

Approved February 13, 1990
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE ROBERT D. MILLER at
Chairperson

1:30 a.m./p.m. on FEBRUARY 7, 1990 in room 313-S of the Capitol.

All members were present except:

Representative Gomez, excused
Representative Bowden, excused
Representative Williams, 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 Harold Guldner
Representative Elaine Wells
Ernie Mosher, League of Kansas Municipalities
Jim Kaup, Counsel for League of Kansas Municipalities
Cathy Holdeman, City of Wichita
Representative Kenneth King
Connie Phillips, member of board of directors for the Butler County Assoc. to Counter Abuse and the Family Life Center
Alita Brown, director of the Kansas Coalition Against Sexual and Domestic Violence
Tom Linot, Butler County Commissioner
Gary Haller, director of Parks and Recreation of Johnson Co.
Terry DeWeese, President of Kansas Recreation & Park Association and director of Parks and Recreation for City of Manhattan
Don Hall, Administrator for United Tele. Companies of Kansas
Rob Hodges, Executive Vice President of the Kansas Telecommunications Association
Whitney Damron of Pete McGill & Associates, Inc., representing State Independent Telephone Association
Representative Jack Lacey
Sheriff Tom Bringle of Labette County
Joe Renfro, County Commissioner of Labette Co.
Dr. Arnold Levenson, representing the Big Lakes Regional Council
John Torbert, Kansas Association of Counties

Chairman Miller called for introduction of new legislation.

Representative Guldner appeared before the Committee to request bill draft, 9 RS 1974, be introduced as a Committee bill. It is an act concerning the conveyance of certain property in Wichita county. (Attach. I)

Representative Wells made a request to the Committee to introduce a bill relating to public wholesale water supply districts; authorizing such districts to issue refunding general obligation bonds. It adds district numbers 11 and 12 to public wholesale water supply district. (Attach. II)

Representative Hurt appeared before the Committee to request two bills. 1) Specific to Riley County asking that they be allowed to raise their bonded indebtedness limit in order to build a new law enforcement facility; and 2) Include under the KCCI jurisdiction private sewer service.

Representative Johnson appeared before the Committee to request two bills. 1) Would create an airport authority in Miami County. It was a request from the County Commissioners; and 2) Escrow agent must send a copy of the tax statements on real estate taxes to the mortgagor on or before December 10th.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 313-S Statehouse, at 1:30 A.M./P.M. on FEBRUARY 7, 19 90

Ernie Mosher and Jim Kaup, League of Kansas Municipalities made a request to introduce two bills 1) Broadening Local Government Investment Authority and 2) The Disposal of Motor Vehicles as Public Nuisances. (Attachment III and Attachment IV)

Cathy Holdeman, City of Wichita, requested three bills to be introduced. 1) Bill draft, 9 RS 1861, relates to redemption of property. It shortens redemption period for property that is in condemnation proceeding from 6 months to 1 month. 2) Bill draft, 9 RS 1835, concerning taxation; relating to the foreclosure and sale of property; and 3) Bill draft, 9 RS 1816, deals with clarification of existing statute that relates to the Wichita Airport Authority. (Attachments V, VI and VII.) Discussion followed.

Staff requested a bill be introduced for the purpose of offering a technical amendment in regard to drainage districts election of a supervisor and governing body.

A motion was made by Representative Lane to introduce the above legislation as Committee bills; seconded by Representative Holmes. The motion carried.

Chairman Miller welcomed guests for County Government Day and recognized former Chairman, Ivan Sand.

Chairman Miller called for hearings on the following House Bills:

HB 2702 - Act concerning the local alcoholic liquor fund; relating to the use of the moneys therefrom;

Representative King, sponsor, explained HB 2702. Representative King explained that the bill would allow a county to establish or maintain a program for abused women using a portion of the taxes designated for Parks and Recreations.

Representative King recognized Connie Phillips, a member of the board of directors for the Butler County Assoc. to Counter Abuse and the Family Life Center. Ms Phillips read a letter from Lynn Toonen, Director of YWCA Women's Crisis Center from Wichita. (Attachment VIII)

Alita Brown, director of the Kansas Coalition Against Sexual and Domestic Violence testified in support of HB 2702. (Attachment IX) Discussion followed.

Tom Linot, Butler County Commissioner, testified in support of HB 2702 stating it will give local governing bodies another option on the disposition of the fund. (Attachment X)

Gary Haller, director of Parks and Recreation of Johnson Co., introduced Terry DeWeese, President of Kansas Recreation & Park Association and director of Parks and Recreation for City of Manhattan. Mr. DeWeese asked the Committee to reject HB 2702 and seek other alternatives to the funding of this new program for woman's crisis program and shelter for battered women. (Attachment XI)

Chairman Miller closed the hearing on HB 2702.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 313-S, Statehouse, at 1:30 a.m./p.m. on FEBRUARY 7, 1990

The Chairman called for hearings on HB 2675.

HB 2675 - An Act concerning cities and counties; relating to an emergency medical tax. (9-1-1 Emergency Telephone)

Chairman Miller, who is sponsor of the bill, stated that there is an error in the title of the bill.

Mike Heim, staff, gave the Committee several handouts and a brief overview of HB 2675. (Attachment XII)

Don Hall, Administrator for United Tele. Companies of Kansas spoke in favor of HB 2675 which will allow more monies to be collected for the provisioning of 9-1-1. Mr. Hall felt that the proposed 15% or \$.50 a month (whichever is less) was going to be sufficient to provide the necessary revenues for all counties to have 9-1-1. Mr. Hall stated a possible benefit to some counties would be to lengthen the "90" day pre-implementation period in order to help further defray start-up expenses. (Attachment XIII) Discussion followed.

Rob Hodges, Executive Vice President of the Kansas Telecommunications Association testified in support of HB 2675. (Attachment XIV) Discussion followed.

Whitney Damron of Pete McGill & Associates, Inc., appeared on behalf of the State Independent Telephone Association spoke in support of HB 2675 in hopes that all Kansas Counties will soon be able to afford an emergency communications program. (Attachment XV)

E. A. Mosher, League of Kansas Municipalities, testified in support of HB 2675. Mr. Mosher stated there are restrictions for purposes where this funding can be used. (no written testimony)

John Torbert, Executive Director of Kansas Association of Counties, testified in support of HB 2675 and stated that the additional revenue that the legislation would provide is a step in the right direction. (Attachment XVI)

Representative Lacey testified in support of HB 2675 and emphasized that rural areas are being left out in 9-1-1. He encouraged Committee to raise rates and time limits to establish 9-1-1. (no written testimony)

Chairman Miller recognized Sheriff Tom Bringle of Labette County. Sheriff Bringle testified in support of HB 2675 and asked that the \$.50 cap be raised to \$.75 per subscriber and to provide up to twenty-four months to accumulate funds prior to starting operation. He feels this would help more counties. (Attachment XVII) Discussion followed.

Joe Renfro, County Commissioner from Labette, stated when talking about the 9-1-1 system, he realizes the telephone company wants to keep rates down but it is not the telephone companies decision it will be voted on by the people. Let them decide if they want the enhance system. (No written testimony)

Dr. Arnold Levenson from Manhattan, Kansas representing the Big Lakes Regional Council testified in support of HB 2675. (Attachment XVIII)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 313-S, Statehouse, at 1:30 ~~a.m.~~/p.m. on FEBRUARY 7, 1990

The Chairman informed the Committee he had received a letter in support of HB 2675 from Guy I. Windholz, Chairman of the Ellis County Commission. (Attachment XIX)

Hearing was closed on HB 2675.

Representative Holmes made a motion to approve the minutes of January 18, 1990; seconded by Representative Mollenkamp. The motion carried.

Meeting adjourned at 3:05 p.m.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE Feb. 7, 1990

NAME

ADDRESS

REPRESENTING

NAME	ADDRESS	REPRESENTING
JOE RENFRO	207 WABASH ALFAMONT KS	LABETTE COUNTY
ELEN HELSER	COMMISSIONER	WABASHUNJEE CITY
Harold Kaldner	Legislator	Lawrence
Cathy Holdeman	Wichita	City of Wichita
Linton Bartlett	Kansas City	City of Kansas City
Mike Miller	Topeka	City of Topeka
Jelaine Nash	Topeka	Atty. General
Mita Brown	PO Box 341 Pittsburg KS	KS Coalition Against Sexual & Domestic Violence
Zona M. Lind	Butler Co. Comm.	BUTLER Co.
Wm D. Maule Sr.	Augusta	" " Comm.
Fran King		Leg
Stacie Cooper	Lawrence	IPRBR-KU
TED FORMER	BUTLER Co. EL Dorado	BUTLER Co. ENG
John Thomas	El Dorado	Du Co Assn to Counter Abuse
Bessie Phillips	El Dorado	Du Co Assn to Counter Abuse & The Family Life Center
Bob McDonald	Topeka	Board of EMS
Ken HURLEY	101 W. SARUCE Dodge city, KS 67801	Ford County Commissioner
Geo Burrows	Higdon	" "
Whitney Damon	Topeka	State Independent Telephone Assn.
John Voth	"	KAC
Chris Kauf	"	League of Municipalities
Walter Foster	Manhattan	Kansas Farm Bureau
JEANETTE GRAUE	OSWEGO, KS	LABETTE COUNTY

Franklin
HOUSE BILL NO. _____

By Representative Guldner

AN ACT concerning the conveyance of certain property in Wichita county.

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

Section 1. (a) The board of county commissioners of Wichita county is hereby authorized to convey to the city of Leoti the following property, and any improvements thereon: A tract of land beginning 50 feet west of the northeast corner of lot 4 block 4; then west 150 feet; then south 168 feet; then east 150 feet; then north 168 feet to the point of beginning.

(b) The board of county commissioners may convey such property without waiting for the expiration of the redemption period provided pursuant to K.S.A. 79-2401a, and amendments thereto.

(c) Prior to conveying such property, the board of county commissioners shall obtain a quitclaim deed from any person having the right to redeem such property pursuant to K.S.A. 79-2401a, and amendments thereto.

(d) The city shall not be liable for the payment of any delinquent property taxes and special assessments and interest thereon or other costs assessed against such property.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

LG.
2-7-90
Attach. I

AN ACT relating to public wholesale water supply ~~district~~
districts; authorizing such districts to issue refunding
general obligation bonds; amending K.S.A. 19-3557 and re-
pealing the existing section.

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

Section 1. K.S.A. 19-3557 is hereby amended to read as follows: 19-3557. (a) The governing ~~body~~ bodies of public wholesale water supply ~~district~~ districts No. 4, No. 11 and No. 12 created pursuant to K.S.A. 19-3545 et seq. and amendments thereto may issue general obligations bonds of ~~the~~ each district to finance the cost of acquisition, construction, reconstruction, alteration, repair, improvement, extension or enlargement of ~~the~~ each district. All general obligation bonds of ~~the~~ each district shall be authorized, issued, registered and sold in the manner provided by the general bond law and shall bear interest at a rate not to exceed the maximum rate prescribed by K.S.A. 10-1009 and amendments thereto. The authorized and outstanding bonded indebtedness of ~~the~~ each district shall not exceed 20% of the assessed value of all taxable tangible property located within ~~the~~ each district, as certified to the county clerk on the preceding August 25.

No bonds may be issued under this subsection until the question of issuing such bonds has been submitted to and approved by a majority of the qualified electors of ~~the~~ each district voting at an election called thereon. Such election shall be called and held in the manner provided by the general bond law. If a

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attach. II

majority of the voters voting on the question vote in favor thereof, the bonds may be issued.

(b) The governing ~~body~~ bodies of public wholesale water supply ~~district~~ districts No. 4, No. 11 and No. 12 may issue, from time to time, general obligation bonds, in the manner prescribed by K.S.A. 10-427, et seq. and amendments thereto, to refund any previous issue or part thereof of ~~its~~ the outstanding revenue bonds of each district including the principal amount thereof and all accrued outstanding interest thereon, if such revenue bonds are callable in accordance with their terms or the holders thereof are willing to surrender them to ~~the~~ each district. Such general obligation bonds shall not be issued until a resolution adopted by the governing body of ~~the~~ each district stating the purpose for which such bonds are to be issued, the total amount of the bonds proposed to be issued, and the total cost to ~~the~~ each district of the refunding project, is published once each week for two consecutive weeks in the official newspaper of such district. After publication, such bonds may be issued unless a petition requesting an election on the proposition, signed by electors equal in number to not less than 5% of the electors of the district who voted for the office of secretary of state at the last preceding general election of such office, is filed with the clerk of such district within 20 days following the last publication of the resolution and no bonds shall be issued under this subsection unless such proposition shall receive the approval of a majority of the votes cast there-

on. Such election shall be called and held in the manner provided by the general bond law.

(c) The governing ~~body~~ bodies of public wholesale water supply ~~district~~ districts No. 4, No. 11 and No. 12 shall have the power to levy a tax against all taxable, tangible property in ~~the~~ each district for the purpose of paying any bonds, and the interest thereon, issued pursuant to this section. Any bonds issued pursuant to this section shall not be included in computing the total bonded indebtedness of any city or county located within such water supply district.

Sec. 2. K.S.A. 19-3557 is hereby repealed.

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

The member entities of Public Wholesale Water Supply District No. 11 are listed as follows:

Arcadia
Arma
Chicopee RWD
Cherokee
Columbus
Consolidated RWD #1, Crawford County
RWD #2, Crawford County
Girard
Mulberry
West Mineral

The member entities of Public Wholesale Water Supply District No. 12 are listed as follows:

RWD #4, Anderson County
RWD #3, Coffey County
Lebo
Lyndon
Melvern
RWD #4, Osage County
RWD #6, Osage County
Pomona
Quenemo
Waverly
Williamsburg

2-7-90
H-4

Broadening Local Government Investment Authority

Recommended by the League of Kansas Municipalities

12-1675. Investment of public moneys by governmental subdivisions, units and entities. (a) The governing body of any county, city, township, school district, area vocational-technical school, community college, firemen's relief association, community mental health center, community facility for the mentally retarded or any other governmental entity, unit or subdivision in the state of Kansas having authority to receive, hold and expend public moneys or funds may invest any moneys which are not immediately required for the purposes for which the moneys were collected or received, and the investment of which is not subject to or regulated by any other statute.

(b) Such moneys shall be invested only in:

the manner authorized for the investment of the proceeds of bonds or temporary notes as authorized by K.S.A. 1989 Supp. 10-131, as amended, or in:

- (1) Temporary notes or no-fund warrants issued by such investing governmental unit;
- (2) time deposit, open accounts or certificates of deposit: (A) In commercial banks which have offices located in such investing governmental unit; or (B) if the office of no commercial bank is located in such investing governmental unit, then in commercial banks which have offices in the county or counties in which all or part of such investing govern-

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Attach. III

mental unit is located; or (C) if such appropriate eligible commercial banks cannot or will not make deposits available to the investing governmental unit at interest rates equal to or greater than the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent public offering of such bills prior to the inception of such deposit contract, then in commercial banks which have offices in the county or counties of the state of Kansas adjacent to the county or counties in which all or part of such investing governmental unit is located;

(3) in time certificates of deposit: (A) With state or federally chartered savings and loan associations or federally chartered savings banks which have offices located in such investing governmental unit; or (B) if the office of no state or federally chartered savings and loan association or federally chartered savings bank is located in such governmental unit, then with state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the county or counties in which all or part of such investing governmental unit is located; or (C) if such appropriate eligible state or federally chartered savings and loan associations or federally chartered savings banks cannot or will not make such deposits available to the investing governmental unit at interest rates equal to or greater than the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent public offering of such bills prior to the inception of such deposit contract, then with state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the county or counties of the state of Kansas adjacent to the county or counties in which all or part of such investing governmental unit is located;

(4) repurchase agreements with: (A) Commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks which have offices located in such investing governmental unit, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or (B) (i) if the office of no commercial bank, state or federally chartered savings and loan association or federally chartered savings bank is

located in such investing governmental unit; or (ii) if no commercial bank, state or federally chartered savings and loan association or federally chartered savings bank has an office located in such investing governmental unit is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or higher than a rate equal to two percentage points below the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent offering of such bills prior to the inception of such contract, then such repurchase agreements may be entered into with commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the county or counties in which all or part of such investing governmental unit is located; or (C) if no bank, state or federally chartered savings and loan association or federally chartered savings bank which has its office in such county or counties is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or higher than a rate equal to two percentage points below the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent offering of such bills prior to the inception of such contract then such repurchase agreements may be entered into with commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the state of Kansas; or (5) United States treasury bills or notes with maturities as the governing body shall determine, but not exceeding six months.

(c) The investment authorized in paragraph (5) of subsection (b) shall be utilized only if the appropriate eligible commercial banks, which have offices located in the investing governmental unit or in the county or counties in which all or a part of such investing governmental unit is located if no such bank has an office which is located within such governmental unit, or the appropriate eligible state or federally chartered savings and loan associations or federally chartered savings banks, which have offices located in the investing governmental unit or in the county or counties in which all or a part of such investing governmental unit is located if no such state or fed-

erally chartered savings and loan association or federally chartered savings bank has an office which is located within such governmental unit, cannot or will not make the investments authorized in paragraph (2) or (3) of subsection (b) available to the investing governmental unit at interest rates equal to or greater than the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks as fiscal agents of the United States at its most recent public offering of such bills prior to the inception of such deposit contract.

(d) In selecting a depository pursuant to paragraph (2) or (3) of subsection (b), if a commercial bank, state or federally chartered savings and loan association or federally chartered savings bank has an office located in the investing governmental unit and such financial institution will make such deposits available to the investing governmental unit at interest rates equal to or greater than the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks as fiscal agents of the United States, at its most recent public offering of such bills prior to the inception of such deposit contract, and such financial institution otherwise qualifies for such deposit, the investing governmental unit shall select one or more of such financial institutions for deposit of funds pursuant to this section. If no such financial institution qualifies for such deposits, the investing governmental unit shall select for such deposits one or more commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the county or counties in which all or a part of such investing governmental unit is located which will make such deposits available to the investing governmental unit at interest rates equal to or greater than the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks as fiscal agents of the United States, at its most recent public offering of such bills prior to the inception of such deposit contract, and which otherwise qualify for such deposits. If no such financial institution qualifies for such deposits, the investing governmental unit may select for such deposits one or more commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the county or counties of the state of Kansas adjacent to the

county or counties in which all or a part of the investing governmental unit is located.

History: L. 1968, ch. 217, § 1; L. 1969, ch. 80, § 1; L. 1973, ch. 63, § 6; L. 1975, ch. 68, § 1; L. 1976, ch. 79, § 2; L. 1977, ch. 55, § 1; L. 1982, ch. 52, § 6; L. 1983, ch. 47, § 7; L. 1986, ch. 76, § 7; L. 1989, ch. 48, § 66, July 1.

