

Approved Juan Sand 1/9/84
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 FEBRUARY 7, 1984 in room 521-S of the Capitol.

All members were present except: Representative Elizabeth Baker (Excused)
Representative Mary Jane Johnson (Excused)

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:

Mr. Darold Main, Intergovernmental Coordinator, Shawnee Co.,
Re New Legislation
Mr. Vern Edmonds, Treasurer, Soldier Township, Re New Legislation
Ms. Patsy A. McDonald, County Clerk, Shawnee County, New Legislation
Representative Harold Guldner, HB 2812 & HB 2813
Representative Max Moomaw, HB 2812
Mr. Chris McKenzie, Attorney, League of Kansas Municipalities, HB 2812
Ms. Janet J. Stubbs, Home Builders' Assn. of Kansas, HB 2812
Mr. Fred D. Allen, Kansas Assn. of Counties, HB 2812
Mr. Ed Johnson, City of Topeka, HB 2812
Mr. Chip Wheelen, Legislative Policy Group, HB 2813
Mr. Bruce Creig, Chairman, County Commission, Johnson County, KS.,
Re New Legislation
Ms. Janet Leich, Johnson Co. Commissioner - 4th District
Re New Legislation
Mr. Bill Franklin, Johnson Co. Commissioner
Representative Ivan Sand, New Legislation

Chairman, Ivan Sand, called for introduction of new legislation by Mr. Darold Main, Intergovernmental Coordinator, Shawnee County, who explained that inequities exist in the amount and sufficiency of bonds for township treasurers and that the Office of the County Clerk has proposed new legislation which would correct the inequities.

Main introduced Mr. Vern Edmonds, Treasurer, Soldier Township, who indicated that he supports the proposed legislation.

Main introduced Ms. Patsy A. McDonald, County Clerk, Shawnee County, who spoke in support of the proposed legislation which would amend K.S.A. 80-203, regulating township bonds. (See Attachment I.)

Representative Clinton C. Acheson moved and Representative George R. Dean seconded that the legislation be introduced as a committee bill. Motion carried. Chairman Sand called for hearings on the following House Bills:

HB 2812, relating to the issuance of certain general obligation bonds by municipalities; requiring the publication of notice and the petition prior to the issuance of certain bonds; - By Rep. Guldner and Rep. Moomaw

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

Representative Harold Guldner, a co-sponsor of the bill, appeared to give background and intent of the bill. (See Attachment III.)

Representative Max Moomaw, a co-sponsor of the bill, appeared to testify in support of the bill. Moomaw stated he believes each individual should have the opportunity to protest whenever special assessments are made because they may be responsible for paying off the debt.

Mr. Chris McKenzie, attorney for the League of Kansas Municipalities,

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 ~~xxx~~ p.m. on FEBRUARY 7, 1984

appeared in opposition to HB 2812. He stated that the Kansas Assn. of Counties joins the League in opposing the bill.

McKenzie pointed out that by law, governing bodies have the authority to call referendums on bonds; that under the proposed bill, one neighborhood could call a referendum; that the League believes this power should be left up to governing bodies that are elected; that the League proposes a solution of allowing governing bodies to foreclose on defaulting parties much sooner than is now possible.

When questioned, McKenzie stated that he believes that in a tight economy municipalities have the right under home rule authority to take 25% up-front monies; that the City of Lawrence, Kansas has had to initiate action to sell certain property but cannot collect for three years; that there are other special assessment projects besides development; that in most cases the property foreclosed is in a speculative vacant project; however, there is some potential for farmland to be included; that it is a policy decision by the governing body which allows people to vote on special projects; that the League of Kansas Municipalities and the Kansas Assn. of Counties are both in opposition to the bill.

Ms. Janet J. Stubbs, representing Home Builders Assn. of Kansas, appeared before the committee regarding HB 2812. Stubbs referred to SB 464 and HB 2811 as related legislation. She stated she doesn't believe the bill addresses the concerns of Mr. McKenzie's testimony; that developers do not expect not to pay; that they were caught in a crunch; that the cities and the developers shared the responsibility.

Mr. Fred D. Allen, Kansas Association of Counties verified that McKenzie had correctly stated the position of his Association on HB 2812.

Mr. Ed Johnson, representing the City of Topeka, stated that he also supports the League's position as expressed by Mr. McKenzie.

The hearing on HB 2812 was closed.

HB 2813, relating to land surveys; concerning the payment of the cost incurred in establishing corners and boundaries of property;
- By Rep. Guldner, et al.

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

Representative Harold Guldner, a sponsor of the bill, appeared to give background and intent of the bill. (See Attachment V-A.)

Guldner stated he feels it should be definitely spelled out how a legal survey should be paid for.

When questioned, Guldner stated that the cost of a survey will greatly vary; that it could be very expensive.

Mr. Chip Wheelen, Legislative Policy Group, appeared in support of the bill. Wheelen stated his group endorses HB 2813 and urges the committee to pass it favorably. (See Attachment V-B.)

The hearing on HB 2813 was closed.

HB 2817, concerning improvement districts; relating to zoning therein;
-By Committee on Local Government

Mike Heim, Staff, gave a brief overview of the bill. (See Attachment VI-A.)

Heim distributed an amended version of HB 2817, as proposed by Theresa Kiernan, Revisor of Statute's Office. (See Attachment VI-B.)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~xxx~~/p.m. on FEBRUARY 7, 1984

The questions of how the planning committee was set up and how zoning appeals were handled were raised. Heim pointed out that K.S.A. 19-2950 is only one section of an act, and the procedures are set out in more detail in other sections.

Representative Steve Schweiker moved and Representative Dorothy Nichols seconded that the HB 2817 be rewritten to include the Revisor's proposed amendments. Motion carried.

It was noted that other improvement districts but not other counties could charter into this legislation.

Representative L. V. Roper moved and Representative Robert S. Wunsch seconded that HB 2817 be passed as amended. Motion carried.

Chairman Sand called for the introduction of new legislation from a group of Johnson County residents.

Mr. Bruce Creig, Chairman, County Commission, Johnson County, Kansas, appeared before the committee and described two proposals -- one relating to libraries, the other relating to parks and recreation-- both of which would require the amendment of Kansas Statutes.

Creig introduced Ms. Janet Leich, Johnson County Commissioner, who explained the Library proposal and urged the acceptance of the proposed legislation by the committee. (See Attachment VII.)

Creig introduced Mr. Bill Franklin, Johnson County Commissioner, who explained the Parks and Recreation proposal and urged the acceptance of the proposed legislation by the committee. (See Attachment VIII.)

Chairman Sand presented a general request for committee acceptance of proposed legislation regarding small abandoned rural school houses which are used for community centers. Sand pointed out that there is a problem financing these community centers; that it might be feasible to make these buildings a part of districts similar to benefit districts.

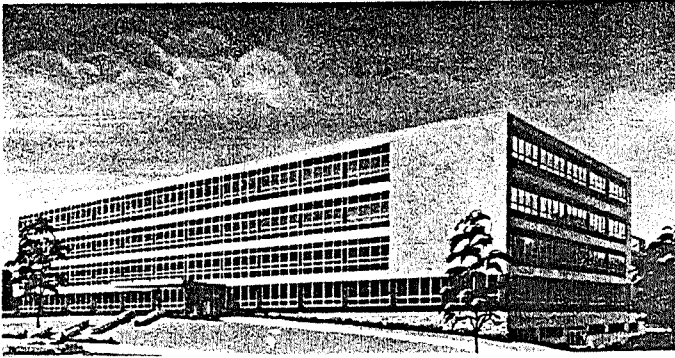
Mike Heim, Staff, advised the committee that there is a precedent for this type of thing; e.g. the City of Udall following a tornado set up a building district and elected a board of directors.

Representative Don M. Rezac moved and Representative LeRoy F. Fry seconded that the proposed legislation be introduced as a committee bill. Motion carried.

Chairman Sand announced that the Local Government Committee will meet on Thursday, February 9, 1984, at 1:30 P. M. to consider various bills previously heard in the committee and that the Johnson County request for introduction of legislation may be considered at that time also.

The minutes were approved as presented for the meetings of February 1 & 2, 1984.

Meeting adjourned.



SHAWNEE COUNTY
OFFICE OF COUNTY CLERK
Patsy A. "Pat" McDonald

COUNTY CLERK

(913) 295-4155 CLERK
(913) 295-4159 ACCOUNTING

COURTHOUSE - ROOM 107
TOPEKA, KANSAS 66603

February 6, 1984

M E M O R A N D U M

TO: Representative Ivan Sand & Local Government Committee Members
FROM: Patsy A. McDonald, Shawnee County Clerk
RE: Bonds - Township Treasurer

The amount and sufficiency of the bonds for township treasurers seem to be inequitable, compared to treasurers of other taxing subdivisions.

For example, K.S.A. 19-501 calls for the County Treasurer to be bonded.... in an amount not less than \$25,000...(Shawnee Co. Treas. - \$100,000 bond)

K.S.A. 72-8202d--School District Treasurers requires they ...shall be bonded for an amount set by the Board of Education..... One school district treasurer in this county (U.S.D. #450) is bonded for \$75,000.

K.S.A. 80-203 states the township treasurer shall be bonded..... in a sum not less than the maximum amount of money which will probably come into his or her hands at any time during his or her term of office.... This can be quite a sum of money. For example, Soldier Township probably needs a \$300,000 bond, at approximately \$700 per year or \$2,800 for a four-year bond.

Township officers will be elected in 1984, so this seems a logical time to amend the statute regulating township bonds. The amounts of the budgets have increased so much in the last four years, that the townships are receiving more money than they are bonded for.

The following attachments are provided for your information:

1. K.S.A. 80-203, K.S.A. 19-501 and K.S.A. 72-8202d.
2. Example of proposed amendment to K.S.A. 80-203.
3. List of amount of bonds needed for township treasurers in Shawnee County together with approximate prices of bonds per year for varied amounts.

