

Approved

Ivan Sand 1/31/84
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

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

1:30 ~~xxx~~ p.m. on JANUARY 25, 1984 in room 521-S of the Capitol.

All members were present except: (All Present)

Committee staff present:

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

Conferees appearing before the committee:

Representative Ron Fox, HB 2699 & HB 2701
Mr. Bill Anderson, Rural Water District #1, Jo. Co., Ks., HB 2699 &
HB 2701
Mr. R. L. Chandler, Supervisor, RWD #1, Jo. Co., Ks., HB 2699 &
HB 2701
Mr. William L. Ervin, Chief, Municipal Accounting Section,
HB 2701
Ms. Gerry Ray, Administrative Assistant for the Johnson County
Board of County Commissioners, HB 2605
Representative Robin D. Leach, to introduce new legislation for
improvement districts

Chairman, Ivan Sand, called for hearings on the following bills:

HB 2699 - concerning water districts; relating to the
meetings and records of the governing bodies
thereof; By -Rep. Fox

Mike Heim of the staff noted that the bill is primarily a clean-up bill.
(See Attachment I.)

Representative Fox, sponsor of HB 2699, appeared and gave background and
intent of the bill. Fox stated that the bill brings the water districts
into conformity with other governing bodies of the state.

Because Representative Fox had limited time to speak to the Local Government
Committee because of another scheduled meeting, he also addressed the committee
regarding HB 2701 at this time.

Mr. Fox noted that HB 2701 expands to include licensed, municipal public
accountants and allows them to acknowledge certified public accountants. He
noted that Line 156 raises the contract cost exemption from \$5,000 to \$10,000.

It was noted that the costs for publication as referred to in Lines 166-167
might be considered by the water districts and some reduction of the costs
might be effected by additional changes in the bill.

Fox stated he had no problems with cleaning up the bill further as to
publication requirements.

Chairman Sand introduced Mr. Bill Anderson, Rural Water District #1, Johnson
County, Kansas, who appeared in support of both HB 2699 and HB 2701. Anderson
pointed out that only water districts had been formed under Statute 19-3520.
He referred to excerpts from HB 2668 by Committee on Federal and State Affairs
(See Attachment II.) He noted that Lines 367 through 371 prevent the use of
lists for commercial use; that the new Section 11 also protects lists.
Anderson noted that Lines 35 and 36 of HB 2699 cause water districts to comply
with the provisions of the open records act.

Anderson introduced Mr. R. L. Chandler, Supervisor of Rural Water District
#1, Johnson County, Kansas, who had no questions of the committee.

When asked, Anderson verified that there are investor-owned water districts
in the state.

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.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~xx~~/p.m. on JANUARY 25, 19 84

A question was raised about possible contradictory language regarding frequency of meetings in Lines 23 through 29 of the bill. Staff noted that lines 31 through 33 clarify intent of the earlier language.

The hearing of HB 2699 was closed.

HB 2701 - concerning water districts; relating to the issuance of revenue bonds; - By Rep. Fox

Theresa Kiernan of the staff gave an overview of the bill, noting changes on Lines 132 through 134 and on Line 156. (See Attachment III.)

Anderson verified that the water district needs the exemption raised from \$5,000 to \$10,000 as proposed in Line 156 of the bill.

The Vice Chairman of the Local Government Committee, Representative Robert D. Miller read a letter, dated 1/23/84, from Mr. T. C. Anderson, Executive Director of the Kansas Society of Certified Public Accountants, to Chairman Sand stating support of that Society for the bill. (See Attachment IV.)

Mr. William L. Ervin, Chief, Municipal Accounting Section, appeared in support of the bill. Ervin stated that he would like to get away from excessive reporting. (See Attachment V.)

Chairman Sand inquired of Mr. Bill Anderson, Rural Water District #1, Johnson County, if he felt there would be any problems with inserting new language in the bill to reduce publication costs. Anderson replied that he saw no problems with such a change.

The question of where facts for a water district are kept was raised. Supervisor, R. L. Chandler, stated that any interested person may come to his office and request a copy of the district's audit.

