

Approved

Ivan Sand

Date 2-16-88

MINUTES OF THE House COMMITTEE ON Local Government

The meeting was called to order by Representative Ivan Sand at  
Chairperson

1:30 a.m./p.m. on February 10, 19 88 in room 519-S of the Capitol.

All members were present except:

Representative Graeber, Excused  
Representative Rezac, Excused

Committee staff present:

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

Conferees appearing before the committee:

E. A. Mosher, Executive Director, League of Kansas Municipalities  
Shirley Mackender, County Clerks Association  
Nancy Reynolds, President, Kansas Registered Deeds Association  
John Torbert, Executive Director, Kansas Association of Counties  
Donald Harvey, Trego County Commissioner  
Lauren Metheny, Trego County Commissioner  
Bill Bryant, President, County Treasurers Association

Mike Heim gave an overview of HB 2732.

Donald Harvey testified in favor of HB 2732, stating that he recommends an increase in the Trego county mill levy to 4 mills. He also stated that an increase is badly needed for road work. (Attachment 1)

Lauren Metheny testified on HB 2732, stating that it applies only to Trego county.

Chairman Sand closed the hearing on HB 2732.

Mike Heim gave an overview of HB 2797.

Shirley Mackender testified in favor of HB 2797, stating that the consolidation should be voted on in a General Election. (Attachment 2)

Bill Bryant testified in favor of HB 2797, stating that he is concerned with the time interval between when the proposal is made and the time of the election.

Nancy Reynolds testified in favor of HB 2797, stating that she concurs with the testimony of the County Clerks Association and the County Treasurers Association.

John Torbert testified in favor of HB 2797, stating that the main effect of this bill will be to guarantee maximum public input on the issue of elimination or consolidation of an elective county office. (Attachment 3)

Chairman Sand closed the hearing on HB 2797. (Attachment 4)

E. A. Mosher testified in favor of HB 2667, but feels some changes should be made. He stated that this bill makes the existing law constitutional, provides clearly for the performance of services, and shifts the public hearing process from the planning commission to the elected governing body. (Attachment 5)

Chairman Sand temporarily closed the hearing on HB 2667.

The meeting adjourned.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE 2-10-88

NAME	ADDRESS	REPRESENTING
Wanita Werner	Lyon County	County Clerk
Jeanie Bradshaw	Lyon County	Dea County Clerk
Shirley Workenders	Clay County	County Clerk
Betsy McDonnell	Shannon Co	County Clerk
Bob [unclear]	[unclear]	[unclear]
Jinda Finham	Marshall County	[unclear]
Wayle [unclear]	Marshall County	Clerk
[unclear]	[unclear]	Treasurer
[unclear]	Brown Co	Treasurer
[unclear]	Brown Co	Treasurer
Nancy Reynolds	Brown Co	Registrar of Deeds
Alan E Sims	Overland Park	City of Overland Park
Gerald Dean Drake	Leavenworth City	Leavenworth County Commissioner
VERDEN A. HARMIS	MARION, Ks.	TREASURER
John Dipton	Butler Co	clerk
Jack Bunyan	Butler Co	Commissioner
[unclear]	[unclear]	Reg. of Deeds
Margie Roberts	Joseba	Shannon County Treas.
Joan Shepper	Josha	Shannon County
Winnie Trignon	Josha	Shannon County
Joseph C. [unclear]	Ulysses	Grant County
Carol Alank	Minneapolis	Ottawa Co
Betty DeWitt	Concordia	Cloud County

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE 2/10/88

NAME ADDRESS REPRESENTING

<u>Dorothy Shaw</u>	<u>R 1, Leawards, Ks</u>	<u>Osage Co. (Comm)</u>
<u>Betty Baul</u>	<u>Rt 1 Box 92 Marentland Ks</u>	<u>Wichita Co. (Comm)</u>
<u>Dorothy Hunter</u>	<u>2315-5th Dodge City</u>	<u>Ford Co. Treasurer</u>
<u>Paul Brown</u>	<u>Box M, Dodge City</u>	<u>Osage Co. Clerk</u>
<u>Margaret E. Eiler</u>	<u>Box 219, Marion</u>	<u>Marion Co. Clerk</u>
<u>Dorothy Damborn</u>	<u>415 N. Washington <sup>Highway</sup> Ks</u>	<u>Leawards, Leawards</u>
<u>Katherine Fromm</u>	<u>2522 5th Dodge City</u>	<u>Ford Co. Deputy Treas</u>
<u>Jane Willis</u>	<u>SP03</u>	
<u>Earl Willis</u>	<u>PO Box 832</u>	<u>Hamilton County, Com</u>
<u>Becky Guidner</u>	<u>BX 648</u>	<u>Hamilton Co. Visitor</u>
<u>Betty Lamborn</u>	<u>PO Box 113, Russell</u>	<u>Russell Co. Clerk</u>
<u>Annelle Lamborn</u>	<u>Box 355, Russell</u>	<u>Russell Co. Treas</u>
<u>Bonnie Lamborn</u>	<u>206 S 4th Box 279, Leawards</u>	<u>Wichita Co. Clerk</u>
<u>Marshall Hadley</u>	<u>Almena Ks RR #1</u>	<u>Norton Co.</u>
<u>Sharon Schube</u>	<u>Rt 2, Norton</u>	<u>Norton Co. Commissioner</u>
<u>Ronan Walsh</u>	<u>Douglas County</u>	<u>Treasurers</u>
<u>Eileen King</u>	<u>Riley County</u>	<u>Treasurer</u>
<u>Charlotte Hoover</u>	<u>Riley Co.</u>	<u>Reg. of Deeds</u>
<u>Donald Arney</u>	<u>Trego Co</u>	<u>Trego Co. Comm</u>
<u>Arthur Deutscher</u>	<u>Trego Co.</u>	<u>County Com.</u>
<u>Lauren Deutscher</u>	<u>Trego Co</u>	<u>County Com.</u>
<u>Mary Deutscher</u>	<u>WJ Co.</u>	<u>Treasurer</u>
<u>Tom Groneman</u>	<u>WJ Co.</u>	<u>Reg of Deeds</u>
<u>Wm. E. O'Brien</u>	<u>JOHNSON COUNTY</u>	<u>TREASURER</u>



