

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 February 21, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Harold Lane- excused

Committee staff present:

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

Conferees appearing before the committee:

Rep. Shari Weber
Sheriff Ken McGovern, Douglas County
Andree Sisco
Tina Steventon
Rep. Geraldine Flaharty

Others attending:

See attached list.

Chairman Vickrey opened the hearing on:

HB 2938 **Driving while suspended or revoked, habitual violator third or subsequent offense, nonperson felony, sentence in county jail**

Rep. Shari Weber testified in support of the bill (Attachment 1). She explained that the bill endeavors to reinstate a stronger penalty for repetitive violations because of all of the anecdotal and documented infractions.

Ken McGovern, Douglas County Sheriff, testified in support of the bill (Attachment 2). He said the bill would increase the severity levels for repeat offenders of Drive While Suspended or Revoked.

Chairman Vickrey closed the hearing on **HB 2938**.

HB 2938 **Driving while suspended or revoked, habitual violator third or subsequent offense, nonperson felony, sentence in county jail**

Rep. Otto made a motion for the favorable passage of HB 2938. Rep. M. Miller seconded the motion. Following discussion, the motion carried.

Chairman Vickrey opened the hearing on:

HB 2810 **Improvement districts; qualifications for office**

Rep. Geraldine Flaharty testified in support of the bill (Attachment 3). She said the bill would require any person running for election as a director of an Improvement district to own property or be a resident of the district.

Andree Sisco, a Wichita resident, testified in support of the bill (Attachment 4). Ms. Sisco explained that she felt the need for the bill after the passage of HB 2580 out of Committee which allows Improvement Districts to set their own compensation for directors.

Tin Steventon, a member of the Oakview Neighborhood Association Board, testified in support of the bill (Attachment 5). She advised that communities need board members who are totally vested in the community and that strangers should not be running the neighborhoods.

CONTINUATION SHEET

MINUTES OF THE House Governmental Organization and Elections Committee at 3:30 P.M. on February 21, 2006 in Room 519-S of the Capitol.

Chairman Vickrey closed the hearing on **HB 2810**.

HB 2810 **Improvement districts; qualifications for office**

Rep. Miller for a motion to amend the bill with a technical correction. Rep. Yonally seconded the motion. Motion carried.

HB 2742 **Affidavits and sworn testimony in support of probably cause for the issuance of a warrant are open court records following execution of warrant, certain exclusions**

Rep. Goico made a motion to amend the bill with proposed changes (Attachment 6). Rep. M. Miller seconded the motion. Following discussion, the Motion failed 5 to 8.

Rep. Huebert made a motion to refer HB 2742 to the Judicial Counsel. Rep. Sawyer seconded the motion. Motion Carried.

HB 2719 **Open meetings; recording of closed or executive sessions**

Rep. Otto made a motion for the favorable passage of the bill. Rep. Goico seconded the motion.

Rep. Yonally made a motion to amend the bill to exclude suspension and expulsion hearings from the process. Rep. Craft seconded the motion.

Rep. Swenson moved to table action on the bill. Rep. F. Miller seconded the motion. Motion failed 5-7.

A vote was taken on the Rep. Yonally motion to amend. Motion carried.

Rep. Craft made a motion to amend the bill to cap the number of times in a calendar year at three that a board member can request a recorded executive sessions. Rep. M. Miller seconded the motion. Motion failed.

Rep. Storm made a motion for the favorable passage of HB 2719 As Amended. Rep. Sawyer seconded the motion. Motion carried. Rep. Craft and Rep. F. Miller requested to be recorded as "No" votes.

State of Kansas

Rep. Shari Weber
68th District
405 E. Lewerenz
Herington, KS 67449
(785) 258-3526



Capitol Building
Room 502-S
Topeka, KS 66612
(785) 296-7698
weber@house.state.ks.us

House of Representatives

Testimony for House Governmental Organization and Elections
HB # 2938 February 21, 2006

Chairman Vickrey and Members of the Committee,

Thank you for the opportunity to present my support for HB 2938, an act regarding driving while suspended or revoked. I bring this bill to your attention because of the troubling number of drivers in our state who repetitively drive with licenses that have been suspended or revoked.

