

Approved: 3-22-96
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 14, 1996 in Room 521-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Rebecca E. Floyd, Assistant Attorney General

Others attending: See attached list

The minutes of the meetings for March 21, 1996 and March 22, 1996, were distributed. Representative Becker moved that the minutes for March 21 and 22 be approved. Representative Pettey seconded. Motion passed. Chairperson Glasscock called the Committee's attention to the Attorney General Opinion No. 96-16 concerning the finding that there is no legislative intent to preclude cities and counties from enacting local legislation providing for the reimbursement of travel expenses for members of planning commissions. (Attachment 1).

Chairperson Glasscock opened the public hearing for:

SB 564: General Bond Law; duties of attorney general's office

The Chairperson introduced Rebecca E. Floyd, Assistant Attorney General, who spoke as a proponent for **SB 564**. She said that **SB 564** would amend K.S.A. 10-108d which authorizes appointment of an assistant attorney general to review bond transcripts and allows that attorney to perform other functions within the office as time allows. (Attachment 2).

Since there were no other conferees, Chairperson Glasscock closed the public hearing on **SB 564**.

Chairperson Glasscock directed the Committee's attention to **SB 541**.

SB 541: Townships; compensation for roadwork by township board members

The Chairperson said that this is the Senate companion measure to **HB 2760**, and he asked Mike Heim of the Research Staff to give the Committee a brief summary about how the House bill and the Senate bill differ. Mike Heim said that both bills started off the same, but that the Senate Committee of the Whole amended it by saying that if the amount of compensation exceeds \$750.00 a calendar quarter, then the provisions in **HB 2760** would apply. They also made the bill effective upon publication in the Kansas Register while the House bill was a statute book. He said that he thought the rest of the changes were only technical.

Chairperson Glasscock called the Committee's attention to the following written testimony: Doffings of Wichita, Kansas; (Attachment 3); Mattie Brown of Concerned Taxpayers Sedgwick County, Kansas; (Attachment 4); and Willie Martin, Director Intergovernmental Relations, Sedgwick County, Kansas. (Attachment 5).

Chairperson Glasscock announced that it was his intent to work the bill after questions from the Committee. Representative Thimesch said that several legislators and staff had worked on this bill very hard, and he felt like the amendment was favorable. He added that the main concerns were addressed by inserting language back on page 2 (line 1 and line 9) which deal with townships of a certain size. Mike Heim said that the Senate recommended that the language be put back in as a technical amendment because Section 1 amends 68-525 and deals with the compensation that the different sized township officials get when they act as board of highway supervisors. Representative Thimesch stated that they hoped this would correct all the situations, and they

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT, Room 521-S Statehouse, at 1:30 p.m. on March 14, 1996.

reverted back to 80-207 which basically stated in the House bill that compensation would be determined by the local township on every matter. Hopefully this would clarify everything and settle compensation on salaries. This would give this responsibility totally back to each local township. He said that he believes that the amendment addresses the parts of both bills that are good, and that he could vote for the Senate version. However, if he were going to change anything, it would be in new Section 5 where it says compensation is important and that clerical work be included.

Representative Sloan said that he doesn't think the legislature should be setting salaries for townships, and that basically what the proposed substitute bill does is say that in all townships they would set their own salaries and be accountable to their own constituents.

Representative Grant referred to Section 5 of **SB 541** and said that she doesn't oppose the \$750.00 figure, but did wonder how that amount was determined. Theresa Kiernan said that Senator Clark asked for the \$750.00 figure.

Representative Welshimer spoke to the problem that Sedgwick County has had with the protest petition. She said the Election Commissioner was concerned about the possibility of too many protest petitions. She also thinks that page 3 (b) of the Senate bill which covers salary, is redundant.

Representative Miller asked if there was any place else in the statutes where salaries have been set, and Mike Heim said that this was one of the few that is left and that basically, the legislature is out of the business of setting salaries at the local level.

Representative Sloan then walked the Committee through the proposed substitute bill. He said that the bill essentially strikes everyplace in the statute where it mentions salary for township officials or work done at the direction of township officials and inserted, "The amount of compensation for such work shall be determined by the township board as provided by K.S.A. 80-207, and amendments thereto." He also explained the change near the bottom of page 3 and on page 6. (Attachment 6).

Representative Sloan moved that the amendment for **SB 541** be adopted by introduction of a substitute bill. Representative Miller seconded.

Representative Welshimer wanted to know if this amendment pleased the township people. Duane Sanders, Vice President of the Sedgwick County Township Association, was in the audience and said that at their annual township association meeting this bill was discussed. He said that they liked the Senate bill except for the first eight and one-half lines on page 2 and then on page 3, line 13 after perform, to insert clerical. He said that these changes would make it all clear.

Chairperson Glasscock summarized the balloon by saying that it basically gets the state out of the business of setting salaries for the townships. He asked Representative Sloan if the balloon did anything else, and the reply was "no." Representative Welshimer said that she still opposes the amendment.

Representative Mays said that he believes townships are perfectly capable of setting salaries themselves and thinks it is much simpler than what we have now, and that he is in favor of the amendment. He wondered if possibly on page 3 it could be taken one step further by inserting not less than or not more than before the figure of \$1,000 since a dollar figure in the statute usually requires review every few years. Representatives Luthi expressed support for the Sloan amendment, and Representative Becker said that he did, too, but still had a problem with the protest petition because of the cost of a special election and that the 5% was too low. He feels it is too easy to get 5% of the registered voters to sign a petition.

Chairperson Glasscock called for a vote on Representative Sloan's amendment. Motion passed.

The Chairperson directed the Committee's attention back on the Substitute bill for **SB 541**. Representative Mays moved to amend the proposed substitute bill by including provisions of **HB 2144** as passed by the House. Representative Tomlinson seconded. Motion passed.

Representative Thimesch made an amendment to set the threshold for publication at greater than \$750 quarterly. He withdrew his motion when he learned that this was already provided.

Representative Mays made a motion to pass out **SB 541** as amended. Representative Miller seconded. Motion passed. Representative Welshimer wanted to be recorded as a "no" vote.

Chairperson Glasscock asked the Committee to turn its attention back to **SB 564**. Representative Mays

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT, Room 521-S Statehouse, at 1:30 p.m. on March 14, 1996.

moved to amend provisions of **HB 2230**, as passed by the House, into **SB 564**. Representative Sloan seconded. Motion passed. (Attachment 7).

Representative Mays moved that **SB 564** be marked favorable for passage as amended. Representative Sloan seconded. Motion passed.

Since Representative Powers asked question number 100, he treated the Committee to Baskin-Robbins drumsticks and offered the following:

“I would like to submit to you the following report from Subcommittee #2:

1. Having indulged the L.G. Committee of the whole with a rounded record of 100 questions on just the 47th day, be it resolved for consideration of the above to be entered into the *Guinness Book of World Records*.
2. Having been a Band Director for 36 years and having a continued hate for drummers, I hereby submit to you and your palates, these Baskin-Robbins drumsticks for your pleasure. Hope you enjoy every lick. I have!”

