

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 P.M. on January 13, 2005 in Room 519-S of the Capitol.

All members were present except:

- Representative Mario Goico- excused
- Representative Dale Swenson- excused
- Representative Melody Miller- excused
- Representative Tom Sawyer- excused

Committee staff present:

- Mike Heim, Legislative Research Department
- Martha Dorsey, Legislative Research Department
- Theresa Kiernan, Revisor of Statutes Office
- Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

- Rep. Larry Powell

Others attending:

- See attached list.

Bill Introductions

Tom Finney, representing the Kansas Advisory Council on Intergovernmental Relations (KACIR), requested two pieces of legislation to be considered as committee bills (Attachment 1). They are as follows:

- Legislation which would enable cities and counties to explore the possibility of consolidation.
- Change to K.S.A. 18-202 to make it feasible for the citizens of two or more counties to hold an election regarding their boundaries.

Without objection, the requests will be adopted as committee bills.

Chairman Vickrey opened the hearing on:

HB 2007 **Horsethief reservoir benefit district**

Rep. Larry Powell testified in support of **HB 2007** (Attachment 2). He said the bill would amend legislation, adopted last session, which required a mail-ballot election to impose a sales tax for the newly created Horsethief Reservoir Benefit District. He explained that a mail-ballot election would be an expense of \$50,000.00 to \$60,000.00 to the small counties involved. **HB 2007** would require the sales tax election be held at any general election, at a special election called for that purpose, or via a mail-ballot election as provided for in state law.

Written testimony was received from Robin Jennison on behalf of the Pawnee Watershed District (Attachment 3). The testimony references HB 2582, the bill from the 2003/2004 session which created the Horsethief reservoir benefit.

Chairman Vickrey closed the hearing on **HB 2007**.

HB 2007 **Horsethief reservoir benefit district**

Rep. Yonally made a motion for the favorable passage of **HB 2007**. Rep. Lane seconded the motion. The motion carried.

The meeting was adjourned at 3:40 p.m.

The next meeting is scheduled for January 18, 2005.

**House Governmental Organization and Elections
Committee**

Date 1-13-05

Name	Representing
Kim Gullett	LKM
Tom Linnery	KACIR
Danielle Nae	Johnson County
Ron Seeber	Hair Law Firm
Chris C. Beamer	SPOUSE
Erik Sartorius	City of Overland Park
Kenzie Leffler	Div of Budget
Steve Adams	KDWP
Mark Heim	SCC
Steve Carlson	See
SEAN MILLER	KS Dairy Assn
Ken Grotawick	Kansas Water Office
ERIK WISNER	KDA
Robin Jannison	Puma Watershed

To: Governmental Organization and Elections Committee
 From: Tom Finney, Zeandale Township
 Date: January 13, 2005
 Re: Bill Requests from KACIR

KACIR. The Kansas Advisory Council on Intergovernmental Relations (KACIR) was re-established by the Kansas Legislature during the 2002 session. Its statutes are codified at K.S.A. 12-4001 *et seq.* The primary function of this group is to study organizational structures in Kansas and make recommendations for change as necessary.

Membership: The current membership of the KACIR is listed below.

<u>KACIR Position</u>	<u>Term ending</u>	<u>Last Name</u>	<u>First Name</u>	<u>Title</u>
City Official (1 of 2)	30-Jun-06	Boehm	Michael	Mayor, City of Lenexa
City Official (1 of 2)	30-Jun-08	Jackson	Richard	Mayor Pro Tem, City of Ottawa
County Official (1 of 2)	30-Jun-06	Dixon	Wade	Greeley County Attorney
County Official (1 of 2)	30-Jun-08	Norton	Tim	Sedgwick Co. Commissioner
Exec Branch Official (1 of 2)	30-Jun-08	Harkins	Joseph	Nat Resources Policy Advisor
Exec Branch Official (1 of 2)	30-Jun-06	Wagnon	Joan	Secretary of Revenue
House Min. Ldr. Apptee	January, 2005	Gatewood	Doug	Representative
House Maj. Ldr Apptee	January, 2005	Sloan	Tom	Representative
Private Citizen (1 of 3)	30-Jun-06	Courtney	Laverne	Instructor, Seward Co CC
Private Citizen (1 of 3)	30-Jun-04	Johnston	Jocelyn	Professor, Univ of Kansas
Private Citizen (1 of 3)	30-Jun-06	Kinser	Sandi	Board member, Cloud Co. CC
School Board Member	30-Jun-08	Campbell	Carolyn	Member, USD 501 BOE
Sen. Min Ldr Appointee	January, 2005	Steiniger	Chris	Senator
Sen. President Apptee	January, 2005	Allen	Barbara	Senator
Township Official	30-Jun-08	Finney	Tom	Zeandale Township officer

