

Approved Ivan Sand Date 2/27/86

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 24, 1986 in room 521-S of the Capitol.

All members were present except: Rep. George Dean, excused

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

Conferees appearing before the committee:

Rep. Harold Guldner, New Legislation
Ms. Mary Hack, Staff, New Legislation
Rep. Elizabeth Baker, New Legislation
Rep. Arthur Douville, New Legislation
Rep. Kenneth D. Francisco, New Legislation
Mr. Mike Heim, Staff, HB's 2725, 2726 & 2839

Chairman Sand called for introduction of new legislation.

Rep. Harold Guldner requested an amendment to the county hospital law which would allow county commissioners to issue no-fund warrants for county hospitals in the same manner as hospital boards in township hospitals. (See Attachment I.)

Rep. Phil Kline made a motion to introduce the legislation as a committee bill and request that the bill be referred back to the Local Government Committee. Rep. Clinton Acheson seconded the motion. The motion carried.

Ms. Mary Hack, Staff, explained a request made by Mr. Duane Johnson, State Librarian, which would allow libraries to establish a special accruing fund not to exceed 10% of the general budget. (See Attachment II -- 5RS 2542.)

Rep. Arthur Douville made a motion to introduce the legislation as a committee bill. Rep. Dorothy Nichols seconded the motion. The motion carried.

Ms. Mary Hack, Staff, explained a request by Rep. Keith Roe, regarding the issuance of bonds for county road construction and repair, limited to Jewel County, Kansas. (See Attachment III -- 5RS 2445.)

Rep. L. V. Roper made a motion to introduce the proposed legislation as a committee bill. Rep. Dorothy Nichols seconded the motion. The motion carried.

Rep. Elizabeth Baker requested a bill limited to Derby, Kansas, concerning libraries, relating to taxing districts. (See Attachment IV -- 5RS 2243.)

Rep. Samuel Sifers made a motion to introduce the proposed legislation as a committee bill. Rep. Clinton Acheson seconded the motion. The motion carried.

Rep. Arthur Douville requested legislation regarding a comprehensive elevator inspection law. Rep. Douville made a conceptual motion to introduce the proposal as a committee bill. Rep. Dorothy Nichols seconded the motion. The motion carried.

Rep. Kenneth D. Francisco requested legislation regarding county road maintenance, on which he has been in contact with the Revisor.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~am~~ p.m. on FEBRUARY 24, 1986

Rep. Kenneth Francisco made a conceptual motion to introduce the proposal as a committee bill. Rep. L. V. Roper seconded the motion. The motion carried.

Chairman Sand reviewed some of the recent developments regarding the annexation issue. Rep. Sand said that he would request a conference committee be appointed, including himself, Rep. R. D. Miller, and Rep. Mary Jane Johnson, to study a new version of Annexation Bill No. 2117.

Chairman Sand called for committee discussion on HB 2725 and HB 2726.

Mr. Mike Heim, Staff, read a letter from Soldier Township Fire Chief, Richard Maginot, proposing language in HB 2725 and HB 2726, which would be acceptable both to the township and the Kansas Highway Patrol. (See Attachment V.)

Several committee members indicated their desire to further clarify the bills with the bill sponsors.

The discussion of HB 2725 and HB 2726 was closed.

Chairman Sand called for possible action on HB 2839.

HB 2839, concerning bonds; relating to nonlitigation certificates.

Mr. Mike Heim, Staff, reviewed a letter, dated February 19, 1986, by Assistant Attorney General, Mary F. Carson and explained proposed amendments. (See Attachment VI.)

Rep. LeRoy Fry made a motion that the amendments suggested by the Assistant Attorney General be accepted and incorporated into HB 2839. Rep. Clinton Acheson seconded the motion to amend. The motion carried.

Rep. Phil Kline made a motion that HB 2839 be passed as amended. Rep. Dorothy Nichols seconded the motion. The motion carried.

The meeting was adjourned.

OFFICE OF THE
HAMILTON COUNTY ATTORNEY
JOHN R. STANLEY

P.O. BOX 870
301 NORTH MAIN
SYRACUSE, KANSAS 67878
(316) 384-5112

February 18, 1986

Mr. Harold Guldner
Kansas Legislature
State Office Building
Topeka, KS 66604

Re: Local no-fund warrants procedure
for County Hospitals

Dear Harold:

As you recall, I visited with you a couple months ago about an amendment to the County Hospital law which would allow county commissioners to issue no-fund warrants in the same manner as hospital boards in township hospitals. The Board of Hamilton County Commissioners has directed me to write you on their behalf and request new enabling legislation in this regard.

