

Approved February 27, 1989  
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE ROBERT D. "BOB" MILLER at  
Chairperson

1:39 a.m./p.m. on FEBRUARY 22, 1989 in room 521-S of the Capitol.

All members were present except:

Representative Vern Williams, excused  
Representative Tom Sawyer, absent  
Representative Kerry Patrick, absent  
Committee staff present:

Mike Heim, Legislative Research Dept.  
Theresa Kiernan, Revisor of Statutes' Office  
Connie Smith, Committee Secretary

Conferees appearing before the committee:

John Gaito, Landowner at Lakeside Village in Jefferson County  
Mike Hayes, attorney for Jefferson Co.  
Richard Seck, Chairman of the Board of Supervisors of Reno Co. Drainage Dist. #2  
Representative George Teagarden

Chairman Miller called for hearings on the following House Bills:

House Bill 2371 - Act concerning zoning in improvement districts.

John Gaito testified in support of HB 2371 and stated he would like to see the authority at the local level instead of the county. (Attach. I)

Mike Hayes, attorney for Jefferson Co., testified as an opponent on behalf of the county commissioners and planning director of Jefferson county. The county commissioners feel they should still have control over the use of the land. (Attach. I-A)

Hearing closed on HB 2371.

HB 2372 - Act concerning certain drainage districts; relating to the election of supervisors thereof.

Representative Harder appeared before the Committee to introduce Richard Seck, Chairman of Drainage Dist. #2, who will testify on the bill. He also introduced Mr. Karl Johnson, concerned citizen, and Mr. Bill Cole, Drainage District #2 Attorney.

Richard Seck testified as a proponent and requested the legislature to enact legislation necessary to permit the election of members of the Board of Supervisors at an election to be held at the annual meeting of the members of the drainage district called by the Board of Supervisors. (Attach. II)

Representative Krehbiel presented the Committee with a balloon version of HB 2372 to show needed amendment. (Attach. III)

Theresa Kiernan, Staff, said she would prepare another balloon to be used when the Committee works the bill.

Hearing closed on HB 2372.

HB 2205 - Act concerning municipalities; relating to recreation systems.

Representative Teagarden gave background and intent of HB 2205. Mr. Teagarden stated that the bill allows townships to establish recreation commissions and recreation taxing districts, and to levy ad valorem taxes not exceeding four mills to provide recreation services. Current law provides that city governments and school districts may establish such commissions.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,

room 521-S, Statehouse, at 1:39 a/m./p.m. on FEBRUARY 22, 1989.

Chairman Miller turned the Committee's attention to HB 2207 for discussion.

A motion was made by Representative Bowden and seconded by Representative Brown to pass HB 2207 favorably. The motion carried.

Chairman Miller turned the Committee's attention to HB 2094 for discussion.

A motion was made by Representative Holmes and seconded by Representative Turnbaugh to pass HB 2094 as amended. Discussion followed. Motion carried.

Chairman Miller turned the Committee's attention to HB 2077 for discussion.

Staff presented and explained a proposed amendment to HB 2077 to address the concerns expressed by Representative Peterson. (Attach. IV)

A motion was made by Representative Johnson and seconded by Representative Reinhardt to include this language in the amendment on HB 2077. Discussion followed. Motion carried.

A motion was made by Representative Johnson and seconded by Representative Graeber to pass HB 2077 as amended. The motion carried.

Meeting adjourned at 2:25 p.m.



Dear Committee Members:

My name is John Gaito and my wife is Norma Jean Gaito. We reside at 3127 Westwood Dr., Topeka, Kansas. We own a lot at Lakeside Village in Jefferson County. We are interested in the implementation of House Bill 2371 for the following reasons.

A. As former teachers we believe in representation of the people, since we (and a majority of the property owners) are not registered voters of Jefferson County we have no voice in the affairs of Jefferson County although we due pay taxes there. However, if HB 2371 is approved the elected Board of Directors of Lakeside Village will have a say on the type of housing in Lakeside Village. This Board of Directors does hold monthly open Board Meetings and is also available on a weekly basis to assist property owners of Lakeside Village. If bill HB 2371 does not pass we, the unregistered property owners will have no input as to the needs of the needs of the property owners of Lakeside Village on this matter.