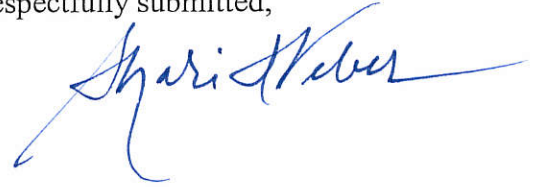
In the late 1990's this section of the statutes was changed to reflect a lesser penalty for repetitive violations regarding a suspended or revoked driver's license. Prior to this time the offense carried a felony charge. This bill endeavors to reinstate a stronger penalty for repetitive violations because of all of the anecdotal and documented infractions.

It has been my opinion that mandatory time spent in a county jail would serve to impart a penalty substantial enough to deter such illegal behavior. Often times a driver's license may be suspended or revoked because a traffic citation carrying a fine goes unpaid. Because of the current law, little attention is paid to making payment of other fines so as to retain a driver's license in good standing. Driving is a privilege in our state and should be regarded as such. This bill proposes that any person repetitively driving while having a suspended driver's license would spend 5 days in a county jail if convicted. There would be no diversion from that penalty of mandatory jail time and the conviction would also carry a \$100 fine. You may argue that such a penalty is harsh for negligence; however, I would submit that driving in our state is a privilege and in order to maintain that privilege you must obey the laws which determine a valid driver's license.

The change would apply to the second conviction of this nature, the penalty would again be a misdemeanor and the conviction shall not be eligible for parole until completion of 5 days' imprisonment. The third or subsequent conviction shall carry a nonperson felony and the individual shall also be sentenced to not less that 90 days nor more than one year's imprisonment and fined not less that \$1500 or more than \$2500. The bill also makes provision for the imprisonment to be served in a work release program after the person has served 48 consecutive hours' imprisonment, and provided such work release program requires the person to return to confinement at the end of each day in the work release program. The bill also gives the court the option to place the person convicted under a house arrest program to serve the remainder of the minimum sentence only after the person has served 48 consecutive hours' imprisonment.

House Gov. Org. & Elections
Date: 2-21-2006
Attachment # 1

I present this change in the law to you as members of the local government committee, for these penalties would be served at the local level, not in state institutions. Although this would present challenges and expenses for local law enforcement, I believe the trade-off of harsher penalties for this infraction would yield greater compliance with driver's license parameters and therefore enhance local and state public safety. I ask you to give this proposal your favorable consideration. Thank you for your time spent to review this statewide legislative change with local impact. Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Shari Weber". The signature is fluid and cursive, with a long horizontal stroke extending to the right.



KANSAS

KANSAS SENTENCING COMMISSION

Honorable Ernest L. Johnson, Chairman
 District Attorney Paul Morrison, Vice Chairman
 Patricia Ann Biggs, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

MEMORANDUM

To: Duane A. Goossen, Secretary, Department of Administration
ATTN: Cheri Froetschner
From: Patricia Biggs, Executive Director
Date: February 17, 2006
RE: Fiscal Note on HB 2938

SUMMARY OF BILL:

AN ACT concerning motor vehicles; relating to driving while revoked; amending K.S.A. 8-262 and 8-287 and K.S.A. 2005 Supp. 21-4704 and repealing the existing sections.

This bill may have a slight impact on the Kansas Sentencing Guidelines Act.

