

*sent to Committee on 11-19-76 mjm*

Kansas Legislative Research Department

November 15, 1976

~~P R E L I M I N A R Y~~  
M I N U T E S

SPECIAL COMMITTEE ON LOCAL GOVERNMENT

November 5, 1976

Members Present

Senator Elwaine Pomeroy, Chairman  
Representative Vic Kearns, Vice-Chairman  
Senator Norman Gaar  
Senator Jim Parrish  
Representative Harold Beninga  
Representative Larry Erne  
Representative Francis Gordon  
Representative John Sutter  
Representative Joe Wicinski

Staff Present

Mike Heim, Kansas Legislative Research Department  
Roy Johnson, Kansas Legislative Research Department  
Robert Taylor, Kansas Legislative Research Department  
Richard Ryan, Kansas Legislative Research Department  
Alan Alderson, Revisor of Statutes Office  
Bill Edds, Revisor of Statutes Office

Others Present

Bill Gough, Kansas Association of Commerce and Industry  
Ernie Mosher, League of Kansas Municipalities  
Marianne Warriner, League of Women Voters

Morning Session

The Committee was called to order by the Chairman, Senator Pomeroy, shortly after 10:00 a.m.

Representative Beninga made a motion to approve the Committee minutes of October 14 and 15, 1976. Representative Wicinski seconded the motion and the motion carried.

Proposal No. 38 - Planning and Zoning

Mr. Mike Heim of the Kansas Legislative Research Department reviewed the draft of the Committee's final report on Proposal No. 38 - Planning and Zoning. Mr. Alan Alderson of the Revisor of Statutes Office then reviewed the bill draft amending city planning and zoning statutes. The Committee agreed to amend the bill draft on page 5, line 5, to add "of the state,"; on page 6, line 4, to insert "city" newspaper in lieu of county newspaper; and on page 7 to clarify language regarding the amount of money a developer may pay a city in lieu of dedicating land.

Senator Gaar raised a question concerning the constitutionality of special use permits in regard to city zoning. Mr. Alderson agreed to research this issue over the noon hour.

Proposal No. 37 - Local Revenue

Mr. Heim then reviewed the draft of the Committee's final report on Proposal No. 37 - Local Revenue. Senator Pomeroy suggested that a paragraph be included in the report summarizing the testimony of two Kansas State economists. Mr. Roy Johnson of the Kansas Legislative Research Department reported local sales tax questions had been defeated in one city and two counties as noted in page 13 of the report. He noted local officials felt that the wide margins by which these propositions failed should indicate to the Legislature how unsuccessful local option tax impositions will be. After some discussion the Committee recessed for lunch.

Afternoon Session

The Committee was called to order by Representative Kearns, Vice-Chairman, at 1:30 p.m. Mr. Heim and Senator Parrish continued a review of the local revenue report.

Mr. Bill Edds, Revisor of Statutes Office, reviewed the bill draft amending K.S.A. 12-137 and 12-138 concerning the imposition of taxes, excises, fees and charges by cities and counties. The Committee directed Mr. Edds to delete the first 15 lines of the first paragraph on page 2, comparable language on page 3, and to make certain other technical changes to the bill draft.

Proposal No. 38 - Planning and Zoning

The Committee then shifted back to the planning and zoning report and bill draft. Mr. Alderson reported he had not been able to find any Kansas court cases stating special use permits were unconstitutional. Senator Parrish made a motion to approve the Committee report. Representative Sutter seconded the motion and the motion carried. Senator Parrish made a motion to approve the planning and zoning bill draft. Representative Sutter seconded the motion and the motion carried. The Committee agreed the bill would be recommended for introduction in the Senate.

Proposal No. 37 - Local Revenue

Mr. Alderson and Mr. Edds reviewed the sales tax and income tax bill drafts respectively. They noted the bills required several further technical amendments. Representative Kearns made a motion to authorize Senator Pomeroy and Senator Parrish to review the final corrected bill drafts and Committee reports to insure they conformed with the Committee's wishes. Representative Wicinski seconded the motion and the motion carried.

Senator Parrish made a motion to approve the bill draft amending K.S.A. 12-137 and 12-138 subject to further clarification and to recommend the bill be introduced in the Senate. Senator Gaar seconded the motion and the motion carried.

Senator Parrish made a motion to approve the sales tax bill draft subject to further clarification and to recommend that the bill be introduced in the House. Representative Kearns seconded the motion and the motion carried. Senator Gaar wished to be recorded as passing on the motion.

Senator Parrish made a motion to approve the income tax bill subject to further clarification and recommended the bill be introduced in the House. Senator Gaar seconded the motion and the motion carried.

Senator Parrish made a motion to approve the Committee report. Representative Wicinski seconded the motion. Senator Gaar said he thought the Committee report ought to take a stronger stand on the issue of providing additional state aid to cities and counties. He stated he did not want to be bound by the Committee's report and that he thought the standing tax committees, this session, should give serious consideration to expanding state aid for these local units of government. After some discussion, Senator Gaar made a substitute motion to amend the Committee report to add a strong statement that the state should reassess its position in regard to state aid for cities and counties. Senator Parrish seconded the motion and the motion carried.

Senator Gaar then moved the Committee report be adopted. Representative Sutter seconded the motion and the motion carried.

The Committee agreed it had concluded its business this interim and adjourned.

Prepared by Mike Heim

Approved by Committee on:

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(Date)