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January 20, 2015

To: House Committee on Local Government

From: Cindy Lash, Principal Analyst

Re: Status and Summary of Bills Referred to the House Committee on Local Government in the 2013-2014 Biennium

This memorandum contains summaries of the bills referred to the Committee, grouped by status. It begins with brief summaries of each bill, followed by full summaries of the bills beginning on page 7.

BILLS SIGNED BY THE GOVERNOR – BRIEF SUMMARIES

HB 2172 – Cemetery Provisions and Education Requirements for Certain Contractors

HB 2172 made changes to law regarding cemetery pre-need merchandise, the permanent maintenance fund, and reporting. It specified that payments received by a cemetery corporation as part of an installment pre-need cemetery merchandise contract that includes burial spaces must first be allocated to the permanent maintenance fund; it required cemetery corporations to report information regarding the cemetery merchandise trust fund to the Secretary of State quarterly rather than monthly; it created definitions for terms such as burial lot, community mausoleum, and niche, and modified the definitions of funding requirement, purchase price, and abandoned cemetery; and made other changes.

The bill also changed the educational requirement for certain contractors from 240 hours classroom training to 930 program hours documented by a certificate of completion. The change affects plumbers seeking a journeyman certificate; electricians seeking a journeyman or residential certificate; and heating, ventilation, and air conditioning (HVAC) mechanics seeking a journeyman HVAC mechanic certificate in counties or cities that require licensing of those positions.

HB 2249 – Double Taxation of Annexed Fire District Lands, Solid Waste Limitations, and Historic Preservation

HB 2249 addresses property issues related to taxation, solid waste, and historic preservation.

- **Tax Refunds Related to Annexed Fire District Lands** - The bill permits a landowner to receive a property tax refund for fire services for any year when the property was not detached from a fire district after the property had been annexed by a city.
- **Solid Waste Disposal Limitations** - The bill created new law concerning solid waste disposal areas and restrictions. It prohibited a city or county from adopting restrictions for solid waste disposal areas within its boundaries if the restrictions would supersede or impair the local legislation of another city or county served by the same solid waste disposal area, or if the restrictions required another city or county to adopt new solid waste management requirements not required by statewide rules and regulations. The bill lists certain instances when such restrictions for solid waste disposal are permitted. Restrictions on solid waste disposal areas are allowed if the city or county owns the disposal site or if the restrictions apply only to the residents of the city or county enforcing the restrictions and not to residents of cities or counties outside the jurisdiction.
- **Historic Property Reviews** - Under prior law, proposed projects within 500 feet of the boundaries of a historic property located in a city or within 1,000 feet of the boundaries of a historic property located in the unincorporated portion of a county were subject to historic design and appearance restrictions. The bill limited historic reviews conducted under the act to proposed projects that would directly involve, damage, or destroy a property included in the National Register of Historic Places or the State Register of Historic Places.

HB 2419 – Detachment of Fire District Territory in Johnson County

HB 2419 amended statutes regarding detachment of fire district territory in Johnson County when a city annexes into that territory. The prior requirement for the governing bodies of the city and fire district to negotiate an agreement providing for transfer of land to the city remains. However, the bill eliminated both the time limit for the city and the fire district to reach an agreement and the petition, publication, and hearing process for achieving resolution if the city and the fire district cannot reach agreement. In addition, the bill allowed, rather than required, negotiations to include the transfer of other fire district property (such as fire stations, trucks, reserve funds, and equipment) with compensation for such property.

HB 2420 – School Crossing Guards

HB 2420 allowed the governing body of any township in Johnson County to appoint and equip volunteers and designated employees as school crossing guards. Formerly, only school districts, nonpublic schools, cities, and counties were authorized to provide school crossing guard services. The bill also allowed jurisdictions to contract with private providers for school crossing guard services.

HB 2551 – Plastic Bottle Labeling and Solid Waste Plans

HB 2551 required plastic bottles and rigid plastic containers distributed, sold, or offered for sale in Kansas to be labeled, on or near the bottom, with a nationally recognized code indicating the plastic resin used to produce the bottle or container. Before the passage of the bill, the law specified the graphic symbol and the resin coding numbers to be used.

