

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:10 a.m. on March 7, 1996, in Room 531-N of the Capitol.

All members were present except: Senators Ranson, Ramirez, and Tillotson

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

Conferees appearing before the committee: Representative Bob Tomlinson
Don Moler, League of Kansas Municipalities
Dan Harden, Riley County Engineer

Others attending: See attached list

HB 2797: Concerning cities; relating to certain records

HB 2799: Concerning grades of city streets and alleys

HB 2800: Concerning land for park purposes

HB 2801: Concerning the conveyance of certain property to patriotic corporations

HB 2802: Relating to the oiling and cleaning of city streets

HB 2972: Relating to certain county officers

HB 2975: Concerning roads and bridges in certain routes

HB 2977: Concerning the marking of vehicles owned or leased by political subdivisions

The Chairman noted that all of the bills scheduled for hearing at this meeting dealt with the repeal of obsolete mandates and are noncontroversial.

Representative Tomlinson explained that all of the bills were recommended by a subcommittee on Local Government to update or remove old and unused statutes. (Attachment 1) He briefly outlined each of the bills.

House Bill 2797 deletes language requiring that reproduction of city records be on microfilm and requires only that the records be reproduced, leaving discretion to the citizens as to the method of reproduction.

Senator Feleciano moved to report **HB 2797** favorable for passage and that it be placed on the Consent Calendar, seconded by Senator Downey. The motion carried.

House Bill 2799 repeals K.S.A. 12-632 and K.S.A. 12-633 which require that a city may not change the grade of a street or alley unless a resolution is passed by the governing body declaring that such change is necessary.

Senator Feleciano moved to report **HB 2799** favorable for passage and that it be placed on the Consent Calendar, seconded by Senator Langworthy. The motion carried.

House Bill 2800 repeals statutes concerning various transactions regarding land for park purposes. The statutes being repealed provide that a city may trade, exchange or sell a public park or public square which it owns for other land to be used for similar purposes subject to a protest petition procedure. In addition, bonds may be issued in order to acquire land or for the improvements as long as notice is given and a majority vote was cast in favor of the proposal. Representative Tomlinson noted that the House committee deleted K.S. A. 12-1302 from the repealer because some cities still utilize it. Short committee discussion followed regarding the advisability of recommending passage of the bill.

House Bill 2801 concerns statutes that provide that any city with available land may grant the land, upon

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on March 7, 1996.

adoption of such resolution by the governing body, to a patriotic organization. The property would revert to the city when the grantee ceased to use it for the purpose for which it was conveyed. Representative Tomlinson said the statute was adopted in 1945; however, it has never been used.

Senator Reynolds moved to report **HB 2801** favorable for passage and that it be placed on the Consent Calendar, seconded by Senator Feleciano. The motion carried.

House Bill 2802 repeals statutes which require a city to oil and clean any street whenever a petition signed by a majority of the resident owners on a street is filed with the city clerk. The statutes are very old, and Representative Tomlinson said it was felt that it was unwise to require a city to oil and clean streets by petition.

Senator Langworthy moved to report **HB 2802** favorable for passage, seconded by Senator Reynolds. The motion carried.

Don Moler, League of Kansas Municipalities stood in support of **House Bills 2797, 2799, 2800, 2801 and 2802**, concurring with Representative Tomlinson. (Attachment 2)

With regard to **HB 2972**, Representative Tomlinson reported that it abolishes the office of county surveyor in all counties having a population in excess of 250,000 and transfers the duties of county surveyor to the county engineer. He added that this can be done now if the county charters out from the statute because it is a nonuniform law.

Dan Harden, Riley County Engineer, testified in support of **HB 2972** as the statutes it repeals are obsolete. (Attachment 3)

Representative Tomlinson explained that **HB 2975** repeals two statutes dealing with roads and bridges in counties having a population of not less than 175,000 nor more than 250,000. The board of county commissioners could issue bonds not in excess of \$100,000 annually to construct or alter roads or bridges without the necessity of election. No county currently fits the population brackets, therefore, the statute is obsolete and should be repealed.