(ATTACHMENT I)

TOWNSHIP TREASURER BOND

80-203. Bond of treasurer. Each township treasurer shall before entering upon the duties of his or her office execute a bond to the state of Kansas in a sum not less than the maximum amount of money which will probably come into his or her hands at any time during his or her term of office, with two or more sureties, the amount and sufficiency of the bond to be approved by the board of county commissioners, conditioned for the faithful discharge of his or her duties, which bond shall be by him or her forthwith filed in the office of the county clerk.

History: G.S. 1868, ch. 110, § 17; R.S. 1923, 80-203; L. 1969, ch. 468, § 1; July 1.

SCHOOL DISTRICT TREASURER BOND

72-8202d. Treasurer; appointment and duties; surety bond required. (a) The board of education of each school district shall appoint a treasurer, who shall serve at the pleasure of the board. The treasurer shall receive compensation fixed by the board. The treasurer shall not be a member of the board and shall not be the same person as the superintendent of schools or the clerk. Before entering upon the discharge of his duties, the treasurer shall furnish a corporate surety bond in an amount fixed by the board. Such bond shall be subject to approval by the board and shall be paid for by it.

(b) The treasurer shall deposit all moneys of the school district in accordance with the provisions of chapter 9, article 14, of Kansas Statutes Annotated. Each month the treasurer shall prepare a written report of the finances of the school district, and shall prepare such other reports as are required by the board or by law.

History: L. 1973, ch. 297, § 4; July 1.

COUNTY TREASURER BOND

Article 5.—COUNTY TREASURER •

Cross References to Related Sections:

- Duties as to school districts, see 72-1018.
- Taxes, collection of, see ch. 79, arts. 20, 21, 22 and 23.
- Tax forms and instructions, see 79-1401.

19-501. County treasurer; election, term, bond. Each county treasurer elected at the general election in 1976 shall serve until the second Tuesday in October of 1981 and until a successor is elected and qualified. At the general election in 1980, and every four (4) years thereafter, a county treasurer shall be elected in each county for a term of four (4) years, commencing on the second Tuesday in October following the election, and until a successor is elected and qualified. Such county treasurer shall, before entering upon the duties, of the office execute to the state of Kansas a corporate surety bond issued by a company authorized to do business in this state and approved by the board of county commissioners in an amount of not less than twenty-five thousand dollars (\$25,000). Such bond, with the approval of the board endorsed thereon by the clerk, shall be filed in the office of the county clerk.

EXAMPLE - Proposed amendment to K.S.A. 80-203

Each township treasurer shall before entering upon the duties of his or her office execute a bond to the state of Kansas ~~in-a-sum-not-less than~~ for at least a minimum of \$5,000 with a maximum of \$75,000 or 25% of the maximum amount of money which will probably come into his or her hands at any time during his or her term of office, ~~with-two-or more-sureties~~ with a surety company acceptable in the state of Kansas, the amount and sufficiency of the bond to be approved by the board of county commissioners, conditioned for the faithful discharge of his or her duties, which bond shall be by him or her forthwith filed in the office of the county clerk.

NOTE: This is merely an example of language which could be used for both small townships and large townships. Please feel welcome to revise as necessary.

SCHEDULE OF TOWNSHIP TREASURER'S BONDS
SHAWNEE COUNTY, KANSAS

<u>TOWNSHIP</u>	<u>LARGEST DISTRIBUTION IN 1983</u>	<u>AMOUNT OF NEEDED BOND</u>
AUBURN	33,144.52	50,000
DOVER	40,273.69	50,000
GROVE	6,592.26	10,000
MENOKEN	22,832.40	30,000
MISSION	209,562.84	225,000
MONMOUTH	47,360.44	50,000
ROSSVILLE	28,432.95	50,000
SILVER LAKE	18,361.63	25,000
SOLDIER	294,352.29	300,000
TECUMSEH	180,040.45	200,000
TOPEKA	50,693.96	75,000
WILLIAMSPORT	44,922.99	50,000

The amounts could be higher in 1984.

BOND PRICE QUOTATIONS
(PER YEAR)

<u>BOND AMOUNT</u>	<u>NORTHWESTERN NATIONAL</u>	<u>TRINITY UNIVERSAL</u>
10,000	\$ 40	
25,000	\$100	
50,000	\$180	
75,000	\$240	
100,000	\$300	
125,000	\$300	\$360
150,000	\$360	\$420
175,000	\$420	\$480
200,000	\$480	\$540
250,000		\$660
300,000	\$720	

°Discount 15% paid in advance for 4 years (also Northwestern National gives up to 20% discount).

°All the current bonds on file do not expire until January, 1985 with the exception of Menoken Township, which expires January, 1984 and Williamsport which is indefinite.

MEMORANDUM

February 6, 1984

TO: House Local Government Chairman
FROM: Kansas Legislative Research Department
RE: H.B. 2812

H.B. 2812 would make all general obligation bonds payable from special assessments issued by any governmental subdivision subject to a 5 percent protest petition procedure which, if filed, would require an election. Any qualified elector of the governmental subdivision, regardless of whether the elector lived within or outside the proposed benefit district, would have the right to protest.

(ATTACHMENT II)

MH

STATE OF KANSAS

HAROLD GULDNER
REPRESENTATIVE 122ND DISTRICT
GREELEY HAMILTON KEARNY SCOTT
WICHITA COUNTIES
P O BOX 648
SYRACUSE, KANSAS 67878



TOPEKA

HOUSE OF
REPRESENTATIVES
HOUSE BILL 2812

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN ELECTIONS
MEMBER ENERGY AND NATURAL RESOURCES
TRANSPORTATION

TESTIMONY BY REPRESENTATIVE HAROLD GULDNER, 122ND DISTRICT
TO HOUSE COMMITTEE ON LOCAL GOVERNMENT

Mr. Chairman and Members of this Committee

This bill would require general obligation bonds for special assessments to be subject to an election, if within thirty days following the last publication of the notices, a petition signed by not less than 5% of the qualified electors of the municipality is filed in the office of the county election officer.

To explain why I am doing this, I want to first give this description of a general obligation bond. A general obligation bond is a long term debt backed by the full faith and credit of the total valuation of the municipality involved.

This means a government entity promises with its powers of taxation to back these bonds with the entire valuation of the property of this particular municipality. In plain language it means if the person or persons who are supposed to benefit from the issuance of the bonds cannot pay them off and there is not enough revenue from the sale of property involved to pay them off, every taxpayer in the municipality involved will pay them off by an increase in their taxes.

Now I am not saying this is all bad and I quite frankly do not feel like this petition and election will be used a lot but I do feel that since everyone's property is used for colateral and may be subject to having to pay off the debt the people should have a right to protest if they want to.

(ATTACHMENT III)

1975, provides for direct purchase; however, it does *not* carry a "moral obligation" pledge of state legislative support for restoration of the reserve fund. The New York State Municipal Bond Bank Agency was established under 1976 legislation which contains a specific prohibition against any pledge of state moneys in support of the debt of the Agency. The New Hampshire Municipal Bond Bank entered the field in 1979 with the sale of some bonds backed by the state's guarantee and some on a revenue bond basis.

The advantages of the state bond bank arrangement lie in (1) a pooling of credit, thereby lending strength to the bonds for many participating governments; (2) the marketing advantages to be derived from issuance of medium and/or large sized issues rather than a large number of smaller local issues; (3) development of central staff capacity for the planning, issuance, and administration of the debt; and (4) when applicable, state government support through general or "moral obligation" pledges.

In each of the states having bond banks, local governments are free to continue their independent sales of bonds and the state bond bank managers are free to reject bonds of individual local governments; however, it appears that matters of comity foreclose rejection, except in extreme circumstances.

Direct State Support

The Texas Water Development Board has authority to issue *general obligation* bonds of the State of Texas within limits of constitutional authorizations for either (1) direct development of water resources or (2) purchase of bonds of local water development agencies. In the exercise of the second function, the Board becomes a type of bond bank for the participating local water development agencies. However, inasmuch as the bonds of the Board are state general obligation bonds, the only revenue bond aspect of this operation is that of accepting local water development revenue bonds as part of the portfolio of the Board and obtaining debt service payments thereon, as due.

Another form of state assistance is marketing debt with tax proceeds destined for local governments. The Municipal Assistance Corporation for the City of New York was created in 1975 to market debt for the city following the city's inability to raise moneys in the credit markets. In that case, certain revenues of the City of New York were assigned to the Municipal Assistance Corporation and the corporation has, from time to time, issued debt with these dedicated revenues as security. In the meantime, the City of New York has issued its direct long-term debt only to its pension funds. The New York Municipal Assistance Corporation differs from the bond banks in that it is limited to a single city and the bonds are secured not by contracts with the city but by the dedication of a portion of the city's revenues. Therefore, these are, in fact, special tax bonds.

The State of Florida issues two types of debt for local governments which also fall within the special tax classification—those issued for local school districts and those issued for road purposes within the counties. In each case, the bonds are secured by certain state taxes allocated to educational or road purposes but under provisions of the state constitution which permit the issuance of debt for these local governments with portions of these tax revenues pledged as security.

SPECIAL ASSESSMENT DEBT³

Prior to 1933 one of the major sources of capital funds for municipalities and special districts was special assessment bonds with a large proportion of the streets and some

³ Inasmuch as the use of assessment debt has receded as a portion of total state and local government debt, it is deemed appropriate to limit the discussion here to a summary statement. For those concerned with special assessment debt, attention is called to Moak, *Administration of Local Government Debt* (1970), in which a full chapter is devoted to the subject (pp. 423-440). See also A. M. Hillhouse, *Municipal Bonds: A Century of Experience*, pp. 106-142; 450-454.

other improvements in newly developed areas being financed in this manner. The prevailing pattern of land subdivision and development at that time was for the owners of the land to subdivide property and secure capital for streets and water mains (and, perhaps, also for sewers, sidewalks, and other amenities) by inducing local governing authorities to issue special assessment bonds. Thereby, the land in subdivisions was made marketable. The residential or other lots were then sold subject to the liabilities represented by the special assessments. In many portions of the nation—especially in Florida and in a few large midwestern suburban areas—subdivision and sale of land went forward well in advance of the time that the new owners were prepared to construct homes on such land.

