

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 3:30 p.m. on February 11, 2010, in Room 144-S of the Capitol.

All members were present except:

Representative Delia Garcia, Excused  
Representative Lana Gordon, Absent  
Representative Michael Peterson, Excused  
Representative Michael Slattery, Absent

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Kristen Kellems, Office of the Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Jill Shelley, Kansas Legislative Research Department  
Carol Bertram, Committee Assistant

Conferees appearing before the Committee:

Representative David Crum, 77<sup>th</sup> District  
Will Johnson, County Administrator of Butler County  
Merle Reschke, Pleasant Township, Butler County  
Doug Junger, Pleasant Township, Butler County  
Rick Clark, Pleasant Township, Butler County  
Representative Clay Aurand, 109<sup>th</sup> District  
Senator Janis Lee, 36<sup>th</sup> District  
J. Russell Jennings, Commissioner, Kansas Juvenile Justice Authority  
Glenn Rodden, City Administrator Beloit Kansas  
Mike Cooper, Chairman, Mitchell County Commissioners  
Karen Pahls, Director of Mitchell County Partnership for Children (MCPC)  
Murray McGee, Director, Mitchell County Community Development

Others attending:

See attached list.

After opening the meeting, Chair Schwartz drew the Committee's attention to the minutes of January 28, 2010, for their approval. It was moved by Representative Otto, seconded by Representative Huebert that the minutes of January 28, 2010, be approved as written. The motion carried.

Chair Schwartz opened the hearing on **SB 357 - Authorizing secretary of administration to convey certain real estate on behalf of juvenile justice authority to city of Beloit.**

Representative Clay Aurand, 109<sup>th</sup> District, appeared before the Committee as a proponent to **SB 357**. He said this bill would authorize the Secretary of Administration to convey the title and interest of the former Beloit Juvenile Correctional Facility to the City of Beloit. He urged the Committee to pass this bill. (No written testimony was submitted.)

Senator Janis Lee, 36<sup>th</sup> District, appeared before the Committee as a proponent to **SB 357**. She urged the Committee to pass the bill. (No written testimony was submitted.)

Chair Schwartz recognized Martha Dorsey, Legislative Research Department, to explain **SB 357**. She noted that all costs related to the conveyance of the Beloit Juvenile Correctional Facility to the City of Beloit would be paid by the City of Beloit. Also the bill would take effect upon its publication in the *Kansas Register*.

J. Russell Jennings, Commissioner, Kansas Juvenile Justice Authority, appeared before the Committee as a proponent for **SB 357 (Attachment # 1)**. He presented background information of the facility dating back to 1889, and stated that continued state ownership of the property would come with a cost as additional funding would be needed in both 2010 and 2011 to continue to provide routine maintenance to the facility. He pointed out that if the Secretary of Administration determines that the legal description of the parcel described in **SB**

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**357** is incorrect, the Secretary may convey the property utilizing the correct legal description, but the deed conveying the property would be subject to the approval of the Attorney General.

Questions and answers followed.

Glenn Rodden, City Administrator, City of Beloit, presented testimony in favor of **SB 357** (Attachment #2). He stated what the City of Beloit is asking is that the State of Kansas give back the property that was given to the State by the community of Beloit. He asked that the City of Beloit be provided an opportunity to move forward with ideas and plans that will benefit the City of Beloit and the neighboring communities.

Questions and answers followed.

Mike Cooper, Chairman, Mitchell County Commissioners, appeared in support of **SB 357** (Attachment #3). He stated since last August, when the final word was received of the closing of the facility, Beloit went from working on a plan to keep the facility open to a plan on how to recover. He outlined several potential uses of facilities on the property and asked the Committee to allow the City of Beloit the opportunity to work together and invite the State of Kansas to be a part of the collaboration to achieve the goal of rebuilding the community.

Karen Pahls, Director, Mitchell County Partnership for Children (MCPC), offered testimony in support of **SB 357** (Attachment #4). She stated the young families of the Beloit community would appreciate the Committee's support in returning the campus to the City of Beloit, so that MCPC can build on its extensive effort to do its share in a rural part of the state to help Kansas be the best place to raise a child.

Murray McGee, Director, Mitchell County Community Development, offered testimony in support of **SB 357** (Attachment #5). He stated the community has developed plans for usage of the facilities that will be a benefit for the entire community. He said has been very difficult for Beloit to lose a landmark facility, but the community has banded together and looks forward to doing its best to make this a great opportunity for the community and the region.

Questions and answers followed.

No other proponents and no opponents presented testimony.

Chair Schwartz closed the hearing on **SB 357**.

Chair Schwartz opened the hearing on **HB 2524 - Certain townships; prohibit board members from being employed by township.**

Chair Schwartz asked Ms. Dorsey, to give the Committee a brief description of **HB 2524**. Ms. Dorsey reported that this bill would prohibit any member of a township board which has aggregate annual gross receipts of \$200,000 or more from being employed by that township.

Questions and answers followed.

### Proponents

Representative J. David Crum, 77<sup>th</sup> District, presented testimony in support of **HB 2524** (Attachment #6). He stated at the present time there is no provision in state law to prohibit a township board member from serving as an employee of the township, and serving as both a township board member and an employee can create a conflict of interest. He said the passage of this bill would bring a higher level of trust between township board members and their constituency.

William H. Johnson, Jr., Butler County Administrator, offered testimony in support of **HB 2524** (Attachment #7). He stated should the Committee consider a compromise to this bill, Butler County would suggest the Committee consider the requirement of an audit for townships employing board members. An audit requirement would introduce a system for checks and balances for the townships and further provide for fiscal

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oversight of other conditions which may have the potential to exist as well within the township.

Questions and answers followed.

There being no further proponents to testify before the Committee, Chair Schwartz opened the hearing to opponents.

Opponents

Merle Reschke, Pleasant Township Clerk, offered testimony opposing **HB 2524** (Attachment #8). He presented the Committee with background information as to the operation of the Board for Pleasant Township, as well as how the Township is able to repair its roads on a very tight budget.

Doug Junger of Pleasant Township appeared before the Committee to read the testimony of Glen T. Hosch which is in opposition to **HB 2524** (Attachment #9). He detailed nine reasons why this bill should not be passed, noting that if approved it would be a great disservice to Pleasant Township.

Rick Clark, Trustee of Pleasant Township, appeared before the Committee in opposition to **HB 2524**. He stated when a person has been elected by the people to serve on the township board and is a board appointed employee and meets all the qualifications as an equipment operator and mechanic, then that person should by the laws of Kansas be entitled to serve in both capacities. He also referred to an opinion by the Kansas Office of the Attorney General concerning township board members being compensated for providing services to a township (Attachment #10).

Questions and answers followed.

There being no further opponents to appear before the Committee, Chair Schwartz closed the hearing on **HB 2524**.

Chair Schwartz returned the Committee's attention to **SB 357**.

Representative Goico moved that the Committee recommend **SB 357** favorably for passage, seconded by Representative Holmes. The motion carried.

Subcommittee Report on **HB 2472 - Kansas uniform common interest owners bill of rights act.**

Representative Mah reported that the Subcommittee met twice and took into consideration the concerns raised by conferees at the bill's hearing. The Subcommittee is making two recommendations to amend the bill on (1) the acquisition of loans and (2) special meetings of unit owners. (Copy of the Subcommittee Report is Attachment #11.)

Questions and answers followed.

The next meeting is scheduled for February 16, 2010.

The meeting was adjourned at 4:50 p.m.

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Representative Sharon Schwartz, Chair