

Approved: 3-29-06
Date

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 1, 2006 in Room 231-N of the Capitol.

All members were present except:

Senator Reitz - excused
Senator Vratil - excused

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Senator Kelly
Marc Galbraith, State Library
Joe McKenzie, Salina Public Library
Rosanne Siemens, Kansas Library Association
Whitney Damron, City of Topeka
John Dowell, Topeka City Attorney
Mayor Bill Bunten, Topeka
Neil Dobler, City of Topeka
Christy Caldwell, Greater Topeka Chamber of Commerce

Others attending:

See attached list.

Senator Kelly appeared before the committee to request a bill introduction concerning office-based surgeries and providing for the inspection of these offices and when special procedures are performed.

Senator Hensley made the motion the request should be introduced as a committee bill. Senator Wilson seconded the motion. The motion carried.

Whitney Damron appeared before the committee to request legislation that would repeal KSA 12-350-359, concerning the consolidation of Topeka and Shawnee County. (Attachment 1)

Senator Brownlee made the motion the request should be introduced as a committee bill. Senator O'Connor seconded the motion. The motion carried.

SB 549 – State library of Kansas board created; state library and advisory commission and Kansas library network board abolished.

Chairman Brungardt opened the hearing on **SB 549**.

Marc Galbraith, Deputy State Librarian, spoke on behalf of Christie Brandau, State Librarian, in support of the bill. (Attachment 2) The bill reduces the number of library policy boards from two to one and establishes that there is just one board charged with this function in state government, and represents more effective and efficient library board.

Joe McKenzie, Library Director, Salina Public Library, appeared in support of the bill. (Attachment 3) The new configuration of the Board has the blessing of librarians and helps reduce confusion of role, reduces bureaucracy and meetings, promotes cooperation and sharing, increases clarity and brings things together under the strong umbrella of the State Library of Kansas.

Rosanne Siemens, Executive Director, Kansas Library Association, spoke in support of the bill. (Attachment 4) The bill combines the two boards to establish one new and more effective board. This idea was well received by the library community of Kansas, also the 1,600 members of the Kansas Library Association support the bill.

Several questions were brought up on the size of the board, who makes up the board, grants and expenses associated with the new board and will be presented to the committee members prior to being worked next week.

Chairman Brungardt closed the hearing on **SB 549**.

SB 575 – Topeka/Shawnee county riverfront authority act.

Chairman Brungardt opened the hearing on **SB 575**.

Whitney Damron, representing the City of Topeka, appeared in support of the bill. (Attachment 5) Attached to the testimony is a suggested amendment on page 3, Sec. 8, line 2 that will clarify the Topeka/Shawnee County Riverfront Authority is authorized to seek and accept grants from any public subdivision or private interest.

John Dowell, Assistant City Attorney, spoke in favor of the bill. (Attachment 6) The bill creates a Riverfront to utilize the Kansas River to enhance the quality of life and spur economic development around downtown Topeka and be created by enabling legislation a “riverfront development authority”.

Mayor Bill Bunten, Topeka, appeared in support of the bill. (Attachment 7) The bill would create a Riverfront Authority whose authority would develop a plan for the area that would be submitted to the citizens of our city for either adoption or rejection.

Neil Dobler, Acting City Manager of Topeka, appeared as a proponent of the bill. (Attachment 8) The bill would provide the creation of a separate riverfront authority, with the ability to seek funding and develop a real plan over the next three years that would be placed in front of the voters of Topeka and Shawnee County for a decision on the future of the project.

Christy Caldwell, Greater Topeka Chamber of Commerce, spoke in favor of the bill. (Attachment 9) The Riverfront authority is charged with developing a master plan for river development that with approval of the citizenry can be the blueprint for Kansas River development in Topeka/Shawnee County.

The committee had some drafting questions for the revisor.

Chairman Brungardt closed the hearing on **SB 575**.

SCR 1623 – A concurrent resolution concerning funeral picketing.

Chairman Brungardt opened the hearing on **SCR 1623**.

Senator Brownlee spoke in favor of the concurrent resolution and that the people who did the funeral picketing did not represent the state of Kansas.

Senator Hensley moved that the word “Christian” be changed to religious. Senator Ostmeyer seconded the motion. The motion carried.

Senator Ostmeyer moved the SCR 1623 as amended be passed favorably. Senator Wilson seconded the motion. The motion carried.

Chairman Brungardt closed the hearing on **SCR 1623**.

The meeting was adjourned at 11:35 am. The next scheduled meeting is March 7, 2006.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE 3-1-06

NAME	REPRESENTING
Whitney Danna	City of Topeka,
Mme Carbrant	Sgt. Libery
Joe McKencie	KS. LIBRARY network Board
Rosanne Stevens	Kansas Library Assoc.
Charly Caldwell	Topeka Chamber of Comm
Anne Pleviak	Mayor's Office
John Donnell	City Atty's office
KEN DANIEL	KS SMALLBIZ.COM
Kiel Brunner	intern
Lindsey Douglas	Hein Law Firm
JEANNE Goodwin	City of Wichita
Mandy Miller	Sen. Schmidt
Neil Dobler	City of Topeka
DAVID OWEN	HOMELESS COME HOME

①

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REQUEST FOR BILL INTRODUCTION

TO: The Honorable Pete Brungardt
and members of the
Senate Committee on Federal and State Affairs

FROM: Whitney Damron
on behalf of the
City of Topeka

RE: Repealer of Topeka/Shawnee County Consolidation Statutes

DATE: March 1, 2006

Good morning Chairman Brungardt and Members of the Senate Committee on Federal and State Affairs. I am Whitney Damron and I appear before you today to request introduction of legislation that would repeal K.S.A. 12-350-359, concerning the consolidation of Topeka and Shawnee County.

