

Approved Ivan Sand
Date

CORRECTED

MINUTES OF THE House COMMITTEE ON Local Government

The meeting was called to order by Representative Ivan Sand at
Chairperson

1:30 ~~am~~/p.m. on February 15, 1983 in room 521-S of the Capitol.

All members were present except:

Committee staff present:

- Theresa Kiernan, Revisor of Statutes Office
- Mike Heim, Legislative Research Department
- Jeanne Mills, Secretary to the Committee

Conferees appearing before the committee:

- Representative George Dean
- Chris McKenzie, League of Kansas Municipalities
- Representative Richard Harper
- Jack Milligan, Kansas Association of Conservation Districts
- Mark Anson, City of Overland Park, Prairie Village, Merriam, Westwood, and Lenexa
- Representative Sandy Duncan
- Kim Dewey, Sedgwick County Commission
- Emmett Dickerson, Jr., Sedgwick County Animal Care Department
- Fred Allen, Kansas Association of Counties
- Jim Schmidt, National Pet Dealers and Breeders
- Kenneth Klingenberg, Betken Kennel

Chairman Ivan Sand called the meeting to order.

HB 2210 - AN ACT concerning drainage districts; relating to the dissolution thereof.

Staff gave a brief overview of HB 2210 (See Attachment I).

Representative Dean, sponsor of HB 2210, appeared before the Committee. He said this bill provides a better method of dissolution of drainage districts than is currently provided in the statutes. Discussion followed. The sponsor also stated that consideration was given to repealing K.S.A. 24-499, 24-499a, and 24-4,100. Staff provided copies of the present statute (See Attachment II).

Representative Nichols made a conceptual motion, seconded by Representative LeRoy Fry, to amend HB 2210 in lines 20 and ³³/~~35~~ by inserting after the words "signed by," the words "a number equal to;" in line 35 following "officer," the words "within 60 days;" and in line 25 instead of the wording "a newspaper of general circulation," wording to indicate the official newspaper. Motion carried. The Chairman asked staff to supply balloon copies before final action is taken on the bill.

Chris McKenzie, League of Kansas Municipalities, appeared in support of HB 2210. He stated he preferred to have cities handle dissolution.

HB 2249 - AN ACT concerning membership of city planning commissions; amending K.S.A. 12-702 and repealing the existing section.

Staff gave a brief overview of this bill (See Attachment III).

Representative Harper, sponsor of HB 2249 by request, was present to give background and intent of the legislation. A copy of his statement is attached (See Attachment IV). The Kansas Association of Conservation Districts requested this bill. Representative Harper responded to questions from the members.

Jack Milligan, Kansas Association of Conservation Districts, appeared in support of HB 2249. A copy of his remarks is attached (See Attachment V).

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Local Government

room 521-S, Statehouse, at 1:30 ~~am~~ p.m. on February 15, 1983

Mark Anson, City of Overland Park, appeared in opposition to HB 2249.

Chris McKenzie, League of Kansas Municipalities, appeared in opposition to the bill. A copy of his statement is attached (See Attachment VI).

HB 2201 - AN ACT concerning fees for dog licenses; amending K.S.A. 19-2230 and repealing the existing section.

Staff provided copy of a brief overview (See Attachment VII).

Representative Duncan, sponsor of HB 2201, appeared to give background and intent. He stated this is a problem in Sedgwick County and it is not the intent of the bill to license dogs in kennels. Discussion followed. Staff said there is the option of repealing the statute and let the county do by home rule.

Kim Dewey, Sedgwick County Commissioners, appeared in support. He stated they prefer repealing the statute.

Emmett Dickerson, Jr., Sedgwick County, Kansas Animal Care Department, appeared in support. See Attachment VIII for a copy of his testimony.

Fred Allen, Kansas Association of Counties, appeared in support. He said that dog problems have not been at the county level. Their first choice would be to repeal the statute and second would be to amend.

Jim Schmidt, National Pet Dealers and Breeders, gave background on kennel owners. This licensure would be a hardship on breeders. He stated that the USDA does inspect and they pay personal property tax on their dogs.

Kenneth Klingenberg, kennel owner, gave additional information on kennel owners.

Chairman asked staff to do further research on repealing K.S.A. 19-2230.

Representative Nichols made the motion, with a proper second, to approve the minutes of the February 8, 1983, and February 14, 1983, meetings as printed. Motion carried.

Meeting adjourned.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE Feb 15, 1983

NAME

ADDRESS

REPRESENTING

NAME	ADDRESS	REPRESENTING
Virginia Bellering	Lancaster, Ks.	Sabaki Devereux Kennels Math. Pet Dealers + Breeders
Carolyn Byaman	Whiting, Ks.	Natl Pet Dealers + Breeders
Kenneth Klingberg	Laurance, Ks.	Bethen Kennel
David L. Smith	Bonnes, Ks.	National Pet Dealers + Breeders C + R Kennels
Donald J. Jones	Netawaka, Ks.	National Pet Dealers + Breeders Jones Kennels, Inc.
Walt Reeder	Soldier, Ks.	Natl Pet Dealers + Breeders Twilane Kennels
Ruth Jessender	Perry, Ks.	Topeka Kennel Club
Bob Jessender	Perry, Ks.	Rubob Bellet Kennel
Kenneth Kern	Topeka, Ks.	State Conservation Comm.
Connie Smith	Topeka, Ks.	
Jacq Milligan	Topeka	U.S. DSSM, Conservation Dist
Fred Allen	"	K.A.C.
MARK ANSON	OVERLAND PARK	OP, etc
Chris McKenzie	League of Ks Munic.	Topeka
Glenn D. Caswell	Topeka, Ks.	N. Topeka Drainage District
Rep. Richard Harper	R#3 Ho. Auth. Kan.	
R.G. Perry	Wichita	Sedgwick County
Emmett J. Drekerson	Wichita	Sedgwick County
Mary Fishman	Topeka	KOBS
Beck James	Topeka	observing
Janet Stubbs	Topeka	ABAR

MEMORANDUM

February 14, 1983

TO: House Local Government Chairman
FROM: Mike Heim, Kansas Legislative Research Department
RE: House Bill No. 2210

H.B. 2210 establishes a procedure whereby 25 percent of the qualified voters of a drainage district who voted at the last drainage district election may petition the board of county commissioners for dissolution of the district. A public hearing must be held on the issue. A decision by the board of county commissioners to dissolve the drainage district is subject to a 25 percent protest petition requiring a vote at the next drainage district election.

