

Approved April 7, 1986  
Date

MINUTES OF THE Senate COMMITTEE ON Local Government

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

9:00 a.m./~~XXX~~ on April 2, 1986 in room 531-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Senator Ed Reilly, 3rd District, Leavenworth, KS.  
Representative Kent Ott, 81st District, Mulvane, KS.  
Don Karr, Topeka Resource Center for the Handicapped

Senator Reilly appeared in support of S.B. 725. He stated since the meeting of yesterday, he had contacted the County Attorney of Jefferson County and the county attorney supported the bill.

H.B. 2959 - relating to the countywide retailers' sales taxes; concerning the apportionment and use of revenues therefrom. This bill is identical to S.B. 627 that was heard in this committee on March 5, 1986.

Rep. Kent Ott was present and supported the bill, his written testimony is (Attachment I).

Senator Allen moved to report the bill favorably. Senator Gaines seconded the motion. The motion carried.

S.B. 725 Senator Gaines moved to amend line 64 "unanimous consent" would be stricken and "the consent of a majority" be inserted. Senator Bogina seconded the motion. The motion carried.

Senator Bogina moved to pass the bill as amended. Senator Allen seconded the motion. The motion carried.

The hearing on H.B. 2659 and H.B. 2660 was continued from March 19, 1986, both bills were recommended by the interim committee on accessibility.

Don Karr, Topeka Resource Center for the Handicapped, presented written testimony on H.B. 2659 and H.B. 2660. Included with his testimony are the results of a survey taken by Kansas Department of Human Resources Advisory Committee on Employment of the Handicapped. He also, recommended a central agency to conduct the enforcement of the building standards. (Attachment II)

Written testimony in support of both bills was presented by The City of Wichita, Office of Central Inspection, from Monty Robson, Superintendent of Central Inspection. (Attachment III)

An amendment on S.B. 2659 was offered by Judy Anderson, City of Wichita. (Attachment IV)

Senator Bogina moved to amend H.B. 2659 on page 2, in line 80, by striking all before "in" and inserting "building inspector or other agency or person designated by the municipality" and on page 4, in line 136, by striking "and the director of architectural services". Senator Mulich seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Local Government,  
room 531-N, Statehouse, at 9:00 a.m. ~~p.m.~~ on April 2, 1986

Senator Bogina made a motion to amend H.B. 2660, on page 4, in lines 127 and 128, by striking "the director of architectural services." Senator Mulich seconded the motion. The motion carried.

Senator Daniels moved to amend the bill in lines 155 and 156, by striking "This section shall not apply to swimming pools in hotels and motels." Senator Mulich seconded the motion. The motion carried.

Senator Bogina moved to pass H.B. 2659 as amended. Senator Mulich seconded the motion. The motion carried.

Senator Bogina moved to pass H.B. 2660 as amended. Senator Mulich seconded the motion. The motion carried.

Senator Langworthy moved to adopt the minutes of March 28, 1986. Senator Daniels seconded the motion. The minutes were adopted.

The meeting adjourned until 9:00 a.m., Thursday, April 3, 1986.

  
\_\_\_\_\_  
Senator Don Montgomery





# League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

TO: House Committee on Assessment and Taxation  
 FROM: E.A. Mosher, Executive Director  
 DATE: February 18, 1986  
 SUBJECT: HB 2859--Use of Countywide Sales Tax Revenue by Certain  
 Cities <sup>2959</sup>

## Outline of Remarks

- Support HB 2859.
- Affects 10 of the 13 two-county cities--see below.
- Constitutional question as to existing law--may a city legally levy a tax rate that is not uniform in rate throughout the city?

## Two-County Cities

Following are the 13 Kansas cities located in two counties. All but Geuda Springs receive revenue from a countywide retailers' sales tax. The rate of counties with countywide sales tax are shown within parenthesis. The populations listed are the population figures certified by the State Budget Division in July 1985 for sales tax distribution.

