

Approved: 2-18-97
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on February 11, 1997, in Room 521-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Mr. Gary H. Hanson, Kansas Rural Water Association
Mr. Thomas D. Borniger, Attorney for Rural Water District No. 3
Representative Richard Reinhardt
Brad Bryant, Secretary of State's Office

Others attending: See attached list

The Minutes for the February 6, 1997, and February 7, 1997, meetings were distributed. Representative Ralph Tanner moved, and Representative Jonathan Wells seconded that the Minutes be approved. Motion passed.

Chairperson Glasscock informed the Committee that if any member has anything that needs to be brought to the Committee, it should be referred to one of the Subcommittees or to the Chair. He said that it was the Chair's intent that each and every committee member have an opportunity for input. The Chair also called attention to the three fiscal notes distributed for HB 2175, HB 2130, and HB 2080. He asked if there was any disagreement with the fiscal note on any of these bills.

Chairperson Glasscock opened the Public Hearing on HB 2218.

HB 2218 - An act concerning certain benefit districts; relating to the creation or enlargement thereof; amending K.S.A. 19-270 and repealing the existing section.

Chairperson Glasscock welcomed Mr. Thomas D. Borniger, Attorney for Rural Water District No. 3, who was a proponent of HB 2218. He testified that HB 2218 would modify and amend the existing K.S.A. 19-270 to make clear that this statute and its requirements are applicable only when a new special benefit district or expansion of an existing special benefit district was created. He said that it involves real property within the three mile fringe area of a city which has adopted subdivision regulations. His written testimony included a map of Rural Water District #3. (Attachment 1.)

Representative Ralph Tanner said that he assumed that the term "fringe area" is well defined and is a term that individuals who work with fully understand. Representative Tanner directed a comment to the Advisor saying that he thinks it is rather loose language.

Representative Deena Horst inquired that if this is such an immediate problem, is there a reason that it is being referenced to the statute book instead of publicizing in the Kansas Register? Mr. Borniger replied that it would be better if it was changed to the Kansas Register. The Revisor, Theresa Kiernan, said that this can be easily changed.

Representative Ted Powers commented that he did not feel that any of the other counties would object to this legislation. He said that he believes they have a good relationship with all the cities except perhaps the city of Wichita.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 11, 1997.

Chairperson Glasscock next recognized Mr. Gary Hanson, Attorney from Topeka who represents several Kansas Rural Water Districts. Mr. Hanson spoke as a proponent of **HB 2218** and said that he had a couple of comments. He said **HB 2218** solves one of the most complicating features of K.S.A. 19-270. He testified that "under the existing law, special benefit districts (including rural water districts) must seek the approval of the county commission of **each** county in which the district is located and obtain a three-fourths vote of each commission in order to extend the boundaries of the district." The amendment in **HB 2218** limits the application of such special approval only to those situations where the district's boundaries will be within three miles of the city limit. It also requires approval only by the county commission of the county in which the affected city is located. He also suggested two amendments. 1) An amendment to K.S.A. 19-270 which makes it clear that special benefit districts need comply with that statute when extending their boundaries only if such extension includes any part of the fringe area of a city. 2) a change to K.S.A. 82a-623 which would eliminate the requirement for publication of the notice (except where required by K.S.A. 19-270; eliminate the reference back to K.S.A. 82a-615 for the hearing procedure, (K.S.A. 82a-615 concerns hearings on creation of a rural water district, and is confusing in the context of attachments of lands to an existing water district); make clear that notices of the hearing may be sent by first class mail; and provide for written notice to be sent to the water district office, not to the homes of each of the directors of the district. (Attachment 2.)

Since Mr. Hanson represents twenty rural water districts, Representative Ted Powers asked him if there was anything in this bill that the other rural water districts would not like. He responded, "No."

The Chair asked if there was anyone else to testify, and there being no other testimony, closed the Public Hearing on **HB 2218**.

Chairperson Glasscock opened the Public Hearing for **HB 2216**.

HB 2216 - An Act concerning townships; relating to compensation of township officers; amending K.S.A. 1996 Supp. 80-207 and repealing the existing section.

The Chair recognized Representative Richard Reinhardt who spoke as a proponent for **HB 2216**. He said that he asked for introduction of this bill because **SB 541** which was passed in 1996 created an additional expense for all townships by authorizing township trustees to set their own salary by resolution and to publish it twice in the newspaper. He testified that he has a small rural township whose three trustees receive \$60.00 per year to maintain a community building and a volunteer fire department, and now they are going to have to spend another \$70 to \$80 to publish in the newspaper. Since they already publish a budget and file an annual report with the County Clerk, **HB 2216** would exempt them from this requirement of additional expense and more red tape. (Attachment 3.)

The Chair thanked Representative Rinehardt, and since there was no additional testimony, the Public Hearing for **HB 2216** was closed.

Representative Herman Dillon moved, and Representative David Haley seconded the motion to pass **HB 2216** marked favorable and being of a non controversial nature be placed on the consent calendar. Motion passed.

