

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Representative Gerry Ray at 3:30 p.m. on March 12, 2002 in Room 519-S of the Capitol.

All members were present except:

Committee staff present:

Theresa Kiernan, Revisor
Mike Heim, Research Dept.
Kay Dick, Committee Secretary

Conferees appearing before the committee:

SB 564

Proponents

Sen. Barbara Allen
Becky Gilmore Davis, Register of Deeds
Doug Simons, Vice Pre. KS Title

Opponents

Marilyn Nichols, Register of Deeds

SB 550

Proponents

Paul Sasse, City Mgr.
Dale Bunn, City Commissioner
Pete Daniels, City Librarian
Charles Rice, out of city taxpayer
R.J. Osborn

Others attending: See Attached List

The hearing on SB 564 - concerning counties; relating to resister of deeds (in certain counties); allowing creation of technology fund.

Senator Allen Spoke as a proponent to **SB 564** as amended (*applying only to Johnson County*). She further went on to say that the bill allows the Johnson County Commission to pass a resolution authorizing the Register of Deeds to increase recording fees on deeds and mortgages up to \$1.50 per page. These additional funds would be placed in a special Register of Deeds technology fund, to be used to obtain equipment and services for electronic storing and recording of deeds and mortgages. Johnson County's population is bigger than any other and the Register of Deeds need to be able to store these records electronically. (Attachment #1)

Becky Gilmore Davis, Johnson County Register of Deeds gave testimony as a proponent in support of **SB 564**. This bill establishes a pilot program enabling Johnson County to collect an additional fee for the proposes of enhancing technology. She reported that their basic number of home closings for this year alone is 150,000 documents; in two months it went from 1000 to 9000. (Attachment #2)

Douglas Simmons, Vice President of Kansas Title Insurance Corporation, testified as a proponent on **SB 564**. His strong point was that Preservation and the Integrity of the county records must be maintained. With the current software and hardware being so outdated the Register of Deeds are unable to keep up with the demands placed on it by the volume of documents filed. Mr. Simmons also stated "we must be in a position to meet the demand of the Public and Private Sectors who need access to the information contained in the recorded records." (Attachment #3)

Questions were asked by Rep. Campbell, Rep. Hayzlett, Rep. Palmer, Rep. Showalter and Rep. Miller. The proponents answered the Representative's questions to their satisfaction.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT at on March 12, 2002 in Room 519-S of the Capitol.

Marilyn Nichols, appeared as an opponent on behalf of Kansas Register of Deeds Association. She testified that the Association does not like the verbiage "urban counties". They do not oppose the increased fees, but they want them to remain uniform throughout the state. (Attachment #4)

The Chair brought the committee's attention to *written only testimony* in opposition from Missie Gerritzen, Kearny County Register of Deeds. (Attachment #5)

Following a brief question and answer period from all conferees the **hearing on SB 564 was closed.**

Hearing opened on: SB 550 - concerning libraries; relating to the powers, duties, and functions thereof

Proponent Paul Sasse, Independence City Manager, testified before the committee that **SB 550** would allow all citizens to have the opportunity to vote for creation of a new library district which will be the same boundaries as the school district and Recreation Commission. (Attachment #6)

Dale Bunn, Independence City Commissioner, a proponent, reported to the committee on the percentage of City vs Outside City budget shares. He spoke in regard to a meeting with Rep. Miller on March 4th after Rep. Miller had received Mr. Bunn's reply to his objections to **SB 550**. Rep. Miller also shared two required changes he wanted in the bill. The changes pertained to a cap on the mil levy and the makeup of the board. (Attachment #7)

Pete Daniels, Independence Public Library Director, gave testimony as a proponent in favor of the bill. He addressed the shift of the 1.2 mil levy and stated that he hoped a cap would not be included on **SB 550**. (Attachment #8)

R.J. Osborn, testified in favor of **SB 550** echoing the other proponents views. (Attachment #9)

The Chair advised the committee of *written only testimony* from Independence proponents:
Charles Rice (Attachment #10)
Imogene Hearn (Attachment #11)
Mr. & Mrs. Paul D. Fairbank (Attachment #12)
Sandra Craig (Attachment #13)

Questions were asked by committee members and answered by the conferees.

Hearing was closed on SB 550.

Action on HB 2949 - transportation department district

Rep. Campbell made a motion to amend Sec. 1 (a) through (e) & (f) (1) through (15). (Attachment #14)
Rep. Showalter seconded the motion. The motion to amend was passed.

Rep. Campbell moved that **HB 2949** be passed out of committee as amended. Rep. Gilbert seconded. **HB 2949** passed out favorably as amended.

The meeting was adjourned. Next meeting is scheduled for March 14, 2002.

HOUSE LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: Tue March 12

NAME	REPRESENTING
Becky Gilmore Davis	Johnson County
Norma Noah	Johnson County
Doug Simmons	KANSAS TITLE - Olathe
R. J. OSBORN	INDEPENDENCE PUB. LIBRARY
Ruth Osborn	" "
Cynthia Mohr	KAC
Don Seifert	City of Olathe
Charlotte Shawver	Riley Co. Rep. of Deeds
Chane Lynn Buestensky	BEAVER Co. Secy of Deeds
Bonnie Keim	State Library
Jacquie Daker	Independence Library
Dale Bunn	Independence City Commission
Charles Rice	Montgomery County
Pete Daniels	Independence, KS
Don Buckler	Indep, KS
ERIC SILDON	1



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

CHAIR: ELECTIONS AND LOCAL GOVERNMENT
MEMBER: ASSESSMENT AND TAXATION
EARLY CHILDHOOD DEVELOPMENT SERVICES
FINANCIAL INSTITUTIONS AND INSURANCE
REAPPORTIONMENT

BARBARA P. ALLEN
SENATOR, EIGHTH DISTRICT
JOHNSON COUNTY
P.O. BOX 4042
OVERLAND PARK, KANSAS 66204
(913) 384-5294
STATE CAPITOL, ROOM 120-S
TOPEKA, KANSAS 66612-1504
(785) 296-7353

March 12, 2002

Madame Chairman, Members of the Committee:

S.B. 564, as amended, applies only to Johnson County. It was brought to the Senate Elections and Local Government Committee by the Johnson County Register of Deeds, and is supported by the Johnson County Commission. In the Senate, the Register of Deeds Association remained neutral, once we amended the bill to be Johnson County-specific.

S.B. 564 allows the Johnson County Commission to pass a resolution authorizing the Register of Deeds to increase recording fees on deeds and mortgages up to \$1.50 per page.

Such additional funds would be placed in a special Register of Deeds technology fund, to be used by our Register of Deeds to obtain equipment and services for electronic storing and recording of deeds and mortgages in the Register of Deeds office. The Register of Deeds would administer these technology funds, subject to the county purchasing requirements found in KSA 19-1202.

A county with a population this size needs to be able to record and store mortgages and deeds electronically! I was shocked to learn we do not already do so.

Senate amendments to the bill, proposed by our Register of Deeds, and approved by our county commissioners, provide:

HOUSE LOCAL GOVERNMENT

03/12/02

Attachment 1

1st Amendment by Senate

a.) if the Technology Fund has a balance over \$50,000 at the end of any calendar year, and that excess is not needed for technology as determined by the Register of Deeds, the excess can be used for other county offices related to land records.

b.) if a Charter form of government is implemented, the provisions of the bill will apply to the office which performs the duties and functions of the Register of Deeds.

This is an important piece of legislation to Johnson County, which has no impact on any other county in the state. I respectfully request you keep it a Johnson County-specific bill, and that you pass it favorably out of the House Local Government Committee.

Madame chair and members of the committee,
My name is Becky Gilmore Davis, and I am the Johnson County Register of Deeds. Thank you for the opportunity to testify today in support of SB564, a bill establishing a pilot program enabling Johnson County to collect an additional fee for the purposes of enhancing technology.

I appreciate the committee holding this hearing. This is a vital matter that affects many businesses that work within the Johnson County land records industry, as well as its citizens conducting real estate transactions. Passage of this bill will enable my office to enhance services and address the concerns of my constituents.

There is a greater need now more than ever for legislation like SB 564. Since I took office my department has reduced the time it takes to fully record a document from five to three weeks. We accomplished this despite the fact that, during the same time frame, the number of pages we received almost doubled. As Johnson County grows this trend will only continue. Without enhanced technology it will be difficult if not impossible to further reduce the amount of time it takes to record a document. I'd like to refer to my strategic five-year plan and the graphs attached within my testimony.

My constituents are demanding efficient government. Improved technology is the only way I can help meet their expectations. There are many forms of electronic government ranging from automated services to electronic transactions. According to the Center for Digital Government, "electronic government is no longer an optional addition to government service, but a necessity." Right now there are over 20,000 sites in the United States alone that offer government information and services. In California, Arizona, Pennsylvania, Florida, Utah, Washington, Nevada, Missouri and Virginia there is at least some form of electronic recording or services addressing land records issues.

The benefits of technology fee legislation are numerous. According to the National Association of County Recorders and Clerks, "An electronic filing system could potentially reduce overall filing costs and simplify the process of filing documents. It holds the promise of benefiting all constituents by reducing the cost... associated with paper documents." In fact the Notary Bulletin, published by the National Notary Association, in their December 2001 issue stated, "It has been estimated that the reduction of paperwork from electronic closings could save up to \$2,000.00 in the cost of closing a home mortgage." Included with this testimony are several letters of support from industry users.

After a yearlong examination of how the 50 states use digital technologies to deliver services to citizens, the Center for Digital Government has just crowned Kansas the 2001 e-government national co-leader. As Don Heiman, the Kansas Chief Technology Officer said, "We (have) found ourselves in an interesting leadership position in the United States." Let's allow our Kansas counties the opportunity to demonstrate the same leadership exhibited by our prize-winning state. Please support SB 564.

Johnson County Register of Deeds

Strategic Five-Year Plan

1. The amount of fees collected (with passage of Technology Fund bill):
 - Over the last three years, the average number of pages recorded was 493,000 per year (395,000 of those pages included deeds, mortgages, releases and assignments).
 - Based on this average, approximately **\$592,000 per year** could be collected (Low \$454,000; High \$818,000).