<u>City</u>	<u>Total Pop.</u>	<u>Pop.--County</u>	<u>Pop.--County</u>
Clayton*	91	82 Norton	9 Decatur(1)
Clifton*	623	323 Washington(1)	300 Clay(½)
Geuda Springs	230	213 Sumner	17 Cowley
Lake Quivira*	1,175	1,120 Johnson(½)	55 Wyandotte(1)
Manhattan*	33,294	33,124 Riley(½)	170 Pottawatomie
Mulvane*	4,456	3,160 Sedgwick(1)	1,296 Sumner
Oakley	2,317	2,248 Logan(1)	69 Thomas(1)
Sabetha	2,340	2,331 Nemaha(1)	9 Brown(1)
Sedgwick*	1,533	1,404 Harvey	129 Sedgwick(1)
Simpson*	109	108 Mitchell(1)	1 Cloud
Spring Hill*	1,808	1,761 Johnson(½)	47 Miami(1)
Vining*	72	47 Clay(½)	25 Washington(1)
Willard*	118	113 Shawnee	5 Wabaunsee(1)

\*Cities affected by existing law.

Presented by Rep. Kent Ott (Attachment I) 4/2/86 S. LG

Presidents: Ed Ellert, Mayor, Overland Park • Vice Presidents: John L. Carder, Mayor, Iola • Past President: Peggy Blackman, Mayor, Marion  
 Directors: Robert C. Brown, Mayor, Wichita • Robert Creighton, Mayor, Atwood • Irene B. French, Mayor, Merriam • Donald L. Hamilton, City  
 Clerk/Administrator, Mankato • Carl D. Holmes, Mayor, Plains • Paula McCreight, Mayor, Ness City • Jay P. Newton, Jr., City Manager, Newton •  
 John E. Reardon, Mayor, Kansas City • David E. Retter, City Attorney, Concordia • Arthur E. Treece, Commissioner, Coffeyville • Dean P. Wiley,  
 City Manager, Garden City • Douglas S. Wright, Mayor, Topeka • Executive Director: E.A. Mosher

## Sedgwick County

# Sedgwick Side of Mulvane to Get Tax Break

By Susan Freinkel  
Staff Writer

When they get their property tax bills this week, residents on the Sedgwick County side of Mulvane will find they owe about one-third less than Mulvane property owners who live to the south, across the Sumner County line.

That's because of a state law that requires that the money from the new 1 percent Sedgwick County sales tax be used to reduce city property taxes for residents on the Sedgwick side of town. The law states that when a city is split by a county line, and one of the counties passes a sales tax, the city can only use the sales tax to reduce property taxes, and only for the residents of that county.

Mulvane officials aren't pleased with the situation, but say they have no choice but to accept it. This year, at least.

"We are thinking about taking some other action, either through the State Legislature or through other avenues that are available to us," said City Administrator Ed Elam. He said one option would be for the city to try to assert home rule to get out from under the law.

The combined property tax rate for Mulvane residents on the Sedgwick County side of the line will be 109.798 mills, which translates

### Mulvane

into about \$527 for the owner of a \$60,000 house assessed at 8 percent.

If that same house were situated in Sumner County, the owner would pay about \$235 more, or \$762. The property tax rate for Sumner County residents will be 158.819 mills. A mill equals \$1 per \$1,000 of assessed valuation.

About one third of Mulvane's 4,400 residents live in Sumner County.

The Mulvane City Council decided to use the approximately \$226,000 the town expects to receive from the sales tax in 1986 to cut the tax rate for Sedgwick County residents in half, to 29.130 mills. The city tax rate for Sumner County residents is 59.680 mills, which is about the rate all residents of the city would have been taxed if the sales tax law had not been passed.

The new tax rates are a turnaround for Sumner County residents who for years have paid lower taxes than their neighbors in Sedgwick County.

But residents on the south side

of the line say they are not too disturbed by the change.

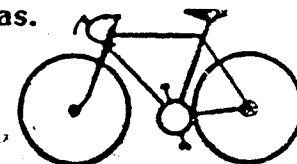
"The taxes over here have been cheaper for years and years than

Sedgwick County was," said Walter Curry, who owns three properties in Sumner County. "I guess they're just catching up."

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The Bicycle Store...

*Hamilton's*



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**FALL SPECIAL**



## ZETA EPSILON CRAFT FAIR

Saturday, November 9, 10:00 a.m. to 5:00 p.m.

