Approved February 3, 1986
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

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

3:30 ~~a.m./~~p.m. on January 28, 1986 in room 526-S of the Capitol.

All members were present except:
Representative Foster (excused)
Representative Patrick (excused)
Representative Roe (excused)
Committee staff present:

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

Conferees appearing before the committee:

Edward A. Martinko, State Biologist
Director, Kansas Biological Survey
Chairman, Natural and Scientific Areas Advisory Board
Stephen J. Chaplin, Midwestern Director for Preserve Selection and Design
The Nature Conservancy
John K. Strickler, Associate State Extension Forester
Chairman, Kansas Nongame Wildlife Advisory Council
William Hambleton, Director, State Geological Survey and State Geologist
Joseph F. Harkins, Director, Kansas Water Office
David L. Pope, Chief Engineer-Director, Division of Water Resources
Kansas State Board of Agriculture
Representative Jeff Freeman, Emporia, Kansas
Bill Anderson, Chairman, Public Affairs Committee, Kansas Section,
American Water Works Association
R. L. Chandler, President, Kansas River Alliance
Marsha Marshall, Kansas Natural Resource Council
David S. Litwin, Director of Taxation, Kansas Chamber of
Commerce and Industry

Chairman Fox began the meeting by making the following announcements:
1. That fiscal notes on House Bill 2704 and House Bill 2705 had just been received and copies would be distributed to the committee. (See Attachments 1 and 2)
2. That the meeting scheduled for January 29 would be cancelled.

The first item taken up was House Concurrent Resolution 5030--Natural Heritage Inventory for Kansas. Ed Martinko, the State Biologist, gave background information regarding the Kansas Biological Survey and the Natural and Scientific Areas Advisory Board. He explained the proposed outlines of a Kansas Natural Heritage Inventory, which would consist of the formation of a comprehensive computer-assisted ecological inventory of Kansas' biological diversity. The resulting database would identify the best remaining natural communities in Kansas through data compilation on rare and endangered species, critical habitats and exemplary ecosystems. Dr. Martinko noted that both the Kansas Biological Survey and the Natural and Scientific Areas Advisory Board endorsed the Kansas Natural Heritage Inventory as a fundamental step in the creation of an effective system of natural and scientific areas in Kansas. (See Attachment 3)

Stephen J. Chaplin of the Nature Conservancy, supported HCR 5030. He submitted a detailed description of what a Kansas Natural Heritage Inventory would do, commenting that 38 states now have such inventories. A copy of the Nature Conservancy's Proposal to the Kansas Biological Survey also was distributed, along with Dr. Chaplin's written testimony. (See Attachments 4, 5, and 6)

John K. Strickler testified in favor of HCR 5030 on behalf of State and Extension Forestry, as well as the Kansas Nongame Wildlife Advisory Council. He noted that a Natural Heritage Inventory would be a valuable tool for natural resource conservation in Kansas. (See Attachments 7 and 8)

William Hambleton, State Geologist, pledged the support and cooperation of the Geological Survey in the implementation of HCR 5030. He noted that the information gathered would also be available to many other agencies that are involved in environmental planning and economic development, as well as to those concerned with utilization of Kansas natural resources, including the State Geological Survey. (See Attachment 9)

Turning to House Bill 2704--State water plan; large reservoirs and House Bill 2705--State water plan; Water Assurance Program Act, Joe Harkins, Director of the Kansas Water Office, testified in support of both bills. He gave detailed background information relative to the reservoirs and explained what the Assurance Program would do. (See Attachment 10)

David Pope, Chief Engineer-Director of the Division of Water Resources, supported HB 2704, noting that it would implement the policies in the State Water Plan concerning acquisition of water reservation rights by the Kansas Water Office to allow the protection of water quality storage in such federal reservoirs. He also spoke in favor of HB 2705, which he felt would be an important step in providing a dependable supply of water to municipal and industrial users below federal reservoirs in Kansas. If implemented, this concept would allow better overall management of the state's water resources in river basins that have federal reservoirs available to store water. (See Attachment 11)

Representative Freeman told the committee how HB 2705 as it is currently drafted, would affect the city of Emporia. He did not believe that this was the original intent of the bill, and submitted proposed language to be added at the end of Section 17. (See Attachment 12)

Mr. Bill Anderson represented the Kansas Section of American Water Works Association. He said that HB 2704 and HB 2705 appeared to be a logical development of water planning and a sound method of helping assure Kansans of an adequate water supply in times of low flows on the state's streams. He felt that members of his organization would accept an equitable distribution of the costs associated with the Assurance Program. Mr. Anderson did see some problems in the proposed legislation and suggested several changes. (See Attachment 13)

Mr. R. L. Chandler testified on behalf of the Kansas River Alliance. Regarding HB 2704, he said that the Alliance supports the concept of acquiring water storage capacity in the Federal Reservoirs and the use of revenue bonds in the funding of water storage capacity as set forth in the bill. He mentioned one concern--the definition of "threshold level" Sec. 4 - Line 0179. (See Attachment 14) Relative to HB 2705, Mr. Chandler commented that the Alliance supports the Assurance Program concept, but did have concerns regarding the details of the bill. (See Attachment 15)

Marsha Marshall represented the Kansas Natural Resource Council. She stated that KNRC was not a proponent or opponent of HB 2704 and HB 2705. She noted that less than 10 percent of available water in Kansas qualifies for marketing or assurance programs. Most of the water in the state is stored "free" in underground aquifers or flows in rivers and streams. Ms. Marshall listed several questions for the committee's consideration in her written testimony. (See Attachment 16)

David S. Litwin spoke on behalf of the Kansas Chamber of Commerce and Industry. He said that KCCI supports both HB 2704 and HB 2705 in principle. He called HB 2705, which would create "water assurance districts" a bold and innovative proposal, which along with HB 2704, would allow Kansas to take advantage of the nonrecurring opportunity to purchase storage in federal reservoirs at bargain prices. Noting that unexpected technical problems might arise if these bills are enacted, such problems could be dealt with as they crop up, Mr. Litwin expressed support of the enactment of both bills. (See Attachment 17)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,

room 526-S Statehouse, at 3:30 ~~a.m./~~p.m. on January 28, 1986.

There were no objections to the minutes of January 21, 22, and 23, 1986, so they stand adopted.

The meeting was adjourned at 4:57 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held on January 30, 1986 at 3:30 p.m. in Room 526-S.

Date: Jan. 28, 1986

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

NAME	ORGANIZATION	ADDRESS	PHONE
Russ Brites	KWA	Ottawa	242-2512
Lucy Brites		"	"
Bill Fenlick	KS Fish & Game	PRATT 316	672-5911
Jerry R Hazlett	Ks Wildlife Fed.	Topeka 913	266-6185
Jerry Conrad	KC&E	Topeka	354-1741
Beth McKee	K.L.A.	Topeka	232-9358
Kathy Peterson	CK-10	Topeka	2674356
Sharrel Gratias	KDHE	"	862-9360
Ed Reimers	KS League of Voters	Topeka	273 6097
Marsha Marshall	KNRC	Topeka	233-6707
Jerry Duvall	KWO	Topeka	296-3185
Shaun McGrath	Ks. Natural Resource Council	Topeka	233-6707
Brent McFall	City of Emporia	Emporia	316-342-5105
CAROL KING	CITY OF EMPORIA	EMPORIA	316-342-5105
Bill Anderson	Water Dist #1 of Jo Co	Mission 913	722-3000
Dexter Peterson	Sen Johnstons off.	Topeka	
CR Duffy	KS Water Office	"	3185
Jan Johnson	Budget Division	"	2436
Darrell Lowe	DWR KSBA	"	x3717
Leland E. Rolfs	DWR KSBA	Topeka	x3717
Rick Kready	KPL Gas Service	"	296-6474
Barbara Wood	Speaker's Office		296-3110

Date: Jan. 28, 1986

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

NAME	ORGANIZATION	ADDRESS	PHONE
R.L. Chandler	Water Dist. No 1 Johnson County	Mission, Kans	913 722 3000
Charles V. Hamm	K D H E	Forbes Field-Topeka	862-9360
David Litwin	KCCI	Topeka	357-6321
Chris Wilson	KS Grain & Feed Assn.	Hutchinson	316 662-7911
Dick Compton	Midwest Energy Inc.	Hays	913/625-3437

421 | 2704

Fiscal Note | Bill No.

