

Approved February 5, 1991  
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 January 31, 1991 in room 531-N of the Capitol.

All members were present except:

Senators Allen and Gaines

Committee staff present:

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

Conferees appearing before the committee:

Ernie Mosher, League of Kansas Municipalities  
Cathy Holdeman, City of Wichita  
Nancy Zielke, Finance and Budget Director for the City of Kansas City, Kansas  
Sara Corless, Home Builders Association of Greater Kansas City  
Bev Bradley, Kansas Association of Counties

SB 25 - Concerning cities and counties; relating to the exercise of home rule powers.

Mike Heim, Legislative Research, reviewed the interim committee report for the committee's information. (Attachment 1). The Chairman asked if the bill's substantive change is the elimination of the provision for referendum. Mr. Heim replied that the purpose of the bill is to clarify user fees and the services that are not subject to a protest petition.

The Chairman called on Ernie Mosher, League of Kansas Municipalities, for his testimony in support of SB 25. (Attachment 2). Sen. Petty had questions regarding the possibility of the dedication of service fees to an existing operation rather than for the development of a new facility. Sen. Daniels questioned as to how the bill determines which fees are regulatory. Staff questioned if it was the intent of the League's amendment that those other than regulatory services still be covered. Mr. Mosher concluded that more grammar is needed to clarify his amendment. Staff will correct lines 19-20 to clarify the language.

Next to testify in support of the bill was Cathy Holdeman, City of Wichita. (Attachment 3).

Nancy Zielke, Finance and Budget Director for the City of Kansas City, Kansas, testified further in support of SB 25. (Attachment 4).

Sara Corless, Home Builders Association of Greater Kansas City, testified in support of the bill. (Attachment 5). She had distributed copies of a 1990 Fee Survey and Summary to support her testimony. (Attachment 6).

Staff had questions regarding Ms. Corliss' testimony regarding excise taxes. Sen. Steineger stated that he felt her testimony would be more appropriate before local units of government than the legislature. Ms. Corliss replied that she could discuss this at length but her main concern is for needed clarification in the statute so that fees collected which are used for the benefit of the whole community would not be paid for by the new home owners only in excise taxes.

Bev Bradley, Kansas Association of Counties, gave final testimony in support of the bill. (Attachment 7). Sen. Daniels asked Mrs. Bradley if she felt the bill clarifies enough for counties to determine what is regulatory. Mrs.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,  
room 531-N, Statehouse, at 9:00 a.m./~~p.m.~~ on January 31, 1991.

Bradley felt the current amendments clarify over what the statute presently includes. The Chairman asked staff to work on the clarification of language in the bill.

The minutes of January 30 were approved.

The Chairman announced that he had talked to Rep. Nancy Brown regarding SB 24 which was heard yesterday. She has asked to appear and explain the position of Overland Park.

The meeting was adjourned at 9:55 a.m.



## RE: PROPOSAL NO. 24 -- USER FEES\*

Proposal No. 24 -- User Fees called for the Committee to review the feasibility of authorizing cities and counties to finance local services, including emergency medical services, by user fees or service fees or other funding sources.

### Background

Proposal No. 24 grew out of two separate issues before the 1990 Legislature. One issue concerning user fees was raised by the introduction of S.B. 737. A hearing was held on the bill by the Senate Local Government Committee. The bill would have required owners of exempt property to pay an annual service fee for police and fire services to cities and counties. The second issue concerning emergency medical service funding was raised by the introduction of S.B. 549. The bill would have permitted the Emergency Medical Services Board to impose a tax of not to exceed .25 percent on the gross premiums of life insurance companies to provide moneys for grants in aid for local emergency medical services programs and services.

### User Fee Authority of Cities and Counties

Both cities and counties, because of home rule powers, have broad authority to impose user fees to fund a variety of local government functions, services, and programs. Similar statutes establish procedures for cities and counties under home rule power to levy for revenue purposes any tax, excise, fee, charge, or other exaction of other than permit or license fees. Such revenue measures must be enacted by city ordinance or by county resolution and are subject to a protest petition and election procedure.

Various statutes also authorize cities and counties to impose service fees or user charges. For examples of such statutes, see K.S.A. 12-866 authorizing cities to set rate fees or charges for water and sewer services, K.S.A. 12-1791 authorizing fees for business improvement districts, and K.S.A. 65-3410 authorizing cities and counties to establish fees for solid waste disposal.

### Testimony of Conferees -- User Fees

Representatives of the League of Kansas Municipalities; the cities of Topeka, Kansas City, and Wichita; Sedgwick County; the Kansas Association of Counties; and David M. Griffith and Associates, a financial consulting firm, appeared before the Committee.

Representatives of the three cities and Sedgwick County described efforts underway in their cities and county to explore ways to fund more services by user fees and to review current service fee structures to insure such fees are levied in an amount sufficient to pay for the services utilized.

The representative for the City of Kansas City presented a consultant's study of the user fee system in place in that city. The study concluded that in 1988, the city collected \$2.78 million in user fee revenue for a variety of programs and services which had an actual cost (direct and indirect) of \$10.3 million. The report concluded the city could raise an added \$3 million by raising service fees to more adequately pay for direct costs of these programs and thereby reduce the amount of general revenue subsidy needed.

The representative of David M. Griffith and Associates reviewed a wide variety of service or user fees which cities and counties potentially could impose to fund programs and services and thereby reduce the burden on property taxes. In the one area of law enforcement, the representative noted that fees could be charged

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\* S.B. 25 accompanies this report.

Senate L.G.  
1-31-91  
Attachment 1

for impaired driver responses by police due to driving under the influence of alcohol or drugs, building security, airport security, false alarms, processing of arrestees, vehicle impoundments, and nuisance calls.

The representative from Sedgwick County endorsed the concept for legislation that would enhance counties' abilities to impose user fees and that would provide maximum flexibility in implementing such fees.

The representative of the League of Kansas Municipalities suggested a clarification be made to both K.S.A. 12-137 and 19-117 dealing with the imposition of taxes, fees, and charges under city and county home rule, respectively. The clarification would specifically exclude user fees and service charges from the requirements of the respective statutes. The rationale for the amendment offered was that a large number of service fees and charges are authorized by specific state statutes and thus are not imposed under home rule power and that many cities and counties do not believe the current statutes apply to service or user fees. Further, even if the statutes do apply, the establishment or the raising of fees for all the multitude of the park and recreation programs, planning and zoning permits, building fees, and the host of other fees should not be subject to protest petition and referendum requirements.

A Committee member also presented information showing the amount of tax exempt property in the state by county. The report prepared by the Legislative Research Department showed over \$11.2 billion of real property statewide based upon 1989 actual appraisal values was tax exempt which accounts for 16.51 percent of the total value of real property, *i.e.*, \$67.9 billion.

