

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 P.M. on March 17, 2005 in Room 519-S of the Capitol.

All members were present except:

Representative Lynne Oharah- excused
Representative Jim Yonally- excused

Committee staff present:

Mike Heim, Legislative Research Department
Martha Dorsey, Legislative Research Department
Norm Furse, Revisor of Statutes Office
Theresa Kiernan, Revisor of Statutes Office
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Rep. Ray Merrick
Brian Driskell
Scott Schneider, City of Wichita
Sen. Dennis Wilson
Chuck Henry, KCTA, Unified government of Wyandotte County/Kansas City, Kansas
Amy Meeker-Berg, Johnson County
John Bartelac, Johnson County

Others attending:

See attached list.

Chairman Vickrey opened the hearing on:

HB 2484 Vendors and transient merchant licenses and fees, exceptions

Rep. Merrick testified in support of the bill. No written testimony was provided.

Brian Driskell testified in support of the bill (Attachment 1). He explained that he has attempted many times to purchase a license in order to sell sweet corn in the City of Overland Park and that the city has refused to sell him a license.

Scott Schneider, City of Wichita, testified in opposition to the bill (Attachment 2). He said that if the bill passes, the City of Wichita would need to amend Section 3.95.030(a)(11) of the city code.

Chairman Vickrey closed the hearing on **HB 2484**.

Chairman Vickrey opened the hearing on:

SB 133 Homestead property tax credits; review of claim by county clerk

Sen. Dennis Wilson testified in support of the bill (Attachment 3). He said that under current law, if a taxpayer meets the requirements of a homestead property tax credit, the State of Kansas requires many of our taxpayers to physically show up at the county courthouse to fill out or initiate paper work with both the office of the County Clerk and County Treasurer during the time of the year when the weather can be very difficult to negotiate for many who are frail or physically challenged.

Chuck Henry, Unified Government of Wyandotte County/Kansas City, Kansas, testified in support of the bill (Attachment 4). He said the cost to the state to develop and e-mail electronic files is offset by reduced printing and mailing costs of sending out eligibility letters.

Amy Meeker-Berg testified in support of the bill (Attachment 5) on behalf of the Johnson County Treasurer's Office. She said the measure will improve service delivery by automating and streamlining government operations, while eliminating the excessive demands made on Homestead claimants.

John Bartolac testified in support of the bill (Attachment 6) on behalf of the Johnson County Department of Records and Tax Administration (combined offices of County Clerk and Register of Deeds). He said by providing an electronic file of eligible taxpayers to each County, the verification process conducted by the Clerk's office could be completed at one time; tax billing calculation errors would be eliminated and adjusted bills could be mailed in more timely fashion; and the payment return reporting process would be immediate and complete.

Chairman Vickrey closed the hearing on **SB 133**.

Rep. Sawyer made a motion to make technical amendments to SB 133. Rep. Lane seconded the motion. Motion carried.

Rep. Sawyer made a motion for the favorable passage of SB 133 as amended. Rep. F. Miller seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House Governmental Organization and Elections Committee at 3:30 P.M. on March 17, 2005 in Room 519-S of the Capitol.

HB 2506 **Open meetings act applicable state agencies meeting as the subcabinet on natural resources**

Rep. Goico made a motion to adopt a balloon amendment relating to the Kansas Water Authority (Attachment 7). Rep. F. Miller seconded the motion. The motion carried.

Rep. Lane and Rep. Sawyer asked to be recorded as “no” votes.

Rep. Goico made a motion for the favorable passage of **HB 2506** as Amended. Rep. Beamer seconded the motion. The motion carried.

Rep. Lane and Rep. Sawyer asked to be recorded as “no” votes.

SB 24 **Confidential security records or information, not subject to subpoena or discovery**

Rep. Tom Holland made a motion to remove the contents of **SB 24** and to insert the contents of **HB 2229** and to also include a proposed floor amendment to **HB 2229** made by Rep. Melody Miller during floor debate. Rep. Lane seconded the motion. The motion carried.

