

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 16, 1993 in Room 531-N of the Capitol.

All members were present except: Sen. Langworthy - Excused

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

Conferees appearing before the committee:

Rep. Doug Lawrence  
Bev Bradley, Kansas Association of Counties  
Nancy Shontz, Lawrence, Kansas  
Dr. Ramon Powers, Kansas State Historical Society  
Gerry Ray, Johnson County  
Chris McKenzie, League of Kansas Municipalities

Others attending: See attached list

HB 2169--Relating to counties; concerning contracts for county road projects.

Ms. Kiernan explained that the bill raises the amount from \$5,000 to \$10,000 before the county has to let the work for road projects out for bid.

Rep. Doug Lawrence testified in support of the bill. (See Attachment 1).

Sen. Ranson asked if the work would have to be let out to a bid. Ms. Kiernan answered, "No", but if the decision is made to let it out to contractors for a bid, they would have to go through the bidding procedure. Rep. Lawrence clarified that the bill involves just a technical change which would allow road projects to be treated the same as bridge projects.

Bev Bradley, Kansas Association of Counties, testified in support of the bill. (See Attachment 2).

Sen. Ramirez made a motion to report HB 2169 favorable for passage, Sen. Tillotson seconded.

Sen. Ranson posed the question as to if the bill might perhaps make it more conducive for the spoils system to work. Sen. Ramirez clarified that \$10,000 is already in place for bridge projects and other county projects, and this bill is only making road projects consistent with others.

Upon a call for a vote on Sen. Ramirez' motion, the motion carried.

Continued hearing on HB 2470 -- Concerning historic preservation.

Nancy Shontz of Lawrence, Kansas, testified in support of the bill if amended. (See Attachment 3) She also had written testimony from The Lawrence Preservation Alliance and a letter of acceptance of proposed amendments by the State Historical Society. (See Attachments 4 and 5).

Ms. Shontz confirmed for Sen. Gooch that the local governments would make recommendations regarding historical structures, but the final authority would be retained by the state preservation officer. Sen. Tillotson asked Ms. Shontz what the fear was of letting local units of government make these decisions. Ms. Shontz

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on March 16, 1993.

referred to the last paragraph of her written testimony regarding lack of necessary expertise or the misconstruing of preservation law by local communities. She added that she has seen this happen in Lawrence. This lack of expertise necessitates the final authority of the preservation officer. Sen. Ramirez noted that local control is usually stressed in bills before this committee but not in HB 2470. Ms. Shontz felt that historical preservation demands special treatment because of its unique importance.

Dr. Ramon Powers, Kansas State Historical Society, presented a balloon of the bill which is a compromise worked on by himself, Chris McKenzie of the League of Municipalities, and Ron Schneider of The Preservation Alliance. (See Attachment 6). On page 1, line 24, the distance in which notice is to be given to the historical office is returned to 500 feet. The change on page 2, lines 28-30, allowing a city or county to make recommendations is acceptable to him because it is not substantive. He considers this agreement as a first step in the effort to work with cities and the preservation community to redirect the State Historical Society's program to provide greater support for preservation throughout the state.

Sen. Reynolds made a motion to amend HB 2470 as suggested by Dr. Powers and to report it favorable for passage as amended, Sen. Ranson seconded, and the motion carried.

Written testimony in support of HB 2470 as amended was submitted by Chris McKenzie of the League of Kansas Municipalities (See Attachment 7), Willie Martin of Sedgwick County (See Attachment 8), and the City of Topeka (See Attachment 9).

HB 2227 -- Johnson County fire districts; governing body, powers, duties, removal from office; budget.

Ms. Kiernan summarized the changes. Section 1 changes the governing body from three members to three or five, and existing boards can be expanded from three to five. Also, members of the governing body can be removed for cause. Section 2 lists the powers and adds that if bonds are issued, approval by the county commissioners is required. Section 5 is a clarifying amendment.

Sen. Reynolds asked why Johnson County needs the bill. Ms. Kiernan explained that Johnson County has its own law for governing fire districts, and there is no home rule when governing fire districts.

Gerry Ray, Johnson County, testified in support of the bill. (See Attachment 10). She stressed that this bill is strictly an accountability means to review the fire district budget and approve bonds.

Rep. Nancy Brown stood to inform the committee that in the House Local Government Committee hearing on this bill, the Johnson County fire districts supported the bill.

Sen. Ramirez made a motion to report HB 2227 favorable for passage, Sen. Tillotson seconded, and the motion carried.

