

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Nancy Brown at 1:30 p.m. on March 8, 1994 in Room 521-S of the Capitol.

All members were present except: Representative Gayle Mollenkamp (excused)

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:

Richard G. Jones, Executive Director, Kansas Association of Conservation Districts
Tracy D. Streeter, Resource Administrator, State Conservation Commission

Others attending: See Attachment 1.

Chairman Brown advised that Representative Watson has been transferred to the House Federal and State Affairs Committee, and that Representative Ed McKechnie has been assigned to this committee in his place. Also, she advised that Representative Gwen Welshimer, is now the ranking minority member of the committee. The Chairman welcomed Representative McKechnie.

The Chairman opened the hearing on **SB 374** (conservation districts; funding). Richard Jones, Executive Director of the Kansas Association of Conservation Districts, testified in support of the bill (see his testimony, Attachment 2).

Tracy Streeter, Resource Administrator for the State Conservation Commission, stated the Commission's support for the bill and described the proposed amendments to the Conservation Districts Law encompassed in **SB 374** (see Attachment 3).

The committee discussed the bill and reviewed the proposed clarifying amendments to allow supervisors with unexpired terms on January 1, 1995 to continue to serve full terms; and a technical amendment to repeal language no longer necessary which was overlooked in drafting of the original bill (see Attachment 4). Representative Mays moved the adoption of the balloon amendments contained in Attachment 4. Representative Wootton seconded the motion; and the motion carried.

Representative Pettey stated concern with the election process, asking why it should not be propertyowners rather than the electorate who participate since conservation deals with the land. Mike Heim reported that the U.S. Supreme Court has ruled one man-one vote, rather than ownership of property, in several recent decisions.

Representative McKechnie moved that **SB 374** be passed as amended. The motion was seconded by Representative Mays.

Representative Welshimer offered a substitute motion to amend **SB 374** (following the listing of amendments in Mr. Streeter's testimony, Attachment 3) as follows: that the increase from \$7,500 to \$10,000 for state

matching funds be eliminated; that removing language limiting the amount of general funds allocated by county commissions be included; that modifying election requirements be included; and that the amendment removing "in-state only" restrictions on travel reimbursement be eliminated. There was no second to the substitute motion.

Representative Pettey moved that the election criterion be amended by adding "landowners" (along with qualified electors) eligible to participate in the election process for supervisors. Representative Ballard seconded the motion. After discussion, the committee voted down the motion.

The committee then voted on Representative McKechnie's motion to pass **SB 374**, as amended. The motion carried.

On motion of Representative Hayzlett, seconded by Representative Wootton, the committee minutes of February 21, 22, 23, and 24, 1994 were approved.

The meeting adjourned at 2:32 p.m. The next meeting of the committee is scheduled to be held on March 9, 1994, at 1:30 p.m., in Room 521-S of the Capitol.

HOUSE OF REPRESENTATIVES
COMMITTEE ON LOCAL GOVERNMENT
CONFEREES AND VISITORS
MARCH 8, 1994

NAME AND ADDRESS (Please print)		REPRESENTING
Michelle Clum	Topeka	atly. Jan Small
RICHARD G. JONES	SALINA	Ks ASSN. Pers Dist.
Carissa McKenzie	Alta Vista	Women Involved in Farm Econ (WIFE)
DeLoris Bager	Jetmore	Women Involved in Farm Economics
Mehl Hunt	"	"
Ken Kern	Topeka	SCC
Blake Henning	Topeka	KWO
Heidi Selfridge	Burdett	^{WIFE} Women Involved in Farm Economics
TRACY STREETER	TOPEKA	SCC
Naomi King	Jetmore	WIFE Women Involved In Farm Economics
Rachael Schneider	Lawrence	Judy Macy's altera

Statement
of the
Kansas Association of Conservation Districts
on
Hearings on S.B. 374
Relating to Local Conservation Districts

Presented to
House Committee on Local Government
Topeka, Kansas
March 8, 1994

I am Richard G. Jones, Executive Director of the Kansas Association of Conservation Districts.

