

Approved: 2-23-95
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Kent Glasscock at 1:40 p.m. on February 20, 1995 in Room 521-S of the Capitol.

All members were present except: Representative Gary Hayzlett - Excused
Representative Belva Ott - Excused

Committee staff present: Mike Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Representative Robert Tomlinson
Jim Kaup, City of Topeka
LaVerne D. Bartell, Kanwaka Township Trustee, Douglas
County, Kansas

Others attending: See attached list

Chairman Glasscock opened the meeting at 1:40 p.m. Minutes of the February 15, 1995, meeting were distributed. Representative Sloan moved that the minutes be approved, and Representative Powers seconded. Motion passed.

The Chairman asked Representative Tomlinson to address the repealer bills. The public hearing was opened on **HB 2485**.

HB 2485: Public building commissions; rental of building space and other facilities.

Theresa Kiernan explained that **HB 2485** provides clarification to authorize public building commissions to rent building facilities they've financed to a non-profit corporation--adds a non-profit corporation to the list.

Representative Welshimer spoke in favor saying that the more we restrict the Commission, the more we limit their income. After some discussion, Jim Kaup who was not at the meeting to testify on this bill said he did have some information that might help the Committee. His law firm was bond counsel for the city of Garden City and knew that Bob Halloran, City Manager of Garden City, had asked Representative Heinemann to draft a bill relating to both public building statutes. They wanted to construct a building through the Commission which would then be turned over to a non-profit organization which would lease out the space to social service agencies.

The Chairman said that the public hearing for **HB 2485** was closed.

Representative Powers moved that **HB 2485** be passed out of Committee and marked favorable for passage. Representative Welshimer seconded. Motion passed.

Chairman Glasscock announced that public hearing for **HB 2486** was open.

HB 2486: Roads and highways; opening and maintenance

The Chairman introduced LaVerne D. Bartell, Kanwaka Township Trustee, Douglas County, Kansas, who testified in support of the amendment to update existing law for road opening. (Attachment 1).

Since there was no other testimony, Chairman Glasscock closed the public hearing on **HB 2486**. Representative Sloan proposed an amendment on page 2, line 36, to change it to read to take effect upon publishing in the Kansas Register. Representative Powers seconded. Chairman Glasscock said that the effect

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of Representative Sloan's amendment would change the effective date of July 1 back to the time it appears in the Kansas Register. Motion passed.

Representative Sloan moved that the Committee approve **HB 2486** favorable for passage. Representative Beggs seconded. Motion passed.

Chairman Glasscock announced that the Committee would be having simultaneous hearings on the group of repealers which the subcommittee reviewed. Two of these bills, **HB 2487** and **HB 2492**, had not yet been referred to the committee due to a clerical error, but Representative Tomlinson read them.

The public hearings for the following bills were opened:

- HB 2483:** Counties; relating to certain payments to assistants
- HB 2487:** An Act concerning school district records; repealing K.S.A. 72-7801, 72-7802 and 72-7805.
- HB 2488:** Cities; refuse collection and disposal.
- HB 2489:** Cities; laying of service pipes or sewers.
- HB 2490:** Cities; sale of surplus real estate.
- HB 2491:** Cities and townships; relating to cemeteries.
- HB 2492:** An Act concerning counties; relating to county farmers' institutes; repealing K.S.A. 2-116, 2-117 and 2-118.
- HB 2493:** Counties; grasshopper control.
- HB 2494:** Cities; relating to culverts.
- HB 2495:** Airfields; relating to air markers.
- HB 2496:** Cities; relating to parking stations.
- HB 2497:** School lands; appraisal.
- HB 2498:** Bridges; duties of board of county commissioners.
- HB 2526:** Fences; repealing the shelter belt snow fence law.

