

Approved: 3.18.97
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on March 12, 1997, in Room 521-S of the Capitol.

All members were present except:

Committee staff present: Mary Galligan, Legislative Research Department
Mike Heim, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Ruth Clark
Representative Tom Sloan
Joyce Coker, Inter Governmental Community Relations
Coordinator for Johnson County
Roger Kroh, Director of Planning, Johnson County

Others attending: See attached list

Chairperson Glasscock welcomed Representative Kenny Wilk as a new member of the Committee and Representative Ted Powers as the new Vice Chairperson. The Chair also asked Representative Deena Horst to be the official in charge of the clicker.

The Chair called the Committee's attention to the written testimony of William Gilliland on HB 2490 and the fiscal note on HB 2453. The minutes for the March 11, 1997, meeting were distributed. Representative Larry Campbell made a motion to approve the March 11, 1997, minutes, and Representative Ruby Gilbert seconded. Motion passed.

Chairperson Glasscock announced that there would be hearings on SB 205 and SB 133 and that he intended to work HB 2338.

The Chair opened the Public Hearing on SB 205.

SB 205 - An act concerning townships; relating to certain financial statements; amending K.S.A. 1996 Supp. 80-410 and repealing the existing section.

Chairperson Glasscock welcomed Ruth Clark, wife of Senator Stan Clark, who presented testimony in support of SB 205. She said that SB 205 provides that a township that spends less than \$500 in any one year will not have to publish their annual financial statement in the local newspaper. (Attachment 1.)

Since there were no other conferees, Chairperson Glasscock closed the Public Hearing on SB 205.

Chairperson Glasscock opened the Public Hearing on SB 133.

SB 133 - An act concerning certain counties; relating to planning and zoning, amending K.S.A. 19-2958 and repealing the existing section.

The Chair recognized Joyce Coker, Intergovernmental and Community Relations Coordinator for Johnson County Government, who spoke as a proponent for SB 133. She said that this bill allows a procedural change for "urban counties" which currently requires that Johnson County provide a 60 to 90-day comment period. Since Johnson County is the only county in the state required to do this, she would like Johnson County to have this comment period eliminated so that the amount of time required to pass an amendment is consistent with the time required for all other counties and cities in Kansas. (Attachment 2.)

Joyce Coker stood for questions and asked Roger Kroh to assist her. Representative Deena Horst asked if there was something in writing to inform future board members, and Mr. Kroh replied that it was just a

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 12, 1997.

practice and not in any written regulations.

Since there was no additional testimony, Chairperson Glasscock closed the Public Hearing on SB 133.

Chairperson Glasscock asked the Committee to turn its attention to HB 2338, which is the Humerickhouse fire district bill concerning fire districts; relating to the organization thereof.

Representative Gwen Welshimer made a motion to combine SB 205 and HB 2338 by amending the contents of SB 205 into HB 2338. Representative Larry Campbell seconded. Motion passed.

Representative Bob Tomlinson made a motion to table HB 2338 and Representative Bonnie Sharp seconded. Motion passed.

Chairperson Glasscock asked the Committee to turn its attention back to SB 133 since Representative Tom Sloan had arrived to explain his amendment. Representative Tom Sloan presented his amendment to SB 133 which essentially "is to add storm water runoff to the list of items that municipal subdivision regulations may, but is not required to, include. This list currently includes planning for streets, parks, flood protection, and other public safety /interest items." (Attachment 3.)

Representative Larry Campbell commented about the possibility of a large mall coming in and that cities should look at what can happen downstream. He also said that developers often forget this and that this bill would provide a reminder for them to look more closely at the consequences.

The Chair asked the Committee for its pleasure.

Representative David Huff moved to amend Representative Sloan's amendment into SB 133. Representative Ruby Gilbert seconded. Motion passed.

The Chair announced that the Committee was now back on the amended SB 133.

Representative Ray Cox moved to pass out SB 133 as amended, and Representative Gerry Ray seconded.

Representative Ted Powers said that he reluctantly goes along, but is a little concerned about the ramifications of the effects downstream. Representative Gwen Welshimer responded that the city of Wichita went through this, but worked out the problem. The vote was taken and the motion passed.

Chairperson Glasscock adjourned the meeting at 9:45 a.m.

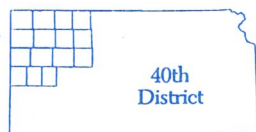
The next meeting is scheduled for March 13, 1997.