A city shall assume jurisdiction over any portion of a drainage district located within its boundaries and the county shall assume jurisdiction over any portion located in unincorporated areas. Provision is also made for payment of outstanding bonds and the transfer of moneys.

Atch. I

the board of county commissioners, describing the lands and naming the owners thereof and asking that such lands be detached from the drainage district. Upon the filing of such petition, the board of county commissioners shall fix a time and place for a public hearing on such petition and shall give notice thereof by one publication in the official county paper at least five and not more than ten days before the date fixed for such hearing.

At such hearing all persons in favor and opposed to such petition shall be given an opportunity to be heard. At or within ten days after such hearing, the board of county commissioners shall enter an order allowing or denying such petition. In the event the board shall allow such petition and order the lands detached from the drainage district, such detachment shall be effective as of the first day of March next following such order: *Provided*, That if such drainage district has outstanding any bonded indebtedness at the time such detachment of territory becomes effective, the lands so detached shall continue to be taxed for the purpose of paying such bonds and the interest thereon until the same have been retired.

History: L. 1947, ch. 244, § 1; June 30.

Research and Practice Aids:

Levees and Flood Control 7.

Hatcher's Digest, Drains & Drainage Districts §§ 7, 8, 1134.

C.J.S. Levees and Flood Control § 17.

CASE ANNOTATIONS

1. Constitutional; commissioners' order is final; no appeal to district court. *Kowing v. Douglas County Kaw Drainage Dist.*, 167 K. 387, 388, 390, 207 P.2d 457.
2. Mentioned in holding findings by county commissioners under 24-406 conclusive. *Wolf v. Second Drainage District*, 179 K. 655, 667, 298 P.2d 305; clarified on rehearing, 180 K. 312, 304 P.2d 473.

24-499. Dissolution of districts having no bonded indebtedness; petition, notice and hearing; resolution; funds, disposition; county commissioners' powers as to dormant districts. Whenever two-fifths (2/5) of the taxpayers residing within the boundaries of any drainage district organized under K.S.A. 24-401 to 25-457 and acts supplemental thereto, which district has no outstanding bonded indebtedness, shall file their written petition with the board of directors of such drainage district requesting the said board of directors of the drainage district to disorganize and dissolve said drainage district, the said board of directors,

upon finding such petition sufficient, shall within thirty (30) days designate a time and place for a public meeting of such board of directors to be held within sixty (60) days thereafter to consider such petition and shall give notice thereof to the owners of land within the drainage district by publication of a notice for two (2) weeks in the official county newspaper, the first publication to be not less than twenty-one (21) days prior to the date set for said hearing. Such board of directors shall hold said meeting and all owners of real estate situated within the drainage district and all other parties may attend and shall be heard by said board of directors as to any reasons why such drainage district should or should not be disorganized or dissolved.

After such hearing the board of directors shall have power to adopt a resolution providing that such drainage district (naming it) shall or shall not be disorganized and dissolved and shall file certified copies of such resolution with the secretary of state and the county clerk of the county wherein the drainage district is located. Upon adoption of a resolution to disorganize and dissolve such a drainage district it shall thereupon cease to exist and function except as to distribution of funds on hand, if any. If there be funds, then on hand, not in excess of one thousand dollars (\$1,000), the same shall be apportioned on basis of acreage and transferred to the general funds of the townships wherein said drainage district existed, or if in a sum of excess of one thousand dollars (\$1,000), the same shall be on basis of the assessed valuation of tangible property, real and personal, assessed in such drainage district in each township in which all or a portion of said drainage district is located, and for year in which the last general revenue levy for said district was levied and extended; and such residue funds of the drainage district shall be transferred and paid over to the township board of highway commissioners, or to the board of county commissioners if in a county where the county road unit system has been adopted. Such funds shall be received by such township board of highway commissioners, or by the county commissioners, as the case may be, and shall (1) be placed in a special fund and used by said commissioners for the purchase of rock or gravel, and for the distribution of rock or gravel to be applied by

them, upon public highways within said drainage district boundaries and within said township and county where said drainage district, or a part thereof, is located, or (2) if authorized by the drainage district board, such funds may be placed in the general fund of the township or the county, as the case may be. Where any such drainage district has become dormant and otherwise failed to elect officers and ceased to function as a drainage district, the board of county commissioners of the county wherein the drainage district, or greater area thereof, is located, shall have the same authority herein above conferred upon the board of directors of any such drainage district and shall act herein as if they were in fact the board of directors of the drainage district.

History: L. 1949, ch. 249, § 1; L. 1953, ch. 193, § 1; L. 1965, ch. 240, § 1; April 19.

Revisor's Note:

Act disorganizing certain districts, see L. 1933, ch. 182.

Research and Practice Aids:

Levees and Flood Control=6.
Hatcher's Digest, Drains & Drainage Districts §§ 7, 8, 11¾.
C.J.S. Levees and Flood Control §§ 16, 18, 19.

24-499a. Same; expenditure of funds from district without budgeting. The township board of highway commissioners, and the board of county commissioners, to which funds are transferred by a drainage district under the provisions of K.S.A. 24-499, may proceed promptly with the purchase of rock or gravel, and with the distribution of the same upon public highways within said drainage district boundaries, in said township and county, without having to comply with other provisions of statute requiring the budgeting of funds, prior to expenditure thereof.

History: L. 1965, ch. 240, § 2; April 19.

24-4,100. Dissolution of certain inoperative districts located wholly within cities; procedure. Whenever the county clerk shall petition the board of county commissioners to disorganize and dissolve a drainage district located wholly within a city in the county, and it shall appear from said petition that said drainage district has no property of any kind, the district has no officers or funds, has no outstanding indebtedness, has ceased to function for more than one (1) year and will continue to be inoper-

ative, the board of county commissioners shall, within thirty (30) days after receipt of the petition, designate a time and place for a hearing to consider the dissolution of the district, and shall give notice thereof by one (1) publication in a newspaper of general circulation in the city wherein the district is located, said publication to be not less than ten (10) days prior to the date set for the hearing.

