Horace. The bill called for a dual majority vote of both the qualified electors residing within the city and a majority of the qualified electors residing outside the corporate limits of the city. The vote, in November 2007, was successful and the governments of Greeley County and the City of Tribune became consolidated on January 1, 2009. Informed citizens, whether in a rural area or a city, will vote for what they believe is in their best interest.

In closing, we believe a dual majority vote is an absolute necessity for all voters to have a direct voice and complete trust in the process. A dual majority vote should be a clear and distinct requirement, and not left to the decision of an appointed consolidation study commission.

Thank you for taking our concern into consideration.

Shane J. Shields, Sumner County Clerk
President, Kansas County Officials Association

Federal and State Affairs

Thank you chairman for allowing me to speak on this legislation. I would like to point out what should be removed from this Bill. I discovered that on page 9 lines 6, 7 and 8 as well as lines 24 through 31 dealing with citizens being allowed to vote to eliminate elected officials. Article 4 Section 4 of the U.S. Constitution says and I quote "The states shall guarantee to every State in the union a republic form of government." The Webster's dictionary definition of a republic is " a republic of elected office holders"

On page 7, lines 8 and 9, This Home Rule power that allows the cities to bypass state statutes that do not blanket the State and it violates the U.S. Constitution.

To quote: Article 4, Section 3 " New States may be admitted by the Congress into the Union, but no new State shall be formed or erected within the jurisdiction of any other State; nor any stated be formed by the junction of two or more states, or parts of states without the consent of the legislature of the states concerned as well as of the congress"

Under Home Rule, Cities become a new branch of government. The U.S. Supreme Court has ruled "Where rights secured by the Constitution are involved, there can be no rule making or legislation which abrogate them...(Miranda vs. Arizona), and law repugnant to the Constitution is void...(Maybury vs. Madison)".

In closing, I believe Consolidation can take place with the suggested changes in my testimony.

Thank you,



Greg Dye
Concerned Citizen

(16)

W. Paul Degener
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March 5, 2009

SUBJECT: SB 75, City-County Consolidation

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

My name is Paul Degener and I am here in opposition to SB 75, governmental consolidation and reorganization.

I have appeared in opposition to city-county consolidation many times over the past several years. It seems as though it never ends.

Many proponents of city-county consolidation theorize that reorganization of government would save the tax payers money. We all know from experience that if governmental agencies come into more money they will spend it or if they come up with a project they will increase taxes for that project. It will be no different if this consolidation bill becomes law. Those in power will have a larger tax base for nonessential projects as a waterfront project, walking trails, etc.,

Proponents in the city of Topeka complain that they pay 70% of the county taxes and they receive nothing in return. They seem to forget that Topeka has 70% of the population of Shawnee County and they do receive services, too many to mention here. That is not difficult to figure out.

On page 1, Section 2 (a), provides that a board of county commissioners and the governing body of a city(s) may adopt a joint resolution for city-county consolidation, and further allows any city within a county need not adopt the resolution. I have a problem with this.

SB 75 makes provisions for cities to reject a joint resolution for consolidation, but does not afford the residents of the unincorporated portion of the county the same opportunity. This appears to me a disenfranchisement of non-city dwellers and is discriminatory.

Over the decades the public has been brainwashed into thinking our founding fathers and the constitution provided us with a democracy where the majority rules. Nothing could be further from the truth. Democracy leads to mobocracy.

1. Following the constitutional convention Benjamin Franklin was asked what kind of government they had given us, to which he responded, "A republic if you can keep it."
2. Thomas Jefferson commented, "Democracy is like two wolves and a rabbit voting on what to have for lunch."
3. The term democracy cannot be found anywhere in the declaration of independence or in the constitution.
4. Article IV, Section 4 of our constitution states: "The United States shall guarantee to every State in this Union a **Republican Form of Government**, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

On page 2, Section 2 (c) states that at least 1/3 of the consolidation committee consist of residents of the unincorporated area. There should be an equal representation of members on the committee from the unincorporated area as from the urban areas. Again this smacks of democracy, majority rules.

On page 3, Section 4(d) (2) directs the committee to determine if the vote of the electorate on the consolidation plan shall be county-wide or a dual majority vote. This is unacceptable.

1. There is no way that the planning committee, appointed officials, not elected officials, should be making a decision whether the election will be county-wide or a dual majority.
2. Again, our country was not set up as a democracy, but a representative republic.
3. This legislation should stipulate that there be a dual majority vote.

