

Approved: 3/25/08  
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on February 12, 2008 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department  
Ken Wilke, Revisor of Statutes  
Jerry Donaldson, Legislative Assistant  
Zoie Kern, Committee Assistant

Conferees appearing before the committee:

Senator Julia Lynn  
David Anderson - Mayor of De Soto  
Brad Bryant - Secretary of States Office  
Bruce L. Newby - Election Commissioner  
Bryan Caskey - Secretary of States Office

Others attending:

See attached list.

Senator Huelskamp called the meeting to order.

Ken Wilke of the Revisors office gave a brief summary of **SB 518**.

Senator Julia Lynn testified on bill **SB 518 (Attachment 1)**.

Discussion.

David Anderson gave testimony as a proponent of **SB 518 (Attachment 2)**.

Discussion.

Senator Huelskamp closed hearing on **SB 518**.

Ken Wilke gave a brief summary on **SB 519**.

Brad Bryant testified as a proponent for **SB 519 (Attachment 3)**.

Discussion.

Bruce L. Newby, Election Commissioner, testified as a proponent for **SB 519 (Attachment 4)**.

Discussion.

Senator Huelskamp closed hearing on **SB 519**.

Bryan A. Caskey from the Secretary of States Office testified as a proponent of **SB 520 (Attachment 5)**.

Discussion.

Senator Huelskamp closed hearing on **SB 520**.

Meeting adjourned.

Respectfully submitted,

Zoie C. Kern, Committee Assistant



STATE OF KANSAS



SENATOR JULIA LYNN

COMMITTEE ASSIGNMENTS

JUDICIARY  
FEDERAL AND STATE AFFAIRS  
ELECTIONS AND LOCAL GOVERNMENT  
VICE-CHAIR, CHILDREN'S ISSUES (JOINT)  
SENATE PRESIDENT'S TASK FORCE  
ON HEALTHCARE

STATE CAPITOL—402-S  
TOPEKA, KANSAS 66612  
(785) 296-7382

IN SESSION: lynn@senate.state.ks.us

INTERIM INFORMATION:  
18837 W. 115TH TERR.  
OLATHE, KANSAS 66061

Mr. Chairman and members of the committee. Thank you for the opportunity to present the De Soto Riverfront Authority Legislation.

It was only a year and a half ago that I made a visit to De Soto as their new State Senator. As I drove to meet the Mayor and a few city council members for the first time I was seeing the city from a new set of eyes. It was in the fall and the rolling hills were full of colorful trees spanning for miles. I felt like I was in a different world – and certainly not in Johnson County! You see, De Soto is only 19 miles southwest of Kansas City and 15 miles east of Lawrence. It is accessed by the K-10 “Smart Corridor” which connects Olathe, Shawnee, Lenexa and Overland Park to the City of Lawrence and is heavily traveled and sought after for its development potential.

A bedroom community of just over 5,000, De Soto is unmatched in any Johnson County city for its rural location and incredible beauty. It is the only city in Johnson County that sits on the Kansas River.

During the following months I made many trips to De Soto in search of uncovering issues that would help this beautiful, friendly and artistic town. Because of its unique natural beauty and abundant land, developers continue to build single family homes to accommodate the growing interest among young families in the award-winning De Soto School District. There are 5,700 students enrolled in the schools – many which come from neighboring Shawnee.

There are a handful of major employers including Huhtamaki, Engineered Air, Intervet, Rehrig Pacific and the Mr. Good scents research and development head quarters. The City of De Soto and the De Soto Chamber of Commerce continue to work with economic development officials to draw attention to the magnificent location, amenities, and family-oriented lifestyle to businesses looking to expand operations or locate to the area.

The opportunity for De Soto is two-fold. Tax revenues generated by the major employers and small businesses cannot offset growth in school district enrollment, and growth in single family housing. For this reason, De Soto needs to find ways to grow the tax base while at the same time attracting development commensurate with community values and needs.

*Elections and Local  
Government 2-12-08  
attachment 1*

The city is currently looking at proposals to revitalize the downtown district as well as looking at the riverfront as development potential. The famous "Cookin on the Kaw" barbeque contest is held at the riverfront and the city has developed a boat ramp for visitors who wish to fish, explore and picnic along the banks of the Kaw.

I have seen great potential in an emerging arts community within the city. Jenny Wheat creative photographer, Roundtrip Imports an exclusive European Importer, The Blue Tomato, gourmet eatery and the re-location of Gill Ramsey Studios a local Johnson County Artist and framer. At a recent lunch with John Paul Johnson the Director of Choirs at KU we discussed the possibility of developing a venue at the Riverfront to accommodate a performance opportunity for the many young people who have developed talent in music or the arts who are lacking a place to just perform. We are in process of developing a plan for a "Summer Program in the Arts" in conjunction with KU Choral Department.

As I have continued to develop relationships with the people of De Soto, I have fallen in love with the community. It is on the verge of great discovery and it is the will of the community to protect its hometown flavor and family focus. For this reason, the vision of a Riverfront development, unique in every way to any other city in Johnson County came into view. And that is why, Mr. Chairman and members of the committee, I come before you today to ask that you pass this legislation out of committee favorably for passage.