January 25, 1988

Subject: Trego County Road and Bridge Department

To: Trego County Board of County Commissioners

Gentlemen:

I am presenting this year end report in regard to the condition of the Trego County Road and Bridge Department. This report relates to the problems of the past and the present.

As you remember, about eight years ago, the Trego County citizens were given a chance to vote on a special 5 mill levy for the Trego County Road and Bridge Department and it was defeated. So a vote of 3 mills was made available a short time later, it was also defeated. The citizens voted on the " Home Rule Resolution " issue last year and as you know, it was defeated. But our extreme budget problems really came about in the last three years. Our Road and Bridge budget was \$849,000 in 1985 and has declined since. Our budget was \$818,000 in 1986, \$600,000 in 1987 and has dropped to \$583,000 in 1988.

After " Home Rule " was voted down in 1987, we were required to make major cuts. These cuts included many things as shown on the enclosed report. To really relate the extreme problem, today we're operating motor graders that are an average of twenty-one years old, pickups that average twelve years old and trucks that average seventeen years old. The Trego County employees have not had a cost of living increase in three years.

In 1987, we cut our average monthly operating expenses from \$65,000 a month to a mere \$40,000 a month, being approximately a 38% cut.

*Attachment  
2/10/88 1*

Part of the reduction was accomplished by voluntary payment of expenses by the Township Boards for spraying and mowing County roads in 1987. The Township Boards are in the process of spraying the roads for 1988. Also contributing to the reduction was an elimination of all payed overtime to employees of the Road and Bridge Department. All these extreme cuts are drastic and not workable.

In addition to the report mentioned above, I have enclosed other reports that I want to make a matter of record here even though you are familiar with them. At the conclusion of this month, we will make our last machinery payment. This will leave us debt free, but it only leaves us approximately \$45,000 a month to spend each month for the rest of the year.

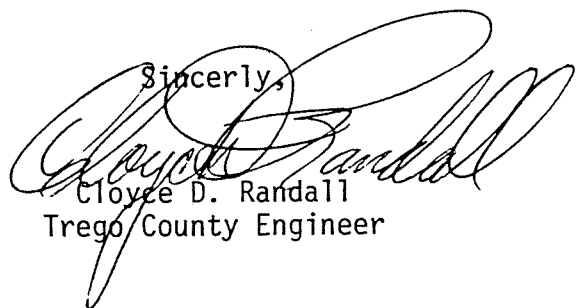
I would like to "Thank You" for levying a bond issue to build the bridge that fell in on the Smoky Hill River on the Voda Road three years ago. There is no where else we could have gotten the matching money to build the structure. Also, without the bond money we couldn't have fixed the small boxes that were falling in at other areas of the County.

This by no means solves our drainage problems, but it does give us some immediate relief. We have a bridge in the Collyer area that we must close due to the condition of the structure. Due to the lack of money, we will have to remove it and replace it with a culvert. Only temporary relief of the problem.

I have searched every aspect of my financial ability and knowledge of the Trego County Road and Bridge Department problem, and cannot see how we can continue without some financial relief. I cannot see how our citizens can function without roads or how we can make anymore drastic cuts. We've got to have help now from somewhere.

I hope you gentlemen can see the sincere and factual body of this report. I will continue to put forth my utmost ability to keep the Trego County Road and Bridge Department in operating order. I only ask that you use whatever means you have available to get the Trego County Road and Bridge Department the financial relief that we need.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Cloyce D. Randall". The signature is written over the typed name and title.

Cloyce D. Randall  
Trego County Engineer

.CDR/wp

January 15, 1988

TREGO COUNTY HIGHWAY DEPARTMENT

Report on cutbacks 1987

This report includes the major cutbacks that have been implemented at the Trego County Highway Department during the past year.

**Employees** - One employee, Mark Randall was not replaced after he quit working at the Highway Department in March, which was a savings of \$13,071.30 in payroll and \$1,476.98 in Blue Cross Blue Shield Insurance. We also had two employees go off Blue Cross Blue Shield Insurance Family Plan and one employee go off Blue Cross Blue Shield Insurance Single Plan for a savings of \$3,238.80. We also had one employee go off the Blue Cross Blue Shield Insurance Family Plan for a savings of \$692.28.

**Snowstorms** - The snowstorm that hit in late March cost the County Highway Department an extra \$4,400.00 in overtime for snow removal operations.

