Approved: 3/6/97
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Janice Hardenburger at 1:40 p.m. on February 25, 1997 in Room 529-S of the Capitol.

All members were present except: Senator Gooch, excused

Committee staff present: Dennis Hodgins, Legislative Research Department
Mike Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Bonnie Fritts, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

The minutes for February 12,13,17,18 & 19 were distributed for review and approval.

Senator Steineger moved to approve the minutes. Senator Becker seconded the motion. The motion passed.

Chairperson Hardenburger asked for action on bills previously heard.

SB 18 **Concerning state governmental ethics; relating to financial disclosures by state employees engaged in economic development activities**

Amendments approved at a previous meeting were submitted for review (Attachment 1).

Senator Vidricksen moved to adopt the amendments. Senator Huelskamp seconded the motion. The motion carried.

Senator Steineger made a motion to pass the bill as amended. Senator Huelskamp seconded the motion. The motion passed.

SB 79 re-referred to committee.

SB 79 **Concerning ethical conduct of state officers and employees**

Proposed amendments were submitted for committee review and discussion (Attachment 2).

Senator Lawrence moved to adopt the amendments. Senator Huelskamp seconded the motion. The motion carried.

Senator Becker made a motion to pass the bill as amended. Senator Lawrence seconded the motion. The motion passed.

SB 112 **Concerning campaign finance; prohibiting certain contributions and solicitations therefor during certain time periods**

An amendment was recommended that would allow receipt of contributions from "individuals" during certain time periods (Attachment 3).

Senator Steineger moved to amend the bill to include the words "a political committee established to support or oppose candidates of a single party in either the house of representative or the senate," to line 21 of the bill. Senator Praeger seconded the motion. The motion carried.

Senator Steineger made a motion to pass the bill as amended. Senator Praeger seconded the motion. Discussion. The motion and the second to the motion were withdrawn.

Senator Huelskamp moved to accept the amendment that allows receipt of contributions from individuals during certain periods. Senator Praeger seconded the motion. The motion carried.

Senator Praeger moved to pass the bill favorably. Senator Steineger seconded the motion. The motion passed.

SB 125 **Concerning motor vehicles; relating to the collection of registration and certificate of title fee funds**

Senator Petty made a motion to pass the bill as amended. Senator Praeger seconded the motion. The motion passed.

SB 188 **Concerning registration of vehicles; providing for fees for satellite registration facilities**

Senator Lawrence moved to pass the bill. Senator Praeger seconded the motion. The motion carried. Senator Steineger voted no.

SB 267 **Concerning publication of documents in Kansas register; relating to duties of secretary of state**

An amendment was recommended to return sub-section (b) to its' original language (Attachment 4).

Senator Huelskamp moved to accept the amendment. Senator Praeger seconded the motion. The motion carried.

Senator Praeger moved to pass the bill as amended. Senator Steineger seconded the motion. The motion passed.

SB 232 **Concerning cities and counties; relating to planning and zoning; relating to the powers and duties of the planning commission**

Technical amendments were offered for review and discussion (Attachment 5).

Senator Lawrence moved to adopt the amendments to the bill. Senator Vidricksen seconded the motion. The motion carried.

Senator Vidricksen moved to pass the bill out favorably as amended. Senator Lawrence seconded the motion. The motion passed.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for 5:00 p.m. February 25, 1997.

SENATE BILL No. 18

By Joint Committee on Economic Development

1-14

AN ACT concerning state governmental ethics; relating to financial disclosures by state employees engaged in economic development activities; amending K.S.A. 46-247 and 46-285 and repealing the existing sections.

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

Section 1. K.S.A. 46-247 is hereby amended to read as follows: 46-247. The following individuals shall file written statements of substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive, and amendments thereto:

(a) Legislators and candidates for nomination or election to the legislature;

(b) individuals holding an elected office in the executive branch of this state, and candidates for nomination or election to any such office;

(c) state officers, employees and members of boards, councils and commissions under the jurisdiction of the head of any state agency who are listed as designees by the head of a state agency pursuant to K.S.A. 46-285, and amendments thereto;

(d) individuals whose appointment to office is subject to confirmation by the senate whether or not such individual is a state officer or employee;

(e) general counsels for state agencies irrespective of how compensated;