Rep. Tom Holland made a motion for the favorable passage of **SB 24** as Amended, and that because of the substantial changes to the bill, the bill be made a substitute bill. Rep. Huebert seconded the motion. The motion carried.

SB 142 Elections; security of advance voting ballots

Rep. Sawyer made a motion to request an interim study on this topic. Rep. Lane seconded the motion.

Rep. F. Miller made a substitute motion to amend the bill to remove Sections 3 and 4 and to retain Sections 1 and 2. Rep. Goico seconded the motion. Motion Carried.

Rep. Otto made a motion for the favorable passage of **SB 142** as Amended. Rep. Beamer seconded the motion. The motion carried.

Rep. Lane and Rep. Sawyer asked to be recorded as “no” votes.

HB 2470 **Manner of collection of clean drinking water fee from consumers**

Rep. Goico made a motion to remove the contents of **HB 2470** and to insert the contents of **HB 2093** and **HB 2094**. Rep. Lane seconded the motion. Motion carried.

Rep. Goico made a motion for the favorable passage of **HB 2470** as Amended, and that because of the substantial changes to the bill, the bill be made a substitute bill. Rep. Lane seconded the motion. The motion carried.

Chairman Vickrey adjourned the meeting.

The next meeting is scheduled for Tuesday, March 22, 2005.

**House Governmental Organization and Elections
Committee**

Date 3-17-05

Name	Representing
Chuck Henry	United Government Treasury
Amy Berg	Johnson County Treasurer
John Bartolac	JOHNSON COUNTY (CLERK + Reg of DEEDS)
Annie Bartolac	student (2 nd grade)
Starom Joseph	KS ADA PT
Kevin Sick	Tapestry Living
Nancy Weeks	Haskell Co. Treasurer
Alex Gentry	Intern - Rep. McKinstry
Lodyan Connor	Intern - Rep. Craft
Mike Pepoon	Sedgwick County
Brian Newby	Johnson County Election Officer
Kof Muf	Hewlett Packard
Brad Bryant	Sec. of State
Danielle Noe	Johnson County
Kim Gulley	LKM
Jeannette England	Johnson County
Brian Driskell	Johnson County
SCOTT SCHNEIDER	CITY OF WICHITA

Submitted by:

Brian Driskell

Introduction:

As the big cities expand and prime farmland is sold and developed into shopping malls, the farmer is being forced to either downsize or compete for ground in order to support their families. With the bigger cities expanding and taking over the smaller rural areas, such as what Overland Park is doing, they are forcing the small farmer out of a way of living.

For nearly 40 years we have sold sweet corn in areas that are either old areas of Overland Park or areas that have been consumed by Overland Park. As a sweet corn producer, we sit on property that is easily accessible and does not interrupt traffic flow, as well as we have permission from the property owner. We have a 2-3 week window in which to sell our produce and then we are done for the year. We do not sell carpets, purses, t-shirts or buy our produce from someone/somewhere else in order to make a living. We work the ground, plant our seeds, hope for rain and then harvest our corn every morning to guarantee our produce is fresh and sweet.

We are just trying to make a living.

The Big City vs. the Farmer:

For the past three years, we have fought with the city of Overland Park as to whether we had the right to sell sweet corn in their city. We have provided this statute number to them and they have told us that we need to purchase a license in order to sell in the city. Countless times we have gone to city hall to purchase this license and we are told, "Sorry, we can't sell you a license", basically go home we don't want you! This is when we involved our State Representative, Mr. Merrick.

This past year we went one step further and involved a local TV station and their "Problem Solvers" to see if we could resolve this. It was not easy. But putting the city in the limelight did help force them to sell us a license. This license allowed us to sell for 14 days and then we could not renew the license for 90 days. Fortunately for us, last year was a great year for sweet corn; our season went for about 4 weeks, very unusual.

We continued to sell our produce and a very nice Overland Park policeman proceeded to right a ticket for us to appear in court to try to resolve this issue. After his review along with his superiors' review of the statutes, they felt we had a good chance to win. However, when our lawyers went to court, the case was continued for about 3 months because the City of Overland Park could not figure out what to charge us with, we ended up with a \$50 fine for license violation.

