

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairman Vickrey at 3:30 p.m. on March 20, 2003 in Room 519-S of the Capitol.

All members were present except: Rep. Campbell  
Rep. Yonally

Committee staff present: Mike Heim, Legislative Research Department  
Theresa Kiernan, Office of the Revisor of Statutes  
Maureen Stinson, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

**SB 178**      **cities; payment for certain improvements**

Rep. Peterson made the motion for passage of SB 178 and asked that it be placed on the Consent Calendar. Rep. Storm seconded the motion. The motion carried.

**SB 167**      **cities; nuisance abatement**

A proposed amendment to SB 167 was distributed to the committee (Attachment 1). Rep. E. Johnson made a motion to adopt the proposed amendment. Rep. Reitz seconded the motion. The motion carried.

Rep. Siegfroid made the motion to amend the bill to require that subsequent notifications to out-of-town owners be made by first class mail or telephone communication. Rep. Storm seconded the motion. The motion carried.

Rep. Storm made the motion to amend the bill by inserting "over a twenty-four month period" after the word "times" on page 2, Section (c). Rep. Gilbert seconded the motion. The motion carried.

Rep. Huy made the motion to amend the bill on page 2, Section 1 by striking "10 days" and inserting "30 days". There was no motion to second made. The motion failed.

Discussion turned to an additional proposed amendment to **SB 167** which had been distributed to the committee at the meeting held March 18, 2003 (Attachment 2). This amendment would designate Douglas County as an urban area as permitted by section 17 of article 2 of the constitution of the State of Kansas. Rep. Siegfroid made a motion to accept the amendment (Attachment 2) except for Section 16 b. Rep. Horst seconded the motion. Motion carried.

Rep. Siegfroid made a motion to amend the bill on page 2, Section 1 by striking "10 days" and inserting "15 days". Rep. Storm seconded the motion. Motion failed.

Rep. Toelkes made the motion for favorable passage of SB 167 as amended. Rep. Thull seconded the motion. Motion carried. Rep. Huy asked to be recorded as voting "No".

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT at on March 20, 2003 in Room 519-S of the Capitol.

**SB 79**      **cities; protest petitions**

Rep. Huy made a motion to amend the bill by inserting language from line 16 to line 27 from **HB 2212** into **SB 79**. Rep. Siegfried seconded the motion. Motion carried.

Rep. Toelkes made a motion for favorable passage of **SB 79** as amended. Rep. Storm seconded the motion. Motion carried on a vote of 7 to 4 with Rep. Siegfried, Rep. Kassebaum and Rep. Horst asking to be recorded as "No".

Rep. Peterson made a motion to approve the minutes of the meetings for March 11, 2003 and March 13, 2003. Rep. Horst seconded the motion. The motion carried.

The meeting was adjourned at 4:35 p.m.

The next meeting is scheduled for March 25, 2003.



Proposed Amendment to SB 167  
(As Amended by Senate Committee)

On page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 31 and inserting:

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

~~The--city--clerk--shall--issue--notice--requiring~~ (b) Except as provided by subsection (c), the governing body of the city shall order the owner or agent of the owner of the premises property to remove and abate from the premises the thing or things therein described as a nuisance within a time, not exceeding 10 days, to be specified in the ~~notice--The-notice~~ order. The order shall state that before the expiration of the waiting period, the recipient thereof may request a hearing before the governing body or its designated representative. The ~~notice~~ order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service, ~~or-if-the-same.~~ If the property is unoccupied and the owner is a nonresident, then by mailing ~~a-notice~~ the order by certified mail, return

receipt requested, to the last known address of the owner.

(c) If the owner or agent of the owner of the property has been ordered to remove or abate a nuisance from the same property for two or more times, the governing body may provide notice of the issuance of any further orders to abate or remove a nuisance from such property in the manner provided by subsection (b) or as provided by this subsection. The governing body may provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail.

(d) If the owner or agent fails to comply with the requirement of the notice order for a period longer than that named in the notice order, the city shall proceed to have the things described in the notice order removed and abated from the lot or parcel of ground. If the city abates or removes the nuisance, the city shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the city. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. The city also may recover the cost of providing notice, including any postage, required by this section. If the cost of such removal or abatement and notice is not paid within the thirty-day period, the cost shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the cost is to be assessed, the city clerk, at the time of certifying other city taxes to the county clerk, shall certify such costs, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments

thereto, but only until the full cost and any applicable interest has been paid in full.

