

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:00 a.m. on February 14, 1995, in Room 531-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Warren McCamish, Kaw Valley Drainage District  
Lawrence Brennan, Engineer, Kaw Valley Drainage District

Others attending: See attached list

**SB 168; Concerning certain drainage districts; relating to the powers, duties and functions.**

Ms. Kiernan explained that the bill amends the statute that affects drainage districts that touch the Kansas River. If the excavation or construction is to be within 1,000 feet of a flood district, persons must obtain a permit from the drainage district.

Senator Bill Wisdom informed the committee that he had this bill introduced at the request of the Kaw Valley Drainage District and that Mr. McCamish and Mr. Brennan had come to testify.

Warren McCamish, representing the Kaw Valley Drainage District of Kansas City, testified in support of **SB 168**. (Attachment 1)

Short committee discussion followed in which Mr. McCamish confirmed that both counties and cities have the authority to require these permits at present, and they do not oppose the drainage district having the same ability to do the permitting.

Lawrence Brennan, District Engineer for the Kaw Valley Drainage District, gave a brief history as to the need for the bill. The drainage district has developed a cooperative relationship with Kansas City. When a project is within 1,000 feet of the drainage district, the City of Kansas City relies on the expertise of the drainage district. The drainage district's concern is to insure that underground structures do not rise to the surface during flooding. This knowledge is sometimes not known to developers and, therefore, is beneficial. Also, the Kansas River transverses an industrial area which is being redeveloped at present. Problems are occurring as the development progresses. The integrity of the flood control system is presently referred to the drainage district by the City of Kansas City even though the district does not have the authority to regulate. This bill would give the district the authority. The City of Kansas City would like the drainage district to take the permit authority because it has more expertise and is already advising the city. Problems arise when a developer does not follow the advice of the drainage district. The district has no authority to stop unwise construction other than by persuasion. Persuasion has been effective in the past, but recently there have been cases where their recommendation was not complied with. With this bill, the district could give guidelines to make developers' projects safe.

Senator Ranson stated that she feels the committee should hear testimony in opposition to the bill. The Chairman noted that a notice of the hearing on **SB 168** has been published, and there were no opponents wanting to testify. Furthermore, frequently the other side (House) hears from opponents when the bill is heard there.

With this, the hearing on **SB 168** was concluded. The Chairman announced that no action will be taken on the bill until the next meeting, February 16, to allow committee members time for follow up work.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on February 14, 1995.

**SB 192--Regulating traffic; concerning the soliciting of contributions.**

There were no conferees. The Chairman reminded the committee that the bill had been requested by Senator Burke because of a situation in the metropolitan Kansas City area where the Rotary Club sells newspapers for charitable purposes to motorists at intersections on the opening day of the Kansas City Royals, but there is no statute that allows this. **Senate Bill 192** provides that this can be done with a permit from the city. The Chairman said he had heard no opposition to this bill.

Senator Ramirez made a motion to recommend SB 192 favorable for passage and that it be placed on the Consent Calendar, Senator Feleciano seconded, and the motion carried.

Attention was turned to a bill previously heard, **SB 158**, concerning no-fund warrants issued by drainage districts. Senator Feleciano stated his support for the bill, however, he had asked staff to draft language providing for a hearing system rather than before the Board of Tax Appeals. Mr. Heim informed the Chairman that he had a fax transmittal from a person who supports the bill. Ms. Kiernan said Barbara Butts of the Department of Administration had indicated that similar problems exist for fire districts, and perhaps language should be included to cover them. The Chairman continued discussion on the bill until staff can prepare the proposed amendments.

The minutes of February 9 were approved.

The meeting was adjourned at 9:42 a.m.

The next meeting is scheduled for February 16, 1995.



MEMBERS OF THE SENATE LOCAL GOVERNMENT COMMITTEE

TRANSCRIPT OF TESTIMONY ON BEHALF OF  
THE KAW VALLEY DRAINAGE DISTRICT OF KANSAS CITY, KANSAS

1. STATEMENT OF THE ISSUE:

The Kaw Valley Drainage District is required by agreements with the Army Corps of Engineers to review plans and regulate excavations and other construction projects proposed within 1,000 feet landward or riverward of any existing or future flood control works in order to insure the integrity of the flood control system.

At present, the Kaw Valley Drainage District lacks statutory authority to require or act upon permits for such construction and thereby fulfill its obligation under contracts with the United States of America through the Army Corps of Engineers.

In recent months, the proponents of construction projects within the boundaries of the District have challenged the District's authority to regulate construction in any manner.

Pursuant to K.S.A. 19-3307, 19-3309, and 19-3310, cities and counties that have federal flood projections projects within their boundaries are empowered to require permits for construction within the areas described above.

Currently, K.S.A. 24-132 grants to drainage districts traversed or touched by the Kansas River all the rights, powers, authority, and jurisdiction conferred upon counties and boards of county commissioners in K.S.A. 19-3301 through 19-3308, but does not confer the right to require permits under K.S.A. 19-3309.

*Senate Local Gov't  
2-14-95  
Attachment 1*

2. STATEMENT OF SUPPORT FOR SENATE BILL NO. 168:

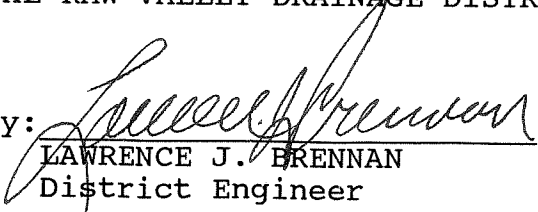
The amendment to K.S.A. 24-132 in Senate Bill No. 168 represents a straightforward, simple solution to the issue presented above.

It is our assumption that because K.S.A. 19-3309 became law after K.S.A. 24-132, the omission of authority to regulate construction projects within affected Drainage Districts was merely an oversight.

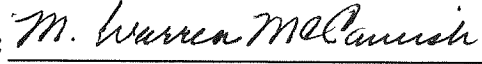
We give our strong support to the passage of Senate Bill No. 168 to allow our District and other districts within the jurisdiction of K.S.A. 24-132 to fulfill the obligations arising under contracts with the United States of America and to insure flood protection within the boundaries of the District.

THE KAW VALLEY DRAINAGE DISTRICT

By:

  
LAWRENCE J. BRENNAN  
District Engineer

By:

  
M. WARREN MCCAMISH  
Attorney