Proponents of this legislation:

As proponents of this legislation we are asking that you pass this amendment and allow us to continue to sell our produce and support our livelihood where we have been for the past several years. We have many return customers and those same customers cannot believe what we have been going through with the city.

Question for the committee:

Will this legislature also stop issues regarding zoning?

House Gov. Org. & Elections

Date: 3-17-05

Attachment # 1



Scott J. Schneider, J.D.
Government Relations Director

TESTIMONY

City of Wichita
455 N Main, Wichita, KS. 67202
Wichita Phone: 316.268.4351
sschneider@wichita.gov

Opposition Testimony HB 2484 House Government Organizations and Elections March 17, 2005

The City of Wichita opposes HB 2484. This bill amends the state's transient merchant act to exclude the licensing or charging of any fee against persons selling agricultural, farm, garden or aquacultural products grown within the state of Kansas.

This bill further provides that no city may require any producer, grower or agent or employee of any grower engaged in the sale of agricultural, farm, garden or aquacultural products grown by a grower within this state to obtain a license or permit as a transient merchant, peddler or vendor. Also, no city may impose any fee against any such persons.

This bill impacts the City of Wichita. If it passes, we would need to amend Section 3.95.030(a)(11) of the city code. As the ordinance currently reads, sales of agricultural and nursery products and foliage plants are exempt from the requirements of the city's transient merchant licensing ordinance only when such sales are through an organized farmer's market. There are other exemptions in the ordinance so that the City's regulation does not appear to be too onerous.

The main purpose behind the city's regulation of transient or temporary sales of any product is to regulate the location of the temporary stands from which these sales take place. The City of Wichita's transient merchant ordinance were driven by complaints from various areas of town where a significant number of these temporary stands have been located. Citizens complained about both the visual impact of such stands and traffic concerns and wanted them regulated.

Also, the State of Kansas wants sales tax revenue from these sales so the city's ordinance was amended to include sales tax collection as a requirement for obtaining the license necessary to conduct such sales.

If the bill passes, there would be no way to regulate the location or number of stands selling agricultural products within the city.

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House Gov. Org. & Elections
Date: 3-17-05
Attachment # 2

STATE OF KANSAS

DENNIS M. WILSON
SENATOR, 37TH DISTRICT
JOHNSON COUNTY
11925 GILLETTE
OVERLAND PARK, KANSAS 66213



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN: TRANSPORTATION
ADMINISTRATIVE RULES AND
REGULATIONS
MEMBER: FINANCIAL INSTITUTIONS
AND INSURANCE
ELECTIONS AND LOCAL
GOVERNMENT

E-mail: wilson@senate.state.ks.us

DURING SESSION
STATE CAPITOL—128-S
TOPEKA, KANSAS 66612-1504
OFFICE: 785-296-7383 FAX: 785-368-6365
CAPITOL HOTLINE: 1-800-432-3924

3/17/05

Committee on Governmental Organization & Elections

Chairman Vickrey and Committee Members:

Thank you again for allowing me to testify on behalf of SB-133 as amended.

Seldom do we have a chance to change a law that will have any larger effect on the most vulnerable as the elderly and those who are in most need of financial assistance in our state.

Under current law, if a taxpayer meets the requirements of a homestead property tax credit, the State of Kansas requires many of our taxpayers to physically show up at the county courthouse to fill out or initiate paper work with both the office of the County Clerk and County Treasurer during the time of the year when the weather can be very difficult to negotiate for many who are frail and or physically challenged.

The County Treasurers Association and the County Clerks Association have looked at this antiquated system and are proposing changes in current law that will still need the taxpayer to qualify, but allowing the use of technology with the cooperation of the counties and the state to accommodate our citizens so they will physically not have to appear each year in person to receive these credits that are due them.

There are several conferees that deal with this on a day-to-day basis that will now testify about the order of the change and how we may accomplish this goal and relieve your taxpayers of this unnecessary burden of physically coming in to the county offices.

