

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Sharon Schwartz at 3:30 p.m. on January 14, 2010, in Room 144-S of the Capitol.

All members were present except:

Representative Mitch Holmes - Excused  
Representative Delia Garcia - Absent  
Representative Steve Huebert - Excused  
Representative Michael Peterson - Absent  
Representative Mike Slattery - Absent

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Kristen Kellems, Office of the Revisor of Statutes  
Jill Shelley, Kansas Legislative Research Department  
Carol Bertram, Committee Assistant

Conferees appearing before the Committee:

Representative Vincent Wetta  
Doug Mays, City of Olathe  
Randy M. Hearrell, Judicial Council

Others attending:

See attached list.

Chair Schwartz welcomed the committee members to the meeting and then introduced the staff from the Research Department and the Office of the Revisor of Statutes.

Bill Introductions

Representative Vincent Wetta requested that the committee introduce an annexation bill, which last year was referred to as a "snake annexation" bill. Represented Otto moved the Committee introduce this bill, seconded by Representative Seiwert. The motion carried.

Representative Mah moved the Committee introduce a bill that would deal with unilateral annexation of land. Her motion was seconded by Representative Gordon. The motion carried.

Doug Mays, City of Olathe, requested the Committee introduce a bill regarding facility conservation improvement. It was moved by Representative Goico and seconded by Representative Otto that the Committee introduce such a bill. The motion carried.

On behalf of the State Treasurer, Representative Mah moved that the Committee introduce two bills regarding unclaimed property (1) to allow the Department of Health and Environment to share information with the State Treasurer and (2) to allow the Department of Revenue to share information with the State Treasurer. The motion was seconded by Representative Goico. The motion carried.

Chair Schwartz requested the Committee introduce a bill concerning land use relating to certain military installations. The motion was seconded by Representative Gordon. The motion carried.

Chair Schwartz stated she has received a request from the Majority Leader's office that the Committee introduce a bill having to do with the annexation of land by cities. It was moved by Representative Goico and seconded by Representative Mah that the Committee introduce this bill. The motion carried.

Representative Otto moved the Committee introduce a bill to prohibit a city from using a charter ordinance to overturn a change in government without submitting the proposal to the voters. The motion was seconded by Representative Mah. The motion carried.

Randy M. Hearrell, Judicial Council, distributed copies of the full report of the Judicial Council Homeowners'

CONTINUATION SHEET

Minutes of the House Local Government Committee at 3:30 p.m. on January 15, 2010, in Room 144-S of the Capitol.

Association Advisory Committee on 2009 **HB 2253**. (A copy of that report may be found through the Judicial Council's website, <http://www.kansasjudicialcouncil.org/2010legislation.shtml>) Also distributed was a memorandum in regard to highlights/summary of proposed legislation relating to common interest communities (Attachment 1). Mr. Hearrell reviewed the findings of the Advisory Committee and noted that its recommendation is that **HB 2253** not be passed, and instead the Uniform Common Interest Owners Bill of Rights Act, as amended by the Judicial Council Homeowners' Association Advisory Committee, be passed. It was moved by Representative Goico and seconded by Representative Seiwert that this bill be introduced. The motion carried.

Questions and answers followed. Mr. Hearrell explained the differences of a planned committee, a condominium and cooperatives, and answered additional questions..

Chair Schwartz informed the Committee she anticipates the next meeting of the committee will be scheduled for Thursday, January 21, 2010.

The meeting was adjourned at 4:08 p.m.

*S.S.*

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Representative Sharon Schwartz, Chair

# HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: January 14, 2010

NAME	REPRESENTING
Kendra Hanson	Hein Law Firm
Doug Mays	City of Olathe
Vince Wetta	89 <sup>th</sup> Dist.
C. David Rames	Kearney & Assoc.
Randy M. Harrell	Judicial Council
Whitney Jann	City of Topeka
Callie Denton	Kansas Assn for Justice

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### MEMORANDUM

**TO:** House Local Government Committee  
**FROM:** Randy M. Hearrell – Judicial Council  
**DATE:** January 14, 2010  
**RE:** Highlights/Summary of Proposed Legislation Relating to Common Interest Communities

- The bill seeks to address critical aspects of association governance, with focus on the relationship between the association and its individual members.
- The proposed legislation applies to all common interest communities in the state that contain 12 or more units.
- The powers and duties of the unit owners association and the board of directors are described. The power to borrow money was added to the powers of the association.
- The bill includes treatment of the association bylaws, rule making, operation and governance, notice methods, meetings of the unit owners and board of directors, meeting and voting procedures and provisions for adoption of budgets and special assessments.
- The board of directors is given flexibility in determining whether to enforce the letter of each provision of its declaration, bylaws, or rules, or decline to enforce or to compromise on such.
- The bill gives authority to discipline unit owners (within limits) for failure to pay assessments.
- The bill provides guidance for record keeping and record keeping requirements are provided in detail and are consistent with the provisions of the Revised Model Nonstock Corporation Act.
- Procedures for the removal of officers and directors are included.

Local Government

Date: 1-14-10

Attachment: 1

- The section of the uniform act relating to foreclosure was not included because Kansas foreclosure law is well established.
- Amendments to K.S.A. 58-3119 and 58-3120 are necessary to conform those sections of the Kansas Apartment Owners Act and K.S.A. 59-3830 is repealed because it is fully covered in the bill.
- The bill includes an effective date of January 1, 2011, to allow time to make any necessary changes in bylaws and to allow time for education programs for unit owners, boards and developers.