

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 16, 1998 in Room 529-S of the Capitol.

All members were present except: Senator Lawrence
Senator Petty

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: Jim Kaup, City of Topeka
Elsbeth Schafer, Assistant City Attorney of Topeka
Andy Landis, Affordable Housing
Patrick DeLapp, Shawnee County Landlords Association, Inc.
Representative Greg Packer
Representative William G. Mason
Gene Slusser
Marvin Smith
John Etzel
Chris McKenzie, League of Kansas Municipalities
Christy Caldwell, Greater Topeka Chamber of Commerce
(Written Testimony)
Libby Ensley, Shawnee County Election Commissioner (Written Testimony)

Others attending: See attached list

Chairman Hardenburger opened the hearing on HB 2729 concerning cities; relating to the abatement of certain nuisances.

Jim Kaup for the City of Topeka testified in favor of the bill which would reduce the cost of notices. (Attachment #1)

Elsbeth Schafer, Assistant City Attorney of Topeka testified in favor of the bill. (Attachment #2)

The Committee discussed restrictive mail, returned mail and certified mail.

Patrick DeLapp, Shawnee County Landlords Association gave testimony in opposition to the bill and presented written testimony from Marcia Lessenden and Fern Gray. (Attachment #3) (Attachment #4) (Attachment #5)

Andy Landis, Affordable Housing also gave testimony in opposition to the bill. (Attachment #6)

Chairman Hardenburger closed the hearing on HB 2729 and appointed a sub-committee, assigning Senator Becker as Chairman, Senator Vidricksen and Senator Gooch as members.

Chairman Hardenburger opened the hearing on HB 2759 concerning municipalities; relating to the powers and duties in regard to the enforcement of building codes in an unincorporated area.

Legislative staff explained the bill.

The Committee discussed the three-mile area around a city and its implication for building standards.

Representative Greg Packer explained the amendment as it was presented in the House of Representatives. The area residents he represents are pleased with the functions that they render in their townships. There has been talk about consolidation and annexation and other issues in Shawnee County and he stated that it is best for both sides to decide the issue of consolidation. That is why the amendment was added to the bill. It was not intended to stop consolidation, but it was intended to make sure that residents who are going to be consolidated have services that are best for both sides, the county and the city. In the Shawnee County area there are roughly 180,000 to 200,000 people in the county, most of the residents are in Topeka. He thought that the county residents should have the option to have their say.

CONTINUATION SHEET
Minutes of the Senate Election and Local Government Committee, March 16, 1998

The Committee discussed the consolidation of two or more subdivisions.

Representative William R. Mason explained testimony in favor of the bill. He also presented written testimony from Kim Quastad and residents from his district. (Attachment #7) (Attachment #8) (Attachment #9)

Gene Slusser, a resident of Shawnee County presented testimony in favor of the bill. (Attachment #10)

Marvin Smith gave testimony in support of the bill with the amendment. (Attachment #11)

Chris McKenzie, Executive Director, League of Kansas Municipalities gave opposition testimony of the bill. (Attachment #12)

John Etzel gave testimony in opposition to Representative Packer's amendment. (Attachment #13)

Christy A. Caldwell, Vice President Government Relations, Greater Topeka Chamber of Commerce, presented written testimony in opposition of the bill. (Attachment #14)

Libby Ensley, Shawnee County Election Commissioner presented written testimony expressing the concerns of County Clerks who would be affected by the bill. (Attachment #15)

Chairman Hardenburger closed the hearing on **HB 2759**.

Meeting was adjourned at 2:30 p.m.

Next meeting will be at 1:30 p.m. March 17, 1998.

ELECTIONS & LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: MARCH 16, 1998

NAME	REPRESENTING
Christy Caldwell	Topeka Chamber of Commerce
Elizabeth Easley	Ks CO CLERKS
Marvin E. Smith	self
John A. Etzel	self
Penny L. Evans, P.E.	Miami County (Kansas County Highway Assoc)
Gene Slusser	Self
Neddie Slusser	visitor
Pat McE	S.C. Co
Pat Lehman	Ks Fire Service Alliance
Judy Moler	Ks. Assn of Counties
Randy Allen	Kansas Assn. of Counties
Robert D. Schaefer	City of Topeka
John Pinegar	City of Topeka
Jim Kang	City of Topeka
Elaine Wilson	Self
Andy Landis	self
Martyn Hauver	Hauver's Capital Reports
Becky Hutchins	State Rep - 50 th Dist
Francis Kelsey	self

LOGAN RILEY CARSON & KAUP, L.C.

CATHERINE P. LOGAN*
DOROTHEA K. RILEY**
MARY F. CARSON
JAMES M. KAUP
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All others admitted in Kansas

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Facsimile (816) 842-9704

LEGISLATIVE TESTIMONY

TO: Senator Hardenburger and Members of the Senate Elections and Local Government Committee
FROM: Jim Kaup, on behalf of the City of Topeka
RE: **HB 2729; Abatement of Nuisances by Cities -- City of Topeka Proposed Amendments**
DATE: March 16, 1998

HB 2729 amends two statutes used by cities in the abatement of nuisances. The amendments relate to the manner by which cities are required to provide notice to the affected property owners of (1) the existence of a nuisance condition on their property, and (2) the amount of the costs incurred by the city in abating the nuisance.

The City of Topeka requested introduction of HB 2729 in order to reduce the costs of such notice. In the course of receiving favorable House action on HB 2729 some confusion occurred on the House floor which the City would like to clear up by means of the attached balloon amendments.

The following paragraphs explain the situation:

- (1) Current Law. K.S.A. 12-1617e requires a city to provide notice of the existence of a nuisance by restricted mail or by personal service. The statute goes on to provide that if the property owner has not abated the nuisance, as directed in the notice of violation, the city may so abate and then assess the costs incurred by the city against the property. Supp. 12-1617f is a comparable statute relating only to the abatement of weed nuisances. This statute has similar restricted mail notice requirements.

Elec. & Local Gov.
Date: 3-16-
Attachment: #1

- (2) HB 2729, as requested for introduction by the City. Rather than restricted mail notice, under either statute, first class mail notification would be allowed. Under HB 2729, as introduced, this first class mail notice would apply both to the initial notice of a nuisance violation and to the notification of the costs of abatement which could be assessed against the property.
- (3) HB 2729 as passed by the House with floor amendments. On February 19 the House passed HB 2729 with Committee of the Whole amendments. Those amendments were intended to substitute the current law's restricted mail notice to certified mail notice, rather than the first class mail notice as requested by the City and as passed out of the House Committee. In the course of floor debate in the House, it was represented that the certified mail notice requirement would be placed in the bill in all instances where the House Committee had recommended changing restricted mail to first class mail notice.

However, in two places in the bill, once under K.S.A. 12-1617e and once under Supp. 12-1617f, the wording as to certified mail notice was not added, and the reference to first class mail notice remains.

- (4) While the bill that has passed the House is very close to what the City originally requested, we cannot come before the Legislature and take advantage of a misunderstanding on the House floor. We offer the attached balloon amendments to page 1, line 35 and page 2, line 39 to make HB 2729 consistent with our understanding as to what the House believed it had passed on February 19. In short, HB 2729 as amended by the Topeka amendments would require cities to give notice by certified mail or personal service when notifying a property owner as to the existence of a nuisance condition and would require certified mail notice of property owners as to the cost incurred by the city in abating the nuisance and advising the property owner that such costs will be assessed against the property if not paid by the property owner.

HOUSE BILL No. 2729

By Committee on Governmental Organization and Elections

1-27

10 AN ACT concerning cities; relating to the abatement of certain nuisances;
11 amending K.S.A. 12-1617e and K.S.A. 1997 Supp. 12-1617f and re-
12 pealing the existing sections.
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 12-1617e is hereby amended to read as follows: 12-
16 1617e. (a) The governing body of any city shall have the power to have
17 removed or abated from any lot or parcel of ground within the city any
18 and all nuisances, including rank grass, weeds or other vegetation and
19 shall have the power to cause to be drained any pond or ponds of water,
20 at the cost and expense of the owner of the property on which the nui-
21 sance is located, whenever the city, county or joint board of health or
22 other agency as may be designated by the governing body of the city files
23 with the clerk of such city its statement in writing that such nuisance,
24 rank vegetation, or pond of water, describing the same and where located,
25 is a menace and dangerous to the health of the inhabitants of the city, or
26 of any neighborhood, family or resident of the city. The governing body
27 of the city, by resolution, also may make such determination.