The Association represents the 105 county conservation districts in Kansas. The conservation districts are a subdivision of state government and provide assistance to Kansas landowners and operators for the protection and improvement of their soil, water, plant, and animal resources. Conservation Districts are governed by a five member board of supervisors made up of local landowners who serve without compensation.

Conservation Districts are being ask, in some cases mandated, to carry out more and more programs that are directed at maintaining and/or improving our state's natural resources. Through the State Conservation Commission, Conservation Districts are assisting in carrying out the State Water Resources cost share program, the Clean Lakes program, the Nonpoint Source Pollution program, the Riparian and Wetlands Protection program as well as local county cost share programs to assist local farmers install conservation practices that benefit the county. Add these to the federal mandates that they assist the U.S. Department of Agriculture in carrying out, through a Memorandum of Understanding between the district and the Department, which include the Agricultural Stabilization and Conservation Service cost share program for farmers to install conservation practices, the Soil Conservation Service's Great

Plains Conservation program, the 1985 and 1990 Food Security Act requiring farmers to control erosion on highly erodible lands through compliance plans or they would forfeit any benefits from USDA, and the Conservation Reserve program from the same federal legislation. These activities do not include the everyday assistance to local people in solving resource conservation problems. They are and have been carrying out these programs without any increase in operating or administrative funds. We cannot keep giving them jobs to do without giving them proper funding to efficiently and effectively carry out their responsibilities. Senate Bill 374 will somewhat help correct this deficiency.

Conservation District Supervisors in carrying out the business of their district volunteer over 25,000 hours of service to the state each year. (12 meeting/year X 4 hours per meeting X 525 supervisors) Many districts have resorted to selling grass seed, trees, drip irrigation systems, in order to meet their operational and administrative needs. Since they are carrying out state and federal programs directed at protecting our natural resources for the use of all citizens, they should be adequately funded to most effectively carry out their duties. The Conservation District Law was changed in 1989 (I believe) to allow the County Commissioners to match the state funding to conservation districts up to \$10,000 dollars. The state matching funds remained at \$7,500. The state's funding for district operations has remained at \$7,500 since 1979. Districts cannot continue to operate all the programs they have been ask to do without an increase in operating and administrative funds. If the District Law is changed to allow the state to match the county funding at \$10,000, it would mean that 90 districts would get an increase in funding and 76 districts would be eligible to receive the maximum of \$10,000.

The total cost to the state under present conditions would be \$203,050. If next year each district were to get the maximum operating funds of \$10,000 from the county, the increase from state funding would be \$271,300. When looking at the total state budget we are asking for a very, very, small increase.

Our Association was ask to testify before the Kansas Congressional Delegation on the proposed Clean Water Act legislation in Hutchinson on August 10, 1993. The hearings recognized that if the Clean Water Act was passed, it would have to be implemented at the state and local level and that conservation districts were the most logical choice to implement the the program. Our Association's testimony agreed that the logical ones to implement the Clean Water Act programs at the local level would be the local conservation district and that if it were mandated that the state carryout a clean water program at the local level then funding for administering and operating the program should be provided to the local unit of government that implements the programs. We emphasized that the programs could not be carried out locally without operating and administrative funding.

Our Association (KACD) and the State Conservation Commission (SCC) have recognized how important it is for conservation districts to be efficient and effective in carrying out their duties. This past year a joint KACD/SCC District Operations Task Force was established to study better ways for districts to operate with all the programs they have to direct.

The Task Force was made up of district supervisors from across the state, advisors from conservation district employees and from the Soil Conservation Service and with staff help from the Commission and KACD.

The Task Force divided itself into 3 subcommittees. One was to look into the State Conservation District Law for bringing it up to date with current state and local needs, another was to study or investigate possible ways of funding for district operations, administration and for conservation programs, and another subcommittee was to study how districts can be more efficient through changes in management. The Task Force has completed it's assignment and reported their recommendations to local conservation districts at their annual meeting this past November. The Task Force recommendations included; updating the conservation district employees handbook; increased funding for district operations from state and county sources; and change the district law to allow any eligible citizen living within the district to run for supervisor and also allow all eligible voters within the district to vote for the district supervisors. Resolutions on district funding and election of supervisors passed at the KACD annual meeting are attached.

