

Approved 3-14-89
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Senator Lana Oleen at
Chairperson

1:35 ~~XX~~/p.m. on March 3, 1989 in room 531-N of the Capitol.

All members were present except: Senator Doyen, absent
Senator Gaines, absent
Senator Vidricksen, absent

Committee staff present: Julian Efird - Research
Jill Wolters - Revisor
Nancy Jones - Secretary

Conferees appearing before the committee: Harland Priddle, Department of Commerce
Terry Humphrey, Kansas Manufacturing Housing
Lana Balka, T.H.A.
Noelle St. Clair, Ks. Ch. National Asso Housing/
Redevelopment
Randy Speaker
Mike Oxford, Department Human Resources
Karen Herman, Lockwood Management
Nadine Birch, Aging
Jan Brunten, U.W.C.A.
Wade Whitmer, KSU Consumer Relations Board
Ray Petty, Independent Resource Center, Topeka
Ernie Moser, League of Municipalities
Janet Stubbs
Dr. Ray Baker
Jim Turner, Kansas League of Savings
Karen France, Kansas Association of Realtors

Hearing on:

SB 253 - Concerning the Department of Commerce, establishing the office of housing.

Lana Balka testified in support of SB 253 stating that state, local and federal levels of government, along with private enterprise need to be partners to achieve safe and decent housing. It is felt it would be beneficial to deal with one recognized entity regarding housing concerns. (Attachment 1)

Noelle St Clair state NAHRO represents 94 local housing authorities which support SB 253 and the concept of the bill fulfills a need not provided by a single state agency. The intent of this legislation is to integrate available resources to achieve decent housing for all Kansans. There is confusion between the various departments which are presently administering housing related problems. There is concern that, without an official housing office, available federal funds might be lost to the state without an official housing plan in place. (Attachment 2)

Terry Humphrey testified KMHA neither supports nor opposes SB 253, but feels the legislation has merit which should be studied and given consideration. The creation of a Housing Office places Kansas in a better position to respond to Federal policy under the National Housing Act which is currently under deliberation. (Attachment 3)

Harland Priddle stated housing programs administered by the Department of Commerce are the low income credit program and the rental rehabilitation, which primarily assist low income tenants. It appears the major function provided in SB 253 is analysis and technical assistance. Mr. Priddle feels that provisions in the bill need clarification and specific responsibilities defined. He believes that more review should be given to the scope of the proposed legislation. (Attachment 4)

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

room 531-N, Statehouse, at 1:35 ~~xx~~ m./p.m. on March 3, 19.89

Randy Speaker stated creation of a regulatory agency, rather than an advisory committee, would be counter-productive to Kansas' contractors, housing and architectural industries. The intent of this bill should be carefully considered in regard to bonding capabilities. Mr. Speaker strongly supports the bill and urged prompt action in the direction of a centralized housing authority in order to take advantage of benefits from federal programs.
(Attachment 5)

Mike Oxford spoke to the issues of adaptability and accessibility in homes for those with disabilities. He believes that there is no place to go for information about housing with these features at the present time, so he thinks a state housing office would centralize all available information.
(Attachment 6)

Karen Herman addressed the problems which have developed in rural areas regarding low-income families. It is her understanding that there are no agencies available to aid or impart information to stressed families. Small towns are in need of a centralized agency to contact for resources available for the handicapped and aging, as well as for low-income citizens.

Nadine Burch stated a lack of a focal point for housing fosters wasted time and effort. She believes that housing funding has been missed in the past because no one was specifically designated "in charge" at the state level. SB 253 would establish a framework to deal with problems and policy issues. Ms. Burch urged support of SB 253.
(Attachment 7)

Janet Brunten stated state leadership is needed in the area of housing. The Y.W.C.A. sees daily needs for the working poor who are sliding into homelessness. Adequate information of this group is currently not available in order to address the problem, so she recommended that a state agency is needed.
(Attachment 8)

Wayne Wittmer strongly favors establishment of a state office to aid college students in solving problems regarding quality housing and a higher authority could enforce housing codes.

Ray Petty testified there is difficulty for persons with disabilities to locate accessible, affordable housing in order to live independently. Differences between architects' specifications and the disabled persons' needs continue, so an authoritative technical assistance body is needed. Action by the legislature now will better prepare Kansas to benefit from Federal legislation which will be effective in 1991. Favorable passage of SB 253 was urged.
(Attachment 9)

Ernie Moser stated a visible presence is needed to provide leadership and technical assistance throughout the state.

Written testimony of Ray Baker was distributed.
(Attachment 10)

Janet Stubbs responded to comments by prior conferees regarding restrictive and affordable housing and noted the current agencies which can be contacted when searching for housing. It is felt builders can meet the needs of housing in any community without another state agency. Opposition to SB 253 was expressed.
(Attachment 11)

Jim Turner testified as supporting SB 253 but has a concern regarding line 56 regarding affordable and accessible housing. This needs to be more clearly defined.

Karen France testified as opposing SB 253. Clearer definitions are needed for the following terms: affordable, accessible, technical assistance, preservation, and adaption for accessibility. It is felt the bill needs more work before action is taken.
(Attachment 12)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION,
room 531-N, Statehouse, at 1:35 ~~a.m.~~/p.m. on March 3, 19.89

Discussion and action on:

SB 241 - Licensure of auctioneers

Motion was made to amend SB 241 by striking "and to reside in" in line 138, and in line 143 strike "of" and insert "not to exceed", by Senator Francisco; seconded by Senator Bogina. Motion carried.