28 The city clerk shall issue notice requiring the owner or agent of the
29 owner of the premises to remove and abate from the premises the thing
30 or things therein described as a nuisance within a time, not exceeding 10
31 days, to be specified in the notice. The notice shall state that before the
32 expiration of the waiting period, the recipient thereof may request a hear-
33 ing before the governing body or its designated representative. The notice
34 shall be served on the owner or agent of such property by ~~restricted mail~~
35 ~~first class mail, postage prepaid,~~ or by personal service, or if the same is
36 unoccupied and the owner is a nonresident, then by mailing a notice by
37 ~~restricted mail~~ ~~first class mail, postage prepaid~~ [certified mail, return
38 receipt requested], to the last known address of the owner. If the owner
39 or agent fails to comply with the requirement of the notice for a period
40 longer than that named in the notice, then the city shall proceed to have
41 the things described in the notice removed and abated from the lot or
42 parcel of ground. The city shall give notice to the owner or agent by
43 ~~restricted mail~~ ~~first class mail, postage prepaid~~ [certified mail, return

certified mail, return receipt requested,

Amendments proposed by the City of Topeka
to Senate Committee on Elections and Local
Government, March 12, 1998

Intent of amendments is to make HB 2729
consistent with what House believed it passed
on February 19.

1-3

1-4

1 receipt requested], of the total cost of such abatement or removal
 2 incurred by the city. Such notice also shall state that payment of such cost
 3 is due and payable within 30 days following receipt of such notice. The
 4 city also may recover the cost of providing notice, including any postage,
 5 required by this section. If the cost of such removal or abatement and
 6 notice is not paid within the thirty-day period, the cost shall be collected
 7 in the manner provided by K.S.A. 12-1,115, and amendments thereto, or
 8 shall be assessed and charged against the lot or parcel of ground on which
 9 the nuisance was located. If the cost is to be assessed, the city clerk, at
 10 the time of certifying other city taxes to the county clerk, shall certify the
 11 aforesaid such costs, and the county clerk shall extend the same on the
 12 tax roll of the county against the lot or parcel of ground, and it shall be
 13 collected by the county treasurer and paid to the city as other city taxes
 14 are collected and paid. The city may pursue collection both by levying a
 15 special assessment and in the manner provided by K.S.A. 12-1,115, and
 16 amendments thereto, but only until the full cost and any applicable inter-
 17 est has been paid in full.

18 (b) Any city may remove and abate from property other than public
 19 property or property open to use by the public a motor vehicle deter-
 20 mined to be a nuisance. Disposition of such vehicle shall be in compliance
 21 with the procedures for impoundment, notice and public auction pro-
 22 vided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amend-
 23 ments thereto. Following any sale by public auction of a vehicle deter-
 24 mined to be a nuisance, the purchaser may file proof thereof with the
 25 division of vehicles, and the division shall issue a certificate of title to the
 26 purchaser of such motor vehicle. If a public auction is conducted, but no
 27 responsible bid received, the city may file proof thereof with the division
 28 of vehicles, and the division shall issue a certificate of title of such motor
 29 vehicle to the city. Any person whose motor vehicle has been disposed of
 30 pursuant to this subsection shall be eligible for a refund of the tax imposed
 31 pursuant to K.S.A. 79-5101 *et seq.*, and amendments thereto. The amount
 32 of such refund shall be determined in the manner provided by K.S.A. 79-
 33 5107, and amendments thereto.

34 Sec. 2. K.S.A. 1997 Supp. 12-1617f is hereby amended to read as
 35 follows: 12-1617f. (a) The governing body of any city is hereby authorized
 36 to provide for and require the cutting or destruction of all weeds on lots
 37 or pieces of land within the city. Except as provided by subsection (b),
 38 the city clerk shall issue a notice to the owner, occupant or agent by
 39 ~~restricted mail first class mail, postage prepaid,~~ or by personal service to
 40 cut or destroy such weeds. [If the property is unoccupied and the
 41 owner is a nonresident, such notice shall be sent by certified mail,
 42 return receipt requested, to the last known address of the owner.]
 43 The notice shall state that before the expiration of the waiting period

certified mail, return receipt requested,

3 provided herein the recipient thereof may request a hearing before the
4 governing body or its designated representative. If the occupant, owner
5 or agent fails to request a hearing or refuses to cut or remove such weeds,
6 after five days' notice by the city clerk, or in cases where the owner is
7 unknown or is a nonresident, and there is no resident agent, 10 days after
8 notice has been published by the city clerk in the official city paper, the
9 city shall cut or destroy such weeds and shall keep an account of the cost
10 of same and report to the city clerk. Except as provided by subsection
11 (b), the city shall give notice to the owner, occupant or agent by ~~restricted~~
12 ~~mail first class mail, postage prepaid,~~ **[certified mail, return receipt**
13 **requested,]** of the total cost of such cutting or removal incurred by the
14 city. The city also may recover the cost of providing notice, including
15 postage, required by this section. Such notice also shall state that payment
16 of such cost is due and payable within 30 days following receipt of such
17 notice. If the cost of such removal or abatement is not paid within the
18 thirty-day period, the city may levy a special assessment for such cost
19 against the lot or piece of land in the same manner as provided in K.S.A.
20 12-1617e, and amendments thereto, or the city may collect the cost in
21 the manner provided by K.S.A. 12-1,115, and amendments thereto. The
22 city may pursue collection both by levying a special assessment and in the
23 manner provided by K.S.A. 12-1,115, and amendments thereto, but only
24 until the full cost and any applicable interest has been paid in full.

25 (b) In lieu of giving notice as provided by subsection (a), a city may
26 give notice as provided by this subsection. The governing body shall adopt
27 an ordinance which states its weed removal policy and notification pro-
28 cedure. Such procedure shall provide for a minimum one-time yearly
29 written notification by mail or personal service to the owner, occupant or
30 agent. Such notice shall include the same information required by sub-
31 section (a). In addition, such notice shall include a statement that no
32 further notice shall be given prior to removal of weeds.

33 If there is a change in the record owner of title to property subsequent
34 to the giving of notice pursuant to this subsection, the city may not recover
35 any costs or levy an assessment for the costs incurred by the cutting or
36 destruction of weeds on such property unless the new record owner of
37 title to such property is provided notice as required by this section.

38 Sec. 3. K.S.A. 12-1617e and K.S.A. 1997 Supp. 12-1617f are hereby
39 repealed.

40 Sec. 4. This act shall take effect and be in force from and after its
41 publication in the statute book.

1-5

Linda P. Jeffrey
Elsbeth D. Schafer
David D. Plinsky
John J. Knoll

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Mary Beth Mudrick
Todd E. Love
Carol R. Bonebrake

MEMORANDUM

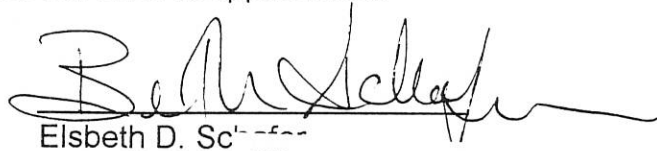
To: Senator Janice Hardenberger
Members of the Senate Elections
Local Government Committee
From: Elsbeth D. Schafer, Assistant City Attorney, City of Topeka
Subject: House Bill 2729 - Nuisances
Date: March 16, 1998

LEGISLATIVE TESTIMONY

House Bill 2729 amends two statutes, K.S.A. 12-1617e and K.S.A. 12-1617f, which are used by cities in the regulation and abatement of public nuisances. A nuisance condition is something that interferes with the enjoyment of one's property such as weeds, trash, discarded furniture and appliances, obnoxious odors, unsecured vacant structures and stagnant water. House Bill 2729 amends the method by which a city provides notice to a property owner that a nuisance condition exists. The bill, with the amendments offered by the City today, substitutes certified mail for restricted mail as a method of notice.