Study Topic: After several meetings and much brainstorming about issues involving intergovernmental relations in Kansas, the KACIR has adopted the following as its study topic for 2004-2005:

“What governmental structures will allow for and promote growth and sustainability for the future of Kansas communities?”

Legislative Proposals. The KACIR is recommending the following pieces of legislation be introduced and considered by the Kansas Legislature during the 2005 Session:

Legislative Proposal #1 – In order to promote efficiency in government, the KACIR believes that the citizens of Kansas ought to have the ability to reorganize local units of government to best suit local needs. To this end, we are recommending the passage of gateway legislation which would enable cities and counties to explore the possibility of consolidation. (See attachment)

Legislative Proposal #2 – The KACIR believes that the process for altering the boundaries of Kansas counties is antiquated and should be updated. We believe that the citizens of Kansas counties deserve the strongest measure of local control and self-determination. Therefore, we are recommending a change to K.S.A. 18-202 to make it feasible for the citizens of two or more counties to hold an election regarding their boundaries. (See attachment)

The KACIR respectfully requests that the GOE Committee introduce these pieces of legislation as committee bills. We thank you in advance for your public service and your consideration of these very important issues.

Legislative Proposal #1
by the
Kansas Advisory Council on Intergovernmental Relations

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

New Section 1. As used in this act:

- (a) "Board" means the board of county commissioners.
- (b) "City" means any city.
- (c) "Commission" means a reorganization study commission selected pursuant to section 2, and amendments thereto.
- (d) "County" means any county.

New Sec. 2. (a) The board of county commissioners of a county and the governing body of any city or cities located within such county may adopt a joint resolution providing for the establishment of a reorganization study commission to prepare a plan for the reorganization of the county and such city or cities located in such county. If the governing body of a city within the county does not adopt such joint resolution, such city shall not be included within nor subject to the provisions of any reorganization plan in regard to the status of such city as a separate entity from the county.

Such resolution shall not be effective until the question has been submitted to and approved by a majority of the qualified electors of the county voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law.

(b) Any resolution adopted pursuant to subsection (a) shall provide for the establishment of a reorganization study commission and shall provide either that the members be appointed or that the members be elected by the qualified electors of the county on a nonpartisan basis. If the commission is to be elected, the procedure for holding such election shall be determined by such resolution. The laws applicable to the procedure, manner and method provided for the election of county officers shall apply to the election of members of the commission except that such election shall be called in the manner provided by the general bond law.

(c) If a majority of the qualified electors of the county voting on a resolution submitted pursuant to subsection (a) vote in favor thereof, the commission shall be elected or appointed as provided by the resolution. The number of members on a reorganization study commission shall be determined by the resolution. At least 1/3 of the membership of a reorganization study commission shall be residents of the unincorporated area of the county.

New Sec. 3. (a) Within 30 days following the certification of the results of the election or appointment of members of the reorganization study commission, the chairperson of the board of county commissioners, acting as the temporary chairperson of the commission, shall call and hold an organizational meeting of the commission. The commission shall elect a chairperson, vice-chairperson and other officers deemed necessary. The

commission may adopt rules governing the conduct of its meetings.

(b) The commission shall be subject to the open meetings law and the open records law.

(c) Members of the commission shall be reimbursed for the actual and necessary expenses incurred in the performance of their official duties.

(d) The commission may appoint an executive director of the commission.

(e) The commission shall prepare and adopt a budget for the operation and functions of the commission and commission activities.

