

Approved

*Ivan Sand* 2/19/85  
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 FEBRUARY 18, 1985 in room 521-S of the Capitol.

All members were present except: Rep. Clinton C. Acheson, excused

Committee staff present: Mike Heim, Legislative Research Department  
Mary Hack, Revisor of Statutes Office  
Gloria M. Leonhard, Secretary to the Committee

Conferees appearing before the committee:

Representative Judy Runnels -- HB 2243  
Mr. Marvin Perkins, Topeka Township Trustee -- HB 2243  
Representative Richard Schmidt -- HB 2285  
Representative Harold Guldner -- HB 2249  
Mr. John Koepke, Kansas Assn. of School Boards -- HB 2249  
Mr. Ernest Mosher, League of Kansas Municipalities -- HB 2249  
Mr. Bill Ramsey, City of Olathe -- HB 2249  
Mr. Fred Allen, Kansas Assn. of Counties -- HB 2249  
Representative Marvin Smith -- HB 2249

Chairman Ivan Sand appointed a sub-committee made up of Representative Robert D. Miller, Chairman, Rep. Phil Kline, and Rep. Kenneth Francisco to further investigate and report back to the committee issues related to HB 2180, concerning cemetery corporations.

Chairman Sand called for hearings on the following bills:

HB 2243, concerning township fire districts; relating to the employees thereof.

An overview of the bill was provided by Staff. (See Attachment I.)

Rep. Judy Runnels, a sponsor of the bill appeared to give background and intent. Rep. Runnels explained that an identical bill had passed the House and Senate Committees last Session but had not come up for final action.

Mr. Marvin Perkins, Topeka Township Trustee, testified that the legislation is needed and urged the committee to support the bill. When questioned, Mr. Perkins explained that auditing boards differ from governing boards in that the auditing board meets at a different time than the governing board and reviews bills.

It was noted that the bill applies to all township fire districts -- not just those in Shawnee County.

The hearing on HB 2243 was closed.

HB 2285, concerning townships; relating to the sale of land owned thereby.

An overview of the bill was provided by Staff. (See Attachment II.)

Rep. Richard Schmidt, sponsor of the bill, appeared to give background and intent. Mr. Schmidt presented a letter to the committee from Mr. Isadore Dinges, resident and voter of Lookout Township, Ellis County, Kansas, requesting support for the bill. (See Attachment III.)

The 30% requirement was questioned as being high. Mr. Heim, Staff pointed out that the petition is required for disposal -- not purchase.

The hearing of HB 2285 was closed.

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 ~~a.m.~~ p.m. on FEBRUARY 18, 1985

HB 2249, relating to the issuance of certain general obligation bonds by municipalities; requiring the publication of notice and the submission to election upon the receipt of a sufficient petition prior to the issuance of certain bonds.

Mr. Mike Heim, Staff, gave an overview of the bill. (See Attachment IV.)

Rep. Harold Guldner, a sponsor of the bill, appeared to give background and intent of the bill. Rep. Guldner explained that the legislation would allow electors to file a protest petition and vote on any general obligation bond issue asked for by any municipality.

Mr. John Koepke, representing the Kansas Assn. of School Boards, appeared to express concern about the proposed legislation. Mr. Koepke explained that a school district might be subject to two elections or two protest petitions if the legislation were effected. Mr. Koepke requested that school districts be considered out of municipalities if the statute is amended.

Mr. Ernest Mosher, League of Kansas Municipalities, appeared in opposition to the bill as it is currently written. Mr. Mosher pointed out that to require an election on special assessment issues could curtail assessments for streets, sewers, drains, etc. and cause many problems for cities.

Mr. Bill Ramsey, representing the City of Olathe, appeared in opposition to the bill. Mr. Ramsey said the growth of Olathe had resulted from the use of special assessment bonds.

Mr. Fred Allen, Kansas Association of Counties, appeared in opposition to the bill. Mr. Allen said the Association's concerns are identical to those of the League of Kansas Municipalities. Mr. Allen pointed out that since sewer and water are essential for development, if a city cannot finance, the developer would have to pay and then pass the cost along at a mortgage bond rate which would be higher than a municipal bond rate.

Rep. Marvin Smith, a co-sponsor of the bill, testified he supports the intent of the bill; that he has no problem with the school board's request.

The hearing on HB 2249 was closed.