Under City of Topeka ordinances, a total of 40,437 nuisance notification letters were sent to property owners in 1997. The cost of sending these notices by **restricted mail** is **\$223,212.24** (\$5.52 per letter). If House Bill 2729 is passed and **certified mail** is allowed, the cost of sending the same number of notices changes to **\$99,070.65** (\$2.45 per letter). By these amendments, an acceptable means of legal notice is afforded to the property owner but at a reasonable cost.

Your favorable consideration of House Bill 2729 is appreciated.


Elsbeth D. Schafer

Elec. & Local Gov.
Date: 3-16-98
Attachment: #2

Shawnee County Landlords Assn., Inc.

Dear Committee Members

3/15/98

RE: HB 2729 Concerning Nuisances

This bill, will change the requirements of notice from Restricted mail, which is a subcategory of Certified or Registered mail, to First class only. We do not support this at all.

At first the requirement of Restricted mail was thought to be quite a task to accomplish, considering how minor these things can be, if done properly and fairly. A change to a less restrictive form may have been appropriate.

Although we never did ever, support a change to First Class mail class mail a change to Certified mail, with return receipt requested was acceptable. However, this has totally changed.

Our reasons for this change in our position are numerous, many of which are with the new Nuisances code the mayor pushed through, and took effect 1/1/98.

The new code allows a automatic fine of \$35 per day for 5 days after the inial 10 days. This one violationcould wrap up a fine of \$175. This fine is per violation, if a person has trash in their yard, and a stuff chair on their porch, this counts as 2 violations, your fine will be \$350, 3 violations and the fine will be \$525. It does not matter that the inspector was only at the location once. If the fine is not paid they put it on your taxes. This is automatic, and even applies if you forget to call in and tell them it has been cleaned up. We understand consider this a violation of state law.

Other things we feel this Committee should know about:

- The City of Topeka has lead this Committee to believe that they sent out over 40,000 nuisance violation last year, using Restricted mail. The truth is that in a report to city council dated September 16, 1997; This department claimed that between the start of 1997 thur August 1997 the city sent out 5252 notices. (True their are 4 months left in year but we do not believe that they in these 4 months, sent out the additional 35,000 as they would have you believe)
- In a single family house, a landlord must give a 14/30 notice

Elec. & Local Gov.

Date: 3-16-98

Attachment: # 3

to the tenant, informing they of a violation and then give them 14 day to either correct the problem or make good faith effort to. If they don't they have to move in 30 days from the date of the notice. I cannot walk on to my tenants property and take something bellowing to them, whether it be a car, tire or appliance. That is consider theft.

- The City of Topeka currently is Sending out notices First class in violation of State law.
- The City of Topeka currently is putting this high administrative fine, on to the property taxes. This is also in violation of State law; State law allows the cost of removal, a reasonable administrative fee normally inturpided as \$20 and cost of postage. Not this administrative fine.
- This policy The City is following punishes the person with trash in his yard, more than a drug dealer.

THE CITY POLICY CONCERNING NUISANCES IS AMORAL

Since the City has taken on this new ordinance this January people are very upset. People have complained about not getting notices, games being played by people in the department pretend that lettered were sent out a different time than they were, and refusal to allow hearings.

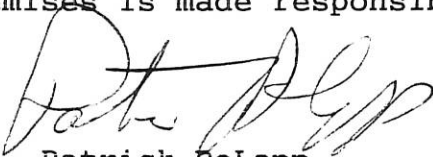
What we would like to see if the city continues this policy is for PERSONAL SERVICE only. We also know that this unrealistic. But we do what to put an end to what the city is doing.

We would also like to see the person in possession of the property be responsible for things under their immediate control. This would mean in single family homes the person renting will be responsible, and in multi-family units the owner would. Its time we made people responsible for their actions.

State law already allows for a methods of making these tenants pay and that is by making it a personal debt after 30-days. It could be collected just like any other judgement or debt.

We CANNOT support the change in law from restricted mail to first class.

We could go along with Certified, return receipt requested, if the person in immediate control of the premises is made responsible.


Patrick DeLapp
SCLA President

ENVIRONMENTAL

CODE

SERVICES

DIVISION



September 16, 1997

NUISANCE STATISTICS

	1995	1996	1997 thru August 1997
Violation Notices	N/A	N/A	5252
Housing Violations	N/A	N/A	874
Housing Secured (Boarded)	183	159	82
Properties Inspected for Fire Damage	135	104	65

SUGGESTED NUISANCE CODE CHANGES:

- Change the Nuisance Code so only one uncertified letter is needed.
- Change Nuisance Codes so that only 30 days are given for repairs to be completed unless other arrangements are made with this office.
- Change Nuisance Codes so that notification by letter and/or posting the property is allowed.
- Change Nuisance Codes so that we can abate the property and fine either the owner or occupant.
- Change Nuisance Codes so we can fine the occupants.
- Change the Nuisance Code so that porches, steps, guttering, and other exterior items not in proper repair can be cited.
- Make mandatory a wheeled trash container ordinance requiring a 65 gallon or larger trash container with an attached hinged lid for the storing of all garbage.
- Pass an ordinance that prohibits parking vehicles on any surface other than an improved surface such as a concrete or asphalt.
- Change the nuisance ordinance so that wood must be stacked 18 inches off the ground.

WEED VIOLATIONS

	1995	1996	1997 thru 8/31/97
Properties issued notice of violation.	6085	6214	4597
Violations corrected by Owners	4167	4097	2356
Violations corrected by Health/ECS	1918	2117	736
Repeat Violators	1243	843	N/A

<u>1995</u>	Cut by Owner	4,167	56.87%
	Cut by ECS	1,918	26.17%
	Cut by ECS more than once	<u>1,243</u>	<u>16.96%</u>
	Total 1995 ECS Weed Cases	7,328	100%
<u>1996</u>	Cut by Owner	4,097	58.06%
	Cut by ECS	2,117	30.00%
	Cut by ECS more than once	<u>843</u>	<u>11.94%</u>
	Total 1996 ECS Weed Cases	7,057	100%

Note: In 1996 the division began mowing the following on a biweekly basis, rather than once a month:

County owned lots	63
Right of Ways	84
City lots, guardrails & medians	72
Intersections/Islands	12

	1996	1997
County Owned Lots mowed by ECS	63	73
Right of Ways mowed by ECS	84	113
City Lots, Guardrail & Medians mowed by ECS	72	144
ROW Islands	12	15

March 11, 1998

TO: GOVERNMENT AND ELECTIONS COMMITTEE

RE: FIRST CLASS MAILINGS INSTEAD OF RESTRICTED

Due to many problems we have experienced with City Government I hope that you do not pass HB 2729

1. Although I believe it to be extremely discriminatory this city basically only enforces nuisance codes in the higher minority areas, whereas the low minority areas are inspected on a complaint only basis. This would seem to me to be some sort of separate but equal reasoning from the 1950s. I called the Justice Dept in Washington and asked them if they thought that would be discrimination and they said yes.

2. As homeowners are preferred by city government often rental houses are written up while overlooking the same violations at an owner occupied house.

3. Those asserting their rights to free speech to criticize often become targets.

4. When they make mistakes, which is often, it is very time consuming and frustrating to try and correct them. The house next door to my rental house caught fire and the city tore it down. Then they mistakenly billed me for it. (for thousands of dollars) It took years to get that corrected.

The normal mistake is writing up the wrong house.

I would ask that you not pass this bill.

Thank you.



Marcia Lessenden
1512 Wayne
Topeka, Kansas 66604

Elec. & Local Gov.

Date: 3-16-98

Attachment: #4

Dear Committee Members

RE: HB 2729

I would like to have attended in person, but due to prior commitment I cannot.