New Sec. 4. (a) The commission shall prepare and adopt a plan addressing the reorganization of the city or cities and county or certain city and county offices, functions, services and operations. The commission shall conduct such studies and investigations as it deems appropriate to complete its work. Such studies and investigations shall include, but not be limited to:

(1) Studies of the efficiency and effectiveness of the administrative operations of the city or cities and county.

(2) Studies of the costs and benefits of reorganizing the city or cities and county or certain city or cities and county offices, functions, services and operations.

(b) The commission shall hold public hearings for the purpose of receiving information and materials which will aid in the drafting of the plan.

(c) For the purposes of performing its studies and investigations, the commission or its executive director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commission or executive director deems relevant or material to its studies and investigation.

(d) The commission shall prepare and adopt a preliminary plan addressing the reorganization of the city or cities and county or certain city and county offices, functions, services and operations it deems advisable. Copies of the preliminary plan shall be filed with the county election officer, city clerk of each city to be reorganized and each public library within the county and shall be available to members of the public for inspection upon request. The commission shall hold at least two public hearings to obtain citizen views concerning the preliminary plan. At least seven days shall elapse between the holding of such hearings. Notice of such hearings shall be published at least once in a newspaper of general circulation within the county. Following the public hearings on the preliminary plan, the commission may adopt, or modify and adopt, the preliminary plan as the final plan.

(e) The final plan shall include the full text and an explanation of the proposed plan, and comments deemed desirable by the commission, a written opinion by an attorney admitted to practice law in the state of Kansas and retained by the executive director for such purpose that the proposed plan is not in conflict with the constitution or the laws of the state, and any minority reports. Copies of the final plan shall be filed with

the county election officer, city clerk of each city to be reorganized and each public library within the county and shall be available to members of the public for inspection upon request. The commission shall continue in existence at least 90 days following the submission of the final plan for approval at an election as provided by subsection (f).

(f) The final plan shall be submitted to the qualified electors of the county at the next general election of the county held at least 45 days following the adoption of the final plan by the commission. Such election shall be called and held by the county election officer in the manner provided by the general election law. A summary of the final plan shall be prepared by the commission and shall be published at least once each week for two consecutive weeks in a newspaper of general circulation within the county.

If a majority of the qualified electors of the county voting on the plan vote in favor thereof, the reorganization plan shall be implemented in the manner provided by the plan except that no city shall be reorganized with the county and no offices, functions, services or operations of a city shall be reorganized with the county unless such reorganization plan is approved by a majority of the qualified electors of such city voting at the election held on such plan.

There shall be printed on the ballots at any election called to approve the final plan the following statement:

"If the majority of the qualified electors of a county and the majority of the qualified electors of a city voting at the election to approve the final plan vote in favor of such plan, such city shall be included within and subject to the provisions of such plan.

If the majority of the qualified electors of a city voting at the election to approve the final plan, do not vote in favor of such plan, such city shall not be included within nor subject to the provisions of such plan in regard to the status of such city as a separate entity from the county."

If such a majority of the electors vote against such plan, the proposed reorganization plan shall not be implemented.

If the commission submits a final plan which does not recommend the reorganization of the city or cities and county or certain city and county offices, functions, services and operations, the provisions of this subsection shall not apply.

New Sec. 5. (a) Any plan submitted by the commission shall provide for the exercise of powers of local legislation and administration not inconsistent with the constitution or other laws of this state.

(b) If the commission submits a plan providing for the reorganization of certain city and county offices, functions, services and operations, the plan shall:

(1) Include a description of the form, structure, functions, powers and officers and the duties of such officers recommended in the plan.

(2) Provide for the method of amendment or abandonment of the plan.

(3) Authorize the election, appointment or elimination of elective officials and offices.

(4) Specify the effective date of the reorganization.

(5) In the case of multi-city reorganization with a county, the plan shall include provisions addressing the situation if the plan is approved by the electors of one, but not all cities to be reorganized under the plan.

(6) Include other provisions determined necessary by the commission.

(c) If the plan provides for the reorganization of the city or cities and county, in addition to the requirements of subsection (b) the plan shall:

(1) Fix the boundaries of the governing body's election districts, provide a method for changing the boundaries from time-to-time, any atlarge positions on the governing body, fix the number, term and initial compensation of the governing body of the reorganized city-county and the method of election.

