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To: House Committee on Local Government
From: Joanna Wochner, Research Analyst
Re: Bills Referred to the House Committee on Local Government in the 2011-2012 Biennium

APPROVED BY THE GOVERNOR

HB 2119 – Accident Response Service Fees

HB 2119 prohibits a municipality from charging an accident response service fee to persons receiving emergency services inside or outside the municipality, except for the actual costs of providing emergency services in response to a motor vehicle accident. In the bill, the following terms are defined:

“Accident response service fee” means any fee imposed for the response to or investigation of a motor vehicle accident, not including the usual and customary charges for providing ambulance and emergency services when immediate action is required.

“Emergency services” includes the actual costs of police, fire, technical rescue situations, including but not limited to, vehicle extrication, trench rescue, high-angle rescue, confined-space rescue and swift-water rescue and emergency medical service personnel and equipment the municipality deems appropriate to address reasonably anticipated needs. An unknown number of injured persons and possible environmental and health threats involving hazardous material is included among these needs.

“Municipality” means a city, county, township, fire district or any other political and taxing subdivision.

The bill also amends an existing statute requiring motor vehicles owned or leased by Kansas political subdivisions to bear the subdivision’s name, by adding exemptions for county or district attorney investigators to the statute’s list of exemptions.

Sub. for HB 2166 – Summaries of City Ordinances

Sub. for HB 2166 allows cities to publish summaries of ordinances on the city website provided that the publication is identified as a summary, notice is provided of where the

complete text is available, the city attorney has certified that the summary is accurate and sufficient, and the ordinance is available for a minimum of one week after publication in the newspaper. If the ordinance is subject to a protest petition, the summary must contain notice of such. The bill also corrects non-uniform language in the city ordinance statutes.

HB 2195 – Organized Collection Service Act, Solid Waste and Recyclables

HB 2195, the Organized Collection Service Act, establishes standards for transitions in service (e.g., from private to public or from multiple haulers to a single franchisee) for solid waste and recyclables collection services in municipalities that have solid waste collection authority. The requirements include a municipal resolution of intent, participation in planning meetings by those operating such collection services, a hearing on a proposed plan, and a transition period of at least 18 months. The provisions do not apply to the collection of waste tires.

The bill does the following:

- Authorizes a municipality to establish a municipal collection service by ordinance or resolution (depending upon the type of municipality). The ordinance or resolution must incorporate any franchise, license or contract involved.
- Defines “municipality” to include any county, city, township or other political or taxing subdivision which has the authority to create, regulate or otherwise affect the delivery of collection services.
- Defines “organized collection service” to mean a system for collecting solid waste, recyclables or both, and to include franchise, organized collection or a process in which a municipality goes from multiple haulers to one contracted hauler.
- Requires the municipality’s governing body to pass a resolution of intent to establish the municipal collection service at least 180 days before adopting the ordinance or resolution. The resolution must:
 - Be published once in the official newspaper of the municipality.
 - Give notice of a public hearing, which must be held at least 30 days prior to the meeting in which the resolution will be considered for adoption. The notice also must invite the participation of interested persons in planning and establishing the collection service.
- Requires the municipality, during the 90 days following adoption of the resolution, to develop a plan for organized collection service. The municipality must invite and use the assistance of all those operating solid waste or recyclables collection services, and these persons must be allowed to participate in the planning meetings. The bill sets forth the plan requirements, including (1) a description of how it will minimize displacement and economic impact to current solid waste collectors, and (2) a requirement to provide detailed justification for any tax, franchise or similar fee.

- Requires the municipality to provide 30 days' notice prior to the hearing on the proposed plan to all those operating relevant services in the municipality.
- Prohibits the municipality from beginning organized collection service for a period of at least 18 months from the adoption of the ordinance or resolution. During this time, the municipality must not displace any person licensed to operate collection services in the municipality.
- Requires the planning process be started over if a municipality fails to implement an organized collection service by passage of an ordinance or resolution under the bill within one year of the passage of a resolution of intent.
- States the Act is to be applied to all municipalities regardless of the stage of development of an organized collection system, but the Act does not apply to collection of waste tires as defined in statutes governing disposal of waste tires.

HB 2240 – Cemetery Corporations, Trusts, Fees

HB 2240 deals with cemetery corporations, the trust funds they maintain, and a new fee fund relative to these functions.

