

MINUTES OF THE SENATE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Roger Reitz at 9:30 a.m. on March 10, 2009, in Room 446-N of the Capitol. Senator Ostmeyer moved to accept the minutes of March 2nd and March 3rd. Senator Wagle seconded the motion. The motion carried.

All Committee members were present.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Ken Wilke, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Noell Memmott, Committee Assistant

Conferees appearing before the Committee:

Others attending:

List unavailable

The hearing continued on **SB 271 - Counties; certain contracts; bidding threshold increased.**

Clancy Holeman, Riley County Counselor, spoke in favor of the bill. He thinks the proposed amendment is necessary because, under the existing statutory language, any *repair* of a county building is arguably subject to mandatory competitive bidding requirements, if such *repair* exceeds \$25,000. He contends it is reasonable to offer counties assurance of the fact in, at least, the limited circumstance of repairs to a building or repair or replacement of that building's equipment in a declared public emergency based upon public health, safety and welfare. (Attachment 1)

Eric Stafford, Associated General Contractors of Kansas, Inc. AGC maintains a strong position that in order to protect the public trust and keep a fair, open and objective process, the design-bid-build or "low bid" procurement method should be the first method for publicly financed projects. AGC feels with changes that were made last year, there is enough flexibility for counties to choose the proper procurement method for a project.

Will Larsen, General Counsel, Associated General Contractors of Kansas. Testified in opposition of **SB 271**. He referred to two court cases that address this issue. (Attachment 2)

Melissa Wangemann, General Counsel, Kansas Association of Counties, provided written testimony in opposition to the bill. (Attachment 3)

Discussion followed the testimony. It was the consensus of the committee to request an opinion from the Attorney General on **SB 271 - Counties; certain contracts; bidding threshold increased.**

The hearing opened on **HB 2157 - Topeka/Shawnee County Riverfront Authority.** Mike Heim introduced the bill. He explained the bill would amend the state law to allow the Topeka/Shawnee County Riverfront Authority to meet quarterly, or more often if called by the chairperson, rather than monthly as is required under current law.

Whitney Damron, P.A., On behalf of the City of Topeka, spoke in favor of the bill. (Attachment 4)

Senator Ostmeyer moved to pass the **HB 2157** out of committee. Senator Petersen seconded the motion. The motion carried.

The hearing opened on **SB 245 - Allowing publication of a summary of a city ordinance.** Mike Heim explained the bill would allow a summary of an ordinance in lieu of full publication under certain guidelines.

Kim Winn, Director of Policy Development & Communications, League of Kansas Municipalities, spoke as a proponent to the bill. She cited the following reasons: It saves taxpayer dollars; It applies only to ordinances; 44 states allow for summary publication; It would enhance notice to the public; It is optional. (Attachment 5)

Eric Sartorius, City of Overland Park. He testified in favor of **SB 245** citing it would allow cities to publish summaries of their ordinances, it would save funds while ensuring the public is informed of actions taken by cities. (Attachment 6)

Written testimony in favor of **SB 245** was submitted by:

CONTINUATION SHEET

Minutes of the Senate Local Government Committee at 9:30 a.m. on March 10, 2009, in Room 446-N of the Capitol.

Rob Chestnut, Vice-Mayor, City of Lawrence (Attachment 7)

Matt Shatto, Assistant City Administrator, Lenexa, Kansas (Attachment 8)

Mike Taylor, Public Relations Director, Unified Government Public Relations, Wyandotte County, Kansas City, Kansas (Attachment 9)

Doug Anstaett, Kansas Press Association, Inc. He testified as an opponent to **SB 245**. He thinks the cost-saving is minuscule, it is important to inform the public in print, and he sees this as an intent to eventually have everything on the internet. He does not want public access to information limited. Government should not be given the power to control information. (Attachment 10)

The hearing was closed.

The next meeting is scheduled for March 16, 2009.

The meeting was adjourned at 10:30 a.m.