Representative Dorothy Nichols moved and Representative W. Edgar Moore seconded that the additional language be incorporated into the bill and be brought back for consideration next week. Motion carried.

The hearing on HB 2701 was closed.

HB 2605 - concerning counties; relating to sanitary controls; - By Rep. Sprague, et al.

Theresa Kiernan, Staff, provided copies of proposed changes to the bill (See Attachment VI.) on Lines 44, 55 and 59.

The "10-acre" designation in Line 59 was questioned. It was noted that Pottawatomie County has a code of 20 acres which is working very well.

It was moved by Representative LeRoy F. Fry and seconded by Representative Clinton C. Acheson that HB 2605 be rewritten to include the proposed amendments. Motion carried.

It was moved by Representative Arthur W. Douville and seconded by Representative LeRoy F. Fry that the bill be passed as amended. Motion carried.

Following the passage of the bill by the committee, Ms. Gerry Ray, Administrative Assistant for the Johnson County Board of County Commissioners, asked the committee to note that the Johnson County Board supports the bill.

HB 2606 - concerning roads and highways; relating to the unlawful obstruction thereof; - By Rep. Sprague, et al.

Staff reported that they had no further changes to be incorporated into the bill.

Representative Dorothy Nichols moved that the bill be passed. Representative Robert Wunsch seconded the motion.

Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~am~~/p.m. on JANUARY 25, 1984

Chairman Sand introduced Representative Robin D. Leach to the committee.

Mr. Leach requested that the committee accept legislation to permit improvement districts to zone in Jefferson County, Kansas, as is presently being done in Wabaunsee County, Kansas.

Representative Darrel M. Webb moved that the Local Government Committee accept the legislation proposed by Representative Leach. Representative George Dean seconded the motion. The motion carried.

The meeting adjourned.

MEMORANDUM

January 24, 1984

TO: House Local Government Chairman
FROM: Legislative Research Department
RE: H.B. 2699

H.B. 2699 amends a statute relating to Johnson County Water District No. 1 to provide the District's meetings shall be open to the public except as provided in the Kansas Open Meetings Law. The bill is cleanup in nature.

Atch. I

HOUSE BILL No. 2668 (ATTACHMENT II)

By Committee on Federal and State Affairs

1-11

0241 New Sec. 7. (a) Except to the extent disclosure is otherwise
0242 required by law, a public agency shall not be required to dis-
0243 close:

0367 (26) Records of a utility or other public service pertaining to
0368 individually identifiable residential customers of the utility or
0369 service, except that information concerning billings for specific
0370 individual customers named by the requester shall be subject to
0371 disclosure as provided by this act.

0564 New Sec. 11. (a) Except to the extent otherwise authorized
0565 by law, no person shall knowingly sell, give or receive, for the
0566 purpose of selling or offering for sale any property or service to
0567 persons listed therein, any list of names and addresses contained
0568 in or derived from public records other than from public records
0569 of the division of vehicles obtained under K.S.A. 74-2012 and
0570 amendments thereto.

0571 (b) Violation of this section is a class C misdemeanor.

(ATTACHMENT II)

Att. II

HOUSE BILL No. 2699

By Representative Fox

1-17

0017 AN ACT concerning water districts; relating to the meetings and
0018 records of the governing bodies thereof; amending K.S.A.
0019 19-3520 and repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 19-3520 is hereby amended to read as fol-
0022 lows: 19-3520. Every water district board shall ~~be meet in regu-~~
-0023 ~~lar session~~ at a place to be designated by ~~said the board meet in~~
0024 ~~regular session~~, and on the same regular day each month during
0025 the year, as determined by the water district board, ~~and in~~
0026 ~~special session on the call of the chairman or at the request of any~~
0027 ~~three (3) members on the board~~, for the transaction of any
0028 business, general or special, as often as the interest or business of
-0029 the water district may demand. *The board shall meet in special*
0030 *session on the call of the chairperson or at the request of any*
0031 *three members on the board.* The nature of the business to be
0032 transacted at any call meeting ~~to~~ shall be governed by the
0033 matters and things set out in the call. All water district boards
0034 shall adopt their rules of procedure and keep a record of their
0035 proceedings. ~~All meetings~~, *Except as provided by the open*
0036 *records act, the records and accounts of the board shall be*
0037 *public. Except as provided by K.S.A. 75-4317 et seq., and*
0038 *amendments thereto, meetings of the board shall be open to the*
0039 *public.* Three (3) members shall constitute a quorum for the
0040 transaction of business.

