

Senate Ethics, Elections and Local Government Committee

Hearing on HB 2249

March 19, 2013

Testimony of Jim Flory

Mr. Chairman and Members of the Committee, my name is Jim Flory, and I submit this testimony in support of the provisions of HB 2249 that relate to detachment of territory from an existing fire district. I am both a resident of Marion Township and the elected Douglas County Commissioner serving both Marion Township and Clinton Township in Douglas County where the issue of fire protection is an on-going concern.

The purpose of this proposed amendment is really rather simple and straight-forward. It provides for one of the most fundamental concepts of democracy, i.e. that local residents should have the power to exercise governance over the local, critical issue of how best to protect their homes and property. It should be noted that the proposed amendment does not mandate any particular action by any citizen or governing body. Rather, it merely allows the residents of a designated territory, if they so desire, to seek detachment from an existing fire district in order to obtain fire protection that is more appropriately located and can better protect their property. Additionally, the amendment calls for an election in the proposed territory as the method to carry out this democratic process, and incorporates safeguards to avoid a negative fiscal impact on the existing fire district.

Under current law, when a fire district has territory in more than one county, the residents of the fire district who do not live in the "home" county have no effective remedy in the event they decide to petition for detachment and the existing fire district governing body denies their petition. The proposed amendment would simply give such residents the power to seek a remedy from their own county commission in such a situation, rather than being subject to the final decision of a neighboring county commission where they have no representation.

The situation in Marion Township in Douglas County is one where the current fire district providing protection is headquartered in an adjoining county. Marion Township does not have a township fire department, but rather, is part of Fire District #4 in Osage County. Like many of my Marion Township neighbors, my residence is located within 4 miles of a Clinton Township Fire Department sub-station, but my primary fire protection is provided by a station that is located approximately 15 miles from my property. A significant portion of the residential growth in Marion Township has occurred in the northern portion of the township which is considerably closer to the Clinton Township fire stations than it is to the Osage #4 fire station.

In closing, I would again emphasize that my interest is in providing local residents with the ability to meaningfully access the governing bodies that provide and control fire protection in their community. The current state of the law creates a situation where select residents essentially lack representation on the governing bodies that control a portion of their taxation.

I would appreciate your favorable consideration of the proposed amendment and would be glad to entertain any questions from the Committee.