

Approved Ivan Sand 3/18/86  
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE IVAN SAND at  
Chairperson

1:30 ~~am~~/p.m. on MARCH 4, 1986 in room 521-S of the Capitol.

All members were present except: Rep. Samuel Sifers, excused

Committee staff present: Mr. Mike Heim, Legislative Research Department  
Ms. Mary Hack, Revisor of Statutes Office  
Ms. Gloria Leonhard, Committee Secretary

Conferees appearing before the committee:

Mr. Duane Johnson, State Librarian, HB 3052, HB 3054  
Mr. Dan Masoni, Kansas Library Assn., HB 3052  
Mr. Richard Harman, Asst. Counsel, KLA, HB 3052  
Mr. Ronald N. Gaches, Public Affairs Mgr.,  
Boeing Military Airplane Co., HB 3054

Chairman Ivan Sand called for hearings on the following bills:

HB 3052, concerning libraries; authorizing the establishment of a special accruing fund.

Mr. Mike Heim, Staff, reviewed HB 3052. (See Staff Overview. Attachment I.)

Mr. Duane Johnson, State Librarian, appeared to give background and intent of HB 3052 and urged the committee to pass the bill. (See Attachment II.)

Mr. Dan Masoni, Kansas Library Assn., recommended that HB 3052 be passed favorably. (See Attachment III.)

Mr. Richard Harman, Asst. Counsel, Kansas Library Assn., said he would encourage passage of HB 3052.

The hearing on HB 3052 was closed.

HB 3054, concerning libraries; relating to taxing districts thereof;

Rep. Elizabeth Baker, who had requested the legislation, gave background and intent of HB 3054 and urged the committee to pass the bill.

A committee member asked why the mill levy was not being raised instead of broadening the tax base.

Mr. Ronald N. Gaches, Public Affairs Manager, Boeing Military Airplane Company, appeared in opposition to HB 3054. (See Attachment IV.)

Mr. Duane Johnson, State Librarian, expressed his support for HB 3054.

The hearing on HB 3054 was closed.

Chairman Sand called for action on the following bills:

HB 2674, concerning recreation commissions; relating to tax levies thereby;

Rep. Dorothy Flottman requested the committee to pass HB 2674 favorably as the citizens of USD #465 now have a better understanding of the bill.

Rep. Elizabeth Baker made a motion that HB 2674 be passed. Rep. Clinton Acheson seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,  
room 521-S, Statehouse, at 1:30 xxx a.m./p.m. on MARCH 4, 1986

HB 2332, concerning municipalities; relating to municipal utility services;

Mr. Mike Heim, Staff, explained Substitute for House Bill No. 2332.  
(See Attachment V.)

Rep. Dorothy Nichols made a motion that HB 2332 be not passed. Rep. Burt DeBaun seconded the motion.

A committee member pointed out that to kill the bill is to ignore the problem.

Rep. George Dean made a motion to amend HB 2332 as set out in "Substitute."  
Rep. Kenneth Francisco seconded the motion. The motion to amend carried.

Rep. Kenneth Francisco made a motion that HB 2332 be passed as amended.  
Rep. Clyde Graeber seconded the motion. The motion carried.

HB 2660, concerning handicapped accessibility standards; relating to apartment complexes, hotels and motels.

Rep. Phil Kline reported to the committee as Chairman of a Sub-committee that had studied HB 2660. Rep. Kline distributed balloon bill that shows a date change in Lines 71 and 74 and addition of language in Line 150.

Rep. Robert D. Miller made a motion to accept the amendments proposed in the balloon bill. Rep. Mary Jane Johnson seconded the motion. The motion carried. Rep. Clyde Graeber made a motion that HB 2660 be passed as amended. Rep. Robert D. Miller seconded the motion. The motion carried. (See Attachment VI.)

Chairman Sand announced that further testimony would be heard in connection with HB 3054 on Thursday, March 6, 1985.

