

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 XX a.m./p.m. on March 25, 1983 in room 521-S of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

The Chairman called the meeting to order.

The Chairman asked the Committee to consider requesting that HB 2020 which is in Calendar and Printing be referred back to the House Assessment and Taxation Committee for hearing. Some rural cemetery districts and rural township boards will lose 60 percent of their valuation.

Representative Dean made the motion, seconded by Representative Fry, to authorize the Chairman to write a letter for the Committee to request that HB 2020 be referred back to the House Assessment and Taxation Committee for hearing. Motion carried.

Representative Dean made the motion, seconded by Representative Schweiker, to report SB 9 (Drainage districts; organization, officers, powers and duties; Re Proposal No. 24.) favorable for passage. Representative Nichols made a substitute motion so to add the concept in lines 375-378 that prescribing heights and lengths of superstructures be done prior to the completion of plans. Motion died for lack of a second. The original motion carried.

Representative Schweiker made the motion, seconded by Representative Wunsch, to amend SB 46 (County officers; appointment of assistants and deputies.) by striking New Section 7 (d). Representative Wunsch made a substitute motion, seconded by Representative Francisco, to delete New Section 7 and renumber. Motion carried.

Representative Nichols made the motion, seconded by Representative Douville, to report SB 46 favorable as amended. Motion carried.

Representative Patterson made the motion, seconded by Representative Roper, to amend SB 302 (County; limits on home rule power concerning establishing and maintaining hospitals and related facilities.) by deleting Subsection 15 and 16. Discussion followed. Representative Wunsch made the substitute motion, seconded by Representative Douville, to report SB 302 favorable for passage. Discussion followed. Motion carried. Representative Roper is recorded as voting "no."

Staff provided copies of suggested amendments to Sub. for SB 155 (Sewer districts in counties; creation; powers and duties of governing body; financing of improvements.). See Attachment I for a copy of those proposed amendments and where request originated.

Representative Nichols made the motion to amend Sub. for SB 155 in line 286 by changing the word "or" to the word "and." A division was called with eight (8) voting "for" and eight (8) voting "against." The Chairman voted "no" and the motion failed. Representative Schweiker is recorded as voting "no."

Representative Schweiker made the motion to report Sub. for SB 155 favorable for passage. The motion failed for lack of a second.

Representative Francisco made the motion to amend Sub. for SB 155 so to set out if the county has a study, it will be paid for by the county general fund. The motion died for lack of a second.

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 House COMMITTEE ON Local Government

room 521-S, Statehouse, at 1:30 ~~xxx~~ a.m./p.m. on March 25, 1983

Representative Baker made the motion, seconded by Representative Moore, to amend Sub. for SB 155 in line 362 to delete the words "exclusive of improvements." Motion carried.

Representative Nichols made the motion, seconded by Representative Moore, to amend Sub. for SB 155 in line 397 by deleting the words "completion of" and inserting the words "letting of contracts for." Motion carried with nine (9) voting "for" and five (5) voting against." Representative Schweiker is recorded as voting "no."

Representative Roper made the motion, seconded by Representative Moore, to amend Sub. for SB 155 in line 647 after "district" and add "unless the governing body, acting upon the recommendation of the chief engineer, determines that pumping is in the best interests of the area to be added." Motion carried.

Representative Nichols made the motion, seconded by Representative Baker, to amend Sub. for SB 155 in lines 667 and 668 "lateral, joint, or main" by deleting. Motion carried.

Representative Baker made the motion, seconded by Representative Dean, to amend Sub. for SB 155 by deleting in line 697 "competent consulting." Motion carried. Discussion followed. Representative Baker made a motion, seconded by Representative M. J. Johnson, to reconsider the previous action. Motion carried.

Representative Francisco made the motion, seconded by Representative Turnquist, to amend Sub. for SB 155 in line 515 by adding a subsection that specifies if the board determines a higher levy above the 10 mills is needed then a resolution must be adopted and submitted to the district for a vote. Motion carried. Representative Schweiker is recorded as voting "no."

Representative Douville made the motion, seconded by Representative Nichols, to report Sub. for SB 155 favorable as amended. Motion carried.

Representative Roper made the motion, seconded by Representative Johnson, to approve the minutes of the March 23, 1983, meeting as printed. Motion carried.

Staff provided copies of proposed amendments to Sub. for SB 265 (See Attachment II). Sub. for SB 265 (Registration of bonds; compliance with federal law.) was discussed. Representative Fry made the motion, seconded by Representative Schweiker, to amend Sub. for SB 265 as set out in the attachment. Motion carried.

Representative Patterson made the motion, seconded by Representative Turnquist, to report Sub. for SB 265 favorable as amended. Motion carried.

Meeting adjourned.