(2) Determine whether elections of the governing body of the reorganized city-county shall be partisan or nonpartisan elections and the time at which such elections shall be held.

(3) Determine the distribution of legislative and administrative duties of the reorganized city-county officials, provide for reorganization or expansion of services as necessary, authorize the appointment of a reorganized city-county administrator or a city-county manager, if deemed advisable, and prescribe the general structure of the reorganized city-county government.

(4) Provide for the official name of the reorganized city-county.

(5) Provide for the transfer or other disposition of property and other rights, claims and assets of the county and city.

New Sec. 6. (a) If the voters approve a plan which provides for the reorganization of the city or cities and county, such reorganized city-county shall be subject to the provisions of this section.

(b) The reorganized city-county shall be subject to the cash-basis and budget laws of the state of Kansas.

(c) Except as provided in subsection (d), and in any other statute which specifically exempts bonds from the statutory limitations on bonded indebtedness, the limitation on bonded indebtedness of a reorganized city-county under this act shall be determined by the commission in the plan, but shall not exceed 30% of the assessed value of all tangible taxable property within such county on the preceding August 25.

(d) The following shall not be included in computing the total bonded indebtedness of the reorganized city-county for the purposes of determining the limitations on bonded indebtedness:

(1) Bonds issued for the purpose of refunding outstanding debt, including outstanding bonds and matured coupons thereof, or judgments thereon.

(2) Bonds issued pursuant to the provisions of article 46 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto.

(3) Bonds issued for the purpose of financing the construction or remodeling of a courthouse, jail or law enforcement center facility, which bonds are payable from the proceeds of a retailer's sales tax.

(4) Bonds issued for the purpose of acquiring, enlarging, extending

or improving any storm or sanitary sewer system.

(5) Bonds issued for the purpose of acquiring, enlarging, extending or improving any municipal utility.

(6) Bonds issued to pay the cost of improvements to intersections of streets and alleys or that portion of any street immediately in front of city or school district property.

(e) Any bonded indebtedness and interest thereon incurred by the city or cities or county prior to reorganization or refunded thereafter shall remain an obligation of the property subject to taxation for the payment thereof prior to such reorganization.

(f) Upon the effective date of the reorganization of the city or cities and county, any retailers' sales tax levied by the city or cities or county in accordance with K.S.A. 12-187 *et seq.*, and amendments thereto, prior to such date shall remain in full force and effect, except that part of the rate attributable to the city or cities to be reorganized shall not apply to retail sales in the cities which are not reorganized with the county. The reorganized city-county shall be a class A, B, C or D city as determined by the commission in the plan.

(g) Upon the effective date of the reorganization of the city or cities and county, the territory of the reorganized city-county shall include:

(1) All of the territory of the county for purposes of exercising the powers, duties and functions of a county.

(2) All of the territory of the county, except the territory of the cities which are not reorganized with the county and the unincorporated area of the county, for purposes of exercising the powers, duties and functions of a city.

(h) For the purposes of section 1 of article 5 of the constitution of the state of Kansas, the "voting area" for the governing body of the reorganized city-county shall include all the territory within the county.

(i) Except for the reorganized city-county and unless otherwise provided by law, other political subdivisions of the county shall not be affected by reorganization of the city or cities and county. Such other political subdivisions shall continue in existence and operation.

(j) Unless otherwise provided by law, the reorganized city-county shall be eligible for the distribution of any funds from the state and federal government as if no reorganization had occurred. Except as provided in this subsection, the population and assessed valuation of the territory of the reorganized city-county shall be considered its population and assessed valuation for purposes of the distribution of moneys from the state or federal government.

(k) The reorganized city-county shall be a county. The governing body of the reorganized city-county shall be considered county commissioners for the purposes of section 2 of article 4 of the constitution of the state of Kansas and shall have all the powers, functions and duties of a county and may exercise home rule powers in the manner and subject to the limitations provided by K.S.A. 19-101a, and amendments thereto, and other laws of this state.

The governing body of the reorganized city-county shall be responsible

for any duties or functions imposed by the constitution of the state of Kansas and other laws of this state upon any county office abolished by the reorganization plan. Such duties may be delegated by the governing body or as provided in the reorganization plan.

