

Approved February 6, 1991
Date

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

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

8:06a.m./p.m. on January 30, 1991 in room 423-S of the Capitol.

All members were present except: Quorum was present.

Committee staff present:

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

Conferees appearing before the committee:

Kenneth Kern, Executive Director, State Soil Conservation
Terry Duvall, State Water Office
Elizabeth Taylor, Kansas Water Well Association
Joyce Wolf, Audubon Society
Senator Janis Lee

The meeting was called to order by the Chairman. He announced the Committee would accept requests for introduction of bills by individuals and/or organizations. He called on Kenneth Kern, representing the State Soil Conservation.

Mr. Kern stated the State Soil Conservation Commission proposed some amendments to the multipurpose Small Lakes Act (Attachment 1).

Senator Frahm moved the proposal be introduced. Senator Langworthy seconded the motion. The motion carried.

Terry Duvall, State Water Office outlined proposed legislation that would create one new fund and one new account to manage receipts and disbursements under the State Water Plan Storage Act (Attachment 2).

Senator Hayden moved the proposal be introduced. Senator Daniels seconded the motion. The motion carried.

Elizabeth Taylor representing the Kansas Water Well Association requested legislation to adopt rules and regulations necessary to establish continuing educational requirements for persons licensed under the Kansas Groundwater Exploration and Protection Act. This bill passed the Senate during the 1990 Session, but died in the House Energy and Natural Resources Committee (Attachment 3).

Senator Hayden moved the bill be introduced. Senator Lee seconded the motion. The motion carried.

Joyce Wolf, Audubon Council, presented a proposal that would protect unique plants under Kansas law. The Council also recommends that a fee fund be used to provide money for conducting inventories and public education, and she explained how this fee would be collected (Attachment 4).

Senator Walker moved the proposal be introduced. Senator Langworthy seconded the motion. The motion carried.

Senator Doyen opened the hearing on SB 44 - relating to fishing licenses; concerning reciprocity with the state of Oklahoma.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,
room 423-S, Statehouse, at 8:06 a.m./~~p.m.~~ on January 30, 1991

Senator Lee sponsor of the bill presented a letter from Herbert Johnson, Courtland, Kansas, encouraging passage of the bill. She distributed a petition signed by residents from the Courtland area requesting the proposal be passed. Senator Lee told the Committee Kansas has this reciprocal agreement with Texas (Attachment 5).

Senator Yost moved the bill be passed. Senator Lee seconded the motion. The motion carried.

The meeting adjourned at 8:20 a.m. The next meeting will be February 6, 1991.

1991 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date January 30, 1991

PLEASE PRINT GUEST LIST

<u>NAME</u>	<u>REPRESENTING</u>
Chiquita Cornelius	Ks. B.I.R.P. - Topeka
Joyce Wolf	Ks. Audubon Council
CLARK DUFFY	Kansas Water Office
Don Schuack	KIOGK -
Elizabeth E. Taylor	Ks Water Well Assn.
TREVA POTTER	TOPEKA - PEOPLES NAT. GAS
DAN STEVENS	TEXACO
ROBERT ANDERSON	MID-CENT. OIL & GAS



State Conservation Commission

109 S W 9TH STREET, ROOM 300

TELEPHONE 913-296 3600

TOPEKA KANSAS 66612 1299

REQUEST FOR INTRODUCTION OF
PROPOSED AMENDMENTS TO THE
MULTIPURPOSE SMALL LAKES ACT
AS A

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE BILL

Kenneth F. Kern, Executive Director

January 30, 1991

The State Conservation Commission requests the introduction of the proposed amendments to the Multipurpose Small Lakes Act, K.S.A. 82a-1603, 82a-1604, 82a-1605, and 82a-1606 as a Committee Bill.

The proposed amendments to:

1. K.S.A. 82a-1603(1): Adds Rural Water Districts as an eligible sponsor.
2. Sub-paragraphs (a) and (c) of K.S.A. 82a-1604, 1605, & 1606:

Sub-paragraph (a) - Exempts the Kansas Water Office from paying all applicable fees for water rights, etc. to the Division of Water Resources, State Board of Agriculture.

