

Approved March 24, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Audrey Langworthy at
Chairperson

9:08 a.m./p.m. on Tuesday, March 17, 1992 in room 531-N of the Capitol.

All members were present except: Senator Gaines

Committee staff present: Theresa Kiernan, Revisor of Statutes
Mike Heim, Legislative Research
Elizabeth Carlson, Committee Secretary

Conferees appearing before the committee:

John Wine, Secretary of State's office
Representative Carl Holmes
Representative Rick Bowden

SB 762 - Board of County Commissioners; procedure to increase number;
filling vacancies created

HB 3129 - Boards of county commissioners; procedure to increase number;
filling vacancies created

SB 762 and HB 3129 are identical bills.

John Wine, Secretary of State's office, stated the bills were promulgated to take care of a problem in Seward county but can be used in any county. The bill provides for extending county commissioners from three to five. There has been no clarity in the procedure to determine who the new commissioners would be. There was a problem because the statute did not provide for the county commissioners to act in a timely manner to provide for redistricting and for the Governor to make the appointments.

Senator Langworthy said when there is a vacancy usually the precinct people make the appointment. Mr. Wine pointed out since the seat has no occupant, it was not known which party should make the appointment.

Senator Janice McClure was introduced and she deferred to Representative Carl Holmes who read from a prepared statement. (Attachment 1) This bill provides for an expansion of county commissioners when it is initiated by the registered voters. He answered questions by the committee regarding drawing up the maps for the 5 or 6 counties in the district. He stated there had been several Attorney General opinions to clear this up.

Senator Langworthy asked about the elections. Representative Holmes stated there are loopholes in the current law. The governor appointed the commissioners in February 1992 after the election in January 1991.

Senator Daniels asked about Section C, page 2, line 24 concerning two year terms. Representative Holmes stated they voted in 1990 and would elect again on the ballot in 1994. They did not want to vote every two years.

HB 2909 - Townships: acquisition of cemetery association property

Representative Rick Bowden appeared before the committee to testify for HB 2909 (Attachment 2) Representative Bowden stated this is a local bill. The cemetery association has been disbanded and it sought to transfer ownership of the cemetery to the township. They also wanted to transfer

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,
room 531-N, Statehouse, at 9:08 a.m./~~p.m.~~ on Tuesday, March 17, 1992

funds and this legislation is to accomplish this transfer. Everyone on the township board and the former cemetery board are in agreement. He requested the bill be passed favorably and put on the consent calendar.

Senator Steineger made a motion to pass HB 2909 favorably and place it on the consent calendar. Senator Montgomery seconded the motion. Motion carried.

Senator Montgomery moved that HB 3129 be passed favorably. Motion seconded by Senator Ehrlich. Motion carried.

Senator Ehrlich moved the approval of the minutes of February 25, 26, 27, and March 4, 1992. Motion seconded by Senator Frahm. Motion carried.

The meeting adjourned at 9:30 a.m.

CARL D. HOLMES
REPRESENTATIVE, 125TH DISTRICT

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TOPEKA

HOUSE OF
REPRESENTATIVES

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STATE CAPITOL, RM. 156-E
TOPEKA, KANSAS 66612
(913) 296-7670

March 17, 1992

Madame Chairman, Members of the Committee:

Thank you for holding hearings on SB 762. This bill is identical to HB 3129 which passed the Kansas House with almost a unanimous vote last week. Both bills were introduced to clarify the law as a result of problems after a vote of the people in Seward County to increase the board of county commissioners from 3 to 5.

These bills will provide a procedure for expansion of county commissions when initiated by the registered voters of a county and does not apply when expansion is initiated by the county commission. They also provide for the initial appointment and subsequent election, in proper sequence, of county commissioners in counties where electors have approved an expanded board of county commissioners.

The only portion that would now apply to Seward county is the sequence of county commissioners after the November 1992 election.

During the drafting phase of this bill, parties contacted included the Secretary of State's office, the Kansas Association of Counties, Seward County counsel, Seward County commissioners, House Local Government committee chairman and ranking minority member, Senator Janice McClure, and the Attorney General's office.

Several individuals from counties considering expansion have contacted me regarding this proposed legislation. I have recommended they wait until this legislation is passed before they petition for expansion.

I request that you pass this legislation so no other county has to endure what Seward county has gone through the past 16 months.

I will be happy to answer any questions you may have.

*attachment 1-1
Senate Local govt
March 17, 1992*

RICK BOWDEN
REPRESENTATIVE, NINETY-THIRD DISTRICT
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GODDARD, KANSAS 67052



COMMITTEE ASSIGNMENTS
CHAIRMAN: EDUCATION
MEMBER: GOVERNMENTAL ORGANIZATION

TOPEKA

HOUSE OF
REPRESENTATIVES

MARCH 17, 1992

TO: SENATE LOCAL GOVERNMENT COMMITTEE

FROM: REPRESENTATIVE RICK BOWDEN

RE: TESTIMONY ON HOUSE BILL 2909

Thank you Madam Chair and members of the Committee. HB 2909 is a local bill for Attica Township (Sedgwick County) and the Pleasant Ridge Cemetery Association. For several years, maintenance of this cemetery was performed by the Attica Township. (This cemetery is the only cemetery in this township and was officially disbanded last year.)

Upon disbandment of the Association, the board of the association sought to transfer ownership of the cemetery to the township. Along with the transfer of the property, the association wanted to transfer the money in a maintenance fund to the township. The township board sought information from the Sedgwick County attorney as to the possibility of such transfers. They were informed by the attorney that they needed special legislation for such transfer of funds. Thus the reason for HB 2909. I have visited with members of both the township board and the former board for the cemetery association, and they are in agreement

*Attachment 2-1
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with the transfer of both the property and the resources in the fund.

Because this is a localized bill, if the committee members concur, I would like to suggest that this bill be placed on the consent calendar.

I would be happy to respond to any questions.