

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 P.M. on February 14, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Steve Huebert- excused
Representative Tom Sawyer- excused
Representative Mario Goico- excused
Representative Tom Holland- excused
Representative Melody Miller- excused
Representative Jim Yonally- excused

Committee staff present:

Mike Heim, Legislative Research Department
Martha Dorsey, Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Rep. Virginia Beamer
Rep. Gary Hayzlett
Mike Thon, Greeley County Commission
Alan Peter, City/County Government Action Team
Gary DuPree, City of Tribune
Clark Harris, City/County Government Action Team
Terry Woodbury, Kansas Communities, LLC

Others attending:

See attached list.

Committee Members Huebert, Sawyer, Holland, Goico, M. Miller, and Yonally were excused from the Tuesday, February 14, 2006 meeting in order that they could attend a sub-committee meeting relating to **HB 2742**.

Chairman Vickrey opened the hearing on:

HB 2809 **Unification of City of Tribune and Greeley County**

Rep. Hayzlett introduced the conferees to the Committee.

Alan Peter, City/County Government Unification Action Team, testified in support of the bill (Attachment 1). He explained that the bill would allow a study commission to be organized relating to the unification of the Greeley County Commission and the Tribune City Council.

Gary DuPree, Mayor of Tribune, testified in support of the bill (Attachment 2). He stated that the unification process will not eliminate any jobs but it will make the city and county governments work smoothly.

Clark Harris, testified in support of the bill (Attachment 3). He said that unification would allow the county and the city to continue to have separate budgets and tax bases.

Mike Thon, City/County Government Unification Action Team, testified in support of the bill (Attachment 4). He said that unification recognizes that they (county/city) are one community and that there are overlapping needs.

Terry Woodbury, Kansas Communities, LLC, testified in support of the bill (Attachment 5). He informed that Greeley County's new "Community Building" effort was stimulated by the community's desire to reverse downward trends in the population and economy.

CONTINUATION SHEET

MINUTES OF THE House Governmental Organization and Elections Committee at 3:30 P.M. on in Room 519-S of the Capitol.

Written testimony was submitted by Nancy Weeks, Kansas County Officials Association, in support of the bill (Attachment 6).

Written testimony in support of the bill (Attachment 7) was submitted by Sen. Ralph Ostmeyer.

There were no opponents.

Chairman Vickrey closed the hearing on **HB 2809**.

HB 2809 **Unification of City of Tribune and Greeley County**

Rep. Storm made a motion to amend the bill relating to changes in elected offices following unification and requiring a separate ballot question. Rep. Lane seconded the motion. Motion carried.

Rep. Otto made a motion to amend the bill to allow for the inclusion or exclusion of the City of Horace. Rep. Lane seconded the motion. Motion carried.

Rep. Miller made a motion for the favorable passage of **HB 2809** as amended. Rep. Craft seconded the motion. Motion carried.

Chairman Vickrey opened the hearing on:

HB 2667 **Recreation commissions; removal of members**

Rep. Beamer testified in support of the bill (Attachment 8). She explained that currently, removal of members is by the appointing authority only. She said that her constituents have asked for a change to allow for petition and election.

Written testimony in support of the bill (Attachment 9) was submitted by Rep. Olson.

Chairman Vickrey closed the hearing on **HB 2667**.

HB 2667 **Recreation commissions; removal of members**

Rep. Lane made a motion to amend the bill with clarifying language, a technical amendment. Rep. Faust-Goudeau seconded the motion. Motion carried.

Rep. Oharah made a motion for the favorable passage of **HB 2667** as amended. Rep. Lane seconded the bill. Motion carried.

HB 2719 **open meetings; recording of closed or executive sessions**

Written testimony from Jerry Slaughter, Kansas Medical Society, relating to **HB 2719** was distributed to the Committee (Attachment 10).

Approval of Minutes

Rep. Faust-Goudeau made a motion to approve the minutes of the February 9, 2006 meeting. Rep. Lane seconded the motion. Motion Carried.

Chairman Vickrey adjourned the meeting.

The next meeting is scheduled for Thursday, February 16, 2006.

Testimony Regarding HB2809

Before the Governmental Organization and Elections

My name is Alan Peter, and I am a banker, farmer and a lifetime resident of Greeley County, Tribune Kansas. I have served on several local boards over the past twenty-five years including Soil Conservation District, Farm Bureau Insurance, Agricultural Extension, President of our Local Coop, and on the community city county government action team. Additionally, I was a board member for the Kansas Corn Growers Association and was elected President for four years. I would like to thank you for the opportunity to speak today on behalf to House Bill 2809.