Chairperson Glasscock asked the Committee to turn its attention back to **HB 2218**.

Representative Ted Powers moved, and Representative Larry Campbell seconded to accept the balloon and some suggested language. Motion passed. (Attachment 4.)

Representative Ralph Tanner moved to pass out **HB 2218** as amended. Representative Jonathan Wells seconded.

Representative Deena Horst asked if the Committee wanted it put in the statute books or in the Kansas Register?

Representative Tanner withdrew his motion with consent of the seconder, Representative Wells.

Representative Deena Horst moved to amend **HB 2218** to read that the act would take effect after publication in the Kansas Register. Representative Ray Cox seconded. Motion passed.

Representative Ralph Tanner moved that **HB 2218** be passed favorably as amended. Representative Jonathan Wells seconded. Motion passed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 11, 1997.

Chairperson Glasscock asked the Committee to turn its attention to HCR 5005.

Representative Gwen Welshimer made a request to see what the districts were both adjusted and unadjusted.

The Chair asked Mary Galligan, Research Staff, to present her compiled report on the comparison of house district populations. (Attachment 5.)

The Chair summarized by saying that HCR 5005 deletes the current constitutional requirement that these adjustments be made, and the state could fall back and use the federal numbers which would save about \$300,000.

Representative David Haley said that the state used to do it in the years ending in eight, and he wanted to know if the federal U.S. census has been used to verify the state census? Mary Galligan responded that the requirement for the state census was removed from the constitution in 1986, and that there is no longer a state census ending in eight. She said that the constitutional amendment in 1986 provided for one last state census. Representative David Haley asked if there had not been a change in the numbers which caused a new district to be formed because of the count of inmates at Leavenworth?

Brad Bryant, Secretary of State's office, said that the old state census had a lot more groups that were excluded. He explained that they had to get census questionnaires filled out in nursing homes, prisons, etc. In 1996, the only adjustment was in students and military because they were the only groups left out.

Representative Ted Powers directed a question to Brad Bryant concerning the census verses voter registration. He said he was not concerned about colleges. Brad Bryant responded that it is possible that students could be actually filling out two forms, but hopefully they claim the same way on both showing the same residence.

Representative Larry Campbell questioned that if we have to adjust what is being done now, are we going to adjust a system that could be flawed twice?

Representative Larry Campbell made a motion to recommend HCR 5005 favorable for adoption. Representative Ralph Tanner seconded. Motion passed.

The meeting adjourned at 10:05 a.m.

The next meeting is scheduled for February 13, 1997.

GOVERNMENTAL ORGANIZATION & ELECTIONS
COMMITTEE GUEST LIST

DATE: TUESDAY, FEBRUARY 11, 1997

NAME	REPRESENTING
Gary Hanson	KANSAS Rural Water Assoc.
Tom Borwiger	RWD #3 Sedgwick Co Ks
Brad Bryant	Sec. of state
Kim Gullett	League of KS Municipalities

STATEMENT IN SUPPORT OF HOUSE BILL NO. 2218

**TO: The Committee on Governmental Organization and Elections
House of Representatives
State of Kansas
Session of 1997**

**FROM: Thomas D. Borniger, Attorney for
Rural Water District No. 3**

**Bonwell, Foster, Borniger & Ellis
100 N. Main, Suite 604
Wichita, KS 67202
1-316-263-8238**

Mr. Chairman and Members of the Committee:

Thank you for allowing me to appear today before your committee and to speak to you as a proponent for House Bill No. 2218.

House Bill No. 2218 seeks to modify and amend the existing K.S.A. 19-270 to make it clear that this statute and its requirements are applicable only when the creation of a new special benefit district or expansion of an existing special benefit district, as defined by the statute, involves real property within the three mile fringe area of a city which has adopted subdivision regulations. The proposed amendments do not interfere with the statutes purpose of avoiding multiple overlapping governmental jurisdictions and their attendant conflicts.

K.S.A. 19-270 provides that a public hearing must be held prior to the creation or expansion of a special benefit district within the three mile fringe area surrounding a city which has adopted subdivision regulations. Special considerations, mainly involving the future growth of the city into such area and the provision of services by

the city within such area must be reviewed in determining the reasonableness of the creation or expansion of a special benefit district.

The statute, as currently written, imposed its obligations upon districts that exist within the fringe area of any city rather than limiting its application to the creation of districts within such fringe area or the expansion of boundaries of a district within such fringe area. Currently, this means that a special benefit district which has a portion of its territory located within the fringe area of a city must comply with the hearing requirements and have its expansion subject to the specific limiting considerations enumerated in the statute even if the property involved is outside the fringe area. As currently written, if the boundaries of the district cross county lines so that the district is in two or more counties, the board of directors of each county, in which the district is located, must approve the creation or expansion even though such property may not be in such county or within the fringe area of any city within such county.