GOVERNMENTAL ORGANIZATION & ELECTIONS COMMITTEE GUEST LIST

DATE: WEDNESDAY, MARCH 12, 1997

NAME	REPRESENTING
Keith Clark	Sen. Stan Clark
Roger Kroh	Johnson County Planning
Joyce Coker	Johnson County
Brad Bryant	Sec. of State
Dan Monti	Intern Rep Tom Slom

STAN CLARK
STATE SENATOR



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

VICE CHAIR: UTILITIES
MEMBER: AGRICULTURE
FINANCIAL INSTITUTIONS
AND INSURANCE
RULES AND REGULATIONS
ARTS AND CULTURAL RESOURCES

TESTIMONY BEFORE THE
HOUSE GOVERNMENTAL ORGANIZATION
AND ELECTIONS COMMITTEE

SENATE BILL NO. 205
MARCH 12, 1997

Chairman Glasscock and members of the Committee:

Under current law, all townships in our state are required to file a detailed receipt's and expenditure's statement with the County Clerk and publish a summary of this statement in the local newspaper. The detailed statement is available to the public in the County Clerk's office and the detailed statement is to be posted at the polling place at the next General Election.

Historically, the main function of the township board has been the construction and maintenance of many of the roads within their jurisdiction. When the citizens of the county make the decision to adopt a county unit road system this responsibility transfers to the County Commissioners. The Township Board generally continues to maintain the cemetery and sometimes eradicates prairie dogs.

Senate Bill 205 simply provides that a township that spends less than \$500 in any one year will not have to publish their annual financial statement in the local newspaper. You will note in the examples that are attached to my testimony that in some townships the major expenditure is these notices. If the townships choose to remain organized and the neighbors volunteer their time to maintain the cemetery, the publication of this notice really serves no useful purpose.

I would gladly stand for questions.

House GO and E
Attachment 1
3.12.97

FINANCIAL STATEMENT

of Confield Township, Shelby County, Kansas

for the year ending December 31, 1996

	Cash Balance Jan. 1	Receipts	Expenditures	Cash Balance Dec. 31	Unpaid Bills Dec. 31
General Fund	319.84	124.19	150.00	294.03	

Detailed Statements of such receipts, expenditures, (including payments to township officers), and unpaid bills are available at the county clerk's office.

I certify that the foregoing is a correct summary of all moneys received by me and expended together with the unpaid bills of said Township during the year ending December 31, 1996.

Carl Barrett
Township Treasurer

Joy Fanning
Township Trustee

(Required by K.S.A. 80-410)

FINANCIAL STATEMENT

of Remond Township, Sheridan County, Kansas

for the year ending December 31, 1996

	Cash Balance Jan. 1	Receipts	Expenditures	Cash Balance Dec. 31	Unpaid Bills Dec. 31
General Fund	98.54	183.31	44.17	237.68	

Detailed Statements of such receipts, expenditures, (including payments to township officers), and unpaid bills are available at the county clerk's office.

I certify that the foregoing is a correct summary of all moneys received by me and expended together with the unpaid bills of said Township during the year ending December 31, 1996.

Wanda Miller
Township Treasurer

Wanda Miller
Township Trustee

(Required by K.S.A. 80-410)

FINANCIAL STATEMENT

of Valley View Township, Sheridan County, Kansas

for the year ending December 31, 1996

	Cash Balance Jan. 1	Receipts	Expenditures	Cash Balance Dec. 31	Unpaid Bills Dec. 31
General Fund	411.74	5.07	61.82	354.99	
Secretary's Fund		1315.27	800.00	2421.00	800.00
				344.99	800.00

Detailed Statements of such receipts, expenditures, (including payments to township officers), and unpaid bills are available at the county clerk's office.

I certify that the foregoing is a correct summary of all moneys received by me and expended together with the unpaid bills of said Township during the year ending December 31, 1996.

Deanna Bader
Township Treasurer

Donna Paulson
Township Trustee

(Required by K.S.A. 80-410)

FINANCIAL STATEMENT

of Sheridan Township, Sheridan County, Kansas

for the year ending December 31, 1996

	Cash Balance Jan. 1	Receipts	Expenditures	Cash Balance Dec. 31	Unpaid Bills Dec. 31
General Fund	514.24			514.24	

Detailed Statements of such receipts, expenditures, (including payments to township officers), and unpaid bills are available at the county clerk's office.

I certify that the foregoing is a correct summary of all moneys received by me and expended together with the unpaid bills of said Township during the year ending December 31, 1996.

