

MINUTES OF THE HOUSE COMMITTEE ON ASSESSMENT AND TAXATION

The meeting was called to order by Representative Jim Braden at  
Chairperson

9:00 a.m./~~p.m.~~ on February 25, 1983 in room 519-S of the Capitol.

All members were present except:

Representative Keith Roe, who was excused.

Committee staff present:

Wayne Morris, Research Department  
Don Hayward, Revisor of Statutes' Office  
Nancy Wolff, Secretary to the Committee

Conferees appearing before the committee:

Representative David Heinemann  
Frank Schmale, Mayor of the City of Garden City  
Dick Fankhauser, Garden City businessman  
Duane West, Vice Mayor of Garden City  
Representative Max Moomaw  
John Kemp, Secretary of Transportation

The meeting was called to order by the Chairman.

Representative David Heinemann appeared briefly to introduce the delegation from the City of Garden City who were in attendance relative to House Bill 2317. House Bill 2317 would allow counties to impose a 1/2 cent county-wide highway sales tax to pay off certain bonds or to allow counties to issue general obligation bonds to finance state highway bonds.

Mr. Dick Fankhauser, a Garden City businessman and spokesman for the delegation, appeared as a proponent of House Bill 2317 and also introduced the delegation. (Attachment I) Mr. Fankhauser presented a video tape giving additional testimony from the residents of Finney County.

Following the video tape presentation, Duane West, Vice Mayor of Garden City, appeared in support of House Bill 2317.

Representative Moomaw appeared as a proponent of House Bill 2317 and requested the Committee's favorable consideration of the bill.

John Kemp, Secretary of Transportation for the State of Kansas, appeared on House Bill 2317. He stated the House Bill 2317 is not necessary because the Governor has presented a highway funding proposal that provides funding adequate to use our federal funds. (Attachment II)

The Committee then held discussions on House Bill 2469 which would (1) clarify that a railroad will be valued by the Division of Property Valuation in Kansas even though it may not own track in the State; (2) limit PVD appraisals of water companies to those that operate for profit or that are regulated by the Corporation Commission; (3) add barge lines that operate through the Missouri River to the list of properties appraised by PVD; and (4) exclude from the definition of "public utility" oil and gas gathering lines that are located in only one county and do not cross any state boundary, and boat companies operating on the surface of any manmade waterway located entirely within one county. Section 2 of House Bill 2469 amends K.S.A. 1982 Supp. 79-5a04 to define "fair market value" of utilities in the same manner that "fair market value" is defined for all other property, under K.S.A. 1982 Supp. 79-503a. Section 3 would amend K.S.A. 79-5a08 to clarify the requirement that a certificate of value be filed with the Director of Property Valuation when a utility is acquired by deed or other instrument.

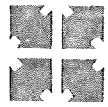
Representative V. Miller made a conceptual amendment to strike "or transmission line" wherever it appears on page two of the bill. Representative Aylward seconded the motion. Motion carried.

Representative V. Miller made a motion to report House Bill 2469 favorable for passage as amended and Representative Erne seconded the motion. The motion carried.

The meeting was adjourned.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.





Garden City Area

ATTACHMENT I

## CHAMBER OF COMMERCE

201 E. LAUREL, GARDEN CITY, KANSAS 67846, PH. 316 276-3264

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I WOULD FIRST LIKE TO INTRODUCE THE OTHER MEMBERS OF THE GARDEN CITY DELEGATION IN ATTENDANCE THIS MORNING. MR. FRANK SCHMALE, MAYOR OF THE CITY OF GARDEN CITY; MR. DUANE WEST, A GARDEN CITY COMMISSIONER; MRS. JUDY ACKLEY, PRESIDENT OF THE GARDEN CITY AREA CHAMBER OF COMMERCE; MR. BOB LAW, CHAIRMAN OF THE GARDEN CITY AREA CHAMBER OF COMMERCE TRANSPORTATION COMMITTEE; AND ALSO CAROL MEYER, ALSO REPRESENTING THE GARDEN CITY AREA CHAMBER OF COMMERCE. WE WANT TO EXPRESS OUR SINCERE APPRECIATION TO THIS COMMITTEE FOR THE OPPORTUNITY TO COME BEFORE YOU TO EXPRESS OUR HOPES AND CONCERNS FOR THE COMPLETION OF THE U.S. 50-U.S. 83 HIGHWAY BYPASS AROUND GARDEN CITY, AND TO LEND OUR UNQUALIFIED SUPPORT OF HOUSE BILL 2317, WHICH HAS BEEN INTRODUCED BY REPRESENTATIVE HEINEMANN.

