

Approved February 27, 1990
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

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

1:34 a.m./p.m. on FEBRUARY 19, 19 90 in room 521-S of the Capitol.

All members were present except:
None absent.

Committee staff present:

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

Conferees appearing before the committee:

Representative Harold Guldner
Representative David Heinemann
Beverly Bradley, Kansas Association of Counties
Representative Dale Sprague
Harry Schrag, board member of Drainage District No. 4

Chairman Miller called for hearing on HB 2966.

HB 2966 - Act concerning the conveyance of certain property in Wichita County.

Chairman Miller recognized Representative Harold Guldner who requested the bill. Representative Guldner stated that Wichita County would like to give the old hospital to the city of Leoti. The city wants to make a group home out of it for children. The county received a deed from the owners of the property. The county will deed the property to the city.

There were no opponents. The Chairman closed the hearings on HB 2966.

The Chairman called for hearing on HB 2894.

HB 2894 - Act relating to counties; concerning the enforcement of county codes and resolutions; concerning fines and penalties.

Chairman Miller recognized Representative Heinemann, sponsor of HB 2894. Finney County experienced problems over proposals made by resolution to control wild animals running loose throughout the county. They hired a person to be in charge of capturing these animals. The resolution provided for a fine of \$50 to \$500. The fine was levied to help cover the costs of enforcement. A district judge issued an opinion that disallowed the county to solve their problem by resolution.

Discussion followed - No fiscal note - Statewide application.

Mike Heim, staff, gave a brief overview of present law. Discussion followed.

Beverly Bradley, Kansas Association of Counties, appeared as a proponent and provided written testimony. (Attachment I)

No opponents. The Chairman closed the hearing on HB 2894.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,

room 521-S Statehouse, at 1:34 a.m./p.m. on FEBRUARY 19, 1990

The Chairman called for hearing on HB 2943.

HB 2943 - Act concerning drainage districts; relating to maintenance and repair of ditches; declaring certain discharges to be nuisances and providing remedies therefor.

Chairman Miller recognized Representative Sprague, primary sponsor of HB 2943. Representative Sprague stated the purpose of the bill is to assure proper maintenance and repair of ditches. There appears to be a problem with executing maintenance and repair due to the ditches being too wet to work. Representative Sprague introduced Harry Schrag.

Harry Schrag appeared before the Committee in support of HB 2943. (Attachment II) Discussion followed.

There were no opponents. The Chairman closed the hearing on HB 2943.

The Chairman turned the Committee's attention to HB 2965.

HB 2965 - Act concerning certain drainage districts; relating to the governing body thereof.

Theresa Kiernan, staff, stated this was a clean-up bill to correct 24-605. A drafting error substituted the word director for the word supervisors. This bill corrects this error.

No questions. The Chairman closed the hearing on HB 2965.

The Chairman turned the Committee's attention to HB 2847. (concerning the collection of delinquent property taxes) A motion was made by Representative Patrick to pass HB 2847 favorably and place on the consent calendar; seconded by Representative Holmes. The motion carried.

The Chairman turned the Committee's attention to HB 2966. A motion was made by Representative Graeber to pass HB 2966 favorably and put on the consent calendar; seconded by Representative Holmes. The motion carried.

The Chairman turned the Committee's attention to HB 2965 (technical amendment). The motion was made by Representative Williams to pass HB 2965 favorably and put on the consent calendar; seconded by Representative Graeber. The motion carried.

A motion was made by Representative Samuelson to approve the minutes of February 13, 14, and 15; seconded by Representative Holmes. The motion carried.

The Chairman asked the Committee to introduce a bill recodifying the planning and zoning laws. The motion was made by Representative Williams; seconded by Representative Holmes. The motion carried.

The Chairman asked for a motion to vote HB 2551 out unfavorably. The motion was made by Vice-chairman Brown; seconded by Representative Holmes. The motion carried.

The Chairman adjourned the meeting at 2:30 p.m.



"Service to County Government"

212 S.W. 7th Street
Topeka, Kansas 66603
(913) 233-2271
FAX (913) 233-4830

EXECUTIVE BOARD

President
Gary Hayzlett
Kearney County Commissioner
P.O. Box 66
Lakin, KS 67860
(316) 355-7060

Vice-President
Marjory Scheufler
Edwards County Commissioner
R.R. 1, Box 76
Belpre, KS 67519
(316) 995-3973

Past President
Winifred Kingman
Shawnee County Commissioner
(913) 291-4040
(913) 272-8948

Dixie Rose
Butler County Register of Deeds
(316) 321-5750

Gary Post
Seward County Appraiser
(316) 624-0211

DIRECTORS

Leonard "Bud" Archer
Phillips County Commissioner
(913) 689-4685

Marion Cox
Wabaunsee County Sheriff
(913) 765-3323

John Delmont
Cherokee County Commissioner
(316) 848-3717

Keith Devenney
Geary County Commissioner
(913) 238-7894

Berneice "Bonnie" Gilmore
Wichita County Clerk
(316) 375-2731

Harry "Skip" Jones III
Smith County Treasurer
(913) 282-6838

Roy Patton
Harvey County Weed Director
(316) 283-1890

Thomas "Tom" Pickford, P.E.
Shawnee County Engineer
(913) 291-4132

NACo Representative
Joe McClure
Wabaunsee County Commissioner
(913) 499-5284

Executive Director
John T. Forbert

February 19, 1990

To: Representative R. D. Miller, Chairman

From: Bev Bradley, Legislative Coordinator
Kansas Association of Counties

Subject: HB 2894

The Kansas Association of Counties has no formal position on this issue, however it appears to be a proposal that would benefit counties in that it would enable the fines derived from the enforcement of county codes and resolutions to be paid to the county treasurer and deposited in the county general fund. With the current proposals of tax lids and roll backs, it is appropriate to use alternate sources of income to fund county activities.

