

## MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Chairman Carlos Mayans at 3:30 p.m. on February 18, 1999 in Room 521-S of the State Capitol.

All members were present except:   Rep. Peggy Palmer - excused  
  Rep. Jeff Peterson - excused  
  Rep. John Toplikar - excused

Committee staff present:       Dennis Hodgins, Legislative Research Department  
  Theresa Kiernan, Office of the Revisor of Statutes  
  Lois Hedrick, Committee Secretary

Conferees appearing before the committee:

Sandra Jacquot, Shawnee County Counselor  
Mack Smith, Executive Secretary, The Kansas State Board of Mortuary Arts  
Pam Scott, Kansas Funeral Directors and Embalmers Association  
Rich Morgan, Councilman, City of Auburn  
Don Moler, General Counsel, League of Kansas Municipalities

Others attending:       See Guest List ([Attachment 1](#))

Chairman Mayans opened the hearing on **HB 2337** (Disposition of unclaimed bodies; cremation authorized). Representative Cindy Hermes, the bill's sponsor, supported it by stating it would be a cost saving measure to local governments by authorizing cremation as an alternate method for final disposition of unclaimed bodies, as well as it being about local control. (See [Attachment 2](#).)

Sandra Jacquot, Shawnee County Counselor, testified in favor of the bill that Shawnee County has been faced with an ever-increasing number of persons who fall under the purview of this law. She also suggested an amendment to require law enforcement agencies to transfer to the county any property found with a body that is not needed as evidence in a crime. (See [Attachment 3](#).)

Representative Welshimer asked if there is any requirement for coroners to save DNA samples on unclaimed bodies in the event something would come up later. Ms. Jacquot answered there is no legal requirement to keep DNA but it is likely the coroner would keep such information for later identification. The coroner is required by law to keep certain information and specimens for a specified time on bodies for which there is no next of kin. Ms. Jacquot said from Shawnee County's perspective, it would never be appropriate to cremate if the identity of the body is not known.

Mack Smith, Executive Secretary, Kansas State Board of Mortuary Arts, supported the bill as an option to be used by coroners in cases of indigents. He also suggested an amendment to require a written authorization for cremation from any public official charged with the responsibility of final disposition in those cases. (See [Attachment 4](#).)

Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association, testified from a neutral position. She offered the view that when considering cremation, it be remembered that a family member may later surface and object to cremation on religious or other grounds. Ms. Scott offered an amendment to require the public official charged with the responsibility for deciding disposition of a body to provide legal authorization to cremate. (See [Attachment 5](#).)

Representative Flower asked what is done with the ashes of those cremated. Mr. Mack Smith stated, as far as retaining the ashes, there is a provision in the law as to the length of time a funeral home must keep them and establishes certain procedures before they are either buried or scattered. That provision is not indigent specific. After 120 days or longer, there is a procedure to notify next of kin, and that is why, when there is no next of kin, there is no way to apply that statute. Funeral homes generally document their actions and probably bury the remains or ashes just in case a relative surfaces later

Chairman Mayans asked what happens in murder cases if some family member makes inquiry years later.

Ms. Jacquot answered she hoped the inquiry fell within the time frame that a coroner is required to maintain identifying information. She stated in her opinion, murder cases are not appropriate for cremation but would be in cases where, after careful research, there is no known next of kin. The savings to a county for cremation over burial is somewhere between 50-to-75%. Representative Hermes indicated her secretary made inquiries and determined cremation costs begin at around \$500, plus the purchase of some type of retainer for the ashes; burial costs begin at around \$2,800.

There being no other present to testify, the hearing on **HB 2337** was closed.

Chairman Mayans opened the hearing on **HB 2339** (Planning and zoning; planning commission). Representative Cindy Hermes, the bill's sponsor, presented support for the bill as shown on her written testimony (see Attachment 6).

Rich Morgan, Auburn City Councilman, testified in support of the bill and giving cities the option to compensate planning commission members (see Attachment 7).

Mack Smith, testifying as a member of the Silver Lake City Council, also supported **HB 2339** by indicating that the option to compensate Planning Commission members would minimize problems encountered in getting people to serve (see Attachment 8).

