

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Sen. Don Montgomery at
Chairperson

9:00 a.m./~~p.m.~~ on March 27, 1989 in room 531-N of the Capitol.

All members were present except:

Sen. Steineger - Excused

Committee staff present:

Mike Heim, Legislative Research
Emalene Correll, Legislative Research
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Sen. John Strick
Nick Tomasic, Wyandotte County District Attorney
Steve Hogard, County Clerk's Office, Girard

The hearing began on SB 348 concerning housing rentals and tenant admissions in municipal housing in Wyandotte County. Sen. John Strick testified in support of the bill. (See Attachment I.) He added that a technical correction is needed on line 65 of the bill where "a" should be added after "65-4127".

Sen. Langworthy asked why the bill applies to Wyandotte County only. Sen. Strick said it could be applied to other areas, but his main concern is to protect Wyandotte County where there is a large criminal element in public housing.

Nick Tomasic, Wyandotte County District Attorney, followed with further testimony in support of SB 348. He worked with Sen. Strick on the bill. The bill gives decent citizens a place to live without criminals dealing in drugs. Kansas City, Kansas, has had a real problem with drug dealers. Section (b) of the bill says that a person cannot lease a public facility if he has had a conviction within the last five years. Innocent family members can live there if they pass a screening. Also, legal authority is given to evict anyone who has a criminal record within the last five years.

Sen. Petty asked if the bill excludes those who have served their time. Mr. Tomasic said the statute would not apply to those off parole. It applies to the convicted, not released criminals, within the last five years. Sen. Allen asked where these people can go to find living quarters. Mr. Tomasic replied that the bill deals with drug dealers in housing projects which interfere with decent people living there. Wyandotte County has a number of drug dealers in housing projects which have come from Kansas City, Missouri. Sen. Gaines agreed with Sen. Allen that these people have to live somewhere although he agrees they are undesirable.

Staff noted that subsection (b) may be a violation of discrimination clauses required for federal aid. Mr. Tomasic said Jackson County, Missouri, passed the same law last year for drugs and prostitution, and it has not been challenged so far. Staff asked if the county has considered doing this itself under home rule. Mr. Tomasic said it had not considered this. He said he would do further research into the Missouri law and report back to the committee. The Chairman asked staff to contact the National Conference of State Legislators also for further information.

Sen. Daniels commented that housing could be rented by others for drug dealers. Also, the bill deals only with convicted dealers, and there are dealers who have not been convicted so she questions how effective the bill will be. Mr. Tomasic said the intent of the bill is that families of convicted dealers can lease if they pass screening, and it is determined that they are not involved in drugs. This concluded the hearing on SB 348 until further information is presented to the committee in a day or two.

Attention was turned to SB 372 concerning the payment of the costs of special
Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

room 5210N, Statehouse, at 9:00 a.m. ~~4:00~~ on March 27, 1989.

elections in watershed districts. Steve Hogard of the County Clerk's office in Girard testified in support of the bill. (See Attachment II.)

Staff asked if he had talked with the State Watershed Association. Mr. Hogard said he had not, but he had talked to the chief engineer's office. Staff asked further if this could be used as an alternative which would allow other areas to go the original way. Mr. Hogard was in agreement with this.

The Chairman asked who is responsible for the cost at present. Mr. Hogard said the money was borrowed from the bank. The county is not involved except it did supply a list of names of landowners. The Chairman asked further if the landowners involved would be able to object because the law was passed after the expense was incurred. Staff said this could be a possibility. Staff added that if this is considered as a special assessment, benefits would have to be shown. It may not be challenged if a small amount of money is involved, but landowners with a large amount of property might object to the costs. There being no further time, the hearing was concluded.

The minutes of March March 23 were approved.

The meeting was adjourned.

STATE OF KANSAS

JOHN STRICK, JR.
SENATOR, FOURTH DISTRICT
WYANDOTTE COUNTY
620 N. 17TH
KANSAS CITY, KANSAS 66102



TOPEKA

SENATE CHAMBER

March 15, 1989

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: FINANCIAL INSTITUTIONS
AND INSURANCE
MEMBER: FEDERAL AND STATE AFFAIRS
GOVERNMENTAL ORGANIZATION
LABOR, INDUSTRY AND SMALL BUSINESS
PUBLIC HEALTH AND WELFARE

TO: Senate Committee on Local Government

FROM: John Strick, Jr.

RE: Explanation of Senate Bill No. 348

Missouri enacted a law barring convicted criminals from living and operating in public housing. Kansas City, Kansas has now had a large influx of the criminal element move into its public housing. With this bill the Kansas Public Housing Authority will have the vehicle required to eliminate the criminal element from subsidized housing.

Section 1-b; Line 60 will enact similiar legislation to protect the Kansas citizens from having neighbors who are known felons.

*Senate Local Gov't
3-27-89
Attachment I*

Kemp vows to clean up the projects

He wants to rid public housing of drug dealers

The New York Times

WASHINGTON — Jack Kemp, the secretary of Housing and Urban Development, has pledged a crack-down on drug dealers and abusers in public housing projects.

He said he would seek to deny them access to public housing and to evict those who were already tenants.

The pledge came in a memorandum to local officials in 3,000 public housing authorities, who generally hailed the action.

"I think it's extremely significant and badly needed," said Jane Lang, a lawyer who speaks for local officials. She represents the National Association of Housing and Redevelopment Officials, the Public Housing Authorities Directors Association and the Las Vegas and San Antonio housing authorities.

Kemp said in an interview that he had discussed the initiative with both President Bush and his anti-drug chief, William Bennett, both of whom supported the effort.

He also said he hoped to set aside up to \$50 million to combat drug trafficking in public housing projects.