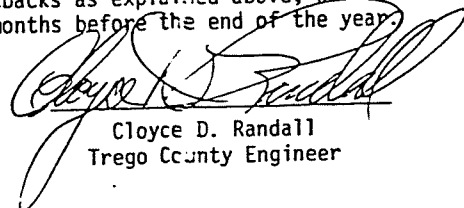
**Home Rule Resolution** - After the defeat of the Home Rule Resolution a number of cutbacks in services were implemented at the County Highway Department, which include the following:  
1. Limited road maintenance. 2. Snow removal - Overtime for snow removal was cut out by working regular hours only and not working on weekends or holidays. 3. Weed mowing and spraying - We had an approximate savings of \$15,000.00 by not mowing or spraying weeds that we would normally do. 4. Sanding - We sanded 37 miles, where we would normally sand 150 to 175 miles. 5. Construction - We constructed 12 miles, where we would normally construct 30 to 35 miles.

In place of these normal operations, the employees worked at the following jobs: 1. Cutting trees on County-Right-Of-Ways, 2. Painting bridges, 3. Working traffic signs, 4. Cleaning river channels and brushwood around bridges with backhoe, 5. Digging out plugged culverts by hand, 6. Burning weeds in road ditches, and 7. Filling in wash-outs.

**Fuel and Repairs** - Starting in May, we purchased one load of fuel every two months instead of every month, resulting in a savings of approximately \$21,000.00. We were unable to estimate the savings in repairs because the machines were not running as normal, but there was a savings in that area too.

**Monthly Budget** - We spent an average of \$55,000.00 / month, January thru May, and then cutback to an average of \$39,000.00/ month, June thru December, with a savings to the County Highway Department Budget of \$112,000.00

If we would not have made the cutbacks as explained above, we would have run out of cash budget 2½ months before the end of the year.

  
Cloyce D. Randall  
Trego County Engineer



July 7, 1986

TO: CITIZENS OF TREGO COUNTY

Due to the losses in oil and property valuation, a ruling of the District Court being recently confirmed by the State Court of Appeals and orders of both judicial entities, that Trego County must make a refund of 1982 taxes and interest to Kansas Oil Corporation from post-judgement date until June 16 of this year and other revenue losses, the Commissioners of Trego County realize that cuts must be made in services performed in the County.

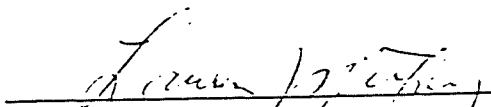
The following will be the new policy of the Road & Bridge Department, Trego County, Kansas:

1. Maintenance and snow removal on school bus and mail routes will continue to be top priority.
2. Curtailment of services will be made in the following matter:
  - A. Road maintenance
  - B. Snow removal
  - C. Road Construction
  - D. Sanding
  - F. Weed mowing

If you have any questions or suggestions regarding this new policy, you should contact your County Commissioner immediately.

  
CHAIRMAN Merle Sherfick

  
MEMBER Don Harvey

  
MEMBER Lauren Metheny

ATTEST:

  
COUNTY CLERK Thomas Rhoden

1-5

8/17/87

\*\*\*\*\* TREGO COUNTY ROAD & BRIDGE BUDGET \*\*\*\*\*

1987	
Balance as of July 29th -	\$175,000.00
Reimbursement estimates -	
Special Bridge Fund	26,000.00
Gas Tax Refund	54,000.00
Landfill	10,000.00
Tax Distribution	23,000.00
Bridge Bond	4,000.00
Delinquent tax	<u>2,000.00</u>
TOTAL	\$294,000.00
	\$294,000.00
Minus Misc. Revenue	<u>27,000.00</u>
TOTAL	\$267,000.00
Plus Payroll savings	<u>9,000.00</u>
TOTAL	\$276,000.00
Minus set aside for snow removal, ect.	<u>15,000.00</u>
TOTAL	\$261,000.00
Total to spend / Month	\$43,500.00

1988	
Total Road Budget -	\$608,000.00
Less: Insurance	10,000.00
Grader Blades	4,000.00
Tires	10,000.00
Machine payment	<u>30,000.00</u>
TOTAL	\$534,000.00
Reimbursements	<u>14,000.00</u>
TOTAL	\$548,000.00
Total to spend / Month	\$45,666.00

1-6

# Trego County Kansas

120 South Main  
WaKeeney, Kansas 67672

County Engineer  
Cloyce D. Randall  
License C.E.-L.S.  
Telephone: 913 743-6441

April 27, 1987

The Western Kansas World  
205 Main Street  
WaKeeney, Kansas 67672

Dear Editor,

Due to the loss in valuation for Trego County, the Trego County Road Department will have to take a firm stand to finish out the current fiscal year with the available finances.

The recent snowstorms cost extra added expenses to an already strained budget, so it leaves us with no alternative but to make curtailments in services.

There will be less road maintance after rains. The roads will be checked to determine if they need maintained. Mowing will be on a limited basis, only intersections will be mowed back approximately 100 feet during the summer months, than more complete mowing will be done in the fall. There will be no road spraying this year and road construction and sanding will be on a very limited basis. Field entrances will not be put in by the Road Department if culverts are required.

We are sorry that it has come to this, but in order to stay within this year's budget, there is no alternative. As our President ask us to bite the bullet, in our case there is not much left to bite.

Sincerly,

The Trego County Road Department  
The Trego County Commissioners

1-7

Clay County Clerk  
Box 98  
Clay Center, Kansas 67432  
913 632-2552

February 10, 1988

Representative Ivan Sand,  
Chairman of Local Government  
and Committee Members:

Thank you for giving me the opportunity to express our support for HB 2797.

Our governmental system and country is based on the electoral process and this process should be preserved at all costs. The statutory duties of elective offices should be protected.

We strongly support the concept that if a consolidation of elective offices is planned the voting public should be notified by written publication and notice of hearing so their concerns can be voiced.

