



COUNSELOR'S OFFICE

115 N. 4th Street, 3rd Floor
Manhattan, Kansas 66502
Phone: 785-565-6844
Fax: 785-565-6847
Email: choleman@rileycountyks.gov

January 31, 2017

The Honorable John Barker, Chairman
House Federal and State Affairs Committee
Capitol Building, Room 346-S
Topeka, KS 66612

Re: HCR 5004 - Testimony in Support

Dear Chairman Barker and Members of the Committee:

Cities and Counties have no inherent legislative authority. Both these local governments receive their legislative authority in a grant from the state. And it is only by means of that legislative authority cities and counties are able to carry out the mandates which are placed upon local government by the state. That limited state legislative authority granted to local governments is commonly referred to as "home rule."

As your "Legislator Briefing Book" for the 2017 session tells every member on page 1 this year: National data from 1993 showed 23 states had already granted home rule to their counties by their state constitutions. So asking you to place county home rule within the Kansas constitution is not a new concept. All this request does is make consistent the legislature's grant of authority for limited self-government to both cities and counties. Home rule for both cities and counties should be grounded in our constitution.

A key point in favor of HCR 5004 is its passage will not make subject to county charter resolution the tax lid passed during the 2016 session. That statute is uniform and applies to all counties. So under HCR 5004(b)(1)(See HCR 5004, page 2, lines 1-7) counties would have no authority to "charter out" from the tax lid once HCR 5004 is passed.

Thank you for allowing me to testify in support of HCR 5004.

Sincerely,



Clancy Holeman
Riley County Counselor

cc: Ronald E. Wells, Chairman
Marvin Rodriguez, Vice Chair
Ben Wilson, Member