

Approved: March 9, 2012

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Steve Huebert at 3:30 PM on Thursday, February 16, 2012, in 144-S of the Capitol.

All members were present except: Representative Hineman, who was excused.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Jay Hall, Kansas Legislative Research Department
Eunice Peters, Office of Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the Committee:

Leslee Fonseca, City of Lenexa
Scott Schneider, Schneider Public Strategies
Ed Jaskinia, Associated Landlords of Kansas
Representative Frownfelter, District 31
Luke Bell, Kansas Association of Realtors
Representative Grosserode, District 16
Cheryl Musick, Johnson County Resident
Thomas Mueller, Overland Park, Kansas
Craig Wood, Johnson County Environmental Department
Dennis Batliner, Overland Park, Kansas
Bill Bider, Kansas Department of Health & Environment

Others in attendance:

See attached list.

Hearing On: **HB 2646 – Cities; abandoned property and qualifications thereof; pertaining to commercial real estate.**

The Chairman opened the hearing on **HB 2646**. Staff Eunice Peters briefed the committee, saying that **K.S.A. 12-1751** amends current law and expands the definition of “abandoned property” to include “commercial real estate” if its taxes are delinquent for the preceding three years and has a blighting influence on the surrounding property. (Attachment 1).

Leslee Fonseca, City of Lenexa, speaking as a proponent of **HB 2646**, said this legislation would provide an avenue for the City of Lenexa to remediate blighted conditions in the community. She

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said that typically, options for addressing blighted and abandoned property and for procuring unpaid taxes are almost non-existent after a period of three years (Attachment 2). Ms. Fonseca offered a potential balloon amendment to the bill, which would clarify the definition of “commercial real estate” and “blighting influence” (Attachment 3).

Scott Schneider, Schneider Public Strategies, City of Topeka, spoke in support of the bill, saying that the city is working to identify ways to move commercial property to its best use while balancing public safety with property owner rights (Attachment 4). He noted that **HB 2646** provides a meaningful balance between commercial and residential property.

Written testimony in support of the bill was submitted by Larry R. Baer, Assistant General Counsel, League of Kansas Municipalities (Attachment 5).

Ed Jaskinia, Associated Landlords of Kansas, spoke as an opponent of the bill; he requested the two-year tax delinquency provision be changed to be consistent with the commercial provision of three years (Attachment 6).

The hearing on **HB 2646** was closed.

Hearing On: **HB 2544 – Cities; abandoned houses and qualifications thereof.**

Representative Frownfelter, District 31, speaking as a proponent of **HB 2544**, said the basic position of the bill would grant transfer of abandoned property to non-profits for rehabilitation (Attachment 7). He noted the language of the bill would allow the local governing body to begin the transfer process after 120 days, which then returns the property to the tax rolls with possible higher evaluation.

Luke Bell, Kansas Association of Realtors, addressed the committee as an opponent of the bill, stating that the procedural protection for property owners included in the current statute would be nullified (Attachment 8). He said that a property owner who is current with tax payments could be on an extended vacation, only to return home to face a court proceeding for “abandoned property”. Mr. Bell respectfully requested the committee to oppose the provisions in **HB 2544**.

Ed Jaskinia, President, Associated Landlords of Kansas, spoke in opposition to the bill, saying that the language is not fair for landlords and tenants as it pertains to the right to own and hold property (Attachment 9).

Written testimony in opposition to the bill was submitted by Martha Neu Smith, Kansas Manufactured Housing Association (Attachment 10).

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The hearing on **HB 2544** was closed.

Hearing On: **HB 2662 – Limiting authority of counties to restrict certain waste material from privately owned landfills.**

Staff Eunice Peters provided an overview of the bill, saying that it creates new law that prohibits a county or group of counties from adopting restrictions in their solid waste management plans in relation to recyclable materials or yard waste for privately-owned or operated solid waste disposal areas.

