

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:10 a.m. on February 6, 1996, in Room 531-N of the Capitol.

All members were present except: Senator Pat Ranson

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

Conferees appearing before the committee: Rebecca Floyd, Assistant Attorney General
Gary L. Haller, Johnson County Park & Recreation District

Others attending: See attached list

Senator Parkinson informed the Committee that he had a request from Representative Britt Nichols for the introduction of a bill which would allow citizens of water districts to change the borders of the district.

Senator Ramirez moved that the bill be introduced, seconded by Senator Reynolds. The motion carried.

SB 564: concerning the general bond law; relating to the duties of certain officers and employees.

Rebecca Floyd, Assistant Attorney General, testified in support of **SB 564** as a means to allow more efficient use of her time. (Attachment 1)

Senator Ramirez moved that **SB 564** be recommended as favorable for passage and that it be placed on the Consent Calendar, seconded by Senator Langworthy. The motion carried.

SB 597: Concerning sand products; relating to the distribution of the proceeds from the sale thereof.

Staff explained that the bill amends the section of the statute regarding the distribution of sand royalties to counties by expanding the use for which the proceeds can be used. The amendment applies in cases where there is a state stream and no drainage districts.

Gary L. Haller, Johnson County Park and Recreation District, testified in support of **SB 597** with an amendment suggested by David L. Pope of the Division of Water Resources which would localize it to Johnson County. (Attachment 2)

Senator Feleciano moved that **SB 597** be amended as suggested by Mr. Haller and that it be recommended as favorable for passage as amended, seconded by Senator Langworthy. The motion carried.

The minutes of January 30 were approved.

The meeting was adjourned at 9:30 a.m.

The next meeting is scheduled for February 13, 1996.

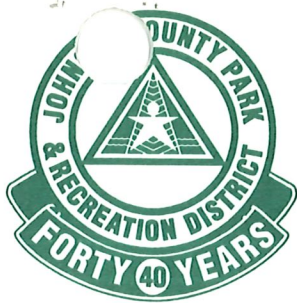
Senate Committee on Local Government
Attorney General Carla J. Stovall's
Testimony in Support of
Senate Bill 564
Presented by Rebecca Floyd
Assistant Attorney General
February 6, 1996

Mr. Chairman, members of the committee, thank you for this opportunity to testify in support of this bill. My name is Rebecca Floyd and I am the assistant attorney general assigned to review of bond transcripts and temporary notes issued by municipalities.

Senate bill 564 would amend K.S.A. 10-108(d), authorizing appointment of an assistant attorney general to review bond transcripts, to allow that attorney to perform other functions within the office as time allows. This would remove what we perceive to be an unduly restrictive administrative burden on the office. Attorney General Stovall has asked for this amendment in an effort to allow more efficient use of this assistant's time and financial expertise on occasions when bond transcripts are not being issued in great volume. Review of bond transcripts will continue to be this attorney's primary duty and priority, but as time allows other duties may be performed as well regardless whether there is an "unusual workload situation."

We would appreciate your support of this bill. Thank you.

Senate Local Gov't
2-6-96
Attachment 1



TESTIMONY
to
KANSAS SENATE
LOCAL GOVERNMENT COMMITTEE

by
Gary L. Haller, Director
Johnson County Park and Recreation District
February 6, 1996

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Park Offices

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SENATE BILL NO. 597

Honorable Chairperson Parkinson and Committee Members:

First let me state that since S.B. 597 was developed, we have new information from the Kansas Department of Agriculture Division of Water Resources, as per letter attached, from Mr. David L. Pope, P.E., Chief Engineer, that they would not oppose the Bill if it contained the language applying to urban areas of over 300,000 population. With this addition, the Bill amendment would pose no problems related to the Division's administration of the original Obstruction in Streams Act, K.S.A. 82a-302, et. sec.