0041 Sec. 2. K.S.A. 19-3520 is hereby repealed.

0042 Sec. 3. This act shall take effect and be in force from and
0043 after its publication in the statute book.

committees, bureaus and departments of such municipalities charged with the management or administration of recreation activities, parks, hospitals, libraries, cemeteries, pensions, public improvements or any other public activities maintained or subsidized with public funds and any municipally owned or operated utility, firemen's relief association, or public or quasi-public corporation entitled to receive and hold public moneys pursuant to any provision of state law authorizing such public or quasi-public corporation to collect or receive such public moneys.

History: K.S.A. 75-1117; L. 1978, ch. 334, § 1; July 1.

75-1118. Municipal accounting board; composition; appointments, vacancies; terms; compensation and expenses; removal from office. There is hereby created a board to be known as the state municipal accounting board. The board shall consist of seven members to be appointed by the governor for terms of four years, and all vacancies occurring on the board shall be filled by the governor. The terms of office shall begin on July 1. The board shall be composed of the following: One county clerk, one member of the governing body of a city of the first or second class, one finance officer of a city, one member of a board of education, one county treasurer and two certified public accountants. All members serving on such board on the effective date of this act shall continue to serve for the term for which appointed. The membership of any public officer so appointed shall terminate upon termination of such person's public office or at the conclusion of such person's term, whichever occurs sooner. The board shall choose a chairperson and secretary from its members. Members of the state municipal accounting board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. The governor shall have power to remove from office any appointive member of the board for neglect of duty, incompetency or improper conduct.

History: L. 1935, ch. 275, § 8; L. 1953, ch. 375, § 87; L. 1967, ch. 441, § 1; L. 1974, ch. 364, § 17; L. 1975, ch. 433, § 1; L. 1978, ch. 335, § 1; L. 1982, ch. 349, § 1; July 1.

75-1119. Municipal public accountants; licenses, renewal, revocation, issuance of original prohibited; board of accountancy, rules and regulations, powers. (a) The board of accountancy shall adopt rules and regulations governing the renewal and revocation of licenses of licensed municipal public accountants. Commencing on July 1, 1982, such licenses shall be renewed for a two-year period from July 1 of the year of renewal and may be renewed at the discretion and under the rules and regulations of the board of accountancy. The rules and regulations of the state municipal accounting board governing the renewal and revocation of licenses of licensed municipal public accountants in existence on the effective date of this act shall continue to be effective and shall be deemed to be the rules and regulations of the board of accountancy until revised, amended, repealed or nullified pursuant to law. All other rules and regulations of the state municipal accounting board shall continue in existence until revised, amended, repealed or nullified pursuant to law.

(b) The chairperson of the board of accountancy is hereby authorized to administer oaths, issue subpoenas and take testimony of any persons or witnesses that the board of accountancy may desire relative to any duty or power given it in this section.

(c) On and after July 1, 1982, no person may be issued an original license to engage in practice as a licensed municipal public accountant. Licensed municipal public accountants who hold original licenses to practice as such prior to the effective date of this act and who are in active practice as licensed municipal public accountants or have been granted inactive status shall continue to hold such licenses and shall remain entitled to have such licenses renewed and to practice as licensed municipal public accountants subject to rules and regulations of the board of accountancy.

History: L. 1935, ch. 275, § 9; L. 1976, ch. 374, § 1; L. 1982, ch. 349, § 2; July 1.

75-1119a. Same; fees for license renewal; notice. The board of accountancy shall charge and collect a biennial renewal fee to practice as a licensed municipal public accountant. Each year, on or before May 30, the board of accountancy shall determine the amount that may be necessary for the next ensuing year to carry out and en-

ments of subsection (a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the governing body or members of the general public of the municipality. No governing body of a municipality shall request the waiver or adopt the resolution authorized under this subsection if the provisions of revenue bond ordinances or resolutions or other ordinances or resolutions of the municipality require financial statements and financial reports to be prepared in conformity with the requirements of subsection (a). The governing body of any municipality which is granted a waiver under this subsection shall cause financial statements and financial reports of the municipality to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this state.

