

MINUTES OF MEETING  
STATE AFFAIRS COMMITTEE  
March 8, 1961

The meeting was called to order by the Chairman, and this meeting was designated "Wichita Day". Mr. McGill was introduced to discuss the various bills. Mr. McGill first discussed H.B. 239 and stated that it is a local bill, although it will also affect Douglas, Leavenworth, Butler and Crawford Counties, and deals with no-fund warrants in the construction of court houses.

House Bill #82 was next on the calendar and the act was discussed as it relates to planning and zoning.

House Bill 151, dealing with Fire Districting was also discussed by Mr. Griffith, and provides in the event of a first district being annexed into the city, that a levy can be made for the district to move on out and to get no fund warrants when needed.

Mr. Charles Sparks, City Attorney of Wichita, was introduced to discuss H.B. 310, who in turn introduced Frank Baxter. Mr. Baxter explained that this is permissive legislation providing for cities of over 7,000 to add two members to the plumbing inspectors board, and providing that the additional two members be from the general public. It was established that this proposal amends the present act to permit this if it is their desire.

Mr. Griffith states that 329 is local legislation and authorizes counties to provide group insurance, insurance, etc. and to pay for part of same. In addition Mr. Griffith discussed 330, which is considered a companion bill to 329, and provides that officers or employees may instruct the county to withhold from their salary for insurance, United Fund, etc.

Mr. Roy Little, Planning Director for the Metropolitan Planning Department, jointly financed by the city of Wichita and Sedgwick County, was introduced to discuss 331, providing for changes in districts. Mr. Mussemann brought up the question of protest on the part of the residents and Mr. Casado advised that he is a realtor and that this would give them additional protection.

Mr. Little then discussed 352, amending two sections of existing legislation. (see attached.) The question of home rule was brought up, and Mr. Little emphasized that this is a county matter, not city.

Mr. Casado introduced H.B. 362, and invited the city attorney, Mr. Sparks, to discuss the measure. Mr. Sparks stated that it permits the installation of water mains and the extension thereof; stating that it is permissive depending upon petitions of 51% of the residents. A substitute 362 was presented (see attached) because it was felt that to amend the original proposal would be too complicated and that it would be easier to substitute a new bill.

Mr. Little introduced 363 which he states is a companion bill to 362, and intends to empower cities of the first class to establish benefit districts to provide for sewage outside the city limits. Mr. Underwood asked how 352 would fit in with his own H.B. 293, and Mr. Little advised that if it is permissive and not mandatory he felt it would

be fine, but so far as Sedgwick County is concerned there have been no steps taken in this direction. He stated that he felt Agriculture buildings should be exempted from such a code.

It was moved by Mr. Fribley, seconded by Mr. Doyen and unanimously passed that H.B. 239 be recommended to the House for passage.

It was moved by Mr. Johnson, seconded by Mr. Fribley and unanimously passed, that H.B. 82 be recommended favorably.

It was moved by Mr. Fribley, seconded by Mr. Ford, and unanimously passed, that H.B. 151 be recommended favorably.

It was moved by Mr. Ford, seconded by Mr. Underwood and unanimously passed, that H.B. 310 be recommended favorably.

After considerable discussion concerning H.B. 329, it was moved by Mr. Ford, seconded by Mr. Johnson, and carried by a majority vote (7 yes 2 no) that the measure be recommended favorably.

It was moved by Mr. Johnson, seconded by Mr. Ford and unanimously carried that H.B. 330 be recommended favorably.

It was moved by Mr. Fribley, seconded by Mr. Ford, and carried unanimously that H.B. 331 be recommended favorably.

With regard to H.B. 352, Mr. Underwood requested that action be delayed until he had a chance to study same and see how it would affect his own proposal with regard to county zoning.

Action on the substitute bill 362 was delayed until members have had an opportunity to read the proposed substitute. Mr. Fribley suggested that action be deferred on 363 also, since it seems to be a companion bill to 362.

Mr. Gardner discussed H.B. 375, a measure to provide for fire districts in certain cases. In Section 1, line 63, he proposed to amend the bill by inserting after the word "district" the word "when" and in line 69, to strike the word "thereafter" and insert the following: "on or after the effective date of this act."; and in line 71 by striking the word "five" and inserting "fire" (a typographical error). Mr. Gardner moved, seconded by Mr. Fribley, that the amendments be adopted. Motion carried. Mr. Gardner then moved and Mr. Johnson seconded, that the bill be recommended for passage, as amended. Motion carried.

Meeting was adjourned.

## COMMITTEE ON STATE AFFAIRS

HB-331

PROVIDES FOR A TIME PERIOD IN WHICH PROTEST PETITIONS AGAINST CHANGES IN ZONING MAY BE SUBMITTED FOR CONSIDERATION. ALSO INCLUDED IS A CHANGE AS TO THOSE WHO MAY SUBMIT PROTEST. THE NEW PROPOSAL ALLOWS PROTESTS BY OWNERS OF 20% OF THE AREA WITHIN 1000 FEET OF THE APPLICATION AREA, WHEREAS ONLY ABUTTING PROPERTY OWNERS FRONT AND BACK AND 20% OF FRONTAGE WITHIN 1000 FEET TO RIGHT OR LEFT MAY NOW PROTEST. THE PROBLEM OFTEN CONFRONTED IN MODERN DAY SUBDIVISIONS IS "WHAT IS FRONTAGE?" AS SET OUT IN THE EXISTING STATUTE. THE NEW PROVISION SHOULD ELIMINATE THIS DOUBT AND GIVE MORE PEOPLE WITHIN THE AREA A CHANCE TO BE INCLUDED IN A PROTEST. ALSO INCLUDED IS A PROVISION EXCLUDING STREETS AND PUBLIC WAYS FROM THE COMPUTATION OF ANY PROTESTS.

