

Approved: 3.11.97  
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on March 6, 1997, in Room 521-S of the Capitol.

All members were present except:

Committee staff present: Mary Galligan, Legislative Research Department  
Mike Heim, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Representative Phyllis Gilmore  
Don Moler, General Counsel, League of Kansas Municipalities  
Jim Kaup, City of Topeka  
Representative Joe D. Humerickhouse  
Elena C. Nuss, Kansas State Fire Marshal's Office  
Tammara K. Poage, Attorney at Law

Others attending: See attached list

Chairperson Glasscock opened the Public Hearing for **HB 2400**.

**HB 2400 - An Act concerning zoning; relating to nonconforming uses; amending K.S.A. 12-758 and repealing the existing section.**

Chairperson Glasscock welcomed Representative Phyllis Gilmore who spoke as a proponent of **HB 2400**. Representative Gilmore said that she was a lead sponsor of this bill because she holds a board position on the League Against Pornography. She said that she feels this is needed legislation.

Chairperson Glasscock recognized Mr. Don Moler, General Counsel of League of Kansas Municipalities who spoke as a proponent of **HB 2400**. Mr. Moler said, "The League supports the intent of **HB 2400** to allow a governing body of a city or county to adopt reasonable regulations for the gradual elimination of sexually oriented businesses which constitute non-conforming uses." Mr. Moler suggested a friendly amendment which explicitly states that this legislation would not preempt cities or counties from gradually eliminating other uses which constitute non-conforming uses. (Attachment 1.)

Questions were asked concerning whether the nonconforming use could be changed and if it constituted a taking or if there is a body of case law that is constitutional.

Chairperson Glasscock welcomed Jim Kaup, City of Topeka, who appeared with the request for a friendly amendment to **HB 2400**. He said that the purpose of the amendment is to prevent any negative implication arising from **HB 2400** regarding the ability of a city to amortize nonconforming uses to only those nonconforming uses which meet the bill's definition of "sexually oriented businesses." The proposed amendment is on page 4, following line 11, inserting: "New Sec. 3. Nothing in this act is intended to prevent cities or counties from enforcing local laws, enacted under other legal authority, for the amortization of nonconforming uses." (Attachment 2.)

Chairperson Glasscock recognized Tammara K. Poage, Attorney at Law, who spoke in support of the amendment proposed by the City of Topeka to **HB 2400**. She also said, "Additionally, the 'or' between Sec. 2(a)(5)(A) and (B) should be changed to an 'and'." Ms. Poage did not provide written testimony at the time of the hearing, but promised to provide it when Vice Chairperson Ralph Tanner asked for it. Ms. Poage's requested testimony has been received and is included with the minutes. (Attachment 3.)

Chairperson Glasscock had to leave the meeting to have his picture taken with his four pages, so Vice Chairperson Tanner closed the Public Hearing on **HB 2400**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 6, 1997.

Vice Chairperson Tanner opened the Public Hearing on **HB 2338**.

**HB 2338 - An act concerning township fire districts relating to the reorganization thereof.**

Vice Chairperson Tanner welcomed Representative Joe D. Humerickhouse who spoke as a proponent of **HB 2338**. He said that several constituents asked him to draft the bill to reorganize a fire district and to have it comprised of a portion of two townships. This would allow the new fire district to consolidate equipment and personnel which would provide a greater variety of equipment as well as covering a larger area. (Attachment 4.)

Vice Chairperson Tanner recognized Elena C. Nuss, Kansas State Fire Marshal's Office, who spoke in support of **HB 2338** regarding the amendment of K.S.A. 1996 Supp. 80-1501 to include language that will assist the governing body of any joint fire department to more easily reorganize itself. (Attachment 5.)

Since there was no additional testimony, the Vice Chair closed the Public Hearing on **HB 2338**.

The meeting adjourned at 9:50 a.m.

The next meeting is scheduled for March 11, 1997.





