

MINUTES OF THE House COMMITTEE ON Local GovernmentThe meeting was called to order by Representative Ivan Sand at
Chairperson1:30 XX a.m./p.m. on January 26, 1983 in room 521-S of the Capitol.

All members were present except:

Representative Love

Committee staff present:

Theresa Kiernan, Revisor of Statutes Office
Mike Heim, Legislative Research Department
Jeanne Mills, Secretary to the Committee

Conferees appearing before the committee:

Representative Marvin Smith
Bill Crow, resident of Shawnee County
Joan Hrenchier, Berryton, KS
Wilna Everist, Shawnee County
Representative Anthony Hensley
Fred Allen, Kansas Association of Counties
Darold Main, Intergovernmental Coordinator of Shawnee County
Kim Dewey, Sedgwick County

Chairman Ivan Sand called the meeting to order.

HB 2035 - AN ACT concerning public building commissions;
relating to leases by political subdivisions and
state agencies; amending K.S.A. 12-1765 and K.S.A.
1982 Supp. 19-101a and repealing the existing sections.Theresa Kiernan of the staff gave a brief overview (See Attachment I).Representative Marvin Smith, sponsor of HB 2035, appeared to background and history of the bill (See Attachment II). He further provided members with copies of a survey he conducted in his district which served as the basis for the introduction of this legislation (See Attachment III).Bill Crow, a resident of Shawnee County, appeared in support of HB 2035. A copy of his statement is attached (Attachment IV).

The Chairman asked staff to brief the Committee beginning with K.S.A. 12-1757 on the creation of a building commission. Staff responded to questions after the briefing.

Joan Hrenchir, Berryton, KS, stated her support for HB 2035 (See Attachment V).

Wilna Everist, Shawnee County resident, appeared to say that twenty six persons were planning to attend today's meeting in support of HB 2035 but were unable to because of the weather.

Representative Anthony Hensley appeared to express his concern for the site selection of the county jail. It has been suggested that it be in the residential area of his district. He stated he is not a proponent or opponent of HB 2035 but may use the bill as a vehicle to prohibit the building of this jail in his district.

Fred Allen, Kansas Association of Counties, introduced Darold Main, Intergovernmental Coordinator of Shawnee County, who appeared in opposition to HB 2035. He stated that the Shawnee County Commission does not oppose the principle of the right to vote. He added the building commission was formed in May, 1978. The present jail is unconstitutional and they want to do something about it. A new jail is urgently needed. He further explained that the city approved by charter ordinance a county wide, 7%, 30 day protest petition. He said this has been approved by the Attorney General.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Local Government,
room 521-S, Statehouse, at 1:30 ~~am~~/p.m. on January 26, 1983

Fred Allen spoke briefly on behalf of the Kansas Association of Counties. He expressed opposition to HB 2035.

Representative Francisco provided members of the Committee with copies of a proposed amendment to HB 2028 (Zoning; notification by mail of public hearing thereon.). A copy of that proposal is attached (See Attachment VI). Representative Francisco made a conceptual motion, seconded by Representative Wunsch, to amend HB 2028 as stated in proposed Attachment VI. This would delete the 1,000 ft. notice for original zoning. The Chairman asked that the sponsor approve a balloon copy of this amendment and that copies be approved by the members before final action is taken. Motion carried.

Discussion followed on the State Library Board. Chairman Sand provided copies of proposed legislation that would raise the tax levy limit for the regional library system. Representative Wunsch made the motion, seconded by Representative Nichols, for the Committee to introduce this legislation as a Committee bill. The Chairman stated he would request the bill be referred back to the Committee for hearings. Motion carried. (See Attachment VII)

Kim Dewey, Sedgwick County Commission, appeared before the Committee to request a Committee bill expanding authorization from which monies collected from a 911 tax could be spent. He provided copies of this request for the members (See Attachment VIII). Representative Francisco made the motion, seconded by Representative Dean, for the Committee to introduce this legislation as a Committee bill. Motion carried.

The Chairman called the members attention to a letter from Nancy Brown, Oxford Township, who appeared before the Committee on January 19, 1983, on HB 2010 (See Attachment IX).

Representative Johnson made the motion, seconded by Representative Dean, to approve the minutes of the January 19, 1983, meeting as printed. Motion carried.

Meeting adjourned.

