

Approved March 2, 1990
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

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

1:36 a.m. on FEBRUARY 26, 1990 in room 521-S of the Capitol.

All members were present except:

Representative Holmes, excused
Representative Samuelson, excused
Representative Turnbaugh, excused

Committee staff present:

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

Conferees appearing before the committee:

Alan Alderson, Attorney for Kansas County Treasurers' Association
Gary Watson, Trego County Treasurer; Secretary, Kansas County Treasurers' Association
Eileen King, Riley County Treasurer
Jim Clark, Executive Director of the County District Attorney's Assn.
Representative Al Ramirez
Roy Cleland, represents the Kansas Tea Party from Kansas City, Kansas
Fred Hope, Leavenworth Co. appraiser; Pres. of Kansas Appraisers Assn.
Beverly Bradley, Kansas Association of Counties

Chairman Miller called for hearing on HB 3037.

HB 3037 - Act concerning county treasurers; relating to certification as a public finance officer.

Chairman Miller called on Alan Alderson, Attorney for Kansas County Treasurers Association, who testified in support of HB 3037 and offered an amendment requested by Dr. Martine Hammond, in the Academic Office of the Board of Regents. The balloon of the proposed amendment would consist of one simple section which would provide that a county treasurer or deputy county treasurer, in order to use the designation of "certified public finance officer," would be required to complete a course of instruction made available through a Kansas Regents institution. The course of instruction would consist of at least 40 hours of professional education and such additional hours as are determined to be necessary to maintain current certification. (Attachment I)

Mr. Alderson introduced the treasurers that were present in the committee room. Mr. Alderson answered questions from the Committee.

Chairman Miller recognized Gary Watson, Trego County Treasurer; Secretary, Kansas County Treasurers Association, who provided written testimony and testified in support of HB 3037. (Attachment II)

Chairman Miller recognized Eileen King, Riley County Treasurer, who testified in support of HB 3037 and submitted written testimony. (Attachment III) Discussion followed.

Chairman Miller recognized Bill O'Brien, Johnson County Treasurer, who testified in support of HB 3037. (No written testimony) No questions.

Chairman Miller closed the hearing on HB 3037.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S Statehouse, at 1:36 a.m./p.m. on FEBRUARY 26, 1990.

Chairman Miller called for a hearing on HB 3044.

HB 3044 - Act concerning district coroners; relating to the filing of reports.

Vice-chairman Brown recognized Jim Clark, Exec. Director, of the County District Attorney's Association who testified the Office of the District Attorney is supportive of the passage of HB 3044. There are three reasons that this bill was requested: 1) Confessions; 2) False confession; and 3) "copy cat" killer. (Attachment IV) Discussion followed.

Chairman Miller closed the hearing on HB 3044.

Chairman Miller called for hearings on HB 3030.

HB 3030 - Act relating to the county appraisers; providing for the election of the county appraisers.

Chairman Miller recognized Representative Ramirez. Representative Ramirez stated that he and Representative J. C. Long were requested to introduce HB 3030 which pertains to the election of the county appraisers. Representative Ramirez stated that Cecil Phillips and Alice Jones from Kansas City, Kansas were present; but Roy Cleland, Kansas City, Kansas was the only one who would testify.

Chairman Miller recognized Roy Cleland who testified in support of HB 3030 and stated the appraiser should be answerable to the people of this state and this can be best served through election of the appraisers position. (Attachment V) Discussion followed.

Chairman Miller recognized Fred Hope, Leavenworth County Appraiser, President of Kansas Appraisers Association, who testified in opposition to HB 3030. (Attachment VI)

Chairman Miller recognized Bev Bradley, Kansas Association of Counties, stated her Association supports the appointment of appraisers and opposes changing back to the system of electing county appraisers and opposes HB 3030. (Attachment VII)

Chairman Miller called the Committee's attention to letters received from Sam Schmidt, Riley County Appraiser and from the McPherson County Commissioners opposing HB 3030. (Attachment VIII)

Alan Steppat, Pete McGill and Associates, representing the Kansas Legislative Policy Group, submitted written testimony in opposition to HB 3030 but did not testify. (Attachment IX)

A motion was made by Representative Graeber; seconded by Representative Krehbiel to approve the minutes of February 19, 1990. The motion carried.

Meeting adjourned at 2:52 p.m.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE Feb. 26, 1990

NAME

ADDRESS

REPRESENTING

| NAME | ADDRESS | REPRESENTING |
|--------------------|---------------------|-----------------------------|
| Marilyn Brown | Hacera, Ja. Co | Treasurer |
| Jacqueline Webb | Register of Deeds | Allen County, Kansas |
| Ann E. O'Brien | County Treasurer | Johnson County |
| Nancy Kemper | Lawrence | Douglas County Treasurer |
| Eileen King | Northattan, KS | Riley County Treas. |
| Lynn Scarso | Manhato, KS | Fewell Co. Treas. |
| Karen Jones | Minneapolis, KS | Ottawa Co. Treas. |
| Keith Lilly | Salina, KS | SALINE CO TREAS |
| Billy McBride | Cherokee Kansas | Cherokee Co. Treasurer |
| Donna B. Shultz | Pratt, Kansas | Pratt Co. Treasurer |
| Nancy Weeks | Sublette, Kansas | Haskell Co. Treasurer |
| MIKE BILLWEGER | HAYS KANSAS | ELLIS CO. TREASURER |
| Judy Coiley | Stocham, KS | Russell Co. Treasurer |
| Don E. Cleland | Kansas City, Kansas | Kansas Tea Party |
| Alice M. Jones | Kansas City, Kans | Kansas Tea Party |
| Carol & Phillipa | 3355 N. K. KS | " " " " |
| Nancy Kudenheimer | Kennett, Mo. | |
| Rebecca Bossemeyer | TOPEKA | SOS |
| Joseph Johnston | McPherson | McPherson County Treasurer |
| REV BRADLEY J | Topeka | KS Assoc of Counties |
| fred W. Hope | Topeka | Ks County Appraisers Assoc |
| ALAN Steppat | Topeka | KLPG - Pete McGill & Assoc. |