The minutes of the meeting of February 14, 1985, were approved as presented.

The meeting was adjourned.



February 18, 1985

(ATTACHMENT I)

MEMORANDUM

2/18/85

TO: House Local Government Committee Chairman  
FROM: Kansas Legislative Research Department  
RE: H.B. 2243

H.B. 2243 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 maximum amount permitted in any month is raised from \$24 to \$100. 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. The maximum amount permitted for auditing board members is \$50 per month.

MH/jar

February 15, 1985

(ATTACHMENT II)

2/18/85

MEMORANDUM

TO: House Local Government Chairman  
FROM: Kansas Legislative Research Department  
RE: H.B. 2285

H.B. 2285 amends a statute dealing with the sale of township land. K.S.A. 80-109 now requires townships to submit the question of the sale of land to township electors. The bill adds a subsection (b) which states that whenever a petition signed by 30 percent of the qualified electors is presented to the township board the question of the sale of any land shall be submitted to voters.

The bill as drafted appears to need clarification.

MH/pk

MR. CHAIRMAN AND MEMBERS OF THIS COMMITTEE:

(ATTACHMENT III)

2/18/85

MY NAME IS ISADORE DINGES, I AM A RESIDENT AND VOTER OF LOOKOUT TOWNSHIP IN ELLIS COUNTY KANSAS.

I AMONG OTHER RESIDENTS OF THE TOWNSHIP HAVE REQUESTED THAT OUR REPRESENTATIVE RICHARD SCHMIDT INTRODUCE H.B. 2285. OUR REQUEST COMES ABOUT FROM THE FOLLOWING SITUATION.

IN 1981 THE TOWNSHIP BOARD PURCHASED AN OLD SCHOOL HOUSE FROM OUR UNIFIED SCHOOL DISTRICT FOR A FEE OF \$1.00.

THE BOARD THAN PROCEEDED TO REPAIR, REMODEL AND MAINTAINING THE BUILDING BY LEVING TAXES FOR THAT PURPOSE WITHOUT FIRST SUBMITTING THE QUESTION TO THE VOTERS OF THE TOWNSHIP AS MANY OF US FEEL IS REQUIRED BY KSA 80-104.

A NUMBER OF US FROM THE TOWNSHIP APPEARED AT THE BUDGET HEARINGS IN AUGUST OF 1983 TO REQUEST NO FURTHER MONIES BE LEVIED FOR THE PURPOSE OF REMODELING, OR MAINTAINING THE BUILDING BEFORE SUBMITTING THE ISSUE TO THE VOTERS OF THE TOWNSHIP FOR THEIR APPROVAL BY AN ELECTION.

THE BOARD THAT EVENING INDICATED ADVICE WOULD BE SOUGHT ON HOW TO APPROACH AND CONDUCT SUCH AN ELECTION HOWEVER NO ACTION WAS TAKEN BY THE BOARD. IN AUGUST OF 1984 AGAIN WE ATTENDED THE NEXT FISCAL YEAR'S BUDGET HEARINGS AND AGAIN MADE THE SAME REQUEST, ONE MEMBER OF THE BOARD STATED HE HAS ALWAYS FAVORED ALLOWING THE PEOPLE TO VOTE ON THE ISSUE HOWEVER THE OTHER TWO MEMBERS OF THE BOARD STATED THEY WOULD CONSULT WITH THE COUNTY ATTORNEY. SOMETIME LATER PERHAPS TWO WEEKS LATER THE BOARD STATED THEY WERE ADVISED THAT SINCE THE BUILDING WAS ACQUIRED AS A GIFT THE BOARD HAD A RIGHT TO MAINTAIN THE BUILDING.

ELLIS COUNTY IS UNDER THE COUNTY UNIT SYSTEM, THE TOWNSHIPS LEVY NO TAXES FOR ROADS, MAINTAIN NO ROADS AND OWN NO EQUIPMENT THEREFORE THE DUTIES OF THE TOWNSHIPS BOARDS ARE VERY LIMITED.

THIS BILL WOULD ALLOW EITHER THE TOWNSHIP BOARD OR THE VOTERS OF THE TOWNSHIP TO INITIATE AN ELECTION FOR THE PURPOSE OF MAINTAINING A TOWNSHIP BUILDING.

I WISH TO THANK THE COMMITTEE FOR THEIR TIME AND HOPE FOR AN AFFIRMATIVE VOTE.

