

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on March 14, 2006 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department  
Mike Heim, Kansas Legislative Research Department  
Ken Wilke, Revisor of Statutes  
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Representative Virginia Beamer  
Representative Mario Goico  
Jeff Hudson - Kansas State Association of Fire Chiefs  
Larry Magill - Kansas Association of Insurance Agents  
Lawrence D. Garcia - Wichita Fire Department  
Mark Tomb - League of Kansas Municipalities

Others attending:

See attached list.

**HB 2667** - Recreational commissions; removal of members.

Testimony began with Representative Virginia Beamer who spoke favorably on **HB 2667** (Attachment 1). Representative Robert Olson's written testimony was submitted in favor of **HB 2667** (Attachment 2).

Ken Wilke gave history of issue on **HB 2667** as requested by Senator Betts.

Discussion.

Hearing closed.

Ken Wilke gave summary of **HB 2676** - Restrictive covenants; wood shingles.

Representative Mario Gioco gave testimony in favor of **HB 2676** (Attachment 3).

Jeff Hudson of the Kansas State Fire Chiefs Association testified in behalf of his own views and that of his peers with the Johnson County Fire Chiefs Association all in favor of **HB 2676** (Attachment 4).

Lawrence D. Garcia, Fire Chief of the Wichita Fire Department testified in support of **HB 2676** (Attachment 5).

Larry Magill of the Kansas Association of Insurance Agents testified in favor of **HB 2676** (Attachment 6).

Discussion.

Hearing closed.

Ken Wilke gave summary of **HB 2349** - Annexation; mineral leaseholders.

Mark Tomb of the League gave testimony in opposition to **HB 2349** (Attachment 7).

Discussion.

Hearing closed.

Meeting adjourned.

Respectfully submitted,

Zoie C. Kern, Committee Secretary

## Senate Elections and Local Government Committee

Daily, 1:30 - 2:30 p.m. Room 423S

Senator Tim Huelskamp, Chair

Guest List for March 14, 2006  
Please print in **BLACK** ink.

Name	Representing
<u>Virginia B. Beaman</u>	<u>Representative</u>
<u>Derek Hein</u>	<u>Hein Law Firm</u>
<u>LARRY MAGILL</u>	<u>KS ASSN OF INS AGENTS</u>
<u>LARRY GARCIA</u>	<u>Wichita Fire Dept.</u>
<u>Pat Lehman</u>	<u>K.F.S.A.</u>
<u>Jeff Hudson</u>	<u>Kansas State Assn of Fire Chiefs</u>
<u>Ann Foltz</u>	<u>Leadership of DK County</u>
<u>Missy Traskowsky</u>	<u>Youth Leadership of DK County</u>
<u>Kristin Wood</u>	<u>Youth Leadership Dickinson County</u>
<u>MARIO Goico</u>	<u>Rep Dist 100</u>
<u>Mark Tomb</u>	<u>LKM</u>
<u>Darwyn Alderson</u>	<u>Dickinson County Leadership</u>
<u>Clayton Stubbs</u>	<u>Dickinson County Leadership</u>
<u>Sam Mullins</u>	<u>Dickinson county Leadership</u>

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

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DISTRICT ADDRESS:  
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**VIRGINIA B. BEAMER**  
118TH DISTRICT

**Testimony in Support of HB 2667  
Elections and Local Government Committee  
March 14, 2006**

Chairman Huelskamp and Members of the Committee:

The bill before you concerns Recreation Districts which are established by the city or school district. Members of the board are appointed by the governing body of the city or school board which established that recreation district. In order to fund programs of the recreation district, up to one mill may be levied in that taxing district..

Removal of members currently is by the appointing authority only. This legislative change will allow for petition and election. The petition would need to have signatures of 5% of the number of qualified voters in the taxing district who voted in the last presidential election to bring the removal of a member to a vote of the electorate.

School Boards and City Commissions have many other important matters on their plate and often do not want to be in the middle of a dispute involving recreation board members and the public. This means would alleviate some of the pressure that removal of a recreation board member would bring.

Since the recreation board is dealing with taxes levied by non-elected members of a board it is only appropriate to have removal by election as well as the appointing authority.