I'm 78 years old and trying to continue with low cost housing my husband intended for his retirement. Two of my five properties rent for \$200 and \$225 respectively, to long-term clients, these are not run down properties.

I was hospitalized earlier this year, January and February 1998. The mail piled up while I was in the hospital. This week I learned that I have a \$195 fine, for the tenants leaving an over-stuffed couch on his covered front porch and a chair in the back yard.

The City of Topeka, last fall informed me about a brush pile on one of my other properties. The neighbor wanted to chip the brush pile, which he did. But a 5" log was left by the vacated alley. The log was not a rat harbor. This could not be seen from the street and the alley is vacated. I consider what they did as trespassing, and their \$44 fine as unfair. That was last year, this year the additional fine would have added \$175 to the \$44, making a total of \$219.

Passing this bill will legalize what the City of Topeka is already doing concerning notification, and further cause more situations as above.

Fern Gray

Fern Gray
272-5520
3712 SW 30 Terr
Topeka, Kansas 66614

Elec. & Local Gov.

Date: 3-16-98
Attachment: #5

OPPOSITION TO HOUSE BILL 2729

HELLO, MY NAME IS ANDY LANDIS. I'M A LIFE LONG RESIDENT OF TOPEKA AND A FULL TIME LANDLORD. MY LIVING IS STRICTLY MADE FROM MY 8 RENTAL PROPERTIES. I SPEAK TO YOU TODAY IN OPPOSITION TO H.B. 2729.

INCLUDED IN THIS HANDOUT ARE AN EXAMPLE OF A VIOLATION NOTICE I RECEIVED JUST IN FEBRUARY.

THE BRIEF ON THIS BILL AS I READ IT INDICATED THE CITY OF TOPEKA HAD OVER 40,000 MAILINGS RELATED TO NUISANCE VIOLATIONS LAST YEAR. THE TEXT WENT ON TO SUGGEST THAT THE CITY SPENDS \$5.52 PER LETTER FOR RESTRICTED MAIL.

WITHOUT PULLING ANY OF MY FILES OUT, CAN EASILY TELL YOU IN THE LAST YEAR I HAD NOT SIGNED FOR ANY LETTERS RELATING TO MY RENTAL PROPERTIES REGARDING NUISANCE VIOLATIONS BECAUSE THEY HAD BEEN SENT FIRST CLASS MAIL.

3RD PAGE IN MY HANDOUT CONTAINS A LETTER AND ITS ENVELOPE I RECEIVED FOR A NUISANCE VIOLATION. AS YOU CAN TELL THIS WAS SENT PRE-SORTED FIRST CLASS. OBVIOUSLY THERE WAS NOT \$5.52 SPENT FOR RESTRICTED MAIL.

NOW LOOK AT THE FINES INVOLVED. WOULD IT BE FAIR TO ASSESS A POTENTIAL FINE OF \$175 WITHOUT THE SAFEGUARD OF MAILING THIS NOTICE RESTRICTED MAIL TO INSURE THAT THE RESPONSIBLE PARTY WAS ABSOLUTELY NOTIFIED?

MY PLEA TODAY IS PLEASE DO NOT LOWER THE STANDARDS OF DUE PROCESS. I ENCOURAGE ANYONE WITH QUESTIONS TO CALL ME, MY CARD IS ON THIS COVER SHEET.

THANK YOU FOR YOUR TIME.

913/232-2302



ANDY LANDIS

Affordable Housing

P.O. Box 693
Topeka, KS 66601-0693

Elec. & Local Gov.

Date: 3-16-98

Attachment: #6

SESSION OF 1998

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2729

As Recommended by House Committee on
Governmental Organization and Elections

Brief*

H.B. 2729 amends statutes dealing with nuisance abatement (weeds, water, automobiles) by cities to change the method of notifying property owners from restricted mail to first class mail.

Background

The bill was supported by the Shawnee County legislative delegation and the City of Topeka. Proponents said the City of Topeka had over 40,000 mailings related to nuisance violations last year. The cost of first class mail is \$.32 per letter versus \$5.52 per letter for restricted mail.

The bill would have no fiscal impact on the state.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.ink.org/public/legislative/fulltext-bill.html>.



CITY OF TOPEKA

ENVIRONMENTAL CODE SERVICES
320 South Kansas Ave., Suite 900
Topeka, Kansas 66603
Phone 913-368-3161
Fax 913-368-3175

VIOLATION NOTICE

February 9, 1998

Andy Landis
PO Box 693
Topeka, KS 66601

RE: 634 SW Clay - Nuisance Violation(s)
ECSD Complaint No. 15215

An inspection of the above-noted property indicates there is/are beige stuffed chair and a gold stuffed chair in the back yard located on the property. The foregoing conditions violate the Topeka City Nuisance Code.

Topeka City Code § 66-28 provides that: "It shall be unlawful for any person to maintain or permit a nuisance to exist. Specifically, Topeka City Code § 66-27(2) states: "Garbage, rubbish, trash, refuse, junk and other materials, metals, plumbing fixtures, appliances, auto parts, lumber or other litter and furniture, stuffed furniture, clothing, or other household items which create an unsightly appearance" constitutes a nuisance. Further, Topeka City Code § 66-27(3) provides "Any Condition which provides harborage for rats, mice, snakes and other vermin" is a nuisance.

You may appeal this Violation Notice by requesting a hearing within ten (10) calendar days from the date of this Violation Notice to Meg Perry, Director of Environmental Code Services Division, 320 South Kansas Avenue, Suite 900, Topeka, Kansas 66603, (785)368-3161. A hearing after 5:00 pm may be scheduled.

If the nuisance is not abated as directed and no request for a hearing is made within ten (10) calendar days of the date of the violation notice, the City may seek the remedy of an administrative penalty of \$35.00 per day for a maximum of \$175.00. The administrative penalty will continue to accrue for each day the nuisance condition continues to exist for a period not to exceed five (5) calendar days. The owner, occupant or agent may stop the assessment of the administrative penalty by abating the nuisance and advising Environmental Code Services of the abatement.

You are hereby ordered to abate the nuisance conditions within ten (10) calendar days of this notice by removing the beige stuffed chair and a gold stuffed chair in the back yard from the premises discussed above.

If the nuisance is not abated following the ten (10) calendar day period and five (5) day administrative penalty period, the City will seek the remedy of prosecution of the conditions under § 1 thru 7 of the Code of the City of Topeka and will abate such nuisance and assess the cost thereof against the property and pursue any other remedies available including the administrative penalty fee.

Should you have any questions, please feel free to contact me at the number listed above.

Sincerely,

Ted Lewis
ECS Inspector
pc: owner/occupant

CITY OF TOPEKA
ENVIRONMENTAL SERVICES
320 SE KANSAS STE 900
TOPEKA KS 66603

RETURN SERVICE
REQUESTED

PRESORTED
FIRST CLASS



6-3

WILLIAM G. (BILL) MASON
 REPRESENTATIVE, 75TH DISTRICT
 BUTLER COUNTY



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 CHAIRMAN ECONOMIC DEVELOPMENT
 JOINT COMMITTEE ON ECONOMIC
 DEVELOPMENT
 MEMBER BUSINESS, COMMERCE AND LABOR
 FEDERAL AND STATE AFFAIRS
 BOARD MEMBER KANSAS TECHNOLOGY
 ENTERPRISE CORPORATION

March 16, 1998

Senate Elections and Local Government Committee Testimony

Madam Chair and Distinguished Colleagues:

Thank you for the hearing today on HB 2759. I am here in support of that bill.

The bill as amended, by the House Committee, would give the qualified electors in the three mile area around a city that has instituted building standards the right to put the issue on the ballot. A petition of 20 percent of the affected qualified electors could be filed with the county clerk asking for the election to allow the people in the affected area to remove themselves from this provision of the city ordinance. The County Commission would then be required to place the issue on the ballot at the next regular primary or general election. The qualified electors would then vote on the issue and if adopted, the city would be required to pass an ordinance removing the building codes outside the corporate limits of the city.