HB 2762, concerning municipalities; relating to certain public building commissions. (Combined with HB 2786)

Rep. Carl Holmes, Chairman of a Sub-committee which had studied HB 2762 and HB 2786, among others, explained balloon bill prepared by Staff, showing a number of proposed amendments. (See Attachment VII.) Rep. Holmes said HB 2762 had been localized. Mr. Darold Main, Intergovernmental Coordinator, said he has no problem with HB 2762; that he thinks it is in good order.

Rep. Clinton Acheson made a motion to amend HB 2762 as proposed. Rep. George Dean seconded the motion. The motion to amend carried. Rep. Clinton Acheson made a motion that HB 2762 be passed as amended. Rep. LeRoy Fry seconded the motion. The motion carried.

Rep. George Dean made a motion that HB 2727, HB 2728, and HB 2786 be not passed. Rep. Robert D. Miller seconded the motion. The motion carried.

The minutes for the meeting of February 27, 1986, were approved as presented.

The meeting was adjourned.



MEMORANDUM

March 3, 1986

TO: House Local Government Chairmen  
FROM: Kansas Legislative Research Department  
RE: H.B. 3052

H.B. 3052 authorizes public libraries to establish a special accruing fund by transferring not to exceed 10 percent of the money from their general operating fund annually. The purpose of the fund is for improving, furnishing, equipping, remodeling or making additions to the library. The fund is exempt from provisions of the budget law.

HS. LOCAL GOV.  
ATTACHMENT I  
3/4/86

March 4, 1986

TO: Local Government Committee of the House  
Ivan Sand, Chairperson  
Robert D. Miller, Vice-Chairperson

FROM: Duane Johnson

RE: House Bill 3052

Conferees: Duane Johnson, State Librarian  
Dan Masoni, Emporia Public Library and  
Kansas Library Association Legislative Committee  
Richard Harmon, Counsel for the Kansas State Library Association

1. House Bill 3052 would allow a local library board to maintain an accruing fund from which could be paid the expenses of building repairs, recarpeting, remodeling, equipment purchases or replacements and similar expenses which cannot be accommodated in the annual budget for the library's operation.
2. Local libraries frequently have difficulty in completing necessary major repairs or improvements because the cost of the improvement exceeds what can be paid from a single annual operating budget. Budget law does not allow the accumulation of carryover funds which might be used for these purposes.
3. The availability of the accruing fund would allow for financial and project planning over a period of several years in order to properly maintain the library.

*HS. LOCAL GOV.  
ATTACHMENT II  
3/4/86*



# Kansas Library Association

901 N. Main  
Hutchinson, KS. 67501  
316-663-2501

RACHEL SENNER, President  
Unified School District No. 460  
Library Services Director  
150 N. Ridge Rd., Box 2000  
Hesston, KS 67062  
(316) 327-4931

LEROY M. GATTIN  
Executive Secretary  
901 N. Main  
Hutchinson, KS. 67501  
316-663-2501

March 4, 1986

Ivan Sand, Chairman  
House Local Government Committee  
Room 521-S  
State Capitol  
Topeka, KS 66612

Dear Representative Sand,

The Kansas Library Association endorses H.B. 3052 for the following reasons:

1. Library Boards, like all other governmental units, need the capability of long-term planning for capital expenditures for building renovation as well as equipment replacement.
2. As budgets get tighter, it is no longer feasible for library boards to ask a parent governing body for financial help on relatively short notice.
3. Capital expenditures when made through the normal budget process can have a negative impact on a library's eligibility for State grants in Aid.

The Executive Board of KLA recommends that H.B. 3052 be passed favorably.

Sincerely,

Dan Masoni, Chairman  
KLA Legislative Committee

HS. LOCAL GOV.  
ATTACHMENT III  
3/4/86

## Substitute for HOUSE BILL NO. 2332

By Committee on Local Government

AN ACT relating to municipal gas and electric utility services in cities; concerning the collection of certain unpaid bills or charges.

