

Approved: 1-29-98
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Janice Hardenburger at 1:30 p.m. on January 21, 1998
Room 529-S of the Capitol.

All members were present except: Senator Rich Becker
Senator Chris Steineger
Senator Ben Vidricksen

Committee staff present: Dennis Hodgins, Legislative Research Department
Mike Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Graceanna Wood, Committee Secretary

Conferees appearing before the committee: Don Moler, Kansas League of Municipalities
Willie Martin, Sedgwick County Board of Commissioners (written testimony)

Others attending: See attached list

Chairman Hardenburger opened the meeting asking for introduction of bills. Since there were no bills, she opened the hearings on HB 2545, HB 2548, HB 2554, HB 2556, HB 2557, HB 2565, HB 2566, HB 2567 and HB 259. These bills were local government repealer bills that were discussed by the Special Commission on Governmental Organizations.

Chairman Hardenburger introduced the first Conferee, Don Moler, Kansas League of Municipalities.

Mr. Moler presented testimony in support of repealing these bills. (Attachment #1)

Chairman Hardenburger requested Mike Heim, staff, to explain the repealer bills.

The Committee chose to have each bill explained separately. HB 2545 interstate bridges, authorizes cities to acquire land to build bridges and is no longer used. HB 2548 civil service commission, and there are no cities in first class that use this form of government at this time. HB 2554 cemeteries, authorizes cities of first class to take over the care and maintenance basically owned by a private cemetery corporation. HB 2556 recreation commissions law deals with separate legal entity and that is how most recreation commissions are operated. HB 2557 parks, parkways, boulevards and playgrounds authorizes cities to purchase land for parks, etc and authorizes them to levy a tax to build playgrounds, etc. HB 2565 changes in form of government. HB 2566 power and duties of governing body. HB 2567 elections. HB 2595 delivery and baggage wagon permit; license fee, exemption.

Senator Gooch moved that the following bills be put on the Consent Calendar HB 2545, HB 2548, HB 2554, HB 2556, HB 2557, HB 2565, HB 2566, HB 2567 and HB 2595, seconded by Senator Petty. The motion carried.

Willie Martin, Sedgwick County Board of Commissioners presented written testimony on HB 2595, (Attachment #2)

Also written testimony was provided by Robert J. Watson, City Attorney of Overland Park (Attachment #3)

Jim Williams, County Commissioner from Riley County also spoke on the bills.

No conferees testified in opposition to repealing these bills.

Chairman Hardenburger asked for Committee approval of minutes January 13 and January 14.

Senator Gooch moved that the minutes of January 13 and January 14 be approved as written, seconded by Senator Huelskamp. The motion carried.

Meeting was adjourned at 2:30 p.m.

Next meeting will be at 1:30 p.m. January 22, 1998.



League of
Kansas
Municipalities

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M E M O

TO: Senate Elections and Local Government Committee
FROM: Don Moler, General Counsel
DATE: January 21, 1998
RE: Cleanup of Local Government Statutes

Thank you very much for allowing the League to appear today to discuss the repealer bills introduced at the end of the last legislative session. We are very appreciative to Representative Tomlinson and members of this committee who have been interested in helping to modernize the statutory language found in the local government area. We believe that the passage of these bills is a positive effort to simplify and update antiquated language which has been on the books, and remained largely unused, for many years.

First I should take a minute to discuss the process the League went through to review these pieces of legislation. Shortly after the end of the 1997 legislative session, we determined that League cities should study all of these bills, and their possible ramifications. We therefore undertook to distribute this information to every city attorney of a city of the first class. This was done as the bills in question only implicate laws applying to cities of the first class and therefore they were the only cities which were consulted. We sent out the bills, along with a letter of transmittal indicating that we would like the cities to comment if they had any questions or concerns on the pieces of legislation. We also offered each city attorney the ability to participate on a task force to review those bills on which a concern was raised.