Senate Bill 374 asks for increased funding from the state for conservation district operations and administration, but it also asks that funds appropriated or allocated under the law be used to carry out the activities and functions of the district including cost of travel and expenses of supervisors and employees attending meetings; and does not limit them to meeting within the state only. It would allow for expenses to be paid for meetings attended out of state. Natural resource technology and information is not normally developed at each local area, but is developed on more of a regional or sometimes national level. It is important that those people who administer or implement resource programs be aware of the latest technology so they can better meet their local resource problems. Conservation District supervisors cannot keep up on

the most effective way of treating resource problems if they are restricted from attending meetings where the information is made available. Many times there are meetings held at various locations across the nation that would benefit the supervisors and employees in the carrying out their duties. We should not limit local districts from doing the best job they can and it is very hard to do when access to technology is restricted.

The bill also changes the election process for electing district supervisors. It allows for any eligible citizen to run for district supervisor and allows all eligible voters within the district to vote for the supervisor of their choice.

The Kansas Association of Conservation Districts urge the House Local Government Committee to recommend passage of Senate Bill 374.

We appreciate and thank you for giving us the opportunity to testify.

FINANCE AND DEVELOPMENT COMMITTEE

RESOLUTION NO. 1

FUNDING OF DISTRICT PROGRAMS

WHEREAS, the State Water Plan Fund established by Senate Bill 398 designated the State Conservation Commission responsible for the administration of the Non-Point Source Pollution Control Fund (NPS); and

WHEREAS, the Conservation District is the local unit of government who has the responsibility to coordinate the development and submission of a comprehensive local NPS management plan and project work plan as authorized by Kansas statutes; and

WHEREAS, according to K.S.A. 2-1915 a program for protection of riparian and wetland areas shall be developed by the State Conservation Commission and implemented by the Conservation Districts; and

WHEREAS, the State Water Plan for the last two years has significantly increased the amount of funding for the State Cost Share Programs to provide additional assistance to landowners for the establishment of enduring conservation practices; and

WHEREAS, the Conservation Districts are responsible for implementing the cost share programs at the local level; and

WHEREAS, the responsibilities and workload of Conservation Districts have increased within recent years due to the Food Security Act of 1985 and the state programs mentioned above; and

WHEREAS, the state has not increased financial assistance to Conservation Districts since 1981;;

THEREFORE, BE IT RESOLVED, that the Kansas Association of Conservation Districts and the Conservation Districts of Kansas request the Kansas Legislature by statute to increase state funding to \$10,000 per Conservation Districts for implementation of Conservation District programs.

RESOLUTION: ELECTION OF CONSERVATION DISTRICT SUPERVISORS

WHEREAS, the conservation district law stipulates that an eligible voter voting on the election of conservation district supervisors must own or occupy at least five (5) acres within the conservation district; and

WHEREAS, the present election process does not meet the constitutional right of each eligible voter to vote for the conservation district supervisor or his or her choice; and

WHEREAS, if the present election process were challenged, it would likely not meet the minimum constitutional requirements; so

THEREFORE, BE IT RESOLVED, that the election of conservation district supervisors, as stipulated in the conservation district law, be changed to allow all eligible voters within the conservation district to vote for the conservation district supervisor of their choice and that any eligible citizen living within the conservation district can be on the election ballot; and

FURTHER, BE IT RESOLVED, that the conservation district properly advertise the conservation district supervisor election and that the election be held at the conservation district annual meeting.