### Testimony of Conferees – EMS Funding

The Chairman of the Kansas Board of Emergency Medical Services proposed a \$5 surcharge on moving violations prosecuted in state district courts as a means of raising what he thought might amount to approximately \$3 million to help fund local emergency medical service programs. The conferee argued the new funding was needed to free up State General Fund dollars, to save local property tax dollars, and to meet increased programming and staffing needs of EMS services at the local level.

A representative of the Division of Emergency Preparedness in the Adjutant General's Office noted that a federal law requiring the training of first responders to handle toxic chemical spills mandates the state provide training, but that federal funding for this purpose will be discontinued beginning with the second quarter of FY 1991. The federal law is known as the Emergency Planning and Community Right to Know Act of 1986 (P.L. 99-499).

### Committee Conclusions and Recommendations

The Committee encourages local governments to expand the use of service charges and user fees at the local level as one means of relieving pressure on ad valorem property taxes. The Committee likewise recommends that cities and counties review existing service charges and user fees to determine if the fees are set at an adequate level to reimburse the costs of the program or service.

The Committee recommends that both K.S.A. 12-137 and K.S.A. 19-117 be amended to clarify that protest petition and election procedures do not apply when cities and counties establish or raise service fees or user charges. The recommendation is included in S.B. 25. The Committee believes that current law is vague on this issue. The Committee believes that to make all user charge or service fee decisions of local governing bodies subject to a protest and election procedure would be disruptive to the operation of their governments. The Committee simply believes local governing bodies should be able to set local swimming pool admission charges, softball participation fees, meeting hall rentals, and other similar matters without subjecting these everyday decisions to the protest petition and election procedures.

Finally, in regard to the funding of emergency medical services programs and first responder training, the Committee recommends that a standing committee such as the Governmental Organization Committee conduct a review of the various state agencies involved in the oversight of different emergency service programs. The Committee believes that some central state oversight and coordination of the various emergency programs implemented primarily at the local government level may be needed.

The Committee makes no recommendation on the State Board of Emergency Medical Services funding request dealing with raising docket fees or moving violations prosecuted in state district courts.



# League of Kansas Municipalities

MUNICIPAL  
LEGISLATIVE  
TESTIMONY

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 112 W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

TO: Senate Committee on Local Government  
FROM: E.A. Mosher, Executive Director, League of Kansas Municipalities  
RE: SB 25--City and County Home Rule Fees and Charges  
DATE: January 31, 1991

The League appears in support of SB 25. Our convention-adopted Statement of Municipal Policy provides that: "K.S.A. 12-137 should be amended to clarify that fees and service charges levied under home rule are not subject to a voter petition for a referendum."

Most of the arguments for passage of SB 25 are set forth in the report of the interim study of the Special Committee on Local Government. For your convenience, the Committee's conclusions are set forth below:

"The Committee encourages local governments to expand the use of service charges and user fees at the local level as one means of relieving pressure on ad valorem property taxes. The Committee likewise recommends that cities and counties review existing service charges and user fees to determine if the fees are set at an adequate level to reimburse the costs of the program or service."

"The Committee recommends that both K.S.A. 12-137 and K.S.A. 19-117 be amended to clarify that protest petition and election procedures do not apply when cities and counties establish or raise service fees or user charges. The recommendation is included in S.B. 25. The Committee believes that to make all user charge or service fee decisions of a local governing body subject to a protest and election procedure would be disruptive to the operation of their governments. The Committee simply believes local governing bodies should be able to set local swimming pool admission charges, softball participation fees, meeting hall rentals, and other similar matters without subjecting these everyday decisions to the protest petition and election procedures."

## Background

Some confusion now exists as to the procedural requirements for the exercise of home rule powers by cities and counties when levying service fees and charges.

Some brief background information may be helpful in understanding the problem. When the voters of Kansas approved the home rule constitutional amendment in 1960, it granted cities the authority to levy taxes, excises, fees, charges and other exactions, by ordinance enacted by the governing body. The 1961 legislature responded in two ways: First, it amended various statutes to completely prohibit cities from levying taxes based on gross receipts or net income. Secondly, in case any tax area was missed, a special procedure was established by enactment of K.S.A. 12-137, which would be amended by SB 25, to cover any other revenue measure which was not

prohibited or specifically authorized by statute. The special procedure requires a two-thirds vote of the governing body, two newspaper publications, and makes the ordinance subject to a petition for a referendum.

The confusion that exists is whether a user fee or service charge, not specifically authorized by statute, is levied under home rule powers (and thus subject to K.S.A. 12-137 and 19-117) or under inherent, governmental "police" or "implied" powers. SB 25 would clarify the matter by simply removing user fees and service charges from the special procedures of K.S.A. 12-137 and 19-117, in the same manner that fees for regulatory purposes are now specifically excluded. Thus, only an ordinary ordinance or county resolution would be required for such non-tax fees and charges when levied by a governing body.

It should be noted that the present law does not apply to those fees and charges specifically authorized by statute, which include such major local revenue producers as sewerage service charges, refuse collection fees and water, electric and gas charges, nor does it apply to other fees and charges not levied under home rule. Some examples of user fees and service charges which may be affected by this bill include swimming pool admission fees, golf course green fees, auditorium rentals, and fees for using city parking lots. Attached is a list of various fees and service charges used by cities.

The cities of Kansas have "lived" with the special procedural provisions of K.S.A. 12-137 for many years. We suspect some governing bodies have not always followed its provisions. Except for ordinances which levy taxes, such as occupational taxes, or property tax levies not provided for by charter ordinance, it is extremely rare to see an ordinance which levies a service charge or fee that specifies it was adopted under the K.S.A. 12-137 procedure.

In conclusion, we suggest your position on SB 25 depends heavily on (1) whether you think user fees and service charges should be used more, as an alternative to increased property taxes, and (2) whether you think locally elected governing bodies can be trusted to make these decisions, without the need for a two-thirds vote, two publications, and the possibility of a petition for a referendum.

The League suggests that the existing procedural requirements tend to discourage the use of service charges or revising existing amounts to cover costs, and that local governments can be trusted to make appropriate local decisions. It seems to us that the procedure for levying a service charge should not be more difficult than the levying of a property tax--which does not even require an ordinance or resolution. Thus, we support SB 25.



## Examples of Fees and Service Charges Levied by Kansas Cities

Note: Some of those are covered by a statute or are levied for regulatory purposes, and thus exempt from the procedures of K.S.A. 12-137.

**Airport.** Lease payments by operator or for hangers, restaurant concessions, space rental, land rental for crops, sale of fuel, etc.

**Ambulance Service.** Charges, based on cost for service.

**Animal Impounding.** Most cities which provide for the impounding of animals running-at-large in violation of an ordinance make various impounding charges against the person who redeems the animal.

**Auditorium.** Cities with auditoriums usually have a schedule of charges for the use of facilities.

**Bicycle Licenses.** A number of cities require the payment of a small annual fee by the owners of bicycles. A license tag is usually furnished.

