

Approved Ivan Sand 2/21/85  
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

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

1:30 XXX a.m./p.m. on FEBRUARY 19, 1985 in room 521-S of the Capitol.

All members were present except: Representative Dorothy N. Nichols, excused  
Representative George Dean, excused  
Representative Carl Holmes, 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:

Mr. Bill Henry, Kansas Engineering Society -- New Legislation  
Mr. Darold Main, Coordinator, Intergovernmental Cooperation Council -- New Legislation  
Rep. Dale Sprague -- HB 2287  
Mr. Chris McKenzie -- HB 2287  
Rep. Joan Adam -- HB 2303  
Mr. Herbert R. Wyrick -- HB 2303

Chairman Ivan Sand called for introduction of new legislation:

Mr. Bill Henry, representing the Kansas Engineering Society, appeared and asked the Committee to consider re-introducing a bill which had been considered in the 1983 Legislative Session under number 2289, which would enact the "design professional services procurement act." Mr. Henry was accompanied by Mr. George Barbee, representing the Kansas Consulting Engineers. (See Attachment I.)

Rep. Don Rezac made a motion to introduce the proposed legislation as a Committee bill. Rep. Samuel Sifers seconded the motion. The motion carried.

Mr. Darold Main, Coordinator, Intergovernmental Cooperation Council, appeared to request new legislation, which would allow tax exempt status for public building projects. (See Attachment II.) Mr. Main was accompanied by Mr. Joe Zima, Acting County Counselor, Shawnee County.

Rep. L. V. Roper made a motion to introduce the proposed legislation as a Committee bill. Rep. Kenneth Francisco seconded the motion. The motion carried.

Chairman Sand called for hearings on the following bills:

HB 2287, concerning the issuance of no-fund warrants by municipalities; relating to the payment thereof;

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

Rep. Dale Sprague, sponsor of the bill, appeared to give background and intent of the bill. Rep. Sprague presented a letter to the Committee which had been written by Mr. Bill Goering, City Clerk, McPherson, Kansas. (See Attachment IV.)

Mr. Chris McKenzie, representing the League of Kansas Municipalities, appeared in support of the bill. Mr. McKenzie said the League believes if the legislation is good for cities of the second class, it might also be good for cities of the third class.

It was noted that the legislation would apply to emergency types of no-fund warrants.

The hearing on HB 2287 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 ~~xxx~~ p.m. on FEBRUARY 19, 1985

HB 2303, relating to recreation systems in cities and school districts; concerning tax levies therefor.

An overview of the bill was provided by Staff. (See Attachment V.)  
Rep. Joan Adam, sponsor of the bill, appeared to give background and intent. Rep. Adam noted that Line 69 of the bill allows Atchison to increase the mill levy by one. Rep. Adam introduced Mr. Herbert R. Wyrick, who testified in support of the bill. (See Attachment VI.)  
Mr. Mike Heim, Staff, noted that some of the language in the bill regarding mills is confusing; e.g. Line 66 and Line 75.

The hearing on HB 2303 was closed.

Chairman Sand called for discussion and possible action on the following bills:

HB 2179, concerning cities; relating to the appointment and removal of certain officers.

Rep. Robert D. Miller made a motion that HB 2179 be passed. Rep. Kenneth D. Francisco seconded the motion. The motion carried.

HB 2189, concerning roads and bridges in counties; relating to the special bridge fund; authorizing construction of culverts.

Rep. Kenneth D. Francisco made a motion that HB 2189 be passed. Rep. Clyde Graeber seconded the motion. The motion carried.

HB 2191, concerning improvement districts; relating to the powers and duties thereof.

One objection was noted on page 5 of the bill, regarding rental property.

Rep. Elizabeth Baker made a motion that HB 2191 be passed. Rep. Samuel Sifers seconded the motion. The motion carried.

HB 2194, concerning cities; relating to the designation of an official city newspaper.

Rep. Phil Kline made a motion that HB 2194 be passed. Rep. Clinton Acheson seconded the motion. The motion carried.

The minutes of the meeting of February 18, 1985 were approved as presented.

The meeting was adjourned.



Session of 1983

HOUSE BILL No. 2289

By Representative Kline

2-8

0045 Sec. 6. The state board of technical professions shall adopt  
 0046 any rules and regulations necessary to implement and enforce  
 0047 provisions of this act.  
 0048 Sec. 7. This act shall take effect and be in force from and after  
 0049 its publication in the statute book.

0016 AN ACT enacting the "design professional services procurement  
0017 act."

0018 *Be it enacted by the Legislature of the State of Kansas:*

0019 Section 1. This act shall be known as and may be referred to  
0020 as the "design professional services procurement act."

0021 Sec. 2. The purpose of this act is to protect the public health,  
0022 safety and welfare by prohibiting competitive bidding for con-  
0023 tracts for professional services which are licensed by the state  
0024 board of technical professions pursuant to K.S.A. 74-7001, and  
0025 amendments thereto.

0026 Sec. 3. When used in this act, "design professional service"  
0027 means any of the technical professions defined by K.S.A. 74-  
0028 7001, and amendments thereto, and which are required to be  
0029 licensed by the state board of technical professions.

