

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Audrey Langworthy at  
Chairperson

9:10 a.m./~~p.m.~~ on Tuesday, February 4, 1992 in room 531-N of the Capitol.

All members were present except: Senator Gaines

Committee staff present: Theresa Kiernan, Revisor of Statutes  
Mike Heim, Legislative Research  
Elizabeth Carlson, Committee Secretary

Conferees appearing before the committee:

Janet Stubbs, Home Builders Association of Kansas  
DeWayne Lindquist, Marshall County Commissioner  
Bob Walshire, Kansas Contractors Association

Request for Introduction of bills

Janet Stubbs, Home Builders Association of Kansas, appeared to request a bill requiring a housing impact analysis prior to implementation of legislation or regulation at either the state or local levels of government. (Attachment 1.)

Senator Frahm moved to introduce the bill. The motion was seconded by Senator Montgomery. Motion carried.

Senator Montgomery requested the introduction of a bill authorizing creation of a vehicle reserve fund. These monies shall be used to acquire vehicles for the transportation of the elderly. (Attachmen 2)

Senator Webb moved the introduction of the bill. Senator Frahm seconded the motion. Motion carried.

SB 455 - concerning certain benefit districts; relating to the governing bodies thereof.

An amendment to SB 455 was presented and explained by Theresa Kiernan, Revisor of Statutes. (Attachment 3) The amendments apply only to the benefit district.

A motion was made by Senator Webb and seconded by Senator Petty to adopt the amendments to SB 455. Motion carried.

A motion was made by Senator Webb and seconded by Senator Petty to recommend SB 455 favorable for passage. Motion carried.

SB 186 - relating to county roads and bridges; requiring the filing of project cost estimates and reports.

DeWayne Lindquist, Marshall County Commissioner, spoke as an opponent to SB 186. (Attachment 4) He asked for reimbursement to the counties if this adds to the cost of the county. He also stated he has a problem with the 30 day waiting period. He said the counties would probably need a new software program and it could create quite a burden on the roads and bridges department.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,

room 531-N, Statehouse, at 9:10 a.m./~~p.m.~~ on Tuesday, February 4, 1992

Senator Montgomery read from KSA 68-520 and 68-521 which requires the counties to file the approved plans, specifications and costs in the office of the county clerk. They also must keep the costs according to generally accepted accounting principles. He stated he was afraid the counties have not been following these statutes which have been in the books for a long time.

Bob Walshire, Kansas Contractors Association, responded that the Association would be happy to work with the counties who do not have the correct procedures or software and help with the cost accounting. His association would like the opportunity to see what these costs are. He said maybe some of these jobs should be contracted out if they are not cost effective.

Senator Petty said she had contacted the city of Topeka and they do provide the kind of required information; however, Shawnee County does not. She said her inquiry was made to see if this was a burden, but the city employees said this is a management tool so they can specify what the cost will be.

Senator Frahm asked if it was his opinion that the smaller counties would have to hire a county engineer to do this. Mr. Walshire responded that the counties that he was aware of have a road superintendent who is capable of this work. Some counties share a county engineer. Only one or two projects per year would fall under this law. He stated the Kansas Contractors Association would be more than happy to work with the smaller counties who did not want to spend the money on a consultant.

Senator Lee asked what Mr. Walshire's answer was to the counties feeling this is one more task mandated by the state. He said he thinks if the counties use this tool they will find how the moneys are being spent and they would be spending tax monies in a wiser manner. Senator Lee also asked about the 30 day waiting period. She asked how he would address the problem with the freezing and thawing of the roads in Jewell county, the road have to be repaired immediately, they can't wait 30 days. Mr. Walshire stated there should be some leeway or some kind of disaster clause should be in there.

Senator Montgomery asked if as stated in KSA 68-521a, the amount is \$5,000, would he feel any opposition to raising that amount to \$10,000. Mr. Walshire stated he had no problem with that.

Senator Steineger said he believes the smaller counties would have a problem with complying with the three regulatory boards mentioned in the requirement of the generally accepted accounting principles. Senator Montgomery said we can't get the county engineers and county commissioners to follow the present law.

Bob Totten, Kansas Contractors Association, spoke to the concern about day labor. He stated his concern is when you hire day labor on a specific job, not the people who work for the county.

