

Approved

2-4-87 - Ivan Sand  
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 February 3, 1987 in room 521-S of the Capitol.

All members were present except:

Representative Sawyer, Excused

Committee staff present:

Mike Heim, Legislative Research Dept.  
Bill Edds, Revisor of Statutes' Office  
Sharon Green, Committee Secretary

Conferees appearing before the committee:

Representative Roenbaugh  
Richard Funk, Kansas Association of School Boards  
Frank Seitz, Kansas Recreation and Park Association  
Kevin Davis, League of Kansas Municipalities

Chairman Sand called the meeting to order.

Representative Roenbaugh testified in favor of HB 2092, stating that this bill simply amends the statutes to include Stafford County, so that the Board of County Commissioners can levy an annual tax on taxable tangible property, not to exceed 3/10 of 1 mill. (Attachment 1)

Motion was made by Representative Empson and seconded by Representative Mollenkamp to favorably pass HB 2092. The motion carried.

Mike Heim gave the committee an overview of HB 2005, stating that the major changes from current law include: 1) recreation commissions are made separate taxing entities; 2) all recreation commissions shall consist of five members but a grandfather clause permits those commissions with more than five members to continue their expanded membership; 3) all recreation commissions are authorized to levy not to exceed 4 mills subject to protest petition procedures; and 4) powers of recreation commissions are codified and include the ability to own property. (Attachment 2)

Mr. Heim also handed out a comparison of provisions existing and proposed recreation commission statute to the members of the committee. (Attachment 3) Mr. Heim stated that HB 2005 repeals existing statutes.

Richard Funk testified in favor of HB 2005, stating that this bill recodifies and clarifies how recreation commissions operate. Mr. Funk proposed many amendments to the bill as outlined in (Attachment 4).

Discussion was held on the proposed amendments suggested by Mr. Funk. A committee member stated that HB 2005 does not change the existing law of operation.

Frank Seitz testified on HB 2005, stating that the Kansas Recreation and Park Association requests an extension of time to draft their recommendations to the bill. He also stated that KRPA considered the amendments made by the KASB to be acceptable. (Attachment 5)

A member of the committee asked if the recreation commissions would fall under the Tort Claims Act. A staff member said it would.

Kevin Davis testified in opposition to HB 2005, stating that the League of Kansas Municipalities opposed the creation of recreation commissions as separate governmental units with the power of taxation independent of an elected governing body. Mr. Davis also stated that he did favor the new

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Local Government,  
room 521-S, Statehouse, at 1:30 ~~a.m.~~<sup>xxx</sup> p.m. on February 3, 1987.

Sec. 6 as proposed by Mr. Funk and the KASB. Mr. Davis stated that the provisions of HB 2005 as written, is in conflict with the Statement of Municipal Policy objective. (Attachment 6)

Chairman Sand stated that continued hearings on HB 2005 would be scheduled for Thursday, February 5.

The minutes of January 29 were approved as presented.

Meeting adjourned.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Tuesday, February 3, 1987

Representative Ivan Sand, Chairman

Thank you Mr. Chairman and members of the committee. For the record, I am Susan Roenbaugh and I'm here to testify on HB 2092.

Mr. Leonard Brehm of Stafford County, the chairman of the finance committee for the Stafford County Museum, asked me to introduce a bill or amend the present statutes to help with their growing financial problems. At the present time they have about \$6,000 in their account, with a \$15,000 budget. Their museum building needs some repair, and they've been given a number of things that need to be preserved and taken care of properly.

HB 2092 simply amends the statutes to include Stafford County, so the Board of County Commissioners can levy an annual tax on taxable tangible property, not to exceed 3/10 of 1 mill.

Mr. Chairman, I would appreciate your help on this. Thank you for your time and attention. If you have questions, I'll be happy to answer them.

*Attachment 1  
2-3-87*

MEMORANDUM

February 3, 1987

TO: House Local Government Chairman  
FROM: Kansas Legislative Research Department  
RE: H.B. 2005

H.B. 2005 recodifies recreation commission statutes. The bill was recommended by the 1986 interim Special Committee on Federal and State Affairs.

Major changes from current law include: (1) recreation commissions are made separate taxing entities; (2) all recreation commissions shall consist of five members but a grandfather clause permits those commissions with more than five members to continue their expanded membership; (3) all recreation commissions are authorized to levy not to exceed 4 mills subject to protest petition procedures; and (4) powers of recreation commissions are codified and include the ability to own property.

Attachment 2  
2-3-87

**COMPARISON OF PROVISIONS  
EXISTING AND PROPOSED RECREATION COMMISSION STATUTE**

	<u>EXISTING LAW</u>	<u>PROPOSED BILL</u>
AUTHORITY TO ESTABLISH	Cities or school districts, either independently or jointly. Programs and services within a joint system cannot be conducted by both entities. [K.S.A. 12-1901]	Same [New Section 3]
EQUIPMENT AND FACILITIES	Cities and school districts authorized to purchase and maintain equipment, land, buildings and facilities and make capital improvements. [K.S.A. 12-1901]	Same [New Section 3]
TITLE TO REAL PROPERTY	Title can only be held by the city or school board operating the system. [K.S.A. 12-1901]	The commission would be empowered to hold title to property. Proceeds from the sale of any property must be used for recreation purposes. [New Section 7(j)]
USE OF PROPERTY AND GIFTS	Cities, school districts, or commissions authorized to conduct activities of the system on property it owns, or on other property with the consent of the owner and may receive gifts. [K.S.A. 12-1903]	Same [New Section 7(b) and (c)]
RULES AND REGULATIONS	Not specifically addressed.	Make and adopt rules and regulations. [New Section 7(a)]
APPROPRIATIONS AND GRANTS	Not specifically addressed.	Receive, accept, and administer any money appropriated or granted to it by the state or federal government or any agency. [New Section 7(d)]

*Attachment 3  
2-3-87*

EXISTING LAW

PROPOSED BILL

INSURANCE

Not specifically addressed.

Purchase insurance and levy an annual tax to pay for insurance. The levy for insurance would be in addition to the overall mill levy limit. Any amount levied in addition to the overall mill levy limit would be subject to protest petition. [New Section 7(e)]

SUE AND BE SUED

Not specifically addressed.

Sue and be sued. [New Section 7(f)]

CONTRACTING

Not specifically addressed.

