

Approved March 9, 1991
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE M. J. JOHNSON at
Chairperson

12:45 a.m. ~~XX~~p.m. on MARCH 8, 1991 in room 521-S of the Capitol.

All members were present ~~XXXX~~

Committee staff present:

Mike Heim, Legislative Research Dept.
Theresa Kiernan, Revisor of Statutes
Connie Smith, Committee Secretary

Conferees appearing before the committee:

Chairman Johnson called on the chairman of subcommittee #1, Nancy Brown, to report on HB 2450 and HB 2188.

Subcommittee Chairman Brown said that Representative Lahti and Representative Welshimer met on HB 2450, Sedgwick Co. improvement bill, discussed and concurred that the language in the bill is almost identical to powers currently provided for cities. They are recommending it favorable with two amendments. (Attachment 1)

Chairman entertained a motion to amend HB 2450. Representative Lahti moved to amend HB 2450. The motion was seconded by Vice-Chairman Gomez. The motion carried.

Representative Brown stated this bill is limited to Sedgwick County and is a carefully crafted consensus between the city and the county. Representative Brown wanted the committee to know that at any point in time this bill is expanded beyond Sedgwick County the committee needs to take a serious look at it. The laws of the city which are being adopted by the county are relatively old laws and she has some real concerns about some of the provisions in the bill that needs to be up-dated. Representative Brown explained that because of the time constraints and because of the fact they worked this out among themselves, we are recommending passage.

Representative Lahti moved to pass HB 2450 as amended; seconded by Representative Sluiter. The motion carried.

HB 2188 - Pledge of sales tax revenue for payment of g.o. bonds by City of Wichita.

Subcommittee Chairman Brown distributed a balloon of a proposed amendment to HB 2188. The balloon adds the city and county and takes it away from being the city of Wichita. (Attachment 2) Representative Wempe expressed concern if the subcommittee had discussed the 10% figure for the petition. Representative Brown stated the subcommittee had not discussed this but she was recommending changing the new section to 5% and not changing section 1.

Representative Lahti moved to approve the amendments, seconded by Representative Sluiter. The motion carried.

Representative Lahti moved to pass HB 2188 as amended, seconded by Representative Sluiter. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S, Statehouse, at 12:45 ~~XX~~m./p.m. on MARCH 8, 1991.

Chairman Johnson asked subcommittee chairman #2, Vice-Chairman Gomez, to report on HB 2314 and 2297.

Vice-Chairman Gomez said the subcommittee didn't meet because the House was in session yesterday.

HB 2314 - Contracts concerning property tax payments and payments in lieu of taxes.

Vice-Chairman Gomez stated the proposed amendment, is similar to the approval procedure under the tax increment finance law which prohibits a project to be financed if a school district determines it would have an adverse impact in its tax base. This bill has statewide impact. (Attachment 3)

Representative Wempe expressed concern if this action would give the school districts veto power. Staff stated it did give them veto power.

Representative Brown expressed concerns about school board involvement on changes in the contract when they did not have the opportunity to become involved in the initial contract.

Chairman entertained a motion to adopt the amendment to HB 2314. Vice-Chairman Gomez moved to adopt the amendments to HB 2314; seconded by Representative Macy. The motion failed. Discussion followed. Chairman stated she would have the bill blessed and work on it at a later date.

HB 2297 - Publication of board of tax appeals orders tax levy limitations.

Vice-Chairman Gomez stated the committee had not had hearings on HB 2297 and suggested leaving it lie in committee as it would be a major change.

Chairman turned the committee's attention to HB 2194.

HB 2194 - Clarifies the tax exempt status of all properties owned by the Wichita Airport Authority.

The Chairman explained a compromise had been reached with the City of Wichita and the sponsors of HB 2189, Wichita Airport Authority; membership powers. By taking into consideration HB 2189, an amendment will be offered to HB 2194, providing for two county appointments to the Wichita Airport Authority Board.

Staff distributed copies of a proposed amendment to HB 2194 and explained the amendment. (Attachment 4)

Representative Brown asked if on HB 2189 if KSA 3-167 is only Wichita Airport Authority and there is no other authority. Willie Martin, Sedgwick County, stated it is only the Wichita Airport Authority.

Representative Mollenkamp asked if this total exemption removes the valuation from the school district. Willie Martin explained that the school district has never had the valuation because the property has been considered exempt since the airport was established. Ms. Martin stated the amendment continues the status quo in Wichita.

Representative Stephens moved lines 27 through 29 be stricken. The motion was seconded by Representative Thompson. Discussion followed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 12:45 ~~a.m.~~^{p.m.} on MARCH 8, 1991.