1986 Session

January 28, 1986

The Honorable Ron Fox, Chairperson
Committee on Energy and Natural Resources
House of Representatives
Third Floor, Statehouse

Dear Representative Fox:

SUBJECT: Fiscal Note for House Bill No. 2704 by Committee on Energy and Natural Resources

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2704 is respectfully submitted to your committee.

House Bill No. 2704 implements, in part, the Large Reservoir Management and Large Reservoir Finance subsections of the State Water Plan. The bill authorizes the Kansas Water Office to issue revenue bonds to finance all or part of the construction costs of large reservoir projects, or to finance the purchase of storage in existing reservoirs. The bill outlines specific procedures and restrictions relating to the issuance of such bonds.

The Kansas Water Office indicates that revenue bonds could not be issued until FY 1988 at the earliest, so no fiscal impact is projected for FY 1987. Costs incurred in bond issuance, such as hiring of bond counsel, are proposed by the office to be paid from the Conservation Storage Water Supply Fund -- as provided for in one of the sections contained in House Bill No. 2721. Such costs subsequently could be covered by the bond issuance.

The revenue bonds authorized for issue by this bill would not constitute a general obligation of the state. The bonds would be retired with moneys collected from beneficiaries of the investments made with bond proceeds, including water users having water supply contracts with the state and/or participants in water assurance programs.

House Bill No. 2704 also authorizes the Director of the Kansas Water Office to acquire a water reservation right for waters flowing into the water quality component of conservation storage capacity in federal reservoirs. Release of such waters then would be subject to protection by the Chief Engineer of the Board of Agriculture against unlawful diversion. This provision satisfies one of the terms agreed to by the state in its memorandum of understanding with the Corps of Engineers setting forth the conditions for options to purchase additional storage in federal reservoirs.

Attachment 1
House Energy and Natural Resources 1/28/86

Any expenditures resulting from passage of this bill would be in addition to those recommended in the FY 1987 Governor's Budget Report.

Gary L. Stotts
Acting Director of the Budget

GLS:JJ:dh

419	2705
Fiscal Note	Bill No.

1986 Session
January 28, 1986

The Honorable Ron Fox, Chairperson
Committee on Energy and Natural Resources
House of Representatives
Third Floor, Statehouse

Dear Representative Fox:

SUBJECT: Fiscal Note for House Bill No. 2705 by Committee on Energy and Natural Resources

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2705 is respectfully submitted to your committee.

House Bill No. 2705 authorizes creation of the water assurance program and specifies procedures for establishment and operation of water assurance districts. The purpose of the bill, which would partially implement the Large Reservoir Management Subsection of the State Water Plan, is to permit utilization of federal reservoir storage to satisfy downstream municipal and industrial water rights during drought conditions.

The bill authorizes the Kansas Water Office, with approval of the Kansas Water Authority, to contract for storage in federal reservoirs to be used in the assurance program. Assurance districts could be organized by eligible water right holders located downstream from reservoirs with assurance program storage. The process for organization of a district would include: identification of eligible water right holders by the Chief Engineer of the Board of Agriculture; filing with the Secretary of State of a petition for organization signed by at least 20 percent of the eligible water right holders; review and subsequent approval of the petition by the Chief Engineer; and, an election on the question of assurance district organization by all eligible water right holders. Upon organization of a district, participation would be mandatory for all eligible water right holders.

Among the powers to be granted to organized assurance districts would be that of levying an annual charge against district members in an amount sufficient to reimburse the state for the full annual cost of acquiring, operating and maintaining the assurance program space benefiting the district. Moneys collected from imposition of such a charge would be deposited in the State General Fund.

Attachment 2
House Energy and Natural Resources 1/28/86

The State of Kansas has signed a memorandum of understanding with the Corps of Engineers that specifies the terms and conditions under which water supply storage may be purchased to implement the water assurance program. To preserve the storage purchase options identified in the agreement, the state must create a water assurance program. Approval of this bill would satisfy that condition.

The Governor's Investment Budget for FY 1987 includes $35,000 of State General Fund moneys to allow the Board of Agriculture to perform its responsibilities related to the water assurance program. In addition to the Board's duties relative to assurance district organization, responsibilities would include protection of reservoir releases for both water supply and water quality purposes. The amount recommended is sufficient to cover salary and other operating costs associated with one new staff position, a hydrologist. In subsequent fiscal years, one or more additional staff may be needed by the Division, depending on the rate and extent to which assurance districts are organized in the state.

As a related matter, the agreement with the Corps of Engineers also stipulates that the state must place $4 million in escrow by July 1, 1986. To satisfy the escrow condition in the agreement, the Governor has recommended in his Investment Budget that $2,852,724 be transferred from the State General Fund to the Kansas Water Office's State Conservation Storage Water Supply Fund. The balances projected for this fund at the end of FY 1986 will provide the remaining funds needed to reach the $4 million specified in the agreement.

Any expenditures resulting from passage of HB 2705 would be in addition to amounts contained in the FY 1987 Governor's Budget Report.

Gary L. Stotts
Acting Director of the Budget

GLS:JJ:dh

KANSAS BIOLOGICAL SURVEY

The University of Kansas

Raymond Nichols Hall
2291 Irving Hill Drive—Campus West
Lawrence, Kansas 66045-2969
(913) 864-4777

TESTIMONY ON BEHALF OF HCR 5030
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
January 28, 1986

Chairman Fox, Members of the Committee:

In 1959 the Kansas Legislature established the Kansas Biological Survey (K.S.A. 76-338) at the University of Kansas to "determine the character, location, and supply of animals and plants, especially native animals and plants of economic and educational importance and to publish reports on its findings." Since then the Survey has continued to collect, preserve and study thousands of specimens of plants and animals from every county in Kansas. These research collections provide the foundation for many basic research activities as well as the applied research programs of the Survey including such contemporary issues as biological water quality, fresh water ecology, the effects of toxic substances on aquatic organisms and the role of plant biology in medicine and weed research.

Last year the Kansas Biological Survey assumed responsibility for the administration of the Natural and Scientific Areas Preservation Act (K.S.A. 74-6601-74-6613) and the creation of the Natural and Scientific Areas Advisory Board in accordance with HB 2610. The purpose of the act is to "secure for the people of Kansas the benefits of an enduring resource of natural and scientific areas by establishing a system of natural and scientific preserves..." The act also calls for the establishment of a registry of natural and scientific areas and an inventory of natural ecosystems including habitats of rare and endangered species and significant geological and archeological sites.

With these goals in mind the Survey and the Advisory Board have begun the process of enrollment of high priority areas into the natural and scientific areas system on the basis of selected pieces of existing information. However, an efficient and effective system of natural and scientific areas must be based upon an inventory that describes what natural elements (e.g. individual plants, animals and their community and ecosystem complexes) still exist in Kansas and on a comparative basis, which are rare and/or threatened with possible extinction. On the basis of these comparisons, preservation priorities can be established in an objective framework for the evaluation of potential natural and scientific areas in accordance with the inventory directives of the preservation act.