Representative Tomlinson reported that all of the above-mentioned bills are a result of the Local Government Subcommittee on local governmental mandates. Representative Tomlinson thanked his Subcommittee members: Representatives Weber, Ott, Thimesch, and Toelkes, which he said was truly a cumulative effort. He said that the League of Kansas Municipalities published a notebook on Mandates which is about 1300 pages long. The Subcommittee challenged the League and the Cities and Counties and anybody else who wanted to talk to them about identifying mandates that could quickly be removed because they are no longer appropriate or needed. The bills referred to above are a result of that identification and the discussion about these mandates. He continued by saying that the Subcommittee report has already been presented and advised the Committee to refer to this report. These bills were only the ones that appeared on the first section of the original report which the Subcommittee suggested be repealed or amended, so that none of the controversial bills were included. All of the above bills were ones that the Subcommittee felt could be reasonably discussed.

HB 2483 was drafted as a repealer, and Representative Tomlinson pointed out that the year of enactment of each of these laws is printed, and most of the laws were enacted a long time ago. **HB 2483** deals with payments to assistants of county officers.

HB 2487 is a repealer, and the committee did not have a copy of this bill in their notebooks, so Representative Tomlinson explained the bill to them. He said it was a repealer concerning school district records repealing K.S.. 72-7801, 72-7802 and 72-7805. This bill was referred to Education, but they are going to return it to Local Government. The reality of this situation is that in 1968 County Superintendents of Instruction records were kept on file in their county offices. When school unification occurred in 1968-69,

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those records were to be transferred in an orderly way to the Register of Deeds. No records have been transferred since 1970 because the office of County Superintendents of Instruction no longer exists since we now have unified school districts.

HB 2488 deals with the issuance of bonds for joint refuse projects. Representative Tomlinson said that if he were going to have a joint refuse project, he would not do it this way because there are other ways that are much better.

HB 2489 deals with the laying of utility pipes. He repeated that this was an antiquated way of dealing with laying utility pipes, and the reality is that under home rule since this is just directed at cities of first and second class that the cities can do it anyway they choose.

HB 2490 concerns sale of real estate acquired for streets subject to public bid. Representative Tomlinson said that basically when someone is going to get rid of a street, it is seldom sold off anyway, and if someone were to sell a street, in his opinion they should not do it in this way. He said there are better ways of going about this and that there was no evidence that anyone has ever attempted to go about selling a street under this statute since it was put on the books in 1945.

HB 2491 deals with acquisition of establishment of cemeteries and the subcommittee recommended the amendment of this and not the repeal of the statute. The reason was not because there was anything in the original mandate that was to be saved, but because the reality is that there are some things relating to the custody of cemeteries and maintenance that should remain. The Subcommittee has stricken the offensive language and recommends the amendment of **HB 2491**.

HB 2492 was one the Committee members did not have in their books because it was referred to Agriculture, but will be returned to Local Government. The description is an act concerning counties; relating to county farmers' institutes; repealing K.S.A. 2-116, 2-117 and 2-118. It deals with counties that are asked to make appropriations annually for farmers' institutes, and in reality this was passed in 1909 and amended in 1923. Since farmers' institutes are no longer in existence, this is not needed.

HB 2493 deals with the mandate on grasshopper control, and is the only one that has caught the attention of the press. This bill was drafted in 1959 and orders counties to properly control their grasshoppers. Since counties would automatically do this if it was a problem, in reality this has more to do with telling the counties to do something that they would do anyway than it has to do with grasshoppers. The Subcommittee asked the repeal of this statute.

HB 2494 deals with paying for culverts, and Representative Tomlinson reported that it was a poor way to deal with culverts. He said there was no case law to indicate this statute has been used. The recommendation was to repeal this statute.

HB 2495 deals with air markers and Representative Tomlinson said that to his best knowledge an air marker was a way a pilot locates an airport. He stated that this statute not only requires the installation of air markers, but it also indicates that not more than \$100 can be spent. In 1941 that may have been appropriate; however, in 1995, \$100 probably would not cover this cost, so this restriction is not realistic. The Subcommittee recommended the repeal of this statute.