The requested change to K.S.A. 82a-302 Section 1.(2)(B) would be as follows:

"(B) If there is no drainage district organized under the laws of this state which is located in such county along a river that is the property of the state of Kansas, the county may use the moneys for (1) construction, operation and maintenance of public improvements located along, in or over such a river or (2) in urban areas of over 300,000 population, the preservation of land and development and maintenance of public areas along such river or tributaries adjacent to such river."

Therefore, we would request the Committee so approve the change recommended and support the passage of the S.B. 597 as changed.

As you might note, this is a unique Bill as it applies to utilizing sand royalty money distributed to eligible Kansas counties. Johnson County borders approximately 20 miles of the Kansas River containing from three to four sand dredging operations. There is no drainage district formed in Johnson County relative to the Kansas River.

Senate Local Gov't
2-6-96
Attachment 2

1996 BOARD OF
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Sand royalties are collected by the State at .08 cents per ton and then redistributed to eligible Kansas counties. The income received by Johnson County ranges from only \$7,000 to \$9,000 annually. Since there is no drainage district associated with the Kansas River, these distributions have accumulated over the years to approximately \$100,000.

The Park and Recreation District administers a County-wide streamway program involving eight of the major streams in Johnson County. Four of the major streams--Turkey, Mill, Cedar and Kill Creeks--are major tributaries to the Kansas River. Currently the Park and Recreation District is constructing facilities on three of these streams.

Should the S.B. 597 be passed, it would allow the Park and Recreation District the option, subject to Board of County Commissioners and the Kansas Department of Agriculture Division of Water Resources approvals, to utilize these sand royalty dollars to construct trails, shelters, boat ramps, and other recreation facility along the Kansas River and its tributaries to assist in the overall County-wide streamway plan of development.

Provided along with Mr. Pope's correspondence (attached) is a position from the Board of County Commissioner legislative platform, endorsing the passage of this legislation.

The only other County that would be affected by the option presented in S.B. 597 is Sedgwick County. I have contacted the Sedgwick County Budget Office and have been informed that they receive no sand royalty distributions from the State.

The favorable passage of S.B. 597 by the Senate Local Government Committee with the suggested addition of urban areas over 300,000 population would be appreciated.

Thank you.

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES
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KANSAS DEPARTMENT OF AGRICULTURE

January 31, 1996

WILLIAM R MAASEN LAND ACQUISITION SPECIALIST
JOHNSON COUNTY PARK & RECREATION DIST
7900 RENNER RD SHAWNEE MISSION PARK OFFICES
SHAWNEE MISSION KS 66219-9723

Re: Sand Royalties

Dear Mr. Maasen:

Your January 29, 1996 letter requested comments from the Chief Engineer as to the Division's position on the proposed draft language to amend State Statute K.S.A. 82a-309:

Provided, that in counties having a population greater than 300,000, the amount allotted to the county can be utilized for preservation of land and creation of public areas along the state stream or its tributaries adjacent to such streams.

Based upon what we know about this issue at this time, the Division's position on this proposal would be neutral, since it appears to only affect how sand royalty funds would be spent within a county having a population in excess of 300,000 residents. It does not appear that this proposal would affect any issues the Division deals with in administering the Obstruction in Streams Act, K.S.A. 82a-301 et. seq.

Thank you for the opportunity to comment on this proposal. If you have additional questions, please contact this office.

Sincerely,

David L. Pope, P.E.
Chief Engineer

DLP:WJA:dv

cc: Allie Devine, Secretary

EXCERPT FROM:

JOHNSON COUNTY
1996 LEGISLATIVE PROGRAM

PARKS AND RECREATION

ISSUE: CHANGE IN USE OF SAND ROYALTIES

POSITION: SUPPORT

RATIONALE: Currently in KSA 82a309, there are restrictions placed on counties as to the use of funds received from sand royalties. The funds are limited to actual cleaning and maintenance of state streams. Johnson County requests that the option be given to counties, with a population over 300,000, to utilize the revenues for other costs such as land acquisition for the Johnson County Streamway Park System. This is a Park system being developed along streamways throughout the county.