

Approved April 2, 1987
Date

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 March 30, 1987 in room 531-N of the Capitol.

All members were present except:

Committee staff present: Arden Ensley, Mike Heim, Emalene Correll and Lila McClaflin

Conferees appearing before the committee:

Ray Bloxsom, Topeka Police Department
Barbara Reinhart, Kansas Peace Officers Association
Jim Kaup, The League of Kansas Municipalities

The hearing was opened on H.B. 2400. This bill authorizes the trial court to forfeit to the law enforcement agency weapons seized in regard to the crimes of unlawful use of weapons, an aggravated weapons violation, or the unlawful possession of a firearm. The agency may use the weapons or dispose of them. The Chairman introduced Mr. Ray Bloxsom who supported the bill.

Mr. Bloxsom stated this bill would allow agencies to either use these weapons or trade them for other needed equipment, to the advantage of the tax payers. Attached to his testimony is a letter from Chief of Police, Robert L. Weinkauf supporting the bill.
(ATTACHMENT I)

Barbara Reinhart stated they supported the bill and thought the weapons could be used to trade for items they could use. They would see that they were not back on the street.

There was discussion concerning the type of weapons confiscated; would local agencies be knowledgeable to handle some of the weapons involved.

Senator Winter moved to amend the bill to provide for sale or trade of the weapons and that the money be kept at the local agency, and the funds from sales be used for law enforcement purposes. The motion was seconded by Senator Mulich. The motion carried.

Senator Mulich moved to pass as amended H.B. 2400. The motion was seconded by Senator Winter. The motion carried.

H.B. 2429 - relating to cities; concerning assessments to pay for improvement and interest.

Jim Kaup stated the League had requested the bill in response to the 1986 Kansas Court of Appeals case Mallon v. City of Emporia.
(ATTACHMENT II)

Senator Mulich moved the bill be passed and, because the Committee was of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar. The motion was seconded by Senator Langworthy. The motion carried.

The Chairman referred to H.B. 2357. Staff briefed the Committee on the procedure the Topeka improvement district was set up under. There was discussion concerning the way the bill was drafted.

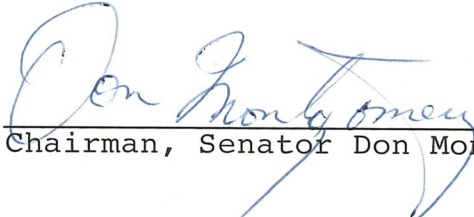
CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

room 531-N, Statehouse, at 9:11 a.m./~~p.m.~~ on March 30, 1987

Senator Winter moved to amend the bill conceptually, that it be redrafted, following the presentation of a valid petition the city can not assess a new levy or spend any new revenues, they could spend what was already in the fund. The Committee would look at the amendment before taking action on the bill. The motion was seconded by Senator Ehrlich. The motion carried.

The meeting adjourned at 10:00 a.m., next meeting will be March 31, 1987.


Chairman, Senator Don Montgomery

A-I



CITY OF TOPEKA

Department of Police
204 W. 5th Street
Topeka, Kansas 66608
Phone 913-354-9551

March 27, 1987

Local Government Committee

SUBJECT: House Bill 2400

The Topeka Police Department extends its appreciation to the Senate Local Government Committee for the opportunity of our representative to speak to you in support of House Bill 2400.

Mr. Ray Bloxson, the Department's Legal Advisor, has been instrumental in a process used by this Department wherein we have been able to provide for and issue firearms to most officers of our agency. I'm sure Mr. Bloxson will be able to respond to most questions you may have.

Again, our appreciation for the opportunity to appear before your committee.

Sincerely,

A handwritten signature in blue ink that reads "Robert L. Weinkauff".

ROBERT L. WEINKAUF
Chief of Police

RLW/kd

REMARKS ON H.B. 2400

GENTLEMEN AND LADIES, THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY ON BEHALF OF THE TOPEKA POLICE DEPARTMENT, TO SPEAK IN FAVOR OF HOUSE BILL 2400, NOW BEFORE THIS COMMITTEE.

