

Approved

Ivan Sand
Date 1/23/86

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 JANUARY 21, 19 86 in room 521-S of the Capitol.

All members were present except: Rep. Phil Kline, excused

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

Conferees appearing before the committee:

Mr. John Peterson, Kansas Cemetery Assn., New Legislation
Rep. Gayle Mollenkamp, HB 2656
Rep. Robert Vancrum, HB 2656
Mr. Ernest Mosher, League of Kansas Municipalities, HB 2656
Rep. Dorothy Flottman, HB 2674
Mr. Joe Thornton, Director, Winfield Recreation Commission, HB 2674
Rep. Nancy Brown, HB 2680

Chairman, Ivan Sand, called for request for new legislation.

Mr. John Peterson, Kansas Cemetery Association, appeared and requested legislation to amend K.S.A. 16-301, et seq. The proposed legislation would allow funeral directors, etc. to advertise and sell pre-need merchandise on the same terms as cemeteries under K.S.A. 16-320, et seq.

The motion was made by Rep. George Dean to introduce the proposed legislation as a Committee bill. Rep. Robert D. Miller seconded the motion. The motion carried.

Chairman Sand called for hearings on the following bills:

HB 2656, concerning municipalities; relating to the cooperation of municipalities in the exercise of the powers thereof;

Mr. Mike Heim, Staff, gave an overview of the bill. Mr. Heim said the bill clarifies existing law and was requested by several regional planning commissions.

Rep. Gayle Mollenkamp testified in support of the bill. (See Attach. I.)

Rep. Robert Vancrum, who had chaired the interim committee that studied Proposal No. 33, relative to HB 2656, appeared and indicated support of Rep. Mollenkamp's testimony.

A committee member asked if the problem of keeping the commission from liability had been solved, and Rep. Vancrum said it had not.

Mr. Ernest Mosher, Secretary, League of Kansas Municipalities, introduced and testified that the League supports the bill and requests its passage.

Rep. Mollenkamp read an excerpt from "Minority Report, signed by Sen. Bogina" included in 1985 Interim Study, Proposal No. 33.

A committee member expressed concern that planning commissions throughout the state receive federal funds and compete with each other.

Chairman Sand said he will request an interim committee for next year to study upgrading and improving intergovernmental cooperation bills.

The hearing on HB 2656 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 JANUARY 21, 1986

HB 2674, concerning recreation commissions; relating to tax levies thereby;

Rep. Dorothy Flottman appeared to give background and intent of the bill and urged the Committee to support the bill. Rep. Flottman noted that the bill adds Winfield, Kansas in Line 71. (See Attachment II.) Rep. Flottman introduced Ms. Delcia Lungren, Winfield, Kansas, and Mr. Joe Thornton, Director, Winfield Recreation Commission, who testified in support of the bill. (See Attachment III-A.) Rep. Flottman pointed out that all but two School Bd. members support the bill; that one opposes it and one feels it needs further study. (See Attachment III-B.)

The hearing on HB 2674 was closed.

HB 2680, concerning townships; relating to tax levies for township halls;

Rep. Nancy Brown appeared to give background and intent of the bill and urged the Committee to support the bill. (See Attachment IV.) Rep. Brown said she knows of no opposition and no other support from other counties.

A committee member asked why language is stricken on Page 3 of the bill. Rep. Brown said the Revisor had suggested the removal of obsolete language.

A committee member asked if local action is necessary, after legislative action, to raise mill levies in connection HB 2680 and also HB 2674. Rep. Brown responded that legislative action would create a ceiling but that the townships would have to act.

The hearing on HB 2680 was closed.

The minutes for the meeting of January 16, 1986 were approved as presented.

The meeting was adjourned.

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

GAYLE MOLLENKAMP
 REPRESENTATIVE, 118TH DISTRICT
 LOGAN, GOVE, TREGO, GRAHAM
 AND PARTS OF NESS AND
 ROOKS COUNTIES
 HC2, BOX 5
 RUSSELL SPRINGS, KANSAS 67755

COMMITTEE ASSIGNMENTS
 MEMBER ENERGY AND NATURAL RESOURCES
 LOCAL GOVERNMENT
 PENSIONS, INVESTMENTS AND
 BENEFITS

ATTACHMENT I
1-21-86

January 21, 1986

KSA 716-KSA-724

Mr. Chairman and Members of the Local Government Committee:

HB 2656 was drafted following hearings conducted by the Federal and State Interim Committee this summer. Mr. Leroy Lyons, Executive Director of the Northwest Planning and Development Commission requested the study. The Northwest Planning and Development had just undergone a bad experience while operating a weatherization program. Employees conducting the program were charging excessive prices for materials used and also charging for materials that were not used. The State audited the program and charges were brought against these employees. The Commission would have been liable if private funds had been involved.