The bill does the following:

Cemetery Merchandise Trust Fund; Preneed Merchandise Contracts

- Adds a definition of “cemetery merchandise trust fund,” that being a special purpose trust fund required to administer payments received from the sale of preneed cemetery merchandise, preneed burial products or services.
- Establishes the primary purpose of this fund as maintaining the corpus of the trust fund, with the goal that the growth of the corpus will be at least equal to the wholesale costs of the preneed cemetery merchandise, burial products or services, at the time of delivery or need.
- Changes the defined term from “prepaid” to “preneed” merchandise contract, and revises the definition of “preneed merchandise contract” to include agreements for the sale of preneed burial products or services which requires either partial or full payment prior to delivery. The bill also requires that preneed cemetery merchandise contracts be in writing, and it makes conforming changes to reflect the term change.
- Revises the definition of “preneed cemetery merchandise” to include any of the listed merchandise delivered to cemeteries (in addition to that sold or used in the cemeteries).
- Adds definitions for the terms “distributable earnings” and “trustee.” “Trustee” includes any federally chartered bank, savings and loan association, savings

bank or credit union having a physical location within the state and the authority to provide trust services.

- Increases the amount to be placed in trust from 110 percent of the wholesale cost to 50 percent of the retail price to the cemetery corporation of the preneed cemetery merchandise.
- Modifies the statute that stipulates payment actions regarding what would be termed “preneed” (previously “prepaid”) merchandise contracts as follows: The term is limited in its application to the contracts entered into by a cemetery corporation that allow the purchaser to make installment payments. Under the bill, the cemetery corporation is entitled to retain all purchaser payments until 25 percent of the purchase price is received before it is required to deposit 100 percent of each payment into the cemetery merchandise trust fund. The bill also increases the amount of time before deposits to the cemetery merchandise trust fund must be made, from 10 business days after the money is received to 15 days following the end of each calendar month after the money is received.
- Requires the cemetery corporation to provide the trustee and the Secretary of State the following:
 - A quarterly report within 30 days following the end of each quarter. Details of the report’s contents are specified in the bill.
 - A report of all deposits to and distributions from the cemetery merchandise trust fund.
- Requires the cemetery merchandise trust fund trustee to allocate at least annually, as of December 31, the distributable earnings to all preneed cemetery merchandise, preneed burial products or services for which funds are held in the trust fund. The bill authorizes the trustee to allocate distributable earnings on a regular basis more often than annually, at the request of the cemetery, and under this circumstance it would require quarterly filing of the distributable earnings calculation.
- Authorizes the cemetery merchandise trust fund trustee to appoint one or more agents to provide administrative or investment advisory services. The bill further states that its provisions may not be used to prohibit the trustee from entering into a co-trustee relationship with another trustee who does not independently satisfy the requirements set forth for the trustee, as long as the co-trustee is authorized to do business in Kansas and submits personally to the jurisdiction of Kansas courts. In both instances, the trustee is not allowed to assign or delegate the liability and fiduciary responsibilities to another financial institution or agent.
- Establishes stipulations for the trust instrument.
- Clarifies a criminal statute regarding misuse of the cemetery merchandise trust fund by specifically defining the crime of “misuse of the cemetery merchandise trust fund or any money belonging thereto” and increasing the penalty from a class A misdemeanor to a severity level 7, nonperson felony.

- Changes the statute authorizing the auditing of cemetery merchandise trusts by clarifying that the Secretary of State is authorized to obtain trust accounting records from the trustee, and authorizing the Secretary of State to promulgate rules and regulations for the purpose of overseeing and auditing the cemetery merchandise trust fund.

Permanent Maintenance Fund

- Establishes the primary purpose of the permanent maintenance fund as maintaining the corpus of the fund. The bill permits the income earned from the fund to be distributed to the cemetery, and it requires all capital gains to be allocated to principal.
- Requires the cemetery corporation to obtain prior written approval from the Secretary of State before the trust instrument is terminated, transferred, or amended. The cemetery corporation further is required to provide the Secretary of State copies of any amendments to the trust instrument before they become effective.
- Makes definitional changes to the statute establishing the crime of “misuse of the permanent maintenance fund or any money belonging thereto.”
- Deletes language regarding in whose custody a trust must be held and what must be done with trusts depending on whether their market value is less than \$45,000, or greater than \$45,000. These stipulations would be replaced with the following:
 - Permanent maintenance fund with a value of less than \$100,000 – The bill allows the permanent maintenance fund to be held in a Kansas financial institution, in either certificates of deposit or a business savings account insured by the Federal Deposit Insurance Corporation, as long as the funds are maintained in a segregated account. The cemetery corporation is required to comply with the Act’s reporting requirements in this situation.
 - Permanent maintenance fund with a market value of \$100,000 or more – The bill requires the cemetery corporation to establish and maintain the permanent maintenance fund in an irrevocable trust with a trustee. Additional agents may be appointed to provide administrative or investment advisory services, as long as the trustee maintains liability and fiduciary responsibilities owed to the fund. Additional stipulations are made regarding permanent maintenance funds of this size.
- Requires the cemetery corporation to provide the trustee and the Secretary of State the following:
 - A report of all sales of burial spaces within 30 days following the end of each quarter. Details of the report’s contents are specified in the bill.
 - A report of all deposits to and distributions from the permanent maintenance fund.

