

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Nancy Brown at 1:30 p.m. on February 22, 1993 in Room 521-S of the Capitol.

All members were present except: Representative Holmes (excused)

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee: Ramon Powers, Executive Director, Kansas Historic Research
Don Moler, League of Kansas Municipalities
Mayor Robert Schulte, Lawrence
Robert Beardsley, Senior Planner for Historic Preservation,
City of Wichita
Elizabeth Baker, of Derby
Frank Seitz, Director, Derby Recreation Commission
and an officer of Kansas Recreation and Park Association
Gary Haller, Blue Valley Park and Recreation Commission
Laura Kelly, Kansas Recreation and Park Association

Others attending: See Guest List (Attachment 1).

Chairman Brown opened the hearing on **HB 2470**, concerning historic property; notice requirements; and delegation of powers to cities and counties. Ramon Powers, of the Kansas Center for Historic Research, testified in behalf of the bill (see Attachment 2). He was asked if the Center had established the rules and regulations and set them in place so that the transfer of historic preservation-related duties could be accomplished safely. He stated they are being worked on and the Center hoped to have them in place at the time this bill would become effective if enacted. The Center will have the authority to enforce the statutes and will be adamant in this responsibility, he said. Representative Wootton inquired if communities have the background, skills and knowledge to make judgments about historical values. Mr. Powers indicated some communities have ordinances in place for historic preservation, such as Lawrence. Contracts will not be issued to local units unless the contractors meet every criteria of the law.

Don Moler, of the League of Kansas Municipalities, spoke in support of **HB 2470** (see Attachment 3). The League highly supports the delegation of historic preservation responsibilities to local units of government who demonstrate their ability to undertake them. It does not support a wholesale shift of the power to those units who do not have the required resources. Mr. Moler stated that the ultimate decision currently rests with the local government. The state of Kansas can sue if there is disregard for historic preservation; and that power will be retained by this new legislation.

Mayor Robert Schulte, of Lawrence, testified in favor of **HB 2470** (see Attachment 4). He described Lawrence's historic preservation alliance consisting of the Historic Preservation Commission (members appointed by the City Commission); a city planner who spends one-half of his time to historic preservation; and the Lawrence Preservation Alliance whose membership is vigilant to oversee the operations of the city and historic preservation. These organizations provide a public/private cooperative means of diligent oversight of the city's preservation efforts.

Robert Beardsley, Senior Planner for Historic Preservation, City of Wichita, described the city's support of **HB 2470** with certain caveats as to what constitutes projects subject to regulative exemptions (see Attachment 5). Mr. Beardsley stated he is also president of the Kansas Preservation Alliance and works with the Kansas Architects Association who provides further professional support with respect to historic preservation.

Chairman Brown asked Dr. Powers and the League of Municipalities to develop an amendment to **HB 2470** encompassing the further amendments they had decided on, and to bring it back as quickly as possible so the amendment and the bill could be acted on this week.

The Chairman then opened the hearing on **HB 2226**, concerning recreation commissions; removal of

members; and approval of budgets, and spoke of the need for the bill to insure accountability to taxpayers.

Elizabeth Baker, of Derby, spoke in opposition to **HB 2226**, stating her belief that budget oversight should not be the responsibility of school boards (see Attachment 6), as she believes the Recreation Commission budget would suffer any shortfall of financing if there needed to be a choice between education and recreation.

Frank Seitz, Director of the Derby Recreation Commission and an officer of the Kansas Recreation and Park Association, also testified in opposition to **HB 2226** (see Attachment 7) and provided a reaction to the impact of the proposed legislation. Mr. Seitz described the current budgeting system for recreation commissions and stated that the commissions were the only units of government that can be voted out of existence after three years of operation. After questioning, Mr. Seitz said only two of the 180 members of the Association were contacted as to their reaction to the bill.

Chairman Brown stated the reason for the bill was to legislate a way of accountability back to the taxpayers through the process where elected officials have the budgeting responsibility. The Chairman stated that only audits filed with the County Clerks are in turn filed with the state. She stated she is concerned with the accountability to the taxpayers under the current system.

There being no others present to testify, the hearing on **HB 2226** was closed.

The Chairman then opened the hearing on **HB 2313**, concerning Johnson County parks and recreation districts; and election procedures. Gary Haller, Blue Valley Recreation Commission, appeared in support of the bill. He introduced Marilyn Upman, Chairman, Gerry Ray, Intergovernmental Coordinator, and Jo Ann Courtney, Administrative Assistant, all of the Johnson County Commission, who accompanied him to the hearing. Mr. Haller submitted written testimony of Bill Graves, Kansas Secretary of State; Sue Weltner, Chairman of the Johnson County Board of County Commissioners; Elgin Stevenson, Johnson County Election Commissioner; and Dorothea K. Riley for Gilmore and Bell, bond counsel to Johnson County Parks and Recreation (see Attachments 8 and 9). Mr. Haller recommended amendment of the bill to include general, primary and special elections.