Specifically this bill serves to:

- Amend K.S.A. 8-262 to create a nonperson felony for a person's third or subsequent conviction of driving while such person's license is cancelled, suspended or revoked pursuant to this section or K.S.A. 8-252a. The penalty for such violation shall be no less than 90 days nor more than one year's imprisonment and a fine of \$1,500 to \$2,500. The person must serve at least 48 consecutive hours' imprisonment before being eligible for a work release program.
 - Current penalties for violations:
 - Class B nonperson misdemeanor on the first conviction; and
 - Class A nonperson misdemeanor on the second conviction or subsequent conviction.
- Amend K.S.A. 8-287 to create a nonperson felony for a person's third or subsequent conviction of driving while such person's license is revoked pursuant to K.S.A. 8-286. The penalty for such violation shall be no less than 90 days nor more than one year's imprisonment and a fine of \$1,500 to \$2,500. The person must serve at least 48 consecutive hours' imprisonment before being eligible for a work release program.
 - Current penalties for violations
 - Operation of a motor vehicle in this state while one's driving privileges are revoked pursuant to K.S.A. 8-286 and amendments thereto is a class A nonperson misdemeanor.
- Amend K.S.A. 2005 Supp. 21-4704 to provide that the sentence for a felony violation of K.S.A. 8-262 or 8-287 shall be as provided in these statutes and not subject to the nondrug sentencing guideline grid. In addition, the mandatory imprisonment shall not be served in a state facility in the custody of corrections.

Section 1 amends K.S.A. 8-262 subsection (a)(1) to add subparagraph (C) which provides that a person's third or subsequent conviction for driving when such person's license is cancelled, suspended or revoked pursuant to this section or K.S.A. 8-252a shall be a nonperson felony.

Subsection (c) is added to provide that the penalty for a person found guilty of a nonperson felony on a

Prison Population Impact of 2006 HB 2938
February 17, 2006 Page 2 of 4

third or subsequent conviction of this section shall be not less than 90 days nor more than one year's imprisonment and a fine of not less than \$1,500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

Section 2 amends K.S.A. 8-287 to provide that operation of a motor vehicle in this state while one's driving privileges are revoked pursuant to K.S.A. 8-286 is a class A nonperson misdemeanor on a first or second conviction and a nonperson felony on a third or subsequent conviction. The penalty for a conviction of a third or subsequent violation of this section shall be not less than 90 days nor more than one year's imprisonment and a fine of not less than \$1,500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

Section 3 amends K.S.A. 2005 Supp. 21-4704 subsection (i) to provide that the sentence for a violation of K.S.A. 8-262, and 8-287 are included in the list of statutes that provide their own specific mandatory sentencing requirements and are not subject to the provisions of this section. In addition, the term of imprisonment imposed for the violation of the felony provision of these two statutes, as with the others listed in this section, shall not be served in a state facility in the custody of corrections.

Section 4 repeals prior versions of K.S.A. 8-262 and 8-287 and K.S.A. 2005 Supp. 21-4704.

Section 5 sets the effective date as after publication in the statute book.

IMPACT ON KANSAS SENTENCING COMMISSION:

Based on the current duties of the Kansas Sentencing Commission, the change(s) proposed in this bill will affect the following:

- The current operation or responsibilities of the Commission
- The current budget of the Commission. **Potentially – see below**
- The current staffing and operating expenditure levels of the Commission. **Potentially –see below**
- The long-range fiscal estimates of the Commission.
- The change(s) proposed in this bill will not likely affect the duties of the Kansas Sentencing Commission.

Provisions of this bill create new nonperson felonies.

Sentencing for adult felony convictions requires completion of a Journal Entry of Sentencing and submission of such journal entry to the Kansas Sentencing Commission for recording in the database of state-wide adult felony offenses. Thus, this bill will increase the number of Journal Entries of Sentencing received and recorded by Commission staff.

The magnitude of such increase is not quantifiable as no data exists upon which such estimates could be built; however, it is *possible although not certain*, that such increase may be large enough to require an additional data researcher at the Commission (Research Analyst I). Such position, on the classified pay scale would receive annual compensation of approximately \$32,468.80 (range 20 – step 10 – 26 pay periods). Benefits would total approximately 23% of the salary amount or \$ 7467.82 per year.

