

Approved: March 9, 2012

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Steve Huebert at 3:30 PM on Tuesday, January 17, 2012, in 144-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Jay Hall, Kansas Legislative Research Department
Eunice Peters, Office of Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the Committee:

Representative Doug Gatewood, District 1
Nicole Proulx Aiken, Staff Attorney, League of Kansas Municipalities

Others in attendance:

See attached list.

The Chairman welcomed members and guests to the 2012 Local Government committee and outlined the format of the meeting. Two new members, Representative Trent LeDoux and staff, Jay Hall were recognized.

The Chairman opened the hearing on **HB 2412 – Concerning cities; relating to dissolution, certain cities.**

Staff Eunice Peters explained that **HB 2412** allows the dissolution of certain cities that have received public funding monies from the Environmental Protection Agency through the Kansas Department of Health and Environment when a buyout and relocation of residents has occurred.

Representative Doug Gatewood testified in support of **HB 2412**. Providing background for the bill, he said that a “Trust” created by the Kansas Legislature in the 2007 session provided relocation opportunities for the citizens in Treece, Kansas; all but one resident has been relocated. He noted that the Trust has paid all debts of the city and holds title to that property as well as to the residential properties. Representative Gatewood said that for the transfer of real estate owned by the city, dissolution must be granted to allow the “Trust” freedom to complete

CONTINUATION SHEET

Minutes of the HOUSE LOCAL GOVERNMENT Committee at 3:30 PM on Tuesday, January 17, in 144-S of the Capitol.

transfer of properties and other duties. He offered a balloon amendment designed to eliminate any unintended consequences of the language in the bill (Attachments 1 and 2).

Nicole Proulx Aiken, Staff Attorney, League of Kansas Municipalities, spoke in support of **HB 2412** and the amendment proposed by Representative Gatewood. She indicated that because the City of Treece did not follow K.S.A. 15-111, which provides an election process, the bill is needed to ensure proper dissolution of the City of Treece (Attachment 3).

The hearing on **HB 2412** was closed.

Staff Martha Dorsey reviewed bills passed in the 2011 Legislative session. She commented on bills in the Conference Committee report that were signed by the Governor, listed the bills passed out of House Local Government and awaiting further action, and elaborated on bills remaining for the committee to consider this session (Attachments 4 & 5).

The Chairman called for an informational hearing on **SB 114-Uniform common interest owners bill of rights act; changes**). Staff Martha Dorsey provided historical background surrounding the Checklist for Applying Uniform Common Interest Owners Bill of Rights Act to Kansas Common Interest Communities (Attachment 6). The document outlines how the act governs communities covered by its provisions; the checklist attempts to make clear which provisions are mandatory, which are enabling, and which are in default.

The Chairman advised members of open discussion on **SB 114**. Staff Eunice Peters provided information on the changes and then fielded questions from committee members to clarify specific line items. One members concern for clarity was based on constituents who are looking to implement the original Owners Bill of Rights. Another member voiced constituent concerns regarding the wording in section 2 of the bill. Staff will research the issues and provide information to the committee next week. The Chairman noted that written testimony can be submitted at a later date.

The informational hearing on **SB 114** was closed.

The following testimony opposing **SB 114** was submitted at a later date:

Cherylaine J. Sullivan, Overland Park, Kansas (Attachment 7).

Nila Ridings, Overland Park, Kansas (Attachment 8).

Carol Kleweno, Olathe, Kansas (Attachment 9).

The Chairman entertained a motion to consider the balloon amendment on **HB 2420**.

CONTINUATION SHEET

Minutes of the HOUSE LOCAL GOVERNMENT Committee at 3:30 PM on Tuesday, January 17, in 144-S of the Capitol.

Representative Carlin moved to accept the balloon amendment; Representative Lane seconded the motion. The motion passed.

The Chairman called for consideration of **HB 2420** as amended. Representative Lane moved to pass the bill as amended; Representative Hineman seconded the motion. The motion passed.

The meeting was adjourned at 4:25 p.m. The next meeting is scheduled for Tuesday, January 24, 2012.