Due to the fact that a larger percent of the voting public will vote in a General Election we also feel it is very necessary that an issue as important as consolidation should be voted on in a General Election rather than a special election. The cost factor is also a consideration to be studied for a special election.

The issue of duplication of offices has been raised by some county governing bodies stating the need to consolidate various elective offices. We feel that the need for a checks and balance method of control is essential even though some may perceive it to be duplication.

We respectfully ask for your support of HB 2797.

*Shirley Mackender*  
Shirley Mackender  
County Clerk's Association  
Chairman of Legislative  
Committee

*Attachment 2  
2/10/88*

Testimony

HB 2797

To - Members, House Local Government Committee

From - John T. Torbert, Executive Director  
Kansas Association of Counties

The legislation currently before you is the number three legislative priority of the Kansas Association of Counties. The proposal is the product of a specially appointed committee, that met during our annual conference in November. The committee, which consisted of a commissioner, treasurer, register of deeds and a clerk, was appointed by the KAC President to draft a recommendation on changes in the procedures by which county reorganization plans could be implemented.

The proposal is very simple and has three distinct elements.

- 1) If an election is going to be held on the elimination of an elective office, it should occur during a regular general election.
- 2) If a consolidation of offices eliminates an elective office, the office should be eliminated to coincide with the normal expiration of the term of that office.
- 3) A consolidation which eliminates an elective office shall not be voted on by the governing board until three special public hearings are held at a minimum of seven day intervals. Written notice of the hearings must be provided and interested parties given the opportunity to provide testimony and input.

We believe that the main effect of these changes will be to guarantee maximum public input, both through hearings and the electoral process, on the issue of elimination or consolidation of an elective county office. The county system of government is one that most citizens hold near and dear. It is very much a part of the tradition and history of this state. Changes in that system should not be taken lightly or considered quickly in a cavalier fashion. These legislative changes will insure that a full and public consideration and airing will take place. We urge your full support of HB 2797

*Attachment 3  
2/10/88*

HOUSE BILL NO. 2727

By Committee on Local Government

AN ACT relating to political and taxing subdivisions of the state; concerning procedures for the consolidation of operations, procedures and functions of offices and agencies of such subdivisions; amending K.S.A. 12-3903 and repealing the existing section.

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

Section 1. K.S.A. 12-3903 is hereby amended to read as follows: 12-3903. Whenever the governing body of any political or taxing subdivision of this state shall by resolution determine that duplication exists in the operations, procedures or functions of any of the offices or agencies of such subdivision or that the operations, procedures or functions of any of the offices or agencies thereof can be more efficiently and effectively exercised or provided as a consolidated activity performed by a single office or agency, or whenever the governing body of any two or more political or taxing subdivisions of this state shall by the passage of identical resolutions determine that duplication exists in the operations, procedures or functions of offices or agencies of such subdivisions or that the operations, procedures or functions of any of the offices or agencies thereof can be more efficiently and effectively exercised or provided as a consolidated activity performed by a single intergovernmental office or agency or by a single office or agency of one of the participating political or taxing subdivisions, such governing body or governing bodies are hereby authorized to consolidate any or all of the operations, procedures or functions performed or carried on by such offices or agencies by the passage of a resolution or identical resolutions setting out the time, form and manner of

Attachment #  
2/10/88

consolidation and designating the surviving office or agency. The elimination of an elective office by consolidation under the provisions of this act shall be subject to the approval of a majority of the electors of the political or taxing subdivision served by such office, voting at-an-election-called-and-held--for-such--purpose,--in-the-manner-provided-by-the-general-bond-law in the next regular general election of the county. Any such proposed consolidation which eliminates any such elective office shall provide that the elimination of such office shall become effective upon the date of normal expiration of the term of such office. Any such proposed consolidation which eliminates any such elective office shall not be voted on by the governing body of the political or taxing subdivision until three special public hearings are held within the political or taxing subdivision at intervals not less than seven days apart. Written notice of such hearings shall be provided by the governing body of the political or taxing subdivision, at least seven days prior to the first hearing, to any officer or agency of the political or taxing subdivision being eliminated under such consolidation and to any state officer or agency having constitutional or statutory powers of control over functions or services performed by such political or taxing subdivision officer or agency. Officers or agencies provided notice under the preceding provision shall be given an opportunity to appear and offer testimony at any of such hearings.

Sec. 2. K.S.A. 12-3903 is hereby repealed.

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

42  
~~42~~



AMENDMENTS PROPOSED BY LEAGUE OF KANSAS MUNICIPALITIES

Session of 1988

HOUSE BILL No. 2667

By Representatives Fuller, Baker, Borum, Bowden, Cribbs, Dean, Foster, Francisco, Gjerstad, Grotewiel, Helgerson, Kennard, Pottorff, Sawyer, Schauf, Spaniol, Webb and Williams

1-19

AMENDMENT

EXPLANATION

0020 AN ACT concerning cities; relating to municipal improvement  
0021 districts; amending K.S.A. 12-1795, 12-1796, 12-1797, 12-  
0022 17,102, 12-17,104 and 12-17,105 and K.S.A. 1987 Supp. 12-  
0023 17,103 and repealing the existing sections; also repealing  
0024 K.S.A. 12-17,101.

0025 *Be it enacted by the Legislature of the State of Kansas:*

0026 Section 1. K.S.A. 12-1795 is hereby amended to read as fol-  
0027 lows: 12-1795. As used in this act:

0028 (a) "City" means any city in Kansas.