League of  
Kansas  
Municipalities

Legal Department  
300 S.W. 8th  
Topeka, Kansas 66603  
Phone: (913) 354-9565/ Fax: (913) 354-4186

**LEGISLATIVE TESTIMONY**

**TO:** House Governmental Organization and Elections Committee  
**FROM:** Don Moler, General Counsel  
**RE:** Support for HB 2400  
**DATE:** March 6, 1997

First I would like to thank the Committee for allowing the League to testify today in support of HB 2400. The League supports the intent of HB 2400 to allow a governing body of a city or county to adopt reasonable regulations for the gradual elimination of sexually oriented businesses which constitute non-conforming uses. We believe that giving cities and counties this explicit authority is a step in the right direction of eliminating blight from certain areas of the community in which this type of business should not be allowed. We would like to stress, however, that we do not wish for this piece of legislation to be taken by others for the purpose of arguing that only adult or sexually oriented businesses may be gradually eliminated by city and county governing bodies.

We would suggest a friendly amendment to this legislation which would explicitly state that this legislation would not preempt cities or counties from gradually eliminating other uses which constitute non-conforming uses. It is our concern that once a specific use is enumerated which can be eliminated, that the argument would be that those not mentioned could not be eliminated. Therefore, we would suggest this amendment and continue to support the bill as written with that statement included.

Once again I would like to thank Committee for allowing us to appear today and I'll be happy to answer any questions the Committee may have.

House GO and E  
Attachment 1  
3-6-97



# CITY OF TOPEKA

City Council  
215 E. 7th Street Room 255  
Topeka, Kansas 66603  
Phone 913-~~268~~-3710

## LEGISLATIVE TESTIMONY

TO: House Committee on Governmental Organizations and Elections  
FROM: Jim Kaup, City of Topeka  
RE: **Amortization of Certain Nonconforming Uses**  
DATE: March 6, 1997

The City appears today with the request for a friendly amendment to HB 2400. The amendment is intended to prevent any negative implication arising from HB 2400 -- that the ability of a city to amortize nonconforming uses is limited by HB 2400 to only those nonconforming uses which meet the bill's definition of "sexually oriented businesses".

### LEGAL AUTHORITY TO AMORTIZE NONCONFORMING USES

**A. Generally.** Generally the constitutionality of amortization is well-established. Amortization allows a municipality to require the elimination of land uses which do not conform with adopted zoning regulations within a specified amount of time. No compensation for a "taking" of a protected property interest is due a landowner under proper amortization because the time allowed prior to mandatory termination of the use is a function of the time required to amortize the value of the property. Amortization is most successful and justifiable for nonconforming signs, junkyards, and other "nuisances" where the public interest and integrity of a zoning ordinance outweigh a landowner's property interest in continuing a nonconforming use.

**B. In Kansas.** Although not expressly authorized under the Kansas planning and zoning statutes, K.S.A. 12-741 *et seq.*, amortization of nonconforming uses was upheld by the Supreme Court of Kansas in Spurgeon v. Board of County Comm'rs (181 Kan. 1008 (1957)). In *Spurgeon*, a Shawnee County zoning regulation providing for the termination of auto wrecking businesses within two years was upheld as a reasonable exercise of the police power. Shawnee County had acted under a 1955-passed law which provided that "reasonable regulations may be adopted for the gradual elimination of nonconforming uses." That law has since been repealed. Under the current Kansas planning and zoning statutes (K.S.A. 12-758), nonconforming uses are required to be protected from the application of subsequently adopted zoning regulations, until the use is altered or the use is damaged by more than 50% of its fair market value.

Although the Kansas planning and zoning statutes no longer expressly authorize amortization of nonconforming uses, we believe cities may use their Home Rule powers to adopt amortization provisions. Further, many cases across the country have found the authority to amortize to be implied from zoning enabling acts.

### **ACTION REQUESTED**

The City of Topeka believes it has the legal authority under Home Rule to provide for the amortization of nonconforming uses. We understand that passage of HB 2400 would resolve any question as to the legal authority of cities and counties to amortize nonconforming uses with respect to the types of businesses covered by HB 2400.

As our only concern is the possibility that HB 2400 could be used in a legal argument challenging the use of Home Rule to amortize nonconforming uses which are not "sexually oriented businesses", we request the following amendment:

Section \_\_\_\_\_. Nothing in this act is intended to prevent cities or counties from enforcing local laws, enacted under other legal authority, for the amortization of nonconforming uses.

