

MINUTES OF THE HOUSE ELECTIONS AND GOVERNMENTAL ORGANIZATION COMMITTEE

The meeting was called to order by Chairman Mike Burgess at 3:30 P.M. on February 14, 2007 in Room 231-N of the Capitol.

All members were present except:

Representative Melody McCray-Miller- excused  
Representative Mike Peterson- excused

Committee staff present:

Martha Dorsey, Legislative Research Department  
Matt Spurgin, Legislative Research Department  
Mike Heim, Revisor of Statutes Office  
Maureen Stinson, Committee Assistant

Conferees appearing before the committee:

Kent Weatherby  
Fred Rogge  
Greg Wilson  
Mark Schreiber  
Kim Christiansen  
Randall Allen  
Tom Fuhman  
Lonie Addis  
Leonard Buddenbohn  
Mark Beck

Others attending:

See attached list.

**HB 2126**      Addition to membership of the Kansas water authority

Chairman Burgess opened the hearing on **HB 2126**.

Kent Weatherby, Kansas River Water District No. 1, testified in support of the bill (Attachment 1). He said that passage of the bill would provide one seat on the Kansas Water Authority for a representative of the three water assurance districts.

Fred Rogge, Cottonwood/Neosho River Basins Water Assurance District No. 3, testified in support of the bill (Attachment 2). He explained that the board members realize the importance of having a representative on the Kansas Water Authority whose primary focus will be on surface water interests.

Greg Wilson testified in support of the bill. No written testimony was provided.

Mark Schreiber, Westar Energy, testified in support of the bill (Attachment 3). He explained that water assurance districts are currently not represented on the Kansas Water Authority and that with this representation, the Kansas Water Authority would benefit from the input of a group that represents some of the largest water users in the state.

Written testimony in support of the bill was submitted by the following:

Norton Bonaparte, City of Topeka (Attachment 4)  
Weldon Padgett, City of Ottawa (Attachment 5)  
Gary Mahon, City of La Cygne (Attachment 6)  
Gerald McIntyre, City of Manhattan (Attachment 7)  
Mike Amyx, City of Lawrence (Attachment 8)  
Garry Turner, City of Olathe (Attachment 9)

Kim Christiansen, Kansas Water Office, testified as neutral to the bill (Attachment 10).

CONTINUATION SHEET

MINUTES OF THE House Elections and Governmental Organization Committee at 3:30 P.M. on February 14, 2007 in Room 231-N of the Capitol.

Chairman Burgess closed the hearing on **HB 2126**.

**HB 2153** County appraisers, elections thereof

Chairman Burgess opened the hearing on **HB 2153**.

Randall Allen, Kansas Association of Counties, testified in opposition to the bill (Attachment 11). He said that an election of county appraisers does not guarantee any more accountability than appointing county appraisers. He also explained that the bill eliminates appraiser districts, which are a cost saving measure for many smaller counties in Kansas.

Tom Fuhrman, Landmark Appraisal, Inc., testified in opposition to the bill (Attachment 12). He explained that current statutes are sufficient and the enactment of the bill would be detrimental to, at least, the 36 counties that currently use the services of a part-time County Appraiser.

Lonie Addis, County Commissioner, Labette County, testified in opposition to the bill (Attachment 13). He explained that allowing counties to consolidate their appraiser position, enables counties to maintain professional services at a minimal expense to tax payers.

Leonard Buddenbohm, Attorney, testified in opposition to the bill (Attachment 14). He explained that making the county appraiser an elected position would result in a conflict of politics versus professionalism.

Mark Beck, Property Valuation Division, Kansas Department of Revenue, testified in opposition to the bill (Attachment 15). He explained that current law provides a method for either the board of county commissioners or the director of property valuation to remove or suspend a county appraiser from office if the county appraiser was not following state laws pertaining to the appraisal or assessment of property.

Written testimony in opposition to the bill was submitted by:  
William Johnson, Butler County Administrator (Attachment 16)  
Bill Oswald, Kansas Legislative Policy Group (Attachment 17)

Chairman Burgess closed the hearing on **HB 2153**.

**HB 2280** Cities; benefit fees for certain services

Representative Huebert made a motion for the favorable passage of **HB 2280**. Representative Brunk seconded the motion. The motion carried.

The meeting was adjourned.

The next meeting is scheduled for Thursday, February 15, 2007.

**House Elections and  
Governmental Organization Committee**

Date 2-14-2007

Name	Representing
Karl Wenz	Kearny & Associates
Mark Lee	Furness County
Kent Astren	KPB
Dana Gray	Haskell County
NANCY WEERS	HASKELL CO. TREASURER
THOMAS J. FUHRMANN	GT, HS, MT, ST, SV COUNTIES
MARIC BECK	KDOT
Rod Broberg	Saline County
DARCI MEESSE	WaterOne
Len Buddenbaker	Atchison County
Tom Schrempf	WaterOne
Greg Wilson	KRWAD
GARRY TURNER	KRWAD city of Olathe
Gerald McIntyre	KRWAD City of Manhattan
Kim Christiansen	Kansas Water Office
FRED ROGGE	COTTONWOOD/NEOSHO WATER ASSURANCE DISTRICT
Mark Schreiber	Westar Energy
Kent Weatherby	Kansas River Water Assur. Dist.
Paul Snider	Kansas City Power & Light
Doug Smith	Pinegar Smith & Associates

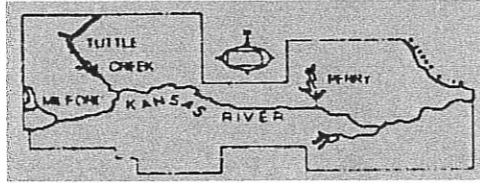
**House Elections & Governmental Organization Committee**  
**HB 2126**

**Summary of Testimony**  
**Kent Weatherby**

1. The formation of water assurance districts was authorized by legislation in 1986 to provide water to member municipalities and industries serving over two million Kansans with drinking water and electricity along with other industrial purposes.
2. Three water assurance districts have been incorporated since they were authorized. Those are in the Kansas, Marais des Cygnes, Cottonwood and Neosho river basins.
3. The water assurance districts have invested over \$11,000,000 in federal reservoir storage capacity under State of Kansas control pursuant to State Water Plan Storage Act thereby taking on all financial obligations the state would otherwise have for that storage. This makes water assurance districts the single largest monetary partner the state has in this important environmental and budgetary area.
4. In the past three years water assurance districts have paid nearly \$1,000,000 in federal/state operation and maintenance costs the state would otherwise be responsible for paying. Since 1992 water assurance districts have paid \$3,000,000 in those costs the state would otherwise be responsible for paying.
5. The legislature determined the major water related entities to be included as members of the Kansas Water Authority when it was established by legislation in 1981.
6. Since water assurance districts did not exist when the Kansas Water Authority was established they were not considered for representation.
7. Decisions of the Kansas Water Authority and recommendations to the legislature have both direct and indirect implications for water assurance districts.
8. There is currently no entity with representation on the Kansas Water Authority having the same expertise or interests as water assurance districts.
9. Index to testimony of Kent Weatherby:

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# The Kansas River



## Water Assurance District No. 1

212 SW 7<sup>th</sup> Street – Topeka, Kansas 6603-3717

### Elections & Governmental Organization Committee House of Representatives 2007 Legislative Session

#### HB 2126

Kent Weatherby, Conferee

Chairman Burgess and members of the committee, my name is Kent Weatherby. I am General Counsel for The Kansas River Water District No.1 (KRWAD). I have also served the KRWAD as one of its incorporators, representative to its board of directors, corporate secretary and president while employed by one of the district members. I am here today to speak in favor of HB 2126 and urge your passage of that bill to provide one seat on the Kansas Water Authority for a representative of the three water assurance districts.

Three water assurance districts were established pursuant to enabling legislation passed by the legislature in 1986. That concept was visionary. Water assurance districts are the mechanism by which municipalities and industries located downstream of the federal reservoirs having a water supply component are able to satisfy the demand of their residents and business operations with water during periods of drought. To do that the operation of the reservoirs and river requires the coordination and cooperation of the Kansas Water Office, the Division of Water Resources and the U.S. Army Corps of Engineers with the management of the assurance district.

Since the authorizing legislation was passed, three water assurance districts have been established, The Kansas River Water Assurance District No. 1, the Marais des Cygnes River Water Assurance District No. 2, and the Cottonwood and Neosho River Basins Water Assurance District No. 3. All three of the districts have experienced droughts since they were established and the wisdom the legislature showed by creating a program for drought contingency is a workable system. It works very well. But it can work only when the federal reservoirs and the river systems downstream of those reservoirs have policies in place that take into consideration the needs of the people and businesses.

