

Approved February 19, 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. ~~XXXX~~ on February 14, 1991 in room 531-N of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Senator B. D. Kanan
Donald H. Turner, Kansas City, Kansas
John Freed, Kansas City, Kansas
Hal Bassett, Kansas City, Kansas Area Convention and Visitors Bureau, Inc.
Ed Jaskinia, Kansas City, Kansas
Bev Bradley, Kansas Association of Counties

SB 126 - Concerning Wyandotte County; relating to the powers and duties of the board of county commissioners; relating to the powers and duties of the county board of park commissioners.

Senator B. D. Kanan, author of the bill, testified first in support of the bill. (Attachment 1). Staff had distributed copies of a balloon of the bill with Sen. Kanan's suggested amendment. (Attachment 2).

Sen. Allen asked how the construction of the hotel will destroy the lake. Sen. Kanan answered that it will present an environmental problem. He added that the BPU has refused to grant funds for economic development on this project.

Donald H. Turner of Kansas City, Kansas, followed with testimony in support of SB 126. He informed the committee that there is private ground available where the hotel could be built. He is not in favor of using public land (Wyandotte County Lake) for hotels. He feels the wildlife will be displaced, especially the American Bald Eagle at the lake. He added there are 3500 names on file on petitions and more coming against the hotel being built on county property. One objection voiced is to the planned conversion of two ball diamonds to parking lots. Another concern is that the new utilities run into the area will disrupt the beauty of the area by the loss of trees. Finally, he noted that the lake area is already overcrowded, and a hotel would only add to this problem. Mr. Turner concluded that if New York City can maintain Central Park free from commercialism, Wyandotte County should be able to do the same, especially since he strongly suspects that the hotel will not be a financial success and, thus, be thrown back onto the taxpayers.

John Freed, also of Kansas City, Kansas, followed in support. With the aide of a map, he pointed out that the proposed site for the hotel would involve two to four percent of the lake, not one percent as has been publicized. He also expressed concerns about environmental problems developing and the use of public land for private enterprise. He feels the development of the hotel is being hurried by the county commissioners which is cause for suspicion. Mr. Freed displayed photographs of the area he had taken to demonstrate to the committee that the hotel would block the view of the beauty of the lake for the public. He indicated to the committee that the bill needs some language to preserve public property for public use, disallowing commercial use.

With regard to Sen. Allen's questions regarding the ill effects the hotel

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

room 531-N, Statehouse, at 9:00 a.m./~~p.m.~~ on February 14, 1991.

might have on the lake, Mr. Freed noted that there is a silting problem at the lake due to the construction of the Woodlands. Also, the patrol of the lake would have to be extended to twenty-four hours whereas at present it extends only to midnight. Also, the Bald and Golden Eagles at the lake would be threatened.

The Chairman asked both Mr. Turner and Mr. Freed to submit written testimony.

Hal Bassett, Kansas City, Kansas Area Convention and Visitors Bureau, Inc., testified in opposition to SB 126. (Attachment 3). He also read the written testimony of two others in opposition who were unable to appear: Kay Nies, Wyandotte County Commission, (Attachment 4), and William H. Ray, Kansas City, Kansas Area Chamber of Commerce (Attachment 5). Mr. Bassett announced that there is a public hearing scheduled on this proposed development on February 20 at 6:30 where the terms of the lease will be made public.

Ed Jaskinia, Kansas City, Kansas, testified further in opposition to the bill. (Attachment 6). He noted that "Number 2" in his written testimony has been addressed by Sen. Kanan's suggested amendment.

Final testimony was given by Bev Bradley, Kansas Association of Counties, in opposition to one portion of the bill. (Attachment 7).

This concluded the hearing on SB 126, and it was taken under advisement.

The minutes of February 13 were approved.

The meeting was adjourned at 9:40 a.m.