The meeting adjourned at 2:35 p.m.

Since there are no additional meetings scheduled, if there are no additions or corrections to the minutes by March 22, 1996, they will stand approved.



State of Kansas

Office of the Attorney General

301 S.W. 10TH AVENUE, TOPEKA 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

February 22, 1996

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
FAX: 296-6296

ATTORNEY GENERAL OPINION NO. 96-16

The Honorable Kent Glasscock
State Representative, 62nd District
State Capitol, Room 115-S
Topeka, Kansas 66612

Re: Cities and Municipalities--Planning and Zoning; Planning, Zoning and Subdivision Regulation in Cities and Counties--Planning Commission; Membership; Compensation; Application of Home Rule to Reimburse Members of a City or County Planning Commission for Travel Expenses

Synopsis: Cities and counties may use their home rule powers to enact local legislation which provides for the reimbursement of travel expenses for members of planning commissions. Cited herein: K.S.A. 12-741; 12-744; 12-747; 12-749; 12-753; 19-101a; Kan. Const., art. 12, § 5.

*

*

*

Dear Representative Glasscock:

You request our opinion concerning whether a city or county may use home rule powers to enact local legislation providing for the reimbursement of travel expenses for members of a planning commission. Presently, K.S.A. 12-744 provides that members serve without compensation and there is no statute that addresses the reimbursement of travel expenses.

Home rule is available to cities and counties in all areas of local government in which it is not prohibited by article 12, section 5 of the Kansas constitution or by K.S.A. 19-101a. **Blevins v. Hiebert**, 247 Kan. 1 (1990). The Kansas Supreme Court has applied previous decisions on city home rule to counties because the home rule powers are "similar and parallel" to each other. **Missouri Pacific Railroad v. Board of Greeley County Comm'rs**, 231 Kan. 225, 226 (1982). Thus, for the sake of brevity, references to city

House Local Government
Attachment 1
3-14-96

home rule will apply as well to county home rule. ***Executive Aircraft Consulting Inc. v. City of Newton***, 252 Kan. 421 (1993).

A city ordinance should be permitted to stand unless actual conflict exists between the ordinance and a statute or unless the legislature has clearly preempted the field so as to preclude municipal action. ***McCarthy v. City of Leawood***, 257 Kan. 566 (1995); ***City of Wichita v. Basgall***, 256 Kan. 631 (1995); ***Moore v. City of Lawrence***, 232 Kan. 353 (1982). We review the zoning statutes and, specifically, the statutes concerning planning commission members to determine whether such conflict or preemption exists.

K.S.A. 12-741 *et seq.* pertain to planning and zoning in cities and counties. K.S.A. 12-744 authorizes a city or county to create a planning commission composed of at least five members who serve without compensation. The planning commission is charged with the responsibility of making a comprehensive plan for the development of a city or county and adopting or amending subdivision and zoning regulations. K.S.A. 12-747, 12-749, 12-753. While K.S.A. 12-744 prohibits the payment of compensation to planning commission members it is silent on the issue of reimbursing a member for travel expenses. The Kansas Supreme Court has concluded that with the advent of home rule such legislative silence no longer prevents local governmental action. ***Blevins***, 247 Kan. at 5.

A conflict exists if an ordinance permits that which a statute forbids or prohibits that which a statute authorizes. ***McCarthy***, at p. 577. It is our opinion that an ordinance or county resolution that permits a governing body to reimburse members of a planning commission for travel expenses does not conflict with K.S.A. 12-744's prohibition on compensating members. Compensation is a term of common understanding and usage. It means payment for services rendered or value received. ***Farm Bureau Mutual Insurance v. Commercial Standard Insurance Company***, 5 Kan.App.2d 127, 128 (1980); ***Webster's Third New International Dictionary*** 463 (1986). The prohibition on compensating members of a planning commission applies to payment for services rendered to the commission. It does not prohibit reimbursing a member for travel expenses incurred while on commission business. (See K.S.A. 75-3223 which distinguishes compensation for members of state boards from expenses incurred in performing statutory duties and K.S.A. 28-169 which authorizes a county with a population of less than 80,000 to pay travel expenses of county officers.)

Finding no conflict, we turn to the issue of whether the legislature intended to preempt the field so as to preclude counties and cities from reimbursing members of planning commissions for travel expenses.

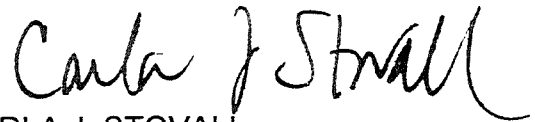
The Kansas Supreme Court has rejected the doctrine of implied preemption, and, therefore, in order for preemption to preclude local governmental action, the legislature

must clearly preempt the field. *McCarthy*, at p. 578; *Johnson County Water District No. 1 v. City of Kansas City*, 255 Kan. 183 (1994); *Dillons Stores v. Lovelady*, 253 Kan. 274 (1993); *Executive Aircraft Consulting Inc.*, at p. 245. We find no such intent by virtue of K.S.A. 12-741 which provides, in relevant part, as follows:

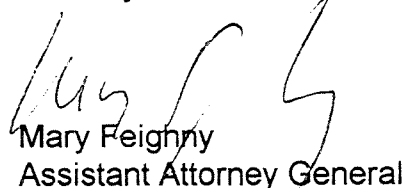
“(a) This act is enabling legislation for the enactment of planning and zoning laws and regulations by cities and counties for the protection of the public health, safety and welfare, and is ***not intended to prevent the enactment or enforcement of additional laws and regulations on the same subject which are not in conflict with the provisions of this act.***” (Emphasis added).

In the *McCarthy* case the Kansas Supreme Court concluded that the legislature did not expressly preempt the field with the main trafficway act because it made the act supplemental to other provisions of law. The *McCarthy* rationale is applicable here and we find no legislative intent to preclude cities and counties from enacting local legislation providing for the reimbursement of travel expenses for members of planning commissions.

Very truly yours,



CARLA J. STOVALL
Attorney General of Kansas



Mary Feighny
Assistant Attorney General

CJS:JLM:MF:jm



State of Kansas

Office of the Attorney General

301 S.W. 10TH AVENUE, TOPEKA 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
FAX: 296-6296

HOUSE COMMITTEE ON LOCAL GOVERNMENT
ATTORNEY GENERAL CARLA J. STOVALL'S
TESTIMONY IN SUPPORT OF
SENATE BILL NO. 564
Presented by Rebecca E. Floyd
Assistant Attorney General
March 14, 1996

Mr. Chairman, members of the committee, thank you for this opportunity to testify in support of this bill. My name is Rebecca Floyd and I am the assistant attorney general assigned to the review of bond transcripts and temporary notes issued by municipalities.

