

Approved March 26, 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 ~~xxx~~/p.m. on March 4, 1987 in room 526-S of the Capitol.

All members were present except:

Representative Barr (excused)  
Representative Sifers (excused)  
Representative Sutter (excused)

Committee staff present:

Ramon Powers, Research Department  
Arden Ensley, Revisor of Statutes  
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

John M. Epler, Hallowell, Kansas

Mr. Epler did not oppose Executive Reorganization Order No. 22 overall, but listed four points of concern in particular. (Attachment 1)

Copies of written testimony distributed to the committee relative to ERO 22 were from the following:

Claudia Spener, Executive Director, Kansas Natural Resource Council (Attachment 2)  
Nile Fowler, Sportsman, Topeka, Kansas (Attachment 3)  
Richard A. Shull, Ninnescah Yacht Club, Wichita, Kansas (Attachment 4)  
Virgil L. Wenzel, Member, Cheney State Park Advisory Board (Attachment 5)  
John Mies, Cheney, Kansas (Attachment 6)  
Bruce Uppendahl, Cheney, Kansas (Attachment 7)  
Glenn E. Failor, Member Osage Oranges Campers, Lyndon, Kansas (Attachment 8)

Chairman Fox commented that, assuming that ERO 22 should be passed, it was his intent to send a letter to the Legislative Coordinating Council requesting a Special Interim Committee to study the issues of concern that have been addressed. He noted that if not in the interim, then in the next legislative session, those issues would be defined much tighter legislatively than in the ERO. This would give conferees an additional forum as these specifics are considered in detail and codified into law. Representative Guldner, seconded by Representative Acheson, made a motion to request that an affirmative resolution to approve ERO 22 be drafted. The motion carried.

Turning to House Resolution 6032, Recognizing March 1987 as Kansas Wildlife Heritage Month; Representative Freeman, seconded by Representative Spaniol, moved to report HR 6032 favorably for passage. The motion carried.

Representative Holmes presented the Energy Subcommittee Report. (Attachment 9) He explained that House Bill 2343 had come through as a PCB bill, but that EDB's were actually being addressed in it. EDB, ethylene dibromide, is an insecticide widely used in soils and as a fumigant for grain mills, equipment and warehouses. A request had been made to kill House Bill 2343 and introduce a proposed House Resolution to correct the error in terminology. (Attachment 10) Representative Holmes, seconded by Representative Webb, made a motion to introduce and refer directly to the floor a House Resolution dealing with ethylene dibromide. The motion carried. Representative Holmes, seconded by Representative Acheson, moved that House Bill 2343 be reported adversely. The motion carried.

ENERGY SUB. 2/24/87

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
 room 526-S, Statehouse, at 3:30 ~~a.m.~~ p.m. on March 4, 1987

House Bill 2108--Underground burial of radioactive waste; prohibited. Representative Holmes said that the Subcommittee had recommended this bill favorably to the standing committee with an amendment specifying that this would apply to temporary as well as permanent burial. Representative Holmes, seconded by Representative Fry, made a motion to amend House Bill 2108 on page 1, line 35, following the period, by inserting: "The prohibition against underground burial shall include both the temporary and permanent emplacement of hazardous or radioactive waste." Representative Grotewiel had a question regarding the word "emplacement." Staff agreed to research use of the word. A vote was taken and the motion carried. (Attachment 11)

Representative Holmes, seconded by Representative Roe, moved to report House Bill 2108 favorably as amended. Representative Holmes pointed out that this bill does not ban radioactive waste from the state--that it will be accepted provided that it is held above ground. The motion carried. ENERGY SUB. 2/3/87; 2/10/87; 2/24/87

Representative Spaniol gave the Natural Resources Subcommittee Reports. (Attachment 12) House Bill 2292--Fish and game; harrassment of hunters and fishermen. The subcommittee proposed the following three amendments:

1. In line 21, delete "shooting."
2. Include an amendment saying: "No provision of this section shall obstruct or impede the legal rights and normal activities of landowners or tenants, including but not limited to farming, ranching and the right to limit trespass."
3. Requested by Kansas Fish and Game: "The provisions of this act shall not apply to the actions of law enforcement officers and personnel of the Kansas fish and game commission in the performance of their official duties."

Representative Spaniol moved that the amendments be accepted and House Bill 2292 be passed favorably as amended. Representative Lacey seconded the motion. Following discussion, a vote was taken and the motion carried. N.R. SUB. 2/23/87; 3/4/87

House Bill 2480--Water districts; annexation of land by cities. This bill had been requested for introduction by a Johnson County Water District to clarify existing state law in a situation where land is annexed by a city and goes into an area currently being operated by a water district. Representative Spaniol moved to recommend that House Bill 2480 be reported favorably for passage. Representative Lacey seconded and the motion carried. (Attachment 13) N.R. SUB. 3/2/87; 3/4/87

House Bill 2237--Watershed districts; formation, governing body and powers and duties thereof. Representative Holmes presented a balloon which listed a number of amendments to which all parties had agreed. (Attachment 14, 15) Representative Holmes made a motion to accept the proposed amendments to House Bill 2237. Representative Sutter seconded and the motion passed. Representative Holmes, seconded by Representative Sutter, moved to report House Bill 2237 as amended favorably for passage. The motion carried. ENERGY SUB. 2/17/87; 2/24/87

Representative Holmes announced a tour of Wolf Creek on Wednesday, March 18, leaving the Capitol at 3:30 p.m.

