

MINUTES OF THE HOUSE LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Representative Gerry Ray at 3:30 p.m. on February 8, 2001 in Room 519-S of the Capitol.

All members were present except:

Rep. Hermes - excused

Committee staff present:

Mike Heim, Research
Theresa Kiernan, Revisor
Kay Dick, Committee Secretary

Conferees appearing before the committee:

Rep. Tom Sloan
Gerald Cooper, DeSoto City Administrator
Don Seifert, City of Olathe
Rep. Ray Merrick
James Francis, Fire Chief, Jo. Co. Rural #2
Max Sielert, Fire Chief, Jo. Co. Rural #1
Mike Pierce, COB, Rural Dist. #3 Jo. Co.
Judy Moler, Kansas Association of Counties
Rep. Vern Osborne
Ben Crosland, Registered Land Surveyor
Marilyn Nichols, Shawnee County Register of Deeds
Lonie Addis, Kansas County Commissioners Assoc.
Jim Yonally, Lobbyist for KS. Society of Land Surveyors
Dan Garber, Pres., KS Society of Land Surveyors
Michael Kelly, Legislative Committee Chair, KSLS
Jerry Fowler, Director of Public Works, Saline Co.

Others attending:

Unavailable information (see attached sheet)

Chair opened hearing on HB 2068 - townships; relating to the acquisition of property

Rep. Tom Sloan testified in support of **HB 2068** permitting (but not requiring) any township to accept land if donated without submitting the issue to a popular vote (and expense). He also stated that this is a common sense proposal. (attachment #1) Rep. Sloan responded to questions asked by committee members.

Madam Chair closed the hearing on HB 2068

Chair Ray opened the hearing on HB 2118 - fire districts; relating to the annexation of territory by cities

Gerald Cooper, DeSoto City Administrator, appeared before the committee to request that **HB 2118** be amended to include DeSoto as receiving the same treatment as Olathe. He explained that like Olathe, DeSoto's corporate boundaries continue to expand and one impediment is the reluctance of the Rural Fire District to allow the City to take over the control of fire protection in the newly annexed areas. (attachment #2)

Don Seifert, City of Olathe, referred to the revised version of **HB 2118**, stating that it would amend to procedure for transferring the financial operation authority for fire protection in areas annexed by the city of Olathe from a rural fire district to the city. (attachment # 3 & 3a)

The Chair asked if the committee had any questions of the proponents. No questions were asked.

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Rep. Ray Merrick testified against **HB 2118** stating that the problems are: “ that when I reads the bill, the city could conceivable come out and take three of his fire station, which I pay for now, then all of a sudden the people in the county have to figure out how I’m going to have fire protection; so again I have to buy equipment, build a building, staff it and everything else. I going to have duplicate taxation, duplicate payment on something that I already own.” (No written testimony)

Theresa Keirnan, Revisor, explained, “The provisions concerning Overland Park are actually on page 3 of the bill that is being stricken, but it requires that the books, papers and machinery etc. belongs to the fire district, if its dissolved, be transferred to the city of Overland Park. But the parts of the bill suggested deleting all of that so the law would be silenced, so it would stay with the fire district.

Rep. Campbell stated there is a small caveat that’s being proposed in what Rep. Merrick has addressed today. The proposed bill make it clear that the mill levy that exists today, that pays for the infrastructure, stays in place. And, what is being discussed is just the operational cost.

Jim Francis, Fire Chief, Johnson County Rural Fire District No.2, voiced his strong opposition to **HB 2118**. He familiarize the members of the committee with the fire district and its operation. He concluded his testimony in reaffirming that his fire districts strong support for the protection that was to be afforded to rural fire districts under the present Statute. He asked the committee not to grant the city of Olathe or any other city the same exemption that was given to Overland Park. (attachment # 4)

Max Sielert, Chief, Fire District # 1 - Johnson County, expressed opposition to **HB 2118**, adding the City of Olathe to Section 1 and all of New Section 2. He pointed out the Interlock Agreement with the City of Gardner that is a direct result of how well the current state statutes can work, in the attachment to his testimony. He encouraged the committee to allow this bill to die in committee because a need for it has not been demonstrated and it does nothing to address the concerns of the Fire Districts. (attachment 5 & 5a)

Mike Pierce, COB, Rural Fire District #3 Jo. Co., gave testimony in opposition to **HB 2118** stating “it clearly portrays favoritism and inequality among government entities”. He went on to say that “should Olathe be allowed to be excluded from the statute, the ramification would be devastation to fire district finance, reducing revenues. To compensate, fire districts would have to reduce service or increase taxes, probably both.” If this legislation passes it will cause higher taxes, below standard fire protection, and possible death to a fire district. (attachment 6)

Chair closed the hearing hon HB 2118.