Associated Costs: Computer, printer, software, desk, and office space would be required for this either full time or half-time research staff person. Estimates indicate that one time costs would be approximately \$9,500 with an additional \$11,000 required annually for an increase in the office space leased by Commission staff.

	Full Time	Half-time		
Salary: Research Analyst I	\$32,468.80	\$16,234.40		
Benefits: Research Analyst I	\$7,467.82	\$3,733.91		
SUBTOTAL	\$39,936.62	\$19,968.31		
Associated Costs: (Same costs apply regardless if position if full time or half time)				
Computer & Printer		\$1,850.00		
General Software		\$350.00		
SPSS (Statistical Software)		\$1,000.00		
Computer Set Up/DISC		\$300.00		
Desk, Chair, Filing, etc.		\$3,000.00		
Server expansion		\$3,000.00		
ONE TIME: Subtotal			\$9,500.00	
Physical space		\$11,000.00		
SUBTOTAL			\$20,500.00	

Physical office space would also be needed. Present discussions with management of our building indicate that contiguous office space of approximately 725 square feet could be secured at between \$900 and \$950 per month. A "rounded" estimate of \$11,000 annual cost is included here.

Summary:

	Year 1		Year 2		Year 3	
	Full-time	Half-time	Full-time	Half-time	Full-time	Half-time
Salary & Benefits	\$39,936.62	\$19,968.31	\$39,936.62	\$19,968.31	\$39,936.62	\$19,968.31
Assoc'd Costs	\$20,500.00	\$20,500.00	\$11,000.00	\$11,000.00	\$11,000.00	\$11,000.00
TOTAL	\$60,436.62	\$40,468.31	\$50,936.62	\$30,968.31	\$50,936.62	\$30,968.31

Should the increase in journal entries require additional staffing at the Commission, costs estimates are:

- between \$40,468.31 and \$60,436.62 in the first year;
- between \$30,968.31 and \$50,936.62 in the second year; and
- between \$30,968.31 and \$50,936.62 in the third year.

Again, it is **possible though not certain**, that this additional staffing and budget could be needed.

*Prison Population Impact of 2006 HB 2938
February 17, 2006 Page 4 of 4*

ANALYTIC RESULT SUMMARY:

IMPACT ON PRISON ADMISSIONS:

- Increase by an estimated:
- Potential to increase but cannot quantify
- Decrease by an estimated:
- Potential to decrease but cannot quantify
- Remain the same

IMPACT ON OFFENDER POPULATION LEVELS:

- Impact offender population as noted below
- Potentially impact offender population as noted below.
- Minimal or no impact on offender population.
- May impact offender population but cannot quantify with data available.

Provisions of the bill state that the offender will not serve state time for the felonies presented thus, there is no anticipated impact on state prison admissions or bed space needs.

*Provisions of the bill require an offender convicted of the stated offenses to serve time at **the county jail** level. Thus, there would be an increase in county jail admissions and bed space needs although, since there exists no data upon which estimates can be built, the magnitude of such increases is unquantifiable.*

CONCLUSION: IMPACT OF HB 2938

Prison Admissions: The impact of this bill will result in no change in prison admissions.

Prison Beds: The impact of this bill will result in no change in prison bed space needs.

Impact on Commission: It is possible, although not certain, that the Commission would require between ½ and 1 additional unclassified staff person and an associated increase in budget of between \$40,468.31 and \$60,436.62 in the first year, between \$30,968.31 and \$50,936.62 in the second year, and between \$30,968.31 and \$50,936.62 in the third year.