Enter contracts. [New Section 7(g)]

EMPLOYEES

Cities and school districts are authorized to employ a superintendent of recreation and assistants. [K.S.A. 12-1901]

The commission would be specifically empowered to employ a superintendent of recreation and any other employees necessary for operation of the system. [New Section 7(h)]

EMPLOYEE  
BENEFITS  
FUNDS

Commissions are authorized to create an employee benefits fund and levy a tax in excess of the overall limitation for the purpose of paying employee benefits. The benefits that may be paid from the fund are limited to social security workers' compensation, and unemployment insurance in one statute, but are not defined in the other. [K.S.A. 12-1921 and 12-16,102]

The powers are retained. The employee benefits that can be paid would be limited to the employer's share of social security, workers' compensation, unemployment compensation, health insurance and retirement benefits. Any amount levied in addition to the overall mill levy limit would be subject to a protest petition. [New Section 7(i)]

CREATION OF  
SYSTEM BY  
PETITION AND  
VOTE

Recreation systems are established by submitting the question to the electorate at any primary, general, or special election of the city or school district after submission of a petition signed by 5 percent of the qualified voters of the city or school district. The petition may be for the creation of either a jointly or an independently operated system. [K.S.A. 12-1904 and 12-1905]

Same procedure with the election to be held as required by the general bond law. [New Section 4(a)]

EXISTING LAW

PROPOSED BILL

The governing bodies of a city and school district may initiate the establishment of a recreation system by adopting a joint resolution or ordinance. The question must be submitted to the electorate at the next regular or special election of the larger of the two jurisdictions. [K.S.A. 12-1904a]

Election would be held as required by the general bond law. [New Section 4(c)]

CREATION  
OF A COMMISSION

If the proposal is approved by the voters, the city or school district must adopt a resolution or ordinance to establish the system and create a commission to conduct the system. [K.S.A. 12-1906]

Same [New Section 4(d)]

COMMISSION  
MEMBERSHIP

Initially, the commissions are to have five members, four of whom are to be appointed by the governing body that established the system. The fifth member is chosen by the four appointees. In the case of a jointly established system, the city and school district each appoint two members and those four select the fifth member. [K.S.A. 12-1907]

With the exception of commissions created in accordance with existing law prior to the effective date of the bill, all commissions would have five members. Four of the members would be appointed by the city or school district or both with the fifth member selected by those four. In the case of independently operated systems, the city or school board would appoint at least one of its members to the commission. In the case of jointly operated systems, the city and school district would each appoint one of their members to the commission. [New Section 5(a) and (b)]

After three years at the maximum mill levy, an additional mill may be levied if the commission is reorganized to include members of the appointing body. The statute mandates expansion of the membership of the commission and participation of the elected officials. All members serve without pay. [K.S.A. 12-1908]

OFFICERS OF  
THE COMMISSION

The commission is required to elect a presiding officer and secretary. The treasurer of the city or school district is the ex-officio treasurer of the commission. [K.S.A. 12-1907]

The commission would elect a chairperson, secretary, and treasurer from the membership. [New Section 5(a)]

EXISTING LAW

PROPOSED BILL

TERM OF  
OFFICE AND  
FILLING OF  
VACANCIES

Members serve four-year, staggered terms. Successors are selected in the same manner as the member being replaced. [K.S.A. 12-1097]

Same [New Section 5(a)]

MILL LEVY  
LIMITATION

The initial limitation on the tax levy is one mill and may be specified in the petition. After the commission has been in operation, the levy may be increased by one mill, for a total of two mills, subject to protest petition. Certain school districts and cities may increase to three mills. After operating for three years at the maximum tax, an additional mill may be levied if the commission is reorganized as discussed above. Any additional levy is subject to protest petition. The tax levied for the recreation commission is not to be considered for purposes of computing the city or school district's total tax levy. [K.S.A. 12-1908] School districts may have the recreation commission tax indicated separately on the tax statement. [K.S.A. 79-2001]

The total maximum annual tax levy of four mills is applicable to all commissions. Increases of the existing levy can only be made in one mill increments subject to protest petition. [New Section 6(a)-(c)]

The authorization for a separate entry on the tax statement for the recreation commission levy would not be necessary. [Sec. 14]

REDUCING OR  
REVOKING THE  
MILL LEVY

At any time after the levying of the first tax for the recreation commission, the authority to levy the tax may be revoked or reduced by a majority vote of the electors at an election called pursuant to a petition. Upon revocation of the authority to levy the tax, the property and funds of the recreation commission become the property of the city or school district which levies the tax. [K.S.A. 12-1908(a)]

An election to reduce or revoke the levying authority would be conducted in accordance with the general bond law. The language in regard to disposition of property is changed to reflect the fact that under this bill the city or school district would not levy the tax. The act of revoking the levy authority dissolves the commission. [New Section 6(d)]

LEVYING  
AUTHORITY

The tax levied to support the recreation system is levied by the city or school district that

The tax to support the recreation system is levied by the recreation commission. The budget for the



EXISTING LAW

PROPOSED BILL

establishes the system or, in the case of a joint system, the larger of the two. [K.S.A. 12-1908]

commission is to be prepared, published, and approved by the commission in the same manner as that required for other local units of government. [New Section 6]

Dissolution of a Commission

CITY  
ESTABLISHED

The governing body of a city that establishes a recreation commission may combine the operation of the recreation system with its park system after publication of intent to combine the two. The action is subject to protest petition requiring the signatures of 10 percent of the registered voters of the city. All property of the recreation commission becomes property of the combined city department. The city is authorized to hire any personnel necessary for operation of the system. [K.S.A. 12-1914(a)]

Same procedure. The required number of signatures on the protest petition is reduced to 5 percent and the election is to be conducted in accordance with the general bond law. [New Section 8(a)]

Cities creating a combined park and recreation department are authorized to levy a tax to support the department. The tax would be included in a calculation of the city's total tax levy. [K.S.A. 12-1917]

Same [New Section 11]

SCHOOL DISTRICT  
OR JOINT

The two governing bodies must publish their intent to combine the recreation system with the city park system. The action is subject to protest petition requiring the signatures of 10 percent of the voters. Property of the recreation system becomes the property of the park and recreation department of the

Same procedure. Signature requirement on the petition is reduced to 5 percent and the election is to be conducted in accordance with the general bond law. [New Section 8(b)]

EXISTING LAW

PROPOSED BILL

city. The city is authorized to hire any personnel necessary for operation of the system. [K.S.A. 12-1914(b)]

Any city with a population between 100,000 and 150,000 may combine the recreation system that it operates jointly with the school district with the city's park department upon adoption of the appropriate agreement by both of the governing bodies. The city retains authorization to levy a tax in excess of its levy limit to support the system. The creation of the park and recreation department is not subject to protest, but the levying of a tax in excess of two mills is subject to protest by 2 percent of the voters. [K.S.A. 12-1919]

Any city with a population between 26,000 and 50,000 may enter into an agreement with the school district to terminate the recreation commission. The city is then authorized to levy an annual tax to support the recreation system. The tax would be included when determining the city's total tax levy. [K.S.A. 12-1912]

If a combined park and recreation department is created under the authority of K.S.A. 12-1914, an advisory board is created. The recreation commission that is in existence at the time of the creation of the joint department is to become the first advisory body. The powers and duties of the advisory board are established. [K.S.A. 12-1915 and 12-1916]

The procedure provided for in the existing law is made available to all cities, but would be subject to protest petition. The maximum tax that could be levied without being subject to a protest petition would be three mills. The petition requirement is raised to 5% of the voters and the required election on the question would be held in accordance with the general bond law. [New Section 12]

Included in the more general sections above.