Date: 2-14-91

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

NAME	ORGANIZATION	ADDRESS
BEV BRADLEY	KS Assoc of Counties	Topeka
Robert Sherburne	Meadow Develo Corp	Topeka
Mary A Jaylan	Wyandotte Co	KCK
Larry Lyden	Wyandotte Co	KCK
Val Bassett	KCK CONVENTION & VISITORS BUREAU, INC	727 MINNESOTA KCK
Donald Surace	myself	4110 N. 60th K.C.K.
Ed Bair	Wy Co	240 No. 27 KCK
ED JASKWIA	Wy co	KCKs
B. D. Kanan	State Senator	KCK 14
PHEN SIMMONS	WYN. CO (Voter)	2415 N 50th TERR K.C.K.
James Tolman	WYCO. (Voter)	2700 SO 52ND KCK
Norma Lee Alexander	3700 Matney Ave. K.C. Mo.	no organization
John Freed	CHIN-DO WAN II	KCKS
Mark L Manning	POB	Topeka
James R. Torrance	WYCO Voter	K.C.K.
Betty Kane	" "	K.C.K.
Vigil Skipton	WY CO	KCK
David Clark	Topeka	Topeka

STATE OF KANSAS

B. D. KANAN
SENATOR, FIFTH DISTRICT
WYANDOTTE COUNTY
STATE CAPITOL BUILDING, ROOM 462-E
TOPEKA, KANSAS 66612
(913) 296-7357



TOPEKA

SENATE CHAMBER

February 14, 1991

COMMITTEE ASSIGNMENTS
MEMBER: CONFIRMATIONS
GOVERNMENTAL ORGANIZATION
PUBLIC HEALTH AND WELFARE
TRANSPORTATION AND UTILITIES

Mr. Chairman and Members of the Committee:

I appear before you not only as a State Senator but also as a concerned citizen of Wyandotte County.

The biggest concern of the people of Wyandotte County is building a private hotel by a private developer on our beautiful lake. This issue is having a greater impact on the citizens of Wyandotte County, even more so than the property tax issue.

As you will hear, there are petitions filed with thousands of signatures against building this hotel. When this issue first came about a few months back, the citizens of Wyandotte County were told Travelodge wanted to build this hotel, the roads, water lines, the sewers and the parking areas at no expense to the tax payers.

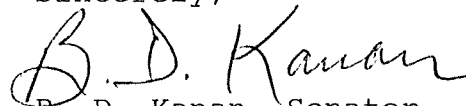
In the last month or so this has changed dramatically. In fact, the leader of this project, Mr. Garton, has resigned from the "supposed to be corporation" which was going to build this hotel. Now, I hear that they are asking for grants from our Public Utility and probably will ask for financial help from the city and county.

This lake was built by the W.P.A. We, in Wyandotte County, are proud of this Lake. We can go boating, fishing, and have our picnics and family gatherings at one of the many shelter houses on the lake. I am asking for the citizens of Wyandotte County, for your help to leave this lake in it's present condition.

I am for economic development and would sure be in favor of the hotel group building a hotel on their own land with their own money. There is property just south of the lake at 99th and Leavenworth Road for sale. This is within walking distance of the lake and also close to the Woodlands Race Track.

I am asking for the people of Wyandotte County, for your support of Senate Bill 126.

Sincerely,


B. D. Kanan, Senator
5th District

BDK:cm

Now I stand for questions.

Senate L. Gr.
2-14-91
Attachment 1

SENATE BILL No. 126

By Senator Kanan

2-5

8 AN ACT concerning Wyandotte county; relating to the powers and
9 duties of the board of county commissioners; relating to the powers
10 and duties of the county board of park commissioners; amending
11 K.S.A. 1990 Supp. 19-101a and 19-2855 and repealing the existing
12 sections.
13

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

15 Section 1. K.S.A. 1990 Supp. 19-101a is hereby amended to read
16 as follows: 19-101a. (a) The board of county commissioners may
17 transact all county business and perform all powers of local legislation
18 and administration it deems appropriate, subject only to the following
19 limitations, restrictions or prohibitions:

20 (1) Counties shall be subject to all acts of the legislature which
21 apply uniformly to all counties.

