

Approved: 3-22-07
Date

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 March 13, 2007 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Others attending:

See attached list.

Ken Wilke handed out amendment to **HB 2019 Advance voting; satellite voting sites** (Attachment 1).
Discussion.

Senator Francisco moved to add "for the first time" to section 3 page 10, line 21 of HB 2019 (Attachment 1) to clarify who we are addressing.

Motion carried.

Senator Francisco motioned and Senator Reitz second to amend HB 2019 to read "for the first time" on line 21, section 3 page 10.

Motion carried.

Senator Lynn motioned and second by Senator Wilson to move HB 2019 out favorable as amended.

Motion carried.

Senator Francisco and Senator Betts voted no.

Discussion of **HB 2128 Elections petitions; time frame for advisory** (Attachment 2).

Senator Francisco moved and second by Senator Reitz to accept amended HB 2128 to include SB 99.

Motion carried.

Senator Lynn moved and Senator Donovan second to report HB 2128 out favorably.

Motion carried.

Discussion on **HB 2081 Recreation commissions, removal of members.**

Senator Francisco moved to table the bill. It was second by Senator Betts

Motion failed.

HB 2081 rolled over to next meeting.

Ken Wilke handed out amendments to **HB 2280 Cities; financing certain public improvements.** (Attachment 3)

Senator Reitz motioned and Senator Lynn second to accept amendment to HB 2280.

Motion carried.

Senator Reitz motioned and Senator Lynn second to move out favorably HB 2280 as amended.

Motion carried.

Meeting adjourned.

Respectfully submitted,

Zoie Kern, Committee Secretary

Senate Elections and Local Government Committee

Daily, 1:30 - 2:30 p.m. Room 423S

Senator Tim Huelskamp, Chair

Guest List for March 13, 2007

Please print in BLACK ink.

Name

Representing

PAT LEHMAN

KRPA

Brad Bryant

Sec. of State

Carol Williams

Ethics Commission

Donna Vott

n 4

HOUSE BILL No. 2019

By Representatives Burgess, Powers and Sawyer

1-8

pertaining to presentation of photographic identification at time of voting; amending K.S.A. 2006 Supp. 25-1122, 25-1123, 25-2309, 25-2908 and 25-3002 and repealing the existing sections

9 AN ACT concerning elections; relating to advance voting; [amending
10 K.S.A. 2006 Supp. 25-1122 and repealing the existing section.]

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

13 [Section 1. K.S.A. 2006 Supp. 25-1122 is hereby amended to read as
14 follows: 25-1122. (a) Any registered voter may file with the county elec-
15 tion officer where such person is a resident, or where such person is
16 authorized by law to vote as a former precinct resident, an application for
17 an advance voting ballot. The signed application shall be transmitted only
18 to the county election officer by personal delivery, mail, facsimile or as
19 otherwise provided by law.

20 (b) If the registered voter is applying for an advance voting ballot to
21 be transmitted in person, and such voter is a first-time voter, such voter
22 shall provide a form of valid identification such as a current and valid
23 Kansas driver's license, nondriver's identification card, utility bill, bank
24 statement, paycheck, government check or other government document
25 containing the voter's current name and address as indicated on the reg-
26 istration book. Such voter shall not be required to provide identification
27 if such voter has previously provided current and valid identification in
28 the county where registered.

29 (c) If the registered voter is applying for an advance voting ballot to
30 be transmitted by mail, and such voter is a first-time voter, such voter
31 shall provide on the application for an advance voting ballot the voter's
32 current and valid Kansas driver's license number, nondriver's identifica-
33 tion card number or the last four digits of the voter's social security num-
34 ber, or shall provide with the application a copy of the voter's current and
35 valid Kansas driver's license, nondriver's identification card, utility bill,
36 bank statement, paycheck, government check or other government docu-
37 ment containing the voter's current name and address as indicated on
38 the registration book. Such voter shall not be required to provide iden-
39 tification if such voter has previously provided current and valid identi-
40 fication in the county where registered.