KSA 12-716 recognizes Planning Commissions and also spells out their structure and operations. The development of projects, administering grant funds, negotiating for industry, and other duties of the Economic Commission are not under the umbrella of the statutes as such.

The Development Commission requested to be named along with the Planning Commission in KSA-716. This drew opposition from the Greater Southwest Kansas Commission, the Chikaskia, Golden Belt, and Indian Hills Associations of Local Governments, South Central Kansas Economic Development District, the Southeast Kansas Regional Planning Commission, the Mid-America Regional Council (MARC), and the League of Kansas Municipalities. They didn't want KSA-716 amended. The Federal and State Affairs Committee voted not to amend KSA-716. The Committee concluded that the Interlocal Cooperation Act should be amended to add Economic Development activities to the other functions now listed therein to avoid any question that this activity is permitted.

I feel that this change, providing the Planning and Development Commissions reorganize under HB 2656, will give Economic Development Commission equal powers with Planning Commissions and will also be under the umbrella of the statutes in any liability cases filed against them.

Committee, I urge you to support HB 2656 and pass it out favorably.

Thank you.

Gayle Mollenkamp

Attachment I
1-21-86
Hs. Local Gov.

STATE OF KANSAS

DOROTHY H. FLOTTMAN
REPRESENTATIVE, SEVENTY-EIGHTH DISTRICT
815 EAST 9TH STREET
WINFIELD, KANSAS 67156-2941



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: COMMERCIAL AND FINANCIAL
INSTITUTIONS
ELECTIONS
PUBLIC HEALTH AND WELFARE

ATTACHMENT II
1-21-86

TO: Chairman Ivan Sand and
Members of the House Committee on Local Government

DATE: Tuesday, January 21, 1986

RE: House Bill No. 2674

Thank you Mr. Chairman and members of the committee. I am Dorothy Flottman, representative of the 78th District. I am here this afternoon to ask that you recommend House Bill No. 2674 favorable for passage.

House Bill No. 2674 would amend K.S.A. 1985 Supp. 12-1908 giving Winfield the option of levying a tax in an amount not to exceed one mill, which would be in addition to those levies already authorized. Four other cities already have this option. The addition of the name of Winfield may be found on page 2 of the bill, line 71.

