

Approved February 18, 1992
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE M. J. JOHNSON at
Chairperson

1:30 a.m. on FEBRUARY 11, 1992 in room 521-S of the Capitol.

All members were present except:

Representative Darlene Cornfield, excused
Representative Lisa Benlon, excused

Committee staff present:

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

Conferees appearing before the committee:

Representative Rick Bowden
Yvonne Coon, Clearwater City Administrator
Norman Wilks, Director of Labor Relations with the KASB
Ernie Mosher, Research Council for the League of Kansas Municipalities
Bev Bradley, Kansas Association of Counties

The Chair informed the Committee that the Kansas Association of Counties and the League of Kansas Municipalities Local Government Dinner had been rescheduled for February 25, 1992. The Committee would receive the invitations at a later date.

Captain Fred Johnson, Troop Commander with the Capitol Area Security Patrol, appeared before the committee to request a bill relating to the possession of a firearm on certain state property.

Representative Robert Watson moved to introduce the request as a committee bill; seconded by Representative Tom Thompson. The motion carried.

Representative Nancy Brown requested a bill on behalf of the Firefighters Education Association of Kansas dealing with a smoke detector to be introduced.

Representative Jess Harder moved to introduce the above request; seconded by Representative Richard Lahti. The motion carried.

The Chair called for hearings on HB 2846 and HB 2847.

HB 2846 - County historical museum; tax levy increases.

HB 2847 - Recreation commissions; levy increases.

Representative Rick Bowden stated a constituent had requested the bills and Yvonne Coon, Clearwater City Administrator, would address the bills.

Yvonne Coon, Clearwater City Administrator, appeared before the committee in support of HB 2846 and HB 2847. She stated 3 mayor's have tried to help the recreation commission to increase their mill levy but have failed because of this one word, "may". If the word was "shall", the mayors would not have been involved. Imagine their frustration when laws governing cities are written with the word "shall". This does not help when I need to educate them.

Representative Nancy Brown stated she was involved with writing a Recreation Commission Statute and at the time one of the things she was concerned about is having non-elected officials being able to raise taxes. If you have an elected official, they are ultimately responsible to the voters and they are the ones that would make a

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S, Statehouse, at 1:30 ~~am~~/p.m. on FEBRUARY 11, 1992.

decision. The recreation commission is not an elected position but it is an appointed position. Representative Brown asked if she was not giving the non-elected officials more authority. Ms. Coon stated that they were giving them the choice to request an additional amount of money in a mill levy.

The Chair asked staff if they could tell what is changed in the bill. Staff stated in HB 2846 on line 41 change "may" to "shall". If the museum wants an increase in the levy, they have to submit a proposed program with the budget to the governing body and then the governing body, under current law "may" authorize the increase, but with the change the governing body "shall" levy a tax sufficient to raise the amount required. On page 2 an election is required. HB 2847 is subject to a protest petition.

Representative Jack Wempe asked staff if under the current tax lid on the aggregate amount of the county budget if this budget were to be increased would there have to be a reduction somewhere else? Staff stated if he recalled there is not an exemption to this particular type of thing and didn't know if an election might remove it from the tax lid. Staff stated they would have to check on it.

The Chair asked Ms. Coon if she wanted to testify on HB 2847. Ms. Coon said they would both be the same.

Staff asked Ms. Coon if the intent of these bills were to take any discretion that the city or the school district would have out of the issue of raising the tax levy for either the museum or the recreation commission. Ms. Coon said it was.

There were no other questions or proponents to HB 2847 and HB 2846.

The Chair called for opponents.

Norman Wilks, Director of Labor Relations with the KASB, appeared in opposition to HB 2847. He said that the KASB believed that the levy limit should be established by an elected governing body rather than an appointed board of control such as the Recreation Commission. (Attachment 1)

Ernie Mosher, Research Counsel for the League, appeared in opposition to HB 2847. He stated the League had a convention adopted policy statement and that property taxes should be levied only by elected governing bodies. No questions for Mr. Mosher.

Bev Bradley, representing the KAC, spoke in opposition to HB 2846. She said this bill applies only to cities or school districts, but if counties are involved; we oppose the concept. She stated that their association had a policy against mandating upon counties to increase a tax levy on historical museums. They feel that the elected boards are the body responsible to the taxpayers to levy taxes.

There were no other opponents or questions from committee and the Chair closed the hearings on HB 2846 and HB 2847.

The Chair informed the committee that a hearing would be held on HB 2849 and HB 2809 on Wednesday, February 12, and also possible final action on previously heard bills. If the Committee has any amendments or suggestions on any bill, to please bring those to committee.

Representative Gayle Mollenkamp moved to approve the minutes of February 6; seconded by Representative Tom Thompson. The motion carried.

The meeting was adjourned at 2:00 p.m.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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TESTIMONY ON H.B. 2847
BEFORE THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

BY
NORMAN D. WILKS, DIRECTOR OF LABOR RELATIONS
KANSAS ASSOCIATION OF SCHOOL BOARDS

February 11, 1992

Madam chairman and members of the committee, on behalf of 294 of the 304 unified school boards of education which are members of the Kansas Association of School Boards, we wish to express our opposition to the passage of H.B. 2847.

Our opposition is based on reasoning similar to that of the legislature when it made major revisions in the Recreational Commission laws in 1987. We believe that the levy limit should be established by an elected governing body rather than an appointed board of control such as the Recreation Commission. According to current law the Recreation Commission is entitled to establish a budget within the authorized mill levy limit. Any increase is to be submitted to the city or school district for authority to increase the authorization. Current law allows an elected body to pass on the propriety of the increased levy.

Our second objection is that much of the criticism or questioning of a Recreation Commission levy is addressed to the taxing entity, i.e., the board of education. In many cases the Recreation Commission levy is perceived as an additional school district levy. The board of

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Attachment 1

education or city council should exercise some discretion over the total levy authorization.

For the reasons stated we encourage your opposition to the passage of H.B. 2847.