

Approved March 25, 1988
Date

MINUTES OF THE Senate COMMITTEE ON Local Government

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

9:07 a.m./~~p.m.~~ on March 22, 1988 in room 531-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Representative Elizabeth Baker
Richard Funk, Kansas Association of School Boards

The Chairman called on Representative Baker to testify on H.B. 2696 relating to the issuance of general obligation bonds for payment of the costs of asbestos control projects.

Representative Baker testified in support of H.B. 2696. This bill would permit bonds to be issued for asbestos control projects; the Attorney General's office approves of the legislation. The superintendent of the Cheney U.S.D. #268 had requested the legislation.

Richard Funk, Kansas Association of School Boards, supported the measure; it allows them flexibility in financing removal of asbestos.

Senator Allen moved H.B. 2696 be passed as amended by the House Committee on Local Government. The motion was seconded by Senator Langworthy. Motion carried.

The hearing on H.B. 3037 relating to certain legal notices, advertisements and publications; validating action taken on authority exercised by political and taxing subdivisions upon failure to comply with publication requirements under certain circumstances. The Chairman called on Richard Funk.

Richard Funk presented written testimony in support of H.B. 3037. They asked that if a newspaper fails to publish a legal notice that must be published in a consecutive manner, such legal notice may be published at the next available time and not cause the invalidation of the action by the board of education. (Attachment I)

Several Senators expressed concern with changing the legal notice statutes. They believe the public needs to know exactly when something is going to take place. They did not think the circumstances that precipitated this bill happens very often.

Richard Funk stated the intent of the law is to give public notice, there is nothing in this legislation to reduce the number of publications; it would just change the consecutive notice requirement.

The Vice-Chairperson closed the hearing on H.B. 3037.

The hearing on H.B. 2963 was opened; this bill would exempt single family dwellings or duplexes constructed by schools for sale as part of vocational education or construction trade classes from state imposed fire safety and prevention codes applicable to school buildings. She called on Richard Funk.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Local Government,

room 531-N, Statehouse, at 9:07 a.m./p.m. on March 22, 1988

Richard Funk stated these houses are built to sell not to be used as schools and they do not need to conform to state imposed fire safety and prevention codes applicable to school buildings. They are built to conform to local building codes for housing.

Senator Salisbury moved to pass H. B. 2963. Senator Mulich seconded the motion. Motion carried.

Senator Steineger moved to adopt the minutes of March 15-16, 1988. Senator Daniels seconded the motion. The minutes were adopted.

Senator Mulich presented proposed amendments to H.B. 2172, the residency requirement bill, copies of the proposed amendments were distributed


(Attachment II).

Staff stated if paragraphs 1 and 2 of the proposed amendments were adopted, there would be no need for paragraph 3.

Senator Mulich moved to adopt proposed amendment "1" and "2". Senator Winter seconded the motion. Motion carried.

Senator Mulich moved H.B. 2172 be passed as amended. Senator Daniels seconded the motion.

Committee discussion followed. Senator Steineger stated i was a very basic issue if we are going to uphold the constitutional amendment on home rule. If this legislation is passed it opens the way for several other bills held in this committee. The Chairman ruled to table the motion until the Association of Counties had their opportunity to testify, as they did not get to do so when the bill was originally heard due to the time restraint. Discussion would be continued at the March 23rd meeting. He adjourned the meeting at 9:53 a.m.


Chairman, Senator Don Montgomery

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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TESTIMONY ON H.B. 3037

by

Richard S. Funk, Assistant Executive Director
Kansas Association of School Boards

March 22, 1988

Mr. Chairman and members of the committee, we appreciate the opportunity to appear today on behalf of the 302 members of the Kansas Association of School Boards. KASB supports the provisions found in H.B. 3037.

The Delegate Assembly of the Kansas Association of School Boards approved a resolution in December 1987 that states in part: "...that legislation be enacted that clarifies that the failure of a newspaper to fully publish a legal notice of a board of education not invalidate an election nor invalidate the action of any board of education when such board of education documents that it has fully complied with every other aspect of the legal requirement."

House Bill 3037 represents a compromise from our original request. We are asking that if a newspaper fails to publish a legal notice that must be published in a consecutive manner, such legal notice may be published at the next available time and not cause the invalidation of the action by the board of education.

(Attachment I). Local Go 3/22/88

For example: a legal notice must be published once a week for three consecutive weeks. It is published week one and week two but not week three. Under present law the publication cycle must be repeated and the legal notice paid for twice. House Bill 3037 would allow the legal notice to be published on the fourth week and still have the effect of meeting the publishing of legal notice requirements.

I must stress that the local board must be fully correct in its procedure and data; the local board must also prove that the legal notice was published three times.

We would ask you to report H.B. 3037 favorably for passage.

Proposed Amendments to HB 2172
As Amended by House Committee

1. On page 1, in line 36, by striking all after "any" and inserting "city or county.";

2. On page 1, in line 21, by striking all after the period; by striking all in lines 22 to 27, inclusive; in line 28, by striking "tion or order.";

3. On page 1, in line 28, following the period, by inserting "Nothing in this section shall be construed as creating a legal right of recourse against a municipality by any person lawfully discharged pursuant to any such ordinance, resolution, rule, regulation or order adopted on or before the effective date of this act.";