The Committee members may recall HB 2083, which was adopted by the 2005 Legislature and led to the creation of a Topeka and Shawnee County Consolidation Commission. After a thoughtful and deliberate process, the voters of Shawnee County ultimately rejected efforts to consolidate city and county government when the issue failed to achieve the support of voters who reside outside of the city limits of Topeka.

While most of the provisions of HB 2083 are no longer applicable to the City of Topeka or Shawnee County, K.S.A. 12-354, which designates Shawnee County an urban area, does affect the City of Topeka. It is the interpretation of the Shawnee County Election Commissioner that this provision would require city council members to stand for partisan election. Clearly, we do not believe it was the intent of the Kansas Legislature that the City of Topeka city council elections would become partisan should the consolidation plan fail to win approval of the electorate.

And, while we could have offered legislation to simply amend or repeal K.S.A. 12-354, the City of Topeka would suggest a repeal of all statutes relating to the Topeka/Shawnee County consolidation legislation, as they are no longer needed in law. Furthermore, with the passage of SB 379 by the Senate earlier this year on a vote of 40-0, the need for municipal-specific consolidation legislation may no longer be needed should that bill ultimately pass this session.

On behalf of the City of Topeka, I wish to thank you for your consideration of this bill request and I am available for questions.

Attachments

Sen Fed & State Affairs
3-1-06
Attachment 1

AN ACT concerning the consolidation of Topeka and Shawnee County and repealing KSA 12-350 through 12-359.

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

Sec. 1. KSA 12-350 through 12-359, concerning the consolidation of Topeka and Shawnee County are hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas Register.

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Article 3.—CONSOLIDATION OF MUNICIPALITIES

12-302.

Attorney General's Opinions:

Procedure to dissolve city of third class. 2001-50.

12-340.

Attorney General's Opinions:

Without Johnson County Commissioner's approval of Oz Entertainment Company's redevelopment plan, Kansas Development Finance Authority cannot issue bonds. 2001-46.

12-347 to 12-349. Reserved.

12-350. Consolidation of Topeka and Shawnee county; definitions. As used in K.S.A. 2005 Supp. 12-351 through 12-357, and amendments thereto:

(a) "Commission" means the consolidation commission of Topeka, Kansas, and Shawnee county.

(b) "City" means Topeka, Kansas.

(c) "County" means Shawnee county.

History: L. 2005, ch. 166, § 1; Apr. 21.

12-351. Same; consolidation study commission, appointment; executive director. (a) Within 10 days of the effective date of this act, a consolidation commission shall be appointed. Each of the following officers shall appoint a member to the commission: The governor, the president and minority leader of the senate and the speaker and minority leader of the house of representatives. The person appointed by the governor shall serve as the chairperson of the commission. No more than three members of the commission shall be from the same political party. Members of the commission shall include, but not be limited to, persons with experience in account-

ing, business management, municipal finance, law, education, political science or public administration. No elected or appointive official of the cities of Auburn, Rossville, Silver Lake, Topeka or Willard or Shawnee county, nor any person appointed to fill a vacancy in an elected office of such cities or county, shall serve on the commission. No paid employee of the cities of Auburn, Rossville, Silver Lake, Topeka or Willard or Shawnee county shall serve on the commission. Members of the commission shall be residents of Shawnee county.

(b) Members of the commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223, and amendments thereto.

(c) The members of the consolidation commission shall appoint an executive director of the commission. The executive director shall receive compensation established by the commission. The executive director shall employ other staff and may contract with consultants, as the executive director deems necessary to carry out the functions of the commission. Staff employed by the executive director shall receive compensation established by the executive director.

(d) Within 30 days following the appointment of all members of the commission, the commission shall meet and organize by the election of a vice-chairperson and other officers deemed necessary. The commission may adopt rules governing the conduct of its meetings.

History: L. 2005, ch. 166, § 2; Apr. 21.

12-352. Same; commission, powers and duties; studies and investigations; consolidation plan; voter approval. (a) The commission shall prepare and adopt a plan addressing the consolidation of the city and county or certain city and county offices, functions, services and operations. The commission shall conduct such studies and investigations as it deems appropriate to complete its work. Such studies and investigations shall include, but not be limited to, studies of the costs and benefits of consolidating the city and county or certain city and county offices, functions, services and operations.

(b) The commission shall hold public hearings for the purpose of receiving information and materials which will aid in the drafting of the plan.

(c) Within 60 days following the appointment of all members of the commission, the commission shall prepare and adopt a preliminary plan

addressing the consolidation of the city and county or certain city and county offices, functions, services and operations it deems advisable. Copies of the preliminary plan shall be filed with the county election officer, city clerk, each public library within the county and any other place designated by the commission. Copies of such plan shall be available to members of the public for inspection upon request. The commission shall hold at least two public hearings to obtain citizen views concerning the preliminary plan. Notice of such hearings shall be published at least twice in a newspaper of general circulation within the county. Following the public hearings on the preliminary plan, the commission may adopt, or modify and adopt, the preliminary plan as the final plan.