Attached to this testimony is a document entitled Ten Important Questions Concerning Water Assurance Districts. That document beginning on page 4 addresses the following questions:

1. What is a water assurance district?
2. Who is eligible for membership in a water assurance district?
3. How does a water assurance district work?
4. Are any other governmental entities involved?
5. How does delivery of water under this program differ from the State Water Marketing Plan?
6. Is the State secure in its financial obligation to the federal government under this program?
7. How many water assurance districts are there and where are they located?
8. Why are water assurance district operations important to operation of the river system?
9. How do you best describe the importance of water assurance districts?
10. If water assurance districts are so important why weren't they included on the Kansas Water Authority when it was established?

In order for you to have some idea of the extent water assurance district operations impact the people of the State of Kansas the three assurance districts adopted Joint Resolution 05-01. A copy of that resolution is included on page 6 of this statement. Briefly summarized it indicates roughly 2,000,000 Kansans located in 23 cities in addition to the metropolitan areas Johnson, Wyandotte and Sedgwick Counties receive benefit from assurance district operations. The municipalities and industries supplying that drought water through the assurance districts have invested more than \$11,100,000 to purchase storage in Milford, Tuttle Creek, Perry, Melvern, Pomona, Council Grove, Marion and John Redmond Reservoirs. The Kansas River, Cottonwood River, Neosho River, Marais des Cygnes River, and very nearly all of the counties in eastern Kansas, are benefited by the maintenance of flow below the reservoirs mentioned above. And yet the water assurance districts do not have a place at the table where policy decisions relating to those reservoirs and river systems are decided. They are not represented on the Kansas Water Authority. While that may have been understandable in the past it is unwise to continue in that manner.

When the Kansas Water Authority was established in 1981 the concept was to provide representation for all the major water interest groups on a body politic that would make policy decisions relating to the waters in reservoirs, river and ground water of the state. The League of Municipalities, Kansas Association of Commerce and Industry, Rural Water Association, Conservation Districts, Watershed Districts, environmental and public representation was provided for and groundwater representation was provided for through two seats allocated to Groundwater Management Districts. But, since water assurance districts were not authorized until the 1986 legislative session no provision was made for a spokesperson for the surface water storage in federal reservoirs. I would submit to you that the relationship assurance districts have to reservoir storage is very similar to the relationship groundwater management districts have to groundwater storage. I find it hard to believe that assurance districts would not have had a seat at the table if they had been in existence in 1981. Indeed, it was the enabling legislation for groundwater management districts that served as the model for assurance districts when the law authorizing assurance districts was passed in 1986.

When I look at the makeup of the Kansas Water Authority I see members who have a direct and vital interest in water policy of the state. What I do not see is entities who have stepped forward

not just with ideas but with hard currency and put their money on the line for water policy. It is one thing to have ideas about how things should be done. It is another to not only have ideas but to put them to work by investing millions of dollars in the implementation. Only the three water assurance districts have done this. And yet they are the one major player in water policy in the state without a seat on the Kansas Water Authority.

As I conclude these comments I want to point out a few important facts from the joint resolution:

- Assurance districts provide drought supply water to over 55% of the total population (2,000,000 persons) of the State of Kansas.
- Political and industrial entities representing that population have invested more than \$11,100,000 in 229,400 acre-feet of reservoir storage capacity to keep the rivers flowing during times of drought.
- Operation agreements have been negotiated with the Kansas Water Office and the Division of Water Resources by each of the assurance districts to operate the reservoirs and the rivers as a unified system to meet the goal of keeping the rivers flowing.
- The assurance districts ARE NOT CUSTOMERS of the state for the delivery of water THEY ARE PARTNERS in the ownership of storage capacity in the federal reservoirs and as such pay for their proportional share of federal operation and maintenance costs as well as state administrative and enforcement costs. While marketing contracts provide money for the state to defray these costs during the life of those contracts, assurance districts through their ownership/partnership position do so for the life of the reservoirs. In the past three years that has meant \$977,600 of the State of Kansas cost has been defrayed.
- There is currently NO representation on the Kansas Water Authority with expertise and focused interest on the federal reservoirs of the state and river systems regulated by those reservoirs.

The Kansas/Lower Republican Basin Advisory Committee, the Marais des Cygnes Basin Advisory Committee, the Neosho Basin Advisory Committee and the Missouri Basin Advisory Committee have favorably endorsed the joint resolution of the three water assurance districts. A copy of the letter from the Kansas Water Office advising us of the adoption of those resolutions is found on page 10.

By virtue of our investment in time and money in the water policy business of the state we are the sole partner, albeit a silent partner, the State of Kansas has in this important arena. Others may be customers or beneficiaries - but we are the only partner. It is time that partner had a voice at the table where policy matters are discussed and decided.

We respectfully request your favorable action on HB 2126. I would be happy to take any questions the committee members may have.

## **Ten Important Questions Concerning Water Assurance Districts**

**1. What is a water assurance district?**

It is a special corporation established pursuant to statutory authority found at K.S.A. 82a-1330 et seq. for the express purpose of supplying raw water to its municipal and industrial membership during periods of drought or low river flow.

**2. Who is eligible for membership in a water assurance district?**

That is determined by the Chief Engineer of DWR. Generally stated they must be either municipal or industrial water right holders who the Chief Engineer finds will benefit from participation in a district.

**3. How does a water assurance district work?**

After the eligible municipalities and industries have met, formed a district and received their certificate of incorporation they enter into negotiations with the Kansas Water Office (KWO) to contract storage space in federal reservoirs. Once they have agreed on an amount of storage capacity necessary to provide drought contingency water to the membership DWR comes into the negotiations and a plan for operating the reservoirs and river is finalized.

**4. Are any other governmental entities involved?**

Not directly, although all aspects of the water assurance district operations plan must be coordinated with the U.S. Army Corps of Engineers responsible for the operation of the federal facility.

**5. How does delivery of water under this program differ from the State Water Marketing Plan?**

The two programs are vastly different. Under the Water Assurance Program the corporate entity contracts for reservoir storage and works out a plan of operation for deliver of water in that storage to its membership. Under the State Water Marketing Plan the state contracts for delivery of water subject to a 2% chance of inability to do so. This difference in concept is radical. The state has NO obligation under the 2% rule to deliver water to assurance districts. Assurance districts have their own storage capacity and, subject to the operations agreement entered into by the water assurance district, the Kansas Water Office and DWR, releases will be made from that storage only to the extent water is available in the storage capacity set aside for that purpose.

**6. Is the State secure in its financial obligation to the federal government under this program?**

Absolutely! The Kansas Water Office becomes merely an intermediate stop in the billing process for payment of the storage capacity cost and the operation/maintenance charges associated with the operation of the reservoir. By, in essence, purchasing the storage capacity the assurance district and its membership is committed to reliance on that storage for the long term unlike the state water



marketing plan where contracts expire after a term of years leaving the state to scramble for new ways to fund the program adequately. All costs associated with the ownership, and operation of the storage capacity in each reservoir dedicated to water assurance operations, are passed directly, and in full, on to the water assurance district

**7. How many water assurance districts are there and where are they located?**

Three districts have been incorporated and have been in operation for over a decade. The largest of the three and first to be incorporated is located on the Kansas River. The second is located on the Marais des Cygnes River and the third is on the Cottonwood and Neosho Rivers. Over two million Kansans benefit either directly or indirectly from the operation of these three water assurance districts. A fourth district has been considered from time to time. It would be located on the Verdigris River but as a result of unique circumstances one has not been formed yet.

**8. Why are water assurance district operations important to operation of the river system?**

Possibly the greatest single benefit to the river comes from the fact that water assurance operations plans call for releases when the river is at low flow causing potential damage to wildlife and fish in addition to the damage to the river by going dry. Water released from assurance storage prolongs the period when the river bed stays wet. In the case of the Kansas River the water agencies and legislature saw fit to utilize the flow requirements in the operations plan in lieu of establishing a minimum desirable stream-flow on that river.

**9. How do you best describe the importance of water assurance districts?**

Water assurance districts are to surface water impoundments the same as groundwater management districts are to water stored in the aquifer. The water assurance district is the single entity having surface water impoundments and river flow as their primary interest. Since that interest also impacts on environmental and recreational interests on the river the importance of water assurance districts are magnified.

**10. If water assurance districts are so important why weren't they included on the Kansas Water Authority when it was established?**

This is the easiest question of all to answer. Water assurance districts were not in existence when the Kansas Water Authority was established in 1981. The legislation under which water assurance districts are formed was not passed until 1986. It has taken several years for the management of the three districts to come together on the need for representation on the KWA. Recent droughts, and the vital connection between upstream issues and reservoir management especially in the upper Republican River basin, points up the need for the assurance districts to be represented on the KWA. In that way all the major players, not just some, are heard.