(f) the administrator or executive director of the education commission of the states, the interstate compact on agricultural grain marketing, the Mo-Kan metropolitan development district and agency compact, the Kansas City area transportation district and authority compact, the midwest nuclear compact, the central interstate low-level radioactive waste compact, the multistate tax compact, the Kansas-Oklahoma Arkansas river basin compact, the Kansas-Nebraska Big Blue river compact, and the multistate lottery;

(g) private consultants under contract with any agency of the state of Kansas to evaluate bids for public contracts or to award public contracts;

(h) officers and employees of the department of commerce and housing and officers, employees and board members of Kansas, Inc., and the Kansas technology enterprise corporation; and

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(i) ~~employees of regent's institutions who are involved in economic development activities~~.

unclassified faculty and staff who are associated with centers of excellence in regents institutions, or unclassified faculty and staff whose research endeavors are supporte by funds committed to those centers

Sec. 2. K.S.A. 46-285 is hereby amended to read as follows: 46-285. (a) The head of every state agency shall submit a list of designees under the agency head's jurisdiction, identifying the positions, names and home mailing addresses of all designees of that agency to the commission annually between March 15 and March 31, inclusive. The agency head may prepare and submit a separate list for each department, division, bureau or other unit within the agency head's jurisdiction. The agency head shall attach to each list an organizational chart for the agency, department or division to which that list corresponds and shall certify the list to be correct. The agency head shall notify the commission of the name, home address and position of any new designee under the agency head's jurisdiction within 10 days of appointment. The commission may request the head of a state agency to make additions to or deletions from the list.

(b) Annually between March 15 and March 31, the president of each institution governed by the board of regents shall submit to the commission a list of the employees of such institution ~~*which are engaged in economic development activities for purposes of*~~ *subsection (i) of K.S.A. 46-247 and amendments thereto. The list shall include the home addresses of such employees. The president shall notify the commission of any new employees* ~~*engaging in economic development activities*~~ *within 10 days of that individual's employment.*

subject to

subject to subsection (i)

~~(b)~~ *(c)* The commission shall transmit promptly copies of all lists received under this section to the secretary of state.

New Sec. 3. ~~No officer or employee of the department of commerce and housing, Kansas, Inc. or the Kansas technology enterprise corporation may have any financial interest, employment or other similar interest in any business with which such employee's agency does business. Such prohibition shall not apply to members of the board of directors of Kansas, Inc. or the Kansas technology enterprise corporation who serve without compensation.~~

The provisions of K.S.A. 46-233 shall apply to officers, employees, and board members of Kansas, Inc. and the Kansas technology enterprise corporation. Officers or employees of the department of commerce and housing, and the officers, employees, and board members of Kansas, Inc., and Kansas technology enterprise corporation shall not in the capacity as such officer, employee or board member be involved in the preparation of or participate in the making of a contract, grant, loan or equity investment with any person or business by which such officer, employee, or board member has a financial interest or is employed or in whose business any member of such officer's, employee's, or board member's immediate family is employed or has a financial interest. Financial interest shall not be defined as to include passive investments in pension systems, annuities, mutual funds, or brokerage accounts by an officer, employee, or board member, or a member of such officer's, employee's, or board member's immediate family.

Sec. 4. K.S.A. 46-247 and 46-285 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

PROPOSED AMENDMENT TO SENATE BILL NO. 79
AS AMENDED BY SENATE COMMITTEE

On page 1, in line 26, by striking all after the period; by striking all in lines 27, 28 and 29;

On page 2, following line 40, by inserting:

"(e) When used in this section:

(1) "Substantial interest" shall have the same meaning ascribed thereto by K.S.A. 46-229, and amendments thereto, and any such interest held within the preceding twelve months of the act or event of participating in the preparation of making a contract.

(2) "Substantially involved in the preparation of or participate in the making of a contract" means having approved or disapproved a contract or having provided significant factual or specific information or advice or recommendations in relation to the negotiated terms of the contract.";

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ATTACHMENT 2

Session of 1997

SENATE BILL No. 112

By Senator Hardenburger

1-27

AN ACT concerning campaign finance; prohibiting certain contributions and solicitations therefor during certain time periods; amending K.S.A. 25-4153a and repealing the existing section.