On the date set for the hearing, the commissioners shall hear any reasons why the district should not be dissolved. After the date of the hearing, the commissioners are authorized to adopt a resolution providing that the specified drainage district shall or shall not be disorganized and dissolved. Upon the adoption of such a resolution, the commissioners shall give notice thereof by publishing the resolution adopted once in a newspaper of general circulation in the city wherein the drainage district is to be dissolved. A certified copy of such resolution with proof of publication shall be filed with the county clerk. The effective date of the dissolution shall be the date of publication in the newspaper of general circulation in the city, unless the board of county commissioners shall specify a later date.

History: L. 1961, ch. 194, § 1; June 30.

Research and Practice Aids:

Hatcher's Digest, Drains & Drainage Districts §§ 7, 8, 11¾.

Article 5.—DRAINAGE IN VALLEY OF NATURAL WATERCOURSE

24-501. Drainage district may be organized in valley of natural watercourse. For the purpose of increasing the drainage capacity of any natural watercourse by clearing it of all obstructions, excavating cutoffs, spillways and auxiliary channels, a drainage district may be organized in the valley of any natural watercourse in Kansas, in the manner hereinafter provided.

History: L. 1911, ch. 170, § 1; March 27; R.S. 1923, 24-501.

Research and Practice Aids:

Drains=4.
Hatcher's Digest, Drains & Drainage Districts §§ 1, 4, 5.
C.J.S. Drains § 4.

CASE ANNOTATIONS

1. Cited in setting out powers of district under 1905 act. *State, ex rel., v. North Topeka Drainage Dist.*, 133 K. 274, 280, 299 P. 637.

2. Exec. act held un-
v. Chicago

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election held in such district, under the provisions relating to the organization of such district.

History: L. 1931, ch. 187, § 2; Feb. 28.

24-642. Same; boundaries legalized. That the boundaries of each such drainage districts are hereby designated as the same are described in the records of any such court, or in the records of the county wherein such district was created or attempted to be created, and shall contain the territory mentioned in such records, and such territory and boundaries are hereby redesignated as the same appear upon said records, and with like effect as though the description of said property and boundaries were here severally set out at large.

History: L. 1927, ch. 199, § 2; March 21.

24-643. Same; bond issues legalized. That any and all acts of the officials of such districts in respect to the issuance of any and all unpaid bonds and interest coupons heretofore issued by any such drainage district for which such districts received value are hereby legalized, approved and validated and such unpaid bonds and coupons shall constitute the legal obligations of such drainage districts, if issued in substantial compliance with the laws relating thereto as printed in the statute book at the time of their issuance.

History: L. 1927, ch. 199, § 3; March 21.

24-644. Same; tax levies and assessments legalized. That any and all acts of such officials and of all county and state officials relating to levying taxes and assessments heretofore levied and assessed for the payment of the principal and interest on said bonds and for all other purposes necessary and incidental to the business of said drainage district if done in substantial compliance with the laws as printed in the statute book, are hereby validated and legalized; and that taxes and assessments in an amount sufficient to pay the principal and interest of said bonds now outstanding, shall be annually assessed and collected in each of said drainage districts and applied to the payment of said bonds and interest coupons, and express authority so to do is hereby delegated to the proper drainage district officials and county officials in any county wherein said drainage districts are located.

History: L. 1927, ch. 199, § 4; March 21.

24-645. Same; acts done in conformity to law legalized. That all acts and things done and performed in any district court in the state relative to the creation of said drainage districts, are hereby validated, ratified and confirmed and all acts and things heretofore done by any official, agent or employee of any such district which were performed in substantial conformity with the laws relative thereto as they appear on the statute books, are hereby validated, ratified and confirmed.

History: L. 1927, ch. 199, § 5; March 21.

24-646. Same; application of act. This act shall apply only to such drainage districts which have heretofore issued and delivered bonds, for improvements therein.

History: L. 1927, ch. 199, § 7; March 21.

24-647. Disorganization of drainage district; petition; nature of hearing; resolution; board of trustees. Whenever the owners of a majority in interest of the acres of real estate within the boundaries of any drainage district organized under K.S.A. 24-601 to 24-640 which district has not constructed a drainage system, shall file their written petition with the secretary of the board of supervisors of such drainage district asking such board to disorganize and dissolve such drainage district, the board of supervisors of drainage district, upon finding such petition sufficient, shall within 30 days designate a time and place for a public meeting of such board of supervisors to be held within sixty days thereafter to consider such petition and give notice thereof to the owners of land within the drainage district in the same manner as required for an election meeting under K.S.A. 24-606. Said board of supervisors shall hold such meeting and all owners of real estate situated within the drainage district and all other parties interested may attend and shall be heard by the board of supervisors as to any reasons why such drainage district should or should not be disorganized and dissolved. After such hearing the board of supervisors shall have power to adopt a resolution providing that said drainage district (naming it) shall or shall not be disorganized and dissolved. Which resolution shall be sufficient if in substantially the following form: "Be it resolved by the board of supervisors of drainage district No. _____ of _____ county, Kansas, that said

drainage district (naming it), (be) or (not be) disorganized and dissolved." A copy of such resolution, certified by the secretary to the board of supervisors as correct, shall be filed promptly with the secretary of state.

Upon adoption of a resolution to disorganize and dissolve such a drainage district it shall thereupon cease to exist and function as a corporation and the then board of supervisors shall become and continue a board of trustees with power to and shall conclude and finally terminate all the affairs of the drainage district. A copy of such resolution together with a statement of the names of the members of the board and the name of the secretary to such board shall be filed promptly and the names of their successors, if any, kept on file in the office of the clerk of the district court in which the decree incorporating the district was rendered, which papers together with all others pertaining thereto shall be docketed, filed and preserved by the clerk of such court under the title, "In re dissolution of drainage district No. _____ of _____ county, Kansas," (naming it).

History: L. 1929, ch. 175, § 1; May 28.

Research and Practice Aids:

Drains—16.
Hatcher's Digest, Drains & Drainage Districts §§ 7, 8, 11½, 19.

C.J.S. Drains § 9.