I realize that the individual bill deadline has probably come and gone, however I trust that there is still time for a "committee bill". I am enclosing a rough, proposed amendment. The language is taken from K.S.A. 80-2519 (district hospitals). Frankly, if district hospitals are authorized to issue no-fund warrants, then I would think county hospitals should likewise have this authority. I might also point out that the definition of "hospital monies" contained in K.S.A. 19-4601 might also need amended.

As you are aware, Hamilton County Hospital went before the State Board of Tax Appeals for the purpose of no-fund warrants last year. If the hospital is to continue in existence, no-fund warrants will again be necessary this year. The proposed procedure merely localizes the issuance process. You will note that there is a standard protest petition procedure safeguard.

Please forward a copy of this letter and the enclosure to the appropriate revisor. If you or the revisor should have any questions, please do not hesitate to let me know.

ATTACHMENT I

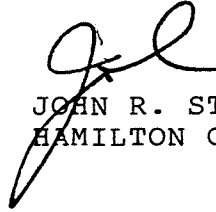
2/24/86

Hs. Local Gov.

Mr. Harold Guldner
February 18, 1986
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Also, if you anticipate any problems with this bill, I would be more than happy to testify on its behalf. Please let me know when the bill will be heard.

Very truly yours



JOHN R. STANLEY
HAMILTON COUNTY ATTORNEY

JRS:bh
Enc.
cc: Board of County Commissioners
c/o Hamilton County Clerk
Syracuse, KS 67878

To Y Mary Clark
Harold Guldner Request
for new legislation

New Section to amend the ~~new~~ County
Hospital Law.

80-2519

Procedure; election; limitation. (a) During any budget year, the board of any hospital is hereby authorized to issue no-fund warrants for the purpose of raising money for financing any insufficiency in the operation and maintenance budget of the hospital during such year and is hereby authorized to expend such money for such purposes. In no case shall the amount of no-fund warrants issued under this section exceed the amount deemed necessary for such purposes. Warrants issued under this section shall be issued, registered, redeemed and shall bear interest in the manner and be in the form prescribed by K.S.A. 79-2940 and amendments thereto.

Commission

Prior to the issuance of any no-fund warrants under the authority of this section, the board shall cause to be published once in a newspaper of general circulation within the taxing district of the hospital a notice of the intention of the board to issue such no-fund warrants. If within 60 days after the publication of such notice, a petition requesting an election on the question of the issuance of the no-fund warrants signed by not less than 5% of the qualified electors residing within the taxing district is filed with the county election officer of the county in which the greater portion of the taxing district of the hospital is located, the board shall be required to submit the question of the issuance of such no-fund warrants at an election held under the provisions of the general bond law.

Commission

Commission

(b) Whenever no-fund warrants are issued under the authority of this section, the board each year shall make a tax levy, in addition to the tax levy authorized under K.S.A. 80-2516, sufficient to pay not less than 25% of the total amount of the warrants issued under this section and the interest thereon until all of the warrants and the interest thereon has been paid. If there is money available from the operation of the hospital over and above the amount needed for the adopted budget, such money shall be used to pay for such warrants and the interest thereon, and the tax levy shall be only the difference, if any, between the money available to pay for such warrants and the interest thereon each year and the amount of the warrants and interest thereon to be paid each year.

History: L. 1984, ch. 374, § 19; July 1.

HOUSE BILL NO. _____

By Committee on Local Government

AN ACT concerning libraries; establishing a special accruing fund.

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

Section 1. The library board of any public library is hereby authorized to direct a transfer annually from the general operating fund of such library not to exceed 10% of the amount of money credited to such fund to a special accruing fund. All money credited to such special fund shall be used by the library board for the purpose of improving, furnishing, equipping, remodeling or making additions to the library. Such fund shall not be subject to the provisions of K.S.A. 79-2925 to 79-2937 and amendments thereto. If the library board determines that money which has been transferred to such special fund or any part thereof is not needed for the purpose for which transferred, the library board is hereby authorized to direct a retransfer of such amount not needed to the general operating fund and such retransfer and expenditure thereof shall be subject to the provisions of K.S.A. 79-2925 to 79-2937 and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

ATTACHMENT II

2/24/86

Hs. Local Gov.