Sub-paragraph (c) - Identifies the Kansas Water Office as the state agency responsible for recovering the State's costs incurred in providing the public water supply storage. This would be done through their existing Water Marketing Program. The Kansas Water Office is the holder of the Water Appropriation Right and this clarifies who shall recover the State's costs.

3. K.S.A. 82a-1606: Amends the Class III multipurpose small lake project to allow state participation in the public water supply storage portion of the project if the sponsor cannot finance 100% of the costs associated with the public water supply storage, the same as Class I and Class II. All state costs associated with the public water supply storage shall be repaid by the public water supply sponsor upon purchase of the water right and storage from the Kansas Water Office.

The proposed amendments have been coordinated with the Kansas Water Office and the Division of Water Resources, State Board of Agriculture.

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Outline of Proposed Kansas Water Office Legislation

Bill Summary

Proposed legislation would create one new fund and one new account to manage receipts and disbursements under the State Water Plan Storage Act (K.S.A. 82a-1301 *et seq*), Water Marketing Program:

1. The new fund (State Water Marketing Fund) would be used for deposit of all revenues relating to the State Water Marketing Program and for payment of annual costs associated with that program.

2. A new account would be created within the State Water Marketing Fund for deposit of up to one cent per 1,000 gallons of water paid for under water user contracts each year. The monies in this account would be designated to be used solely to offset unusual operation and maintenance costs associated with the storage space controlled by the State under the State Water Marketing Program, or to cover any shortfall which may be experienced in any one year between operation and maintenance receipts and expenses.

Fiscal Impact

These legislative proposals were not included in the agency's FY 1992 budget. If enacted, the following fiscal impacts may be expected:

1. By creation of the Water Marketing Fund, a reduction in the requested appropriation from the State General Fund for FY 1992 for payment of principal and interest, and operation and maintenance costs associated with the Water Marketing Program:

<u>Level A</u>	<u>Level B</u>	<u>Level C</u>
-\$982,402	-\$965,684	-\$1,266,035

In addition, the requested appropriation from the State Conservation Storage Water Supply Fund for FY 1992 in the amount of \$283,633 (Level A) and \$300,351 (Level B) would not be needed.

Revenue attributable to calendar year 1991 water use would need to be transferred to the new Water Marketing Fund created by this legislation. As of June 30, 1991, it is projected that \$1,249,633 in revenue from water contracts will have been deposited in the General Fund for calendar year 1991 water use (estimated to total an additional \$16,401 by the end of September, 1991).

Repayment due to the federal government for principal and interest, and operation and maintenance costs associated with the storage space controlled by the State would be

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made from this fund by October 1, 1991. It is anticipated that the repayment costs (\$1,384,038.74) will exceed deposits to this fund by \$118,005 on October 1, 1991, since collection for 1991 water use will not be completed until January 1992. During this first year of transition to the new Water Marketing Fund, an appropriation of \$118,005 from the State General Fund will be necessary in order for the State to meet its contractual obligation. The \$118,005 would be repaid to the General Fund from revenue received for calendar year 1991 water use during the remainder of the calendar year. In subsequent years, revenue from other sources (i.e., receipts from Water Assurance Districts for repayment of costs associated with storage to be transferred to that program) should be available to alleviate this cash flow problem.

In addition to repayment of the \$118,005 General Fund appropriation for FY 1992, the Water Marketing Fund would repay the General Fund an estimated \$61,787 toward repayment of the General Fund shortfall created during the early years of the Water Marketing Program, plus an estimated \$88,000 for repayment of administration and enforcement costs associated with the Water Marketing Program.

2. Creation of an Operation and Maintenance Cost Accrual Account within the State Water Marketing Fund would set aside approximately \$168,277 which could be used only to meet unusual operation and maintenance costs experienced in the future or to cover any future shortfalls between revenues and actual operation and maintenance costs.

