

Approved: March 9, 2012

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Steve Huebert at 3:30 PM on Tuesday, February 14, 2012, in 144-S of the Capitol.

All members were present except: Representative Sydney Carlin, who was excused.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Jay Hall, Kansas Legislative Research Department
Eunice Peters, Office of Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the Committee:

Dan Deming, Hutchinson, Reno County Commissioner
Ron Sellers, Mayor, Hutchinson
Duane Patrick, President, Kansas Commissioners Association
Ed Eilert, Chairman, Johnson County Board of Commissioners
Charlie Sedlock, Vice-Chair, Kansas Chapter National Solid Waste Management Association
Melissa Wangemann, General Counsel & Director of Legislative Services, Kansas Association of Counties
Bill Bider, Director, Bureau of Waste Management, Kansas Department of Health and Environment
Kim Winn, Deputy Director, League of Kansas Municipalities
Fred Gress, City Manager, City of Parsons, Kansas
Aron Cromwell, Mayor, City of Lawrence, Kansas
Matt Zimmerman, City Manager, City of Emporia, Kansas
Mary Thomas, Shawnee County Commissioner
Richard Eckert, Shawnee County Counselor
Doug Mays, City of Olathe, Kansas

Others in attendance:

See attached list.

Hearing On: **HB 2190 -Counties; boards of county commissioners; term limit option.**

CONTINUATION SHEET

Minutes of the HOUSE LOCAL GOVERNMENT Committee at 3:30 PM on Tuesday, February 14, in 144-S of the Capitol.

The Chairman opened the hearing on **HB 2190**. Staff Eunice Peters said the printing error on line 10 has been corrected with a technical amendment and reported that the bill is not being reprinted. She noted that language in the bill provides the establishment of term limits for board members not to exceed two consecutive four-year terms. Constituents will vote at the next general election using two methods—by resolution or upon receipt of a petition signed by 5% of the qualified voters for such term limits.

Dan Deming, Hutchinson, Reno County Commissioner, speaking as a proponent of **HB 2190**, explained that several cities in Kansas have had term limits for city officials (Attachment 1). He noted this process has been successful in the city of Hutchinson for 18 years. Mr. Deming is an advocate for the same term limits voting opportunity for county commissioners.

Ron Sellers, Mayor, Hutchinson, Kansas, spoke in favor of **HB 2190**, saying that he believes the designation of citizen-elected officials includes all levels of government and the benefits are revealed in the wide variety of people who have the opportunity to serve their community and county (Attachment 2). He supports endorsing term limits.

Duane Patrick, President Kansas Commissioners Association, speaking as an opponent of **HB 2190** said the bill is unnecessary because term limits are already in place (Attachment 3). He said many county commissioners serve only one or two four-year terms; some serve several terms, but they are the exception, not the rule. Mr. Patrick stated that term limits can have a negative impact on leadership continuity; elections are the means of accountability.

Ed Eilert, Chairman, Johnson County Board of Commissioners, was unable to attend. Stuart Little, Little Government Relations, LLC, presented Johnson County Board of Commissioners' position, saying that the bill does not include other units of government, such as those in the legislature (Attachment 4). He indicated the need to respect the local voting process.

Mary Thomas, Shawnee County Commissioner, speaking in opposition to **HB 2190**, outlined four reasons to oppose the bill (Attachment 5). She concluded by saying that term limits for county commissioners would limit voters' choices, destroy knowledge and efficiency and shift decision making away from persons most responsive to the electorate.

Written only testimony was provided by Ralph D. Unger, Decatur County Commissioner, Decatur County Kansas (Attachment 6).

The hearing on **BH 2190** was closed.

The Chairman opened the hearing on **HB 2639 – Pertaining to commercial solid waste activity**.

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Charlie Sedlock, Vice-Chair, Kansas Chapter National Solid Waste Management Association, said that passage of **HB 2639** would level the playing field between the private and public sector to offer competitive services to Kansas residents (Attachment 7). He indicated the bill would also provide a clear policy statement regarding governmental participation in the private sector.

Melissa Wangemann, General Counsel & Director of Legislative Services, Kansas Association of Counties, spoke in opposition to **HB 2639**, saying that this legislation seeks to remove government from the business of providing trash service (Attachment 8). She noted further that the language appears to focus only on the one who has the lowest price and not on the level of services provided to the public.

