

Approved 4-30-87  
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

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

9:02 a.m./~~p.m.~~ on April 2, 1987 in room 531-N of the Capitol.

All members were present except:

Committee staff present: Jill Wolters, Theresa Kiernan, Mike Heim and Lila McClaflin

Conferees appearing before the committee:

Richard Funk, Kansas Association School Boards  
Frank Seitz, Director of Kansas Recreation and Park Assn.  
Don Jolly, Recreation Commission, Salina, Ks.  
Lori Kelly, Kansas Parks and Recreation Assn.  
Ernie Mosher, The Kansas League of Municipalities

The Chairman opened the hearing on H. B. 2424 concerning recreation commissions; relating to the establishment and operation. He stated the recodification of recreation commission statutes was advocated by the 1986 Interim Committee in Federal and State Affairs, in regard to Proposal No. 16.

Richard Funk gave an overview of what the bill would do and why they supported it.

Representative Elizabeth Baker presented a written outline of the major changes from current statutes. (ATTACHMENT I)

Frank Seitz expressed support for H.B. 2424. He stated a lot of time and effort has been put into the bill by a lot of people and he encouraged the Committee to pass it out favorably. (ATTACHMENT II)

Don Jolly stated he would like to reenforce the testimony that had been given. As one who had grown up with the recreation commissions he completely supported H.B. 2424. The recreation commissions are doing a good job now this bill would enable them to do even a better job.

Lori Kelly was present to lend her support for H.B. 2424.

Senator Allen moved H.B. 2424 be passed favorably. Sen Daniels seconded the motion. The motion carried.

Attention was called to H.B. 2507 concerning the fire districts being allowed to operate ambulance services. Staff presented a balloon copy of the amended bill. The Chairman stated several Senators had been interested in amending the bill to include all counties except those where there is a countywide emergency medical service. (ATTACHMENT III)

Senator Daniels moved to adopt the amendment as presented by Staff. The motion was seconded by Senator Ehrlich. The motion carried. Senator Ehrlich moved H.B. 2507 be passed as amended. The motion was seconded by Senator Daniels. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

room 531-N, Statehouse, at 9:02 a.m./~~p.m.~~ on April 2, 1987

The Chairman referred to H.B.2480 and Senate Substitute for H.B. 2480 that was offered at the last meeting. This bill concerns (ATTACH- water districts; relating to lands annexed by cities. Senator Bogina MENT IV) explained why the Senate Substitute for H.B. 2480 had been requested, and he stated there were still some amendments needed. On page 2 of the sub. bill, Senator Bogina moved to amended section (3) line 2, "three business years" amended to "one". The motion was seconded by Senator Gaines. The motion carried. On page 3, line 1, first "or" should be "of", line 2 after "upon" insert "by the city and the water district". Reinsert language that had been stricken, "In no case shall the city provide water to one or more benefit units who were supplied water by the district until an agreement has been reached by the city and the district". and be enforced from and after publication in the Kansas Register. Senator Gaines seconded the motion. The motion carried.

There was a lengthy discussion concerning the need for the bill. It was suggested the Legislature had gone to great length with the new annexation laws to hold the cities responsible. Now the cities need to be given a chance to work under the new laws and do the things they promised to do. The Chairman was asked if Mr. Mosher could comment on the proposed substitute bill.

Mr. Mosher stated they opposed the amendments as they totally changed the policy. The bill would deny cities the right to serve water to areas in the city.

Senator Bogina moved to amend page 1, to delete all of the language following district in line 7, and in line 8 delete to "title", capitalize "Title". In line 14 language would be deleted after "district" and the first 3 words in line 15. The motion was seconded by Senator Gaines. The motion carried.

Senator Winter moved to conceptually amend the bill on page 3, to add a new setion "e", except for nonpayment of bills the district could not shut the water off, during the period of negotiations, if there was such a time. Senator Bogina seconded the motion. The motion carried.

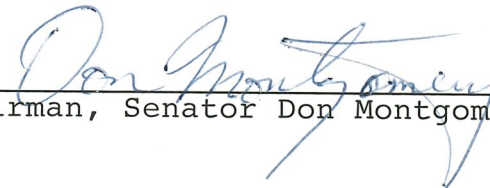
Senator Bogina moved that Senate Substitute for House Bill 2480 be adopted as amended. Senator Gaines seconded the motion. The motion carried.

Senator Bogina moved Senate Sub. for H.B. 2480 be passed as amended. Senator Allen seconded the motion. Discussion followed. There were several members that expressed great concern that they did not feel they had had an opportunity to study the adopted bill and review it and they opposed passing it out of committee at this time.

