

Approved Ivan Sand 2/18/86
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 17, 1986 in room 521-S of the Capitol.

All members were present except: Rep. George Dean, excused
Rep. Martha Jenkins, excused
Rep. Clyde Graeber, excused
Rep. Mary Jane Johnson, excused

Committee staff present: Mr. Mike Heim, Legislative Research Department
Ms. Theresa Kiernan, Revisor of Statutes Office
Gloria M. Leonhard, Committee Secretary

Conferees appearing before the committee:

Rep. Dale Sprague, HB 2833
Rep. Harold Guldner, HB 2817
Ms. Willie Martin, Sedgwick Co., HB 2817
Ms. Beverly Bradley, Kansas Assn. of Counties,
HB 2817
Ms. Marjorie Van Buren, Office of Judicial Admin.,
HB 2817
Mr. Jerry Sloan, Fiscal Officer, Office of
Judicial Admin., HB 2817
Mr. Mike Heim, Staff, HB 2841
Rep. Kenneth D. Francisco, New Legislation

Chairman Sand called for hearings on the following bills:

HB 2833, amending the public wholesale water supply district act; concerning the governing body of such districts;

Rep. Dale Sprague, who had requested HB 2833, gave background and intent of the legislation and urged the committee to support the bill. Rep. Sprague requested a committee amendment which would change five members of a board to three. (See Attachment I.)

Rep. LeRoy Fry made a motion to amend HB 2833 by striking the word "five" and inserting the word "three" in Line 28.

The hearing on HB 2833 was closed.

HB 2817, concerning district courts; relating to payment of certain expenses thereof;

Rep. Harold Guldner, sponsor of HB 2817, gave background of the bill, requested the committee's support, and introduced Mr. Chip Wheelen, Kansas Legislative Policy Group, who further explained the intent of HB 2817 and urged the committee to report HB 2817 favorable for passage. (See Attach. II.)

Ms. Willie Martin, representing Sedgwick County, said she concurs with the provisions of HB 2817 and requested the committee to support HB 2817 favorably. (See Attachment III.)

Ms. Beverly Bradley, representing Kansas Assn. of Counties, requested the committee to support HB 2817. (See Attachment IV.)

Ms. Marjorie Van Buren, Office of Judicial Administration, said the Office of Judicial Administration supports in principle the funding of the operating expenses of the district courts by the states. (See Attachment V.)

Ms. Van Buren introduced Mr. Jerry Sloan, Fiscal Officer, who said he believes all expenses, except for the remodeling of the building, would be included under HB 2817.

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 17, 1986.

A committee member asked what channel would be appropriate for reimbursing counties. Ms. Van Buren said it would be appropriate to give this authority to the Office of the Judicial Administrator of the Supreme Court.

A committee member noted that unusual cases sometimes create unforeseen costs for trials, etc.

It was noted that the authority for limiting expenses lies with the County Commissioners.

A committee member asked what would be the cost of putting all district courts on the KANS-A-N system. Ms. Van Buren said those figures would be available and furnished to the committee next week.

The hearing on HB 2817 was closed.

HB 2841, relating to countywide law enforcement in certain counties; concerning the cost of medical care and treatment of prisoners;

Rep. Ivan Sand said HB 2841 affects only Riley County and asked Mr. Mike Heim, Staff, to further explain the bill. Mr. Heim said the bill amends a Riley county consolidated law enforcement statute and sets out a qualification that prisoners must have no resources before the county would pay costs for medical treatment.

A committee member asked how a prisoner's net worth is immediately determined.

The hearing on HB 2841 was closed.

Chairman Sand called for action on the following bills:

HB 2833, amending the public wholesale water supply district act; concerning the governing body of such districts;

Rep. Kenneth D. Francisco made a motion that HB 2833 be passed as amended. Rep. Roper seconded the motion. The motion carried.

HB 2841, relating to countywide law enforcement in certain counties; concerning the cost of medical care and treatment of prisoners;

Rep. Robert D. Miller made a motion that HB 2841 be passed. Rep. Dorothy Nichols seconded the motion. The motion carried.

The minutes for the meetings of February 11, 12, and 13, 1986, were approved as presented.

Chairman Sand called for the introduction of new legislation.