Thank You for the opportunity to speak to you today on this issue and I would be happy to answer questions..

Elections and Local Government  
March 14, 2006  
Attachment 1

**Robert (Rob) Olson**  
REPRESENTATIVE, 26TH DISTRICT  
19050 W. 161st St.  
Olathe, Kansas 66062  
State Capitol, 182-W  
Topeka, Kansas 66612-1504  
785-296-7632  
email: olson@house.state.ks.us



HOUSE OF  
REPRESENTATIVES

**Committee Assignments:**  
Environment  
Financial Institutions  
Transportation  
Utilities

MARCH 14, 2006

THE HONORABLE TIM HUELSKAMP, CHAIRMAN

SUBJECT: HB 2667

HOUSE BILL 2667 IS GOOD PUBLIC POLICY BECAUSE IT REINSTATES AN IMPORTANT PRINCIPLE OF DEMOCRACY; NO TAXATION WITHOUT REPRESENTATION. CURRENTLY, RECREATION DISTRICTS ARE ESTABLISHED BY CITIES OR SCHOOL DISTRICTS THROUGH APPOINTMENT. UP TO ONE MILL MAY BE LEVIED IN A GIVEN TAXING DISTRICT TO PAY FOR THE PROGRAMS OF RECREATION DISTRICT.

REMOVAL OF RECREATION DISTRICT MEMBERS IS BY THE APPOINTING AUTHORITY ONLY, EFFECTIVELY LEAVING THE TAXPAYER WITH NO RECOURSE IN THE EVENT OF IMPROPER MANAGEMENT. THIS BILL WOULD RETURN AUTHORITY TO THE PLACE IT BELONGS; IN THE VOTE OF THE PEOPLE.

A handwritten signature in black ink, appearing to read 'Robert Olson', with a stylized flourish at the end.

REP. ROBERT OLSON  
DISTRICT 26

Elections and Local Government  
March 14, 2006  
Attachment 2

STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

MARIO GOICO  
REPRESENTATIVE 100TH DISTRICT  
SEDGWICK COUNTY  
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COMMITTEE ASSIGNMENTS

MEMBER: FINANCIAL INSTITUTIONS  
GOVERNMENTAL ORGANIZATION  
AND ELECTIONS  
HEALTH AND HUMAN SERVICES  
TAXATION  
KANSAS SECURITY

TESTIMONY ON HB 2676

Before the Senate Governmental Organizations and Elections

March 14, 2006

HB 2676 allows the homeowner to utilize new heavy polymer materials available today. This technology was not available in the 1970s and 1980s when these covenants were established. These new materials answer the aesthetic test along with fire and hail resistant features that plague real wood. This bill addresses the legitimate governmental objective of protecting the lives and property of citizens.

These shingles carry a Class "A" fire rating, meaning that the polymer won't ignite easily when exposed to fire; it will only melt slightly and then char. Homeowners find that is a better option than a fast moving wood-fed fire. These material offers protection from hail which makes them very attractive to insurance companies who pay out millions annually to replace dimpled or split wood roofs. If you have a cedar shake roof, insurance companies will refuse to insure your home or they will charge an additional premium in order to do it. As a result of this extra insurance cost, many homes with wood roofs do not appreciate in value as fast as homes with the new technology material.

New homeowner associations take advantage of these new materials in their covenants and require it as a means of maintaining visual continuity, curb appeal and as a means of protecting property values. HB 2876 requires homeowner associations that have restrictive covenants to select a suitable material as an alternative if the covenants require wood shingles. Having the homeowner associations select the replacement material will ensure the protection of property values.

This bill is necessary because many covenants in the State require approval of 75% to 100% of the homeowners in order to effect a change in covenants, making it impossible to change them. An example of this difficulty is that today we have many covenants that restrict minorities from buying a home in these neighborhoods and as a result the legislature was forced to pass HB 2582 in order to clean up this illegal discrimination.