HB 2496 concerns issuance of bonds for off-street parking subject to referendum. Representative Tomlinson said that if someone wanted to issue bonds to build off-street parking, this statute would not be the best way to accomplish this objective. Since this statute was written in 1944, it has definitely outlived its purpose and should be repealed.

HB 2497 has to do with the appraisal of school lands. Representative Tomlinson said that since there are not many school lands being sold, and when lands are sold, this statute would not be used for appraisal because it is so complicated and difficult to understand. It was first enacted in 1915 and last enacted in 1923. The Subcommittee recommended the repeal of this statute.

HB 2498 is an act that requires counties to remove the drift ice from underneath their bridges so they are not damaged. Since counties do this anyway, Representative Tomlinson said that there is no need for this statute which was first passed in 1917 and last amended in 1923. The Subcommittee recommended repeal of this statute.

HB 2526 concerns reduction in assessed valuation for shelter belts. This statute was first passed in 1941. Representative Tomlinson said that no one is reducing the assessed valuation for shelter belts in this manner. He said that they periodically acknowledge that the growth of shelter belts, but do not necessarily put them on

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the evaluation rolls. Shelter belts are trees, hedges, etc. that are grown in order to help keep snow off of public thoroughfares. The premise is that if the property owner improves the property for the public's benefit, the value that the improvement adds should not be added to the property owner's taxes. The Subcommittee recommended repeal of this statute. (Attachment 2).

Chairman Glasscock thanked Representative Tomlinson and the Subcommittee and asked if there was anyone else who wanted to speak to these repealer bills.

Jim Kaup of the City of Topeka was recognized and said that he was not opposed to cleaning up the statute books. He also said that it may be that each of these 17 bills that affects cities should be repealed. However, one particular question that concerned him was that of home rule in Kansas and how it operates. He said that in trying to find non-uniformity, it's not the single listed K.S.A. number, but one must look at the original enactment that the particular statute was codified out of. In other words, when a law that has 30 sections in it, that's one enactment, and if one section out of 30 is non-uniform, that makes the whole bill non-uniform which would mean any city could exempt itself by charter ordinance from each and every one of the 30 statutes. He also asked the question if an analysis had been done on all the enactments of these bills, and said that his concern was whether charter ordinances of the City of Topeka had been compromised.

The Chairman announced that the public hearing on the above-mentioned repealer bills was closed. The Chairman said the Committee would wait until tomorrow to take action on these bills.

The meeting adjourned at 2:40 p.m.

The next meeting is scheduled for February 21, 1995.

House Bill 2486

Testimony in support of amendment to update existing law for road opening.

LaVerne D. Bartell, Kanwaka Township Trustee, Douglas County Kansas.

Existing road right of ways are a guaranteed asset to the land owners that insures a right of way will not have to be bought to access their properties on a standard grid system as it would be if it were abandoned. We are reducing the road to a category of minimum Maintenance for liability concerns because no travelable road exists, except where the land owner requests it abandoned. This is not a problem.

The problem is that unless a township has some type of major industry to generate funds through taxes, they will have to request a no fund warrant to build each of these roads. Because todays cost of materials, equipment and personnel run the money short each year just to maintain the existing roads. With the building and developing on the increase, the existing law leaves an opening for abuse of tax dollars, because a township can legally be required to open a road. Developing a property requires a road system and this should be funded by the sale of the properties being developed, not by the tax paying community. Thank you for your consideration

House Local Government
2-20-95
Attachment 1

BOB TOMLINSON
REPRESENTATIVE 24TH DISTRICT
STATE CAPITOL
TOPEKA, KS 66612-1504
913 296-7640
5722 BIRCH
ROELAND PARK, KS 66205
913 831-1905



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: EDUCATION
LOCAL GOVERNMENT
JOINT COMMITTEE ON PLANNING EDUCATION

TESTIMONY BEFORE HOUSE LOCAL GOVERNMENT COMMITTEE
February 20, 1995

House Bills 2483, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497 and 2498 are a result of the Local Government subcommittee on mandates.

