

Approved: _____

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Nancy Brown at 1:30 p.m. on March 21, 1994 in Room 521-S of the Capitol.

All members were present except: Representative Robert Tomlinson (excused)
Representative Gwen Welshimer (excused)

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:
Whitney Damron, Pete McGill & Associates, Topeka
Jay Emert, Kansas Cellular, Salina

Others attending: See Attachment 1.

The Chairman opened the discussion on **SB 570** (county administrator; procedure to establish office) and asked Theresa Kiernan to describe the bill and the amendment suggested by the Chairman (see Attachment 2). The committee discussed the bill and the proposed amendment, questioning the need for the bill and its effect if enacted. Chairman Brown distributed a copy of a letter from Ray Caldwell, Jr., a Montgomery County Commissioner, opposing the bill (see Attachment 3). Then, on motion of Representative Hayzlett, seconded by Representative Mills, the committee voted to adversely report **SB 570**.

Chairman Brown then opened the discussion on **SB 688** (emergency telephone service; charges against mobile, cellular and wireless telephones). Theresa Kiernan outlined the Senate amendments to the bill which exempts a wireless carrier from the exchange access tax, requires wireless service suppliers to receive prior approval of the PSAPs before directing calls to them, and requires each governing body to provide or contract for 24-hour answering by December 31, 1994, to ensure that emergency calls will be answered. Mr. Jay Emert, of Kansas Cellular, Inc. of Salina, in response to questioning, stated the cellular industry is very much in favor of a statewide 911 response system. The committee discussed the bill and on motion of Representative Packer, seconded by Representative Packer, the committee voted to amend section 2(d) to exempt wireless service users from the emergency telephone tax (see suggested amendment, Attachment 4). Representative McKechnie moved, and Representative Grant seconded, that new section 4 of **SB 688** (concerning liability) be removed. Representative Powers then made a substitute motion to pass the bill favorably, as amended. Representative Packer seconded the motion. The committee discussed the motion and then a call of the question was made: The motion carried.

On motion of Representative Grant, seconded by Representative Hayzlett, the committee minutes of March 16, 1994 were approved.

The Chairman announced that most likely this will be the last meeting of the committee this session. Meeting adjourned at 2:30 p.m.

HOUSE OF REPRESENTATIVES
COMMITTEE ON LOCAL GOVERNMENT
CONFEREES AND VISITORS
MARCH 21, 1994

NAME AND ADDRESS (Please print)		REPRESENTING
BEV BRADLEY	TOPEKA	KS Assoc of Counties
Whitney Dameron	TOPEKA	Pete McMillan Assoc / SBMS
Larry Southern	Dallas, TX	Southwestern Bell Mobile Systems
McDonald & Lemmon	Manhattan, KS	Patterson, Riley, Johnson, Washington, Wabasha, Lawrence
Idan Girsburg	Lawrence	Lawrence High School
Rory Bailey	Lawrence	Lawrence High School
Nicole Basile	Lawrence KS	Lawrence High School
Santa Chansavang	Lawrence KS	Lawrence High School
Michelle Clum	Topoka	Atty. Jon Small
STEVE KEARNEY	TOPEKA	KANSAS CELLULAR

Proposed Amendment to Senate Bill No. 570
(As Amended by Senate Committee)

On page 1, in line 34, by striking "Such" and inserting "Subject to the provisions of section 2, such"; by striking all in lines 39, 40, 41 and 42 and inserting:

"Sec. 2. (a) If the proposition to establish the office of county administrator is approved as required by section 1, the board of county commissioners shall appoint a county administrator within six months following the first election at which a majority of the board of county commissioners is elected following the election required by section 1.

On page 2, by striking all in lines 4 to 43, inclusive;

On page 3, by striking all in lines 1 to 12, inclusive, and inserting:

"Sec. 3. The county administrator shall be the chief administrative officer of the county and shall perform such duties as shall be delegated by the board of county commissioners.";

RAYMOND E. CALDWELL, JR.
MONTGOMERY COUNTY COMMISSIONER
P.O. BOX 637
COFFEYVILLE, KANSAS 67337-0637
316-251-2880

TO: LOCAL GOVERNMENT COMMITTEE MEMBERS

Thank you, in advance, for your valuable time to read this note. Once again, I feel a need to ask you to vote against SB 570. Also, I wish to apologize to you that such legislation would evolve from Montgomery County as you have no way of knowing the circumstances leading up to the introduction of this bill. The Board of County Commissioners have a supreme regard for the democratic election process and would never use our offices to further unknown agendas.

SB 570 does erode some of the Home Rule authority which has been granted by proper legislative authority. You have granted us the authority to call an election and even hire an administrator if the PEOPLE WISH under home rule. That makes this bill nebulous.

County Government, being composed of Elected and Appointed Officials, is the same responsive entity as yourselves. A County Administrator would NOT be responsive to the people and would create more problems than any of us currently have now.

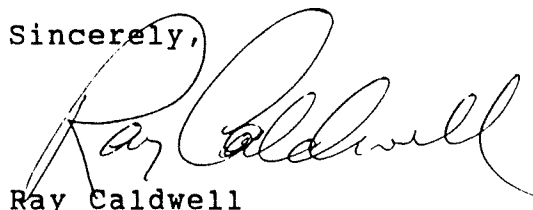
Facts are; most county commissioners have huge personal investments in the community and experience daily the struggle to make enough on our investment to pay our taxes. We also bring vast amounts of business experience to the operation of the county. We truly run one of the most efficient government operations on a daily basis.

We usually put in 30 to 50 hours per week over and above our own businesses to run the county business. Just as you are directly elected, we too have the obligation to directly face our taxpayers on a daily basis and understand their problems. We have no one to pass the buck to, and don't want anyone to usurp this authority.

Please, let's not take away any more of the taxpayers rights to directly choose the persons they want to personally represent their interests. They do not want surrogate representation.

Thank you for protecting the rights of our fine citizens.

Sincerely,



Ray Caldwell

HOUSE LOCAL GOVERNMENT
Attachment # 3
3 / 21 / 84

Senate Bill 688 - Wireless Emergency Telephone Service

Proposed Amendment:

Page Three, Section 2 (d) beginning on line 39, delete:

"A wireless carrier shall be exempt from the exchange access tax."

and replace that sentence with:

"Wireless service users shall be exempt from the emergency telephone tax."

The effect of this amendment is to exclude wireless customers from being assessed an emergency tax on wireless service.