B. The Board of Directors of Lakeside Village are members of the village and are aware of the peoples needs and wants first hand.

C. The Lakeside Village property owners were engaged in legal action regarding the operation of the village. The case of Wendal Green, et. al. plaintiffs, vs. Janes Bean, et. al. Defendants Case #87-60747-A. Tracy D. Klinginsmith Judge of the District Court - Case #85-C-81 gave a decision in favor of the defendants bases on the Courts finding that there has been a change in the character and condition of the neighborhood such as neutralize the benefits of the restrictions and finding that the purpose of the restrictions are no longer reasonable and valid.

D. The case was later brought before the Court of Appeals of the State of Kansas. Held on April 20, 1988. The decision was made to uphold the decision of the lower Court.

E. On December 27, 1988 we met with the Jefferson county zoning and planning committee and presented our case to obtain permit for our mobile home. As yet we have received no decision.

I am presently retired and secured the lot in Lakeside Village to use as a vacation and retirement home. we have also placed a very large share of our savings in this project. As yet we have not been able to follow our retirements plans due to indecision and the constant harassments as is approved or not approved for the Village. There are other property owners in the Village in the same situation.

We also believe that the passage of bill HB 2371 would not only help us with our problem but would also help Lakeside Village in its development, cooperation and financial responsibility.

2-22-89  
Attach I

*Perid  
3-1*

OFFICE OF  
THE

COUNTY ATTORNEY  
JEFFERSON COUNTY  
OSKALOOSA, KANSAS 66066

COURTHOUSE  
P.O. BOX 351  
OSKALOOSA, KS. 66066  
(913)863-2251

MICHAEL C. HAYES  
COUNTY ATTORNEY  
SUSAN L. NEWELL  
ADMINISTRATIVE ASSISTANT  
JUNE HUSTON  
SECRETARY

Testimony of Jefferson County Attorney

Michael C. Hayes .

Before the House Committee on Local Government

Re: House Bill 2371

January 22, 1989

As County Attorney for Jefferson County I expressed to the Committee the position of the Jefferson County Commissioners and planning department. The Board of County Commissioners do not believe that the public health and safety would be promoted by authorizing the board of directors of the improvement districts in Jefferson County to be authorized to regulate and restrict the location and use of buildings and uses of land within each district. The improvement districts' board of directors would not have the expertise nor experience in making such decisions. Due to the change in directors there would be less chance of being uniform in their planning and decisions.

The planning department would point out that there is already a plat on file for the use of the land in each improvement district which was effective before a improvement district was created. Many of the lots within the improvement are for sale or not developed. These lots are consistently on the tax sale rolls. Just by changing the use of the land will not be a quick fix for the problem over a long term basis. Changing the zoning to allow mobile homes in a residential area may create more problems than it solves. Let us remember, the problems do not lie with the people operating our present system. A change not properly thought out may only cause more problems.

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2-22-89  
Attach I-A*

1200-289

TESTIMONY REGARDING BI-STATE CULTURAL DISTRICT  
CHAMBER OF COMMERCE OF GREATER KANSAS CITY  
DELIVERED BEFORE THE  
LOCAL GOVERNMENT COMMITTEE OF THE KANSAS HOUSE  
FEBRUARY 20, 1989

CHAIRMAN MILLER, REPRESENTATIVE LANE, AND MEMBERS OF THE  
COMMITTEE, MY NAME IS DAVID BARRIER. I AM HERE TODAY IN MY  
CAPACITY AS CHAIRMAN OF THE KANSAS STATE AFFAIRS COMMITTEE, OF  
THE CHAMBER OF COMMERCE OF GREATER KANSAS CITY. ON BEHALF OF  
THE CHAMBER'S BOARD OF DIRECTORS, I THANK YOU FOR THIS  
OPPORTUNITY TO APPEAR BEFORE YOU TODAY.