When the Great Depression came, owners generally defaulted on the lots they had purchased on a time payment plan. Although some of the land reverted to the developers, it did so along with the special assessment obligations. Short of capital themselves, they defaulted and huge proportions of outstanding special assessment debt in the United States also defaulted.

In much the same manner, many developed areas lacked amenities of urban living. As the municipalities proceeded with pavement of streets, installation of water services, construction of sewers, and provision of street lighting, it was customary to assess the cost of these improvements against the abutting or adjacent property owners. In addition to these facilities of immediate concern to the property holder, other types of improvements were sometimes fully or partially assessed under the theory that those public improvements that benefited the land should be paid for by the benefited owners, rather than the entire community. These, too, went into default.

An indication of the importance of special assessment debt in the local government debt picture in 1932 was the fact that almost 10 percent of the \$15.3 billion of total long-term local government debt then outstanding was special assessment debt. In the same year, special assessment revenue accounted for \$295 million, or an amount equal to about 7 percent of all revenue derived from local taxes.⁴ In municipalities, the percentages were much higher.

Commencing in the late 1930s, many states adopted laws requiring the developer to install streets and other amenities as a part of the privilege of development. The costs of these improvements became a part of the cost of the completed housing to be paid in cash or financed through the mortgage market. As a result, the use of special assessment debt in relation to new developments decreased rapidly. Use of special assessments to finance improvements in established neighborhoods continued for many years as an important aspect of financing these kinds of facilities. However, with the broadening of local revenue sources, special assessment financing assumed a lesser role. Even so, for all local governments, revenues from special assessments in 1980 were reported at the \$1.3 billion level, which was equivalent to about 1.5 percent of total local tax revenues (\$84.4 billion). In the case of city governments, special assessments amounted to \$717 million, or about 2.3 percent of their tax revenues in 1980 (\$31.3 billion).⁵ With fiscal pressures increasing, the use of special assessments is likely to expand.

In 1977 (the most recent year for which data are available on a state by state basis for special assessments), special assessments were of even greater importance to special districts. In that year, special assessment revenues for these districts were \$147 million, equivalent to 8.4 percent of tax revenues for those governmental units.⁶

⁴ U.S. Bureau of the Census, *Statistics of State and Local Governments: 1932*, pp. 7, 51.

⁵ U.S. Bureau of the Census, *1977 Census of Governments, Compendium of Governmental Finances*, Vol. 4, No. 5, p. 24; *Governmental Finances in 1979-80*, p. 17; and *City Government Finances in 1979-80*, p. 7.

⁶ U.S. Bureau of the Census, *1977 Census of Governments, Compendium of Governmental Finances*, Vol. 4, No. 5, pp. 134-143.

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General Procedure

The general procedure in the levy of special assessments is for the governing body to designate an area to constitute a special improvement district or area for specified public improvements. The initiative for such designation may be from property holders through a petition or it may arise from public officials. The kinds of improvements contemplated are described and preliminary cost estimates developed. A basis for allocation of such costs is determined, usually with maps from which property owners can determine what is proposed and the probable cost to each. Public hearings are held following which the governing body makes a determination as to whether to proceed with the proposed improvements. If the decision is to proceed, detailed plans and specifications are prepared and competitive bids sought. A determination is made as to whether the project will be fully assessable or whether portions of the costs will be borne from the community treasury. At a designated meeting, the bids are tabulated and unit costs are also determined. Assessments are determined based on the project costs and the prescribed formula for apportionment of the costs.

Different jurisdictions have different procedures as to the method of payment to contractors, depending, in part, upon the method of funding that is used. In some cases, the contractor is obliged to accept the assessments as part of his bid price for the work done. In such cases, the contractor is likely to make advance arrangements with a lending institution for discounting the entire set of assessments he has agreed to accept. The amount of such discount is added to the amount of the bid he would ordinarily enter if he were assured of full and timely payment.

In other cases, the contract for the work is made at the same time the assessment bonds are sold. Unless the sale brings a sufficient amount to finance the work to be done, the project is likely to be cancelled. In still other cases, the sponsoring government effectively underwrites the special assessment process, thereby enabling the contractor to bid in the same manner as on other public works projects. This step, however, tends to convert the special assessment obligations to a higher level of security—sometimes approaching the general obligation level.

At the conclusion of the work, the property owners in jurisdictions that have funded a portion of the cost of the project through special assessment debt are usually given the opportunity to pay the full amount of the special assessment or to make arrangements for payment over a period of years. For those jurisdictions in which the contractor is given the assessments as all, or part, of his compensation, the contractor presents the assessments to the property holder demanding payment. If the property owner is unable or unwilling to pay, the unpaid notes are discounted to lending institutions who work out a discharge of the lien with the property owner.

The Future of Special Assessment Debt

Since the 1930s there has been a general decline in dependence on special assessment debt, due, in part, to the changes noted earlier in the method of financing facilities required for new land development, and, in part, to the general prosperity of local governments which has enabled them to absorb through the general budget many of the costs once charged to assessments. The current pressures on tax revenues at all levels of government make it clear that local governments are turning more and more to service charges as a source of income to offset rising costs. In these circumstances, it will not be surprising if a part of the former popularity of special assessments and special assessment debt returns—both as a means of relieving direct pressures on the general treasury and as a means of discouraging some of the pressures for public improvements.

MEMORANDUM

February 6, 1984

TO: House Local Government Chairman
FROM: Kansas Legislative Research Department
RE: H.B. 2813

H.B. 2813 would amend K.S.A. 19-1423, dealing with surveys requested of the county surveyor to permanently establish the corners and boundaries of land tracts. The amendment provides all costs incurred by the county surveyor for such surveys shall be paid by the party or parties requesting it. Surveys which are directed to be performed by the county commission shall be paid for by the county.

The Legislature in 1977 repealed K.S.A. 19-1427 which provided several different procedures for paying for these costs dependent upon the population of the county in question. The supplemental note to the bill stated that since the statute was nonuniform and subject to charter resolution, it was felt the statute should be repealed and the issue left to local action under home rule by ordinary resolution.

(ATTACHMENT IV)

MH

STATE OF KANSAS

HAROLD GULDNER
REPRESENTATIVE 122ND DISTRICT
GREELEY, HAMILTON, KEARNY, SCOTT,
WICHITA COUNTIES
P O BOX 648
SYRACUSE, KANSAS 67878



TOPEKA

HOUSE OF
REPRESENTATIVES

HOUSE BILL 2813

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN ELECTIONS
MEMBER ENERGY AND NATURAL RESOURCES
TRANSPORTATION

TESTIMONY BY REPRESENTATIVE HAROLD GULDNER, 122ND DISTRICT
TO HOUSE COMMITTEE ON LOCAL GOVERNMENT

Mr. Chairman and Members of the Committee.

I proposed this Bill to bring some uniformity to the way a legal survey is paid for in this state. Since KSA 19-1427 was repealed in 1977, I do not think there is another statute that tells exactly how legal surveys are to be paid for. Counties are either abiding by the part in the repealed statute that says the county shall bear the cost or are opting out of this under home rule and are requiring the person requesting the survey to pay for it. Other counties because of a misunderstanding of the statutes are going through a complicated formula which they think allows them to spread the costs to adjoining land owners.

House Bill 2813, if passed, will leave no doubt how a legal survey in this state is to be paid for. This Bill also requires the county to pay for a legal survey when one is requested by the County Board of Commissioners.

(ATTACHMENT V-A)

Supplemental Information on SENATE BILL 58

AS AMENDED BY SENATE COMMITTEE ON LOCAL GOVERNMENT

*Brief of Bill **

SB 58 as introduced would strike obsolete language from a statute (K. S. A. 19-1427) relating to the replacement of lost government survey corners by counties. The language stricken from the bill cites a statute (K. S. A. 74-2001) which has been repealed. The Senate Committee amended the bill to repeal the entire statute since counties now can act in this area under their home rule powers.

Background

The statute currently provides two procedures for counties to assess the costs of replacing lost government survey corners. One procedure, which applies to most counties, provides for the assessment of costs to the county or township. Certain counties (Elk, Cheyenne and Woodson), however, may assess these costs against the parties requesting a survey. Since the statute is non-uniform any county under home rule by charter resolution could alter its provisions. By repealing the statute counties could act by ordinary resolution in this regard.

* Bill briefs do not express legislative intent. They give general information about the bill, not details or expected effects. They are prepared by the Legislative Research Department. The sponsors have not reviewed the briefs.

CASE ANNOTATIONS

1. Irregularities in survey cured only by appeal. *Close v. Huntington*, 66 K. 354, 71 P. 812.
2. Bond by one party affected sufficient to give jurisdiction of case. *Goffinet v. Soper*, 77 K. 555, 95 P. 571.
3. Statute should be liberally construed in favor of appeal. *Goffinet v. Soper*, 77 K. 555, 95 P. 571.
4. District court may consider any lawful objection to report. *Washington v. Richards*, 78 K. 114, 116, 96 P. 32.
5. Injunction lies to enjoin another survey after boundaries once established. *Washington v. Richards*, 78 K. 114, 117, 96 P. 32.
6. Record of former survey admissible in evidence. *Dent v. Simpson*, 81 K. 217, 222, 105 P. 542.
7. Report conclusive in absence of appeal. *Edwards v. Fleming*, 83 K. 653, 658, 112 P. 836.
8. Section applies to land survey only, not road survey. *Willis v. Stafford*, 84 K. 570, 114 P. 854.
9. Appeal considered and held taken within time prescribed. *Anderson v. Roberts*, 86 K. 175, 176, 119 P. 354.
10. Conclusive effect of survey not appealed from may be waived. *In re Martin's Appeal*, 86 K. 336, 120 P. 545.
11. Sufficiency of notice of appeal considered. *In re Artz's Appeal*, 91 K. 829, 832, 139 P. 360.
12. Costs are taxable in discretion of court. *Libbey v. Holloway*, 92 K. 163, 139 P. 1188.
13. When special findings of fact or law not required. *In re Appeal from Survey*, 106 K. 222, 187 P. 677.
14. Survey unappealed from is conclusive and not subject to collateral attack. *Stalnaker v. Bair*, 110 K. 1, 202 P. 600.
15. Appeal must be taken within statutory time. *Great Western Petroleum Corp. v. Allen*, 119 K. 731, 241 P. 248.
16. Authority of district court on appeal considered. *Boyer v. Champeny*, 125 K. 319, 322, 263 P. 1066.
17. Section cited as to recording in determining weight as evidence. *Hammond v. City of Ottawa*, 127 K. 874, 275 P. 141.
18. Bond to secure appeal costs must be absolute and unconditional; bond insufficient, court without jurisdiction. *Eidson v. Palmquist*, 188 K. 373, 374, 375, 376, 377, 362 P. 2d 626.
19. Mentioned on an appeal from county survey. *Frey v. Feeders*, 207 K. 764, 767, 486 P. 2d 1377.
20. All landowners adjacent to boundary line benefit from official survey. *Gnadt v. Durr*, 208 K. 783, 784, 787, 788, 494 P. 2d 1219.

