

OFFICE OF REPEALER
RECOMMENDATIONS FOR REPEAL

The Office of Repealer has reviewed suggestions from businesses, industries, citizens, and state agencies and herewith submits the following recommendations of statutes, regulations, and executive orders for repeal:

Statute	Subject
1. K.S.A. 19-322	Farm name recordation with county clerk
2. K.S.A. 19-825	Reinstatement of sheriff following lynching of person in the custody of sheriff
3. K.S.A. 79-408	Maintenance of county assessment rolls by the county clerk and delivery to the county appraiser
4. K.S.A. 79-409	Survey of lot or tract
5. K.S.A. 19-430	Distinction between full-time and part-time appraisers and Between appraisers in jurisdictions of more or less than 25,000 persons
6. K.S.A. 79-414	County clerk procurement of abstract of lands from district lands office
7. K.S.A. 19-901	County jail matron appointment, compensation, and duties
8. K.S.A. 75-4601 et seq.	Establishment of a central motor pool
9. K.S.A. 75-3043(a)	Mandatory appraisal by three disinterested appraisers to determine market value prior to sale of real property
10. K.S.A. 74-2133	Conveyance of a building to the city of Belle Plaine
11. K.S.A. 74-2105 (c)	Highway Patrol management responsibility for a "bureau of emergency medical services"
12. K.S.A. 74-2125	Highway Patrol Fund
13. K.S.A. 74-2119	Original statute establishing the highway patrol, superseded by K.S.A. 74-2105
14. K.S.A. 74-2116	Requirement that highway patrol salaries and expenses be paid on a monthly basis
15. K.S.A. 74—2112	Requirement of KDOT to provide offices for the highway patrol
16. K.S.A. 44-611	Labor Department's summons and subpoena powers over private sector employers in factory, workshop, and mill and mine inspections
17. K.S.A. 44-621	Private sector employers and employees submission of controversy to KDOL for findings and orders
18. K.S.A. 44-624	Department of Labor authority to investigate private sector industrial conditions
19. K.S.A. 2-1424a	Establishing and maintaining a seed lab
20. K.S.A. 2-1425	Testing samples and seed exam fund
21. K.S.A. 2-1426	Publication of reports of inspections, exams
22. K.S.A. 2-2465	Pest control operator's fee fund
23. K.S.A. 2-1233	Fertilizer and pesticide compliance/admin. Fund
24. K.S.A. 24-105	Application to build levee and engineer exam
25. K.S.A. 82a-312	Chief engineer approval of federal approval dams
26. K.S.A. 82a-313	Plans accompanying application for dams

27. K.S.A. 82a-314	Revision of plans
28. K.S.A. 82a-735	Sunflower ammunition plant water rights
29. K.S.A. 74-509	Data Collection
30. K.S.A. 83-139	Penalties for fraudulent grain, seed, et practices
31. K.S.A. 83-140	Civil liability for deduction from actual weights and measures
32. K.S.A. 75-1264 (a)	Monthly progress reports to the joint committee on state building construction
33. K.S.A. 75-3717b (c)	State building commission reports
34. K.S. A. 12-4001 et seq.	Kansas Advisory Council for Intergovernmental Relations
35. K.S.A. 74-7402	Ombudsman of Corrections
36. K.S.A. 74-7403	Ombudsman of Corrections
37. K.S.A. 74-7404	Ombudsman of Corrections
38. K.S.A. 74-7406	Ombudsman of Corrections
39. K.S.A. 74-7407	Ombudsman of Corrections
40. K.S.A. 75-5207	Director of Penal Institutions transition to Department of Corrections
41. K.S.A. 75-5208	Director of Penal Institutions transition to Department of Corrections
42. K.S.A. 75-5213	Director of Penal Institutions transition to Department of Corrections
43. K.S.A. 75-5262	Topeka Correctional Facility
44. K.S.A. 75-5263	Topeka Correctional facility
45. K.S.A. 75-5264	Topeka Correctional Facility
46. K.S.A. 75-5265	Topeka Correctional Facility
47. K.S.A. 75-52,119	Purchase of real estate by KDOC
48. K.S.A. 75-52,120	Purchase of real estate by KDOC
49. K.S.A. 75-52,121	Purchase of real estate by KDOC

OFFICE OF REPEALER

STATUS REPORT

January 10, 2012

- As of December 16, 2011, the Office of Repealer website has received 506 suggestions.
- From October 3, 2011 through November 8, 2011, the Office of Repealer conducted meetings with citizens, businesses, and organizations. Approximately 250 people attended 26 events in 24 cities throughout the state of Kansas.
- Currently there are 142 statutes and regulations proposed for repeal/revocation. The following are the individual statutes and regulations that have been suggested for repeal:

<u>SUBJECT</u>	<u>STATUTE/ REGULATION</u>	<u>REPEALER PROPOSAL</u>
1. Kansas Universal Service Fund	KSA 66-2008	Under review
2. Criminal Sodomy	KSA 21-3505	Under Review
3. Cosmetology	KSA 65-1900 et seq	Under review
4. Prohibition against more than one personalized license plate state-wide	KSA 8-132	Under review
5. Kansas Racing Commission (now Racing & Gaming)	KSA 74-8803/8803a	Under review
6. Seat Belt violation as a primary offense	KSA 8-2503/2504	Under review
7. State-wide smoking ban (<i>casino floor</i>)	KSA 21-6109	Under review
8. Farm name recordation with county clerk	KSA 19-322	Yes
9. County establishment or participation in weather modification programs	KSA 19-212f	Under review
10. Reinstatement of sheriff following lynching of person in custody of sheriff	KSA 19-825	Yes
11. Maintenance of county assessment rolls by county clerk and delivery to county appraiser	KSA 79-408	Yes
12. Survey of lot or tract	KSA 79-409	Yes
13. Distinction between full-time and part-time appraisers and between appraisers in jurisdictions of more or less than 25,000 persons	KSA 19-430	Yes
14. County clerk procurement of abstract of lands from district lands office	KSA 79-414	Yes
15. Publication of market study analysis by the county or district appraiser	KSA 79-1460a	Under review
16. County jail matron appointment, compensation, and duties	KSA 19-901	Yes
17. Tax exemption for religious organizations	KSA 79-201	Under review
18. Exemption of the first 20 mills of the state education mill levy on residential properties	KSA 79-201x	Under review
19. Requirement to pay child support as condition for obtaining a sporting license	KSA 74-147	Under review
20. Adultery	KSA 21-3507	Under review
21. Prohibition against assumption of tax by a retailer	KSA 79-3605	Under review
22. Property rights of a legally separated spouse <i>KSA 60-1610 (b) and KSA 23-201 (repealed in 2011)</i>	<u>See next line</u>	Under review
23. Prohibition against the sale and consumption of marijuana	KSA 21-5701/21-5705	Under review

24. Office of Repealer	Exec. Order 11-01	Under review
25. Payment to criminals for drug treatment	KSA 75-5375?	Under review
26. Permitting the sale or prescription of Amygdalin (laetrile)	KSA 65-6b01 et seq.	Under review
27. License, registration, tax, and royalty contracts on musical and dramatic-musical compositions	KSA 57-201	Under review
28. Township road maintenance	KSA 68-526	Under review
29. All tax breaks to businesses in last 10 years	KSA 79-201m	Under review
30. All tax exemptions	KSA 79-201 et seq.	Under review
31. ObamaCare	Fed. Legislation	N/A
32. The Kansas Recreational Trails Act	KSA 58-3211-3216	Under review
33. Sales tax on food	KSA 79-3603/3606	Under review
34. State income tax	KSA 79-3201	Under review
35. Township intangibles tax	KSA 79-1962/KSA 12-1,101	Under review
36. Defense of Marriage Act	KS Const. Art. 15 Sec. 16/KSA 23-101 et seq.	Under review
37. Death penalty	KSA 22-4001 et seq.	Under review
38. Daylight savings time	(federal) 15 USC 260a	Under review
39. Visitation rights to parent(s) shown to be dangerous to children	KSA 38-2255	Under review
40. Permitting potential employers to obtain a consumer credit check	FTC Act (Fed.)	N/A
41. Feral hog hunting ban	KSA 32-1002	Under review
42. Casino exemption to statewide smoking ban	KSA 21-6109	Under review
43. Personal property tax	KSA 79-201/305a	Under review
44. Garnishment administrative fee	KSA 60-734 (d)	Under review
45. Allowing out of state students to attend Kansas schools where no reciprocal agreement exists for Kansas students	KSA 76-717	Under review
46. Permit requirements for concealed carry	KSA 75-7c03	Under review
47. Limitation on hours for beer sales on Sunday	KSA 41-2704	Under review
48. Limitation on breeds of dogs	KSA 32-1301 et seq.	Under review
49. Worthless check laws	KSA 21-3707/3709	Under review
50. Wiretapping laws	KSA 21-4001	Under review
51. Wiretapping laws	KSA 22-2514 et seq.	Under review
52. Parenting classes for divorcing parents of minor children	KSA 60-1608	Under review
53. Majority of judicial nominating commission appointed by the Kansas Bar	KS Const. Art. 3, Sec. 5	Under review
54. Board of Barbering	KSA 74-1805a	Under review
55. Registry for non-violent offenders	KSA 22-4901 et seq.	Under review
56. Criminal law concerning theft of lost or mislaid property	KSA 21-3703	Under review
57. All anti-abortion laws	KSA 65-6701 et seq.	Under review
58. Laws that allow cost plus in government contract bids	KSA 75-3739	Under review
59. DUI laws	KSA 8-1567	Under review
60. Applicability of Kansas Right-to-Know law to small oil and gas leases	KSA 55-205 ECRA Sec. 312	Under review
61. Collection of sales tax by the automobile dealer	KSA 79-3604	Under review
62. Uniform common interest owners' bill of rights	KSA 58-4601-58-4622	Under review
63. Breathalyzer use in cases of open, discarded		