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

Section 1. No city operating a municipal electric or gas utility in this state shall create or impose a lien upon property for unpaid bills or other charges for municipal electric or gas utility services unless the service for which the bills or charges remain unpaid was provided pursuant to an application or contract therefor by the owner of the property. In the absence of any contract or agreement to the contrary a landlord's liability for unpaid bills or charges of a tenant for municipal electric or gas service shall be limited to an amount equal to the amount of any security deposit required by the landlord from the tenant user of service.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

ATTACHMENT V

3/4/86 Hs. Local Gov.

0118 the particular standard, or (b) the incremental construction cost  
 0119 to conform to the standards exceeds 7% of the total construction  
 0120 or renovation costs. The person or agency responsible for the  
 0121 enforcement of the provisions of this act shall notify the appli-  
 0122 cant for waiver or modification and the director of architectural  
 0123 services. Denial of an application for waiver or modification of a  
 0124 standard may be appealed to the district court having jurisdiction  
 0125 in the county where the apartment complex, hotel or motel is  
 0126 located.

0127 Sec. 7. (a) An aggrieved physically handicapped person  
 0128 shall not be a required party in actions brought by the city,  
 0129 county or district attorney pursuant to this section.

0130 (b) Any willful violation of the terms of any injunction or  
 0131 court order issued pursuant to this act shall render the violator  
 0132 liable for the payment of a civil penalty in such amount as the  
 0133 court shall determine to be necessary and proper.

0134 (c) In administering and pursuing actions under this act, the  
 0135 city attorney or the county attorney or district attorney are au-  
 0136 thorized to sue for and collect reasonable expenses and inves-  
 0137 tigation fees as determined by the court. Civil penalties sued for  
 0138 and recovered by the city attorney shall be paid into the general  
 0139 fund of the city. Civil penalties sued for and recovered by the  
 0140 county attorney or district attorney shall be paid into the general  
 0141 fund of the county where the proceedings were instigated.

0142 (d) Any person or agency responsible for the enforcement of  
 0143 this act may refer evidence concerning violation of the standards  
 0144 established pursuant to this act to the city attorney or the proper  
 0145 county or district attorney, who may institute, with or without  
 0146 such a reference, proceedings under this section.

0147 Sec. 8. If any apartment complex, hotel or motel is required  
 0148 to have a handicapped accessible unit pursuant to this act then  
 0149 any recreational facility in such apartment complex, hotel or  
 0150 motel shall be handicapped accessible.

0151 Sec. 9. The provisions of this act shall not apply to condo-  
 0152 miniums or cooperatives.

0153 Sec. 10. This act shall take effect and be in force from and  
 0154 after its publication in the statute book.

This section shall not apply to swimming pools in hotels or motels.

*Hs. Local Gov.  
 ATTACHMENT VI  
 3/4/86*



0044 Sec. 2. (a) All apartment complexes, hotels and motels which  
 0045 consist of more than 20 units shall conform to the Uniform  
 0046 Building Code standards published May 1, 1985, by the Inter-  
 0047 national conference of building officials, 5360 South Workman  
 0048 Mill Road, Whittier, California, 90601, and as may be modified  
 0049 by rules and regulations adopted by the secretary of administra-  
 0050 tion in accordance with the provisions of K.S.A. 77-415 *et seq.*,  
 0051 and amendments thereto. Any apartment complex, hotel or  
 0052 motel, or any addition to any such building, to which the provi-  
 0053 sions of K.S.A. 58-1301 *et seq.*, and amendments thereto, were  
 0054 applicable prior to July 1, 1986, shall be governed by the provi-  
 0055 sions of K.S.A. 58-1301 *et seq.*, and amendments thereto, which  
 0056 were in effect on the date the contract for the construction or  
 0057 renovation of apartment complex, hotel or motel, or addition  
 0058 thereto, was entered into.