CASE ANNOTATIONS

1. Act held not to apply. *Atchison, T. & S. F. Rly. Co. v. Drainage Dist.*, 133 K. 586, 587. 1 P.2d 253.
2. Cited in mentioning fact board refused to disorganize district. *McCall v. Goode*, 168 K. 361, 364, 365, 212 P.2d 209.

24-648. Same; duties of trustees. The board of trustees shall function under the name "Board of trustees of drainage district No. _____ of _____ county, Kansas," and shall have power to sue and be sued. The board shall act as a unit and decide all matters by majority vote and shall elect one of their number chairman and another treasurer and each shall perform the customary duties of his office and the board shall appoint a secretary to the board and may employ attorneys, accountants, and contract for all other services and incur such other expense as they deem necessary. If vacancies occur on such board the remaining members shall apply to the judge of the court in which the district was incorporated to fill such vacancy and such judge shall appoint to such

board an owner of land in the district who signed the disorganization petition. Each member of the board of trustees shall be paid three dollars (\$3) for each meeting of the board or day's service. Each person, firm or corporation appointed, or employed by the board shall be paid by the board such amounts as agreed upon.

History: L. 1929, ch. 175, § 2; May 28.

24-649. Same; how funds secured by trustees; tax levy. In order to provide ready money with which to pay the expenses and indebtedness incurred by them, the board of trustees are authorized to borrow money, not in excess of twenty-five cents for each acre within the district and thereby bind such district to repay the same. To provide funds to repay the money borrowed, if any be borrowed, and to pay all other indebtedness incurred by the board of trustees in concluding the affairs of such drainage district, the land within such district, without regard to its value or the improvements thereon, shall be taxed in the following manner:

The board of trustees on or before August 1 of any year may certify to the board of county commissioners of any county in which said drainage district or any part thereof is situated, the amount of money such board of trustees deem it advisable to raise by taxing such land that year, together with a description of all the real estate in such county and within such drainage district, and such board of county commissioners shall levy equally upon each acre of land within such drainage district, a tax sufficient to raise the amount so certified. Such tax shall be levied and collected as other taxes and if not paid the land thus taxed may be sold as upon failure to pay other taxes. As such tax is collected, it shall be paid by the county treasurer to the treasurer of such board of trustees. The board of trustees may require their treasurer to give such bond as they deem necessary to secure the safety of such funds. The board may pay out such funds upon allowance by the board, upon the order of the treasurer countersigned by the chairman of the board.

History: L. 1929, ch. 175, § 3; May 28.

24-650. Same; notice of disorganization; filing of claims. Within sixty days after adopting the resolution to disorganize and dissolve the district, the board of trustees shall publish in a newspaper of general cir-

MEMORANDUM

February 14, 1983

TO: House Local Government Chairman
FROM: Mike Heim, Kansas Legislative Research Department
RE: House Bill No. 2249

H.B. 2249 amends K.S.A. 12-702 concerning the membership of city planning commissions to require that at least one member shall be a member of the county soil conservation district board.

The county planning board statute, K.S.A. 19-2915, permits one member to be a member of the county soil conservation district board.

Atch. III



TOPEKA

HOUSE OF
REPRESENTATIVES

February 16, 1983

ATTACHMENT IV

COMMITTEE ASSIGNMENTS

CHAIRMAN: ELECTIONS

MEMBER: JUDICIARY

TRANSPORTATION

RICHARD L. HARPER
REPRESENTATIVE, ELEVENTH DISTRICT
BOURBON, CRAWFORD, AND LINN COUNTIES
RFD NO 3
FORT SCOTT, KANSAS 66701

HB 2249 - By Request

Mr. Chairman and Members of the Committee:

You will note that HB 2249 is by request by several members of the KACD. It would require one member of the City Planning Commission be a member of the Board of Supervisors of the Conservation District.

Kansas is second in the nation in the amount of prime farmland, with 8 percent of the national total. But Kansas is losing much prime farmland around expanding population centers. Nearly 100 acres of prime farmland is being lost each day to urban and related land uses in Kansas. The amount of land best suited for producing foods, feeds, forage and fiber crops is being irreversibly lost from these uses.

The Soil Conservation Service has developed the Agricultural Lands Evaluation and Site Assessment (LESA) System which will aid interested community leaders in evaluating land for agricultural and/or development purposes prior to making land use decisions. More information on LESA is available from the Soil Conservation Service.

I am providing further information concerning this problem, and I hope that it will be of value in your deliberation in this bill.

Thank you.

Atch. IV

Prime Ag Land Facts

Prime farmlands are lands that have the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically, when managed properly. They are lands available for use as cropland, rangeland, pasture, & forest.

The value of prime farmland lies in its capacity to produce relatively more food with less erosion and with lower demands for fertilizer, energy, and other resources.

Kansas is second in the nation in the amount of prime farmland, with 8 percent of the national total. But Kansas is losing much prime farmland around expanding population centers.

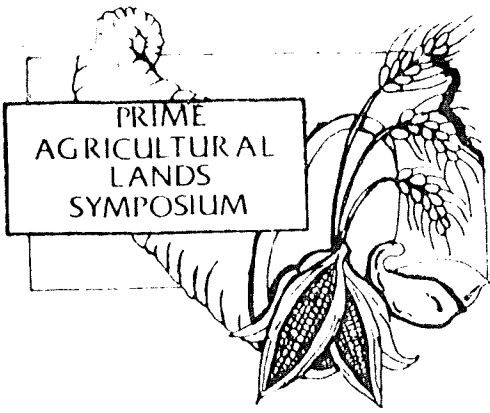
Nearly 100 acres of prime farmland is being lost each day to urban and related land uses in Kansas. The amount of land best suited for producing food, feed, forage, and fiber crops is being irreversibly lost from these uses.

Kansas had 3.1 million acres of land in urban and other nonfarm uses in 1977, according to USDA Soil Conservation Service inventories. That's a 654,000-acre increase in these land uses in 10 years; of that amount about 347,000 acres were carved out of the state's prime farmland.

Preservation of prime farmland is also important to the survival of a healthy agriculture - the backbone of the national economy.