Senate Bill No. 564 would amend K.S.A. 10-108(d), authorizing appointment of an assistant attorney general to review bond transcripts, to allow that attorney to perform other functions within the office as time allows. This would remove what we perceive to be an unduly restrictive administrative burden on the office. Attorney General Stovall has asked for this amendment in an effort to allow more efficient use of this assistant's time and financial expertise on occasions when bond transcripts are not being issued in great volume. Review of bond transcripts will continue to be this attorney's primary duty and priority, but as time allows other duties may be performed as well regardless of whether there is an "unusual workload situation."

We would appreciate your support of this bill. Thank you.

House Local Government
Attachment 2
3-14-96

Doppings
5919 Jones
Wichita, KS
67217

SB 541

March 1, 1996
Page ①

Riverside Township Board Members,

We as residents are very concerned about current plans to revise pay scales and power of authority. We feel a lot of consideration should be given before so dramatic changes take place. We note in our leaders (Board Members) to run and operate our township, we feel power should remain between the three Board Members not to employees or overseers, they are employees not elected Board Members. With three in control we feel more comfortable that all decisions and money spent under the watchful eyes of three people is a better way of insuring us long life. With all control to one person greedy or illegal temptations are more apt to occur.

Also a concern is the amount (little) of pay Board Members are currently being paid. This is an old 1920's pay scale and is not remotely in line with

House Loc.
Government
Attachment 3
3-14-96

Doppings
5919 Jones
Wichita, KS
67217

Page ②

the amount of time and amount of responsibility required for these positions. We feel this should be tripled and the amount of overseers and employees should be investigated and reorganized, with better documentation of time spent with log books and job worksheets.

Another concern about the current bill is on record keeping. The current spiral notebook or hand bookkeeping may be ok for some townships not one as large as ours. We are on computer and is more efficient, it is the computer age and ours is already in place and should be left and if needed updated.

We have a large township with alot of ground to cover and think it would save us money by purchasing our own land, building storage for equipment and office space, instead of leasing land and a building which keeps

Doppings
5919 Jones
Wichita, KS
67217

Page (3)

increasing each year. This is renting instead of owning which is a waste of tax dollars.

We hope everyone Board Members & employees would relate all of our concerns to our Commissioners and on the state level. Lets keep the power to the tax payers.

The old saying dont fix something that isnt broke applies here with the exception of the pay scale for Board Members. Our Township isnt broke that's because of our current method of having three in control.

Thank you for your time and hoping our concerns will be relayed on.

Taxpaying Resident

Pamela J. Dopping

P.S. Next Page

Doffings
5919 Jones
Wichita, KS
67217

Page (14)

We would like to know where the Township stands on enforcement of County Health codes & zoning? What authority you have. The Health Dept up to now overlooks and doesn't enforce the current codes. We feel employment of workers turn over so quickly that the job isn't being done. Our area Jones, Vandale, Minnie, 55th, 58th + 59th has been overlooked years & years. Clean up and enforcement of County codes need to be enforced. If anyone reports these violations some who are in violation have said to me and I quote "We will take revenge on those who complain and they will be sorry." This is a taxpayers right to expect laws and codes will be enforced without fear of life or property. Please let us know since I have been elected to represent our area in this matter. I will pursue this with Commissioners, Health Dept, Supervisors etc. Thanks again

Pamela L. Doffing

March 4, 1996

State Rep. Kent Glasscock
State House, Room 115 So.
Topeka, Kansas 66612

Rep. Glasscock:

In Senate Bill No. 541 you require the Treasurer to file a quarterly report where it has been done yearly in the past. Raises are only given yearly so I feel quarterly is an unnecessary additional expense to the townships. Your bill covers the road work only and completely ignores the business and administrative element of running a township.

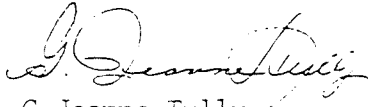
The House Bill No. 2760 is even worse and it too covers roads but not administrative duties. It attempts to be too detailed to allow flexibility to the various sizes and uniqueness of the townships. The language is outdated and voluminous causing misunderstanding and interpretation. In our area the County constructs the road and bridges, the Township maintains them and does culverts. In Sec. 3 K.S.A. 68-531 Employees don't hold office, they are hired and should be screened by the overseer and picked or hired by the Township Board.

Our township is computerized and up to date (not bound books). To make townships uniform throughout the state would create extreme hardships because rural (sparsely populated) and those between two cities, as ours is and heavily populated, have totally different needs and ways of taking care of business and roads. We did not elect our Township Board to be figureheads, but rather for their ability to be qualified officials and workers. The Trustee and Clerk were full time with the Treasurer having full Board authority but lesser work hours. Monies spent by some townships on non-compliance items may have been suggested and approved by residents of that township at open meeting.

The people who run for these positions know what the residents expect -- this is a grassroots, hands on government and as long as it runs smoothly you don't screw it up. We know there are problems, but the magnitude of those problems is due to antiquated statutes rather than township performances, and are resolvable.

We need to change the compensation structure for the Township Board to pay themselves and their employees. The Township Board should have the power to set adequate compensation for themselves and their employees. If we, as residents and voters, don't agree with what is happening we can petition for a change or vote them out of office.

Thank you for taking this old statute under consideration.


G. Jeanne Tully
5960 Jones
Wichita, Kansas 67217

CC: Riverside Township
Bill Hancock
Mark Schroeder
Gwen Welshimer
Carla Stovall

CONCERNED TAXPAYERS
SEDGWICK COUNTY, KANSAS

Feb. 26, 1996

State Rep. Kent Glasscock
State House, Rm. 115 So.
Topeka, Kansas 66612

Rep. Glasscock:

This letter is in regards to Sen. bill 541, regarding Township Board members compensation, we the people have elected these people to office and believe if they are not compensated, we will not get qualified people to maintain the Township, as a taxpayer we feel this is grassroots government and we like it, we want to keep it, so please give the elected people the right to set their compensation, we the taxpayers of each Township want qualified people, we do not want to be consolidated into Cities where government is so large & confusing, this is what will happen if these laws are not changed, this is 1996...

Please address all of the board members, not just the road overseers, there are many duties not being addressed, but if the board is allowed to set compensation for all work performed whether it be road, bookeeping, banking, the list could go on & on, so please address the boards problem, not just road work.....

Thank you for the time and please distribute this to the other Representatives on the Local Government Committee.

