

Approved February 13, 1990  
Date

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Senator Ross Doyen at  
Chairperson

8:34 a.m./p.m. on February 8, 1990 in room 423-S of the Capitol.

All members were present except: All members present.

Committee staff present:

Raney Gilliland, Legislative Research Department  
Don Hayward, Revisor of Statutes  
Pat Mah, Legislative Research Department  
Lila McClafflin, Committee Secretary

Conferees appearing before the committee:

Lowell K. Abeldt, State Association of Kansas Watersheds  
Tracy Streeter, Resource Administrator, State Conservation Commission

The Chairman opened the hearing on SB 585 - relating to watershed districts; authorizing the establishment of structure maintenance funds.

Lowell Abeldt presented written testimony supporting SB 585 (Attachment I).

Tracy Streeter presented testimony urging favorable consideration of SB 585 (Attachment II).

The hearing on SB 585 was closed.

The Chairman opened the hearing on SB 594 - relating to the State Conservation Commission; concerning the membership of the commission.

Mr. Abeldt stated their state association had passed a resolution requesting that they have an appointed member on the State Conservation Commission.

Tracy Streeter stated at this time the State Conservation Commission was opposing SB 594, until they have had time to study it more completely.

The hearing on SB 594 was closed.

The Chairman called for action on SB 585. A motion was made by Senator Daniels that SB 585 be passed. Senator Martin seconded the motion. Motion carried.

The Chairman stated Ernie Mosher, League of Kansas Municipalities, had requested the committee introduce a bill that would allow the chief engineer of the Division of Water Resources to delegate the enforcement of limits of water use by domestic well owners partially within the boundaries of an intensive groundwater use control area (Attachment III).

A motion was made by Senator Hayden that the bill be introduced. Senator Martin seconded the motion. Motion carried.

A motion was made by Senator Hayden to adopt the minutes of the January 30, and 31, 1990 meetings. The motion was seconded by Senator Sallee. Motion carried.

The meeting adjourned at 8:46 a.m., next meeting will be, on February 13, 1990, at 8:00 a.m.

GUEST LIST

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<u>NAME</u>		<u>REPRESENTING</u>
Lowell W. Aboldt		State Assoc. of KS Watersheds
Tracy Shuster		SCC, Topeka
Randy Burson	Columbus	Empire Electric
Bill R. Fuller	Manhattan	Kansas Farm Bureau

Lowell K. Abeldt liaison to the legislature for the State Association of Kansas Watersheds.

Thank you, Mr. Chairman and members of the Committee.

The bill before us is needed from the standpoint of clarification of KSA-24-1219: disclosure to the District and its tax payers and legal interpretation for County Clerks.

Some feel that KSA-24-1219 does not direct itself to the operations and maintenance matter. Several accountants advised that a structure <sup>maintenance</sup> fund should be set up in the watershed district budgets. This is not additional taxing by the district but a transfer from their general fund, (example) a watershed may be completed and its general fund allowed to deplete itself due to the fact that no new construction is to be done. The district board may in view of this, reduce its mill levy or with possibly no levy filed. The district is responsible for operation and maintenance.

If an act of God situation occurs such as S.E. Kansas in 1986 with a cost of repair of \$625,000.00. 47 sights in 5 watersheds districts without a structure maintenance fund in place, delay in repair to structure could be critical, while trying to fund the expenses that need to be done immediately, in the way of repairs,

In several counties, County Clerks would not allow a maintenance fund, without an amendment to KSA-24-1219 to allow for such a fund. (Example) .35% of construction costs of \$100,000.00 for a watershed dam, would be \$350.00 per year going into the fund. This amount would be set into this structure fund each year along with other amounts for other structures in the watershed as needed for maintenance on repair. The State Association of watersheds are in favor of this SB 585, and ask for your favorable response.

attachment I  
E+NR  
2/8/90



# State Conservation Commission

109 S W 9TH STREET, ROOM 300

TELEPHONE (913) 296 3600

TOPEKA, KANSAS 66612-1299

**SENATE ENERGY AND NATURAL  
RESOURCES COMMITTEE  
SENATE BILL NO. 585  
February 8, 1990**

**TESTIMONY BY:  
TRACY D. STREETER  
RESOURCE ADMINISTRATOR**

The State Conservation Commission provides administrative assistance to the eighty-six (86) organized watershed districts in Kansas. We appreciate the opportunity to provide comments in support of the passage of Senate Bill 585 this morning.