There was discussion of equipment rental and the cost which has to go into the project.

Mike Heim, Research Department, said right now counties have to follow generally accepted accounting principles; there is a procedure if it causes an undue burden, they can apply for a waiver. He also stated the language in the bill is parallel to what is in the statutes--KSA 75-1120a. Senator Daniels asked about a waiver if a bridge washes out. In an emergency situation, there is authority now. Theresa Kiernan, Revisor of Statutes, has a case in which it has interpreted this statute and as long as they use their own help, they don't have to worry about the dollar amount.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,  
room 531-N, Statehouse, at 9:10 a.m./~~p.m.~~ on Tuesday, February 4, 1992

Senator Webb made a motion to approve the minutes of January 28, and January 29, 1992. Motion was seconded by Senator Frahm. Motion carried.

The meeting was adjourned at 9:55 a.m.



SENATE LOCAL GOVERNMENT COMMITTEE

February 4, 1992

MADAM CHAIR AND MEMBERS OF THE SENATE LOCAL GOVERNMENT COMMITTEE:

My name is Janet Stubbs and I am appearing today on behalf of the Home Builders Association of Kansas to request introduction of legislation which will require a Housing Impact Analysis prior to implementation of legislation or regulations at either the State or Local levels of government.

Attached is a reproduction of a page of the Kansas Builder magazine's Fall 1991 issue in which I gave a brief summary of the 31 recommendations contained in "NIMBY", "Not in My Back Yard", a report by the Advisory Commission on Regulatory Barriers to Affordable Housing to President Bush and Secretary Kemp.

During this committee's discussion last week, this subject was discussed briefly and I mentioned that we were currently dealing with a regulation implemented by a state agency which added an estimated \$2,000 to a cost of a house in Salina. If we are truly concerned about providing "affordable housing" for the citizens of Kansas, we believe the legislation being requested is necessary.

In addition, you will notice that the first recommendation by the Commission is to amend the National Affordable Housing Act of 1990 to authorize HUD to condition assistance to State & Local governments based upon the barrier-removal strategies which have been implemented.

Members of the Committee, the Home Builders Associations across the United States, assisted by our National Association are working diligently to keep housing affordable for ALL citizens. We have asked support from the Finney administration and ask the assistance of the Kansas Legislature in such proposals as we are appearing on today.

Thank you for your consideration of introduction of this measure.

*Attachment 1-1  
Senate Local Govt  
February 4, 1992*

## COMMISSION RECOMMENDATIONS

The Commission proposes 31 recommendations for Federal, State, and local government and private action. These recommendations are intended to be a total package of actions and, if implemented, will provide the legislative and administrative tools for a comprehensive program directed at reducing regulatory impediments to affordable housing.

1. Congress amend the National Affordable Housing Act of 1990 to authorize HUD to condition assistance to State & local governments based upon their barrier-removal strategies.

2. States be offered the opportunity and encouragement to review and comment upon the local barrier-removal plan of the Comprehensive Housing Assistance Strategy (CHAS) mandated by the National Affordable Housing Act of 1990.

3. Congress make permanent the authority for both mortgage revenue bonds and Low Income Housing Tax Credit and that this State authority be contingent upon it having an approved barrier-removal plan in CHAS.

4. A variety of administrative and regulatory incentives be provided to States that establish and implement satisfactory barrier-removal strategies.

5. Congress enact legislation to provide States with funding assistance on a cost-sharing basis for 3 to 5 years to plan and initiate comprehensive programs of barrier removal and reform at both the State and local levels.

6. Passage of a Congressional requirement for a Housing Impact Analysis before any Federal agency promulgates any major rule or rule revision.

7. HUD and the Federal financial regulatory agencies develop means to ensure reinvestment in older urban communities and protect these communities from racial discrimination in lending and disinvestment.

8. Congress amend the Paperwork Reduction Act to clarify that it applies to all Federal paperwork requirements including the submission of paper to a government agency.

9. Congress amend the Davis-Bacon Act to: (1) raise the threshold of covered projects from the present level of \$2,000 to \$250,000, and (2) treat lower income multifamily housing as residential rather than commercial property.

10. A comprehensive assessment of existing wetlands legislation and regulations to eliminate excessive or unnecessary barriers while protecting essential wetlands resources.