Signed *Isidore Dinges*

94; *Gratney v. Wyandotte County*, 111 K. 160, 167, 207 P. 209.

5. Levy of taxes; duty of township trustee. *Cherokee County Commissioners v. Wilson*, 109 U.S. 621, 3 S.Ct. 352, 27 L.Ed. 1053.

6. Township may maintain mandamus proceedings in its own name. *Emporia Township v. Williams*, 149 K. 860, 865, 89 P.2d 919.

**80-102. Division of funds when township divided.** Whenever any township which has no indebtedness, but which has money, either in its treasury or in course of collection, not required for the payment of current expenses, shall be divided, or any part of it attached to another township, there shall be a division of such money between the old township and the new one, or the township to which any portion of the old township shall be attached, in proportion to the taxable property remaining, and that detached.

**History:** L. 1873, ch. 154, § 1; March 20; R.S. 1923, 80-102.

**Cross References to Related Sections:**

Change of boundaries, see 19-212, ¶ 7.

Disorganization and reorganization, see ch. 80, art. 11.

**Research and Practice Aids:**

Towns=11.

C.J.S. Towns §§ 29 to 33.

**CASE ANNOTATIONS**

1. Authority of township board to levy taxes to pay judgment. *Super v. Modell Township*, 94 K. 402, 405, 146 P. 993.

**80-103.**

**History:** L. 1873, ch. 154, § 2; R.S. 1923, 80-103; Repealed, L. 1951, ch. 510, § 1; June 30.

**80-104. Buildings and sites; election; exceptions; issuance of bonds.** The township trustee, clerk and treasurer of the several organized townships in the state of Kansas, in addition to the powers that are now conferred upon them by law, shall have power to procure not to exceed three acres of land for the township, and to build thereon permanent buildings, or to purchase school building or grounds or both the building and grounds the same to be used for public purposes, such as meetings relating to township business, political gatherings, township fairs, entertainments, whether for free use or for hire and profit, at which an admission price may be charged, and such other meetings as may be authorized by the township board. Such township

officers may join with any corporation, association, society, or lodge in the construction or purchase of such building, upon such terms and conditions as may be agreed upon by such township and corporation, association, society or lodge, and in case such building is so constructed or purchased it shall be for the joint use of the township and the corporation, association, society or lodge joining in the construction or purchase thereof upon such terms and conditions as are mutually agreed upon. In no event shall said township officers proceed to procure said land or erect said buildings thereon or purchase such schoolhouse or appropriate any of the moneys of said township or levy any tax therefor without first submitting the question to a vote of the electors of said township, and said election shall be governed by and the returns thereof made in accordance with the laws governing the election of township officers. Funds authorized by such election may be used in the joint construction or purchase of a building as herein provided. The township trustee, clerk, and treasurer may procure, either by purchase or by lease, not to exceed two acres of land for the township and build thereon sheds and buildings that may be necessary for the storage and protection of tools, implements and machinery without such election, which said cost may be paid out of the general fund of the township or from the general road fund of the township, or from either or both of the said funds.

Whenever any township is authorized by virtue of an election to construct or purchase township buildings, general obligation bonds may be issued for such purpose in accordance with the provisions of the general bond law.

**History:** L. 1899, ch. 278, § 1; L. 1909, ch. 259, § 1; L. 1917, ch. 329, § 1; L. 1920, ch. 69, § 1; R.S. 1923, 80-104; L. 1929, ch. 296, § 1; L. 1945, ch. 377, § 1; L. 1947, ch. 477, § 1; L. 1979, ch. 330, § 1; July 1.

**Research and Practice Aids:**

Towns=35(1).

C.J.S. Towns § 90 et seq.

**80-105. Same; petition for election; notice.** Whenever a petition is presented to said township officers signed by one-third of the electors of said township requesting them to submit the question to a vote as to

February 15, 1985

(ATTACHMENT IV)

2/18/85

MEMORANDUM

TO: House Local Government Chairman  
FROM: Kansas Legislative Research Department  
RE: H.B. 2249

H.B. 2249 would require any municipality issuing general obligation bonds payable from special assessments to publish notice of its intent once a week for two consecutive weeks in the official newspaper if not less than 5 percent of the qualified electors protest the bond issue within 30 days of the last publication an election must be held on the issue.

MH/pk