On page 5, line 2 SB 75 the commission is directed to determine whether officials will be elected or appointed. Once again we have appointed officials determining whether governing officials will be appointed or elected. This is a representative republic with officials being elected by the electorate, not appointed by an appointed committee.

We have experienced consolidation proposals before with a planning committee. The plan submitted was an outline with no definitive details. The only saving grace was that the legislation provided for a dual majority vote.

I would hope that some time in the future our state legislature would resist the desires of the all powerful League of Municipalities and others and forget these attempts to destroy our republican form of government.

I want to save the best to the last. I want to read a quote from a document that I am sure many Americans have not read. In the past when I have read this quote, folks seem to get irritated with me or disregard this as a joke. As a retired veteran, I do not consider this a joke but an attack on America. Our federal government has implemented or partially implemented 5 of the ten planks of this document.

The beginning of the ten planks starts out:

“Nevertheless, in most advanced countries, the following will be pretty generally applicable.”

Now we will skip down to the 9th Plank:

“9. Combination of agriculture with manufacturing industries; **gradual abolition of all the distinction between town and country** by a more equable distribution of the populace over the country.”

I wish to emphasize the gradual abolition of all the distinction between town and country. I can only conclude that this would relate to city-county consolidation.

Now I will reveal where this quote comes from. Unfortunately I have to mention one of the politically incorrect “C” words.

This quote comes from the Communist Manifesto. And most people thought Communism was dead.

Thank you for your time.

3/5/09

R.E. Senate Bill 75

TO: Senate Federal and State Committee

Mr Chairman and members of the Committee
Thank you for the opportunity to hear
Concerns about Consolidation of unincorporated
area of a County.

I submit to you for consideration

1. Page one (1) line 37 and 41 amended
from 10% to 25%
2. Page two (2) line 4 amended from
1/3 to 1/2
3. Page four (4) line 19 amended to that
no city and the unincorporated
area of the County shall be Consolidated
Page four (4) line 22 amended and
such city and the unincorporated
area of the County
4. Page four (4) line 26 strike or delete
the word If or It and amend line 26
and 27 to The final plan shall call
for separate votes of the electorate
in the unincorporate area of the
County and

many of us in rural areas of our County
believe Township government serve us
with efficient services

many of us the unincorporated area
believes "we should have the same
vote consideration as those in each
City in Consolidation proposals"

Marvin E. Smith
Topeka Kansas

John R. Todd
1559 Payne
Wichita, Kansas 67203
(316) 312-7335 cell

March 5, 2009

Senator Pete Brungardt, Chair, and
Members of the Committee on Federal and State Affairs

Subject: Committee testimony in **OPPOSITION** to Senate Bill #75 on March 5, 2009.

My name is John Todd. I am a resident of Wichita, Kansas. As an interested citizen, and a licensed self-employed real estate broker/developer, I have been following city-county consolidation initiatives in the legislature for a number of years. I am opposed to the passage of Senate Bill #75.

I believe the potential consolidation of Wichita and Sedgwick County into a single governmental unit is not in the best interest of the citizens of Wichita, Sedgwick County, the 19 small cities in Sedgwick County and the agricultural neighbors in our county whose farms make up about 75% of Sedgwick Counties' land mass. The people of our county have a distinct opportunity for choices of housing and lifestyle when there is competition between urban, suburban, small town, and rural options. Wichita, Derby, Park City, Valley Center and all of the small towns have all prospered over the years due to the competition for housing and businesses among themselves. These options would be lost through the consolidation of all into one governmental unit. Can anyone imagine what would happen if the 19 small cities in our county were surrounded by a new Wichita-Sedgwick County consolidated governmental unit? Would not their ability to grow and compete be dependent on the rules and regulations of the larger governmental unit and their growth stifled?

Sedgwick County government provides a separation of powers between all of the other governmental units in the county. This system of checks and balances serves to protect the citizen's interests.

The rant is heard about the taxpayer savings that would result through "economies of scale" that would be achieved through consolidated governmental units. In the first place, governments of all sizes are inefficient. One only has to look towards our Federal Government as confirmation that large government is indeed inefficient. Government will never be as efficient with other people's money as the private sector entrepreneur who has his own money on the line and at risk. Therefore, keeping governmental units small with limited power is the key to good government.

I believe the forces behind consolidated are motivated by power rather than efficiencies. Perhaps the merging of small rural governmental units would be useful, but clearly, the "one size fits all" approach included in this Bill does more harm than good in Wichita, Sedgwick County. Please oppose Senate Bill #75.

