

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Rep. Gerry Ray at 3:30 P.M. on January 23, 2001 in Room 519-S of the Capitol.

All members were present except: Rep. Showalter, excused

Committee staff present: Theresa Kiernan, Revisor
Mike Heim, Researcher
Kay Dick, Committee Secretary

Conferees appearing before the committee:

Others attending: Information unavailable

Rep. Freeborn requested that the committee introduce a bill that would establish administrative fees up to \$25.00 related to waste and disposal. A motion was made by Rep. Minor, and seconded by Rep. Peterson for the Committee to introduce the bill. A vote was taken and the motion passed.

Judy Moler, Kansas Association of Counties, (KAC), requested legislation that would repeal K.S.A 58-2005 (Attachment #1). Motion was made by Rep. Hayzlett and seconded by Rep. Gilbert. The motion was passed by the Committee.

Judy Moler, (KAC) requested introduction of a bill that would extend to all counties the ability to have a county code court under K.S.A. 19-4701 *et seq.* (Attachment #2). Currently limited to county with a population of over 150,000. This would allow all counties that choose to have a special code court that would hear nuisance, etc. A motion was made by Rep. Gilbert and seconded by Rep. Peterson. A vote was taken and motion carried.

Tim Madden, Chief Legal Council of the Division of Corrections requested the introduction by the House Local Government Committee of bill draft 1 rs 0167. (Attachment #3). Amending K.S.A. 22-4705 to require law enforcement agencies to submit a report to the Kansas Bureau of Investigation whenever a person dies while in the process of being arrested, en route to be incarcerated, or while incarcerated in a municipal or county jail; state prison, or juvenile facility. Rep. Gilbert made a motion to introduce the bill, seconded by Rep. Campbell. Motion was carried by the committee.

Ashley Sherard, Intergovernmental Relations Manager, Johnson County, requested introduction of a bill expressly granting local governments (counties) the power to copyright, sell, lease, and license computer software (Attachment #4). Motion was made by Rep. Campbell, seconded by Rep. Kauffman, and carried by the committee.

Randy Allen, (KAC) requested introduction of a bill to reinstitute the Kansas Advisory Council on Intergovernmental Relations. (Attachment #5) A motion was made by Rep. Gilbert to introduce this bill. Seconded by Rep. Peterson. There was no opposition by the committee.

Randy Allen, (KAC), requested an introduction of a bill amending K.S.A. 19-214 by raising the dollar threshold requiring a person or corporation doing construction to any county building to post a surety bond from \$10,000 to \$40,000. (Attachment # 6) Motion to carry the bill was made by Rep. Storm and seconded by Rep. Hayzlett. The motion passed with no opposition.

Rep. Dahl request a committee bill introduction regarding the sell of property with delinquent taxes. After the 3 years allowing the County Commissioners to do their job or if they failed to collect, this would allow cities to dispose of property within the city limits. Motion was made by Rep. Campbell, seconded by Rep. Palmer and passed with no opposition.

Meeting was adjourned at 4:00 p.m.

Next scheduled meeting, January 30, 2001



KANSAS
ASSOCIATION OF
COUNTIES

Kansas Association of Counties
Request for Bill Introduction
Repeal of K.S.A. 58-2005
Before the House Local Government Committee
By Judy A. Moler, General Counsel/Legislative Services Director
January 23, 2001

The Kansas Association of Counties is requesting legislation that would repeal K.S.A. 58-2005. This statute, amended in 1999, requires a county surveyor to review a subdivision plat or plat of survey before such documents can be recorded. This places an onerous burden on the majority of counties who do not employ a county surveyor.

Thank you for consideration of this 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) 272-2585.

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HOUSE LOCAL GOVERNMENT

1/23/01

Attachment 1



KANSAS
ASSOCIATION OF
COUNTIES

Kansas Association of Counties
Request for Bill Introduction
County Code Courts

Before the House Local Government Committee
By Judy A. Moler, General Counsel/Legislative Services Director
January 23, 2001

Chairman Ray and Members of the Committee:

The Kansas Association of Counties would like to request introduction of a bill that would extend to all counties the ability to have a county code court under K.S.A. 19-4701 *et seq.* Counties, if they so choose, could then appoint code enforcement officers and have their county codes enforced in a special procedure in the district court. Currently, only counties with a population of over 150,000 can do this.