SEP 29 1980

P.O. BOX 921
SALINA, KANSAS
67401



September 25, 1980

TO CONFER ON PRIME FARMLAND

"One of the truly serious issues of our times is the rapid loss of prime farmland across America," warns John W. Tippie, State Conservationist of the Soil Conservation Service at Salina. [REDACTED]

land is still being gobbled up by rapid growth, disturbance and waste. [REDACTED]

Even in Kansas, we are losing prime farmland at the rate of [REDACTED]

100 acres a day, or 36,000 acres a year. That's 40 [REDACTED]

[REDACTED] annual loss in agricultural productivity in

Kansas amounts to about \$2,700,000."

KANSAS RESOURCE INVENTORY SUMMARY

Nearly 100 acres of prime farmland is being lost each day to urban and related uses in Kansas. That means that the amount of land best suited for producing food, feed, forage, and fiber crops is being irreversibly lost from those uses. Kansas is second in the nation in prime farmland with nearly 8 percent of the total U.S. acreage of prime farmland.

Kansas had 3,147,000 acres in urban and other nonfarm uses in 1977, compared with 2,493,000 acres recorded in the 1967 Conservation Needs Inventory. Of the 654,000-acre increase in these land uses, 347,000 acres were carved out of the state's prime farmland.

Of the 27.3 million acres of prime farmland in the state, 17 million acres were in nonirrigated cropland and 2.5 million acres were in irrigated cropland. Thus a total of 71 percent of prime farmland is in crops. Range and pasture acreage on prime farmland totaled 7 million acres, or 26 percent of all prime farmland in the state.

There was little or no change in the total amount of cropland in the 10-year period. Cropland in 1977 made up 28.8 million acres or 55.5 percent of the 51.7 million acres of nonfederal land in the state. In 1967 the cropland acreage was measured at 56.5 percent, but a slight change of definitions makes it difficult to exactly compare 1967 and 1977 data.

The 1977 resource inventory showed 18.9 million acres of range and pasture, or 36.7 percent of all nonfederal land in the state; 0.8 million acres of forest, or 1.5 percent of the total; and 3.1 million acres in urban land and other uses, or 6.1 percent of the total.

The Soil Conservation Service estimates a loss of about half a million acres of rangeland.

Forty-eight percent of all cropland is in close-grown crops, mainly wheat; 29 percent is in row crops, such as corn; 6 percent is in hay and pasture; and 16 percent is fallow; that is, land lying idle in a crop rotation.

Eleven and a half percent of total cropland is irrigated, while 29 percent of row crops are irrigated. The report also shows that 60 percent of irrigated cropland is gravity

irrigated, while the remainder - mostly on sandy and/or sloping land - is sprinkler irrigated.

The inventory also indicates a number of resource problems in the state, the State Conservationist continued. The state, for example, has half a million acres of Class 6, 7, and 8 land that is normally not recommended for cropping which has row crops, close-grown crops, or rotation hay and pasture growing on it.

On the other hand, there are some 2 million acres of land in pasture, range, and other rural uses, or 9 percent of the land in those uses, that have a "high potential" for conversion to cropland. Another 19 percent of non-crop rural land has a "medium potential" for shifting to cropland.

The study further shows an annual total soil loss from sheet and rill erosion caused by the movement of water of 108,797,000 tons on all cropland in Kansas. The Soil Conservation Service considers an average annual soil loss of not more than five tons per acre per year as being an acceptable level of erosion.

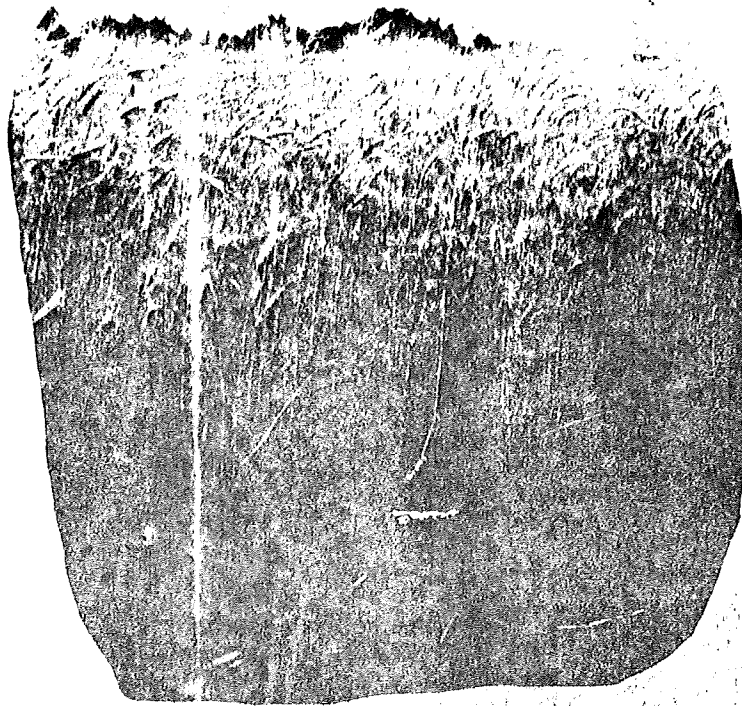
But some cropland has a much higher soil loss from water erosion. Fourteen percent of the cropland suffers an average annual soil loss of over 10 tons per acre per year. Another 22 percent of cropland has an average soil loss of 5 to 10 tons per acre per year.

In addition, another 81,760,000 tons of soil are lost each year due to wind erosion. This makes a total annual soil loss of 193,000,000 tons. That's equivalent to a loss of three inches of soil over the whole area of the state every 100 years.