This is a great opportunity for our community to move forward toward restoring our community to become a more desirable place to live and raise a family. We feel that this would help us turn the corner on economic growth in Greeley County. Our community would rather be pro-active in changing the trends that we have been faced with in recent years. We have to make changes ourselves, we cannot expect Topeka or Washington to care only about one community in Western Kansas.

House Bill 2809 would allow us to organize a study commission to prepare the unification of County Commission and Tribune City council. This plan would have to have the majority of the qualified electors voting on the plan who reside outside of the corporate limits of the city and a majority of the qualified electors voting on the plan who reside within the corporate limits of the city. Also, keeping budgets and tax base of the county and city separate should simplify the unification process.

The positive aspects of the unification are as follows: 1) A single policy-making board that looks to the community as a whole. 2) Improvement of the day-to-day operation between personnel, equipment and the response time to the issues between the City and County government. Already in place are the unified police and fire departments, which have been in place for several years and are working well. Also as an additional note, we were the first community in the State of Kansas to unify our school district.

I am asking this committee to approve House Bill 2809 for the future of Greeley County.

House Gov. Org. & Elections
Date: 2-14-2006
Attachment # 1

Testimony Regarding HB 2809

Before the Governmental Organization & Elections

My name is Gary DuPree, and I am the Mayor of Tribune. I serve the city of Tribune, KS. I want to thank you for the opportunity to speak today in support of HB 2809.

As most of you know we are the smallest county in population of the 105 counties. We want to survive the enormous struggle that's going on in our country. In order to survive we must unify our city and county governments.

We know our community is well worth saving. The people of Greeley County are fighters, and we want the best for the county and city. This unification process is just one phase of the solution.

The unification process will not eliminate any jobs, but it will make the governments work smoothly.

So, I am asking this Governmental Organization to say yes to HB 2089.

Sincerely,
Gary DuPree

House Gov. Org. & Elections
Date: 2-14-2006
Attachment # 2

**Testimony Regarding House Bill 2809
House Governmental Organizational and Elections Committee
February 14, 2006**

My name is Clark Harris, a lifelong resident of Greeley County. I co-chair the Unification Action Team.

Greeley County is unique in our state. We are the least populated county in Kansas, have only two incorporated towns and they are less than two miles apart. We were the first county unified school district in Kansas, and have always thought of ourselves as a single community. I am here today to speak in favor of House Bill 2809, which would allow us to seek unification of Tribune and Greeley County. We have researched this issue and are unanimous in our support to proceed with the process. We do so with the support of the Tribune City Council and the Greeley County Commissioners, both who are on record by unanimous vote. We believe that unification does the following:

- ALLOWS COUNTY AND CITY TO CONTINUE TO HAVE SEPARATE BUDGETS AND TAX BASES**
- IMPROVES SHARING OF PEOPLE AND EQUIPMENT**
- ALLOWS OUR COMMUNITY TO MORE QUICKLY RESPOND TO OPPORTUNITIES AND PROBLEMS**
- ELMINATES CONFLICTS OF INTEREST, BUT RETAINS BALANCE OF POWER**
- OFFERS HOPE OF SURVIVAL**

Presently, in our community, law enforcement and fire services are countywide, making unification easier. Cooperation exists between the County Commissioners and the Tribune City Council, making unification easier. And, we will customize the process to fit the needs of our community.

I firmly believe that unification is progressive and proactive. I hope that your committee will feel the same and support House Bill 2809.

House Gov. Org. & Elections
Date: 2-14-2006
Attachment # 3

Testimony regarding HB-2809
Before House Committee on Governmental Organization and
Elections

My name is Mike Thon, and I currently serve as chairman of the Greeley County Commission. I thank you for the opportunity to speak today in favor of House Bill 2809. The Greeley County Commission unanimously supports House Bill 2809.

Unification is not a new idea in the Greeley County/City of Tribune community. We were the first unified school district in the state of Kansas. There is a joint agreement between Greeley County and the city of Tribune for law enforcement. The Tribune Municipal Airport is jointly owned and operated by the Greeley County/City of Tribune Airport Board. At this time all the fire districts have consolidated into one. Other numerous joint efforts occur often in the day to day operations of the two governments.

House Bill 2809 would provide a legal structure for those other efforts and the opportunity for those efforts to expand into other areas.