Daniel Cahail
902 Wallingford
Bill Jinks
836 Wallingford
Alerie Hamilton
6895 S. Broadway lot 230
James Hamilton
6895 S. Broadway lot 230

Patricia Cahail (Employee (S.V.) Dep.
902 Wallingford
signed another sheet
~~Volma Sanchez~~
David Eubank
William L. Doffing
Pam L. Doffing
Opaline Swart
Warren H. Coy
Paul Hawk

Mr William Smith
Mrs Marlene Smith

Leah Bamft

Charlotte Gould

Jim Gould

John Brown

Sam Cerullo

Frank - [unclear]
[unclear]

Susan S. Stephens

Glenn K. Hufford

Kerry Hufford

W. C. [unclear]

Billie De [unclear]

Jerry Carlson

Peggy J. Hatcher

Gene + Essie Hatcher

George J. Hatcher

Paul W. Toles

Elma [unclear]
Paul Hooper
CJ Hooper

Ruth S. Coley

Leland Z. Ouyer

Alma Purper

R.C. Vandegrift

Rayona B. Vandegrift

Janet S. Cerullo

Jackie Harjo

E J Harjo

Margaret C. Falcox

Eldon Hartley

Barbara Lowyer

Frank Harbour

Brenda M. [unclear]
David O. [unclear]

Ayn Newman

Leita Newman

Madira Mayfield

William W. Mayfield

Lois M. Mayfield

Billy J. Eastman

Beverly M. Eastman

Jeanette S. Falley

Anita Smith
Charles Smith
Katherine Lynch
Gale H. Landen
Jeri L. Sanders
~~Paul H. Bates~~
Louise K. Pelkey
~~John J. Faust~~
Helen D. Dvorak
Linda Dvorak

~~James J. Fairbairn~~
Gregory W. Tully
Max R. Tully
S. James Tully
Bernie Clark
Jack H. Clark
Robert W. Barkley
Annetta Barkley

Lorraine Wittkowski
Lynn Wittkowski
Madeline Callahan
Robert H. Callahan
Quile & Charles
John E. Charles
Tom & Margaret
Irene Willcox
Ann Willcox
Terry Willcox
Shirley Willcox

Tom Phillips
Ronald H. Kussel
C. Earl Kussel

Mrs. Hugh Charles

Hugh Charles

Richard Frazer

Ronald B. Lopez

Edward

Art Jerry

Steve Andrews

Irma Mullan

Carol L. Sullivan

David Sullivan
K. Str.

Bill Carleywine

Nathan McDonald

Beula McDonald

Emogene Laughlin

Jim Laughlin

Becky Fern

Joe + Pat Morris

Merle + Jean Abstands

CONCERNED TAXPAYERS
SEDGWICK COUNTY, KANSAS

Feb. 26, 1996

State Rep. Kent Glasscock
State House, Rm. 115 So.
Topeka, Kansas 66612

Rep. Glasscock:

This letter is in regards to Sen. bill 541, regarding Township Board members compensation, we the people have elected these people to office and believe if they are not compensated, we will not get qualified people to maintain the Township, as a taxpayer we feel this is grassroots government and we like it, we want to keep it, so please give the elected people the right to set their compensation, we the taxpayers of each Township want qualified people, we do not want to be consolidated into Cities where government is so large & confusing, this is what will happen if these laws are not changed, this is 1996...

Please address all of the board members, not just the road overseers, there are many duties not being addressed, but if the board is allowed to set compensation for all work performed whether it be road, bookeeping, banking, the list could go on & on, so please address the boards problem, not just road work.....

Thank you for the time and please distribute this to the other Representatives on the Local Government Committee.

Mattie Brown

House Local Government
Attachment 4
3-14-96



SEDGWICK COUNTY, KANSAS

INTERGOVERNMENTAL RELATIONS

WILLIE MARTIN

COUNTY COURTHOUSE • 525 N. MAIN • SUITE 315 • WICHITA, KANSAS 67203 • TELEPHONE (316)383-7552

TO: HOUSE LOCAL GOVERNMENT
FROM: WILLIE MARTIN, DIRECTOR INTERGOVERNMENTAL RELATIONS
SUBJECT: SENATE BILL 541 - COMPENSATION OF TOWNSHIP BOARDS
DATE: MARCH 14, 1996

Chairman Glasscock and members of the Committee, Sedgwick County would like to express their support for SB 541.

The size, population, and number of road miles to be maintained by Township Boards have a great deal of variance. In Sedgwick County we have a Township which joins the city limits of Wichita. It has a population of 14,000 residents, making it larger than 60% of the incorporated cities in Kansas. Another Township in our County has a budget of \$60,000, less than 500 residents, and must maintain 50 miles of gravel roads.

In small rural Townships, it is sometimes difficult for the Township Board to find qualified help, especially on short notice or on a part time basis. Numerous Townships employ an operator who runs the road grader, tractor, mower, and does whatever else needs to be done. With one operator, there are occasions when that individual is too busy to perform several tasks at one time. Many citizens believe if you are on the Township board you should be able to do the work that needs to be done if there is no one else to do it. There are times when Board members feel obligated to do the work themselves because of an emergency or the inability to find an individual qualified to run a piece of equipment such as a \$250,000 road grader or a \$10,000 tractor.

This proposed legislation would enable Townships to continue operating in a responsible manner. It would allow them to be compensated when they, as Board members, cannot hire someone and must do the work that residents of the townships expect. Appropriate checks and balances are provided for.

We respectfully request your support of Senate Bill 541

House Local Government
Attachment 5
3-14-96

HOUSE SUBSTITUTE FOR SENATE BILL NO. 541

By Committee on Local Government

AN ACT concerning certain municipalities; relating to consolidation of certain municipalities; relating to the governing bodies thereof; relating to compensation thereof; amending K.S.A. 68-525, 68-531, 68-542, 80-207, 80-302, 80-304, 80-410, 80-1204, 80-1407, 80-1544 and 80-2002 and K.S.A. 1995 Supp. 68-530 and repealing the existing sections; also repealing K.S.A. 19-3611, 80-1421 and 80-1422.

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

Section 1. K.S.A. 68-525 is hereby amended to read as follows: 68-525. The clerk of the township board shall keep an accurate record of all official acts, and a detailed record of the proceedings of the board, in a well-bound book, to be provided by the township for that purpose. The record shall be signed by the chairperson and the clerk and kept open for inspection at any reasonable time. The record and system of township accounting shall be uniform throughout the state. Each of the township highway commissioners shall receive \$15--per--day compensation for the time actually and necessarily spent while performing duties as township highway commissioners. ~~No commissioner--shall--receive--more--than--\$480--per--year--in--any township--having--a--population--of--not--less--than--5,000,--nor--more than--8,000,--and--having--a--valuation--of--not--less--than--\$7,000,000, each--commissioner--shall--receive--not--to--exceed--the--following--sums per--year:--The--township--trustee--\$200,--the--township--clerk--\$200,--and the--township--treasurer--\$100.--In--any--township--lying--adjacent--to--a city--of--the--first--class--each--commissioner--shall--receive compensation--in--the--sum--of--\$600--per--year--in--lieu--of--the--per--diem rate--as--provided--in--this--section.--In--townships--which--are--located in--counties--having--a--population--of--less--than--16,000,~~ The amount

House Local Government
Attachment **6**
3-14-96

of such compensation shall be determined by the township board as provided by K.S.A. 80-207, and amendments thereto. The board of township highway commissioners may employ one or more of the members of the board of township highway commissioners to perform work and labor on the township roads of such township and bridges thereon ~~whose compensation shall be fixed by the township board at a reasonable rate for the time actually employed in the performance of the work and labor, but no member of the township board of highway commissioners shall receive compensation for work and labor on the roads of the township, and the bridges on the roads, in excess of \$3,000 during any budget year.~~ The amount of compensation for such work shall be determined by the township board as provided by K.S.A. 80-207, and amendments thereto.