No others were present to testify, so the Chairman closed the hearing on **HB 2313**.

The committee then discussed **HB 2313** and on motion of Representative Macy, seconded by Representative Tomlinson, the committee voted to amend the bill to conduct general, primary, and special elections, as applicable, and to pass the bill as amended. The motion carried.

Chairman Brown stated that **HB 2470** may be acted on at tomorrow's meeting.

The Chairman also asked members to review **HB 2226** and bring forward their suggestions for handling the bill.

The Chairman then distributed copies of her letter to Mrs. Elaine Wilson, concerning ²¹⁰³**HB 2313** (the Do Not Resuscitate Orders bill) (see Attachment 10).

The meeting was adjourned at 3:35 p.m. The next meeting is scheduled at 1:30 p.m., February 23, 1993, in Room 521-S of the State Capitol.

GUEST LIST

COMMITTEE: House Local Government

DATE: February 24, 1993

[illegible]

TESTIMONY BY DR. RAMON POWERS, EXECUTIVE DIRECTOR OF THE KANSAS
STATE HISTORICAL SOCIETY, TO THE HOUSE LOCAL GOVERNMENT COMMITTEE
ON FEBRUARY 22, 1993, CONCERNING HOUSE BILL 2470

As the executive director of the State Historical Society, I wear many different hats. One of them is that of State Historic Preservation Officer. For purposes of carrying out a federal-state partnership program, I am the point of contact and responsibility for a variety of historic preservation-related services and activities.

When the legislature initially enacted the state's historic preservation statute in 1977, it affirmed that the historical, architectural, and archeological resources of Kansas are important assets of the state and worthy of being preserved. Historic preservation means the identification, protection, restoration of the buildings, sites, and structures significant to the history, architecture or archeology of the state, its counties and cities, and the nation.

Obviously the Historical Society is concerned with the past. Our collections are full of newspapers from the past; photographs of past events, people, and places; clothing, tools, and other items used by preceding generations. And of course we are concerned with the legacy we still have in Kansas in our built environment. That richness of historical sites and buildings helps to give us and all Kansans a sense of time and place. Historic resources provide for us a sense of identity, and knowing where we come from provides the basis for deciding where we need to go in the future.

Our concern for the Kansas past translates to a concern for the future of that past. That concern was also recognized by the legislature when it enacted a protective section to the state historic preservation law. Since 1977 that section has been modified a number of times to meet specific needs that existed. Over the past year as we have analyzed that protective section and how it was working, it has become clear to us that some changes are needed. Because the law impacts a number of communities in the state, we took counsel with the League of Kansas Municipalities as well as some individual communities to explore some possible changes.

Before reviewing the bill, let me explain the basic elements of the state historic preservation law. Any project undertaken, licensed or permitted by the state or its political subdivisions that has the potential to encroach upon, damage, or destroy historic properties or their environs must be reviewed by the state historic preservation officer. In plain English, the most common example is that any proposed project around a historic property which requires a building permit must be submitted to the state historic preservation officer for review. Several years ago, the limits for notifying the state historic preservation officer of projects were established at within 500 feet of a historic property for cities and 1,000 feet for properties in rural areas.

The bill we have agreed on does two things. First, the distance for notice requirements to the State Historic Preservation Officer would be reduced from within 500 feet to within 200 feet of the boundaries of a listed historic property. This change will make the distance consistent with notifications for zoning changes and substantially reduce the number of projects that communities must send to the state historic preservation officer. I might add, parenthetically, that we are working on rules and regulations right now to better define the types of projects for which notice has to be given; those rules and regulations will also have the effect of reducing the number of projects that are submitted to the preservation officer.

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Second, a new section, (e), would be added which would allow the state historic preservation officer to enter into agreements with cities and counties delegating to them the preservation officer's responsibilities under preceding sections (a), (b), and (c) if the city or county were determined to be capable of carrying them out. Through rules and regulations we would define the standards that would need to be met; at the present time our thinking is to use substantially the same requirements that are in place for the federal "Certified Local Government" program. Principally the local government would need a local historic preservation ordinance and a local historic preservation commission, or landmarks commission. We do not know how many communities will want to take advantage of that provision; there are five or six communities with local landmarks commissions which have experience in historic preservation reviews. And, this legislation may well spark interest in developing local programs in other communities.