(l) The reorganized city-county shall be a city of the first, second or third class as determined by the commission in the plan. The governing body of the reorganized city-county shall have all the powers, functions and duties of a city of such class and may exercise home rule powers in the manner and subject to the limitations provided by article 12 of section 5 of the constitution of the state of Kansas and other laws of this state.

(m) The governing body of the reorganized city-county may create special service districts within the city-county and may levy taxes for services provided in such districts.

(n) Changes in the form of government approved by the voters in accordance with the reorganization plan are hereby declared to be legislative matters and subject to initiative and referendum in accordance with K.S.A. 12-3013 *et seq.*, and amendments thereto.

New Sec. 7. The board of county commissioners may levy a tax not to exceed one mill on all taxable tangible property of the county for the purpose of financing the costs incurred by the reorganization study commission while executing the powers, duties and functions of such commission. After the payment of such costs incurred by the commission any remaining moneys derived from such tax levy shall be transferred to the county general fund in the manner provided by K.S.A. 79-2958, and amendments thereto.

Sec. 8. K.S.A. 12-3909 is hereby amended to read as follows: 12-3909. Nothing in this act shall be construed as authorizing the reorganization of any political or taxing subdivision with any other political or taxing subdivision. Nothing in this act *K.S.A. 12-3901 through 12-3908, and amendments thereto*, shall be construed to authorize the closing or the change of use of any school or attendance facility.

Sec. 9. K.S.A. 2002 Supp. 19-205 is hereby amended to read as follows: 19-205. Except as provided by K.S.A. 12-344 and, 12-345, *sections 5 and 6, and amendments thereto*, no person holding any state, county, township or city office shall be eligible to the office of county commissioner in any county in this state.

Nothing in this section shall prohibit the appointment of any county commissioner to any state board, committee, council, commission or similar body which is established pursuant to statutory authority, so long as any county commissioner so appointed is not entitled to receive any pay, compensation, subsistence, mileage or expenses for serving on such body other than that which is provided by law to be paid in accordance with the provisions of K.S.A. 75-3223, and amendments thereto.

New Sec. 10. Sections 1 through 7, and amendments thereto, shall be known and may be cited as the efficiency in local government act.

Sec. 11. K.S.A. 12-3909 and K.S.A. 19-205 are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the statute book.

Legislative Proposal #2
by the
Kansas Advisory Council on Intergovernmental Relations

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

Sec. 1. K.S.A. 18-202 is hereby amended to read as follows: That whenever the citizens of two or more counties desire a change in the boundaries thereof, they may petition their respective boards of county commissioners therefor, and each of said petitions shall designate the change desired, and shall be signed by none but legal voters of the county before whose board the same is presented, and shall be signed by at least ~~one-half~~ **5%** of such legal voters of each county respectively, to be ascertained from the last assessment rolls of the several township assessors in the county and accompanied by affidavits signed and sworn to by at least two credible witnesses, that the signatures to the petition are genuine, and that the persons signing the same are legal voters in said county: *Provided*, That before any petition shall be heard, satisfactory proof shall be made by affidavit, to said board, that at least three notices containing copies of such petition or petitions have been posted at least six weeks before the same shall be heard, in three public places in each township in the counties to be affected by such change of boundaries, one of which shall be kept posted upon the door of the office of the clerk of the district court of said counties, which notices shall contain a copy of the petition, and shall show the time of hearing: ~~*And provided further*, That if an equal number shall sign the remonstrances in each county where the petition is to be heard to the number signing the petitions, no election shall be held.~~ ***And provided further, that the boards of county commissioners for two or more counties may by resolution submit the question of a change in boundaries to an election in their respective counties without the prior submission of such petition.***

Sec. 2. K.S.A. 18-202 is hereby repealed.

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

STATE OF KANSAS

LARRY POWELL
REPRESENTATIVE, 117TH DISTRICT
9555 N DEWEY RD
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE-CHAIRPERSON: AGRICULTURE
MEMBER: AGRICULTURE AND NATURAL
RESOURCES BUDGET
EDUCATION
ENVIRONMENT

January 13, 2005

Government Organization & Elections Committee
Chairman, Jene Vickrey

Thank you, Mr. Chairman for allowing me to appear before your committee today.

