

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Representative Ray at 3:30 p.m. on February 15, 2001 in Room 519-S of the Capitol.

All members were present except: Rep. Toplikar

Committee staff present: Theresa Kiernan, Revisor
Mike Heim, Research
Kay Dick, Committee Secretary

Conferees appearing before the committee:

HB 2246	Proponent:	Representative Ward Loyd Greg Foley, Assistant Secretary of Agriculture
HB 2249	Proponent:	Jonathan Small, National Housing Council Ed Janskinia, Landlords of Kansas Assoc. Martha Smith, Kansas Manufactured Houses Sam Alpert, Exec. Dir. Heartland Apt. Assoc. Clark Lindstrom, Legislative Chair Apt. Assoc. Gary Osborne, Board Member, Kansas Apt. Assoc.
	Opponents	Larry Kleeman, League of Kansas Municipalities Judy Moler, Kansas Association of Counties

Others attending: See attached list

Chair opened the hearing on

HB 2246 - certain drainage districts; relating to the powers and duties of the governing bodies

Representative Ward Loyd appeared before the committee on behalf of county and district officials and property owners of and in Drainage District No. 1 in Finney County. He introduced three representatives from Garden City, Jerry Davis, Finney County Commissioner, Lot Taylor, engineer, Cecil O'Brate, property and business owner, both of which are located in DD #1., who were present in support of **HB 2246**. Rep. Loyd specified that DD#1 does not have the financial means to clean up the area it was originally designed to drain. He submitted written copies of testimony from Mr. Lot, Mr. O'Brate and Mr. Davis, pointing out a map of the area which was located on the back of Mr. Davis' testimony. Rep. Loyd posed the question of - "can 24-601 et seq., be amended to permit funding by annual mill levy and could this act be amended to accommodate expansion as is allowed in 24-501." (attachment #1) Rep. Loyd, answered questions asked by committee members.

Greg Foley, Assistant Secretary of Agriculture, testified in support of **HB 2246**. He pointed out that nothing in this act shall exempt the district from complying with the requirements of KSA 82a-301 et seq. And KSA 24-126. (attachment #2)

Closed the hearing on HB 2246

Hearing was opened on

HB 2158 - solid waste fees

Testimony from Rep. Freeborn in support of HB 2158, was read to the committee by Chair Ray. (attachment #3)

Chair Ray called the committees' attention to the written comments from Cloud County Commissioners Gary Fraser, Roger Nelson Richard Chartier and Cloud County Clerk, Betty Musick. (attachment #4)

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The Committees' questions were directed toward Mike Heim, Kansas Legislative Research.

Since there was no one else to be heard on this bill, Chair Ray closed the hearing on **HB 2158**

Hearing was opened on

HB 2249 - municipalities; relating to rent control

Jonathan Small, representing the National Multi Housing Council, testified in support of **HB 2249**. He said that this bill will help attract housing investment capital to our state and attract further investment in the communities. He also stated that many other states have already enacted rent control preemption statutes. Mr. Small called attention to an attached report entitled "The High Cost of Rent Control". (attachment 5 & 5A)

Ed Janskinia, Landlords of Kansas Association, testified before the committee in favor of **HB 2249**, stating this is a good bill as it stands. He had no written testimony.

Martha Smith, Executive Director, Kansas Manufactured Housing Association (KMHA), gave testimony in support of **HB 2249**. She said that most economists agree that rent control is a form of price fixing that increase housing shortages and drastically diminishes the quality of rental housing. Ms. Smith pointed out to the committee that the legal costs of rent control are also very important to consider. In summary, she said, "rent control changes the basic structure of the housing market; it shifts the responsibility of providing affordable housing to one segment of society - landlords. To provide decent affordable housing, we need an environment that encourages new capitol in the market; rent control merely chases it away." (attachment #6)

Sam Alpert, Executive Director, Heartland Apartment Association, appeared before the committee as proponent of **HB 2249**. He said that the imposition of rent controls would eventually adversely impact local and state tax rolls, as taxable assessed values decline relative to unregulated properties. Mr. Alpert indicated that rent controls preclude any opportunity for an owner to project asset management planning. (attachment #7)