41 (d) If a first-time voter is unable or refuses to provide current and
42 valid identification, or if the name and address do not match the voter's
43 name and address on the registration book, the voter may vote a provi-]

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1 [sional ballot according to K.S.A. 25-409, and amendments thereto. The
2 voter shall provide a valid form of identification as defined in subsection
3 (c) of this section to the county election officer in person or provide a
4 copy by mail or electronic means before the meeting of the county board
5 of canvassers. At the meeting of the county board of canvassers the county
6 election officer shall present copies of identification received from pro-
7 visional voters and the corresponding provisional ballots. If the county
8 board of canvassers determines that a voter's identification is valid and
9 the provisional ballot was properly cast, the ballot shall be counted.

10 (e) Applications for advance voting ballots to be transmitted to the
11 voter by mail shall be filed only at the following times:

12 (1) For the primary election occurring on the first Tuesday in August
13 in even-numbered years, between April 1 of such year and the last busi-
14 ness day of the week preceding such primary election.

15 (2) For the general election occurring on the Tuesday succeeding the
16 first Monday in November in even-numbered years, between 90 days
17 prior to such election and the last business day of the week preceding
18 such general election.

19 (3) For the primary election held five weeks preceding the first Tues-
20 day in April, between January 1 of the year of such election and the last
21 business day of the week preceding such primary election.

22 (4) For the general election occurring on the first Tuesday in April,
23 between January 1 of the year of such election and the last business day
24 of the week preceding such general election.

25 (5) For question submitted elections occurring on the date of a pri-
26 mary or general election, the same as is provided for ballots for election
27 of officers at such election.

28 (6) For question submitted elections not occurring on the date of a
29 primary or general election, between the time of the first published notice
30 thereof and the last business day of the week preceding such question
31 submitted election, except that if the question submitted election is held
32 on a day other than a Tuesday, the county election officer shall determine
33 the final date for mailing of advance voting ballots, but such date shall
34 not be more than three business days before such election.

35 (7) For any special election of officers, at such time as is specified by
36 the secretary of state.

37 (8) For the presidential preference primary, between January 1 of
38 the year in which such primary is held and the last business day of the
39 week preceding such primary election.

40 The county election officer of any county may receive applications prior
41 to the time specified in this subsection (e) and hold such applications
42 until the beginning of the prescribed application period. Such applications
43 shall be treated as filed on that date.]

1 { (f) Unless an earlier date is designated by the county election office,
2 applications for advance voting ballots transmitted to the voter in person
3 in the office of the county election officer shall be filed on the Tuesday
4 next preceding the election and on each subsequent business day until
5 no later than 12:00 noon on the day preceding such election. If the county
6 election officer so provides, applications for advance voting ballots trans-
7 mitted to the voter in person in the office of the county election officer
8 also may be filed on the Saturday preceding the election. Upon receipt
9 of any such properly executed application, the county election officer shall
10 deliver to the voter such ballots and instructions as are provided for in
11 this act.

12 An application for an advance voting ballot filed by a voter who has a
13 temporary illness or disability or who is not proficient in reading the
14 English language or by a person rendering assistance to such voter may
15 be filed during the regular advance ballot application periods until the
16 close of the polls on election day.

17 ~~In any county having a population exceeding 250,000,~~ The county elec-
18 tion officer may designate places other than the central county election
19 office as satellite advance voting sites. At any satellite advance voting site,
20 a registered voter may obtain an application for advance voting ballots,
21 such ballots and instructions shall be delivered to the voter in the same
22 manner and subject to the same limitations as otherwise provided by this
23 subsection.

24 (g) Any person having a permanent disability or an illness which has
25 been diagnosed as a permanent illness is hereby authorized to make an
26 application for permanent advance voting status. Applications for per-
27 manent advance voting status shall be in the form and contain such in-
28 formation as is required for application for advance voting ballots and also
29 shall contain information which establishes the voter's right to permanent
30 advance voting status.

