

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on January 25, 2006 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Mike Heim, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Larry Brennan - Administrator Kaw Valley Drainage District
Steve Dailey - Fairfax Drainage District, Wyandotte County

Others attending:

See attached list.

Hearing on SB392 - Concerning the members of the board of directors of drainage districts.

Senator Taddiken testified on support of **SB392 (Attachment 1)**. The intent of this bill is to have more people eligible to serve as a board director. He stated the control of the board should remain ultimately with the land owners. This bill will allow landowners to retain that control as they have the ability to determine who is a tenant.

Larry Brennan testified as an opponent. After committee discussion and questions Brennan agreed to language that would present classification to eligibility (Attachment 2).

Steve Dailey stated he opposed the bill by saying bringing in designees would not be good for his county since there are no resident owners.

Discussion closed.

Bill Bryant introduced a request for introduction of two bills.

1. Committee bills- Voter I.D. when voting with exceptions-clarification and definition.
2. Recall-Cleaning up recall language and notification.

Senator O'Connor moved to except introduction and Senator Donovan second. The motion carried.

Meeting adjourned.

Next meeting is scheduled for Tuesday, January 31, 2006.



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

CHAIR: AGRICULTURE
MEMBER: NATURAL RESOURCES
UTILITIES
WAYS & MEANS
JOINT COMMITTEE ON SPECIAL
CLAIMS AGAINST THE STATE
LEGISLATIVE EDUCATIONAL
PLANNING

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TESTIMONY IN SUPPORT OF SENATE BILL 392

January 25, 2006

Senate Elections and Local Government Committee

By Senator Mark Taddiken

Thank you Chairman Huelskamp and committee members for the opportunity to testify in support of Senate Bill 392 today.

Current law in Kansas requires that a member of the board of directors of a drainage district own land in the drainage district and reside in the county in which a portion of that district is located.

This system has served the districts well as it maintains control of the district and taxation authority with the affected landowners. In our more rural areas of the state we are experiencing the situation where we no longer have people who meet the qualifications or are able to serve as directors.

In some cases, the owners or the land live outside the county or in other states. In other cases the owners are now 80 or 90 years of age and are no longer physically able to carry out the duties of a director.

The intent of SB 392 is to have more people be eligible to serve as a board director. I believe the control of the board should remain ultimately with the land owners. This bill would allow land owners to retain that control as they have the ability to determine who is a tenant.

It has come to my attention that drainage districts in more populated areas may not have this same problem and thus might be hesitant to include tenants as board directors. If the committee desires to make a change in language that insures owners retain control of the board I would be willing to work towards that end.

In our situation we just don't have enough landowners left to carry out the duties of the board and it is imperative that the drainage districts have proper oversight and management.

I respectfully encourage you to support making more people eligible to be directors of the board of drainage districts.

Elections and Local Government
January 25, 2006
Attachment 1

THE KAW VALLEY DRAINAGE DISTRICT

WYANDOTTE COUNTY, KANSAS

FLOOD CONTROL ON THE KANSAS RIVER

719 OSAGE AVENUE

KANSAS CITY, KANSAS 66105

342-2382

DIRECTORS
JAMES L. JENKINS
VICTOR L. HERNANDEZ
DAVID R. MORALES

M. WARREN McCAMISH, JR., ATTORNEY
LAWRENCE J. BRENNAN, ADMINISTRATOR

January 25, 2006

SENATE BILL 392

STATEMENT TO SENATE ELECTIONS AND LOCAL GOVERNMENT
COMMITTEE MEETING OF JANUARY 25, 2006 BY KAW VALLEY
DRAINAGE DISTRICT OF WYANDOTTE COUNTY, KANSAS.

The Kaw Valley Drainage District of Wyandotte County controls flood control facilities on the lower ten miles of the Kansas River, which discharges to the Missouri River. These facilities protect three to four hundred residences and many commercial and industrial enterprises. The District lies totally within the City of Kansas City, Kansas, but comprises only 10% of the area of the city.

The District was created in 1905, the boundary of the District being determined by the water level reached in the great flood of 1904. All past and current Board members owned property within the District, subject to flooding in the event of a failure in the flood protection system. All past, present and future Board members have a vital interest in the functioning of the District and the flood protection system. We believe this is good public policy.

The District's expenditures during calendar year 2006 will exceed two million dollars.

Election and Local Government
January 25, 2006
Attachment 2

Studies under way with the Corps of Engineers indicate that future expenditures will be higher to fund necessary improvements to the flood protection system. Only properties within the District are subject to taxation to support the activities of the District. There is no other source for paying for the maintenance and operation work of the District. We do not believe that allowing responsibility for taxing in the District to be in the hands of possibly short-term renters or tenants would be prudent or good business.

We are not aware of the motives for inserting the "tenant" language in the existing statute, but assume there are sound reasons. And with that lack of information we cannot propose language which will accomplish both purposes of the current law and the proposed changes.

But we can say that we are opposed to the proposed statute changes. The current statute places responsibility and accountability for the flood control facilities in the same hands, the property owners within the District. This approach has worked well for over 100 years.

Thank you for your attention and consideration.