The changes proposed in House Bill No. 2218 limit K.S.A. 19-270 to actions affecting property within the fringe area of the city. Thus even though a district may have a portion of its territory located within the fringe area of a city, if the area to be added or attached is outside the fringe area, then its attachment would be outside the scope of revised K.S.A. 19-270. Instead, the expansion or attachment of that territory would be governed by the particular statutes relating to the benefit district itself.

House Bill No. 2218 clarifies K.S.A. 19-270 and focuses it upon any creation or growth of special benefit districts within the fringe area of a city and limits its scope to the parties actually affected by the decision.

To show how the existing K.S.A. 19-270 can impact an existing district and an individual seeking attachment to it, we have attached a map of Rural Water District No. 3, Sedgwick County, Kansas. This district exists primarily in the Southeastern corner of Sedgwick County, although portions of the district extend into the neighboring Butler, Cowley, and Sumner Counties. The attached map shows the boundaries of the District, the boundaries of the four counties where they intersect within the District, the location of adjoining cities, all of which have adopted subdivision regulations, and the location of the property sought to be added to the District and which has occasioned the current request for a change in the statute. Clearly, Rural Water District No. 3, Sedgwick County, Kansas, is within the fringe areas of Wichita, Derby, Mulvane, Udall, Douglas and Rose Hill. Since the City of Mulvane is both in Sedgwick and Sumner County, the fringe area of such city is in both counties.

As currently written K.S.A. 19-270 requires, that legal notices be published and public hearings be held and the approval of the Board of County Commissioners be obtained in four counties: Sedgwick County, Butler County, Sumner County and Cowley County, in order to bring in a small piece of property located in Butler County. Public hearings must be held in Wichita, El Dorado, Wellington and Winfield. This occurs because the district is located within the fringe area of cities within each of

these counties. The changes proposed would allow K.S.A. 19-270 to require a hearing to be held only in Butler County, which is where the property to be attached is located and where the city whose fringe area is affected is actually located. The changes proposed allow the real parties in interest (the county, the city, the property owners and the district) to have the matter heard in the forum where all of the parties affected by the decision are located and where the impact will be felt.

In prior attachment proceedings, where I have made the circuit to the various boards of county commissioners in situations similar to the one just discussed, a common inquiry to me made by these commissioners is why they should be required to consider or consent to the attachment to the district of property located in other counties.

Lastly, it should be noted that often, as in this particular case, the cost of all of the legal publications, the public hearings, the attendance of counsel and the filing of all the appropriate paperwork in all of the counties is borne by the applicant seeking to have their property brought within the boundaries of the District. The additional burdens imposed upon such persons is unnecessary.

Recommendation: We respectfully request and recommend that this Committee approve and adopt the changes proposed to K.S.A. 19-270 and submit such for adoption by the 1997 Legislature. If there are any questions, I would be happy to answer them at any time. Thank you.

Law Offices
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Topeka, Kansas 66611
Telephone (913) 267-3410
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Gary H. Hanson
Larry D. Hendricks

Retired
Walter G. Stumbo

Tom R. Barnes II
Karen T. Poulton
Todd A. Luckman

February 11, 1997

**TO: THE HOUSE COMMITTEE ON GOVERNMENTAL
ORGANIZATION AND ELECTIONS**

**Re: Testimony of Gary H. Hanson to House Committee
on House Bill 2218**

Mr. Chairman and Members of the Committee:

Thank you for allowing me to testify in support of House Bill 2218. I am an attorney in private practice, representing approximately 20 rural water districts throughout Kansas and a member of the Kansas Rural Water Association.

Rural water districts were first authorized in Kansas by enabling legislation passed in 1957. Since that time, approximately 400 rural water districts have been formed and are operating serving thousands of customers.

Rural water districts are created by action of the county commission for the county in which the district is to be located. The process begins by a petition filed by owners of property located within the boundaries of the proposed district. These boundaries are then established at the time that the district is created by the county commission. It is frequently necessary or desirable to attach additional land to a rural water district after it has been created. This process also begins with the filing of a petition by owners of land within the area proposed to be attached. The current statutes governing this process, K.S.A. 19-270 and K.S.A. 82a-622 through 24, are unnecessarily complicated in the procedure that they require rural water districts to follow in making such attachments. The result of such complication is that these statutes serve as a hurdle that many rural water districts find difficult to clear in accomplishing attachments. Attachments are often done incorrectly, and in many cases they are not even attempted.

House Bill 2218 solves one of the most complicating features of K.S.A. 19-270. Under existing law, special benefit districts (including rural water districts) must seek the approval of the county commission of **each** county in which the district is located and obtain a three-fourths vote of each commission in order to extend the boundaries of the district. The amendment contained in House Bill 2218 limits the application of such special approval only to those situations where the

House GO and E
Attachment 2
2-11-97

district's boundaries will be within three miles of the city limit of a city and further requires that approval only by the county commission of the county in which the affected city is located. As a result, the bill will significantly streamline the attachment process and will limit the application of the special procedures of K.S.A. 19-270 to those situations where the attachment is of land actually within the fringe area of a city.

