

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on February 17, 2011, in Room 144-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the Committee:

Marvin Nisly, President, Nisly Brothers, Inc.  
Julie Ketchum, Director of Government Affairs for Waste Management in Kansas  
Larry Smith, President, L. & K. Services, Inc., Louisburg, Kansas  
Melissa Wangemann, General Counsel & Director of Legislative Services, Kansas Association of Counties  
Sandy Jacquot, League of Kansas Municipalities

Others attending:

See attached list.

**Hearing On: HB 2195 – Municipalities; organized solid waste and recycling collection service act.**

The Chairman opened the hearing on **HB 2195**. Staff Eunice Peters, Office of Revisor of Statutes, briefed the committee, stating that the bill creates both a new law and new act, The Organized Collection Services Act. The bill defines terms used, the areas of authority to be used to establish and organize service, the number of days required for resolution of intent, the time period for the municipality to develop a plan of collection service, and pronouncement of when the act comes into effect.

Marvin Nisly, President, Nisly Brothers, Inc., spoke to committee members, saying that he knows firsthand the effect of lack of notification regarding changes made by city councils (Attachment 1). He said he supports the intent of this bill, which outlines standard procedures for municipalities to give notification to the public regarding any change in solid waste collection.

Julie Ketchum, Director of Government Affairs for Waste Management in Kansas, spoke in support of **HB 2195**, saying that it outlines a process allowing input from both business and the public regarding the franchise plan of waste collection (Attachment 2). Ms. Ketchum indicated that changing from an open system to a government managed, franchise system can have a tremendous impact on consumers. She noted that passage of this bill moves toward maintaining consumer rights.

Larry Smith, President, L. & K. Services, Inc., Louisburg, Kansas, speaking as an owner of a disposal company, requested the committee consider favorable passage of **HB 2195** (Attachment 3).

Melissa Wangemann, General Counsel & Director of Legislative Services, Kansas Association of Counties (KAC), said that KAC supports the intent of **HB 2195**. She requested that consideration of two amendments: an 18-month waiting period rather than two years, and reference to the official newspaper instead of the newspaper having the greatest circulation in the municipality. She said these changes would constitute a fair compromise in the wording of the bill (Attachment 4).

Sandy Jacquot, League of Kansas Municipalities(LKM), speaking in opposition to **HB 2195**, said that meetings conducted with LKM and KAC, which included solid waste providers and their associations, resulted in some compromise (Attachment 5). Ms. Jacquot acknowledged that a two-year waiting period is not in the best interest of implementation of service plans; a zero time period would be more than adequate. She further noted that cities need to have the ability to allocate franchise fees to provide for the needs in the municipality rather than restricting the use of fees solely for administrative costs. Ms. Jacquot recommended not reporting **HB 2195** favorable for passage.

The Chairman closed the hearing on **HB 2195**.

CONTINUATION SHEET

Minutes of the House Elections Committee at 3:30 p.m. on February 17, 2011, in Room 144-S of the Capitol.

The Chairman called for consideration and discussion of **HB 2066 – Licensure qualifications; pawnbrokers and precious metals dealers.**

Representative Lane made a motion to pass HB 2066 favorably; Representative Otto seconded. The motion passed.

The Chairman called for consideration and discussion of **HB 2119 – Emergency medical services, relating to accident response service fees.**

Staff Euncie Peters distributed a proposed amendment to **HB 2119**, striking language alluding to townships and fire districts providing emergency medical and rescue services (Attachment 6). The amendment defines “municipality” and “accident response service fee.”

Representative Seiwert made a motion to pass the proposed amendment to HB 2119. Representative Lane seconded the motion. The motion passed.

Representative Otto moved to include a substitute amendment adding the words, “except for actual justified Hazardous Material (HAZMAT) or other extrodinary costs.” Seconded by Representative Seiwert. The substitute motion passed.

Representative Sloan moved to include a substitute amendment defining emergency services, stating that “emergency services include police, fire and emergency service personel and equipment deemed appropriate by the municipality to address recently anticipated needs, including, but not limited to, an unknown number of injured persons and possible environmental threats.” Seconded by Representative Seiwert. The substitute motion passed.

Representative Seiwert moved to recommend HB 2119 as amended as favorable for passage. Seconded by Representative Grosserode. The motion passed.

The Chairman called for consideration and discussion of **HB 2294 - Annexation procedures; deannexation; board of county commissioners duties; election required, when; homestead exemption; appeal process.**

Representative Otto moved to amend HB 2294. Representaive Lane seconded the amendment. Staff Eunice Peters commented on the proposed changes (Attachment 7). Following discussion, the motion passed.

Representative Mah moved to amend HB 2294 to include the contents of HB 2065 (Attachment 8). Representative Lane seconded the motion. Following discussion, the motion passed. Representative Mah moved to pass HB 2294 as amended as favorable for passage. Representative Otto seconded the motion. The motion passed.

The meeting was adjourned at 4:50 p.m. The next meeting is scheduled for Monday, February 21, at 1:00 p.m. The meeting room number will be announced in House Chambers.