22 (2) Counties may not consolidate or alter county boundaries.

23 (3) Counties may not affect the courts located therein.

24 (4) Counties shall be subject to acts of the legislature prescribing
25 limits of indebtedness.

26 (5) In the exercise of powers of local legislation and administration
27 authorized under provisions of this section, the home rule power
28 conferred on cities to determine their local affairs and government
29 shall not be superseded or impaired without the consent of the
30 governing body of each city within a county which may be affected.

31 (6) Counties may not legislate on social welfare administered un-
32 der state law enacted pursuant to or in conformity with public law
33 No. 271—74th congress, or amendments thereof.

34 (7) Counties shall be subject to all acts of the legislature con-
35 cerning elections, election commissioners and officers and their du-
36 ties as such officers and the election of county officers.

37 (8) Counties shall be subject to the limitations and prohibitions
38 imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments
39 thereto, prescribing limitations upon the levy of retailers' sales taxes
40 by counties.

41 (9) Counties may not exempt from or effect changes in statutes
42 made nonuniform in application solely by reason of authorizing ex-
43 ceptions for counties having adopted a charter for county

Senate L.G.
2-14-91
Attachment 2

R-2

1 the new park and recreational areas so acquired under the provisions
 2 of this act to any federal nonprofit corporation or foundation created
 3 under the laws of the United States, for the purpose of establishing
 4 and maintaining any national shrine, park or memorial upon any
 5 land in such county, which adjoins, abuts or is adjacent to the new
 6 park and recreational areas so acquired by any such county under
 7 the provisions of this act. The board of county commissioners shall
 8 have power, and it shall be its duty, upon recommendation of the
 9 county board of park commissioners, to adopt resolutions from time
 10 to time for the regulation and orderly government of parks, parkways,
 11 recreational areas, county lakes, roads, park drives and public
 12 grounds, and to prescribe fines and penalties for the violation of the
 13 provisions of such resolutions.

14 *(b) No property on or adjacent to the Wyandotte county lake*
 15 *located within Wyandotte county park may be sold, leased, developed*
 16 *or otherwise used for commercial purposes.*

17 Sec. 3. K.S.A. 1990 Supp. 19-101a and 19-2855 are hereby
 18 repealed.

19 Sec. 4. This act shall take effect and be in force from and after
 20 its publication in the Kansas register.

unless approved by a majority of the
 qualified electors of the county voting at
 an election thereon. Such election shall
 be called and held in the manner provided
 by the general bond law. Nothing in this
 section shall be construed as applying to
 commercial operations existing on the
 effective date of this act.



Kansas City, Kansas Area Convention and Visitors Bureau, Inc.

Testimonial Statement

Date: Thursday, February 14, 1991

To: Senate Local Government Committee Chair
The Honorable Senator Don Montgomery, Kansas Senate

By: H.L. "Hal" Bassett, CAE
Director
Kansas City Kansas Area Convention & Visitors Bureau, Inc.
727 Minnesota Avenue
Kansas City, KS 66117

Subj: Senate Bill No. 126, introduced by Senator B.D. Kanan

Honorable Senator Montgomery and members of the Kansas Senate
Local Government Committee:

As chief executive officer of the Kansas City Kansas Area
Convention & Visitors Bureau, Inc, I am deeply concerned about
the consequences of Senate Bill No. 126 passing into Kansas State
Statutes.

It would seem to me that current statute defines proper
parameters of county boards of park commissioners across the
state of Kansas on a parity basis without regard to specific,
local communities being singled-out for having to conform to
special rules and/or restrictions.

My concern is shared by many other residents of Wyandotte County.
Regardless of the merits, or lack thereof, of any specific
developers who may want to engage in commercial ventures upon
public properties under the jurisdiction of local, county
government, many of us feel that the proper forum for considering
such issues is within the local jurisdiction. We do not feel
that the power of the state should be brought to bear upon the
local community, especially in such a discriminatory manner.

