

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairman Vickrey at 3:30 p.m. on March 13, 2003 in Room 519-S of the Capitol.

All members were present except: Rep. Yonally, Rep. Peterson

Committee staff present:

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

Conferees appearing before the committee:

Sen. Jackson	Kansas Senate
Vic Miller	Shawnee County
Kim Gulley	League of Kansas Municipalities
Whitney Damron	City of Topeka
Lisa Stubbs	City Council, City of Topeka
Mike McGee	City of Topeka
Gary Price	City Council, City of Topeka
Jo Ann Peavler	City of Topeka, Property Maintenance Code Review Team Member

Patrick DeLapp

*Mike Taylor	City of Wichita
*Bill Yanek	Kansas Association of Realtors

*Marcia Lessenden

*Andy Landis

*written testimony only

Others attending: See attached list

The Chairman opened the hearing on:

SB 79: cities; protest petitions, requirements on

Sen. David Jackson appeared before the committee as a proponent of the bill (Attachment 1). He explained that the bill amends the law which establishes a protest petition and election procedure to be held in the area outside and within three miles of the corporate limits of a city, when a city adopts an ordinance providing for the enforcement of building codes in this unincorporated area. He said that the bill reduces the protest petition from 20 percent to 10 percent, effective January 1, 2003.

Vic Miller, Shawnee County Commissioner, testified in support of the bill (Attachment 2). He stated that since the 5-4 vote of the Topeka City Council last January to extend the City's building codes to the three mile area surrounding the city, that he has been inundated with calls and e-mail from constituents asking

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that the County Commission do something to prevent it. He said a 20 percent requirement for protest petitions is unduly onerous and repressive when one considers that the action protested was taken by elected officials who were not elected by the citizens affected.

Kim Gulley, League of Kansas Municipalities, appeared as a opponent of the bill (Attachment 3). She stated that cities have been granted extraterritorial jurisdiction to regulate certain activities in the three mile zone surrounding the corporate limits of the city and that this authority includes zoning regulations, subdivision regulations, and building code enforcement. She explained that the county make take action to impose its own requirements, thereby superseding the city's requirements. She urged the committee to not recommend the bill for passage.

A written statement from Richard Eckert, County Counselor, Shawnee County, was distributed by Sen. Jackson and briefly discussed (Attachment 4). Mr. Eckert stated that the zoning and platting statutes do not support the statement made that if a county wants to adopt building codes in the three mile area that those building codes would replace or pre-empt city building codes. Mr. Eckert's testimony further stated that there is no corresponding statute for building codes and that without such a statute, the County cannot implement their own codes to either replace or pre-empt city building codes. He informed that the only option for residents in the three mile area is the protest petition method outlined in K.S.A. 12-751a.

Whitney Damron, testified as an opponent of the bill on behalf of the City of Topeka (Attachment 5). He pointed out that this legislation could be very harmful to a city's opportunity for growth and public safety. He called attention to a letter to the committee from Mayor Felker which is included in his testimony. On behalf of the City of Topeka, he urged the committee to reject the changes in municipal law proposed in the bill.

Lisa Stubbs, Topeka City Council, addressed the committee in opposition to the bill (Attachment 6). She informed the committee that many homeowners in the three mile area have raised concerns about the lack of codes and some have even experienced expensive errors in their construction that have to be addressed. She submitted that the county's lack of regulation in issuing building permits results in costly problems that the city will pay for in the future. She explained that she has dealt with dozens of significant errors caused by county building permits that do not cross-reference city/county planning strategies.

Written testimony in support of the bill was distributed from the following conferee:

- Bill Yanek, Director of Governmental Relations, Kansas Association of Realtors (Attachment 7).

The Chairman closed the hearing on **SB 79**.

The Chairman opened the hearing on:

SB 167 **cities; notice of nuisance abatement by regular mail**

Sen. David Jackson spoke as a proponent of the bill (Attachment 8). He said the bill amends the present statute regarding Notice of Nuisance Abatement to state that the initial notice to the owner of record can

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be served by regular mail instead of certified mail and that further notices will still be required to be sent by certified mail. He urged the committee to recommend the bill favorably for passage.

Kim Gulley, Director of Policy Development & Communications, League of Kansas Municipalities, testified in support of the bill (Attachment 9). She stated that during difficult budget times, cities are looking for ways to be more efficient and that this bill offers one such option. She requested that the committee recommend the bill favorably for passage.

Mike McGee, Department of Public Works, City of Topeka, appeared as a proponent of the bill (Attachment 10). He said that prompt code enforcement of property maintenance violations is essential in maintaining neighborhood properties, particularly in the older neighborhoods comprising the core of our community. He recommends amending K.S.A. 12-1617e to allow the use of 1st Class mail versus certified, return receipt request for notice of violations and for the billing of costs associated with any abatements performed by the city.

Gary Price, City Council, City of Topeka, testified in support of the bill (Attachment 11). He testified that elected officials are challenged to find ways to make government more fiscal and operationally efficient.

Jo Ann Peavler, Property Maintenance Code Review Team Member, City of Topeka, spoke in favor of the bill (Attachment 12). She stated that neighborhood blight can become more extensive when the offender chooses not to accept the notice of nuisance when mailed by certified mail.

Written testimony in support of the bill was distributed from the following conferee:

- Mike Taylor, Government Relations Director, City of Wichita (Attachment 13)

Patrick DeLapp testified as an opponent of the bill (Attachment 14). He stated that the law currently requires that when something meets the level of being a public nuisance, the government must give proper notice informing you of the problem before they are allowed to trespass on private property and take away what ever it is causing the nuisance. He urged the committee to keep the law the way it is by requiring certified mail, return receipt requested.

Written testimony in opposition to the bill was distributed from the following:

- Marcia Lessenden (Attachment 15)
- Andy Landis (Attachment 16)

The Chairman closed the hearing on **SB 167**.

SB 109: counties; donation of land for cemetery purposes

A proposed Reports of Standing Committees Report was distributed to the committee. Rep. Campbell made a motion to amend SB 109 as recommended in the Reports of Standing Committee (Attachment 17). Rep. Reitz seconded the motion. The motion carried.

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Rep. Campbell made a motion for the passage of SB 109 as amended. Rep. Reitz seconded the motion. The motion carried.

The meeting was adjourned at 5:10 p.m.

Next meeting is scheduled for March 18, 2003.