After hearing all the testimony, I hope you will pass out SB-133 (as amended) favorably.

House Gov. Org. & Elections
Date: 3-17-05
Attachment # 3

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

**Charles A Henry
Director of Revenue/Treasury**

710 North 7th Street
Kansas City, Kansas 66101

Phone: (913) 573-28
Facsimile: (913) 573-28

**TESTIMONY
COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS
SENATE BILL 133**

March 15, 2005

Chairman Vickrey and Members of the Committee,

I am here on behalf of the Kansas County Treasurers Association and the Unified Government of Wyandotte County/Kansas City, Kansas to testify in support of Senate Bill 133.

In November and December of 2004, we had nearly 700 people bring in their Homestead Eligibility letters they received from the Kansas Department of Revenue. These letters allow them to use the amount indicated towards their first half taxes. If the amount exceeds their first half taxes, the first half is paid in full. If the first half taxes exceed the amount on the letter, the taxpayer is responsible for the remainder.

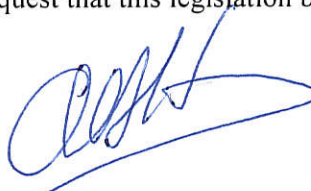
The current requirement is for the taxpayer to personally present the letter to the County Clerk. The Clerk verifies that the name on the letter and the name on the tax bill match, that the individual does not have delinquent taxes, and that the taxes are not paid by a mortgage company. If these tests are met, the taxpayer and the Clerk sign the form and they come to the Treasurer's Office. In Treasury, we verify the paperwork, collect the amount they want to pay, keep copies of the letter and tax bill, and send them on their way. For many of these people, it involves both the individual bringing in their letter and bill as well as their son or daughter who took off work to assist them in this process. For about 50 of those that came in this past year, they were sent away for one reason or another. For the remaining 650, we made four copies, and sent them on their way.

After the tax season ends, we sort through the papers, make sure they are completed correctly, and send the stack of paper to Topeka for the Department of Revenue to review the filings and send our money.

This bill eliminates both of those nuisance duties and enhances our goal of serving our customers more efficiently. Under this bill, the same checks as before would still be performed. The difference is, we would do this in a single sitting, get the information posted to the system, and send the taxpayer the bill for the amount they still owe after the state has made their payment. The taxpayer can then mail it in or make a personal visit, whichever they prefer. Also, we would not have to send a stack of paper to Topeka. We would simply return the electronic file showing the amount of the advance used to pay taxes.

This bill aids the taxpayers in two ways and aids in the efficiency of County operations. It has no cost impacts. (Cost to state to develop and e-mail electronic files is offset by reduced printing and mailing costs of sending out eligibility letters.)

Mr. Chairman, we respectfully request that this legislation be affirmatively advanced from this committee for further action.