(2) The provisions of this subsection do not apply to community colleges.

(d) The director of accounts and reports shall waive the requirements of law relating to the preparation and maintenance of fixed asset records upon request therefor by the board of trustees of any community college. The waiver shall be granted to the extent and for the period of time requested by the board of trustees. Nothing contained in this subsection shall be construed so as to exempt any community college from compliance with the provisions of K.S.A. 71-211 which requires the use by all community colleges of a standardized and uniform chart of accounts.

History: L. 1978, ch. 334, § 5; L. 1979, ch. 279, § 1; L. 1981, ch. 327, § 1; L. 1982, ch. 348, § 1; April 29.

75-1121. Duties of director of accounts and reports. The director of accounts and reports shall, by and with the consent and approval of the state municipal accounting board:

(a) Formulate, devise and prescribe a system of fiscal procedure, auditing, accounting and reporting for municipalities, applicable to those municipalities required by K.S.A. 1982 Supp. 75-1122, to have their accounts examined and audited at least once each year.

(b) Adopt rules and regulations to carry out the provisions of this act and, from time to time, to make, change, amend and enforce

such system and forms of accounting and reporting and rules or regulations. All rules and regulations of the auditor of state adopted under authority of this section that are in effect on the effective date of this act shall remain in full force and effect until amended or nullified by the director of accounts and reports as provided by law. No rules and regulations adopted pursuant to the provisions of this section shall prescribe any system of fiscal procedure or require the governing body of any municipality to have its accounts examined and audited unless such municipality is required to have its accounts examined and audited under the provisions of K.S.A. 1982 Supp. 75-1122.

(c) Conduct either in person or by representatives such investigation as he or she may deem necessary to determine if this act and the regulations issued pursuant thereto are being fully complied with.

History: K.S.A. 75-1121; L. 1978, ch. 334, § 4; July 1.

75-1122. Annual audits of accounts of school districts and certain other municipalities; assistance from division of accounts and reports. From and after January 1, 1979, the governing body of every unified school district and the governing body of all other municipalities either having aggregate annual gross receipts in excess of two hundred seventy-five thousand dollars (\$275,000) or which has general obligation or revenue bonds outstanding in excess of two hundred seventy-five thousand dollars (\$275,000) shall have the accounts of such municipality (including, in case of school districts, tax and other funds including activity funds and accounts) examined and audited by a licensed municipal public accountant or accountants, or certified public accountant or accountants at least once each year.

Any municipality required to have an annual audit for the first time under this section shall be exempt from such requirement if the municipality sends to the division of accounts and reports a written request for assistance in complying with the required accounting procedures of K.S.A. 1982 Supp. 75-1121. Such exemption shall continue until the assistance is rendered by the division of accounts and reports.

The governing body of any city of the third class required to have the accounts of

75-1123 STATE DEPARTMENTS; PUBLIC OFFICERS, EMPLOYEES

such city examined and audited pursuant to the provisions of this section shall annually determine the total cost to be incurred by such city in complying with the requirements of this act and shall identify the same in the budget of the city. That portion of the tax levies of such city which is levied for the purpose of paying costs incurred by the city in complying with the provisions of this act shall not be included in computing the aggregate tax levies of the city and is exempt from the limitations imposed under the provisions of K.S.A. 79-5001 to 79-5016, inclusive.

History: K.S.A. 75-1122; L. 1978, ch. 334, § 2; July 1.

75-1123. Minimum standard audit program for certain audits; installation of standardized system. In conducting examinations and audits provided for by K.S.A. 10-1208, 12-866, 13-1243, 13-14d12 or 75-1122, and any amendments to such statutes, the licensed municipal public accountant or certified public accountant so engaged shall follow the minimum standard audit program, or the applicable portions thereof, prescribed by the director of accounts and reports with the approval of the municipal accounting board. The municipality so audited shall install and put such standardized accounting system into effect as soon as possible after such audit.