Same [New Section 9]

PARK AND  
RECREATION  
ADVISORY  
BOARD

Local Gov't

HOUSE BILL No. 2005

By Special Committee on Federal and State Affairs

Re Proposal No. 16

12-15

0017 AN ACT concerning recreation commissions; relating to the
0018 establishment and operation thereof; amending K.S.A. 1986
0019 Supp. 12-16,102 and 79-2001 and repealing the existing sec-
0020 tions; also repealing K.S.A. 12-1902, 12-1903, 12-1905, 12-
0021 1906, 12-1909, 12-1910, 12-1912, 12-1913, 12-1914, 12-1915,
0022 12-1916, 12-1917, 12-1919 and 12-1921 and K.S.A. 1986 Supp.
0023 12-1901, 12-1904, 12-1904a, 12-1907 and 12-1908.

0024 Be it enacted by the Legislature of the State of Kansas:

0025 New Section 1. When used in this act:

0026 (a) "City" means any city in the state of Kansas;

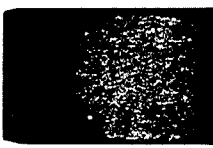
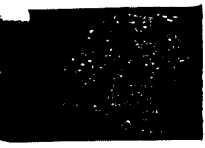
0027 (b) "school district" means any unified school district in the
0028 state of Kansas;

0029 (c) "recreation system" means any system of public recre-
0030 ation and playgrounds established pursuant to this act; and

0031 (d) "taxing district" means (1) the area within the corporate
0032 limits of a city in the case of a city-established recreation system;
0033 (2) the area within the boundary lines of a school district in the
0034 case of a school district-established recreation system; or (3) the
0035 area within the corporate limits of a city or the area within the
0036 boundary lines of a school district, whichever has the greater
0037 assessed valuation, in the case of a jointly established recreation
0038 system.

0039 New Sec. 2. Any recreation system created under the provi-
0040 sions of article 19 of chapter 12 of the Kansas Statutes Annotated
0041 prior to the effective date of this act shall continue in existence
0042 but shall be operated under the provisions of this act.

0043 New Sec. 3. Any city or school district may establish a sys-
0044 tem of public recreation in the manner provided by this act. Any



General Fund... for...

Attachment 4
2-3-87



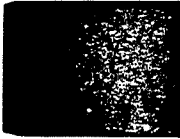
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0045 city or school district may establish, independently or jointly, a  
 0046 recreation system. The programs and services within a joint  
 0047 recreation system shall not be conducted by both the city and  
 0048 school district, each acting independently of the other. ~~When-~~  
 0049 ~~ever a recreation system is established, any city or school district~~  
 0050 ~~operating or participating in the operation of a recreation system~~  
 0051 ~~shall make available for recreation purposes the use of property~~  
 0052 ~~and facilities belonging to each such entity.~~ The city or school  
 0053 district may acquire and maintain equipment, land, buildings or  
 0054 other recreational facilities and make capital improvements. The  
 0055 operation of the recreation system created pursuant to section 4  
 0056 and all programs and services thereof shall be delegated to a  
 0057 recreation commission appointed in the manner provided by  
 0058 section 5.

0059 New Sec. 4. (a) Whenever a petition signed by at least 5% of  
 0060 the qualified voters of the city or school district is filed with the  
 0061 clerk thereof, requesting the governing body of the city or school  
 0062 district to establish a recreation system and to levy an annual tax  
 0063 not to exceed one mill for such recreation system and to pay a  
 0064 portion of the principal and interest on bonds issued pursuant to  
 0065 K.S.A. 12-1774, and amendments thereto, the governing body of  
 0066 the city or school district shall submit the question of establish-  
 0067 ing a recreation system to the qualified voters thereof. Such  
 0068 election shall be called and held in the manner provided by the

and the cost of the  
election shall be  
borne by the city  
or the school district.

0069 general bond law.↑  
 0070 (b) A petition requesting the governing bodies of a city and  
 0071 school district to establish a joint recreation system and signed  
 0072 by at least 5% of the qualified voters of the city or school district  
 0073 may be filed with the clerk of the city or school district. Upon  
 0074 receipt of the petition, the clerk shall set a day not less than five  
 0075 nor more than 10 days thereafter for the joint meeting of the two  
 0076 governing bodies for the consideration of the petition. Notice of  
 0077 the receipt of the petition and the date and place of the joint  
 0078 meeting shall be given immediately by the clerk to the executive  
 0079 officer of the city and school district by registered mail. If the  
 0080 petition is found sufficient, the proposition shall be submitted to  
 0081 the qualified voters within the city or school district, whichever



0082 has the greater assessed valuation. Such election shall be called  
0083 and held in the manner provided by the general bond law.↑



0084 (c) The governing body of any city and any school district  
0085 may initiate the establishment of a joint district recreation sys-

and the cost of the  
election shall be  
borne equally by the  
city and the school  
district.

0086 tem by adopting a joint ordinance or resolution proposing to  
0087 establish a joint recreation system and to levy an annual tax not to  
0088 exceed one mill for such recreation system and to pay a portion of  
0089 the principal and interest on bonds issued pursuant to K.S.A.  
0090 12-1774, and amendments thereto. The proposal shall be sub-  
0091 mitted for approval by the voters of the city or school district,  
0092 whichever has the greater assessed valuation, at an election  
0093 called and held in the manner provided by the general bond law.

and the cost of the  
election shall be  
borne equally by  
the city and the  
school district.

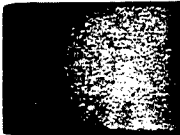
0094 (d) Upon approval of the proposition by a majority of those  
0095 voting on it at the election, the governing body of the city or  
0096 school district if acting independently or the governing bodies of  
0097 a city and school district acting jointly, by appropriate resolution  
0098 or ordinance, shall provide for the establishment, maintenance  
0099 and conduct of such recreation system as they deem advisable  
0100 and practicable and shall appoint a recreation commission as  
0101 provided by section 5 to be vested with the powers, duties and  
0102 obligations necessary for the conduct of such recreation system.

who are residents of  
the taxing district

0103 New Sec. 5. (a) Except as provided by subsection (b), all  
0104 recreation commissions shall consist of five members to be  
0105 appointed as follows: (1) Upon the adoption of the provisions of  
0106 this act by the city or school district acting independently, the  
0107 governing body of such city or school district shall appoint four  
0108 persons to serve as members of the recreation commission, the  
0109 first appointee to serve for four years, the second for three years,  
0110 the third for two years, and the fourth for one year, and the fifth  
0111 member who also shall serve for four years shall be appointed by  
0112 the four appointee members of such commission. ~~At least one~~

DELETE

0113 ~~member appointed by the city or school district shall be a~~  
0114 ~~member of the governing body of such city or school district; or~~



0115 (2) upon the adoption of the provisions of this act by the city and  
0116 school district acting jointly, the governing bodies each shall  
0117 appoint two persons to serve as members of the recreation  
0118 commission, and the persons so selected shall select one addi-

who are residents of  
the taxing district.



