

Approved \_\_\_\_\_ Date \_\_\_\_\_

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 29, 1989 in room 531-N of the Capitol.

All members were present except:

Sen. Gaines - 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:

Ernie Mosher, League of Kansas Municipalities

The Chairman began the meeting by calling the committee's attention to two hand outs, one regarding HB 2023 and one regarding HB 2256. (See Attachments I and II).

The hearing began on HB 2475 concerning the recovery of costs by cities for charges for abatement of nuisances, cutting of weeds, and removal of unsafe structures. Ernie Mosher of the League of Kansas Municipalities testified in support of the bill. The bill was requested by Rep. Clyde Graeber in response to a problem of one of his constituents in Leavenworth who had bought property at a tax sale thinking the property was free and clear of taxes and charges. However, he discovered that there was a city lien for several hundred dollars for weed mowing. The bill provides that such unpaid charges will constitute a lien against the property after 30 days. The city clerk would be required to file a notice of the lien with the county register of deeds within ten days of the 30-day payment period, otherwise the city will lose its right to enforce the lien. Mr. Mosher also noted that there have been three minor technical amendments by the Revisor.

Sen. Daniels asked how the charge is taken off record when the fee has been paid. Mr. Mosher said a list is submitted in September so the charges can be put on taxes. At this time, a check is made to determine if the charges have been paid. However, he agreed that it is possible that the charges could be paid but still be left on the computer and appear on the tax bill. Staff said that Rep. Graeber wants a release of lien provision added to the bill. Staff had talked with the Register of Deeds in Leavenworth, and it was concluded that the city clerk ought to be responsible for filing the release of lien.

Mr. Mosher stated he feels the bill needs more work. The Chairman agreed and will contact Rep. Graeber.

Attention was turned to HCR 5001 which encourages each county to develop a plan for implementation of the 911 emergency telephone service. The Chairman explained that it came out of an interim committee where it was determined that the installation and maintenance of the 911 service would be too expensive for many small communities. The only action the interim committee took was to recommend HCR 5001 to encourage these rural areas without 911 service to continue to work on getting equipment needed to implement this service. The EMS people are very concerned about having a statewide communication system, and this resolution would encourage this.

Sen. Steineger made a motion to recommend HCR 5001 favorable for passage, Sen. Langworthy seconded, and the motion carried.

Next to be discussed was HB 2256 relating to the sale of property by the board of public utilities which had been previously heard. The Chairman referred to the letter from Rep. Johnson (See Attachment II) requesting that Section (d) be removed. Sen. B. D. Kanan agrees with this. The Chairman also recalled that it had been expressed that there may be a problem with the evaluation of bids

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 531-N, Statehouse, at 9:00 a.m. ~~xxxx~~ on March 29, 1989.

by a consultant. It was felt that the consultant may have a detrimental effect on bids. He suggested amending the bill by striking line 47 beginning with "The consultant" through "evaluation" on line 49 and capitalizing "the" before "governing".

A discussion began regarding the mail in ballot provision on lines 58-59 of the bill. Sen. Steineger said the feeling has been expressed that a mail in ballot gets a much better response to voting, and the cost is much less than an election. However, some have political objections to the mail in ballot.

Sen. Daniels made a motion to amend HB 2256 by striking the language about the consultant on lines 47 through 49, by striking the mail in ballot provision on lines 58-59, and by striking Section (d), Sen. Langworthy seconded, and the motion carried.

Sen. Daniels made a motion to recommend HB 2256 favorable for passage as amended, Sen. Langworthy seconded, and the motion carried.

The Chairman returned attention to HB 2475. He said the bill is in need of more work and will be held in committee.

Discussion began on HB 2390 concerning the sale of municipal bonds which had been previously heard. With regard to the 24 hour notice time on line 92, the Chairman said it had been related to him that 48 hours would be better. Sen. Steineger said he had been told that 24 hours would give an unfair advantage to large eastern underwriters. He also had a suggestion that the 24 hours be changed to "five business days", especially for the rural areas. The Chairman offered a compromise of changing it to "four business days". Staff asked if the calendar days on lines 24 and 25 should also be changed to business days, and it was determined that this should not be changed.

Sen. Daniels made a motion to strike "24 hours" and change to "four business days", Sen. Petty seconded, and the motion carried.

