

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 February 19, 1991 in room 531-N of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Senator Ross Doyen
Joe de la Torre, Secretary of State's Office
Senator Lana Oleen
Representative Kent Glasscock
Gail Hoke, Mayor, City of Ogden
Wilton B. Thomas County Commissioner, Riley County

The meeting began with the request for the introduction of two bills by Senator Doyen. The first one would strike the prohibition of using trust money for economical development. (Attachment 1). The other bill regards small county museums. It would exempt small cities from putting in sprinkler systems in these small museums which are often open during the summer only with a limited number of visitors at any one time.

Sen. Daniels made a motion for the introduction of both bills, Sen. Lee seconded, and the motion carried.

SB 142 - An act directing the Secretary of State to convey certain land to the City of Ogden, Kansas.

Joe de la Torre of the Secretary of State's office testified briefly in support of SB 142. He stated that Secretary Graves has reviewed the property subject to this bill and thinks it is appropriate for the City of Ogden to own this land. It would cause no fiscal impact.

The Chairman asked Mr. de la Torre to submit written testimony. Also, he asked if there was any history of how the land became owned by the state. John Cowan, a cartographer, explained that it was due to a drastic change in the river bed due to flooding in 1951. He displayed maps of the area to indicate what land is involved and to aide in answering questions the committee might have.

Senator Lana Oleen testified in support of the bill. (Attachment 2). It was determined for Sen. Steineger that the bill involves ten to twelve acres of land.

Representative Glasscock gave further testimony in support of SB 142. (Attachment 3). In response to questions from Sen. Allen regarding the original ownership of the land involved, Sen. Oleen responded that it is a river channel change created by the flood of 1951 leaving the land, reverting by statute, as property of the State of Kansas.

Gail Hoke, Mayor of the City of Ogden, testified in support of the bill. (Attachment 4). With regard to the ownership of the land involved in the bill, Mr. Hoke said that the land was originally owned by the City of Ogden. The flood of 1951 changed the river channel and left a dry river bed. This land

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,
room 531-N, Statehouse, at 9:00 a.m./~~xxx~~ p.m. on February 19, 1991

includes platted streets of the original City of Ogden. He emphasized that the City of Ogden would not be gaining title to anyone's property; it is state owned property. Also, Mr. Hoke informed the committee of an auction of private property where the county sold property within the high bank area which is owned by the state. Sen. Oleen added that this bill merely takes care of conveyance of this abandoned river channel owned by the state to the City of Ogden.

Wilton Thomas, Riley County Commissioner, testified in support of the bill. Attachment 5).

Sen. Gaines had further questions about the original ownership of the land involved. Sen. Oleen responded that the bill does not address any property that is titled, only land which is owned by the state because of the high water to high water mark.

Kenneth Romanski of the City of Ogden stood to state that there is a belief on the part of abstractors that the state has the road right of way on this property. There are five platted streets on this state land located between city owned property. This land could be used by the City of Ogden for street access to a ball diamond area.

Sen. Steineger made a motion to recommend SB 142 favorable for passage, Sen. Daniels seconded, and the motion carried.

The minutes of February 14 were approved.

Copies of requested written testimony by George Boyd on SB 116 which had been previously heard had been distributed to the committee. (Attachment 6).

The meeting was adjourned at 9:35 a.m.

PROPOSED BILL NO. _____

By

AN ACT concerning certain trusts; relating pledging of other money for trust purposes; amending K.S.A. 58-2433 and repealing the existing section.

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

Section 1. K.S.A. 58-2433 is hereby amended to read as follows: 58-2433. Funds received by the beneficiary under the provisions of any trust created under the provisions of this act shall be kept and maintained in a special account or accounts and used only for the purpose of such trust and no funds of said the beneficiary derived from any source whatsoever other than the trust property, or the operation thereof, shall be charged with, or expended for the execution of said the trust, ~~except by express action of~~ unless approved by the legislative authority of the beneficiary ~~first had and no funds derived from the levy of ad valorem taxes shall be used for or pledged for the purposes or execution of such trust.~~ The officers or any other governmental agencies or authorities having the custody, management or control of any property, real or personal, or both, of the beneficiary of such trust, or of such a proposed trust, which property shall be needful for the execution of the trust purposes, hereby are authorized and empowered to lease such property for said such purposes, after the acceptance of the beneficial interest therein by the beneficiary as hereinafter provided, or conditioned upon such acceptance.

Sec. 2. K.S.A. 58-2433 is hereby repealed.

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

Senate L.G.
2-19-91
Attachment 1

STATE OF KANSAS

LANA OLEEN
SENATOR, 22ND DISTRICT
RILEY AND GEARY COUNTIES



TOPEKA

SENATE CHAMBER

LEGISLATIVE HOTLINE
1-800-432-3924

COMMITTEE ASSIGNMENTS
CHAIRMAN: GOVERNMENTAL ORGANIZATION
VICE CHAIRMAN: CONFIRMATIONS
LABOR, INDUSTRY AND SMALL
BUSINESS
MEMBER: ASSESSMENT AND TAXATION
ECONOMIC DEVELOPMENT
JUDICIARY
LEGISLATIVE EDUCATIONAL PLANNING
COMMITTEE
CHILDREN AND YOUTH ADVISORY COMMITTEE
JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

TESTIMONY SB 142

SENATE LOCAL GOVERNMENT COMMITTEE

FEBRUARY 19, 1991

Chairman Montgomery and Members of the Committee:

Nearly a year ago, I entered into a dialogue with Ogden officials on the issue of obtaining better access to a ball diamond and state-owned property which could be used as a recreational spot for Ogden residents.

The property, which will be further outlined by our county cartographer, lies below a 1040 line and has been changed due to the riverbed's relocation.