The bill before you today is a cleanup for a bill we passed last year (House 99-yes and Senate 40-yes).

The bill referenced the wrong statute and called for a mail ballot which would have cost 50-60 thousand dollars. We didn't want these small counties to have this expense so this bill is to fix that problem.

I ask for your committee's support to get this out quickly so we can get the proposition on the April 5th ballot.

I'll be glad to stand for questions.

Sincerely
Larry Powell
House Representative- District #117

House Gov. Org. & Elections
Date: 1-13-05
Attachment # 2

submitted by:
Robin Jennison
Pawnee
Watershed
District

HORSETHIEF RESERVOIR

Recreation and Water Management Project

PAWNEE WATERSHED JOINT DISTRICT NO. 81

514 W. Highway 156 • Jetmore, Kansas 67854 • 620-357-6420 • email: horsethiefres@hotmail.com

Testimony before the Senate Ways and Means Committee

Chairman Morris and members of the committee. I'm Ron Allen, manager of the Pawnee Watershed District in Jetmore, and I am here today to give background and to urge your support for HB 2582, legislation that would create the HorseThief Reservoir Benefit District.

HorseThief Reservoir is the most ambitious project yet undertaken by the Pawnee Watershed District. Located on a 1560-acre site eight miles west of Jetmore (twenty miles north of Dodge City), the park will consist of a 450 surface acre reservoir, surrounded by an 1100-acre recreation area. All types of nature and water-based activities will be offered.

The Pawnee Watershed district was organized in the late 1960's to reduce flood damage in the Pawnee and Buckner Creek watersheds. Flood control is still our primary mission. If the HorseThief project is not completed, the Watershed District will have to build five smaller structures upstream to fulfill the flood control goals mandated in our General Plan. The ability to construct a larger reservoir at this site will allow for multiple uses—the most obvious being water-based recreation.

In addition, the Division of Water Resources has determined that a large detention structure located at this site will enhance the availability of water downstream, through periodic releases mandated in our state-approved Reservoir Operating Plan.

When completed, HorseThief Reservoir will be the largest body of surface water in the southwest corner of the state. In addition to the aforementioned benefits of flood control, water-based recreation, and water conservation, HorseThief Reservoir promises to play a dynamic role in economic development efforts in western Kansas.

HorseThief Reservoir is eligible for approximately \$3.6 million under the Multipurpose Small Lakes Program administered by the State Conservation Commission. An initial allocation of \$300,000 was approved by the 2003 session of the Legislature, with additional funding being considered this year.

House Gov. Org. & Elections
Date: 1-13-05
Attachment # 3

The Pawnee Watershed District is convinced that any additional state funding is unlikely. Likewise, the possibility for substantial federal monies for project construction was negated by the events of 9/11 and their aftermath.

With this in mind, the Watershed District decided to take the question of funding HorseThief Reservoir to the citizens in our area, in an attempt to gauge their support.

HB 2582 would establish a special benefit district--made up of four counties surrounding the Reservoir—to manage, and partially fund, the recreation component of the project. Attached is a map indicating the boundaries of the proposed Benefit District, as well as the boundaries of the Pawnee Watershed District.

Recognizing that any tax—even a sales tax as small as 1/10 of 1%--would be controversial, I carried a resolution of support to nine area counties, as well as the cities of Garden City and Dodge City. A copy of that resolution is also included with these remarks.

As you can surmise from the wording of the legislation, five of those counties chose not to participate in the project. Four counties did, however—Ford, Finney, Gray, and Hodgeman Counties—along with the cities of Dodge City and Garden City.

The four counties that voted to participate represent nearly 89% of the sales tax that would be collected from the nine counties originally approached, so the financial integrity of the project was not put in jeopardy by the lack of unanimous support.

Those of us at the Pawnee Watershed District feel that HorseThief Reservoir will be a model for state and local collaboration. With a commitment of state participation, I am confident that the voters in the four-county Benefit District will be willing to assume the responsibility for their 60% share.

