

Approved March 17, 1987  
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

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

9:06 a.m. ~~p.m.~~ on March 16, 1987 in room 531-N of the Capitol.

All members were present except: Senators: Gaines and Mulich

Committee staff present: Mike Heim, Arden En sley, Emalene Correll and Lila  
McClaflin

Conferees appearing before the committee:

Dennis Schwartz, Vice-President, Kansas Rural Water Association  
Bill Anderson, Director of Public Affairs, Water District  
#1, Johnson County

The hearing on H.B. 2430 was opened. H.B. 2430 - amends  
the rural water district law to change the time frame within which  
annual meetings must be held for the purpose of electing directors  
from January 1 and March 1 to between January 1 and April 1.

Dennis Schwartz expressed support for H.B. 2430. He stated  
it can be difficult for many districts to get their annual audits comp-  
leted by March 1, and the audit is an important ingredient at the annual  
meeting. (Attachment I)

Senator Steineger moved H.B. 2430 be passed. The motion was  
seconded by Senator Ehrlich. The motion carried.

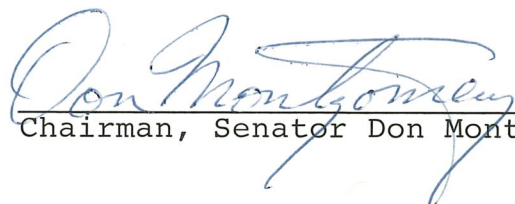
H.B. 2153 - concerning water district #1, Johnson County,  
relating to the officers of that district; relating to the powers and  
duties of the officers.

Bill Anderson explained why they had requested H.B. 2153.  
He stated present provisions were written when the District was small.  
The changes requested would follow practices almost uniformly adopted  
by other governing bodies in Johnson County. The Districts statutes  
would conform to current provisions for uniform procedure for payment  
of claims by municipalities. (Attachment II)

After brief discussion, Senator Steineger moved H.B. 2153  
be passed. The motion was seconded by Senator Langworthy. The motion  
carried.

Senator Daniels moved to adopt the minutes of March 5, 6 and  
9, 1987. The motion was seconded by Senator Ehrlich. The motion carried.

The meeting adjourned at 9:23 a.m., next meeting will be March  
17, 1987.

  
Chairman, Senator Don Montgomery



KANSAS RURAL WATER ASSOCIATION

P.O. BOX 226

Seneca, Kansas 66538  
(913) 336-3760

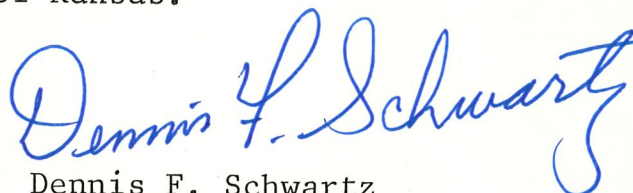
TO: SENATE COMMITTEE ON LOCAL GOVERNMENT

STATEMENT OF SUPPORT FOR HOUSE BILL 2430

On behalf of the membership of the Kansas Rural Water Association, I wish to express to you our support of House Bill 2430.

Almost all Rural Water Districts in Kansas operate on a January 1, to December 31, fiscal year. Under current law, all Rural Water Districts are required to hold their annual meeting by March 1. It can be difficult for many Districts to get their annual audits completed by March 1, and the audit report is an important ingredient to the complete financial report which should be presented to the participating members at the annual meeting. House Bill 2430 would allow these Districts and extra month in which to hold their annual meetings.

Your favorable action on this Bill will be appreciated by all Water Districts in the State of Kansas.



Dennis F. Schwartz  
Vice-President, KRWA  
3/16/87

(ATTACHMENT I) LOCAL GO 3/16/87

SENATE LOCAL GOVERNMENT COMMITTEE

House Bill No. 2153

Testimony of Water District No. 1 of Johnson County  
Bill Anderson  
Director of Public Affairs

WATER DISTRICT NO. 1 : Publicly-owned water district, governed  
by 5-member elected board  
75,000 customers, serving 250,000 persons  
in Northeast Johnson County  
Annual revenues--\$22-million  
No taxing authority  
Only district organized under 19-3501, et seq  
Changes affect only Water District No. 1

REQUEST FOR CHANGES IN LAW :

Lines 50 through 52: Eliminate Board Members serving  
as secretary and treasurer; add vice-chairperson.  
Duties of those officers effectively being performed by  
staff. Present provisions written when District was small.  
Changes would follow practice almost uniformly adopted by  
city councils, Shawnee Mission school district

Lines 212 through 216: Emergency conditions occasionally  
require quick action. Cite water district's experience  
of washed out bridge in 1986-87 season; no water for  
250,000 persons or bend the law  
Safeguards provided: Board must make a finding in open,  
public session that emergency exists.  
Provisions patterned after Federal Law procedure; 41  
U.S.C. Sec. 5 -- Exhibit A

Lines 222 through 228; lines 233 through 236.  
To make Water District statutes conform to current  
provisions for uniform procedure for payment of claims  
by municipalities. K.S.A. 12-105b. Exhibit B  
Archaic Water District language: "certified by vendor"

Lines 251 and 252:  
Change necessary because of change in lines 50 through  
52 above. With elimination of Board Treasurer, Water  
District Board shall see that annual public financial  
statement, after appropriate audit, is published.

(ATTACHMENT II) LOCAL GO 3/16/87

EXHIBIT A

TITLE 41  
PUBLIC CONTRACTS

Chapter	Section
6. Service Contract Labor Standards .....	351
7. Office of Federal Procurement Policy .....	401
8. Federal Grants and Cooperative Agreements .....	501
9. Contract Disputes .....	601

CHAPTER 1—GENERAL PROVISIONS

Sec. 5a. Definitions.	Sec. 48a. Audit.
6a-2. Architect of the Capitol, authority for personal services contracts with legal entities.	48b. Definitions.
11a. Contracts for fuel by Secretary of Army without regard to current fiscal year.	48c. Authorization of appropriations.

