

Approved Ivan Sand
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

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

1:30 ~~am~~/p.m. on MARCH 14, 1984 in room 521-S of the Capitol.

All members were present except: Representative Burt DeBaun (Excused)
Representative George R. Dean (Excused)
Representative Clarence C. Love (Excused)
Representative Robert D. Miller (Excused)
~~Committee staff present~~ Representative L. V. Roper (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:

Senator Nancy Parrish, SB 638
Mr. Ken Eland, Legal Intern, Topeka Metro. Transit Authority, SB 638
Mr. Marvin D. Perkins, Topeka Township Officer, SB 649
Mr. Jon Josserand, Secretary of State's Office, SB 652

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

SB 638, concerning the city of Topeka; relating to the Topeka metropolitan transit authority; - By Senators Parrish, Pomeroy and Hein

(See Attachment I -- Supplemental Note on SB 638.)

Senator Nancy Parrish appeared to give background and intent of SB 638.

Parrish introduced Mr. Ken Eland who testified in support of the bill. Eland provided written testimony from Robert N. Salmon, General Manager, Topeka Metropolitan Transit Authority, who could not be present at the hearing. (See Attachment II.) When asked, Eland estimated the population of Topeka to be 112,000.

Representative Clinton C. Acheson moved and Representative Mary Jane Johnson seconded that SB 638 be passed and placed on the consent calendar.

Motion carried.

SB 649, relating to township fire districts; concerning the compensation of certain district officers; - By Senator Hein

Mike Heim, Staff, gave a brief overview of the bill. (See Attachment III-- Supplemental Note on SB 649.)

Mr. Marvin D. Perkins, Topeka Township Board Officer and member of the Topeka-Tecumseh Fire Board testified in support of the bill.

Perkins introduced Mr. Vern Evans, Soldier Township Board officer, who was present to indicate his support for the bill.

Perkins stated that the Township Board and the six-member Fire Board are a joint-operation; that substantial time is required in administering their duties; that the raise in compensation is a valid need.

When questioned, Perkins verified that the Auditing Board and the Fire Board are one and the same.

Mike Heim, Staff, also confirmed the dual membership for the two boards.

One suggestion was to simplify the bill by using the language "not to exceed \$50 for each full day."

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~~ a.m./p.m. on MARCH 14, 1984

It was pointed out that there is not statutory law for selection of the Auditing Board. Perkins stated that if three townships were to merge, then the Auditing Board would be made up of one member from each Township Board, or three members.

Representative Clinton C. Acheson moved and Representative Arthur W. Douville seconded that SB 649 be passed. Motion carried.

SB 652, relating to cemeteries; concerning the verification of petitions;
- By Committee on Elections

Mike Heim, Staff, gave a brief overview of the bill. (See Attachment IV-- Supplemental Note on SB 652.) Heim pointed out that "qualified elector of said district" has been replaced by "the county election officer."

Mr. Jon Jossierand, Secretary of State's Office, appeared to give background and intent of the bill. Jossierand stated that the bill had been drafted at the request of the Secretary of State due to a case in Nemaha and Pottawatomie Counties; that the intent is to correct archaic statutes.

Jossierand verified that the county election officer is the county clerk; that the clerk would be the only officer to verify the petition and the logical officer to do so.

Representative Edgar W. Moore moved and Representative Kenneth D. Francisco seconded that SB 652 be passed. Motion carried.

The minutes of the meeting of March 13, 1984, were approved as presented.

Meeting adjourned.

SESSION OF 1984

SUPPLEMENTAL NOTE ON SENATE BILL NO. 638

As Recommended by Senate Committee on
Local Government

Brief of Bill*

S.B. 638 amends an act providing for metropolitan transit authorities to specifically name the city of Topeka as the city to which the act applies and to provide transit authority members shall serve four year terms instead of five year terms.

Background

The bill was supported by the Topeka Metropolitan Transit Authority. The population of Topeka is now less than the 120,000 population currently required under the act. The four year term of office change was felt necessary due to the constitutional prohibition contained in Article 15, Section 2, of the Kansas Constitution which limits terms of office to no longer than four years. Topeka is the only city which has a transit authority organized under this act.