Motion was made by Senator Strick to recommend favorably as amended SB 241; seconded by Senator Francisco. Motion carried.

Motion was made by Senator Bogina to amend SB 272 by striking new section (b) and to strike Transportation in the title; seconded by Senator Strick. Motion carried. (Attachment ~~17~~)

Motion was made by Senator Bogina to recommend favorably as amended SB 272; seconded by Senator Strick. Motion carried.

Motion was made by Senator Francisco to adopt amendments to SB 273; seconded by Senator Strick. Motion carried. (Attachment ~~17~~)

Motion was made by Senator Strick to recommend favorably as amended SB 273; seconded by Senator Kanan. Motion carried.

Motion was made by Senator Strick to table SB 253. There was no second, so no action was taken and SB 253 will remain in committee.

SB 253 will remain in committee.

SB 232 will remain in committee since no action will be taken.

Meeting adjourned.

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE

3/3/89

NAME	COMPANY / ORGANIZATION	ADDRESS
Ray Poffy	Topeka Indep. Living Res. Committee	Topeka
Joni Turner	KLSI	Topeka
Ed Carter	League of K. Municipalities	Topeka
Terry Decker	Commerce	Topeka
Camille Dalager	Consumer Affairs Assn.	Lawrence
Julia Pitner	Lawrence Tenants Association	Lawrence
Linda Jeffrey	Topeka Housing Authority	Topeka
Steven L. Stagner	The Assoc. Landlords of Ks.	Rose Hill
Karen Hiller	Housing and Credit Counseling, Inc.	Topeka
Darren Sherman	Sherman Property Management	Lawrence
Brenda B. Shivers	Ks. NAHRO	City of Merriam
Janna Polka	City of Topeka	Topeka, Ks.
Elma Paris	Shawnee County, Com	Topeka
Barry A. Duggan	Ks. Dept on Aging	"
N. D. in Birch	Ks. Coalition on Aging	"
Tom Humphrey	KMHA	Topeka
Don Gragg	KDOC	Topeka
Noelle St. Clair	Kansas NAHRO	Topeka
Anthony Hensley	State Representative, 58th Dist.	Topeka
Sheri Holiday	Budget Director	Topeka
JANET M. BRUNTON	YWCA	"
Mark Wilting	KDOR	"
Sueann Duffy	"	"
John W. Holmes		L.A.
Kathryn Valentine	SRS	Topeka, KS
JEFF SONNICH	KLSI	TOPEKA

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE 3/389

NAME	COMPANY / ORGANIZATION	ADDRESS
Anne Smith	Heinz Ebert KAA	Topoka
Ronald Hammond	Manhattan Housing	Manhattan
Mike O'Neil	DHR/KAL/Elt	Topoka
Karen France	KAR	Topoka
Laurie Cox	Consumer Relations Board	Manhattan
Robert Wade Whitman	Consumer Relations Board	Manhattan
Janet Stubbs	NBA of Co.	Topoka



CITY OF TOPEKA

Douglas S. Wright, Mayor
215 E. 7th Street Room 352
Topeka, Kansas 66603
Phone 913-295-3895

February 27, 1989

Lana Oleen, Chairman
Governmental Organization Committee
of the Kansas State
State Capitol Building
Topeka, Kansas 66612

RE: Support of Senate Bill Number 253

Dear Ms. Oleen:

The City of Topeka, Kansas, supports Senate Bill Number 253, establishing an office of housing within the State Department of Commerce.

The U.S. Department of Housing and Urban Development and tax incentives which have provided primary means of meeting affordable housing needs can no longer be relied upon causing an ever widening gap between housing that is available and housing that is affordable.

The City of Topeka has many fine examples of public/private partnerships that have contributed to the economic health of our community.

The partnerships that have produced affordable housing have depended upon, in some part, a federal source of dollars. To achieve reductions in the federal deficit these same sources of funds are not available; yet, the need neither stands still nor declines. It grows.

No one entity of government can provide the solution to the provision of affordable housing. Nor, can private industry reduce costs to an amount that is affordable for everyone and still make ends meet.

We need the state as an active partner with local and federal levels of government and private enterprise to achieve the goal of safe and decent housing at affordable prices, tailored to the housing needs of this state.

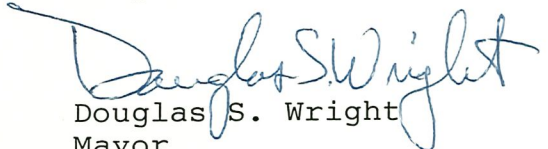
The benefits that a state housing office would have for our community as we perceive them are: assistance in assessing our own housing needs; up-to-date information on sources of housing funds; new housing possibilities and enhancement of our city's economy.

S.G.O.
3-3-89
Attach 1

Lana Oleen
February 27, 1989
Page 2

Topeka has received social and economic benefits from the state's allocations of Emergency Shelter Grants for the Homeless, administered by the Department of Social and Rehabilitation Services and the Low-Income Tax Credit Program, administered by the Department of Commerce. To reduce confusion, and for the sake of efficient administration, it is our recommendation that one, identifiable office of housing be established to administer state housing funds and programs.

