

Approved February 14, 1989
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Representative R. D. Miller at
Chairperson

1:36 a./m./p.m. on February 7, 1989 in room 521-S of the Capitol.

All members were present except:

Representative Clyde Graeber, excused
Representative Carl Holmes, excused
Representative Michael Sawyer, excused
Committee staff present:

Mike Heim, Legislative Research Dept.
Theresa Kiernan, Revisor of Statutes' Office
Connie Smith, Committee Secretary

Conferees appearing before the committee:

Representative Al Ramirez
Don Long Chief Legal Advisor for Wyandotte Sheriff
Sheriff Owen Sully, Wyandotte County
Frank Seitz, Director of Recreation, Derby, Ks.
Dr. Jim Thompson, Superintendent of Blue Valley Schools

Chairman Miller called for hearings on the following House Bills:

HB 2139 - Act concerning fees and salaries in certain counties.

Representative Ramirez testified in support of HB 2139 and stated that it strictly serves Wyandotte county. Representative Ramirez introduced Chief Legal Advisor to Sheriff, Don Long, and Wyandotte Sheriff Owen L. Sully.

Don Long testified in support of HB 2139.

Discussion followed.

Sheriff Sully testified in support of HB 2139 and stated that he would be more comfortable being under statutes of State Legislature than of home rule. (Attachment I)

Hearings closed on HB 2139.

HB 2140 - Act concerning recreation commissions; relating to the powers and duties thereof.

Frank Seitz testified in support of HB 2140. (Attachment II)

Discussion followed.

Dr. Thompson testified in support of HB 2140 and introduced Tim Wolken from Blue Valley Recreation Commission. Dr. Thompson stated that the Recreation Commissions should be granted the authority to lease real and personal property. (Attachment III)

Hearings closed on HB 2140.

Motion was made by Representative Johnson and seconded by Representative Brown HB 2139 be passed and placed on the consent calendar. Motion carried.

Motion was made by Representative Williams and seconded by Representative Mollenkamp to approve the minutes of January 31, 1989. The motion carried.

Meeting adjourned at 1:58 p.m.

SHERIFF'S OFFICE

WYANDOTTE COUNTY
710 N. 7TH STREET
KANSAS CITY, KANSAS 66101
PHONE: 573-2861

OWEN SULLY
SHERIFF

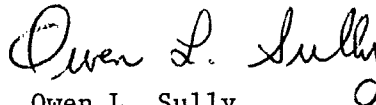
January 7, 1989

Distinguished Representative:

I would like to thank the members of the Committee for considering a minor change in KSA 28-706. For as long as I can remember the Sheriff of Wyandotte County has operated under the provisions of this statute. This statute was originally drafted and passed for Wyandotte County and for many years Wyandotte County was the only County that qualified under its provisions. But in the 1980 census, Wyandotte County's population fell under the 180,000 level and so technically the Sheriff no longer fell under the provisions of the statute. This amendment would retain the status quo and nothing more.

This cleanup of an old statute is nothing new. In 1987 the legislature faced a similar problem in Wyandotte County as it related to the County Park Board. The statute KSA 19-2853 was amended by adding the word "Wyandotte County" and the status quo was maintained. I am merely asking for the same consideration.

Sincerely,



Owen L. Sully
Sheriff

OLS:pw

cc

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ATTACH. 1
2-7-89



KANSAS RECREATION AND PARK ASSOCIATION

410 WEST ASH
SALINA, KANSAS 67401

(913) 823-5635
Laura J. Kelly, Executive Director

TESTIMONY ON HOUSE BILL NO. 2140
BEFORE THE COMMITTEE ON LOCAL GOVERNMENT

BY

FRANK SEITZ, DIRECTOR OF RECREATION, DERBY, KS
LEGISLATIVE CHAIRMAN, KANSAS RECREATION AND PARK ASSOCIATION
FEBRUARY 6, 1989

Mr. Chairman, Ladies and Gentlemen of the Committee

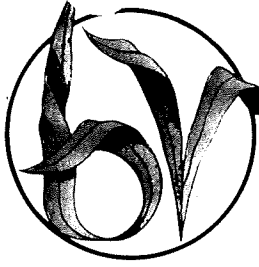
In 1987 this committee approved modifications to the Kansas Recreation Enabling Law which came out of an interim study of a joint Special Committee on Federal and State affairs concerning recreation commissions. That House Bill 2424 went on to be approved by both the full House and Senate and signed into law and now governs the operation of in excess of 175 communities who have initiated public recreation programs in the State of Kansas.