# Joint Resolution

## Kansas River Water Assurance District No.1 Marais des Cygnes River Water Assurance District No. 2 Cottonwood and Neosho River Basins Water Assurance District No.3

### Resolution 05-01

**Whereas**, the State of Kansas authorized the incorporation of water assurance districts by the passage of K.S.A. 82a-1331 et seq to contract with the Kansas Water Office for the purchase of water supply storage from the federal reservoir system in the state to provide water during periods of drought to municipal and industrial eligible water right holders, as certified by the Chief Engineer, Division of Water Resources, Department of Agriculture, and

**Whereas**, the legislation codified at K.S.A. 82a-1331 et seq was patterned after the enabling legislation under which groundwater management districts were established, and

**Whereas**, pursuant to said enabling legislation three (3) water assurance districts have been incorporated, Kansas River Water Assurance District No. 1<sup>1</sup>, Marais des Cygnes River Water Assurance District No.2<sup>2</sup>, and Cottonwood and Neosho River Basins Water Assurance District No. 3<sup>3</sup>, and

**Whereas**, the three water assurance districts have a total of 229,400 acre feet of storage contracted<sup>4</sup> having paid the state and federal government more than \$11,100,000 to purchase that storage from the Corps of Engineers, and

**Whereas**, pursuant thereto each water assurance district has entered into an operations agreement with the Kansas Water Office for the operation of storage dedicated to their memberships, and

**Whereas**, the population of the State of Kansas benefiting from assurance district operations by the supply of municipal drinking water and or electric power is approximately 2,000,000, as shown by the attached table made a part hereof by reference, and

**Whereas**, the population supplied with municipal water or electricity from water assured by the assurance districts is 55% of the total population of the State of Kansas, and

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<sup>1</sup> **Municipal members:** City of Junction City, City of Manhattan, City of Topeka, City of Lawrence, City of DeSoto, City of Olathe, City of Bonner Springs, Water District No. 1 of Johnson County  
**Industrial members:** Westar Energy, Hills Pet Products, Innovia, and Kansas City Board of Public Utilities

<sup>2</sup> **Municipal members:** City of La Cygnes, City of Melvern, City of Osawatomie, City of Ottawa, Franklin County RWD #6  
**Industrial members:** Kansas City Power and Light

<sup>3</sup> **Municipal members:** City of Parsons, City of Erie, City of Council Grove, Public Wholesale Water Supply District No. 5, City of Chanute, City of Burlington, City of Iola, City of Humboldt, City of Oswego, Woodson County RWD #1, City of Cottonwood Falls, City of LeRoy, City of Chetopa, City of St. Paul  
**Industrial members:** Westar Energy, Monarch Cement Company, Kansas Army Ammunition Plant, Ash Grove Cement Company and City of Iola Electric Power Plant

<sup>4</sup> Milford, Tuttle Creek, Perry, Council Grove, Marion, John Redmond, Melvern, and Pomona Reservoirs all have assurance water storage capacity dedicated to the use of the assurance districts.



# POPULATION SERVED BY MEMBERS<sup>5</sup>

## Kansas River Water Assurance District No. 1 Estimated Number of People

### **Municipal members:**

City of Bonner Springs	6,768
City of DeSoto	4,561
City of Junction City	18,886
City of Lawrence	80,098
City of Manhattan	44,831
City of Olathe	92,962
City of Topeka	122,377
Johnson County Water District No. 1	486,515

**TOTAL** **856,998**

### **Industrial members:**

Westar Energy <sup>6</sup>	740,600
Hills Pet Products	N/A
Innovia	N/A
Kansas City Board of Public Utilities	145,757

**TOTAL** **886,357**

## Marais des Cygnes River Water Assurance District No. 2 Estimated Number of People

### **Municipal members:**

City of La Cygnes	1,115
City of Melvern	429
City of Osawatomic	4,645
City of Ottawa	11,921
Franklin County RWD #6	2,850

**TOTAL** **20,960**

### **Industrial members:**

Kansas City Power and Light <sup>7</sup>	<b>379,500</b>
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<sup>5</sup> Every member on this table has been certified by the Chief Engineer, Division of Water Resources, Department of Agriculture as receiving benefit by the operations of the water assurance district where it is located. **Municipal population taken from <http://quickfacts.census.gov/qfd/states/20000.html> on August 3, 2005**

<sup>6</sup> The impact Westar Energy has is understated inasmuch as Wichita and the former KGE territory is also served by Jeffrey Energy Center, Wolf Creek Nuclear Power Plant, Tecumseh and Lawrence Energy Centers, and Neosho Power Plant. A customer base of 644,000 was assumed with 2.3 persons residing in each home. The total population served was divided equally between the former KPL and KGE territories.

<sup>7</sup> A customer base of 165,000 for the State of Kansas was assumed with 2.3 persons residing in each home.

**Cottonwood and Neosho River Basins**  
**Water Assurance District No. 3**  
**Estimated Number of People**

**Municipal members:**

City of Burlington	2,790
City of Chanute	9,411
City of Chetopa	1,281
City of Cottonwood Falls	966
City of Council Grove	2,321
City of Erie	1,211
City of Emporia	26,639
City of Humboldt	1,999
City of Iola	6,302
City of Leroy	593
City of Oswego	2,046
City of Parsons	11,514
City of St. Paul	646
Public Wholesale Water Supply District No. 5	N/A
Woodson County RWD #1 <sup>8</sup>	7,590

**TOTAL**

**75,309**

**Industrial members:**

Westar Energy <sup>9</sup>	740,600
Monarch Cement Company	N/A
Kansas Army Ammunition Plant	N/A
Ash Grove Cement Company	N/A
City of Iola Electric Power Plant	6,000

**TOTAL**

**746,600**

**ESTIMATED TOTAL NUMBER OF PEOPLE SERVED WITH WATER OR**  
**ELECTRICITY BY ASSURANCE DISTRICT MEMBERS**

**2,000,000+<sup>10</sup>**

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<sup>8</sup> A customer base of 3,300 for the State of Kansas was assumed with 2.3 persons residing in each home.

<sup>9</sup> A customer base of 322,000 for the former KGE territory was assumed with 2.3 persons residing in each home.

<sup>10</sup> The exact number would be virtually impossible to determine because of the overlap between municipal and electric utility customers.



K A N S A S

TRACY STREETER, DIRECTOR

KANSAS WATER OFFICE

KATHLEEN SEBELIUS, GOVERNOR

January 8, 2007

Fred Rogge  
Kansas River Water Assurance District  
212 SW 7<sup>th</sup>  
Topeka, KS 66603

Dear Mr. Rogge:

The following basin advisory committees took action at their respective meetings in November and December of 2006 to support the request of the assurance districts for legislation to add a representative of assurance districts to the Kansas Water Authority.

Marais des Cygnes Basin Advisory Committee	November 29 <sup>th</sup> in Williamsburg
Kansas-Lower Republican Basin Advisory Committee	November 30 <sup>th</sup> in Topeka
Missouri Basin Advisory Committee	December 1 <sup>st</sup> in Highland
Neosho Basin Advisory Committee	December 8 <sup>th</sup> in Baxter Springs

In addition, the Kansas-Lower Republican Basin Advisory Committee adopted a formal resolution presented by Kent Weatherby which was signed by Carl Nuzman as the Chair. I will forward this under separate cover.

Please contact me if you have any questions.

Sincerely,

Bob McDanel  
Water Resource Planner

RM/st

**The Cottonwood/Neosho River Basins Water  
Assurance District No. 3  
212 S. W. 7<sup>th</sup> Street  
Topeka, Kansas 66603**

**Elections and Governmental Organization Committee  
House of Representatives  
2007 Legislative Session**

HB 2126

Fred Rogge Conferee

Chairman Burgess and Members of the Committee,

My name is Fred Rogge. I am General Manager for the Cottonwood/Neosho River Basins Water Assurance District No. 3 (C/NRBWAD).

The C/NRBWAD encompasses the basins of the Cottonwood River and the Neosho River from the City of Council Grove at the north end to the City of Chetopa at the south end. The membership of the District is comprised of 19 municipal and industrial entities who have purchased storage capacity in Council Grove Reservoir, Marion Reservoir and John Redmond Reservoir for drought and low river flow contingencies. The largest municipal member is the City of Emporia and the smallest municipal member is the City of LeRoy.

The Board of Directors of the C/NRBWAD has unanimously approved Joint Resolution 05-01 and has requested that I present this information to your committee. The board members realize the importance of having a representative on the Kansas Water Authority whose primary focus will be on surface water interests.

I am here to request your approval of HB 2126.

I would be glad to answer any questions the committee members may have.

House Elections & Gov. Org.  
Date: 2-14-2007  
Attachment # 2

# PUBLIC WHOLESALE WATER SUPPLY DISTRICT #5

goes w/  
Fred  
Rosse  
Testimony  
This is pg. 2 of 2

Elections and Governmental Organization Committee  
House of Representatives  
2007 Legislative Session

## House Bill 2126

Chairman and members of the committee

PWWSD#5 and its members would like to send this letter of support for HB 2126 which endorses the Joint Resolution adapted in the summer and fall of 2005 by the three water assurance districts organized pursuant to Kansas Law.

As of member of the Cottonwood/Neosho River Basins Water Assurance District No. 3 we believe it is vital for the development of water policy in the State of Kansas to have a representative on the Kansas Water Authority. This representation should come from a water assurance district or a staff member of a water assurance district.