ATTACHMENT I

HOUSE LOCAL GOVERNMENT

RE: House Bill No. 2035

FROM: Theresa Kiernan, Assistant Revisor of Statutes

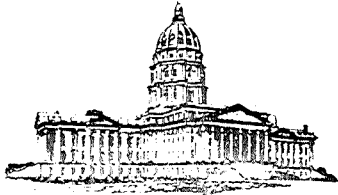
Concerns public building commissions which are created by the governing body of a city. Currently school districts, cities, state agencies and counties are authorized to enter leases with the building commission for buildings constructed by the commission.

House Bill No. 2035 amends K.S.A. 12-1765 to provide that before the board of county commissioners enters leases with the building commission, that the proposal to enter the lease shall be approved by the qualified electors of the county.

Section 2 amends K.S.A. 19-101a to prevent any county from home ruling out of the provisions of K.S.A. 12-1765.

Atch. I

MARVIN E. SMITH
 REPRESENTATIVE FIFTIETH DISTRICT
 SHAWNEE AND JACKSON COUNTIES
 123 N. E. 82ND STREET
 TOPEKA, KANSAS 66617



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: AGRICULTURE AND LIVESTOCK
 COMMERCIAL AND FINANCIAL
 INSTITUTIONS
 FEDERAL AND STATE AFFAIRS

HOUSE BILL NO. 2035

Mr. Chairman and Committee Members:

House Bill 2035 basically provides that a county commission shall obtain voter approval before approving a contract with a Public Building Commission. The Public Building Commission is a transfer of authority from an elected commission to an appointed commission.

The Public Building Commission is created by city, or city-county. The members of the Commission are usually appointees empowered to sell revenue bonds to develop public buildings. Long term contracts, such as 15, 20 or 25 years, with county and or city commissions provide the revenue for the revenue bonds.

Reasons a Public Building Commission are created:

- (1) The county and or city have reached their bond limited for general obligation bonds.
- (2) General obligation bond issues have been rejected by a majority vote of tax payers. An appointed board with Revenue Bonds provides another option.

In October, I circulated a Questionnaire in the 50th district. Question 5 asked "If the severance tax is passed, should the funds be used? (rank)

1. TO REDUCE PROPERTY TAX.
2. For additional school finance.
4. For human services.
3. Highway construction and maintenance.
5. General revenues for state administration."

Question 10. 2nd most important issue was high property taxes.

A county commission has passed a charter resolution to utilize a Public Building Commission as a funding mechanism for a new public building.

Atch. II

Please complete and return to:
Representative Marvin E. Smith
123 N.E. 82nd
Topeka, KS 66617

1. Currently, Kansas Courts may find a Defendant "guilty, innocent, or innocent because of insanity". Would you favor permitting Kansas Courts to find a Defendant "guilty but mentally ill", in appropriate cases?

Yes 93.5% No 6.5%

2. Rank the following categories in terms of your priorities for State spending:

- 1 Primary and secondary education
- 4 Higher education
- 2 Roads and highways maintenance and repair
- 5 Social welfare programs (including programs for senior citizens)
- 3 Criminal justice and penal system
- Other _____

3. In which of the following government spending areas would you support reduction in order to lessen the cost of State Government?

- 3 Highways
- 4 Public safety, including penal system
- 5 Primary and secondary education
- 2 Public health and welfare
- 1 Administration and Regulatory Agencies
- Other _____

4. Some suggest crimes committed with guns could be reduced by stiffer penalties and/or gun control. Do you favor? (Check one)

In legislation that increases the penalties for crimes committed with a gun.

More restrictions on acquiring and possession of guns (gun control)

5. If a severance tax is passed, should the funds be used? (Either rank or check one).

- 1 to reduce property tax
- 2 for additional school finance
- 4 for Human Services
- 3 Highway construction and maintenance
- 5 General Revenues for State Administration
- Other _____

(Over for Additional Questions)

Atch. III

6. The present highway formula provides 65% of user funds and fee go to the State Department of Transportation and 35% of the funds are divided between cities, counties and townships. Some voters desire less reliance on property tax for local roads. How do you favor the user funds and fee to be distributed?

26% 65% to State; 35% local

37% 60% to State; 40% local

36% 50% to State; 50% local

7. Do you support reimposition of the death penalty for conviction of First Degree Murder?

Yes (87%)

No (13%)

8. Do you favor a spending lid on the State Budget?

9 No

91% Yes

9. Do you favor a flat income tax rate?

36% No.

