

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 5, 2009, in Room 136-N of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the Committee:

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

Others attending:

See attached list.

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

**Final Action:**

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

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

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

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

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

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

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

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

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

## CONTINUATION SHEET

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

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

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

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

Staff provided an overview of the bill.

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

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

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

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

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

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

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

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

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

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

Don Moler, Executive Director, League of Kansas Municipalities, spoke in favor of the bill. (Attachment 10) The bill would allow cities and counties, and their residents, to determine their own local government organizations; and will allow them to maximize efficiencies in government as well as modernizing governmental structures in Kansas.

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

Allyn Lockner, KACIR, appeared in favor of the bill. (Attachment 12) Mr. Lockner supports the bill because

## CONTINUATION SHEET

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

it increases the consolidation choices available to Kansans, and only authorizes consolidations, does not mandate.

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

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

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

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

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

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

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

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

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

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

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