

Approved March 31, 1986
Date

MINUTES OF THE Senate COMMITTEE ON Local Government

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

9:00 a.m./~~XX~~p.m. on March 27, 1986 in room 531-N of the Capitol.

All members were present except: Senator Gaines who was excused

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

Conferees appearing before the committee:

Bill Anderson, Johnson County Water District #1
Gary Haller, Director, Johnson County Parks and Recreation
Beverly Bradley, Kansas Association of Counties
Chip Wheelan, Kansas Legislative Policy Group

H.B. 2877 - concerning water district #1, Johnson County;
relating to the qualifications of the manager.

Bill Anderson, Johnson County Water District #1 supported the bill. He stated their water district is the only public water district organized under this statute and this change is requested to give the Board the maximum flexibility in naming a general manager (Attachment 1)

The Committee discussed the language on line 24 thru line 32 and whether all that language should be struck. No change was made.

H.B. 2863 - suspending and establishing statutory fund and aggregate property tax levy limitations for certain taxing subdivisions.

Beverly Bradley, Legislative Coordinator, Kansas Association of Counties, supported the bill. She stated this bill was requested to give taxing authority to replace farm machinery taxes when it became exempt. They requested this extension through 1989 when reappraisal is finished and the new values are on the tax rolls. The bill was amended in the House Committee to the year 1988. (Attachment II)

S.B. 738 - concerning tax levies exempt from aggregate limitations.

Chip Wheelan, Kansas Legislative Policy Group, stated since the S.B. 738 deals with the same subject, it would expedite the process if this bill was amended into H.B. 2863. A substitute bill be introduced for S.B. 738 to phase the operation of the courts expenses from the counties to the district court. (attachment III)

After committee discussion, Senator Bogina moved to amend the contents of S.B. 738 into H.B. 2683. Senator Allen seconded the motion. The motion carried.

Stenator Steineger moved to pass H.B. 2863 as amended. Senator Bogina seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Local Government,
room 531-N, Statehouse, at 9:00 a.m./~~p.m.~~ on March 27, 1986

Senator Daniels moved to draft a Substitute Bill for S.B. 738 using the information presented by Mr. Chip Wheelan. Senator Allen seconded the motion. The motion carried.

Senator Bogina moved to pass H.B. 2877. Senator Ehrlich seconded the motion. The motion carried.

H.B. 3005 - concerning Johnson County Park and Recreation Commission, relating to contracts by the board.

Gary Haller, Director, Johnson County Park and Recreation District, stated the Recreation District Board, Johnson County Legislative Delegation and the Board of County Commissioners of Johnson County all support the bill. (Attachment IV)

Senator Allen moved to pass H.B. 3005. Senator Langworthy seconded the motion. The motion carried.

Senator Bogina moved to reconsider the action of March 26, concerning S.B. 503. Senator Langworthy seconded the motion. The motion carried. (Attachment V Proposed Report of Standing Committee)

Senator Bogina moved to delete the provision of the home rule power. Senator Daniels seconded the motion. The motion carried.

The Committee referred back to Senator Daniels original motion of yesterday, that County Commissioners in Sedgwick County be the governing board and they shall appoint an advisory board, this be localized to Sedgwick County. Senator Steineger seconded the motion. The motion carried.

Senator Daniels moved to pass the bill as amended. Senator Ehrlich seconded the motion. The motion carried.

H.B. 3053 heard in committee on March 26, 1986. Senator Bogina stated he had talked with K-DOT and several county engineers regarding the dollar amount on bridges. He moved to amend the bill in lines 26 and 58 to 240,000 and in line 40 to 100,000 also, amend the bill that all bridge plans in excess of 200,000 must be approved by KDOT, anything under that amount be approved by the County Engineers. Senator Ehrlich seconded the motion. The motion carried.

