

Approved: 3-3-99
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on February 22, 1999 in Room 529-S of the Capitol.

All members were present except: Senator Becker

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

Conferees appearing before the committee: Senator Donald Biggs
Judy Moler, Legislative Service Director, Association of Counties
Marvin Simonton, Planning & Zoning & Health Enforcement, Sumner County
Chris Etcheson, Kansas Association of Sanitarium
Steve Montgomery, Jefferson County Counselor
Dave Yearout, Principal Planner, Wichita-Sedgwick County Metropolitan Area Planning Department
Marci Hess, Lobbyist for Board of County Commissioners

Others attending: See attached list

Chairman Hardenburger opened the hearing on **SB 273 concerning roads relating to lay out, viewing, altering and vacated.**

Senator Biggs presented testimony from David C. VanParys, County Counselor, County of Leavenworth, in support of **SB 273**. He informed the Committee that this bill would provide relief to Kansas counties from a statute which unnecessarily burdens County road operations. (Attachment #1)

Judy Moler, Legislative Services Director, Kansas Association of Counties testified **SB 273** would amend and clarify an outdated statute and allow for a more expedient manner in which a board of County Commissioners may move to lay out, alter or vacate a road. (Attachment #2)

Chairman Hardenburger closed hearing on **SB 273**.

Senator Lawrence made motion that SB 273 be moved out favorable, seconded by Senator Gooch.

Senator Huelskamp advised the Committee that if a road was going to be laid out, this would require eminent domain to take someone's property. Allowing just one person to come forward would create a lot of disputes which would not be county business.

The Committee discussed if the County Commissioners would immediately respond to one request.

Motion carried.

Chairman Hardenburger opened hearing on **SB 319 concerning counties; relating to the enforcement of county resolutions.**

Marvin Simonton, Sumner County Planning, Zoning & Sanitation Director presented testimony in favor of **SB 319** which would allow all Counties to expedite the process, enforcement, and fines after notification of an irregularity involving county codes and regulations. (Attachment #3)

CONTINUATION SHEET

Mike Heim, Research Staff briefed the Committee on the bill. Current law permits counties that have a population in excess of 150,000, to establish a municipal court to enforce their code violations. The Judicial Branch of the District Court has to establish this Court which is similar to a Small Claims Court. This law was passed about 10 years ago for Sedgwick and Johnson Counties. It is somewhat similar to municipal court authorization.

Chris Etcheson, representing the Kansas Association of Sanitarian presented testimony in favor of **SB 319**, informing the Committee that the benefits would provide the option to initiate uniform code citations which would assist health officials and code officers. (Attachment #4)

Steve Montgomery, Jefferson County Counselor, provided the testimony of June Huston, Jefferson County Planning and Zoning Administrator in favor of the bill, which would give all local governments the authority to establish a code court system for the enforcement of County Codes and Resolutions. (Attachment #5)

David Yearout, Principal Planner with the Wichita-Sedgwick County Metropolitan Area Planning Department, testified in favor of **SB 319**, which would permit counties to establish a municipal court at the local level to deal with the administration and enforcement of local codes, such as Zoning Regulations, Subdivision Regulations and Sanitation Codes. (Attachment #6)

Marci Hess, Lobbyist for Board of County Commissioners, offered testimony from Richard A. Euson, County Counselor of Sedgwick County, in support of **SB 319**, relating to County court fees, and authority of County Court Judges to order nuisance abatement which provide the county with needed authority to address the growing demands of the County Court Program. (Attachment #7)

The Committee discussed setting a rate on Court costs, to be established by the County Commissioners in the form of a Resolution, and not in a Statute.

Mike Heim, Research Staff informed the Committee that the bill was intended to keep the cost down on a person violating a zoning regulation. The actual fine as set in the County Resolution is a violation, so Court costs are separate from the fine as established by the local law.

Chairman Hardenburger closed hearing on **SB 319** and advised the Committee there would be continued hearing tomorrow.

