

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 P.M. on February 2, 2006 in Room 519-S of the Capitol.

All members were present except:

- Representative Steve Huebert- excused
- Representative Virginia Beamer- excused
- Representative Oletha Faust-Goudeau- excused

Committee staff present:

- Mike Heim, Legislative Research Department
- Martha Dorsey, Legislative Research Department
- Theresa Kiernan, Revisor of Statutes Office
- Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

- Rep. Lee Tapanelli
- Randy Watson - McLouth Recreation Commission

Others attending:

See attached list.

Bill Introductions

Rep. Cook requested a committee bill relating to landlords and the removal of tenant(s) possessions.

Without objection, the request will be accepted as a committee bill.

Chairman Vickrey opened the hearing on:

HB 2641 Recreation commissions; authority to purchase real property

Rep. Lee Tapanelli testified in support of the bill. He provided no written testimony.

Randy Watson, McLouth Recreation Commission, testified in support of the bill (Attachment 1). He explained that the bill would give authority to Recreation Commissions to purchase real estate for recreational purposes, construct facilities to enhance recreational activities and to pay for these facilities by entering into a lease agreement.

Written testimony in support of the bill was submitted by Jean Rush, Superintendent, McLouth Unified Schools (Attachment 2). She explained that due to the current school finance situation, the District is unable to assist with a construction project for the McLouth Recreation Commission. She said all of the funds available for the district are needed for school educational and operational costs.

Written testimony in support of the bill was submitted by Jim Schonherr, Mayor, City of McLouth (Attachment 3). He explained that the City of McLouth is not able to financially build a new recreation/community/senior citizen's building due to current indebtedness, i.e., new water tower, upgrading and adding to the sewer system, and street improvements.

Larry Baer, League of Kansas Municipalities, testified in opposition to the bill (Attachment 4). He testified that a Recreation Commission is an appointed, nonelected body that answers only to the appointing governing body. He explained that a Recreation Commission is neither a stand alone taxing subdivision nor a legal entity but rather, a committee established and appointed by local elected officials for the specific purpose of operating the recreation system and all programs and services as delegated to it by the governing body.

Chairman Vickrey closed the hearing on **HB 2641**.

Approval of Minutes

CONTINUATION SHEET

MINUTES OF THE House Governmental Organization and Elections Committee at 3:30 P.M. on February 2, 2006 in Room 519-S of the Capitol.

Rep. Goico made a motion to approve the minutes of the January 31, 2006 meeting. Rep. Stephanie Sharp seconded the motion. Motion Carried.

Chairman Vickrey adjourned the meeting.

The next meeting is scheduled for Tuesday, February 7, 2006.

Testimony in support of HB 2641
February 2, 2006
Randy Watson
McLouth Recreation Commission

McLouth is in Jefferson County and has a population of 1050. The town and surrounding rural population have increased in recent years. The school has moved from class 2A to 3A. Two of the churches have built larger structures in the last four years. A new daycare center has also been built. McLouth is known for the annual Threshing Bee, the Patriots Day Parade, and the BBQ Blowout contest. There is an active Kiwanis Club, Boy Scouts, Girl Scouts and 4-H organization. The school has a reputation for excellence in academics and athletics. It is a good community to raise a family.

The community is in need of a larger facility to host the senior citizens group (60 members) and the Crackerjack 4 H club (75 members plus adults attend meetings). There are also fitness classes, special need groups, Parents as Teachers and several other groups using the current building. Family reunions also take place here. With space for forty people, many families have looked for a larger meeting place in other cities or states. An additional use would include the youth sports leagues. The young children are forced to play and practice in the school in the late evenings because the school gymnasiums are fully scheduled until around nine P.M. each weeknight.

A private individual donated the current community center. The meeting room is about twenty feet by forty feet with a small kitchen and restrooms. The other half of the building houses the public library, which needs additional room to expand.

The following McLouth organizations have recognized the need for a larger recreational, senior citizen and wellness facility. Each are willing to work together for the common goal of building a new center:

- The McLouth Recreation Commission.
- The McLouth City Council.
- McLouth USD #342
- The Bank of McLouth
- The Kiwanis Club of McLouth.
- McLouth Youth Ball Association.
- McLouth Senior Citizens Club
- The McLouth Public Library

After several years of trying unsuccessfully to obtain grants and donations, we began researching the state statues governing recreation commissions. We met with our state representative and discussed the possibility of having the state statutes revised to allow recreation commissions in Kansas to purchase real property and construct buildings. Recently, only the Blue Valley Recreation Commission had this authority in Kansas. The McLouth Recreation Commission is asking that legislation be passed allowing this community board organized under Kansas law, be given the authority to purchase real estate for recreational purposes, construct facilities to enhance recreational activities and to pay for these facilities by entering into a lease agreement.