11. A thorough review of both statutory and administrative provisions regarding protection of endangered species to ensure an adequate balance between protection and other essential social goals.

12. The executive branch become an active and continuing participant in seeking increased Federal and State judicial review and scrutiny of excessive and discriminatory development controls and regulations through active legal intervention, technical assistance, and participation as a friend of the court.

13. HUD initiate a cooperative program with public-interest organizations, industry groups, and State and local governments to build public support and consensus for regulatory reform.

14. HUD assume a leadership role and work with government and private-industry groups to develop consensus-based model codes and statutes for use by State and local governments.

15. HUD work with and support organizations that currently collect information on State and local regulatory developments to create a centralized, single-source database and clearinghouse for use by those interested in regulatory reform and barrier removal.

16. The Secretary of HUD establish a separate Office of Regulatory Reform funded and staffed to implement the Federal recommendations of the Report and to assist States and localities in initiating comprehensive programs of barrier removal.

17. That each State undertake an ongoing action program of regulatory barrier removal and reform at the State and local levels.

18. States should review and reform their zoning and land-planning systems to remove all institutional barriers to affordability.

19. States establish or sponsor neutral third-party conflict-resolution and mediation procedures to resolve conflicts between developers and local governments.

20. States consolidate and streamline their multiple regulatory responsibilities by giving authority to a single agency to shorten and improve both State and local approval processes.

21. States enact legislation that establishes time limits on building code, zoning, and other approvals and reviews.

22. States either enact a statewide subdivision ordinance and mandatory land-development standards or formulate a model land-development code for use by localities.

23. States continue and accelerate the progress made in the building code regulatory system and either adopt CABO or require localities to do so, adopt the latest version of the applicable model code without technical modification, review their codes to eliminate obsolete or unnecessary prescriptive requirements, and the public and private sectors work to create a building product and evaluation and approval system.

24. Establish a uniform national regulatory program for modular housing.

25. State and local governments develop and implement necessary policy and funding plans to provide and maintain adequate infrastructure in support of affordable housing and growth.

26. States enact legislation establishing mandatory standards and uniform procedures for imposing impact fees.

27. States initiate actions to end discrimination against certain types of affordable housing options.

28. Local governments undertake educational programs to help the public become aware of the economic effects of local regulations, of the need for regulatory reform and the value of affordable housing.

29. Government leaders and concerned organizations and individuals build coalitions to support regulatory reform and affordable housing.

30. Employers and other private industry leaders recognize the importance of affordable housing and work with housing advocates, local government officials, and others interested in regulatory reform to lower the barriers to affordable housing.

31. Local governments initiate a strategy of barrier removal. (The Commission specifies recommendations in the Report.)

EDITORS NOTE: This is a brief portion of this extensive report and certainly does not cover all aspects of the report. It is included to give the reader a sampling of what might be expected regarding housing legislation at every level of government in the next few years.

Attachment 1-2  
Senate Local Govt  
February 4, 1992

Don Malone

SENATE BILL NO. \_\_\_\_\_

By

AN ACT concerning counties; authorizing creation of a vehicle reserve fund.

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

Section 1. (a) The board of county commissioners of any county levying a tax pursuant to K.S.A. 12-1680, and amendments thereto, may provide, by adoption of a resolution, for a vehicle reserve fund. Moneys in such fund shall be used to acquire vehicles for the transportation of the elderly. Moneys may be budgeted and transferred to such fund from any source which may be lawfully utilized for such purposes.

(b) Moneys credited to such fund from annually budgeted transfers shall not thereafter be subject to the provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto. In making the budgets of such county, the amounts credited to, and the amount on hand in, such equipment reserve fund and the amount expended therefrom shall be shown thereon for the information of the taxpayers of such county. Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

(c) If the board of county commissioners determines that money which has been credited to such fund or any part thereof is not needed for the purposes for which so budgeted or transferred, the governing body may transfer, by adoption of a resolution, such amount not needed to the fund from which it came and such retransfer and expenditure thereof shall be subject to the budget requirement provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

attachment 2-1  
Senate Local govt  
February 4, 1992

## Proposed Amendment to Senate Bill No. 455

On page 1, by striking all following line 36;

On page 2, by striking all in lines 1 to 5, inclusive, and inserting:

"(b) (1) If the territory of a benefit district created pursuant to K.S.A. 31-301, and amendments thereto, is located partly within Osage county and partly within Lyon county, such district shall be governed by a five-member board of directors. Except as provided by paragraph (3) of this subsection, members shall be elected for four-year terms.

