

SESSION OF 2008

**SUPPLEMENTAL NOTE ON
HOUSE SUBSTITUTE FOR SENATE BILL NO. 189**

As Recommended by House Committee on
Agriculture and Natural Resources

Brief*

House Sub. for SB 189 would amend KSA 24-132 dealing with drainage districts traversed or touched by the Kansas River, and which are contiguous to or including a part of a city of the first class and its governing body. The bill would delete current law which authorizes the governing body of these drainage districts to regulate excavations within the boundaries in the same manner as provided by KSA 19-3309 through the issuance of permits. The bill would prohibit excavations to be made or commenced within 1,000 feet landward or riverward of the center line of any portion of flood control works or 1,000 feet either side of an interior drainage sewer within the district boundary constructed under the provisions of KSA 19-3309 without first obtaining a permit from the district engineer.

Background

The original provisions of SB 189 dealt with hunter education requirements. The House Committee on Agriculture and Natural Resources deleted those provisions and inserted the provisions of HB 2982 dealing with drainage districts traversed or touching the Kansas River, and which are contiguous to or including a part of a city of the first class and its governing body. The House Committee adopted an amendment which modified the changes proposed in the original HB 2982. The provisions in the original version of HB 2982 are identical to the provisions in SB 598.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

At the hearing on HB 2982 before the House Committee, proponents included an attorney for the Kansas Aggregate Producers Association and representatives of Kansas Concrete Supply and the Kansas Aggregate Producers Association. Opponents included an attorney for the Kaw River Drainage District and representatives of the Kaw Valley Drainage District (Wyandotte County), the Fairfax Drainage District (Kansas City), and the Vegetable Growers Association. The Committee learned that the issue centered around the potential development of an aggregate facility proposed to be located in Shawnee County and the litigation is in process and before the Kansas Court of Appeals.

The House Committee amended the bill to delete current law which authorizes the governing body of the drainage districts described above to regulate excavations within the boundaries in the same manner as provided by KSA 19-3309 through the issuance of permits. In addition, the Committee adopted language to prohibit excavations to be made or commenced within 1,000 feet landward or riverward of the center line of any portion of flood control works or 1,000 feet either side of an interior drainage sewer within the district boundary constructed under the provisions of KSA 19-3300 without first obtaining a permit from the district engineer.

The fiscal note on the original bill states that the Department of Agriculture believes that the bill would have no fiscal impact.