Some of the requirements in existing legislation were considered necessary in the past because there was little protection at local levels for historic properties. But more cities have enacted and are considering local preservation ordinances, and in our thinking the decisions on projects affecting local historic resources are better made at the local level by local historic preservation commissions than by a state agency.

In conclusion, the bill under consideration today has come to you as a joint effort of the Society and the League of Kansas Municipalities. It will reduce the numbers of projects for which local governments have to give notice to the preservation officer, and it will also provide an opportunity for those communities with local historic preservation programs to attain a greater level of involvement and take more responsibility for local reviews.

ATTACHMENT 2-2

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**THE LEAGUE
OF KANSAS
MUNICIPALITIES**

**Municipal
Legislative
Testimony**

AN INSTRUMENTALITY OF KANSAS CITIES 112 W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

TO: House Committee on Local Government
FROM: Don Moler, Senior Legal Counsel
RE: HB 2470
DATE: February 22, 1993

I appreciate the opportunity to appear today to comment on HB 2470. Specifically the League supports both of the amendments to the state historic preservation law. The amendments to K.S.A. 75-2724 include the reduction of the notification area from 500 to 200 feet and the ability of the state to delegate authority to local governments to perform the responsibilities of the state historic preservation officer.

The reduction from 500 to 200 feet for review of the state historic preservation officer is a reasonable modification to the current law. It will allow fewer notifications for cities and fewer reviews for the state historic preservation officer. Should the state historic preservation officer determine that comment is required for property outside the notification area, current law will still allow for this comment, regardless of the location of the area covered by the project or permit.

The ability of the state to enter into agreements with cities or counties to perform the duties of the state historic preservation officer is also an improvement to the current statute. It allows for local control of properties in those communities judged by the state historic preservation officer to be able to fulfill the mandates of the historic preservation law through a local historic preservation program.

Essentially this legislation furthers the state-local partnership in the preservation of historic properties and their environs throughout the State of Kansas. The League urges the committee to favorably recommend these modifications to the state historic preservation law.

Thank you for allowing our comments on this legislation.

*ATTACHMENT 3
2-22-93*



City of Lawrence KANSAS

MIKE WILDGEN, CITY MANAGER

CITY OFFICES
BOX 708 66044-0708 6 EAST 6th
913-832-3000

CITY COMMISS
MAYOR
ROBERT C. SCHULTE
COMMISSIONERS
JOHN NALBANDIAN
SHIRLEY MARTIN-SMITH
BOB SCHUMM
ROBERT L. WALTERS

To: Chair, Nancy Brown and Members of the House Local
Government Committee
From: Robert C. Schulte, Mayor
Date: February 22, 1993
Re: House Bill 2470

The City of Lawrence appears in support of House Bill 2470 which would clarify and improve the state's historic preservation law.

The bill contains two key amendments to K.S.A. 75-2724.

First, the bill would change the environs notification requirement from the current 500 feet within cities to 200 feet. Under current law, the state historic preservation officer must be notified whenever a city permit is issued or a city project occurs within 500 feet of a property on the federal or state historic register. This means every building permit, city waterline project, sign permit etc. for property within 500 feet must be forwarded to Topeka for review before the permit or project can proceed. We believe that 200 feet is a more reasonable notification area. Two hundred feet is the same notification area the statutes require for rezoning notices. Of course the law allows the state historic preservation officer to comment on any city permit or project -- regardless of proximity to a historic property. This will not change under the bill. Only the area covered by required notification to the state will change.

Secondly, the bill allows the state to enter into agreements with cities or counties to perform the responsibilities of the state historic preservation officer. Several points favor allowing the state to delegate this authority:

* This delegation of authority is not mandatory, if the state historic preservation officer believes preservation efforts will not be fulfilled by a local community, the state can and should retain its authority under the law.

* In the City of Lawrence, we have devoted significant time and financial resources to developing a professional historic preservation program, including staff, historic resources commission, a local historic properties register, and a historic conservation code. Historic preservation will be an important element in the City's new comprehensive land use plan.

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Lawrence has already been designated a Certified Local Government -- a designation from the National Park Service -- with certain historic review responsibilities. Local staff and citizens appointed to the commission will be more familiar with the historic property in question and future plans for an area than state officials. There is no reason to think local citizens on a local historic resources commission will be less vigilant in protecting historic property than state historic preservation officials.

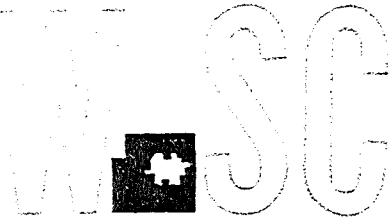
* Property owners affected by the law -- whose garage addition or window replacement, for example, must be reviewed for historic impact under the law -- can more easily access the historic review process with meetings in their hometown rather than in Topeka.