Chairman Fox again expressed his appreciation for the work done by the subcommittees.

The meeting was adjourned at 4:12 p.m.



John M. Epler  
Rt. 1-Box 75  
Hallowell, KS 66744  
phone 316-597-2941

Concerning Executive Reorganization  
Order No. 22, Dept. of Wildlife and Parks

1. In the opening statement of the Executive Order, the Governor assures us that no federal funds will be jeopardized. This administration may have a very good intent, but future governors might not have such good intent. There should be some guidelines for spending federal funds exactly as they are supposed to be spent.
2. The secretary of Wildlife and Parks will have the authority to buy, sell or hold any property belonging to the agency. It seems that giving so much authority to one man should be a concern to all of us. If the secretary chose to do so, he could sell any portion of the public lands in Kansas, and still be within his authority. It would seem only prudent to create a system of checks that would prevent one man from possibly dismantling the public lands of our state.
3. In section 6 of the order, it states that the secretary will have the authority to organize the department any way he wishes, with only the governor having any veto power over his actions. Under this administration, there may never be any problems. However, future governors may not be sympathetic to hunters and fishermen.
4. If the order is enacted, current Fish and Game funds will be spent where they are intended at this time. However, the order does not specify how future funds will be spent. Many of the hunters and fishermen of Kansas are concerned that license fee money will be transferred to the park system or to the general fund. The resident hunting and fishing fees in Kansas are now higher than resident fees in many other states. Sportsmen are concerned that if funds are tight, they will be hit with even higher fees-which could be spent by another branch of state government.

# Kansas Natural Resource Council

March 2, 1987

Rep. Ron Fox, Chairman  
House Energy & Natural Resources Committee  
State Capitol  
Topeka, KS 66612

Dear Rep. Fox,

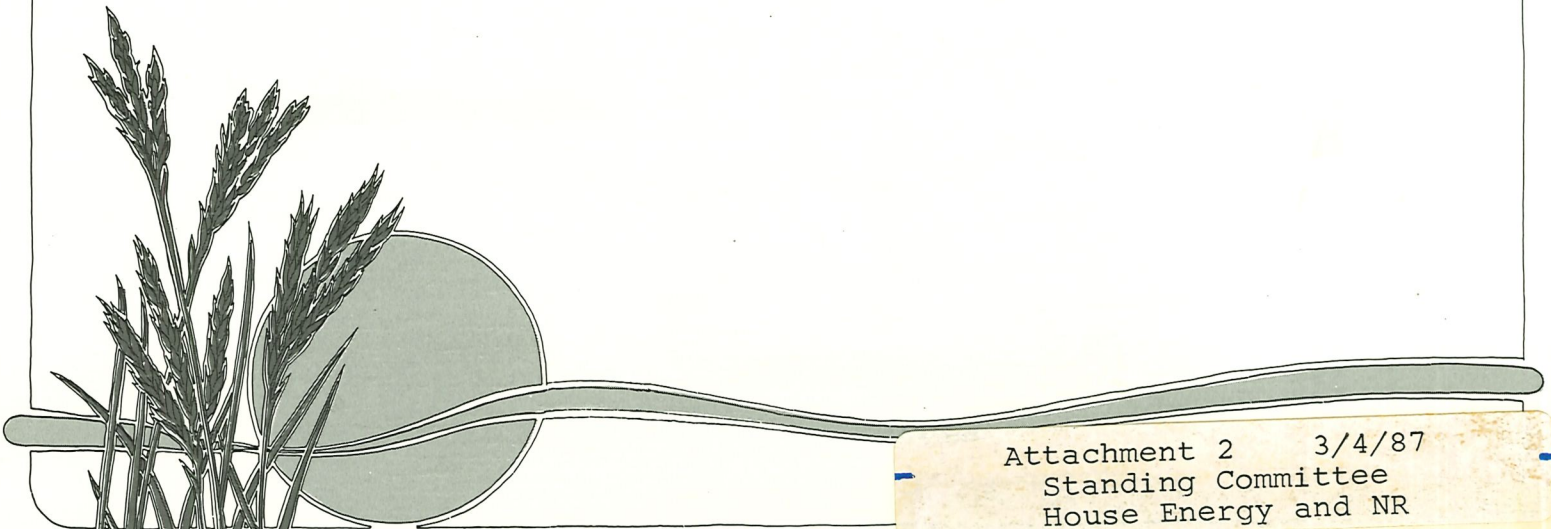
The Kansas Natural Resource Council supports passage of ERO 22 to merge the Kansas Fish & Game Department with the Parks Resources Authority.

