

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 16, 1998, 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. Onan Burnett, Lobbyist for District %01 and 500
Mr. Mike Jones, District 501
Ms. Stacey Farmer, Kansas Association of School Boards
Mr. David J. Robson, Abilene Cemetery Association
Mr. John Zutavern, Mayor of Abilene

Others attending: See attached list

Representative Wilk made a motion to approve the minutes of the following two meetings: February 11, 1998, and February 13, 1998. Representative Tomlinson seconded, and motion passed.

Chairperson Glasscock called the Committee's attention to the following fiscal notes: HB 2838, HB 2813, HB 2806, and HB 2856.

The Chair opened the Public Hearing on HB 2838.

HB 2838 - An act concerning cemetery districts; relating to the creation thereof

Chairperson Glasscock welcomed Representative Weber by saying that she should feel right at home in her former Local Government Committee. Representative Weber provided no written testimony since she introduced Mr. David J. Robson, President of the Abilene Cemetery Association, Inc., Abilene, Kansas, who spoke as a proponent for HB 2838. Mr. Robson said that the Abilene Cemetery Association, Inc. is a private, not for profit, corporation which was organized in the year 1910 to operate a cemetery to serve the City of Abilene, Kansas and the surrounding counties. He said that in the fall of 1996, the Abilene Cemetery Association, Inc. discovered that it was near financial insolvency. Their primary sources of income are from the following: interest from an investment pool which is required by the state of Kansas, sale of burial spaces, fees for opening and closing graves, and gifts from individuals. He further stated that since the income from the investment pool has decreased over the years and general costs of operating the cemetery have increased, they feel a definite need to create a simplified process to organize a cemetery district. (Attachment 1.)

Representative Tomlinson asked when the original statute was enacted and if current law is unworkable, then why wasn't there an appealer?

Ms. Theresa Kiernan responded by saying that this method was just another alternative and that originally the first act was in 1925.

Representative Powers inquired about the current law of getting 51% of the voters' signatures and Mr. Robson said that it would be much easier to simply give public notice which would give the electorate an opportunity to respond and protest if anyone desired. Representative Powers asked if basically this would be enacted statewide, and he was told "yes."

The Chair recognized Mr. John Zutavern, Mayor of Abilene, who encouraged the Committee to endorse HB 2838. He said that it would significantly benefit the City of Abilene and the surrounding counties.

Representative Powers asked Mr. Zutavern is he would mind contacting the city of Wellington to see if this

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would benefit them, also. Mr. Zutavern said that he would do so.

The Chair closed the Public Hearing on HB 2838.

Chairperson Glasscock opened the Public Hearing on HB 2806.

HB 2806 - Municipalities; relating to the payment of claims submitted by employees for reimbursement of travel expenses

The Chair recognized Mr. Onan Burnett, Lobbyist for Unified Districts No. 501 and 500, who spoke as a proponent for HB 2806. Mr. Burnett asked if Mr. Mike Jones, U.S.D. 501, could testify since he was more informed. The Chair welcomed Mr. Jones, who said that HB 2806 would simply allow them the means to treat their employees as well as they treat KP & L by allowing them to circumvent the school board's approval prior to payment of all claims. He said that one exception is given in K.S.A. 12-105b(e) that allows a school board to appoint an officer to pay claims in advance of board approval if waiting for approval would result in a loss of a discount or in a late payment penalty. (Attachment 2.)

Representative Campbell asked if not even a small amount can be paid, and he was assured that this was correct.

Representative Benlon inquired if this was "permissive legislation." She wondered if it allowed districts or municipalities to pick and choose if they wanted to do this. Mr. Jones replied that it was the intention that it be written to be permissive.

Ms. Theresa Kiernan, Revisor, said that it gives permissive authority for the governing body.

Representative Wilk asked if there was a cap as far as the amount that can be processed, and Ms. Kiernan said that would be according to the policy decision of the entity involved.

Representative Ray said that she assumed that counties and cities do not have trouble with this because of their exercise of home rule. Ms. Kiernan agreed and said that it would give counties and cities even more flexibility.

Chairperson Glasscock indicated that it would codify that practice.

The Chair welcomed Ms. Stacey Farmer, coordinator on Governmental Organization and Elections, Kansas Association of School Boards, who spoke as a proponent for HB 2806. She said that they support the timely reimbursements for incurred travel expenses and that this added flexibility for local boards would benefit their employees. (Attachment 3.)

The Chair called the Committee's attention to the written testimony of Mr. Craig Grant, KNEA. (Attachment 4.)