Very truly yours,


Douglas S. Wright
Mayor

Outline

Introduction

Who NAHRO Represents

Why We Need a Housing Office

What Programs Kansas currently has

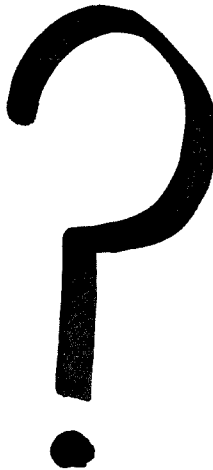
What programs/monies Kansas may miss out on

Closing remarks

Attachment

FEDERAL GOVERNMENT

STATE OF KANSAS
DEPT. OF COMMERCE



STATE OF KANSAS
DEPT. SOCIAL & REHABILITATION
SERVICES

HOUSING

S.G.O
3-3-89
ATTACH-2



kansas
national association of housing
and redevelopment officials

TESTIMONY
SENATE BILL 253
KANSAS NAHRO

I am Noelle St.Clair, president of the Kansas Chapter of the National Association of Housing and Redevelopment Officials, commonly known as NAHRO.

Kansas NAHRO represents 94 local Housing Authorities, plus private developers, managers and community development agencies from 100 of the 105 counties in the state. This represents over 15,690 units of the states rental housing. Because of NAHRO's broad association with housing and community development professionals, we are aware of the need for a recognizable housing function within the state government. In May of last year NAHRO organized a group of professionals who had a vested interest in housing. These participants became part of the working group that developed the language in this bill.

The Kansas membership supports Senate bill 253, because it fulfills a need not currently provided by a single state agency. It is the intention of this bill that the state harness and integrate the multiple resources and participants necessary for achieving housing that is decent and affordable for Kansas citizens.

Kansas is the only state without a recognizable housing office.

Without it fragmented housing activities and programs are being carried out by various state government departments. Basic technical assistance for assessing needs and developing programs is unavailable because no single state entity exists for this purpose. The public does not know who or where to contact about housing information, no do other state or federal housing agencies have a designated mail recipient.

The Departments of Commerce and Social & Rehabilitation Services (SRS) are two state departments that administer housing related programs. Commerce administers the Low-Income Housing Tax Credit Program (which is self-sustaining), Small Cities Rental Rehabilitation program, and the Community Development Block Grant Program for Small Cities. SRS administers a New Construction Section 8 Program, a Homeless Program, and the Emergency Shelter Grant Program. The SRS Commission On Mental Health and Retardation has been assigned the program for permanent housing for the handicapped homeless . Without an officially designated housing office, calls, mail, and constituents are passed back and forth between the two active departments, and get the proverbial "run-around". A recent call from a Wichita Senator's office made 7 stops before it finally arrived at the right place. One department handling all housing functions would be a more efficient use of our state's resources.

The confusion between departments has had an adverse effect on housing program activity. We know that Kansas could loose out on some Stewart B. McKinney Act Homeless monies because there was no place to send correspondence about the program and no designated agency to accept funds.

The Affordable Housing Act now being considered by Congress is largely built around block grants to states. The act could funnel a minimum of 3.5 million dollars into the Kansas economy, if we become prepared to effectively use it. It is important for our state to have a housing office, and a Housing Plan in place, so that we can bring Kansas tax dollars back to Kansas.

With Senate bill 253 Kansas has an opportunity to bring together a variety of entities, such as local governments, nonprofit developers and sponsors, community-based organizations, private limited or for profit developers, financial institutions, and insurance companies and start to solve the housing problems in our rural, suburban, and urban areas of the state.

The trend in state housing programs is to make housing and community development an integral part of the total physical, social and economic process. We recommend that Kansas join this trend by adopting this bill.

Thank You for your time. I'm submitting a copy of this testimony for your records, as well as a list of definitions that NAHRO considers useful. The list of organizations who had representatives on the working group is also attached.

DEFINITIONS

AFFORDABLE HOUSING

It is the intention of this bill that the term affordable mean:
28% of a person's gross income including taxes and insurance be the gauge
for someone purchasing a home, and 30% of a persons gross income including
utilities be the gauge for renting a home.

ACCESSIBLE HOUSING

It is the intention of this bill to assist owners and managers of housing
to find ways to comply with existing regulations and to not develop new
standards for the handicapped and disabled.

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Att 2-5

STATEWIDE HOUSING WORKING GROUP LIST

Organization

Manufactured Housing

Kansas Community Action Directors Association

Kansas Association Of Realtors

Kansas Advisory Committee on Hispanic Affairs

Apartment Council Of Topeka

Kansas Society of Architects

Kansas Homeless & Hunger Coalition

Kansas Commission On Employment Of the Handicapped

City Managers Association

Homebuilders Association

Kansas Citizens Network

Kansas League of Saving Institutions

Topeka Housing Authority

Public Asst. Coalition of Kansas

The Assoc. Landlords Of Kansas (TALK)

The Kansas Coalition On Aging

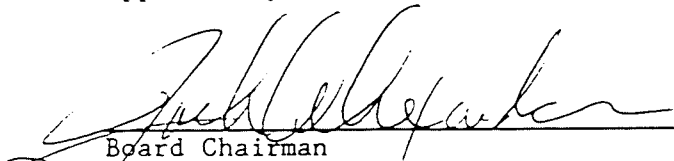
Kansas NAHRO

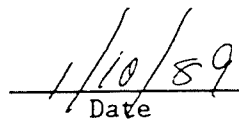
RESOLUTION

Be it moved that Housing and Credit Counseling Inc. accept and endorse the proposed draft of Legislative Bill 517, By Kansas NAHRO concerning the Department of Commerce; establishing the office of housing within the division of community development; providing for the powers, duties and functions thereof;

In addition Senate Bill No 781 (see attachment) which transferred the powers, duties and functions which relate to housing from the Secretary of Economic Development to the Secretary of the Department of Social Rehabilitation In May of 1986 be rescinded and all powers, duties and functions be transferred to the Department of Commerce.