PROPOSED AMENDMENT TO HOUSE BILL NO. 2400

On page 4, following line 11, by inserting:

"New Sec. 3. Nothing in this act is intended to prevent cities or counties from enforcing local laws, enacted under other legal authority, for the amortization of nonconforming uses.";

By renumbering sections accordingly

**TAMMARA K. POAGE**  
**LOWELL D. RAMSEY**

*Attorneys at Law*

1406 SW Campbell, Topeka, KS 66604

Phone: (913) 234-9504

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March 6, 1997

Rep. Kent Glasscock  
Chair, Committee on Governmental  
Organization & Elections  
Kansas State Capitol Rm. 183-W  
Topeka, KS 66612

RE: H.B. 2400: An act concerning zoning relating to nonconforming uses.

Dear Representative Glasscock:

Enclosed please find a memorandum of law regarding H.B. 2400 which I promised to the Vice-Chair at today's hearing.

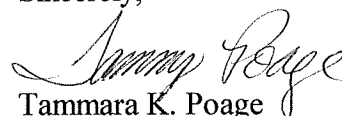
We support the amendment proposed by the City of Topeka and supported by the Kansas League of Municipalities which states:

“New Sec. 3. Nothing in this act is intended to prevent cities or counties from enforcing local laws, enacted under other legal authority, for the amortization of nonconforming uses.”

Additionally, the “or” between Sec. 2(a)(5)(A) and (B) should be changed to an “and.”

We understand there has been no opposition to this bill and hope you will do all you can to see that it is moved favorably out of committee. Please let us know if we can be of further assistance. Thank you again for your consideration of this issue.

Sincerely,

  
Tammara K. Poage

House GO and E  
Attachment 3  
3.6.97



## MEMORANDUM

TO: Rep. Kent Glasscock  
Chair, House Committee on Governmental Organization & Elections

FROM: Tammy Poage 234-9504/Lowell Ramsey 249-5500

DATE: March 6, 1997

RE: H.B. 2400: An act concerning zoning; relating to nonconforming uses

We have been working with residents in Topeka and Wichita who have been suffering from the adverse effects of "adult" (sexually oriented) businesses in their cities and counties. These problems, including declining moral standards, increased crime, downgrading of property values and general neighborhood blight, have been documented in studies done in other cities.

We have been told there is nothing that can be done because Kansas law currently provides that zoning regulations shall not apply to the existing use of any building or land. K.S.A. 12-758, K.S.A. 19-2908, K.S.A. 19-2921. Therefore, although local bodies may limit the location of new "adult" businesses, they may not apply any locational limitations to existing "adult" businesses. As a result, the existing businesses continue to operate as legal nonconforming uses in residential areas and near family-oriented businesses.

We are simply asking you to enact legislation which would enable local bodies to gradually eliminate existing sexually oriented businesses which constitute nonconforming uses.

A business has no absolute right to continue to operate *at the same location*. Thus, a majority of the states and the U.S. Constitution permit amortization clauses. See e.g., *Ambassador Books & Video v. City of Little Rock*, 20 F.3d 858 (8th Cir. 1994); Munsil, *Protecting Communities from Sexually Oriented Businesses* 106 (1996). Kansas, however, appears to be in the minority. As stated, Kansas law provides that zoning regulations shall not apply to the existing use of any building or land.

Prior to 1991, Kansas allowed reasonable regulations adopted for the gradual elimination of nonconforming uses for zoning in areas lying within three miles of a city. K.S.A. 19-2930 (Ensley 1988). In *Spurgeon v. Board of Commissioners*, 181 Kan. 1008, 317 P.2d 798 (1957), the Kansas Supreme Court upheld a zoning resolution adopted pursuant to this statute. In *Spurgeon*, the resolution declared auto wrecking yards as nonconforming uses in residential districts and required such uses to be discontinued or removed within two years from the effective date of the resolution. The court held resolutions gradually eliminating nonconforming uses are a valid exercise of the police power and do not violate the Fourteenth Amendment of the United States Constitution. The statute upon which the resolution in *Spurgeon* was based, K.S.A. 19-2930, was repealed in 1991.