Rep. Kenneth D. Francisco requested legislation which would require county treasurers to apportion revenues received from a countywide retailers' sales tax among the county and each city located in such county within two days of receipt from the state treasurer. (See Attachment VI.)

Rep. Kenneth D. Francisco made a motion to introduce the proposed legislation as a committee bill. Rep. Burt DeBaun seconded the motion. The motion carried.

A committee member requested that statistics on distribution time for the above-described revenues be obtained.

The meeting was adjourned.

STATE OF KANSAS



TOPEKA

HOUSE OF REPRESENTATIVES

DALE M. SPRAGUE

REPRESENTATIVE, SEVENTY-THIRD DISTRICT
MCPHERSON COUNTY
P O BOX 119
MCPHERSON, KANSAS 67460
(316) 241-7112

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN: INSURANCE
MEMBER: FEDERAL AND STATE AFFAIRS
GOVERNMENTAL ORGANIZATION

STATE CAPITOL
ROOM 112-S
TOPEKA, KANSAS 66612
(913) 296-7682

TO: House Local Government Committee
RE: H.B. 2833
DATE: February 15, 1986

BACKGROUND INFORMATION

Fourteen cities located in the central corridor in the State of Kansas have demonstrated an interest in developing a plan to serve the future water needs of their citizens. These cities have informally organized an entity entitled as Central Kansas Wholesale Water Supply District and have elected certain of their members to a Steering Committee. The member cities are:

Abilene	Moundridge
Bel Aire	Newton
Halstead	Park City
Hesston	Salina
Hutchinson	Sedgwick
Lindsborg	Valley Center
McPherson	Wichita

A map indicating the location of each of the member cities is attached hereto.

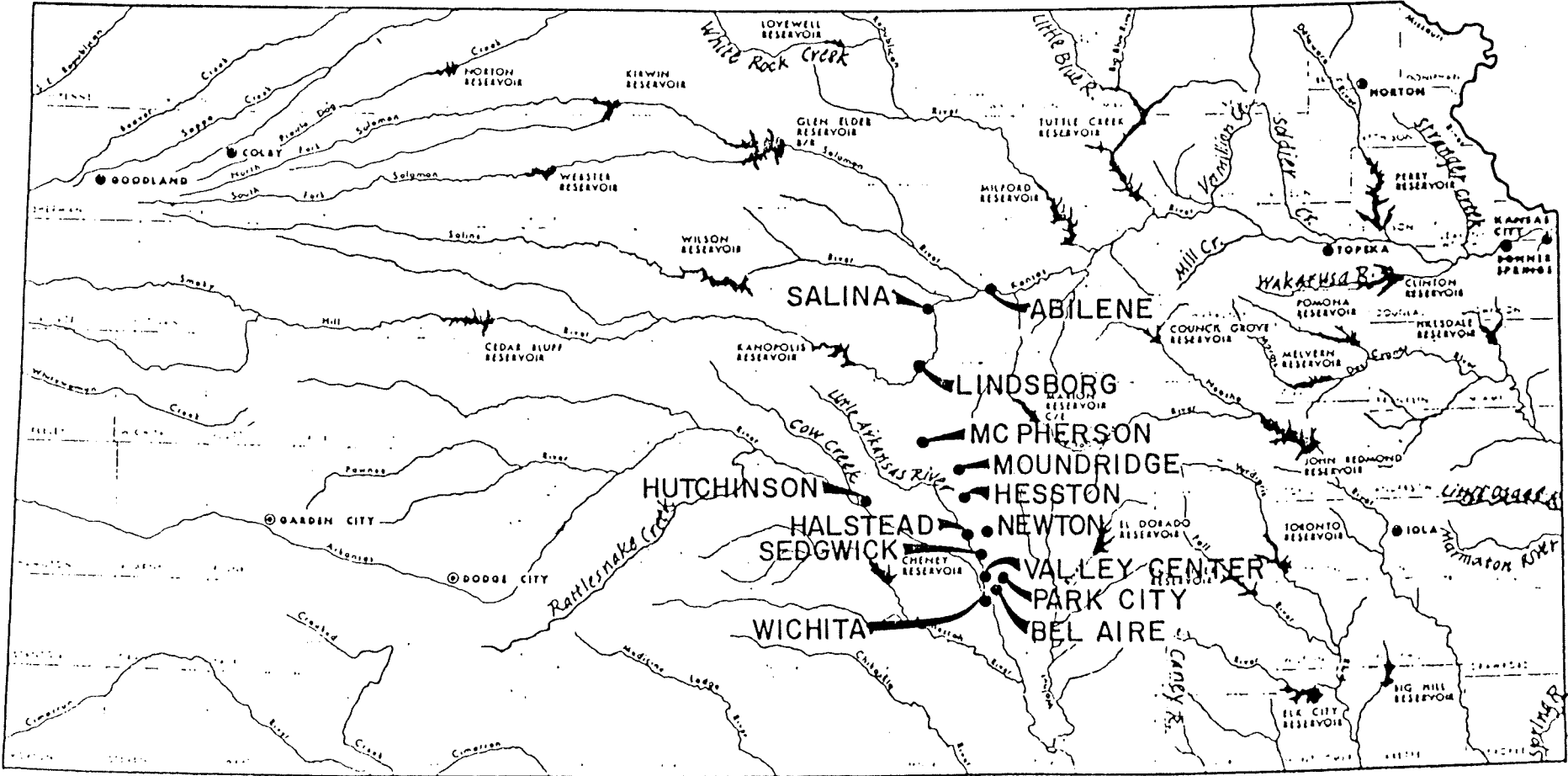
The member cities, through the Steering Committee, are charged with the responsibility of arranging for the creation of an appropriate formal legal entity to serve the needs of the members and to commence preliminary studies concerning the development of future water supply to serve the member cities.