Senator Bogina and Senator Allen withdrew the motion. The bill will be drafted and the Committee will look at it at the next meeting.

Senator Allen moved the minutes of the March 30, 1987 meeting be adopted. The motion was seconded by Senator Ehrlich. The motion carried.

Meeting adjourned at 10:00 a.m., the next meeting will be April 3, 1987, time will be announced later.

  
Chairman, Senator Don Montgomery





ELIZABETH BAKER  
 REPRESENTATIVE, EIGHTY-SECOND DISTRICT  
 SEDGWICK COUNTY  
 1025 REDWOOD RD.  
 DERBY, KANSAS 67037



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 VICE CHAIRMAN: ELECTIONS  
 MEMBER: ECONOMIC DEVELOPMENT  
 JOINT COMMITTEE ON  
 ECONOMIC DEVELOPMENT  
 LOCAL GOVERNMENT

April 2, 1987

TO: Senate Committee on Local Government  
 FROM: Representative Elizabeth Baker  
 RE: HB 2424

Major changes from current statutes:

1. Recreation Commissions are limited to 5. All present commissions that are larger are "grandfathered in".
2. Commissions have a 4 mill levy limitation.
3. May levy an additional mill, not subject to School Board or City approval for insurance and/or employee benefits. Insurance must be limited to liability as stated in the Kansas Tort Claims Act. Employee benefits must be limited to social security, workman's compensation, unemployment compensation, health insurance & retirement benefits.
4. Requires Budget hearing by Commission.
  - a. Ten days notice
  - b. Publication in paper of general circulation
  - c. Formal adoption by Commission
5. The City or school district is not required to levy a tax more than the maximum levy set by current resolution.
6. May only hold title to real property if it is a gift or donation.  
  
May hold title to personal property.
7. Contains a permissive reorganization provision.

EB/bs  
 (ATTACHMENT I) LOCAL GO 4/2/87

Section 5

(a) All new recreation commissions shall consist of five members. Outlines the method of appointment. Those who are appointed must be residents of the recreation commission taxing area. Terms of office are prescribed. The treasurer of the recreation commission is the treasurer of either the city or the school district. There shall be no compensation paid to the members and treasurer of the recreation commission.

(b) Allows any recreation commission currently operating to reorganize, if there is a majority vote to do so, and the new recreation commission shall be only five members. This section keeps the membership of currently operating recreation commissions intact.

Section 9

Is current statute 12-1915

Section 10

Is current statute 12-1916

Section 11

Same as current statute 12-1917

Section 12

Same as current statutes 12-1919 and part of 12-1920 except that the cost of the election is to be borne equally by the city and school district. This section streamlines existing statutory language.

Section 13

Provides that a school district is not a taxing subdivision for the creation of any employee benefit contribution funds. This replaces current statute 12-1920.

Section 14

Amends K.S.A. 79-2001 and is the procedure to be followed by county treasurer as to form for tax statement to be mailed to tax payer.

Section 15

Repealer

Section 16

Effective July 1, 1987

TESTIMONY, SENATE LOCAL GOVERNMENT COMMITTEE

Thursday, April 2, 1987

Frank Seitz  
Director of Recreation USD 260  
Derby, Ks.

As the legislative chairman for the Kansas Recreation and Park Association, I would like to thank the Senate Committee on Local Government for the time given in consideration of House Bill 2424, a bill proposing changes to the Kansas Recreation Enabling law.

There has been a lot of time and effort put into the bill by a lot of people. This bill is the culmination of efforts by an interim study by a special committee on Federal and State affairs, the House of Representatives Committee on Local Government, the Kansas Recreation and Park Association, Kansas League of Municipalities, the School Board Association of Kansas and the House of Representatives as a whole.

I am sure that the informational analysis of the bill that you have displays what 2424 is accomplishing. I will not go into details of the bill, but will be happy to answer any questions you have. The bill is primarily a clearing up of a culmination of 40 years of special provisions and substitute legislation, bringing a hodge podge of items into a clear, consise package of more definitive legislation.

I would like to express to you the Kansas Recreation and Park Association's support for House Bill 2424 and ask for your consideration here today while studying this bill.

Thank you very much for allowing me to speak on this issue. I will be happy to attempt to answer any questions you might have.

(ATTACHMENT II) LOCAL GO 4/2/87

A II

HOUSE BILL No. 2507

By Committee on Local Government

2-25

(ATTACHMENT III) LOCAL GO 4/2/87

0017 AN ACT relating to certain fire districts; concerning establish-  
0018 ment and operation of ambulance services; amending K.S.A.  
0019 19-3632 and repealing the existing section.