The separation of budgets and tax bases allows each entity to maintain its own identity and meet its specific needs. Unification recognizes that we are one community and that there are overlapping needs.

The unification study and the resulting proposal, H/B 2809, is a direct result of a grass root community development process started in 2004. We recognize that our survival as a community is dependent on our community/our citizens taking actions to insure that survival.

The unification of the governments of Greeley County and the City of Tribune is just one of those steps.

House Bill 2809 is not asking for some one to save our community. It is asking for permission to develop a plan, that we vote on, that can be part of the overall plan to save our community.

Thank you and I urge you to say yes to House Bill 2809 and the future of our community.

House Gov. Org. & Elections
Date: 2-14-2006
Attachment # 4

**Testimony by Terry Woodbury
President, Kansas Communities LLC**

RE: House Bill 2809

I am testifying in support of Greeley County's effort to unify city and county government.

I began working with Greeley County's new "Community-Building" effort in August 2004 – stimulated by the community's desire to reverse downward trends in the population and economy.

In November 2004, 12% of the county's 1400 residents joined in an inspiring Community Conversation that generated over 100 improvement ideas for the county's future. Then they selected 32 leaders to refine these ideas and develop a community Vision and new Goals.

One of the seven goals that emerged at the Vision Retreat was to unify city and county government. As Retreat facilitator, I double-checked with those 32 leaders – particularly city and county officials in attendance – whether the community at large was ready to address this challenging goal. Unanimously, they said to go forward.

A citizen-led Action Team was then appointed to implement all 7 goals – including Government Unification.

One year later this Team has done their homework: conducting national research, conferencing with Wyandotte County leaders to learn from their experience, and presenting their recommendations to City and County governing bodies.

Additionally, they shared their government unification plans with leaders from 5 other communities across the state at the Kansas Communities Conference 3 months ago in Great Bend. The other communities were greatly inspired by Greeley County's long-range vision and thorough preparation.

I applaud Greeley County's entrepreneurial spirit and dedicated search for ways to sustain and grow their community. The citizens who have led this effort represent both farm and town people, and they have built consensus.

As western Kansas faces difficult, if not desperate, circumstances in county after county, the core message of this proposal by Greeley County is **HOPE**. Business as usual is not delivering a hopeful future. So Greeley County citizens and leaders are working hand in hand to break new ground, to better utilize the resources of government to lead the way in generating new ideas, new energy and new leadership.

Your support of Greeley County's proposal will strengthen their resolve and urge them to go bravely forward.

House Gov. Org. & Elections
Date: 2-14-2006
Attachment # 5

KCOA

Kansas County Officials Association

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To: House Governmental Organization and Elections Committee
Re: House Bill 2809
Date: February 14, 2006

Chairman Vickery and Committee Members,

On behalf of the over 400 county elected officials in Kansas, I submit this written testimony on House Bill 2809. The KCOA is a member association made up of County Clerks, County Sheriffs, County Register of Deeds and County Treasurers.

Our association does not oppose the theory of consolidation and recognizes the fact that this is a local issue and should be decided by citizens at a local level. We do support the fact that citizens should have all options of consolidation made available to them with accurate facts given to them to make an informed decision.

We believe that the citizens of a county should have the right to vote to eliminate their elected officials. The decision to eliminate elected officials should not be left to an appointed consolidation committee. We believe strongly and support language that would require a separate vote to eliminate elected officials.

It is our understanding that proponents of the bill are offering an amendment that would require a vote of the people to eliminate an elected official. Our association urges your support for such an amendment and stands ready to support HB 2809 if the bill is amended to allow a separate ballot question on the elimination of elected officials. Our association would urge you to support the amendment offered by proponents of the bill that would require a separate vote to eliminate elected officials.

Sincerely,

Nancy Weeks, President
Haskell County Treasurer

House Gov. Org. & Elections
Date: 2-14-2006
Attachment # 6

Kansas County Clerks and Election Officials Association
Kansas County Treasurer's Association
Kansas Register of Deeds Association

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

RALPH OSTMEYER
SENATOR, 40TH DISTRICT
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COMMITTEE ASSIGNMENTS

VICE-CHAIR: NATURAL RESOURCES
MEMBER: AGRICULTURE
EDUCATION
FEDERAL AND STATE AFFAIRS
JOINT COMMITTEE ADMINISTRATIVE
RULES AND REGULATIONS

February 14, 2006

Chairman Vickrey, and members of the committee.