Approved by Board of Directors on December 20, 1988.


Board Chairman


Date


Executive Director


Date

KANSAS MANUFACTURED HOUSING ASSOCIATION

TESTIMONY BEFORE THE
SENATE
GOVERNMENTAL ORGANIZATION
COMMITTEE

TO: Senator Lana Oleen, Chairperson
and Members of the Committee

FROM: Terry Humphrey, Executive Director
Kansas Manufactured Housing Association

DATE: March 3, 1989

Madam Chairperson and Members of the Committee, I am Terry Humphrey Executive Director of the Kansas Manufactured Housing Association (KMHA), a trade association representing all facets of the manufactured housing industry.

On behalf of the members of KMHA I thank you for the opportunity to comment on SB 253. At this time KMHA neither supports or opposes SB 253, however, we do feel that the provisions in SB 253 have great merit and deserve in-depth study and consideration by the Kansas Legislature.

Nationally the affordable housing issue has been termed critical and in the next several months the Congress will begin deliberation on a new comprehensive national housing policy. Therefore, it seems that the creation of an Office on Housing could put Kansas in a better position to respond to a new national housing act. Thank you.

Testimony

Presented to:

The Senate Governmental Organization Committee

on Senate Bill 253

by

Harland E. Priddle
Secretary of Commerce

March 3, 1989

S.G.O.
3-3-89
ATTACH 4

Mr. Chairman and Members of the Committee, the Department of Commerce is pleased to be able to meet and present comments and views on Senate Bill 253. Housing is obviously an important function of any community. At the present time, the Department of Commerce administers associated housing programs in the form of the low-income tax credit program and the rental rehabilitation program. Both of these are designed to assist low to moderate income tenants within the state. In addition, Social and Rehabilitation Services has a rental subsidy program under their administration.

As we review the bill, we believe clarification and specific responsibilities should be further defined. Under current statutes, the Kansas Development Finance Authority, as outlined in KSA 74-8904, subparagraph (s), "has the ability to exercise all the powers granted to the public housing authorities by the state, except that authority shall not have the power of eminent domain." As we review section 3 of Senate Bill 253, it appears the major function to be provided revolves around statistical analysis and technical assistance. We are not aware of any current Federal programs involving housing issues which are being denied to citizens of Kansas due to the lack of a Housing Office.

In the past, we have addressed these issues as they become available. We suggest clarification of specific responsibilities and the intended end results be reviewed in detail before you proceed to enactment.

Mr. Chairman, I stand for any questions.

TESTIMONY

Senate Governmental Organization Committee
Room 531 South; 8:00 AM

Senate Bill No. 253
March 3, 1989

Presented By:

Randy L. Speaker
5855 SW 29th Street
Topeka, Ks 66614
(913) 272-9480

Occupation:

Private consultant that specializes in assisting organizations obtain federal funding for low and moderate income housing.

Credentials:

- * Responsible for obtaining over 21 million dollars of funds for low to moderate income housing over past several years
- * Clients in ten (10) states (all have State Housing Agencies except Kansas)
- * One of three consultants asked by HUD in Washington D.C. to assist in redrafting some of the new FY89 regulations for the "Section 202 Direct Loan Program for Elderly and Handicapped"

Position on Senate Bill 253: I fully support the creation of a State Housing Agency. I base my position on the following:

Observations: * A State Housing Finance Agency will provide a centralized source of information for private, for profit developers and not-for-profit organizations who want to develop housing.

RESULTS:

- accelerate the development process
- better information of funding sources (especially federal)
- reduce number of failures due to lack of information
- can act as liaison between other disciplines involved with housing development

- * The trend with the federal government funding cycle is to use State Housing Agencies as the conduit for funding.

RESULTS: - Kansas will miss out on millions of dollars of potential housing funds if this type of conduit is not available.

- * Better expertise can be assembled than is currently possible under the existing structure where housing is only a small priority of several diverse departments.

RESULTS: - The state will be in a better position to solve housing problems that may arise in the future.

- * The Agency should be created bipartisan and be as independent from other state agencies as possible.

RESULTS: - Stable, consistent operations and policy will be easier to obtain thus helping the agency maintain credibility among potential users and funding sources (i.e. federal sources, bond market, private foundations).

- * Funding and required credentials should be at a level sufficient to attract professionals from the private sector to prevent being viewed as a new department that will rely solely on existing staff and resources of the state superstructure.

RESULTS: - The State Housing Agency will have a better chance of growing to the level of economic self-sufficiency and will be able to respond better to changing needs. This will further help by maintaining personnel whose primary agenda is housing.

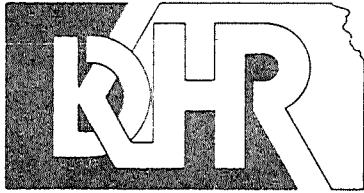
Caveats:

- * The purpose should not be regulatory.

RESULTS: - The construction industry and architectural professions would be hampered, thus potentially increasing costs of "affordable" housing.

- * Do not perform services that are currently provided in the private sector or by other government agencies.

RESULTS: - Duplication of services will create unnecessary burdens on competition and these monies would be better spent in a supportive role.