0119 tional person, and all of such persons shall constitute the recre-  
0120 ation commission. ~~At least one appointee of the city and one~~  
0121 ~~appointee of the school district shall be a member of the gov-~~  
0122 ~~erning body of such city or school district.~~

DELETE

0123 Of the members of the commission first selected by the school  
0124 district, one shall serve for a term of one year, and one for a term  
0125 of four years; one of those first selected by the governing body of  
0126 the city shall serve for a term of two years, and one for a term of  
0127 three years. The additional member shall serve for a term of four  
0128 years. Thereafter, the members of the commission shall be se-  
0129 lected in the same manner as the member such person is suc-  
0130 ceeding and the term of office of each shall be four years. Except  
0131 for members first appointed to the commission, all commission-  
0132 ers not filling a vacancy shall hold office for a term of four years  
0133 and until their successors are appointed and qualified. When-  
0134 ever a vacancy occurs in the membership of the commission, a  
0135 successor shall be selected to fill such vacancy in the same  
0136 manner as and for the unexpired term of the member such person  
0137 is succeeding. The commission shall elect a chairperson, secre-  
0138 tary and treasurer from their membership. The commissioners  
0139 are hereby empowered to administer in all respects the business  
0140 and affairs of the recreation system. The treasurer of the com-  
0141 mission shall furnish a bond in an amount determined by the  
0142 commission. Such treasurer shall keep an accurate record of all  
0143 money and property received and disbursed and shall make a  
0144 report thereof monthly to the commission, or as often as the  
0145 commission requires. Members of the commission and ex officio  
0146 members of the commission shall serve without compensation.

DELETE

0147 (b) Any recreation commission established pursuant to K.S.A.  
0148 12-1901 *et seq.*, and amendments thereto, prior to the effective

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0149 date of this act, ~~and consisting of more than five members~~ may

0150 ~~continue to operate with more than five members~~ or upon a

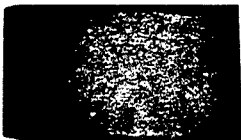
0151 majority vote of the commissioners may reorganize into a five-

0152 member commission as provided by subsection (a). If the com-

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0153 mission continues to operate, ~~with more than five members and~~

0154 upon the expiration of the term of a member, a person shall be  
0155 appointed to the commission in the same manner as the member



as presently constituted

as presently constituted or may

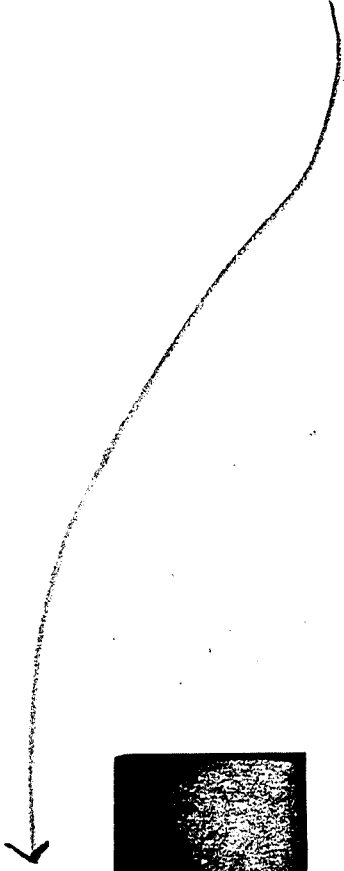
Line 147: (b) Any recreation commission established pursuant to K.S.A. 12-1901 et seq., and amendments thereto, prior to the effective date of this act ~~and consisting of more than five members~~ may continue to operate ~~with more than five members~~ or as presently constituted or may upon a majority vote of the commissioners ~~may~~ reorganize into a five member commission as provided by subsection (a). If the commission continues to operate ~~with more than five members~~ as presently constituted and upon the expiration of the term of a member, a person shall be appointed to the commission in the same manner as the member

0156 such person is succeeding. The term of office shall be four years.  
0157 Whenever a vacancy occurs in the membership of the commis-  
0158 sion, a successor shall be selected to fill such vacancy in the  
0159 same manner as and for the unexpired term of the member such  
0160 person is succeeding.

0161 New Sec. 6. (a) The recreation commission shall prepare,  
0162 publish and approve an annual budget for the operation of the  
0163 recreation system in the same manner as required by law apply-  
0164 ing to other taxing units pursuant to K.S.A. 79-2925 *et seq.*, and  
0165 amendments thereto. In order to provide funds to carry out the  
0166 provisions of this act and to pay a portion of the principal and  
0167 interest on bonds issued pursuant to K.S.A. 12-1774, and  
0168 amendments thereto, the recreation commission shall levy an-  
0169 nually a tax on all the taxable tangible property within the taxing  
0170 district. Whenever the recreation commission determines that  
0171 the tax currently being levied by the commission is insufficient  
0172 to operate the recreation system and the commission desires to  
0173 increase the mill levy above the current levy, the commission  
0174 may adopt a resolution declaring it necessary to increase the  
0175 annual levy. Such increase shall not exceed one mill per year.  
0176 The maximum annual mill levy shall not exceed a total of four  
0177 mills.