We believe that moving Fish and Game administrative functions to the state capital and giving both departments cabinet status, will strengthen outdoor recreation and certainly upgrade Kansas' wildlife management program.

Sincerely,



Claudia Spener,  
Executive Director



Attachment 2 3/4/87  
Standing Committee  
House Energy and NR

3421 SW Hodges Rd  
Topeka, KS 66614  
March 4, 1987

The Honorable Ron Fox  
State Capital  
Room 112-S  
Topeka, KS 66612

Dear Mr. Fox:

I was not able to attend the public hearing yesterday concerning the "Executive Reorganization Order No. 22." I would like to submit these copies of the testimony I had planned on giving to your committee.

I would appreciate it if each member of the Energy and Natural committee got a copy of my statement. Thank you for your time and the effort.

Sincerely yours,



Nile Fowler  
Sportsman

3421 SW Hodges Rd  
Topeka, KS 66614  
March 3, 1987

Energy and Natural Resources  
House Committee Members  
State Capital  
Room 526-S  
Topeka, KS 66612

Mr. Chairman and Honorable Congressmen:

I am sorry that I cannot stand before you, today, in person, to state my views and opinions concerning "Executive Reorganization Order No. 22." I hope that this will not have any ill effects toward what I find necessary to say.

I have been over ERO No.22 many times and have spoken to many people concerning it. I have attended the Kansas Fish and Game public meetings and one wildlife organization's meeting to listened to the words that many sportsman have had to say about it. After each encounter, I felt that I needed to know more about what pertains to this new agency. So I spent some time investigating in the State Library to find the answers that have eluded many people.

As I see it, there are three main concerns that I and others have that cloud this order. First, the appointment of the secretary and his appointments down to the classified personnel was not clear till I researched the statues that clarify this issue. I talked briefly with Senator Merrill Werts about this and he assured me that the intent of the law would be upheld. This gave me the comfort of knowing that we the sportsmen of Kansas do have the means of checks and balances to have someone as secretary of our wildlife and parks.

Next, the governor's appointments for the seven member commission panel. I feel that more emphasis needs to be placed on the criteria of these individuals. I see the possibility of an imbalance favoring one particular sector, either the users or non-consumptive users of the wildlife and parks.

Last is the problem of monies. Governor Hayden is quoted as saying by placing this reorganization before you people, the legislators, "that the integrity of Federal funds associated with these two agencies will be maintained so that Kansas is not in jeopardy of losing federal dollars" (New Release, page 3, 2/9/87). This is all fine and well, but, what about the money that is raised by the seperate departments. I understand that federal money is protected, the state money

is the question here. If some clarification concerning this issue was made clearer, I and many others might feel at ease.

All in all, I don't have any regrets in what I am about to say. I feel as a voter, taxpayer, and most of all a person deeply concerned about our wildlife and parks in Kansas that I am in favor of Governor Hayden's Order No. 22. I urge you, as representatives of my voice, to vote for the success of ERO No. 22. I also urge you to carry forward my concerns for the three issues mentioned and to iron out any problems that might occur.

I see this as a new beginning for all of us in Kansas by recognizing the need for this agency. Our state wildlife and parks have for years been an economical boast to many people. It is an industry that needs full development and support from the people and government. Most of all the funding that government can give to right this agency and once again place Kansas on the top of the list of states to visit. Recreational needs of many people can once again be fulfilled by a well funded agency.

Respectfully yours,



Nile Fowler  
Sportsman



# Moore, Graybill, Shull, Craig & Wessling

SUITE 790 CENTURY PLAZA BUILDING  
111 WEST DOUGLAS AVENUE  
WICHITA, KANSAS 67202-3273

Warner Moore  
Jacob S. Graybill  
Richard Shull  
J.B. Craig  
John P. Wessling

(316) 263-2201  
(316) 262-3796

March 4, 1987

Mr. Ron Fox  
State Office Building  
Topeka, Kansas 66612

Re: Proposed Wildlife & Parks Department/Executive  
Reorganization Order No. 22

Dear Mr. Fox:

I have worked with the State Park Resources Authority since the early 1970's as a result of my connection with the Ninnescah Yacht Club which operates a marina concession at Cheney Lake. I am writing on behalf of the hundreds of members of our club and other persons who use Cheney Park regularly.

In reviewing ERO 22 and the proposed changes in the structure of the Park and Resources Authority and the Fish and Game Commission, it appears that the structure is very workable, but there are some concerns that need to be addressed presently and later on at the administration level.

Last year between April 1 and October 1, there were 380,000 people who used the facilities at Cheney Lake. The fact that the park has been safe is directly attributable to the competent law enforcement abilities of the State Park and Resources Authorities Rangers.