Several conferences with local officials, the Secretary of State's office, and coordinated efforts have culminated into the contents of SB 142. I have been pleased with the participants' cooperative efforts which have also been enhanced with Representative Glasscock's assistance.

A number of other conferees would like to provide testimony this morning, so I will defer to their presentations. Thank you for the opportunity to appear before you today in support of SB 142.

Senator Lana Oleen

Senate L.G.

2-19-91

Attachment 2

KENT GLASSCOCK
REPRESENTATIVE, 62ND DISTRICT
RILEY COUNTY
1921 CRESCENT
MANHATTAN, KANSAS 66502
(913) 537-9156
STATE CAPITOL, ROOM 155-E
TOPEKA, KS 66612
(913) 296-7646



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: TAXATION
ENERGY & NATURAL RESOURCES
RULES & REGULATIONS

Senate Bill 142

February 19, 1991

Local Government Committee

Chairman Montgomery and Committee Members:

Thank you for the opportunity to appear before you today in support of SB 142.

I became involved in the issue before you today soon after my election to the Kansas House. Senator Oleen and I have met with Ogden officials and earlier this month had a town meeting in Ogden about the procurement of the property for the citizens of Ogden.

We have had an opportunity to discuss the issue with Secretary of State Bill Graves, and at his suggestion, SB 142 was drafted for the legislature's consideration.

I am hopeful that Ogden citizens and their families will enjoy the property and its safe access for youngsters.

Thanks for your consideration of SB 142.

*Senate L.G.
2-19-91
Attachment 3*

CITY OF OGDEN

Phone 539-0311
OGDEN, KANSAS 66517

TO: CHAIRMAN MONTGOMERY AND
ALL MEMBERS OF THE COMMITTEE

DATE: FEBRUARY 19, 1991

RE: SENATE BILL NO. 142

As the Mayor of Ogden Kansas, I support Senate Bill No. 142 and respectfully request the support of the Committee, the Senate, and the House. Senate Bill No. 142 will provide clear title to the City of Ogden for the Old River Channel, which lies within the corporate city limits. By acquiring a modest easement across some additional private property, a link can be effectuated between the town proper and a parcel of land owned by the City lying generally to the south of the town proper.

On that south track of land there is a beautiful baseball diamond that is not presently fully utilized because of the lack of safe access to the area.

Ogden, being a community of many young families, is always in need of recreational facilities, opportunities, and outlets for young people.

Senate Bill No. 142 will provide clear and ready access to the ball diamond area without the necessity of travel on very busy Highway K-18.

As Mayor of Ogden and on behalf of the City Council of Ogden, I urge favorable consideration of Senate Bill No. 142 and its further recommendation to the Senate as a whole for further action.

Thank you for your kind attention to this matter.



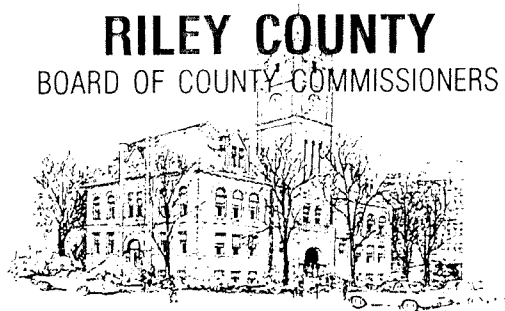
GAIL HOKE, Mayor
City of Ogden

Senate L.G.,
2-19-91
Attachment 4

RILEY COUNTY
BOARD OF COUNTY COMMISSIONERS

COMMISSIONERS
WILTON B. THOMAS
JOHN SJO
RICHARD L. JEPSEN

Riley County Office Building
110 Courthouse Plaza
Manhattan, Kansas 66502
(913) 537-0300



TO: CHAIRMAN MONTGOMERY AND
ALL MEMBERS OF THE COMMITTEE

DATE: FEBRUARY 18, 1991

I appreciate this opportunity to appear in support of Senate Bill No. 142 which has been introduced by Senator Oleen.

As Riley County Commissioner from the First District, I represent the people of Ogden and Ogden township. I am familiar with the people, the community, and the land involved.

Passage of Senate Bill No. 142 will provide a significant advantage to the community and, to my knowledge, no disadvantage to anyone. The City of Ogden owns a tract of land generally south of the town, but separated by the land involved in Senate Bill No. 142. A baseball field, which should be quite useful to the youth programs of the community, has been developed on this land south of town. It is in easy walking or biking distance from the residential area, but is not well utilized because at present the only access is via Highway 18. This heavily traveled state highway constitutes a serious traffic hazard for people on foot or going by bicycle. Parents and others responsible cannot safely give permission for such travel. Recreational facilities are especially important for communities such as Ogden which are significantly military-related.

It is my opinion that the people of Ogden will proceed to develop an alternate road to the baseball field/park area once Senate Bill No. 142 is in effect. This will greatly improve the recreational facilities for the community.

I urge favorable consideration of this matter by this Committee as the next step in this process.

Thank you very much.

Wilton B. Thomas
Wilton B. Thomas
County Commissioner
First District, Riley County

WBT:lk

Senate L.G.

2-19-91

Attachment 5

TRANSCRIPT OF TESTIMONY

TO: Senator Don Montgomery, Chairperson
Senate Local Government Committee

Testimony presented by:

George M. Boyd, Director
Director of Aviation
Kansas Department of Transportation

Senate Bill 116:

The Kansas Department of Transportation supports the intent of the proposed legislation outlined in Senate Bill 116. The Department was not aware of the local tax implication, however, it is the position of the Department that the formation of a Miami County Airport Authority is a good idea and would help with the management of the local airport activities in Miami County.



George M. Boyd

2/15/91

Date

Senate L.G.
2-19-91
Attachment 6