

Approved: March 26, 1993

Date

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 23, 1993 in Room 531-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Tom Stiles, Kansas Water Office

Others attending: See attached list

SB 419 -- Concerning irrigation districts.

This bill had been previously heard and concerns had been expressed regarding the Memorandum of Understanding between the federal and state government and Cedar Bluff Irrigation District No. 6. The Chairman confirmed that all committee members had received a copy of the Memorandum of Understanding. He also informed the committee that the Ellis County Commissioners had voted to endorse SB 419, however, a Trego County commissioner is opposed and has contacted Sen. Moran in this regard.

Tom Stiles, Kansas Water Office, testified in support of SB 419 with a suggested technical amendment. Mr. Stiles explained that the language on page 1, line 30, goes beyond the scope of the Memo of Understanding. His amendment to correct this would place a period after "reclamation" and delete "or fish and wildlife service." Fish and wildlife property and equipment was to be transferred to the state, not to the water district as the original language provides.

Sen. Ranson made a motion to adopt Mr. Stiles' suggested amendment, Sen. Tillotson seconded, and the motion carried.

Sen. Feleciano made a motion to report SB 419 favorable for passage as amended, Sen. Ramirez seconded, and the motion carried.

HB 2405 -- Relating to the sale of property by counties.

This bill also had been previously heard and concerns had been expressed by Sen. Feleciano regarding the use of "private sale" in the bill. Sen. Feleciano had worked with a lobbyist and the counsel for Sedgwick County and had an amendment to offer. (See Attachment 1).

Sen. Feleciano made a motion to amend HB 2405 as suggested, Sen. Downey seconded.

Sen. Ramirez began a short discussion regarding the phrase, "highest and best" bidder. He felt that perhaps "or" should be used instead of "and". The Chairman and staff explained that this language does not require that the highest bid must be taken but rather the best. This is standard language used in other statutes also.

Upon a call for a vote on Sen. Feleciano's motion, the motion carried.

The Chairman suggested the bill be amended by adding the provision in subsection (c) regarding providing detailed publishing of name of the purchaser and the price to subsection (b). Sen. Feleciano made a motion to so amend HB 2405, Sen. Ramirez seconded, and the motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on March 23, 1993.

The Chairman informed the committee that Rep. Hochhauser had expressed his desire that the bill makes it clear that a county can trade in property without going through the publishing procedure. Bev Bradley of the Kansas Association of Counties stood to inform the committee that this concern relates to a situation in Coffey County where the county had purchased a large amount of oil filters and subsequently found that they were the wrong size, therefore, they traded them in for the correct size. The county received criticism for not going through the bidding procedure. Sen. Feleciano felt that this problem should be addressed in another bill which could be introduced by the Ways and Means Committee.

A suggestion was made that perhaps subsection (c) could be amended to include language to provide that publication is not required for property under \$50.00. Ms. Kiernan said this provision currently exists in another statute.

Sen. Feleciano made a motion to recommend HB 2405 favorable for passage as amended, Sen. Downey seconded, and the motion carried.

The minutes of March 19 were approved.

The meeting was adjourned at 9:25 a.m.

This meeting concluded committee meetings for the 1993 session.

Date: March 23, 1993

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

[illegible]



SEDGWICK COUNTY, KANSAS

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March 22, 1993

Senator Paul Feliciano
State Capitol Building
Topeka, KS 66612

(FAXED)

Dear Senator Feliciano:

From speaking with Commissioner McCray and our lobbyist, I understand you have a problem with the present wording of House Bill No. 2405 concerning sale of county property.

When I drafted the language for the bill, I intended to allow counties to do whatever had to be done to sell county property once it had become impossible or unprofitable to continue marketing the property through the public bidding process. I understand you are concerned about Section 1.(b), which allows counties to sell such property publicly or privately. Without engaging in a debate as to the merits of this language, let me instead suggest a possible compromise.

I would suggest that we strike the first sentence of Section 1.(b) and insert the following language:

If the board rejects all bids or if no bids are received, the board may proceed to sell or dispose of the property publicly, in the manner deemed prudent by the board of county commissioners, to the person or entity tendering the highest and best bid as determined by the board.

This language tracks the language utilized in Section 1.(a) and eliminates any reference to a "private" sale, which some might interpret as allowing a "secret" sale of the property. That is not what we contemplated when we drafted this bill.

If you need further clarification or additional information about this issue, please give me a call. I can assure you, though, that this bill is very important to Sedgwick County, and we are very concerned about getting this bill passed. Thank you.

*Senate Local Gov't
3-23-93
Attachment*