2. The amount spent on equipment and services for electronic storing, recording, archiving, retrieving, maintaining and handling of data recorded or stored in the Register of Deeds office:

Capitol Expense for Five-Year Period+ (Five-year continuous upgrade cycle)

- Network printers - \$5,000
- Scanners – \$24,000
- Archive Writer - \$50,000
- Copiers - \$30,000
- Digital Reader Printers - \$35,000
- Plotter - \$50,000
- Flat Scanners - \$20,000
- Computers (three year upgrade cycle) - \$50,000
- Land Records System - \$1,500,000

Online Access and Service

- Retrieval and Searching of Documents online
- Immediate deduction from escrow

Electronic Recording

- Electronic Signatures
- Electronic Closings
- Electronic Notarizations

Accounting Software

- Document and Checks tracked together
- Billing more accessible to Clients and in Real Time (within 24 hours)
- Ability to address overage/underage
- Accept multiple documents with one check
- Refund Account
- One check for multiple services

Label Printing System:

- Document Number (Currently manual stamp)
- Book and Page (current number system limited to approximately two years due to unavailability of higher numbers in the industry manual stamp)
- Time stamp (Currently limited to stamping one document every 10 seconds)
- Fee (currently hand-written “pre-feed”)

Johnson County Register of Deeds

Strategic Five-Year Plan

Scanned Image availability for Data Entry and Verification++

- Reduces number of people handling document therefore less lost documents
- Allows faster return of documents to customer
- Image available online in real time (within 24 hours)

+ Operational Costs not included

++ See ChangeWorks research

Total Amount needed every five year period = \$1,764,000.00

3. The **cost savings and increases in efficiency** from the implementation of such plan over a five-year period. (Operational cost not included)

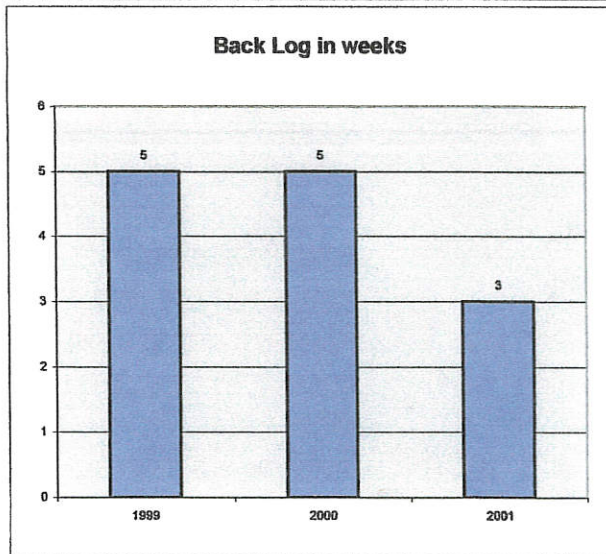
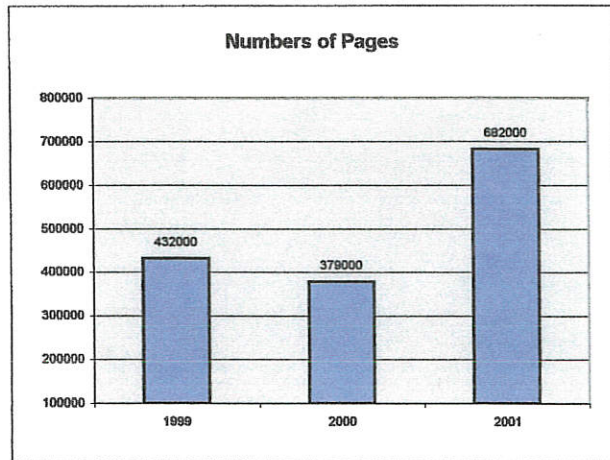
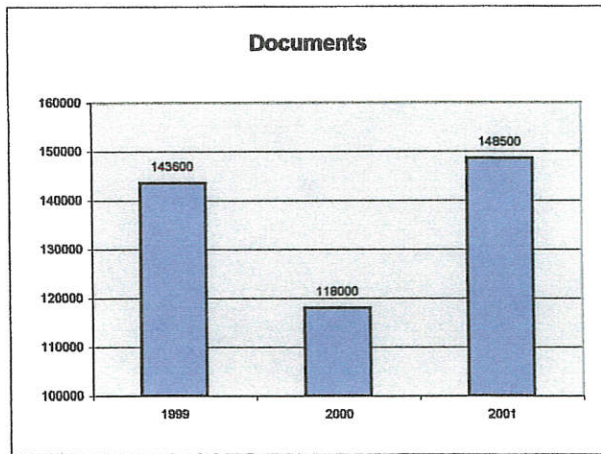
	Bill Passes	Bill Does Not Pass
New Employees Added	1 the 1st year	10 the 1st year
	1 at 3rd year	4 at the 3rd year
	1 at 5th year	4 at the 5th year
Employee Added Cost	\$240,000.00	\$1,980,000.00
Technology Cost	\$1,764,000.00	\$200,000.00**
Estimated Added Revenue	\$100,000.00 annually	\$20,000.00 annually
Services and Efficiency	1 day Document cycle time	2-5 days Document cycle Time
	Online Search and Retrieval	No online services
	Less errors due to automation	
	24 hour billing cycle	
	Online filing and services	
ERROR Rate *	98.9% accurate	94.8% accurate

*Bases on average rate of error projected against Employees

**Equipment cost for added Employees

Register of Deeds
Document History

	1999	2000	2001
Docs	143600	118000	148500
Pages	432000	379000	682000
Back log	5	5	3

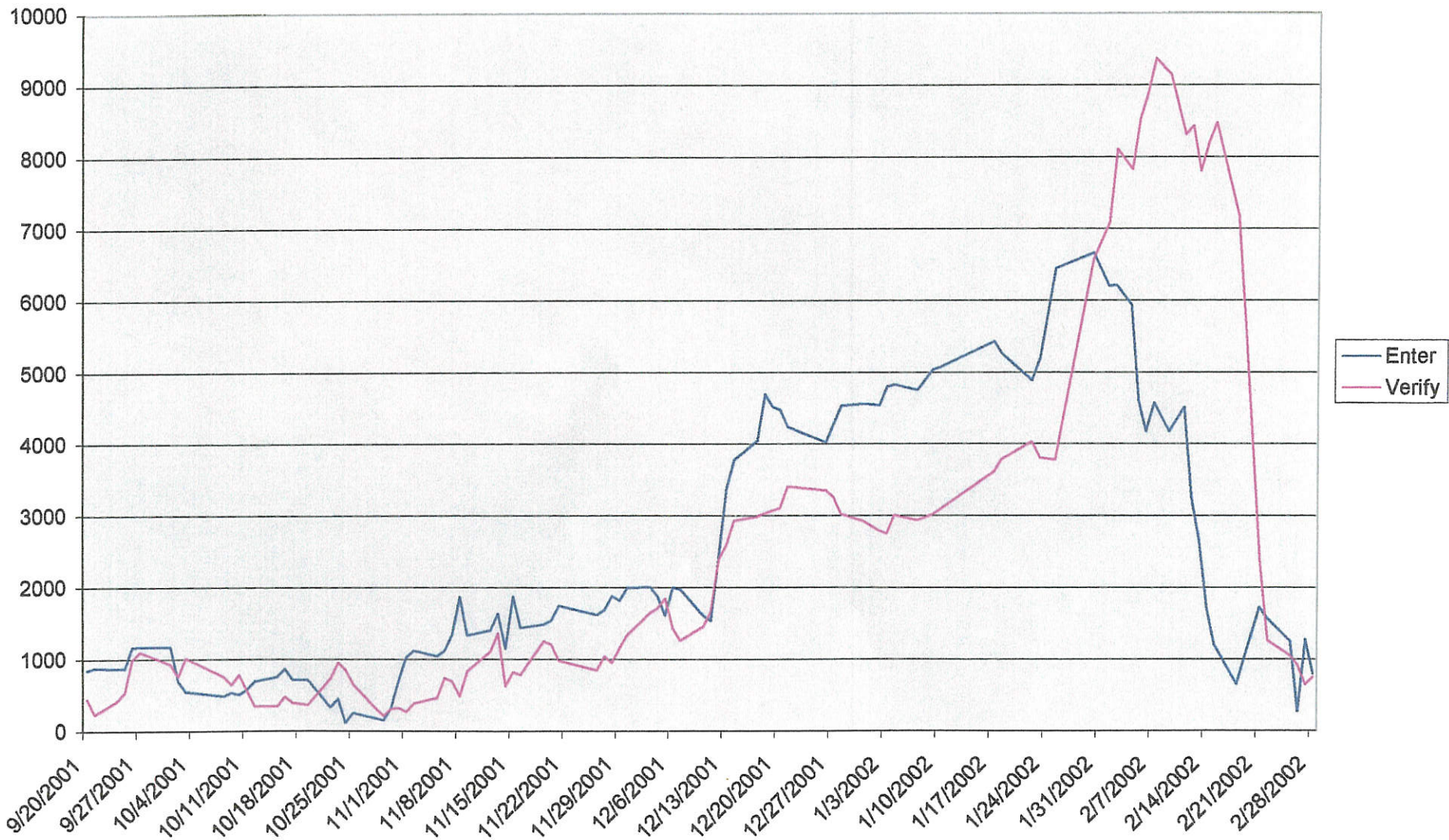


Backlog Reduction with Temporary Employees

Date	Enter	Verify
01/07/02	4751	2940
01/09/02	5042	3015
01/10/02	5075	3092
01/17/02	5425	3614
01/18/02	5256	3785
01/22/02	4885	4030
01/23/02	5197	3804
01/25/02	6441	3776
01/30/02	6659	6572
02/01/02	6193	7079
02/02/02	6208	8103
02/04/02	5937	7822
02/05/02	4592	8525
02/06/02	4174	8872
02/07/02	4572	9365
02/09/02	4169	9137
02/11/02	4513	8309
02/12/02	3249	8425
02/13/02	2669	7800
02/14/02	1720	8202
02/15/02	1203	8470
02/18/02	649	7180
02/19/02	1019	5693
02/21/02	1727	2363
02/22/02	1563	1258
02/25/02	1251	1049
02/26/02	270	911
02/27/02	1273	639
02/28/02	793	752