(d) Within 30 days of the last public hearing held on the preliminary plan, the commission shall adopt its final plan. The final plan shall include the full text and an explanation of the proposed plan, and comments deemed desirable by the commission, a written opinion by an attorney admitted to practice law in the state of Kansas and retained by the executive director for such purpose that the proposed plan is not in conflict with the constitution or the laws of the state, and any minority reports. Copies of the final plan shall be filed with the county election officer, city clerk, each public library within the county and any other place designated by the commission. Copies of such plan shall be available to members of the public for inspection upon request. The commission shall continue in existence at least 90 days following the submission of the final plan pursuant to this subsection.

(e) The final plan shall be submitted to the qualified electors of the county at an election called and held thereon. Such election shall be called and held by the county election officer in the manner provided by the general bond law. Such election shall be conducted by mail ballot. A summary of the final plan shall be prepared by the commission and shall be published once each week for two consecutive weeks in a newspaper of general circulation within the county. If a majority of the qualified electors voting on the plan who reside within the corporate limits of the city and a majority of the qualified electors voting on the plan who reside outside of the corporate limits of the city vote in favor thereof, the consolidation plan shall be implemented in the manner provided by the plan. If a majority of the electors who

reside within the corporate limits of the city or a majority of the qualified electors who reside outside of the corporate limits of the city vote against such plan, the proposed consolidation plan shall not be implemented.

If the commission submits a final plan which does not recommend the consolidation of the city and county or certain city and county offices, functions, services and operations, the provisions of this subsection shall not apply.

History: L. 2005, ch. 166, § 3; Apr. 21.

12-353. Same; consolidation plan, required provisions. (a) Any plan submitted by the commission shall provide for the exercise of powers of local legislation and administration not inconsistent with the constitution or other laws of this state.

(b) If the commission submits a plan providing for the consolidation of certain city and county offices, functions, services and operations, the plan shall:

(1) Include a description of the form, structure, functions, powers and officers and the duties of such officers recommended in the plan.

(2) Provide for the method of amendment of the plan.

(3) Authorize the appointment of, or elimination of elected officials and offices.

(4) Specify the effective date of the consolidation.

(5) Include other provisions determined necessary by the commission.

(c) If the plan provides for the consolidation of the city and county, in addition to the requirements of subsection (b) the plan shall:

(1) Fix the boundaries of the governing body's election districts, provide a method for changing the boundaries from time-to-time, any at-large positions on the governing body, fix the number, term and initial compensation of the governing body of the consolidated city-county and the method of election.

(2) Determine whether elections of the governing body of the consolidated city-county shall be partisan or nonpartisan elections and the time at which such elections shall be held.

(3) Determine the distribution of legislative and administrative duties of the consolidated city-county officials, provide for consolidation or expansion of services as necessary, authorize the appointment of a consolidated city-county administrator or a city-county manager, if deemed

advisable, and prescribe the general structure of the consolidated city-county government.

(4) Provide for the official name of the consolidated city-county.

(5) Provide for the transfer or other disposition of property and other rights, claims and assets of the county and city.

History: L. 2005, ch. 166, § 4; Apr. 21.

12-354. Same; Shawnee county, designated as urban area. Shawnee county is hereby designated an urban area, as authorized under the provisions of section 17 of article 2 of the constitution of the state of Kansas, for the purpose of granting to such county and urban area powers of local government and consolidation of local government.

History: L. 2005, ch. 166, § 5; Apr. 21.

12-355. Same; consolidated city-county; powers, duties, limitations, bonded debt; sales tax; special service districts; changes in form of government. (a) If the voters approve a plan which provides for the consolidation of the city and county, such consolidated city-county shall be subject to the provisions of this section.

(b) The consolidated city-county shall be subject to the cash-basis and budget laws of the state of Kansas.

(c) Except as provided in subsection (e), and in any other statute which specifically exempts bonds from the statutory limitations on bonded indebtedness, the limitation on bonded indebtedness of a consolidated city-county under this act shall be 30% of the assessed value of all tangible taxable property within such county on the preceding August 25.

(d) The following shall not be included in computing the total bonded indebtedness of the consolidated city-county for the purposes of determining the limitations on bonded indebtedness:

(1) Bonds issued for the purpose of refunding outstanding debt, including outstanding bonds and matured coupons thereof, or judgments thereon.

(2) Bonds issued pursuant to the provisions of article 46 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto.

(3) Bonds issued for the purpose of financing the construction or remodeling of a courthouse, jail or law enforcement center facility, which bonds are payable from the proceeds of a retailers' sales tax.

(4) Bonds issued for the purpose of acquiring, enlarging, extending or improving any storm or sanitary sewer system.

(5) Bonds issued for the purpose of acquiring, enlarging, extending or improving any municipal utility.

(6) Bonds issued to pay the cost of improvements to intersections of streets and alleys or that portion of any street immediately in front of city or school district property.

(e) Any bonded indebtedness and interest thereon incurred by the city or county prior to consolidation shall remain an obligation of the property subject to taxation for the payment thereof prior to such consolidation.

(f) Upon the effective date of the consolidation of the city and county, any retailers' sales tax levied by the city or county in accordance with K.S.A. 12-187 et seq., and amendment thereto, prior to such date shall remain in full force and effect, except that part of the rate attributable to the former city shall not apply to retail sales in the cities of Auburn, Rossville, Silver Lake or Willard.

(g) Upon the effective date of the consolidation of the city and county, the territory of the consolidated city-county shall include:

(1) All of the territory of the county for purposes of exercising the powers, duties and functions of a county.

