

Approved Ivan Sand Date 2/2/84

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 31, 1984 in room 521-S of the Capitol.

All members were present except: Representative Francisco (Excused)
Representative Dean

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 James D. Braden, HB 2773; HB 2022
Mr. Fred Allen, Kansas Assn. of Counties, HB 2773; & new legislation
Mr. Dan Harden, County Engineer, Riley County, HB 2773
Mr. Chris McKenzie, League of Kansas Municipalities, HB 2773

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

HB 2773, concerning improvement districts; relating to the powers thereof;

Mike Heim gave an overview of the bill. (See Attachment I.) He stated that the bill enhances the powers of improvement districts and makes them more comparable to powers of 3rd Class cities.

Representative Sand noted that this bill contains very comprehensive legislation.

Representative James D. Braden, a sponsor of the bill, appeared to give background and intent.

When questioned, Braden stated that although County Commissioners support the bill, it would cause problems for them to effect the proposed powers for improvement districts.

Representative Sand pointed out that Counties wouldn't have the authority to handle many of the activities set out in the bill.

Braden noted he felt the legislation should apply statewide.

The language in Lines 36 and 81 was questioned because it appears to be restrictive. Staff agreed that this may need to be clarified.

The question of whether the bill creates another layer of government was raised. Braden pointed out that the County has the authority to establish improvement districts and now the improvement districts need power to function. Braden verified that "farmland" is not included in an improvement district.

Chairman Sand directed Mike Heim to further interpret the bill and make a presentation to the committee at a later meeting.

Mr. Fred Allen, Kansas Assn. of Counties, appeared in support of the bill. He read an excerpt from County Platform No. 10 which calls for laws governing cities to cover counties as well.

The question of why improvement districts don't incorporate was raised. It was noted that to incorporate they would have to have at least 300 permanent residents.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~XX~~ p.m. on JANUARY 31, 1984

Mr. Dan Harden, a county engineer and public works administrator from Riley County, Kansas, testified in support of the bill. He stated that improvement districts are generally residential in nature; that the County has a problem dealing with county-wide leash and firearms laws.

Mr. Chris McKenzie, Attorney for the League of Kansas Municipalities, appeared as an opponent to the bill. McKenzie stated the League believes there are a number of problems with the bill; that the basic issue is, "Should these improvement districts be cities?"; that the League feels it is unwise to set up a second class of city.

Representative Sand asked McKenzie if the League would support reducing the "300" residents requirement to "100" or "150." McKenzie stated that that would create considerable debate. Sand asked if the language would be more acceptable if it restricted the improvement districts to be "x" number of miles from town. McKenzie stated the League would probably want some of their other committees to explore such a proposal.

When questioned, McKenzie stated that the powers proposed by the bill for improvement districts would make it difficult to annex such districts later. McKenzie referred to Section W, Line 177, and noted that home rule power exempts the need for statute power.

Mike Heim, Staff, asked McKenzie if the League had taken a position on an interim study done several years before. McKenzie stated that the League had supported it; that the League supports the concept of an urban type district.

Questions were directed at Section Y, Line 187 regarding imposing a lien on property. Heim stated that the intent is that a lien could be imposed only if the District provided the services; that this same type of power is included in city statutes.

Representative Braden stated that he understands the League's concerns but noted that improvement districts already have the authority to have water and sewers; that he would not object to removing some of the proposed powers for the districts out of the bill; that basically the improvement districts want laws to collect unpaid utility bills, a leash law, and firearms regulations.

Braden stated that he would consider acceptable substitute legislation containing the following sections from the current version of HB 2773:

- (P) - Line 137 - to secure the general health of the district.
- (Q) - Line 142 - to mow the lots.
- (R) - Line 152 - to regulate domestic animals.
- (S) - Line 154 - a provision against firearms.
- (¢) - Line 187 - to impose liens for unpaid bills or utility service charges.

Braden urged the committee to consider compromise legislation.

Representative Sand urged the committee members to contact the people in their districts for their opinions as the legislation concerns the entire state.