2

TESTIMONY of David R. Anderson, Mayor of the City of De Soto  
Senate Bill No. 518  
February 12, 2008

I am pleased to testify this afternoon. De Soto is a community of 5,000 and the only city in Johnson with its' downtown on the Kansas River. As with many communities of our size in the state, we struggle with attracting people to come and visit. Last year we celebrated our Sesquicentennial of our City's 150 years of existence!

Throughout our history, the river has been used as a natural resource, beginning with Francois Chouteau; who, in 1819, built the first trading post at the confluence of the Kaw River and Cedar Creek about 3 miles east of downtown. Three years ago, we had a truck go over the Wyandotte Street Bridge which links Leavenworth County with Johnson County in north De Soto. This emergency created a search for an upstream access into the river.

The City purchased 50 acres from a company that had operated a sand dredging operation. We then worked through the Kansas Brownfield initiative and obtained assistance to perform Phases 1 and 2 clean-up efforts. Our City Clerk, Lana McPherson, and Councilwoman Betty Cannon, worked to solicit help to build a boat ramp. Friends of the Kaw leader, Mike Calwell, spearheaded the team of local contractors and citizens that brought the boat ramp to completion.

We then began to see the true potential of this beautiful natural asset. The City Council commissioned a study. We were presented the park options and chose the plan we see in your packet. The cost of this park plan fully built is \$3,400,000.00. The City Council voted to start with Phase1 at the cost of \$700,000.00.

This riverfront authority is the idea of our Senator Julia Lynn. Her enthusiasm and love for our community's idea of a riverfront park has spurred the energy for this bill. Your presenting this legislation for consideration to the State Legislature will greatly assist our community in opening this plan up to the citizens of Kansas. Not only that, but we see it as a key to the economic survival of our downtown district.

Our main street is currently called 83<sup>rd</sup> Street. It was originally the only highway to Lawrence from Kansas City. Then, K-10 moved three blocks south to Lexington Avenue, our of the downtown. Then, years later, K-10 moved even further south to almost 95<sup>th</sup> Street; this is 15 blocks south of downtown and with a posted speed limit of 70 m.p.h.

We need this riverfront attraction to get more people to go through our downtown!  
This legislation will only enhance our downtown economic survival. Thank you for your time. I stand for questions.

*Elections and Local  
Government 2-12-08  
attachment 2*

# Kansas Department of Health and Environment

## Bureau of Environmental Remediation, Remedial Section

### Brownfields Redevelopment Program



## De Soto Boat Ramp

### Background:

Inspired by the possibility of a dream becoming a reality, Lana McPherson detailed her community's desires for a Kansas River access ramp and city park during the exercise portion of the KDHE's Brownfields Workshop in Leavenworth, Kansas, on July 13, 2005.

McPherson (City Clerk and Chair of the Sesquicentennial Celebration Committee for the City of De Soto, Kansas) previously had performed a community survey that indicated a strong desire to "get back on the river" as part of the community's 2007 sesquicentennial celebration. The city purchased two adjacent properties along the river for a future city park, setting the stage to incorporate a river access ramp and showcase both the ramp and the park as the centerpiece of the 2007 sesquicentennial.

McPherson submitted an application to KDHE on July 27<sup>th</sup> to have Brownfields Targeted Assessments (BTAs) conducted on the riverside properties located northwest of the city. KDHE's BTA program is funded through a federal grant and provides funding for Phase I and Phase II environmental assessments for redevelopment projects.



*Unregulated Dumping Site Located on the Eastern Property*

A Recognized Environmental Condition (REC) was identified for the eastern property due to historical and unregulated use as a public dump site. A Phase II BTA was completed and approved in mid-March 2006 by KDHE in time for the public celebration of the boat ramp completion on the western property.

Based on data collected during the Phase II BTA, there were no significant environmental impacts identified at the eastern property and, therefore, no additional environmental response was necessary. However, KDHE recommended that fill and dump areas present on the property be removed to eliminate potential safety hazards to workers building the city park and future recreational users. The city should coordinate with the KDHE Bureau of Waste Management to allow for safe redevelopment of the eastern portion for recreational use.



*Former Sand-Dredging Facility on the Western Most Property*

### Phase I and Phase II BTA Assessment:

By early October 2005, Phase I BTAs were completed at both properties. Phase I assessments did not identify any environmental concerns on the western property, where a sand-dredging facility had operated for several years. Based on these findings, the city began design and construction of the boat access ramp on the south side of the Kansas River.



*Boat Ramp Located on Western Property in Final Stages*

# County approves funds for Riverfront Park at De Soto

**F**unding for construction of a Riverfront Park overlooking the Kansas River in De Soto has been approved by the Johnson County Board of Commissioners.

The Board authorized \$56,685 from the county's Stream Maintenance Fund for public improvements in connection with the new park. Vote to approve the funding request was unanimous by the Board on Jan. 24.

The Stream Maintenance Fund receives royalty payments from sand removed from the Kansas River as it flows through Johnson County. The funds can be used for the cleaning and maintenance of the river

upon approval of the Kansas Division of Water Resources and for development of public park lands along tributaries of and along the Kansas River.

