

Approved March 3, 1987
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 ~~xx~~ a.m./p.m. on February 18, 1987 in room 526-S of the Capitol.

All members were present except:

Representative Sutter (excused)

Committee staff present:

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

Conferees appearing before the committee:

Chairman Fox opened the meeting with several announcements and he commended the subcommittees for their work thus far. The minutes of February 11 were adopted.

Representative Holmes gave the Energy Subcommittee Report on HCR 5007--Concurrent resolution requiring establishment of radon advisory committee. (Attachment 1) Representative Holmes, seconded by Representative Sifers, made a motion to recommend HCR 5007 favorably for passage. The motion passed.

Representative Spaniol gave the Natural Resources Subcommittee Reports. House Bill 2034--Water metering devices; cost sharing. (Attachment 2) Since this bill had a \$700,000 fiscal note when originally drafted, the subcommittee had recommended cutting the \$500 maximum credit to \$250, thus cutting the fiscal note by half. The subcommittee also had recommended including municipalities since this was estimated to cost only about \$8,000 more per year. Representative Spaniol, seconded by Representative Shore, moved to recommend House Bill 2034 as amended favorably for passage. Committee discussion concerning funding followed. A vote was taken and the motion carried. N.R. SUB. 2/9/87 and 2/16/87

House Bill 2036--Purchase of water rights on cost-sharing basis. (Attachment 3) Representative Spaniol stated that the subcommittee had accepted the Kansas Water Office's proposed amendments to strike language on page 6, lines 207, 208 and 209, as well as on page 7 on line 240 after "reach." and all of lines 241 and 242. It was noted that this bill had a fiscal note of about \$36,000 and would eventually add one position. There was a possible fiscal note at the time of acquisition, but that would be subject to appropriation at that time. (The Chair noted that this Committee made no appropriations and that any appropriations would be subject to the Appropriations Committee's decision.) Representative Spaniol, seconded by Representative Grotewiel, made a motion to report House Bill 2036 as amended favorably for passage. The motion passed. N.R. SUB. 2/9/87 and 2/16/87

Chairman Fox advised that an equivalent bill to House Bill 2035--State water plan; conservation structures, had been introduced and was currently in the Senate in the form of a Senate Bill. Representative Spaniol, seconded by Representative Rezac, moved to report House Bill 2035 adversely. The motion carried.

Relative to House Bill 2037--Floodplain regulation, (Attachment 4) Representative Spaniol called attention to the new language at the top of page 2, lines 45, 46, 47, 48, 49 and 50. He recalled that the fiscal note was \$771 on this bill. Representative Spaniol, seconded by Representative Mollenkamp, made a motion to report House Bill 2037 favorably for passage. The motion carried. N.R. SUB. 2/9/87 and 2/16/87

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

room 526-S Statehouse, at 3:30 a.m./p.m. on February 18, 1987

Turning to House Bill 2091--Certificate of competency and safety in handling firearms; possession required. (Attachment 5) Representative Spaniol explained that under present law, if you were ticketed by a Fish and Game officer for not having your hunter's safety card with you, the ticket could not be dismissed at a later date by showing proof that you had obtained such a certificate. This bill provides that any person cited for failure to produce a certificate upon demand shall not be convicted if a certificate which was valid at the time the ticket was issued is presented prior to a court date. It was noted that fur harvesters had experienced the same problem and language was added to treat the fur harvester's certificate in the same manner. Representative Spaniol moved to recommend House Bill 2091 favorably for passage, with the proposed amendments to add language to treat fur harvesters in the same manner. Representative Shore seconded. The motion carried.