House Gov. Org. & Elections
Date: 3-17-05
Attachment # 4



Office of the Johnson County Treasurer

111 S. Cherry St., Ste. 1500, Olathe, KS 66061 • 913-715-2600 phone • 913-791-5360 fax • treasurer.jocogov.org

TESTIMONY

Committee on Government Organization and Elections

Senate Bill No. 133

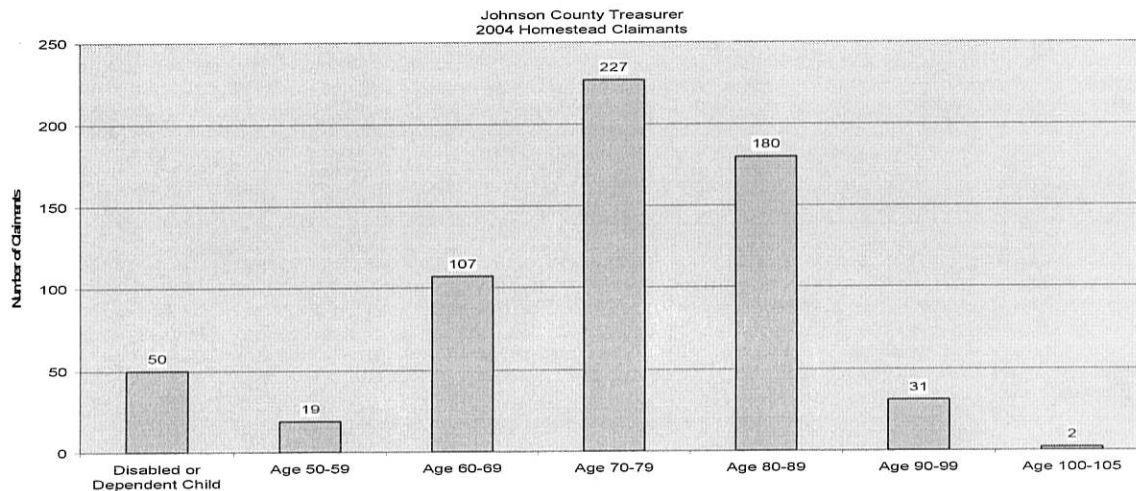
March 17, 2005

Representative Jene Vickrey, Chairman and members of the Committee on Government Organization and Elections, I am Amy Berg, Deputy Treasurer for Johnson County. I want to thank you for allowing me to testify on behalf of the Johnson County Treasurer's Office in favor of Senate Bill No. 133. We support this measure as it will improve service delivery by automating and streamlining government operations, while eliminating the excessive demands we make on the Homestead claimants.

The process today requires that each Homestead claimant physically walk in to their local County office to obtain signatures.

To qualify for homestead you must have a total household income of \$26,300 or less and be born before January 1, 1949, OR be blind or totally and permanently disabled all of 2004, OR have a dependant child who lived with you the entire year who was born before January 1, 2004, and was under the age of 18 all of 2004 (Kansas Department of Revenue 2004 Kansas Homestead Claim Booklet Page 3).

It has been brought to our attention by the citizens we serve that this is not only a strain on them, but often physically impossible. In the chart below you can see the number of claimants and their eligibility status. It is important to note that out of 616 claimants 73% are age 70 or older.



House Gov. Org. & Elections
Date: 3-17-05
Attachment # 5

Therefore, we ask that the requirement for claimants to physically walk into our County offices to obtain a signature be removed.

We also see an opportunity to automate the Homestead process by requesting the Department of Revenue send to the County Clerk an electronic file containing the information they currently provide manually. This file would be certified by the County Clerk's Office where current ownership information and property address location would be verified. The Clerk will then send the file on to the Treasurer's Office where an adjustment will be made to their first half tax amount due. By allowing the Treasurer's Office to adjust the tax bill, errors in calculation will be eliminated and the claimant will only need to mail in their payment. The Treasurer's Office will then verify payment information for the Department of Revenue and return the file electronically. The Department of Revenue still has the ability to deny or reject a claim based on the information provided by the County Clerk and/or Treasurer. Below you can see the number of total claims processed and number of claims denied by the Department of Revenue. In Johnson County we have only had one claim denied in the last three years.

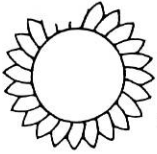
JOHNSON COUNTY CLAIMS 2002-2004

Tax Year	Total # of Claims	# of Claims Denied
2002	564	None
2003	567	None
2004	616	1*

*Claim was denied by the Department of Revenue because the claimant did not currently reside at the property location/situs address. The claimant had been awarded homestead for 2002 and 2003, but moved to an apartment in 2004. Situs addresses will continue to be supplied to the Department of Revenue by the County Clerk and/or Treasurer.

We are in full support of the amendment made by the Senate Committee of the Whole to annually index the upper income threshold based on the inflation rate, beginning in the 2005 tax year. This amendment also clarifies the choice of the claimant to elect how to receive the refund and establishes provisions for electronic record transfer and record keeping.

The Johnson County Treasurer's Office respectfully requests that this legislation be advanced from this committee for further action. Thank you for your attention. I would be happy to stand for questions.