7
36

HOUSE LOCAL GOVERNMENT
Attachment # 2-7
3 / 8 / 94

Testimony Presented To
HOUSE COMMITTEE ON LOCAL GOVERNMENT

Senate Bill 374

by

Tracy D. Streeter
Resource Administrator
State Conservation Commission

March 8, 1994

The State Conservation Commission supports the passage of Senate Bill 374 with proposed amendments. The Bill before you proposes four changes to the Conservation Districts Law (K.S.A 2-1901 et seq.). Those changes include:

- 1) Increasing from \$7,500 to \$10,000, the maximum state funds the Conservation Commission can request per county for conservation district operations. These funds, dispersed annually by the Commission, are matched by funds allocated to conservation districts by county commissions. The current limitation of \$7,500 has been in place since 1979. Under the current statute, the Commission has requested FY 1995 funding for districts in the amount of \$780,171. The Governor and House Appropriations Committee supports funding at that level from the State Water Plan Special Revenue Fund. By increasing the state maximum match to \$10,000, the Commission could request FY 1995 funding for districts in the amount of \$981,646, resulting in a potential fiscal impact of \$201,475.
- 2) Removing language limiting the amount of general funds which may be allocated to conservation districts by county commissions. Current law limits county general fund spending to conservation districts to \$10,000. NOTE: Johnson and Sedgwick County are exempted from this limitation.
- 3) Modifying election requirements by removing the land occupier criterion which restricts participation in district elections to only those occupying (owning or renting) five acres or more. A task force of district supervisors formed by the Commission and Kansas Association of Conservation Districts has studied the election process since September of 1992. The task force concluded the proposal contained in SB 374 better serves the needs of conservation districts and addresses constitutionality concerns arising from the Kansas State Board of Agriculture lawsuit.

HOUSE COMMITTEE ON LOCAL GOVERNMENT
Senate Bill 374
Tracy Streeter, State Conservation Commission
March 8, 1994
Page 2

4) Removing "in-state only" restrictions on travel reimbursement for district supervisors and employees. Conservation districts are involved with regional and national conservation issues including federal Clean Water Act and Food Security Act. Border counties coordinate activities with neighboring counties across state lines. Existing law restricts these coordination activities if out-of-state travel is required.

The proposed amendment attached to this testimony addresses two areas:

1) Adds language to allow supervisors with unexpired terms on January 1, 1995 (effective date of proposed election changes) to continue to serve full terms. This amendment proposes the election changes to take effect on January 1, 1995 and affect only the supervisors with expired terms in 1995 and each ensuing year.

2) Repeals the definition of land occupier as stated in K.S.A. 2-1903. This definition is no longer applicable in the Conservation Districts Law and was overlooked in the initial drafting of the bill.

In conclusion, I want to reiterate the State Conservation Commission's support of Senate Bill 374. Your favorable consideration of the Bill, with proposed amendments, is appreciated.

SENATE BILL No. 374

By Committee on Federal and State Affairs

2-18

11 AN ACT concerning conservation districts; relating to funding there-
12 for; amending K.S.A. *[providing for the election of members and*
13 *the filling of vacancies in the governing body of districts; amending*
14 *K.S.A. 2-1907,]* 2-1907b and 2-1907c and repealing the existing
15 sections.

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 ~~Section 1~~ K.S.A. 2-1907b is hereby amended to read as follows:
19 2-1907b. The board of county commissioners, upon request of the
20 board of supervisors of the conservation district, may pay to the
21 district moneys from the county general fund for the supervisors to
22 carry out their duties under this act. The amount authorized shall
23 not exceed \$10,000 annually; except that such limitation shall
24 not apply to the board of county commissioners of Sedgwick
25 and Johnson county. In addition to moneys from the county general
26 fund, the board of county commissioners may levy an annual tax
27 against the taxable tangible property within the district, not to exceed
28 2 mills or \$55,000 whichever is less, to provide additional moneys
29 for the operation of the conservation district.

30 The levy shall be sufficient to pay a portion of the principal and
31 interest on bonds issued under the authority of K.S.A. 12-1774, and
32 amendments thereto, by cities located in the county, which levy
33 may be in addition to all other tax levies authorized by law and not
34 subject to or within any tax levy limit or aggregate tax levy limit
35 prescribed by law. Funds appropriated or allocated under the pro-
36 visions of this section and K.S.A. 2-1907c, and amendments thereto,
37 shall be used to carry out the activities and functions of the district
38 including cost of travel and expenses of supervisors and employees
39 of the district incurred within the state, educational materials,
40 conservation awards, annual meeting expenses, excluding meals, and
41 membership dues to conservation related organizations. Such funds
42 shall not be used for prizes, or incentives for achievements or at-
43 tendance at meetings or for travel or expenses for anyone other than

Insert K.S.A. 2-1903 (attached)

Sec. 2.