HB 2226 -- Recreation commissions; removal of members; approval of budgets.

Ms. Kiernan explained that the bill allows the removal of a member of the governing body with just cause and states where copies of budgets adopted by recreation commissions must be filed. Also, an audit would be required of the governing body of recreation commissions with gross receipts of \$150,000 (lowered from \$275,000). When an audit is required, it must be filed with the County Clerk.

Laura Kelly, Kansas Recreation and Park Association, stood in support of HB 2226. (See Attachment 11).

Mike Heim felt a clarifying amendment is needed on page 1 of the bill regarding the removal of any member of the recreation commission. It is not stated who would be responsible for the removal of the member. It was the consensus of the committee that the appointing authority would be responsible for the removal of a member. Sen. Feleciano made a motion to so amend HB 2226, Sen. Tillotson seconded, and the motion carried.

Chris McKenzie, League of Kansas Municipalities, testified in support of the bill. (See Attachment 12).

Sen. Feleciano made a motion to report HB 2226 favorable for passage as amended, Sen. Ramirez seconded, and the motion carried.

The minutes of March 15 were approved. The meeting was adjourned at 9:50 a.m.

The next meeting is scheduled for March 17, 1993.

Date: March 16, 1993

## GUEST REGISTER

SENATE

## LOCAL GOVERNMENT

[illegible]

**Doug Lawrence**

STATE REPRESENTATIVE

902 MIAMI

BURLINGTON, KS 66839



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE AND SMALL BUSINESS  
ENERGY AND NATURAL  
RESOURCES  
TRANSPORTATION

March 16, 1993

Testimony before the Senate Local Government Committee  
HB 2169

This bill was introduced at the suggestion of the Coffey County Attorney, following a review of County Bidding procedures he conducted. You may be aware of a year long controversy in Coffey County regarding the activities and practices of some county employees as well as County Commissioners.

After the problems surfaced, the County Attorney began a review of a number of county transactions and discovered an inconsistency in state law as a result of that review. Current State law requires a county to seek competitive bids on County Bridge Projects that are estimated to exceed 10-thousand dollars. That 10-thousand dollar limit is similar to most other bidding requirements in the state. But, Current state law requires a county to seek bids on County road projects which exceed 5-thousand dollars. In our County, interpretation of what was a Bridge Project and what was a Road project led to some interesting debate.

The particular incident which raised legal questions was whether guard rails placed on a bridge approach were part of a road project or bridge project. In attempting to sort through this problem, it was suggested that the law should be changed to make it consistent with all other state law. As a result, I introduced this bill which simply raises the Road Project bidding requirement from 5-thousand dollars to 10-thousand dollars. This change makes the bidding requirement consistent with most other bidding requirements in the state.

With that explanation, I would stand for questions.

Senate Local Gov't  
3-16-93  
Attachment 1



"Service to County Government"

1275 S.W. Topeka Blvd.  
Topeka, Kansas 66612-1852  
(913) 233-2271  
FAX (913) 233-4830

**EXECUTIVE BOARD**

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Graham County Appraiser  
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Vernon Wendelken  
Clay County Commissioner  
(913) 461-5694

Darrell Wilson  
Saline County Sheriff  
(913) 826-6500

**Executive Director**

John T. Torbert, CAE

March 16, 1993

To: Senator Mark Parkinson, Chairman  
Members Senate Local Government Committee

From: Bev Bradley, Deputy Executive Director  
Kansas Association of Counties

Re: HB 2169 County Roads Projects Contracts

As we understand HB 2169, if the county engineers estimated cost of construction, surfacing, repairing or maintaining of any road improvement project exceeds \$5,000 the county commissioners, before awarding any contract, shall have the estimate and the approved plans and specifications which have been adopted by order of the board, filed in the county clerk's office or in some other designated office at least 20 days prior to the time of letting. This dollar amount would be raised to \$10,000 as is already the case for bridge improvements.

The Kansas Association of Counties is in support of this amendment.

general\tsb2169

Senate Local Govt  
3-16-93  
Attachment 2

3224 Saddlehorn Dr.  
Lawrence, KS 66049  
March 15, 1993

Senate Local Government Committee  
Mark Parkinson, Chair  
HB 2470

Dear Senator Parkinson and Committee Members:

I am Nancy Shontz. I am a former Lawrence City Commissioner, a long time member and a current officer of the Lawrence Preservation Alliance. Today I am speaking as an individual.