HB-352

### FORMATION

PROVIDES FOR FORMATION OF BOARD OF ZONING APPEALS ON ROTATING BASIS OF PEOPLE FROM WITHIN THE JURISDICTION OF THE GOVERNING BODY. ALSO PROVIDES THAT ONE MEMBER OF THE BOARD OF ZONING APPEALS SHALL BE A MEMBER OF THE PLANNING COMMISSION.

### POWERS AND JURISDICTION

SETS FORTH AREAS OF JURISDICTION OF THE BOARD OF ZONING APPEALS INTO THREE CLEAR AND PRECISE AREAS. THESE INCLUDE APPEALS FROM ADMINISTRATIVE DECISIONS; VARIANCES FROM THE STRICT APPLICATION OF THE ZONING REGULATIONS SUCH AS SETBACK LINES, HEIGHT REQUIREMENTS, ETC.; AND EXCEPTIONS TO THE USE AND OTHER PROVISIONS PROVIDED THAT THEY ARE SPECIFICALLY SET FORTH IN THE ZONING REGULATIONS AS EXCEPTIONS TO BE GRANTED BY THE BOARD OF ZONING APPEALS.

HOUSE BILL NO. 362

By Messrs. Casado and Riddle

AN ACT providing for and relating to the establishment of water service benefit districts within incorporated cities to be furnished with complete municipal water service; providing for the issuance of bonds and the levying of special assessments on the land comprising such districts to pay the cost of the waterworks system by which such complete municipal water service shall be furnished; permitting reduction in the costs to be borne by said districts in cases where such reduction is duly authorized by ordinances of the city in which the district is located.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Ten or more resident owners of land which is located in an incorporated city and is not furnished with complete municipal water service may file with the city clerk of such city an application describing the land sought to be served with complete municipal water service. The governing body of that city shall, within thirty (30) days thereafter, file with the city clerk a written report stating either: a) that the land described in the application can feasibly be furnished with complete municipal water service and that the application is accordingly approved; or b) that the land described can not be feasibly furnished with complete municipal water service and that the application is accordingly disapproved. If the application is approved, the estimated total cost of installing the necessary waterworks system to serve the district shall also be stated in the written report.

SEC. 2. Upon the filing of a petition with the city clerk signed by the resident owners of 51 per cent or more of the land described in the approved application asking:

(a) That said land be established as a water service benefit district under this Act;

(b) That a waterworks system be installed to furnish complete municipal water service to said land; and

(c) That the cost of such waterworks system be paid as herein provided;

the governing body of such city shall by resolution establish and constitute said land as a water service benefit district created pursuant to this Act and shall in the manner provided in Section 3 of this Act direct and authorize the payment of the cost of installing a waterworks system to furnish such complete municipal water service to said district.

SEC. 3. The governing body of such city shall build, construct and install a waterworks system to serve said district with complete municipal water service. The costs and expenses thereof shall be assessed against the lots and pieces of ground contained within the district and shall be levied and collected as one tax in addition to the other taxes and assessments and shall be certified by the city clerk to the county clerk and be placed by the latter upon the tax roll for collection, subject to the same penalties and entitled to the same rebates and collected in the

same manner as other taxes: Provided, that the governing body may in their discretion, provide for the payment of the costs and expenses thereof by installments instead of levying the entire tax or special assessment for such cost at one time; and for such installments they may issue improvement bonds of the city in the manner provided by law. No suit to set aside the special assessments herein provided for or to enjoin the making of the same shall be brought, nor any defense to the validity thereof be allowed, after the expiration of thirty (30) days from the time when the amount due on each lot or piece of ground liable for such assessment is ascertained. The installation of such waterworks system shall constitute an improvement of the type within the purview of G. S. 1949, 10-114 and 10-115 and temporary notes therefor may be issued by the governing body in the manner prescribed by G. S. 1959 Supp. 10-123. To the extent that its ordinances may authorize and permit, any city in which the provisions of this Act are invoked may participate in and contribute to the cost of the installation of such waterworks system and thereby reduce the amount of costs to be borne by the district.

SEC. 4. This Act shall take effect and be in force from and after its publication in the statute book.

H. B. 362: This bill would permit the City of Wichita to install water mains for fire protection and domestic purposes on a special benefit district basis. At the present time, individual customer participation in the cost of the main extension is the only way water service can be obtained. This has proven satisfactory in instances where there is a large number of individuals applying for water service or a developer or builder deposits the necessary funds for the main extensions. However, in situations where there are isolated groups or individuals the costs of main extensions usually proves to be an economic impossibility. If, as a result of a valid petition, benefit districts could be established for water service, the high initial cost of installing these mains could be assessed back to the property owners over a ten-year period.

H. B. 310: G. S. 12-1501 provides for a Board of Examiners of Plumbers of three members. Two members are appointed for terms of one year. This bill would give cities the authority to increase the membership of the board to five members, two of whom are to be appointed for two year terms. This change would assist the Board in processing the applications and examinations for licenses and would assure some continuity of membership on the Board from one year to the next.