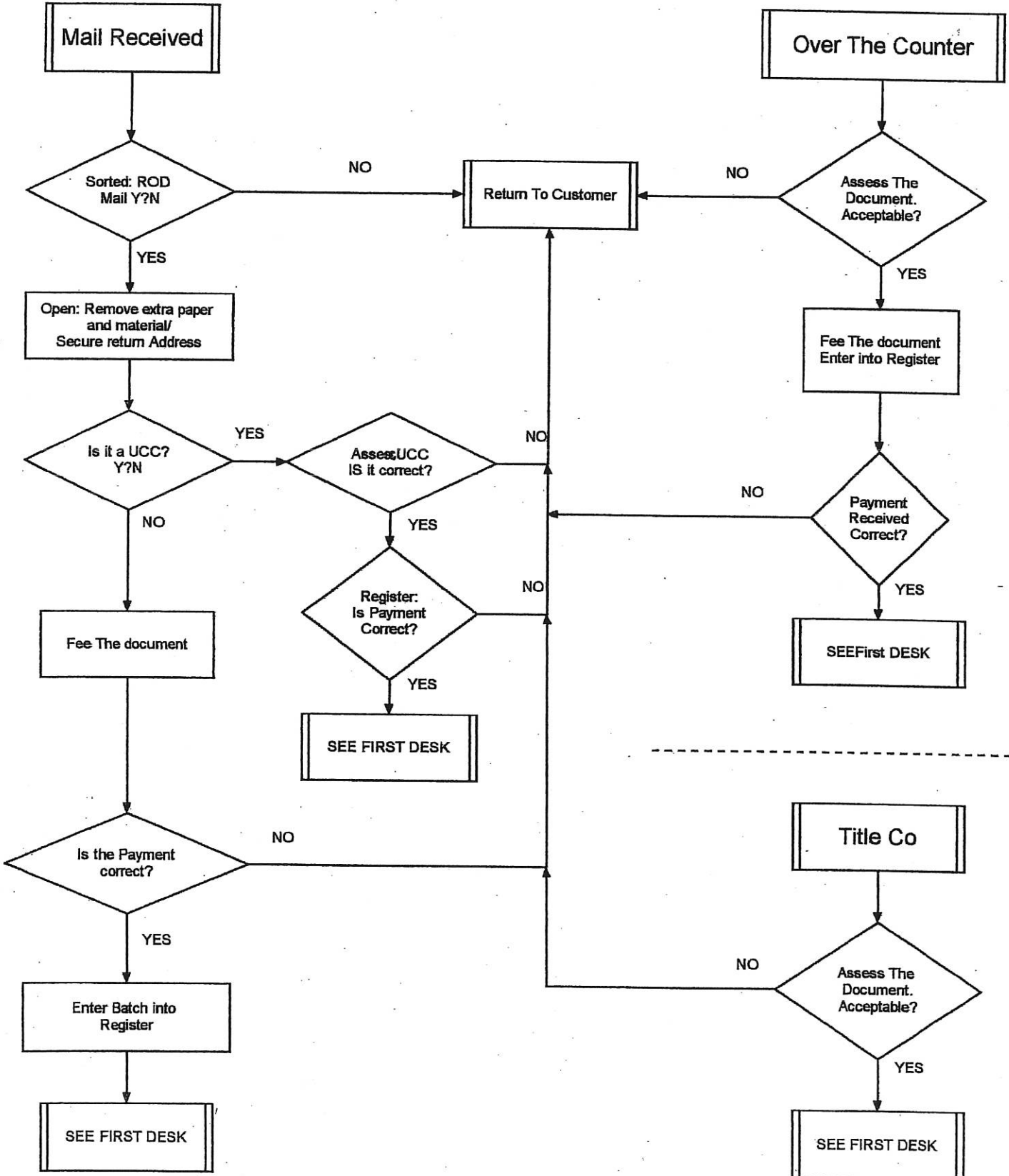
Register of Deeds Backlog History





DOCUMENT PROCESS FLOW

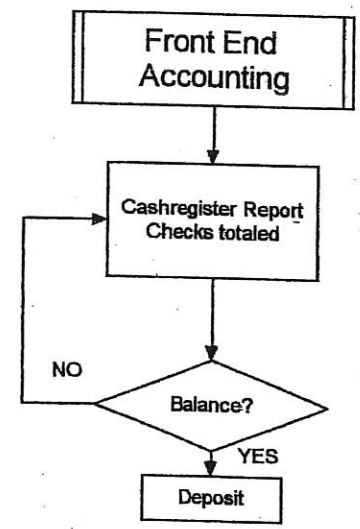
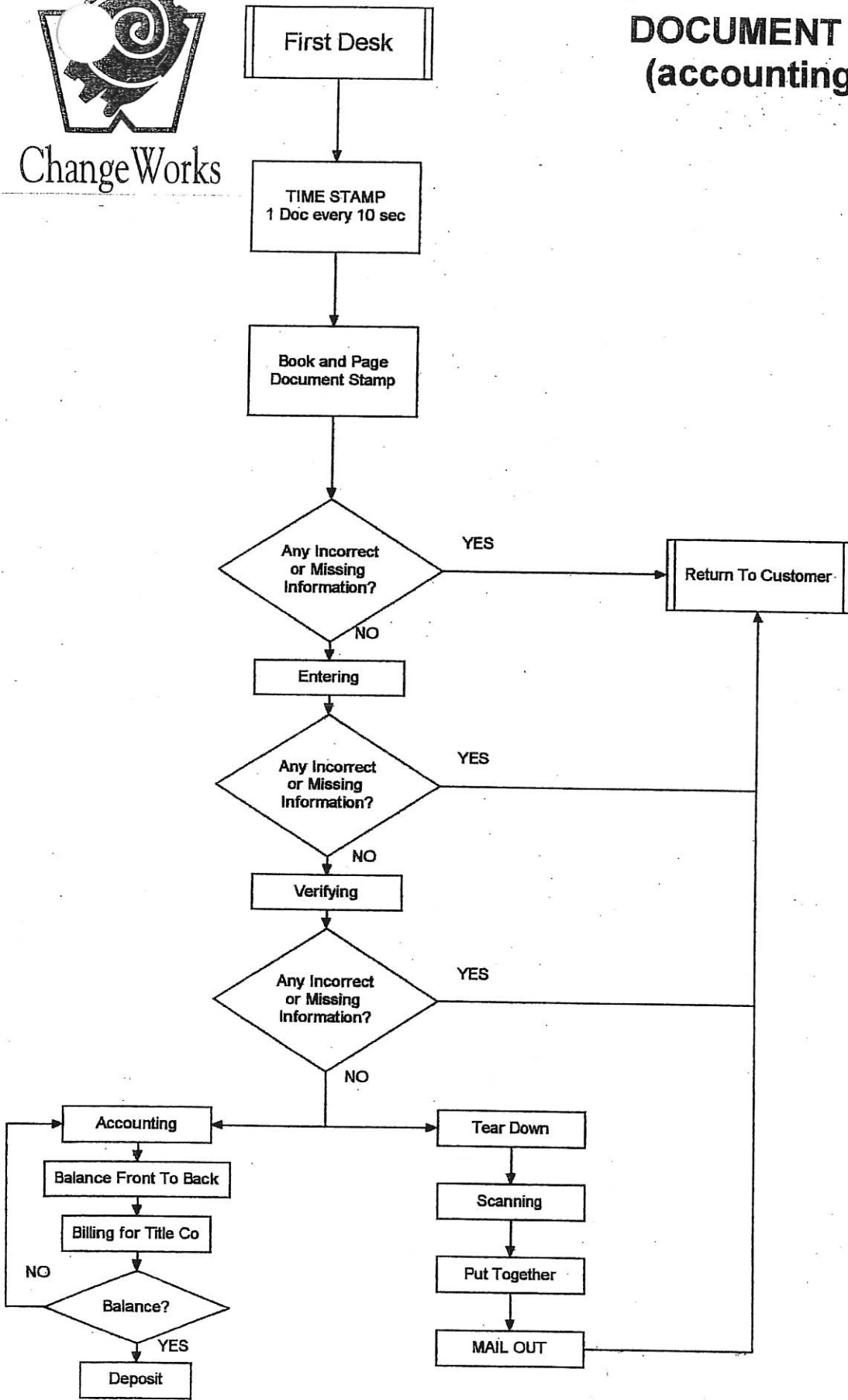
Change Works





Change Works

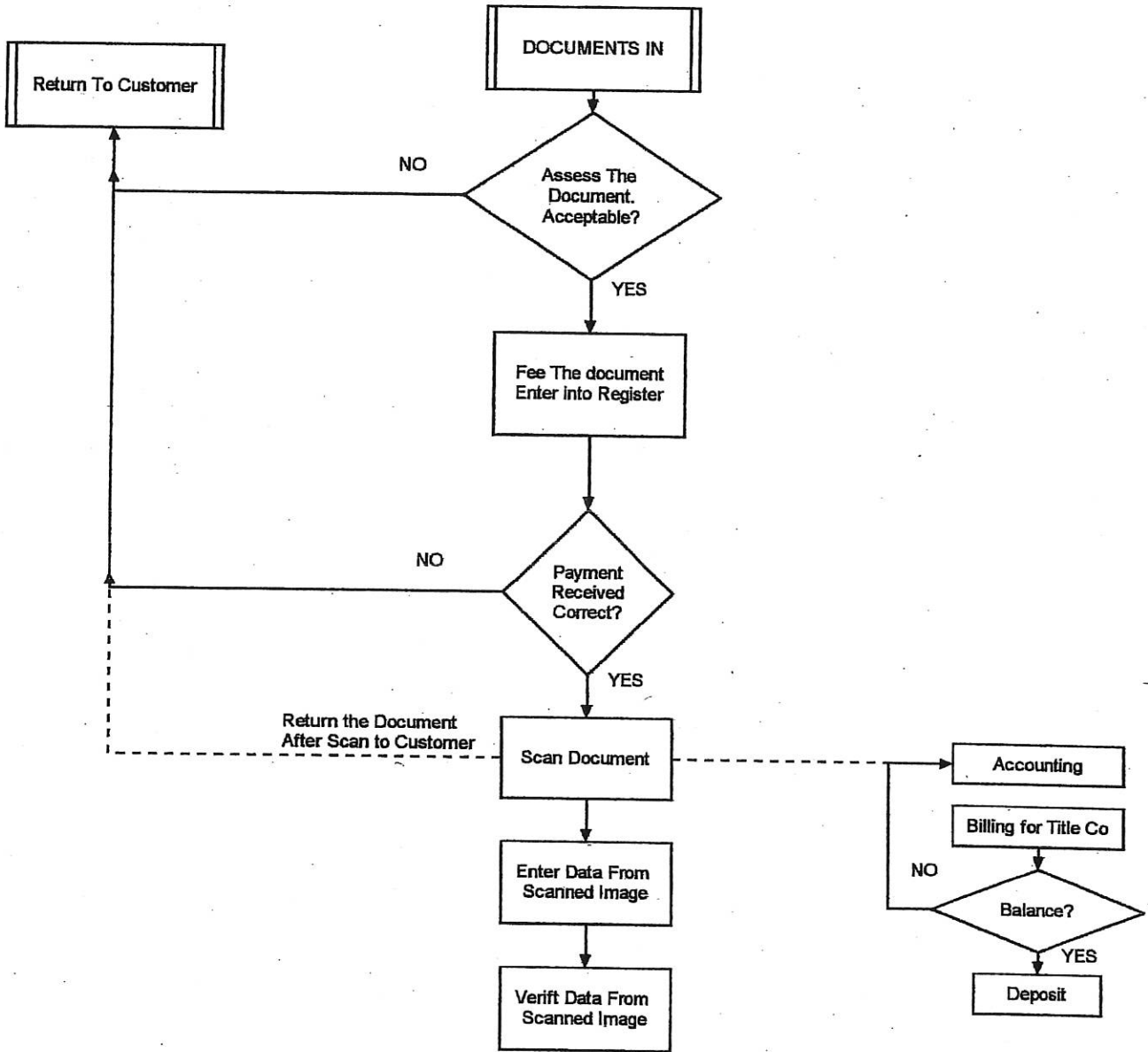
DOCUMENT PROCESS FLC (accounting And First Desk)





