

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:00 a.m. on March 18, 1993 in Room 531-N of the Capitol.

All members were present except: Sen. Reynolds - Excused

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Sen. Janis Lee
Willie Martin, Sedgwick County
Jim Williams, Riley County Commissioner
Gerry Ray, Johnson County

Others attending: See attached list

HB 2469 -- Concerning townships; relating to assessments for road maintenance and improvements

Ms. Kiernan briefly explained the intent of the bill.

Sen. Janis Lee presented testimony in support of the bill for Rep. Jack Wempe who was unable to attend the meeting. (See Attachment 1). Sen. Lee explained further that the bill arose because of a situation in Barton County and the Cheyenne Bottoms. Barton County has to share the expense of keeping up a road near the Cheyenne Bottoms with a nearby township. The bill would allow a state agency to help with the expense upon request. She also offered an amendment on lines 25-27, deleting all language after "reasonable" on line 25 since the cost to the state agency would never be a line item.

Sen. Ramirez made a motion to adopt Sen. Lee's proposed amendment, Sen. Gooch seconded, and the motion carried.

Sen. Ramirez made a motion to recommend HB 2469 favorable for passage as amended, Sen. Langworthy seconded, and the motion carried.

HB 2405 -- Concerning counties; relating to the sale of property

Ms. Kiernan briefly explained the intent of the amendments in the bill.

Willie Martin, Sedgwick County, testified in support of the bill. (See Attachment 2).

The Chairman asked Ms. Martin if she would agree to adding the language in subsection (c) to (b) to specifically define what is to be publicized. Ms. Martin was agreeable to this.

Sen. Ranson confirmed that currently cities can do this without a state law and, therefore, she felt that counties should also be treated the same.

A short discussion followed regarding possibly amending subsection (c).

The Chairman began a discussion regarding the possibility that in subsection (b) language should be included which would require a unanimous vote to accept a bid as in current law.

Jim Williams, a Riley County Commissioner, testified in support of the bill if amended. (See Attachment 3).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on March 18, 1993.

Sen. Gooch asked Mr. Williams if he would be agreeable to the bill if it were amended to allow sales to other government agencies without notice being published. Mr. Williams felt this would be somewhat helpful but still would not help communities that want to buy certain things from the county. Mr. Gooch then suggested that the bill be amended to allow a sale receipt as a record. Mr. Williams was agreeable to this.

A question arose regarding the stricken language at the bottom of page 1 (highest bidder) and the inclusion of new language (highest and best bid). Mike Heim explained that "highest and best bid" is common language and found in other statutes. The reason for using "highest and best bid" being that a person with the second bid might be more solvent, therefore, it is the best bid. This allows the board to accept the second highest bid if the person is more solvent than the first bid. The language is not a policy change but allows more flexibility. Ms. Martin added that obtaining the best possible bid is what is important, therefore, this flexibility is needed.

The Chairman asked Ms. Martin how many times in the last year Sedgwick County needed subsection (b). Ms. Martin answered, once last year and three times during the last five years. She stressed the importance of having the provision when needed, although it may not be often.

Sen. Feleciano stated that he is troubled by this language because of the possibility of a county board entering into "deals". Ms. Martin emphasized that this is not the intent of the bill. The majority of times, the board will follow the procedure in the current statute.

Gerry Ray, Johnson County, testified in support of HB 2405. (See Attachment 4). With regard to the discussion as to the honesty of county officials, Ms. Ray stated that, basically, these officials are honest and will not go outside the law; they are not adversaries but want to do what is best for the taxpayers.

Sen. Ramirez stated that the original law was there for a reason, therefore, changing it should be taken seriously. Ms. Ray said the old way locks in the method of operation, but the bill would allow some needed innovation.

Sen. Ranson noted this law was put into effect in 1871 and may be in need of change.

There being no further time, the Chairman continued the hearing on HB 2405 was continued until tomorrow, March 19.

The meeting was adjourned at 10:00 a.m.

The next meeting is scheduled for March 19, 1993.

J. R. (JACK) WEMPE
REPRESENTATIVE, ONE HUNDRED THIRTEENTH DISTRICT
895 MAIN, P O BOX 187
LITTLE RIVER, KANSAS 67457
(316) 897-6459
STATE CAPITOL, RM 284-W
TOPEKA, KANSAS 66612-1504
(913) 296-7675



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: ECONOMIC DEVELOPMENT
LOCAL GOVERNMENT
TAXATION
JOINT COMMITTEE ON ECONOMIC
DEVELOPMENT

**TESTIMONY OF REP. JACK WEMPE
SENATE LOCAL GOVERNMENT COMMITTEE
HB 2469
MARCH 18, 1993**

Chairman Parkinson and Members of the Committee:

HB 2469 provides a mechanism for the State to cooperatively work with a township in the maintenance of a road adjacent to a state property. The fiscal decision to participate rests with the State.

Townships are impacted substantially when a large amount of tax base is removed by a state property. When they must utilize scarce resources for the partial benefit of a state property, it can be extremely burdensome. It would seem that assistance with a few loads of gravel could be beneficial to the State from a public relations viewpoint.

This bill gives approval to a state agency to voluntarily share this cost and provides the mechanism for that to be accomplished.

I ask your support.

*Senate Local Gov't
3-18-93
Attachment 1*



SEDGWICK COUNTY, KANSAS

INTERGOVERNMENTAL RELATIONS

WILLIE MARTIN

COUNTY COURTHOUSE • 525 N. MAIN • SUITE 315 • WICHITA, KANSAS 67203 • TELEPHONE (316)383-7552

TO: SENATE LOCAL GOVERNMENT COMMITTEE
FROM: WILLIE MARTIN
SEDGWICK COUNTY
DATE: MARCH 17, 1993
SUBJ: HOUSE BILL 2405

Mr. Chairman and members of the committee, I am Willie Martin representing the Sedgwick County Board of Commissioners. I appreciate the opportunity to testify in support of House Bill 2405.

