

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Sharon Schwartz at 3:30 p.m. on January 26, 2010, in Room 144-S of the Capitol.

All members were present except:

Representative Michael Peterson - Absent
Representative Joe Siewert - Excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Kristen Kellems, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Carol Bertram, Committee Assistant

Conferees appearing before the Committee:

Steve Kearney, Kansas City Officials Association
State Senator Tim Owens, KACIR
Joan Wagon, KACIR Chairperson, Secretary of Revenue
Randall Allen, Executive Director of Kansas Association of Counties
Don Moler, Executive Director, LKM
Tom Wright, Chairman, Kansas Corporation Commission
John Arnold, KACIR Member
Allyn Locker, KACIR Member
Terry D. Holdren, Kansas Farm Bureau Governmental Relations
Cheri Remington, President Kansas County Officials Association
Susan M. Hobble, Registrar of Deeds of Kingman County
Linda Weber, Marshall County Treasurer
Marvin E. Smith, Citizen
Grey Dye, Private Citizen
Kenneth Daniel, Private Citizen
W. Paul Degener, Private Citizen
Ed Klumpp, Private Citizen

Others attending:

See attached list.

Chair Schwartz called the meeting to order, then opened the meeting to bill introductions.

The Chair recognized Steve Kearney, Kansas County Officials Association, who asked the Committee to introduce a bill regarding the number of times various public notices are published in newspapers. A motion was made by Representative Slattery to introduce this bill, seconded by Representative Otto. The motion carried.

There being no further bill introductions, Chair Schwartz opened the hearing on **SB 75 - Municipalities; consolidation and reorganization; political and taxing subdivisions.**

Chair Schwartz recognized Martha Dorsey, Legislative Research, to present the Committee with an overview of **SB 75**. She stated the bill would authorize the creation of local consolidation study commissions anywhere in the state to adopt a plan for city and county consolidation anywhere in the state. The bill also would authorize the consolidation of other political and taxing subdivisions.

Questions from the Committee followed.

Proponents

Chair Schwartz recognized Senator Tim Owens, vice-chair of the Kansas Advisory Committee on Intergovernmental Relations, KACIR, who presented testimony in favor of **SB 75**. (Attachment #1) He stated **SB 75** will allow the local communities to make their own assessments and decisions when it comes to

CONTINUATION SHEET

Minutes of the House Local Government Committee at 3:30 p.m. on January 26, 2010, in Room 144-S of the Capitol.

consolidation of local units of government, whether they be counties, townships, cities, or water, fire or park districts. He went on to say Kansas needs to adjust the statutes to allow for local governments to have the flexibility to consolidate without having to go through the process of getting approval to consolidate from the State. He urged the Committee to support **SB 75**.

Questions from the Committee followed.

Joan Wagon, Chairperson of KACIR and Secretary of Revenue, appeared before the Committee in favor of **SB 75**. (Attachment #2) After giving background information on the issue of consolidation, she stressed the State needs to remove barriers to local consolidation and allow and encourage local governments to collaborate or consolidate – whichever best suits their needs.

Randall Allen, Executive Director of the Kansas Association of Counties, offered testimony in support of **SB 75**. (Attachment #3) He stated the bill provides a mechanism and public process for cities and counties to consider and then implement, if approved by voters, an alternative governmental structure without first seeking legislative approval. Mr. Allen went on to point out sections of the bill and noted their effects on local governments. He urged the Committee to recommend **SB 75** favorably for passage.

Don Moler, Executive Director, League of Kansas Municipalities, appeared before the Committee stating the League is 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. (Attachment #4)

Tom Wright, Chairman of the Kansas Corporation Commission but appearing before the Committee as a private citizen, appeared in support of **SB 75**. (Attachment #5) He stated he supports the bill in principal because it is a good proposal and addresses the issues.

John E. Arnold, a public member of KACIR, appeared before the Committee in support of **SB 75**. (Attachment #6) He stated the bill provides guidance to those considering consolidation to address the issues that will arise.

Allyn O. Locker, a member of the KACIR, appeared before the Committee in support of **SB 75**. (Attachment #7) He stated **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. He asked the Committee to vote to pass **SB 75**.

There being no further proponents to testify in person in support of **SB 75**, Chair Schwartz drew the Committee's attention to three written-only testimonies in support of **SB 75**, from J. Kent Eckles, Vice President of Government Affairs, the Kansas Chamber (Attachment #8); Daron Hall, City Administrator for the City of Ulysses (Attachment #9); and Madison Traster, County Commissioner in Grant County (Attachment # 10).

Chair Schwartz then opened the floor to any questions the Committee might have of the above-mentioned proponents. Questions and discussion followed.

The Chair then called upon Terry D. Holdren, Kansas Farm Bureau Governmental Relations, to testify as neutral in **SB 75**. (Attachment #11) He stated this bill represents a significant step toward a workable framework for the basis of city-county consolidation. It removes the requirement for legislative approval and establishes a mechanism for a study commission and procedure for approval of a consolidation plan.

Opponents

Chair Schwartz recognized Cheri Remington, President, Kansas County Officials Association, and Gove County Treasurer, who presented testimony as an opponent to **SB 75**. (Attachment # 12) The County Officials believe that the citizens of a county should have the right to vote to eliminate their elected officials, that decision should not be left to an appointed consolidation committee.

CONTINUATION SHEET

Minutes of the House Local Government Committee at 3:30 p.m. on January 26, 2010, in Room 144-S of the Capitol.

Susan M. Hobble, Registrar of Deeds of Kingman County, presented testimony on behalf of the Kansas Register of Deeds Association in opposition to **SB 75**. She states her association believes dual majority is necessary in order to ensure that rural areas are equally represented. As the bill is currently written, the decision is left to an appointed commission. (Attachment #13) A question by Representative Mah followed.

Linda Weber, Marshall County Treasurer, presented testimony on behalf of the Kansas County Treasurers Association in opposition to **SB 75**. (Attachment #14) She stated a simple majority vote is neither fair nor appropriate in consolidation elections because it greatly affects both the rural residents of the county and the residents of each of the cities within the county. She asked the Committee to consider that a requirement for a dual majority vote as the only way to accomplish fairness in a uniform manner for all counties and cities in an election concerning the consolidation process. Questions by Representatives Mah and Garcia followed.

Marvin E. Smith, private citizen, appeared in opposition to **SB 75**. (Attachment #15) He stated many in unincorporated areas believe they should have the same vote consideration as those in each city in consolidation proposals.

The Chair recognized Greg Dye, private citizen, who testified in opposition to **SB 75**. (Attachment #16) During his testimony he referred to constitutional issues within the bill and requested that the Committee not pass this legislation.

Kenneth Daniel, private citizen, presented testimony in opposition to **SB 75**. (Attachment #17) He raised issues including possible tax burden shift and the need for a dual majority vote. He encouraged the Committee to defeat the bill.

W. Paul Degener, private citizen, presented testimony in opposition to **SB 75**. (Attachment #18) While giving his testimony he encouraged the Committee members to read the pamphlet "Metro and 1313" which had been attached to his written testimony. (Attachment #18-A) Also he had submitted a voter opinion survey to the Committee for their review along with his testimony. (Attachment 18-B)

Ed Klumpp appeared before the Committee as a private citizen in opposition to **SB 75**. (Attachment #19) He stated this proposed voting method is simply unfair and forces the will of the many on the minority of Kansans living outside incorporated cities. It also also in conflict with the proposals on annexation this Committee and the House passed last year, he said.

There being no further opponents to testify in person in opposition to **SB 75**, Chair Schwartz drew the Committee's attention to two written-only testimonies, from Andy Lewis, Kaw River Drainage District (Attachment #20) and Linda M. Buttron, Jefferson County Clerk (Attachment #21).

Chair Schwartz closed the hearing on **SB 75**.

There being no further business before the Committee at this time the meeting was adjourned at 5:45 p.m.

The next meeting of the Committee will be January 28, 2010.

