

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 12, 2002 in Room 245-N of the Capitol.

All members were present except: Senator Huelskamp - excused

Committee staff present: Mike Heim, Legislative Research
Dennis Hodgins, Legislative Research
Ken Wilke, Revisor of Statutes

Conferees appearing before the committee: Senator Derek Schmidt
Dale Bunn, Independence City Commissioner
Pete Daniels, Independence Public Library Director

Others attending: See attached list

Mike Heim furnished the committee, on request from February 11th, with definitions from K.S.A. 12-742 regarding manufactured homes (Attachment 1).

Hearing on SB 550 - An act creating the Independence area library district

Senator Schmidt testified the bill would allow voters to decide if the area to be taxed should increase to the size of the school district.

Dale Bunn, Independence City Commissioner, testified in support of the bill (Attachment 2).

Pete Daniels, Independence Public Library Director, testified in support of the bill. The bill would include those the library serves in paying for those services. Proposed tax increase covers Montgomery County and a very small portion of Chicago County. The bill would effect Southeast Kansas Libraries revenue by about \$30,000 (Attachment 3).

Ann Smith submitted written testimony in support of the bill (Attachment 4).

No opponents wishing to testify on **SB 550**, the hearing was closed.

Action on SB 550, SB 446, SB 468

Senator Schmidt made a motion to amend page 2, line 7 by striking "10" and replacing with "7" and two words later striking "7" and replacing with "4". Seconded by Senator Jackson, the motion carried.
Senator Schmidt made a motion to amend page 6, line 6 by striking "taxing authority levying the tax for the library board" and replaced with "city of Independence". Seconded by Senator Jackson, the motion carried.

Senator Schmidt made a motion to amend page 6, line 3 by inserting after section (b) before the period, "except 10% of the qualified voters of the taxing district shall sign the petition". Seconded by Senator Jackson, the motion carried.

Senator Schmidt made a motion to amend page 1, line 19 after 446, adding "and within Montgomery County" Seconded by Senator Brownlee, the motion carried.

Senator Schmidt made a motion to pass **SB 550** favorably as amended, seconded by Senator Jackson. The motion carried.

Senator O'Connor made a motion to pass bill **SB 446** out favorably, seconded by Senator Schmidt. The motion carried.

Senator Brownlee made a motion to amend **SB 468**, page 3, line 18 by striking "and the county election officer" and "jointly". Seconded by Senator Schmidt, the motion carried.

Senator O'Connor made a joint motion to change effective date to "register" and pass **SB 468** favorably as amended. Seconded by Senator Brownlee, the motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE at on
February 12, 2002 in Room 245-N of the Capitol.

Adjournment

The meeting was adjourned at 2:30.

The next meeting scheduled is Wednesday, February 13, 2002.

SENATE ELECTIONS AND LOCAL GOVERNMENT GUEST LIST

Date 2/12

Date BUNN Independence	
Pete Daniels, Independence	
Jacque Dakes, Independence	Library Board
Alyson Williams	Intern Senator Karin Brownlee
Helen Pedigo	Governor's Office
DUANE JOHNSON	State Library
Bill Schafer	Division of the Budget
Liberty Corry	Intern, Sen. Huelskamp
Christi Stewart	KS Motor Carriers Assoc.
Kate Heaps	Intern



Home > [Kansas Statutes](#) > Kansas Statute No. 12-742

#1

12-742

Chapter 12.--CITIES AND MUNICIPALITIES Article 7.--PLANNING AND ZONING

12-742. Same; definitions. (a) When used in this act:

(1) "Base flood" means a flood having a 1% chance of being equaled or exceeded in any one year;

(2) "floodway fringe" means those portions of a flood plain outside of the boundaries of a regulatory floodway and within stream reaches where such a floodway has been established;

(3) "flood plain" means land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of 1%;

(4) "governing body" means the governing body of a city in the case of cities and the board of county commissioners in the case of counties;

(5) "manufactured home" means a structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. § 5403;

(6) "planning commission" means a city, county, regional or metropolitan planning commission;

(7) "residential-design manufactured home" means a manufactured home on permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof and (C) siding and roofing materials which are customarily used on site-built homes;