ALDERSON, ALDERSON, MONTGOMERY & NEWBERY

ATTORNEYS AT LAW

1610 S.W. TOPEKA AVENUE

P.O. BOX 237

TOPEKA, KANSAS 66612-1840

W. ROBERT ALDERSON, JR.
ALAN F. ALDERSON
STEVEN C. MONTGOMERY
C. DAVID NEWBERY
JOSEPH M. WEILER
JOHN E. JANDERA
DANIEL B. BAILEY

TELEPHONE:
(913) 232-0753
FAX:
(913) 232-1866

MEMORANDUM

TO: House Committee on Local Government
FROM: Alan F. Alderson, Attorney for Kansas County
Treasurers Association
RE: House Bill No. 3037
DATE: February 26, 1990

On behalf of the Kansas County Treasurers Association, I am here today to request your favorable consideration of a very simple measure which is of great importance to members of the Association. The Association is always concerned with maintaining the competence of Kansas County Treasurers and the enactment of House Bill No. 3037 would represent an incentive for County Treasurers or Deputy County Treasurers in this state to continue their professional education, thereby benefiting all the citizens of their respective counties.

There are several County Treasurers here today to explain the need for this legislation, but before I introduce the additional conferees, I would like to request some amendments to this legislation which will further simplify this provision. These amendments are being made at the request of Dr. Martine Hammond, in the Academic Office of the Board of Regents. The amendments requested would eliminate almost all of the details of this legislation and delete those for the determination of the Board of Regents.

I have distributed a balloon of proposed amendments from which you can see that this bill, as amended, would consist of one simple section which would provide that a county treasurer or deputy county treasurer, in order to use the designation of "certified public finance officer," would be required to complete a course of instruction made available through a Kansas Regents institution. The course of instruction would consist of at least 40 hours of professional education and such additional hours as are determined to be necessary to maintain current certification. The only other provisions remaining would be necessary to make it clear that county treasurers should include the cost of this program in their budgets for themselves and their deputies.

Nothing in this legislation would mandate completion of any program of instruction. The County Treasurers Association believes that the desire to upgrade and use the designation of "certified public finance officer" will be incentive enough to attract most of the county treasurers in this state. Everyone benefits when public officials attempt to keep themselves current in all facets of their job. We believe this legislation is highly desirable and necessary to provide the Board of Regents with authority to develop the necessary programs.

I will be happy to answer any questions you might have.

LS
2-26-90
Attach I

KANSAS COUNTY TREASURERS ASSOCIATION

-- PROPOSED AMENDMENTS --

Session of 1990

HOUSE BILL No. 3037

By Committee on Local Government

2-20

9 AN ACT concerning county treasurers; relating to certification as a
10 public finance officer.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. From and after the effective date of this act, each
14 county treasurer or deputy county treasurer of this state, in order
15 to use the designation of certified public finance officer, shall be
16 required to complete a course of instruction made available through
17 a college or university authorized by agreement with the Kansas
18 county treasurers association. Such course of instruction consists of
19 at least 40 hours of professional education, and such additional hours
20 as may be required to maintain current certification. Such college
21 or university shall be an institution of postsecondary education under
22 the jurisdiction of the state board of regents.

23 Sec. 2. The board of regents is hereby authorized to promulgate
24 rules and regulations necessary to establish and accredit the certi-
25 fication program and to establish registration fees payable by each
26 county treasurer in an amount deemed appropriate to defray the
27 cost of administering this act. Any county treasurer shall include the
28 registration fees and costs of the certification program in the county
29 budget for the year in which payments on behalf of the county
30 treasurer or deputy treasurer are required to be made.

31 Sec. 3. (a) Not less than 1/2 of the credit hours necessary to
32 complete the requirements for certification shall be for programs
33 approved as relating to Kansas law or practices. The administering
34 college or university may accredit any other sponsor of courses,
35 programs or other continuing professional activities for county treas-
36 urers of this state if such college or university is satisfied that the
37 sponsor's programs will meet the standards set forth in this section.

38 (b) The following standards shall be met for any program for
39 which credit or approval is sought:

- 40 (1) It shall have significant intellectual or practical content;
41 (2) it shall deal primarily with matters related to the duties,
42 responsibilities or operation of the office of county treasurer;
43 (3) it shall be presented by a person qualified by practical or

Kansas regents
institution

2-26-90
I-2

1 ~~academic experience to present the subject;~~

2 ~~(4) written materials should be distributed whenever practicable~~
3 ~~to all participants at or before the time the program is offered; and~~

4 ~~(5) it shall be presented in a suitable classroom setting devoted~~
5 ~~to the educational activity or program.~~

6 ~~(c) Certification credit shall be awarded on the basis of one hour~~
7 ~~for each 50 minutes devoted to professional educational activities.~~

8 ~~(d) The college or university administering the certification pro-~~
9 ~~gram shall issue certificates to each county treasurer and deputy~~
10 ~~county treasurer who successfully completes certification require-~~
11 ~~ments, authorizing each such county treasurer or deputy county~~
12 ~~treasurer to use the designation "certified public finance officer."~~

13 Sec. 4. This act shall take effect and be in force from and after
14 its publication in the statute book.

2

Trego County Kansas
Courthouse
WaKeeney, Kansas 67672

GARY WATSON
Treasurer of Trego County
216 North Main Street
WaKeeney, Kansas 67672
(913) 743-2001

Dear Committee Members:

My name is Gary Watson. I am the Treasurer from Trego County and Secretary of the Kansas County Treasurers Association. I am here, today, on behalf of the Treasurers Association, to testify in favor of H.B. 3037.