- Requires the permanent maintenance fund trustee to determine, at least annually, the fund's income, less reasonable costs, taxes and fees, and pay the income to the cemetery corporation. The trustee is required to report this calculation to the Secretary of State within 30 days.

Confidentiality and Disclosure of Cemetery Corporation Records

- Deems all information involved in the Secretary of State's investigation and examination of a cemetery corporation, or reporting by the cemetery corporation or trustee, confidential. The only entities to which the information may be disclosed by the Secretary of State's Office are: (1) officers and members of the specific cemetery corporation board of directors; (2) the Attorney General if the Secretary of State determines this is necessary; and (3) the appropriate municipality official if the Secretary of State determines this is necessary. In accordance with the intent of the Kansas Open Records Act, this provision expires on July 1, 2016, unless the Legislature reviews the provision prior to that date and reauthorizes it.
- Allows the Secretary of State to disclose to anyone whether a cemetery corporation maintains a cemetery merchandise trust fund, or a permanent maintenance fund, and whether such funds are maintained in compliance with the law.

Cemetery Maintenance and Merchandise Fee Fund

The bill establishes the Cemetery and Merchandise Fee Fund in the State Treasury. Two related fees collected by the Secretary of State are authorized by the bill, and the bill requires that these fees be deposited in the Fund. The fees must be forwarded to the Secretary of State on a quarterly basis, and the Secretary of State is required to deposit any fees collected from both fee sources into the fund as of the effective date of the Act. The Secretary of State also is required to promulgate rules and regulations fixing the fees to be charged and collected. The fees are as follows:

- A fee not to exceed \$30 on each preneed merchandise contract for preneed cemetery merchandise, preneed burial products or services sold on or after January 1, 2011.
- A fee not to exceed \$30 on each interment sold as of January 1, 2011.

The bill is effective upon its publication in the statute book and January 1, 2012.

HB 2412 - Cities

HB 2412 dissolves any city in Kansas that received money from the United States Environmental Protection Agency for the purpose of buyout or relocation during the calendar years of 2010 and 2011. (According to testimony, the bill applies only to the City of Treece.) The bill is effective upon publication in the Kansas Register.

HB 2420 – Junction City Bonded Indebtedness

HB 2420 extends for three years the authorized and outstanding bonded indebtedness of the City of Junction City as follows:

- The ending date for the city's existent rate limitation of 37 percent of assessed valuation is extended from June 30, 2013, to June 30, 2016; and
- The beginning date for a rate limitation of 34 percent is moved from July 1, 2013, to July 1, 2016, and the ending date for that rate is extended from June 30, 2015, to June 30, 2020. At that time, the city's rate will revert to the normal rate of 30 percent.

HB 2546 – Horton Armory

HB 2546 transfers the Horton Armory property from the Kansas Military Board to the City of Horton. This transfer will be at no cost to the City of Horton.

HB 2677 – County Appraisers

HB 2677 eliminates the distinction that a county with a population greater than 25,000 must appoint a full-time county appraiser, while a county with a population of 25,000 or less may appoint either a full-time or part-time appraiser.

House Sub. for SB 40 – Housing Loan Deposit Program

House Sub. for SB 40 adds not-for-profit adult care homes to the list of eligible dwellings that qualify to participate in the Housing Loan Deposit Program (Program). These homes are eligible for loans amortized over a 20-year period. In addition, the bill provides that loans for adult care homes shall not exceed 40.0 percent of the aggregate available for loans under the Program with the exception of assisted living, residential health care, or home plus facilities, which could not exceed 90.0 percent of the aggregate available for loans. It does not amend law regarding loans only to build new houses or rehabilitate existing houses, which provides for a maximum amortization of five years.

House Sub. for SB 101 – City and County Fire Codes

House Sub. for SB 101 permanently restricts cities and counties from adopting or enforcing any ordinance, code, or other policy that requires the installation of a multi-purpose residential fire protection sprinkler system in a residential structure. (This replaces a temporary ban that was enacted in 2010.) It prohibits a city or county from requiring the installation of such a sprinkler system as a condition for the consideration or approval of a building permit or plat.

SB 112 - Surveyors

SB 112 addresses the appointment and duties of surveyors. The bill also modifies requirements for record keeping, replacement of certain monuments, and survey plats.

The bill permits county commissioners to appoint a land surveyor whose official title would be county surveyor. A county surveyor may be a surveyor in more than one county, and the county may appoint a deputy county surveyor who could perform the duties of the county surveyor.

When a survey is performed that requires a new legal description or creates a tract of land, the survey plat must be recorded with the register of deeds within 90 days after the completion of the survey. A survey plat must include closure calculations of the exterior boundary and interior lots and parcels, or equivalent data files, and corner references prepared by the land surveyor less than one year prior to the date reports are submitted to the county surveyor.