The League followed through on this process and received comments from several cities as well as convened a task force to study those bills on which a concern was raised. The task force consisted of: Bob Beall, City Attorney, Leavenworth; Porter Brown, City Attorney, Hutchinson; Richard Death, City Attorney, Parsons; Joe Lang, Assistant City Attorney, Wichita; Gary Rebenstorf, Director of Law and City Attorney, Wichita; Harold Walker, City Attorney, Kansas City; and Bob Watson, City Attorney, Overland Park. These city representatives, along with the League's legal staff, convened and discussed a total of 11 bills on which concerns had been raised by various city officials. As a result of these discussions and of the comments received from cities prior to this time, the League identified the following bills which we can support as we believe they do not adversely impact any city interest.

Elec. & Local Gov.

Date: 1-21-98

Attachment: #1

The League supports the passage of the following repealer bills:

- ▶ HB 2545
- ▶ HB 2548
- ▶ HB 2554
- ▶ HB 2556
- ▶ HB 2557
- ▶ HB 2565
- ▶ HB 2566
- ▶ HB 2567
- ▶ HB 2595

Thank you very much for allowing the League to participate in this process and for allowing us to come before you today and express our support for these bills. I will be happy to answer any questions the Committee may have. Thank you again.



SEDGWICK COUNTY, KANSAS

INTERGOVERNMENTAL RELATIONS

WILLIE MARTIN

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

To: Elections and Local Government
From: Willie Martin
Ref: House Bill 2595
Date: January 21, 1998

Madam Chair and members of the Committee, thank you for the opportunity to comment on House Bill 2595. I am Willie Martin, representing the Sedgwick County Board of Commissioners.

House Bill 2595 would repeal K.S.A. 73-207 which dates back to post-Civil War Reconstruction and provides for a "delivery and baggage wagon permit." While benefits to veterans are usually appropriate, exemption for a license fee where the license itself no longer exists is obviously not one of them.

The Sedgwick County Clerk's Office has been petitioned for a "delivery and baggage wagon permit." The petitioner advised the Clerk's office the purpose was to avoid motor vehicle registration and, "If this statute doesn't mean anything, why is it still on the books?"

We respectfully request your support to repeal this dated statute.

Elec. & Local Gov.

Date: 1-21-98

Attachment: # 2

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913/895-6000 • FAX 913/895-5003

TO: Senator Janice Hardenburger, Chair, and Members of the Senate
Committee on Elections and Local Government

FROM: Robert J. Watson, City Attorney of Overland Park

RE: Cleanup of local government statutes: HB 2545, 2548, 2552,
2554, 2556, 2557, 2559, 2561, 2562, 2565, 2566, 2567 and 2595.

DATE: January 21, 1998

I wish to express general support for repealing as much of Chapter 13, as well as Chapters 14 and 15, as possible, in the interest of empowering cities to use their home rule powers to their fullest, but without jeopardizing authorities available only from state legislative grants.

There are twenty-four cities of the first class in Kansas. Chapter 13 applies only to those cities, and then not all of its provisions apply to all of the twenty-four cities. The chapter is a hodgepodge of special legislative provisions, much of it dating from 1903 and 1907 and prescribing forms of government for cities of the first class. Since 1961 cities can tailor-make their own forms of government by charter ordinance. In some cities, there is confusion over whether some of the provisions of Chapter 13 apply to them or not. But it is certain that all of Chapter 13 is subject to charter ordinance by any city to which any of its provisions do apply.

Generally, cities should not need any of the statutory authority now given them in chapter thirteen since in the absence of Chapter 13 Cities could exercise the authorities given in Chapter 13 anyway using an ordinary ordinance. However, there is at least one caveat to this generality: for example, extraterritorial powers may require specific statutory authority, as may exemption of certain bond issuances from bonded debt limitations.

All of that having been said, I specifically support passage of the above-referenced bills.

Elec. & Local Gov.

Date: 1-21-98

Attachment: # 3