TSB2894

LY
2-19-90
attach I

Guidelines Needed for Economic
Development Tax Breaks ... 268

Editorial

Revisiting the
Property Tax Issue 263

Grants

EPA Funds Waste
Management Program 282

Law

Attorney General's Opinions .. 279
League Staff Legal Opinions .. 280
Section 89 Repealed 282

League of Kansas Municipalities

1988 League Audit Report 277
1989 City Conference
Highlights 264
1989 City Public Improvement
Awards Winners 266
1990 League Budget Proposed . 277

Ordinances/Resolutions

Charter Ordinances 278
Recap of Charter Ordinances
and County Charter
Resolutions 270

Water

Public Water Supply:
Some Predictions About
the Future 274

Section 89 Repealed

On November 8, 1989 President Bush signed into law PL 101-140, which contains a provision repealing the Section 89 nondiscrimination rules for employee benefits, which were put in place as a result of the 1986 Tax Reform Act. Employers should note that in repealing the federal mandate, Congress reinstated rules that had been in effect prior to the enactment of the 1986 act. The pre-1986 Tax Reform discrimination rules apply to self-insured health plans (Internal Revenue Code Section 105(h)), cafeteria plans (Section 125) and group term-life insurance plans (Section 79).

the administration of public works projects, from design and bidding to scheduling, monitoring and fiscal control.

The course is designed for project managers, contract administrators, city

education credits from the APWA Education Foundation.

For more information, contact Ms. Gail Williams, Wichita Department of Public Works, 455 N. Main, Wichita 67202, (316) 268-4497.

Jay
2-19-90
Oct 1-2

EPA Funds Waste Management Program

To help cities and states find solutions to waste management problems, the Governmental Refuse Collection and Disposal Association (GRCA) and the National Recycling Coalition (NRC) have established a peer matching program, funded by the Environmental Protection Agency (EPA). The program matches experts in various fields with governmental officials throughout the United States who

would like to aid in solving municipal solid waste problems. The peer match program will provide advice on all aspects of solid waste management issues, including planning, waste reduction, collection, recycling, composting, combustion and landfilling. On-site assistance as well as written advice and over-the-phone responses will be provided. For more information, contact Charlotte Frola, GRCA Project Officer, (800) 456-4723.

Finney County to Control Animals

Animals in Finney County will be subject to regulation beginning January 1, 1990. A new animal control resolution adopted by the board of county commissioners was prompted by complaints over the years of packs of dogs attacking livestock and even children. The resolution makes it illegal for an animal owner in the county to willfully allow an animal to roam loose. Violators are punishable by fines from \$50 to \$500.

The county has budgeted money in 1990 to hire an animal control officer, who will operate under the sheriff's department. In addition, the county intends to house impounded animals at the Garden City animal shelter. The county has contributed money for remodeling that building, and city officials expect the remodeling to be completed in February.

The resolution states that it will be unlawful for owners to willfully allow dogs, horses, mules, hogs, sheep, and goats off of the owner's property. The animal control officer may impound dogs that do not have county tags. Dog tags are to be purchased at the county clerk's office at the start of the year and the fee is \$2 for dogs that have been spayed or neutered and \$5 for those that have not been. A certificate from a veterinarian is required to show current shots and whether the dog is spayed or neutered.

Animals that are impounded and have not been claimed within 72 hours are considered abandoned animals and may be adopted or euthanized. To claim an impounded animal, the owner must pay a fee for the animal's boarding.

William J. Co
Judith C. Hol
Jesse Jackson
Stan Martin
Richard U. Ni
Judy M. Sarge
Joseph E. Stei
Bonnie Talley

CIT

The presi
association
the Leagu

C

President ...
First Vice Pres
Second Vice P
Secretary ...
Treasurer ...

M

President ...
Vice President
Secretary ...
Treasurer ...

Counci

President ...

First Vice Pres

Second Vice I

Mu

Chairman ...

President ...
Vice President
Secretary-Treas

Ka

President ...
First Vice Pres
Second Vice Pr

President ...
Vice President
Treasurer ...
Sergeant-At-Ar
Recording Seci

Ka

President ...
First Vice Pres
Second Vice P
Secretary-Treas

February 19, 1990

To: LOCAL GOVERNMENT COMMITTEE, Rep. R.D. Miller,
chairperson

Subject: Drainage District Bill #2943; concerns/requests

From: Harry Schrag, Board member of Drainage District #4,
representing Drainage District #4 (aka Big Basin
Drainage District) and Drainage District #1 (aka
Blazefork Drainage District), located in McPherson
County, KS

CONCERNS TO ADDRESS

I. Purpose/responsibilities of Drainage Districts

- A. Organized in 1931
- B. Joint effort
- C. Maintenance procedure
- D. Landowner/industrial companies cooperation

II. Problems

- A. Weather
- B. Lack of cooperation from landowners/industrial
companies
 1. Discharging water into the drainage
system
 - a. Creates vegetation growth/silt pads
 - b. Routine maintenance difficult or
practically impossible

III. Solutions

- A. Extended dry periods of weather
- B. Discussions/negotiations with landowners/
industrial companies
 1. Mixed results (most very cooperative)
- C. Legislative possibilities
 1. Help Drainage District Boards carry out
duties
 - a. Prohibit discharging water that
creates a nuisance
 - b. Diminish or eliminate the offending
landowner's appropriation rights

Ly
2-19-90
Attach. II