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(SB) # _____

proposed by the Kansas Water Well Association

An Act amending the Kansas groundwater exploration and protection act; concerning continuing educational requirements for licenses; amending KSA 82a-1205 and 82a-1209 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. KSA 82a-1205 is hereby amended to read as follows: 82a-1205. (a) The secretary shall be responsible for the administration and enforcement of the provisions of this act and any rules and regulations adopted pursuant thereto.

(b) The secretary shall fix by rules and regulations reasonable license fees annually for each contractor and for each drill rig operated by or for such contractor. The secretary shall fix by rules and regulations an additional fee for each water well drilled except as provided in paragraphs (1) and (2) of subsection (c) of KSA 82a-1203 and amendments thereto. Such fees shall be in an amount, which, together with any other funds available therefor, will produce an amount, which will properly administer the provisions of this act. Any nonresident may secure a water well contractor's license in Kansas upon approval of an application therefor by the secretary and the payment of a fee equal to the fee charged for a similar nonresident license by the state in which the applicant is a resident, but in no case shall the fee be less than that charged a Kansas resident.

(c) The secretary shall have the power and authority and may cause to be inspected water wells in all phases of construction, reconstruction, treatment or plugging, and shall have access to such wells at all reasonable times. The secretary shall have general supervision and authority over the construction, reconstruction and treatments of all water wells and the plugging of holes drilled and abandoned in search of a groundwater supply or hydrogeological information.

(d) The secretary may employ within funds available such engineering, geological, legal, clerical and other personnel as may be necessary for the proper performance of responsibilities under this act. Such employees shall be within the classified service under the Kansas civil service act.

(e) The secretary is authorized and directed to cause examination to be made of applicants for licensing; to renew such licenses; to adopt rules and regulations necessary to establish continuing education requirements for persons licensed under this act; to issue licenses to qualified water well contractors in this state; to revoke or suspend licenses after their issuance is hereafter determined, after notice to the person affected and an opportunity for hearing; and to reinstate licenses previously revoked when justification therefor is shown.

(f) The secretary shall prepare, in the form and manner prescribed by law, a report on the administration of this act.

Section 2. KSA 82a-1209 is hereby amended to read as follows: 82a-1209. The term of all licenses issued under the provisions of this act shall be July 1 of each year through the following June 30.

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Any contractor licensed under the provisions of this act may, on or before July 1, each year, renew such license by paying the annual fee as determined by the secretary and complying with continuing education requirements established by the secretary. If the licensee ~~shall not have paid~~ has not met the requirements for renewal of the license on or before July 1, ~~the licensee--shall--have--the--licensee's~~ license shall be revoked by the secretary. Prior to such revocation, however, the secretary shall notify the applicant of the secretary's intention to revoke at least 10 days prior to the time set for action to be taken, by notice to the applicant at the address appearing on such license in the records and files of the secretary and compliance with the provisions of the Kansas administrative procedure act. A license, once revoked, may not be reinstated unless the revocation resulted because of an error of the secretary or other reason not the fault of the licensee. A person whose license has been revoked and who desires to continue to engage in the business of water well construction in this state, must make application as provided for in KSA 82a-1207, and amendments thereto. Such applicant may be required to retake the examination.

Section 3. KSA 82a-1205 and 82a-1209 are hereby repealed.

Section 4. This act shall take effect and be in force from and after its publication in the statute book.



Kansas Audubon Council

January 30, 1991
Senate Energy and Natural Resources Committee

PROPOSAL TO ADD PLANTS TO THE NON-GAME AND ENDANGERED SPECIES ACT

I am here on behalf of the members of the Kansas Audubon Council to ask your consideration of a proposal for legislation.

The Kansas Audubon Council believes a problem exists because there is no protection for unique plants under Kansas law. An example of the need for this protection was demonstrated in November 1990 when two species of plants on the Federal Threatened and Endangered Species list were destroyed when the Elkins Prairie, near Lawrence, was plowed. The loss of this native prairie was keenly felt and regretted by nearly the entire community. Senator Winter was among those who attempted to prevent the destruction and he is very supportive of this proposal.