Kansas Sheriffs Association

Salina, Kansas 67402-1853
785-827-2222
Fax 785-827-5215

OFFICERS

President
Sheriff Randy Rogers
Coffey County

First Vice President
Sheriff Jeff Parr
Stafford County

Second Vice President
Sheriff Gary Steed
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Secretary-Treasurer
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Cowley County

Sgt.-at-Arms
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Carol Wilson

Legal Counsel
Robert Stephan

BOARD OF DIRECTORS

Sheriff Pat Parsons
Logan County - Dist. #1
Sheriff Allan Weber
Gove County - Alternate

Sheriff Buck Causey
Barton County - Dist. #2
Sheriff Charles "Ed" Harbin
Ellis County - Alternate

Sheriff Glen Kochanowski
Salline County - Dist. #3
Sheriff Tracy Ploutz
Ellsworth County - Alternate

Sheriff Lamar Shoemaker
Brown County - Dist. #4
Sheriff David Mee
Nemaha County - Alternate

Sheriff Kevin Bascue
Finney County - Dist. #5
Sheriff Ed Bezona
Stanton County - Alternate

Sheriff Vernon Chinn
Pratt County - Dist. #6
Sheriff Ray Stegman
Kiowa County - Alternate

Sheriff Gerald Gilkey
Sumner County - Dist. #7
Sheriff Steve Bundy
Rice County - Alternate

Sheriff Marvin Stites
Linn County - Dist. #8
Sheriff Sandy Horton
Crawford County - Alternate

To: House Subcommittee on Gov. Org & Elections
Re: HB2938

Committee Members,

The Kansas Sheriff's Association comes forward in support of HB2938. This bill would increase the severity levels for repeat offenders of Driving While Suspended or revoked.

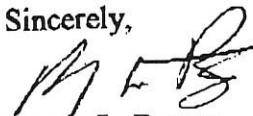
Many times repeat offenders that are arrested for Driving while suspended or revoked are committing other crimes, which commonly include DUI, No Liability Insurance, etc... These individuals do not simply stop driving because they do not have a license and pose a threat to the citizens driving on Kansas roadways.

Current law provides minimal consequences for repeat violators. Therefore, HB2938 increases sentencing for these offenders and creates a level of accountability.

Recently the Kansas Sheriff's Association has opposed legislation that places more felony violators in our county jails. However, we realize that there is not room in our state prison system to house felony driving while revoked violators and would rather see the state prison space utilized for more serious felony violators. There comes a point when the punishment should fit the crime, and this is one of those times.

We would ask that this bill be passed out of committee favorably. Please help us to make Kansas roadways safer.

Sincerely,



Randy L. Rogers
Legislative Chair

Ken McGovern
Douglas County Sheriff

House Gov. Org. & Elections

Date: 2-21-2006

Attachment # 2

Submitted by: Rep Flaherty
2/21/2006

SUNVIEW IMPROVEMENT DISTRICT
SEDGWICK COUNTY
KANSAS

Geraldine Flaherty
Riverside 3—District 5

Re: House Bill 2810

The Sunview Improvement District Board of Directors have approved to support the upcoming bill 2810, which, if passes, will require any person running for election as a director of an Improvement District must own property or be a resident of the district.

We understand if this bill is passed along with Senate Bill 497, KSA 19-2760 will be repealed.

Anna Milligan, secretary
Sunview Improvement District

Anna Milligan

Hello, my name is Andree Simonsen Sisco, I live at 5015 Jade, P.O. Box 161067, Wichita, Kansas, 67216. My telephone number is 316-529-1582.

I would like to thank all of the committee members of the Governmental Organization and Elections committee for hearing House Bill 2810.

I have lived in my home, which is inside of the Oaklawn Improvement District since 1983. I am here to speak in support of House Bill 2810.

I have served as a board member on the Oaklawn Improvement District board over the last 10 years. I have represented my outside family, the community I live in, as president and secretary, making changes to a great place to live and raise children. That is what brings me here today. I believe by changing K.S.A. 19-2759 and 19-2761, which is in House Bill 2810 will be a positive change for all Improvement Districts.

After the approval of House Bill 2580, which would allow Improvement Districts to set their own compensation for directors. I completed some research of Improvement Districts, I asked the following questions, Do the directors receive compensation, do the directors live within the Improvement District, if we are looking at setting compensation, setting taxes, setting sewer rates we should ourselves pay those rates.