Different amortization provisions covering adult and nonadult nonconforming uses have been upheld under the Equal Protection Clause. See e.g. *Schneider v. City of Ramsey*, 800 F. Supp. 815 (D. Minn. 1992), *aff'd sub nom Holmberg v. City of Ramsey*, 12 F.3d 140 (8th Cir.

1993). Given the negative secondary effects of sexually oriented businesses, the State clearly has a rational basis for treating adult uses differently. In fact, California recently enacted legislation specifically allowing local governmental entities to regulate adult businesses, in addition to allowing general zoning regulations. The portion of the statute which addresses sexually-oriented businesses states local governmental bodies may:

“(g)(1) “Regulate, pursuant to a content neutral zoning ordinance, the time, place, and manner of operation of sexually oriented businesses, when the ordinance is designed to serve a substantial governmental interest, does not unreasonably limit alternative avenues of communication, and is based on narrow, objective, and definite standards. The legislative body is entitled to rely on the experiences of other counties and cities and on the findings of court cases in establishing the reasonableness of the ordinance and its relevance to the specific problems it addresses, including the harmful secondary effects the business may have on the community and its proximity to churches, schools, residences, establishments dispensing alcohol, and other sexually oriented businesses.

“(2) For purposes of this section, a sexually oriented business is one whose primary purpose is the sale or display of matter that, because of its sexually explicit nature, may, pursuant to state law or local regulatory authority, be offered only to persons over the age of 18.” Cal. Gov’t Code S. 65850 (West 1996).

Without the adoption of H.B. 2400, families in our communities will have to continue suffering the adverse effects of existing sexually oriented businesses in their neighborhoods and near the businesses they frequent. We ask that you please let the cities and counties control where all sexually oriented businesses are located.

*v. Richland County Board of Adjustment*, 420 S.E.2d 853 (S.C. 1992), *Grand Brittain, Inc. v. City of Amarillo*, 27 F.3d 1068 (5th Cir. 1994), and *BBI Enterprises, Inc. v. City of Chicago*, 874 F.Supp. 890 (N.D. Ill. 1995) (SOBs should have checked a map before opening an establishment in violation of 1,000-foot requirement).

## 6.4 AMORTIZATION CLAUSES

One of the most important elements of any SOB zoning ordinance is the requirement that all nonconforming uses come into compliance with the locational restrictions of the ordinance within a fixed period of time. Although the ordinances in *Young* and *Renton* did not include amortization clauses and only applied to prospective SOBs, the use of amortization clauses with SOBs is almost uniformly upheld if reasonable.

A majority of states and the U.S. Constitution permit an ordinance to terminate pre-existing sexually oriented business uses which conflict with the locational or other provisions of a comprehensive SOB ordinance. Over a relatively brief period of time, all "grandfathered" SOBs are eliminated from their current locations and forced to close or move to an appropriate location. Pre-existing SOB status does not guarantee a right to continue such property use when the continuation conflicts with the terms of a new SOB ordinance. Obviously, if the intent of SOB ordinances is to protect the community from negative secondary effects, and an existing establishment is in a location that creates negative secondary effects, the community should have an opportunity to require the establishment to move.

Many of the cases discussed in the previous section regarding reasonable alternative avenues of communication involved the successful and noncontroversial use of amortization clauses. See e.g. *Woodall v. City of El Paso*, 49 F.3d 1120 (5th Cir. 1995); *Alexander v. City of Minneapolis*, 928 F.2d 278 (8th Cir. 1991). In fact, they are a standard feature of most model ordinances considered by municipalities enacting SOB regulations. They are so routinely upheld that attacks on them are becoming rare. *Holmberg v. City of Ramsey*,

12 F.3d 140 (8th Cir. 1994) (amortization clause not challenged although reasonableness of ordinance's other provisions attacked.).

Generally, when amortization clauses are challenged the arguments are based on the Fifth or Fourteenth Amendment protections of private property against takings, or under the First Amendment. In *Ambassador Books & Video v. City of Little Rock*, 20 F.3d 858, 865 (8th Cir. 1994), a federal appeals court rejected both contentions regarding a three-year amortization period:

Ambassador contends that the application of the ordinance to its existing businesses denies it due process in violation of the Fourteenth Amendment, and also violated its First Amendment rights. ... Although Ambassador is entitled to protection against arbitrary government action toward its business, it has no absolute right to continue to operate that business at the same location.