We understand that the state historical society is also seeking administrative regulations to further clarify the terms in the state law. Our experience has indicated that the law needs clarification. We believe this bill and appropriate administrative regulations will go a long way toward having a better historic preservation law on the books.

The City of Lawrence appreciates this opportunity to testify in favor of House Bill 2470 and urges your support of this bill.

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SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

February 19, 1993

The Honorable Nancy Brown
Chair, Local Government Committee
Kansas House of Representatives
State Capitol - Room 521S
Topeka KS 66612

Re: House Bill 2470 Historic
Preservation

Ladies and Gentlemen:

Your committee will shortly consider House Bill 2470, which proposes amendments to the statutes governing review procedures for historic preservation. The City of Wichita is very interested in this legislation, and favors its passage with some reservations.

In the past, the time needed for adequate design review at the state level has caused delays locally, resulting in a poor perception of the process on the part of property owners and developers. The number of projects that require state review has risen astronomically over the past three years, which engenders further delays due to staffing limitations at both the state and local levels. This flood of project reviews, and associated delays, impedes our capacity to respond quickly to development requests, which in turn costs property owners money and discourages development. While acknowledging the need for such review, the City of Wichita strongly urges the adoption of procedures that will enable efficient and timely determinations of project impact on designated landmarks and/or their environs.

The relationship between the bill and the City's adopted position are parallel to a high degree. The Bill reduces review "environs" for landmarks that are listed on the Register of Historic Kansas Places and/or the National Register of Historic Places to 200 feet, which is in line with City policy and state law on the "affected area" for notifying nearby owners on rezoning cases. In Wichita, a 200-foot radius would include those projects in the same block-face or a facing block that are most likely to affect a registered landmark. Also, lines 25-30 (page 1) give the SHPO unlimited

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WICHITA - SEDGWICK COUNTY

authority to investigate and make findings on projects beyond the radius.

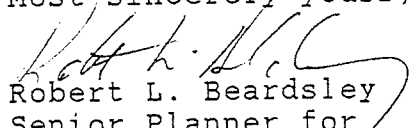
The Bill provides for the delegation of the review authority of the State Historic Preservation Officer (SHPO) to local units of government "if the state historic preservation officer determines that the city or county is capable of carrying out such responsibilities." As a Certified Local Government (CLG), under the provisions of the National Historic Preservation Act of 1966, as amended, and with a highly regarded record of conscientious design review and compliance with its CLG responsibilities, Wichita would expect to be determined to be "capable," nonetheless the City would like to see the criteria for such a delegation of authority spelled out more clearly.

The Bill does not address the exemption of "minor" projects, however, which the City would like to see excluded from review altogether. As a result of discussions with SHPO staff, it is considered likely that such exemptions could be addressed within the context of regulations issued by the SHPO, which would not require legislative action. It is suggested that the wording of the Bill be examined to ensure that such regulative exemptions would be allowed; if not, then substitute wording should be considered. (It should also be noted that the specification of what would constitute a "minor" project might often best be determined on a case-by-case basis. For example, the rewiring of a house that had never been wired would be much more problematic than the rewiring of a more modern structure, and would therefore logically become a "major" modification rather than a "minor" updating.)

In sum, the City of Wichita generally encourages the adoption of this bill, given the caveats just noted. The City is currently experiencing a renaissance of reinvestment in its historic buildings, and this measure could be enormously helpful in facilitating that effort.

Thank you for your time and consideration.

Most sincerely yours,


Robert L. Beardsley
Senior Planner for
Historic Preservation

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February 22, 1993

To: House Committee on Local Government

From: Elizabeth Baker

Re: HB 2226

Chairperson Nancy Brown, members of the committee, thank you for the opportunity to testify in opposition to HB 2226.

I am here today as a member of the public who values the efforts of recreation commissions and more specifically, because I chaired the interim sub-committee in 1986 that recommended the revisions that were ultimately passed in 1987. The provision of the proposed legislation to which recreation commissions are objecting, was the center of considerable discussion in 1987. But first, in this discussion it is necessary to understand that although school boards and recreation commissions share some of the same goals, they also have significant philosophical differences. Those differences center on the fundamental mission of school districts and how it conflicts with the mission of recreation commissions. Mission philosophies differ from school district to school district and from community to community, therefore it is difficult to articulate a comprehensive definition for those missions. But the Legislature acknowledged that the mission of the school districts is to be primarily responsible for K-12 education and that recreation commissions, in general, focus on quality of life. Those general philosophical differences are why the Legislature decided years ago to allow the development of recreation commissions throughout our state.