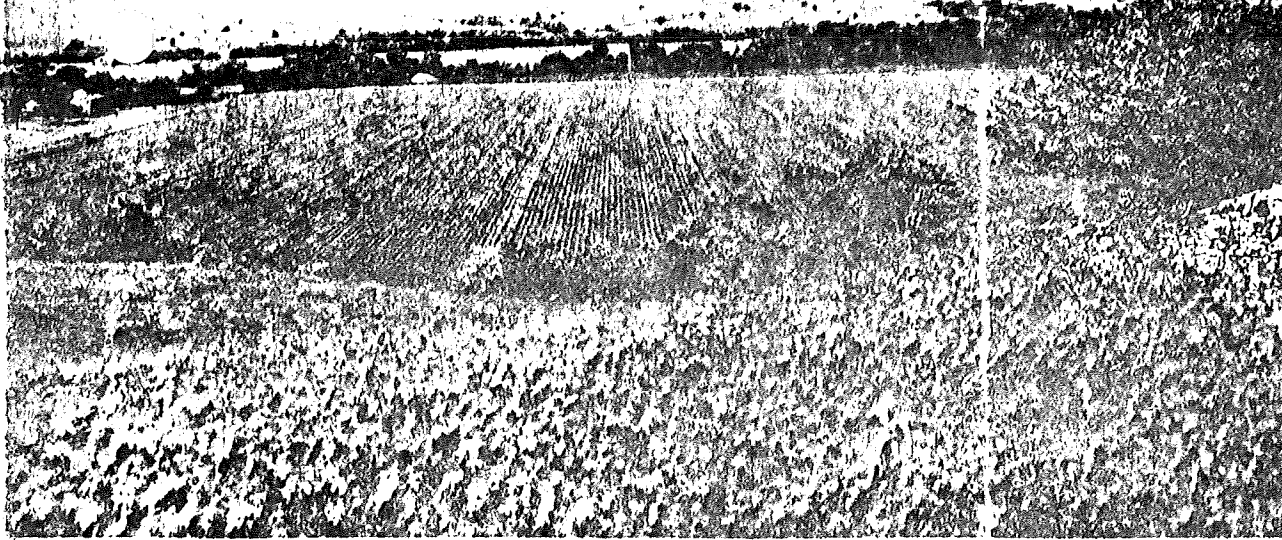
The report showed that 13.8 million acres or 54 percent of the total nonirrigated cropland needs conservation treatment, 1.6 million acres or 50 percent of irrigated cropland needs conservation treatment, 10.7 million acres or 57 percent of pasture and range, 0.2 million acres or 75 percent of grazed forest, 0.3 million acres or 65 percent of ungrazed forest, and 0.4 million acres or 37 percent of other land uses are in need of conservation work.

Some 5.5 million acres of land were identified as flood-prone. Broken down that comes to 2.8 million acres of nonirrigated cropland or 51 percent of all flood-prone land, 1.8 million acres of pasture and range or 33 percent of all flood-prone land, 0.4 million acres of forest; 0.3 million acres of irrigated cropland, and 0.2 million acres of other land were labeled as flood-prone.

**preserve
prime
farmland**



**Soil Conservation Service
US Department of Agriculture
Salina Kansas**



This bottomland field in Chase County is best suited for crop production.

WHAT IS PRIME FARMLAND?

Prime farmlands are: 1. Lands best suited for producing food, feed, forage, fiber, and oilseed crops. 2. Lands also available for these uses. Prime farmland can be cropland, pastureland, rangeland, forest land, or other land, except urban builtup land or water areas. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when managed properly.

Prime farmlands are determined by soil characteristics. In Kansas, prime farmlands are those with soils that:

- *Have rainfall or irrigation sufficient to provide adequate moisture for the commonly grown crops in seven or more years out of ten.
- *Have a range of pH favorable for growing a wide variety of crops.
- *Have no water table that interferes with crop growth.
- *Have no sodium or salinity problems.

*Are not flooded frequently during the growing season.

*Have no serious erosion hazards.

*Are sufficiently permeable that waterlogging does not occur for appreciable periods during the growing season.

*Have surface containing few rock fragments that interfere with tillage.

WHY IDENTIFY THESE LANDS?

Each American's share of land in the U.S. is slightly over 10 acres. Some of the 10 acres is desert, swamp, fertile plain, or steep mountain slopes. A part of the 10 acres produces his food; a part supports the airports and highways he uses. Each American's home occupies some of his land. Schools, hospitals, stores, churches, and factories take some of it. The cropland part of his land that feeds and clothes him and many others - about 1.75 acres - has declined in recent years, giving way to homes, factories, highways, etc. The location and extent of prime farmlands can

help local decision makers in protecting this most valuable resource.

It is essential that prime farmlands not be irreversibly converted to other uses, unless the national interest requires it. The value of prime farmland lies in its capacity to produce relatively more food with less erosion and with lower demands for fertilizer, energy, and other resources. In addition, the preservation of farmland in general provides the benefits of open space, protection of scenery, wildlife habitat, and recreation opportunities.

WHAT IS SCS DOING ABOUT IT?

The USDA Soil Conservation Service in Kansas is preparing soil surveys necessary for the identification of prime farmlands. About 42 million acres have been soil surveyed in Kansas. That's about 80 percent of the total area of the state. Soil surveys are being published or have been published for about two-thirds of the counties in Kansas. Field mapping is being concentrated in about half of the remaining counties. In addition, soil maps are prepared in other counties as they are needed by individual landowners for conservation planning.

ADDITIONAL FARMLAND

... of statewide importance

Additional important farmland is land that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops. In Kansas this includes:

*Soils in humid areas that would be prime, but have a serious erosion hazard which can be managed and treated to meet the tolerable soil loss.

*Soils in semi-arid areas that would be prime, but have an inadequate moisture supply.

*Irrigated soils that have a serious erosion hazard but can be managed to meet the tolerable soil loss.

... of local importance

In some local areas there is concern for certain additional farmlands for the production of food, feed, fiber, forage, and oilseed crops, even though these lands are not identified as having national or statewide importance. These lands are to be identified by the local agencies concerned, under leadership of the SCS district conservationist.

Among local agencies participating in these determinations are the conservation district board of supervisors, Agricultural Stabilization and Conservation Service county committees, the county extension director, county commissioners, and planning commissions.



An SCS soil scientist gathers data for a soil survey. Soil surveys are the basis for determining prime farmlands.

HOW MUCH PRIME FARMLAND?

According to the 1977 SCS erosion inventory, Kansas has 27,310,000 acres of prime farmland. This includes 2,544,000 acres of irrigated cropland, 16,971,000 acres of nonirrigated cropland, 1,850,000 acres of pastureland, 5,132,000 acres of rangeland, 317,000 acres of forest land, and 496,000 acres of other land.

Shown below are Kansas prime farmland acreages by land use and land capability class. No prime farmland of any significance is found in land classes 4C, 5, 6E, 6W, 6S, 6C, 7, and 8. Data is given in thousands of acres.

Soils in Class 1 have few limitations that restrict their use.