Other cases upholding various amortization periods for SOBs include: *Hart Book Stores, Inc. v. Edmisten*, 612 F.2d 821 (4th Cir. 1979) (upheld ordinance providing a six-month amortization period for pre-existing non-conforming "adult" uses); *Northend Cinema, Inc. v. City of Seattle*, 585 P.2d 1153 (1978) (upheld ordinance providing a 90-day amortization period for pre-existing non-conforming "adult" theaters); *Dumas v. City of Dallas*, 648 F.Supp. 1061, 1171 (N.D. Tex. 1986), *aff'd* 837 F.2d 1298 (5th Cir. 1988) (upheld ordinance regulating sexually oriented businesses providing a three-year amortization period for pre-existing non-conforming "adult" uses; "Such clauses ... are uniformly upheld"); *Lydo Enterprises, Inc. v. City of Las Vegas*, 745 F.2d 1211 (9th Cir. 1984) (upheld ordinance regulating sexually oriented businesses providing a five-year amortization period for pre-existing non-conforming uses); *Castner v. City of Oakland*, 129 Cal.App.3d 94, 180 Cal.Rptr. 682 (1982) (upheld ordinance regulating "adult" entertainment activity providing a one-year amortization period under which owner can apply for up to a two-year extension); *City of Vallejo v. Adult Books*, 167

Cal.App.3d 1169, 219 Cal.Rptr. 143 (1985) (upheld ordinance regulating "adult" bookstores and theaters providing a one-year amortization period under which owners could apply for an extra year if they could show extreme hardship); *Cook County v. Renaissance Arcade*, 522 N.E.2d 73 (Ill. 1988) (upheld ordinance regulating "adult" entertainment establishments providing a six month amortization period under which an additional six months is given to any business which applies); *SDJ, Inc. v. City of Houston*, 636 F.Supp. 1359 (S.D. Tex. 1986), *aff'd* 841 F.2d 107 (5th Cir. 1988) (upheld six months amortization of "adult" uses); *Town of Islip v. Caviglia*, 73 N.Y.2d 544, 540 N.E.2d 215 (1989) (upheld amortization of "adult" uses over a period of 1 $\frac{1}{4}$  to 5 $\frac{1}{4}$  years); *PA N.W. Distrib. v. Zoning Hearing Bd.*, 555 A.2d 1368 (Pa. Cmwlth. 1989) (upheld amortization of "adult" entertainment establishments in 90 days); *Function Junction, Inc. v. City of Daytona Beach*, 705 F.Supp. 544 (M.D. Fla. 1987) (upheld ordinance amortizing "adult" theaters over 10-and-a-half years); also, see Note, "Using Constitutional Zoning to Neutralize Adult Entertainment -- Detroit to New York", 5 *Fordham Urban L.J.* 455, 472-74 (1977) (advocating one-year amortization period).

The argument is sometimes made that an amortization clause cannot apply to a particular "adult" use establishment absent a showing that it, in particular, causes the types of secondary effects sought to be redressed by the statute. This contention is erroneous. There is no constitutional requirement that the legislative body produce a study or other evidence showing that the specific negative secondary effects of "adult" businesses generally apply to an "adult" use in particular. As noted previously, a council can rely on studies conducted in other cities. This is the case even if the ordinance employs an amortization requirement.

Amortization provisions contained in SOB zoning ordinances are constitutionally permissible so long as they are content neutral and satisfy the requirements of *Renton* and *Young*. They must be "reasonable" and not "arbitrary and capricious." In determining "reasonableness," the provision is scrutinized as a content-neutral provision of an overall SOB zoning ordinance. This was discussed by New York's highest court in *Town of Islip v. Caviglia*, 540 N.E.2d

215 (N.Y. 1989):

Respondents also claim that amortization applied to uses enjoying constitutional free speech protection amounts to content based regulation and, therefore, legislation regulating them must be prospective or "grandfather-in" existing uses. Since the ordinance is content neutral under both the Federal and State Constitutions, the amortization provisions rest upon the same legal foundation as such provisions generally and, on the facts presented here, are valid (see *Hart Book Stores, Inc. v. Edmisten*, 612 F.2d 821, supra [six-month period plus discretionary extensions]; see, *Dumas v. City of Dallas*, 648 F.Supp. 1061 [three-year amortization period]; *Cook County v. Renaissance Arcade*, 122 Ill.2d 123, 118 Ill.Dec. 618, 522 N.E.2d 73, supra [six-month period with extensions]; *Northend Cinema v. City of Seattle*, 585 P.2d 1153, supra [90-day period]).