Attorney General's Opinions:

Security for deposits of public moneys, exemption for peak deposit periods. 85-157.

Investments of public moneys by governmental subdivisions. 86-15.

Applicability of 9-1402 to Kansas public employees retirement system. 86-88.

Investment of public moneys by governmental subdivisions, units and entities. 87-144.

Deposit of public moneys; bodies subject thereto, rural water districts. 87-157.

CASE ANNOTATIONS

1. Counties are authorized to keep interest on undistributed and delinquent property taxes. U.S.D. No. 490 v. Board of Butler County Commrs. 237 K. 6, 10, 697 P.2d 64 (1985).

Investment of Bond and Temporary Note Moneys

10-131. Investment of proceeds of bonds or temporary notes and certain funds authorized; disposition of interest received therefrom. The governing body of any municipality, as defined in K.S.A. 10-101, and amendments thereto, which has issued or may issue bonds or temporary notes for any purpose, is hereby authorized and empowered to invest any portion of the proceeds of such bonds, notes or funds held pursuant to the resolution or ordinance authorizing the issuance of such bonds or notes, which is not currently needed, in: (a) Investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein; (b) direct obligations of the United States government or any agency thereof; (c) the municipality's temporary notes issued pursuant to K.S.A. 10-123, and amendments thereto; (d) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the municipality is located; (e) obligations of the federal national mortgage association, federal home loan banks or the federal home loan mortgage corporation; (f) repurchase agreements collateralized by securities described in (b) or (e) above; (g) investment agreements with or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's investors service or Standard and Poor's corporation; (h) investments in shares or units of a money market fund or trust the portfolio of which is comprised entirely of securities described in (b) or (e) above; (i) receipts evidencing ownership interests in securities or portions thereof described in (b) or (e) above; (j) municipal bonds or other obligations issued by any municipality of the state of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same; or (k) bonds of any municipality of the state of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (b) or (e) above. The interest received on any such investment shall upon receipt thereof be set aside and used for the purpose of paying interest on the bonds or notes issued or used for paying the cost of the project for which the bonds or notes were issued.



**League
of Kansas
Municipalities**

**Municipal
Legislative
Testimony**

An Instrumentality of Its Member Kansas Cities. 112 West Seventh Street, Topeka, Kansas 66603 Area 913-354-9565

To: House Committee on Local Government
From: Jim Kaup, League General Counsel
Re: Request for Committee Introduction of Legislation for the Disposal of Motor Vehicles as Public Nuisances
Date: February 7, 1990

Many cities in Kansas today share the problem of the disposal of junked and abandoned motor vehicles that are on private property. These vehicles create health and safety dangers for the public, as well as lower the value of surrounding properties.

While cities have the power to abate public health and safety nuisances by the exercise of the police power, and while most cities in Kansas have nuisance ordinances which provide for complaint, notice, hearing and abatement of public nuisances on private property, the abatement of motor vehicle nuisances on private property creates special problems for cities. Once a motor vehicle has been abated (i.e. removed from the premises) the city must store the motor vehicle for an indefinite period of time, as there is not now a statutory procedure whereby cities may obtain title to vehicles which have been abated as nuisances on private property. Specifically, Kansas law requires anyone who dismantles, disassembles or recycles a wrecked or abandoned vehicle and sells the useable parts thereof to have a certificate of title to establish ownership (K.S.A. 1989 Supp. 8-135).

League Proposal: K.S.A. 1989 Supp. 8-1102 presently allows municipalities to remove abandoned motor vehicles from public property. This statute also provides for the notification, redemption and sale of motor vehicles so removed. The League's proposed bill would amend the current nuisance abatement statute (Supp. 12-1617e) by simply providing that the same procedure which cities now must follow when disposing of abandoned motor vehicles upon public property can also be used to dispose of motor vehicles removed from private property as part of a nuisance abatement procedure. If the procedure is followed, the state will then transfer title of the vehicle to the purchaser of the vehicle at public auction, or to the city if no bid is received at the auction.

The League respectfully requests this Committee's introduction of this proposed legislation.

24
2-7-90
President: Irene B. French, Mayor, Merriam * Vice President: Frances J. Garcia, Mayor, Hutchinson * Directors: Ed Eilert, Mayor, Overland Park * Harry Felker, Mayor, Topeka * Greg Ferris, Councilmember, Wichita * Idella Frickey, Mayor, Oberlin * William J. Goering, City Clerk/Administrator, McPherson * Judith C. Holinsworth, Mayor, Humbolt * Jesse Jackson, Mayor, Chanute * Stan Martin, City Attorney, Abilene * Richard U. Nienstedt, City Manager, Concordia * Judy M. Sargent, City Manager, Russell * Joseph E. Steineger, Mayor, Kansas City * Bonnie Talley, Mayor, Garden City * Executive Director: E.A. Mosher

attach...IV

HOUSE BILL NO. _____
By Committee on Local Government

AN ACT concerning the transfer of ownership of motor vehicles declared to be nuisances upon private property; amending K.S.A. 1989 Supp. 12-1617e and repealing the existing section.

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

Section 1. K.S.A. 1989 Supp. 12-1617e is hereby amended to read as follows:

The governing body of any city shall have the power to have removed or abated from any lot or parcel of ground within the city any and all nuisances, including rank grass, weeds or other vegetation and shall have the power to cause to be drained any pond or ponds of water, at the cost and expense of the owner of the property on which the nuisance is located, whenever the city, county or joint board of health or other agency as may be designated by the governing body of the city files with the clerk of such city its statement in writing that such nuisance, rank vegetation, or pond of water, describing the same and where located, is a menace and dangerous to the health of the inhabitants of the city, or of any neighborhood, family or resident of the city. The governing body of the city, by resolution, also may make such determination.

The city clerk shall issue notice requiring the owner or agent of the owner of the premises to remove and abate from the premises the thing or things therein described as a nuisance within a time, not exceeding 10 days, to be specified in the notice. The notice shall state that before the expiration of the waiting period, the recipient thereof may request a hearing before the governing body or its designated representative. The notice shall be served on the owner or agent of such property by restricted mail or by personal service, or if the same is unoccupied and the owner is a nonresident, then by mailing a notice by restricted mail to the last known address of the owner. If the owner or agent fails to comply with the requirement of the notice for a period longer than that named in the notice, then the city shall proceed to have the things described in the notice removed and abated from the lot or parcel of ground. The city shall give notice to the owner or agent by restricted mail of the total cost of such abatement or removal incurred by the city. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. The city also may recover the cost of providing notice, including any postage, required by this section. If the cost of such removal or abatement and notice is not paid within the thirty-day period, the cost shall be collected in the manner provided by K.S.A. 1986 Supp. 12-1,115, and amendments thereto, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the cost is to be assessed, the city clerk, at the time of certifying other city taxes to the county clerk, shall certify the aforesaid costs, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 1986 Supp. 12-1,115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full.

Any city may remove and abate from property other than public property or property open to use by the public a motor vehicle determined to be a nuisance. Disposition of such vehicle shall be in compliance with the procedures for impoundment, notice and public auction set out at K.S.A. 1989 Supp. 8-1102(a)(2). Following any sale by public auction of a vehicle determined to be a nuisance, the purchaser may file proof thereof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of such motor vehicle. If a public auction is conducted, but no responsible bid received, the city may file proof thereof with the division of vehicles, and the division shall issue a certificate of title of such motor vehicle to the city.

Sec. 2. K.S.A. 1989 Supp. 12-1617 e is hereby repealed.

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

PROPOSED BILL NO. _____

By

AN ACT concerning civil procedure; relating to redemption; amending K.S.A. 60-2414 and repealing the existing section.

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

Section 1. K.S.A. 60-2414 is hereby amended to read as follows: 60-2414. (a) Right of redemption by defendant owner. Except as stated in subsection (q) and as otherwise provided by law, the defendant owner may redeem any real property sold under execution, special execution or order of sale, at any time within 12 months from the day of sale, for the amount paid by the current holder of the certificate of purchase together with interest, costs and taxes to the date of redemption. The defendant owner in the meantime shall be entitled to the possession of the property. After notice to all parties, including junior lienholders, in the foreclosure, and a hearing before the court, if the court finds makes a specific finding that the property is the subject of a condemnation proceeding brought by the local authority and that the lands and tenements have been abandoned, or are not occupied in good faith, and the court reasonably believes that such property will not be occupied for six months, the court in its discretion may set the period of redemption for 30 days from the date of the sale for the defendant owner shall--be-six-months-from-the-date-of-sale. The right of redemption shall not apply to oil and gas leaseholds. Any corporation, general partnership or limited partnership organized under the laws of the United States, the District of Columbia or any state of the United States, as mortgagor, may agree in the mortgage instrument to a shorter period of redemption than 12 months or may wholly waive the period of redemption as against the mortgagor and all persons receiving

24
2-7-90
Attack I

title from the mortgagor. Any person, as mortgagor, may agree in any mortgage instrument to a shorter period of redemption than 12 months or may wholly waive the period of redemption as against the mortgagor and all persons receiving title from the mortgagor, except in a mortgage instrument against a dwelling or dwellings for occupancy by not more than two families or against agricultural land.

(b) Redemption by lien creditor. For the first three months after sale, the right of the defendant owner to redeem is exclusive. If no redemption is made by the defendant owner by the end of that time, any creditor of the defendant owner whose demand is a lien upon the real estate may redeem it at any time within six months from the date of sale. All redemption periods and rights of lien creditors set forth in subsections (b), (c), (d), (e), (f), (g), (h), (o) and (q) shall commence on the date of judgment or date of judicial sale, if any is ordered, and shall expire three months thereafter if the judgment of foreclosure finds no redemption for the defendant owner by reason of a valid waiver under subsection (a). The first creditor redeeming must pay only the amount sold for, together with interest, costs and taxes to the date of redemption. All other redemptions, with the exception of that of the defendant owner or such owner's transferee, shall be made under the terms of subsections (d), (e) and (f) of this section. When the defendant owner or transferee of the defendant owner redeems subsequent to redemption by a creditor the defendant owner or transferee shall pay the amount paid by the current holder of the certificate of purchase together with interest, costs and taxes to the date of redemption.

(c) Creditors who may redeem. Any creditor whose claim is or becomes a lien prior to the expiration of the time allowed by law for the redemption by creditors may redeem. A mortgagee may redeem upon the terms prescribed by this section before or after the debt secured by the mortgage falls due.

(d) Terms of redemption; rights of parties. During the

period allowed for the redemption of real property from sale under execution, special execution or order of sale, the holder of the certificate of purchase may pay the taxes on the lands sold, insurance premiums on the buildings thereon and interest or sums due, upon any prior lien or encumbrance on the real property. Upon the redemption of the premises from sale the holder of the certificate shall be entitled to repayment of all sums thus paid by the holder, together with interest on the sums. In all cases of redemption by creditors, the terms of redemption shall be the reimbursement of the amount paid by the current holder of the certificate of purchase by redemption added to the holder's own claim, and including all sums paid by the holder for taxes, insurance premiums and interest or sums due, as shown by receipts or vouchers filed in the office of the clerk of the district court, with interest and costs, subject to the exemption contained in subsection (e). When a mortgagee or other lienholder whose claim is not yet due, is the person from whom redemption is to be made, the mortgagee or lienholder shall receive in payment the full amount that the mortgagee or lienholder paid, as stated in the certificate of redemption, and the amount of the mortgagee's or lienholder's claim at the date of redemption, including principal and accrued interest on both the amount paid and the claim.

(e) Senior creditor redeeming from junior creditor. When a senior creditor redeems from a junior creditor, the senior creditor shall be required to pay only the amount of those liens, with interest and costs, which are paramount to the senior creditor's. A junior creditor may prevent redemption by the senior creditor or the holder of the paramount lien by paying off the lien or depositing with the clerk of the district court beforehand the amount necessary to remove the lien.

(f) Junior creditor may redeem from senior creditor. A junior creditor may redeem from a senior creditor by paying to the clerk of the district court the full sum, with interest and costs, due the senior creditor and shall become vested with full

title to the redeemed judgment and to all liens of the judgment.

(g) Time in which creditors may redeem from each other. After the expiration of six months from the date of sale, the creditors can no longer redeem from each other but the defendant owner may redeem at any time before the end of 12 months as provided in subsection (a).

(h) Effect of failure of debtor to redeem; deficiency. If the defendant or holder of the legal title fails to redeem as provided in this section, the purchaser or the creditor who has last redeemed prior to the expiration of the six-month period will hold the property absolutely. If it is held by a redeeming creditor, the lien and the claim out of which it arose will be held to be extinguished, unless the redeeming creditor is unwilling to hold the property and credit the defendant owner with the full amount of the redeeming creditor's lien and, within 10 days after the six-month period files with the clerk of the district court a statement of the amount that the redeeming creditor is willing to credit on the claim. In order to redeem the real estate within 12 months, the defendant shall be bound to pay only the amount so stated.

(i) Mode of redemption. The party redeeming shall pay the money into the office of the clerk of the district court for the use of the persons entitled to it. The person redeeming, if not the defendant owner in execution or order of sale, must also file an affidavit or that of the person's agent or attorney, stating as nearly as practicable the amount still unpaid due on the claim of that person. The clerk shall give a receipt for the money, stating the purpose for which it is paid. The clerk must also enter the transaction on the appearance docket of the case, showing the amount paid and the amount of the lien of the last redemption, as sworn to by the clerk.

(j) Redemption of property sold in parcels, or undivided portions. Whenever the property has been sold in parcels, any distinct portion of that property may be redeemed by itself. If creditors other than the original purchaser have redeemed, the

2-7-90
5-4

amount of their claim shall be added to each parcel pro rata in proportion to the amount for which it was originally sold. When the interests of several tenants in common have been sold on execution the undivided portion of any or either of them may be redeemed separately.

(k) Transfer of right of redemption. The rights of the defendant owner in relation to redemption may be assigned or transferred, and the purchaser or assignee shall have the same right of redemption as the defendant owner. The assigned or transferred right of redemption shall not be subject to levy or sale on execution.

(l) Holder of legal title. The holder of the legal title at the time of issuance of execution or order of sale shall have the same right of redemption upon the same terms and conditions as the defendant in execution and shall be entitled to the possession of the property the same as the defendant in execution.

(m) Deed at end of redemption period. If the defendant or the defendant's assigns in execution or order of sale, or the owner of the legal title fails to redeem, the sheriff, at the end of the redemption period, shall execute a deed to the current owner of the certificate of purchase.

(n) Injury or waste after sale. After the sheriff makes the deed to the purchaser or party entitled to a deed under sale as provided in this section, the purchaser or party may recover damages for any injury or waste permitted upon the property purchased after the sale and before possession is delivered under the conveyance.

(o) Second sale not permitted. Real estate once sold upon order of sale, special execution or general execution shall not again be liable for sale for any balance due upon the judgment or decree under which it is sold, or any judgment or lien inferior thereto, including unadjudicated junior liens filed after the petition is filed in the district court to foreclose the senior lien against the real estate.

(p) Injunction or receiver to protect property. The holder of the certificate of purchase shall be entitled to prevent any waste or destruction of the premises purchased. For that purpose the court, on proper showing, may issue an injunction or, when required to protect the premises against waste, appoint a receiver who shall hold the premises until the purchaser is entitled to a deed. The receiver may rent, control and manage the premises but the income during that time, except the amount that is necessary to keep up repairs, prevent waste and pay real estate taxes and insurance premiums, shall go to the person who otherwise would be entitled to possession during the period of redemption.

(q) Reduced owners redemption period. A foreclosure sale shall become absolute and the purchaser at the sale shall be immediately entitled to a deed to the real estate purchased whenever: (1) A default occurs in the conditions of the mortgage or instrument giving the lien before 1/3 of the original indebtedness secured by the mortgage or lien has been paid; (2) the mortgage or lien is foreclosed and the real estate sold; and (3) neither the defendant owner nor the junior creditors redeem the real estate from the judgment by the payment of all principal and interest due upon the mortgage or lien and costs of foreclosure within six months from the date of the sale. In ordering a sale of the real estate, the court may conduct a hearing to establish the market value of the property and, as a condition to the confirmation, allow 12 months' redemption as provided in this section, if the amount of the indebtedness is less than 1/3 of the market value of the property.

Sec. 2. K.S.A. 60-2414 is hereby repealed.

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

PROPOSED BILL NO. _____

By

AN ACT concerning taxation; relating to the foreclosure and sale of property; amending K.S.A. 79-2804 and repealing the existing section.

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

Section 1. K.S.A. 79-2804 is hereby amended to read as follows: 79-2804. After the rendition of such judgment there shall be issued by the clerk of the district court to the sheriff of the county an execution or order of sale, which shall describe each tract, lot or piece of real estate mentioned and described in such judgment or decree, on which the lien has not been paid, with the amount of lien charged to each tract, lot or piece of real estate and the costs, charges and expenses of the proceedings and sale chargeable to each piece, lot or tract, in such amount as the court may order. If no order is made, then a sum equal to 5% of the amount set forth in the petition as the lien for taxes, charges, interest and penalties chargeable to each tract, lot or piece of real estate, with the name of the ascertained owner thereof, as disclosed by the judgment or decree, with the command to advertise and sell the real estate described therein. Such order of sale shall be delivered to the sheriff of the county, who shall thereupon cause notice of sale to be published once each week for three consecutive weeks in some newspaper of general circulation in the county, in accordance with the provisions of K.S.A. 64-101, and amendments thereto. The notice shall describe each tract, lot or piece of real estate to be sold and the lien for which it is to be sold, as determined by the judgment of the court and fix the date of sale, which shall not be less than 30 days from the date of the first publication. The notice shall state that the sale will be

Attach VI

held at the front door of the courthouse in the county or shall identify some other location in the county where the sale will be held, as selected by the administrative judge of the judicial district in which the county is located.

On the day fixed for the sale by such notice, the sheriff shall offer each such tract, lot or piece of real estate for sale, separately, and the same shall be sold at public auction for the highest and best bid obtainable therefor. The sheriff may employ an auctioneer for such reasonable compensation as may be determined by the court, to be allowed as a part of the costs and expenses of the proceedings and sale. The sheriff or such other person as may be authorized by the board of county commissioners, if directed by the county commissioners, may bid at such sale in the name of the county such amount as the county commissioners authorize. No bid in behalf of such county shall be accepted in excess of the amount of the judgment lien and interest thereon, as provided by law, plus the costs, charges and expenses of the proceedings and sale as set forth in the execution or order of sale. If the county is the successful bidder the costs, charges and expenses of the proceeding and sale set forth in the execution and order of sale shall be paid by the county to the clerk of the district court and charged to the county general fund. If such sale, for want of time, cannot be completed on the day fixed by the notice, it may be adjourned from day to day until completed.