We would also request the board of county commissioners to set an amount of court costs for these actions and provide for the deposit of these moneys in the county general fund with the exception of \$1 which would continue to be remitted to the State Treasurer. An upper limit of \$60.00 would be placed on court costs with 25% of the assessed costs going to the court system.

In addition, we would ask that the judges pro tem hearing these cases have the ability to order the abatement of nuisances and to order the costs of the to be assessed against the property on which the nuisance was located.

Thank you for your consideration.

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HOUSE LOCAL GOVERNMENT
1/23/01
Attachment 2



DEPARTMENT OF CORRECTIONS
OFFICE OF THE SECRETARY
Landon State Office Building
900 S.W. Jackson — Suite 400-N
Topeka, Kansas 66612-1284
(785) 296-3317

Bill Graves
Governor

Charles E. Simmons
Secretary

MEMORANDUM

DATE: January 23, 2001
TO: House Local Government Committee
FROM: Charles E. Simmons
Secretary of Corrections
RE: Request for Bill Introduction
1 rs 0167

The Department of Corrections respectfully requests introduction by the House Local Government Committee of bill draft 1 rs 0167. A summary of the proposed bill is presented below.

Reporting of Deaths in Custody

K.S.A. 22-4705 would be amended to require law enforcement agencies to submit a report to the Kansas Bureau of Investigation whenever a person dies while in the process of being arrested, en route to be incarcerated, or while incarcerated in a municipal or county jail; state prison, or juvenile facility. Furthermore, the KBI would be required to submit on a quarterly basis that information to the United States Attorney General.

Pursuant to Public Law No. 106-297 (amending 42 U.S.C. § 13704), in order to be eligible to receive federal "Violent Offender Incarceration and Truth-in-Sentencing" grants, states must report to the United States Attorney General on a quarterly basis, information regarding the death of any person who dies while in custody. Information that must be submitted at a minimum includes:

- A. the name, gender, race, ethnicity, and age of the deceased,
- B. the date, time, and location of death, and
- C. a brief description of the circumstances surrounding the death.

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Attachment 3

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Pursuant to federal law, the United States Attorney General can require additional information from state's seeking "Violent Offender Incarceration and Truth-in-Sentencing" grant funds. This bill would correspondingly permit the KBI to require such additional information pursuant to rule and regulation.

I appreciate your consideration of our request, and would be pleased to answer any questions you might have.

CES/TGM/cj

cc: Legislation file

By

AN ACT concerning criminal procedure; relating to reportable events under the criminal history record information; amending K.S.A. 22-4705 and repealing the existing section.

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

Section 1. K.S.A. 22-4705 is hereby amended to read as follows: 22-4705. (a) The following events are reportable events under this act:

- (1) Issuance of an arrest warrant;
- (2) an arrest;
- (3) release of a person after arrest without the filing of a charge;
- (4) dismissal or quashing of an indictment or criminal information;
- (5) an acquittal, conviction or other disposition at or following trial, including a finding of probation before judgment;
- (6) imposition of a sentence;
- (7) commitment to a correctional facility, whether state or locally operated;
- (8) release from detention or confinement;
- (9) an escape from confinement;
- (10) a pardon, reprieve, commutation of sentence or other change in a sentence, including a change ordered by a court;
- (11) judgment of an appellate court that modifies or reverses the lower court decision;
- (12) order of a court in a collateral proceeding that affects a person's conviction, sentence or confinement, including any expungement or annulment of arrests or convictions pursuant to state statute; and
- (13) the death of any person who died in the process of being arrested, en route to be incarcerated, or while incarcerated in a municipal jail, county jail, correctional facility, juvenile facility, or while in custody as defined by

K.S.A. 21-3809, and amendments thereto; and

(14) any other event arising out of or occurring during the course of criminal justice proceedings declared to be reportable by rule or regulation of the director.

