

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Chairperson Kent Glasscock at 1:30 p.m.. on February 8, 1996 in Room 521-S of the Capitol.

All members were present except: Representative Robert H. Miller, Excused
Representative Gwen Welshimer, Excused

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

Conferees appearing before the committee: Representative Kenny Wilk
Representative Clyde Graeber
Louis A. Klemp, Jr., Chairman, Board of County
Commissioners of Leavenworth County, Kansas
Representative Carol Dawson
Wes Holt, Kansas County Commissioners Association
Anne Spiess, Kansas Association of Counties

Others attending: See attached list

Chairperson Glasscock opened public hearing on:

HB 2794: Planning and zoning; planning commissions; reimbursement for travel expenses.

Chairperson Glasscock recognized Representative Wilk who spoke in favor of **HB 2794** saying that it was a simple bill, but needed because as K.S.A. 12-744 is currently written, it does not allow for any compensation for traveling expenses for commission members when attending board meetings, viewing properties affected by board decisions, etc.

Representative Graeber also spoke in favor of **HB 2794** saying that it is totally permissive and is simply paying members of planning commissions for actual and necessary travel expenses.

Chairman Glasscock welcomed Louis A. Klemp, Jr., Second District Commissioner and Chairman of the Board of County Commissioners of Leavenworth County, Kansas. He spoke as a proponent for **HB 2794** and said that amending K.S.A. 12-744 would allow for reasonable compensation for traveling expenses which would not only serve to remove a potential barrier and hardship to service on the board, but would also promote basic fairness. (Attachment 1.)

Representative Tomlinson asked for clarification as to why there is no reimbursement now, and the answer was that there is no reimbursement now because of possible lawsuits. Representative Grant wanted travel expenses defined. The answer for travel expenses was for meals and mileage. Representative Mays wanted to know who they got the ruling from that informed them that they can't pay now. The reply was that the information came from the County Counsel.

Chairperson Glasscock recognized Wes Holt, Kansas County Commissioners Association, who reported that they were in support of **HB 2794.**

Since there were no other conferees, Chairperson Glasscock closed the public hearing on **HB 2794.**

Chairperson Glasscock opened the public hearing on:

HB 2708: Townships; fire protection; tax levy.

Chairperson Glasscock introduced Representative Dawson who spoke in support of **HB 2708** and called attention to the written testimony from Earlin Mai, Lincoln Township Treasurer in Russell County, who also supports **HB 2708.** (Attachment 2.)

The Chair recognized Anne Spiess, Kansas Association of Counties, who told the Committee that the Kansas Association of Counties does not have a problem with **HB 2708.**

Chairperson Glasscock closed the public hearing on **HB 2708.**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT, Room 521-S Statehouse, at 1:30 p.m. on February 8, 1996.

The Chair asked the Committee to turn its attention back on **HB 2794: Planning and zoning; planning commissions; reimbursement for travel expenses.** Representative Tomlinson made a motion to pass out **HB 2794** with a favorable recommendation for passage, and Representative Mays seconded. After discussion, Representative Mays said that he hopes the Chair will ask for a ruling from the Attorney General. Motion passed.

Chairperson Glasscock asked the Committee to again look at **HB 2708: Townships; fire protection; tax levy.** He asked for clarification from Theresa Kiernan, Advisor. After considerable discussion, Representative Sloan moved to amend **HB 2708** by having it apply to any township and allow the township to increase the current levy up to a maximum of 7 mills subject to a protest and election. The township only levy pursuant to 80-1503 to fund activities authorized by subsection A of that section. Representative Mays seconded. Motion passed. (Attachment 3.)

The meeting adjourned at 2:40 p.m.

The next meeting is scheduled for February 13, 1996.

LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: Thursday, February 8, 1996

NAME	REPRESENTING
Erin Tomei	Research College of Nursing
Julia Stone	Research College of Nursing
Mardene Jrefelken	NCCC Nursing College
Marne Ulrich	Bethel College Nursing
Janis Lewis	NCCC Nursing College
Betty Mick	Atty General's Office
Wes Holt	KS Co. Commissioners Assoc.
Louie Kump	Co. Comm. LV, KS
Stacy Jullor	Baker University School of Nursing
Clyde Graeber	KS House
Anne Spiess	KS Assoc of Counties

REPORT TO
THE HOUSE LOCAL GOVERNMENT COMMITTEE
REGARDING HOUSE BILL 2794

Dear Representatives:

This report has been prepared by the office of Planning & Zoning of Leavenworth County, Kansas, at the request of the Board of County Commissioners of Leavenworth County, Kansas. This report is in favor of the adoption of HB-2794 as it relates to providing reimbursement to Planning Commission members for actual and necessary travel expenses, the amount of compensation to be determined and approved by the Board of County Commissioners of the various counties. HB-2794 amends Section I(b) of K.S.A. 12-744.

JUSTIFICATION: K.S.A. 12-744 as currently written does not allow for any compensation to be provided to members of a county planning board. Thus, the county is prohibited from compensating board members for any necessary traveling expenses to attend board meetings, view properties effected by board decisions and the like. This prohibition places a hardship and sacrifice upon those members of the public willing to serve as members of the planning board and is without any apparent basis. Amending K.S.A. 12-744 to allow for reasonable compensation for traveling expenses would not only serve to remove a potential barrier and hardship to service on the planning board but would serve the idea of basic fairness. Such traveling expenses could be budgeted by the Board of County Commissioners and could be partially or entirely funded through building permit fees, the fees for applications for special use permits, rezoning, etc.

Although Leavenworth County, Kansas, is one of the smaller counties in the State of Kansas in terms of area, members of the Planning Commission who reside in the Southern area of the County can easily face a round trip of more than 50 miles to attend a Planning Commission meeting. Obviously, this problem for Planning Commission members is increased in the larger counties. The anticipated economic impact on local government is minimal and the review and approval of the actual expenses by the Board of County Commissioners places appropriate safeguards against abuse.

We urge you to favorably report HB-2794 for adoption by the House and the Senate.

Sincerely,



Louis A. Klemp, Jr.
Second District Commissioner
Chairman, Board of County Commissioners
of Leavenworth County, Kansas

DCV:rw

H. Local Government
Attachment 1
2.8.96

CAROL DAWSON
REPRESENTATIVE, 110TH DISTRICT
458 EAST THIRD
RUSSELL, KANSAS 67665



COMMITTEE ASSIGNMENTS
CHAIRMAN GOVERNMENTAL ORGANIZATION
AND ELECTIONS
MEMBER FINANCIAL INSTITUTIONS AND INSURANCE
TRANSPORTATION
JOINT COMMITTEE OF HOUSE AND SENATE
ADMINISTRATIVE RULES AND REGULATIONS

STATE CAPITOL
RM 171-W
TOPEKA, KANSAS 66612-1504
913-296-7637

TOPEKA
HOUSE OF
REPRESENTATIVES

February 8, 1996

TO: Rep. Kent Glasscock
Chairperson, House Local Government Committee

RE: HB 2708

Mr. Chairman, members of the committee:

I appreciate the opportunity to appear before you in support of HB 2708. I introduced this bill at the request of my constituents. The following is testimony from one of the townships requesting the new legislation:

The Lincoln Township residents and the township officers urge the committee to support legislation of this manner. This township is in dire need of fire protection and with the valuation dropping each year and being at the max of our tax limit, it is all but impossible to try to maintain our present obligations. Our community is rural without a location to facilitate a fire station or the man-power to fight the fires so our only recourse is to contract with an adjacent township or townships for some protection. We have no funds to finance this without some type of change in the laws to give us some extra revenue. It is our hope that the mill levy could be increased to four or five mills and the population bracket to 10,000. Your consideration in this matter is appreciated.

Lincoln Township Treasurer, Earlin Mai
Russell County

I thank you for hearing this bill and would appreciate your favorable consideration. I'll be happy to respond to questions.