HOUSE BILL NO. _____

By Committee on Local Government

AN ACT concerning counties; relating to the issuance of bonds for road construction and repair; amending K.S.A. 68-1103 and repealing the existing section.

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

Section 1. K.S.A. 68-1103 is hereby amended to read as follows: 68-1103. (a) Whenever the board of county commissioners of any county shall determine that it is necessary to build or repair any bridge or culvert, the county's share of the cost of which shall be less than the sum of ~~one--hundred--sixty--thousand dollars--(\$160,000)~~ \$160,000, the board shall appropriate an amount equal to its share and shall immediately make all contracts for labor, material and all other expense necessary for the construction or repair of such work in the manner provided by law or shall make and let a contract for the construction or the repair thereof, but the amount appropriated shall not exceed the county engineer's estimated cost to the county for said the work.

In any county having a population of more than ~~twenty-five thousand--(25,000)~~ 25,000 and containing two ~~(2)~~ or more cities of the second class, the board of county commissioners shall determine the necessity of building or repairing any bridge or bridges; shall pass a resolution declaring that such a necessity exists and shall immediately build such bridge or bridges at a cost to be determined by the county engineer's estimate of not to exceed ~~fifty-thousand-dollars--(\$50,000)~~ \$50,000 per bridge and appropriate money therefor. The levy for such purpose shall not exceed two ~~(2)~~ mills upon the assessed valuation of the county.

(b) In any such county or counties where there has been constructed prior to the passage of this act or shall be hereafter constructed any bridge or bridges which shall have been

*ATTACHMENT III
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destroyed or rendered impassable, or shall be hereafter destroyed or rendered impassable by flood, high water, fire or other casualty, or where there is any bridge or bridges condemned by the board of county commissioners and the county engineer as unsafe and inadequate to meet the demands of present day traffic and said the bridge or bridges are more than ~~thirty-(30)~~ 30 years old, then such board of county commissioners may immediately thereafter repair and reconstruct such bridge or bridges; may adopt a resolution finding and determining a necessity for such repair or reconstruction and may at once proceed to repair or rebuild the same at a cost to be determined by the county engineer's estimate not exceeding ~~one--hundred--sixty--thousand dollars--(\$160,000)~~ \$160,000 per bridge and shall appropriate a sufficient amount of money therefor, or if there be not a sufficient amount of money therefor in the proper funds of the county, such board is hereby authorized and empowered to issue bonds or warrants of said the county to pay the costs for the work herein provided for. Any bonds issued under the authority of the foregoing provision of this section shall not be subject to any limitation on the bonded indebtedness of said the county. In Jewell county, bonds also may be issued for the construction and repair of roads in accordance with the provisions of this subsection.

(c) Such board is hereby authorized and empowered to levy and collect taxes for the purpose herein named or for the purpose of retiring any warrants that have been issued, which shall not exceed two ~~(2)~~ mills upon the assessed valuation of the county.

(d) Under the provisions of this section those bridges which are situated across any stream on any county road are hereby declared to have a preference over the bridges on other roads and shall be repaired and reconstructed before any other bridges are repaired and reconstructed.

Sec. 2. K.S.A. 68-1103 is hereby repealed.

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

Elizabeth Baker

HOUSE BILL NO. _____

By Committee on Local Government

AN ACT concerning libraries; relating to taxing districts thereof; amending K.S.A. 12-1220 and K.S.A. 1985 Supp. 12-1222 and repealing the existing sections.

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

New Section 1. Whenever the library board of the city of Derby determines that the area in which the services of such library are provided is coterminous with the boundaries of unified school district No. 260, the library board may petition the governing body of the city and the board of education of such school district to request that a taxing district for the purpose of providing financing for such services be established with boundaries that are coterminous with the boundaries of unified school district No. 260 except that such taxing district shall not include any portion of the school district which lies within the corporate limits of any other city. If the governing body of the city and the board of education of the school district approve the same a copy of such petition shall be published once a week for two consecutive weeks in a newspaper having general circulation in the county where such school district is located. If within 30 days following the date of the last such publication, a petition in opposition to establishing such taxing district signed by at least 10% of the qualified electors residing within the proposed district but outside the corporate limits of Derby is filed with the county election officer, such taxing district shall not be established unless approved by a majority of the qualified electors of the proposed district voting at a special election called and held in the manner provided by the general bond law. If the governing body of the city and the board of education of the school district approve

*ATTACHMENT IV
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the same, the city clerk shall call such election. If no sufficient petition is filed, such taxing district shall be established as requested.