19-1427. Lost government survey corners, cost of replacing; cost of survey, apportionment and collection; bond, when. The cost of replacing all lost government survey corners shall be assessed to the county or township. The county surveyor, upon replacing a government survey corner shall notify the county commissioners of the cost thereof; and such costs shall be paid from the county or township road fund, as determined proper by the county commissioners. The county surveyor, subject to the approval of the county commissioners, shall apportion the

actual cost of the survey, after the government corners are reestablished, equitably among the landowners whose lands are situated on the boundary line, according to the respective benefits received: *Provided*, That the board of county commissioners of any county located in the third and sixth state highway districts as defined and established by K. S. A. 74-2001, and of any county having a population of more than three thousand (3,000) and less than four thousand (4,000) and having an assessed tangible valuation of more than sixteen million dollars (\$16,000,000) and less than twenty million dollars (\$20,000,000), and of any county having a population of more than four thousand (4,000) and less than five thousand (5,000) and having an assessed tangible valuation of more than twenty-five million dollars (\$25,000,000) and less than thirty million dollars (\$30,000,000), may when they deem the same advisable, provide for the assessment of the costs of making such surveys and the replacement of lost government survey corners against the party or parties requesting such survey.

If any of the costs for surveying and replacing corners remain unpaid after the report of any survey shall have become final, and the surveyor may furnish to the county clerk a statement under oath, showing the amount remaining unpaid, and a description of the land against which the apportionment was made. On receipt of any such statement the county clerk shall levy a tax against the land mentioned in said statement sufficient to pay the said apportionment. All of said tax shall be collected in the manner provided for the collection of taxes on real estate, and be subject to the same penalties; and when collected, the county treasurer shall pay the amount so collected to the county surveyor: *Provided*, That where the lands occupied by the party or parties requesting such surveys are not subject to taxation, the county surveyor may refuse to make such survey until the expense thereof is secured by a bond to be approved by him; and in case any land affected by such survey is not subject to taxation, the county surveyor may recover the portion of the expense of such survey apportioned to such land in a civil action against the owner or owners thereof. [L. 1891, ch. 89, § 11; R. S. 1923, 19-1427; L. 1961, ch. 136, § 6; L. 1967, ch. 139, § 1; July 1.]

Source or prior law: L. 1879, ch. 177, § 4.

January 18, 1984

WHEREAS: The Kansas Legislature has enacted statutes governing the establishment of boundaries which define land ownership; and

WHEREAS: The administration of land surveys has been delegated to the several counties of the State; and

WHEREAS: The cost of conducting surveys and administering the proceedings of establishing boundaries should not be born by the general taxpayers unless such surveys benefit the general citizenry.

THEREFORE BE IT RESOLVED: The Kansas Legislative Policy Group, Inc. supports and endorses the policy that county administered surveys should be afforded by the landowners requesting such surveys.

(ATTACHMENT V-B)

MEMORANDUM

February 6, 1984

TO: House Local Government Chairman
FROM: Kansas Legislative Research Department
RE. H.B. 2817

H.B. 2817 adds Jefferson County to provisions of a law which permits improvement districts in Wabaunsee County to adopt zoning regulations for the district.

(ATTACHMENT VI-A)

MH

HOUSE BILL No. 2817

By Committee on Local Government

1-31

0016 AN ACT concerning improvement districts; relating to zoning
0017 therein; amending K.S.A. 1983 Supp. 19-2950 and repealing
0018 the existing section.

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

0020 Section 1. K.S.A. 1983 Supp. 19-2950 is hereby amended to
0021 read as follows: 19-2950. For the purpose of promoting the
0022 public health, safety, morals and general welfare and for con-
0023 serving the values of property within any improvement district
0024 which is located adjacent to any park or recreation area within
0025 ~~Wabaunsee or Jefferson~~ county, the governing body of such
0026 district is hereby authorized, by resolution, to divide such dis-
0027 trict into zones or districts, and regulate and restrict the location
0028 and use of buildings and the uses of the land within each district
0029 or zone. Such zones or districts may be created for the purpose of
0030 restricting the use of buildings and land located within the same
0031 for dwellings, business, industry, conservation, floodplain or for
0032 other purposes deemed necessary. The use of buildings and land
0033 and the regulations and restrictions upon the use of the same
0034 shall be uniform as to each zone or district but the uses and
0035 regulations and restrictions in any one zone or district may differ
0036 from those in other zones or districts.

0037 Sec. 2. K.S.A. 1983 Supp. 19-2950 is hereby repealed.

0038 Sec. 3. This act shall take effect and be in force from and
0039 after its publication in the statute book.

in Jefferson county or which is

(ATTACHMENT VI-B)

PROPOSAL No. 10
(ATTACHMENT VII CONT.)

Issues:	Present 12-1226 et. seq.	Proposed Legislation
Employment of subordinate employees	Library Board	County Librarian subject to Personnel Policies
Action subject to Board of County Commissioners	None	a) Personnel Policies b) Pay Plan c) Purchasing Policies d) Budget Policies e) Financial Policies f) Audit Policies g) Insurance & Loss Control Policies
Duties of Library Board	Unchanged	a) County Librarian will now hire subordinate employees b) Co. Treasurer will handle certain funds.
Ability to Sue	Library Board	May sue with permission of Board of County Commissioners
Ability to be Sued (Liability)	Library Board	Board of County Commissioners
County Librarian	Library Board May Hire	Library Board may hire subject to same privileges & immunities as a department head.
Funds: a) Gifts & non-governmental grants	Library Board	Library Board has contro
b) All other funds	Library Board	Co. Treasurer has contro
Property	Library Board; subject to approval of Board of County Commissioners	Unchanged

Wording which is underlined reflects proposed changes to existing statutes by adding new language.

Wording which has an overstrike reflects changes to existing statutes by deleting present language.

AN ACT concerning municipalities; relating to libraries; amending K.S.A. 12-1223, 12-1225 and 12-1226 and repealing the existing sections.

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

Section 1. K.S.A. 12-1223 is hereby amended to read as follows: 12-1223. (a) Except in a county which has been declared to be an urban area pursuant to K.S.A. 19-3524, and amendments thereto, the library board of a library established under, or governed by the provisions of this act shall constitute a body corporate and politic, possessing the usual powers of a corporation for public purposes, under the name and style of "the board of directors of _____ (name of municipality) library" and under such name may contract, sue and be sued and acquire, hold and convey real and personal property in accordance with law. The acquisition or disposition of real property shall be subject to the approval of the governing body of the municipality.

(b) In any county which has been declared to be an urban area pursuant to K.S.A. 19-3524, and amendments thereto, the library board is a body corporate and politic possessing the usual powers of a corporation for public purposes, under the name and type of "the board of directors of _____ (name of municipality) library" and under such name may contract, acquire, hold and convey real and personal property in accordance with the law. The acquisition or disposition of real property shall be subject to the approval of the board of county commissioners. The library board in such county may sue with permission of the board of county commissioners, by resolution, and be sued only in the name of "The Board of County Commissioners of the County of _____;" pursuant to K.S.A. 19-105, and amendments thereto.

Sec. 2. K.S.A. 12-1225 is hereby amended to read as follows: 12-1225. Except as provided in section 3, library boards shall have the following powers and duties: (a) To make and adopt rules and regulations for the administration of the library;

(b) with the approval of the governing body of the municipality, to purchase or lease a site or sites and to lease or erect a building or buildings for the use of the library;

(c) to acquire by purchase, gift or exchange, books, magazines, papers, printed materials, slides, pictures, films, projection equipment, phonograph records and other material and equipment deemed necessary by the library board for the maintenance and extension of modern library service;

(d) to employ a librarian and such other employees as the board ~~shall deem~~ deems necessary and to remove them and to fix their compensation;

(e) to establish and maintain a library or libraries and traveling library service within the municipality or within any other municipality with which service contract arrangements have been made;

(f) to contract with other libraries established under the provisions of this act or with the governing body of a municipality not maintaining a public library for the furnishing of library service to the inhabitants of such municipality to the extent and upon such terms as may be agreed upon, and to contract with any school board to furnish library service to any school library or to use the library facilities of the public school to supplement the facilities of the public library;

(g) to receive, accept and administer any money appropriated or granted to it by the state or the federal government or any agency thereof for the purpose of aiding or providing library service;

(h) to ~~receive-and~~ accept any gift or donation to the library which shall be received by the treasurer of the library board and administer the same in accordance with any provisions thereof;

(i) to make annual reports to the state librarian and the governing body of the municipality on or before January 31st of each year for the preceding calendar year, showing receipts and disbursements from all funds under its control, and showing such statistical information relating to library materials acquired and on hand, number of library users, library services available, and other information of general interest ~~as-said~~ which the governing body may-require requires;

(j) as to money received from sources other than a tax levy for library purposes, in its discretion, to place such money in a separate fund or funds, or to place the money in the fund to which the tax levy money is credited unless the grantor or donor ~~shall-direct~~ directs how and for what purpose the money shall be handled and spent.