The fund was last used in 1996 and 1997 by the Johnson County Park and Recreation District to construct a boat ramp near Cedar Creek.

The funding authorization by the Board will be used by the city of De Soto to help finance phase one of its 50-acre Riverfront Park located along the banks of the river with a connection at Ottawa Street. The site of the park is on property of the former commercial sand dredging business operated by the Kaw Sand Company in the 1990s.

De Soto's concept plan of the park includes a stage for

festivals, concerts, and other attractions; hiking and biking trails; an informational kiosk or monument with De Soto history; picnic shelters; playground equipment, including a disc-golf course and sand volleyball area; parking areas, including a site for recreational vehicles; public bathrooms; and shower facilities for campers and RV users.

The first phase of the project now is under way, including site clearing and rough grading for the regional festival and concert viewing area to accommodate up to 2,500 visitors. That work is expected to be completed by mid-February.

Construction of a performing stage overlooking the Kansas River, grass seeding, and final grading work will start in March with completion by early

summer. The first concert in the new Riverfront Park is scheduled October 11, featuring a Blues and Barbecue Festival.

Other work in the first phase, with an estimated cost of \$700,000, will involve construction of the loop drive snaking through the park, public parking areas, a storm water system, and potable water system along with installation of electrical service and an irrigation pump to provide water from the river to irrigate grass, trees, and plantings at the park.

The project, which is the first Johnson County park along the banks of the Kansas River, is being developed in five phases by the city over five years with a final estimated cost of \$3.5 million.



De Soto Riverfront Park - Phase 1 - OPTION B

## Deadline nears to submit comments on proposed annexation

**T**he Johnson County Board of Commissioners will be accepting written comments and points of view from the public until 5 p.m. Friday, Feb. 15, regarding a petition filed by the city of Overland Park to annex approximately 15 square miles into its city limits.

Written comments/materials on the proposed annexation plan can be mailed or faxed (913-715-0440) to the Board at:

Johnson County Board of Commissioners  
 Johnson County Administration Building  
 111 South Cherry Street, Suite 3300  
 Olathe, KS 66061

By law, the Board must either approve or deny the annexa-

tion request within seven days after closing the overall process of public review and information gathering.

The Board's business session after the Feb. 15th deadline for comments is scheduled at 9:30 a.m. Thursday, Feb. 21, in its Hearing Room on the third floor of the Johnson County Administration Building, 111 South Cherry Street, in downtown Olathe.

The proposed annexation involves approximately 9,569 acres south of Overland Park's current southern boundary. The Overland Park City Council approved the proposed annexation plan on August 20 by unanimous vote and filed the petition with the Board on August 23.

2-4  
 2-13

3  
**RON THORNBURGH**  
Secretary of State



Memorial Hall, 1st Floor  
120 S.W. 10th Avenue  
Topeka, KS 66612-1594  
(785) 296-4564

## STATE OF KANSAS

### Senate Committee on Elections and Local Government

#### Testimony on Senate Bill 519

Brad Bryant, Deputy Assistant Secretary of State  
Elections and Legislative Matters

February 12, 2008

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 519. This bill would benefit county election offices and local units of government involved in the conduct of mail ballot elections by reducing the costs associated with printing and mailing ballots.

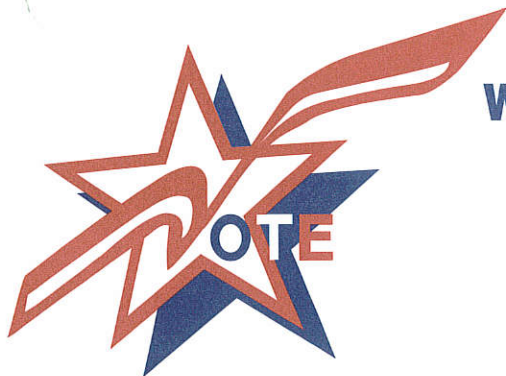
The mail ballot act, K.S.A. 25-431 through 25-440, allows local governing bodies the option of having their special question submitted elections conducted by mail. In a mail ballot election, ballots are automatically mailed to each registered voter. This legislation would exclude voters who are inactive from the initial mailing of the ballots.

The term "inactive voters" does not mean voters who have not voted recently, as one may infer from the term. Inactive voters are defined in federal law in the National Voter Registration Act of 1993 (NVRA). According to the NVRA, when the U.S. Postal Service provides information to an election officer indicating that a person has moved out of the election officer's county or the state, the county election officer mails each such "inactive" voter a confirmation notice, giving the voter an opportunity to confirm the address change or to reaffirm the voter's residence if there was an error. By law, election officers must cancel inactive registrations after the second succeeding federal general election after the date of the mailing of the confirmation notice. But these records are carried on the registration list for several years pending their removal.

It is expensive and wasteful to print ballots, instructions, two envelopes, and to pay postage for inactive voters. This legislation proposes to exclude inactive voters from the initial mailing to reduce those unnecessary expenses. If a voter believes he or she has been improperly excluded, the voter may apply for a replacement ballot, as is the case in current law. This mechanism preserves the individual's right to vote in case of an error.

We recommend the committee report Senate Bill 519 favorably for passage. Thank you for your consideration.