(2) All of the territory of the county, except the territory of the cities of Auburn, Rossville, Silver Lake or Willard and the unincorporated area of the county, for purposes of exercising the powers, duties and functions of a city.

(h) For the purposes of section 1 of article 5 of the constitution of the state of Kansas, the "voting area" for the governing body of the consolidated city-county shall include all the territory within Shawnee county.

(i) Except for the consolidated city-county and unless otherwise provided by law, other political subdivisions of the county shall not be affected by consolidation of the city and county. Such other political subdivisions shall continue in existence and operation.

(j) Unless otherwise provided by law, the consolidated city-county shall be eligible for the distribution of any funds from the state and federal government as if no consolidation had occurred. Except as provided in this subsection, the population and assessed valuation of the territory of the consolidated city-county shall be considered its population and assessed valuation for purposes of

the distribution of moneys from the state or federal government.

(k) The consolidated city-county shall be a county. The governing body of the consolidated city-county shall be considered county commissioners for the purposes of section 2 of article 4 of the constitution of the state of Kansas and shall have all the powers, functions and duties of a county and may exercise home rule powers in the manner and subject to the limitations provided by K.S.A. 19-101a, and amendments thereto, and other laws of this state.

The governing body of the consolidated city-county shall be responsible for any duties or functions imposed by the constitution of the state of Kansas and other laws of this state upon any county office abolished by the consolidation plan. Such duties may be delegated by the governing body or as provided in the consolidation plan.

(l) The consolidated city-county shall be a city of the first class. The governing body of the consolidated city-county shall have all the powers, functions and duties of a city of the first class and may exercise home rule powers in the manner and subject to the limitations provided by article 12 of section 5 of the constitution of the state of Kansas and other laws of this state.

(m) The governing body of the consolidated city-county may create special service districts within the city-county and may levy taxes for services provided in such districts.

(n) Changes in the form of government approved by the voters in accordance with the consolidation plan are hereby declared to be legislative matters and subject to initiative and referendum in accordance with K.S.A. 12-3013 et seq., and amendments thereto.

History: L. 2005, ch. 166, § 6; Apr. 21.

12-356. Same; annexation, limitation. (a) The governing body of a consolidated city-county may not annex any land located outside the county.

(b) The governing body of a consolidated city-county may not initiate annexation procedures of land located within the county, but may annex land upon petition of the owners of any such land.

History: L. 2005, ch. 166, § 7; Apr. 21.

12-357. Same; costs. All costs incurred or authorized by the consolidation commission and all other costs incurred by the city and county pursuant to this act shall be paid by the city and county.

History: L. 2005, ch. 166, § 8; Apr. 21.

12-358. Same; annexation, limitation. (a) Until a special election is held at which a final plan is submitted for approval to the electors or until a final plan which does not recommend consolidation of the city and county is adopted by a consolidation commission, the governing body of any city which is the subject of a study considering the consolidation of such city with the county in which such city is located may not initiate pursuant to K.S.A. 12-520, and amendments thereto, annexation procedures of land located within the county, but may annex land upon petition of the owners of any such land.

(b) As used in this section, "city" means any city located within Kansas.

(c) The provisions of this section shall expire on June 30, 2006.

History: L. 2005, ch. 166, § 9; Apr. 21.

12-359. Same; severability. If any provision of this act is held to be invalid or unconstitutional, it shall be presumed conclusively that the legislature would have enacted the remainder of this act without such invalid or unconstitutional provision.

History: L. 2005, ch. 166, § 10; Apr. 21.

Election Summary Report
Consolidation Mail Ballot 12-15-05
Summary For Jurisdiction Wide, All Races Final Official Results

12 05
11:36:49

Township Consolidation

Precincts Reporting	201/201	100.00%
Ballots Cast/Reg. Voters	21041/32498	64.75%
Total Votes	21041	
YES	8382	39.84%
NO	12659	60.16%

Topeka Consolidation

Precincts Reporting	201/201	100.00%
Ballots Cast/Reg. Voters	32342/70509	45.87%
Total Votes	32342	
YES	22793	70.47%
NO	9549	29.53%

1 RESOLUTION NO. 7756

2
3 A RESOLUTION introduced by City Manager Neil Dobler concerning state legislation
4 and the timing and type of elections in the City of Topeka.

5 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
6 TOPEKA, KANSAS, that the City Manager is hereby directed to have prepared and to
7 support legislation that would repeal K.S.A. 12-350 through 12-359 concerning the
8 consolidation of Topeka and Shawnee County in order to reflect the vote of the Shawnee
9 County electorate against consolidation and to allow the City of Topeka to conduct
10 elections in the manner established by City of Topeka Charter Ordinance No. 94, and
11 approved by the electorate of the City of Topeka.

12 ADOPTED and APPROVED by the City Council February 21, 2006.



CITY OF TOPEKA, KANSAS

William W. Bunten
William W. Bunten, Mayor

20 ATTEST:

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24 Iris E. Walker
25 Iris E. Walker, City Clerk

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APPROVED AS TO FORM AND LEGALITY	
DATE <u>2/21/06</u>	BY <u>[Signature]</u>

March 1, 2006

To: Senate Federal and State Affairs Committee

- Senator Pete Brungardt, Chair
- Senator Roger Reitz
- Senator Karen Brownlee
- Senator Kay O'Connor
- Senator Ralph Ostmeyer
- Senator John Vratil
- Senator Dennis Wilson
- Senator Mark Gilstrap
- Senator Anthony Hensley

From: Marc Galbraith, Deputy State Librarian,
State Library of Kansas, on behalf of Christie Brandau, State Librarian

Re: SB 549, Combining the Kansas Library Advisory Commission and the Kansas
Library Network Board

Mr. Chairman and committee members, thank you for the opportunity to visit with you about the merits of SB 549.