House Bill 2405 amends K.S.A. 1992 supplement 19-211. It provides County Commissions with some flexibility in the disposal or sale of county property after they have first followed statutory requirements.

Kansas Statutes require that when the Board of County Commissioners declares a piece of property to be surplus to the needs of the County, they adhere to the following procedures.

1. The Board publishes note of the proposed sale once each week for three consecutive weeks in the official newspaper of the County.
2. If, within 45 days after the first publication of the notice of sale a petition is filed signed by no less than 2% of the qualified electors of the county, the Board may not sell or dispose of the real property until the proposition of sale or disposal is first submitted to a vote of the electors of the county.
3. The Board receives sealed bids which are opened at a public meeting. The Board reserves the right to accept or reject any or all bids.

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Attachment 2

4. Upon acceptance of one of those bids, the property is sold to the highest and best bidder upon such terms and conditions as the board deems appropriate.

5. If a bid is accepted this ends the process.

On several occasions Sedgwick County has published notification of the sale of property and received no bids, or received bids which were unacceptable.

The legislation we request provides that if no bids are received, or the board rejects all bids, the board can arrange a public or private sale of the property through a realtor or any other means.

Currently, if after receiving no bids, the County were to negotiate or receive an acceptable offer at a later date they would still be required to repeat the bid process.

In the State of Kansas cities have the authority to establish their own procedures for the disposal or sale of property. To provide counties with flexibility in this same process is in the best interest of county government and their constituency.

We respectfully request your support of House Bill 2405.

RILEY COUNTY

BOARD OF COUNTY COMMISSIONERS

COMMISSIONERS

WILTON B. THOMAS
JIM WILLIAMS
KAREN MCCULLOH

Riley County Office Building

110 Courthouse Plaza
Manhattan, Kansas 66502
(913) 537-0700 or 537-6300

TESTIMONY OF RILEY COUNTY COMMISSION
BEFORE KANSAS SENATE
LOCAL GOVERNMENT COMMITTEE

Mr. Chairman:

I am Jim Williams, Member of Riley County Commission. I wish to convey Riley County's thoughts about House Bill 2405.

This bill addresses the issue of sale and disposal of county property. It is a composite bill that covers the need for advertising the sale of disposal of any property that exceeds a value of more than \$1000.00. This floor exempts the advertising clause necessary for items under \$1000.00, but remains a problem for transactions involving the sale, disposal or trade of equipment valued over \$1000.00 that is a large part of County Purchase Agreements.

In addition, we do not feel it necessary to list all properties being disposed of. The person who acquired the property and the purchase price should be exempt on all items \$1000.00 and under. As it is written, our Clerk would be required to keep an account of and publish a list of items such as Ward/Precinct maps provided to boards and public on request. We do not think this is the intent of law, but public officials are required to follow the letter of the law.

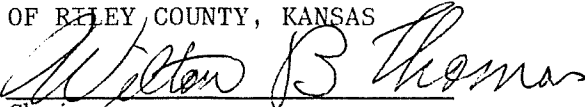
If the Local Government Committee is convinced that H.B. 2405 is a good public policy for counties in the overall public expenditure situation, we would suggest that this H.B. 2405 also include the following governing bodies:

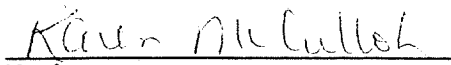
Kansas Department of Transportation and Kansas Turnpike Authority
Regents Institutions
City Governments
Kansas School Boards
Kansas Townships
Kansas Utility Benefit Districts

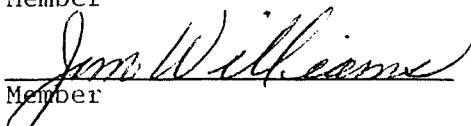
The Riley County Commission would appreciate the consideration of the Senate Committee in making the above changes to the House Bill 2405.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
OF RILEY COUNTY, KANSAS

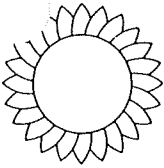

Chairman


Member


Member

BOCC/clc

Senate Local Gov't
3-18-93
Attachment 3



March 18, 1993

SENATE LOCAL GOVERNMENT COMMITTEE

HEARING ON HOUSE BILL 2405

TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL COORDINATOR
JOHNSON COUNTY BOARD OF COMMISSIONERS

Madam Chairman, members of the Committee, my name is Gerry Ray representing the Johnson County Board of Commissioners. I am appearing today to express the Board's support of House Bill 2405.

House Bill 2405 pertains to the sale or disposition of county property. The bill decreases the number of required publications and allows the county to reject unacceptable bids and sell the property either public or privately.

The bill revises outdated statutes that create administrative problems for counties when disposing of property. It provides a process to dispose of property that offers the county commission more flexibility in the bidding and selling procedure that are required by the existing statutes.

The Johnson County Commission supports these revisions because it allows counties the ability to function in the 1990's environment in a way that can bring a better return on the sale of property no longer needed.

So often the statutes regulating the activities of counties, restrict their ability to operate efficiently. We feel that the disposal of property has been one of these restrictions and strongly support HB 2405 to eliminate some of the limitations counties must deal with.

Johnson County urges the Committee to recommend the bill for passage.

*Senate Local Gov't
3-18-93
Attachment 4*