## WYANDOTTE COUNTY ELECTION OFFICE

Bruce L. Newby, Election Commissioner  
Frances D. Sheppard, Assistant Election Commissioner

### TESTIMONY BEFORE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT

*Tuesday, February 12, 2008*

Thank you for the opportunity to speak briefly in support of Senate Bill No. 519.

During the fall of 2007, we had two mail ballot elections in Wyandotte County. Both were school bond elections involving 10,405 voters in Turner School District (#202), then 6,005 voters in Piper School District (#203).

Current statute requires us to mail ballots to both active and inactive voters. An inactive voter is a registered voter who has been mailed a confirmation notice because we have been officially notified the voter has moved out of the county. The voter has not responded to the confirmation notice and has not voted in any election or otherwise contacted the election office.

County-wide, we have 14,417 inactive voters. Turner School District has 1,725 inactive voters, and Piper School District has 314 inactive voters. Having just completed the annual National Change of Address check of our voter registrations, we believed it was likely that most of the ballots sent to inactive voters would be returned as undeliverable or "moved – no forwarding address."

Of the 1,725 ballots sent to inactive voters in Turner School District, 1,039 were returned as undeliverable, and 27 were voted and returned. The remainder were never returned in any manner. The ballots may have been delivered to the current occupant or they may have been tossed in the trash. Mailing ballots to inactive voters added over \$2,100 to the cost of the election for postage, ballots, and envelopes. This is more than \$77 for each inactive voter vote cast. The cost per vote cast by active voters, by comparison, was less than \$4.00.

Of the 314 ballots sent to inactive voters in Piper School District, 127 were returned as undeliverable, and 18 were voted and returned. The remainder were never returned. Mailing ballots to inactive voters added over \$400 to the cost of the election for postage, ballots, and envelopes. This is more than \$22 for each inactive voter vote cast. The cost per vote cast by active voters, by comparison, was less than \$2.50.

In a county-wide mail ballot election, mailing ballots to inactive voters would add over \$18,000 to the cost of the election. The cost per vote is substantial given the small likelihood that an inactive voter will vote or even be legally eligible to do so.

I support Senate Bill No. 519 and stand for questions.

Bruce L. Newby

*Elections and Local  
Government 2-12-08  
attachment 4*

RON THORNBURGH  
Secretary of State



Memorial Hall, 1st Floor  
120 S.W. 10th Avenue  
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## STATE OF KANSAS

### Senate Committee on Elections and Local Government

#### Testimony on SB 520

Bryan A. Caskey, Administrative Assistant  
Elections and Legislative Matters  
Office of the Secretary of State

February 12, 2008

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 520. This bill does one thing. When deciding the order of candidate names on the ballot, it deletes the requirement that the names of counties or precincts be listed in alphabetical order.

Under current law, when more than one candidate files for office, the state or county must be divided into as many divisions as there are names on the ballot. This requirement is commonly called rotation of candidate names on the ballot. These divisions must be as nearly equal in population as possible, as long as the counties or precincts are listed in alphabetical order. Our office requests that the alphabetical requirement be deleted from the law to allow our office and county offices to make the divisions as nearly as equal as possible. Included in my written testimony are examples of ballot rotation that have occurred in a Kansas senate district and a United States House of Representative district in past years. I have also included examples of how ballot rotation would be conducted under the proposed law. It is our belief that with the change in law, a much more equitable division may be made and the true original intent of the law would be fulfilled.

County election officers would be allowed to make the same divisions at the precinct level within their own counties. Most voting machine vendors have software that will automatically provide counties the most equitable rotation possible. Under current law, counties are not able to use this software because of the alphabetical requirement.

Thank you, and I stand for questions.

*Elections and Local  
Government 2-12-08  
attachment 5*

Office of the Kansas Secretary of State  
Kansas Senate District 17  
General Election Rotation  
**CURRENT LAW**

rev. 2/11/2008bac

5-2

COUNTY	REGISTERED VOTERS	CANDIDATE A	CANDIDATE B
Chase	1,700	1,700	
Coffey	3,141	3,141	
Greenwood	1,505	1,505	
Marion	7,513		7,513
Osage	1,096		1,096
Totals	14,955	6,346	8,609
	7477.5	<b>84.87%</b>	<b>115.13%</b>

7477.5

EQUALS IDEAL NUMBER OF REGISTERED VOTERS PER DIVISION

Office of the Kansas Secretary of State  
Kansas Senate District 17  
General Election Rotation  
**PROPOSED LAW**

rev. 2/11/2008bac

5-3

**COUNTY REGISTERED VOTERS CANDIDATE A CANDIDATE B**

Chase	1,700	1,700	
Coffey	3,141	3,141	
Greenwood	1,505	1,505	
Osage	1,096	1,096	
Marion	7,513		7,513
Totals	14,955	7,442	7,513
	7477.5	<b>99.53%</b>	<b>100.47%</b>