It was noted that there is no additional taxing authority in HB 2773.

Chairman Sand asked the committee to be prepared for another hearing on the bill in another week.

The hearing on HB 2773 was closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~am~~/p.m. on JANUARY 31, 1984.

HB 2022

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

Representative James D. Braden, Chairperson of the House Committee on Assessment and Taxation, reviewed the background and intent of the bill. He stated that the 1982 Interim Committee had worked on this legislation. He read excerpts from the Interim Committee report.

Representative Dorothy Nichols moved and Representative Clinton Acheson seconded that HB 2022 be passed. Motion carried.

New Legislation

Mr. Fred Allen, Kansas Assn. of Counties, introduced new legislation which would require the amendment of 79-2963 to express tax levies at a rate upon each one "thousand" dollars of assessed valuation. (See Attachment III.)

Representative Robert S. Wunsch moved that the legislation proposed by Mr. Allen regarding 79-2963 be accepted by the Local Government Committee. Representative W. Edgar Moore seconded the motion. The motion carried.

The minutes of the meetings of January 24, 1984, and January 25, 1984, were approved as presented.

Meeting adjourned.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE 1-31-84

NAME ADDRESS REPRESENTING

Howard Hodgson	Little River, Mo.	Rice County Comm.
Jack Wray	Sterling, Ks.	Rice County
Leo Campbell	Chase, Kansas	Rice County Comm.
Fred Allen	Topeka	K.A.C.
CHARLES H. CLARK	OTTAWA	FRANKLIN COUNTY
CHARLES W. MAVITY, JR.	"	" " COMM
Bill Anderson	Mission	Water Dist No 1 Jo Co
DAN HARBEN	MANHATTAN	Riley County
John Walker	Beloit	Mitchell County
Stanley Cauer	Manhattan	Riley County
John DeGusa	LANDSBORO	MCPHERSON COUNTY
Waldo Stephens	Moundridge	Mcpheerson County.
Senator Francis Jordan		
Gerry Ray	Olathe	County of Johnson
Carol Connet	Beloit	Mitchell County
Chris McKenzie	Topeka	League of Ks Municipalities
C. Buckley Foster	Topeka-Wichita	Legislative Intern
Sharon Church	Augmin	
Leonid Boyle	Great Bend	Barton County Treas

MEMORANDUM

January 31, 1984

TO: House Local Government Chairman
FROM: Kansas Legislative Research Department
RE: H.B. 2773

H.B. 2773 amends a statute granting certain powers to improvement districts to expand these powers as follows. Improvement districts are given the power:

1. to adopt resolutions prescribing the manner in which powers of the district shall be carried out;
2. to furnish street lighting;
3. to regulate traffic;
4. to regulate the use of the streets;
5. to secure the general health and abate nuisances;
6. to remove weeds and assess the owner;
7. to adopt resolutions insuring the peace and order;
8. to establish a police force;
9. to improve streets and condemn property for any district purpose;
10. to create benefit districts for the improvement of streets;
11. to license occupations, businesses, and professions;
12. to grant franchises; and
13. to establish liens for unpaid utility bills.

MH

(ATTACHMENT I)

MEMORANDUM

January 31, 1984

TO: House Local Government Chairman
FROM: Kansas Legislative Research Department
RE: H.B. 2022

H.B. 2022 permits a county to allot any portion of its sales tax revenues to any township located within the county. The bill was recommended by the 1982 interim Special Committee on Assessment and Taxation.

MH

(ATTACHMENT II)

79-2963. Notice of amount of tax levies to be expressed in dollars. In addition to all other requirements now provided by law, whenever the amount of any ad valorem tax levy is required by law to be stated in any notice, upon any ballot, in any proposed budget or in any other form for the purpose of giving notice of the amount thereof to the electors or taxpayers of any taxing subdivision of the state of Kansas, the amount of such levy shall be expressed at a rate in dollars or fraction thereof upon each one ~~hundred~~ dollars of assessed valuation.

History: L. 1972, ch. 370, § 1; Jan. 1, 1973.

thousand