

Approved March 14, 1990
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

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

9:00 a.m./~~p.m.~~ on March 2, 1990 in room 531-N of the Capitol.

All members were present except:

Sen. Steineger - Excused

Committee staff present:

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

Conferees appearing before the committee:

Bev Bradley, Kansas Association of Counties

The hearing began on SB 728 relating to the maintenance, repair and construction of township roads. Sen. Frahm reported that she has continued to receive concerns about it. She feels the bill will not be without controversy.

Bev Bradley, Kansas Association of Counties, testified in support of SB 728. (See Attachment I.) She agreed with Sen. Frahm that the bill will not be without controversy because the townships do not want counties to tell them what to do, however, the problem still needs to be addressed.

Committee discussion followed regarding the many townships that are having difficulty in maintaining their roads. Ms. Bradley noted that the county does not have any leverage over townships.

Sen. Gaines suggested that the contract between the township and the county may not be valid because there is no way to increase the rate over the years. It was felt that the Attorney General would find the contract is not binding which may be the answer the township is wanting. Staff will write the Attorney General for his opinion and include a copy of the contract in question. The Chairman will request that the bill be rereferred.

The Chairman informed the committee that he had received a letter from the Miami County Commissioners expressing their concern about governmental entites no longer being immune to law suits. (See Attachment II). This is causing a great deal of problems for Miami County in that the liability insurance has become too high to carry any more. The Chairman asked for any suggestions to alleviate their problem. Bev Bradley said the counties are forming a multi-county risk insurance pool at this time which should be completed sometime this summer. The Chairman asked staff to reply to the letter with this information.

The minutes of March 1 were approved.

The meeting was adjourned at 9:30 a.m.



"Service to County Government"

To: Senator Don Montgomery, Chairman
Members Senate Local Government Committee

From: Bev Bradley, Legislative Coordinator
Kansas Association of Counties

Subject: SB 728 Maintenance and construction of township roads

We understand that this bill was introduced in an effort to solve the problem of maintenance, repair and construction of township roads by counties and the concern of liability resulting from providing this service. This problem exists in counties that are not under the county unit road system.

When a township has petitioned or voted to turn the maintenance, repair and construction of the township roads to the county as provided in KSA 68-561, the statute allows the township board to turn over road equipment and unused road money to the county to provide the maintenance service. The township board then sets the amount for the levy each year. Many times the agreements have been in affect 25 or more years and the township board does not levy enough money to provide adequate maintenance. The county is stuck with providing the maintenance and must spend money levied for other projects to keep the roads in safe condition.

We have suggested that an agreement to accept a road as provided in KSA-68-560 should be made contingent upon adequate funding, but the county attorney in one county felt that the old agreement could not be changed. Therefore we support SB 728 which would allow the county governing board to set the annual mill levy.

Senate Local Gov't
3-2-90
Attachment I

Miami County
Courthouse
Paola, Kansas 66071



Office of the
County Commissioners

February 26, 1990

Local Government Committee of the Senate
State Capitol Building, Rm. 531-N
Topeka, Ks. 66612

Dear Committee:

Miami County, Kansas, being a county of 23,000 to 24,000 population, next to Johnson County, Kansas, finds we are facing undue hardships due to numerous pending lawsuits. Said lawsuits have come to light for our county in the past year.

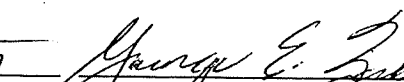
As you are aware of frozen budgets, and pending legislation to continue frozen budgets, we find ourselves faced with having to either cut back on insurance or look for an alternative means of coverage.


In the past, governmental entities were immune to lawsuits. However, the present Tort Claims Act (K.S.A. 75-6103 et seq.) allows for liability of governmental entities for damages. We would like to prevail upon you at this time to look at these liability laws and return the governmental entities to the immune status. If you find problems with this request, could you at least study the Tort Claims Act, and thus reduce some of the damages which could be filed against a governmental entity? We find some types of claims to be absurd, however, the insurance companies must answer them and negotiate, which results in higher rates to the county. We paid \$25,000 over our budget for liability insurance last year and will not be able to fund the same coverage in 1990. We have recently put into action a "Risk Management Team" to study and prepare a Risk Management Plan for our county.

We thank you for your efforts concerning this matter.

Sincerely,


Lawrence D. Guenther
Chairman


George E. Zakoura
Commissioner


Charles C. Schooler
Commissioner

JBB/sad

Senate Local Gov't
3-2-90
Attachment II