

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Chairperson Representative Gerry Ray at 3:30 p.m. on Tuesday, February 13, 2001 in Room 519-S of the Capitol.

All members were present except: Rep. Toplikar

Committee staff present: Mike Heim, Research Dept.  
Kay Dick, Committee Secretary

Conferees appearing before the committee: See attached list (attachment A)

Others attending: See attached list (attachment B)

Representative Campbell made a motion to approve the minutes of January 11 and 16. Representative Gilbert seconded and the motion was passed. The minutes were approved as written.

**Final action on HB 2119 - certain park and recreation districts; relating to improvements.**

Representative Campbell made a motion to pass out the bill favorably. Seconded by Representative Gilbert. The bill passed with no opposition.

**Action on HB 2120 - concerning amusement rides; inspection and regulations.**

Representative Sloan presented 3 separate "balloons" for this bill. (attachments #1, 2,& 3)

Representative Campbell made a motion to amend:

1. Page 3; Sec. 3. lines 21 and 25. Seconded by Representative Storm. Motion passed. unopposed.

2. To amend (same page and section) line 25 again, after "amusement ride officials". Seconded by Representative Gilbert. Amendment passed with no opposition.

3. Page 3; Sec. 3. Line 27. Seconded by Representative Peterson. The motion carried.

Representative Peterson made a motion to amend page 4; Sec 7. Line 19;. Remove from Sec. 8 line 20, 21, and 22. Amend ( same page and section) line 23. Representative Storm seconded. The motion passed.

Representative Campbell made a motion to amend page 5; Sec. 9. line 16. Representative Storm seconded the motion. Motion carried.

Representative Storm made a motion to move, page 1; Sec. 1. Line 36 and 37 "moon walks and other inflatable equipment" to (same page, and section) (a)(1)(A). Representative Hermes seconded the motion. Motion passes.

Representative Campbell made a motion to adopt the following amendments:

1. Page 4; Sec. 8. strike lines 24 and 25.

2. Add the "balloon" to line 29 (same page and section)

3. Insert the word "functioning" on line 30 (same page and section).

Representative Barnes seconded the motion. The motion carried.

Representative Storm made a motion to strike lines 8 and 9 from Section 8. Representative Barnes seconded. Motion carried.

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Representative Storm moves to insert the revisor's replaced version to (d) line 8 (same section),

Representative Barnes seconded. Motion failed.

Representative Campbell made a motion that the committee approve the HB 2120 as amended. Seconded by Representative Gilbert. Motion passed.

**Chair Ray opened the hearing on HB 2124 - improvement districts; relating to the powers and duties**

Representative Osborne testified in regards to a unique local control issue. (Attachment #4)

Gary White, Lake Wabunsee Improvement District (LWID), spoke before the committee on behalf of (LWID) proposing an amendment to KSA 19-2765. The proposed change does not seek new powers for improvement districts, but merely seeks to have powers already conveyed to *some* improvement districts extended to the LWID. (attachment #5)

**Chair Ray closed the hearing on HB 2124**

**Hearing was opened on HB 2185 - improvement districts; concerning the issuance of revenue bonds.**

Representative Tafanelli gave testimony in support of **HB 2185**. He said that the proposed changes are intended only to apply to improvement district revenue bonds sold to the U.S. Government or an agency thereof. Also, the changes are meant to make the maturity length provisions applicable. (attachment #6) Representative Tafanelli answered questions asked by the committee.

Chair Ray directed the committee's attention to the written testimony of Kevin Cowan, Gilmore & Bell, and corrected the error of *New Economy* to Local Government. (attachment # 7)

**Chair closed the hearing on HB 2185.**

**Chair Ray opened the Hearing on HB 2171 - counties; relating to the enforcement of county resolutions**

Madam Chair announced that, in as much as there were 30 conferees, there would be a time limit of 2 minutes.

