

Approved: 2-31-95  
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Kent Glasscock at 1:43 p.m. on January 26, 1995 in Room 521-S of the Capitol.

All members were present except: Representative Ted Powers - Excused

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

Conferees appearing before the committee: Chris McKenzie, Executive Director, League of Kansas Municipalities  
Don Moler, General Counsel, League of Kansas Municipalities  
Anne Spiess, Director of Legislation, Kansas Association of Counties, introduced Tom Winters, Sedgwick County Commissioner  
Don Seifert, Management Services Director, City of Olathe  
David Corliss, Assistant City Manager of Lawrence  
Howard Tartington, City Administrator of Great Bend  
Gerry Ray, Legislative Consultant, City of Overland Park

Others attending: See attached list

Chairman Glasscock opened the meeting at 1:43 p.m. The minutes of the January 24, 1995, meeting were distributed. Representative Sloan moved the minutes be approved, and Representative Ott seconded. Motion passed.

**HB 2193:** **An Act concerning cities and counties; relating to certain mandates imposed thereon.**

Chairman Glasscock asked the committee to turn its attention to **HB 2193**. The chairman asked Theresa Kiernan to give a short review of the bill. She explained it would require that if the legislature enacts a mandatory law and if there is not full state funding, the legislature would have to find a compelling state interest on the bill which enacts the law. The bill also sunsets mandatory laws five years from the date of their enactment. In the case of pre-emptive laws which are in section three, those would sunset in five years also. The definition of a preemptive law in that case would only refer to restrictions placed on counties under 1901A, their home rule power.

The Chairman welcomed Chris McKenzie, Executive Director of the Kansas League of Municipalities who spoke favorably on **HB 2193**. Mr. McKenzie brought a large notebook which contained 941 state mandates. He reported that he has worked at three levels of government which he believes gives him a good perspective. He reported that with the legislature's support, some progress has been made in this area. Last session **HB 3017** was passed which required that state agencies consult with the League and the KAC as they go through the rule and rate process. Now they've started to do that. He reported that the League has given comments on proposed rules and regulations. That bill also required the budget director to consult with the League as fiscal

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT, Room 521-S Statehouse, at 1:30 p.m. on January 26, 1995.

notes are prepared on bills. The League has 15 cities that give their time and their staff effort to analyze proposed state legislation which might have a fiscal impact on cities. This is done electronically through the Information Network of Kansas. It's a way to bring a little more reality into the assessment of how legislation affects local government. Mr. McKenzie thanked Rep. Glasscock for introducing the bill and all the others for signing on because he believes it is a significant step forward to even have the bill heard. He stated that most unfunded state mandates happen not because the legislature in most cases is saying it wants to put a burden on local governments, but because the process does not focus on the local impact. (See Attachment 1.)

The Chairman introduced Don Moler, General Counsel of the League of Kansas Municipalities who highlighted a number of recent state mandates on local government. (See Attachment 2.)

Chairman Glasscock next introduced Anne Spiess, Director of Legislation of the Kansas Association of Counties who in turn introduced Tom Winters, Sedgwick County Commissioner. Mr. Winters spoke in favor of **HB 2193**. He reported that his organization thinks this bill makes a good solid beginning at a statutory approach to dealing with mandates. (See Attachment 3.) The Chairman introduced Donald R. Seifert, Management Services Director of the city of Olathe. Mr. Seifert, too, spoke in support of this bill which would discourage the enactment of unfunded state mandates or enact a mandate only after open discussion and a finding of need. (See Attachment 4.)

David Corliss, Director of Legal Services representing the city of Lawrence urged the 1995 Kansas Legislature to enact meaningful unfunded mandate relief legislation. (See Attachment 5.)

The next speaker was Howard D. Tartington, City Administrator of the city of Great Bend who spoke in favor of passage of **HB 2193**. He encouraged the committee to work with Chris McKenzie and Don Moler to help reach legislation which is reasonable and fair. (See Attachment 6.)

The last testimony was given by Gerry Ray, Legislative Consultant from the City of Overland Park. She mentioned that for many years the mandate problem has been a serious and growing problem to the city and believes that **HB 2193** would help a great deal by requiring a review of all mandates on a five year basis. She stated that such a process would insure that we were not continuing to support programs that are outdated or have proved to be ineffective. (See Attachment 7.)

Chairman Glasscock thanked the presenters and announced that the public hearing on **HB 2193** was closed. He further stated that this **HB 2193** is a prospective bill which deals only with mandates the state might set from now on. It sets certain rules and guidelines that would govern the issuance of those state mandates. The book that Chris McKenzie held up has close to one thousand mandates that are existing in statute, and with the committee's permission, the Chairman would like to name a subcommittee that would have two charges. One charge is to identify those mandates which are currently in statute that might be obsolete or that can be modified to be less onerous on the locals. He wants the subcommittee to bring back to the committee a short report this session that we could act upon. The second charge for the subcommittee would be to try and delineate and conceptualize a procedure by which local units of government can waiver out for good cause any of the 941 mandates that the state currently imposes upon us, just as the state government can petition the federal government to waiver out certain regulations. The Chairman announced that Rep. Tomlinson has agreed to chair this subcommittee with Rep. Weber, Rep. Ott, Rep. Thimesch, and Rep. Toelkes serving on the subcommittee.

Rep. Tomlinson said that the subcommittee would meet on the days that the regular committee does not meet.

The meeting was adjourned at 2:45 p.m.

The next meeting is scheduled for January 31, 1995.





**League  
of Kansas  
Municipalities**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 112 S.W. 7TH TOPEKA, KS 66603-3896 (913) 354-9565 FAX (913) 354-4186

**LEGISLATIVE TESTIMONY**

**TO:** House Local Government Committee  
**FROM:** Chris McKenzie, Executive Director *cm*  
**DATE:** January 26, 1995  
**RE:** Support for House Bill No. 2193, Concerning Unfunded Mandates

Thank you very much for the opportunity to appear before you today in support of HB 2193, concerning unfunded mandates and preemptive laws. Over the last few years members of this Committee have been extremely sensitive to the burden which unfunded mandates place on cities and counties, and I want to express our sincere appreciation for your support of initiatives last year to address this problem as well as your opposition to future unfunded mandates.

I am pleased to report that due to the passage last session of HB 3017 some state agencies are beginning to contact the League for comments on the possible fiscal impact on city governments of proposed rules and regulations. We are continuing our close relationship with the Budget Division in the preparation of fiscal notes which HB 3017 really formalized. Approximately 15 cities are participating in a process of communicating estimated local fiscal impacts of proposed state legislation through the Kansas Municipal Information Network, part of the Information Network of Kansas, Inc.

We also appreciate the introduction of HB 2193 by Representative Glasscock and others. Your openness to addressing the process by which the legislature imposes unfunded mandates is critical to really dealing with the problem at its most basic level. The fact is that most unfunded state mandates cities have experienced in recent years have simply been the result of the legislature simply not focussing on the local consequences of legislation or administrative action.

Over a year ago we agreed with the KAC, City of Wichita, Sedgwick County and Johnson County to help underwrite a study which would inventory the major state mandates on cities and counties. That recently completed report was released last week. It is the first effort to really inventory the number, types and details of Kansas state statutes which either contain affirmative local duties or which preempt the partial or total exercise of LOCAL powers. It is simply meant as a starting point for discussion, but it already has demonstrated by its breadth and sheer length that much of what cities and counties do is circumscribed by state government and local control and home rule is a highly qualified constitutional power of cities in Kansas. If you are interested in reviewing any of the 941 mandates found in state law since the commencement of statehood, please let us know and we will see you receive a loan of a copy. The Chairs of both Local Government Committees have copies as well.

HB 2193 represents an effort at establishing a better balance between the exercise of state legislative power to mandate local expenditures and the control of local spending priorities by local elected officials. Let me explain what HB 2193 does and does not do:

House Local Government  
1-26-95  
Attachment 1



First, it does not prohibit the legislature from imposing unfunded mandates. It simply says that before the legislature mandates an activity by a city or county without funding, it shall include a legislative finding in the first section of the bill that the “enactment of such law and the imposition of the mandate without full-state funding shall serve a compelling state interest.” What is a “compelling state interest”? The answer is that it is what the legislature says it is—no more, no less. For example, if a majority of the legislature feels it is important that cities each open food kitchens for the homeless without any direct state financial assistance, it can order the cities to do so, but the “compelling state interest” finding must appear in the first section of the bill.