(2) The members of the board of directors, as it existed prior to the effective date of this act and the fire chief of the district shall appoint three persons as members of the board as follows: One person shall be a resident of the fire district and a resident of Osage county; one member shall be a resident of the fire district and a resident of the unincorporated area of Lyon county; and one member shall be a resident of the fire district and a resident of the city of Reading. Such members shall be appointed within 30 days of the effective date of this act. The terms of all members of the board, both elected and appointed, shall expire on the second Monday in January of 1993.

(3) An election shall be held in the benefit district on the Tuesday following the first Monday in November of 1992 and of each even-numbered year thereafter for the purpose of electing the members of the board. At the first such election, two members shall be elected from the district at large to serve for two-year terms. Three members shall be elected for four-year terms and of such members: One member shall be a resident of the fire district and a resident of Osage county; one member shall be a resident of the fire district and a resident of the unincorporated area of Lyon county; and one member shall be a resident of the fire district and a resident of the city of Reading. All members not filling a vacancy and not holding office for a shorter term in compliance with this paragraph shall

*Attachment 3-1  
Senate Local govt  
February 4, 1992*



hold office for a term of four years from the second Monday in January next after their election and until their successors are elected and qualified. Members of the board shall be qualified electors of the district.

Vacancies occurring during a term shall be filled for the unexpired term by appointment by the remaining members of the board.

(4) Elections to choose members of the board shall be conducted, the returns made and the results ascertained in the manner provided by the general election law. Any person desiring to be a candidate as a member of the board in any election, shall file with the county election officer of the home county wherein the district is located, by 12 o'clock noon, June 10, prior to such election, a statement directing such officer to place such person's name on the ballot as a candidate in such election indicating the position for which such person is filing. There shall be no fee imposed for such filing. The county election officer in preparing the ballots shall rotate the names of candidates for each member position in such a manner that each candidate shall be given an equitable opportunity to have such candidate's name appear first on the ballot. The county election officer shall cause to be ascertained the names of all qualified electors within the district, and shall furnish lists thereof to the judges of such election. Notice of the time and place of holding each election, signed by the county election officer, shall be given in a newspaper of general circulation in the district at least 10 days before holding the election. At all elections held under the provisions of this act, only persons who are residents of the district, and who are qualified electors under the constitution, shall be entitled to vote. In addition, if a position on the board has a special residency requirement, only persons who also meet such requirement shall be entitled to vote for that position.

(5) For the purposes of this subsection home county means Lyon county.

*Attachment 3-2  
Senate Local govt  
February 4, 1992*

(6) All moneys and records of the benefit district in possession";

Also on page 2, in line 17, by striking "statute book" and inserting "Kansas register";

Attachment 3-3  
Senate Local govt  
February 4, 1972

A Message from:

DeWAYNE LINDQUIST  
(913) 785-2618

THANKS FOR ALLOWING ME THE PRIVILEGE OF  
PRESENTING INFORMATION TO YOUR COMMITTEE TODAY.  
SPEAKING TO YOU AS MARSHALL COUNTY COMMISSIONER  
DEWAYNE LINDQUIST, I WISH TO PRESENT SOME BRIEF  
REMARKS TO YOU CONCERNING SENATE BILL 186.

I feel this bill is being promoted by the Ks  
Contractors Association, likely to prove the con-  
tracts can build cheaper than county crews. Does  
the Kansas Contractors Association wish to obtain  
this information concerning costs by local govern-  
ments when they build their own bridges or roads.  
If so let the contractors association furnish the  
computer hardware and software equipment for gathering  
such information and pay the counties for any time  
spent in collecting & posting such information.

The requirement to have such items as a 30 day  
waiting period are not proper,-----until such time  
the state pays a direct participation financially  
in a project. Until then such time passage of S.B.  
186 can only be construed as another state mandate  
without proper funding.

*Attachment 4-1  
Senate Local govt  
February 4, 1992*