

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:00 a.m. on February 7, 1995, in Room 531-N of the Capitol.

All members were present except: Sen. Feleciano

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

Conferees appearing before the committee: Senator August "Gus" Bogina
Willie Martin, Sedgwick County

Others attending: See attached list

SB 69--Cities and counties; rezoning; notice requirements

Ms. Kiernan explained the bill. It amends the section on zoning to provide that in addition to public notice, written notices must be given to all owners of the land that is affected by the rezoning.

Senator Bogina, sponsor of the bill, testified in support. (Attachment 1) He added that he had no objection to the friendly amendment to be offered by Willie Martin, representing Sedgwick County.

Willie Martin, Intergovernmental Relations, Sedgwick County, followed with testimony in support of the bill with one amendment changing "owners of record" to "owners of property." (Attachment 2)

The Chairman suggested that perhaps excluding notice to persons requesting the rezoning would save on costs. Ms. Martin responded that this is not a tremendous expense, however, a title search would be. With this, the hearing on **SB 69** was concluded.

Senator Gooch made a motion to amend **SB 69** on line 34, page one, by changing "owners of record" to "owners of property", Senator Ranson seconded, and the motion carried.

With regard to the Chairman's suggestion to exclude notification to those who request the zoning change, it was the consensus of the committee not to so amend.

Senator Gooch made a motion to recommend **SB 69** favorable for passage as amended, Senator Ramirez seconded, and the motion carried.

With regard to **SB 83** concerning services provided by county public works departments, which had been previously heard, the Chairman informed the committee that this bill would be held indefinitely until further work could be done on it.

Attention was turned to another previously heard bill, **SB 84**, concerning contracts for improvements by the Johnson County Parks and Recreation District. Senator Ranson suggested that this section be repealed, leaving it up to the county to handle their purchasing guidelines. The Chairman responded that when this section was approved by the Legislature, it was felt the state should have control in this area. Mr. Heim explained further that the Johnson County Parks and Recreation District is a separate taxing entity from the Johnson County taxing district, therefore, it needs specific statutory authority to take action since it does not have home rule as does the county.

Senator Langworthy made a motion to report **SB 84** favorable for passage, Senator 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 February 7, 1995.

SB 108--Cities and counties; relating to certain mandates imposed thereon.

The Chairman informed the committee that the House has introduced a mandate bill virtually identical to this bill. It is presently on the House calendar, and it is highly probable it will come to the Senate soon. It was the consensus of the committee to wait for the House bill rather than working **SB 108** at this time.

The minutes of February 2 were approved.

The written testimony given by Buzz Merritt of the Wichita Eagle on **SB 82** regarding the Kansas Open Meetings Act, which had been requested at the hearing on January 31, had been distributed. (Attachment 3)

The meeting was adjourned at 9:30 a.m.

The next meeting is scheduled for February 9, 1995.

LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: February 7, 1995

NAME	REPRESENTING
Shannon Jones	Statewide Independent Living Council
Lisa McDonald	KACIL
Don Moler	League of KS Municipalities
Joe Edcliffe	City of Topeka
Clay Ray	Jackson Co. & Overland Park
Mary Jane Stattelmar	KS Farm Bureau
Russ Frey	Riley Co BOCC
Jason Neal	Intern Intern
Barbara Butts	Dept of Admin
James Stubbs	KBIA
MATTHEW MARTIN	KAR
TRAY HANER	BOEING
Dzhe Lumbly	KDA
Matt Jordan	KBA
Shannon Peterson	KBA
KEVIN ROBERTSON	Barrett Assoc.
Mindy Waddy	Sch. Ranson
Karen France	KAC
Anne Spiess	KS Assoc. of Counties

TESTIMONY
SENATE BILL 69

Tuesday, February 7, 1995

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I requested that SB 69 be prepared and introduced in an attempt to correct a situation that does occur. Even though some would say that this condition exists only upon rare occasions, I submit that the problem is serious even with limited application.