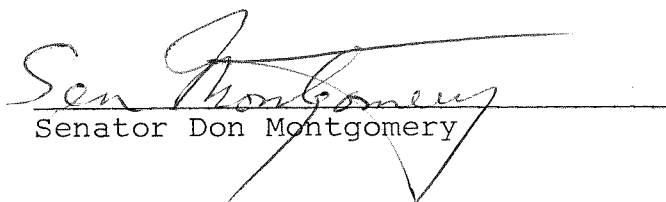
Senator Bogina moved to pass the bill as amended. Senator Ehrlich seconded the motion. The motion carried.

H.B. 2841 - The Riley County Consolidated Law Enforcement Bill. The Chairman stated he supported the bill also, Senator Werts. Senator Bogina moved to pass the bill. Senator Salisbury seconded the motion. The motion carried.

The Chairman stated the group home bill would be considered in committee tomorrow, March 28, 1986. He urged all members of the committee to be present.

Senator Mulich moved to adopt the minutes of the March 25, 1986 meeting. Senator Bogina seconded the motion. The motion carried.

The meeting adjourned until 9:00 a.m., March 28, 1986.


Senator Don Montgomery

WATER DISTRICT NO. 1 OF JOHNSON COUNTY



5930 Beverly — Mission, Kansas 66202
Mailing Address: P.O. Box 2921, Mission, Kansas 66201

Tel. (913) 722-3000

WATER DISTRICT NO. 1 OF JOHNSON COUNTY

TESTIMONY ON

HOUSE BILL NO. 2877

SENATE LOCAL GOVERNMENT COMMITTEE

March 27, 1986

Water District No. 1 is a publicly-owned water district serving most of Northeast Johnson County. It has approximately 72,000 customers serving 225,000 persons. It is governed by a 5-member elected Board.

Water District No. 1 is the only public water district organized under 19-3501 to 19-3520, inclusive, and this change in 19-3510 would affect only this water district.

This change is requested to give the Board the maximum flexibility in naming a general manager. With the growth of the water system, the District Board believes administrative ability is a primary characteristic of a manager.

The Board believes the current legislation is too restrictive and could disqualify an applicant who, despite lacking the specific college degrees listed in the current law, had demonstrated outstanding capability as an administrator in his or her previous position.

We refer, also, to the current Kansas statute, which is attached, setting out the qualifications for city manager in Kansas cities and suggest the recommended changes in 19-3510 are somewhat comparable.

sr

(Attachment I) S. LG
3/27/86
Serving Northeast Johnson County

(AI)

salary of members of the governing body, including the mayor, but any salary so fixed shall not exceed the sum of three thousand dollars (\$3,000) per annum for commissioners, nor more than four thousand dollars (\$4,000) per annum for the mayor of such city. Salaries so fixed shall be payable in monthly installments; in cities of the first class with a population of not more than ninety thousand (90,000), each commissioner shall receive such compensation as the governing body shall fix by ordinance but not exceeding one hundred dollars (\$100) a year, payable in monthly installments and in cities of the first class shall give the necessary bond required by cities of this class under the commission government.

History: L. 1917, ch. 86, § 6; R.S. 1923, § 12-1008; L. 1933, ch. 116, § 1; L. 1935, ch. 97, § 1; L. 1945, ch. 99, § 4; L. 1959, ch. 65, § 2; June 30.

Research and Practice Aids:

Municipal Corporations 162(1).
C.J.S. Municipal Corporations §§ 523 et seq.

12-1009. Same; meetings. The commission shall meet regularly twice a month, or oftener if the public business requires: *Provided*, That in cities of the first class the commissioners shall meet at least once a week, or oftener if the public business requires. A call signed by a majority of the commission shall be sufficient warrant for a special meeting. Regular or special meetings shall always be open to the public.

History: L. 1917, ch. 86, § 7; Feb. 17; R.S. 1923, § 12-1009.

Law Review and Bar Journal References:

Open meeting requirements in Kansas, Jerry L. Harper, 43 J.B.A.K. 257, 259, 262 (1974).

