

Approved March 12, 1992
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

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

1:40 axx/p.m. on MARCH 5, 1992 in room 521-S of the Capitol.

All members were present ~~except~~

Committee staff present:

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

Conferees appearing before the committee:

Doug Bach, City of Kansas City, Kansas

Chair called for action or discussion on the following bills:

HB 2860 - Adjustment of population figures following annexation of territory by cities.

Doug Bach, City of Kansas City, Kansas, presented the committee with testimony on "Questions concerning HB 2860". (Attachment 1) He also presented the committee with a possible amendment to account for question #2 would state that before allocations changes are made by the Division of Budget an annexing municipality must agree to reimburse the state for its cost to make the allocation adjustments.

Committee discussed Mr. Bach's amendment.

Representative Brown said she thought they could accomplish what they wanted to accomplish as long as the city and county agreed and she couldn't understand why it couldn't be a part of an annexation agreement. She said they might not get all the highway money in the proportionment that they wanted, but it could be negotiated at the time of the annexation and be reimbursed and get the money.

Representative Macy made a conceptual motion to amend HB 2860 as Mr. Bach suggested. The motion was seconded by Representative Harder and the motion carried.

Concern was expressed by the committee if 30 days was a reasonable time for the Department of Budget to adjust the population and if anyone had talked to the Division of Budget.

Representative Brown didn't want to make a motion to kill the bill but didn't want the bill to pass until they have some answers from budget and what it really means. She thinks it has some ramifications in time and what people are doing and she doesn't think they have adequate information to make a decision.

Chair stated that maybe someone could come in and answer questions for the committee. Chair said she would not take action on the bill until someone had answered questions.

HB 2297 - Publication of board of tax appeals orders tax levy limitations.

Staff gave a review of HB 2297 and said Representative Scott's concern was townships not all taxing entities.

Committee discussed the changing of the publication date to one time instead of three times because of small budgets.

CONTINUATION SHEET

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room 521-S, Statehouse, at 1:40 ~~am~~/p.m. on MARCH 5, 1992

Chair said there were to many unanswered questions on HB 2297 and would go on to the next bill.

HB 2837 - Grounds for removal from office of district coroners.

Copies of Representative Lahti's suggested amendment was distributed to the committee. (Attachment 2) He said he had talked to some judges in Sedgwick county and they felt we were leaving to much to chance and they wanted some specifics that a due process hearing, also that district judges within a judicial district have to have a voice in the removal of a coroner.

Chair asked staff if the amendment was needed. Staff said it didn't hurt to clarify.

A motion was made by Representative Lahti to make a clarification amendment to HB 2837. The motion was seconded by Representative Sluiter. The motion carried.

The second part of the amendment would make it effective after January 31, 1992.

Representative Lahti moved to make it effective after January 31, 1992. The motion was seconded by Representative Sluiter. The motion carried.

Vice-Chair Gomez moved to pass HB 2837 as amended. It was seconded by Representative Sluiter. The motion carried.

HB 3047 - Establishing a state examiner board.

Chair said she was requesting an interim study on HB 3047. She said there is a large fiscal note on it.

HB 2897 - Removal of traffic signals; approval of cities required.

The Chair said Vice-Chair Gomez, Representative Brown, Representative John McClure and his intern, Mike Robinson, met and they had him call the surrounding states to see how they reviewed the code book. Mr. Robinson has a lot of information and rather than working the bill, I will have the bill sent to an exempt committee and brought back and I will appoint a subcommittee and bring in Mike Johnston and any parties that are interested or had affected areas so they can ask questions and get something worked out on it.

HB 2905 - Naming and numbering county roads and streets.

Representative Stevi Stephens, sponsor, gave background of HB 2905.

There was committee discussion on the bill.

Representative Brown stated the problem she had with this bill was not that it was a local issue, but we are interfering on a statewide basis with the powers and responsibility of the elected officials, which are the Board of County Commissioners, in the area of public safety which they claim they are doing this for. She would like to leave the bill on the books and see if we can do something.

Representative Welshimer said it won't be solved in another way and they have disregarded what the public wanted and she would like to have it passed out favorably.

Representative Welshimer moved to pass HB 2905 favorably. It was seconded by Representative Stephens.

There was much committee discussion on the pro's and con's of passing HB 2905.

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Representative Cornfield called for the question. The Chair said the motion carried. A division was called for. The motion failed. (7 to 12)

HB 3129 - Boards of county commissioners; procedure to increase number; filling vacancies created.

Representative Holmes moved to pass HB 3129 favorably. The motion was seconded by Representative Gomez. The motion carried.

HB 3149 - Industrial districts; additional tax levy for certain services.

Staff gave a review of HB 3149 and said this deals with industrial districts that have the powers like a local unit of government. There is only a handful of them and it lets them increase taxes for fire protection.

Representative Harder said there were no opponents and he moved to pass HB 3149 out favorably.

Vice-Chair Gomez expressed concern that it applied statewide. There was committee discussion.

Vice-Chair Gomez moved to amend HB 3149 by localizing it to Reno County. It was seconded by Representative Macy. The motion carried.

Representative Lahti moved to pass HB 3149 as amended. It was seconded by Representative Harder. The motion carried.

Meeting was adjourned at 2:30 p.m.



CITY OF KANSAS CITY, KANSAS

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February 5, 1992

The Honorable Mary Jane Johnson
Members of the House Local Government Committee
State Capitol, Room 521-S
Topeka, KS 66612

Madam Chairwoman and Members of the House Local Government Committee:

QUESTIONS CONCERNING HOUSE BILL 2860

Thank you for allowing me to testify before your committee concerning the need for House Bill 2860. After my testimony a few questions were asked during and after the meeting which I would like to respond to in more detail. Listed below are some of the concerns which were raised:

QUESTION:

- 1) Why doesn't the City of Kansas City, Kansas negotiate with Wyandotte County for the money they should receive rather than come to the state to divide city/county allocations?

RESPONSE:

The Interlocal Agreement, signed by the City of Kansas City, Kansas, Wyandotte County, Edwardsville, and Bonner Springs, states that the division of state allocations should be worked out at the state level, where the allocations are made.

If legislation cannot be changed, then we would try to work this out locally, however the County Treasurer does not have full discretion as to how to spend or allocate state allocations. Use of state allocations is directed by state statutes, and it is likely the county would have audit problems if they deviated from state law.

Another concern of the city's is that not all of the money which is allocated to Kansas cities is based on their population, therefore it will not be accounted for by working with the county. City-Street & Highway funds and Ad Valorem Tax reduction dollars are divided at the state level. These are

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attach. 1

allocations which are sent to cities based on their population. The city's fair share, as designated by the state would not be allocated if we did the exchange locally.

2) What would the fiscal cost be to the state to include the newly annexed area of Kansas City, Kansas in the city's population?

The cost would be probably be less than \$1,000 dollars for staff time and needed changes, as all of the information to figure the population of the annexed area is already provided in census maps. Additionally, I would add that any time a municipality does an annexation they must submit to the state the population of the area annexed and show the census figures they used to arrive at this number.

Sincerely,

Douglas G. Bach,
Intergovernmental Coordinator

Rep Johnson,

Below is a possible amendment you could make to account for question #2.

Before allocations changes are made by the Division of Budget an annexing municipality must agree to reimburse the state for its cost to make the allocation adjustments.

Proposed Amendment to House Bill No. 2837

On page 1, in line 31, by striking "The" and inserting "Following a hearing, the"; also in line 31, by striking "the ad-"; in line 32, by striking "ministrative judge and" and inserting "a majority vote of all the";

Make effective January 31, 1993.

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Attach. 2