

MINUTES OF THE Senate COMMITTEE ON Local Government

The meeting was called to order by Senator Don Montgomery at  
Chairperson

9:00 a.m./~~p.m.~~ on March 28, 1986 in room 531-N of the Capitol.

All members were present except: Senator Mulich who was excused.

Committee staff present: Mike Heim, Theresa Kiernan, Emalene Correll, Lila McClaflin

Conferees appearing before the committee: Representative James Braden, 64th District

Senator Daniels moved to adopt the minutes of the March 26, 1986 meeting  
Senator Allen seconded the motion. The minutes were approved.

The Chairman called the Committee's attention to H.B. 2275, the group home zoning bill.

Senator Daniels moved to reinstate "mentally ill", this was stricken  
by the House last year, and the Interim Committee recommended that it be  
reinstated. Senator Gaines seconded the motion. The motion carried. Senator  
Gaines then moved to report H.B. 2275 favorably for passage. Senator Winter  
seconded the motion.

Senator Bogina was concerned with the language of restrictive covenant in the bill. He stated you are going to elevate those restrictive covenants and he took issue with this. People willingly agreed to these covenants and willingly agreed to abide by them. He spoke of concerns for school districts and what can happen to them if these homes are put in a district that does not have adequate special education setup to take care of the clients.

Senator Langworthy stated she was for group homes but this bill makes such sweeping change in home rule that she saw it as the first of a line of such invasions. She proposed a non-binding resolution that urges cities to consider approving group homes. She offered a substitute motion that the resolution she offered be adopted in lieu of the bill. (Attachment I)  
Senator Bogina seconded the motion.

Senator Salisbury supported the concept of the resolution and the adoption of the resolution. She wanted to add mentally ill and some statement concerning the number of people that will be released from state institutions in the future, that could be moved into such group homes.

Senator Winter was opposed to the substitute motion, he was in favor of the resolution, but not in place of H.B. 2275. He stated the group homes were the subject of an interim committee and if we don't pass it this year it is going to be back next year. He did not think that any new information could be added.

Discussion followed on handling the group homes at the local level, where all the information is available concerning the impact on school districts and allowing local government the authority to control the use of neighborhoods.

Senator Daniels and Senator Gaines withdrew their motion.

Senator Langworthy's motion to adopt the SCR now was the primary motion on the floor.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Local Government,  
room 531-N, Statehouse, at 9:00 a.m./<sup>XXX</sup>p.m. on March 28, 1986

Senator Salisbury moved to conceptually include mentally ill, physically handicapped and the information available from the Ways and Means Committee concerning numbers coming out of institutions. Senator Bogina seconded the motion. The motion carried.

Senator Langworthy moved to adopt the Senate Concurrent Resolution. Senator Winter offered a substitute motion to amend H.B. 2275 and pass it favorably. Senator Gaines seconded the motion. His amendment is attachment II of these minutes. After committee discussion, Senator Winter withdrew his motion.

The committee again referred back to Senator Langworthy's motion to adopt the resolution.

Senator Allen then made a substitute motion to report H.B. 2275 adversely. Senator Bogina seconded the motion. The motion carried.

Senator Langworthy moved to adopt the resolution with the proposed amendments. Senator Bogina seconded the motion. The motion carried. Senator Langworthy moved To report the resolution favorably. Senator Bogina seconded the motion. The motion carried.

H.B. 2909 - grants improvement districts the power to enforce resolutions by prescribing penalties including fines and confinement in the county jail.

Representative Jim Braden was present and support the bill. He stated the bill was introduced to take care of a situation in an improvement district in Riley County.

Senator Steineger moved to amend the bill to clarify the language allowing the fines and penalties to be paid to the county general fund. Senator Bogina seconded the motion. The motion carried.

Senator Allen moved to pass H.B. 2909 as amended. Senator Langworthy seconded the motion. The motion carried.

The meeting adjourned until 9:00 a.m., March 31, 1986.

  
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Senator Don Montgomery



## SENATE CONCURRENT RESOLUTION NO. \_\_\_\_\_

By

A CONCURRENT RESOLUTION urging cities and counties

WHEREAS, The legislature recognizes that it is both necessary and desirable that cities and counties be given the greatest flexibility and local control possible in the application of local zoning regulations within their respective jurisdictions; and

WHEREAS, Although such regulations are local in nature they may be applied in such a manner as to adversely affect the rights of individuals and programs which by law are the responsibility of the state; and

WHEREAS, It is in the best interest of both the individual and the taxpayers of the state that developmentally disabled persons be given every opportunity to be as self-sufficient and self-supporting as the individual's capabilities will permit; and

WHEREAS, Experience indicates that through residence in group homes located in proper residential settings in local communities developmentally disabled individuals can achieve a level of personal and economic independence at far less cost than that which is achieved if such individual is permanently housed in a state institution; and

WHEREAS, There is a severe shortage of group homes and facilities for developmentally disabled persons in most areas of the state; and

WHEREAS, Restrictive applications of zoning regulations by cities and counties make it extremely difficult or impossible to establish such group homes or facilities in many areas of the state: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the

(Attachment I)

3/28/86

S. LG

House of Representatives concurring therein: That the Legislature strongly urges cities and counties to exercise responsible home rule through the establishment or support of local educational programs for the dissemination of factual information regarding licensing and operating requirements for group homes and facilities for developmentally disabled persons and persons permitted to reside in such homes and by the elimination of provisions in local zoning regulations which unreasonably and unnecessarily restrict the location of such group homes within their respective jurisdictions; and

Be it further resolved: That all agencies of the state are urged to assist cities and counties in such program and through such cooperation remove any necessity for the state to (a) intervene in matters which would otherwise be local in nature for the protection of the rights of individuals guaranteed by the constitution and laws of the state; or (b) to adopt legislation limiting or prohibiting local control over the establishment of such homes on the basis that they are an integral part of a program which the legislature has determined to be of statewide interest and concern in which the state has and will continue to make substantial financial commitments; and

Be it further resolved: That the Secretary of State is hereby directed to send an enrolled copy of this resolution to