

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Barbara P. Allen at 11:00 a.m. on April 4, 2002 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Ken Wilke, Revisor of Statutes
Mike Heim, Legislative Research
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee: Representative Ray Merrick
Dawn Grosdidier, Blue Valley Recreation Commission
Lori McCammon, Blue Valley Citizens Grass Roots Group
Bob Vancrum, representing Blue Valley
Laura Kelly, Kansas Recreation Park Association
Judy Moler, Kansas Association of Counties
Senator Derek Schmidt
William Kassebaum, Morris County Attorney

Others attending: See attached list

Hearing on:
HB 2878 - Blue Valley recreation system

Dawn Grosdidier, Blue Valley Recreation Commission, presented testimony in support of **HB 2878** (Attachment 1).

Chairperson Allen recognized Lori McCammon, Blue Valley Citizens Grass Roots Group, to the committee. Lori spoke in support of **HB 2878** (Attachment 2).

Bob Vancrum representing Blue Valley testified in support of **HB 2878** (Attachment 3).

Laura Kelly, Kansas Park Recreation System, spoke in support of **HB 2878** (Attachment 4).

Representative Ray Merrick wishing to testify on **HB 2878** was being delayed as the House was still in session. Chairperson Allen held the hearing on **HB 2878** open until Representative Merrick could testify before the Committee.

Chairperson Allen opened the public hearing on **SB 655** - County roads; procedure for opening previously unopened roads.

Chairperson Allen recognized Senator Derek Schmidt regarding **SB 655**. Senator Schmidt testified in support of **SB 655**; stating this issue was brought to his attention by District Attorney, Morris County, relating to the procedure for dealing with roads that had been platted, but had never actually been built.

Chairperson Allen brought the Committee's attention back to the hearing on **HB 2878**, to hear Representative Ray Merrick testify in support of **HB 2878** (Attachment 5).

There being no opponents or other proponents to testify on **HB 2878**, the hearing was closed.

The Committee's attention was now drawn to **SB 655** - County roads; procedure for opening previously unopened roads

Judy Moler, Kansas Association of Counties, presented written testimony from William Kassebaum, Morris County Attorney (Attachment 6).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT on April 4, 2002 in Room 245-n of the Capitol.

There being no others to testify on SB 655, the hearing was closed.

Action on SB 655 and HB 2878.

Senator Clark made a motion to move a conceptual amendment insuring **SB 655** not change any existing law pertaining to boundary disputes. Senator Schmidt seconded the motion. The motion carried.

Senator Schmidt moved to pass **SB 655** favorable as amended. The motion seconded by Senator Clark carried.

Senator Clark made a motion to insert **HB 2787** into **HB 2878** as amended. The motion was seconded by Senator Brownlee and carried. Senator Brownlee moved to pass **HB 2878** favorably as amended. Seconded by Senator Clark, the motion carried.

Adjournment

The meeting was adjourned at 12:30 p.m.

There were no further meetings scheduled for the Committee

BLUE VALLEY **RECREATION**

6545 West 151st Street, Overland Park, KS 66223 Ph: 913/685-6000 Fax: 913/685-6060

April 4, 2002

Members of the Elections and Local Government Committee:

RE: House Bill 2878

On behalf of the Blue Valley Recreation Commission and its commissioners, I would like to express our support of House Bill 2878 as proposed by Representative Ray Merrick.

For those of you who are not familiar with the Blue Valley Recreation Commission, voters in the Blue Valley School District formed the commission in August of 1986 to provide local recreation programs. Throughout the year, the commission offers hundreds of youth and adult programs and special events for all ages at a variety of local facilities. The vision of BVRC is to enrich the mental, physical and emotional well being of Blue Valley residents.

House Bill 2878 addresses many changes that in the past have held the Blue Valley Recreation Commission to standards different than that of our peers. We support equality of all recreation commissions across the state and the additional clarifications that Representative Merrick's proposed legislation addresses. Thank you very much for your time, attention and consideration of House Bill 2878.