History: K.S.A. 75-1123; L. 1980, ch. 64, § 5; July 1.

75-1124. Filing of certain audit reports; fund payment condition. A copy of each audit report with recommendations, if any, rendered by any licensed municipal public accountant or certified public accountant upon the completion of any audits provided for by K.S.A. 10-1208, 12-866, 13-1243, 13-14d12 or 75-1122, and any amendments to such statutes, shall be filed with the director of accounts and reports within one year after the end of the audit period of the audit unless an extension of time is granted by the director of accounts and reports. Final payment to any accountant performing a municipal audit shall not be made until a copy of such report has been so filed as shown by a statement of the director of accounts and reports.

History: K.S.A. 75-1124; L. 1980, ch. 64, § 6; July 1.

75-1125.

CASE ANNOTATIONS

1. Provisions mandatory; mandamus proper compelling compliance. *Rumyon v. City of Ne. Rapids*, 2 K.A.2d 619, 621, 585 P.2d 1069.

75-1128. Unlawfully acting as license public accountant; penalties. Any person representing to the public that such person is a licensed municipal public accountant under the laws of this state, or any person except an assistant to a licensed municipal public accountant or an assistant to a certified public accountant, who accepts a fee or other compensation from any municipality for services as a public auditor, public accountant and who has not received such license or whose license has expired, has been revoked is guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than \$100 nor more than \$1,000 for each offense. Any person convicted under this section shall be ineligible to obtain renewal of a license as a licensed municipal public accountant.

History: L. 1935, ch. 275, § 18; L. 1982, ch. 349, § 5; July 1.

Article 12.—ARCHITECTURAL SERVICES

DIVISION AND DIRECTOR

75-1202a. Division of architectural services established; supervision; administration; director of architectural services; appointment; unclassified service; qualifications. (a) There is hereby established within and as a part of the department of administration, a division of architectural services, the head of which shall be the director of architectural services. Under the supervision of the secretary of administration, the director of architectural services shall administer the division of architectural services. The director of architectural services shall be in the unclassified service under the Kansas civil service act and shall be appointed by the secretary of administration, with the advice of the state building advisory commission.

(b) The director of architectural services shall have appropriate administrative and managerial experience and abilities commensurate with and necessary for the performance of the responsibilities of the office of director of architectural services.

History: K.S.A. 75-1202; L. 1978, ch. 338, § 35; L. 1978, ch. 338, § 1; May 17.

75-1202d. Same; m building advisory commission and civil service personnel; other duties of The director of architectural services shall attend all meetings of the advisory commission and keep record of its proceedings approved by the commission. The chairperson shall be the director of architectural services. The director of architectural services shall have such powers and duties prescribed or imposed by administration or by law.

(b) Subject to approval of administration and in appropriation acts, the director of architectural services shall appoint technical, administrative, personnel of the division services. All professional positions of the division services shall be in the unclassified service under the Kansas civil service act after the effective date of this act. Clerical and other nonprofessional positions of the division of architectural services shall be in the classified service under the Kansas civil service act. The director of architectural services shall be in the unclassified service for the purpose of this act and shall have the same status in the classified position immediately after the effective date of this act and shall have the same status in the classified position immediately after the effective date of this act and shall have the same status in the classified position immediately after the effective date of this act and shall have the same status in the classified position immediately after the effective date of this act.

History: L. 1978, ch. 328, § 1; May 18.

Cross References to Related Sections
State building advisory commission

75-1202e. Organization of division personnel. The secretary of administration may organize the employees of the division of architectural services for the purposes

through cloud seeding, electrification or by other means to provide immediate practical benefits.

History: L. 1975, ch. 74, § 2; July 1.

Cross References to Related Sections:

Kansas weather modification act, see ch. 82a, art. 14.

19-213.

History: G.S. 1868, ch. 25, § 17; R.S. 1923, 19-213; Repealed, L. 1963, ch. 152, § 1; June 30.

CASE ANNOTATIONS

1. Commissioners may borrow money to meet deficit in current expenses. *Doty v. Ellsbree*, 11 K. 209, 212.

2. Money can be borrowed only after popular vote. *The State, ex rel., v. Comm'rs of Marion Co.*, 21 K. 419, 420; *Johnson v. Comm'rs of Wilson Co.*, 34 K. 670, 9 P. 384.