31 (h) On receipt of any application filed under the provisions of this
32 section, the county election officer shall prepare and maintain in such
33 officer's office a list of the names of all persons who have filed such
34 applications, together with their correct post office address and the pre-
35 cinct, ward, township or voting area in which such persons claim to be
36 registered voters or to be authorized by law to vote as former precinct
37 residents and the present resident address of each applicant. Such names
38 and addresses shall remain so listed until the day of such election. The
39 county election officer shall maintain a separate listing of the names and
40 addresses of persons qualifying for permanent advance voting status. All
41 such lists shall be available for inspection upon request in compliance
42 with this subsection by any registered voter during regular business hours.
43 The county election officer upon receipt of such applications shall enter]

HOUSE BILL No. 2128

By Committee on Elections and Governmental Organization

1-19

9 AN ACT concerning [elections; concerning] petitions; amending K.S.A.
10 2006 Supp. 25-3601 and repealing the existing section, 25-4308 and 25-4322

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

13 Section 1. K.S.A. 2006 Supp. 25-3601 is hereby amended to read as
14 follows: 25-3601. (a) Subject to the provisions of subsection (d), if a pe-
15 tition is required or authorized as a part of the procedure applicable to
16 the state as a whole or any legislative election district or to any county,
17 city, school district or other municipality, or part thereof, the provisions
18 of K.S.A. 25-3601 et seq., and amendments thereto, shall apply. The suf-
19 ficiency of each signature and the number thereof on any such petition
20 shall be determined in accordance with the provisions of K.S.A. 25-3601
21 to 25-3607, inclusive, and amendments thereto by the county election
22 officer or such other official as designated in the applicable statute. Ex-
23 cept as provided herein, a copy of any petition requesting an election in
24 any political or taxing subdivision of the state shall be submitted to the
25 office of the county attorney of the county or district attorney of the
26 district in which all or the greater portion of the political or taxing sub-
27 division is located. If a county counselor has been appointed in the county
28 or district, the petition shall be submitted to the county counselor. The
29 petition shall be submitted either by hand-delivery or by certified mail,
30 return receipt requested. Such petition shall contain the question to be
31 submitted at the election. Within five ~~calendar~~ business days following
32 submission of the petition, the county counselor, county attorney or dis-
33 trict attorney shall furnish a written advisory opinion as to the legality of
34 the form of the question contained on the petition. There shall be a
35 rebuttable presumption that the form of any question approved by the
36 county counselor, county attorney or district attorney complies with the
37 requirements of this act. If such opinion is not furnished within five days
38 of submission of the question, the form of the question shall be deemed
39 in compliance with the requirements of this act.

40 If the advisory opinion states that the form of the question contained
41 in the petition does not comply with the requirements of this act, such
42 advisory opinion shall also state specific grounds to support such
43 determination.

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~~SENATE BILL No. 99~~

~~By Committee on Elections and Local Government~~

~~L-17~~

1 Nothing in this subsection shall be construed as prohibiting the cir-
2 culation of a petition for signatures or the filing of such petition with the
3 county election officer prior to obtaining the advisory opinion required
4 by this subsection.

5 (b) Any person challenging the validity of the form of a question shall
6 have the burden of proving in the district court that the form of the
7 question is invalid.

8 (c) The form of any question in a petition requesting an election on
9 or protesting an ordinance, or resolution, adopted by the governing body
10 of any county, city, school district or other municipality shall be presumed
11 to be valid and in compliance with the requirements of K.S.A. 25-3601,
12 et seq., and amendments thereto, if such petition states the title, number
13 and exact language of the ordinance, or resolution, and the title of such
14 petition states:

15 "Shall the following ordinance, or resolution, become effective?"

16 (d) When any other statute imposes specific requirements which are
17 different from the requirements imposed by K.S.A. 25-3601 et seq. and
18 amendments thereto, the provisions of the specific statute shall control.
19 The county election officer or other official with whom the petition is
20 required to be filed in accordance with the applicable statute shall give
21 to persons requesting information regarding the filing of petitions a copy
22 of K.S.A. 25-620 and article 36 of chapter 25 of the Kansas Statutes An-
23 notated, and amendments thereto.

24 (e) Any action challenging the validity of the form of a question in a
25 petition shall be filed in the district court within 20 days after such petition
26 has been filed with the county election officer.

27 The court shall render an opinion in any action filed to challenge the
28 validity of the form of a question in a petition within 20 days after the
29 date such action is filed with the court.