(8) "subdivision" means the division of a lot, tract or parcel of land into two or more parts for the purpose, whether immediate or future, of sale or building development, including resubdivision;

(9) "subdivision regulations" mean the lawfully adopted subdivision ordinances of a city and the lawfully adopted subdivision resolutions of a county;

(10) "zoning" means the regulation or restriction of the location and uses of buildings

Senate Elec + Loc Gov
02-12-02
2/12/2002 11:02 AM
Attachment 1



Home > [Kansas Statutes](#) > Kansas Statute No. 58-4202

#2

58-4202

Chapter 58.--PERSONAL AND REAL PROPERTY PART 6.--MISCELLANEOUS PROVISIONS Article 42.--MANUFACTURED HOUSING

[Handwritten mark]

58-4202

58-4202. Same; definitions. As used in the Kansas manufactured housing act:

(a) "Manufactured home" means a structure which:

(1) Is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and

(2) is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. § 5403.

(b) "Mobile home" means a structure which:

(1) Is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and

(2) is not subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. § 5403.

(c) "Modular home" means a structure which is: (1) Transportable in one or more sections; (2) not constructed on a permanent chassis; (3) designed to be used as a dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and (4) certified by its manufacturer as being constructed in accordance with a nationally recognized building code.

(d) "Factory-built home" means a mobile home, manufactured home or modular home.

(e) "Division" means the division of vehicles of the department of revenue.

(f) "Director" means the director of vehicles, either acting directly or through officers or agents of the division of vehicles of the department of revenue.

(g) "Manufactured home dealer" or "dealer" means any person who, for commission, money or other thing of value, is engaged in the business of:

(1) Buying, selling or offering or attempting to negotiate a sale of an interest in manufactured homes or mobile homes; or

(2) buying, selling or offering or attempting to negotiate a sale of an interest in manufactured homes or mobile homes for other persons as an agent, middleman or negotiator; or

(3) bringing together buyers and sellers of manufactured homes or mobile homes.

(h) "New manufactured home dealer" means any manufactured home dealer who is a party to a manufactured home sales agreement with a manufactured home manufacturer, which manufactured home sales agreement authorizes the manufactured home dealer to sell, exchange or transfer new manufactured homes or parts and accessories made or sold by such manufactured home manufacturer, and obligates the manufactured home dealer to fulfill the warranty commitments of such manufactured home manufacturer.

(i) "Used manufactured home dealer" means any person actively engaged in the business of buying, selling or exchanging used manufactured homes or mobile homes.

(j) "Manufactured home manufacturer" means any person who manufactures, assembles and sells new manufactured homes to new manufactured home dealers for resale in this state.

(k) "Salesperson" means any person who is employed as a salesperson by a manufactured home dealer to sell manufactured homes or mobile homes.

(l) "Factory representative" means a representative employed by a manufactured home manufacturer for the purpose of making or promoting the sale of its new manufactured homes to new manufactured home dealers, or for advertising or contacting its new manufactured dealers with respect to the promotion and sale of manufactured homes and parts or accessories for the same.

(m) "Manufactured home sales agreement" means a contract between the manufacturer of manufactured homes and a new manufactured home dealer, by which the dealer is entitled to purchase new manufactured homes from the manufacturer for resale within this state.

(n) "Broker" means any person who, for commission, money or other thing of value, is engaged in the business of:

(1) Selling or buying manufactured homes or mobile homes for other persons as an agent, middleman or negotiator; or

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Go to 1st query term(s)

-CITE-

42 USC Sec. 5402

U.S. Code

01/23/00

#3

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 70 - MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

-HEAD-

Sec. 5402. Definitions

-STATUTE-

As used in this chapter, the term -

(1) "'manufactured home construction'" means all activities relating to the assembly and manufacture of a manufactured home including but not limited to those relating to durability, quality, and safety;

(2) "'dealer'" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale;

(3) "'defect'" includes any defect in the performance, construction, components, or material of a manufactured home that renders the home or any part thereof not fit for the ordinary use for which it was intended;

(4) "'distributor'" means any person engaged in the sale and distribution of manufactured homes for resale;

(5) "'manufacturer'" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for resale;

(6) "'manufactured home'" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or,

when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle;

