

Approved Ivan Sand 3/18/86
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

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

1:30 ~~xxx~~ p.m. on MARCH 5, 1986 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 M. Leonhard, Committee Secretary

Conferees appearing before the committee:

Rep. Harold Dyck, HB 3060
Mr. Dick Nierman, Halstead Hospital Adm., HB 3060
Mr. Don Osenbaugh, Halstead City Adm., HB 3060
Rep. Keith Roe, HB 3053
Mr. Warren Hardin, Jewel Co. Engineer, HB 3053

Chairman Sand called for hearings on the following bills:

HB 3060, concerning the city of Halstead, Kansas; authorizing the creation of a flood control improvements fund.

Rep. Harold Dyck, who had requested the legislation, introduced Mr. Dick Nierman, Halstead Hospital Administrator and former mayor, who gave background and intent for HB 3060. Mr. Nierman explained that Halstead's flood history had prompted a Halstead Study which resulted in the city of Halstead being chosen as one of 22 projects nationwide to receive federal funding; that a local share is required for the project. Mr. Nierman urged favorable consideration of HB 3060. Mr. Nierman distributed a letter, dated 3/4/86, from Dorel Neufeld, Mayor, City of Halstead, offering support to HB 3060. (See Attachment I.)

Mr. Don Osenbaugh, Halstead City Administrator, was present and urged the committee to support HB 3060.

Rep. Harold Dyck requested that the bill be amended to be made effective in the Kansas Register instead of in the Statute Book.

Rep. Arthur Douville made a motion to amend HB 3060 as requested by Rep. Dyck. Rep. Clinton Acheson seconded the motion. The motion to amend carried.

Rep. Dorothy Nichols made a motion that HB 3060 be passed as amended. Rep. Elizabeth Baker seconded the motion. The motion carried.

HB 3053, concerning counties; relating to the issuance of bonds for road construction and repair;

Mr. Mike Heim, Staff, gave an overview of HB 3053. (See Attachment II.)

Rep. Keith Roe, who had requested the legislation, appeared and introduced Mr. Warren Hardin, Jewell County Engineer, who urged the committee to support HB 3053. Mr. Hardin distributed letter, dated June 14, 1985, from John B. Kemp, Secretary of Transportation, giving information regarding the Jewell County Economic Development Project. Mr. Hardin also distributed letter dated March 3, 1986, to Rep. Roe, from the Jewell County Commissioners indicating the Commission's support for HB 3053. (See Attachment III.)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~xxx~~ a.m./p.m. on MARCH 5, 1986

Rep. Arthur Douville made a motion that HB 3053 be passed. Rep. Gayle Mollenkamp seconded the motion. The motion carried.

Chairman Sand called for possible action on the following bills:

HB 2912, amending the Kansas tort claims act; concerning exceptions from liability;

Rep. Robert D. Miller made a motion that HB 2912 be passed. Rep. Clinton Acheson seconded the motion. Discussion followed.

Mr. Mike Heim, Staff, informed the committee that Legislative Counsel is concerned about the language in Line 24; that Sub-section a should be changed and a new sub-section added on Page 3 -- a technical type of amendment.

Rep. Arthur Douville made a motion that HB 2912 be amended as presented by Staff. Rep. Dorothy Nichols seconded the motion. The motion to amend carried.

Rep. Robert D. Miller made a motion that HB 2912 be passed as amended. Rep. George Dean seconded the motion. The motion carried.

HB 2964, relating to land surveying; concerning engineers;

Rep. Clyde Graeber made a motion that HB 2964 be not passed. Rep. L. V. Roper seconded the motion. The motion carried.

HB 3012, concerning the countywide retailers' sales tax; relating to the apportionment thereof;

Staff distributed approved amendments to HB 3012. (See Attachment IV.) Chairman Sand asked the committee to be ready to take action on HB 3012, as amended, on 3/6/86.

The meeting was adjourned.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE 3-5-86

| NAME | ADDRESS | REPRESENTING |
|---------------------|-------------------------|---------------------------------|
| Harold Dyer | Hess, Kan KS | Self - Legislator |
| Dick Merman | Halstead KS | City of Halstead |
| Don Osenbaugh | Halstead KS | City of Halstead |
| Julie Dambichl | Tecumseh KS | Shawnee Heights High School |
| Doug Ash | Topeka, KS. | Shawnee Heights H.S. |
| WB Damm | Topeka, KS | G. Patterson |
| S. Kable | Topeka KS | S. H. H. S. |
| Barry Eckhardt | Topeka KS | Shawnee Heights H.S. |
| Alan Vick | Topeka KS | " " |
| Bernice Schumaker | Topeka, KS | " " |
| John ... | Topeka, KS | Shawnee Heights H.S. |
| David Walker | Topeka, KS | Topeka Bell |
| James Schmidt | to Topeka KS | Shawnee Heights |
| Paul ... | Topeka KS | " " |
| Paul ... | Topeka KS | " " |
| Daryl ... | Topeka, KS | " " |
| Christi Runnebenn | Berryton | SHSH |
| Sheila J. Flory | Topeka, Kansas | SHSH |
| Paul ... | Topeka, Kansas | SHSH |
| Shauna Benyer | Topeka Kansas | Shawnee Heights |
| Ron ... | Topeka Kansas | Shawnee Heights |
| David Harris | Topeka KANSAS | Shawnee Heights |
| Ken Schick | Topeka KS. | Shawnee Heights |