HB 2582 will give the citizens in the benefit area the opportunity to finance HorseThief Reservoir in basically the same proportions that watershed projects have been funded in the past. On smaller flood control structures, at least two-thirds of the construction costs are borne by the watershed district, a local-funded entity. Participants in the Benefit District will pay for HorseThief Reservoir in roughly the same manner.

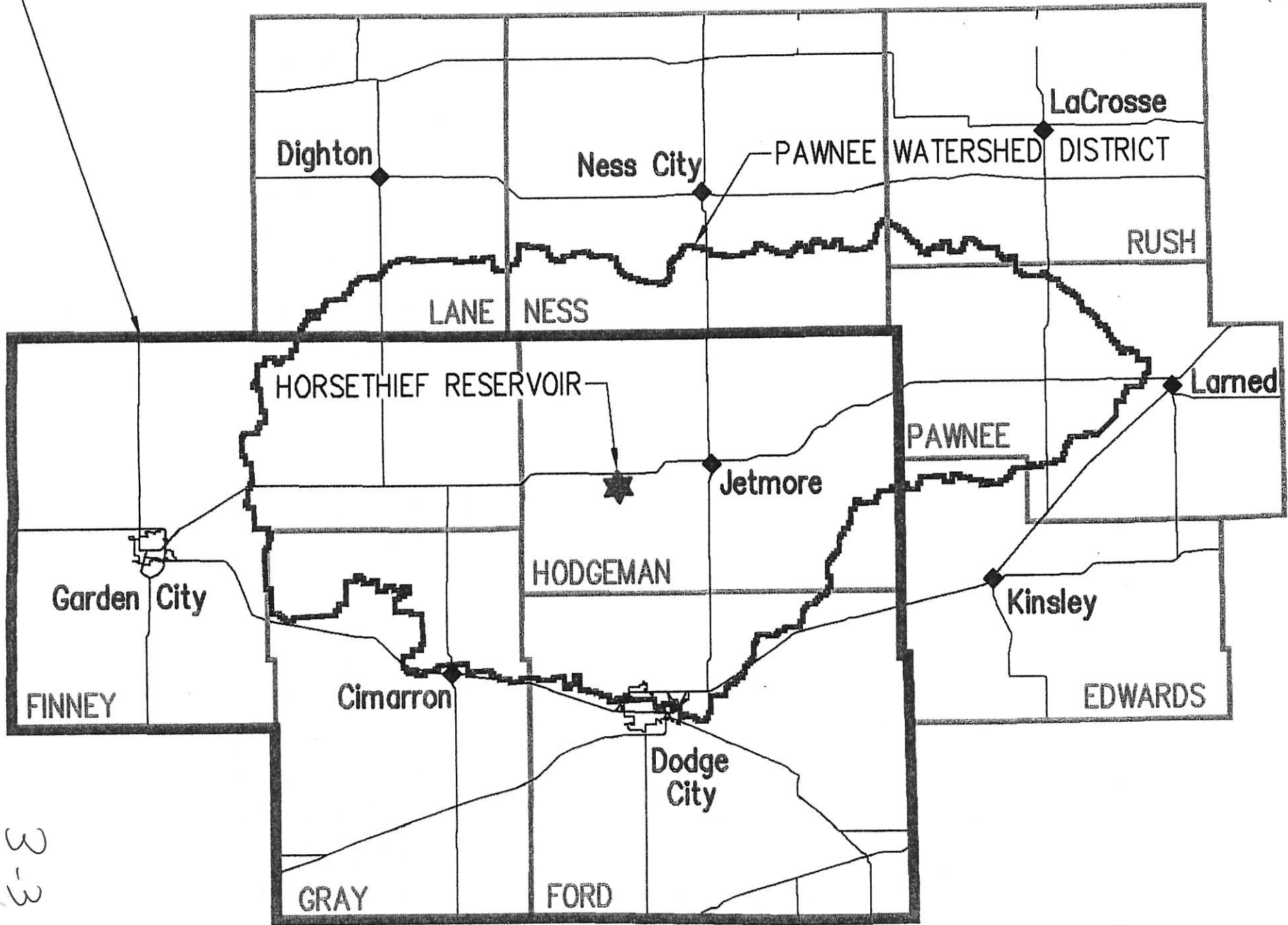
In addition to bonding authority, the Benefit District will be responsible for the operation and maintenance of the recreational facilities. Many management issues can be addressed, before construction begins, that will contribute to the ultimate success of the park—items such as user fees and park regulations.