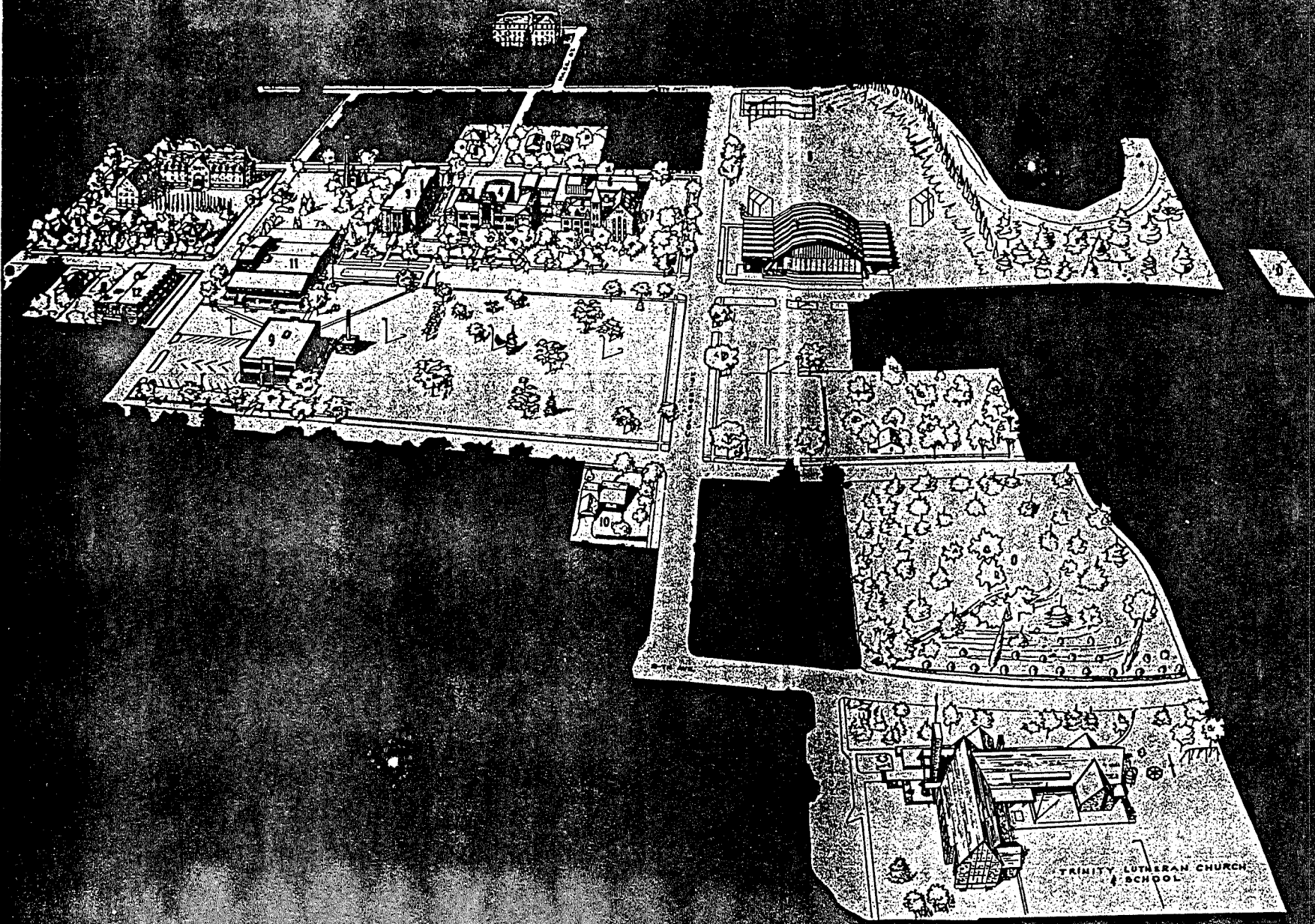
St. John's College, which has been located in Winfield for over 92 years, will close after the present semester. Although Winfield area citizens deeply regret the closure of St. John's we must, nevertheless, look ahead and plan for the future.

If the gymnasium located on the campus of St. John's College should become available after June 30, 1986, we would like to have the authority to negotiate for it's purchase. House Bill No. 2674 would give us that option. Without the bill's approval and enactment, we would not have that privilege.

House Bill No. 2674 not only has the endorsement of the Winfield Recreation Commission, but it also has the support of the Winfield City Commission. The majority of the Winfield Board of Education also support it's passage.

I appreciate your time and ask for your favorable action on House Bill No. 2674. I will be available to answer any questions the committee may have, now or after others have had the opportunity to testify.

Attachment II
1-21-86
Hs. Local Gov.



TRINITY LUTHERAN CHURCH
& SCHOOL

H.B. # 26-1

WINFIELD RECREATION COMMISSION USD #465
PROPOSED PROGRAM EXPANSION PLANS

The Recreation Commission USD #465 presently uses the multi purpose rooms at Lowell and Irving schools for square dance lessons and dances, practices for our Optimist basketball program, aerobics and in the summer these facilities are used for elementary basketball skills and baton. We use the R.E. Titus Gym for tumbling and gymnastics in the summer, adult volleyball in the spring and fall, (normally 3 nights per week), adult (some high school) basketball games and practices on Mondays and Wednesdays, Optimist basketball on Saturdays 7 & 8 grade boys and girls (non-squad members) on Saturday afternoons and adult practices on Sundays. We need to point out that schedules are exchanged and pre-planned, however, the recreation programming can be pre-empted which does happen on occasions.

We have used Whittier in the past and hope to be able to again use that facility after construction is complete in similar programs to the uses that we now make of Irving and Lowell schools.

Our problems with the present shared use of the R.E. Titus gym is that we cannot use the building until 7:30p.m. To make it possible for each of our players to play once each week we need to play 3 games per night. This means that we do not get out of the gym until (at the earliest) 10:30p.m. We have had two occasions where (because of games and matches) we aren't through until 11:30p.m. and there is a 2 hour clean up period after that. There has been one occasion where we vacated a Saturday morning program and one where we moved the program to St. John's gym because of conflicts.

I'm sure that you are aware that we do not schedule any activities on Tuesdays or Fridays because Junior Varsity games are played in the R.E. Titus gym and that participants attend those games.