Respectfully,

**Dawn Grosdidier
Interim Director and Superintendent of Finance
Blue Valley Recreation Commission**

*Senate Elec + Loc Gov
04-04-02*

Visit our web site at www.bluevalleyrec.org

Attachment 1

Testimony for the Senate Committee on Elections and Local Government
Thursday, April 4, 2002

The Honorable Chairperson Barbara Allen and Members of the Committee on Elections and Local Government

My name is Laurie McCammon and I am a resident of Blue Valley. I am also a member of the Blue Valley Community Coalition. I am here today to support HB2878 as a restoration of accountability to the patrons of the Blue Valley Recreation Commission and Blue Valley Community. This effort started over a year ago in response to problems caused by the state recreation statutes being changed in 1994 and the accumulation of debt by the Blue Valley Recreation Commission without taxpayer input.

A little history might be helpful:

- In 1986 the voters of Blue Valley School District were asked if they would like their school district to provide, establish, maintain and conduct a supervised recreation system. The annual levy to pay for the system was not to exceed one mill. 2279 votes were cast. The vote was 1170 for and 1109 against. A margin of 61 votes created the recreation commission.
- State statutes provided recreation commissions in the state could lease not purchase real property and the maximum lease was 10 years. In 1990 the BVRC entered a lease-purchase for a recreation complex with a 20-year payout of principal and interest. The purchase price was \$3.95 million dollars.
- In 1994 special legislation ~~special legislation~~ removed the oversight provided through the ability to petition for dissolution and expanded the powers of the BVRC to purchase real property. This was to be done pursuant to a public vote as provided in KSA 12-1935. The BVRC meeting minutes at that time reflect knowledge of the provision and the Kansas Attorney General opined in January of 2001 that a public vote must be held to create any fund to purchase real property. This special privilege was for the BVRC only. No other recreation commission in the state could purchase real property.
- In 1995 the BVRC entered a second lease purchase agreement for the YMCA fields adjacent to the recreation complex for a price of \$2.6 million dollars. In May of 2000 after paying on the original 1990 lease purchase for 10 years and the 1995 lease purchase for five years the outstanding debt was still \$11,284,243.20 to the taxpayers. No vote was ever taken to approve funds for these purchases.
- There have been only two votes in the history of the BVRC. The original in 1986 created the BVRC and a second in 1995 asked if a one (1)-mill tax should be levied to create a fund for site acquisition and improvements for a community recreation building. Over 18,000 votes were cast. 13,117 voted against and 5,190 for the question. A 3:1 NO vote defeated the project.

Senate Elec & Loc Gov
04-04-02
Attachment 2

- **In 1996 the community petitioned to reduce the mill levy.** State statute requires reduction amount desired to be stated on the petition. The required number of signatures were gathered and certified.
- The BVRC reduced the mill levy in the meantime and the ballot question would have resulted in a negative mill levy. The school district and school board counsel requested an opinion on the language. The decision was returned to the school board and BOE counsel as the taxing authority to determine if the language was vague and misleading. The petition was denied and the question was not placed on the ballot.
- **In 1998 an activity center was purchased for approximately \$700,000.00 out of the BVRC general fund.** No election authorized the creation of the fund as required by state statute.
- **In 2000 the BVRC entered an interlocal agreement with the City of Overland Park to fund the demolition and construction of softball/baseball fields at Community Park.** The estimated cost of this project for the BVRC was \$500,000. The project includes fields, concession stands, bathrooms, parking lots and lighting for the fields. The BVRC and Overland Park entered into a joint use agreement to share the fields over a 15-year period. State statute limits the lease to 10 years. A patron questioned this agreement at the school board budget hearings quoting KSA 12-1935. The school board on advice of counsel requested an Attorney General opinion. No leases or purchases were to be approved until the AG opinion was received. The agreement was approved at the November 2000 school board meeting and the AG opinion received in January 2001.