SB 549 will repeal the current State Library Advisory Commission, created in 1963, and the Kansas Library Network Board (KLNB) created in 1981.

The Kansas Library Advisory Commission has served as the State Library's primary governing board for a good many years and it has served the State Library well. It has long been a board with representation from a variety of library types, all seeking to assist the State Library in its role of working to assure Kansans the best possible library service.

The Kansas Library Network Board was created to foster greater sharing of resources among all types of Kansas libraries, which was and is an extremely laudable goal. KLNB also came to serve as a type of R&D shop where resource sharing concepts, often aided by new technology, could be studied and tested and recommended for implementation.

I want to assure you that the KLNB has been a success. A long list of some of the most talented and creative librarians in Kansas have served among its board members.

But, even while the KLNB has been highly successful, there has also been confusion about its place and mission juxtaposed with the Kansas Library Advisory Commission. On occasion, there has also been a less-than-perfect transition from research expectation and the State Library's ability to marshal needed resources to bring a concept to fruition. There has also been a less-than-clear understanding about who the KLNB Executive Director was to report to. In statute, this position appears to work for the KLNB, but in

practice, this position is housed in the State Library and funded by the State Library which, of course, operates under the direction of the Kansas Library Advisory Commission.

While there exists some mission and operational confusion, and while we want to address that issue, the Kansas library community does not wish to forfeit the positives associated with the work of KLNB.

What we propose combines the duties of the long-standing State Library Advisory Commission while folding in the duties and broad-based membership of the KLNB to create one State Library of Kansas Board.

The proposal before you, and the details in the bill, have been worked out and agreed to by the major sectors of the Kansas library community. We have spent months meeting and discussing these issues with current members of the KLNB and of the Kansas Library Advisory Commission and I think I can offer assurances that there is complete support for the bill.

This bill reduces the number of library policy boards from two to one and establishes that there is just one board charged with this function in state government. We believe this bill represents a reorganization that will be more effective and efficient.

At the same time, we believe the reorganization proposed here will allow libraries to speak to you, to your constituents and to library users throughout the state with a single and stronger voice.

We encourage your support of SB 549.

3

**Kansas Senate
Federal and State Affairs Committee
Testimony for SB549
March 1, 2006**

Good Morning ! On behalf of the Kansas Library Network Board and the Kansas library community, I thank you for your time and consideration of this change in library legislation.

My name is Joe McKenzie, and I'm the Director of the Salina Public Library and have proudly worked there for 28 years. I am the current Chair of the Kansas Library Network Board and have served on the Board for nearly 4 years.

Prior to that, my involvement with KLNBS or with the State Library Advisory Commission had been minimal, despite having served on KLA Council several times, as well as having been President of the Kansas Library Association and served on the KLA legislative committee. Our library in Salina has benefited over the years from the projects initiated by KLNBS, such as fax machine project, a state-wide courier service for Inter-library Loan and more recently, the Kansas Library Card. KLNBS, or the Network Board, as it's commonly called has a proud history.

But, to the average librarian in the State, it's purpose and operation was sometimes confusing. We operated quietly behind the scenes, often with pilot projects. I think it was also confusing to the new State Librarian, Christie Brandau, when she came aboard last year, after having served in the same position in Michigan and worked at the State Library in Iowa for many years.

The confusion came in several ways. The Network Board had one full time employee who we directed and evaluated. That person had an office in the State Library and was paid by the State Library. Occasionally, Eric could be a resource for the State Library and to most librarians that was where he worked, that was where you called and e-mailed him on any business. But, members of the Network Board did his evaluation, gave direction and approval to his work, though we had no real power to give him a raise, if he exceeded our expectations, which he did.

So, there were two Boards – the State Library Advisory Commission who met quarterly with State Librarian and staff, and the KLNBS, which also met quarterly with our Director, but often also with the State Librarian, who might bring us up to date on staff, budget or legislative issues. The make-up or representation of these Boards was different, and truly our paths never crossed, though for both of us, our

work flowed through the Kansas State Library. SB 549 is the best combination of these Boards. It strengthens the existing Advisory Commission by providing more representation from different types of libraries. It brings the projects of the Network Board under the State Library where it can be better coordinated and planned with other work that needs to be done. One Board makes more sense at this time. It is one less meeting. It improves accountability and decreases confusion of role and responsibility.

At this point in library development, one of the clearest trends that will be helped by this merger is statewide Resource Sharing. This concept involves more than mere Interlibrary Loan, but now includes the possibility of a Virtual Library. The Kansas Library Network Board pioneered the Kansas Library Card several years ago. Each year, there are more users of the databases and e-books available on-line through this card. And, last year, the new State Librarian Christie Brandau held a Resource Sharing Summit that led to new interest in reducing any statewide duplication of database subscriptions and resources and increasing access to the information in these vital databases. The State Library is working towards this goal of bringing together libraries of all types.

Pulling all of this under the same umbrella, the State Library, and having the State Librarian directing the projects of the former Network Board Director, is a move in the right direction.