Secondly, the bill says that if the legislature is going to preempt a city’s or county’s power to govern their own local affairs and government, it simply has to state in the first section of the bill that the preemptive law serves a compelling state interest. An example of a preemptive law is K.S.A. 12-142 which prohibits cities from levying any sales or excise tax on the sale of cigarettes or cereal malt beverage.

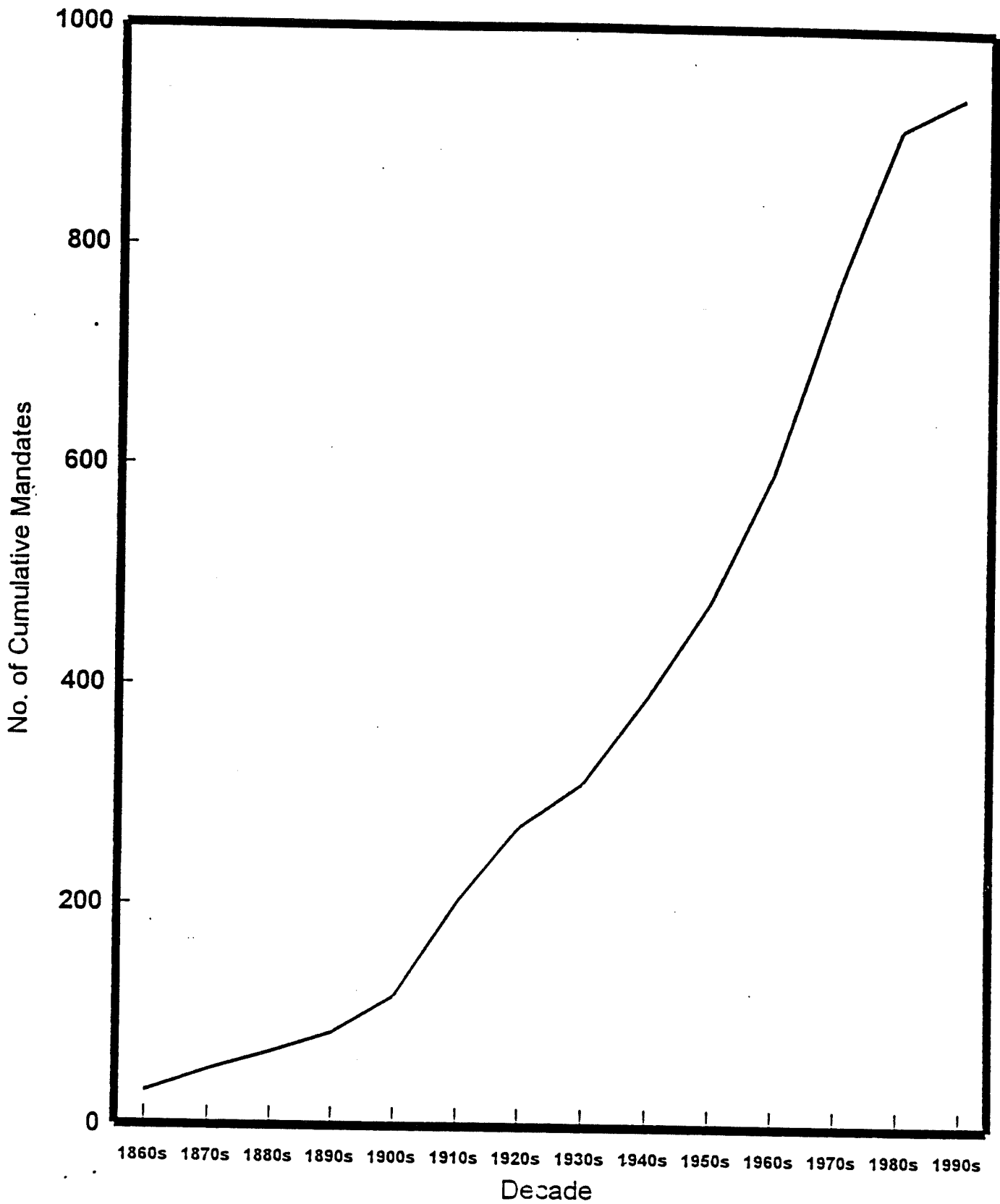
Finally, the bill provides in section 3 that any mandatory law and in section 4 that any preemptive law shall sunset in five years. Why a sunset? In her writings on unfunded state mandates, Professor Janet Kelly of Bowling Green State University perhaps explained it best when she wrote:

Perhaps one of the greatest opportunities in the future of mandates policy is sunset legislation. Mandates are permanent solutions to temporary problems. [Emphasis supplied]. A review of existing legislation in every state that has compiled one shows that legislatures react to isolated incidents and crisis situations with mandated policy that quickly outlives its applicability and usefulness. Sometimes mandates never worked at all - the problem they were supposed to solve either persisted after the mandate or solved itself over time. Unfortunately, these mandates remain enforceable but not enforced. The localities simply stop complying at some point, and the state consents to noncompliance through its lack of enforcement. But that random and disorganized process may be avoided by the periodic review of mandates for their usefulness and for equitable distribution of cost. Sunsetting is a way to force legislative attention to the cumulative costs of unnecessary mandates. While several state statutes require a task force to identify mandates for repeal on a regular basis, the relatively uninteresting issue of archaic mandates cannot ever successfully compete for legislative attention with more compelling issues. It is for that reason that a five- or even a ten - year sunset rule may be necessary to force legislative attention to old mandates.

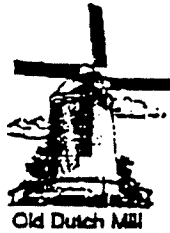
I have asked Don Moler to share with you some specific examples of unfunded mandates with which cities grapple and sometimes share their frustrating experiences with us at the League. Before I close, however, I simply want to request the personal privilege to tell you again how much we appreciate your leadership on this issue. If passed HB 2193 will have long term consequences for building a stronger, and more vital, relationship between the state of Kansas and its cities. While the historical tally of unfunded mandates does number in excess of 900, we are proud and appreciative of the effort by you and others in the Legislature to stop the tide of mandates and act on this issue.

Thank you. I would be happy to answer any questions you may have.

Cumulative Number of State Mandates  
on Cities and Counties; 1861-1993



# CITY OF WAMEGO



OFFICE OF: City Manager

430 Lincoln Street

P. O. Box 86

Wamego, Kansas 66547

Phone: 913-456-9119

Fax: 913-456-2016

January 25, 1995

To: Mr. Chris McKenzie  
Executive Director  
League of Kansas Municipalities  
112 S.W. 7th Street  
Topeka, Kansas 66603-3896

Re: State Mandates

Dear Chris:

As I will not be able to attend the hearing on Thursday regarding unfunded State Mandates I am writing to explain the City of Wamego's most recent experience with State Mandates, specifically the Kansas Department of Human Resources decision to enforce the new OSHA standards for cities with electric generation and distribution systems.

These standards can impose a hardship on electric utilities and especially smaller ones that may not have the financial resources to implement these new regulations in a timely fashion. Although it is my understanding that KDHR will not impose fines immediately for noncompliance but do plan on utilities achieving full compliance within four (4) years.

Costs that an electric utility would expect to incur with these new regulations based on information from the Kansas Municipal Utilities Inc. research committee would be mandated electric lineman training estimated to cost \$1700 per employee; flame retardant clothing (\$60/shirt, \$80/coat, \$120/coveralls, \$100/rainsuit), annual testing of all live line tools. Also semi annual testing of all protective rubber goods which requires sending these in so the utility will have to have twice the amount needed to adequately provide these for employee use. Other required training would include confined spaces training, excavation/shoring training and CPR/First Aid Training. Also additionally full protection equipment and other safety related testing, signage, and protection items must be purchased.

This listing is not intended to be all inclusive but generally representative of items that any electric utility will have to deal with or purchase to meet the new OSHA regulations.

Please understand that the City of Wamego as well as any electric utility wants the safest working conditions and the safest equipment for its employees and that we all operate under some safety policies and standards. No one wants to see an employee injured.

Page 2

The issue of mandates is basically a higher level of government dictating to a lower level of government that they need to do something only one way regardless of the financial impact. We need less dictatorial state government and more affective partnerships between all levels of government to effect positive changes.

Please feel free to share my views with both the Senate and House Local Government Committees.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark F. Arbuthnot', with a long horizontal flourish extending to the right.

