

Approved March 27, 1991
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./~~xxx~~ p.m. on March 26, 1991 in room 531-N of the Capitol.

All members were present except:

Senators Gaines and Steineger

Committee staff present:

Theresa Kiernan, Revisor of Statutes
Mike Heim, Legislative Research
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Henry H. Blase, County Counselor for Sedgwick County
Gerry Ray, Johnson County
Willie Martin, Sedgwick County

The Chairman called the committee's attention to SB 261 relating to district coroner salaries and which had not been scheduled for a hearing. He informed the committee that he was told that the bill is not necessary.

Sen. Frahm made a motion to report SB 261 unfavorable for passage, Sen. Burke seconded, and the motion carried.

HB 2191 - Concerning counties; relating to the enforcement of certain county codes and resolutions.

Henry H. Blase, County Counselor for Sedgwick County, testified in support of the bill. (Attachment 1).

Sen. Daniels had questions regarding the situation where trash with large items is dumped on property in the county as to who would be notified. Mr. Blase said the problem would be in identifying who dumped the trash and also with the law enforcement people who are too busy with other things to investigate for the landowner. If the person who did the dumping can be identified, he would be issued a ticket and would be required to go to court. Otherwise, it is up to the landowner to clean up the trash. A short discussion followed as to where the funds collected as penalties go. Mr. Blase said the funds stay in the county, however, the county does not collect court costs.

Billy McCray, Chairman of the County Commissioners of Sedgwick County, stood in support of the bill. He said the commissioners need as much flexibility as possible so they can give services to their constituents.

Gerry Ray, for Johnson County, testified in support of the bill. (Attachment 2).

Sen. Daniels made a motion to recommend HB 2191 favorable for passage, Sen. Burke seconded, and the motion carried.

HB 2450 - Concerning public improvements within Sedgwick County; relating to the creation of benefit districts; assessing costs upon the property specially benefited; and providing for financing of such improvements.

Willie Martin, for Sedgwick County, testified in support of the bill. (Attachment 3).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,

room 531-N, Statehouse, at 9:00 a.m./~~p.m.~~ on March 26, 1991

The Chairman said the bill would be considered later this week along with another bill concerning Sedgwick County.

With regard to SB 317 which had been previously heard and concerning EMS grants-in-aid, the Chairman asked the committee its opinion of rereferring the bill or recommending it for an interim study. Sen. Burke noted that if the committee agrees with the theory, the bill probably should be recommended for an interim study due to the fact that it is too late in the session for it to be fully considered in the House committee or if rereferred to Ways and Means. The committee concurred that it should be recommended for an interim study with the hope that the interim budget will allow hearings to be conducted.

Sen. Lee made a motion to strongly recommend SB 317 for an interim study, Sen. Langworthy seconded, and the motion carried.

The minutes of March 21 were approved.

The meeting was adjourned at 9:35 a.m.

Date: 3-26-91

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

NAME	ORGANIZATION	ADDRESS
Cathy Holdeman	City of Wichita	Wichita
Bill Hancock	SEDAWICK Co	WICHITA, SEDAWICK Co
Bobby & McCray	Sedg. Co	Wichita, KS
Henry H. Blare	SEDAWICK Co.	WICHITA, KS.



SEDGWICK COUNTY, KANSAS
LEGAL DEPARTMENT

HENRY H. BLASE
COUNTY COUNSELOR

COUNTY COURTHOUSE • SUITE 359 • WICHITA, KANSAS 67203-3790 • TELEPHONE (316) 383-7111

MEMO TO: Senate Local Government Committee
FROM: Henry H. Blase, County Counselor *H. Blase*
RE: House Bill No. 2191
DATE: March 26, 1991

Chairman Montgomery 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.

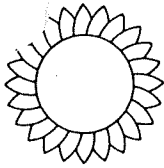
The 1988 legislative session saw the adoption of the Code for the Enforcement of County Codes and Resolutions (the Code). In 1989-90, Sedgwick County began the processing and funding of a "County Court" in which violations of county codes and resolutions can be prosecuted.

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.

*Senate L.G.
3-26-91
Attachment 1*



MARCH 26, 1991

SENATE LOCAL GOVERNMENT COMMITTEE

HEARING ON HOUSE BILL NO. 2191

TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL OFFICER
JOHNSON COUNTY BOARD OF COMMISSIONERS.

Mr. Chairman, members of the committee, my name is Gerry Ray, representing the Johnson County Board of Commissioners and appearing today in support of House Bill 2191.

Our county commission supports the bill because it expands the flexibility of the codes enforcement statutes and allows application of the provisions. Since the legislation was passed three years ago, it has significantly improved the county's ability to bring about enforcement of its regulations.

We feel the amendments in HB 2191 should have been in the original legislation and hope the committee will recommend the bill for passage.

*Senate L.G.
3-26-91
Attachment 2*



SEDGWICK COUNTY, KANSAS

INTERGOVERNMENTAL COORDINATOR

WILLIE MARTIN

COUNTY COURTHOUSE • 525 N. MAIN • SUITE 315 • WICHITA, KANSAS 67203 • TELEPHONE (316)383-7552

To: Senate Local Government Committee
From: Willie Martin, Sedgwick County
Date: March 26, 1991
Re: House Bill 2450

Chairman Montgomery and members of the Committee, thank you for the opportunity to testify in support of House Bill 2450. I am Willie Martin representing the Sedgwick County Board of Commissioners.

Counties have historically had two options for funding capital improvement projects. They are either funded 100% county at large or 100% special assessments. We did not have 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 the Chapter 12 improvement laws which cities have used for many years. In part, the Home Rule Resolution was adopted in order to carry out provisions of the lease which had been negotiated with 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, individual taxpayers would have had to assume the entire cost.

The Supreme Court Ruling in the Blevins case has put home rule authority in question. Therefore our authority to act under our Home Rule Resolution is also in question. This legislation will codify the Sedgwick County Home Rule Resolution.

*Senate L.G.
3-26-91
Attachment 3*

County capital improvements, in specific circumstances, are not always 100% county at large or 100% 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% would have had to be funded county at large. Sedgwick County seeks statutory authority which will reflect the reality of our population growth and economic development. The authority would provide us a more equitable option of assessing cost to benefit.

House Bill 2450 differs from laws that guide improvements in cities. It requires a four-fifths vote of the County Commission to approve any project funded in this manner and restricts projects located within a residential subdivision or that would serve only residential areas. In addition should the county or a city within the county propose a project which would benefit residents in both the incorporated and unincorporated area mutual consent of both governing bodies would allow creation of a benefit district.

The intention of the Sedgwick County Commission is and always has been to utilize authority to remove unneeded and inequitable tax burdens. We would suggest that the inability to assess a proportional benefit against a specifically benefited area, industry or development was and is inequitable.

There is no question the authority will apply only to select projects, such as the interchange at the Wichita Greyhound Park. 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. The Commission is cognizant of it's responsibilities and committed to actions which will provide a positive environment for growth and equitable taxation of improvements and services.

We respectfully request your favorable recommendation of House Bill 2450.