*Id.* at 224. And see *Hart Book Stores, Inc. v. Edmisten*, 861 F.2d 821, 830 (4th Cir. 1979), which upheld a six-month amortization period of an "adult" use zoning ordinance as an inherent part of a content-neutral statute.

Ordinances that provide for shorter amortization periods for SOBs than for other types of nonconforming uses have survived equal protection challenges as well. *Schneider v. City of Ramsey*, 800 F.Supp. 815 (D.Minn. 1992), *aff'd sub nom Holmberg v. City of Ramsey*, 12 F.3d 140 (8th Cir. 1994).

For municipalities already suffering the negative secondary effects of SOBs, enacting an SOB zoning ordinance with an amortization period that is reasonable is an essential step toward improving the quality of life in the community.

Amortization clause  
in sample sexually  
oriented business  
ordinance.

(G) Any sexually oriented business lawfully operating on \_\_\_\_\_, 199\_\_\_\_, that is in violation of subsection A through F of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within \_\_\_\_\_ feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are nonconforming.

location  
restrictions

(H) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection B of this Section within \_\_\_\_\_ feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

### SECTION XIII. ADDITIONAL REGULATIONS FOR ADULT MOTELS.

(A) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishments has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this ordinance.

(B) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented license, he rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

JOE D. HUMERICKHOUSE  
REPRESENTATIVE, FIFTY-NINTH DISTRICT  
OSAGE AND EAST CENTRAL LYON COUNTIES  
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OSAGE CITY, KANSAS 66523  
(913) 528-3289



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
UTILITIES  
FINANCIAL INSTITUTIONS  
TRANSPORTATION

March 6, 1997

### House Committee on Governmental Organization and Elections

Mr Chairman and Members of the Committee:

I am here as a proponent of HB 2338 which I asked to have drafted at the request of several constituents.

These citizens' desire is to reorganize a fire district and have it comprised of a portion of two townships, with the goal of providing better fire protection for the area. The new fire district could consolidate equipment and personnel, and provide a greater variety of equipment as well as covering a larger area.

Thank you.

House GO and E  
Attachment B  
3.6.97



Kansas State Fire Marshal  
Suite 600; 700 S.W. Jackson  
Topeka, KS 66603-3714



Telephone: 913-296-0101  
FAX: (913)-296-0151

State Fire Marshal Gale Haag

Governor Bill Graves

*"Where Fire Safety is a way of life"*

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Testimony of Elena C. Nuss  
Kansas State Fire Marshal's Office

Before the Governmental Organization and Elections

House Bill 2338  
March 6, 1997

I would like to thank this Committee for allowing me the opportunity to testify to you today in support of House Bill 2338 regarding the amendment of K.S.A. 1996 Supp. 80-1501 to include language that will assist the governing body of any joint fire department to more easily reorganize itself.

The State Fire Marshal's Office drafted this language last year. At the time we thought we had drafted it in terms that were broad enough to allow for ease in consolidation regardless of which of the 25 different ways the fire department or fire district had been formed under. It was never the intention of this office to leave this language out, we simply hadn't considered this particular scenario. Therefore we are very supportive of the inclusion of this language. There are several departments that have begun to look at consolidation which we believe will result in a win-win situation for the citizens of Kansas and the Kansas fire service. We see consolidation as a means to provide a higher level of fire protection, to increase purchase power, training opportunities and more, all beneficial to Kansas.

The Kansas State Fire Marshal's Office supports the inclusion of this language and again, wants to thank Representative Humerickhouse and this Committee for hearing this bill.

House GO and E  
Attachment #5  
3-6-97