

MINUTES OF THE Senate COMMITTEE ON Local Government

The meeting was called to order by Senator Don Montgomery at
Chairperson

9:00 a.m./~~XXX~~ on February 19, 19 86 in room 531-N of the Capitol.

All members were present except: Senator Daniels who was excused

Committee staff present: Mike Heim, Emalene Correll, Theresa Kiernan, Lila McClaflin

Conferees appearing before the committee: Duane F. Johnson, State Library
Felix Spies, Louisburg
Shirley Patrick, Linwood
Dan Masoni, Emporia

Senator Gaines presented a bill draft and asked the Committee to introduce the bill. The bill relates to counties; concerning county home rule powers; prescribing certain limitations.

Senator Gaines moved to introduce the bill and refer it to the appropriate committee. Senator Mulich seconded the motion. The motion carried.

Senator Bogina moved to adopt the minutes as presented. Senator Gaines seconded the motion. The minutes were adopted.

Hearings on S.B. 571

Duane Johnson stated he was asked by Senator Talkington to explain the bill. He spoke in support of the bill and stated he had three district library representatives here today and they, also, would testify in support of it (Attachment I).

In regard to a question concerning combining Linn Counties three district libraries, he stated he'd be happy to suggest it to Linn County.

Felix Spiese stated their library was not only a library but a meeting place for several organizations in their community. They have out grown their space and need an increase in mill levy in order to acquire larger quarters.

He responded to several questions from committee members.

Shirley Patrick presented written testimony in support of the bill (Attachment II).

Daniel Masoni stated this bill would provide district libraries with the need revenue to purchase the latest materials and provide services. The ability to do this has been eroded by shrinking tax dollars and increased costs. (Attachment III)

He was asked what he thought of combining Linn County libraries, he responded it's a referendum process, it would be interesting, it's like unified school districts, it would be difficult.

Senator Bogina moved to amend the bill to take effect upon publication in the Kansas Register and that it be passed out favorably. Senator Allen seconded the motion. The motion carried.

S.B. 561 - concerning the board of public utilities; Senator

CONTINUATION SHEET


MINUTES OF THE Senate COMMITTEE ON Local Government,
room 531-N, Statehouse, at 9:00 a.m./~~p.m.~~ on February 19, 1986.

Mulich stated the problem had been resolved, therefore, he moved to report the bill unfavorably. Senator Salisbury seconded the motion. The motion carried.

S.B. 489 - the attached amendment was offered (Attachment IV) by consensus it was amended to three weeks the written attachment states twelve weeks. Senator Mulich moved to amend the bill as proposed. Senator Allen seconded the motion. The motion carried. Senator Mulich moved to report the bill favorably. Senator Langworthy seconded the motion. The motion carried.

The hearing on Senator Daniels bill, S.B. 493, will be February 20.

Meeting adjourned until February 20, at 9:00 a.m.



Senator Don Montgomery

DATE: February 19, 1986
TO: Local Government Committee of the Senate
Don Montgomery, Chairperson
Audrey H. Langworthy, Vice-Chairperson
FROM: Duane F. Johnson
RE: Senate Bill 571

Conferees: Duane Johnson, State Library
Felix Spiese, Louisburg Library District #1,
Miami County
Shirley Patrick, Linwood Library District #1,
Leavenworth County
Dan Masoni, Kansas Library Association

1. S.B. 571 would amend K.S.A. 12-1247 to increase the mill levy authority of the boards of district libraries from 1.5 mill to 3 mills.

The bill also places in the statute a requirement for the publication of a resolution identifying the board's intent to use the increased levy, followed by a 30 day potential public protest period. Protest could be filed in petitions signed by 5% of the electors of the district.

2. There are eight district libraries in Kansas, five of which are at, or very near, the limit of the present mill levy authorization. The eight libraries are identified on the attached sheet.

(Attachment I)

2/19/86 S. LG

District Libraries and Mill Levies - 1986

	<u>Mill Levy</u>	<u>Estimated Income</u>
1. Allen, Library District #1, Lyon Co.	.85	\$ 4,855
2. Basehor, Library District #2, Leavenworth Co.	.80	\$ 6,800
3. Blue Mound, Library District #3, Linn Co.	1.513	\$ 5,360
4. LaCygne, Library District #2, Linn Co.	.545	\$58,000
5. Linwood, Library District #1, Leavenworth Co.	1.50	\$ 9,815
6. Louisburg, Library District #1, Miami Co.	1.48	\$32,206
7. Parker, Library District #1, Linn Co.	1.40	\$ 5,750
8. Troy, Library District #1, Doniphan Co.	1.47	\$52,606

Kansas State Library
February 1986

Linwood Community Library

District No. 1

P.O. Box "C"

Linwood, Kansas 66052

(913) 723-3686

February 19, 1986

SENATE BILL NO. 571

The Linwood Community Library District No. 1 Library Board is in full support of Senate Bill No. 571 which would allow us to raise our mill levy. Under the current mill levy we receive approximately \$6500 from taxes to serve 1,647 patrons which is \$3.95 per person in the district. When we budget each year this amount barely covers the rent, the librarian's minimum wage salary and part of the utilities. At this time we must rely on State Aid, NEKLS Grants and donations to purchase books and supplies, offer programs such as the summer reading program, maintain the building, pay insurance and purchase equipment. We need more local support to improve the level of library service.