Sincerely,


John R. Todd

Ed and Eileen Klumpp

4339 SE 21st Street
Tecumseh, KS 66542-2606
(785) 235-5619

March 5, 2009

Members of the Senate Federal and State Affairs Committee

In Opposition to SB75 - Consolidation

I encourage you to amend SB75 in regards to the voting provisions on page 3 lines 16-19 and on page 4 lines 17-29 so that a majority of the electors outside of the city must approve the consolidation as well as the majority of the electors inside the city. Or, in the alternative, I urge you to not recommend the bill for passage.

While the current language of this bill allows for the commission to decide whether or not the residents outside of incorporated areas will have a separate vote, that is highly unlikely to happen if they are given the option. The separate vote should be a requirement of this bill—not an option—just as the approval of the city residents is mandatory as provided on page 4, lines 19-23: “except that no city shall be consolidated with the county and no offices, functions, services or operations of a city shall be consolidated with the county unless such consolidation plan is approved by a majority of the qualified electors of such city voting at the election held on such plan.”

Why do city residents have the right to approve or disapprove the consolidation while those living outside of cities do not? **It is the city residents who will see a tax reduction in a consolidation. It is the county residents who will see a tax increase, and at best will see services equal to but no better than what they received prior to the tax increase.** In reality, they will probably see a decrease in services as the resources are drawn into the city where the needs are greater for law enforcement and infrastructure maintenance.

As an example, in Shawnee County 71% of the population resides in the city of Topeka. **If 71% of the population is in the city, it could be assumed that approximately the same percentage of voters are city residents. What are the chances of those not living in the city being able to outvote the city voters who want to reduce their tax burden on the backs of the non-city residents?** Slim to none. **If the consolidation is truly beneficial to all county residents, the proponents of such a consolidation should be able to convince those living outside the city to vote in favor it based on the merits.**

From a financial perspective, **consolidation as described in this bill is just another form of annexation.** It is interesting that the legislature is currently considering **Substitute HB2029 which proposes an area cannot be annexed unless the voters of the area to be annexed vote, independently from the city residents, to approve the annexation.** A similar provision is in HB 2031. **But in SB75 the persons being annexed (or drawn into a consolidation) are denied that opportunity.** The net result to those being annexed and to those living outside the city drawn into a consolidation is nearly the same—higher taxes. The only difference is that **in an annexation the city must also provide improved services to the area annexed or face a de-annexation process. In a consolidation they do not have to improve services.**

In summary, the proposed voting method is simply unfair and forces the will of the many on the few. And it is in conflict with the proposals on annexation. This bill simply doesn't pass the smell test. There is clearly an agenda diametrically opposed to the interests of the non-city residents.

Ed Klumpp

1 (c) For the purposes of performing its studies and investigations, the
 2 commission or its executive director may administer oaths and affirmations,
 3 subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda,
 4 agreements or other documents or records which the commission or executive director deems relevant or material to its studies and investigation.

5
 6 (d) The commission shall prepare and adopt a preliminary plan addressing the consolidation of the city or cities and the county and other
 7 political and taxing subdivisions or the consolidation of certain city and
 8 county and other political and taxing subdivision offices, functions, services and operations it deems advisable.

9 The preliminary plan, if it recommends the consolidation of the county
 10 with one or more cities, shall address: (1) The issue of the abolishment
 11 of other political and taxing subdivisions located entirely within the county
 12 and the transfer of the functions of the above political subdivisions to the
 13 reorganized city-county; and, ~~(2) the issue of whether a vote of the electorate shall be required countywide or whether separate votes of the electorate will be required in the unincorporated area of the county and within each city proposed to be consolidated.~~

DELETE

1 following the adoption of the final plan by the commission. Such election
 2 shall be called and held by the county election officer in the manner
 3 provided by the general bond law. A summary of the final plan shall be
 4 prepared by the commission and shall be published at least once each
 5 week for two consecutive weeks in a newspaper of general circulation
 6 within the county.

7 If the final plan calls for the consolidation of the county with one or
 8 more cities and the consolidation of other political and taxing subdivisions
 9 and the final plan calls for a countywide election, the ballot shall contain
 10 two questions worded substantially as follows:

11 (1) Shall the county of _____ be consolidated with the city or
 12 cities of _____?