0030 Sec. 4. No city, county, public utility, state agency or depart-  
0031 ment or other political subdivision of the state of Kansas shall  
0032 contract for, or engage the professional service, on the basis of  
0033 competitive bids. Any contract for a professional service shall be  
0034 selected on and awarded on the basis of demonstrated compe-  
0035 tence and qualification for such service. The contract shall be  
0036 awarded at a fair and reasonable price as long as the professional  
0037 fees are consistent with and not higher than normally accepted  
0038 practices and do not exceed the maximum provided by law.

0039 Sec. 5. Any contract entered into on or after the effective date  
0040 of this act which violates the provisions of this act shall be null  
0041 and void as contrary to public policy and shall not be given effect  
0042 or enforced by any court or any officer or employee of the state or  
0043 political subdivision thereof. Nothing in this section shall affect  
0044 any contract in existence prior to the effective date of this act.

Attachment 1

(ATTACHMENT 1)  
2/19/85

rec 2-13-85

# INTERGOVERNMENTAL

PHONE  
295-4196

# COOPERATION

**DAROLD D. MAIN**  
COORDINATOR

COUNTY COURTHOUSE  
ROOM B-25  
TOPEKA, KANSAS 66603

# COUNCIL

(ATTACHMENT II)

February 12, 1985

2/19/85

CITY OF TOPEKA • SHAWNEE COUNTY • UNIFIED SCHOOL DISTRICTS • WASHBURN UNIVERSITY

Honorable Ivan Sand  
State Representative  
Room 183-W  
State Capitol  
Topeka, Kansas 66612

Dear Chairman Sand:

Enclosed is a proposed statute amendment we would like to visit with you about at your convenience. I have visited with Mike Heim briefly about this matter and also furnished him with some background material.

With every good wish,

Darold D. Main

DDM:dr

Enclosure

cc: Vice Chairman Robert D. Miller

Kanjo  
9443875

HB 2211

5004

2/82  
22/19



*Kansas*  
DEPARTMENT OF REVENUE

State Office Building  
TOPEKA, KANSAS 66625

December 5, 1984

Mr. Harry L. Felker III  
Chairman  
Topeka Public Building Commission  
County Courthouse  
Topeka, Kansas 66603

Re: Request for Project Exemption Certificate, Shawnee County Adult Detention Facility Lateral Sanitary Sewer District Project

Dear Mr. Felker:

Your request for the above-referenced project exemption certificate dated November 20, 1984 is hereby acknowledged.

Please be advised that in order to qualify for a project exemption certificate under K.S.A. 1983 Supp. 79-3606(d), the Topeka Public Building Commission must qualify as a political subdivision. The term "political subdivision" is defined in K.S.A. 1983 Supp. 79-3602(n) as follows:

" . . . any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term shall include any housing, airport, port, metropolitan transit or similar authority established pursuant to law."

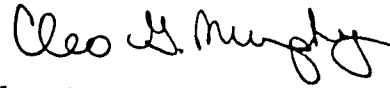
The statutes which authorized the creation of the Topeka Public Building Commission, K.S.A. 12-1757, et. seq. as amended, does not grant the Topeka Public Building Commission the authority to levy taxes on tangible property or to certify such a levy.

Based upon the above, it is the opinion of this department that the Topeka Public Building Commission does not qualify as a political subdivision. Therefore, your request for a project exemption certificate for the above-referenced project is hereby respectfully denied.

Mr. Harry L. Felker III  
Page 2  
December 5, 1984

Feel free to contact me should you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Cleo G. Murphy". The signature is written in dark ink and is positioned above the typed name.

Cleo G. Murphy, Chief  
Sales and Excise Tax Bureau

FOR THE DIRECTOR OF TAXATION

CGM:cad

# Draft

An Act relating to public building commissions, providing for powers and authority of public building commissions; amending K.S.A. 12-1760 and repealing the existing sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

Section 1. K.S.A. 12-1760 is hereby amended to read as follows:

12-1760. A public building commission authorized under this Act shall have power to do things necessary or incidental to the purpose of constructing or acquiring or enlarging, furnishing and equipping and operating and maintaining buildings to be made available for use by governmental agencies. Further, a public building commission shall be considered to be a political subdivision of the state for purposes of K.S.A. 79-3606.



February 15, 1985

(ATTACHMENT III)

2/19/85

MEMORANDUM

TO: House Local Government Chairman  
FROM: Kansas Legislative Research Department  
RE: H.B. 2287

H.B. 2287 would permit any city of the first or second class, upon request to the county treasurer, to handle the tax moneys for payment of emergency no fund warrants. Under current law this procedure is available only for certain cities of the first class.