0029 (b) "District" means a self-supported municipal improve-  
0030 ment district which may be created and the property taxed in  
0031 accordance with this act.

0032 (c) "Improvement" means the principal structures, works,  
0033 component parts and accessories of any of the following:

0034 (1) Sanitary and storm sewers and lift stations.

0035 (2) Drainage conduits, channels and levees.

0036 (3) Street grading, paving, graveling, macadamizing, curbing,  
0037 guttering and surfacing.

0038 (4) Street lighting fixtures, connections and facilities.

0039 (5) Underground gas, water, heating, sewer and electrical  
0040 connections located ~~in streets for private property.~~ [ services and  
[ within the public right-of-way

0041 (6) Sidewalks and pedestrian underpasses or overpasses.

0042 (7) Drives and driveway approaches located within the pub-  
0043 lic right-of-way.

0044 (8) Water mains and extensions.

0045 (9) Plazas and arcades.

0046 (10) Parking facilities.

*Mosher*

As to sewers, see line 34. To clarify; what does "in streets for private property" mean?

*Attachment 5  
2/10/88*



0047 ~~(11) Removal of diseased or dead trees from any public place,~~  
0048 ~~publicly owned right-of-way or private property.~~

0049 ~~(12) Landscaping and plantings~~ Beautification of the dis-  
0050 trict, such as landscaping and plantings, foundations, shelters,  
0051 benches, sculptures, signs, lighting, decorations and similar  
0052 amenities.

[ (11)  
[ fountains

Removal of trees is a "service", not an "improvement".

To correct an error.

0053 (d) "Revenue producing improvement" means any facility or  
0054 property proposed to be leased in whole or in part to any person  
0055 or governmental body which aids in the commercial develop-  
0056 ment of the district, furthers the purposes of the district and does  
0057 not substantially reduce the city's property tax base. The term  
0058 shall include any utility defined by K.S.A. 10-1201, and amend-  
0059 ments thereto.

0060 (e) "Service" means (1) the provision of special or additional  
0061 services, such as sanitation, the security of persons and property  
0062 and the care and maintenance of public facilities, including  
0063 sidewalks and other public areas; (2) the financial support of  
0064 public transportation service and publicly owned parking facil-  
0065 ities, including the operation and maintenance of parking facil-  
0066 ities; (3) the development of plans and programs for the future  
0067 development of the district; (4) the development, promotion and  
0068 support of community events and activities open to the general  
0069 public; and (5) any other service which the city is authorized to  
0070 perform and which the city does not also perform to the same  
0071 extent on a city-wide basis.

0072 (e) (f) "Cost" means (1) expenditures made for construction,  
0073 engineering, architectural, technical and legal services, prelimi-  
0074 nary reports, property valuations, estimates, plans, specifica-  
0075 tions, notices, acquisition of real and personal property, conse-  
0076 quential damages, easements, rights-of-way, supervision,  
0077 inspection, testing, publications, printing and sale of bonds,  
0078 interest during construction and for not more than six months

[ (strike "preliminary")

If "preliminary" is used, are the costs of "final" reports excluded?

0079 thereafter, and provisions for land use planning, administrative  
0080 expense and contingencies of the district; (2) maintenance ex-  
0081 penses of improvements as defined in subsection (c) or (d); and  
0082 (3) service as defined in subsection (e).

[ on temporary notes

To recognize Kansas laws and practices.

0083 Sec. 2. K.S.A. 12-1796 is hereby amended to read as follows:

5/8  
b

0084 12-1796. (a) The governing body of the city: (1) May, on its own  
 0085 motion, initiate proceedings for establishing a district as pro-  
 0086 vided in subsections (b) through (g), inclusive; or (2) the city  
 0087 shall initiate proceedings for establishing a district as provided  
 0088 in subsections (b) through (g), inclusive, upon the filing with its  
 0089 clerk of a petition containing:

0090 (A) The signatures of at least 25% of all owners of real  
 0091 property within the proposed district which together represent  
 0092 ownership of 25% or more of the assessed ~~value~~ of all of the real  
 0093 property in the proposed district;

[ valuation

To use the term commonly used in Kansas.

0094 (B) a description of the boundaries of the proposed district ~~or~~  
 0095 ~~a consolidated description of the property within the proposed~~  
 0096 ~~district;~~

[ ;

What is a "consolidated description"?

0097 (C) the name of the proposed district;

0098 (D) a statement of the maximum rate of the ad valorem tax  
 0099 that may be levied upon property within the district. The max-  
 0100 imum rate of tax may be stated in terms of separate maximum  
 0101 rates for ~~the capital improvement fund tax, and the operation tax,~~  
 0102 or in terms of a maximum combined rate; and

[ a  
 [ an operations fund

See line 229, line 301, line 330.

0103 (E) the purpose for the establishment of the district.

0104 (b) The city considering establishment of such a district  
 0105 whether on its own motion or pursuant to petition as provided in  
 0106 subsection (a), shall ~~first adopt a plan for the overall central~~  
 0107 ~~business district which plan is an official amendment to the~~  
 0108 ~~comprehensive plan of the city; notify and consult with the~~  
 0109 ~~appropriate planning commission to determine whether the~~  
 0110 ~~proposals are consistent with the comprehensive plan for the~~  
 0111 ~~development of the city and whether the proposed improve-~~  
 0112 ~~ments are feasible and advisable. The planning commission shall~~  
 0113 ~~give notice that a public hearing will be held before any such~~  
 0114 ~~determinations are made. Such notice shall be published in the~~  
 0115 ~~official city newspaper once each week for three consecutive~~  
 0116 ~~weeks, the last such publication to be not less than one week and~~  
 0117 ~~not more than two weeks preceding the date fixed for such~~  
 0118 ~~public hearing; adopt a resolution stating the city is considering~~  
 0119 ~~establishing the district. Such resolution shall contain:~~

0120 (1) A description of the boundaries of the proposed district;

5<sup>13</sup>

AMENDMENT

EXPLANATION

0121 ~~(2)~~ / a general description of the improvements and services  
0122 which are proposed to be provided within the district;

(2) the name of the proposed district;  
(3) the purpose of the district and

Transferred from lines 158:162.

