

Approved: 1-24-95
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Kent Glasscock at 1:30 p.m. on January 19, 1995 in Room 521-S of the Capitol.

All members were present except: Representative Gwen Welshimer - Excused

Committee staff present: Mike Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Don Moler - General Counsel, League of Municipalities
Bev Bradley - Deputy Exec. Dir., Kansas Assn. of Counties
Mike Heim - Legislative Research Department

Others attending: See attached list

The meeting was called to order at 1:30 p.m. by the Chairperson Kent Glasscock who gave a brief welcome to all committee members and guests. Chairperson Glasscock announced that Representative Gwen Welshimer is the Ranking Minority member and Representative Doug Mays is the Vice Chairperson. The staff was introduced and an overview of the meeting was presented.

Chairperson Glasscock announced that the committee will focus on getting the job done expediently since everyone has a busy schedule.

The Chair introduced Don Moler, General Counsel of the League of Municipalities. He mentioned that Chris McKenzie, Executive Director, was unable to attend because he is involved with their Legislative Conference at the Topeka Performing Arts Center. Mr. Moler passed out brochures and informed the committee about the function of the League of Municipalities, an organization that goes back to the year 1910 and will celebrate its eighty-fifth birthday this year. The League operates as a public agency and is defined by state laws as an instrumentality of its member cities. The powers and duties of the League are prescribed by state law and in bylaws adopted by the voting delegates of its member cities. The primary mission of the League is to assist its member cities in strengthening local government in order to advance the general welfare and promote the quality of life of the people who live within its cities. The League is moving into the old Victory Life building at 300 SW Eighth Street. In closing, Mr. Moler thanked Representative Glasscock for speaking at the League's Legislative Conference. (A copy of the brochure What is the League of Kansas Municipalities? is on file in the secretary's office.)

The Chair welcomed Bev Bradley, Deputy Executive Director of the Kansas Association of Counties, who addressed the committee since John Torbert, Executive Director the past seven years, was out of town. Ms. Bradley passed out informational brochures and reported that unlike the League, this organization is relatively new. It was established by statute in 1976. Before that time, counties were serviced through the League of Municipalities. There are 105 counties in Kansas and except for a two-year period, 105 counties have belonged to the Kansas Association of Counties. Services have been increased significantly over the years. Paul Flowers, full-time Director of Research, has done a study on mandates which has been used in both Kansas and in Washington. A full-time staff attorney, Jim Reardon, provides legal service to members. Educational training seminars are held at least once a month in several locations. Most of these seminars come down through legislation either from the state or from Washington. When ADA passed, the Association went out to help its counties make their courthouses accessible. The Kansas Association of Counties has established two insurance pools--a multi-line pool and workman's comp pool. These are just some of the services offered. Director of Legislation, Anne Spiess, was introduced. (A copy of the brochure Kansas Association of Counties and You is on file in the secretary's office.)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT, Room 521-S Statehouse, at 1:30 p.m. on January 19, 1995.

The Chair introduced Mike Heim, Legislative Research, who passed out two handouts--1992 Census of Governments and An Inventory of Governmental Taxing Units put out by the League of Kansas Municipalities. Mr. Heim briefly presented an overview of the local government structure in Kansas. This committee will have a variety of topics and laws to amend or propose to amend. At times it gets confusing in terms as to how all this fits into the prospective. Kansas, according to the Census Bureau, ranks fifth among the states in terms of the number of local units of government. Some are concerned about this, but primarily this is historical. The census lists 3,892 local units of government in Kansas. The League counts over 4,000 and the point is that it is difficult at times to determine what is "fish or fowl." It depends upon the definition. In the League's definition of government, water districts, for example, are not included because they do not have the power to tax, but they certainly are an important local unit of government in Kansas. We not only deal with separate entities of government in this committee, but we often deal with some kind of administrative arm of a local government or some authority that was created by a local government that is not necessarily a separate entity in itself. The primary units of local government are cities, counties, school districts, and community colleges. Washburn University is considered a municipal government in terms of the law, but the bulk of the money is spent in terms of cities, counties, and school districts. Cities and counties in Kansas have Home Rule powers and all the other entities do not. What this means is that the cities and counties have more flexibility. Cities have constitutional home rule powers, and as a result of that, their home rule powers are more secure and less subject to changes by the legislature, etc. Counties have statutory home rule and typically every session there's a bill or two to add a limitation to those county home rule powers. Those entities that do not have home rule powers are dependent strictly on statutes to give them the power to operate in government and to perform their function. A city or a county that does have home rule powers is not necessarily dependent on a statute. As a matter of fact, in the absence of a statute, the general rule is that a city or county can act. An entity that does not have home rule has to be able to point to a specific law and say that they are acting under the authority of that law. (Handouts are kept in a file in the secretary's office.)

Chairperson Glasscock thanked the conferees for sharing their expertise.

A bulk introduction of committee bills included the following: 1) Waste water district creation in Johnson County and unincorporated areas. It is county specific because the issue being addressed is county specific. The statute that exists overrides the county's statute and asks that the county consider the creation of special districts within seven days of public hearing. Seven days is simply inadequate. The county's own charter statute calls for 120 days, and the request is that the committee consider changing the state statute to comply with what works in the county; 2) public works on state roads at municipal and county level. Currently state statutes force county units of government to fulfill competitive bid requirements for anything over \$2,000. This works well for office furniture, etc. but not too well for bridge and road construction. Request is that we increase the floor of the competitive bid requirement from \$2,000 to \$25,000 which is more in line with what's appropriate for the 90's; 3) tax levy limitation; 4) establishment of Kansas Association of Townships; 5) licensure of real estate appraisers; 6) request from Fire Marshall for consolidation of fire districts; 7) open meetings' clarification bill; and 8) state folk dance.

Representative Powers moved that these bills be introduced as committee bills. Representative Tomlinson seconded the motion. The Motion passed.

The meeting adjourned at 2:40 p.m.

The next meeting is scheduled for January 24, 1995.

