

Approved February 22, 1989
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Sen. Don Montgomery at
Chairperson

9:00 a.m. ~~p.m.~~ on February 21, 1989 in room 531-N of the Capitol.

All members were present except:

Sen. Dainiels - Excused

Committee staff present:

Mike Heim, Legislative Research
Emalene Correll, Legislative Research
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Sen. John Strick
Sen. B. D. Kanan
Winnie Kingman, Shawnee County Commissioner
John Torbert, Kansas Association of Counties
Mark Hixon, Barton County Appraiser
Shirley Tate, Leavenworth County Treasurer
Nancy Welsh, Douglas County Treasurer
Gerry Ray, Johnson County Board of Commissioners
Willie Martin, Sedgwick County

The meeting began with the hearing on SB 95 relating to the assessment of certain costs of drainage districts. Sen. John Strick, author of the bill, testified. (See Attachment I). The Chairman asked if it would make any difference where the landowners (line 30) live, and Sen. Strick answered that they could live anywhere in the county but not out of the county. This concluded the hearing.

The hearing began on SB 143 relating to the county treasurer and appraiser offices. Sen. B. D. Kanan, author of the bill, testified first. (See Attachment II.)

Winnie Kingman, Shawnee County Commissioner, followed with testimony in opposition to SB 143. (See Attachment III).

John Torbert, Kansas Association of Counties, followed with testimony in opposition to the bill. (See Attachment IV). Sen. Petty asked if there are options available that would allow Saturday morning openings without incurring extra costs. Mr. Torbert said not many counties have the flexibility that would allow for a difference in cost.

Mark Hixon, Barton County Appraiser, testified further in opposition to the bill. (See Attachment V). The Chairman asked if appraisers will work on Saturdays with the new appraisals going out. Mr. Hixon said appraisers do not work on a 40 hour salaried week and could be working on Saturdays.

Shirley Tate, Leavenworth County Treasurer, stated she strongly opposes the bill and introduced Nancy Welsh, Douglas County Treasurer, to give further testimony. Ms. Welsh stated she would submit written testimony later due to the fact that she had not been asked to testify until this morning. She said that the treasurer's office extends itself much further than it has funds for at present. The need to stay open on Saturday mornings can be extremely different from county to county, and it is unfair to put this burden of expense on all counties, some of which have no need to be open on Saturday. It requires extra building maintenance, and some do not have enough employees to let go during the week so that they can work on Saturdays. Also, there is a tax lid until 1990 so there will not be funds available to do this. The fees received from the Motor Vehicle Department do not support her office at present. Also, there is mail service available to the public, and every effort is made to help the people. The bill would be an expensive hardship on treasurer's offices.

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 SENATE COMMITTEE ON LOCAL GOVERNMENT,
room 531-N, Statehouse, at 9:00 a.m.~~pm~~ on February 21, 1989.

Gerry Ray, Johnson County Board of Commissioners, gave further testimony in opposition to SB 143. (See Attachment VI).

Final testimony was given by Willie Martin of Sedgwick County. She stated that the local county commissioners accomodate the public when it becomes necessary, therefore, a state requirement on varied counties with varied populations is not necessary.

Testimony of Alan Steppat of Pete McGill and Associates had been distributed to committee members although Mr. Steppat did not testify. (See Attachment VII).

This concluded the hearing on SB 143, and it was taken under advisement.

Attention was returned to SB 95. Sen. Steineger said an amendment is needed on line 30 of the bill to limit where the landowner lives.

Sen. Steineger made a conceptual motion to amend SB 95 on line 30 to include "state", Sen. Burke seconded, and the motion carried.

Sen. Ehrlich made a motion to report SB 95 favorable for passage as amended, Sen. Frahm seconded, and the motion carried.

The minutes of February 16 and 17 were approved.

The meeting was adjourned.