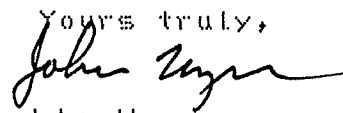
Sunday, November 10, 12:00 p.m. to 5:00 p.m.

Dear Chairman Ed Rolfs and Members of the Assessment and Taxation Comm.

I am John Unger a City Councilmember for the City of Mulvane, Kansas. I have been a councilmember from May of 1985 and was involved in the preparation of the 1986 Budget. I have been asked by the Mayor and councilmembers to express their concerns on this matter. This Budget was the first one for our city that received any County Sales Tax. We encountered many problems while preparing this budget because of the existing statute and the way the statute tells the city to handle the revenue for property tax reduction. When we increased the expenditures for the budget as our governing body had promised the voters during the campaign for the sales tax to do more road repair. This increase caused a great disparity between the property tax required in Sumner County and Sedgwick County because of the sales tax revenue. The Sumner County side of our city have the majority of our older citizens and business that have been forced to pay much higher property taxes.

We believe that the passage of this bill as presented would help our community determine how this money can be spent. We believe that all the cities should be treated the same and the freedom to put all the revenues against the county in which it is collected or over all the city.

I would like to thank you for the opportunity to address this committee and would answer any of your questions.

Yours truly,  
  
John Unger  
Councilmember

Dear Chairman Ed Rolfs and Members of the Assessment and Taxation Com.

I am Edward W. Elam the City Administrator for the City of Mulvane Kansas. I am the one that prepares the city budget and works with the city council. I am here to speak in favor of HB 2959 because of the problems we had in preparing our city's 1986 budget. The existing statute is very difficult to understand and we could not get a clear direction on how to proceed from either by the Sedgwick County County Clerk or the Kansas Department of Administration. We tried to follow the direction that we had received from those two agencies but now it seems that the Department of Administration has additional comments from a letter we received from them on November 7, 1985.

We prepared two budgets showing the different amount of tax that we needed to operate because of the sales tax revenues. We believed that this was the way that we had been told to conform with the existing requirements but now we find that this is not what the Department of Administration wants. From the beginning the preparation of the 1986 Budget was confusion for all parties involved. I believe that if HB 2859 is adopted it would solve the majority of the problems that we encountered.

I would like to thank you for your time to address this committee and would like to answer any questions you might have on this matter.

Very truly yours,



Edward W. Elam  
City Administrator



DEPARTMENT OF ADMINISTRATION  
DIVISION OF ACCOUNTS AND REPORTS

JOHN CARLIN  
Governor

JAMES R. COBLER  
Director of Accounts and Reports

State Office Building  
Topeka, Kansas 66612-1574  
(913) 296-2311

NOV 7 1985

Mayor and City Council  
City of Mulvane  
City Hall  
Mulvane, Kansas 67110

Dear Mayor and Council:

We have made a brief review of the 1986 budget and have noted the following items:

The city prepared two budgets, one for Sumner County and one for Sedgwick County. We believe it would be better to prepare one budget and have one publication. The Sedgwick County sales tax should not be included as revenue, but in accordance with K.S.A. 12-192 will be used by the Sedgwick County Clerk to reduce the certified tax levies for the city. This would be much clearer to the citizens and the officials involved than trying to show the different levies. The amount of the sales tax revenue to be used would be an amount agreed upon by the city and county.

If Sumner County were to implement a county-wide sales tax of 1%, then both sales tax revenue items would be included in the general fund budget and the county clerks would not reduce any levies. The 1987 budget should be prepared according to these instructions.

Levy Limits for Tax Funds, page 2, shows a levy limit for the general fund. The general fund has no rate limit and thus it should be left blank. There are four other funds with \*\* footnote which cite Charter Ordinance #11 but this charter ordinance only exempts the city from the aggregate limit K.S.A. 79-5001 to 5017. The city is not exempt from the individual fund limits under this Charter Ordinance. This sheet should show the correct authorizing statute for each of the funds rather than the charter ordinance. Funds with no rate limit should be left blank.