Chairman Hardenburger opened hearing on **SB 320 concerning cities and counties; relating to planning and zoning.**

Steve Montgomery, Jefferson County Counselor, presented testimony for June Huston, Jefferson County Planning and Zoning Administrator, in favor of **SB 320**, which would be a more efficient method to notify to property owners for planning and zoning issues. (Attachment #8)

Marvin Simonton, Sumner County Planning, Zoning & Sanitation Director, provided testimony in favor of the bill. (Attachment #9)

Dave Yearout, Principal Planner with the Wichita-Sedgwick County Metropolitan Area Planning Department presented testimony in favor of **SB 320**, requesting several amendments to K.S.A. 12-757. (Attachment #10)

Chairman Hardenburger closed hearing on **SB 320.**

Meeting was adjourned at 2:30 p.m. Next meeting scheduled for February 23, 1999.

ELECTIONS & LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: FEBRUARY 22, 1999

NAME	REPRESENTING
MARVIN SIMONSON	SUMNER COUNTY
Chris Etcheson	Kansas Association of Sanitarians
DAVID YEAROUT	WICHITA/SALO. MAPD : KACPZO
Marcie Ann	Sedgewick County
Judy Ann Moler	KAC
Gamy Yearouts	Myself
Patrick Yearout	
MICHAEL BERTRAND	BUTLER COUNTY
Kim Bertrand	myself
Bruce Dimmitt	Kansans for Life
Jim Allen	Seaboard
Steve Montgomery	Jefferson Co.
James Carney	KCPAA
Brad Bryant	Sec. of state
Melissa Weymann	"
Judy Moler	16. Ann @ County

County of Leavenworth, Kansas
Courthouse, 300 Walnut
Leavenworth, Kansas 66048
(913) 684-0415
Fax: (913) 684-0406

February 22, 1999

Members of the Elections and Local Government Committee

RE: Senate Bill 273

Dear Senators:

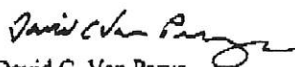
On behalf of the Board of County Commissioners of Leavenworth County, Kansas, I would like to thank you for the opportunity to offer the support of Leavenworth County for the adoption of Senate Bill 273 as introduced by Senator Biggs. While this Bill will not be the most important piece of legislation appearing before you this session the adoption of the Bill will provide relief to the counties of the State of Kansas from the operation of a statute which unnecessarily burdens county road operations.

Specifically, as currently written K.S.A. 68-102 provides for a petition process whereby 12 landowners submit a petition to the Board of County Commissioners for the alteration, laying out or vacation of county roads. Landowners are then required to post a bond to cover all of the associated costs with the change in the road system. In this respect, K.S.A. 68-102 duplicates the ability of landowners to create road benefit districts within the county. This duplication aside, the practical effect of K.S.A. 68-102, if strictly followed, would be to severely restrict the ability of the Boards of County Commissioners of the counties of the State of Kansas to make necessary changes to the road systems. A simpler and more effective system would be to authorize the Board of County Commissioners to alter, lay out or vacate county roads as deemed necessary providing notice to the affected landowners of the hearing at which the decision to alter, lay out or vacate the road would be made by the Commission. Inasmuch as county roads are a local issue it would seem to make sense to give greater discretion to the locally elected officials. The same would apply with respect to the apportionment of costs for changes to the county road systems. It should be the discretion of the Boards of County Commissioners of the counties of the State of Kansas to determine whether changes in the road system would be borne solely by adjoining or nearby landowners or by the county as a whole.

Aside from believing that the proposed changes to K.S.A. 68-102 and 68-102a provide a better system, I would submit that K.S.A. 68-102 as written is more likely observed in the breach than in common practice. As strictly read, no changes, regrading or realignment of county roads could take place without the petition process being followed.