0178 (b) Any resolution adopted under subsection (a) shall state  
0179 the total amount of the tax to be levied for the recreation system  
0180 and shall be published once each week for two consecutive  
0181 weeks in the official newspaper of the taxing district. Where-  
0182 upon, such annual levy in an amount not to exceed the amount  
0183 stated in the resolution may be made for the ensuing budget year  
0184 and each successive budget year unless a petition requesting an  
0185 election upon the proposition to increase the tax levy in excess of  
0186 the current tax levy, signed by at least 5% of the qualified voters  
0187 of the taxing district, is filed with the county election officer  
0188 within 30 days following the date of the last publication of the  
0189 resolution. In the event a valid petition is filed, no such in-  
0190 creased levy shall be made without such proposition having  
0191 been submitted to and having been approved by a majority of the  
0192 voters of the taxing district voting at an election called and held

See  
below



New Sec. 6. (a) The recreation commission shall prepare, publish and approve an annual budget for the operation of the recreation system in the same manner as required by law applying to other taxing units pursuant to K.S.A. 79-2925 *et seq.*, and amendments thereto. In order to provide funds to carry out the provisions of this act and to pay a portion of the principal and interest on bonds issued pursuant to K.S.A. 12-1774, and amendments thereto, the recreation commission shall levy annually, a tax and not later than 20 days prior to the date for publishing of the budget of such city or school district, certify its budget to such city or school district which shall levy a tax sufficient to raise the amount required by such budget on all the taxable tangible property within the taxing district. The city or school district shall not be required to levy a tax in excess of the maximum tax levy set by the city or school district for recreation by current resolution. Whenever the recreation commission determines that the tax currently being levied by the commission, as previously established by the city or school district, is insufficient to operate the recreation system and the commission desires to increase the mill levy above the current levy, the commission ~~may adopt~~ shall request that the city or school district authorize the increase by adopting a resolution declaring it necessary to increase the annual levy. The city or school district may authorize the increase by resolution but (S)such increase shall not exceed one mill per year. The maximum annual levy for the recreation commission general fund shall not exceed a total of four mills.



0193 thereon. All such elections shall be called and held in the  
 0194 manner provided by the general bond law. Such taxes shall be  
 0195 levied and collected in like manner as other taxes, which levy  
 0196 the chairperson of the recreation commission shall certify, on or  
 0197 before August 25 of each year, to the county clerk who is hereby  
 0198 authorized and required to place the same on the tax roll of the  
 0199 county to be collected by the county treasurer and paid over by  
 0200 the county treasurer to the treasurer of the recreation commis-  
 0201 sion.

and the cost of the  
election shall be  
borne by the  
recreation commiss  
ion.

0202 (c) The tax levy provided in this section shall not be included  
 0203 in and shall not constitute a part of the tax levy of any city or  
 0204 school district to which this act is applicable.

0205 (d) At any time after the making of the first tax levy pursuant  
 0206 to this act, the amount of such tax levy may be reduced ~~or the~~  
 0207 ~~authority to levy the tax may be revoked~~ by a majority of the  
 0208 voters of the taxing district voting at an election called pursuant  
 0209 to a petition and conducted in the same manner as that pre-  
 0210 scribed by subsection (b). If the petition submitted is for the  
 0211 purpose of reducing the mill levy and not for the purpose of  
 0212 revoking the authority to levy the tax, it shall state the mill levy  
 0213 reduction desired. Upon revocation, all property and money  
 0214 belonging to the recreation commission shall become the prop-  
 0215 erty of the city or school district which established the recreation  
 0216 commission and the recreation commission shall be dissolved.

0217 (e) All financial records of the recreation commission shall be  
 0218 audited as provided in K.S.A. 75-1122, and amendments thereto,  
 0219 and a copy of such annual audit report shall be filed with the  
 0220 governing body of the city or school district or both in the case of  
 0221 a jointly established recreation system.

The cost of each  
audit is to be borne  
by the recreation  
commission.

0222 New Sec. 7. Every recreation commission appointed pursu-  
 0223 ant to this act shall have the power to:

0224 (a) Make and adopt rules and regulations for the operation of  
 0225 the recreation system;

0226 (b) conduct the activities of the recreation system on any  
 0227 property under its custody and management, or, with proper  
 0228 consent, on any other public property and upon private property  
 0229 with the consent of the owners;





0230 (c) receive any gift or donation from any source;  
0231 (d) receive, accept and administer any money appropriated  
0232 or granted to it by the state or federal government or any agency  
0233 thereof;

0234 (e) purchase insurance and may levy an annual tax upon all  
0235 taxable tangible property within the taxing district in an amount  
0236 necessary to pay for such insurance and to pay a portion of the  
0237 principal and interest on bonds issued pursuant to K.S.A. 12-  
0238 1774, and amendments thereto. Taxes levied pursuant to this  
0239 subsection may be in addition to all other taxes authorized or  
0240 limited by law ~~except that if the amount levied pursuant to this~~  
0241 ~~subsection together with the amount levied pursuant to section 6,~~  
0242 ~~exceeds 4 mills, no levy in excess of 4 mills shall be made until~~  
0243 ~~the recreation commission shall have adopted a resolution au-~~  
0244 ~~thorizing the making of the levy in excess of 4 mills. Such~~  
0245 ~~resolution shall state the amount of and purpose for which the~~  
0246 ~~levy is to be made and shall be published once in the official~~  
0247 ~~newspaper of the taxing district. Whereupon such levy in an~~  
0248 ~~amount not to exceed the amount stated in the resolution may be~~  
0249 ~~made for the ensuing budget year and each successive budget~~  
0250 ~~year unless a petition requesting an election upon the proposi-~~  
0251 ~~tion, signed by not less than 5% of the qualified voters of the~~  
0252 ~~taxing district, is filed with the county clerk within 30 days~~  
0253 ~~following publication of the resolution. In the event a valid~~  
0254 ~~petition is filed, no such levy shall be made without such~~  
0255 ~~proposition having been submitted to and having been approved~~  
0256 ~~by a majority of the qualified voters of the taxing district voting~~  
0257 ~~thereon. Such election shall be called and held in the manner~~  
0258 ~~provided by the general bond law.~~

Delete

0259 (f) sue and be sued;

0260 (g) enter contracts;

0261 (h) employ a superintendent of recreation and any other  
0262 employees which may be necessary for proper operation of the  
0263 recreation system;

0264 (i) create and establish employee benefits contribution funds  
0265 for the purpose of paying the employer's share of any employee  
0266 benefits, exclusive of any salaries, wages or other direct pay-

