

Approved March 1, 1991  
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE M. J. JOHNSON at  
Chairperson

1:36 ~~a.m.~~ p.m. on FEBRUARY 28, 1991 in room 521-S of the Capitol.

All members were present except:  
Representative Harder, excused  
Representative Stephens, excused  
Representative Gomez, excused  
Committee staff present:

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

Conferees appearing before the committee:

Henry H. Blase, County Counselor for Sedgwick County  
Billie McCray, Sedgwick County Commissioner  
Bill Hancock, Sedgwick County Commissioner

Chairman called for a hearing on HB 2191.

HB 2191 - Enforcement of certain county codes and resolutions.

Henry H. Blase, County Counselor for Sedgwick County, testified in support of HB 2191. Mr. Blase stated that with these amendments they could take their sanitary codes and prosecute in County court, rather than having to rely upon a District Court through a District Attorney. (Attachment 1) Mr. Blase responded to questions from committee.

There were no other proponents or opponents to HB 2191, so the Chairman closed the hearing on HB 2191.

Chairman opened hearings on HB 2450.

HB 2450 - Sedgwick Co. public improvements; procedure; financing.

Billie McCray, Sedgwick County Commissioner, appeared in support of HB 2450 and introduced other Sedgwick County Commissioners who were present for the hearing. They were as follows: Mark Schroeder, Bill Hancock, Bud Hentzen and Betsy Gwinn.

Chairman Johnson recognized Bill Hancock, Sedgwick County Commissioner, who presented the testimony for the commissioners in support of HB 2450. (Attachment 2)

Next to testify as a proponent was Hank Blase, Sedgwick County Counselor, who offered an amendment to HB 2450. (Attachment 3) Mr. Blase stated that he did not have verbal confirmation from the city on this language, but they agree on the concept of this issue. No questions from committee.

Hearing closed on HB 2450.

Representative Holmes moved to approve the minutes of February 27, 1991. Seconded by Representative Watson. The motion carried.

Meeting adjourned at 2:00 p.m.





SEDGWICK COUNTY, KANSAS

**LEGAL DEPARTMENT**

HENRY H. BLASE  
COUNTY COUNSELOR

COUNTY COURTHOUSE • SUITE 359 • WICHITA, KANSAS 67203-3790 • TELEPHONE (316) 268-7111

MEMO TO: House Local Government Committee

FROM: Henry H. Blase, County Counselor *H. Blase*

RE: House Bill No. 2191

DATE: February 28, 1991

Madam Chair and members of the Committee:

I am Henry H. Blase, Sedgwick County Counselor, representing the Sedgwick County Board of County Commissioners. Thank you for the opportunity to testify before you in support of House Bill No. 2191.

The 1988 legislative session saw the adoption of the Code for the Enforcement of County Codes and Resolutions (the Code). In 1989-90, Sedgwick County began the processing and funding of a "County Court" in which violations of county codes and resolutions can be prosecuted.

In attending to the creation and amendment of county codes and resolutions to enable effective prosecution through the county court system pursuant to the Code, the Sedgwick County Counselor's Office has identified three Kansas Statutes that are in need of amendment. The amendment of these statutes will accommodate the efficient prosecution of certain violations of laws by any county in Kansas regardless of whether a county chooses to continue to prosecute through District Court or elects to prosecute through a County Court when allowed under the Code.

Without these amendments, prosecution of violations of county codes and resolutions relating to county parks, lakes or other recreational areas and sanitary codes cannot be pursued in a County court, but rather must be prosecuted through the District Court by the District Attorney due to the penalty provisions.

The amendments to these statutes would accomplish the intent of the drafters of the Code in allowing more county resolutions to be prosecuted in County Court thus making our judicial process more efficient. We respectfully request favorable recommendation from this committee on House Bill No. 2191. Thank you.

*LB*  
2/28/91  
Attach. 1

SEDGWICK COUNTY, KANSAS

BOARD OF COUNTY COMMISSIONERS



BILLY Q. McCRAY  
CHAIRMAN  
FOURTH DISTRICT

BETSY GWIN  
CHAIR PRO-TEM  
FIRST DISTRICT

BILL HANCOCK  
COMMISSIONER  
SECOND DISTRICT

BUD HENTZEN  
COMMISSIONER  
THIRD DISTRICT

MARK F. SCHROEDER  
COMMISSIONER  
FIFTH DISTRICT

COUNTY COURTHOUSE • 525 NORTH MAIN • SUITE 320 • WICHITA, KANSAS 67203-3759 • TELEPHONE: (316) 383-7411 • FAX (316) 383-7509

February 28, 1991

Local Government Committee  
Kansas House of Representatives  
State Capitol Building  
Topeka, Kansas 66612

Re: House Bill 2450

Madam Chair and Members of the Committee:

We thank you for the opportunity to speak with you today in support of House Bill 2450.