Education is the foundation for competence in any occupation. Those of us that serve as public servants know the importance of that as much as anybody. In our positions, one incompetent individual reflects on all of us. For that reason, we must strive to better educate ourselves at all times.

The Kansas County Treasurers Association has recognized that need. Last year, we introduced a bill requiring Treasurers to attend continuing education classes annually. Creating a mandatory program didn't generate enough support from Treasurers throughout the state. This year, we revised the bill to make it optional. Before we introduced it, we ran a statewide survey of Treasurers. Of the sixty counties responding, forty-nine favored the certification and eleven were opposed.

Since the creation of the position of County Treasurer, many things have changed. The past 20 years has brought the most drastic changes. It takes more than just bookkeeping skills to manage the position. Dealing with employees and exercising good internal controls requires a skilled manager. Establishing a good cash management program requires a fairly comprehensive knowledge of the banking industry. Bankruptcy laws, computer literacy, and purchasing policies are just a few of the things that the County Treasurer has to know to conduct the day to day activities in their office.

County government has become a big business dealing in millions of dollars every year. Since the County Treasurer is directly accountable for that money, it is imperative that we have the knowledge to perform our duties to the highest degree possible. The failure to do so can potentially cost the taxpayers thousands of dollars.

We have attempted to prepare a program favorable to all county treasurers. Though we don't expect 100% participation, we do expect an overwhelming majority of counties to participate. This indicates a desire to better serve the taxpayers that we

LS
2-26-90
Attach II

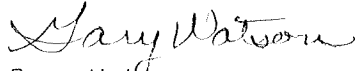
Trego County Kansas
Courthouse
WaKeeney, Kansas 67672

GARY WATSON
Treasurer of Trego County
216 North Main Street
WaKeeney, Kansas 67672
(913) 743-2001

represent. It is because of that desire that I would urge your support of this bill.

If you have any questions, I will attempt to answer them at this time.

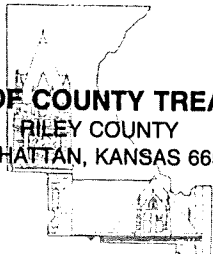
Sincerely,



Gary Watson
Trego County Treasurer
Secretary, Kansas County Treasurers Association

2-26-90
2-2

OFFICE OF COUNTY TREASURER
RILEY COUNTY
MANHATTAN, KANSAS 66502



TO: Members of the House Local Government Committee
FROM: Eileen King, Riley County Treasurer
RE: House Bill 3037

Mr. Chairman and Members of the House Local Government Committee:

Thank you for the opportunity to speak in favor of House Bill 3037 relating to the certification of a public finance officer. I have been Treasurer of Riley County for a little over 4 years. I was elected Treasurer in 1984, I have 2 degrees in Accounting and I had a very good working relationship with the former Treasurer, although I was not employed in the office until after my election. Thus when I took office I was well-prepared; however, not all newly elected Treasurers are as fortunate as I was. Some new Treasurers are not allowed in the office until the day they are sworn in. Some take office knowing what to expect and do, while others haven't had any experience with the office. Even though it is possible for voters to elect an unqualified person as Treasurer, is it fair to the taxpayers of that county, if that person does not have the opportunity to learn the necessary skills? As you can see this could create problems. Since there is an 11 month lag from the time Treasurers are elected until they take office, this is an ideal time frame to provide training for those who do not possess the knowledge to discharge their duties as set forth in the Kansas Statutes.

Riley County is a medium size county. I am responsible for over \$30 million dollars of taxpayers money annually. A difference of only .5% in an interest rate on this money would equate to \$150,000 annually. The financial impact on various counties would be different, but it would still be significant to them. The interest earned on investments helps reduce the mill levy for the county, as all of the interest goes into the county general fund. With prudent investment procedures, a well-trained Treasurer can maximize the interest earned on the county's investments. There are many types of accounts that earn interest: Checking, Savings, Money Markets, NOW, Repurchase, and CD's to name a few. There are advantages and disadvantages of each that must be weighted in order to find the optimal mix. In these times of financial crisis for counties and the property tax problems, we must find every way to see that all counties have the opportunity to take advantage of all types of financial avenues, in order to make the best possible investments for the county.

24
2-26-90
Attach III

We are willing to work with the Board of Regents, to insure that the best possible curriculum is available to cover all areas of the Treasurer's duties. Besides the investments that I have referred to, there are many other areas in which a Treasurer in the 1990's will need to know. Each year we are seeing more bankruptcies filed, this is a very complicated area and many Treasurers feel very uncertain in handling these matters. All Treasurers must know and understand, the Kansas Statutes that govern our office. This applies not only to the official duties of the office, but the motor vehicle laws, property tax laws, banking laws, bond and warrant laws and sales tax laws to name a few. In addition, personnel laws are constantly changing and getting more complex, we must also know these laws when dealing with our employees.