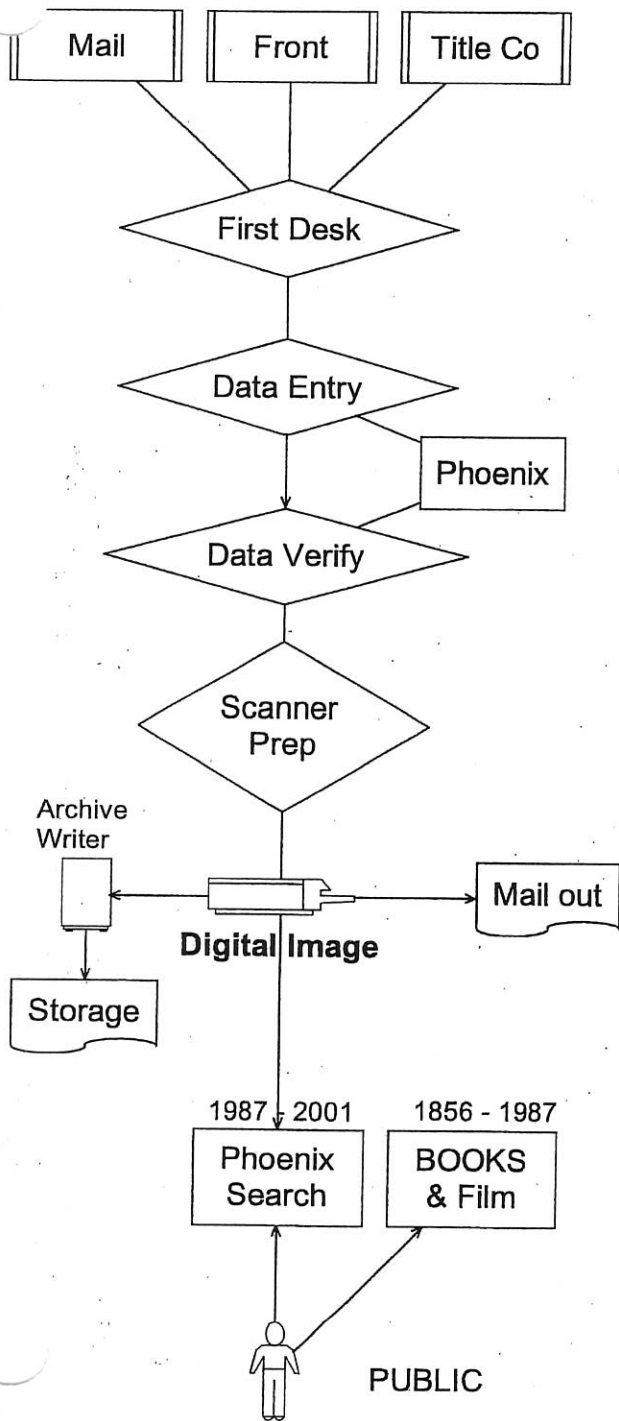
Change Works

SUGGESTED PROCESS FLOW

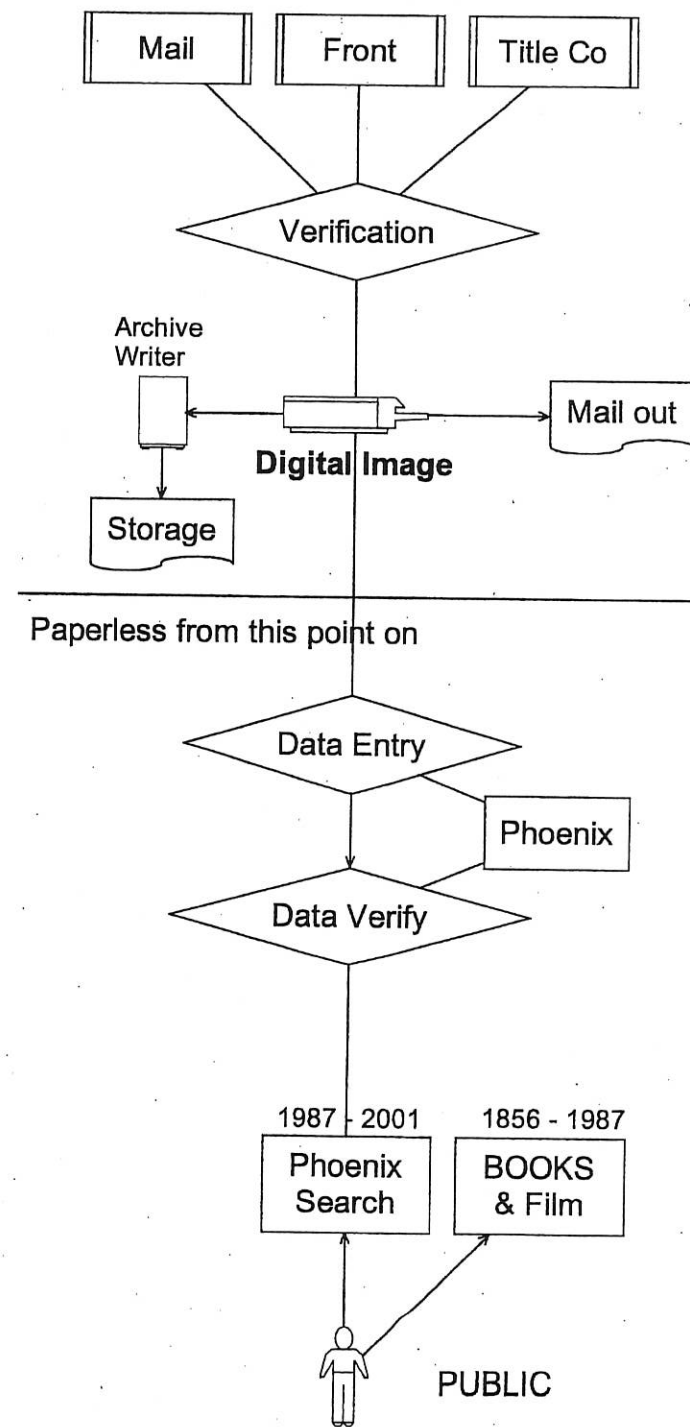


REGISTER OF DEEDS, JOHNSON COUNTY

CURRENT PROCESS



IDEAL PROCESS



2-16

01-7

Current Process issues:

1. Paper documents are handled at every stage of the process. From the time a document enters ROD and leaves it is handled by no less than 11 people. This allows for a greater chance of misplacing and/or damaging a document (as well as the time loss from the process of handling and sorting).
2. Indexing and stamping a document as it currently stands is not efficient. The time stamp machine only allows one document to be stamped every 10 seconds.
3. Entering and verification are slowed down by having to track down paper and documents as well as having to search the documents for the vital information to enter.
4. The accounting side has several issues surrounded by not being able to accept multiple forms of payment on a single transition.
5. There is currently no audit trail or history capture of information and who is changing that information.

Ideal Process:

1. Scan at the beginning of the process. Implement a system that allows users to work from the images that are scanned. This would change the number of people handling documents from 11 to 2.
2. By implementing a label system at the beginning of the process, this would allow for faster time stamping as opposed to once every 10 seconds.
3. Being able to enter from the images would save large amounts of time just in the area of having to track down the next document to enter. As well as giving the user some speed by going directly to the page they need to see as opposed to having to search for the information.
4. Simply being able to receive multiple forms of payment on a single transition would greatly improve the process and speed of the accounting side.



October 31, 2001

Attn: Register of Deeds
State of Kansas
Johnson County
Register Of Deeds
P.O. Box 700
Olathe, Ks 66061

Re: Electronic Signature

On November 14, 2001, Bank of America will implement the use of electronic signatures in the preparation of the release of mortgage documents that will be sent to your office to be recorded. We are confident that this new policy will expedite the release of mortgage for our customers in the most efficient and timely manner. Bank of America has established security procedures to authenticate and protect the intent of those persons signing releases on behalf of Bank of America. In addition, Bank of America will diligently respond to requests for digital signature verification for those persons.

Pursuant to the Kansas Uniform Electronic Transactions Act (H.F. No. 2879) enacted April 25, 2000, we understand the following provisions to be on record.

- Electronic Signature - means an electronic sound, symbol, or process attached to or logically associated with and executed or adopted by a person with the intent to sign the record.
- An electronic record or signature is attributable to a person if the record or signature was the act of that person.
- An electronic signature satisfies the law if that law requires a written signature.
- A record or signature may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

If we do not receive a response from you prior to November 14, we will regard this as your confirmation to proceed.

Should you have any questions, please give me a call at 502.566.5569.

Thanks,

A handwritten signature in cursive script that reads "Shawn Biven".

Shawn Biven
Assistant Vice President

MID AMERICA TITLE

COMPANY, INC.

130 N. Cherry, Olathe, KS 66061
P.O. Box 475, Olathe, KS 66051-0475
Phone (913) 782-1800
Fax No. (913) 782-1418

TERRY J. LYNCH
President

Mid America Escrow Closing
Phone (913) 782-1865
Fax No. (913) 782-1418

February 18, 2002

Rebecca Davis
Register of Deeds
111 S. Cherry Street
Olathe, Kansas 66061

RE: Senate Bill 564

We have reviewed Senate Bill 564 regarding the Register of Deeds Technology Fund and would like to offer our full support. Mid America Title does most of its business in an eight county area and also does contract work in approximately twenty five other counties, changes in the recording fees would not affect how we function in those counties. The ability of your office to implement technology to improve the speed and efficiency of recording documents would be a welcome benefit not only to us but all people buying, selling and refinancing their homes. Let me know if I or the company can be of any assistance to you.

Mid America Title



Todd M. Lynch
Vice President





OLD REPUBLIC
Title Company of Kansas City, Inc.