The bill also specified that solid waste plan restrictions adopted by the 2013 Legislature apply to any landfill, including those in operation before July 1, 2014. A city or county is required to meet both conditions in law for adopting restrictions, rather than just one of the conditions.

The bill also contained provisions regarding atmospheric mercury monitoring and polychlorinated biphenyls (PCBs).

HB 2597 – Recycling Collection by Municipalities

HB 2597 allowed municipalities that already provided solid waste collection services to immediately offer recycling collection services as long as the municipality conducts a public hearing on the proposed plan with 21 days prior notice, and no existing recycling collector formally opposes the new recycling collection system within 21 days of the hearing.

If an objection is made to the municipality offering the service, the municipality must comply with continuing law, which requires a municipality wait 18 months or until the objection is withdrawn, whichever occurs first, before beginning the recycling service.

BILLS PASSED BY THE COMMITTEE BUT NOT ENACTED – BRIEF SUMMARIES

HB 2075 – Abandoned Property Amendments

HB 2075 would expand the definition of “abandoned property” to include any residential real estate that has been unoccupied continuously by persons legally in possession for the preceding 180 days and that has a blighting influence on surrounding properties. It also would make several changes to the definition of “blighting influence.”

Abandoned properties rehabilitated under the act could be used for community development, in addition to housing, which is the only use currently allowed. Any city would be authorized to file a petition with the district court for temporary possession of abandoned property in the same manner as currently authorized for non-profit organizations that improve housing. A city would have to designate an organization to rehabilitate the property.

HB 2091 – Publication Costs for Delinquent Taxes

HB 2091 would amend law concerning delinquent personal and real property taxes. The bill would require counties to add \$30 to the amount of delinquent personal property taxes and

delinquent real property taxes owed to help defray the costs of publishing notices of delinquency as required by statute. Current law requires counties to add \$15 to help with such costs.

HB 2185 – City and County Consolidation, Dual-Majority Vote

HB 2185 would establish a statewide, permissive process for a county to consolidate with one or more of the cities within its boundaries, subject to a dual-majority vote. Legislative approval would no longer be required for individual city-county consolidation efforts to go forward.

The specific process is set out in detail in the bill. It was drawn from the processes set out in statute for the consolidation of the City of Kansas City with Wyandotte County, and the City of Tribune with Greeley County, except that HB 2185 does not require the Legislature to specifically approve each consolidation. The bill would expand the definition of “county” to provide that where a city is located in more than one county, the term means the county which contains the largest population of the city.

HB 2534 – Conversion of a City Recreation System

HB 2534 would allow the governing body of any city that previously established a recreation system and the governing body of a school district wholly or partially located within that city to jointly initiate conversion of the city’s recreation system to a school district recreation system, subject to a process laid out in the bill.

BILLS THAT DIED IN COMMITTEE – BRIEF SUMMARIES

HB 2062 – Detachment Procedures for Fire Districts in Multiple Counties

HB 2062 would change the procedure for detaching a territory from a fire district. It would allow voters of the territory to detach from the fire district by means of a petition presented to the fire district’s governing body, signed by 25 percent of qualified electors (current law requires 51 percent). If the fire district governing body does not approve the detachment within 30 days, the board of county commissioners of each county in which the territory is located would be required to call for an election. The bill lays out procedures for allocating indebtedness among the parties.

HB 2072 – Restrictions on Solid Waste Management Services

HB 2072 would establish new restrictions on cities and counties related to providing solid waste management services to customers outside their incorporated limits. The bill would limit government competition with private companies that could provide the same solid waste management services in the areas served by the government operations. It would establish a “grandfathering” provision for maintaining existing services provided by governments outside of

their incorporated limits; however, any renewal of a contract or changes of service would be subject to the provisions of the bill.

HB 2089 – Preservation of Historic Properties, Exemptions

HB 2089 would amend law concerning projects located within the environs of historic properties. The bill would establish the procedures a city must follow to exempt itself from the requirement that the state historic preservation officer investigate and comment upon the proposed project.

