

Approved March 17, 1992  
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Audrey Langworthy at  
Chairperson

9:08 a.m./~~p.m.~~ on Wednesday, March 4, 1992 in room 531-N of the Capitol.

All members were present except: Senator Gaines

Committee staff present: Theresa Kiernan, Revisor of Statutes  
Mike Heim, Legislative Research  
Elizabeth Carlson, Committee Secretary

Conferees appearing before the committee:

Paul Shelby, Office of Judicial Administrator

SB 714 - Remittance of money to state treasurer from municipal judge training fund.

Paul Shelby, Office of Judicial Administrator, appeared as a proponent of SB 714. He read from a prepared statement and proposed an amendment to SB 714. (Attachment 1)

Senator Webb moved the adoption of the amendment.

There was discussion on the amendment, if it was the same concept as the bill and if it should be printed in the KANSAS REGISTER, instead of in the statute book to become effective sooner.

Senator Webb made a motion to accept the amendment, the bill be printed in the KANSAS REGISTER, and pass the bill out favorably. The motion was seconded by Senator Burke. Motion carried.

SB 527 - Township road machinery and equipment

Theresa Kiernan, Revisor of Statutes, reviewed an amendment to SB 527, (Attachment 2) which had been discussed with Cliff Cambell who appeared yesterday as a proponent of the bill. The bill amended the township act to come under the county rural highway system act.

Senator Steineger moved the adoption of the amendment to SB 527. The motion was seconded by Senator Montgomery. Motion carried.

Senator Webb made a motion to insert the words "a sum to be paid by the county commissioners" in place of "the sum of \$15" in the amendment. Motion seconded by Senator Lee. Motion carried.

Senator Webb moved the bill be passed out favorably as amended. Motion seconded by Senator Frahm. Motion carried.

SB 574 - Counties; vehicle reserve fund

After a short discussion, no action was taken on this bill

SB 541 - City animal shelters or pounds; licensure

A short discussion concerning cities of the first class was held with Senator Steineger asking some questions.

CONTINUATION SHEET

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room 531-N Statehouse, at 9:08 a.m./p.m. on Wednesday, March 4, 1992

Senator Frahm moved SB 541 be passed favorably. Senator Lee seconded the motion. Motion carried.

SB 186 - County roads and bridges, filing of project cost estimates

Discussion was held between the Kansas Association of Contractors and the Association of Counties but no agreement could be reached. There was a suggestion of having them meet over the interim and coming back during the 1993 session with a decision.

Senator Petty stated she thought some position should be taken on this bill.

Senator Petty moved and it was seconded by Senator Burke to raise the amount in the bill from \$10,000 to \$50,000 and pass the bill favorably.

Further discussion was held.

Senators Petty and Burke withdrew their motion.

Senator Petty moved and Senator Steineger seconded that the bill be amended to change the amount from \$10,000 to \$25,000.

Senator Webb made a substitute motion to change the amount to \$50,000. Senator Burke seconded the motion. After further discussion the motion carried.

The discussion was then turned to the requirement for conforming to the generally accepted accounting principles. Bob Totten of the Kansas Contractors Association said this portion of the bill was taken from the statutes.

Senator Steineger made a motion to strike all language on page 1, line 31 after the word "principles" to the period at the end of the sentence. No second.

Senator Lee moved the bill be reported adversely. The motion was seconded by Senator Frahm. She suggested the people be encouraged to continue working on this bill.

Senator Burke made a substitute motion to pass the bill favorably. The motion was seconded by Senator Petty.

Further discussion was held concerning the smaller counties who did not have a county engineer and this being a mandate from the state to local governments. Senator Petty stated this bill could be a positive management tool.

Senator Burke withdrew his substitute motion.

Senator Burke made a substitute motion to amend SB 186 to exempt any county under 50,000 population. Motion seconded by Senator Frahm. Motion carried.

Further discussion was held concerning the requirement of generally accepted accounting principles.

Senator Steineger moved to strike out all language on page 1, line 31, after the word "principles" to the period at the end of the sentence. Senator Burke seconded the motion. Motion carried.

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Senator Burke moved SB 186 be passed favorably as amended. Senator Petty seconded the motion. Motion carried with Senators Ehrlich, Lee and Daniels voting "No".

Senator Langworthy announced the committee will meet on Thursday, March 5, 1992 at 9:00 a.m.

The meeting adjourned at 10:00 a.m.