0267 ments to such employees, as may be prescribed in the resolution  
0268 creating such funds. The recreation commission may receive and  
0269 place in such funds any moneys from any source whatsoever  
0270 which may be lawfully utilized for the purposes stated in the  
0271 resolution creating such funds, including the proceeds of tax  
0272 levies authorized by law for such purposes. Any recreation  
0273 commission which has established employee benefits funds  
0274 pursuant to this subsection may levy an annual tax upon all  
0275 taxable tangible property within the taxing district in an amount  
0276 determined by the recreation commission to be necessary for the  
0277 purposes for which such funds were created and to pay a portion  
0278 of the principal and interest on bonds issued pursuant to K.S.A.  
0279 12-1774, and amendments thereto. Taxes levied pursuant to this  
0280 subsection may be in addition to all other taxes authorized or  
0281 limited by law ~~except that if the amount levied pursuant to this~~  
0282 ~~subsection together with the amount levied pursuant to section 6~~  
0283 ~~exceeds 4 mills, no levy in excess of 4 mills shall be made until~~  
0284 ~~the recreation commission shall have adopted a resolution au-~~  
0285 ~~thorizing the making of the levy in excess of 4 mills. Such~~  
0286 ~~resolution shall state the amount of and purpose for which the~~  
0287 ~~levy is to be made and shall be published once in the official~~  
0288 ~~newspaper of the taxing district. Whereupon such levy in an~~  
0289 ~~amount not to exceed the amount stated in the resolution may be~~  
0290 ~~made for the ensuing budget year and each successive budget~~  
0291 ~~year unless a petition requesting an election upon the proposi-~~  
0292 ~~tion, signed by not less than 5% of the qualified voters of the~~  
0293 ~~taxing district, is filed with the county clerk within 30 days~~  
0294 ~~following publication of the resolution. In the event a valid~~  
0295 ~~petition is filed, no such levy shall be made without such~~  
0296 ~~proposition having been submitted to and having been approved~~  
0297 ~~by a majority of the qualified voters of the taxing district voting~~  
0298 ~~thereon. Such election shall be called and held in the manner~~  
0299 ~~provided by the general bond law. For the purposes of this~~  
0300 subsection, employee benefits shall include social security as  
0301 provided by subsection (c) of K.S.A. 40-2305, and amendments  
0302 thereto, workers' compensation as provided by K.S.A. 44-505c,  
0303 and amendments thereto, unemployment compensation as pro-

Delete

0304 vided by K.S.A. 44-710a, and amendments thereto, health insur-  
0305 ance and retirement benefits;

0306 (j) acquire and hold title to property. Whenever property  
0307 owned by a recreation commission is sold, the proceeds shall be  
0308 used for recreation purposes; and

0309 (k) perform any other acts necessary to carry out the provi-  
0310 sions of this act.

0311 New Sec. 8. (a) Whenever the governing body of any city  
0312 which has established a recreation system deems it advisable to  
0313 combine the operation and administration of its park system and  
0314 its recreation system, it shall publish a notice of its intention to  
0315 combine the two systems and establish a single department.  
0316 Such notice shall be published once each week for two consec-  
0317 utive weeks in the official city newspaper and if within 30 days  
0318 after the last publication of the notice a petition signed by at least  
0319 5% of the qualified voters of the city requesting an election upon  
0320 such question, an election shall be called and held thereon. Such

and the cost  
of the elec-  
tion shall  
be borne by  
the city.

0321 election shall be called and held in the manner provided by the  
0322 general bond law. If no protest or no sufficient protest is filed or  
0323 if an election is held and the proposition carries by a majority of  
0324 those voting thereon, the governing body, by ordinance, may  
0325 provide for the combining of its park system and its recreation  
0326 system and the establishment of a combined park and recreation  
0327 department. All property under the control or jurisdiction of  
0328 either of such systems, upon the combination of the same, shall  
0329 be transferred to such department which shall administer the  
0330 city's park and recreation system. The governing body shall  
0331 provide by ordinance for such officers and employees which may  
0332 be necessary for the proper operation of the department who  
0333 shall be appointed or employed in the manner provided for other  
0334 officers and employees of the city.

0335 (b) Whenever the governing body of a city in which a recre-  
0336 ation system which was established by a school district or by a  
0337 school district and city acting jointly, wishes to combine the city  
0338 park system with the recreation system into a single city park and  
0339 recreation department, the governing bodies of both, if they  
0340 agree to such combination, jointly shall publish notice of the

0341 intention to combine the two systems into a single city depart-  
 0342 ment of parks and recreation. Such notice shall be published  
 0343 once each week for two consecutive weeks in the official city  
 0344 newspaper and if within 30 days after the last publication of a  
 0345 petition signed by at least 5% of the qualified voters of the city  
 0346 requesting an election upon such question, an election shall be  
 0347 called and held thereon. Such election shall be called and held  
 0348 in the manner provided by the general bond law. If no protest or  
 0349 no sufficient protest is filed or if an election is held and the  
 0350 proposition carries by a majority of those voting thereon, the  
 0351 governing body, by ordinance, may provide for the combining of  
 0352 its park system and its recreation system and the establishment  
 0353 of a combined park and recreation department. All property  
 0354 under the control or jurisdiction of either of such systems, upon  
 0355 the combination of the same, shall be transferred to the depart-  
 0356 ment which shall administer the city's park and public recreation  
 0357 system. The governing body shall provide by ordinance for such  
 0358 officers and employees which may be necessary for the proper  
 0359 operation of the department who shall be appointed or employed  
 0360 in the manner provided for other officers and employees of the  
 0361 city.

and the cost of  
the election shall  
be borne equally  
by the city and  
the school  
district.

0362 New Sec. 9. The governing body of any city which exercises  
 0363 the provisions of section 8, by ordinance, shall provide for the  
 0364 creation of a park and recreation advisory board to be appointed  
 0365 by the governing body of the city. The members of the recreation  
 0366 commission at the time of such combination shall constitute the  
 0367 initial park and recreation advisory board. Members shall serve  
 0368 upon such park and recreation advisory board for the term for  
 0369 which they were appointed to the recreation commission and  
 0370 upon the expiration of the term of any member, appointment  
 0371 shall be made to fill such position for a term of four years. In  
 0372 addition, where the recreation system was being operated by a  
 0373 school district or a school district and city acting jointly prior to  
 0374 combining the park and recreation systems, the city governing  
 0375 body shall appoint two members of the board of education of  
 0376 such school district to the park and recreation advisory board,  
 0377 and such members shall serve for terms concurrent with their

0378 terms as members of the board of education.

0379 New Sec. 10. The governing body of any city having estab-  
0380 lished a park and recreation advisory board pursuant to section 9  
0381 shall refer all major proposals and propositions for the construc-  
0382 tion, reconstruction and improvement of public parks and recre-  
0383 ational facilities including the acquisition of land for park pur-  
0384 poses, the acquisition of major recreational equipment and  
0385 facilities and the institution of new programs in the recreational  
0386 system to such board. Such board shall make reports and recom-  
0387 mendations to the governing body on all matters referred to it  
0388 and any further recommendations as deemed advisable. Such  
0389 reports shall be made within a time fixed by the governing body  
0390 at the time the proposal or proposition is submitted to the board  
0391 and no action shall be taken thereafter by the governing body  
0392 upon any such proposal or proposition until the reports and  
0393 recommendations thereon have been received from the board.  
0394 The governing body of the city shall take action upon the reports  
0395 and recommendations received from the advisory board within  
0396 30 days after their receipt. The governing body may extend the  
0397 time as it deems necessary to give the matter further attention  
0398 before action is taken.

