

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Nancy Brown at 1:30 p.m. on January 13, 1994, 1994 in Room 521-S of the Capitol.

All members were present.

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

Conferees appearing before the committee: Don Moler, League of Kansas Municipalities
Don Seifert, City of Olathe
Anne Smith, Kansas Association of Counties
George Barbee, Kansas Consulting Engineers

Others attending: See Attachment 1.

The chairman opened the hearing on **SB 153** (concerning cities - procedure for construction and financing public improvements; special assessments) and reviewed the actions taken concerning the bill by the 1993 Legislature. The bill has been reassigned to this committee for further consideration because of House objections to some of the amendments made to the 1993 bill in Conference Committee; therefore a **Substitute for SB 153** is being proposed. The **Substitute SB 153** will amend K.S.A. 11-6a09 to allow a governing body, prior to the commencement of an improvement, to determine the maximum amount of the assessment against each parcel of land considered to benefit from the improvement, to prepare an assessment roll, and to call a hearing to consider the proposed assessments. Current law requires a governing body to wait until the total cost of an improvement is determined prior to preparing an assessment roll and calling a hearing. Conferees Don Moler, Anne Smith, and Don Seifert, expressed support of introduction of the proposed **Substitute SB 153** (see Attachment 2 for Mr. Moler's statement). Chairman Brown recommended that the bill include (1) written notification to affected property owners and (2) insurance that, if a project comes in cheaper than projected, property owners will receive prorated tax refunds. All conferees present approved the additions. No other conferees were present so the hearing was closed. After discussion, by motion of Representative Macy, seconded by Representative Hayzlett, the committee unanimously approved introduction of **Substitute SB 153**. Final action will be scheduled for next week.

Chairman Brown then opened the hearing on **HB 2606**, concerning road and bridge repairs resulting from disasters. Theresa Kiernan, of the Revisor's Office, and the Chairman reviewed the need for the legislation, pointing out Doniphan County's experience in the recent flood. Representative Don Rezac discussed the problems encountered in establishing repair projects under current law, especially the problems encountered in repairing roadways west of Wamego during the recent flood. Representative Rezac distributed copies of Riley County Engineer Dan Harden's letter presenting bidding problems encountered during the recent flood

(see Attachment 3). Representative Packer questioned the possibility of contractors inflating charges as a result of disasters and the immediate need to repair. The committee will invite a KDOT representative to speak to that department's guidelines for handling emergency repair projects. George Barbee, of the Kansas Consulting Engineers Association, also expressed interest in the proposed legislation. Chairman Brown left the hearing open and stated the hearing will continue next week.

On motion of Representative Grant, seconded by Representative Packer, the minutes of the meeting of January 12, 1994, were approved.

The meeting was adjourned at 2:10 p.m. The next meeting is scheduled for Tuesday, January 18, 1994 at 1:30 p.m., in Room 521-S of the Capitol.



**League
of Kansas
Municipalities**

LEGAL DEPARTMENT · 112 S.W. 7TH TOPEKA, KS 66603 · TELEPHONE (913) 354-9565 · FAX (913) 354-4186

TO: House Committee on Local Government

FROM: Don Moler, General Counsel, League of Kansas Municipalities

RE: SB 153

DATE: January 13, 1994

League Policy Position. The League supports the passage of SB 153 to permit municipalities greater flexibility in the use and application of the general improvement and assessment law found at K.S.A. 12-6a01 et seq.. This bill helps to broaden the authority of cities to determine their own affairs as they relate to the use of special assessments. This general policy of broadening local authority is in complete agreement with League policy of many years which supports allowing cities to handle local matters locally.

HOUSE LOCAL GOVERNMENT
Attachment # 2
1 / 13 / 94

MISSIONERS

Karen McCulloh
Wilton B. Thomas
Jim Williams

RILEY COUNTY PUBLIC WORKS DEPARTMENT

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DAN R. HARDEN
COUNTY ENGINEER
& DIRECTOR OF
PUBLIC WORKS
Registered Professional
Engineer No. 7412

January 4, 1994

Representative Don Rezac
12350 Ranch Road
Onaga, KS 66422

Dear Representative Rezac:

Before the 1994 session got too far underway, I wanted to highlight 3 items in the Kansas Association of Counties' platform. The first is the coupled effect of unfunded state mandates to local governments, and the imposition of levy limits on local governments. This combination forces locals to spend statutorily limited funds on artificial "needs" limiting or eliminating funds for the real needs of the community. Additionally it has soured several state/local partnerships that previously existed. Little of a positive nature takes place at the local level when the law mandates both an increase in expenditures and a decrease in revenue.

Secondly, I want to address the state bidding law that controls the process by which Kansas counties hire contractors to do road work as it relates to flood damage to public roads. During the Flood of '93 Kansas counties with flood damaged roads and bridges used the statutorily required bidding process to make road and bridge repairs the counties could not make with their own forces and funds. This process takes from 3 to 4 weeks to complete. Since flooding was occurring on a daily basis it was absolutely imperative to make repairs as quickly as possible to limit additional damage, but the law did not allow for this. As an example Riley County had a bridge that received about \$11,000 in damage during one episode of flooding. As I was waiting out the notice time (21 days) for bids another flood episode occurred that did an additional \$10,000 damage to the already damaged and unprotected bridge. This additional damage would have been avoided with a timely, but illegal earlier repair. The county bidding law is good public policy during normal times. During a state of emergency it increases costs to the public. I suggest Kansas counties that are part of a disaster declaration be allowed to secure public

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HOUSE LOCAL GOVERNMENT
Attachment # 3-1
1 / 13 / 94


Page 2
Representative Don Rezac
January 4, 1994

infrastructure under the same rules that the Kansas Department of Transportation is allowed to function under in these conditions.

Lastly, I would encourage you to remove the current limitations on the formation of county engineering districts. County engineering districts are seen as a common sense way to get engineering expertise to small counties at an affordable cost.

Thank you for giving your attention to this letter. Good luck in the weeks ahead at your work.

RILEY COUNTY PUBLIC WORKS DEPT.



Dan R. Harden, P.E.
Director and County Engineer

DRH/kd

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Board of County Commissioners
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