

Approved

Ivan Sand
Date 2/15/84

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

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

1:30 ~~xxx~~ p.m. on FEBRUARY 9, 1984 in room 521-S of the Capitol.

All members were present except: Representative Jim Patterson (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:

Representative Kenneth D. Francisco, New Legislation

Chairman Sand announced that a public hearing has been scheduled by a joint House and Senate Conference Committee on SB 197 for Tuesday, February 14, at 1:30 P. M.

Chairman Sand called for introduction of new legislation by Representative Kenneth D. Francisco.

Representative Francisco requested that the Local Government Committee consider new legislation regarding the filing of corporate documents, both with the Secretary of State and Register of Deeds. Francisco pointed out that only about 25% of corporations are filing locally at the present time; that either the law should be changed to require filing only with the Secretary of State or a penalty should be imposed for not filing locally.

Representative LeRoy F. Fry moved and Representative George R. Dean seconded that the legislation be introduced as a committee bill. Motion carried.

Chairman Sand called for action on the following House Bills on which hearings had previously been held:

HB 2586, concerning municipalities; relating to revenue bonds. By Rep. Heinemann

Representative Elizabeth Baker moved and Representative Clinton C. Acheson seconded that the bill be passed. Motion carried.

HB 2601, authorizing counties to establish special alcohol and drug programs and levy a tax therefor. By Rep. Hayden

Theresa Kiernan, Staff, provided committee members with a balloon showing proposed amendments to the bill. The question was raised why a limitation of \$50,000 was inserted and the provision for 1/2 mill deleted. It was pointed out that in some counties 1/2 mill could raise an excessive sum of money. (See Attachment I.)

Representative Clinton C. Acheson made a motion to amend the bill as proposed by Staff. Representative Robert D. Wunsch seconded the motion. Motion carried.

Representative Elizabeth Baker moved and Representative Steve Schweiker seconded that HB 2601 be passed as amended. Motion carried.

HB 2681, concerning townships; relating to the annual financial report. By Rep. Barr, Laird and Smith

Theresa Kiernan, Staff, provided committee members with a balloon showing proposed amendments to the bill. (See Attachment II.)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
 room 521-S, Statehouse, at 1:30 ~~am~~ p.m. on FEBRUARY 9, 1984

Representative Clinton C. Acheson made the motion to amend the bill as proposed by Staff. Rep. Burt DeBaun seconded the motion. Motion carried.

Representative Dorothy Nichols moved and Representative Clinton C. Acheson seconded that HB 2681 be passed as amended. Motion carried.

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

Theresa Kiernan, Staff, provided committee members with a balloon showing proposed amendments to the bill. (See Attachment III.)

Representative Arthur W. Douville made the motion to amend the bill as proposed by Staff. Representative W. Edgar Moore seconded the motion. Motion carried.

Representative Arthur W. Douville moved and Representative Dorothy Nichols seconded that HB 2699 be passed as amended. Motion carried.

HB 2701, concerning water districts; relating to the issuance of revenue bonds; relating to the annual audit thereof.
 By Rep. Fox

Theresa Kiernan, Staff, provided committee members with a balloon showing proposed amendments to the bill. (See Attachment IV.)

Representative Kenneth D. Francisco made the motion that the bill be further amended by inserting in Line 33, the words "or savings and loan" in lieu of the word "bank" and by striking Lines 34 and 35. Representative George R. Dean seconded the motion.

Discussion followed. It was pointed out that the water district concerned is the only one in Johnson County and that since there had been no request for change in Lines 33, 34, and 35 by the water district, said lines should remain unchanged.

Representative Elizabeth Baker made a motion that rather than inserting the words, "or savings and loan," the words, "a responsible financial institution" should be inserted and that Lines 34 and 35 be stricken.

Chairman Sand asked Staff to consider Representative Baker's motion as a conceptual motion.

Discussion followed. Representative Steve Schweiker urged the committee to leave the governing powers of Article 14, Line 35, in the bill.

Representative Robert S. Wunsch made a substitute motion that HB 2701 be tabled. Representative Clinton C. Acheson seconded the motion. Motion carried.

Chairman Sand asked Staff to review the proposals made by committee members in connection with the bill and noted that a simple majority vote will reactivate the bill.

HB 2741, concerning county jails; relating to the maintenance of prisoners and the cost thereof. By Rep. Baker, et al

Theresa Kiernan, Staff, provided committee members with a balloon showing proposed amendments to the bill. (See Attachment V.)

Representative Elizabeth Baker made the motion that HB 2741 be amended as proposed by Staff and be passed as amended. Representative Mary Jane Johnson seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~a.m.~~/p.m. on FEBRUARY 9, 1984

HB 2736, concerning hospital districts in certain townships; relating to tax levies for the operation and maintenance of the hospital. By Rep. L. Fry

Representative LeRoy F. Fry moved and Representative L. V. Roper seconded that the bill be passed. Motion carried.