New Sec. 3. In any county which has been declared to be an urban area pursuant to K.S.A. 19-3524, and amendments thereto, the library board shall have the same powers and duties prescribed in K.S.A. 12-1225, and amendments thereto, except that the county treasurer of the county shall receive, accept and administer any money appropriated or granted to it by the state or the federal government or any agency thereof for the purpose of aiding or providing library service.

New Sec. 4. (a) In addition to the powers and duties prescribed by K.S.A. 12-1225, and amendments thereto, in any county which has been declared to be an urban area pursuant to K.S.A. 19-3524, and amendments thereto, the library board shall:

(1) establish bylaws for the operation of the library board;

(2) formulate new policies and revise existing programs, facilities and services for the county libraries;

(3) annually review, evaluate and report to the board of county commissioners on the status of the county libraries;

(4) review the annual work program, budget and fee schedule and provide recommendations on each to the board of county commissioners; and

(5) employ and terminate the employment of a county

librarian.

(b) Any action taken by the library board or its county librarian shall be subject to the following provisions established by the board of county commissioners:

(1) Personnel policies and procedures for employees other than elected officials;

(2) any pay plan and benefits for all county employees other than elected officials;

(3) purchasing policies and procedures except as provided in subsection (c) of K.S.A. 12-1225, and amendments thereto;

(4) budget policies and procedures which budget shall be approved by the board of county commissioners;

(5) financial policies and procedures, except as provided in K.S.A. 12-1226, and amendments thereto, with respect to gifts and nongovernmental grants;

(6) audit policies and procedures; and

(7) insurance and loss control policies and procedures.

Any liability therefor will be the responsibility of the board of county commissioners, pursuant to K.S.A. 75-6101 et seq., and amendments thereto.

New Sec. 5. In any county designated an urban area pursuant to K.S.A. 19-3524, and amendments thereto, the county librarian shall be subject to the same privileges and immunities as the head of any county department. The county librarian shall be charged with the daily administration of the library and may hire or terminate the employment of subordinate employees. Employees shall be eligible for benefits provided by subsection (b). The board of county commissioners, upon request of the library board, may grant exceptions, by resolution, to those policies and procedures provided pursuant to subsection (b).

Sec. 6. K.S.A. 12-1226 is hereby amended to read as follows: 12-1226. (a) Except as provided by subsection b, the treasurer of the library board shall give bond, in an amount fixed by said the board and approved by the governing body of the municipality, for the safekeeping and due disbursement of all funds that may come into ~~his-or-her~~ the treasurer's hands as-such

treasurer. Said The bonds shall be filed with the clerk of the municipality. Except where otherwise provided by law, the treasurer of the municipality shall pay over to the treasurer of the library board all funds collected for the maintenance of the library, and the treasurer of the library board shall pay out said the funds on orders of the board signed by the secretary and chairman chairperson thereof. Such treasurer shall keep an accurate record of all moneys received and disbursed ~~by--him--or~~ her thereby and make a report thereof to the library board monthly, or as often as said the board ~~shall-require~~ requires.

(b) In any county which has been declared to be an urban area pursuant to K.S.A. 19-3524, and amendments thereto, the treasurer of the library board shall give bond, in an amount fixed by the library board and approved by the board of county commissioners for the safekeeping and due disbursement of all funds that may come into the treasurer's hands. The bond shall be filed with the county clerk. Except where otherwise provided by law, the treasurer of the library board shall pay over to the county treasurer all funds collected for the maintenance of the library, with the exception of gifts and nongovernmental grants. The treasurer of the library board shall keep an accurate record of all moneys received along with its source and those moneys disbursed to the county treasurer. The funds of such library board in the hands of the county treasurer shall be maintained in a separate library fund and any interest payable thereon shall be added to that fund. The administration of such fund shall be with the county treasurer who shall pay out moneys from the fund upon orders signed by the chairperson of the board of county commissioners and the county clerk or their designees.

Sec. 7. K.S.A. 12-1223, 12-1225 and 12-1226 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after January 1, 1985, and its publication in the statute book.

AN ACT concerning certain counties; relating to parks and recreation; amending K.S.A. 19-2859, 19-2860, 19-2862, 19-2862b, 19-2862c, 19-2862d, 19-2862e, 19-2862f, 19-2862g, 19-2862h, 19-2862i, 19-2862j, 19-2863, 19-2864, 19-2865, 19-2866, 19-2867, 19-2869, 19-2870, 19-2873, 19-2873a, 19-2873b, 19-2874, 19-2876, 19-2881a and K.S.A. 1983 Supp. 19-101a, 19-2862a and 19-2868 and repealing the existing sections; also repealing K.S.A. 19-2861, 19-2871, 19-2871a, 19-2872, 19-2875, 19-2876a, 19-2876b, 19-2876c, 19-2881 and 19-2881b

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

Section 1. K.S.A. 1983 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions: (1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

ATTACHMENT VIII

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271--74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in any statute prescribing the procedure for the establishment of hospitals or health-related facilities. Counties in which there is located any territory of a hospital district operating under

the provisions of article 21 of chapter 80 of the Kansas Statutes Annotated may not establish a county hospital or health-related facility under this section ~~or pursuant to the provisions of 1983 House Bill No. 2002, and amendments thereto.~~

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 to 12-1,109, inclusive, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto. Any charter resolution adopted by a county prior to July 1, 1983, exempting from or effecting changes in K.S.A. 19-430, and amendments thereto, is null and void.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 13-13a26, and amendments thereto, is null and void.

(17) Counties may not exempt from or effect changes in K.S.A. 71-301, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 71-301, and amendments thereto, is null and void.

(18) Counties may not exempt from or effect changes in K.S.A. 19-2859, and amendments thereto.

(b) Counties shall apply the powers of local legislation granted in subsection (a) of this section by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) of this section and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective

upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) of this section is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

Sec. 2. K.S.A. 19-2859 is hereby amended to read as follows: 19-2859. The creation of a park district--in--an--area composed--of--a--portion--or--all--of--the--townships--of--Mission--and Shawnee agency in Johnson county,--including--not--less--than--all--of the--cities,--the--boundaries--of--which--are--within--the--boundaries--of such--park--district, to be known as the Johnson County Park and Recreation Agency is hereby authorized, and the government operation and financing set up as herein provided:--Provided, That, No lands or improvements located within such district county which are otherwise exempt by law from ad valorem taxes, shall be subject to payment of any taxes levied by said--district the county.

Sec. 3. K.S.A. 19-2860 is hereby amended to read as follows: 19-2860. As used in this act:

(a) The--term "Incorporated city" or "city" shall--mean means any city of--any--class--without--regard--to--its--status--as--a--separate township,--if--such--it--be,--and--now--or--hereafter--located--within--the area--originally--comprising--either--Shawnee--or--Mission--townships--in Johnson---county,---Kansas,---at---the---time---such---township---was established; located in Johnson county.

(b)--the--term--"Mission--township"--shall--mean--the--entire--area as--originally--established,--outside--incorporated--cities--and--within incorporated--cities--of--any--class;

(c)--the--term--"Shawnee--township"--shall--mean--the--entire--area as--originally--established,--outside--incorporated--cities--and--within incorporated--cities--of--any--class;

(d)--the--terms (b) "County commissioners," "county clerk,"

and "county treasurer" shall mean, respectively, board of county commissioners, county clerk and county treasurer of Johnson county.

~~(e) the terms "board" or "park board," "board of commissioners" or "governing board" shall mean the park and recreation board of commissioners herein provided for;~~

(c) "Park board" means the park and recreation agency board.

~~(f) the terms~~ (d) "District," "park district" and "park and recreation district" shall mean the Johnson county park and recreation district herein authorized to be created; by chapter 170 of the Kansas Session Laws of 1953.

~~(g) the word~~ (e) "Park" shall or "parks" mean not only ~~park~~ parks but also playground playgrounds and golf courses unless by the context ~~playground is~~ playgrounds or golf courses are not included and the term "park system" shall include the parks and playgrounds and golf courses of the district county.

(f) "Agency" means the Johnson County Park and Recreation Agency.

Sec. 4. K.S.A. 19-2862 is hereby amended to read as follows: 19-2862. (a) The district agency shall be a body corporate ~~with power to levy taxes; to issue general obligation bonds; to issue revenue bonds as provided in this act; to contract; to sue and to be sued in like manner as other public corporations;~~ and shall have the power to acquire, own, lease and hold real estate for and to establish, improve, finance, operate and maintain ~~parks and playgrounds within or without the district~~ but in the name of the board of county commissioners within Johnson county, Kansas, and to contract for the operation, management and supervision of any type of recreational program deemed suitable and necessary by such ~~district;~~ all as in this act provided. Said district may also agency. The agency also may operate a year-round indoor and outdoor recreational and cultural program for all ages of persons.

(b) The agency shall be governed by a park board which

shall have the power to:

(1) Elect from its membership a chairperson, a vice-chairperson, a secretary, an assistant secretary, a treasurer and an assistant treasurer who shall hold office for a term of one year;

(2) establish by-laws for the operation of the agency;

(3) formulate new policies and revise existing programs, facilities and services for the park board;

(4) annually review, evaluate and report to the board of county commissioners on the status of the park agency;

(5) review the park board's annual work program, budget and fee schedule and provide recommendations on each to the board of county commissioners; and

(6) employ and terminate the employment of an executive director.

(c) Any action taken by the park board and its executive director will be subject to the following provisions established by the board of county commissioners:

(1) Personnel policies and procedures for all county employees other than elected officials;

(2) any pay plan and benefits for all county employees other than elected officials;

(3) purchasing policies and procedures;

(4) budget policies and procedures which budget shall be approved by the board of county commissioners;

(5) financial policies and procedures;

(6) audit policies and procedures; and

(7) insurance and loss control policies and procedures.