We do make extensive use of the school facilities and the recreation users are appreciative because in many communities the facilities are non-existent or not available for recreation use. I give you the example of Wellington and Arkansas City which do not use school facilities and Wichita, Newton, Lawrence which use school facilities in addition to recreation facilities. There are other examples of course.

The opportunity may or may not occur where there will be a facility available for Recreation Commission use that we could possibly rent or lease (we cannot own) where many of the problems mentioned above could be solved. More importantly this facility could be used that could "solve" problems that the schools are facing because of lack of facilities and make space available for additional programming.

The middle school now practices until seven-thirty in the evening. The High School also has problems with practices in the late evening with one group traveling 16 miles in a bus to practice. The High School also uses the Middle School gym on Saturdays for some games.

posts estimates with this proposal is premature to the point that we cannot
p. an exact figure on expenditures or incomes. I outline below our preliminary
basic cost estimates so that you can have some idea of what we are considering.

Administration			
Salary	\$18,000.00		
FICA	1,260.00		
KAPERS	720.00		
BCBS	<u>1,200.00</u>		
	\$21,180.00		\$21,180.00
Supervision	\$ 5,000.00	Part Time	5,000.00
Equipment	\$ 4,000.00		4,000.00
chairs, tables, nets, balls, floorplates, desks			
Custodial	\$ 2,000.00		<u>2,000.00</u>
			\$32,180.00

The cost factors that we do not know are the rent or lease that we will pay on the facility or the increased income as a result of expanded programs. We also will be able to reduce this cost factor by the transferring supervision and custodial cost, however, what programming and these cost would be speculation now.

With these estimated expenditures and adjustments the preliminary estimate is that the cost for operating the St. John's gymnasium is \$32,180.00. Under the limits imposed by statutes that now govern our Recreation Commission we are restricted to a limit of two mills. In the 1986 Budget year our requirements used a levy of 1.66 mills. This leaves us, under present law, with .34 mills for expansion of services or approximately \$17,000.00. Using this estimate we would need an additional \$15,000.00 or .003 of a mill. This estimate does not include the unknown rent or lease factor nor does it include any income. When we can negotiate for property use these factors may be included in the projection.

The fact that this facility could be used for the Middle School or High School practices and games make the utilization of the St. John's gymnasium (if it becomes available) worth the additional cost in itself. We also feel the availability of this facility to the Community and used for such activities as youth and adult dances, open gym, fitness, jogging, volleyball, basketball, soccer, tennis, concerts, musicals, summer activities and any number of new programs and activities that the space would allow. We can visualize a new area of programming that can occur with this opportunity.

WINFIELD RECREATION COMMISSION

211 East Ninth Avenue
WINFIELD, KANSAS 67156

Phone 221-2160

JOE THORNTON, Director

ATTACHMENT III-A
1-21-86

TESTIMONY HOUSE COMMITTEE ON LOCAL GOVERNMENT

by Joe Thornton, Superintendent of Recreation

Regarding HB 2674

Concerning Recreation Commission; relating to tax levies thereby;

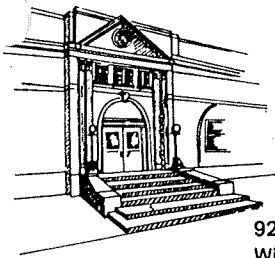
Thank you Mr. Chairman and good afternoon Members of the Committee.

The Winfield Recreation Commission USD #465 has the responsibility for providing recreation services to its patrons. We at the present operate from a leased facility for offices, meeting rooms and art. We have no gymnasium or large areas for games and activities except for the use of schools after their use for school purposes. Our total program is restricted because of lack of facilities.

Circumstances within our community have created the opportunity for our programs to expand into vacated larger facilities. Under our present financial structure our budget constraints will not permit us to utilize this opportunity. Without this inclusion in HB 2674 we would not be able to finance this needed expansion until January 1990. We are asking for this permissive legislation to join other communities listed in House Bill 2674 making it possible to expand programs and utilize existing facilities.

We are happy to report that this legislation has the support of Winfield Board of Education, The Winfield City Commission and many civic groups.

Attachment III-A
1-21-86
Hs. Local Gov.



