

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCESThe meeting was called to order by Representative Ron Fox at  
Chairperson3:30 ~~xxx~~ a.m./p.m. on March 27, 1985 in room 519-S of the Capitol.

## All members were present except:

Representative Guldner (excused)	Representative Spaniol (excused)
Representative Heinemann (excused)	Representative Sutter (excused)
Representative Patrick (excused)	

## Committee staff present:

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

## Conferees appearing before the committee:

Kenneth F. Kern, Executive Director, State Conservation Commission

The meeting began with the hearing on House Bill 2578--Multi-purpose small lakes program act. Staff explained the new bill which incorporated a package of bills relating to this program. (Attachment 1)

Mr. Kenneth Kern of the State Conservation Commission discussed a written explanation of the bill, along with flow charts which illustrated how it would be carried out. (Attachment 2)

Regarding House Bill 2575--State park motor vehicle permit late payment fee increase, Representative Ott noted that the Ways and Means Subcommittee which studied the Parks and Resources budget had recommended this bill. The Chairman felt that the reason for the bill was to solve the problem of people finding it cheaper to take the chance of not having to pay the penalty than to pay the \$1.00 fee for a daily permit. The bill would raise the late payment fee from \$2.00 to \$5.00.

A proposed amendment to the bill was passed out. (Attachment 3) Representative Ott explained that this would incorporate into House Bill 2575 the provisions of Senate Bill 199, which had been passed by the Senate. The policy in Senate Bill 199 would allow the parks to issue a special permit to anyone attending a bonafide church service. Staff commented that the special permit would note the time that it would be valid; also that there already is available a special permit for sightseeing which may be issued. Representative Ott made a motion to amend House Bill 2575. The motion was seconded by Representative Acheson. The motion carried. Representative Ott moved to recommend House Bill 2575 as amended favorably. Representative Acheson seconded. The motion passed.

Representative Ott made a motion to recommend House Bill 2578 favorably for passage. Representative Barr seconded the motion. Representative Grotewiel commented that he supported the bill because he felt it was needed, but cautioned that this appropriation would need to be watched in the future so it would not become a pork barrel as some of the federal water plans had. A vote was taken and the motion passed.

Representative Ott moved to report adversely House Bills 2539, 2542, 2543, and 2544. These bills were the package of the small lakes program which had been incorporated into House Bill 2578. Representative Grotewiel seconded and the motion passed.

There were no objections to the minutes of the March 19 meeting.

The meeting was adjourned at 4:10 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held on April 1, 1985 at 3:30 p.m. in Room 313-S.



## SUBSTITUTE for HOUSE BILL NO. 2539

By Committee on Energy and Natural Resources

1 AN ACT concerning water; enacting the multipurpose small lakes  
2 program act.

3 Be it enacted by the Legislature of the State of Kansas:

4 Section 1. This act shall be known and may be cited as the  
5 "multipurpose small lakes program act."

6 Sec. 2. In order to provide public water supply storage for  
7 the state there is hereby established a multipurpose small lakes  
8 program. The program shall be administered by the state  
9 conservation commission. The state conservation commission shall  
10 adopt all rules and regulations necessary to implement the  
11 provisions of this act.

12 Sec. 3. When used in this act:

13 (a) "Chief engineer" means the chief engineer of the  
14 division of water resources of the state board of agriculture.

15 (b) "Flood control storage" means storage of water in  
16 reservoirs to hold flood waters.

17 (c) "General plan" means a preliminary engineering report  
18 describing the characteristics of the project area, the nature  
19 and methods of dealing with the soil and water problems within  
20 the project area, and the projects proposed to be undertaken by  
21 the sponsor within the project area. It shall include maps,  
22 descriptions and other data as may be necessary for the location,  
23 identification and establishment of the character of the work to  
24 be undertaken and any other data and information as the chief  
25 engineer may require.

26 (d) "Multipurpose small lakes project" means a dam and lake  
27 containing flood control and public water supply storage and land  
28 treatment measures in the drainage area to adequately protect the  
29 lake from siltation and pollution. A multipurpose small lakes  
30 project also may include recreation features.

1 (e) "Public water supply" means a water supply for  
2 municipal, industrial or domestic use.

3 (f) "Public water supply storage" means storage of water for  
4 municipal, industrial or domestic use.