Any liability of the park agency, park agency employees, the park board or the executive director shall be the responsibility of the board of county commissioners, pursuant to K.S.A. 75-6101 et seq., and amendments thereto.

(d) The park board may sue with the permission of the board of county commissioners and be sued only in the name of "The Board of County Commissioners of the County of _____,"

pursuant to K.S.A. 19-105, and amendments thereto.

New Sec. 5. The executive director shall be subject to the same privileges and immunities as the head of any county department in the county. The executive director shall be charged with the daily administration of the agency and may hire and terminate the employment of subordinate employees, subject to subsection (c). Employees shall be eligible for benefits provided pursuant to subsection (c). The board of county commissioners, by resolution, and upon request of the park board, may grant exceptions to those policies and procedures provided pursuant to subsection (c).

Sec. 6. K.S.A. 1983 Supp. 19-2862a is hereby amended to read as follows: 19-2862a. ~~The park board in the name of the district is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of Johnson county park and recreation district~~ Any county which has established a park agency pursuant to K.S.A. 19-2859, and amendments thereto, may issue revenue bonds for the purpose of paying all or any part of the cost of acquiring existing recreational facilities or for acquiring real estate and for the construction of recreational facilities thereon or for the construction of recreational facilities ~~upon land already owned by the district.~~ The park board is hereby authorized to enter into an agreement for the lease of all or part of any recreational facility so acquired or constructed, upon such terms and conditions as are satisfactory to the park board and without the necessity of advertising for competitive bids therefor. The principal of and the interest on such bonds shall be payable solely from revenues derived from the recreational facilities acquired or constructed with the proceeds of such bonds and from any other funds provided by law therefor. The bonds of each issue shall be dated, shall bear interest, shall mature at such time not exceeding 40 years from their date, as determined by the board of county commissioners, and may be redeemable before maturity at the option of the board of county commissioners, at such price and at such times and under such

conditions as may be fixed ~~by the board~~ thereby prior to the issuance of the bonds. The board of county commissioners shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination of the bonds and the place of payment of principal and interest, which may be at any bank or trust company within or without the state. The bonds shall be signed by the chairperson of the board of county commissioners or shall bear a facsimile signature, and the official seal of the ~~district~~ county shall be impressed thereon and attested by the ~~secretary of the board~~ county clerk, and any coupons attached thereto shall bear the facsimile signature of the chairperson of the board of county commissioners. In case any officer whose signature or a facsimile of whose signature appears on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. All bonds issued under the provisions of this act shall have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon or in registered form, or both, as the board ~~may determine~~ of county commissioners determines, and provision may be made for the registration of any coupon bonds as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest and for the interchange of registered and coupon bonds. The board of county commissioners may sell such bonds in such the manner provided by K.S.A. 10-1201 et seq., and amendments thereto and for such price as it determines will best effect the purposes of this act.

Sec. 7. K.S.A. 19-2862b is hereby amended to read as follows: 19-2862b. The proceeds of the bonds of each issue shall be used solely for the payment of the cost of acquiring or constructing recreational facilities for which such bonds shall have been issued, and shall be disbursed in such manner and under

such restrictions, if any, as the board of county commissioners may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may ~~in-like-manner~~ be issued in like manner to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, surplus shall be deposited to the credit of the sinking fund for such bonds.

Sec. 8. K.S.A. 19-2862c is hereby amended to read as follows: 19-2862c. Prior to the preparation of definitive bonds, the board may of county commissioners, under like restrictions, may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The board of county commissioners also may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. ~~Bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the state, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this act.~~

Sec. 9. K.S.A. 19-2862d is hereby amended to read as follows: 19-2862d. Revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such full political subdivision thereof, ~~but~~. All such bonds shall be payable solely from the revenues derived from the recreational facilities acquired or constructed with the proceeds of the bonds issued pursuant to

K.S.A. 19-2862a, and amendments thereto, and from any other funds provided by law therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the state nor the board of county commissioners shall be obligated to pay the same or the interest thereon except from revenues of the facility or facilities for which they are issued and that neither the full faith and credit nor the taxing power of the state or any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds.

All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the provisions of this act and no liability or obligation shall be incurred by the board of county commissioners hereunder beyond the extent to which moneys shall have been provided under the provisions of this act.

Sec. 10. K.S.A. 19-2862e is hereby amended to read as follows: 19-2862e. In the discretion of the board of county commissioners any bonds issued under the provisions of this act may be secured by a trust agreement by and between the board of county commissioners and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the fees and other revenues to be received, but shall not convey or mortgage any facility or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the board of county commissioners and the park board in relation to the acquisition of golfing facilities or the construction, improvement, maintenance, repair, operation and insurance of real estate for the purpose of establishing golf courses and related facilities or in connection with which such bonds shall have been authorized, the rates of fees to be

charged, and the custody, safeguarding and application of all moneys.

Sec. 11. K.S.A. 19-2862f is hereby amended to read as follows: 19-2862f. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of bonds or of revenue to furnish such indemnifying bonds or to pledge such securities as may be required by the board of county commissioners. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the board of county commissioners may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the real estate for the purpose of establishing golf courses and related facilities.

Sec. 12. K.S.A. 19-2862g is hereby amended to read as follows: 19-2862g. All moneys received by the board of county commissioners pursuant to this act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this act. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which such moneys shall be deposited shall act as trustees of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and such resolution or trust agreement may provide.

Sec. 13. K.S.A. 19-2862h is hereby amended to read as follows: 19-2862h. Any holder of bonds issued under the provisions of this act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust

agreement, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the board of county commissioners or by any officer thereof, including the fixing, charging and collecting of fees.

Sec. 14. K.S.A. 19-2862i is hereby amended to read as follows: 19-2862i. The exercise of the powers granted by this act will be in all respect for the benefit of the people of the district county, for the improvement of their health and living conditions, and as the operation and maintenance of ~~golf-courses~~ parks and related facilities by the park board ~~will~~ shall constitute the performance of essential governmental functions, the ~~authority~~ park board shall not be required to pay any taxes or assessments upon any property so acquired or used ~~by-the-board~~ under the provisions of this act or upon the income therefrom, and any bonds issued under the provisions of this act, their transfer and the income therefrom ~~(, including any profit made on the sale thereof),~~ shall at all times be free from taxation within the state.

Sec. 15. K.S.A. 19-2862j is hereby amended to read as follows: 19-2862j. In addition to those powers specified in K.S.A. 19-2868, and amendments thereto, the park board of county commissioners shall have power to issue general obligation bonds ~~of-the-district~~ for acquiring real estate and improvement thereof for park and playground purposes, upon authorization of the electors of the ~~park--district--by--election--and--within--the~~ limitation-of-this-act county at an election called and held in the manner provided by the general bond law. The board of county commissioners may from time to time issue revenue bonds without approval at any election or authorization by electors for the purpose of acquiring real estate for public golf courses or

swimming pools, or both, and facilities related to any thereof, and for which an admission fee may be charged for the purpose of retiring said the revenue bonds.

Sec. 16. K.S.A. 19-2863 is hereby amended to read as follows: 19-2863. ~~The governing body of the Johnson county park and recreation district shall be a board of park and recreation commissioners~~ There is hereby established a park board which shall consist of seven (7) members who shall be qualified electors of the district county and reside therein at the time of appointment and during their terms of office. An ex officio member of the park board shall be a member of the board of county commissioners of Johnson county selected by said the board of county commissioners. The terms of the park and recreation commissioners board shall be for three (3) years and until their successors are appointed and qualified. ~~The board of county commissioners within sixty (60) days after the creation of the district shall appoint the first members of the board and thereafter shall make appointments upon the termination of existing terms.~~ Any current member of the Johnson county park and recreation district board may continue to hold office for the remainder of such member's term. Any vacancy shall be filled by appointment by the board of county commissioners for the unexpired term. All appointments shall be made without regard to political affiliation. No member shall receive any compensation for the performance of his any duties as a member.

Sec. 17. K.S.A. 19-2864 is hereby amended to read as follows: 19-2864. The park board shall hold its annual organizational meeting at the first regular session of the park board held in December each year at which time the park board shall meet and organize by election from its own members of a chairperson, a vice-chairperson, a secretary, an assistant secretary, a treasurer and an assistant treasurer. The officers as elected shall assume their office immediately following the election of all officers. All members and the officers of the board whenever appointed or elected shall take oaths as

prescribed for other public officials. The chairperson, secretary, assistant secretary, treasurer and assistant treasurer shall each give to the park--district board of county commissioners a corporate surety bond conditioned for the faithful performance of duty and for the true and faithful accounting for all money that may come into their hands by virtue of their position in such sums as the board of county commissioners shall determine by resolution. ~~When bonds are issued the board may require the giving of additional corporate surety bonds in such sums as the board shall determine by resolution.~~ The premiums on such bonds shall be paid by the county park district fund. Such bonds shall be approved by the board of county commissioners and filed by the chairperson with the county clerk.

Sec. 18. K.S.A. 19-2865 is hereby amended to read as follows: 19-2865. The park board shall at a time and place to be designated by said the park board meet in regular session once in each month during the year, and in special session on the call of the chairperson or at the request of any three (3) members on the park board, for the transaction of any business, general or special, as often as the interest or business of the park district may demand. The call of the chairperson or the request of three (3) members may be announced at any regular session. Any special session so called shall not commence prior to 7:30 p.m. of the day following the regular session. The secretary or the assistant secretary, or both, shall verbally notify any absent park board member specifying the purpose of the meeting, the place, day and hour of the meeting and file their written certification of so complying with the foregoing with the chairperson of the special session who shall make the certification a permanent part of the minutes prior to the meeting being called to order. As an alternative, the call of the chairperson or the request of three (3) members may be in writing and signed by them and shall specify the purpose of the meeting, the place, day and hour of meeting, and a copy thereof shall be

served by the secretary, chairperson or one (1) of the requesting members on each member of the park board personally or by leaving such copy at such member's usual place of residence not less than ~~forty-eight--(48)~~ 48 hours before the meeting, and the person or persons serving the notices shall certify that such service was made before the secretary who shall record the call or request and the certificate or certificates in the minutes of the meeting. Members may file a waiver of notice of such special meeting with the secretary. The nature of the business to be transacted at any called meeting shall be governed by the matters and things set out in the call or request. The ~~district~~ park board shall adopt rules of procedure for its meetings and keep a record of its proceedings. All meetings shall be subject to the provisions of K.S.A. 75-4317 et seq., and amendments thereto, and all records and accounts of the park board shall be public. Four (4) A majority of all members shall constitute a quorum for the transaction of business and a majority vote of the members present when there is a quorum shall decide any question.