When the idea for a merger first came up, I was surprised by the universal support for the concept by librarians around Kansas. I was surprised because of the high esteem with which the innovative work of the Network Board and its Director were held. I floated the idea on a library listserv and asked for comments pros and con, as well as for suggestions on what might work best. There were not many responses, but they were all positive, with the urging to insure broad library type representation on the Board. And, there definitely is good representation in this version of Senate Bill 549.

We followed this query with a Task Force of both committees to discuss a possible merger and the shape it might take. Other librarians who had previously served and knew the history also participated. And, we were able to construct a first draft of what a new Board to advise the State Library and help shape the direction of library services in Kansas might take.

Under Christie Brandau over the past 12 months, there has been increased participation in statewide library development through Task Forces for Resource Sharing and Continuing Education. Some of those meetings were face to face in libraries around the state, while others were on-line. Communication is strong.

There is a bias for action and new development coming out of the State Library and spreading across the state.

This new configuration of the Board has the blessing of librarians who are excited about their profession. And, this does help reduce confusion of role, reduces bureaucracy and meetings, promotes cooperation and sharing, increases clarity and brings things together under the strong umbrella of the State Library of Kansas.

Thanks you for your time.

I can try to answer any questions you might have.

Joe McKenzie
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March 1, 2006

Senator Brungardt, and members of the Senate Federal and State Affairs Committee, thank you for allowing me to testify today on behalf of the State Library of Kansas on SB 549.

I'd like to first say our State Librarian, Christie Brandau, has been on the job a little over a year, and we are all very pleased with the changes and programs she has implemented over that time. Our past State Librarian served a term of 22 years, and while we were happy with his tenure, we have experienced her proven and outstanding leadership to implement necessary changes. She is moving our state forward when it comes to library service, and for that we are grateful to her.

It was in the thoughtful process of reorganizing the State Library in order to better serve libraries in Kansas, and to ultimately serve those who use libraries, that Christie had the idea to combine both the State Library Advisory Commission and the Kansas Library Network Board. Having served on both boards (at different times in my career), I was often asked to explain how they were different and what roles they served. This indicated confusion as to why both board existed. Combining these boards eliminates that confusion, in the library community, and to the public.

The Kansas Library Network Board employed a staff member who worked in the State Library of Kansas, but who was not under the authority and administration of the State Library. This may have been necessary years ago, when it was created, but there is no discernable reason for such an arrangement now. Any programs designed and implemented under this one employee were usually inadequately funded and that one employee had to implement statewide programs in this lone position. I believe to develop projects and programs within the State Library better utilizes the talents of this lone individual, and better takes into account the resources available to the entire state and the library community.

Any time two boards are doing the work one board can do, combining them becomes more efficient. Over time, I believe the roles and work of the two boards became repetitive, and one board could accomplish this work, moving forward even faster than two boards. As a result of technology, expediency in implementing projects and realizing priorities is paramount. One board can work faster, smarter, better.

As the Executive Director of the Kansas Library Association I have heard little to no negative comment about SB 549 that combines the two boards to establish one new and more effective board. This idea and change was well received by the members of both boards, and by the library community in Kansas. If there are opponents, I am not aware of who that might be and why they would not approve of such a smart change. I am here today on behalf of the 1,600 members of KLA to ask you to support SB 549.

Please feel free to contact me at kansaslibraryassociation@yahoo.com if you have questions. Thank you.

5

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TESTIMONY AND PROPOSED AMENDMENT

**TO: The Honorable Pete Brungardt, Chair
 and members of the
 Senate Committee on Federal and State Affairs**

**FROM: Whitney Damron
 on behalf of the
 City of Topeka**

RE: SB 575 – Topeka/Shawnee County Riverfront Authority Act

DATE: March 1, 2006

Good morning Chairman Brungardt and Members of the Committee. I am Whitney Damron and I appear before you this morning on behalf of the City of Topeka in support of SB 575, the Topeka/Shawnee County Riverfront Authority Act.

Conferees on behalf of the City will be Mr. John Dowell, Assistant City Attorney for the City and Mayor Bill Buntten.

Mr. Dowell will summarize SB 575 and Mayor Buntten will provide his thoughts on this legislation. Also here today is Mr. Neil Dobler, Interim City Administrator. All three of these individuals are available for your questions later in the hearing.

And finally, attached to my comments is a suggested amendment for Page Three, Section 8 of the bill, beginning on line 2 that will clarify that the Topeka/Shawnee County Riverfront Authority is authorized to seek and accept grants from any public subdivision or private interest. As originally drafted, this section would appear to limit acceptance of grants to the federal government and that certainly is not our intent.

At this time, if there are no questions for me, I would like to ask Mr. Dowell to present his comments to the Committee, followed by Mayor Buntten.

Thank you.

WBD

Attachment

Sen Fed & State Affairs
3-1-06
Attachment 5

1 subsequent judgment creditor or any subsequent purchaser.

2 Sec. 8. The authority shall have power to apply for and accept grants
3 from ~~the federal government or any agency or instrumentality thereof~~ to
4 be used for any of the purposes of the authority and to enter into any
5 agreement with ~~the federal government~~ in relation to such grants; pro-
6 vided that such agreement does not conflict with any of the provisions of
7 any trust agreement securing the payment of bonds or certificates of the
8 authority.