As you can see our jobs are becoming more complex each year, we are not just bookkeepers for the county. We would appreciate your favorable vote on this bill to help us educate the Treasurers from all across the state, so that they can do the best job possible for their respective counties. Many other professions have gone this same route to provide initial training and continuing education for those in their professions. Some of the professions that have incorporated a continuing educational program include nurses, teachers and C.P.A.'s. In the beginning, we do not wish to make this mandatory for all Treasurers because some of them feel uneasy about this significant change. However, we would hope that after everything is in place that all Treasurers will see it as a great opportunity. This is what happened when the nurses started their continuing education. Learning should never end, we should all strive to improve ourselves at every possible opportunity. In this ever-changing world of ours, we are all going to need the skills to look at tomorrow as a challenge rather than be guilty of saying "we've always done it this way."

We must be willing to change and look to the future for improved methods for doing our jobs to make them more effective and efficient. The optional certification will give every Treasurer the opportunity to gain the knowledge and skills necessary to be a prudent County Treasurer.

I thank you for your time and strongly urge your support for House Bill 3037 for certification of public finance officers. I would be happy to respond to any questions that you may have.

OFFICE OF THE DISTRICT ATTORNEY
EIGHTEENTH JUDICIAL DISTRICT
SEDGWICK COUNTY COURTHOUSE
535 N. MAIN
WICHITA, KANSAS 67203



NOLA FOULSTON
District Attorney

(316) 268-7281

OUTLINE OF TESTIMONY BEFORE
HOUSE JUDICIARY COMMITTEE WITH REGARD TO HOUSE BILL 3044
BY NOLA FOULSTON, SEDGWICK COUNTY DISTRICT ATTORNEY

Thank you for the opportunity to address this Committee with regard to House Bill 3044. The Office of the District Attorney is supportive of the passage of this legislation providing that in suspected homicide cases, the coroner's report of death should not be filed without the approval of the district or county attorney.

The Sedgwick County District Attorney's Office believes in the principle that certain records and reports should be accessible and available to the public. However, there are, upon occasion, circumstances which dictate that records should not be made immediately available to the public. That would be under circumstances where a legitimate law enforcement purpose would be served by keeping certain records confidential until their disclosure would no longer jeopardize public welfare. Such a circumstance can be presented with regard to the coroner's report of death in suspected homicide cases.

In Kansas, the District Coroner is obligated to conduct post-mortem examinations upon the bodies of those persons who death occurred under suspicious circumstances. This would include the death of persons who are homicide victims. Typically, the coroner's report of death consists of a facing page which contains basic information about the deceased, the nature and circumstances of the death, and the coroner's finding as to the cause of death. Attached to this document and made a part of it, one usually finds the comprehensive report by the pathologist who performed the autopsy. Both documents contain critical information that may be crucial to law enforcement in the investigation of a homicide. The premature release of such information might well compromise an investigation and indeed make it impossible to successfully complete such an investigation.

LD
2-26-90
Attack. IV

The autopsy report by the forensic pathologist will generally include information about the condition of the body, the nature of the wounds, location of the wounds, or further identifying characteristics such as scars, tattoos, and any other such matters. The forensic autopsy report will also give the actual cause of death and any contributing causes. This type of information is absolutely vital in conducting a homicide investigation. Such information along with other information derived by detectives at the scene (such as the location of a broken window or placing of a body inside of a residence or the actual type of weapon which was used) is usually jealously guarded by law enforcement. The reason to keep such information confidential until a suspect has been apprehended and charged with the offense breaks down into three categories:

The first category has to do with confessions. In a murder case, no one other than the law enforcement officials who were involved in the investigation and saw the condition of the body of a victim and the murderer know exactly what happened. The location of the wounds on a body, the number and type of wounds that a victim has received, any identifying characteristics on a body such as a scar or a tattoo are all information which can be used in police interrogations to verify or refute statements given by suspected perpetrators.

In a murder case which occurred a number of years ago in Wichita, a young woman was brutally attacked and stabbed to death. The injuries to the body were gruesome in the extreme. No perpetrator was found for some time. Ultimately it was discovered who the perpetrator was, and it was further discovered that he had made incriminating statements to some friends. The wounds which the victim received in that case were gruesome. She was stabbed, and her body ripped open by a knife down her chest and abdomen much like an animal that was slaughtered. That particular information was never made public. Years later, Leonard Bell was arrested in Colorado and returned to Wichita to face trial on this charge. It was discovered that he had told friends of his about stabbing the deceased and described how he had "ripped it up to her throat and back down again" and "he had stabbed the girl in the chest and brought the knife down" and "that he had cut her like a hog." The descriptions which the friends gave of the injuries to the body of the deceased correlated almost precisely with the finding in the coroner's report of death. Had this information been disseminated to the general

public, it would have been impossible to show that the statements by Leonard Bell had come from any source other than the fact that he murdered the victim.

The second reason for retaining confidentiality of such reports is to eliminate the possibility of false confessors to crimes who do so for the attention or other deluded reasons. This is a phenomena that is all too well known to law enforcement. Of course, when someone confesses to a crime, law enforcement officers must investigate a person and see whether or not there is reason to believe that that person actually committed the crime to which they confessed. In a homicide case, the nature and circumstances of the death are information which can be used to eliminate these false confessors. If such information is made known to the general public before a suspected perpetrator is apprehended, then valuable time of law enforcement agents must be used to eliminate false confessors. This is time which could best be spent in locating and apprehending the true perpetrator.