Sharon Moore
Township Treasurer

Sharon Moore
Township Trustee

(Required by K.S.A. 80-410)

LEGAL NOTICES

Albers, Josh Campbell, *Ben Cressler, *Emily Helm, *Amanda Herl, Heidi Koster, *Dustin Lewis, *Nathan Mauck, Kari Meier, Clay Meyer, Adriane Moss, Brad Mullins, Christy Oelke, Kerl Olson, Emily Ostmyer, Christy Russell, Kate Schippers, Christopher Sekavec, Amanda Wente, *Jeff Wessel.

First Semester

Eighth Grade: *Kayla Ball, Jessica Bruggeman, Curt Cooper, Jesse Cooper, Chris Fox, Mike Fox, *Kayla Gassmann, Kristen Gassmann, G.G. Launchbaugh, Shelli Major, Michelle Meier, Greg Meyer, Miranda Miller, Cody Minium, Lindsay Moss, Cole Nondorf, *Brent Oelke, *Esther Popp, *Andrea Shaw, Kayla Thummel, *Mark

FINANCIAL STATEMENT

of Valley View Township, Sheridan County, Kansas

for the year ending December 31, 1996

	Cash Balance Jan. 1	Receipts	Expenditures	Cash Balance Dec. 31	Unpaid Bills Dec. 31
General Fund	454.18	6.30	181.82	278.66	

Detailed Statements of such receipts, expenditures, (including payments to township officers), and unpaid bills are available at the county clerk's office.

I certify that the foregoing is a correct summary of all moneys received by me and expended together with the unpaid bills of said Township during the year ending December 31, 1996.

Sharon Moore
Township Treasurer

Sharon Moore
Township Trustee

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NOTICE OF HEARING 1997 Budget
 The governing body of Prairie Dog Township, Sheridan County will meet on the 22nd day of August, 1996 at 8:30 P.M. at Dennis Rogers for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of tax to be levied.
 Budget information is available at Dennis Rogers and will be available at the hearing.

STATE OF KANSAS
 Form T-B
 1997

OF KANSAS
 ers of

certify that: (1) the hearing mentioned in the attached publication was held; (2) after the Budget Hearing this budget was duly approved and adopted as the maximum expenditure for the various funds for the year 1997; and (3) the Amount(s) of 96 Tax to be Levied are within statutory limitations.

TABLE OF CONTENTS:			1997 ADOPTED BUDGET		
Adopted Budget	Page No	Expenditures	Amount of 96 Tax to be Levied	County Clerk's Use Only	
Levy Limits for Tax Funds					
Comp of Agg Tax Levy Limit	2,3				
Fund	K.S.A.				
General	79-1962	165	90	122	
Road	68-518c				
Cemetery					
Fire					
Prairie Dog	80-1203	83			
Special Machinery	68-141g				
TOTALS		248	90	739,633	
Publication					
Final Assessed Valuation					

Assisted by:

State Use Only
 Received
 Reviewed by
 Follow-up: Yes No

David Leopold, CPA
Hoxie, KS 67740
 (If not assisted, so state)

Dennis Rogers - Trustee
Harry W Miller Pres.
Dennis Rogers Clerk
 Governing Body

Attest: Aug 22, 1996
Prada Buelser
 County Clerk

* * * * *

Special Road Election held _____ for _____ Mills for _____ years. First levy in _____.

SALARIES AND WAGES: Please report here the total amount of salaries and wages paid in 1995 by your township to all employees, full and part-time. This figure may be taken from the 1995 W-3 form that your township filed with the IRS. \$ 0.

CERTIFICATE

TO THE CLERK OF Sheridan COUNTY, STATE OF KANSAS
We, the undersigned, duly elected, qualified and acting officers of
Valley Township

certify that: (1) the hearing mentioned in the attached publication was held; (2) after the Budget Hearing this budget was duly approved and adopted as the maximum expenditure for the various funds for the year 1997; and (3) the Amount(s) of 96 Tax to be Levied are within statutory limitations.

TABLE OF CONTENTS:		Page No	1997 ADOPTED BUDGET		1,677,554
			Expenditures	Amount of 96 Tax to be Levied	County Clerk's Use Only
Adopted Budget					
Levy Limits for Tax Funds					
Comp of Agg Tax Levy Limit		2,3			
Fund	K.S.A.				
General	79-1962	4	370.		
Road	68-518c				
Cemetery	79-1962	5	2,020.	405.	.241
Fire					
Special Machinery	68-141g				
TOTALS			2,390.	405.	
Publication					
Final Assessed Valuation					

Assisted by:

State Use Only	
Received	
Reviewed by	
Follow-up: Yes <input type="checkbox"/> No <input type="checkbox"/>	

David E Leopold, CPA
Hoxie, KS 67740

James B. ...
Her ...
Don D. ...
Governing Body

(If not assisted, so state)

Attest: Sept 3, 1996
Paula ...
County Clerk

* * * * *

Special Road Election held _____ for _____ Mills for _____ years. First levy in _____.

