

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Vice Chairperson Marian Reynolds at 9:00 a.m. on March 22, 1994, in Room 531-N of the Capitol.

All members were present except: Sen. Parkinson - Absent due to an injury

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

Conferees appearing before the committee:

Senator Lana Oleen
Anne Smith, Kansas Association of Counties
Chris McKinzie, League of Kansas Municipalities

Others attending: See attached list

HB 2606--Concerning counties; relating to the expenditure of funds for certain purposes.

Ms. Kiernan explained that the bill amends two statutes which apply to counties dealing with bidding for the construction of roads and bridges. Exceptions from the bidding process is made in the case of roads and bridges damaged in a disaster under certain conditions.

Sen. Oleen testified in support of the bill. She said the bill is from a special flood task force created this past summer. She noted her district includes the cities of Manhattan, Junction City, Melvern and Ogden all of which suffered losses from the flooding this past summer. Due to the bidding process required by current law, repairs to roads and bridges in these areas were not able to be made before the next flood waters came which resulted in not only a safety hazard but also in more damage than would have occurred had the first damage been repaired before the second flooding. She said that in some cases volunteer repair was offered but was not able to be accepted before further flooding due to the length of time in the required bidding process. Sen. Oleen pointed out that there are safeguards in bill on page 3 that insure that exemption from the bidding process is allowed in emergency situations only. She concluded that the bill would result in money being saved because repairs could be made before further flooding and damage takes place causing more expense for repairs.

Sen. Ranson asked if it would be advisable to include estimates from a private engineer in addition to the county engineer or Kansas Department of Transportation (KDOT). Sen. Oleen had no objection to this. She said the KDOT was excellent in their work with the flood damage, but it could not break the law with regard to the bidding process, and this prevented flood damage being repaired before the next flooding.

Anne Smith, Kansas Association of Counties, followed with further testimony in support. (See Attachment 1) She noted an instance in a county which had \$10,000.00 additional damage due to the fact that repairs could not be made before the next flood occurred. She feels that KDOT and the county engineers will work together closely to insure that there is no wrong doing in the bidding process in cases of disaster.

Ms. Smith informed the committee that KDOT had expressed concern about the 60 day provision in item (5) on page 3 of the bill when it was heard in the House committee. It was felt that an emergency could last longer than this, and it was suggested that the bill be amended to read 60 days after the end of the disaster instead of within 60 days of the governor's declaration. It was felt that waiting for the governor to declare a disaster may delay the process. However, the House left this language in the bill because it was felt that it is a needed safeguard.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on March 22, 1994.

A discussion was begun regarding the question of how to determine the end of a disaster. An opinion was asked of staff.

While staff researched, the minutes of March 17 and 18 were approved.

Mr. Heim informed the committee that there is a provision in the Emergency Preparedness Act for the governor to declare the end of a disaster. Chris McKenzie, League of Kansas Municipalities, suggested that it would be better to use "the end of a declared emergency" rather than "awarded within 60 days." Sen. Reynolds began a discussion as to conceptually amending the bill to change "within 60 days" to the duration of the disaster.

Sen. Feleciano made an motion to report HB 2606 favorable for passage in its present form, Sen. Gooch seconded, and the motion carried.

HB 2565--Concerning municipalities; relating to the cash-basis law.

Ms. Kiernan explained that the bill amends the cash-basis law to redefine what a municipality is. It says that it is a district or a political subdivision that is supported by tax money. The other amendments are technical.

Chris McKenzie, League of Kansas Municipalities, testified in support of the bill. (See Attachment 2)

Sen. Ranson made a motion to report HB 2565 favorable for passage, Sen. Langworthy seconded, and the motion carried.

Sen. Feleciano made a motion to remove Substitute for HB 2625, regarding the Blue Valley Recreation Commission, from the table for the purpose of discussion, Sen. Langworthy seconded, and the motion carried.

Sen. Tillotson made a motion to amend Substitute for HB 2625 on page 2, line 43 and on page 3, line 1 to remove the language "may be removed from the commission, with or without cause," Sen. Ramirez seconded the motion.

Sen. Ranson said this is opening up the term to the whim of elected officials. People will be constantly being removed from the board. She feels a person needs to be able to serve the full term on the board for the time appointed. Sen. Downey stated she feels there needs to be assurance that there is some continuity in membership.

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

Sen. Ranson began a discussion regarding information received from a Blue Valley Recreation member expressing concern about language in New Section 4. Ms. Kiernan explained that it was requested that the language on page 7, line 29 be clarified by using "board of education" instead of "board." Also, it was felt that clarification was needed in Section 3, subsection (k) that the Blue Valley Recreation Commission may purchase real property.

With regard to subsection (c), page two of the bill, Sen. Downey asked if the intent was to enlarge the board or to change it. Sen. Langworthy responded that the intent was to enlarge the board. Sen. Downey felt this jeopardizes the continuity of the board. Sen. Ramirez commented that if the governing body wants continuity, they can reappoint the present board. Sen. Ranson added that increasing the membership from five to seven allows a meeting of two in accordance with the open meetings law. Also, although the bill ends service on the board at the term date, members can be reappointed and succeed themselves.