0123 ~~(3)~~ / the time and place of a public hearing to be held by the  
0124 governing body to consider establishment of the district; and  
0125 ~~(4)~~ / any other information deemed necessary by the govern-  
0126 ing body.

(4) the maximum rate of the ad valorem  
tax which may be levied upon property  
in the district.

(5)  
(6)

0127 (e) Following such hearing pursuant to subsection (b) and  
0128 upon a finding by the planning commission that the proposed  
0129 district is consistent with the comprehensive plan for the devel-  
0130 opment of the city and that the proposed improvements are  
0131 feasible and advisable, the governing body of the city shall adopt  
0132 a resolution stating that the city is considering establishing the  
0133 district. Such resolution shall contain:

0134 (1) A description of the boundaries of the proposed district;  
0135 (2) a general description of the improvements which are  
0136 proposed to be provided within the district;

0137 (3) the estimated annual cost of providing such improve-  
0138 ments during the next three years;

0139 (4) the proposed method or methods by which the city pro-  
0140 poses to raise the revenue to finance such improvements;

0141 (5) the time and place of a public hearing to be held by the  
0142 governing body to consider establishment of the district; and

0143 (6) other information as deemed advisable by the governing  
0144 body.

0145 ~~(d) (c)~~ The date fixed for such public hearing pursuant to  
0146 ~~subsection (c)~~ shall be not less than 30 nor more than 60 days  
0147 following the date of the adoption of the resolution fixing the  
0148 date of such hearing.

To remove incorrect, unneeded reference.

0149 ~~(e) (d)~~ A copy of the resolution providing for the public  
0150 hearing shall be mailed by certified mail to each owner of land  
0151 within the proposed district not less than 15 days prior to the  
0152 date of such hearing. Such resolution shall be published in the  
0153 official city newspaper once each week for three consecutive  
0154 weeks, the last such publication to be not less than one week nor  
0155 more than two weeks preceding the date fixed for such public  
0156 hearing. In addition to the date, time and place of the public  
0157 hearing, the resolution shall state:

A copy shall also be mailed to the  
city or other planning commission  
having jurisdiction over the area.

The resolution contains more than a notice of public hearing.

See explanation next page.

5-14

0158 ~~(1) The name of the district;~~  
 0159 ~~(2) the purpose of the district;~~  
 0160 ~~(3) the property proposed to be included in the district, and~~  
 0161 ~~(4) the maximum rate of the ad valorem tax which may be~~  
 0162 ~~levied upon the property in the district.~~

Error in bill; transferred to lines 121:126.

0163 ~~(f) (e)~~ The governing body shall ~~wait at least~~ 30 days after the  
 0164 public hearing has been held ~~and shall find~~ that establishment of  
 0165 the proposed district is advisable and in the best interest of the  
 0166 city ~~before~~ it may adopt an ordinance establishing a self-sup-  
 0167 ported municipal improvement district. ~~Property~~ included in the  
 0168 proposed district need not be included in the established dis-  
 0169 trict. However, no property may be included in the district that  
 0170 was not included in the proposed district until the governing  
 0171 body:

not take final action on the proposed district within  
nor prior to the receipt from the planning commission of a finding that the proposed district is consistent with the comprehensive plan for the development of the city. If the governing body finds

[ All property

0172 (1) Has held another hearing after following the procedures  
 0173 prescribed by ~~subsection (e);~~

[ this section

0174 (2) has caused a notice of the inclusion of the property to be  
 0175 personally served upon each owner of the additional property; or  
 0176 (3) has received a written waiver of notice from each owner  
 0177 of the additional property.

0178 ~~(g) (f)~~ At any time prior to adoption of an ordinance estab-  
 0179 lishing a district, the entire matter of establishing such district  
 0180 shall be withdrawn from the governing body's consideration if a  
 0181 petition is filed with ~~its~~ clerk containing the signatures of at least  
 0182 40% of all owners of property within the proposed district or  
 0183 signatures which together represent ownership of property with  
 0184 an assessed ~~value~~ of 40% or more of the assessed ~~value~~ of all  
 0185 property within the proposed district.

[ the city

[ valuation

Term used in Kansas.

0186 (g) Upon the adoption of the ordinance establishing a dis-  
 0187 trict, the governing body of the city shall be the governing body  
 0188 of the district. The district shall be a body corporate and politic  
 0189 and shall be vested with all the power and authority necessary  
 0190 to effectuate the purposes of this act. Officers of the city shall be  
 0191 the officers of the district where appropriate and shall have  
 0192 such duties as provided by law and directed by the governing  
 0193 body of the district.