30 (f) The provisions of K.S.A. 25-3601 et seq., and amendments
31 thereto, shall not apply to recall petitions as described in K.S.A. 25-4301
32 et seq., and amendments thereto.

33 [Sec. 2. K.S.A. 2006 Supp. 25-3601 is hereby repealed.

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

9 AN ACT concerning recall petitions; pertaining to the time for filing
10 court proceedings; amending K.S.A. 2006 Supp. 25-4308 and 25-4322
11 and repealing the existing sections.
12

13 ~~Be it enacted by the Legislature of the State of Kansas.~~

14 Section ~~1.2~~ K.S.A. 2006 Supp. 25-4308 is hereby amended to read as
15 follows: 25-4308. (a) The secretary of state shall review the application
16 and shall either certify such application or notify the recall committee of
17 the grounds of refusal. The secretary of state shall deny certification if
18 the secretary of state determines that:

- 19 (1) The facts do not support the grounds for recall as stated in the
- 20 application;
- 21 (2) the application is not substantially in the required form;
- 22 (3) the application was filed during the first 120 days of the term of
- 23 office of the official sought to be recalled or within less than 200 days of
- 24 the termination of the term of office of the state officer sought to be
- 25 recalled;
- 26 (4) the person named in the application is not a state officer;
- 27 (5) there is an insufficient number of required signatures of any kind;
- 28 (6) the state officer sought to be recalled has been or is being sub-
- 29 jected to another recall election during such officer's current term of
- 30 office; or
- 31 (7) the application does not conform to any other requirement of this
- 32 act.

33 (b) All mandamus proceedings to compel a recall election and all
34 injunction proceedings to restrain a recall election shall be commenced
35 ~~not less than~~ within 30 days after the secretary of state's decision.

36 Sec. ~~2.3~~ K.S.A. 2006 Supp. 25-4322 is hereby amended to read as
37 follows: 25-4322. (a) Before any petition for recall of a local officer is
38 circulated, a copy thereof accompanied by names and addresses of the
39 recall committee and sponsors shall be filed in the office of the county
40 election officer with whom the petitions are required to be filed. The
41 copy of the petition so filed shall be subscribed by the members of the
42 recall committee in the presence of such county election officer. The
43 recall committee shall represent all sponsors and subscribers in matters

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1 relating to the recall. Notice on all matters pertaining to the recall may
2 be served on any member of the recall committee in person or by mail
3 addressed to a committee member as indicated on the petition so filed.
4 The county election officer, upon request, shall notify the recall commit-
5 tee of the official number of votes cast for all candidates for the office of
6 the local officer sought to be recalled, such percentage to be based upon
7 the last general election for the current term of office of the officer sought
8 to be recalled.

9 (b) Before any petition for recall of a local officer is circulated, the
10 county election officer shall transmit a copy of such petition to the county
11 or district attorney or to the attorney designated pursuant to subsection
12 (c) for determination of the sufficiency of the grounds stated in the pe-
13 tition for recall. Within five days of receipt of the copy of the petition
14 from the county election officer, the county or district attorney or the
15 attorney designated pursuant to subsection (c) shall make such determi-
16 nation and notify the county election officer, *the officer sought to be*
17 *recalled* and the recall committee of such determination. Such determi-
18 nation shall include whether:

19 (1) The facts do not support the grounds for recall as stated in the
20 petition for recall;

21 (2) the petition is not substantially in the required form;

22 (3) the petition was filed during the first 120 days of the term of office
23 of the official sought to be recalled or within less than 180 days of the
24 termination of the term of office of the officer sought to be recalled;

25 (4) the person named in the petition is not a local officer;

26 (5) there is an insufficient number of required signatures of any kind;

27 (6) the local officer sought to be recalled has been or is being sub-
28 jected to another recall election during such officer's current term of
29 office; or

30 (7) the application does not conform to any other requirement of this
31 act.

32 (c) In the case of a recall of the county or district attorney, a judge
33 of the district court of such county shall designate an attorney to deter-
34 mine the sufficiency of the grounds stated in the petition for recall. Such
35 attorney shall perform the duties imposed on the county or district at-
36 torney in the recall of other local officers.