5 (g) "Recreation feature" means storage or facilities for  
6 swimming, fishing, boating, camping or other related activities.

7 (h) "Sponsor" means any political subdivision of the state  
8 which has the power of taxation and the right of eminent domain.

9 (i) "Water user" means any city, rural water district,  
10 wholesale water district or any other political subdivision of  
11 the state which is in the business of furnishing municipal or  
12 industrial water to the public.

13 Sec. 4. The state may participate with a sponsor in the  
14 development and construction of a multipurpose small lakes  
15 project. In order for the state to participate in a multipurpose  
16 small lakes project, the sponsor shall have a general plan which  
17 has been submitted to and approved by the chief engineer in the  
18 manner provided by K.S.A. 24-1213 and 24-1214, and amendments  
19 thereto.

20 Sec. 5. (a) Whenever a sponsor agrees to pay for the cost of  
21 the public water supply storage in a project, the state may pay  
22 only the engineering and construction costs of the flood control  
23 storage of the project and partial costs associated with any  
24 recreation feature of the project as provided by subsection (b).  
25 All other costs of the project, including land and water rights  
26 acquisition, construction, operation and maintenance, shall be  
27 paid by the water user.

28 (b) Whenever a sponsor plans to construct a flood control  
29 structure which does not include public water supply storage, the  
30 state may appropriate the funds necessary to develop a  
31 multipurpose small lakes project. The state may pay up to 100%  
32 of the engineering and construction costs for flood control and  
33 public water supply storage. If a water user is unable to provide  
34 funds for the public water supply storage in the project, the

1 Kansas water office may obtain an appropriation to divert and  
2 store water for a beneficial use, as defined by the Kansas water  
3 appropriation act, if the Kansas water office determines that  
4 additional water supply shall be needed within 20 years from the  
5 time the Kansas water office makes application for the  
6 appropriation. The state may recover its costs incurred in  
7 providing such storage by selling such storage and the associated  
8 water rights. The sponsor shall be responsible for obtaining land  
9 rights and for operation and maintenance of the project. The  
10 sponsor participating in the construction of recreation features  
11 of a project shall pay for that portion of the project  
12 attributable to recreation. The state may provide up to 50% of  
13 the engineering and construction costs and up to 50% of the costs  
14 of land rights associated with recreation features.

15 (c) The state may assume initial financial obligations for  
16 public water supply storage in federally funded watersheds by  
17 entering into long-term contracts with the federal government.  
18 The state may provide security to the federal government by  
19 granting assignments of water rights, either appropriation rights  
20 or water reservation rights, assignments of rights under existing  
21 or prospective water purchase contracts, assignments or mortgages  
22 or other transfers of interests in real property held by the  
23 state and devoted to the specific small lakes project for which  
24 security is sought or may provide other security that is  
25 permissible under state law and acceptable by the federal  
26 government. Instead of contracting to repay costs under long-term  
27 contracts, the state may pay all of the required costs of the  
28 public water supply storage in a lump sum. The state may  
29 participate in such federally funded projects if (1) a sponsor is  
30 unable to assume the financial obligation at the time the project  
31 is to be constructed and (2) a public water supply storage need  
32 is identified. The state may recover such costs by selling the  
33 public water supply storage and water rights.

34 Sec. 6. Sponsors shall apply to the state conservation  
35 commission for participation in the multipurpose small lakes

1 program. The review and approval process of the state  
2 conservation commission shall be established by rules and  
3 regulations which shall be consistent with the state water plan.  
4 Following review, the state conservation commission shall request  
5 appropriations for specific projects from the legislature. Any  
6 funds appropriated to carry out the provisions of this act shall  
7 be administered by the state conservation commission.