**ADVISORY COMMITTEE ON EMPLOYMENT
OF THE HANDICAPPED**

1430 S.W. Topeka Boulevard, Topeka, Kansas 66612-1877
913-296-1722 (Voice) • 913-296-5044 (TDD) • 561-1722 (KANS-A-N)

Mike Hayden, Governor

Dennis R. Taylor, Secretary

March 3, 1989

TESTIMONY IN SUPPORT OF SENATE BILL 253
Presented by Mike Oxford, Legislative Liaison

Thank you for the opportunity to appear before the committee to testify in support of Senate Bill 253. My presentation this morning will speak to the issues of accessibility and adaptability.

According to the National Council on the Handicapped, 18.1 million people in the United States have trouble walking up a flight of stairs, while 5.2 million cannot do so on their own. Six million people have trouble getting around outside their homes, while 3.6 million cannot do so on their own. Two and a half million people have trouble getting around inside their homes, while 1.2 million cannot do so on their own. The proportion of the population with disabilities will significantly increase over the next several decades.

There is no breakdown of numbers of people with problems getting around for Kansas. However, we do know that over 40,000 permanent and over 6,000 temporary parking permits for people with disabilities have been issued. These permits are issued to people with mobility impairments. It would fair to assume that many of these people are using, will be using, or would like to be using accessible features in their homes.

"Accessible", in plain every day language, means that you can get to it and make use of it. Examples of common accessible features include ramps, grab bars, door latches (not knobs), wider doorways and so on.

"Adaptable" means it can easily be modified to suit individual needs. Examples of adaptable features include reinforcing behind the dry wall, putting cabinets on racks so that they can easily be adjusted for height and so on.

Legislation on both the state and federal level is addressing the issues of accessibility and adaptability. Tax credits for modifications and demand for in-home care and the recent passage of the Fair Housing Act Amendments are just three examples which all point to the need for information about and expanding awareness of accessible and adaptable housing.

Page 2

Currently, there is no place to go to get the information and technical assistance that is needed in these areas. Independent living centers supply some information. Some Chambers of Commerce or other local offices supply information. Our office supplies some information, but there is no one place to go or number to call to get what you need. It is a hit and miss situation. How many people are unnecessarily forced to move from their family home because it is no longer accessible? We don't know. We probably should know because if it's one, it's too many. A state housing office is an investment in the future of Kansas and the well being of its citizens.

Thank you for your time. I would be glad to try to answer any questions you might have.

ws:a:s253

Att 6-2

TESTIMONY OF THE KANSAS COALITION ON AGING
S.B. 253 - OFFICE OF HOUSING
TO THE SENATE GOVERNMENTAL ORGANIZATION COMMITTEE

The Kansas Coalition on Aging supports SB 253 as a long overdue step towards rationalizing and coordinating our fragmented housing system. Kansas is apparently the only state that does not have a state housing finance/coordination agency.

State housing operations are scattered across several state agencies with no one being in a position to exert housing policy leadership and achieve housing policy coordination. The Department of Commerce administers three housing programs - the federal low-income housing tax credit program, the housing rehabilitation component of the Community Development Block Grant Program, and a HUD rental rehabilitation program.

The Department of Social and Rehabilitation Services administers two housing programs formerly housed in the Department of Commerce. The Kansas Development Finance Agency has the authority to issue bonds to finance housing construction and rehabilitation for elderly or low-income families but has not exercised that authority.

This lack of a focal point for housing issues is not only a disservice to housing developers, financiers, consumers, state agency staff and social service network personnel but also a financial liability. Housing inquiries are routinely shuffled between state agencies with much time and effort being wasted on all sides. An office of housing would serve as a single entry point into the state housing system.

An office of housing would help Kansas mitigate the effects of past federal budget cuts in housing (housing programs funding has been reduced more than any other social programs in the 1980's) and better prepare us for expected new federal housing initiatives. In the past housing funding opportunities have been missed because no one has been in charge of housing at the state level.

SB 253 will not solve all or perhaps even many of our housing problems in Kansas. What it will do is establish a framework for defining these problems, identifying appropriate public and private sector entities to deal with the identified problems, assisting these entities, and in general bring a more business-like approach to housing public policy issues. In recent years Kansas has done this with economic development issues. The close link between economic development and housing makes it logical to now do this for housing issues. KCOA urges your support for SB 253.

Presented by: Nadine Burch
March 3, 1989

5.6.0
3-3-89
ATTACH 7



225 West 12th
Topeka, KS 66612
913-233-1750

Testimony in Support of Senate Bill 253
Senate Governmental Organization Committee
March 3, 1989

Madame Chairman, Members of the Committee, I am here today in support of Senate Bill 253, which creates a state level housing entity within the division of community development of the department of commerce.

The YWCA is a multi-service agency, providing a wide variety of services to the Topeka community. Nationally, the YWCA has adopted a position of advocacy for increasing the availability of affordable housing. Additionally, we believe the need for affordable accessible housing in the Topeka area is reaching a critical level. Further, that today's homeless are not the 'hobo's' and derelicts of American myth; rather, they are women, children, and the working poor forced out of their homes by economic stress. Some recent studies indicate as much as 40% of Topeka's population is at risk of homelessness.

The YWCA sees the proposed state level entity as an important step in developing the needed solutions to this problem. We urge your passage of SB 253.