7477.5

EQUALS IDEAL NUMBER OF REGISTERED VOTERS PER DIVISION

Office of the Kansas Secretary of State  
 United States House of Representatives District 2 General Rotation  
**CURRENT LAW**

rev. 2/11/2008bac

5-5

**County REGISTERED VOTERS CANDIDATE A CANDIDATE B CANDIDATE C**

Allen	9,655	9,655		
Anderson	5,467	5,467		
Atchison	10,088	10,088		
Bourbon	9,798	9,798		
Brown	6,423	6,423		
Cherokee	16,133	16,133		
Coffey	6,363	6,363		
Crawford	23,887	23,887		
Doniphan	6,000	6,000		
Douglas	23,298		23,298	
Franklin	17,598		17,598	
Geary	426		426	
Jackson	8,288		8,288	
Jefferson	12,216		12,216	
Labette	15,744		15,744	
Leavenworth	37,861		37,861	
Linn	6,794			6,794
Miami	18,264			18,264
Nemaha	2,618			2,618
Neosho	11,284			11,284
Osage	10,185			10,185
Pottawatomie	13,389			13,389
Riley	29,054			29,054
Wilson	5,219			5,219
Woodson	2,541			2,541
Totals	308,593	93,814	115,431	99,348
	102864.33	<b>91.20%</b>	<b>112.22%</b>	<b>96.58%</b>

102864.33

EQUALS IDEAL NUMBER OF REGISTERED VOTERS PER DIVISION

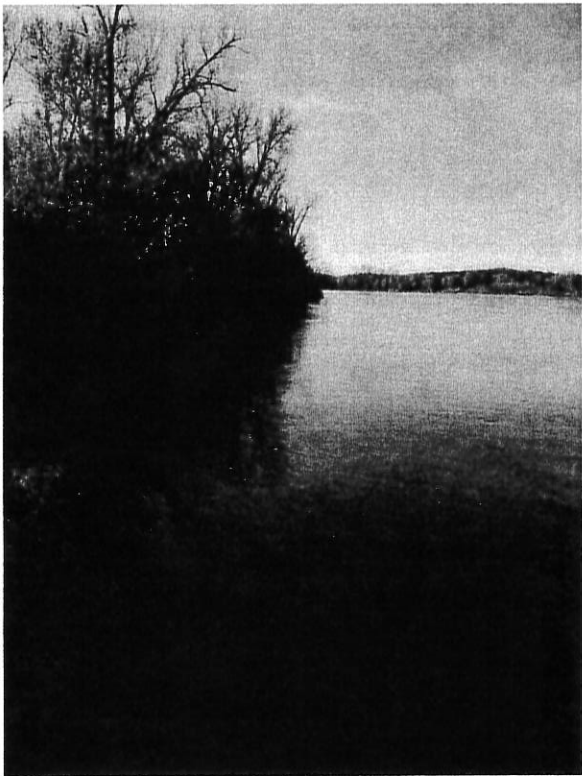
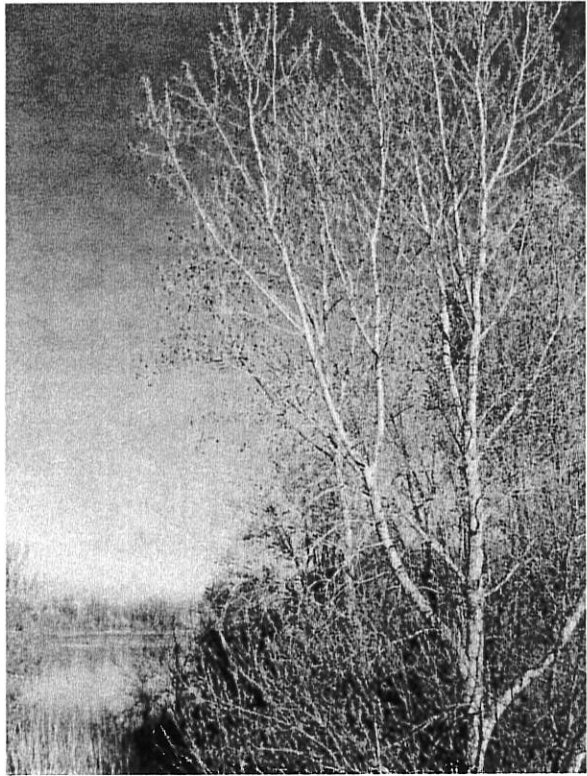
Office of the Kansas Secretary of State  
 United States House of Representatives District 2 General Rotation  
**PROPOSED LAW**

rev. 2/11/2008bac

5-5

County	REGISTERED VOTERS	CANDIDATE A	CANDIDATE B	CANDIDATE C
Allen	9,655	9,655		
Atchison	10,088	10,088		
Bourbon	9,798	9,798		
Brown	6,423	6,423		
Cherokee	16,133	16,133		
Coffey	6,363	6,363		
Crawford	23,887	23,887		
Jackson	8,288	8,288		
Linn	6,794	6,794		
Wilson	5,219	5,219		
Doniphan	6,000		6,000	
Douglas	23,298		23,298	
Franklin	17,598		17,598	
Labette	15,744		15,744	
Leavenworth	37,861		37,861	
Woodson	2,541		2,541	
Anderson	5,467			5,467
Geary	426			426
Jefferson	12,216			12,216
Miami	18,264			18,264
Nemaha	2,618			2,618
Neosho	11,284			11,284
Osage	10,185			10,185
Pottawatomie	13,389			13,389
Riley	29,054			29,054
Totals	308,593	102,648	103,042	102,903
	102864.33	<b>99.79%</b>	<b>100.17%</b>	<b>100.04%</b>
	102864.33	EQUALS IDEAL NUMBER OF REGISTERED VOTERS PER DIVISION		