Bill Bider, Director Bureau of Waste Management, Kansas Department of Health and Environment, believes the bill is inconsistent with existing statutes (Attachment 9). He said the intent is to give local governments the authority and responsibility to provide services, specifically where the private sector is unable or unwilling to provide necessary services. Mr. Bider indicated the possibility of increased costs to local government entities; rural communities, which are shrinking in population, would have to bear those costs.

Kim Winn, Deputy Director, League of Kansas Municipalities (LKM), spoke in opposition to the legislation of **HB 2639**, saying that LKM believes individual cities and locally elected officials are in place to make the appropriate decision regarding solid waste service for their communities (Attachment 10). She noted that the bill places more restrictions on municipalities, which would further negate the existing agreements between counties, cities and private haulers.

Fred Gress, City Manager, City of Parsons, Kansas, addressed the committee as an opponent of **HB 2639**, saying that the City of Parsons and Labette County have acted responsibly in providing solid waste collection. He said the requirement in the bill of providing an audit within 120 days is not cost effective. Mr. Gress noted that the rights of local government to decide who provides services should never be challenged by this level of legislation (Attachment 11).

Aron Cromwell, Mayor, City of Lawrence, Kansas, expressed opposition to **HB 2639**, saying that the proposed language prohibits municipalities from engaging in commercial solid waste activity unless formal bids have been taken from private companies (Attachment 12). He said each city's governing body should be allowed to determine how all solid waste services are provided for the community.

Matt Zimmerman, City Manager, City of Emporia, Kansas, speaking to oppose **HB 2639**, said that, if approved, the bill would weigh the provision of solid waste services heavily in favor of private waste companies and create an unlevel playing field (Attachment 13). He said private companies can file a form with the Freedom of Information Act to obtain municipalities' budgets

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and then place their bid slightly lower. Mr. Zimmerman noted that the City of Emporia has successfully owned and operated the landfill and continues to ensure there is not environmental damage to surrounding property owners.

Mary Thomas, Shawnee County Commissioner and Richard Eckert, Shawnee County Counselor, Speaking in opposition to **HB 2639**, both agreed that the bill seems unworkable as written for those having existing commercial collection agencies (Attachment 14). They listed as problematic the issue of geographic coverage, no language to lock-in a bid price for a given length of time and the need to maintain availability of adequate collection during a community emergency. Ms. Thomas noted the importance of extending the lifetime of existing landfills and said this bill would actually increase the amount of solid waste in landfills, which would diminish the lifetime of the landfill.

Doug Mays, City of Olathe, Kansas, said there are significant disadvantages to the proposed legislation (Attachment 15). He noted that not only do local voters lose control of state required services, they are vulnerable to increased prices and diminished services. Mr. Mays proudly stated that Olathe has the most affordable and comprehensive program, based on last year's comparisons, and they continue to meet the new county recycling requirements.

Written testimony in opposition to the bill was submitted by:

Thomas F. Coffman, Senior Vice President, Deffenbaugh Industries, Inc. (Attachment 16).
Derrick Standley, Regional Director of Engineering, Compliance and Government Affairs, Waste Corporation of Kansas, Inc., Waste Corporation of Missouri, Inc. (Attachment 17).

The Chairman closed the hearing on **HB 2639**.

Kim Winn, Deputy Director, League of Kansas Municipalities submitted a memo in response to members' questions at a previous meeting (Attachment 18).

The Chairman called for work on the compromise legislation of **HB 2166**, which includes a balloon amendment (Attachment 19).

Following the direction of Staff Eunice Peters, *Representative Sloan made a motion to remove **HB 2166** from the table, strike all the amendments added in 2011 and amend the bill by adopting the balloon. Representative Lane seconded the motion. The motion passed.*

*Representative Mah made a motion to adopt the substitute bill for **HB 2166** as favorable for passage. Representative Lane seconded the motion. The motion passed.*

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The Chairman requested Staff Eunice Peters to explain the necessity of proposed amendments to **HB 2555** in the event a substitute bill is requested. She said that the bill proposed to change the existing school district recreation system to a city recreation system, including the stipulation of leaving the one mil levy intact. Ms. Peters noted the new subsections, which further define the transfer process, will be inserted in section two of the bill (Attachments 20 & 21).

Representative Mah submitted an opinion from the Attorney General's Office regarding the licensure of pawnbrokers and precious metal dealers. The Chairman offered members the option of working on this issue (Attachment 22).

The meeting was adjourned at 5:00 p.m. The next meeting is scheduled for Thursday, February 16, 2012.