13 (2) If the consolidation is approved, shall the following political and
 14 taxing subdivisions located entirely within the county be abolished and
 15 the functions of these subdivisions transferred to the consolidated city-
 16 county: _____?

17 If a majority of the qualified electors of the county voting on the plan
 18 vote in favor thereof, the reorganization plan shall be implemented in the
 19 manner provided by the plan except that no city shall be consolidated
 20 with the county and no offices, functions, services or operations of a city
 21 shall be consolidated with the county unless such consolidation plan is
 22 approved by a majority of the qualified electors of such city voting at the
 23 election held on such plan.

24 If such a majority of the electors vote against such plan, the proposed
 25 consolidation plan shall not be implemented.

26 ~~If the final plan calls for separate votes of the electorate in the unincorporated area of the county and within each city to be consolidated, the final plan shall contain the ballot questions which shall be submitted to the electorate.~~

If a majority of the electors residing in the unincorporated areas of the county vote against such plan, the proposal shall not be adopted.

27
 28
 29
 30 If the commission submits a final plan which does not recommend the
 31 consolidation of the city or cities and the county and other political and
 32 taxing subdivisions or the consolidation of certain city, county and other
 33 political and taxing subdivision offices, functions, services and operations,
 34 the provisions of this subsection shall not apply.

(20)

TESTIMONY ON SENATE BILL 75
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
By Kenneth Daniel
March 10, 2009

Kenneth L. Daniel is an unpaid volunteer lobbyist who advocates for Kansas small businesses. He is publisher of KsSmallBiz.com, a small business e-newsletter and website. He is C.E.O. of Midway Wholesale, a business he founded in 1970.

Mister Chairman and Members of the Committee:

When the citizens of Shawnee County and Topeka voted on this issue a couple of years ago, I worked very hard to educate myself on the issue. Proponents spent more than \$200,000 trying to pass the measure. There was no organized opposition. I depended upon newspaper articles and letters to the editor, the handouts used by the consolidation commission, and speeches and radio appearances by the commission and a few individuals.

My residence is in the County, but I own about ten times more property in the City. My wife and I both voted for the proposal thinking it would help Topeka and Shawnee County grow.

After the vote, it became obvious that the vote passed in the City for one reason – City voters thought they were going to get a tax decrease at the expense of residents in the County. And, it apparently failed in the County for the opposite reason.

However, it was learning about the level of anger in the County that really caught my attention. It became apparent to me that consolidation would have resulted in wounds that would take decades to heal, even with voter approval in the County. Consolidation forced through a “unitary” vote would be much worse.

Now that I’ve had more time to consider, I’ve changed my mind. My business furnishes more construction materials for projects outside the city than inside. If Topeka is successful in killing off the population growth outside the City limits, the consequences for my Topeka location will be dire.

History of City-County Consolidation

In the entire history of the U.S., there have been only 39 successful city-county consolidations. Twelve of those were done without a vote of the people. Perhaps half were very small populations. At least 130 such proposals that have failed.

When there were multiple cities in a county, the residents of no city other than the primary city pushing for consolidation has ever voted in favor. Never, not once. In other words, Silver Lake, Rossville, and Auburn residents are very unlikely to support a

consolidation vote. These efforts are always the biggest City in a County trying to take over all the unincorporated land in the county.

Taxes

- A common misconception is that residents of the City pay 100% of the property taxes in Topeka and 70% of those in Shawnee County. This is simply not true. Businesses pay approximately 50% of all property taxes. Since Topeka's businesses are overwhelmingly owned by outsiders from all over the world. County residents owning businesses in the City pay Shawnee County taxes twice – once on their residence and again on their business property.
- Although I pay 32 mills in the City and only 16 mills to Mission Township, there is no overall "tax unfairness". The other taxes and fees I pay to the City far outstrip the 16 mill imbalance in property taxes.
- None of the sales taxes I pay in Shawnee County go to the County. The Shawnee County receives zero in sales tax revenues, period. Of the taxable sales in Shawnee County, 93% are made in Topeka.
- The .65% of sales tax I pay for Washburn University goes to reduce the property taxes for residents of the City. Remember, W.U. is the only municipal university left in the country. This is the only sales tax in Kansas that was imposed directly by the legislature without a vote of the people.
- County residents pay a 75% premium on water purchased from the City. A large percentage of City water revenues are turned over to the City's general fund. This amounts to a heavy tax on County residents used by the City for its own purposes.
- County residents using sanitary sewers built by the City pay a 75% premium compared to City residents. A large percentage of City sewer revenues are turned over to the City's general fund. This amounts to a heavy tax on some County residents, used by the City for its own purposes.
- There are at least twenty City taxes and fees that are not paid by those in the County. It is certain that, with consolidation, most or all of these would quickly be levied on those in the County. For instance, there are five different utility franchise fees, each at 5%, that City residents have to pay. City residents pay sewer utility and storm water utility fees even if the construction costs of the utilities serving their property were paid entirely in earlier years.

