

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:00 (a.m. on March 9, 1995, in Room 531-N of the Capitol.

All members were present except: Senator Tillotson

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

Conferees appearing before the committee: Representative Dave Heinemann
Representative Tom Sloan
Frank Hempen, Douglas County Engineer
Representative Bob Tomlinson
Harry Herington, The League of Kansas Municipalities

Others attending: See attached list

HB 2485--Concerning public building commissions; relating to the rental of building space and other facilities.

Representative Dave Heinemann testified in support of the bill. He explained that the bill was designed to amend the public building commissions statute to make it clear that any nonprofit corporation can rent building space from public building commissions. The need for the bill was called to his attention by a particular situation in his district.

Senator Gooch made a motion to report **HB 2485** favorable for passage, Senator Ramirez seconded, and the motion carried.

HB 2486--Concerning roads and highways; relating to the powers, duties and functions of the township board.

Representative Tom Sloan testified in support of the bill. (Attachment 1) He called attention to a balloon of the bill which reflects two proposed changes. The first is on page two of the bill and clarifies that a person that obstructs ditches is responsible for cleaning them. The second is a floor amendment which was offered by Representative Bruce Larkin. It is an attempt to clarify how much a township trustee could receive for services. It allows up to \$3,000 for annual compensation and additional compensation for out-of-pocket expenses.

Frank Hempen, Douglas County Engineer, testified in support of **HB 2486**. (Attachment 2) Mr. Hempen emphasized that the bill applies only to roads that have been laid out but not opened.

Senator Ranson expressed her concern that there were no opponents to the bill. She feels that perhaps there are those who would be hurt by it. Representative Sloan responded that there was no conflict whatsoever expressed during the entire process in the House. He said townships simply do not have funds to build access roads. No litigation is involved. Senator Ramirez added that he could see no reason why the taxpayers should pay for someone's private road. The Chairman suggested that if the committee wishes to work the bill, it remove the floor amendment which could be looked at in conference committee.

Senator Ramirez made a motion to remove the floor amendment and report **HB 2486** favorable for passage, Senator Langworthy seconded, and the motion carried with Senator Ranson voting "No."

Written testimony from LaVerne Bartell of Kanwaka Township had been submitted in support of **HB 2486**. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on March 9, 1995.

Representative Bob Tomlinson began testimony in support of several bills which would repeal outdated mandates. The bills were introduced as a result of a study done by a House Local Government Subcommittee. (Attachment 4) Bills considered are as follows:

HB 2483--Concerning counties; relating to certain payments to assistants.

Senator Feleciano made a motion to recommend **HB 2483** favorable for passage and that it be placed on the Consent Calendar, Senator Ranson seconded, and the motion carried.

HB 2488--Concerning cities; relating to refuse collection and disposal.

Harry Herington, League of Kansas Municipalities, testified in support of **HB 2488** with an amendment to bring it under another statute. (Attachment 5)

Senator Feleciano made a motion to so amend **HB 2488** and recommend it as favorable for passage as amended, Senator Downey seconded, and the motion carried.

HB 2489--Concerning cities; relating to the laying of service pipes or sewers.

Representative Tomlinson explained that this statute provides a system whereby an option is given with regard to the charge to lay utility pipes. The option is the least best way to do this. Mr. Herington added that cities already can operate this way under home rule. Representative Tomlinson's summary indicated that this bill had been last amended in 1983. He was not informed as to what the amendment did. Therefore, it was the consensus of the committee to hold action on **HB 2489** until the next meeting to allow time to find information on the amendment.

HB 2490--Concerning cities; relating to the sale of surplus real estate.

Representative Tomlinson said this statute has not been used since 1945. Committee discussion began as to the intent of the statute and the reason to repeal it. The Chairman suggested that no action be taken on the remaining bills offered by Representative Tomlinson in order to allow more time for the committee to take a closer look at them. Mr. Herington stood to respond to that suggestion, saying that the League has studied these repealer bills thoroughly. The statutes were enacted before the event of home rule, therefore, they are no longer needed and are antiquated. Representative Tomlinson added that these laws get in the way of the modern process because they cause cities to go through unnecessary steps. It was the consensus of the committee to wait until the next meeting, March 14, to act on the bills.

HB 2491--Concerning cities and townships; relating to cemeteries.

Representative Tomlinson explained that **HB 2491** would leave intact the statute presently in existence providing that the municipality is responsible to maintain its cemeteries.

HB 2492--Concerning counties; relating to county farmers' institutes.