12-1010. Same; ordinances; appointment of manager. It shall be the duty of the commission to pass all ordinances needful for the welfare of the city. The commission shall provide for such offices as shall be necessary to carry out the provisions of this act and determine salaries for the same. It shall appoint a manager as hereinafter provided, and shall be responsible for his or her efficient administration of the city's business.

History: L. 1917, ch. 86, § 8; Feb. 17; R.S. 1923, § 12-1010.

Research and Practice Aids:

Municipal Corporations 129.
C.J.S. Municipal Corporations §§ 472, 473.

CASE ANNOTATIONS

1. Commissioners appoint city manager. *State, ex rel., v. Jacobs*, 135 K. 513, 515, 11 P.2d 739.
2. Mentioned; Wichita city manager has authority to discharge fire department employees. *Piper v. City of Wichita*, 174 K. 590, 596, 597, 258 P.2d 253.

12-1011. Same; powers and term of manager. The administration of the city's business shall be in the hands of a manager. The manager shall be appointed by the commission, and shall hold office at the pleasure of the board.

History: L. 1917, ch. 86, § 9; Feb. 17; R.S. 1923, § 12-1011.

Research and Practice Aids:

Municipal Corporations 168.
C.J.S. Municipal Corporations § 543.

CASE ANNOTATIONS

1. Mentioned; Wichita city manager has authority to discharge fire department employees. *Piper v. City of Wichita*, 174 K. 590, 596, 597, 258 P.2d 253.
2. City manager duties governmental; immune from personal liability for tortious acts. *Weast v. Budd*, 186 K. 249, 253, 349 P.2d 912.

12-1012. Same; qualifications of manager. The manager shall be chosen solely upon the basis of administrative ability. Choice shall not be limited by any residence qualifications.

History: L. 1917, ch. 86, § 10; Feb. 17; R.S. 1923, § 12-1012.

Research and Practice Aids:

Municipal Corporations 143.
C.J.S. Municipal Corporations § 489.

CASE ANNOTATIONS

1. Mentioned; Wichita city manager has authority to discharge fire department employees. *Piper v. City of Wichita*, 174 K. 590, 596, 597, 258 P.2d 253.
2. Proposal to equalize firemen's salaries with policemen administrative; exception from initiative statute (12-3013). *City of Lawrence v. McArdle*, 214 K. 862, 871, 522 P.2d 420.

12-1013. Same; salary and bond of manager. The manager shall receive a salary to be fixed by the commission and shall give bond for the faithful performance of his or her duties in such amount as may be provided by ordinance.

History: L. 1917, ch. 86, § 11; R.S. 1923, § 12-1013; L. 1933, ch. 116, § 2; L. 1935, ch. 98, § 1; L. 1943, ch. 87, § 1; June 28.

Research and Practice Aids:

Municipal Corporations 162(1).
C.J.S. Municipal Corporations §§ 523 et seq.

CASE ANNOTATIONS

1. Mentioned; Wichita city manager has authority to discharge fire department employees. *Piper v. City of Wichita*, 174 K. 590, 596, 597, 258 P.2d 253.

(AI)

Kansas Association of Counties

Serving Kansas Counties

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

Phone 913 233-2271

March 27, 1986

To: Senator Don Montgomery
Members Senate Local Government Committee

From: Beverly Bradley, Legislative Coordinator
Kansas Association of Counties

Re: HB-2863

I appear before you today to support HB-2863. This bill was requested by Kansas Association of Counties to extend the provisions of 79-1973 which suspends all statutory fund and aggregate levy limitations. We request this extension through 1989 when reappraisal is finished and the new values are on the tax roles.

This statute was originally requested to give taxing authority to replace farm machinery taxes when farm machinery became exempt. We would like this extension to enable counties to fund their share of the reappraisal costs.

Thank you for your time. We would urge your favorable consideration.

(Attachment II) S. LG

3/27/86

Rough draft

A III

AN ACT concerning district courts; relating to payment of certain expenses thereof; amending K.S.A. 20-348 and 20-349 and repealing the existing sections.