Efficiency

There is no evidence that consolidation has resulted in overall efficiency savings anywhere. There is considerable evidence of the opposite.

Invariably, when two or more agencies are consolidated, the highest wages and benefits are the ones that prevail. Instead of saving money, consolidation always costs more.

Indebtedness

State law restricts how much bonded indebtedness cities and counties may have. Topeka is very close to its maximum and has been for years. Topeka is even borrowing to buy fire trucks and traffic lights and other items that would have been purchased with current revenues in years past. Shawnee County has plenty of bonding capacity left. Consolidation would merely allow huge amounts of new borrowing, using the assets of County residents and the revenue streams of new taxes levied on them as security for the bonds.

Wyandotte County

I've learned that the Kansas City/Wyandotte County consolidation is not the success it is purported to be.

Almost all of the unincorporated land, or all of it, had already been annexed by the cities before that vote. The vote was "unitary." No one was allowed to vote on whether to allow themselves to be annexed.

Of the urban counties, Wyandotte County has the highest property taxes. Property taxes in Wyandotte County averaged 155.48 mills in 2006 compared to 135.51 in Shawnee County. Any amelioration of property taxes there can be attributed to the \$308 million in "STAR" bonds they received, almost all of which will be paid off with State revenues and not City revenues.

The population and number of jobs in Wyandotte County have declined, not increased, since consolidation.

Issues

Nearly all of what advocates of consolidation want can be achieved without consolidation.

In my view, there are really only three possible areas of property tax "unfairness", those being law enforcement, parks and recreation, and public works.

The City had the chance to hand over parks and recreation to the County, but for whatever reasons, decided against it.

The main item in public works is streets, bridges, and roads. County residents are already paying high premiums for any sewer and water services they are receiving.

The County is only responsible for a small portion of the streets, bridges, and roads. The rest is paid for by residents of townships. About \$8 million per year of the proceeds of the most recent half-cent sales tax goes to streets roads, and bridges, and \$5 million goes to the Topeka Chamber through JEDO. None of the money goes to the County, but some of the projects are in the County.

Law enforcement is not as unfair as it might appear. The communications center is paid for by the County, the jail is furnished by the County, process servers are furnished by the sheriff's department, and the Sheriff's department provides many other services inside the City.

CONCLUSION

Topeka has not grown since I moved here in 1970, in spite of annexations of 29% in land area. When I moved here, the population was 125,000. Now it is 122,000.

The County has grown by about 15,000, from 155,000 to 170,000.

We cannot afford to kill off growth in the only parts of the County that are growing, the small cities and the unincorporated areas. Every day, approximately 5,000 people leave Shawnee County to work in other counties, while 17,000 outsiders come into Shawnee County to work.

If we want even more people to live elsewhere, we need only force the consolidation of Topeka and Shawnee County.

We need to do everything we can to consolidate services and departments where it makes good sense, and avoid poisoning our community with ill-conceived forced consolidation.

DEMOCRACY: TWO WOLVES AND A SHEEP VOTING ON WHAT TO HAVE FOR DINNER.

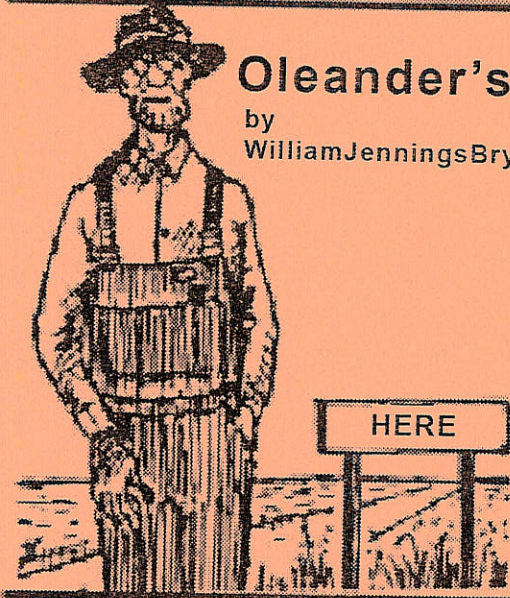
Mr. Chairman and members of the committee: I encourage you to defeat Senate Bill 75.