Thank you for allowing me to testify,

Representative Mario Goico,  
District

Elections and Local Government  
March 14, 2006  
Attachment 3

**House Bill 2676**  
**Testimony of Jeff Hudson**  
**Kansas State Association of Fire Chiefs**  
**And**  
**Johnson County Fire Chiefs Association**

**The Kansas State Association of Fire Chiefs (KSAFC) and the Johnson County Fire Chief's Association (JCFCA) appears today in support of Bill 2676 related to making restrictive covenants that require the use of wood shake or similar material in the roof of any building unenforceable.**

My name is Jeff Hudson, and I am the Fire Chief in the City of Shawnee Kansas. Let me begin by expressing my thanks for the opportunity to appear before you today in support of House Bill 2676. I am both honored and humbled to be asked to provide this testimony to you today on behalf of my peers, the Kansas State Association of Fire Chiefs (KSAFC), and the Johnson County Fire Chief's Association (JCFCA).

The Fire Service throughout the State of Kansas is very interested in, and believes in, this very important piece of legislation for obvious reasons. It has long been a known fact by the Kansas Fire Service, that there is a significantly increased risk to life safety and property damage from a fire involving wood roof coverings, such as wood shakes and wood shingles, than there is from less combustible alternative roof covering materials.

This is in no way to say that we believe that wood roof coverings are responsible for fires starting, or that we believe that they are ticking time bombs waiting to go off. The simple fact is that they are wood and wood burns.

I was discussing this issue the other day with a representative of a wood roof covering association here in Kansas, and I was asked if I could support my opinion on this issue with either a written study, or some other type of data. My response, when asked that question, was this. I am certain that somewhere out there that that data exists, or those studies have been authored, however, my position on this issue comes from neither any collected data, or from a formally prepared study. My steadfast position on this issue is a result of my thirty years in the fire service, responding to and fighting roof fires in the community where I live and work. My position on this issue is not unlike that of other Fire Service Professionals throughout the State of Kansas, of whom I represent today.

The Fire Chiefs from throughout the State of Kansas are not before you today, to give testimony to you, or to leave you with the impression, that we feel that wood roof products should be not be allowed. Instead, we support House Bill 2676 because, if passed, it would give the residents in our State, the people whom we protect, a choice about their own safety, the safety of their families, and the safety of the property in which they have so much invested.

The members of the KSAFC and the JCFCA believe in, and support, House Bill 2676. We truly believe that if passed, the residents and homeowners in the state of Kansas would safely benefit from the choice provided to them by this legislation.

Jeffery L. Hudson  
Kansas State Association of Fire Chiefs  
Johnson County Fire Chief's Association

Elections and Local Government  
March 14, 2006  
Attachment 4

# HOUSE BILL No. 2676

Senate Elections and Local Government Committee  
March 14, 2006

**Supporting Statement By:**  
**Fire Chief Lawrence D. Garcia,**  
**Wichita Fire Department**

Many of us at the highest level of the Fire Profession have spent an inordinate amount of time attempting to initiate the elimination of, or at least to diminish some of the traditions of our profession. This effort is made in our attempts to make a direct impact on the loss of life and property due to fires.

We lament the fact that as a major industrialized nation, we continue to suffer too many deaths and injuries as the result of fires; to say nothing at all about the tremendous economic loss of commercial and residential properties that we experience, as well.

Long ago, most of us came to the realization that there are **“NO NEW WAYS THAT FIRES START.”** However, there is an unbelievable and undeniable factor that many of us anguish over, and that is the fact that not all fire professionals are totally dedicated to the concept of **“Fire Prevention as the First Line of Defense,”** for our communities. Many fire chiefs across this nation are convinced that the passage of this, or similar legislation will help to prevent fires.

Often, as it relates to residences, **YOURS AND MY PRIVATE HOMES**, fire safety codes and/or new fire safety technologies for single-family dwellings have been ridiculed as nothing more than unnecessary, expensive, and at best, simple intrusion into what is often characterized as **“man’s castle.”** For example, within the past two decades many of us spent nearly half that time walking the halls of this capitol building in our attempts to pass legislation for a statewide statute that would require the installation of **SMOKE DETECTORS** in single-family dwellings. We knew then, and it has been proven time and time again, that: **SMOKE DETECTORS CAN AND HAVE PREVENTED THE LOSS OF LIVES CAUSED BY THE RAVAGES OF FIRE.**

We are also convinced that any restrictive covenant that **REQUIRES** the use of **Wood** or **Wood Shake Shingles** has the **UNINTENDED** potential for placing at risk, the lives and property of the citizens of the state of Kansas, due to the ravages of accidental fires.