Representative Tomlinson explained that county farmers' institutes no longer exist, therefore, currently no county appropriates for county farmers' institutes.

HB 2493--Concerning counties; relating to grasshopper control.

Representative Tomlinson commented that it is unnecessary to mandate counties to control grasshoppers as currently they all do it as a modern responsibility.

HB 2494--Concerning cities; relating to culverts.

Representative Tomlinson explained this relates to culvert construction. The type of construction is no longer done as there is a much better way to do it now.

HB 2495--Concerning airfields; relating to air markers.

Representative Tomlinson said this is another statute that was enacted before the existence of home rule. Furthermore, no city purchases air markers currently, and if they did, it is a strong possibility the markers would cost more than \$100 limitation.

HB 2597--Concerning school lands; relating to the appraisal thereof.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on March 9, 1995.

Representative Tomlinson pointed out that this statute was enacted in 1915, and appraisal of school lands is done in a much better way now, therefore, there is no reason to have this statute on the books.

HB 2498--Concerning bridges; relating to duties of Board of County Commissioners.

Representative Tomlinson noted that any county or city maintains bridges responsibly now. Also, since the statute was enacted in 1917, bridges have changed. Senator Ranson asked for a definition of "freshets" as appears in the description. Tom Flowers, Kansas Association of Counties, stood to give the definition as follows: A sudden overflow of a stream resulting from heavy rain or thaw.

The Chairman asked if repealing this statute would affect an individual's taking action against a city for an accident on a bridge due to negligence. Mr. Herington stood to respond that protection for persons is under the Kansas Tort Claims Act. This bill regards the protection of bridges, not persons.

HB 2499--Concerning certain corporations; relating to home building and owning corporations.

Representative Tomlinson said this statute is obsolete because there are no corporations in existence that fall under the provisions of the law.

HB 2526--Concerning fences; repealing the shelter belt snow fence law.

Representative Tomlinson said this is another example of a law that is not currently being used, therefore, it should be repealed.

With this, the hearings on all bills scheduled for hearing were concluded. Action will take place at the next meeting, Tuesday, March 14.

The meeting was adjourned at 10:00 a.m

The next meeting is scheduled for March 14, 1995.

LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: March 9, 1995

NAME	REPRESENTING
Rep. Tom Sloan	
Laverne Bartell	Kanwaka Township Dg Co
Rep Robert Tomlin	
Frank Hempen Jr	Douglas Co. / Ks Co. Highway Assoc.
BEV BRADLEY	KS Assoc of Counties
Paul Flowers	KS Assoc. of Counties
Harry Herington	League of KS municipalities

TOM SLOAN
 REPRESENTATIVE, 45TH DISTRICT
 DOUGLAS COUNTY

STATE CAPITOL BUILDING
 ROOM 446-N

TOPEKA, KANSAS 66612-1504

(913) 296-7677

1-800-432-3924

772 HWY 40

LAWRENCE, KANSAS 66049-4174

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TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENT
 MEMBER: AGRICULTURE
 LOCAL GOVERNMENT
 ENERGY & NATURAL RESOURCES

Testimony on HB 2486 before Senate Local Government Committee

Thank you, Mr. Chairman, members of the Committee.

HB 2486 was requested by the Township Trustee of my Township on behalf of all Townships to address a problem all experience - lack of funds. The bill states that if a landowner desires a Township road to be constructed that has been laid out on a map, but never built, that the landowner must construct the road to specifications developed by the Township.

The bill was designed to recognize that Townships have inadequate funds to construct roads, that persons seeking new roads generally are developers, that Townships should not issue no-fund warrants to construct such road, and that Townships must maintain all roads once constructed. Thus the bill requires landowners to build roads they desire to Township standards.

A floor amendment and the proposed amendments in this balloon by Rep. Larkin, resolve conflicts in the statutes regarding compensation for Township offices. The parties requesting this bill view Rep. Larkin's amendments as friendly and clarifying. Theresa Kiernen of the Revisors Staff can elaborate on this issue if the Committee so desires.

The House overwhelmingly approved this bill. After our actions, further discussions with Township Trustees and a county engineer led to the prepared amendments on the balloon bill. The amendments we ask you to adopt specify that a landowner wishing to upgrade a minimum maintenance road must follow the same procedure and standards as are established in the original bill. Furthermore, the person responsible for roadside ditches and drains are responsible for the Township costs of removing the obstruction.

