

Short Summaries of Bills Referred House Local Government Committee, 2011-2012 Biennium

BILLS SIGNED BY THE GOVERNOR

- HB 2119 Accident Service Response Service Fees - Prohibits a municipality from charging an accident response service fee to persons receiving emergency services inside or outside the municipality, except for the actual costs of providing emergency services, in response to a motor vehicle accident.
- Sub for HB 2166 Summaries of City Ordinances - Allows cities to publish summaries of ordinances on the city website provided it is identified as a summary, notice is provided of where complete text is available, and other conditions are met.
- HB 2195 Organized Collection Service Act - Establishes standards for transitions in service (e.g. from private to public or multiple to single haulers) for solid waste and recyclables collection services in municipalities that have solid waste collection authority. Does not apply to collection of waste tires.
- HB 2240 Cemetary Corporations, Trusts, Fees - Significantly amends state law regarding requirements for cemeteries to maintain two types of trust funds (preneed cemetery merchandise and permanent maintenance). The amendments resulted from recommendations of a 2009 study committee created to protect consumers of burial products and services, protect the cemetery's ability to make a profit, and create a system that would be easy to audit.
- HB 2412 Dissolution of Cities - Dissolves any city in Kansas that received money from the EPA for buyout or relocation during calendar years 2010 and 2011. Testimony indicated this applied only to the City of Treece.
- HB 2420 Junction City Bonded Indebtedness - Extends for three years the authorized and outstanding bonded indebtedness of the City of Junction City in excess of the statutory limit of 30% of assessed valuation.
- HB 2456 Horton Armory - Transfers the Horton Armory property from the Kansas Military Board to the City of Horton.
- HB 2677 County Appraisers - Eliminates language regarding the appointment of an appraiser that required counties with a population greater than 25,000 to appoint a full-time appraiser, while counties with a population less than 25,000 could hire a part-time appraiser.
- H Sub SB 40 Housing Loan Deposit Program - Adds not-for-profit adult care homes to the list of eligible dwellings that qualify to participate in the Housing Loan Deposit Program.

- H Sub SB 101 City and County Fire Codes - Permanently restricts cities and counties from adopting or enforcing any ordinance, code, or other policy that requires installation of a multi-purpose residential fire protection sprinkler system in a residential structure. (A temporary ban was enacted in 2010).
- SB 112 Surveyors - Permits county commissions to appoint a land surveyor whose official title would be county surveyor. Specifies requirements associated with recording survey plats, and what the plats must include. Redefines what records a county surveyor must keep. Requires, if a US land survey monument located in a street would be covered by more than 2 feet of fill, the agency responsible for the road should employ a county surveyor to restore the monument.
- SB 119 Rail Service Loan Agreements - Authorizes cities and counties to enter into loan agreements with KDOT to obtain Rail Service Improvement Funds by pledging Special City and County Highway Fund receipts as collateral.
- SB 150 Annexation, Fire Service Taxes, Emergency Repairs - *Incorporation*: Reduces from 300 to 250 the number of inhabitants required for a territory to be eligible to incorporate as a city. *Annexation*: Requires homestead rights prior to annexation to continue after annexation until the land is sold; Requires a copy of the city's plan for extending services to the affected area to be provided to the county commissioners at least 10 days prior to the public hearing; Reduces the time that must elapse before deannexation procedures might begin; Requires 2/3 majority of county commissioners on a petition for bilateral annexation; Requires an election for any annexation involving 40 acres or more that is proposed to be made via approval of the county commissioners. *Fire Service Taxes*: Provides redress for individuals who are paying ad valorem taxes to both a city and a fire district for fire service, so that the individual is refunded taxes for fire service from the entity that does not provide it. *Emergency Repairs*: Exempts counties from the requirement to choose the lowest and best bid for certain repairs when the county commission has declared an emergency based on public health or safety.
- SB 207 Municipalities, Various - *Credit or Debit Card Payments*: Authorizes counties to accept a credit or debit card for any payment, including taxes and utility fees. *Conversion of Existing Recreation System*: Allows the governing body of a school district with a recreation system to act jointly with the city to initiate conversion of the existing recreation system to a city recreation system, under certain circumstances. *Partial Payment of Delinquent Tax*: Allows county treasurers to accept partial payments as part of a payment plan for delinquent personal property taxes. *Commercial Abandoned Property*: Grants city governing bodies the power to cause the repair or removal of commercial properties which have become unsafe or dangerous by expanding the definition of abandoned structures to include commercial real estate.

