

Approved January 30, 1990

Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Wint Winter, Jr. at  
Chairperson

10:00 a.m./~~xxx~~ on January 17, 1990 in room 514-S of the Capitol.

All members were present ~~except~~:

Committee staff present:

Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department  
Gordon Self, Office of Revisor of Statutes  
Eric Witkoski, Office of Revisor of Statutes  
Judy Crapser, Secretary to the Committee  
Conferees appearing before the committee:

Kay Billeaux, Office of Judicial Administration of the Supreme Court  
Jim Kaup, General Counsel, League of Kansas Municipalities  
Jack West, Chief Enforcement Officer, Division of Alcoholic Beverage Control,  
Kansas Department of Revenue  
Gordon Hahn, Topeka landlord  
Charles Kent Pomeroy, Topeka Landlord Association

The Chairman called the meeting to order by recognizing Kay Billeaux, Office of the Judicial Administration of the Supreme Court. Ms. Billeaux explained to the committee that the Kansas Supreme Court Child Support Guidelines Commission had completed their assigned task by the deadline of January 15, 1990 and were ready to report. However, the Supreme Court will not hear the report until January 24, 1990. Therefore, the recommendations will not be released as yet. The Chairman extended an invitation to the Chief Justice from the committee to address these and other issues of common interest. Ms. Billeaux responded that the invitation would most likely be accepted but may be on an informal basis rather than during the committee's scheduled meeting.

The Chairman then reopening the hearing for HB 2347.

HB 2347 - concerning certain common nuisances; party shacks described as common nuisances.

Jim Kaup, General Counsel, League of Kansas Municipalities, spoke as a proponent of HB 2347. (ATTACHMENT I) In response to questioning from the committee, Mr. Kaup stated the League does not support the proposed amendments but could live with them if it was the only way to get the bill passed.

Jack West, Chief Enforcement Officer, Division of Alcoholic Beverage Control, Kansas Department of Revenue, testified in support of HB 2347. (ATTACHMENT II)

Gordon Hahn, Topeka landlord, added further testimony in opposition to HB 2347. He questioned why the law should not address punishment against the suppliers and customers rather than the property owners. He expressed his concern that this legislation "is chasing after the fact by addressing property owners instead of the upfront suppliers and sellers." He further added the landlord has problems with proof when trying to address the problem from his standpoint in trying to remove the "fraudulent tenant."

Charles Kent Pomery, Topeka Landlord Association, testified that the local and state landlord organizations support HB 2347 as a compromise. (ATTACHMENT III)

This concluded the hearing for HB 2347 and the meeting was adjourned.

GUEST LIST

COM. \_EE: SENATE JUDICIARY COMMITTEE

DATE: January 17

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Mike Miller	25 E 7 <sup>th</sup> Topeka	City of Topeka
Jimmy L. Stevens	500 Van Buren	Topeka P.D.
Raymond A. Blossom	204 S.W. 5 <sup>th</sup> St.	Topeka P.D.
Ruth H. Sabel	204 S.W. 5 <sup>th</sup>	F.O.P.
Jack A. West	512 1/2 W. 6 <sup>th</sup> Topeka	Dept of Revenue ABC
Leonard W. Rinsie	235 Kansas Topeka	Topeka Sch. Services Child Support Enforcement
Douglas E. Johnston	1800 Engel Rd #833 <sup>Laureate</sup>	intern
Charles Bernson	935 Wenter T. K	Mauve Co. Landlord Assoc The Associate Landlords of Ks.
Kay Billoway	301 W 10 <sup>th</sup> Street Topeka	Office of Judicial Admin
London by Blaker	4845 NW Pottawatomie	Landlord
Rep Frey	TOPEKA	KTLA
Almasa	u	u
Rep. K King	Topeka	Legis 57 <sup>th</sup>
Rep Bill Roy	Topeka	
Matt Truel	Topeka	AP
Hilary Luna	1000 E 6 <sup>th</sup> TOPEKA	Pres. NIA EAST TOPEKA NORTH
Bonnie n Sisk	1507 East 6 <sup>th</sup>	Vice Pres. NIA East Topeka North
Hi Judy - From Kelly		
Heather Moore	Wellsville	Page
Kimberly Caselman	"	"

January 17, 1990



**League  
of Kansas  
Municipalities**

**Municipal  
Legislative  
Testimony**

*An Instrumentality of Its Member Kansas Cities. 112 West Seventh Street, Topeka, Kansas 66603 Area 913-354-9565*

**TO:** Senate Judiciary Committee  
**FROM:** Jim Kaup, League General Counsel  
**RE:** Sub. for HB 2347, "Party Shack" Nuisances  
**DATE:** January 16, 1990

The League appears in support of Sub. for HB 2347, a bill that would provide city officials with an additional tool for combating illegal activities in their communities and thereby better respond to threats to neighborhood safety.