Sec. 2. K.S.A. 12-1220 is hereby amended to read as follows: 12-1220. (a) The governing body of any municipality may by resolution, and shall, upon presentation of a petition signed by ~~ten-percent-(10%)~~ 10% of the qualified electors of such municipality determined upon the basis of the total vote cast for the secretary of state at the last preceding general election, cause to be submitted to the voters of such municipality at the first local or general election thereafter, or if the petition so requires, at a special election called for that purpose, the question of the establishment and maintenance of a library by such municipality. If a majority of the votes cast at such election on such proposition shall be in the affirmative, the governing body shall forthwith establish such library and is hereby authorized to and shall annually levy a tax for the maintenance of such library in such sum as the library board shall determine within the limitations fixed by law and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.

(b) Such tax shall be levied and collected in like manner as other taxes of the municipality and, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, shall be kept in a separate fund to be known as the library fund of such municipality. If the territory of the municipality includes another municipality which is then maintaining a library, the proposition to establish a library by the larger municipality shall not be voted upon by the residents of the included municipality, nor shall a levy to establish or maintain such library be assessed against property therein, unless the library board and governing body of the included municipality shall give notice in writing that they

desire to participate in the library to be established and to pay the tax for the establishment and maintenance thereof as other parts of the municipality establishing such library.

(c) If a taxing district is established pursuant to section 1 for the library of the city of Derby, the governing body of such city shall annually levy a tax upon all taxable tangible property in such district for the maintenance of the library. Such tax levy shall be in such amount as the library board shall determine and certify to the governing body of the city within the limitations prescribed by law. Whenever the library board of such library shall adopt a resolution requesting that the governing body of the city issue general obligation bonds, in an amount specified in such resolution, for the construction and equipping of a building for the use of such library, including the acquisition of any necessary site therefor, such governing body is hereby authorized to issue such bonds in the amount specified and to levy an annual tax upon all taxable tangible property in the taxing district in an amount and for such period of years as may be necessary to pay the principal and interest upon such bonds. Such bonds shall be issued for such period of years as may be necessary to insure that the annual tax levy for the payment of principal and interest thereon shall not in any year exceed the difference between the amount of taxes actually levied by the city for the maintenance of such library and the maximum amount authorized by law to be levied by the city for such purpose. All such bonds shall be issued, registered and retired in the manner prescribed by the general bond law. Bonds issued under the authority of this section shall not be subject to nor included in computing the bonded indebtedness of the city.

Sec. 3. K.S.A. 1985 Supp. 12-1222 is hereby amended to read as follows: 12-1222. (a) Upon the establishment of a library under this act the official head of a municipality shall appoint, with the approval of the governing body, a library board for such library. In the case of a county, except for Johnson county, or township library five members shall be appointed, one for a term

expiring the first April 30 following date of appointment, one for a term expiring the second April 30, following date of appointment, one for a term expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment. Except as otherwise provided in subsection (e), in the case of a city library seven members shall be appointed, one for a term expiring the first April 30 following date of appointment, two for terms expiring the second April 30 following date of appointment, two for terms expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment. In any city having a population of more than 250,000, the governing body of such city may, as an alternative to the membership hereinabove provided for, appoint ten members to the city library board, which members shall, when first appointed, begin serving on May 1, 1975, and shall have terms as follows: Six of such members first appointed shall serve for terms of four years and four of such members first appointed shall serve for terms of two years; thereafter, upon the expiration of the terms, successors shall be appointed in each odd-numbered year to fill the vacancies created, and thereafter each member shall serve for a term of four years. In addition to the appointed members of the board the official head of the municipality shall be ex officio a member of the library board with the same powers as appointed members, but no person holding any office in the municipality shall be appointed a member while holding such office.

(b) Seven members shall be appointed to the Johnson county library board. Such members, when first appointed, shall begin serving on May 1, 1985, and shall have terms as follows: One for a term expiring the first April 30 following date of appointment, two for terms expiring the second April 30 following date of appointment, two for terms expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment.