City of Halstead

303 Main, Box 147

Halstead, Kansas 67056

316-835-2286

March 4, 1986

Representative Ivan Sands
Chairman, Local Government Committee
State Capitol
Topeka, Kansas

Dear Representative Sands:

The City of Halstead wishes to offer its support of House Bill 3060, as developed and proposed by Representative Harold Dyck working in conjunction with Halstead flood control committee members, which would allow our city government to set up a fund for financing of the Halstead Flood Control Project.

The City of Halstead has been plagued for years with flooding, causing severe economic hardship on the city's residents and industries, and limiting our development. We have been working to obtain federal assistance in this matter for literally decades.

Last August we were notified that the Halstead Flood Control Project would be funded on a 75-25% basis. We would be expected to finance approximately \$2 million of the project.

Of all the water projects in the country, our project was one of only 12 which was notified that it would ultimately be funded. We expect that financing to begin in Fiscal Year 1987.

It is now necessary for us to begin much of the work of acquiring easements and right of ways for the project. Although we will ultimately hold a bond election for much of the essential funding, it is imperative that we have the ability to transfer funds from the general fund to a special flood control project so that work on acquisitions can begin immediately. Time is of the utmost priority--our acquisitions now will help the project move more smoothly when funding is authorized this fall, and will provide the most cost effective use of monies for our local share.

For more than 20 years, we have labored to make this project a reality. Your assistance in the State Congress with authorization of HB 3060 will enable us to take one more important step forward in providing flood protection for the citizens of Halstead.

Sincerely,



Dorel Neufeld
Mayor

DN:de

HS. LOCAL GOV.
ATTACHMENT I
3/5/86

MEMORANDUM

March 3, 1986

TO: House Local Government Chairmen
FROM: Kansas Legislative Research Department
RE: H.B. 3053

H.B. 3053 authorizes Jewell county to issue bonds under K.S.A. 68-1103 for the repair of roads.

*HS. LOCAL GOV.
ATTACHMENT II
3/5/86*



WESLEY C. MOORE
COUNTY CLERK

DARRELL MILLER
COUNTY ATTORNEY

COMMISSIONERS MEET
EACH MONDAY

Office of County Clerk

JEWELL COUNTY
MANKATO, KANSAS 66956

COMMISSIONERS

GENE L. BARRETT
1ST DISTRICT

JOHN R. ROSS
2ND DISTRICT

CHAS. L. FOGO
3RD DISTRICT

March 3, 1986

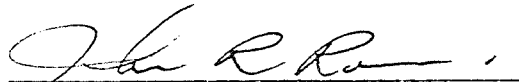
Representative Keith Roe
State Capitol
Topeka, Kansas 66612

Dear Reprintative Roe:

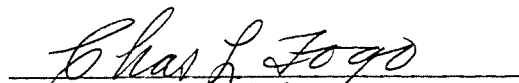
The Jewell County Commissioners support HB 3053. Jewell County needs HB 3053 in order to provide matching money for the road project leading to the Dubuque Packing Company, which is a major employer of this area.

We urge your support for HB 3053 and thank you for your efforts.

JEWELL COUNTY COMMISSIONERS


John R. Ross, Chairman


Gene L. Barrett, Member


Chas L. Fogo, Member

HS. LOCAL GOV.
ATTACHMENT III
3/5/86

KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

June 14, 1985

Mr. Charles L. Fogo, Chairman
Board of County Commissioners
Jewell County Courthouse
Mankato, Kansas 66956

Subject: Jewell County Economic Development Project

Dear Mr. Fogo:

I am pleased to inform you that based on the recommendation of the Highway Advisory Commission, I have allocated \$340,000 of Federal-aid Secondary Funds for the economic development project which you submitted in response to my announcement of August 30, 1984. This project is for placing a 4 inch asphaltic concrete overlay on approximately 1.6 miles of road to the Dubuque Packing Plant east of Mankato.

These funds, along with the obligation authority to spend the funds, will be made available to Jewell County as soon after July 1, 1986, as the County has plans ready to be advanced to construction. The project will be administered through the Bureau of Rural and Urban Development like other County secondary projects. It will be necessary for the County to provide the local 25 percent (25%) match for construction at the time of letting. The balance of the \$340,000 of Federal funds, which are not used to finance this project, will be available to the County for subsequent secondary project financing.

It would be most helpful if you would have your engineer contact Raymond Olson with the Bureau of Rural and Urban Development for details pertaining to your project.