Sec. 2. K.S.A. 1995 Supp. 68-530 is hereby amended to read as follows: 68-530. The township board, with the approval of the county engineer, shall appoint, on merits only, a competent experienced road builder for road overseer for the entire township. The township road overseer shall have charge of the construction and maintenance of all township roads, bridges and culverts, under the supervision of the township board and the county engineer. When in the opinion of the county engineer the conditions demand it, the overseer may appoint one or more competent assistants, subject to the approval of the township board. ~~In any township having a population of 500 or less,~~ The township board by unanimous vote may designate ~~the township trustee~~ a member of the township board to act as road overseer. ~~The officers of any such township are hereby authorized to perform repair, maintenance and improvement work on township roads.~~ Compensation and the cost of benefits provided to each such officer for such work and labor shall ~~not exceed \$3,000 per annum.~~ ~~Reimbursement for actual and necessary expenses shall not be included within such limitation~~ be determined by the township board as provided by K.S.A 80-207, and amendments thereto.

Sec. 3. K.S.A. 68-531 is hereby amended to read as follows: 68-531. The compensation of the road overseer and assistants

shall be fixed by the township board at such rate as may be reasonable for the time actually employed in the performance of their duties: ~~Provided,~~ 7. In ~~counties which have designated the township trustee~~ townships where a township board member has been designated as road overseer ~~or patrolman~~ under K.S.A. 68-530 ~~or acts amendatory thereof,~~ and amendments thereto, and when such ~~trustee~~ board member is paid by the day and not by contract, he ~~shall receive such reasonable wages as is unanimously agreed upon by the township board~~ such board member shall be compensated in an amount determined by the board as provided by K.S.A. 80-207, and amendments thereto. Before entering upon ~~his~~ such duties, the overseer shall give bond unto the township, with surety to be approved by the township board, in the sum of \$1,000, conditioned upon the faithful discharge of ~~his~~ such duties and the protection, care and return of all property of the township which may come into ~~his~~ the overseer's custody. The township overseer and ~~his~~ any assistants, if any, shall hold office at the pleasure of the township board.

Sec. 4. K.S.A. 68-542 is hereby amended to read as follows: 68-542. The county engineer shall call a one-day meeting of all of the county and township road officials in each county at least once each year, for the purpose of discussing any and all matters pertaining to the improvement of the highways, bridges and culverts of the county and of the several townships, and to devise means of systematizing and standardizing the work. ~~The said County officials in attending such meetings shall each receive for his time,~~ from the county ~~or township as the case may be,~~ the same compensation as specified by law for county ~~or township~~ work. Township officials shall be compensated in an amount determined by the township board as provided by K.S.A. 80-207, and amendments thereto.

Sec. 5. K.S.A. 80-207 is hereby amended to read as follows: 80-207. (a) The township officers of any township shall be reimbursed for any expenses incurred while actually and necessarily attending to township business.

(b) The township board, by adoption of a resolution, may fix the amount of compensation to be received by the members of the board. Such resolution shall be published at least once each week for two consecutive weeks in a newspaper of general circulation within the township. If, within 30 days following the last publication of such notice, a petition protesting the amount of compensation signed by not less than 5% of the qualified voters of the township is filed with the county election officer, such compensation shall not take effect unless and until the same is approved by a majority of the qualified voters of the township voting at an election thereon. Any such election shall be called and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto, or in accordance with the provisions of the mail ballot election act. Any increase in compensation also shall be subject to publication and protest as provided by this subsection.

Sec. 6. K.S.A. 80-302 is hereby amended to read as follows:
 80-302. The township trustee, clerk and treasurer of each municipal township shall constitute an auditing board. The auditing board shall meet on the last Monday of March, June, September and December of each year and examine and audit all claims against the township, and shall file their annual report with the county clerk for the approval of the board of county commissioners on or before January 31 of the succeeding year. No claim against any township shall be paid until allowed by the auditing board. All claims allowed by the auditing board shall be recorded by the clerk in a book to be kept for that purpose.

The township trustee, clerk and treasurer shall each receive for the officer's services in attending to the township business, an amount ~~not-to-exceed-the-sum-of-\$50-per-full-day-or-not-to-exceed-\$30-for-any-day-in-which-less-than-four-hours-is-spent-attending-to-such-business~~ determined by the township board as provided by K.S.A. 80-207, and amendments thereto.

Sec. 7. K.S.A. 80-304 is hereby amended to read as follows:
 80-304. The township trustee, at the regular meeting of the board

of county commissioners next succeeding the annual settlement of the township treasurer and road overseers, shall make a complete report of the affairs of the township for the preceding year, stating in detail the items of account audited and allowed, the nature of each account, and the name of each person to whom such an account was allowed. Such report shall specify the amount of compensation and amount of reimbursement of expenses paid to members of the township board pursuant to K.S.A. 80-207, and amendments thereto. Such report shall be verified by affidavit and shall be examined by the board of county commissioners. If found correct and in conformity to law, the board shall approve the report and accounts and the same shall be filed in the office of the county clerk of such county. Copies of the report shall be made available upon request. If such report and accounts are found not correct, or not in conformity to law, the board shall cite such township auditing board to appear before it and correct any errors appearing therein. Such township auditing board and their bondsmen shall be liable to their township for the amount of any and all accounts or demands by them allowed or paid in excess of that authorized by law for any purpose. It shall be the duty of the county attorney of such county to prosecute any and all suits in the name of such township for the recovery of the same, in any court of competent jurisdiction.

Sec. 8. K.S.A. 80-410 is hereby amended to read as follows: 80-410. (a) The treasurer of each township shall file with the county clerk a duly verified full and detailed statement of the receipts, expenditures and liabilities of the township for the preceding calendar year, on or before January 31 of the succeeding year. The treasurer of each township shall publish, or cause to be published, in a newspaper of general circulation in the township immediately following the annual settlement in December of each year, a summary which shows totals for categories of the receipts, expenditures and liabilities of such township for the year ending at the time of such annual settlement. Such publication shall include a notice that a

detailed statement of such receipts, expenditures and liabilities is available for public inspection at the county clerk's office. Copies of the statement shall be made available upon request.

(b) The treasurer of the township shall file with the county clerk a full and detailed statement of the amount of money paid to each member of the township board pursuant to K.S.A. 80-207, and amendments thereto, during the preceding calendar year, on or before January 31 of the succeeding year.