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

Section 1. K.S.A. 25-4153a is hereby amended to read as follows: 25-4153a. No registered lobbyist ~~or~~, political committee *or person* shall make a contribution as defined by subsection (d) of K.S.A. 25-4143, and amendments thereto, to any legislator, candidate for membership in the senate or house of representatives ~~or~~, candidate committee for any such legislator or candidate, *the committee established by a state committee of any political party and designated as a recognized political committee for the senate or house of representatives, state officer elected on a statewide basis, candidate for state office elected on a statewide basis or candidate committee for any such officer or candidate* after January 1 and prior to May 15 of any year or at any other time in which the legislature is in session ~~and~~. No such legislator, *officer*, candidate or committee shall accept *or solicit* any contribution as defined by subsection (d) of K.S.A. 25-4143, and amendments thereto, from any registered lobbyist or political committee during such period.

Sec. 2. K.S.A. 25-4153a is hereby repealed.

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

other than individual

a political committee established to support or oppose candidates of a single party in either the house of representatives or the senate,

or person, other than individual

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SENATE BILL No. 267

By Committee on Judiciary

2-11

AN ACT concerning publication of documents in Kansas register; relating to duties of secretary of state; amending K.S.A. 75-431 and repealing the existing section.

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

Section 1. K.S.A. 75-431 is hereby amended to read as follows: 75-431. (a) Each agency shall file materials for publication in the Kansas register by delivering to the office of the secretary of state during normal working hours two certified copies of the document to be filed, except that rules and regulations required to be filed in the office of the secretary of state under the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated shall be filed in triplicate. On receipt of a document required by this act to be published in the register, the secretary of state shall note the day and hour of filing on the certified copies. One certified copy of each filed document shall be maintained in original form ~~or on microfilm in a permanent register in the office of the secretary of state and, on filing, shall be made available immediately for public inspection during regular business hours~~ *by the secretary of state for six months after the publication of the document in the Kansas register*.

(b) If there is a conflict, the official text of a rule and regulation is the text on file with the secretary of state ~~*for six months after publication of the document in the Kansas register*~~, and not the text published in the register or on file with the issuing agency. ~~*After such period of six months the official text is the text published in the register.*~~

(c) The secretary of state is hereby authorized to adopt rules and regulations necessary to the effective administration of this act. Such rules and regulations may include, but are not limited to, rules prescribing paper size and the format of documents required to be published by this act. The secretary of state may refuse to accept for filing and publication any document that does not substantially conform to the promulgated rules and regulations.

(d) *Upon otherwise complying with the provisions of this section,* the secretary of state may ~~maintain on microfilm the files of information required by this act to be published in the register and, after microfilming,~~ destroy the original copies of all information submitted for publication.

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SENATE BILL No. 232

By Committee on Elections and Local Government

2-10

AN ACT concerning cities and counties; relating to planning and zoning; relating to the powers and duties of the planning commission; amending K.S.A. 12-504, 12-505, 12-745, 12-747, 12-752, 58-2613 and 58-2614 and repealing the existing sections.

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

Section 1. K.S.A. 12-504 is hereby amended to read as follows: 12-504. Whenever the governing body of the city in which any of the following are located or whenever the owner or owners of any townsite or part of a townsite, or of any addition or part of an addition to any city, or the governing body in which the following are located, or the owner or owners of the lands adjoining on both sides of any street, alley or public reservation such as, but not limited to public easements, dedicated building setback lines, access control, or a part thereof, in any city or any addition thereto, desires to have the same vacated, or desires to exclude any farming lands or unplatted tracts, or any addition or part of an addition to be vacated hereunder, from the boundaries of the city wherein situated, the governing body of such city *or the city planning commission* shall give public notice of the same by a publication ~~for two consecutive weeks in some~~ *in a* newspaper of general circulation in the vicinity of such place sought to be vacated or excluded or in the official city newspaper in which is situated the place, tract or tracts, street, alley, or public reservation sought to be vacated or excluded, if there is any such newspaper published therein. *Such notice shall be published at least one time and no sooner than 10 days prior to the date of the hearing.* Such notice shall state that a petition has been filed in the office of the city clerk praying for such vacation or exclusion, or both, describing the property fully, and that on a certain date after the completion of such publication notice, naming the day on which the petition will be presented to the governing body of the city *or the city planning commission* for a hearing thereon, and that at such time and place all persons interested can appear and be heard under the petition.