Majority Rule/ Minority Protections

Folks, the inauguration of President Barack Obama is well behind us. Of course, the discussions over nickel cups of coffee in the Here, Kansas, Co-op are ever about politics, economics, stimulus packages and state budgets. Our conversations are hot, cold and tepid. But Claude Anderson said after the election, "I didn't vote for Obama, but he's our president, and I wish him well. After eight years in the majority, I can accept being in the minority for a few years."

"Minority?" I asked. "Claude, you're in your nineties, you're a Kansan, you live in rural America. You don't have cable TV, or Internet, or a cell phone ..."

"Oh, those things," he said, as if they weren't important.



Oleander's Kansas

by
William Jennings Bryan Oleander

But folks, they are. For example, I recently read that two thirds of Kansas counties, 69 of 105, have fewer than 10 people per mile of public road. In this time of budget cuts, the Kansas Department of Transportation might decide to only fund highway construction and maintenance in more populated counties. After all, I pointed out to Claude, that's the logic of commerce. And you're in another minority.

"That would hardly be fair," he said. "Roads are freedom—to leave, to come back, to stock my Co-op, to have visitors and to visit."

"Exactly," I said. Folks, as a society we are equal parts majority privilege and minority freedoms. Serving the needs and protecting the rights of the few of us—the elderly, the rural, the racial and ethnic minorities—is just as important as the right of the majority to elect leaders and make laws.

Of course, sometimes we have to be held to our ideals of racial equality, or of equal pay for equal work across gender lines. This past election saw ballot questions defining marriage, as though the majority of citizens in places like California, with their Prop 8, can decide the rights of a minority—gay and lesbian citizens.

"What do gay rights have to do with citizens per road in Kansas?" Claude asked.

"Think of it this way," I said. And, folks, here's my argument. Barack Obama is president because a majority of us voted for him. But he is also president because for years people stood up for the protection of the rights of African-Americans. Hillary Clinton ran against Obama in the primaries as a viable female candidate for President because for years people fought for women's rights—to vote, to hold office, to serve the country in the military, to become firefighters, police officers, athletes and bankers.

"Minority protection," I told Claude, "is as important as majority rule."

"Kansas roads?" asked Claude.

"Ten of us per mile out here," I reminded him. "How about we each stand on our tenth of a mile and hold up one of the Bill of Rights? Make a point about minority protection, freedom, mobility, liberty and the pursuit of happiness. No majority should try to rob anyone of those roadside rights."

The commentaries of Wm. Jennings Bryan Oleander are written and voiced by Thomas Fox Averill, Writer-in-residence and Professor of English at Washburn University. He can be reached at tom.averill@washburn.edu

PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

Re: SB 75 concerning governmental consolidation and reorganization.

**March 5, 2009
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 share our thoughts on SB 75 which would facilitate city – county consolidation by removing the requirement for legislative approval.

My name is Terry Holdren and I serve as the National Director for Government Relations at Kansas Farm Bureau. As you know KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations. Our members are actively involved in their local communities as tax payers, city council and county commission members, small business owners, and residents of both cities and unincorporated areas.

As you know consolidation is a topic which is not new to the statehouse or to this committee. Neither is the opposition of Kansas Farm Bureau to many of the concepts that have been brought forward thus far. However, we appear today in a neutral position to this bill as it represents a significant step toward what our members consider a workable framework for the basis of city – county consolidation.

We are grateful for the discussions between our organization and the KACIR which occurred over the interim and recognize the improvements in the bill that resulted from those conversations.

Our member-adopted policy is committed to the concept of local control – that those decisions of government which impact residents on a daily basis are best made by local elected officials who can be easily reached for discussion and input. Pushing the decision about methods of adoption of the consolidation plan to the local level ensures impacted residents the best opportunity to influence the ultimate decision on the issue.

We continue to have concerns about the make-up of the consolidation study commission. Obviously we would like to see a greater representation of residents from unincorporated areas on that commission and would request that you consider alternatives to the current 1/3 requirement to ensure that rural residents and taxpayers are granted adequate protections and retain services at or better than their current arrangements.

Thank you for your efforts to address our concerns in the previous versions of this legislation. We view SB 75 as a significant improvement over those efforts and look forward to the opportunity to work with the committee and the Senate as you move this legislation forward.

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.