SALARIES AND WAGES: Please report here the total amount of salaries and wages paid in 1995 by your township to all employees, full and part-time. This figure may be taken from the 1995 W-3 form that your township filed with the IRS. \$ 0.

CERTIFICATE

TO THE CLERK OF Sheridan COUNTY, STATE OF KANSAS
We, the undersigned, duly elected, qualified and acting officers of
West Saline Township

certify that: (1) the hearing mentioned in the attached publication was held; (2) after the Budget Hearing this budget was duly approved and adopted as the maximum expenditure for the various funds for the year 1997; and (3) the Amount(s) of 96 Tax to be Levied are within statutory limitations.

TABLE OF CONTENTS:			1997 ADOPTED BUDGET		County Clerk's Use Only
	Page No	Expenditures	Amount of 96 Tax to be Levied		
Adopted Budget				1,355,599	
Levy Limits for Tax Funds					
Comp of Agg Tax Levy Limit	2,3				
Fund	K.S.A.				
General	79-1962	4	185.	0	
Road	68-518c				
Cemetery					
Fire					
Prairie Dog	80-1203	5	147.	0	
Special Machinery	68-141g				
TOTALS			332.	0	
Publication					
Final Assessed Valuation					

Assisted by:

State Use Only
Received
Reviewed by
Follow-up: Yes No

David E Leopold, CPA

Hoxie, KS 67740

(If not assisted, so state)

Robert Ackerman
Alvin Zorn
Leland Ziegler
Governing Body

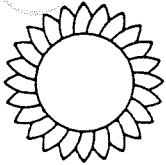
Attest: Aug 26, 1996

Paula Buisson
County Clerk

* * * * *

Special Road Election held _____ for _____ Mills for _____ years. First levy in _____.

SALARIES AND WAGES: Please report here the total amount of salaries and wages paid in 1995 by your township to all employees, full and part-time. This figure may be taken from the 1995 W-3 form that your township filed with the IRS. \$ 0



House Governmental Organization and Elections Committee
Testimony regarding SB 133
March 12, 1997

Submitted by
Joyce Coker, Intergovernmental and
Community Relations Coordinator
for Johnson County Government

Mr. Chairman and members of the committee, my name is Joyce Coker, Intergovernmental and Community Relations coordinator for Johnson County. I am representing the Johnson County Board of Commissioners today to ask you to consider a procedural change as described in SB 133.

As the only county in Kansas designated an "urban county," Johnson County follows a unique state statute (K.S.A. 19-2958) that governs the procedure the county must use to notify the public before amending its comprehensive plan and zoning regulations. State statute for "urban counties" currently requires that Johnson County provide a 60- to 90-day comment period--the only county in the state required to do so. Johnson County would like to eliminate this comment period so that the amount of time required to pass an amendment is consistent with the time required for all other counties and cities in Kansas.

Presently, cities and counties in Kansas, including Johnson County, must provide a 20-day notice of public hearing to consider amendments to comprehensive plans, zoning regulations, and subdivision regulations. We believe this is ample time. After the Planning Commission makes a recommendation, however, Johnson County is the only county required to wait an additional 60 to 90 days before the County Commission can act.

Because the county believes it is important to notify neighboring entities and interested parties so they are able to provide feedback on changes being considered, the county shares agendas of upcoming commission meetings with neighboring jurisdictions and frequently sends advance copies of staff reports and applications to neighboring cities when an issue will affect them. Our Planning Director Roger Kroh, who is here with me today to help answer questions, has consulted with city administrators or planning directors of the cities that abut our unincorporated area. None of them object to our proposed elimination of the 60- to 90-day comment period because the county and cities all continue to exchange agendas and notices.

We believe that eliminating the 60- to 90-day comment period in a manner consistent with the time requirements for other counties in Kansas would allow Johnson County to streamline its notification/ amendment procedure and eliminate delays for both the county and for its developers and other citizens.

Thank you for allowing us to share this testimony. We would be happy to answer your questions.

House GO and E
Attachment 2
3-12-97

TOM SLOAN
REPRESENTATIVE, 45TH DISTRICT
DOUGLAS COUNTY

STATE CAPITOL BUILDING
ROOM 446-N
TOPEKA, KANSAS 66612-1504
(913) 296-7677
1-800-432-3924

772 HWY 40
LAWRENCE, KANSAS 66049-4174
(913) 841-1526



TOPEKA
HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: ENVIRONMENT
UTILITIES

TESTIMONY ON SB 133

HOUSE GOVERNMENT ORGANIZATION AND ELECTIONS COMMITTEE

MARCH 12, 1997

Thank you Mr. Chairman, Committee Members. I appreciate the opportunity to bring a proposed amendment to your attention. The language is the same as Substitute for HB 2204 that was unanimously passed by the House Environment Committee, but did not get debated on the House floor before the turnaround deadline.

