

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Barbara Allen at 1:30 p.m. on March 9, 2004 in Room 423-S of the Capitol.

All members were present except:

Senator Derek Schmidt- excused

Committee staff present:

Mike Heim, Legislative Research  
Martha Dorsey, Legislative Research  
Ken Wilke, Revisor of Statutes  
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee:

Tom Winters, Chairman, Sedgwick County Commissioners  
Jim Crowl, Assistant Shawnee County Counselor  
Judy Moler, Kansas Association of Counties  
Danielle Noe, Intergovernmental Relations Manager, Johnson County  
Ed Jaskinia, The Associated Landlords of NE Kansas  
Representative Jim Yonally  
Representative Roger Toelkes  
Barry Martin, Johnson County Rural Fire District  
Ed Peck, Treasurer of Tecumseh Township  
Larry McAulay, Director of Legal Services of Johnson County  
Bob Hazelwood, Clerk, Topeka Township  
James Kilmartin, Clark Monmouth Township  
Representative JoAnn Freeborn  
Senator Mark Taddiken  
Roger Nelson, Member, Cloud County Commission  
Terry Finch, Commissioner Chairman, Lincoln County  
Representative Frank Miller  
Rick Voelker, Fraternal Order of Police  
Randy Rogers, Coffey County  
Larry Bergstrom, Cloud County  
Lamar McLeod, Lincoln County Sheriff  
Donald Wilson, Sheriff, Lane County

Others attending:

See Attached List.

Hearing on:

**HB 2774 - Township fire districts; procedure to create**

Chairperson Allen opened the hearing on **HB 2774**.

Representative Toelkes recognized by the Chair, spoke in support of **HB 2774**. He presented testimony that **HB 2774** updates and clarified the statutory language regarding creation and governance of fire districts (Attachment 1).

Chairperson Allen welcomed Ed Peck to the committee. Mr. Peck's testimony was in support of **HB 2774** (Attachment 2).

Representative Yonally appeared before the committee in support of **HB 2774**. His testimony pertained to Section 4 of the bill (Attachment 3).

F. Lawrence McAulay, Jr., presented testimony in support of Section 4 of **HB 2774** (Attachment 4).

## CONTINUATION SHEET

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Testimony in support of **HB 2774** was presented by Bob Haselwood, Clerk of Topeka Township and Clerk of Topeka-Tecumseh Fire District in Shawnee County ([Attachment 5](#)).

Written testimony in support of **HB 2774** was handed out from James Kilmartin, Clerk of Monmouth Township ([Attachment 6](#)).

Chairperson Allen inquired if there were any other individuals who wished to testify on **HB 2774**, seeing none, closed the hearing.

After questions from committee, Chairperson Allen requested Representative Yonally to work with staff to come with language to address situation at hand dealing with townships with no residents.

### **HB 2712 - Fire district property tax levies**

Chairperson Allen opened the hearing on **HB 2712** and recognized Representative Yonally. Representative Yonally presented testimony in support of Section 1 of **HB 2774** ([Attachment 7](#)).

Testimony in support of Section 2 of **HB 2712**, allowing township board to purchase land adjacent to shop area ([Attachment 8](#)) was given by Representative Toelkes.

Barry Martin, welcomed by the Chair presented testimony that would amend **HB 2712**. Mr. Martin stated 1) the 1992 amendment contained language which needed to be deleted to make K.S.A. 19-3610(a) read correctly and 2) Fire Protection Districts should be allowed to contract with other fire districts, townships or private entities with same parameters as contracts with cities ([Attachment 9](#)).

Chairperson Allen recognized proponent, Ed Peck, Treasurer of Tecumseh Township. Mr. Peck was in support of **HB 2712**, and asked the committee to remove the acreage limitations placed on townships ([Attachment 10](#)).

There being no others to testify on **HB 2712**, Chairperson Allen closed the hearing.

### **HB 2805 - Law enforcement consolidation; Lincoln and Cloud counties**

Chairperson Allen opened the hearing on **HB 2805**. Mike Heim, Legislative Research handed out City-County Consolidated Law Enforcement Acts to the committee ([Attachment 11](#)).

