

M I N U T E S

SPECIAL COMMITTEE ON LOCAL GOVERNMENT

November 11, 1975

Members Present

Senator Elwaine Pomeroy, Chairman  
Representative Victor Kearns, Vice-Chairman  
Senator Arden Booth  
Senator William Mulich  
Senator John Vermillion  
Representative Robert Frey  
Representative Clarence Love  
Representative William Marshall  
Representative Max Mize  
Representative Pascal Roniger  
Representative Francis Smith  
Representative Francis Gordon

Staff Present

Mike Heim, Legislative Research Department  
Myrta Anderson, Legislative Research Department  
Alan Alderson, Revisor of Statutes Office

Conferees Present

Marian Warriner, League of Women Voters  
Leonore Rowe, League of Women Voters  
Harold Riehm, Johnson County Charter Commission  
Ernie Mosher, League of Kansas Municipalities  
Leon Peterson, Downtown Topeka, Inc.  
Sister M. Noel Walter, Kansas Catholic Conference  
Fred Holloman, House of Representative Staff  
Barkley Clark, Mayor, Lawrence, Kansas  
Bill Tschudy, Johnson County Charter Commission

Morning Session

The meeting was called to order by Chairman Pomeroy shortly after 10:00 a.m. After some discussion a motion was made to accept the minutes. The motion carried.

The Committee by consensus approved the final draft of the Report on Proposal No. 41 - Agricultural Municipalities.

Professor Barkley Clark, Mayor of Lawrence, speaking on Proposal No. 40 - Urban Redevelopment, took issue with the opinion expressed by an Assistant Attorney General before the Committee at its last meeting regarding a proposed bill draft. Professor Clark said he thought Section 9 of the bill draft was sufficient to meet the constitutional problems regarding Article 11, Section 5. He noted that before a bond house would market any bonds it would probably require that a test case be heard by the Kansas Supreme Court anyway.

The motion was made to strike a provision concerning quarterly meetings in the bill draft regarding the size of the county commission. The motion carried.

Mr. Harold Riehm and Mr. Bill Tschudy, of the Johnson County Charter Commission, then pointed out several problem areas regarding the bill draft allowing charter commissions for all counties and the bill draft providing for options regarding the size of county commissions.

The motion was made to amend the bill draft on the size of the commissions to include language dealing with "serially beginning with No. 1". The motion carried.

The motion was made to clean-up Section 1. The motion carried.

#### Afternoon Session

The Committee resumed its discussion of the bill draft relating to the size of county commissions.

The motion was made to amend Section 2(a) to provide that counties may adopt alternate provisions under a charter. The motion carried.

The motion was made to amend Section 3 to limit this type of change to once every five years. A substitute motion was made to limit this to once every four years. The substitute motion carried.

The motion was made to allow a majority of the county commissions to decide which petition for change to submit to the voters if two petitions are submitted. The motion carried.

The motion was made to change the petition provision to 10%. The motion failed.

The motion was made to recommend the bill draft for pre-filing. The motion carried.

The motion was made to recommend the referendum and initiative bill for pre-filing. The motion carried.

The motion was made to recommend the county charter commission bill for pre-filing. The motion carried.

The motion was made to amend the report on county home rule to reflect the changes made by the Committee in the bill draft regarding the size of county commissions. The motion carried.

The motion was made to adopt the county home rule report as amended. The motion carried.

The motion was made to adopt the bill draft regarding the law enforcement training center under Proposal No. 38 - Local Law Enforcement. The motion carried.

The motion was made to adopt the Committee report dealing with local law enforcement. The motion carried.

The Committee then discussed the bill draft for proposal No. 40 - Urban Redevelopment. The motion was made to strike language on p. 7 Section 6(c)(1) to strike "in the same manner as other taxes are paid". The motion carried.

The motion was made on p. 9 Section 8(c) to strike "have a cause of action against the city" and insert that a retailer has a right to any damages caused by forced liquidation but that the retailer must mitigate these damages. The motion carried.

The motion was made to recommend the bill for pre-filing. The motion carried by a vote of six to five.

The motion was made to insert language in the Committee report on urban redevelopment that there was no appearances by any taxpayers or consumer groups for or against the proposed legislation. The motion carried.

The motion was made to insert language that some members of the Committee opposed the eminent domain provision in the proposed bill. The motion carried.

It was noted that the Committee had almost 100% attendance this interim with only two Committee members being absent one day each due to a fall off a ladder in one case and attendance at a funeral in the other.

The motion was made that all bills dealing with county government be introduced in the Senate. The motion carried.

The Committee congratulated the Chairman on his outstanding job in conducting meetings of the interim. The Committee then adjourned.

Prepared by Mike Heim

Approved by Committee on:

Nov. 18, 1975  
(Date)