Mark F. Arbuthnot  
City Manager

MFA/prz



CITY BUILDING  
ABILENE, KANSAS 67410  
PHONE: 913-263-2550  
P. O. BOX 519

January 25, 1995

Mr. Chris McKenzie, Director  
League of Kansas Municipalities  
112 Southwest Seventh Street  
Topeka, KS 66603

Dear Mr. McKenzie:

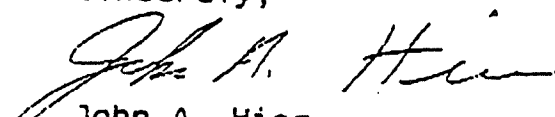
I understand that the Senate and House Local Government Committees will hold hearings on Thursday regarding unfunded mandates legislation. On behalf of the City of Abilene, I would like you to convey our support of this legislation to committee members.

Our City constantly strives to provide citizens with quality services while holding taxes to a minimum. Our budget is simply not adequate to support State or Federal mandates passed to us without accompanying financial support. We are in process of constructing a \$5 million water treatment plant to comply with the Safe Drinking Water Act as administered by KDHE.

I realize this is an example of Federal legislation administered by the State. However, the principles are the same. Mandates should be accompanied by financial support from the State and/or Federal government when they are passed to our cities, counties, and other units of local government.

Please express our concerns on this matter and let committee members know that we support the legislation being considered.

Sincerely,

  
John A. Hier  
City Manager

VISIT ABILENE - home of the Dwight D. Eisenhower Memorial

TOTAL P. 1-6

CITY OF GLEN ELDER  
213 SOUTH MARKET ST  
P.O. BOX 55  
GLEN ELDER, KS. 67446-0055  
Phone No. 913-545-3322  
Fax# 913-545-3342

January 25, 1995

Chris McKenzie  
Executive Director  
112 S.W. 7th st  
Topeka, KS 66603-2896

Dear Ms McKenzie:

I am writing to ask you to represent the City of Glen Elder, Kansas concerning the Unfunded State Mandates coming before the Senate and House Local Government Committees this afternoon.

We like many other cities are enduring undo hardships with our budgets, due to unfunded state mandates in the area's of cross control requirements of KDHE, the Osha requirements for utilities of KDHR, tax lid, and vehicle registration requirements.

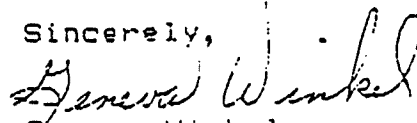
If these are going to be a requirement, then cities should be appropriated special tax monies to pay for them.

Many of these requirements are way out in left field, and cannot be complied with in small cities such as ours of a population of 448 people.

We appreciate your help.

BY ORDER OF THE GOVERNING BODY.

Sincerely,

  
Geneva Winkel  
City Clerk

# City of Oberlin

A quality  
environment for  
business and people

107 West Commercial Street  
Oberlin, Kansas 67749  
913-475-2217

*Preserving the Past  
Building for the Future*

January 25, 1995

Representative Kent Glasscock, Chairperson  
House Local Government Committee  
State Capitol, Room 1155  
Topeka, Kansas 66612

Dear Representative Glasscock:

I am writing about a typical action of the legislature which was, in reality, an unfunded mandate. In 1991 The Joint Budget Reconciliation Committee struck four words from the Kansas Animal Dealer Act, which had the effect of bringing all 628 Kansas Municipalities under its licensing (\$200) and inspection requirements. Cities are not animal breeders or dealers and should not be governed by this particular legislation in the first place.

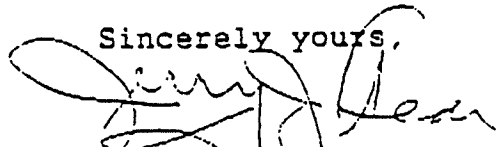
It is my understanding that this action was taken to raise revenue to provide the inspection staff needed to carry out the inspections required by that K.A.D. Act. In the first instance, this is a tax of \$125,000 on Kansas Municipalities, to support a state responsibility and policy.

Then the Department of Animal Health adopted administrative regulations pursuant to the Act, which requires (under the threat of fines) facilities and record keeping which are completely unreasonable, particularly for small communities like Oberlin. We believe the cost of a facility to meet the requirements would be between \$15,000 and \$25,000. If every municipality ultimately has to comply, we're talking a mandate of 9 to 15 million dollars, not \$125,000.

Our average fees from animal control (licenses and fines) averages \$1,500 per year. With the tax lid law, we have no place to get such money.

Please give us relief from this kind of legislative escapology.

Sincerely yours,



Jerry J. Fear  
City Administrator

cc: Department of Animal Health Regulations

ARTICLE 22 - ANIMAL POUNDS AND SHELTERS

9-22-1. Animal pounds and shelters. (a) Structures.

(1) Each animal pound and shelter shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each animal pound and shelter.

(3) Space shall be supplied in each animal pound and shelter to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for each pound and shelter shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a pound and shelter shall be provided at

all times by natural or mechanical means. Each DEPT. OF ADMINISTRATION

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and shelter facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each animal pound and shelter shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each animal pound and shelter shall be provided with a drainage system which will effectively eliminate excess water from the research animal pound and shelter unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each animal pound and shelter shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each animal pound and shelter shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each animal pound and shelter shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, 1 - \_\_\_\_\_, \_\_\_\_\_.)

ATTORNEY GENERAL

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9-22-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal, in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals, contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal, shall be observed each day by the person in charge of the animal pound and shelter or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

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(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T - \_\_\_\_\_, \_\_\_\_\_.)

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9-22-3. Records. Each operator of an animal pound and shelter shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired, and the transportation motor vehicle license number if the animal was acquired from an animal operator.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccinal information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T - \_\_\_\_\_, \_\_\_\_\_.)

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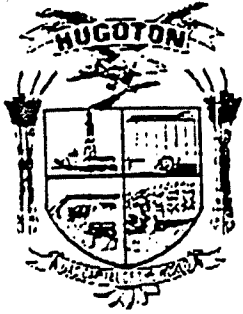
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**CITY  
OF  
HUGOTON**

CITY OFFICE PHONE 316-544-8531 / 114 EAST FIFTH STREET / P.O. BOX 788 / HUGOTON, KANSAS 67961  
POLICE PHONE 316-544-2020

January 25, 1995

Chris McKenzie, Executive Director  
League of Kansas Municipalities  
112 S.W. 7th  
Topeka, Kansas 66603-3896

Dear Chris,

Thank you very much for informing us of the opportunity to provide input on unfunded state mandates.

The City of Hugoton, like all small communities in the state, has only limited resources and manpower. The already enacted blitz of unfunded mandates from both the federal government and state levels has severely strapped our capabilities. Many cities are undoubtedly already forced into non-compliance, simply because of the impossible tasks mandated.

Many of these well-intentioned mandates are acts of overkill. to cure problems that have only remote chances of ever occurring or are asinine "one size fits all" pieces of legislation.

Any business decision should be based on a costs versus benefits analysis. This simply has not been done on mandates. The league's legislation to require funding for mandates or a finding that a mandate serves a compelling state interest would be an excellent step in ensuring a mandate is really necessary.

Cities have already been bombarded with more than enough mandates of little merit to our citizens. Cross connection requirements of KDHF and OSHA requirements for municipal utilities are only two of the many dubious mandates we are already forced to find funding to implement.

The City of Hugoton fully supports the league's attempt to return a sense of practicality to state legislation directed to municipalities.

Sincerely,

Thomas G. Hicks  
City Clerk

**CITY of HAVEN, KANSAS**

120 S. Kansas Ave. / Box 358

HAVEN, KANSAS 67543

Phone 316/465-3618

FAX 316/465-3617

January 25, 1995

Mr. Chris McKenzie, Executive Director  
LEAGUE OF KANSAS MUNICIPALITIES  
112 S. W. 7th  
Topeka, KS 66603-3896

Dear Mr. McKenzie:

This letter is written in reference to the current action being considered by the Kansas House and Senate regarding unfunded mandates.

As a small municipality, the City of Haven is greatly affected by the requirements of KDHE and OSHA for meeting safety regulations for utility service. Listed below are a few examples of how these regulations will affect us.

- We will be required to purchase new uniforms for city employees. Even though we will be buying for four, this will cost approximately \$3,000.

- We understand that our electrical equipment will need to be tested on a six month rotation. Although testing is always a good idea, we feel the frequency and expense are a good example of overkill. A lot of our equipment is used on an occasional basis; but with the recent mandates, we will be meeting the same requirements as large companies who use their equipment every day. Also, we will be asked to inventory tools that we may or may not have an occasion to use.

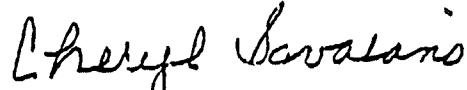
- We will also be expending a significant amount of time and money for employee training. It is our city's policy to maintain on-the-job instruction in safety procedures and technical training as a matter of routine. The new mandates will merely add unwanted paperwork to an already prolific file. In addition, employees will be required to attend classes outside of Haven, which will further hamper our service to the public.