WE ARE FULLY COGNIZANT OF THE FACT THAT JUSTIFICATION OF THE BYPASS PROJECT IS NOT AN ISSUE BEFORE THIS COMMITTEE. HOWEVER, SINCE OUR NEED FOR COMPLETION OF THE PROJECT IS THE BASIS FOR OUR SUPPORT OF MR. HEINEMANN'S LEGISLATIVE PROPOSAL, WE FEEL SOME DEFINITIVE JUSTIFICATION FOR THE PROJECT MUST BE EMBODIED IN OUR COMMENTS TO YOU THIS MORNING.

IF I MAY CAPSULIZE THE HISTORY OF THE PROJECT, LET ME SAY THAT ITS PROGRESS FOLLOWING COMPLETION OF THE INITIAL PHASE HAS BEEN CHARACTERIZED BY DELAY, POSTPONEMENT, RESCHEDULING, AND A GREAT DEAL OF FRUSTRATION TO MANY PEOPLE WHO HAVE DEVOTED THEIR TIME AND ENERGY IN AN EFFORT TO ENCOURAGE ITS COMPLETION. DESPITE NUMEROUS APPEARANCES BY INDIVIDUALS AND DELEGATIONS BEFORE LEGISLATIVE COMMITTEES, DEPARTMENT OF TRANSPORTATION OFFICIALS, AND GOVERNOR CARLIN, OUR PLEAS HAVE NOT BEEN ANSWERED AND WE DO NOT FEEL THAT A QUALIFIED BEGINNING OR COMPLETION DATE IS ANYMORE A REALITY TODAY THAN IT WAS THREE YEARS AGO WHEN WE WERE PROMISED IN A NEWS RELEASE BY GOVERNOR CARLIN THAT CONSTRUCTION OF THE GARDEN CITY BYPASS HAD BEEN APPROVED BY THE KANSAS DEPARTMENT OF TRANSPORTATION AND

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THAT A TENTATIVE TIMETABLE CALLED FOR COMPLETION OF THIS PROJECT IN 1984. OBVIOUSLY, THERE IS NO HOPE FOR THIS COMPLETION DATE TO BECOME A REALITY.

UNFORTUNATELY, GARDEN CITY AND FINNEY COUNTY CANNOT POSTPONE OR RESCHEDULE THE OVERWHELMING NEED FOR THE COMPLETION OF THIS BYPASS PROJECT. THEY SAY THAT A PICTURE IS WORTH A THOUSAND WORDS, AND WE HOPE TO ELIMINATE SEVERAL THOUSAND WORDS SUPPORTING OUR NEED THROUGH THE USE OF A SHORT VIDEO PRESENTATION. AT THE CONCLUSION, WE HOPE THAT YOU WILL AGREE THAT OUR NEED IS GENUINE, AND THAT COMPLETION OF THE BYPASS PROJECT HAS PASSED THE STATE OF IMMEDIACY AND REACHED A STATE OF VIRTUAL EMERGENCY. DUE TO INCREASED TRAFFIC MOVEMENT BROUGHT ON BY INCREASED POPULATION AND A HIGHER CONCENTRATION OF COMMERCIAL TRUCK TRAFFIC, THE ACCIDENT RATE IN 1982 WITHIN THE LIMITS OF GARDEN CITY INCREASED 11% OVER 1981. THE ATTACHED LETTER PROVIDES ADDITIONAL INFORMATION IN THIS REGARD. MORE SPECIFICALLY, THE EXTREME CONCENTRATION OF EMPLOYEE VEHICULAR TRAFFIC ON A SEVEN MILE PORTION OF US 50 HIGHWAY BETWEEN THE IOWA BEEF PROCESSORS PACKING PLANT WEST OF HOLCOMB AND THE CITY LIMITS OF GARDEN CITY CONTRIBUTED TO APPROXIMATELY 125 INJURY ACCIDENTS IN 1982. ALTERNATE COUNTY MAINTAINED ROADS CONTRIBUTED AN ADDITIONAL 35 ACCIDENTS INCLUDING ONE WHICH RESULTED IN THE LOSS OF LIFE.