S. S.

Representative Sharon Schwartz, Chair

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: *January 26, 2010*

NAME	REPRESENTING
<i>W. PAUL DEGENER</i>	<i>SELF Concerned citizen</i>
<i>Benny L. Roman</i>	<i>CITIZENS</i>
<i>Yeed Dye</i>	<i>Concerned Citizen</i>
<i>Christy Caldwell</i>	<i>Greater Leeward Chamber of Comm.</i>
<i>Ed KUMPP</i>	<i>CITIZEN</i>
<i>Thomas C (Tim) Owens (Sen)</i>	<i>Senator - Vice-chair KACIR</i>
<i>Maven E. Smith</i>	<i>Shawnee County Citizen</i>
<i>Randall Allen</i>	<i>Kansas Association of Counties</i>
<i>John E. Arnold</i>	<i>CITIZEN KACIR</i>
<i>Tom Wright</i>	<i>Citizen</i>
<i>ALYN O. LOCKNER</i>	<i>KACIR - CITIZENS</i>
<i>Wigh Keck</i>	<i>Heinlaw firm</i>
<i>KEN DANIEL</i>	<i>CITIZEN</i>
<i>ERIK SARTORIUS</i>	<i>City of Overland Park</i>

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DATE: *January 26, 2010*

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<i>W. PAUL DEGENER</i>	<i>SELF Concerned citizen</i>
<i>Benny L. Boman</i>	<i>CITIZENS</i>
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<i>Christy Caldwell</i>	<i>Greata Lopez Chamber of Comm.</i>
<i>Ed KUMPP</i>	<i>CITIZEN</i>
<i>Thomas C (Tim) Owens (Sen)</i>	<i>Senator - Vice-chair KACIR</i>
<i>Mervin E. Smith</i>	<i>Shawnee, County Citizen</i>
<i>Randall Allen</i>	<i>Kansas Association of Counties</i>
<i>John E. Arnold</i>	<i>CITIZEN KACIR</i>
<i>Tom Wright</i>	<i>Citizen</i>
<i>ALYN O. LOCKNER</i>	<i>KACIR - CITIZENS REPRESENTING</i>
<i>Wigh Keck</i>	<i>Main law firm</i>
<i>KEN DANIEL</i>	<i>CITIZEN</i>
<i>ERIK SARTORIUS</i>	<i>City of Overland Park</i>

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State of Kansas

Senate Chamber

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MEMBER: FEDERAL AND STATE AFFAIRS
EDUCATION
CONFIRMATIONS OVERSIGHT
JOINT COMMITTEE ON KANSAS SECURITY
JOINT COMMITTEE ON CORRECTIONS
AND JUVENILE JUSTICE OVERSIGHT

TESTIMONY OF KANSAS STATE SENATOR THOMAS C. (TIM) OWENS REGARDING SB 75

To: Chairperson Sharon Schwartz and the members of the House Local Government Committee

From: Senator Thomas C. (Tim) Owens, vice-chair of the Kansas Advisory Committee on Intergovernmental Relations

Date: January 26, 2010

Subject: Senate Bill 75 – concerning governmental consolidation and reorganization

Madam Chairperson and members of the Committee:

Thank you for allowing me to address you concerning recommendations from the KACIR which arose from its study in regard to the size and number of governmental entities in Kansas and resulted in the proposal of Senate Bill 75.

Kansas is fifth in the nation in the numbers of small units of government. We are, as you know facing a serious financial dilemma in our state, just as most states are. In times like this we look for ways in which to save the taxpayer resources. One of those ways is to shrink the size of government. That can take many avenues. The one that the KACIR has determined to be the best approach is to allow for as much local control as possible, while still encouraging governments at all levels to either reduce the “fat” or consolidate and reduce the duplication of effort and cost. We already have examples of that in the way that Wyandotte County and Kansas City, Kansas formed a Unified Government; or in the way the Riley County and the city of Manhattan consolidated their law enforcement units; or the way that Greely and

Local Government

Date: 1-26-10

Attachment # 1

Tribune have orchestrated their consolidation of both resources and functions. These communities are to be applauded for that foresight and fiscal responsibility.

But what can the State do to make it easier for the local communities to make their own assessments and decisions when it comes to consolidation of local units of government, whether they be counties, townships, cities, or water, fire or park districts? The answer lies in SB 75. We need to adjust the statutes to allow for local governments to have the flexibility to consolidate without having to go through the process of getting approval to consolidate from the State.

Tax base erosion is driving many communities to desperation in terms of how to fund their vital daily operations.

Consolidation can help resolve that issue. But consolidation dictated from the state may be met with distrust and resistance, whereas consolidation that is "bottom-up" driven will be met with less fear and a feeling of it having been a local decision at solving local problems.

Do we need 105 counties; 294 school districts; over 1400 townships; or so many public safety units, transportation, water, fire or other types of districts? What SB 75 will do is allow the local units to answer the question and then take appropriate action as they determine the best interests of their community. I urge you to support SB 75 and I will be happy to stand for questions if there are any, at the appropriate time.



Kansas Advisory Council on Intergovernmental Relations

Joan Wagnon, Chairperson

Mark Parkinson, Governor

TO: House Local Government Committee
FROM: Joan Wagnon, Chairperson of KACIR and Secretary of Revenue
DATE: January 26, 2010
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.



Testimony re. SB 75
Permissive Authority for
Local Governmental Consolidation & Reorganization
House Local Government Committee
Tuesday, January 26, 2010

Chairman Sharon Schwartz 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 (KACIR). Two county commissioners, including Madison "Matt" Traster, Grant County, and Gwen Martin, Woodson County, serve on the KACIR, along with legislators, private citizens, and other representatives of local government.

The long-held position of the Kansas Association of Counties is that consolidation and reorganization are best determined by local communities, including citizens and their locally-elected representatives. We do not advocate for or against governmental consolidation per se, but for the right of local determination.

SB 75 provides a mechanism and public process for cities and counties to consider and then implement, if approved by voters, an alternative governmental 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 because it gives local governments and local citizens an opportunity to devise a system of local government which best meets local needs, without seeking legislative approval on a case-by-case basis. This is the essence of home rule and local control which undergirds much of what our Association stands for.

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. Additionally, community leaders sometimes consider alternative organizational structures as a way of making local government more responsive and more streamlined. We believe that the values of responsiveness, effectiveness, and efficiency were at the heart of discussions in the 2008 consolidation of Greeley County and the City of Tribune into what is now known as "Unified Greeley," as well as the earlier consolidation of Wyandotte County and the City of Kansas City into what is now the "Unified Government." SB 75 would provide a permissive process by which other cities and counties could consider consolidation or governmental reorganization in the future.

We believe SB 75 is good public policy and therefore urge the committee 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 Melissa Wangemann by calling (785) 272-2585.

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Local Government
Date: 1-26-10
Attachment # 3



League of Kansas Municipalities

To: House Local Government
From: Don Moler, Executive Director
Re: Support for SB 75
Date: January 26, 2010

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 to maximize efficiencies in government as well as modernizing governmental structures in Kansas.

The League has for a number of years supported permissive statutory language to allow local reorganization. We have further held the belief that the issue of reorganization is inherently a local one and that the voters should be allowed to determine whether reorganization with another unit of government should occur. As a result we are fully supportive of SB 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 House. I will be happy to answer any questions the Committee may have on the League's position on SB 75.

TO: Members of the House Local Government Committee
FROM: Tom Wright, Chairman KCC
DATE: January 26, 2010
SUBJECT: SB 75 – Consolidation and reorganization

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.

Local Government

Date: 1-26-10

Attachment # 5



To: House Local Government Committee

From: John E. Arnold *John E. Arnold*

Date: January 26, 2010

Subject: Senate Bill 75—Concerning Governmental Consolidation and Reorganization

I'm John E. Arnold, a public member of the KACIR and a former city manager, highway authority executive, and lastly Chief Administrative Officer of the City of Topeka until 2002. I worked in 9 cities in 8 states over 30 years and with 6 cities and 6 counties with my highway authority over 6 years. I've been involved in several consolidation efforts, some completed and some not, from cities and school districts locating parks adjacent to schools for joint use and efficient maintenance, from heavy equipment maintenance shared for school buses, city buses, and heavy trucks, from joint purchasing arrangements, to consolidation of fire departments. In all cases, the issues are who will be in control, who will lose employees, what happens to those people, how do benefits change, and what are the details on how we effect the change proposed?