37 (d) All mandamus proceedings to compel a recall election and all
38 injunction proceedings to restrain a recall election shall be commenced
39 ~~not less than~~ *within* 30 days after the county or district attorney's decision.

40 Sec. 3. K.S.A. 2006 Supp. 25-4308 and 25-4322 are hereby repealed.

41 Sec. 4. This act shall take effect and be in force from and after its
42 publication in the statute book.

25-3601,

Kansas Legislature

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19-4605

Chapter 19.--COUNTIES AND COUNTY OFFICERS Article 46.--HOSPITALS AND RELATED FACILITIES

19-4605. Same; management of hospital; hospital board; procedure to elect or appoint members; petition; election; term; vacancies. (a) The commission shall provide for the management and control of any existing county hospital or any county hospital established under this act by a board.

(b) The system for electing or appointing the board shall continue until the system is changed as provided by subsection (d).

(c) Upon establishment of a county hospital under this act, the commission, by resolution, shall provide for the establishment of a board and shall provide either that the members be appointed by the commission or that the members be elected by the qualified electors of the county on a nonpartisan basis. If the commission determines that the board is to be elected, the procedure for holding such election shall be determined by the commission, by resolution. The laws applicable to the procedure, manner and method provided for the election of county officers shall apply to the election of members of the board. The commission shall fix the number of board members and the terms of office for such members. The board shall be composed of five, seven or nine members and terms of office thereof shall be for not less than two years and not more than four years. Members of the board shall be residents of the county in which the hospital is located.

(d) (1) The commission, upon being presented with a petition signed by qualified electors of the county equal in number to not less than 5% of the electors of the county who voted for the office of the secretary of state in the last preceding election requesting the manner of selection of the board be changed, shall adopt a resolution providing for the change. The question of changing the method of selection shall be submitted to a vote of the qualified electors of the county at a regular county primary or county general election or, if no regular county election is to be held within six months from the date of adoption of the resolution, at a special election called for the purpose of submitting such question. The resolution shall not be effective until a majority of the qualified electors voting on the question at such election vote in favor of the question. Such question shall not be submitted to the electors of the county at any election more than once in any one year.

(2) The commission may adopt a resolution changing the manner of selection of the board. Such resolution providing for the change shall be published at least once each week for two consecutive weeks in the official county newspaper. If within 30 days following the last publication of such resolution, a petition against such resolution signed by qualified electors of the county equal in number to not less than 5% of the electors of the county who voted for the office of the secretary of state in the last preceding election is

filed with the county election officer, such resolution shall not be effective until submitted to and approved by a majority of the qualified electors of the county voting at an election called and held thereon. The question of changing the method of selection shall be submitted to a vote of the qualified electors of the county at a regular county primary or county general election or, if no regular county election is to be held within six months from the date of adoption of the resolution, at a special election called for the purpose of submitting such question. Such question shall not be submitted to the electors of the county at any election more than once in any year.

(e) Members serving on a board on July 1, 1986, shall continue to serve until expiration of their respective terms and their successors shall be selected for terms fixed by resolution of the commission in accordance with the provisions of subsection (c) and this subsection (e). Members appointed to serve on an appointed board of any county hospital shall be appointed for staggered terms so that: (1) Not all terms of office of such members expire at the same time; and (2) a majority of the members of the board are not appointed at the same time. Members elected to serve on an elected board of any county hospital shall be elected for staggered terms so that not all terms of office of such members expire at the same time.

(f) Subject to the provisions of subsection (c), the commission, by resolution, may modify the number of members to serve on the board. Whenever the number of members of a board is modified by the commission, the commission shall provide for the expiration of the terms of the members, appointed or elected, so that not all members of the board are selected at the same time. When complying with the requirements of this subsection, the commission may extend or shorten the length of a term of an existing member for a period not to exceed one year from the date such member's term otherwise would expire.