Sen. Langworthy made a motion to pass HB 2390 as amended, Sen. Frahm seconded, and the motion carried.

Discussion of SB 348 concerning housing rentals in housing projects began. Sen. Montgomery said he had found that the Missouri law is statewide but limited to Jackson County, Missouri, and went into effect August 1, 1988. Thus far, there have been no objections to it. Staff related that HUD regulations in regard to public housing would allow the screening of people for drugs and other crimes convicted for in the last five years. It was suggested that the bill be made to apply not only to drugs but also to prostitution and crimes against persons. Staff also noted that 4127a and 4127b include criminal penalties for controlled substances so it does not deal with drug dealers only. Also, Congress considered adding similar language last year but did not.

The Chairman recalled that an amendment is needed on line 65 to insert "a" after "4127", and Sen. Allen so moved, Sen. Daniels seconded, and the motion carried.

Sen. Burke asked if the bill would be an exemption to the expungment law. Staff was not certain how it would coincide.

Sen. Montgomery said that he had asked the revisor to make the bill read to apply statewide.

Sen. Ehrlich made a motion to recommend SB 348 favorable for passage as amended, Sen. Steineger seconded, and the motion carried.

The minutes of March 28 were approved.

The Chairman announced that there would be no meeting tomorrow.

The meeting was adjourned.



KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 545-N - Statehouse

Phone 296-3181

March 23, 1989

TO: Senator Don Montgomery

Office No. 128-S

RE: Validating Statutes


There are a number of examples of the Legislature validating local government elections and other actions by the passage of state law. Your inquiry is in reference to H.B. 2023 validating a local sales tax election held in Jackson County this last November.

Examples include the following:

1. K.S.A. 12-2814 validated an election held prior to January 1, 1974 authorizing a 1 mill tax levy for a metropolitan transit authority notwithstanding the lack of authority of the city regarding submitting the proposal to the electorate.
2. K.S.A. 27-334a validated a bond issue election of the Metropolitan Topeka Airport Authority to correct faulty notice of the election.
3. K.S.A. 82a616(b) validated the incorporation of a rural water district despite the fact that it did not meet all of the statutory guidelines for formation.
4. K.S.A. 80-1413c validated an election by a township for authorization of a tax levy for road purposes despite faulty notice of the election.
5. K.S.A. 15-408a validated a bond election of the city of Glade despite a faulty publication of notice of the election.

There are various other validation statutes as well.

I hope this is useful to you. If I may be of further assistance to you, please let me know.

  
Mike Heim  
Principal Analyst

MH/pb

Senate Local Gov 4  
3-29-89  
Attachment I

STATE OF KANSAS

MARY JANE JOHNSON  
REPRESENTATIVE, THIRTY-SIXTH DISTRICT  
WYANDOTTE COUNTY  
5321 ROSWELL  
KANSAS CITY, KANSAS 66104-2138



TOPEKA

HOUSE OF  
REPRESENTATIVES

March 28, 1989

COMMITTEE ASSIGNMENTS  
RANKING MINORITY MEMBER LOCAL GOVERNMENT  
MEMBER ELECTIONS  
COMMERCIAL AND FINANCIAL  
INSTITUTIONS

Dear Chairman Montgomery & members of the Senate Local Govern-  
ment Committee,

After the hearing was held on H.B. 2256, it was apparent  
that Section D of the bill was not necessary.

It is the opinion of the Revisor's office that the intent  
of the bill is covered without this section and, therefore, we  
would respectfully ask that lines 69 through 72 be stricken  
from the bill, with a few minor technical changes suggested by  
staff.

As I stated in my testimony, the purpose of the bill is to  
give the Election Commissioner the statutory authority she needs  
to conduct an election on the issue concerning the sale of the  
utility system. It will provide the voters not only the needed  
information on the issue, but it will also give the people the  
right to vote and will be a binding election.

This bill is very important to our constituents, we hope  
that with these changes the committee will look favorably on  
H.B. 2256.

These changes have been approved by the Board of Public  
Utilities and the City Council.

Thank you for your consideration,

Sincerely,

*Mary Jane Johnson* *Hank Turnbaugh*

*Bill Rendon*  
*Bill Wislone* *Michael [unclear]*  
*Herman [unclear]* *James [unclear]*  
*Shirley [unclear]*  
*John [unclear]*

Senate Local Gov't  
3-29-89  
Attachment II