In general, we feel that the mandates set forth are a very good example of over-regulation. Furthermore, our city is being asked to finance and maintain programs that will only hinder the overall effectiveness of the service we

provide. We would appreciate your input and support with our State legislative process in alleviating the burdens created by these unfunded mandates.

Thank you for your continued help.

Sincerely,



Cheryl Savaiano  
City Clerk



# CITY OF KANSAS CITY, KANSAS

DAVID T. ISABELL  
City Administrator



EXECUTIVE CHAMBER  
ONE MCDOWELL PLAZA

KANSAS CITY, KANSAS 68101  
PHONE (913) 573-5030

January 25, 1995

Representative Kent Glasscock  
Chairman  
House Local Government Committee  
Room 115 South  
Statehouse Capitol  
Topeka, Kansas 66612

Dear Representative Glasscock:

The City of Kansas City, Kansas fully endorses the League of Kansas Municipalities' efforts to relieve cities of the onerous requirements of unfunded mandates.

Enclosed is our Standing Legislative Policy regarding unfunded mandates, a resolution on the issue, as well as an extract from our 1995 budget which identifies some of the impacts of unfunded mandates.

We look forward to working with you to bring this issue to closure.

Sincerely,

David T. Isabell  
City Administrator

DTI:gk  
Enclosures



## **CITY OF KANSAS CITY, KANSAS SUMMARY OF STANDING POLICY POSITIONS**

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### **STANDING POLICY POSITIONS**

The following issues are Standing Policy Positions and Other Legislative Initiatives that the City of Kansas City, Kansas believes should be addressed and are of importance to local units of government.

- Issue 1:** Support amendments to the Kansas Constitution which limit legislative mandates of local government functions without funding or adequate additional revenue authority and further support requirement for analysis of the financial impacts of all new or proposed mandates on local government budgets.
- Issue 2:** Support legislation that provides statutory authority to eliminate complete exemption of non-governmental property from ad valorem tax or require owners of tax exempt property to pay an equitable user fee to governmental units which provide essential public safety services.
- Issue 3:** Support continued funding of city-county revenue sharing, local ad valorem tax reduction (LAVTR), special alcohol program, and city-county highway aid programs.
- Issue 4:** Oppose any changes in the motor vehicle tax system unless it is revenue neutral to avoid future shifts to property taxes to fund local government services.
- Issue 5:** Oppose proposed state property tax lids without the current exemptions and added exemptions for unfunded state mandates, state and federal grant program match, neighborhood revitalization benefit districts, law enforcement to respond to violent crimes and illegal drug use, principal and interest payments for debt service, and cost of living adjustments.

*City of Kansas City, Kansas*

OFFICE OF CITY CLERK

TOM G. ROBERTS, CMC  
City Clerk

Municipal Office Building  
One McDowell Plaza  
Kansas City, Kansas 68101  
(913) 573-5260  
(913) 573-6005 FAX



October 24, 1994

Chris McKenzie  
League of Kansas Municipalities  
112 Southwest Seventh Street  
Topeka, KS. 66603

Dear Mr. McKenzie:

As requested, the Kansas City, Kansas, City Council passed Resolution No. 38008 at the October 20, 1994, City Council meeting. This resolution endorses the efforts of the National League of Cities and the League of Kansas Municipalities regarding federal and state mandates on municipal governments. A copy of the resolution is attached.

Sincerely,

A handwritten signature in cursive script that reads "Donna M. Teasley".

Donna M. Teasley, CMC  
Deputy City Clerk

lk  
attachment

RESOLUTION NO. 38008

WHEREAS, unfunded mandates on state and local government have increased significantly in recent years;

WHEREAS, federal and state mandates require cities to perform duties without consideration of local circumstances, costs, or capacity, and subject municipalities to civil or criminal penalties for noncompliance;

WHEREAS, federal and state mandates require compliance regardless of other pressing local needs and priorities affecting the health, welfare, and safety of municipal citizens;

WHEREAS, federal and state mandates are too often inflexible, one size fits all requirements that impose unrealistic time frames and specify procedures or facilities where less costly alternatives might be just as effective;

WHEREAS, initial steps have begun to be taken by Congress and the Kansas Legislature to curb the practice of imposing unfunded mandates, but key legislation that would curb future unfunded mandates failed in both the state legislature and U.S. Congress this year;

WHEREAS, much more remains to be done to reduce the growth in mandates and the pressure by the federal and state governments to set municipal spending priorities; and

WHEREAS, the National League of Cities and League of Kansas Municipalities, following up on last year's successful effort, is continuing its national public education campaign to help citizens understand and then reduce the burden and inflexibility of unfunded mandates and has scheduled a National Unfunded Mandates Week, October 24-30, 1994.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KANSAS CITY, KANSAS:

1. That the City of Kansas City, Kansas, endorses the efforts of the National League of Cities and League of Kansas Municipalities supports working to fully inform our citizens about the impact of federal and state mandates on municipal government and the pocketbook of our citizens.

2. That the City of Kansas City, Kansas, endorses organizing and participating in events during the week of October 24-30, 1994, National Unfunded Mandates Week.

3. That the City of Kansas City, Kansas', City Clerk shall send copies of this resolution to each member of the Kansas Congressional Delegation, the President of the Kansas Senate and Speaker of the Kansas House of Representatives, and the League of Kansas Municipalities.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF KANSAS CITY, KANSAS,  
THIS 20 DAY OF Oct, 1994.

Deputy City Clerk *Dennis M. Stealey*

Approved as to Form:

*Harold T. Walker*  
Harold T. Walker  
City Attorney

## OVERVIEW OF 1995 ANNUAL BUDGET

### MANAGEMENT POLICY AND BUDGET ISSUES FOR 1994 AND 1995 BUDGET YEAR

#### **IMPACT OF STATE AND FEDERAL MANDATES TO LOCAL GOVERNMENT:**

An issue that has caused significant burden to local units of government is the shifting of state and federal program responsibilities to cities. Each unfunded State and Federal mandate has costs that are associated with that particular regulation but there are also costs to the organization that occur each time a mandate is implemented. There is a cost to research each mandate both in staff time and purchasing the research materials for implementation. After research is completed and policies are developed the City must provide training to staff and employees to make them aware of the regulations.

Efforts to decentralize the flow of power from the national government has been called "New Federalism." Designed with the purpose of reducing federal involvement in domestic policy and programs and encouraging state and local governments to accept greater responsibilities themselves, new federalism proposed fewer grants-in-aid and a return of many social service, transportation, education and community development programs to the states.

Included in the recent "New Federalism" changes are the Americans With Disabilities Act; the Federal Clean Water Act, Water Pollution Control Act and Safe Drinking Water Act; and the Underground Storage Tank Act. These different public laws passed by the Congress of the United States all have one thing in common: They are perfect examples of the "New Federalism" which is besleing states and municipalities with volumes of costly rules, regulations and mandates without federal funding for implementation.

Local officials are continually seeking relief from federal mandates, regulations and guidelines, but want the authority and control of the programs in their respective states and cities. There is also the overwhelming financial burden of these programs. Cities and state governments do not have the taxing authority required to bear the full cost of these programs.

The 1994-1999 Capital Maintenance and Improvement Program illustrates the grim reality of this current trend in New Federalism Mandates. For example, of the 44 new projects requested in the current CMIP, 38.9 percent have been requested in direct response to mandates from the Federal government.

The most notable of these is mandated compliance with the American with Disabilities Act, which will result in exorbitant retooling and remodeling costs in order to give access to every program facility funded by City government. Nearly \$6.5 million in new capital spending has been requested in direct response to this federal mandate. The Americans With Disabilities Act legislation mandates that governmental agencies provide equal services and accessibility to facilities and programs for people with disabilities. The City needs to provide reasonable accommodation to the disabled. Additional monies will be needed in future years as well to finalize the proposed plan for mandated ADA needs. There are no federal funds available accompanying this mandate.

Recent federal legislation relating to regulations mandated by the Environmental Protection Agency requires monitoring, testing, and removal and replacement of all underground fuel storage tanks. The Revised 1994-1999 Capital Plan proposes \$1,250,000 in funding to meet the guidelines set out by this law.