Sec. 19. K.S.A. 19-2866 is hereby amended to read as follows: 19-2866. The chairperson, and, in such chairperson's absence or disability, the vice-chairperson, shall preside at all meetings and sign, execute, acknowledge and deliver for the park board all ~~contracts, warrants, or~~ documents of any kind required or authorized to be signed and delivered by the park board. If neither the chairperson nor vice-chairperson is present at any meeting, the members present, if there is a quorum, shall elect from their members an acting chairperson whose sole power as acting chairperson shall be to preside over the meeting. ~~The signature--of--the--chairperson--or--vice-chairperson--shall--be authenticated--by--the--seal--of--the--district--and--the--signature--of the--secretary--or--assistant--secretary.~~ The duties of the secretary and treasurer shall be those common for such officers, and as provided by this act, other laws of the state of Kansas and as directed by the park board agency.

Sec. 20. K.S.A. 19-2867 is hereby amended to read as

follows: 19-2867. The park board in the name of the district board of county commissioners shall have power to accept by gift or devise or to purchase or to condemn real estate lying within ~~or without the park district but not outside~~ Johnson county. The park district board in the name of the board of county commissioners is hereby given the power of eminent domain and any exercise thereof shall vest fee simple title to the real estate in the park district board. The proceedings for condemnation shall be as provided by K.S.A. 26-501 to 26-516, inclusive, and amendments thereto. All property owned by the Johnson county park and recreation district shall be deemed to be held by the Johnson county park and recreation agency.

Sec. 21. K.S.A. 1983 Supp. 19-2868 is hereby amended to read as follows: 19-2868. The park board shall have the power:

(a) To finance, operate, improve and maintain the parks and playgrounds of the district county as provided in this act;

(b) ~~to accept by gift or devise, to purchase, lease and to condemn real estate for use as parks and playgrounds for the district, and to sell any improvements of any real estate so acquired not usable for park purposes or to take down such improvements and use or dispose of the salvage and use any of the proceeds thereof for park purposes without regard to budget limitations.~~ To contract with school boards for joint use and improvement of school lands for park and playground purposes;

(c) to improve the parks and playgrounds for the recreation, amusement and enjoyment of the inhabitants of the district county;

(d) ~~to levy taxes for the acquisition of lands and improvements and operation, improvement and maintenance of the parks and playgrounds as authorized and limited by this act;~~

(e) ~~to issue bonds of the district for acquiring real estate and the improvement thereof for park and playground purposes upon authorization of the qualified electors of the district by election and within the limitations provided by this act;~~

~~{f}~~ (d) to appoint park---and---recreation--supervisory personnel-and-employ-such-other-employees,-servants,-police--and agents-as-may-be-necessary-for-the-proper-and-adequate-operation, improvement--and-maintenance-of-the-park-and-recreation-district, and-may-appoint, employ or retain attorneys, engineers, landscape architects, surveyors and other professional or technical persons or firms for a period or for specified projects and pay the necessary compensation therefor;

~~{g}~~ (e) to adopt, promulgate and enforce reasonable rules and regulations for the operation and use of the parks and playgrounds and the conduct of persons using such parks and playgrounds as provided by this act;

~~{h}~~ (f) to sell or salvage equipment found to be worn out or beyond repair or dangerous to use or to trade it in as part payment on new equipment,-and-the-proceeds-when--respent--or--the trade-in-value-shall-not-be-charged-against-the-budget-but-may-be in--addition--to--the--amount--authorized--for-expenditure-by-the budget;

~~{i}~~ (g) to sell and convey real estate acquired by purchase, condemnation, gift or devise when it appears such property is no longer needed for park, playground or recreational purposes, or is poorly situated for such purposes, or is poorly suited for such purposes, with the proceeds of such sale to be deposited in the land acquisition fund authorized by K.S.A. 19-2873b, and amendments thereto. No Such sale shall be made ~~except-upon-authorization-of-the-majority-of-the--votes--cast--by the--qualified-electors-of-the-district-at-an-election-called-and held-for-such-purpose-as-previded-by-this-act~~ pursuant to K.S.A. 19-211, and amendments thereto. If the instrument of gift or devise vests fee title in the district agency or authorizes the district to sell the real property, such property may be sold by the procedure herein provided. The park board may, when in its judgment deemed advisable and to the best interests of the district, by proper conveyances, may exchange any tract of land for lands similar in value, or exchange money and land for other

land suitable for park or recreation purposes, or exchange land for land and money totaling the value of the land conveyed, provided that the money involved does not exceed 25% of the total value of the land involved, without vote of the qualified electors of the ~~park-district~~ county, subject to a public hearing having first been held with respect to such proposed exchange of lands, after notice of the time, place and purpose thereof, including a legal description of said lands, published once each week for two consecutive weeks prior thereto, in the official county paper, and subject further to final approval of such proposed exchange of lands, by the board of county commissioners of ~~Johnson-county,--Kansas~~. The park board may by proper conveyance exchange, transfer, sell, or lease any tract of ~~district~~ agency land with or without improvements to the state of Kansas, a political subdivision thereof, or an agency of the United States government, if the park board determines that such property can properly be maintained and operated as park, playground, or recreational facilities by such governmental agency, or that such property may be utilized in whole or part in a contract with said the governmental agencies in, on, or around other property of such governmental units, all or any part of which is located within ~~boundaries-of-such-district;~~ the county; and

~~{j}--to-adopt,-change-and-modify-a-seal-for-the-district-and to-use-such-seal-in-attestations-by--the--secretary--and--in--all other-cases-where-a-seal-is-required-or-advisable;-and~~

~~{k}~~ (h) to do and perform all other things provided by this act or amendments thereto and to have all the powers prescribed by this act, and to carry out and exercise the powers of the ~~district-as-its-governing-body~~ park board.

Sec. 22. K.S.A. 19-2869 is hereby amended to read as follows: 19-2869. ~~Supervisory-personnel-appointed-by--the--park and-recreation-board-shall-serve-at-the-pleasure-of-the-board-and their--duties--shall--be-prescribed-by-resolution.~~ The park board may obtain and pay for a surety bond for ~~supervisory--personnel~~

and personnel handling revolving or petty cash funds of the district agency guaranteeing the faithful performance of their duties in an amount and subject to such conditions as may be prescribed by the park board and with the approval of the board of county commissioners.

Sec. 23. K.S.A. 19-2870 is hereby amended to read as follows: 19-2870. ~~All--money--coming--into--the--hands--of--the--treasurer--of--the--board--shall--be--deposited--in--one--or--more--banks--or--trust--companies--designated--by--the--board--and--be--protected--as--provided--by--article--14--of--chapter--9--of--the--Kansas--Statutes--Annotated--and--amendments--thereto~~ Upon the creation of the park agency pursuant to the provisions of this act, any money remaining in the hands of the treasurer of the governing board established pursuant to chapter 170 of the 1953 Kansas Session Laws shall be turned over to the county treasurer. The treasurer of the park board shall pay over to the county treasurer all funds collected for the park agency, except gifts and grants. The treasurer of the park board shall keep an accurate record of all moneys received along with its source and those moneys disbursed to the county treasurer. The funds of such park agency shall be maintained in a separate county park fund and any interest payable thereon shall be added to that fund. The administration of such fund shall be with the county treasurer who shall pay out moneys from the fund upon orders signed by the chairperson of the board of county commissioners and the county clerk, or their designees.

Sec. 24. K.S.A. 19-2873 is hereby amended to read as follows: 19-2873. (a) The park board may, by resolution, may adopt rules and regulations ~~for--the--operation--of--the--park--and--recreation--district--and--rules--and--regulations~~ applying to any ~~partieular-park-or-playground~~ parks and prescribe penalties for violation of any rules and regulations relating to the conduct of persons in the parks and playgrounds or park or playgrounds, Such penalties not-to-exceed may include imprisonment in the county jail for not to exceed three (3) months or by a fine of

not to exceed ~~one-hundred-dollars-(\$100)~~ \$100 or both ~~such--fine~~
~~and--imprisonment~~. Any rules and regulations for the conduct of
persons ~~applying-to-all-parks-or-any-park~~ and providing penalties
shall be published once in the official county paper and copies
of the rules and regulations shall be posted and kept posted in
all parks to which they are applicable, and the violation of any
penal rule or regulation when so published and posted shall
constitute a misdemeanor.

(b) The executive director shall employ any employees
deemed necessary to enforce the rules and regulations relating to
the conduct of persons in the parks and such employees shall be
vested with full authority to enforce the rules and regulations
of the park board.