1800 Baltimore Avenue
Kansas City, Missouri 64105-1910
(816) 471-1560
(816) 472-1426 FAX

February 18, 2002

Rebecca L. Davis, Register of Deeds
Johnson County Courthouse
111 So. Cherry Street
Olathe, Kansas 66051-0700

Dear Ms. Davis:

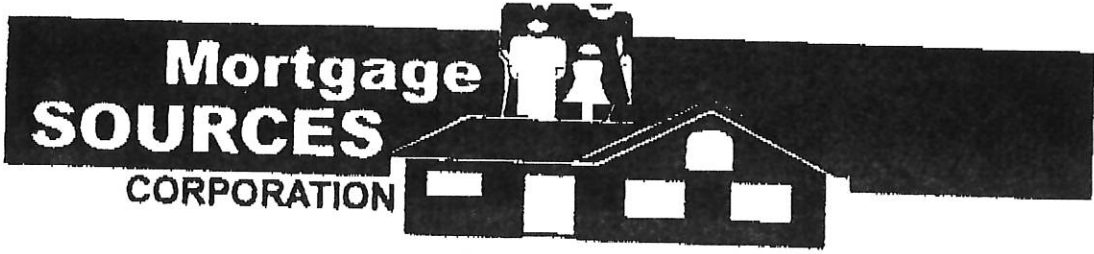
We believe in order to serve our client base it is necessary for us to be able to access, search and retrieve records in the most efficient manner possible. We feel that the government sector also needs to be in a position to do the same thing in order to serve the public in the most efficient manner possible.

There is currently pending Senate Bill No. 564, which among other things provides a method of generating revenue to fund technology for the register of deeds offices in the State of Kansas. Please be advised that we strongly support this bill and you can count on my support.

We appreciate your involvement with this bill, and if there is any way that I can be of assistance to you in this instance, please don't hesitate to contact me.

Respectfully,

Norman E. Evisizer,
President



February 14, 2002

Rebecca L. Davis
 Register of Deeds
 111 S. Cherry St., Suite 1300
 Olathe, KS 66061-3441

Dear Ms. Davis:

We would like to support Senate Bill 564 because it will ultimately allow the register of deeds to address the volume issues that they are experiencing. Once the register of deeds addresses these issues through technological automation and reduces their turnaround time, we will be able to serve our customers more efficiently.

My company needs to be able to offer electronic closings to our customers. At this time, we are unable to do so because the funds are not available to support this type of process at the county level. It's my understanding that the technology fund will ensure that the register of deeds will be able to provide this service that we desperately need and want to give our customers.

We appreciate your support in this effort.

A handwritten signature in black ink, appearing to read 'Kevin Klevenko'.

Sincerely,

*Kevin Klevenko, President
 Mortgage Sources*

March 11, 2002

To: House Local Government Committee

Re: Pending legislation (Bill 564)
Technology Fund for Register of Deeds

It has recently been brought to my attention that you will be hearing proposed legislation (Bill 564) regarding the special register of deeds technology fund. This is desperately needed in Johnson County, and I would really appreciate your consideration and support of this bill.

I'm a registered voter residing in Johnson County, Kansas, as well as an employee in the Register of Deeds office in Johnson County. I know "first hand" some of the problems that my office, fellow co-workers, and patrons are facing on a daily basis. As I'm sure you are aware, we have recently been advised that the county is facing an uncertain revenue situation for both FY 2002 and FY 2003 as a result of the current economic recession in the United States. Our salaries have been frozen and all merit increases have been postponed indefinitely. Every dollar that is collected from fees for services reduces the County's reliance on property taxes and other tax revenues, which are sensitive to changes in the economy.

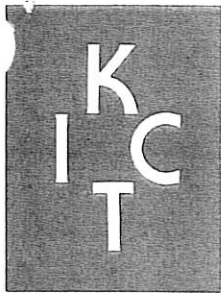
The Technology Fund would allow the Register of Deeds office to purchase much needed computer equipment that would definitely help our employees improve customer service to our patrons and constituents. Our office has had a drastic increase in the volume of documents submitted for recording, and our current system and workflow process just can't handle it. The turnaround time for recording documents and getting them back to the customer is essential. Asking to increase the fees by only \$1.50 more doesn't seem to be unreasonable and many of your constituents agree with me. I think it's possible to reduce our customer complaints by being able to purchase equipment and services that would allow us more time to assist our customers. This is a "win-win" opportunity...happy customers + happy employees = happy constituents!

Please let me know if you need any further information. Thank you for your time and consideration.

Sincerely,



Cindy L. Campbell
Executive Assistant/Deputy
Johnson County Register of Deeds
Phone: (913) 715-2300
Fax: (913) 715-2310
Direct: (913) 715-2326
E-mail: ccampbell@jocoks.com



Kansas Title Insurance Corporation

□ 114 N. Cherry
Olathe, Kansas 66061
(913) 764-0334
Fax (913) 780-3611

□ 11233 Nall
Leawood, Kansas 66211
(913) 327-7332
Fax (913) 327-7335

February 19, 2002

Senate Elections and Local Government Committee
State Capitol-Room 245-N
Topeka, Kansas

Re: Senate Bill 564

Madam Chairman and Committee Members

Thank you for allowing us to address you today. My name is Doug Simmons and I am from Kansas Title Insurance Corporation in Olathe, Johnson County, Kansas; also, with me is Ms. Norma Noah, owner of Kansas Title Insurance Corporation.

I come before you to tell why we support the legislation you are considering today. First, Please let me tell you about us and Kansas Title. I have been in the abstract and title industry for 30 years; and I have worked for title agents from large to small. Also, I have worked for national title underwriters responsible for several states as regional manager. Ms. Noah has 43 years of experience in the title and abstract industry.

Kansas Title Insurance Corporation is a medium size company serving a variety of customers from individual consumer, Realtors, commercial developers, banks, savings and loans and mortgage brokers to the national relocation specialist, national lenders, and national commercial developers. We service the transaction from search to close and title policy issuance. We have been in business serving Johnson County and the surrounding counties for over 22 years. Kansas Title has a title plant that dates back into the 1940's, and is composed of microfilm, hard copies and computer indexing.

Just as our title plant has evolved over the years to new technology so has the title industry in general. New technologies have driven numerous changes in just the last few years. The introduction of microfilm technology replaced the hardcopy paper method of retaining documents, and computer indexing has replaced the hand written tract books. Today we face more high tech changes in the industry, i.e. Electronic Filing and Electronic Signature. We must be in a position to meet the demands of the "Public and Private Sectors" who need access to the information contained in the recorded records.

Users of the public records can be divided into two main categories, the "Public Sector" and the "Private Sector". "Public Sector" users vary in counties around the State of Kansas. In the smaller less active counties the demand or use of the records by the general public is not as great as in the larger more populous counties. In these larger counties the general public is searching for information from restrictions and homes associations, i.e. seeking the right to erect fences, etc.

"Private Sector" users includes banks, savings and loans, mortgage brokers, appraisers, attorneys, and abstract and title companies. The use of the records by these entities is for legal and financial transactions that require the availability and integrity of the records.

The recorder and staff are driven by a dedication for accurate recordings, and the retention and retrieval of the public property records. They take the job they are charged with seriously and work to protect the public records they are intrusted with. Both the "Public and Private Sector" realize that the quality of the records along with the quality of the services and products that the "Private Sector" produce are dependent upon the information available in the recorders office and either in handwritten hard copy or computer records.

The volume of recordings continue to increase and the systems of yesterday are not capable of handling the reams of information. Documents recorded in Johnson County for the years 1995, and 2001 are shown below for comparisons.

1995	2001
103,134	148,500

From 1995 to 2001 the yearly volume increased by approximately 45,000 documents. There were 682,000 pages making up the 148,500 documents filed in 2001. This increase in volume and pages was on the same system that was placed into service in 1987 and was still used fourteen years later in 2001, with some modifications.

In the summer of 2001, the computer system in Johnson County was DOWN and OUT of commission for approximately four (4) weeks. During this time there were NO records available from the recorders office from December 1987 to the time the computer crashed. The only records available was the old tract index in the land books that were hand posted and that posting was discontinued in 1987. The hardware and software are outdated and unable to keep up with the demands placed on it by the volume of documents filed.

We support this legislation because we see the advantages and benefits that is offered to everyone in all counties in Kansas. This legislation offers the opportunity to collect useable funds for technology in the recorders office from those who have real estate transactions that need to be recorded and preserved. Of most importance is the fact that the increase in recording fees collected on a real estate transaction will be minimal.

The PRESERVATION and the INTEGRITY of documents filed in the recorders office is of the

utmost importance. This legislation will allow each county to collect funds based on usage and the volume of documents recorded in that county. This is of great benefit to all people in Kansas. Each recorder's office will have funds available to it for use in the local office to meet needs of technology and other needs that are not in the general budget allocated by the county commissioners; each county will support its need at the local level and the small county will not be taxed by the state to support larger counties. Thus both the small and large counties will have available to them the ability to address problems at the local level.

As the volume continues to increase so will the need for new hardware with larger capacity and software that can be upgraded. Hardware has a limited life span and a limited ability to store the information from a growing data base and software becomes outdated. Funds are needed to meet this demand for new equipment and software and should be available with accountability.

The Uniform Electronic Transaction Act of 1999, and the Electronic Signatures in Global and National Commerce Act of 2000, brought electronic recordings and electronic signatures from the future to the present. No more paper to microfilm or scan; instead a data file from one computer to another. Major lenders on both the East and West coast are pushing the need and use of electronic filing. No, we were not ready to give up the actual paper copy of the recorded document for microfilm, much less the microfilm copy of the actual document for just an e-mailed image on the computer screen. However, the time is here and the request for the availability of electronic filing are beginning to surface in the metropolitan counties, and these counties must be in a position to accommodate the need. This legislation will provide an avenue for each county to collect funds based on usage and the need for technology.

Our business is customer service. Our product is the same as most other title companies, the difference being how we serve our customers and the services we provide them. The prospect of on-line access to the records office would allow greater customer service in a more timely manner. There are many times when a project could be completed after the records office is closed, rather than interrupted and completed the next day.

On-line access would allow the "Private Sector" to access the records from their offices and free up computer terminals in the records offices, thus allowing the "Public Sector" more access to the records. Not a big deal? In Johnson County there are over twenty (20) title companies using the records office at sometime during the day. Most of these companies have at least two employees wanting to use the five (5) computer terminals. When you add in the appraisers, the attorney's, mortgage and insurance people, and John Q. Public, the system becomes overloaded, and the demand is overwhelming.

We support this legislation because it affords the opportunity to allocate funds for needed improvements to the county records across Kansas, without taxing those who do not use or need the system and without stretching the already over extended county budget.

We support this legislation because it lends itself to efficient county government. A county records office that can help support its needs from user fees collected for the recording work it does. An efficient records office with funds supplied by need to operate with equipment and

technology based on need.