(c) Upon the expiration of the terms of members first

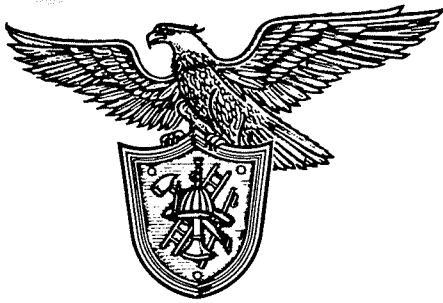
appointed succeeding members shall be appointed in like manner for terms of four years. Members of library boards holding office at the effective date of this act shall continue to hold their offices until April 30 following the expiration of the terms for which appointed, and on or before May 1 following the first expiration of a term a sufficient number shall be appointed by the official head of the municipality with the approval of the governing body for terms of four years to constitute a library board of the number of members prescribed by this act.

(d) Except as provided in subsection (e), all members appointed to a library board shall be residents of the municipality. Vacancies occasioned by removal from the municipality, resignation or otherwise, shall be filled by appointment for the unexpired term. No person who has been appointed for two consecutive four-year terms to a library board shall be eligible for further appointment to such board until two years after the expiration of the second term. Appointments made prior to the effective date of this act shall not be counted in determining eligibility for appointment hereunder. Members of library boards shall receive no compensation for their services as such but shall be allowed their actual and necessary expenses in attending meetings and in carrying out their duties as members.

(e) In addition to those members provided for in subsection (a), whenever a taxing district has been established for the library of the city of Derby in accordance with section 1 the library board shall include two members who are not members of the board of education, who reside outside the corporate limits of the city but within the limits of the taxing district who shall be appointed by the board of education of the school district. The members first appointed shall begin serving on May 1, 1986. One member shall be appointed for a term expiring on April 30, 1987, and one for a term expiring on April 30, 1988; thereafter, successors shall be appointed in like manner for terms of four years.

Sec. 4. K.S.A. 12-1220 and K.S.A. 1985 Supp. 12-1222 are hereby repealed.

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



Soldier Township Fire Department

600 N.W. 46th, Topeka, Kansas 66617

21 February 1986

Representative Ivan Sand, Chairman
Committee on Local Government
Kansas House of Representatives
State Capitol
Topeka, KS 66612

Dear Representative Sand:

After conferring with Mr. Lyle Eckhart of the Bureau of EMS on the matter of definition relating to rescue services, I would like to offer support to his proposal. It is my understanding that in a recent letter to your office, Mr. Eckhart proposed to delete lines 0021 through 0036 in HB2726 and HB2725 and to add the following definition of "Rescue Service":

New Section 1

(a) Rescue Service means a service which provides assistance at the scene of accidents and other medical emergencies until such time as a ambulance arrives.

We believe that this would define a rescue service; however, Mr. Eckhart and I discussed the statement "until such time as an ambulance arrives" which could be interpreted to mean that a rescue service could no longer provide assistance after the arrival of an ambulance on the scene. Because of this, we would offer the following change:

New Section 1

(a) Rescue Service means a service which provides assistance at the scene of accidents and other medical emergencies.

Mr. Eckhart stated that this change would be acceptable to him.

ATTACHMENT V
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Hs. Local Gov.

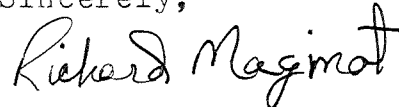
Representative Ivan Sand

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21 February 1986

We hope that this proposal will satisfy the matter of defining a rescue service so that both HB2725 and HB2726 might move forward toward becoming state statutes.

Thank you for your kind attention to this very important matter. Please contact me if I can be of any assistance.

Sincerely,



Richard Maginot
Chief

RM:km

cc: Mr. Lyle Eckhart
Representative Marvin Smith

Rec 2-19-86



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

February 19, 1986

The Honorable Ivan Sand
Chairman, House Local Government Committee
State Capitol, Room 183-W
Topeka, Kansas 66612

Re: 1986 House Bill No. 2839

Dear Representative Sand:

Pursuant to your request of February 18, 1986, I have prepared the attached document which I believe reflects the changes to House Bill No. 2839 suggested by Senator Steineger and the representative of the City of Overland Park.