Mr. Frank Hempen, Douglas County Engineer and Vern Bostell, Kanwoka Township Trustee, are both available to address specific questions. I ask this committee to include the proposed amendments to HB 2486 and I recommend the bill as amended favorably for passage.

Mr. Chairman, I will respond to questions.

Senate Local Gov't
 3-9-95
 Attachment 1

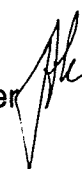
Douglas County

Department of Public Works

Frank B. Hempen, Jr., P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Senate Local Government Committee

From : Frank B. Hempen, Jr., P.E., Director of Public Works/County Engineer 

Date : March 9, 1995

Re : House Bill No. 2486

HISTORY:

Easements for local roadway purposes in Kansas were generally "laid out" on every land section line. Many of these road easements were never utilized or their use for roadway purposes have been abandoned for decades. Often they bisected larger agricultural tracts, originally led to now long abandoned farmstead homes, or simply could not accommodate modern vehicle traffic.

Tracts of land along these roadway easements have been split creating small acreage home sites. Under current law, local road maintenance units (usually townships in county/township road maintenance systems) are then forced to build roads in those easements to accommodate home site access.

POLICY ISSUE:

Is it appropriate to expend road maintenance funds levied uniformly across a township or county jurisdiction to construct a roadway improvement for the benefit of a recent or proposed use?

With few exceptions, townships are "under-financed" to meet maintenance demands on the roadway system for which they are currently responsible. Forcing a township, or any roadway maintenance unit, to expend maintenance funds for improvement projects benefiting a small number of taxpayers with changing or more intense land use is inequitable.

The change recommended in H.B. 2486 will correct the inequity noted above. It places the burden of improvements on those who benefit from the land use change.

Senate Local Govt
3-9-95
Attachment 2

2486

KANWAKA TOWNSHIP

LaVerne Bartell, Trustee

Honorable Chairperson and Senators:

I chose to serve a second term because I had not been able to address problems that my community needed solved. This change in the law is essential to make land speculators accountable for the expense of building their own roads. Properties with existing road right of ways are being bought where no readily travelable road exists today. The existing law would require the taxes being paid for road maintenance to go toward road construction to benefit these individuals directly. This would cause lower road quality of existing roads or a no fund warrant for each of these road openings. A no fund warrant is a tax added on to existing taxes without the benefit of the tax payers being able to vote on it. This would have to be done because the maximum amount of taxes are already being levied just to maintain the roads. Roads that are not needed are being down graded to the category of minimum maintenance or abandoned if possible. We are doing all we can to be current with present day liabilities to protect the community. Communities without major industry can not support road construction.

If this law is not changed, the tax payers will be forced to support a few individuals' profit margin.

Respectfully submitted,
L. D. Bartell

Senate Local Gov't
3-9-95
Attachment 3

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 Senate Local Government Committee
March 9, 1995

House Bills 2483, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2497, 2498, 2499 and 2526 are products of a House Local Government Subcommittee on State Mandates. The committee's charge was to study mandates that could be eliminated. Representatives from the Kansas League of Municipalities and Kansas Association of Counties were asked for input on mandates they wished removed.

The result of this study was the drafting of repealers for old outdated noncontroversial laws. These laws serve as an appetizer for further work. Their repeal represents removal of unused statutes which burden legal staffs and confuse those citizens researching their government.

*Senate Local Gov't
3-9-95
Attachment 4*

BOB TOMLINSON
REPRESENTATIVE 24TH DISTRICT
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913 831-1905



TOPEKA

HOUSE OF
REPRESENTATIVES

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

Report to the Local Government Committee
from
Subcommittee on Mandates

Section I.

The committee recommends that bills be drafted and introduced to repeal the following sections and the complete acts where applicable:

KSA 2-116, 2-117
KSA 3-501
KSA 19-2414
KSA 12-832, 12-833
KSA 12-1656
KSA 12-2115, 12-2118, 12-2121
KSA 12-2202
KSA 12-2302, 12-2303, 12-2304
KSA 72-2136, 72-2137
KSA 68-1124
KSA 29-502, 29-505, 29-506
KSA 19-235
KSA 72-7801, 72-7802

We further recommend that the committee consider amendments to:

KSA 17-1102, 17-1103
KSA 12-1401, 12-1402

Section II.