1 supervisors and employees of the district.

2 Sec. ~~2~~ K.S.A. 2-1907c is hereby amended to read as follows: 2-

3 1907c. ~~Each conservation district shall~~ On or before September
4 1 of each year, *each conservation district shall* submit to the state
5 conservation commission a certification of the amount of money to
6 be furnished by the county commissioners for conservation district
7 activities for the ensuing calendar year; ~~this sum to. Such amount~~
8 *shall* be the same as authorized for such purposes in each approved
9 county budget. For the purpose of providing state financial assistance
10 to conservation districts, the state conservation commission ~~shall~~
11 ~~then in their in the~~ regular budget request, as a line item for the
12 forthcoming fiscal year, *shall* submit a special request for an amount
13 equal to the sum of the allocations of each county to each conser-
14 vation district, but in no event to exceed the sum of seven thousand
15 five hundred dollars ~~(\$7,500)~~ \$10,000 per district. The state con-
16 servation commission shall as soon as practicable after July 1 of the
17 following year *shall* disburse such moneys as may be appropriated
18 by the state for this purpose to each conservation district to match
19 funds allocated by the commissioners of each county. Distribution
20 shall be prorated in proportion to county allocations in the event
21 that appropriations are insufficient for complete matching of funds.
22 Municipal accounting procedures shall be used in the distribution
23 of and in the expenditure of all funds.

24 Sec. 3. ~~K.S.A. 2-1907b and 2-1907e are hereby repealed.~~

4 25 ~~[Sec. 4]~~ On and after January 1, 1995, K.S.A. 2-1907 is hereby
26 amended to read as follows: 2-1907. The governing body of the
27 district shall consist of five supervisors all of whom are land oc-
28 cupiers who are qualified electors residing within the district. The
29 supervisors who are first elected shall serve for terms of one, two
30 and three years according to the following plan: The two persons
31 receiving the highest number of votes in the election held under
32 K.S.A. 2-1906, and amendments thereto, shall hold office for three
33 years; the two persons receiving the next highest number of votes
34 shall hold such office for a term of two years and the remaining
35 supervisor shall hold office for a term of one year. In the event of
36 a tie vote, such terms shall be decided by lot. ~~Successors to such~~
37 persons shall be elected for terms of three years. An annual meeting
38 of all land occupiers who are qualified electors of the district shall
39 be held in the month of January or February. Notice of the time
40 and place of such meeting shall be given by such supervisors by
41 publishing a notice in the official county paper once each week for
42 two consecutive weeks prior to the week in which such meeting is
43 to be held. At such meeting the supervisors shall make full and due

Nothing in this section shall be construed
as affecting the length of the term of
supervisors holding office on January 1, 1995.

1 report of their activities and financial affairs since the last annual
2 meeting and shall conduct an election by secret ballot of the land
3 occupiers who are all of the qualified electors of the district there
4 present for the election of supervisors whose terms have expired. If
5 no more than one person is nominated for a position, the elec-
6 tion may be done by acclamation. From and after July 1, 1989,
7 directors shall elect at the next annual meeting supervisors to
8 replace the supervisors whose terms shall expire that year. In
9 the event of a tie vote, such terms shall be decided by lot.
10 Supervisors shall serve for a term of three years. The selection
11 of successors to fill an unexpired term shall be by Whenever a
12 vacancy occurs in the membership of the governing body the re-
13 maining supervisors of the district shall appoint a qualified elector
14 of the district to fill the office for the unexpired term. The supervisors
15 shall designate a chairperson and may from time to time change
16 such designation. A supervisor shall hold office until a successor has
17 been elected or appointed and has qualified. A majority of the
18 supervisors shall constitute a quorum and the concurrence of a
19 majority of the supervisors in any matter within their duties shall
20 be required for its determination. A supervisor shall receive no
21 compensation for services, but may be entitled to expenses, including
22 traveling expenses, necessarily incurred in the discharge of duties.
23 The supervisors may employ a secretary, technical experts, and such
24 other officers, agents, and employees, permanent and temporary, as
25 they may require, and shall determine their qualifications, duties
26 and compensation. The supervisors may call upon the county at-
27 torney of the county in which a major portion of the district lies,
28 or the attorney general for such legal services as they may require.
29 The supervisors may delegate to their chairperson, to one or more
30 supervisors, or to one or more agents, or employees such powers
31 and duties as they may deem proper. The supervisors shall furnish
32 to the state conservation commission, upon request, copies of such
33 rules, regulations, orders, contracts, forms, and other documents as
34 they shall adopt or employ, and such other information concerning
35 their activities as it may require in the performance of its duties
36 under this act. The supervisors shall provide for the execution of
37 surety bonds for all employees and officers who shall be entrusted
38 with funds or property; shall provide for the keeping of a full and
39 accurate record of all proceedings and of all resolutions, regulations,
40 and orders issued or adopted; and shall provide for an annual audit
41 of the accounts and receipts and disbursements. Any supervisor may
42 be removed by the state conservation commission upon notice and
43 hearing in accordance with the provisions of the Kansas adminis-