H. Local Government
Attachment 2
2.8.96

1 clerk and, in the case of a township shall be signed by the township trustee
 2 and attested by the township clerk and, in the case of a county shall be
 3 signed by the ~~chairman~~ *chairperson* of the board of county commissioners
 4 and attested by the county clerk. The agreement shall state the amount
 5 each party shall contribute, the rules and regulations governing the de-
 6 partment, and such other matter as may be necessary to fully set out the
 7 duties and responsibilities of the parties, and the agreement may be
 8 amended or changed or added to by mutual agreement of the parties in
 9 the same manner as that in which the original contract was entered into;
 10 ~~and~~ Such agreement shall ~~endure until~~ *may be terminated if* one party
 11 passes or adopts an ordinance or resolution declaring its intention to carry
 12 out the agreement no longer. When an agreement is ~~dissolved~~ *terminated*,
 13 one party may pay the other for its share of the equipment or apparatus
 14 or the apparatus may be sold. Any money in the treasury shall be divided
 15 pro rata as it was paid in. No election shall be required to authorize the
 16 township board, board of county commissioners or governing body of any
 17 municipality to enter into such agreement, but the township board, board
 18 of county commissioners or governing body of a municipality shall have
 19 the power to decide whether to enter into such contract.

20 Sec. 2. K.S.A. 80-1503 is hereby amended to read as follows: 80-
 21 1503. (a) Townships are hereby authorized and empowered to levy a
 22 special tax on all tangible property in the township not ~~to exceed five mills~~
 23 including a corporate city in a sufficient amount to join with a municipality
 24 or township for the purposes as provided in K.S.A. 80-1501, and amend-
 25 ments thereto, or to pay the compensation agreed upon by contract under
 26 authority of K.S.A. 80-1502, and amendments thereto. ~~Any such levy by~~
 27 ~~a township to the extent of one mill shall be in addition to all other tax~~
 28 ~~levies authorized or limited by law and shall not be subject to the aggre-~~
 29 ~~gate tax levy limit prescribed by K.S.A. 79-1962, and amendments~~
 30 ~~thereto.~~

[not to exceed five mills

31 (b) The township board ~~may~~ *levy*, by adopting the appropriate reso-
 32 lution, ~~an additional one mill may levy a tax of more than five mills but~~
 33 ~~not more than seven mills~~ for the purposes authorized by subsection (a).
 34 Such resolution shall be published once each week for two consecutive
 35 weeks in a paper of general circulation within the township. The township
 36 board may make such levy unless, within 30 days following final publi-
 37 cation of the resolution, a protest petition signed by 10% of the qualified
 38 voters of the township is filed with the township clerk. If a sufficient
 39 petition is filed, such additional tax shall not be levied until approved by
 40 a majority of the voters voting at an election thereon. Such election shall
 41 be called and held in the manner provided by the general bond law. ~~Such~~
 42 ~~levy shall be in addition to all other tax levies authorized or limited by~~
 43 ~~law and shall not be subject to the aggregate tax levy limit prescribed by~~

House Local Government
 Attachment 3
 2-8-96

House Local Government
 Attachment 3
 2-8-96

H. Local Government
 Attachment 3
 2-8-96

1 ~~K.S.A. 79-1962, and amendments thereto.~~

2 (c) Such counties are hereby authorized and empowered to levy an
3 annual tax of not to exceed 1/2 mill on the dollar on all the taxable tangible
4 property in such county for the purposes as provided in K.S.A. 80-1501,
5 and amendments thereto, or to pay the compensation agreed upon by
6 contract under authority of K.S.A. 80-1502, and amendments thereto, and
7 to pay a portion of the principal and interest on bonds issued under the
8 authority of K.S.A. 12-1774, and amendments thereto, by cities located
9 in the county.

10 Such tax levy shall be in addition to all other tax levies authorized or
11 limited by law and shall not be subject to the aggregate tax levy limit
12 prescribed by K.S.A. 79-1947, and amendments thereto.

13 Sec. 3. K.S.A. 80-1501 and 80-1503 are hereby repealed.

14 Sec. 4. This act shall take effect and be in force from and after its
15 publication in the statute book.

House Local
Government 3-2

H. Local Government
Attachment 3-2
2.8.96