## OVERVIEW OF 1995 ANNUAL BUDGET

### MANAGEMENT POLICY AND BUDGET ISSUES FOR 1994 AND 1995 BUDGET YEAR

Several other recent "mandates" of New Federalism include:

**Family & Medical Leave Act (FMLA)** - The City must provide up to 12 weeks of unpaid, job protected leave and continue pre-existing health coverage to eligible employees for certain family and medical reasons. We believe the effect of this unfunded Federal mandate will be felt in both the cost for extended medical coverage and additional time away from the job used by employees.

**Occupational Safety and Health Act (OSHA)** - It is the feeling of most public employers and those on Capitol Hill that in 1995 OSHA will become applicable to state and local governments. When this occurs the City must develop safety policies that are in compliance with OSHA, train staff and purchase sufficient equipment and supplies to meet OSHA standards. Ever changing, the newest regulations direct attention to the proper storage of potentially hazardous materials such as fertilizers and weed control chemicals. The Sunflower Hills Golf Course has requested \$220,000 for the construction of a materials storage facility which will enable compliance with these new regulations. Public Safety functions have undergone dramatic change in response to OSHA concerns about blood-borne pathogens.

**Metric Conversion** - The United States is committed to metric system changeover by 1996. There are no current estimates as to the anticipated cost of this federal initiative.

**Total Suspended Particulate (TSP)** - Requires the reduction of TSP by extensive sweeping and prevention programs. This has resulted in increased operation costs for the Street Cleaning Program.

**Federal Clean Water Act, Federal Water Pollution Control Act of 1972 and the Safe Drinking Water Act** - Requires additional stormwater runoff testing and a more extensive wastewater pretreatment program. The Public Works Department, Water Pollution Control Division has requested \$1,150,000 in projects to comply with these EPA regulations.

**Sewage Treatment** - EPA requires us to have an industrial pre-treatment program for the removal of potential industrial pollutants at industrial sites prior to disposal into the sewer system. The City constructed a new \$22 million secondary pre-treatment facility in 1988 to comply with EPA and federal regulations.

**Solid Waste Disposal Act** - Water Pollution Control's 1994 Budget reflects \$160,000 for the construction of a Household Hazardous Waste Holding facility to comply with EPA standards.

**Freon and Ozone Depletion** - With the elimination of the refrigerant R-12 as an approved refrigerant, the City must look toward alternative refrigerants. Over \$500,000 in new projects has been requested for 1994-1999 to replace antiquated cooling systems throughout the City.

These are just several examples where additional federal regulation has caused increased spending for cities. The net result of this trend, as many cities are experiencing, is more federal regulation with less federal funding.

the of.  
**Belleville** Kansas  
AT THE CROSSROADS OF AMERICA

January 25, 1995

To: Chris McKenzie, Executive Dir.  
League of Kansas Municipalities

Re: Unfunded Mandate Issues

Dear Chris,

Please be advised by this letter of the following areas that may be pertinent to what you are looking at concerning "Unfunded Mandates". I am stating these areas in brief form for the sake of expediency.


The City of Belleville has just entered into a contract with the county for a larger dollar amount for the disposal of solid waste within the city. This increase is in excess of 300%, and we probably came out better than most. This increase was passed on directly to the consumer.

The City of Belleville has been informed by KDHE that the water discharge acceptable levels have been changed as they relate to our waste disposal plant. The city is still paying on the last bonds issued for an EPA upgrade of our sewer treatment plant, and the plant is operating at the design level of the upgrade. It may come to pass that with the new changes that we will need to completely rebuild our treatment plant, and that the cost could exceed \$1,500,000.00. The local citizens would have to pick up the increase in cost in a rate adjustment.

There have been discussions about requiring very expensive additions to the small electric generators to comply with some requirements in the Clean Air Act. Supposedly these additions could cost the City of Belleville in excess of \$3,500,000.00. Needless to say, this type of unfunded mandate would be disastrous to the city in that we might have to cease operating our electric utility production. The electric utility has been a tremendous asset and economic plus for the city.

These are just three areas that come to mind that are of great importance to the city, and that have been or may be negatively effected by unfunded mandates. I am sure there are many others that could be listed.

Sincerely,

  
Roger W. Mock, City Manager

P.O. BOX 280 ■ 1819 I. STREET ■ BELLEVILLE, KS 66935 ■ 913/527-2288

# The City of Hoxie

1024 ROYAL AVE. - P.O. BOX 898  
HOXIE, KANSAS 67740

PHONES:  
913-675-3291  
OR  
913-675-3918

January 25, 1995

Chris McKenzie, Executive Director  
League of Kansas Municipalities

Dear Chris,

We support the legislation introduced by the League of Kansas Municipalities to require the Legislature to fund mandatory legislation.

This City-and we are not alone-spent considerable time and money on the cross control requirements mandated by KDHE only to have more expenses involving repairs to homes when the devices they approved did not work as described. Now we are spending more time and money finding something that does work.

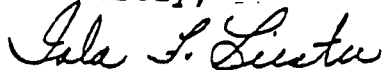
When we have to work under a tax lid we are limited in the amount of money to provide local services and when the state mandates we pay for services they require-where do we get the money? We cut services in one area to meet State requirements in another. We are running out of areas to cut. We collect fees for the State-providing the State with a free "collection agency". It seems we don't levy taxes anymore for local services-just to meet State and Federal mandates.

Now we are looking at landfill regulations-the cost of meeting these requirements will more than triple our expenses.

Has the State helped us with funding to meet the mandates of KDHE, OSHA and EPA-NO!!! We need some help-we can't afford, in money or time-to pay for mandates that may or may not be necessary in all areas of the State. Somewhere along the line help with funding has to come or the small cities in Kansas will cease to exist.

We wish to thank the League and Representative Kent Glasscock for their efforts on our behalf.

Sincerely,



Iola F. Liester  
City Clerk  
City of Hoxie, Kansas





**League  
of Kansas  
Municipalities**

LEGAL DEPARTMENT · 112 S.W. 7TH TOPEKA, KS 66603 · TELEPHONE (913) 354-9565 · FAX (913) 354-4186

**TO:** House Local Government Committee

**FROM:** Don Moler, General Counsel

**RE:** Mandate Legislation

**DATE:** January 26, 1995

One of the problems of discussing mandates on local government is that they often become obscured and we simply talk about mandates as abstractions. This often blurs the issues we are talking about and actual examples tend to fall between the cracks. What I would like to do, in a very short period of time, is highlight a number of recent state mandates on local government. Some of them are obvious and some of them are not. Rather than write out a lengthy recitation of what happened and why I am going to highlight with bullets the following recent mandates on local government in Kansas and give a brief oral description of each and the status of it today.

The following represent a variety of mandates which we have had to deal with in the last two years at the League in responding to concerns, complaints and inquiries from our member cities. The following mandates I wish to discuss are:

- Underground Utility Damage Prevention Act
- Local Government Fingerprinting Requirements
- Bloodborne Pathogens
- Electric Provider OSHA Requirements
- Dog Kennel Requirements
- Weed Ordinance Publishing Requirement
- Five-Year License Plate for Utility Vehicles

What these recently enacted mandates provide is an overview to the entire problem. Often mandates are passed without even the recognition that they are mandates at the time they are being discussed in the legislature. Furthermore, they often bear much greater costs than we would initially expect given the innocuous look of the legislation. Finally, you will note that several of these recent mandates come in the form of agency regulations which turn into expensive mandates for local government. All of these, however, lead to higher costs for operating local government and increased taxes for the taxpayers of our cities and of Kansas generally.

Thank you very much for allowing the League to present these issues to you this afternoon.

House Local Government  
1-26-95  
Attachment 2:



"Service to County Government"

215 S.E. 8th
Topeka, Kansas 66603-3906
(913) 233-2271
FAX (913) 233-4830

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Vice-President
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(913) 448-5411
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Murray Nolte
Johnson County Commissioner
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(913) 432-3784

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Harvey County Director of Special Projects
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Douglas County Director of
Public Works
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Lawrence, KS 66044
(913) 832-5293
Mary Ann Holsapple
Nemaha County Register of Deeds
607 Nemaha
Seneca, KS 66538
(913) 336-2120
Eldon Hoyle
Geary County Commissioner
106 Bunker Hill Road
Junction City, KS 66441
(913) 762-4748
William Leach
Cheyenne County Commissioner
HC1 Box 26
Bird City, KS 67731
(913) 734-2604
NACo Representative
Marjory Scheufler
Edwards County Commissioner
312 Massachusetts
Kinsley, KS 67547
(316) 995-3973
Sam Schmidt
Riley County Appraiser
110 Courthouse Plaza
Manhattan, KS 66502
(913) 537-6310
Darrell Wilson
Saline County Sheriff
300 W. Ash
Salina, KS 67401
(913) 826-6500
Executive Director
John T. Torbert, CAE

Testimony

To: House Local Government Committee
From: Tom Winters, Sedgwick County Commissioner
Date: January 26, 1995
Re: HB 2193

The Kansas Association of Counties is in favor of HB 2193.

