

Approved

Ivan Sand
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE IVAN SAND at
Chairperson

1:45 ~~XX~~ a.m./p.m. on FEBRUARY 29, 1984 in room 521-S of the Capitol.

All members were present except: Representative Elizabeth Baker (Excused)
Representative Mary Jane Johnson (Excused)
Representative L. V. Roper (Excused)

Committee staff present:

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

Conferees appearing before the committee:

Mr. Jim Kaup, League of Kansas Municipalities, HB 3039
Mr. Chris McKenzie, League of Kansas Municipalities, HB 3061
Mr. Dan Dougan, Sedgwick Co. farmer/businessman, HB 2913
Mr. Paul Koster, President, Township Board Assn., Sedgwick Co., HB 2913
Ms. Mary Ellen Conlee, City of Wichita, HB 2913
Mr. Glenn Schulthess, rural Sedgwick Co. resident, HB 2913

Chairman, Ivan Sand, called for hearings on the following House Bills:

HB 3039, concerning cities; relating to the appointment and removal of
certain officers; By Committee on Local Government

Mike Heim, Staff, gave a brief overview of the bill. (See Attachment I.)

Mr. Jim Kaup, League of Kansas Municipalities, appeared in support of
the bill. Kaup stated that the League had requested that the Local Govt.
committee introduce the legislation which will rectify a problem which
arises every year in cities of the 3rd Class when a new officer is in the
process of being appointed; that the present language means that the mayor
may suspend but the city council may terminate a city official; that
the amendment will protect city officers and also the mayor.

A question was raised whether there might be a problem with the phrase
"member-elect." Staff stated that the phrase could be clarified.

The hearing on HB 3039 was closed.

HB 3061, concerning cities; relating to the incorporation thereof;
By Committee on Local Government

Mike Heim, Staff, gave a brief overview of the bill. (See Attachment II.)

Mr. Chris McKenzie, League of Kansas Municipalities, testified that the
League opposes the bill. McKenzie stated that in the 1960's the League
helped draft new incorporation policy; that one policy set then was to
require a "unanimous" decision; that the League doesn't feel there have
to be many problems with the present annexation polciy.

The hearing on HB 3061 was closed.

HB 2913, concerning cities and counties; relating to the governing bodies
thereof; By Representative Meacham

Mike Heim, Staff, gave a brief overview of the bill. (See Attachment III.)
Heim noted that the bill applies to Sedgwick County.

Mr. Dan Dougan, Sedgwick County farmer and businessman, appeared in
opposition to the bill. Dougan stressed that people of smaller cities are
entitled to their governments, too; that the bill only recognizes the
City of Wichita; that farmers wouldn't want to be involved in financing
the dreams of city planners.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
 room 521-S, Statehouse, at 1:45 ~~a.m.~~^{XX}/p.m. on FEBRUARY 29, 1984

Mr. Paul Koster, President, Township Board Assn., Sedgwick County, Kansas, stated he feels Sedgwick County has a fine system of government; that townships are sensitive to local needs; that the Township Association is opposed to HB 2913.

It was questioned whether such legislation would raise the taxes on the farming community. Koster pointed out that the potential exists for the county to double the mill levy; that there are many unknowns about what the county might do.

Ms. Mary Ellen Conlee, representing the City of Wichita, testified that the City of Wichita is in the process of determining their position on HB 2913; that it is the desire of the City Commission that this bill be tabled by the Local Government Committee so that the city can study the proposal further.

Mr. Glenn Schulthess, rural resident of Sedgwick County, Kansas, appeared in opposition to HB 2913. Schulthess noted that HB 2913 assumes that "bigger is better" and cited education as an example of "more expense and less quality."

Representative Darrel M. Webb made a conceptual motion that HB 2913 be amended to apply only to the City of Wichita, with the election of the City Commissioners by Districts. Representative George R. Dean seconded the motion.

Representative Dorothy Nichols made a substitute motion to put HB 2913 up for an interim study. The substitute motion failed for lack of a second.