64% Yes

10. What do you think are the three most important issues facing us in the 50th District in 1982?

- 1st Unemployment and business incentives
- 2nd High property taxes and desire tax reductions
- 3rd Road repairs and maintenance
- 4th Quality education opportunities
- 5th Desire for less government
- 6th Criminal Justice help for victims
- 7th High utility bills
- 8th Cut welfare strong criticism of fraud & ripoff
most critics want welfare only for handicapped & elderly.
- 9th Concern for farm problems and plight of the family farm.

Name _____

Address _____

(Optional)

a good number expressed desire for passage of a severance tax.

ATTACHMENT IV

Mr. Chairman -

Members of the Committee:

Shawnee County has a Public Building Commission that is authorizing a new jail. I'm informed they cannot put the question on the ballot, that it must go the protest petition route.

A charter ordinance has been passed by the Topeka City Commission as of December 22nd, 1981. Stating: Before any revenue bonds shall be authorized or issued under the provisions of this act the Public Building Commission shall adopt a resolution specifying the amount of such bonds, the purpose of the issuance thereof and stating that if within 30 days after the last publication of such notice a petition in opposition to the same, signed by not less than 7% of the electors of such county within which the city is located is filed with County Clerk, the board shall submit the question to the voters at an election called for that purpose or at the next general election.

(7% & 30 days is unreasonable figure.)

Section 2 states:

This is a charter ordinance and shall take effect 61 days after final publication unless a sufficient petition is filed, and referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c) (3) of Kansas Constitution.

This section of the Constitution states: If within sixty days of its final publication a petition signed by a number of electors of the city equal to not less than 10% of the number of electors who voted at the last preceding regular city election shall be filed in the office of the clerk of such city demanding that such ordinance be submitted to a vote of the electors.

I, as a county resident could not protest this ordinance that would have an effect on me.

I agree I could protest the Building Commission resolution, but at the 7% and 30 days unreasonable figure.

Atch. IV

On January 14 this committee reported to recommend H.B. 2025 be passed as amended by the committee. This bill concerned submitting to a vote of the qualified electors of a county the question of issuance of bonds to construct civic center. No bonds shall be issued until an election is held on this issue.

I think H.B. 2035 is a similar bill, and I do not feel that the burden should be on the taxpayers to take the protest petition method. If we do not follow the statutes on petition filing and signatures fully we have no recourse as taxpayers.

I support H.B. 2035 and hope you can do the same thus making it easier for the public to have faith in their governmental entities .

Bill Crow
Jan. 26, 1983

To the House Committee on
Local Government

In re: H. B. 2035

I support H. B. 2035 for the following reasons:

1. Since I live in the county, there are no provisions for a protest petition or vote.
2. Passage would require a vote of all the qualified electors of the county, and city voters would not have to run a petition.
3. The County Commission would be required to present an acceptable, least expensive plan to sell the voters on it.
4. The Public Building Commission is not elected, so the people should have a voice.

Joan Hrenchir
Berryton, Kansas

Atch. V

ATTACHMENT VI

Countywide zoning legislation (KSA 19-2920) was rewritten last year in SB765. HB2028 has been introduced this year to address a problem which was created by the 1982 legislation. This legislation deals with two fact situations. First, lines 0019 through 0065 deal with the original establishment of a countywide zoning plan. Second, lines 0069 through 0104 deal with proposed changes in that countywide zoning plan.

The 1982 legislation provided for written notification to all property owners within 1000 feet of the proposed zoning in both fact situations. There is some confusion as to whether that written notification was intended for the original adoption of the countywide zoning plan. The research note explaining SB765 indicates that written notification was only intended for subsequent changes in zoning. The procedure for the original zoning ordinances provides for notification through publication, public hearing by a planning commission and county commission approval.

A procedure for written notification at the time of the original countywide zoning ordinance would mean that every property owner within 1000 feet of the zoning plan be notified in writing. In Sedgwick County the plan will cover nearly one-third of the county and would, consequently, require thousands of written notifications. Using either tax rolls or ownership lists this would be a horrendous expense both in direct dollar cost as well as staff work.

A solution to the entire problem would be to amend HB2028 by striking on line 0042 "... In addition..." through line 0046

Atch. VI

"...action taken." This approach would solve both the problem of notifying property owners in other counties regarding the new countywide zoning plan as well as the cumbersome problem of providing total written notification within the county.