Representative Harder stated in regard to this property and other exempt from taxation is it possible to include the value of the property in the district wealth. I would be open to that kind of consideration.

Chairman called for a vote on Representative Stephen's motion. The motion failed.

Chairman entertained a motion to adopt the amendment, which increases the board and adds Wichita to localize the bill. Representative Brown moved to adopt the amendment; seconded by Representative Macy. The motion carried. Representative Lahti wanted to be recorded as voting "no".

Chairman turned the committee's attention back on the bill to pass HB 2194 favorably. Representative Harder moved to pass HB 2194 favorably as amended. The motion was seconded by Representative Cornfield. The motion carried.

Chairman Johnson called for discussion or action on HB 2449, concerning zoning; relating to group homes. Chairman entertained a motion to approve the amended version of HB 2449 that Ray Petty suggested. A motion was made by Representative Stephens to adopt the amendment by Ray Petty. The motion was seconded by Representative Gomez. The motion carried. (Attachment 5)

Representative Brown expressed reservations, not about the bill, but about taking away the special use permit and thinks it can benefit both the community and people who are making the request. Representative Brown stated this was a carefully compromised bill over the last several years.

A motion was made by Representative Thompson; seconded by Representative Gomez to pass HB 2449 as amended. The motion carried.

A motion was made by Representative Bradford; seconded by Representative Welshimer to approve the minutes for March 5 and March 6, 1991 as presented.

Meeting adjourned at 1:30 p.m.

1991 House Bill No. 2450

Section 1 (h):

"improvement" means any type of improvement made under authority of this act and includes reimprovement of a prior improvement, but shall not include residential wastewater treatment projects, projects located within a residential subdivision, or projects that would serve only residential areas or that would extend services only to residential areas.

Section 7 (a):

The county, upon a four-fifths vote of the governing body, may pay such portion of the cost of the improvements as the governing body may determine, but not more than 95% of the total cost thereof.

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3-8-91
Attach 1

HOUSE BILL No. 2188

By Representatives Baker, Bowden, Bradford, Fuller,
Gjerstad, Grotewiel, Helgerson, Lahti,
Lawrence, Pottorff and Sluiter

2-11

10 AN ACT authorizing the city of Wichita, Kansas, to issue general
11 obligation bonds for the payment of the cost of public facilities
12 or improvements, authorizing the pledge of revenues received
13 from a countywide or city's retailers' sales tax for the payment
14 thereof; amending K.S.A. 1990 Supp. 12-195 and repealing the
existing section.

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

18 Section 1. K.S.A. 1990 Supp. 12-195 is hereby amended to read
19 as follows: 12-195. (a) Except as otherwise provided in *section 2 or*
20 *subsection (b)*, no city or county shall commit any of the funds or
21 proceeds derived from a retailers' sales tax as a guarantee for the
22 payment of bonds issued by such city or county.

23 (b) Any city or county which is the recipient of funds derived
24 from a local option sales tax pursuant to K.S.A. 12-187 *et seq.*, and
25 amendments thereto is hereby authorized to issue revenue bonds to
26 provide for the payment of all or any portion of the cost of public
27 facilities or improvements of such city or county for which such city
28 or county is authorized pursuant to the constitution or laws of this
29 state to issue general obligation bonds and to pledge revenues re-
30 ceived from countywide or city retailers' sales taxes for the payment
31 thereof. No such bonds shall be issued for the payment of all or
32 any portion of the cost of any facilities or improvements to be used
33 for commercial or retail purposes, except that such prohibition shall
34 not apply to revenue bonds issued for the payment of the cost of
35 constructing or improving a convention or exposition hall or center
36 or public auditorium. In the event the governing body of a city or
37 county proposes to issue such bonds, and the question of pledging
38 the revenues received from the countywide or city retailers' sales
39 tax has not previously been submitted to and approved by the voters
40 of the city or county, such proposition shall be published once each
41 week for two consecutive weeks in the official city or county news-
42 paper, as the case requires. If, within 30 days after the last publi-
43 cation of the proposition, a petition is filed with the county election

By
3-8-91
Attach. 2

1 officer signed by not less than 4% of the electors of the city or
2 county, as the case requires, who voted for the office of secretary
3 of state at the last preceding general election for such office re-
4 questing an election thereon, no such bonds shall be issued unless
5 the proposition is submitted to and approved by a majority of the
6 voters of the city or county, as the case requires, voting at an election
7 held thereon. Any such election shall be called and held in accord-
8 ance with the provisions of K.S.A. 10-120, and amendments thereto,
9 or in accordance with the provisions of the mail ballot election act.

