

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Ron Fox at
Chairperson

3:30 xxx
a.m./p.m. on February 26, 1985 in room 313-S of the Capitol.

All members were present except:

Representative Foster (excused)	Representative Rezac (excused)
Representative Heinemann (excused)	Representative Roe (excused)
Representative Rosenau (excused)	Representative Webb (excused)

Committee staff present:

Ramon Powers, Legislative Research
Theresa Kiernan, Revisor of Statutes' Office
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Joe Harkins, Director, Kansas Water Office

In opening remarks, Chairman Fox announced that the committee would consider possible implementation legislation on recommendations of the state water plan, while looking at the Water Office's list of priorities. He noted that the water plan had been passed out of the Senate Energy and Natural Resources Committee and stressed the importance of the committee being familiar with the contents of the plan, the proposals, and the concerns that had been brought out. He said that it was the committee's responsibility to insure that the implementation conformed to the long-range goals and objectives as well as being justified and needed, and being in the best interest of the water policy of the state.

Mr. Harkins noted that the order of recommendations had been re-organized in his list of priorities, but the numbers had stayed the same for cross-reference of material. (Attachment 1) He commented that the recommendations regarding Large Lakes was one of the most important policy issues in the plan. His office proposed that Recommendation No. 4, The Assurance Program for M&I Water Rights, be taken up by an interim committee. Recommendation No. 5, Operation of Assurance Program and Drought Contingency Plans, would be a component of Recommendation No. 4.

Regarding the Small Lakes section of the plan, Mr. Harkins noted that the small lakes represent a significant potential solution to supply problems in several areas of Kansas, while providing excellent recreational facilities. He strongly recommended that this program be considered as the number one priority for this session. He said that this program was not in the Governor's budget, but he believed that it could be fully implemented without going into general revenues. Representative Ott made a motion that the bills relative to the small lakes program be introduced and recommended back to this committee. The motion was seconded by Representative Charlton. Motion carried.

Relative to the Minimum Streamflow section, Mr. Harkins explained that there is one bill which repeals the standards that were adopted last year and puts them in a different section of the law, and proposes four more.

Mr. Harkins felt that a bill could be introduced this session to amend the statutes to require advisory input under the Local Planning Section. Representative Ott made a motion to have drafted legislation making it clear that the Water Authority and the Water Office shall appoint advisory committees. Representative Acheson seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 313-S, Statehouse, at 3:30 ~~am~~/p.m. on February 26, 1985.

Mr. Harkins emphasized that the matter of Conservation was a very complicated one which would require a major piece of legislation. He recommended that this section be identified for interim study.

Under the heading of Cost Sharing, Mr. Harkins said that this had essentially been covered in legislation or budget proposals that had been submitted already this year. He noted that the issue of purchasing meters had been addressed in Senate Bill 194 which had been heard earlier in the day. This would be a vehicle to implement this component of the water plan.

Relative to Administration and Budget under the Quality section of the plan, Mr. Harkins believed that upgrading the laboratory capability should be done during the 1985 session. He commented that the laboratory is overloaded at the present time.

Recommended priorities for an interim study named by Mr. Harkins were the Conservation Section, the Assurance Program, and the Project Financing issues.

Considerable committee discussion followed Mr. Harkins' presentation.

Representative Ott made a motion that a letter be directed to the Speaker of the House requesting interim studies on the suggested recommended priorities for interim study listed on page 7 of Mr. Harkins' written testimony. (See attachment 1) Representative Grotewiel seconded the motion. The motion carried.

The meeting was adjourned at 4:45 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held on February 27, 1985 at 3:30 p.m. in Room 313-S.

Testimony to House Energy and
Natural Resources Committee

Priorities for Implementation
State Water Plan

Kansas Water Office

Attachment 1 -- 2/26/85
Energy and Natural Resources

MANAGEMENT

- | | Recommendation |
|--|---|
| 1. <u>Large Lakes</u> | |
| 3 Agreements with Federal Government for Drought Contingency Plans | <u>Negotiate during 1985.</u> |
| 4 Assurance Program for M&I Water Rights | Cover in a bill in 1986 session. |
| 5 Operation of Assurance Program and Drought Contingency Plans | Cover in a bill in 1986 session. |
| 6 No Additional Storage Purchase Without Prior Commitments | <u>Kansas Water Office will follow this policy immediately.</u> |
| 7 Trade Reservoir Storages with Federal Government | To be implemented after basin plans are complete. |
| 8 Reservation Rights for Water Quality | Cover in a bill in the 86 session. |
| 9 Agreements with Federal Government for Water Quality Releases | Cover in a bill in the 86 session. |
| 2. <u>Small Lakes</u> | |
| 17 Participation in Small Lakes Projects | <u>All covered in one bill during 1985 session.</u> |
| 18 Local Assistance for Small Lakes | |
| 19 State Participation in Nonfederal Watershed Structures | |
| 3. <u>Project Financing</u> | |
| 10 Rank Order New Reservoir Projects | All covered in one bill during 1986 session. |
| 13 Develop Revenue Bond Financing | |
| 14 Saving A/C as Backup for Revenue Bonds | |
| 15 Funding Source for Saving Program | |
| 16 Recovery of New Construction Costs | |

4. Minimum Streamflow

- | | | |
|----|--|---|
| 20 | Minimum Desirable Streamflows on Selected Streams | <u>Covered in one bill in 1985 session.</u> |
| 21 | Use Existing Rights to Help Attain Minimum Desirable Streamflows | <u>Covered in one bill in 1985 session.</u> |
| 22 | Forego Enhancing Streamflows in Severe Droughts | Already in place. |