AS A CHAMBER OF COMMERCE COVERING COUNTIES IN TWO  
STATES, WE FACE UNUSUAL CHALLENGES IN ECONOMIC DEVELOPMENT.  
WE BELIEVE COOPERATION ACROSS THE STATE LINE IS ESSENTIAL IF  
BOTH THE MISSOURI AND KANSAS SIDES ARE TO ENJOY STRONG GROWTH  
IN THE FUTURE. IT IS VERY ENCOURAGING TO SEE THAT SPIRIT OF  
COOPERATION GROWING AS WE ENTER THE 1990s.

- MORE -

BI-STATE FUNDING DISTRICT  
PAGE TWO

WE ARE ESPECIALLY PLEASED WITH THE PROPOSAL THAT WOULD GRANT SOME COUNTIES THE AUTHORITY TO ENGAGE IN BI-STATE FUNDING OF THE ARTS. METROPOLITAN KANSAS CITY ANCHORS A GREAT DEAL OF ECONOMIC ACTIVITY IN EASTERN KANSAS AND WESTERN MISSOURI. PEOPLE FROM THROUGHOUT THE REGION COME TO KANSAS CITY TO ENJOY CULTURAL ACTIVITIES OF ALL KINDS. THE PROXIMITY OF THESE CULTURAL OPPORTUNITIES IS NO SMALL FACTOR IN REGIONAL ECONOMIC DEVELOPMENT. FOR THAT REASON, WE BELIEVE THE BI-STATE DISTRICT WOULD BE A SERVICE TO PEOPLE THROUGHOUT THAT AREA. IT WOULD ALLOW VOTERS IN THE ELIGIBLE COUNTIES TO APPROVE MORE EFFICIENT AND EFFECTIVE FUNDING OF ARTS PROGRAMS. AS YOU KNOW, HOUSE BILL 2281 WOULD AUTHORIZE UP TO A 1/4 CENT INCREASE IN THE SALES TAX, SUBJECT TO VOTER APPROVAL. THIS ACTION WOULD BE A SIGNIFICANT TOOL FOR ARTS DEVELOPMENT. FOR EXAMPLE, IF VOTERS IN ELIGIBLE COUNTIES WERE TO APPROVE A MORE MODEST INCREASE OF 1/8 OF A CENT, IT WOULD GENERATE AN ESTIMATED \$3 MILLION DOLLARS -- A STRONG BOOST FOR ARTS AND CULTURAL PROGRAMS.

THE GUIDELINES INCLUDED IN THIS LEGISLATION WOULD DISCOURAGE NEEDLESS DUPLICATION OF PROGRAMS WITHIN THE METROPOLITAN AREA, AND IT WOULD ENCOURAGE AN EDUCATIONAL APPROACH WHICH APPEALS TO THE WANTS AND TASTES OF THE CITIZENS WHO SUPPORT THE PROGRAMS. FURTHERMORE, WE BELIEVE THE COMPOSITION OF THE FUNDING DISTRICT BOARD IS WELL CONCEIVED. IT WOULD BE A STRONG SAFEGUARD THAT WOULD ENSURE EQUITABLE TREATMENT FOR CITIES AND COUNTIES ON BOTH SIDES OF THE STATE LINE.

IN SHORT, THE BI-STATE DISTRICT IS A SENSIBLE, EFFECTIVE AND REALISTIC APPROACH TO DEVELOPING OUTSTANDING CULTURAL OFFERINGS IN MID-AMERICA. THE CHAMBER OF COMMERCE OF GREATER KANSAS CITY WHOLEHEARTEDLY ENDORSES THIS ACTION.



TESTIMONY TO  
HOUSE COMMITTEE ON  
LOCAL GOVERNMENT  
ON  
HOUSE BILL 2372  
BY  
RICHARD SECK  
CHAIRMAN OF THE BOARD OF SUPERVISORS  
OF  
RENO COUNTY DRAINAGE DISTRICT #2

2-22-89  
Attach. II

February 20, 1988

Hon. Robert E. Krehbiel  
State Representative  
101st District  
Room 279 - W  
State Capitol  
Topeka, KS 66612

Dear Mr. Krehbiel:

I am writing this as Chairman of the Board of Supervisors of Reno County Drainage District #2, a drainage district situated in Reno County, Kansas. My expressions represent those of the present Board of Supervisors.