The League of Municipalities has published a notebook on mandates found in state statutes. With the rhetoric of anti mandates all about us we challenged the league and KS Association of Counties to identify mandates that could quickly be removed. They did. These bills are the result.

You already have our committee report. I wish to remind you of the other requests within the report. With that, I'm prepared to go through each bill. Bill by bill.

House Local Government
2-20-95
Attachment 2

HB 2483 Repeal

Mandate: Payments to assistants of county officers

Description: Whenever the board of county commissioners of any county shall allow the payment of money to any county officer for the purpose of hiring a clerk or assistant, the payment of money shall be itemized, and verified vouchers presented by such clerk or assistant shall be approved by the county officer. All payments shall be made directly to the clerk or assistant, and not to the county officer in whose office such work or assistance is performed.

Applies To: All counties

Legal Basis: K.S.A. 19-235

Year of Enactment; Year of Last Amendment: 1905; 1923

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and 25-4302); for members of the board of county commissioners, misdemeanor with fine of \$50 to \$1,000 and imprisonment of thirty days to one year (see K.S.A. 19-233) or recall (see K.S.A. 60-1205 and 25-4302)

Mandate Type: Governance

Subject Area: General government

Office/Official Affected: Board of county commissioners

HB 2487 Repeal

Mandate: Disposition of records and property of county superintendents of public instruction

Description: The board of county commissioners shall on or before July 1, 1969, place all of the records and property in offices of county superintendents of public instruction under the control of the register of deeds of the county for care, preservation, or further disposition or destruction. The board of county commissioners shall order such control and change at any time the office of county superintendent of public instruction is vacated.

Applies To: All counties

Legal Basis: K.S.A. 72-7801

Year of Enactment; Year of Last Amendment: 1968; None

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and 25-4302); for members of the board of county commissioners, misdemeanor with fine of \$50 to \$1,000 and imprisonment of thirty days to one year (see K.S.A. 19-233)

Mandate Type: Governance

Subject Area: General government

Office/Official Affected: Board of county commissioners

HB 2488 Repeal

Mandate: Issuance of bonds for joint refuse collections subject to joint referenda

Description: Any city governing body acting jointly with another city for the purpose of refuse collection and disposal shall have the power to accept by gift or to purchase or to condemn real property within any city or without the cities; however, if purchased, the real property shall be taken in the names of the contracting cities. In case of condemnation, the city in which the real property lies or the city nearest the greater area of the real property to be condemned shall condemn the real property, and such property shall be held in trust by such city for the benefit of the contracting cities, and the contracting cities shall bear the expense of condemnation according to the agreement by the governing bodies. When such property shall no longer be used for refuse disposal purposes, it shall be sold by the city in whose name it is held, and the proceeds shall be distributed to the contracting cities as their interest shall appear. When it has been determined that real property should be acquired, improvements should be made, or equipment should be purchased, or for any two or more such purposes and that bonds should be issued therefor, the governing body of each city shall, if it is of the opinion that its city should proceed, pass an ordinance reciting the proposal and calling an election, in accordance with general bond elections, to vote on the amount of bonds specified for such city. All proceeds of tax levies, service charges, sales, and proceeds of bonds issues shall be placed in the treasury of the city having the greatest population.

Applies To: All cities

Legal Basis: K.S.A. 12-2115, 12-2118, 12-2121

Year of Enactment; Year of Last Amendment: 1953; 1963

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and K.S.A. 12-4302)

Mandate Type: Citizen preemption

Subject Area: Finance; health and environmental services

Office/Official Affected: City governing body

Mandate: Laying of utility pipes

Description: The governing body of any first or second class city shall have the power to order the abutting property owners to lay all water service pipes, gas service pipes, and sewers to the back of the curb; however, the governing body shall only lay one water service pipe, one gas service pipe, and one sewer for each two lots or fractional parts thereof. Also, no service pipes shall be ordered in on any street where the mains for the street are not laid. Further, the governing body shall notify affected property owners of pipe laying through publication as required by law.