As the state and federal governments have seen increasingly tight budgets, the result has been the tendency to pass costs down to the city or county level. In just the past few years, the state has enacted a new community corrections program, passed on new requirements on juvenile detention and more recently, enacted sentencing guidelines. All of these have had cost impacts on county budgets. At the federal level, in very recent history, we have seen "motor voter", the Americans with Disabilities Act and the new Subtitle D regulations on landfills. We are not sure what impact any possible new national health care proposals will have on county budgets but I think there is concern that there will be the potential of increased costs. There is also concern that there will be national legislation introduced that would require local governments to be brought under the jurisdiction of Occupational Safety and Health Administration, (OSHA) - most certainly at an increased cost. For all of these reasons, we feel very strongly that the legislature should be aware of the effects of mandates. It is an issue of simple fundamental intergovernmental fairness.

In HB 2193 the legislature would have to make a "finding" of compelling state interest before approving an unfunded mandate. This has no real impact in the overall scheme of things other than to call your attention as legislators to the fact that a piece of legislation that you are giving strong consideration to for passage may well impose an additional cost burden on the property tax system. This "finding" should be in the very early part of the

House Local Government
1-26-95
Attachment 3

proposed bill. With mandates, awareness is half the battle. We feel this fosters that awareness.

We think this bill makes a good solid beginning at a statutory approach to dealing with mandates. It does give us a way of dealing with mandates in a little more orderly fashion.

Thank you for your consideration.



MEMORANDUM

**TO:** Members of the House Local Government Committee  
**FROM:** Donald R. Seifert, Management Services Director *DRS*  
**SUBJECT:** House Bill No \_\_\_\_\_ Mandates Imposed on Cities and Counties  
**DATE:** January 26, 1995

On behalf of the city of Olathe, thank you for the opportunity to appear today in support of this bill which would discourage the enactment of unfunded state mandates or enact a mandate only after open discussion and a finding of need. Mandate relief is at the top of our governing body's legislative priority list. We believe this bill will help usher in a new era of cooperation in state and local government relations as we serve the citizens of Kansas.

This bill is applicable to future mandates, so it will obviously not eliminate our existing responsibilities. Cities do not expect to realize any immediate budget savings from this bill. Frankly, most of our mandates originate from the federal government. Some mandates are entirely justifiable; we would probably all choose to fund many of them to maintain the high quality of life we enjoy in this state and nation. However, this bill will serve to heighten awareness by all parties of the fiscal impact and need for future mandates. It will promote a more open discussion and debate of the consequences of mandates, providing better communication between state and local government about our mutual responsibilities, and how they should be funded.

Thank you again for the opportunity to add our support to this bill. We urge the Committee to recommend it favorably for passage.

rc

House Local Government  
1-26-95  
Attachment 4



# City of Lawrence KANSAS

CITY COMMISSION

MAYOR  
JOLENE ANDERSEN

COMMISSIONERS  
BOB MOODY  
DOUG COMPTON  
JOHN NALBANDIAN  
ROBERT C. SCHULTE

CITY OFFICES 6 EAST 6th

MIKE WILDGEN, CITY MANAGER

BOX 708 66044-0708 913-832-3000

TDD 913-832-3205

FAX 913-832-3405

To: Representative Kent Glasscock, Chair, House  
Local Government Committee and Committee Members

From: David Corliss, Director of Legal Services,  
City of Lawrence

Date: January 26, 1995

Re: Unfunded Mandate Relief

The City of Lawrence appreciates this opportunity to join with other cities in urging the 1995 Kansas Legislature to enact meaningful unfunded mandate relief legislation. The City of Lawrence opposes unfunded mandates because they drain limited resources from needed City programs and activities. State legislators know how federal mandates hamper the State's ability to respond to problems and issues, similarly the State should not impose unfunded mandates on local units of government.

An example of an unfunded -- perhaps an unintended -- mandate is last year's HB 2664. A portion of this bill altered state law provisions governing the registration of City vehicles (K.S.A. 8-1,134). The law now states that city "utility" vehicles shall be issued license plates for periods of five years, and shall pay all license fees as though such vehicles were registered annually. All seems well, until implementation of the law raises questions concerning what are "utility" vehicles and whether the five year license plates means paying up front five years of fees at one time. The City of Lawrence did not budget for five years of license payments in its 1995 budget.

The lesson we draw, and respectfully ask that you consider today, is that state legislation creating mandates and burdens on local governments be carefully scrutinized for the impositions they carry. Legislation with unfunded mandates should carry a heavy burden to win support. A concurrent concern is the constant interpretative problems we encounter with state mandates. As bad as unfunded mandates are, unfunded unclear mandates are even more frustrating for local officials. What are utility vehicles for registration purposes? Those with utility stamped on the side? Are sanitation vehicles utility vehicles? Must the City pay five years of fees if the law says "pay all license fees imposed...as though such vehicles were registered annually"? A mandate is not a suggestion, but is the law we must follow. We urge the Legislature to either fund mandates or find that the mandate serves such a compelling state interest that it deserves to be paid by local taxpayers.

House Local Government  
1-26-95  
Attachment 5





# THE CITY OF LAWRENCE

## 1995 Budget In Brief

Lawrence is a full-service city with an estimated 1994 population of 71,316 (1990 census population - 65,608). Lawrence has a Commission-Manager form of government. The City Commission is made up of five officials who are elected at large. In Lawrence, the Mayor is chosen from among the City Commissioners and serves a one-year term. The Mayor is usually chosen at the first meeting in April of each year. The City Manager is appointed by the City Commission to run the city on a daily basis. The City Manager is responsible for hiring and supervising City employees and implementing the policies of the City Commission. The members of the City Commission adopting this budget are as follows:

Jolene Andersen, Mayor  
 Bob Moody Vice-Mayor  
 Doug Compton  
 John Nalbandian  
 Robert Schulte

The fiscal year begins January 1 and ends December 31. Kansas law requires that each city have a certified copy of their annual budget on file with the County Clerk by August 25 preceding the year of the budget. For additional information on the budget, please write to the City Manager's Office, P.O. Box 708, 66044 or call (913) 832-3400.

### THE 1995 BUDGET

The Lawrence 1995 City Budget establishes City Commission priorities for expending public funds, sets tax rates, utility rates and fee policies, and serves as an important tool in managing City services and projects.

The budget provides for total expenditures of \$55,927,129. It reflects about a 1/2 mill decrease in the 1995 property tax levy (from 28.458 mills to 28.035 mills). This results in a tax rate of \$28.03 per \$1,000 of assessed valuation.

<b>How City Property Taxes Are Calculated</b>		
Fair Market Value of Residence Determined by County Appraiser	Assessed Value of Residence (11.5% of Fair Market Value)	City Property Taxes for 1995 Budget (A.V. x mill levy of .028035)
\$50,000	\$5,750	\$161.20
\$70,000	\$8,050	\$225.68
\$85,000	\$9,775	\$274.04
\$100,000	\$11,500	\$322.40

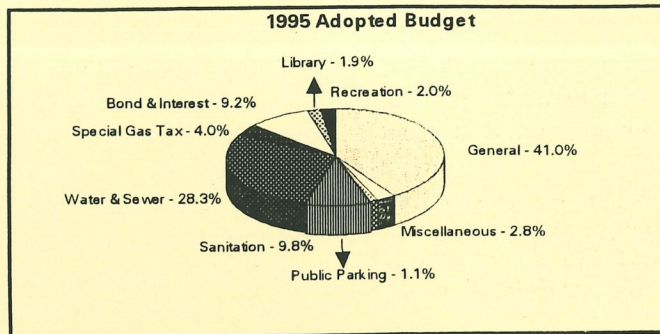
**A mill is \$1.00 for each \$1,000 of assessed valuation.**



## A BUDGET COMPOSED OF FUNDS

The City of Lawrence budget is composed of the following funds which are distinguished by sources of revenues and types of expenditures.