* Bill briefs are prepared by the Legislative Research Department and do not express legislative intent.



TOPEKA METROPOLITAN TRANSIT AUTHORITY

Administrative Offices / 201 North Kansas / Topeka, Kansas 66603 / Phone (913)233-2011
Passenger Services Office / 8th and Kansas, / Topeka, Kansas 66603 / Phone (913)354-9571

March 14, 1984

Memo To: House Committee on Local Government

From: Robert N. Salmon, General Manager

Re: S.B. 638

The Topeka Metropolitan Transit Authority is organized pursuant to K.S.A. 12-2801 et. seq., which was an act passed by the Kansas Legislature in order to continue operation of a public transportation system for the City of Topeka.

The Metropolitan Transit Authority Act is applicable to first class cities who can adopt the provisions of the act by ordinance with approval by the citizens adopting the act. Further, K.S.A. 12-2839 requires that the adopting city have a population of more than 120,000 people.

This general background brings us to the point of concern for this committee to address. This proposed bill will accomplish two ministerial changes in the governing legislation of the TMTA. The changes will assure public transportation in Topeka will be in compliance with the enabling statute.

While the original Act was drafted broadly so that any city could adopt the provisions if so qualified, the actual adoption of the act was only completed by the City of Topeka. The concern now presented is that the population of the City of Topeka is now less than the required 120,000 population count required in the Metropolitan Transit Authority Act. S.B. 638 will accomplish the needed change by designating the act as special legislation applicable only to the City of Topeka. This change will allow the TMTA to exist regardless of changes in the population of Topeka.

The second change in the enabling act which S.B. 638 accomplishes is that the terms of the appointed Board Members are reduced from 5 years to 4 years. This change will more accurately reflect the Kansas Legislature intent that all such appointed positions have 4 year terms.

The TMTA recommends the adoption of S.B. 638 as written to accomplish the two ministerial changes which I have outlined above.

employer, and (E) the secretary finds that such transfer will not tend to defeat or obstruct the object and purposes of this act.

(4) If the acquiring employing unit was an employer subject to this act prior to the date of the transfer, the rate of contribution for the period from such date to the end of the then current contribution year shall be the same as the contribution rate prior to the date of the transfer. An employing unit which was not subject to this act prior to the date of the transfer shall have a newly computed rate based on the transferred experience rating factors as of the computation date immediately preceding the date of acquisition. These experience rating factors consist of all contributions paid, benefit experience and annual payrolls.

(5) Whenever an employer's account has been terminated as provided in subsections (d) and (e) of K.S.A. 44-711 and amendments thereto and the employer continues with employment to liquidate the business operations, that employer shall continue to be an "employer" subject to the employment security law as provided in subsection (h)(8) of K.S.A. 44-703 and amendments thereto. The rate of contribution from the date of transfer to the end of the then current calendar year shall be the same as the contribution rate prior to the date of the transfer. At the completion of the then current calendar year, the rate of contribution shall be that of a "new employer" as described in subsection (a)(1) of K.S.A. 44-710a and amendments thereto.

(6) No rate computation will be permitted an employing unit succeeding to the experience of another employing unit pursuant to this section for any period subsequent to such succession except in accordance with rules and regulations adopted by the secretary. Any such regulations shall be consistent with federal requirements for additional credit allowance in section 3303 of the internal revenue code, and consistent with the provisions of this act.

(c) *Voluntary contributions.* Notwithstanding any provision of this act or the act of which this act is amendatory, any employer may make voluntary payments for the purpose of reducing or maintaining a reduced rate in addition to the contributions required under this section. Such voluntary payments may be made only during the thirty-day period immediately following the date of mailing of experience rating notices for a calendar year. All such voluntary contribution payments shall be paid prior to the expiration of 120 days after the beginning of the year for which such rates are effective. The amount of voluntary contributions shall be credited to the employer's account as of the next preceding computation date and the employer's rate shall be computed accordingly, except that no employer's rate shall be reduced more than two rate groups as provided in schedule I of this section as the result of a voluntary payment. An employer not having a negative account balance may have such employer's rate reduced not more than two rate groups as provided in schedule I of this section as a result of a voluntary payment. An employer having a negative account balance may have such employer's rate reduced to that prescribed for rate group 21 of schedule I of this section by making a voluntary payment in the amount of such negative account balance or to that rate prescribed for rate group 20 of schedule I of this section by making an additional voluntary payment that would increase such employer's reserve ratio to the lower limit required for such rate group 20. Under no circumstances shall voluntary payments be refunded in whole or in part.