It is my understanding that when the new body becomes effective, that law enforcement for both fish and game purposes and park and resources purposes will be under one supervisor located at Pratt. Our concern is that on weekends there will still be adequate crowd and traffic control in the park and that staff will not be pulled off to assist in some fish and game duty elsewhere. During the week ends, especially during the holiday weekends, there is considerable vehicular traffic and a considerable number of pedestrians, including many young children, on the roads at Cheney Park. Traffic control and containment is extremely

STATE OF KANSAS

RON FOX  
REPRESENTATIVE, TWENTY-FIRST DISTRICT  
JOHNSON COUNTY

4216 W 73RD TERR  
PRAIRIE VILLAGE, KANSAS 66208-2937  
913-831-0467



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
CHAIRMAN ENERGY AND NATURAL RESOURCES  
MEMBER ASSESSMENT AND TAXATION  
NATIONAL CONFERENCE OF STATE  
LEGISLATURES COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT

STATE CAPITOL  
TOPEKA, KANSAS 66612-1591  
913-296-7673

March 2, 1987

Mr. Virgil L. Wenzel  
1102 West 30th  
Hutchinson, Kansas 67502

Dear Mr. Wenzel:

Thank you for your recent letter dealing with ERO 22. I agree with your concerns relating to the park rangers. However, the details which you refer to in your letter are not worked out as yet and will not be until such time as the implementing actually occurs.

Your concern about the Governor having final say on any and all unsettled problems ignores several aspects of state government and ERO 22. The Governor, whoever it is, must have those elected officials' support in funding and policy making. Also, the proposed Secretary will be subject to the Senate's review and confirmation.

The present Park Authority and Fish and Game Commission are presently appointments of the Governor and what you assume could happen under the proposed reorganization could just as easily happen under the present system.

Your concern that the parks will be left without ranger protection will be addressed as the reorganization occurs. I know it is not Governor Hayden's intent to leave the parks unprotected. Under the ERO 22, the details of where the law enforcement and other divisions go is not specified. The organization chart which has been published is only one of several possibilities.

If the proposed chart which you refer to were adopted, a ranger would still be assigned to the park and would be on call as the park manager saw fit. The combination role which you explained in your letter is a real possibility but remember, when the Wildlife enforcement problems are at their low point, Park enforcement problems are at their highest. Hence, the ability of the "Game Wardens" to assist in the parks is enhanced.

Attachment 5 3/4/87  
Standing Committee  
House Energy and NR

Mr. Virgil L. Wenzel  
March 2, 1987  
Page 2

Likewise, as you pointed out, the ability of the "Park Rangers" to assist during peak Wildlife enforcement problems is increased. I believe the two can complement each other very well.

As you are aware, the present Parks Authority receives funding from two main sources; fees and general funds from the state. With the present problem with general funds, I see no possibility of increasing funding. By combining the two agencies we can increase the effectiveness and efficiency of the two agencies, which will result in better Parks and Wildlife management.

Thank you for your time and interest in state government. I will see that a copy of your letter is shared with the Governor, the Energy and Natural Resources Committee and your Representative.

Sincerely yours,

Ron Fox, Representative  
21st District

cc: Governor Mike Hayden  
House Energy and Natural Resources Committee  
Representative Whiteman

Att: The Honorable REPRESENTATIVE RON FOX  
Chairperson House Energy & NATURAL RESOURCES committee  
State Capital Building  
Room 112-S  
Topeka, Kansas 66612

Dear Representative FOX,

We the members of the Cheney State Park Advisory board are writing this letter to you concerning the **Executive Reorganazation Order No.22.**

We have received copies of that order, and studied the the diagram of proposed structuring, and have visited and talked with many of the people who use our state parks.

We would like to go on record as being opposed to the order No. 22. even though we have our doubts as to whether or not it can be stopped.

There are many reasons for our concern about this order no.22 some of which we would like for you to consider.

1. The Governor has the final say on any and all unsettled problems, Not our elected legislators, such as yourself, who should speak for the people , and carry out their desires and wishes . It appears that as long as we have a Governor that feels that this is a necessary and important agency it might turn out to be all right. But what happens when a Governor is in office who doesn't feel that this agency is all that important. Which direction will the agency then go?

2. The agency policies are to be set by a Governor appointed (7) seven member commission and a Governor appointed secretary of wildlife and parks. This speaks of a secretary and commission that could be used to fulfill political favors and play politic's rather than fulfilling the wishes of the people.

3. Even though the Governor hopes for a more efficient agency, it will also be a more costly one. The order states that all present employees of the two agencies will retain their employment, plus several high salaried people will be appointed by the Governor. This adds up to more costs at a time when budgets have been cut 3.8% across the board , And at a time when park budgets are all ready cut to the bone. We are grasping at new means to raise funds to support the parks. More monies for added administration means less monies for operations, maintenance, and improvements so greatly needed now.

4. The name of the new agency Department of **Wildlife** and Parks immediately tells us that it will be a pro fish and game administration , Otherwise they would have used standard methods and it would have been called Department of Parks and

Wildlife.

5. There can be no doubt to anyone as to which of the two agencies being consolidated will have the greatest clout with our state legislators and administration, nor which is the greater financially speaking. These two facts along with the new name certainly tells us that order No.22 begins with a pro fish and game attitude in our administration and should make us all wonder where Kansas State Parks will end up in the shuffle.