Many times the differences these two units experience center on the conflict in the expenditure of tax dollars. These conflicting philosophies concerning expending tax dollars are not a negative force within our communities, but are instead, healthy and invigorating. They allow communities to experience growth in a wide range of activities that fit the needs of all citizens.

Second, in 1987, it was felt by recreation commissions that school boards had misused their authority in the budget review process. School boards are similar to other elected bodies in that they must prepare budgets and answer to the taxpayers. When they have to make a choice between their budget and the recreation commission's budget, it's not surprising that it is the latter's budget that gets the axe!

For recreation commissions to be able to function in a fiscally stable environment, it was felt by the 1987 Legislature that a new level of autonomy was essential, thus school board approval of their budget would no longer be necessary. But in order to insure accountability by recreation commissions to constituents, we added the provision allowing the mill levy to be reduced through petition and election.

Recreation Commissions and the programs they provide communities in Kansas have enriched and enhanced the quality of life for many of our citizens. They have played a significant role in the physical and mental development of our youth and they have contributed immeasurably to the good health of our adult community. Those of us that have been involved with recreation commissions recognize them to be an essential governmental unit in meeting the needs of all constituents. I would encourage you in your deliberations to retain the status of semi-autonomy for recreation commissions.

Thank you for your attention to our concerns. It is appreciated.

Sincerely,



Elizabeth Baker
601 Honeybrook Ln.
Derby, Kansas 67037



KANSAS RECREATION AND PARK ASSOCIATION

700 JACKSON, SUITE 705
TOPEKA, KANSAS 66603

(913) 235-6533
Laura J. Kelly, Executive Director

TESTIMONY BEFORE THE
KANSAS HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE
MONDAY, FEBRUARY 22, 1993
RE: HB 2226

Madame Chair, Members of the Committee: I am Frank Seitz, Director of the Derby Recreation Commission and an Officer of the Kansas Recreation and Park Association. Today, I represent 180 recreation agencies across the state of Kansas. I appreciate the opportunity to testify before you today regarding HB 2226.

HB 2226 would amend the Statutes governing Recreation Commission in three significant ways.

First, in Section 1 (a) Lines 38-41 it allows for the removal of members of the recreation commission for any reason that would justify the removal of any appointed officer. KRPA supports the intent of this amendment but would like the language clarified to ensure that commission members may be removed for cause and be given due process. What we would not like to see is recreation members forced off the commission before their terms expire just because they espouse views differing from their appointing body.

Second, in Section 2 (a) Line 9 this amendment calls for the recreation commission to submit its budget to the school district or the city for review and approval. We understand the intent of this amendment is to give control of these tax monies to an elected body not an appointed one. However, KRPA does not support this amendment. This issue was discussed at length in a 1986 interim session of the Legislature and revised statutes were adopted during the 1987 session. Current statutes governing recreation commissions have many taxpayers safeguards built in:

- *first and foremost, the public must elect to tax themselves to provide organized recreation services.
- *the initial levy can be for no more than 1 mill (excluding employee benefits and liability insurance).
- *subsequent requests for mill levy increases must be approved by the school district or the city.
- *mill levies can be increased no more than one mill per year
- *there is a cap of 4 mills on recreation commissions' general funds
- *authorized recreation commission levies may be reduced by vote of the public (Sec 2 (d) Lines 20- 24)
- *recreation commissions can be voted out of existence any time after their 3rd year of operation (Sec 2 (d) Line 24-30).

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We know of no other public entity that operates with the understanding that if the public doesn't like what you have to offer or how you are spending its money, you can be elected out of existence. That sort of accountability is extremely powerful, as you know.

The third impact of HB 2226 would be to alter the timetable for recreation commission budgets (Sec 2 (a) Lines 7-13 and require that budgets be submitted directly to the county clerks. Should this amendment be adopted, we wonder what would happen if a school board or city choose not to approve a recreation commission budget. There would be no time to submit a revised budget and still meet the August 1 deadline to certify the budget to the school district or city. KRPA does not support this amendment.

KRPA supports the amendment calling for direct submission of the recreation commission budget to the county clerk.

I have attached a fact sheet drawn up during the 1986/7 discussions regarding recreation commissions. I think it clarifies many of the provisions of the current law.

Again, thank you for the opportunity to appear before you today. If there are any questions, I will do my best to answer them for you.

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Section 6

(a) Requires the recreation commission to: (1) prepare a budget, (2) hold a public hearing on the budget, (3) publish notice of the budget hearing, (4) adopt or amend the budget after the public hearing, (5) certify the budget to the city or school-district by August 1.

The city or school district shall levy a tax sufficient to the budget approved by the recreation commission but does not have to levy a tax greater than the limit established by resolution. (Excluding employee benefits and liability insurance).