1 *trative procedure act, for neglect of duty or malfeasance in office,*
 2 *but for no other reason. The supervisors may invite the legislative*
 3 *body of any municipality or county located near the territory com-*
 4 *prised within the district to designate a representative to advise and*
 5 *consult with the supervisors of the district on all questions of pro-*
 6 *gram and policy which may affect the property, water supply, or*
 7 *other interests of such municipality or county.*

8 *[Sec. ~~A~~ K.S.A. 2-1907b and 2-1907c are hereby repealed.*

9 *[Sec. ~~B~~ On and after January 1, 1995, K.S.A. ~~2-1907~~ is hereby*
 10 *repealed.]*

2-1903 and 2-1907 are

11 *Sec. ~~A~~ ~~[8]~~. This act shall take effect and be in force from and*
 12 *after its publication in the statute book.*

Section 1. On and after January 1, 1995, K.S.A. 2-1903 is hereby amended to as follows:

2-1903. ~~Definitions.~~ Wherever used or referred to in this act, unless a different meaning clearly appears from the context:

(1) "District" or "conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this act.

(3) "Commission" or "state conservation commission" means the agency created in K.S.A. 2-1904, as amended.

(4) "Petition" means a petition filed under the provisions of subsection A of K.S.A. 2-1905 for the creation of a district.

(5) "Nominating petition" means a petition filed under the provisions of K.S.A. 2-1906 to nominate candidates for the office of supervisor of a conservation district.

(6) "State" means the state of Kansas.

(7) "Agency of this state" includes the government of this state and any subdivision, agency or instrumentality, corporation or otherwise, of the government of this state.

(8) "United States" or "agencies of the United States" includes the United States of America, the soil conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

(9) "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise, of either of them.

~~(10) "Land-occupier" or "occupier of land" includes any person, partnership, trustee, corporation and legal representatives thereof, who shall hold title to, or shall be in possession of lands five (5) acres or more in extent lying within a district organized under the provisions of this act, outside the corporate limits of cities, whether as owner, lessee, renter, or tenant.~~

delete

SENATE BILL No. 374

By Committee on Federal and State Affairs

2-18

11 AN ACT concerning conservation districts; relating to funding there-
12 for; amending K.S.A. *[providing for the election of members and*
13 *the filling of vacancies in the governing body of districts; amending*
14 *K.S.A. 2-1907,]* 2-1907b and 2-1907c and repealing the existing
15 sections.

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 ~~Section 1~~ K.S.A. 2-1907b is hereby amended to read as follows:
19 2-1907b. The board of county commissioners, upon request of the
20 board of supervisors of the conservation district, may pay to the
21 district moneys from the county general fund for the supervisors to
22 carry out their duties under this act. The amount authorized shall
23 not exceed \$10,000 annually, except that such limitation shall
24 not apply to the board of county commissioners of Sedgwick
25 and Johnson county. In addition to moneys from the county general
26 fund, the board of county commissioners may levy an annual tax
27 against the taxable tangible property within the district, not to exceed
28 2 mills or \$55,000 whichever is less, to provide additional moneys
29 for the operation of the conservation district.