The sheriff shall make return to the clerk and the same sale, as soon as practicable, shall be examined by the court, and if found by the court to be regular, it shall be confirmed, and the sheriff ordered to forthwith execute to the purchasers at such sale a good and sufficient deed therefor.

If one person or the county purchases more than one tract, lot or piece of real estate, the same may be included in one deed. The deed shall be executed by the sheriff and acknowledged before the clerk of the district court. No particular form of deed shall be required. It shall be sufficient if it shows the

date of sale, a description of the property conveyed, the amount for which each tract, lot or piece of real estate was sold, the name of the purchaser, the date such sale was confirmed by the court and the title of the suit in which the tax lien was foreclosed. The deed shall be filed for record, by the sheriff at the time the deed is executed, in the office of the register of deeds of the county where such real estate is situated. Any fee or charge for such filing shall be collected from the successful bidder at the time of sale and deposited with the register of deeds at the time of recording. Such deed shall be prima facie evidence of the regularity of all proceedings prior to the date of filing the deed for record. When the deed is filed it shall vest in the purchaser or grantee therein named, as against all persons, including, but not limited to, corporations and municipal corporations, parties to such proceedings, a fee simple title thereto, subject only to valid covenants running with the land and valid easement of record in use and; subject to taxes and interest which have become a lien thereon, subsequent to the date upon which such judgment was rendered. ~~Such deed shall be prima facie evidence of the regularity of all proceedings prior to the date of filing the same for record;~~ and subject to any delinquent special assessments which have become a lien thereon within the three years prior to the date upon which such judgment was rendered. Any delinquent special assessments shall be respread so that they are payable in three equal yearly installments, the first of which shall become due and payable beginning in the year after such special assessments are due to be paid off.

After the sale and confirmation thereof by the court, an execution shall issue, upon praecipe of the county attorney, county counselor or the purchaser, requiring the officer to deliver possession of the real estate, particularly describing it the real estate, to the parties entitled thereto, including the county. When the deed is executed to the county by the sheriff, it the deed shall be filed for record forthwith in the office of

2-7-90
6-3

the register of deeds. Thereupon the assessed valuation of such real estate shall be eliminated from the assessment and tax rolls until such time as such real estate is sold as provided by K.S.A. 79-2804f, and amendments thereto.

Sec. 2. K.S.A. 79-2804 is hereby repealed.

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

2-7-90
6-17

PROPOSED BILL NO. _____

By

AN ACT concerning certain airport authorities; relating to the powers thereof; amending K.S.A. 3-167 and repealing the existing section.

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

Section 1. K.S.A. 3-167 is hereby amended to read as follows: 3-167. When an airport authority has been established pursuant to K.S.A. 3-162, and amendments thereto, and the members thereof have been qualified in the manner provided by law, such airport authority shall be vested with all powers, authority and control heretofore vested in the governing body, the board of park commissioners or other body of such city, so far as the same relates to municipal airports, ~~and~~. Such airport authority shall have every power, authority and control over municipal airports as is or may hereafter be vested in a board of park commissioners, governing body or other body, except that all general obligation bonds required or authorized by law to be issued relating to municipal airports and all taxes levied for the maintenance or improvement of municipal airports shall be issued and levied by the governing body of the city. Such airport authority shall be exempt from the payment of ad valorem taxes levied by any other political or taxing subdivision of the state on property owned by the airport authority.

Sec. 2. K.S.A. 3-167 is hereby repealed.

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

24
2-7-90
Attark VII

My name is Connie Phillips. I live in El Dorado, Butler County, Kansas. I am a member of the board of directors of the Butler County Association to Counter Abuse and the Family Life Center. I am appearing before you today in support of House Bill #2702, sponsored by Kenneth King, Representative of the 77th District.

Since 1979, Butler County has had an organization called Butler County Association to Counter Abuse. This group was established for the specific purpose of providing a hotline for sexual assault victims, advocate services for those victims and community education on sexual assault. The Butler County Association to Counter Abuse has never promoted itself to deal with the specific issue of battered women. And yet, over the past few years, an increasing percentage of our calls have related to this issue. I tell you this because I believe that counties and communities all across the state will be, if they are not already, besieged with pleas for help from battered women. The issue of domestic violence will not quietly into the night. Fortunately for the women of Butler County, a church has recently agreed to provide a building suitable for a safe house. We are in the process of establishing a non-profit corporation, called the Family Life Center, existing for the purpose of providing a women's crisis shelter and auxiliary programs. Many excellent crisis organizations are in place in Kansas and their staff are very willing to share their expertise in setting up new programs and shelters for women. The stumbling block is most often funding.

The inclusion of a special community support program, referring to a women's crisis program and shelter for battered women, as a possible recipient of alcohol tax money would have two major benefits. The most obvious would be funding that might be approved by the city or county governments. I am certain that no women's crisis program would be funded in full by alcohol tax monies. Nor should it be. But such funding can be critical for existing and newly formed organizations. More important than the dollar amount is the knowledge that the state and local governments are supportive of these programs. And that is the second major benefit; the statement that the Legislative Body of Kansas recognizes that a need may exist on a local level for such community programs and provides for possible funding through the alcohol tax monies is filled with impact.

Not every batterer is an alcohol user. But many are. We do know that men who batter while under the influence of alcohol batter more severely. I can think of no more appropriate use of a portion of alcohol tax monies than to channel those funds into programs which provide direct relief to women, and their children, who are victimized by abusive and violent behavior.

If I may, I have two letters supporting this bill and the funding it might provide that I would like to read.

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2-7-90
Attach III

Th first is from Lynn Toonan, Director of the YWCA Women's Crisis Center in Wichita. She speaks eloquently of the situation many women and children find themselves.

(Text of Letter)

The second letter is from the Butler County Commission.

(Text of Letter)

I appreciate the opportunity to appear before you today. Thank you for your consideration of this important issue.



February 6, 1990

350 North Market
Wichita, Kansas 67202
316-263-7501

Ladies and Gentlemen:

Every year, over 350 children accompany their mothers to safety at the YWCA Women's Crisis Center. These families are fleeing for their very lives, escaping violent homes in which rage and physical injury are an everyday fact of life. When a woman takes her children and runs for their lives, they very often do not have time or the opportunity to take with them the belongings they need or that mean something to them. Children must leave behind precious toys, books, clothes and other belongings, often escaping with only the clothes on their backs.

Try to imagine what it must be like for a child from a violent home. For most of us, this will thankfully never be a reality for our children. But for the hundreds of children who come to the Women's Crisis Center each year, this is their reality. Most of them will never see their homes again. They will never hold the dolls that assist their imagination in escaping the grim realities of a violent home. They will never play with the toys that brought them laughter in spite of the tears. They leave behind favorite books and clothes, to sort through donations of other peoples discards so they will have outfits for school. They leave the Women's Crisis Center each day for school with old socks on their hands instead of gloves or mittens, and they wear coats and jackets that have broken zippers or don't fit. Life may not have been better for them in the violent homes they left behind, but perhaps they tell themselves that at least at home they had the things that were their very own.

The women who come to the Women's Crisis Center come with visible scars and fresh injuries but also carry with them psychological and emotional scars that will last a lifetime. In a violent home, a woman is rarely allowed to have anything of her own. She must worry constantly about keeping her children safe, warm and fed with a roof over their heads. Often this means putting up with the beatings and the humiliation. Only one out of four battered women ever approach a battered women's shelter to ask for help. For those who do, it is a weighty decision. Her children's security now rests in the hands of strangers, and their future is doubtful. It must be an embarrassing thing for a woman to have to ask a stranger for the items they require to take care of their personal needs.

Ruth Ann Messner
President

Carolyn Conley
1st Vice President

Lynda Tousley
2nd Vice President

Dorothy Casado McKay
Secretary

Kathy Newsom
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Gladys Alley
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Gwen Hawes
Bonnie Bing Honeyman
Martha Housholder, M.D.
Dr. Carol Konek
Mary May
Susan Justice Mostrous
Joanne Pafume
Raunda Ryan
Jan Siefkes
Jane Barrier Sudermann
Sue Suhler Eby
Christine Thelen, M.D.
Jill Thompson
Carlene Valentine
Pat Wilson-Hobson
Jo Zakas

V. Jane Gilchrist
Executive Director

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Page Two

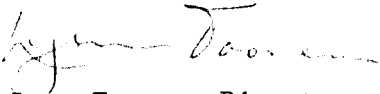
As these women and their children face a new life out of their violent relationship, they are faced with the idea that they might not make it, and certainly without the help of others (again, strangers), they stand a good chance of failing. They literally must start over from scratch. Not only building a new life, but a new household. This can appear to be a monumental task for them, especially when they left behind all the personal possessions and belongings they need so desperately now.

Approximately 600 calls for assistance come into the YWCA Women's Crisis Center each month on the 24-hour hotline. Nearly 600 women and children seek shelter from abuse in our safehouse. While there, they receive a range of comprehensive social services, which include counseling, support group, medical assistance and parenting class. Food, clothing, transportation and medical prescriptions are also provided.

As we begin our 15th year of operation, we face an uncertain future due to a number of significant cuts in funding. Social service can be a financial merry-go-round many times and, unfortunately, innovative and valuable client services often must be suspended due to loss in funding. We are eager, if not desperate, at this time to pursue and obtain other sources of funding, not for ourselves, but for the many battered women and their children who depend on our services. Please don't forget them when considering allocations of funds.

Thank you for your attention.

Sincerely,



Lynn Toonen, Director
YWCA Women's Crisis Center

LT/ks

My name is Alita Brown, I am Director of the Kansas Coalition Against Sexual and Domestic Violence. On behalf of the Coalition, I would like to thank you for allowing us the time to express our opinions and perceptions of House Bill 2702. The Coalition is a statewide network of more than thirty programs providing services to the victims of sexual and domestic violence. The primary purpose of the Coalition is to insure that all victims have access to services throughout our state.

This is not our first experience with alcohol tax allocations. Initially many of our programs received funds from the portion designated to alcohol related services because of the extremely high correlation between acts of violence and the use of alcohol. Although there is a wide variance among studies as to the exact nature of the relationship, estimates range from 60-90% alcohol involvement, there is no doubt that the two cycles often coexist and exacerbate each other. Unfortunately, several years ago a reinterpretation of the wording in the original bill caused many programs to lose those funds to programs whose primary function is alcohol services. We continue to believe that even though our primary purpose is not alcohol services, we provide vital alcohol related services through identification, education, intervention and referral. It has concerned us greatly that many of the programs receiving these funds have indeed made alcohol their primary focus to the exclusion of addressing the cycle of violence. Without this critical piece of education many abusers, giving up alcohol as a coping mechanism, actually become more abusive. A return of alcohol tax money to battered women's programs could be a way to insure that this vital piece of work gets done.

attach. IX

Most of our programs operate on a combination of funding from three primary sources: federal, state and private both through foundations and United Way. Very few of our programs receive financial support from local governments. An appealing component of this bill is that it would create an opening through which local governments could take a more active part while leaving the extent of their participation to their discretion. Many grantors are beginning to use local support as an evaluation criteria in allocation of funds. Now, more than ever, it is important to provide opportunities for localities to show their support for the programs that serve them.

Another critical factor to consider is the growing trend, as evidenced by widely publicized court cases, to hold municipalities liable for failure to provide equal protection under the law to battered women. Already the Coalition and its member programs have been working with city officials and law enforcement officers to help design and implement policies and procedures for handling sexual and domestic violence cases that maximize effective responses and minimize liability. Increased local support and awareness would enhance and facilitate this process by encouraging interaction through working relationships.

One of the motivations for joining together as a Coalition, has been the desire to present a unified front that has both a purpose and a plan of action for our state. Through our joining we have been able to achieve many things that we could not have done each working alone. Our concern and hope for this bill is that it provide an avenue for local governments to address the unmet needs of the domestic violence programs serving victims in their area.

Thank you again for your time and consideration.

KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE
P.O. Box 1341 Pittsburg, KS 66762
(316) 232-2757

The Kansas Coalition Against Sexual and Domestic Violence is a statewide nonprofit corporation consisting of supportive individuals and organizations, domestic violence programs, and sexual assault centers. In 1979, the Kansas Association of Domestic Violence Programs was formed by various domestic violence program workers in order to provide a statewide forum for the discussion of domestic violence related issues. The organization grew into a thriving support and education network. During the past few years, however, an increasing number of domestic violence programs have begun to also provide assistance to victims of sexual assault. Programs which offer both domestic violence and sexual assault services were finding it increasingly more difficult to participate at the state level in both the state domestic violence association (KADVP) and the Kansas Organization of Sexual Assault Centers (KOSAC), which was formed in 1978. For this reason, as well as others, KADVP and KOSAC merged in 1989 to form the Kansas Coalition Against Sexual and Domestic Violence.

There are no other statewide organizations in Kansas which act specifically as advocates for victims of domestic and sexual violence and their children; therefore, the Coalition has assumed a strong leadership position in working for the rights of those victims. The purpose of the Coalition is the prevention and elimination of sexual and domestic violence through a statewide network providing support and safety for all victims of sexual and domestic violence, with the primary focus on women and their children; direct services; public awareness and education; advocacy for victims; and social change efforts.

DOMESTIC VIOLENCE IS A CRIME...

Domestic violence is one of the most common of all crimes.

- * Acts of domestic violence occur every 18 seconds in the U.S.
- * About 1/2 of all couples experience at least one violent incident: in 1/4 of these couples, violence is a common occurrence.
- * 20% of all murders in this country are committed within the family
13% are committed by spouses.

Most family violence is committed against women.

- * 95% of all spousal assaults are committed by men.
- * 21% of all women who use the hospital emergency surgical services are battered.
- * 6 million American women are beaten each year by their husbands or boyfriends. 4,000 of them are killed.
- * Battering is the single major cause of injury to women—more frequent than auto accidents, muggings, and rapes combined.
- * 1 in 4 female suicides were victims of family violence.

Domestic violence takes its toll on the family, society and the future.

- * Over 1 million women each year seek medical help for injuries caused by battering.
- * Victims of domestic violence are three times more likely to be victimized again than are victims of other types of crimes.
- * Children are emotionally traumatized by witnessing family violence: many of them grow up to repeat the pattern as victim or abuser.

While you were reading this, 4 women were severely beaten.

RAPE IS A CRIME OF VIOLENCE...

Sex may be the vehicle, but control and humiliation are the motives. 70% of rapists are married or have a consenting sexual partner.

Any woman is a potential victim of rape, regardless of age, income, race, appearance or conduct.

- * Rape centers in Kansas have worked with victims from ages 2 months to 84 years.
- * 1 in every 3 women will be raped in her lifetime.
- * 4 out of 10 girls and 3 out of 10 boys will be sexually assaulted before the age of 18.
- * Approximately 1/2 of all rapes occur in the victim's own home.
- * 1/2 of all victims are raped by someone they know.
- * 25% increase in rapes was reported in the last 5 years. Rape is one of the most underreported crimes in this country.

KANSAS DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS

KANSAS COALITION AGAINST SEXUAL
AND DOMESTIC VIOLENCE (DV/SA)
Contact: Alita Brown
P.O. Box 1341
Pittsburg, Kansas 66762
(316) 232-2757 (office)

ALLIANCE AGAINST FAMILY
VIOLENCE (DV)
Contact: Marilyn Oden
P.O. Box 465
Leavenworth, Kansas 66048
(913) 682-9131 (crisis line)
(913) 682-1752 (office)

BATTERED WOMEN'S TASK FORCE
(DV/SA)
Contact: Marilyn Ault
P.O. Box 1883
Topeka, Kansas 66601
(913) 233-1730 (crisis line)
(913) 354-7927 (office)

BUTLER COUNTY ASSOCIATION TO
COUNTER ABUSE (SA)
Contact: Cathy Martin
2365 West Central
El Dorado, Kansas 67402
(316) 321-7491 (crisis line)
(316) 321-6069
(316) 321-4717

COWLEY COUNTY SAFE HOMES
(DV/SA)
Contact: Diane Baucom
P.O. Box 181
Winfield, Kansas 67156
(316) 221-4357 (crisis line)

CRISIS CENTER, INC. (DV/SA)
Contact: Kim Blubaugh
P.O. Box 1526
Manhattan, Kansas 66502
(913) 762-2333 (crisis line)
(913) 539-2785 (crisis line)
(913) 456-8229 (crisis line)

CRISIS CENTER OF DODGE CITY
(DV/SA)
Contact: Vicki Strawn
P.O. Box 1173
Dodge City, Kansas 67801
(316) 225-6510 (crisis line)
(316) 225-6987 (office)

DOMESTIC VIOLENCE ASSOCIATION
OF CENTRAL KANSAS (DV/SA)
Contact: Marlene McLean
1700 E. Iron
Salina, Kansas 67401
(913) 827-5862 (crisis line)

DOUGLAS COUNTY RAPE VICTIMS'
SUPPORT SERVICE (SA)
Contact: Sarah Jane Russell
1419 Massachusetts Street
Lawrence, Kansas 66044
(913) 841-2345 (crisis line)
(913) 843-8985 (office)

DOVES (DOMESTIC VIOLENCE
EMERGENCY SERVICES) (DV)
Contact: Shirley Munsen
P.O. Box 262
Atchison, Kansas 66002
(913) 367-2358 or
(913) 367-2112

FAMILY CRISIS CENTER (DV/SA)
Contact: Lisa Hoffman
P.O. Box 1543
Great Bend, Kansas 67530
(316) 792-1885 (crisis line)
(316) 792-3672 (office)

FAMILY CRISIS SERVICES (DV/SA)
Contact: Eva Vale
P.O. Box 1092
Garden City, Kansas 67846
(316) 275-5911 (crisis line)
(316) 275-2018 (office)

H.E.L.P. (DV/SA)
Contact: Jan Kuhlman
Scott City Police Department
301 Court
Scott City, Kansas 67871
(316) 872-2133 (crisis line)

HOPE UNLIMITED (DV/SA)
Contact: Delma Rourk
P.O. Box 12
Iola, Kansas 66749
(316) 365-3144 (crisis line)
(316) 365-7566 (office)

LABETTE SAFEHOUSE SERVICES
(DV/SA)
Contact: Sheila Simmons
Parsons, Kansas 67357
(316) 421-1400 (crisis line)
(316) 421-2528 (office)

LEAVENWORTH COUNTY RAPE CRISIS
ORGANIZATION (SA)
Contact: Bobbie Jo Johannes
P.O. Box 484
Leavenworth, Kansas 66048
(913) 682-9131 (crisis line)