WHAT IS THE CAUSE OF THE POSTPONEMENT AND RESCHEDULING OF OUR BYPASS PROJECT? FUNDING. MORE SPECIFICALLY, THE LACK OF STATE FUNDING, AS WE HAVE BEEN TOLD ON NUMEROUS OCCASIONS THAT THE FEDERAL PORTION OF THE FUNDING IS ALLOCATED AND AVAILABLE. THIS PROVIDES THE BASIS FOR OUR ENDORSEMENT OF THE BILL BEFORE YOU. SINCE THE STATE SHARE OF THE NECESSARY FUNDING IS NOT AVAILABLE, WE WOULD URGE THIS COMMITTEE TO PROVIDE A POSITIVE RECOMMENDATION FOR MR. HEINEMANN'S HOUSE BILL 2317, SO THAT THE CITIZENS OF FINNEY COUNTY MIGHT BE PROVIDED WITH AN ALTERNATIVE MEANS OF FINANCING A MUCH NEEDED PROJECT.

WE WOULD LIKE FOR YOU TO VIEW THE VIDEO PORTION OF OUR PRESENTATION, AND FOLLOWING THAT, RECEIVE ADDITIONAL REMARKS FROM OTHER MEMBERS OF OUR DELEGATION.



# POLICE DEPARTMENT CITY OF GARDEN CITY

P. O. Box 499  
304 North 9th  
Garden City, Kansas 67846

JERALD R. VAUGHN  
CHIEF OF POLICE  
316 275 3200

February 24, 1983

Mr. Dick Fankhauser  
1407 Mels Drive  
Garden City, KS 67846

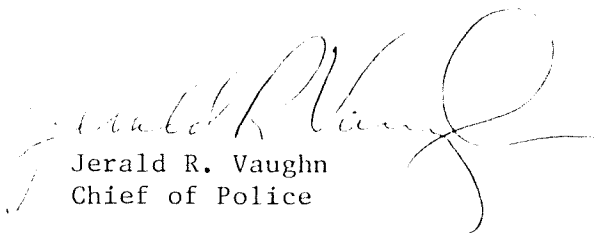
The following information reflects the motor vehicle traffic accident problem experienced in the City of Garden City for 1982.

Overall, traffic accidents increased by 11% over 1981, with a total of 1,030 accidents. We experienced one fatal accident, 158 personal injury accidents, 863 property damage accidents and eight pedestrian accidents.

More specifically, the following streets which are related directly to Highway 50 traffic experienced the following accident rates:

Kansas Avenue	-	192
Fulton Street	-	108
Mary Street	-	43
Buffalo Jones	-	37

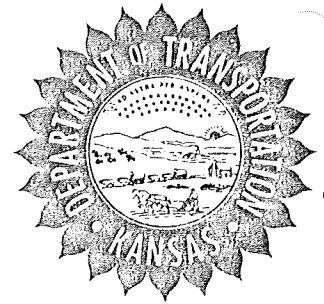
Due to the heavy volume of truck traffic on Kansas Avenue, the Police Department had to place a School Crossing Guard at 8th and Kansas as an added measure of safety. We have experienced significant problems with violations of traffic control devices by truck traffic at the intersections of Fleming and Kansas, Main and Kansas, 8th and Kansas and the 5-Points intersection. These violations have posed serious danger to vehicular and pedestrian traffic in the area.