Sec. 9. K.S.A. 80-1204 is hereby amended to read as follows: 80-1204. The trustees of ~~the several townships~~ each township and their assistants shall receive as compensation for their services ~~as provided for in this act a reasonable sum~~ for the time actually and necessarily employed. ~~They~~ Such compensation shall be paid only out of the fund of the county created by this act for that purpose and shall be in an amount determined by the township board as provided by K.S.A. 80-207, and amendments thereto.

Sec. 10. K.S.A. 80-1407 is hereby amended to read as follows: 80-1407. In any township having a township water system ~~with more than five hundred (500) customers, which is located in a county having a population of more than eighty thousand (80,000), and less than one hundred seventy thousand (170,000), the township trustee, clerk and treasurer may each be paid the sum of twenty five dollars (\$25) per month in full payment~~ each member of the township board shall receive compensation for their services as such officers in the supervision of the operation of such water system: ~~Provided, That in any township having a township water system with more than fifteen hundred (1,500) customers, which is located in a county having a population of not less than one hundred twenty five thousand (125,000), the township trustee, clerk and treasurer may each be paid the sum of one hundred dollars (\$100) per month in full payment for their services as such officers in the supervision of the operation of such water system.~~

~~Such compensation shall be in addition to all other~~

~~compensation provided by law for such officers, and~~ The amount of such compensation shall be determined by the township board as provided by K.S.A. 80-207, and amendments thereto, shall be payable out of the operating receipts of such water system. ~~Provided, That where.~~ If extensions have been made to such water system, whose revenues are maintained in a separate fund, such compensation shall be prorated between the original system and such extension in proportion to the gross annual receipts of such original system and extension for the preceding year. ~~The compensation provided for in this section may be paid during the remainder of the calendar year 1965 even though the same was not included in the budget of expenditures for such period.~~

Sec. 11. K.S.A. 80-1544 is hereby amended to read as follows: 80-1544. (a) The governing body of such fire district shall have full direction and control over the operation of such fire department and may select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable. The governing body also may provide for the organization of volunteer members of such department, to be compensated at a specified rate when attending fires. In addition, the governing body may provide special clothing and equipment for such employees and volunteers, may insure such employees and volunteers against accidental death and injury in the performance of their duties, and may do all other things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of such district. Each of the members of the governing body may receive as compensation for services rendered ~~the sum of \$50 for each full day or a sum not to exceed \$30, to be~~ in an amount determined by the governing body, ~~for any day in which fewer than four hours are devoted to such service. In no event shall the compensation provided herein exceed the sum of \$100 for any calendar month~~ as provided by K.S.A. 80-207, and amendments thereto.

(b) The auditing board for the fire district shall meet once

each month on the date designated by the board to examine and audit all claims against the fire district and shall file their annual report with the county clerk for the approval of the board of county commissioners before January 31 of the succeeding year. No claim against any township fire district shall be paid until approved by the auditing board. All claims approved by the auditing board shall be recorded by the clerk of the fire district in a book to be kept for that purpose. Any township officer serving on a fire district auditing board shall receive for such services in attending to township fire district business an amount to be fixed by the governing body of the fire district ~~at not to exceed \$25 for each full day or not to exceed \$15 for any day in which fewer than four hours are spent attending to such business. In no event shall the compensation provided exceed the sum of \$50 for any calendar month~~ as provided by K.S.A. 80-207, and amendments thereto.

Sec. 12. K.S.A. 80-2002 is hereby amended to read as follows: 80-2002. Subject to the provisions of K.S.A. ~~1986--Supp.~~ 19-270, and amendments thereto, the township board of any township having a public water supply, shall have the power, in the manner and as hereinafter provided, to establish one or more sewage districts within such township, or any part thereof, which shall be designated as " _____ township sewage district No. _____, _____ county, Kansas." A sewage district so established shall be a body corporate, with authority to levy taxes and special assessments, to enter into contracts, to sue and be sued in actions arising on contracts, and to establish, construct and maintain a sewage system for such sewage district and to issue bonds to pay therefor. The duly elected members of the township board shall be ex officio the governing body of such sewage district or districts, and each shall receive as compensation ~~for--services-rendered-the-sum-of-\$3.50-per-day~~ for the time actually and necessarily spent in performing the duties required by this act. The amount of such compensation shall be determined by the township board as provided by K.S.A. 80-207,

and amendments thereto.

All taxes and special assessments herein provided for shall be levied against property within such sewage district, and all bonds herein provided for shall be issued by such sewage district and shall not be an obligation of or lien against property in any part of the township which lies outside of such sewage district or against property in any other sewage districts in such township. The cost of the construction of all main, intercepting and outfall sewers and of all sewage disposal plants, and of the maintenance of the entire sewage system of such sewage district, shall be borne by the real property within such sewage district as a whole. The cost of the construction of lateral sewers within such sewage district shall be borne by the property benefited by such lateral sewers, by the organization of lateral sewer districts or otherwise as herein provided.

New Sec. 13. The provisions of this act shall apply to any fire district created by a county under chapter 19 of the Kansas Statutes Annotated, to any fire district created by a township under chapter 80 of the Kansas Statutes Annotated, to any fire district created under chapter 31 of the Kansas Statutes Annotated, and to any fire department created by the governing body of a city.

New Sec. 14. Upon the request of the governing body of two or more fire districts or departments, the board of county commissioners of any county, by resolution, may provide for the consolidation of fire districts and may include within the newly created district any area not currently being provided fire protection.

New Sec. 15. If the fire districts or departments desiring to be consolidated consist of land in adjoining counties, the board of county commissioners of both counties, by resolution, may create a new district under the provisions of this act.

New Sec. 16. (a) The resolution creating a consolidated fire district as provided by this act, shall be published at least once each week for two consecutive weeks in a newspaper of

general circulation in the area subject to the proposed consolidation. If within 60 days following the last publication of the resolution, a petition in opposition thereto, signed by not less than 5% of the registered voters residing within each of the two or more areas proposed for consolidation is filed with the county election officer, the board shall order an election to be called and held within the areas proposed to be consolidated within 90 days after the filing of such petition in the manner provided for the calling and holding of elections under the general bond law. If a majority of the electors voting at such election shall approve the consolidation of such areas the board of county commissioners, by resolution, shall provide for the consolidation of such areas and define the boundaries of the area as consolidated. Any such consolidation shall be made prior to July 1 of any year to take effect on January 1 of the succeeding year.

(b) Any resolution creating a consolidated fire district shall provide for the dissolution or disorganization of the fire districts as they existed prior to the effective date of the creation of a consolidated fire district. The resolution creating a consolidated fire district also shall fix the amount of tax, not to exceed 11 mills, that may be levied by the governing body of the consolidated fire district.