The Chair asked for the pleasure of the Committee on HB 2806, and Representative Ray asked for the Committee to delay action.

The Chair called the Committee's attention to HB 2222 which the Subcommittee on Elections and Local Government has sent back to the Committee without a recommendation. Representative Horst said the Subcommittee tried to find some agreement with the interested parties, but they could not come to a consensus. She said they simply agreed to disagree. Representative Horst said the Subcommittee did have a small amendment to put into the bill which changes the name of how people are licensed for land surveyors. She said the Subcommittee talked about filing fees, etc. The language is not as contentious as a portion at bottom of page 3, inserting the graduation from a college program and then having four years of experience. She said that the addition of 10 years of land surveying from 8 years experience was something that could not be agreed upon. However, she said a lot of things are happening in the field at this point because new things demand more education. She reported that within the profession itself there was a wide variance--some wanted as much as 15 years experience and others wanted only 8 years as it is presently. Representative Horst said that the amendment simply stated that licensed land surveyors or county engineers cannot contract for themselves.

Representative Huff inquired as to whether the Subcommittee recommended HB 2222 and Representative Horst told him that they have brought it back to the committee without a recommendation because of the disagreement among the subcommittee concerning licensure.

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Chairperson Glasscock said that part of the contention was the 8 years verses the 10 years, and Representative Horst said that basically they had three philosophical thoughts.

Representative Huff asked if there was any discussion about making legislation for twelve years down the road.

Representative Horst said that people need to know that this is something that will be happening in the future and that the 12 years was not really a problem.

Representative Sharp had a question about page 3, line 39(a) where it refers to education along with experience and if a person could just have the experience. Representative Horst responded that she thought that was correct. Representative Sharp expressed an opinion that she thought the educational investment should be worth more.

Representative Horst said that if one really looks at what land surveyors do, it may take 14-15 years to get enough experience to be licensed, but that she did understand Representative Sharp's concerns.

Representative Wilk shared his perspective by saying that he understands there were only about 8 complaints last year on land surveying, so he sees no big problem. He also stated that since firms are at liberty to upgrade their own standards whenever they like, he thought it could be handled in this way.

Representative Welshimer said that she agreed with Representative Wilk.

The Chair mentioned that there are some good things in this bill such as making it a "Class C" misdemeanor if someone failed to have a land surveyor establish reference points.

Representative Horst reminded the Committee that it would keep people from hiring themselves, and aside from the licensure part, the bill has several different parts.

Representative Ray wanted to know how people get from not having these requirement to having them without it adversely affecting their jobs.

Ms. Betty Rose, from the Technical Board, said that they needed a minimum of 10 years.

Representative Ray asked if there was a Board that would oversee surveyors, and was told that there was, but that it needed to be provided for in the statutes just like all the other professional organizations. Ms. Kiernan, Revisor, said that one cannot unlawfully delegate to others. It was also brought to the attention of the Committee that all educational requirement are listed in the statutes.

Representative Powers made a motion to move **HB 2222** out marked favorable for passage with the suggestion of the amendment by the Subcommittee. Representative Tomlinson seconded.

After discussion, Representative Powers said he wished to withdraw his motion with the permission of Representative Tomlinson who seconded.

Representative Horst made a motion to adopt the suggested amendment, and Representative Benlon seconded. Motion passed.

Representative Benlon made a conceptual motion that the Revisor will determine if the amendment is needed. Representative Welshimer seconded.

Representative Wells repeated what Mr. Mike Kelly suggested in his testimony concerning the language "filing with the county engineer if there was not a licensed county engineer."

Representative Horst stated that she thought the bill seemed very clear about filing reports.

Representative Benlon withdrew her motion to amend with permission by Representative Welshimer who seconded.

Representative Benlon made a motion to pass out **HB 2222** as amended marked favorable for passage, and Representative Gilbert seconded.

Representative Campbell commented that he liked the bill except for all of Section 4, so Representative Campbell made a substitute motion to amend by striking all the reference to 10 years, and Representative

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Gilbert seconded.

After discussion and clarifying his intent to leave current licensing just as it is, Representative Gilbert withdrew her second. It was suggested to divide Representative Campbell's motion into two parts, Part A and Part B.

Part A of the substitute motion was an amendment to strike all of section 4 which would return the language to that of current law. Motion failed.

Part B of Representative Campbell's substitute motion was to leave the bill as it stands with all of Section 4 and Representative Horst's small amendment changing it from 10 to 8 years.