HCR 5030 directs the Kansas Biological Survey to establish a Natural Heritage Inventory for Kansas in cooperation with the Nature Conservancy, a non-profit national conservation organization committed to the preservation of natural diversity. The Nature Conservancy has established Natural

Heritage Inventories in 38 states and has offered the Kansas Natural and Scientific Areas Program financial and technical assistance in the establishment of a Kansas Natural Heritage Inventory. The inventory, simply stated, would consist of the formation of a comprehensive computer-assisted ecological inventory of Kansas' biological diversity. The resulting database would identify the best remaining natural communities in Kansas through data compilation on rare and endangered species, critical habitats and exemplary ecosystems.

The Kansas Natural Heritage Inventory proposal outlines an initial two-year effort to implement the inventory in Kansas at a cost of approximately $266,000. The Nature Conservancy has outlined a funding package that utilizes various private, state and federal sources. The Conservancy has committed their share of the private funds and has pledged to develop the additional funds contingent on an allocation from Kansas general funds of $35,000 a year for each of two years. At the end of this period the State will evaluate the program and its output products for continuation and maintenance.

The Natural and Scientific Areas Advisory Board has reviewed and endorsed the proposal and recommends that the State of Kansas provide an allocation of $35,000 a year for two years to establish the Kansas Natural Heritage Inventory in the Kansas Biological Survey. The Board feels that such an inventory is central to the efficient operation of the Advisory Board in keeping with its legislative mandate. The inventory will also facilitate environmental planning and economic development by providing current, rapidly accessible information to a variety of other state agencies including the Kansas Department of Health and Environment, the Park and Resource Authority, the Fish and Game Commission and the Water Office. The database will also be useful, for example, in the implementation of the Environmental Coordination, Wetland Protection and Riparian Protection subsections of the Fish, Wildlife and Recreation Sections of the Kansas Water Plan.

The Kansas Biological Survey and the Natural and Scientific Areas Advisory Board enthusiastically endorse the establishment of the Kansas Natural Heritage Inventory as a fundamental step in the creation of an effective system of natural and scientific areas in Kansas.

Sincerely,

Edward A. Martinko

Edward A. Martinko
State Biologist
Director, Kansas Biological Survey
Chairman, Natural and Scientific
Areas Advisory Board

EAM/jkm

Testimony for House Concurrent Resolution No. HCR 5030
House Committee on Energy and Natural Resources
January 28, 1986

submitted by Stephen J. Chaplin
Midwestern Director for Preserve Selection and Design
The Nature Conservancy

Natural Heritage Inventories gather and maintain information on the precise location and current status of the best examples of natural communities and remnant populations of rare and endangered species. There are now inventories in 38 states across the country. House Concurrent Resolution HCR 5030 would call for the establishment of a Natural Heritage Inventory in Kansas. The Nature Conservancy, a private nonprofit conservation organization, has offered to assist the Kansas Biological Survey in the joint initiation of a Kansas Natural Heritage Inventory through a public/private cooperative effort.

The Nature Conservancy has agreed to initiate a private fund raising campaign to raise nearly one quarter of the total proposed program costs. The Natural Heritage Inventory methodology has been developed by The Nature Conservancy over the last 12 years. The 38 existing heritage programs were started under a contract between an appropriate arm of state government and The Nature Conservancy. Such a relationship has been proposed in Kansas as well. The Nature Conservancy and the Kansas Biological Survey will jointly train and supervise program staff for the first two years. At the end of two years, the program will be reviewed for permanent status within the Kansas Biological Survey. More than half of the inventories started as a joint state/TNC effort have been incorporated into state government.

The Kansas Natural Heritage Inventory will serve as a centralized repository and clearinghouse of information on rare communities and species. The use of the information has two main applications. First, the information facilitates the continuing inventory by identifying gaps of information and by setting priorities for the acquisition of information that is needed most. Data gathering and processing is continuous, incremental, and cyclical. As the program matures, the available knowledge of the status and location of Kansas biological diversity continually improves. Secondly, the information generated can be used as a decision-making tool. Information is produced in a comprehensible form for environmental planners, resource managers, and agencies and groups involved in natural area protection.

1. Environmental Planning. Many important biological resources have been inadvertently destroyed when relevant information was not available early in the planning process. Energy companies, public utilities and land developers have been the strongest supporters of heritage programs in other states. In most cases, developers take environmental issues seriously and work cooperatively to protect natural resources when credible and timely information is available. Most conflicts arise when environmental issues surface after substantial investment in planning and development have already been made. Heritage inventory data reduces the chance of mistakes being made, thus allowing for efficient and uninterrupted development without damaging critical natural resources.

The Nature Conservancy

Midwest Regional Office
1313 Fifth Street S.E., Minneapolis, Minnesota 55414
(612) 379-2207

Kansas Natural Heritage Inventory

Description:

A comprehensive computer-assisted ecological inventory of Kansas' biological diversity.

The inventory gathers and maintains information on the precise location and current status of the remnants of the endangered species and exemplary natural communities found in Kansas. The inventory serves as a centralized repository and clearinghouse which is continually updated and refined. There are now 38 state Natural Heritage Programs in the United States.

Establishment:

A typical Heritage inventory is established under a two-year contractual agreement between the appropriate arm of state government and The Nature Conservancy. Initial funding is often provided by private sources (foundations, corporations, and individual donors) and/or state and federal agencies pooling their resources. More than half the programs the Conservancy helped create have been incorporated into state government.

Uses:

1. Land Protection - The inventory will identify significant natural areas in Kansas, define their importance from a national and state perspective, and set priorities for protection. The Kansas Natural and Scientific Areas Board and other groups can cooperatively use the information to build a viable set of natural areas in Kansas.

2. Environmental Planning. Many important biological resouces have been destroyed inadvertently; relevant information was not available when decisions were made. For example, information on significant wetland habitats and aquatic endangered species will be critical for the wise implementation of the Kansas State Water Plan. In general, a professionally staffed, centralized database will be readily accessible to facilitate informed decision-making before costly planning investments are made.

3. Resource Management. Wise stewardship of a state's natural areas requires knowledge about the sensitive or exemplary biological features within them. Information kept on parks, wildlife areas, and natural areas may be used to improve existing management policies and practices.

4. Endangered Species Review. Accurate distribution and status information is essential in the revision of state and federal lists of protected species.

5. Research and Education. As the database matures, gaps in our current knowledge become evident. Results from the inventory guide new research, and the database itself provides a long-term educational resource.

Attachment 5
House Energy and Natural Resources 1/28/86

Proposal

to the

Kansas Biological Survey

from

The Nature Conservancy
1800 North Kent Street
Arlington, Virginia 22209

1985

Contact: Dr. Stephen J. Chaplin
Director of Preserve Selection and Design
Midwest Regional Office
The Nature Conservancy
1313 5th Street S.E.
Minneapolis, MN 55414
612 / 379-2207

Attachment 6

House Energy and Natural Resources 1/28/86

I. Kansas Scientific and Natural Areas

The amendment of the Kansas Natural and Scientific Areas Preservation Act revitalized the process to protect Kansas' natural heritage. Part of the challenge is to protect the best examples of the natural communities found in Kansas and the best remaining populations of the state's endangered species. A major difficulty in this endeavor is the identification of these best examples. This identification problem has confronted The Nature Conservancy in its private protection efforts throughout the United States. As a solution, the Natural Heritage Inventory system was developed by TNC to systematically identify the best remnants of a state's diversity.

The Nature Conservancy would like to assist Kansas in establishing an effective natural areas identification program. We would propose two major goals:

a) To establish jointly with the Kansas Biological Survey a Natural Heritage Program, thereby providing the Survey with a successful program now established and operating in 38 states. The program would be tailored to correspond closely with the Survey's mission, but at the same time the shared experience of 38 other states will be available.

b) To raise substantial funds privately to supplement state and federal funds.