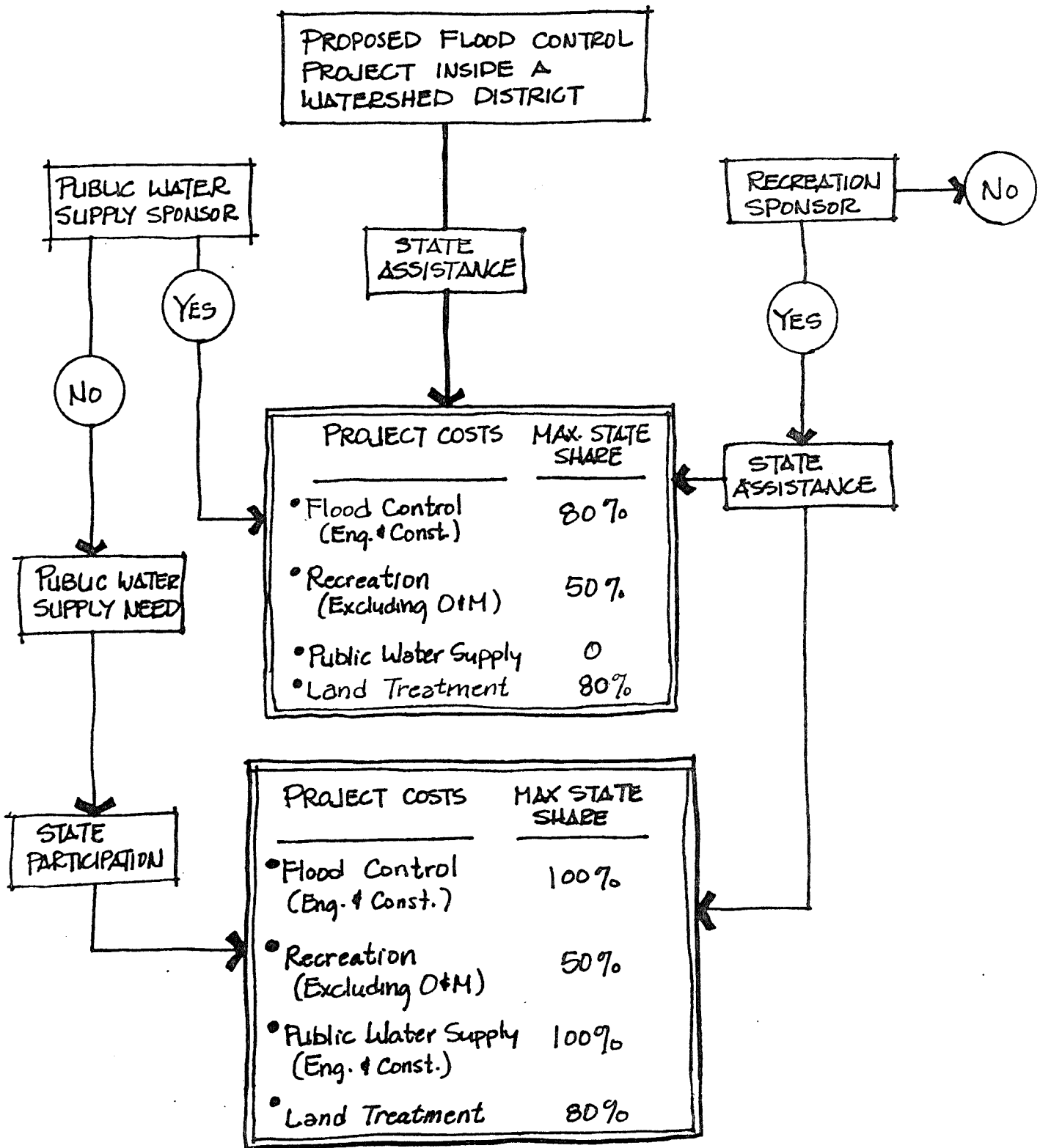
8 Sec. 7. If state financial participation is approved for a  
9 multipurpose small lakes project, the state conservation  
10 commission shall require land treatment implementation to protect  
11 the project from silting and pollution. Any funding provided by  
12 the state shall include money necessary to pay for cost-sharing  
13 expenses incurred for land treatment practices.