Chairman Sand informed the Committee that the bill request presented by Johnson County Commissioners at the February 7 meeting may be further considered next week.

The minutes of the meeting of February 7, 1984, were approved as presented.

Meeting adjourned.

HOUSE BILL No. 2601

By Representative Hayden

12-5

0015 AN ACT authorizing counties to establish special alcohol and
0016 drug programs and levy a tax therefor.

0017 *Be it enacted by the Legislature of the State of Kansas:*

0018 Section 1. (a) The board of county commissioners of any

0019 county may levy ~~an annual tax not to exceed 1/8 mill~~ on all taxable
0020 tangible property within the county ~~for the purpose of financing~~

a

in an amount which shall generate annually revenue not to exceed \$50,000

0021 special county alcohol and drug programs. In any year in which

0022 the board of county commissioners elects to commence to levy

0023 the tax authorized by this section, it shall adopt a resolution

0024 stating its intent to levy the tax and the purpose therefor. The

0025 resolution shall be published once each week for two consecu-

0026 tive weeks in a newspaper of general circulation in the county

.

0027 ~~and, if~~ within 30 days next following the date of the last publi-

0028 cation of such resolution a petition signed by at least 5% of the

0029 qualified voters of the county is filed with the county election

0030 officer requesting an election thereon, no such levy shall be

0031 made without such proposition having first been submitted to

0032 and approved by a majority of the qualified voters of the county

0033 voting at an election held thereon. The election shall be called

0034 and held in the manner provided by the general bond law.

0035 (b) If a petition signed by at least 5% of the qualified voters of

0036 a county is filed with the county election officer requesting an

0037 election on the question of whether a tax ~~not to exceed 1/8 mill~~ on

in an amount which shall generate annually revenue not to exceed \$50,000

0038 all taxable tangible property within the county shall be levied for

0039 the purpose of establishing a special alcohol and drug programs

0040 fund, the board of county commissioners of such county shall

0041 submit the proposition to the qualified voters of the county at an

election thereon. The election shall be called and held in the

0043 manner provided by the general bond law. If such proposition is

(ATTACHMENT I)

Attch. 1

approved by a majority of such voters voting thereon, the board of county commissioners shall levy a tax for such purpose.

(c) The tax levy authorized by this section shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the limitations prescribed by K.S.A. 79-5001 to 79-5016, inclusive, and amendments thereto.

(d) All moneys received pursuant to this act shall be deposited in a special alcohol and drug programs fund which shall be under the direction and control of the board of county commissioners and shall be expended only for the purchase, establishment, maintenance or expansion of services or programs of alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse, treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers and rehabilitation of the family of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers. In any county in which there has been organized an alcohol and drug advisory committee, the board of county commissioners shall request and obtain, prior to making any expenditures from the special alcohol and drug programs fund, the recommendations of the advisory committee concerning such expenditures. The board of county commissioners shall adopt the recommendations of the advisory committee concerning such expenditures unless the board, by unanimous vote of all commissioners, adopts a different plan for such expenditures.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

If there is more than one alcohol and drug advisory committee in the county, the board shall designate which advisory committee from which it shall seek recommendations.

HOUSE BILL No. 2681

By Representatives Barr, Laird and Smith

(By request)

1-12

0018 AN ACT concerning townships; relating to the annual financial
0019 report; amending K.S.A. 80-304 and 80-410 and K.S.A. 1983
0020 Supp. 80-302 and repealing the existing sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1983 Supp. 80-302 is hereby amended to
0023 read as follows: 80-302. The township trustee, clerk and trea-
0024 surer of each municipal township shall constitute an auditing
0025 board. The auditing board shall meet on the last Monday of
0026 March, June, September and December of each year and exam-
0027 ine and audit all claims against the township, and shall file their
0028 annual report with the county clerk for the approval of the board
0029 of county commissioners *on or before the first Monday in Jan-*
0030 *uary 31* of the succeeding year. No claim against any township
0031 shall be paid until allowed by the auditing board. All claims
0032 allowed by the auditing board shall be recorded by the clerk in a
0033 book to be kept for that purpose.

0034 The township trustee, clerk and treasurer shall each receive
0035 for the officer's services in attending to the township business,
0036 an amount not to exceed the sum of \$50 per full day or not to
0037 exceed \$30 for any day in which less than four hours is spent
0038 attending to such business.