§ 5. Advertisements for proposals for purchases and contracts for supplies or services for Government departments; application to Government sales and contracts to sell and to Government corporations

Unless otherwise provided in the appropriation concerned or other law, purchases and contracts for supplies or services for the Government may be made or entered into only after advertising a sufficient time previously for proposals, except (1) when the amount involved in any one case does not exceed \$25,000, (2) when the public exigencies require the immediate delivery of the articles or performance of the service, (3) when only one source of supply is available and the Government purchasing or contracting officer shall so certify, or (4) when the services are required to be performed by the contractor in person and are (A) of a technical and professional nature or (B) under Government supervision and paid for on a time basis. Except (1) as authorized by section 1638 of Appendix to Title 50, (2) when otherwise authorized by law, or (3) when the reasonable value involved in any one case does not exceed \$500, sales and contracts of sale by the Government shall be governed by the requirements of this section for advertising.

In the case of wholly owned Government corporations, this section shall apply to their administrative transactions only.

(As amended July 25, 1974, Pub.L. 93-356, § 1, 88 Stat. 390; Dec. 1, 1983, Pub.L. 98-191, § 9(b), 97 Stat. 1332.)

**Codification.** Section is also set out in D.C. Code, § 1-808.

**1983 Amendment.** Pub.L. 98-191 substituted "\$25,000" for "\$10,000".

**1974 Amendment.** Pub.L. 93-356 substituted "\$10,000" for "\$2,500".

**Legislative History.** For legislative history and purpose of Pub.L. 93-356, see 1974 U.S. Code Cong. and Adm. News, p. 3913. See, also, Pub.L. 98-191, 1983 U.S. Code Cong. and Adm. News, p. 2027.

**Cross References**

Contracts by Comptroller General for professional services in conducting audit of government

corporations, see section 9105 of Title 31, Money and Finance.

Group life and accident and dismemberment insurance policies, purchase by Civil Service Commission without regard to this section, see section 8709 of Title 5, Government Organization and Employees.

Health benefit plans for government employees, power of Civil Service Commission to contract without regard to this section, see section 8902 of Title 5.

Use of non-government facilities for training of agency employees without regard to this section, see section 4105 of Title 5.

## 12-105b

## CITIES AND MUNICIPALITIES

45. CODE FOR MUNICIPAL COURTS; TRIALS AND PROCEEDINGS INCIDENT THERETO.
46. CODE FOR MUNICIPAL COURTS; APPEALS.
49. HOMES FOR AGED.
50. RETIREMENT SYSTEMS.
52. LOCAL RESIDENTIAL HOUSING.
53. EMERGENCY TELEPHONE SERVICES.
54. ASBESTOS CONTROL.

## Article 1.—GENERAL PROVISIONS

**12-105b.** Uniform procedure for payment of claims; presentment of claims; payments in advance of approval; auditing; approval. (a) All claims against a municipality must be presented in writing with a full account of the items, and no claim shall be allowed except in accordance with the provisions of this section. A claim may be the usual statement of account of the vendor or party rendering a service or other written statement showing the required information.

(b) Claims for salaries or wages of officers or employees need not be signed by the officer or employee if a payroll claim is certified to by the administrative head of a department or group of officers or employees or an authorized representative that the salaries or wages stated therein were contracted or incurred for the municipality under authority of law, that the amounts claimed are correct, due and unpaid and that the amounts are due as salaries and wages for services performed by the person named.

(c) No costs shall be recovered against a municipality in any action brought against it for any claims allowed in part unless the recovery shall be for a greater sum than the amount allowed, with the interest due. Subject to the terms of applicable insurance contracts, judgments and settlements obtained for claims recoverable pursuant to the Kansas tort claims act shall be presented for payment in accordance with this section or in such manner as the governing body may designate.

(d) Claims against a municipality which provide for a discount for early payment or for the assessment of a penalty for late payment may be authorized to be paid in advance of approval thereof by the governing body in accordance with the provisions of this subsection. The governing body may

designate and authorize one or more of its officers or employees to pay any such claim made against the municipality in advance of its presentation to and approval by the governing body if payment of the amount of such claim is required before the next scheduled regular meeting of the governing body in order for the municipality to benefit from the discount provided for early payment or to avoid assessment of the penalty for late payment. Any officer or employee authorized to pay claims under this subsection shall keep an accurate record of all moneys paid and the purpose for which expended, and shall submit the record to the governing body at the next meeting thereof. Payments of claims by an officer or employee of the municipality under authority of this subsection are valid to the same extent as if the claims had been approved and ordered to be paid by the governing body.

(e) Claims submitted by members of a municipality's self-insured health plan may be authorized to be paid in advance of approval thereof by the governing body. Such claims shall be submitted to the administrative officer of such insurance plan.

(f) Except as otherwise provided, before any claim is presented to the governing body or before any claim is paid by any officer or employee of the municipality under subsection (d), it shall be audited by the clerk, secretary, manager, superintendent, finance committee or finance department or other officer or officers charged by law to approve claims affecting the area of government concerned in the claim, and thereby approved in whole or in part as correct, due and unpaid.

History: L. 1968, ch. 375, § 2; L. 1970, ch. 67, § 3; L. 1979, ch. 186, § 18; L. 1980, ch. 59, § 1; L. 1982, ch. 62, § 1; L. 1983, ch. 56, § 1; July 1.

**12-120.** Destruction of certain records.