

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on February 21, 2006 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
 Mike Heim, Kansas Legislative Research Department
 Ken Wilke, Revisor of Statutes
 Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

SB 456 - Open records; disclosure of certain records pertaining to drivers of motors vehicles transporting members of the public.

SB 492 - Repealing unilateral annexation procedure.

SB 497 - Improvement districts; qualifications of directors.

Senator Huelskamp opened meeting with discussion on bills **SB 456**, **SB 492** and Hearing on **SB 497**.

Senator O'Connor who sponsored **SB 456**, stated she agree to amendment from yesterday and would agree to offering of name only.

Ken Wilke, Revisor of Statues Office clarified the amendment (**Attachment 1**).

Discussion.

Senator Donovan, how do we handle common names?

Senator O'Connor stated that partial addresses would clarify identification and that names alone would cause problems.

Amendment was brought to vote by Senator Huelskamp.

Motion carried as amended.

Senator O'Connor motioned that **SB 456** with amendment be favorably moved out.

Seconded by Senator Wilson.

Motioned carried.

Senator Petersen motion to reconsider motion made by Senator Pyle yesterday on **SB 492**. It was seconded by Senator O'Connor.

Discussion.

Senator Wilsom asked for motion to be restated. Senator Huelskamp said only counties that exceeded 100,000 were affected by **SB 492**.

Senator Betts asked if the bill was constitutional. Mike Heim stated this was questionably. Senator Huelskamp moved that perhaps more clarification was needed. regarding **SB 492**.

Motion carried.

Vote taken. Senator Betts, Senator Reitz, and Senator Francisco voted no.

Senator Pyle moved to report **SB 492** as amended. Seconded by Senator O'Connor.

Motion carried.

Hearing on **SB 497**.

Ken Wilke of the Revisor of Statues office gave explanation of **SB 497**.

Senator Huelskamp asked Mike Heim to briefly state what an improvement district meant. Mike stated that the empowerment of an improvement district is similar to that of ruual water districts like Sherwood and Perry, etc. They can provide certain improvements like a small city but not have home rule.

Senator Peterson testified in favor of **SB 497** (**Attachment 2**).

Written testimony in favor of **SB 497** was submitted by Senator Petersen on behalf of Anna Milligan of Sunview Improvement District Sedgwick County, Kansas (**Attachment 3**).

Andree Sisco of Wichita, Kansas gave testimony in favor of **SB 497** (**Attachment 4**). Please note there is no

CONTINUATION SHEET

MINUTES OF THE Senate Elections and Local Government Committee at 1:30 P.M. on February 21, 2006 in Room 423-S of the Capitol.

copy of attachment from conferee as stated.

Tina Steventon from the Oakview Neighborhood Association Board gave testimony in favor of **SB 497** (Attachment 5).

Discussion closed on **SB 497**.

Senator Petersen moved we send out **SB 497** favorably to the Senate.

Senator Betts seconded.

Motion carried.

Meeting adjourned till further notice.

Respectfully submitted,

Zoie C. Kern

SENATE BILL No. 456

By Committee on Federal and State Affairs

1-26

9 AN ACT concerning records pertaining to certain holders of a commercial drivers license; relating to requests for such records.

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

13 Section 1. (a) Each public agency which employs or contracts for the use of a driver of a commercial motor vehicle for the purpose of transporting students or members of the public shall make available the name of each driver of a commercial vehicle employed and the following information: 17 information pertaining to such driver upon receipt of a request for such information:

- 19 1. Position;
- 20 2. salary or other compensation;
- 21 3. length of service;
- 22 4. driving records;
- 23 5. convictions of any crime; and
- 24 6. convictions of driving while under the influence of drugs or alcohol.

25 (b) The request for information shall be made in accordance with the open records act, K.S.A. 46-215 et seq. and amendments thereto. In the event that the public agency has contracted with another entity for the use of a driver of a commercial motor vehicle, the request for information shall be made to the public agency and the public agency shall be responsible for obtaining the information requested from its contractor.]

31 (c) Any information requested pursuant to subsection (a) shall be provided to the requester notwithstanding the applicability of any exception to disclosure contained in K.S.A. 45-221 and amendments thereto.

34 (d) For the purposes of this section:

35 (1) "Commercial motor vehicle" shall have the meaning ascribed to it in K.S.A. [8,128] and amendments thereto, with respect to the transportation of passengers. 8-2,128

38 (2) "Driver" shall have the meaning ascribed to it in K.S.A. [8,128] and amendments thereto. 8-2,128

40 (3) "Employer" shall have the meaning ascribed to it in K.S.A. [8,128] and amendments thereto. 8-2,128

42 (e) The provisions of this section shall be a part of and supplemental to the open records act.

(a) (1) Each public agency which employs or contracts for the use of a driver of a commercial motor vehicle for the purpose of transporting students or members of the public shall include in its contract a provision requiring that each driver of a commercial vehicle employed under such submit to a criminal history records check utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation. The criminal history records check shall be completed on or before August 1st of the year in which the contract is executed.

(2) For the purpose of obtaining the criminal history records check, each driver of a commercial vehicle who will be employed under a contract pursuant to paragraph (1) shall submit to the public agency or contracting employer a complete set of legible fingerprints of such driver taken by a qualified law enforcement agency. Fingerprints submitted pursuant to this regulation shall be released by the public agency or contracting employer to the Kansas bureau of investigation for the purpose of conducting criminal history records checks, utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation.

(b) Each contracting employer shall provide to the public agency a copy of the criminal history records check for each driver of a commercial motor vehicle who is employed under a contract pursuant to subsection(a).

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TRANSPORTATION
UTILITIES

JT. COMMITTEE ON
INFORMATION TECHNOLOGY

SENATOR MIKE PETERSEN

SB497

Mr. chairman and members of the committee I want to thank you for letting me have the opportunity to appear before you today. SB497 is the result of constituent requests. To insure that a director of an improvement district have a stake in the area. This would allow for a business owner that owns property or a non resident property owner to serve on the board. the size of these districts vary greatly over our state ranging from 30 to over 1000 homes. The residency requirements for voting still remain in place.

A handwritten signature in cursive script that reads "Mike Petersen". The ink is dark and the signature is fluid and legible.

Senator Mike Petersen

Elections and Local Government
February 21, 2006
Attachment 2

SUNVIEW IMPROVEMENT DISTRICT
SEDGWICK COUNTY
KANSAS

Michael Peterson
Riverside 3—District 5

Re: Senate Bill 497

The Sunview Improvement District Board of Directors have approved to support the upcoming bill 497 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 House Bill 2810, KSA 19-2760 will be repealed.

Anna Milligan, secretary
Sunview Improvement District

Anna Milligan

SENATE BILL 497

Hello. My name is Andree Simonsen. 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 Elections and Local Government Committee for hearing Senate Bill 497.

I have lived in my home, which is inside of the Oaklawn Improvement District since 1983. I am here to speak in support of Senate Bill 497.

I have served as a board member on the Oaklawn Improvement District Board over the last ten 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. 19-2760, which is in Senate Bill 497, will be a positive change for all improvement districts.

After the approval of HB 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 Wabaunsee 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 senator 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 committee by passing Senate Bill 497, it would require a Improvement District Board member to live 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 Senate Bill 497 your approval.**

Thank you.


Andree Simonsen Sisco

Senate Elections and Local
Government Committee
Attachment 4
2-21-06

SENATE BILL 497

Dear Senate Members:

Hi. My name is Tina Steventon; I am a member of the Oakview Neighborhood Association Board, which boundaries serve 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.

Thank you,


Tina Steventon