

Approved April 9, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON Local Government

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

9:10 a.m./~~pm~~ on Thursday, March 26, 1992 in room 531-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

HB 2833 - Fire districts - powers of governing body

Mike Heim, Research Department, spoke about this bill describing its purpose and stated that it is clarifying what the fire districts can spend their money for and includes lists of items for which the money can be spent.

Senator Webb moved the passage of HB 2833 favorably. Senator Frahm seconded the motion. Motion carried.

HB 3149 - Industrial districts; additional tax levy for certain services

Mike Heim reviewed this bill which deals with industrial districts; there are only two in the state - in Reno and Finney Counties. They have formed another local unit of government for fire protection, sewage service and the power to levy taxes. The current mill levy is not sufficient to pay for the fire protection and they are asking to raise the mill levy. This bill is limited to Reno county.

Senator Frahm moved the passage of HB 3149 favorably. Motion seconded by Senator Ehrlich. Motion carried.

HB 2663 - Kansas Advisory Committee on intergovernmental relations

Senator Steineger asked about the fiscal note which is approximately \$275,000 to \$375,000. This would include a staff of 3 or 4 people. This bill would encourage consolidation.

Senator Frahm asked about Section 5 which includes a provision for the rules and regulations.

Theresa Kiernan, Revisor of Statutes said it was probably not necessary. Also on Page 4, line 43, the word "finance" is not necessary and should be stricken from the bill.

Senator Frahm made a motion to amend HB 2663 by striking new Section 5, striking the word "finance" on page 4, line 43, and also striking the word "counsel" on page 3, line 38. Motion seconded by Senator Lee. Motion carried.

There was a discussion of who should be appointed to the council in New Section 1.

Senator Petty made a motion to amend the bill to state that one member of the council shall be the Secretary of the Department of Administration

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

room 531-N Statehouse, at 9:10 a.m./p.m. on Thursday, March 26, 1992

or designee, the Secretary of Revenue or designee, one member shall be the President of the Senate or designee and the Speaker of the House or designee and one member shall be the minority leader of the Senate and House or their designee. Motion seconded by Senator Frahm. Motion carried.

Senator Steineger asked how often the former ACIR met and how long were the meetings? It was stated the meetings were held quarterly and were day long meetings.

Senator Burke made a motion to pass HB 2663 favorably as amended. Motion seconded by Senator Lee. Motion carried.

SB 586 - Storm shelters for mobile home parks

The discussion of SB 586 began with Senator Montgomery stating that other homes and apartments need to provide shelters, not just mobile home parks.

Senator Daniels replied there was overwhelming amount of testimony that mobile homes were the most vulnerable and this is a starting point. Senator Burke asked about the accessibility for the handicapped and what would be done by the federal government if this portion was amended out of the bill? Mike Heim stated the federal government could require the accessibility for the handicapped.

There also was discussion of amending the bill to direct emergency preparedness to survey areas for shelters for all homes and report back to the committee what was available and what the impact of this bill would be. This could also be phased in over a period of time so it would be more manageable. Some mobile home parks would have to close down if this bill was passed.

Senator Daniels moved the SB 586 be passed favorably with the amendment proposed by Senator Steineger on March 5, 1992 as on balloon. (Attachment 1)

Senator Montgomery made a substitute motion to strike the words "to assure" in the amendment and insert the word "for". Motion seconded by Senator Steineger. Motion carried.

Senator Steineger made a motion to approve the amendments on the balloon on this bill. Motion seconded by Senator Gaines. Motion carried.

A vote was taken on Senator Daniels motion to pass SB 586 favorably. Motion failed.

Senator Petty asked about HB 2849 and requested a vote on the bill. Senator Langworthy announced the committee would meet tomorrow, Friday, March 27, 1992 on HB 2849.

The meeting adjourned at 10:00 a.m.

SENATE BILL No. 586

By Senator Daniels

2-5

8 AN ACT concerning mobile home parks; relating to storm shelters.

9

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

11 Section 1. When used in this act:

12 (a) "Mobile home" means a mobile home as the term is defined
13 in K.S.A. 58-4202, and amendments thereto;

14 (b) "mobile home park" means an area in which is located 10 or
15 more mobile homes;

16 (c) "municipality" means city or county.

17 Sec. 2. (a) The governing body of each municipality, by adoption
18 of the appropriate ordinance or resolution, shall require the owner
19 of any mobile home park to provide properly ventilated and con-
20 structed storm shelters in a central or convenient location in such
21 park. Such shelters shall provide at least 18/square feet of shelter
22 space for each mobile home located in the park. Storm shelters shall
23 not be used as storage areas and shall be accessible at all times.
24 Storm shelters shall be built in accordance with the building code
25 of the municipality in which such park is located. ~~Storm shelters~~ ✓
26 ~~shall be accessible to and usable by physically handicapped persons.~~ ✓
27 If the municipality does not have a building code, the storm shelters
28 shall be built in accordance with the provisions of the uniform build-
29 ing code.

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30 (b) The square-footage requirement of subsection (a) shall not
31 apply to storm shelters constructed prior to July 1, 1992.

32 Sec. 3. (a) The governing body of each city shall be responsible
33 for the enforcement of the provisions of this act for the construction
34 or renovation of all dwelling units located within the corporate limits
35 of such city.

36 (b) The board of county commissioners of each county shall be
37 responsible for the enforcement of the provisions of this act for the
38 construction or renovation of all dwelling units located within the
39 unincorporated area of such county.

40 (c) The attorney general of the state of Kansas shall oversee the
41 enforcement of this act by the governing bodies specified in sub-
42 sections (a) and (b).

See attached - Sec. 4.

5

43 Sec. 4. The attorney general, the city, county or district attorney

Attachment 1-1
Senate Local govt
March 24, 1992

Sec. 4. (a) After consultation with the disaster agency of the municipality, the governing body may establish criteria and the procedure for obtaining a waiver from the provisions of section 2. Such criteria shall include consideration of:

(1) Storm shelters, other than storm shelters in such park, immediately available to residents of a mobile home park;

(2) the physical or other space limitations within a mobile home park which was in existence on the effective date of this act; and

(3) any other alternatives to assure the protection of the lives of the residents of a mobile home park.

(b) Any waiver granted pursuant to this section shall be subject to limitation imposed by the governing body.

Attachment 1-2
Senate Local Govt
March 26, 1992

1 or any person, agency or governing body responsible for the en-
2 forcement of the provisions of this act may apply in the name of
3 the state of Kansas to the district court for a temporary or permanent
4 injunction restraining any individual, corporation or partnership from
5 violating the provisions of this act. Such court shall have jurisdiction
6 upon hearing and for cause shown to grant such injunction. Such
7 court may require construction of a storm shelter by mandatory
8 injunction to ensure compliance with the provisions of this act.

6

9 ~~Sec. 5.~~ (a) Failure to comply with this act shall be a class C
10 misdemeanor.

11 (b) In addition to any other penalty provided by law, a penalty
12 not to exceed \$500 may be imposed for violation of the provisions
13 of this act. In the case of a continuing violation, every day such
14 violation continues shall be deemed a separate violation.

15 (c) The city, county or district attorney or the attorney general
16 shall have the power and duty to enforce the provisions of this act.

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17 ~~Sec. 6.~~ This act shall take effect and be in force from and after
18 its publication in the statute book.

Attachment 1-3
Senate Local govt
March 26, 1992