Mr. Harden expressed his support of **HB 2975** as he felt the statute should apply to all Kansas counties or it should be repealed. (Attachment 3) He noted that Shawnee County is the only county that falls in this population range. Representative Tomlinson commented that if Shawnee County were in this range, the statutes would not apply, and there are other bonding statutes under which counties can proceed. Counties do not currently use these statutes.

Representative Tomlinson explained that **HB 2977** deletes the lettering size requirements on local government vehicles identifying them as public owned vehicles and the requirement that separate serial identification be painted on the vehicles. Magnetic letters are not permitted. This current law requirement devalues the vehicles for resale.

Mr. Harden testified in support of **HB 2977** as the current statute is not generally followed, and all county vehicles are already marked by a license plate that carries a unique number and the word "county" across the plate. Therefore, the statute is obsolete. (Attachment 3)

Senator Downey moved to report **HB 2972** as favorable for passage and that it be placed on the Consent Calendar, seconded by Senator Langworthy. The motion carried.

Senator Reynolds moved to report **HB 2975** as favorable for passage and that it be placed on the Consent Calendar, seconded by Senator Langworthy. The motion carried.

Senator Reynolds moved to report **HB 2977** as favorable for passage and that it be placed on the Consent Calendar, seconded by Senator Feleciano. The motion carried.

The minutes of February 23 and March 5 were approved.

The meeting was adjourned at 9:45 a.m.

The next meeting is scheduled for March 12, 1996.

STATE OF KANSAS

BOB TOMLINSON
REPRESENTATIVE 24TH DISTRICT
STATE CAPITOL
TOPEKA, KS 66612-1504
913 296-7632
5722 BIRCH
ROELAND PARK, KS 66205
913 831-1905



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

VICE CHAIR: SELECT COMMITTEE ON JUVENILE CRIME
MEMBER: EDUCATION
GOVERNMENTAL ORGANIZATION & ELECTIONS
LOCAL GOVERNMENT

March 7, 1996

TESTIMONY ON THE FOLLOWING HOUSE BILLS:

HB 2797, 2799, 2800, 2801, 2802, 2972, 2975 and 2977

These House bills are the products of Subcommittee on Local Government #1 nicknamed the "repealer subcommittee". Their purpose is to update or remove old and unused statutes.

*Senate Local Gov't
3-7-96
Attachment 1*



**League
of Kansas
Municipalities**

LEGAL DEPARTMENT • 300 S.W. 8TH TOPEKA, KS 66603 • TELEPHONE (913) 354-9565 • FAX (913) 354-4186

LEGISLATIVE TESTIMONY

TO: Senate Local Government Committee
FROM: Don Moler, General Counsel
RE: Support for HB 2797, HB 2799, HB 2800, HB 2801 and HB 2802
DATE: March 7, 1996

In an effort to save trees and the environment and to reduce the paper clutter on your desk, I have combined the League's testimony on the five bills into a single piece of testimony since the purpose of all five is to either remove or update statutes which have become essentially useless in their current forms. I will give a very brief description of the bills in the summary as well as attaching the appropriate pages from the League's mandate book from which all five of these mandates were taken.

HB 2797 -- Cities; Reproduction of Certain Records

The League requested introduction of HB 2797 which deals with the reproduction of local government records and have asked that the language found in K.S.A. 12-120 through K.S.A. 12-123 to be updated to recognize the fact that we are no longer using film standards established in 1958 and to recognize the fact that reproduction of official documents can be made in a variety of fashions, other than photographs, which allow for accurate reproduction of an original document.

HB 2799 -- Cities; Change of Grade of Streets and Alleys

This bill repeals K.S.A. 12-632 and K.S.A. 12-633 which require that a city may not change the grade of a street or alley unless a resolution is passed with a 3/4 vote of the governing body members declaring such change to be necessary. We believe this statute to be an unnecessary burden on local government and ask for its outright repeal.