# DE SOTO RIVERFRONT PARK CONCEPT PRESENTATION

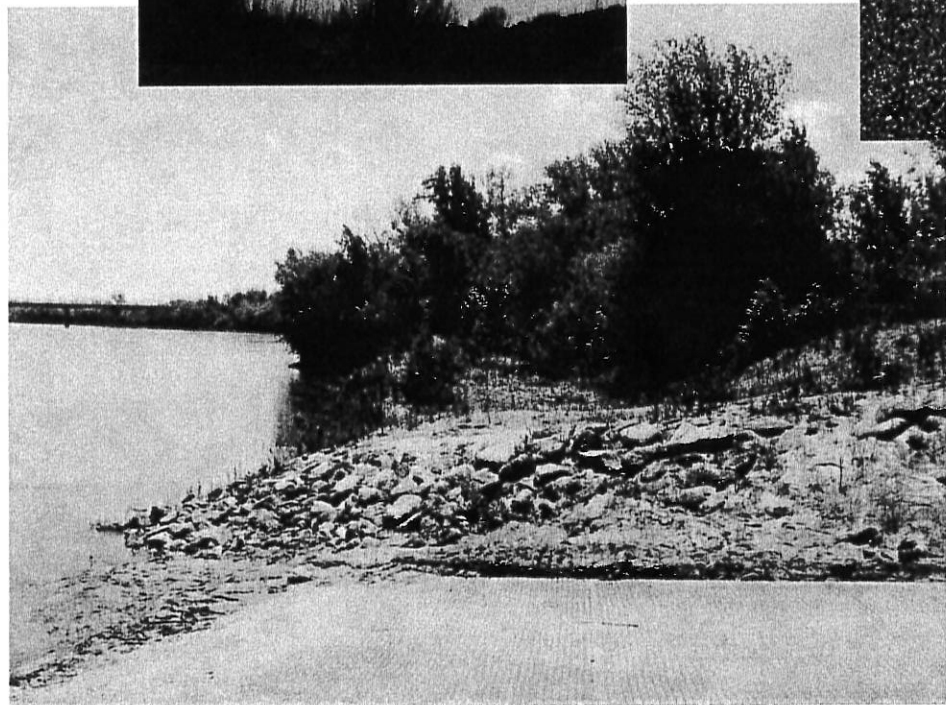
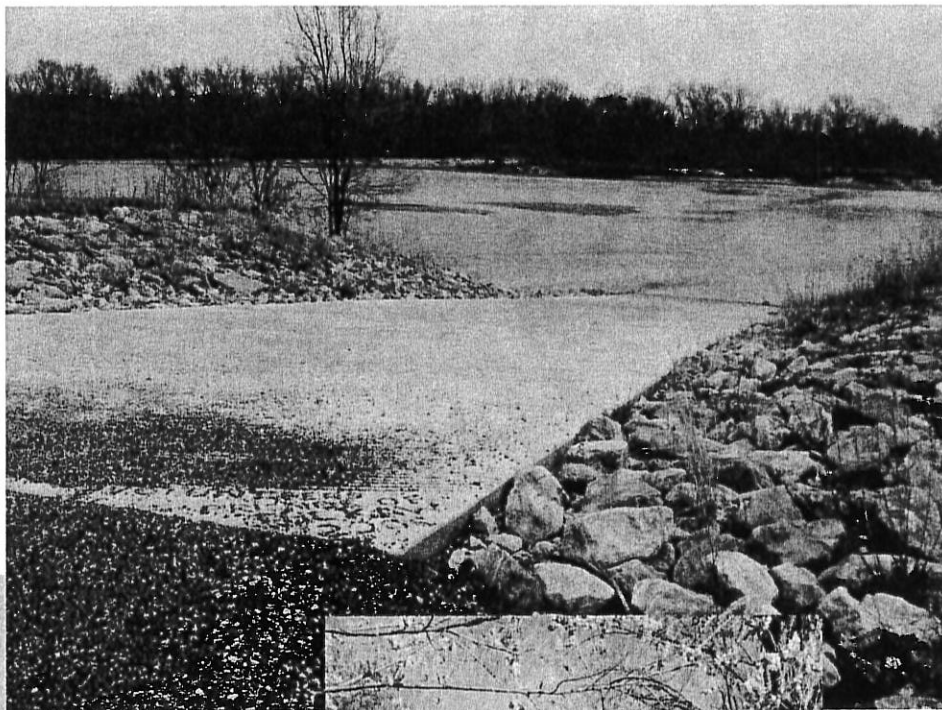
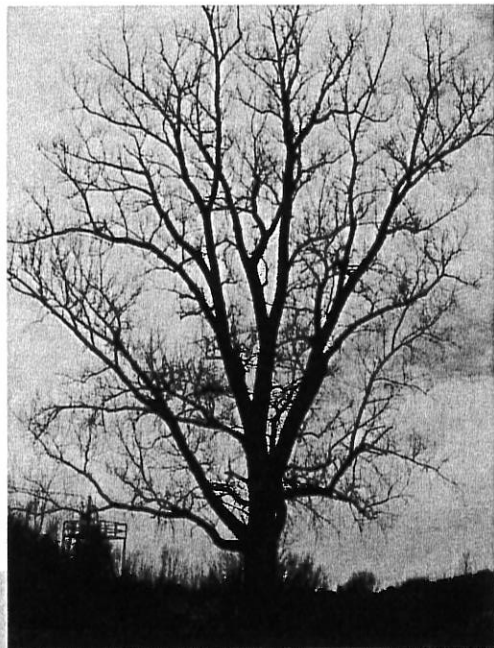