The board of county commissioners may designate an alternate county office for filing survey plats for archival purposes, except for subdivision plats.

The bill redefines what records a county surveyor must keep. Records of notice to landowners who would be affected by the survey must be retained for a period of one year in the office of the county surveyor.

Under the bill, if a United States land survey corner or section center monument that is located in a street or road and is at risk of fill covering the monument by more than two feet, the agency responsible for maintaining the road should employ a county surveyor to restore the monument. The cost of reestablishment will be paid by the agency responsible for maintaining the road.

SB 119 – Rail Service Loan Agreements

SB 119 authorizes cities and counties, in coordination with railroads providing service, to enter into loan agreements with the Secretary of Transportation to obtain Rail Service Improvement Funds by pledging Special City and County Highway Fund (SCCHF) receipts as collateral. The bill gives the Secretary the authority to order diversion of SCCHF distributions from any local unit failing to meet repayment terms and conditions set forth in the agreements. The amount of any such loan obtained by a city or county is excluded from its bonded indebtedness limits.

SB 150 – Annexation, Fire Service Taxes, Emergency Repairs

SB 150 makes a number of changes related to municipalities, namely, regarding city incorporation and annexation, taxes paid for fire service, and allowing a county to make certain emergency repairs without choosing the lowest and best bid. The bill also makes technical corrections. Details of the bill follow.

Incorporation

The bill:

- Reduces, from a minimum of 300 to a minimum of 250, the number of inhabitants in a territory required for such a territory to be eligible to be incorporated as a city.
- Removes outdated language regarding voter registration documents and signatures on petitions requesting incorporation of a city.

Annexation

The bill does the following:

Homestead Exemption Continuation after Annexation

- Requires homestead rights attributable prior to annexation (unilateral, bilateral, or in most consent-annexation circumstances) to continue after annexation until the land is sold after the annexation.

Reviewing Service Provision; Possible Deannexation Proceedings

- Requires a city proposing to annex land unilaterally or by most consent methods (i.e., pursuant to KSA 12-520) to submit a copy of the city's plan, dealing with extending services to the area concerned, to the board of county commissioners at least 10 days prior to the required public hearing on the proposed annexation.
- Modifies the law dealing with the review process for both unilateral and most consent annexations (KSA 12-520) and bilateral annexations (KSA 12-521) to determine whether municipal services were provided as stated in the relevant annexation plan, by reducing the total time that must elapse before deannexation procedures might begin. In detail, the bill:
 - Reduces from five to three years the time that must elapse following the annexation of land (or related litigation) before the board of county commissioners is required to hold a hearing to consider whether the city has provided the services set forth in its annexation plan and timetable. If the board of county commissioners refuses to hold the hearing, a landowner is permitted to bring a court action. The court is required to award attorney fees and costs to the landowner if the court finds a hearing is required.
 - Reduces from two and one-half years to one and one-half years the time that must elapse following the services hearing (or following the conclusion of litigation), when the city has not provided the municipal services stated in the plan, before a landowner may petition to the board of county commissioners to deannex the land in question. If the board of county commissioners refuses to hold the required deannexation hearing, a landowner is permitted to bring a court action. The court is required to award attorney fees and costs to the landowner if the court finds a hearing is required.

Two-Thirds Majority Vote on Bilateral Annexations

- Requires the board of county commissioners' approval of any such petition to be by a two-thirds, rather than a simple, majority vote of its members.

Election Required on Certain Bilateral Annexations

- Requires an election to be held for any annexation involving 40 acres or more that is proposed to be made via approval by the board of county commissioners.
- "Qualified elector" is defined as an owner of land in the area proposed to be annexed.
- The election must be by mail ballot.
 - If the electors reject the annexation, the city is prohibited from annexing the land and no further proposal to annex the proposed area could take place for at least four years from the election date, unless the proposed annexation is authorized based on one of the following conditions specified in KSA 12-520:
 - The land is owned by or held in trust for the city;
 - The land adjoins the city and is owned by or held in trust for any governmental unit other than another city (with restrictions); or
 - The land adjoins the city and the landowner consents to the annexation.

For annexations of less than 40 acres, the bill authorizes the board of county commissioners to render a judgment on a petition for annexation unless the board previously has granted three annexations of adjoining tracts within a 60-month period.

Dual Taxation on Land within a Fire District, Annexed by a City

The bill:

- Provides redress for individuals who are paying ad valorem taxes to both a city and a fire district for fire service. The bill would deem a landowner, whose land is located in a fire district is annexed by a city while still remaining part of a fire district, to be entitled to a refund of all ad valorem taxes paid for fire service from either the city or the fire district, whichever entity taxes for fire service but does not provide it. The tax refund would include any tax levy for bond and interest payments.
- Requires cities and fire districts to establish procedures for landowners to obtain these refunds.

