

Approved

Ivan Sand  
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE IVAN SAND at  
Chairperson

1:30 ~~am~~/p.m. on January 17, 1984 in room 521-S of the Capitol.

All members were present except:

Representative Dorothy Flöttman (Excused)

Committee staff present:

Mike Heim, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes Office  
Gloria M. Leonhard, Secretary to the Committee

Conferees appearing before the committee:

Representative David Heinemann, HB 2586  
Representative Elizabeth Baker, HB 2588  
Mr. Kim C. Dewey, County Commissioner, Sedgwick County, Kansas, HB 2588  
Representative Dale Sprague, HB 2605  
Mr. Roy Sager, McPherson County Zoning Administrator, HB 2605  
Mr. Fred Allen, Kansas Assn. of Counties, HB 2605 and HB 2606  
Mr. Edward R. De Soignie, Kansas Dept. of Transportation, HB 2606

Chairman, Ivan Sand, called for hearings on the following House Bills:

HB 2586, concerning municipalities; relating to revenue bonds.

Mike Heim gave a brief overview of the bill. (See Attachment I.)

Representative David Heinemann, sponsor of the bill appeared to give background and intent of the bill. Heinemann stated the bill corrects a problem created by a bill passed last year.

HB 2588, concerning programs for the elderly.

Mike Heim gave a brief overview of the bill. (See Attachment II.)

Representative Elizabeth Baker, sponsor of the bill presented testimony regarding the bill. (See Attachment III.)

When questioned, Baker informed the committee that the county mill levy for the city of Derby is .703; that Derby had paid \$21,000 through the levy but would receive only \$4,200 in return for needs of the elderly.

Kim C. Dewey, County Commissioner, Sedgwick County, Kansas, addressed the committee. (See Attachment IV.) Discussion followed. When questioned, Dewey stated that the levy plan had been instituted by a resolution of the Board of County Commissioners; that the City of Derby had requested \$15,000; that Derby and surrounding area were receiving benefits in addition to the \$4,200; that when the program became better established he anticipated that a budget would be established; that county residents outside the City of Derby would be entitled to services as it is a county-wide program.

Representative Baker noted that the City, too, would work with people in need, which has been successful in the past.

HB 2605, concerning counties; relating to sanitary controls.

Mike Heim gave a brief overview of the bill. (See Attachment V.)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON LOCAL GOVERNMENT,  
room 521-S, Statehouse, at 1:30 ~~xxx~~/p.m. on January 17, 1984

Representative Dale Sprague, a sponsor of the bill, appeared and gave background and intent of the bill.

The question was raised about "notices" being restricted to appear at the "local health department." Representative Sand suggested the phrase "multi-county departments" might be used. Sand asked Heim to look into the statutes for clarification of the intent of the reference to "local health department."

Representative Sprague introduced Mr. Roy Sager, McPherson County Zoning Administrator, who spoke in support of the bill. He noted that the high cost of publication had prevented his county from considering a county code.

Mr. Fred D. Allen, Executive Secretary, Kansas Association of Counties, stated that the Association wishes to support both HB 2605 and HB 2606.

HB 2606, concerning roads and highways; relating to unlawful obstruction thereof.

Mike Heim gave a brief overview of the bill. (See Attachment VI.)

Representative Sprague, a sponsor of the bill, appeared and gave background and intent of the bill. He stated the bill would not restrict a judge to a \$50 fine for road obstruction; that a fine of up to \$200 would be allowed.

Discussion followed.

Mr. Edward R. DeSoignie, Policy Coordinator, Bureau of Management and Budget, Kansas Department of Transportation, appeared and questioned the scope of the word "highway" in the bill.

Staff questioned that there is a problem with the intent of the word "highway" in the bill under current law.

Chairman Sand requested Staff to research and bring information back to the committee regarding HB 2588 and HB 2606.

The Chairman advised the committee that there are several bills held over in the committee on which action may be taken next week; that they will be referred to on next week's agenda.

Mr. Fred D. Allen, Kansas Assn. of Counties, informed the committee that he, along with E. A. Mosher, Kansas League of Kansas Municipalities, have arranged for their Associations to host a dinner to be held for the Local Government Committee at 6:00 P. M., Wednesday evening, February 29.

The minutes of the meeting of January 12, 1984, were approved as presented.

Meeting adjourned.

## MEMORANDUM

January 17, 1984

TO: House Local Government Chairman  
FROM: Legislative Research Department  
RE: H.B. 2586

H.B. 2586 amends the definition of revenue bond which appears in the municipal utility revenue bond law to delete the provision which allows proceeds of a countywide retailers' sales tax to be used to pay off these bonds.

The bill is effective upon publication in the Kansas Register.

*Atch. 1*

## MEMORANDUM

January 17, 1984

TO: House Local Government Chairman  
FROM: Legislative Research Department  
RE: H.B. 2588

H.B. 2588 permits any city, located in a county which levies a tax for a service program for the elderly, to establish a city service program for the elderly and to receive county funding for this program. The county, upon request by the city, is required to pay the city an amount equal to what the county elderly tax levy produces within the city's corporate limits.

The bill is effective upon publication in the Kansas Register.