In addition to those changes to existing law proposed by House Bill 2218, I would like to suggest two additional amendments. The first is an additional amendment to K.S.A. 19-270 which makes it clear that special benefit districts need comply with that statute when extending their boundaries only if such extension includes any part of the fringe area of a city. Currently, the statute may be read to require compliance with the special procedures of that section any time the special benefit district includes land within the fringe area of a city, even if the land being attached is located elsewhere in the county outside of the fringe area of any city.

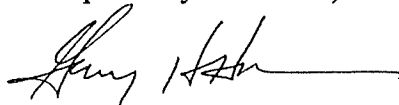
The second change suggested is to K.S.A. 82a-623. This section governs the procedure for a hearing in routine rural water district attachments of land. These proposed amendments further streamline the process, in the following respects:

- (a) Eliminate the requirement for publication of the notice (except where required by K.S.A. 19-270);
- (b) Eliminate the reference back to K.S.A. 82a-615 for the hearing procedure (K.S.A. 82a-615 concerns hearings on **creation** of a rural water district, and is confusing in the context of attachments of lands to an existing water district);
- (c) Make clear that notices of the hearing may be sent by first class mail. (Some county clerks have sent these notices by certified mail, at considerable expense to the district involved); and
- (d) Provide for written notice to be sent to the water district office, not to the homes of each of the directors of the district.

A copy of the Bill, with the proposed changes and additions suggested above, is being provided.

For the above reasons, we respectfully request the Committee's favorable consideration of House Bill 2218.

Respectfully submitted,



GARY H. HANSON

GHH:de

AN ACT concerning rural water districts; relating to the attachment of certain land; amending K.S.A. 19-270 and 82a-623 and repealing the existing sections.

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

Section 1. K.S.A. 19-270 is hereby amended to read as follows:
19-270.(a)(1) A special benefit district shall include any:

- (A) Sewer district;
- (B) water district, rural water district and water supply district;
- (C) fire district;
- (D) improvement district;
- (E) industrial district; and
- (F) drainage district.

(2) The fringe area of a city means the area of unincorporated territory lying outside of but within three miles of the nearest point on the city limits of a city which has adopted subdivision regulations under K.S.A. 12-749, and amendments thereto.

(b) No special benefit district shall be created, ~~established or otherwise formed~~ within the fringe area of any city unless approved by at least a 3/4 majority vote of the board of county commissioners of the county in which the city is located. The boundaries of any such district shall not be extended *to include any part of the fringe area of a city* unless approved by at least a 3/4 majority vote of the board of county commissioners of the county in which the city is located. If the boundaries of the district cross county lines *and if the district would be located within the fringe area of a city*, the board of county commissioners of each county in which ~~the district~~ such a city is located shall be required to approve the creation ~~or~~ *of the district within the fringe area of the city or the extension of the boundaries of the district within the fringe area of the city* by at least a 3/4 majority vote of the board ~~of county commissioners of each county~~. If a hearing is not already required to be held prior to the creation or expansion of a special benefit district, the board of county commissioners shall call and hold a hearing on the proposed action.

Notice of the hearing shall be published once in the official county newspaper. The notice shall be published at least seven days prior to the date of the hearing.

At the hearing, the board shall receive testimony from the city, township, county or regional planning commission having jurisdiction over any of the affected land area. Such testimony shall address any incompatibilities between the creation or expansion of the district and any adopted land use or comprehensive plans. The governing body of the city may present testimony of any proposed annexation of the affected land area. Any interested person may present testimony before the board. As a guide in determining the advisability of authorizing the creation or change in boundaries of a special benefit district located within the fringe area of a city, the board's consideration shall include, but not be limited to, any testimony offered at the public hearing concerning: (1) The size and population of such city; (2) the city's growth in population, business and industry during the past 10 years; (3) the extension of its boundaries during the past 10 years; (4) the probability of its growth toward the territory during the ensuing 10 years, taking into consideration natural barriers and other reasons which might influence growth toward the territory; (5) the willingness of the city to annex the territory and its ability to provide city services in case of annexation; and (6) the general effect upon the entire community, all of these and other considerations having to do with the overall orderly and economic development of the area and to prevent an unreasonable multiplicity of independent municipal and special district governments. The board shall approve or disapprove the creation or change in boundaries of the special benefit district within 30 days of the hearing. Any person or city aggrieved by the decision of the board of county commissioners may appeal from the decision of the board within 30 days following the rendering of the decision to the district court of the county in which the affected area is located. The appeal shall be taken in the manner provided by K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.