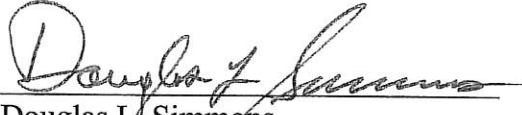
An efficient county records office that can, in a timely manner, record both hard copy and electronic filed documents and return the recorded documents without delay. Timely recordings allow the seller to receive the proceeds from the sell of their real estate so they can close the purchase of another home and move in immediately. Timely recording allow the borrower to have their loan funded for the purchase of a home or the monies from a refinanced loan or home equity loan presented to them without delay.

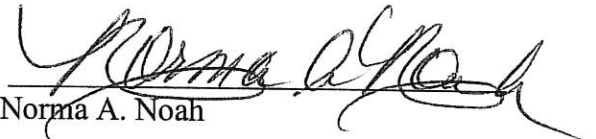
By being an efficient county records office the availability of recorded documents is timely and the preservation and integrity of the county records is without question.

Also, I have placed before you a written statement, which I will summerize briefly, from the Kansas Land Title Association.

The Kansas Land Title Association supports this legislation which presents the opportunity for the county recorders to have the funds to secure the technology for preservation of the records and to protect the integrity of the records

Again, THANK YOU for your time today. We will be happy to try and answer any question you might have.


Douglas L. Simmons


Norma A. Noah

Written Only

IMPORTANT FAX - Please deliver to State Representative Gerry Ray - Room 112-S

For Hearing at 3:30 PM TODAY!

FAX: 785-368-6365

March 12, 2002

To: House Local Government Committee

Re: Pending legislation (Senate Bill 564)
Technology Fund for Register of Deeds

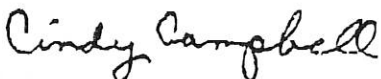
It has recently been brought to my attention that you will be hearing proposed legislation (Bill 564) regarding the special register of deeds technology fund. This is desperately needed in Johnson County, and I would really appreciate your consideration and support of this bill.

I'm a registered voter residing in Johnson County, Kansas, as well as an employee in the Register of Deeds office in Johnson County. I know "first hand" some of the problems that my office, fellow co-workers, and patrons are facing on a daily basis. As I'm sure you are aware, we have recently been advised that the county is facing an uncertain revenue situation for both FY 2002 and FY 2003 as a result of the current economic recession in the United States. Our salaries have been frozen and all merit increases have been postponed indefinitely. Every dollar that is collected from fees for services reduces the County's reliance on property taxes and other tax revenues, which are sensitive to changes in the economy.

The Technology Fund would allow the Register of Deeds office to purchase much needed computer equipment that would definitely help our employees improve customer service to our patrons and constituents. Our office has had a drastic increase in the volume of documents submitted for recording, and our current system and workflow process just can't handle it. The turnaround time for recording documents and getting them back to the customer is essential. Asking to increase the fees by only \$1.50 more doesn't seem to be unreasonable and many of your constituents agree with me. I think it's possible to reduce our customer complaints by being able to purchase equipment and services that would allow us more time to assist our customers. This is a "win-win" opportunity: happy customers + happy employees = happy taxpayers!!

Please let me know if you need any further information. Thank you for your time and consideration.

Sincerely,



Cindy L. Campbell
Executive Assistant/Deputy
Johnson County Register of Deeds
Phone: (913) 715-2300
Fax: (913) 715-2310
Direct: (913) 715-2326
E-mail: ccampbell@jocoks.com

*W. Hen Only***BERGER & CARMODY, P.A.**

ATTORNEYS AT LAW
10998 LOWELL, SUITE 520
OVERLAND PARK, KS 66210
(913) 491-6332
FAX: (913) 451-9147

Tra ID#:
44-1113314

Missouri License:
Kansas City

March 11, 2002

Re: Technology Fund for Johnson County Register of Deeds (Senate Bill 564)

Kansas House Local Government Committee:

Recently, I've noticed a significant decrease in the ability of the register of deeds office to handle the enormous volume increase in the number of documents being recorded in Johnson County. I would like to encourage your support for the special technology fund for the register of deeds.

As a former State Representative, I feel that the passing of this important legislation will provide a much-needed service to the taxpayers of Johnson County. I've been advised that the recording fees in the State of Kansas are one of the lowest, if not the lowest, in the U.S. The user fees have not increased since the late 1980's.

I've been an attorney in Johnson County for a number of years, and have always strived to serve my clients in a professional manner. The register of deeds office is no longer able to provide my clients with the customer services they deserve. I feel that the technology fund will enable the Johnson County register of deeds to provide more efficient services to our taxpayers.

Please vote "YES" to support Senate Bill 564. Thank you for your time..

Very truly yours,

BERGER & CARMODY, P.A.


Timothy J. Carmody

TJC:mcm



March 8, 2002

The Honorable Gerry Ray
Chair, House Local Government Committee
300 S.W. 10th Street; Rm. 112-S
Topeka, Kansas 66612

Dear Representative Ray:

On behalf of the Board of County Commissioners of Johnson County, Kansas, I am writing in support of SB 564, with the proposed amendments, a bill that would establish a separate technology fund for registers of deeds as part of an amendment to K.S.A. 28-115, pertaining to fees collected by the register of deeds.

Although not listed as a part of the County's original legislative platform, the Board of County Commissioners does support electronic or "e-government" opportunities that help to increase public accessibility to vital records maintained by county government and that also expand our ability to provide convenient and efficient delivery of government services and more cost-efficient operations. The Board also supports the use of fees to pay for governmental costs. For these reasons, the Johnson County Board of Commissioners would support SB 564 since it is consistent with these principles.

The Board of County Commissioners supports the proposed amendments that provide greater accountability for use of the funds as part of the larger checks and balances within the organization of county government on expenditures under the authority of the Board of County Commissioners. Likewise, the Board of County Commissioners supports the proposed amendment addressing implementation of the provisions of SB 564 under charter forms of county government.

If the Board can be of further assistance to your committee, please feel free to contact me.

Very truly yours,

Susie Wolf
Chairman of the Board



Kansas Title Insurance Corporation

□ 114 N. Cherry
Olathe, Kansas 66061
(913) 764-0334
Fax (913) 780-3611

□ 11233 Nall
Leawood, Kansas 66211
(913) 327-7332
Fax (913) 327-7335

March 12, 2002

House Local Government Committee
State Capitol-519S
Topeka, Kansas

Re: Senate Bill 564

Madam Chairperson and Committee Members

Thank you for allowing us to address you today. My name is Doug Simmons and I am from Kansas Title Insurance Corporation in Olathe, Johnson County, Kansas; also, with me is Ms. Norma Noah, owner of Kansas Title Insurance Corporation.

I come before you to tell why we support the legislation you are considering today. First, Please let me tell you about us and Kansas Title. Collectively Ms. Noah and I have over 70 years of abstract and title experience.

Kansas Title Insurance Corporation is a medium size company serving a variety of customers from individual consumer, Realtors, commercial developers, banks, savings and loans and mortgage brokers to the national relocation specialist, national lenders, and national commercial developers. We service the transaction from search to close and title policy issuance. We have been in business serving Johnson County and the surrounding counties for over 22 years. Kansas Title has a title plant that dates back into the 1940's, and is composed of hard copies microfilm and computer indexing.

Just as our title plant has evolved over the years to new technology so has the title industry in general. New technologies have driven numerous changes in just the last few years. The introduction of microfilm technology replaced the hardcopy paper method of retaining documents, and computer indexing has replaced the hand written tract books. Today we face more high tech changes in the industry, i.e. Electronic Filing and Electronic Signature. We must be in a position to meet the demands of the "Public and Private Sectors" who need access to the information contained in the recorded records.

"Public Sector" users are the citizens of the county who need information about their property.

"Private Sector" users includes banks, savings and loans, mortgage brokers, appraisers, attorneys, and abstract and title companies. The use of the records by these entities is for legal and

HOUSE LOCAL GOVERNMENT

03/12/02

Attachment 3

financial transactions that require the availability and integrity of the records.

Both the "Public and Private Sector" realize that the quality of the records along with the quality of the services and products that the "Private Sector" produce are dependent upon the information available in the recorders office and either in handwritten hard copy or computer records.

The volume of recordings continue to increase and the systems of yesterday are not capable of handling the reams of information. Documents recorded in Johnson County for the years 1995, and 2001 are shown below for comparisons.

1995	2001
103,134	148,500

From 1995 to 2001 the yearly volume increased by approximately 45,000 documents. There were 682,000 pages making up the 148,500 documents filed in 2001. This increase in volume and pages was on the same system that was placed into service in 1987 and was still used fourteen years later in 2001, with some modifications.

The PRESERVATION and the INTEGRITY of the county records is of the utmost importance. In the summer of 2001, the computer system in Johnson County was DOWN and OUT of commission for approximately four (4) weeks. During this time there were NO records available from the recorders office from December 1987 to the time the computer crashed. The only records available was the old tract index in the land books that were hand posted and that posting was discontinued in 1987. The hardware and software are outdated and unable to keep up with the demands placed on it by the volume of documents filed.

As the volume continues to increase so does the need for new hardware with larger capacity and software that can be upgraded. Funds needed to meet this demand for new equipment and software should be available with accountability.

We support this legislation because we have the need for today's technology to meet the demands of the electronic era we are now in. This legislation offers the opportunity to collect useable funds for technology in the recorders office from those who have real estate transactions that need to be recorded and preserved. Of most importance is the fact that the increase in recording fees collected on a real estate transaction will be minimal, and the county will support its needs at the local level.

The Uniform Electronic Transaction Act of 1999, and the Electronic Signatures in Global and National Commerce Act of 2000, brought electronic recordings and electronic signatures from the future to the present. No more paper to microfilm or scan; instead a data file from one computer to another. Major lenders on both the East and West coast are pushing the need and use of electronic filing. However, the time is here and the request for the availability of electronic filing are beginning to surface in Johnson County, and the county must be in a position to accommodate the need. This legislation will provide an avenue for Johnson County to collect

funds based on usage and the need for technology.

We support this legislation because it lends itself to efficient county government. A county records office that can help support its needs from user fees collected for the recording work it does. An efficient records office with funds supplied by need to operate with equipment and technology based on need.

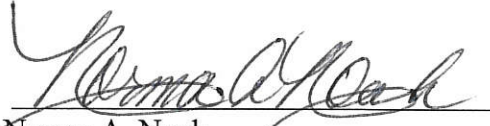
An efficient county records office that can, in a timely manner, record both hard copy and electronic filed documents and return the recorded documents without delay. Timely recordings allow the seller to receive the proceeds from the sell of their real estate so they can close the purchase of another home and move in immediately. Timely recording allow the borrower to have their loan funded for the purchase of a home or the monies from a refinanced loan or home equity loan presented to them without delay.