The Conservancy is prepared to raise at least $30,000 over a two-year period to supplement state funds dedicated to the creation of the Kansas Natural Heritage Program.

Details of how these funds would be expended are attached. A description of the Heritage Program follows in Section II.

II. Kansas Natural Heritage Program

The Natural Heritage Program concept and the accompanying standard operating procedures were developed by The Nature Conservancy in the early 1970s in response to four habitat protection and management needs.

1) There was a need to systematically identify and monitor the numbers, locations, and management needs of those species and habitat types which were already or were becoming endangered.

2) There was a need to set protection priorities for those natural elements (species and ecosystems) which were under-represented on protected lands.

3) There was a need to develop an integrated manual and computerized information management and inventory procedures which could be easily updated and quality controlled, while allowing for a wide variety of data sources and public input.

4) The whole inventory and data management system had to be available to those state, federal, and private agencies which were most involved in land use decisions and environmental review.

With these needs as guides, the Conservancy began state-by-state inventory programs which were designed to be installed in the appropriate natural area and inventory agency of state government.

As of 1985, 38 states and the counties covered by TVA have signed on to this program (see map). Another six states have "proto" Heritage inventories and are in the process of developing full programs. The increasing geographic coverage, uniform data formats, computer systems, and program maturation have begun to allow a multi-state/eco-region overview of the endangerment and protection needs of species and ecosystems throughout their ranges. Data sharing and networking are growing rapidly among the programs, especially between the 12 midwestern states.

There are several respects in which the Natural Heritage Programs are almost uniquely adapted to service the needs of inventory and natural area identification.

1) They deal with plant and animal species as well as ecological communities.

2) They continually assess the incoming data, rank the elements (species and ecosystems) and set information-gathering priorities.

3) They stress the gathering of specific occurrence information. This emphasis on finding out where an element actually is, versus where it should be or where it was, has allowed us to make tremendous advances in redefining habitat requirements and management needs. It also means information supplied for environmental review will be credible and current.

4) They can access a wide variety of data inputs (both in quality and quantity of information) without compromising data integrity or wasting computer storage space.

5) They accomodate public input and usage.

6) They provide a powerful tool for setting priorities in research needs and environmental planning, and natural areas protection..

7) They are easily updated and thus contain accurate and current information.

8) They are a useful tool for the storage of site-based monitoring information.

The following pages describe the general process. These can and will be modified where needed to fit the specific purposes of the Kansas program.

Appendix: Step-by-Step Description

Phase I: Program Development

The first phase in establishing a Natural Heritage Inventory is devoted to the establishment of program operations and includes such things as setting up the office, completing lists of target elements, establishing the data flow patterns and the data management system, and planning for the ongoing operations of the program.

Task I: Establish Operations

The Conservancy trains key program personnel. These individuals, working under the guidance of The Conservancy's national office task force, secure office space and equipment, allocate space to basic program files, and set up various work procedures and responsibilities.

Task II. Generate Target Lists

This consists of the listing and description of all species found within the state that are worthy of inventory efforts, and the classification, listing, and description of exemplary samples of the communities found within the state.

The lists are completed with the help of many expert individuals. A biologist from the national task force works with the in-state staff who gather the relevant information from local experts, previous scientific work, existing lists, and some very generalized national directories. Subsequent to this survey of information, a draft classification for communities is produced and circulated to local experts who are asked to comment on the draft and suggest modifications. A working list of plants, animals, and communities is then produced.

Task III: Install Data Management Apparatus

This task involves several major parts, all of which lead to a methodology for handling and analyzing the inventory data as it is gathered. National task force members assist the in-state staff in setting up an integrated manual and computerized data management system.

The manual portion of the system contains files on listed elements; a map file to record locational information on the various elements and to calculate coordinates for computer mapping; and files on information pertaining to the actual landscape. A part of this task involves the adaptation of the National model data forms to Kansas. The National Task Force assists the in-state staff not only in arranging the system, but also in scheduling and planning the actual flow of data into it.

Computer software constitutes the second part of the data management system. The computer software which has been developed by The Conservancy is installed by the national task force into an IBM microcomputer. This software permits extensive data manipulation and many output formats. The computer system is constantly being improved and the latest software advances will be installed as they become available.

Task IV: Plan Continuing Operations and Develop Operations Handbook

This task is vital to the continued operations of the program and involves several important steps. The first is to establish and use key sources of information and assistance. Several catalogs of information are produced, including: listings of individuals and their areas of expertise, listings of pertinent publications, and catalogs of available agency resources.

The second major step is to create awareness of the program in other agencies (state, federal, and local) and to establish with these agencies working relationships and lines of communication.

The final major step is to complete the working Operations Handbook for the program. The Operations Handbook is essentially the reference book for the program. The Handbook includes, among other things, the data flow diagrams, instructions for transcribing data, the catalogs of information sources and assistance, and the instructions and formats for data collection, processing and analysis. The in-state staff will use this Operations Handbook to run the program and to train state employees who need use of the program's information system.

Phase II: Pilot Program

The second phase of the program involves gathering, processing, and analyzing data. Data gathering and processing is continuous, and as a result, particular analysis will represent only a point in time. As the program matures, the available knowledge of the status and location of Kansas' biological elements continually improves.

Task I: Collect Data

Perhaps the most fundamental task of the program is to collect data on the places where the listed elements occur. The first step is to generate leads to occurrences. Leads are generated by reviewing all available earlier surveys and pertinent literature, consulting with experts, investigating museum collections and herbaria. As these leads are generated, preliminary analysis will guide the staff toward information gaps which can then be systematically filled.

Once available information has been compiled, the field verification process begins. Staff, other Kansas Biological Survey and agency personnel, or volunteer field workers visit the reported locations for the various elements. Once the locations have been verified, in-depth field work can be conducted.

Task II: Process Data

The processing of data involves the transcription of data from museum specimens, theses, reports, field surveys and other sources onto standardized forms so that they are ready for computer processing. An important part of the procedure is the recording of element locations on a set of Kansas topological maps. These maps are an integral part of the data management system and the single most useful source of information on the distribution of Kansas' biological diversity. Any additional element occurrence information generated in data gathering and transcription is added to the manual files.

Task III: Analyze Data

One of the important features of the information storage system is its flexibility. For example, if a request is made for data on a given endangered species, a computer printout describing the species' locations, a list of people in the state who are knowledgeable about the species, or some combination of data from manual and computer files can be produced.

Other typical output products can include information on all the endangered elements in a given area, maps, directories of the endangered species found in the state, lists of occurrences of a particular species, and status information of a species at a particular locality. Such analyses are used to point out areas where information is weak. The process can then begin to fill knowledge gaps. This review and information gathering cycle leads to even more precise and complete knowledge over time.

Phase III: Program Continuation

After at least two years of operation of the program under direct supervision by The Conservancy, the Kansas Biological Survey undertakes to carry on the inventory operations. The Inventory continues to expand the data bank, further analyzes pertinent information, responds to requests for data, and sets preservation and protection priorities. The Conservancy continues as an advisor to the program. The Conservancy also uses the data to increase preservation efforts of Kansas natural areas through fund raising in the private sector.