(g) The commission may adopt a resolution changing the terms of office of some or all members of an elected board so that the members of the board are elected in even-numbered years. When making the change under this subsection, the commission may extend or shorten the length of a term of an existing member of an elected board for a period not to exceed one year from the date such member's term otherwise would expire. The resolution providing for the change shall be published at least once each week for two consecutive weeks in the official county newspaper. If within 30 days following the last publication of such resolution, a petition against such resolution signed by qualified electors of the county equal in number to not less than 5% of the electors of the county who voted for the office of the secretary of state in the last preceding election is filed with the county election officer, such resolution shall not be effective until submitted to and approved by a majority of the qualified electors of the county voting at an election called and held thereon. The question of changing the terms of office of some or all members of an elected board so that the members of the board are elected in even-numbered years shall be submitted to a vote of the qualified electors of the county at a regular county primary or county general election or, if no regular county election is to be held within six months from the date of adoption of the resolution, at a special election called for the purpose of submitting such question. Such question shall not be submitted to the electors of the county at any election more than once in any year.

(h) Vacancies in the membership of the board shall be filled by appointment by the commission. Any member appointed to fill a vacancy shall hold office until expiration of the term of the vacated office.

(i) Members of the board are subject to removal from office in the manner and for the causes prescribed by law for other county officers.

History: L. 1984, ch. 98, § 5; L. 1986, ch. 113, § 1; L. 1998, ch. 102, § 1; July 1.

HOUSE BILL No. 2280

By Committee on Elections and Governmental Organization

1-30

9 AN ACT concerning cities; relating to the financing of certain public
10 improvements; amending [K.S.A. 12-6a19 and repealing the existing
11 section].

12-6a02, 12-6a14 and 12-6a19 and
K.S.A. 2006 Supp.12-6a01 and
repealing the existing sections

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

14 Section 1. K.S.A. 12-6a19 is hereby amended to read as follows: 12-
15 6a19. (a) Whenever the construction of any water or sanitary sewer im-
16 provement is initiated by petition pursuant to [subsection (2) of] K.S.A. 12-
17 6a04, and amendments thereto, the governing body of the city may
18 require the owners of property, which benefits from such water, storm-
19 water or sanitary sewer improvement but which was not included within
20 the original improvement district, to pay a benefit fee at the time the
21 owners of such property request, by petition, to be served by such
22 improvement.

stormwater

23 The amount of such benefit fee shall not exceed the amount of the
24 assessment, including principal and interest, which would have been lev-
25 ied against the property had it been included in the original improvement
26 district. The benefit fee shall be assessed only against the property de-
27 scribed in the petition requesting service by the water, stormwater or
28 sanitary sewer improvement. Unless otherwise provided by the city, such
29 benefit fee shall be due and payable at the time the property begins being
30 served by the water, stormwater or sanitary sewer improvement, and
31 shall be subject to the same interest, as assessments against property
32 originally included in the improvement district for such water, storm-
33 water or sanitary sewer improvement. Any benefit fees paid hereunder
34 shall be applied: (a) (1) To the remaining principal and outstanding in-
35 terest on the bonds issued to finance the water, stormwater or sanitary
36 water improvement, with a resulting pro rata reduction of the assessments
37 against property originally included in the improvement district for such
38 water, stormwater or sanitary sewer improvement; or (b) (2) the city
39 general bond and interest fund if any of the cost of the water, stormwater
40 or sanitary sewer improvement was paid by the city at large.

41 (b) Whenever the construction of any arterial street improvement is
42 initiated by petition pursuant to [subsection (2) of] K.S.A. 12-6a04, and
43 amendments thereto, the governing body of the city may require the own-

1 *ers of property, which benefits from such arterial street improvement but*
 2 *which was not included within the original improvement district, to pay*
 3 *a benefit fee at the time the owners of such property request, by petition,*
 4 *to construct a new street or improve an existing street that will be or is*
 5 *connected to such arterial street improvement and thereby benefited by*
 6 *such arterial street improvement. The amount of such benefit fee shall not*
 7 *exceed the amount of assessment, including principal and interest, which*
 8 *would have been levied against the property had it been included in the*
 9 *original improvement district. The benefit fee shall be assessed only*
 10 *against the property described in the petition requesting the construction*
 11 *of streets that will be connected to such arterial street improvement. Un-*
 12 *less otherwise provided by the city, such benefit fee shall be due and*
 13 *payable at the conclusion of construction of the street improvement de-*
 14 *scribed in the petition, and shall be subject to the same interest, as as-*
 15 *essments against property originally included in the improvement district*
 16 *for such arterial street improvement.*