N.R. SUB. 2/16/87

Regarding House Bill 2241--Forty-eight hour waterfowl permit, (Attachment 6) Representative Spaniol said that this bill would allow for a 48 hour temporary license for waterfowl hunting with a \$20.00 fee. Kansas Fish and Game had suggested an amendment to delay implementation until January 1, 1988, which would allow this option to be added to present application pads rather than printing new ones, thus eliminating any fiscal note. Representative Spaniol advised that the Natural Resources Subcommittee had adopted the amendment and he moved to recommend House Bill 2241 favorably for passage, with the proposed amendment. Representative Lacey seconded. Following committee discussion, a vote was taken and the motion passed. N.R. SUB. 2/16/87

The Chairman announced that the forestry agency had requested that a resolution be introduced commemorating the 100th year of the state forestry agency. (Attachment 7) Representative Sughrue made a motion to introduce this as a committee resolution. Representative Rezac seconded and the motion carried unanimously.

The meeting was adjourned at 4:05 p.m.

The next meeting of the House Standing Committee on Energy and Natural Resources will be held on February 26, 1987 at 3:30 p.m. in Room 526-S.

STATE OF KANSAS

CARL D. HOLMES
REPRESENTATIVE, 125TH DISTRICT
P.O. BOX 578
PLAINS, KANSAS 67869-0578



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: ELECTIONS
ENERGY AND NATURAL RESOURCES
LOCAL GOVERNMENT

Mr. Chairman:

The Subcommittee on Energy
recommends to the Standing Committee HCR 5007
favorably for passage.

DENNIS SPANIOL
REPRESENTATIVE, NINETY-FOURTH DISTRICT
SEDGWICK COUNTY
438 S. SOCORA
WICHITA, KANSAS 67209



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN: ENERGY AND NATURAL RESOURCES
MEMBER: TAXATION
TRANSPORTATION

Mr. Chairman:

The Subcommittee on Natural Resources recommends to the Standing Committee HB 2034 favorably for passage with the following amendment.

1. A suggested amendment to reduce the maximum credit to 250. This would cut the fiscal note by half.

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. 2034 by Committee
on Energy and Natural Resources

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2034 is respectfully submitted to your committee.

House Bill No. 2034 would implement certain recommendations in the Conservation Section of the State Water Plan by establishing a cost-share program for installation of water meters by irrigation and industrial water users. Under the provisions of the bill, the state would reimburse up to 50 percent of the cost of a meter, with a maximum state payment of \$500 per meter. Eligibility under the program would be granted to any holder of a water right for irrigation or industrial use who installs a meter between July 1, 1987 and June 30, 1990 -- whether voluntarily, upon order of the Chief Engineer of the Board of Agriculture or upon order of a groundwater management district. Meters must meet state specifications; replacement meters would not be eligible.

The State Conservation Commission would be responsible for administering the cost-share program with funds appropriated by the Legislature for that purpose. The Chief Engineer of the Board of Agriculture would be responsible for setting meter specifications and for certifying to the Conservation Commission that the metering devices for which reimbursement is sought actually meet the specifications that are established.


The State Conservation Commission indicates that it could implement its responsibilities under the bill during FY 1988 with no additional staff or resources, assuming first year activities would consist primarily of program planning and development of rules and regulations. However, House Bill No. 2034 is only one of several State Water Plan bills under consideration by the 1987 Legislature that assign

responsibilities to the State Conservation Commission. Should two or more of these bills be enacted, their cumulative effect would be to increase the agency's FY 1988 staffing needs by one position, a Conservation Planner, at a total cost of \$41,793. The agency reports a fiscal impact from the bill in FY 1989 for additional staff to process applications and to conduct an information program for eligible applicants. Any FY 1989 costs resulting from the bill would be analyzed in context of the FY 1989 budget review process.

The State Board of Agriculture estimates a fiscal impact of \$17,150 in FY 1988, based on the addition of a Hydrologist I for the second half of the fiscal year. The annualized cost would be approximately \$35,000 for subsequent fiscal years. The hydrologist position would be necessary to inspect meter installations and to certify to the State Conservation Commission that the meters meet the specifications developed by the Chief Engineer.

Funds available for water meter cost-share grants would be subject to legislative appropriations; however, the Conservation Commission has developed annual funding level estimates of \$300,000 for agricultural water meters and \$65,000 for industrial water meters. The initial appropriation for cost-share grants would not be required until FY 1989.