Statement of Indebtedness, page 4, should have the types of indebtedness separated and totals for each category. G.O. bonds and revenue bonds are grouped together.

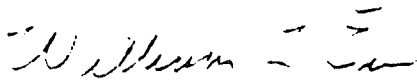


NOV 7 1985

Notice of Hearing 1986 Budget should not show each county's share of the "Amount of 85 Tax to be Levied". It would be better to show the total amount that corresponds with the individual fund pages but the publication could include a footnote to show what percentage of the levies belong to each county and that the Sedgwick County levies will be reduced by the amount of the sales tax revenue.

We hope this letter clarifies how future budgets should be prepared. If you feel consultation on the budget would be helpful, please call our office at (913) 296-3436.

Very truly yours,



William L. Ervin, Chief  
Municipal Accounting Section

WLE:BJB:pr

cc: Sumner County Clerk  
Sedgwick County Clerk

Testimony regarding H.B. 2659 and H.B. 2660  
Submitted by Don Karr, Accessibility Specialist  
Topeka Resource Center for the Handicapped  
April 2, 1986

1. K.S.A. 58 1301-1311, in its present form, contains accessibility standards which are aligned with national data. No consideration has been given for the future needs of an ever increasing constituency, the elderly and persons with disabilities. The population is getting older and the number of persons incurring physical disabilities is growing, through illness, congenital malformation and disease, i.e. multiple sclerosis, muscular dystrophy, accident, e.g., persons incur traumatic head injury in the State of Kansas at a rate of 5,000 per year.
2. In November 1984, the Building Inspection Department of the City of Topeka was enforcing a Uniform Building Code which requires 1 in 100 units be accessible for use by persons with physical disabilities, while K.S.A.58-1301 through 1311 which requires 1 in 10 units in complexes containing 20 units or more be accessible, has been State law a number of years prior. Contact was established with the State Architect's office and the Legal Dept. for the City of Topeka, and the Topeka Building Inspection Office began enforcing the 10% requirement established in K.S.A. 58 1301-1311. In fact, recently a developer applied for a waiver in the requirement to this building inspection office, and at the ensuing hearing was informed that such a waiver to the standard was not in their jurisdiction. This confusion is a backset for the effective implementation and enforcement of this standard. Therefore, what is required is for a responsible agency or component office of same be appointed and receive funding for this law's proper enforcement. The agency, thus empowered, should of course be non-affiliated with the construction industry per se, nor share complimentary interests, e.g. school boards for structures to house educational activities. City Engineering Departments would seem to be an appropriate choice.
3. A city-wide dispersion of suitable housing units in downtown and suburban areas opens a wide range of employment opportunities which directly impact on a physically disabled person's hireability and employability, accessible transportation being a problem for many consumers.
4. Accessibility is for everyone and should be attractive to anyone. If property management companies are unable to make this an attractive option for people, they should not be allowed to make "segregation" a selling point, as is inferred by the architectural barriers which many residential developments exhibit. There is considerable doubt in my mind that barriers, so constructed, bear little or no cost; while not building them into a structure is likely to substantially

increase construction costs. Studies conducted between 1979 and 1983 indicate that barrier-free design in new construction increases costs, on the average, by approximately one percent.

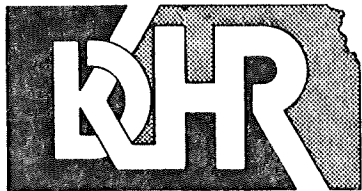
5. Barrier-free elements, once incorporated into the site location and building plans, are not a selling point for most non-disabled persons because these elements go largely unnoticed. Ease of movement, however, is a basic requirement for persons with mobility impairments. The costs of renovation are far greater than the percentage increase for the incorporation of accessible elements in new construction.
6. A residential services survey prepared last year and mailed this year contained the question: "A bill was introduced this year by the Kansas Homebuilders Association which would reduce the required number of accessible apartments and motel rooms being constructed from 10% to 1%. Would you support or oppose such legislation?" The answer was recorded by marking boxes designated:  support,  oppose or  don't know.

Of the 90 persons/constituents responding to this question to date: 64 persons (over 71%) were in opposition to this legislation, 3 in support of the legislation and 16 marked "don't know".