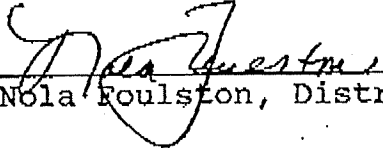
The third reason for not making such information public until the perpetrator has been apprehended is to reduce the possibility of "copy cat" crimes. These are crimes which resemble the crime which was committed by one person but which were, in fact, committed by another. There has not, to my knowledge, been a confirmed case of a copy cat crime in Sedgwick County, at least not a copy cat homicide. However, this phenomena is not unknown in larger jurisdictions and is a possibility. If all the details of a death of someone in a homicide case are made public, then it is difficult, if not impossible, to discover whether or not copy cat crimes are occurring. If law enforcement agencies cannot determine whether one or multiple perpetrators are committing crimes in the community, it can lead to confusion and greatly increase the difficulty in solving such crimes. Further, if one perpetrator is caught, and the police are unaware that there are copy cat perpetrators, the persons who commit crimes may be undetected and unpunished.

It is not the intention of this bill that the information that is contained in coroners' reports of death will never be made a public record. That is not the case. The stated and limited purpose for this bill is to allow law enforcement agencies to hold back vital information that will materially aid them

in the apprehension and prosecution of murderers in this State until the perpetrator has been caught. Once a person has been charged with a crime for which a coroner's report has been withheld, such a report could then safely be made a part of the public record. The report itself will be used during the trial of the accused and will become part of the public record of the case.

The Office of the District Attorney supports the passage of this necessary legislation.

Respectfully submitted,



Nola Foulston, District Attorney

House of Representatives
Legislative Session 1990

Standing Committee of The House Legislative Session, 1990

Local Government

Chairperson - Robert D. Miller (Bob)
Vice-Chairperson - Nancy Brown
Clyde Graebez, Carl Holmes, Robert Krehbiel Hatha Hurt,
Al Lane, Rick Bowden, Mary Jane Johnson (Ranking Minority
Member), Eloise Lynch, Gayle Mollenkamp, Kerry Patrick,
Richard Reinhardt, Jim Russell, Ellen Bauman Samuelson,
Michael Tom Sawyer, Hank Turnbaugh, Robert Watson,
Vernon Williams.

| | | | | | | | |
|----------|-----|-----|----------------|------------|-----|-------------|------|
| Miller | Rep | 110 | Russell | Mollenkamp | Rep | Russell | Spgs |
| Brown | Rep | | Stanley | Patrick | Rep | Leawood | |
| Graeber | Rep | | Leavenworth | Reinhardt | Dem | Erie | |
| Holmes | Rep | | Liberal | Samuelson | Rep | Newton | |
| Krehbiel | Dem | | Pretty Prairie | Russell | Rep | Coffeyville | |
| Hurt | Dem | | Manhattan | Sawyer | Dem | Wichita | |
| Lane | Rep | | Mission Hills | Turnbaugh | Rep | K.C.K | |
| Bowden | Dem | | Goddard | Watson | Dem | K.C.K | |
| Johnson | Dem | | K.C.K | Williams | Rep | Wichita | |
| Lynch | Dem | | Salina | | | | |

House Committee Meeting Schedule 1990

House Bill 3030 Local Government 02-26-1990 1:30pm R521 South
Al Ramirez 913 Sheidley Bonner Springs 66102 441-4281
James W. Long 7006 Georgia Ave. Kansas City, Kansas 66109 299-0223

House Bill 3030 is The Kansas Tea Party request of its
lawmakers to return the right of the Kansas voters to elect
the County Appraisers of their choice.

LY
2-26-90
Attach. V

House of Representative Committee Meeting
on Local Government House Bill 3030
02-26-90 1:30pm

My name is Roy G. Cleland, I have been asked by Juanita Chrisman spokesperson of The Kansas Tea Party to speak on behalf of this Kansas Tea Party delegation and our other members of The Kansas Tea Party.

The Kansas Tea Party came into existence because of the many problem's we were experiencing with The Reappraisal and Classification.

First, the way Kansas property was being classified.
Second, the way Kansas property was being appraised.

Many taxpayers went down to the County Courthouse to protest their reappraisal and classification, many taxpayers we heard from came away from filing their protest very unhappy. Those who came away unhappy then paid their taxes under protest. After paying their taxes under protest the next step was to go to the County Appraiser's office for thier hearings. This is where most Kansas taxpayers ran into many problems. Many of them came away with the following feeling.

The Appraiser gave them the opinion that their hands were tied and there was not one thing they could do, it wasn't their fault that our Kansas Legislators passed the reappraisal and classification law and that the Kansas voters had voted for this law.

The biggest problem was when the Appraiser and their employees were telling The Kansas taxpayers if we disagreed with their appraisal, we could have a private appraisal done and "maybe" there could be a change in their appraisal. This means that we have to prove by coming up with more dollars that we are rigt and that our appraisal was unfair. Many of us taxpayers cannot come up with the extra tax money so we have to go with an unfair appraisal. The appraiser's office stated that they could not make individual trips to appraise individual properties.

One taxpayer stated that if they would reduce his taxes by 8000 dollars he would not mind paying his taxes, but he was told that even if the appraiser did O.K. the 8000 dollar reduction, chances are that the State Board of Tax Appeals would overturn the appraiser reductions.

Because of our experience with the appraiser's office and reading about many others who have had the same experience,

we in our neighborhood decided to start a group called the Kansas Tea Party as a means for us to come together and discuss the unfair property tax appraisal and give others an opportunity to express their dissatisfaction with the Kansas tax reappraisal and classification.