**Boxing and Wrestling.** Gross receipts fees for professional matches. See K.S.A. 12-5102.

**Building Demolition and Removal Fee.** Used mostly by larger cities.

**Building Inspection Fees.** For services.

**Building Rental.** Sometimes there are city owned buildings or space to rent.

**Cat Licenses.** Used by a few cities.

**Cemetery.** Sale of grave spaces or lots and charges for digging graves.

**Dog License Fees.** For regulatory purposes.

**Eating Establishments.** Inspection fees are common if there is a regulatory ordinance.

**Electrical Inspection Fees.** For services.

**Electrician Examination Fees.** Many cities license electricians.

**Fire inspection Fees.** Not common.

**Fire Fighting Service Outside City.** Several statutes provide for contracts by individuals, corporations and fire districts and a city.

**Gas Inspection Fees.** For services.

**Golf Course Fees.** For services.

**Hospital.** City-owned hospitals make charges for services provided.

**Lakes.** Cities which have lakes in parks or reservoirs make charges for fishing, hunting, boating, shelter house rental, camping, etc.

**Library.** Rental of books and other library material, charges for overdue books and nonresident user fees.

**License Fees.** These are related to regulations pertaining to certain businesses and occupations such as pool halls, video games, bowling alleys, circuses, etc. The fee must bear some relationship to the cost of the city in enforcing the regulations.

**Machinery and Equipment.** Rental of.

**Maps.** Some cities sell maps of the city.

**Mobile Home.** Fees for mobile home park permits.

**Motor Vehicle Accident Reports.** Copying charges.

**New Goods, Public Auction.** License fee of \$25 a day. See K.S.A. 58-1020.

**Nuisance Abatement.** The cost may be assessed against the property.

**Ordinances.** Cities which have adopted codes of ordinances usually charge for a copy. Charges for copies of individual ordinances are often made.

**Parking Charges--Off-Street.** For services.

**Parking Meter Charge.** For regulatory purposes.

**Parks.** The income from a city park depends upon the chargeable facilities. Concessionaires usually must pay the city for the privilege. Fees are often charged for using the swimming pool, golf course, cabin site rentals, hunting and fishing permits on city property, zoo admission, tennis

courts, etc. Additional fees are sometimes imposed for nonresidents.

**Pawnbrokers.** License fee under K.S.A. 16-707.

**Personal Property, Unclaimed, Lost or Stolen.** Periodic sales.

**Plans for Public Works.** Usually a prospective bidder on a public works project is required to pay a stated charge for a copy of the plans and specifications or to make a deposit which is forfeited in case the plans and specifications are not returned.

**Plumbers Fees.** Some cities charge for examinations given to plumbers and for license fees.

**Plumbing Inspection Fees.** For services.

**Police.** Charges for funeral, money escorts and other special services.

**Precious Metal Dealers.** License fee under K.S.A. 16-707.

**Recreation.** Fees for services, use of facilities.

**Refuse Collection Charges.** For services.

**Refuse Disposal Charges.** For services.

**Rentals.** Auditoriums, real estate, etc.

**Royalties.** Oil, gas and other minerals.

**Scales.** Fees for use of public scales.

**Sewage.** Sale of sewage and sludge for fertilizer, irrigation.

**Sewerage Service Charges.** Commonly used.

**Sewer, Connection Charge.** Often substantial.

**Signs On Buildings.** Permit fee.

**Street Privileges.** Permit fees, either as a single charge or annually, and other charges, are made by some cities for special street privileges such as: overhanging signs, areas under sidewalks, scales or truck docks and loading platforms, crossings over streets, tanks under street, etc.

**Street Charges.** Permit fees or charges for cutting pavement, replacing trenches, cutting curb, marking driveways, etc.

**Subdivision Plans.** Charge for processing and reviewing.

**Swimming Pool Admissions.** For services.

**Taxis.** Annual license fee.

**Trees.** Charges for removal from right-of-way.

**Transient Merchants and Peddlers.** License regulatory fee.

**Water, Connection Charge.** Both initial hook-up and reconnections.

**Weeds.** Assessment for destruction, mowing.

**Weights and Measures Inspections.** For services.

**Zoning Fees.** Charge, based upon costs for publications and processing.

**Zoo Admissions.** For services.

# CITY OF WICHITA



OFFICE OF THE CITY MANAGER  
CITY HALL - THIRTEENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4351

CITY OF WICHITA  
JANUARY 31, 1991  
SENATE BILL 25

CHAIRMAN MONTGOMERY AND MEMBERS OF THE SENATE LOCAL GOVERNMENT COMMITTEE, MY NAME IS CATHY HOLDEMAN. I AM INTERGOVERNMENTAL RELATIONS DIRECTOR FOR THE CITY OF WICHITA. ON BEHALF OF THE CITY OF WICHITA, WE APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU AND SPEAK IN SUPPORT OF SENATE BILL 25.

THIS BILL RESULTS FROM AN INTERIM STUDY ON USER FEES. THE CITY OF WICHITA, ALONG WITH OTHERS, TESTIFIED IN SUPPORT OF LEGISLATION TO ENABLE UNITS OF LOCAL GOVERNMENT TO MORE READILY USE USER FEES TO FUND CERTAIN PUBLIC SERVICES. THIS BILL AMENDS K.S.A. 12-137 AND K.S.A. 19-117 AND THEREBY CLARIFIES THAT PROTEST PETITION AND ELECTION PROCEDURES DO NOT APPLY WHEN CITIES OR COUNTIES ESTABLISH OR RAISE SERVICE FEES OR USER CHARGES.

THE CITY OF WICHITA UTILIZES USER FEES FOR A WIDE ARRAY OF SERVICES. THEY INCLUDE: PARK AND RECREATION SERVICES; SERVICES PROVIDED BY THE CITY'S CENTRAL INSPECTION DIVISION, SUCH AS BUILDING PERMITS AND CONTRACTORS' LICENSES. OTHER EXAMPLES INCLUDE WATER TAP AND CONNECTION FEES, AND FEES FOR LABORATORY SERVICES PERFORMED BY THE WATER AND SEWER DEPARTMENT.

