

Corrected
SESSION OF 2009

**SUPPLEMENTAL NOTE ON HOUSE
SUBSTITUTE FOR SENATE BILL NO. 91**

As Amended by House Committee of the Whole

Brief*

Vesting of Development Rights

_____ House Sub. for SB 91 would make changes to the statute dealing with the vesting of development rights in residential developments. Specifically, the bill would:

- Allow the statute's application to single-family residential developments to include those development rights vested prior to July 1, 2009; and
- Expand the statute's application regarding the application for residential development to include single-family housing; multiple-family housing, such as apartments, duplexes, townhomes, and similar configurations; condominiums; and manufactured and modular homes. A ten-year time frame would apply, between recording the plat, and beginning construction; and substantial work would have to be completed or development rights could expire.

These provisions would apply to development rights vested after July 1, 2009.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Placement of Sexually Violent Predators

The bill would enact a provision whereby no more than eight sexually violent predators could be placed in any one county on transitional release or conditional release. The Secretary of Social and Rehabilitation Services would be required to issue an annual report to the Governor and Legislature detailing activities regarding transitional and conditional release of sexually violent predators. Such details would include the following:

- The number of such predators;
- The location of such predators;
- Information on the number of predators who have been returned to treatment at Larned State Hospital and the reasons for the return; and
- Any plans for the development of additional transitional or conditional release facilities.

Background

Testifying in favor of the bill were representatives of the Associated General Contractors of Kansas and the Home Builders Association of Greater Kansas City. A representative of the Kansas Building Industry Association presented concerns regarding the bill.

The Senate Committee on Local Government amended the bill to (a) double the time after recording the residential development plat from five to ten years and define the term “residential developments”; (b) reinsert existing statutory language allowing the governing body to provide in zoning regulations for earlier vesting of development rights; and (c) make technical changes. The amendment that was adopted represents an agreement between the parties that testified on the bill.

There was no opponent testimony to the bill.

The House Committee on Commerce and Labor initiated the substitute bill as follows:

- Differentiate single-family developments from residential developments to include several types of dwellings, including modular homes and manufactured homes;
- Reinstitute the five-year time limits for single family development rights to expire;
- Allow for a ten-year time frame for residential development rights to expire; and
- Clarify the amount of work to be completed in both categories of development would be “substantial.”

The House Committee of the Whole inserted the provisions regarding sexually violent predators.

According to the fiscal note, the passage of the original bill would have no effect on state expenditures or revenues.