Representative Campbell then withdrew his motion.

Representative Haley moved to amend HB 2222 by deleting Section 2A (lines 39-42) and inserting the word "and" after the word surveying on line 33, delete experience requiring this requirement after 2010 of 4 years college as defined by the Board of Technical Professions and 4 years experience as opposed to only 10 years experience. Representative Benlon seconded.

Representative Welshimer said that she didn't think surveying would maybe require a college degree like engineering or architecture, and that she opposed doing this because she thought it might eliminate some from the profession.

Representative Benlon said that she liked the amendment because it does come under the Board of Technical Professions and would make the professions uniform.

Representative Tomlinson said that he understood that most licensures prior to 2010 are grandfathered in, and that this would pertain to only those who are licensed after the year 2010.

Representative Welshimer inquired as to what qualifies as a college and if the Board of Technical Professions has the ability to protest. She was told that this would be up to the rules and regs to define what is acceptable.

Representative Horst referred to the statutes from the blue handbook and said that the same language is used for architects.

Representative Wilk expressed concern that this bill presented a significant move in the land surveying industry and said that he was opposed.

The vote was taken, and the motion failed.

The Chair announced that the Committee was now back on the original bill as amended by Representative Horst.

Representative Benlon moved to pass out HB 2222 marked favorable for passage as amended. Representative Tomlinson seconded. Motion passed.

The Chair directed the Committee's attention to HB 2806.

Representative Powers made a motion to amend HB 2806 by saying the authorizing agent has to look at the claim before it is paid (see lines 23 and 24), and Representative Benlon seconded. Motion passed.

Representative Powers made a motion to pass out HB 2806 marked favorable for passage as amended. Representative Wells seconded. Motion passed.

The meeting adjourned at 10:30 a.m.

The next meeting is scheduled for February 17, 1998.

**GOVERNMENTAL ORGANIZATION & ELECTIONS
COMMITTEE GUEST LIST**

DATE: MONDAY, FEBRUARY 16, 1998

NAME	REPRESENTING
Vellay Pultala	City of Overland Park
Bill Peterson	City of Shawnee
Douglas J. Roberts	Abilene Cemetery Assn.
Sonny Wolzert	Abilene Cemetery Assn.
John Zutaunen	City of Abilene, Ks.
Stacey Farmer	ICASB
DAVID Comstock	KDOT
Shari Kiber	Kansas House
Joni Stramburg	Io Co
Erika Ungeler	Steve Montgomery
Carolyn L. Campbell	USD 501, Topeka, Ks.
Miche Jones	USD 501 Topeka Ks
OWAN C. BURNETT	USD 501#
Betty Rose	Bd. of Tech. Professions
Bruce Dimmitt	Kansans for Life - Independent
Ann Dukes	DOB

HOUSE BILL No. 2838

By Representative Weber

AN ACT concerning cemetery districts: relating to the creation thereof.

Testimony by David J. Robson, President of the Abilene Cemetery Association, Inc.
Abilene, Kansas.

Chairman, Members of the committee and others present. I speak to you today urging you to support the passage of House Bill No. 2838.

In support of this action, I state that in the fall of 1996 the Abilene Cemetery Association, Inc. was found to be near financial insolvency. The available cash was projected to no be sufficient to cover immediately due bills.

The Abilene Cemetery Association, Inc. Is a private, not for profit corporation, organized in the year 1910 to operate a cemetery to serve the City of Abilene, Kansas, and surrounding community. The association is made up of persons owning burial spaces in the then existing cemetery and is governed by a board of directors, made up of 7 persons without compensation.

The primary sources of income being interest from an investment pool, required by the state of Kansas, sale of burial spaces, fees for opening and closing graves, and gifts from individuals. The income from the investment pool has over the years decreased due to the lower interest rates being paid on bond investments, and the expense of operating the pool. Some decrease has also be seen the number of services held each year, and thus a decrease in the sale of lots and fees for services.

At the same time general costs of operating the cemetery have increased. Labor and repairs to equipment being a large portion of the expense.

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The cemetery had attempted to hold in reserve some funds which were received as a bequest of a deceased board member. Such funds were ear-marked to be used for larger one time expenses which might be incurred.

In the fall of 1996, when the cash flow problem presented itself, we made a review of income and expenses for the 5 year period of 1991 to 1995. Said review showed that the 5 year average cost of operating the cemetery was about \$57,000.00 annually, with a short fall of \$3590.00. The highest short fall being \$9136.37 and the lowest \$730.96. This included \$6,000.00 per year the City of Abilene was presently providing.

