

Approved: 3-12-98

Date

## MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Janice Hardenburger at 1:30 p.m. on March 10, 1998 in Room 529-S of the Capitol.

All members were present except: Senator Huelskamp

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

Conferee appearing before the committee: Don Moler, League of Kansas Municipalities  
Shirley A. Moses, Director of Accounts & Reports

Others attending: See attached list

Chairman Hardenburger opened the hearing on HB 2552 concerning certain cities, relating to municipal parking authorities, HB 2559 concerning certain cities; relating to certain officers and powers and duties, HB 2561 concerning certain cities; relating to certain revenues, HB 2562 relating to fire departments in certain cities, and HB 2564 concerning certain cities; relating to the powers and duties of the governing body.

Don Moler, League of Kansas Municipalities presented testimony in support of these bills. (Attachment #1)

Senator Becker moved that the following bills be put on the Consent Calendar HB 2552, HB 2559, HB 2561, HB 2562 and pass out favorably HB 2564, seconded by Senator Steineger. Motion carried.

Chairman Hardenburger opened hearing on HB 2635 concerning debts owed to the state; relating to the state debt setoff program.

Shirley Moses, Director of Accounts and Reports presented testimony in support of this bill. (Attachment #2)

Don Moler also presented testimony in support of this bill. (Attachment #3)

Chairman Hardenburger closed the hearing on **HB 2635**.

Senator Becker moved that HB 2635 be put on the Consent Calendar, seconded by Senator Steineger. Motion carried.

Chairman Hardenburger opened the hearing on HB 2787 concerning the register of deeds.

Marilyn Nichols, Shawnee County Register of Deeds presented testimony in support of this bill. (Attachment #4)

Senator Lawrence moved that HB 2787 be put on the Consent Calendar, seconded by Senator Steineger. Motion carried.

Chairman Hardenburger asked for approval of the minutes of March 4 and March 5, 1998.

Senator Becker moved that the minutes of March 4 and March 5 be approved as written, seconded by Senator Steineger. Motion carried.

Meeting was adjourned at 2:10 p.m.

Next meeting will be at 1:30 p.m. March 11, 1998.





League of  
Kansas  
Municipalities

Legal Department  
300 S.W. 8th  
Topeka, Kansas 66603  
Phone: (785) 354-9565/ Fax: (785) 354-4186

**M E M O**

**TO:** Senate Elections and Local Government Committee  
**FROM:** Don Moler, General Counsel  
**DATE:** March 5, 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:** 3-10-98

**Attachment: #1**

The League supports the passage of the following repealer bills:

- ▶ HB 2552
- ▶ HB 2559
- ▶ HB 2561
- ▶ HB 2562
- ▶ HB 2564

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.

**TESTIMONY BEFORE THE  
SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT  
March 10, 1998, 1:30 p.m., Room 529-S**

Presented by Shirley A. Moses  
Director of Accounts and Reports

Mr. Chairman, Members of the Committee:

I am providing written testimony today on behalf of the Department of Administration in support of HB 2635. The bill will allow fines or penalties assessed by a municipal court to be eligible for potential recovery by the Debt Setoff Program. Formerly, only those fines or penalties assessed for cigarette, tobacco and traffic infractions were eligible. The bill represents a smart and efficient method to collect additional outstanding debts through the use of an existing program.

Pursuant to K.S.A. 75-6202 et. seq., the Division of Accounts and Reports administers the Debt Setoff Program. The program is a voluntary, automated, passive debt collection effort which matches debts owed to state agencies, municipalities and district courts against state payments in process to debtors, such as tax refunds. A collection assistance fee is assessed when a debt is recovered to allow the program to be self-supporting. Thus, the addition of debts to the program, such as those authorized by HB 2635, can be implemented without additional cost to the State.

Since the program's inception in 1982, over **\$61 million** has been collected for the benefit of state taxpayers. The management and collection of delinquent accounts receivable is a good business practice and the program allows state agencies and municipalities to recover debts with very little effort and at a low fee (17%-23% compared to 30%-50% by outside firms). Any addition to the debt pool simply represents good public policy.

Thank you for the opportunity to provide testimony to the Committee. I would be happy to address any questions or provide additional information during today's hearing.

**Elec. & Local Gov.**  
**Date:** 3-10-98  
**Attachment:** # 2



# League of Kansas Municipalities

LEGAL DEPARTMENT · 300 S.W. 8TH TOPEKA, KS 66603 · TELEPHONE (785) 354-9565 · FAX (785) 354-4186

## LEGISLATIVE TESTIMONY

**TO:** Senate Elections and Local Government Committee  
**FROM:** Don Moler, General Counsel  
**RE:** Support for HB 2635  
**DATE:** March 10, 1998

First let me thank you, on behalf of the League of Kansas Municipalities, for allowing us to appear today in support of HB 2635, a bill which will allow for a modification of the State Setoff Program as it applies to municipalities and municipal courts.

Specifically, cities were added to the State Setoff Program in 1993 as a result of legislative action for which we were very appreciative. At that time, debt under K.S.A. 75-6202(b)(1) was defined not to mean fines or penalties assessed by a municipal court and we feel that this is unnecessary and it is time to change this policy. We are therefor asking the Committee to favorably report HB 2635 which would delete that language and allow for setoff for municipal court costs and fines as they constitute debts to the municipalities and ultimately the public.

We believe literally hundreds of thousands, if not millions of dollars are currently uncollected by municipal courts and this legislation will help the public recover some of that money. We appreciate any consideration the Committee may give us on this matter and would respectfully ask for your support of HB 2635.

**Elec. & Local Gov.**

**Date:** 3-10-98

**Attachment:** # 3