14 Sec. 8. This act shall take effect and be in force from and  
15 after its publication in the statute book.

House Bill No. 2578 - Multipurpose Small Lakes Act

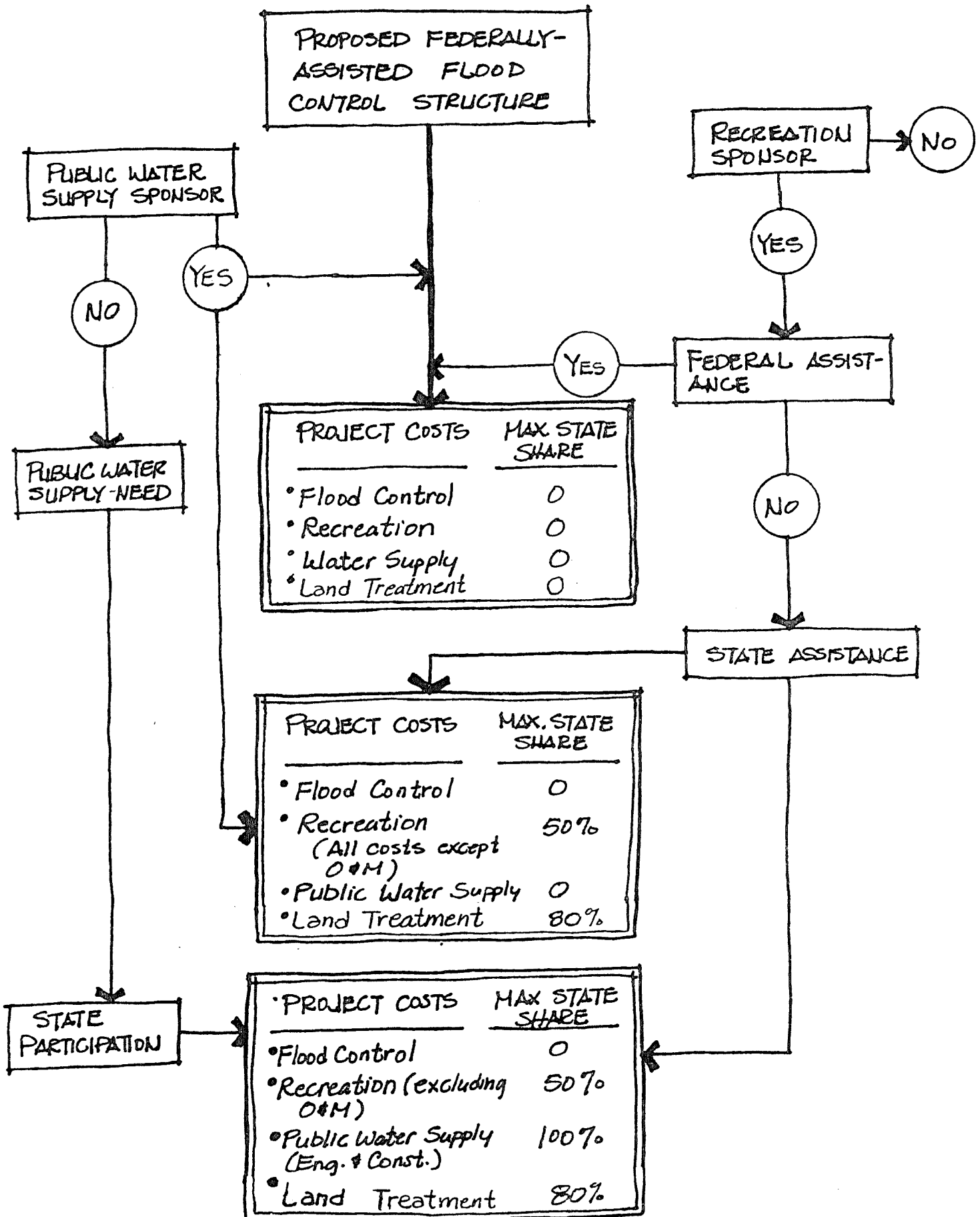
- Section 1. Establishment of the multipurpose small lakes program.
- Section 2. Administration of the program by the State Conservation Commission. (Including rules and regulations.)
- Section 3. Important definitions: (See bill for complete definition)
  - a. Class I project - Within watershed district.
  - b. Class II project - Federal funded project.
  - c. Class III project - Outside watershed district.
  - d. Sponsor - Power of taxation and eminent domain.
  - e. Water user - Business of furnishing public water.
- Section 4. State participation in Class I multipurpose small lakes project: (See Attachment I)
  - a. Sponsor has general plan for flood control in watershed district.
  - b. Public water supply sponsor may or may not be able to pay for public water supply.
  - c. Recreation sponsor pay for 50% of costs.
- Section 5. State participation in Class II multipurpose small lakes project: (See Attachment 2)
  - a. Sponsor has general plan and federal funding.
  - b. Public water supply sponsor may or may not be able to pay for public water supply.
  - c. Recreation sponsor pay for 50%, state or federal pay for 50%.
- Section 6. State participation in Class III multipurpose small lakes project outside organized watershed district: (See Attachment 3)
  - a. Sponsor has general plan.
  - b. Public water supply sponsor available.
  - c. Recreation sponsor available.
- Section 7. Applications are sent to State Conservation Commission. After review process, appropriations for specific projects are requested from legislature as a line item in the commission's budget.
- Section 8. Require land treatment and request for funding to include land treatment costs.
- Section 9. Amends Conservation District Law K.S.A. 2-1915 to provide for public lands as well as private lands, multipurpose small lakes program from the 80% exempting the cost-share maximum.
- Section 10. Authorize Kansas Water Office to acquire water rights under the Kansas Water Appropriation Act.
- Section 11. Provides for long term agreement for purpose of securing federal assistance.