(c) No charge shall be made for entrance into any park and
~~no-admission--charge--shall--be--made--for--use--of--any--of--the~~
~~facilities--of--any-park~~ or playground. The park board may lease,
establish and operate sites for food, soft drinks, boat rentals,
amusements and other concessions and conveniences as in its
judgment may be deemed appropriate and lawful for the comfort,
convenience and enjoyment of the public, and may limit purchase
and use charges to be made by concessionaires in operating the
same. The board may establish and-operate reasonable charges for
the purchase of food, soft drinks, boat rentals, amusements and
other lawful and appropriate conveniences as may in its judgment
be necessary ~~or-appeal-to-the-public-comfort-and--enjoyment,--all~~
~~in--accordance--with--K.S.A.--19-2873a~~. A reasonable fee may be
charged for any recreational activities activity and the park
board may regulate and control all fishing and boating within the
boundaries of park property, including daily and possession
limits of fish caught and time limits when fishing may be
restricted, subject, however, to the provisions of law and the
regulations of the forestry, fish and game commission, with
respect to such fishing and boating; and may require a park
permit for fishing and boating for which a reasonable fee may be
charged all persons so engaged. ~~During-the-fiscal-year-ending~~

~~December 31, 1970, the district may expend any moneys in excess of twenty-five thousand dollars (\$25,000) received from fees and charges in addition to the adopted budget of the district for such fiscal year.~~

(d) A separate schedule of fees may be established for nonresidents: Provided further, The park board may enter into long term leases for such authorized concessions, not to exceed ~~fifty (50)~~ 50 years, under the terms of which the concessionaires (lessees), shall at their own expense, shall construct and install the facilities and improvements to be occupied and used under such lease, upon such terms, conditions and control as the park and recreation ~~district~~ board may require and subject in all such long term leases to unconditional reversion of title to such facilities and improvements so constructed by the concessionaire; to ~~said district~~ the park board in the name of the board of county commissioners upon the expiration of the term of such lease or upon abandonment or forfeiture thereof by the concessionaire prior to its expiration.

Sec. 25. K.S.A. 19-2873a is hereby amended to read as follows: 19-2873a. In the event the park board determines to operate food, soft drinks or other conveniences or amusements as authorized by K.S.A. 19-2873, and amendments thereto, it shall adopt a resolution establishing a revolving fund and provide therein for the transfer of not to exceed ~~twenty-five thousand dollars (\$25,000)~~ \$25,000 from the ~~general fund of the district~~ county park fund to such revolving fund. Such resolution may also provide for one or more petty cash funds for the operation of conveniences or amusements requiring the same. ~~Such resolution shall specify rules relating to the operation of such revolving and petty cash funds, and for the audit thereof in accordance with accepted accounting principles.~~ Such revolving fund shall not be subject to the state budget law laws and such petty cash funds may be used without issuance of warrants except for periodic reconciliation thereof. Moneys in such revolving fund may be from time to time transferred to the ~~general fund or land~~

~~acquisition fund of the district, but after the initial transfer of funds to the revolving fund, no additional moneys shall be transferred thereto~~ county park fund.

Sec. 26. K.S.A. 19-2873b is hereby amended to read as follows: 19-2873b. The park board ~~may,~~ by resolution, may provide for the establishment of a land acquisition fund and any moneys therein at any time may be expended for acquisition of land and improvements ~~and/or~~ or construction of improvements for future park and recreational use or for any of such purposes. The park board may transfer to the land acquisition fund moneys in the general fund of the ~~district~~ agency and such other moneys as are authorized by law to be transferred thereto. Budget laws shall not apply to expenditures from the land acquisition fund.

Sec. 27. K.S.A. 19-2874 is hereby amended to read as follows: 19-2874. ~~The park district may issue bonds~~ Any general obligation bonds issued in the name of the Johnson county park and recreation district prior to the effective date of this act shall be general obligations of the county and the rights and liabilities created therein shall not be affected and shall be backed by the full faith and credit of the county. The board of county commissioners may issue general obligation bonds to acquire real estate and may issue bonds to improve the park system or any part thereof. Provided, That. The issuance of bonds to acquire real estate and for the improvement thereof may be provided for in one proposition: ~~Provided further, That.~~ No bonds shall be issued unless authorized by a majority of all the votes cast on the proposition by qualified electors of the district county at an election called and held for the purpose. A proposition to acquire real estate shall describe any real estate to be acquired and the location thereof for any given park or playground site. Any propositions for bonds for improvements shall describe the kind or kinds of improvements proposed to be made but need not specify the amounts to be spent for any given improvements. The bonded indebtedness ~~of the~~ for park district purposes shall not exceed ~~one and one-half percent (1-1/2%)~~

1 1/2% of the assessed taxable tangible valuation of the park district county at any one time. All bonds shall be issued as provided by the general bond law ~~in article 1 of chapter 10 of the Kansas Statutes Annotated and amendments thereto~~ except as otherwise provided by this act. All bonds issued under this act and any election called for the approval thereof shall be general obligations of the ~~park district~~ county and the ~~park board~~ county shall levy taxes upon all assessed taxable tangible property within the ~~park district~~ county to pay the bonds and interest thereon as the same mature and come due.

Sec. 28. K.S.A. 19-2876 is hereby amended to read as follows: 19-2876. Subject to the provisions of K.S.A. 19-2876c, and amendments thereto, the board of county commissioners may levy annually a tax upon the assessed taxable tangible property within the district county at a rate of not to exceed two (2) mills, and the fund created thereby shall be known as the general county park fund from which certain funds may be transferred and used as provided in this act. All money paid to the district park agency for leases or concessions and all other money, other than proceeds from the sale of bonds and tax money to retire bonds and pay the interest on such bonds, shall be paid into the general county park fund: Provided, That. Money received by gift or bequest, shall, if the donor so specifies, or if the money be restricted to a particular use, be placed in a separate fund and be used only for the purposes specified, and such money may be used without regard to the budget. Such fund shall be used for the operation and maintenance, and other general expenses of the park ~~and recreation district~~ agency and may be used to acquire land and make improvements. ~~Prior to August 1 of each year the board shall prepare a budget and otherwise comply with the general budget law applying to the taxing subdivisions and municipalities of the state except as provided by this act.~~ Provided, That the final budget shall not be adopted unless and until it has been approved by the board of county commissioners of Johnson county.

The district, its park board, and its officers shall also comply with article 11 of chapter 10 of the Kansas Statutes Annotated, known as the cash-basis law or any amendments thereto. All tax money collected by the county treasurer for the district park agency shall be paid credited to the treasurer-of-the district county park fund and notice of such action, showing the amount, proper fund credit and the date, shall be sent to the secretary treasurer of the park board.

All claims against the board for money owed shall be presented and paid in the same manner as provided for in the uniform procedure for payment of claims act set out in K.S.A. 1973--Supp. 12-105a and 12-105b, and any amendments thereto, except as otherwise provided in this act.

Sec. 29. K.S.A. 19-2881a is hereby amended to read as follows: 19-2881a. (a) The board of county commissioners of the Johnson--county-park-and-recreation-district is hereby authorized to contract in-the-name--of--the--district with any agency or instrumentality of the United States for furnishing, constructing, equipping, operating, managing or maintaining recreational areas and facilities on or around any federal reservoir, all or any part of which is located within the boundaries of said-district.--Said-board-may-obligate-the-district for---the---reimbursement---of---any---such---federal--agency--or instrumentality--for--obligations--incurred--pursuant---to---such contract,--but--not--to-exceed-an-amount-equal-to-fifteen-percent (15%)--of-the-assessed-valuation-of-the-tangible--property--within the-district,--plus-any-interest-thereon-not-exceeding-the-maximum rate--of-interest-prescribed-by-K.S.A.--10-1009.--Such-contract-for reimbursement--may--extend--over--such--period--of--years--as--is permissible--under-applicable-federal-laws-and-regulations-and-as shall-be-agreed-to-by-the-board--of--commissioners,--but--not--to exceed-fifty-(50)-years.

For--the-purpose-of-financing-such-reimbursement,--said-board of-commissioners-is-hereby-authorized-to-levy-an--annual--tax--of not--to-exceed-two-(2)-mills-on-all-the-taxable-tangible-property

~~of the district during the period of said reimbursement contract,~~
~~if the levy of such tax has been approved by the electors of the~~
~~district in the manner provided in K.S.A. 19-2881b. Such levy~~
~~shall be in addition to all other tax levies authorized by law,~~
~~and shall be exempt from the limitations imposed under the~~
~~provisions of K.S.A. 79-5001 to 79-5016, inclusive~~ the county.

The powers granted to the board of county commissioners by this section may be exercised in addition to or in conjunction with any other powers vested in the board of county commissioners pursuant to law.

Sec. 30. K.S.A. 19-2859, 19-2860, 19-2861, 19-2862, 19-2862b, 19-2862c, 19-2862d, 19-2862e, 19-2862f, 19-2862g, 19-2862h, 19-2862i, 19-2862j, 19-2863, 19-2864, 19-2865, 19-2866, 19-2867, 19-2869, 19-2870, 19-2871, 19-2871a, 19-2872, 19-2873, 19-2873a, 19-2873b, 19-2874, 19-2875, 19-2876, 19-2876b, 19-2876c, 19-2881, 19-2881a and 19-2881b and K.S.A. 1983 Supp. 19-101a, 19-2862a and 19-2868 are hereby repealed.

Sec. 31. This act shall take effect and be in force from and after its publication in the statute book.

PROPOSAL No. 11
(ATTACHMENT VIII CONT.)

Issues:	Present KSA 19-2859 et seq.	Proposed
Name:	Johnson County Park and Recreation District	Johnson County Park and Recreation Agency
No. of Board Members	Seven	Seven
Action subject to Board of County Commissioners	Approval of final budget	a) Personnel policies b) Pay plans and benefits c) Purchasing policies d) Budget policies e) Financial policies f) Audit policies g) Insurance and loss control policies
Duties: a) election of officers b) establishing policies c) Annually reviewing, evaluating & reporting to Board of County Commissioners d) Hiring of executive director e) Establishing schedule of charges	a) By park board members b) By park board c) Only final budget approval d) Not addressed e) By park board	a) unchanged b) By park board c) Yes d) Park board may hire e) Unchanged
Ability to sue	Yes	Only with permission of Board of County Comm'rs
Be sued (liability)	Yes	In the name of Board of County Commissioners
Employment of subordinate employees	By park board	By executive director
Executive director	Not addressed	a) Park board may hire b) Subject to same privileges and immunities as county dept. head
Bonds	Park board may issue	Issued by Board of County Commissioners
Property	Owned by park & recreation district	Unchanged
Funds: a) Gifts & grants b) Other funds	Controlled by park & rec. dist. Controlled by park & rec. dist.	Unchanged Controlled by Board of County Commissioners