The Kansas Tea Party members made up a questionnaire which we called "The Kansas Reappraisal Is A Disaster". In less than two months we received 1540 answers. These questionnaires were turned over to Representative Al Ramirez after our local officials had a chance to see them. We are hoping our lawmakers will have a chance to see some of these questionnaires.

In an article in the Kansas City Star on 12/3/89 entitled Reappraisal: A Matter of Approach, Wayne Tenebaum, a Kansas City based reassessment consultant said some dissatisfaction is inevitable after a statewide updating of property values. He said and I quote "I don't care when or where you have reassessment, you're going to get the newspaper story about the little old lady who can't pay her taxes."

The article is also quoted to say "People criticize reappraisal, but they forget about the effect of unequal taxing." "Getting people to pay their fair share is never popular. But over time, they get use to it."

This is very true because not only one little old lady's story was found on these questionnaires but many painful stories were revealed. One story, however, stood out that of Monica Warner who lives at 2750S. 52nd, Kansas City, Kansas. She stated and I quote "My husband Dugan suffered a fatal heart attack on 11/7/89 after receiving our tax statement. He died 11/24/89. Real Estate Taxes killed my husband".

This is only one of many reasons we feel we need a person who cares about the people of Kansas. The Appraiser should be answerable to the people of this state and we feel that this can best be served through election of the Appraisers position.

We the Kansas Tea Party Members thank you ladies and gentleman for giving this time to express ourselves.

Reappraisal continued from pg. 1B

new values this year to figure 1990 taxes.

● Missouri lawmakers created more flexible assessment ratios and were able to shift with the political winds. Kansas ratios were locked in by a 1986 constitutional amendment.

● Before reappraisal, many Missouri property values, especially businesses, were on the tax rolls at closer to their actual market value than were similar properties in Kansas.

● Property taxes in Missouri, even after reappraisal, are lower than in Kansas. Missouri real estate taxes are below the national average, while Kansas' are higher.

"Missouri did a few things right," said Bob Knuth, executive director of the Taxpayers Research Institute of Missouri, a business-supported group that played a significant role in lobbying for statewide reappraisal.

"We were reasonable in our classifica-

tion system, we put a cap on the total value that could be placed on the books, and we put in place rollback provisions that were absolute," he said.

Kansas Sen. Fred Kerr, a key reappraisal figure, acknowledged that Missouri reassessment brought fewer protests.

But Kerr, a Pratt Republican who is majority leader of the Senate, said the new property values generally are not far off the mark.

"We're hearing from the ones who were hard hit," said Kerr, who served last week on a joint legislative committee on reappraisal and classification. The panel recommended several tax relief measures to be considered by the Legislature when it convenes in a special session Friday.

"Some people have legitimate concerns," Kerr said. "But it's hard (for us) to gauge the intensity of the feelings statewide. When we are here for these

meetings at the Capitol building and hundreds of people are carrying signs and chanting slogans, our perspective gets distorted."

Keeping the lid on

Some Kansas officials have complained that local governments took advantage of exemptions in the budget lid to make sure they didn't lose money under reappraisal.

As a result, some taxing entities will enjoy double-digit increases in their budgets this year—money that will come from the huge increases in some property owners' tax bills.

Tenenbaum, whose firm represents property owners in 42 states, said Kansas did a good job in placing new values on property but a terrible job in preventing local government windfalls.

Missouri avoided that problem by virtue of the Hancock Amendment, a com-

prehensive spending lid for state and local government, and an even stricter rollback law for reassessment.

"Those two things were both missing in Kansas," Tenenbaum said.

Kerr said he wants to reopen the appeals process in Kansas to correct some unfair appraisals. Ten or 12 counties, including Reno and Kingman, which both border Sedgwick County in south-central Kansas, may need to be reassessed entirely, and problems are scattered elsewhere, he said.

Kerr said one reason Missouri reappraised with less turmoil was that it took more than five years to complete the process.

"Kansas (reappraisal) was done rapidly—some would say too rapidly," Kerr said. "But no matter how good any system is, there will always be some pain, and there always will be something that needs fixing."

Although there are some problems,

Kerr said it was too soon to recommend major changes.

He said he supports some short-term relief for small businesses with the largest tax increases and a delay for homeowners in paying the first half of their tax bill.

Locking in rates

When Missouri lawmakers saw in 1984 that reassessment was about to clobber homeowners, they quickly passed a law to shift the burden to business properties.

Kansas lawmakers don't have that option, because assessment rates in that state were established by voters in a 1986 constitutional amendment. It would take another amendment to change the rates.

Kerr acknowledged that having the rates in the constitution makes it diffi-

See Reappraisal, pg. 9B, col. 1

Reappraisal: A matter of approach

By Gregory S. Reeves
and Connie Bye

staff writers

Results have differed in Kansas, Missouri

Angry Kansas property owners marched in Topeka last week to protest reappraisal, while their Missouri neighbors accepted statewide reassessment in 1985 with barely a whimper.

But nationwide, Missouri may have been the exception, experts say.

Whenever a state undertakes an extensive reappraisal of property, officials should expect to fine-tune the process later to calm some unhappy taxpayers, said Howard Boice, a spokesman for the Arizona Department of Revenue. Nearly 20 years ago, Arizona legislators ordered a reappraisal and faced problems

similar to those now confronting lawmakers in Kansas.

"The fact is this: People often forget that the purpose of reappraisal is not to raise or lower taxes," he said. "The sole purpose is to provide a fair and equal taxing system."

Missouri's apparent ease with reappraisal and Kansas' woes can be traced to several factors, experts say.

Missouri vs. Kansas

Wayne Tenenbaum, a Kansas City-based reassessment consultant, said some dissatisfaction is inevitable after a statewide updating of property values.

