

Approved

Ivan Sand
Date

MINUTES OF THE House COMMITTEE ON Local Government

The meeting was called to order by Representative Ivan Sand at
Chairperson

1:30 ~~xxx~~ p.m. on February 22, 1982 in room 521-S of the Capitol.

All members were present except:

Committee staff present:

Mike Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Jeanne Mills, Secretary to the Committee

Conferees appearing before the committee:

Representative Ardena Matlack
Kim Dewey, Sedgwick County Commission
Mary Ellen Conlee, City of Wichita
Robert A. Lakin, Metropolitan Planning Department, Wichita/Sedgwick County
Mark Anson, City of Overland Park
Chris McKenzie, League of Kansas Municipalities
Susan Bell, State Treasurer's Office

Chairman Ivan Sand called the meeting to order.

Representative Matlack appeared before the Committee as co-sponsor of HB 2333, HB 2334, and HB 2335. The first bill was requested by the Sedgwick County Commission while the other two, HB 2334 and HB 2335, were requested by the City of Wichita. All three bills were supported by the Sedgwick County delegation, stated Rep. Matlack.

HB 2333 - AN ACT concerning the redemption of bonds and coupons; relating to payments to state fiscal agent; amending K.S.A. 10-130 and repealing the existing section.

Mike Heim of the staff gave a brief overview (See Attachment I).

Kim Dewey, Sedgwick County Commission, appeared to give further background and intent on HB 2333 (See Attachment II).

Susan Bell, State Treasurer's Office, appeared not in support or opposition, but stated the fiscal impact on the state (See Attachment III).

Richard P. Davis, President of Kansas County Treasurer's Association, prior to the meeting, submitted a statement of support for HB 2333 (See Attachment IV). Fred Allen, Kansas Association of Counties, also filed testimony in support for HB 2333. He was not present at the meeting. (See Attachment V)

HB 2334 - AN ACT concerning the correction of recorded plats.

Staff gave a brief overview (See Attachment VI).

Mary Ellen Conlee, City of Wichita, appeared to give background on bill. She introduced Robert A. Lakin, Metropolitan Planning Department, Wichita. He discussed how changes and discrepancies are presently made and how this legislation would be helpful.

Representative Dean made the motion, seconded by Representative Darrel Webb, to amend HB 2334 in line 31 after the word "city" by adding the words "or county." Motion carried.

Mark Anson, City of Overland Park, appeared in support of HB 2334.

Chris McKenzie, League of Kansas Municipalities, appeared in support but suggested the bill be refined to be more desirable. The Chairman agreed and appointed a subcommittee of: Representative Baker
Representative R. D. Miller (Chairman)
Representative Dean

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Local Government,
room 521-S, Statehouse, at 1:30 ~~xx~~ a.m./p.m. on February 22, 1983.

The Chairman stated the League staff and the Committee's staff would be glad to work with the subcommittee.

HB 2335 - AN ACT concerning vacation of plats; amending K.S.A. 12-512b and repealing the existing section.

See Attachment VII for a copy of the staff overview.

Robert A. Lakin, Metropolitan Planning Department, continued his testimony on HB 2335. He stated this legislation would simplify procedures to eliminate prior public rights. Representative Wunsch made the motion, seconded by Representative Denville, to amend HB 2335 in line 31 by adding after the word "instrument," the word "condemnation." Motion carried.

The Chairman referred to HB 2201 (Dog license fees; in unincorporated area of the county.). Discussion followed. Representative R. D. Miller made the motion, seconded by Representative Francisco, to amend HB 2201 by striking the language in Section 1. and repealing the statute. Motion carried. Discussion followed.

Representative Dean made the motion, seconded by Representative Schweiker, to correct the February 15, 1983, minutes in the motion to amend HB 2210 the words "in lines 20 and 35" by correcting to " in lines 20 and 33" and to approve the minutes as corrected. Motion carried.

Testimony is submitted for the record from the City of Lawrence in support of HB 2334 and HB 2335 (See Attachment VIII).