July 19, 2007

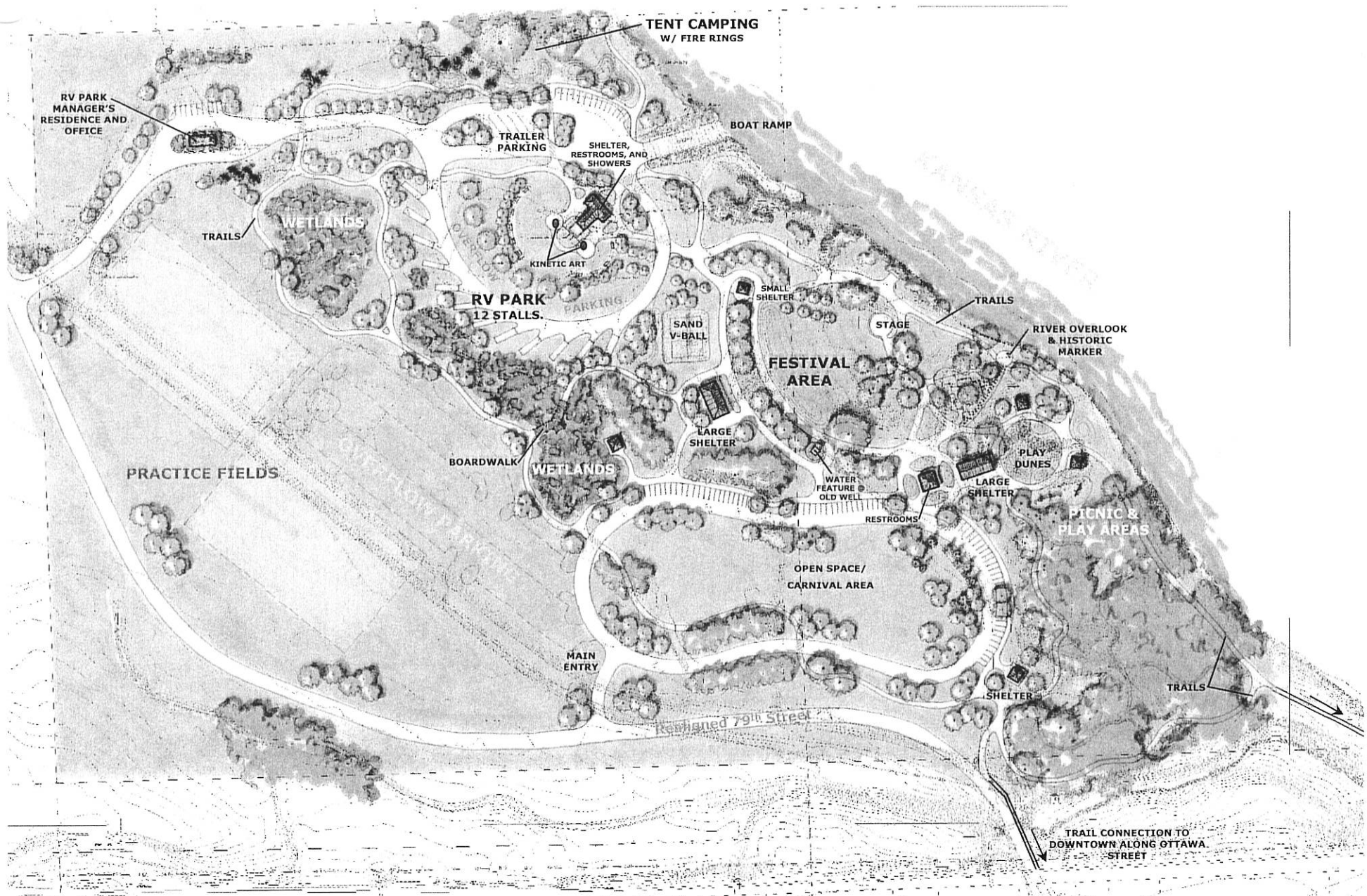
# De Soto River Front Park Concept Plan

- 1) Flush bathroom facility
- 2) Shower facilities for campers, RV users
- 3) Pit toilets toward the eastern area of site to supplement flush bathrooms
- 4) Improvements suitable for site to serve as center for local and more regional festivals (concerts, BBQ cook-offs, ethnic festivals, etc.)
- 5) Instead of a formal boat dock, a rock jetty at the boat ramp to create a calm bay for boat launching/take-out.
- 6) Finished grade and grassy field for the property south of 79th St. to be used for recreational/practice soccer fields and for overflow parking for larger events.
- 7) Sidewalk connection to Ottawa St. along 79th St.
- 8) Trails, ideally a trail connecting the park site to Miller Park along preferably the higher grade above and out of the RR right-of-way, alternatively at the lower grade within the RR right-of-way