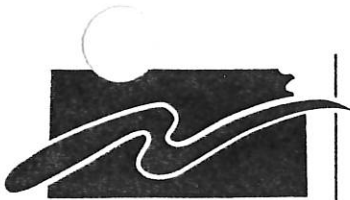
The proposed amendments to K.S.A. 68-102 and 68-102a provide a more feasible and workable system to local governments with respect to the management of their road systems while affording landowners sufficient protections. The Board of County Commissioners of Leavenworth County, Kansas, urges you to adopt this Bill.

Sincerely,


David C. Van Parys
County Counselor

DCV/rw

Senate Elections & Local Government
Attachment: # 1-1
Date: 2-22-99



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY
Concerning Senate Bill 273

Presented by
Judy A. Moler, Legislative Services Director/General Counsel
Kansas Association of Counties
To the
Senate Committee Elections and Local Government
February 22, 1999

Senator Hardenburger and members of the committee, the Kansas Association of Counties is in support of SB 273. As proposed, this bill would amend and clarify an outdated statute and allow for a more expedient manner in which a board of county commissioners may move to lay out, alter or vacate a road. Current language requires the signature of 12 householders to apply to the board of county commissioners in order for this process to occur. The proposed language before you is of help to the board of county commissioners as well as the landowner as it would require the signature of only a single petitioner or landowner. The proposed language also eliminates the need for a petitioner to post a bond. In speaking with several county engineers in Kansas, they have indicated the stricken language in is no longer appropriate in this process. The Kansas Association of Counties respectfully requests passage of the bill.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to the KAC by calling (785) 233-2271.

700 SW Jackson
Suite 805
Topeka KS 66603
785•233•2271
Fax 785•233•4830
email kac@ink.org

Senate Elections & Local Government
Attachment: # 2-1
Date: 2-22-99

SUMNER COUNTY
PLANNING - ZONING - SANITATION
P.O. BOX 326 WELLINGTON, KANSAS 67152
(316) 326-2207
Marvin Simonton - Director

22 February 1999

Elections and Local Government Senate Committee
Hardenburger, Chair
Becker, Vice Chair
Members: Huelskamp, Lawrence, Praeger, Vidrickson;
Ranking Minority Members: Gooch; Petty, Steineger

RE: Senate Bill 319

My Name is Marvin Simonton
Sumner County Planning, Zoning & Sanitation Director

Sumner County Commissioners are in favor of Senate Bill 319.

Sumner County is unique, however; not the only County in Kansas that has Planning, Zoning and Environmental Health in the same office. Sumner County adopted the Sanitary Code county wide in 1973 and 1977 the Subdivision and Zoning regulations were adopted. We issue building, private water wells, and private sewer system permits: Enforcement of Environmental Code, zoning, subdivision, flood plain violations and regulations.

Sumner County has on retainer an attorney to help with the enforcement of our regulations. Cases take 3 to 6 months to get resolved in District Court. It's frustrating having to wait so long getting the violations corrected.

The ability to issue 'CITATIONS' under an amended K.S.A. 19-101d will allow all Counties to expedite the process, enforcement, and fines after notification.

On behalf of Sumner County Commissioners, Chairman Damon Weber, Robert Courtney, and Eugene Bongiorno, Jr., and all of the 26,000 persons residing in Sumner County, we Thank You.

Senate Elections & Local Government
Attachment: # 3-1
Date: 2-22-99

1999 SENATE COMMITTEE ON
ELECTIONS & LOCAL GOVERNMENT

Hearing of February 22, 1999
Regarding SB 319

Testimony by Chris Etcheson, RS of Topeka, KS
Representing the Kansas Association of Sanitarians

Thank you to the committee Chair and members of the committee for allowing me to appear before you today. I am here to speak in favor of **SB 319**, a bill amending K.S.A 1998 Supp. 19-101d. The Kansas Association of Sanitarians, the professional association that supports our health inspectors across the State of Kansas, supports this legislation because of the benefits we believe it will provide to our members and the public. Specifically, the option to initiate uniform code citations will assist health officials and code officers in the following way.

