

Approved February 21, 1991
Date

MINUTES OF THE House COMMITTEE ON Local Government

The meeting was called to order by Representative M. J. Johnson at
Chairperson

1:30 a.m. on February 20, 1991 in room 521-S of the Capitol.

All members were present except:
Representative Mollenkamp, excused

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

Conferees appearing before the committee:

Chairman Johnson called for discussion on HB 2110.

HB 2110 - Act concerning cities; relating to the payment of costs of public improvements.

Chairman asked Theresa Kiernan, staff, to explain the balloon amendments she had prepared for the committee on HB 2110. (Attachment 1) Ms Kiernan stated the amendments were prepared at the request of Ernie Mosher, League of Kansas Municipalities.

After committee discussion, it was the consensus of the committee to strike on page 2, line 18, "are not served by such public improvement".

A motion was made by Representative Brown to strike line 18 on page 2, seconded by Representative Wempe. The motion carried.

Discussion followed.

A motion was made by Representative Harder to adopt the balloon amendment; seconded by Vice-Chairman Gomez. The motion carried.

A motion was made by Representative Harder to pass HB 2110 as amended; seconded by Representative Holmes. The motion carried.

Chairman Johnson called for discussion on HB 2172.

HB 2172 - Act concerning the Kansas development finance authority; relating to financing municipal lease-purchase equipment.

Chairman Johnson asked Theresa Kiernan to explain the balloon amendment she had prepared for HB 2172. Ms Kiernan said the amendment clarifies "municipality". (Attachment 2) Discussion followed.

A motion was made by Vice-Chairman Gomez to adopt the balloon amendment on HB 2172; seconded by Representative Brown. The motion carried.

A motion was made by Representative Wempe to pass HB 2172 as amended; seconded by Representative Thompson. The motion carried.

Chairman Johnson turned the committee's attention to HB 2173, concerning Wyandotte county. Chairman stated she wasn't going to do anything with the bill today as she had talked to Representative Jones and they are going to try to take care of the problem by home rule.

A motion was made by Representative Walker to approve the minutes of February 19, 1991; seconded by Representative Welshimer. The motion carried.

Meeting adjourned at 2:00 p.m.
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.

HOUSE BILL No. 2110

By Committee on Local Government

2-1

LD-80-91
Attach. 1

8 AN ACT concerning cities; relating to the payment of costs of public
9 improvements; amending K.S.A. 13-10,135, 13-10,136 and 13-
10 10,138 and repealing the existing sections.

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

12 Section 1. K.S.A. 13-10,135 is hereby amended to read as fol-
13 lows: 13-10,135. Whenever the governing body ~~may cause any~~
14 ~~public improvement to be constructed of any city authorizes the~~
15 ~~construction of any public improvement~~, the expense of which is
16 chargeable to a benefit district, ~~they may in their discretion, the~~
17 ~~governing body may~~ provide for the payment of the cost thereof by
18 installments, instead of levying the entire tax or special assessment
19 for such cost at one time ~~and~~. In addition ~~thereto, the governing~~
20 ~~body may~~ authorize and provide for a delay in the payment of such
21 assessments subject to the conditions and in the manner provided
22 in this act; ~~and for such cost they~~. *The governing body may issue*
23 internal improvement bonds of the city ~~as provided by law to pay~~
24 ~~the cost of such improvements~~. The procedure for assessing and
25 collecting the installments, or for redeeming lands from special as-
26 sessments, for bonds issued for the construction of public improve-
27 ments shall be the same as for bonds issued for paving, so far as
28 the same is applicable, and for the cost of such public improvements
29 s are made payable out of the general improvement fund of the
30 city. The governing body ~~may~~ also *may* issue general improvement
31 bonds of the city, and such bonds and the interest thereon shall be
32 paid by the levy of a general tax on all the property in the city.

33 Sec. 2. K.S.A. 13-10,136 is hereby amended to read as follows:
34 13-10,136. The governing body of any city ~~of the first class may~~
35 ~~in its discretion~~ authorize and provide for a delay in the payment
36 of special assessments for the cost of constructing public improve-
37 ments in unplatted and undeveloped areas of the city. The governing
38 body of such city ~~may~~ provide for a delay in the commencement of
39 payment of ~~assessments~~ upon such property for a designated period
40 of not to exceed 15 years or until such property is platted or de-
41 veloped if the same occurs prior to the conclusion of the period
42 designated. In the event a benefit district is not developed to 50%

following a financial analysis

some or all special

1-2

1 of its area ~~then~~, an additional/extension of 10 years before com-
 2 mencement of payments may be granted in the benefit district. All
 3 such assessments shall be due and payable at the time such property
 4 is platted or developed or at the expiration of the designated period.
 5 The payments for land which has not been platted or developed
 6 within the extension period shall become due and payable in a like
 7 manner as if the time for the payment of special assessments had
 8 not been delayed and extended.

additional

9 Sec. 3. K.S.A. 13-10,138 is hereby amended to read as follows:
 10 13-10,138. For the purpose of this act, undeveloped areas shall mean
 11 those areas ~~in excess of four~~ acres which:

- 12 (a) ~~Are in excess of (1) four acres in cities of the first class or~~ ✓
- 13 ~~(2) 2 1/2 acres for all other cities;~~ ✓
- 14 (b) have not been platted and which;
- 15 (c) are primarily used for agricultural purposes and;
- 16 (d) have a population density of less than one family per acre;
- 17 and
- 18 (e) ~~are not served by such public improvement.~~

directly

19 Sec. 4. K.S.A. 13-10,135, 13-10,136 and 13-10,138 are hereby
 20 repealed.

21 Sec. 5. This act shall take effect and be in force from and after
 22 its publication in the statute book.

HOUSE BILL No. 2172

By Committee on Local Government

2-7

8 AN ACT concerning the Kansas development finance authority; re-
9 lating to financing municipal lease-purchase equipment.

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

11 Section 1. The provisions of subsection (a) of K.S.A. 1990 Supp.
12 74-8905, and amendments thereto, shall not prohibit the issuance of
13 bonds by the Kansas development finance authority for the purpose
14 of acquiring equipment and entering into a lease agreement for such
15 equipment with a municipality. Any such issuance of bonds is exempt
16 from the provisions of subsection (a) of K.S.A. 1990 Supp. 74-8905,
17 and amendments thereto.

18 For the purpose of this act, equipment shall include equipment,
19 machinery, vehicles and any other equipment or personal property
20 which the municipality is authorized to lease or purchase and use
21 for public purposes.

22 Sec. 2. This act shall take effect and be in force from and after
23 its publication in the statute book.
24

; municipality shall have the same meaning
ascribed thereto by K.S.A. 10-1101, and
amendments thereto

LS
2-20-91
Attach. 2