New Sec. 17. (a) Except as provided by subsection (b), upon the consolidation of any such areas the board of county commissioners shall appoint a governing body composed of at least three and not more than seven members who shall represent as nearly as possible, the geographical areas in the consolidated area. In the event that two counties have joined together to create a consolidated fire district, the number of members on the governing board from each county shall be determined on the basis of population, but each county represented shall have at least one appointment to the board. The members of the governing board shall be appointed as follows: Two members for a term of one year; two members for a term of two years; and three members for

a term of three years. Thereafter, all members shall be appointed for a term of three years. All vacancies on the governing board shall be filled by appointment for the remainder of the unexpired term. Within 30 days after the governing body is appointed and annually thereafter, the governing body shall meet and organize by election from its membership a chairperson, vice-chairperson and treasurer. The treasurer shall give a corporate surety bond, conditioned for the faithful performance of duty and accounting for all moneys received thereby. Such bond shall be approved and be in the amount fixed by the governing body. The treasurer also shall serve as secretary to the board.

(b) The board or boards of county commissioners may serve as the governing body of the consolidated fire district or may place the supervision of the consolidated fire district under a fire district board of trustees. The board or boards of county commissioners may appoint a board of not less than three members and not more than nine members, composed of persons other than members of the board or boards of county commissioners, who shall serve at the pleasure of the board or boards of county commissioners. The fire district board of trustees, if appointed, may employ a supervisor and such other persons as may be necessary to properly operate and manage such consolidated fire district.

New Sec. 18. The governing body of any fire district created pursuant to this act shall have the authority to:

(a) Levy taxes and special assessments as provided by law. Except as provided by section 17, the governing body shall fix the amount of the tax, not to exceed 11 mills, to be levied upon all taxable tangible property in the consolidated fire district;

(b) enter into contracts;

(c) acquire and dispose of real and personal property;

(d) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire-fighting equipment;

(e) acquire, operate and maintain fire-fighting equipment;

- (f) issue general obligation bonds and no-fund warrants;
- (g) pay compensation and salaries to fire district employees;
- (h) exercise eminent domain;
- (i) pay the operation and maintenance expenses of the fire district and other expenses legally incurred by the district;
- (j) select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable;
- (k) provide for the organization of volunteer members who may be compensated for attending fires or meetings;
- (l) provide special clothing and equipment for such employees and volunteers;
- (m) insure such employees and volunteers against accidental death and injury in the performance of their duties; and
- (n) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of the district and otherwise effectuate the purposes of this act.

New Sec. 19. (a) Subject to the provisions of subsection (b), the books, papers, equipment and other real and personal property belonging to the departments consolidated pursuant to this act shall be transferred to and shall become the property of the consolidated district.

(b) All funds in the treasury of any such fire district at the time of consolidation shall be applied to the payment of any outstanding indebtedness, including bonded indebtedness, of such fire district.

New Sec. 20. If any fire district, at the time of such consolidation, has any outstanding indebtedness, it shall be the duty of the board of county commissioners of the county to provide for the payment of such outstanding indebtedness by providing for the levying of taxes upon all the property in that district prior to the consolidation with another district. The levy shall be entered by the county clerk on the tax roll the same as other taxes.

New Sec. 21. The consolidation of any fire district under the provisions of this act shall not affect the rights of any firefighter serving in the department of such district to benefits under any retirement or relief association program.

New Sec. 22. Unless otherwise specifically provided in this act, any fire district created under the provisions of this act, shall have all the duties, rights and obligations of any department created under chapter 19 of the Kansas Statutes Annotated.

Sec. 23. K.S.A. 19-3611, 68-525, 68-531, 68-542, 80-207, 80-302, 80-304, 80-410, 80-1204, 80-1407, 80-1421, 80-1422, 80-1544 and 80-2002 and K.S.A. 1995 Supp. 68-530 are hereby repealed.

Sec. 24. This act shall take effect and be in force from and after its publication in the statute book.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Local Government

Recommends that Senate Bill No. 564

"AN ACT concerning the general bond law; relating to the duties of certain officers and employees; amending K.S.A. 10-108 and repealing the existing section."

Be amended:

On page 2, by striking all in lines 12, 13 and 14 and inserting:

"Sec. 2. K.S.A. 10-1116c is hereby amended to read as follows: 10-1116c. Any lease-purchase agreement entered into pursuant to this act shall be subject to the following conditions:

(a) If the proposed agreement is for a term exceeding the current fiscal year of the municipality, it shall be approved by a majority vote of all members of the governing body.

(b) Subject to the provisions of subsection (c), if the proposed agreement involves the acquisition of land or buildings, is for a term of three or more years, and provides for payments in any year in excess of 3% of the total amount budgeted by the municipality for expenditure during the current year, excluding debt service, a notice thereof specifying the purpose and the total of all payments shall be published once each week for two consecutive weeks in a newspaper of general circulation with such municipality. If, within 30 days following the last publication of such notice, a petition in opposition to the agreement signed by not less than 5% of the qualified voters of such municipality is filed with the appropriate county election officer, no such agreement shall take effect unless and until the same is approved by a majority of the qualified voters of such municipality voting at an election thereon. Any such election shall be called and held in accordance with the provisions of K.S.A. 10-120, and

amendments thereto, or in accordance with the provisions of the mail ballot election act.

(c) If the municipality is a county, school district or community college and if the proposed agreement involves the acquisition of land or buildings, is for a term exceeding the current fiscal year of the municipality and provides for payments which in the aggregate exceed \$50,000, the governing body of such municipality first shall adopt a resolution stating its intent to enter such lease-purchase agreement. The resolution shall specify the total of all payments to be made pursuant to the agreement and the purpose for which such agreement is to be entered. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation within the municipality. If a protest petition signed by not less 5% of the qualified voters of the municipality, as determined by the vote for secretary of state at the last general election, is filed with the county election officer of the county in which such municipality is located within 30 days following the last publication of the resolution, no such agreement shall take effect unless approved by a majority of the qualified voters of the municipality voting at an election thereon. Any such election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, or in accordance with the provisions of the mail ballot election act. If no such protest petition is filed within the time limitation contained herein, the governing body of the municipality may enter such agreement. If an election is held pursuant to a protest petition and a majority vote is cast in favor of the proposition, the governing body of the municipality shall have authority to enter such agreement.

(c) (d) If the proposed agreement is for a term exceeding the current fiscal year of the municipality, the agreement shall specify the following: (1) The amount or capital cost required to purchase the item if paid for by cash, (2) the annual average effective interest cost, and (3) the amount included in the payments for service, maintenance, insurance or other charges

exclusive of the capital cost and interest cost.

Sec. 3. K.S.A. 71-201 is hereby amended to read as follows:
71-201. (a) The board of trustees, in accordance with the provisions of law and the rules and regulations of the state board of education, shall have custody of and be responsible for the property of the community college and shall be responsible for the management and control of the college. The board of trustees shall hold at least one regular meeting each month at a time prescribed by the board. The board shall make an annual report in the manner prescribed by the state board of education. Members of the board of trustees shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties.