Across historical times, major battles have been waged on taxation without representation. In this case, we certainly have the issue of control of ones property and double fees without any representation. Many of my constituents who live on the outskirts of Andover must first go to the County, get a permit and pay a fee, then they must go to the city and also get a permit and pay a fee. While they have a vote on their county representatives they have no say with those in city government who also have control over them. This issue of building standards outside the city limits went to the Andover Planning Commission who voted unanimously against initiating the standards, but the City Council voted to override the Planning Commission's recommendation.

Elec. & Local Gov.

Date: 3-16-98

Attachment: # 7

This is an issue of the fundamental rights that we have on control of ones own property, the right to representation, and the freedom to live our lives without undue government interference.

There should be negligible costs involved in this process. We asked not for a special election but for the issue to be included on the next primary or general election. The city would be responsible for furnishing a copy of the legal boundaries, but it surely would have those legal descriptions available to allow them to be able to enforce the building standards.

I have included with my testimony a letter signed by several of the affected people in the area.

Thank you for the hearing. I encourage your favorable action on HB 2759. I would be happy to stand for questions.

February 17, 1998

RE: House Bill 2759

Mr. Chairman and Members of the Committee:

My name is Kim Quastad, and I am here on behalf of the majority of residents within the three mile radius of Andover relating directly to HB2759. I want to thank everyone for giving me the opportunity to speak today.

As a city grows, so do its boundaries, but three miles outside the city is too broad. People move to the country to get away from city rules and regulations. Residents who live in the county but outside city limits can vote for and have an influence on how elected officials vote. In the case of Andover this cannot happen.

The real problem with HB2759 is double taxation without representation. For example, if I wanted to build an additional structure I would be required to buy two identical permits for the same project (city and county). If we live in the rural areas we should be governed by the county. No one is saying building codes are unnecessary, but they should be enforced by the county we live in.

The county is currently looking at ways to slow the growth in rural subdivisions, and the implementation of building codes has been brought up again.

The city of Andover's planning commission voted not to adopt the three mile territorial boundary last summer, but the council and mayor did not take the advise of the planning commission. It was evident the planning commission thought this was an area the county should have control over and not the city.

If cities like Andover want to establish what they perceive to be proper development they need to expand the city limits, within reason, as the city grows.

I think this law was originally designed for cities that could be developed in a very short period of time 1-2 years. In the case of Andover it could take 20 plus years. The economy will always fluctuate and this will determine growth.

Elec. & Local Gov.

Date: 3-16-98

Attachment: # 8

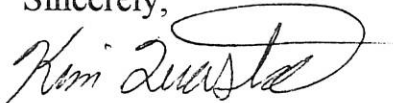
No one is more concerned about safety than I am. I have served as a member of the National Fire Protection Agency to help write new codes on safety issues.

It is not the responsibility of the city to enforce building codes on people outside the city limits. This is a county issue, and I'm sure the county commissioners are committed to enforcing codes on rural Kansans as the people request it.

Double taxation without representation is something nobody wants enforced upon them.

Thank you once again for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Kim Quastad". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Kim Quastad

February 4, 1998

Representative William G. Mason
State Capital
300 SW 10th Avenue
Room 446N
Topeka, KS 66612

Representative Mason:

This letter is in reference to the three mile territorial boundary in which a city can impose zoning and annexation upon residents outside the city limits. This law is basically double taxation and the residence in the three mile boundary have no voting rights for city council and mayor, therefore, we are unable to vote to remove elected officials. The way an elected official votes on a certain issue may change if he/she is held accountable.

Most residents move to the country to get away from the city rules and regulations. The territorial boundary law gives the city the right to increase our taxes through annexation.

At present time, we are required to purchase permits (city & county) to build a structure. This law should state if the three mile boundary is imposed, a resident should only be required to purchase one permit (county or city).

The following signatures are only a few of the residents opposed to implications of this law.

<i>Jacquie Speare</i>	<i>J.W. Smith</i>	<i>H.W. [Signature]</i>
<i>Ken Quasta</i>	<i>Paola Smith</i>	<i>Judy Hauptstute</i>
<i>[Signature]</i>	<i>Mary [Signature]</i>	<i>[Signature]</i>
<i>William J. McLean</i>	<i>Don Kellan</i>	<i>[Signature]</i>
<i>Janella McHovee</i>	<i>Conan Chappell</i>	<i>Helen Nelson</i>
<i>James B. Stroot</i>	<i>Linda K. West</i>	<i>Spalding [Signature]</i>
<i>Michael D. Bolanna</i>	<i>Chasity West</i>	<i>Mary Jo Calient</i>
<i>Wm R. Smith</i>	<i>Joey West</i>	
<i>Joe Perry</i>	<i>Ray Jacobs</i>	

Elec. & Local Gov.
Date: 3-16-98
Attachment: #9

FAX COVER
2 pages

TO: Representative William G. Mason
Room 446N

Date: February 5, 1998

FROM: Kim Quastad

SUBJECT: Three Mile Territorial Boundary Law

#####

The following letter has been signed by several residents outside the city limits that oppose the three mile territorial law. This is just a handful of residents that were more than willing to sign. I felt the response would be greater by collecting signatures rather than sending individual letters.

I am sending the original in the mail. Please do not hesitate to call me for further assistance.

Kim Quastad
1607 N. Singletree Circle
Andover, KS 67002
316-733-2660

Gene Slusser
5131 S.W. Urish Rd.
Topeka Ks. 66610

Ref: HB ²⁷⁵⁹~~2735~~ Consolidation or Annexation

I believe that annexation and or consolidation should only be done when it is for the improvement of services and is the best for the people and properties involved.

Consolidation and or annexation should never be done by elected officials of any government bodies when it is for the intention to gain power over the people.

Consolidation and or annexation should be done by a vote of the people involved. A majority vote of at least 50% of the registered voters should be required before any annexation and or consolidation takes place.

For these reasons I support HB 2759.
Thank you for your time.

Gene Slusser Nellie Slusser
Jan Staus

Elec. & Local Gov.
Date: 3-16-98
Attachment: #10

March 16, 1998

TO: Senate Elections & Local Government Committee

RE: H.B. 2759

FROM: Marvin E. Smith

Madam Chairman and members of Committee

I am very supportive of House Bill 2759, especially the provision that provides "whenever the consolidation affects the functions of two or more political or taxing subdivisions, a majority of the qualified electors of each political or taxing subdivision shall be required to approve any consolidation proposition submitted at any election required".

I live in northeast Shawnee County in Soldier Township and one of the fast growth areas.

Shawnee County has good township services and local government.

Approximately 90% of the land area is contained in 12 townships and third class cities in Shawnee County.

Approximately 25% of Shawnee County population live in the 12 townships.

Kansas has a long history of supporting local government by 'self-determination' by the voters.

This HB 2759 strengthens the approval of local control.

I would respectfully ask your favorable approval of HB 2759.

Elec. & Local Gov.

Date: 3-16-98

Attachment: #11



**League
of Kansas
Municipalities**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 300 S.W. 8TH TOPEKA, KS 66603-3896 (785) 354-9565 FAX (785) 354-4186

TO: Senate Committee on Elections and Local Government
FROM: Chris McKenzie, Executive Director
DATE: March 16, 1998
RE: HB 2759

Thank you for the opportunity to appear today to offer some observations concerning HB 2759. My comments will address the two separate sections of the bill.

Section 1. With regard to Section 1, the League opposed the bill in the form in which it was originally introduced. I appreciated the opportunity to work with the bill's sponsor, Representative Mason, to develop a substitute bill which better balances the interests of the residents of land outside the city limits when they are governed by building code regulations of a city with the interests of the city. The current wording of Section 1 is a substantial improvement, but it is important to note that removing building codes from the area immediately outside a city's corporate limits may have the unintended effect of encouraging earlier annexation.