Sec. 2. K.S.A. 12-505 is hereby amended to read as follows: 12-505. Upon the presentation of such petition, as hereinbefore provided for, to the governing body of the city *or planning commission*, the governing

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body *or planning commission* shall proceed to hear the same, or may adjourn the hearing from time to time to some day and hour certain, as deemed necessary, and which adjournment shall be noted upon the record of the proceedings thereof. On the day of the hearing of such petition, the governing body *or planning commission* shall hear such testimony as may be produced before it, and such other testimony as required in order to fully understand the true nature of the petition and the propriety of granting the same. *If the planning commission holds the hearing, the commission shall make a recommendation regarding the vacation and submit such recommendation to the governing body in the same manner provided by K.S.A. 12-752, and amendments thereto, for the submission and approval of recommendations regarding plats.* If the governing body *or planning commission* determines from the proofs and evidence presented that due and legal notice has been given by publication as required in this act, and that no private rights will be injured or endangered by such vacation or exclusion, and that the public will suffer no loss or inconvenience thereby, and that in justice to the petitioner or petitioners the prayer of the petitioner ought to be granted, the governing body shall order that such vacation or exclusion, or both, be made. Any order approving a vacation of plat, street, alleys, easements or a public reservation shall provide for the reservation to the city and the owners of any lesser property rights for public utilities, rights-of-ways and easements for public service facilities originally held in such plat, street, alley, easement or public reservation then in existence and use. The petition shall not be granted if a written objection thereto is filed with the city clerk, at the time of or before the hearing, by any owner or adjoining owner who would be a proper party to the petition but has not joined therein. *When only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be granted if a written objection is filed with the clerk of the governing body by any owner of lands which adjoin the portion to be vacated.* Any lands so excluded shall be listed for future taxation the same as though it had never been a part of such city, and which order shall be entered at length on the records of the proceedings of the governing body. Thereupon the city clerk shall certify a copy of such order to the register of deeds of the county in which such property is located. The register of deeds shall record in the deed records of the county at the expense of the petitioner or petitioners, and the register of deeds shall also write on the margin of the recorded plat of such townsite or addition, the words "canceled by order" or "canceled in part by order," as the case may be, giving reference thereon to the page and book of records where such order is recorded in the register's office.

Sec. 3. K.S.A. 12-745 is hereby amended to read as follows: 12-745. ~~(a)~~ The members of the planning commission shall meet at such time and

place as may be fixed in the commission's bylaws. The commission shall elect one member as chairperson and one member as vice-chairperson who shall serve one year and until their successors have been elected. A secretary also shall be elected who may or may not be a member of the commission. Special meetings may be called at any time by the chairperson or in the chairperson's absence by the vice-chairperson. The commission shall adopt bylaws for the transaction of business and hearing procedures. *The bylaws may provide for subcommittees of the commission which are authorized to approve plats and make recommendations to the governing body on amendments to the zoning regulations affecting specific properties.* Unless otherwise provided by this act, no action by the planning commission shall be taken except by a majority vote of the ~~membership thereof~~ *members present and voting*. A record of all proceedings of the planning commission shall be kept. The commission may employ such persons deemed necessary and may contract for such services as the commission requires. The commission, from time to time, may establish subcommittees, advisory committees or technical committees to advise or assist in the activities of the commission.

and establish conditions and procedures under which

or by ordinance of the governing body

~~(b) The provisions of this section shall become effective on and after January 1, 1992.~~

Sec. 4. K.S.A. 12-747 is hereby amended to read as follows: 12-747. (a) A city planning commission is hereby authorized to make or cause to be made a comprehensive plan for the development of such city and any unincorporated territory lying outside of the city but within the same county in which such city is located, which in the opinion of the planning commission, forms the total community of which the city is a part. The city shall notify the board of county commissioners in writing of its intent to extend the planning area into the county. A county planning commission is authorized to make or cause to be made a comprehensive plan for the coordinated development of the county, including references to planning for cities as deemed appropriate. The provisions of this subsection may be varied through interlocal agreements.

