

MINUTES OF THE Senate COMMITTEE ON Local Government

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

9:11 a.m./~~p.m.~~ on Thursday, April 25, 1985 in room 531-N of the Capitol.

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

Committee staff present: Mike Heim, Theresa Kiernan and Lila McClaflin

Conferees appearing before the committee: Kim Dewey, Sedgwick County Board of Commissioners
Gerry Ray, Johnson County Board of Commissioners
Representative Dennis Spaniol, Wichita, KS.

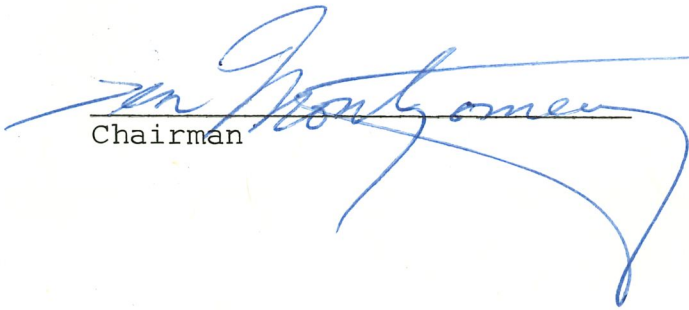
The chairman called the meeting to order and opened the hearing on H.B. 2227. H.B. 2227 amends a statute dealing with the sale of county property. The bill is localized to include only Sedgwick and Johnson Counties.

The first proponent for the bill was Kim Dewey, of Sedgwick County. His written testimony is a part of these minutes and is labeled (attachment 1). Gerry Ray was also present in support of the bill and she presented written testimony which is (attachment 2) of these minutes.

Rep. Spaniol, one of the sponsors of the bill, was present in support of the bill. Senator Salisbury asked him if he had any objections to including Shawnee County in the bill, he said he had no objection.

Amendments were offered to clarify language on page 5, strike all of 19, which is in conflict with S.B. 326, add Shawnee in line 59 and 92, and on page 3 insert a provision to allow any county to deed back to the state property which was previously conveyed to that county by the state. Senator Salisbury made a conceptual motion to include all the above mentioned amendments in the bill. Senator Bogina seconded the motion and the motion carried. The report of standing committees on the amendments is a part of these minutes (attachment 3). Senator Ehrlich moved to pass the bill as amended. Senator Daniels seconded the motion. The motion carried.

Discussion followed on interim committee studies. Meeting adjourned at 9:35 a.m.


Chairman



SEDGWICK COUNTY, KANSAS

BOARD OF COUNTY COMMISSIONERS

DONALD E. GRAGG
CHAIRMAN
FIRST DISTRICT

BUD HENTZEN
CHAIRMAN PRO-TEM
THIRD DISTRICT

TOM SCOTT
COMMISSIONER
SECOND DISTRICT

COUNTY COURTHOUSE • SUITE 320 • WICHITA, KANSAS 67203-3759 • TELEPHONE (316) 268-7411

House Bill 2227

Testimony of Kim C. Dewey
Sedgwick County, Kansas

Last session Sedgwick County requested House Bill 2743, which allowed the timely sale of a computer owned by the County without the expense of a special election called to approve the sale. The special bill was needed because of the outdated requirements of K.S.A. 19-211, which required referendum approval of all sales of county personal and real property with a value of more than \$100,000.

The Bill was passed, and it enabled the County to sell the computer in a timely manner for \$230,000. However, it was not the first or the last time that this statute has threatened to work to the taxpayers' disadvantage.

A review of the statutes will reveal that cities or school districts are not similarly restrained in their decisions on the sale of property. We recognize that there is a need to provide some restraint regarding the sale of real property, but automatically requiring a referendum, triggered by exceeding an arbitrarily chosen dollar amount, is unreasonable. In almost all cases, there will be no particular public opinion or at least public indifference to the sale of county real property.

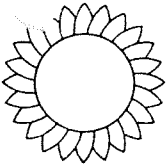
(attachment 1)

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House Bill 2227 provides for those rare occasions when there will be a public objection. The counties would be required to publish notice of the sale of real property three times on three consecutive weeks. The public would be allowed a period of ninety days in which to file a protest petition of 2% of the qualified electors of the county objecting to the sale. The question of the sale would then be put to the voters.

We feel that this is a reasonable period of time, and that 2% is not an unreasonable number of signatures to obtain if there is indeed strong objection. Personal property would be excluded from any of the limitations.

The House Committee on Federal and State Affairs amended the bill to localize its effects to Sedgwick and Johnson counties. This was in response to concerns of the House Committee of the Whole regarding the original statewide application of the bill. The County Home Rule Statute is also amended to prevent charter action by other counties regarding K.S.A. 19-211. We ask your favorable consideration of HB 2227 as amended by the House.



Senate Local Government Committee

Hearing on House Bill 2227

Testimony of Gerry Ray, Legislative Liaison

Johnson County Board of Commissioners

My name is Gerry Ray, Legislative Liaison for the Johnson County Board of Commissioners. I appear today in support of House Bill 2227.

The bill before you would allow Johnson and Sedgwick Counties to sell or dispose of property valued over \$100,000.00 subject to a 2% protest petition rather than the existing requirement in 19-211 that it be submitted to a vote. Johnson County has held separate elections, with a minimal voter turnout, on two pieces of real property and then were unable to find a buyer for those properties.

Secondly, the bill would remove the statutory requirement that counties publish a detailed list of all property sales under \$100,000.00. In our county, the total publication costs are extremely high and we see this as an opportunity to reduce those costs somewhat. We also feel that it is doubtful that the public takes time to read these extensive lists; however, if someone should be interested, we would have the lists available at the courthouse.

Our commissioners feel that this bill gives them the ability to dispose of county property in an efficient, cost-saving manner, while preserving the citizens' right to protest such sales. Therefore, we ask that you support House Bill 2227 and report it favorably for passage.

Thank you.

(attachment 2)

4/25/85

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Local Government

Recommends that House Bill No. 2227 (As Amended by House Committee)

"AN ACT concerning counties; relating to the sale of property; amending K.S.A. 19-211 and K.S.A. 1984 Supp. 19-101a and repealing the existing sections."

Be amended:

On page 2, in line 59, before "Sedgwick" by inserting "Shawnee,";

On page 3, in line 92, before "Sedgwick" by inserting "Shawnee,"; following line 113, by inserting "(c) The provisions of this section shall not apply to or restrict the conveyance of real property by any county to the state of Kansas, the title to which was previously conveyed to such county by the state of Kansas.";

On page 5, by striking all of lines 191 and 192; in line 193, by striking "(20)" and inserting "(19)";

On page 6, in line 196, by striking "(21)" and inserting "(20)"; in line 213, preceding the word "are" by inserting "and K.S.A. 1984 Supp. 19-101a, as amended by section 1 of 1985 Senate Bill No. 326,";

In the title in line 21, preceding the period by inserting "and also repealing K.S.A. 1984 Supp. 19-101a, as amended by 1985 Senate Bill No. 326"

And the bill be passed as amended.

Chairperson