

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:40 p.m. on March 15, 2011, in Room 144-S of the Capitol.

All members were present except:

- Representative Lane – excused
- Representative Otto - excused

Committee staff present:

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

Conferees appearing before the Committee:

- Senator Pat Apple, District 12, Louisburg, Kansas
- J. Darcy Domoney, Attorney, Winkler, Domoney and Schultz Law Offices, Paola, Kansas

Others attending:

See attached list.

The Chairman opened the hearing on **SB 114 - Uniform common interest owners bill of rights act; changes.**

Staff Eunice Peters referenced the three changes to the Kansas Uniform Common Interest Owners Bill of Rights Act, saying that the bill as amended would:

1. permit a common interest community's association to suspend an owner's right to vote when delinquency of payment of assessments and fees has been determined;
2. amend an association's bylaws requirements; and
3. allow an association to deliver any required notice by posting on their website, on a public bulletin board, by hand delivery, and by postal or electronic means.

Senator Pat Apple, District 12, Louisburg, Kansas, spoke as a proponent of **SB 114**. He distributed a large map to committee members depicting the development of Linn Valley Lakes. He noted that the land was developed prior to county zoning regulations and, at present, less than ten percent of the lots are occupied as a residence (Attachment 1). Senator Apple reported that two groups are claiming developer status but are not paying dues and assessments. He said that **SB 114** as amended makes changes that provide protection for home owners and direction for home owner associations; he requested the committee find the bill favorable for passage.

Responding to members' questions, Senator Apple said that:

- At the present time, notices are sent by mail or hand-delivered, and
- The home owners association was not thorough in their original business dealings.

Senator Apple recognized David Freer, a member of the Linn Valley Lakes Home Owners Association, who acknowledged the membership did not vote to change the bylaws in January 2011. He also reported that the association has language in the bylaws establishing open records.

Senator Apple said that J. Darcy Domoney is counsel for several home owners in the area. J. Darcy Domoney, Attorney, Winkler, Domoney and Schultz Law Offices, Paola, Kansas, whose law firm represents Linn Valley Lakes Property Owners Association, provided written testimony in support of **SB 114** (Attachment 2).

Staff Martha Dorsey provided clarification of the effective date for incorporating bylaws, saying that the section of **HB 2472** from 2010, took effect on January 1, 2011, but bylaws do not have to be in place by that date.

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

The Chairman acknowledged the listing of **SB 101** on the daily agenda; there being no one present to

CONTINUATION SHEET

Minutes of the House Elections Committee at 3:30 p.m. on March 15, 2011, in Room 144-S of the Capitol.
speak to the bill, the hearing for it was not initiated.

The Chairman requested the committee consider **HB 2314 - Finney county drainage district No 2; election of directors**. Representative Seiwert moved to amend **HB 2314** with the technical amendments presented in Attachment 3. Representative Mah seconded. During discussion, Representative Sloan requested staff to provide clear language in lines 13-17 on page 2. The balloon amendment passed (Attachment 3).

Representative Billinger moved to pass **HB 2314** favorably as amended. Representative Hineman seconded. The motion passed.

Representative Seiwert moved to amend substitute **SB 101**, substituting the original contents with the contents of **HB 2088**. Representative Grosserode seconded the motion. (Attachment 4). During discussion, Representative Sloan requested a technical change in section (2), line (b), to read “July 1, 2011.” Representative Seiwert moved to pass substitute **SB 101** as amended. Representative Grosserode seconded the motion. The motion passed with two dissenting votes—Representative Carlin and Representative Worley.

The Chairman requested consideration of **SB 150**. Representative Mah motioned to amend **SB 150** by adding the contents of **HB 2294** (Attachment 5). Representative Grosserode seconded the motion. The motion to amend was passed.

Representative Mah moved to pass **SB 150** as amended. Representative Hildabrand seconded the motion. The motion passed.

The meeting was adjourned at 4:45 pm. The next meeting is scheduled for March 17, 2011.