HB 2240 – Prohibiting the Use of Unmanned Aerial Luminaries

HB 2240 would prohibit igniting, firing, or otherwise using an unmanned aerial luminary. Any person violating the provisions of the bill would be guilty of an unclassified misdemeanor, punishable by a fine of not more than \$2,500. The term “unmanned aerial luminary” includes such devices as Chinese lanterns, sky candles, or fire balloons.

HB 2247 – County Procedures to Abate Nuisances at Landowner’s Expense

HB 2247 would authorize a county to enter a parcel of land which it has determined contains a nuisance, and which is also a menace and dangerous to the health of the inhabitants of the county, and take action to abate the nuisance at the landowner’s expense. The bill would specify the means by which the county must notify the owner or agent of the owner of the property of the plan to abate the nuisance, the time period within which the owner must respond, and how the county may proceed if the owner or agent of the owner does not respond in a timely manner.

HB 2300 – Term Limits for Reno County Commissioners

HB 2300 would amend law to allow the Board of County Commissioners for Reno County, Kansas, to establish term limits for Board members by county resolution. The proposed limit would be two four-year terms. The resolution would not take effect until it had been approved by a majority of the qualified electors of Reno County at the next general election.

HB 2522 – Detachment Procedures for Fire Districts in Multiple Counties

HB 2522 would change the procedure for detaching part of the territory of a fire district which has territory in more than one county. The bill would require written documentation that the detached territory would be included in another fire district or plans to form a new fire district. The governing body of the existing fire district could, within 30 days of receiving that documentation and a petition for detachment, enter an order which would be effective on the subsequent January 1 that is six or more months after the order. The bill also would provide a procedure to be followed by the board of county commissioners of each county that was part of the fire district if the governing body of the existing district did not approve the detachment within 30 days.

HB 2733 – Annexation Compliance Reviews

HB 2733 would amend law related to annexation of certain parcels of land which a city ordinarily is not permitted to annex. Under the bill, the board of county commissioners would still be required to hold a hearing three years following annexation. However, rather than determining only whether the city has complied with the requirement to provide municipal services or the resolution approving the annexation, the board would be required to address five separate issues in determining whether the city complied with the whole of the resolution approving the annexation.

HB 2738 – Notice Requirements for Homeowners Associations

HB 2738 would require whenever a homeowners association is authorized by its by-laws, declaration, or other provision to place a lien on real property, the association would have to provide notice of its intentions and the reasons behind it. The notice would have to be provided to all owners of the real property by certified mail.

HB 2765 – County Approval of Certain Unilateral City Annexations

HB 2765 would prohibit city annexation in the circumstance described below unless the county commission determined by resolution, within 30 days of a hearing conducted by the city, that the proposed annexation would not have an adverse effect on the county. If the county commission determined the proposed annexation would have an adverse effect on the county, the city would not be allowed to attempt annexation of the land for at least one year. The types of unilateral annexation that would be subject to the bill include the following conditions:

- The land is platted and some part of the land adjoins the city;
- The land lies within or mainly within the city and shares a common city boundary line of more than 50 percent;
- The land will make the city boundary line straight or harmonious where some part adjoins the city and the parcel is less than 21 acres; or

- The parcel of land is less than 21 acres and is situated so that two-thirds of any boundary line adjoins the city. Bills signed by the governor – full summaries

BILLS SIGNED BY THE GOVERNOR – FULL SUMMARIES

HB 2172 – Cemetery Provisions and Education Requirements for Certain Contractors

HB 2172 made changes to law regarding cemetery pre-need merchandise, the permanent maintenance fund, and reporting. The bill also changed the education requirement for certain contractors who elect to satisfy part of the licensing requirement for their profession with trade-related schooling, as allowed by statute.