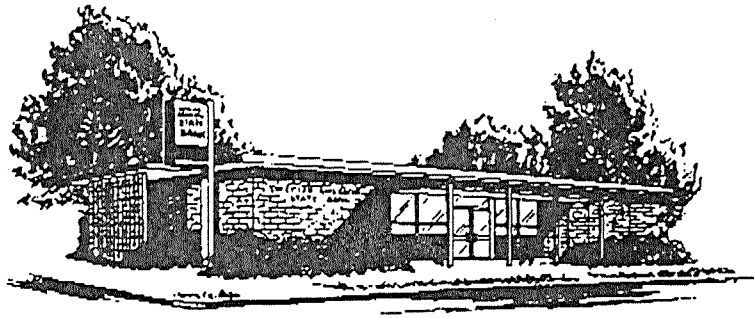
As a solution to the problem, the Council suggests that plants which are listed under the Federal Endangered Species Act be given protection under the Kansas Non-Game and Endangered Species Act. Hopefully, by affording protection to the federally listed plant species, perhaps we will be able to prevent similar unfortunate circumstances from occurring again.

In order to generate funds to compensate owners of lands where the species may occur, the Council further proposes the establishment of a Biodiversity and Habitat Protection Fee Fund within the Kansas Department of Wildlife and Parks. This would give those of us who do not purchase hunting and fishing licenses an opportunity to support our natural resources through the purchase of a habitat punch (on a fishing license) or a separate habitat stamp.

The Council recommends that the fee fund be used to provide money for conducting inventories of habitat where threatened and endangered species may occur; for public education and interpretation to explain the importance of biodiversity and the need to protect threatened and endangered species; for habitat protection; and for enforcement of the Kansas Non-Game and Endangered Species Act.

We appreciate this opportunity to present our proposal to the committee.

H.E. Johnson, President
Michael B. Johnson
Exec. Vice-President & Cashier
Lonnie Hedstrom, Vice-President



SWEDISH-AMERICAN STATE BANK

Established 1913
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PHONE 913-374-4231

January 29, 1991

Senator Janis Lee
Senate Chamber
State House
Topeka, Ks.

Dear Senator Lee:

Enclosed is a copy of the petition that I mailed you earlier.

I feel that by passing this bill it would be of benefit to senior citizens in both Oklahoma and Kansas. This would encourage Oklahoma residents to use and take advantage of the excellent parks and lakes that Kansas has to offer and would result in increased revenue to many businesses here.

Thank you for helping sponsor this bill!

Sincerely,



Herbert E. Johnson
Chairman of Board

E&NR
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Attachment 5
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November 9, 1990

PETITION

Subject: Reciprocal Senior Citizens Fishing License Agreement between State of Kansas and State of Oklahoma.

We, the undersigned, request that immediate action be taken by the State of Kansas to enact the proper legislation for a reciprocal senior citizens license agreement between Kansas and Oklahoma similar to the agreement between Kansas and Texas.

Oklahoma Law, Title 29, Section 4-110 Paragraph BZ provides for Oklahoma to have a reciprocal senior citizens license agreement with any State that has a similar law.

We have been advised by Oklahoma Wildlife that if Kansas allows Oklahoma Senior Citizens to fish without a license, Oklahoma will reciprocate.

Randy Paugh	Jay Fur	William Long
Matt White	John A. Hank	Stacy O'Malley
Wendy Quill	Steve J. Muf	John Blake
Harold O'Malley	Jay Tate	Dr L L Havel
Red Jones	Tom	Robert Carlson
Greg Sorensen	Bob G. John	John Toney
Jim Doman	Glenn Johnson	W. Benton
Gen. Jones	Steve Deeks	G. Hedges
Mike Jones	Jack Delawis	W. Hedges
JK Clefand	Jim T. [unclear]	W. Hedges
Jim [unclear]		
John O'Malley		

NO WAY (Chinese)