

STATE AFFAIRS COMMITTEE

March 24, 1965

The meeting was called to order by the Chairman who presented a resolution requesting a Legislative Council study concerning 1029, the proposal to include certain individuals under the public employees retirement system. Mr. Rogers stated he thought this was a good idea to learn the cost before passing legislation. Mr. Unruh moved that this resolution be introduced. Motion was seconded by Mr. Buchele and carried unanimously.


Mr. Lindahl appeared to discuss H.B. 992, and stated that it concerns a County Auditor in certain counties and that he had been urged to introduce this in both of his terms in the House; that it would affect Montgomery, Reno and Saline Counties; that there is no need for this position and it would be a step in the right direction to start cutting unnecessary expenses this way. He stated that Montgomery County was in favor of this; however, Mr. Cain of that county asked to be heard, stating that now after studying the bill more carefully that his people feel they do need this position and asked that he not be considered as favoring this proposal. Mr. Harlow Brown spoke in opposition to this proposal--see attached.

Mr. Euler appeared on behalf of H.B. 774, a proposal to raise the maximum amount chargeable for beer licenses, stating that it would still be optional with the licensing agency whether or not they went the maximum. He pointed out that on the border counties, because Kansas permits beer drinking at age 18 while Missouri does not until 21, law enforcement has become a problem because of the influx of Missouri youngsters; that this increase in license would pay for the salaries of some of these people.

Mr. Turner spoke in behalf of his proposal, H.B. 867, to raise the age for drinking beer from 18 to 21. He states that in a survey which he conducted in cases he was aware of involving youngsters of 18 plus, beer drinking was a factor in most of them. He pointed out that the Garnett situation was triggered by beer. Mr. Gruver who is one of the sponsors also spoke in favor of this proposal.

Mr. Unruh moved that the Committee reconsider its action of the day before on H.B. 775, stating that the wording in the proposal was not considered adequate by the lawyers he had talked to; that the word should be shall instead of may with regard to what the court will do concerning assessment of attorney fees. Mr. Ford seconded the motion which carried unanimously. Thereupon, Mr. Unruh moved that the bill be recommended favorably, as amended. Motion was seconded by Mr. Ford and carried unanimously.

Mr. Timberlake appeared on HCR 528, stating that he really didn't know if he was in favor or opposition; that he would have no objection to the State Printer being an appointive instead of an elective position, but any step that might be in the direction of abolishing the plant would receive his opposition; that he feels it is a great help to the state, particularly during the legislative session that it would be impossible to get the printing done on a bid basis; that if everything was put out on bid one would have to take the lowest and eventually you would probably wind up with pretty inferior work on that basis.

Mr. Rogers discussed H.B. 926, proposing a better definition for the land resident; and striking all of Section 7. He reports that the Governor's office is in favor of this, and that so far as he can determine the agriculture people are in favor of it. There was considerable discussion as to just what bodies of water would be affected or excluded, and discussion was had concerning the 3-mile limit and the levels of water and its effect. Mr. Turner moved and Mr. Buchele seconded that the amendments be adopted. Motion was seconded and carried unanimously. Thereupon, it was moved by Mr. Ford that the bill as amended be recommended for passage. Motion was seconded by Mr. Fibley and carried unanimously. 

Mr. Jelinek moved that HB 992 be recommended adversely. Motion was seconded by Mr. Buchele and carried 8 to 6.

Mr. Woodworth moved that HB 867 be reported adversely. Motion was seconded by Mr. Buchele and carried 11 to 4.

Mr. Unruh moved that HB 774 be recommended favorably. Motion was seconded by Mr. Woodworth and lost 6 to 8. Mr. Fibley then moved that same be reported adversely, which motion was seconded by Mr. Ford and carried 11 to 3.

Mr. Fibley moved that HCR 528 be reported favorably, and the motion was seconded by Mr. Unruh. Motion carried unanimously.

Meeting was adjourned.

HOUSE BILL NO. 992

Statements before the State Affairs Committee on House Bill No. 992.

It is with mixed feelings that I appear in opposition to House Bill No. 992. I feel that the introduction of this bill so late in the Session does not allow enough time to give proper study to this important law, which was first passed in 1872. Also, for the further reason that I dislike any argument which brings the two Representatives of Reno County in open controversy before this Committee, and perhaps later take the time of the Legislature to discuss this bill. As stated above, the statutes authorizing the appointment of County Auditors (19-601) in counties of 40,000 and over was adopted in 1862 and was amended in 1872, 1874, twice in 1876, 1891, 1905, 1925, 1941, and 1951.

K.S.A. 19-716 was enacted in 1913 (<sup>L</sup>~~19~~1913, C.H. 156) and has not been amended since its original enactment. K.S.A. 19-601 provides for an appointment of a county auditor (by district judges) in counties containing over 40,000 population and has been amended eight times. Salaries are provided in K.S.A. 19-610. K.S.A. 28-912 was originally enacted in 1957, (L - 1957, CH 248, Sec. 12), and provides salaries for county auditors in counties having a population of 55,000 to 100,000 (Reno County). In 1959, an amendment was passed, raising the auditor's annual salary in Reno County to \$2,700. In 1961, the Act was amended again to increase the salary to \$2,835. Both of these salary increases were passed when Bill Mitchell and Ross Zimmerman were the Reno County Legislators.

Since that time, the present Reno County Legislators have not asked that any changes in any part of the County Auditor's Act be authorized until now.

House Bill No. 992 was introduced by Representative Lindahl who requested that this bill be sponsored by the State Affairs Committee, and which request was complied with. The result is that members of this Committee are charged with the responsibility of deciding whether this bill is of such importance that it should be passed out and take the precious time of the Legislature in the closing days of this Session.

Let us take a look at the bill that provides for the abolishment of a County Auditor after July 1, 1965, <sup>in</sup> Reno, Montgomery, and Saline Counties. The bill is mandatory and not permissive. House Bill No. 992 provides for amending the present statutes. I will read the proposed law in full.

Law insert here

*as*  
~~If~~ the Reno County Commissioners meets from 9:00 a.m. to 12:00 o'clock noon, Monday through Friday, Under House Bill No. 992 the County Attorney would be required to be in attendance at all of the Sessions where any claims against the county would be considered. A terrible waste of high-priced officials' time. This could easily call for another assistant county attorney at better than \$4,000 yearly to take over certain duties to relieve the county attorney so he can comply with the new statute. This bill does not provide that

a deputy county attorney or a clerk in the county attorney's office can do this--the law says that the county attorney must do this at the Board's regular meetings.

One well-versed legal authority raised this pertinent question. He commented to the effect that all county officials, including the county attorney, should have an independent check--and who would check the legality of the county attorney's expenditures if House Bill No. 992 becomes law. I have not heard from a single person in Reno County who asks for the repeal of the present county auditor's law. I have heard nothing directly from the members of the Board of County Commissioners, or any elected county official.

From answers to question put to Mr. Lindahl, I am not convinced that there is much demand for House Bill No. 992. There is little to support the idea that tax money could be saved to Reno County. There is a strong Prospect that Reno County might have to pay out in extra salaries more than the salaries of the county auditor now draws.

Therefore, I feel that House Bill No. 992 is poor legislation and its late introduction does not provide sufficient time to check with the affected county officials. Therefore, I move that House Bill No. 992 be favorably reported.