Nevertheless, I must express serious reservations about the proposed exemption of litigation concerning the amount of special assessments from the requirements of K.S.A. 10-108a. It is always possible that a lawsuit filed by a single landowner regarding the amount of an assessment to be levied against his property could reach issues concerning the validity of the entire assessment proceedings for the project financed by the issuance of bonds. If the proceedings to determine the amount of a single landowner's assessment are determined by a court to be flawed, such a flaw could easily exist in the entire proceedings to assess specials against the district. In any event, an adjustment in a single property owner's assessment could require an adjustment in the entire assessment or the formula utilized in making the assessment, which would be difficult or impossible to accomplish after the issuance of bonds for the project. Similar difficulties do not appear to exist in the case of a dispute over the amount of a condemnation award.

I also note that the general bond law contains a provision which addresses the situation where court challenges to assessments

ATTACHMENT III
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representative Ivan Sand
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February 19, 1986

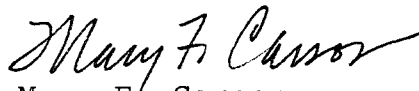
delay the final financing of an improvement. K.S.A. 10-114a provides:

"Whenever assessments levied for any city improvements are challenged by court action and such action delays the payment of temporary notes issued to finance such improvements, causing unanticipated additional interest on said notes, the governing body is authorized to assess against the city at large and issue bonds for the payment of the amount of such interest and the amount, if any, representing the difference between the amount of the challenged assessment and the amount finally assessed against the property.

I hope this information will be helpful. If I may be of further assistance, please feel free to call.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN



Mary F. Carson
Assistant Attorney General

MFC:jm

HOUSE BILL No. 2839

By Representative Dean

(By Request)

2-5

0018 AN ACT concerning bonds; relating to nonlitigation certificates.

0019 *Be it enacted by the Legislature of the State of Kansas:*

~~0020 Section 1. Notwithstanding any controversy, litigation or
0021 other proceeding disputing the spreading of special assessments
0022 against property benefited by improvements financed by the
0023 issuance of general obligation bonds, the governing body of the
0024 city may issue general obligation bonds of the city pursuant to
0025 the authority of any appropriate statute without executing a
0026 nonlitigation certificate required by K.S.A. 10-108a, and amend-
0027 ments thereto. Except as provided by this section, such bonds
0028 shall be authorized, issued, registered and sold in the manner
0029 provided by the general bond law and shall bear interest at a rate
0030 not to exceed the maximum prescribed by K.S.A. 10-1009, and
0031 amendments thereto.~~

0032 Sec. 2. This act shall take effect and be in force from and
0033 after its publication in the Kansas register.

K.S.A. 10-108a is hereby amended as follows:

10-108a. Non-litigation certificate; incorporation in transcript; form. The governing body of any municipality issuing bonds pursuant to article 1 of chapter 10 of the Kansas Statutes Annotated, shall execute and incorporate in the transcript of the proceedings leading up to the issuance of such bonds a non-litigation certificate in substantially the following form:

It is hereby certified that there is no controversy, suit or other proceeding of any kind pending or threatened wherein or whereby any question is raised or may be raised, questioning, disputing or affecting in any way the legal organization of the issuing municipality or its boundaries, or the right or title of any of its officers to their respective offices, or the legality of any official act shown to have been done in the transcript of the proceedings leading up to the issuance of the bonds, or the constitutionality or validity of the indebtedness represented by the bonds shown to be authorized in said transcript, or the validity of said bonds or any of the proceedings in relation to the issuance or sale thereof, or the levy and collection of a tax to pay the principal and interest thereof.

other than a challenge by a property owner to the amount of a special assessment to be levied against his or her property or a challenge by a property owner to the amount of a condemnation award

other than a challenge by a property owner to the amount of a special assessment to be levied against his or her property

In the event there is no challenge by a property owner to the amount of a special assessment to be levied against his or her property or to the amount of a condemnation award, the appropriate references thereto may be deleted from the certificate.

Rec. 3-4-86



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

March 4, 1986

The Honorable Ivan Sand
Chairman, House Local Governmental Committee
State Capitol, Room 183-W
Topeka, Kansas 66612

Re: 1986 House Bill No. 2839

Dear Representative Sand:

This letter is to clarify the position of the Attorney General's Office on House Bill No. 2839. This office neither opposes nor proposes the adoption of House Bill No. 2839.

The comments made during hearings on the bill and in the letter which accompanied the proposed amendments to the bill which you asked me to prepare, merely were intended to respond to questions raised by committee members and to point out certain issues for consideration by the committee.

I trust this will clarify matters. Should you have any questions please feel free to call.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN

Mary F. Carson
Assistant Attorney General

MFC: jm