3. Commissioners may borrow money for erection of county buildings. *Johnson v. Comm'rs of Wilson Co.*, 34 K. 670, 9 P. 384.

4. Cited in holding contract for sale of county warrants invalid. *Haun v. Lane County Comm'rs*, 138 K. 656, 660, 27 P.2d 269.

19-214. Awarding of certain contracts; public lettings; bond; exemptions. (a) Except as provided in subsection (b), all contracts for the expenditure of county moneys for the construction of any courthouse, jail or other county building, or the construction of any bridge in excess of \$10,000, shall be awarded, on a public letting, to the lowest and best bid. The person, firm or corporation to whom the contract may be awarded shall give and file with the board of county commissioners a good and sufficient surety bond by a surety company authorized to do business in the state of Kansas, to be approved by the county attorney or county counselor, in the amount of the contract, and conditioned for the faithful performance of the contract.

(b) The provisions of subsection (a) shall not apply: (1) To the expenditure of county funds for professional services; (2) to the provisions of K.S.A. 68-521; or (3) to the purchase of contracts of insurance.

History: G.S. 1868, ch. 25, § 21; R.S. 1923, 19-214; L. 1961, ch. 128, § 1; L. 1980, ch. 86, § 1; L. 1981, ch. 113, § 1; July 1.

Source or prior law:

L. 1864, ch. 38, § 1.

Cross References to Related Sections:

County buildings, see ch. 19, art. 15.

Section applicable to improvements made under 68-1414.

Research and Practice Aids:

Counties=113(1), 116.

C.J.S. Counties §§ 175, 177, 183.

Bond of contractor on public work, *Vernon's Kansas Forms* § 1732.

CASE ANNOTATIONS

1. Complete plans and specifications for a bridge required. *Bridge & Iron Co. v. Labette County*, 98 K. 292, 296, 158 P. 8.

2. After award of bridge contract additional specifications cannot be added. *Bridge & Iron Co. v. Labette County*, 98 K. 292, 296, 158 P. 8.

19-215. Notice of letting contracts; bids. The board of county commissioners shall, before awarding any contract for any such improvement, publish notice of the letting in some newspaper printed in the county, or, if there be no such newspaper in the county, said board shall cause written or printed notices to be posted in at least five conspicuous places in the county for the same length of time, which notice shall specify with reasonable minuteness the character of the improvement contemplated, the time and place at which the contract will be awarded, and invite sealed proposals for the same. Such other notice may also be given as the board may deem necessary or proper.

History: G.S. 1868, ch. 25, § 22; Oct. 31; R.S. 1923, 19-215.

Source or prior law:

L. 1864, ch. 38, § 2.

Cross References to Related Sections:

Section applicable to improvements made under 68-1414.

Research and Practice Aids:

Counties=113(1).

C.J.S. Counties §§ 175, 177.

Notice for bids, *Vernon's Kansas Forms* § 1733.

19-216. Plans and specifications for work. Before advertising for bids for any contract as provided in the preceding section, said board shall cause plans and specifications of the proposed work or improvement to be prepared, which plans and specifications shall be displayed for the inspection of bidders, at the office of the county clerk at least thirty days before the time for awarding the contract.

History: G.S. 1868, ch. 25, § 23; Oct. 31; R.S. 1923, 19-216.

Source or prior law:

L. 1864, ch. 38, § 3.

Cross References to Related Sections:

Section applicable to improvements made under 68-1414.

19-217. New townships; area and pop-

MEMORANDUM

February 24, 1983

TO: House Local Government Chairman
FROM: Legislative Research Department
RE: H.B. 2701

H.B. 2701 amends the Johnson County Water District No. 1's statutes to raise the dollar amount of contracts that must be let for public bid from \$5,000 to \$10,000 and to permit audits by certified public accountants as well as licensed municipal public accountants (LMPAs). Under a law passed in 1982, no original licenses for LMPAs shall be issued after July 1, 1982.