House Bill 2424 received the support of the Kansas Recreation and Park Association, League of Municipalities and Kansas Association of School Boards who worked to create legislation which would be acceptable for all involved. As with any legislation in which change occurs different interpretations of these changes arise. It is because of differing interpretations concerning the powers section of KSA 1983 Supp. 12-1928 that we appear before you today.

The Powers section of 12-1928 states "Every Recreation Commission appointed pursuant to this act shall have the power to;" followed by 11 (A thru K) powers granted to commissions. Our request centers around item (g.) "enter contracts". Because of conflicting interpretations of what entering contracts suggests, we would support the addition to the powers section presented to you today which is a new section (h.) under the powers section which states "Enter lease agreements for real and personal property. The term of any such lease shall not exceed 10 years." This language is similar to the authority given school districts in KSA 72-8225 concerning leasing privileges. We support this proposal to you after consulting with both the League of Municipalities and the State Association of School Boards and to my knowledge, there has been no negative reaction. We would ask for your consideration of this addition.

Thank you very much for allowing me the time to speak on this issue.

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A T A E H II



Blue Valley

"growing with pride"

Blue Valley
Schools

(913) 681-4000

P.O. Box 23901
Overland Park, Kansas
66223-0901

Office of the
Superintendent

Dr. James C. Thompson

TO: MEMBERS OF THE HOUSE LOCAL GOVERNMENT COMMITTEE
FROM: DR. JAMES C. THOMPSON, SUPERINTENDENT OF SCHOOLS
RE: HOUSE BILL 2140
DATE: FEBRUARY 7, 1989

I appear before you today as an official in the Blue Valley Unified School District #229, southeast Johnson County, to express my support for the enactment of House Bill 2140 regarding the powers and duties of Recreation Commissions. Specifically, I support the expansion of authority of Recreation Commissions to enter into lease agreements for real and personal property.

Because the Boards of Education of the Blue Valley School District and Olathe Unified School District #233 feel that Recreation Commissions should have the authority to lease real property, our Boards unanimously adopted legislative positions seeking to expand such authority. Thus, both school districts believe that the authority to lease real and personal property is an appropriate activity in which Recreation Commissions can engage.

We recognize that historically, Recreation Commissions did not have the authority to own, acquire, or lease real property. Commissions typically depended upon the cities or school districts in which they were organized to provide real property on which recreation facilities were located. Previously, this apparently worked well.

The problem today is that school districts, particularly fast-growing ones like Olathe and Blue Valley, do not have adequate resources to acquire property for recreation facilities. This is compounded by the high per-acre costs of land in many of our already-settled communities. What makes more sense is to permit Recreation Commissions to lease real property which can be used for recreation facilities. Oftentimes, this means leasing or renting athletic fields, auditoriums, performance areas, and day-camp facilities which are already available from other agencies or organizations in the community. The sharing of such facilities through lease makes a lot of sense to our taxpayers.

A specific example of the above dilemma is occurring in the Blue Valley area. Our population has tripled since 1980. The school district has concentrated its capital

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ATTACH III

improvement efforts on providing educational facilities. Consequently, athletic fields and other facilities for community recreation are significantly lacking. The Recreation Commission has the means and desire to provide recreational facilities but lacks the statutory authority.

I believe that other school district officials across the state would agree with me that Recreation Commissions should be granted the authority to lease real and personal property. I hope that this committee supports this measure and passes it out of committee.