

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Vice-Chairperson Kay O'Connor at 3:30 p.m. on February 10, 2000 in Room 521-S of the State Capitol.

All members were present except: Representative Carlos Mayans, excused
Representative John Toplikar, excused

Committee staff present: Michael Heim, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Office of the Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:
Representative Kent Glasscock
Representative Larry Campbell
J. Bart Budetti, Senior Assistant City Attorney, Overland Park
Larry Engler, Topeka
Toni Brouhard, Topeka
Joan and Robert Sebring, Topeka
Webb Garlinghouse, Founder, Lake Edun, Topeka
David Bitters, Mission Hills
Gloria Rhoads, Eudora
Mike and Susan Jan, Wichita
Pam Bybee, Member, Prairie Haven Nudist Camp, Lee Summit, Missouri
Mike Karstens, Lenexa
Jaun Bauer, American Association for Nude Recreation and Attorney, Midwest Sunbathing Association, Bloomington, Indiana

Others attending: See Guest List, [Attachment 1](#)

The Chair opened the hearing on **HB 2646** (Planning and zoning; amendments of zoning regulations; protest petitions) and welcomed Representative Kent Glasscock, one of the sponsors of the bill.

Representative Glasscock described the effects of the 1995 amendments to K.S.A. 1999 Supp. 12-757 which, in actuality, have taken away property owners' rights to protest zoning changes when developers purchase a large piece of property and effectively makes it impossible for property owners surrounding the proposed rezoning area to get sufficient signatures for a protest petition. He believes **HB 2646** evens the scales state-wide so the interests of everyone involved are treated equally. It retains the 1995 change for cases when cities or counties request rezoning as they are omitted from the protest calculation. (See testimony, [Attachment 2](#).)

Representative Larry Campbell (and Mayor of Olathe), supporting **HB 2646** testified that the bill is a "technical correction" measure with significant implications on the rezoning process in the way the protest area is calculated in a rezoning protest petition. The 1995 amendment may have unintentionally changed the protest area to also include the area being altered. The city of Olathe supports **2646** to restore citizens rights that existed prior to 1995. (See [Attachment 3](#).)

B. Jeff Budetti, of Overland Park, testifying in support of **HB 2646**, stated the bill's basic reason for passage is to make clear that property subject to rezoning should be excluded in the calculation for the protest petition. Mr. Budetti gave scenarios where current law could cause a protest petition to be ruled invalid, or cause it to disappear entirely. He stated the city of Overland Park interprets the law as it was before the 1995 amendments. (See testimony, [Attachment 4](#).)

Robert Fincham, representing the American Institute of Architects, included on the agenda, withdrew from testifying after listening to the testimonies mentioned above.

There being no others present to testify, the hearing on **HB 2646** was closed. The Chair announced no

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action would be taken on the bill at this time.

The Chair then opened the hearing on **SB 2626** (Nudist camps declared a common nuisance) and announced that because of the number of conferees scheduled, each would be limited to three minutes of testimony.

The following conferees testified in support of **HB 2726**, each stating the problems they have encountered as the result of Lake Edun, a naturist association located near their homes in Topeka. Complaints included loud noises and vulgar language over loud speakers from the lake, discarded trash on their properties, and nudists outside the camp's boundaries. A Shawnee County District Court judge ruled in 1999 the Lake is operating in violation of its agriculture-residential zoning; but the decision is on appeal to determine if the grandfather clause in the zoning ordinance applies. Conferees were:

- Larry Engler, see [Attachment 5](#).
- Toni Brouhard, see [Attachment 6](#).
- Joan and Robert Sebring, see [Attachment 7](#).

Some questions were asked of the proponents to determine why the bill was proposed. Mr. Engler answered that efforts to close Lake Edun failed at the county level so the District Court lawsuit was filed. Asked what the proponents wanted from the state, Mr. Engler answered new guidelines for nudism and its associated commercial activities.

Several conferees testified in opposition to the bill, including Webb Garlinghouse who owns and operates the Lake Edun Foundation (a 503(c) non-profit organization) near Topeka. He defended the activities at the Lake and described his reasons for opposing the bill. (See his testimony, [Attachment 8](#).)

Other conferees stated their opposition to the bill by briefly describing the activities of the three other Kansas nudist camps they patronize. These conferees were:

- David Bitters, see [Attachment 9](#).
- Gloria Rhoads, see [Attachment 10](#).
- Mike Jan, see [Attachment 11](#).
- Susan Jan, see [Attachment 12](#).
- Mike Karstens, see [Attachment 13](#).

Juan Bauer, representing the American Association for Nude Recreation and as the Attorney for the Midwest Sunbathing Association (from Bloomington, Indiana) presented testimony in opposition to **HB 2726**, for the reasons listed in [Attachment 14](#). He stated the previous conferees who are in opposition to the bill were "on point." He believes the committee should not get involved in local issues such as zoning, planning, and law enforcement.

Mr. Garlinghouse was asked how many generally participate in Lake Edun's annual three-day summer party. He answered about 150. He said at other times throughout the year, members have access to the Lake for small gatherings or for individual use. Mr. Jan stated the behavior protocol for the nudist camps is established by each camp; the national nudist associations do not set it. Also he noted there are three nude beaches in Kansas at Cheney Lake, El Dorado Lake, and Marion Reservoir.

There being no other conferees to testify, the hearing on **HB 2726** was closed.

The committee minutes of January 25, February 1, and February 3, 2000 were approved.

The meeting was adjourned at 5:30 p.m.

The next meeting of the committee is scheduled for February 15, 2000.