IN THESE FINANCIALLY TIGHT TIMES, EVERY LAW ENFORCEMENT AGENCY IS FACED WITH THE NEED TO AUGMENT THEIR BUDGETS TO OBTAIN NEEDED EQUIPMENT. UNDER THE PRESENT STATE LAW, COUNTIES MAY HAVE THE ADVANTAGE OF CONVERTING CERTAIN WEAPONS TO THEIR USE, OR THE PROPERTY MAY BE SOLD AND THE PROCEEDS SENT TO THE STATE TREASURER. THE PROPOSED LEGISLATION IN HOUSE BILL 2400 WOULD PERMIT ALL LAW ENFORCEMENT AGENCIES ACROSS THE STATE TO BENEFIT FROM SUCH WEAPONS, AND EITHER USE THEM OR TRADE THEM FOR OTHER NEEDED EQUIPMENT, TO THE ADVANTAGE OF THE TAX PAYERS, IN THEIR COMMUNITY.

INDIVIDUAL QUANTITIES ARE SMALL, PERHAPS, BUT OVER TIME, ENOUGH COULD BE ACQUIRED TO TRADE FOR USEFUL ITEMS. SOME INDIVIDUAL WEAPONS ARE BETTER THAN THOSE NOW IN USE BY SOME DEPARTMENTS, AND COULD BE IMMEDIATELY USEFUL. IN EITHER EVENT, THE BENEFIT TO THE COMMUNITY IN IMPROVED CAPABILITY AT NO ADDITIONAL COST, WILL BE IMMEDIATE.



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

TO: Chairman Don Montgomery and Members of the Senate
Local Government Committee

FROM: Jim Kaup, League Attorney

RE: HB 2429; Assessment of Interest Under the General Improvement and
Assessment Law

DATE: March 30, 1987

HB 2429 is a bill requested by the League. It addresses a problem which has recently risen concerning the General Improvement and Assessment Law (K.S.A. 12-6a01 et seq.). Specifically, HB 2429 amends K.S.A. 12-6a10, the statute relating to the payment of interest on bonds in the first year's installment payment for special assessment projects.

K.S.A. 12-6a10 presently states that the first annual installment payment by the owner of property in a special benefit district is payable at the time of the first payment of general property taxes following the adoption of the assessment ordinance. K.S.A. 12-6a10 goes on to provide that the first installment payment will have added to it interest on the assessment "between the effective date of the ordinance levying the assessment and the date the first installment is payable."

Despite the clear language of this statute, many cities have apparently bowed to the practical realities of special assessment-financed public improvement projects and have charged interest on the first installment sufficient to service the outstanding bonds for a full year. For example, assume the first installment on a project was \$50,000 and that the levying ordinance took effect June 20 and the interest cost to service the bonds issued was 10%. If all the property owners pay their special assessments on an installment basis at the time of paying property taxes, the property owners would pay \$2,500 for the six months interest period between June 20 and December 20. However, the city which issued the bonds to finance the project probably will have semi-annual payment of principal and interest on the bonds, such as on January 30 and June 30 of the following year. The interest owed depends on when the bonds were issued. If the two match--if the interest assessed between the publication date of the ordinance and the date the first installment is paid is the same as the city actually needs to pay for the interest owed--this is strictly coincidental.

Cities have, in the past, not only interpreted K.S.A. 12-6a01 as permitting a city to charge a full year's interest, but have also believed such to be required because of K.S.A. 10-114, of the general bond law, which requires a city to meet its bond obligations incurred as a result of a public improvement project.

The League comes to you today because we are faced with a court decision which says that these efforts by cities to make K.S.A. 12-6a10 work in a manner compatible with the realities of public financing is in fact in violation of a literal reading of the statute. In June 1986 the Kansas Court of Appeals, in Mallon v. City of Emporia, (11 Kan. App.2d 494) said that K.S.A. 12-6a10 provides that interest on the first installment commences running on the date of publication of the assessment ordinance (i.e. the ordinance's effective date). The Court held "a full year's interest for the first installment will be appropriate under 12-6a0 only if the effective date of the ordinance corresponded with the beginning of the

year for general tax purposes. In this case it did not. The ordinance was published on July 16, 1983. This is the effective date from which interest should have been computed."

HB 2429 would resolve the problem identified by the Court in Mallon by specifically authorizing the city to add to the first year's installment payment the amount of interest due during the upcoming year on bonds issued to pay for the improvement project.

In closing, we hope this Committee would recognize that the 12-6a law will continue to be used extensively by cities in Kansas, and that it is unrealistic to expect cities to coordinate the issuance of bonds and the effective date of the ordinance levying the assessment for each 12-6a financed project. If K.S.A. 12-6a10 is not amended bonds will still continue to be outstanding, and someone will still have to pay the interest on those bonds. If the first year's full amount of interest is not to be paid by the benefiting property owner, it will have to be paid by other taxpayers, an obviously unfair situation.