But some representatives of tenants' groups and the American Civil Liberties Union said they were worried that the action might undermine tenants' rights.

"I'm concerned about the memo being misinterpreted as being a hunting license that encourages extrajudicial procedures that jeopardize constitutional rights," said Wade Henderson, an attorney and housing specialist with the civil liberties group.

Kemp, told of the criticism, said, "In some cases, the ACLU is part of the problem." He said the group used delaying tactics in representing tenants faced with eviction for drug-related activities in housing projects.

"We need swift adjudication of these cases," Kemp said.

Florence Roisman, a staff lawyer with the National Housing Law Project, asked: "Does Mr. Kemp have some magic way to find out who these people are? The issue is not whether people should be dealing drugs, but how to decide if someone really is a drug dealer."

Drug problems in public housing

Housing and Urban Development Secretary Jack Kemp has given administrators of the nation's 3,000 public housing authorities the boost they need to get moving on eliminating drug trafficking.

So far Kemp has delivered only words of encouragement and no funding to assist in this area. But at least administrators know that someone in Washington knows what they are up against and is trying to help.

A week ago Philadelphia police made a drug bust near where Kemp was talking to public-housing residents. Kemp then came out strongly in favor of stiffer measures to keep dealers out and low-income, law-abiding tenants in public housing. Kemp asked administrators in a memo for a "speedy report" on what they're doing to solve the drug problem.

"In my recent visits to public housing projects I was shocked by the public and open sale of drugs," Kemp's memo said. "I understand the difficult challenge faced in maintaining a decent living environment for residents when criminal traffic in drugs is at their doorsteps... I intend to assist you and law-abiding residents in eliminating this plague from public housing."

Kemp told the National Governors Association Monday that he wants public administrators to

make sure leases "are tightened up" to keep dealers out. The Kansas City Housing Authority is working on that one.

Decent people in Kansas City's units feel helpless against drugs. A *Kansas City Times* reporter recently interviewed some residents who said it is difficult to raise children in an environment where drugs and shootings are familiar sights and sounds.

Drug trafficking takes its toll on public housing maintenance costs and in authorities' occupancy rates. If the authority attempts to secure an area with more lighting, for example, the lights sometimes are shot out by the creatures of the night. An unoccupied or vandalized unit is quickly transformed into a crack house.

Kemp asked authority administrators to report to him by March 28 on measures being taken to evict and keep out drug traffickers. Kansas City's Mike Fisher is considering returning to private security patrols and even constructing physical barriers to access at certain developments.

Kemp gives the impression that once he has a better idea of what is going on, his department may be better able to put some muscle and money where his words are. That should be good news to the victims of criminal drug abuse in public housing.

However, Rep. Charles B. Rangel, a New York Democrat, said, "Many of these tenants are hostage to vicious, drug-pushing thugs."

There is general agreement that drug dealing and abuse are widespread in many of the 11,000 public housing projects, where 4 million tenants live in 1.3 million units. Both housing authorities and tenants' groups want to rid these projects of drugs and the crime that often accompanies drug dealing and abuse.

Kemp, who toured housing projects last month in Baltimore and Philadelphia, said in his memorandum that he was shocked by the public display of drug traffic.

Senate L.G.
3-27-89
I-2

DAN BRUNETTI

CRAWFORD COUNTY CLERK
GIRARD, KANSAS 66743
(316) 724-6115

March 23, 89

Senator Phil Martin
403 West Euclid
Pittsburg, Ks. 66762

Re Watershed District Payment of Costs and Expenses
When petition is disapproved by engineer or defeated by
voters; tax levy:

Dear Phil:

In reference to KSA 24-1208, which enables the Steering Committee or Board of Directors to function in a limited capacity for the purpose of determining the amount of money necessary to pay all of the costs and expensed incurred in the preparation and filing of the petition and in the conduct of the special election and shall certify a statement of such amount to County Clerk of each County in which the proposed district was to be located. Said County Clerks shall there upon ascertain the total assessed valuation of all taxable tangible property in their respective Counties within proposed district and certify same to the County Clerk at the County in which the Acting Chairman of the Board or Steering Committee resides.

Said Clerk shall determine levy necessary to be spread against the taxable tangible in the entire proposed district in and on to raise funds sufficient to pay amount set fourth in said statement and shall certify levy to County Clerk of other counties in which proposed District is located. Then said levy will be extended against the taxable tangible property lying within the boundaries of proposed district within respective Counties, etc.

The problems we have with this is that this levy will only be assessed for one year. Our main concern at this point is the time factor it will take to split all the real estate, personal property & State Assessed values within this proposed Watershed District in order to assess this levy. As you well know with reappraisals going on, this is an added burden to the appraiser and will also entail creating new Taxing Units for one year. This also seems to be a main concern of some of the State Assessors utility. In conversing with one Utility they would just as soon pay a flat fee one time, which would be cheaper for them than to reprogram their computers for one year and change them back the next year.

With these concerns what we would like to do is try and change this status which would enable us to assess an equal coast to all landowner

*Senate Local Gov't
3-27-89
Attachment II*

DAN BRUNETTI

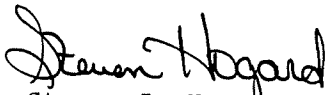
CRAWFORD COUNTY CLERK
GIRARD, KANSAS 66743
(316) 724-6115

Page 2:

as a one time "Special Assessment." This would make it much simpler for all involved and keep everyone happy.

If you have any more questions, please feel free to contact me about any more information you might feel you need.

Yours truly,



Steven P. Hogard,
Deputy County Clerk
Crawford County, Kansas

SPH/jp

Senate L.G.
3-27-89
II-2