THE CITY OF WICHITA CONTINUES TO EXAMINE SERVICES PROVIDED, AND EXPLORE OPPORTUNITIES FOR CHARGING A FEE FOR SUCH SERVICES. FUTURE POSSIBILITIES FOR THE USE OF USER FEES INCLUDE STORM WATER DRAINAGE FEES, LIBRARY FEES, AND THE SALE OF PUBLICATIONS AND MATERIALS. WICHITA HAS LOOKED TO OTHER CITIES, AND FOUND THE USE OF USER FEES TO BE QUITE EXTENSIVE. FOR EXAMPLE, AUSTIN, TEXAS, CHARGES 65 CENTS A MONTH FOR STREET CLEANING. COLLECTION IS ACCOMPLISHED BY ADDING THIS CHARGE TO ELECTRIC BILLS. IN PHOENIX, ARIZONA, THE POLICE DEPARTMENT CHARGES A FEE FOR OVERSIZE OR OVERWEIGHT VEHICLES TO USE CITY STREETS. RIVERSIDE, CALIFORNIA, CHARGES RESIDENTS OR BUSINESSES FOR STREET LIGHTING SERVICES BASED ON FRONT FOOTAGE, AND ALSO CHARGES FOR REQUESTED IMPROVEMENTS IN STREET LIGHTING.

IN SUM, IN LIGHT OF THE NEED TO REDUCE THE RELIANCE ON THE PROPERTY TAX, AND TO DIVERSIFY REVENUE SOURCES, THE CITY OF WICHITA IS SUPPORTIVE OF CLARIFYING THE STATUTES RELATING TO THE USE OF USER FEES.

*Senate L.G.  
1-31-91  
Attachment 3*



# CITY OF KANSAS CITY, KANSAS



Nancy L. Zielke  
Finance and Budget Director  
One McDowell Plaza  
Kansas City, Kansas 66101  
(913) 573-5270

January 31, 1991

Senator Don Montgomery  
Chairman of Senate Local Government Committee  
State Capitol Room 531  
Topeka, Kansas 66612

Dear Chairman Montgomery  
and Members of the Senate Local Government Committee:

The City of Kansas City, Kansas appreciates the opportunity to appear before you this morning in regard to Senate Bill 25. Kansas City, Kansas supports the legislative intent of the proposed bill in continuing to provide cities the ability to charge for specific direct services to the community and the implementation of user fees.

The City of Kansas City Kansas finances approximately 4.3 percent or \$ 3.2 million of its general fund with license and permit charges and user fees. The city annually reviews all user fees as part of its summer budget appropriation process. All fee increases are approved as part of the budget process with the City Administrator having the authority to set the fees based on the cost of service and surrounding economic factors in providing such services.

Cities need to have the flexibility to diversify its revenue base and identify alternative revenue sources to fund essential city services. User fees basically provide local governments with the following benefits:

- \* User charges or fees are paid by all users, including those exempt from property taxes;
- \* User fees are paid by non-residents utilizing city services, thus reducing the burden on local taxpayers;
- \* User fees eliminate the subsidization of city programs or services where the service is not provided to the general public, but rather is for the specific benefit of the person or groups being charged.

Senate L.G.  
1-31-91  
Attachment 4

**City of Kansas City, Kansas**  
**Testimony to Senate Local Government Committee**  
**Page 2 of 2**

The theory of having those persons who utilize the service directly pay for such services makes good economic and business sense. Cities need to have the ability to administratively set local charges for services such as golf course green fees, transportation bus fares, emergency medical service charges, swimming pool fees, animal licenses, and other similar matters without subjecting these everyday business decisions to the protest petition and election procedures.

The City of Kansas City, Kansas is committed to expanding the use of service charges and user fees as a means to relieve the pressure on ad valorem property taxes. New fee areas the City of Kansas City Kansas will be exploring in the near future include: false alarm fees for public safety service calls; occupational business fees on medical waste incinerator and solid waste disposal sites; in addition to the on-going review of all business permit and license charges and cost of service user fee reviews.

If you have any questions please feel free to contact either Mr. Douglas G. Bach, the City's Administrative Intern/Legislative Liaison or myself at your convenience. Your support in this legislative initiative would be appreciated.

Respectfully submitted,



Nancy L. Zielke  
Director of Finance

cc: David T. Isabell, City Administrator  
Dennis M. Shockley, Director of Intergovernmental Affairs  
Douglas G. Bach, Administrative Intern/Legislative Liaison  
Mayor Joseph E. Steineger, Jr.  
Kansas City Kansas City Councilmembers

SENATE COMMITTEE ON LOCAL GOVERNMENT

SB 25

JANUARY 31, 1991

Mr. Chairman and Members of the Committee:

My name is Sara Corless, Governmental Affairs Director for the Home Builders Association of Greater Kansas City.

I wish to address two separate issues regarding the bill: (1) types of excise taxes and exactions covered under the bill and (2) the referendum.

I hope you have a copy of the fee survey recently prepared by the HBA for the areas we serve. In that survey, I have highlighted a number of fees that I fear would be included in the legislation under consideration. These are not building permit fees or license fees for regulatory fees. They are what are commonly referred to as "impact fees"--or as city governments in Johnson County are calling them-- "excise taxes".

The example most often given regarding the types of fees intended to be covered in Senate Bill 25 is small municipal fees such as for swimming pool admissions. However, it would appear that further clarification is needed in regard to the specific fees that are covered by this bill because in the Greater Kansas City area there are "excise taxes" currently in the process of being adopted that would add thousands of dollars to the price of a new home.

The Johnson County Wastewater District is discussing a fee of \$1500 per sewer connection for new construction as part of their alternative financing plan for the district.

Olathe has a plan under discussion that calls for an "excise tax of \$1100 per lot" to pay for street improvements.

Overland Park is discussing tonight a plan that calls for a \$25 excise tax on each newly constructed home. The tax is described as an excise tax on land development.

Senate L. G.  
1-31-91  
Attachment 5

Cities like Olathe and Lenexa presently collect "excise taxes and impact fees for parks and traffic signalization. I would urge the committee to clarify these fees and if indeed the abovementioned fees, taxes, and exactions are a part of this bill, then leave the referendum in place because it is the only means available to the public in controlling these charges.

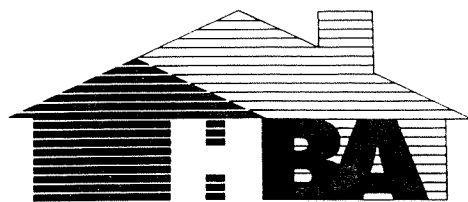
Thank you for the opportunity to appear today.

# Home Builders Association of Greater Kansas City

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\*1990 Fee Survey and Summary  
for Missouri and Kansas

\*Chart of Codes Used in  
Greater Kansas City



Senate L.G.  
1-31-91

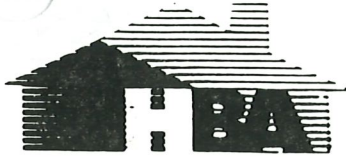
Attachment 6



This survey represents builder costs typically imposed at the time a permit is obtained from a city or county to begin construction of the indicated house. It does not include development fees, financing costs or the cost of subcontractor licenses.

This survey is a result of a mail survey and follow-up telephone conversations with the respective cities and counties. Final results were mailed out to each city for verification. The information is current as of August 14, 1990. Any corrections or additions received by the Greater Kansas City Home Builders Association after August 14, 1990 are not reflected in the survey.