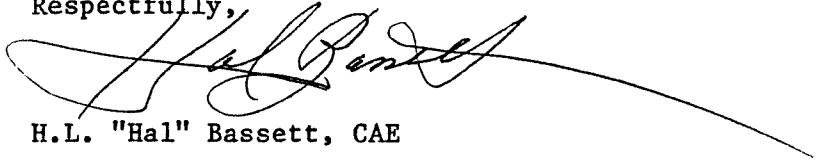
This proposed legislation creates a dangerous precedent. Today,
Wyandotte County is singled out. Who knows what other Kansas
counties may be next?

Senator Montgomery
February 14, 1991
Page 2

I have a great deal of respect for Senator Kanan, as he is also highly respected in Wyandotte County. But, I feel conscience-bound to speak in opposition to Senate Bill No. 126.

Thank you for the opportunity to testify before your committee, Senator Montgomery.

Respectfully,

A handwritten signature in cursive script, appearing to read "Hal Bassett", with a long horizontal flourish extending to the right.

H.L. "Hal" Bassett, CAE

WRITTEN TESTIMONY FOR SENATE
LOCAL GOVERNMENT COMMITTEE
DON MONTGOMERY, CHAIRMAN
THURSDAY, FEBRUARY 14, 1991

KAY NIES, CHAIRMAN
WYANDOTTE COUNTY COMMISSION

RE: SB 126
By Senator Kanan

The Board of Wyandotte County Commissioners is meeting today at 9:00 a.m. I had originally hoped to appear in person today to testify in opposition to SB 126, which attempts to restrict the use of Wyandotte County Lake Park land so that it could not be sold, leased, developed or otherwise used for commercial purposes. There are other leases for commercial purposes on this land now, as there are no doubt on other county park lands across the state.

So that you might understand the issue behind this proposed restriction, Wyandotte County is in the process of attempting to negotiate a lease for approximately 11 acres of our 1,400 acre park in Wyandotte County Lake Park. The 11 acres in question is and always has been unavailable for public use/access.

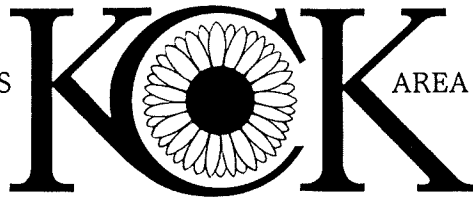
A private developer is considering a four-star lodge/hotel and conference center with 220 rooms which, if built, would pay in excess of a half-million dollars in property taxes per year and in excess of a quarter-million dollars in sales tax. It would not only complement the Woodland facility, but create potential jobs as well.

Contrary to what you may have been told, Wyandotte County is not being asked to subsidize this commercial development. No bonds or tax abatement are involved. This is simply an opportunity for economic development in Wyandotte County and the State of Kansas.

I would submit that local determination of local issues needs to remain with those of us in Wyandotte County closest to the decision. In addition, the potential erosion of home rule power should be a concern of the remaining 104 counties also.

Thank you for your time and consideration.

Senate L.G.
2-14-91
Attachment 4



February 13, 1991

The Honorable Senator Don Montgomery, Chairman
Senate Local Government Committee
Kansas Senate
State Capitol
Topeka, KS 66612

RE: S.B. #126

Dear Senator Montgomery:

Today I learned of the time and date of the hearing on this bill. I regret that my schedule prevents my attending. I am submitting this letter in the hope that it can be shared with the committee.

As the president of the Kansas City Kansas Area Chamber of Commerce, I am very concerned about Senator Kanan's proposed amendment. I have a great deal of respect for Senator Kanan and his views concerning a local proposal for a conference center hotel development at Wyandotte County lake in Kansas City. There is much concern about this development being expressed in our city and county. We of the chamber share this concern. However, whatever thoughts or feelings any of us might have about this particular proposed development, I believe that it is inappropriate to remove the consideration of any such proposals, present or future, from local jurisdiction at control.

Most thoughtful local citizens want to preserve the lake and its intended purpose. This includes our local officials who have jurisdiction over such matters.