Sec. 2. K.S.A. 82a-623 is hereby amended to read as follows:
82a-623. ~~subject to the provisions of K.S.A. 1986-Supp. 19-270, notice of the filing of a petition for attachment fixing the time and place of hearing and giving notice thereof shall be in the same manner as prescribed in K.S.A. 82a-615, and amendments thereto, except notice shall not refer to any meetings to elect to board of directors or adopt bylaws, and in addition thereto the county clerk shall mail to each director of the board of the district named in the petition, a copy~~

~~of such petition and notice of time and place same shall be considered, and amendments thereto, the county clerk shall give notice to the county commissioners of the filing of the petition for attachment. The board of county commissioners shall fix a time and place, within 30 days from the date of filing of the petition, for a hearing on the same. The county clerk, at least seven days before the date fixed for the hearing, shall send by first class mail to each owner of land within the area sought to be attached a copy of the petition for attachment, and a copy of the notice fixing the time and place of hearing on the petition. The owners of land within the area sought to be attached shall be determined by an enumeration of landowners taken from the tax rolls of the county in which the land is located. If the petition for attachment is accompanied by a verified statement by one of the owners of land within the area sought to be attached, or the attorney for the petitioner, that the owners of all of the land within the area sought to be attached have signed the petition for attachment, a copy of the petition for attachment shall not be sent to the owners of land sought to be attached. The clerk shall send by first class mail a copy of the petition for attachment and a copy of the notice fixing the time and place of hearing on the petition to the registered office of the water district to which attachment is sought. If all of the members of the board of directors of such district consent, in writing, to the petition for attachment, no notice shall be sent to such board members. The clerk also shall transmit to the chief engineer a copy of the petition for attachment and a copy of the notice fixing the time and place of hearing thereon.~~

Sec. 3 K.S.A. 19-270 and 82a-623 are hereby repealed.

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

AN ACT concerning rural water districts; relating to the attachment of certain land; amending K.S.A. 19-270 and 82a-623 and repealing the existing sections.

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

Section 1. K.S.A. 19-270 is hereby amended to read as follows:
19-270.(a)(1) A special benefit district shall include any:

- (A) Sewer district;
- (B) water district, rural water district and water supply district;
- (C) fire district;
- (D) improvement district;
- (E) industrial district; and
- (F) drainage district.

(2) The fringe area of a city means the area of unincorporated territory lying outside of but within three miles of the nearest point on the city limits of a city which has adopted subdivision regulations under K.S.A. 12-749, and amendments thereto.

(b) No special benefit district shall be created, ~~established or otherwise formed~~ within the fringe area of any city unless approved by at least a 3/4 majority vote of the board of county commissioners of the county in which the city is located. The boundaries of any such district shall not be extended ~~to include any part of the fringe area of a city~~ unless approved by at least a 3/4 majority vote of the board of county commissioners of the county in which the city is located. If the boundaries of the district cross county lines ~~and if the district would be located within the fringe area of a city~~, the board of county commissioners of each county in which the district such a city is located shall be required to approve the creation ~~or~~ of the district within the fringe area of the city or the extension of the boundaries of the district within the fringe area of the city by at least a 3/4 majority vote of the board of county commissioners of each county. If a hearing is not already required to be held prior to the creation or expansion of a special benefit district, the board of county commissioners shall call and hold a hearing on the proposed action.



Notice of the hearing shall be published once in the official county newspaper. The notice shall be published at least seven days prior to the date of the hearing.

At the hearing, the board shall receive testimony from the city, township, county or regional planning commission having jurisdiction over any of the affected land area. Such testimony shall address any incompatibilities between the creation or expansion of the district and any adopted land use or comprehensive plans. The governing body of the city may present testimony of any proposed annexation of the affected land area. Any interested person may present testimony before the board. As a guide in determining the advisability of authorizing the creation or change in boundaries of a special benefit district located within the fringe area of a city, the board's consideration shall include, but not be limited to, any testimony offered at the public hearing concerning: (1) The size and population of such city; (2) the city's growth in population, business and industry during the past 10 years; (3) the extension of its boundaries during the past 10 years; (4) the probability of its growth toward the territory during the ensuing 10 years, taking into consideration natural barriers and other reasons which might influence growth toward the territory; (5) the willingness of the city to annex the territory and its ability to provide city services in case of annexation; and (6) the general effect upon the entire community, all of these and other considerations having to do with the overall orderly and economic development of the area and to prevent an unreasonable multiplicity of independent municipal and special district governments. The board shall approve or disapprove the creation or change in boundaries of the special benefit district within 30 days of the hearing. Any person or city aggrieved by the decision of the board of county commissioners may appeal from the decision of the board within 30 days following the rendering of the decision to the district court of the county in which the affected area is located. The appeal shall be taken in the manner provided by K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.