In all cases, taxpayer savings have been demonstrated over the long term. My conclusion is almost an article of faith, that consolidations save money. Even the smaller consolidation of functions or services save money, but while they may seem self-evident and therefore should perhaps be considered "easy lifting" compared to the consolidation of governmental units, such as a city with a county, the issues are similar if not the same.

Who's in control? Who loses control? What are the impacts?

SB 75 is the modification to statutes that we have learned is needed from and after the Shawnee Co-City of Topeka consolidation plan and election, the consolidation discussions in several western counties the KACIR has heard from, and the actual consolidation of the City of Tribune with Greeley County.

SB 75 provides for a consolidation commission to study and create a plan for the consolidation proposed, whether for functions or services, special districts, or a city or cities and a county, either by elected officials or by petition of the public, allows the consolidation commission to decide how to have the election and requires an election. Details are left to the consolidation commission to decide after study and public hearings in order to fit the local public desires. SB 75 provides guidance to those considering consolidation to address the issues that will arise.

John E. Arnold. President

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Local Government
 Date: 1-26-10
 Attachment # 6

**TESTIMONY OF ALLYN O. LOCKNER ON SENATE BILL 75 BEFORE THE HOUSE LOCAL GOVERNMENT
COMMITTEE OF THE KANSAS LEGISLATURE AT 3:30 PM ON JANUARY 26, 2010 , IN ROOM 144-S,
STATE CAPITOL BUILDING**

The Honorable Sharon Schwartz, 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.

Local Government

Date: 1-26-10

Attachment # 7



**Written Testimony before the House Local Government Committee
SB 75 – Creation of Consolidation Study Commissions
Presented by J. Kent Eckles, Vice President of Government Affairs**

Tuesday, January 26th, 2010

The Kansas Chamber of Commerce appreciates the opportunity to present testimony in favor of SB 75, which would create Consolidation Study Commissions.

The Chamber's members remain concerned with the cost of doing business in the state, driven by the amount of local units of government and their associated costs, which increases pressure on the State's tax burden. As such, we support efforts to enable or encourage consolidation of local units of government and taxing entities.

Presently, Kansas ranks fifth among states with 3,931 total local governments. The Bureau of the Census reports that Kansas has 104 county governments (5th), 627 city governments (8th), 1,353 township governments (4th), 1,531 special districts (7th), and 316 school districts (16th).

This number of taxing entities and its associated costs is unsustainable on the Kansas population, which has not grown over the last several decades. Costs related to local governments' general expenditures, highways, sewage, utilities, natural resources, salaries and benefits of local government employees, judicial districts, local debt and debt service could be greatly reduced.

The resulting savings to Kansas taxpayers would literally amount to billions of dollars by eliminating redundant and unnecessary government infrastructure. Such savings would make Kansas a more affordable and thus attractive place to live and do business and would assist in growing our tax base and revenue through adding new residents and employers.

We urge the Committee to pass favorably SB 75.

The Kansas Chamber, with headquarters in Topeka, Kansas, is the leading statewide pro-business advocacy group moving Kansas towards becoming the best state in America to live and work. The Chamber represents small, medium, and large employers all across Kansas. Please contact me directly if you have any questions regarding this testimony.



835 SW Topeka Blvd. Topeka, KS 66612 785.357.6321

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Date: 1-26-10
Attachment # 8

I am Daron Hall, City Administrator for the City of Ulysses, located in Grant County. I offer testimony in support of SB 75. I support this legislation because it gives local governments the authority to consider, and address, the effectiveness of their local governments without first seeking legislative approval.

Along with other rural communities in southwest Kansas, Ulysses and Grant County appreciate any opportunity to make decisions for themselves, at their own pace, especially when it comes to the future of their residents.

Due to the unique nature of each of our Kansas communities, they should be allowed to look at themselves to determine the best ways to save money - while providing services. If consolidation is an option, then I believe local governments should be allowed to look into it for themselves, without seeking prior approval.

Over the past twelve months the City of Ulysses and Grant County considered consolidation. In order to understand it, the local entities worked together, researching previous consolidation attempts in other towns, studying the successes and failures, talking to experts, and surveying our local citizens. As part of our due diligence we studied the current legislative process and as a group determined that SB 75 would be an improvement. Since a community's identity can literally be at stake when consolidating, it makes sense that the local community should have control over the process.

In the end, it just seems like a local community shouldn't need to ask the State's permission to look for ways to save money and increase efficiencies, locally. We are a Home Rule state after all.

I believe SB 75 is positive legislation and recommend it for passage.

Thanks for the opportunity to share.

Daron Hall
City Administrator
Ulysses, Kansas

Local Government

Date: 1-26-10

Attachment # 9

Good afternoon, Chairman Sharon Schwartz, House Committee on Local Government.

My name is Madison Traster. I am a County Commissioner in Grant County. I have been a commissioner for 12 years and was chosen Grant County Citizen of the year in 2005. I am a 1950 graduate of Kansas State University.

I am presenting this written testimony to support SB75. SB75 provides a road map, if you will, that allows political subdivisions to unite. It provides chapter and verse how to proceed with this unification.

It allows the citizens to be heard as well as guidelines on how to proceed.

It provides for how existing taxes, bond issues and other financial matters are to be handled in the future.

I urge the committee to support SB75 for favorable passage. Thank you for your consideration.

Local Government

Date: 1-26-10

Attachment: 10



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Re: SB 75 concerning governmental consolidation and reorganization.

January 26, 2010
Topeka, Kansas

Testimony Provided by:
Terry D. Holdren
KFB Governmental Relations

Chairwoman Schwartz and members of the House Local Government Committee, 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 and establish a mechanism for a study commission and procedure for approval of a consolidation plan.

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 city – county 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 last couple of years and recognize the improvements in the bill that resulted from those conversations.

Local Government

Date: 1-26-10

Attachment # 11

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. The bill before you does just that from the ability of local residents to begin the effort by petition, to the requirement that at least 1/3 or more of the members of the study commission represent the interests of residents of unincorporated areas. Additionally, should the study commission deem it essential that the final vote of approval be by “dual majority” – we are hopeful that they will – then that requirement can be included in the plan for consolidation.

While we continue to have doubts that cities and counties will rush to consolidate upon the passage of this legislation, we are thankful for the consideration given to rural residents in this version of the bill. We view SB 75 as a significant improvement over previous efforts and look forward to the opportunity to work with the committee and the House as you continue to consider this measure.

Thank you.

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

City-County Consolidation and Diseconomies of Scale

Summary of Selected Literature

By Chris Pineda, Government Innovators Network

Overview: Can City-County Consolidations Cause Diseconomies of Scale

When local officials consider how best to maximize efficiency in local government, one often-discussed proposal is the consolidation of city and county services. In theory, consolidation should produce economies of scale which allows cost savings to be achieved – average costs are reduced when spread out over a wider set of users. The reality is that this may not always occur—but why? Why do city-county consolidations not always produce cost savings and, in some case, actually lead to higher costs? To help local and state officials grappling with this issue, we have summarized recent literature on the causes of diseconomies of scale in city-county consolidations and listed useful online resources.

What Causes Diseconomies of Scale in a City-County Consolidation?