Even though project funding is of the highest priority, the ability to proceed with these management tasks is extremely important from a longer-term perspective. We would urge timely passage of HB 2582.

That concludes my remarks. I would be glad to address any questions you might have.

HORSETHIEF RESERVOIR BENEFIT DISTRICT

3-3



3-3

RESOLUTION NO. 2003-44

A RESOLUTION DECLARING IT ADVISABLE TO SUPPORT LEGISLATION PERMITTING THE CREATION OF A SPECIAL DISTRICT THAT WOULD BE AUTHORIZED TO FINANCE AND OPERATE A FLOOD CONTROL AND RECREATION RESERVOIR PROJECT IN THE SOUTHWEST PORTION OF THE STATE OF KANSAS.

WHEREAS, K.S.A. 24-1201 *et seq.* (the "Watershed District Act") authorizes the board of county commissioners of any county to provide for the establishment of watershed districts with the power to construct, operate and maintain works of improvement needed to rectify problems of water management resulting from erosion, floodwater or sediment damages or instability of natural water supplies arising in the watersheds of the rivers and streams of the state of Kansas (the "State") and

WHEREAS, pursuant to the authority of the Watershed District Act, and a successful election held among the property owners affected thereby, the Pawnee Watershed Joint District No. 81 (the "Pawnee Watershed District") was heretofore established, the boundaries of which comprise more than 1.5 million acres and include all or portions of property located in nine counties in the southwest portion of the State; and

WHEREAS, Ford County, Kansas (the "County") is one of the counties, the property of which are included within the boundaries of the Pawnee Watershed District, the others being the counties of Edwards, Finney, Gray, Hodgeman, Lane, Ness, Pawnee and Rush; and

WHEREAS, board of directors of the Pawnee Watershed District, has heretofore declared an intent to develop a reservoir project of approximately 450 surface acres located along Buckner Creek approximately eight miles west of Jetmore, Kansas, to be known as the HorseThief Reservoir; and

WHEREAS, the HorseThief Reservoir project would provide an additional opportunity for flood control as well as providing a recreational opportunity to the residents of the southwest portion of the State; and

WHEREAS, due to the constraints contained in the Watershed District Act, the board of directors of the Pawnee Watershed District have deemed it advisable to request that the Kansas Legislature adopt legislation that would authorize a special district within the aforementioned counties that would be authorized to finance and operate the HorseThief Reservoir project (the "Legislation"); and

WHEREAS, the Legislation would contain a requirement that prior to the authorization of the incurrence of debt to finance the project therein, the electors within the proposed boundaries of such district approve such indebtedness at an election held for such purpose; and

WHEREAS, the board of directors of the Pawnee Watershed District have requested that the Board of County Commissioners (the "Board") of the County adopt a resolution in support of the Legislation.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FORD COUNTY, KANSAS:

SECTION 1. The Board hereby deems that the construction and operation of the HorseThief Reservoir project would be beneficial to residents and businesses of the County by providing additional assistance in flood control and also providing recreational opportunities for the southwest portion of the State. In order to facilitate the construction and operation of the HorseThief Reservoir project, the Board also deems it advisable to request that the Kansas Legislature adopt the Legislation that would provide for the creation of a separate district, provided that such Legislation contain a requirement that prior to the authorization of the incurrence of debt to finance the project therein, the electors within the proposed boundaries of such district approve such indebtedness at an election held for such purpose.

SECTION 2. The Clerk is hereby authorized and directed to provide the board of directors of the Watershed District with a certified copy of this Resolution and authorizes such entity to forward a copy to the Kansas Legislature.

SECTION 3. This Resolution shall be effective upon its adoption by the Board.

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ADOPTED by the Board of County Commissioners of Ford County, Kansas on December 22, 2003.

 Paul C. Costenline
Chairman

 T. Kim Gooding
Commissioner

 John F. Langley
Commissioner



(Seal)

ATTEST:
 Victoria Wells
Clerk