MULTIPURPOSE SMALL LAKES PROGRAM  
CLASS I FUNDED PROJECT

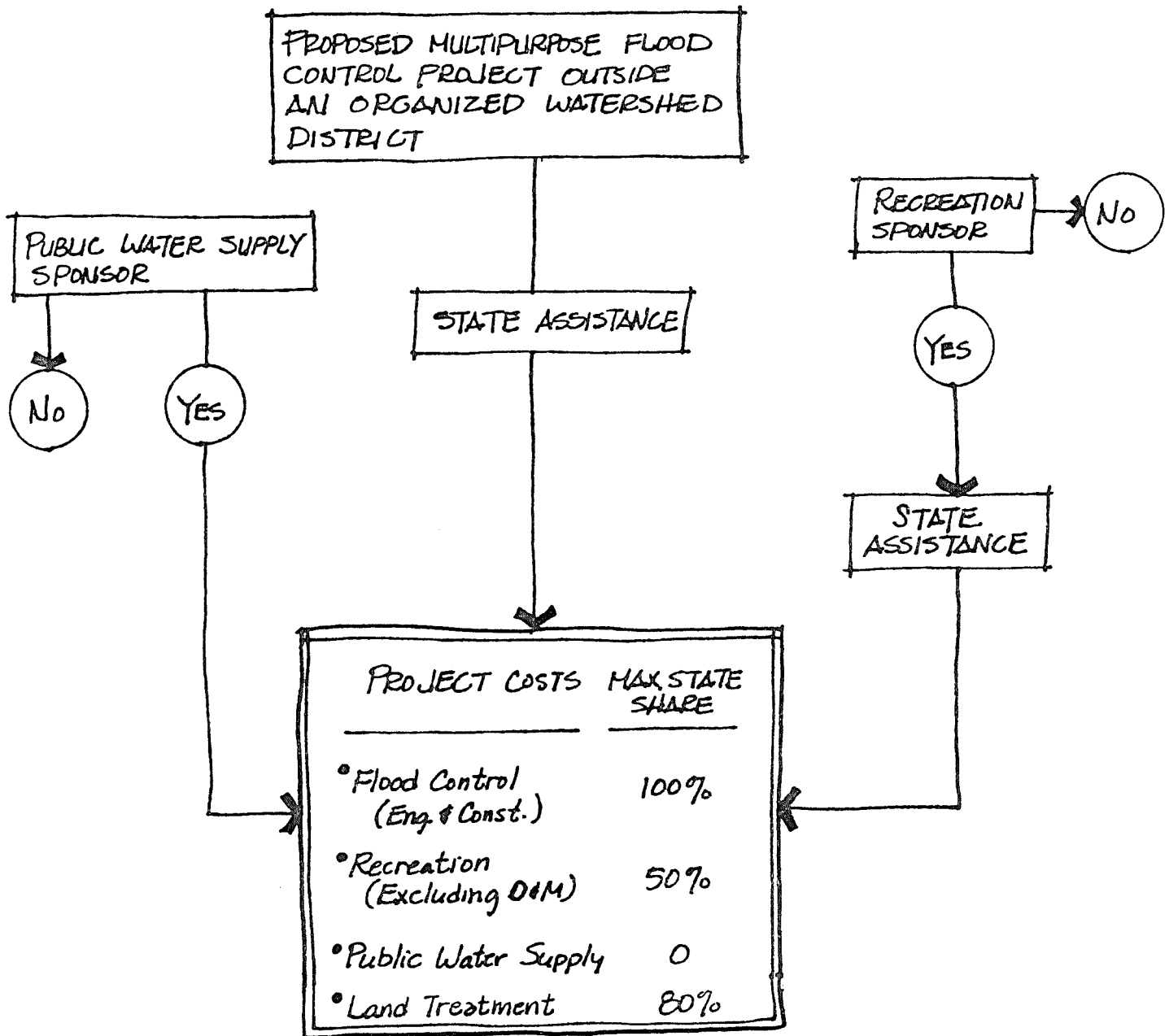




# MULTIPURPOSE SMALL LAKES PROGRAM CLASS II FUNDED PROJECT



# MULTIPURPOSE SMALL LAKES PROGRAM CLASS III FUNDED PROJECT



## PROPOSED AMENDMENT TO HOUSE BILL NO. 2575

On page 1, following line 21, by inserting the following:

"Section 1. K.S.A. 1984 Supp. 74-4509b is hereby amended to read as follows: 74-4509b. (a) As used in this act the term "motor vehicle" means every vehicle which is self-propelled.

(b) (1) The authority shall require an original annual or temporary park and recreation motor vehicle permit for vehicles used in state parks and portions thereof as provided in this section.

(2) The annual permit shall be issued annually to certificate of titleholders for each calendar year as provided in subsection (e) and shall not be transferable. The fee for such annual permit and the fee for a second vehicle permit issued to the owner of such original permit shall be fixed by the authority by rules and regulations. A duplicate permit may be issued upon proof of loss of the original annual permit for the remainder of the calendar year for a fee fixed by the authority by rules and regulations.

(3) If the motor vehicle for which such annual permit has been issued is sold or traded during the calendar year for which it was issued and the original permit is surrendered to the authority, a new permit effective for the remainder of such calendar year may be issued to the person who sold or traded such vehicle for a fee fixed by the authority by rules and regulations. Before any such duplicate or new permit is issued, the purchaser thereof must show by evidence that the purchaser was issued the original permit and that the purchaser is the holder of a valid certificate of title to the motor vehicle for which the duplicate or new permit is issued.

(4) A temporary permit shall be issued for a day, and shall be issued for a specific vehicle and shall not be transferable. The fee for such a temporary permit shall be fixed by the authority by rules and regulations.

(5) No original annual or temporary park and recreation motor vehicle permit fee shall be required by the authority to be paid by any certificate of titleholder who is 65 years of age or older or who is disabled as the same is defined by subsection (g) of K.S.A. 79-4502 and amendments thereto and is a resident of the state of Kansas. Any such certificate of titleholder may request a special permit or pass which shall be issued by the authority to any such titleholder.