10 (1) Such bonds shall be authorized by ordinance of the governing
11 body of such city or resolution of the governing body of such county.
12 The bonds may be issued as registered bonds or coupon bonds,
13 payable to bearer, and, if coupon bonds, may be registrable as to
14 principal only or as to principal and interest, and may be made
15 exchangeable for bonds of another denomination or in another form.
16 The bonds may be in such form and denominations, may have such
17 date or dates, may be stated to mature at such time or times, may
18 bear interest payable at such times and at such rate or rates, may
19 be payable at such places within or without the state, may be subject
20 to such terms of redemption in advance of maturity at such prices,
21 and may contain such terms and conditions, all as the city or county
22 shall determine. The bonds shall have all the qualities of and shall
23 be deemed to be negotiable instruments under the laws of the state
24 of Kansas. The authorizing ordinance or resolution may contain any
25 other terms, covenants and conditions that the city or county deems
26 reasonable and desirable, including without limitation those pertain-
27 ing to the maintenance of various funds and reserves, the nature
28 and extent of any security for payment of the bonds, the custody
29 and application of the proceeds of the bonds, the collection, transfer
30 and disposition of sales tax revenues, the investing of bond proceeds
31 or any funds pledged to the repayment of the bonds, and the rights,
32 duties and obligations of the city or county and the owners of the
33 bonds.

34 (2) The authorizing ordinance or resolution may provide for the
35 execution of a trust indenture between the city or county and any
36 financial institution within or without the state of Kansas. The trust
37 indenture may contain any terms, covenants and conditions that are
38 deemed desirable by the city or county.

39 (3) Any authorizing ordinance or resolution and trust indenture
40 relating to the issuance of and security for the bonds shall constitute
41 a contract between the city or county and the owners of the bonds,
42 which contract, and all covenants, agreements and obligations
43 herein, shall be promptly performed in strict compliance with the

2-2

1 terms and provisions of such contract, and the covenants, agreements
2 and obligations of the city or county may be enforced by mandamus
3 or other appropriate proceeding at law or in equity. The pledge of
4 revenues made by the city or county shall be valid and binding from
5 the time when such pledge is made and the revenues so pledged
6 and thereafter received by the city or county shall immediately be
7 subject to the lien of such pledge without such physical delivery
8 thereof or further act on the part of the city or county, and the lien
9 of any such pledge shall be valid and binding as against all parties
10 having claims of any kind against the issuer, irrespective of whether
11 such parties have notice thereof. Neither the authorizing ordinance
12 or resolution nor any other instrument by which a pledge is created
13 need be filed or recorded except in the records of the city or county.

14 (4) The revenue bonds may be sold in such manner, either at
15 public or private sale, and upon such terms as the city or county
16 shall determine to be reasonable, including sale at discount. It shall
17 be plainly stated on the face of each such bond that it has been
18 issued under this act, that the bonds shall be special obligations of
19 the city or county, payable solely and only from the revenues pledged
20 to the payment of the bonds and that in no event, shall the bonds
21 constitute an indebtedness of the state of Kansas or the city or county
22 for which the faith and credit of the state of Kansas or city or county
23 is pledged.

24 (5) Any bonds issued under the provisions of this section and
25 the interest thereon, shall be exempt from all taxes levied by the
26 state of Kansas, or any political or taxing subdivision thereof, except
27 inheritance taxes.

28 (6) Bonds may be issued for the purpose of refunding, either at
29 maturity or in advance of maturity, any bonds issued under this
30 section. Such refunding bonds may either be sold or delivered in
31 exchange for the bonds being refunded. If sold, the proceeds may
32 either be applied to the payment of the bonds being refunded or
33 deposited in trust and there maintained in cash or investments for
34 the retirement of the bonds being refunded, as shall be specified
35 by the city or county and the authorizing ordinance or resolution or
36 trust indenture securing such refunding bonds. The authorizing or-
37 dinance or resolution or trust indenture securing the refunding bonds
38 may provide that the refunding bonds shall have the same security
39 for their payment as provided for the bonds being refunded. Re-
40 funding bonds shall be sold and secured in accordance with the
41 provisions of this act pertaining to the sale and security of the bonds.

42 (7) Bonds issued under the provisions of this act shall be eligible

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1 or the Kansas Statutes Annotated and amendments thereto.

2 (8) Bonds issued under the provisions of this act shall be in
3 addition to and not subject to any statutory limitation of bonded
4 indebtedness imposed on such city or county.