LIBERAL AREA RAPE AND DOMESTIC
VIOLENCE SERVICES (DV/SA)
Contact: Gretchen Loucks
P.O. Box 1707
Liberal, Kansas 67901
(316) 624-8818 (crisis line)

MARION COUNTY DOMESTIC VIOLENCE
ASSOCIATION (DV/SA)
Contact: Cay Siebert
400 Floral Drive
Hillsboro, Kansas 67063
(316) 947-2466

MCPHERSON COUNTY COUNCIL ON
VIOLENCE AGAINST PERSONS
(DV/SA)
Contact: Patty Sargent
P.O. Box 406
McPherson, Kansas 67460
(316) 241-6615 (crisis line)
(316) 241-3510 (office)

METROPOLITAN ORGANIZATION TO
COUNTER SEXUAL ASSAULT (MOCSA)
(SA)
Contact: Paile Rilinger
3515 Broadway, Suite 301
Kansas City, Missouri 64111
(816) 531-0233 (crisis line)
(816) 931-4527 (office)

NORTHEAST KANSAS FAMILY
VIOLENCE PREVENTION PROGRAM
(DV)
Contact: Frank Wahwassuck
P.O. Box 264
Hiawatha, Kansas 66434
(913) 486-2131 (office) or
(913) 486-2824 (office)

NORTHEAST KANSAS FAMILY
VIOLENCE PREVENTION PROGRAM
(DV)
Contact: Frank Wahwassuck
Route 1, Box 157A
Horton, Kansas 66439
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(913) 486-2824 (office)

NORTHWEST KANSAS FAMILY SHELTER
(DV/SA)
Contact: Deidre Strohm
P.O. Box 284
Hays, Kansas 67601
(913) 625-3055 (crisis line)
(913) 625-4202 (office)

REBECCA VINCSON CENTER (DV)
Contact: Lori Hegge
P.O. Box 1514
Kansas City, Kansas 66117
(913) 321-0951 (crisis line)

S.O.S., INC. (DV/SA)
Contact: Susan Moran
P.O. Box 1191
Emporia, Kansas 66801
(316) 342-0548 (crisis line)
(316) 343-2626 (office)

SAFE HOUSE (DV/SA)
Contact: Dorothy Miller
P.O. Box 313
Pittsburg, Kansas 66762
(316) 231-8251 (crisis line)

SAFEHOME, INC. (DV/SA)
Contact: Cindy Zickefoose
P.O. Box 4469
Overland Park, Kansas 66204
(913) 262-2868 (crisis line)
(913) 432-5158 (office)

SEXUAL ASSAULT & DOMESTIC
VIOLENCE CENTER OF RENO COUNTY
(DV/SA)
Contact: Lucki Boyd
1 E. 9th
Hutchinson, Kansas 67504-2856
(316) 663-2522 (crisis line)
(316) 665-3630 (office)

WICHITA AREA SEXUAL ASSAULT
CENTER (SA)
Contact: Chris Wilshusen
215 North St. Francis, Suite 1
Wichita, Kansas 67202
(316) 263-3002 (crisis line)
(316) 263-0185 (office)

WOMEN'S TRANSITIONAL CARE
SERVICES (DV)
Contact: Stephanie Coleman-
Marks
P.O. Box 633
Lawrence, Kansas 66044
(913) 841-6887 (crisis line)

YWCA WOMEN'S CRISIS CENTER (DV)
Contact: Lynn Tunin
P.O. Box 1740
Wichita, Kansas 67201
(316) 263-9806 (crisis line)
(316) 263-2313 (office)

TOM M. LINOT, 1st District
7220 S. 159 East, Rose Hill, Kansas

WM. D. MAUK, Sr., 2nd District
1510 Fairway, Augusta, Kansas

BART HOGOBOOM, 3rd Distr
Rt. 1, Box 219, El Dorado, Kans



BUTLER COUNTY, KANSAS
COURTHOUSE
EL DORADO, KANSAS 67042

February 6, 1990

Honorable Kenneth R. King
House of Representatives
77th District
Topeka, Kansas

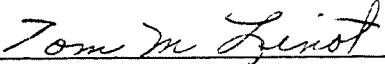
Dear Kenneth,

Please accept this as our support for House Bill No. 2702 concerning local alcoholic liquor fund.


While Butler County does not receive a great amount of dollars from this source it will give local governing bodies another choice on the disposition of the funds. We feel this additional need is a very worthwhile project at least in Butler County.

Thank You for your consideration.


Board of County Commissioners



CHAIRMAN, Tom Linot



COMMISSIONER, Bart Hogoboom



COMMISSIONER, Wm. D. Mauk, Sr.

attach. X



KANSAS RECREATION AND PARK ASSOCIATION

700 JACKSON, SUITE 705
TOPEKA, KANSAS 66603

(913) 235-6533
Laura J. Kelly, Executive Director

Statement Presented to the Local Government Committees of the House of Representative Presented by the Kansas Recreation and Park Association

I appreciate the opportunity to speak on House Bill 2702 on behalf of the Kansas Recreation and Park Association. The Kansas Recreation and Park Association represents over 300 local units of government and we are opposed to the House Bill 2702. This position does not reflect our opposition to funding of a women's crisis program and shelters for battered women as expressed in Article 3, Section d of the bill. Our concern is the utilization of dollars from the 1/3 share presently received for local parks and recreation programs has been targeted for funding of this new program.

In the summer of 1986, an interim committee of the Kansas Legislature studied in depth the state and local distribution of the alcohol liquor fund tax. At that time, the KRPA conducted a statewide study relating to the use of the 1/3 local allocation provided to the Parks and Recreation. The results of this study were presented to this interim study committee of the Kansas Legislature. Though we do not have copies of this study today, we would be more than happy to make the study available to this committee. In summary, the study indicated that 95% of the funding that was utilized from the 1/3 allocation to local parks and recreation purposed was used for facility improvements or programs for youth. From the conception of this funding program, it has always been the contention that these funds serve in a preventive manner in our communities to provide facilities and programs to keep our youth involved in active or passive wholesome activities rather than those social activities which lead to drug and alcohol abuse.

We have distributed to you today copies of the KRPA Legislative Platform. Article 3 of that platform which deals with drug and substance abuse points to seeking support and recognition by the legislature of the vital role that parks and recreation plays in prevention of drugs and substance abuse and emphasizes the need for funding to further enhance our programming efforts in this area. As a result of the thorough study by the interim committee of the legislature in 1986, it recognized the importance of parks and recreation's role in alcohol abuse and drug prevention and in Senate Bill 141 passed in the 1987 session supported the continuation of the 1/3 funding for parks and recreation.

We now ask that you keep that commitment and support the continuation of that funding and reject House Bill 2702 and seek other alternatives to the funding of this new program for women's crisis program and shelters for battered women.

Attach FI

scenic river systems. Furthermore, with the increases in railroad abandonments in Kansas, the state legislature should develop through state legislation a means through which state rail banking could be established for utilization by both state and local agencies in the development of trails.

IX. ARTS AND HUMANITIES PROGRAM

The Kansas Recreation and Park Association encourages the state legislature to increase its funding assistance to the arts and humanities programs of local organizations and parks and recreation agencies in all localities through the Kansas Arts Commission.

X. AQUATICS

The Kansas Recreation and Park Association is concerned about standards for public aquatics programs and is currently studying the issue.

XI. DAY CAMP LICENSING

The Kansas Recreation and Park Association is concerned about the application of existing day care licensing standards to day camp programs and its member agencies are conducting internal studies to determine the impact and feasibility of such application.

XII. UNEMPLOYMENT COMPENSATION

Local parks and recreation agencies are major employers of college and high school youth for part-time or seasonal jobs. By doing so, local agencies become subject to the same youth applying for unemployment compensation upon their return to school. The Kansas Recreation and Park Association encourages and supports the development of state legislation which exempts local park and recreation agencies from the payment of unemployment compensation to part-time and seasonal employees.

XIII. LOCAL GOVERNMENT TORT LIABILITY

Local recreation and park agencies provide many programs that by their nature have a climate of risk. Liability insurance has become so costly that many leisure service providers are eliminating many hours of recreation programming or special events, even though there is a substantial demand, simply due to liability exposure. The Kansas Recreation and Park Association endorses and supports state legislation which will lower liability limits for public and private land owners providing for recreational opportunities and legislation which will not hold local government employees and volunteers personally liable for acts or omissions within the scope of their employment duties.

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1990 LEGISLATIVE PLATFORM



KANSAS RECREATION AND PARK ASSOCIATION



THE ASSOCIATION

The Kansas Recreation and Park Association is an organization comprised of recreation and park professionals, citizen board and commission members, and individuals from the private and commercial sectors representing the leisure service interests of all Kansas citizens.

The Kansas Recreation and Park Association believes that parks, open space, and recreation services are basic needs of all Kansans and that the quality of life for our state will be greatly enhanced through the provision of adequate parks, recreation and conservation areas, programs, facilities, and the protection of the environment.

These provisions can only be assured by rigorous and cooperative efforts of all public and private agencies at the local, state, and national levels. It is with this cooperative effort in mind that the Kansas Recreation and Park Association has endorsed the following legislative policy:

THE LEGISLATIVE PLATFORM

I. FINANCING FOR ACQUISITION AND DEVELOPMENT OF PARKS AND RECREATION PROGRAMS

The Kansas Recreation and Park Association recognizes the continuing need and demand by the citizens of Kansas for open space, parks, and recreation facilities throughout Kansas, and yet in most instances, the cost for such acquisition and facility development is beyond local governments' financial abilities.

The Association, therefore, encourages and supports the passage by Congress of H.R. 876 and/or companion S. 370 establishing an American Heritage Trust, which would substantially increase the appropriation of the Land and Water Conservation Fund monies and further support an equitable match between Federal, state and local governments through passage of this Congressional legislation.

The Kansas Recreation and Park Association encourages and supports the development of a state trust fund or other state-wide funding source by the Kansas legislature allowing for an equitable financial match between state and local agencies for park and recreation land acquisition and facility development.

II. STATE TECHNICAL AND ADVISORY PARKS AND RECREATION SERVICES

The Kansas Recreation and Park Association recognized and supported the advantages in the combining of wildlife and parks functions into a central organization at the state level in 1987. However, the Association has become concerned from the apparent lack of communications and technical contact with the state Wildlife and Parks Department and is further concerned with the direction taken in professional park and recreation leadership and the future development of the state Comprehensive Outdoor Recreation Plan.

The Association supports a comprehensive reexamination by the legislature of the state's Wildlife and Parks Department and Commission and its public policies and programs. The Association further strongly encourages that this state examination includes those goals and objectives already established in the President's Commission on Americans Outdoors as they pertain to state and local park and recreation policy and planning issues. Furthermore, the Association supports and encourages a participation in the reexamination process by not only members of the Kansas legislature, but local government administrators, private interests, lay citizen, Board and Commission Members, and professionals from the leisure service field.

III. TAX INCENTIVES FOR PUBLIC INVESTMENT

The Kansas Recreation and Park Association encourages state legislation for tax incentives and financing for private

investment in public parks and recreation lands for facility development, programs, and public/private partnerships for the expansion of leisure services.

IV. SUBDIVISION LAND USE

The right of local governments to control land use and to require land developers to provide or pay for necessary roads, drainage, and water in subdivisions is recognized as part of the government's rights and duty in protecting the health and welfare of its citizens. The Kansas Recreation and Park Association believes that the provision of park, recreation, and historical areas, trail right-of-ways, and scenic environment land in and near subdivisions is equally important to the citizens' health and welfare. The Association supports state legislation which may be proposed and adopted to permit and encourage local governments to include such provisions in subdivision requirements.

V. LEISURE SERVICES FOR THE ELDERLY

The Kansas Recreation and Park Association supports legislation providing funding and technical assistance designed to enhance the leisure services in both the community and institutional settings of the state's growing population of elderly citizens.

VI. LEISURE SERVICES FOR DISABLED CITIZENS

The Association supports legislation which enhances the delivery of leisure services to the ill and disabled in both community and institutional settings. In addition, support will be given to encourage equal access to programs and facilities and transitional efforts between community-based services and institutional services.

VII. DRUG AND SUBSTANCE ABUSE

The Kansas Recreation and Park Association supports legislation recognizing the park and recreation role in the prevention of drug use and funding to enhance the programs being offered.

VIII. TRAILS, SCENIC ROADS, PARKWAYS, AND SCENIC RIVER SYSTEMS

The Kansas Recreation and Park Association believes that scenic trails, roads, parkways, and scenic river systems should be continued and expanded. Such systems would increase public access to and through areas of special scenic, scientific, or historical interest where the purpose is to preserve aesthetic and cultural values. Therefore, the Association encourages and supports state legislation which provides funding for planning, acquisition, and development of scenic trails, scenic roads, parkways, and

11-2

EMERGENCY TELEPHONE NUMBER (911) - STATE WIDE APPLICATION

HISTORY:

- 1967 - FEDERAL GOVERNMENT DESIGNATED 911 AS THE NATIONAL EMERGENCY TELEPHONE NUMBER AND ENCOURAGED THE STATES TO IMPLEMENT AND ESTABLISH AN EMERGENCY COMMUNICATION SYSTEM.
- 1980 - THE STATE OF KANSAS ENACTED A LAW THAT WOULD ALLOW CITIES OR COUNTIES TO ESTABLISH A 911 SYSTEM.
1. THE LAW IS PERMISSIVE:
 2. THE LAW ALLOWS THE UNIT OF GOVERNMENT TO IMPLEMENT A 2% CHARGE ON THE BASIC PHONE BILL TO PAY FOR THE RECURRING EXPENSES:
 3. THE LAW ALLOWS THE 2% CHARGE TO BE LEVIED THREE MONTHS IN ADVANCE TO DEFRAY START UP EXPENSES:
- 1987 - PRESENT LAW WAS AMENDED TO ALLOW A PORTION OF THE 2% CHARGE TO BE USED FOR CAPITAL IMPROVEMENT OR FOR THE ENHANCEMENT OF THE 911 COMMUNICATION SYSTEM.

THE ORIGINAL LAW IS BASED AROUND THE URBAN COUNTIES, MORE ESPECIALLY JOHNSON COUNTY AND WYANDOTTE COUNTY. (THE GREATER KANSAS CITY AREA) THE RESULT OF THE PRESENT LAW BEING GEARED TO THE URBAN AREAS, INCLUDING SEDGWICK AND SHAWNEE COUNTIES, IS THAT APPROXIMATELY 70% OF THE POPULATION HAVE SOME FORM OF 911 AND ONLY 30% OF THE LAND MASS IS COVERED BY THE EMERGENCY 911 TELEPHONE NUMBER.

GOAL:

TO ESTABLISH A STATE WIDE EMERGENCY TELEPHONE SYSTEM.(911)

PROBLEM:

THE RURAL AREAS COVER A VERY LARGE PORTION OF THE STATE, BUT HAVE A VERY SMALL POPULATION BASE. FOR THIS REASON ESTABLISHING AN EMERGENCY 911 TELEPHONE NUMBER IS COST PROHIBITIVE IN 90+% OF THE RURAL AREAS.

SERVICE LINE MILESTONES

- 1967 - PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND JUSTICE RECOMMENDS "WHEREVER PRACTICAL, A SINGLE (POLICE EMERGENCY) NUMBER SHOULD BE ESTABLISHED.
- JAN. 1968 - AT&T ANNOUNCES USE OF 911 AS SINGLE EMERGENCY TELEPHONE NUMBER.
- MAY 1971 - GENERAL REQUIREMENTS FOR 911 TERMINAL ARRANGEMENTS ISSUED.
- MARCH 1973 - DEVELOPMENT OF NEW TRUNK UNITS FOR 911 SERVICE ANNOUNCED.
- SEPT. 1973 - DEVELOPMENT OF 911 FEATURES FOR NO. 1 ESS SP-CTX-6 GENERIC PROGRAM ANNOUNCED.
- SEPT. 1977 - EXPANDED 911 EMERGENCY SERVICE ANNOUNCED.
- JULY 1978 - FIRST E911 SYSTEM IN SERVICE ALAMEDA COUNTY, CALIFORNIA (SR, ANI)
- NOV. 1979 - AT&T FORMALLY ANNOUNCES ENHANCED 911 AT NATIONAL LEAGUE OF CITIES CONFERENCE.
- FEB. 1980 - SERVICE DATE FOR ST. LOUIS (SR, ANI USING WECO'S DMS).
- OCT. 1980 - SERVICE DATE FOR ORANGE COUNTY, FLORIDA (SR, ANI, ALI AND PARTICIPATION OF IND. TELCO'S).

COMMUNITIES SCRAMBLE TO MEET CALL FOR 911

But it's still
a long distance
from universal.

By Carol Clurman

In Pittsburgh, a woman dials 911, says she's being attacked, and the call is suddenly disconnected. Police rush to the scene and search outside the house for an intruder. Inside, the woman is being raped.

In Miami, a little girl calls 911 and calmly says someone is breaking into her house. Deciding the girl is not in serious danger, the operator does not treat the call as an emergency, so police cars are not immediately dispatched. Twenty minutes later, the girl's father finds his daughter murdered.

Incidents such as these prove that — 20 years after the President's Commission on Law Enforcement and Administration of Justice first proposed a universal phone number for emergencies and Congress approved it — the 911 system is far from perfect. Despite its shortcomings, however, there is no question that the ability to simply dial 911 in the event of a police, fire or medical emergency does save time and therefore lives.

It is difficult to overestimate the importance of 911. To citizens in trouble, 911 is a clearly a vital service whose reliability can be a matter of life and death. And as the technology behind it improves, so does its effectiveness. Indeed, the public now expects 911 as it does other essential government services.

"More and more people are moving around the country, and when they go somewhere that doesn't have

Carol Clurman is a Washington, D.C.-based free-lance writer.

it, the clamor gets very loud to have it," says Roanne Tall, former 911 committee chairwoman for the Associated Public Safety Communications Officers. "It's mushroomed in the last couple of years."

But demand is not meeting supply. Only about half of the U.S. population has access to 911. Large pockets of rural America remain uncovered, as do some large cities. In those places, residents must look up and then dial a seven-digit number in emergencies.

All around the country, communities from Bay and Hillsborough counties in Florida to Albany, Oregon, are scrambling to catch up, as are such bigger cities as Milwaukee and Madison, Wisconsin, and Hartford, Connecticut. In all, 29 states have adopted legislation encouraging counties to initiate 911 systems. In many of those states, counties without 911 are working to inaugurate the number and the dispatching of help that goes with it.

The question is why, after all these



years, is it taking so long for 911 to catch on?