Chairman Mayans asked if a city by ordinance can create a Planning Commission, why can they not pay members. Theresa Kiernan indicated current law authorizes payment only for reasonable expenses, not compensation.

Don Moler, representing the League of Kansas Municipalities, indicated that the zoning and planning act is preemptive and uniform and not subject to ordinances or resolutions.

There being no others present to testify, the hearing on **HB 2339** was closed. The Chairman asked the wishes of the committee on **HB 2339** and other bills heard by the committee.

Representative Huff moved that **HB 2339** be passed favorably. Representative Ethel Peterson seconded the motion. The motion carried. Representative Hermes will carry the bill on the floor of the House.

The committee then considered **HB 2337**. Representative Gilbert moved that **HB 2337** be amended by adding the following: "No body shall be cremated without the written authorization of the state or county official or the guardian responsible for the final disposition of the body." Discussion ensued, and the Chairman noted some disagreement and suggested the committee move on to the next bill and come back to it later.

The committee then considered **HB 2040** (Amusement rides; liability insurance and inspection). Representative Ethel Peterson moved that **HB 2040** be passed favorably; Representative Barnes seconded the motion.

After discussion, Representative Horst made a substitute motion that **HB 2040** be amended as suggested by Representative Tom Sloan (see Attachment 9). Representative Barnes seconded the motion.

Theresa Kiernan explained the changes that would be made by this motion: The first amendment would include in the list of things that are amusement rides "any non-profit amusement ride owned by a political subdivision of the state" and "any amusement ride owned and operated by a not-for-profit organization." The amendment also strikes the definition of the Department of Human Resources and in section 3(a) deletes the Department from developing rules and regulations. Also, the amendment adds "that no amusement ride shall be operated in this state unless such ride has a valid certificate of inspection by a person with at least a level 1 certification by the national association of amusement officials." Also, in the case of temporary sites or temporary amusement rides, it would require that the inspection be conducted once a year before first operating in that year, so each time they move they will not need to be re-inspected. In section 7, there was a change to delete the word "all" with respect to posting safety instructions. Also in section 7(D)(2), the words "of the severity" were deleted, and 7(D)(3)(d) was deleted in its entirety.

Representative Horst stated she was satisfied with the proposed amendments. Representative O'Connor

questioned the required inspection as it relates to rides owned by non-profits and hoped the committee amendment would not impair their operations. Representative Ethel Peterson stated she was comfortable with the amendments. Then she withdrew her original motion. Representative Barnes agreed to its withdrawal.

Representative Horst renewed her motion to approve the amendments to **HB 2040** as explained by Theresa Kiernan. Representative Ethel Peterson seconded the motion. The motion carried.

Representative Horst moved that **HB 2040** be passed, as amended. Representative Barnes seconded the motion. The motion carried. Representative Tom Sloan will carry the bill on the floor of the House.

After considering **HB 2043** (Rural water districts; prohibiting certain charges), **HB 2063** (Retailers' sales tax; resolving statutory conflicts), and **HB 2064** (Powers of board of county commissioners; resolving statutory conflicts), the committee took no action.

The committee then considered action on **HB 2182** (Townships; power of eminent domain). Representative Huff stated he had visited with Representative Sloan about amending the original bill. Representative Sloan's letter about the changes had been distributed to committee members (see Attachment 10). Representative Sloan had requested substitute bills be drafted to address the various questions raised. Theresa Kiernan then briefed the committee on the two versions. One version changed the methodology for requesting and acquiring up to three acres of land for a township, all subject to a protest petition of township electors (requiring an election on the issue). The committee also reviewed the version which would localize the bill to only Douglas County. The Chairman remarked that the last version would not solve the problem in Lecompton as apparently there will be no price negotiations. Representative Flower stated if the bill is localized to Lecompton, the legislature would be amending the statute every year.

The committee discussed suggested substitute bills. Representative Shriver noted that an understanding of eminent domain was germane to the consideration and said each county has the ability for its use; and if someone is wronged in the process, it changes from mitigation to litigation. Representative Shriver stated the legislature should not give this as bill as a blanket authority to every township in the state.

Representative Huff moved that bill draft number 9rs1081 (see Attachment 11) be adopted as **House Substitute for HB 2182**. Representative Horst seconded the motion. The motion carried. Representative Sloan will carry the bill on the floor of the House.