By being an efficient county records office the availability of recorded documents is timely and the preservation and integrity of the county records is without question.

Again, THANK YOU for your time today. We will be happy to try and answer any question you might have.



Douglas L. Simmons



Norma A. Noah

KANSAS REGISTER OF DEEDS ASSOCIATION

Marilyn L. Nichols
Shawnee County Register of Deeds
700 SE 7th Street, Room 108
Topeka, Kansas 66603-3932

TESTIMONY OF THE KANSAS REGISTER OF DEEDS ASSOCIATION
TO THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE BILL 564

March 12, 2002

Madam Chairwoman and Members of the Committee:

I am here today on behalf of the Kansas Register of Deeds Association. We thank you for the opportunity to provide input during your decision making process.

Our understanding of the intent of this bill is to amend KSA 28-115, increasing fees collected by the register of deeds in order to establish a technology fund.

The Kansas Register of Deeds Association testified before the Senate Elections and Local Government Committee in support of this bill and respectfully requested the committee to consider certain amendments at that time. The committee did not adopt our Association's amendments to the bill and the bill has now had other amendments adopted as it is presented today for your consideration.

The Register of Deeds Association is not proposing a blanket opposition to an increase in fees. Actually to the contrary. We are, under the directive of our governing board, actively undertaking the issue of an increase in fees to be presented for the consideration of the Kansas Association of Counties Legislative Platform for the 2003 session. Just as in any other endeavor, there are counties who have a desperate need to have a source of revenue for funding technological enhancements and counties who are struggling to even be on their way to a computer system. The earmarking of any increase in fees for a particular fund is not the most effective way for all 105 counties' registrar's to better serve their taxpayers.

The Register of Deeds Association has consistently testified numerous times in the past and on various bills concerning our fees, for uniformity in all counties. The language in this bill would allow for an

increase in fees to be up to \$1.50 per page. If in fact several of the "urban counties" choose to adopt this increase we will effectively dismantle the uniformity in fees that we have stood by so valiantly.

Lastly, The Register of Deeds Association has appointed me to speak for all 105 counties across this great State of Kansas, and I am proud to do so. While not every county shares the same need, we all share the same goal, to preserve the records of the county to the best of our abilities whether through the latest in technological advances or through the diligent efforts of those who still keep handwritten records. In that respect you may have heard from various Registrar's, but this testimony represents us all. We hope that you will consider our request for continued uniformity and respect our wishes to present a more comprehensive bill in the 2003 session that will "fit" the needs of all Kansas counties, not just those that meet the urban qualifications; one that will be a better solution for the need for more revenue.

From: "KEARNY COUNTY REGISTER OF DEEDS" <keksrod@hotmail.com>
To: <adkins@senate.state.ks.us>, <allen@senate.state.ks.us>, <barnett@senate.state.ks.us>, <barone@senate.state.ks.us>, <brownlee@senate.state.ks.us>, <brungardt@senate.state.ks.us>, <clark@senate.state.ks.us>, <corbin@senate.state.ks.us>, <donovan@senate.state.ks.us>, <downey@senate.state.ks.us>, <emler@senate.state.ks.us>, <fleciano@senate.state.ks.us>, <gilstrap@senate.state.ks.us>, <gooch@senate.state.ks.us>, <goodwin@senate.state.ks.us>, <haley@senate.state.ks.us>, <harrington@senate.state.ks.us>, <hensley@senate.state.ks.us>, <huelskamp@senate.state.ks.us>, <jackson@senate.state.ks.us>, <jenkins@senate.state.ks.us>, <jordan@senate.state.ks.us>, <kerr@senate.state.ks.us>, <lee@senate.state.ks.us>, <lyon@senate.state.ks.us>, <morris@senate.state.ks.us>, <oconnor@senate.state.ks.us>, <oleen@senate.state.ks.us>, <praeger@senate.state.ks.us>, <pugh@senate.state.ks.us>, <salmans@senate.state.ks.us>, <schmidt@senate.state.ks.us>, <schodorf@senate.state.ks.us>, <steineger@senate.state.ks.us>, <taddiken@senate.state.ks.us>, <teichman@senate.state.ks.us>, <tyson@senate.state.ks.us>, <umbarger@senate.state.ks.us>, <vratil@senate.state.ks.us>, <wagle@senate.state.ks.us>
Date: Tue, Feb 26, 2002 9:39 AM
Subject: SB 564

Senators,

Yesterday I sent a blanket e-mail to each of you in opposition to SB 564. After sending that message, I learned that the bill is supposed to be amended once again to make it Johnson County specific. The Register of Deeds Association asked Becky to make this bill Johnson County specific from the beginning. She chose not to do this, and is only doing it now because she is afraid that it will not pass as it is written now.

The Association has chosen to remain silent now that it is Johnson County specific. I, however, as a single Register that sees the need for uniformity across the state still do not support this bill.

SB 564, in my opinion, was not very well thought out to begin with and the last minute amendments that have been added only weaken the bill more. It is for this reason that I feel that it is in the best interest of all industries involved (Abstractors, Bankers & Registers) that SB 564 not pass at this time.

The Register of Deeds Association has plans to work with the above named industries to come up with legislation that works for everyone across the state. Once this is accomplished, we will then come to you with a well thought out bill that allows for all to win.

In conclusion, I would like to thank each of you for the work you do for the people of Kansas and ask that you not allow bad legislation to pass. Please vote NO on SB 564.

Sincerely

Missie Gerritzen
Kearny County
Register of Deeds

Office of the City Manager

City Hall - 120 North Sixth Street
Independence, Kansas 67301

March 12, 2002

Honorable Representative Gerry Ray
Chair
House Local Government Committee
State House
Topeka, KS

Dear Representative Ray:

Senate Bill 550 was requested by the Independence City Commission and the City's Library Board to allow all citizens to have the opportunity to vote for creation of a new library district. This will allow local tax dollars paid to support library services by residents in the unincorporated areas to be retained by the library that they utilize.

This issue has come to the forefront at this time since the need to operate the library as determined by the Library Board exceeds the tax authority of the City as provided for by charter ordinance. Although our costs have increased below inflationary levels our tax base has not experienced growth in the last three budget years to support the additional financial needs. The table below gives you an indication of our increase in assessed valuation of the last three budget years.

1999 --	\$42,000,818
2000 --	\$42,023,773 -- 0.50% increase in assessed valuation from 1999
2001 --	\$42,223,819 or a 0.48% increase in assessed valuation from 2000

With this lack of growth in our ad valorem tax base, which is the primary source of revenue to support library services, the amount of income to the library has remained flat. The table below indicates the amount of tax dollars provided to the library in the last two actual budget years:

2000 --	\$191,263
2001 --	\$189,892

Based on a survey prepared by City staff it is our belief that we are under funding our library. When comparing our per capita tax effort with other similar size cities we are under funding the library by \$4.21 per capita or approximately \$41,450 per year.

Provisions of Senate Bill 550

The bill as proposed will provide for the creation of a new library district if approved by a majority of all voters. The new district will be the same boundaries as is our school district and Recreation Commission which appears to be a logical service area for the library.

The governing body of the new library will be a 7 member board, four of whom shall be appointed by the Independence City Commission and must reside within the City limits, two persons will be appointed by the School Board and must reside in the unincorporated area and one member will be appointed who will be a resident of the City of Elk City. The district as proposed does not overlap or include any other libraries or library service areas.

The mill rate provided under this bill will be 1.2 mills which will be paid by all residents who reside in the district, regardless of whether they reside inside or outside the City. This mill rate is slightly less than the mill rate currently paid by outside residents to the SEK Regional Library which as you know does not provide direct library services, but is a support agency for participating libraries.

If the voters approve the creation of this new library district then the taxes currently paid to the Southeast Kansas Regional Library by outside residents will be eliminated.

City residents in addition to paying the 1.2 mills to the library district will be required to fund the remaining library expenditure needs from City ad valorem taxes. This is in addition to the 1.2 mills the district will assess. We believe this is an equitable arrangement since approximately 75% of the estimated users do reside within the City limits. It is not believed that based on the needs as identified by the library that the City's present tax effort will be reduced by adoption of this bill.

It is estimated that the additional net revenue provided to the library for its operations will be approximately \$30,000 per year.

The bill further provides that in each year the library district may request a $\frac{1}{4}$ of a mill increase, subject to the approval of the School Board who are voted on by all citizens in the district. Their decision is subject to protest by voters of the district.

Support for the Bill

This bill has the support of all locally elected boards that encompass the proposed library district. The School Board voted to endorse a bill to allow the voters in the school district to have an opportunity to vote on this concept. The Independence City Commission formerly requested and approved the bill which is before you. The City Library Board, a non-elected board, has also endorsed the bill.

Approval of the Bill is a Win/Win

This bill, if enacted is a win/win for all:

1. It allows the local citizens to have the opportunity to vote on how they wish to receive and support library services.
2. It allows local citizens to determine at what level they would like to see library services.
3. It will allow local tax dollars to stay at home to support local services.
4. It improves equity in financing library services.
5. It allows the opportunity for marginal increases in revenues each year, but requires approval of an elected board whose action is subject to legal protest. This does not exist under current statute for the taxes paid by outside residents for library purposes.

We would like to thank you for the opportunity to come before you today to discuss our concerns and ask you to support Senate Bill 550. This bill, if enacted, will allow our local citizens to vote on what level of library services they wish to have and how they wish to financially support them.

Sincerely,



Paul A. Sasse
City Manager

SB 550 Testimony

March 12, 2002

Witness: Dale Bunn, City Commissioner, Independence, KS
Representing Independence City Commission

The Independence City Commission appoints the members of the Independence Library Board and reviews its budget.

Inequity of financing of the Independence Library relative to the usage.

	Usage Demand	Patron Mix	Budget Support	Current Share	Rev. Share of Budget	Rev. Budget Support
City	78 %	74 %	\$ 218,500	96 %	85 %	\$ 218,500
Outside City	22 %	26 %	\$ 9,500	4 %	15 %	\$ 38,000

SB 550 is expected to adjust the budget shares to **85% City** and **15% Outside City** without any greater tax burden for any residents (inside or outside the City of Independence).

The residents in USD 446 outside the City of Independence have been and will pay 1.2 mills, which provides \$38,000 in support. The structure by which the processing of the funds is managed would change, eliminating fallout of financial support. Instead of paying this generation of \$38,000 into a regional library and receiving only \$9,500 in returned distribution, under SB 550 the entire \$38,000 will be afforded to the Independence Library.