"I don't care when or where you have reassessment, you're going to get the newspaper story about the little old lady who can't pay her taxes," said Tenenbaum, a former Jackson County assessor.

Kansas officials, however, created the current uproar by trying to appease owners of all kinds of properties, Tenenbaum said.

They kept residential rates low, exempted business inventories, livestock and farm machinery and approved a budget lid with too many loopholes and exemptions, he said.

"They tried to make everybody happy.

The old theory is if you're making everybody happy you're doing something wrong, and I think the state of Kansas proved it," Tenenbaum said.

Major differences helped Missouri avoid an uproar:

- Missouri clamped iron-tight budget lids on local governments, preventing reassessment from becoming a windfall. In Kansas, some local governments took advantage of the 52 allowed exemptions and expanded their budgets despite a state-mandated budget lid.

- Missouri took longer to reappraise, starting in the late '70s with legislation that did not result in statewide reassessment until 1985. The Kansas Legislature ordered reappraisal in 1985 and used

See Reappraisal, pg. 8B, col. 1

5-5

**EXECUTIVE COMMITTEE
OFFICERS**

FRED HOPE
President
Leavenworth County Courthouse
Leavenworth, Kansas 66048
913-682-7611

MARK LOW
President Elect
Meade County Courthouse
Meade, Kansas 67864
316-873-2206

LARRY CLARK, C.K.A.
Vice President
Wyandotte County Courthouse
Kansas City, Kansas 66101
913-573-2895

GARY POST, C.K.A.
(Immediate Past President)
Seward County Courthouse
Liberal, Kansas 67901
316-624-0211

TERESA MARENGO
Secretary/Treasurer
Leavenworth County Courthouse
Leavenworth, Kansas 66048
913-682-7611

**EXECUTIVE COMMITTEE
BOARD MEMBERS**

GARY SMITH
(Northeast Region)
Shawnee County Courthouse
Topeka, Kansas 66603
913-291-4103

TERRY BROWN, C.K.A.
(Southeast Region)
Montgomery County Courthouse
Independence, Kansas 67301
316-331-4510

RHONDA RAHMEIER
(North Central Region)
Lincoln County Courthouse
Lincoln, Kansas 67455
913-524-4958

NORMAN SHERMAN
(South Central Region)
Commanche County Courthouse
Coldwater, Kansas 67029
316-582-2544

MARK NIEHAUS
(Northwest Region)
Graham County Courthouse
Hill City, Kansas 67642
913-674-2513

CYNTHIA GOEBEL
(Southwest Region)
Hodgeman County Courthouse
Jetmore, Kansas 67854
316-357-6211

KANSAS COUNTY APPRAISERS ASSOCIATION

M E M O R A N D U M

TO: Local Government Committee

DATE: February 26, 1990

SUBJECT: HB 3030

FACTS:

1. Prior to 1976 County Appraisers were elected officials.
2. At present time, County Appraisers are appointed to 4 year terms by County Commissioners.
3. Persons appointed to be County Appraisers are required to successfully complete an examination administered by Property Valuation Division (PVD) of the Department of Revenue. Passing the examination places the person's name on an eligibility list maintained by PVD.
4. In order to remain on the eligibility list an appraiser has to successfully complete 120 hours of continuing education in each 4 year period.
5. The successfully completed course cannot be repeated for eligibility credit before six years elapse.

The present system provides for and insures a degree of professionalism in County Appraisers that would be lost if the position is returned to an elected position. Maintaining the current level of expertise in an elected environment would be very difficult.

The trend in recent years has been away from elected appraisers, rather than the reverse.

LS
2-26-90
Attach III

Professional
Designation



Certified
Kansas Appraiser

Affiliation



International Association
of Assessing Officers



Kansas
Association
of Counties

Affiliation



North Central
Regional Association
of Assessing Officers

Local Government Committee
February 26, 1990
Page Two

Since the ad valorem tax system is based on valuing both real and personal property, it is imperative that the values be fairly and professionally determined. Our current system provides for fair and equitable values.

Probably the foremost argument against electing the appraiser is that the appointment system removes the inclination to tamper with or change values to repay or favor political friends, allies, or contributors to his political efforts or campaigns.

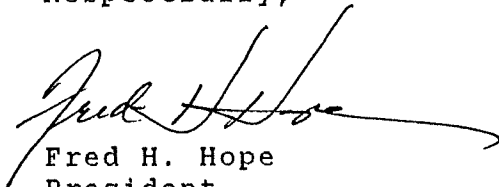
The property owner currently has recourse against the appointed appraiser through the elected officials, (the County Commissioners), who appoint him or her.

Prior to this proposed legislation being passed out of committee, I beseech the members to very carefully study the impact on several other House Bills i.e., 2741, 2742, & 2743. These bills deal with formation of appraisal districts by counties, increasing the experience level required of appraisers before they can be appointed, and the elimination of the use of appraisal contractors in appraisal maintenance.

In addition, SB 324 should be explored prior to going further with HB 3030. SB 324 is a bill dealing with enacting the state certified real estate appraisers act; providing for certification and registration of certain real estate appraisers; prohibiting certain acts and providing penalties for violations.

I feel that to return to elected appraisers would be a return to "bad times gone by" and would not be in the best interest of all property owners and taxpayers. I respectfully recommend that HB 3030 be reported out unfavorably by this committee.