These amendments are premature. They were devised without the community's knowledge or advice. Preservation organizations and resource commissions are valuable players in creating good preservation legislation. It would be better to wait until the preservation officer comes next year with his amendments. With the help of all the players, a complete, integrated set of amendments could be presented for your consideration.

In regard to changing the notification area from 500' to 200' in order to reduce the number of permits the city and preservation officer process, babies will be tossed out with the bathwater. Some projects potentially damaging to registered properties would no longer trigger state review. This is a particularly important issue with large monumental buildings such as are found in the central business districts and college campuses. These buildings have large contexts and can easily be damaged by a loss or an intrusion of the wrong sort some distance away. I have found the 500' radius to be helpful. It has afforded more opportunities for educating the public and officials alike of the value of protecting the city's heritage than the skimpy 200' would have.

Another way to reduce the state's work load while maintaining a high level of preservation is to permit the local resource commissions to provide the documentation and recommendations for the preservation officer's review. Also, minor permits could be identified and processed locally. I must say it's not going to be easy to come up with an effective agreement between the preservation officer and the locality; Lawrence, for instance, has no trained preservationist on its staff, the assigned staff member is part time and its resource commission has very little time to do documentation research. Whatever the arrangement, there must be authority and expertise provided by professional preservationists outside the community who are committed to their work, who use the law correctly and who can lend a hand when local communities lack necessary expertise or when they misconstrue preservation law. I am thoroughly convinced that the responsibility for final approval of permits must reside in the state preservation officer.

cc to:  
Sen. Sandy Praeger  
Sen. Paul Feliciano  
Dr. Ramon Powers

Sincerely,

*Nancy K. Shontz*  
Nancy K. Shontz

*Senate Local Gov't  
3-16-93  
Attachment 3*

# The Lawrence Preservation Alliance

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March 8, 1993

Mark Parkinson, Chair  
Members  
Local Government Committee  
Kansas Senate  
HB 2470


Dear Senator Parkinson and Committee Members:

The Lawrence Preservation Alliance, an organization with a nine year history of preservation activities and considerable community respect, was dismayed to learn that the State Preservation Statute was already well into the process of being amended in the House without our knowledge. Despite a flurry of activity in gathering as much information as we could regarding the history of the amendments, their content and the arguments given for their adoption, we found that we lacked sufficient time to develop a position to present to you today. We believe we could have been of help in understanding the issues and in suggesting solutions to the perceived problems had we been informed of the amendments and the hearings in a timely manner.

The State Historic Preservation Officer plans to present a number of amendments clarifying and specifying a number of provisions in the statute, probably next year. That would be a better time to consider amending the statute because the interrelationships among all the provisions, new and existing, would be much clearer, the question whether preservation would be well served by the changes could be answered with greater confidence and because the proposals will be expected, preservation groups and other interested citizens will be prepared to contribute their perspectives to the discussion.

Thank you for your attention.

Sincerely,

  
Nicolette Bromberg  
President

Senate Local Govt  
3-16-93

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P. O. Box 1073 Lawrence, Ks 66044

Attachments 4

# The Lawrence Preservation Alliance

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March 16, 1993

Mark Parkinson, Chair  
Members  
Senate Local Government Committee  
HB 2470

Dear Senator Parkinson and Committee Members:

At its regular meeting, March 15, 1993, the board of directors of the Lawrence Preservation Alliance adopted the following resolution regarding HB 2470:

- 1) The notification area should remain 500'
- 2) The state historic preservation officer should not delegate powers but should authorize local governments to act on the officer's behalf, and
- 3) The state historic preservation officer should retain the final authority of the provisions of the act.

Sincerely,

*Nicolette Bromberg*  
Nicolette Bromberg, <sup>hks</sup>  
President

*Senate Local Gov't  
3-16-93*

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P. O. Box 1073 Lawrence, Ks 66044

*Attachment 5*



As Amended by House Committee

Session of 1993

HOUSE BILL No. 2470

By Committee on Local Government

2-16

9 AN ACT concerning historic preservation; concerning certain gov-  
10 ernment projects; amending K.S.A. 75-2724 and repealing the  
11 existing section.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 75-2724 is hereby amended to read as follows:

15 75-2724. (a) The state or any political subdivision of the state, or  
16 any instrumentality thereof, shall not undertake any project which  
17 will encroach upon, damage or destroy any historic property included  
18 in the national register of historic places or the state register of  
19 historic places or the environs of such property until the state historic  
20 preservation officer has been given notice, as provided herein, and  
21 an opportunity to investigate and comment upon the proposed pro-  
22 ject. Notice to the state historic preservation officer shall be given  
23 by the state or any political subdivision of the state when the pro-  
24 posed project, or any portion thereof, is located within 500 feet  
25 of the boundaries of a historic property located within the corporate  
26 limits of a city, or within 1,000 feet of the boundaries of a historic  
27 property located in the unincorporated portion of a county. Not-  
28 withstanding the notice herein required, nothing in this section shall  
29 be interpreted as limiting the authority of the state historic pres-  
30 ervation officer to investigate, comment and make the determinations  
31 otherwise permitted by this section regardless of the proximity of  
32 any proposed project to the boundaries of a historic property. The  
33 state historic preservation officer may solicit the advice and rec-  
34 ommendations of the historic sites board of review with respect to  
35 such project and may direct that a public hearing or hearings be  
36 held thereon. If the state historic preservation officer determines,  
37 with or without having been given notice of the proposed project,  
38 that such proposed project will encroach upon, damage or destroy  
39 any historic property included in the national register of historic  
40 places or the state register of historic places or the environs of such  
41 property, such project shall not proceed until: (a) (1) The governor,  
42 in the case of a project of the state or an instrumentality thereof,  
43 or the governing body of the political subdivision, in the case of a

500 feet

Senate Local Gov't  
3-16-93  
Attachment 6

1 project of a political subdivision or an instrumentality thereof, has  
2 made a determination, based on a consideration of all relevant factors,  
3 that there is no feasible and prudent alternative to the proposal and  
4 that the program includes all possible planning to minimize harm  
5 to such historic property resulting from such use and (b) (2) five  
6 days' notice of such determination has been given, by certified mail,  
7 to the state historic preservation officer.

8 (b) Any person aggrieved by the determination of the governor  
9 pursuant to this section may seek review of such determination in  
10 accordance with the act for judicial review and civil enforcement of  
11 agency actions. Any person aggrieved by the determination of a  
12 governing body pursuant to this section may seek review of such  
13 determination in accordance with K.S.A. 60-2101 and amendments  
14 thereto.

15 (c) The failure of the state historic preservation officer to initiate  
16 an investigation of any proposed project within 30 days from the  
17 date of receipt of notice thereof shall constitute such officer's approval  
18 of such project.

19 (d) Failure of any person or entity to apply for and obtain the  
20 proper or required building or demolition permit before undertaking  
21 a project that will encroach upon, damage or destroy any historic  
22 property included in the national register of historic places or the  
23 state register of historic places, or the environs of such property,  
24 shall be subject to a civil penalty not to exceed \$25,000 for each  
25 violation. The attorney general may seek such penalties and other  
26 relief through actions filed in district court.

27 (e) ~~The state historic preservation officer may enter into an~~  
28 ~~agreement delegating to a city or county any or all responsibilities~~  
29 ~~of the state historic preservation officer under subsections (a), (b)~~  
30 ~~and (c) if the state historic preservation officer determines that the~~  
31 ~~city or county is capable of carrying out such responsibilities.~~  
32 has enacted a comprehensive local historic preservation ordinance,  
33 established a local historic preservation board or commission and  
34 is actively engaged in a local historic preservation program. The  
35 agreement shall specify the authority delegated to the city or county  
36 by the state historic preservation officer, the manner in which the  
37 city or county shall report its decisions to the state historic pres-  
38 ervation officer, the conditions under which the city or county can  
39 request assistance from the state historic preservation officer in  
40 performing certain project reviews, the length of time the agree-  
41 ment is to be valid and provisions for termination of the agreement.  
42 The state historic preservation officer shall adopt any rules and  
43 regulations necessary to implement the provisions of this subsection.

6-2  
authorizing a city or county to make recommendations or to perform

1 ~~A delegation of authority~~ pursuant to this subsection shall not be  
2 construed as limiting the authority of the state historic preservation  
3 officer to investigate, comment and make determinations otherwise  
4 permitted by this section.  
5 Sec. 2. K.S.A. 75-2724 is hereby repealed.  
6 Sec. 3. This act shall take effect and be in force from and after  
7 its publication in the statute book.

All agreements with a city or county

;all agreements shall provide that the state historic  
preservation officer shall retain final authority to  
implement the provisions of the act.