Soils in Class 2 have some limitations that reduce the choice of plants or require moderate conservation practices.

Soils in Class 3 have severe limitations that reduce the choice of plants or require special conservation measures, or both.

Soils in Class 4 have very severe limitations that restrict the choice of plants, require very careful management, or both.

Within the capability units are subclasses that have the same kinds of dominant limitations for agricultural use as a result of soil and climate.

Subclass E is made up of soils that are especially susceptible to erosion.

Subclass W is made up of soils where excess water is the dominant problem.

Subclass S includes soils that have limitations such as shallowness of rooting zones, low fertility, or salinity.

Subclass C is made up of soils where climate (temperature or lack of moisture) is the only major limitation in their use.

CLASS & SUBCLASS	IRRIGATED CROPLAND	NONIRRIGATED CROPLAND	PASTURELAND	RANGELAND	FOREST LAND	OTHER LAND	TOTAL
1	1,728	1,345	108	128	56	75	3,440
2E	402	5,785	497	1,359	0	124	8,167
2W	67	1,087	117	261	152	20	1,704
2S	181	1,446	80	165	8	31	1,911
2C	8	1,723	0	197	0	31	1,959
3E	109	4,301	795	2,520	76	126	7,927
3W	32	471	31	133	25	55	747
3S	0	15	0	0	0	0	15
3C	0	0	0	0	0	0	0
4E	17	784	222	362	0	34	1,419
4W	0	7	0	0	0	0	0
4S	0	7	0	7	0	0	14
TOTAL	2,544	16,971	1,850	5,132	317	496	27,310

USDA EMPHASIS

The U.S. Department of Agriculture is committed to:

- *Assist in identifying prime farmlands.

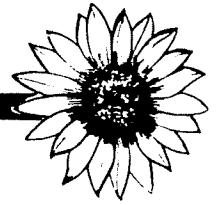
- *Help guide urban growth to preserve prime farmlands, minimize fragmenting of land holdings, provide adequate water supplies, dispose of wastes properly, and provide adequate public health, recreation, and safety services.

- *Place new emphasis on the evaluation of environmental impact statements with respect to land use changes involving prime farmland.

LOCAL DECISIONS

The decision to protect or preserve important farmlands for agricultural use is in the hands of local people. Tax incentives, land use regulation, zoning, and establishment of voluntary agricultural districts are some of the ways and means used by some states to protect prime farmlands.

Applicants for all programs and services of the U.S. Department of Agriculture are given equal consideration without regard to race, creed, color, sex, or national origin.



117 W. 10th, TOPEKA, KANSAS 66612 (913) 357-7642

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JACK MILLIGAN
117 W. 10th
Topeka, Kansas 66612
Telephone (913) 357-7642

February 15, 1983

Mr. Chairman, Members of the Committee, I am Jack Milligan, Executive Director of the Kansas Association of Conservation Districts. The KACD is a voluntary, non-profit association of supervisors of 105 Kansas Conservation Districts. The KACD's principal purpose is to assist districts advance the conservation and development of land, water and related resources of Kansas.

We appear today in support of HB 2249. The KACD believes the inclusion of a conservation district supervisor to each city planning commission would guarantee the input and expertise necessary to protect our state's agriculture lands from damaging wind and water erosion. It is interesting to note that the state of Kansas is losing approximately 100 acres of farm land each day according to the USDA Soil Conservation Service. With this ^{excessive} ~~exclusive~~ level of erosion occurring it makes sense to utilize the best conservation information available to us and the district supervisors are the individuals in and around our state's cities with such information.

Atch V

Page 2

The passage of HB 2249 would compliment legislative action taken a year ago by passing HB 2751. HB 2751 amended K.S.A. 12-702 to require the appointment of a conservation district supervisor to county planning boards.

Thank you for the opportunity to appear this afternoon. I will be happy to address any questions you might have.

Respectfully submitted,

Jack Milligan
Executive Director
Kansas Association of Conservation Districts



League of Kansas Municipalities

ATTACHMENT VI

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

TO: Members, House Local Government Committee
FROM: Chris McKenzie, Attorney/Director of Research
DATE: February 15, 1983
SUBJECT: House Bill 2249--Concerning Membership of City and
County Planning Commissions

Good afternoon Mr. Chairman and members of the Committee. I'm Chris McKenzie, Attorney and Director of Research for the League of Kansas Municipalities. I am appearing today in opposition to House Bill 2249 which would require that one member of a city planning commission appointed under K.S.A. 12-702 be a member of the board of supervisors of a conservation district located within the county in which the city is located. We have two specific reasons for opposing this measure. First, it further limits the discretion of mayors who are statutorily responsible for appointing planning commission members. As you know, K.S.A. 12-702 already limits the appointment power of city mayors by requiring that two members of the city planning commission reside outside but within three miles of the corporate limits of the city. As a matter of policy, the League feels that mayors should have full discretion in making appointment to the planning commission, one or more of whom could be members of the board of supervisors of the conservation district located within the county in which the city is located.

Our second objection is that the bill is simply impractical in counties like Sedgwick and Johnson counties in which there are more than five cities with planning commissions. In those counties, the five conservation district supervisors would be required to serve on at least three planning commissions, including those of land locked cities in Johnson County. The cities with planning commissions in those counties include:

<u>Sedgwick (16)</u>		<u>Johnson (17)</u>	
Andale	Sedgwick	DeSoto	Mission Hills
Bel Aire	Mulvane	Edgerton	Olathe
Cheney	Park City	Fairway	Overland Park
Clearwater	Valley Center	Gardner	Prairie Village
Colwich	Wichita (would	Lake Quivira	Roeland Park
Derby	not be affected	Leawood	Shawnee
Garden Plain	by this bill	Lenexa	Spring Hill
Goddard	since it has	Merriam	Westwood
Haysville	joint commis-	Mission	
Maize	sion)		
Mount Hope			

Att. VI

As you can see, in both these counties the arrangement provided for in House Bill 2249 could prove impractical simply because membership on three or more commissions would require attendance at numerous meetings, thereby increasing the chance of absenteeism.

For these reasons, the League is opposed to requiring city mayors to appoint representatives of certain groups to city bodies like the planning commission.

Thank you for your consideration of this recommendation.