Cemetery Provisions

The bill made the following changes to prior law:

- Specified payments received by a cemetery corporation as part of an installment pre-need cemetery merchandise contract that includes burial spaces must first be allocated to the permanent maintenance fund. Once the burial spaces have been paid in full, pre-need merchandise and services products would continue to be funded as required by existing law;
- Required cemetery corporations to report information regarding the cemetery merchandise trust fund to the Secretary of State on a quarterly basis. Prior law called for that information to be reported monthly;
- Created definitions for the terms “burial lot,” “burial space,” “community mausoleum,” “garden mausoleum,” and “niche”;
- Modified the definition of “funding requirement” as it relates to that portion of the purchase price set aside in the permanent maintenance fund to mean the following: 15 percent of the purchase price of a burial lot, but not less than \$25; 10 percent of the purchase price of a community mausoleum crypt, but not less than \$100; or 5.0 percent of the purchase price for each garden mausoleum crypt or niche, but not less than \$50. Under prior law, “funding requirement” as it relates to the permanent maintenance fund was equal to 15 percent of the purchase price of a burial space, but not less than \$25;
- Modified the definition of “purchase price” related to cemetery burial space to subtract any amount included in the total for permanent maintenance, but specified the purchase price stated in the contract may include the amount of the funding requirement;

- Further specified the definition of “purchase price” would not include burial fees charged by the Secretary of State;
- Modified the definition of “abandoned cemetery” to be applicable when either of two separate circumstances apply: when a cemetery has been abandoned for a year or when records have not been maintained for 180 days. Under prior law, both conditions must be met;
- Extended by 15 days the time allowed after moneys are received before those moneys must be deposited to the permanent maintenance fund or the cemetery merchandise trust fund;
- Allowed taxes from capital gains related to the permanent maintenance fund to be paid from the realized capital gains proceeds; and
- Made several technical changes.

Educational Requirements for Certain Contractors

The bill also changed the education requirement for certain contractors who elect to satisfy part of the licensing requirement for their profession with trade-related schooling, as allowed by statute.

The bill changed the educational requirement from 240 hours classroom training to 930 program hours documented by a certificate of completion.

The change affects plumbers seeking a journeyman certificate; electricians seeking a journeyman or residential certificate; and heating, ventilation, and air conditioning (HVAC) mechanics seeking a journeyman HVAC mechanic certificate in counties or cities that require licensing of those positions.

HB 2249 – Double Taxation of Annexed Fire District Lands, Solid Waste and Historic Preservation

HB 2249 addresses property issues related to taxation, solid waste, and historic preservation.

Tax Refunds Related to Annexed Fire District Lands

The bill permits a landowner to receive a property tax refund for fire services for any year when the property was not detached from a fire district after the property had been annexed by a city.

The refund is paid by either the city or the fire district, whichever entity levied tax for fire service but did not provide the service. The bill specifies property taxes paid for general obligation bonds issued by a fire district prior to annexation are not be eligible for refund.

Solid Waste Disposal Limitations

The bill created new law concerning solid waste disposal areas and restrictions. It prohibited a city or county from adopting restrictions for solid waste disposal areas within its boundaries if the restrictions would supersede or impair the local legislation of another city or county served by the same solid waste disposal area, or if the restrictions required another city or county to adopt new solid waste management requirements not required by statewide rules and regulations.

The bill lists certain instances when such restrictions for solid waste disposal are permitted. Restrictions on solid waste disposal areas are allowed if the city or county owns the disposal site or if the restrictions apply only to the residents of the city or county enforcing the restrictions and not to residents of cities or counties outside the jurisdiction.

The bill also required the Secretary of Health and Environment to prepare a report on solid waste management in Kansas for the Senate Committee on Ethics, Elections, and Local Government and for the House Committee on Local Government by January 1, 2014. The report must include:

- A review of statutes, rules, regulations, and policies related to solid waste disposal in the state. This would need to include, but would not be limited to, details on yard waste, recycling, generation rates, composting, precipitation, source reduction efforts, population, landfill capacity, and gas recovery in landfills; and
- Recommendations for legislative changes and the costs associated with the proposed changes.

The Secretary's report must be prepared with review and input from operators of municipal solid waste landfills, haulers of solid waste, customers of haulers of solid waste, and cities and counties when preparing the report.

Historic Property Reviews

The bill also deleted provisions related to environs restrictions from historic property reviews.

Under prior law, proposed projects within 500 feet of the boundaries of a historic property located in a city or within 1,000 feet of the boundaries of a historic property located in the unincorporated portion of a county were subject to historic design and appearance restrictions.

The bill limited historic reviews conducted under the act to proposed projects that would directly involve, damage, or destroy a property included in the National Register of Historic Places or the State Register of Historic Places.