5 New Sec. 2. The governing body of ~~the city of Wichita, Kansas,~~
6 ~~by ordinance,~~ may authorize the issuance of general obligation bonds
7 to provide for the payment of all or any portion of the cost of any
8 public facilities or improvements ~~of such city~~ for which such city is
9 authorized pursuant to the constitution or laws of this state to issue
10 general obligation bonds. The governing body may pledge revenues
11 received from countywide or city retailers' sales taxes imposed pur-
12 ~~uant to K.S.A. 12-187 et seq., and amendments thereto,~~ for the
13 ~~payment of such bonds.~~ The pledge of revenues received from coun-
14 ~~tywide or city retailers' sales taxes for payment of such bonds shall~~
15 ~~constitute an irrevocable pledge of the revenues and shall be made~~
16 ~~a lien on the revenues for the benefit of bondholders. Any bonds~~
17 ~~issued under this section shall be subject to the following~~
18 ~~requirements:~~

any
 or county
 the appropriate
 or resolution
 or county

19 (a) Before the governing body of any city shall issue any general
20 obligation bonds as authorized herein, the governing body shall cause
21 to be prepared a comprehensive feasibility study showing that rev-
22 enues received from a countywide or city retailers' sales tax would
23 be sufficient to retire such bonds.

24 (b) Such bonds shall constitute a general obligation of the mu-
25 ~~nicipality,~~ payable from the pledged revenue received from coun-
26 ~~tywide or city retailers' sales taxes and if not so paid such bonds~~
27 ~~shall be payable from ad valorem taxes which for the purpose of~~
28 ~~paying such bonds may be levied without limit as to rate or amount~~
29 ~~by the city, and shall be printed as provided in K.S.A. 10-112, and~~
30 ~~amendments thereto.~~

city or county

31 (c) Any bonds issued under the provisions of this section and the
32 interest thereon, shall be exempt from all taxes levied by the state
33 of Kansas or any political or taxing subdivision thereof, except in-
34 heritance taxes.

or county

35 (d) Bonds issued under the provisions of this section shall be in
36 addition to and not subject to any statutory limitation of bonded
37 indebtedness imposed on such city.

38 (e) In the event the governing body of a city proposes to issue
39 such bonds, and the question of issuing bonds as authorized herein
40 has not previously been submitted to and approved by the voters

41 the city such proposition shall be published once each week for
42 ~~to~~ consecutive weeks in ~~the~~ official city newspaper. If within 30
43 days after the last publication of the proposition, a petition is filed

its

2-5

1 he county election officer signed by not less than 10% of the
 2 electors of the city who voted in the last preceding general election
 3 of the city, then no such bonds shall be issued unless the proposition
 4 is submitted to and approved by a majority of the voters of the city
 5 voting at an election held thereon. Any such elections shall be called
 6 and held in accordance with the provisions of K.S.A. 10-120, and
 7 amendments thereto, or in accordance with the provisions of the
 8 mail ballot election act.

or county

9 Sec. 3. K.S.A. 1990 Supp. 12-195 is hereby repealed.

0 Sec. 4. This act shall take effect and be in force from and after
 1 its publication in the statute book.

Proposed Amendment to House Bill No. 2314

On page 1, by striking all in lines 12 to 20, inclusive, and inserting:

"Section 1. (a) Whenever the governing body of any city or county enters into a voluntary agreement under which ad valorem property taxes or payments in lieu of taxes will be paid to such city or county, such agreement shall not be voided, amended or otherwise renegotiated without the consent of the board of education of the school district in which the property subject to the agreement is located as provided in subsection (b).

(b) Any city or county proposing to void, amend or renegotiate such an agreement shall adopt a resolution stating that the city or county is considering voiding, amending or renegotiating such agreement. The resolution shall give notice of a public hearing to be held to consider such agreement and fix the date, hour and place of the hearing. The resolution shall be published at least once each week for two consecutive weeks in the appropriate official city or county newspaper. A copy of the resolution also shall be mailed to the board of education of the school district in which the property is located. Within 30 days of the conclusion of such hearing or hearings, the board of education shall approve or disapprove the proposed voidance, amendment or renegotiation."

19
3-8-91
Attach. 3

Proposed Amendment to House Bill No. 2194

On page 1, following line 12, by inserting:

"Section 1. K.S.A. 3-163 is hereby amended to read as follows: 3-163. Except as otherwise provided herein, the mayor of any city establishing an airport authority pursuant to K.S.A. 3-162, and amendments thereto, shall appoint, with the consent and approval of the governing body of such city, five residents, not members of such governing body, to serve as members of the authority. The airport authority established by the city of Wichita shall be composed of nine members. Seven members of the Wichita airport authority shall be residents of the city of Wichita and shall be appointed by the governing body of the city. The remaining two members shall be appointed by the board of county commissioners of Sedgwick county. Each member appointed by the board of county commissioners shall reside in a different county commissioner district. The terms of such the members of the authority shall be designated by ordinance, and each shall hold office for such term or until a successor has been appointed and qualified. In the event of death, resignation or other disqualification of any member of the authority, a successor shall be appointed by the governing-body appointing authority to fill the unexpired term of such member. Any member of the authority may be removed by the governing--body--of--the--city appointing authority for the same cause as any appointive officer.