Any expenditures resulting from passage of House Bill No. 2034 would be from the State General Fund and would be in addition to amounts contained in the FY 1988 Governor's Budget Report.



Gary L. Stotts
Acting Director of the Budget

GLS:JJ:sr

DENNIS SPANIOL
REPRESENTATIVE, NINETY-FOURTH DISTRICT
SEDGWICK COUNTY
438 S. SOCORA
WICHITA, KANSAS 67209



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN: ENERGY AND NATURAL RESOURCES
MEMBER: TAXATION
TRANSPORTATION

Mr. Chairman:

The Subcommittee on Natural Resources recommends to the Standing Committee HB 2036 favorably for passage with the following amendment.

1. Adopting the Kansas Water Office suggested amendments.

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. 2036 by Special
Committee on Energy and Natural Resources

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2036 is respectfully submitted to your committee.

House Bill No. 2036 implements the Stream Recovery/Aquifer Restoration subsection of the State Water Plan by authorizing the state to participate in the purchase of certain water rights from willing water right holders. The purchase of water rights would be made on a cost-share basis, with 80 percent of the cost to be granted by the state and 20 percent to be paid by local entities. The State Conservation Commission would administer the cost-share program with funds appropriated by the Legislature. The Chief Engineer of the State Board of Agriculture would certify to the Conservation Commission that water rights proposed for cost-share meet the criteria established by the bill. Water rights purchased under authorization of the bill would, at the discretion of the Chief Engineer, be either retired or held in the custodial care of the state.

To be eligible for purchase under the bill, a water right would have to be in an area closed to further water appropriation, and be in a stream or aquifer restoration area designated for recovery by the Chief Engineer. In the case of groundwater, the right to be purchased would also have to be in an area where the water withdrawal rate exceeds the recharge rate. In the case of streams designated for recovery, minimum desirable streamflow standards would have to be established on those reaches so designated. Other conditions created by the bill include: willingness on the part of the right holder to return the water to the custodial care of the state; and a commitment by a local entity to pay for at least 20 percent of the purchase price negotiated by the entity and the water right holder.

The State Conservation Commission indicates that it could begin implementation of House Bill No. 2036 without additional staff or resources in FY 1988. However, House Bill No. 2036 is only one of several Water Plan bills under consideration by the 1987 Legislature that assign additional responsibilities to the Conservation Commission. Should two or more of these bills be enacted, their combined effect would be to increase the agency's FY 1988 staffing needs by one position, a Conservation Planner, at a total cost of \$41,793. The agency reports a fiscal impact from the bill in FY 1989 for additional staff to process applications and to provide information and technical assistance services to water right holders and conservation districts. Costs proposed by the agency for FY 1989 would be analyzed in context of the FY 1989 budget review process.

The State Board of Agriculture estimates that implementation of its responsibilities under the bill would require one additional position, a Civil Engineer II, at a total annual cost of \$36,255. The position would be required to assist the Chief Engineer in performing the analysis necessary for designating stream and aquifer recovery areas, and for developing recovery strategies. Although the position would be required for full implementation of the cost-share program, the agency indicates that it could begin implementation in FY 1988 with existing staff resources.

Funds available for purchase of water rights would be subject to legislative appropriation; the initial appropriation would not be required before FY 1989 at the earliest. It is not possible to make an accurate projection of suitable funding levels because funding required to implement the bill would depend, at least in part, upon factors not yet known, including: areas to be designated for recovery; willingness of local entities to participate in cost-share; willingness of water right holders to relinquish their rights; and the market value of water rights in areas designated for recovery.

The bill appears, however, to create the potential for significant fiscal impact. Information supplied by the Board of Agriculture cites one example where a water right value in a Western Kansas county was established at \$237.50 per acre foot on a quarter section of land. The total water right in this case was 320 acre feet, for a total value of \$76,000.