Jack Milligan, The Kansas Association of Conservation Districts, provided continued testimony for HB 2249 that was heard on February 15, 1983, (See Attachment IX).

Meeting adjourned.

MEMORANDUM

ATTACHMENT I

February 18, 1983

TO: Local Government Committee Chairman
FROM: Mike Heim, Kansas Legislative Research Department
RE: H.B. 2333

H.B. 2333 amends K.S.A. 10-130 dealing with the redemption of municipal bonds and interest coupons. In line 29 the option currently available only for cities is expanded to include all municipalities. The option provides that in lieu of remitting moneys for the redemption of bonds and coupons to the State Treasurer's Office 20 days before their maturity, municipalities may provide the State Treasurer with a certificate of a state or national bank that sufficient funds are available and will reach the State Treasurer before 12:00 p.m. of the third working day before the maturity date.

Atch. I



- ATTACHMENT II

SEDGWICK COUNTY, KANSAS

DEPARTMENT OF ADMINISTRATION

FOREST TIM WITSMAN
COUNTY ADMINISTRATOR

COUNTY COURTHOUSE, • 525 N. MAIN, • WICHITA, KANSAS 67203-3703 • TELEPHONE 268-7575

Testimony of Kim C. Dewey, Sedgwick County
House Local Government Committee- HB 2333
February 22, 1983

HB 2333 amends K.S.A. 10-130 to correct an inequity which has existed in the financial requirements placed upon cities and counties by the State.

K.S.A. 10-130 deals with the bond and coupon payments to the State Treasurer from local units of government. Under existing law, these payments are due in the Treasurer's Office twenty days prior to the maturity date of the bonds or coupons. A special provision currently exists whereby cities may provide the Treasurer with a certificate from a state or national bank verifying that sufficient funds are on deposit to meet the bond or coupon payment. The city may then transfer the necessary funds three days, rather than twenty days, prior to the maturity date.

The State Treasurer's Office has indicated that primarily first class cities are currently utilizing this alternate procedure. It is reasonable to expect that, if this procedure were extended

Atch. II

to counties, the major counties, with extensive investment programs, would be the most likely to utilize the alternative. Obviously, this would have a positive impact on the investment earnings of those counties choosing the alternative. Correspondingly, there would be some negative impact on the State earnings in this area. In either case, the impact would not be of major significance.

Sedgwick County supports this bill and would use the alternative procedure were it available to counties. In 1982, Sedgwick County made payments to the State Treasurer for bonds and coupons totaling \$ 3,273,221. Had we retained these funds an additional 17 days, we could have earned an additional \$16,913 based on an average T-bill rate of 11.09. In these days of tight budgets, any gain or loss in revenues is significant. In this case, however, additional revenue is not the primary motivation for this legislation. The real concern is the inconsistency in the statutory provisions governing cities and counties in this area. Furthermore, there is no apparent reason for this difference. We urge your favorable consideration of this legislation.

ATTACHMENT III

H.B. 2333 Local Government Hearing of 2/22/83
by Susan M. Bell of State Treasurer's Office.

1. Law allows only cities to file certificate and remit 3 days ahead of maturity - change - Let all municipalities do the same.
2. 3 factors of operation earn interest for general fund.

Investment of Funds for 20 days) coupons and bonds presented after due) check float.

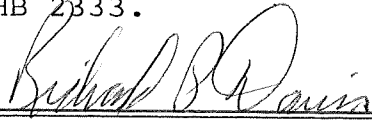
3. Fiscal Agency 2nd largest state depositor. Current earnings. 1½ million - year. Last year deposits of 198 million.
4. Assume all money comes in only 3 days in advance-50% reduction in earnings = \$750,000.
5. Last year actual earnings on certificated funds received 3 days in advance \$24,000.

If we had money for 20 days could have earned \$146,000.

6. 14% of money received last year was remitted 3 days prior to maturity (by cities that had option) 20 - 30 cities.
7. State does not charge local units commission on coupon collections.
8. Charges \$1.25 per bond. (*commission*)
9. Sends cancelled bonds and coupons back with no postage reimbursement required of local units.