STATE OF KANSAS

JOHN STRICK, JR.
SENATOR, FOURTH DISTRICT
WYANDOTTE COUNTY
620 N. 17TH
KANSAS CITY, KANSAS 66102



TOPEKA

SENATE CHAMBER

February 21, 1989

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: FINANCIAL INSTITUTIONS
AND INSURANCE
MEMBER: FEDERAL AND STATE AFFAIRS
GOVERNMENTAL ORGANIZATION
LABOR, INDUSTRY AND SMALL BUSINESS
PUBLIC HEALTH AND WELFARE

TO: Senate Local Government Committee
FROM: John Strick, Jr.
RE: Explanation of Senate Bill 95

The Fairfax Drainage District is one of the largest in the State and comprises our largest Industrial Park including plants such as the new one billion dollar General Motors facility. The District is bordered on two sides by the Missouri River and is protected by high dikes. At high water stages water seeps into the district and is pumped out through a series of pump stations. The local governing board of the district is responsible for all general improvement, sewer and drainage programs, and occasionally issues special improvements. They have authority to levy taxes on the District.

The only change in existing law contained in SB 95 occurs on line thirty. Present law relative to creating benefit districts in drainage districts, requires "assessors" to be residents of the District. The problem is there are no "residents" in the District and there is no way they can comply with the law. The bill will eliminate that requirement.

2-21-89
Senate Local Gov't
Attachment I

February 21, 1989

Dear Chairman and Members of the Committee:

While I was campaigning for this Senate seat there were several important issues. In my opinion, getting the License Department and the Appraiser's office, open on Saturday was a serious issue.

In the last several months I have talked to hundreds of constituents, several Senators and also Mr. Ed Rolfs, Secretary of Revenue. I am getting 100% response from everyone except the people who are connected with the County Courthouse. The Secretary of Revenue said that he thought two employees could handle the load on Saturday morning for all 105 counties.

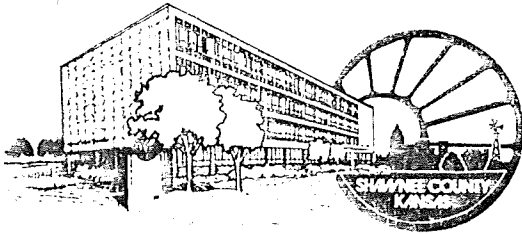
I would surely appreciate having this bill come out of this Committee and go to the Senate floor.

Senate Bill 129 is in the Transportation Committee asking for additional fees for titles and registrations plus additional compensation. I personally think that with these higher fees it would more than cover the extra workload on Saturday mornings, plus being a great accomodation for the working people who are unable to get there during the week.



B. D. Kanan, Senator
5th District

2-21-89
Senate Local Gov 4
Attachment II



Shawnee County Board of Commissioners

Rm. 205, Courthouse Topeka, Kansas 66603-3970
(913) 291-4040

Winifred Kingman, 1st district
Velma Paris, 2nd district
Eric K. Rucker, 3rd district

Remarks by Shawnee County Commissioner Winifred Kingman
February 21, 1989

SENATE BILL NO. 143

Mr. Chairman, and Members of the Committee. Thank you for the opportunity to appear before your Committee and testify. As a Shawnee County Commissioner who has served over six (6) years, and worked for Shawnee County government for nearly twenty-seven (27) years, I have committed myself to providing the best possible service to Shawnee County citizens. Most of the services provided by Shawnee County government have an impact on our budget. My decisions as a County Commissioner have reflected my concern that the county budget and mill levy be kept as low as possible while meeting the needs of our citizens and the mandates of the State and Federal Governments.

State law presently gives the responsibility of setting county office hours to the Board of County Commissioners. Through Shawnee County Resolution No. 89-5, a copy of which is attached to my written remarks, the Board has required all Shawnee County offices to be open nine (9) hours each day, Monday through Friday, with the exception of holidays. This resolution ensures County offices are open over the noon hour each day.

Because many of the county offices must work closely with other county government offices, little benefit would be derived from having only the treasurer's office and the appraiser's office open on Saturdays. These offices must work closely with the commissioners, the county clerk, the county audit-financial administrator, the county counselor, data processing, and various other offices in county government.