Senate Bill No. 714  
Senate Local Government Committee  
March 4, 1992

Testimony of Paul Shelby  
Assistant Judicial Administrator  
Office of Judicial Administration

Madam Chairperson and members of the committee:

I thank you for the opportunity to discuss with you Senate Bill No. 714 which sets out a procedure to be followed by municipal courts in remitting collections of fees for municipal court training fund to the State Treasury. At line 19, monthly is changed to annually and lines 22 through 25 insert material which seems to indicate that rather than annually, whenever the amount of collection exceeds \$250, the amount collected should be remitted.

I submit that it is difficult to interpret the bill as it stands as the newly introduced amendments seem to contradict one another. I therefore recommend that this committee strike the proposed amendments and replace them with amendments as shown on the ballooned bill I have marked up for you.

This version of the bill returns annually to monthly and inserts an exception to monthly remittance--delaying remittance until \$250 has been collected, and if \$250 is never collected, providing for an end-of-the year clearing of the account which is good governmental accounting practice.

Thank you for your kind attention. I urge you to adopt my suggestion so that municipal courts can economize on check writing and still permit our office to explain what this statute means.

*Attachment 1-1  
Senate Local govt  
March 4, 1992*

# SENATE BILL No. 714

By Committee on Local Government

2-20

AN ACT concerning the municipal judge training fund; amending K.S.A. 12-4116 and repealing the existing section.

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

Section 1. K.S.A. 12-4116 is hereby amended to read as follows: 12-4116. In each case filed in municipal court where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond, or a diversion, a sum in an amount not to exceed \$1 shall be assessed for the training, testing and continuing judicial education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto.

~~Except as provided herein, the judge or clerk of the municipal court shall remit at least monthly ~~annually~~ all assessments received pursuant to this section to the state treasurer for deposit in the state treasury to the credit of the municipal judge training fund. Whenever the amount of the assessments received pursuant to this section exceeds \$250, the judge or clerk of the municipal court shall remit all such money to the state treasurer for deposit as provided by this section.~~

The specific amount of the assessment shall be fixed by order of the supreme court and shall apply uniformly to all cities. For the purpose of determining the amount to be assessed according to this section, if more than one complaint is filed against one individual arising out of the same incident, all such complaints shall be considered as one case. For the purpose of this section, parking violations shall not be considered as cases.

Sec. 2. K.S.A. 12-4116 is hereby repealed.

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

monthly

If the amount of assessments collected in a month are less than \$250, the municipal court may delay remitting its assessments until a month in which the cumulative amount of assessments collected equals or exceeds \$250. If the cumulative amount of assessments collected never equals or exceeds \$250 for the year, the amount of assessments collected and on hand at December 31 of the year shall be remitted to the state treasury.

Attachment 1-2  
Senate Local Govt  
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## Proposed Amendment to Senate Bill No. 527

On page 1, by striking all in lines 17 to 22, inclusive, and inserting: "shall turn over and deliver to the board of county commissioners of such county any and all road machinery and equipment which such township has acquired for the purpose of constructing and maintaining township roads. Upon making such delivery, the township board shall file with the county clerk the name of a qualified elector of such township who shall be an appraiser in behalf of the township of such machinery or equipment.

Within 10 days after the filing of the name of the township elector with the county clerk, the board of county commissioners shall file with the county clerk the name of a qualified elector of the county who does not reside in such township who shall be the representative of the county as an appraiser of such machinery or equipment. Within five days thereafter, the township appraiser and the county appraiser shall meet and select a third appraiser. The three appraisers shall constitute a board of appraisers for the purpose of fixing the value of the road machinery and equipment so delivered to the county by the township and they shall make such appraisal. In making such appraisal, the board of appraisers shall deduct the amount, if any, which the township board owes for any such machinery to any person from whom leased or purchased. The amount of such appraisal shall be certified by the board of appraisers and filed in the office of the county clerk and the county treasurer. Each of such appraisers shall receive the sum of \$15 for making such appraisal which shall be paid by the county commissioners from the county road and bridge fund.

Within two years after the filing of such appraisal, the board of county commissioners shall expend for the construction and maintenance of roads in the township from which such road machinery and equipment was received an amount of money equivalent to the appraised value of such machinery and equipment

*Attachment 2-1  
Senate Social Govt  
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which expenditure shall be in addition to funds expended by the county in such township from the regular county road and bridge fund. If any of such machinery and equipment so delivered to the county was purchased or leased by the township under a contract of purchase or lease and such contracts provide that the township upon making further payments would receive title to the machinery and equipment, the county shall assume the contracts as to future payments and be liable therefor, which payments shall be made from the county road and bridge fund. All copies of such contracts in the hands of the township board shall forthwith be delivered by the township clerk to the county clerk.";

Attachment 2-2  
Senate Social Govt  
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