For further information, please call the Home Builders Association of Greater Kansas City at (816) 942-8800.

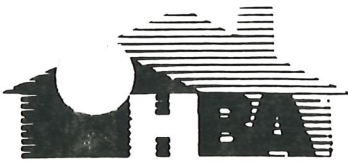


**FEE SURVEY - KANSAS**

**2,000 SQ. FT. LIVING AREA  
1,000 SQ. FT. BASEMENT  
400 SQ. FT. GARAGE  
AS OF 8/14/90**

CITY	BUILDING	PLUM.	MECH.	ELEC.	WATER	SEWER	STREET	PARK	TOTAL
JOHNSON COUNTY	\$658.92	INCL.	INCL.	INCL.	\$850.00 SDC \$300.00 3/4" TAP	\$100.00 (\$120 SEPTIC)	NO	NO	\$1,908.92
KANSAS CITY	\$167.00	\$28.00	\$28.00	\$28.00	\$41.69 TAP \$89.81 METER	\$250.00 LATERAL \$480.00 MAIN \$50.00 TAP \$3.00 EXCAV. \$1.00 PERMIT	\$10.00 DRIVEWAY	NO	\$1,657.50
LANSING	\$570.00	\$33.00	\$40.00	\$110.00	\$320.00 Includes \$60 refundable deposit	INCL.	INCL.	NO	\$1,073.00
LAWRENCE	\$250.00	\$15.00 INSP.	INCL.	INCL.	\$272.35 TAP & METER	NO	NO	NO	\$537.35
LEAVENWORTH	\$572.00	INCL.	INCL.	INCL.	\$450.00	INCL.	INCL.	INCL.	\$1,022.00
LEAVENWORTH COUNTY	\$235.25	NO	NO	NO	\$1,000.00 Rural Water District	\$85.00 SEPTIC \$160.00 PERC. TEST	\$203.76 CULVERT \$100.00 BOND	NO	\$1,784.01
LEAWOOD	\$841.50	\$50.00	\$50.00	\$50.00	\$850.00 SDC \$300.00 3/4" TAP	\$100.00	\$100.00 (\$5000 BOND) \$20.00 CURB & CUT SIGN	\$300.00 IMPACT FEE	\$2,681.50
LENEXA	\$238.00	INCL.	INCL.	INCL.	\$850.00 SDC \$300.00 3/4" TAP	\$100.00 PERMIT \$10.00 CONNECT	\$360.00 MUD BOND (\$5000 BOND)	\$175.00 IMPACT FEE	\$2,033.00
OLATHE	\$340.00	\$20.00	\$20.00	\$35.00	\$468.00 SDC \$150.00 METER	\$555.00 SDC \$10.00 CONNECT	\$35.00 STREET CLEANING	\$200.00 EXCISE TAX	\$1,833.00
OVERLAND PARK	\$340.00	INCL.	INCL.	\$15.00 TEMP.	\$850.00 SDC \$300.00 3/4" TAP	\$100.00	\$12.00 R-O-W	NO	\$1,617.00
SHAWNEE	\$385.00	INCL.	INCL.	INCL.	\$850.00 SDC \$300.00 3/4" TAP	\$100.00	NO	\$125.00 IMPACT FEE	\$1,760.00
BUILDING PERMIT AVERAGE	\$383.96	KANSAS TOTAL FEE AVERAGE	\$1,756.92						

\* SDC = SYSTEM DEVELOPMENT CHARGE



**FEE SURVEY - MISSOURI**

**2,000 SQ. FT LIVING AREA  
1,000 SQ. FT. BASEMENT  
400 SQ. FT. GARAGE  
AS OF 8/14/90**

CITY	BUILDING	PLUM.	MECH.	ELEC.	WATER	SEWER	STREET	PARK	TOTAL
BELTON	\$386.43	INCL.	INCL.	INCL.	\$115.00 TAP \$55.00 METER	\$25.00 TAP \$5.00 EXCAV.	\$100.00 (\$5000 BOND) \$200.00 CASH R-O-W	NO	\$886.43
BLUE SPRINGS	\$283.75	INCL.	INCL.	INCL.	\$120.00 3/4"	INCL.	NO	NO	\$403.75
CASS COUNTY	\$35.00	NO	NO	NO	\$900.00	\$45.00 SEPTIC	\$100.00 CULVERT REQUIRED	NO	\$980.00
GRANDVIEW	\$225.00	\$23.00	\$23.00	\$23.00	\$400.00 \$30.00 METER DEP.	\$15.00	\$5.00 R-O-W	\$150.00 IMPACT FEE	\$894.00
INDEPENDENCE	\$293.00	\$11.50	\$10.50	\$23.00	\$4.00 WATER PER LINE \$4.00 GAS PER LINE \$35.00 Tap Fee	\$25.00	\$4.00 R-O-W	NO	\$445.00
KANSAS CITY	\$330.00	\$28.00	\$28.00	\$28.00	\$11.00 PERMIT \$48.00 METER \$50.00 TAP	\$19.00 EXCAV.	\$70.00 SIDEWALK & DRIVE (\$130 for an exterior lot)	NO	\$612.00
LEE'S SUMMIT	\$240.35	\$9.00 PERMIT \$24.00 (\$2 PER TRAP 12 TRAPS)	\$51.00	\$20.00	\$425.00	\$270.00 (\$30 PER DRAIN) \$50.00 \$5 PERMIT (10 DRAINS)	NO	NO	\$1,089.35
LIBERTY	\$198.00	\$32.00	\$32.00	\$32.00	\$190.75 METER	\$12.00 INSP.	NO	NO	\$496.75
PLATTE COUNTY	\$140.00	INCL.	INCL.	INCL.	\$1,223.00 LONGSIDE	\$15.00 DISTRICT?	NO	NO	\$1,378.00
WEATHERBY LAKE (NOT AVG INTO THE TOTALS)	\$1,026.00	\$50.00	INCL.	\$50.00	\$700.00 METER	\$1,650.00 GRAVITY (\$5171 GRINDER NOT ADDED IN)	\$1,000.00 PER. BOND (\$550 REFUNDABLE)	\$390.00 DREDGING \$3,136.00 DAM	\$8,002.00
BUILDING PERMIT AVERAGE	\$236.84	MISSOURI TOTAL FEE AVERAGE	\$798.36						

**This survey is intended for comparison only.** This permit fee survey is based on an average house with 2,000 square feet living area, 1,000 square foot basement (unfinished) and a 400 square foot garage. The cost of construction, where called for is assumed to be \$42 per square foot of living area. These figures are all estimates. All figures are as of 8/14/90. This information was verified by the cities where possible.