I completed a survey of Improvement Districts in Marion, Ford, Ellis, Morris, Riley, Sedgwick and Wasbaunsee counties in the state of Kansas. Of these seven (7) counties, only Oaklawn Improvement district has an outside board member serving on the board. When a person runs to be a Kansas House Representative they must live within the boundaries of that area. If a person resigned from the Improvement District they must live within the boundaries to be appointed. But they do not have to live within the Improvement District to run for election. Yet that person that is elected sets taxes, sewer rates and in our Improvement District they can abate nuisances against a property and charge it against the property taxes for collection. With the approval of this community by passing House Bill 2810 it would require a Improvement District Board member to live within the Improvement District. By doing that it would also require them to pay those taxes, pay the sewer rates as well as keep their property maintain and set an example for others within the Improvement District.

Attached is a copy of my finding in visiting with the different Improvement Districts within the state of Kansas as well as the person I talked with, their address and telephone number if you wish to give them a call.

In closing I would like to add that all improvement districts are different, however they all have one thing in common they are out there trying to improve the area they live and raise children in. People living within the area that know and understand the day-to-day needs of the improvement district best do this. **Please stamp House Bill 2810 with your approval. Thank you.**

Andree Simonsen Sisco



House Gov. Org. & Elections
Date: 2-21-2006
Attachment # 4

**SURVEY
OF
IMPROVEMENT
DISTRICTS
IN
THE
STATE
OF
KANSAS**

**Completed by Andree Simonsen Sisco
February 2006**

Improvement District

Improvement District	County	Live within the District
Marion County Lake	Marion	Yes
Eastshore	Marion	Yes
Marion County Pilsen	Marion	Yes
Wilroads Gardens	Ford	Yes
Munjor	Ellis	Yes
Praire Acres	Ellis	Yes
Suburban Estates	Ellis	Yes
Vista Del Lago	Morris	Yes
University Park	Riley	Yes
Crestview	Sedgwick	Yes
Furley	Sedgwick	Yes
K-42	Sedgwick	Yes
Miles Village - Lake Waltanna	Sedgwick	Yes
Reece Road	Sedgwick	Yes
Springdale Country Club	Sedgwick	Yes
St. Marks	Sedgwick	Yes
Sunsweep Highlands	Not an active	board
Sunview	Sedgwick	Yes
Oaklawn	Sedgwick	No
Flint View	Wasbaunsee	Yes

Marion County Clerk's office

Marion County Lake Improvement, I talked with Dan Crumrine at 20 Lakeshore drive, Marion Kansas 66861, phone is 1-620-382-2254. Marion County Lake Improvement is a sewer and water district. The directors do not get any money. There are about 250 people in the area. They met once a month. All of the board members live within the district.

Eastshore Improvement District, I talked with Donald D. Rock at 2130 North Kruse, Marion Kansas 66861, phone is 1-620-382-3463. This improvement district is 80 homes. All of the board members own property within the district. No one is paid. Mr. Rock stated that they were elected to office and they have to live within the improvement district to run.

Marion County Pilsen Improvement District #3, I talked with Kathy Silhan at 2739, Remington, Marion Kansas, 66861, phone is 620-924-5420. The improvement district has 42 hook ups. The board does get paid. All of the board members live within the district. Kathy said that as small as their area is she would not see anyone wanting to be on the board unless they lived there, however in other areas they might.

Ford County Clerk's office

Wilroads Gardens Improvement District I talked with Tony Zortman, he lives at 11322 Middle Road Doge City Kansas 67801, phone number is 620-225-2440. The directors do get paid. There are about 170 homes. All of the board members live within the area. It was his understanding that you had to live within the district in order to be on the board. They met once a month. Tony stated it would make cents that a person should live in the district to be on the board.

Ellis County Clerk's office

Munjor Improvement District, I talked with Evelyn Korbe at 893 Munjor Main Street, Hays, Kansas 67601, phone number is 785-625-5397. The only person that gets paid is the bookkeeper. They have about 100 homes. All of the board members live within the district. She thinks they should live within the district. (Call her back and let her know how things come out).

