

MINUTES OF THE SENATE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Roger Reitz at 9:30 a.m. on February 24, 2009, in Room 446-N of the Capitol. Senator McGinn moved to accept the minutes of February 16<sup>th</sup> and 17<sup>th</sup>. Senator Wagle seconded the motion. The motion carried.

All members were present except:

Senator Tim Huelskamp- excused  
Senator Bob Marshall- excused  
Senator Mike Petersen- excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Ken Wilke, Office of the Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Reed Holwegner, Kansas Legislative Research Department  
Noell Memmott, Committee Assistant

Conferees appearing before the committee:

Edward Moses, Managing Director, Kansas Aggregate Producers Association  
Vicki Koepsel, Director, Saline County Planning & Zoning  
Joe Nold, County Commissioner, Dickinson County  
Ron Shaver, Assistant City Attorney, City of Olathe  
Kim Winn, League of Municipalities

Others attending:

See attached list.

The Committee continued the hearing on **SB 253 - Zoning amendments; protest petitions; mining operations; extraordinary vote not required and SB 254 - Urban area counties; zoning amendments and conditional use permits; protest petitions, other; extraordinary vote not required.**

Edward Moses, Managing Director, Kansas Aggregate Producers Association, testified in favor of **SB 253 & SB 254**. He explained it would amend zoning and would give greater flexibility. (Attachment 1)

Vicki Koepsel, Director, Saline County Planning & Zoning spoke in opposition to **SB 253 & SB 254** and suggested considering a protest petition if something needs change. (Attachment 2)

Joe Nold, County Commissioner, Dickinson County, testified in opposition to **SB 253 & SB 254**. He explained that leaving K.S.A. 12-757 stand as it now exists does not remove mining interests' ability to respond to what they may consider to be unreasonable action by a local governing body. (Attachment 3)

Richard J. Linn, Deputy County Counselor, Johnson County Kansas, submitted written testimony in opposition to **SB 254**. (Attachment 4)

The hearing was closed.

Mike Heim, revisor, reviewed **SB 257 - Requirements for public improvements by cities outside of city limits**. He explained the bill would amend the statute to establish improvement districts outside city boundaries.

Ron Shaver, Assistant City Attorney, City of Olathe, testified in favor of **SB 257**. He explained the bill would make it easier for cities to create improvement districts requested by residents outside of a city while utilizing the special assessment procedure set forth in K.S.A. 12-6a01 *et.seq.* (Attachment 5)

Kim Winn, League of Municipalities, testified in favor of **SB 257**. She said the bill would make a minor adjustment to the special improvement and assessment law to grant additional flexibility with regard to improvements outside the city limits. (Attachment 6)

CONTINUATION SHEET

Minutes of the Senate Local Government Committee at 9:30 a.m. on February 24, 2009, in Room 446-N of the Capitol.

The hearing was closed.

Discussion continued on **SB 144 Subdivisions; blanket easements, void; exceptions.**

Mark Schreiber, Westar Energy, Director, Governmental Affairs was assigned as the spokesperson for the opponents to **SB 144** he said Mr. Smith and the opponents had exchanged suggested alternative language, but could not come to an agreement. (Attachment 7)

Written testimony submitted by:

Proponent

John T. Smith, Member, Am. Institute of Certified Planners (Attachment 8)

Opponent:

David M. Dayvault, Kansas Independent Oil & Gas Association (Attachment 9)

John B. Rigg, Jr., BP America (Attachment 10)

The discussion and possible action will continue Monday, March 2, 2009.

The next meeting is scheduled for March 2, 2009.

The meeting was adjourned at 10:30 p.m.