Representative Freeborn recognized by the Chair presented testimony in support of **HB 2805**. Representative appeared in support on behalf of Lincoln and Cloud County Commissioners. She mentioned **HB 2805** would put the issue to a vote of the people ([Attachment 12](#)).

Senator Mark Taddiken welcomed to the committee by the Chair presented testimony in support of **HB 2805**. Senator Taddiken testified the bill would provide the authority for Cloud and Lincoln counties to consolidate law enforcement agencies with their respective counties ([Attachment 13](#)).

Chairperson Allen recognized Roger Nelson. Mr. Nelson appeared before the committee in support of **HB 2805**. Mr. Nelson stated it is important to keep a time honored tradition for self determination of local citizens to decide issues that have major input on their lives ([Attachment 14](#)).

Terry Finch, Chairman of the Lincoln County Board of Commissioners presented testimony in support of **HB 2805**. Mr. Finch noted his testimony had attached letters of support from the mayors of their two largest cities and from the county attorney. He stated this was county specific, not trying to get this law changed statewide. It is needed in Lincoln County where they are already are utilizing combined law enforcement service now ([Attachment 15](#)).

There being no others to testify as a proponent on **HB 2805**, Chairperson Allen asked for opponent testimony.

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Chairperson Allen welcomed Representative Frank Miller who spoke in opposition of **HB 2805** (Attachment 16).

Testimony in opposition was given by Fredric (Rick) Voelker. He had attached a memo from a recent two year study which showed that law enforcement consolidation would not be a feasible option for Cloud County and costs would be greater than anticipated for the taxpayers (Attachment 17). Chairperson Allen made a request for Rick to submit an amendment when and if the committee takes action on **HB 2805**.

Larry Bergstrom, Cloud County Sheriff spoke in opposition of **HB 2805** (Attachment 18).

Lamar McLeod, Lincoln County Sheriff, appeared in opposition to **HB 2805**. Mr. McLeod stated they already have consolidation law enforcement service in Lincoln County. Also, included with testimony, Mr. McLeod included the Kansas Supreme Court decision 88, 844 (Attachment 19).

Testimony in opposition to **HB 2805** was given by Randy Rogers, Sheriff of Coffey County. Sheriff Rogers stated while **HB 2805** addresses Cloud and Lincoln Counties, he believes if **HB 2805** passed, other counties would be asking for voters to consider consolidated law enforcement (Attachment 20).

Donald Wilson, Sheriff, Lane County, submitted written testimony in opposition to **HB 2805** (Attachment 21).

Chairperson Allen asked for any other conferees to testify on **HB 2805**. There being none, Chairperson closed the hearing.

**HB 2600 - Counties; sale or disposition of county property**

Chairperson Allen recognized Tom Winters to speak to the committee. Mr. Winters appeared as a proponent of **HB 2600** and presented testimony in support (Attachment 22).

James Crowl, Assistant Shawnee County Counselor appeared as a proponent to **HB 2600** on behalf of Shawnee County (Attachment 23).

Judy Moler appeared as a proponent on **HB 2600**. Ms. Moler stated The Kansas Association of Counties supports legislation that would allow counties more flexibility in the sale and disposal of county owned property (Attachment 24).

Danielle Noe, recognized by Chairperson Allen spoke in support of **HB 2600** (Attachment 25).

There were no opponents to **HB 2600**.

There being no others to testify on **HB 2600**, Chairperson Allen closed the hearing.

**HB 2615 - Abatement of nuisances, owner has not exceeding 40 days to abate nuisance; current law 10 days.**

Chairperson Allen welcomed Ed Jaskinia to the committee. Mr. Jaskinia, President, The Associated Landlords of Kansas spoke in support of **HB 2615**. On the issue of the days to abate nuisance, the League of Kansas Municipalities and the Associated Landlords of Kansas (TALK) had reach a compromise that is agreeable to both groups. The Chair requested Ed Jaskinia to present to committee written testimony to that effect.

There being no others to testify on **HB 2615**, Chairperson Allen closed the hearing.

The Chair informed the committee it would be meeting Tuesday, March 11.

The meeting adjourned at 2:30 p.m.