(6) The authority by resolution shall designate, from time to time, the state parks or portions thereof in which motor vehicle permits shall be required hereunder. In making such designation, the authority shall consider only those lands under their jurisdiction in which state facilities and services are provided for the public.

~~(7) No original annual or temporary park and recreation motor vehicle permit shall be required by the authority for any person to enter and use El Dorado state park on September 17, 1984.~~

(c) The authority may, in its judgment, limit the requirement for a park permit for lawful use of a portion of a designated state park and in such event shall recite in the resolution a reasonable description of the area in which the park permit shall be required.

(d) (1) The authority shall promptly cause signs to be posted and maintained at the entrances to all such designated parks or designated portions thereof, such signs to display a legend that a motor vehicle entering and using the park or designated portion is required to display on the motor vehicle a park permit of the type described in this act.

(2) It shall be unlawful for any person to enter and use any state park, or portion thereof, or improvements, facilities or services therein, posted in accordance with this act, in a motor vehicle, unless a current park and recreation permit has been procured and permanently affixed to the lower right hand corner of the windshield of such motor vehicle, except: (A) The

authority may issue a special permit or pass for the purpose of sightseeing, attending a bona fide church service or emergency reasons, in accordance with rules and regulations adopted by the authority ~~or-(B)-as-provided-in-paragraph-(7)-of-subsection--(b)~~.

(3) The requirements for a permit shall not apply to motor vehicles used in the operation or maintenance of state parks, to emergency vehicles, nor to state-owned or law enforcement motor vehicles or private and government motor vehicles being operated on official business for a governmental agency. The requirements for a permit shall be optional to nonresidents, either by securing a motor vehicle permit or by securing a special fee, license or permit required by the rules and regulations, relating to the use and conduct of the park or facility, as provided in this act and in article 45 of chapter 74 of the Kansas Statutes Annotated.