HB 2419 – Detachment of Fire District Territory in Johnson County

HB 2419 amended statutes regarding detachment of fire district territory in Johnson County when a city annexes into that territory.

The prior requirement for the governing bodies of the city and fire district to negotiate an agreement providing for the transfer of land to the city, with final approval by the board of county commissioners, remains. However, the bill eliminated both the time limit for reaching an agreement and the petition, publication, and hearing process for achieving resolution if the city and the fire district cannot reach agreement. In addition, the bill allowed, rather than required, that negotiations include the transfer of other fire district property (such as fire stations, trucks, reserve funds, and equipment) with compensation for such property.

The bill also deleted statutory provisions that exempted the City of Overland Park from fire district detachment procedures applicable to all other cities in Johnson County.

HB 2420 – School Crossing Guards

HB 2420 allowed the governing body of any township in Johnson County to appoint and equip volunteers and designated employees as school crossing guards. Formerly, only school districts, nonpublic schools, cities, and counties were authorized to provide school crossing guard services. In addition, the bill authorized all the named types of jurisdictions to provide training to designated employees as school crossing guards. Prior law authorized such training only for volunteers.

The bill also allowed the authorized types of jurisdictions to contract with private providers for school crossing guard services.

HB 2551 – Plastic Bottle Labeling and Solid Waste Plans

HB 2551 required plastic bottles and rigid plastic containers distributed, sold, or offered for sale in Kansas to be labeled, on or near the bottom, with a nationally recognized code indicating the plastic resin used to produce the bottle or container. Before the passage of the bill, the law specified the graphic symbol and the resin coding numbers to be used.

The bill also specified solid waste plan restrictions adopted by the 2013 Legislature apply to any landfill, including those in operation before July 1, 2014. A city or county is now required to meet both conditions in law for adopting restrictions, rather than just one of the conditions. (The 2013 legislation prohibited a city or county from adopting restrictions for a landfill within its boundaries if those restrictions would impair the legislation of another city or county that also uses the landfill or if the restrictions would require the other city or county to adopt solid waste management requirements not required by statewide rules or regulations).

The bill also contained provisions regarding atmospheric mercury monitoring and polychlorinated biphenyls (PCBs).

HB 2597 – Recycling Collection by Municipalities

HB 2597 allowed municipalities that already provided solid waste collection services to immediately offer recycling collection services as long as the following conditions are met:

- The municipality must conduct a public hearing on the proposed plan to provide recycling services;
- The municipality must provide 21 days prior notice of the hearing by publication in the official newspaper of the municipality and in the *Kansas Register*; and
- No existing recycling collector formally opposes the new recycling collection system within 21 days of the hearing.

If an objection is made to the municipality offering the service, the municipality must comply with continuing law, KSA 2013 Supp. 12-2036, which requires a municipality wait 18 months or until the objection is withdrawn, whichever occurs first, before beginning the recycling service.

BILLS PASSED BY THE COMMITTEE BUT NOT ENACTED – FULL SUMMARIES

HB 2075 – Abandoned Property Amendments

The bill would expand the definition of “abandoned property” to include any residential real estate that has been unoccupied continuously by persons legally in possession for the preceding 180 days and that has a blighting influence on surrounding properties. It also would make several changes to the definition of “blighting influence.”

Abandoned properties rehabilitated under the act could be used for community development, in addition to housing, which is the only use currently allowed.

Any city would be authorized to file a petition with the district court for temporary possession of abandoned property in the same manner as currently authorized for non-profit organizations that improve housing. A city would have to designate an organization to rehabilitate the property.

HB 2091 – Publication Costs for Delinquent Taxes

HB 2091 would amend existing law concerning delinquent personal and real property taxes. The bill would require counties to add \$30 to the amount of delinquent personal property taxes and delinquent real property taxes owed to help defray the costs of publishing notices of delinquency as required by statute. Current law requires counties to add \$15 to help with such costs.

HB 2185 – City and County Consolidation, Dual-Majority Vote

HB 2185 would establish a statewide, permissive process for a county to consolidate with one or more of the cities within its boundaries, subject to a dual-majority vote. Legislative approval would no longer be required for individual city-county consolidation efforts to go forward.