Allow for more timely enforcement on misdemeanor violations of county codes and resolutions on an equal basis for all Kansas counties. Currently, many code enforcement efforts rely more on education and friendly persuasion than court actions and judgments. This process is gentle, but it is also slow and inefficient for achieving safer conditions in our communities. Health code violations too often rank as a low priority for court enforcement in our present system. We believe there are ways to improve this situation. Some existing code programs that utilize uniform code citations have been very effective in motivating code violators to gain compliance. However, this option has only been available to the larger county code departments. SB 319 changes that and the Kansas Association of Sanitarians supports SB 319 for the effective code enforcement capacity it can provide for all Kansas counties.

Some Kansas counties have been able to develop regularly scheduled code enforcement courts, meeting perhaps once or twice a month. By using a system of uniform code citations (writing tickets), code officers and health inspectors can respond to significant code violations more efficiently. The courts have time reserved to hear code cases on a regular basis and are more familiar with the relevant regulations and the general issues that surround these codes. The uniform citation process results in quicker resolution of complaints and hazardous conditions. The members of our association feel that this process is a valuable tool for developing code programs that can really protect and improve our communities. We believe that this process should be available to every county in Kansas. We ask your support of SB 319.

Senate Elections & Local Government
Attachment: # 4-1
Date: 2-22-99



**Jefferson County
Planning and Zoning
P.O. Box 628
Oskaloosa, Kansas 66066
Phone 785-863-2241
Fax 785 863-3325**

Senators of the Elections and Local Government Committee:

On behalf of Jefferson County I urge you to amend K.S.A. 19-101d and give all local governments the authority to establish a code court system for the enforcement of County Codes and Resolutions.

As Planning and Zoning Administrator of Jefferson County and past President of the Kansas Association of County Planning and Zoning Officials, I submit the following reasons for my request:

1. We must have the capability of enforcing code violations successfully or they are useless.
2. Because our County Attorneys have a heavy case load, code violations are not a priority.
3. Concerned, lawabiding residents eventually give up on us enforcing the regulations because they do not see any results. In some cases it may take several years to force compliance to the regulations.
4. A codes court would eliminate a lot of hours spent by the enforcement officer. (re: letters and phone calls)
5. Those counties that do not have the authority to enforce code violations in a timely and efficient manner will soon be home to those who move from the larger counties that have that authority.
6. A codes court would provide systematic and timely enforcement.

Jefferson County is experiencing a rapid increase in population. In order for us to maintain the beautiful rural atmosphere that we enjoy in our community, the need for successful code enforcement is necessary. Enforcement of zoning, sanitary and environmental codes will help sustain our community.

Thank you for allowing me to be a part of this important issue.

June Huston, Jefferson County Planning and Zoning Administrator

Senate Elections & Local Government
Attachment: # 5-1
Date: 2-22-99

SENATE BILL No. 319

Testimony of David L. Yearout

to the

Senate Federal and State Affairs Committee

on behalf of the

Kansas Association of County Planning and Zoning Officials

an Associate Member of the

Kansas Association of Counties

February 22, 1999

Senate Elections & Local Government
Attachment: # 6-1
Date: 2-22-99

Distinguished Senators of the Federal and State Affairs Committee, thank you for the opportunity to testify before you today regarding Senate Bill 319. My name is David Yearout. I am presently a Principal Planner with the Wichita-Sedgwick County Metropolitan Area Planning Department and have been a practicing planner in Kansas for over 26 years. However, I am appearing before you today on behalf of the Kansas Association of County Planning and Zoning Officials, an associate member organization of the Kansas Association of Counties. I am a past President of that Association and have been asked to represent our membership before you today.

