

Approved

Thomas F. Walker
Date 3-5-87

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Thomas F. Walker at
Chairperson

9:00 a.m./p.m. on March 3, 1987 in room 522-S of the Capitol.

All members were present except:

Representative Barr

Representative Peterson

Committee staff present:

Avis Swartzman - Revisor

Carolyn Rampey - Legislative Research

Raymon Powers - Legislative Research

Jackie Breymeyer - Secretary

Conferees appearing before the committee:

The meeting of the House Governmental Organization Committee was called to order by Representative Thomas F. Walker, Chairman. He asked the committee to check their calendars to see which date they would prefer to have the dinner given by John Peterson. March 16 was selected as the dinner date. The secretary was told to inform Mr. Peterson of the decision. The minutes will stand approved at the end of the meeting if there are no objections/corrections. The first item of business was the reception of the Subcommittee 2 Report by Representative Elain Hassler.

Representative Sprague moved to receive the Subcommittee 2 Report. Representative Hassler gave a second to the motion. The motion carried.

Representative Hassler said it had been a process of continuous learning, with numerous representatives from various agencies. There was a lot of hard work, communication, assessment and cooperation from all involved. Each subcommittee member read through and commented on a particular recommendation.

Recommendation #1 stated the Kansas Water Authority and Office should be extended for two years; the Legislature has a commitment to assist in implementing the State Water Plan and should take an active role to see water needs are met. Recommendation #2 - the Department of Commerce Secretary or designee should serve as an ex officio member of the Kansas Water Authority. Recommendation #3 - The Water Authority should be expanded to add a representative of the general public and a member with background and interest in water and environment. Recommendation #4 - The Chairman of the State Corporation Commission should have the authority to appoint a designee. Recommendation #5 - Legislation should be enacted to correct a technical error in K.S.A. 74-2622. (HB 2423 would accomplish this). Recommendation #6 - This recommendation would develop a procedure for the handling of damage claims before they go to court and are involved in lengthy and costly litigation. Recommendation #7 - Funding is supported for the water planning process. It is hoped that this is seen as ongoing, even though funding is dispersed through the various budgets. Recommendation #8 - This recommendation stresses a public trust relationship. Recommendation #9 stresses proper well drilling and the repercussions of not doing so correctly. Recommendation 10 addresses the physical location and proximity of the various water agencies. Recommendation 11 encourages the Governorate include the Director of the Water office in cabinet meetings. Recommendation 12 deals with public access and proximity of the water agencies. It also supports the Water Office in its effort to educate the public. A request to the Office to make a report to the House Governmental Organization Committee during the Session is contained in the recommendation. In concluding the report, the Subcommittee requests the Water Office report to the House Governmental Organization Committee during the 1988 Session on citizen access to water management agencies and efforts to educate the public. (See Attachment 1)

Discussion commenced on the Subcommittee 2 Report. One of the Committee members asked how the recommendations of the report are implemented. The Chairman went through the process by which the recommendations are carried out.

Representative Hassler was commended for her thorough job and she, in turn, complemented the Subcommittee for their work.

2
E10

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION
room 522-S, Statehouse, at 9:00 a.m./p.m. on March 3, 1987

Representative Hassler moved to approve the Subcommittee Report. Representative Graeber gave a second to the motion. The motion carried.

Representative Schauf moved to amend HB 2059 from 8 years to 2 years. Representative Weimer gave a second to the motion. The motion carried.

Representative Harder moved to amend HB 2061 from 8 years to 2 years. Representative Sebelius gave a second to the motion. The motion carried.

Representative Sebelius moved that HB 2059 and HB 2061 be passed favorably as amended. Representative Schauf gave a second to the motion. The motion carried.

Representative Hassler moved to include the recommendations of 2, 3, and 4 into HB 2423. Representative Harder gave a second to the motion. The motion carried.

Representative Schauf moved to have two bills drafted that would contain the recommendations of number 6 and number 9. Representative Sughrue gave a second to the motion. The motion carried.

Representative Hassler moved to amend HB 2423 by words to the effect that the Chairman of the Corporation Commission should have the authority to appoint the Director of the Conservation Division of the State Corporation Commission as a designee to serve on the Authority. Representative Harder gave a second to the motion. The motion carried.

The Chairman went over the agenda for the rest of the week and adjourned the meeting.

SUBCOMMITTEE REPORT

February 24, 1987
Approved as Revised, March 3, 1987

TO: House Governmental Organization Committee
FROM: Water Agencies Subcommittee
RE: Sunset Review of the Kansas Water Authority and the Kansas
Water Office and Office of the Director

The Subcommittee makes the following recommendations following its sunset review of the Kansas Water Authority and the Kansas Water Office and Office of the Director:

1. The Kansas Water Authority and the Kansas Water Office and Office of Secretary should be extended for two years (from July 1, 1987 to July 1, 1989). The Subcommittee recommends the two-year extension for two major reasons. First, the Subcommittee recognizes that personnel and policy changes could occur in the next several years as the result of the new administration. The two-year extension, which coincides with the end of the statutory term of the Director of the Water Office, would give the Legislature the opportunity to evaluate how the agencies are operating under the current administration. Second, the Subcommittee thinks the Legislature has a commitment to assist in the implementation of the State Water Plan and should take an active role in seeing that the state's water needs are met. Legislative review of the water planning process should occur on a periodic basis. House Bill Nos. 2059 and 2061 should be amended to reflect the Subcommittee's recommendation and then be reported favorably.
2. The Secretary of the Department of Commerce (or a designee) should serve as an ex officio member of the Kansas Water Authority. The Subcommittee thinks economic development and planning for the state's future with regard to its water resources go hand in hand. The agency in which so many of the state's economic development initiatives are focused should be represented in the state water planning process.
3. The Kansas Water Authority should be further expanded to add (1) a member who is representative of the general public (for a total of two public members on the Authority) and (2) a member who has a demonstrated background and interest in water use conservation and environmental issues. Both members would be appointed by the Governor. The Subcommittee thinks it is in the best interest of the state to see that a variety of interests are represented on the Authority and believes its recommendation would add balance to the present composition of the Authority.

ATTACHMENT 1
G.O. COMM.
3/03/87

4. The Chairman of the State Corporation Commission, who is presently an ex officio member of the Authority, should have the authority to appoint the Director of the Conservation Division of the State Corporation Commission as a designee to serve on the Authority. Mike Lennen, the present Commission Chairman, testified before the Subcommittee that he is presently prevented by statute from designating someone else to represent the Commission on the Authority. The Subcommittee agrees that the Chairman should have the flexibility to appoint the Director of the Conservation Division as a designee.
5. Legislation should be enacted to correct a technical error involving K.S.A. 74-2622. (The House Governmental Organization Committee has recommended legislation that would accomplish this.)
6. The Subcommittee requests that the Division of Water Resources, State Board of Agriculture, develop a procedure for adjudication of damage claims in situations where there has not been a finding of impairment of a water right, but where a claimant asserts that his or her right to water has been damaged. The existence of such an arbitration procedure would allow for the resolution of damage claims before they are brought before a court in lengthy and costly litigation.
7. The Subcommittee supports the water planning process and endorses a coordinated approach to the funding of programs proposed in the State Water Plan. The Subcommittee understands that under the present circumstance of reduced state revenues, the funding of water plan programs will be particularly difficult.
8. The Subcommittee believes that water is such a critical resource for the future of agriculture, industry, commerce, wildlife, and recreation that every effort must be made to protect the public interest from over exploitation of the resource or degradation of its quality. The state has an affirmative duty to assert a public trust relationship in its oversight of the use of water by and for the citizens of the state. The state has an obligation to ensure that present policies protect future generations by giving them access to the water they will need. To this end, the Subcommittee recommends that every effort be made to allow only the safe yield appropriation of water, which means that only as much water should be taken as permits an aquifer to recharge or a streamflow to be maintained.

9. As an incentive to ensure that domestic water wells are drilled properly, the Subcommittee recommends that legislation be introduced to provide that any person drilling a domestic well after July 1, 1987, which is not constructed according to standards established under K.S.A. 82a-1205, will not be eligible for securing an appropriation right for water taken from that well. K.S.A. 82a-705a will need to be amended.

The Subcommittee feels that assuring water quality is a fundamental responsibility of the state. Therefore, the proposed amendment would provide a disincentive to anyone who drills a domestic well that is not in compliance with appropriate well-construction standards established by the Kansas Department of Health and Environment.

10. The Subcommittee thinks that physically locating the offices of the water agencies as closely together as possible helps facilitate coordination. The Subcommittee is pleased that the move of the Kansas Water Office to the Mills building and adjacent to the Division of Water Resources has brought about greater coordination of water agency activities. The Subcommittee hopes that plans to move water-related functions of the Department of Health and Environment to office space in downtown Topeka will be accomplished.
11. It is the Subcommittee's understanding that, under the former Administration, the Director of the Water Office was invited to attend meetings of the Governor's cabinet. The Subcommittee is convinced that water issues are related to a broad range of public policy matters and that the Director should be involved in policy development at the cabinet level. For that reason, the Subcommittee encourages the present Governor to include the Director of the Water Office in meetings of his cabinet.
12. Throughout testimony before it, the Subcommittee was persistent in trying to determine whether public participation in the water planning process and public access to the water management agencies are adequate. The Subcommittee concludes that public participation in the water planning process is encouraged and facilitated, and the only addition to this process is the Subcommittee's recommendation of additional representation on the Water Authority. In the area of public access to the water management agencies, the Subcommittee believes that improvements can be made, and suggests that a central access point be created for individuals who have specific water-related questions or problems.

In addition, the Subcommittee supports the Water Office's efforts to educate the public on water issues, and requests that the Office make a report to the House Governmental Organization Committee during the 1988 Session about how information about water-related issues can be better disseminated.

In conclusion, the Subcommittee requests that the Office report to the House Governmental Organization Committee during the 1988 Session on efforts to improve citizen access to water management agencies and efforts to educate the public on water issues.

Elaine Hassler

Representative Elaine Hassler
Subcommittee Chairman

Ginger Barr

Representative Ginger Barr

Rick Bowden

Representative Rick Bowden

Jesse Harder

Representative Jesse Harder

Clarence C. Love

Representative Clarence Love

Dale M. Sprague

Representative Dale Sprague

Kathryn Sughrue

Representative Kathryn Sughrue