The Independence City Commission voted 3-0 in favor of the development of SB 550.

HOUSE LOCAL GOVERNMENT

03/12/02

Attachment 7

Madam Chair Gerry Ray and members of the Local Government Committee, during a meeting with our Honorable Representative Frank Miller on March 4th after he received my reply to his objections to SB550, he shared two requirements he still had for him to feel comfortable with the legislation.

1) He said there needed to be what he called a "Dual Majority" election to activate the legislation. He described this as having two separate elections. One election among those in the Independence School District area outside the city limits of Independence and another election among those inside the city. Both groups would have to individually pass approval.

The concern is that you can have an election in which only 11% (and possibly less) of the voters will make the decision for all of us. According to Representative Miller's analysis, "the city out numbers eligible rural voters 3 to 1". That is very close. In the last school board election there were 364 voters from outside the city limits, which equates to 22% of the total district voters. If 51% of them vote against the issue, that is half of the 22% of the population, or 11% (51% of 22%) of the total population. Another way to consider it is, 183 rural voters (being over half of the 364) can defeat the library bill, contrary to the will of the other 1510 who vote, and the 14,000 residents of the district.

Although we have a very progressive group of citizens living outside of the city, we have a concern that there may be an 11% group which has no interest in the educational needs of the area. That 11% group would prefer the demise of the institution over support of it, or may be so inclined to want to continue to take advantage of the situation, using the facility without sustaining it financially.

SB 550 will redirect the money that is now collected for a library and then sent off to the regional library system. It will apply it all to our Independence area library.

2) Representative Miller said his second requirement is that he wanted someone else other than the Independence School District Board to select the two members of the Library Board who will come from outside the city limits. Madame Chair and Committee Members, there is no assembly more reliable or appropriate to the coverage area of the library than the Independence School Board. They are an elected board that has shown their concern for the ideals of learning. The physical area is exactly the same. The groups our Honorable Representative recommends to choose the rural delegates are the Montgomery County Farm Bureau, the Montgomery

County Conservation District and the County Commissioners. They are fine people, but they are inappropriate. The Independence School Board is the best choice because they are elected from exactly the same district and chosen because they have priorities of the education and safety of students first and fiscal responsibility a close second. The Farm Bureau and Conservation District are not created for management of those education related intellectual and budget properties and only represent the farmers and ranchers, while there are many other residents in the rural area. The Farm Bureau and Conservation District can suggest nominees for the Library Trustee selection to the School Board, but they should not be the exclusive candidates.

Thank you Madam Chair and Committee Members for recognizing us and our representative testimony on behalf of those thoughtful folks who sent us here with their encouragement. We are sharing their desire to see the library improve its services by the application of these redirected funds, with the finest quality of representative trustee oversight and the change enacted by not a dual majority, but by a true majority of the citizens.

TESTIMONY

TO: HOUSE COMMITTEE ON LOCAL GOVERNMENT
FROM: PETE DANIELS, LIBRARY DIRECTOR, INDEPENDENCE PUBLIC LIBRARY
SUBJECT: ASKING COMMITTEE SUPPORT FOR SB 550
DATE: 3/12/02

We provide assistance to everyone who comes to our library asking for library service. We lend books, tapes, videos, DVD's, we provide Internet access, we hold children's programs, and we freely offer other library services without discrimination based on residency.

As Library Director I am acutely aware of the impact on our library of services to non-resident library users. Nearly 25% of our clients come from outside our city and I venture to guess that if asked they would claim the Independence Public Library is, "My library." For all practical purposes we are their library – geographically we are the logical choice for library service for the miles around because there are no other public libraries providing service to the area included in USD 446.

Shifting the destination of the 1.2 mill levy on USD 446 from the SEK Regional Library to the Independence Public Library will provide needed funds to aid in providing services to the client base already using the library.

Should our library be forced to begin charging non-residents for library services, we estimate the cost to be over \$50 per household per year, probably a prohibitive cost effectively barring non-residents from using our library.

It is likely as time goes by that the need for additional funds will require increasing the millage above the 1.2 mills authorized in the bill. We would hope not to include a cap in SB 550 so that our library may continue to grow to meet the increasing demands of our public. Just in the past few years we have seen our public libraries bear the impact brought on by the new technologies like videos, computers, and DVD's. Who could have foreseen the financial burdens the public's demand for these new services has required? We need the ability to grow our budget without coming back to the Legislature for what is a local matter.

Finally, we ask that you allow the voters within USD 446 to decide this issue at the polls.

COMMITTEE TESTIMONY

March 12, 2002

KANSAS SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT

From: R.J. Osborn

RE: SB 550

I am testifying in favor of SB 550.

In years past the area now making up UD446 was comprised of a number of rural communities. Social and cultural activities took place within these small communities. Travel to Independence usually was limited to a weekly trip on Saturday to sell produce and buy the weekly supplies. Transportation facilities and life styles have changed drastically since that time. Routinely, rural residents run to town for morning coffee at an Independence café, attend social events throughout the week or stop by the library to check out a book or use the high speed internet connection.

In practice, UD 446 has become essentially a single community. It is appropriate that governance recognize these changes in life style. The rural residents share the library services on an equal basis with the city residents. It seems only fair and appropriate that they share in the governance of the library and that their tax dollars go to the library they patronize; rather than to the region at large.

WRITTEN TESTIMONY

11 March 2002

To: Kansas House Committee on Local Government

From: Charles E. Rice, Owner: Rice Sign & Locksmith Shop, Sycamore, Kansas

Re: SB 550

As business owner, church pastor, and resident of rural Montgomery County, I urge your support of Senate Bill 550.

While not official residents of Independence, my family and I consider the Independence Public Library to be "our" library. When our children were little, we used the library at least weekly and did not financially contribute to the support of the facility. I know that there are many more rural residents of the USD 446 school district, using the library on an ongoing basis, who are like minded in support of SB 550.

Your support of this bill will enable us to level the playing field by spreading the tax load out among those who use the library and will enable the Independence Public Library to provide the kind of services that a growing community needs and expects.

The City of Independence voted funding to expand the library. SB 550 will help us provide the funding to operate the library and keep it current. Long gone are the days when a Kansas "library" was the equivalent of an outhouse and a Sears and Roebuck catalog. We really need and must have the funding that SB 550 will provide.

From: Imogene Hearn <rayimohearn@juno.com>
To: <aday@house.state.ks.us>, <dahl@house.state.ks.us>, <hermes@house.state.ks.us>, <miller@house.state.ks.us>, <barnes@house.state.ks.us>, <showalter@house.state.ks.us>, <ray@house.state.ks.us>
Date: Sat, Mar 9, 2002 12:48 PM
Subject: RE:SB550

RE:SB550

Dear Sirs:

I am writing in regards to the library in Independence, Kansas, and the taxing of those outside the city limits.

I live outside the city limits, and because I use the library, I think it is fair that we share in the cost of operating the library. At the museum luncheon yesterday, I talked to several about the library issue SB550, and they agreed it should cover the school district since a good portion of the library users live outside the city limits.

Thank you

Imogene Hearn
403 Morningside Drive
Independence, Kansas 67301
Phone (620) 331 7122
e-mail - rayimohearn@juno.com

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From: Carol Fairbank <cfairban@hit.net>
To: <ray@house.state.ks.us>
Date: Thu, Mar 7, 2002 10:28 PM
Subject: SB550

Dear Reb. Ray,

As members of the Independence community we are concerned about the future of the Public Library. Without expanding our taxing base to the USD 446 boundaries, we will never be able to catch up with other libraries our size or expand our services to meet the demands of today's

public. We feel that it is only right that those who use the library also support it with their tax money, as the citizens within the bounds of the city limits have for over one hundred years.

Since we have quite a large number of people who live outside of the city limits who work in Independence, they naturally use the Independence Public Library. These are the same people whose children attend the Independence schools and whose children and grandchildren are

involved in the programs of the recreation commission. It is only logical that the Library taxing boundaries match those of the school and

Recreation Commission.

We hope that you will keep these thoughts in mind when it comes time to vote on the measure.

Sincerely,
Mr. & Mrs. Paul D. Fairbank
1400 N. 9th Street
Independence, KS 67301

From: "sandra and john craig" <budnsan@terraworld.net>
To: <miller@house.state.ks.us>
Date: Fri, Mar 8, 2002 11:52 AM
Subject: SB 550

Dear Representatives Miller, Ray, & Showalter:

Just a brief note to ask for your affirmative vote on the above bill on Tuesday. I have lived outside the city limits of Independence for 28 years at the address of 2784 S. 10th St. And I can understand that our public library needs a stronger base of funding, under the regional levy via the USD #446.

I have been a consistent user of the Independence Library and can appreciate the kinds of expenses they incur. The library has been an important part of my life!!

Thank you for your consideration.

Sandra Craig
2784 S. 10th St.
Independence, KS 67301

CC: <ray@house.state.ks.us>

Sec. 1. K.S.A. 25-432 is hereby amended to read as follows:
25-432. An election shall not be conducted under this act unless:

(a) Conducted on a date, mutually agreed upon by the governing body of the political or taxing subdivision and the county election officer, not later than 120 days following the date the request is submitted by the political or taxing subdivision; and

(b) the secretary of state approves a written plan for conduct of the election, which shall include a written timetable for the conduct of the election, submitted by the county election officer; and

(c) the election is nonpartisan; and

(d) the election is not one at which any candidate is elected, retained or recalled; and

(e) the election is not held on the same date as another election in which the qualified electors of that subdivision of government are eligible to cast ballots; and

(f) the election is a question submitted election at which all of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote:

(1) Counties;

(2) cities;

(3) school districts, except in an election held pursuant to K.S.A. 72-7302 et seq., and amendments thereto;

(4) townships;

(5) benefit districts as organized under K.S.A. 31-301, and amendments thereto;

(6) cemetery districts as organized under K.S.A. 15-1013 or 17-1330, and amendments thereto;

(7) combined sewer districts as organized under K.S.A. 19-27,169, and amendments thereto;

(8) community college districts as organized under K.S.A. 71-1101 et seq., and amendments thereto;

(9) fire districts as organized under K.S.A. 19-3601 or 80-1512, and amendments thereto;

(10) hospital districts;

(11) improvement districts as organized under K.S.A. 19-2753, and amendments thereto;

(12) Johnson county park and recreation district as organized under K.S.A. 19-2859, and amendments thereto;

(13) sewage disposal districts as organized under K.S.A. 19-27,140, and amendments thereto; ~~or~~

(14) water districts as organized under K.S.A. 19-3501 et seq., and amendments thereto; ~~or~~

(15) transportation development districts created pursuant to section 1 et seq., and amendments thereto.