(b) (e) Any city may remove and abate from property other than public property or property open to use by the public a motor vehicle determined to be a nuisance. Disposition of such vehicle shall be in compliance with the procedures for impoundment, notice and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto. Following any sale by public auction of a vehicle determined to be a nuisance, the purchaser may file proof thereof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of such motor vehicle. If a public auction is conducted, but no responsible bid received, the city may file proof thereof with the division of vehicles, and the division shall issue a certificate of title of such motor vehicle to the city. Any person whose motor vehicle has been disposed of pursuant to this subsection shall be eligible for a refund of the tax imposed pursuant to K.S.A. 79-5101 et seq., and amendments thereto. The amount of such refund shall be determined in the manner provided by K.S.A. 79-5107, and amendments thereto."

SB167  
 Proposed Amendment to ~~SB 238~~  
 (As Amended by Senate Committee of the Whole)

On page 8, following line 9, by inserting:

"New Sec. 12. The area comprising the county of Douglas is hereby designated as an urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas.

Sec. 13. K.S.A. 19-2680 is hereby amended to read as follows: 19-2680. Any county which has been declared to be an urban area under the provisions of K.S.A. 19-2654 ~~is--hereby authorized--to~~ or section 12, and amendments thereto, may adopt, and from time to time amend, a charter for the government of such county. Such charter shall provide for the exercise of powers of local legislation and administration not inconsistent with general law or the constitution of the state of Kansas, and may:

(a) Fix the boundaries of each county commissioner's district, provide a method for changing them from time to time, and fix the number, term, and compensation of the commissioners and their method of election, and shall define and outline duties and powers of the county commissioners;

(b) provide for the exercise of such powers similar or identical to the powers permitted under K.S.A. 19-101 and ~~article 39-of-chapter-12-of-the--Kansas--Statutes--Annotated~~ 12-3901 et seq., and amendments thereto;

(c) provide in the charter a method for its amendment;

(d) determine the distribution of legislative and administrative duties of the county officials, provide for consolidation or expansion of services as necessary, authorize the appointment of a county administrator or a county manager, and prescribe the general structure of county government ; and

(e) authorize the appointment of or elimination of elective officials and offices within the charter similar or identical to that authorization permitted the board of county commissioners under ~~article--39-of-chapter-12-of-the-Kansas-Statutes-Annotated~~ K.S.A. 12-3901 et seq., and amendments thereto.

House Local Government  
 Date: 3-20-2003  
 Attachment # 2

Sec. 14. K.S.A. 2002 Supp. 19-2681 is hereby amended to read as follows: 19-2681. (a) The board of county commissioners of any county which has been declared to be an urban area under the provisions of K.S.A. 19-2654 or section 12, and amendments thereto, may establish a charter commission for such county for the purpose of studying, proposing, drafting or amending a charter for the government of such county. The charter commission shall be established by resolution and shall be appointed in the manner and have the powers and duties as hereinafter provided.

(b) A new charter commission shall not be established until four years after the date of the establishment of a prior commission.

Sec. 15. K.S.A. 2002 Supp. 19-2685 is hereby amended to read as follows: 19-2685. (a) The proposed charter shall be submitted by the charter commission to the board of county commissioners and. Subject to the provisions of subsection (b), the board of county commissioners shall submit the proposed charter to the electors of the county at the general election next following submission of the final report in which all qualified electors of the county are eligible to vote. In submitting such proposed charter to the board of county commissioners, the charter commission may submit alternative sections or articles to the board of county commissioners. Any alternative sections or articles shall be submitted by the board of county commissioners for approval or rejection by the electors. Any section or article of a proposed charter which affects the size or structure of the board of county commissioners may be submitted at the same election at which the proposed charter is submitted but shall be submitted as a separate question on the ballot. An affirmative vote of a majority of the qualified electors voting on the question shall be required for the adoption of such charter.

(b) The board of county commissioners of a county designated an urban area pursuant to section 17, and amendments thereto, may reject a proposed charter submitted to such board pursuant to



subsection (a). If the board rejects the proposed charter, the charter shall not be submitted for approval to the electors of the county and such proposed charter shall not be adopted.

Sec. 16. K.S.A. 19-2686 is hereby amended to read as follows: 19-2686. (a) No member of the charter commission shall be eligible for election to the office of county commissioner in the first election for county commissioner under the charter if adopted by the electorate.

(b) The provisions of subsection (a) shall not apply to a county designated an urban area pursuant to section 17, and amendments thereto."

By renumbering sections accordingly;

Repealer; Title changes