



Testimony on HB 2553

House Standing Committee on Judiciary

February 29, 2012

Chairman Kinzer and members of the House Judiciary Committee

My name is Herb Graves, Executive Director of the State Association of Kansas Watersheds. SAKW stands in support of HB 2553.

The 85 watershed districts of Kansas of which Nemaha-Brown WJT No. 7 is included looks at this legislation as a means of finally settling the debate on whether the State of Kansas will or will not represent them in tort claim cases.

As late as January 2008, the Watershed District Handbook, listed two different Attorney General Opinions that specifically stated that Watershed Districts would be represented by the State of Kansas in Tort Claim cases. These opinions were reversed by the current Attorney General. The timing of the reversal and the law suit filed by the Kickapoo Indian Nation just seems too coincidental.

This legislation though solely relevant to the lawsuit needs to consider amendments that addresses tort claim cases for all watershed districts.

We all know that the power stated in KSA 24-1209 of the Watershed District Act for the Nemaha-Brown to not use eminent domain to obtain land rights for the Plum Creek project is what brought this law suit on even though it now contains much broader water right issues.

The State of Kansas needs to support the intent of the Tort Claim Act and represent watershed districts and their employees as sub-divisions of State government.

We appreciate the opportunity to testify on HB 2553 and look forward to answering any questions you may have.

Herbert R. Graves Jr.
SAKW Executive Director