(e) The authority shall prepare and may distribute to park managers, designated employees, county and city clerks, state park concessionaires, the administrative office in Topeka and other agents approved by the authority suitable gummed permits for sale to meet the requirements hereof with instruction to remit fees to the director under such rules and regulations as the authority may adopt. Approved agents, excluding employees of the authority, may charge and retain \$.25 for each permit sold hereunder. The city and county clerks shall deposit the same in the general fund of the city or county. The authority or the county clerk of any county in the state may appoint such number of persons as the authority or such clerk may deem necessary to serve the convenience of applicants for the state park permits and may authorize such appointed persons to issue permits to both residents and nonresidents of the state upon the payment of fees prescribed by rules and regulations of the authority under subsection (b)(2). Any person so appointed may purchase the permits for cash from the authority or the county clerk or in lieu thereof, such person shall be required to execute a corporate surety bond to the state of Kansas conditioned to the

payment of all permit moneys received from the sale of state park permits and to pay at maximum value for all permits not settled for and not returned to the county clerk appointing such person. Such bond shall be in a sum to be fixed by the authority or the county clerk, but such amount shall not be less than the maximum amount which can be realized from the sale of the state park permits in such person's possession. The bonds shall be filed in the administrative office of the authority in Topeka or the office of the county treasurer.

Any person appointed by the authority or the county clerk electing to file a bond, upon the execution and filing of the required bond, shall be the agent of the authority or the county clerk for the issuance of state park permits in the county or approved place of business during such time as the bond is effective or until such appointment shall expire or be revoked. Persons electing not to file such a bond shall become agents immediately upon their appointment. In addition to the permit moneys to be collected by the appointed agents, the agents are hereby authorized to collect a service charge fee of not to exceed \$.25 for each permit issued, which fee may be retained by the agent for services in connection with the issuing of the permits, and the agent shall receive no additional compensation from the authority or the county clerk for such services. No agent so appointed by the authority or the county clerk shall offer for sale a state park permit for an amount less than the fee prescribed by rules and regulations of the authority under subsection (b)(2).

In the event of lost, stolen or destroyed state park permits while in the possession of city clerks, county clerks or agents, the director of the park and resources authority may make such investigation as the director deems necessary under the circumstances and if the director is satisfied that the permits were destroyed by any cause or causes beyond the control of the city clerk, county clerk or agent, the director may make an adjustment of the amount due for any such permits and may

entirely relieve the city clerk, county clerk or agent for repayment of such amounts, or may make such lesser adjustment as the director may deem proper. The annual park and recreation motor vehicle permit shall be issued for each calendar year. Such permit shall be evidence that the motor vehicle to which it is attached is entitled to lawful use of facilities and services of state parks and portions thereof to which the same is applicable during the calendar year for which issued.

(f) All fees, licenses and other charges, and rules and regulations relating to the use of and conduct of persons in the park or facility, shall be posted in a convenient and conspicuous place in each park and facility. Except as otherwise provided in this section, each and every person using any of the facilities of the park shall be charged the same fees, licenses and every other charge, and failure to collect such fees, licenses and other charges shall subject the employees of the authority to a fine of \$25 for each and every violation.

(g) Nothing contained in this act shall be construed as authorizing the authority to charge or collect fees, including motor vehicle permit fees, to any existing state lake and the lands appurtenant thereto but the authority may charge and collect fees for the use of portions of such area which have been improved by the authority or on which are located facilities provided by the authority and areas near those so improved and where such facilities are located, except that at least 1/2 of the area of any existing state lake and the lands appurtenant thereto shall be accessible to the public without the payment of any fee or charge to the authority or its lessees. This section shall be construed as a part of article 45 of chapter 74 of the Kansas Statutes Annotated.

(h) The fees established by law immediately prior to July 1, 1982, shall continue in effect until different fees are fixed by the authority by rules and regulations as provided under this section.";

By renumbering remaining sections;

On page 2, in line 48, by striking "74-4509c is" and inserting "74-4509b and 74-4509c are";

In the title, in line 19, following "Supp.", by inserting "74-4509b and"; in line 20, by striking "section" and inserting "sections";