We are proud of our volunteer staff which helps keep the library open four days a week, one evening and a few Saturday hours for a total of 31 hours. An increase in our levy would enable us to have a paid librarian more than 15 hours a week so that we could be open an additional day and increase evening hours when working families can use the library. It would also enable volunteers to man the circulation desk while the librarian is doing processing and other professional work.

We would be able to build our book collection up towards minimum standards. We are currently at 33% of the minimum standard for small libraries. Building up the quantity and quality would make the collection more useful to our patrons. In the past year we have seen an increase of 16% in volumes borrowed and feel this trend could continue if our collection were more current.

We would like to offer our patrons a wider range of library service by following the lead of larger libraries in offering such things as computer services, quality educational video tapes and more adult programs.

Sending our librarian to a conference such as the Kansas Library Association Tri-Conference cost the Library \$100 last year and yet the information available is extremely useful. The number of professional programs she can attend now are severely limited by our current budget. Because we cannot afford a professional librarian, it is even more important that our librarian take advantage of these opportunities to expand her knowledge in the library field.

The change in the mill levy would enable the librarian and library board to plan for growth rather than maintenance of our library.

We would appreciate your giving us the opportunity to promote increased local support for our library program by your support of Senate Bill No. 571.

Thank you,

Shirley Patrick

(Attachment II) 2/19/86 S. 40



Kansas Library Association

901 N. Main
Hutchinson, KS. 67501
316-663-2501

RACHEL SENNER, President
Unified School District No. 460
Library Services Director
150 N. Ridge Rd., Box 2000
Hesston, KS 67062
(316) 327-4931

LEROY M. GATTIN
Executive Secretary
901 N. Main
Hutchinson, KS. 67501
316-663-2501

February 19, 1986

Senator Don Montgomery, Chairman
Local Government Committee
Room 503-N
State Capitol
Topeka, KS 66612

Dear Senator Montgomery,

The Kansas Library Association supports Senate Bill 571. Citizens and businesses in the State of Kansas deserve the very best library services which can be offered at the local level. Unfortunately, the ability of district libraries to provide the very latest in materials and services has been eroded by shrinking tax dollars and ever increasing costs.

Senate Bill 571 represents a positive step in the evolution of district library development. The permissive nature of the bill allows libraries that don't need added levy authority now to forego it until needed.

The Kansas Library Association feels that all types of libraries are building blocks in a statewide resource network available to all Kansans. Most district libraries desperately need the added levy authority S.B. 571 will provide.

Sincerely,

Daniel Masoni, Chairman
KLA Legislative Committee

(Attachment III) S. 46

2/19/86

Judy Anderson, Intergovernmental Affairs Officer

Wichita Steven L. Potucek, Property Manager

Legislation

SB 489 merely expands our '84 legislation and was probably covered in the original KSA 12-16,103 by "including, but not limited to...". In any event, it might be a good time to amend our companion statute KSA 12-16,104 to accommodate a time frame in which a previous owner may exercise his/her right to repurchase right of way.

Draft (b) Before the release or vacation of any easement, the governing body shall notify the underlying fee owners or their heirs or assigns (if the same can be found through diligent search) that they may purchase the easement which purchase option shall expire if not exercised within a period of three months following such notification. Notification of underlying fee owners who cannot be found through diligent search shall be made by publication in official City paper one (1) time each week for twelve (12) consecutive weeks. Any City may thereafter proceed to sell the real estate in the manner deemed most expedient by the governing body. Thereupon, any City by its Mayor and City Clerk is authorized to make, execute and deliver a good and sufficient warranty deed or other deeds of conveyance to the purchaser or purchasers thereof.

Statutory support for theory:

KSA 12-1656 which allows second and third class cities to dispose of excess real estate acquired for street construction;

KSA 12-1739 which allows for the sale of buildings and sites by cities in a manner deemed to be in the best interest of the city;

KSA 13-1380b which allows for the sale of real estate acquired for parking stations by cities;

KSA 13-2508 which allows for the disposition of excess real estate acquired for park purposes in a manner deemed to be in the best interest of the city;

KSA 68-413 which allows the Kansas Secretary of Transportation to dispose of excess real estate acquired for state highway purposes in the manner deemed most expedient by the Secretary.

Please contact me to discuss this matter.

Steven L. Potucek
Property Manager

SLP/vrd

of the collection of such taxes shall be remitted at the rate of each county or guest tax under the proportion, as of taxation, that the such tax in each such to the total amount es in all counties or vered by the distri-

ys received by the from disbursements y transient guest tax to the tourism and fund of such county be expended for con-romotion.