Topeka YWCA
Janet M. Brunton
Program Director
(913) 233-1750



TOPEKA RESOURCE CENTER FOR THE HANDICAPPED

West Tenth Professional Building
1119 West Tenth, Suite 2
Topeka, Kansas 66604-1105

Telephone
913-233-6323

Testimony to the Senate Governmental Organization Committee
in support of Senate Bill No. 253

Ray Petty, Executive Director
Topeka Independent Living Resource Center
March 3, 1989

Madame Chairperson and Members of the Committee:

As many of you already know, independent living centers such as the one I represent are private, not for profit corporations which are committed by both philosophy and federal mandate to advocate for rights and services which enable persons with disabilities to live as independent and regular a life as is possible. A fundamental tenet of our philosophy is that persons with disabilities and society at large are jointly served best when persons with disabilities are empowered to take control over their own lives and to pursue goals recognized as valuable by all of society. Being able to locate accessible, affordable housing in the community is central to that process.

Last year, my center assisted in the dissemination of the third Disabled Citizens Concerns Survey, which was conducted statewide under the auspices of Kansas Rehabilitation Services. One hundred seventy-two respondents in Shawnee County responded to the questionnaire, which contained 31 items of potential concern to people with disabilities. The results in terms of housing are interesting. Items which received high importance ratings and high satisfaction ratings are termed strengths. The "strongest" item on the entire survey was "The physical design of the place you live allows you to be independent." This response clearly shows that housing accessibility is highly related to independent living. Toward the other end of the scale - where items were rated as high in importance but low in satisfaction, termed "problems" - the item "Affordable housing is available to all types of disabled residents" was sixth from the bottom. Taken together, these two items show that people with disabilities rely heavily upon accessible housing in order to live independently in the community, but find it difficult to locate or afford.

In a classic Scientific American article published in June of 1983 titled "Physical Disability and Public Policy", the authors write:

"In spite of increased awareness over the past 15 years, it is not clear that clients [meaning architectural clients such as builders] are any more interested today in making their facilities accessible. Architects observe that clients often approach the issue of accessibility with one of three attitudes: (1) disabled people are not viewed as customers, clients, or tenants; (2) barrier-free design is automatically assumed to be too expensive; (3) disabled people are thought likely to stigmatize the facility in the minds of nondisabled users."

The authors go on to say that "Unfortunately there are few mechanisms available to reconcile such differences. The problem is not merely the accessibility standards or codes but the failure to provide the technical assistance needed to implement them . . . [w]hat is needed is a technical-assistance body that can offer creative solutions meeting both the letter and the spirit of existing standards and codes." S. 253 envisions such a function.

Last year Congress passed the Fair Housing Act Amendments which not only provides coverage against housing discrimination, but requires certain new construction to meet adaptability guidelines after March 13, 1991. The office contemplated in S. 253 could make a tremendous difference in providing for a successful program in Kansas by helping builders, municipalities and other interested parties understand and begin planning for such regulation.

S. 253 is a timely and potentially very important step in the right direction for Kansas. It will not cost very much in terms of funding, but could save millions by reducing future consternation and lawsuits. I urge you to vote the bill out of committee favorable for passage.

Thank you for your time and consideration.

PRESENTATION TO SENATE COMMITTEE ON
GOVERNMENT ORGANIZATION
ON
SENATE BILL #253

I'm Dr. Ray Baker, Health Officer for Shawnee County.

The Topeka-Shawnee County Health Agency deals with the problems associated with inadequate and deteriorating housing on a daily basis. The City of Topeka adopted a housing code in 1964 in an attempt to prevent the deterioration of neighborhoods. Although the Agency's staff has been active in pursuing this goal, the problem of inadequate resources especially among the elderly and poor make the task difficult.

There are official programs within the Topeka Department of Community and Economic Development to provide funding for repairs and relocation. These programs have substantial impact upon individual situations and go far toward helping individuals comply with the city codes in maintaining their property. Although these programs are somewhat successful further resources are needed in this effort.

The creation of an office of housing within the Division of Community Development as proposed in Senate Bill 253 would clearly represent a step forward in solving these housing needs. It would:

- a. Focus attention on the problems
- b. Allow a more coordinated approach between 3 levels of government.
- c. Permit more efficient monitoring of expected new initiatives by Secretary Kemp involving private sector.

I support this bill.

S.G.O.
3-3-89
ATTACH 10

SENATE GOVERNMENTAL ORGANIZATION

TESTIMONY OF
HOME BUILDERS ASSOCIATION OF KANSAS
SB 253
MARCH 3, 1989

CHAIRPERSON OLEEN AND MEMBERS OF THE COMMITTEE:

I am Janet Stubbs, Executive Director of the Home Builders Association of Kansas, a trade association representing approximately 1900 members statewide.

I was the HBAK's representative at the meetings of the Statewide Housing Work Group and am appearing before you today in opposition to the proposal contained in SB 253.

The members of my association certainly support home ownership and the preservation of existing housing. We also support obtaining affordable housing for the citizens of Kansas.

We ask what is the definition of "affordable" housing? We work constantly to reduce costs, such as government regulations and changes in the building codes which add additional costs to housing for all income levels. There are many things that make housing less affordable to all Kansas citizens and create financial hardships and homelessness.

We support utilization of the federal programs which are currently authorized to be administered by the Department of Commerce but have been unable to learn of any federal funds being lost because Kansas does not have a department such as proposed in this legislation.

HBAK does not support establishment of another department which will require additional staff and budget in the amount discussed by the proponents of this legislation and do not support financing of housing from the general fund of Kansas at this time.