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I, Richard P. Davis, President of the Kansas
County Treasurer's Assn, state the support
of our association for HB 2333.



Session of 1983

HOUSE BILL No. 2333

By Representatives Matlack, Baker, Cribbs, Foster, Francisco,
W. Fuller, Grotewiel, Helgerson, Jarchow, Luzzati, Meacham,
K. Ott, Spaniol, Darrel Webb and Whitaker

2-9

0019 AN ACT concerning the redemption of bonds and coupons;
0020 relating to payments to state fiscal agent; amending K.S.A.
0021 10-130 and repealing the existing section.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. K.S.A. 10-130 is hereby amended to read as fol-
0024 lows: 10-130. (a) The treasurers of all municipalities shall remit to
0025 the state fiscal agent at least ~~twenty (20)~~ 20 days before the day of
0026 maturity of any bonds or coupons, payable at the office of the
0027 state treasurer as fiscal agent, sufficient moneys for the redemp-
0028 tion of such bonds and coupons to be paid by them respectively.
0029 The treasurer of any ~~city~~ *municipality* may, in lieu of remitting
0030 such moneys to the state fiscal agent at such time, provide the
0031 state fiscal agent with a certificate of a state or national bank that
0032 there are on deposit in ~~said~~ *the* bank, held in trust for such state
0033 fiscal agent, funds in the form of cash or securities of the United
0034 States government, sufficient for the redemption of such bonds or
0035 coupons, and that such funds will reach the office of the state
0036 fiscal agent on or before ~~twelve o'clock noon~~ 12:00 p.m. of the
0037 third working day before the day of maturity of such bonds or
0038 coupons. Upon receipt of such certificate the state fiscal agent
0039 shall file the same in the office of the state fiscal agent.

0040 (b) When a municipality needs moneys that are in the county
0041 treasury to redeem bonds or coupons, the treasurer of such
0042 municipality shall make a written request of the county treasurer
0043 for the amount needed not later than ~~twenty-five (25)~~ 25 days
0044 prior to the maturity date of the bonds or coupons. Not later than
0045 two ~~(2)~~ days following the receipt of such request the county
0046 treasurer shall forward to the treasurer of the municipality the

Kansas Association of Counties

Serving Kansas Counties

Suite D, 112 West Seventh Street, Topeka, Kansas 66603

Phone 913 233-2271

February 22, 1983

To: The House Local Government Committee
From: The Kansas Association of Counties
Re: HB 2333 Redemption of Bonds and Coupons

We wish to express our support for the above bill. We feel it is appropriate that Counties and other entities are allowed to remit bond and coupon payments to the state fiscal agent in the same manner and procedures applicable to cities.

Thank you.

Atch. V

MEMORANDUM

February 18, 1983

TO: Local Government Committee Chairman
FROM: Mike Heim, Kansas Legislative Research Department
RE: H.B. 2334

H.B. 2334 provides a county engineer may authorize a corrected plat of a subdivision to be filed if within six months of recording the plat an error in computation is found which does not substantially affect the rights of adjacent property owners. The register of deeds is required to file the corrected plat upon written order of the county engineer and a copy of the corrected plat must be given to the county or city attorney and the appropriate governing body.

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MEMORANDUM

ATTACHMENT VII

February 18, 1983

TO: Local Government Committee Chairman
FROM: Mike Heim, Kansas Legislative Research Department
RE: H.B. 2335

H.B. 2335 amends K.S.A. 12-512b dealing with the vacation of plats upon the filing and recording of any plat or replat embracing the same lands. The amendment adds the language "whether established by instrument or earlier plats" to the provision which now states any plat or part thereof or street, alley or other public reservation shall be vacated both as to use and as to title upon the filing and recording of a plat or replat embracing the same lands.