As of right now, there are no members on the Kansas Water Authority to adequately represents the interest of the assurance districts or their members concerning federal reservoir policies, maintenance, and operation or the operation of river systems below those reservoirs.

We strongly urge your consideration and passage of House Bill 2126.

Sincerely  
Edmund Satch  
Mbr. for P.W.W.S.D.#5

~~House Elections & Gov. Org.  
Date: \_\_\_\_\_  
Attachment # \_\_\_\_\_~~



**Testimony of Mark Schreiber**  
**Director Government Affairs, Westar Energy**  
**On House Bill 2126**  
**February 14, 2007**

Chairman Burgess and members of the committee, my name is Mark Schreiber. I am the Director Government Affairs for Westar Energy. Westar Energy supports HB 2126.

Water assurance districts provide a significant benefit in the management of surface water impoundments and river flow in the state. Westar Energy is a member of two of the three water assurance districts in the state and receives benefit from the third through our association with the LaCygne power plant. Our generating plants supply power to over 650,000 Kansas customers, ranging from residential users to large industrials such as Spirit Aerosystems, Philips Lighting and most of the state's Regents institutions. We rely on the water storage capacity provided through these districts in times of drought to generate the power our customers demand. Each member of these assurance districts has made a considerable investment to assure water capacity is available for their customers.

The Kansas Water Authority is tasked with advising the Governor, the Legislature and the Kansas Water Office on water policy issues and to approve revisions to the Kansas Water Plan. House Bill 2126 provides for a representative from the water assurance districts on the Kansas Water Authority. Currently, water assurance districts are not represented on the Kansas Water Authority. With this representation, the Kansas Water Authority would benefit from the input of a group that represents some of the largest water users in the state.

Westar Energy urges the committee support of House Bill 2126. Thank you for the opportunity to provide these comments today. I will be glad to stand for questions at the appropriate time.

House Elections & Gov. Org.  
Date: 2-14-2007  
Attachment # 3



# CITY OF TOPEKA

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Norton N. Bonaparte, Jr.  
City Manager and CEO  
215 SE 7<sup>th</sup> Street, Room 352  
Topeka, KS 66603  
Tel: (785) 368-3725

www.topeka.org

February 9, 2007

*"Written Only"*

**Elections and Governmental Organization Committee  
House of Representatives  
2007 Legislative Session**

**HB 2126**

Chairman Burgess and Members of the Committee:

As a member of the Kansas River Water Assurance District No. 1, the City of Topeka supports House Bill 2126 (HB 2126) and endorses the Joint Resolution adopted in the summer and fall of 2005 by the three water assurance districts in Kansas.

The City of Topeka believes it is important for the citizens of the State who benefit from assurance district operation to have representation as assurance districts for the development of water policy in the State of Kansas. This can be accomplished by including a representative of the membership of a water assurance district or a staff member of a water assurance district as a member of the Kansas Water Authority.

No other member of the Kansas Water Authority adequately represents the interest of the assurance districts or their members in matters concerning federal reservoir policies, maintenance, and operation or the operation of river systems below those reservoirs. The Kansas Water Authority was established in 1981. Five years later, in 1986, the law authorizing assurance districts was passed. Had assurance districts existed at the time of the establishment of the Kansas Water Authority, representation as a member would surely have been included.

The City of Topeka urges your favorable consideration and passage of HB 2126.

Sincerely,

Norton N. Bonaparte, Jr.  
City Manager  
City of Topeka

**Whitney B. Damron, P.A.**  
919 SOUTH KANSAS AVENUE  
TOPEKA, KANSAS 66612-1210  
(785) 354-1354 • (785) 354-8092 (Fax)  
E-Mail: wbdamron@aol.com

House Elections & Gov. Org.  
Date: 2-14-2007  
Attachment # 4



"Written Only"

**Environmental Committee  
House of Representatives  
2007 Legislative Session**

**HB 2126**

Chairman and members of the committee:

This letter of support for HB 2126 endorses the Joint Resolution adopted in the summer and fall of 2006 by the three water assurance districts organized pursuant to Kansas law.

As a member of the MRWAD Water Assurance District we believe it is important for the development of water policy in the State of Kansas for at least one member of the Kansas Water Authority to be a representative of the membership of a water assurance district or a staff member of a water assurance district.

There is no other member of the Kansas Water Authority whose appointing authority adequately represents the interest of the assurance districts or their members concerning federal reservoir policies, maintenance, and operation or the operation of river systems below those reservoirs.

We urge you favorable consideration and passage of HB 2126.

Sincerely,

Weldon Padgett  
City Manager  
City of Ottawa, Kansas



# City of La Cygne

The City of the Swan  
On the Marais des Cygnes

Linn County, Kansas

Council meets first & third Wednesday of each month

P.O. Box 600

LA CYGNE, KANSAS 66040

February 12, 2007

*"Written Only"*

Elections & Governmental Organization  
House of Representatives  
2007 Legislative Session

HB 2126

Dear Chairman Burgess,

The City of La Cygne, Kansas respectfully requests you and committee members to act favorably on HB 2126. We are in support of the request by assurance districts for legislation that would add a representative from the assurance districts to the Kansas Water Authority.

As the State of Kansas continues to move towards regionalizing water supply and water treatment, it only seems natural that key players such as water assurance districts be afforded representation on the Kansas Water Authority.

Mayor Keith Smith and the City Council members of LaCygne, thank you for your consideration and your favorable action on HB 2126.

Sincerely,

Gary D. Mahon  
Deputy City Clerk

House Elections & Gov. Org.

Date: 2-14-2007

Attachment # 6

"Written Only"

February 5, 2007

Elections and Governmental Organization Committee  
Kansas House of Representatives  
2007 Legislative Session

Re: House Bill 2126

Dear Chairman Burgess and members of the committee:

The City of Manhattan supports House Bill 2126. Additionally, the City endorses the Resolution 05-01 regarding this issue that was adopted jointly by the three water assurance districts.

The City of Manhattan is a member of the Kansas River Water Assurance District No. 1. As such, the City considers it important for the development of water policy in the State of Kansas for a representative of a water assurance district or a staff member of a water assurance district to be represented on the Kansas Water Authority.

The City supports HB 2126 because there is currently no other member of the Kansas Water Authority whose appointing authority sufficiently represents concerns of the assurance districts or their members relating to federal reservoir policies, maintenance, and operation or the operation of river systems below those reservoirs.

We ask your favorable consideration and passage of HB 2126. Thank you.

Very truly yours,



Gerald M. McIntyre, P.E.  
Deputy Director of Public Works  
City of Manhattan



DAVID L. CORLISS  
CITY MANAGER

# City of Lawrence KANSAS

City Offices  
Box 708 66044-0708  
TDD 785-832-3205  
www.lawrenceks.org

6 East 6th  
785-832-3000  
FAX 785-832-3405

CITY COMMISSION  
MAYOR  
MIKE AMYX  
COMMISSIONERS  
SUE HACK  
DAVID M. SCHAUNER  
MIKE RUNDLE  
DENNIS "BOOG" HIGHBERGER

*"Written Only"*

January 31, 2007

## **Elections and Governmental Organization Committee House of Representatives 2007 Legislative Session HB 2126**

Dear Chairman Burgess and members of the committee:

This letter of support for HB 2126 endorses the Joint Resolution adopted in the summer and fall of 2005 by the three water assurance districts organized pursuant to Kansas law.

As a member of the Kansas River Water Assurance District No. 1, the City of Lawrence believes the development of water policy in the State of Kansas should include one member of the Kansas Water Authority to represent the membership of a water assurance district or a staff member of a water assurance district.

There is no other member of the Kansas Water Authority whose appointing authority adequately represents the interest of the assurance districts or their members concerning federal reservoir policies, maintenance, and operation or the operation of river systems below the reservoirs.

We urge your favorable consideration and passage of HB 2126.

Sincerely,

Mike Amyx  
Mayor

pc: Douglas County Legislators  
City Commission  
David L. Corliss, City Manager

House Elections & Gov. Org.  
Date: 2-14-2007  
Attachment # 8





"Written Only"

Dear Chairman Burgess and members of the committee,

This letter of support for HB 2126 endorses the Joint Resolution adopted in the summer and fall of 2005 by the three water assurance districts organized pursuant to Kansas law.

As a member of the Kansas River Water Assurance District No. 1, I believe it is important for the development of water policy in the State of Kansas for at least one member of the Kansas Water Authority be a representative of a water assurance district or a staff member of a water assurance district.

There is no other member of the Kansas Water Authority whose appointing authority adequately represents the interest of the assurance districts or their members concerning federal reservoir policies, maintenance, and operation of river systems below those reservoirs.

I ask for your favorable consideration and passage of HB 2126.

Respectfully,

Garry Turner, Water Production Superintendent, City of Olathe Kansas

House Elections & Gov. Org.  
Date: 2-14-2007  
Attachment # 9



# K A N S A S

TRACY STREETER, DIRECTOR

KANSAS WATER OFFICE

KATHLEEN SEBELIUS, GOVERNOR

## The House Elections and Governmental Organization Committee House Bill 2126

**Kim Christiansen**  
**Kansas Water Office**  
**February 14, 2007**

Representative Burgess and members of the Committee, before you today is a proposal which would add an appointed member to the Kansas Water Authority to represent water assurance districts.