- **Labor intensive services.** Consolidated city services that are labor intensive and require replication from one neighborhood to the next cannot always achieve economies of scale and may in fact result in diseconomies of scale. Labor intensive services can include: police, general fire protection, public works, and parks and recreation services.^{1,2}
- **Bureaucracy growth.** According to some economists, diseconomies of scale in consolidated local governments occur because bureaucrats and politicians become removed from day-to-day contact with residents. When these officials are “out-of-touch” with citizen concerns, there may be no incentive to cut costs, or to stop increased spending.³
- **Merging personnel-related costs.** In city-county consolidations, personnel-related costs may actually rise as two pre-existing personnel systems and benefits packages merge. One explanation is that the wages and benefits of employees are equalized to the highest level of comparable employees. Similarly, existing employees may have job security as part of the merge agreement.⁴
- **Merging service quality costs.** When pre-existing delivery systems are merged in a city-county consolidation, an “averaging up” effect may occur with service levels and standards for equipment and facilities. These increased service quality costs then become ongoing expenditures.¹
- **One-time transition costs.** Consolidating city services may require one-time operating and capital expenses that can quickly add up. One-time transition costs can include: merging and upgrading computer systems and consulting fees to resolve conflicting rules and regulations.⁴

Relevant Quotes

“[M]any of the case studies on consolidations in both the U.S. and Canada over the last 20 years have failed to find significant economies of scale for most municipal services. The findings from

these and other studies have shown that costs for many services actually go up following large municipal consolidations” (p. 3)¹

“There is general agreement that consolidation has not reduced costs (as predicted by some reform advocates) and in fact, may have even increased total local expenditures...Gustely found that expenditures rose after the Dade county consolidation. Benton and Gamble came to the same conclusions in their study of Jacksonville. Erie and colleagues reviewed a range of consolidation efforts and concluded that “the net effect of restructuring is a per capita increase in service costs,” which they attribute to an increase in average service levels.” (p. 106)⁵

“In recent years, economists have endorsed the fragmented, decentralized model. They have concluded that competition between numerous adjoining jurisdictions keeps total expenditures down in metropolitan areas. The multiplicity of local governments allows for contracting among jurisdictions for services when local elected officials determine buying from a neighbor is less costly than producing the service in-house. The end result is a “local public economy” — a quiltwork of service deliveries determined by decentralized elected officials who are responsive to their voters.”⁶

“A review of 25 research studies conducted over the past two decades on “fragmentation” versus centralization in U.S. local governments suggests “local government systems which are fragmented and de-concentrated are generally associated with lower spending and greater efficiency.” The power of bureaucracies grows the larger the centralized government becomes. This is evident in the difficulty locally elected officials have in privatizing municipal services in large cities. They are hemmed in by empire-building bureaucracies and government employee unions, which are stronger in the larger... municipalities.”⁶

Selected Bibliography of Online Resources

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Brendan O'Shaughnessy, "Louisville offers lesson in mergers," The Indianapolis Star, 14 August 2005.

Endnotes

¹ "Is Municipal Consolidation the Answer? Is Bigger Always Better?," Municipal Research and Services Center of Washington, Summer 2003, pp. 1-5.

² "Cooperation Not Consolidation: The Answer For Milwaukee Governance," Wisconsin Policy Research Institute Report, Vol. 15, No. 8, November 2002.

³ Sam Staley, "Bigger Is Not Better: The Virtues of Decentralized Local Government," Cato Policy Analysis 166, 21 January 1992.

⁴ "Does City-County Consolidation Save Money?" Carl Vinson Institute of Government, University of Georgia, Public Policy Research Series Vol. 1, No. 2, March 2000.

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⁶ Eva C. Galambos, "Sandy Springs: A Case Study on Centralization of Local Government," Georgia Public Policy Foundation, 3 November 1999.

KCOA

Kansas County Officials Association

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

To: House Local Government Committee
From: Cheri Remington, President Kansas County Officials Association
Re: Senate Bill 75
Date: January 25, 2010

Chairperson Schwartz and Committee Members,

I thank you for the opportunity to appear before you on Senate Bill 75. I am Cheri Remington, Gove County Treasurer. I appear before you today in my capacity as President of the Kansas County Officials Association. The KCOA is made up of the Kansas Treasurers Association, the Kansas Register of Deeds Association and the Kansas County Clerks and Election Officials Association. The KCOA was formed in large part to defend the right of citizens to vote on changes to their local units of government, including consolidation and the elimination of local elected offices.

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

We believe that the citizens of a county should have the right to vote to eliminate their elected officials. The decision to eliminate elected officials should not be left to an appointed consolidation committee. We believe strongly and support language that would require a separate vote and ballot question to eliminate elected officials. Attached to our testimony is a copy of the study that the Shawnee County Consolidation Committee commissioned before they began their deliberations several years ago on the consolidation of Shawnee County and Topeka.

There is some very interesting information in this survey that the consolidation commission chose to ignore. Over 70% of the population that was surveyed stated they would not support the elimination of elected officials. Yet the consolidation committee chose to eliminate all of them except for the county sheriff. In fact, the survey results showed more people favored keeping the County Treasurer, County Clerk and County Register of Deeds than the County Sheriff.

Our associations would also ask that the committee look closely at how the publication dates, hearing dates and related areas are addressed. It is important that the public has sufficient time and notice to respond to any public hearings that are being held. We also feel strongly that the notifications should be published in the paper of *largest*

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

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circulation in the county not just general circulation. General circulation publications are often times obscure legal publications or small town papers in the county used by government to hold down costs. An issue of this magnitude is too important to not make every effort to reach the maximum amount of voters. Citizens in the county have the right to a greater exposure to facts and the ability to ask questions concerning consolidation.

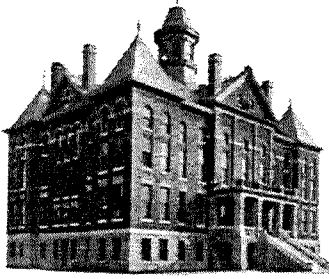
The associations also support dual majority vote. We believe that a simple majority vote is inappropriate for the consolidation of government that effects both rural and urban citizens. It is our belief that the dual majority vote worked in Shawnee County and supported the true desire of the citizens regarding how they are governed and represented, not the agenda of an appointed consolidation committee.

Again I would refer you to the consolidation commission study that illustrates the strength of our position. Over 50% of the voters polled said they supported a governing board of seven to nine members, yet the consolidation committee chose to ignore their own study and approve a commission of five. The opinion of the voters was further disregarded when the consolidation commission chose to not recommend any commissioners be elected at large when 59% of the voters of the city and 66% of the county voters supported the election of some at-large members.

Other concerns about Senate Bill 75 on our members behalf include:

- The makeup of the consolidation commission should be 50% county and 50% city, not 33% county and 66% city as SB 75 currently stands.
- Granting an appointed body discussing local government consolidation unbridled subpoena power, the ability to take testimony under oath and the ability to compel witnesses attendance is at best an ill conceived notion. These are powers you as legislators being asked to pass this law do not have.
- The provisions of an Act such as this should require when county/city consolidation is contemplated that all cities in the county must be included in the plan to avoid creating islands in the county while others are consolidated.

In conclusion, our member associations believe that to make consolidation appealing to the voters, you have to listen to them and give them a voice in the process. This did not happen in Shawnee County and can be avoided in future consolidation efforts if this measure takes these matters into consideration as amendments. The right to eliminate elected officials should rest with voters of the county, not an appointed committee that is not accountable to the voters of the county.



Susan M. Hubbell
Registrar of Deeds of Kingman County
KINGMAN COUNTY COURTHOUSE
130 N Spruce Street
Kingman KS 67068

To: House Local Government Committee
From: The Kansas Register of Deeds Association
Re: Senate Bill 75
Date: January 25, 2010

Chairman Schwartz and Committee Members,

Hello. I am speaking on behalf of the Kansas Register of Deeds Association in regard to Senate Bill #75.

The Kansas Register of Deeds Association does not oppose consolidation as a whole. However, we believe this issue must be decided based on local circumstances, and therefore should be a decision made on a local level. Should the voters decide in favor of consolidation after being properly informed, then we do not disagree. It is important that this decision be made on a local level by a commission that is informed and educated about their area. A blanket-decision for the whole state will not best suit the needs of each individual county.

Our association believes dual majority is necessary in order to ensure that rural areas are equally represented in regard to SB 75. As the bill is currently written, the decision is left to an appointed commission. We feel that it would be more appropriate for the decision to be left to the electorate because of the variance of population in rural and urban areas. Currently, the bill requires that 1/3 of the membership of the commission shall be residents of the unincorporated areas of the county. In other words, they must live outside of city limits. This requirement is insufficient because it is not the majority, and the risk remains that rural residents may have a minority say. At present, the bill specifies that the resolution may require more than 1/3 of the commission live outside city limits. However, it is not a requirement. We feel dual majority is crucial in ensuring that residents of rural areas are sufficiently represented.