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City of Lawrence KANSAS

BUFORD M. WATSON, JR., CITY MANAGER

CITY OFFICES 6 EAST 6th
BOX 708 66044 913-841-7722

CITY COMMISSION

MAYOR

MARCI FRANCISCO

COMMISSIONERS

DONALD BINNS

BARKLEY CLARK

TOM GLEASON

NANCY SHONTZ

February 22, 1983

Chairman Ivan Sand
House Local Government Committee
Kansas State Capitol
Topeka, Kansas

RE: Support of HB 2334 and HB 2335

Mr. Chairman:

The Lawrence City Commission, in their 1983 Legislative Program, endorsed the concept contained in HB 2334 and HB 2335. The Lawrence Legislative Program states:

III-11. Correction of Recorded Plats

Request legislation authorizing correction of a recorded plat within a reasonable amount of time after filing (i.e., 2 years) when an error in computation of dimension or elevation is found but where such error does not have substantial impacts on the public or rights of adjacent property owners. Upon notification of the appropriate Planning Commission, the County Engineer could refile with the Register of Deeds a corrected plat thus avoiding the cost and delay of replatting the subdivision.

II-19. Vacation Process by Platting and Replatting

Request legislation to amend K.S.A. 12-512b which would allow the vacation of existing public rights, such as streets, easements, drainage, etc., by a replatting process regardless of the manner and time

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Chairman Ivan Sand
Topeka, Kansas
February 22, 1983
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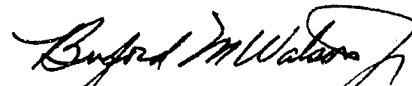
in which the public right was obtained. The existing law is unclear as to whether a replat can only vacate public rights which were in the proceeding plat and not those conveyed by separate instrument since the last platting.

The only suggested amendment to House Bill 2334 is for the County Engineer to forward the changes to the appropriate Planning Commission so that the City can make the corrections on our records.

We support House Bill 2335 because it should expedite the vacation of any easement that may be required in our downtown development efforts.

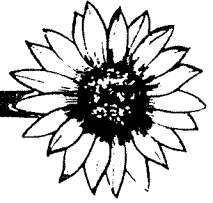
We appreciate your consideration of our support on House Bill 2334 and 2335.

Respectfully,



Buford M. Watson, Jr.
City Manager

BMW/ed



117 W. 10th, TOPEKA, KANSAS 66612 (913) 357-7642

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Executive Director
JACK MILLIGAN
117 W. 10th
Topeka, Kansas 66612
Telephone (913) 357-7642

February 21, 1983

TO: Members of the House Local Government Committee

FROM: Jack Milligan, Executive Director

This letter is to reaffirm the Kansas Association of Conservation District's support of HB 2249. I realize there are a few uncertainties in the bill regarding a sufficient number of supervisors to competently serve on "several" city planning commissions. However, I am confident these concerns can be alleviated simply by inserting language in the bill specifically exempting those city planning commissions without a conservation district supervisor residing in its city, or within the three mile radius of the city's corporate limits from making such an appointment.

Such language should address the concern expressed by the lobbyist from Johnson County. Obviously, the requirement to appoint a conservation district supervisor to a city planning commission that resides outside the city limits or a three mile radius of the city's corporate limits will be exempted. Ironically, we have determined Johnson County is one of the areas experiencing substantial soil, water and wind erosion problems due to the large amount of development in the county. Needless to say, residents of a new housing development are upset when they discover a large layer of top soil has washed into their new yard because the developer failed to consider and implement conservation practices to prevent unnecessary erosion. Perhaps valuable input from a conservation district supervisor as a member of the city planning commission could have presented such an important aspect of urban development being overlooked. It is important to note agriculture and crop producing lands still surround most of Wyandotte and Johnson Counties, as well as all of Sedgwick and Shawnee Counties. Urban development and conservation practices compliment each other and help prevent the unnecessary aforementioned erosion.

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Members of the House Local Government Committee
February 21, 1983
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Thank you for your attention to this matter. Again, we ask for your favorable consideration to HB 2249.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack".

Jack Milligan
Executive Director

JM/de