Clark Lindstrom, Regional Property Manager, The Peterson Companies, testified in favor of **HB 2249**, stating the professional property owners and mangers, believe that a property owner has the right to strive for rents that will encourage investment in existing properties and new construction. (attachment #8)

Gary Osborne, Kansas Apartment Association testified in support of the legislation contained in **HB 2249**. He too, stated that the belief that rent controls would seriously curtain investment in existing properties leading to deterioration of affordable housing. (attachment # 9)

Written testimony in support of **HB 2249** from Bill Yanek, Kansas Association of Realtors, was passed out to the committee for review. (attachment #10)

The conferees in support to **HB 2249** responded to questions by the committee.

Larry Kleeman, Assistant Legal Counsel, League of Kansas Municipalities, testified in opposition to **HB 2249**. He said that this bill would totally usurp the ability of cities and other local units of government to legislate in the area of residential and commercial housing rent control. He continued with any cities in Kansas regulating in this area, municipalities should have the ability to adopt ordinances to meet the needs of the local community. "This proposed legislation is a classic example of a 'one size fits all' approach to government." (attachment #11) Mr. Kleeman answered questions from the committee.

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Judy Moler, Legislative Services Director, Kansas Association of Counties, gave testimony in opposition to the bill. She stated that KAC was not aware of any such restrictive rent control occurring in any Kansas county, and until that time, this was unnecessary legislation. (attachment #12)

Hearing was closed on HB 2249

Chair Ray established that the committee had reviewed **HB 2120** that she passed out on the floor today. She informed the committee, that she told Leadership, "in as much as the bill was somewhat confusing, it would be turned in late".

Representative Barnes acknowledged that she felt there was a problem on page 4, of the "balloon" that was passed out, In Sec. 8 (a) (1) as brought to her attention by the Trial Layers Assoc., that the word "the" should be inserted to read "under all 'the' circumstances..."

Representative Barnes made a motion to reopen **HB 2120**. Seconded by Representative Gilbert.

Discussion was opened to the committee. Mike Heim, Researcher, advised that there is no need to reopen **HB 2120** and pass another amendment. "This is only a technical issue that can be resolved, by giving Theresa, Revisor, direction by adding "the". With this information Representative Barnes withdrew the previous motion to reopen **HB 2120**.

Representative Campbell moved that the committee approve HB 2185 on final action. Seconded by Representative Storm. The bill passed out of committee unopposed.

Final action on HB 2172 - land survey concerning plats

A motion to pass out **HB 2172** was made by Representative Minor. Representative Dahl seconded the motion. Following discussion by the committee, the bill was pass by a majority. Representative Storm is recorded as a "NO" vote.

Final action on HB 2171 - enforcement of county codes and resolutions

Since this bill had three issues involved, (following conformation of a correct procedure from Mike Heim, our Researcher), Chair Ray made the announcement that the committee would discuss and vote on each piece separately.

1. "Allow expansion of the county codes court to cover all counties as opposed to just the larger ones. Counties do not have to do it." A motion to accept this potion of the bill was made by Representative Hermes and seconded by Representative Gilbert. Following discussion a vote was taken. Chair was in doubt. Hand count of 7 yea - 7 nay. Motion failed. Section 1 will be deleted

2. "Abatement of nuisance" - page 4 lines 12-15
Representative Barnes made a motion to pass this portion with an amendment of July 1, 2002 as the effective date for just Section 3 of the bill. Representative Campbell seconded. The motion was passed by a majority.

3. "Court Cost"
Representative Campbell a motion to approve increase of court costs. Representatives Hermes seconded the motion. Motion passed by a majority.

Representative Campbell made a motion to passes **HB 2171** as deleted and amended. Representative

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Barnes seconded the motion. The bill was passed out of committee by a majority.

Final action on

HB 2246 - concerning certain drainage districts

Representative Campbell moved to pass **HB 2246** out of committee favorably. Representative Peterson seconded the motion. Motion carried.

Meeting was adjourned. Next meeting scheduled for February 20, 2001.