The following is a summary of how each city and county calculates their building permit fees:

Belton, MO	65% of UBC schedule. Valuated at \$45 per sq. ft. of living area.
Blue Springs, MO	70% of UBC schedule. Valuated at the construction costs. (\$42 x 2000 sq. ft. of living area)
Cass County, MO	\$35 flat fee.
Grandview, MO	\$3 per \$1,000 of valuation. Valuated at \$48.78 per square foot for the first floor (1,000) and \$23 for the second floor (1,000) and \$13 for an attached garage (400).
Independence, MO	\$53 flat fee and \$2 per \$1,000 of construction costs. (\$42 x 2,000 sq. ft. of living area).
Johnson County, KS	UBC schedule \$45.36 per sq. ft. for the living area and \$13.32 per sq. ft. of the garage and \$9.50 for the basement.
Kansas City, KS	\$167 flat fee
Kansas City, MO	\$319 up to \$100,000 and \$1 for each \$1000 over. Valuated at \$45 for the living area and \$15 for the basement and garage.
Lansing, KS	UBC schedule. Valuated at \$37.51 per square foot for the living area, \$8.73 per square foot for the garage and basement.
Lawrence, KS	UBC schedule. Valuated at the construction costs. (\$55 x 2,000 sq. ft. of living area)
Leavenworth, KS	UBC schedule. Valuated at \$35.91 per square foot for the living area, \$12.19 per square foot for the garage and \$7.81 per square foot for the basement.
Leavenworth County	County schedule. Valuated at \$45 for the living area, \$18 for the garage, \$15 for the basement.
Leawood, KS	UBC schedule. Valuated at \$72 per sq. ft. of the living area, \$13 per sq. ft. for the garage, and \$8 for the basement.
Lee's Summit, MO	\$5 for the first \$1,000 of valuation and \$3 for each \$1,000 after. Valuation based on \$33.89 for the living area 11.14 for the garage and \$7.50 for the basement.
Lenexa, KS	\$0.07 per sq. ft. Total square footage.
Liberty, MO	City schedule. Based on the estimated value of the house.
Olathe, KS	\$1.10 per sq. ft. of the total square footage.
Overland Park, KS	\$1.10 per sq. ft. of the total square footage.
Platte County, MO	\$60 for the first 500 sq. ft. and \$.05 for each sq. ft. after, living area only.
Shawnee, KS	UBC schedule. Valuated at \$35 per sq. ft. for the living area, \$10 per sq. ft. for the basement and the garage.
Weatherby Lake, MO	1% of the valuation. Valuated at \$44 per sq. ft. of the living area, \$11 per sq. ft. of the basement, and \$9 per sq. ft. of the garage.

The following is a summary of how each city and county calculates their plumbing permits. Where applicable the value of the job has been calculated at \$3,000:

Belton, MO	Included in the price of the building permit.
Blue Springs, MO	Included in the price of the building permit.
Cass County, MO	No plumbing permits.
Grandview, MO	Based on the value of the job. (\$20 for the first \$2,000 and \$3 for each additional \$1,000)
Independence, MO	\$5 for the water heater, \$4 for the first 5 fixtures and \$.50 for ones after that. (10 fixtures figured in to total).
Johnson County, KS	Included in the price of the building permit.
Kansas City, KS	Based on the value of the job.
Kansas City, MO	Based on the value of the job.
Lansing, KS	Based on the value of the job.
Lawrence, KS	Included in the price of the building permit.
Leavenworth, KS	Included in the price of the building permit.
Leavenworth County, KS	No plumbing permits.
Leawood, KS	Flat fee.
Lee's Summit, MO	\$9 for the permit, \$2 per trap. (10 traps).
Lenexa, KS	Included in the price of the building permit.
Liberty, MO	Based on the value of the job.
Olathe, KS	Fixed fee.
Overland Park	Included in the price of the building permit.
Platte County	Included in the price of the building permit.
Shawnee	Included in the price of the building permit.
Weatherby Lake	Set fee.

The following is a summary of how each city and county calculates the price of their mechanical permits. Where applicable the value of the job has been calculated at \$3,000.

Belton, MO	Included in the price of the building permit.
Blue Springs, MO	Included in the price of the building permit.
Cass County, MO	No mechanical permits.
Grandview, MO	Based on the value of the job. (\$20 for the first \$2,000 and \$3 for each additional \$1,000)
Independence, MO	Based on tonnage. (under 5,000 pounds).
Johnson County, KS	Included in the price of the building permit.
Kansas City, KS	Based on the value of the job.
Kansas City, MO	Based on the value of the job.
Lansing, KS	\$40.00 flat fee.
Lawrence, KS	Included in the price of the building permit.
Leavenworth, KS	Included in the price of the building permit.
Leavenworth County, KS	No mechanical permit.
Leawood, KS	Flat fee.
Lee's Summit, MO	UMC 88.
Lenexa, KS	Included in the price of the building permit.
Liberty, KS	Based on the value of the job.
Olathe, KS	Fixed fee.

Overland Park, KS	Included in the price of the building permit.
Platte County, MO	Included in the price of the building permit.
Shawnee, KS	Included in the price of the building permit.
Weatherby Lake, MO	Included in the price of the building permit.

The following is a summary of how each city and county calculates their electrical permits. Where applicable the value of the job has been calculated at \$3,000.

Belton, MO	included in the price of the building permit.
Blue Springs, MO	Included in the price of the building permit.
Cass County, MO	No electrical permits.
Grandview, MO	Based on the value of the job. (\$20 for the first \$2,000 and \$3 for each additional \$1,000)
Independence, MO	Based on the value of the job. (\$20 for the first \$2,000 and \$3 for each additional \$1,000)
Johnson County, KS	Included in the price of the building permit.
Kansas City, KS	Based on the value of the job.
Kansas City, MO	Based on the value of the job.
Lansing, KS	Based on the value of the job.
Lawrence, KS	Included in the price of the building permit.
Leavenworth, KS	Included in the price of the building permit.
Leavenworth County, KS	No electrical permit.
Leawood, KS	Flat fee.
Lee's Summit, MO	Based on 200 amps.
Lenexa, KS	included in the price of the building permit.
Liberty, MO	Based on the value of the job.
Olathe, KS	Fixed fee.
Overland Park, KS	Based on the value of the job. (\$20 for the first \$2,000 and \$3 for each additional \$1,000)
Platte County, MO	Included in the price of the building permit.
Shawnee, KS	Included in the price of the building permit.
Weatherby Lake, KS	Flat fee.

The following is a summary of how each city and county calculates the price of their water permits.