The specific process is set out in detail below, referenced to the sections of the bill. It was drawn from the processes set out in statute for the consolidation of the City of Kansas City with Wyandotte County, and the City of Tribune with Greeley County, except that HB 2185 does not require the Legislature to specifically approve each consolidation. The bill would expand the definition of “county” to provide that where a city is located in more than one county, the term means the county which contains the largest population of the city.

Study Commission: Establishment, Makeup, and Duties (Sections 2 and 3)

The bill would allow for a consolidation study or require it under certain circumstances, as follows:

- Authorize or require the board of county commissioners and the governing body of any city or cities within the county’s boundaries to adopt a joint resolution establishing a consolidation study commission. The board of county commissioners would be required to do so if the county election office is presented with a petition signed by at least 10 percent of the county’s qualified voters. Likewise, the city’s governing body would be required to do so if the county clerk receives a petition containing signatures of at least 10 percent of the city’s qualified voters;
- Require any such resolution provide for the appointment method and number of commission members. The bill would require at least one-third of the members be residents of the incorporated county;
- Establish a process for appointing commission officers and adopting rules governing its meetings, by way of an organizational meeting which the bill would required to occur within 30 days following appointment of the members. All commission meetings would be subject to the Kansas Open Meetings Act;
- Authorize the commission members to be reimbursed for actual and necessary expenses, and to appoint an executive director who could receive compensation, employ other staff, and contract with consultants; and
- Require the commission to adopt a budget and submit it for approval to the board of county commissioners. The board of county commissioners would be required to fund the budget as it deems necessary.

Consolidation Plan: Preliminary and Final Plans, Contents and Required Election; Dual Majority Vote (Sections 4 and 5; Section 4, unless otherwise noted)

The bill would provide a process for developing, refining and vetting the plan, set content requirements, and mandate an election requiring a dual majority vote, as follows:

- Require the study commission to prepare and adopt a plan for consolidation of the city or cities and the county, as well as other political or taxing subdivisions, or consolidation of any offices, functions, services, and operations of any of the aforementioned entities. In doing so the study commission would be required to conduct needed studies and investigations, with examples given in the bill. The study commission or its executive director would be authorized to administer oaths and affirmations, subpoena witnesses, and perform other, listed duties to gather its information;
- Require the study commission to hold public hearings to receive information and materials which would aid in drafting the plan;
- Require a process whereby the preliminary plan is vetted. The preliminary plan would be required to be filed with the county election officer, city clerk of each city to be reorganized, and each public library within the county, and be made available to the public upon request. The study commission would be required to hold at least two public hearings to obtain citizen input, with public notice requirements for the hearings and at least seven days between the two hearings;
- Authorize the study commission to adopt, modified or unmodified, the preliminary plan as the final plan after the hearings are held;
- Require the final plan contain the full text and an explanation of the proposed plan; comments deemed desirable by the study commission; a written opinion by a Kansas licensed attorney, retained by the executive director, that the proposed plan is not in conflict with Kansas laws or its constitution; and any minority reports. Copies of the final plan would be required to be filed with the county election officer, city clerk of each city to be reorganized, and each public library within the county, and be made available to the public upon request;
- Require the final plan be submitted to the voters at the next countywide election that is held at least 45 days after the final plan is adopted by the study commission. The election would be required to be held by the county election officer in the manner provided by the general bond law. (Note: General bond law is contained in KSA 10-120, *et seq.*) The bill would specify the ballot language, consisting of two questions. If a final plan is submitted that does not recommend a consolidation of entities or of offices, functions, services, and operations, an election would not be held;
- Require, in order for the consolidation plan to pass, that both a majority of those voting who are qualified and reside within the city limits and a majority of the qualified voters who reside outside the city limits vote in favor of the plan. If a

majority of either of the groups votes against the plan, the plan would not be implemented;

- Require the study commission to remain in existence for at least 90 days following the election;
- Set the contents of the plan (Section 5). Among a number of other requirements, the plan would be required to include provisions addressing the situation if, in the case of multi-city consolidation within a county, the plan is approved by the voters of one city but not all cities contained in the plan.