Budget

Kansas Natural Heritage Program

	Year I	Year II
Staff*		
Program Coordinator/Zoologist	19,000	20,000
Ecologist	18,000	19,000
Botanist/Data Manager	18,000	19,000
	55,000	58,000
Fringes @ 18%	9,900	10,440
SUBTOTAL #1	$ 64,900	$ 68,440
Direct Costs for In-State Staff**		
Rent	4,000	4,500
Reproduction	2,500	3,200
Office Equipment & Supplies	5,000	1,500
Maps & References	2,500	500
Travel	2,000	2,500
Telephone	1,000	1,200
Postage	500	750
Secretarial Service 1/2 Time	6,000	6,500
SUBTOTAL #2	$ 23,500	$ 20,650
Computer Costs (from private TNC donations)	8,000	2,000
SUBTOTAL 2a	$ 8,000	$ 2,000
Special Services***		
Subcontract for specialized data collection		
SUBTOTAL #3	$ 5,000	$ 10,000
TNC National Task Force Costs		
Staffing, Training, Installation, Supervision, Accounting, Administration		
SUBTOTAL #4	$ 50,000	$ 15,000
TOTAL PROGRAM COST	YEAR I: $150,400	YEAR II: $116,090
		========
		$266,490

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* This staff will be assembled in Lawrence at the Kansas Biological Survey by The Conservancy with the advice and, if the state so desires, approval of the state. The staff will be Conservancy employees until the end of the two-year period when (if the state is willing and able to effect a transfer) they become Survey employees.

** If some of these can be provided by the state (e.g., office space), these costs also can be adjusted accordingly and their value used to match federal or other funding sources.

*** A portion of this may also be used to cover unforeseen excess costs incurred in Subtotals 1 and 2.

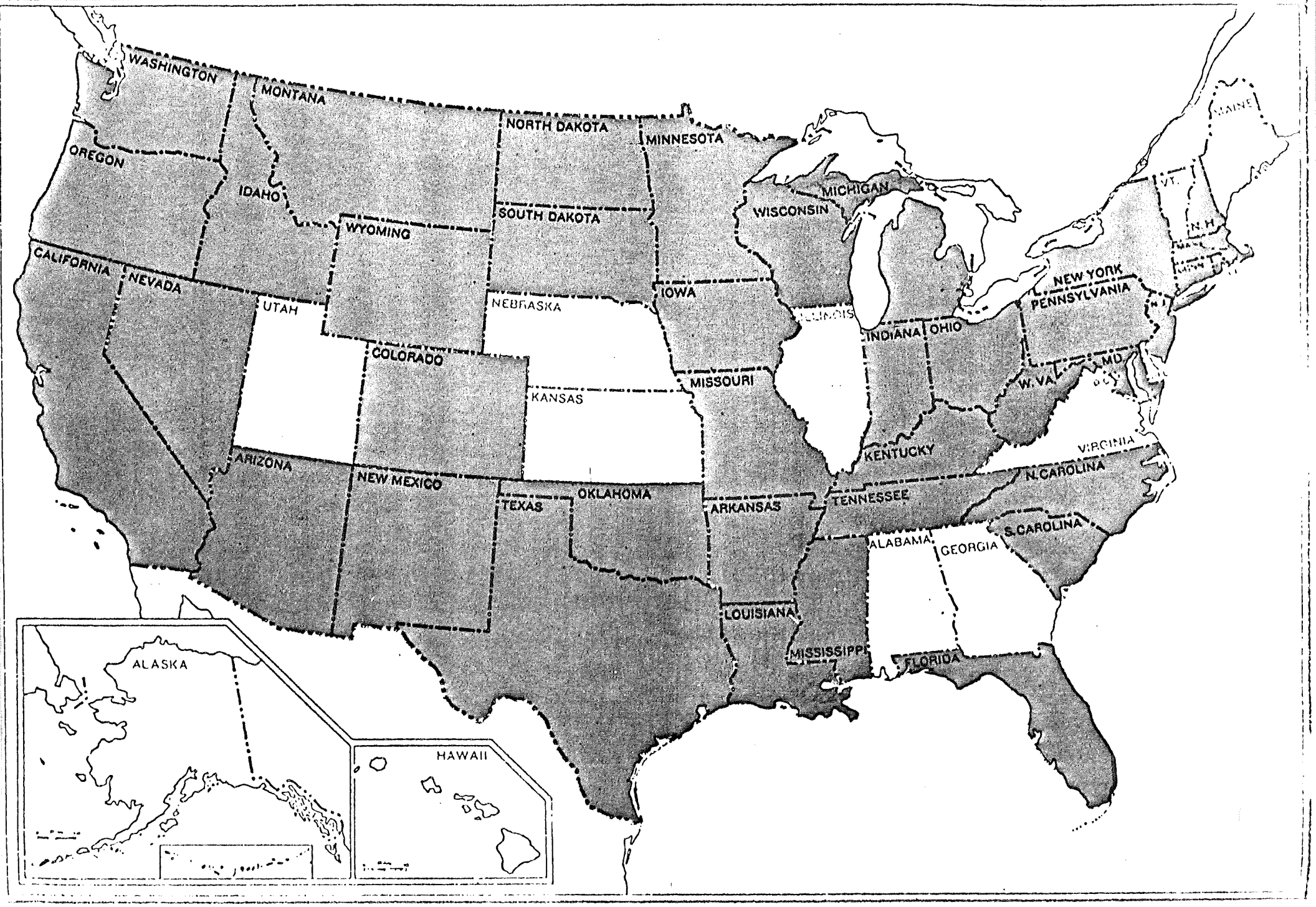
Potential Income Sources

Kansas Natural Heritage Inventory

Source	Amount (over 2 years)	Amount (per year)
TNC (Cash raised in Kansas)	$ 30,000	$ 15,000
KBS In-Kind Services (Support)	44,150	22,075
Land and Water Conservation Fund	50,000	25,000
Kansas General Revenue	70,000	35,000
Office Surface Mining	30,000	15,000
Kansas Nongame Check-Off	10,000	5,000
Other Sources (Federal contracts, additional TNC fund raising, others?)	32,340	16,170
TOTAL	$ 266,490	$ 133,245

STATE NATURAL HERITAGE PROGRAMS

8/85



KSU
KANSAS STATE UNIVERSITY

Cooperative Extension Service

State and Extension Forestry
2610 Claflin Road
Manhattan, Kansas 66502
913-532-5752

January 28, 1986

TO: House Committee on Energy and Natural Resources
Representative Ron Fox, Chairperson

FROM: John K. Strickler, Associate State Extension Forester

RE: HCR No. 5030 (Establishment of Natural Heritage Inventory)

As the state forestry agency and an agency represented on the Natural and Scientific Areas Advisory Board, State and Extension Forestry wishes to support House Concurrent Resolution No. 5030. A Natural Heritage Inventory would be a positive step toward establishment of a system of natural and scientific preserves as called for in the Natural and Scientific Areas Preservation Act. The inventory would provide an invaluable tool to the Natural and Scientific Areas Advisory Board as it works with the Biological Survey to identify potential areas for inclusion in the system.

Our agency goal is to promote sound forest management on the private woodlands of Kansas, but effective management of forests is a long-term effort. Virtually all commercial forest land in Kansas has been cut over and disturbed to some degree. Identification of unique, relatively undisturbed woodland areas and subsequent monitoring of these areas would provide us a historic base against which to measure the effects of our forest management.

Our foresters assist Kansas landowners with all aspects of tree planting and forestry. The Natural Heritage Inventory would be valuable to the foresters as they make forest management recommendations to woodland owners. Identification of those rare and critical biological elements that are related to native woodlands would help us work with landowners in recognizing and protecting these elements as they implement their management plans.

Our foresters will be working at identification of forest areas meriting consideration for dedication as natural or scientific areas. The resulting data from the Natural Heritage Inventory would provide a good base for their evaluation of woodlands for possible dedication in the system.

State and Extension Forestry supports establishment of a Natural Heritage Inventory as a valuable tool for natural resource conservation in Kansas.