PURPOSE OF H.B. 2833

The purpose of H.B. 2833 is to make a technical amendment to the currently existing Kansas Public Wholesale Water Supply District Act (K.S.A. 19-3545 et seq). The proposed amendment in H.B. 2833 would provide the member cities greater flexibility in organizing a Public Wholesale Water Supply District under the Act.

A Committee Amendment from a minimum five members of a Board to three is requested in order to accomodate present organizations of other Public Wholesale Water Supply Districts.

ATTACHMENT I
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ATTACHMENT A



Kansas Legislative Policy Group

301 Capitol Tower, 400 West Eighth, Topeka, Kansas 66603, 913-233-2227

TIMOTHY N. HAGEMANN, Executive Director

February 17, 1986

TESTIMONY TO HOUSE LOCAL GOVERNMENT COMMITTEE

House Bill 2817

Mr. Chairman and members of the Committee, I am Chip Wheelen of Pete McGill and Associates. We represent the Kansas Legislative Policy Group which is an organization of county commissioners from primarily rural areas of the State. We appear today in support of the provisions of House Bill 2817.

Some of you may recall that in 1973 the Judicial Study Advisory Committee recommended unification of the courts system and state funding of all district court operating expenditures except facilities. Then in 1977 the county and limited jurisdiction courts were consolidated and the Unified Judicial Branch was created.

During a phase-in period from fiscal years 1977 through 1982, the State gradually assumed funding of district court salaries. In addition, the State pays for the judicial education program. The counties continue to afford the majority of district court non-salary operating expenses as well as costs associated with providing facilities for the district courts.

During the 1984 Interim, the Special Committee on Ways and Means studied financing of the judicial system and considered the feasibility of increased state support of district court operations (proposal 48). The Committee's report cited a figure of \$7.3 million expended by counties during fiscal 1983 for non-salary costs of the courts. The reliability of that amount was, however, questioned.

The interim committee concluded that "the quality of data available about the district court operating expenditures does not permit determination of the actual cost of state assumption of those expenditures." For that reason and because of the State's fiscal situation at that time, the Committee did "not recommend immediate state assumption of additional district court operating expenditures."

The interim committee did, however, recommend "that the state consider assumption of additional district court costs now paid by the counties, except facilities, when a uniform accounting and reporting system is perfected that accurately identifies the costs of operating the district courts." We respectfully submit that the best way to accomplish this accuracy is to have the district courts submit budget requests in the same manner that other agencies of all three branches of state government do.

House Bill 2817 would not impose an additional burden on the state general fund until fiscal year 1989. We are optimistic that by that time, the general fund's ending balance will be adequate to afford the costs of the State's court system.