First, a brief explanation of that which has occurred under existing statutes. A tract of land was situated at the south edge of, and included in, a light industrial zoned district. An office building was constructed on that tract of land in 1969 and used continuously for that purpose. The city decided to modify their land-use plan and rezone some properties according to that plan. An official notice was placed in the local newspaper advertising the hearings and potential action. The owners of property that was rezoned were not individually notified of those hearings. In due course, that property was rezoned without the owners' knowledge.

SB 69 would require that the owners of property affected by rezoning activities would receive written notice of the city's intentions. It is my understanding that the property owners surrounding the property to be rezoned must receive notification in accordance with the statutes but the property to be rezoned need not be notified. I do not believe this bill would affect or restrict a city's ability to continue its current activities.

Mr. Chairman, I believe that Senate Bill 69 does provide a property owner the opportunity to be heard when their property is affected. It seems to me that this is right. I therefore urge your support and favorable action on SB 69

Thank you.

*Senate Local Gov't
2-7-95
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
FROM: WILLIE MARTIN
SEDGWICK COUNTY
DATE: FEBRUARY 7, 1955
REF: SENATE BILL 69

Mr. Chairman and Members of the Committee, thank you for the opportunity to comment on Senate Bill 69.

We believe the bill as drafted just clarifies the existing statute and would not require any change in our current practice. The statute now talks about written notice of rezoning hearings to owners (of record) in an area surrounding the area which could be affected by the proposed change. The proposed amendment requires notice to the owners of the affected area itself.

We commonly do that today, even though we also require on applications for all owners to sign the application giving their consent to the rezoning.

We are generally in support of Senate Bill 69, but would like to offer a suggestion for your consideration.

As we understand the term "owners of record" in this section puts us under a special obligation to have title companies research deed records to find the most recent transactions on record. In other statutes where written notice is required, the requirement is only to "owners of property", and that has been interpreted as persons appearing in the official tax records.

It is quicker and certainly cheaper to assemble a list of property owners according to the tax records. We respectfully request your consideration of this proposed change.

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Attachment 2

David Furnas Sun. 2/7/95

I have submitted for the record an analysis of Senate Bill 82. It outlines the objections to it and asks that you consider carefully before further weakening the Open Meetings Act. I hope you will do that.

Current Law

Now I want to tell you my truest, deepest personal feelings as a citizen and an editor. The Legislature should be honest with the people of Kansas and repeal the Open Meetings Act.

I ~~have~~ been coming here for ten years or more pleading with this body to not further erode the

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Attachment 3

original act. To no avail in virtually every instance. And in all that time, not a single proposal to make government more open has been approved, or even seriously considered.

The simple truth is that Kansas citizens have no guarantee of open government and no protection against elected officials doing as they please; no way to stop them from arriving at decisions without public input or debate; and no effective legal recourse against those officials when they do violate the tattered shreds of the present law.

The law as it now exists, even without the

latest proposals for change, is a farce and a cruel deception.

It would be far more honest to repeal the law altogether. Lets not lull ourselves and our citizens into false security any longer that this state believes that public decisions should be made in public.

No such law exists now in Kansas, and has not for at least ten years.

Lets get it off the books entirely and allow citizens to fully understand their plight. Perhaps they -- and you -- then will see the need for a

truly effective law that meets citizens needs and the legitimate needs of elected officials.

I'll be happy to respond to any questions you may have. And you should ask them today, for I ~~will~~ not return to testify on this law again. It's a waste of my time and yours.

What to do:

Forget majority of quorum language -- if two or more members of a public body discuss public business, that's a meeting and must be open.

Relief must be immediate and not costly to the complainant.

Executive sessions must be allowed for only a strictly limited and clearly defined set of reasons, and a tape recording, subject to in-camera court review requested by any citizen, made of all executive sessions. The standard for release of such tapes by the court shall be liberal, keeping secret only those portions that would damage the reputation of a non-management employee or which might unfairly divulge a corporation's proprietary information.

That would do it.