0399 New Sec. 11. Upon the establishment of a combined park  
0400 and recreation department, the current operating fund of or  
0401 budgeted for the two systems shall be transferred to the credit of  
0402 the combined park and recreation department but shall be  
0403 maintained in two individual funds which shall be used for the  
0404 purpose for which levied. Thereafter, levies made for the pur-  
0405 pose of financing the operation of the park and recreation de-  
0406 partment and to pay a portion of the principal and interest on  
0407 bonds issued by such city under the authority of K.S.A. 12-1774,  
0408 and amendments thereto, shall be made annually upon all tax-  
0409 able tangible property in the city.

0410 New Sec. 12. As an alternative to the procedure provided by  
0411 section 8, the governing body of any city may authorize by  
0412 ordinance that an agreement be entered into by such governing  
0413 body with the governing body of any school district located in  
0414 such city to terminate the recreation commission jointly estab-

0415 lished by such city and school district and to establish a recre-  
 0416 ation division within an existing department of the city govern-  
 0417 ment or to establish a recreation department of the city  
 0418 government. Such ordinance shall provide that such agreement  
 0419 may include provisions for the use of school property for recre-  
 0420 ation purposes. Such ordinance shall be published once each  
 0421 week for two consecutive weeks in the official city newspaper  
 0422 and if within 30 days after the last publication of a petition  
 0423 signed by at least 5% of the qualified voters of the city requesting  
 0424 an election upon such question, an election shall be called and  
 0425 held thereon. Such election shall be called and held in the  
 0426 manner provided by the general bond law. If no protest or no  
 0427 sufficient protest is filed or if an election is held and the propo-  
 0428 sition is approved by a majority of those voting thereon, such city  
 0429 shall be authorized to establish such recreation division or de-  
 0430 partment and may make a tax levy in an amount not to exceed  
 0431 four mills upon all taxable tangible property of the city for  
 0432 recreation purposes and to pay a portion of the principal and  
 0433 interest on bonds issued by such city under the authority of  
 0434 K.S.A. 12-1774, and amendments thereto. Such levy shall be  
 0435 exempt from the limitation imposed under the provisions of  
 0436 K.S.A. 79-5001 to 79-5016, inclusive, and amendments thereto.  
 0437 No levy in excess of three mills shall be made under the  
 0438 authority of this section until the governing body shall have  
 0439 adopted a resolution authorizing the making of the levy in excess  
 0440 of three mills. Such resolution shall state the purpose for which  
 0441 the levy in excess of three mills is to be made and shall be  
 0442 published once in the official city newspaper. Whereupon such  
 0443 annual levy in an amount not to exceed the amount stated in the  
 0444 resolution may be made for the ensuing budget year and each  
 0445 successive budget year unless a petition requesting an election  
 0446 upon the proposition to increase the tax levy in excess of the  
 0447 current tax levy, signed by not less than 5% of the qualified  
 0448 voters of the city, is filed with the city clerk within 30 days  
 0449 following publication of the resolution. In the event a valid  
 0450 petition is filed, no such increased levy shall be made without  
 0451 such proposition having been submitted to and having been

and the cost  
 of the elec-  
 tion shall  
 be borne  
 equally by  
 the city  
 and the  
 school dis-  
 trict.



0452 approved by a majority of the qualified voters of the city voting  
0453 thereon. Such election shall be called and held in the manner  
0454 provided by the general bond law.

and the cost of  
the election  
shall be borne  
by the city.

0455 Sec. 13. K.S.A. 1986 Supp. 12-16,102 is hereby amended to  
0456 read as follows: 12-16,102. (a) Except as provided in this section,  
0457 "taxing subdivision" means any city, county, township, commu-  
0458 nity ~~junior~~ college district or other political subdivision of the  
0459 state of Kansas having authority to levy taxes on taxable tangible  
0460 property. A school district shall *not* be considered a taxing  
0461 subdivision ~~only~~ for the purpose of ~~making a levy for a recreation~~  
0462 ~~commission~~ *this section.*

0463 (b) Any taxing subdivision may create and establish em-  
0464 ployee benefits contribution funds for (1) the taxing subdivision  
0465 or (2) any political subdivision for which a tax is levied by such  
0466 taxing subdivision for the purpose of paying the employer's  
0467 share of any employee benefits, exclusive of any salaries, wages  
0468 or other direct payments to such employees, as may be pre-  
0469 scribed in the ordinance or resolution of the governing body  
0470 creating such funds. The taxing subdivision may receive and  
0471 place in such funds any moneys from any source whatsoever  
0472 which may be lawfully utilized for the purposes stated in the  
0473 ordinance or resolution creating such funds, including the pro-  
0474 ceeds of tax levies authorized by law for such purposes.

0475 (c) The governing body of any taxing subdivision having  
0476 established employee benefits funds under subsection (b) is  
0477 hereby authorized to levy an annual tax upon all taxable tangible  
0478 property within the taxing subdivision in an amount determined  
0479 by the governing body to be necessary for the purposes for which  
0480 such funds were created and to pay a portion of the principal and  
0481 interest on bonds issued under the authority of K.S.A. 12-1-74,  
0482 and amendments thereto, by cities located in the county. Taxes  
0483 levied by a city or county pursuant to this section shall be exempt  
0484 from the limitations imposed by K.S.A. 79-5001 to 79-5016,  
0485 inclusive, and amendments thereto, but only if and to the extent  
0486 that such taxes would otherwise be exempt if levied as a separate  
0487 fund or for a purpose specifically exempt by law.

0488 Sec. 14. K.S.A. 1986 Supp. 79-2001 is hereby amended to

0489 read as follows: 79-2001. As soon as the county treasurer receives  
0490 the tax roll of the county, the treasurer shall enter in a column  
0491 opposite the description of each tract or parcel of land the  
0492 amount of unpaid taxes and the date of unredeemed sales, if any,  
0493 for previous years on such land. The treasurer shall cause a  
0494 notice to be published in the official county paper once each  
0495 week for three consecutive weeks, stating in the notice the  
0496 amount of taxes charged for state, county, township, school, city  
0497 or other purposes for that year, on each \$1,000 of valuation.  
0498 Each year after receipt of the tax roll from the county clerk and  
0499 before December 15, the treasurer shall mail to each taxpayer, as  
0500 shown by the rolls, a tax statement which indicates the taxing  
0501 unit, assessed value of real and personal property, the mill levy  
0502 and tax due. ~~When the taxing unit is a school district which is~~  
0503 ~~involved in the operation of a system of public recreation and~~  
0504 ~~playgrounds and which is levying a tax to fund the operation of~~  
0505 ~~the recreation system, the school district may direct the county~~  
0506 ~~treasurer to indicate on or exclude from the tax statement the~~  
0507 ~~exact amount and portion of the mill levy and tax due which is~~  
0508 ~~attributable to the operation of the recreation system.~~ The tax  
0509 statement also may include the intangible tax due the county. All  
0510 items may be on one statement or may be shown on separate  
0511 statements and may be on a form prescribed by the county  
0512 treasurer. The statement shall be mailed to the last known  
0513 address of the taxpayer or to a designee authorized by the  
0514 taxpayer to accept the tax statement, if the designee has an  
0515 interest in receiving the statement. When any statement is re-  
0516 turned to the county treasurer for failure to find the addressee,  
0517 the treasurer shall make a diligent effort to find a forwarding  
0518 address of the taxpayer and mail the statement to the new  
0519 address. All tax statements mailed pursuant to this section shall  
0520 be mailed by first-class mail. The requirement for mailing a tax  
0521 statement shall extend only to the initial statement required to  
0522 be mailed in each year and to any follow-up required by this  
0523 section.