Senate Bill 319 proposes to amend K.S.A. 19-101d to extend to all counties in Kansas the authority to establish a local court system to use the Code for the Enforcement of County Codes and Resolutions found in Article 47 of Chapter 19 of the Kansas Statutes Annotated. In short, this would permit counties to establish a “municipal court” at the local level to deal with the administration and enforcement of local codes, such as Zoning Regulations, Subdivision Regulations and Sanitation Codes.

Presently, only counties with a population of over 150,000 are permitted to establish such a local court. This means that only the four largest counties (Sedgwick, Johnson, Shawnee and Wyandotte Counties) can utilize this law. In practice, we believe only Sedgwick and Johnson counties are using the law today. However, many more counties with active local code programs wish to participate in establishing this system because it works.

Today, except for the four largest counties, any effort to enforce a violation of a local code must be filed in District Court. This entails a lengthy process of filing through the County Attorney's office and waiting for a court date to be set by the District Court. Actual experience has shown that, worst case, it takes up to 2 years to get a violation case heard by the court. Most cases take upwards of 1 year. Regardless, the time involved is excessive and results in a reduction in the effectiveness of the local codes.

As more and more counties have exercised the authority granted by the State to establish local zoning and subdivision rules and regulations, as well as adoption of local sanitation codes, the need to address the enforcement end of these efforts leads us to the request embodied within Senate Bill 319. We recognize that not all counties will avail themselves of this authority if this bill becomes law. But we do believe the ability to use these provisions of state statutes should be available to all counties in Kansas, not just those with the largest number of residents.

In fact, many of the counties with the largest number of residents living outside the corporate limits of a city are counties that cannot use this law. Based on my last review of the population figures made available by the Census Bureau, Sedgwick County has the largest "rural population" with approximately 50,000 people living in the rural areas. Butler County is second largest with over 20,000 people in the rural areas and this number is growing. Johnson County's rural population is around 9,000 people, which is less than other counties such as Douglass and Riley. Many other "smaller" population counties have very high rural populations such as Sumner, Crawford, Pottawatomie, Miami, Linn, Dickinson, McPherson and many others.

All this is intended to stress that the overall size of the counties population is not necessarily an indication of the activity level being addressed by the County. In short, any kind of a "population" threshold is not a proper basis to limit this law. We feel there should be no restriction at all. Let the local counties determine their local need to deal with this issue.

On behalf of the Kansas Association of County Planning and Zoning Officials, I ask you approve Senate Bill 319. Thank you, again, for the opportunity to appear before you today.

COPY



**OFFICE OF THE COUNTY COUNSELOR
SEDGWICK COUNTY, KANSAS**

Richard A. Euson
County Counselor

received
2-18-99

COUNTY COURTHOUSE 525 N. MAIN, SUITE 359 WICHITA, KS 67203-3790
PHONE (316) 383-7111 FAX (316) 383-7007

TESTIMONY OF RICHARD A. EUSON
FEBRUARY 18, 1999

I RESPECTFULLY OFFER THE FOLLOWING TESTIMONY IN SUPPORT OF PORTIONS OF SENATE BILL 319. THE PORTIONS RELATING TO (1) COUNTY COURT FEES AND (2) AUTHORITY OF COUNTY COURT JUDGES TO ORDER NUISANCE ABATEMENTS WOULD PROVIDE THE COUNTY WITH NEEDED AUTHORITY TO ADDRESS THE GROWING DEMANDS OF THE COUNTY COURT PROGRAM.

County Court Fees

Currently, Counties with a population more than 150,000 have the option of prosecuting county code violations through County Court. Sedgwick County Court handles between 1000 and 2000 cases per year involving violations of the County Code, thereby removing a huge burden from the District Court dockets. With the population growth in the unincorporated areas of Sedgwick County, continued increases in this caseload are expected. K.S.A. 19-4707 limits the court costs to \$1 per case. This rate was designated for the period of July 1, 1994 to June 30, 1996, under the 1994 amendment to 19-4707 (L. 1994, ch. 335, Section 3). However, this time limit was removed in the 1996 amendment to 19-4707 (L. 234, Section 8), therefore leaving the \$1 limit intact for all future cases. By comparison, Sedgwick County District Court costs for misdemeanor offenses are currently \$102.50.

