

Approved: March 9, 2012

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Steve Huebert at 3:30 PM on Thursday, February 7, 2012, in Room 144-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Jay Hall, Kansas Legislative Research Department
Eunice Peters, Office of Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the Committee:

Kim Winn, Deputy Director, League of Kansas Municipalities
Dale Goter, Government Relations Manager, City of Wichita
Doug Anstaett, Executive Director, Kansas Press Association
Representative Don Hineman, District 118
Melissa Wangemann, General Counsel/Director of Legislative Services, Kansas Association of Counties
Pat Sharp, Lane County Treasurer
Nancy Weeks, Kansas County Treasurer's Legislative Chairperson & Haskell County Treasurer

Others in attendance:

See attached list.

The Chairman called for presentations on **HB 2166**. Kim Winn, Deputy Director, League of Kansas Municipalities, reported on the compromise with Kansas Press Association relating to the issue of publication of the full text of ordinances in various newspapers in Kansas (Attachment 1). She noted that giving a city the option of publishing a summary of an ordinance in a newspaper and then making complete copies available on the Internet and at the city hall increases options for public access. In addition, Ms. Winn said that utilizing technology allows a savings of tax dollars. She responded to questions from committee members:

- Small cities have the option of having a website or using a local paper.
- Ordinances are online permanently; new ordinances are posted separately.
- None of the ordinances are subject to public petition.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the HOUSE LOCAL GOVERNMENT Committee at 3:30 PM on Tuesday, February 7, in 144-S of the Capitol.

- A charter ordinance requires a two-thirds vote and is subject to petition.

Ms. Winn will provide additional information regarding annexation issues before the committee works the bill.

Doug Anstaett, Executive Director, Kansas Press Association, spoke in support of the agreed-to language of **HB 2166**. He noted the changes in public notice laws in Kansas and listed them in his testimony (Attachment 2). Mr. Anstaett said the stipulations are in place to assure protection of the right of citizens to know what their government is doing. In addition, he said there has been an estimated 30% decrease in city public-notice income. Mr. Anstaett further commented that the intent of the negotiations was to preserve the statute and avoid the imposition of home rule, which would give the potential of eliminating the requirements of ordinance publication.

Written testimony on **HB 2166** was submitted by:

Dick Carter, City of Overland Park, Kansas (Attachment 3)

Dale Goter, Government Relations Manager, City of Wichita, Kansas (Attachment 4)

Mike Taylor, Public Relations Director, Unified Government Public Relations, Kansas City, Kansas (Attachment 5)

The presentation on **HB 2166** was concluded.

Hearing On: **HB 2548 - Property taxation, delinquent taxes; poverty affidavits, partial payment.**

The Chairman opened the hearing on **HB 2548**. Staff Eunice Peters provided a summary, saying that the bill expands the authority of the county treasurer to accept partial payments of delinquent personal property tax. Additionally, the bill repeals **K.S.A 79-2102**, which allows a taxpayer to file a poverty affidavit based on poverty or infirmity to avoid a warrant from being issued against him/her.

Representative Don Hineman, District 118, spoke to members, saying that the original language of **K.S.A. 79-2102**, while unfamiliar to some county treasurers and many taxpayers, was recently implemented by an oil company in Lane County to avoid paying personal property taxes on their producing oil wells in the county. Representative Hineman noted that passage of **HB 2548** would update the statute with clear guidelines for payment of delinquent personal property taxes (Attachment 6).

Melissa Wangemann, General Counsel and Director of Legislative Services, Kansas Association of Counties, spoke as a proponent of **HB 2548**, saying that the bill repeals an 1866 statute dated and may have been intended only for individuals and not for corporations (Attachment 7). She

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CONTINUATION SHEET

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noted that presently taxpayers can pay personal property taxes in increments and that this bill would create uniformity between real and personal property tax payments.

Pat Sharp, Lane County Treasurer, and representing the Kansas County Treasurers Association, addressed the committee in support of **HB 2548** (Attachment 8). She indicated the bill is intended to prohibit the abuse of the poverty affidavit created in the 1800s. Ms. Sharp expressed her concern regarding the outcomes for the state of Kansas should businesses (as did the oil company in Lane County who used the poverty aspect of **K.S.A.79-2102** to avoid paying taxes) likewise use the poverty language to keep from paying real and personal property tax. Ms. Sharp noted the tax shortfalls affect both the school districts and public works projects in Lane County.

Nancy Weeks, Haskell County Treasurer, and Kansas County Treasurer's Legislative Chairperson, spoke in favor of **HB 2548**. She noted that should a taxpayer desire a partial payment plan for delinquent personal property tax, this bill would assist that person in accomplishing that goal and provide tax money for the county (Attachment 9). She responded to a question, saying that the rate of delinquent payment of personal property tax is less than 1% in Haskell County.

Linda Kazzire, Sedgwick County Treasurer, responded to the question of urban treasurers, saying that the county has software capable of recording partial payment from taxpayers. She said the program could feasibly handle all aspects of taxpayers requests.

The hearing on **HB 2548** was closed.

The Chairman called for consideration of **HB 2546**. *Representative Garber moved to include the technical amendment with the word "sale". Representative Lane seconded the motion. The motion passed.*

Staff Martha Dorsey distributed a copy for review of the city-county consolidation bill history (Attachment 10). She noted that some bills were dealt with differently and provided a comparison chart of those bills delineating the commission makeup and the differences in content of the plan (Attachment 11). Included in the information are two explanations of dual-majority voting (page 3), and an overview of financial bond debt.

Following extended discussion, the Chairman requested staff and members meet to consider language for a balloon on the bill. The meeting time and place will be announced.

Representative Sloan requested working **HB 2548** to accommodate those who travelled some distances to the hearing today. The Chairman granted the request. *Representative Seiwert moved*

CONTINUATION SHEET

Minutes of the HOUSE LOCAL GOVERNMENT Committee at 3:30 PM on Tuesday, February 7, in 144-S of the Capitol.

to pass **HB 2548** favorably and place it on the consent calendar. Representative Carlin seconded the motion. The motion passed.

The Chairman noted written testimony to be included in the minutes of the January 17, 2012, Local Government Committee meeting.

The meeting was adjourned at 4:40 p.m. The next meeting is scheduled for February 9, 2012.