BOARD OF EDUCATION

Winfield Unified School District 465

920 Millington
Winfield, Kansas 67156
Ph. 316 - 221-2860

William Medley
Superintendent

Kenneth C. Young
Assistant Superintendent

Chuck Wright, President
Duane Chrisler, Vice-President
Martha Butler
Ernily Frazier
Joan Kaufman
Lin Lewis
David Miles

January 17, 1986

Representative Ivan Sand, Chairman
House Committee On Local Government
State of Kansas-House of Representatives

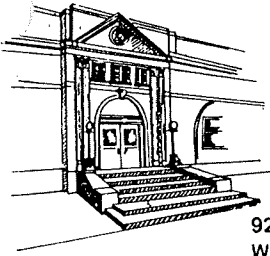
The recreation commission for the Winfield area was established by Unified School District 465 and has been operating under the provision of KSA 1985 Supp. 12-1908.

Although the authority to levy up to 2 mills has been sufficient for the general programs of the commission, it does not provide sufficient funds for redevelopment projects of property to increase or improve the programs.

As president of the Board of Education of Winfield Unified School District 465, I wholeheartedly support HB2674.

Sincerely,

Chuck Wright
President
USD 465 Board of Education



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Winfield Unified School District 465

920 Millington
Winfield, Kansas 67156
Ph. 316 - 221-2860

William Medley
Superintendent

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Emily Frazier
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Liz Lewis
David Miles

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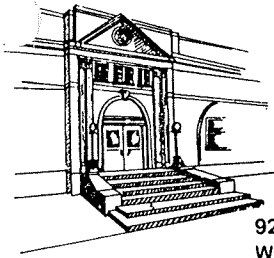
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Although the authority to levy up to 2 mills has been sufficient for the general programs of the commission, it does not provide sufficient funds for redevelopment projects of property to increase or improve the programs.

As a member of the Board of Education of Winfield Unified School District 465, I wholeheartedly support HB2674.

Sincerely,

Martha Butler
Member
USD 465 Board of Education



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Winfield Unified School District 465

920 Millington
Winfield, Kansas 67156
Ph. 316 - 221-2860

William Medley
Superintendent

Kenneth C. Young
Assistant Superintendent

Chuck Wright, President
Duane Chrisler, Vice-President
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Emily Frazier
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January 17, 1986

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State of Kansas - House of Representatives

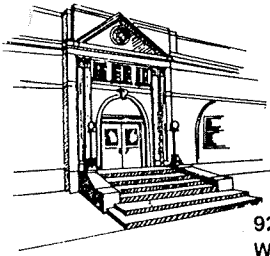
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As a member of the Board of Education of Winfield Unified School District 465, I wholeheartedly support HB2674.

Sincerely,

Ellen Lin Lewis
Member
USD 465 Board of Education



BOARD OF EDUCATION

Winfield Unified School District 465

920 Millington
Winfield, Kansas 67156
Ph. 316 - 221-2860

William Medley
Superintendent

Kenneth C. Young
Assistant Superintendent

Chuck Wright, President
Dorothy Chrisler, Vice-President
Marilyn Butler
Evelyn Frazier
Joan Kaufman
L. Lewis
D. Miles

January 17, 1986

Representative Ivan Sand, Chairman
House Committee On Local Government
State of Kansas - House of Representatives

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As a member of the Board of Education of Winfield Unified School District 465, I wholeheartedly support HB2674.

Sincerely,

Joan Kaufman
Member
USD 465 Board of Education

THE CITY OF



WINFIELD

ADMINISTRATION
Phone 316-221-3060
200 E. Ninth — P. O. Box 646
Winfield, Kansas 67156

OFFICE OF: Mayor

January 20, 1986

Representative Ivan Sand, Chairman
House Committee on Local Government
House of Representatives
State Capitol
Topeka, Kansas 66600

Dear Mr. Sand:

In behalf of the Winfield City Commission, I wish to inform you of our support for H.B. No. 2674 which will permit Unified School District No. 465, operator of the Winfield Recreation Commission, to levy an additional one mill ad valorem tax for recreation purposes.

The Winfield Recreation Commission needs the additional revenue to satisfy an existing and urgent need for expanded facilities and programs to serve its clientele. To our knowledge, there is no other alternative to action by the Legislature to provide the additional tax levy authority for the Recreation Commission to acquire increased funding.

Favorable action by the House Committee on Local Government is strongly recommended.

Very truly yours,

Lucien Barbour
Mayor

LB:ldb

ATTACHMENT III-B

Route #1 Box 192
Winfield, Ks. 67156
January 19, 1986

Representative Ivan Sand, Chairman
House Committee On Local Government
State of Kansas House of Representatives
Topeka, Kansas 66612

Dear Chairman Sand:

In reference to HB 2674 by Representative Flottman, as a member of the Board of Education of Winfield Unified School District 465, I can not support this bill.

