

Approved February 27, 1989  
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Sen. Don Montgomery at  
Chairperson

9:00 a.m./~~p.m.~~ on February 24, 1989 in room 531-N of the Capitol.

All members were present except:

Senators Langworthy and Steineger - Excused

Committee staff present:

Mike Heim, Legislative Research  
Theresa Kiernan, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: None

The meeting was called for discussion of bills previously heard. First to be discussed was SB 55 concerning expenditures from the firefighters relief fund. The Chairman informed the committee of a letter he had received from Ernie Mosher of the League of Municipalities which gives an analysis of the bill. (See Attachment I). The Chairman said he feels the amount of \$500 should be changed to \$1000 on line 70 of the bill.

Sen. Daniels made a motion to change the amount from \$500 to \$1000 on both lines 70 and 250, Sen. Frahm seconded, and the motion carried with Senators Lee and Petty voting "No".

Sen. Daniels made a motion to recommend SB 55 favorable for passage as amended, Sen. Allen seconded, and the motion carried with Sen. Petty voting "No".

Discussion began on SB 17 concerning zoning for group homes for the mentally ill. Staff had copies of a balloon of the bill and explained the amendments. (See Attachment II.) The first change from the previous balloon is in (4), (A), (B), and (C) defining "provider", and the second is the underlined portion of paragraph (c). Sen. Burke made a motion to so adopt these amendments, Sen. Daniels seconded, and the motion carried.

Sen. Burke made a motion to recommend SB 17 favorable for passage as amended, Sen. Petty seconded, and the motion carried.

The Chairman told the committee that both SB 143 (county treasurer and appraiser offices) and SB 165 (airport authorities) will be held in committee pending further information.

Attention was turned to SB 185 concerning the powers and duties of the board of directors of libraries. Sen. Petty said the library representatives will be bringing amendments to the bill to address problems discussed at the hearing.

Discussion was turned to SB 202 regarding easements in rural water districts. The Chairman recalled that it was discussed that "maintenance" be changed to "location". Sen. Petty said she feels it is the responsibility of any entity to handle this in a proper manner. She feels rural districts should not be excluded from the responsibility of recording agreements. The Chairman noted that precedence has been set by the rural electric districts. Discussion continued as to if the owner is the only one who has the right to sue. The Chairman felt that the bill provides that suit cannot be filed after two years, however, he did not feel that this denies the right to sue for damages--just where the waterline is laid. Staff said "no suit or action" would include damages. It was determined that Mr. Schwartz should be asked to appear again before the committee for clarification before action is taken on the bill.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,

room 531-N, Statehouse, at 9:00 a.m./~~p.m.~~ on February 24, 1989.

Attention was turned to SB 235 concerning continuing education for county treasurers. Sen. Ehrlich said he has a problem with the bill. The cost to taxpayers was not given at the hearing. Also, there is at present a program for education for treasurers. Sen. Ehrlich expressed his fear that the county treasurers are trying to protect their jobs at election time. For these reasons, he opposes the bill. He added if the treasurers will pay for the education, he will support the bill. Sen. Lee felt that those seeking reelection should also have the 40 hour requirement or pass the test. Sen. Daniels also had a problem with the bill in that it gives those in office an unfair advantage and there is no provision in the bill to prove the treasurer has taken the course or who is in charge of certification. Sen. Burke felt that there is a need for expertise for this office because of the complexity of bond laws and expressed his support for the concept of training financial officers. Sen. Lee agreed but felt the bill needs to be reworked so that incumbents have the same requirements and it is clear who will handle certification. Sen. Allen strongly supported the bill and saw no problem in causing a conflict at election time. He felt the bill will give the best possible educated person to handle tax dollars. Sen. Daniels felt it puts a trained candidate at county expense against one who has not had that opportunity. She supports the concept, but the bill has no requirement for a record of who has been certified or who is responsible for certification. Sen. Lee felt lines 111-113 are too open ended as to when forfeiture of office takes place. Sen. Frahn noted that this is a rules and regs question. The feeling was expressed that the bill should be suggested for an interim study.

Sen. Ehrlich made a motion to recommend SB 235 for an interim study, Sen. Gaines seconded.

Sen. Allen stated that he thinks the treasurers are sincere in wanting education. He feels that in four years there would be better treasurers with the bill. He supports the bill with a little clean-up language. Sen. Petty spoke against Sen. Ehrlich's motion. She is concerned about delaying it in an interim committee which puts more jeopardy on the financial structure. Sen. Daniels said the treasurers should be encouraged to take education, but there should be no certification.

On a call for a vote on Sen. Ehrlich's motion, the motion carried.

The minutes of February 23 were approved.

The meeting was adjourned.





# League of Kansas Municipalities

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

February 24, 1989

Senator Don Montgomery, Chairman  
Senate Committee on Local Government  
State Capitol--Room 128-S  
Topeka, Kansas 66612

Dear Don:

Thanks for providing us with a copy of the Insurance Department's fiscal analysis of the impact of the amendment proposed by the Firefighters Association to SB 55. After looking at the figures, and considering the policy involved, I would suggest either the Firefighters Association amendment be killed, or the original League sponsored bill be killed.