The recreation commission can authorize a higher mill levy by adopting a resolution. The city or school district may authorize the mill levy increase by a resolution - or it may not authorize the mill levy increase.

The mill levy increase shall not go up more than 1 mill per year and there is a cap of 4 mills upon the recreation commission's general fund.

(b) All resolutions shall be published as outlined. There is a procedure for voter protest petition and election on the mill levy increase. The cost of the election is to be borne by the recreation commission. The city or school district must certify the tax levy by August 25 to the county clerk.

(c) Gives the city or school district the authority to pass through the tax levy for the recreation commission.

(d) Allows for new recreation commissions to operate for at least 3 years. An election can be called to reduce the mill levy of the recreation commission or to revoke the operating authority of the recreation commission. Upon dissolution of the recreation commission all property and money of the recreation commission becomes the property of the tax levying authority.

(e) Requires the financial records of the recreation commission to be audited and the audit to be paid for by the recreation commission.

Section 7

(A-i) Gives certain powers to the recreation commission. The main provision in this section allows the recreation commission to levy a tax separate from the tax for the general fund to fund the cost of insurance and employee benefits. The combined levy for both funds cannot exceed 1 mill.

(J) Allows the recreation commission to buy personal property but not real property.

Section 8

(a) Is current statute 12-1914(a) except for the election costs to be borne by the city.

(b) Is current statute 12-1914(b) except for the election costs to be borne equally by the city and school district.

ATTACHMENT 7-3

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Analysis: Recreation Commissions
House Bill No. 2424

Section 1

Definitions - brings definitions into compliance with other statutes. Specifies that "assessed valuation" is what is "larger" regarding tax area under existing statute 12-1908 when a joint recreation commission is formed.

Section 2

Allows all existing recreation systems to continue operating in their present form.

Section 3

Allows for the establishment of a city, school district, or joint recreation commission. Provides for cooperation in the use of property and equipment. Keeps some of the provisions in present statute 12-1901.

Section 4

(a) Petition by voters to establish either a city or school district recreation commission, with a 1 mill maximum levy, and the election paid for by either the city or school district, whichever was petitioned.

(b) Petition by voters to establish a joint city-school district recreation commission, the vote is held for the voters in the area of the largest assessed valuation, and the cost of the election is to be borne equally by the city and school district.

(c) Allows for the city and school district to establish a joint recreation commission by adopting a joint resolution, with a 1 mill maximum levy. The voters of the area with the largest assessed valuation will vote and the cost of the election is to be borne equally by the city and school district.

(d) Upon approval by the voters, the city, school district, or both acting jointly are allowed to appoint a recreation commission and gives the recreation commission the power to operate the recreation system.

Section 5

(a) All new recreation commissions shall consist of five members. Outlines the method of appointment. Those who are appointed must be residents of the recreation commission taxing area. Terms of office are prescribed. The treasurer of the recreation commission is the treasurer of either the city or the school district. There shall be no compensation paid to the members and treasurer of the recreation commission.

(b) Allows any recreation commission currently operating to reorganize, if there is a majority vote to do so, and the new recreation commission shall only be five members. This section keeps the membership of currently operating recreation commissions intact.

Section 9

Is current statute 12-1915

Section 10

Is current statute 12-1916

Section 11

Same as current statute 12-1917

Section 12

Same as current statutes 12-1919 and part of 12-1920 except that the cost of the election is to be borne equally by the city and school district. This section streamlines existing statutory language.

Section 13

Provides that a school district is not a taxing subdivision for the creation of any employee benefit contribution funds. This replaces current statute 12-1920.

Section 14

Repeater

Section 15

Effective July 1, 1987



Voice (913) 831-3355
TDD (913) 831-3342

6501 Antioch Rd., Shawnee Mission, KS 66202-3637

TESTIMONY
to
KANSAS HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE

by
Gary L. Haller, Director
Johnson County Park and Recreation District
February 22, 1993

HOUSE BILL NO. 2313

Honorable Chairperson and Committee Members:

On behalf of the Johnson County Park and Recreation District Board, we seek your approval of H.B. 2313.

The Johnson County Park and Recreation District was a special district with creative legislation established by the Kansas Legislature in 1955.

Within the original creative legislation, and as shown as stricken language within H.B. 2313, are the provisions wherein the statutes call for the District Board to conduct its own elections. The language which has been stricken in the bill was used originally by the District prior to the establishment of a County Election Commissioner.

Since the mid-1970s, it has been the practice of the District Board to utilize the Office of the Election Commissioner to carry out election issues of the District. This procedure has been approved in the past by the Secretary of State's Office and the Johnson County Election Commissioner. However, for specific clarification, the District Board feels it pertinent and appropriate that the original statutes should be revised so there is no question that the District should utilize the election procedures for most public jurisdictions in Kansas.