17 *Any benefit fees paid hereunder shall be applied: (1) To the remaining*
 18 *principal and outstanding interest on the bonds issued to finance the ar-*
 19 *terial street improvement, with a resulting pro rata reduction of the as-*
 20 *essments against property originally included in the improvement district*
 21 *for such arterial street improvement; or (2) the city general bond and*
 22 *interest fund if any of the cost of the arterial street improvement was paid*
 23 *by the city at large.*

24 *For purposes of this section, the term "arterial street" shall mean a*
 25 *street, boulevard, avenue or part thereof within the city or extending not*
 26 *more than three miles from the boundaries of the city, the primary func-*
 27 *tion of which is, or shall be, the movement of through traffic between*
 28 *areas of concentrated activity within or without the city or the connection*
 29 *of one or more existing or proposed subdivisions within or without the*
 30 *city to other streets within the city.*

31 *The governing body of the city may designate, by resolution, all or any*
 32 *portion of a street or proposed* ~~governing body of the city designate, by~~
 33 *resolution, all or any portion of a street or proposed* ~~street as an arterial~~
 34 *street; such determination to be final and conclusive.*

35 *(c) The provisions of this act shall be supplemental to any legal au-*
 36 *thority cities may exercise in imposing hookup or connection fees or other*
 37 *user or regulatory charges for water, stormwater or sanitary sewer service.*
 38 *The amount of any hookup or connection fee imposed pursuant to this*
 39 *section shall not exceed the actual cost of connecting the property to the*
 40 *water, stormwater or sanitary sewer.*

41 ~~Sec. 25~~ ~~K.S.A. 12-6a19 is hereby repealed.~~

42 ~~Sec. 36~~ ~~This act shall take effect and be in force from and after its~~
 43 ~~publication in the~~ ~~statute book~~

Insert sections 2, 3 and 4 and renumber
the remaining sections accordingly

K.S.A. 12-6a02, 12-6a14 and 12-6a19
and K.S.A. 2006 Supp. 12-6a01 are
hereby repealed

Kansas register

Sec. 2. K.S.A. 2006 Supp. 12-6a01 is hereby amended to read as follows: 12-6a01. For the purpose of this act, the terms defined in this section shall have the meanings ascribed to them as follows:

(a) "Improvement" means any type of improvement made under authority of this act and the singular may include the plural, and includes reimprovement of a prior improvement.

(b) "To improve" means to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend or to otherwise perform any work which will provide a new facility or enhance, extend or restore the value or utility of an existing facility.

(c) "Acquire" means the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means and may include the acquisition of existing property and improvements already owned by the city and previously financed by the issuance of revenue bonds, such acquisition to constitute a refunding of such revenue bonds and no additional refunding authority shall be required but nothing herein shall be construed to require a holder of any such revenue bonds to surrender bonds for refunding unless the provisions of such bonds allow the redemption thereof.

including improvements authorized to be constructed under this act,

(d) "Cost" means all costs necessarily incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, necessary fees and expenses of consultants and interest accrued on borrowed money during the period of construction together with the cost of land, materials, labor and other lawful expenses incurred in planning and doing any improvement and may include a charge of not to exceed 5% of the total cost of an improvement or the cost of work done by the city to reimburse the city for services rendered by the city in the administration and supervision of such

improvement by its general officers and where property and improvements already owned by the city and previously financed by the issuance of revenue bonds is acquired the cost shall include not to exceed the principal amount of such outstanding revenue bonds plus the amount of matured interest, interest maturing within 90 days, and the amount of any call premium or purchase premium required.

, any necessary reserves

(e) "Consultant" means engineers, architects, planners, attorneys and other persons deemed competent to advise and assist the governing body in planning and making of improvements.