The committee then considered **HB 2337**. The Chairman suggested that no amendment be attached by the committee and if one is found to be needed, it could be attempted later in the legislative process. Representative Hermes moved that **HB 2337** be passed favorably. The motion was seconded by Representative Horst. The motion carried. Representative Hermes will carry the bill on the floor of the House.

The next bill considered was **HB 2203** (Cities and counties; planning and zoning). Representative Huff moved that the bill be passed favorably. Representative Hermes seconded the motion. After a call to vote and on a show of hands, the motion passed. Representative Huff will carry the bill on the floor of the House.

**HB 2310** was then considered. After discussion, Representative O'Connor moved that on page 6, Section 10(b), lines 22-29, and on page 7, new Section 11, lines 23-37 be deleted. Representative Storm seconded the motion. The motion carried. Representative Shriver wondered if Representative Haley developed the bill as a response to the NASCAR project. Theresa Kiernan replied that was doubtful as this has been an interest of Representative Haley for several years. On call of Representative O'Connor's motion, the motion carried.

Then, Representative Gilbert moved that **HB 2310** be passed as amended. Representative Welshimer seconded the motion. On call of the motion and a show of hands, the motion failed.

The meeting was adjourned at 5:15 p.m.

The next meeting is on call of the Chairman.





**CINDY HERMES**  
REPRESENTATIVE, 51ST DISTRICT  
2418 SW BROOKHAVEN LN  
TOPEKA, KANSAS 66614-4279  
785-271-5558



TOPEKA

HOUSE OF  
REPRESENTATIVES

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## Testimony on House Bill 2337

Date: February 18, 1999

TO: Chairman Carlos Mayans and Members of the House Local Government Committee

RE: House Bill 2337 - An act concerning the district coroner, relating to the disposition of the bodies of deceased persons.

Chairman Mayans and Members of the Local Government Committee I appreciate the opportunity to appear before you today on HB 2337.

Under current law, the district coroner is required to bury a deceased person when no immediate family or next of kin claims the body. This bill would allow the district coroner a choice between cremating or burying the deceased individual.

The fiscal impact of this bill would be a cost saving to your local county government. Cremation as method of final disposition is not as costly as burial. This bill does not mandate what local governments can do. This bill empowers local governments to make their own decisions. It is about local control.

**I would appreciate your favorable consideration of this bill. If passed, this bill would be a cost saving to your local government and your constituency.**

**TESTIMONY ON HOUSE BILL NO. 2337**

Currently, in coroner cases in which there is no next of kin and the deceased person is not eligible for State assistance, counties must provide a *decent burial* under K.S.A. 22a-215. House Bill No. 2337 would add the option of cremation for the disposition of the body of the deceased.

Over the past several years, Shawnee County has been faced with an ever-increasing number of persons who fall under the criteria of the above-referenced statute. On average, the County is burying four or more deceased persons yearly. While the funeral homes in Shawnee County have been very cooperative and reasonable in pricing funerals, this is a costly process for the County. On the average, a decent burial costs Shawnee County \$1,000.00. With the numbers escalating, Shawnee County would like the option of cremation for the final disposition of unclaimed bodies.

In addition, the County also requests an amendment to require law enforcement agencies to transfer any property found with the body that is not needed as evidence in any crime to the coroner upon written request. In some instances, money is found with the deceased, but the law enforcement agency will not release the money without a court order. The courts, however, have been reluctant to issue a court order unless it goes through an estate or probate process. This effectively eliminates the availability of the funds to offset the County's costs associated with disposition of the deceased.

For the above-cited reasons, Shawnee County requests your favorable consideration on House Bill No. 2337.

Respectfully submitted on behalf of  
The Board of County Commissioners  
of the County of Shawnee, Kansas,

Sandra L. Jacquot  
Shawnee County Counselor  
HOUSE LOCAL GOVERNMENT  
Attachment 3  
2-18-99

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*The Kansas  
State Board of Mortuary Arts*

CREATED AUG. 1, 1907

700 S.W. JACKSON ST., SUITE 904  
TOPEKA, KANSAS 66603-3758  
(785) 296-3980  
FAX: (785) 296-0891

OFFICE STAFF

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OFFICE MANAGER



Thursday, February 18, 1999

The House Local Government Committee  
Chairman Carlos Mayans  
Room 521-South, State Capitol  
Topeka, Kansas 66612

Regarding: House Bill 2337

Mr. Chairman and members of the Committee, I am Mack Smith, the executive secretary to the Kansas State Board of Mortuary Arts. Thank you for the opportunity to appear before you today in favor of House Bill 2337.