The Kansas Water Authority was established by K.S.A. 74-2622 in 1981 and currently consists of 24 members representing water issues interest throughout Kansas. 11 of the members are appointed. The other 13 members are ex-officio members, representing state agencies. The most recent change to the membership of the Authority occurred during the 2004 Session which added the State Biologist from the Kansas Biological Survey as an ex-officio member. Attached to this testimony is a map identifying the home location of each appointed member and a fact sheet detailing the role and responsibilities of the Authority.

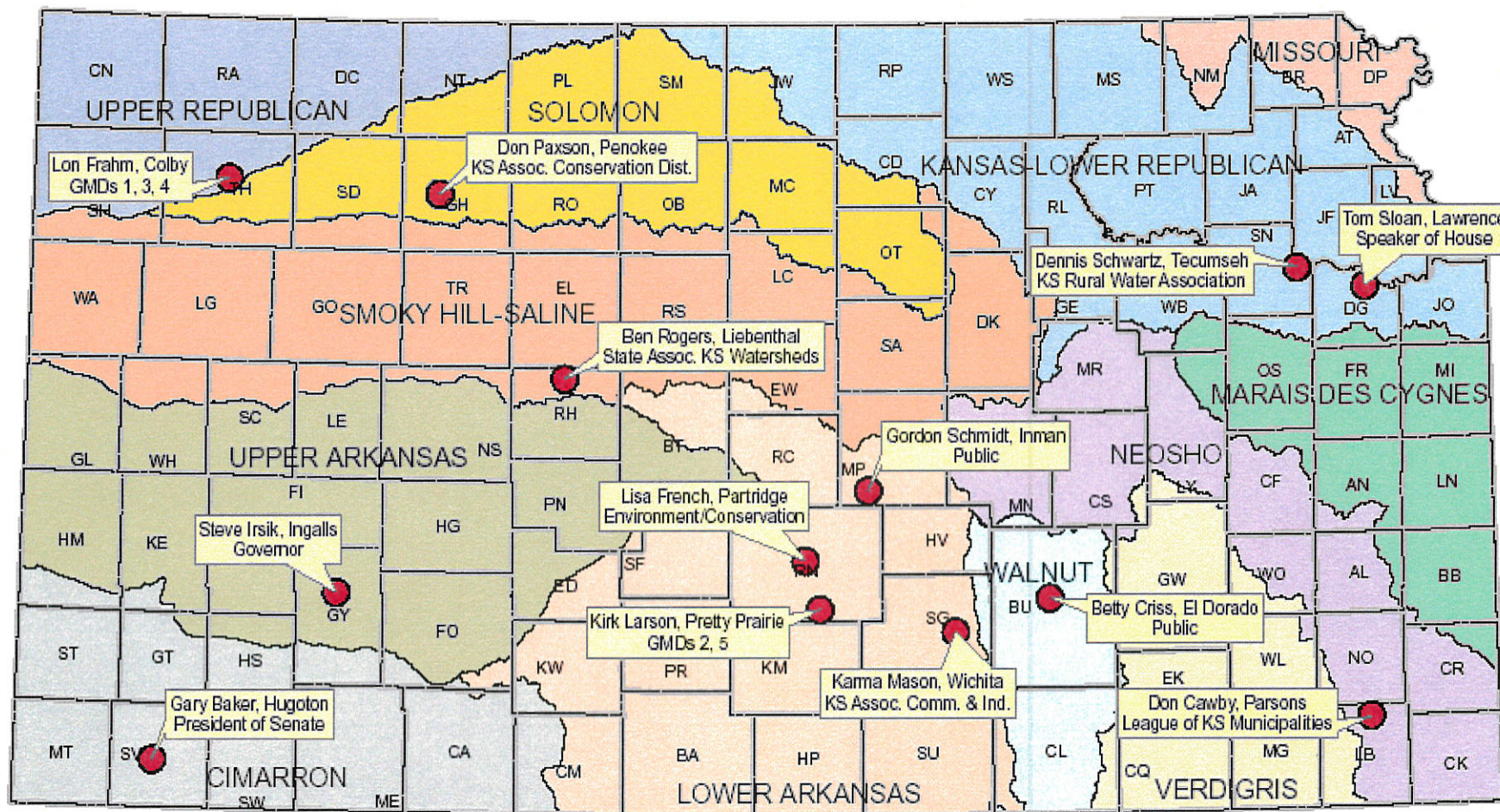
The primary function of the KWA is to consider and approve policy recommendations for inclusion in *the Kansas Water Plan*. Once approved, the KWA submits these recommendations to the Governor and Legislature for their consideration. In addition to other functions, the Authority also makes recommendations on spending priorities for the State Water Plan Fund.

As with many of the other appointed members of the Authority, this bill proposes that the representative of a Water Assurance District would be chosen by the Governor from three nominations submitted by the presidents of each of the three (3) water assurance districts. The anticipated fiscal impact of this legislation is approximately \$2,670, which would be needed for travel and per diem costs incurred by a new appointed member's participation at the five to six KWA meetings held each year.

The KWA discussed the merits of Assurance District representation at their November 2005 meeting, but felt it was not appropriate to take action on the makeup of their own membership. Thank you, Representative Burgess and members of the Committee for the opportunity to share the position of the Kansas Water Authority. I would be happy to stand for questions at the appropriate time.



# Kansas Water Authority Members



Kansas Water Office  
February 2007

## Kansas Water Authority Ex Officio Members

Fred Cholick  
Agricultural Experiment Station  
Kansas State University

Ron Hammerschmidt  
Kansas Dept. of Health & Environment

Mike Hayden  
Kansas Dept. of Wildlife & Parks

Brian Moline  
Kansas Corporation Commission

David Pope  
Division of Water Resources  
Kansas Dept. of Agriculture

Greg Foley  
State Conservation Commission

William Harrison  
Kansas Geological Survey

Edward Marinko  
Kansas Biological Survey

Adrian Polansky  
Kansas Dept. of Agriculture

Tracy Streeter  
Kansas Water Office

Howard Fricke  
Kansas Dept. of Commerce

# KANSAS WATER OFFICE & KANSAS WATER AUTHORITY RESPONSIBILITIES

Fact Sheet No. 3

April 2004

Kansas Water Office

## BACKGROUND

The Kansas Water Office and the Kansas Water Authority were established in 1981. The Kansas Water Office with 22.5 employees is the water planning, policy, coordination and marketing agency for the state. The Kansas Water Authority is statutorily within and a part of the Kansas Water Office. It advises the Governor, Legislature and the Director of the Kansas Water Office on water policy issues. The Kansas Water Authority is responsible for approving water storage sales, the State Water Plan, federal contracts, regulations and legislation proposed by the Kansas Water Office.

The primary statutory function of the agency is the development and implementation of the State Water Plan. State law requires the Kansas Water Office to "Formulate on a continuing basis a comprehensive State Water Plan for the management, conservation and development of the water resources of the state. Such State Water Plan shall include sections corresponding with water planning areas as determined by the office." (K.S.A. 74-2608 *et seq.*)

To accomplish this goal, the agency is given further statutory responsibility to:

## KEY RESPONSIBILITIES OF THE KANSAS WATER OFFICE

1. Administer the State Water Resources Plan Act. Work out a plan of water resources management, conservation and development for water planning areas in the state. (K.S.A. 82a-901 *et seq.*) (K.S.A. 74-2608 (b).)
2. Conduct public water supply planning. (K.S.A. 74-2616)
3. Administer the State Water Plan Storage Act (Water Marketing Program). (K.S.A. 82a-1301 *et seq.*)
4. Administer the Water Assurance Program Act. (K.S.A. 82a-1345 *et seq.*)

5. Manage the State Water Plan Fund. (K.S.A. 82a-951)
6. Administer the Weather Modification Act. (K.S.A. 82a-1411)
7. Coordinate water related activities of state, local and federal government. (K.S.A. 82a-931)
8. Negotiate for the inclusion of storage in federal projects or releases of water from such storage agreements with the federal government. (K.S.A. 82a-915 & 82a-933)
9. Coordinate water related research. (K.S.A. 82a-941)
10. Issue bonds related to the purchase of water supply storage in federal reservoirs. (K.S.A. 82a-1316)
11. Collect and compile information pertaining to the water resources of the state. (K.S.A. 74-2608 (a).)
12. Develop and maintain guidelines for water conservation plans and practices. (K.S.A. 74-2608 (c).)
13. Establish guidelines for conditions indicative of drought. When such conditions are met, advise the Governor, and recommend that the Governor's Drought Response Team be assembled. (K.S.A. 74-2608 (d).)