**General Fund** The General Fund is the principal fund of the City which accounts for all financial transactions not accounted for in other funds. The General Fund receives most of its revenue from City sales taxes, property and motor vehicle taxes and state shared taxes. The General Fund represents 41.0% of the total City Budget. **1995 Expenditures are \$19,578,156.**



**Water and Sewer Fund** The Water and Sewer Fund is an enterprise fund which accounts for the activities of the Utilities and Finance Departments in providing water and sewer services to residents of the City. This fund receives revenue from water and sewer charges and related fees. No tax dollars support this fund. The Water and Sewer Fund represents 28.3% of the total budget. **1995 Expenditures are \$15,806,945.**

**Sanitation Fund** The Sanitation Fund is an enterprise fund which accounts for the provision of residential and commercial collection and recycling solid waste. This fund receives revenue from sanitation service charges. No tax dollars support this fund. The Sanitation Fund represents 9.8% of the total City budget. **1995 Expenditures are \$5,477,724.**

**Bond and Interest Fund** The Bond and Interest Fund is an enterprise fund used to retire general obligation bonds issued to finance capital and community improvements within the City. The Bond and Interest Fund receives resources from property and motor vehicle taxes, special assessments and other sources. The Bond and Interest Fund represents 9.2% of the total City budget. **1995 Expenditures are \$5,150,950.**

**Special Gas Tax Fund** The Special Gas Tax Fund is used to account for monies provided by the State motor fuel tax (18 cents per gallon). These funds are used for road maintenance, traffic signalization, and for the annual street overlay and curb repair program. The Special Gas Tax Fund represents 4.0% of the total City budget. **1995 Expenditures are \$2,244,649.**

**Recreation Fund** The Recreation Fund accounts for monies used in supporting recreation programs and services within the city. This fund receives 30% of its revenue from property and motor vehicle taxes and the remainder from recreation charges and fees. The Recreation Fund represents 2.0% of the City budget. **1995 Expenditures are \$1,125,510.**

**Library Fund** The Library Fund is used to account for resources received from property and motor vehicle taxes for operating the City Public Library. The Library Fund represents 1.9% of the City budget. **1995 Expenditures are \$1,035,297.**

**Public Parking Fund** The Public Parking Fund is an enterprise fund used to account for revenues received from the parking and riverfront garage receipts. No tax dollars are used to support this fund. The Public Parking Fund represents 1.1% of the City budget. **1995 Expenditures are \$602,913.**

**Stormwater Utility Fund** The Stormwater Utility Fund is used to account for the activities of the management of stormwater drainage facilities and system. **1995 Expenditures are \$400,000.**

**Special Alcohol Fund** The Special Alcohol Fund is used to account for resources received from a State tax levied on alcoholic liquor drinks. This fund receives 1/3 of the revenue from the alcohol tax. The Special Recreation and General Fund receive the remaining 2/3 of alcohol tax receipts. In 1995, Special Alcohol Funds will be used by the following agencies: DCCCA (\$82,000), Douglas County



Community Services Coordinator (\$20,600), First Step House (\$25,000), Headquarters (\$5,000), Hearthstone (\$7,000), Women's Transitional Care Services, Inc. (\$4,000), and CASA (\$11,000). **1995 Expenditures are \$386,565.**

**Guest Tax Fund** The Guest Tax Fund is used to account for revenue received from the 4% guest tax levied on hotel and motel rooms in Lawrence. This revenue is used to operate the Lawrence Convention and Visitors Bureau. **1995 Expenditures are \$380,000.**

**Special Recreation Fund** The Special Recreation Fund is used to account for one-third of City receipts received from the state tax levied on liquor drinks. These resources are used to support recreational and cultural activities, such as Knox Natatorium and the Annual Downtown Outdoor Sculpture Exhibition sponsored by the Lawrence Arts Commission. **1995 Expenditures are \$374,450.**

## BUDGET BY CITY DEPARTMENTS

The City of Lawrence is organized into 12 separate departments to provide City services and carry out City policies. The following departments are tax supported and receive primary support from the general fund. Some departments receive some or all of their funding from user charges.

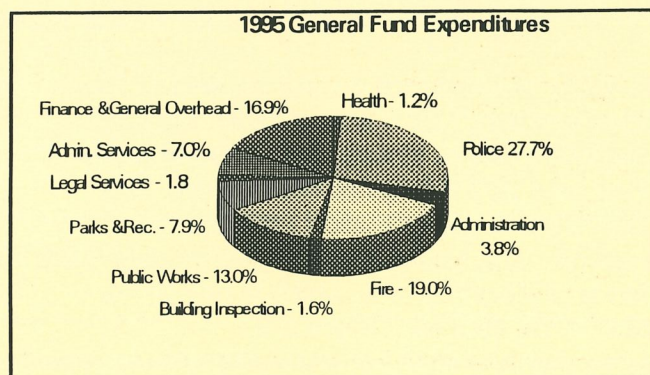
**Utilities** The Utilities Department operates two water treatment facilities, one wastewater treatment plant, and serves and maintains water and sanitary sewer lines throughout the city. In 1994, on average, the Kaw and Clinton Water Treatment Plants distributed a combined total of 10 million gallons per day. The utility system serves over 22,500 customers. Its 1995 budget is \$15,806,945, with 79 employees.

**Public Works** The Public Works Department is composed of the following divisions: street maintenance, engineering, traffic, airport maintenance, property maintenance, street lights, levee maintenance, sanitation and streets. The 1995 general fund budget for the Department is \$2,977,091. The Sanitation Division, through fees for service, provides services such as recycling solid waste and disposal of refuse for residential and commercial customers. The Sanitation Division has a 1995 budget of \$5,477,724, with 73 employees. The Special Gas Tax provides \$2,244,649 for the Street Division. The total budget for the department from all budgeted funds is \$10,699,464, with 138 employees.

**Police** The Police Department provides comprehensive policing services to the community, including criminal enforcement, investigations and animal control. Its 1995 budget is \$6,363,028, with 130 employees of which 103 are sworn officers. The department is also responsible for parking enforcement in the Central Business District. The Public Parking Division has 6 employees, and a budget of \$602,912, funded from parking meter receipts.

**Fire** The Fire Department provides comprehensive fire protection services to the community. Protection of life and property is the central service provided by the Department. Lawrence has four fire stations. Its 1995 budget is \$4,353,781, with 85 full-time firefighting personnel, 10 extra board personnel and 3 civilians.

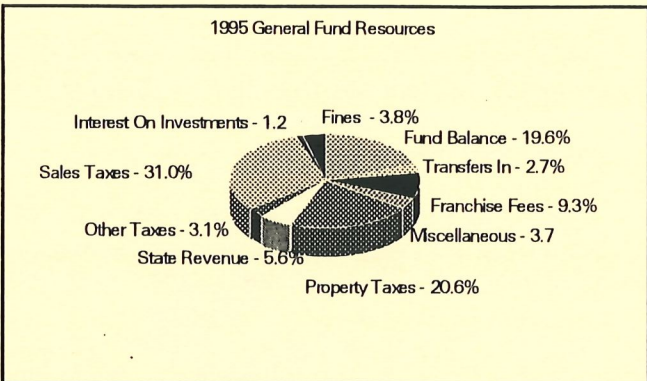
**Parks and Recreation** The Parks and Recreation Department maintains over thirty public parks and open spaces, two cemeteries, an outdoor swimming pool, and maintains public landscaping and trees. The Department also provides a broad range of recreational programs for Lawrence citizens. The Parks and Recreation Department is supported through user fees, and general fund, recreation fund and special recreation fund revenues. The Department's total 1995 budget is \$3,317,743, with 47.5 employees, plus seasonal employees.





**Administrative Services** The Administrative Services Department includes the record-keeping functions of the City Clerk; employee relations; and risk management, including the employees benefits program. The department's 1995 budget is \$1,580,335, with 7.6 employees.

**Finance** The Finance Department is responsible for the purchasing, financial management, and data processing functions of the City. The Department's general fund supported 1995 budget is \$372,900 with 8 employees. The Department is also responsible for City utility billing, collection and meter reading activities. This function, (funded out of the Water and Sewer Fund), has a 1995 budget of \$838,106, with 15 employees.



**Planning** The City/County Planning Department administers land use regulations and provides professional planning advice to the Lawrence City Commission, the Douglas County Commission, the Metropolitan Planning Commission, and its various committees. The Department's 1995 budget is \$463,749, with 10.5 employees.

**Legal Services** The Legal Services Department provides legal services to the City. It's 1995 budget is \$253,765, with 5.4 employees. The Legal Services Department also supervises the operations of Municipal Court, which has a 1995 budget of \$170,402, with 5 employees.

**Housing and Neighborhood Development** The Housing and Neighborhood Development Department is divided into two divisions. The Building Inspection Division enforces City Codes concerning the construction and maintenance of structures within the community. The Department also administers the Community Development Block Grant funds received annually from the federal government. The Department's general fund 1995 budget (excluding CDBG funding) is \$374,000, with 9.1 employees.