6-3



# THE LEAGUE OF KANSAS MUNICIPALITIES

## Municipa Legislative Testimony

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

TO: Senate Committee on Local Government  
FROM: Chris McKenzie, Executive Director  
DATE: March 15, 1993  
RE: House Bill No. 2470

Thank you for the opportunity to appear in support of HB 2470. In partnership with the Kansas State Historical Society and certain of our member cities, the League has been working to help improve the capacity of municipal governments to manage and promote the preservation of historical buildings. Since its enactment in 1977, the Historic Preservation Act has advanced the important goal of preserving historic structures. Unfortunately various provisions of the Act encourage friction between state and local government in reaching this goal and actually discourage the development of viable local historic preservation programs.

HB 2470 was jointly requested by the League and the Kansas State Historical Society in an effort to create opportunities for the development of greater local capacity to address historic preservation. It does this in two ways. First, it reduces the distance for notice requirements to the State Historic Preservation Officer (SHPO) from within 500 feet to within 200 feet of the boundaries of a listed historic property. At this time, every project undertaken within 500 feet of a registered historic property for which a city issues a permit becomes the subject of a notification to the state. This has imposed a significant burden on both cities and the state, and the reduced footage would help alleviate pressure to include every project and focus on projects within a narrower sphere of influence. This would **not** prevent notification of the state for projects more than 200 feet away from a registered structure, but it would reduce the administrative burden on cities that exists at this time.

Second, paragraph (e) of Section 1 would authorize the State Historic Preservation Officer to enter into agreements with cities to carry out his review responsibilities for projects within that jurisdiction. The purpose of such a change would be to allow the SHPO to forge even closer partnerships with cities that have elected to make historic preservation a local priority. It would give local reviewers and decisionmakers even greater involvement in the historic preservation process. As amended in the House Committee on Local Government, the bill would retain the full authority of the SHPO to investigate, comment and make determinations concerning projects in communities in which such a delegation had occurred.

The League is supportive of the provisions of HB 2470, as amended. I believe it will lead to stronger local historic preservation programs and advancement of the state's historic preservation goals. Thank you.

*Senate Local Govt  
3-16-93  
Attachment 7*



**SEDGWICK COUNTY, KANSAS**

**INTERGOVERNMENTAL RELATIONS**

**WILLIE MARTIN**

COUNTY COURTHOUSE • 525 N. MAIN • SUITE 315 • WICHITA, KANSAS 67203 • TELEPHONE (316) 383-7552

TO: SENATE LOCAL GOVERNMENT  
FROM: WILLIE MARTIN  
DATE: MARCH 11, 1993  
SUBJ: HOUSE BILL 2470

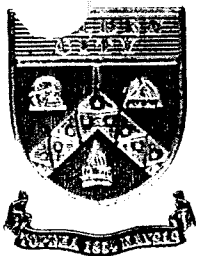
Mr. Chairman and members of the Committee, thank you for the opportunity to present my comments in support of House Bill 2470. I am Willie Martin, representing the Board of Sedgwick County Commissioners.

We believe the provisions of HB2470 which allows the State Historic Preservation Officer to delegate the law's responsibilities to cities or counties is appropriate. This provides for greater control over local projects and yet retains a check by the Historic Preservation Officer if local communities aren't capable of carrying out the law's responsibilities.

We also strongly support reduction of the notice area from 500 feet to 200 feet. In Sedgwick County, if the strict letter of current law were followed, most projects could not be started without notice, even though these projects are within the walls of the courthouse. The proposed change would allow the County to complete more projects within the Courthouse complex than the current law allows.

We respectfully request your support for the passage of House Bill 2470.

*Senate Local Gov't  
3-14-93  
Attachment 8*



# CITY OF TOPEKA

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Harry "Butch" Felker, Mayor  
215 E. 7th Street Room 352  
Topeka, Kansas 66603  
Phone 913-295-3895  
Fax Number 913-295-3850

March 8, 1993

Sen. Mark Parkinson, Chair  
and members of the Senate Local  
Government Committee  
State Capitol Building, Room 128-S  
Topeka, KS 66612

## House Bill 2470

Dear Senator Parkinson and Committee Members,

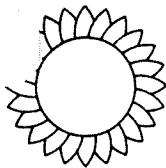
The city of Topeka supports House Bill 2470 as amended by the House. We believe this bill to be fair and a balance between historic preservation and economic development interests.

We would ask your favorable consideration of this bill as amended.