Hearing was opened on HB 2172 - repeal; concerning land surveys; concerning plats

Judy Moler, Kansas Association of Counties, testified in support of **HB 2172** stating that upon repeal of this statute, counties that so choose, can by home rule, have a their county surveyor review plats of subdivisions or plats of survey before they are filed with the county. However, in the less populous counties, the hiring of a county surveyor is just not practical. (attachment #7)

Rep. Osborne pointed out that this issue was addressed last year. The Rep. stated that he was invited by his commissioner to discuss the upcoming session and the first thing from the Register of Deed was, “What are you going to do about the situation with the plat maps and the cost that goes along with this process the way it is structure now.” Rep. Osborne’s proposal (**HB 2406**) was passed out to the committee members. He explained that this proposal is to try to provide and avenue to protect, especially the small counties, that don’t have licensed surveyors. He pointed out the in the proposal that “All cost for plat review and approval shall be charged back to the applicant for plat approval.” He states “That’s the protection for the county.” (attachment # 8) Rep. Osborne answered questions from the committee.

Ben Crosland, Registered Land Surveyor, spoke in favor of **HB 2172**. He expressed that over the past year there had been a good deal of confusion regarding the current law. The statute is vague as to the criteria for

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the review. He said that he was not opposed to the review process, only the manner in which it is currently being done. (attachment # 9)

Marilyn Nichols, Shawnee County Register of Deeds, testified as proponent to the repeal of KSA 58-2005 that re-proposed for **HB 2172**. Cost has not always been just the one issue that the Kansas Register of Deeds Association have spoken out against. KRDA also believes that the review is not necessary. It's not the duty of the counties to review these surveys and plats. (attachment # 10)

Lonie Addis, Labette County Commissioner, expressed the support of **HB 2172** to repeal KSA 58-2005. Mr. Addis said, "County Commissioners should not have to please the profession and then have to pay for the cost. If this bill is repealed and let county governments, under the home rule authority, take care of their counties as they deem best, will be the best measure to handle this problem." (attachment # 11)

Chair asked for any questions by the committee for the proponents. None were asked.

Jim Yonally, Kansas Society of Land Surveyors, spoken in opposition to **HB 2172**. He said that the potential harm to the public by having survey plats filed, that are inaccurate, is of such importance that these reviews should be continued. (attachment #12)

Mike Kelly, Douglas County Surveyor, (because of the weather) read the testimony of Jerry Fowler, Director of Public Works, Saline County. (Attachment # 13) He then gave an overview of the history of the county surveyor. (attachment #14) Mr. Kelly answered questions asked by committee members.

The committees' attention was drawn to the written testimony in favor of **HB 2172** by:

Susan Simon, Wabunsee County Register of Deeds. (attachment #15).

John Cashatt, Schwab-Eaton Engineers & Land Surveyors (attachment #16)

Ashley Sherard, Intergovernmental Relations Manager, Jo. Co. (attachment #17)

Opposing written testimony:

Daniel Garber, Pres. Kansas Society of Land Surveyors (attachment #18)

The Chair closed the hearing on **HB 2172**.

Madam Chairman Ray recognized Rep. Showalter, who said, "on Tuesday, we voted on HB 2086, which contained a conceptual amendment, and unfortunately that amendment did not include a phrase that would have changed my vote considerably. And I would like to know if it would be possible to bring that bill back up for consideration." The Chair responded by saying that she was sorry but that bill has already been turned in and it's been processed through the full house. Chairman Ray gave her deepest apology that it wasn't clarified for her. Rep. Hayzlett suggested, "that, today on the floor, we refer the bill back to committee to work it over on a very simple amendment and possibly we could do that bill, once this bill comes to the floor, because this was a major amendment." The Chair opposed re-referring. The Chair asked that it be noted in the minutes of Rep. Showalter's concern.

Action on HB 2157 - concerning counties; relating to computer software;

Representative Storm moved that the committee pass out **HB 2157** favorably. Representative Gilbert seconded the motion. The motion passed with no opposition.

Action on HB 2161 -concerning counties; concerning the awarding of certain contacts

Representative Peterson made a motion to move the bill favorably. Representative Miller seconded.

Revisor, Theresa Keirnan, addressed the committee regarding the amendment to HB 2161 by the Kansas Association of Counties. It amends a county bidding and surety bond statute dealing with construction

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contracts for county buildings and bridges, to require competitive bids on any bridge. Project. Current law only requires bids on bridge projects in excess of \$10,000. The bill also amends the surety bond requirements for bid winners to require such bonds on any bridge project and for building project contract valued in excess of \$40,000. Current law requires a surety bond for projects valued over \$10,000. She stated that this amendment puts the bill in the form which that really intended for it to be introduced in.

Chair asked Representative Peterson, if this amendment was acceptable, to remove her motion from the floor. The motion was removed by Representative Peterson.

A motion to adopt the amendment was made by Representative Gilbert. Representative Storm seconded the motion. The motion carried. Representative Peterson made a motion for the passage of **HB 2161** as amended. Representative Minor seconded. The bill passed out of committee with no opposition.

Final action on was taken on **HB 2068** - townships; relating to the acquisition of land by gift, donation or devise.

Representative Minor made a motion to pass **HB 2068**. Representative Campbell seconded. The motion carried.

Meeting was adjourned at 4:30 p.m.