**Human Relations** The Human Relations Department is the City's civil rights enforcement agency, which investigates complaints from persons who allege discrimination in employment, public accommodations, and housing because of their race, sex, color, religion, national origin, age, ancestry or disability. The Department's 1995 budget is \$207,171, with 4.5 employees.

**City Manager** The City Manager's Office is responsible for administering the programs and policies established by the City Commission. This office directs and coordinates the operations of City departments and informs and advises the City Commission about City service operations and issues. The department's 1995 budget is \$151,350.

**City Commission** The City Commission is elected by the citizens of Lawrence and is responsible for determining the policies for the City of Lawrence. The City Commission hires the City Manager to direct the administration and implementation of those policies. The 1995 budget is \$46,600.

**City of Lawrence Facts**

The City of Lawrence covers an area of 24 square miles. At the end of 1994, the City had 247 miles of streets, 350 miles of water lines, and 262.3 miles of sewer lines. The City has one police station and four fire stations. The Lawrence Fire Department has an ISO rating of 2 which is one of the best in the country. There are approximately 1,400 acres of park land in the City, 32 parks and community centers, 23 public softball/baseball diamonds and 25 public tennis courts. In addition, the City operates the Lawrence Municipal Pool and shares the Carl Knox Natatorium with the public school district.



THE CITY OF



GREAT BEND

HB 2193

P.O. BOX 1168 GREAT BEND, KANSAS 67530

FAX  
(316) 793-4108

January 26, 1995

CITY CLERK  
1209 Williams  
Box 1168  
(316) 793-4100

TO: House Local Government Committee

FROM: Howard D. Partington, City Administrator

ADMINISTRATION  
1209 Williams  
Box 1168  
(316) 793-4111

RE: Unfunded State Mandates

ENGINEERING  
1209 Williams  
Box 1168  
(316) 793-4106

The topic of unfunded mandates has gained attention at all levels of government. President Clinton discussed it Tuesday night during the State of the Union speech, Senator Dole has made the reduction of unfunded mandates a top priority. Governor Graves understands the burden placed upon the State of Kansas by mandates. You understand the burden which you work within to balance federal mandates and the public need for the State of Kansas. We at the local level certainly are affected by both federal and state mandates.

INSPECTION  
1205 Williams  
Box 1168  
(316) 793-4106

We do not argue that the intention of federal and state mandates is bad, what we do argue is the great deal of financial pressure some of the mandates place on our budgets. One or two mandates may not impact our budget greatly, but the sum of the mandates really does cause hardships. WSU Professor Ed Flentje has studied mandates. I believe his report surprises us all in the large number of mandates which have been passed along. To Great Bend, federal mandates are much more of a burden than state mandates, but, a few of the state mandates which effect us are: Blood Borne Pathogens, the Underground Utilities Damage Prevention Act, the Domestic Violence Court Fee, the Required Court Costs for Municipal Judges Training, Mandatory Arrest for Domestic Violence, Minimum Codes for Life Safety - Fire and Building, Flood Plain requirements and approval duplicating the FEMA regulations, the tax lid and others.

STREET  
525 Morton  
Box 1168  
(316) 793-4150

Attached is a list of unfunded mandates we prepared for Senator Dole, Senator Kassebaum and Representative Roberts. Some of the mandates were a one time cost and some are ongoing. As you can see, added together mandates get to be a real burden.

WATER POLLUTION  
CONTROL  
200 Kiowa Rd.  
Box 1168  
(316) 793-4170

We certainly appreciate your willingness to address the issue and realize we share the burden of unfunded mandates together. Again, we do not argue that the intention of many of the mandates is bad, it is paying the cost that really causes the undue burden. We encourage you to work with Chris McKenzie and Don Moler to help reach legislation which is reasonable and fair. Thank you for the opportunity to speak to you on this important matter.

PARKS - ZOO  
CEMETERY  
Brit Spough Park  
Box 215  
(316) 793-4160

FIRE - AMBULANCE  
1205 Williams  
Box 1168  
(316) 793-4140

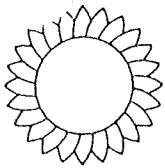
POLICE  
1217 Williams  
Box 1168  
(316) 793-4120

House Local Government  
1-26-95  
Attachment to



## UNFUNDED MANDATES

Hepatitis B Vaccine - PD	\$ 6,000.00
Bloodborne Pathogens Protective Gear - PD	1,500.00
FLSA Settlement - PD	77,000.00
FLSA Lunch Period PD	30,000.00
Evidence storage - PD	3,000.00
KBI Mandate for Teletype Equipment - PD	14,000.00
Hepatitis B Vaccine, TB Tetanus, etc. - Fire	175.00 per employee
Bloodborne Pathogens requirements - Fire	5,000.00
NFPA regulations for safety equipment - Fire	3,000.00
FLSA change of Captain's salary to hourly increasing overtime	52,968.00 per year
NFPA 1901 requirement for truck safety features	25,000.00
Underground Storage Tank Remediation	24,000.00
Above Ground Storage Tanks	105,000.00
Clean Water Act requirements	unknown at this time
ADA Requirements	50,000.00 to date +
CDL Requirements for employees	500.00
Environmental Assessment of Industrial Properties	unknown at this time
Environmental Cleanup at Stone Lake	125,000.00
Confined Space Entry Requirements - OSHA	6,000.00 completed
Sewage Treatment Plant Upgrade	5.2 million
Sludge Management Regulations will impact July 1, 1993 and continue	1,500.00 year
Right to Know Regulations	5,000.00
Arbitrage Mandates	3,700.00
Flood Insurance - A99 to Zone X	330,000.00 year
Drug & Alcohol Testing for CDL's	2,500.00 per year
Other Mandates	unknown at this time



JANUARY 26, 1995

HOUSE LOCAL GOVERNMENT COMMITTEE

HEARING ON HOUSE BILL 2193

Mr. Chairman, members of the committee, my name is Gerry Ray representing the Johnson County Board of Commissioners and appearing today in support of HB 2193. I would like to take this opportunity to commend and thank the Committee for addressing the mandate problem that has long been such a frustration to local officials.

Information has already been provided on the various aspects of the bill and the reasons local governments are supporting it, therefore, I will not get into that aspect. We were asked to provide some examples of state mandates and the cost they impose on the Johnson County. Following are five state mandates and the annual County expenditure to support them:

Adult Corrections	\$8,235,890
Reappraisal	1,995,695
District Court	1,943,254
Indigent Defense	255,481
Out-District-Tuition	68,618

These are only a sampling number of the mandates that we are required to maintain and on which we are able to assign a dollar amount. There are many many more that we must deal with on a daily basis.

Thank you again for you time to give this issue serious consideration.

House Local Government  
1-26-95  
Attachment 7



City Hall • 8500 Santa Fe Drive  
Overland Park, Kansas 66212  
913/ 381-5252 • FAX 913/ 381-9387

January 26, 1995

TO: House Local Government Committee

FROM: Gerry Ray, Legislative Consultant  
City of Overland Park

SUBJ: House Bill 2193

The City of Overland Park would like to express appreciation for the introduction of HB 2193. For many years the mandate problem has been a serious and growing problem to the city. We also appreciate the work and perseverance demonstrated by the League of Kansas Municipalities and commend them for their efforts.

The City of Overland Park was asked to provide some examples of state mandates along with the cost of maintaining them. The attached sheet lists six mandates and the annual cost over a five year period. You will note that in that period the cost increased by \$180,300. This is only a very limited number of mandates that we must deal with and yet there was a significant escalation in the expenditures required to support them.

We believe that HB 2193 would help a great deal by requiring a review of all mandates on a five year basis. Such a process would insure that we were not continuing to support programs that are outdated or have proved to be ineffective.

Thank you again for your efforts to address this problem.

COST OF COMPLIANCE WITH STATE REGULATIONS & MANDATES

	1991	1992	1993	1994	1995
Police Training Requirements	92,000	97,000	101,000	105,000	109,000
Compliance with state regulations for DUI arrests/reporting requirements	43,000	45,200	47,000	49,000	51,000
Psychological tests	40,000	41,600	43,000	44,350	46,000
Indigent Defense Fees	88,000	85,000	77,000	50,000	50,000
Fingerprinting requirements	0	0	30,000	48,000	101,300
Victim Assistance Program	0	0	0	82,500	86,000
Total State Regulations	<u>\$263,000</u>	<u>\$268,800</u>	<u>\$298,000</u>	<u>\$378,850</u>	<u>\$443,300</u>

FIVE YEAR TOTAL

\$1,651,950