HB 2878 is a bill of compromise. Our community has given on some costly issues to move the bill forward. What we desire is accountability and oversight consistent with every other recreation commission in the state. We have met with and discussed these issues with the parties involved and feel this compromise will move toward that goal by:

1. Elimination of special legislation for the BVRC will make interpretation of the statutes more uniform as desired by the Kansas Parks and Recreation Association. This bill eliminates the ability of the BVRC to purchase real property. Repair and maintenance on leased property is provided while construction is not.
2. The petition for dissolution provision is restored to the BVRC making the statutes uniform while providing accountability and oversight to the taxpayer and patron. This provision also allows the taxpayer/patron a voice in resolution of any outstanding debt in the event of dissolution while protecting the taxing authority from debt.
3. As requested by the Blue Valley Board of Education KSA 12-1935 is eliminated. The BVRC can no longer purchase real property or perform construction eliminating the large debt to the taxpayer.
4. The Blue Valley School Board loses the ability to modify the recreation commission budget but still retains oversight in their ability to approve or deny a mill levy increase.

This effort began in order to give the Blue Valley patron a voice in decisions we have to pay for. It seemed so simple a task. Let the community decide what they wanted from their recreation commission. What could be the opposition to that?

Much has been said about the BVRC serving it's patrons. Yet the patron's seem to have been the silent partner. That silence was forced on we the taxpayers in 1994. The Blue Valley School Board appoints the commissioners, the school board approves the leases, purchases and authorizes the debt. But when it is time to pay the bill it is passed on to the taxpayers.

Our government is built on a system of checks and balances. In 1994 that system was eliminated for the Blue Valley taxpayers. The BVRC has indebted the taxpayers for millions of dollars with 20 year questionable lease purchases. In 1995 the BVRC purchased real property just months after their patrons said no by a 3:1 margin. In 1998 the BVRC purchased real property out of the general fund ignoring the state statute requiring a public vote to approve the funds for the purchase. In 1994 the Blue Valley patron was disenfranchised. You can restore our voice through the vote by passing HB 2878 as amended by the House Committee on Taxation.

I respectfully request your support for HB 2878 as amended.

TESTIMONY OF BOB VANCURUM TO
 SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE
 APRIL 4, 2002

TO: HONORABLE CHAIRMAN ALLEN AND HONORABLE SENATORS
 FROM: BOB VANCURUM, GOVERNMENT AFFAIRS SPECIALIST FOR BLUE VALLEY USD # 229
 SUBJECT: TESTIMONY IN FAVOR OF HB2878
 DATE: APRIL 4, 2002

I am happy to testify in front of this Committee concerning the issue of the Blue Valley Recreation Commission. After the last Session, the Superintendent and other members got together with Representative Merrick and Senator Brownlee and worked on compromise measures we could support concerning the future status of the now nearly independent Recreation Commission. What you have before you as HB2878 presents the best work of Representative Merrick, Kansas Recreation and Park Association, Superintendent Benson, the Blue Valley Board, attorneys for Blue Valley and the Recreation Commission, and myself, in trying to reorganize the existing Blue Valley Recreation Commission so that it is treated as closely as possible to the same way every other recreation in the state is treated.

I say as closely as possible because our recreation commission under the law that is being repealed, has been able to acquire real estate and incur indebtedness and there must be some provision for what happens to the real estate and some provision allowing the school board to assume and repay the debt using the mill levy that was already adopted by the Recreation Commission in the event the citizens exercise their right to abolish and phase out the Recreation Commission. Although I do not represent the Recreation Commission, my understanding is that they are willing to accept this legislative solution. You are faced with a happy situation where four parties who were opponents last year, have all agreed upon a solution and are asking you to favorably recommend and pass HB2878 as soon as possible so we can get it to the Governor this year.

As always, I would be happy to answer any questions.