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

Section 1. K.S.A. 20-348 is hereby amended to read as follows: 20-348. (a) Except for expenses required by law to be paid by the state, ~~from and after January 10, 1977~~, the board of county commissioners of each county shall be responsible for all expenses incurred *before July 1, 1988*, for the operation of the district court in the county.

fy 88 (b) On and after July 1, 1987, the state shall reimburse each county for its expenses for payments to individuals serving jury duty in district court cases. Each county clerk shall submit quarterly claims for reimbursement of such costs on forms prescribed by the office of judicial administration. Reimbursements shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to claims approved by the office of judicial administration.

fy 89 (c) On and after July 1, 1988, the board of county commissioners of each county shall continue to provide suitable facilities for operation of the district court in the county and shall be responsible for normal associated expenses such as utilities, maintenance and custodial services. Telecommunication costs shall not be considered a utility expense.

fy 89 (d) On and after July 1, 1988, all expenses incurred for the operation of the district courts, except expenses described in subsections (b) and (c), shall be paid by the state. Expenses described in subsection (b) shall continue to be reimbursed by the state.

Sec. 2. K.S.A. 20-349 is hereby amended to read as follows: 20-349. The administrative judge in each judicial district shall be responsible for the preparation of the budget to be submitted to the board of county commissioners of each county. The board of county commissioners shall then have final authority to determine and approve the budget for district court operations payable by their county. The judicial administrator of the courts shall prescribe the form upon which such budgets shall be submitted. The budget shall include all expenditures payable by the county for operations of the district court in such county. A separate budget shall be prepared for each county within the

draft

district and the judges of the district court shall approve the budget for the county in which said judges are regularly assigned prior to submission of said budget to the board of county commissioners. The compensation to be paid to district court personnel excluded from the judicial personnel classification system pursuant to subsection (b) of K.S.A. 20-162 *and amendments thereto* shall be listed in the budget as a separate item for each job position. After the amount of said district court budget is established, the expenditures under said budget, other than expenditures for job positions contained in the budget, shall be under the control and supervision of the administrative judge, subject to supreme court rules relating thereto, and the board of county commissioners shall approve all claims submitted by the administrative judge within the limits of said district court budget. No board of county commissioners shall decrease such budget for district court operations to a level below the amount of the 1978 calendar year budget approved by the board of county commissioners less the amount of compensation and fringe benefits provided in such budget for judges and other personnel positions which are assumed by the state pursuant to this act. The financial affairs of the district court in each county shall be subject to audit pursuant to the provisions of K.S.A. 1078 ~~Supp.~~ 75-1122 *and amendments thereto*.

(b) ~~The provisions of this subsection (b), as constituted immediately prior to the effective date of this act shall continue to be applicable to counties until January 1, 1979~~ *The budget submitted in accordance with subsection (a) for calendar year 1988 shall represent estimated expenditures during the first six months of that year only.*

(c) *The provisions of this section shall expire June 30, 1988.*

Sec. 3. K.S.A. 20-348 and 20-349 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

IV

STATEMENT ON H.B. 3005

by
Gary L. Haller, Director
Johnson County Park and Recreation District

Representing
Johnson County Park and Recreation District Board

House Bill No. 3005 provides for an addition to the Johnson County Park and Recreation District enabling legislation contained in K.S.A. 19-2881.

The bill, reviewed and supported by the Johnson County Legislative Delegation, was recommended to the Local Government Committee of the House for introduction. The bill is also supported jointly by the Board of County Commissioners of Johnson County and the Park and Recreation District Board. This bill, introduced by the Local Government Committee of the House, passed in the House by a vote of 111 to 6.

House Bill 3005 provides the Park and Recreation District with the option to utilize other public jurisdiction bid-award contracts for the purchase of equipment, materials and supplies subject to a joint agreement to do so between the District and the contracting political subdivision.

This procedure would provide the District with considerable staff time savings in the development of specifications, as well as saving from utilizing joint contracts involving large purchases of equipment, materials and supplies of like kind.