MH/pk

# CITY OF McPHERSON • McPherson, Kansas 67460-1008

"An Equal Opportunity Employer" (ATTACHMENT IV)  
Under Commission Form of Government \* Regular Monday Morning Meetings at 8:30 O'clock  
Municipal Center \* 400 East Kansas Ave. \* P.O. Box 1008 \* Telephone 316-241-6300

Mayor — Delbert E. Crabb    Com. of Finance & Revenue — Wilbur Yoder    Com. of Street & Utilities — Cy N. Roth

2/19/85

City Clerk - 241-6300  
William J. Goering  
City Attorney - 241-0554  
Philip C. Lacey  
City Engineer - 241-2573  
Gerry A. Bley  
Fire Chief - 241-0542  
Lawrence E. Bruzda  
City Inspector - 241-4041  
Melvin Johanson  
Chief of Police - 241-2500  
W.F. Vincent  
Sanitarian - 241-6066  
Clifton F. Christensen  
Park Superintendent - 241- 3413  
Paul Katzer  
Cemetery Sexton - 241-1891  
Charles Regier

November 21, 1984

Representative Dale Sprague  
119 West First  
McPherson, Kansas 67460

Dear Dale:

This letter is a follow-up of our phone conversation concerning procedures relative to no-fund warrants. The McPherson City Commission supports a change in the statutes which is described in the following paragraphs.

K.S.A. 79-2940 describes the procedures for the collection of taxes for and the payment of no-fund warrants by the county treasurer. There is one exception to this procedure. In cities of the first class located in counties with an assessed valuation of \$150 million or more, the county treasurer distributes the tax collections to the city treasurer's bond and interest fund. The city treasurer pays for the warrants when they become due.

It seems to me that the exception could be broadened to allow more than the few cities of the first class to handle their own no-fund warrant payments. My reasons for feeling such a change is warranted are as follows:

- (1) Money collected by the county treasurer belongs to the municipality for which it is collected;
- (2) Many cities not included in the exception in K.S.A. 79-2940 have full-time, well qualified clerks, treasurers, municipal finance officers, etc. who are capable of handling such transactions;
- (3) It will be simpler and less time consuming for the municipality to maintain balances in its own treasury; (would not have to call the county treasurer who has to look it up)



November 21, 1984  
Representative Dale Sprague  
Page 2


- (4) Even a small balance generates considerable interest income, and it should belong to the city since the city generated the taxes.

The change should probably be written to make it permissible and not mandatory. Some cities may prefer not to handle their own affairs. Perhaps, the county treasurer could be required to distribute the funds upon presentation of a resolution or other written request from the city's governing body.

There may be considerations I have not thought of which make my suggestion impractical, but it appears a change could be beneficial to cities and make for efficiency in local government. Nobody should mind that.

Sincerely,

City of McPherson

  
William J. Goering  
City Clerk

WJG/fa

February 15, 1985

(ATTACHMENT V)

2/19/85

MEMORANDUM

TO: House Local Government Chairman  
FROM: Kansas Legislative Research Department  
RE: H.B. 2303

H.B. 2303 on page 2, line 69 adds the city of Atchison to those cities under current law which may levy a third mill for their recreation commission without the necessity of expanding the recreation commission as required under subsections (c) and (d).

MH/pk

2/19/85

TESTIMONY FOR HOUSE BILL NO. 2303

FROM: Herbert R. Wyrick, Superintendent  
Atchison Public Recreation Commission

February 19, 1985

House Bill 230<sup>3</sup> has been presented to request that the Atchison Recreation Commission of Atchison, Kansas be allowed to increase their mill levy from two to three mills without becoming subject to the provisions of K.S.A. Supp. 12-1908, sub-section D, relating to the increased membership of the commission.

The principle reason we are making this request is because the present statute indicates that two members of the School Board and one member of the City Commission would automatically become official voting members of the Recreation Commission. As we all well know, School Board and City Commission members are constantly involved in matters relating to their own agencies. For this reason various cities in the state of Kansas, which have increased their mill levy in accordance to this statute, have found it increasingly difficult to maintain a quorum at their Recreation Commission meetings. It has also been found that the length of these meetings has increased as much as seventy-five per cent with much less productivity than was previously realized. We feel our agency would have these same problems.

The Atchison Recreation Commission is presently composed of five well qualified individuals who were appointed to the Commission by the School Board. They are representative of the varied aspects of our community. The present members are: Robert Booe, comptroller for Midwest Solvents Companies, Mrs. Julie Kocour, physical education

instructor at Benedictine College, William Thornton, supervisor at Pillsbury Company, Charles Tuley, attorney, and Thomas Wolters, investment broker. Also, in accordance with the present by-laws of the Atchison Recreation Commission, the Superintendent of Schools and the City Manager are both ex-officio members of the Commission. Thus they are encouraged to attend the Recreation Commission meetings whenever they feel it is necessary to express the views of their agencies.

Budgetary needs are an important aspect of the Atchison Recreation Commission's request to increase their mill levy to three mills. The City of Atchison is bordered by land on three sides. The east border of the City is the Missouri River. Because of this the assessed evaluation of Atchison is lower than other cities of comparable population in the state of Kansas. In 1985 Atchison's per capita expenditure for recreation will be \$5.08. By increasing to three mills it would be approximately \$7.63.

The Atchison Recreation Commission strives to provide the best possible programming for all the citizens of Atchison. To meet the increasing needs of our community additional programming and personnel will be needed in the future. The increased revenue derived from increasing our mill levy will allow us to attain these goals.