

MINUTES OF THE Senate COMMITTEE ON Local Government

The meeting was called to order by Senator Don Montgomery at
Chairperson

9:10 a.m./~~pm~~ on Tuesday, March 5, 1985 in room 531-N of the Capitol.

All members were present except: Senators: Bogina, Gaines, Mulich, Steineger, and Winter who were excused.

Committee staff present: Mike Heim, Theresa Kiernan, Emalene Correll, Lila McClaflin

Conferees appearing before the committee: Hannes Zacharias, City of Lawrence, Lawrence, KS
Kim C. Dewey, Sedgwick County, Wichita, KS.
Janet Stubbs, Homebuilders Association of KS.

The Chairman called the meeting to order.

A motion to approved the minutes of the March 4, 1985, meeting was made by Senator Ehrlich. Seconded by Senator Daniels. The motion carried.

The amendments prepared by staff, on S.B. 212, were reviewed by Theresa Kiernan.

A letter, from the Board of County Commissioners of Wyandotte County, was distributed. The Board is opposed to the bill, their letter is a part of these minutes (attachment 1).

Hannes Zacharias, City of Lawrence, appeared in support of the bill. He stated it would give them some flexibility and help with the problems they have in Lawrence.

Kim Dewey, Sedgwick County, Wichita, questioned why it is not enough that county officials can be ousted if they don't do their jobs as stated in the statutes? He would not make excuses for counties that do not hold tax sales and do not do their duties. Sedgwick County has not had any problems, they hold tax sales. Why all the additional language? Discussion followed on who would start outster proceedings. It was suggested that the county attorney would probably be responsible for doing so, and they may be reluctant to start proceedings against their own elected officials.

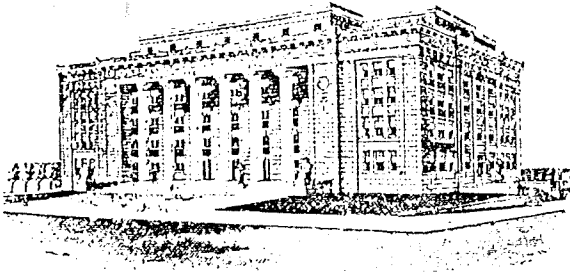
Janet Stubbs, was concerned if this new language allowed elected officials to be paid extra for doing the jobs they were elected to do.

Staff explained, if there is a back log, the new language would provided for the extra help needed to prepare for a tax sale, if the board of county commissioners desired, but it is not mandatory.

The Chairman announced that the next meeting scheduled, Wednesday, March 6, 1985, could be cancelled on call of the Chairman.

The meeting adjourned.


Chairman, Don Montgomery



OFFICE OF
BOARD OF COUNTY COMMISSIONERS

WYANDOTTE COUNTY COURT HOUSE
KANSAS CITY, KANSAS 66101
PHONE 573-2827

WILLIAM J. BURNS, JR.
COMMISSIONER 1ST DISTRICT
CLYDE A. TOWNSEND
COMMISSIONER 2ND DISTRICT
PATRICK L. SCHERZER
COMMISSIONER 3RD DISTRICT

32

March 4, 1985

To:

The Members of the
Senate Committee on
Local Government

We, the members of the Board of County Commissioners of Wyandotte County, Kansas are opposed to Senate Bill No. 212, subsection (b) which states:

"(b) Whenever a county has not brought an action to sell real estate located within a city as provided by subsection (a) within 60 days after requested by the governing body of a city to bring such action, the governing body of the city may order the city attorney and it shall be the duty of the city attorney to institute such action in the same manner provided by subsection (a)."

We are opposed to this bill on a number of grounds, the most obvious being the tremendous amount of confusion it would bring as far as the conduct of our county's tax sales. In our county, a number of county offices are involved in the conduct of a successful tax sale, including but not limited to, the County Treasurer's Office, the Sheriff's Office, the Delinquent Real Estate Tax Office, the County Counselor's Office, the County Commissioners' Office, the Appraiser's Office and the County Clerk's Office. Each office must work in concert on a specified schedule in order to ensure that these tax sales are conducted legally and efficiently. Months of preparation have been put into each tax sale as evidenced by the work done by the County's Base Mapping Department in order to get qualified properties investigated and placed on the list to go into the tax sale. The steps leading up to a final sale of real property are many and involve obtaining legal service of process on the U.S. Attorney General in Washington, D.C., the Attorney General of the State of Kansas and all interested parties. It takes a minimum of six months' time in which to legally prepare a tax sale.

Another reason that this amendment would be impractical is that since our County is constantly in the process of either getting ready for a tax sale or in the middle of conducting the actual sale, the county would not be equipped to start another tax sale simultaneously with one already in process. As soon as one tax sale procedure is concluded, the county has always immediately initiated another one.

Also, since all available records needed to initiate tax sale proceedings are only obtainable from the County, to-wit: tax rolls, deeds and liens, the city would have to obtain this information through the County and county personnel would not be available to assist the city in acquiring this information if they were already involved in preparation of a tax sale.

(Attachment 1)

3/5/85

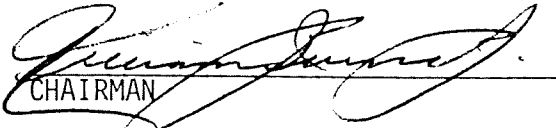
March 4, 1985
Page Two

The Board of County Commissioners of Wyandotte County, Kansas are opposed to Senate Bill No. 212 and wish to go on public record,as such.

Respectfully,

THE BOARD OF COUNTY COMMISSIONERS
OF WYANDOTTE COUNTY, KANSAS

BY:


CHAIRMAN

WJB,Jr./jmw