MEMORANDUM

ATTACHMENT I

March 25, 1983

TO: House Local Government Committee
FROM: Kansas Legislative Research Department
RE: Sub. for S.B. 155 Suggested Amendments

The following is a listing of suggested amendments to Substitute for S.B. 155 submitted to the House Local Government Committee and the source of suggestion.

1. Page 8, line 286, change "or" to "and" to require 51 percent of the resident landowners and owners of 51 percent of the land -- Hazel Ball, Stanley area, and Representative David Webb. If this change is adopted several other sections may need a similar amendment. See page 17, line 615 and line 634 and possibly page 14, line 516.
2. Page 9, line 336, change "county clerk" to "chief engineer" -- William Franklin, Chairman, Johnson County Commissioners.
3. Page 9, lines 339 et seq., be amended to require the costs of preliminary plans initiated by the county for planning purposes be paid from the county general fund -- Representative David Webb.

Hazel Ball suggested a dollar limit be inserted in this section.
4. Page 10, line 362, delete "exclusive of improvements" -- William Franklin.
5. Page 10, line 378, require registered or certified mail instead of first class mail -- Representative David Webb and Hazel Ball.
6. Page 11, lines 389 et seq., if the improvements are not completed, then the landowners within the district should not be liable for payment -- Representative David Webb.
7. Page 11, line 399 add "per acre" after "cost" -- William Franklin.
8. Page 11, line 397, delete "completion of" and insert "letting contracts for." -- Representative Dorothy Nichols.

Att. I

9. Page 12, lines 446 et seq., allow for countywide mill levy, plus delay in special assessments provision, agricultural exemption -- Representative David Webb, and Hazel Ball.
10. Page 13, lines 488-90, by deleting the bonded debt exemption -- Representative David Webb.
11. Page 14, line 514 delete "a" and add "an operation and"; line 515 delete "keeping in repair" and add "operating" and after "district" add "and finance a central office." -- William Franklin.
12. Page 18, line 647, after "district" add "unless the governing body, acting upon the recommendation of the chief engineer, determines that pumping is in the best interests of the area to be added." -- William Franklin.
13. Page 18, line 668, after "joint" add "sub." -- William Franklin.
14. Page 19, line 697, delete "consulting" -- William Franklin.
15. Pages 18 and 19, lines 675 to 677, delete the limitation to Johnson County -- Kim Dewey, Sedgwick County.
16. Page 20, lines 738 et seq., Is New Section 22 needed? -- Representative David Webb.

William Franklin suggested this section be deleted or the "shall" in line 742 be changed to "may."
17. Page 20, lines 747 to 748, delete the limitations to Johnson County -- Kim Dewey.
18. Page 21, line 779, change "2" to "1".
19. Page 23, lines 828 and 829, change "Sedgwick" to "any" -- Kim Dewey.
20. Authorize counties to create countywide sewer districts -- Representative David Webb.
21. When a developer requests the formation of a sewer district, require the developer to post a bond to cover his portion of the debt -- Representative David Webb.

ATTACHMENT II

PROPOSED AMENDMENTS TO SUBSTITUTE FOR SB 265

On page 5, following line 161, by inserting a new paragraph to read as follows:

"The written statements attached to uncertificated bonds may be signed with a facsimile of the signature of the person required to sign such statements. If such statements are signed with a facsimile signature, the transfer agent shall sign such statements manually.";

On page 6, following line 196, by inserting the following sections:

"New Sec. 8. The transfer agent may charge to the presentor of a bond a transfer fee in an amount not to exceed the amount fixed by the state treasurer. The state treasurer shall fix the amount of the fee on July 1, 1983, and may adjust the amount annually thereafter.

New Sec. 9. The state treasurer is hereby authorized to take any action necessary to comply with the appropriate municipal securities rulemaking board requirements for securities transfer or clearing agencies.";

And by renumbering sections accordingly;

On page 11, in line 387, by striking "or" and inserting a semicolon; in line 390, preceding the period, by inserting "; or (3) in a form approved by the attorney general, which assures the availability of the bond proceeds pledged as a security for public deposits";

On page 12, in line 428, following the period, by inserting, "The last installment shall mature not more than 22 years after the date of issuance.";

On page 13, in line 454, by striking "No bonds shall" and inserting "Bonds shall not"; in line 455, by striking "in an amount which exceeds" and inserting "if the amount received therefrom is in excess of";

On page 103, in line 992, by striking "(a)" and inserting "(i)"; in line 993, by striking "or (b)" and inserting "; (ii)"; in line 996, preceding the period, by inserting "or (iii) in a

Atch. II

form approved by the attorney general, which assures the availability of the bond proceeds pledged as a security for public deposits";"

On page 106, in line 1118, by striking "statute book" and inserting "Kansas register";