Since neither the League's Governing Body nor our Legislative Policy Committee have had the opportunity to review the revised version of Section 1, we do not have a specific position on Section 1 at this time. The League Governing Body meets this Friday, and I will discuss it with them at that time. If the Committee decides to act on the bill before then, I would respectfully request that the provisions of subsection (b) be changed to require the city clerk to certify a legal description and map of the area outside the city governed by the extraterritorial regulations and that the requirement for supplying the names and addresses of qualified electors be eliminated. Only the county election officer has such information, and a data base containing this information can be built once the city supplies the legal description and map.

Section 2. Section 2 was added in House Committee of the Whole to address some concern that has arisen locally about efforts to consolidate political or taxing subdivisions (e.g., a county seat city with its county government). It amends K.S.A. 1997 Supp. 12-3904 to provide that when a petition is filed calling for an election on the consolidation of specified functions of designated offices or agencies of such subdivision or subdivisions that the qualified electors of each political or taxing subdivision shall be required to approve the consolidation proposition. I would make two observations about this amendment.

First, this amendment applies only to the consolidation of the "functions" of two or more political or taxing subdivisions--not to the operations or procedures of such subdivisions (see line 35, p. 2). Second, this amendment does not apply to the consolidation of the political or taxing subdivisions themselves, since K.S.A. 12-3909 prohibits this explicitly. The amendment would appear to require separate voter approval in two or more subdivisions of proposals to consolidate functions--e.g., ambulance service, street and road maintenance, purchasing, financial management, etc. The policy

Elec. & Local Gov.

Date: 3-16-98

Attachment: #12

question, of course, is whether this is appropriate and whether it will have the intended effect?

Our experience two years ago with the enabling legislation for the Unified Government of Wyandotte County and Kansas City, KS demonstrated the need for comprehensive legislation setting forth an orderly process for such proposals to be considered in any part of our state. The League has adopted a formal policy calling for such legislation, which reads as follows:

Section B. INTERGOVERNMENTAL RELATIONS

B-1a. Interlocal Cooperation. We support the principle of voluntary cooperation among all levels of government and urge local officials to (a) participate in councils or associations on a county or regional basis and (b) cooperate with other local units in actions to secure the best interests of the public and the optimal use of local resources. We further urge cities to seek out opportunities to cooperate with other cities and local units of government to share the cost of major water and wastewater treatment facilities.

B-1b. Local Government Consolidation. The legislature should enact comprehensive legislation to enable the consolidation of political or taxing subdivisions with each other, including cities and counties. Such legislation should provide for the appointment of local commissions, independent of existing elected bodies, and charged with developing a charter for the any new consolidated government.

I believe most Kansans would agree with the proposed amendment in Section 2 if it addressed the actual consolidation of the political and taxing subdivisions. Since it does not, we urge the Committee to give careful consideration to whether it should apply in instances of consolidation of "functions" as well.

Thank you for this opportunity. Please let me know if you have any questions.

Thank you.

March 13, 1998

Good Afternoon, I'm John A. Etzel, 3123 Chelsea Dr., Topeka

I oppose Rep. Greg Packer's amendment to HB 2759, which states "Whenever the consolidation affects the functions of two or more political or taxing subdivisions, a majority of the qualified electors of each political or taxing subdivision shall be required to approve any consolidation proposition submitted at any election required by this section." This amendment is redundant. These same provisions are already contain in lines 30 thru 42 of the original bill.

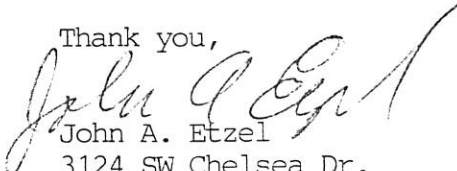
Rep. Packer is quoted as saying "Consolidation and annexation are the same word. I don't think it's going to help anyone and that's what we're up here to do, is make sure that the state and the counties that we represent are taken care of in a like manner, both city and county." To Rep Packer I say consolidation and annexation are not the same word." Consolidation means equal and fair taxation. Annexation of Lake Sherwood would result in that area unfairly paying 85 cents per dollar of the cost of parks and recreation, etc. like Topeka taxpayers do, instead of the current 15 cents of each dollar Lake Sherwood is now paying, as compared to the 30 cents per dollar they should be paying.

On January 13, 1998 at the Topeka City Council Meeting I was the one that got consolidation talk started again. Topeka taxpayers pay 100% of the property tax to support Topeka Parks and Recreation Departments but it is open to and used by many Shawnee County residents living outside the city. We Topeka taxpayers also pay 70% of the property tax to the Shawnee County Parks and Recreation Department, or in other words city taxpayers are paying 85% (85 cents of each tax dollar) of all property tax for parks and recreation, law enforcement, roads and bridges, etc in Topeka and Shawnee County. (Source: Shawnee County Tax Levy Schedule, attached hereto.) I am outraged at this unfair tax burden placed on city taxpayers. You know the old axiom "Don tax me, tax the guy behind the tree." I and all Topeka taxpayers are sick and tired of being the guy behind the tree.

Because of consolidation of the 911 emergency service and the Topeka-Shawnee County Health Department under the Shawnee County Government, we Topeka City taxpayers now only pay our fair share of 70 cents of each tax dollar instead of the 85 cents per dollar we paid before consolidation. We used to pay 100% of the bill for the Topeka Library, which was open to everyone in the county, but since the voters in Shawnee county made it The Topeka-Shawnee County Library we only pay our fair share of 70 cents per dollar.

I believe, and I hope you do also, in one person-one vote and in equal and fair taxation. Take us Topeka taxpayers out from behind the tree. Let the Topeka and Shawnee County governments resolved this unfair tax issue. I have also attached to this statement a copy of my letter of February 23, 1998 to the Letters Editon which will provide you a little more information on this subject.

Thank you,


John A. Etzel
3124 SW Chelsea Dr.
Topeka, Ks. 66614
272-4558

Elec. & Local Gov.
Date: 3-16-98
Attachment: #13

Compart	1997	1996	1997	DIFF
DISTRICT	1997 VALUATION	LEVY	LEVY	
State	952,964,314	1.500	1.500	0.000
County	952,964,314	36.67	37.193	0.525
CITIES				
Auburn City	3,104,054	13.87	13.337	-0.535
Rossville City	3,486,480	12.19	12.465	0.274
Silver Lake City	5,128,007	14.550	13.286	-1.264
Topeka City	670,979,355	36.05	32.588	-3.465
Willard City	204,954	4.538	5.216	0.678
TOWNSHIPS				
Auburn Township	9,619,388	15.050	15.126	0.076
Dover Township	7,431,428	13.55	13.550	-0.004
Grove Township	2,768,121	9.454	8.840	-0.614
Menoken Township	15,229,049	10.25	9.860	-0.391
Mission Township	48,791,301	13.040	13.918	0.878
Monmouth Township	13,317,280	14.23	13.834	-0.397
Rossville Township	5,012,439	14.21	13.998	-0.214
Silver Lake Township	3,511,392	17.670	20.768	3.098
Soldier Township	82,092,264	14.5	14.035	-0.469
Tecumseh Township	55,213,304	8.582	8.541	-0.041
Topeka Township	7,443,297	10.48	10.229	-0.250
Williamsport Township	19,632,201	12.72	12.586	-0.130
SCHOOL DISTRICTS				
USD 321 (Rossville)	11,606,026	46.232	38.447	-7.785
USD 330 (Dover)	3,857,771	38.941	27.621	-11.320
USD 340 (Menden)	1,023,597	51.827	50.569	-1.258
USD 345 (Seaman) *	128,429,677	53.175	46.843	-6.332
USD 372 (Silver Lake)	15,776,443	51.172	45.090	-6.082
USD 434 (Santa Fe Trail)	17,958	63.009	57.245	-5.764
USD 437 (Auburn/Washb)	226,528,572	55.418	48.112	-7.306
USD 450 (Shawnee Hts) *	95,523,598	46.081	45.568	-0.513
USD 501 (Topeka)	470,200,672	60.86	58.771	-2.085
FIRE DISTRICTS				
Fire Dist. No. 1	26,636,569	5.492	5.462	-0.030
Fire Dist. No. 2	12,723,442	3.981	4.570	0.589
Fire Dist. No. 3	8,498,919	4.627	7.707	3.080
Fire Dist. No. 4	7,636,382	5.856	5.812	-0.044
Topeka/Tecumseh Fire	62,656,601	8.721	8.744	0.023
OTHER DISTRICTS				
Kaw River Drain	8,173,125	1.933	1.999	0.066
North Topeka Drain	70,989,816	2.558	3.373	0.815
Rossville Drainage Dist.	4,303,245	4.352	4.380	0.028
Shungu No. 1 Drain	9,489,855	1.943	1.997	0.054
Silver Lake Drain	2,834,689	4.993	4.999	0.006
Tri Co Drain (per unit)	1,782,633	0.482	0.490	0.008
Cross Creek Watershed	5,832,617	1.996	1.996	0.000
Wakarusa Watershed *	37,222,740	0	0.964	0.964
Sewer District No. 2	832,644	11.240	16.508	5.268
Sewer District No. 4	463,077	26.651	25.518	-1.133
Sewer District No. 6	440,619	27.895	26.470	-1.425
Sewer District No. 8	1,813,709	10.341	10.425	0.084
Sewer District No. 15	1,218,651	19.500	17.109	-2.391
Sewer District No. 17	1,178,919	20.032	19.324	-0.708
Sewer District No. 31	1,564,454	10.212	9.965	-0.247
Sewer District No. 33	5,831,596	5.354	11.079	5.725
Pauline Street Lights	231,793	2.177	0.268	-1.909
Sn Center Cemetery *	3,598,865	0.611	0.325	-0.286
Sherwood Impy District	25,278,315	3.290	3.685	0.395
MTAA (Airport)	952,964,314	1.702	1.632	-0.070
MTTA (Transit)	670,979,355	3.460	2.596	-0.864
Topeka/Sn Co Public Libr	935,825,996	6.378	6.588	0.210
Washburn University	670,979,355	17.599	17.847	0.248