7. In response to the question, "Should recreational facilities in apartments and motels be required to be accessible?", over 91% answered affirmatively and 8.8% marked "no".
8. Some current guiding principles in residential planning for persons with severe disabilities are:

**Normalization:** Normalization means living in normal housing in a normal neighborhood. Not in a large facility with 20, 50 or 100 people because you are disabled, and not isolated from the rest of the community. Normal locations and normal size homes will give residents better opportunities for successful integration within their communities.

**Least Restrictive Environment:** Section 504 requires that 1.) segregation of disabled people be ended; 2.) that services be provided in the most integrated settings, 3.) that disabled people be admitted equally to all services and to have the equal benefit of all services; and 4.) that disabled people be provided services equally effective to the general population.

**ADVISORY COMMITTEE ON EMPLOYMENT  
OF THE HANDICAPPED**

1430 S.W. Topeka Avenue, Topeka, Kansas 66612-1877  
913-232-7828 (V/TDD) 567-0828 KANS-A-N

John Carlin, Governor

Larry E. Wolgast, Secretary

**KACEH HOUSING SURVEY  
PRELIMINARY RESULTS**

150 questionnaires distributed  
107 were returned  
71%

**OWN OR RENT**

75% own  
25% rent

**TROUBLE WITH BATHROOMS OR KITCHENS**

47% bathrooms  
21% kitchens

**CURRENTLY CONSIDERING MOVING**

18% Of the these, 46% would RENT

**TROUBLE LOCATING ACCESSIBLE HOUSING IN THE PAST**

47% YES  
47% NO  
6% HAVE NOT TRIED

**PERSONAL APPRAISAL OF AVAILABLE ACCESSIBLE HOUSING IN COMMUNITY**

1% too much to go around  
10% adequate  
86% very little  
3% isn't any

**HOTEL/MOTEL PROBLEMS**

30% rarely have problems  
34% occasionally  
28% often  
8% always

**LOWER ACCESSIBILITY REQUIREMENTS FOR APARTMENTS AND MOTELS**

5% yes  
90% no  
5% don't know

(ATTACHMENT II)

4/2/86 S.L.G

**EFFECT OF LOWER ACCESSIBILITY REQUIREMENTS**

10% none  
31% slightly  
17% moderately  
42% significant

**CURRENT RENT OR MORTGAGE**

37% less than \$200  
33% \$200 - \$300  
17% \$300 - \$400  
4% \$400 - \$500  
9% more than \$500

**IMPORTANCE OF ACCESSIBILITY FEATURES**

**Toilet Grab Bars**

41% not important  
27% important, not essential  
32% essential

**Tub/Shower Grab Bars**

28% not important  
26% important, not essential  
46% essential

**Roll Under Kitchen Sink and Cabinets**

41% not important  
41% important, not essential  
18% essential

**Lowered Kitchen Shelves and Cabinets**

28% not important  
41% important, not essential  
31% essential

THE CITY OF WICHITA

OFFICE OF Central Inspection

DATE March 14, 1986

TO Chris Cherches, City Manager

FROM Monty H. Robson, Superintendent of Central Inspection

SUBJECT CID response to the Legislative Division of Post Audits Report: "Handicapped Accessibility in Kansas", and to HB 2660 (copy attached), and to HB 2659 (copy attached)

The City of Wichita has worked diligently with handicapped groups and area builders to provide accessible facilities to handicapped persons since requirements first appeared in the building codes in 1976. We have had very few complaints from the handicapped community. The recent audit would lead persons to believe that local jurisdictions are not concerned with handicapped accessibility which is not the case. We all have friends or family members who have handicaps and can benefit from making facilities accessible. Our concern is that the standards be reasonable, understandable, and enforceable. The ANSI Standard, though comprehensive, is not reasonable, understandable or easily enforceable in many instances.

We review plans and make inspections for compliance based upon the Uniform Building Code (UBC). Requirements for handicapped parking are part of the local zoning ordinance and are identical to the size, location and marking of spaces as outlined in the ANSI Standard.