(f) "Improvement district" means:

(1) An area deemed by the governing body to be benefited by an improvement and subject to special assessment for all or a portion of the cost of the improvement; or

(2) an area described in a petition submitted in accordance with subsection (c) or (d) of K.S.A. 12-6a04, and amendments thereto, and subject to a special assessment for all or a portion of the cost of the improvement.

(g) "Street" means street, alley, avenue, boulevard, or other public way or any part thereof.

(h) "Newspaper" means the official designated newspaper of the city, or if there is no newspaper published therein or no official newspaper, a newspaper of general circulation in the city authorized to publish legal notices.

(i) "Asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite/grunerite), anthophyllite, tremolite and actinolite.

(j) "Asbestos-containing material" means any material or product which contains more than 1% asbestos.

(k) "Asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in any municipally owned building or privately

owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

- (1) The removal or encapsulation of asbestos-containing material;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;
- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(1) "Lead control project" means any activity which is necessary or incidental to the control of any lead hazard in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

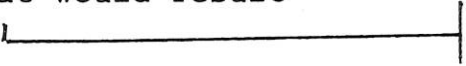
- (1) The removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;

- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(m) "Lead hazard" means any condition which causes exposure to lead that would result in adverse human health effects.

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(n) "Bonds" mean general obligation bonds or special obligation bonds.



Sec. 3. K.S.A. ~~2006 Supp.~~ 12-6a02 is hereby amended to read as follows: 12-6a02. As a complete alternative to all other methods provided by law, the governing body of any city is hereby authorized to make, or cause to be made, municipal works or improvements which confer a special benefit upon property within a definable area of the city and may levy and collect special assessments upon property in the area deemed by the governing body to be benefited by such improvement for special benefits conferred upon such property by any such municipal work or improvement and to provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of such special assessments as hereinafter provided. Such work or improvements may include the following without limitation because of enumeration:

(a) Acquisition of property or interest in property when necessary for any of the purposes authorized by this act. (i)

and (ii) any improvement authorized to be constructed under this act

(b) To open, widen and extend streets and otherwise to improve paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes necessarily lying within curb lines.

(c) To improve main and lateral storm water drains and sanitary sewer systems and appurtenances thereto.

(d) To improve street lights and street lighting systems.

(e) To improve waterworks systems owned by the city and water distribution systems owned and operated by a water district established pursuant to K.S.A. 19-3501 et seq., and amendments thereto.

(f) To improve parks, playgrounds and recreational facilities.

(g) To improve any street or other facility by landscaping, planting of trees, shrubs and other perennial plants.

(h) To improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto.

(i) To improve vehicle and pedestrian bridges, overpasses and tunnels.

(j) To improve retaining walls and area walls on public ways or land abutting thereon.

(k) To improve property for off-street parking facilities including construction and equipment of buildings thereon for such purpose.

(l) Asbestos control projects and lead control projects.

Sec. 4. K.S.A. ~~2006 Supp.~~ 12-6a14 is hereby amended to read as follows: 12-6a14. The total cost of any improvement made under the authority of this act shall be paid as follows:

(a) All costs made payable by the city at large which may be paid from general funds legally available for such purposes or from other general improvement funds available for such purposes may be paid from such funds.

(b) Costs payable by special assessments which have been paid in full prior to the date set by the governing body as provided in K.S.A. 12-6a10, shall be paid from assessments so collected.

[,and amendments thereto,

(c) Costs payable by special assessments, to be paid in installments, and costs made payable by the city at large and not payable from available general funds, or other general improvement funds available to the governing body for such purpose, shall be paid by the issuance and sale of bonds of the city as provided by law.

[or may issue special obligation temporary notes of the city

(d) During the progress of any improvement the governing body may issue temporary notes of the city as provided by law to pay such costs, and upon completion of the work, bonds of the city shall be issued and sold as provided hereinbefore.

(e) The costs of more than one [(1)] improvement may be paid from a single issue and sale of bonds without other consolidation of the proceedings prior to the bond issue.

(f) The amount of any such general obligation bonds outstanding at any one time shall not exceed the bonded debt limitations of such city under the provisions of any law applicable thereto.

[(g) Any city may also issue special obligation bonds to refund any bonds and repay any temporary notes previously issued under this act.