Suburban Estates Improvement District, I talked with Mike Legleiter at 1893 Hickok Avenue, Hays, Kansas 67601, phone number is 785-625-5630. This is an improvement district of 15 homes. All of the board members live within the district. None receive any money for being a board member.

Prairie Acres Improvement District, I talked with Bill Wierman at 1324 Grand Street, Hays, Kansas 67601, phone number is 785-625-6736. There are 50 hook ups. All of the board members live within the district. They do not receive any money.

Morris County Clerk's office

Vista del Lago Improvement District, I talked with Kenneth Leiker at 1108 Vista del Lago, Council Grove, Kansas 66846, phone number is 620-767-6734. He was listed as on the board, but he is not on the board any more. The board does not get paid, there are only 7 homes and yes they live with in the area. That is why he is not on the board because he moved.

Riley County Clerk's office

University Park Improvement District, I talked with Stanley A. Glaum, at 6719 Redbud Drive, Manhattan, Kansas 66503, phone number is 785-293-5575. The board does not get paid. There are about 85 homes. Everyone lives within the district. (Would like information about Nuisance abatement. E-mail address is Glaums@kansas.net).

Sedgwick County Clerk's office

Crestview County Club, I talked with Norris Cooper at 14223 Cascades Ct, Wichita, Kansas 67230, phone is 316-733-1581. They do not receive any money. There are about 2000 voters. All of the board members live within the district. He thinks that they should live within the area.

Furley Improvement District, I talked with Mrs. Palmer, Darrel's wife at 11011 E 3rd st, Valley Center 67147, phone number is 316-744-1193. They do not get any money as board members. It was her understanding that you had to live in the district to be on the board.

K-42 Estate Improvement, I talked with Larry Wolf at 5311 Skyline Drive, Clearwater, 67026, phone number is 316-545-7628. They do not get any money. They have not had a meeting yet this term. There are about 100 homes. He said it is a joke, and he will not run again.

Miles Village – Lake Waltanna. I talked with Michael Gerken at 19 N. Lakeview Dr., Goddard, 67052, his phone is 316-794-3436. There are about 85 homes in the district. They do not get any money. They all live within the district.

Reece Road Improvement district, I talked with Lynn Wisner at 1552 Reece Rd. Goddard, 67052, phone is 316-794-2752. There are 30 homes within the district. They do not get paid. They all live in the district. It was Lynn's understanding that you had to live within the district to be on the board.

Springdale Country Club, I talked with Victo Fitz at 14726 Twinlake Dr. Wichita, Kansas 67230, phone is 316-733-4654. There are 71 homes. They do not receive any money. All of the board members live within the area. Springdale was started in 1991 and at that time is was a requirement that they live within the area. They do roads, they were started to handle FEMA money from the 1991 tornados.

St. Marks Improvement district, I talked with David Smarst at 19105 Bealman Ave. Colwich, 67030, phone is 316-796-1443. He agrees with me in that you should live within the area. He stated: It just makes sense, why would anyone want to be on a board and not live within the area.

Sundswept Highlands is not an active board, there is only one member left on the board the others resigned in 5-05.

Sunview Improvement District, I talked with Ann L. Milligan at 4321 Deerfield, Wichita, 67216, phone is 316-584-7710. Sunview has about 250 homes, some are house and some are trailers. All of their board lives within the district. They do get paid \$25.00 and \$30.00. Ann did know that you do not have to live in the area to be on the board. She thinks that a person should live within the area they are serving.

Oaklawn Improvement District, I Andree Simonsen Sisco, live at 5015 Jade/P.O.Box 161067 Wichita, Kansas, my telephone number is 316-529-1582. Oaklawn Improvement District has over 1500 homes that are hooked up to our main lines. We as a board get paid \$100.00 dollars a month. We do not all live within the district. I think that if a person is setting taxes, setting rates, setting their how much money they make, making changes to a community, they should live within that community. So that they can pay the taxes, pay the sewer rates attend activities in the community and set an example for others to follow.