6. Park management and law enforcement are to be two separate areas as set up in the organizational plan. This means park managers will not be in control of the Rangers in the parks as in the past. They will be controlled by operational headquarters in Pratt, Kansas. We understand that fish and game have all ready set up their proposal as to law enforcement operations. We know fish and game say they are short on conservation officers now, and we certainly know that the Kansas State Parks are short on Rangers now. With a pro fish and game administration guess where law enforcement will be lacking the most; Of course in the State Parks. We join with some of the other park managers in the fear that law enforcement officers will not be around as much as they are now to curtail vandalism of our parks, keep order and protect the people of Kansas who use the park.

Who will collect the large sums of monies from camp hosts, collector booths, and deliver the same to the park office. Who will protect the monies in the park office until it is placed in a bank. These jobs are now delegated by the park manager to be done by the rangers. No more, he won't be able to give them orders or directions. It will do no good at all for campers using our parks to complain to park managers or park personnel about any kind of trouble or problem as they won't be able to send rangers to correct the problem. What are the people to do, contact Pratt when fights, drunk's, thieves violate quiet time and break other rules and regulation of our state parks. This is a crucial area and one of great concern to us; as it should be to you.

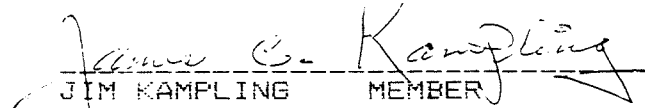
There are many more problems we can foresee but they are to numerous to mention in this letter.

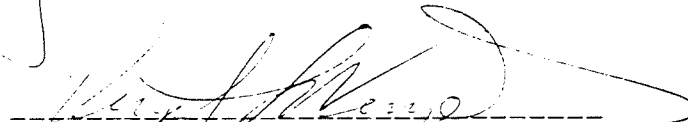
We feel that Order No.22 should be stopped as it is drawn up. If it can not be stopped at least some regulation and control should be placed on it that gives the people a chance of expression thru their respective legislators.

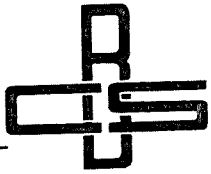
The people of Kansas and other states who use our state parks and facilities are not few in number. Those we have talked to are mostly of the same opinion as we are. We are sure that if order No. 22 goes thru as is, and the state parks are pushed into a back seat position, causing less of everything in our parks these people as well as ourselves will be very displeased with those who have let it happen.

We respectfully ask for your help in fighting this Order No. 22. Please feel free to contact me if I can help in any manner, (316) 665-6156, Virgil L. Wenzel.

Cheney State Park Advisory Board,

  
-----  
JIM KAMPLING MEMBER

  
-----  
VIRGIL L. WENZEL MEMBER



*The*  
**CITIZENS STATE BANK**

PHONE 542-3142 / CHENEY, KANSAS 67025

LEON ROEMBACH . . . CHAIRMAN of the BOARD  
EDWARD ROEMBACH . . . . . PRESIDENT  
EILEEN BLACK . . . VICE PRESIDENT & CASHIER  
JAMES U. FISHER . . . . . SR. VICE PRESIDENT  
HAROLD W. BOHM . . . . . SR. VICE PRESIDENT  
ROGER F. BROWN . . . . . VICE PRESIDENT  
JOHN F. MIES . . . . . VICE PRESIDENT  
PHYLLIS ZERENER . . . . . ASST. CASHIER

2/25/87

Representative Ron Fox  
State Capitol Bldg.  
Topeka, Ks. 66612

Dear Sir:

I am writting this note to express my concern for the newly proposed Order NO. 22. We really feel that our outdoor parks in Kansas are a very important asset to the economy of our State.

We have some real concerns that with Governor Hayden's keen interest in hunting and wildlife that the Parks management could be left in the dark. Both the hunting and outdoor recreation that our State Parks provide are very vital to our State. I'm sure that I do not need to discuss the need for recreation in our State for our citizens and to encourage others to locate in our fine State.

We are very involved with our local park at the Cheney Reservoir and are proud of the progress that has been made at that Park. The management is excellent and things seem to be running very well lately. They could always use additional funds to make improvements at the Park, however they do very well managing the monies that they receive. I really feel that we get our money's worth in our State Parks. I regularly use the parks and do not mind if it is necessary to raise users fee's to help maintain the fine recreational areas.

I am concerned, if the reorganization takes place that our Park Managers would loose their legal ability to control disturbances within the park. I also hope that they will not loose their Park Rangers that perform a host of duties within the park to make a weekend at our Reservoirs and Parks a fun and safe experience. Anytime that a large number of people gather problems do arise and it is important to have close response to guarantee the safety of the families that frequently use these facilities. Please keep in mind over the next few weeks the value to our State that our outdoor recreation plays in keeping people in Kansas.