Further study should be considered for repealing the following sections:

KSA 2-301, 2-302, 2-304
KSA 3-705, 3-706
KSA 8-148
KSA 8-174
KSA 10-113
KSA 10-114
KSA 10-1004
KSA 10-1203
KSA 12-1222, 12-1223
KSA 12-1236, 12-1237, 12-1238
KSA 12-1617c, 12-1618d
KSA 18-209, 18-210, 18-211, 18-212
KSA 19-104
KSA 19-105
KSA 19-108
KSA 19-110, 19-111, 19-112, 19-113
KSA 42-358, 42-359, 42-364, 42-379, 42-381
KSA 58-314, 58-320
KSA 42-366, 42-367, 42-368, 42-369, 42-370

Further, we have heard testimony on the following issues which require in-depth study we were not able to give but should be undertaken.

Mandates concerning:

1. State Preemption from Imposing State or Excise Taxes on Cigarettes or Cereal Malt Beverages. KSA 12-142
2. Tax Levy on Vehicles. KSA 12-143-146
3. State Preemption from Levying Excise Taxes. KSA 12-194
4. Group Health Care Benefits for Retired Employees. KSA 5040
5. Veterans Affairs and Related Local Mandates. KSA 73-301, 73-302, 73-303, 73-207, 73-208
6. Abatements of Irrigation Districts. KSA 42-3,107, KSA 42-3,108

These sections reflect mandates which are controversial but need to

be discussed as mandates.

Section III.

The subcommittee also recommends some immediate follow-through and hearings on:

1. Mandate waiver programs and implementation in Kansas.
2. Home rule sections of the Kansas constitution and how it applies to mandates.

Bob Tomlinson, Chairperson

Reps. Ott *B. Ott*
Weber *W. Weber*
Thimesch *Thimesch*
Toelkes *Toelkes*

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 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 Amend

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

HB 2492 *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: 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

Amend

2499

None
not
valide

Mandate: Appointment of a director of a home building corporation

Description: The board of county commissioners shall appoint one person to be a director or trustee of a home building corporation annually at its first meeting in January of each year, to serve for one year until a successor shall be appointed.

Applies To: All counties

Legal Basis: K.S.A. 17-1102, 17-1103

Year of Enactment; Year of Last Amendment: 1921; 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: Governance

Subject Area: General government

Office/Official Affected: Board of county commissioners

4-16

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 mixture 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



**THE LEAGUE
OF KANSAS
MUNICIPALITIES**

**Municipal
Legislative
Testimony**

AN INSTRUMENTALITY OF KANSAS CITIES 112 SW 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

TO: Senate Local Government Committee
FROM: Harry Herington, Associate General Counsel
DATE: March 9, 1995
RE: House Bills 2488, 2489, 2490 & 2494 - Proponent
ALSO HB 2491.

Good morning, my name is Harry Herington and I am the Associate General Counsel for the League of Kansas Municipalities. On behalf of the League of Kansas Municipalities and their 543 member cities, I would like to thank you for the opportunity to testify in support of the passage of House Bills 2488, 2489, 2490 and 2494. *HB 2491.*

Don Moler, General Counsel & Deputy Executive Director of the League of Kansas Municipalities is in Wichita on business and sends his regrets for not being able to appear today to testify on these bills. Mr. Moler worked very closely with the House Local Government Committee in identifying several mandates in chapter 12 of the Kansas Statutes that were unnecessary and antiquated. These five bills were a result of that effort and we would request that the Senate Local Government Committee pass these bills out of committee favorably.

The League would like to offer an amendment to House Bill No. 2488. Although the League is unaware of any cities currently operating under K.S.A. 12-211 to 12-2122, this amendment would expressly provide that contracts currently in force would be deemed valid under the interlocal cooperation act, K.S.A. 12-2901 et seq.

Thank You.

ATTACHMENT

*Senate Local Gov't
3-9-95
Attachment 5*

5-2

Session of 1995

HOUSE BILL No. 2488
By Committee on Local Government

2-15

9 AN ACT concerning cities; relating to refuse collection and disposal; re-
10 pealing K.S.A. 12-2112 to 12-2122, inclusive.

11

12 **Be it enacted by the Legislature of the State of Kansas:**

13 Section 1. K.S.A. 12-2112 to 12-2122, inclusive, are hereby repealed.

14 ~~Sec. 2.~~ 3 This act shall take effect and be in force from and after its
15 publication in the statute book.

[*Sec. 2. Any contracts currently in force, enacted pursuant to the provisions of K.S.A. 12-2112 to 12-2122, shall continue in full force and effect as if entered into under the interlocal cooperation act, K.S.A. 12-2901 et seq.*