30 The levy shall be sufficient to pay a portion of the principal and
31 interest on bonds issued under the authority of K.S.A. 12-1774, and
32 amendments thereto, by cities located in the county, which levy
33 may be in addition to all other tax levies authorized by law and not
34 subject to or within any tax levy limit or aggregate tax levy limit
35 prescribed by law. Funds appropriated or allocated under the pro-
36 visions of this section and K.S.A. 2-1907c, and amendments thereto,
37 shall be used to carry out the activities and functions of the district
38 including cost of travel and expenses of supervisors and employees
39 of the district incurred within the state, educational materials,
40 conservation awards, annual meeting expenses, excluding meals, and
41 membership dues to conservation related organizations. Such funds
42 shall not be used for prizes, or incentives for achievements or at-
43 tendance at meetings or for travel or expenses for anyone other than

Insert K.S.A. 2-1903 (attached)

Sec. 2.

1 supervisors and employees of the district.

2 Sec. ~~2~~ K.S.A. 2-1907c is hereby amended to read as follows: 2-

3 1907c. ~~Each conservation district shall~~ On or before September
4 1 of each year, *each conservation district shall* submit to the state
5 conservation commission a certification of the amount of money to
6 be furnished by the county commissioners for conservation district
7 activities for the ensuing calendar year; ~~this sum to.~~ *Such amount*
8 *shall* be the same as authorized for such purposes in each approved
9 county budget. For the purpose of providing state financial assistance
10 to conservation districts, the state conservation commission ~~shall~~
11 ~~then in their in the~~ regular budget request, as a line item for the
12 forthcoming fiscal year, *shall* submit a special request for an amount
13 equal to the sum of the allocations of each county to each conser-
14 vation district, but in no event to exceed the sum of ~~seven thousand~~
15 ~~five hundred dollars (\$7,500)~~ \$10,000 per district. The state con-
16 servation commission shall as soon as practicable after July 1 of the
17 following year *shall* disburse such moneys as may be appropriated
18 by the state for this purpose to each conservation district to match
19 funds allocated by the commissioners of each county. Distribution
20 shall be prorated in proportion to county allocations in the event
21 that appropriations are insufficient for complete matching of funds.
22 Municipal accounting procedures shall be used in the distribution
23 of and in the expenditure of all funds.

24 Sec. 3. ~~K.S.A. 2-1907b and 2-1907e are hereby repealed.~~

25 ~~[Sec. 4]~~ On and after January 1, 1995, K.S.A. 2-1907 is hereby
26 amended to read as follows: 2-1907. The governing body of the
27 district shall consist of five supervisors all of whom are land oc-
28 cupiers who are qualified electors residing within the district. The
29 supervisors who are first elected shall serve for terms of one, two
30 and three years according to the following plan: The two persons
31 receiving the highest number of votes in the election held under
32 K.S.A. 2-1906, and amendments thereto, shall hold office for three
33 years; the two persons receiving the next highest number of votes
34 shall hold such office for a term of two years and the remaining
35 supervisor shall hold office for a term of one year. In the event of
36 a tie vote, such terms shall be decided by lot. ~~Successors to such~~
37 ~~persons shall be elected for terms of three years.~~ An annual meeting
38 of all land occupiers who are qualified electors of the district shall
39 be held in the month of January or February. Notice of the time
40 and place of such meeting shall be given by such supervisors by
41 publishing a notice in the official county paper once each week for
42 two consecutive weeks prior to the week in which such meeting is
43 to be held. At such meeting the supervisors shall make full and due

Nothing in this section shall be construed
as affecting the length of the term of
supervisors holding office on January 1, 1995