0039 Sec. 2. K.S.A. 80-304 is hereby amended to read as follows:
0040 80-304. The township trustee shall, at the regular meeting of the
0041 board of county commissioners next succeeding the annual set-
0042 tlement of the township treasurer and road overseers, shall make
0043 a complete report of the affairs of the township for the preceding
0044 year stating in detail the items of account audited and allowed,

0046 such an account was allowed; and. Such report shall be verified
 0047 by affidavit, ~~which report and accounts shall thereupon and shall~~
 0048 be examined by ~~said the board; and of county commissioners.~~ If
 0049 found correct and in conformity to law ~~shall be by said board~~
 0050 ~~approved and, the board shall approve the report and accounts~~
 0051 ~~and the same shall be filed in the office of the county clerk of~~
 0052 ~~such county; but.~~ If such report and accounts are found not
 0053 correct, or not in conformity to law, ~~said the board shall cite such~~
 0054 ~~township auditing board to appear before it and correct any~~
 0055 ~~errors appearing therein; and. Such township auditing board and~~
 0056 ~~their bondsmen shall be liable to their township for the amount~~
 0057 ~~of any and all accounts or demands by them allowed or paid in~~
 0058 ~~excess of that authorized by law for any purpose; and. It shall be~~
 0059 ~~the duty of the county attorney of such county to prosecute any~~
 0060 ~~and all suits in the name of such township for the recovery of the~~
 0061 ~~same, in any court of competent jurisdiction; and the trustee~~
 0062 ~~shall. Within ten days after the approval thereof by said the board~~
 0063 ~~furnish a copy of such report, with the approval of said board~~
 0064 ~~thereon, to the township clerk for record and publication of~~
 0065 ~~county commissioners, the township clerk shall publish, once in~~
 0066 ~~a paper of general circulation in the county, a summary which~~
 0067 ~~shows totals for categories of expenditures. Such publication~~
 0068 ~~shall include a notice that the detailed report of expenditures is~~
 0069 ~~available for public inspection at the county clerk's office.~~

0070 Sec. 3. K.S.A. 80-410 is hereby amended to read as follows:
 0071 80-410. The treasurer of each ~~and every~~ township shall publish,
 0072 or cause to be published, in some newspaper published in the
 0073 such township of which he or she is treasurer, or in some
 0074 newspaper published in the county in which such township is
 0075 located and having a general circulation in such township, im-
 0076 mediately following the annual settlement in December of each
 0077 year, a full and detailed statement, duly verified, summary
 0078 which shows totals for categories of the receipts, expenditures
 0079 and liabilities of such township for the year ending at the time of
 0080 such annual settlement. Such publication shall include a notice
 0081 that a detailed statement of such receipts, expenditures and
 0082 liabilities is available for public inspection at the county clerk's

Copies of the report shall be made available upon request.

The treasurer of each township shall file with the county clerk a duly verified full and detailed statement of the receipts, expenditures and liabilities of the township for the preceding calendar year, on or before January 31 of the succeeding year.

0083 office.

4 Sec. 4. K.S.A. 80-304 and 80-410 and K.S.A. 1983 Supp. 80-
0085 302 are hereby repealed.

0086 Sec. 5. This act shall take effect and be in force from and
0087 after its publication in the statute book.

Copies of the statement shall be made available upon request.

HOUSE BILL No. 2699

By Representative Fox

1-17

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

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

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

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

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

HOUSE BILL No. 2701

By Representative Fox

1-17

0017 AN ACT concerning water districts; relating to the issuance of
0018 revenue bonds; relating to the annual audit thereof; amending
0019 K.S.A. 19-3521 and K.S.A. 1983 Supp. 19-3516 and repealing
0020 the existing sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1983 Supp. 19-3516 is hereby amended to
0023 read as follows: 19-3516. (a) Any water district board may issue
0024 and sell revenue bonds to finance the cost of acquisition, con-
0025 struction, reconstruction, alteration, repair, improvement, exten-
0026 sion or enlargement of any such water supply and distribution
0027 system. The board shall fix by resolution such rates, fees and
0028 charges for the services furnished by such water supply and
0029 distribution system as may be reasonable and necessary and
0030 provide for the manner of collecting and disbursing such reve-
0031 nues subject to the limitations hereinafter contained.

0032 Revenues derived from the operation of any such water supply
0033 and distribution system shall be deposited in a responsible bank
0034 within the county in which the greatest portion of such water
0035 district is located and the deposits shall be governed by article 14
0036 of chapter 9 of the Kansas Statutes Annotated and shall not be
0037 used except for the purpose of: (1) Paying wages and salaries of
0038 all officers and employees, (2) paying the cost of operation, (3)
0039 paying the cost of maintenance, extension and improvement of
0040 such water supply and distribution system, (4) providing an
0041 adequate depreciation fund, and (5) creating reasonable reserves
0042 for such purposes. All revenues over and above those necessary
0043 for the above enumerated purposes shall be placed in a reserve
0044 fund which, together with any moneys not currently needed
0045 which have been set aside for the purposes described in (4) and

0157 shall be awarded on a public letting by the water district board to
0158 the lowest responsible bidder, and in the manner provided by
0159 K.S.A. 19-214, 19-215 and 19-216, and amendments thereto,
0160 except that the required notice of letting contracts shall be seven
0161 days if the cost does not exceed \$25,000 and 30 days if the cost
0162 exceeds \$25,000.