House Gov. Org. & Elections
Date: 2-2-2006
Attachment # 1

McLouth Unified Schools

District No. 342
217 Summit Street
McLouth, Kansas 66054

Jean J. Rush
Superintendent

Phone 913-796-2201

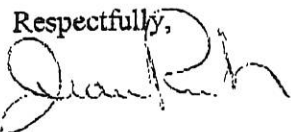
January 31, 2006

Kansas State Capitol
House of Representatives
Governmental Organization/Elections Committee
Chairperson Representative Jene Vickrey
300 SW 10th Street
Topeka, KS 66612

Chairperson Representative Jene Vickrey:

This letter is in support of House Bill 2641 which gives authority to the McLouth Recreation Commission to purchase real property. The community is in dire need of a new facility to meet the expanding programs for our citizenry. The current commission has a very involved board of directors, and they have provided diversified opportunities which can no longer be met in the existing building. The board is prepared to act on a site and building design as soon as authority is granted.

Due to the current school finance situation, the district is unable to assist with a construction project for the McLouth Recreation Commission. All of the funds available to the district are needed for school educational and operational costs. Therefore, I strongly support the approval of House Bill 2641.

Respectfully,


Jean Rush
Superintendent

*USD #342 Mission Statement
Together, we learn in a community that promotes
academic excellence, respect, life-long learning, and responsible citizenship.*

House Gov. Org. & Elections
Date: 2-2-2006
Attachment # 2

City of McLouth

110 N. Union
McLouth, KS 66054
913-796-6411
Fax: 913-796-6131

January 27, 2006

Kansas State Capitol
House of Representatives
Governmental Organization/Elections Committee
Chairperson Representative Jene Vickrey
300 SW 10th Street
Topeka, KS 66612

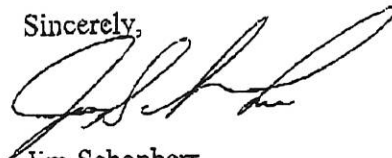
Chairperson Representative Jene Vickrey:

The City of McLouth, located in Jefferson County, population of 1050, is writing this letter in strong support of House Bill 2641 to give the authority to the McLouth Recreation Commission to purchase real property. There is a great need for a recreation/community/senior citizens building in McLouth. This new building could provide services for all ages; youth recreation, adult leagues, family reunions, anniversaries, wellness classes, senior citizens groups, Meals on Wheels, etc.

The City is not able to financially build such a structure due to current indebtedness i.e.; new water tower, upgrading and adding on to the sewer system and street improvements. The City of McLouth has applied twice for a Kansas Small Community Development Block Grant to help finance a new community building and was turned down. A professional grant writer wrote the grant proposals and she thought we had a good chance of acceptance, but failed. The City of McLouth has tried several ways to help build a new community building and has not been successful and does not foresee finances to do so in the future.

Therefore, the City of McLouth strongly supports House Bill 2641 and the McLouth Recreation Commission authority to purchase real property.

Sincerely,



Jim Schonherr
Mayor, McLouth, KS

House Gov. Org. & Elections
Date: 2-2-2006
Attachment # 3



League of Kansas Municipalities

300 SW 8th Avenue
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
Fax: (785) 354-4186

Date: February 2, 2006
To: House Committee on Governmental Organization and Elections
From: Larry R. Baer
Assistant General Counsel
Re: HB 2641 - Testimony in Opposition

Thank you for allowing me to appear before you today on behalf of the League of Kansas Municipalities and its member cities. The League appears in opposition to HB 2641.

HB 2641 would amend K.S.A. 2005 Supp. 12-1928 to expand the powers granted to a recreation commission to include the ability to enter into lease-purchase agreements, to purchase real estate and to construct buildings. On the surface this seems rather innocuous, particularly in light of the many other statutory powers that have been granted to recreation commissions. However, when looking at these new proposed powers one needs to consider the nature of the entity to which they are being granted.

A recreation commission is an appointed, non-elected body. It answers only to the appointing governing body. While it does have the power to receive, budget and expend public funds, it does not have the authority to levy taxes. Its budget is certified to the governing body for approval and inclusion in the governing body's ("taxing district's") budget. It has no bonding authority and it is without authority to enter into lease purchase agreements under the cash basis law.

Thus, a recreation commission is neither a stand alone taxing subdivision nor a legal entity. Rather, it is a committee established and appointed by local elected officials for the specific purpose of operating the recreation system and all programs and services as delegated to it by the governing body.

It is not sound public or fiscal policy to grant an appointed body the power to incur debt and bind the governing body of the taxing district to future payments. The governing body of the taxing district, as the taxing authority, is the appropriate body to determine whether or not additional debt and fiscal obligations should be incurred.

For these reasons, the League stands in opposition to HB 2641 and requests that bill be rejected.

Thank you. I will stand for questions, when appropriate.

House Gov. Org. & Elections
Date: 2-2-2006
Attachment # 4