TESTIMONY
Committee on Government Organization and Elections
Senate Bill No. 133
March 17, 2005

Representative Jene Vickrey, Chairman and members of the Committee on Government Organizations and Elections, I am John A. Bartolac, Director of Records and Tax Administration for Johnson County (combined offices of County Clerk and Register of Deeds). I am here on behalf of the Johnson County Department of Records and Tax Administration and the Kansas County Clerks' and Election Officials' Association testifying in support of Senate Bill 133.

The Homestead Rebate Program provides a direct benefit to those taxpayers needing relief from real estate ad valorem taxes. The current program, however, creates distinct hardships for these taxpayers to obtain this benefit. The requirement to physically appear before the Clerk to sign the form is difficult for those that are elderly and infirm. Considering the fact that this process occurs during the winter months adds additional risk for the taxpayers to drive and walk.

Senate Bill 133 would allow for the use of existing technology to automate the Homestead process benefiting the taxpayer, county departments and state agencies. By providing an electronic file of eligible taxpayers to each County, the verification process conducted by the Clerk's office could be completed at one time; tax billing calculation errors would be eliminated and adjusted bills could be mailed in a more timely fashion; and the payment return reporting process would be immediate and complete.

The Kansas County Clerks' and Election Commissioners' Association continue to fully support the continuation of the Homestead Rebate program as we feel it is an important benefit for our taxpayers. We support Senate Bill 133 to enable us to service this program in a more cost effective and reasonable manner.

Thank you for the opportunity to speak on behalf of this bill. We respectfully request that this legislation advance favorably from this committee for further action.

House Gov. Org. & Elections
Date: 3-17-05
Attachment # 6

Submitted by:
Rep. Vickrey

Session of 2005

HOUSE BILL No. 2506

KS Water Authority Version

By Committee on Appropriations

3-2

House Gov. Org. & Elections
Date: 3-17-05
Attachment # 7

9 AN ACT concerning the open meetings act; relating to meetings of the
10 subcabinet on natural resources.

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

12 Section 1. (a) As used in this section,

13 (1) "Subcabinet on natural resources" means the body comprised of
14 the secretary, director or other chief administrative officer, or the des-
15 ignees thereof, or other representatives, of each of the following state
16 agencies: (A) Kansas water office, (B) state conservation commission, (C)
17 department of wildlife and parks, (D) Kansas department of agriculture,
18 (E) department of health and environment, (F) Kansas animal health
19 department, and (G) state corporation commission;

, or any successor entity thereof

20 (2) "meeting" means any meeting as defined in K.S.A. 75-4317a and
21 amendments thereto, except that (A) the phrase "a majority of a quorum"
22 in such definition means any number of individuals representing any three
23 or more of the state agencies included within the subcabinet on natural
24 resources, and (B) the phrase "for the purpose of discussing the business
25 or affairs of the body or agency" in such definition means for the purpose
26 of discussing the business or affairs of two or more of the state agencies
27 included within the subcabinet on natural resources.

of the subcabinet on natural resources when the subcabinet is meeting to
discuss issues relating to the Kansas water authority

a representative of

when the subcabinet on natural resources is meeting for the purpose of
discussing issues relating to the Kansas water authority

28 (b) Each meeting of persons representing any three or more of the
29 state agencies included within the subcabinet on natural resources shall
30 be subject to the open meetings act in accordance with the provisions of
31 K.S.A. 75-4317 through 75-4320b and amendments thereto, in accord-
32 ance with and subject to the provisions of this section.

for the purpose of discussing issues relating to the Kansas water authority

33 (c) In addition to the requirements for notice of meetings as pre-
34 scribed by K.S.A. 75-4318 and amendments thereto, each meeting of the
35 subcabinet on natural resources shall be published in the Kansas register
36 jointly by the state agencies included in the subcabinet on natural
37 resources.

The request for a notice of the date, time and place of a meeting of the
subcabinet on natural resources, which is meeting to discuss issues relating
to the Kansas water authority, authorized under subsection (b) of K.S.A.
75-4318 and amendments thereto shall be made to the office of the
governor.

38 Sec. 2. This act shall take effect and be in force from and after its
39 publication in the Kansas register.

statute book