JKS/plp

Attachment 7

House Energy and Natural Resources 1/28/86

KANSAS NONGAME WILDLIFE ADVISORY COUNCIL

2610 Claflin Rd.
Manhattan, KS 66502
Janury 28, 1986

TO: House Committee on Energy and Natural Resources

FROM: Kansas Nongame Wildlife Advisory Council

RE: HCR No. 5030 (Natural Heritage Inventory for Kansas)

The Kansas Nongame Wildlife Advisory Council serves as a citizens advisory group to the Kansas Fish and Game Commission in carrying out its nongame program funded through the state income tax "Chickadee Checkoff" donations. The Council wishes to support passage of HCR No. 5030.

In March of 1985, the Council sponsored a Nongame Wildlife Conference at Emporia. The purpose of this Conference was to bring together various interests in nongame wildlife throughout the state and give them an opportunity in small working groups to discuss and identify the primary concerns or needs of nongame wildlife in Kansas. These working groups focused on various aspects of nongame wildlife such as birds, fish, habitat, etc. From these group discussions, there came a concensus that one of the primary needs for nongame wildlife in Kansas is the inventory and identification of those elements and habitats most critical for preservation and management. The Natural Heritage Inventory is an effective way to address this common concern.

It is our hope that the 1986 Kansas Legislature will approve the establishment of a Natural Heritage Inventory within the Kansas Biological Survey.

Sincerely,

John K. Strickler

John K. Strickler
Chairman, Kansas Nongame
Wildlife Advisory Council

JKS/plp

Attachment 8

House Energy and Natural Resources 1/28/86

Do something WILD!

January 27, 1986

Members of the House Committee on Energy and Natural Resources, Mr. Chairman. My name is William Hambleton, I am Director of the State Geological Survey and State Geologist.

I am here to speak in favor of House Concurrent Resolution 5030 "That the State Biological Survey, in cooperation with The Nature Conservancy, is directed to establish a Natural Heritage Inventory for Kansas." I have reviewed the materials and statement of purpose concerning the establishment of a Natural Heritage Inventory in Kansas. Effective utilization of this inventory will enhance the efforts of the Biological Survey and the Natural and Scientific Areas Advisory Board to protect critical and unique habitats. Perhaps more importantly, the information gathered toward this end will be available also to many other agencies that are involved in environmental planning and economic development, as well as to those concerned with utilization of Kansas natural resources. I include the State Geological Survey with these other agencies.

For a number of years, I have appeared before this Committee and other legislative committees to urge development of a Kansas Information System and Data Base on a decentralized basis. Such a decentralized system would be accessible to users through networking. At present, I am serving as chairman of a committee of the American Geological Institute to develop a similar geologic system on a national basis. We are focusing strongly in the Kansas Geological Survey to develop a similar concept having centralized program administration, and decentralized and diversified implementation. It seems to me that the National Heritage Inventory offers Kansas a major opportunity to take an important and significant step in the direction of establishing a decentralized

Kansas Data Base. Appropriately developed, the Inventory can be networked to other State agencies for all kinds of uses, and can become a testing ground example for development of other data base networks. We truly should not miss this opportunity.

I am pleased to have this moment to endorse the Resolution, and pledge the support and cooperation of the Geological Survey in its implementation.

Testimony by

Joseph F. Harkins, Director

Kansas Water Office

on

Assurance District Legislation

January 1986

Attachment 10

House Energy and Natural Resources 1/28/86

Reservoir Management Legislation

I. Background

A. Non-protection of water quality releases from reservoirs.

B. Verdigris situation in 1983 - user dependence on low flow release.

D. Relative nonuse of water marketing program.

II. State Water Plan

A. 1984-5 Reservoir Management Proposals

1. Assurance program.

2. Reservation rights for water quality storage.

3. Use of revenue bonds for acquisition or development of storage.

B. 1985-6 Implementation

1. Memo of agreement with Corps of Engineers on price of existing storage - dependent on implementing reservoir policies.

2. Legislation - H.B. 2704, H.B. 2705.

3. Development of river-reservoir management system.

III. Assurance Program

A. Coordinates use of water in river and reservoirs as system.

B. Users would be municipal and industrial users along river.

C. Water quality releases made concurrently with water supply releases - water quality remains protected within stream.

D. Benefits.

1. Operating reservoirs jointly as system increases the overall yield. Once constraints are applied, increase will be in 20-30 percent range.

2. Resulting flows in river under an assurance program can be maintained at a higher level than the current operating policies could provide, thus, providing an assured water supply to downstream users.

3. High flows in river also improve quality of water, in terms of lower chloride total dissolved solids levels.

4. State gets security by putting storage to user immediately, thereby preventing federal use for navigation. Currently unable to do so.

5. With new memo of agreement cost to users will be economically feasible - paying for what they rely on. No hidden costs.

IV. Key to Assurance Program is Assurance District (H.B. 2705)

A. Eligible water right holders (municipal and industrial) can form district.

B. Petition - Steering Committee - Election

C. Approved - Mandatory Participation by Municipal and Industrial Users

D. Board of Directors - Annual Meetings

C. Duties

1. Contract with state for water storage.

2. Charge users on prorata basis.

3. Advise Kansas Water Office and Division of Water Resources on rules and regulations.

PRESENTATION

BY

DAVID L. POPE
CHIEF ENGINEER-DIRECTOR
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE

RE: HOUSE BILL NOS. 2704 AND 2705

BEFORE

HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

JANUARY 28, 1986

Thank you, Chairman Fox, and members of the committee for this opportunity to appear relative to House Bill Nos. 2704 and 2705.

Both of these bills have been introduced to implement sections of the State Water Plan adopted by the Kansas Water Authority (KWA).

The Kansas Water Office (KWO), the Division of Water Resources (DWR), Legislative Research, and the Revisors Office have met on several occasions over the past months to discuss the language which you now have before you in these two bills.

House Bill No. 2704

House Bill No. 2704 amends the State Water Planning Act to require the KWO to consider, "the need of the state to control storage in federal reservoirs by purchase or agreement" when doing water planning for the state. (Line 66 through 67).

The bill would also strengthen the state's policy to develop adequate water storage by acquisition from the Federal Government of storage in federal

reservoirs and by agreements with the Federal Government regarding the use of storage. (Lines 106 through 109)

The main thrust of the bill, as it affects the DWR, is to allow the KWO to acquire a water reservation right to store water in the conservation storage water quality capacity of any reservoir in which the state controls storage space, whether under contract with the Federal Government or otherwise. This is an expansion of the water reservation right concept which currently allows water to be stored under water reservation rights only in the conservation storage water supply capacity.

The Bill, as proposed, provides that the annual amount of water which can be stored in the conservation storage water quality capacity is an amount equal to the volume of the conservation storage water quality capacity, as agreed upon by the Director of the KWO and the Chief Engineer.

It would then become the duty of the Chief Engineer to process such filings for water reservation rights by the KWO and then to protect inflows to these reservoirs, above certain threshold levels, in accordance with Kansas water law as necessary to satisfy such water reservation rights. This threshold concept is important because it should allow relatively small direct flow rights to divert from the stream during low flows, but it provides protection for the storage of water quality water in the reservoirs against large future depletions of streamflow.

The DWR feels that House Bill No. 2704 will implement the policies set forth in the State Water Plan, as adopted by the KWA, concerning acquisition of water reservation rights by the KWO to allow the protection of water quality storage in such federal reservoirs.

House Bill No. 2705

House Bill No. 2705 would provide the authority to create a water assurance district.

Briefly stated, a water assurance district would be comprised of current, and perhaps future, water right holders for municipal and industrial purposes, which are located downstream from a reservoir holding water for water assurance purposes.