9 Sec. 9. The authority shall have power to invest and reinvest any
10 funds held in reserve or sinking funds not required for immediate dis-
11 bursement, in investments authorized by K.S.A. 12-1675, and amend-
12 ments thereto, in the manner prescribed therein or in bonds or notes of
13 the United States, bonds of the state of Kansas or bonds of any county,
14 unified school district or city of the first class in which said authority is
15 operating a system or in bonds or certificates of the authority at not to
16 exceed their par value or their call price and to sell these securities when-
17 ever the funds are needed for disbursement. Such investment or rein-
18 vestment of any funds shall not be in conflict with any provisions of any
19 trust agreement securing the payment of bonds or certificates of the
20 authority.

21 Sec. 10. The authority shall have power to procure and enter into
22 contracts for any type of insurance and indemnity against loss or damage
23 to property from any cause, including loss of use and occupancy, against
24 death or injury of any person, against employers' liability, against any act
25 of any member, officer or employee of the board or of the authority in
26 the performance of the duties of his or her office or employment or any
27 other insurable risk.

28 Sec. 11. (a) The governing and administrative body of the authority
29 shall be a board consisting of six members, to be known as the riverfront
30 board. Members of the board shall be residents of Kansas. No member
31 of the board shall be an elected official.

32 (b) Members shall not be paid a salary, but shall be reimbursed for
33 actual expenses incurred by them in the performance of their duties.

34 (c) Members of the board shall be appointed as follows: Three shall
35 be appointed by the mayor with the approval of the council and three
36 shall be appointed by the commission. Of the first appointees, the council
37 and mayor shall designate one member to serve a term of one year, one
38 to serve two years and one to serve a three-year term. The commission
39 shall designate the terms of its appointees likewise. Should the city and
40 county consolidate, then the members shall be appointed by the govern-
41 ing body of the consolidated government as set forth above.

42 (d) Upon the expiration of the term of any member, all successor
43 members of the board shall be appointed and hold office for terms of

SB 575 – Topeka/Shawnee County Riverfront Authority Act.

Proposed Amendment:

Page 3, beginning on line 2, Section 8.

Rewrite the section as follows (new language in italics):

The authority shall have the power to apply for and accept grants from *any federal, state or local government or agency and from any public or private entity* to be used for any of the purposes of the authority and to enter into any agreement with *any federal, state or local government or agency* in relation to such grants; provided that such agreement does not conflict with any of the provisions of any trust agreement securing the payment of bonds or certificates of the authority.




CITY OF TOPEKA

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TESTIMONY AND PROPOSED AMENDMENT

To: The Honorable Pete Brungardt, Chair
and members of the
Senate committee on Federal and State Affairs

From: John R. Dowell 
Assistant City Attorney

Re: SB 575—Topeka/Shawnee County Riverfront Authority Act

Date: March 1, 2006

I am John Dowell, Assistant City Attorney for Topeka. I was tasked with reviewing the ideas of two committees and putting them into the proposed legislation, SB 575.

Mayor James A. McClinton created a Topeka Riverfront Task Force that, on March 31, 2005 reported its ideas for the creation of a Riverfront to utilize the Kansas River to enhance the quality of life and spur economic development around downtown Topeka. A conclusion of that report was for a "riverfront development authority" be created by enabling legislation.

Mayor William Bunten then asked Governor Mike Hayden to lead a committee to take the next step and to create legislation that would encompass the goals of economic development by creation of recreational, retail, entertainment and housing improvements in the area around the Kansas Riverfront.

I have drafted the nucleus of proposed Senate Bill 575 using two templates: An original "Authority" act created by Brenden Long, Topeka City Attorney, and the Metropolitan Transit Authority Act, K.S.A. 12-2801 *et seq.*

A committee of eleven people, Governor Hayden, Councilman John Nave, City Manager Neil Dobler, Steve Briman, Chuck Karlan, Greg Lee, Susan Mahoney, Frank Kerr, Christy Caldwell, Carol Benoit, Mark Brandsted, and Mayor William Bunten met to discuss and create the fleshed out version that is now before you.

The Topeka/Shawnee County Riverfront Authority provides an opportunity to beautify the Kansas Riverfront and to add economic and recreational value to the downtown Topeka area. Rather than have a city department or a free standing corporation, the legislated authority was selected. Citizens of Shawnee County and the State of Kansas will benefit from the riverfront; they can participate and contribute to the riverfront authority.

Section ^{five}four establishes that during the first three years of its existence, the Authority will engage in planning. This will allow the Army Corps of Engineers, who have been quite involved to date, to complete their study of the riverfront. The members of the authority will be able then to chart the best use of their resources.

The proposed legislation does not permit the Authority to tax nor to acquire real property by eminent domain. Each of these topics were well discussed and the thought of the committee was that economic support would be sufficient without the taxing authority. Mr. Damron has created a proposed amendment to Section 8, page three of the bill, which would clarify that grants would be accepted from anyone generous enough to contribute to the improvement.

The members of the authority would be non-elected officials, chosen equally by the mayor, with approval by the city council and the county commissioners. The members would have staggered terms, allowing a continuity of functioning. The concept is to allow the county and city to work together to improve the economy and quality of life along the Kansas river.

Thank you.

JRD/gl



CITY OF TOPEKA

William W. Bunten, Mayor
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March 1, 2006

Mr. Chairman and Members of the Committee:

My name is Bill Bunten, and I'm Mayor of the City of Topeka. I'm here today to appear in favor of Senate Bill 575.