  
Jerald R. Vaughn  
Chief of Police

JRV:sh

# KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

MEMORANDUM TO: HOUSE ASSESSMENT AND TAXATION COMMITTEE

FROM: MR. JOHN B. KEMP, P.E.  
SECRETARY OF TRANSPORTATION

REGARDING: HOUSE BILL NO. 2317 - AN ACT CONCERNING HIGHWAYS; PROVIDING FOR A COUNTYWIDE RETAILERS' HIGHWAY SALES TAX OR A LEVY OF TAXES TO PAY BONDS FOR (THE) STATE SHARE OF HIGHWAY CONSTRUCTION PROJECTS

H.B. 2317 IS NOT NECESSARY BECAUSE THE GOVERNOR HAS PRESENTED A HIGHWAY FUNDING PROPOSAL THAT PROVIDES FUNDING ADEQUATE TO USE OUR FEDERAL FUNDS. THUS, THERE IS NO ADVANTAGE TO THE BILL IF THE LEGISLATURE PROVIDES ADEQUATE FUNDING FOR HIGHWAYS. HOWEVER, THERE ARE TWO ISSUES THAT I WOULD LIKE TO ADDRESS.

REQUESTS BY LOCAL GOVERNMENT TO PROVIDE STATE MATCH FOR FEDERAL FUNDS

WITHIN THE PAST YEAR OR TWO, I HAVE HAD A NUMBER OF INQUIRIES FROM LOCAL UNITS OF GOVERNMENT AS TO OUR RECEPTIVENESS TO THEIR PROPOSALS TO PROVIDE THE STATE MATCH FOR FEDERAL FUNDS FOR PROJECTS ON THE STATE SYSTEM OF IMPORTANCE TO THEM.

I HAVE REPEATEDLY ADVISED THAT THE STATE SYSTEM IS, AND SHOULD CONTINUE TO BE, A STATE RESPONSIBILITY AND THAT THE STATE SHOULD PROVIDE THE STATE MATCH. I HAVE ALSO ADVISED THAT SHOULD WE FIND AT SOME FUTURE DATE THAT WE ARE UNABLE TO MATCH FEDERAL FUNDS, I WOULD BE RECEPTIVE TO SUCH PROPOSALS ONLY IN ORDER TO PREVENT A LAPSE OF THE FEDERAL FUNDS. TO ALLOW LOCAL UNITS TO PUT UP THE STATE MATCH FOR FEDERAL FUNDS IN EFFECT ALLOWS THEM TO PROGRAM OUR FEDERAL FUNDS. THE STATE SYSTEM PROJECTS THE LOCAL UNITS WANT MAY OR MAY NOT BE OUR TOP STATE PRIORITY.

INTERSTATE GAP CLOSING FUNDS ARE AVAILABLE FOR A 2-YEAR PERIOD. OTHER CLASSES OF FUNDS ARE AVAILABLE FOR A 4-YEAR PERIOD BEFORE LAPSING. SHOULD THE LOSS OF FEDERAL FUNDS DUE TO LAPSING APPEAR IMMINENT AT SOME FUTURE DATE, I WOULD THEN NOTIFY ALL LOCAL UNITS OF GOVERNMENT THAT CERTAIN FEDERAL FUNDS IN CERTAIN AMOUNTS WOULD BE AVAILABLE SO THAT ALL MAY HAVE AN OPPORTUNITY TO COMPETE.

#### REPAYMENT TO COUNTIES

NEW SECTION 9 REQUIRES THE SECRETARY TO REPAY THE LOCAL CONTRIBUTION WITH INTEREST IN CERTAIN SITUATIONS. IN ADDITION TO THE TECHNICAL PROBLEMS WITH THE INTEREST PROVISIONS, I CANNOT SUPPORT SUCH A CONFINING MANDATORY REQUIREMENT. HOWEVER, I WOULD NOT OPPOSE HB 2317 IF THE WORDING IN NEW SECTION 9 IS REPLACED WITH LANGUAGE THAT CLARIFIES MY DISCRETIONARY AUTHORITY TO ENTER INTO AN AGREEMENT WITH A COUNTY.