Andrew Jackson once said, "The people are the government, administering it by their agents; they are the government, the sovereign power." The point he was making was that in a true democracy, the power lies with the people. They should make the final decisions because it is their government. An appointed consolidation study commission should not be left to make a decision that the people are capable of making. For this reason, we stand in firm support of a required dual majority.

Thank you for taking our concerns into consideration.

A handwritten signature in cursive script that reads "Susan Hubbell".

Susan Hubbell, Kingman County Registrar of Deeds
Legislative Chairperson, Kansas Register of Deeds Association
Member, Legislative Committee of the Kansas County Officials Association



KANSAS COUNTY TREASURERS ASSOCIATION

To: Local Government Committee
From: Kansas County Treasurers Association
RE: Senate Bill 75
Date: January 26, 2010

Chairperson Schwartz and Committee Members

Thank you for this opportunity to present our thoughts on Senate Bill 75. I am Linda Weber, the Marshall County Treasurer and I submitting this testimony on behalf of the Kansas County Treasurer's Association.

Our membership doesn't oppose the concept of consolidation; we realize in some areas it could be beneficial to the citizens of the county and cities. However the current provisions in this bill don't require a dual majority vote on consolidation. All citizens should be informed of the many considerations that consolidation would involve and be allowed to fair representation in the voting process on these issues. It is a local issue and should be decided locally with an equal voice afforded to the residents of the individual cities and the rural residents. To guarantee this fairness the law should require the dual majority vote.

A simple majority vote is neither fair nor appropriate in consolidation elections because it greatly affects both the rural residents of the county and the residents of each of the cities within the county. Senate Bill 75 as it is now presented does not require the fairness of a dual majority vote but leaves that decision to the appointed consolidation commission. This places the authority of conducting this question fairly in a very important election to a small number of people, the consolidation commission. Rural residents should have an equal voice in this matter as well as each city.

We feel that the bill as presented does recognize there is the possibility of unequal representation to the rural residents by requiring that the study commission be make up of at least 1/3 rural residents. Changing the bill to require a dual majority vote would insure that equality for all citizens completely through the process. If the citizens feel unjustly forced to accept the results of an election in which they feel unfairly represented, it will lead to distrust of the process before it could have a chance to succeed and result in animosity among the citizens of our counties. A required dual majority vote is needed to ensure a more positive outcome of a consolidation project.

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Those who may feel that a dual majority vote is means to a defeat of such a consolidation proposal need only to look at SB164 passed in 2007 which concluded in a successful election for consolidation in Greely County. Citizens who feel justly treated will listen to the facts and vote in a manner they feel suits their best interests and others. Just because they are the minority in numbers should not exclude them from being represented equally. We would definitely ask that you give the rural residents and the residents of each individual city, no matter how small, a fair voice in this very important election on the positive and negative aspects of consolidation.

In closing please consider that a requirement for a dual majority vote is the only way that this fairness will be accomplished in a uniform manner for all counties and cities in an election concerning the consolidation process.

Thank you for your time and your attention to our concerns for the citizens we all represent in our counties.

Linda Weber
Marshall County Treasurer

RE: Senate Bill 75

TO: House Local Government Committee

Madam Chair, and members of the committee, thank you for the opportunity to speak to the concerns about consolidation of the unincorporated area of a county.

I submit to you for consideration:

1. Pages on (1) line 41 amended from 10% to 25 %.
2. Page two (2) line eight (8) amended from 1/3 to 1/2.
3. Page 4 line 25 amended to “that no city and the unincorporated area of the county shall be consolidated.”
4. Page 4 line 28 amended “and such city and the unincorporated area of the county voting at the election held on such plan.
5. Page 4 line 32 strike or delete the word If and amend line 32 & 33 to final plan shall call for separate votes of the electorate in the unincorporated area of the county and page 4 line 25 amended to “that no city and the unincorporated area of the county shall be consolidated”.

Many of us in rural areas of our county believe Township government serves us with efficient services.

Many of us in unincorporated areas believe “We should have the same vote consideration as those in each city in consolidation proposals.

Marvin E. Smith
Topeka, Kansas

Local Government

Date: 1-26-10

Attachment # 15

CAL GOVERNMENT COMMITTEE

Thank you Chairperson for allowing me to testify.

Many people view consolidation with alarm. The new Unified Government in Kansas City in 1997 Consolidated but removed some of the elected representative government as it removed elected positions. Kansas Statute K.S.A. 12-3903 (b) allows for the removal of some elected representatives at the local level of government in violation of the United States Constitution. This stature allows the consolidated government to remove some elected positions and further removes government from the principle of elected representatives which maintain the proper balance of power under the United States Constitution and the Bill of Rights.

HOME RULE POWER

The Kansas Constitution was amended in 1961 to add Home Rule Power. The Home Rule Power amendment Article 12 paragraph 5 Section (4)(d) states "Powers and authority granted cities the largest measure of self-government." However, the charter ordinance (of Wichita) along with Home Rule Power creates a state within a state, in violation of the U.S. Constitution Article 4 Section 3.

Home Rule Power is unconstitutional according to U.S. Supreme Court rulings:

1. Jan 13, 1982 Case No. 80-1380 Community Communications Co. Inc. V. City of Boulder, Colorado.
2. "Where rights secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them", Key No. 73, Miranda vs. State of Arizona, 86, S. Ct. 1602, 1966.
3. "Law repugnant to the Constitution is void", Maybury vs. Madison, 1803, L Ed. 60; Cra. 137; ref 6 Whea: 246 & Wal 601.

Article 4 Section 3 of the U.S. Constitution:

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State"...Home Rule Power creates a state and takes away constitutional protections. Judging by the problems in our cities, do we really want their power to blanket our state? With the influence that the cities wield, those outside of the cities could find themselves forced to foot the bill for a city they may never have contact with. Could this be why the mayors of the large cities are the backers of consolidation?

The U.S. Supreme Court ruled long ago that "All sovereign authority within the geographical limits of the U.S. resides either with the Government of the United States, or the states of the Union; there exists within the broad domain of sovereignty but these two. There may be cities, counties and other organized bodies with limited legislative functions, but they are all derived from, or exist in, subordination to one or the other of these."

May I request that you do not pass this legislation. THANK YOU

Signed Concerned Citizen
Greg Dye
Greg Dye

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**TESTIMONY ON SENATE BILL 75
HOUSE LOCAL GOVERNMENT COMMITTEE**

By Kenneth Daniel

January 26, 2010

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.

Madam Chairwoman and Members of the Committee:

In spite of the length of the text of Senate Bill 75, the proponents have a single, simple objective. That objective is to disenfranchise county voters living outside certain cities by subjecting them to the "tyranny of the majority", a long-recognized abuse of voting rights. Although many of my comments will be addressed to Topeka, they apply to several other cities, especially Salina and Hutchinson.

James Madison wrote on this issue in 1787: "...measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority."

When the citizens of Shawnee County and Topeka voted on this issue in 2005-06, 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.

My residence is in Shawnee 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. We have since changed our minds.

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.

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. Forcing a "unitary" vote is the entire purpose of Senate Bill 75.

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.

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Date: 1-26-10

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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. 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 in Wyandotte County 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.

Madame Chairwoman and members of the committee: I encourage you to defeat Senate Bill 75.

W. Paul Degener
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January 23, 2010

SUBJECT: SB 75, City-County Consolidation

Madam Chair, members of the committee, my name is Paul Degener, a concerned citizen of Shawnee County, and I appear before this body in opposition to this legislation.

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 such 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. Granted, they may have to get off of the couch and search them out, but the services are available to all Shawnee County residents.

On page 1, Section 2 (a), provides that a board of county commissioners and the governing body of a city or cities may adopt a joint resolution providing for the establishment of a consolidation study commission, 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 the establishment of a consolidation study commission, but does not afford the residents of the unincorporated portion of the county the same opportunity. This appears to me a disenfranchisement of rural citizens 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 a 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 and disenfranchisement of rural citizens of a county. This provision calls for a no vote on SB 75.

On page 3, Section 4 (d) (1) addresses the abolishment of other political and taxing subdivisions. We in the unincorporated portion of the county happen to be satisfied with our townships and do not want to see them abolished. These types of decisions should be left to the electorate, not an appointed committee. This provision calls for a no vote on SB 75.