Wabaunsee County clerk's office

Flint View Improvement District, I talked with Bill Andritsch at 1277 Lewis St. Paxico 66526, phone is 785-636-5414. There are only 21 homes in this district. The board receives no money. Everyone on the board lives within the district on the same street.

Dear House Members

House Bill # 2810

Hi my name is Tina Steventon; I am a member of the Oakview Neighborhood Association board, which boundaries serves two Improvement Districts. I am an 18 year resident of the community. If the home is where the heart is, the home needs to be in the community. How can someone say that their heart is in a community outside of where they live? A community is made up of people who live inside the boundaries of four imaginary walls on the east, north, south and west side. Those who live inside those walls serve the best interest of the community. Those who have an interest in making decisions for their community should live within their community. Those decisions impact people's lives and their surroundings. If you are not a member of the community, then you are deciding others futures without personal impact. Communities need board members who are totally vested in the community, strangers should not be running our neighborhoods.

House Gov. Org. & Elections
Date: 2-21-2006
Attachment # 5

Thank You

Tina Steventon

House Bill No. 2742
By House Governmental Operations and Elections Committee

AN ACT concerning criminal procedure; relating to the issuance of warrants or summons; amending K.S.A. 22-2302 and repealing the existing section.

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

Section 1. K.S.A. 22-2302 is hereby amended to read as follows: 22-2302. (1) If the magistrate finds from the complaint, or from an affidavit or affidavits filed with the complaint or from other evidence, that there is probable cause to believe both that a crime has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall issue, except that a summons instead of a warrant may be issued if: (a) The prosecuting attorney so requests; or (b) in the case of a complaint alleging commission of a misdemeanor, the magistrate determines that a summons should be issued. More than one warrant or summons may issue on the same complaint. If a defendant fails to appear in response to the summons, a warrant shall issue.

(2) Affidavits or sworn testimony in support of the probable cause requirement of this section shall ~~not be made available for examination without a written order of the court; except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire.~~ open to the public and considered a public court record twenty (20) days after the warrant or summons has been executed, or immediately following the defendant's arraignment, whichever ever occurs first. At such time the affidavit or testimony shall be placed in the court file and be available to the public except as provided in subsection (3) of this section.

(3) A county/district attorney may exclude all or any part of the affidavit or sworn testimony from the court file if he or she determines that public review would:

- (a) interfere with any prospective law enforcement action;
- (b) reveal the identity of any confidential source or undercover agent;
- (c) reveal confidential investigative techniques or procedures not known to the general public;
- (d) endanger the life or physical safety of any person; and
- (e) reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

In the event the county/district attorney makes such a determination, he or she shall cause to be placed in the court file a notice stating the statutory basis for the exclusion of the affidavit or testimony. If the county/district attorney determines that only a portion of the affidavit or testimony falls within one or more of the categories (a) through (e) above, he or she shall file a redacted version of the affidavit or testimony along with a notice stating the statutory basis for the redactions.

(4) A person seeking access to an affidavit or testimony that has been excluded in whole or in part from the court file as provided in subsection (3) hereof, may obtain review by the district court of the county/district attorney's determination regarding exclusion. Such review may be obtained by filing a motion in the criminal action or, if no such action is pending, by filing a petition for mandamus requesting that the county/district attorney be directed to place the excluded affidavit or testimony, or the excluded portions thereof, in the court file. In connection with such review, the district court shall examine the affidavit or testimony *in camera* and allow both parties to be heard. Proceedings arising under this subsection shall be assigned for hearing at the earliest practical date and the burden of proof shall be on the party seeking to uphold the exclusion. If the court finds that the exclusion is not justified, it shall order the excluded materials placed in the court file. If the court further finds that the exclusion was not made in good faith or was made without reasonable basis in fact or law, the court shall award the movant/plaintiff their attorney fees incurred in seeking review.

Sec. 2 K.S.A. 23-2302 is hereby repealed.

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