County Bidding Exception

The bill allows a county to repair any courthouse, jail, or other county building, or repair or replace its equipment, without requiring the county to choose the lowest and best bid, when the county commission has declared an emergency based upon public health or safety. An "emergency" is defined as severe damage caused by any natural or man-made cause, including fire, flood, wind, storm, explosion, or terrorism. The bill requires that any such damage be so severe that it prevents the building or equipment from being used for its intended function. Construction of a replacement building remains subject to existing bidding requirements.

SB 207 - Municipalities

SB 207 amends law relating to various types of municipalities in these ways:

- Allows counties to accept a credit or debit card for any payment, including those for taxes and utility fees;
- Authorizes the conversion of an existing school district recreation system to a city recreation system under specified stipulations and procedures;
- Allows county treasurers to accept partial payments on delinquent personal property taxes and repeals an outdated statute regarding affidavits related to personal property taxes; and
- Grants city governing bodies the authority to cause the repair or removal of unsafe or dangerous commercial real estate.

Credit or Debit Card Payments to Counties

Along with authorizing counties to accept a credit or debit card for any payment, including those for taxes and utility fees, the bill authorizes a county to add a fee to each transaction equal to the charge to the county for a payment made using the card. The bill also requires a county to provide notice of any such fee. The bill exempts any such transaction from a provision in the Kansas Uniform Consumer Credit Code that prohibits a seller or lessor from adding a surcharge on a payment made by credit or debit card.

Conversion of an Existing Recreation System

The bill creates a new section of law allowing the governing body of a school district which previously established a recreation system to take joint action with the governing body of the city in which the school district is located, to initiate the conversion of the existing recreation system to a city recreation system under the following stipulations and procedures:

- The school district must be located completely inside the boundaries of the city;
- A joint ordinance and resolution is required, proposing to change the existing school district system to a city recreation system, and the joint ordinance and resolution must authorize publication of a notice of intent. The notice must be

published once a week for two consecutive weeks in the official city newspaper;
and

- A protest petition could be filed which, if it met the criteria established in the bill, will subject the measure to an election.

If a new city recreation system is established pursuant to the new law, the following stipulations will apply:

- The mill levy rate of the new system will not be subject to the one-mill levy limitation for a new recreation system;
- The conversion to the new system must provide for the transfer of assets of the existing school district system to the city system, as well as the assumption of liabilities from one to the other; and
- The members of the school district recreation system will be required to serve the balance of their respective terms in office as members of the new city system, at which time the members of the city recreation commission must be appointed by the city governing body.

Partial Payments on Delinquent Personal Property Taxes

The bill allows county treasurers to accept partial payments as a part of a payment plan for delinquent personal property taxes. The bill clarifies that nothing in the statute is to be construed to modify the consequences of untimely payment of delinquent real or personal property tax. The bill also repeals KSA 79-2102, which allowed the filing of an affidavit of poverty related to the nonpayment of personal property taxes and thereby stopping the issuance of a warrant.

Commercial Abandoned Property

The bill adds commercial real estate property to the set of statutes dealing with unsafe or dangerous structures and abandoned property, thereby granting city governing bodies the power to cause the repair or removal of commercial properties which have become unsafe or dangerous. This is accomplished by expanding the definition of abandoned structures to include commercial real estate property for which the taxes are delinquent for the preceding two years and which has a blighting influence on surrounding properties. Commercial real estate is defined as any real estate for which the present use is other than one to four residential units or for agricultural purposes.

The bill defines "blighting influence" as conditions in the structure which are dangerous or injurious to the health, safety, or morals of the building occupants or other residents of the municipality, or which have an adverse impact on properties in the area. The bill lists a number of such conditions in the definition, such as defects increasing the hazards of fire.

PASSED OUT OF HOUSE COMMITTEE ON LOCAL GOVERNMENT

HB 2066 – City Annexation, Taxation

HB 2066 would provide redress for individuals who are paying ad valorem taxes to both a city and a fire district for fire service. The bill would deem a landowner, whose land which is located in a fire district is annexed by a city while still remaining part of a fire district, to be entitled to a refund of all ad valorem taxes paid for fire service from either the city or the fire district, whichever entity taxes for fire service but does not provide it. The tax refund would include any tax levy for bond and interest payments. The bill further requires cities and fire districts to establish procedures for landowners to obtain these refunds. The bill is a repeat of 2010 **HB 2675**. That bill received a hearing late in the 2010 Legislative Session, but did not advance out of Committee.

HB 2294 – Annexation Law

HB 2294 would make a number of changes and additions to annexation law.

Specifically, the bill would do the following:

Homestead Exemption Continuation

- Require homestead rights attributable prior to annexation to continue after annexation until the land is sold.

