

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 p.m. on February 3, 2004 in Room 519-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Rep. Gordon
Lorna Stullken, Stony Point Cemetery
Rep. Mays
David Lehman, Topeka and Shawnee County Public Library
Rep. Lane
Rich Gannon, Kansas Press Association
Doug Anstaett, Kansas Press Association
Harriet Lange, Kansas Association of Broadcasters
Dick Carter, Travel Industry Association of Kansas

Others attending:

See Attached List.

Bill Introductions

Rep. Yoder requested a committee bill amending K.S.A. 19-3610 to allow rural areas to contract for fire service with other counties in the same manner that they can contract with other cities. He said that under current law when these rural areas contract with the city they have the freedom to pay what the city requests but if they contact with the county they are limited to taxing up to 5 mills. Rep. Yoder said the bill would create some consistency should a rural area contract with another city or with a county fire department to provide services. He said the bill would give rural areas the same mechanism to pay for these fire services.

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

Rep. Freeborn requested a committee bill allowing law enforcement consolidation on behalf of both the Cloud and Lincoln County Commissioners. She said the counties hoped to achieve greater levels of service and accountability to their constituents. Rep. Freeborn said she was advised by the Kansas Association of Counties to seek county specific rather than statewide legislation.

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

Rep. Toelkes requested a committee bill providing for three representatives from three townships on the Fire Board. He is requesting this bill because statute currently allows for two representatives from two townships. He stated that the Monmouth Township Fire Department is being brought into the Topeka/Tecumseh Township Fire Department.

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

CONTINUATION SHEET

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE at 3:30 p.m. on February 3, 2004 in Room 519-S of the Capitol.

Chairman Vickrey opened the hearing on:

HB 2590 Cemeteries; burial rights, abandonment of

Rep. Gordon, 52nd District, testified in support of **HB 2590 (Attachment 1)**. She stated that members of a private cemetery board notified her that privately owned cemeteries do not have the right within our state statutes to resell plots. She said that under statute, city and county owned cemeteries do. Rep. Gordon explained that the bill would allow private cemeteries to resell lots that have remained abandoned for 50 or more successive years. She said that the bill provides that appropriate notification be given by mail, if possible, or if not possible, notice must be placed in an official county publication in the county where the cemetery is located.

Lorna Craig Stullken presented testimony on behalf of Stony Point Evangelical Lutheran Cemetery Association and any other private cemetery in Kansas in support of **HB 2590 (Attachment 2)**. She testified that of the 630 spaces originally platted, they now have only about 15 available for sale. She said that with the help of the proposed legislation, 234 additional spaces could be made available. She explained that tax supported township cemeteries already have a provision for reclaiming abandoned spaces.

The Chairman closed the hearing on **HB 2590**.

Chairman Vickrey opened the hearing on:

HB 2605 Topeka and Shawnee county public library; detachment of certain territory

Speaker of the House, Rep. Doug Mays, 54th District, testified in support of **HB 2605**. He said that he introduced the bill on behalf of the Auburn City Council and Auburn Community Library. He stated that Auburn would like to have the option of opting out of the county wide mill levy for the Topeka and Shawnee County Public Library. Rep. Mays said the funds would be diverted within the city of Auburn to the Auburn Community Library.

David Lehman, Executive Director, Topeka and Shawnee County Public Library, testified in opposition to **HB 2605**. He said that the Topeka and Shawnee County Public Library was created under a library district in 1992. He stated that in that referendum there was no call for city votes, only the townships voted in that election.

The chairman closed the hearing on **HB 2605**.

Chairman Vickrey opened the hearing on:

HB 2585 Convention and visitor's committees or bureaus; open meetings and open records

Rep. Lane testified in support of **HB 2585 (Attachment 3)**. He said that the Topeka Convention and Visitor's Bureau (CV) was recently involved in a highly publicized scandal concerning CVB funds being used illegally for campaign contributions. He stated that he found it hard to believe that the CVB is not already required to have open meetings and open records. He testified that there should not be tax dollars spent without accountability to the taxpayer. Rep. Lane informed that this bill should be viewed as a right to know issue.

Tim Graham, Chief of Staff, for Senator Hensley, Minority Leader, appeared on behalf of Senator Hensley in support of **HB 2585**. He stated that Senator Hensley regretted not being able to be present at the hearing due to illness. He informed that the same bill has been drafted and introduced on the Senate Side and it is his intention to submit written testimony at a later date.

Rich Gannon, Kansas Press Association, testified in support of **HB 2585 (Attachment 4)**. He said that by submitting the proposed legislation's referenced tax dollars to the Open Records Act, legislators are establishing a type of dual control that provides needed oversight and monitoring. He suggested making the use of all tax monies subject to openness and public scrutiny.

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Doug Anstaett, Executive Director, Kansas Press Association, testified in support of **HB 2585** (Attachment 5). He said the bill is directed at the convention and visitor's bureaus in Kansas, those organizations that receive substantial funding from the bed tax but which do not now have to open their meetings and their records to the public. He encouraged the committee to expand the bill to include all businesses performing a public function on a contract basis for government.

Harriet Lange, President/Executive Director, Kansas Association of Broadcasters, appeared in support of **HB 2585** (Attachment 6). She said most CVB's are funded almost entirely by guest tax money. She informed that most CVB's are created by "public bodies" or contract with public bodies to carry out their mission.

Dick Carter, Executive Director, submitted written neutral testimony concerning the bill (Attachment 7). He pointed out that in many instances CVB's are bidding competitively for conferences, trade shows or sporting events, which produce significant revenue for the host community, as well as the state. He explained that if these bids were made broadly available, competing cities (and other states) would conceivably have an unfair advantage in their attempt to secure the same conference, trade show, or event, placing Kansas - and Kansas communities - at a disadvantage.

The Chairman closed the hearing on **HB 2585**.

The Chairman adjourned the meeting at 4:35 p.m.

The next meeting is scheduled for February 5, 2004.