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. It is a no-brainer that this decision should be made by a dual majority vote by residents of the unincorporated area of the community and the urban residents, not a county wide vote.
3. Again, our country was not set up as a democracy, but a representative republic.
4. This provision calls for a no vote on SB 75.

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. This provision calls for a no vote on SB 75.

I would hope that some time in the future our state legislature would resist the wheeling and dealing of lobbyists and base their votes on the United States Constitution and the state constitution.

I have a quote that I would like to read to the committee.

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

“9. Combination of agriculture with manufacturing industries; **gradual abolition of all the distinction between town and country** by a more equitable 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.

This quote ladies and gentleman and members of the committee, comes from the 9th plank of the Communist Manifesto. This alone should require a no vote on SB 75.

Thank you for allowing me to appear before this committee.

HERE ARE

(This pamphlet, TAX FAX No. 144, is a companion to TAX FAX No. 143 entitled "Metro.")

* * * * *

The February 23, 1970, issue of BARRON'S National Business and Financial Weekly contained extensive quotations from an article which had appeared in THE NEW REPUBLIC by Professor Richard A. Cloward, a member of the faculty of the Columbia University School of Social Work.

Discussing how in many cases when voters are allowed to express their views. at the ballot box regarding the subject of consolidations, such as city with suburbs, they vote "no," Professor Cloward said:

«Nevertheless, local autonomy is being overcome. For what cannot be done electorally is being done administratively, as a result of federal intervention.

"The federal government is beginning to force localities to subordinate themselves to new area-wide planning bureaucracies"

How federal revenue-sharing ties into the concept of metropolitan government was contained in an article by Michael Harrington which appeared in the Washington, D.C., EVENING STAR of August 5, 1969. In that article Harrington declared:

"... it is increasingly clear that problems like education, employment, housing and pollution of all kinds spread out over entire metropolitan areas and multi-State regions. And they simply will not be solved if Washington invests billions of shared revenues to make the ancient borders even more rigid."

The "ancient borders" at which Harrington sneers are, of course borders of sovereign States. the sovereign States.

And then Harrington continued:

"But now revenue-sharing provides a tremendous opportunity for making more meaningful political units in America ... (The) law should provide that no State or city could qualify for its money unless it had presented plans for regional and metropolitan action in the critical areas which were up for subsidy."

On February 10, 1973, President Nixon by signing Executive Order decreed the establishment of ten Federal Regional

THE FACTS---

Councils in order to, as he put it, "streamline the structure and processes of federal agencies in the field."

It is these ten Federal Regional Councils, cutting across State boundaries, thereby inestimably eroding sovereignty of the States, which eventually will be in charge of allocating federal revenue-sharing funds. In the future, it will be the bureaucrat-staffed Federal regional Councils which will control the ten federal regions, formerly the 50 States; And, the rulings, decrees and guidelines, after being drafted in Washington, will be issued by these ten federal regional headquarters with an attempt to sell the American voters that this federal power-grab is merely for the purpose of "modernized local government."

THE STATE AND LOCAL GOVERNMENT MODERNIZATION ACT

On January 21, 1971, when introducing the Humphrey-Reuss bill entitled "The State and Local Government Modernization Act of 1971," Congressman Henry S. Reuss stated:

"The 'heart of this bill is a requirement that States qualify for revenue-sharing, in the second and subsequent years of the program, by preparing a master plan and time-table for modernizing State-local government."

According to the bill, States should take "Statutory and administrative" action to bring about the following changes:

"Restricting local popular elections to policy-makers - the short ballot (Author's note: This would greatly diminish the voters' voice in their local government).

"Easing restrictions on the borrowing and taxing powers of local government; (Author's note: This would pave the way for greatly increased local taxes.)"

"Restricting zoning authority in metropolitan areas ... in order to prevent zoning by small municipalities which excludes housing for lower income families.

"Authorizing the formation of metropolitan planning agencies to make recommendations to local governments concerning such matters as land use, zoning, building regulations and capital improvement;

"Encouraging the formation of multi-county and Regional bodies."

During each session of Congress, a similar bill is re-introduced but at this writing none has passed.

"PROFESSIONALS" TO REPLACE ELECTED OFFICIALS

The master plan for the ultimate destruction of local self-government has been in the making for many years.

In 1966, a report prepared by the Committee for Economic Development (CED) which has long promoted Metro-Regional Government, called for "professional staffing for all local units" of government at the State level:

Who are these unelected "experts" who, according to Long-laid plans of the pushers of Metro, will take over the administration of government at the local level - - and who, being appointed - - not elected - - will be able to control local-level government in all of the 50 States?

What are their theories on local government -- and who financed their training for this planned take-over of positions of power -- positions formerly occupied by officials elected by the people?

The answer is the conglomerate known as "1313."

"1313" • METRO HEADQUARTERS

The 1947-1948 Annual Report of the tax-exempt Laura Spelman Rockefeller Fund revealed:

"In 1938, a new building at 1313 E. Sixtieth St., Chicago (constructed under grants from the Spelman Fund) was completed to provide adequate quarters ... for the use and occupancy of the national governmental organizations. This building has come to be known as '1313.'"

"... An agency known as the Public Administration Clearing House manages the building at 1313 E. Sixtieth St., Chicago."

The following organizations concerned with governmental operations at the various levels are located at "1313":

- American Public Welfare Association
- American Public Works Association
- American Society of Planning Officials
- American Society for Public Administration
- Building Officials Conference of America
- Committee for International Municipal Cooperation - U.S.A.
- Conference of Chief Justices
- Council of State Governments

- Federation of Tax Administrators
- Governors' Conference
- International Association of Assessing Officers
- International City Managers' Association
- International Institute of Municipal Clerks

- Municipal Finance Officers Association
- National Association of Attorneys General
- National Association of Housing and

- Redevelopment Officials
- National Association of State Budget Officers
- National Association of State Purchasing Officials
- National League of Cities
- National Legislative Conference
- Public Administration Service
- Public Personnel Association

THE DAN SMOOT REPORT of April 13, 1959, described "1313" as follows:

"1313 East 60th Street, Chicago, has become a national center for the production of experts - to fabricate 'progressive' legislation for governments at all levels, to rewrite our 'archaic' State constitutions, and to take over as city managers, or county managers, or metropolitan managers, or regional managers whenever people in any locality have progressed to the point of accepting government by imported experts as a substitute for government by elected local citizens;"

In her book "Blame Metro," Jo Hindman has this to say:

"Government by appointees is basic Metro strategy. Appointeeship is vital to 1313's tyrannical purpose, because citizens cannot vote appointees out of office, regardless of scandals, misuse of public funds, or the blatant stupidity of the appointees."

An examination of the previously-listed groups headquarters at "1313" clearly shows the scope of these organizations which deal with legislative, administrative and juridical aspects of State, county and local government.

Under the "1313" conglomerate there is a special organization to advise, guide and ultimately control: State governors (Governors' Conference), State legislators (Council Of State Governments), State Supreme Courts (Conference of Chief Justices), as well as State Attorneys General, mayors (National League of Cities), city managers

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(International City Managers' Association) and State budget and purchasing officials, and officeholders throughout the governmental structure of each State.

THE EXPERTS AT "1313"

Not only are the experts at "1313" now drafting Laws for State legislatures and county and city Legislative bodies to rubber stamp, but the "1313" Metro conglomerate also issues a barrage of propaganda to State and local officials selling the Metro concept.

In addition, "1313" also concerns itself with creating local citizen-support for various aspects of Metro. These groups usually masquerade under such deceptive slogans as favoring "home rule" and efficiency in government." It is the trainees of the various organizations clustered around "1313"-- men steeped in the Liberalism-collectivism promoted by the tax-free foundations -- men indoctrinated with a disdain for the Constitutional concept of the rights of the sovereign States -- who are now implementing Metro government in various sections of the country. These are the persons who are staffing and/or advising the ten Federal Regional Councils established by Nixon via Executive Order.