Belton, MO	\$115 for the tap and \$55 meter.
Blue Springs, MO	\$120 for a 3/4" meter.
Cass County, MO	\$300 percolation test, \$500 to set the meter, and \$100 security deposit on the meter.
Grandview, MO	\$400 flat fee.
Independence, MO	\$4 apiece for each gas and water line.
Johnson County, KS	\$850 system development charge and \$300 meter.
Kansas City, KS	\$41.69 tap and \$89.81 meter.
Kansas City, MO	\$11 permit, \$48 meter, and \$50 tap.
Lansing, KS	\$260 flat fee. (plus \$60 refundable deposit)
Lawrence, KS	\$272.35 tap/meter.
Leavenworth, KS	\$450 flat fee.
Leavenworth County, KS	No permit.
Leawood, KS	\$850 system development charge and \$300 meter.
Lee's Summit, MO	\$425 fee.
Lenexa, KS	\$850 system development charge and \$300 meter
Liberty, MO	\$190.75 fee.
Olathe, KS	\$468 system development charge and \$150 meter.
Overland Park, KS	\$850 system development charge and \$150 meter.
Platte County, MO	\$1,223 for a long side hook-up.
Shawnee, KS	\$850 system development charge and \$150 meter.
Weatherby Lake, MO	\$700 meter.

The following is a summary of how each city and county calculates the price of their sewer permits.

Belton, MO	\$25 tap and \$5 excavation.
Blue Springs, MO	Included in the price of the building permit.
Cass County, MO	\$45 septic permit.
Grandview, MO	\$15 permit fee.
Independence, MO	\$25 permit fee.
Johnson County, KS	\$100 permit fee.
Kansas City, KS	\$250 lateral, \$480 main, \$50 tap, \$3 excavation and \$1 permit.
Kansas City, MO	\$19 excavation permit.
Lansing, KS	\$400 permit.
Lawrence, KS	No charge if inside the benefit district.
Leavenworth, KS	Included in the price of the building permit.
Leavenworth County, KS	\$85 septic fee, \$160 percolation test.
Leawood, KS	\$100 permit.
Lee's Summit, MO	\$30 per drain (no charge for basement drains) and \$5 per drain inspection.
Lenexa, KS	\$100 permit in Johnson County or \$10 connection fee in Lenexa.
Liberty, MO	\$12 inspection.
Olathe, KS	\$555 system development charge and \$10 connection fee.
Overland Park, KS	\$100 permit fee.
Platte County, MO	\$15 in Water District #1 (varies with the district).
Shawnee, KS	\$100 permit fee.
Weatherby Lake, MO	\$1650 for a gravity system, \$5171 for a grinder. The survey assumes a gravity system.

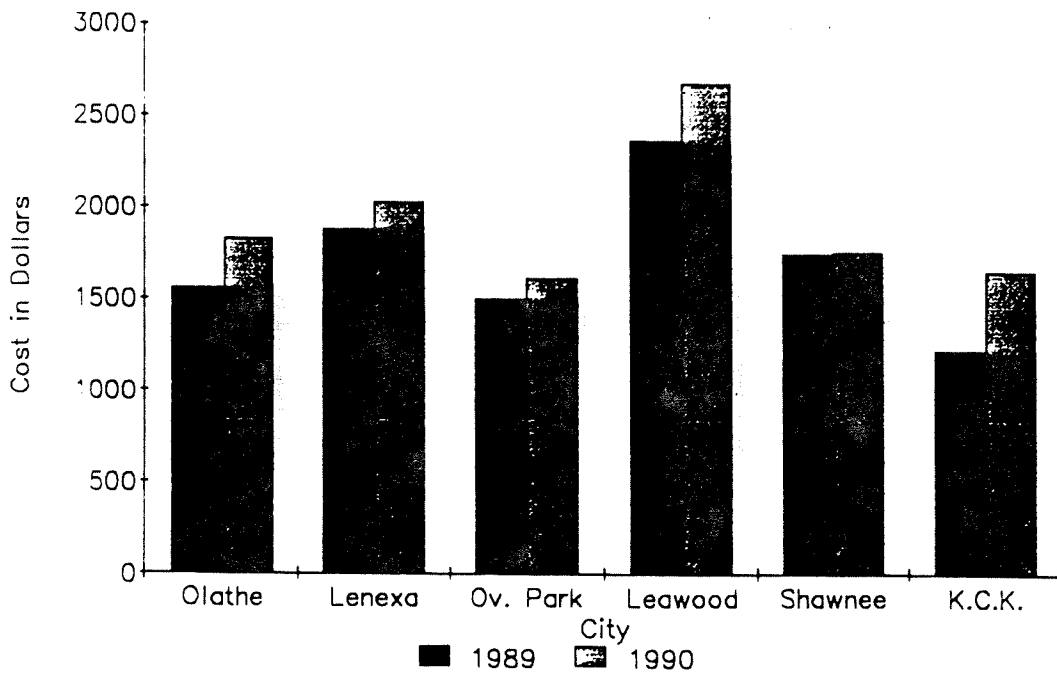
The following is a summary of how each city and county calculates the price of their street permits.

Belton, MO	\$5000 Performance Bond and a \$200 cash Right-of-Way Bond.
Blue Springs, MO	No permit.
Cass County, MO	\$100 culvert required. (not paid to the county so it is not added into the total.)
Grandview, MO	\$50 Right of Way Permit and \$500 Performance Bond.
Independence, MO	\$4 Right-of-Way Bond
Johnson County, KS	No permit.
Kansas City, KS	\$10 driveway fee.
Kansas City, MO	\$70 sidewalk and driveway fee. \$130 for corner lot.
Lansing, KS	No permit
Lawrence, KS	No permit.
Leavenworth, KS	Included in the price of the building permit.
Leavenworth County, KS	\$100 Culvert Bond, \$203.76 for common culvert.
Leawood, KS	\$5,000 Mud Bond, \$15 curb cut and \$5 sign.
Lee's Summit, MO	No permit.
Lenexa, KS	\$360 Impact Fee. \$5,000 Bond (not added in)
Liberty, MO	No permit.
Olathe, KS	\$35 Street Cleaning.
Overland Park, KS	\$12 Right-of-Way Bond.
Platte County, MO	No permit.
Shawnee, KS	No permit.
Weatherby Lake, MO	\$1,000 Performance Bond, \$550 of which is refundable. (\$1,000 added in to total.)