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Senate Elec & Loc Gov
 04-04-02
 Attachment 3

KRPA

KANSAS RECREATION AND PARK ASSOCIATION

Senate Elections and Local Government
April 4, 2002

Testimony on HB 2878
Laura Kelly, Executive Director
Kansas Recreation and Park Association

Chair and members of the committee:

Thank you for the opportunity to appear before you today regarding HB 2878. I am Laura Kelly, Executive Director of the Kansas Recreation and Park Association (KRPA).

KRPA represents over 900 professionals and citizen advocates in over 220 agencies, including 160 recreation commissions.

The Kansas Recreation and Park Association **supports passage of HB 2878** particularly as it relates to Recreation Commissions in Sections 1-3. This bill:

- brings uniformity back to the statutes by eliminating special provisions for the governance and powers of the Blue Valley Recreation Commission,
- clarifies language regarding the powers of recreation commissions in Section 3 (l) and
- preserves the voters right to know specifically what they are voting for should they be asked to consider dissolution of a recreation commission (Section 2 (d) (1)).

I would be glad to stand for any questions. Thank you.

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Senate Elec & Loc Gov
04-04-02
Attachment 4

RAY MERRICK
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TOPEKA
HOUSE OF
REPRESENTATIVES

To: Honorable Barbara Allen and Honorable Senators

From: Representative Ray Merrick

Subject: Testimony In Favor of HB 2878

House Bill 2878 is a compromise bill from two bills introduced and passed through the house last year. Senate Bill #35 is currently in the taxation conference committee.

After last session I got together with the parties involved in this issue with the purpose of working out a compromise.

This was accomplished and House Bill 2878 is the result of the compromise.

The Superintendent of schools, President of the Board of Education, President of the Blue Valley Recreation Commission support this legislation.

It was recommended last year that we take the Blue Valley recreation commission back to the pre-1994 position. This would make them the same as every other recreation commission in the state. House Bill 2878 accomplishes this as close as possible. This was a request made by Senate President Kerr and others.

Under the changes made for Blue Valley in 1994 the recreation commission was allowed to purchase property and accumulate debt. This bill has a provision to protect the school district from acquiring this debt in the event the recreation commission is dissolved. This protection is that in the mill levy will continue till the debt is paid off. At that time the property will revert to the school district. The property must still be used for recreational purposes.

I would ask that you pass this legislation free of amendments as soon as possible so we can get it to the Governor this year.

I will stand for questions.

Senate Elec + Loc Gov
04-04-02
Attachment 5

STATE OF KANSAS
OFFICE OF THE MORRIS COUNTY ATTORNEY

March 22, 2002

Senator Derek Schmidt
State Capitol, Room 143-N
Topeka, KS 66612

Re: Proposed amendments to K.S.A. 68-115

Dear Senator Schmidt:

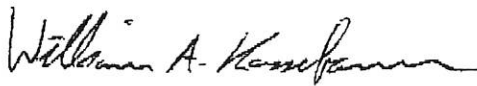
I am providing the following as written testimony in support of the proposed amendment to K.S.A. 68-115.

Morris County has hundreds of platted and dedicated roadways on the books dating back to the 1880's. These roads have never been improved or opened for travel. In the last several years the County has received several demands under K.S.A. 68-115 to open some of these long forgotten platted roadways.

Presently, under 68-115, a County road unit County, such as Morris County, has a duty to open the road and pay for all the costs. But a Township road unit County, under 68-115(b), in a similar situation, could require the person requesting the road to be opened to pay the costs.

I do not see why a County road unit system should be treated differently than a Township road unit system in regards to the costs of building roads that have not been used for 20 years or greater. If the Townships have the ability to require the requesting party to pay for the road cost then a County should have that same luxury. In the interest of keeping the road and bridge laws of the State of Kansas uniform for counties across the State, this amendment should be supported.

Respectfully submitted,



William A. Kassebaum
Assistant County Attorney

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Senate Elec & Log Gov
04-04-02
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