. 93, § 3; L. 1984, ch.

t and penalties for ely payment of tran-nd after July 1, 1984, ll fail to pay the tax K.S.A. 12-1697, and at the time required isions of K.S.A. 12- s thereto, there shall id balance of the tax, month prescribed by .S.A. 79-2968, and from the date the tax

due to negligence or fails to file a return or e time required by or of K.S.A. 12-1698, and there shall be added n an amount equal to lalance of tax due. fails to make a return, in 30 days after notice ept in the case of an nted by the director,

tion, within the time required by or under the provisions of K.S.A. 12-1698, and amendments thereto, there shall be added to the tax a penalty in an amount equal to 50% of the unpaid balance of tax due.

(e) Penalty or interest applied under the provisions of subsections (a) and (d) shall be in addition to the penalty added under any other provisions of this section, but the provisions of subsections (b) and (c) shall be mutually exclusive of each other.

(f) Whenever, in the judgment of the director, the failure of the taxpayer to comply with the provisions of subsections (b) and (c) was due to reasonable causes and not willful neglect, the director may waive or reduce any of the penalties upon making a record of the reasons therefor.

(g) In addition to all other penalties provided by this section, any person who willfully fails to make a return or to pay any tax imposed under K.S.A. 12-1697, and amendments thereto, or who makes a false or fraudulent return, or fails to keep any books or records necessary to determine the accuracy of the person's reports, or who willfully violates any regulations of the secretary of revenue, for the enforcement and administration of the provisions of K.S.A. 12-1696 to 12-16,101, inclusive, and amendments thereto, or who aids and abets another in attempting to evade the payment of any tax imposed by K.S.A. 12-1697, and amendments thereto, or who violates any other provision of K.S.A. 12-1696 to 12-16,101, inclusive, and amendments thereto, shall, upon conviction thereof, be fined not less than \$100 nor more than \$1,000, or be imprisoned in the county jail not less than one month nor more than six months, or be both so fined and imprisoned, in the discretion of the court.

History: L. 1984, ch. 351, § 4; May 3.

12-16,102. Employee benefits contribution fund in certain taxing subdivisions; tax levy; use of proceeds. (a) Except as provided in this section, "taxing subdivision" means any city, county, township, community junior college district or other political

mission.

(b) Any taxing subdivision may create and establish employee benefits contribution funds for (1) the taxing subdivision or (2) any political subdivision for which a tax is levied by such taxing subdivision for the purpose of paying the employer's share of any employee benefits, exclusive of any salaries, wages or other direct payments to such employees, as may be prescribed in the ordinance or resolution of the governing body creating such funds. The taxing subdivision may receive and place in such funds any moneys from any source whatsoever which may be lawfully utilized for the purposes stated in the ordinance or resolution creating such funds, including the proceeds of tax levies authorized by law for such purposes.

(c) The governing body of any taxing subdivision having established employee benefits funds under subsection (b) is hereby authorized to levy an annual tax upon all taxable tangible property within the taxing subdivision in an amount determined by the governing body to be necessary for the purposes for which such funds were created 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. Taxes levied by a city or county pursuant to this section shall be exempt from the limitations imposed by K.S.A. 79-5001 to 79-5016, inclusive, and amendments thereto, but only if and to the extent that such taxes would otherwise be exempt if levied as a separate fund or for a purpose specifically exempt by law.

History: L. 1978, ch. 67, § 1; L. 1978, ch. 163, § 3; L. 1979, ch. 52, § 48; L. 1983, ch. 65, § 1; July 1.

12-16,103. Acquisition of fee title to realty; sale of realty; record. (a) The governing body of any city may acquire by condemnation, dedication, gift or purchase the underlying fee interest in any real estate in which it holds a permanent easement in order to merge the title and sell such real estate.

ized herein shall be maintained in the office of the city clerk.

History: L. 1984, ch. 60, § 1; April 26.

12-16,104. Release of easement; notice; fee. (a) The governing body of any city may charge a fee for the release of an easement. Such fee shall not exceed the increase in value accruing to the underlying fee owners resulting from the termination of the property interest held by the governing body of the city or the original price paid for the easement by the city, whichever is less, plus reasonable administrative costs.

(b) Before the release or vacation of any easement, the governing body shall notify the underlying fee owners or their heirs or assigns that they may purchase the easement.

(c) A city may charge for the release or vacation of an easement only for real estate which constitutes a site large enough to allow the building of a structure under the zoning code of the city, pursuant to the appropriate zoning classification.

History: L. 1984, ch. 60, § 2; April 26.

Article 17.—BUILDINGS, STRUCTURES AND GROUNDS

ECONOMIC DEVELOPMENT REVENUE BONDS

Law Review and Bar Journal References:

"Survey of Kansas Law: Taxation," Sandra Craig McKenzie and Virginia Ratzlaff, 33 K.L.R. 71, 81 (1984).

12-1741b. Issuance of revenue bonds by counties; lease-purchase agreements. (a) Subject to the provisions of K.S.A. 12-1744a and 12-1744b, as amended, any county shall have power to issue revenue bonds, the proceeds of which shall be used for the purpose of paying all or part of the cost of purchasing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling of facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes. Any county shall also have the power to enter into leases or lease-purchase agree-