0194 Sec. 3. K.S.A. 12-1797 is hereby amended to read as follows:

515

0195 12-1797. Any resident of or property owner within the city may  
 0196 appeal the action and decisions of the governing body <sup>of the</sup>  
 0197 *district*, including the creation of the district and the levying of  
 0198 the proposed taxes for the district, to the district court of the  
 0199 county in which any part of the district is located, within 30 days  
 0200 after the date upon which the ordinance creating the district  
 0201 becomes effective, but the action and decisions of the governing  
 0202 body are final and conclusive unless the court finds that the  
 0203 governing body exceeded its authority. No action may be  
 0204 brought questioning the regularity of the proceedings pertaining  
 0205 to the establishment of a district or the validity of the district, the  
 0206 propriety of the inclusion or exclusion of any property within or  
 0207 from the district, or the ability of the ~~city~~ *governing body of the*  
 0208 *district* to levy taxes in accordance with the ordinance estab-  
 0209 lishing the district, after 30 days from the date on which the  
 0210 ordinance creating the district becomes effective.

[ of the city, or while acting as gov-  
 erning body of

It is the governing body of the city which acts to create the district.

0211 Sec. 4. K.S.A. 12-17,102 is hereby amended to read as fol-  
 0212 lows: 12-17,102. (a) *If the governing body of the city establishing*  
 0213 *establishes* a self-supported municipal improvement district  
 0214 under the provisions of this act ~~shall it may~~ provide by ordinance  
 0215 for an advisory board for such district, the members of which  
 0216 shall be representative of businesses located within the district.  
 0217 The board shall perform such duties as may be prescribed by  
 0218 ordinance and shall, not later than May 15 of each year, submit to  
 0219 the governing body of the district a report on the district's  
 0220 activities and a proposed budget to accomplish these objectives.

[ (strike "such" )  
 [ may

0221 In formulating a plan for services and ~~such~~ improvements, the  
 0222 advisory board ~~shall~~ consult with the planning commission ~~in~~  
 0223 ~~public session.~~

Kansas planning commissions do not normally get involved in such matters.

0224 (b) ~~Upon receiving the recommendations of the advisory~~  
 0225 ~~board for the ensuing year, the governing body of such city may~~  
 0226 ~~by ordinance, annually levy taxes, within the district, to carry out~~  
 0227 ~~the purposes of such district. The governing body of the district,~~  
 0228 ~~by ordinance, may levy taxes annually, within the district, to~~  
 0229 ~~carry out the purposes of such district. The tax assessments~~  
 0230 ~~levied pursuant to the provisions of this act shall be placed upon~~  
 0231 ~~the tax rolls, shall constitute a lien on the real estate upon which~~

[ , but no such taxes shall be levied  
 until approved by ordinance of the  
 governing body of the city. Such  
 taxes may be in the form of a  
 capital improvement fund tax, oper-  
 ations fund tax, or combination  
 thereof, in addition to any tax levied  
 under the provisions of K.S.A. 1987  
 Supp. 12-17,103, as amended.

To make consistent with lines 101, 301 and 330.

5/6

0232 *such taxes are levied and shall be subject to collection in the*  
 0233 *same manner as other ad valorem taxes levied by the city, but*  
 0234 *shall not be subject to abatement by the district, the city or*  
 0235 *other taxing districts within the state notwithstanding any*  
 0236 *Constitutional or statutory provisions relating thereto. Such tax*  
 0237 *assessments shall be in addition to all other tax levies autho-*  
 0238 *rized or limited by law and shall not be subject to or within the*  
 0239 *aggregate tax levies prescribed by articles 19 and 50 of chapter*  
 0240 *79 of the Kansas Statutes Annotated, and amendments thereto.*  
 0241 *If an advisory board has been established, the annual levy of*  
 0242 *taxes shall not be made until a recommendation has been re-*  
 0243 *ceived from the advisory board.*

0244 Sec. 5. K.S.A. 1987 Supp. 12-17,103 is hereby amended to  
 0245 read as follows: 12-17,103. The governing body of the ~~city~~  
 0246 *district* may issue municipal improvement district bonds for the  
 0247 cost of improvements authorized by this act. The principal of and  
 0248 interest on the bonds shall be payable from a levy of ad valorem  
 0249 taxes on all of the taxable tangible property within the district. In  
 0250 cases of revenue producing improvements, the income and re-  
 0251 ceipts derived also may be pledged to pay the principal and  
 0252 interest on the bonds. The bonds ~~may shall~~ be issued to mature  
 0253 ~~in not more than 20 installments and the last such installment~~  
 0254 ~~shall mature not more than 22 years after the date of the bonds, in~~  
 0255 ~~accordance with the general bond law. Any bonds issued under~~  
 0256 ~~the provisions of this section and the interest thereon shall be~~  
 0257 ~~exempt from all taxes levied by the state of Kansas or any taxing~~  
 0258 ~~subdivision thereof, except inheritance taxes. The bonds shall~~  
 0259 ~~bear interest at a rate not to exceed the maximum rate of interest~~  
 0260 ~~prescribed by K.S.A. 10-1009, and amendments thereto. In the~~  
 0261 ~~event the district is dissolved, the property in the district shall~~  
 0262 ~~remain liable for any special assessment levied to pay any~~  
 0263 ~~principal and interest on any bonds authorized, issued and still~~  
 0264 ~~outstanding.~~

[ city, acting on and in behalf of the

[ , but shall not be general obligations of the city.

[ as an operating agency  
 [ taxes

[ No bonds shall be issued until a public hearing is held thereon in the manner provided by Section 8 of this act.  
 [ city, on behalf of the district,

To clarify intent.

To clarify.

To make certain hearing is required.