The statutes amended in this fashion would then be consistent with statutes providing for original city zoning plans.

The change would leave in place the 1000 foot notification regardless of county boundaries for subsequent changes in zoning.

ATTACHMENT VII

Draft of proposed legislation, January 1983

BILL NO. _____ (bill no. not yet identified)

AN ACT concerning libraries; relating to tax levies; amending K.S.A. 75-2551 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 75-2551 is hereby amended to read as follows: 75-2551. Federal funds for public library service made available to the state under legislation passed prior to or after the passage of this act, and which funds are administered by the state librarian or state commission, may be used in support of any one or more regional system of cooperating libraries within the provisions of such federal legislation. The use of funds of any regional system of cooperating libraries shall be established by the system board by contracts with boards of participating libraries, or otherwise.

Participating boards shall have the power and are hereby authorized to pay for services purchased from the system board.

Any funds appropriated by the legislature and administered by the state librarian for the promotion of library services may be used to pay all or part of the expenses and equipment of any regional system of cooperating libraries.

The system board shall be subject to the cash basis and budget laws of the state. The budget of the system board shall be prepared, adopted and published as provided by law and hearing shall be held thereon in the first week of the month of August of each year. The tax levy made pursuant to such budget shall be certified to the county clerks of each county in the territory of the regional system of cooperating libraries.

Each system board is hereby authorized to levy not in excess of ~~one-half~~ $\frac{3}{4}$ mill of tax to be used for library purposes on all of the taxable property within the boundaries of such regional system of cooperating libraries that is not within a district supporting a library with funds of such district.

Sec. 2. K.S.A. 75-2551 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Atch. VII

ATTACHMENT VIII

12-5304. Same; dedication of funds collected; authorization for contracts. (a) Any governing body imposing the tax authorized by this act may contract directly with the provider of the emergency telephone service or may contract and cooperate with any public agency or with other states or their political subdivisions or with any association or corporation for their political subdivisions or with any association or corporation for the administration of emergency telephone service as provided by law.

(b) Funds collected from tax imposed pursuant to this act shall be spent solely to pay for the ~~monthly recurring charges billed by the service supplier for~~ the emergency telephone service.

(any expenses associated with the provision of)

Sec. K.S.A. 1981 Supp. 12-5304
is hereby repealed.

Sec. 3

This act shall take effect and be in force upon publication in the Kansas Register.

Atch. VIII

Nancy Brown, Trustee
15429 Overbrook Lane
Stanley, Kansas 66224
(913) 897-3121

Stan Buss, Clerk
Ron Svec, Treasurer

ATTACHMENT IX

Oxford Township

JOHNSON COUNTY, KANSAS

January 19, 1983

The Honorable Ivan Sand
Chairman, Local Government
Affairs Committee
State Capitol Building
Topeka, Kansas 66612

Dear Mr. Sand:

I want to apologize to you and the other committee members for a word I used and a statement that I started to make at the hearing today that was misunderstood during this highly emotional time of testimony. I did not mean to imply that the Legislators are "guilty" or to blame for what happened to the citizens in Stanley. The point I was trying to make (but obviously did not say well) was that what happened to Stanley was supposedly done in compliance with state statutes and, therefore, it appears that the only way to provide aid to the people which is so desperately needed is through the statutes. It was meant to be a plea rather than an accusation. I in no way intended to offend you or members of the committee, but rather can only commend you for the time and energy you have expended on behalf of the residents.

The second area of misunderstanding which may have occurred involved meetings with the Johnson County Commissioners. Please be assured that the people of Stanley have always been willing to meet with the commissioners (and anyone else who would listen to them). I have requested several meetings with them and have met with them individually but the entire board was never willing to meet with us. I am pleased to report, however, that the current new five member board has met with us at our initiation, the first meeting being last Friday. We have a long way to go until some agreement can be reached since it is a highly political issue - but it is a beginning. An interesting aspect of this entire fiasco is that the people of Stanley have never been consulted. No wonder that our frustrations often surface when we do have the opportunity to speak.

Again, please accept my sincere apology and appreciation for your time, interest and patience. We are ready and willing to help you. . . and are praying that the wisdom of Solomon will be used as you review and decide the fate of some wonderful people in Stanley.

Sincerely,

Nancy

Nancy Brown

Member, Kansas Association of Townships

Atch. IX