Thank you  
Attachment 6 3/4/87  
Standing Committee  
House Energy and NR

Sincerely

John F. Mies  
*John F. Mies*


February 26, 1987

Dear Sir:

As a avid hunter and fisherman of Kansas, and a good supporter of the Kansas Park Authority, I am a little concerned about the Governor's reorganization and combination of the two branches. Specifically, the new proposal, has the law enforcement section of the two departments as a separate entity from the park management section. Currently, the park managers have some control over their rangers, but the way I understand the new proposal, the rangers will not answer to the park managers, but to their own law enforcement managers. This could become a serious problem, especially during the summer months when park usage is high, and the rangers would have to not only patrol the parks, but they would also be expected to patrol and serve as game wardens outside the park. You cannot be two places at once. During the Fall and Winter months I don't see this as a problem due to less use of the parks. When there is a problem or disturbance at one of our parks, it is generally addressed to the park manager, because of his easy access, and he should have the authority to send the rangers to eliveate the problem. Let's keep the park rangers in the parks, under the supervision of the park managers, and the game wardens out in the county. If anything, lets increase both party's budgets, and help them continue to give us the fine protection we have come to expect in Kansas. Please give this your consideration.

Bruce Uppendahl  
cheney, kansas 67025

Box 536





Lyndon, Kansas  
February 19, 1987

Rep. Ron Fox, Chairman  
House Energy & Resources Comm.  
State Capitol Building  
Topeka, KS 66612

Dear Mr. Fox:

I am writing in regards to Executive Reorganization Order No. 22 --the joining together of State Fish and Game and the Kansas Park & Resources Authority.

I have traveled in many states throughout the United States. Kansas, by far, has a better park system than any that we have visited. It is true that many states have mountains, rugged rocky outcrops and numerous other attractions which lure the traveling campers in, but don't we have beautiful lakes with trees and rocks, and well kept, clean surroundings in our state parks? Above all, our state park managers, rangers and other personnel are proud of the facilities they have to offer to the public.

Nowhere will you find cleaner and more attractive rest rooms than in our state parks. This is high on the priority list of most campers. When these facilities are dirty and rundown, a camper or traveler will not stay long or perhaps not at all, and he is quick to tell the people back home and the travelers he meets along the way. As long as the parks are clean, grass mowed, gravel or other material is on the pads, with electricity, water and sewer hookups in some areas (which our parks have), mountains and such make no difference. Let's keep the parks growing as they are today and thousands of people will continue to come week after week, this year and next year. It should not be forgotten that the camper comes to the parks and spends money there, and he also patronizes the merchants in the towns nearby.

I am asking that you do not let the campers who use our state parks down. Let's keep the State Park and Resources Authority separate from the Fish and Game Commission. It is agreed that fishing and wild life have a part in our state too, but I believe each is big enough to be kept as two separate commissions.

Thanks for letting me share with you the views of myself and many other camping friends.

Sincerely,



Glenn E. Failor, Member  
Osage Oranges Campers, KCA & NCHA  
Rt. 2  
Lyndon, KS 66451

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 HR on EDB's

favorably for passage.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Energy and Natural Resources

Recommends that House Bill No. 2343

"AN ACT relating to the transportation of polychlorinated biphenyls; providing for public notice."

Be not passed.



Chairperson

Deliver to  
CARL HOLMES

7 RS 1183

PROPOSED

HOUSE RESOLUTION NO. \_\_\_\_\_

By Committee on Energy and Natural Resources

A RESOLUTION requesting notice be provided to the governing bodies of each city and county through which ethylene dibromide is transported or stored.

WHEREAS, Exposure to ethylene dibromide poses a substantial risk to human health and the environment; and

WHEREAS, Ethylene dibromide has been banned from sale and use by the United States Environmental Protection Agency; and

WHEREAS, Ethylene dibromide is being temporarily stored at various locations in Kansas pending ultimate disposal to be provided by the United States Environmental Protection Agency; and

WHEREAS, Local officials desire to know when ethylene dibromide is stored or transported within their jurisdiction:  
Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we strongly encourage any persons or industries in possession of ethylene dibromide (EDB) to notify the governing bodies of any city and county of the presence of ethylene dibromide at their respective facilities located in such city or county and to cooperate with such officials to protect public health and safety through the safe storage and transportation of ethylene dibromide.

Be it further resolved: That persons or industries in possession of ethylene dibromide should notify the governing bodies of any city and county two weeks prior to the transportation of ethylene dibromide through such city or county to ensure that adequate precautions may be taken to protect the public health and safety.

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send an enrolled copy of this resolution to the Secretary of the Kansas Department of Health and Environment.

STATE OF KANSAS

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



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 HB 2108 favorably for passage with  
amendments.

1. On page 1, in line 35, following the period, by inserting  
"The prohibition against underground burial shall include  
both the temporary and permanent emplacement of hazardous  
or radioactive waste.";

Carl Holmes, Chairman  
Subcommittee on Energy

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 House Bill 2292 favorably for passage with the following amendments:

1. In line 21, delete "shooting."
2. Include an amendment saying: "No provision of this section shall obstruct or impede the legal rights and normal activities of landowners or tenants, including but not limited to farming, ranching and the right to limit trespass."
3. Requested by Kansas Fish and Game:  
"The provisions of this act shall not apply to the actions of law enforcement officers and personnel of the Kansas fish and game commission in the performance of their official duties."