Applies To: Cities of the first and second class

Legal Basis: K.S.A. 12-832, 12-833

Year of Enactment; Year of Last Amendment: 1921, 1983

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and K.S.A. 12-4302)

Mandate Type: Governance

Subject Area: Public utilities

Office/Official Affected: City governing body

HB 2490 Repeal

Mandate: Sale of real estate acquired for streets subject to public bid

Description: The governing body of any second or third class city, which has acquired by purchase or otherwise real estate for the purpose of construction of a street and after the construction of said street certain parcels of real estate remain outside the boundaries of said street, and such remaining real estate is not necessary for street purposes, shall have the right to sell the surplus real estate; however, before transferring and conveying the real estate, the governing body shall have solicited sealed bids by public notice inserted in one publication in a newspaper of general circulation in such city, and such sale shall be to the highest responsible bidder after such notice. However, the governing body may reject any and all bids, and in such case, new bids may be called for as in the first instance.

Applies To: Cities of the second and third class

Legal Basis: K.S.A. 12-1656

Year of Enactment; Year of Last Amendment: 1945; none

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and K.S.A. 12-4302)

Mandate Type: Governance

Subject Area: General government

Office/Official Affected: City governing body

HB 2491 Amendment

Mandate: Acquisition and establishment of cemeteries

Description: The city governing body or the city governing body in conjunction with a township board may establish or acquire a cemetery for public use and may acquire land necessary for such purpose by condemnation, as provided by law; however, the city shall not take or appropriate cemetery grounds owned or used by any religious body or denomination for burial purposes. Lands acquired for cemetery purposes shall, when acquired for the city, be under the control of the city governing body, and such governing body shall have full power to make and enforce all necessary rules and regulations pertaining to the custody, control, and care of the cemetery and to determine and collect the price to be paid for lots; however, all funds arising from the sale of lots in any cemetery so acquired shall be applied solely to the care and beautifying of such cemetery and the expenses incidental to the maintenance of the cemetery. The additional duties imposed on city governing body members shall entitle any such officer to compensation additional to that which the officer already receives in his or her official capacity; however, no such governing body member shall receive additional compensation in excess of \$100 for any one year.

Applies To: All cities

Legal Basis: K.S.A. 12-1401, 12-1402

Year of Enactment; Year of Last Amendment: 1913; 1939

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and K.S.A. 12-4302)

Mandate Type: Governance

Subject Area: General government; cemeteries

Office/Official Affected: City governing body

HB2492 *Repeal*

Mandate: Appropriation to county farmers institute

Description: The board of county commissioners shall make appropriations annually to the county farmers institute, in an amount deemed necessary to meet the legitimate expenses of a two-day conference conducted by the farmers institute. However, if the superintendent of the farmers institute deems that the institute does not promote the interest of the entire county, the board of county commissioners shall appropriate funds necessary to meet the legitimate expenses of a one-day institute.

Applies To: All counties

Legal Basis: K.S.A. 2-116, 2-117

Year of Enactment; Year of Last Amendment: 1909; 1923

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and 25-4302); for members of the board of county commissioners, misdemeanor with fine of \$50 to \$1,000 and imprisonment for thirty days to one year (see K.S.A. 19-233)

Mandate Type: Finance

Subject Area: Finance; agriculture

Office/Official Affected: Board of county commissioners

HB 2493 Repeal

Mandate: Grasshopper control

Description: The board of county commissioners shall adopt reasonable rules and regulations for the use of materials and equipment supplied for use in control of grasshoppers.