We do not believe that economic growth is affected by the absence of a department which has a statewide multi-list service for "affordable" housing. It is our view that builders will be able to provide any housing necessary to meet the demands of a new industrial business locating in the state in the time period between the final decision to locate and the opening date of the business.

We further believe that builders will recognize and meet the needs for housing in the communities without another state agency or department.

In conclusion, we do not believe sufficient evidence exists to justify the establishment of the additional department and the expenditures proposed by SB 253.



Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611
Telephone 913/267-3610

TO: SENATE GOVERNMENTAL ORGANIZATION COMMITTEE
FROM: KAREN FRANCE, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: MARCH 3, 1989
SUBJECT: SB 253

On behalf of the Kansas Association of REALTORS®, I appear today to oppose SB 243 in its current form.

First, I want to say that I represented our association at the meetings of this ad hoc group this summer and fall. We participated because our association has a vested interest in the promotion of home ownership in the state of Kansas. We are always looking for ways to help people achieve the American dream of home ownership.

We come today with mixed feelings because, while we constantly look for ways to expand the possibilities for owning homes, we also look for methods which are laid out in a clear, precise manner and which are fiscally responsible. We feel that the provisions of SB 253 need some work in these areas. Everything which I say here reflects questions which I raised at the meetings of the ad hoc committee this summer

We are concerned with extreme broadness of the provisions of the bill. There is no definition of what the terms "affordable" or "accessible" mean, as they are used in lines 38, 49, and 56. What is affordable and accessible for some, may not be for others.

Also, there is no definition of what "technical assistance" means in line 53. How involved would the Department of Commerce staff get involved in a project with, say, a developer when they are providing "technical assistance"? Would they be on site? Would they only be involved in the paperwork aspect of a project?

There is no definition of what "preservation" and "adaptation for accessibility" means in line 57. Who would decide when preservation is more appropriate than razing the property--the staff of the division of community development? If so what guidelines do they use?

How many people are expected to staff this division within the department? Will they be travelling the entire state, or simply work in the office in Topeka? What kind of fiscal cost is there going to be to carry out these functions?

One can only guess that the intent of the bill is to fill in the gray areas through rule and regulation. However, we have seen the problems of regulations being written from enabling legislation that is very broadly written. Broadly written enabling legislation leaves much to interpretation and the products of the legislation which show up in the form of rules and regulations may have no resemblance to the original intent of the bill.

Due to the United States Supreme Court case which placed severe limits on the legislative oversight powers over the administrative rule and regulation making process, the legislature has to be much more careful and clear in its intent when it passes enabling legislation. Once the legislation becomes law, the only way for the legislature to stop rules and regulations from being effective is to legislatively amend the provisions of the law time after time.

We feel this bill needs a lot more work and a lot more clarification so that all of the players--both the employees of the agency and the public-- will know exactly what the goals are and the means to achieve them. We stand ready to assist in working out these clarifications so that a clear, workable plan can be drawn.

Thank you for the opportunity to testify here today.

SENATE BILL No. 272

By Committee on Governmental Organization

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ATTACH. 13

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AN ACT concerning the oil inspection law; transferring powers from the director of taxation to the secretary of agriculture; amending K.S.A. 55-422, 55-423, 55-424, 55-425, 55-426, 55-427, 55-429, 55-433 and 55-512 and K.S.A. 1988 Supp. 83-221, 83-401, 83-404, 83-405, 83-406 and 83-409; also repealing K.S.A. 74-2428. ~~also transferring powers from the secretary of revenue to the secretary of transportation;~~

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

Section 1. K.S.A. 55-422 is hereby amended to read as follows: 55-422. This act and any amendments thereto and supplements thereto shall be known and may be cited as the "oil inspection law" and as so constituted is hereinafter referred to as "this act." The following words, terms and phrases when used in this act shall have the meanings ascribed to them in this section, except in those instances clearly indicating a different meaning. As used in this act:

(a) "Director" shall mean the director of taxation, or his or her the director's duly authorized deputy, agent, or representative.

(b) "Secretary" means the secretary of the state board of agriculture or the secretary's designee.

(c) "Person," "motor-vehicle fuels," "manufacturer," "importer," and "distributor," shall have the meanings means those definitions ascribed to them in the motor-fuel tax law.

Sec. 2. K.S.A. 55-423 is hereby amended to read as follows: 55-423. No person shall sell, offer for sale, have in possession, use or deliver any gasoline or kerosene for consumption for illuminating, heating or power purposes in this state until the same shall have been subjected to and passed the inspection as required in the act: ~~Provided, however, That.~~ The inspection of gasoline, kerosene or motor-vehicle fuels may be waived by the ~~director~~ secretary on those products sold to the United States government or its agencies

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303 provisions of this act. The court may allow any such suit, action or
304 other proceeding to be maintained by or against the secretary of the
305 state board of agriculture or any officer affected.

306 (b) No criminal action commenced or which could have been
307 commenced by the state shall abate by the taking effect of this act.

308 New Sec. 17. (a) On the effective date of this act, the balance
309 of all funds appropriated and reappropriated to the director of tax-
310 ation with regard to the oil inspection law is hereby transferred to
311 the Kansas state board of agriculture and shall be used only for the
312 purpose for which the appropriation was originally made.