Sincerely yours,

Michael Miller, Director  
Intergovernmental Relations

*Senate Local Gov't  
3-14-93  
Attachment 9*



**Johnson County**  
**Kansas**

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March 16, 1993

SENATE LOCAL GOVERNMENT COMMITTEE

HEARING ON HOUSE BILL NO. 2227

TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL COORDINATOR  
JOHNSON COUNTY BOARD OF COMMISSIONERS

Mr. Chairman, members of the Committee, my name is Gerry Ray representing the Johnson County Board of Commissioners. I am appearing today in support of House Bill No. 2227.

The bill pertains to the fire districts in the unincorporated areas of Johnson County. Legislation was first adopted in 1955 giving the County Commissioners the authority to create fire districts. Those statutes have been added to and amended several times since then. Fire districts in Johnson County are organized in a very complicated manner which I will not attempt to explain, because it is not pertinent to the bill. The purpose of the bill is to provide a level of accountability to the fire district boards that are appointed by the County Commissioners. Existing law gives the County Commissioners the authority to appoint the members of the fire boards, but following those appointments the elected county board has no authority over those appointed boards.

HB 2227 not only permits the Commissioners to appoint the fire boards, but also provides a process to remove those appointees for any cause that justifies removing an appointive officer of the county. Further the bill requires that the fire districts' budgets and issuance of bonded indebtedness are subject to approval by the County Commission. The purpose of this change is to put the expenditure of funds under the authority of an elected body rather than an appointed board.

The bill also increases the three member fire district boards to five members. It is felt that five members provides a more representative body and does not put an undue burden on those who serve on those boards.

The Johnson County Commission feels HB 2227 offers a procedure under which the Fire District Board will retain the flexibility to manage the day to day operation while providing the protection of a certain level of oversight by elected officials. The County requests that the Committee recommend the bill favorable for passage.

Thank you for your consideration.



# KANSAS RECREATION AND PARK ASSOCIATION

700 JACKSON, SUITE 705  
TOPEKA, KANSAS 66603

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

TESTIMONY PREPARED FOR THE  
KANSAS SENATE  
LOCAL GOVERNMENT COMMITTEE  
TUESDAY, MARCH 16, 1993  
RE: HB 2226

Mr Chair, Members of the Committee: The Kansas Recreation and Park Association, representing 650 professionals and citizen advocates and 180 Recreation Commissions across the state, SUPPORTS HB 2226.

HB 2226 would amend the Statutes governing Recreation Commission in four ways:

First, in Section 1 (a) Lines 39-42 it allows for the removal of members of the recreation commission for any reason that would justify the removal of any appointed officer. KRPA feels that this clarifies what, in fact, happens in most communities anyway. It is important that appointing bodies have the authority to remove appointees when there is just cause and when due process is followed.

Second, in Sec 2 (a) Lines 33-43 it requires that budgets be submitted, by the Recreation Commission, directly to the county clerks in addition to the clerk of the taxing authority (school district or city). KRPA supports this amendment as it clarifies the issue of accountability by making the Recreation Commissions responsible for seeing to it that the county clerk has a record of their budgets.

Third, in Sec 2 (e) Lines 24-29 it requires Recreation Commissions to file their audits directly to the county clerk. KRPA supports this amendment.

Fourth, in Sec 3 (e) Lines 33-34 it reduces the aggregate annual gross receipts amount that triggers the audit requirement for Recreation Commissions from \$275,000 to \$150,000. Again, this amendment increases the accountability for Recreation Commissions without causing undue hardship.

KRPA encourages you to vote in favor of HB 2226.

*Senate Local Gov't  
3-16-93  
Attachment 11*





**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:** Senate Committee on Local Government

**FROM:** Chris McKenzie, Executive Director

**DATE:** March 16, 1993

**RE:** Support for HB 2226

Thank you for the opportunity to appear on behalf of the League of Kansas Municipalities in support of HB 2226. In its current form, HB 2226 would authorize the removal of any recreation commission member by the appointing authority for any cause which would justify removal of an appointive officer of any city or school district. It also requires the filing of the recreation commission budget with the city clerk or school district clerk and with the county clerk. Finally, it requires the preparation of an annual audit by recreation commissions with gross receipts in excess of \$150,000.

This measure was reviewed recently by the Legislative Committee of the League of Kansas Municipalities. It is our opinion it is a reasonable measure and provides an additional measure accountability for the expenditure of public funds by recreation commissions. Thank you very much.

*Senate Local Gov't  
3-16-93  
Attachment 12*