While some may perceive the fiscal impact of this legislation as a negative feature, there is another way of looking at the issue. State fiscal year 1989 begins exactly six months prior to the date when reappraised values of real estate will be listed on the tax rolls. The added cost to the State will result in indirect property tax relief just in time to moderate the impact of reappraisal.

Thank you for your time and consideration. We respectfully urge you to report HB 2817 favorable for passage.

I. SUMMARY OF RECOMMENDATIONS

The following is the report of the Judicial Council Court Unification Advisory Committee. The Committee is a Committee of the Judicial Council which was created as a result of the request by the Legislative Coordinating Council to review court unification including its fiscal and budgeting impact on the counties.

The Committee has met a number of times, performed research, analyzed materials, interviewed persons, and concluded that court unification has had many positive results. The Committee has also concluded that many of the recommendations of the Judicial Study Advisory Committee have been implemented with the principal exceptions being in the areas of state finance, municipal courts, judicial compensation and state-wide merit selection procedure.

In the report the Committee discusses its inability to obtain accurate figures relating to the cost of operation of the Kansas court system and the ramifications thereof. The Committee makes the following recommendations:

1. Court Finance

- a. The accurate combined costs (county and state) of funding the Unified Court be obtained as soon as possible.
- b. The state assume all costs, except facilities, of the Kansas Unified Court System, when feasible.
- c. Until the state assumes all costs, items which affect the administration of justice, except facilities, be exempted from the "tax lid".

ATTACHMENT III
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Kansas Association of Counties

Serving Kansas Counties

Suite D, 112 West Seventh Street, Topeka, Kansas 66603

Phone 913 233-2271

February 17, 1986

To: Representative Ivan Sand
Members of the House Local Government Committee

From: Beverly Bradley, Legislative Coordinator
Kansas Association of Counties

Re: HB 2817

I appear before you today to request your support of HB 2817. Eventhough courts are virtually all State controlled, counties are still paying a great amount of the costs. We believe courts are a "people service" and should be financed by other means than property tax which is the major source of funding for counties.

I would ask for your support for HB 2817.

ATTACHMENT IV
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State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612

(913) 296-2256

House Local Government Committee
February 17, 1986

Testimony on HB 2817
by Marjorie J. Van Buren
Executive Assistant to the Judicial Administrator

The Office of Judicial Administration supports in principle the funding of the operating expenses of the district courts by the state. Recognizing that this is a period of limited resources for both state and counties, we would suggest beginning with reimbursement of the counties for specific, discrete costs, which could be estimated fairly accurately on a statewide basis, even though they might vary considerably at the county level. If the committee is inclined to give favorable consideration to this bill, we would suggest beginning with juror fees and telephone costs. In each of these categories, we would recommend that a fund be established from which the Office of Judicial Administration could reimburse the counties for expenditures on a monthly basis. In the case of telephone costs, we strongly urge that the district courts be brought on the KANS-A-N system.

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HOUSE BILL NO. _____

By Committee on Local Government

AN ACT concerning the countywide retailers' sales tax; relating to the apportionment thereof; amending K.S.A. 1985 Supp. 12-192 and repealing the existing section.

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

Section 1. K.S.A. 1985 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Within two days, excluding weekends and holidays, of receipt from the state treasurer, all revenue received by any county treasurer from a countywide retailers' sales tax shall be apportioned by the county treasurer among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the county treasurer shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) except as provided by paragraph (3), 1/2 of all revenue received by the county treasurer from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county, or (3) one-half of all revenue received by the county treasurer of Geary county from countywide retailers' sales taxes

ATTACHMENT III

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levied in any year shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county less the population residing on a military reservation bears to the total population of the county less the population residing on a military reservation, and second to the cities in the proportion that the population of each city bears to the total population of the county less the population residing on a military reservation. All revenue retained by the county shall be paid into the general fund of the county.

(b) For purposes of subsection (a), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(c) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax shall be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax, except when the county which does not levy a countywide sales tax has within its bounds a portion of the Fort Riley military reservation, the city in the county which levies the tax shall be exempt from this requirement. In every other case, all revenue received by a city from the proceeds of a city or countywide retailers' sales tax shall be deposited in the

general fund of such taxing subdivision.

(d) Prior to March 1 of each year, the director of taxation shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

Sec. 2. K.S.A. 1985 Supp. 12-192 is hereby repealed.

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