Members of the airport authority shall receive no compensation for their services but may be reimbursed for all necessary expenses incurred in the performance of their duties as members of such authority. The members of the authority shall give bond to the city in the sum of ~~twenty-five-thousand--dollars~~ ~~(\$25,000)~~ \$25,000, and the costs thereof shall be paid from the airport operating fund.";

By renumbering sections accordingly;

Also on page 1, in line 30, by striking "3-167 is" and

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Attach. 4

inserting "3-163 and 3-167 are";

In the title, in line 10, by striking all following "K.S.A."
and inserting "3-163 and 3-167 and repealing the existing
sections.";

HOUSE BILL No. 2449

By Committee on Local Government

2-25

*This bill amends the Kansas group zoning law into compliance with the Fair Housing Act Amendments of 1988 (FHA). With the following minor revisions, please support it for passage.

6
2-8-91
Attach 5

8 AN ACT concerning zoning; relating to group homes; amending
9 K.S.A. 1990 Supp. 12-736 and repealing the existing section.

10
11 Be it enacted by the Legislature of the State of Kansas:
12 Section 1. K.S.A. 1990 Supp. 12-736 is hereby amended to read
13 as follows: 12-736. (a) It is hereby declared to be the policy of the
14 state of Kansas that physically handicapped, mentally ill, mentally
15 retarded or other developmentally disabled ~~handicapped~~ persons
16 shall not be excluded from the benefits of single family residential
17 surroundings by any municipal zoning ordinance, resolution or reg-
18 ulation. It is also declared to be the policy of the state of Kansas
19 to encourage the dispersion of group homes within areas zoned
20 exclusively for single family residences.

21 (b) For the purpose of this act:
22 (1) "Group home" means any dwelling occupied by not more
23 than 10 persons, including eight or fewer ~~physically handicapped,~~
24 ~~mentally ill, mentally retarded or other developmentally disabled~~
25 ~~handicapped~~ persons who need not be related by blood or marriage
26 and not to exceed two staff residents who need not be related by
27 blood or marriage to each other or to the ~~physically handicapped,~~
28 ~~mentally ill, mentally retarded or other developmentally disabled~~
29 ~~handicapped~~ residents of the home, which dwelling is licensed by
30 a regulatory agency of this state;

31 (2) "municipality" means any township, city or county located in
32 Kansas;

33 (3) "developmental disability" means a severe chronic dis-
34 ability of a person, which:

35 (A) is attributable to a mental or physical impairment or
36 combination of mental and physical impairments;

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

38 (C) is likely to continue indefinitely;

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

strike "handicapped"
ADD "with a disability"
strike from "physically" through "handicapped"
INSERT "with a disability"
strike from "physically" through "handicapped"



Independence, Inc.
THE LAWRENCE INDEPENDENT LIVING
RESOURCE CENTER

Ray Petty
Executive Director

1910 HASKELL • LAWRENCE, KANSAS 66046
913-841-0333

1 (E) reflects the person's need for a combination and se-
2 quence of special, interdisciplinary, or generic care, treatment
3 or other services which are of lifelong or extended duration
4 and are individually planned and coordinated; "handicap"
5 means, with respect to a person:

6 (A) A physical or mental impairment which substantially limits
7 one or more of such person's major life activities;

8 (B) a record of having such an impairment; or

9 (C) being regarded as having such an impairment. Such term
10 does not include current, illegal use of or addiction to a controlled
11 substance, as defined in section 102 of the controlled substance act
12 (21 U.S.C. 802);

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

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

17 (B) the behavioral sciences regulatory board pursuant to K.S.A.
18 75-5346 et seq. or 74-5301 et seq., and amendments thereto; or

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

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

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

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

37 (e) ~~Except as hereinafter provided,~~ No municipality shall pro-
38 hibit the location of a group home in any zone or area where single
39 family dwellings are permitted. Any zoning ordinance, resolution or
40 regulation which prohibits the location of a group home in such zone
41 or area in violation of this act or which subjects group homes to
42 regulations not applicable to other single family dwellings in the
43 same zone or area is invalid. Notwithstanding the provisions of this

"disability"

<Save a tree - no changes on p.3>

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2