REGIONAL COUNCILS - THE "1313" APPARATUS AT THE LOCAL LEVEL

At an increasing rate, regional councils (as an adjunct to the ten Federal Regional Councils) are being formed throughout the United States. The names vary in different localities, but the objectives are always the same. For instance, there's the Denver Regional Council of Governments (COGs). In California there's the Association of Bay Area Governments (SKAGs) and the Southern California Association of Governments (SCAGs), but mostly the names of such Metro-promoting groups contain the name of the city followed by the words "Council of Governments" or "Regional Council of Governments."

HOW TO IDENTIFY A METRO OPERATION

Always, the advocates Of the Metro scheme at the local level present it as leading to "reducing cost of government," "increasing the efficiency of local government," and finally, "home rule."

On the subject of a proposed Metro-type consolidation in the interest of efficiency and economy, THE UTAH IN-DEPENDENT on October

6, 1972, stated:

"The plea is that we will have better government if it is consolidated into a larger unit.

"To that plea, THE UTAH IN-DEPENDENT answers that 'big government never has protected the rights of the people either politically or economically. A consolidation of government is the creation of bigger government!

"Big government always tends to infringe on the rights of its individual citizens and always costs more to run. The added cost of administering' it must be borne by the taxpayer in the form of increased taxes."

THE PHONY "HOME RULE" CLAIM

The most frequently-used label under which the Metrocrats travel when they seek to impose metropolitan government on an area is that it will strengthen "home rule."

The propaganda line promoted by the Metrocrats to local communities is: "Why can't we, a progressive community of Americans, have home rule -- rule our-selves as we see fit. Why must we be beholden to the State capital for every change we want to make in our home government. Let us have a home-rule charter!"

Sounds good, doesn't it? And, how many communities throughout this nation have been hoodwinked by Metro-pushers as they press on to destroy local self-government?

What this "home rule" gimmick really means is that a local segment of a State is cut off from the State government and the guarantees of the State Constitution. Said local or metropolitan area is then "free" to deal directly with the federal government and the Nixon-decreed ten Federal Regional Councils whose purpose is to **supersede** and ultimately destroy all meaningful powers of the 50 formerly sovereign States.

Thus does Federal Tyranny come ever closer.

This pamphlet consists of only a few excerpts from my book, "Beware Metro and Regional Government!" by Phoebe Courtney published in 1973 and which is now in its Sixth Printing. If you wish the full story of the Metro conspiracy to destroy local self-government, you will wish to order a copy of this thoroughly documented paperback book which is indexed for your easy reference. Prices for the paperback book are: 1 copy - \$1.50; 5 copies - \$4.50; 10 copies - \$8.25; 25 copies - \$18.75; and 100 copies - \$67.50.

WHAT YOU CAN DO

If you wish to alert others regarding the menace of Metro-Regional Government (Also see TAX FAX No. 143 which is an introduction to the subject), then here are a few suggestions:

(1) BUY and DISTRIBUTE extra copies of this pamphlet, as well as my 160-page

Paperback book, "Beware Metro and Regional Government".

(2) Send or give copies of either, or both, to your Congressman, your two Senators, and particularly to all members all your State Legislature, and officials of your city and county government so they will know what "Metro," many times billed as "home rule," really means.

(3) And finally, send or give copies of this pamphlet to your friends and neighbors, members of civic and patriotic clubs and organizations, so they may have the documented facts.

Order TAX FAX No. 144 from THE INDEPENDENT AMERICAN, P.O. Box 636 Littleton, Colorado 80120,

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Phoebe Courtney, Managing Editor Jan. 1976

The Power of the Metrocrats

METRO and "1313"

How Metro

operates nationwide

and at the local

level

TAX FAX NO. 144

18-11-2

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

For

The Consolidation Commission
Of Topeka & Shawnee County

June 2005

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

C O N T E N T S

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

INTRODUCTION & BACKGROUND

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

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

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

The survey effort produced completed interviews with 402 registered voters.

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

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

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

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

SAMPLE CHARACTERISTICS

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

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

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

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

OVERVIEW OF RESULTS

AWARENESS OF CURRENT DISCUSSIONS ABOUT CONSOLIDATION

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

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

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

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

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

HOW MANY MEMBERS SHOULD THE GOVERNING BODY HAVE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A PROFESSIONAL ADMINISTRATOR TO RUN DAY TO DAY AFFAIRS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEMOGRAPHICS OF THE SAMPLE

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

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

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

RESULTS IN DETAIL

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

AWARENESS OF CURRENT DISCUSSIONS ABOUT CONSOLIDATION

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

Very Aware	41%	38%	49%	13%	40%	45%	46%	48%	35%	100%	-	-	43%	9%
Somewhat Aware	44%	44%	42%	56%	43%	47%	38%	39%	49%	-	100%	-	43%	48%
Not Very Aware	14%	16%	9%	28%	17%	8%	13%	13%	15%	-	-	100%	12%	39%
[Don't Know or Refused]	1%	2%	0%	3%	0%	0%	4%	1%	2%	-	-	-	1%	4%

HOW MANY MEMBERS SHOULD THE GOVERNING BODY HAVE

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

3 Members	4%	4%	6%	3%	7%	4%	4%	5%	4%	4%	4%	5%	4%	13%
5 Members	21%	19%	23%	10%	20%	21%	24%	23%	18%	20%	20%	20%	21%	9%
7 Members	33%	35%	30%	44%	23%	38%	33%	31%	36%	39%	32%	24%	34%	22%
9 Members	20%	20%	20%	18%	35%	20%	10%	24%	16%	22%	17%	24%	19%	39%
[Don't Know or Refused]	22%	22%	22%	26%	14%	17%	29%	18%	25%	14%	27%	27%	22%	17%

18-B-15

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

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

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

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

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

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

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

18-B-16

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

A PROFESSIONAL ADMINISTRATOR TO RUN DAY TO DAY AFFAIRS

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

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

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

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

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

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

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

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

18-B-17

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

SAMPLE DEMOGRAPHICS

AGE of Respondents

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

GENDER of Respondents

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

**VOTING PATTERNS
November 2004
General Election**

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

Area of Residence

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

APPENDIX

Survey Questionnaire

Dialing Statistics

**Central Research & Consulting
Topeka, Kansas**

**Government Consolidation Questions
June 2005**

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

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

Dialing Statistics

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

Ed and Eileen Klumpp

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

January 25, 2010

Members of the House Local Government Committee

In Opposition to SB75 - Consolidation

I encourage you to amend SB75 in regards to the voting provisions on page 3 lines 22-25 and on page 4 lines 23-35 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.

SB75 as it passed the Senate has problems in the area of fairness to persons living in the unincorporated portions of the county. The bill is designed to have an *appearance* of allowing the people living in the unincorporated areas of a county to have their vote count independently of those living in the city. However, it is written in such a way that the right to such a vote is at the discretion of the consolidation commission and will never happen. In Senate Committee testimony, the proponents were very clear that a dual majority vote was not in their favor and thus, indicated they would never enact that optional provision. They referred to a dual majority as a "barrier" and stated "a dual majority means failure." It is clear that cities see this as a method to expand their tax base on a much larger scale than annexation.

The dual majority is important because it is those persons living outside the cities whose taxes will go up in a consolidation while those inside the city will go down. Couple that with the much larger number of voters inside the city and it means those outside the city could not vote the consolidation down even if it is detrimental to them.

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.**

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."

Statewide 80.7% of Kansas residents live inside a city. 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.

From a financial perspective, **consolidation as described in this bill is just another form of annexation.** 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.**

Local Government

Date: 1-26-10

Attachment # 19

Also consider that the house has passed an annexation bill (HB2029) that would provide the persons in an annexed area to independently vote down the annexation. 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. Consolidation is little different than an annexation except it is county wide. They are exactly alike in the impact on the property taxes. That bill strengthens the current law requiring the city to improve services in the annexed area and de-annexation if that is not done. The consolidation bill provides no such provision to require increased services in the unincorporated areas of the county. It only assures higher taxes.

We believe it is possible to develop a consolidation plan that does improve services and/or provide other benefits for the persons living in the unincorporated areas of the county. Such a plan could pass the dual majority vote. Requiring a dual majority vote assures the efforts are put into the plan to benefit both those living in the city and those living outside the city.