With the increased number of Kansas consumers selecting cremation as an alternative to burial, it only makes sense to include cremation as an option to be utilized by the coroner in cases of indigent burials.

My only concern, however, is that the proposed language in the bill does not include any 'written authorization to cremate' from any public official charged with the responsibility of final disposition. Although such a requirement is not currently a part of Kansas statutes for purposes of cremation, for liability purposes crematories will not cremate a body unless such authorization is provided— in addition to the Coroner's Authorization to Cremate and proof that a death certificate is in the process of being filed with the Kansas Department of Health and Environment, Division of Vital Statistics.

It is my understanding that language to cover this situation is being proposed by the Kansas Funeral Directors and Embalmers Association. I hope you will consider including that or similar language to amend the bill and recommend it for passage.

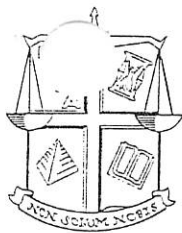
I will be glad to attempt to answer any questions that you may have. Again, thank you for the opportunity to testify before you today.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack Smith", written in a cursive style.

Mack Smith, Executive Secretary  
Kansas State Board of Mortuary Arts

MS



# KANSAS FUNERAL DIRECTORS AND EMBALMERS ASSOCIATION, INC.

1200 S. KANSAS AVENUE ♦ PO BOX 1904 ♦ TOPEKA, KS 66601-1904

PHONE (785) 232-7789 ♦ FAX (785) 232-7791

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## EXECUTIVE DIRECTOR

PAM SCOTT  
Topeka

Date: February 18, 1999  
To: House Local Government Committee  
From: Pam Scott, Executive Director  
Re: House Bill No. 2337

I am Pam Scott, Executive Director of the Kansas Funeral Directors and Embalmers Association (KFDA). I appear before you today to concerning House Bill No. 2337.

First of all, I would like to state that the KFDA is taking a neutral position on this bill. We would hope a county when considering whether to cremate an unclaimed body, would take into consideration whether the deceased may have family who may later surface. Such family may later object to cremation on religious or other grounds. It must be remembered that unlike burial, cremation is irreversible. If a deceased is buried, the body can be disinterred and moved to another location or later cremated.

Secondly, I would like to offer a friendly amendment to the bill that deals with the practical aspects of adding cremation as an alternative to burial. Before a crematory will cremate a deceased person they will require written authorization. Such authorization is usually given by the most immediate next-of-kin unless the deceased has executed a durable power-of-attorney for health care decisions. In many of the cases that will fall under this statute, there will be no next-of-kin available to give consent.

This amendment would authorize the public official charged with the responsibility of arranging for disposition of a body to provide legal authorization to cremate. The list would include a public administrator, coroner, state appointed guardian or other public official. A coroner already must sign a cremation permit before a body can be cremated to assure there is no pending investigation as to the cause of death.

It is our hope that this amendment would make it easier to carryout the intent of the bill. I would be happy to answer any questions you may have.

HOUSE LOCAL GOVERNMENT  
Attachment 5-1  
2-18-99



HOUSE BILL No. 2337

By Representative Hermes

2-9

9 AN ACT concerning the district coroner; relating to the disposition of  
10 the bodies of deceased persons; amending K.S.A. 1998 Supp. 22a-215  
11 and repealing the existing section.  
12