I have read the bill, understand it and know the reason for its introduction by Representative Flottman. I have spoken with her.

Personally and as a Board Member some of my reasons are:

1. Our School District is completing an additional gym to one of our elementary schools. Completion date, May 1986. We now share gyms with the Recreation Commission and I see no reason this very adequate gym will not be made available to the Commission.
2. Money seems to be very tight in Topeka and I can attest to it being very tight at home.
3. An additional one mill levy for property development by a Recreation Commission does not stand high on my list of priorities at the present time.

Thanking you for your attention to this matter, I remain,

Sincerely yours,
Emily B. Frazier
Emily B. Frazier
Member
U.S.D. 465 Board of Education

Copies: Clint Acheson
Elizabeth Baker
Mary Jane Johnson

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: COMMUNICATIONS, COMPUTERS AND
TECHNOLOGY
GOVERNMENTAL ORGANIZATION
TRANSPORTATION

ATTACHMENT IV
1-21-86

NANCY BROWN
REPRESENTATIVE, 27TH DISTRICT
15429 OVERBROOK LANE
STANLEY, KANSAS 66224-9744

Date: January 21, 1986

To: Representative Ivan Sand, Chairman, and members of Local Government

From: Representative Nancy Brown

Re: HB 2680 - concern Townships; relating to tax levies for township halls

Mr. Chairman and members of the House Local Government Committee, thank you for letting me come and testify before you on HB 2680, concerning townships relating to tax levies for township halls.

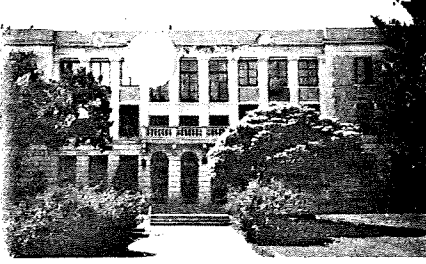
I am here wearing two hats today, first as a legislator, but also as Executive Director of the Kansas Association of Townships. The request for a change in the mill levy for township halls was made to me by Bea Coats, Edwards County Clerk, written on behalf on Wayne Township. A copy of her request is enclosed.

Please note that this request is not for a mandatory increase, it is for a specific situation. At the time of the request by Ms. Coats for the increase, I also talked with Barbara Beine in the Department of Administration who deals with townships, specifically with finances and budgets. I wanted to know if there were other changes that needed to be made. She stated that she had no specific requests at this time, but that inflation and the threat of elimination of General Revenue sharing would ultimately place a burden on township governments. It is possible that in several years it will be realized that the levy limits may be too low in many areas.

Also, for your information, the Kansas Association of Townships is in the process of completing a two year project for codification of township statutes. A booklet has been prepared and is awaiting funding for printing that includes all statutes that have the word township or townships in them. This booklet is just the first step in what we hope will be a beginning of township statute revision and update.

Thank you for your time and I will be happy to answer any questions.

Attachment IV
1-21-86
Hs. Local Gov.



EDWARDS COUNTY, KANSAS

KINSLEY, KANSAS 67547

MARJORY SCHEUFLER, BELPRE
FIRST DISTRICT COMMISSIONER

ARTHUR D. STIEBE, KINSLEY
SECOND DISTRICT COMMISSIONER

LELAND STEVENS, KINSLEY
THIRD DISTRICT COMMISSIONER

PHONE: 316-659-2583

OFFICE OF:

BEA COATS

COUNTY CLERK/ELECTION OFFICER

PHONE: 316-659-3121

November 21, 1985

Representative Nancy Brown
15429 Overbrook lane
Stanley, Ks. 66624

Dear Nancy,

I understand you're very interested in legislation concerning townships. Wayne Township in Edwards County includes a third class city, Lewis. They have a township hall in Lewis is well used by the community.

As I'm sure you know, K.S.A. 80-115 authorizes a levy of 1.00 mill, not to exceed \$2,000. The \$2,000 limit is very unrealistic as no one can maintain a hall with that amount, much less make any improvements. An increase to 1.50 mill with no monetary limit would be sufficient in this instance, and probably in most.

I would appreciate it if you would look into this issue and consider introducing legislation to correct the problem. If I can be of assistance, please let me know.

Thanks for your attention.

Very truly yours,

Bea Coats

Bea Coats
Edwards County Clerk