Sedgwick County would benefit from the authority for the County Commissioners to determine what court costs are appropriate to serve as both a deterrent to violators and as some reasonable source of revenue to support the expanding County Court system. With this revision, the requirement that the County Court remit the \$1 assessment to the state treasurer remains in place, resulting in no economic impact to the state.

Senate Elections & Local Government
Attachment: # 7-1
Date: 2-22-99

"...To Be The Best We Can

County Court Judges' Authority to order nuisance abatements

County court judges are limited in their authority by K.S.A. 20-310a to only such power as is necessary to hear cases involving violations of the county code, to compel appearances, hold persons in contempt for failure to appear, and issue bench warrants. The judge is therefore limited in options when it comes to forcing an uncooperative property owner into cleaning up properties that contain, for example, piles of inoperable vehicles that have become a nuisance to neighbors. In recent months, such cases have taken up a great deal of the Court's and the prosecutors' time, due to multiple court dates due to the property owners' failure to comply with the Code and resulted in citizen complaints and repeated property inspections by county staff. The Administrative Judge of the Eighteenth Judicial District, the Hon. Paul Buchanan, believes that County Court is of limited jurisdiction, as well. The foremost goal of County Court has always been compliance with County Codes, but that goal cannot be achieved within the limits of the pro tem's authority when a citizen repeatedly ignores the fines, warrants and orders issued by the County Court. Under this restriction, certain cases of severe and continuing violations may neither be closed nor prodded into compliance in County Court. By amending 20-310a to specifically authorize County Court pro tem judges the authority to declare nuisances and order nuisance abatements on properties, property owners who choose to ignore the rule of law will be held accountable for maintaining nuisances and will be subject to the costs for abatement. At a minimum, this authority will serve to encourage voluntary compliance by property owners as continued population growth in the unincorporated areas of Sedgwick County places more burdens on the County Court system.



**Jefferson County
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Oskaloosa, Kansas 66066
Phone 785-863-2241
Fax 785 863-3325**

Senators of the Elections and Local Government Committee:

On behalf of Jefferson County I would like to voice my support to amendments proposed to Senate Bill 320.

As Planning and Zoning Administrator of Jefferson County and past President of the Kansas Association of County Planning and Zoning Officials, I am very much aware of the need for clarification in the "procedures" section of K.S.A. 12-757, dealing with notification to property owners.

Allowing the use of CAMA records, to develop a list of landowners for notification purposes would not only allow a more time effective procedure, in most cases it could save the local taxpayer several hundred or even thousands of dollars. In requiring the Applicant of zoning or land use change to submit a list of landowners that has been researched by an Abstractor, not only has it been costly, if the abstractor is busy it could add 30 to 60 days to the process. All counties have access to CAMA records that provide the names of landowners taken from the tax rolls.

Thank you for allowing me to be a part of this important issue.

June Huston, Jefferson County Planning and Zoning Administrator

Senate Elections & Local Government
Attachment: # 8-1
Date: 2-22-99

SUMNER COUNTY
PLANNING - ZONING - SANITATION
P.O. BOX 326 WELLINGTON, KANSAS 67152
(316) 326-2207
Marvin Simonton - Director

23 February 1999

Elections and Local Government Senate Committee
Hardenburger, Chair
Becker, Vice Chair
Members: Huelskamp, Lawrence, Praeger, Vidrickson;
Ranking Minority Members: Gooch; Petty, Steineger

RE: Senate Bill 320

My Name is Marvin Simonton
Sumner County Planning, Zoning & Sanitation Director

Sumner County Commissioners are in favor of Senate Bill 320.