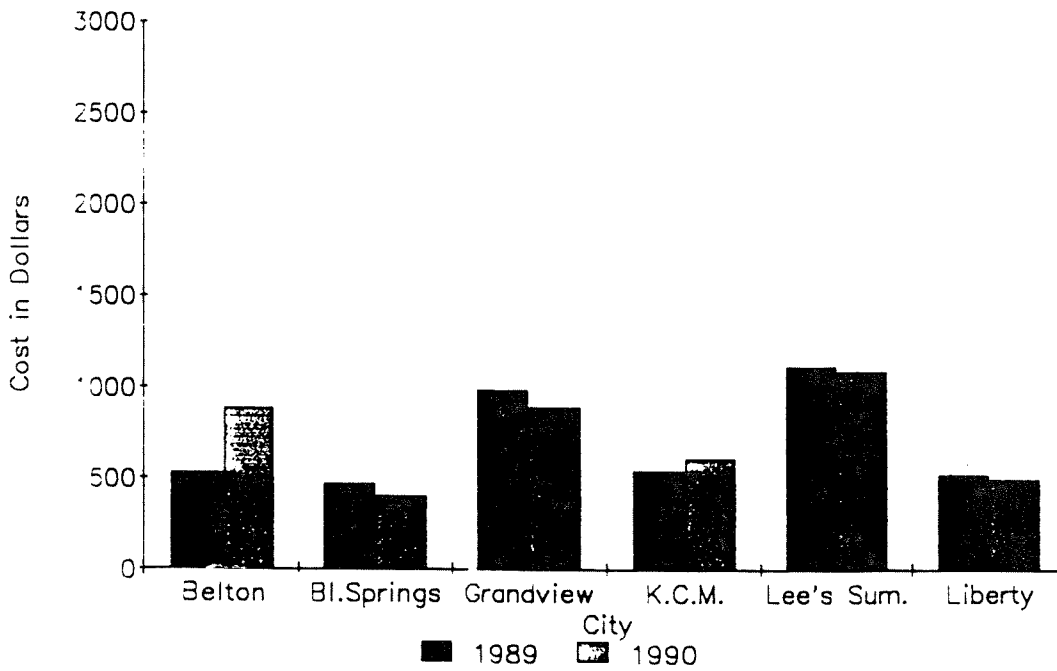
The following is a summary of how each city and county calculates the price of their park permits.

Belton, MO	No permit.
Blue Springs, MO	No permit.
Cass County, MO	No permit.
Grandview, MO	\$150 Impact Fee.
Independence, MO	No permit.
Johnson County, KS	No permit.
Kansas City, KS	No permit.
Kansas City, MO	No permit.
Lansing, KS	No permit.
Lawrence, KS	No permit.
Leavenworth, KS	No permit.
Leavenworth County, KS	No permit.
Leawood, KS	\$300 Impact Fee.
Lee's Summit, MO	No permit.
Lenexa, KS	\$175 Impact Fee.
Liberty, MO	No permit
Olathe, KS	\$200 Excise Tax.
Overland Park, KS	No permit.
Platte County, MO	No permit.
Shawnee, KS	\$125 Impact Fee.
Weatherby Lake, MO	\$390 Dredging Fee and \$3,136 Dam Fee.

Kansas Governmental Fee Comparison  
1989 to 1990



Missouri Governmental Fee Comparison  
1989 to 1990



## CODES USED IN GREATER KANSAS CITY

as of 8/14/90

### PELTON, MO

Bldg - UBC 88  
Plum - UPC 88  
Mech - UMC 88  
Elec - NEC 844  
Fire - UFC 88

### BLUE SPRINGS, MO

Bldg - UBC 85  
Plum - UPC 85  
Mech - UMC 88  
Elec - NEC 88  
Fire - UFC 85

### GRANDVIEW, MO

Bldg - UBC 88  
Plum - UPC 88  
Mech - UMC 88  
Elec - NEC 90  
Fire - UFC 88

### INDEPENDENCE, MO

Bldg - UBC 88  
Plum - UPC 88  
Mech - UMC 88  
Elec - NEC 87  
Fire - UFC 88

### JOHNSON COUNTY

Bldg - UBC 88  
Plum - UPC 88  
Mech - UMC 88  
Elec - NEC 87  
Fire - UFC 88

### KANSAS CITY, KS

Bldg - UBC 88  
Plum - UPC 88  
Mech - UMC 88  
Elec - NEC 87  
Fire - UFC 88

### KANSAS CITY, MO

Bldg - CABO 86  
Plum - CABO 86  
Mech - CABO 86  
Elec - NEC 87  
Fire - UFC 82

### LANSING, KS

Bldg - UBC 88  
Plum - UPC 88  
Mech - UMC 88  
Elec - NEC 87  
Fire - UFC 88

### LAWRENCE, KS

Bldg - UBC 88  
Plum - UPC 85  
Mech - none  
Elec - NEC 87  
Fire - UFC 85

### LEAVENWORTH, KS

Bldg - UBC 85  
Plum - UPC 85  
Mech - UMC 85  
Elec - NEC 87  
Fire - UFC 85

### LEAWOOD, KS

Bldg - UBC 85  
Plum - CABO 83  
Mech - CABO 83  
Elec - NEC 90  
Fire - UFC 85

### LEE'S SUMMIT, MO

Bldg - UBC 88  
Plum - UPC 88  
Mech - UMC 88  
Elec - NEC 90  
Fire - UFC 88

### LENEXA, KS

Bldg - UBC 88  
Plum - UBC 88  
Mech - UBC 88  
Elec - NEC 90  
Fire - UFC 88

### LIBERTY, MO

Bldg - UBC 88  
Plum - UPC 88  
Mech - UMC 88  
Elec - NEC 87  
Fire - UFC 87

### OLATHE, MO

Bldg - CABO 89  
Plum - CABO 89  
Mech - CABO 89  
Elec - NEC 90  
Fire - UFC 88

### OVERLAND PK., KS

Bldg - CABO 89  
Plum - CABO 89  
Mech - CABO 89  
Elec - NEC 90  
Fire - UFC 82

### PLATTE COUNTY, MO

Bldg - UBC 85  
Plum - UPC 85  
Mech - UMC 85  
Elec - NEC 84  
Fire - UFC 85

### SHAWNEE, KS

Bldg - CABO 89  
Plum - CABO 89  
Mech - CABO 89  
Elec - NEC 84  
Fire - UFC 82

- \*CABO = Council of American Building Officials
- \*BOCA = Building Officials & Codes Administrators
- \*UBC = Uniform Building Code
- \*UPC = Uniform Plumbing Code
- \*UMC = Uniform Mechanical Code
- \*NEC = National Electric Code
- \*UFC = Uniform Fire Code





"Service to County Government"

212 S.W. 7th Street  
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FAX (913) 233-4830

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Seward County Appraiser  
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**Executive Director**  
John T. Torbert

January 31, 1991

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

**From: Bev Bradley, Deputy Director**  
**Kansas Association of Counties**

**Re: SB 25 Cities and Counties Home Rule**

The Kansas Association of Counties is in support of SB 25. The association agrees with the conclusion reached by the interim study committee, "The committee encourages local governments to expand the use of service charges and user fees at the local level as one means of relieving pressure on ad valorem property taxes. The committee likewise recommends that cities and counties review existing service charges and user fees to determine if the fees are set at an adequate level to reimburse the costs of the program or service."

Our Kansas Association of Counties platform position on this matter is very simple and states that KAC would support efforts to reduce the reliance on property tax. We believe this is a beginning or first step in that user fees could be used in many instances to provide maintenance money for certain community supported services instead of general fund revenue which comes from ad valorem taxes.

Thank you for the opportunity to appear.

Senate L.G.

1-31-91

Attachment 7