beer cans during a traffic stop	KSA 8-1567	Under review
64. Prohibition against school buses turning right at red traffic light	KSA 8-1545?	Under review
65. Tax exemption for Keystone Pipeline Company	KSA 79-201 et seq.	Under review
66. Sales taxes on farmer's markets and inventory tax on small businesses - <u>see next line</u>		Under review
KSA 79-3603. Also, K.S.A. 79-201m – <i>Property exempt from taxation; merchants' and manufacturer's inventory.</i>		
67. Independent nominations for public office	KSA 25-303	Under review
68. Conflicting statutes on selection of jurors	KSA 43-163	
69. Conflicting statutes on selection of jurors	KSA 43-164	Under review
70. Subsidy for air travelers in Wichita	KSA 74-50,150	Under review
71. State kennel inspections that duplicate USDA	KSA 47-1723(Pet Animal Act)	Under review
72. Common law marriage	primarily case law	Under review
73. Law permitting constitutional conventions	1978 SCR 1661	Under review
	Ks. Constitution 14, Sec. 2	
74. Power of a city to sell utility services	KSA 12-808	Under review
75. Limiting the ability of certain inmates to earn vocational program credits	KSA 21-4722	Under review
76. Electrician examination and licensure	KSA 12-1526	Under review
77. State voter ID law	<u>see next line</u>	Under review
<i>2011 HB 2067; K.S.A. 25-2908 (proof of citizenship) – this portion takes effect 1/1/2013</i>		
78. Kansas Uniform Commercial Code financing fees	KSA 16a-6-201	Under review
79. Laws permitting Community Improvement Districts	KSA 12-6a31 et seq.	Under review
<i>2011 proposed legislation HB 2379 and HB 2266.</i>		
80. Laws permitting illegal aliens to qualify for in-state tuition	KSA 76-731a	Under review
<i>2011 proposed legislation HB 2006</i>		
81. SRS licensure for community mental health centers	KSA 75-3307 (b)	Under review
82. 1 cent sales tax.		Under review
83. Certain motor carrier fees for light trucks	KSA 66-1a01	Under review
84. Increased sentencing penalty for second DUI conviction	KSA 8-262	Under review
85. Laws on Roads and Bridges	KSA 68-101 et seq	Under review
86. Laws on Townships	KSA 80-101 et seq	Under review
87. Moratorium on development of wind farms	<u>(see next line)</u>	Under review
<i>Case law allowing local moratoriums – Compromise reached for Flint Hills area.</i>		
88. Prohibition against tasting in liquor stores	KAR 14-13-13 (j)	Under review
89. Permitting city and county regulation of insurance proceeds payment on fire insurance claims	KSA 40-3901 et seq.	Under review
90. Permitting township eradication of prairie dogs	KSA 80-1201-1208	Under review
91. Executive Order mandating treatment for lead paint for all houses built before 1978	(Fed. EPA)	Under review
92. Date for certification of local government budgets	KSA 79-1801	Under review
93. Temporary abandonment rule for oil and gas wells	KAR 82-3-111	Under review
94. Mandatory appraisal by three disinterested appraisers to determine market value prior to offering of real property for sale	KSA 75-3043 (a)	Yes
94. Establishment of state central motor pool	KSA 75-4601 et seq.	Yes
96. Mandatory energy audits for real property owned or leased of 5,00 square feet or less.	KSA 75-37,128	Under review
97. Conveyance of a building to the city of Belle Plaine	KSA 74-2133	Yes
98. Highway Patrol management responsibility for a		