Although these figures are presented only for illustrative purposes, they do indicate the possibility of substantial fiscal impact in the future.

Any expenditures resulting from passage of House Bill No. 2036 would be from the State General Fund and would be in addition to amounts contained in the FY 1988 Governor's Budget Report.



Gary L. Stotts
Acting Director of the Budget

GLS:JJ:ks

STATE OF KANSAS

DENNIS SPANIOL
REPRESENTATIVE, NINETY-FOURTH DISTRICT
SEDGWICK COUNTY
438 S. SOCORA
WICHITA, KANSAS 67209



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN: ENERGY AND NATURAL RESOURCES
MEMBER: TAXATION
TRANSPORTATION

Mr. Chairman:

The Subcommittee on Natural Resources recommends to the
Standing Committee HB 2037 favorably for passage.



TOPEKA

HOUSE OF
REPRESENTATIVES

DENNIS SPANIOL
REPRESENTATIVE, NINETY-FOURTH DISTRICT
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COMMITTEE ASSIGNMENTS
CHAIRMAN: SEDGWICK COUNTY LEGISLATIVE DELEGATION
MEMBER: ASSESSMENT AND TAXATION
ENERGY AND NATURAL RESOURCES
TRANSPORTATION
JOINT COMMITTEE ON ADMINISTRATIVE
RULES AND REGULATIONS

Mr. Chairman:

The Subcommittee on Natural Resources
recommends to the Standing Committee HB2091
favorably for passage with amendments.

1. Language was added to treat the fur harvesters certificate in the same manner.

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

DENNIS SPANIOL

REPRESENTATIVE, NINETY-FOURTH DISTRICT
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COMMITTEE ASSIGNMENTS

CHAIRMAN: SEDGWICK COUNTY LEGISLATIVE DELEGATION
MEMBER: ASSESSMENT AND TAXATION
ENERGY AND NATURAL RESOURCES
TRANSPORTATION
JOINT COMMITTEE ON ADMINISTRATIVE
RULES AND REGULATIONS

Mr. Chairman:

The Subcommittee on Natural Resources
recommends to the Standing Committee HB 2241
favorably for passage with amendments.

1. The effective date was changed to January 1, 1988.
This amendment would eliminate any fiscal note.

A HOUSE RESOLUTION recognizing the positive role that forests and trees play in enhancing our Kansas environment and commorating the action of the 1887 Kansas Legislature in making Kansas the fifth state in the nation to establish a state forestry agency and recognizing the week of March 15 through March 21, 1987 as Kansas Forest Resources Week.

WHEREAS, the 1.5 million acres of naturally occuring woodlands in Kansas provide timber products and associated employment, fuel, wildlife food and habitat, soil and watershed protection, and other multiple forest benefits for the citizens of Kansas; and

WHEREAS, Kansans have a long tradition as tree planters for multiple purposes such as windbarriers, timber production, fuelwood, wildlife enhancement, and beautification; and

WHEREAS, trees in our Kansas communities represent a specialized forest of 1.2 million acres providing shade, beauty, wind protection and many other environmental benefits to our urban residents; and

WHEREAS, 1987 marks the centennial year in which the state of Kansas established a state forestry agency; and

WHEREAS, the action of the 1887 Kansas Legislature establishing the Office of Commissioner of Forestry made Kansas the fifth state in the nation to establish a state forestry agency: Now, therefore,

Be it resolved by the House of the State of Kansas: That we recognize the week of March 15 through March 21, 1987 as KANSAS FOREST RESOURCES WEEK in full appreciation of the positive role that forests and trees play in enhancing our Kansas environment and in making our state a better place to live and visit;

Be it further resolved: That the Secretary of the House be directed to send enrolled copies of this resolution to Kansas State University President, Dr. Jon Wefald; Dean of Agriculture, Walter Woods; and Kansas State Forester, Jay Schultz, all in care of Kansas State University, Manhattan, Kansas 66506.