Sec. 2. K.S.A. 82a-623 is hereby amended to read as follows: 82a-623. subject to the provisions of K.S.A. 1986-Supp. 19-270, notice of the filing of a petition for attachment fixing the time and place of hearing and giving notice thereof shall be in the same manner as prescribed in K.S.A. 82a-615, and amendments thereto, except notice shall not refer to any meetings to elect to board of directors or adopt bylaws, and in addition thereto the county clerk shall mail to each director of the board of the district named in the petition, a copy



~~of such petition and notice of time and place same shall be considered, and amendments thereto, the county clerk shall give notice to the county commissioners of the filing of the petition for attachment. The board of county commissioners shall fix a time and place, within 30 days from the date of filing of the petition, for a hearing on the same. The county clerk, at least seven days before the date fixed for the hearing, shall send by first class mail to each owner of land within the area sought to be attached a copy of the petition for attachment, and a copy of the notice fixing the time and place of hearing on the petition. The owners of land within the area sought to be attached shall be determined by an enumeration of landowners taken from the tax rolls of the county in which the land is located. If the petition for attachment is accompanied by a verified statement by one of the owners of land within the area sought to be attached, or the attorney for the petitioner, that the owners of all of the land within the area sought to be attached have signed the petition for attachment, a copy of the petition for attachment shall not be sent to the owners of land sought to be attached. The clerk shall send by first class mail a copy of the petition for attachment and a copy of the notice fixing the time and place of hearing on the petition to the registered office of the water district to which attachment is sought. If all of the members of the board of directors of such district consent, in writing, to the petition for attachment, no notice shall be sent to such board members. The clerk also shall transmit to the chief engineer a copy of the petition for attachment and a copy of the notice fixing the time and place of hearing thereon.~~

Sec. 3 K.S.A. 19-270 and 82a-623 are hereby repealed.

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



TOPEKA

HOUSE OF
REPRESENTATIVES

TESTIMONY

HB 2216

RICHARD R. REINHARDT
REPRESENTATIVE, 8TH DISTRICT
MOST OF NEOSHO COUNTY
AND PART OF ALLEN COUNTY
R. R. #1, BOX 118
ERIE, KANSAS 66733

COMMITTEE ASSIGNMENTS
MEMBER: APPROPRIATIONS
LEGISLATIVE EDUCATIONAL PLANNING COMM

MR. CHAIRMAN & MEMBERS OF THE COMMITTEE:

I asked for introduction of this bill. I found out that as a result of SB 541 passed last year, we created an additional expense for all townships. In an attempt to clean up some old local government statutes, we authorized township trustees to set their own salary by resolution and publish it twice in the paper. If they change their salary they repeat the same process.

I have a small rural township whose three trustees receive \$60 per year to maintain a community building and a volunteer fire department. Now they are going to have to spend another \$70 - \$80 to publish in the paper.

They already publish a budget and file an annual report with the County Clerk.

This bill would exempt them from this requirement, I don't believe we intended more red tape. I ask for your support.

Richard R. Reinhardt
State Representative
District #8

House GO and E
Attachment B
2.11.97

HOUSE BILL No. 2218

By Committee on Governmental Organization and Elections

2-4

9 AN ACT concerning certain special benefit districts; relating to the cre-
10 ation or enlargement thereof; amending K.S.A. 19-270 and repealing
11 the existing section.
12

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

14 Section 1. K.S.A. 19-270 is hereby amended to read as follows: 19-
15 270. (a) (1) A special benefit district shall include any:

- 16 (A) Sewer district;
- 17 (B) water district, rural water district and water supply district;
- 18 (C) fire district;
- 19 (D) improvement district;
- 20 (E) industrial district; and
- 21 (F) drainage district.

22 (2) The fringe area of a city means the area of unincorporated terri-
23 tory lying outside of but within three miles of the nearest point on the
24 city limits of a city which has adopted subdivision regulations under K.S.A.
25 12-749, and amendments thereto.

26 (b) No special benefit district shall be created, ~~established or other-~~
27 ~~wise formed~~ within the fringe area of any city unless approved by at least
28 a ¾ majority vote of the board of county commissioners of the county in
29 which the city is located. The boundaries of any such district shall not be
30 extended unless approved by at least a ¾ majority vote of the board of
31 county commissioners of the county in which the city is located. If the
32 boundaries of the district cross county lines *and if the district would be*
33 *located within the fringe area of a city*, the board of county commissioners
34 of each county in which ~~the district~~ *such a city* is located shall be required
35 to approve the creation ~~or~~ *of the district within the fringe area of the city*
36 *or the extension of the boundaries of the district within the fringe area*
37 *of the city* by at least a ¾ majority vote of the board of ~~county commis-~~
38 ~~sioners of each county~~. If a hearing is not already required to be held
39 prior to the creation or expansion of a special benefit district, the board
40 of county commissioners shall call and hold a hearing on the proposed
41 action. Notice of the hearing shall be published once in the official county
42 newspaper. The notice shall be published at least seven days prior to the
43 date of the hearing.