Counties have historically had two options for funding capital improvement projects except for public roads in platted areas outside of cities. They are either funded 100% county at large or 100% special assessments. Counties have not had the option, as cities do, of mixing these funding methods.

In 1988 the Board of Sedgwick County Commissioners adopted a home rule resolution to establish a modern rational method of providing for capital improvements. This resolution was modeled after Chapter 12 improvement laws which cities have used for many years. In part, the home rule resolution was adopted in order to carry out the provisions of a lease agreement which had been negotiated between Sedgwick County and the developers of the Wichita Greyhound Park. Under this lease agreement the developers agreed to pay one-half (1/2) of the \$3.5 million cost of a new interchange at I-135 and 77th Street North. Without the home rule resolution which allowed us to levy special assessments for part of the construction and fund the balance county at large, individual taxpayers would have had to assume the entire cost.

As has been mentioned in this committee, several times this session, the Supreme Court Ruling on the Blevins case has put home rule authority in question. Therefore our authority to act under our home

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Attach 2

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rule resolution is also in question. House Bill No. 2450 will codify the Sedgwick County Home Rule Resolution.

The Sedgwick County Commission feels it is of great importance that there be mutual respect and cooperation between cities and the county. Sedgwick County continues to grow in population and urbanization. City and county leaders are charged with the responsibility of providing improvements which enhance the quality of life for all residents. In this process it is also a necessity that both cities and the county have the ability, when appropriate, to equitably assess the cost of such improvements.

Capital improvements, in specific circumstances, do not always benefit the entire county at large or just the special benefit district. In the past any capital improvement project which may have provided 10%, 30%, 60%, or any percentage of direct benefit less than 100% to a particular district would have had to be funded county at large. Sedgwick County seeks statutory authority which will provide us a more equitable option of assessing cost to benefit.

It is and has been the intention of the Sedgwick County Commission to utilize this type of authority to remove unneeded and inequitable tax burdens from city and county taxpayers in general. We would suggest that the inability to assess a proportional benefit against a specifically benefitted area, industry or development was and is inequitable.

There is no question that this authority will apply only to very select projects, such as the interchange at the Wichita Greyhound Park. However, even one such project as demonstrated saved County taxpayers more than \$1.5 million.

Sedgwick County Commissioners are elected by and responsible to all residents of Sedgwick County, not just those in the unincorporated area. They, as all elected officials, must answer to their constituency. A large number of the voters in each commission district are also the residents of one of the nineteen cities in Sedgwick County. The Sedgwick County Commission is very cognizant of their responsibilities. They are committed to actions which will provide a positive environment for growth and the most equitable taxation of improvements and services.

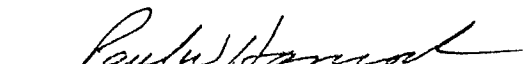
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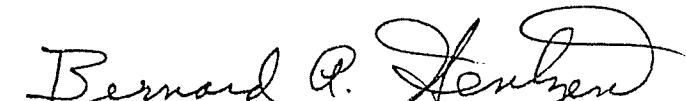
We respectfully request this committee to act favorably on House Bill  
No. 2450. Thank you for your careful attention to this bill.

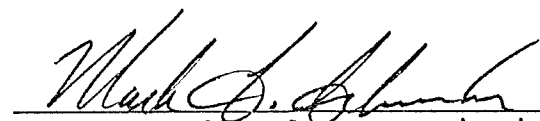
BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Billy Q. McCray, Chairman

  
\_\_\_\_\_  
Betsy Gwin, Chair Pro Tem

  
\_\_\_\_\_  
Paul W. Hancock, Commissioner

  
\_\_\_\_\_  
Bernard A. Hentzen, Commissioner

  
\_\_\_\_\_  
Mark F. Schroeder, Commissioner

1991 House Bill No. 2450

Section 1 (h):

"improvement" means any type of improvement made under authority of this act and includes reimprovement of a prior improvement, but shall not include residential wastewater treatment projects, projects located within a residential subdivision, or projects that would serve only residential areas or that would extend services only to residential areas.

Section 7 (a):

The county, upon a four-fifths vote of the governing body, may pay such portion of the cost of the improvements as the governing body may determine, but not more than 95% of the total cost thereof.

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Attach. 3