"The system 'is for the citizens, it ain't for government,'" says C.D. Van Dusen, a 911 expert recruited from Minnesota to head the new Public Safety Communications department in Madison. "Sometimes it just makes our life more miserable — it causes

grief for the government."

Often, implementing 911 means consolidating systems and abandoning local fire, ambulance and even police dispatch operations — not a politically attractive option and always a complicated one. Improved 911 service also means expanded liability for local governments.

"The more we enhance our service, the more our liability increases," Tall explains. "When the call comes in, we have an obligation to respond."

A major stumbling block is money. The process of implementing 911 service is expensive, and the question of who should pay has plagued state legislatures and haunted local governments across the country. Some laws allow counties and cities to hold referendums to let voters decide whether they want 10 cents to 50 cents tacked onto their monthly phone bills. Other states simply permit cities and counties to impose the surcharge once a 911 system is in place.

In some cases, lawmakers' rush to answer the public call for 911 has failed miserably. For example, the Wisconsin state legislature passed a law in 1977 requiring counties with populations of more than 250,000 to implement 911 service. Absent from the mandating legislation was a way for counties and cities to fund the installation of 911 networks. Local governments rebelled, refusing to comply, and in 1983 the law was revoked. It was not until last year that a new law was passed, this one making it optional for counties to implement 911 and allowing them to impose a monthly surcharge on residents' phone bills to pay for it.

When given the choice, voters usually overwhelmingly approve the surcharge. But not always. Some people remain wary of 911 because they say they do not trust the system to work. In Independence, Missouri, the surcharge option was defeated in two referendums. It was ultimately approved in late 1985.

but not without local fallout.

"I've heard citizens express misgivings about putting their lives into the hands of a computer," says former City Council member Marilyn Wright. "If I were faced with an emergency, I would dial a seven-digit number to the service I needed."

Wright says residents should not be forced to pay the phone company more money. "Every individual is forced to subscribe to it, whether they want it or not," she complains. "It's taking the individual choice away from families, causing them to have to subscribe to a service whether they want it or not."

In Connecticut, voters weren't given the choice. State law requires local governments to set up the more sophisticated, and more expensive, Enhanced 911 by the end of next year. The state is picking up a big chunk of the cost, paying for \$6.2 million in equipment through a bond issue. Residents will pay for the cost of setting up the computer telephone network with rate increases on their phone bills, and local governments will have to pick up an annual bill of roughly \$2,500 for service maintenance.

Only five other states — California, Delaware, Maryland, Minnesota and Oregon — have passed laws requiring counties and cities to set up 911 service with local telephone companies. Connecticut and Oregon still have time before they must comply.

State mandates are difficult to execute and carry their own set of problems. In California, for example, the mandating legislation was approved in 1972. Under the law, the state imposed a surcharge of roughly 9 cents a month on residents' phone bills to pay for the \$50 million-a-year system. It took 13 years to complete the process, involving some 28 different phone companies after the break-up of AT&T, hundreds of law enforcement agencies, and thousands of fire departments and ambulance services.

In the early days of 911, money

was not the problem. It was logistics. Exchanges for telephone companies did not coincide with boundaries of local governments, making 911 a less rather than more efficient option. Simply installing 911 without rearranging telephone switches and centers would result in connecting 911 calls to the wrong place.



Today, new telephone technology allows automatic routing of phone calls to the appropriate police department or agency, generally known as a Public Safety Answering Point. For example, Seminole County, Florida, an Orlando suburb of 240,000 people covering seven different municipalities, has several PSAPs, and 911 calls are automatically directed to the appropriate one. The total cost for the two-year-old system: \$750,000 for the equipment and installation, \$400,000 a year to operate.

A small town in Alabama was the first in the nation to implement the 911 emergency number. In 1968, Haleyville, population 4,000, had room to spare on the phone company switching system to add a 911 exchange and one police dispatcher at City Hall covering the entire town. Ironically, 20 years later, Haleyville is still one of the few towns in Alabama that has 911.

Beyond funding, the greatest challenge to localities in establishing 911

is the question of jurisdiction. While consolidation of emergency services — county sheriff, local police, fire and ambulance — under one umbrella is accepted as the most efficient way of organizing 911, centralization has proved to be politically difficult in many areas.

In Madison and surrounding Dane County, for example, it has taken 10 years to coordinate a consolidated 911 answering system under a new county Department of Public Safety. Involved are six separate police departments and 25 local fire departments, plus the office of the county sheriff — each with its own dispatching operation.

"It's been a slow process," says Lieutenant Steven Gilmore of the Sheriff's Department. "We still have not figured out how they will indeed eliminate all those dispatch centers."

Among the other difficulties: Will local departments lose funding and jobs if they eliminate their dispatch systems? How should dispatchers and supervisors who are reassigned to the 911 center be compensated? When do cities stop paying dispatchers, and when should the county start? How should the start-up be coordinated?

To address the problem of personnel, Dane County has adopted a resolution guaranteeing employees of affected agencies that they will lose neither jobs nor pay under the new system. Union negotiations on issues of compensation are under way. As for start-up, Dane County is phasing it in, first with the Sheriff's Department and then gradually getting other police, fire and ambulance services transferred and on line.

In Omaha, Nebraska, the first city in the nation to consolidate its existing 911 system, all affected agencies were involved in the planning at the outset. Omaha Public Safety Department Communications Chief Albert E. Jones stresses cooperation and perseverance as elements to success.

"When we consolidated [in the early 1970s] there wasn't any loss of jobs," Jones recalls. "It takes somebody with the intestinal fortitude to

12-4

say it's going to be done, to convince people they won't lose any identity."

David Yandell, president of the National Emergency Number Association, emphasizes the paramount importance of cooperation at the outset between all the affected public and private agencies, from the telephone company to local hospitals. "If you don't have a willingness among all the players in a service area... you won't go anywhere," he says.

Of course, even with a fancy consolidated system, there are problems: namely the critical human element.

"We can get enamored with all these glowing boob tubes and shiny machinery and fancy computers," says 911 expert James Beutelspacher, chairman of the 911 committee of the Associated Public Safety Communications Officers, "but there's a human brain involved."

Many cities are finding their old 911 systems overloaded. In Kansas City, Missouri, for example, the 911 call-taker work load has increased 286 percent since 911 was first implemented five years ago. During busy times, it may take several rings before a call is answered. Call takers have no way of knowing which call came in first. To solve the problem, the state legislature recently appropriated \$1 million for a computerized Automatic Call Distributor, which will enable calls to be answered in turn.

Still other cities, such as Indianapolis, are using outdated 911 systems known as Basic 911, in which everything — from an operator taking the information to a dispatcher transferring the call to the appropriate agency — is done manually. Callers sometimes get busy signals or endless ringing during busy times. The city is overhauling its system, a process estimated to take two years at a cost of at least \$40 million.

During last year's mayoral race, 911 became a political issue. Right before the election, a man died when the Fire Department failed to respond quickly to his 911 call for help. Republican Mayor William H. Hud-

nut III, who won re-election to a fourth term, was forced to defend the city's efforts to improve its 13-year-old system.

"The problem is we have an antiquated 911 system," says Carl Moldthan, director of the Indianapolis Taxpayers Association and an unsuccessful mayoral candidate. "The



new system was supposed to be in place for the Pan Am Games in August 1987. The problem is control: Who's going to control it?"

Increasingly, local officials are realizing the political costs of inadequate or non-existent 911 emergency service.

"It's something that people take for granted — they want service as fast as they can get it," says Robert D. Obering, city manager of St. Petersburg, Florida, which is in the process of upgrading its 911 system. "They demand it from elected officials and administrative bodies."

Especially in major cities, where volume is high, the old basic system is fraught with potential hazards. Callers who are too ill or young, or perhaps deaf, often cannot communicate their problem or whereabouts. If someone is frightened and hangs up, the call is lost.

The more sophisticated and more expensive Enhanced 911 system — commonly called E-911 — is com-

puterized. Set up in tandem with local phone companies, which program customers' names, addresses and phone numbers into a central computer, the E-911 Automatic Location Identifier and Automatic Number Identifier systems automatically flash the phone number and address of the caller on a video monitor — even before the call is answered. The latest technology, Computer Aided Dispatch, actually helps the dispatcher locate patrol cars, ambulance services and fire departments to determine which should answer the call.

Improving 911 systems with high-tech E-911 features is the option most jurisdictions prefer. With a one-time capital outlay for the E-911 equipment — roughly \$90 per 1,000 people — emergency-response time can be shortened overnight. Among cities currently in the process of implementing E-911 are Little Rock, Arkansas; Madison; Shreveport, Louisiana; and St. Petersburg.

No matter how efficient a computerized 911 system is in helping to gather vital information on callers and dispatching the appropriate emergency-response unit, there is always a person on the line who must make the most critical decision of all: Is it really an emergency? Every 911 service receives its share of frivolous and non-emergency calls.

Call takers who are inexperienced, ill equipped and paid relatively little are probably the biggest problem for emergency-service operations across the country, the experts say. They agree that the key is proper training. Last year, Texas passed a law requiring cities with populations of more than 300,000 to certify their dispatchers.

Some localities, such as the Polk County Sheriff's Department in Florida, have started training programs. Dispatchers now must undergo an 80-hour training program at a local community college before they can staff the phones. Connecticut is just beginning to develop a training program for 911 dispatchers.

But the process of persuading local

and state governments to spend the requisite time and money on training is slow. "It's a major problem to get people to do that for telecommunications," says Tall, the former 911 committee chairwoman for the Associated Public Safety Communications Officers. "Most of the training is very minimal."

Dispatching is largely considered a clerical position, when in fact many experts consider the job closer to that of an air traffic controller. Gerald Arenberg, executive director of the National Association of Chiefs of Police, suggests having a police officer on duty at all times to oversee civilian dispatchers. Another way to reduce the busy signals is to free up call takers from time-consuming frivolous or non-emergency calls. In Philadelphia, about a dozen limited-duty police officers, such as injured policemen, are assigned to handle 911 calls that are deemed non-emergency. If a 911 call taker determines that there is no emergency, he or she transfers the call to the non-emergency standby team.

"It relieves the initial call receiver from any lengthy conversations," says Inspector William McDonough, commanding officer of the Police Department's communications division.

Clearly, more and more communities are answering the public call for new and better 911 service. But the goal of making it a truly universal system remains elusive. While most people seem willing to pay for it, state and local governments have been slow to implement it, impeded by political and financial stumbling blocks.

Says David Yandell, the National Emergency Number Association president, of achieving a nationwide 911 system: "A lot of us had hoped that we would accomplish that by the year 2000. But the reality is that as long as we have states that don't have mandates, especially those states that are rural in nature, it's virtually impossible that we have any assurance we will have the country entirely covered." □

ALCOHOL WARNING POSTERS ARE GETTING APPROVAL

Newest strategy stresses effects on unborn children.

By Kathleen Sylvester

Every few years for the past 25 or more, U.S. Senator Strom Thurmond has introduced legislation to place warning labels similar to those required on cigarette packages on bottles and cans that contain alcoholic beverages. And during all those years, the South Carolina Republican's proposals have routinely been rejected by Congress.

Although Thurmond's newest proposal is given little chance of faring any better this year, advocates of warnings about alcohol are cheerful these days. They have taken a cam-



paign with more modest goals to the states, counties and cities, and can see victory on the far horizon.

What the advocates want eventually is what Thurmond has proposed: a federal requirement for a series of labels carried, on a rotating basis, on alcoholic beverages. The five labels would warn of the risks of drinking

and pregnancy; drinking and driving; drinking in combination with other drugs; drinking and its association with hypertension, liver disease and cancer; and drinking as an addiction.

So far, the alcoholic beverage industry has prevailed against all labeling proposals by successfully arguing that alcohol is not like tobacco. Its lobbyists say that while tobacco has been shown to cause illness even when used in moderation, there is no similar evidence about alcohol.

"Alcohol used in moderation is not a health risk," said Donald Shea of the Washington, D.C.-based Beer Institute. "It's very important to distinguish between proper use and abuse of alcohol," and the labeling proposals do not do that, he added.

The successes the health-warning advocates are achieving have come from their adoption of more limited objectives, for now, than the series of labels. First, they are focusing on one specific alcohol-related risk, and second, they are proposing warning posters instead of labels.

The specific health risk is alcohol-related birth defects. "These birth defects," said Robert Roth of the California Council on Alcohol Policy, "are the Achilles' heel of the alcoholic beverage industry, and the industry knows it."

The most significant alcohol-related birth defect is fetal alcohol syndrome, known as FAS. Last year, the National Institute on Alcohol Abuse and Alcoholism identified FAS as the leading cause of mental retardation.

The term was coined in 1973 by doctors in Seattle who identified a group of alcoholic mothers' children, all of whom were born with symptoms that included abnormal facial features, central nervous system damage and mental retardation. In 1981, the U.S. surgeon general issued a warning that women who drink alcohol "at amounts consistent with the diagnosis of alcoholism" risk bearing children with FAS.

John DeLuca, president of the San Francisco-based Wine Institute, said

RE: PROPOSAL NO. 36 -- STATEWIDE 911*

Proposal No. 36 called for a review of the issues involved in establishing a statewide 911 emergency telephone system.

The interim study was prompted by the introduction of H.B. 2856, which would have required all counties to implement a 911 emergency telephone system. The bill died in the House Local Government Committee following a hearing and the subject was recommended for interim study.

Current 911 Law

Cities and counties under K.S.A. 12-5301 et seq. are authorized to provide for the operation of a 911 emergency telephone service and to pay for the operation of the service by imposing an emergency telephone tax. The tax may be imposed in an amount of not to exceed 2 percent of the tariff rate (basic telephone rate) in those areas served by the 911 system. Imposition of the tax is subject to a 5 percent protest petition which, if filed, requires an election on the issue of imposing the tax. The tax may be imposed not more than 90 days before operation of the 911 system. Tax moneys may be used to pay monthly recurring charges, initial installation, service establishment, nonrecurring startup charges, and charges for capital improvements and equipment or other physical enhancements to the 911 system.

911 System Nomenclature

There are several basic types of emergency number service, ranging from what is termed Basic or B-911 to the most sophisticated system known as Enhanced or E-911. The following is a brief description of these types of 911 service and definitions of key terminology.

B-911 features routing 911 calls to a single public safety answering point.

C-911 has the B-911 features plus forced disconnect, idle tone application, called party hold, emergency ring back, and switch hook status. Forced disconnect allows a public safety answering point to

* H.C.R. 5001 accompanies this report.

12-7

terminate a 911 call at any time regardless of the action of the caller. Idle tone application gives the 911 attendant an indication of the on or off hook status of the 911 caller. Called party hold allows the 911 attendant to hold the connection established for a station from which a 911 call was originated regardless of the caller's action. Emergency ring back allows a 911 attendant to ring back a call regardless of the switch hook status of the station. Switch hook status provides a visual indication of the switch hook status of the originating station on an established 911 call.

D-911 features B-911 services plus an automatic number identification (ANI) which displays the calling party's number at the answering point.

E-911 (direct trunked) features D-911 plus automatic location identification (ALI) which displays the address of the caller.

Finally, E-911 has the following standard features: forced disconnect, idle tone application, manual transfer permitting the transfer of an incoming call by depressing a flash button, and alternative routing to permit routing when the answering point lines are busy or closed down. Further, speed calling is available, as well as a touch tone service line. Optional features include automatic number identification, selective routing, fixed transfer permitting transfer of a 911 call to a secondary answering point, selective transfer permitting a call transfer to another agency, as well as automatic location identification and several other call transfer features.

Extent of Current 911 Coverage in Kansas

Fifty-three of 105 counties currently are served either partially or totally by a 911 emergency telephone system. It was estimated by a Southwestern Bell Telephone Company representative that between 65 and 70 percent of the state's population is currently served by some type of 911 system.

States That Mandate 911

At least seven states have taken some action toward mandating 911 emergency telephone service statewide. The states include California, Connecticut, Iowa, Maryland, Minnesota, Oregon, and Texas.

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California public agencies, for example, were required to submit a final plan for implementation of 911 over ten years ago, i.e., on or before October 1, 1978. Connecticut created a Bureau of Statewide Emergency Telecommunications within the Department of Administrative Services with the responsibility for developing a statewide plan. Each municipality was required to submit a plan also by December 31, 1986. In Iowa, a State Emergency Telephone Number Commission was created to come up with a statewide 911 plan. All counties in Maryland were required to implement a 911 system on or before July 1, 1985.

In Minnesota, counties in metropolitan areas were required to establish 911 systems in 1982, with the remainder of counties to follow suit by the end of 1986. Local jurisdictions in Oregon were required to submit a final plan to the state Emergency Management Division of the Executive Department by July 1, 1988. In Texas, counties with populations of over 20,000 were required to form emergency communications districts, subject to voter approval. An Advisory Commission on State Emergency Communications was created to administer the implementation of statewide 911 and to develop minimum performance standards.

Telephone Company Survey

The Kansas Telecommunications Association and the State Independent Telephone Association agreed, at the Committee's request, to conduct a survey of their members to determine telephone company costs of implementing Basic or Enhanced 911 emergency telephone systems within the areas they serve.

The survey asked that the telephone companies list all existing 911 systems and list their cost of establishing a B-911 and an E-911 system, assuming the system will be installed after January 1, 1991. Further, the survey asked for a determination of the amount of money that would be generated if a 2 percent tax were imposed on subscribers not currently served and for the amount if the tax were imposed on all subscribers.

The following chart from the Kansas Telecommunications Association shows the basic local service rates on residential customers in dollars. This amount reflects the base used to determine the amount that would be generated by the 2 percent tax.

<u>Telephone Company</u>	<u>Basic Local Serv. Rate Residential In Dollars</u>
Assaria	5.00
Blue Valley	6.75
Columbus	3.50
Continental	12.20-16.30
Council Grove	5.30
Craw-Kan	7.50
Cunningham	6.30
Elkhart	10.10
Golden Belt	7.40
Gorham	4.75
H & B	4.80
Haviland	4.70
Home	7.50
Kan-Okla	7.75
LaHarpe	6.50
Madison	7.90
MoKan Dial	6.20
Moundridge	6.75
Mutual	4.60
Peoples Mutual	9.15
Pioneer	3.75-4.65
Rainbow	7.50-8.30
Rural	6.95
S & A	8.95
S & T	11.60
South Central	4.00-4.50
Southern Kansas	6.20
Southwestern Bell	8.95-13.00
Sunflower	5.50
Totah	7.50
Tri County	6.25-6.75
Twin Valley	6.85
United Telephone Assoc.	4.00
United Tel. Co.	6.39-7.44
Wamego	7.05
Wheat State	8.85
Wilson	8.85
Zenda	8.85

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The survey findings revealed there are 582 telephone exchanges of which at least 161 exchanges were served by existing 911 service. It was estimated that it would cost \$146,278 each month to provide B-911 service, as compared with \$270,402 per month to provide E-911 service not currently served. Note these figures represent telephone company costs only and do not include any costs that governmental entities may incur.