In summary, the proposed voting method is simply unfair and forces the will of the many on the minority of Kansans living outside incorporated cities. It is also in conflict with the proposals on annexation this committee and the House passed last year. 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 and the county and other political and taxing subdivisions or consolidating
2 certain city or cities and county and other political and taxing subdivision
3 offices, functions, services and operations.

4 (b) The commission shall hold public hearings for the purpose of
5 receiving information and materials which will aid in the drafting of the
6 plan.

7 (c) For the purposes of performing its studies and investigations, the
8 commission or its executive director may administer oaths and affirma-
9 tions, subpoena witnesses, compel their attendance, take evidence, re-
10 quire the production of any books, papers, correspondence, memoranda,
11 agreements or other documents or records which the commission or ex-
12 ecutive director deems relevant or material to its studies and investigation.

13 (d) The commission shall prepare and adopt a preliminary plan ad-
14 dressing the consolidation of the city or cities and the county and other
15 political and taxing subdivisions or the consolidation of certain city and
16 county and other political and taxing subdivision offices, functions, serv-
17 ices and operations it deems advisable.

18 The preliminary plan, if it recommends the consolidation of the county
19 with one or more cities, shall address ~~(1) The issue of the abolishment~~
20 ~~of other political and taxing subdivisions located entirely within the county~~
21 ~~and the transfer of the functions of the above political subdivisions to the~~
22 ~~reorganized city-county; and, (2) the issue of whether a vote of the elec-~~
23 ~~torate shall be required countywide or whether separate votes of the~~
24 ~~electorate will be required in the unincorporated area of the county and~~
25 ~~within each city proposed to be consolidated.~~

STRIKE
LANGUAGE

26 Copies of the preliminary plan shall be filed with the county election
27 officer, city clerk of each city to be reorganized and each public library
28 within the county and shall be available to members of the public for
29 inspection upon request. The commission shall hold at least two public
30 hearings to obtain citizen views concerning the preliminary plan. At least
31 seven days shall elapse between the holding of the hearings. Notice of
32 the hearings shall be published at least once in a newspaper of general
33 circulation within the county. Following the public hearings on the pre-
34 liminary plan, the commission may adopt, or modify and adopt, the pre-
35 liminary plan as the final plan.

36 (e) The final plan shall include the full text and an explanation of the
37 proposed plan, and comments deemed desirable by the commission, a
38 written opinion by an attorney admitted to practice law in the state of
39 Kansas and retained by the executive director for such purpose that the
40 proposed plan is not in conflict with the constitution or the laws of the
41 state, and any minority reports.

42 Copies of the final plan shall be filed with the county election officer,
43 city clerk of each city to be reorganized and each public library within

1 the county and shall be available to members of the public for inspection
2 upon request. The commission shall continue in existence at least 90 days
3 following the submission of the final plan for approval at an election as
4 provided by subsection (f).

5 (f) The final plan shall be submitted to the qualified electors of the
6 county at the next general election of the county held at least 45 days
7 following the adoption of the final plan by the commission. Such election
8 shall be called and held by the county election officer in the manner
9 provided by the general bond law. A summary of the final plan shall be
10 prepared by the commission and shall be published at least once each
11 week for two consecutive weeks in a newspaper of general circulation
12 within the county.

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

17 (1) Shall the county of _____ be consolidated with the city or
18 cities of _____?

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

23 If a majority of the qualified electors of the county voting on the plan
24 vote in favor thereof, the reorganization plan shall be implemented in the
25 manner provided by the plan except that no city shall be consolidated
26 with the county and no offices, functions, services or operations of a city
27 shall be consolidated with the county unless such consolidation plan is
28 approved by a majority of the qualified electors of such city voting at the
29 election held on such plan.

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

STRIKE →

32 ~~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,~~
33 ~~the final plan shall contain the ballot questions which shall be submitted~~
34 ~~to the electorate.~~
35

AND BY THE MAJORITY
OF THE QUALIFIED
ELECTORS OF THE
UNINCORPORATED AREA
OF THE CONSOLIDATION.

36 If the commission submits a final plan which does not recommend the
37 consolidation of the city or cities and the county and other political and
38 taxing subdivisions or the consolidation of certain city, county and other
39 political and taxing subdivision offices, functions, services and operations,
40 the provisions of this subsection shall not apply.

41 New Sec. 5. (a) Any plan submitted by the commission shall provide
42 for the exercise of powers of local legislation and administration not in-
43 consistent with the constitution or other laws of this state.

KAW RIVER DRAINAGE DISTRICT TESTIMONY

TO: HOUSE LOCAL GOVERNMENT COMMITTEE

FROM: ANDY LEWIS, KAW RIVER DRAINAGE DISTRICT
1247 NW HUMPHREY ROAD
TOPEKA, KANSAS 66618
(785) 582-4571

RE: SB 75

DATE: JANUARY 26, 2010

Chairwoman Schwartz, members of the committee, thank you for the opportunity to present testimony regarding Senate Bill 75. I am here on behalf of Kaw River Drainage District, a taxing subdivision entirely within the boundaries of Shawnee County.

Kaw River Drainage is testifying in opposition to SB 75.

The present language of section 10 and section 11 would seem to indicate one political and taxing subdivision could unilaterally consolidate with another like kind subdivision without the consent or agreement of that subdivision.

Our board does not believe that was the intent of SB 75, but its language appears to have the affect of unilateral and possible unintended consequences.

Our small district does not want to be forced to accept consolidation with another like subdivision which may have unacceptable financial or legal problems.

We suggest language be inserted or added which makes it clear that consolidation of two or more like kind subdivisions must be by mutual consent and agreement of these subdivisions.

If the language of sections of BS75 is not modified, it could result in unnecessary litigation. We would be happy to work with your committee, or committee staff, to find appropriate language that will accomplish the goals and protect the interests of all parties.

Thank you for your consideration in this matter.

Local Government
Date: 1-26-10
Attachment # 20

Jefferson County, Kansas

Linda M. Buttron, COUNTY CLERK

P.O. Box 321 • Oskaloosa, Kansas 66066

Phone: 785-863-2272 • Fax: 785-863-3135 • email: lbuttron@jfccountyks.com

COUNTY OFFICES

Commissioners
863-2272

Clerk
863-2272

Attorney
863-2251

Sheriff
863-2765

Register of Deeds
863-2243

Treasurer
863-2691

Clerk of the
District Court
863-2461

Road & Bridge
863-2211

Appraiser
863-2080

Auxiliary Services
863-2581

Emergency
Services
863-2278

Extension
863-2212

Planning & Zoning
863-2241

Health
Department
863-2447

GIS/IT
863-2173

911 Dispatch
863-2247

January 25, 2010

To: House Local Government Committee
From: Linda M. Buttron, Jefferson County Clerk
RE: Senate Bill 75

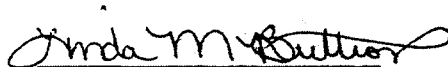
Chairman Schwartz and Committee members,

My name is Linda M. Buttron and I serve the citizens of Jefferson County as County Clerk. I would ask that Senate Bill 75 be amended to require a dual majority vote for approval of any consolidation plan submitted by a Consolidation Study Commission. That would be the fairest way to assure equity between rural areas with minimal population and urban areas with a majority of the population as it the case in most all Kansas counties.

I would also ask that you look around the State at local consolidation of services efforts that are already occurring without the need for a change in the law. Local people will have the best most effective solutions for consolidating services at the local level. Our budgets are tight and getting tighter as well and that fact stimulates discussion of how best we can provide services to the citizens we serve. Sometimes the answer to that question is working cooperatively with other counties, agencies and groups. Cooperation between the City of Junction City and Geary County has lead to several consolidated services. The City of Atchison and Atchison County have consolidated dispatch. Jefferson, Jackson and Nemaha Counties (along with several other groups in the State) have consolidated Extension Services through the creation of an extension district. Currently libraries are looking at consolidating services by creating library districts. There are many more examples of these types of consolidation throughout the State.

Thank you for your consideration of my testimony.

Sincerely,



Linda M. Buttron
Jefferson County Clerk

Local Government

Date: 1-26-10

Attachment # 21