SHAWNEE COUNTY TAX LEVY SCHEDULE

Prepared by the County Clerk's Office
Tax Levies Per \$1,000 Assessed Valuation

UNIFIED SCHOOL DISTRICTS 1997							
KSA	1997		Capital Outlay	Bond & Interest	Adult Educ.	Special Liability Expense	TOTAL LEVY
	General \$20,000 exempt SB 41	Supp. General 72-6433					
321 Rossville	27.000	4.416	3.999	3.032			38.447
330 Dover	27.000		0.621				27.621
340 Meriden	27.000	3.749	3.999	15.821			50.569
345 Seaman	27.000	7.213	3.924	8.706			46.843
372 Silver Lake	27.000	6.946		11.144			45.090
434 Santa Fe Trail	27.000	16.044		14.201			57.245
437 Auburn/Washburn	27.000	2.565	3.958	14.589			48.112
450 Shawnee Hts	27.000	9.565	3.961	5.042			45.568
501 Topeka	27.000	23.617	4.090	2.891	0.500	0.763	58.771

FIRE DISTRICT LEVIES 1997						
KSA	Fire Protection	Bond & Interest	First Responder EMS	Employee Benefits	TOTAL LEVY	
					Maint	Interest
No 1 Grove, Menoken, Silver Lake Twps & Silver Lake City	19-3610 80-1546(1)	10-113 19-3601b	65-6113	12-16,102	3.971	1.491
No 2 Auburn Township & Auburn City			3.352	1.218		4.570
No 3 Rossville Township & Rossville City		4.712		2.995		7.707
No 4 Dover Township & Willard City		3.686		2.126		5.812
Topeka-Tecumseh Twps (1)		6.916		0.988	0.84	8.744

COUNTY SEWER DISTRICT LEVIES 1997			
KSA	Maint	Bond & Interest	TOTAL LEVY
			1997
NO 2	19-27A09	10-113	16.508
NO 4			25.518
NO 6			26.470
NO 8			10.425
NO 15			17.109
NO 17			19.324
NO 31			9.965
NO 33	4.955	6.124	11.079

OTHER DISTRICT LEVIES 1997						
KSA	Various KSA's	General	Police & Fire	Employee Benefits	Bond & Interest	TOTAL LEVY
						19-2765
Metro Topeka Airport Authority		27-333	1.312		0.320	1.632
Sherwood Improvement District		19-2765	3.133	0.552		3.685
Shawnee Center Cemetery		17-1330	0.325			0.325
Pauline Street Lighting		19-2717	0.268			0.268

THIRD CLASS CITIES 1997					
CITIES	General	Street Lighting	Employee Benefits	Law Enforcement	TOTAL LEVY
					79-1953
Auburn City		13.337			13.337
Rossville City		9.432	0.097	2.936	12.465
Silver Lake City		11.880		1.406	13.286
Willard City		5.216			5.216

DRAINAGE DISTRICT LEVIES 1997		
KSA	KSA 24-407	
	General	1997
Kaw River Drainage		1.999
North Topeka Drainage		3.373
Rossville Drainage		4.380
Shunganunga No. 1 Drainage		1.997
Silver Lake Drainage		4.999
Tri-County Drain (per unit) KSA 24-665		0.490

WATERSHED DIST LEVIES 1997		
KSA	General	
	1997	1997
KSA 24-1219		1.996
CROSS CREEK J-42		0.964
WAKARUSA J-35		0.964

* Shawnee County Only 1997

	K.S.A.	LEVY
State Levies:		
Educational Building	76-6b01	1.000
Institutions Building	76-6b04	0.500
TOTAL		1.500
Shawnee County Levies:		
General	79-1946	30.710
Bond and Interest	10-113	6.273
Special Liability	75-6110	0.210
TOTAL		37.193
Topeka City Levies:		
General	CH Ord. 54	8.674
General Improvement	CH Ord. 7	1.140
Parks	CH Ord 54	8.085
Special Liability Expense	75-6110	0.685
Bond and Interest	10-113	14.004
TOTAL		32.588
Metro Transit Auth Levies:	CH Ord 82	
General	& 83	2.596
TOTAL		2.596
Metro Topeka Airport Authority Levies:		
General	27-333	1.312
Bond and Interest	10-113	0.320
TOTAL		1.632
Topeka-Sn Co Public Library Levies:		
General	12-1267	5.713
Employee Benefits	12-16,102	0.403
Bond & Interest	10-113	0.472
TOTAL		6.588
Washburn University Levies:		
General	13-13a18	6.957
Employee Benefits	12-16,102	7.852
Special Liability Expenses	75-6110	0.175
Capital Outlay/Plant Fund	13-13a23	2.863
TOTAL		17.847

TOWNSHIP LEVIES APPLICABLE TO CITIES 1997										
K.S.A. 15-104 for all funds.	General	Cemetery	Library	Bond & Interest	Employee Benefits	Library Employee Benefits	Out District Tuition	Township Hall	TOTAL LEVY	
									79-1962	79-1962
Auburn Township on Auburn City	0.233	0.393	12-1220	10-113a	12-16,102	12-16,102	13-13a26	79-1962	0.756	1.839
Dover Township on Willard City	0.837	0.641							0.781	2.259
Rossville Township on Rossville Ci	1.498	0.477	2.366			0.190		0.406	4.937	
Silver Lake Twp on Silver Lake Cit	1.029	0.066	2.619		0.385	0.173			4.272	

TOWNSHIP LEVIES 1997															
K.S.A.	79-1962	68-518c	79-1962	2-1318	12-1405	80-1903	79-1962	12-16,102	12-16,102	10-113	13-13a26	65-6113	80-141	79-2939	9-1962
	General	Road	Twp. Hall	Noxious Weed	Cemetery	Fire	Library	Employee Benefits	Employee Benefits	Bond and Interest	Out District Tuition	Respondent Ambulanc	Special Road	No Fund Warrant	Park Maint.
Auburn	0.233	7.340			0.393						0.457	0.756	5.947		15.126
Dover	0.837	6.344			0.641							0.781	4.947		13.550
Grove		7.254	0.518		0.773							0.295			8.840
Menoken	1.255	6.946			0.173			1.132				0.354			9.860
Mission	1.326	5.839				2.871		0.710				0.172	3.000		13.918
Monmouth		3.844				2.992						0.516	1.496	4.986	13.834
Rossville	1.498	9.061	0.406		0.477		2.366		0.190						13.998
Silver Lake	1.029	7.442			0.066		2.619	0.385	0.173				4.999	4.055	20.768
Soldier	0.489	8.339		0.213		3.020		1.249					0.725		14.035
Tecumseh	0.495	6.880			0.206			0.428				0.236			8.541
Topeka	2.428	7.404						0.397							10.229
Williamsport		7.420			0.060	3.074						0.495	1.537		12.586