0524 Sec. 15. K.S.A. 12-1902, 12-1903, 12-1905, 12-1906, 12-1909,  
0525 12-1910, 12-1912, 12-1913, 12-1914, 12-1915, 12-1916, 12-1917,



0526 12-1919 and 12-1921 and K.S.A. 1986 Supp. 12-16,102, 12-1901,  
0527 12-1904, 12-1904a, 12-1907, 12-1908 and 79-2001 are hereby  
0528 repealed.

0529 Sec. 16. This act shall take effect and be in force from and  
0530 after its publication in the statute book.

MEMORANDUM

TO: House of Representatives; Local Government Committee  
FROM: Frank Seitz, Kansas Recreation and Park Association representative  
(Director of Recreation, Derby, Kansas)  
RE: Proposal No. 16  
DATE: February 3, 1987

On behalf of the Kansas Recreation and Park Association, I would like to thank you for the time and consideration the special committee on Federal and State affairs has given to the subject of recreation commission legislation and for this committee's time this afternoon.

The Kansas Recreation and Park Association is very concerned about the present state of legislation which governs recreation commissions. The original enabling legislation has served us well for some forty years, however, with the proliferation of special legislation and some twenty-one amendments, it has become an albatross for even those in our field to understand. Testimony at the sub-committee's hearing reaffirmed the confused state of present legislation. We all agree that something must be done to adopt understandable, consistent and fair legislation. This is the goal of the Kansas Recreation and Park Association.

KRPA led an initiative to develop this type of legislation. As I am sure you are aware, the Kansas Recreation and Park Association has requested interim studies on several occasions in the past. This year through our members concerns to their local representative, your sub-committee chaired by Representative Elizabeth Baker, conducted hearings, surveyed and studied the present state of recreation commissions in Kansas. Along with input from the League of Kansas Municipalities, the Kansas State School Board Association and KRPA, proposal No. 16 was adopted.

Proposal 16 addresses the items which we all feel are important. There is however, some disagreement in the way that some issues were solved. Because of this, KRPA initiated joint meetings with the League and the School Board Association to resolve our differences and bring to you amendments to proposal No. 16 which we were all in agreement. We have made progress in this area, but to date are not prepared to present you with a final draft.

*Attachment 5*  
*2-3-87*

I am here today, along with Mr. Joe Thornton, Director of the Winfield Recreation Commission, to ask the committee on local government to grant us an extension of time so that we might get back to you in the near future with our recommendations.

We would like to thank you and the various groups who have helped accomplish what we feel has been a positive task to date and assure you we will be back soon with some solid recommendations.



# League of Kansas Municipalities

**PUBLISHERS OF KANSAS GOVERNMENT JOURNAL / 112 WEST SEVENTH ST., TOPEKA, KANSAS 66603 / AREA 913-354-9565**

**TO:** House Committee on Local Government  
**FROM:** Kevin Davis, Attorney  
**DATE:** February 3, 1987  
**SUBJECT:** HB 2005--Independent Recreation Commissions

On behalf of the League and its member cities, I appear in opposition to HB 2005, as presently written. Our convention-adopted Statement of Municipal Policy provides that "We oppose the creation of recreation commissions as separate governmental units with the power of taxation independent of an elected governing body." The Finance and Taxation Committee of the League, at its meeting last Friday, reviewed the provisions of HB 2005 and took action to oppose the bill, as written, as being in conflict with this policy objective.

We believe the subcommittee this summer did a good job in meeting its objectives of simplifying the various recreation commission statutes. However, we think the price paid to achieve at least some of this simplicity--by creating an independent government--is more than should be paid by the public.

We do recognize that, under New Sec. 5, the governing body of a city or school district has authority to appoint four persons to a separate recreation commission, with one appointee required to be a member of the governing body, while in a joint commission, there would be at least one appointee from both the city and school district who is a member of the governing body of the city or school district. While this appointment authority does provide for at least some influence by elected officials over the recreation commission, the commission is made, effectively, an independent, separate governmental and taxing unit. The annual budget and tax levy would be submitted directly to the county clerk, in the same manner as the budget and levies of a city, county or school district. The powers of the recreation commission, under New Sec. 7, are the same type of powers normally conferred on a separate governmental unit, including the right to sue and be sued. The commission

*Attachment 6*  
*2-3-87*

**President:** John L. Carder, Mayor, Iola • **Vice President:** Carl Dean Holmes, Mayor, Plains • **Past Presidents:** Ed Eilert, Mayor, Overland Park • **Directors:** Robert C. Brown, Commissioner, Wichita • Robert Creighton, Mayor, Atwood • Irene B. French, Mayor, Merriam • Frances J. Garcia, Commissioner, Hutchinson • Donald L. Hamilton, City Clerk/Administrator, Mankato • Paula McCreight, Mayor, Ness City • Jay P. Newton, Jr., City Manager, Newton • John E. Reardon, Mayor, Kansas City • David E. Retter, City Attorney, Concordia • Arthur E. Treece, Commissioner, Coffeyville • Deane P. Wiley, City Manager, Garden City • Douglas S. Wright, Mayor, Topeka • **Executive Director:** E.A. Mosher

is also empowered to acquire and hold title to property, presumably both real and personal.

We would agree that an independent, governmental status for recreation commissions would clarify the status and role of the commission. It ceases to be a subordinate political subdivision, and is no longer dependent on the "parent" general government. It is no longer accountable to an elected governing body, except through the appointment process.

However, we are not at all certain that such an independent governmental unit position is advantageous to the general public, and a recreation program itself, over a long-term period. When a separate, governmental taxing unit is involved, we think the relationships will be different. A city which owns recreation and park areas and facilities, for example, would not likely make this property available to a separate governmental unit in the same manner as it would a subordinate unit for which there is some accountability. Indeed, we think a new set of legal problems may well emerge, common when two separate governmental units attempt to work together.

We think it is premature to offer any amendments to the proposal until the policy decision is made by the Committee as to whether or not the recreation function should be independent and be granted a separate governmental status. If the Committee rejects this type of approach, perhaps we can be of assistance in proposing possible amendments. However, we must oppose the bill in its present concept.