

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 p.m. on February 19, 2004 in Room 519-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Legislative Research Department
Mike Heim Legislative Research Department
Theresa Kiernan, Office of the Revisor of Statutes
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Larry McAulay, Legal Services, Johnson County
Rep. Ward Loyd, Kansas House
Sarah Steele, Gilmore & Bell, P.C.
Lynn C. Myers, Johnson County Sheriff's Office
Rep. Joann Freeborn, Kansas House
Roger Nelson, Cloud County Commission
Terry Finch, Lincoln County Board of Commissioners

Others attending:

See Attached List.

Chairman Vickrey opened the hearing on:

HB 2773 townships; procedure to consolidate

Larry McAulay, Director of Legal Services for Johnson County, testified in support of the bill (Attachment 1). He stated that a township in northwestern Johnson County, Monticello Township, has no residents. He explained that this resulted from annexations by the cities of Lenexa and Shawnee. Mr. McAulay said that without residents, Monticello Township is unable to have a township board, and without a township board, no township business can be conducted. He informed that there are current statutes that provide for disorganization or consolidation of townships but those statutes require that there be a township board to propose such action and that there be residents ("electors") to vote on the proposals.

Written testimony was received from L. Franklin Taylor, the court ordered "Receiver" for Monticello Township (Attachment 2). He explained that **HB 2773** would give the Board of County Commissioners the ability to make decisions about the appropriate disposition of township property, taking into account the circumstances of a particular township.

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Chairman Vickrey closed the hearing on **HB 2773**.

Rep. Yonally made a motion for the favorable passage of **HB 2773**. Rep. Reitz seconded the motion. The motion carried.

Chairman Vickrey opened the hearing on:

HB 2793 drainage districts; tax levies for general fund

Rep. Ward Loyd presented testimony on behalf of Rep. Larry Powell and himself in support of HB 2793 (Attachment 3). He explained that they requested the draft of the bill to amend the provisions of K.S.A. 24-639, which would allow the electors of Drainage District No. 1 to authorize, if they so decide by affirmative vote in an election on the proposition, a mill levy for a term of years longer than four, sufficient to retire a bond issue. Rep. Ward said that the bill as drafted does not accomplish their intent with sufficient clarity, and therefore an amendment to the bill has been prepared. He stated that the balloon amendment will be presented with the testimony of Sarah Steele, of Gaar & Bell, P.C.. He urged the Committee's favorable consideration of and action on the bill, in the amended form.

Sarah Steele, Gilmore & Bell, P.C. and, Bond Counsel to Drainage District # 1 of Finney County, testified in support of the bill (Attachment 4). She explained that the requested amendment will grant Drainage District # 1 of Finney County and other drainage districts formed under K.S.A. 24-601 *et seq.* The same power to levy taxes annually as other drainage districts formed under K.S.A. 24-401 *et seq.* or K.S.A. 24-501 *et seq.*.

Frank Rice, a Topeka Attorney, representing Kaw River Drainage District, testified in support of the bill, in the proposed amended form. He provided no written testimony.

Written testimony was received from Cecil O'Brate, Drainage District # 1 of Finney County in support of the bill (Attachment 5).

Chairman Vickrey closed the hearing on **HB 2793**.

Rep. Campbell made the motion to adopt the balloon amendment presented by Sarah Steele. Rep. Lane seconded the motion. The motion carried.

Rep. Campbell made the motion for favorable passage of **HB 2793** as amended. Rep. Reitz seconded the motion. The motion carried.

Chairman Vickrey opened the hearing on:

HB 2725 cost of maintaining inmates in county jail, fee paid by inmate

Lynn C. Myers, Sheriff, Johnson County, testified in support of the bill (Attachment 6). He said the bill

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will allow for the collection of a per diem from prisoners who have been committed to the custody of the Sheriff. He stated that the bill allows local control over the amount of fee that can be collected and also contains important safeguards. He explained that any child support owed, court costs, or fines must be paid before the per diem is collected. Sheriff Myers said the bill also provides for a reduction or waiver of the amount in instances in which an undue hardship would be created if the per diem were collected.

Chairman Vickrey closed the hearing on **HB 2725**.

Rep. Campbell made the motion for the favorable passage of HB 2725. Rep. Gilbert seconded the motion. The motion carried.