While I can philosophically accept the idea that one purpose of government is to redistribute the wealth, I am not sure this concept should apply to taxes paid by the purchasers of insurance. The original concept of the fire insurance premium tax was that it would be a shared tax program, not a state aid program. The Firefighters Association amendment would skim off \$537,210, (15% of 1988 total), and then redistribute this amount through a flat \$1,089.68 to each association, regardless of the amount collected from the area served by the department.

Our calculations indicate that there would be 67 associations that lose money, and 406 that gain, out of the 473 total. Depending on how the Firefighters Association is organized, I can see that there would be a majority vote of support for the proposed redistribution.

While most of the losers are departments of cities over 4,000-5,000 population, the losers also include several county fire districts. For example, each of the 4 fire districts in Nemaha County, 5 districts in Rush County and 4 districts in Shawnee County would be winners. However, the fire districts in Lynn County, Marion County and Sherman County would be losers. As another example, the association at Scott City, with a population of 3,990, is a loser, while the association of the City of Mulvane, with a population of 4,560, is a winner.

My quick analysis of the Insurance Department report indicates that only 43 of the 473 associations in Kansas are receiving less than \$1,000. Besides a "redistribution of the wealth", I am not sure what the objective of the Firefighter Association is. However, I would guess it would take only \$15,000-\$20,000 to guarantee that each department receives at least \$1,000 a year, if this is considered a noble public purpose.

Sincerely,

E.A. Mosher  
Executive Director

2-24-89  
Senate Local Gov't  
Attachment I

EAM/jll

President: Douglas S. Wright, Mayor, Topeka • Vice President: Irene B. French, Mayor, Merriam • Past President: Carl Dean Holmes, Mayor, Plains • Directors: Margo Boulanger, Mayor, Sedan • Nancy R. Denning, Commissioner, Manhattan • Ed Eilert, Mayor, Overland Park • Greg Ferris, Councilmember, Wichita • Frances J. Garcia, Commissioner, Hutchinson • William J. Goering, City Clerk/Administrator, McPherson • Jesse Jackson, Commissioner, Chanute • Richard U. Nienstedt, City Manager, Concordia • David E. Retter, City Attorney, Concordia • Judy M. Sargent, City Manager, Russell • Joseph E. Steineger, Mayor, Kansas City • Bonnie Talley, Commissioner, Garden City • Executive Director: E.A. Mosher

of a person, ~~other than mental illness~~, which:

(A) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is manifested before the person attains age 22;

(C) is likely to continue indefinitely;

(D) results in substantial function limitations in three or more of the following areas of major life activity: (i) Self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living and (vii) economic self-sufficiency; and

(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated.

(e) Except as hereinafter provided, no municipality shall prohibit the location of a group home in any zone or area where single family dwellings are permitted. Any zoning ordinance, resolution or regulation which prohibits the location of a group home in such zone or area in violation of this act is invalid. Notwithstanding the provisions of this act, group homes may be required to procure a special or conditional use group home permit and shall be subject to all other regulations applicable to other property located in the zone or area that are imposed by any municipality through its building regulatory codes, subdivision regulations, special or conditional use group home permit regulations or other nondiscriminatory regulations. For the purpose of preserving the single family residential character of the area, the governing body of the municipality may require the physical structure of the group home to be generally compatible with other physical structures in the surrounding neighborhood. In order to avoid excessive concentration of group homes, from and after the effective date of this act, no such group home may be located within 1,000 feet of another such group home in areas zoned exclusively for single family dwellings, unless the governing body of the municipality approves a closer location by a majority vote thereof. A special or conditional use group home permit shall be issued upon a determination by the governing body of the municipality that the establishment of the group home is in com-

(4) "licensed provider" means a person or agency who provides mental health services and is licensed by:

(A) The department of social and rehabilitation services pursuant to K.S.A. 75-3307b or 65-425 et seq., and amendments thereto; or

(B) the behavioral sciences regulatory board pursuant to K.S.A. 75-5346 et seq. or 74-5301 et seq., and amendments thereto; or

(C) the state board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto.

(c) (1) No mentally ill person shall be eligible for placement in a group home unless such person has been evaluated by a licensed provider and such provider determines that the mentally ill person is not dangerous to others and is suitable for group-home placement. A group home shall not be a licensed provider for the purposes of evaluating or approving for placement a mentally ill person in a group home.

(2) No person shall be eligible for placement in a group home if such person is (A) Assigned to a community corrections program or a diversion program; (B) on parole from a correctional institution or on probation for a felony offense; or (C) in a state mental institution following a finding of not guilty by reason of insanity pursuant to K.S.A. 22-3428, and amendments thereto.

(d) No person shall be placed in a group home under this act unless such dwelling is licensed as a group home by the department of social and rehabilitation services.

Senate Local Gov't, 2-24-89, Attachment II