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February 23, 1998

Letters Editor
The Topeka Capital-Journal
616 SE Jefferson
Topeka, Ks. 66607

Speaking Out
The Topeka Metro News
P. O. Box 1794
Topeka, Ks. 66601

Dear Sirs:

Reps. Greg Packer and Becky Hutchins maybe should be lashing out at me instead of Mayor Joan Wagnon. I'm the one that got consolidation talk started again. At the January 13, 1998 city council meeting I told the Mayor and Council I was outraged at the unfair tax burden placed on city taxpayers. I told them of the old axiom "Don't tax me, tax the guy behind the tree." I stated that I and thousands and thousands of other Topeka taxpayers were sick and tired of being the "guy behind the tree."

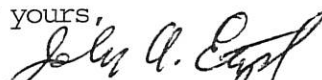
I told them that Topeka taxpayers paid 100% of the property tax to support the Topeka Park and Recreation Department, but that it was open to and used by many Shawnee County residents outside the city. I stated that Topeka taxpayers paid 70% of the property tax to the Shawnee County Parks and Recreation Department or in other words city taxpayers are paying 85% (85 cents of each tax dollar) of all property tax for parks and recreation, law enforcement, road and bridges, etc. Because of consolidation of the 911 emergency service and the Topeka-Shawnee County Health Department under the Shawnee County Government, we Topeka city taxpayers now only pay our fair share of 70 cents of each dollar instead of the 85 cents per dollar before consolidation.

At this point of my comments at the January 13 council meeting I asked the council whatever happened to the study to consolidate Topeka and Shawnee County parks and recreation. Councilmember Vince Cook responded by saying "Mr. Etzel I don't often agree with you, but in this case I do and I'm just as outraged as your are." He then asked that the original resolution authorizing the consolidation of Shawnee County and Topeka parks and recreation be redrafted and updated so it could be introduced again. That's what started the new talk of consolidation again, Reps. Packer and Hutchins. I called both Reps State Office and left a similiar message as above. Rep. Hutchins called me back to discuss the issue. I haven't heard from Rep. Packer.

Rep. Packer is quoted as saying "Consolidation and annexation are the same word. I don't think it's going to help anyone and that's what we're up here to do, is make sure that the state and the counties that we represent are taken care of in a like manner, both city and county." To Rep Greg Packer I say "consolidation and annexation are not the same word." Consolidation means equal and fair taxation. Annexation of Lake Sherwood would result in that area unfairly paying 85 cent per dollare of the cost of parks and recreation, etc like Topeka taxpayers do, instead of the current 15 cents of each dollar. Lake Sherwood is currently paying, as compared to the 30 cents per dollar they should be paying. Well, it's like, you know "Don't tax me, tax the guy behind the tree."

Wake-up Rep Packer. You state you want to make sure that the state and the counties that you represent are taken care of in a like manner, both city and county. How about letting the City of Topeka and Shawnee County resolve this unfair taxation issue. In other words Sir, butt-out.

Sincerely yours,



John & Christel Etzel
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Topeka, KS 66614-4044

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Testimony before the
Senate Elections and Local Government Committee
March 16, 1998
By: Christy A. Caldwell, Vice President Government Relations
Greater Topeka Chamber of Commerce

The Greater Topeka Chamber of Commerce would like to express its opposition to the House floor amendment to HB 2759. The provision added on the House floor, affecting the consolidation of operations, procedure or functions of two or more political taxing subdivisions is flawed and is an attempt to dissuade discussions of potential functional consolidation of departments within Topeka and Shawnee County.

The statute (12-3904) that this amendment refers to, provides for initiation of functional consolidation by petition of 10% of the electors and currently requires a referendum of the voters. The intent of the amendment is to require that a majority of the voters in two or more taxing subdivisions (usually the city and county) approve any proposed consolidation separately. This amendment was aimed at consolidation discussions in Topeka and Shawnee County. What was forgotten, however, is that the citizens of Topeka are also citizens of Shawnee County; city residents would have a vote in each of the elections. This would certainly be an awkward and unneeded dual election.

This amendment could place a very serious procedural obstacle in the way of local units interested in consolidation. For example, if a county and township wanted to consolidate a function of their governments, a dual election would be triggered and potentially a very small majority of voters within a township could overturn the wishes of the majority of the county electors who desire to more efficiently and effectively provide services.

The Greater Topeka Chamber of Commerce has for many years believed that there are possible functional efficiencies that could be achieved with consolidation of departments within the city of Topeka and Shawnee County. And, in fact, both governing bodies have over the years worked to find areas of cooperation between themselves, such as in purchasing and communications, which has saved local taxpayer's dollars. HB 2759, as amended, is an attempt to send a message to our local governing bodies not to look further for effective and efficient ways to save taxpayer dollars through consolidation. Without this proposed change in language, in this particular statute, citizens already have an opportunity to vote on any consolidation plan. The current statute is fair and straightforward. This amendment only confuses the issue and is not good public policy. We respectfully request your opposition to HB 2759, with the House floor amendment.

Elec. & Local Gov.
Date: 3-16-98
Attachment: # 14

KANSAS COUNTY CLERK'S ASSOCIATION

PRESIDENT
VICE-PRESIDENT
SECRETARY
TREASURER

LINDA SCHEER
DONALD PROFFITT
JOLEEN WALKER
MARY GILMORE

LEAVENWORTH COUNTY
LINN COUNTY
MITCHELL COUNTY
MORTON COUNTY

DATE: MARCH 16, 1998
FROM: LIBBY ENSLEY, KS COUNTY CLERK'S ELECTIONS LOBBYIST
RE: HOUSE BILL 2759

House Bill 2759 is a bill concerning municipalities which is important to the County Clerks due to the administration of the elections involved.

SECTION 1 - The County Clerks feel strongly regarding the public's right to a protest petition for certain governmental actions. We simply wish the Legislature to be aware that the resulting election would be challenging to administer due to the fact that 3 mile limit is not a taxing unit or political unit that County Clerks would already have in their computers. Therefore, a special election called specifically for that purpose would avoid the confusion and possible errors of split precinct ballots.

SUGGESTED AMENDMENTS - Page 2, lines 3 and 4: this should read "the county election office shall notify the city clerk" not the board of county commissioners. Page 2, line 8: the "board of county commissioners" should be struck due to the fact that it is the city that is calling the election, not the county.

Furthermore, I recommend that the city be required to notify the election official within a certain period of time such as 30 days of the notification of the sufficient petition, of any action or inaction on the ordinance. This would be consistent with current statutes.

SECTION 2 - This section is new to the bill and fairly new as a state policy. I therefore have a series of comments and questions.

This appears to be calling for two possible elections. 1. If effecting an elected office, it will be held on a November gubernatorial ballot. 2. If not, "an election called and held for such purpose", therefore a special election.

The plan for consolidation is written after the election, not before. Requiring the plan to be written prior to the election would ensure that the voters are fully informed on the question.

The time frame from an election for a consolidations of political units should be consistent with boundary changes due to annexations or township boundary changes.

Is there an ability to dissolve a consolidation?

RECOMMENDATIONS FOR BOTH SECTIONS - The general petition statutes should apply to both petitions to regulate the form of the petition and to require that the proposition to appear on the ballot is on the petition.

Thank you for your time and consideration.

Elec. & Local Gov.

Date: 3-16-98

Attachment: #15