Respectfully,



Fred H. Hope
President
Kansas County Appraisers Association



"Service to County Government"

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

EXECUTIVE BOARD

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

Vice-President
Marjory Scheufler
Edwards County Commissioner
R.R. 1, Box 76
Belpre, KS 67519
(316) 995-3973

Past President
Winifred Kingman
Shawnee County Commissioner
(913) 291-4040
(913) 272-8948

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

Gary Post
Seward County Appraiser
(316) 624-0211

DIRECTORS

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

Marion Cox
Wabaunsee County Sheriff
(913) 765-3323

John Delmont
Cherokee County Commissioner
(316) 848-3717

Keith Devenney
Geary County Commissioner
(913) 238-7894

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

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

Roy Patton
Harvey County Weed Director
(316) 283-1890

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 26, 1990

To: Representative R. D. Miller, Chairman
Members House Local Government Committee

From: Bev Bradley, Legislative Coordinator
Kansas Association of Counties

Subject: HB 3030 Election of Appraisers

The Kansas Association of Counties has requested legislation to allow for the appointment of the county appraiser by the county governing board during the month of July every fourth year. We support the appointment of appraisers and therefore oppose changing back to the system of electing county appraisers.

We support the option of allowing governing boards to create appraisal districts. There is one in Kansas, Kiowa and Comanche counties. We also support the option of employing a part time appraiser and allowing an appraiser to serve more than one county, but not forming a district. This is currently done in at least seven counties. Another plan that works well in some small counties is that of having the county clerk also serve as the county appraiser. These options are important, because each county can adopt the plan best suited to their needs. This would not be possible with elected appraisers.

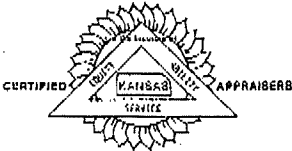
The function of the county appraiser is to determine values of property, not to keep the electorate "happy". It is not appropriate to politicize the office.

We request that this bill be reported unfavorably.

TSB3030

LY
2-26-90
Attack. VII

Riley County Appraiser



Sam Schmidt, CKA
Appraiser

913-537-6310
110 Courthouse Plaza
Manhattan, Ks. 66502

February 26, 1990

Representative Katha Conner Hurt
1921 Anderson Ave.
Manhattan, KS 66502

Dear Katha:

During the twenty years I have been in the County Appraiser's office I have seen many changes, some good and some bad. I cleaned up one reappraisal in 1970 and implemented one in 1989. One was done under an elected office the other appointed. Drawing from these experiences the worst thing this legislature could do is change the County Appraiser to an elected office.

Sincerely yours,

A handwritten signature in cursive script that reads 'Sam Schmidt'.

Sam Schmidt, CKA
Riley County Appraiser

SS:sj

LS
2-26-90
Attack VIII

FEB 26 1990

McPHERSON COUNTY

February 23, 1990

The Honorable Robert D. Miller
State Capitol, Room 183-W
Topeka, KS 66612

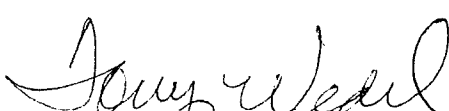
Dear Representative Miller,


The Board of McPherson County Commissioners would like to express our opposition to HB3030, which calls for the election of county appraisers. Making the county appraiser an elected official would be a step backward for county government. Instead of the county commission having the ability to appoint well trained and qualified county appraisers, we would in all likelihood, end up with a county appraiser, who has very little knowledge and training in appraisal work and very few management skills. Another factor to consider, is that elected officials have to live within the county, which would reduce the pool of qualified candidates for appraiser.


County government in the State of Kansas is a big business. Elected county officials in many counties are responsible for the collection, distribution and investment of millions of tax dollars and the management of million dollar budgets. The Board of McPherson County Commissioners feel that it is important to insure that the officials who watch over these tax dollars and budgets meet certain professional qualifications and standards. For this reason it is important that we do not make the position of county appraiser an elected office.

It is McPherson County's goal to raise the level of professionalism in county government. Therefore, the Board of McPherson County Commissioners would respectfully request that the legislature establish an interim committee to consider the development of certain qualifications, skills and standards that must be met before any person can become a candidate for the elected administrative position of county clerk, county treasurer, county sheriff or register of deeds. The Board believes it is time that both the state and the county work together to raise the level of professionalism in county government, not take a step backward by creating another unqualified elected official.

Thank you for your concern on this matter. If we can provide any further information, please contact our office at 316/241-8149.


Tony Wedel, Chairman


John C. Magnuson, Member

 2-26-90
Dean R. Bacon, Member
8-2

McPHERSON COUNTY COMMISSIONERS



Kansas Legislative Policy Group

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

TIMOTHY N. HAGEMANN, Executive Director

TESTIMONY TO
HOUSE LOCAL GOVERNMENT COMMITTEE
ON
HOUSE BILL 3030
FEBRUARY 26, 1990

Mr. Chairman and members of the committee, I am Alan Steppat of Pete McGill and Associates. We appear on behalf of the Kansas Legislative Policy Group which is an organization of county commissioners who represent 24 counties from primarily rural areas of the state. We strongly oppose HB 3030.

At this point in time, the state of Kansas does not need the additional chaos that HB 3030 would create.

HB 3030 would also create additional expense to every county in Kansas at a time when every entity is being encouraged to reduce spending and at the same time increase efficiency.

If this bill were to become law - there probably would not be enough appraisers qualified to meet the demand for each county to have their own appraiser. At the same time, many well qualified county appraisers who are doing a good job, would not remain in that position - as being elected rather than being

LS
2-26-90
Attack TX

appointed, would make their job even more stressful than it currently is.

We respectfully urge you to not recommend this bill for passage.