0059 (b) An apartment complex, hotel or motel for which a stan-  
 0060 dard has been waived or modified pursuant to section 6, shall be  
 0061 deemed to conform to the standards established pursuant to this  
 0062 section if such apartment complex, hotel or motel conforms to all  
 0063 such standards which have not been waived or modified and to  
 0064 any modified standard approved for such apartment complex,  
 0065 hotel or motel pursuant to section 6.

0066 Sec. 3. The governing body of each municipality shall des-  
 0067 ignate its building inspector or other agency or person to be  
 0068 responsible for the enforcement of the provisions of this act.

0069 Sec. 4. The provisions of this act shall not apply to any  
 0070 apartment complex, hotel or motel existing or under construction  
 0071 or renovation pursuant to a contract let prior to January 1, 1987,  
 0072 but such provisions shall be applicable to any apartment com-  
 0073 plex, hotel or motel which are renovated pursuant to a contract  
 0074 let after December 31, 1986.

July 1, 1986

June 30

0075 Sec. 5. The international symbol of access to the physically  
 0076 handicapped shall be permanently displayed at the entrance of  
 0077 any apartment complex, hotel or motel that is in compliance with  
 0078 the standards established pursuant to this act.

0079 Sec. 6. (a) If a person undertaking the construction or ren-  
 0080 ovation of any apartment complex, hotel or motel which is

# HOUSE BILL No. 2762

By Representatives Smith, Acheson, Barr, Buntin,  
Hensley, Laird, Mainey and Runnels

1-28

0018 AN ACT concerning municipalities, relating to certain public  
0019 building commissions.

0020 Be it enacted by the Legislature of the State of Kansas:

0021 Section 1. Within 10 days after the effective date of this act,  
0022 the Topeka public building commission shall transfer to the  
0023 board of county commissioners of Shawnee county the title and  
0024 all interest in property acquired by such commission for the  
0025 purpose of constructing the Shawnee county adult detention  
0026 facility located in Topeka, Kansas in Block A, Lot 1 Holliday  
0027 subdivision No. 2.

0028 Sec. 2. This act shall take effect and be in force from and  
0029 after its publication in the Kansas register.

the Topeka public building commission; relating to the transfer of title and issuance of bonds for the financing of the Shawnee county jail

(a)

shall initiate action to transfer and within 60 days

"(b) At the time of the transfer of the record title, Shawnee county shall agree to perform the obligations and responsibilities of the Topeka public building commission with respect to the outstanding Topeka public building commission revenue bonds series 1985 (Shawnee county, Kansas, jail facility) dated November 1, 1985, in the aggregate principal amount of \$15,937,000 issued by the commission to pay the cost of the facility as if the bonds were issued by Shawnee county and Shawnee county shall so notify the bond holders and bond underwriters and hold harmless the Topeka public building commission from any and all obligations or liabilities arising out of such bond issue.

(c) When pending litigation concerning the amount of money to be paid by the Topeka public building commission for the condemnation and taking of the real estate to be transferred under this section is finally determined and final judgment is entered therein, Shawnee county shall pay any such judgment.

(d) Language incorporating the provisions of subsections (b) and (c) shall be included in the deed or other instrument making the transfer of title.";

"Sec. 2. (a) The board of county commissioners of Shawnee county is hereby authorized to issue general obligation bonds of the county in an amount not to exceed \$20,000,000 for the purpose of constructing, furnishing and equipping a county jail. The proceeds of such bonds also may be used to purchase land and any improvements thereon from the Topeka public building commission as a site for such jail. The board of county commissioners shall enter into any agreement necessary to cancel any lease agreement entered into with the Topeka public building commission concerning a county jail prior to the effective date of this act.

(b) Bonds issued pursuant to this section shall be exempt from any statutory limitation on bonded indebtedness and shall not be included in computing the total bonded indebtedness of the county.";

ATTACHMENT VII  
3/14/86  
Hs. Local Gov.