

Approved: 3-9-95
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 March 7, 1995 in Room 521-S of the Capitol.

All members were present except: Representative Broderick Henderson - Excused

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

Conferees appearing before the committee: Senator August Bogina
Jim Kaup, City of Topeka
Don Moler, General Counsel-League of Kansas Municipalities
Jim Reardon, Legal Counsel-Kansas Association of Counties
Gary Haller, Director of Johnson County Parks and Recreation

Others attending: See attached list

Chairman Glasscock opened the meeting at 1:30 p.m. The minutes of the meetings for February 21, 1995, February 22, 1995, and February 23, 1995 were distributed. Representative Mays moved to approve the minutes and Representative Powers seconded. Motion passed.

The Chairman announced that the Committee would be hearing testimony on two bills:

SB 69: **An Act concerning cities and counties; relating to zoning; amending K.S.A. 12-757 and repealing the existing section.**

SB 84: **An Act concerning Johnson county parks and recreation district; relating to [certain] contracts for improvements; amending K.S.A. 19-2881 and repealing the existing section.**

The Chairman opened the public hearing for **SB 69** and welcomed Senator Bogina who spoke as a proponent. He said that this legislation was an attempt to correct situations that occasionally occur when a property owner is not notified when the city or county is considering rezoning. He stated that the city should be required to officially notify the property owner of the property to be rezoned. He also believes an individual has the right to know when a city is taking such action when the city takes the initiative. **SB 69** would require that the owners of property affected by rezoning activities would receive written notice of the city's intent to revise zoning classifications. (Attachment 1).

The next conferee was James Reardon, Kansas Association of Counties, who appeared for David Yearout , Butler County Planner, and relayed his concerns with **SB 69**. He said that as a matter of course, most cities do notify property owners. He spoke about his reservations with the new language in lines 34, 35, and 36 on page 1. He thinks that the language is only appropriate where it is entered the second time on page 1, line 40 where it refers to the specific property. There was no written testimony.

The next speaker was Jim Kaup, City of Topeka, who spoke in favor of clarifying the law and he said that in his opinion amending **SB 69** to remove lines 34, 35, and 36 on page one would not change the bill.

The Chairman asked Don Moler if he wanted to testify on **SB 84**, and he said that the League of Kansas Municipalities had no definite opinion, but did feel that the language is unclear. He also said that the language in the entire zoning law was also unclear. He said that the same unclear language is also in the current statute, and that it's not a "model of clarity." He further stated that perhaps one can argue that you could run into a problem if you rezoned or changed the zoning scheme in which every property owner would be entitled to a specific mailed notice. He said that is not what is being done under current statute, and that he didn't think that this was the intent of Senator Bogina's bill.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT, Room 521-S Statehouse, at 1:30 p.m. on March 7, 1995.

The Research Department provided a Supplemental Note on **SB 69**. (Attachment 2).

Since there were no additional conferees, the Chairman closed the public hearing on **HB 69**.

Chairman Glasscock opened the public hearing on **SB 84** and welcomed Gary Haller, Director of Johnson County Park and Recreation District, who spoke as a proponent. He said that the only change in this legislation would be to raise the amount from \$1,500 to \$10,000 in Section 1, line 18. He said that in 1961, the District's purchasing limits were set at \$1,500 for requiring a competitive bid; however, in 1986 K.S.A. 19-2881, Section (b) was expanded to allow for the use of other governmental contracts rather than to increase the limit. He said that was very helpful, but now their operations and facility necessitate the need to increase the limits. He said this would have no fiscal impact on the state and that the County has a \$25,000 limitation. He said that the Senate passed **SB 84** unanimously, and that he hoped the Committee would consider it favorably, too. (Attachment 3).

Chairman Glasscock asked if there were any additional comments, and since there were none, the public hearing for **SB 84** was closed.