Requirements Applicable to an Approved Plan for City-County Consolidation (Section 6)

The bill would specify a number of requirements regarding any approved plan that provides for city-county consolidation. Some of these are described below:

- The consolidated city-county would be required to be subject to the cash-basis and budget laws of Kansas;
- With certain prescribed exceptions, the bond debt limit of a consolidated city-county could not exceed 30 percent of the assessed value of all tangible taxable property within the county on the preceding August 25;
- Any bond debt and related interest incurred by a city or cities or the county prior to consolidation or refunded after consolidation would be required to remain an obligation of the property subject to taxation prior to the consolidation;
- Any retailers' sales tax levied prior to consolidation by the city or cities or county would remain in force, except the part attributable to a city or cities would not apply to sales in the cities which are not consolidated with the county.
- Areas are established, for the purposes of exercising the powers, duties and functions of a county and a city, and for the purposes of voting. The consolidated city-county would be required to be both a county and a city of the class as determined by the study commission in the plan. The governing body of the consolidated city-county could create special service districts and levy taxes for these purposes.

HB 2534 – Conversion of a City Recreation System

HB 2534 would allow the governing body of any city that previously established a recreation system and the governing body of a school district wholly or partially located within that city, to jointly initiate conversion of the city's recreation system to a school district recreation system, subject to the following process:

- A joint ordinance and resolution is required, proposing to change the existing city recreation system to a school district recreation system and authorizing publication of a notice of intent to do so;
- The notice must be published once a week for two consecutive weeks in the official city newspaper; and
- If a petition requesting an election on the question is signed by at least five percent of the qualified voters of the school district within 30 days of the last publication of the notice, an election shall be held.

If a new school district recreation system is established pursuant to the bill, the following stipulations will apply:

- The mill levy rate for the new system will not be subject to the current one mill levy limitation for a new recreation system;
- The conversion must provide for the following:
 - The transfer of assets from the city recreation system to the school district recreation system;
 - Assumption of the liabilities of the city recreation system by the school district recreation system;
 - Maintenance and continuation of the operations of the school district recreation system; and
 - The members of the city recreation commission would serve the balance of their respective terms in office as members of the school district recreation commission. Upon expiration of those terms, members would be appointed by the governing body of the school district.

BILLS THAT DIED IN COMMITTEE – FULL SUMMARIES

HB 2062 – Detachment Procedures for Fire Districts in Multiple Counties

HB 2062 would change the procedure for detaching a territory from a fire district. Specifically, the bill would allow voters of the territory to detach from the fire district by means of a petition presented to the fire district's governing body, signed by 25 percent of qualified electors (current law requires 51 percent). If the fire district governing body does not approve the detachment within 30 days of presentation of the petition, the board of county commissioners of each county in which the territory is located would be required to adopt a resolution calling for an election to be held within 60 days, or 90 days if a regular election is already scheduled, if the petition has the requisite number of signatures.

The governing body of the fire district would determine all outstanding indebtedness within 90 days of detachment of the territory. Subsequent budgets of the fire district would separately itemize payments of outstanding indebtedness, and payments would be separately levied between the detached territory and the territory remaining in the fire district, according to their respective assessed valuations

HB 2072 – Restrictions on Solid Waste Management Services

HB 2072 would establish new restrictions on cities and counties related to providing solid waste management services to customers outside their incorporated limits. The bill would limit government competition with private companies that could provide the same solid waste management services in the areas served by the government operations. It would establish a “grandfathering” provision for maintaining existing services provided by governments outside of their incorporated limits; however, any renewal of a contract or changes of service would be subject to the provisions of the bill.

In order to determine if a private business could provide solid waste management services, the bill would require a public hearing on the issue. The bill also would clarify that in case of an emergency or disaster, a public hearing would not be required if a local government adopts a resolution declaring the existence of a disaster or emergency.

HB 2089 – Preservation of Historic Properties, Exemptions

HB 2089 would amend existing law concerning projects located within the environs of historic properties. The bill would establish the procedures a city must follow to exempt itself from the requirement that the state historic preservation officer investigate and comment upon the proposed project. The city would be required to determine that failing to implement the project would have a detrimental effect on economic development of the city and must adopt its own standards to ensure the integrity of historic properties included in the National Register of Historic Places and the Register of Historic Kansas Places.

