

## MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Steve Huebert at 1:30pm on Thursday, February 19, 2015, 281-N of the Capitol.

All members were present

Committee staff present:

Cindy Lash, Legislative Research Department  
Martha Dorsey, Legislative Research Department  
Maureen Stinson, Kansas Legislative Committee Assistant  
Daniel Yoza, Office of Revisor of Statutes  
Mike Heim, Office of Revisor of Statutes

Conferees appearing before the Committee:

Eric Smith, League of Kansas Municipalities; David Cooper, Kansas Association of Defense Counsel; Blaise Plummer, City of Emporia; Nathan Eberline, Kansas Association of Counties; Rich Eckert, Shawnee County; Dan Deming, Reno County; Larry Mah, Shawnee County

Others in attendance:

[See Attached List](#)

Chair Huebert called the meeting to order.

### **Hearing on: HB2246 — Municipalities; payment of claims, notice of claims procedures; employees added.**

Chair Huebert opened the hearing on the bill.

Mike Heim, Senior Assistant Revisor, presented a brief overview of the bill.

Eric Smith, League of Kansas Municipalities (LKM), appeared as a proponent of the bill. He testified that LKM introduced the bill based on the requests of several members after the Kansas Supreme Court decided *Whaley v. Sharp*, No. 107,776 (2014 WL 73315860) on December 24, 2014. He explained that the intent of the bill is to provide a clear statutory requirement that notice must be given to a municipality before an action can be filed against an employee for injuries alleged to have been committed by the employee in the course and scope of employment. He stated that the notice requirement allows a municipality the opportunity to investigate the matter and prepare to defend and indemnify the employee. ([Attachment 1](#))

David Cooper, Kansas Association of Defense Counsel (KADC), appeared as a proponent of the bill. He testified that claimants may avoid the notice requirement entirely by electing to sue only the responsible employee(s). He stated that a municipality should be able under the notice of claim statute to assess the validity of a claim and, where appropriate, write a check for the amount claimed and be fully resolved of all further liability arising from the incident. ([Attachment 2](#))

## CONTINUATION SHEET

MINUTES of the Committee on Local Government at 1:30pm on Thursday, February 19, 2015, 281-N of the Capitol.

Chair Huebert stated that testimony from opponents would be accepted following today's hearing since there were no opponents in attendance.

Blaise Plummer, City Attorney, Emporia, appeared as a proponent of the bill. He testified that they would like to see the Kansas Torts Claim Act (KTCA) restored to its original interpretation that would prohibit a law suit from being filed against a municipal employee until the city is presented with a written claim and is given 120 days in which to investigate the claim to determine if it should be paid. He stated that this saves both time and legal expenses if the City determines that the claim should be paid. ([Attachment 3](#))

Nathan Eberline, Kansas Association of Counties, appeared as a proponent of the bill. He testified that the proposed legislation is necessary to ensure plaintiffs give adequate notice so municipalities can defend potential suits. He said the proposed legislation promotes a sound and well-founded public policy in Kansas and asked the Committee to vote to pass the bill out favorably. ([Attachment 4](#))

Rich Eckert, County Attorney, Shawnee County, made comments to the Committee regarding how they handle claims made against the County. ([Attachment 5](#))

Chair Huebert closed the hearing on the bill.

### **Hearing on: HB2235 — Elected county treasurer appointed by county commission; election required.**

Chair Huebert opened the hearing on the bill.

Mike Heim, Assistant Senior Revisor, presented a brief overview of the bill.

Dan Deming, Commissioner, Reno County, appeared as a proponent of the bill. He testified that the proposed legislation is designed to give local officials authority to propose changes that best serve taxpayers and the public. He explained that the proposed legislation allows their proposed change only in counties with 50,000 or more in population. He said that the final decision goes to a public vote and is put into the hands of the people. ([Attachment 6](#))

Written testimony in support of the bill was submitted by:

Randy Partington, County Administrator, Finney County ([Attachment 7](#))

Duane Drees, Commission Chair, Finney County ([Attachment 8](#))

Larry Mah, County Treasurer, Shawnee County, appeared as an opponent of the bill. He testified that he opposes the bill because state law already provides for counties to hold an election on the question of whether to appoint or elect the County Treasurer. ([Attachment 9](#))

Written testimony in opposition to the bill was submitted by:

CONTINUATION SHEET

MINUTES of the Committee on Local Government at 1:30pm on Thursday, February 19, 2015, 281-N of the Capitol.

Shilo Heger, County Treasurer, Riley County([Attachment 10](#))  
Joe Grisolano, County Treasurer, Crawford County([Attachment 11](#))  
Linda Kizzire, County Treasurer, Sedgwick County([Attachment 12](#))  
Christie Bittel, County Treasurer/President, Rush ([Attachment 13](#)) County/Kansas County Treasurer's Association

Nathan Eberline, Legal Counsel, Kansas Association of Counties, presented neutral testimony on the bill. He testified that there is an existing process in statute to deal with this issue that affords public notice, public scrutiny, and ensures that the electorate has power to vote. He explained that they take no position on the bill's merits but that they are available to provide any needed information on how the current laws for reorganization apply to Kansas Counties. ([Attachment 14](#))

Chair Huebert closed the hearing on the bill.

**Final action on: HB2197 — Cities; land banks; municipalities may defer or reamortize special assessments.**

Representative Whitmer made a motion to amend the bill by striking references to "Treasurer" in the language of the bill. Representative Phillips seconded the motion. Motion carried.

Representative Phillips made a motion that **HB 2197** be passed favorably as amended. Representative Campbell seconded the motion. Motion carried.

**Final action on: HB2162 — Alcoholic beverages; licensee location restrictions; exemption in core commercial districts.**

Two letters submitted by John Pinegar, Legislative Liaison for the City of Garden City in support of the proposed legislation were distributed to the Committee Members and Staff for review. ([Attachment 15](#))

Representative Campbell made a motion to adopt a balloon amendment (requested by Representative Campbell) relating to removing "public or parochial school" from the language of the bill. ([Attachment 16](#)) Representative Whitmer seconded the motion. Following discussion, Representative Campbell made a request to withdraw his motion. Representative Whitmer withdrew his second. The motion to adopt the balloon was withdrawn.

Representative Campbell made a motion to adopt a balloon amendment (requested by Representative Campbell) relating to a change from core commercial district to any area where commercial businesses are permitted. ([Attachment 17](#)) Following discussion, Representative Campbell made a request to withdraw his motion. Representative Williams withdrew her second. The motion to adopt the balloon was withdrawn.

Representative Peck made a motion to adopt the earlier balloon amendment (requested by

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Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES of the Committee on Local Government at 1:30pm on Thursday, February 19, 2015, 281-N of the Capitol.

Representative Campbell)(Attachment 16) relating to removing "public or parochial school" from the language of the bill. Rep. Whitmer seconded the motion. The motion carried on a show of hands.

Representative Francis made a motion that **HB 2162** be passed favorably as amended. Representative Phillips seconded the motion. Motion carried.

Chair Huebert adjourned the meeting.

The next meeting is scheduled for Tuesday, February 24, 2015.