H.B. 2313 is presented to eliminate useless and unnecessary legislation and specifically calls for the District to utilize Kansas election procedures and the Office of the Johnson County Election Commissioner in carrying out future elections.

For further documentation of the need for H.B. 2313, attached are support letters from the Secretary of State, Board of Johnson County Commissioners, Johnson County Election Commissioner, and the District Bond Counsel of Gilmore & Bell.

Your approval of H.B. 2313 is appreciated.

1993 BOARD OF COMMISSIONERS

Marilyn Uppman, *Chair* • Dr. Marvin Wollen, *Vice Chair* • Forrest E. St. Aubin, *Treasurer* • George McEachen, *Secretary* • Austin Harmon • Carol Lenard • Barbara Briscoe
An Equal Opportunity Employer. Gary L. Haller, *Director*

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ATTACHMENT 8-1
2-22-93

Bill Graves
Secretary of State



2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

February 22, 1993

Representative Nancy Brown, Chair
Committee on Local Government
State Capitol
Topeka, Kansas 66612

Dear Representative Brown:

I am writing in support of HB 2313. This bill would clarify a statute already on the books which was intended to allow elections for recreation commissions to be conducted by the county election officer.

Each county has a county election officer or election commissioner whose duties include the conduct of elections of all types. It makes good sense for these countywide recreation commissions to have that expertise available to them and to avoid the cost of holding separate elections. Further, the proposed bill will promote the consistency of election administration that, in my view, is essential.

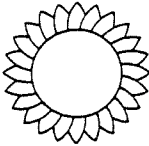
Please consider recommending HB 2313 favorable for passage. If I can be of assistance in your deliberations, please do not hesitate to contact me.

Sincerely,

BILL GRAVES
Secretary of State

BG/bb

ATTACHMENT 8-2
2-22-93



Johnson County
Kansas

February 18, 1993

Representative Nancy Brown
District 27
State House, Room 183-W
Topeka, KS 66612

Dear Nancy:

On behalf of the Board of County Commissioners, I would like to add our support for HB 2313 concerning the Johnson County Park and Recreation District.

It is the Board's understanding that in short, the bill deletes all references to the park district running its own bond or levy issue elections and clarifies that any park district election issues will be carried out by the county election commissioner. It is the Board's feeling that these revisions would help clear up some outmoded language.

The Board is aware that this bill is scheduled for hearing before the House Local Government Committee on Monday, and we would be most appreciative if you would add our name to the list of supporters.

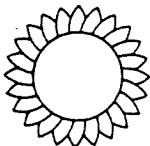
Thank you for your assistance on this.

Sincerely,

Sue E. Weltner, Chairman
Board of County Commissioners

SEW:lt

cc: Board of County Commissioners
Gerry Ray, Intergovernmental Coordinator
Gary Haller, Parks and Recreation Director



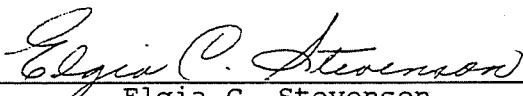
Johnson County
Kansas

Elgia C. Stevenson
Election Commissioner

TO WHOM IT MAY CONCERN

This is a memo of support for passage of HB 2313 to edit procedures addressed in K.S.A. 19-2875 concerning the Johnson county park and recreation district.

The amended statute will define the manner in which elections relating to issuance of bonds will be conducted.


Elgia C. Stevenson
Johnson County Election Commissioner

February 16, 1993



GILMORE & BELL

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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WICHITA, KS. 67202-1398
316-267-2091
FACSIMILE: 316-262-6523

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JOE L. NORTON
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MARY F. CARSON
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DEBORAH K. DENNINGTON*
KANSAS BAR

OF COUNSEL
BYRON BRAINERD
JAMES M. KAUP

DONALD A. BELL
1928-1985

*ALSO ADMITTED IN MISSOURI

WEBB R. GILMORE
JERRY T. POWELL
KIM B. WELLS
JAMES W. WINN
ROBERT P. BALLSRUD
CHRISTOPHER D. AHRENS
LYND K. MISCHÉ
CLARK R. IREY II
DOROTHEA K. RILEY
ALVIN D. WILKEN
E. SID DOUGLAS III
NANCY N. C. LEAR
RICHARD M. WRIGHT, JR.
KAY E. SOOTER
LORI L. GAODIS
MARK D. GRIMM
ULYSSES M. CLAYBORN
MISSOURI BAR

OF COUNSEL
RICHARD E. PETRIE

February 18, 1993

Chairperson and Members of
the House Committee on
Local Government
State House
Topeka, Kansas 66612