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

0021 Section 1. K.S.A. 19-3632 is hereby amended to read as fol-  
0022 lows: 19-3632. ~~The governing body of any fire district which is~~  
0023 ~~located in McPherson county or in any county having a popula-~~  
0024 ~~tion of more than fifteen thousand (15,000) 15,000 and less than~~  
0025 ~~twenty five thousand (25,000) 25,000~~ may establish and operate  
0026 an ambulance service within or without such district, and it may  
0027 contract with any city or other fire district in such county for the  
0028 furnishing of ambulance services upon such terms and condi-  
0029 tions, and for such compensation as may be agreed upon.

Except in counties where there is a countywide emergency  
medical service,

0030 Sec. 2. K.S.A. 19-3632 is hereby repealed.  
0031 Sec. 3. This act shall take effect and be in force from and  
0032 after its publication in the statute book.

## SENATE Substitute for HOUSE BILL NO. 2480

By Committee on Local Government

AN ACT concerning water districts; relating to lands annexed by cities; amending K.S.A. 1986 Supp. 12-527 and repealing the existing section.

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

Section 1. K.S.A. 1986 Supp. 12-527 is hereby amended to read as follows: 12-527. (a) Whenever a city annexes land located within a rural water district organized pursuant to the provisions of K.S.A. 82a-612 et seq., and amendments thereto, the city shall negotiate with the district to acquire title to all facilities used for the transportation or utilization of water belonging to the water district. ~~If the district agrees to divest itself of title to such facilities,~~ title shall vest in or become the property of the city upon payment by the city to the water district of the reasonable value of such property, as agreed upon by the governing body of the city and the board of directors of the district, ~~or if such agreement is not made, then as determined by the city. The board of directors of any such district.~~ If the district ~~(desires to divest itself of title to such facilities but)~~ is unable to reach agreement with the city on the reasonable value for such facilities, then the reasonable value shall be determined by the district. The city may bring an action in the district court to determine the reasonableness of the value fixed and determined by any such city district.

~~(b) Such compensation shall include an amount to reimburse the district for any bonded indebtedness of the district existing at the time the annexation ordinance took effect and attributable to the annexed area, based on the following factors:~~

~~(1) The cost of the construction of the facilities within the annexed area in proportion to the construction costs for the~~



~~entire-district-at-the-time-of-annexation;~~

~~(2)--the-number-of-benefit-units--connected--to--and--served within--the--annexed--area-in-proportion-to-the-number-of-benefit units-connected-to-and-served-by-the-entire-district-at-the-time of-annexation;-and~~

~~(3)--the--current-revenue-received-from-benefit-units-within the-annexed-area-in-proportion-to-the--current--revenue--received from--all--benefit--units--of--the-entire-district-at-the-time-of annexation-~~

(b) The "reasonable value" of the property shall include, but not be limited to, the following factors:

(1) An amount to reimburse the district for any bonded indebtedness of the district existing at the time of payment by the city and attributable to the annexed area based upon the ratio of the benefit units in the annexed area compared with the total benefit units served by the district; and

(2) an amount to reimburse the district for all the facilities to be transferred to the city based upon the ratio of the benefit units in the annexed area compared with the total benefit units served by the district, applied to the original construction cost adjusted to the current construction value and depreciated at a straight line rate over a forty-year period. The depreciated reduction of value shall be applied for the actual number of years the system has been in service or 30 years whichever is the lessor of time expended; and

(3) an amount equal to the gross revenue loss for the immediate past three business years from those benefit units in the annexed area or the actual current benefit unit costs for those benefit units in the annexed area whichever is the greater.

(c) The compensation required by this section shall be paid to the district whether or not the city actually utilizes the facilities of the district for the delivery of water to property within the city and shall be paid at a time not later than 60 days following the date ~~the-city-provides-water-to-one-or-more benefit-units-who-were-supplied-water-by-the-district-at-the-time~~

~~of--annexation or the annexation ordinance, or at such later date as may be mutually agreed upon~~ or as may be determined by the district court. ~~Payment of any such compensation shall be made on a basis which is in proportion to the number of benefit units within the annexed area which are connected to and served by the city and the total number of benefit units within the annexed area.~~ The city, as part of its service extension plan required under the provisions of K.S.A. 12-520b and 12-521c, and amendments thereto, shall notify each affected rural water district of its future plans for the delivery of water in areas proposed for annexation currently being served by the district.

(d) The governing body of the city and board of directors of the district may provide, on such terms as may be agreed upon, that water transmission facilities owned by the district and located within the city may be retained by the district for the purpose of transporting water to benefit units outside the city.

Sec. 2. K.S.A. 1986 Supp. 12-527 is hereby repealed.

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