Representative Grosserode, District 16, spoke in support of **HB 2662** and as an advocate for an individual's choice to decide whether to recycle. She indicated that mandating of payment for what the public sees as volunteer service for the betterment of the community is not in the interest of citizens (Attachment 11).

Cheryl Musick, a Johnson County resident, addressed the committee, saying that the freedom to choose whom to send her payment for services should be her personal decision, not one forced upon her by county regulations (Attachment 12).

Thomas Mueller, Overland Park, Kansas, speaking as a proponent of the bill said that Johnson County now retrieves only half the amount of trash and waste as previously, and there has been no reduction in the cost of services (Attachment 13).

Written testimony submitted as proponents of **HB 2662** are included:

Jason Osterhaus, 4th District Commissioner, Johnson County (Attachment 14).

Colleen Ballard Hayes, Overland Park, Kansas (Attachment 15).

Dan Wright, Owner and Operator, Solid Waste Collection, Johnson County (Attachment 16).

Gary Lander, Overland Park, Kansas (Attachment 17).

Craig Wood, Johnson County Environmental Department, speaking as an opponent to the bill, said there are inconsistencies and contradictions in the "restrictions" imposed in the overall plan (Attachment 18). He said the word "restrictions" in the bill is not clearly defined and leaves the county uncertain as to which standards continue to be enforced.

Dennis Batliner, Overland Park, Kansas voiced opposition to the bill, saying there is nothing positive in the new proposed regulations (Attachment 19).

Bill Bider, Director, Bureau of Waste Management, Kansas Department of Health & Environment, said that the agency overall is supportive of city and county actions to minimize

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waste generation and maximize recovery to the extent that these actions apply to citizens and businesses within their jurisdictions (Attachment 20).

Questions were answered by various conferees as follows:

- Counties must certify consistency with their solid waste plan.
- Small communities and other counties will be impacted by the precedent this bill establishes.
- Additional information on the timeline and a list of stake-holders with Deffenbaugh/Wyandotte County and County Commissioners will be provided for the committee.
- Many county commissioners have responded to the issues of this proposed legislation.
- A study commission has indicated the landfill will not run out of space.
- One of the most difficult things to achieve is additional land for waste disposal.

The hearing on **HB 2662** was closed.

The Chairman called for work on **HB 2555 – Recreation Commissions; joint district recreation systems; changes.**

*Representative Seiwert made a motion to adopt a balloon amendment for **HB 2555**. Representative Billinger seconded the motion. The motion passed.*

*Representative LeDoux made a motion for a substitute bill for **HB 2555** as favorable for passage. Representative Garber seconded the motion. The motion passed.*

*Representative LeDoux made a motion to accept the substitute for **HB 2555** as favorable for passage. Representative Seiwert seconded the motion. The motion passed.*

The Chairman called for work on **HB 2646 – Cities; abandoned property and qualifications thereof; pertaining to commercial real estate.**

*Representative Sloan made a motion to adopt the balloon for **HB 2646**. Representative Otto seconded the motion to adopt. The motion passed.*

*Representative Sloan made a substitute motion to strike the language of sub-section (d) line 3, “a blighting influence”; replace with “an adverse impact”, and strike lines 4 and 5 in the “potential balloon amendment” of **HB 2646** (see Attachment 3). Representative LeDoux seconded the motion to strike the language as indicated. The motion passed.*

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Representative Otto made a motion to change from 2 to 3 years in line 13 of the bill. Representative Carlin seconded the motion. The motion failed.

*Representative Sloan made a motion to change from 3 to 2 years in line 16 of **HB 2646**. Representative Worley seconded the motion. The motion passed.*

*Representative Worley made a motion to consider **HB 2646** as amended as favorable for passage. Representative Sloan seconded the motion. The motion passed.*

Representative Mah requested the committee consider **HB 2041 – Licensure of pawnbrokers; precious metals**, in light of the Attorney General’s opinion submitted as (Attachment 21). The Chairman asked for a vote on whether or not to work the bill. The vote failed.

The meeting was adjourned at 5:55 p.m. The next meeting is scheduled for March 1, 2012.