I support HB-2809, unification of City of Tribune and Greeley County. As population shifts and declines, we as elected officials must come up with policies that are fiscally responsible and efficient. There are over lapping levels of government and there should be savings to our small communities. I support this bill.

A handwritten signature in cursive script that reads "Ralph Ostmeyer".

Ralph Ostmeyer
Senator, 40th District

House Gov. Org. & Elections
Date: 2-14-2006
Attachment # 7

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

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VIRGINIA B. BEAMER
118TH DISTRICT

Testimony in Support of HB 2667
House Governmental Organization and Elections Committee
February 14, 2006

Chairman Vickrey and Members of the Committee:

The bill before you concerns Recreation Districts which are established by the city or school district. Members of the board are appointed by the governing body of the city or school board which established that recreation district. In order to fund programs of the recreation district, up to one mill may be levied in that taxing district..

Removal of members currently is by the appointing authority only. Constituents in my district have asked that this be changed to allow for petition and election. The petition would need to have signatures of 5% of the number of qualified voters in the taxing district who voted in the last presidential election to bring the removal of a member to a vote of the electorate.

Since the recreation board is dealing with taxes levied by non-elected members of a board it is only appropriate to have removal by election as well as the appointing authority.

Thank You for the opportunity to speak to you today on this issue and I would be happy to answer questions you might have.

House Gov. Org. & Elections
Date: 2-14-2006
Attachment # 8

STATE OF KANSAS



HOUSE OF
REPRESENTATIVES

Robert (Rob) Olson
REPRESENTATIVE, 26TH DISTRICT
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Committee Assignments:
Environment
Financial Institutions
Transportation
Utilities

FEBRUARY 14, 2006

THE HONORABLE JENE VICKREY
HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS
STATE HOUSE ROOM 519-S
TOPEKA KANSAS 66612

SUBJECT: HB 2667

HOUSE BILL 2667 IS GOOD PUBLIC POLICY BECAUSE IT REINSTATES AN
IMPORTANT PRINCIPLE OF DEMOCRACY; NO TAXATION WITHOUT
REPRESENTATION. CURRENTLY, RECREATION DISTRICTS ARE ESTABLISHED BY
CITIES OR SCHOOL DISTRICTS THROUGH APPOINTMENT. UP TO ONE MILL
MAY BE LEVIED IN A GIVEN TAXING DISTRICT TO PAY FOR THE PROGRAMS OF
THE RECREATION DISTRICT.

REMOVAL OF RECREATION DISTRICT MEMBERS IS BY THE APPOINTING
AUTHORITY ONLY, EFFECTIVELY LEAVING THE TAXPAYER WITH NO RECOURSE
IN THE EVENT OF IMPROPER MANAGEMENT. THIS BILL WOULD RETURN
AUTHORITY TO THE PLACE IT BELONGS; IN THE VOTE OF THE PEOPLE.


REP ROBERT OLSON

House Gov. Org. & Elections
Date: 2-14-2006
Attachment # 9



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To: House Governmental Organization and Elections Committee

From: Jerry Slaughter
Executive Director

Subject: HB 2719; concerning the open meetings act

Date: February 9, 2006

The Kansas Medical Society appreciates the opportunity to submit the following comments on HB 2719, which amends the Kansas Open Meetings Act as it relates to executive or closed meetings of public agencies. We have no position on the legislation, *per se*, but we do have a concern about a possible unintended consequence, unless it is amended.

The provisions of KOMA apply to governing boards of county and municipal hospitals, as they are public agencies under the act. While the legislation is not intended to do so, the fact that closed meetings of a hospital board could be recorded and subsequently released, may inadvertently violate the protections afforded peer review and risk management records. Peer review functions require candid and open discussion of private health care information in order to promote patient safety and quality improvement activities. Inadvertent release of such information could have a chilling effect on peer review and risk management activities, and discourage physicians and other providers from participation in such patient care improvement efforts.

To make it clear that the peer review and risk management functions are not intended to be compromised by this legislation, we would urge the committee to add the following language at the end of line 4, page 3 of the bill:

“, except that in no event shall the court order disclosure, or allow disclosure, of any recording made pursuant to this subsection (d)(2) to the extent the recording involves, constitutes, or pertains to, peer review as defined by K.S.A. 65-4915, as amended, or risk management functions and activities described and defined by K.S.A. 65-4921, et seq., as amended.”

This language is consistent with a similar amendment made by this committee at our request last year on SB 78, which dealt with the Open Records Act. Thank you for considering our comments.

House Gov. Org. & Elections
Date: 2-14-2006
Attachment # 10