County Commission Ruling on Unilateral Annexations

- Restrict the unilateral annexation of land by requiring the board of county commissioners to determine whether the proposed annexation would have an adverse effect on the county.

Reviewing Service Provision; Possible Deannexation Proceedings

- Require a city proposing to annex land unilaterally or by most consent methods to submit a copy of the city's plan, dealing with extending

Services to the area concerned, to the board of county commissioners at least 10 days prior to the required public hearing on the proposed annexation.

- Modify current law dealing with the review process for most annexations to determine whether municipal services were provided as stated in the relevant annexation plan, by reducing the total time that must elapse before deannexation procedures might begin.

21-Acre Limitation on Bilateral Annexations

- Prohibit the annexation, via approval by the board of county commissioners, of any portion of any unplatted agricultural land of 21 acres or more without the written consent of the landowner. (This prohibition exists in the current unilateral-annexation statute; the bill would extend the prohibition to bilateral annexations.)

Election Required on Bilateral Annexations

- Require an election be held for any annexation proposed to be made via approval by the board of county commissioners, if voters reside in the proposed area.

HB 2314 – Finney County Drainage District Directors

HB 2314 would change the term of office for the Drainage District No. 2 of Finney County from a three-year staggered term to a four-year staggered term. Representative Larry Powell testified in favor of the bill. His testimony indicated the current three-year term for the drainage district members has created the need for a special election. HB 2314 would correct that problem.

HB 2548 – Delinquent Property Taxes

HB 2548 would allow county treasurers to accept partial payments as part of a payment plan for delinquent personal property taxes. Language also would be added to clarify that nothing in the statute is to be construed to modify the consequences of untimely payment of delinquent real or personal property tax.

The bill also would repeal KS 79-2102, which allows the filing of an affidavit of poverty related to the nonpayment of personal property taxes and thereby stopping the issuance of a warrant.

Current law requires that delinquent personal property tax payments be made in full, while delinquent real property taxes can be made on a payment plan. The bill would make payments for these two types of taxes consistent.

HB 2555 – Recreation Systems and Commissions

Sub. for HB 2555 deals with recreation systems and commissions. The bill would create a new section of law allowing the governing body of a school district, which previously established a recreation system, to take joint action with the governing body of the city in which the school district is located, to initiate the conversion of the existing recreation system to a city recreation system under the following stipulations and procedures:

- The school district would have to be located completely inside the boundaries of the city.
- A joint ordinance and resolution would be required, proposing to change the existing school district system to a city recreation system, and the joint ordinance

and resolution must authorize publication of a notice of intent. The notice must be published once a week for two consecutive weeks in the official city newspaper.

- A protest petition could be filed which, if it met the criteria established in the bill, would subject the measure to an election. If a new city recreation system is established pursuant to the new law, the following stipulations would apply:
- The mill levy rate of the new system would not be subject to the one-mill levy limitation for a new recreation system established in KSA 12-1927.
- The conversion to the new system must provide for the transfer of assets of the existing school district system to the city system, as well as the assumption of liabilities from one to the other.
- The members of the school district recreation system would be required to serve the balance of their respective terms in office as members of the new, city system, at which time the members of the city recreation commission must be appointed by the city governing body.

The original bill was sponsored by then Speaker of the House Mike O'Neal. Then Speaker O'Neal requested the substitute bill language as a better way to address the issue.

HB 2646 – Abandoned Property

HB 2646, as amended, would expand the definition of abandoned property in statutes dealing with rehabilitation of abandoned property to add commercial real estate for which the taxes are delinquent for the preceding two years and which has a blighting influence on surrounding properties.

The bill also would amend the definition of abandoned property regarding residential real estate, to include a structure for which taxes are delinquent for the preceding two years or (changed from "and") has been unoccupied continuously by people legally in possession for 180 days (changed from 90 days).

Commercial real estate would be defined as any real estate for which the present use is other than one to four residential units or for agricultural purposes.

The bill would define "blighting influence" as conditions in the structure which are dangerous or injurious to the health, safety, or morals of the building occupants or other residents of the municipality, or which have an adverse impact on properties in the area. The bill lists a number of such conditions in the definition, such as defects increasing the hazards of fire, accident, or other calamities.

The bill would allow the governing body of any city, in addition to a nonprofit organization which has among its purposes the improvement of housing as in current law, to file a petition with the district court for an order for temporary possession of abandoned property. The governing body of the city would be required to designate an organization to rehabilitate the property, the designated organization would be required to intend to rehabilitate the property and use the property as housing, and the city's governing body would be required to have sent

notice to the enforcing officer and the parties in interest of the property of the governing body's intent to file a petition for possession.

