

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Sharon Schwartz at 3:35 p.m. on March 19, 2009, in Room 446-N of the Capitol.

All members were present except:

Representative Mitch Holmes - Excused
Representative Michael Peterson - Excused

Committee staff present:

Ken Wilke, 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:

Ron Shaver, Assistant City Attorney, Olathe, Kansas
Representative Terrie Huntington

Others attending:

See attached list.

Committee members had been sent copies of the minutes of the March 12, 2009, meeting for their review. Chair Schwartz asked for a motion to approve those minutes. Representative Seiwert moved the minutes of the March 12, 2009, Local Government Committee meeting be approved as written, seconded by Representative Garcia. The motion carried.

Chair Schwartz opened the hearing on **SB 257 - Requirements for public improvements by cities outside of city limits.**

Ken Wilke, Office of the Revisor of Statutes, explained the Senate amendments to **SB 257** and noted the bill would provide two additional approval methods, each of which would allow a city to make improvements in unincorporated areas within three miles of their corporate limits. Questions and answers followed.

Chair Schwartz recognized Ron Shaver, Assistant City Attorney, City of Olathe, who appeared before the Committee in support of **SB 257** (Attachment 1). He stated the changes provided by **SB 257** would allow cities to deal more effectively with the demands of growth without requiring properties to be annexed by a city, causing unfair tax burdens on its existing residents, or creating additional regulatory complexity. Questions and answers followed.

Chair Schwartz called the Committee's attention to written-only testimony from Jason A. Gage, City Manager, City of Salina, which was submitted in support of **SB 257** (Attachment 2). She asked the Committee to take a few minutes to review it.

Representative Mah explained a proposed balloon amendment she wanted to make to **SB 257** (Attachment 3). She then moved that **SB 257** be amended to include the balloon amendment, which added the contents of **Substitute for HB 2029** which had been amended by the HCOW last week except that it substitutes "counties with populations over 100,000" for "Johnson, Sedgwick, and Shawnee Counties." Seconded by Representative Goico. The motion carried by voice vote.

Representative Slattery moved that the Committee table **SB 257** as amended, seconded by Representative Seiwert. The motion failed.

Representative Goico moved that the Committee recommend **SB 257** as amended favorably for passage and have it designated as a substitute bill, seconded by Representative Gordon. The motion carried by voice vote.

Chair Schwartz directed the Committee's attention to **HB 2253**. She recognized Representative Huntington who stated she has been in contact with the Kansas Bar Association (Attachment 4). The Bar has concerns with **HB 2253**. Its members believe the bill would be an appropriate topic for study by the Judicial Council,

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Minutes of the House Local Government Committee at 3:35 p.m. on March 19, 2009, in Room 446-N of the Capitol.

which can pull together various legal experts to evaluate this legislation and make recommendations to the Legislature. Representative Huntington went on to offer a balloon amendment (Attachment 5) which would address the concerns raised by various homeowners in maintenance-free communities. She went on to explain the effects of the amendments.

Questions and answers followed.

Representative Slattery moved that the Committee adopt the balloon amendment recommended by Representative Huntington, seconded by Representative Seiwert. The motion carried unanimously.

Discussion followed.

Representative Mah moved the Committee refer HB 2253 as amended to the Judicial Council for consideration and then report back to the Committee by December 15, 2009, seconded by Representative Slattery. Motion carried unanimously.

Chair Schwartz informed the Committee that since this was the Committee's last meeting of the 2009 session members should take their folders with them.

The meeting was adjourned at 4:25 p.m.

Representative Sharon Schwartz, Chair