Re: House Bill No. 2313

Ladies and Gentlemen:

As bond counsel to the Johnson County Parks and Recreation District (the "District"), we strongly support the passage of House Bill No. 2313. House Bill No. 2313 repeals and replaces K.S.A. 19-2875, which was enacted in 1953 and has remained unchanged since its enactment, and which contains the existing legislation relating to the election procedures which apply to the District. The existing legislation provides for the governing body of the District to designate voting places, appoint election judges and clerks, furnish lists of electors to election judges, and otherwise perform a variety of functions which are performed for most public jurisdictions by the election officer or election commissioners in the county. Fortunately, the Johnson County Election Commissioner and the Secretary of State's office have been extremely cooperative in working with the District to sort out who does what on each District election to ensure that voters in the District have the greatest access to the polls within the limits of the existing law. Unfortunately, the overlapping election procedures for the District create a number of questions each time an election is considered and any modifications to the general election laws or the bond election laws may only increase the ambiguities.

In working with the District and with numerous other public jurisdictions in Kansas, we believe that legislation which provides uniform election procedures for public jurisdictions benefits the voters, the election officers and the public jurisdiction. In our opinion, H.B. 2313 eliminates the ambiguity which currently exists with overlapping election procedures and

ATTACHMENT 9-1

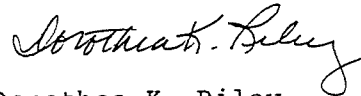
2-22-93

Chairperson and Members of
the House Committee on
Local Government
February 18, 1993
Page Two

provides the District with more efficient election procedures
which are consistent with those procedures for most public
jurisdictions in Kansas.

If we may be of any assistance to the Committee on this
matter, please let me know.

Very truly yours,



Dorothea K. Riley

DKR:mkr

GILMORE & BELL

ATTACHMENT 9-2
2-22-93

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

NANCY BROWN
REPRESENTATIVE, 27TH DISTRICT
15429 OVERBROOK LANE
STANLEY, KANSAS 66224-9744
(913) 897-3121
FAX: (913) 897-4635

STATE CAPITOL
ROOM 183-W
TOPEKA, KANSAS 66612-1587
(913) 296-7696
FAX: (913) 296-1154

February 18, 1993

Mrs. Dean E. Wilson
81126 SE. U.S. Hwy. 40
Tecumseh, KS 66542

Dear Elaine,

I want to give you a copy of the amended version of HB 2103 for your information. I also wanted to share the committee discussion with you and the thoughts behind the decision.

I met earlier yesterday with the Republican members of the Local Government Committee and we discussed the amended bill further. The reservations by the members remained, so I asked them if they could vote for the amended version of the bill. The group was split.

I asked Representative Bob Watson, Ranking Minority member, to meet with the Democratic members. He reported the same results; the committee members were split.

I had two choices: (1) to attempt to get the bill out of committee and perhaps have the motion fail which means the bill is "dead;" or (2) get it passed out of committee, but most likely lose it on the floor. Either way the possibilities of a "Do Not Resuscitate" bill would be over for this session.

Instead, I asked the committee to allow an opportunity for the Silver Haired Legislature to review the bill, which would provide for additional "public" support. The Silver Haired Legislature could then help with educating the public on what to do and who to call in situations similar to yours, but also with providing support for a bill similar in concept to HB 2103.

If the bill is to pass, it is apparent that public as well as private support is needed. This avenue is just one to pursue.

Thank you for sharing your story, which I know was difficult for you. Please know that the committee was sympathetic and appreciated the time you took to meet with us. We hope you understand that our task of taking thoughts, ideas and concerns and placing them into laws is not always easy, particularly when we deal with life and death issues.

Your input into the process is invaluable and my hope is that your first experience into the legislative process was positive in spite of the fact that the outcome was not as you wished.

Sincerely,

Handwritten signature of Nancy Brown in cursive script.
Nancy Brown

COMMITTEE ASSIGNMENTS

LOCAL GOVERNMENT
RANKING REPUBLICAN
GOVERNMENTAL ORGANIZATION
ECONOMIC DEVELOPMENT
STATE EMERGENCY RESPONSE COMMISSION
CHAIRMAN
COMMUNITY DEVELOPMENT BLOCK GRANT
ADVISORY BOARD CHAIRMAN
EMERGENCY MEDICAL SERVICES BOARD
NCSL STATE-LOCAL RELATIONS COMMITTEE
AND THE WOMEN'S NETWORK BOARD
FEDERAL EMERGENCY MANAGEMENT AGENCY
(FEMA) ADVISORY BOARD MEMBER

H. Local Gov. Co.,
2/22/93 Attachment 10