House Sub. for SB 114 – Solid Waste Management

House Sub. SB 114 would amend Kansas law relating to solid waste management at the city or county level, including the adoption of solid waste management plans under KSA 65-3401 et seq. The bill would forbid a city or county from placing restrictions on any solid waste disposal area within the city or county if these restrictions supersede or impair the local legislation of another city or county that is served by the same solid waste disposal area, unless at least one of the following exceptions exists: the city or county owns the solid waste disposal area; the city or county receives consent by each governing body of a city or county outside its corporate boundaries which may be affected by these restrictions; or the restrictions apply to residents of such city or county, but not to residents of another city or county being serviced by the same solid waste disposal area.

The bill also would require the Secretary of Health and Environment to prepare a report to present to the Kansas Legislature regarding solid waste management in the state at the beginning of the 2013 Legislative Session.

SB 114 was originally a bill that would have made amendments to the Uniform Common Interest Owners Bill of Rights Act. The original contents of the bill were removed and replaced with an amended version of **HB 2662**.

SB 329 – Historic Properties

SB 329 would add a section to current law concerning historic property. The new section would allow the governing body of any city to adopt an ordinance excepting itself from review by the state historic officer when undertaking projects involving historic property. Passage of such an ordinance by a city would require two findings by the governing body. 1) That the requirements of 75-2724(a) would have a detrimental impact on the economic development of the city and 2) the city will adopt its own standards to ensure the integrity of historic property.

SB 341 – Local Government Consolidation

House Sub. for SB 341 would add new law and amend existing law related to local government consolidation. The bill would establish a process, applicable statewide, whereby a county could consolidate with one or more of the cities within its boundaries. Additionally, the bill would amend existing law regarding consolidation of functions to allow full consolidation of two like political subdivisions.

DIED IN HOUSE COMMITTEE ON LOCAL GOVERNMENT

HB 2041 – Precious Metals Dealers

HB 2041 would remove current requirement that applicants for a pawnbroker or precious metal dealer license must have been a Kansas resident for the two years before filing an application. The bill also would make a number of technical corrections to existing law.

HB 2065 – City Annexation

HB 2065 would amend existing law concerning the annexation of land. If a board of county commissioners determines by resolution within 30 days of the hearing on a proposed annexation that the annexation would have an adverse effect on the county, it must deliver this resolution to the city. If the board fails to adopt such a resolution within that 30-day period, the annexation would be considered approved. Current law allows the board of county commissioners to hold a hearing five years after annexation or four years after annexation when litigation has been involved, to determine if the annexing city has provided municipal services. **HB 2065** would change those time periods to three and four years, respectively. Existing law states that if these services have not been provided and cannot be provided within two and one-half years, the property can be deannexed and cannot be annexed again for one year. The bill would change those time periods to two and four years, respectively. If the board refuses to hold such a hearing, an owner of land living in the annexed area may bring an action to compel the board to hold the hearing, and the court may award attorney fees and costs to the landowner.

HB 2084 – Consolidation of Cities

HB 2084, as amended, would establish a permissive process, applicable statewide, for a county to consolidate with one or more of the cities within its boundaries. order for a city and county to consolidate. Three specific laws have been passed — for Wyandotte County/Kansas City, Kansas, Greeley County/Tribune, and Shawnee County/ Topeka; however, only the first two in that list resulted in successful consolidation efforts. For the past several years, efforts have been made to adopt a general set of statutes that would authorize city-county consolidations anywhere in the state. **HB 2084** is the most recent such effort. The House Committee on Local Government amended the bill to require the election be held at the next countywide, instead of general, election, and to make a technical correction.

HB 2186 – Planning and Zoning

HB 2186 would amend existing law by making a blanket easement in a subdivision approved by a planning commission or joint committee unenforceable where there is no reasonably defined or expressed use and no definite and specific description of the easement. An exception to this law would be if the commission or committee holding the easement would, upon written request of the property owner and in a timely manner, provide and record a reasonable, definite, and specific description of the easement which is appropriate for its use.

HB 2187 – Platting Land in Unincorporated Areas

HB 2187 would allow any person, partnership, or corporation that owns land in an unincorporated area of a county outside the planning jurisdiction of a city or county, to plat the land and submit that plat, with an abstract of title, to the board of county commissioners of the county in which the land is located. Within 30 days of the first meeting of the board following the submission of the plat, if the plat is approved, it would need to be filed with the register of deeds of the county. If the subdivision of the platted land contains a blanket easement, that easement would be unenforceable if there was no reasonably defined or expressed use contained in the recorded description of the easement. However, the easement could be enforced if the holder of the easement could provide the property owner, on written request and in a timely manner, a reasonable, definite and specific description of the easement that is appropriate for its use.