313 (b) On the effective date of this act, the liability for all accrued
314 compensation or salaries of officers and employees who, immediately
315 prior to such date, were engaged in the performance of powers,
316 duties or functions of any state agency or officer transferred by this
317 order, or which becomes a part of the Kansas state board of agri-
318 culture or the powers, duties and functions of which are transferred
319 to the secretary of agriculture, shall be assumed and paid by the
320 Kansas state board of agriculture.

321 Sec. 18. K.S.A. 55-512 is hereby amended to read as follows:
322 ~~55-512. Every vehicle used in transporting motor-vehicle fuels sub-~~ (a)
323 ~~ject to the provisions of this act shall be marked in accordance with~~
324 ~~rules and regulations adopted by the secretary of revenue. The sec-~~
325 ~~retary of revenue shall adopt and enforce rules and regulations for~~ transportation
326 ~~the administration and enforcement of the provisions of this article.~~ section
327 *Notwithstanding the foregoing provisions, all determinations of*
328 *weight, measure or volume of any vehicle tank used in the trans-*
329 *portation of motor-vehicle fuels shall be made in accordance with*
330 *the provisions of K.S.A. 1988 Supp. 83-201 et seq., and amendments*
331 *thereto, and the rules and regulations promulgated thereunder.*

332 Sec. 19. K.S.A. 1988 Supp. 83-404 is hereby amended to read
333 as follows: 83-404. (a) The owner or operator of a dispensing device,
334 ~~and vehicle tank used in the transportation thereof, which are~~
335 ~~which is used for commercial purposes shall have such device and~~
336 ~~tank tested and inspected at least annually for accuracy. The test~~
337 ~~shall be conducted by a testing service in accordance with rules and~~
338 ~~regulations adopted by the state sealer. The test weights and meas-~~
339 ~~ures used by the testing service shall have been approved and sealed~~

NO
(b) On the effective date of this act, and subject to the provisions of appropriations acts, officers and employees who where officers and employees of the department of revenue and who were engaged immediately prior to that date in the performance of the same or similar powers, duties and functions which are transferred to or imposed upon the secretary of transportation by this section, and who, in the opinion of the secretary of transportation, are necessary to perform such powers, duties and functions shall become officers and employees of the department of transportation. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to the effective date of this act. The service of each such officer and employee shall be deemed to have been continuous.

SENATE BILL No. 273

By Committee on Governmental Organization

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AN ACT relating to the department of revenue; concerning the administration, collection and enforcement of taxation by the secretary of revenue; ~~placing certain employees in the unclassified service;~~ establishing a division of collections; abolishing the alcoholic beverage control board of review; amending K.S.A. 75-5122, 79-1009 to 79-1014, inclusive, 79-3233, 79-3294, 79-3294a, 79-3617, 79-3618, 79-3630 and 79-3705d and K.S.A. 1988 Supp. 79-3615, 79-3706 and 79-41a03a and repealing the existing sections; also repealing K.S.A. 75-5119.

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

Section 1. K.S.A. 75-5122 is hereby amended to read as follows: 75-5122. (a) Except as provided in subsection (b) and this act otherwise provided, each division head shall appoint, subject to the Kansas civil service act, all subordinate officers and employees of his or her division, such division head's section, division and other unit of the department of revenue, and all such subordinate officers and employees shall be within the classified service.

(b) ~~The director of collections and the manager of planning and research shall be in the unclassified service under the Kansas civil service act and shall receive annual salaries fixed by the secretary of revenue and approved by the governor.~~ an salary

Sec. 2. K.S.A. 79-3233 is hereby amended to read as follows: 79-3233. This act shall be administered by the ~~director~~ secretary of revenue or the secretary's designee. For the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income of any taxpayer, the ~~director~~ secretary or the secretary's designee shall have power to examine, or cause to be examined by any agent or representative designated by the ~~director~~ secretary or the secretary's designee for that purpose, any books, papers, records or memoranda, bearing upon the matters required

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agency for the collection of such delinquent tax, as provided by
 489 K.S.A. 75-5140 *et seq.*, and any charges required to be paid to any
 490 government agency within or without the state of Kansas for services
 491 rendered in connection with such collection.

492 ~~21.~~ ~~Sec. 18.~~ K.S.A. 75-5119, 75-5122, 79-1009 to 79-1014, inclusive,
 493 79-3233, 79-3294, 79-3294a, 79-3617, 79-3618, 79-3630 and 79-3705d
 494 and K.S.A. 1988 Supp. 79-3615, 79-3706 and 79-41a03a are hereby
 495 repealed.

496 ~~22.~~ ~~Sec. 20.~~ This act shall take effect and be in force from and after
 497 its publication in the ~~statute book.~~

498 Kansas register

New Sec. 19. There is hereby established, within and as a part of the department of revenue, a division of collections, the head of which shall be the director of collections. Under the supervision of the secretary of revenue, the director of collections shall administer the division of collections. The secretary of revenue shall appoint the director of collections, and the director shall serve at the pleasure of the secretary of revenue. The director of collections shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of revenue and approved by the governor.

New Sec. 20. The director of collections shall:

(a) Administer the department of revenue's efforts to collect delinquent and deficient tax accounts through direct contact with the taxpayer.

(b) manage collection enforcement actions through the collection of bonds, tax warrants, injunctions, bankruptcy representation, levies, garnishments, set off of state payments and other statutory provisions provided the department of revenue;

(c) review requests for waiver of penalty, settlement requests and payment plans;

(d) manage in-state and out-of-state collection services rendered by contract through private vendors; and

(e) perform such other duties as may be prescribed by law.

Oct 14-20