	“bureau of emergency medical services”	KSA 74-2105 (c)	Yes
99.	Authority to abolish the highway patrol fund	KSA 74-2125	Yes
100.	Original statute establishing the highway patrol since superseded by KSA-74-2105	KSA 74-2119	Yes
101.	Requirement that highway patrol salaries and expenses be paid on a monthly basis	KSA 74-2116	Yes
102.	Requirement of KDOT to provide offices for the highway patrol	KSA 74-2112	Yes
103.	Publication of notice of investigations or hearings held by the secretary of labor to private sector employers	KSA 44-610	Under review
104.	Labor Department’s summons and subpoena powers over private sector employers in factory workshop, and mill and mine inspections	KSA 44-611	Yes
105.	Authority of private sector employers and employees involved in a labor dispute to submit the controversy to the Department of Labor for findings and orders	KSA 44-621	Yes
106.	Department of Labor authority to investigate private sector industrial conditions	KSA 44-624	Yes
107.	Department of Labor jurisdiction and control over private sector employer factory, mill, and mine inspections	KSA 44-631	Under review
108.	Department of Labor authority to enter the premises of private sector businesses	KSA 44-636	Under review
109.	Requirement of state and local governments to furnish statistical data to the Department of Labor	KSA 44-638	Under review
110.	Kansas Advisory Council for Intergovernmental Relations	KSA 12-4001 et seq.	Yes
111.	Kansas Dealer Review Board	KSA 8-2412;	Under review
112.	Kansas Dealer Review Board	KSA 8-2428	Under review
113.	Agriculture Relations Board	KSA 44-820;	Under review
114.	Agriculture Relations Board	KSA 75-5712	Under review
115.	Employee Preference Program	E.O. 03-07	Under review
116.	Governor’s Office of Health Planning and Finance	E.O. 03-21	Yes
117.	Governor’s Domestic Violence Fatality Review Bd.	E.O. 04-11	Under review
118.	Gov.’s Comm. on Healthcare Cost Containment	E.O. 04-14	Yes
119.	Kansas Interagency Council on Homelessness	E.O. 05-05	Under review
120.	Ks. Interagency Council on Abuse, Neglect, and Exploitation	E.O. 06-05	Under review
121.	Gov.’s Comm. for Healthy and Prepared Schools	E.O. 06-12	Under review
122.	Establishing and maintaining a seed lab	KSA 2-1424a	Yes
123.	Testing samples and seed exam fund	KSA 2-1425	Yes
124.	Publication of reports of inspections, exams	KSA 2-1426	Yes
125.	Pest control operator’s fee fund	KSA 2-2465	Yes
126.	Fertilizer and pesticide compliance/admin. Fund	KSA 2-1233	Yes
127.	Application to build levee and engineer exam	KSA 24-105	Yes
128.	Chief engineer approval of federal approved dams	KSA 82a-312	Yes
129.	Plans accompanying application for dams	KSA 82a-313	Yes
130.	Revision of plans	KSA 82a-314	Yes
131.	Sunflower ammunition plant water rights	KSA 82a-735	Yes
132.	Data Collection	KSA 74-509	Yes

133. Penalties for fraudulent grain, seed, et al practices	KSA 83-139	Yes
134. Civil liability for deduction from actual weights and measures	KSA 83-140	Yes
135. Monthly progress reports to the joint committee on state building construction	KSA 75-1264 (a)	Yes
136. State building advisory commission reports	KSA 75-3717b (c)	Yes
137. Applicability of hotels from taxable purchases of components of tangible personal property	Pub. 1540 KSA 79-3603	Under review
138. Process for appealing denial of tax exemption for a vehicle of a not-for-profit organization	KSA 79-2005	Under review
139. Department of Revenue driver's license suspension process	KSA 40-3104	Under review
140. Ombudsman of Corrections	KSA 74-7402	Yes
137. Ombudsman of Corrections	KSA 74-7403	Yes
138. Ombudsman of Corrections	KSA 74-7404	Yes
139. Ombudsman of Corrections	KSA 74-7406	Yes
140. Ombudsman of Corrections	KSA 74-7407	Yes
141. Director of Penal Institutions transition	KSA 75-5207	Yes
142. Director of Penal Institutions transition	KSA 75-5208	Yes
143. Director of Penal Institutions transition	KSA 75-5213	Yes
144. Topeka Correctional Facility	KSA 75-5262	Yes
145. Topeka Correctional Facility	KSA 75-5263	Yes
146. Topeka Correctional Facility	KSA 75-5264	Yes
147. Topeka Correctional Facility	KSA 75-5265	Yes
148. Purchase of real estate by KDOC	KSA 75-52,119	Yes
149. Purchase of real estate by KDOC	KSA 75-52,120	Yes
150. Purchase of real estate by KDOC	KSA 75-52-121	Yes