Nonrecurring charges for B-911 were estimated to be \$778,478, whereas the same charges for E-911 were estimated to be \$5,795,849.

The estimated monthly receipts that would be generated from a statewide 2 percent tax imposed on all telephone companies was \$85,363.

Testimony of Conferees

The Committee held several days of hearings on this topic, toured the Topeka-Shawnee County Telecommunications Center and the Southwestern Bell switching area serving the Topeka area, and spent portions of several days discussing the issues.

Conferees included a Manhattan resident active in 911 affairs, representatives of Southwestern Bell Telephone Company, the Wichita-Sedgwick County Emergency Communications, the Mid-America Regional Council, the Kansas Association of Counties, the Douglas County Emergency Medical Services, the Topeka-Shawnee County Telecommunications Center, the Kansas Telecommunication Association, United Telephone of Kansas, the State Independent Telephone Association, the United Telephone Company, and the State Corporation Commission (SCC).

Those who testified in favor of mandating a statewide 911 emergency telephone system included the Manhattan resident active in 911 matters, the Russell County Commissioners, and the representative of the Douglas County Emergency Medical Service.

The representatives of the telephone industry were supportive of 911 emergency telephone systems and expressed a willingness to cooperate with any area that wanted to implement such a system. They did not advocate mandating a statewide system. A general concern was expressed about using the telephone bill as a vehicle for collecting taxes

for governmental entities and adding additional charges onto a telephone customer's basic service charge.

The Kansas Association of Counties supported counties implementing 911 service, but opposed a state mandate in this area. The representative urged the state to provide adequate funding if any mandate was imposed.

A representative of the SCC indicated that the State Corporation Commissioners did not believe their agency would be an appropriate agency to oversee the implementation of a mandated 911 program since this task would be outside their traditional rate regulation role. The spokesman noted the SCC had always allowed telephone company costs associated with 911 service to be included in the company's rate base.

Committee Conclusions and Recommendations

The Committee believes that counties should develop plans for implementing 911 emergency telephone service for their residents. The Committee believes 911 service is of paramount importance for all Kansans.

The Committee gave consideration to the idea of imposing a statewide emergency telephone tax to help fund the implementation of a statewide system. The Committee also considered raising or eliminating the 2 percent cap on the current local emergency telephone tax. The Committee is aware that counties may fund the costs of establishing and even operating an emergency 911 system from other revenue sources such as the property tax, if they act under home rule powers. The Committee was not willing to impose a mandate on counties regarding 911 emergency telephone service at this time.

For those reasons, the Committee recommends H.C.R. 5001 be introduced which strongly encourages each county to develop a plan for the implementation of a 911 emergency telephone service for the county.

December 1, 1988

- Rep. Ivan Sand, Vice Chairman
- Rep. Elizabeth Bak
- Rep. Nancy Brown
- Rep. Kent Campbell
- Rep. Denise Everhart
- Rep. Elaine Hassle
- Rep. Mary Jane Johnson
- Rep. Connie Ames
- Rep. Robert D. Miller
- Rep. Alfred Ramirez
- Rep. Debara K. Scott
- Rep. John Sutter

- Ranking Minor Representative Everhart
- Representative Everhart

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Respectfully submitted,

December 1, 1988

Sen. Don Montgomery, Chairman
Special Committee on Local
Government

Rep. Ivan Sand, Vice-
Chairman
Rep. Elizabeth Baker
Rep. Nancy Brown
Rep. Kent Campbell**
Rep. Denise Everhart**
Rep. Elaine Hassler
Rep. Mary Jane Johnson*
Rep. Connie Ames Kennard
Rep. Robert D. Miller
Rep. Alfred Ramirez
Rep. Debara K. Schauf
Rep. John Sutter

Sen. Eugene Anderson
Sen. Norma Daniels
Sen. Audrey Langworthy
Sen. Jack Steineger
Sen. Ben Vidricksen

- * Ranking Minority Member
- ** Representative Campbell was replaced on the Committee by Representative Everhart on September 2, 1988.

12-13

TESTIMONY 02/07/90

HB 2675

HOUSE LOCAL GOVERNMENTAL COMMITTEE

GOOD AFTERNOON MR. CHAIRMAN AND MEMBERS OF THE LOCAL GOVERNMENT COMMITTEE. THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU. I AM DON HALL, 911 ADMINISTRATOR FOR THE UNITED TELEPHONE COMPANIES OF KANSAS, WHICH SERVE 209 COMMUNITIES IN OUR STATE.

WE ARE HERE TODAY TO SPEAK IN FAVOR OF HB 2675, WHICH WILL ALLOW MORE MONIES TO BE COLLECTED FOR THE PROVISIONING OF 911 SERVICE.

IT IS MY JOB TO MEET WITH LOCAL GOVERNMENT REPRESENTATIVES AND ANSWER THEIR QUESTIONS ON HOW TO IMPLEMENT 911 OR UPGRADE EXISTING SYSTEMS.

NATURALLY, THE DISCUSSIONS ALWAYS CENTER AROUND COST, AND THE AVENUES AVAILABLE TO PAY FOR THE EXPENSES OF PROVIDING EMERGENCY TELEPHONE SERVICE (911).

THE EXISTING STATUTE CALLS FOR A MAXIMUM OF 2% OF THE TARIFFED ACCESS LINE RATE. THIS HAS PROVEN TO BE MORE THAN ADEQUATE FOR THE STATE'S MOST HEAVILY POPULATED CITIES AND COUNTIES. AS YOU ARE AWARE, THOSE AREAS WITH THE SMALLER POPULATIONS HAVE DIFFICULTY AT THE 2% LEVEL IN RAISING REVENUES

Attach - XIII

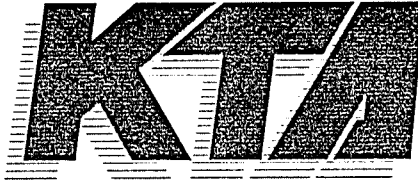
TO OFFSET THE COST OF 911. I HAVE NOT YET COMPLETED AN ANALYSIS TO SEE HOW MANY MORE AREAS WILL BE ABLE TO HAVE 911 IF THIS BILL BECOMES LAW, BUT I FEEL SURE IT WILL HELP SOME COMMUNITIES.

I FEEL COMFORTABLE IN TELLING YOU THAT THE PROPOSED 15% OR \$.50 A MONTH (WHICHEVER IS LESS) IS NOT GOING TO BE SUFFICIENT TO PROVIDE THE NECESSARY REVENUES FOR ALL COUNTIES TO HAVE 911. IN ADDITION, MOST COUNTIES DESIRE TO HAVE THE MORE COSTLY E-911, WHICH PROVIDES SUCH ADDITIONAL FEATURES AS AUTOMATIC LOCATION IDENTIFICATION, THAT REQUIRES MORE EQUIPMENT.

OF POSSIBLE BENEFIT TO SOME COUNTIES WOULD BE TO LENGTHEN THE "90" DAY (LINE 18, PAGE 2) PRE-IMPLEMENTATION PERIOD IN ORDER TO HELP FURTHER DEFRAID START-UP EXPENSES. OTHER STATES, SUCH AS TEXAS, ALLOW A 24 MONTH PERIOD. SIMILAR LEGISLATION IS PENDING IN MISSOURI AND NEBRASKA.

AS THE "TAX COLLECTOR" IN THIS SITUATION, WE DO NOT CURRENTLY OBJECT TO OUR BILL'S BOTTOM LINE REFLECTING A HIGHER AMOUNT WHEN WEIGHED AGAINST THE ADVANTAGES OF EMERGENCY TELEPHONE SERVICE. OUR CONCERN NEEDS TO BE EXPRESSED, HOWEVER, IF THIS "CAP" SHOULD EVER BE REMOVED OR SET AT SUCH A HIGH LEVEL THAT THE AMOUNT OF OUR BILLS TO OUR CUSTOMERS BEGIN TO THREATEN THEIR ABILITY TO PAY FOR BASIC TELEPHONE SERVICE.

I'LL BE HAPPY TO TRY TO ANSWER ANY QUESTIONS YOU OR THE COMMITTEE MEMBERS MAY HAVE.



KANSAS TELECOMMUNICATIONS ASSOCIATION

Testimony before the
House Committee on
Local Government

HB 2675

February 7, 1990

Mr Chairman, members of the Committee, I am Rob Hodges, Executive Vice President of the Kansas Telecommunications Association. Our membership is made up of 28 telephone operating companies and other firms and individuals who provide service to and support for the telecommunications industry.

The KTA appears today to lend basic support to the proposals contained in HB 2675. Our organization has a history of supporting implementation of 911 emergency telephone service in Kansas. One of our concerns when the current law was enacted was that it would not provide enough revenue for many counties to initiate even basic 911 service. Experience has now proven the validity of our original concerns.

HB 2675 would provide for a larger tax and, therefore, more revenue for counties to use in implementing 911 service. Exactly how many counties would determine they could pay for 911 service with the additional revenue remains to be seen.

Kansas telephone companies do their best to hold the line on their rates. They are sensitive to how their bills are viewed by their customers. Their support of 911 service and legislative proposals such as HB 2675 creates a bit of a conflict within some telephone companies. On one hand they support 911 service, and on the other they work to keep their cost of service to a minimum. Adding 911 charges to the bill is most times interpreted by the customer as an increase in the 'phone bill; rather than as a county tax paid to fund a new county service.

There are members of our association who question whether a tax on telephone rates should be the sole revenue source for financing 911 service. With 911 capabilities, county law enforcement, fire protection, and emergency health delivery services are all enhanced. Most citizens will merely dial 911 for those emergency services, thereby making each service more efficient and responsive to the citizens. If 911 is really an extension of basic county services, then it's appropriate that a general revenue source bear some of the responsibility for making 911 service available.

attach. XIV

HB 2675 will make more money available for 911 service, but may not completely cover a county's costs. KTA believes that is as it should be. To make telephone bills the sole source of 911 revenue would not recognize the county's role in making this emergency service available. KTA can support this increase to a 50 cent/15 percent ceiling, but requests that, if further funding proves to be necessary, alternate funding vehicles be examined.

Thank you for the opportunity to present our position on HB 2675. I'll attempt to answer any questions you may have.

TESTIMONY PRESENTED
TO THE
HOUSE LOCAL GOVERNMENT COMMITTEE
ON FEBRUARY 7, 1990
IN SUPPORT OF HB 2675
BY
WHITNEY DAMRON
OF
PETE McGILL & ASSOCIATES
ON BEHALF OF THE
STATE INDEPENDENT TELEPHONE ASSOCIATION
(SITA)

Mr. Chairman and Members of the Committee:

I am Whitney Damron of Pete McGill & Associates, Inc., appearing on behalf of the State Independent Telephone Association (SITA).

We appreciate the opportunity to make a few brief comments today in support of HB 2675, the Emergency Medical Tax bill.

SITA is comprised of 18 independent telephone system operators. A majority of these companies are located in and serve sparsely populated communities, as compared to the major communications providers in Kansas. As such, it is difficult to assess a tax upon phone services to support a "911" system and still maintain competitive rates for our subscribers.

Under present law, a county may levy up to a 2% tax upon the tariff rate of a phone bill in order to fund an emergency phone system. In Gray County, for example, which is serviced by United Telephone Association, the present 2% tax generates approximately \$320 per month to support an emergency telephone system. The service actually costs approximately

\$900 per month to operate. The present tax is assessed over only 2,900 customers, therefore it is nearly impossible to cover costs of the program under present legislation. If HB 2675 were adopted, the assessment needed to fully fund the program in this example would be significantly less than the 15% & .50¢ caps outlined in the bill.

The SITA organization strives for two objectives:

- 1) To hold down the rates of our customers; and,
- 2) To provide the highest class of service possible.

We recognize that an emergency phone system, with law enforcement, medical care and other emergency services all concentrated through a single center is of great importance to our customers. We have supported emergency phone system legislation in the past and we support HB 2675 today in the hopes that all Kansas counties will soon be able to afford an emergency communications program.



"Service to County Government"

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

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

Executive Director
John T. Torbert

February 7, 1990

TESTIMONY

For: House Local Government Committee

By: John T. Torbert
Executive Director

Subject: HB 2675 (Emergency Medical Tax)

Although the Kansas Association of Counties does not have an official position with regard to HB 2675, we have always been supportive of legislation that would allow cities or counties more flexibility in the financing of emergency telephone systems- commonly referred to as 911 systems.

This issue has been the subject of extensive study recently. Some of you may have participated in the interim committee that looked at this issue in 1988. The result of that committee's work was a realization of the many problems that stand in the way of implementation of statewide 911 and the passage of a resolution "strongly encouraging" each county to develop an implementation plan for 911 emergency telephone service. I cannot report at this time what effect, if any, that resolution had.

I believe it is safe to say that the major obstacle that the interim committee found in its deliberations was the issue of funding. That is, the existing surcharge of 2% simply does not provide enough revenue to cover implementation costs. Southwestern Bell provided testimony to the committee that indicated that the existing surcharge yielded between \$.02 and \$.23/month/per resident. That range I think illustrates very well the financing problems that exist in some areas in trying to implement a 911 system.

attach XVI

It is unclear whether or not this legislation sets the potential increase of the amount of money that is retained from the tariff rate at a high enough level that a statewide system could be put in place without other sources of revenue. The additional revenue that the legislation would provide is obviously a step in the right direction however and for that reason, we support it.

TSJ911FN

Office Of Sheriff

SHERIFF
M.T. (Tom) Bringle

Labette County
718 5th Street
Oswego Kansas 67356

UNDERSHERIFF
J.T. (Mick) Tucker

Phones: Oswego 316-795-2565

Parsons 316-421-1400

FAX 316-795-4664

February 5, 1990

House Committee on Local Government
R.W. Miller, Chair
Nancy Brown, Vice Chair

Re: Increases in the Emergency Telephone Tax

Dear Committee Members:

We in Labette County have considered 9-1-1 for a number of years and as we begin serious deliberations with representatives of the various telephone companies which service our county the funding (or lack thereof) in this endeavor becomes of paramount interest.

The essence of our dilemma evolves around these essential facts.

1. There are in Labette County 11,624 telephone subscribers.
2. The estimated cost to install E9-1-1 in Labette County is \$112,000.
3. The monthly maintenance of this system is \$7,300.
4. The current statutory 2% tax (K.S.A 12-5302)Will not generate enough funding to either implement or maintain the system.
5. The .50 as is being considered, would only produce \$69,744.00 per annum. At this rate it would take 19.3 months to pay for the installation.
6. The .50 figure is not adequate enough to maintain the system in Labette County.
7. It would take about .63 a month for a county the size of ours to establish and maintain E9-1-1 and then it would take roughly 16 months to pay for the installation alone.

Committee members, it is our extreme desire, indeed our only hope of having E911, to encourage legislation which would provide local units of government the option to be able to have or not have the ability to provide E911 to their constituents.

Attach. XVII

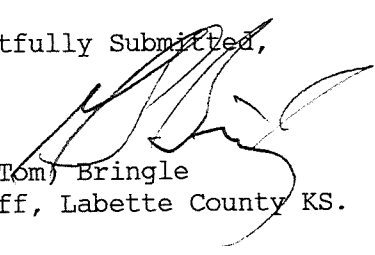
To that end we would encourage you to adopt language including .75 per subscriber and allow up to two (2) years of collection prior to operation of such a system, thus providing a mechanism insuring counties our size and a little smaller to have the option for the various 911 systems.

I am afraid that the proposed .50 amount does not allow enough flexibility as will be necessary for all counties to be able to participate should they chose to do so. It becomes important then not to limit local units of government thereby disallowing there participation by virtue of statutory constraints.

I understand concern may exist regarding increasing taxes. I offer two thoughts with this in mind. First, you would not per se be raising taxes rather, you would be allowing a mechanism in which local units of governments at their option could impose the tax for a specific needed service. Second, This "option" is, I feel an important consideration. A local government could choose to implement any portion, all, or none of the 911 features, as that entity sees their need. Not as dictated by anyone.

In conclusion, by including in legislation .75 per subscriber and providing up to twenty four (24) months to accumulate funds prior to starting operation you could put in place a mechanism which would insure that the majority, if not all counties in Kansas would have the opportunity to utilize an emergency telephone system they might not otherwise be able to.

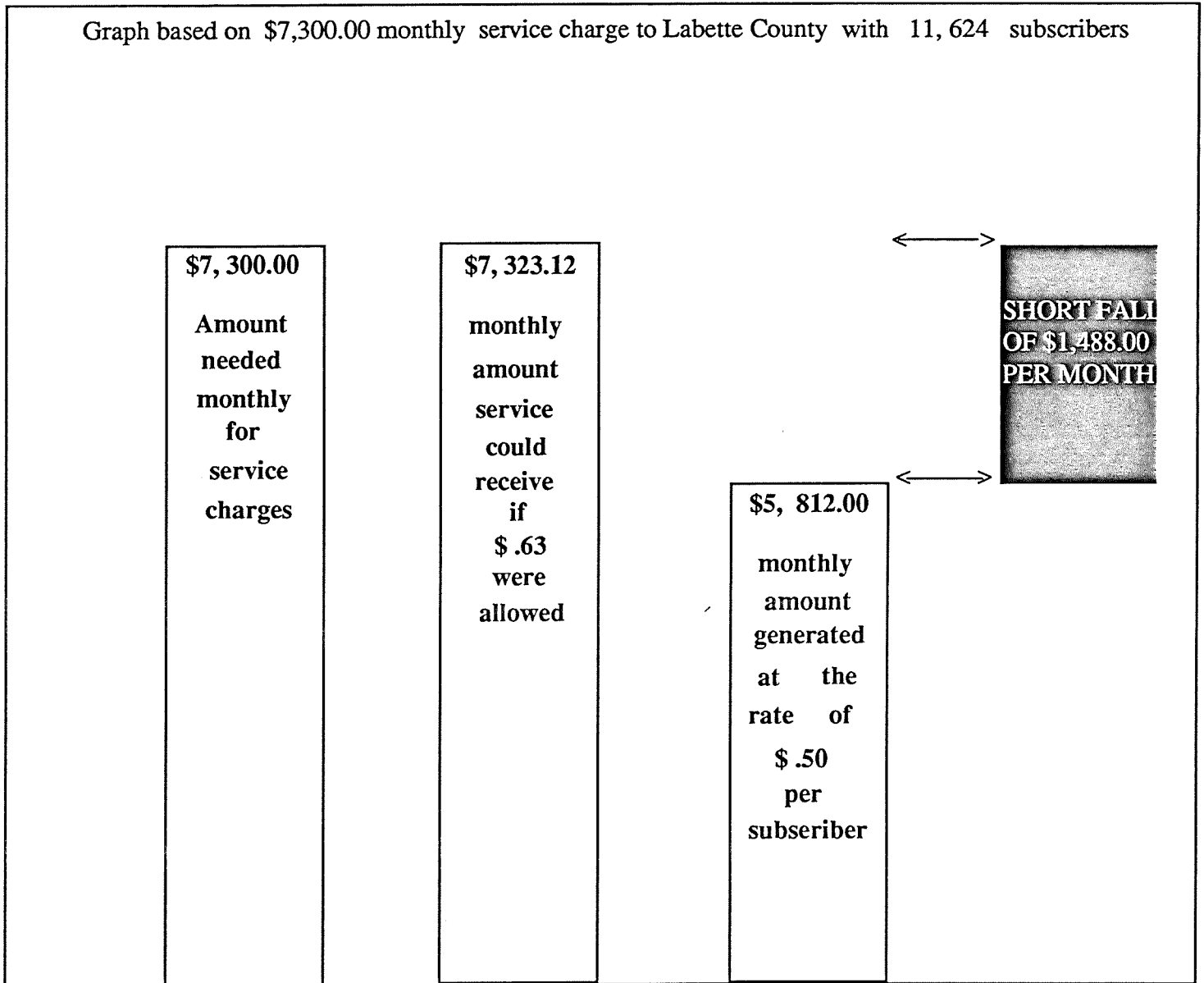
Respectfully Submitted,



M.T. (Tom) Bringle
Sheriff, Labette County KS.