This district was incorporated on August 1, 1949 in the District Court of Reno County, Kansas pursuant to K.S.A. 24-604, et seq. which sections provide for the formation of a drainage district in one or more counties. The district continues to function at this time and serves approximately 14,200 acres of real estate commencing at a point approximately 2 miles south and east of Hutchinson, Kansas and extending to a point approximately 2-3/4 miles north of Haven, Kansas, where collected water drains into the Arkansas River.

The problem which the Board of Supervisors wishes to address is the manner of election of members to the Board.

Prior to 1983, members of the Board of Supervisors were elected at an annual meeting of the landowners at a time and place designated by the Board of Supervisors. Notice of such meeting is required by statute by way of publication and mailing. Provisions regarding the election of supervisors were set forth in K.S.A. 24-605 and K.S.A. 24-606.

In 1983, the legislature amended each of the foregoing sections and provided that elections be held pursuant to K.S.A. 24-412, K.S.A. 24-413 and K.S.A. 24-414. The 400 series of K.S.A. Chapter 24 provides for the formation of drainage districts in cities and counties and is incorporated by the Board of County Commissioners. The election procedure in these last sections is the same as is provided for the conducting of general county elections.

The general county election manner of electing members to the Board of Supervisors of this district seems too cumbersome, too expensive and unnecessary. The present members of the Board of Supervisors, the members of the district who have been contacted and the Reno County Clerk all agree that the prior election procedure served the district well and had for at least 34 years, in our case, prior to the legislative change.

Members of the district had been willing to serve and the prior election proceedings had been democratic. Annual meetings of the district members called for the purpose of electing supervisors gave the reigning board an opportunity to meet with the members of the district and to discuss the past year's operations, to discuss plans for the operation of the district for the coming year, to receive input from the members of the district and to generally discuss problems of the district.

Therefore, the Board of Supervisors of Reno County Drainage District #2 respectfully request that the legislature of the state of Kansas enact legislation necessary to permit the election of members of the Board of Supervisors at an election to be held at the annual meeting of the members of the drainage district called by the Board of Supervisors.

Respectfully,

Richard Seck,  
Chairman of the Board of Supervisors  
of Reno County Drainage District #2  
Rural Route #4  
Hutchinson, KS 67501

## HOUSE BILL NO. \_\_\_\_\_

By

AN ACT concerning certain drainage districts; relating to the election of supervisors thereof; amending K.S.A. 24-606 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Sec. 17. K.S.A. 24-606 is hereby amended to read as follows: 24-606. Every year after the election of the first board of supervisors, at such time and place within the county in which said district was organized as the board of supervisors may designate, and upon not less than fifteen days' notice, unless waived in writing, which notice may be given by personal service, or by the publication of such notice for two weeks in a newspaper in each county in said district and of general circulation therein, which notice shall be sufficient if it notifies said landowners of said district without naming them, individually, of the time, place and purpose of said meeting; and the secretary of said board shall mail to the last known post office address of each owner of land in said district, a copy of said published notice, such owners shall meet and elect supervisors therefor in like manner as the preceding section provides, who shall hold their office for three years and until their successors are elected and qualified, and in case of vacancy in any office of supervisor, the remaining supervisors may fill such vacancy until the next annual election, when a successor shall be elected for the unexpired term.

Sec. 2. K.S.A. 24-606 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

**HOUSE BILL No. 2372**

By Committee on Local Government

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*Attack III*

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AN ACT concerning certain drainage districts; relating to the election of supervisors thereof; amending K.S.A. 24-605 and repealing the existing section.

also repealing K.S.A. 24-606

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 24-605 is hereby amended to read as follows:  
24-605. (a) Within 30 days after the district court has declared that the drainage district is organized, the clerk of the court shall call a meeting of the owners of the real estate located within the district for the purpose of electing a board of five supervisors to be composed of owners of real estate located within the district. A majority of the supervisors shall be residents of the county, or counties, in which the drainage district is located. Notice of such meeting shall be published at least 15 days prior to the meeting and shall specify the time, place and purpose of the meeting. The landowners, when assembled, shall organize by the election of a chairperson and a secretary of the meeting, who shall conduct the election. At such election and all succeeding elections, including elections to approve the issuance of bonds, each and every acre of land in the district shall represent one share and each owner shall be entitled to one vote for each acre owned in such district. A vote at any election may be cast by the landowner or by a legally appointed proxy.