The local handicapped groups desire accessibility but even they consider the ANSI Standard to be overly detailed and restrictive in many instances. The UBC allows for variances to the specific requirements provided they provide equivalent accessibility. The State law which requires notification of the Department of Administration for waivers or modifications is unnecessary and overly burdensome and time consuming to inspection agencies and developers.

The City of Wichita has adopted the following local policies concerning handicapped accessibility:

1. We have amended the requirements for handicapped apartment units to begin on the twenty-fifth unit instead of on the twenty-first unit as required by the UBC. The UBC (Section 1213) states that for guest rooms or dwelling units numbering from 21 to 99 units - one unit is required to be accessible; and over 100 units - one unit plus one for each additional 100 units or fraction thereof is required to be accessible to the physically handicapped. We feel the state law requiring 10% of the units in apartment projects over 20 units be handicapped accessible is too high. The UBC requirements are adequate.

2. All buildings other than one- and two-family dwellings are required to provide handicapped access to entrances. Restaurants with less than 20 seats and businesses with less than 20 employees are not required to provide complete handicapped restrooms but may limit the installation to a door wide enough to provide handicapped access.

(ATTACHMENT III)

4/2/86 S.L.G

March 14, 1986

Re: "Handicapped Accessibility in Kansas"

Page Two

3. Conversion of existing residential buildings to commercial use have not been required to comply with the handicapped requirements when it is difficult to provide access and the bathrooms are not being renovated. When restrooms are renovated in any existing building, such rooms are required to be brought into compliance with the handicapped requirements.

4. Condominium developments which are to be sold as individual dwelling units are not required to provide handicapped units. Each unit is considered to be a single family dwelling.

We substantially agree with the recommendations noted on page 15 of the report, however a heavy handed approach by the state is not the answer to obtain better compliance. Please consider the overall picture of this issue. We think that since handicapped accessibility became a national issue approximately fifteen years ago all communities have made tremendous progress towards making facilities accessible. We also think that the results of the audit show substantial compliance with the requirements and indicate local communities' desire and willingness to provide accessibility. Continued overseeing that effort in an informative way will provide the desired results without the need for more restrictive legislation. We agree that the local building officials should be responsible for enforcement. We also feel that the local jurisdictions should be allowed to make local modifications to the Standard provided they comply with the intent and not necessarily the letter of the Standard. We feel that any standard such as national codes or other standards which have been demonstrated to provide adequate handicapped accessibility, or those found to be acceptable to local handicapped groups, should be approved.

In regard to House Bill 2660, we feel that Section 6(b) will require unreasonable investigation work by Central Inspection to make a "need survey", make "on-site inspections", "determine estimated building costs and the incremental cost of construction or renovation to conform to the standards established pursuant to this act" in the process of considering a waiver of the requirements by any applicant that feels they should not have to comply with "full compliance". We would also have to keep records of these applications and notify the Kansas Director of Architectural Services of these waivers. We feel that this is unnecessary work by the local jurisdiction and essentially only accomplishes allowing the state to know that the state law will be followed unless a waiver is filed with the Director or Architectural Services. It should be left up to the local jurisdictions to enforce handicapped accessibility standards without reporting to the state.

The above comments pertaining to the HB 2660 also apply to HB 2659. In addition, regarding HB 2659 we feel that Section 2(d) should be modified to make the local Building Official responsible for enforcement versus "the county or district attorney of the county in which the building or facility is located."

Monty H. Robson  
Superintendent of Central Inspection

MHR:wgm  
Attachment

cc: Don Anderson, Director of Housing and Economic Development

# THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER  
CITY HALL — THIRTEENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4351

4/2/86

TO: Chairman Don Montgomery  
FROM: Judy Anderson, Intergovernmental Affairs Officer

The City of Wichita requests that §2 (d) of HB 2659 be amended to be consistent with the language of companion bill HB 2660.

Specifically we ask that the City Building Inspector be in charge of oversight rather than the county/district attorney.

Janet Stubbs of the Home Builders Association and Ray Petty, who represents the handicapped, are in agreement with this amendment.

A handwritten signature in cursive script that reads "Judy Anderson".

(Attachment IV)

4/2/86 S.L.G