*H.B. II*

Testimony of Representative Elizabeth Baker  
House Bill 2588  
January 17, 1984

House Bill 2588 incorporates two philosophical views of government that have been of great importance to Kansans since our first days as a state. One is retention of autonomy by local units of government and the other is fair and equitable distribution of tax dollars.

First, the allowing of government units to retain their local autonomy is embodied in this bill by giving them the ability to provide their own services for the elderly.

In the past the Kansas Legislature has seen the wisdom in allowing units of government this same right with such groups as fire, and ambulance departments. But only in recent years have service programs for the elderly been implemented in counties; accordingly the need for retaining local autonomy in programs for the elderly is of recent origin.

Secondly, if a community believes they are not receiving their "fair share" of tax dollars they are permitted to establish their own programs. In reviewing this second reason it is necessary to understand the pragmatic application of the present bill to a local community (Derby), and what House Bill 2588 will allow them to do.

1. Derby's assessed valuation is approximately 1.7% of Sedgwick County's and it has approximately 2% of the elderly people.
2. Only \$4,200 was allocated to Derby this year to meet the needs of the elderly. The total budget for the county was approximately \$885,861.
3. Derby is receiving only a small percentage of the amount of money Derby could receive if they established their own program would be approximately \$21,715.71.

Derby does not feel as if they are receiving their "fair share". Derby is typical of many small communities within their counties. It is only reasonable and just that we provide the same opportunities in the areas of service programs for the elderly that we have allowed in ambulance and fire departments.

*Atch. III*



# SEDGWICK COUNTY, KANSAS

## DEPARTMENT OF ADMINISTRATION

FOREST TIM WITSMAN  
COUNTY ADMINISTRATOR

COUNTY COURTHOUSE, • 525 N. MAIN, • WICHITA, KANSAS 67203-3703 • TELEPHONE 268-7575

Testimony of Kim C. Dewey,  
Sedgwick County, Kansas  
House Local Government Committee  
House Bill 2588  
January 17, 1984

The Board of Sedgwick County Commissioners oppose any changes to the current structure of financing elderly services at the local level. Since the enactment of K.S.A. 12-1680 in 1974, nearly seventy counties in Kansas have approved a special countywide mill levy to fund local elderly service programs. House Bill 2588 would substantially change the current means of financing and providing these vital services.

Current law provides that a special mill levy for elderly services may be submitted to the voters and imposed countywide or within the corporate limits of a city alone. However, over the past decade, the unexcepted tradition across Kansas has been to finance and provide these services on a countywide basis. All of the special mill levies approved pursuant to K.S.A. 12-1680 have been countywide.

It is no mere coincidence that the local elderly services have evolved in such a manner. Countywide mill levy questions have been approved by voters

Atch IV

across the State, because it is recognized that services for the elderly are the responsibility of all residents of the county. Planning for elderly services on a countywide basis allows the most effective and efficient delivery of services. Countywide planning deals with the elderly community on a broader scale and insures that the truly vital services are available to those elderly in need regardless of their place of residence within the county. It is fact that some communities have a higher elderly population and greater need for services than others. Some communities have greater resources than others and could provide better services than a community lacking in resources. Countywide provision of services insures that those elderly in need have access to vital services regardless of the community they reside in.

The Sedgwick County Commissioners are well aware of the dissatisfaction which has prompted the introduction of this legislation. It should be noted that the Sedgwick County mill levy was only recently approved and 1984 is the first year that the countywide service program will be financed through it. The service programs in Derby proposed for funding through the mill levy will be considered again for funding in 1985 and it is our desire to see the proponents of these programs organize and submit a viable proposal.

The Commissioners, partially in response to complaints regarding allocation of mill levy funds, have commissioned an update of a study completed in 1976, which assessed and identified the needs for elderly services throughout the county. The study will be conducted by the Gerontology Center at Wichita State University and funded one-half by Sedgwick County and one-half by the University.

In conclusion, we urge the Committee to reject any legislation which alters the tradition of countywide provision of elderly services established over the past decade. The Sedgwick County Commissioners assure the Committee that every effort will be made locally to resolve disputes concerning funds from the elderly services mill levy.



## MEMORANDUM

January 17, 1984

TO: House Local Government Chairman  
FROM: Legislative Research Department  
RE: H.B. 2605

H.B. 2605 permits the board of county commissioners to designate a county agency other than the local health department to administer sanitary code regulations concerning sewage and sewage disposal. The notice of the public hearing required to be published prior to the adoption of a sanitary code and the actual resolution adopting the code shall state that copies of the sanitary code are available for public inspection at the local health department.

The scope of territorial coverage for sanitary codes adopted by a county is amended to provide the code shall not apply to any premises which exceeds 10 acres which is used for agricultural purposes defined as the production of livestock or crops. Under current law, there is no minimum acreage requirement.

A.L.S. V

VI

## MEMORANDUM

January 17, 1984

TO: House Local Government Chairman  
FROM: Legislative Research Department  
RE: H.B. 2606

H.B. 2606 raises the amount of the fine that shall be imposed upon persons found guilty of the crime of obstructing a public highway from not more than \$50 to not more than \$200.

Att. VI