(b) The planning commission may adopt and amend a comprehensive plan as a whole by a single resolution, or by successive resolutions, the planning commission may adopt or amend parts of the plan. Such resolution shall identify specifically any written presentations, maps, plats, charts or other materials made a part of such plan. In the preparation of such plan, the planning commission shall make or cause to be made comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources and may include any other element deemed necessary to the comprehensive plan. Such proposed plan shall show the commission's

recommendations for the development or redevelopment of the territory including: (a) The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary; (b) population and building intensity standards and restrictions and the application of the same; (c) public facilities including transportation facilities of all types whether publicly or privately owned which relate to the transportation of persons or goods; (d) public improvement programming based upon a determination of relative urgency; (e) the major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the community, both public and private; (f) utilization and conservation of natural resources; and (g) any other element deemed necessary to the proper development or redevelopment of the area. Before adopting or amending any such plan or part thereof, the planning commission shall hold a public hearing thereon, notice of which shall be published at least once in the official city newspaper in the case of a city or in the official county newspaper in the case of a county. Such notice shall be published at least 20 days prior to the date of the hearing. Upon the adoption or amendment of any such plan or part thereof by adoption of the appropriate resolution by *a majority vote of all members of* the planning commission, a certified copy of the plan or part thereof, together with a written summary of the hearing thereon, shall be submitted to the governing body. No comprehensive plan shall be effective unless approved by the governing body as provided by this section. The governing body either may: (1) Approve such recommendations by ordinance in a city or resolution in a county; (2) override the planning commission's recommendations by a ⅔ majority vote; or (3) may return the same to the planning commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove. If the governing body returns the planning commission's recommendations, the planning commission, after considering the same, may resubmit its original recommendations giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendations, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by the respective ordinance or resolution, or it need take no further action thereon. If the planning commission fails to deliver its recommendations to the governing body following the planning commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original rec-

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ommendations and proceed accordingly. The comprehensive plan and any amendments thereto shall become effective upon publication of the respective adopting ordinance or resolution.

(c) An attested copy of the comprehensive plan and any amendments thereto shall be sent to all other taxing subdivisions in the planning area which request a copy of such plan. Such plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds.

(d) At least once each year, the planning commission shall review or reconsider the plan or any part thereof and may propose amendments, extensions or additions to the same. The procedure for the adoption of any such amendment, extension or addition to any plan or part thereof shall be the same as that required for the adoption of the original plan or part thereof.

~~(e) The provisions of this section shall become effective on and after January 1, 1992.~~

Sec. 5. K.S.A. 12-752 is hereby amended to read as follows: 12-752. (a) The owner or owners of any land located within an area governed by regulations subdividing the same into lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall have a plat drawn as may be required by the subdivision regulations. Such plat shall accurately describe the subdivision, lots, tracts or parcels of land giving the location and dimensions thereof and the location and dimensions of all streets, alleys, parks or other properties intended to be dedicated to public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto. All plats shall be verified by the owner or owners thereof. All such plats shall be submitted to the planning commission or to the joint committee for subdivision regulation.

(b) The planning commission or the joint committee shall determine if the plat conforms to the provisions of the subdivision regulations. If such determination is not made within 60 days after the first meeting of such commission or committee following the date of the submission of the plat to the secretary thereof, such plat shall be deemed to have been approved and a certificate shall be issued by the secretary of the planning commission or joint committee upon demand. If the planning commission or joint committee finds that the plat does not conform to the requirements of the subdivision regulations, the planning commission or joint