It is my recommendation that this bill not be passed out of Committee. I believe that the present law makes adequate provision for Commissioners to establish hours for the convenience of the public. If members of the public in the various counties in Kansas perceive a need, they should contact their Commissioners to request more convenient hours.

Attachment

2-21-89
Senate Local Gov 4
Attachment III

RESOLUTION NO. 89-5

WHEREAS, it is desirable that the citizens of Shawnee County, Kansas, be afforded access and the opportunity for input to their local government; and,

WHEREAS, K.S.A. 19-2601 requires the Board of County Commissioners of the County of Shawnee, Kansas to fix the days and hours during which County offices shall remain open; and,

WHEREAS, K.S.A. 19-209 requires the Board of County Commissioners of the County of Shawnee, Kansas to meet at least twice each week for the transaction of County business.

NOW THEREFORE, the Board of County Commissioners of the County of Shawnee, Kansas, meeting in regular session on this 9th day of January, 1989, hereby resolves as follows:

1. All Shawnee County Offices shall remain open a minimum of nine (9) hours per day, five (5) days per week from 8:00 A.M. to 5:00 P.M., Monday through Friday, with the following exceptions:

(a). The Courts of the Third Judicial District;

(b). Departments operating on a twenty-four (24) hour schedule including, but not limited to the Sheriff's Department, Jail, Work Release Center, Youth Center, Parks and Recreation Department and Kansas Expocentre; and,

(c). The Shawnee County Treasurer's Office, which shall remain open from 8:00 A.M. to 4:30 P.M., Monday through Friday, to allow time to close their books before 5:00 P.M.

2. In order to conduct the business of County Government, the Board of County Commissioners of the County of Shawnee, Kansas shall hold regularly scheduled meetings at 9:00 A.M. every Tuesday and Thursday of each week in the Commission Chambers, Room 205, at the Shawnee County Courthouse, provided those days do not fall upon official holi-

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Senate L.G.
III - 2

days. There shall be a regularly scheduled meeting of the Board of County Commissioners on the second Wednesday of each month in lieu of the Thursday regular meeting of the Board of County Commissioners that week. The provision for regularly scheduled Wednesday evening meetings shall be reviewed after three months. Items to be included on the Wednesday evening meeting shall be submitted to the County Commission office no later than 3:00 P.M. the Monday before the meeting.

3. Special meetings of the Board of County Commissioners of the County of Shawnee, Kansas may be scheduled by a majority of the Board of County Commissioners as needed to conduct public hearings of such matters as zoning or planning commission petitions or to conduct any other County business deemed by the Board of County Commissioners to be of unusual public concern. Whenever possible, such special meetings, as are necessary, shall be held in the Commission Chambers, Room 205, at the Shawnee County Courthouse or at such other location as designated by the Chairman of the Board of County Commissioners.

4. Informal Meetings of the Board of County Commissioners of the County of Shawnee, Kansas, will be scheduled by the Chairman of the Board of County Commissioners. Informal meetings may be requested by each Commissioner, individuals, groups or county department heads who have business relating to or affecting County government. All of the regular, special and informal meetings will be open to the public.

5. All items to be included on the agenda of any regular or special meeting should be submitted, in writing, to the County Commission Office no later than two (2) work days prior to the date of the meeting at which the item is to be considered. An original and seven copies of all documents are to be provided. Items that are placed on the agenda later than noon two (2) work days prior to the Com-

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Senate L.G.
III-3

mission meeting shall require that the responsible department head make every effort to meet with each individual commissioner to explain the details of the item/proposal and the reason it must be acted upon at such time.

6. All resolutions, proclamations, contracts and other documents requiring the signatures of the Board of County Commissioners should be submitted to the County Counselor's Office at least three (3) work days prior to their scheduled agenda date. The County Counselor's Office will approve the document for legality and form, or prepare a memorandum stating the reason for disapproval, and return the same to the Board of County Commissioners for consideration as scheduled.