## KEY RESPONSIBILITIES OF THE KANSAS WATER AUTHORITY

1. Consult with and be advisory to the Governor, Legislature and Director of the Kansas Water Office on water management issues. (K.S.A. 74-2622(d)(1).)
2. Review plans of any state or local agency related to the water resources of the state. Review and evaluate water resource budget estimates for state agencies. (K.S.A. 74-2622(d)(2) & (9).)
3. Study laws related to water resource management issues and make recommendations on new or amendatory legislation to the Governor and Legislature. (K.S.A. 74-2622(d)(3).)

4. Make recommendations to the Governor, Legislature, state agencies and political subdivisions of the state for the coordination of water resource management activities. (K.S.A. 74-2622 (d)(4)&(5).)
5. Approve amendments to the State Water Plan Water Planning Act and other legislation that the Kansas Water Office may propose.
6. Approve contracts with water marketing customers related to the State Water Plan Storage Act. (K.S.A. 74-2622 (d)(6).)
7. Approve pricing of water for sale under the marketing program. (K.S.A. 74-2622 (d)(7).)
8. Approve any agreement with the federal government by the Kansas Water Office. (K.S.A. 74-2622 (d)(8).)
9. Kansas Water Office proposed rules and regulations. (74-2622 (d)(10).)
10. Approve conservation plan guidelines and practices. (K.S.A. 74-2622(d)(11).)

#### **Kansas Water Authority Membership**

The 24-member Kansas Water Authority is comprised of 13 private citizen members and ten ex officio members.

The 13 private citizen members serve as follows:

- 1) appointment by the Governor (this member serves as chairperson of the Kansas Water Authority);
- 2) appointment by the President of the Senate;
- 3) appointment by the Speaker of the House of Representatives;
- 4) a representative of large municipal water uses;
- 5) a representative of small municipal water users;
- 6) a board member of western Kansas groundwater management district;
- 7) a board member of a central Kansas groundwater management district;

- 8) a member of the Kansas Association of Conservation Districts;
- 9) a representative of industrial water users;
- 10) a member of the State Association of Watershed Districts;
- 11) a member with a demonstrated background and interest in water use, conservation and environmental issues;
- 12) and 13) two representatives of the general public appointed by the Governor.

The 11 ex officio members are as follows:

- 1) the State Geologist;
- 2) the State Biologist;
- 3) the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture;
- 4) the Director of the Division of Environment of the Kansas Department of Health and Environment;
- 5) the Director of the Kansas Water Office (this member serves as Secretary of the Kansas Water Authority);
- 6) the Director of the Agricultural Experiment Station of Kansas State University;
- 7) Chairman of the Kansas Corporation Commission;
- 8) Secretary of the Kansas Department of Wildlife and Parks;
- 9) the Secretary of the Kansas Department of Commerce;
- 10) the Executive Director of the State Conservation Commission; and
- 11) the Secretary of the Kansas Department of Agriculture. (K.S.A. 74-2622 *et seq.*)

#### **ADDITIONAL INFORMATION**

Further information on this and other *Kansas Water Plan* related programs can be obtained from the Kansas Water Office, 901 S. Kansas Ave., Topeka, KS 66612-1249. Call (785) 296-3185 or toll free (888) KAN-WATER. The Kansas Water Office WEB site is [www.kwo.org](http://www.kwo.org).



**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

## Testimony

concerning House Bill No. 2153

**Re: concerning elections of county appraisers**

House Elections and Governmental Organization Committee

Submitted by Randall Allen, Executive Director

Kansas Association of Counties

February 14, 2007

Chairperson Burgess and members of the committee, thank you for the opportunity to submit written testimony *in opposition to HB 2153* on behalf of the Kansas Association of Counties and its 99 member counties.

We object to the proposed bill for two reasons. 1) The election of county appraisers does not guarantee any more accountability than appointing county appraisers. 2) It eliminates appraiser districts, which is a cost saving measure for many smaller counties in Kansas.

The proposed bill would require all county appraisers to be elected. All Kansas counties have appointed county appraisers since 1977. Prior to this, the law was very muddled. Prior to 1968, Kansas law required counties with a population over 100,000 to have elected appraisers. Only four counties at the time had a population above 100,000. For all other counties the county clerk was the ex-officio county assessor. In those counties that had fewer than 100,000 in population, the citizens could petition to vote for an appraiser. In 1968 the law changed so that counties that did not have an elected appraiser could adopt a plan that would allow them to appoint the appraiser. The 1968 law also allowed counties that did not have an elected appraiser to form joint appraiser districts and share the costs of the district appraiser. This all changed due to 1974 Kansas Session. Law Ch. 112 §§1-10, which required all counties to appoint an appraiser and created minimum qualifications for the position of county appraiser. The 1974 law kept the prior provision that allowed for the formation of appraiser districts.

The Special Committee on Assessment and Taxation that investigated changing the appraiser law in the 1970's believed that appraisers should be appointed because the "generally accepted rule of public administration is that officials in policy-making positions should be elected, while those performing purely administrative (or ministerial) functions should be appointed and be responsible only to the appointing authority for the proper performance of their assigned duties."<sup>1</sup> The Special Committee also believed that "the purpose of

<sup>1</sup> Reports of Special Committees to the 1974 Kansas Legislature p. 36-5



**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

this recommendation is to emphasize that the role of the office is the performance of a technical, professional function, i.e. the determination of the value of property according to accepted appraisal techniques; that this office does not have anything to do with the levying of property taxes".<sup>2</sup>

The proposed bill also would eliminate appraiser districts by repealing K.S.A. 19-428. The ability to form appraiser districts saves money for many counties. Currently, there are 36 counties that share an appraiser through an either appraisal district or by some other agreement. If this option is removed these counties will have to come up with more money to pay for a single county appraiser, which could potentially increase the tax burden for the citizens in those counties.

The proposed bill also could potentially create an unworkable situation in many small counties in this state who may not even have a qualified appraiser reside in the county. As stated above, there are 36 counties who share an appraiser. Under this bill many counties may have to scramble to find someone in their county who is even be qualified to be a county appraiser.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randall Allen or Judy Moler by calling (785) 272-2585.

300 SW 8th Avenue  
3rd Floor  
Topeka, KS 66603-3912  
785•272•2585  
Fax 785•272•3585

---

<sup>2</sup> *Id.*

**TESTIMONY**  
**On**  
**House Bill Number 2153**  
**By**  
**Thomas J. Fuhrmann**

Mr. Chairman and Member of the Committee;

Thank you for allowing me to appear before you in opposition to House Bill No. 2153.

My name is Tom Fuhrmann and I am a partner in Landmark Appraisal, Inc. which contracts appraisal services in 9 western Kansas counties. All employees of Landmark Appraisal, Inc. are qualified to be a County Appraiser. In all 9 situations, Landmark Appraisal, Inc. also provides an individual to serve as part-time County Appraiser. This was done in cooperation with the County Commissioners in each county due to the lack of qualified, interested local individuals.

According to an article in the Hutchinson News, there are 36 counties in the state that utilize a part-time County Appraiser.

I am actually the appointed County Appraiser in 5 counties. If requested, I would be willing to document the cost benefits of this arrangement to these counties.

In 7 southwest counties (Grant, Greeley, Hamilton, Haskell, Kearny, Morton, Stanton, Stevens) I know of only three individuals that are currently qualified to serve as County Appraiser. I know of only three additional individuals that could be qualified. Of the 6 total possible, all but one of them resides in Grant County. I, personally, would not be interested in running for this elected position.

The current statutes governing the position of County Appraiser are sufficient and the enactment of House Bill 2153 would be detrimental to, at least, the 36 counties that currently enjoy the part-time County Appraiser.



KANSAS

Organized  
March 10, 1867

# BOARD OF COMMISSIONERS

LABETTE COUNTY

P.O. BOX 387

OSWEGO, KANSAS 67356

(620) 795-2138 Or 421-5255

FAX (620) 795-2928

[lbc@m@oswego.net](mailto:lbc@m@oswego.net)

District 1  
**LONIE R. AS**  
640 Iowa  
Oswego, KS 67356  
620-795-2826  
[addis@oswego.net](mailto:addis@oswego.net)

District 2  
**BRIAN C. KINZIE**  
P.O. BOX 367  
Edna, KS 67342  
620-922-7405  
[briankinzie@ckt.net](mailto:briankinzie@ckt.net)

District 3  
**JERRY D. CARSON**  
3434 Dirr  
Parsons, Ks 67357  
620-421-2476  
[jdcarson@swbell.net](mailto:jdcarson@swbell.net)

## HB 2153

**Dear Chairman Burgess and members of the House Committee on Elections and Local Government:**

I am definitely an opponent of making the appraiser an elected official in county government. As a very strong advocate for local elected county officials, it has always been my position to uphold and support those elective county offices. I don't see the necessity of making the appraiser an elected position. As a county commissioner it has been a responsibility of mine to hire, renew, terminate and not renew the contracts of appraisers who have been in the employ of Labette County, Kansas.