(b) For effectuation of the purposes of this act, the board of trustees in addition to such other powers expressly granted to it by law and subject to the rules and regulations of the state board of education is hereby granted the following powers:

(1) To select its own chairperson and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college.

(2) To sue and be sued.

(3) To determine the educational program of the college subject to prior approval thereof as provided in this act and to grant certificates of completion of courses or curriculum.

(4) To appoint and fix the compensation and term of office of a president or chief administrative officer of the college.

(5) To appoint upon nomination of the president or the chief administrative officer members of the administrative and teaching staffs, to fix and determine within state adopted standards their specifications, define their duties, and to fix their compensation and terms of employment. No community college teacher shall be required to meet certification requirements greater than those required in the state universities under the control and supervision of the state board of regents.

(6) Upon recommendation of the chief administrative officer, to appoint or employ such other officers of the college, agents

and employees as may be required to carry out the provisions of law and to fix and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment.

(7) To enter into contracts.

(8) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property which the board may use for or in aid of any of its purposes.

(9) To acquire by gift, purchase, lease-purchase, condemnation or otherwise, and to own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for community college purposes. Any lease-purchase agreement entered into under authority of this subsection shall be in accord with the provisions of K.S.A. 10-1116b, and amendments thereto, and shall be subject to the conditions set forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease entered into under authority of this subsection may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the community college to payment of maintenance or other expenses. Any lease or lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease or lease-purchase made under this act subsection shall contain a citation of this section and a recitation that the lease or lease-purchase agreement and assignment thereof are subject to change or termination by the legislature. To the extent that the provisions of the cash-basis and budget laws shall-not-apply-to any-lease-made-under-authority-of-this-subsection conflict with this subsection in such a manner as to prevent the intention of this act subsection from being made effective, the provisions of this subsection shall control. This provision is subject to the provisions of subsection (d).

(10) To enter into lease agreements as lessor of any

property, whether real, personal, or mixed, which is owned or controlled by the community college. Any such agreement may specify the purposes for which the property may be used, require that the property be maintained and operated by the lessee, and may contain such restrictions or limitations on the use of the property, be entered into for such period of time, and include such other terms and conditions as the board of trustees determines to be necessary and proper. Every such agreement shall be subject to change or termination at any time by the legislature. Any assignment of rights under any such agreement shall be subject to approval by the board of trustees and shall contain a citation of this section and a recitation that the lease agreement and assignment of rights thereunder are subject to change or termination by the legislature.

(11) To determine that any property owned by the college is no longer necessary for college purposes and to dispose of the same in such manner and upon such terms and conditions as provided by law.

(12) To exercise the right of eminent domain, pursuant to chapter 26 of Kansas Statutes Annotated.

(13) To make and promulgate such rules and regulations, not inconsistent with the provisions of law or with rules and regulations of the state board of education, that are necessary and proper for the administration and operation of the community college, and for the conduct of the business of the board of trustees.

(14) To exercise all other powers not inconsistent with the provisions of law or with the rules and regulations of the state board of education which may be reasonably necessary or incidental to the establishment, maintenance and operation of a community college.

(15) To appoint a member to fill any vacancy on the board of trustees for the balance of the unexpired term. When a vacancy occurs, the board shall publish a notice one time in a newspaper having general circulation in the community college district stating that the vacancy has occurred and that it will be filled

by appointment by the board not sooner than 15 days after such publication.

(16) To contract with one or more agencies, either public or private, whether located within or outside the community college district or whether located within or outside the state of Kansas for the conduct by any such agencies of academic or vocational education for students of the community college, and to provide for the payment to any such agencies for their contracted educational services from any funds or moneys of the community college, including funds or moneys received from student tuition, out-district tuition, fees, funds received from the state of Kansas or the United States for academic or vocational education or taxes collected under K.S.A. 71-204 and 72-4424, and amendments thereto. Any contract made under this subsection with an institution of another state shall be subject to the provisions of K.S.A. 71-202, and amendments thereto.

(17) To authorize by resolution the establishment of a petty cash fund in an amount not to exceed \$1,000, and to designate in such resolution an employee to maintain such petty cash fund. The employee designated in any resolution provided for in this subsection receiving such funds shall keep a record of all receipts and expenditures from the fund, and shall from time to time, and at the end of the fiscal year, prepare a statement for the board showing all receipts, expenditures, and the balance in the petty cash fund. The board of trustees may authorize the employee designated to maintain any petty cash fund to make a claim for replenishment of the fund to its original amount in advance of approval by the board of trustees if, at any time during the period between regular monthly meetings of the board of trustees, the balance remaining in the fund is insufficient to make needed expenditures for any purpose for which the petty cash fund is maintained. No petty cash fund may be replenished more than one time during each period between regular monthly meetings of the board of trustees. If a petty cash fund is replenished prior to the end of the fiscal year in accordance with the foregoing authorization, the employee authorized to maintain the

petty cash fund shall keep an accurate record of all expenditures made therefrom, and the purpose therefor, and shall submit the record to the board of trustees at the next regular monthly meeting thereof. The petty cash fund shall be replenished by payment from the appropriate funds of the community college to the petty cash fund upon proper claim. The fund shall be kept separate from all other funds and shall be used only for authorized expenditures and itemized receipts shall be taken for each expenditure. No part of such fund may be loaned or advanced against the salary of an employee. All employees entrusted with such funds under this subsection shall be bonded by the community college district.

(c) Subject to the provisions of subsection (d), the board of trustees may purchase or otherwise acquire land or land and improvements and may acquire, construct, reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the board of trustees is authorized to issue and sell general obligation bonds, the cumulative total not to exceed the following amounts: Where the community college district has a taxable tangible valuation of less than \$90,000,000 or is located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of the taxable tangible property of the community college district, and where the community college district has a taxable tangible valuation of more than \$90,000,000 not to exceed 3% except as provided above for any community college district located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable tangible property of the community college district. If any increase in the valuation of a community college district results in an outstanding bonded indebtedness in excess of that provided in this subsection, such increase shall not constitute a violation of this subsection. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the electors of the community college

district at a regular election or at a special election called for that purpose and the majority of the electors voting on the proposition in such community college district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

(d) The board of trustees of a community college may not purchase or otherwise acquire land or land and improvements outside the community college district. Nothing in this subsection shall be construed or operate in any manner to require a board of trustees to sell, convey or otherwise dispose of land or land and improvements located outside the community college district and owned or being acquired by the community college on the effective date of this act, but no board of trustees may enter into a contract for the construction of improvements on any such land after the effective date of this act.

Sec. 4. K.S.A. 10-108, 10-1116c and 71-201 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.";

In the title, by striking all in lines 9, 10 and 11 and inserting: "AN ACT concerning municipalities; relating to lease-purchase agreements and bonds; relating to the powers and duties of certain municipal and state officers; amending K.S.A. 10-108, 10-1116c and 71-201 and repealing the existing sections.";

And the bill be passed as amended.

Chairperson