7. Any Shawnee County resolution, charter resolution, or home rule resolution which sets policy or procedures for Shawnee County or this Board shall first be placed on the Commission agenda for a "First Reading" prior to its final approval. After the "First Reading," any resolution, charter resolution, or home rule resolution which sets policy or procedures for Shawnee County or the Board may be placed on the Commission agenda for final approval. This requirement may be overridden by a simple majority of the Board of County Commissioners in open session. Failure to follow this provision shall not invalidate the effectiveness of any resolution, charter resolution, or home rule resolution of the Board of County Commissioners. The requirements of this paragraph shall not require a First Reading of this resolution.

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Senate L.G.
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8. This resolution rescinds Resolution No. 88-4,
and any other resolutions in conflict therewith.

BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS

Phil Na
Chairman

Kimberly Kingman
Vice-Chairman

Velma Paris
Member

ATTEST:

Patsy A. McDonald
Patsy A. McDonald, County Clerk

Approved as to Legality
and Form: Date *Jan 9, 1989*
Douglas F. Mante
SHAWNEE CO. COUNSELOR

2-21-89
Senate L.G.
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"Service to County Government"

212 S. W. 7th Street
Topeka, Kansas 66603
(913) 233-2271
FAX (913) 233-4830

EXECUTIVE BOARD

President
Winifred Kingman
Shawnee County Commissioner
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(913) 272-8948

Vice-President
Gary Hayzlett
Kearny County Commissioner
P.O. Box 66
Lakin, KS 67860
(316) 355-7060

Past President
John Delmont
Cherokee County Commissioner
(316) 848-3717

Mark Hixon
Barton County Appraiser
(316) 792-4226

Marjory Scheufler
Edwards County Commissioner
(316) 995-3973

DIRECTORS

Leonard "Bud" Archer
Phillips County Commissioner
(913) 689-4685

Keith Devenney
Geary County Commissioner
(913) 238-7894

Berneice "Bonnie" Gilmore
Wichita County Clerk
(316) 375-2731

Harry "Skip" Jones III
Smith County Treasurer
(913) 282-6838

Thomas "Tom" Pickford, P.E.
Shawnee County Engineer
(913) 291-4132

Dixie Rose
Butler County Register of Deeds
(316) 321-5750

NACo Representative
Joe McClure
Wabaunsee County Commissioner
(913) 499-5284

Executive Director
John T. Torbert

Testimony

February 21, 1989

To; Senate Local Government Committee

From; John T. Torbert
Executive Director

Subject; Senate Bill 143

The Kansas Association of Counties is opposed to SB 143. There are two reasons for the opposition.

First of all, the bill is a blatant intrusion on home rule authority. Clearly, the function of determining county office hours has been and should be a local one. It is not appropriate that the state step into that process, however well intentioned such intervention might be.

Secondly, the price tag on this proposal could be substantial. In most cases, the employees of the treasurers and appraisers offices are not exempt from the federal wage and hour law. That means that hours worked in excess of 40/week must be compensated at time and one-half wages or compensatory time off. In either case, the cost would be substantial, either in wages paid or employee work hours lost. The cost of this legislation would also go beyond that of the employee cost in the treasurer's and appraiser's offices. In many counties, the clerks office would also have to open up to facilitate access to the computer system. Further, the fact that the courthouse would be open would also mean that security and maintenance personnel would be required. In that sense, the legislation creates the common dilemma that providing more taxpayer service would also necessitate the spending of more taxpayer's dollars. I would remind the committee that we are in the midst of a two year reappraisal budget freeze and cost increases in one area will probably mean spending (and thus service) decreases in another area.

I urge the committee not to give the legislation any further consideration and would be happy to respond to questions.

TSJSLOCG

2-21-89
Senate Local Gov't
Attachment IV

Barton County Appraiser's Office

February 21, 1989

J. Mark Hixon, C.K.A.
County Appraiser

TO: Senate Local Government Committee
RE: S.B. 143

I am the legislative committee chairman for the Kansas County Appraisers Association, and I am here today to give testimony in opposition to S.B. 143.