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 2480 for passage.

Dennis Spaniol, Chairman  
Subcommittee on Natural Resources

STATE OF KANSAS

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



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 HB 2237 favorably for passage.

Carl Holmes, Chairman  
Subcommittee on Energy



0095 tence on the effective date of this act consisting of more than 15  
 0096 members shall determine the number of board members, which  
 0097 in no case shall exceed the current number of board members. At  
 0098 least one director shall be selected from each subwatershed  
 0099 located within the district. Each director shall serve for a term of  
 0100 three (3) years, and until his a successor is duly elected and  
 0101 qualified, except that one-third of the original directors desig-  
 0102 nated in the petition for organization of the district shall serve for  
 0103 a term of one (1) year, one-third for a term of two (2) years,  
 0104 one-third for a term of three (3) years, from the date the certifi-  
 0105 cate of incorporation is filed of record in the office of the register  
 0106 of deeds of each county in which territory of the district is  
 0107 located. Such directors shall serve without compensation, but  
 0108 shall be allowed actual and necessary expenses incurred in the  
 0109 performance of their official duties.

0110 Sec. 3. K.S.A. 24-1211 is hereby amended to read as follows:  
 0111 24-1211. In not less than twelve (12) 12 months, nor more than  
 0112 thirteen (13) 13 months after the recording of the certificates of  
 0113 incorporation, and annually thereafter, a meeting shall be held  
 0114 for the election of directors whose terms expire and also to  
 0115 render a report on the financial condition and activities of the  
 0116 district. Notice of said the annual meeting shall be given at least  
 0117 ten (10) 10 days prior to the date thereof by one publication in a  
 0118 newspaper of general circulation in each of the counties of which  
 0119 said watershed district is a part. Elections shall be by ballot.  
 0120 Qualified voters in attendance shall be entitled to vote at any  
 0121 such meeting. The directors shall fill any vacancy occurring on  
 0122 the board prior to the expiration of the term of any director by  
 0123 electing a substitute director to serve for the unexpired term.  
 0124 The number of directors of a district or the date of the annual  
 0125 meeting, or both, may be changed at an annual meeting if notice  
 0126 of the proposition of making such change or changes is given at  
 0127 the annual meeting immediately preceding the annual meeting  
 0128 at which such change or changes are considered: ~~Provided, That~~  
 0129 If the number of directors is proposed to be changed, the propo-  
 0130 sition shall be introduced in the same manner as other items of  
 0131 business and shall clearly show the changes in representation of

including the estimated construction date of all proposed projects to be initiated within the next five years and the board's determination as to whether each of these projects is still cost effective and in the current public interest

0132 subwatersheds, if any, and in the length of terms of the directors.  
 0133 It shall be the duty of the board of directors to include ~~said the~~  
 0134 proposition in the notice of the annual meeting at which such  
 0135 changes are being considered. If a majority of those voting are  
 0136 favorable, the election of directors shall be in conformance with  
 0137 the adopted proposal and all powers shall be exercised by the  
 0138 newly constituted board beginning immediately after ~~said the~~  
 0139 annual meeting. *Copies of the minutes of the annual meeting*  
 0140 *and report on the financial condition and activities of the*  
 1 *district shall be furnished to the state conservation commission.*

2 Sec. 4. K.S.A. 24-1212 is hereby amended to read as follows:  
 0143 24-1212. Regular ~~meeting~~ meetings of the board of directors shall  
 0144 be held ~~quarterly at the office of the corporation~~ no less than  
 0145 once each quarter on such day and place as is selected by the  
 0146 board of directors. Notice of such meeting shall be mailed to  
 0147 each director at least five (5) days prior to the date thereof, and  
 0148 special meetings may be held at any time upon waiver of notice  
 0149 of such meeting by all directors or may be called by the president  
 0150 or any two directors at any time: ~~Provided, That~~. Notice in  
 0151 writing, signed by the persons calling any special meeting, shall  
 0152 be mailed to each director ~~and the state conservation commis-~~  
 0153 ~~sion~~ at least two (2) days prior to the time fixed for such special  
 0154 meeting. A majority of the directors shall constitute a quorum for  
 55 the transaction of business and in the absence of any of the duly  
 56 elected officers of the district a quorum at any meeting may  
 0157 select a director to act as such officer pro tem. Each meeting of  
 0158 the board, whether regular or special, shall be open to the public  
 0159 ~~and the board shall at no time go into executive session. Copies~~  
 0160 ~~of the minutes of regular meetings shall be furnished to the state~~  
 0161 ~~conservation commission.~~