**Proponents that testified in favor of HB 2171:**

Judy Moler, Kansas Association of Counties, supported the bill. It extends to all counties the ability to have a county code court under KSA 19-4701 *et seq.* Currently, only counties with a population of over 150,000. (attachment #8)

Mike Pepoon, Director of Government Relations, Sedgwick County, submitted testimony in support of **HB 2171**. This bill will give Sedgwick County the authority to collect court costs of up to \$60 dollars and would also give count court judges the authority to order nuisance abatements. (attachment # 9)

Ben Sciortino, Sedgwick County Commissioner, gave testimony in support of **HB 2171**. Stating this is about the health, safety and well-being of the residents of Sedgwick County. (attachment # 10)

Carolyn McGinn, Chair of the Board, Sedgwick County Commissioners. She testified on favor of the bill stating that, one of the difficulties of the County Court system is that the Court has no authorization to order the clean up of property. County codes, regulations and reasonable enforcement are necessary in

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rural as well as urban areas. (attachment #11) The committee members received two handouts from Ms McGinn. James Younger and Robert Hay both were in favor of **HB 2171**. (attachment #11A & 11B)

Glen Wiltse, Director of Sedgwick County Code Enforcement. Requested the support of the committee on **HB 2171**. (attachment # 12)

Aaron Blase, Assistant County Counselor, Sedgwick Co., gave his support for **HB 2171**. (No written testimony)

David Yearout, appeared on behalf of the Kansas Association of County Planning and Zoning Office, testifying in favor of the bill. He had gave various handouts to the committee for their review. (attachment # 13 & 13A)

Diane Mooney, rural resident of Sedgwick County gave first hand experience in support of **HB 2171**. (No written testimony)

Robert Dix, resident of Sedgwick Co., asked the committee to approve the bill. (No written testimony)

George Clark, Clark Land Company, Inc., testified in favor of the bill, so as to keep up land values and make it a better place to live. (attachment #14)

Clifford Helms, Sedgwick Co. landlord, spoke in favor of **HB 2171**. He said it is important that we have Code Enforcement to follow up on nuisance complaints. (attachment #15)

Dean Lorenz, land owner in Sedgwick Co, spoke in support of the bill. He said that county codes and regulations are necessary in rural areas just as they are in the urban areas. (attachment #16)

Mr. Yearout answered question asked by Rep Hermes, Rep. Showalter, and Rep. Campbell. Rep. Hayzlett, Rep. Miller and the Chair asked question of Mrs.Mooney and Mr. Wiltse

**Opponents that are opposing HB 2171:**

Gary Simpson, represented himself and many neighbor opposing **HB 2171**. Testifying regarding their concern for property rights. (attachment #17)

Dan Russ, had written testimony opposing **HB 2171**, but gave up his time so Mr. Simpson could continue. (attachment #18)

Representative Thimesch testified that he stands neutral on this bill as issued. He strongly urged the committee to delay the act, for it not to take affect until July 2002, allowing the Task Force and County Commissioners enough time to redefine “nuisance” and develop better and more fair enforcement. (attachment # 19)

Charles Peaster stated several reasons for his opposition to **HB 2171**. (attachment # 20)

Tom Wiggins, resident of Sedgwick Co, gave testimony opposing the bill, siting a personal incident regarding the court. (attachment # 21)

John Todd spoke as a private citizen giving testimony in opposition to **HB 2171**. He requested the committee to modify the statute or repeal it entirely. (attachment #22)

Kelly Wendeln, Chanute, Kansas, gave testimony opposing the bill. He said that “Property owners are quickly losing their property rights.” (attachment #23)

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John Daily, asked the committee to reject **HB 2171**. He said that County Courts need to be abolished not given more power. (attachment #24)

Roy Shelinbarger gave testimony speaking to the conflict between the interest of urban and rural zone codes. Competing interests of nuisance abatement and rural individuals' property rights. He feels that Sedgwick County does not "need additional power from the state to crack down on neighborhood nuisances. (attachment #25)

Marin Wolf, resident, testified in opposition to **HB 2171**. (attachment #26)

Rex Morley, Derby, Kansas, appeared before the committee as a neutral to address his concern about the Impact of **HB 2172**, which may affect not only his life, but all fellow Kansans lives and rights. (attachment # 27)

Donald Abbey provided written testimony. He conceded his time to Mr. Morely. (attachment #28)

Chair brought to the attention of the committee written testimony in support of **HB 2171**.

Sheila Dale. (attachment #29)

Bill Yanek (attachment #30)

Bentley Farms, L. C. (attachment #31)

Gerald & Loreta Seibel (attachment #32)

Sedgwick Co property owners petition (attachment #33)

The Chair adjourned the meeting at 5:40 p.m.