Labette County Emergency E 9 1 1

Graph based on \$7,300.00 monthly service charge to Labette County with 11,624 subscribers



Labette County Emergency E 9 1 1

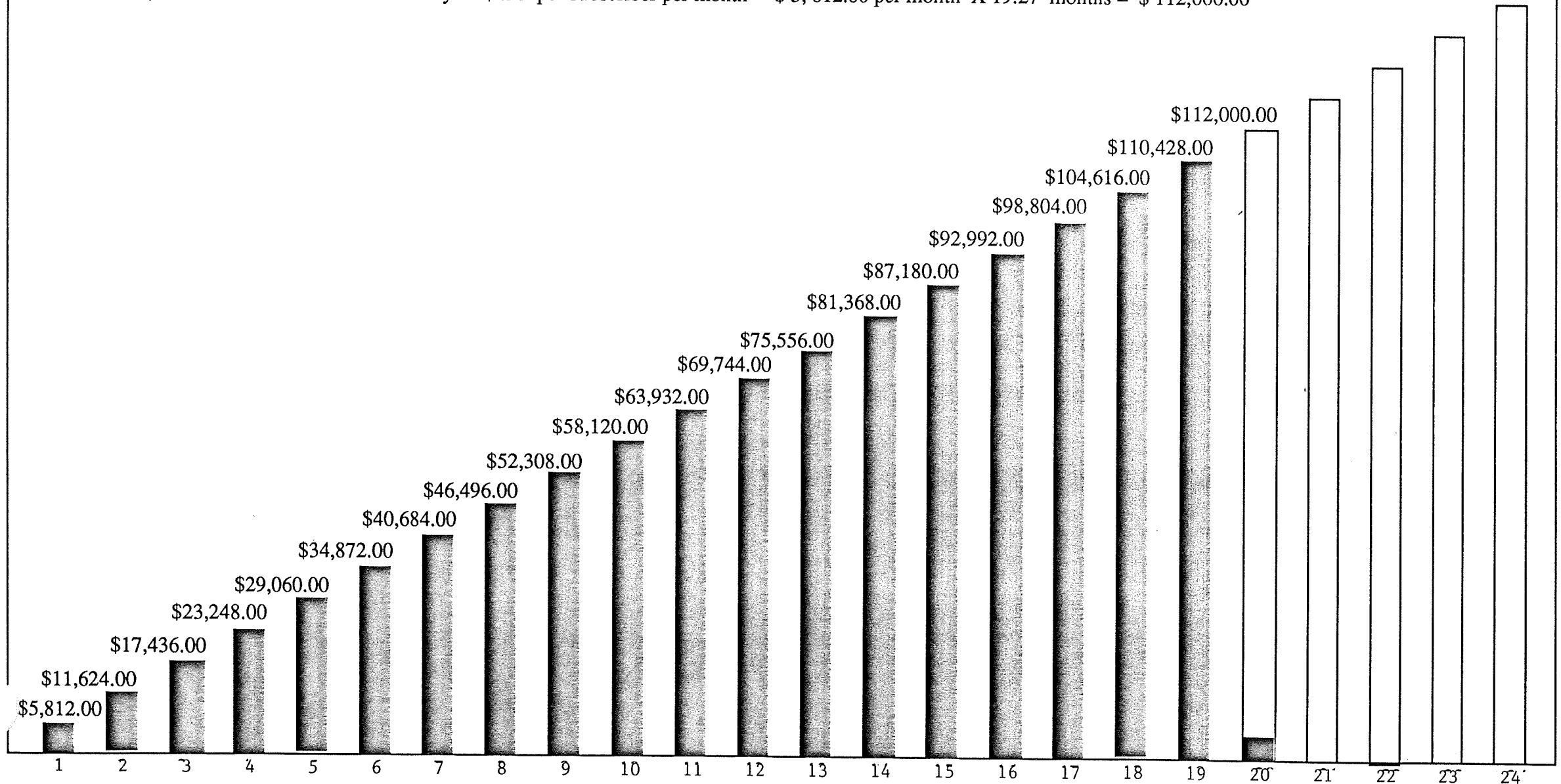
Graph based on \$.50 charge per subscriber for 24 months.

11,624 Subscribers in Labette County

Cost to install equipment \$ 112,000.00

Monthly service cost to Labette County (as of 02 / 02 / 90) \$ 7300.00

Based on 11,624 subscribers in Labette County at \$.50 per subscriber per month = \$ 5,812.00 per month X 19.27 months = \$ 112,000.00



17-4

Labette County Emergency E 9 1 1

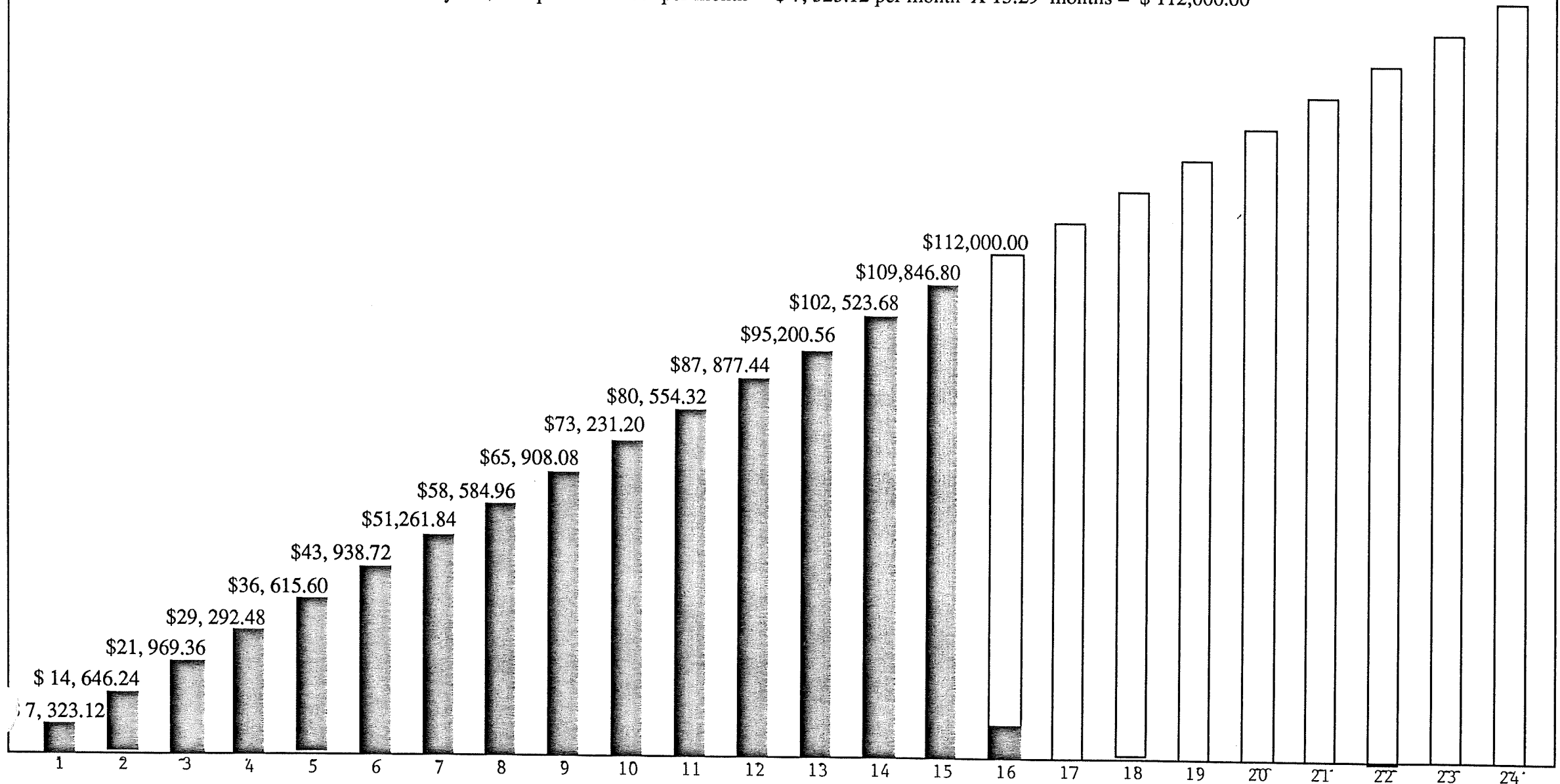
Graph based on \$.63 charge per subscriber for 24 months.

11,624 Subscribers in Labette County

Cost to install equipment \$ 112,000.00

Monthly service cost to Labette County (as of 02 / 02 / 90) \$ 7300.00

Based on 11,624 subscribers in Labette County at \$.63 per subscriber per month = \$ 7,323.12 per month X 15.29 months = \$ 112,000.00



Office Of Sheriff

SHERIFF
M.T. (Tom) Bringle

Labette County
718 5th Street
Oswego Kansas 67356

UNDERSHERIFF
J.T. (Mick) Tucker

Phones: Oswego 316-795-2565

Parsons 316-421-1400

FAX 316-795-4664

The following is a recommendation
from Labette County.

Nothing in this act shall be deemed or construed to prohibit the exercise of the powers conferred upon municipalities in connection with the financing of federally assisted housing for persons of low and moderate income.

History: L. 1982, ch. 60, § 15; April 22.

12-5234. Severability. The provisions of this act are severable and if any of its provisions, or any sentence, clause or paragraph, or the application thereof to any person or circumstance shall be held unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions or the application thereof to persons or circumstances other than those as to which the same is held invalid.

History: L. 1982, ch. 60, § 16; April 22.

12-5235. Act liberally construed. This act is necessary for the health, welfare and safety of the state, its municipalities and its inhabitants; therefore, it shall be liberally construed to effect its purposes.

History: L. 1982, ch. 60, § 17; April 22.

Article 53.—EMERGENCY TELEPHONE SERVICES

12-5301. Definitions. As used in this act, unless the context otherwise requires:

(a) "Emergency telephone service" means a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations;

(b) "Emergency telephone tax" means a tax to finance the operation of emergency telephone service;

(c) "Exchange access facilities" means all facilities provided by the service supplier for the facility which provides local telephone exchange access to a service user;

(d) "Tariff rate" means the rate or rates billed by a service supplier and as stated in the service supplier's tariffs, approved by the state corporation commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever;

(e) "Public agency" means any city, county, municipal corporation, public district or public authority located in whole or in part within this state which provides or

has authority to provide fire fighting, law enforcement, ambulance, emergency medical or other emergency services;

(f) "Governing body" means the board of county commissioners of a county or the city commission, city council or other governing body of a city;

(g) "Person" means any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;

(h) "Service supplier" means any person providing exchange telephone services to any service user in this state; and

(i) "Service user" means any person not otherwise exempt from taxation, who is provided exchange telephone service in this state.

History: L. 1980, ch. 179, § 1; July 1.

12-5302. Emergency telephone tax; imposition by cities or counties; amount of tax; protest petition; election, when; user billing and liability; collection. (a) In addition to other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may pay for it by imposing an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized by ordinance in the case of cities and by resolution in the case of counties to impose such tax in an amount not to exceed ~~two percent (2%)~~ [\$.75 or 15%] of the tariff rate in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted, whichever is greater.

(b) Within sixty (60) days of the publication of a resolution by a county adopted pursuant to subsection (a) there may be filed with the county election officer of the

county a petition signed by not less than five percent (5%) of the registered voters of the county, and within sixty (60) days of publication of an ordinance adopted pursuant to subsection (a) there may be filed with the county election officer of the county in which the city is located a petition signed by not less than five percent (5%) of the registered voters of the city, in either such case requesting that the question of the installation and operation of emergency telephone service and imposition of tax therefor be submitted to the qualified voters of the county. Upon determination of the sufficiency of such petition and certification thereof by the county election officer, the proposition shall be submitted to the qualified voters of the county or city as the case may be at the next primary or general election of county officers following by not less than sixty (60) days the certification of such petition. If a majority of the votes cast at such election are for the installation and operation of emergency telephone service and imposition of tax therefor, or if no protest petition is filed within the time hereinbefore prescribed, the governing body may provide for the installation and operation of such service and impose such tax. Such tax may be imposed for no longer than three years after which the governing body may continue to renew such tax imposition for no longer than three years at a time, subject to such protest petition provided in this subsection. The proceeds of the tax shall be utilized to pay for the operation of emergency telephone service as set forth in subsection (b) of K.S.A. 12-5304, and may be imposed at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body. ~~but collection of such tax shall not begin prior to ninety (90) days before operation of the emergency telephone service.~~

[may begin as much as 24 months in advance of the operation]

(c) Such tax shall be imposed only upon the amount received from the tariff rate exchange access lines or their equivalent. No such tax shall be imposed upon more than one hundred (100) exchange access facilities or their equivalent per person per location.

(d) Every billed service user shall be liable for any tax imposed under this act until it has been paid to the service supplier.

(e) The duty to collect any tax imposed under authority of this act from a service user shall commence at such time as speci-

fied by the governing body. Taxes imposed under authority of this act and required by it to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.

(f) The service supplier shall have no obligation to take any legal action to enforce the collection of any tax imposed under authority of this act. The service supplier shall annually provide the governing body with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the service supplier to be nonpayment of any tax imposed under authority of this act.

(g) Any tax imposed under authority of this act shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier. The tariff rates determined by or stated on the billing of the service supplier are presumed to be correct if such charges were made in accordance with the service supplier's business practices. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged.

History: L. 1980, ch. 179, § 2; July 1.

12-5303. Same; collection; records; returns; administrative fee; rate fixed annually; audit of supplier. (a) Any tax imposed under authority of this act and the amounts required to be collected are due quarterly. The amount of tax collected in one calendar quarter by the service supplier shall be remitted to the governing body no later than sixty days after the close of a calendar quarter. On or before the sixtieth day of each calendar quarter following, a return for the preceding quarter shall be filed with the governing body in such form as the governing body and service supplier shall agree. The service supplier required to file the return shall deliver the return together with a remittance of the amount of the tax payable to the office of the governing body. The service supplier shall maintain records of the amount of any tax collected pursuant to action in accord with this act. Such records shall be maintained for a period of one year from the time the tax is collected.

(b) From every remittance to the gov-

erning body made on or before the date when the same becomes due, the service supplier required to remit the same shall be entitled to deduct and retain, as an administrative fee, an amount equal to two percent (2%) thereof.

(c) At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September 1 and shall fix the new rate to take effect commencing with the first billing period of each customer on or following the next January 1. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify by registered mail every service supplier at least ninety (90) days before such new rate will become ef-

fective. The governing body may at its own expense require an annual audit of the service supplier's books and records concerning the collection and remittance of the tax authorized by this act.

History: L. 1980, ch. 179, § 3; July 1.

12-5304. Same; dedication of funds collected; authorization for contracts. (a)

Any governing body imposing the tax authorized by this act may contract directly with the provider of the emergency telephone service or may contract and cooperate with any public agency or with other states or their political subdivisions or with any association or corporation for their political subdivisions or with any association or corporation for the administration of emergency telephone service as provided by law.

(b) Funds collected from tax imposed pursuant to this act shall be spent solely to pay for the monthly recurring charges billed by the service supplier for the emergency telephone service.

History: L. 1980, ch. 179, § 4; July 1.

Articles

- 13-1. GENERAL
- 13-2. LIMITS AN
- 13-3. ELECTION
- 13-4. LEGISLATI
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- 13-5. EXECUTIV
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- 13-6. POLICE D
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- 13-11. PLANNING
- 13-12. PUBLIC U
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- 13-13a. MUNICIPAL
- 13-13b. Municip
- 13-13c. MUNICIPAL
- 13-14. MISCELL
- 13-14a. FIRE AN
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- 13-14b. HOSPITA
- 13-14c. CEMETE
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- 13-15. GENERAL
- 13-16. Limits o
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- 13-21. APPOINT
- 13-22. CIVIL SE
- 13-23. Police
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- 13-27. REVENU
- 13-28. Franch
- 13-29. MISCEL

part thereof and maintain, sell or otherwise dispose of such home mortgage loans, prescribe other payments and collect, receive and apply all income and revenues thereafter derived therefrom. An ordinance authorizing the issuance of bonds under this act may provide that payment of the principal of and interest on any bonds issued under this act shall be secured by a mortgage, pledge, security interest, insurance agreement or indenture of trust of or with respect to such home mortgage loans and a lien upon the revenues and receipts derived therefrom or from any notes or other obligations of lending institutions, with respect to which the bonds are issued. Such mortgage, pledge, security interest, insurance agreement or indenture of trust may contain such covenants and agreements as may be necessary or appropriate to safeguard the interests of the holders of the bonds and shall be executed in the manner authorized by the ordinance authorizing the bonds. The provisions of this act and any such ordinance and any such mortgage, pledge, security interest, insurance agreement or indenture of trust shall constitute a contract with the holder or holders of the bonds and continue in effect until the principal of, the interest on, and the redemption premiums, if any, on the bonds have been fully paid or provision made for the payment thereof, and the duties of the city or county and its corporate authorities and officers under this act and any such ordinance and any such mortgage, pledge, security interest, insurance agreement or indenture of trust shall be enforceable as provided therein by any bondholder by mandamus, foreclosure of any such mortgage, pledge, security interest or indenture of trust or other appropriate suit, action or proceeding in any court of competent jurisdiction; provided the ordinance or any mortgage, pledge, security interest, insurance agreement or indenture of trust under which the bonds are issued may provide that all such remedies and rights to enforcement may be vested in a trustee, with full power of appointment, for the benefit of all the bondholders, which trustee shall be subject to the control of such number of holders or owners of any outstanding bonds as provided therein.