HB 2800 -- Cities; Land for Park Purposes

Current statute K.S.A. 12-1301 requires that before a city may sell, trade or exchange any public park, public square or market square that the city must give public notice through publication and the transaction will be subject to protest petition and possible referendum. We have also requested the repeal of K.S.A. 12-1303 and K.S.A. 12-1304. It was never our intent to request the repeal of K.S.A. 12-1302, but upon a close examination of HB 2800 we find K.S.A. 12-1302 is also being repealed. We would respectfully request that it be removed from the bill as it was not part of our original request and we do not feel it appropriate to repeal at this time.

*Senate Local Gov't
3-7-96
Attachment 2*

HB 2801 -- Cities; Conveyance of Property to Certain Organizations

HB 2801 repeals K.S.A. 12-1704 through 12-1706 which currently require before any city may transfer publicly owned property to a patriotic organization incorporated by an act of Congress that there must be a vote of the electors of the city. This is a very odd statute in that city property may be conveyed by the city governing body at any time to any other group without any vote of the public. It is at the discretion of the governing body of the city. We note that these statutes date to 1945 and have not been amended nor apparently utilized since that time. We would ask that they be repealed as an anachronism not necessary in today's statute books.

HB 2802 -- Cities; Streets, Oiling and Cleaning

This bill repeals K.S.A. 12-665 and 12-666 which are very old statutes dealing with the oiling of city streets and the assessment for that oiling. There is one major statute, the general special assessment law found at K.S.A. 12-6a01 et seq., which allows the city to make any kind of a city improvement and assess adjoining property owners. We find the language in K.S.A. 12-665 and K.S.A. 12-666 to be superfluous and would ask that the Committee repeal the statutes found in HB 2802.

Thank you very much for allowing the League to participate in this process and to offer our opinions as to antiquated statutes which can be removed from the statute book and can clean up the current statutory language.

**TESTIMONY OF
DAN HARDEN, P.E.
RILEY COUNTY ENGINEER
7 MARCH 1997**

**BEFORE
SENATE LOCAL GOVERNMENT
MARK PARKINSON, CHAIRMAN**

Chairman Parkinson, members of Senate Local Government, I appreciate being given the opportunity to address this committee. I will briefly discuss three bills with you today. These three are HB 2972, HB 2975, and HB 2977.

HB 2972

HB 2972 repeals KSA 19-1403a and KSA 28-120. KSA 19-1403a abolished the office of county surveyor in counties with population over 250,000 and transferred these duties to the county engineer in 1957. This statute violates the KARs promulgated by the Board of Technical Professions since 1957. These regulations prohibit engineers from practicing surveying. This statute is therefore obsolete and should be repealed.

KSA 28-120 sets the fees, office hours and compensation for the county surveyor in counties

*Senate Local Gov't
3-7-96
Attachment 3*

over 50,000 in population. Fees and compensation are in 1923 dollars. Hours are 6 days a week. The County Surveyor is to be paid \$4 per day. I know of no county that follows this statute. It is obsolete and should therefore be repealed.

HB 2975

HB 2975 repeals KSA 68-151f and KSA 68-571. KSA 68-151f applies to only those counties with populations greater than 175,000 but less than 250,000. It allows counties of this size to bond certain road and bridge construction. The law should apply to all Kansas counties or it should be repealed.

KSA 68-571 applies only to counties with a population greater than 140,000. The law prescribes actions a qualifying county can take to insure roads built by developers in new real estate developments are built to or in excess of a minimum county standard for roads of this type. This law should apply to all Kansas counties or it should be repealed.

HB 2977

HB 2977 repeals KSA 8-305. This law requires painted serial numbering on all public vehicles and painted on identification signs. The lettering must be done with 1/4 inch stroke letters or larger.

Magnetic signs are not allowed. This statute is generally not being followed. Car dealers discourage painting on cars as it destroys resale value. Since the Legislature allowed individual public vehicle license plates several years ago, all county vehicles now bear a license plate that carries a unique number and carries the word "county" across the plate. All county vehicles are therefore already marked and specifically identified in a way that does not decrease the value of the public investment in the vehicle. Because of this change I believe this statute to be obsolete as well.

This concludes my testimony. Thank you allowing me to present this testimony to the committee.