The Chairman asked the Committee members if they wanted to take action on **SB 84**. Representative Tomlinson moved that **SB 84** be passed out of the Committee favorably. Representative Feuerborn seconded. Motion passed.

The meeting adjourned at 2:25 p.m.

The next meeting is scheduled for March 9, 1995.

TESTIMONY
SENATE BILL 69

Tuesday, March 7, 1995

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I requested that SB 69 be prepared and introduced in an attempt to correct a situation that could and does occur. Even though some would say that this condition exists only upon rare occasions, I submit that the problem is serious even with limited application.

First, a brief explanation of a situation that did occur under the existing statutes. A tract of land was situated at the south edge of, and included in, a light industrial zoned district. An office building was constructed on that tract of land in 1969 and used continuously for that purpose. The city decided to modify their land-use plan and rezone some properties. An official notice was placed in the local newspaper advertising the hearings and potential action. The owners of property that was rezoned were not individually notified of those hearings. In due course, that property was rezoned without the owners' knowledge.

SB 69 would require that the owners of property affected by rezoning

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activities would receive written notice of the city's intent to revise zoning classifications. It is my understanding that the property owners surrounding the property to be rezoned must receive notification in accordance with the statutes but the property to be rezoned need not be notified. I do not believe this bill would affect or restrict a city's ability to continue its current activities of preparing land-use plans or precipitating rezoning actions.

Mr. Chairman, I believe that Senate Bill 69 does provide a property owner the opportunity to be heard when their property is affected. It seems to me that this is right. I therefore urge your support and favorable action on SB 69

Thank you.

Senator August Bogina, Jr.

SESSION OF 1995

SUPPLEMENTAL NOTE ON SENATE BILL NO. 69

As Amended by Senate Committee on
Local Government

Brief*

S.B. 69 amends the city and county planning and zoning act to require written notice of any proposed zoning amendment to be mailed to all property owners within the area proposed to be altered. Current law requires notice to all owners of record of land located within 200 feet of the proposed zoning change within the city and within 1,000 feet if in the unincorporated area.

Background

Proponents said there have been some instances when not all property owners within an area proposed to have a zoning change actually were aware of the proposal. Current law requires notice be given to property owners outside the area within a certain distance but does not require notice to landowners within the area proposed for the zoning change.

* Supplemental Notes are prepared by the Legislative Research Department and do not express legislative intent.

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Attachment 2



TESTIMONY

to

KANSAS HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE

by

Gary L. Haller, Director
Johnson County Park and Recreation District
March 7, 1995

SENATE BILL NO. 84

Honorable Chairperson Glasscock and Committee Members:

Thank you for the opportunity to appear before you today regarding Senate Bill No. 84. I am Gary Haller, Director of the Johnson County Park and Recreation District.

Some of you are familiar with our special district, such as Representative Tomlinson and Representative Toplikar. For those of you who may not be as familiar, we have materials on the general background of the District and the District's 1993 Annual Report.

The Johnson County Park and Recreation District is the only special district for parks and recreation services in the State of Kansas, created by the legislature in 1955. In its wisdom, the legislature provided ample legislation and voter-approval powers for the District, and very few changes have been requested in the original legislation. Accordingly, we do not have the opportunity to appear before you too often and mostly in regard to modernizing the original legislation. The most recent legislative change was made in 1991 to clarify the District's use of the County election office to carry out any public referendum the District might present to the voters of Johnson County.

Our current request is one of purchasing limits. In 1961, the District's purchasing limits were set at \$1,500, meaning that purchase of items that are \$1,500 or more must be competitively bid and awards made by the District Board. The District recognized this limit was too restrictive in 1986; however, chose to expand KS.A. 19-2881, Section (b), as noted, to allow for use of other governmental contracts rather than increase the limit. This has been most helpful, but our operations and facility make up necessitates the need to increase the limits.