1 report of their activities and financial affairs since the last annual
2 meeting and shall conduct an election by secret ballot of the land
3 occupiers who are all of the qualified electors of the district there
4 present for the election of supervisors whose terms have expired. If
5 no more than one person is nominated for a position, the elec-
6 tion may be done by acclamation. From and after July 1, 1989,
7 directors shall elect at the next annual meeting supervisors to
8 replace the supervisors whose terms shall expire that year. In
9 the event of a tie vote, such terms shall be decided by lot.
10 Supervisors shall serve for a term of three years. The selection
11 of successors to fill an unexpired term shall be by Whenever a
12 vacancy occurs in the membership of the governing body the re-
13 maining supervisors of the district shall appoint a qualified elector
14 of the district to fill the office for the unexpired term. The supervisors
15 shall designate a chairperson and may from time to time change
16 such designation. A supervisor shall hold office until a successor has
17 been elected or appointed and has qualified. A majority of the
18 supervisors shall constitute a quorum and the concurrence of a
19 majority of the supervisors in any matter within their duties shall
20 be required for its determination. A supervisor shall receive no
21 compensation for services, but may be entitled to expenses, including
22 traveling expenses, necessarily incurred in the discharge of duties.
23 The supervisors may employ a secretary, technical experts, and such
24 other officers, agents, and employees, permanent and temporary, as
25 they may require, and shall determine their qualifications, duties
26 and compensation. The supervisors may call upon the county at-
27 torney of the county in which a major portion of the district lies,
28 or the attorney general for such legal services as they may require.
29 The supervisors may delegate to their chairperson, to one or more
30 supervisors, or to one or more agents, or employees such powers
31 and duties as they may deem proper. The supervisors shall furnish
32 to the state conservation commission, upon request, copies of such
33 rules, regulations, orders, contracts, forms, and other documents as
34 they shall adopt or employ, and such other information concerning
35 their activities as it may require in the performance of its duties
36 under this act. The supervisors shall provide for the execution of
37 surety bonds for all employees and officers who shall be entrusted
38 with funds or property; shall provide for the keeping of a full and
39 accurate record of all proceedings and of all resolutions, regulations,
40 and orders issued or adopted; and shall provide for an annual audit
41 of the accounts and receipts and disbursements. Any supervisor may
42 be removed by the state conservation commission upon notice and
43 hearing in accordance with the provisions of the Kansas adminis-

1 *trative procedure act, for neglect of duty or malfeasance in office,*
 2 *but for no other reason. The supervisors may invite the legislative*
 3 *body of any municipality or county located near the territory com-*
 4 *prised within the district to designate a representative to advise and*
 5 *consult with the supervisors of the district on all questions of pro-*
 6 *gram and policy which may affect the property, water supply, or*
 7 *other interests of such municipality or county.*

8 *[Sec. ~~A~~ K.S.A. 2-1907b and 2-1907c are hereby repealed.*

9 *[Sec. ~~A~~ On and after January 1, 1995, K.S.A. ~~2-1907-b~~ hereby*
 10 *repealed.]*

2-1903 and 2-1907 are

11 *Sec. ~~A~~ ~~18~~. This act shall take effect and be in force from and*
 12 *after its publication in the statute book.*

Section 1. On and after January 1, 1995, K.S.A. 2-1903 is hereby amended to as follows:

2-1903. ~~Definitions.~~ Wherever used or referred to in this act, unless a different meaning clearly appears from the context:

(1) "District" or "conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this act.

(3) "Commission" or "state conservation commission" means the agency created in K.S.A. 2-1904, as amended.

(4) "Petition" means a petition filed under the provisions of subsection A of K.S.A. 2-1905 for the creation of a district.

(5) "Nominating petition" means a petition filed under the provisions of K.S.A. 2-1906 to nominate candidates for the office of supervisor of a conservation district.

(6) "State" means the state of Kansas.

(7) "Agency of this state" includes the government of this state and any subdivision, agency or instrumentality, corporation or otherwise, of the government of this state.

(8) "United States" or "agencies of the United States" includes the United States of America, the soil conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

(9) "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise, of either of them.

(10) ~~"Land-occupier" or "occupier of land" includes any person, partnership, trustee, corporation and legal representatives thereof, who shall hold title to, or shall be in possession of lands five (5) acres or more in extent lying within a district organized under the provisions of this act, outside the corporate limits of cities, whether as owner, lessee, renter, or tenant.~~

delete