within the fringe area of the city

to be created or the boundaries to be extended

within the fringe area of a city

House GO and E
Attachment 4
2.11.97

1 At the hearing, the board shall receive testimony from the city, town-
 2 ship, county or regional planning commission having jurisdiction over any
 3 of the affected land area. Such testimony shall address any incompatibil-
 4 ities between the creation or expansion of the district and any adopted _____ within such fringe area
 5 land use or comprehensive plans. The governing body of the city may
 6 present testimony of any proposed annexation of the affected land area.
 7 Any interested person may present testimony before the board. As a guide
 8 in determining the advisability of authorizing the creation or change in
 9 boundaries of a special benefit district located within the fringe area of a ✓
 10 city, the board's considerations shall include, but not be limited to, any
 11 testimony offered at the public hearing concerning: (1) The size and pop-
 12 ulation of such city; (2) the city's growth in population, business and in-
 13 dustry during the past 10 years; (3) the extension of its boundaries during
 14 the past 10 years; (4) the probability of its growth toward the territory
 15 during the ensuing 10 years, taking into consideration natural barriers
 16 and other reasons which might influence growth toward the territory; (5)
 17 the willingness of the city to annex the territory and its ability to provide
 18 city services in case of annexation; and (6) the general effect upon the
 19 entire community, all of these and other considerations having to do with
 20 the overall orderly and economic development of the area and to prevent
 21 an unreasonable multiplicity of independent municipal and special district
 22 governments. The board shall approve or disapprove the creation or
 23 change in boundaries of the special benefit district within 30 days of the
 24 hearing. Any person or city aggrieved by the decision of the board of
 25 county commissioners may appeal from the decision of the board within
 26 30 days following the rendering of the decision to the district court of the
 27 county in which the affected area is located. The appeal shall be taken in
 28 the manner provided by K.S.A. 19-223, and amendments thereto. Any
 29 city so appealing shall not be required to execute the bond prescribed
 30 therein.

31 Sec. 2. K.S.A. 19-270 is hereby repealed.

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

COMPARISON OF HOUSE DISTRICT POPULATIONS
Published 1990 U.S. Census and as Adjusted for Legislative Redistricting

(Shaded districts would exceed allowable deviation from ideal district size.)

House District	1990 Federal Population	% Deviation	SOS Population	% Deviation	Net effect of change
1	18,502	(6.7)%	18,620	(4.8)%	118
2	19,000	(4.1)%	19,095	(2.4)%	95
3	20,266	2.2%	18,747	(4.2)%	(1,519)
4	19,258	(2.8)%	19,284	(1.4)%	26
5	20,003	0.9%	20,281	3.7%	278
6	20,129	1.6%	20,368	4.1%	239
7	20,126	1.5%	20,193	3.2%	67
8	18,674	(5.8)%	18,815	(3.8)%	141
9	20,254	2.2%	20,411	4.3%	157
10	20,722	4.5%	20,166	3.1%	(556)
11	20,085	1.3%	20,154	3.0%	69
12	19,070	(3.8)%	19,183	(1.9)%	113
13	19,063	(3.8)%	19,299	(1.4)%	236
14	19,478	(1.7)%	19,571	0.0%	93
15	19,512	(1.6)%	19,654	0.5%	142
16	19,647	(0.9)%	20,017	2.3%	370
17	19,831	0.1%	20,213	3.3%	382
18	19,158	(3.3)%	19,485	(0.4)%	327
19	19,782	(0.2)%	20,169	3.1%	387
20	19,001	(4.1)%	19,390	(0.9)%	389
21	18,692	(5.7)%	18,923	(3.3)%	231
22	18,623	(6.0)%	18,878	(3.5)%	255
23	19,595	(1.1)%	19,748	0.9%	153
24	19,730	(0.5)%	19,856	1.5%	126
25	19,967	0.7%	20,326	3.9%	359
26	19,534	(1.4)%	19,668	0.5%	134
27	18,726	(5.5)%	19,018	(2.8)%	292
28	19,693	(0.6)%	20,126	2.9%	433
29	19,151	(3.4)%	19,475	(0.5)%	324
30	19,151	(3.4)%	19,340	(1.1)%	189
31	20,317	2.5%	20,397	4.3%	80
32	19,841	0.1%	19,596	0.2%	(245)
33	18,918	(4.6)%	19,030	(2.7)%	112
34	19,013	(4.1)%	19,100	(2.4)%	87
35	19,018	(4.0)%	19,125	(2.2)%	107
36	18,963	(4.3)%	19,066	(2.5)%	103
37	19,154	(3.4)%	19,204	(1.8)%	50
38	20,193	1.9%	20,420	4.4%	227
39	18,401	(7.2)%	18,606	(4.9)%	205
40	21,408	8.0%	18,784	(4.0)%	(2,624)
41	19,109	(3.6)%	18,613	(4.9)%	(496)
42	19,027	(4.0)%	18,947	(3.1)%	(80)
43	18,785	(5.2)%	18,984	(3.0)%	199
44	23,221	17.2%	20,420	4.4%	(2,801)
45	21,147	6.7%	20,373	4.1%	(774)
46	27,549	39.0%	19,565	0.0%	(7,984)
47	19,050	(3.9)%	19,296	(1.4)%	246
48	18,932	(4.5)%	18,746	(4.2)%	(186)