City officials are increasingly concerned about illegal drug and alcohol use in their communities, and greatly concerned over the deterioration of neighborhoods cursed with "party shacks" or "rock houses" that shelter illegal activities. It is an appropriate and necessary exercise of the power of government to stop and prevent the use of buildings and other structures as conduits for the illegal sale or use of controlled substances and alcohol.

Cities currently have Home Rule and statutory authority to abate nuisances that are harmful to the public health and safety (e.g. K.S.A. 12-1617e,f), including the removal of dangerous and unsafe structures (K.S.A. 12-1750 et seq.). State law does not currently provide cities with authority for preventing the use of buildings or other structures that have been used as the vehicle for criminal activities, other than those activities defined as common nuisances by K.S.A. 22-3901.

Sub. for HB 2347 adds to the list of common nuisances "violations of any law regulating controlled substances... (and) habitual violations of any law regulating the sale or exchange of alcoholic liquor or cereal malt beverages...". Adoption of this bill will provide clear authority and a straight-forward procedure for cities for enjoining the use of and abating real and personal property used in furtherance of unlawful drug and alcohol activities. Municipal officials in other states, most notably California, have successfully used public nuisance laws to reduce "party shack" problems within their communities.

Enactment and use of Sub. for HB 2347 will not make the problem go away. It does, however, provide one more weapon for local law enforcement agencies to use to combat one of our nation's most serious threats to public safety.

— ATTACHMENT I —

1-17-90

*President: Irene B. French, Mayor, Merriam \* Vice President: Frances J. Garcia, Mayor, Hutchinson \* Directors: Ed Ellert, Mayor, Overland Park  
\* Harry Felker, Mayor, Topeka \* Greg Ferris, Councilmember, Wichita \* Idella Frickey, Mayor, Oberlin \* William J. Goering, City Clerk/Administrator,  
McPherson \* Judith C. Hollneworth, Mayor, Humboldt \* Jesse Jackson, Mayor, Chanute \* Stan Martin, City Attorney, Abilene \* Richard U. Nienstedt,  
City Manager, Concordia \* Judy M. Sargent, City Manager, Russell \* Joseph E. Steineger, Mayor, Kansas City \* Bonnie Talley, Mayor, Garden City  
\* Executive Director: F.A. Mosher*



KANSAS DEPARTMENT OF REVENUE  
*Division of Alcoholic Beverage Control*  
Topeka, Kansas 66612-1584

Information prepared by the Alcoholic Beverage Control Division of the Department of Revenue in support of substitute for House Bill No. 2347 with the amendment suggestions presented to the Senate Judiciary Committee on January 16, 1990.

Information presented by ABC Chief Enforcement Officer Jack West.

The Division of Alcoholic Beverage Control of the Department of Revenue supports this bill.

Each "party shack" or illegal enterprise operating in any manner involving sales of liquor or cigarettes is potentially depriving legitimate licensed businesses from revenue. Each "party shack" operates in an unregulated manner as far as personal conduct of their clients or operators. These types of activities foster further illegal activities in the communities in which they are found.

The Agents of the ABC work with local law enforcement officers and agencies to identify and eliminate illegal operations of this nature.

Since July 1, 1986 Agents of the ABC have assisted in enforcement action and seizures of 42 such establishments in 13 counties in Kansas.

Liquor was seized in all 42 establishments.

Gambling evidence was found in 16 of the establishments.

Illegal drug evidence was found in 10 of the establishments.

Prostitution was occurring in 4 of the establishments.

Weapons were found in 13 of the establishments.

40 of the above referenced 42 establishments were located in residential areas.

The ABC believes these "party shack" establishments are a front door to other crimes.

ATTACHMENT II

1-17-90

January 17, 1990  
Senate Judiciary Committee

President of Shawnee County Landlords Association  
and a member of The Association of Landlords of Kansas

We Shawnee County Landlords would not support the bill HB 2347 in its present form as it came from the House. If the changes are made as suggested by Representative Bill Roy, we would back the bill.

Neighbors, landlords and police have not been able to deal effectively with this problem with the present laws on the books.

Charles Pomeroy  
Attorney-At-Law  
Topeka, Kansas