Atch. III



Kansas Society of
Certified Public Accountants

(ATTACHMENT IV)

FOUNDED OCTOBER 17, 1932

January 23, 1984

Rec 1-24-84

Honorable Ivan Sand
Chairman
House Local Government Committee
State Capitol
Topeka, KS 66612

RE: HB 2701

Dear Ivan:

Scheduling conflicts prevent me from appearing before your committee Wednesday to testify on behalf of the Kansas Society of CPAs in favor of HB 2701.

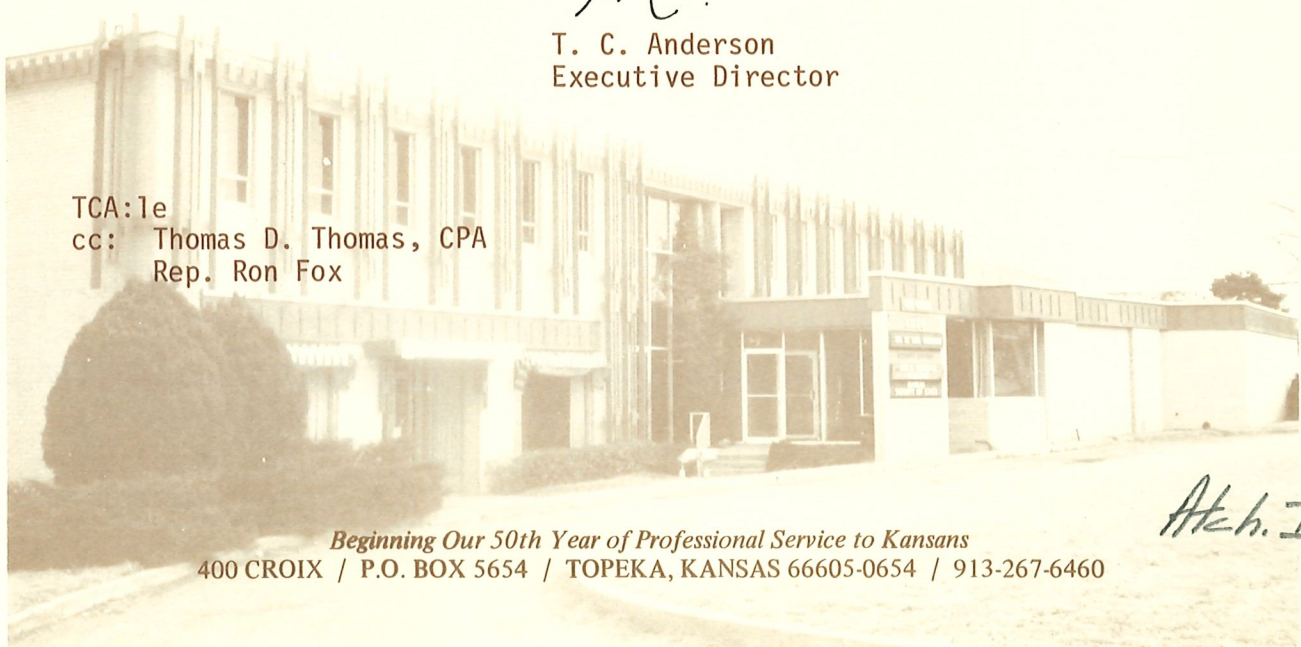
The proposed amendments relating to CPAs would seem to bring KSA 19-3516 and KSA 19-3521 into conformity with KSA 75-1122 which provides the audits of municipalities, including water districts, shall be conducted by licensed municipal public accountants or certified public accountants.

Thank you for your consideration of this matter.

Sincerely,

T. C. Anderson
Executive Director

TCA:le
cc: Thomas D. Thomas, CPA
Rep. Ron Fox



Attch. IV

(ATTACHMENT V)

TESTIMONY OF WILLIAM L. ERVIN, CHIEF, MUNICIPAL
ACCOUNTING SECTION, SUPPORTING 1984 H. B. 2701
JANUARY 25, 1984

Through an apparent oversight, CPAs have technically been excluded by K.S.A. 19-3516 and K.S.A. 19-3521 from performing the audits of water districts. We strongly support the addition of the new language of lines 0134 and 0174 to allow CPAs to perform audits of water districts. Further, the present law is inconsistent with the municipal accounting and auditing laws of K.S.A. 75-1117 et seq. which address the auditing requirements for all municipalities including water districts. The new language of lines 0134 and 0174 would help clear up this inconsistency.