"If a water assurance district is organized, participation in the water assurance program shall be mandatory for each eligible water right holder below an assurance reservoir if the chief engineer determines that such holder may be benefited by releases of assurance water from an assurance reservoir." (Line 67 through 71)

The proposed bill would require the Chief Engineer, upon request of the KWO and prior to the organization of an assurance district, to determine which water right holders below the reservoir in question might benefit from the proposed assurance program. The Chief Engineer shall take into account the following factors, "(a) the annual quantity and rate of diversion authorized by the water right and the frequency and the distribution of such use with time; (b) the consumptive use, location and source of the water right; and (c) such other factors as may be necessary to fully determine and understand the degree of such benefits."

Those benefited could include both surface and groundwater users who are municipal and industrial users. Currently, the federal reservoirs under consideration for the program contain no authorized storage space for any other

beneficial uses such as irrigation, water power, etc. As a result, any users other than municipal and industrial users would not currently be eligible for the assurance program.

During times of shortage on the river, when there is not sufficient water to satisfy all water right holders, assurance water would then be released from the reservoir for the benefit of those members of the assurance district. It would be the duty of the Chief Engineer to protect those releases from diversion by non-assurance district members. Other users of water would be limited to the amount of water available from the natural flow of the stream in accordance with the provisions of their direct flow water rights.

The act further provides that all members of the assurance district must have a conservation plan approved by the Chief Engineer and implemented prior to receiving assurance water. (Lines 306 through 310)

The act further provides an appeal procedure under K.S.A. 82a-724. (Line 325). It might be noted that a bill is, or will be, proposed which will delete K.S.A. 82a-724 and make appeals under the Kansas Water Appropriation Act subject to the Administrative Procedures Act provisions.

The DWR feels that House Bill No. 2705 will allow the implementation of the Large Reservoir Subsection of the State Water Plan as it relates to the creation of assurance districts. This act has received a tremendous amount of discussion and input during the State Water Plan deliberations and the DWR feels it is an important step in providing a dependable supply of water to municipal and industrial users below federal reservoirs in Kansas. It also provides a mechanism for equitably requiring restitution to the State of Kansas for the benefits provided to those entities.

In addition, this concept, if successfully implemented, will allow better overall management of the state's water resources in river basins that have federal reservoirs available to store water.

If you have any questions concerning this testimony, I would be happy to answer them at this time.

STATE OF KANSAS

JEFF FREEMAN
REPRESENTATIVE, SEVENTEENTH DISTRICT
COFFEY AND LYON COUNTIES
P.O. BOX 60
BURLINGTON, KANSAS 66839

TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: AGRICULTURE AND SMALL BUSINESS
LEGISLATIVE, JUDICIAL AND
CONGRESSIONAL APPORTIONMENT
TRANSPORTATION

Thank you Mr. Chairman for the opportunity to provide testimony on House Bill 2705.

As the bill is currently drafted, entities that have entered into agreements with the Kansas Water Office would be required to pay twice for the water they receive: once for the storage and for the water they take out of the river and again under the assurance program.

Currently the city of Emporia has entered into this specific type of agreement with the Council Grove Reservoir. The city of Emporia currently pays $45,000 annually for their water contract.

I believe this is not the original intent of the bill, and would suggest that the following language be added to clarify and prevent this double billing.

Proposed language to be added at the end of Section 17, nor shall the provisions of this act work to the detriment of any entity which has heretofore entered into such contract nor shall the provisions of this act work to the detriment of any entity which has heretofore contracted or with future contracts for the purchase of water pursuant to KSA 82a-1301 et seq.

Attachment 12

House Energy and Natural Resources 1/28/86

Testimony on

HOUSE BILL NO. 2704 and HOUSE BILL NO. 2705

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
January 28, 1986

by

Kansas Section, American Water Works Association

The American Water Works Association is an international professional organization composed of representatives of the public water supply systems of the world. As such, it is the world's largest professional organization of public water supply systems.

The Kansas Section, a part of that organization, is composed of 562 members representing most of the public water supply systems of the state. Four out of every five Kansans obtain their drinking water from systems operated by our members.

For the last two years, the Kansas Section of AWWA has supported the concept of a Water Assurance Program and the acquisition of additional water storage in the federal reservoirs in Kansas.

Two years ago, in testimony to this committee, our organization termed the Assurance Program a bold and imaginative plan in state water planning. The AWWA has also urged the acquisition of additional storage in reservoirs for use in an Assurance Program.

The two bills before the Committee today appear to us to be a logical development of water planning and a sound method of helping assure Kansans of an adequate water supply in times of low flows on the state's streams.

We recognize the Assurance Program will require some financial commitments from affected water users and although these commitments are not yet delineated we believe our members will accept an equitable distribution of the costs associated with the Program.

We foresee some problems in the formation of Assurance Districts under the proposed legislation. It may be advisable to define more precisely "eligible water right holders". Does a water right holder have only one vote under the provisions of the bill that require 20 per cent of holders in a proposed district to petition for creation of the district(Section 6, p. 2, lines 0072 through 0078)? Or does a holder have three votes if he, for instance, holds three water rights? This may also be critical in the subsequent election in gaining a majority for approval of a district's creation(Section 9, p. 5, line 0183).

Attachment 13

House Energy and Natural Resources 1/28/86

We also suggest it is unfairly burdensome to impose the costs of the special election on those persons seeking creation of a district if the proposal fails at the election.(Section 10, pp 5 and 6, lines 0201 through 0208). Isn't this an unjust burden on those persons or entities who have the courage and foresight to step forward to seek means of establishing Assurance Districts that would provide an adequate water supply in any particular basin in times of drouth?

We also believe a Board of Directors which would govern a Water Assurance District should not be prohibited from receiving some compensation for their services(Section 11, p. 6, lines 0209 through 0221). It is not advisable for the state to impose this prohibition on men or women who will be giving many hours of their time in this endeavor.

Despite these reservations, the Kansas Section of AWWA supports a Water Assurance Program as a step forward in water planning. Problems of administration always impose a challenge on new programs but the critical water problems of this state call for bold steps to meet these challenges.

Our organization also supports the acquisition by the state of water storage in the federal reservoirs as provided by HB No. 2704. The recently announced agreement between the Kansas Water Office and the federal government to purchase water storage at a cost of approximately $33-million represents a bargain that the State of Kansas can ill afford to pass up.

A revenue bond financing feature of this bill provides an option to negotiate this purchase but the state should even consider appropriations from the General Fund to secure this valuable resource, despite the current revenue crisis of the state.

We believe passage of these bills is necessary for continuation of the water planning policies the state has adopted in recent years.

Bill Anderson, Chairman
Public Affairs Committee
Kansas Section, American Water
Works Association

January 28, 1986

Chairman Fox and Members
Committee on Energy and Natural Resources
Kansas House of Representatives

HOUSE BILL 2705
Testimony of
Kansas River Alliance

The Kansas River Alliance is an organization of water users in the Kansas River Basin consisting of municipal water departments, rural water districts and industrial users. Members of the Alliance are:

City of Topeka
City of Manhattan
Northern Hills Rural Water District No. 4
Water District No. 1 of Johnson County
City of Bonner Springs
City of Rossville
City of Salina
Board of Public Utilities, Kansas City, Kansas
Bowersock Mills & Power Co.
City of Olathe
City of Wamego
Kansas Power and Light Co.
City of Odgen
City of Lawrence

The Alliance definitely supports the concept of acquiring water storage capacity in the Federal Reservoirs and the use of revenue bonds in the funding of water storage capacity acquired by any of the means set forth in this Bill.

We do have one concern; that is the definition of "threshold level" Sec. 4 - Line 0179.