House GO and E
Attachment 5
2-11-97

House District	1990 Federal Population	% Deviation	SOS Population	% Deviation	Net effect of change
49	19,256	(2.8)%	19,249	(1.6)%	(7)
50	18,499	(6.7)%	18,843	(3.7)%	344
51	20,013	1.0%	20,394	4.2%	381
52	20,061	1.2%	20,272	3.6%	211
53	19,179	(3.2)%	19,423	(0.7)%	244
54	19,065	(3.8)%	19,136	(2.2)%	71
55	19,586	(1.2)%	19,158	(2.1)%	(428)
56	19,187	(3.2)%	19,258	(1.6)%	71
57	20,243	2.1%	20,322	3.9%	79
58	18,977	(4.3)%	19,117	(2.3)%	140
59	20,150	1.7%	20,409	4.3%	259
60	22,241	12.2%	20,207	3.3%	(2,034)
61	19,526	(1.5)%	19,634	0.4%	108
62	21,915	10.6%	19,898	1.7%	(2,017)
63	19,676	(0.7)%	20,130	2.9%	454
64	22,889	15.5%	20,001	2.2%	(2,888)
65	23,017	16.1%	20,502	4.8%	(2,515)
66	28,898	45.8%	19,321	(1.2)%	(9,577)
67	18,961	(4.3)%	19,274	(1.5)%	313
68	20,272	2.3%	20,464	4.6%	192
69	18,487	(6.7)%	18,691	(4.5)%	204
70	20,253	2.2%	20,265	3.6%	12
71	18,882	(4.7)%	18,990	(2.9)%	108
72	19,213	(3.1)%	19,164	(2.0)%	(49)
73	19,665	(0.8)%	19,107	(2.3)%	(558)
74	19,465	(1.8)%	19,367	(1.0)%	(98)
75	20,234	2.1%	20,142	3.0%	(92)
76	19,728	(0.5)%	19,961	2.0%	233
77	19,472	(1.8)%	19,583	0.1%	111
78	19,481	(1.7)%	19,407	(0.8)%	(74)
79	18,974	(4.3)%	18,965	(3.1)%	(9)
80	20,124	1.5%	20,347	4.0%	223
81	18,696	(5.7)%	18,791	(3.9)%	95
82	19,360	(2.3)%	19,324	(1.2)%	(36)
83	19,334	(2.5)%	19,433	(0.7)%	99
84	18,973	(4.3)%	18,753	(4.1)%	(220)
85	19,626	(1.0)%	19,606	0.2%	(20)
86	18,888	(4.7)%	18,891	(3.4)%	3
87	19,555	(1.3)%	19,309	(1.3)%	(246)
88	20,203	1.9%	20,102	2.8%	(101)
89	19,259	(2.8)%	18,670	(4.6)%	(589)
90	20,038	1.1%	20,206	3.3%	168
91	19,289	(2.7)%	19,366	(1.0)%	77
92	20,182	1.8%	20,186	3.2%	4
93	18,541	(6.5)%	18,742	(4.2)%	201
94	18,922	(4.5)%	19,058	(2.6)%	136
95	20,222	2.0%	19,971	2.1%	(251)
96	19,435	(1.9)%	19,403	(0.8)%	(32)
97	19,716	(0.5)%	19,744	0.9%	28
98	19,734	(0.4)%	19,551	(0.1)%	(183)
99	20,046	1.1%	19,033	(2.7)%	(1,013)
100	19,984	0.8%	20,214	3.3%	230
101	19,351	(2.4)%	19,542	(0.1)%	191

House District	1990 Federal Population	% Deviation	SOS Population	% Deviation	Net effect of change
102	20,466	3.3%	20,132	2.9%	(334)
103	20,019	1.0%	19,993	2.2%	(26)
104	20,160	1.7%	20,429	4.4%	269
105	20,132	1.6%	20,457	4.6%	325
106	26,534	33.9%	20,032	2.4%	(6,502)
107	19,771	(0.3)%	19,745	0.9%	(26)
108	20,233	2.1%	20,373	4.1%	140
109	18,325	(7.5)%	18,677	(4.5)%	352
110	19,878	0.3%	20,197	3.2%	319
111	20,261	2.2%	18,737	(4.2)%	(1,524)
112	19,837	0.1%	19,825	1.3%	(12)
113	20,164	1.7%	20,249	3.5%	85
114	19,119	(3.5)%	19,465	(0.5)%	346
115	19,972	0.8%	20,334	3.9%	362
116	20,710	4.5%	20,366	4.1%	(344)
117	19,740	(0.4)%	19,839	1.4%	99
118	18,293	(7.7)%	18,710	(4.4)%	417
119	18,419	(7.1)%	18,813	(3.8)%	394
120	18,340	(7.5)%	18,756	(4.1)%	416
121	18,687	(5.7)%	18,739	(4.2)%	52
122	18,611	(6.1)%	18,922	(3.3)%	311
123	19,000	(4.1)%	19,085	(2.4)%	85
124	19,542	(1.4)%	19,836	1.4%	294
125	19,949	0.6%	20,028	2.4%	79
Total	2,477,574		2,445,380		(32,194)