Sumner County is unique, however; not the only County in Kansas that has Planning, Zoning and Environmental Health in the same office. Sumner County adopted the Sanitary Code county wide in 1973 and 1977 the Subdivision and Zoning regulations were adopted. We issue building, private water wells, and private sewer system permits: Enforcement of Environmental Code, zoning, subdivision, flood plain violations and regulations.

The current State statutes requires for rezone cases that owners of record be notified 20 days before holding a public hearing. The ownership list to be prepared by an abstractor. This bill will allow the use of the "CAMA" files in the County Appraisers office. All County offices are connected by computer to this file and can prepare the ownership without leaving their office. This will save the applicant time and money. The cost for the property owner list will be included in the applicants' fee.

On behalf of Sumner County Commissioners, Chairman Damon Weber, Robert Courtney, and Eugene Bongiorno, Jr., and all of the 26,000 persons residing in Sumner County, we Thank You.

Senate Elections & Local Government
Attachment: # 9-1
Date: 2-22-99

SENATE BILL No. 320

Testimony of David L. Yearout

to the

Senate Federal and State Affairs Committee

on behalf of the

Wichita-Sedgwick County Metropolitan Area Planning Department

and the

Kansas Association of County Planning and Zoning Officials

an Associate Member of the

Kansas Association of Counties

February 22, 1999

Senate Elections & Local Government

Attachment: # 10-1

Date: 2-22-99

Distinguished Senators of the Federal and State Affairs Committee, thank you for the opportunity to testify before you today regarding Senate Bill 320. My name is David Yearout. I am presently a Principal Planner with the Wichita-Sedgwick County Metropolitan Area Planning Department. I have been with MAPD for the past 2 years and have been a practicing planner in Kansas for over 26 years. I am also appearing before you today on behalf of the Kansas Association of County Planning and Zoning Officials, an associate member organization of the Kansas Association of Counties. I am a past President of that Association and have been asked to represent our membership before you today.

Senate Bill 320 proposes several amendments to K.S.A. 12-757, sort of the “procedures” section of the Planning and Zoning enabling laws for Kansas cities and counties. Most of these are “clean-up type” amendments that are intended to clarify what is meant within the “procedures” section when an amendment to a zoning regulations is proposed or when a rezoning is proposed on a specific piece of property. For the most part, these changes are designed to make the language clearer and to remove any ambiguities that have been construed to exist.

One change, however, is very significant and, I feel, a very positive change that is intended to save both time and money for those active in the planning and zoning field. This is the addition of language in section (b)(2) that reads: “*For purposes of written notice, the owners of land shall be determined by an enumeration of landowners taken from the tax rolls of the county in which the land is located.*” This will permit the use of the CAMA records that are available in every county in the state to be used to develop the list of landowners to be notified on proposed rezonings.

The present language has been interpreted by many local cities and counties to require that certified lists of “owners of record of real property” be supplied with an application for rezoning in order to determine who should be sent letters of the proposed public hearing on the request. This means that, in most cases, the applicant must obtain the certified list from a local abstract company to be submitted with the rezoning application before the case will be set for public hearing.

Several communities have reported experience with this process that has added significant time and been very costly to these individuals who are seeking a rezoning. I personally have experience with people who have seen 60 day delays in submitting an application and having to spend over \$1,500.00 to have the certified list of landowners prepared. This is time and expense that is above and beyond the statutory notification time periods and local filing fees. The amendments in Senate Bill 320 will eliminate this practice and allow the local communities to access the CAMA records to develop the ownership lists as part of the service provided within the application process. This will save time and money for the applicants, and will permit the requests to be processed as quickly as possible within the structure of the “procedures” established with the statutes.

The other changes to K.S.A. 12-757 within Senate Bill 320 are positive changes to the language and we support those changes as well.

On behalf of the Wichita-Sedgwick County Metropolitan Area Planning Department and the Kansas Association of County Planning and Zoning Officials, I ask you approve Senate Bill 320.. Thank you, again, for the opportunity to appear before you today.