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

14 Section 1. K.S.A. 1998 Supp. 22a-215 is hereby amended to read as  
15 follows: 22a-215. (a) The coroner shall cause the body of a deceased  
16 person to be delivered to the immediate family or the next of kin of the  
17 deceased in accordance with the provisions of K.S.A. 65-904, and amend-  
18 ments thereto. If there is no immediate family or next of kin the coroner  
19 shall report and make delivery in accordance with the provisions of article  
20 9 of chapter 65 of Kansas Statutes Annotated. If no such delivery is re-  
21 quired, the coroner shall cause the body of such deceased person to be  
22 decently buried, and the expenses to be cremated or buried. Cremation  
23 or burial expenses shall be paid from any property found with the body.  
24 If there is no property found with the body or if the property is not  
25 sufficient to cover such expenses and if the deceased was eligible for as-  
26 sistance under the provisions of article 7 of chapter 39 of Kansas Statutes  
27 Annotated, burial expenses of final disposition shall be paid in accordance  
28 with the provisions of K.S.A. 39-713d, and amendments thereto. Other-  
29 wise, such burial expenses shall be paid from the county general fund  
30 unless the deceased died in the custody of the secretary of corrections.  
31 Burial expenses for Expenses of final disposition of the unclaimed bodies  
32 of deceased inmates in the custody of the secretary of corrections shall  
33 be paid by the department of corrections.

34 (d) Any coroner who, over the protest of the immediate family or  
35 next of kin of the deceased, delivers or causes to be delivered the body  
36 of a deceased person for final disposition to a particular embalmer, funeral  
37 director or funeral establishment, shall be deemed guilty of a class B  
38 nonperson misdemeanor and upon conviction thereof shall forfeit the  
39 coroner's office.

40 Sec. 2. K.S.A. 1998 Supp. 22a-215 is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after its  
42 publication in the statute book.

(b) In the case of indigents or any other individuals whose final disposition is the responsibility of the State or any of its instrumentalities, a public administrator, coroner, State appointed guardian, or any other public official charged with arranging the final disposition of the decedent may serve as the authorizing agent.

(c) An authorizing agent means a person legally entitled to order the cremation and final disposition of a deceased person.

(d)

**JUDY HERMES**  
REPRESENTATIVE, 51ST DISTRICT  
2418 SW BROOKHAVEN LN.  
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TOPEKA

HOUSE OF  
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## Testimony on House Bill 2339

Date: February 18, 1999

TO: Chairman Carlos Mayans and Members of the House Local Government Committee

RE: House Bill 2339 - An act concerning the cities and counties, relating to planning and zoning

Chairman Mayans and Members of the Local Government Committee I appreciate the opportunity to appear before you today on HB 2339.

Planning commissions are created, under current law, by city and county commissions. Current law requires members to serve without compensation of any kind. This bill would allow counties and cities to reimburse planning commission members for necessary expenses and/or compensation as determined by the local governing body.

There is no fiscal impact to the State General Fund for this bill.

The political reality of this bill would allow small towns with available revenues to pay planning commission members. This bill does not mandate what local governments can do. This bill empowers local governments to make their own decisions. It is about local control.

**I would appreciate your favorable consideration of this bill.**

February 18th, 1999

Thank you ladies and gentleman for allowing me to speak on behalf of Bill 2339. I first talked with Representative Hermes regarding this bill because I believe it is unfair for cities to be unable to compensate in some way the men and women that serve on local Planning Commissions. I served for 1 1/2 years on the Planning Commission of the City of Auburn, and I am just finishing a 4 year term as a City Councilman. The work load is of course heavier for a City Councilman than for the Planning Commission but each requires a good deal of time and commitment.

Currently the City of Auburn pays its council members \$62.50 per month for their service. This is not a job that people do for the money, they do it because they have a love of their city and want to see good things happen in their towns. This is the same reason that people serve on Planning Commissions. There will be cities that do not wish to pay the members of their Planning Commissions, and they have every right to follow that path. I believe that some cities would want to pay their Planning Commission members and should have the right to do so. A small pat on the back in the form of some compensation would go a long ways towards saying thank you for a job well done.

What this bill allows cities to do is choose whether they want to compensate their Planning Commissions. It does not dictate they must, it simply gives them the right to do so. Thank you for your attention and I hope for a positive outcome.