Sen. Ramirez made a motion to recommend Substitute for HB 2625 favorable for passage as amended, Sen. Ranson seconded, and the motion carried.

Attention was turned to HB 2698 concerning the City of Oxford which had been previously heard. Sen. Reynolds recalled that there had been no opposition to the bill at the hearing.

Sen. Ranson made a motion to recommend HB 2698 favorable for passage, Sen. Gooch seconded, and the motion carried.

The meeting was adjourned at 10:00 a.m.

This was the last scheduled meeting for the 1994 session.

Date:

GUEST REGISTER

**SENATE
LOCAL GOVERNMENT**

NAME _____

ORGANIZATION

ADDRESS

June Smith	Ks. Assoc. of Counties	Topeka
Math Cropper	Self	Overland Park
Karen Lohrey	Ks. Assn of School Boards	Topeka
Douglas Pearson	self	Lawwood
Shawn Pearson	B.V.R.C.	Lawwood



"Service to County Government"

215 S.E. 8th
Topeka, Kansas 66603-3906
(913) 233-2271
FAX (913) 233-4830

EXECUTIVE BOARD

President

Barbara Wood
Bourbon County Clerk
210 S. National
Fort Scott, KS 66701
(316) 223-3800, ext. 54

Vice-President

Dudley Feuerborn
Anderson County Commissioner
100 E. 4th
Garnett, KS 66032
(913) 448-5411

Past President

Murray Nolte
Johnson County Commissioner
9021 W. 65th Dr.
Merriam, KS 66202
(913) 432-3784

Roy Patton
Harvey County Weed Director
P.O. Box 687
Newton, KS 67114
(316) 283-1890

Nancy Hempen
Douglas County Treasurer
110 Massachusetts
Lawrence, KS 66044
(913) 832-6275

DIRECTORS

Mary Bolton
Rice County Commissioner
101 W. Commercial
Lyons, KS 67554
(316) 257-2629

Ethel Evans
Grant County Commissioner
108 S. Glenn
Ulysses, KS 67880
(316) 356-4678

Frank Hempen
Douglas County Director of
Public Works
1242 Massachusetts
Lawrence, KS 66044
(913) 832-5293

Mary Ann Holsapple
Nemaha County Register of Deeds
607 Nemaha
Seneca, KS 66538
(913) 336-2120

Eldon Hoyle
Geary County Commissioner
106 Bunker Hill Road
Junction City, KS 66441
(913) 762-4748

NACo Representative

Marjory Scheufler
Edwards County Commissioner
312 Massachusetts
Kinsley, KS 67547
(316) 995-3973

Darrell Wilson
Saline County Sheriff
300 W. Ash
Salina, KS 67401
(913) 826-6500

Executive Director
John T. Torbert, CAE

TO: Senate Local Government Committee
Chairman Mark Parkinson

FROM: Anne Smith
Director of Legislation

DATE: March 22, 1994

RE: HB 2606

HB 2606 is a bill that is the result of the work by the Task Force on Flooding. The bill is supported by the Kansas County Highway Association and the Kansas Association of Counties. It would allow counties to bypass, in times of emergency, the bidding procedures that are currently required by law.

HB 2606 states that the bidding procedures currently required by law shall not apply to contracts for the expenditure of county monies for the reconstruction or repair of a road or bridge if:

(a) the road or bridge has been damaged or destroyed as a result of a disaster; (b) the Governor has declared the county, or that part of the county in which the road or bridge is located, a disaster area; (c) the board of county commissioners finds that a hardship would result if the road or bridge is not immediately reconstructed or repaired; (d) the board of county commissioners has obtained an estimate of the cost of the reconstruction or repair of the road from the county engineer or if there is no county engineer, the board shall obtain the estimate from the Kansas Department of Transportation; and (e) the contract for the reconstruction or repair of the road or bridge is awarded within 60 days of the Governor's declaration required by paragraph (b) or (2).

We urge your favorable consideration of HB 2606.

Senate Local Gov 4
3-22-94
Attachment 1



**League
of Kansas
Municipalities**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 112 S.W. 7TH TOPEKA, KS 66603-3896 (913) 354-9565 FAX (913) 354-4186

TO: Senate Committee on Local Government

FROM: Chris McKenzie, Executive Director

DATE: March 21, 1994

SUBJECT: Support for HB 2565

Thank you for the opportunity to appear today in support of HB 2565. The cash-basis law is an important part of the fiscal management system of local units of government in Kansas. In a recent opinion of the Attorney General (No. 93-45), it was concluded that the Leavenworth public library did not have to comply with the cash-basis law since it did not have the independent power to tax. If this is the case in Kansas, there are many instrumentalities of cities, counties and schools which do not have to comply with the requirements of the cash-basis law, especially libraries and recreation commissions.

As you may know, many libraries and some recreation commissions occupy buildings owned by cities, receive direct services from cities (e.g., payroll, insurance, etc.) in some cases, and rely on cities to levy the property taxes that support their operations. In such cases cities also may have the ultimate liability for the wrongful acts of their instrumentalities. Consequently, the League would respectfully suggest it is desirable for the instrumentalities of cities to adhere to the same fiscal procedures as their parent agency.

RECOMMENDATION: We recommend support for HB 2565.

*Senate Local Gov't
3-22-94
Attachment 2*