(7) "'Federal manufactured home construction and safety standard'" means a reasonable standard for the construction, design, and performance of a manufactured home which meets the needs of the public including the need for quality, durability, and safety;

(8) "'manufactured home safety'" means the performance of a manufactured home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such manufactured home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur;

(9) "'imminent safety hazard'" means an imminent and unreasonable risk of death or severe personal injury;

(10) "'purchaser'" means the first person purchasing a manufactured home in good faith for purposes other than resale;

(11) "'Secretary'" means the Secretary of Housing and Urban Development;

(12) "'State'" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa; and

(13) "'United States district courts'" means the Federal

SB 550 Testimony

February 12, 2002

Witness: Dale Bunn, City Commissioner, Independence, KS
Representing Independence City Commission

The Independence City Commission appoints the members of the Independence Library Board and reviews its budget.

Inequity of financing of the Independence Library relative to the usage.

	Budget Support	Budget Share	Usage Demand	Patron Mix
City	\$ 218,500	96 %	78 %	74 %
Outside City	9,500	4 %	22 %	26 %

SB 550 is expected to adjust the budget shares to **83% City** and **17% Outside City**, without any greater tax burden for any residents (inside or outside the City of Independence).

The Independence City Commission voted 3-0 in favor of the development of SB 550.

Senate Elec + Loc Gov
02-12-02
Attachment 2

COMMITTEE TESTIMONY

DATE: 2/12/02
TO: KANSAS SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT
FROM: PETE DANIELS, LIBRARY DIRECTOR, INDEPENDENCE PUBLIC LIBRARY
RE: SB 550

I speak in support of SB 550.

The Independence Public Library serves its community with a modest span of services. Our community is broad and includes the city of Independence as well as the surrounding area. We offer library services to all who present themselves at our library desiring to be served. We do not charge anyone for any library service that we offer. Any patron may borrow from our collections, they may use our computers to access the Internet, they may use our reference collection for research, or they may bring their children to any of our story-time programs.

It may be safe to think that our users think of the Independence Public Library as *my library* without regard to their legal residence. Library records show that nearly 26% of the registered borrowers of the Independence Public Library are not residents of the area directly taxed on behalf of the Independence Public Library. Our records also show that nearly 22% of the library materials borrowed are borrowed by this group of library users who do not live within the City. Our library is the logical choice for library services for the entire area for many miles around.

SB550 addresses an equitable funding issue that confronts our public library that those who are served pay equally for those services. There are no other public libraries in the area of expansion that SB 550 allows expansion into, the Independence Public Library is the library that serves that area.

For many years the city of Independence has provided funding to our library without a mandate that those funds be used solely to provide library services only to city residents. We have provided services without discrimination on the basis of residency. But in view of the rising cost of quality library service coupled with the broader audience that avails themselves of those services I ask for your support for SB 550 and the creation of the Independence Area Public Library to allow a logical user-group tax base.

2/11/02

1

Senate Elec & Loc Gov
02-12-02
Attachment 3

2/12/02

To: Kansas Senate Committee, reference SB 550

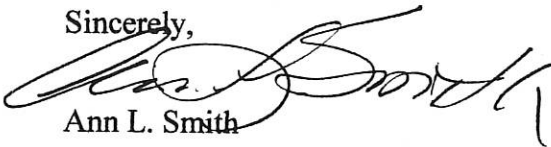
From: Ann L. Smith

My name is Ann L. Smith , and I support SB 550. It would keep the mill levy, which currently primarily supports the regional library system, in Independence to support our library. The bill would authorize the expansion of the locally distributed levy district to include the Independence school district boundaries.

I am an attorney, practicing in Montgomery County, Ks. and have lived close to Independence for 15 years. The brass doors on the old Carnegie library building were a welcoming sight to me when I moved here: I have always been a patron of this library. I've been active in the Friends of the Library organization and currently serve as president. However, my contribution to the mill levy which provides primary support for this library is minimal, because I live outside the city limits.

It seems fair to me that taxes paid by those of us who use this library, but live outside city limits, should be directed to our local facility. I believe this bill will help the citizens of this area provide more support for our library and hope it will become law.

Sincerely,



Ann L. Smith

299 W. College Ave.

Independence, Ks. 67301

Senate Elec & Loc Gov
02-12-02
Attachment 4