HB 2240 – Prohibiting the Use of Unmanned Aerial Luminaries

HB 2240 would prohibit igniting, firing, or otherwise using an unmanned aerial luminary. Any person violating the provisions of the bill would be guilty of an unclassified misdemeanor, punishable by a fine of not more than \$2,500. Provisions in the bill would not apply to the possession or transportation of unmanned aerial luminaries for commercial purposes or for use outside of Kansas. The bill would define “unmanned aerial luminary”, which includes such devices as Chinese lanterns, sky candles, or fire balloons.

HB 2247 – County Procedures to Abate Nuisances at Landowner’s Expense

HB 2247 would authorize a county to enter a parcel of land which it has determined contains a nuisance, and which is also a menace and dangerous to the health of the inhabitants of the county, and take action to abate the nuisance at the landowner’s expense. The bill would

specify the means by which the county must notify the owner or agent of the owner of the property of the plan to abate the nuisance, the time period within which the owner must respond, and how the county may proceed if the owner or agent of the owner does not respond in a timely manner. The bill also would specify how the county may notify the owner or agent of the owner of the costs of the county's abatement and how the county may go about collecting these costs. In addition, the bill would allow any county to remove from property, other than public property, a motor vehicle deemed to be a nuisance and dispose of the vehicle.

HB 2300 – Term Limits for Reno County Commissioners

HB 2300 would amend existing law to allow the Board of County Commissioners for Reno County, Kansas, to establish term limits for Board members by county resolution. The proposed limit would be two four-year terms. The bill would specify the process to be followed to petition for and vote on the resolution. The resolution would not take effect until it had been approved by a majority of the qualified electors of Reno County at the next general election.

HB 2522 – Detachment Procedures for Fire Districts in Multiple Counties

HB 2522 would change the procedure for detaching part of the territory of a fire district which has territory in more than one county. The bill would require written documentation that the detached territory would be included in another fire district or plans to form a new fire district. The governing body of the existing fire district could, within 30 days of receiving that documentation and a petition for detachment, enter an order which would be effective on the subsequent January 1 that is six or more months after the order. The bill also would provide a procedure to be followed by the board of county commissioners of each county that was part of the fire district if the governing body of the existing district did not approve the detachment within 30 days. Within 90 days of detachment the governing body of the fire district must determine all outstanding indebtedness. The bill specifies how payment of that indebtedness must be handled.

HB 2733 – Annexation Compliance Reviews

HB 2733 would amend existing law related to annexation of certain parcels of land which a city ordinarily is not permitted to annex. Under the bill, the board of county commissioners still would be required to hold a hearing three years following annexation. However, rather than determining only whether the city has complied with the requirement to provide municipal services or the resolution approving the annexation, the board would be required to address five separate issues in determining whether the city complied with the whole of the resolution approving the annexation. In addition, the bill would remove the exemption from de-annexation on the grounds of health, safety, and welfare issues.

HB 2738 – Notice Requirements for Homeowners Associations

HB 2738 would require whenever a homeowners association is authorized by its by-laws, declaration, or other provision to place a lien on real property, the association would have

to provide notice of its intentions and the reasons behind it. The notice would have to be provided to all owners of the real property by certified mail.

HB 2765 – County Approval of Certain Unilateral City Annexations

HB 2765 would prohibit city annexation in the circumstance described below unless the county commission determines by resolution, within 30 days of a hearing conducted by the city, that the proposed annexation would not have an adverse effect on the county. If the county commission determines that the proposed annexation would have an adverse effect on the county, the city would not be allowed to attempt annexation of the land for at least one year. The types of unilateral annexation that would be subject to the bill include the following conditions:

- The land is platted and some part of the land adjoins the city;
- The land lies within or mainly within the city and shares a common city boundary line of more than 50 percent;
- The land will make the city boundary line straight or harmonious where some part adjoins the city and the parcel is less than 21 acres; or
- The parcel of land is less than 21 acres and is situated so that two-thirds of any boundary line adjoins the city.

CJL/kal