Applies To: All counties

Legal Basis: K.S.A. 19-2414

Year of Enactment; Year of Last Amendment: 1959; none

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and 25-4302); for members of the board of county commissioners, misdemeanor with fine of \$50 to \$1,000 and imprisonment of thirty days to one year (see K.S.A. 19-233)

Mandate Type: Governance

Subject Area: Health and environmental services

Office/Official Affected: Board of county commissioners

HB2494 Repeal

Mandate: Culverts

Description: The city governing body shall hold a hearing upon receipt by the city clerk of an application presented by a city official or by any owner of property within the city requesting that a culvert or culverts be constructed upon such land. A ten day notice of the hearing shall be given to all property owners whose property would be subject to a special assessment for culverts. Further, such notice of hearing shall be published once in the official city paper, or if such city has no official city paper, notice of said hearing shall be given in the manner provided for publishing ordinances of such city. If upon hearing the governing body deems it desirable and necessary to construct said culvert or culverts as requested in said application, then an ordinance shall be passed directing said culvert or culverts to be installed, and the cost thereof charged to the owner of the adjoining land benefitted by said construction. When said culvert or culverts have been constructed by the city, the governing body shall, as soon as the cost is ascertained, levy an assessment against the lots and pieces of land chargeable therefor. The city clerk shall mail a notice within fifteen days after cost of the construction has been ascertained to the owner or owners of the property as shown on the records of the office of register of deeds, stating the cost of the improvement and the time in which payment by said owner shall be made. The assessment shall be levied in not more than five annual installments as shall be determined by the governing body. Warrants issued for the payment of cost of such improvements shall bear interest at rates not more than the statutory maximum, shall mature within one year from the date of issuance, and shall be general obligations of the city. Further, the city shall take into account probable delinquencies in payment of assessments and make a general tax levy therefor or include the city's general bond tax levy, in order to pay the warrants and tax levy when due. The authorization for the issuance of such warrants shall be done by resolution.

Applies To: All cities

Legal Basis: K.S.A. 12-2302, 12-2303, 12-2304

Year of Enactment; Year of Last Amendment: 1951; none

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and K.S.A. 12-4302)

Mandate Type: Governance; finance

Subject Area: General government; public works

Office/Official Affected: City governing body

HB 2495

Repeal

Mandate: Construction and location of air markers

Description: The board of county commissioners or city governing body may provide air markers as aids to navigation of aircraft but shall not spend in excess of \$100 per marker and shall locate and construct such markers in accordance with the recommendations of the federal civil aeronautics authority.

Applies To: All cities and counties

Legal Basis: K.S.A. 3-501

Year of Enactment; Year of Last Amendment: 1941; none

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and 25-4302); for members of the board of county commissioners, misdemeanor with fine of \$50 to \$1,000 and imprisonment of thirty days to one year (see K.S.A. 19-233)

Mandate Type: Finance

Subject Area: General government; airports

Office/Official Affected: Board of county commissioners
City governing body

HB 2497 Repeal

Mandate: Issuance of bonds for off-street parking subject to referendum

Description: Any city governing body in a city of the first or second class may acquire by donation, purchase, or condemnation real estate for off-street parking and may dispose of improvements thereon not appropriate to parking uses, if there be such, and may improve the site or sites by the necessary facilities, including buildings, for the off-street parking of vehicles to relieve parking congestion on the city streets. If there is no money available in the current operating fund relating to highways, streets, and alleys or in the parking meter fund which will not be necessary for current operations during any budget year, the governing body may submit the proposition of issuing general obligation bonds for such amount as may be necessary to acquire a site or sites and to make the necessary improvements for off-street parking facilities to an election as provided in the general bond law. Revenue from parking meters, either from the off-street parking facilities or upon the streets, not needed for the purchase and maintenance of parking meters, regulation of parking, and the operation of the off-street parking facilities, shall be used to pay on the bonds, but any lack of revenue from this source shall be supplemented by a general bond tax. Off-street parking shall be free or for such charge or charges as shall be determined by the city governing body to be collected either by parking meters or by attendants or otherwise, and the revenue so derived shall be maintained in a revolving operating fund which need not be budgeted except that there shall be shown in the annual published budget the total amount received from each and all street parking and off-street parking facilities and the amount spent during each budget year and the purposes, including payment on bonds and interest, for which spent.