- 9) Nature trail connecting to Widow Big Knife park upstream from the river front park site. Trail material to be crushed stone....in any event, not asphalt or concrete.
- 10) Informational kiosk or monument with De Soto history
- 11) Day user activities: picnic, major playground, formal shelters, sand volleyball and disc-golf course
- 12) No 4x4 vehicles or motorized vehicles of any kind along the trails.
- 13) Address security issues, especially for overnight users.
- 14) Consider formal segregation of RV parking sites and other types of uses from each other to minimize use conflicts

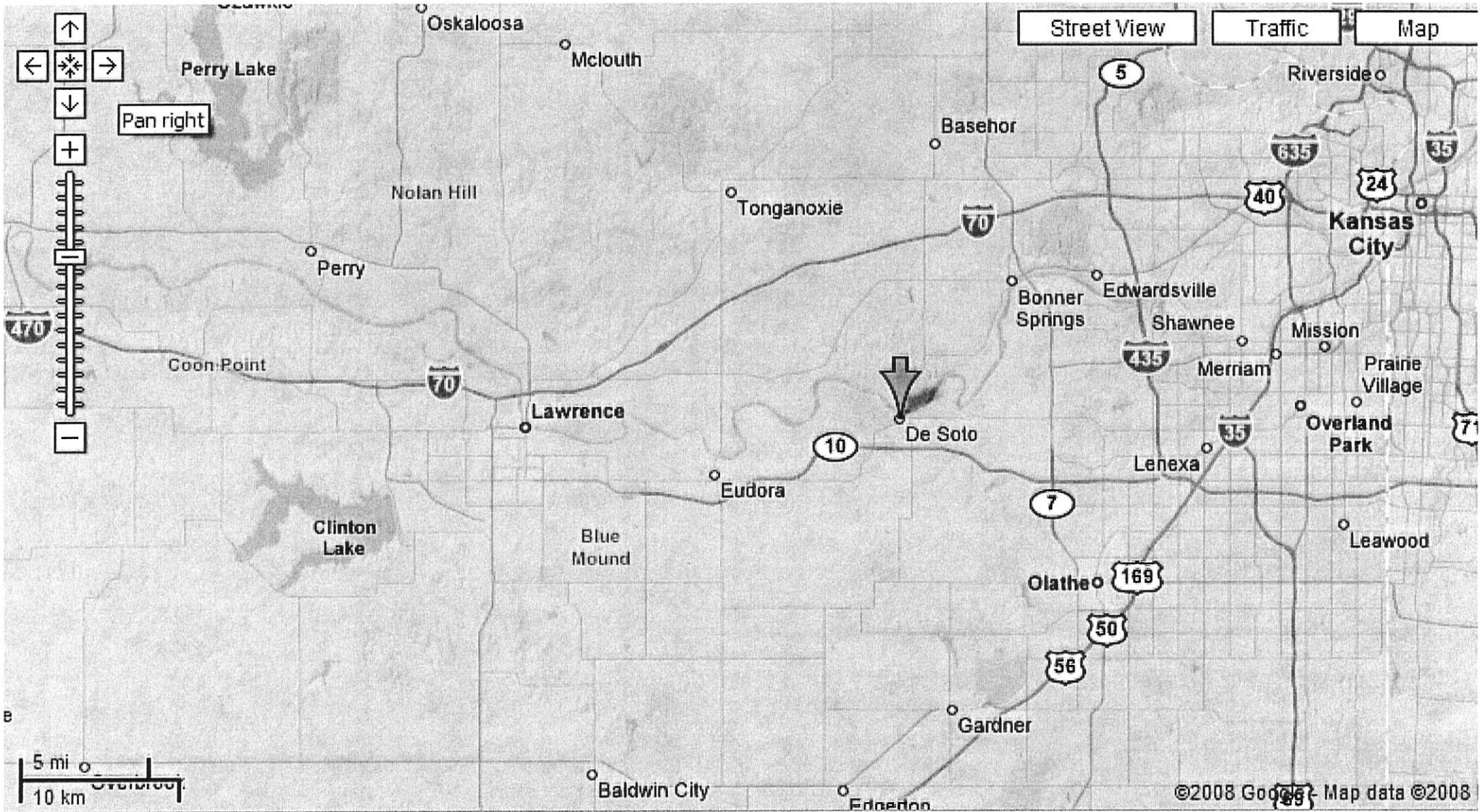




DE SOTO RIVERFRONT PARK - EXISTING SITE



DE SOTO RIVERFRONT PARK - REVISED CONCEPT



*Smaller than  
 Print so. of green arrow*



Street/Golden Road

Golden Road

De Soto's Riverfront Park

De Soto

De Soto, KS

10

© 2008 Europa Technologies  
© 2008 Tele Atlas

Google™

38°58'25.99" N 94°58'06.87" W

Streaming ||||| 100%

Eye all 2012 ft