Examples would include the ability to purchase maintenance equipment and materials which are presently being contracted for in larger quantities by the County with costs savings due to the quantity purchased. Another example would be the ability to purchase recreational programs supplies for preschool classes or athletics programs that may be purchased under larger contracts by the school districts from which the Park and Recreation District might purchase.

Under present enabling legislation, the District must design its own specifications, advertise for bids, review bids and award bids to the lowest and best bid. For specialized items, this option is still available to the Board, but the option to utilize other political subdivision contracts provided by H.B. 3005 would eliminate this detail on many purchases presently requiring the time-consuming cost of this procedure.

The committee's favorable consideration on H.B. 3005 is appreciated.

(ATTACHMENT IV) S.L.G.
3/27/86

PROPOSED REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Local Government

Recommends that Senate Bill No. 503

"AN ACT concerning counties; relating to mental health and mental retardation services; amending K.S.A. 19-4002 and repealing the existing section."

Be amended:

On page 1, in line 22, by striking "subsection (e)" and inserting "section 2"; in line 25, by striking "or" and inserting "and";

On page 2, by striking all in lines 74, 75 and 76; following line 76, by inserting the following:

"New Sec. 2. (a) In lieu of appointing a governing board as provided by K.S.A. 19-4002, and amendments thereto, in Sedgwick county, the board of county commissioners may serve as the community mental health and mental retardation governing board.

(b) If the board of county commissioners elects to serve as the governing board pursuant to this section, the board of county commissioners shall appoint a mental health and mental retardation advisory board of not less than seven members. The term of office of each member of the advisory board shall be three years, except that of the members first appointed, 1/3 shall be appointed for a term of one year, 1/3 for a term of two years, and 1/3 for a term of three years. The terms of office of the members of the first advisory board shall begin on dates fixed by the board of county commissioners. Any vacancy occurring in the membership of the advisory board shall be filled by appointment by the board of county commissioners. Membership of the advisory board, as nearly as possible, shall be representative of public health, medical profession, the

judiciary, public welfare, hospitals and mental health organizations and education, rehabilitation, labor, business and civic groups.

(c) The board of county commissioners, as the mental health and mental retardation governing board shall seek the recommendations of the mental health and mental retardation advisory board prior to adopting the annual plan and budget for county mental health and retardation programs.";

"Sec. 3. K.S.A. 1985 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions: (1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law no. 271--74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive,

and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in the provisions of K.S.A. ~~1984~~ 1985 Supp. 19-4601 to 19-4625, and any amendments to any such sections.

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 to 12-1,109, inclusive, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto. Any charter resolution adopted by a county prior to July 1, 1983, exempting from or effecting changes in K.S.A. 19-430, and amendments thereto, is null and void.

(15) Counties may not exempt from or effect changes in

K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 13-13a26, and amendments thereto, is null and void.

(17) Counties may not exempt from or effect changes in K.S.A. 71-301, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 71-301, and amendments thereto, is null and void.

(18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto. Any charter resolution adopted by a county prior to the effective date of this act, exempting from or effecting changes in such sections is null and void.

(19) Counties may not exempt from or effect changes in the provisions of K.S.A. ~~1984-Supp.~~ 12-1223, 12-1225, and 12-1226 and K.S.A. 1985 Supp. 12-1225a, 12-1225b, and 12-1225c and ~~12-1226~~, and amendments thereto.

(20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4002, and amendments thereto, or section 2.

(b) Counties shall apply the powers of local legislation granted in subsection (a) ~~of this section~~ by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) ~~of this section~~ and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the

board under authority of subsection (a) ~~of--this--section~~ is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.";

By renumbering sections 2 and 3 as sections 4 and 5, respectively;

Also on page 2, in line 77, by striking "is" and inserting "and K.S.A. 1985 Supp. 19-101a are";

In the title, in line 19, by striking all before the period and inserting "K.S.A. 1985 Supp. 19-101a and repealing the existing sections";

And the bill be passed as amended.

Chairperson