Chairman Vickrey opened the hearing on:

HB 2805 law enforcement consolidation; Lincoln and Cloud counties

Rep. Freeborn testified in support of the bill (Attachment 7). She explained that she requested the bill on behalf of the Lincoln and Cloud County Commissioners. She said the bill is written, specifically, to accommodate Lincoln and Cloud Counties and their interest in Law Enforcement Consolidation. Rep. Freeborn stated that she has checked with the Association of Counties and that they have recommended county specific legislation regarding the matter.

Roger Nelson, Cloud County Commission, testified in support of the bill (Attachment 8). He said the bill would allow the electorate of Cloud County and Lincoln County to voice their opinion on the creation of a consolidated law enforcement agency in place of the multiple departments currently in place in the respective counties. He explained that they are requesting an amendment that language be deleted which secures the retention of only those current law enforcement employees who hold a law enforcement training certificate. He said that they would like to see all current staff meeting the qualifications for the consolidated law enforcement agency becomes members of the newly created agency should they wish to do so.

Terry Finch, Chairman, Lincoln County Board of Commissioners, testified in support of the bill (Attachment 9). He said that during a seven year period the Lincoln County Sheriff's department has experienced a turnover of 86 employees. He said that with the proposed legislation employees will not have a fear of losing their job each time a new sheriff takes office since the majority of turnovers occur after an election. Mr. Finch explained that the bill would allow for a formalized structure of Lincoln County's law enforcement services. He stated that the creation of a board to appoint a law enforcement administrator would benefit members of each community as they would have a say in the assets, operations, and finances of the agency.

Jeff Bottenberg, Legislative Counsel, Kansas Sheriff's Association, submitted written testimony in opposition to the bill (Attachment 10). He said the sheriff departments of Lincoln and Cloud counties do not believe that there is a need to eliminate the elected position of sheriff. He stated that the Kansas

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Sheriff's Association believes that having an elected law enforcement officer is good public policy, for unlike the director of law enforcement as envisioned in the bill, the sheriff is directly accountable to the people.

The Chairman closed the hearing on **HB 2805**.

HB 2585 convention and visitor's committees or bureaus; open meetings and open records laws

Rep. Lane made the motion to adopt the balloon amendment (Attachment 11). Rep. Storm seconded the motion. The motion carried.

Rep. Yonally made the motion to table HB 2585 as amended until Tuesday, February 24, 2004. Rep. Horst seconded the motion. The motion carried.

HB 2615 abatement of nuisances, owner has not exceeding 40 days to abate nuisance; current law 10 days

Rep. Lane made the motion to adopt the balloon amendment (Attachment 12). Rep. Campbell seconded the motion.

Rep. Lane withdrew the motion and the second concurred. The motion is withdrawn.

Chairman Vickrey appointed a subcommittee which will meet on Monday, February 23, 2004. Appointed to the subcommittee on **HB 2615** were:

- Chair - Rep. Huy
- Members - Rep. Kassebaum, Rep. Campbell, Rep. Thull, Rep. Lane
- Interested Parties - Kim Gulley, League of Kansas Municipalities

HB 2758 open records act; exemptions; military discharge forms

Rep. Yonally made a motion to adopt the balloon amendment (Attachment 13) and make the further changes as discussed. Rep. Horst seconded the motion. Motion carried.

Rep. Horst made a motion to amend HB 2758 as amended to include language exempting addresses of safe houses and other battered women's shelters from the Kansas Open Records Act. Rep. Yonally seconded the motion. Motion Carried.

No further action was taken. The bill was passed over, not tabled.

HB 2767 open meetings: time to pursue penalties extended to 180 days

Rep. Yonally made the motion to amend the bill on page 1, in line 28, by striking "180" and inserting

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“21.” Rep. Gilbert seconded the motion. The motion carried.

Rep. Storm made the motion for favorable passage of **HB 2767** as amended. Rep. Reitz seconded the motion. The motion carried.

HB 2654 annexation by cities, election; extension of municipal services required; procedure to deannex

Rep. Thimesch briefly presented a proposed amendment to **HB 2654**.

The Chairman adjourned the meeting at 5:40 p.m.

The next meeting is scheduled for February 24, 2004.

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