



Written Testimony as Neutral before the

**Committee on Local Government**

on

**HB 2136 –Establishing Municipal Vacancy Appointment Limitations**

by

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Mr. Chairman, Members of the Committee:

The Kansas Association of School Boards is neutral on **HB 2136 (because our members have not adopted a position on this specific proposal)**. However, we would like to offer a few observations we felt it would be important to share.

As we read HB 2136, it seems that the intent is to prevent a member of an elected municipality from artificially extending their elected term of office by being appointed to a vacant seat that has a longer term associated with it. Understanding that the concern is the intentional effort to in some way subvert the democratic process as well as the terms of service established by KSA 25-2023 for School Boards or other appropriate Statutes.

First, if the Legislature is going to make this policy change, we wonder if it makes sense to word the bill to be based on the intent of the member resigning. We suggest it is impossible to really know the intention. Would this bill prohibit the governing body from appointing an individual who resigns to a position with a longer term if that person never expressed a reason for resigning?

Second, it should be noted that under current law, a person can only be appointed to a vacancy with the approval of other members who are also elected by and accountable to voters. There may be some concerns about appointment to new positions that appear to have circumvented the democratic process. But should state law prohibit this action in all cases? What about someone who moves within a district, or simply feels they have had enough time on a board but is willing to reconsider if no other candidates step forward?

Remember, school board service is an office that, by state law, carries no compensation. No one accepting appointment to a longer term is extending their pay. In many districts, it can be a challenge to find people to serve on boards. This bill could make that a little more difficult.

Again, KASB has not taken a position on this issue, but we think there are some things the committee should consider before taking any action.

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