At the first election one person shall be elected supervisor for a term of one year, two persons for terms of two years, and two persons for terms of three years, *thereafter all supervisors shall be elected for terms of three years and until their successors are elected and qualified.* Elections to choose supervisors; ~~except the first,~~ shall be held on the first Tuesday in April and every four years

44 ~~board.~~ Supervisors elected in any district prior to the effective date  
45 of this act shall hold their office until their successors are elected  
46 and qualified at the election in April, 1985.

47 (b) For the purpose of determining the total number of acre votes  
48 which each landowner is entitled to cast at the meeting for the first  
49 election of supervisors, the clerk of the district court shall deliver  
50 to the secretary elected at the first landowners' meeting, at the time  
51 of the secretary's election, a written certificate, prepared from the  
52 proceedings in the district court for the formation of such drainage  
53 district, which sets forth the names of all landowners in the district  
54 and the legal description and acreage of all land located within the  
55 district. In all elections, except the first, the county clerk shall  
56 determine the names of all landowners within the drainage district  
57 and the number of acres owned by each landowner as of 20 days  
58 prior to the date of any election.

59 Any landowner within the district whose name or total acreage  
60 does not appear or appears incorrectly on such certificate may request  
61 the county clerk to add the landowner's name to the certificate or  
62 to correct the acreage on the certificate. The county clerk may  
63 administer oaths and affirm witnesses, take testimony and examine  
64 documents and records necessary to determine the qualification of  
65 any landowner to vote and the total acreage of the landowner. After  
66 the completion of the investigation, the county clerk shall issue a  
67 certificate stating that the landowner to whom the same is issued is  
68 entitled to vote and certifying the total acreage owned by the land-  
69 owner to whom the certificate is issued. Such certificate shall be  
70 accepted by the judges and clerks of the election and the landowner  
71 shall be allowed to vote the number of acre votes stated in the  
72 certificate.

73 Sec. 2. K.S.A. 24-605 is hereby repealed.

74 Sec. 3. This act shall take effect and be in force from and after  
75 its publication in the statute book.

shall be held at the annual meeting of the  
owners of the real estate located within  
the district

and 24-606 are

## Proposed Amendment to House Bill No. 2077

On page 3, following line 108, by inserting:

"Sec. 2. K.S.A. 19-547 is hereby amended to read as follows: 19-547. In addition to the duties required by K.S.A. 1980 Supp. 79-2101 and amendments thereto, each county treasurer shall, within 10 days after October 1 of each year, cause a statement to be published with respect to unpaid or partially unpaid delinquent personal property tax returns made by the sheriff as of October 1. Such statement shall be published once each week for three consecutive weeks in the official county newspaper or in a newspaper of general circulation printed in the county in accordance with the provisions of K.S.A. 64-101, and amendments thereto. The statement shall show the name of each delinquent or partially delinquent taxpayer, listed alphabetically, appearing on such returns, followed by the taxpayer's last known address and by the total amount of unpaid taxes, penalties and costs. The cost of such publication shall be paid from the general fund of such county, and \$5 ~~\$15~~ shall be added to the tax due as part of the costs of collection, to be collected in the same manner as provided by law for the collection of the delinquent tax.

Sec. 3. K.S.A. 79-2303 is hereby amended to read as follows: 79-2303. (a) The county treasurer shall cause the notice and list prepared under K.S.A. 79-2302 and amendments thereto to be published in the official county newspaper or in a newspaper of general circulation printed in the county in accordance with the provisions of K.S.A. 64-101, and amendments thereto. The notice and list shall be submitted to the newspaper on or before August 1 of each year and shall be published once each week for three consecutive weeks immediately prior to the week when the day of sale will occur. The county treasurer shall also cause a copy of the list and notice to be posted in some conspicuous place in the county treasurer's office. The cost of

2-22-88  
attach IV

publication of the notice and list shall be paid from the general fund of the county, and a \$5 \$15 fee for each tract or lot shall be added to the tax due for the tract or lot as part of the costs of collection. The fee shall be collected in the manner provided for the collection of the unpaid taxes."