-more-

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Attachment 3

1995 BOARD OF COMMISSIONERS

TESTIMONY TO HOUSE
LOCAL GOVERNMENT COMMITTEE
March 7, 1995
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The District maintains major concessions for football, soccer, and softball that have walk-in freezers and major air and heating units in which replacement cost could easily exceed a \$5,000 limit, let alone the current \$1,500 limitation. The same is true for sewage pump and major irrigation needs for golf course operations. We are also relying more on in-house construction projects for renovation and small restroom construction projects, where the costs of preparing detail plans and specifications would cost almost as much as the total project cost just to bid the materials competitively. There is also a time-line restriction in that projects must fit between winter, spring, and fall start-up and close-down times, as summer operations do not allow time for construction jobs. Thus, the obtaining of supplies within short time frames is essential.

The Board of Johnson County Commissioners supports our recommendations as shown in Exhibit A of their legislative agenda. The County also has a \$25,000 limitation. I have also provided a letter from Gloria Timmer, Director of Budget for the State of Kansas, indicating no fiscal impact on the state.

The District was very pleased with the Senate's unanimous passage of this bill. Your favorable consideration of the District's request is also appreciated, and I would be pleased to answer any questions you may have.

STATUTORY REVISION REQUEST

Under the current Johnson County Park and Recreation District statute K.S.A. 19-2881 (b), the District is required to conduct a formal bidding process for purchase items of a \$1,5000 or higher value. This statute has been in existence since the early 1960s.

The District operations have reached the level where a system computer terminal, a sewage pump replacement, major vehicle repair, building renovation, standard office equipment purchase, etc., can easily be over the \$1,500 limit. Yet, due to purchas-

ing delays, major operation problems and customer service inconvenience area created.

The District Board's legislation recommendation is to change the amount from \$1,500 to \$10,000. In addition, the Board would develop purchasing review guidelines for purchasing under the \$10,000 limit. The \$10,000 limit is also within current guidelines for many city and county governments. Johnson County, for example, has a \$25,000 limit with purchase guidelines approved by the County Commission for purchases under \$25,000.

Session of 1985

SENATE BILL No. 84

By Committee on Local Government

1-19

9 AN ACT concerning Johnson county parks and recreation district; relating
10 to contracts for improvements; amending K.S.A. 19-2881 and repeal-
11 ing the existing section.
12

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

14 Section 1. K.S.A. 19-2881 is hereby amended to read as follows: 19-
15 2881. (a) Before the board of any park district created under K.S.A. 19-
16 2859 to 19-2880, inclusive, and amendments thereto, shall let any contract
17 for any improvement which is estimated to exceed ~~\$1,500~~, ~~to~~ \$10,000, the
18 board shall cause accurate detailed plans and specifications therefor, to-
19 gether with a detailed estimate, of the cost of same, to be made and filed
20 in the office of the secretary of such board; ~~and thereafter, and~~ Before
21 letting such contract, the board shall advertise for bids to do such work
22 in accordance with such plans and specifications for at least one week in
23 a newspaper of general circulation in such district. Except as provided by
24 subsection (b), the purchase of materials, contracts for purchase or sale,
25 lease contracts and other contractual services which are estimated to ex-
26 ceed ~~\$1,500~~ \$10,000, shall be made upon competitive bids. All bids shall
27 be made in writing and signed by the bidder, and presented by the bidder,
28 or the bidder's agent or attorney, to the board, at a meeting thereof, and
29 all bids shall be considered and accepted or rejected immediately after
30 their submission. The board may reject any bids and shall not accept a
31 bid in excess of the estimated cost of the work, and a contract let at a
32 price in excess of the estimated cost of the work shall be void.

33 (b) The district may enter into agreements with any public agency
34 for the purchase of materials, contracts for purchase or sale, lease con-
35 tracts and other contractual services through such governmental units
36 using the bidding procedure of such public agency. When used in this
37 section, "public agency" means any state or a political or taxing subdivi-
38 sion thereof.