History: L. 1982, ch. 60, § 7; L. 1983, ch. 71, § 5; May 5.

12-5231. Interlocal cooperation; limitations. (a) One or more cities or one or more counties or cities and counties may join to-

gether or cooperate with one another in the exercise, either jointly or otherwise, of any one or more of the powers conferred upon cities and counties under this act. Such joint or cooperative action shall be taken only in accordance with and pursuant to a written agreement entered into between or among such cooperating cities or counties in such form approved by the governing bodies thereof.

(b) In no event, however, shall any county or counties engage in any act or exercise any of the authority or powers conferred by this act within, or with respect to any property located within, the corporate boundaries of any city in the absence of an agreement with such city.

History: L. 1982, ch. 60, § 13; L. 1983, ch. 71, § 6; May 5.

12-5233. Powers of cities and counties; federally assisted housing. The powers conferred by this act are in addition and supplemental to, and the limitations imposed by this act shall not affect, the powers conferred upon municipalities under the provisions of the constitution or laws of the state of Kansas. Home mortgage loans may be acquired, purchased and financed, and bonds may be issued under this act for such purposes, notwithstanding that any other law may provide for the acquisition, purchase and financing of like home mortgage loans, or the issuance of bonds for like purposes, and such home mortgage loans may be made upon such terms and conditions and contain such provisions as the governing body of the city or county determines consistent with the provisions of this act notwithstanding and without regard to the requirements, restrictions, limitations or other provisions contained in any law or any other resolution. Nothing in this act shall be deemed or construed to prohibit the exercise of the powers conferred upon municipalities in connection with the financing of federally assisted housing for persons of low and moderate income.

History: L. 1982, ch. 60, § 15; L. 1983, ch. 71, § 7; May 5.

Article 53.—EMERGENCY TELEPHONE SERVICES

12-5304. Emergency telephone tax; use of proceeds; authorization for contracts. (a) Any governing body imposing the tax authorized by K.S.A. 12-5302, and amendments thereto, may contract directly with the provider of the emergency telephone service or

may contract and cooperate with any public agency or with other states or their political subdivisions or with any association or corporation for their political subdivisions or with any association or corporation for the administration of emergency telephone service as provided by law.

(b) Funds collected from tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, shall be spent solely to pay for (1) the monthly recurring charges billed by the service supplier for the emergency telephone service, (2) initial installation, service establishment, nonrecurring startup charges billed by the service supplier for the emergency telephone service, (3) charges for capital improvements and equipment or other physical enhancements to the emergency telephone system, or (4) any combination thereof.

History: L. 1980, ch. 179, § 4; L. 1984, ch. 79, § 1; L. 1988, ch. 81, § 1; July 1.

Article 54.—ASBESTOS CONTROL

Cross References to Related Sections:
Asbestos control, regulation by secretary of health and environment, see ch. 65, art. 53.

12-5401. Asbestos in buildings; determination of existence; issuance of bonds authorized, protest petition; technical assistance by secretary of health and environment; definitions. (a) When the governing body of any municipality determines that asbestos-containing material is contained in any of its buildings and that it is necessary to undertake an asbestos control project, the governing body may issue and sell general obligation bonds of the municipality for payment of the costs of such project.

(b) No bonds shall be issued or sold under authority of this section until a resolution authorizing the issuance and sale of such bonds is adopted by the governing body and published once a week for two consecutive weeks in a newspaper having general circulation in the municipality. The resolution shall specify the purpose for which bonds are to be issued and the estimated amount thereof. After adoption of the resolution, the bonds may be issued and sold unless, within 30 days following the last publication of the resolution, a petition in opposition to issuance of the bonds, signed by not less than 10% of the qualified electors of the municipality, is filed with the governing body of the municipality. If a petition is filed, the bonds shall not be issued without the question of issuing the same having been submitted

to and approved by a majority of the qualified electors of the municipality voting at an election which shall be called for that purpose or at the next general election. If a special election is called, the governing body shall give notice thereof in the manner prescribed in K.S.A. 10-120, and amendments thereto, and the election shall be held in accordance with the provisions of the general bond law. No action shall be brought in any court to contest the validity of any election held under this section, nor to contest any of the proceedings preliminary thereto, except within 90 days immediately following the certification of the results of the election.

(c) Bonds issued under authority of this section shall not be subject to any bonded indebtedness limitations nor shall the bonds be considered in determining the bonded indebtedness of any municipality. In lieu of bonds, temporary notes may be issued under K.S.A. 10-123, and amendments thereto, and the notes may, at the option of the governing body, be retired by tax levies made under K.S.A. 10-113, and amendments thereto.

(d) No municipality shall accept a bid for the removal or encapsulation of asbestos-containing material from any person or business entity which does not hold a certificate or license issued by the secretary of health and environment and authorizing the person or business entity to engage in the removal or encapsulation of such material as provided by article 53 of chapter 65 of Kansas Statutes Annotated.

(e) The secretary of health and environment shall provide, upon request, technical assistance to municipalities in performing asbestos exposure assessments and in selecting appropriate asbestos control projects.

(f) As used in this section:

(1) "Municipality" means a municipality as defined by K.S.A. 10-1101, and amendments thereto;

(2) "governing body" means a governing body as defined by K.S.A. 10-1101, and amendments thereto;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of municipalities and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or en-

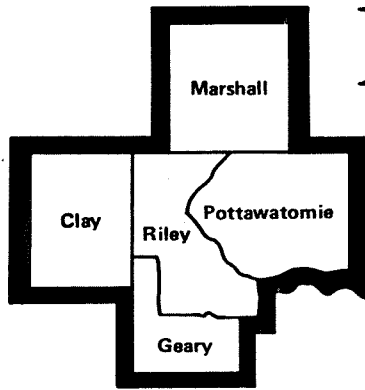
When You Need Help....



And You Don't Know Where You Are....

Enhanced 9-1-1 Emergency

attach. XVIII



BIG LAKES REGIONAL COUNCIL

104 South 4th
Manhattan, Kansas 66502-6110
(913) 776-4859
New Address: 431A Houston Street

I am Dr. Arnold Levenson from Manhattan, Kansas. I represent the Big Lakes Regional Council which is a consortium of five counties: Clay, Geary, Marshall, Pottawatomie, and Riley. Prior to my retirement from practice in 1985, I was an unpaid, volunteer consultant to the Council and county members in communications, EMS, and 911. Since that time I have been retained by individual counties in a paid capacity to design and implement EMS, law enforcement, fire/rescue, radio communication systems and basic or enhanced 911 systems.

The present 2% surcharge is approximately twenty one to twenty four cents per basic telephone charge. In rural areas this is not enough revenue to fund basic 911. Therefore, rural counties are not fiscally able to provide valuable, life saving 911 service. Many rural telephone exchanges have not been modernized to accept 911. Modification of these antiquated offices, to accept 911, is passed on to local government. Example: Pottawatomie County has eleven exchanges and five different telephone companies. Each exchange has to be modified. Non-recurring costs vary from \$100.00 to \$4000.00 each exchange. Monthly recurring charges vary from \$50.00 to \$250.00 each exchange. Not included are additional costs for key equipment and other installation costs in the 911 center. This is for basic 911 only. No frills. Monies derived from present 2% surcharge does not and will not be sufficient for self funding.

A coordinated communications system that includes a widely recognized method to call for help, such as telephoning 911, facilitates a quick and appropriate response. Confusion of what number to call may result in response delays."

Research also reports that ambulance services are used more frequently by the elderly in rural than urban areas. Rural calls are more likely to be "urgent," or "critical."

in 1987, Kansas population served by 911 was approximately 70%. There has been about a 10% increase to date. One must take into account that the majority of Kansas population is in large urban areas. Rural square miles that have access to 911 is considerably less.

The Big Lakes Regional Council endorses the enactment of House Bill 2075. This will provide all counties the financial mechanism and incentive, to initiate basic 911 service or E-911. Those areas that presently have basic 911 will also have the financial ability to upgrade to E-911. All citizens of Kansas should have the advantage of this life saving emergency service.

911 Emergency Communication Systems in Kansas

Kansas counties should develop plans for implementing 911 emergency telephone service for their residents, according to a report to be submitted to the 1989 Kansas legislature. The report, prepared by the Special Committee on Local Government, states: "The Committee believes 911 service is of paramount importance for all Kansans."

However, recognizing some of the practical, technical and financial problems, as well as the concept of home rule, the committee stopped short of recommending a mandate on all counties to install such a system. Instead, a concurrent resolution, reproduced in this article, will be introduced which strongly encourages each county to develop a plan for the implementation of 911 emergency telephone service for the county in the future.

Nine-one-one (not 9-11, since there is no "11" on the telephone dial system) is touted as a practical means for quick and easy access to emergency assistance through telephone service. In lieu of separate numbers, such as for fire, police or emergency medical emergencies, the easy to remember 911 number permits local residents as well as travelers to easily access emergency services. 911 has become common throughout the United States, with approximately one-half of the nation's population having access to 911, and as noted in this article, is becoming widespread in Kansas.

Testimony to the interim study committee shows that 53 of the 105 counties in Kansas currently are served either partially or totally by 911 systems. While 911 is found in several urban areas and counties, there are comparatively few counties where every county resident has access to 911. Testimony to the committee indicates that between 65 and 70 percent of the state's population is currently served by 911, showing its prevalence in populated areas.

The city of Lawrence, in 1966, was the first to implement emergency communications through one central telephone number. For five years Lawrence remained the only Kansas community to operate a central emergency communication system. Then in 1971, El Dorado, Elwood and Dodge City followed the successful example of Lawrence and became the first of 15 systems to be installed throughout the 1970s. Beginning in 1980, a number of new systems have been installed, as reported later in this article.

Types of 911 Systems

There are several basic types of emergency number services, ranging from what is termed Basic or B-911 to the most sophisticated system known as Enhanced or E-911. The following is a brief description of these types of 911 service and definitions of key terminology, as reported in the interim committee report.

B-911 features routing 911 calls to a single public safety answering point.

C-911 has the B-911 features plus forced disconnect, idle tone application, called party hold, emergency ring back, and switch hook status. Forced disconnect allows a public safety answering point to terminate a 911 call at any time regardless of the action of the caller. Idle tone application gives the 911 attendant an indication of the on or off hook status of the 911 caller. Called party hold allows the 911 attendant to hold the connection established for a station from which a 911 call was originated regardless of the caller's action. Emergency ring back allows a 911 attendant to ring back a call regardless of the switch hook status of the station. Switch hook status provides a visual indication of the switch hook status of the originating station on an established 911 call.

D-911 features B-911 services plus an automatic number identification (ANI) which displays the calling party's number at the answering point.

E-911 (direct trunked) features D-911 plus automatic location identification (ALI) which displays the address of the caller. E-911 has the following standard features: forced disconnect, idle tone application, manual transfer permitting the transfer of an incoming call by depressing a flash button, and alternative routing to permit routing when the answering point lines are busy or closed down. Further, speed calling is available, as well as a touch tone service line. Optional features include automatic number identification, selective routing, fixed transfer permitting transfer of a 911 call to a secondary answering point, selective transfer permitting a call transfer to another agency, as well as automatic location identification and several other call transfer features.

Financing 911

In its study, the committee found that there are 582 telephone exchanges and 40 different exchange carriers (telephone companies) in Kansas, with at least 161 exchanges being served by existing 911 service. It was estimated that it would cost \$146,278 each month to provide B-911 service, as compared with \$270,402 per month to provide E-911 service to areas not currently served. It should be noted that these figures represent telephone company costs only and do not include any costs that governmental entities may incur.

Nonrecurring charges for B-911 were estimated to be \$778,478, whereas the same charges for E-911 were estimated to be \$5,795,849.

Currently, state laws permit cities and counties to finance some of the cost of 911 by a tax on telephone service. K.S.A.

12-5301 *et seq.*, authorizes the city or county governing body to levy a tax of not to exceed two percent on the tariff rate (basic telephone rate) in those areas served by 911. The tax is subject to a petition for a referendum. A city or county which imposes the tax may contract directly with the provider of the emergency telephone service or may contract or cooperate with other public agencies or entities for the administration of the emergency telephone service.

K.S.A. 12-5304 was amended in 1988 (*Kansas Session Laws*, Chapter 81) to broaden the purposes for which the tax revenue may be expended. This section now provides: "(b) Funds collected from tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, shall be spent solely to pay for (1) the monthly recurring charges billed by the service supplier for the emergency telephone service, (2) initial installation, service establishment, nonrecurring startup charges billed by the service supplier for the emergency telephone service, (3) charges for capital improvements and equipment or other physical enhancements to the emergency telephone system, or (4) any combination thereof."

While a two percent tax may raise significant revenue in some areas, the interim committee estimated that the monthly receipts from a statewide two percent tax on all telephone companies would be approximately \$85,363 per month, or about \$1,024,356 annually. As a result, this revenue would be significantly less than needed to meet the initial nonrecurring charge as well as the operating costs.

It should be noted that most 911 cost estimates are based on the installation and direct operating costs and do not include the substantial costs of personnel dispatching services.

Use in Kansas

The following outlines existing 911 systems in Kansas as reported to the interim study committee. The information is presented by county and indicates whether the system is county-wide and/or individual cities within the listed county, as well as the type of system. It should be noted that some of the information relates to the telephone exchange rather than an individual city. For example, the 911 program of a city with a telephone exchange may cover other areas, including a nearby smaller city with the same telephone exchange.

911 Systems in Kansas

Allen: Iola - B-911. Countywide by March 1989.

Atchison: Atchison - E-911

Barton: Countywide - E-911

Butler: Andover - E-911; Augusta - B-911; Benton - E-911; El Dorado - B-911; Rose Hill - E-911; Whitewater - E-911

Clay: Countywide - B-911
Cloud: Concordia - B-911
Cowley: Arkansas City - B-911; Winfield - B-911

Decatur: Norcatur - B-911; Oberlin - B-911

Dickinson: Herington - B-911

Doniphan: Elwood - B-911

Douglas: Lawrence - B-911

Ellis: Countywide - E-911

Ellsworth: Ellsworth - C-911

Finney: Countywide - E-911

Ford: Dodge City - E-911

Greenwood: Eureka - B-911

Harvey: Burrton - D-911; Halstead - D-911; Hesston - D-911; Newton - D-911; Sedgwick - E-911; Walton - D-911. Countywide E-911 system recently authorized.

Jackson: Delia - E-911

Jefferson: Meriden - E-911

Johnson: Countywide - E-911

Kingman: Norwich - E-911

Labette: Chetopa - B-911; Parsons - C-911

Leavenworth: Countywide - E-911.

Logan: Oakley - B-911

Lyon: Emporia - B-911

Marion: Peabody - D-911

Marshall: Marysville - B-911

McPherson: McPherson - B-911; Moundridge - D-911

Meade: Plains - D-911

Miami: Bucyrus - E-911; Paola - B-911

Montgomery: Cherryvale - B-911; Independence - B-911

Neosho: Chanute - B-911

Norton: Norton - B-911

Osage: Carbondale - E-911

Ottawa: Minneapolis - B-911

Phillips: Phillipsburg - D-911

Pottawatomie: ~~St. Marys - E-911~~ *Do NOT*

Reno: Countywide - B-911. Enhanced by mid-1989.

Rice: Sterling - E-911

Riley: ~~Countywide - E-911~~ *Partial E-911*

Saline: Countywide - D-911

Scott: Scott City - B-911

Sedgwick: Countywide - E-911

Seward: Countywide - D-911. Enhanced to be installed.

Shawnee: Countywide - E-911

Sherman: Countywide - B-911

Sumner: Conway Springs - E-911

Thomas: Colby - B-911

Wabaunsee: Harveyville - E-911; Maple Hill - E-911

Wilson: Neodesha - B-911

Woodson: Yates Center - B-911

Wyandotte: Countywide - E-911

1989 Legislation

As noted earlier in this article, the Special Committee on Local Government did not propose that a mandate be imposed on all counties to install a 911 system. The majority of the committee became aware of some of the technical and financial problems such a mandate would impose on local units, with some members philosophically opposed to state mandates. However, the committee took action to strongly encourage counties to implement a system, as shown in the proposed concurrent resolution.

PROPOSED CONCURRENT RESOLUTION NO. _____

A CONCURRENT RESOLUTION encouraging each county to develop a plan for implementation of 911 emergency telephone service.

WHEREAS, The Legislature recognizes the paramount importance of the safety and well-being of the citizens of the state of Kansas; and

WHEREAS, The Legislature recognizes that when the lives or property of its citizens are in imminent danger, timely and appropriate assistance must be rendered; and

WHEREAS, The Legislature recognizes that such assistance is almost always summoned by telephone and that a multiplicity of emergency telephone numbers exist throughout the state and within any one county; and

WHEREAS, The Legislature is concerned that avoidable delays in reaching appropriate emergency aid are

occurring to the jeopardy of life and property; and

WHEREAS, The Legislature acknowledges that the three digit number, 911, is a nationally recognized and applied telephone number which may be used to summon emergency aid and to eliminate delays caused by lack of familiarity with emergency numbers and by understandable confusion in circumstances of crisis: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature strongly encourages each county to develop a plan for the implementation of a 911 emergency telephone service for the county.

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the county clerk of each county.

18-4

FEB 5 - 1990

OFFICE OF
ELLIS COUNTY COMMISSION

HAYS, KANSAS 67601

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COMMISSIONER 1ST DISTRICT
DON KIPPES, ELLIS
PHONE 913-726-4663

COMMISSIONER 2ND DISTRICT
THOMAS M. WASINGER, HAYS
PHONE 913-625-8887

COMMISSIONER 3RD DISTRICT
GUY I. WINDHOLZ, HAYS
PHONE 913-628-3695

January 31, 1990

Representative Robert D. Miller
The State Capitol, Room 183-W
Topeka, Kansas 66612

Dear Representative Miller:

We support your House Bill Number 2675. This bill addresses the emergency telephone tax change.

Thank you for your consideration in this matter.

Sincerely,



GUY I. WINDHOLZ, CHAIRMAN

GIW:dm

attach. XIX