0163 Sec. 2. K.S.A. 19-3521 is hereby amended to read as follows:
0164 19-3521. *Within 90 days after the end of each calendar year, the*
0165 *treasurer of each and every water district created hereunder*
0166 *ninety (90) days after the end of each calendar year, shall publish*
0167 *or cause to be published in a newspaper of general circulation*
0168 *within the township or townships in which such water district is*
0169 *located, a full and detailed statement, duly verified, of the*
0170 *receipts, expenditures, liabilities, assets and bonded indebted-*
0171 *ness of such water district as of the end of such calendar year.*

0172 *Said statement in addition to being duly verified shall, and after*
0173 *appropriate audit, such statement shall be certified by a licensed*
0174 *municipal public accountant or by a certified public accountant.*

0175 Sec. 3. K.S.A. 19-3521 and K.S.A. 1983 Supp. 19-3516 are
0176 hereby repealed.

0177 Sec. 4. This act shall take effect and be in force from and
0178 after its publication in the Kansas register.

summary which shows totals for categories

Such publication shall include a notice that a detailed statement of such receipts, expenditures and liabilities is available for public inspection at the county clerk's office. Copies of the report shall be made available upon request. Such statement shall be

HOUSE BILL No. 2741

By Representatives Baker, Foster, Francisco and Williams

(By Request)

1-23

0018 AN ACT concerning county jails; relating to the maintenance of
0019 prisoners and the cost thereof; amending K.S.A. 19-1930 and
0020 repealing the existing section.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 19-1930 is hereby amended to read as fol-
0023 lows: 19-1930. (a) The sheriff or the keeper of the jail in any
0024 county of the state shall receive all prisoners committed to the
0025 sheriff's or jailer's custody by the authority of the United States
0026 or by the authority of any city located in such county and shall
0027 keep them safely in the same manner as prisoners of the county
0028 until discharged in accordance with law. The county maintaining
0029 such prisoners shall receive from the United States or such city
0030 compensation for the maintenance of such prisoners in an
0031 amount equal to that provided by the county for maintenance of
0032 county prisoners and provision shall be made for the mainte-
0033 nance of such prisoners in the same manner as prisoners of the
0034 county. The governing body of any city committing prisoners to
0035 the county jail shall provide for the payment of such compensa-
0036 tion upon receipt of a statement from the sheriff of such county as
0037 to the amount due therefor from such city.

0038 (b) The sheriff or the keeper of the jail in any county of the
0039 state shall receive all prisoners committed to the sheriff's or
0040 jailer's custody pursuant to K.S.A. 4980 ~~Supp.~~ 75-5217, and
0041 amendments thereto, and shall keep them safely in the same
0042 manner as prisoners of the county until discharged in accordance
0043 with law or until otherwise ordered by the secretary of correc-
0044 tions. The cost of maintenance of such prisoners, including
0045 medical costs of such prisoners shall be paid by the department

Att. b. V

0046 of corrections in an amount equal to that provided by the county
0047 for maintenance of county prisoners.

0048 (c) *In lieu of charging city ~~and state~~ authorities for the cost*
0049 *of maintenance of prisoners as provided by subsections (a) and*
0050 *(b), the board of county commissioners may levy a tax upon all*
0051 *tangible taxable property of the county to pay such costs. Any*
0052 *such levy shall not be subject to the provisions of K.S.A. 79-5001*
0053 *et seq., and amendments thereto. No revenue derived from such*
0054 *levy shall be used to pay the costs of maintenance of prisoners*
0055 *committed to the jail by federal authorities, or authorities of*
0056 *other counties or cities in other counties.*

and the costs of maintaining county prisoners

0057 (e) (d) If any sheriff or jailer neglects or refuses to perform
0058 the services and duties required by the provisions of this act, the
0059 sheriff or jailer shall be subject to the same penalties, forfeitures
0060 and actions as if the prisoners had been committed under the
0061 authority of this state.

0062 (d) (e) Attorneys of prisoners held in a county jail shall be
0063 permitted to visit them professionally at all reasonable hours.

0064 Sec. 2. K.S.A. 19-1930 is hereby repealed.

0065 Sec. 3. This act shall take effect and be in force from and
0066 after its publication in the statute book.

or state