Very truly yours,

A handwritten signature in cursive script that reads "John B. Kemp".

JOHN B. KEMP
Secretary of Transportation

cc: Mr. Warren Hardin, County Engineer
Mr. R. L. Anderson, District Engineer

HOUSE BILL No. 3012

By Committee on Local Government

2-18

0017 AN ACT concerning the countywide retailers' sales tax; relating
0018 to the apportionment thereof; amending K.S.A. 1985 Supp.
0019 12-192 and repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 1985 Supp. 12-192 is hereby amended to
0022 read as follows: 12-192. (a) ~~Within two days, excluding weekends~~
0023 ~~and holidays, of receipt from the state treasurer,~~ all revenue

0024 received by ~~any county treasurer~~ from a countywide retailers' the director of taxation
0025 sales tax shall be apportioned ~~by the county treasurer~~ among the

0026 county and each city located in such county in the following
0027 manner: (1) One-half of all revenue received by the ~~county~~ director of taxation
0028 ~~treasurer~~ shall be apportioned among the county and each city

0029 located in such county in the proportion that the total tangible
0030 property tax levies made in such county in the preceding year for
0031 all funds of each such governmental unit bear to the total of all
0032 such levies made in the preceding year, and (2) except as pro-

0033 vided by paragraph (3), $\frac{1}{2}$ of all revenue received by the ~~county~~ director of taxation
0034 ~~treasurer~~ from such countywide retailers' sales tax shall be ap-

0035 portioned among the county and each city located in such
0036 county, first to the county that portion of the revenue equal to the
0037 proportion that the population of the county residing in the
0038 unincorporated area of the county bears to the total population of
0039 the county, and second to the cities in the proportion that the
0040 population of each city bears to the total population of the
0041 county, except that no persons residing within the Fort Riley
0042 military reservation shall be included in the determination of the

0043 population of any city located within Riley county, or (3) one-half director of taxation
0044 of all revenue received by the ~~county treasurer of Geary county~~ in Geary county
0045 from countywide retailers' sales taxes levied in any year shall be

Hs. LOCAL GOV. IV
ATTACHMENT
3/5/86

0046 apportioned among the county and each city located in such
0047 county, first to the county that portion of the revenue equal to the
0048 proportion that the population of the county residing in the
0049 unincorporated area of the county less the population residing on
0050 a military reservation bears to the total population of the county
0051 less the population residing on a military reservation, and second
0052 to the cities in the proportion that the population of each city
0053 bears to the total population of the county less the population
0054 residing on a military reservation. All revenue ~~retained by the~~
0055 ~~county~~ shall be paid into the general fund of the county.

0056 (b) For purposes of subsection (a), the term "total tangible
0057 property tax levies" means the aggregate dollar amount of tax
0058 revenue derived from ad valorem tax levies applicable to all
0059 tangible property located within each such city or county. The ad
0060 valorem property tax levy of any county or city district entity or
0061 subdivision shall be included within this term if the levy of any
0062 such district entity or subdivision is applicable to all tangible
0063 property located within each such city or county.

0064 (c) All revenue apportioned to the several cities of the county
0065 shall be paid to the respective treasurers thereof. Whenever the
0066 territory of any city is located in two or more counties and any
0067 one or more of such counties do not levy a countywide retailers'
0068 sales tax, or whenever such counties do not levy countywide
0069 retailers' sales taxes at a uniform rate, the revenue received by
0070 such city from the proceeds of the countywide retailers' sales tax
0071 shall be used for the purpose of reducing the tax levies of such
0072 city upon the taxable tangible property located within the county
0073 levying such countywide retailers' sales tax, except when the
0074 county which does not levy a countywide sales tax has within its
0075 bounds a portion of the Fort Riley military reservation, the city in
0076 the county which levies the tax shall be exempt from this re-
0077 quirement. In every other case, all revenue received by a city
0078 from the proceeds of a city or countywide retailers' sales tax shall
0079 be deposited in the general fund of such taxing subdivision.

0080 (d) Prior to March 1 of each year, the director of taxation shall
0081 advise each county treasurer of the revenue collected in such
0082 county from the state retailers' sales tax for the preceding calen-

apportioned to a county shall be paid to its
county treasurer and

0083 (lar year. 3

0084 Sec. [2] K.S.A. 1985 Supp. [12-192 is] hereby repealed. 4

0085 Sec. [3] This act shall take effect and be in force from and
0086 after its publication in the statute book.

"(e) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the director of taxation to apportion and remit revenue to the counties and cities pursuant to this section.

"Sec. 2. K.S.A. 1985 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in the amount of .5% or 1% which amount shall be determined by the governing body of the city. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .5% or 1% which amount shall be determined by the board of county commissioners. Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a and 12-190, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof. Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the state director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the director of taxation under the provisions of this section shall be credited to a "county and city retailers' sales tax fund" which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. All local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

12-189 and 12-192 are