The position of county appraiser has become one of a highly professional position. The hours of training and testing are difficult and ongoing. I can't be absolutely sure that if the position were elected it would be a statewide failure, but I can see a lot of problems stemming from their being a part of the election process. In Labette County, as in many Kansas Counties, we adhere to a strict personnel policy. Elected officials, as individuals, are not subject to all the provisions and rules of other county employees. I would be quite leery of placing the appraiser in that category. The very nature of the position of county appraiser of placing values on commercial and residential property and then dealing with our constituents is scary without adhering to a county personnel policy on dealing with the public.

I never hear a lot of nice things said about an appraiser – regardless which county I am in. It would be an unfair burden and further distraction for the appraiser position to have to consider pleasing people enough to get their vote and yet adhere to the requirements of the Kansas Department of Revenue, Property Valuation Department.

House Elections & Gov. Org.  
Date: 2-14-2007  
Attachment # 13

For the love of me, I can't imagine our county appraiser going door to door campaigning and saying, "Hi, I'm LeRoy Burk your county appraiser and I'm running for re-election. I'm sorry your value went up 7%, but in accordance with state guidelines on market value the CAMA system increased your value. I also see that you have added an RG 4 (garage) we didn't have listed. I'll get that added on when I get back to the office. Would appreciate your vote this November." Each of you and myself are elected officials and make unpopular decisions all the time. But nothing riles the rank and file like a valuation or tax notice in the mail. Placing the appraiser as an elected official doesn't seem wise to me. Having the county commission as a buffer is good for county government and the appraisal system. It's not perfect, but it works. Other states have an elected appraiser and that's fine for them though I don't agree with their system. Maybe my roots run a little deep in our Kansas soil, but what one state does, isn't necessarily best for Kansas.

Also of concern is abolishing appraiser districts. As past president of the Kansas County Commissioners Association, we strove at making county government more efficient and cost affective. Several Kansas Counties have small populations with very low parcel counts. By allowing counties to consolidate their appraiser position, they were able to maintain professional services at minimal expense to tax payers.

In summation - I ask that you vote in opposition to HB 2153. We have a lot of problems in county government – please don't add to our dilemma by giving us another one – an elected county appraiser.

Respectfully submitted,



Lonie R. Addis  
County Commissioner  
Labette County, Kansas



Law Offices Of  
**FOLEY & BUDDENBOHM**

107 North Sixth Street  
Atchison, Kansas 66002  
(913) 367-5246  
Fax (913-367-0511)

Gerald W. Foley  
(1902-1992)

Leonard L. Buddenbohm  
Admitted in Kansas and Missouri

February 8, 2007

RE: Testimony against HB 2153

I have been County Counselor for Atchison County for 30 years. During that period of time I have worked professionally with each County Appraiser Atchison County has employed. It is obvious to me that the County Appraiser has the most difficult job of all officials working for the county.

When I first became County Counselor I was informed the legislature had made a new position for the appraisal of property. The position was an appointed position and required certain qualifications. The position was to be independent of politics. The position was to take appraisals of property for taxpayers to a new level of professionalism. This was the establishment of the County Appraiser position pursuant to KSA 19-425. Since that time I have observed the County Appraisers office becoming increasingly more professional.

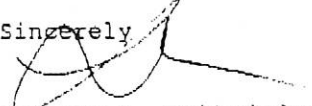
Now I understand HB 2153 would make the County Appraiser an elected position. So doing would result in a conflict of politics versus professionalism. The bill would inhibit a County Appraiser in carrying out the duties the legislature has directed him to fulfill.

However, I believe that if the legislature proceeds to make the County Appraiser an elected position the legislature would make the most difficult job in the county almost impossible to conduct in a professional manner. The appraiser when dealing with an owner of property would know that in applying professional standards he is also dealing with the politics of the county. If the owner was a registered voter of the county, the Appraiser would have to be concerned as to whether he would get that owner's vote or the vote of anyone the owner might be able to influence in the next election.

The Atchison County Appraiser has had informal hearings with owners an average of 186 annually in the last eight years. If he were an elected official he would be making face to face decisions with a prospective voter not just an owner in a vast majority of these hearings along with other duties.

I submit this testimony individually and not as the position of Atchison County.

Sincerely

  
Leonard L. Buddenbohm  
Attorney at Law

Letter/re-appraiser

**Testimony on HB 2153 Election of County Appraisers**  
to  
**The House Committee on Elections and Governmental Organization**  
by  
**Mark S. Beck**  
**Director**  
**Property Valuation Division**  
**Kansas Department of Revenue**

**February 14, 2007**

Chairman Burgess and members of the committee, I appreciate the opportunity to appear before you in opposition to HB 2153. While we fail to see the logic in returning county appraisers to the election process, our chief concern is the potentially devastating effect this new structure could have on fulfilling our constitutional mandate for uniform and equal treatment of taxpayers.

In 1997, we worked with the Kansas Association of Counties, county commissioners and county appraisers to establish in statute and regulation, a comprehensive set of professional designation requirements. Currently, a candidate for appointment as county appraiser must hold at least one of four designations: (1) certified general real property appraiser, as determined by the Kansas Real Estate Appraisal Board (KREAB), (2) RMA [Registered Mass Appraiser], as determined by the secretary of revenue, (3) RES [Residential Evaluation Specialist], as determined by the International Association of Assessing Officers [IAAO], or (4) CAE [Certified Assessment Evaluator], as determined by the IAAO. All of these designations require significant classroom hours. A candidate for the RMA must have completed 180 hours of course work prior to sitting for a set of two comprehensive exams. In addition, no person can be appointed unless they have a minimum of 6000 hours of experience (equivalent of three years) which includes not less than 2000 hours experience in establishing values for property tax purposes. This bill eliminates all specialized qualifications and leaves it solely to the director of property valuation to determine the qualifications for this elective office via a single written examination.

These threshold qualifications bring knowledgeable, experienced candidates to an office that is complex and highly technical. We firmly believe that this significant investment in education and experience in the field of mass appraisal positively impacts performance. Accuracy and the constitutional mandate for uniformity will likely suffer with the elimination of these credentials.

Current law provides a method for either the board of county commissioners or the director of property valuation to remove or suspend a county appraiser from office if the county appraiser was not following state laws pertaining to the appraisal or assessment of property. This bill removes a significant accountability tool used to ensure uniform and accurate valuations. We evaluate the performance of the county appraiser every year and share the results with the commissioners and appraisers. Under this proposal, neither the board nor the director will be able to hold appraisers accountable if they fail to, or choose not to follow the law. Again, uniformity is at serious risk.

Attachment # \_\_\_\_\_  
Date: \_\_\_\_\_  
House Elections & Gov. Org.  
Date: 2-14-2007  
Attachment # 15

Electing the county appraisers would presumably bring the requirement to reside in the county where they are elected. Counties would no longer be able to form districts or share county appraisers. While there currently are no formal districts for appraisal purposes, 36 smaller-populated counties do appoint a part-time county appraiser that is shared with another county or counties.

In counties with smaller populations, it may be difficult or impossible to find a qualified candidate to run for office or serve in the elected office of county appraiser and reside in that county.

2 attachments

**93-6-2. Education requirements.** (a)

Each candidate for the RMA designation shall complete 180 hours of courses, which shall include those courses specified in subsection (b). "Hour," as used in this regulation, shall mean one clock hour of no fewer than 50 minutes.

(b) Mandatory courses shall consist of the following:

International association of assessing officers (IAAO) course I or equivalent course approved by the secretary of revenue .....	30 hours
IAAO course II or equivalent course approved by the secretary of revenue .....	30 hours
IAAO standards and ethics course or equivalent course approved by the secretary of revenue .....	15 hours
IAAO course 300, 311, or 312 or equivalent course approved by the secretary of revenue .....	30 hours
Kansas property tax law course approved by the secretary of revenue .....	20 hours
Personal property course approved by the secretary of revenue .....	15 hours
Total mandatory course hours .....	140 hours

A candidate may substitute successfully completed appraisal courses with an emphasis on mass appraisal approved by the real estate appraisal board appointed by the governor pursuant to K.S.A. 58-4104, and amendments thereto. However, no course substitution shall be permitted for the Kansas property tax law course and the personal property course. Course substitution shall be subject to the approval of the secretary of revenue.

(c) The remaining 40 course hours may be selected from courses offered by an appraisal sponsor of the appraisal foundation or the director of property valuation. "Appraisal foundation" means the appraisal foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois. (Authorized by and implementing K.S.A. 1999 Supp. 19-430; effective, T-93-8-29-97, Aug. 29, 1997; effective Dec. 5, 1997; amended April 20, 2001.)

**93-6-3. Continuing education requirements.** (a)(1) Effective on and after July 1, 2001, each individual who has successfully obtained the

RMA designation shall successfully complete a minimum of 120 hours of continuing education every four years in order to retain the designation. "Hour," as used in this regulation, shall mean one clock hour of no fewer than 50 minutes. The four-year period shall correspond with the four-year appointment period for county appraisers set forth in K.S.A. 19-430, and amendments thereto.

