

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 26, 2002 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Ken Wilke, Revisor of Statutes
Mike Heim, Legislative Research
Dennis Hodgins, Legislative Research
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list.

Copies from the Tri-County Drainage District No.1 on **SB 527** were distributed to Committee members (Attachment 1).

Action on SB 527 and SB 529.

Chairperson Allen opened discussion on two previously heard bills, **SB 527** relating to the transfer of territory from one drainage district to another, and **SB 529** - requiring executive sessions to be tape recorded.

Senator Jackson moved that **SB 527** pass favorably, seconded by Senator Schmidt. The motion carried.

Senator Schmidt moved to amend **SB 529**, p.1, line 28 by striking "one year" and replacing with "four months". Seconded by Senator Jackson, the motion carried.

Senator Schmidt moved to amend **SB 529**, by striking "tape recorded" throughout and replacing with "audio recording." Seconded by Senator Huelskamp, the motion carried.

A motion by Senator Schmidt to amend **SB 529** by adding the language "presence of recording device pursuant to this act shall not be taken as a waiver to any attorney-client privilege" where appropriate to the bill. Seconded by Senator Gooch, the motion carried.

Senator Brownlee moved that **SB 529** be amended on page1, line 34 by adding after the period, "if the court determines a violation has occurred". Seconded by Senator Schmidt, the motion carried.

Senator Schmidt moved to recommend **SB 529** favorably for passage as amended, seconded by Senator O'Connor. The motion carried.

Senator Gilstrap and Senator Allen requested to be recorded as a no vote on **SB 529**.

Adjournment

Meeting was adjourned by the Chair at 2:25pm.

TRI-COUNTY DRAINAGE DISTRICT NO. 1**ROSSVILLE, KANSAS 66533**

February 22, 2002

Senator Barbara Allen
Chairman, Senate Elections and Local Government Committee
300 SW Tenth Avenue, Room 110-S
Topeka, KS 66612-1273

In re: Senate Bill 527

Dear Senator Allen:

I am Chairman of the Board of Supervisors of Tri-County Drainage District No. 1, which district is located along the Kansas river in Shawnee, Pottawatomie, and Wabaunsee Counties, Kansas. The Board of Supervisors has been provided with a copy of Senate Bill 527 relating to change in territory of drainage districts. The purpose of this letter is to advise you and the Senate Elections and Local Government Committee members that Tri-County Drainage District No. 1 opposes Senate Bill 527.

The existing language of the statutes, which Senate Bill 527 attempts to modify, have been in existence for many years and are fair, just, and equitable to all drainage districts in the State of Kansas. The proposed language of Senate Bill 527, affects the purpose and existence of drainage districts statewide because its application would have profound and adverse consequences if one drainage district seeks to acquire territory of another drainage district or on the other hand transfer unwanted territory to another drainage district. The language of the proposed bill would allow a Board of County Commissioners to change the territorial boundaries of one drainage district, even though that drainage district objected to any change in boundaries. Some drainage districts are formed by resolution of a Board of County Commissioners, while others are formed by Order of a District Court, which is the method which Tri-County Drainage District No. 1 was formed in 1944. The effect of Senate Bill 527 would allow a Board of County Commissioners to override a resolution of another Board of County Commissioners or a District Court Order. If Senate Bill 527 were to become law, its legality is highly questionable.

Based on limited information available to the Board of Supervisors of Tri-County Drainage District No. 1, it appears the sole purpose of Senate Bill 527 is to settle a dispute between two drainage districts in Shawnee County, Kansas, rather

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than provide a fair and just procedure for changes in territorial boundaries of drainage districts throughout the State of Kansas. Granted, there is an attempt to limit the application of the proposed amendment to certain districts described in Section two (2) of the proposed bill. However, after reviewing the language in Section two (2), it appears to be so vague that its limiting language is inconsequential. The potential adverse impact on Tri-County Drainage District No. 1, as well as other drainage districts in the State of Kansas, are significant.

As a matter of record, Tri-County Drainage District No. 1 by and through its Board of Supervisors opposes Senate Bill 527.

Sincerely yours,



Laird French
Chairman of the Board of Supervisors of
Tri-County Drainage District No. 1

LF/DGH/djb