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1 committee shall notify the owner or owners of such fact. If the plat con-
2 forms to the requirements of such regulations, there shall be endorsed
3 thereon the fact that the plat has been submitted to and approved by the
4 planning commission or joint committee.
5 (c) The governing body shall accept or refuse the dedication of land
6 for public purposes within 30 days after the first meeting of the governing
7 body following the date of the submission of the plat to the clerk thereof.
8 The governing body may defer action for an additional 30 days for the
9 purpose of allowing for modifications to comply with the requirements
10 established by the governing body. No additional filing fees shall be as-
11 sessed during that period. If the governing body defers or refuses such
12 dedication, it shall advise the planning commission or joint committee of
13 the reasons therefor.
14 (d) The governing body may establish a scale of reasonable fees to
15 be paid to the secretary of the planning commission or joint committee
16 by the applicant for approval for each plat filed with the planning com-
17 mission or joint committee.
18 (e) No building or zoning permit shall be issued for the use or con-
19 struction of any structure upon any lot, tract or parcel of land located
20 within the area governed by the subdivision regulations that has been
21 subdivided, resubdivided or replatted after the date of the adoption of
22 such regulations by the governing body or governing bodies but which
23 has not been approved in the manner provided by this act.
24 (f) Any regulations adopted by a governing body with reference to
25 subdividing lots shall provide for the issuance of building permits on platted lots
26 divided into not more than two tracts without having to replat ~~the lot,~~
27 ~~provided that the resulting tracts shall not again be divided without re-~~
28 ~~platting~~ *such lots. Such regulations* ~~may provide~~ *also may authorize and establish conditions for the issuance of build-*
29 *ing permits on lots divided into three or more tracts without having to*
30 *replat such lots*. Such regulations shall provide that lots zoned for indus-
31 trial purposes may be divided into two or more tracts without replatting
32 such lot. Such regulations shall contain a procedure for issuance of build-
33 ing or zoning permits on divided lots which shall take into account the
34 need for adequate street rights-of-way, easements, improvement of public
35 facilities, and zoning regulations if in existence.
36 (g) The regulations shall provide for a procedure which specifies a
37 time limit within which action shall be taken, and shall further provide,
38 where applicable, for the final decision on the issuance of such building
39 permit to be made by the governing body, except as may be provided by
40 law.
41 (h) The register of deeds shall not file any plat until such plat shall
42 bear the endorsement hereinbefore provided and the land dedicated for
43 public purposes has been accepted by the governing body.

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~~(i) The provisions of this section shall become effective on and after January 1, 1992.~~

Sec. 6. K.S.A. 58-2613 is hereby amended to read as follows: 58-2613. Whenever the owners of any tract or part of a tract of land which has been platted as an addition or subdivision or adjoins on both sides of any street, alley, public easement, or public reservation, or part thereof, and which lies wholly outside the limits of any incorporated city or within the limits of an incorporated city which has had no governing body for 10 years or more desire to have the same vacated, ~~the owners~~ shall file a petition with the board of county commissioners of the county in which the land is located *or the planning commission of such county*, describing the plat, street, alley, public easement or reservation proposed to be vacated and praying for the vacation ~~of the plat, street, alley, public easement or reservation~~ described. Upon the filing of the petition, the board of county commissioners *or the planning commission* shall fix a time for the hearing of the petition and shall give notice of the hearing by publication ~~once each week for three consecutive weeks in~~ the official county paper. *Such notice shall be published at least one time and no sooner than 10 days prior to the date of the hearing.* If the land is located within an area which is subject to the subdivision regulations of any city, notice of the hearing shall also be given to the governing body and planning commission of such city.

with

, including dedicated building setback lines or access control

Sec. 7. K.S.A. 58-2614 is hereby amended to read as follows: 58-2614. Upon the hearing, if the board of county commissioners ~~shall be satisfied that due and regular notices have~~ *determines that notice has* been given as required by this act, that the public will suffer no loss or inconvenience by such vacation and that no private rights will be injured or endangered thereby, ~~it~~ *the* shall order that such vacation be made and if the vacation is of a plat that such land shall ~~thereafter~~ be listed for taxation and for other purposes as though it had never been platted~~: *Provided,* That~~ *If the planning commission holds the hearing, the commission shall make a recommendation regarding the vacation and submit such recommendation to the board in the same manner provided by K.S.A. 12-752, and amendments thereto, for submission and approval of recommendations regarding plats.* No such vacation shall be granted if the governing body of any city having subdivision regulations applicable to the area in which ~~said~~ *the* property is located, shall protest against such vacation. *When only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be granted if a written objection is filed with the county clerk by any owner of land which adjoins the portion to be vacated.* The order of the board shall be entered on the records of proceedings of the board, and a certified copy thereof recorded in the office of the register of deeds of the county. Such order, if ap-

board

proving a vacation of a plat, street, alley, public easement or reservation shall protect and provide for the property rights of public utilities, rights-of-way, and easements for public service facilities then in existence and use. The costs of the proceedings, including publication and recording costs, shall be paid by the party or parties presenting the petition.

Sec. 8. K.S.A. 12-504, 12-505, 12-745, 12-747, 12-752, 58-2613 and 58-2614 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.