First I would like to clear the air about one obvious vested interest I have. I enjoy spending Saturdays with my family as I am sure all of you do. However, being public servants, that is one of the least important considerations.

As a public officer, county appraisers are not hourly employees and do not receive compensation for "overtime". However, federal wage laws require that our employees be compensated at the rate of time and one-half for anything over 40 hours per week. This presents a problem to all counties due to the budget constraints the legislature built into S.B. 164 (Reappraisal).

I am sure that all of us are aware of the "roll back" provision which is part of the reappraisal bill. This has caused all taxing subdivisions a great deal of concern due to the necessity of drafting two year budgets. The cause for concern is the uncertainty that is involved with longer budgetary periods. I estimate that S.B. 143 would cost taxpayers over \$500,000 yearly.

Appraiser - 5 employees @ \$5.00/hr. x 96 hr./yr. x 105 =	\$252,000
Treasurer - 5 employees @ \$5.00/hr. x 96 hr./yr. x 105 =	<u>252,000</u>
	\$504,000

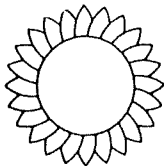
I do not know the purpose of S.B. 143. The services that would need to be provided, and public demand would determine what staffing levels would have to be maintained in each county. The above figures are very rough estimates based on projected averages. They may be extremely optimistic.

If this bill becomes law, it will cost the taxpayers a lot of money; tax dollars that were unforeseen and have not been budgeted.

The commissioners in each of 105 counties have the authority to set county office hours. They do not need a mandate from the legislature in order to keep the Appraiser's and Treasurer's offices open on Saturdays. All that is required is for enough people in each county to express their wishes and desires to pay for such services and the commissioners will make it so.

Local government has never been unresponsive to local needs. However, there certainly may have been unresponsive local officials. The voters know how to deal with these people. Let's not impose another state mandate on local government. Especially not one that is so unnecessary.

2-21-89
Senate Local Gov't
Attachment V



February 21, 1989

SENATE LOCAL GOVERNMENT COMMITTEE

HEARING ON SENATE BILL 143

TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL COORDINATOR
JOHNSON COUNTY BOARD OF COMMISSIONERS

Mr. Chairman, members of the committee, I am Gerry Ray, representing the Johnson County Board of Commissioners and appearing today in opposition to Senate Bill 143.

The bill would implement a legislative order setting business hours for county offices. Each community should be allowed to make a determination as to the hours that best serve that particular community. The people best equipped to make such decisions are the local officials who were elected by the people of the community.

Senate Bill 143 is in direct conflict with the home rule concept that the state determined many years ago to be the best approach to governing and Johnson County urges the Committee to recommend against its passage.

2-21-89
Senate Local Gov't
Attachment VI



Kansas Legislative Policy Group

412 Capitol Tower, 400 West Eighth, Topeka, Kansas 66603, 913-233-2227

TIMOTHY N. HAGEMANN, Executive Director

TESTIMONY
TO
SENATE LOCAL GOVERNMENT COMMITTEE

February 21, 1989

Mr. Chairman and members of the committee, I am Alan Steppat of Pete McGill & Associates. We represent the Kansas Legislative Policy Group which is an organization of county commissioners from rural areas of the state. We appear today in opposition of the provisions of Senate Bill 143.

Currently, the statute gives the Board of County Commissioners specific authority to fix the days and hours which county offices will be open. If SB 143 were passed besides an added expense being added to county government in salaries and utility costs this would also be violating K.S.A. 1985 Supp. 19-101a which grants broad home rule power to the Board of Commissioners for the purpose of transacting all county business and performing all powers of local legislation and administration which it deems appropriate.

Therefore, we respectfully request that you report SB 143 be not recommended for passage. Thank you for your consideration.

2-21-89
Senate Local Gov't
Attachment VII