The gist of the proposed amendment is to add storm water runoff to the list of items that municipal subdivision regulations may, but is not required to, include. The list currently includes planning for streets, parks, flood protection, and other public safety/interest items.

The language proposed here and in Substitute for HB 2204 was developed in cooperation with and supported by the League of Kansas Municipalities and the Kansas Building Industry Association.

If enacted into law, this language will encourage, but not require, municipalities to require future development to address downstream impacts on property of storm water runoff.

Mr. Chairman, this is a relatively simple proposal to help property owners, is agreed language by the developers and municipalities, and is politically beneficial to legislators. I ask the committee members to add this amendment to SB 133.

Thank you for your attention. I will respond to questions.

House GO and E
Attachment ~~2~~ 3
3.12.97

PROPOSED AMENDMENT TO SENATE BILL NO. 133

On page 5, following line 4, by inserting:

"Sec. 2. K.S.A. 12-749 is hereby amended to read as follows:
12-749. (a) Following adoption of a comprehensive plan, a city planning commission may adopt and amend regulations governing the subdivision of land. A city planning commission shall apply subdivision regulations to all land located within the city and may apply such regulations to land outside of but within three miles of the nearest point of the city limits provided such land is within the same county in which the city is located and does not extend more than 1/2 the distance between such city and another city which has adopted regulations under this section. A county planning commission may establish subdivision regulations for all or for parts of the unincorporated areas of the county.

(b) Subdivision regulations may include, but not be limited to, provisions for the: (1) Efficient and orderly location of streets; (2) reduction of vehicular congestion; (3) reservation or dedication of land for open spaces; (4) off-site and on-site public improvements; (5) recreational facilities which may include, but are not limited to, the dedication of land area for park purposes; (6) flood protection; (7) building lines; (8) compatibility of design; and (9) stormwater runoff, including consideration of historic and anticipated 100-year rain and snowfall precipitation records and patterns; and (10) any other services, facilities and improvements deemed appropriate.

~~(b)~~ (c) Subdivision regulations may provide for administrative changes to land elevations designated on a plat. Such regulations may provide for plat approval conditional upon conformance with the comprehensive plan. Such regulations may provide for the payment of a fee in lieu of dedication of land. Such regulations may provide that in lieu of the completion of any work or improvements prior to the final approval of the plat, the governing body may accept a corporate surety bond, cashier's check, escrow account, letter of credit or other like security in an amount to be fixed by the governing body and conditioned upon

the actual completion of such work or improvements within a specified period, in accordance with such regulations, and the governing body may enforce such bond by all equitable remedies.

(e) (d) Before adopting or amending any subdivision regulations, the planning commission shall call and hold a hearing on such regulations or amendments thereto. Notice of such hearing shall be published at least once in the official city newspaper in the case of a city or in the official county newspaper in the case of a county. Such notice shall be published at least 20 days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. In the case of a joint committee on subdivision regulations, such notice shall be published in the official city and official county newspapers. The hearing may be adjourned from time to time and at the conclusion of the same, the planning commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the commission adopt the same in the form of proposed subdivision regulations and shall submit the same, together with the written summary of the hearing thereon, to the governing body. The governing body either may: (1) Approve such recommendations by ordinance in a city or resolution in a county; (2) override the planning commission's recommendations by a 2/3 majority vote; or (3) may return the same to the planning commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove. If the governing body returns the planning commission's recommendations, the planning commission, after considering the same, may resubmit its original recommendations giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendations, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by the respective ordinance or resolution, or it need take no further action thereon. If the planning commission fails to deliver its recommendations to the governing body

following the planning commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendations and proceed accordingly. The proposed subdivision regulations and any amendments thereto shall become effective upon publication of the respective adopting ordinance or resolution.

~~{d}--The-provisions-of-this-section-shall-become-effective-on and-after-January-17-1992-";~~

By renumbering sections accordingly;

Also on page 5, in line 5, by striking "19-2958 is" and inserting "12-749 and 19-2958 are";

In the title, by striking all in lines 9 and 10 and inserting:

"AN ACT concerning cities and counties; relating to planning and zoning; amending K.S.A. 12-749 and 19-2958 and repealing the existing sections."; and the bill be passed as amended