Rich Morgan  
1310 N. Milton  
Auburn, Ks 66402

# City of Silver Lake

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Silver Lake, KS 66539

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Fax: (785) 582-4195

Thursday, February 18, 1999

The House Local Government Committee  
Chairman Carlos Mayans  
Room 521-South, State Capitol  
Topeka, Kansas 66612

Regarding: House Bill 2339

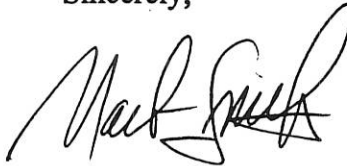
Mr. Chairman and members of the Committee, I am Mack Smith, and I stand before you as a city council member of the City of Silver Lake. Thank you for the opportunity to appear before you today in favor of House Bill 2339.

HB 2339 would give the governing body the option of paying planning commission members compensation and for any actual and necessary expenses.

Although we currently are not having any problems locating any individuals to serve on the planning commission in Silver Lake, the possibility always exists that this could occur. By chance, the Planning Commission in Silver Lake has a potentially controversial hearing scheduled for this evening. By giving the governing body the option of paying planning commission members, the problem of finding willing individuals to serve could very well be minimized.

I will be glad to attempt to answer any questions that you may have. Again, thank you for the opportunity to testify before you today.

Sincerely,



Mack Smith, Member  
Silver Lake City Council

MS

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TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
VICE CHAIRMAN: UTILITIES  
MEMBER: ENVIRONMENT  
KANSAS 2000

TOM SLOAN  
REPRESENTATIVE, 45TH DISTRICT  
DOUGLAS COUNTY

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February 10, 1999

To: Local Government Committee Members  
Re: HB 2040 – Amusement Ride Inspection and Rider Responsibility Bill

As I stated during my testimony, I have worked more than two years to build a consensus among amusement ride operators, manufacturers, insurers, fair operators, and patrons on the elements of an amusement ride safety bill. HB 2040 reflected that effort.

However, I carefully listened during your questioning of conferees during the hearing yesterday on HB 2040 and during several side conversations that occurred after the hearing concluded. Recognizing your concerns, I have asked Mary Ann Torrence to draft an amended bill for your consideration. The key changes include:

1. Removing all mention of the Dept. of Human Resources. – No State agency will be involved in the amusement ride business.
2. Removing the requirement that portable amusement rides be inspected within 30 days of each operation in Kansas (and therefore the requirement for multiple inspections). As amended, the bill still requires that all amusement rides – permanent fixed base and portable – must have at least \$1 million liability insurance, but now requires they be inspected before their first operation in Kansas each year. The rides do not have to be inspected again within that year. The inspection must be performed by a nationally certified, trained inspector.

According to the insurance industry representative's testimony before your Committee, his company (and presumably the others), employ such certified inspectors as loss prevention specialists and inspect the equipment for free before writing the insurance policy.

3. Making the language deletions suggested by the Kansas Trial Lawyers' representative to avoid ambiguity and potential conflict with existing statutes.
4. Providing an exemption from the bill's requirements for non-profit, community owned amusement rides (this meets Rep. Faber's request).

I believe that I have removed or corrected the problems Committee members identified with HB 2040 as originally introduced. It continues to represent a positive statement for safe operations of amusement rides on the part of both operators and riders. Furthermore, it provides local fair boards confidence that inspections, insurance coverage, and operator training are in place, without providing an undue burden or cost on amusement ride operators, local communities, or the State. And, based on the testimony of the two operators of small "shows," nothing in the bill (as revised) will restrict their ability to work or increase their operating costs.

I remind you of the generally unanimous testimony by conferees supporting the training documentation, requirement for liability insurance, posting of operator and rider information, and the rider responsibility feature. With my removal of the multiple inspection component, exclusion of State agency involvement, and exemption for community-owned rides, I ask you to amend HB 2040 and recommend the amended bill favorably for passage.

HOUSE LOCAL GOVERNMENT  
Attachment 9  
2-18-99



TOM SLOAN  
REPRESENTATIVE, 45TH DISTRICT  
DOUGLAS COUNTYSTATE CAPITOL BUILDING  
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TOPEKA

HOUSE OF  
REPRESENTATIVES

To: Members of the Local Government Committee

Re: HB 2182 – Lecompton Township

During the hearing on HB 2182, a Lecompton Township Trustee and I attempted to explain why the township sought a limited increase in the power of eminent domain. As you recall, under current statutes townships may condemn ground next to a cemetery to construct a chapel. Lecompton seeks authorization to, IF NECESSARY, condemn ground for a township office/storage building in conjunction with the township fire department. I remind Committee Members that even under the use of eminent domain, property owners are paid for the land used for public purposes.

