

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:00 a.m. on March 9, 1993 in Room 531-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Representative Eugene Shore
Senator Tim Emert
Representative Walker Hendrix

Others attending: See attached list

HB 2068 -- Relating to certain county golf courses.

Representative Eugene Shore testified in support of the bill. (See Attachment 1). A short discussion followed regarding the 10% protest petition as amended into the bill by the House committee.

Sen. Tillotson made a motion to amend HB 2068 back to as it was originally introduced in the House, Sen. Downey seconded the motion for the purpose of discussion.

The Chairman summarized the bill by explaining that the bill would make it easier for counties to do this and still retain the public right to protest, however, the other side is the opinion that the people should have the right to vote. Sen. Langworthy noted that there are adequate safeguards already in place, therefore, she supports Sen. Tillotson's motion.

On a call for a vote on Sen. Tillotson's motion to amend HB 2068, the motion carried.

Sen. Langworthy made a motion to report HB 2068 favorable for passage as amended, Sen. Ranson seconded, and the motion carried.

HB 2153 -- Relating to certain joint district recreation systems; authorizing the issuance of no-fund warrants by the governing body thereof.

Sen. Tim Emert testified in support of HB 2153. (See Attachment 2).

Staff noted that a technical amendment is needed on lines 8 and 16 of the bill to strike "district" after "joint".

Sen. Ranson made a motion to so amend HB 2153 and to report it favorable for passage as amended, Sen. Langworthy seconded, and the motion carried.

HB 2219 -- Concerning municipalities; relating to planning and zoning and
HB 2220 -- Concerning planning and zoning; relating to townships.

Representative Walker Hendrix testified in support of the bills. (See Attachment 3).

Rep. Hendrix noted that the bills would apply to Franklin County only. A discussion followed regarding the background of the bill. Senate Bill 23 concerning countywide zoning was passed two years ago and included

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on March 9, 1993.

no provision to preserve zoning except in cities. Staff confirmed that Franklin County is the only county in this position.

Staff felt that there may be a need for a clarification amendment for HB 2219 to allow the county commission to enforce the left over zoning provision.

Sen. Langworthy made a conceptual motion to amend HB 2219 to allow the county commission to enforce zoning and to report it favorable for passage as amended, Sen. Downey seconded the motion, and the motion carried.

Sen. Langworthy made a motion to report HB 2220 favorable for passage, Sen. Ranson seconded, and the motion carried.

The minutes of February 25 were approved.

The meeting was adjourned at 9:37 a.m.

The next meeting is scheduled for March 10, 1993.

Date: March 9, 1995

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

[illegible]

STATE OF KANSAS

EUGENE L. SHORE
REPRESENTATIVE, 124TH DISTRICT
GRANT, W. HASKELL, MORTON,
STANTON AND STEVENS COUNTIES

ROOM 446-N, CAPITOL BLDG.
TOPEKA, KANSAS 66612-1504
(913) 296-7677



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

CHAIRMAN: AGRICULTURE
MEMBER: ENERGY AND NATURAL RESOURCES
TRANSPORTATION

SENATE LOCAL GOVERNMENT COMMITTEE
TESTIMONY ON HB 2068
Representative Gene Shore
March 9, 1993

Mr. Chairman and members of the committee:

HB 2068 was introduced at the request of people in three of my five counties in the 124th legislative district.

Current law allows the commissioners of a county with a population under 3,000 and a valuation over \$30 million to make an annual levy of up to one mill to build and operate a county owned and operated golf course.

This bill raised the size of the county which may propose a county owned and operated golf course from 3,000 to 8,000.

As introduced, the commissioners must publish this proposal for two consecutive weeks in the official newspaper, then allow for a sixty day period when a 5% protest petition can ask for a county election. In the House committee of the whole the bill was amended to provide for a 10% petition to require the commissioners to place the question on the ballot. I would ask you to amend the bill back to it's original language to save the cost of an election.

I am not a golfer, but my home county has a county owned and operated golf course, built and maintained under the current law. I have been impressed with the number of older people who play. These are people who have worked hard all their life, acquired property and are paying large property tax bills for schools, hospitals, libraries, law enforcement centers and recreation departments which are all county owned and operated. I think it is only fair that people who pay for all the other facilities can have a facility built that they can enjoy.

I ask for your support of HB 2068 and would stand for questions.

ROUTE 2
JOHNSON, KANSAS 67855
(316) 492-2449

*Senate Local Gov't
3-9-93
Attachment 1*

STATE OF KANSAS

TIM EMERT
SENATOR, 15TH DISTRICT
ALLEN, CHAUTAUQUA, SE COFFEY,
MONTGOMERY, WILSON, WOODSON COUNTIES
P.O. BOX 747
INDEPENDENCE, KANSAS 67301
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STATE CAPITOL BUILDING, ROOM 143-N
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TOPEKA

SENATE CHAMBER
March 9, 1993

COMMITTEE ASSIGNMENTS
CHAIRMAN: JOINT COMMITTEE ON
CLAIMS AGAINST THE STATE
VICE CHAIRMAN: JUDICIARY
MEMBER: EDUCATION
ENERGY AND NATURAL
RESOURCES
TRANSPORTATION AND UTILITIES

Senate Testimony Before the
Local Government Committee

by
Senator Tim Emert

HB 2153 is before you today as a result of a clerical error. In August of 1992 the voters in the Fredonia school district agreed to place a recreation levy on the school district and discontinue the levy on the city of Fredonia. Unfortunately the county clerk did not place the tax levy on either entity, so no money is available for recreational activities for 1993.

The city and school district appealed to the Board of Tax Appeals for the ability to issue no-fund warrants, but were refused on the grounds that this is not an emergency, and BOTa could only grant those warrants in an emergency.

They requested the Department of Administration's municipal accounting office's help, but were told the only option they had was special legislation.

I stand before you today to request that special legislation. HB 2153 would allow the school district to issue the no-fund warrants for this year in order to insure the summer recreation program's existence. The school board would then pay off those warrants in FY'94 when the tax is levied in November 1993 and receipts come in during December of 1993 and June 1994.

The children of the Fredonia school district thank you for your favorable consideration of this bill, and so do I.

*Senate Local Gov't
3-9-93
Attachment 2*

WALKER HENDRIX
REPRESENTATIVE, 10TH DISTRICT
FRANKLIN AND DOUGLAS COUNTIES
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

CHAIRMAN: RULES AND JOURNAL
VICE CHAIRMAN: ENERGY AND NATURAL RESOURCES
MEMBER: TRANSPORTATION
GOVERNMENT ORGANIZATION AND ELECTIONS
JOINT COMMITTEE ON LEGISLATIVE
POST AUDIT

**TOWNSHIP ZONING
(H.B. 2219 AND 2220)**

As a result of the changes in law dealing with countywide zoning, there have been some unusual developments which were not anticipated. H.B. 2219 and 2220 are technical changes to countywide zoning which will allow for the continuation of township zoning pending adoption of a county comprehensive zoning plan. Also, there is a provision to transfer township zoning and planning funds, which can no longer be used, to the county planning commission for its use.

The reason for the legislation is to protect certain zoned townships in Franklin County from being dezoned during the pendency of deliberations over a comprehensive plan for Franklin County. The countywide zoning regulations have become extremely controversial and may take some time. The townships with preexisting zoning would like to protect development in those areas during the zoning process. It would be unfortunate to have development which would conflict with historical zoning practices in the townships. Under current law without the changes, the township zoning would cease to exist.

*Senate Local Gov't
3-9-93
Attachment 3*