It should be noted that there are numerous instances around the country of very productive arrangements between the public and private sectors for such facilities, as the one proposed here. The vast majority of these, that I am aware of, are perceived as a great benefit by their local communities. Therefore, it is very possible that a future proposal would be a great benefit to our city and county and would be perceived as such by our citizens. In any event these developments should be debated at the local level and the determinations should be made by those most directly responsible.

Thank you for considering my views.

Sincerely,

William H. Ray
President

WHR:mal

Senate L.G.,
2-14-91
Attachment 5



February 14, 1991

TESTIMONY OPPOSING SENATE BILL 126

My name is Ed Jaskinia, and I'm here to speak in opposition to Senate Bill 126, which gives the State of Kansas the authority to prohibit commercial development on Wyandotte County Lake. More specifically, this bill would keep a proposed 200 room hotel from being built on the lake.

I do not have enough information at this time to tell you whether I am for or against this hotel project. In fact, the major problem with the proposal is that the developers are not providing the details Wyandotte Countians need to make an intelligent decision.

But the issue really at hand is whether or not the people of Wyandotte County will be able to exercise their right to make their own decision on a matter of local interest. We are the ones who will be most directly effected by the lake's future. We are the ones who will reap the rewards or suffer the consequence if the wrong decision is made. Yet Senate Bill 126 takes this decision away from us and gives it to you!

In Wyandotte County we have a park board who must decide whether to recommend projects to the Board of County Commissioners. The three members of the commission must then decide how they feel about it, and then make their decision. If they approve, then the Kansas City Kansas Planning Commission, Zoning Board, and City Council must also give their approval, as the lake is located inside the city. These Board, Commissions and Council are answerable to the voters and taxpayers of Wyandotte County. Please do not take this right away from us.

Besides being an insult to the intelligence of our citizens to handle their own affairs, there are a number of other problems with this bill.

Senate L. Gr.
2-14-91
Attachment 6

NUMBER 1: Is it legal? I'm not an attorney, but several have questioned whether it's constitutionally permissible to do this.

NUMBER 2: How will it effect the commercial enterprises already operating on county land. Currently we have the Sandstone Outdoor Theatre which brings in top musicians from across the country. We also have the Renaissance Festival, known across the nation as one of the best. The Agricultural Hall of Fame is located here. And on the lake itself we have a Boat House and Marina. All of these are long term commercial enterprises located on county land, bringing visitors and tax dollars to our area. Will these be effected? *Amendment by Kanan addresses this*

NUMBER 3: I have been told that this will be treated as a "Courtesy Bill," a bill which has no effect on the rest of the state and is passed as a courtesy to the sponsoring senator. In fact, I was told by Senator Kanan that this bill would pass the Senate 39-1, and pass the house unanimously. The problem is that if this is allowed to pass out of this committee, then who next will pressure someone to pass a bill in some other county, or city, or district, until finally citizens find out they can just bypass their local elected officials, and come straight to you.

The voters and taxpayers of Wyandotte County, and all other counties, have the right to protest, petition and elect people of their own choosing to authority positions. Please do not take that right away from the citizens of Wyandotte County.

Thank You.



"Service to County Government"

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

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Gary Post
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Vernon Wendelken
Clay County Commissioner
(913) 461-5694

NACo Representative
Keith Devenney
Geary County Commissioner
(913) 238-7894

Executive Director
John T. Torbert

February 14, 1991

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

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

Re: Senate Bill 126, County Home rule

The Kansas Association of Counties has a convention adopted position which states in part that we support a constitutional amendment for county home rule. The reason for this statement is that it would be more difficult to keep adding exemptions as had been done to the statutory home rule powers given to counties. We oppose any further attempt to narrow the home rule powers of counties. It is the position of the Kansas Association of Counties that County Commissioners are elected by the same constituents as are legislators and that commissioners should be allowed to carry out the functions of county government in their respective counties.

Mr. Chairman we do not have a position on the last half of this bill, only the part on page three which makes another exemption to county home rule power, which we oppose.

TSBSB126

Senate L.G.
2-14-91
Attachment 7