(b) There is hereby established a criminal justice information system central repository for the collection, storage, and dissemination of criminal history record information. The central repository shall be operated by the Kansas bureau of investigation under the administrative control of the director.

(c) Except as otherwise provided by this subsection, every criminal justice agency shall report criminal history record information, whether collected manually or by means of an automated system, to the central repository, in accordance with rules and regulations adopted pursuant to this act. A criminal justice agency shall report to the central repository those reportable events involving a violation of a county resolution or city ordinance only when required by rules and regulations adopted by the director.

(d) Reporting methods may include:

(1) Submittal of criminal history record information by a criminal justice agency directly to the central repository;

(2) if the information can readily be collected and reported through the court system, submittal to the central repository by the administrative office of the courts; or

(3) if the information can readily be collected and reported through criminal justice agencies that are part of a geographically based information system, submittal to the central repository by the agencies.

(e) Nothing in this section shall prevent a criminal justice agency from maintaining more detailed information than is required to be reported to the central repository. However, the dissemination of that criminal history record information is governed by the provisions of this act.



Johnson County, Kansas

ADMINISTRATOR'S OFFICE

To: Representative Gerry Ray, Chairman
Members, House Local Government Committee

From: Ashley Sherard
Intergovernmental Relations Manager

Date: January 23, 2001

Subject: Requested Bill Introduction

Johnson County has or is in the process of developing a number of computer software programs, either in-house or via contractual agreement, specifically for county departments and agencies. We believe some of these programs would also be beneficial to other counties.

Having the ability to copyright, sell, lease, license and receive royalties from the sale of such software would help to spread the cost of development among jurisdictions, thereby helping to keep taxes lower, as well as promote efficient and technologically current government.

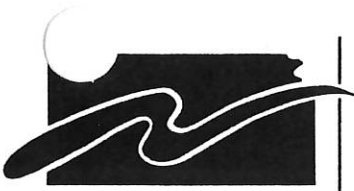
For these reasons, I would request introduction of a bill expressly granting local governments the power to copyright, sell, lease, and license computer software.

Thank you.

HOUSE LOCAL GOVERNMENT

1/23/01

Attachment 4



**KANSAS
ASSOCIATION OF
COUNTIES**

REQUEST FOR BILL INTRODUCTION
before the House Local Government Committee
by Randy Allen, Executive Director
January 23, 2001

Chairman Ray and members of the Committee:

The Kansas Association of Counties requests introduction of a bill to reinstitute the Kansas Advisory Council on Intergovernmental Relations. The Council would be a neutral forum for the thoughtful discussion of services provided by various levels of government in Kansas and especially the service and fiscal relationships between the State of Kansas and units of local government, including counties and cities.

Reinstitution of the KACIR is a primary policy position of the Kansas Association of Counties, and we are joined in our request by the League of Kansas Municipalities. We believe that the fiscal impact of this proposal is very modest and especially so in relationship to the benefits which could be gained from the work of the Advisory Council.

Thank you for your consideration of this request.

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HOUSE LOCAL GOVERNMENT
1/23/01
Attachment 5



KANSAS
ASSOCIATION OF
COUNTIES

REQUEST FOR BILL INTRODUCTION
before the House Local Government Committee
by Randy Allen, Executive Director
January 23, 2001

Chairman Ray and members of the Committee:

The Kansas Association of Counties requests introduction of a bill amending K.S.A. 19-214 by raising the dollar threshold requiring a person or corporation doing construction to any courthouse, jail, or other county building to post a surety bond for the faithful performance of the contract **from \$10,000 to \$40,000.**

The current surety bond requirement of \$10,000 discourages small contractors from bidding on relatively small courthouse remodeling projects. Raising the threshold for the posting of surety bonds for these projects would stimulate greater competition among contractors and thereby save counties money.

We do not seek any change in the threshold required to publicly bid construction projects on county facilities, nor do we seek any change in any bidding requirements for any road or bridge projects.

Thank you for your consideration of this request.

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HOUSE LOCAL GOVERNMENT
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Attachment 6