**FOR THAT REASON, I RESPECTFULLY RECOMMEND THAT THIS COMMITTEE UNANIMOUSLY PASS HOUSE BILL No. 2676**

Kansas Association of Insurance Agents



Testimony on House Bill 2676  
Before the Committee on Elections and Local Government  
By Larry Magill  
March 14, 2006

Thank you Mr Chairman and members of the Committee for the opportunity to appear today in support of House Bill 2676. My name is Larry Magill and I am representing the Kansas Association of Insurance Agents. We have approximately 550 member agencies and branches throughout the state and our members write approximately 70% of the commercial insurance in Kansas and approximately 35% of personal insurance including homeowners coverage. Our members are independent agents free to represent many different insurance companies.

Due to recent insurance market restrictions on homeowners policies, finding coverage for wood shake shingles can be difficult and costly. Once such coverage is found, it is often associated with a ACV or "actual cash value" endorsement that reduces the cost the insurance company will pay to replace the roof in the event of wind, hail or fire damage loss according to the age of the roof. This means that often, a roof that may otherwise cost \$20,000 to replace, is covered for only a fraction of that amount. Furthermore, the insurance rate that the individual pays for their homeowners coverage is higher for a wood shake roof than it is for a comparable fire (and hail) resistant one. Some carriers limit the amount they will pay for replacement shingles to less than the cost of shake shingles forcing the homeowner to either put up an alternative material or pay the difference.

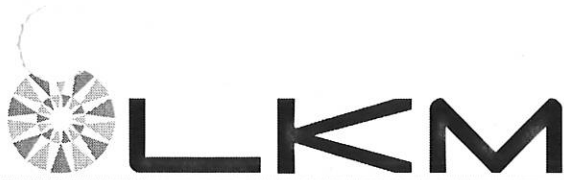
We understand that the quality of wood shingles is not what it used to be decreasing the expected life of wood shingle roofs.

We feel that HB 2676 is a reasonable alternative for homeowners associations that have wood shingle roof requirements. If the association acts, it may determine what the alternative material will be and safeguard the appearance of their neighborhood and their home investment while allowing their neighbors to buy a longer-life roofing material that is resistant to hail damage.

We urge the committee to pass the bill out favorably. We would be happy to answer questions or provide additional information.







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League of Kansas Municipalities

**To:** Senate Elections and Local Government Committee  
**From:** Mark Tomb, Intergovernmental Relations Associate  
**Re:** Opposition to HB 2349  
**Date:** March 14, 2006

First, I would like to thank the Committee for allowing the League to testify today in opposition to HB 2349. The League has several concerns about this legislation which we would like to discuss with the Committee today.

- First and foremost is the fact that we do not believe this is necessarily an issue which would require opening up the Kansas annexation laws to amendment. As Committee members are well aware, annexation continues to be one of the more controversial issues at the local level and to put even a seemingly minor amendment into K.S.A. 12-519 could open up the entire debate once again.
- Secondly, we believe that this bill may well be a solution in search of a problem. While there may have been one issue in one place concerning mineral leases and annexation, we suspect that it is not a systemic problem which extends across the State of Kansas.
- Third, we would suggest that if there are issues about the use of mineral leases within cities, which this legislation would seem to indicate, that a more appropriate approach would be to look at zoning and planning statutes as opposed to annexation statutes. Quite simply, annexation merely brings the land within the boundaries of the city while land use regulations often control the actual use therein.
- Fourth, the League would also like to note that in many jurisdictions across the state, cities zone within the three mile area around the incorporated city. As a result, it can be expected that mineral leases within that three mile area would already be subject to the zoning restrictions of the City. As a result, being notified of a proposed annexation would not be very helpful in those jurisdictions.

I will be happy to answer any questions the Committee may have concerning the opposition of the League to HB 2349.

Elections and Local Government  
March 14, 2006  
Attachment 7