This bill was developed as a result of the work of two committees that looked into the development of our Riverfront along the Kansas River. The first committee was established by former Mayor James McClinton, and the second committee was appointed by me. It was chaired by former Governor Mike Hayden, now Secretary of Wildlife and Parks, and it included a group of men and women who were charged with proposing legislation that would create a Riverfront Authority. That authority would develop a plan for the area that would be submitted to the citizens of our city for either adoption or rejection.

A majority of our City Council members support this legislation, as does our City Manager who is here with us today to answer any questions that might arise as he was a member of the committee. We hope that this committee will look favorably on this bill. The Kansas River is an important asset to our community and we hope that it can be developed into a positive asset, both aesthetically and as a recreational facility. I appreciate you taking the time to have a hearing on this legislation that is very important to our city, and I will answer any questions that you have as best as I can.

Bill Bunten
Mayor

March 1, 2006

Honorable Pete Brungardt – Chair
Members of the Senate Committee on Federal and State Affairs

I am Acting City Manger Neil Dobler and I am here today representing the City of Topeka in support of SB 575, which establishes a riverfront authority. I have had the pleasure of working with two Mayors, both as Public Works Director and City Manger, and serving on two committees who looked at the issue of riverfront development in Topeka. Nothing in recent memory has stirred as much interest as this proposal. Over the last several years I have had the opportunity to visit several cities with major riverfront redevelopment, including Oklahoma City, Omaha, and Columbus, Ohio and have seen the benefits of those endeavors.

We have worked with the Corps of Engineers over the last two years on preliminary studies for the riverfront, now concentrating on the area between Kansas Avenue and Topeka Boulevard. This is an exciting project for the capital city and we see a major first step as the creation of a separate riverfront authority, with the ability to seek funding and develop a real plan over the next three years that would be placed in front of the voters of Topeka and Shawnee County for a decision on the future of the project.

We understand that this is a long-term and expensive project, but firmly believe that the benefits to this area will far outweigh the costs and we ask for the support of this committee.

Thank you

Neil Dobler
Acting City Manager
City of Topeka

Testimony: SB 575 regarding a Topeka/Shawnee County riverfront authority act
Senate Federal and State Affairs Committee
March 1, 2006
By: Christy Caldwell, Vice President Government Relations
Greater Topeka Chamber of Commerce

Over the last several years the Greater Topeka Chamber of Commerce has sponsored trips to communities around the Midwest to learn about those communities' best practices. One topic that has come to the forefront on almost all of these trips has been the reclamation of rivers traveling through center cities and what that reclamation has done to enhance their cities' core. Local elected officials and business leaders have listened to leaders from those communities talk of the renaissance of their downtowns as they brought their rivers from similar circumstances as we have with the Kansas River in Topeka, to showplaces where local citizens and visitors congregate, corporations situate headquarters, and entertainment centers thrive. We have viewed those communities progress, drawing comparisons to our own riverfront.

A consultant who works with similar communities interested in riverfront development and who is the director of the River Trust in Oklahoma City met with Topeka/Shawnee County leaders and the public several times over a year and a half timeframe to assist us in determining if our river merits reclamation. The consultant was emphatic that the Kansas River through the capital city held as much promise, or more, than many other communities that had years before begun their river recovery process, which usually takes 15 to 20 years to accomplish.

Armed with that knowledge, former Mayor James McClinton, in the spring of 2005, appointed a taskforce to report to him the possibilities that could be attained by reclaiming the Kansas River in the Topeka/Shawnee County community and what initial steps need to be taken. In that report, the task force recommended the creation of a riverfront authority as an autonomous entity with the sole mission of leading and facilitating Kansas River development in our community. This authority would provide the stability needed in the long-term development process and would advocate the river's reclamation and redevelopment that transcends the natural fluctuations of local governments.

Current Mayor Bill Bunten has continued focusing attention to move forward with riverfront development. Mayor Bunten formed a committee to implement recommendations made in the March riverfront report. This legislation is a direct result of the committee's work to fulfill the Mayor's goal. We learned from our consultant that there are several methods for communities to focus on river development. However the more authority the organization is granted the more it may be able to accomplish. Other communities have similar authorities to oversee river development. In Oklahoma City a river trust was created with similar functions as outlined in this bill; similar also in Tulsa; in Denver existing city departments deal with details such as maintenance and events planning while their river authority provides oversight and control over the standards and policies for operational considerations. Although there is no right or wrong method, we believe a river authority as set out in SB 575 is the method best suited to our needs.

This authority is charged with developing a master plan for river development that with approval of the citizenry can be the blueprint for Kansas River development in Topeka/Shawnee County. Initial studies are underway; Early in 2005, the Corps of Engineers has provided an initial conceptual plan from community input. A second phase is underway with the Corps looking at the possibilities of temporarily pooling water between the two bridges in the center city and what can be done within the levees to provide public access to the water, without jeopardizing the flood control the levees provide the city; the completion of this report is expected soon.

The Topeka Chamber, working with our partners: Downtown Topeka, Inc, the North Topeka Business Alliance, North Topeka on the Move, the City of Topeka, Shawnee County, and individual citizens are ready to move closer to creating an atmosphere of pride and excitement along the river corridor. We think a river authority will help focus efforts and will be instrumental in the development of a master plan that is necessary to bring the riverfront area to the forefront of our community with as much importance as the Kansas River held for a fledging city on the prairie many years ago. We believe creation of a riverfront authority is a step to achieving this goal.

We would appreciate your positive vote for SB 575. Thank you.