OTHER BILLS PASSED BY HOUSE LOCAL GOVERNMENT COMMITTEE

- HB 2066 Double Payment for Fire Service - Subject matter included in SB 150.

- HB 2294 Annexation (Homestead Exemption, Unilateral Annexation, Services, Deannexation, 21-Acre Limit on Bilateral Annexation, Election on Bilateral Annexation) - Most subject matter included in SB 150.
- HB 2314 Term of Office for Finney County Drainage District No. 2 - Change from a three-year to a four-year staggered term.
- HB 2548 Partial Payment of Delinquent Property Taxes - Subject matter included in SB 207.
- HB 2555 Recreation Systems and Commissions - Subject matter included in SB 207.
- HB 2646 Abandoned Property - Subject matter included in SB 207.
- H Sub SB 114 Solid Waste Management - Forbids a city or county from placing restrictions on any solid waste disposal area within the city or county if the restrictions supersede or impair the local legislation of another city or county served by the same solid waste disposal area, unless certain exceptions exist. Conference Committee report not accepted by Senate.
- H Sub SB 341 Local Government Consolidation - Establish a process applicable statewide whereby a county could consolidate with one or more of the cities within its boundaries. Died in Conference Committee.

BILLS THAT DIED IN LOCAL GOVERNMENT COMMITTEE

- HB 2041 Pawnbrokers and Precious Metal Dealers - Removes the two-year residency requirement for obtaining a license for these professions.
- HB 2065 Annexation and Deannexation - Related to provisions of HB 2294 and SB 150 (enacted).
- HB 2084 City/County Consolidation - Similar to provisions of H Sub SB 341 (died in conference committee).
- HB 2127 State/Federal Coordination - Requires a municipality that has an ordinance, resolution, etc. that is less restrictive than the federal or state ordinance, resolution, etc. to demand by any lawful means that state or federal government coordinates with the municipality before trying to enforce said requirement.
- HB 2186 Easements - Makes certain blanket easements in subdivisions unenforceable.
- HB 2187 Plats - Related language included in SB 112 (enacted).
- HB 2189 Legal Notice Publications - Related to provisions in Sub for HB 2166 (enacted).
- HB 2190 Term Limits for County Commissioners - Amends current law to allow limits, by resolution, not to exceed two consecutive terms.

- HB 2209 Legislator Pay from Municipalities - Prohibits any legislator from holding elected office for a municipality if compensation other than expense reimbursement is given.
- HB 2299 Certain Licenses - Prohibits cities and counties from issuing licenses or permits authorizing an entity to do business as a merchant, security policeman, or police agency,
- HB 2478 Annexation - Prohibits annexation in certain situations if county commissioners pass a resolution stating the annexation would have an adverse effect on the city.
- HB 2544 Abandoned Property - Modifies current definition regarding when residential real estates is considered abandoned property.
- HB 2592 Prohibition on Requiring Benefits - Prohibits city and county governments from enacting, enforcing, etc. ordinances or resolutions (unless required by state or federal law) that would require employers to provide employees leave from work, pay compensation for leave, compensate at a rate higher than minimum wage, or offer employee benefits.
- HB 2622 Historic Property - Would allow a city governing body to adopt an ordinance excepting itself from review by the state historic officer when undertaking projects involving historic property if certain conditions are met. Contents became part of H Sub SB 114, which was not enacted.
- HB 2662 Solid Waste Disposal - Contents included in H Sub SB 114, which was not enacted.
- HB 2776 State Fire Marshal - Prohibits the Marshal from adopting the 2006 International Fire Code except for certain sections.
- HCR 5004 Constitutional Amendment to Home Rule - Adds a provision stating that charter ordinance shall not be used to alter the form of a city's government until 4 years after the election.