Applies To: All cities

Legal Basis: K.S.A. 12-2202

Year of Enactment; Year of Last Amendment: 1949; none

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and K.S.A. 12-4302)

Mandate Type: Citizen preemption; finance

Subject Area: Finance; public works

Office/Official Affected: City governing body

HB 2497 Repeal

Mandate: Appraisement of school lands

Description: It shall be the duty of the county clerk of each county in which any school land is situated to prepare a list of such lands by the legal descriptions thereof and to lay the same before the board of county commissioners and from time to time thereafter as such lands shall be surveyed and become subject to sale. Further, it shall be the duty of the board of county commissioners to appoint in writing three disinterested householders residing in the county in which said land is situated, but in a different municipal township, who being first duly sworn by an officer authorized to administer oaths to faithfully perform their duties, shall appraise each legal subdivision of said land separately at its true value in money and return their appraisement in writing signed by them to the clerk of the county. The clerk shall lay the same before the board of county commissioners for their approval or rejection; and if such board of county commissioners shall believe and find that any legal subdivision of said land shall have been so appraised too low, they shall reject such appraisement and forthwith in the same manner appoint three other appraisers of the same qualifications as before, which three shall qualify as stated above, and they shall proceed in the same manner as provided for the former appraisers and make their return as before provided, which appraisement said county clerk shall lay before said board for their approval or rejection as in the former case. If the board shall again reject appraisement, the board shall proceed to appoint other appraisers to perform the same duties and to make their report in the same manner as for the former appraisers until said board of county commissioners shall approve the appraisal last so made. In each case, the county clerk shall file the appointment of appraisers and the appraisements made, record the final appraisement in a book kept for that purpose, and notify the county treasurer of the final appraisement.

Applies To: All counties

Legal Basis: K.S.A. 72-2136, 72-2137

Year of Enactment; Year of Last Amendment: 1915; 1923

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and 25-4302); for members of the board of county commissioners, misdemeanor with fine of \$50 to \$1,000 and imprisonment of thirty days to one year (see K.S.A. 19-233)

Mandate Type: Governance; organization

Subject Area: General government

Office/Official Affected: Board of county commissioners
County clerk

HB 2498 Repeal

Mandate: Protection of bridges from drift or ice

Description: The board of county commissioners shall properly protect all bridges and culverts and the approaches thereto against injury from running drift or ice or against freshets or cutting out of the embankments of streams by natural or artificial causes.

Applies To: All counties

Legal Basis: K.S.A. 68-1124

Year of Enactment; Year of Last Amendment: 1917; 1923

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and 25-4302); for members of the board of county commissioners, misdemeanor with fine of \$50 to \$1,000 and imprisonment of thirty days to one year (see K.S.A. 19-233)

Mandate Type: Governance

Subject Area: Public works

Office/Official Affected: Board of county commissioners

2526 *Repeal*

Mandate: Reduction in assessed valuation for shelter belts

Description: The board of county commissioners shall determine each year whether there exists on any land a shelter belt or windbreak of trees and shrubs which: 1) is adjacent to and north, east, or west of a public highway; 2) has at least five rows of trees with a width of 60 to 120 feet; 3) has at least one row of trees or shrubs with a height of at least six feet; 4) is not used for grazing of livestock; 5) contains a mixtures of species of trees and shrubs; and 6) does not obstruct the view of a public road intersection. If these requirements are met, the board shall make a reduction in the assessed valuation of the land such that a shelter belt will not be considered an improvement upon the land for tax assessment purposes.

Applies To: All counties

Legal Basis: K.S.A. 29-502, 29-505, 29-506

Year of Enactment; Year of Last Amendment: 1941; none

Supervising State Agency: None

Penalty for Noncompliance: Subject to ouster or recall (see K.S.A. 60-1205 and 25-4302); for members of the board of county commissioners, misdemeanor with fine of \$50 to \$1,000 and imprisonment of thirty days to one year (see K.S.A. 19-233)

Mandate Type: State preemption; finance

Subject Area: Finance

Office/Official Affected: Board of county commissioners