5. Water Marketing

- | | | |
|----|--|---------------------------|
| 11 | Market Water for Irrigation Season | One bill in 1986 session. |
| 12 | Amend 50 Percent "Take or Pay Clause" in State Water Marketing Program | |

6. Flood Management

- | | | |
|----|---|-------------------------------------|
| 23 | Technical Assistance for Floodplain Regulations | Fund in 86 session. |
| 24 | Recover Flood Disaster Assistance Costs from Local Governments with no Floodplain Management Programs | In a bill during 1986 session. |
| 25 | State Cost-Share Funds for Identifying Flood Hazard Areas | In a bill during 1986 session. |
| 26 | Encourage Local and Federal Involvement in Urban Flood Control Structures | No action required. |
| 27 | Increased Cost-Share Assistance for Land Treatment Measures | <u>Funding during 1985 session.</u> |
| 28 | Increased Cost-Share Funding to Organized Watershed Districts | <u>Funding during 1985 session.</u> |
| 29 | Supplement Federal Funding for Watershed Planning | <u>Funding during 1985 session.</u> |

7. Local Planning

- | | | |
|----|---|-----------------------|
| 30 | State Cooperation in Development of Area Water Planning | Bill in 1986 session. |
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8. Intrastate

1. Missouri Basin States Agreement

Need administrative
action in 1985

2. Kansas, Missouri, Oklahoma
Commission

Need administrative
action in 1985.

9. Research

31 Identify State Water Research Needs

Already implemented in
85. Needs funding.

CONSERVATION

- | 1. <u>Plans Required</u> | Recommendation |
|--|--|
| 32 Require Irrigation Conservation Plans on Case-by-Case Basis | All covered in one bill in 86 session. |
| 34 Require Conservation Plans from Irrigators Purchasing Water Sold by the State | |
| 42 Require Conservation Plans from Municipal and Rural Water Systems on a Case-by-Case Basis | |
| 44 Require Conservation Plans from Municipalities Purchasing State Water | |
| 47 Require Industrial Water Conservation Plans on a Case-by-Case Basis | |
| 50 Require Conservation Plans from Industries Purchasing State Water | |
| 2. <u>Establish Guidelines</u> | |
| 35 Establish Irrigation Conservation Guidelines and Drought Contingency Measures | Same bill as above. |
| 45 Establish Conservation Guidelines and Drought Contingency Plans for Municipal Water Use | |
| 51 Establish Conservation Guidelines and Drought Contingency Measures for Industrial Water | |
| 3. <u>Identification of Areas</u> | |
| 33 Identify Need for Irrigation Conservation Plans through Basin Planning | Same bill as above. |
| 43 Identify Need for Municipal Water Conservation Plans through Basin Planning | |
| 48 Identify Need for Industrial Conservation Water Plans through Basin Planning | |

4. Enforcement

- 36 Chief Engineer to be Responsible for Approval and Enforcement of Conservation Plans Same bill as above.
- 49 Chief Engineer to be Responsible for Approval and Enforcement of Industrial Conservation Plans

5. Technical Assistance

- 41 Enhance Funds to Kansas Extension Service Funding for all in 86 session.
- 46 Funding for Municipal Water Conservation Education Program
- 53 Conservation Education to Industries

6. Cost Sharing

- 37 Meter Purchase Cost-Share Programs Covered in bill introduced in 85 session.
- 38 Increased Funding for State Conservation Commission's Water Resources Cost-Share Program To be funded in 85.
- 39 Target Additional Water Resources Cost-Share Funds to Priority Areas To be funded in 85.
- 40 Mechanism to Generate Increased Local Funding of Conservation Districts To be funded in 85.
- 52 Meter Purchase Cost-Share Program Covered in bill introduced in 85 session.

QUALITY

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| 1. | <u>Public Water Supply Protection</u> | Recommendation |
| 55 | Require Environmental Protection Plans for New Public Water Supply Lakes | One bill covering these recommendations in the 1986 session. |
| 56 | Develop Environmental Performance Zones for Small Water Impoundments | |
| 57 | Require Environmental Protection Plans for New Public Water Supply Wells | |
| 58 | Develop Environmental Performance Zones for Public Water Supply Aquifers | |
| 2. | <u>Countywide Water/Wastewater Plans</u> | |
| 61 | Require Countywide Water/Wastewater Management Plans. | One bill covering these recommendations in the 1986 session. |
| 62 | Require Local Governments to Certify that Subdivision Plans Meet Standards | |
| 3. | <u>Mineral Intrusion</u> | |
| 64 | Program to Contain Mineral Intrusion in Saline and Dickinson Counties | No decision until basin plan is complete. |
| 4. | <u>Administration and Budget</u> | |
| 54 | Upgrade Laboratory Analytical Capability to Screen 150 Samples per Month | <u>Funding in 85 session.</u> |
| 59 | Additional State Funds for Control of Pollution from Agricultural Runoff | <u>Funding in 85 session.</u> |
| 60 | Additional Funds for Enforcement of Oil and Gas Regulatory Program | "Hold" until new administrator makes a proposal. |
| 63 | Develop State Groundwater Information System | <u>In progress.</u> |

Recommended Priorities for 1985

1. Funding for:

- °increased cost-share assistance (27 (38) (59)
- °increased funding for watersheds (28)
- °supplement federal funding for watershed planning (29)
- °research priorities (31)

2. Legislation

- °minimum streamflow (20, 21, 22)
- °meter cost-share (37, 52)
- °removal of county lid on conservation funding (40)
- *°small lakes (17, 18, 19)

Recommended Priorities for Interim Study

1. Conservation (32, 33, 34, 35, 36, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53)
2. Assurance Program (4, 5)
3. Project Financing (10, 13, 14, 15, 16)