HB 2190 – Boards of County Commissioners

HB 2190 would amend current law concerning term limits for members of boards of county commissioners. The bill would allow the board of county commissioners of any county, by resolution, to establish term limits for its members not to exceed two consecutive terms. A resolution could also be initiated by presentation to the commission of a petition signed by 5.0 percent of the voters in the county. The resolution resulting from the petition would not take effect until it had been approved by a majority of the qualified electors in the county voting at the next general election they are entitled to vote in.

HB 2127 – Municipalities; Coordination with State and Federal Government

HB 2127 would require a municipality that has an ordinance, resolution, regulation, plan or policy that is less restrictive than the federal or state ordinance, resolution, regulation, plan or policy to demand by any lawful means that the state or federal government coordinate with the municipality before trying to enforce, expand or extend its ordinance, resolution, regulation, plan or policy. If the federal or state government fails to coordinate in good faith, the municipality would be required to hold a public hearing on the issue and vote on whether to authorize litigation to enforce its rights. Individuals could demand in writing that the municipality comply with these requirements, and the bill indicates the process by which the municipality must respond to the individual's demand.

HB 2189 – Legal Notice Publications

HB 2189 would amend several statutes governing legal notice publications. Each statute is amended to provide that legal notices would be required to be published on a municipality's or county's website if available. The bill would also require that legal notices be published in the official newspaper of the municipality or county once. Currently, legal notices are required to be published between two and three times.

HB 2209 – Legislators; Prohibition on Holding Other Elected Position

HB 2209 would prohibit any legislator from holding elected office for a municipality if compensation other than expense reimbursement is given for the other elected office. For purposes of this bill, municipality is defined as county, township, city, school district, community junior college, municipal university, city, county or district hospital, drainage district, cemetery

district, fire district, and other political subdivision or taxing unit, and including their boards, bureaus, commissions, committees and other agencies, including but not limited to, library board, park board, recreation commission, and hospital board of trustees.

HB 2299 – Cities and Counties; Prohibition from Issuing Certain Licenses

HB 2299 would prohibit cities and counties from issuing licenses, permits, or charging any fee associated with authorizing an agency or individual to do business as a merchant, security policeman, or police agency.

House Bill 2478 – City Annexation

HB 2478 would prohibit the annexation of land in certain situations if the board of county commissioners passes a resolution stating that annexation would have an adverse effect on the city within 30 days of the conclusion of the annexation hearings. The situations where the board of county commissioners could prohibit annexation through a resolution include: 1) platted land, some part of which adjoins the city, 2) land within or mainly within the city that has a common perimeter with the city boundary line of more than 50%, 3) land that if annexed will make the city boundary line straight, and 4) land tracts situated so that 2/3 of the boundary line adjoins the city.

HB 2544 – Abandoned Property

HB 2544 would change the definition of abandoned property to residential real estate with taxes delinquent for 2 years or which has been unoccupied by persons legally in possession for 120 days. Current law defines abandoned property as residential real estate with property taxes delinquent for two years and which has been unoccupied by persons legally in possession for 90 days.

HB 2592 – Certain City Ordinances and County Resolutions Void

HB 2592 would prohibit city and county governments from administering, enacting, or enforcing ordinances or resolutions, other than required by state or federal law, which would require employers to provide employees leave from work, pay compensation for leave, compensate employees at a rate higher than minimum wage, and offer employee benefits. The bill would also prohibit local government units from administering or enacting ordinances or resolutions, other than required by state or federal law, which would require employers to provide employees leave from work, pay compensation for leave, compensate employees at a rate higher than minimum wage, and offer employee benefits. The bill would not void enforcement of relevant ordinances or resolutions by local government units.

HB 2622 – Historic Properties

HB 2622 is the same as **SB 329**, and would add a section to current law concerning historic property. The new section would allow the governing body of any city to adopt an ordinance exempting itself from review by the state historic officer when undertaking projects involving historic property. Passage of such an ordinance by a city would require two findings by the governing body. 1) That the requirements of 75-2724(a) would have a detrimental impact on

the economic development of the city and 2) the city will adopt its own standards to ensure the integrity of historic property.

HB 2662 – Solid Waste Disposal

HB 2662 would amend existing law concerning solid waste disposal. The bill would add a new section of law, prohibiting counties from adopting solid waste disposal plans with restrictions on recyclables or yard waste in waste disposal areas not owned by the county or counties. The bill would also make technical changes to existing law to incorporate the new section.

HB 2776 – State Fire Marshal

HB 2776 would prohibit the State Fire Marshal from adopting the 2006 International Fire Code except for certain sections.

HCR 5004 – Home Rule Amendment

HCR 5004 Would propose a constitutional amendment to home rule by adding a provision stating that charter ordinance shall not be used to alter or make changes in the form of city government of a city where such change has been approved by the electors of the city until the expiration of four years from the date of the election. The bill would also make other technical corrections to the constitutional provision concerning Home Rule.

JW/rc