0162 Sec. 5. K.S.A. 24-1216 is hereby amended to read as follows:  
 0163 24-1216. (a) Following the adoption of the general plan and  
 0164 adoption of the method of financing, the board of directors may  
 0165 determine the order in which specific projects contemplated by  
 0166 the general plan shall be undertaken and to cause accurate  
 0167 surveys of all work deemed necessary to be done and accurate  
 0168 estimates and calculations to be made by some competent engi-

and special

0169 neer who shall prepare detailed construction plans and specifi-  
 0170 cations therefor showing the location, amount, and character of  
 0171 work to be done and the estimated cost of right of way, con-  
 0172 struction, maintenance and operation, which plans, specifica-  
 0173 tions, and estimates of costs shall be filed in the office of the  
 0174 secretary of the board and shall at all reasonable times be open to  
 0175 public inspection. The board shall carefully examine and con-  
 0176 sider the same and if they approve such plans, specifications and  
 0177 estimates of costs, they shall transmit a complete copy thereof to  
 0178 the chief engineer, who shall examine and study the plans and  
 0179 specifications as to conformance to the general plan and other  
 01 applicable state laws on water use and control and transmit a  
 0181 written report of the results of his study and investigation to the  
 0182 board which report shall include any changes or modifications  
 0183 which he deems necessary and which shall include a specific  
 0184 approval or disapproval of the plans and specifications.

0185 (b) ~~Every five~~ years following approval of the general plan,  
 0186 the board shall review the general plan to determine if projects  
 0187 proposed to be undertaken by the district in its original plan are  
 0188 still ~~cost effective~~ and in current public interest. A report of the  
 0189 review shall be given at a public meeting called for that pur-  
 0190 pose.

Ten  
 and every five years thereafter  
 feasible

0191 Any revisions or amendments to the general plan shall be  
 0192 submitted to the chief engineer in the manner provided by  
 0193 ~~subsection (a).~~

This review is not required of watershed districts that have completed their general plans.

K.S.A. 24-1213

*all the projects in the*

0194 Sec. 6. K.S.A. 24-1217 is hereby amended to read as follows:  
 0195 24-1217. If the resolution of financing provided for by ~~section~~  
 0196 K.S.A. 24-1216 of the Kansas Statutes Annotated, and amend-  
 0197 ments thereto, provides that all or any part of the cost of the  
 0198 works contemplated is to be paid by special assessment against  
 0199 lands especially benefited by such project, the board shall ap-  
 0200 point three (3) ~~disinterested~~ qualified appraisers who have no  
 0201 vested interests in the project and who shall recommend appor-  
 0202 tionment of the special assessment to the tracts of land subject to  
 0203 such special assessment. The appraisers shall have access to all  
 0204 available engineering reports and data pertaining to the works  
 0205 contemplated and may request such additional engineering data

0243 the expiration of ~~ninety (90)~~ 90 days from the date of ~~said the~~  
 0244 notice. The amount levied against each tract of ground to pay for  
 0245 the bonds falling due each year and the interest thereon shall be  
 0246 levied, certified to the proper county clerk and collected the  
 0247 same as other taxes.

0248 Sec. 7. K.S.A. 24-1218 is hereby amended to read as follows:  
 0249 24-1218. The board of directors and its representatives and  
 0250 employees, including engineers and contractors and their em-  
 0251 ployees, shall have the right and authority to enter upon private  
 0252 lands within or without the boundaries of the district for the  
 0253 purpose of conducting tests, surveys and other work incidental to  
 0254 the preparation of plans, maps, profiles and reports in connection  
 0255 with any work or proposed work of the district: *Provided, how-*  
 0256 ~~ever, That~~. The district shall be liable for any damages caused by  
 0257 such entry. ~~Restitution for reasonable damages shall be made to~~  
 0258 ~~the landowner within 60 days following receipt of a documented~~  
 0259 ~~accounting of such damages.~~

[Charges for damages shall be approved, modified, or rejected within

0260 Sec. 8. K.S.A. 24-1219 is hereby amended to read as follows:  
 0261 24-1219. The district board may issue no-fund warrants to pay for  
 0262 initial organizational, engineering, legal and administrative ex-  
 0263 penses of the district except that the amount so issued shall not  
 0264 exceed the product of two mills times the assessed valuation of  
 0265 the taxable tangible property within the district; ~~which~~. Such  
 0266 warrants shall be issued, bear interest and be retired in accord-  
 0267 ance with the provisions of K.S.A. 79-2940 ~~and acts amendatory~~  
 0268 ~~thereof, and amendments thereto~~, except that the approval of the  
 0269 state board of tax appeals shall not be required. Whenever  
 0270 warrants have been issued under this section, the board shall  
 0271 make a tax levy at the first tax levying period, after such warrants  
 0272 are issued, sufficient to pay such warrants and interest.

0273 *Following incorporation of the district by the secretary of*  
 0274 *state*, the board shall have authority to levy annually a tax of not  
 0275 to exceed two mills to create a general fund for the payment of  
 0276 engineering, legal, clerical, land and interests in land, installa-  
 0277 tion maintenance, operation and other administrative expenses  
 0278 and such tax may be against all of the taxable, tangible property  
 0279 of the district. Whenever the board desires to increase the mill