Respectfully submitted,

R. L. Chandler

R. L. Chandler
President

jc

Attachment 14

House Energy and Natural Resources 1/28/86

January 28, 1986

Chairman Fox and Members
Committee on Energy and Natural Resources
Kansas House of Representatives

HOUSE BILL 2705
Testimony of
Kansas River Alliance

The Kansas River Alliance is an organization of water users in the Kansas River Basin consisting of municipal water departments, rural water districts and industrial users. Members of the Alliance are:

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City of Salina
Board of Public Utilities, Kansas City, Kansas
Bowersock Mills & Power Co.
City of Olathe
City of Wamego
Kansas Power and Light Co.
City of Odgen
City of Lawrence

The Alliance supports the Assurance Program concept, but we do have questions and concerns regarding the details of the Bill.

Sec. 2

We are concerned over voting rights pertaining to "eligible water right holder" Sec. 2 (e) and/or "member" Sec. 2 (f).

A small number of "water users," municipal and industrial, in this particular basin representing the major part of the basin population would be paying the major portion of the Assurance Program costs. We believe that there should be a voting rights designation based upon a weighted average, i.e., population served, water consumed...

Sec. 10

Lines 0203-0208

We cannot agree that the steering committee should assume the obligation for the payment of costs and expenses associated with an unsuccessful attempt to organize an Assurance District.

Lines 0219-0220

Why should the statutes determine the compensation of Assurance District directors? Why not let the individual Districts make that determination?

Attachment 15
House Energy and Natural Resources 1/28/86

Sec. 16 (a)

Lines 0294-0295

Since the Assurance District is paying all costs of acquiring and maintaining the assurance storage we would suggest that the payments be deposited in a special Water Fund instead of the State General Fund.

Sec. 16 (a)

Lines 0295-0301

Why do member charges of a particular Assurance District need to be approved by the Chief Engineer?

Sec. 16 (g)

Lines 0327-0331

With the understanding that the Assurance District is buying "space" and not necessarily water, we interpret this to mean that "assurance water" has priority over all other users in state purchased storage and believe that it should be so designated.

Lines 0331-0335

We do not understand the concept that the State or its agents cannot be sued, yet the State can sue members of an Assurance District.

Respectfully submitted,

R. L. Chandler
President

jc

Kansas Natural Resource Council

Testimony before the House Energy and Natural Resources Committee
Presented by Marsha Marshall
Concerning HB 2704 and HB 2705, relating to water storage marketing and water assurance programs

January 28, 1985

KNRC does not appear as a proponent or opponent of this legislation. I will list, instead, what we feel are important questions for you to consider as you work through these bills.

In addition, we ask the committee to keep in mind that less than 10% of available water in Kansas qualifies for marketing or assurance programs. Most of the water in the state is stored "free" in underground aquifers or flows in rivers and streams. Only small portions of reservoir waters can be reserved for marketing purposes.

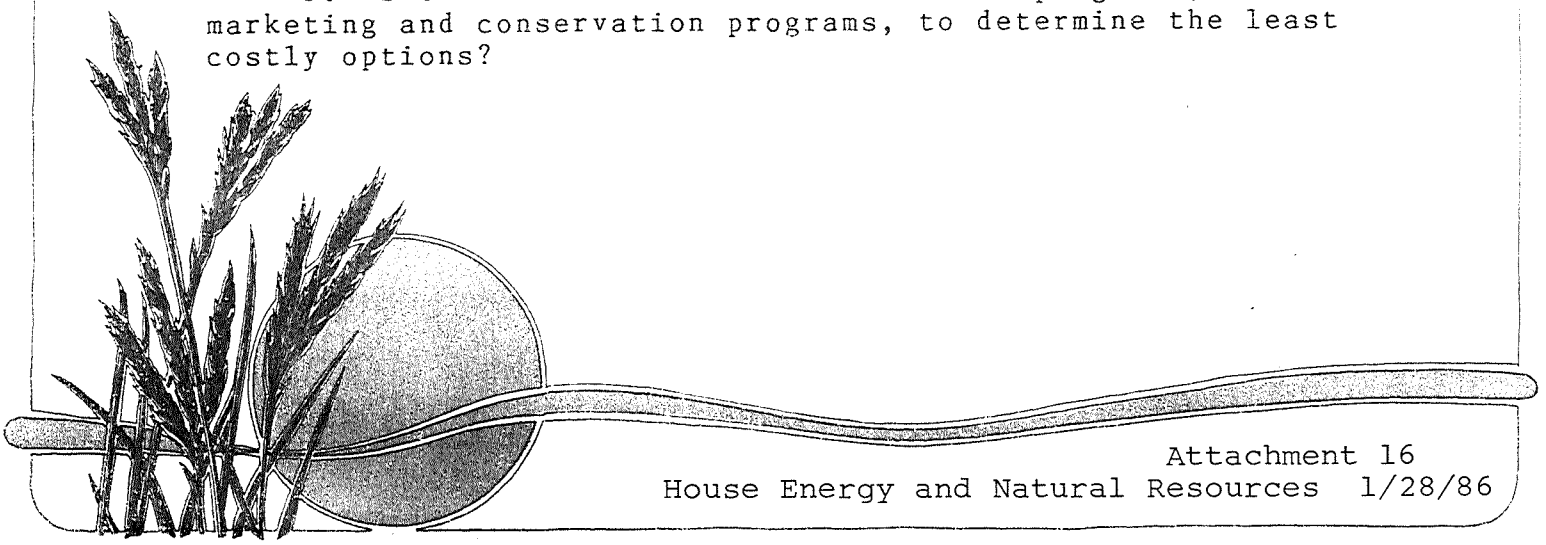
1. What is the state's water marketing policy? Is it's sole purpose to pay off indebtedness?

2. Could marketing and assurance programs lead to supplies based more on an ability to pay than on the need for water? Should need be a factor in a marketing policy?

3. Could more expensive but renewable priced water drive water users to consume cheaper but nonrenewable water first?

4. Is it appropriate in a state water plan to place emphasis on developing and paying for water storage before having conservation programs in place to use water efficiently or to reduce consumption?

5. Should the state evaluate related programs, such as marketing and conservation programs, to determine the least costly options?



Attachment 16
House Energy and Natural Resources 1/28/86

1516 Topeka Avenue • Topeka, Kansas 66612 • (913) 233-6707

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry

500 First National Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321

A consolidation of the
Kansas State Chamber
of Commerce,
Associated Industries
of Kansas,
Kansas Retail Council

HB 2704 and 2705

January 28, 1986

KANSAS CHAMBER OF COMMERCE AND INDUSTRY
Testimony Before the
House Energy and Natural Resources

by

David S. Litwin
Director of Taxation

Mr. Chairman, members of the committee. I'm David Litwin, representing the Kansas Chamber of Commerce and Industry. Thank you for the opportunity to comment today on House Bills 2704 and 2705.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

As I noted in my testimony on HB 2703, KCCI has gone on record as supporting, in principle, actions by the state that are reasonably designed to help assure adequate supplies for all purposes for present and future generations of Kansans. We support both of the bills under consideration in principle.

Attachment 17
House Energy and Natural Resources 1/28/86

HB 2705, which would create "water assurance districts," is a bold and innovative proposal. It and HB 2704 would, in concert, allow Kansas to take advantage of the nonrecurring opportunity to purchase storage in federal reservoirs at true bargain prices, and with virtually no expense to anybody except water users. The proposal to fund state purchase of storage with revenue bonds supported by the steady income from contracts with users and water assurance districts strikes us as very logical and appropriate. The principle stated in Sec. 16(g) of HB 2705 that annual payments under contracts with water assurance districts be made regardless of the availability or actual use of water seems sound and necessary to assure financial stability in the program.

It may well be that if these bills are enacted, technical problems of an unforseen nature will crop up. That is often the case when new ground is broken in comprehensive enactments. Such problems can be dealt with as they arise, but I do not see any at this time, and we support enactment of these bills.

If there are any questions, I'll try to answer them. Thank you again for the chance to comment today.