Committee members had questions about the township's budget: For 1998, the township spent a total of \$177,607. Major budget items include:

- \$65,233 for road rock
- 33,317 transfer to fire department
- 21,482 labor
- 11,760 parts and repairs
- 8,925 utilities
- 6,659 withholding
- 5,775 insurance
- 4,295 fuel
- 4,067 culvert tubes
- 3,157 tools and supplies
- 2,076 signs

the township also pays \$9,768 per year on a backhoe and beginning in 1999 will pay \$20,000 per year on a motor grader.

Committee members appeared uncomfortable providing a blanket right for townships to utilize eminent domain (even with the provisions built into the bill for citizens to demand a vote on the land acquisition and building plans). Questions focused on whether the bill could be amended to solely address Lecompton Township or to provide the County Commissioners the authority to use eminent domain on behalf of a township. Either approach is acceptable to Lecompton Township Trustees. Theresa Kiernan has developed balloon drafts of both approaches for your consideration. In addition, I have reduced the amount of land that can be condemned to a maximum of 3 acres and reduced the number of signatures necessary to call an election to 5 percent.

Each of us is asked by local government units to help them address community needs. Lecompton Township has a serious problem with a dilapidated building on inadequate space. The fire department has a similar problem. Both ask for legislative assistance so that they can provide improved service and protection to their constituencies.

I appreciate your consideration of these balloons for HB 2182 and trust that we can find a way to help Lecompton Township Trustees, firefighters, and citizens.

I also hope that you can recommend HB 2040 (regarding amusement ride safety inspections, operator training reports, insurance requirements, and rider responsibility pronouncements) with the proposed amendments Mary Torrence and Theresa Kiernan provided to address the concerns expressed by Committee Members favorable for passage.

Thank you,  
Tom

## HOUSE BILL NO. \_\_\_\_\_

By

AN ACT concerning townships and counties; relating to the acquisition of property.

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

Section 1. (a) The township board of any township, by resolution, may request the board of county commissioners of the county in which such township is located to acquire land by purchase or eminent domain for such township. The resolution shall describe the land which the township desires to be acquired and the purpose for which it is to be acquired. Such land shall be located in the township.

The board of county commissioners shall call and hold a hearing on such resolution. Notice of the hearing shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the township. At such hearing, any person who desires to appear and speak shall be given the opportunity to be heard.

(b) Following such hearing, the board of county commissioners may adopt a resolution of intent to acquire the land, or any portion of such land, described in the petition submitted by the township board. If the board of county commissioners determines that land other than that described in the petition is more suitable for the township purposes, the board may adopt a resolution of intent to acquire such other land for the township.

Any resolution adopted pursuant to this subsection shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the township. If within 30 days following the date of last publication, a petition signed by at least 5% of the qualified electors of the township is filed with the county election officer, no land shall be acquired pursuant to this section unless the question is submitted to and approved by a majority of the qualified electors of the township voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law.

(c) If a sufficient petition is not filed or if the question has been submitted and approved at an election as provided by subsection (b), the board of county commissioners shall acquire, by purchase or eminent domain, the land described in the resolution of intent. Upon acquisition of such land, the board of county commissioners shall convey title thereto to the township. The township shall reimburse the county for all expenses incurred by the county relating to the acquisition of such land, including notice and election expenses.

(d) No more than three acres of land may be acquired pursuant to this section. Any land acquired pursuant to this section shall be used for township purposes.

(e) The township board may construct, purchase or lease buildings for township purposes. The board may join with any corporation, association, society or lodge in the construction or purchase and use of buildings or land acquired pursuant to this section, upon such terms and conditions as may be agreed upon by such township and corporation, association, society or lodge.

(f) The township board may issue general obligation bonds of the township to finance the costs of the acquisition of land and the construction and acquisition of township buildings. No such bonds shall be issued unless such issuance is submitted to and approved by a majority of the qualified electors of the township voting at an election called and held on such issuance. Such election shall be called and held in the manner provided by the general bond law. The question of issuance of bonds may be submitted at any election held pursuant to subsection (b).

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.