Representative George R. Dean suggested other amendments to further localize the bill to the City of Wichita.

Representative Burt DeBaun made a substitute motion to table the bill. Representative Arthur W. Douville seconded the motion. Motion carried with Representatives Kenneth D. Francisco, George R. Dean, and Darrel M. Webb being recorded as voting "no."

Chairman Sand called for possible action on the following House Bills:

HB 3039, concerning cities; relating to the appointment and removal of certain officers; By Committee on Local Government

The term "members-elect" was questioned. Staff explained that this wording appears in other statutes and is acceptable. It was noted that if "members-elect" is a problem, the term "full council" might be substituted.

Representative Darrel M. Webb moved and Representative Dorothy Nichols seconded that the bill be passed. Motion carried.

HB 3061, concerning cities; relating to the incorporation thereof; By Committee on Local Government

Representative Jim Patterson made a motion to table HB 3061. Representative Kenneth D. Francisco seconded the motion. Motion carried.

HB 2966, concerning residency requirements for firemen. By Rep. Francisco

The committee discussed the possibility of amending HB 2966 to add a "grandfathering" provision for original employees.

It was questioned why there should be a requirement to live in a city in order to be employed by that city. One opinion was that if an employee is being paid by a city, then maybe he should help the city by living in it. Another opinion was that HB 2966 infringes on local authority. The discussion on HB 2966 was closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,

room 521-S, Statehouse, at 1:45 ~~a.m.~~ p.m. on FEBRUARY 29, 1984

HB 2957, concerning counties; relating to the issuance of bonds for construction of civic centers; By Rep. Smith

It was noted that the provisions of the bill are needed because Shawnee County is opting to float additional bonds.

The effects of the proposed legislation on the Home Rule Statute were discussed.

The discussion on HB 2957 was closed.

HB 2757, concerning the regulation, licensing and vaccination of dogs in the unincorporated area of the county; By Rep. Dean, et al

Representative George R. Dean made a motion that HB 2757 be passed. Representative Kenneth D. Francisco seconded the motion. Motion carried.

HB 2900, relating to zoning by cities outside of the corporate boundaries thereof; By Rep. Matlack, et al

It was suggested that new Section 4 of the bill be stricken. Staff noted that an amendment to the bill would be provided for the Committee's consideration at the 3/1/84 meeting.

One suggestion was to limit the bill to Sedgwick County.

Mike Heim, Staff, noted that if Section 4 is stricken, it would just be a clarification of current law and that he could see no problem which would need clarification by localization.

It was suggested that city and county planning commissions be separated.

The discussion on HB 2900 was closed.

Meeting adjourned.

MEMORANDUM

February 28, 1984

TO: House Local Government Chairman
FROM: Kansas Legislative Research Department
RE: H.B. 3039

H.B. 3039 amends a statute dealing with the mayor-council form of government for third class cities. The bill clarifies the removal procedure of city officers to provide removal shall be by a majority of the members-elect of the council. The mayor may suspend officers but not remove them.

MH

(ATTACHMENT I)

MEMORANDUM

February 28, 1984

TO: House Local Government Chairman
FROM: Kansas Legislative Research Department
RE: H.B. 3061

H.B. 3061 amends a portion of the city incorporation statutes to delete the requirement of a unanimous vote of the county commission where the proposed territory for incorporation is within five miles of an existing city.

MH

(ATTACHMENT II)

MEMORANDUM

February 28, 1984

TO: House Local Government Chairman
FROM: Kansas Legislative Research Department
RE. H.B. 2913

H.B. 2913 would require the board of county commissioners of Sedgwick County to submit the question of abolishing all city boundary lines and establishing a commission to draft a charter establishing a new form of government for the county at the April, 1985 election. Membership of the charter commission is set out in lines 124 to 129. A proposed new form of government approved by the charter commission must be submitted to the voters at the April, 1987 election.

MH

(ATTACHMENT III)