The Commission, as you are aware, also administers the State Watershed Dam Construction Program. This program provides financial assistance to watershed districts, drainage districts and other special purpose districts for the engineering and construction of flood control structures.

Watershed districts are solely responsible for the operation and maintenance of the structures constructed through the State program in addition to those constructed with P.L. 566 (Federal) and local funds.

Each structure built is required to be inspected and maintained annually. As the flood control structures increase in age, so do the costs associated with the operation and maintenance of them.

The new Section (c) would allow watershed districts to direct a portion of their existing revenue into a "Structure Maintenance Fund". This fund would ensure the availability of resources to perform the necessary maintenance functions on each of their structures.

Thank you for the opportunity to explain the State Conservation Commission viewpoints on Senate Bill 585. We urge your favorable consideration of the bill.

*Attachment II  
E&NR  
2/8/90*





# League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

February 5, 1990

Ross O. Doyen  
State Senator--23rd District  
422-S, Statehouse  
Topeka, Kansas 66612

Dear Senator Doyen:

This letter is to request that the Senate Energy and Natural Resources Committee consider introducing a bill that would amend K.S.A. 82a-1038 to allow the chief engineer of the division of water resources to delegate certain water conservation measures to political subdivisions in an intensive groundwater use control area. The division of water resources is supportive of such legislation.

One of the problems encountered by some Kansas municipal water systems enforcing recent water conservation measures has been unlimited water use by private domestic well owners. Cities and other water systems lack the legal authority to restrict water use, and the division of water resources (which can require conservation measures in intensive groundwater control areas) generally lacks adequate resources to enforce certain water conservation measures and does not have the legal authority to delegate enforcement authority for political subdivisions. The proposed amendment would allow the chief engineer of the division of water resources to delegate the enforcement of certain corrective control measures, such as limits on domestic water well use, to any political subdivision within or partially within the boundaries of an intensive groundwater use control area. This issue has been highlighted by problems that have occurred in the city of Hays which is completely within an intensive groundwater use control area and has experienced water shortages but has been unable to enforce limits on private water supply use of those individuals with private domestic wells within the city limits.

Please find attached proposed language. We appreciate your consideration of this issue.

Sincerely,

E.A. Mosher  
Executive Director

*attachment III*  
*E.N.R.*  
*2-8-90*

**President:** Irene B. French, Mayor, Merriam \* **Vice President:** Frances J. Garcia, Mayor, Hutchinson \* **Directors:** Ed Ellert, Mayor, Overland Park \* Harry Felker, Mayor, Topeka \* Greg Ferris, Councilmember, Wichita \* Idella Frickey, Mayor, Oberlin \* William J. Goering, City Clerk/Administrator, McPherson \* Judith C. Hollnsworth, Mayor, Humboldt \* Jesse Jackson, Mayor, Chanute \* Stan Martin, City Attorney, Abilene \* Richard U. Nienstedt, City Manager, Concordia \* Judy M. Sargent, City Manager, Russell \* Joseph E. Steineger, Mayor, Kansas City \* Bonnie Talley, Mayor, Garden City \* **Executive Director:** E.A. Mosher

The following language is proposed as an amendment to K.S.A. 82a-1038 to be inserted between current provisions of K.S.A. 82a-1038(b) and 82a-1038(c):

The chief engineer is authorized to delegate the enforcement of any corrective control measures enumerated under (b) to any qualified and interested political subdivision within or partially within the boundaries of an intensive groundwater use control area.