39 Sec. 2. K.S.A. 19-2881 is hereby repealed.

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

JOHNSON COUNTY, KANSAS
PURCHASING PROCEDURES

Procedure
No.: 210

Effective
Date: (12/30/94)

Authority to Purchase, Contract

Supersedes
Date: January 1, 1987

A. Any and all dollar limits noted in these Purchasing Procedures are aggregate (cumulative) totals for any like goods and/or services purchased within any calendar year.

B. The splitting of any aggregate purchase requirement to lower the individual portions of the purchase below the limits where a more restrictive level of competitive bidding (informal or formal) is required (e.g., to keep the portions of the requirement below the \$2,000 or \$25,000 levels of competition) is prohibited.

C. Purchases of less than \$2,000.00 may be made, without competition, on the open market upon the authorization of the appropriate agency, department or office director. Such purchases do not require the issuance of a County purchase order.

D. Purchases of professional services in an amount less than \$25,000.00 may be negotiated and contracted for by the appropriate agency, department or office director. The Legal Department will assist user departments in drafting the contracts and will approve the contracts as to form.

E. Purchases of goods and services in an amount of \$2,000.00 or more, but less than \$25,000.00 shall require documentation of the appropriate method of competition and approval by the Purchasing Director; provided, however, that construction, renovation, and road and bridge projects shall be procured in accordance with the limitations imposed by applicable state or federal law.

F. Purchases of goods and services in an amount of \$25,000.00 or more shall require formal, publicly advertised competition and approval by the Board of County Commissioners or the appropriate governing board.

JOHNSON COUNTY 1995 LEGISLATIVE PROGRAM

STATE FUNDING (Con't)

ISSUE: MENTAL RETARDATION FUNDING

POSITION: SUPPORT

RATIONALE: The State should retain the responsibility for funding the care needed by the people coming from State institutions that have been closed rather than passing it on to the counties. Further the State should fund cost of living adjustments in all programs that are run by the County and funded by the State.

ISSUE: MANDATED LEVEL OF COUNTY FUNDING

POSITION: OPPOSE

RATIONALE: The County opposes the State setting a mandated level of County funding for Mental Retardation Programs. Such decisions should remain at the county level.

INFORMATION SYSTEMS

ISSUE: ACCESS TO COMPUTERIZED INFORMATION SYSTEMS

POSITION: SUPPORT

RATIONALE: In 1993 and 1994, the County requested legislation to grant authority to local governments to charge for large blocks of information requested from the Geographical Information System (GIS). Under the proposal, the public would retain access to all public records but, would not be forced to subsidize businesses that exact large amounts of information from the system to use for profit making endeavors.

Appendix D

PARK AND RECREATION

ISSUE: INCREASED COMPETITIVE BID REQUIREMENT

POSITION: SUPPORT

RATIONALE: Increase the requirement for competitive bids from the current amount of \$1,500 to \$10,000. Such a change would allow the Park and Recreation department the flexibility needed to operate a major agency in an up-to-date manner.



DIVISION OF THE BUDGET
Room 152-E
State Capitol Building
Topeka, Kansas 66612-1504
(913) 296-2436
FAX (913) 296-0231

Bill Graves
Governor

Gloria M. Timmer
Director

January 24, 1995

The Honorable Mark Parkinson, Chairperson
Senate Committee on Local Government
Statehouse, Room 128-S
Topeka, Kansas 66612

Dear Senator Parkinson:

SUBJECT: Fiscal Note for SB 84 by Senate Committee on Local
Government

In accordance with KSA 75-3715a, the following fiscal note
concerning SB 84 is respectfully submitted to your committee.

SB 84 would require that the Johnson County Parks and
Recreation District solicit bids for contracts on any project that
is estimated to exceed \$10,000. The amount in current law is
\$1,500.

The bill would have no fiscal impact on the state. According
to officials at the Johnson County Parks and Recreation District,
the fiscal impact of the bill would be negligible.

Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer".

Gloria M. Timmer
Director of the Budget

cc: Gary Haller