(d) As used in this section, "negative account balance employer" means an eligible employer whose total benefits charged to such employer's account for all past years have exceeded all contributions paid by such employer for all such years.

Sec. 4. K.S.A. 1983 Supp. 44-703, 44-704 and 44-710a are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 8, 1984.

HOUSE concurred in SENATE amendments February 27, 1984.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE as amended February 21, 1984.

ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED March 5, 1984.

JOHN CARLIN
Governor.

STATE OF KANSAS

Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 5th day of March, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

KANSAS FACTS

POPULATION: The population of Kansas is 2,382,598 (as of July 1, 1982). The ten largest cities in Kansas and their populations are:

Wichita	279,835	Salina	41,843
Kansas City	161,148	Hutchinson	40,284
Topeka	115,266	Olathe	37,258
Overland Park	81,784	Leavenworth	33,656
Lawrence	52,738	Manhattan	32,644

STATE NICKNAMES: Sunflower State; Wheat State; Jayhawker State.

KANSAS SEAL AND MOTTO: The Great Seal of Kansas was adopted in May, 1861, by the legislature. The design embraces a prairie landscape with buffalo pursued by Indian hunters, a settler's cabin, a river with a steamboat and cluster of thirty-four stars surrounding the motto, "Ad Astra per Aspera" (To the stars through difficulties). The seal is encircled by the words, "Great Seal of the State of Kansas, January 29, 1861."

STATE MARCH: "The Kansas March," composed by Duff E. Middleton, was established as the official state march of Kansas in 1935 by the legislature.

STATE SONG: *Home on the Range* is the official song. It was adopted in 1947.

TIME ZONES: Most of Kansas is located in the Central Standard Time zone; a small portion of western Kansas is in the Mountain Standard Time zone.

U. S. MILITARY INSTALLATIONS: Air Force—McConnell Air Force Base, Wichita, Army—Fort Leavenworth, Fort Riley.

VOTER REQUIREMENTS: (1) United States citizen, (2) 18 years of age, (3) registered voter (registration books close 20 days prior to any election).

SESSION OF 1984

SUPPLEMENTAL NOTE ON SENATE BILL NO. 649

As Amended by Senate Committee on
Local Government

Brief of Bill*

S.B. 649 raises the compensation of members of the governing body of township fire districts organized under K.S.A. 80-1540 et seq., from not to exceed \$12 for each meeting to \$50 for each full day or not to exceed \$30 for any day where less than four hours is spent. The bill also establishes procedures to be followed by the auditing board of these fire districts and sets the compensation for the auditing board at not to exceed \$25 for each full day or not to exceed \$15 for each day where less than four hours is spent.

Background

The bill was supported by representatives of several townships in Shawnee County.

* Bill briefs are prepared by the Legislative Research Department and do not express legislative intent.

SESSION OF 1984

SUPPLEMENTAL NOTE ON SENATE BILL NO. 652

As Recommended by Senate Committee on Elections

Brief of Bill*

S.B. 652 amends K.S.A. 15-1013, 15-1017, 17-1330a, 17-1335i, 17-1343, 17-1345 and 17-1356 relating to verifications of petitions in cemetery districts. The bill provides for an enumeration to be taken by the county election officer, instead of a qualified elector, as current law provides, to verify the sufficiency of petitions to create a cemetery district, for attachment of territory to the district, withdrawal of cemeteries from the district, annexation of territory to the district, proposal to disorganize the existing cemetery, and disorganization and annexation to an adjacent or contiguous district.

Background

The bill was recommended by the Secretary of State's Office to clarify the procedure for verification of petitions. Present law provides for the enumeration for verification of petitions to be taken and verified by some qualified elector, instead of the county election officer.

* Bill briefs are prepared by the Legislative Research Department and do not express legislative intent.