(2) No fewer than 90 hours of continuing education shall be completed during the relevant four-year period. No more than 30 hours may be carried forward from one four-year period to the next four-year period.

(b) The continuing education courses shall be the same as those established by the director of property valuation for an eligible Kansas appraiser under the provisions of K.S.A. 19-432, and amendments thereto. Each individual with the RMA designation shall complete the IAAO standards and ethics course or equivalent course approved by the secretary of revenue and the Kansas property tax law course once every four years. (Authorized by and implementing K.S.A. 1999 Supp. 19-430; effective, T-93-8-29-97, Aug. 29, 1997; effective Dec. 5, 1997; amended April 20, 2001.)

**93-6-4. Experience requirements.** (a)

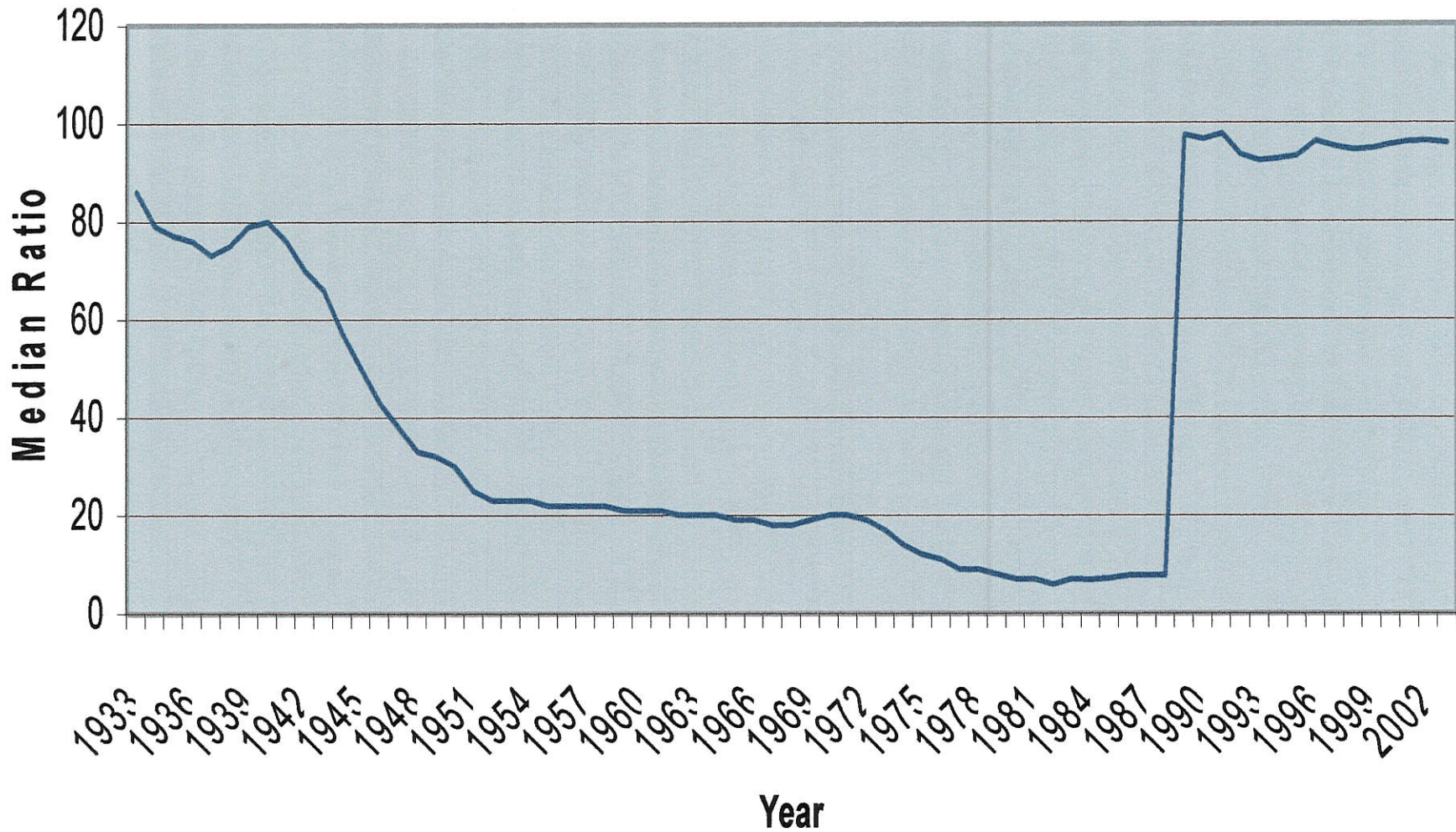
Each candidate for the RMA designation shall document a minimum of 6,000 hours of mass appraisal experience, including not less than 2,000 hours of experience in establishing values for property taxation purposes. No more than 600 hours of mass appraisal experience shall come from establishing values on personal property. "Hour," as used in this regulation, shall mean 60 minutes.

(b) Any candidate may petition the secretary of revenue to approve more than the 600 hours of mass appraisal experience in establishing values on personal property specified in subsection (a). The candidate shall demonstrate to the secretary that the experience entailed determining the fair market value of personal property in a manner comparable in complexity and documented market research and analysis to the valuation of real property. The candidate shall further demonstrate to the secretary that the personal property valued comprised a predominate portion of the tax base of the county in which the values were determined.

(c) The required 6,000 hours of mass appraisal experience may include map maintenance, sales

### Chart 6

#### Median Appraisal/Sales Ratio, 1933-2004





**BUTLER COUNTY**  
ADMINISTRATION DEPARTMENT

*"Written Only"*

January 14, 2007

Elections and Governmental Organization Committee  
Representative Burgess – Chairperson

Dear Committee Members:

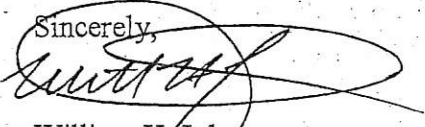
Butler County would like to thank you for this opportunity to provide written testimony on behalf of House Bill 2153. Butler County would like to express its opposition to HB 2153, which would require the county appraiser to be an elected position, rather than an appointed position. The selection of such a sensitive position to county government should not be based on a popularity contest, but rather fall under the close scrutiny and control of the County Commission to ensure that a professional and fair appraisal system is afforded to the constituents of each and every county in Kansas.

The proposed bill restricts the qualification of appraisers to only certified Kansas's appraisers. Currently the State recognizes individuals who are either registered mass appraisers or who have certified assessment evaluator credentials as well as certified Kansas appraisers. It is our understanding that only 25% of the current appraisers listed on PVD's approved appraiser list are qualified under this proposed bill, making finding a qualified appraiser to file and run for office nearly impossible.

Recently, Butler County went through the recruitment process for the County Appraiser position, and due to the limited number of qualified applicants the process lasted for over nine months. The County sent letters of the job opening to all qualified appraisers on the PVD list and received four responses. From the four responses three were not even considered for the position due to poor backgrounds. The County continued the search nationally for an additional six months before finally selecting the one original applicant. Butler County currently has a population over 62,000 and there is only a handful of qualified applicants in our County able to file and run for this office as proposed by the bill, however none of these individuals have any mass appraisal experience outside of our current county appraiser.

Butler County appreciates the opportunity to provide written testimony before this committee and hopes that you will take into consideration our opposition to this bill due to the burden this would create for our organization and the constituents of Butler County.

Sincerely,



William H. Johnson  
Butler County Administrator

cc: County Commission

House Elections & Gov. Org.  
Date: 2-14-2007  
Attachment # 10

William H. Johnson, Jr., County Administrator

"Written Only"

**Testimony Before the House Committee on Elections and Governmental  
Organization  
Opposing House Bill No. 2153  
Bill Oswalt, President  
Kansas Legislative Policy Group  
February 14, 2007**

Chairperson Burgess, and members of the House Elections and Governmental Organizations, my name is Bill Oswalt. I am representing Kansas Legislative Policy Group, which is an organization comprised of thirty Western Kansas counties. We work together to address areas of mutual concern and work collaboratively on legislative issues.

Thank you for allowing me to enter testimony today regarding House Bill 2153. I appear in strong opposition to the proposed measure. Many counties in Kansas share the professional services of county appraisers. Each county has unique special purpose properties; an appraiser must have specific educational and professional experience to address the appraisals of those complicated valuations. There are a limited number of individuals who meet the necessary and required qualifications. Additionally, counties that have lower overall valuation base are challenged to have adequate financial resources to meet the budgetary obligations of a full-time county appraiser. Counties can realize cost efficiencies in utilizing the professional service of a professional appraiser whose expenses are shared among counties.

The bill would require a county appraiser to run for office. In a practical sense, this is not reasonable for an appraiser who is engaged by the Boards of County

House Elections & Gov. Org.  
Date: 2-14-2007  
Attachment # 17

Commissioners to serve as county appraiser, in more than one county, to seek election to the position.

I appreciate your willingness to permit me to enter testimony on this very important matter. Thank you for your time and consideration.