5A

0269 26-501 to 26-516, inclusive, ~~or any and~~ amendments thereto,  
0270 provided that the ~~city governing body~~ may exercise the power of  
0271 eminent domain only under the following conditions:

0272 (1) Acquisition of the land and personal property is in the  
0273 public interest and is needed to further the improvement or  
0274 redevelopment proposal of an existing self-supported municipal  
0275 improvement district under this act.

0276 ~~(2) The proposal has been reviewed by the appropriate~~  
0277 ~~planning commission for conformance with the comprehensive~~  
0278 ~~plan of the city and with the adopted overall development plan~~  
0279 ~~for the central business district.~~

(2) The proposal has been reviewed by the appropriate planning commission for conformance with the comprehensive plan of the city.

To restore required planning commission review.

0280 ~~(3) (2)~~ The city has complied with K.S.A. 75-2714 to 75-2725,  
0281 inclusive, and ~~provisions amendatory or supplemental amend-~~  
0282 ~~ments~~ thereto, and has received written approval of the state  
0283 historical society as provided by K.S.A. 75-2714, ~~and amend-~~  
0284 ~~ments thereto.~~

(3)

0285 ~~(4) (3)~~ The provisions of K.S.A. 12-1771 and 12-1772, ~~and~~  
0286 ~~amendments thereto~~, have been complied with except as the  
0287 same relate to findings of a blighted area.

(4)

0288 ~~(5) (4)~~ The procedures for a public hearing, notification to  
0289 affected property owners and the right of appeal shall be the  
0290 same as provided in subsections (d) and (e) of K.S.A. 12-1796 and  
0291 12-1797, ~~and amendments thereto.~~

(5)

0292 Upon the dissolution of the district or according to the district  
0293 proposal as adopted or amended, and the retirement of all  
0294 bonded indebtedness against the property, ~~all property of the~~  
0295 ~~district shall become the property of the city and~~ the city may  
0296 trade or exchange or sell this property in the same manner as  
0297 provided in K.S.A. 12-1301, and amendments thereto. The pro-  
0298 ceeds from such sale may be used for another public purpose.

0299 Sec. 7. K.S.A. 12-17,105 is hereby amended to read as fol-  
0300 lows: 12-17,105. The governing body of the ~~city district shall~~  
0301 ~~establish a self-supported improvement district/operation fund.~~  
0302 ~~The governing body may establish~~ a capital improvements fund  
0303 and such other funds deemed necessary.

city, acting on behalf of the  
may  
operations  
, and  
, or combination thereof

See lines 101, 229, 330.

0304 New Sec. 8. (a) Before any contract is let or any work is  
0305 ordered or authorized for an improvement or before any services

518

0306 are provided, the governing body of the district shall hold a  
 0307 public hearing on the advisability of the improvement or the  
 0308 advisability of providing such services. Notice of the hearing  
 0309 shall be given at least once each week for two consecutive weeks  
 0310 in the official city newspaper. At least three days shall elapse  
 0311 between the last publication and the hearing. The notice shall  
 0312 include the:

- 0313 (1) Time and place of hearing;
- 0314 (2) general nature of the proposed improvements or of the  
 0315 services to be provided;

0316 (3) the estimated or probable cost of such ~~improvement~~ or the improvements  
 0317 estimated annual cost of providing such ~~service~~ during the next services  
 0318 three years; and

0319 (4) the proposed method or methods by which the governing  
 0320 body proposes to raise the revenues to finance such improve-  
 0321 ment or to pay for such services.

0322 ~~(b)~~ (c) The hearing may be adjourned from time to time until the  
 0323 governing body shall have made findings by resolution as to the  
 0324 advisability ~~of the improvement or of the proposed service, the~~ and  
 0325 nature of the ~~improvement or service~~ to be provided, the es- improvements  
 0326 timated cost of the ~~improvement~~ or the estimated annual cost of services  
 0327 providing such service during the next three years, and the improvements and  
 0328 method or methods by which the governing body proposes to  
 0329 ~~raise the revenues to~~ finance such improvement including a  
 0330 statement that sets forth the amount to be ~~paid from the capital~~ received  
 0331 improvement fund tax by issuance of bonds or from an operations any  
 0332 tax fund

NOTE: Lines 333:349 should precede line 322.

Changes below to clarify intent.

0333 ~~(e)~~ (b) Before calling a hearing on the advisability of any im-  
 0334 provement, the governing body may secure a feasibility report to or service  
 0335 assist in the determination of ~~whether an improvement or service~~ the improvements  
 0336 should be ~~made as proposed or otherwise, or in combination~~ services which  
 0337 ~~with other improvements and services authorized by this act,~~  
 0338 together with a preliminary estimate of the cost of the improvements,  
 0339 ~~ment,~~ services or combination of improvements and services.

0340 The report may be prepared by qualified officers of the city or by  
 0341 consultants. The governing body also may take such other pre-  
 0342 liminary steps prior to the hearing or before ordering any im-

5-9



0343 provements or letting any contract, including, among other  
0344 things, the preparation of plans and specifications, estimates of  
0345 costs of the improvements or services and the advertisement for  
0346 bids thereon, as in its judgment shall be of assistance in deter-  
0347 mining the feasibility and desirability of the improvement or  
0348 services. The cost of such services may be assessed against the  
0349 district.

0350 Sec. 9. K.S.A. 12-1795, 12-1796, 12-1797, 12-17,101, 12-  
0351 17,102, 12-17,104 and 12-17,105 and K.S.A. 1987 Supp. 12-17,103  
0352 are hereby repealed.

0353 Sec. 10. This act shall take effect and be in force from and  
0354 after its publication in the statute book.