The cemetery also identified long range capitol needs over the next 5 years in the sum of \$54,000.00.

Numerous meeting were held between the Abilene City Commissioners and Board of Directors of Abilene Cemetery Association. It became obvious that the solution to the problem was to form a public cemetery district. A review of the statutes relating to the organization of a cemetery district would require the following:

Presentation of a petition in legal form to the Board of County Commissioners containing the signatures of not less than 51% of the electors of the proposed district at the most recent general election.

With the assistance of the county election officer (County Clerk) it was determined that said petition would have to contain the signatures of at least 2,000 registered voters. Many of said voters would be elderly persons, whom we doubted would be willing to sign a petition which would increase their property taxes. It would also take a great deal of time and effort to circulate the petitions to form a district to benefit the public as a whole.

We have asked representative Weber to introduce House Bill No. 2836, to create a simplified process to organize a cemetery district. A process which would give the public notice, an opportunity to respond and protest if desired. A process which we believe to be fair and equitable to all persons effected.

Thank-you,

David J. Robson

U. S. D. 501
TESTIMONY IN SUPPORT OF HB 2806
16 FEBRUARY 1998

The current law on the payment of claims by municipalities (KSA 12-105b) requires a municipality, which includes all school districts in Kansas, to get the school board's approval prior to payment of all claims. One exception is given in KSA 12-105b(e) that allows a school board to appoint an officer to pay claims in advance of board approval if waiting for approval would result in a loss of a discount or in a late payment penalty. The officer is required to keep an accounting of all claims paid prior to the board's approval and present them to the school board at their next board meeting for approval. This is the process we use to avoid late payment penalties to KP&L, Southwestern Bell, the IRS, etc.

What we are asking for in HB 2806 is the ability to treat our employees as well as we do KP&L.

At U.S.D. 501 all claims for reimbursement must be processed 8 days prior to the next scheduled board meeting for them to appear on the claims listing delivered to the board members on the Friday prior to the Thursday night meeting. Thus the fastest we can reimburse an employee is 9 days from the receipt of the claim in the business office. The average time for a payment is 16 days, if the board meeting is only two weeks off. When we have a twice yearly occurrence of three weeks between meetings occurs then the average claim will take 23 days to process. If the second board meeting in December is canceled then the average payment will be mailed in excess of 30 days after it was received in our business office.

The times lines I have discussed assume that the day our employees

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complete their claims all review and approvals can be obtained. With multiple sources of funding being utilized (general fund, inservice fund, federal grants, etc.) based at multiple locations, even under optimal conditions it takes over a week for claim forms to move through the approval process from the school to the administration center and finally to the business office. The bottom line being--try as we may to expedite the reimbursements it usually takes four weeks to be reimbursed by our District, if no problems are encountered (ie spring break or an illness).

The proposed change to KSA 12-105b duplicates the existing language of sub-section (e). Thus would provide the same safeguards and controls that we currently have over payment of vendor claims prior to board approval.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



1420 S.W. Arrowhead Rd, Topeka, Kansas 66604
913-273-3600

To: House Committee on Governmental Organization and Elections
From: Stacey Farmer, Coordinator of Governmental Relations
Date: February 16, 1998

Mr. Chairman, members of the Committee:

Thank you for the opportunity to appear before you today as a proponent of HB 2806. We support the timely reimbursements for incurred travel expenses and this bill would give local boards some added flexibility to do that for their employees.

However the passage of SB37, would make bills like this unnecessary. It would give local boards the simple authority to take care of matters such as this themselves, instead of coming before the legislature. Giving boards home rule would allow them to "adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools." Who better to make these decisions than the locally elected and locally accountable board members?

Thank you for your consideration.

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Attachment 3



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before House
Governmental Organization & Elections
Monday, February 16, 1998

Thank you, Mr. Chairman. I am Craig Grant and I represent KNEA. I appreciate this opportunity to present written testimony to support House Bill 2806. I must testify elsewhere this morning and cannot attend your hearing; however, if any member has questions regarding our testimony, I would be happy to come to a future meeting and attempt to answer them.

Kansas NEA supports HB 2806 because we believe employees should be paid for legitimate expenses in a timely manner. Taking more than 15 days to pay for expenses could prove detrimental to an employee. Credit card charges come due; out of pocket expenses can pile up. This bill could help school districts pay expenses to employees in a timely manner.

For this reason, Kansas NEA supports HB 2806. Thank you for considering our thoughts.

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Attachment 4