We question the usefulness of publishing the annual "full and detailed statement, duly verified, of the receipts, expenditures, liabilities, assets and bonded indebtedness" required by present K.S.A. 19-3521 as shown on lines 0163 to 0174. We believe a notice of availability of the annual audit filed with the county clerk (K.S.A. 1983 Supp. 19-3516(c)) would be more cost effective for the water districts and provide anyone interested with more meaningful financial statements.

Atch. V

HOUSE BILL No. 2605

By Representatives Sprague, Buehler, Dyck, Ediger, Friedeman,
L. Fry, Harder, Rezac, Walker and Wunsch

12-5

0016 AN ACT concerning counties; relating to sanitary controls;
0017 amending K.S.A. 19-3703, 19-3704 and 19-3706 and repealing
0018 the existing sections.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. K.S.A. 19-3703 is hereby amended to read as fol-
0021 lows: 19-3703. *Unless otherwise provided by the board of*
0022 *county commissioners, the local health department shall have*
0023 *the authority and responsibility for administering the all sanitary*
0024 ~~code or~~ *codes. The board of county commissioners may desig-*
0025 *nate a county agency other than the local health department to*
0026 *administer sanitary code regulations concerning sewage and*
0027 *sewage disposal.*

0028 Sec. 2. K.S.A. 19-3704 is hereby amended to read as follows:
0029 19-3704. Whenever the county commissioners of such a county
0030 as set forth in this act ~~shall deem~~ *deems* it necessary to adopt a
0031 sanitary code, they shall prepare such sanitary code and submit it
0032 to the secretary of health and environment for review and ap-
0033 proval. After such approval, the county commissioners shall hold
0034 at least one public hearing thereon and shall afford interested
0035 parties an opportunity to be heard either in favor or in protest of
0036 the proposed code. Such public hearing may be continued at the
0037 discretion of the county commissioners. Notice of the public
0038 hearing, including the date, time, place of the meeting, the
0039 *purpose of the sanitary code in full*, and in reasonable detail, the
0040 boundaries of the areas to be subjected to the code, shall be
0041 published in the official county newspaper once a week for three
0042 (3) consecutive weeks. *The notice also shall state that copies of*
0043 *the proposed sanitary code are available for public inspection at*

(ATTACHMENT VI)

Atch. VI

0044 *the local health department.* The date of the public hearing shall
 0045 be not less than ~~ten (10)~~ 10 nor more than ~~thirty (30)~~ 30 days after
 0046 the date of the last notice published. After the final adjournment
 0047 of such hearing or hearings, the county commissioners, to adopt
 0048 the sanitary code, shall by resolution declare such code as
 0049 necessary for the protection of the health and welfare of the
 0050 public, and shall publish once in the official county newspaper
 0051 the resolution, the *purpose of the* sanitary code, and in reason-
 0052 able detail the boundaries of the areas to be subjected to the
 0053 sanitary code. *The resolution also shall state that copies of the*
 0054 *sanitary code are available for public inspection at the local*
 0055 *health department.*

or at a place designated by the board of county
 commissioners

0056 Sec. 3. K.S.A. 19-3706 is hereby amended to read as follows:
 0057 19-3706. This act or any sanitary codes adopted as provided in
 0058 this act shall not apply to incorporated cities or to any premises
 0059 under one ownership *which exceeds 10 acres in area* and which
 0060 is used only for agricultural purposes. *For the purposes of this*
 0061 *act, "agricultural purpose" means a purpose related to the*
 0062 *production of livestock or crops.*

or at a place designated by the board of county
 commissioners

0063 Sec. 4. K.S.A. 19-3703, 19-3704 and 19-3706 are hereby re-
 0064 pealed.

, unless such code specifically provides for a greater
 acreage limitation,

0065 Sec. 5. This act shall take effect and be in force from and
 0066 after its publication in the statute book.