CM:gs

MEMORANDUM

February 14, 1983

TO: House Local Government Chairman
FROM: Mike Heim, Kansas Legislative Research Department
RE: House Bill No. 2201

H.B. 2201 amends K.S.A. 19-2230 to raise the amount a county may collect for dog licenses from \$1.00 to \$20.00 for dogs kept outside incorporated areas.

**SEDGWICK COUNTY, KANSAS**
ANIMAL CARE DEPARTMENT**EMMETT DICKERSON, JR.**
DIRECTOR

510 N. MAIN • SUITE 502 • WICHITA, KANSAS 67203-3704 • TELEPHONE 268-7070/268-7529 or ENTERPRISE # 20391

Animal Control is an accepted part of governmental responsibility and is expected to benefit everyone in a community with maximum service and economy of costs. Responsible animal control benefits everyone in a community whether they are animal owners or not, but responsible animal control goes far beyond rounding up stray dogs. A responsible animal control program will seek not only to control stray animals, institute a rabies control program, investigate acts of cruelty to animals, maintain a licensing system, control livestock on highways and provide emergency medical care to injured or abandoned animals, but do all of these things with as little cost as possible to the taxpayer.

Taxpayers who do not own animals may complain about paying for an animal control program but just as citizens without children pay for public schools, all citizens must share the cost of maintaining animal control programs because all citizens benefit. Keeping the streets free of animal feces, solving nuisance animal problems and controlling rabies benefit everyone, just as maintaining police and fire protection benefits everyone - even though every citizen will not call on these services.

Taxpayer complaints are justified, however, when an animal control program is irresponsible to the point that the program is unnecessarily supported entirely by taxpayers. A program is funded unnecessarily by taxpayer dollars when it fails to reduce the number of taxpayer dollars needed by the amount of revenue that can fairly be generated by licensing fees. This does not mean to imply that a program can operate entirely on revenue generated by licenses, but rather that a portion of operating costs can and should be obtained through license costs.

Currently, counties in the State of Kansas can charge no more than one dollar for dog licenses. State law permits cities to charge up to twenty dollars and more per license. Sedgwick County, Kansas does not want to charge each dog owner twenty dollars per license, but would rather use twenty dollars as a maximum and reduce that amount on a sliding scale depending on whether a dog is neutered or spayed, or in or not in a fenced yard.

The current maximum allowable fee of \$1 per license doesn't cover the costs of printing licenses, envelopes, and providing postage. If all dogs in Sedgwick County were licensed, 10,000 licenses at one dollar each would not pay the wages of one animal control officer for one year. However, 10,000 dogs at \$20 per dog would provide an amount equal to the entire 1983 budget.

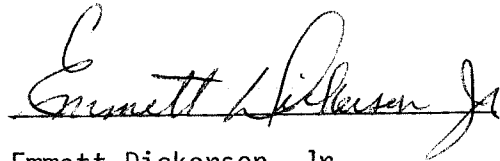
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The City of Wichita operates only within the City limits and charges up to \$20 per dog license. The Sedgwick County Animal Care Department must serve all cities of Sedgwick County except the City of Wichita and can legally charge no more than \$1 per license.

During non-duty hours, on weekends and on holidays, my Department assist police departments, pick up injured animals, remove vicious dogs from doorways, round up loose livestock, investigate acts of cruelty to animals, and remove trapped dogs from cages. These services must be paid for and it is unfair to expect the taxpayer to pay for them when in virtually all cases, it is the dog owner whose dog caused the problem.

Licensing is one of the basic elements of the community animal control program. It protects pets, identifies the owner, forces the owners to accept more responsibility for their animals, and facilitates control over rabies and other animal problems such as bites.

Licensing fees should be high enough to contribute to paying for the total animal control program. On this basis, I strongly recommend that counties in Kansas be allowed to raise their license fees from the current one dollar maximum to the same level allowed for cities.

A handwritten signature in cursive script, reading "Emmett Dickerson, Jr.", written over a horizontal line.

Emmett Dickerson, Jr.
Director

February 14, 1983

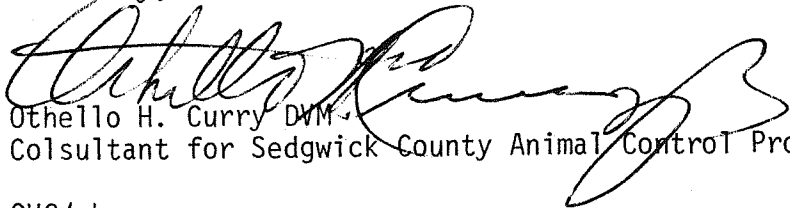
Representative Sandy Duncan
Representative, Wichita, KS

Dear Representative Duncan,

As consultant for the Sedgwick County Animal Control Programs, I heartily endorse and encourage a raising of the licensing fees for dogs in Sedgwick County. The fee should not exceed \$20.00 per animal. We have several programs that will allow a reduction in fee structure for those with multiple dogs, this will not unduly burden these owners. The current fee structure is completely out of line with all other Animal Control Programs in our area. The current fee structure is much lower than many Counties of this size and development throughout the United States.

If I can provide you with further information, please advise.

Sincerely,



Othello H. Curry DVM
Consultant for Sedgwick County Animal Control Program

OHC/mb

CRESTVIEW ANIMAL CLINIC

6011 EAST 21ST STREET
WICHITA, KANSAS 67206

R. D. ROYSE, D. V. M.

684-3721

11, February 1983

Mr. Emmett Dickerson, Jr.
Director
Animal Care Department
Sedgwick County, Kansas

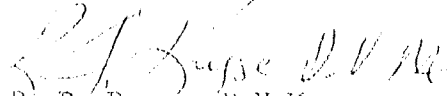
Dear Mr. Dickerson:

This is to inform you of the Animal Care Advisory Board's feelings on legislation allowing increase of licensing fees.

It is the unanimous opinion of the board that the one dollar license fee is ridiculously low. Also it is the opinion of the board that animal owners should bear some of the costs involved in maintaining a program for the owner's and the animal's benefit.

I regret that I cannot be present at the legislative hearings with you, but please convey mine and the Board's feelings on this matter.

Sincerely yours,



R. D. Royse, D.V.M.
Chairman
Animal Care Advisory Board
Sedgwick County